

MINUTES
BOARD OF COMMISSIONERS' MEETING
Tuesday, October 11, 2016 6:00 P.M.
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A **REGULAR MEETING** of the Board of Commissioners of the City of Covington, Kentucky, was opened by Mayor Carran on Tuesday, October 11, 2016, at 6:00 p.m., in Commission Chambers, 20 West Pike Street, Covington, Kentucky.

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

MOTION of Commissioner Huizenga, seconded by Commissioner Wells to dispense with the reading of and approve the minutes of the September 27, 2016, meetings.

Passed. 4 Yeas. Commissioners Eilerman, Huizenga, Wells, and Mayor Carran.

PRESENTATIONS – There were no presentations scheduled.

NEW BUSINESS – FIRST READING OF ORDINANCES

AMEND CHAPTER 11 CODE OF ORDINANCES – In the 2016 Legislative session, the legislature amended alcoholic beverage control statues to allow for the operation of commercial quadricycle businesses, aka pedal wagons. The amendments require local governments to enact ordinances relating to the operation, licensing, insurance, inspections, and safety of the vehicle and business.

COMMISSIONERS' ORDINANCE NO. O-XX-16

AN ORDINANCE AMENDING CHAPTER 111 OF THE COVINGTON CODE OF ORDINANCES TO ESTABLISH A NEW SUBCHAPTER CONTAINING THE REQUIREMENTS AND PROCEDURES FOR THE REGISTRATION AND OPERATION OF A COMMERCIAL QUADRICYCLE AND COMMERCIAL QUADRICYCLE BUSINESS WITHIN THE CITY AND AMENDED SECTION 111.999 REGARDING PENALTIES ASSOCIATED WITH COMMERCIAL QUADRICYCLES.

First Reading, No Vote

AMEND CHAPTER 111, "ALCOHOLIC BEVERAGES" – This amendment will establish an Authorized Public Consumption license, which is required for the operation of a commercial quadricycle business.

COMMISSIONERS' ORDINANCE NO. O-XX-16

AN ORDINANCE AMENDING THE ALCOHOLIC BEVERAGES SUBCHAPTER OF CHAPTER 111, SECTION 111.025 OF THE COVINGTON CODE OF ORDINANCES TO ALLOW THE ISSUANCE OF AN AUTHORIZED CONSUMPTION LICENSE.

First Reading, No Vote

CHAPTER 111 EXCEPTION – The Bengals will be facing the Washington Redskins in Wembley Stadium in London on October 30, 2016 with kickoff at 9:30 a.m.. EST. Several proprietors of local businesses have requested permission to serve alcoholic beverages earlier than 11:00 a.m. to commemorate this event. Kentucky alcoholic beverage control laws allow regulation of Sunday sales by local government.

COMMISSIONERS' ORDINANCE NO. O-XX-16

AN ORDINANCE AMENDING COVINGTON CODE OF ORDINANCES SECTION 111.021 ESTABLISHING A ONE-TIME EXCEPTION TO

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CHAPTER 111 OF THE COVINGTON CODE OF ORDINANCES TO ALLOW MALT BEVERAGES BY THE DRINK OR BY THE PACKAGE AND DISTILLED SPIRITS AND WINE BY THE DRINK OR BY THE PACKAGE TO BE SOLD BEGINNING AT 9:00 A.M. ON SUNDAY, OCTOBER 30, 2016.

First Reading, No Vote

AMEND CHAPTER 94 - The City has received a number of complaints concerning photography sessions in our public parks. The groups block citizens from using the park and interfere with the quiet enjoyment of nearby residents. The permit system will be for commercial and fee based photography sessions in our public parks.

COMMISSIONERS' ORDINANCE NO. O-XX-16

AN ORDINANCE AMENDING CHAPTER 94, SUBSECTIONS 94.12 AND 94.99 OF THE COVINGTON CODE OF ORDINANCES, REQUIRING A DAILY PERMIT FOR CERTAIN COMMERCIAL OR PROFESSIONAL PHOTOGRAPHY AND VIDEOGRAPHY AT COVINGTON PUBLIC PARKS AND SETTING FORTH THE PROCEDURES ASSOCIATED WITH THE PHOTOGRAPHY PERMIT.

First Reading, No Vote

AMEND CHAPTER 116 – Currently, the measure for the disbursement of economic development incentives is based upon the execution date of an incentive agreement between the City and an applicant. The issue that arises is that applicants receiving State incentives are not able to sufficiently stagger their City incentives to correspond with State incentives. Basing the disbursement upon the effective date allows the City to collect the fully taxable amount from a business until the incentive is initiated.

COMMISSIONERS' ORDINANCE NO. O-XX-16

AN ORDINANCE AMENDING CHAPTER 116.02(B)(1) OF THE COVINGTON CODE OF ORDINANCES BASING THE DISBURSEMENT PERIOD FOR ECONOMIC DEVELOPMENT INCENTIVES UPON THE EFFECTIVE DATE OF AN INCENTIVE AGREEMENT EXECUTED BETWEEN THE CITY AND AN APPLICANT.

First Reading, No Vote

AMEND O-27-13 – This change is necessary to comply with the recent changes in the Fair Labor Standards Act (FSLA) which requires all exempt positions have a minimum salary of \$47,476.00, effective December 1, 2016.

COMMISSIONERS' ORDINANCE NO. O-XX-16

AN ORDINANCE AMENDING ORDINANCE NO. O-27.13, CLASSIFICATION 700, STEP 1, RAISING THE MAXIMUM SALARY FROM \$46,310.00 TO \$48,000.00

First Reading, No Vote

NEW BUSINESS – ORDER/RESOLUTIONS

DEVELOPMENT AGREEMENT – Flaherty & Collins was selected and awarded a Preferred Developer Agreement for the 501 Main Street project in 2015. Since that time, they have worked continuously with staff to develop a project proposal that will result in a transformative project at an intersection which serves as the gateway to the MainStrasse neighborhood.

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COMMISSIONERS' ORDER/RESOLUTION NO. O/R-307-16

AN ORDER/RESOLUTION AUTHORIZING THE MAYOR AND CITY MANAGER TO EXECUTE A DISPOSITION AND DEVELOPMENT AGREEMENT, AND ALL OTHER NECESSARY DOCUMENTS, TO FACILITATE THE CONSTRUCTION OF A MIXED-USE DEVELOPMENT AT THE 501 MAIN STREET SITE, INCORPORATING CITY-OWNED PARCELS AT 501 MAIN STREET (PIDN 040-43-08-003.01) AND 501 BAKEWELL STREET PIDN 040-43-08-002-00) WITH F&C DEVELOPMENT, INC.

MOTION of Commissioner Huizenga, seconded by Commissioner Eilerman.
Passed. 4 Yeas. Commissioners Eilerman, Huizenga, Wells, and Mayor Carran.

MEMORANDUM OF AGREEMENT – The 501 Main project will be financed by industrial revenue bonds issued pursuant to KRS 103.200, et seq, Under this structure, the developer will assume the obligation for repayment of the bond proceeds and the City will not have any debt obligation. Additionally, the developer will make payments in lieu of taxes to the City over a period of thirty years in an amount equal to 20% of the agreed upon valuation of the project.

COMMISSIONERS' ORDER/RESOLUTION NO. O/R-308-16

AN ORDER/RESOLUTION AUTHORIZING THE EXECUTION OF A MEMORANDUM OF AGREEMENT BETWEEN THE CITY AND F&C DEVELOPMENT, INC. RELATING TO THE ACQUISITION, CONSTRUCTION, EQUIPPING AND INSTALLATION OF A MIXED-USE RESIDENTIAL AND COMMERCIAL PROJECT TO BE LOCATED IN THE DOWNTOWN BUSINESS DISTRICT OF THE CITY; AGREEING TO UNDERTAKE THE ISSUANCE OF INDUSTRIAL BUILDING REVENUE BONDS AT THE APPROPRIATE TIME TO PAY THE COSTS OF ACQUIRING, CONSTRUCTING, EQUIPPING AND INSTALLING SAID PROJECT AND FACILITIES; AND TAKING OTHER PRELIMINARY ACTION.

MOTION of Commissioner Wells, seconded by Commissioner Huizenga.
Passed. 4 Yeas. Commissioners Eilerman, Huizenga, Wells, and Mayor Carran.

RESIGNATION

COMMISSIONERS' ORDER/RESOLUTION NO. O/R-309-16

AN ORDER/RESOLUTION ACCEPTING THE RESIGNATION OF CHRISTOPHER CARROL, CPA, SENIOR ACCOUNTING MANAGER IN THE FINANCE DEPARTMENT, EFFECTIVE OCTOBER 7, 2016.

MOTION of Commissioner Wells, seconded by Commissioner Huizenga.
Passed. 4 Yeas. Commissioners Eilerman, Huizenga, Wells, and Mayor Carran.

APPOINTMENT – with the resignation of Chris Carroll, staff has recommended that Bob Hagedorn, our current payroll specialist, be appointed to the vacant position of Senior Accounting Manager.

COMMISSIONERS' ORDER/RESOLUTION NO. O/R-310-16

AN ORDER/RESOLUTION APPROVING THE APPOINTMENT OF ROBERT HAGEDORN, CPA, AS SENIOR ACCOUNTING MANAGER IN THE FINANCE DEPARTMENT, EFFECTIVE OCTOBER 10, 2016.

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MOTION of Commissioner Huizenga, seconded by Commissioner Eilerman.
Passed. 4 Yeas. Commissioners Eilerman, Huizenga, Wells, and Mayor Carran.

EMPLOYMENT – With the recent promotion of Tom McDaniel, there is an opening for this position. The position was advertised and 65 applications were received. Staff recommends Mr. Krebs as the best candidate to fill this position.

COMMISSIONERS' ORDER/RESOLUTION NO. O/R-311-16

AN ORDER/RESOLUTION APPROVING THE EMPLOYMENT OF ROBERT KREBS AS A PART-TIME FIRE/RENTAL INSPECTOR, AT AN HOURLY RATE OF \$20.50, EFFECTIVE OCTOBER 12, 2016.

MOTION of Commissioner Huizenga, seconded by Commissioner Wells.
Passed. 4 Yeas. Commissioners Eilerman, Huizenga, Wells, and Mayor Carran.

JOB DESCRIPTION

COMMISSIONERS' ORDER/RESOLUTION NO. O/R-312-16

AN ORDER/RESOLUTION AMENDING THE JOB DESCRIPTION FOR CODE ENFORCEMENT MANAGER, CHANGING THE FSLA DESIGNATION FROM NON-EXEMPT TO EXEMPT.

MOTION of Commissioner Huizenga, seconded by Commissioner Wells.
Passed. 4 Yeas. Commissioners Eilerman, Huizenga, Wells, and Mayor Carran.

CONTRACT – The City recently repaired to worse sections of Devou Drive with the installation of retaining walls. However, there are still slide issues along the road and the road needs to be stabilized. This contract will be an extension of the design services that Thelen provided in 2012. They have also completed a lot of the preliminary geotechnical information. DPAC has approved expenditures up to \$21,000.00.

COMMISSIONERS' ORDER/RESOLUTION NO. O/R-313-16

AN ORDER/RESOLUTION AUTHORIZING THE MAYOR AND CITY MANAGER TO EXECUTE A CONTRACT WITH THELEN ASSOCIATES FOR DESIGN SERVICES TO REPAIR SLIDES ALONG DEVOU DRIVE IN AN AMOUNT NOT TO EXCEED \$21,000.00, PAYABLE FROM DEVOU PARK MASTER PLAN FUND.

MOTION of Commissioner Huizenga, seconded by Commissioner Eilerman.
Passed. 4 Yeas. Commissioners Eilerman, Huizenga, Wells, and Mayor Carran.

LICENSE AGREEMENT – This valet service can be used by any visitor to MainStrasse. The cars are being taken to a private lot which is freeing up to 70 public parking spaces.

COMMISSIONERS' ORDER/RESOLUTION NO. O/R-314-16

AN ORDER/RESOLUTION APPROVING A LICENSE AGREEMENT WITH TRI-STATE PARKING FOR THE OPERATION OF A VALET SERVICE UTILIZING FOUR PUBLIC SPACES ON THE NORTHEAST CORNER OF SIXTH STREET AT MAIN STREET, IN AN ANNUAL AMOUNT OF \$250.00.

MOTION of Commissioner Eilerman, seconded by Commissioner Wells.
Passed. 4 Yeas. Commissioners Eilerman, Huizenga, Wells, and Mayor Carran.

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HALLOWEEN

COMMISSIONERS' ORDER/RESOLUTION NO. O/R-315-16

AN ORDER/RESOLUTION PROCLAIMING MONDAY, OCTOBER 31, 2016, BETWEEN THE HOURS OF 6:00 PM AND 8:00 PM, AS THE OFFICIAL "TRICK OR TREAT" CELEBRATION IN THE CITY OF COVINGTON.

MOTION of Commissioner Eilerman, seconded by Commissioner Wells.
Passed. 4 Yeas. Commissioners Eilerman, Huizenga, Wells, and Mayor Carran.

LOCAL 38 AGREEMENT

COMMISSIONERS' ORDER/RESOLUTION NO. O/R-316-16

AN ORDER/RESOLUTION APPROVING AN AGREEMENT WITH COVINGTON PROFESSIONAL FIREFIGHTERS LOCAL UNION NO. 38 AMENDING ARTICLE XI, WAGE RATE, OF THE WORKING AGREEMENT TO PROVIDE FOR HIRING AND MAINTAINING MORE PARAMEDICS IN THE FIRE DEPARTMENT.

MOTION of Commissioner Eilerman, seconded by Commissioner Huizenga.
Passed. 4 Yeas. Commissioners Eilerman, Huizenga, Wells, and Mayor Carran.

MAINSTRASSE PARKING

COMMISSIONERS' ORDER/RESOLUTION NO. O/R-317-16

AN ORDER/RESOLUTION PROVIDING FOR FREE PARKING AT THE 501 MAIN STREET PARKING LOT AND PERSHING PARKING LOT IN MAINSTRASSE AT ALL HOURS OTHER THAN BETWEEN MONDAY THROUGH SATURDAY FROM 2 PM UNTIL 10PM.

MOTION of Commissioner Eilerman, seconded by Commissioner Wells.
Passed. 4 Yeas. Commissioners Eilerman, Huizenga, Wells, and Mayor Carran.

ADJOURNMENT

Mayor Carran adjourned the meeting at 8:25 p.m.

/s/ SHERRY CARRAN
MAYOR

ATTEST:

/s/ Margaret M. Nyhan
CITY CLERK

APPROVED: October 25, 2016