

MINUTES
BOARD OF COMMISSIONERS' MEETING
Tuesday, October 25, 2016 6:00 P.M.
UNOFFICAL COPY

A **REGULAR MEETING** of the Board of Commissioners of the City of Covington, Kentucky, was opened by Mayor Carran on Tuesday, October 25, 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 City Solicitor Frank Warnock, present.

MOTION of Commissioner Huizenga, seconded by Commissioner Wells to dispense with the reading of and approve the minutes of the October 11 and October 18, 2016, meetings.

Passed. 5 Yeas. Commissioners Eilerman, Frank, Huizenga, Wells, and Mayor Carran.

PRESENTATIONS

- County Radio Project Update – Kenton County Judge Executive Kris Knochelmann gave an updated on the upgrades being made to the County radio project.
- FY 2016 Comprehensive Annual Financial Report (CAFR) – Heather Cochran of RFH, PLLC presented a draft presentation of the CAFR that will be presented for approval at a future meeting.

NEW BUSINESS – FIRST READING OF ORDINANCES

AMEND CHAPTER 92 – The 2016 regular session of the Kentucky General Assembly enacted House Bill 422 which made comprehensive revisions to the statutes authorizing and governing Code Enforcement Boards. The enacted amendments consolidate three chapters of the statutes into one chapter, KRS 65.8801 to 65.8839. The City wishes to continue to utilize a Code Enforcement Board under the newly enacted chapter.

COMMISSIONERS' ORDINANCE NO. O-XX-16

AN ORDINANCE AMENDING CHAPTER 92 OF THE COVINGTON CODE OF ORDINANCES, NUISANCES, TO REFLECT MODIFICATIONS TO CODE ENFORCEMENT PROCEDURES AUTHORIZED BY HOUSE BILL 422 OF THE 2016 REGULAR SESSION OF THE GENERAL ASSEMBLY WHICH MADE EXTENSIVE CHANGES TO THE STATUTES AUTHORIZING AND GOVERNING CODE ENFORCEMENT BOARDS.

First Reading, No Vote

AMEND VARIOUS CODE SECTIONS – With the revisions to Chapter 92, several sections of the City ordinances require revisions to comply with the new and revised sections of KRS and Chapter 92

COMMISSIONERS' ORDINANCE NO. O-XX-16

AN ORDINANCE AMENDING SECTIONS 70.62, 94.63, 94.99, 95.65, 96.99, 110.28, 111.99, 152.21, AND APPENDIX A, COVINGTON, KENTUCKY ZONING ORDINANCE, ARTICLE 15, SECTIONS 15.03.08 AND 15.03.09 OF THE COVINGTON CODE OF ORDINANCES TO REFLECT NECESSARY REVISIONS BASED ON CHANGES TO CHAPTER 92 OF THE COVINGTON CODE OF ORDINANCES AND BASED ON EXTENSIVE CHANGES TO THE STATUTES AUTHORIZING AND GOVERNING CODE ENFORCEMENT BOARDS AND CODE ENFORCEMENT PROCEDURES AUTHORIZED BY HOUSE BILL 422 OF THE 2016 REGULAR SESSION OF THE GENERAL ASSEMBLY.

MINUTES
BOARD OF COMMISSIONERS' MEETING
Tuesday, October 25, 2016 6:00 P.M.
UNOFFICAL COPY

First Reading, No Vote

SOLID WASTE BILLING – The City, pursuant to O/R-239-16, gave notice to Rumpke of its intention to transition responsibility for all solid waste and recycling services effective January 1, 2017. Part of the transition will require revisions to Section 98.01 changing the billing frequency from annually to quarterly and to change due dates and collection practices reflecting the agreement by Rumpke to assume these responsibilities.

COMMISSIONERS' ORDINANCE NO. O-XX-16

AN ORDINANCE AMENDING SECTION 98.01, SOLID WASTE DISPOSAL, OF THE COVINGTON CODE OF ORDINANCES TO REVISE BILLING PROCEDURES AND REGULATIONS IN ACCORDANCE WITH THE CITY'S TRANSFER OF ALL BILLING RESPONSIBILITIES FOR SOLID WASTE AND RECYCLING SERVICES TO RUMPKE OF KENTUCKY, INC.

First Reading, No Vote

MAP AMENDMENT – A map amendment request was filed with the Kenton County Planning Commission for a zone change and the Planning Commission held a public hearing on the matter on September 1, 2016. A favorable recommendation was made to adopt the proposed map amendment to change the zoning from RU-2B to RU-2B (PUD).

COMMISSIONERS' ORDINANCE NO. O-XX-16

AN ORDINANCE AMENDING THE OFFICIAL ZONING ORDINANCE OF THE CITY OF COVINGTON, KENTUCKY (O-37-06), TO APPROVE A MAP AMENDMENT CHANGING THE ZONING OF APPROXIMATELY 20 ACRES LOCATED ON THE SOUTHWEST SIDE OF THE INTERSECTION OF AMSTERDAM ROAD WITH MONTAGUE ROAD, AND ON THE NORTH SIDE OF DIXIE HIGHWAY/PIKE STREET BETWEEN ARLINGTON ROAD TO THE WEST AND GRAYS PEAK TO THE EAST, APPROXIMATELY 150 FEET WEST OF GRAYS PEAK FROM RU-2B TO RU-2B (PUD).

First Reading, No Vote

TEXT AMENDMENT – A number of variance requests have been heard and approved by the Board of Adjustment regarding the height of the bottom of projecting signs. These were due in large part to the presence of architectural features of our historic buildings. A text amendment was filed with the Kenton County Planning Commission who voted favorably to recommend that the City adopt a text amendment to remove the maximum height of the bottom of projecting signs.

COMMISSIONERS' ORDINANCE NO. O-XX-16

AN ORDINANCE AMENDING THE OFFICIAL ZONING ORDINANCE OF THE CITY OF COVINGTON, KENTUCKY (O-37-06) TO APPROVE A TEXT AMENDMENT REGARDING THE HEIGHT OF THE BOTTOM OF PROJECTING SIGNS.

First Reading, No Vote

CREATE POSITION LEGAL DEPARTMENT

COMMISSIONERS' ORDINANCE NO. O-XX-16

MINUTES
BOARD OF COMMISSIONERS' MEETING
Tuesday, October 25, 2016 6:00 P.M.
UNOFFICAL COPY

AN ORDINANCE AMENDING § 34.50 OF THE COVINGTON CODE OF ORDINANCES, NON-UNIFORMED, NON-CIVIL SERVICE EMPLOYEES, AND COMMISSIONERS' ORDINANCE NO. O-27-13 CREATING THE POSITION OF SENIOR ASSISTANT CITY SOLICITOR/ABC ADMINISTRATOR AND ESTABLISHING A SALARY FOR THE POSITION.

First Reading, No Vote

CREATE POSITION FINANCE DEPARTMENT

COMMISSIONERS' ORDINANCE NO. O-XX-16

AN ORDINANCE AMENDING § 34.50 OF THE COVINGTON CODE OF ORDINANCES, NON-UNIFORMED, NON-CIVIL SERVICE EMPLOYEES, AND COMMISSIONERS' ORDINANCE NO. O-27-13 CREATING THE POSITION OF FINANCE ANALYST AND ESTABLISHING A SALARY FOR THE POSITION.

First Reading, No Vote

NEW BUSINESS – ORDER/RESOLUTIONS

DEVELOPMENT AGREEMENT – Under the incentive agreement, CTI will obtain the benefit of a 1.25% occupational tax rebate beginning in tax year 2021 for a 10-year period. Its ability to stagger its City incentive will allow CTI to coordinate the incentives that it has also received from Kenton County and the State. Also included in this O/R, the City has added the benefit of the use of 20 parking spaces at the reduced rate of \$25.00 per month for a 10-year period, commencing upon CTI's move into RiverCenter Towers.

COMMISSIONERS' ORDER/RESOLUTION NO. O/R-320-16

AN ORDER/RESOLUTION AUTHORIZING THE MAYOR AND CITY MANAGER TO EXECUTE AN ECONOMIC DEVELOPMENT INCENTIVE AGREEMENT AND ALL OTHER NECESSARY DOCUMENTS WITH CTI CLINICAL TRIAL SERVICES, INC. TO PROVIDE BUSINESS INCENTIVES PURSUANT TO THE CITY OF COVINGTON CODE OF ORDINANCES CHAPTER 116 AND RESERVED REDUCED RATE PARKING WITHIN THE RIVERCENTER GARAGE.

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

PROMOTION FIRE DEPARTMENT – With a recent retirement, the Engineer's position was made available and Paramedic/Firefighter Witterstaetter is next on the current Engineer's promotion list.

COMMISSIONERS' ORDER/RESOLUTION NO. O/R-321-16

AN ORDER/RESOLUTION APPROVING THE PROMOTION OF PARAMEDIC/FIREFIGHTER MICHAEL WITTESTAETTER TO PARAMEDIC/ENGINEER IN THE COVINGTON FIRE DEPARTMENT, EFFECTIVE OCTOBER 26, 2016.

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

MINUTES
BOARD OF COMMISSIONERS' MEETING
Tuesday, October 25, 2016 6:00 P.M.
UNOFFICAL COPY

MEMORANDUM OF UNDERSTANDING

COMMISSIONERS' ORDER/RESOLUTION NO. O/R-322-16

AN ORDER/RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A MEMORANDUM OF UNDERSTANDING WITH CRESCENT SPRINGS FIRE & EMS TO FACILITATE AN APPLICATION FOR THE NORTHERN KENTUCKY REGIONAL RADIO GRANT.

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

EMPLOYMENT

COMMISSIONERS' ORDER/RESOLUTION NO. O/R-323-16

AN ORDER/RESOLUTION APPROVING THE APPOINTMENT OF MATHEW STEWART AS ASSISTANT CITY SOLICITOR IN THE LEGAL DEPARTMENT, EFFECTIVE OCTOBER 27, 2016.

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

EMPLOYMENT

COMMISSIONERS' ORDER/RESOLUTION NO. O/R-324-16

AN ORDER/RESOLUTION APPROVING THE EMPLOYMENT OF ERIN SMILEY AS THE RECREATION PROGRAM COORDINATOR IN THE DEVELOPMENT DEPARTMENT, EFFECTIVE NOVEMBER 29, 2016.

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

REVOCABLE LICENSE AGREEMENT – Braxton installed a parklet in front of its business this past May as part of the City-wide parklet initiative. Braxton found this parklet to be a successful addition to its location and has requested that it be allowed to re-install the parklet next March. They will store the parklet over the winter and have also agreed to pay a rate of \$25.00 per month as compensation for the use of the parking space that will be occupied by the parklet next year.

COMMISSIONERS' ORDER/RESOLUTION NO. O/R-325-16

AN ORDER/RESOLUTION AUTHORIZING THE MAYOR AND CITY MANAGER TO EXECUTE A REVOCABLE LICENSE AGREEMENT WITH BRAXTON BREWING COMPANY TO FACILITATE THE INSTALLATION OF A PARKLET FOR A TERM COMMENCING NO SOONER THAN MARCH 15, 2017, AN EXPIRING NO LATER THAN NOVEMBER 1, 2017.

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

MINUTES
BOARD OF COMMISSIONERS' MEETING
Tuesday, October 25, 2016 6:00 P.M.
UNOFFICAL COPY

CONTRACT

COMMISSIONERS' ORDER/RESOLUTION NO. O/R-326-16

AN ORDER/RESOLUTION AWARDING THE PARKING STUDY REQUEST FOR PROPOSALS TO CARL WALKER AS THE MOST RESPONSIVE AND RESPONSIBLE PROPOSAL AND AUTHORIZING THE MAYOR AND CITY MANAGER TO EXECUTE A CONTRACT WITH CARL WALKER TO PERFORM A PARKING STUDY FOR AN AMOUNT NOT TO EXCEED \$45,600.00, CONTINGENT UPON FINAL APPROVAL BY THE COVINGTON ECONOMIC DEVELOPMENT AUTHORITY BOARD, PAYABLE FROM THE ECONOMIC DEVELOPMENT FUND.

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

AMEND PARKING AGREEMENT – The original agreement provided the company access to 12 parking spaces at a reduced cost in the City-owned lot at 22-26 East 9th Street. The company has since determined that it would be more convenient for its tenants to utilize the lot at 901-905 Madison Avenue.

COMMISSIONERS' ORDER/RESOLUTION NO. O/R-327-16

AN ORDER/RESOLUTION AUTHORIZING THE MAYOR AND CITY MANAGER TO EXECUTE AN AMENDED PARKING INCENTIVE AGREEMENT WITH MADISON AVE. HOLDINGS, LLC TO MODIFY THE LOCATION OF THE PARKING LOT FROM 22-26 EAST NINTH STREET TO THE CITY-OWNED PARKING LOT AT 901-905 MADISON AVENUE.

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

DEVOU TRUST

COMMISSIONERS' ORDER/RESOLUTION NO. O/R-328-16

AN ORDER/RESOLUTION APPROVING THE 2016-2017 DEVOU TRUST PARK PROJECT ALLOCATIONS AS RECOMMENDED BY THE DEVOU PARK ADVISORY COMMITTEE.

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

PARKS INVENTORY

COMMISSIONERS' ORDER/RESOLUTION NO. O/R-329-16

AN ORDER/RESOLUTION APPROVING THE ADOPTION OF THE CITY OF COVINGTON PARKS, RECREATION AND OPEN SPACE INVENTORY ASSESSMENT.

MINUTES
BOARD OF COMMISSIONERS' MEETING
Tuesday, October 25, 2016 6:00 P.M.
UNOFFICAL COPY

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

CONTRACT

COMMISSIONERS' ORDER/RESOLUTION NO. O/R-330-16

AN ORDER/RESOLUTION AUTHORIZING THE MAYOR AND CITY MANAGER TO EXECUTE A TWO-YEAR CONTRACT WITH SWIMSAFE POOL MANAGEMENT FOR SERVICES RELATED TO THE OPERATION OF GOEBEL POOL, RANDOLPH POOL, AND THE COVINGTON WATERPARK, IN AN AMOUNT NOT TO EXCEED \$175,000.00 FOR THE FIRST CONTRACT YEAR, AND \$180,200.00 FOR THE SECOND CONTRACT YEAR, PAYABLE FROM GENERAL FUND.

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

EMPLOYEE RETIREMENT FUND

COMMISSIONERS' ORDER/RESOLUTION NO. O/R-331-16

AN ORDER/RESOLUTION APPROVING A PAYMENT OF \$300.00 TO THOSE INDIVIDUALS WHO ARE MEMBERS OF THE CITY'S EMPLOYEE RETIREMENT FUND, IN A TOTAL AMOUNT OF \$11,100.00, PAYABLE FROM THE GENERAL FUND.

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

POLICE AND FIRE RETIREMENT FUND

COMMISSIONERS' ORDER/RESOLUTION NO. O/R-332-16

AN ORDER/RESOLUTION APPROVING A PAYMENT OF \$300.00 TO THOSE INDIVIDUALS WHO ARE MEMBERS OF THE CITY'S POLICE AND FIREMEN'S RETIREMENT FUND, IN A TOTAL AMOUNT OF \$19,800.00, PAYABLE FROM THE GENERAL FUND.

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

A **MOTION** by Commissioner Huizenga, second by Commissioner Frank to read and pass the next seven Order/Resolutions by Consent Agenda. Motion carried 5-0.

CONTRACT AMENDMENT

COMMISSIONERS' ORDER/RESOLUTION NO. O/R-333-16

AN ORDER/RESOLUTION AUTHORIZING THE MAYOR AND CITY MANAGER TO EXECUTE AN AMENDMENT TO THE CURRENT

MINUTES
BOARD OF COMMISSIONERS' MEETING
Tuesday, October 25, 2016 6:00 P.M.
UNOFFICAL COPY

CONTRACT WITH ADPI MODIFYING THE ELECTRONIC PATIENT CARE SOFTWARE AND HARDWARE AND EXTENDING THE CURRENT CONTRACT FOR AN ADDITIONAL ONE YEAR TO EXPIRE JUNE 30, 2019.

JOB DESCRIPTION

COMMISSIONERS' ORDER/RESOLUTION NO. O/R-334-16

AN ORDER/RESOLUTION ADOPTING A JOB DESCRIPTION FOR THE POSITION OF SENIOR ASSISTANT CITY SOLICITOR/ABC ADMINISTRATOR; AND AMENDING THE JOB DESCRIPTION FOR ASSISTANT CITY SOLICITOR.

JOB DESCRIPTION

COMMISSIONERS' ORDER/RESOLUTION NO. O/R-335-16

AN ORDER/RESOLUTION ADOPTING A JOB DESCRIPTION FOR THE POSITION OF FINANCE TECHNICIAN IN THE COVINGTON FINANCE DEPARTMENT.

REQUEST FOR BIDS

COMMISSIONERS' ORDER/RESOLUTION NO. O/R-336-16

AN ORDER/RESOLUTION APPROVING THE PUBLICATION OF A REQUEST FOR BIDS FOR THE CONSTRUCTION OF NEW STORM PIPES, UNDERDRAINS, CATCH BASINS, AND STREET PAVEMENT ON CRYSTAL LAKE DRIVE.

REQUEST FOR BIDS

COMMISSIONERS' ORDER/RESOLUTION NO. O/R-337-16

AN ORDER/RESOLUTION APPROVING THE PUBLICATION OF A REQUEST FOR BIDS FOR A SLOPE MOWER FOR MAINTENANCE OF THE CITY'S LEVEE FLOOD PROTECTION SYSTEM.

SURPLUS PROPERTY

COMMISSIONERS' ORDER/RESOLUTION NO. O/R-338-16

AN ORDER/RESOLUTION DECLARING CERTAIN CITY PROPERTY AS SURPLUS AND AUTHORIZING ITS SALE AND DISPOSITION PURSUANT TO KRS §§ 82.083 AND 45A.425.

CONTRACT

COMMISSIONERS' ORDER/RESOLUTION NO. O/R-339-16

AN ORDER/RESOLUTION AUTHORIZING THE MAYOR AND CITY MANAGER TO EXECUTE A CONTRACT WITH THE BEHRINGER-CRAWFORD MUSEUM BOARD OF TRUSTEES, INC., FOR SERVICES RELATED TO THE OPERATION OF THE DEVOU PARK MUSEUM, IN AN AMOUNT NO TO EXCEED \$10,000.00.

Order/Resolution O/R-333-16 through O/R-339-16 passed as follows:

MINUTES
BOARD OF COMMISSIONERS' MEETING
Tuesday, October 25, 2016 6:00 P.M.
UNOFFICAL COPY

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

ADJOURNMENT

Mayor Carran adjourned the meeting at 9:55 p.m.

/s/ SHERRY CARRAN
MAYOR

ATTEST:

/s/ Margaret M. Nyhan
CITY CLERK

APPROVED: November 15, 2016