

MINUTES
BOARD OF COMMISSIONERS' MEETING
Tuesday, March 26, 2013 6:00 P.M.

A **REGULAR MEETING** of the Board of Commissioners of the City of Covington, Kentucky, was opened by Mayor Carran, on Tuesday, March 26, 2013, at 6:00 p.m., in Commission Chambers, 638 Madison Avenue, Covington, Kentucky.

Mayor Carran presiding with Commissioners Chuck Eilerman, Steve Frank, Mildred Rains, Michelle William, City Manager Larry Klein, and City Solicitor Frank Warnock, present.

MOTION of Commissioner Frank, seconded by Commissioner Rains to dispense with the reading of and approve the minutes of the March 12, 2013, meeting minutes.

Passed. 5 Yeas. Commissioners Eilerman, Frank, Rains, Williams, and Mayor Carran.

PRESENTATIONS:

Mayor's Challenge to Covington's Youth – Project Recognitions – Pete Nerone introduced to the Commission the three projects that were selected for this monthly recognition. The students were presented with certificates and pins from the Jefferson Awards for Public Service. The schools and their projects were:

Holmes High School – Holmes for the Homeless
Prince of Peace – Doggie Delights
Glenn O. Swing – Taking Care of Earth, One Animal at a Time

OLD BUSINESS – SECOND READING OF ORDINANCES

DEPARTMENT OF PUBLIC IMPROVEMENTS' POSITION – This new position is a modification of an existing "Driver" position. This is a supervisory position which includes responsibilities for levee and riverfront maintenance; landscaping (such as planned median landscaping on MLK, Jr. Blvd.); urban forestry; gateway beautification and maintenance; and snow removal. The department is significantly understaffed in the urban Forestry Division and as a result is unable to adequately maintain our levee system, riverfront areas, landscaping, and other natural City assets. The budgeted dollars for the Driver position are allocated to this position. The position requires a bachelor's degree in natural sciences. The Specialist will also be able to develop master plans and best management practices to assure long-term sustainability of the City's critical public safety infrastructure such as our levee system for the Ohio and Licking Rivers, and our natural assets including parks, gateways, riverfront areas, and other public spaces.

COMMISSIONERS' ORDINANCE NO. O-09-13

AN ORDINANCE AMENDING § 34.50 OF THE COVINGTON CODE OF ORDINANCES, NON-UNIFORMED, NON-CIVIL SERVICE EMPLOYEES, CREATING THE NEWLY ESTABLISHED POSITION OF MUNICIPAL SPECIALIST IN THE COVINGTON DEPARTMENT OF PUBLIC IMPROVEMENTS.

MOTION of Commissioner Eilerman, seconded by Commissioner Frank.
Passed. 3 Yeas. Commissioners Eilerman, Frank, and Mayor Carran.
2 Nays. Commissioners Rains and Williams.

DEPARTMENT OF PUBLIC IMPROVEMENTS' POSITION – This ordinance establishes the salary for the newly created position of Municipal Specialist which is a supervisory position.

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COMMISSIONERS' ORDINANCE NO. O-10-13

AN ORDINANCE AMENDING COMMISSIONERS' ORDINANCE NO. O-40-12, THAT PROVIDES JOB TITLES AND SALARIES OF EMPLOYEES OF THE CITY OF COVINGTON WHOSE POSITIONS ARE NOT REPRESENTED BY ANY UNION.

MOTION of Commissioner Eilerman, seconded by Commissioner Frank.
Passed. 3 Yeas. Commissioners Eilerman, Frank, and Mayor Carran.
2 Nays. Commissioners Rains and Williams.

FIRE DEPARTMENT EMS POSITION – This ordinance will establish an amended salary for the position of Emergency Medical Services Director.

COMMISSIONERS' ORDINANCE NO. O-11-13

AN ORDINANCE AMENDING COMMISSIONERS' ORDINANCE NO. O-40-12, THAT PROVIDES JOB TITLES AND SALARIES OF EMPLOYEES OF THE CITY OF COVINGTON WHOSE POSITIONS ARE NOT REPRESENTED BY ANY UNION.

MOTION of Commissioner Eilerman, seconded by Commissioner Frank.
Passed. 5 Yeas. Commissioners Eilerman, Frank, Rains, Williams, and Mayor Carran.

PARKING VIOLATION HEARING BOARD - Currently, the Parking Violation Hearing Board consists of three members, the Police Chief, Community Services Manager, and Zoning Administrator. KRS 82.600(2) provides for the creation of a local parking violation hearing board consisting of one or more persons appointed in the manner provided by ordinance. This ordinance would keep the Board's current size at three members. The members will be the Police Chief, the Community Services Manager, and the city Solicitor by virtue of their position. The ordinance will also allow all three members to designate someone to attend in their place. In addition, certain wording changes are necessary to Chapter 75 to clarify that the City may delegate its towing authority.

COMMISSIONERS' ORDINANCE NO. O-12-13

AN ORDINANCE AMENDING CHAPTER 75 OF THE CODE OF ORDINANCES RELATED TO PARKING VIOLATION, CITATION, AND IMPOUNDMENT TO PROVIDE FOR A PARKING VIOLATION HEARING BOARD COMPOSED OF THREE EX OFFICIO MEMBERS OR THEIR DESIGNEES AND TO PERMIT THE CITY TO DELEGATE ITS TOWING AND IMPOUNDMENT AUTHORITY.

MOTION of Commissioner Eilerman, seconded by Commissioner Frank.
Passed. 5 Yeas. Commissioners Eilerman, Frank, Rains, Williams, and Mayor Carran.

TEXT AMENDMENT – Artist/Craftsman Galleries and Studios are consistent with intensity and density of other land uses currently permitted within the affected zones. Allowing these galleries and studios to be located in areas that currently allow for Artist Galleries and Studios will increase the marketability of the City to attract new business and provide greater opportunities for revitalization and redevelopment.

COMMISSIONERS' ORDINANCE NO. O-13-13

AN ORDINANCE APPROVING A TEXT AMENDMENT TO THE OFFICIAL ZONING ORDINANCE OF THE CITY OF COVINGTON, KENTUCKY (O-37-06) DEFINING ARTIST/CRAFTSMAN GALLERIES

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AND STUDIOS AND ALLOWING THEM AS A PERMITTED USE, SUBJECT TO RESTRICTIONS WITHIN CERTAIN URBAN RESIDENTIAL (RU-2, RU-2b, RU-2a, RU-1, RU-0.5) ZONES COMMERCIAL NEIGHBORHOOD (CN), COMMERCIAL GENERAL (CG), CENTRAL BUSINESS DISTRICT (CBD), AND COMMERCIAL TOURIST (CT) ZONES.

MOTION of Commissioner Frank, seconded by Commissioner Eilerman.
Passed. 5 Yeas. Commissioners Eilerman, Frank, Rains, Williams, and Mayor Carran.

TEXT AMENDMENT – The proposed text amendment provides flexibility and increases the opportunity to allow for Laundromats, which are currently only allowed in two areas of the City and are areas not highly accessible to a majority of the city's housing stock and population.

COMMISSIONERS' ORDINANCE NO. O-14-13

AN ORDINANCE APPROVING A TEXT AMENDMENT TO THE OFFICIAL ZONING ORDINANCE OF THE CITY OF COVINGTON, KENTUCKY (O-37-06) ALLOWING LAUNDROMATS AS A CONDITIONAL USE IN THE COMMERCIAL GENERAL (CG) ZONING DISTRICT.

MOTION of Commissioner Frank, seconded by Commissioner Eilerman.
Passed. 5 Yeas. Commissioners Eilerman, Frank, Rains, Williams, and Mayor Carran.

NEW BUSINESS – ORDER/RESOLUTIONS

HONOR BRENT COOPER – Mr. Cooper was recently honored by the Boy Scouts of America for his community involvement.

COMMISSIONERS' ORDER/RESOLUTION NO. O/R-78-13

AN ORDER/RESOLUTION HONORING BRENT COOPER OF C-FORWARD, AS RECIPIENT OF THE 2013 TRAILBLAZER AWARD FROM THE DANIEL BEARD COUNCIL OF THE BOY SCOUTS OF AMERICA AND RECOGNIZING HIS SERVICE AND NUMEROUS CONTRIBUTIONS TO THE COMMUNITY.

MOTION of Commissioner Frank, seconded by Commissioner Eilerman.
Passed. 5 Yeas. Commissioners Eilerman, Frank, Rains, Williams, and Mayor Carran.

BID ACCEPTANCE – The advertised for bids for the work with five companies requesting information. However, only Corbin Custom Remodelers submitted a bid. This property is part of the NSP project and is the last house to be rehabbed and will be put on the market for sale as an owner occupied dwelling. Previously it was a vacant and abandoned property.

COMMISSIONERS' ORDER/RESOLUTION NO. O/R-79-13

AN ORDER/RESOLUTION ACCEPTING THE BID OF CORBIN CUSTOM REMODELERS FOR MOLD REMEDIATION AND REHABILITATION OF 118-120 EAST 15TH STREET, AS THE SOLE BIDDER IN AN AMOUNT OF \$446,000 FOR REHABILITATION AND \$22,059 FOR MOLD REMEDIATION, PAYABLE FROM NSP FUNDS.

MOTION of Commissioner Eilerman, seconded by Commissioner Frank.
Passed. 3 Yeas. Commissioners Eilerman, Frank, and Mayor Carran.
2 Nays. Commissioners Rains and Williams

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ESTOPPEL CERTIFICATES – City Solicitor Frank Warnock explained that the owners of the air rights in the Embassy Suites and Marriott space are refinancing. The lender, JP Morgan, is requesting estoppel certificates for the east and west air lots. The estoppel is a representation of the status between the owner of the property and the lessee.

COMMISSIONERS' ORDER/RESOLUTION NO. O/R-80-13

AN ORDER/RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE TWO LANDLORD ESTOPPEL CERTIFICATES ON BEHALF OF THE CITY OF COVINGTON AND THE CITY OF COVINGTON, KENTUCKY MUNICIPAL PROPERTIES CORPORATION.

MOTION of Commissioner Eilerman, seconded by Commissioner Frank.
Passed. 5 Yeas. Commissioners Eilerman, Frank, Rains, Williams, and Mayor Carran.

DEVELOPMENT/SUB-RECIPIENT AGREEMENT – A Development Agreement currently exists between the City and the Housing Authority of Covington, which is a sub-recipient for the Kentucky Department of Local Government (DLG) Neighborhood Stabilization Program-1 (NSP-1) Funds. Over the term of the project, costs have increased and as such, DLG has agreed to fund said increases. The current development agreement caps the total amount of the Housing Authority's portion of the project at \$1,750,000. This amount needs to be amended to reflect actual costs of \$1,943,402.

COMMISSIONERS' ORDER/RESOLUTION NO. O/R-81-13

AN ORDER/RESOLUTION AUTHORIZING THE MAYOR AND CITY MANAGER TO EXECUTE AN AMENDMENT TO A DEVELOPMENT/SUB-RECIPIENT AGREEMENT BETWEEN THE CITY OF COVINGTON AND THE HOUSING AUTHORITY OF COVINGTON RELATED TO NEIGHBORHOOD STABILIZATION PROGRAM-1 FUNDS.

MOTION of Commissioner Frank, seconded by Commissioner Eilerman.
Passed. 5 Yeas. Commissioners Eilerman, Frank, Rains, Williams, and Mayor Carran.

SETTLEMENT AGREEMENT HERSHNER & ASSOCIATES, INC. – The City entered into numerous development agreements with Hershner & Associates, Inc. relating to the development of real estate commonly referred to as Point Benton involving the development and construction of residential properties. Disputes between the City and the developer culminated with the filing of a lawsuit by the City in 2001 against Hershner and a counterclaim filed by Hershner against the City. The issues in the lawsuit included, but are not limited to the completion of the development project, management of storm water on or adjacent to the development site, mortgage releases, and monetary issues related to remediation of storm water management systems. After mediation and negotiation, an Agreed Judgment Order has been established to resolve the issues in the lawsuit.

COMMISSIONERS' ORDER/RESOLUTION NO. O/R-82-13

AN ORDER/RESOLUTION APPROVING A SETTLEMENT AGREEMENT WITH HERSHNER & ASSOCIATES, INC.

MOTION of Commissioner Eilerman, seconded by Commissioner Frank.
Passed. 5 Yeas. Commissioners Eilerman, Frank, Rains, Williams, and Mayor Carran.

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AGREEMENT WITH LOCAL 38 – Due to budgetary restraints, the Board of Commissioners previously approved the elimination of nine positions through attrition without any firefighters being terminated from service. There are numerous legal issues pending between the City and Local 38 including promotion issues, grievances, and staffing issues that need to be resolved. Representatives of the City and Local 38 have been meeting in an effort to resolve the issues in a respectful manner, achieve common ground, and arrive at a mutually beneficial and equitable agreement.

COMMISSIONERS' ORDER/RESOLUTION NO. O/R-83-13

AN ORDER/RESOLUTION APPROVING AN AGREEMENT FOR PROMOTIONS AND STAFFING BETWEEN THE CITY OF COVINGTON AND COVINGTON PROFESSIONAL FIREFIGHTERS LOCAL UNION 38.

MOTION of Commissioner Frank, seconded by Commissioner Eilerman.
Passed. 5 Yeas. Commissioners Eilerman, Frank, Rains, Williams, and Mayor Carran.

PROGRAM GUIDELINES ECONOMIC DEVELOPMENT PROGRAM – City staff proposes to create a new “Economic Development Program”, with guidelines, for the existing Special Revenue Funds including the Investor Program and the Newport Steel Fund. The program guidelines outline the eligibility, use of funds, restrictions, amounts, terms and the process and criteria for approval. Essentially, the fund will be used to facilitate catalytic economic development projects.

COMMISSIONERS' ORDER/RESOLUTION NO. O/R-84-13

AN ORDER/RESOLUTION APPROVING PROGRAM GUIDELINES FOR THE CITY OF COVINGTON ECONOMIC DEVELOPMENT PROGRAM.

MOTION of Commissioner Eilerman, seconded by Commissioner Frank.
Passed. 5 Yeas. Commissioners Eilerman, Frank, Rains, Williams, and Mayor Carran.

BID ACCEPTANCE – Asbestos investigations have shown that some of the buildings the City has plans to demolish require asbestos removal prior to demolition in order to comply with environmental regulations. An RFP was issued for this work and Rainbow Environmental Services was the lowest responsible bidder. The contractor will have three weeks to complete the work.

COMMISSIONERS' ORDER/RESOLUTION NO. O/R-85-13

AN ORDER/RESOLUTION ACCEPTING THE BID OF RAINBOW ENVIRONMENTAL SERVICES, INC. FOR ASBESTOS REMOVAL FROM BUILDINGS SCHEDULED FOR DEMOLITION, IN AN AMOUNT OF \$18,672.00, AS THE BEST RESPONSIBLE BID, AND REJECTING ALL OTHER BIDS, PAYABLE FROM CAPITAL IMPROVEMENT FUND.

MOTION of Commissioner Frank, seconded by Commissioner Eilerman.
Passed. 5 Yeas. Commissioners Eilerman, Frank, Rains, Williams, and Mayor Carran.

BID ACCEPTANCE – The City advertised for RFPs for proposals for the design and engineering services for the Event sCenter. The seven submitted RFPs were reviewed by City staff and Devou stakeholders which included chairs of both Devou boards, the manager of the Devou Golf Course, and the manager of Drees Pavilion. Hub & Weber was the distinct winner from the rating criteria of the RFPs received.

COMMISSIONERS' ORDER/RESOLUTION NO. O/R-86-13

AN ORDER/RESOLUTION ACCEPTING THE BID OF HUB & WEBER PLC, FOR DESIGN AND ENGINEERING SERVICES FOR THE EVENTS

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CENTER AT THE DEVOU PARK GOLF COURSE, IN AN AMOUNT OF \$153,150, AS THE BEST RESPONSIBLE BID, AND REJECTING ALL OTHER BIDS, PAYABLE FROM DEVOU PARK MASTER PLAN FUND.

MOTION of Commissioner Eilerman, seconded by Commissioner Frank.
Passed. 5 Yeas. Commissioners Eilerman, Frank, Rains, Williams, and Mayor Carran.

BID ACCEPTANCE – The City advertised for bids for emergency lights and equipment for police vehicles. Three bids were submitted. The bid from Camp Safety Equipment, Inc. of \$26,591.79 was pulled due to an error in the bid. On-Duty Depot, Inc. was the next lowest bid.

COMMISSIONERS' ORDER/RESOLUTION NO. O/R-87-13

AN ORDER/RESOLUTION ACCEPTING THE BID OF ON-DUTY DEPOT, INC. FOR POLICE VEHICLES' EMERGENCY LIGHTS AND EQUIPMENT, IN AN AMOUNT OF \$29,839.50, AS THE BEST RESPONSIBLE BID, AND REJECTING ALL OTHER BIDS, PAYABLE FROM CAPITAL IMPROVEMENT FUND.

MOTION of Commissioner Frank, seconded by Commissioner Eilerman.
Passed. 5 Yeas. Commissioners Eilerman, Frank, Rains, Williams, and Mayor Carran.

KYTC AGREEMENT – The Caroline underpass has been one of the worst stretches of road in the City. Typical resurfacing will not resolve the driving conditions because the street is deteriorating from the base up due to groundwater issues and inadequate under drains to remove the water. The existing storm water system is not able to handle the surface runoff as well. The reconstruction project will reconstruct the storm water system and install new under drains and roadway base. The City has an agreement with SD1 to split the portion of the cost the City is responsible for. Of the total cost of \$550,000, KYTC will be responsible for \$440,000; the City \$55,000; and SD1 \$55,000.

COMMISSIONERS' ORDER/RESOLUTION NO. O/R-88-13

AN ORDER/RESOLUTION AUTHORIZING THE MAYOR AND CITY MANAGER TO ENTER INTO AN AGREEMENT WITH THE KENTUCKY TRANSPORTATION CABINET (KYTC) FOR RECONSTRUCTION OF CAROLINE AVENUE BETWEEN 34TH AND 36TH STREETS, IN AN AMOUNT OF \$550,000, WITH 80% OF THE COST TO BE REIMBURSED BY KYTC AND \$55,000 TO BE PAID FROM COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS.

MOTION of Commissioner Frank, seconded by Commissioner Eilerman.
Passed. 5 Yeas. Commissioners Eilerman, Frank, Rains, Williams, and Mayor Carran.

KYTC AGREEMENT – Typical resurfacing will not resolve the driving conditions on either street covered in this agreement. The streets are deteriorating from the base up due to groundwater issues and inadequate under drains to remove the water. The reconstruction will stabilize the base and new under drains will be installed.

COMMISSIONERS' ORDER/RESOLUTION NO. O/R-89-13

AN ORDER/RESOLUTION AUTHORIZING THE MAYOR AND CITY MANAGER TO ENTER INTO AN AGREEMENT WITH THE KENTUCKY TRANSPORTATION CABINET (KYTC) FOR RECONSTRUCTION OF LATONIE AVENUE, FROM MADISON AVENUE TO SOUTHERN AVENUE, AND SOUTHERN AVENUE FROM LATONIA AVENUE TO GRACE STREET, IN AN AMOUNT OF \$790,000, WITH 80% OF THE

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COST TO BE REIMBURSED BY KYTC AND THE REMAINDER TO BE PAID FROM COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS.

MOTION of Commissioner Frank, seconded by Commissioner Eilerman.
Passed. 5 Yeas. Commissioners Eilerman, Frank, Rains, Williams, and Mayor Carran.

EMPLOYMENT MUNICIPAL SPECIALIST – Ms. Courtney is very qualified and experiences and meets all the requirements of the job description.

COMMISSIONERS' ORDER/RESOLUTION NO. O/R-90-13

AN ORDER/RESOLUTION APPROVING THE EMPLOYMENT OF CRYSTAL COURTNEY AS A MUNICIPAL SPECIALIST IN THE DEPARTMENT OF PUBLIC IMPROVEMENTS, AT AN ANNUAL SALARY OF \$42,500.

MOTION of Commissioner Eilerman, seconded by Commissioner Frank.
Passed. 3 Yeas. Commissioners Eilerman, Frank, and Mayor Carran.
2 Nays. Commissioners Rains and Williams.

EMPLOYMENT MUNICIPAL GROUNDS WORKERS – All three individuals are very qualified and experienced and meet the requirements of the job description.

COMMISSIONERS' ORDER/RESOLUTION NO. O/R-91-13

AN ORDER/RESOLUTION APPROVING THE EMPLOYMENT OF CHAD HYLAND, GENE KOEHL, AND FRANCIS COOGAN AS MUNICIPAL GROUNDS WORKERS IN THE DEPARTMENT OF PUBLIC IMPROVEMENTS, AT AN ANNUAL SALARY OF \$40,500.

MOTION of Commissioner Eilerman, seconded by Commissioner Frank.
Passed. 3 Yeas. Commissioners Eilerman, Frank, and Mayor Carran.
2 Nays. Commissioners Rains and Williams.

MLK, JR. BLVD. LANDSCAPING – The City has hired a consultant to design new landscaping and an irrigation system for the medians with the newly constructed MLK, Jr. Blvd. The project should be ready to be constructed this spring/summer. Because all of this work is within the state right-of-way, an agreement with the Kentucky Transportation Cabinet is needed to allow the City to construct and maintain the project.

COMMISSIONERS' ORDER/RESOLUTION NO. O/R-92-13

AN ORDER/RESOLUTION AUTHORIZING THE MAYOR AND CITY MANAGER TO ENTER INTO AN AGREEMENT WITH THE KENTUCKY DEPARTMENT OF HIGHWAYS TO PERMIT THE CITY TO ENTER UPON THE STATE RIGHT-OF-WAY ON MARTIN LUTHER KING, JR. BLVD. FOR THE PURPOSE OF INSTALLING AND MAINTAINING LANDSCAPING.

MOTION of Commissioner Eilerman, seconded by Commissioner Frank.
Passed. 5 Yeas. Commissioners Eilerman, Frank, Rains, Williams, and Mayor Carran.

BOARD OF ASSESSMENT APPEALS APPOINTMENT – The Mayor of the City with the largest assessment using county tax rolls, nominates one member to the board for a four-year term. The appointee must be a certified real estate appraiser and a reputable real estate owner residing in Kenton County. Mr. Meadows has 10 plus years of appraisal experience, is an FHA approved appraiser, and a Covington resident.

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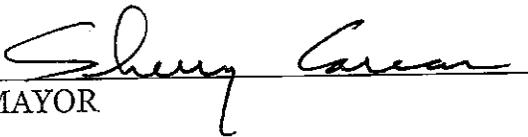
COMMISSIONERS' ORDER/RESOLUTION NO. O/R-93-13

AN ORDER/RESOLUTION APPOINTING DEL MEADOWS TO THE BOARD OF ASSESSMENT APPEALS FOR A FOUR-YEAR TERM, EFFECTIVE MARCH 27, 2013, THROUGH MARCH 26, 2017.

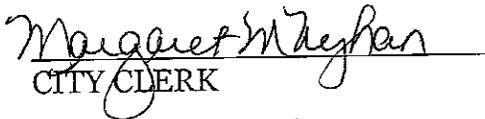
MOTION of Commissioner Eilerman, seconded by Commissioner Frank.
Passed. 5 Yeas. Commissioners Eilerman, Frank, Rains, Williams, and Mayor Carran.

ADJOURNMENT

MAYOR CARRAN adjourned the meeting at 8:35 p.m.


MAYOR

ATTEST:


CITY CLERK

APPROVED: 4-9-13