

MINUTES
BOARD OF COMMISSIONERS' MEETING
MONDAY, June 28, 2016 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 Monday, June 28, 2016, at 6:00 p.m., in Commission Chambers, 20 West Pike Street, Covington, Kentucky.

Mayor Carran presiding with Commissioners Chuck Eilerman, Steve Frank, Jordan Huizenga, Bill Wells, City Manager Larry Klein, and Assistant City Solicitor Frank Warnock, present.

Public Hearing – Lt. Col. Brian Steffen reported on the 2016 Edward Byrne Memorial Justice Assistant Grant Budget and what the Department will be purchasing with the grant money.

NEW BUSINESS – FIRST READING OF ORDINANCES

BOND REFINANCING

COMMISSIONERS' ORDINANCE NO. O-XX-16

AN ORDINANCE OF THE CITY OF COVINGTON, KENTUCKY AUTHORIZING THE ISSUANCE OF CITY OF COVINGTON, KENTUCKY GENERAL OBLIGATION REFUNDING BONDS, SERIES 2016 IN THE APPROXIMATE AGGREGATE PRINCIPAL AMOUNT OF \$9,395,000 (SUBJECT TO A PERMITTED ADJUSTMENT INCREASING OR DECREASING THE PRINCIPAL AMOUNT OF SERIES 2016 BONDS BY UP TO \$940,000) FOR THE PURPOSE OF (I) CURRENTLY REFUNDING AN OUTSTANDING LEASE AGREEMENT DATED AS OF OCTOBER 31, 2002, AS AMENDED AND SUPPLEMENTED (THE "2002 PRIOR ISSUE"), THE PROCEEDS OF WHICH WERE USED TO FINANCE AND REFINANCE THE COSTS OF THE ACQUISITION, CONSTRUCTION, INSTALLATION AND EQUIPPING OF MULTIPLE PUBLIC PROJECTS IN THE CITY, (II) CURRENTLY REFUNDING AN OUTSTANDING LEASE AGREEMENT DATED AS OF JUNE 13, 2009 BETWEEN THE CITY AND THE BANK OF KENTUCKY, INC. (THE "2009 PRIOR ISSUE"), THE PROCEEDS OF WHICH WERE USED TO PERMANENTLY FINANCE THE ACQUISITION OF REAL PROPERTY LOCATED AT FIFTH AND MAIN STREETS, AND (III) CURRENTLY REFUNDING THE OUTSTANDING CITY OF COVINGTON, KENTUCKY TAXABLE GENERAL OBLIGATION RECOVERY ZONE ECONOMIC DEVELOPMENT BONDS, SERIES 2010 (THE "2010 PRIOR ISSUE"), THE PROCEEDS OF WHICH WERE USED TO FINANCE RENOVATIONS AND IMPROVEMENTS TO THE RIVERCENTER PARKING GARAGE AND ADJACENT PUBLIC PLAZA; APPROVING THE FORM OF BONDS; AUTHORIZING DESIGNATED OFFICERS TO EXECUTE AND DELIVER THE BONDS; AUTHORIZING AND DIRECTING THE FILING OF NOTICE WITH THE STATE LOCAL DEBT OFFICER; PROVIDING FOR THE PAYMENT AND SECURITY OF THE BONDS; CREATING A BOND PAYMENT FUND; MAINTAINING THE HERETOFORE ESTABLISHED SINKING FUND; AUTHORIZING ACCEPTANCE OF THE BIDS OF THE BOND PURCHASERS FOR THE PURCHASE OF THE BONDS; AND REPEALING INCONSISTENT ORDINANCES.

First Reading, No Vote

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OLD BUSINESS – SECOND READING OF ORDINANCES

FY 2015-2016 BUDGET

COMMISSIONERS' ORDINANCE NO. O-14-16

AN ORDINANCE RE-APPROPRIATING AND RE-APPORTIONING THE ANTICIPATED GENERAL FUND REVENUE AND THE ANTICIPATED REVENUE OF ALL OTHER FUNDS OF THE CITY OF COVINGTON, KENTUCKY, FOR THE FISCAL YEAR BEGINNING ON JULY 1, 2015, AND ENDING JUNE 30, 2016, AMONG THE VARIOUS DEPARTMENTS AND FOR THE GENERAL AND SPECIAL PURPOSES AS INDICATED IN THE "RECOMMENDED ALL FUNDS OPERATING BUDGET 2015/2016" TO MEET THE EXPENSES OF THE CITY OF COVINGTON, KENTUCKY FOR THE SAID FISCAL YEAR.

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

FY 2016-2015 BUDGET

COMMISSIONERS' ORDINANCE NO. O-15-16

AN ORDINANCE APPROPRIATING AND APPORTIONING THE ANTICIPATED GENERAL FUND REVENUE OF ALL OTHER FUNDS OF THE CITY OF COVINGTON, KENTUCKY, FOR THE FISCAL YEAR BEGINNING ON JULY 1, 2016 AND ENDING JUNE 30, 2017, AMONG THE VARIOUS DEPARTMENTS AND FOR THE GENERAL AND SPECIAL PURPOSES AS INDICATED IN THE "RECOMMENDED ALL FUNDS OPERATING BUDGET 2016/2017" TO MEET THE EXPENSES OF THE CITY OF COVINGTON, KENTUCKY FOR THE SAID FISCAL YEAR.

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

MAP AMENDMENT

COMMISSIONERS' ORDINANCE NO. O-16-16

AN ORDINANCE CODIFYING THE PASSAGE, BY OPERATION OF LAW, OF A MAP AMENDMENT TO THE OFFICIAL ZONING ORDINANCE OF THE CITY OF COVINGTON, KENTUCKY (O-37-06) CHANGING THE ZONING CLASSIFICATION OF 303 MADISON PIKE, AN AREA OF 37.4 ACRES LOCATED TO THE EAST OF KY 17, BETWEEN HANDS PIKE TO THE NORTH AND FOWLER CREEK TO THE SOUTH, APPROXIMATELY 2,000 FEET SOUTH OF HANDS PIKE, FROM RS-7.5 (SUBURBAN RESIDENTIAL) TO CG-2A (A GENERAL COMMERCIAL ZONE).

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

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NEW BUSINESS – ORDER/RESOLUTIONS

REQUEST FOR BIDS

COMMISSIONERS' ORDER/RESOLUTION NO. O/R-174-16

AN ORDER/RESOLUTION APPROVING THE ADVERTISEMENT OF BID AND DISTRIBUTION OF A PRELIMINARY OFFICIAL STATEMENT FOR THE PURCHASE OF CITY OF COVINGTON, KENTUCKY GENERAL OBLIGATION REFUNDING BONDS, SERIES 2016 IN THE APPROXIMATE AGGREGATE PRINCIPAL AMOUNT OF \$9,395,000.00.

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

CONTRACT

COMMISSIONERS' ORDER/RESOLUTION NO. O/R-175-16

AN ORDER/RESOLUTION AUTHORIZING THE MAYOR AND CITY MANAGER TO EXECUTE A CONTRACT AND ALL OTHER NECESSARY DOCUMENTS, WITH WOLTERS KLUWER, FOR THE IMPLEMENTATION AND SUBSCRIPTION OF ENGAGEMENT SOFTWARE, AND REJECTING ALL OTHER BIDS, IN AN AMOUNT NOT TO EXCEED \$5,743.75, PAYABLE FROM GENERAL FUND.

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

EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT

COMMISSIONERS' ORDER/RESOLUTION NO. O/R-176-16

AN ORDER/RESOLUTION APPROVING THE 2016 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT BUDGET ITEMS AS SUBMITTED BY THE COVINGTON POLICE DEPARTMENT.

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

MEMORANDUM OF UNDERSTANDING

COMMISSIONERS' ORDER/RESOLUTION NO. O/R-177-16

AN ORDER/RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A MEMORANDUM OF UNDERSTANDING WITH THE KENTON COUNTY JUDGE EXECUTIVE FOR ADMINISTRATION OF THE 2016 EDWARD BYRNE MEMORIAL JUSTICE ADMINISTRATION GRANT.

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

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PROGRAM YEAR 2016-2017 GUIDELINES

COMMISSIONERS' ORDER/RESOLUTION NO. O/R-178-16

AN ORDER/RESOLUTION ADOPTING THE PROGRAM GUIDELINES FOR PROGRAM YEAR 2016-2017 FOR THE CODE ENFORCEMENT HARDSHIP PROGRAM, THE HOMEOWNER REPAIR PROGRAM, THE UPPER FLOOR RESIDENTIAL REHAB PROGRAM, THE COVINGTON HOMEBUYER ASSISTANCE PROGRAM AND THE NKY CONSORTIUM HOMEBUYER ASSISTANCE PROGRAM TO BE FUNDED FROM COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDS AND HOME INVESTMENT PARTNERSHIP (HOME) PROGRAM FUNDS.

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

CONTRACT

COMMISSIONERS' ORDER/RESOLUTION NO. O/R-179-16

AN ORDER/RESOLUTION AUTHORIZING THE MAYOR AND CITY MANAGER TO EXECUTE A CONTRACT AND ALL OTHER NECESSARY DOCUMENTS, WITH VIOX & VIOX FOR PROFESSIONAL DESIGN SERVICES FOR THE CRYSTAL LAKE DRIVE STORM SEWER PROJECT, AND REJECTING ALL OTHER BIDS, IN AN AMOUNT NOT TO EXCEED \$7,940.00, PAYABLE FROM GENERAL FUND.

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

CONTRACT

COMMISSIONERS' ORDER/RESOLUTION NO. O/R-180-16

AN ORDER/RESOLUTION AUTHORIZING THE MAYOR AND CITY MANAGER TO EXECUTE A CONTRACT AND ALL OTHER NECESSARY DOCUMENTS, WITH GREAT LAKES CONSTRUCTION COMPANY, FOR THE COMPLETION OF THE RESTORATION OF THE LICKING RIVER LEVEE SLIDE NEAR 21st STREET, IN AN AMOUNT NOT TO EXCEED \$462,995.00, PAYABLE FROM CAPITAL BOND FUND.

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

TEXT AMENDMENT

COMMISSIONERS' ORDER/RESOLUTION NO. O/R-181-16

AN ORDER/RESOLUTION AUTHORIZING THE FILING OF AN APPLICATION WITH THE KENTON COUNTY PLANNING COMMISSION FOR A TEXT AMENDMENT TO AMEND SECTION 10.13.3(A) OF THE COVINGTON ZONING CODE TO DESIGNATE THE MINIMUM HEIGHT OF THE BOTTOM OF A PROJECTING SIGN AS NOT LESS THAN SEVEN (7) FEET MEASURED FROM THE SIDEWALK.

MOTION of Commissioner Eilerman, seconded by Commissioner Frank. Passed. 5 Yeas. Commissioners Eilerman, Frank, Huizenga, Wells, and

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TEXT AMENDMENT – After discussion regarding the timing of the proposed text amendment application, a motion was made by Commissioner Frank, second by Commissioner Eilerman to table the Order/Resolution. Motion passed 3-2 with Commissioner Wells and Mayor Carran voting no.

COMMISSIONERS' ORDER/RESOLUTION NO. O/R-XX-16

AN ORDER/RESOLUTION AUTHORIZING THE FILING OF AN APPLICATION WITH THE KENTON COUNTY PLANNING COMMISSION FOR A MAP AMENDMENT TO THE COVINGTON ZONING CODE CHANGING THE ZONING OF 1025 AMSTERDAM ROAD FROM RU-2, URBAN RESIDENTIAL TO R-2 , URBAN RESIDENTIAL (PUD).

LITIGATION SETTLEMENT

COMMISSIONERS' ORDER/RESOLUTION NO. O/R-182-16

AN ORDER/RESOLUTION AUTHORIZING THE SETTLEMENT OF LITIGATION STYLED INGRAM V. CITY OF COVINGTON ET AL.

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

LITIGATION SETTLEMENT

COMMISSIONERS' ORDER/RESOLUTION NO. O/R-183-16

AN ORDER/RESOLUTION AUTHORIZING THE SETTLEMENT OF LITIGATION STYLED MURDEN V. CITY OF COVINGTON ET AL.

MOTION of Commissioner Eilerman, seconded by Commissioner Wells. Passed. 3 Yeas. Commissioners Eilerman, Huizenga, and Wells. Present not voting: Commissioner Frank and Mayor Carran.

ADJOURNMENT

Mayor Carran adjourned the meeting at 8:40 p.m.

s/ Sherry Carran
MAYOR

ATTEST:

/s/ Margaret M. Nyhan
CITY CLERK

APPROVED: July 12, 2016