

COMMISSIONERS' RESOLUTION NO. _____

A RESOLUTION PROCLAIMING TUESDAY, OCTOBER 31, 2017,
BETWEEN THE HOURS OF 6:00 PM AND 8:00 PM, AS THE OFFICIAL
"TRICK OR TREAT" CELEBRATION IN THE CITY OF COVINGTON.

* * * *

NOW THEREFORE,
BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE CITY OF
COVINGTON, KENTON COUNTY, KENTUCKY:

Section 1

That the Board of Commissioners hereby proclaims Tuesday, October 31, 2017,
between the hours of 6:00 pm and 8:00 pm, as the official "Trick or Treat" celebration
in the City of Covington.

Section 2

This resolution shall take effect and be in full force when passed and recorded
according to law.

VICE MAYOR

ATTEST:

CITY CLERK

Passed: _____

COMMISSIONERS' ORDER NO. _____

AN ORDER AUTHORIZING THE PUBLICATION OF A REQUEST FOR PROPOSALS FOR THE REDEVELOPMENT OF THE IRS SITE, BOUNDED BY FOURTH STREET TO THE SOUTH, JOHNSON STREET TO THE WEST, AND THIRD STREET TO THE NORTH, PURSUANT TO ORDER ORD-182-17.

* * * *

WHEREAS, the City Manager recommends that staff solicit a request for proposals for the redevelopment of the IRS site; and

WHEREAS, competitive negotiation via a Request for Proposals is permitted by KRS 45A.370, as specifications for the request cannot be made sufficiently specific to permit award on the basis of either the lowest bid price or the lowest evaluated bid price.

NOW THEREFORE,
BE IT ORDERED BY THE BOARD OF COMMISSIONERS OF THE CITY OF COVINGTON, KENTON COUNTY, KENTUCKY:

Section 1

That the Board of Commissioners hereby authorizes the publication of a Request for Proposals for the redevelopment of the IRS site, pursuant to order ORD-182-17.

Section 2

This order shall take effect and be in full force when passed and recorded according to law.

VICE MAYOR

ATTEST:

CITY CLERK

Passed: _____

COMMISSIONERS' ORDER NO. _____

AN ORDER APPROVING THE EMPLOYMENT OF ANDREW LUCAS AND SAMUEL MATHEWS AS GRADE I PATROL OFFICERS IN THE COVINGTON POLICE DEPARTMENT, EFFECTIVE OCTOBER 29, 2017.

* * * *

NOW THEREFORE,
BE IT ORDERED BY THE BOARD OF COMMISSIONERS OF THE CITY OF COVINGTON, KENTON COUNTY, KENTUCKY:

Section 1

That the Board of Commissioners hereby approves the employment of Andrew Lucas and Samuel Mathews as Grade I Patrol Officers in the Covington Police Department, effective October 29, 2017.

Section 2

This order shall take effect and be in full force when passed and recorded according to law.

VICE MAYOR

ATTEST:

CITY CLERK

Passed: _____

COMMISSIONERS' ORDER NO. _____

AN ORDER ACCEPTING THE RESIGNATION OF PUBLIC INFORMATION OFFICER MONICA BEAVERS EFFECTIVE OCTOBER 23, 2017.

* * * *

NOW, THEREFORE,
BE IT ORDERED BY THE BOARD OF COMMISSIONERS OF THE CITY OF COVINGTON, KENTON COUNTY, KENTUCKY:

Section 1

That the Board of Commissioners hereby accepts the resignation of Public Information Officer Monica Beavers effective October 23, 2017. The Board would like to thank Monica for her service to the City and its residents.

Section 2

This order shall take effect and be in full force when passed and recorded according to law.

VICE MAYOR

ATTEST:

CITY CLERK

Passed: _____

COMMISSIONERS' ORDER NO. _____

AN ORDER AUTHORIZING THE MAYOR AND CITY MANAGER TO EXECUTE A CONTRACT WITH HOUSING OPPORTUNITIES OF NORTHERN KENTUCKY, INC. FOR THE REHABILITATION OF A SINGLE-FAMILY HOME LOCATED AT 910 GREENUP STREET, COVINGTON, KENTUCKY, IN AN AMOUNT NOT TO EXCEED \$140,426.00, PAYABLE FROM PROGRAM YEAR 2017 COVINGTON HOME CHDO DEVELOPMENT PROJECT FUNDS.

* * * *

WHEREAS, Housing Opportunities of Northern Kentucky ("HONK") is designated as a Community Housing Development Organization ("CHDO") under the HOME program; and

WHEREAS, the HOME Program promotes the partnerships between local government and non-profit organization to develop and manage affordable housing; and

WHEREAS, to assist in creating these partnerships, the HOME Program mandates that at least fifteen percent of HOME funds the City receives be allocated to CHDO projects; and

WHEREAS, HONK presented a project requesting \$140,426.00 in HOME funds to rehabilitate the single family home at 910 Greenup Street, Covington, Kentucky; and

WHEREAS, the project will contribute to the stock of affordable housing in the City, and help the City meet its CHDO funding mandate; and

WHEREAS, the funds will be recaptured by City upon sale of the unit.

NOW THEREFORE,
BE IT ORDERED BY THE BOARD OF COMMISSIONERS OF THE CITY OF
COVINGTON, KENTON COUNTY, KENTUCKY

Section 1

That the Board of Commissioners hereby authorizes the Mayor and City Manager to execute a contract with Housing Opportunities of Northern Kentucky, Inc. for the rehabilitation of a single-family home located at 910 Greenup Street, Covington, Kentucky, in an amount not to exceed \$140,426.00, payable from Program Year 2017 Covington HOME CHDO Development Project fund.

Section 2

That this order shall take effect and be in full force when passed and recorded according to law.

VICE MAYOR

ATTEST:

CITY CLERK

PASSED: _____

COMMISSIONERS' ORDER NO. _____

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

* * * *

WHEREAS, the equipment identified in the attached Exhibit A, used by the City of Covington, has exceeded its useful life; and

WHEREAS, the intended use of these items at the time of acquisition was to provide support to City personnel; and

WHEREAS, it is in the public interest to dispose of these items, as it will remove inefficient and unused equipment from the City inventory and supplement the City's General Fund with sale proceeds; and

WHEREAS, the method of disposition for the equipment described in Exhibit A shall be by public auction, advertised as required by KRS § 424.130.

NOW THEREFORE,
BE IT ORDERED BY THE BOARD OF COMMISSIONERS OF THE CITY OF
COVINGTON, KENTON COUNTY, KENTUCKY

Section 1

That the equipment listed on attached Exhibit A is hereby declared to be surplus City of Covington-owned property and, pursuant to KRS §§ 82.083 and 45A.425 the sale of these items by public auction is approved.

Section 2

That this order shall take effect and be in full force when passed and recorded according to law.

VICE MAYOR

ATTEST:

CITY CLERK

Passed: _____

EXHIBIT A
SURPLUS EQUIPMENT

JBl 15g2 speakers
20'x15' screen
Projector
DVD Player

COMMISSIONERS' ORDER NO. _____

AN ORDER AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH DUKE ENERGY FOR THE PURCHASE OF PUBLIC STREET LIGHTS SURROUNDING THE DUVENECK PROJECT.

* * * *

WHEREAS, the public sidewalks surrounding the Duveneck development have not previously been outfitted with streetlights; and

WHEREAS, the installation of streetlights would create a more welcoming and safe public space; and

WHEREAS, pursuant to a franchise agreement between Duke Energy and the City relating to the proposed area of installation, Duke is a sole source provider that will install, operate, maintain, and provide energy to the streetlights; and

WHEREAS, the Covington Economic Development Authority board recommended that the City contract with Duke Energy, for the installation of streetlights on the public sidewalks surrounding the Duveneck project; and

WHEREAS, given the nature of the project, competition is not feasible in this instance.

NOW THEREFORE,
BE IT ORDERED BY THE BOARD OF COMMISSIONERS OF THE CITY OF COVINGTON, KENTON COUNTY, KENTUCKY:

Section 1

That the Board of Commissioners hereby authorizes the Mayor to execute an agreement with Duke Energy for the purchase of public street lights surrounding the Duveneck project, in an amount not to exceed \$21,497.95 payable from TIF funds.

Section 2

This order shall take effect and be in full force when passed and recorded according to law.

VICE MAYOR

ATTEST:

CITY CLERK

Passed: _____

COMMISSIONERS' ORDER NO. _____

AN ORDER AUTHORIZING THE MAYOR TO EXECUTE A REVOCABLE LICENSE AGREEMENT WITH JOY AMANN FOR A BALCONY EXTENDING INTO THE AIR RIGHTS OF A CITY ALLEY LOCATED BETWEEN FOURTH AND FIFTH STREETS.

* * * *

WHEREAS, the City is the owner of the alley and right of way adjacent to the property commonly known as the Boone Block; and

WHEREAS, through the developer for the project, the owner of one residential unit at the Boone Block requested to install a balcony that would encroach into the City's air rights over the alley between Fourth and Fifth Street abutting the Boone Block; and

WHEREAS, the parties have agreed to the terms of a revocable license agreement permitting the installation of the balcony at 422 Scott Boulevard, Covington, Kentucky.

NOW THEREFORE,
BE IT ORDERED BY THE BOARD OF COMMISSIONERS OF THE CITY OF COVINGTON, KENTON COUNTY, KENTUCKY:

Section 1

That the Board of Commissioners hereby authorizes the Mayor to execute a Revocable License Agreement with Joy Amann, for a balcony extending from the property at 422 Scott Boulevard, Covington, Kentucky into the air rights of a City alley located between Fourth and Fifth Streets.

Section 2

This order shall take effect and be in full force when passed and recorded according to law.

VICE MAYOR

ATTEST:

CITY CLERK

Passed: _____

COMMISSIONERS' ORDER NO. _____

AN ORDER AUTHORIZING THE MAYOR TO EXECUTE A REVOCABLE LICENSE AGREEMENT WITH THE UNITED STATES OF AMERICA, ACTING BY AND THROUGH THE ADMINISTRATOR OF GENERAL SERVICES, FOR THE INSTALLATION OF SECURITY EQUIPMENT IN AN ALLEY RUNNING FROM EAST THIRD STREET TO EAST FOURTH STREET BETWEEN MADISON AVENUE AND SCOTT BOULEVARD.

* * * *

WHEREAS, the federal government leases space at the Gateway Center located at 301-333 Scott Street, Covington, Kentucky; and

WHEREAS, in order to meet physical security criteria for federal facilities, the United States of America, acting by and through the Administrator of General Services ("GSA") requested permission to install certain security features in the alley running from Third to Fourth Street between Madison and Scott Street; and

WHEREAS, GSA and City negotiated the terms of a revocable license to allow for the installation of vehicle gates and crash bollards which will increase public safety in the area.

NOW THEREFORE,
BE IT ORDERED BY THE BOARD OF COMMISSIONERS OF THE CITY OF COVINGTON, KENTON COUNTY, KENTUCKY:

Section 1

That the Board of Commissioners hereby authorizes the Mayor to execute a Revocable License Agreement with the United States of America, acting by and through the Administrator of General Services, for the installation of security equipment in an alley running from East Third Street to East Fourth Street between Madison Avenue and Scott Boulevard.

Section 2

This order shall take effect and be in full force when passed and recorded according to law.

VICE MAYOR

ATTEST:

CITY CLERK

Passed: _____

COMMISSIONERS' ORDER NO. _____

AN ORDER APPROVING A CHANGE ORDER TO THE CONTRACT WITH PERFORMANCE CONSTRUCTION FOR THE DEVOU GOLF & EVENT CENTER, IN AN AMOUNT OF \$88,638.93, PAYABLE FROM THE DEVOU PARK CLUBHOUSE FUND.

* * * *

WHEREAS, via Order/Resolution No. 371-15, the City entered into a contract with Performance Construction for the construction of the Devou Golf & Event Center; and

WHEREAS, the pro forma for the Devou Golf & Event Center project included a 5% contingency funding for necessary change orders to the contract due to unforeseen costs; and

WHEREAS, in addition to change orders previously approved via ORD-104-17, Performance Construction has provided evidence of the need for a change order to the contract in an amount of \$88,638.93; and

WHEREAS, the proposed change order items do not constitute a material change from the original solicitation; and

WHEREAS, a contract amendment is necessary to utilize a portion of the contingency funding contemplated in the Devou Golf & Event Center pro forma.

NOW THEREFORE,
BE IT ORDERED BY THE BOARD OF COMMISSIONERS OF THE CITY OF
COVINGTON, KENTON COUNTY, KENTUCKY:

Section 1

That the Board of Commissioners hereby approves a Change Order to the contract with Performance Construction for the Devou Golf & Event Center, in an amount of \$88,638.93, payable from the Devou Park Clubhouse Fund.

Section 2

This order shall take effect and be in full force when passed and recorded according to law.

VICE MAYOR

ATTEST:

CITY CLERK

Passed: _____

COMMISSIONERS' ORDER NO. _____

AN ORDER DIRECTING THE CITY MANAGER TO INVESTIGATE AND ADVISE THE BOARD OF COMMISSIONERS ON THE CREATION OF A PARKING AUTHORITY FOR THE MANAGEMENT OF THE CITY'S PARKING RESOURCES.

* * * *

WHEREAS, the investment in new residential and commercial activities in the central business district and MainStrasse has created significant demand for additional parking; and

WHEREAS, further investment in the Duveneck Square Redevelopment Area will require the provision of additional parking to meet the needs of the Duveneck Square Phase 1 residents, the businesses affected by the redevelopment of the parking assets, and the prospective tenants of the Phase 2 development, requiring additional substantial investment by the city; and

WHEREAS, the City's current capacity to issue bonded indebtedness to invest in additional parking assets is insufficient; and

WHEREAS, the need for a more professional internal parking program manager was articulated in the parking study performed for downtown Covington in 2009; the need to develop a more defined parking management plan was identified as a top recommendation in the Covington Center City Action Plan completed in May, 2012; and the need for professional parking planning and management was again identified in the Downtown Parking study completed in July 2017 by Carl Walker; and

WHEREAS, the Carl Walker study recommended the city improve the professional management of the city's parking assets and have an independent board or committee to deliberate over parking policy issues, to make recommendations, oversee the parking budget and operations and to serve as a sounding board for downtown constituents regarding parking issues.; and

WHEREAS, the board of the Covington Economic Development Authority (CEDA) studied the organizational and financial implications of the establishment of an independent body for parking management and recommended to the Board of Commissioners the establishment of a Covington Parking Authority like LEXPARK in Lexington and PARC in Louisville; and

WHEREAS, net parking revenue contributes a significant sum to the General Fund; and

WHEREAS, a Covington Parking Authority could offer professional management, focused policy development and independent debt capacity to better address the city's parking needs;

NOW, THEREFORE,
BE IT ORDERED BY THE BOARD OF COMMISSIONERS OF THE CITY
OF COVINGTON, KENTON COUNTY, KENTUCKY:

Section 1

That the City Manager is authorized to engage such independent financial and legal expertise he deems appropriate and necessary to analyze the financial implications of establishing a parking enterprise fund, in particular its impact on the city's general fund with the goal of avoiding any reduction in net parking revenue for the general fund; the implications for debt issuance and debt management; and to advise on the legal requirements, structure and governance options for a parking authority; all for advising the Board of Commissioners and recommending a wise course of action for the overall management of the city's parking assets.

Section 2

That this order shall take effect and be in full force when passed and recorded according to law.

VICE MAYOR

ATTEST:

CITY CLERK

Passed: _____

COMMISSIONERS' ORDER NO. _____

AN ORDER AUTHORIZING THE MAYOR TO EXECUTE A ONE-YEAR LEASE RENEWAL WITH THE COMMONWEALTH OF KENTUCKY AND THE CITY OF COVINGTON FOR OFFICE SPACE FOR THE KENTUCKY HUMAN RIGHTS COMMISSION.

* * * *

**NOW THEREFORE,
BE IT ORDERED BY THE BOARD OF COMMISSIONERS OF THE CITY OF COVINGTON, KENTON COUNTY, KENTUCKY:**

Section 1

That the Board of Commissioners hereby authorizes the Mayor to execute a one-year lease renewal with the Commonwealth of Kentucky and the City of Covington for office space for the Kentucky Human Rights Commission.

Section 2

This order shall take effect and be in full force when passed and recorded according to law.

VICE MAYOR

ATTEST:

CITY CLERK

Passed: _____

COMMISSIONERS' ORDER NO. _____

AN ORDER AUTHORIZING THE MAYOR TO EXECUTE A DEVELOPMENT AGREEMENT AND ALL OTHER NECESSARY DOCUMENTS WITH THE BRADFORD ON SCOTT, LLC TO PROVIDE ECONOMIC DEVELOPMENT INCENTIVES FOR THE PROPERTY LOCATED AT 326-336 SCOTT STREET.

* * * *

WHEREAS, the Catalytic Development Funding Corp. of Northern Kentucky and Orleans Development Company (collectively, the "Developers") have teamed up to lead the redevelopment of the property commonly known as the Bradford Building, located at 326-336 Scott Street (the "Property"); and

WHEREAS, the proposed project will include 5 condominium units on the second and third floors, and commercial/retail space on the street level; and

WHEREAS, as planned, the redevelopment will fill a gap in the Covington housing market, provide job opportunities for Covington residents, and stimulate economic growth; and

WHEREAS, the parties previously entered into a term sheet pursuant to ORD-181-17, and the deal points of the term sheet have now been incorporated into a development agreement; and

WHEREAS, subject to the terms and conditions in the development agreement, City will provide Developers a façade grant in the amount of \$350,000.00 which will be payable from Covington Economic Development Program Funds, additionally City will contribute up to an amount of \$150,000.00 in TIF funds for streetscape improvements for areas abutting the Property.

**NOW THEREFORE,
BE IT ORDERED BY THE BOARD OF COMMISSIONERS OF THE CITY OF
COVINGTON, KENTON COUNTY, KENTUCKY:**

Section 1

That the Board of Commissioners hereby authorizes the Mayor and City Manager to execute an economic development agreement and all other necessary documents with Bradford on Scott, LLC, to provide economic development incentives for the property located at 326-336 Scott Street, payable from the Covington Economic Development Program fund, and TIF funds.

Section 2

This order shall take effect and be in full force when passed and recorded according to law.

VICE MAYOR

ATTEST:

CITY CLERK

Passed: _____

COMMISSIONERS' ORDER NO. _____

AN ORDER AUTHORIZING THE MAYOR TO EXECUTE A DEVELOPMENT AGREEMENT AND ALL OTHER NECESSARY DOCUMENTS WITH MADISON FLATS, LLC, TO PROVIDE ECONOMIC DEVELOPMENT INCENTIVES PURSUANT TO THE COVINGTON ECONOMIC DEVELOPMENT PROGRAM.

* * * *

WHEREAS, Orleans Development, through Madison Flats, LLC, has undertaken the rehabilitation of the "Madison Flats," a development comprised of three historic buildings located on the 800 block of Madison Avenue; and

WHEREAS, the development will include thirteen one-bedroom residential apartments and five commercial storefronts; and

WHEREAS, the addition of the residential and commercial space will stimulate economic development, provide affordable housing in historic downtown Covington, and aid in the creation of jobs; and

WHEREAS, the City Commission, upon the recommendation of the Covington Economic Development Authority, has agreed to provide the developer a development loan in the amount of \$50,000.00 for façade improvements to the properties, subject to certain terms and conditions in an economic development agreement negotiated by the parties.

NOW THEREFORE,
BE IT ORDERED BY THE BOARD OF COMMISSIONERS OF THE CITY OF
COVINGTON, KENTON COUNTY, KENTUCKY:

Section 1

That the Board of Commissioners hereby authorizes the Mayor to execute an economic development agreement and all other necessary documents with Madison Flats, LLC, to provide economic development incentives pursuant to the Covington Economic Development Program.

Section 2

This order shall take effect and be in full force when passed and recorded according to law.

VICE MAYOR

ATTEST:

CITY CLERK

Passed: _____

COMMISSIONERS' ORDER NO. _____

AN ORDER APPROVING A CHANGE ORDER TO THE CONTRACT WITH HUB & WEBER FOR THE DEVOU GOLF & EVENT CENTER, IN AN AMOUNT OF \$8,031.10, PAYABLE FROM THE DEVOU PARK CLUBHOUSE FUND.

* * * *

WHEREAS, the Board of Commissioners, pursuant to Commissioners Order/Resolution No. O/R-86-13 approved a contract with Hub & Weber Architects, PLC ("Hub & Weber") for design and engineering services relating to the Devou Golf & Event Center; and

WHEREAS, Hub & Weber has incurred additional costs for permit and plan reviews fees relating to Planning and Development Services approval, and for bid document reproduction costs; and

WHEREAS, the proposed change order items do not constitute a material change from the original solicitation; and

WHEREAS, a change order is necessary to compensate Hub & Weber for the \$8,031.10 in increased costs.

NOW THEREFORE,
BE IT ORDERED BY THE BOARD OF COMMISSIONERS OF THE CITY OF COVINGTON, KENTON COUNTY, KENTUCKY:

Section 1

That the Board of Commissioners hereby approves a Change Order to the Contract with Hub & Weber for the Devou Golf & Event Center, in an amount of \$8,031.10, payable from the Devou Park Clubhouse Fund.

Section 2

This order shall take effect and be in full force when passed and recorded according to law.

VICE MAYOR

ATTEST:

CITY CLERK

Passed: _____

COMMISSIONERS' ORDINANCE NO. _____

AN ORDINANCE AMENDING COVINGTON CODE OF ORDINANCES SECTION 110.14 - INFORMATION TO REMAIN CONFIDENTIAL TO REQUIRE A SIGNED ACKNOWLEDGEMENT OF CONFIDENTIALITY OF TAX INFORMATION FORM FROM CITY FINANCE DEPARTMENT EMPLOYEES AND OTHER SPECIFIED INDIVIDUALS.

* * * *

WHEREAS, taxpayer privacy must be respected at all times; and

WHEREAS, authorized City personnel have access to tax returns on file with the City only to the extent necessary to perform the authorized purpose; and

WHEREAS, the penalties for violating the confidentiality of tax records submitted to the City of Covington include fines, incarceration, and termination of employment; and

WHEREAS, the Board of Commissioners wants to make certain that authorized City staff are aware of the relevant policy and the penalties for violation of the policy by requiring persons who are authorized to access tax records sign an acknowledgement of their understanding of the relevant policy and laws.

NOW THEREFORE,
BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE CITY OF
COVINGTON, KENTON COUNTY, KENTUCKY:

Section 1

§ 110.14 INFORMATION TO REMAIN CONFIDENTIAL.

(A) No present or former employee of the eCity shall intentionally and without authorization inspect or divulge any information acquired by him or her of the affairs of any person, or information regarding the tax schedules, returns, or reports required to be filed with the city or other proper officer, or any information produced by a hearing or investigation, insofar as the information may have to do with the affairs of the person's business. This prohibition does not extend to information required in prosecutions for making false reports or returns for taxation, or any other infraction of the tax laws, or in any way made a matter of public record, nor does it preclude furnishing any taxpayer or the taxpayer's properly authorized agent with information respecting his or her own return. Further, this prohibition does not preclude any employee of the eCity from testifying in any court or by deposition, or from introducing as evidence returns or reports filed with the eCity, in an action for violation of a tax law of the eCity or other tax district or in any action challenging the eCity's tax laws or in any action in which the income of the business entity is a relevant issue at trial.

(B) The eCity reserves the right to disclose to the Commissioner of Revenue of the Commonwealth of Kentucky or his or her duly authorized agent all such information

and rights to inspect any of the books and records of the eCity if the Commissioner of Revenue of the Commonwealth of Kentucky grants to the city the reciprocal right to obtain information from the files and records of the Kentucky Department of Revenue and maintains the privileged character of the information so furnished. Furthermore, that the city may publish statistics based on such information in such a manner as not to reveal data respecting net profits or compensation of any person or business entity.

(C) In addition, the eCity is empowered to execute similar reciprocity agreements as described in division (B) of this section with any other taxing entity should there be a need for exchange of information to effect diligent enforcement of this subsection or the ordinances of the other taxing entity.

(D) To ensure the confidentiality of City, state and federal tax information in the possession of the City Finance Department, all Finance Department employees, any authorized persons or entities conducting research, any persons or entities contracted to provide services for the Finance Department, or any other person or entity permitted access to Finance Department records and files, shall execute a form confirming his or her knowledge of the applicable rules, laws, and regulations concerning maintaining the confidentiality of certain tax records and information. Such employee or other authorized individual shall also be familiar with the City, state and federal laws and regulations concerning confidentiality of taxpayer information, and by signing the required acknowledgement he or she must confirm such familiarity with all applicable rules, laws, and regulations. The form is hereby incorporated herein by reference.

Section 2

This ordinance shall take effect and be in full force when passed and recorded according to law.

VICE MAYOR

ATTEST:

CITY CLERK

Passed: _____ (Second Reading)

_____ (First Reading)

COMMISSIONERS' ORDINANCE NO. _____

AN ORDINANCE AMENDING COVINGTON CODE OF ORDINANCES SEC. 111.021 ALLOWING THE SALE OF DISTILLED LIQUOR, WINE, AND MALT BEVERAGES BY THE DRINK BEGINNING AT 9:00 A.M. ON SUNDAYS.

* * * *

WHEREAS, Kentucky alcoholic beverage control laws allow regulation of Sunday sales by local governments; and

WHEREAS, Chapter 111 of the Covington Code of Ordinances allows the sale of: (i) malt beverages by the drink or package on Sundays from the hours of 11:00 a.m. Sunday until 1:00 a.m. Monday, (ii) wine and distilled spirits by the package from 11:00 a.m. Sunday until 1:00 a.m. Monday, and (iii) wine and distilled spirits by the drink from 11:00 a.m. Sunday until 1:00 a.m. Monday, if a special permit is obtained; and

WHEREAS, several proprietors of local businesses have requested permission to serve alcoholic beverages at bar and restaurants earlier than 11:00 a.m. on Sundays; and

WHEREAS, other cities throughout the Commonwealth of Kentucky have allowed the sale of certain alcoholic beverages on Sunday and earlier than 11:00 a.m.; and

WHEREAS, the Board of Commissioners held a public hearing on September 12, 2017 to accept public input on the proposed revisions to the hours of sale ordinance; and

WHEREAS, after receiving public comment, the Board of Commissioners finds that it is in the City's best interest to allow earlier sales of alcoholic beverages on Sunday in those businesses which sell alcohol by the drink, such as restaurants, bars, and hotels.

**NOW THEREFORE,
BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE CITY OF
COVINGTON, KENTON COUNTY, KENTUCKY:**

Section 1

§ 111.021 HOURS OF OPERATION.

(A) A premises licensed to sell distilled spirits or wine at retail by the drink shall not be permitted to remain open for any purpose between the hours of 1:00 a.m. and 6:00 a.m. or between the hours of 1:00 a.m. Sunday, and 6:00 a.m. Monday, and no person shall be permitted to remain within the licensed premises between these hours other than owners, employees or subcontractors while performing work on the licensed premises, including but not limited to plumbing, cleaning, or electrical repair.

(B) Malt beverages by the drink or by the package shall not be sold between the hours of 1:00 a.m. and 6:00 a.m., Monday through Saturday, or between the hours of 1:00 a.m., Sunday, and 11:00 a.m., Sunday.

(C) Distilled spirits and wine by the package shall not be sold between the hours of 1:00 a.m. and 6:00 a.m. Monday through Saturday, or between the hours of 1:00 a.m., Sunday, and 11:00 a.m., Sunday.

(D) No holder of a distributor's license shall distribute and sell by wholesale any distilled spirits, wine, or malt beverages between the hours of 7:00 p.m. and 6:00 a.m., except on Saturdays when the hours of such deliveries shall be between 6:00 a.m. and midnight. No holder of a distributor's license shall distribute and sell by wholesale any such beverages at any time during the 24 hours of a Sunday.

(E) Exceptions.

(1) Those premises which have obtained a special Sunday retail drink license may remain open between the hours of ~~11:00~~ 9:00 a.m., Sunday, and 1:00 a.m., Monday, and may sell distilled liquor by the drink and/or wine by the drink.

(2) Premises for which there has been granted a Nonquota Type 4 Retail Malt Beverage Drink license shall be permitted to serve malt beverages by the drink on Sunday from 9:00 a.m. until 1:00 a.m. on the following Monday.

~~(2)~~(3) Those premises which have obtained a 2:30 a.m. permit may remain open an additional 1½ hours between the hours of 1:00 a.m. and 2:30 a.m. and are permitted to sell malt beverages, distilled spirits, and wine by the drink, so long as the premises are properly licensed to do so.

Section 2

This ordinance shall take effect and be in full force when passed and recorded according to law.

VICE MAYOR

ATTEST:

CITY CLERK

Passed: _____ (Second Reading)

_____ (First Reading)

COMMISSIONERS' ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 74 OF THE COVINGTON CODE OF ORDINANCES TO PROHIBIT THE OPERATION OF LOW-SPEED VEHICLES, GOLF CARTS AND UTILITY VEHICLES.

* * * *

WHEREAS, Chapter 74 of the Covington Code of Ordinances regulates Bicycles Motorcycles, Motorized Scooters, and Mopeds; and

WHEREAS, there are currently no regulations in the Covington Code of Ordinances directly pertaining to the operation of golf carts or similar vehicles; and

WHEREAS, KRS § 189.283 was enacted in 2017 and allows the operation of a low-speed vehicle, golf cart or utility vehicle to facilitate the delivery of express envelopes and packages by commercial delivery personnel; and

WHEREAS, KRS § 189.283 requires prior notice be given by a commercial delivery service to a local government before the delivery service operates these types of vehicles on the roadways within the local government's jurisdiction; and

WHEREAS, the City of Covington was notified by UPS of its intention to operate vehicles within the City pursuant to KRS §189.283 within sixty (60) days of August 29, 2017 or soon thereafter; and

WHEREAS, pursuant to KRS §189.283(6), the City wishes to regulate the operation of low-speed vehicles, golf carts, and utility vehicles used in the business of commercial parcel delivery by prohibiting the operation within the City until additional information and impact to the community can be gathered.

NOW THEREFORE,
BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE CITY OF
COVINGTON, KENTON COUNTY, KENTUCKY:

Section 1

The title of Chapter 74 of the Covington Code of Ordinances is hereby amended to read as follows:

CHAPTER 74: BICYCLES, ~~AND~~ MOTORCYLES AND OTHER VEHICLES.

Section 2

Section 74.01 of the Covington Code of Ordinances is hereby amended to read as follows:

§ 74.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

BICYCLE. A vehicle with two wheels tandem, handlebars, a saddle seat, and pedals by which it is propelled by the operator.

FOOT SCOOTER. A vehicle with two wheels that are no more than 10 inches in diameter, has handlebars, and is propelled solely by the operator of the vehicle.

GOLF CART. Any self-propelled vehicle that:

1. Is designed for the transportation of players or maintaining equipment on a golf course, while engaged in the playing of golf, supervising the play of golf, or maintaining the condition of the grounds on a golf course;
2. Has a minimum of four (4) wheels;
3. Is designed to operate at a speed of not more than thirty-five (35) miles per hour;
4. Is designed to carry not more than six (6) persons, including the driver;
5. Has a maximum gross vehicle weight of two thousand five hundred (2,500) pounds;
6. Has a maximum rated payload capacity of one thousand two hundred (1,200) pounds; and
7. Meets the federal motor vehicle safety standards for low-speed vehicles set forth in 49 C.F.R. sec. 571.500.

LOW-SPEED VEHICLE. A motor vehicle that:

1. Is self-propelled using an electric motor, combustion-driven motor, or a combination thereof;
2. Is four (4) wheeled; and
3. Is designed to operate at a speed not to exceed twenty-five (25) miles per hour as certified by the manufacture.

MOPED. Either a motorized bicycle, whose frame design may include one or more horizontal crossbars supporting a fuel tank so long as it also has pedals, or a motorized bicycle with a step-through type frame which may or may not have pedals rate no more than two brake horsepower, a cylinder capacity not exceeding 50 cubic centimeters, an automatic transmission not requiring clutching or shifting by the operator after the

drive system is engaged, and capable of a maximum speed of not more than 30 miles per hour.

MOTORCYCLE. Any motor driven vehicle having a seat or saddle for the use of the operator and designed to travel on not more than three wheels in contact with the ground, but excluding tractors and vehicles on which the operator and passengers ride in an enclosed cab. Motorized scooters with a cylinder capacity exceeding 50 cubic centimeters or that are capable of operating a maximum speed of more than 30 miles per hour are classified as motorcycles for purposes of this chapter.

MOTORIZED SCOOTER. A vehicle with two wheels that are no more than 10 inches in diameter, has handlebars, is propelled by a gas or electric motor, and is designed to be stood or sat upon by the operator.

OPERATOR. Any person in actual control of a bicycle, foot scooter, moped, motorized scooter, or motorcycle upon a highway.

UTILITY VEHICLE. A vehicle designed and manufactured for general maintenance, security, and landscaping purposes, but does not include any vehicle designed or used primarily for the transportation of persons or property on a street or highway, a golf cart, or an all-terrain vehicle as defined in KRS 189.010

Section 3

A new subtitle and subsection of Chapter 74 of the Covington Code of Ordinances is hereby created as follows:

Low-Speed Vehicles, Golf Carts, and Utility Vehicles

§ 74.30 Operation of Low-Speed Vehicles, Golf Carts, and Utility Vehicles on Public Roadways.

No low-speed vehicle, golf cart, or utility vehicle may be operated or driven on any public roadway, street or highway within the City.

Section 4

Section 74.99 of the Covington Code of Ordinances is hereby amended to read as follows:

§ 74.99 PENALTY.

(A) Whoever violates § 74.01 or § 74.30 shall be deemed guilty of a violation and shall be fined not less than \$20 nor more than \$250.

(B) Whoever violates §§ 74.02 through 74.20 shall be deemed guilty of a misdemeanor and shall be fined not less than \$5 nor more than \$250 or imprisoned not more than 60 days in the county jail, or both so fined and imprisoned.

(C) Whomever violates § 74.21 shall be guilty of a Class A misdemeanor and shall be fined not less than \$5 nor more than \$100.

Section 5

This ordinance shall take effect and be in full force when passed and recorded according to law.

VICE MAYOR

ATTEST:

CITY CLERK

Passed: _____ (Second Reading)

_____ (First Reading)