

MINUTES
BOARD OF COMMISSIONERS' MEETING
Tuesday, January 29, 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, January 28, 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 Rains, seconded by Commissioner Frank to dispense with the reading of and approve the minutes of the January 14 and 15, 2013, meeting minutes.

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

PRESENTATIONS

Devou Park Multi-Purpose Building – Pete Nerone, Devou Park Advisory Committee Chair and Barbara Drees Jone, Devou Properties, Inc. Board Chair both spoke to the Commission giving their Board's support for the construction of a new "Events Center" building in Devou Park.

OLD BUSINESS – SECOND READING OF ORDINANCES

AMEND O-40-12, JOB TITLES AND SALARIES, NON-UNION PERSONNEL – The adoption of this ordinance will establish the salary for the position of Marketing and Communications Manager.

COMMISSIONERS' ORDINANCE NO. O-01-13

AN ORDINANCE AMENDING ORDINANCE O-40-12 OF THE SALARIES OF EMPLOYEES OF THE CITY OF COVINGTON WHOSE POSITIONS ARE NOT REPRESENTED BY ANY UNION.

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

NEW BUSINESS – FIRST READING OF ORDINANCES

PUBLIC RIGHT-OF-WAY VACATION – The City owns the property located at 304 Berry Street and abutting this property is a public right-of-way that had previously been thought to be part of the 304 Berry Street lot. This ordinance will close this tract as a public right-of-way so that it can be consolidated with the property at 304 Berry Street.

COMMISSIONERS' ORDINANCE NO. O-02-13

AN ORDINANCE VACATING A TRACT OF PUBLIC RIGHT-OF-WAY LOCATED AT THE NORTHWEST CORNER OF THE INTERSECTION OF HOLMAN STREET AND BERRY STREET AND ABUTTING 304 BERRY STREET.

FIRST READING – NO VOTE

FLOOD INSURANCE RATE MAPS TEXT AMENDMENT – On August 7, 2012, the City Commission approved the new Flood Damage Prevention ordinance as mandated by FEMA and the Kentucky Division of Water, prior to the announcement of the adoption date for the most recent Flood Insurance Rate Maps. All municipalities in

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Kenton County were contacted January 8, 2013, regarding the updating of the ordinance to ensure the new adoption date is included in the text.

COMMISSIONERS' ORDINANCE NO. O-03-13

AN ORDINANCE AUTHORIZING A TEXT AMENDMENT TO THE CITY OF COVINGTON ZONING ORDINANCE TO AMEND AND UPDATE THE ADOPTION DATE OF THE UPDATED FLOOD INSURANCE RATE MAPS (FIRMS) IN THE FLOOD PROTECTION ORDINANCE AS MANDATED BY FEMA AND THE KENTUCKY DIVISION OF WATER.

FIRST READING - NO VOTE

OCCUPATIONAL LICENSE FEE REDUCTION – The Board of Commissioners previously approved a reduction of its occupational license fee in its ongoing effort to promote economic viability for the businesses and citizens of Covington. Chapter 116 provides economic incentives based on the City's occupational license fee rate and has a sunset clause that needs to be removed.

COMMISSIONER'S ORDINANCE NO. O-04-13

AN ORDINANCE AMENDING CHAPTER 116 OF THE COVINGTON CODE OF ORDINANCES TO REFLECT THE CITY'S REDUCTION OF ITS OCCUPATIONAL LICENSE FEE FROM 2.5 PERCENT TO 2.45 PERCENT, AND TO REMOVE ITS SUNSET CLAUSE.

FIRST READING – NO VOTE

NEW BUSINESS – ORDER/RESOLUTIONS

HANDS PIKE PARK – This park has never been given an official name and the members of the South Covington Community Action Association voted unanimously to adopt the name Hands Pike Park and requested that it be officially recorded.

COMMISSIONERS' ORDER/RESOLUTION NO. O/R-24-13

AN ORDER/RESOLUTION NAMING THE CITY-OWNED PARK LOCATED AT 1233 HANDS PIKE, HANDS PIKE PARK.

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

JOB DEVELOPMENT INCENTIVE – Westpack, LLC is considering locating its manufacturing facility in Covington. The approval of this Order/Resolution will authorize an economic incentive for Westpack, LLC to bring jobs to Covington.

COMMISSIONERS' ORDER/RESOLUTION NO. O/R-25-13

AN ORDER/RESOLUTION APPROVING A JOB DEVELOPMENT INCENTIVE FOR WESTPACK, LLC.

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

HOTEL COVINGTON SUPPORT – The approval and issuance of New Market Tax Credits and other financial incentives are essential to the success of the Hotel Covington project that will transform downtown Covington into a destination location and hub of economic activity and growth that will create jobs, economic activity and benefit all citizens and taxpayers of Covington.

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COMMISSIONERS' ORDER/RESOLUTION NO. O/R-26-13

AN ORDER/RESOLUTION SUPPORTING THE HOTEL COVINGTON PARTNERSHIP'S APPLICATION FOR NEW MARKET TAX CREDITS, THE RECEIPT OF WHICH WILL ENHANCE THE OPPORTUNITY TO PROMOTE DRAMATIC ECONOMIC DEVELOPMENT IN DOWNTOWN COVINGTON.

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

TELECOMMUNICATOR RETIREMENT - Under advisement of City Solicitor Frank Warnock, a motion was made by Commissioner Frank, second by Commissioner Williams to table this Order/Resolution. Motion passed 5-0.

COMMISSIONER'S ORDER/RESOLUTION NO. O/R-XX-13

AN ORDER/RESOLUTION ACCEPTING THE RESIGNATION FOR RETIREMENT OF JANET NEW, A TELECOMMUNICATOR V FOR THE CITY OF COVINGTON, EFFECTIVE JANUARY 31, 2013.

TEXT AMENDMENT COMMERCIAL-GENERAL ZONING DISTRICT - A prospective business owner is looking to open a Laundromat in a vacant commercial structure within a Commercial-General, CG zoning classification. Laundromats are a prohibited use within all Commercial General CG zoning classifications within the City.

A presentation and discussions were heard regarding the text amendment and zoning change and a motion was made by Commissioner Eilerman, second by Commissioner Frank to amend the Order/Resolution changing the language from "permitted use" to "conditional use".

COMMISSIONERS' ORDER/RESOLUTION NO. O/R-27-13

AN ORDER/RESOLUTION AUTHORIZING THE FILING OF AN APPLICATION TO THE KENTON COUNTY PLANNING COMMISSION FOR A TEXT AMENDMENT TO THE CITY OF COVINGTON ZONING ORDINANCE TO ALLOW LAUNDROMAT USES IN THE COMMERCIAL-GENERAL (CG) ZONING DISTRICT.

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

TEXT AMENDMENT ARTIST GALLERIES AND STUDIOS - There has been interest with the City regarding the difference between artist, craftsman, and light manufacturing space. The current zoning ordinance does not define artist galleries and studios nor does it differentiate between the activity that artists conduct and the activity that takes place in a limited manufacturing/production space. Potential businesses have inquired about the differences and in many cases the small scale craftsman work with on-site accessory retail and is defined as Limited Manufacturing/Production. Because there are two specific use types that are included in the current zoning ordinance, it is important to define Artist Galleries and Studios and to recognize craftsman studios that include on-site retail.

COMMISSIONERS' ORDER/RESOLUTION NO. O/R-28-13

AN ORDER/RESOLUTION AUTHORIZING THE FILING OF AN APPLICATION TO THE KENTON COUNTY PLANNING COMMISSION FOR A TEXT AMENDMENT TO THE CITY OF COVINGTON ZONING ORDINANCE TO DEFINE ARTIST GALLERIES AND STUDIOS, WHICH

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ARE CURRENTLY PERMITTED USES IN VARIOUS RESIDENTIAL AND COMMERCIAL ZONING DISTRICTS.

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

STREET RESURFACING – the City advertised for bids on December 22, 2012, for street resurfacing. Three bids were received and bluegrass Paving submitted the lowest responsible bid.

COMMISSIONERS' ORDER/RESOLUTION NO. O/R-29-13

AN ORDER/RESOLUTION ACCEPTING THE BID OF BLUEGRASS PAVING, INC. FOR STREET RESURFACING AS THE BEST RESPONSIBLE BID AND REJECTING ALL OTHER BIDS, AND AUTHORIZING THE MAYOR AND CITY MANAGER TO EXECUTE A CONTRACT WITH BLUEGRASS PAVING, INC. IN THE AMOUNT OF \$372,455.80, PAYABLE FROM THE CAPITAL IMPROVEMENT FUND.

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

RFP DEVOU PARK MULTI-PURPOSE FACILITY – In 2011, the city solicited professional services to perform a feasibility study on constructing a new multi-purpose facility to replace the existing clubhouse. CDS Associates and Hotel Leisure and Advisors developed a comprehensive feasibility study, program design and initial site analysis. There is a financial commitment from the Devou Properties Board and the Devou Park Advisory Committee to proceed with the necessary design and construction documents.

COMMISSIONERS' ORDER/RESOLUTION NO. O/R-30-13

AN ORDER/RESOLUTION AUTHORIZING CITY STAFF TO ISSUE A REQUEST FOR PROPOSALS FROM QUALIFIED FIRMS TO PROVIDE DESIGN AND ENGINEERING SERVICES FOR THE EVENTS CENTER AT DEVOU PARK GOLF COURSE.

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

HUD LOAN POOL APPLICATION – The City will submit one application for \$4 million in Section 108 loan funds to serve as an economic development loan pool, the loan pool will be made available as gap financing for economic development projects which meet certain criteria and will be reviewed and approved by City staff, City Commission, and HUD.

COMMISSIONERS' ORDER/RESOLUTION NO. O/R-31-13

AN ORDER/RESOLUTION AUTHORIZING CITY STAFF TO SUBMIT AN APPLICATION TO THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD) FOR AN ECONOMIC DEVELOPMENT LOAN POOL FOR UP TO \$4 MILLION THROUGH THE SECTION 108 LOAN GUARANTEE PROGRAM.

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

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AMEND O/R-180-10 – O/R-180-10 grants the City Solicitor and the City Housing Development Director authority to approve subordination requests for loans provided under the CDBG and HOME programs. The proposed modification reflects the reorganization of the community Development Department into the Development Department and will grant the City Solicitor and the Programs and Strategic Projects Manager authority to execute subordination documents.

COMMISSIONERS' ORDER/RESOLUTION NO. O/R-32-13

AN ORDER/RESOLUTION AMENDING COMMISSIONERS' ORDER/RESOLUTION NO. O/R-180-10 TO MODIFY THE AUTHORITY FOR APPROVAL OF SUBORDINATION REQUESTS FOR CITY MORTGAGES.

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

CLOSURE PUBLIC RIGHT-OF-WAY – KRS 82.405 requires written consent from abutting landowners when a right-of-way is closed. The City is the only abutting landowner to this right-of-way.

COMMISSIONERS' ORDER/RESOLUTION NO. O/R-33-13

AN ORDER/RESOLUTION CONSENTING TO THE CLOSURE OF A TRACT OF PUBLIC RIGHT-OF-WAY LOCATED AT THE NORTHWEST CORNER OF THE INTERSECTION OF HOLMAN STREET AND BERRY STREET AND ABUTTING 304 BERRY STREET.

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

TOWING CONTRACT

COMMISSIONERS' ORDER/RESOLUTION NO. O/R-34-13

AN ORDER/RESOLUTION AUTHORIZING THE MAYOR AND THE CITY MANAGER TO ENTER INTO A CONTRACT WITH JESS & SON, LLC FOR TOWING SERVICES.

MOTION of Commissioner Eilerman, seconded by Commissioner Frank.
Passed. 3 Yeas. Commissioners Eilerman, Frank, and Mayor Carran.
1 Nay. Commissioner Williams.
Commissioner Rains present, not voting.

POLICE AND FIREFIGHTERS' PENSION FUNDS

COMMISSIONERS' ORDER/RESOLUTION NO. O/R-35-13

AN ORDER/RESOLUTION AGREEING TO HOLD THE POLICE AND FIREFIGHTERS' PENSION FUND HARMLESS UPON CONTRACTING FOR THIRD-PARTY TOWING SERVICES AND AUTHORIZING THE EXPENDITURE OF FUNDS FOR THAT PURPOSE.

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

STEP-IN-GRADE POLICE

COMMISSIONERS' ORDER/RESOLUTION NO. O/R-36-13

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AN ORDER/RESOLUTION APPROVING THE STEP-IN-GRADE INCREASE FOR DAVID GRISWOLD FROM POLICE OFFICER GRADE IV TO POLICE OFFICER GRADE V, A PAY INCREASE OF 6.468%, EFFECTIVE FEBRUARY 3, 2013.

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

BRENT SPENCE BRIDGE

COMMISSIONERS' ORDER/RESOLUTION NO. O/R-37-13

AN ORDER/RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE CITY OF COVINGTON, KENTON COUNTY, KENTUCKY RELATING TO THE BRENT SPENCE BRIDGE REPLACEMENT PROJECT, AND THE DESIGN, CONSTRUCTION AND FUNDING THEREOF.

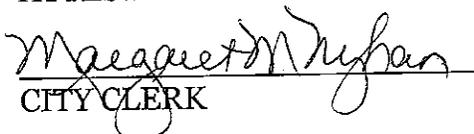
MOTION of Commissioner Williams, seconded by Commissioner Rains.
Passed. 5 Yeas. Commissioners Eilerman, Frank, Rains, Williams, and Mayor Carran.

ADJOURNMENT

MAYOR CARRAN adjourned the meeting at 7:35 p.m.


MAYOR

ATTEST:


CITY CLERK

APPROVED: 2-12-13