



**CITY OF COVINGTON, KENTUCKY
LEGISLATIVE MEETING
BOARD OF COMMISSIONERS
TUESDAY, November 15, 2016, 6:00 PM**

**20 WEST PIKE STREET
COVINGTON, KENTUCKY**

AGENDA

CALL TO ORDER: Mayor Sherry Carran

PRAYER AND PLEDGE OF ALLEGIANCE TO THE FLAG

ROLL CALL

Reading of Minutes of the meetings of October 25, 2016 (or motion to dispense with reading and approve minutes).

PRESENTATIONS:

- Declaring November 17, 2016, as World Pancreatic Cancer Day in the City of Covington – Cindy Wilson and Danielle Gentry-Barth
- CAFR Carryover Allocations Per Fiscal Stability Ordinance O-50-15 and O-11-16 – Lisa Desmarais, Director of Finance and Operations

ITEMS FOR CONSIDERATION:

NEW BUSINESS – FIRST READING OF ORDINANCES

1. Consider Ordinance No. O-xx-16 entitled: **AN ORDINANCE AMENDING SECTION 97.06 OF THE COVINGTON CODE OF ORDINANCES REFLECTING MODIFICATIONS AND IMPROVEMENTS REGARDING THE CITY'S PRACTICES AND PROCEDURES FOR ABANDONED URBAN PROPERTIES.**

Staff Reporting: Michael Bartlett, Senior Assistant City Solicitor/ABC Administrator

First Reading, No Vote

2. Consider Ordinance No. O-xx-16 entitled: **AN ORDINANCE AMENDING SECTION 111.025, ALCOHOLIC BEVERAGES, LICENSING AND HEARINGS, OF THE COVINGTON CODE OF ORDINANCES TO UPDATE ALCOHOLIC BEVERAGE LICENSES AND FEES AND ESTABLISH NEW LICENSE RENEWAL DATES CONSISTENT WITH STATE LICENSE RENEWAL DATES.**

Staff Reporting: Michael Bartlett, Senior Assistant City Solicitor/ABC Administrator

First Reading, No Vote

OLD BUSINESS – SECOND READING OF ORDINANCES

3. Consider Ordinance No. O-xx-16 entitled: **AN ORDINANCE AMENDING CHAPTER 92 OF THE COVINGTON CODE OF ORDINANCES, NUISANCES, TO REFLECT MODIFICATIONS TO CODE ENFORCEMENT PROCEDURES AUTHORIZED BY HOUSE BILL 422 OF THE 2016 REGULAR SESSION OF THE GENERAL ASSEMBLY WHICH MADE EXTENSIVE CHANGES TO THE STATUTES AUTHORIZING AND GOVERNING CODE ENFORCEMENT BOARDS.** *The 2016 regular session of the Kentucky General Assembly enacted House Bill 422 which made comprehensive revisions to the statutes authorizing and governing Code Enforcement Boards. The enacted amendments consolidate three chapters of the statutes into one chapter, KRS 65.8801 to 65.8839. The City wishes to continue to utilize a Code enforcement Board under the new enacted chapter.*

Staff Reporting: Michael Bartlett, Senior Assistant City Solicitor/ABC Administrator

Recommendation: Approve Ordinance

4. Consider Ordinance No. O-xx-16 entitled: **AN ORDINANCE AMENDING SECTIONS 70.62, 94.63, 94.99, 95.65, 96.99, 110.28, 111.99, 152.21, AND APPENDIX A, COVINGTON, KENTUCKY ZONING ORDINANCE, ARTICLE 15, SECTIONS 15.03.08 AND 15.03.09 OF THE COVINGTON CODE OF ORDINANCES TO REFLECT NECESSARY REVISIONS BASED**

ON CHANGES TO CHAPTER 92 OF THE COVINGTON CODE OF ORDINANCES AND BASED ON EXTENSIVE CHANGES TO THE STATUTES AUTHORIZING AND GOVERNING CODE ENFORCEMENT BOARDS AND CODE ENFORCEMENT PROCEDURES AUTHORIZED BY HOUSE BILL 422 OF THE 2016 REGULAR SESSION OF THE GENERAL ASSEMBLY. *With the revisions to Chapter 92, several sections of the City's ordinances require revisions to comply with the new and revised sections of KRS and Chapter 92.*

Staff Reporting: Michael Bartlett, Senior Assistant City Solicitor/ABC Administrator

Recommendation: Approve Ordinance

5. Consider Ordinance No. O-xx-16 entitled: **AN ORDINANCE AMENDING SECTION 98.01, SOLID WASTE DISPOSAL, OF THE COVINGTON CODE OF ORDINANCES REVISING BILLING PROCEDURES AND REGULATIONS IN ACCORDANCE WITH THE CITY'S TRANSFER OF ALL BILLING RESPONSIBILITIES FOR SOLID WASTE AND RECYCLING SERVICES TO RUMPKE OF KENTUCKY, INC.** *The City, pursuant to O/R-239-16, gave notice to Rumpke of its intention to transition responsibility for all solid waste and recycling services, effective January 1, 2017. Part of the transition will require revisions to Section 98.01 changing the billing frequency from annually to quarterly and to change due dates and collection practices reflecting the agreement by Rumpke to assume these responsibilities.*

Staff Reporting: Michael Bartlett, Senior Assistant City Solicitor/ABC Administrator

Recommendation: Approve Ordinance

6. Consider Ordinance No. O-xx-16 entitled: **AN ORDINANCE AMENDING THE OFFICIAL ZONING ORDINANCE OF THE CITY OF COVINGTON, KENTUCKY (O-37-06), TO APPROVE A MAP AMENDMENT CHANGING THE ZONING OF APPROXIMATELY 20 ACRES LOCATED ON THE SOUTHWEST SIDE OF THE INTERSECTION OF AMSTERDAM ROAD WITH MONTAGUE ROAD, AND ON THE NORTH SIDE OF DIXIE HIGHWAY/PIKE STREET BETWEEN ARLINGTON ROAD TO THE WEST AND GRAYS PEAK TO THE EAST, APPROXIMATELY 150 FEET WEST OF GRAYS PEAK FROM RU-2B, URBAN RESIDENTIAL TO RU-2B (PUD).** *A map amendment request was filed with the Kenton County Planning Commission for the zone change and the Planning Commission held a public hearing on the matter on September 1, 2016. A favorable recommendation*

was made to adopt the proposed map amendment to change the zoning from RU-2B to RU-2B (PUD).

Staff Reporting: Donald Warner, Development Manager; Alex Koenig, Zoning & Development Specialist

Recommendation: Approve Ordinance

7. Consider Ordinance No. O-xx-16 entitled: **AN ORDINANCE AMENDING THE OFFICIAL ZONING ORDINANCE OF THE CITY OF COVINGTON, KENTUCKY (O-37-06) TO APPROVE A TEXT AMENDMENT REGARDING THE HEIGHT OF THE BOTTOM OF PROJECTING SIGNS.** *A number of variance requests have been heard and approved by the Board of Adjustment regarding the height of the bottom of projecting signs. These were due in large part to the presence of architectural features of our historic buildings. A text amendment was filed with the Kenton County Planning Commission who voted favorably to recommend that the City adopt a text amendment to remove the maximum height of the bottom of projecting signs.*

Staff Reporting: Donald Warner, Development Manager

Recommendation: Approve Ordinance

8. Consider Ordinance No. O-xx-16 entitled: **AN ORDINANCE AMENDING § 34.50 OF THE COVINGTON CODE OF ORDINANCES, NON-UNIFORMED, NON-CIVIL SERVICE EMPLOYEES, AND COMMISSIONERS' ORDINANCE NO. O-27-13 CREATING THE POSITION OF SENIOR ASSISTANT CITY SOLICITOR/ABC ADMINISTRATOR AND ESTABLISHING A SALARY FOR THE POSITION.**

Staff Reporting: Frank Warnock, City Solicitor/Assistant City Manager

Recommendation: Approve Ordinance

9. Consider Ordinance No. O-xx-16 entitled: **AN ORDINANCE AMENDING §34.50 OF THE COVINGTON CODE OF ORDINANCES, NON-UNIFORMED, NON-CIVIL SERVICE EMPLOYEES, AND COMMISSIONERS' ORDINANCE NO. O-27-13 CREATING THE POSITION OF FINANCE ANALYST AND ESTABLISHING A SALARY FOR THE POSITION.** *The City has implemented multiple new technologies that have lessened the need for a dedicated full-time employee to process payroll. The City has also identified a need to increase resources to perform tax auditing. The*

new position Finance Analyst's duties will be split 25% payroll processing and 75% tax auditing.

Staff Reporting: Lisa Desmarais, Director of Finance and Operations

Recommendation: Approve Ordinance

NEW BUSINESS – ORDER/RESOLUTIONS

10. Consider Order/Resolution No. O/R-xx-16 entitled: **AN ORDER/RESOLUTION DECLARING NOVEMBER 17, 2016, AS WORLD PANCREATIC CANCER DAY IN THE CITY OF COVINGTON, KENTUCKY.**

Staff Reporting: Larry Klein, City Manager

Recommendation: Approve Order/Resolution

11. Consider Order/Resolution No. O/R-xx-16 entitled: **AN ORDER/RESOLUTION SUPPORTING THE EXPANSION OF THE PARAMEDIC PROGRAM AT GATEWAY COMMUNITY AND TECHNICAL COLLEGE.** *Gateway would lie to expand their offerings to include daytime classes as well as their traditional evening offerings and has asked to support from agencies that are impacted by the low numbers of available paramedics. Additionally, the University of Cincinnati, the largest Paramedic Education Program in the region has permanently shut down their operation.*

Staff Reporting: Larry Klein, City Manager

Recommendation: Approve Order/Resolution

12. Consider Order/Resolution No. O/R-xx-16 entitled: **AN ORDER/RESOLUTION ACCEPTING THE RESIGNATION FOR RETIREMENT OF OFFICER CHARLES BEIL III FROM THE COVINGTON POLICE DEPARTMENT, EFFECTIVE NOVEMBER 30, 2016.** *Officer Beil is retiring after 12 years of service to the City.*

Staff Reporting: Bryan Carter, Police Chief

Recommendation: Approve Order/Resolution

13. Consider Order/Resolution No. O/R-xx-16 entitled: **AN ORDER/RESOLUTION APPROVING THE EMPLOYMENT OF ROSS PATTEN AS ECONOMIC DEVELOPMENT SPECIALIST IN THE DEVELOPMENT DEPARTMENT, EFFECTIVE NOVEMBER 28, 2016.** *This new position within the Department will include tasks related primarily to augmenting the exiting business attraction*

efforts that have been taking place. Mr. Patton is coming to the City from the City of Cincinnati where he recently served in the role of Development Officer.

Staff Reporting: Donald Warner, Development Manager

Recommendation: Approve Order/Resolution

14. Consider Order/Resolution No. O/R-xx-16 entitled: **AN ORDER/RESOLUTION APPROVING THE JOB DESCRIPTION FOR FINANCE ANALYST AND AN AMENDED JOB DESCRIPTION FOR AUDITOR, IN THE COVINGTON FINANCE DEPARTMENT.**

Staff Reporting: Lisa Desmarais, Director of Finance and Operations

Recommendation: Approve Order/Resolution

15. Consider Order/Resolution No. O/R-xx-16 entitled: **AN ORDER/RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A MAINTENANCE AGREEMENT BETWEEN THE CITY AND SANITATION DISTRICT 1 OUTLINING MAINTENANCE RESPONSIBILITIES FOR THE PEASELBURG DETENTION BASINS.** *This agreement essentially outlines the maintenance items the City and SD1 will be responsible for.*

Staff Reporting: Mike Yeager, Development Director/City Engineer

Recommendation: Approve Order/Resolution

16. Consider Order/Resolution No. O/R-xx-16 entitled: **AN ORDER/RESOLUTION AUTHORIZING THE MAYOR AND CITY MANAGER TO EXECUTE A CONTRACT WITH SMITH CONSTRUCTION FOR THE RIVERSIDE DRIVE STABILIZATION PROJECT, AND REJECTING ALL OTHER BIDS, IN AN AMOUNT NOT TO EXCEED \$700,000, PAYABLE FROM CAPITAL BOND FUND.** *The area between Riverside Drive and the Ohio River has been eroding over the years due to the river elevations rising and receding. Seven proposals were for this project and Smith Construction was the best responsible bid.*

Staff Reporting: Mike Yeager, Development Director/City Engineer

Recommendation: Approve Order/Resolution

17. Consider Order/Resolution No. O/R-xx-16 entitled: **AN ORDER/RESOLUTION APPROVING A CHANGE ORDER WITH EVANS LANDSCAPING FOR DEMOLITION WORK, IN AN AMOUNT OF \$27,550.00, PAYABLE FROM CAPITAL BOND FUND.** *Evans was hired to perform the demolition*

work needed to remove about 50 vacant residential structure in the City. Over the past year the City has experienced a couple of emergency demolitions needed as a result of fires. Evans was able to take care of these on a timely basis.

Staff Reporting: Mike Yeager, Development Director/City Engineer

Recommendation: Approve Order/Resolution

18. Consider Order/Resolution No. O/R-xx-16 entitled: **AN ORDER/RESOLUTION AUTHORIZING THE MAYOR AND CITY MANAGER TO EXECUTE A COLLABORATION AGREEMENT BETWEEN THE CITY OF COVINGTON/NORTHERN KENTUCKY HOME CONSORTIUM AND THE HOUSING AUTHORITY OF COVINGTON FOR THE PREPARATION OF THE 2020-2025 ASSESSMENT OF FAIR HOUSING TO BE INCLUDED WITH THE FIVE-YEAR CONSOLIDATED PLAN.** *As required by the new Affirmatively Furthering Fair Housing Final Rule, the City is required HUD to complete an Assessment of Fair Housing to be included with the submission of the five-year Consolidated Plan required as part of the City's CDBG and HOME entitlement funding.*

Staff Reporting: Jeremy Wallace, Community Development Director

Recommendation: Approve Order/Resolution

19. Consider Order/Resolution No. O/R-xx-16 entitled: **AN ORDER/RESOLUTION ACCEPTING THE FISCAL YEAR 2016 COMPREHENSIVE ANNUAL FINANCE REPORT AS SUBMITTED BY RFH CPAs & CONSULTANTS, INC.** *Approval accepts the services of RFH CPAs and Consultants, Inc. on the City's 2016 CAFR.*

Staff Reporting: Lisa Desmarais, Director of Finance and Operations

Recommendation: Approve Order/Resolution

20. Consider Order/Resolution No. O/R-xx-16 entitled: **AN ORDER/RESOLUTION REJECTING ALL BIDS RECEIVED FOR THE AMBULANCE AND FIRE APPARATUS FINANCING AND AUTHORIZING THE REISSUANCE OF A REQUEST FOR PROPOSALS.** *The City received only one response to its request for proposals which did not meet the City's expectations of financing for a 180 or 240 month period for fire apparatus.*

Staff Reporting: Lisa Desmarais, Director of Finance and Operations

Recommendation: Approve Order/Resolution

21. Consider Order/Resolution No. O/R-xx-16 entitled: **AN ORDER/RESOLUTION APPROVING A SETTLEMENT AGREEMENT WITH THE LIFE LEARNING CENTER, INC., REBELAWN REALTY, INC. AND CORPOREX DEVELOPMENT & CONSTRUCTION MANAGEMENT LLC.** *In 2013, the city entered into two agreements with the Life Learning Center, Inc. regarding the transfer of and certain improvements to the Stewart Ironworks property. Due to defective workmanship and substantial delays caused by a contractor, the City utilized to make improvements to the property and funds due under the agreements were withheld by the Corporex parties. Under this settlement agreement, CPX Parties agree to pay the City the sum of \$37,392.50 and cooperate with the city in its ongoing litigation with the contractor.*

Staff Reporting: Frank Warnock, City Solicitor/Assistant City Manager

Recommendation: Approve Order/Resolution

22. Consider Order/Resolution No. O/R-xx-16 entitled: **AN ORDER/RESOLUTION AUTHORIZING THE MAYOR AND CITY MANAGER TO EXECUTE A MEMORANDUM OF AGREEMENT WITH METRO TREATMENT OF KENTUCKY, LP, A MEDICATION ASSISTED TREATMENT FACILITY.** *Metro Treatment of Kentucky, L.P. is a Kentucky entity formed by the Colonial Management Group, L.P. to operate a methadone clinic at 1450 Madison Avenue. Metro is required to obtain an MOA per 908 KAR 1:340(4)(3)(i) with local law enforcement reflecting supportive services. Metro has agreed to contingencies in the MOA such as enhancing and improving the appearance of the premises, making arrangements for parking, and hiring Covington Police officers.*

Staff Reporting: Frank Warnock, City Solicitor/Assistant City Manager

Recommendation: Approve Order/Resolution

23. Consider Order/Resolution No. O/R-xx-16 entitled: **AN ORDER/RESOLUTION NAMING THE NEW MULTI-PURPOSE USE FACILITY IN DEVOU PARK THE, "DEVOU GOLF & EVENT CENTER".**

Staff Reporting: Larry Klein, City Manager

Recommendation: Approve Order/Resolution

24. Consider Order/Resolution No. O/R-xx-16 entitled: **AN ORDER/RESOLUTION AUTHORIZING THE MAYOR AND CITY MANAGER TO EXECUTE A RESIDENTIAL DIRECT BILLING ADDENDUM WITH RUMPKE OF KENTUCKY, INC.** *The City utilizes Rumpke of Kentucky, Inc., for solid waste and recycling services within the City. Pursuant to Covington City Ordinances,*

the City establishes a Residential User Fee to be paid by the owners of residential parcels within the City in an amount determined by the City to defray the reasonable cost of residential solid waste and recyclables collection. The City has an option to retain Rumpke to perform certain residential billing and payment collection services on behalf of the City and the City has elected to retain Rumpke to perform certain residential billing and payment collection services beginning January 1, 2017. The proposed Residential Direct Billing Addendum memorializes the agreement between the City and Rumpke as it relates to Rumpke's handling of billing responsibilities and services for certain residential properties.

Staff Reporting: Michael Bartlett, Senior Assistant City Solicitor/ABC Administrator

Recommendation: Approve Order/Resolution

25. Consider Order/Resolution No. O/R-xx-16 entitled: **AN ORDER/RESOLUTION AUTHORIZING AN ANNUAL PAYMENT OF \$43,000.00 TO THE HOUSING AUTHORITY OF COVINGTON FOR PARTIAL REIMBURSEMENT OF DIRECTOR JEFF RIECK'S SALARY, PAYABLE FROM HOUSING CHOICE VOUCHER FUND.** *In 2016 the City authorized an extension to the Consortium Agreement between the City and the Housing Authority of Covington (HAC) for a three-year period. As part of the agreement, the City pays a reimbursement to HAC for a portion of the Executive Director's salary attributable to his work related to the City's Section 8 housing program.*

Staff Reporting: Larry Klein, City Manager

Recommendation: Approve Order/Resolution

26. Consider Order/Resolution No. O/R-xx-16 entitled: **AN ORDER/RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN AMENDED CONTRACT WITH WOLTERS KLUWER FOR THE PURCHASE OF AN ADDITIONAL SOFTWARE LICENSE, IN AN AMOUNT OF \$515.00, PAYABLE FROM GENERAL FUND.**

Staff Reporting: Jenna Skop, Internal Auditor

Recommendation: Approve Order/Resolution

27. Consider Order/Resolution No. O/R-xx-16 entitled: **AN ORDER/RESOLUTION APPROVING THE APPLICATION BY THE COVINGTON FIRE DEPARTMENT FOR A FEMA ASSISTANCE FIREFIGHTERS GRANT (AFG) AND APPROVING THE REQUIRED TEN PERCENT MATCH.**

Staff Reporting: Dan Mathew, Fire Chief

Recommendation: Approve Order/Resolution

28. Consider Order/Resolution No. O/R-xx-16 entitled: **AN ORDER/RESOLUTION AUTHORIZING THE MAYOR AND CITY MANAGER TO EXECUTE A MASTER SERVICES AND LICENSE AGREEMENT WITH OPEN INC., dba SAFETYPAD FOR ELECTRONIC PATIENT CARE REPORTING SOFTWARE.**

Staff Reporting: Dan Mathew, Fire Chief

Recommendation: Approve Order/Resolution

29. Consider Order/Resolution No. O/R-xx-16 entitled: **AN ORDER/RESOLUTION REAPPOINTING BOB ROTHERT AND DAVID RODARTE TO THE DEVOU PARK ADVISORY COMMITTEE, FOR A THREE-YEAR TERM, EFFECTIVE JANUARY 1, 2017, AND EXPIRING DECEMBER 31, 2019.**

Staff Reporting: Larry Klein, City Manager

Recommendation: Approve Order/Resolution

30. Consider Order/Resolution No. O/R-xx-16 entitled: **AN ORDER/RESOLUTION REAPPOINTING JOHN HAMMONS TO THE TELECOMMUNICATIONS BOARD OF NORTHERN KENTUCKY, FOR A TWO-YEAR TERM, EFFECTIVE JANUARY 1, 2017, AND EXPIRING DECEMBER 31, 2018.**

Staff Reporting: Larry Klein, City Manager

Recommendation: Approve Order/Resolution

31. Consider Order/Resolution No. O/R-xx-16 entitled: **AN ORDER/RESOLUTION REAPPOINTING OMAR GRAY TO THE CODE ENFORCEMENT HEARING BOARD, FOR A THREE-YEAR TERM, EFFECTIVE NOVEMBER 16, 2016, AND EXPIRING NOVEMBER 15, 2019.**

Staff Reporting: Larry Klein, City Manager

Recommendation: Approve Order/Resolution

32. Consider Order/Resolution No. O/R-xx-16 entitled: **AN ORDER/RESOLUTION REAPPOINTING ALLEN WILKINSON TO THE CITY EMPLOYEES' NON-UNIFORM CIVIL SERVICE COMMISSION, FOR A TWO-YEAR**

TERM, EFFECTIVE NOVEMBER 16, 2016, AND EXPIRING NOVEMBER 15, 2018.

Staff Reporting: Larry Klein, City Manager

Recommendation: Approve Order/Resolution

33. Consider Order/Resolution No. O/R-xx-16 entitled: **AN ORDER/RESOLUTION REAPPOINTING AMY HANEY TO THE BOARD OF EXAMINERS FOR POLICE AND FIREFIGHTERS, FOR A THREE-YEAR TERM, EFFECTIVE NOVEMBER 16, 2016, AND EXPIRING NOVEMBER 15, 2019.**

Staff Reporting: Larry Klein, City Manager

Recommendation: Approve Order/Resolution

34. Consider Order/Resolution No. O/R-xx-16 entitled: **AN ORDER/RESOLUTION ADJUSTING THE SALARY OF CITY MANAGER LARRY KLEIN.**

Staff Reporting: Jo Ann Simpson, Human Resource Director

Recommendation: Approve Order/Resolution

35. Consider Order/Resolution No. O/R-xx-16 entitled: **AN ORDER/RESOLUTION AUTHORIZING THE PURCHASE OF 1,288 BOOKS TITLED “GATEWAY CITY: COVINGTON, KENTUCKY, 1815-2015”, IN AN AMOUNT OF \$50,000, PAYABLE FROM GENERAL FUND.**

Staff Reporting: Larry Klein, City Manager

Recommendation: Approve Order/Resolution

36. Consider Order/Resolution No. O/R-xx-16 entitled: **AN ORDER/RESOLUTION CONSENTING TO THE ASSIGNMENT OF THE EASTSIDE REVITALIZATION II HAP CONTRACT AS SECURITY FOR FINANCING, SUBJECT TO FURTHER APPROVAL BY HUD, AND AUTHORIZING THE MAYOR TO EXECUTE A “CONSENT TO ASSIGNMENT OF HAP CONTRACT AS SECURITY FOR FINANCING” GRANTING HOPE OF KENTUCKY, LLC A SECURITY INTEREST IN THE CITY’S HOUSING ASSISTANCE PAYMENT CONTRACT WITH EASTSIDE REVITALIZATION II, L.P.**

Staff Reporting:

Recommendation: Approve Order/Resolution

PROJECT UPDATE:

- Landlord Training Announcement – Mike Yeager, Development Director/City Engineer

Next regularly scheduled Legislative Commission Meeting: 6:00 PM, Tuesday, December 6, 2016.

Next regularly scheduled Caucus Meeting: 6:00 PM, Tuesday, December 13, 2016.

PUBLIC COMMENTS

COMMISSIONERS' COMMENTS

CITY MANAGER'S COMMENTS

CITY SOLICITOR'S COMMENTS

MAYOR'S COMMENTS

ADJOURNMENT