

**MINUTES**  
**BOARD OF COMMISSIONERS' MEETING**  
**Tuesday, August 26, 2014 6:00 P.M.**  
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A **MEETING** of the Board of Commissioners of the City of Covington, Kentucky, was opened by Mayor Carran, on Tuesday, August 26, 2014, at 6:00 p.m., in Commission Chambers, 20 West Pike Street, Covington, Kentucky.

Mayor Carran presiding with Commissioners Chuck Eilerman, Steve Frank, Mildred Rains, Michelle Williams, Assistant City Manager Larisa Sims, and City Solicitor Frank Warnock, present.

**PUBLIC HEARING:** A Public Hearing was held for the purpose of hearing comments from the public regarding proposed tax rates for the 2014-2015 Fiscal Year. The Public Hearing was advertised in the Kentucky Enquirer on Saturday, August 16 and Monday, August 18, 2014.

There was no one in the audience who wished to comment on the proposed tax rates. The hearing was then closed.

**PRESENTATIONS:** There were no presentations

**NEW BUSINESS – FIRST READING OF ORDINANCES**

**CITY TAX BILL** – Beginning in 2015, this amendment would change current date of September 1 by which Finance Department is required to mail property tax bills to September 15. In addition, and also beginning in 2015, the due date for property tax bills to be paid would be extended from the current September 30 to October 15. This change is recommended in order to allow City staff and City Commission sufficient time to consider property tax rates each year and subsequent printing and mailing of property tax bills.

**COMMISSIONERS' ORDINANCE NO. O-XX-14**

AN ORDINANCE AMENDING SECTION 97.02 OF THE COVINGTON CODE OF ORDINANCES CHANGING THE DUE DATE FOR CITY TAXES.

First Reading, No Vote

**SIDEWALK RESTRICTIONS** – The City's ordinances do not allow merchants to place merchandise on sidewalks for sale. This ordinance would allow the placement of merchandise on sidewalks with restrictions. An annual \$25.00 fee will be required for a revocable license.

**COMMISSIONERS' ORDINANCE NO. O-XX-14**

AN ORDINANCE AMENDING SECTION 96.01 OF THE CITY OF COVINGTON CODE OF ORDINANCES TO ALLOW THE PLACEMENT OF MERCHANDISE ON SIDEWALKS.

First Reading, No Vote

**OLD BUSINESS – SECOND READING OF ORDINANCES**

**AD VALOREM TAX RATE** – The real estate and personal property tax rates for Fiscal Year 2014-2015 will remain at the current rate of \$.3045 for each \$100 on all property assessed or assessable.

**COMMISSIONERS' ORDINANCE NO. O-20-14**

AN ORDINANCE RELATING TO THE GENERAL REVENUE AND LEVYING AND FIXING AN AD VALOREM TAX RATE ON ALL PROPERTY ASSESSED OR ASSESSABLE SUBJECT TO TAXATION FOR MUNICIPAL PURPOSES IN THE CITY OF COVINGTON, KENTUCKY,

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TO MEET THE GENERAL EXPENSES OF SAID CITY; PROVIDING A SINKING FUND FOR PAYMENT OF INTEREST OF THE BONDED INDEBTEDNESS OF THE CITY; AND TO REDEEM BONDS MATURING DURING THE FISCAL YEAR ENDING JUNE 30, 2015.

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

**NEW BUSINESS – ORDER/RESOLUTIONS**

**AMENDED DEVELOPMENT AGREEMENT** – This legislation will amend the current agreement with the city recognizing that the assets of the two legal entities dbaDIRECT, Inc. and LUCRUM, Inc. will be placed into a holding company named Data Intensity, LLC.

**COMMISSIONERS' ORDER/RESOLUTION NO. O/R-189-14**

AN ORDER/RESOLUTION AUTHORIZING AN AMENDMENT TO THE DEVELOPMENT AGREEMENT BETWEEN THE CITY OF COVINGTON AND dbaDIRECT, INC. AND ITS AFFILIATED COMPANIES TO REFLECT THAT THE AGREEMENT SHALL NOW BE BETWEEN THE CITY OF COVINGTON AND DATA INTENSITY, LLC.

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

**EMPLOYMENT FLEET MANAGEMENT** – Mr. Ranson is an ASE certified mechanic with an extensive background in his field and is well qualified for the position. This is an open position replacing the latest mechanic who was promoted to Fleet Manager.

**COMMISSIONERS' ORDER/RESOLUTION NO. O/R-190-14**

AN ORDER/RESOLUTION APPROVING THE EMPLOYMENT OF MARK RANSON AS A MECHANIC IN THE FLEET MANAGEMENT DIVISION OF THE DEPARTMENT OF PUBLIC IMPROVEMENTS, EFFECTIVE SEPTEMBER 15, 2014.

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

**TIME WARNER CABLE FRANCHISE** – There are 16 cities who are part of the Telecommunications Board of Northern Kentucky (TBNK) and who must approve the transfer of control of its cable system Franchisee of Time Warner Cable Inc. to Comcast Corporation.

**COMMISSIONERS' ORDER/RESOLUTION NO. O/R-191-14**

AN ORDER/RESOLUTION OF THE CITY OF COVINGTON, KENTUCKY, APPROVING THE TRANSFER OF CONTROL OF TIME WARNER CABLE, INC. TO COMCAST CORPORATION.

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

**DEVELOPMENT AGREEMENT** – DS Covington, LCC is in the process of purchasing the real property located at 25-29 West Seventh Street with a microbrewery planned for the first floor. In order to facilitate access to the property for installation of large brewing

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tanks, improvement to the city's parking lot at 20-30 West Eight Street are necessary. The loan is contingent on the purchase of the property by DS and their entering into a lease agreement with Braxton Brewery.

**COMMISSIONERS' ORDER/RESOLUTION NO. O/R-192-14**

AN ORDER/RESOLUTION AUTHORIZING THE MAYOR AND CITY MANAGER TO EXECUTE A DEVELOPMENT AGREEMENT WITH BRAXTON BREWING COMPANY, LLC FOR A FIVE-YEAR LOAN IN THE AMOUNT OF \$89,000.00 FOR PARKING LOT IMPROVEMENTS AT 20-30 WEST EIGHTH STREET TO FACILITATE THE DEVELOPMENT OF 25-29 WEST SEVENTH STREET, PAYABLE THROUGH CAPITAL BUDGET BOND FUNDS.

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

**REVOCABLE EASEMENT** – DS Covington LLC is purchasing 25-29 West Seventh Street and Braxton Brewing Company will be locating on the first floor of the building. The brewery will require a chiller and electric transformer for its operation and these items will not fit on the premises and will be installed on the City-owned parking lot.

**COMMISSIONERS' ORDER/RESOLUTION NO. O/R-193-14**

AN ORDER/RESOLUTION AUTHORIZING THE CITY TO GRANT A NON-EXCLUSIVE REVOCABLE RIGHT-OF-WAY AND EASEMENT IN AND TO A PORTION OF THE CITY-OWNED PROPERTY LOCATED AT 20-30 WEST EIGHTH STREET TO DS COVINGTON, LLC FOR THE INSTALLATION OF A CHILLER AND ELECTRIC TRANSFORMER.

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

**HOMELAND SECURITY MOU** – The Covington Fire Department, as a Participating Agency, has supported Ohio Task Force 1 with members from the department for a number of years. The O/R would authorize the Mayor to sign the MOU with DHS FEMA USAR Task Force 1 for Chris Alsip, Ryan Marzhauser, and Jeffery Brinkman.

**COMMISSIONERS' ORDER/RESOLUTION NO. O/R-194-14**

AN ORDER/RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE THE CURRENT MEMORANDUM OF UNDERSTANDING WITH THE DEPARTMENT OF HOMELAND SECURITY FEDERAL EMERGENCY MANAGEMENT AGENCY URBAN SEARCH AND RESCUE OHIO-TASK FORCE 1 TO ALLOW THE PARTICIPATION OF THREE MEMBERS OF THE COVINGTON FIRE DEPARTMENT.

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

**ACCEPT BID** – Two bids were received for the asbestos removal and Rainbow had the best responsible bid. Inspections and testing were performed on the 45 properties that are slated for demolition and asbestos was detected and will require abatement in 27 of the 45 properties.

**COMMISSIONERS' ORDER/RESOLUTION NO. O/R-195-14**

AN ORDER/RESOLUTION ACCEPTING THE BID OF RAINBOW ENVIRONMENTAL SERVICES FOR THE ASBESTOS REMOVAL IN PROPERTIES SLATED FOR DEMOLITION THAT WILL REQUIRE

**MINUTES**  
**BOARD OF COMMISSIONERS' MEETING**  
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ASBESTOS ABATEMENT, AND REJECTING ALL OTHER BIDS, AND AUTHORIZING THE MAYOR AND CITY MANAGER TO EXECUTE A CONTRACT WITH RAINBOW ENVIRONMENTAL SERVICES, IN AN AMOUNT NOT TO EXCEED \$30,794.00, PAYABLE FROM THE CAPITAL FUND.

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

**ACCEPT BID** – Four bids were received for the demolition work and JP Excavating had the best responsible bid. The 45 building are all privately owned and are vacant, dilapidated and pose a safety risk to the community. Liens will be placed on each property for the cost of the demolition. The vacant lots will be graded and seeded.

**COMMISSIONERS' ORDER/RESOLUTION NO. O/R-196-14**

AN ORDER/RESOLUTION ACCEPTING THE BID OF JP EXCAVATING, INC. FOR THE DEMOLITION OF 45 PRIVATELY OWNED PROPERTIES AND THE GRADING/CLEARING OF 34 ADDITIONAL LOTS THROUGHOUT THE CITY, AND REJECTING ALL OTHER BIDS, AND AUTHORIZING THE MAYOR AND CITY MANAGER TO EXECUTE A CONTRACT WITH JP EXCAVATING, IN AN AMOUNT NOT TO EXCEED \$399,450.00, PAYABLE FROM THE CAPITAL FUND.

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

**PURCHASE 901 MADISON** – There is an existing parking lot at the southwest corner of 9<sup>th</sup> and Madison that is split into two separate parcels which the City owns one of the parcels. The owners of the other parcel have agreed to sell the lot to the City. ABM has looked at the lot and believes that the lot could generate a profit of nearly \$7,000 annually.

**COMMISSIONERS' ORDER/RESOLUTION NO. O/R-197-14**

AN ORDER/RESOLUTION AUTHORIZING THE PURCHASE OF 901-907 MADISON AVENUE IN AN AMOUNT NOT TO EXCEED \$41,000.00, PAYABLE FROM CAPITAL BOND FUNDS.

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

**LATONIA ELEMENTARY PLAYGROUND** – As part of the 2014-2015 approved Annual Action Plan, the Commission supported \$20,000 toward the \$100,000 Latonia Elementary Community Playground project. The City's support was matched by fundraising of nearly \$10,000, an Interact for Health Grant of \$50,000 and other small grant sources to fund the project.

**COMMISSIONERS ORDER/RESOLUTION NO. O/R-198-14**

AN ORDER/RESOLUTION AUTHORIZING THE MAYOR AND CITY MANAGER TO EXECUTE A CONTRACT ALLOCATING \$20,000.00 TO THE CENTER FOR GREAT NEIGHBORHOODS OF COVINGTON, INC. (CGN) FOR SUPPORT OF THE CONSTRUCTION OF THE LATONIA ELEMENTARY SCHOOL COMMUNITY PARK LOCATED AT 3901 HUNTINGTON AVENUE, PAYABLE FROM PROGRAM YEAR 2014-2015 COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS.

**MOTION** of Commissioner Eilerman, seconded by Commissioner Frank.

**MINUTES**  
**BOARD OF COMMISSIONERS' MEETING**  
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UNOFFICIAL COPY

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

**ACCEPT BID** – Five companies responded to the City's RFP for copier and managed print services. With this new contract, the City will reduce its fleet of copiers, printers, and fax machines from 79 devices to 34, implementing a single vendor to provide services and reduce overall service costs by approximately \$34,000 over five years.

**COMMISSIONERS' ORDER/RESOLUTION NO. O/R-199-14**

AN ORDER/RESOLUTION ACCEPTING THE BID OF COMDOC, INC. FOR COPIER AND MANAGED PRINT SERVICES, AND REJECTING ALL OTHER BIDS, AND AUTHORIZING THE MAYOR AND CITY MANAGER TO EXECUTE A CONTRACT WITH COMDOC IN AN AMOUNT OF \$6,821.50 PER MONTH FOR FIVE YEARS, PAYABLE FROM THE GENERAL FUND.

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

**MORATORIUM** – This moratorium is proposed to suspend enforcement of provisions of City ordinances regulating the placement of merchandise on sidewalks while legislation is considered and pending concerning allowing merchandise to be displayed on sidewalks.

**COMMISSIONERS' ORDER/RESOLUTION NO. O/R-200-14**

AN ORDER/RESOLUTION IMPOSING A MORATORIUM RELATING TO THE ENFORCEMENT PROVISIONS OF CITY OF COVINGTON ZONING CODE § 9.04 THAT ARE IN CONFLICT WITH THE PROPOSED AMENDMENT TO § 96.01(C) OF THE COVINGTON CODE OF ORDINANCES "ENCROACHMENT ON THE PUBLIC RIGHT-OF-WAY" THAT WILL AUTHORIZE THE PLACEMENT OF MERCHANDISE ON SIDEWALKS WITH RESTRICTIONS.

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

**MOU WITH FOP** – The MOU outlines the City's responsibility to provide safety equipment for its sworn Police Officers at no expense, replacing the bulletproof vests on a four-year cycle. The City applies annually for federal grants for the vests and routinely is awarded funding that provides for approximately 50% of the cost, with the City bearing the balance.

**COMMISSIONERS' ORDER/RESOLUTION NO. O/R-201-14**

AN ORDER/RESOLUTION AUTHORIZING THE MAYOR AND CITY MANAGER TO EXECUTE A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF COVINGTON, KENTUCKY, AND THE FRATERNAL ORDER OF POLICE LODGE NO. 1 REGARDING BULLETPROOF VESTS.

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

**LEASE AGREEMENT** – As a result of the sale of the building currently housing the Covington Arts Center, a new home has been found at Two West Pike Street.

**MINUTES**  
**BOARD OF COMMISSIONERS' MEETING**  
**Tuesday, August 26, 2014 6:00 P.M.**  
UNOFFICIAL COPY

**COMMISSIONERS' ORDER/RESOLUTION NO. O/R-202-14**

AN ORDER/RESOLUTION AUTHORIZING THE MAYOR AND CITY MANAGER TO EXECUTE A LEASE AGREEMENT WITH TCZ PROPERTIES, LLC FOR THE LEASE OF COMMERCIAL OFFICE SPACE LOCATED AT TWO WEST PIKE STREET FOR THE COVINGTON ARTS CENTER, AT A MONTHLY RATE OF \$850.00, PAYABLE FROM THE GENERAL FUND.

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

**BOARD APPOINTMENT** – Ms. Schlaf will be filling one of the vacant spots on the DPAC.

**COMMISSIONERS' ORDER/RESOLUTION NO. O/R-203-14**

AN ORDER/RESOLUTION APPROVING THE APPOINTMENT OF TINA SCHLAF TO THE DEVOU PARK ADVISORY COMMITTEE, FOR A THREE-YEAR TERM, EFFECTIVE JANUARY 1, 2015, AND EXPIRING DECEMBER 31, 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 7:25 p.m.

/s/ Sherry Carran  
MAYOR

ATTEST:

/s/ Margaret Nyhan  
CITY CLERK

APPROVED: September 9, 2014