



**CITY OF COVINGTON, KENTUCKY
LEGISLATIVE MEETING
BOARD OF COMMISSIONERS
TUESDAY, MARCH 10, 2015, 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 February 17, 2015, (or motion to dispense with reading and approve minutes).

PRESENTATIONS

- Urban Tree Canopy Assessment and Northern Kentucky Urban and Community Forestry Grant – Crystal Courtney, Municipal Specialist
- 2015 Waste and Recycling Collection Fees – Lisa Goetz, Finance Director, and Sheila Fields, Solid Waste Coordinator

ITEMS FOR CONSIDERATION:

NEW BUSINESS – FIRST READING OF ORDINANCES

1. Consider Ordinance No. O-xx-15 entitled: **AN ORDINANCE AMENDING SECTION 111.120 OF THE COVINGTON CODE OF ORDINANCES TO AMEND THE MUNICIPAL INSURANCE PREMIUM LICENSE FEE FROM 10% OF PREMIUMS COLLECTED TO 12% OF PREMIUMS COLLECTED,**

EXCLUDING THOSE PREMIUMS EXEMPT FROM LICENSE FEES AND TAXES PURSUANT TO KRS 91A.080, ASSESSING A 10% PENALTY FOR A TAX OR FEE NOT PAID WITHIN THIRTY DAYS AFTER THE DUE DATE, AND FURTHER PROVIDING FOR A SUNSET CLAUSE TO REVERT THE INSURANCE PREMIUM TAX RATE BACK TO 10% SIX YEARS FROM THE EFFECTIVE DATE OF THIS ORDINANCE.

Staff Reporting: Larry Klein, City Manager

Recommendation: First Reading, No Vote

2. Consider Ordinance No. O-xx-15 entitled: **AN ORDINANCE AMENDING SECTION 111.120 OF THE COVINGTON CODE OF ORDINANCES TO AMEND THE MUNICIPAL INSURANCE PREMIUM LICENSE FEE FROM 10% OF PREMIUMS COLLECTED TO 12% OF PREMIUMS COLLECTED, EXCLUDING THOSE PREMIUMS EXEMPT FROM LICENSE FEES AND TAXES PURSUANT TO KRS 91S.080, ASSESSING A 10% PENALTY FOR A TAX OR FEE NOT PAID WITHIN THIRTY DAYS AFTER THE DUE DATE, AND FURTHER PROVIDING FOR A SUNSET CLAUSE TO REVERT THE INSURANCE PREMIUM TAX RATE BACK TO 10% SIX YEARS FROM THE EFFECTIVE DATE OF THIS ORDINANCE; AND, RESTRICTING THE TAX REVENUE GENERATED BY THE 2% INCREASE TO CAPITAL EXPENDITURES AND NOT TO BE USED FOR GENERAL FUND EXPENDITURES.**

Staff Reporting: Larry Klein, City Manager

Recommendation: First Reading, No Vote

3. Consider Ordinance No. O-x-15 entitled: **AN ORDINANCE REPEALING AND REENACTING CHAPTER 116 OF THE COVINGTON CODE OF ORDINANCES TO PROVIDE INCENTIVES FOR THE CREATION OR RETENTION OF BUSINESSES IN THE CITY; FOR THE REHABILITATION OF VACANT PROPERTIES FOR RETAIL, OFFICE, OR COMMERCIAL USE; AND TO ESTABLISH UNIFORM TIMELINES FOR THE DISBURSEMENT OF JOB DEVELOPMENT INCENTIVE FUNDS.** *Currently the City has two payroll incentive programs: the Vacant Property Payroll Reimbursement Program and the Jobs Development Incentive Program. The proposed changes include the clarification of the definition of significantly vacant and clarification on how the payroll reimbursement is requested and disbursed.*

Staff Reporting: Larisa Sims, Assistant City Manager

Recommendation: First Reading, No Vote

4. Consider Ordinance No. O-x-15 entitled: **AN ORDINANCE APPROVING A TEXT AMENDMENT TO THE OFFICIAL ZONING ORDINANCE OF THE CITY OF COVINGTON, KENTUCKY (O-37-06) TO UPDATE ALL SECTIONS THAT REFER TO PHYSICALLY RESTRICTED DEVELOPMENT AREAS (PRDA) AND THE NORTHERN KENTUCKY AREA PLANNING COMMISSION (NKAPC) BASED ON THE CONTENTS OF THE NEWLY ADOPTED KENTON COUNTY COMPREHENSIVE PLAN DIRECTION 2030.** *On July 1, 2014, the Northern Kentucky Area Planning Commission officially changed its name to Planning and Development Services of Kenton County. In addition the Direction 2030 Comprehensive Plan has been drafted so it is important for the Zoning Ordinance to reflect the language and terms of the comprehensive Plan. All of the changes are for clarification and housekeeping purposes.*

Staff Reporting: Andy Juengling, Zoning Specialist

Recommendation: First Reading, No Vote

NEW BUSINESS – ORDER/RESOLUTIONS

5. Consider Order/Resolution No. O/R-xx-15 entitled: **AN ORDER/RESOLUTION APPROVING THE PROMOTION OF OFFICER JASON GRAY TO THE POSITION OF SERGEANT IN THE COVINGTON POLICE DEPARTMENT, EFFECTIVE MARCH 15, 2015.** *Officer Gray is next on the eligibility list for Sergeant. He will be filling the position left vacant by the retirement of Sgt. Bryan Frodge.*

Staff Reporting: Spike Jones, Police Chief

Recommendation: Approve Order/Resolution

6. Consider Order/Resolution No. O/R-xx-15 entitled: **AN ORDER/RESOLUTION APPROVING THE EMPLOYMENT OF JONATHAN PAYNE AS A POLICE OFFICER GRADE I IN THE COVINGTON POLICE DEPARTMENT FOR A TWELVE MONTH PROBATIONARY PERIOD, EFFECTIVE MARCH 11, 2015.** *Jonathan will be filling a vacancy caused by a recent Officer resignation.*

Staff Reporting: Spike Jones, Police Chief

Recommendation: Approve Order/Resolution

7. Consider Order/Resolution No. O/R-xx-15 entitled: **AN ORDER/RESOLUTION ACCEPTING THE RESIGNATION OF JOEL JOHNSON AS A DEVOU PARK RANGER, EFFECTIVE MARCH 1, 2015.**

Staff Reporting: Spike Jones, Police Chief

Recommendation: Approve Order/Resolution

8. Consider Order/Resolution No. O/R-xx-15 entitled: **AN ORDER/RESOLUTION APPROVING THE EMPLOYMENT OF MISTY HAAS AS A PART-TIME BUSINESS ANALYST IN THE FINANCE DEPARTMENT, EFFECTIVE MARCH 11, 2015.**

Staff Reporting: Dan Mathew, Fire Chief

Recommendation: Approve Order/Resolution

9. Consider Order/Resolution No. O/R-xx-15 entitled: **AN ORDER/RESOLUTION ACCEPTING THE RESIGNATION OF ELIZABETH BARLIK AS THE LEGAL ASSISTANT IN THE LEGAL DEPARTMENT, EFFECTIVE FEBRUARY 23, 2015, AND APPROVING THE EMPLOYMENT OF ELIZABETH BARLIK AS EXECUTIVE ASSISTANT TO THE CITY MANAGER, EFFECTIVE FEBRUARY 23, 2015.** *Liz has been employed at City Hall since May of 2008, first as an intern for the Economic Development Department and from March 2009 to August 2011 working under AMEC as the grant administrator for the city's EPA Brownfield Grants. She has completed her law degree at Chase and is currently licensed to practice law in Ohio.*

Staff Reporting: Larry Klein, City Manager

Recommendation: Approve Order/Resolution

10. Consider Order/Resolution No. O/R-xx-15 entitled: **AN ORDER/RESOLUTION ACCEPTING THE RESIGNATION OF CATE BECKER AS THE ARTS AND CULTURAL MANAGER, EFFECTIVE FEBRUARY 27, 2015.** *Cate was with the City for two years and was instrumental in facilitating the move of the Arts Center to its new location at 2 West Pike Street. She did a great job of bringing new faces to our Arts Program, maintaining our Arts and Cultural Certification with the KY Arts Council and adding art to projects never before explored.*

Staff Reporting: Natalie Gardner, Programs and Strategic Projects Manager

Recommendation: Approve Order/Resolution

11. Consider Order/Resolution No. O/R-xx-15 entitled: **AN ORDER/RESOLUTION APPROVING THE UPDATED JOB DESCRIPTIONS FOR THE POSITIONS OF CDBG/HOME COORDINATOR AND GRANTS ADMINISTRATOR/REAL ESTATE SPECIALIST IN THE PROGRAMS AND STRATEGIC PROJECTS DIVISION OF THE DEPARTMENT OF DEVELOPMENT.** *Administration and program management of the City's HUD CDBG and HOME funds are a function of the Programs and Strategic Projects Division and are mainly tasked to four positions: Grants Administrator/Real Estate Specialist, CDBG/HOME coordinator, Housing Development Specialist and the HOME consortium Coordinator. With the loss of the Grant Administrator/Real Estate Specialist in 2014, the task of seeing if the duties of this position could be absorbed to the remaining members was taken on by staff. We know that this can be accomplished, however, changes need to be made in order to ensure role and responsibility clarity and a proper division of duties to maintain regulatory compliance with HUD mandated processes.*

Staff Reporting: Natalie Gardner, Programs and Strategic Projects Manager

Recommendation: Approve Order/Resolution

12. Consider Order/Resolution No. O/R-xx-15 entitled: **AN ORDER/RESOLUTION APPROVING THE UPDATED JOB DESCRIPTION FOR THE POSITION OF HOUSING DEVELOPMENT SPECIALIST IN THE PROGRAMS AND STRATEGIC PROJECTS DIVISION OF THE DEPARTMENT OF DEVELOPMENT AND SETTING THE SALARY FOR SAID POSITION.** *Archie has been with the City since March of 2003 and currently serves as the Housing Development Specialist. He will be taking on more reporting duties to maintain compliance and be the point of contact for housing and community development.*

Staff Reporting: Natalie Gardner, Programs and Strategic Projects Manager

Recommendation: Approve Order/Resolution

13. Consider Order/Resolution No. O/R-xx-15 entitled: **AN ORDER/RESOLUTION APPROVING THE PROMOTION OF JOHN HAMMONS TO THE POSITION OF CDBG/HOME COORDINATOR IN THE PROGRAMS AND STRATEGIC PROJECTS DIVISION OF THE DEPARTMENT OF DEVELOPMENT, EFFECTIVE MARCH 10, 2015.** *John has been with the City since March 2008 as the HOME Consortium Coordinator. His knowledge of the City puts him in the perfect position to be promoted to the CDBG/HOME*

Coordinator. He will maintain management of the HOME Consortium Board and will be primarily responsible for program implementation.

Staff Reporting: Natalie Gardner, Programs and Strategic Projects Manager

Recommendation: Approve Order/Resolution

14. Consider Order/Resolution No. O/R-xx-15 entitled: **AN ORDER/RESOLUTION APPROVING THE PROMOTION OF JEREMY WALLACE TO THE POSITION OF GRANTS ADMINISTRATOR/REAL ESTATE SPECIALIST IN THE PROGRAMS AND STRATEGIC PROJECTS DIVISION OF THE DEVELOPMENT OF DEVELOPMENT, EFFECTIVE MARCH 10, 2015.** *Jeremy has been with the City since June 1998 and currently serves as the CDBG/HOME Coordinator. Jeremy's institutional knowledge, background and skills allow him to be better utilized as the Grants Administrator/Real Estate Specialist. He has become a resource internally and externally related to Covington's housing stock, mechanisms for use of federal funds and reporting requirements.*

Staff Reporting: Natalie Gardner, Programs and Strategic Projects Manager

Recommendation: Approve Order/Resolution

15. Consider Order/Resolution No. O/R-xx-15 entitled: **AN ORDER/RESOLUTION APPROVING A CONTRACT WITH THELEN ASSOCIATES, INC. FOR PROFESSIONAL AND TECHNICAL SERVICES FOR THE PRODUCTION OF CONSTRUCTION BID DOCUMENTS AND PLANS FOR THE STABILIZATION OF RIVERSIDE DRIVE, IN AN AMOUNT NOT TO EXCEED \$14,638.00, PAYABLE FROM CAPITAL BOND FUNDS.** *Thelen was hired in 2013 to provide geotechnical exploration and recommendations regarding the slide that is occurring on the north side of Riverside Drive. This contract will be to develop those recommendations into a detailed plan set and design specifications that would be used to advertise the project to construction. This project will stabilize the roadway and sidewalk and resolve the existing safety issues. The work will be done in close coordination with Woolpert to ensure the future plans for Riverfront Commons along this stretch of the River can also be built.*

Staff Reporting: Mike Yeager, City Engineer/Community Services Manager

Recommendation: Approve Order/Resolution

16. Consider Order/Resolution No. O/R-xx-15 entitled: **AN ORDER/RESOLUTION AUTHORIZING THE PURCHASE OF A PLAYGROUND STRUCTURE AT**

GOEBEL PARK IN AN AMOUNT OF \$93,731.66 PAYABLE TO DAVID WILLIAMS & ASSOCIATES, INC., THROUGH A COOPERATIVE PURCHASING AGREEMENT WITH THE COMMONWEALTH OF KENTUCKY FINANCE CABINET PURSUANT TO KRS 45A.300 AND AUTHORIZING THE PAYMENT OF \$6,200.00 TO SCHUNK EXCAVATING & TRUCKING FOR INSTALLATION OF SAID EQUIPMENT PURSUANT TO KRS 45A.380(2), ALL PAYABLE FROM COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS. *The playground structure improvement for Goebel Park is in accordance with our approved 2014-2015 CDBG-HOME Annual Action Plan. A Community Group has been formed to create a visionin process, fundraising and improvements to the park. They have also successfully raised over \$20,000 for improvements such as painting of the shelters, landscaping and art installation. This new equipment will allow a wider range of children to enjoy the playground.*

Staff Reporting: Natalie Gardner, Programs and Strategic Projects Manager

Recommendation: Approve Order/Resolution

17. Consider Order/Resolution No. O/R-xx-15 entitled: **AN ORDER/RESOLUTION AUTHORIZING THE PUBLICATION OF A REQUEST FOR PROPOSALS FOR THE ANNUAL CONCRETE MAINTENANCE CONTRACT.** *The City is publicizing this RFP to attract a qualified concrete company to provide concrete services for one calendar year. The work will include street repair, ADA curb ramps, curb replacement, paver work, and all other concrete work the City regularly does. The RFP will be set up so that unit prices will be established for each bid item and the contractor will be paid based on the quantities that are actually performed. The contractor will be paid from the city's annual street program which will include both CDBG dollars and funding frm the Municipal Road Aid.*

Staff Reporting: Mike Yeager, City Engineer/Community Services Manager

Recommendation: Approve Order/Resolution

18. Consider Order/Resolution No. O/R-xx-15 entitled: **AN ORDER/RESOLUTION AUTHORIZING THE PUBLICATION OF AN REQUEST FOR PROPOSALS FOR REPAIRS TO THE CITY CENTER PARKING GARAGE.** *The City is looking for a qualified construction company to make critical safety repairs to the City Center Parking Garage. These repairs will correct the deficiencies with the original design. There will also be a bid alternate that will allow the leaking joints in the garage to be replaced. These are roadway joints that leak water to the lower levels of the garage and accelerate pavement deterioration.*

Staff Reporting: Mike Yeager, City Engineer/Community Services Manager
Recommendation: Approve Order/Resolution

19. Consider Order/Resolution No. O/R-xx-15 entitled: **AN ORDER/RESOLUTION APPROVING A CONTRACT WITH EATON POWERWARE FOR INSPECTION AND MAINTENANCE OF THE BACKUP POWER SUPPLY AT THE COVINGTON POLICE DEPARTMENT IN AN AMOUNT OF \$2,534.00, AND AUTHORIZING THE MAYOR TO EXECUTE SAID CONTRACT.** *The Covington Police and Fire Departments' radio system requires backup power in the event of a power failure. This uninterrupted power supply is inspected and maintained by Eaton Powerware under this contract.*

Staff Reporting: Spike Jones, Police Chief
Recommendation: Approve Order/Resolution

20. Consider Order/Resolution No. O/R-xx-15 entitled: **AN ORDER/RESOLUTION DECLARING CERTAIN CITY PROPERTY AS SURPLUS AND AUTHORIZING ITS SALE AND DISPOSITION PURSUANT TO KRS §§ 82.083 AND 45A.425.** *The surplus items are two automobiles that have exceeded their effective life expectancy.*

Staff Reporting: Rick Davis, Department of Public Improvements Director/
Assistant City Engineer
Recommendation: Approve Order/Resolution

21. Consider Order/Resolution No. O/R-xx-15 entitled: **AN ORDER/RESOLUTION ACCEPTING BID OF HALE CONTRACTING, INC. FOR CONSTRUCTION OF PHASE II OF THE DETENTION BASINS TO ALLEVIATE FLOODING IN PEASELBERG, AND REJECTING ALL OTHER BIDS, AND AUTHORIZING THE MAYOR AND CITY MANAGER TO EXECUTE A CONTRACT WITH HALE CONTRACTING, INC. IN AN AMOUNT NOT TO EXCEED \$349,817.00, PAYABLE FROM KIA GRANT FUNDS AND THE CAPITAL FUND.** *A request for bids was advertised on February 14, 2015. Four bids were received and opened. Hale Contracting, Inc. submitted the lowest responsible bid.*

Staff Reporting: Mike Yeager, City Engineer/Community Services Manager
Recommendation: Approve Order/Resolution

22. Consider Order/Resolution No. O/R-xx-15 entitled: **AN ORDER/RESOLUTION ACCEPTING BID OF MICHELS CONSTRUCTION FOR HAVEN GILLESPIE DRAINAGE AND RESURFACING IMPROVEMENTS, AND REJECTING ALL OTHER BIDS, AND AUTHORIZING THE MAYOR AND CITY MANAGER TO EXECUTE A CONTRACT WITH MICHELS CONSTRUCTION IN AN AMOUNT NOT TO EXCEED \$78,350.30, PAYABLE FROM DEVOU PARK FUNDS.** *A request for bids was advertised on February 14, 2014. Four bids were received and opened. Michels Construction submitted the lowest responsible bid.*

Staff Reporting: Rick Davis, Department of Public Improvements Director/
Assistant City Engineer

Recommendation: Approve Order/Resolution

23. Consider Order/Resolution No. O/R-xx-15 entitled: **AN ORDER/RESOLUTION AUTHORIZING THE MAYOR AND CITY MANAGER TO EXECUTE A CONSENT TO A FOURTH ASSIGNMENT AND ASSUMPTION OF OFFICE AIR RIGHTS LEASE AGREEMENT AND GRANT OF EASEMENT THAT IS BY AND BETWEEN CPX RIVERCENTER OFFICE, LLC, A KENTUCKY LIMITED LIABILITY COMPANY ("ASSIGNOR") AND TECHNOLOGY TOWERS, LLC, A KENTUCKY LIMITED LIABILITY COMPANY ("ASSIGNEE"), REGARDING RIVERCENTER I, AND AN ESTOPPEL LETTER, SUBJECT TO THE REVIEW AND APPROVAL OF THE CITY SOLICITOR.**

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

Recommendation: Approve Order/Resolution

24. Consider Order/Resolution No. O/R-xx-15 entitled: **AN ORDER/RESOLUTION AUTHORIZING THE MAYOR AND CITY MANAGER TO EXECUTE A CONSENT TO A FOURTH ASSIGNMENT AND ASSUMPTION OF SECOND OFFICE AIR RIGHTS LEASE AGREEMENT AND GRANT OF EASEMENT THAT IS BY AND BETWEEN CPX RIVERCENTER OFFICE II, LLC, A KENTUCKY LIMITED LIABILITY COMPANY ("ASSIGNOR") AND TECHNOLOGY TOWERS, LLC, A KENTUCKY LIMITED LIABILITY COMPANY ("ASSIGNEE"), REGARDING RIVERCENTER II, AND AN ESTOPPEL LETTER, SUBJECT TO THE REVIEW AND APPROVAL OF THE CITY SOLICITOR.**

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

Recommendation: Approve Order/Resolution

25. Consider a Resolution of the City of Covington, Kentucky Municipal Properties Corporation: **A RESOLUTION AUTHORIZING THE PRESIDENT OF THE CITY OF COVINGTON, KENTUCKY MUNICIPAL PROPERTIES CORPORATION TO EXECUTE A CONSENT TO A FOURTH ASSIGNMENT AND ASSUMPTION OF OFFICE AIR RIGHTS LEASE AGREEMENT AND GRANT OF EASEMENT THAT IS BY AND BETWEEN CPX RIVERCENTER OFFICE, LLC, A KENTUCKY LIMITED LIABILITY COMPANY ("ASSIGNOR") AND TECHNOLOGY TOWERS, LLC, A KENTUCKY LIMITED LIABILITY COMPANY ("ASSIGNEE"), REGARDING RIVERCENTER I, AND AN ESTOPPEL LETTER, SUBJECT TO THE REVIEW AND APPROVAL OF THE CITY SOLICITOR.**

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

Recommendation: Approve Order/Resolution

26. Consider a Resolution of the City of Covington, Kentucky Municipal Properties Corporation: **A RESOLUTION AUTHORIZING THE PRESIDENT OF THE CITY OF COVINGTON, KENTUCKY MUNICIPAL PROPERTIES CORPORATION TO EXECUTE A CONSENT TO A FOURTH ASSIGNMENT AND ASSUMPTION OF SECOND OFFICE AIR RIGHTS LEASE AGREEMENT AND GRANT OF EASEMENT THAT IS BY AND BETWEEN CPX RIVERCENTER OFFICE II, LLC, A KENTUCKY LIMITED LIABILITY COMPANY ("ASSIGNOR") AND TECHNOLOGY TOWERS, LLC, A KENTUCKY LIMITED LIABILITY COMPANY ("ASSIGNEE"), REGARDING RIVERCENTER II, AND AN ESTOPPEL LETTER, SUBJECT TO THE REVIEW AND APPROVAL OF THE CITY SOLICITOR.**

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

Recommendation: Approve Order/Resolution

**NEXT REGULARLY SCHEDULED BOARD OF COMMISSIONERS MEETING:
March 31, 2015**

PUBLIC COMMENTS

COMMISSIONERS' COMMENTS

CITY MANAGER'S COMMENTS

CITY SOLICITOR'S COMMENTS

MAYOR'S COMMENTS

ADJOURNMENT