

COMMISSIONERS' ORDER NO. _____

AN ORDER AUTHORIZING THE MAYOR AND CITY MANAGER TO EXECUTE A WORKING AGREEMENT WITH THE FRATERNAL ORDER OF POLICE, COVINGTON LODGE NO. 1, EFFECTIVE JULY 1, 2019 THROUGH JUNE 30, 2021.

* * * *

**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 Working Agreement with the Fraternal Order of Police, Covington Lodge No. 1, effective July 1, 2019 through June 30, 2021.

Section 2

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

MAYOR

ATTEST:

CITY CLERK

Passed: _____

COMMISSIONERS' ORDER NO. _____

AN ORDER AUTHORIZING THE MAYOR AND CITY MANAGER TO EXECUTE A WORKING AGREEMENT WITH LOCAL 38, IAFF/AAFL-CIO-CLC, EFFECTIVE JANUARY 1, 2019 THROUGH JUNE 30, 2021.

* * * *

**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 Working Agreement with Local 38, IAFF/AAFL-CIO-CLC, effective January 1, 2019 through June 30, 2021.

Section 2

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

MAYOR

ATTEST:

CITY CLERK

Passed: _____

COMMISSIONERS' ORDER NO. _____

AN ORDER AUTHORIZING THE MAYOR AND CITY MANAGER TO EXECUTE A WORKING AGREEMENT WITH AFSCME, AFL-CIO, LOCAL 237 EFFECTIVE JULY 1, 2019 THROUGH JUNE 30, 2021.

* * * *

**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 Working Agreement with AFSCME , AFL-CIO, Local 237, effective July 1, 2019 through June 30, 2021.

Section 2

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

MAYOR

ATTEST:

CITY CLERK

Passed: _____

COMMISSIONERS' ORDER NO. _____

**AN ORDER ACCEPTING THE RESIGNATION FOR RETIREMENT OF
LIEUTENANT DARRELL LEE OF THE COVINGTON POLICE
DEPARTMENT, EFFECTIVE NOVEMBER 1, 2019.**

* * * *

**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 for retirement of Lieutenant Darrell Lee of the Covington Police Department, effective November 1, 2019. The Board thanks Lt. Lee for his years of dedicated service to the City and its residents.

Section 2

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

MAYOR

ATTEST:

CITY CLERK

Passed: _____

COMMISSIONERS' ORDER NO. _____

**AN ORDER ACCEPTING THE RESIGNATION FOR RETIREMENT OF
DETECTIVE ERIC HIGGINS OF THE COVINGTON POLICE
DEPARTMENT, EFFECTIVE DECEMBER 1, 2019.**

* * * *

**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 for retirement of Detective Eric Higgins of the Covington Police Department, effective December 1, 2019. The Board thanks Detective Higgins for his years of dedicated service to the City and its residents.

Section 2

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

MAYOR

ATTEST:

CITY CLERK

Passed: _____

COMMISSIONERS' ORDER NO. _____

**AN ORDER APPROVING THE EMPLOYMENT OF PAUL MACE AS A
POLICE OFFICER WITH THE COVINGTON POLICE DEPARTMENT,
EFFECTIVE NOVEMBER 3, 2019.**

* * * *

**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 Paul Mace
as a Police Officer with the Covington Police Department, effective November 3, 2019.**

Section 2

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

MAYOR

ATTEST:

CITY CLERK

Passed: _____

COMMISSIONERS' ORDER NO. _____

AN ORDER APPROVING THE PROMOTION OF FIREFIGHTER AARON BOLYARD TO ENGINEER WITH THE COVINGTON FIRE DEPARTMENT, EFFECTIVE SEPTEMBER 1, 2019.

* * * *

**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 promotion of Firefighter Aaron Bolyard to Engineer with the Covington Fire Department, effective September 1, 2019.

Section 2

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

MAYOR

ATTEST:

CITY CLERK

Passed: _____

COMMISSIONERS' ORDER NO. _____

AN ORDER APPROVING FUNDING FOR TWO NEIGHBORHOOD GRANT PROGRAM APPLICATIONS FOR FISCAL YEAR 2020 AND AUTHORIZING THE MAYOR TO EXECUTE CONTRACTS WITH THE GRANTEES.

* * * *

WHEREAS, the Board of Commissioners' previously approved Program Guidelines for the City's Neighborhood Grant Program pursuant to Commissioners' Order No. ORD-222-19; and

WHEREAS, City staff reviewed the first round of Fiscal Year 2020 applications, and based on the evaluation criteria recommends that grants be awarded to the Mutter Gottes Neighborhood Association and the Wallace Woods Neighborhood Association.

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 funding for two Neighborhood Grant Program applications for Fiscal Year 2020 and authorizes the Mayor to execute contracts with the Grantees.

Section 2

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

MAYOR

ATTEST:

CITY CLERK

Passed: _____

COMMISSIONERS' ORDER NO. _____

AN ORDER APPROVING AN APPLICATION TO THE LAW ENFORCEMENT PROTECTION PROGRAM FOR THE PURCHASE OF TASER CARTRIDGES AND AUTHORIZING THE MAYOR TO EXECUTE ANY AND ALL GRANT DOCUMENTS IF AWARDED.

* * * *

WHEREAS, the City desires to make a grant application to the Kentucky Office of Homeland Security Law Enforcement Protection Program for the purchase of taser cartridges; and

WHEREAS, the \$5,0000.00 grant would include leveraging a \$1,600.00 City match from Technical Supply Funds.

**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 an application to the Kentucky Department of Homeland Security Law Enforcement Protection Program for the purchase of taser cartridges, and authorizes the Mayor to execute any and all grant documents, if awarded. The Board of Commissioners further authorizes a contribution toward the purchase from the City in the amount of \$1,600.00, payable from Technical Supply Funds.

Section 2

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

MAYOR

ATTEST:

CITY CLERK

Passed: _____

COMMISSIONERS' ORDER NO. _____

AN ORDER APPROVING AN APPLICATION TO THE KENTUCKY OFFICE OF HOMELAND SECURITY LAW ENFORCEMENT PROTECTION PROGRAM FOR THE PURCHASE OF AMMUNITION AND AUTHORIZING THE MAYOR TO EXECUTE ANY AND ALL GRANT DOCUMENTS IF AWARDED.

* * * *

WHEREAS, the City desires to make a grant application to the Kentucky Office of Homeland Security Law Enforcement Protection Program for the purchase of ammunition replacements; and

WHEREAS, the \$20,161.70 grant would include leveraging a \$5,617.40 City match from Technical Supply Funds.

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 an application to the Kentucky Office of Homeland Security Law Enforcement Protection Program for the purchase of ammunition, and authorizes the Mayor to execute any and all grant documents, if awarded. The Board of Commissioners further authorizes a contribution toward the purchase from the City in the amount of \$5,617.40, payable from Technical Supply Funds.

Section 2

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

MAYOR

ATTEST:

CITY CLERK

Passed: _____

COMMISSIONERS' ORDER NO. _____

AN ORDER THE MAYOR TO EXECUTE A CONTRACT WITH ALTEC INDUSTRIES, INC. FOR THE PURCHASE OF A BUCKET TRUCK AND COORDINATING EQUIPMENT, IN AN AMOUNT NOT TO EXCEED \$118,168.00.

* * * *

WHEREAS, the City issued an Invitation for Bids for the purchase of a bucket truck and other fleet purchases on August 19, 2019; and

WHEREAS, Altec Industries, Inc., a responsible and responsive bidder, submitted the bid which City staff determined to be the lowest evaluated bid price for the bucket truck based upon the objective measurable criteria within the Invitation for Bids and the reciprocal preference for resident bidders; and

WHEREAS, the City's fleet manager recommends that a contract be awarded to Altec Industries, Inc. for the purchase of the bucket truck.

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 contract with Altec Industries, Inc. for the purchase of a bucket truck and coordinating equipment, in an amount not to exceed \$118,168.00, and hereby rejects all other bids for the bucket truck payable from FETFAO.

Section 2

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

MAYOR

ATTEST:

CITY CLERK

Passed: _____

COMMISSIONERS' ORDER NO. _____

AN ORDER THE MAYOR TO EXECUTE A CONTRACT WITH GILLIE HYDE FORD, INC. FOR THE PURCHASE OF FOUR F350s AND COORDINATING EQUIPMENT, IN AN AMOUNT NOT TO EXCEED \$120,888.00.

* * * *

WHEREAS, the City issued an Invitation for Bids for the purchase of Ford F350s and other fleet purchases on August 19, 2019; and

WHEREAS, Gillie Hyde Ford, Inc., a responsible and responsive bidder, submitted the bid which City staff determined to be the lowest evaluated bid price for the Ford F350's based upon the objective measurable criteria within the Invitation for Bids and the reciprocal preference for resident bidders; and

WHEREAS, the City's fleet manager recommends that a contract be awarded to Gillie Hyde Ford, Inc. for the purchase of the vehicles.

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 contract with Gillie Hyde Ford, Inc. for the purchase of four F350s and coordinating equipment, in an amount not to exceed \$120,888.00, payable from FETFAO, and hereby rejects all other bids.

Section 2

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

MAYOR

ATTEST:

CITY CLERK

Passed: _____

COMMISSIONERS' ORDER NO. _____

AN ORDER AUTHORIZING THE APPOINTMENT OF WILLIAM KOHLER TO THE HUMAN RIGHTS COMMISSION FOR A THREE-YEAR TERM, EFFECTIVE OCTOBER 29, 2019 THROUGH OCTOBER 28, 2022 AND THE REAPPOINTMENTS OF PAMELA MULLINS AND DONALD SMITH, JR. FOR THREE-YEAR TERMS, EFFECTIVE NOVEMBER 11, 2019 THROUGH NOVEMBER 10, 2022.

* * * *

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 appointment of William Kohler to the Human Rights Commission for a three-year term, effective October 29, 2019 through October 28, 2022 and the reappointments of Pamela Mullins and Donald Smith, Jr. for three-year terms, effective November 11, 2019 through November 10, 2022.

Section 2

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

MAYOR

ATTEST:

CITY CLERK

Passed: _____

COMMISSIONERS' ORDER NO. _____

**AN ORDER AUTHORIZING THE MAYOR TO EXECUTE THE
NORTHERN KENTUCKY REGIONAL ETHICS AUTHORITY
INTERLOCAL COOPERATION AGREEMENT.**

* * * *

**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 the
Northern Kentucky Regional Ethics Authority Interlocal Cooperation Agreement.**

Section 2

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

MAYOR

ATTEST:

CITY CLERK

Passed: _____

COMMISSIONERS' ORDINANCE NO. _____

AN ORDINANCE REPEALING AND REENACTING COVINGTON CODE OF ORDINANCES SECTION 132.09 ESTABLISHING AN UPDATED PANHANDLING, BEGGING AND SOLICITATION ORDINANCE AND AMENDING SECTION 132.99 REGARDING RELATED PENALTIES.

* * * *

WHEREAS, the City of Covington Board of Commissioners have identified a need for revising and amending the City's panhandling ordinance, particularly in response to a recent increase in complaints from members of the public about certain panhandling activities in the City; and

WHEREAS, upon identification of the need, City staff researched potential solutions to: i) comply with a recent Kentucky Supreme Court decision; ii) continue to recognize and protect all citizens' constitutional rights; iii) ensure public safety; and iv) ensure proper traffic flow; and

WHEREAS, the revised and amended panhandling ordinance will strengthen the City's compliance with Federal and State laws, and will establish a new policy concerning panhandling; and

WHEREAS, the revised and amended panhandling ordinance will further protect the compelling interests of the City and its citizens; and

WHEREAS, the City Manager recommends that the Board of Commissioners adopt the proposed revised and amended panhandling ordinance.

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

Section 1

Section 132.09 of the Covington Code of Ordinances is repealed in entirety and replaced as follows:

§132.09 PUBLIC PANHANDLING, BEGGING, CHARITABLE AND POLITICAL SOLICITATION REGULATED.

(A) Definitions.

As used in this Subchapter:

"Aggressive Panhandling, Begging, Charitable and Political Solicitation" shall include the following forms of conduct:

a. Confronting someone in a way that would cause a reasonable person to fear bodily harm;

b. Accosting an individual by approaching or speaking to the individual or individuals in such a manner as to cause a reasonable person to fear imminent bodily harm or the commission of a criminal act upon the individual's person or upon property in the immediate possession of the individual;

c. Touching someone without the individual's consent;

d. Using obscene or abusive language toward an individual while attempting to panhandle or solicit the individual;

e. Forcing oneself upon the company of another by continuing to solicit in close proximity to the individual addressed after the person to whom the solicitation is directed has made a negative response, by blocking the passage of the individual solicited or otherwise engaging in conduct that could reasonably be construed as intending to compel or force a person to accede to a solicitation;

**f. Acting with the intent to intimidate someone into giving money;
or**

g. Other conduct that a reasonable person being solicited would regard as threatening or intimidating in order to solicit a contribution or donation.

"Areas with Heightened Personal Security Concerns" shall including the following locations:

a. Areas within twenty (20) feet of a public parking garage when a reasonable individual would have a justified reasonable concern for safety, security and welfare;

b. Areas within twenty (20) feet of a public bus stop or public transit entrance where a reasonable individual would have a reasonable, justified concern for personal security due to congestion and close proximity to others;

c. Areas within twenty (20) feet of access to building entrances, public events venues, public accommodation or commercial businesses where a reasonable person would have a reasonable, justified concern for personal security due to congestion and close proximity to others; or

d. Other areas in which congestion could give a reasonable person a reasonable, justified concern for personal security due to congestion and close proximity to others.

“Areas with Heightened Personal Privacy Concerns” shall include the following locations:

a. Locations within twenty (20) feet of an automated teller machine or financial institution;

b. Locations within twenty (20) feet of a sidewalk café during operating hours unless the solicitor’s presence is authorized by the owner or operator of the café;

c. Locations within twenty (20) feet of any school building or school playground when school is in session or school related activities are taking place on the premises;

d. Locations within twenty (20) feet of an entrance to any public restroom; or,

e. On private or residential property after having been asked to refrain from panhandling or soliciting by the owner or other person lawfully in possession of such property.

“Areas with Heightened Public Safety Concerns” shall include the traffic or travel lane of any public streets or highways open to vehicular traffic within the City, with the definition of traffic or travel lane to include any entrances or exits from any street or highway or interstate, the shoulders, curbs, gutters, marked or unmarked crosswalks and the rights-of-way areas adjacent to and outside of the traffic or travel lanes, but not including sidewalks, and areas with heightened public safety concerns shall also include traffic medians of whatever size located within those public streets or highways.

“Automated Teller Machine” shall mean a device linked to a financial institution’s account record that is able to carry out transactions, including but not limited to account transfers, deposits, cash withdrawals, balance inquiries and mortgage and loan payments.

“Automated Teller Machine Facility” shall mean the area comprised of one or more automatic teller machines and any adjacent space that is made available to banking customers after regular banking hours.

“Financial Institution” shall mean any state bank, out-of-state bank, national bank, trust company or credit unions as those terms are defined in the Kentucky Revised Statutes (KRS).

“Public Place” shall mean any publicly owned place, including but not limited to any sidewalk, parking lot, plaza, transportation facility, place of amusement, park, playgrounds, fairgrounds and sporting facilities.

“Passive Panhandling, Begging, Charitable and Political Solicitation” shall include the definition of soliciting for charitable or political purposes, begging or panhandling set out below, but only such conduct that involves requests for contributions presented in writing without speaking and oral requests for contributions or other activities that do not constitute or fall within the definition of aggressive panhandling, begging, charitable and political solicitation as defined above.

“Soliciting (Solicit) for Charitable or Political Purposes, Begging (Beg) or Panhandling (Panhandle)” shall mean requesting an immediate donation of money or other thing of value from another person regardless of the solicitor’s purpose or intended use of the money or other thing of value for the use of one’s self or others and may be without limitation, by spoken, written or printed word, or by other means of communications and includes the purchase of an item for an amount far exceeding its value where under the circumstances a reasonable person would understand that the purchase is in substance a donation and further this definition shall include charitable and political solicitation.

(B) Aggressive Solicitation Prohibited.

No person shall engage in aggressive panhandling, begging, charitable and political solicitation at any time or any location in the City of Covington.

(C) Passive Solicitation Regulated.

(1) The Board of Commissioners finds that passive panhandling, begging, charitable and political solicitation as defined in this Subchapter is speech protected under the First Amendment unless other well-grounded governmental concerns are implicated. Passive panhandling, begging, charitable and political solicitation in the traffic or travel lanes of public streets and highways or in traffic medians within those public streets or highways is inherently dangerous, is distracting to both pedestrians and drivers of motor vehicles, gives rise to an increased risk of injury to pedestrians and the motor vehicle occupants, interferes with the free flow of traffic and potentially threatens the safety and well-being of nearby third parties. The traffic or travel lanes of public streets and highways and the medians within those public streets and highways are not designed for and are not an appropriate location for anything other than travel. This Subchapter provides ample alternative sites for passive panhandling, begging, charitable and political solicitation in areas that do not give rise to enhanced public safety concerns, personal privacy concerns and personal security concerns. Accordingly, passive

panhandling, begging, charitable and political solicitation is permitted in the City except as otherwise prohibited below.

(2) Passive panhandling, begging, charitable and political solicitation is prohibited in areas defined as areas with heightened personal security concerns, areas with heightened personal privacy concerns and areas with heightened public safety concerns. For the purposes of this subsection, passive panhandling, begging, charitable and political solicitation specifically includes an attempt by a pedestrian to enter into an area with heightened public safety concerns in order to exchange or attempt to exchange any item with the occupant of a motor vehicle while the vehicle is located in areas with heightened public safety concerns as defined above and any solicitation is prohibited by both the solicitor and the occupant of the motor vehicle. Passive panhandling, begging, charitable and political solicitation is allowed on areas of sidewalks not otherwise prohibited by this Section, but no such solicitation may include any attempts to solicit in areas with heightened public safety concerns.

Section 2

Section 132.99 of the Covington Code of Ordinances is amended to read as follows:

§ 132.99 PENALTY.

- (A) Any person convicted of violating the provisions of § 132.08 shall be deemed guilty of a misdemeanor and shall be subject to a fine of not more than \$250 or imprisonment for a period not to exceed 30 days, or both, for the first day's violation. Each day's continued violation shall constitute a separate offense.
- (B) Failure to pay the charges imposed by § 132.10 shall constitute a violation of this chapter and any person who violates this chapter shall be found guilty of a violation and shall be fined not less than \$25 nor more than \$100.
- (C) Any violation of § 132.111 or § 132.112 shall be deemed to be a misdemeanor, and upon conviction, shall be subject to a penalty of not more than \$250 and/or imprisonment in the county jail for not more than 90 days.
- (D) Any person convicted of violating § 132.12 shall be deemed guilty of a misdemeanor and shall be subject to a fine of not more than \$500 or imprisonment for a period not to exceed six months, or both.
- (E) (1) Violation by a minor of the provisions of § 132.13 shall constitute a criminal violation, and the minor shall be subject to a fine of not more than \$250.
- (2) Any parent or guardian violating § 132.13 shall be deemed guilty of a misdemeanor and shall be subject to a fine of not more than \$500 or imprisonment for a period not to exceed six months, or both.

(F) Any person violating § 132.14 shall be deemed guilty of a misdemeanor and shall be subject to a fine of \$250 or imprisonment in the county jail for not more than 90 days.

(G) ~~[(1) A person convicted of violating § 132.09 shall be deemed guilty of a misdemeanor and shall be subject to a fine not to exceed \$100 or by imprisonment for a term not to exceed 30 days, or by both. If the person has been convicted of a violation of this subchapter within the previous period of one year, the person shall be fined not more than \$250 or imprisoned for not more than 90 days, or both.~~

~~—(2) In lieu of, or in addition to the penalty provided in this subchapter, a court may require a person found to be in violation of this ordinance to perform community service work.~~

~~—(3) Any arrest or conviction under this ordinance shall be disclosed to government social service agencies who request that the applicable public official be notified of such events.]~~ **Any person who violates § 132.09 shall be guilty of a violation and upon conviction shall be punished by a fine not to exceed two-hundred and fifty dollars (\$250). Each day of such violation shall constitute a separate offense and no additional notice other than notice of the original offense shall be required to convict a person for violations resulting from a continuation of such offense.**

Section 3

Any ordinances or parts thereof in conflict herewith are to the extent of such conflict, hereby repealed.

Section 4

If any part of this is held to be invalid, the remaining parts shall remain in force.

Section 5

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

MAYOR

ATTEST:

CITY CLERK

Passed: _____ (Second Reading)

(First Reading)

COMMISSIONERS' ORDINANCE NO. _____

AN ORDINANCE AMENDING THE TEXT OF THE OFFICIAL ZONING ORDINANCE OF THE CITY OF COVINGTON, KENTUCKY ADDING PACKAGE LIQUOR (DISTILLED SPIRITS) AS AN ACCESSORY TO A PERMITTED RESTAURANT USE IN IL (INDUSTRIAL LIMITED) ZONES.

* * * *

WHEREAS, the City of Covington submitted an application requesting that the Kenton County Planning Commission review and make recommendations on text amendments to the official Zoning Ordinance of the City of Covington, Kentucky (O-37-06) regarding: 1) adding package liquor sales as a permitted use within the IL (Industrial Limited) Zone; and 2) adding use-specific regulations for package liquor sales within the IL Zone; and

WHEREAS, the Kenton County Planning Commission held a public hearing on this application on October 3, 2019, wherein a favorable recommendation of the proposed text amendments was entered; and

WHEREAS, the Board of Commissioners, reviewing the Statement of Recommendation, the evidence presented, and the record made before the Kenton County Planning Commission, finds that the proposed changes are in compliance with the City's Comprehensive Plan, are reasonable and appropriate, and that the sale of package liquor (distilled spirits) as an accessory to a permitted restaurant use in IL (Industrial Limited) zones will allow for will allow restaurateurs to increase their sales and profits by taking advantage of the growing popularity of Kentucky Bourbon and other products.

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

Section 1

Section 3.03.05 of the official Zoning Ordinance of the City of Covington is hereby amended to read as follows:

Section 3.03.05 Use Table

CN CC CG CBD CT CO CRL CRG IP IL IG

Food and Beverage Sales, Retail													
Package Liquor (Distilled Spirits)	-	P	C	P	P	-	-	-	-	<u>P</u>	-	§Section 6.36	
Other (not specifically listed, above)	P	P	P	P	P	P	-	-	-	-	-		

Section 2

Section 6.36.03 of the official Zoning Ordinance of the City of Covington is hereby amended to read as follows:

Section 6.36 Package Liquor (Distilled Spirits)

6.36.03 Package Liquor (Distilled Spirits) are permitted in the IL-Industrial Limited zone, provided that all of the following criteria are met:

- A. The sale of Package Liquor (Distilled Spirits) is accessory to a permitted restaurant use;**
- B. The seller has valid state and local ABC permits authorizing the sale of package liquor;**
- C. The floor area used for the sale of package liquor is no more than 10% of the floor area of the seating area of the primary "Restaurant" use or 100 square feet, whichever is less.**

Section 3

That any ordinances or parts thereof in conflict herewith are, to the extent of such conflict, hereby repealed.

Section 4

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

MAYOR

ATTEST:

CITY CLERK

Passed: _____ (Second Reading)

_____ (First Reading)

COMMISSIONERS' ORDINANCE NO. _____

AN ORDINANCE CREATING FINANCIAL MANAGEMENT POLICIES, INCLUDING: I) A POLICY FOR CREATING ANNUAL BUDGETS AND MAKING AMENDMENTS THERETO; AND II) REPORTING OF FINANCIAL MATTERS BY THE CITY MANAGER TO THE BOARD OF COMMISSIONERS OF THE CITY OF COVINGTON, KENTUCKY.

* * * *

WHEREAS, the Board of Commissioners recommended that City staff prepare certain financial management items in the format of an ordinance; and

WHEREAS, City staff prepared an outline detailing the City's budget process, including procedures for amendments thereto; and

WHEREAS, the policy establishes clear guidelines which the Board of Commissioners and City Manager can utilize to both expend funds in accordance with the budget ordinance, and to amend such budget ordinance when necessary; and

WHEREAS, this ordinance further provides a financial management policy requiring the submission of quarterly progress reports on general financial matters and capital projects; and

WHEREAS, City staff recommend adoption of the following policies which will strengthen the City's financial management procedures.

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

Section 1

Chapter 43, Sections 43.01 to 43.03 which read as follows, are added to and amend the Covington Code of Ordinances:

Title IV: FINANCIAL REGULATIONS

CHAPTER 43: CITY FINANCIAL MANAGEMENT

§ 43.01 DEFINITIONS

As used in this chapter, unless the context clearly requires a different meaning.

Budget Year. The term "budget year" means the fiscal year for which a budget is made.

Current Year. The term “current year” means the fiscal year in which a budget is prepared and adopted, i.e., the fiscal year next preceding the budget year.

Previous Year. The term “previous year” means the last complete fiscal year before the current year.

Fiscal Year. The fiscal year shall begin on the first day of July and end on the next following June 30th.

§ 43.02 BUDGET POLICY

(A) Budget Submission. The City Manager is responsible for preparing and submitting an annual budget for the ensuing fiscal year to the City’s Board of Commissioners for formal review and adoption. The Board of Commissioners shall thereupon pass an annual appropriation ordinance based on the budget submitted by the City Manager.

(B) The City Manager is responsible for issuing the budget calendar, coordinating all budget activities and preparing the annual budget, as well as the day-to-day management of the annual budget.

(C) The City Manager is responsible for preparation of the annual revenue budget projection for the General Fund and other major funds. Budgeted expenditures for each fund must be equal to or less than the budgeted revenues for the applicable fund.

(D) Budget Schedule

- (1) Timing and Format.** The budget shall be approved by June 30th each fiscal year. The budget shall be in the format of an ordinance, with a number assigned to each fund of the City demonstrating the maximum expenditures for that fund.
- (2) Not less than ninety (90) days prior to the beginning of the fiscal year, the City Manager shall provide his or her budget instructions and shall obtain from the head of each City department estimates of expenditures of the department, detailed by organization units within the department, and such other supporting data as the City Manager may request, together with a list of all new programs and capital projects pending or which such department head believes should be undertaken.**
- (3) At least sixty (60) days prior to the beginning of the fiscal year, the City Manager shall provide to the Board of Commissioners the City’s revenue projections and departmental expenditures under consideration in the following format:**

1) Format of information provided to Board of Commissioners:

- i. A detailed statement of anticipated revenues;**
 - ii. Schedule of City personnel by department for the current year, budget year, and any proposed changes;**
 - iii. General fund department detail for each department:**
 - 1. General Fund operating budget personnel schedule for the current year and budget year;**
 - 2. Total operating budget showing current year and budget year amounts and any proposed changes;**
 - 3. Operating budget by division showing current year and budget year amounts and any proposed changes;**
 - 4. The budgets for departments and divisions shall have two categories: Personnel Services and Non-Personnel Services;**
 - a. Personnel Services categories shall include separate line items for payroll, pension, medical and hospital insurance, uniform allowances, workers compensation insurance, and other benefits;**
 - b. Non-Personnel Services categories shall include separate line items for contractual services, materials and supplies, other services, capital outlay, and debt service;**
 - iv. A description by budget year of revenues and expenditures for all other funds; and**
 - v. A description of all capital projects.**
- 2) The Board of Commissioners shall schedule budget work session(s) for reviewing the proposed budget. During the work sessions, the City Manager shall identify: (i) all new programs and capital projects pending or which the department head believes should be undertaken; (ii) important features of activities anticipated in the budget; (iii) the reasons for**

significant changes in program goals and appropriation levels from the previous year; (iv) any major changes in financial policy; and (v) any such other information the City Manager believes would be beneficial for the Board of Commissioners' understanding of the budget.

(4) At least thirty (30) days prior to the beginning of each fiscal year, the City Manager shall submit to the Board of Commissioners a final budget recommendation and an explanatory budget message. The budget message shall describe the important features of the budget plan. It shall set forth the reasons for salient changes from the current year in appropriation and revenue items, any new initiatives and important features of activities anticipated in the budget, and an explanation of any major changes in financial policy.

(5) Content

(a) The budget shall only provide a dollar amount for each department's maximum expenditures in personnel and non-personnel expenses for that fiscal year. The budget shall not incorporate line item expenditures.

(b) In addition to the budget ordinance, the City Manager shall produce a Supplemental Budget Report which shall contain:

a. Letter of transmittal/final budget message;

b. City of Covington organizational chart;

c. Budget ordinance;

d. All funds budget summary by department;

e. All funds budget summary by category;

f. A detailed statement of anticipated revenues;

g. Schedule of City personnel by department for the current year, budget year, and any proposed changes;

h. General fund department detail for each department including:

i. Statement of department mission, accomplishments, and goals;

- ii. General fund operating budget personnel schedule for the current and budget year, including any proposed changes;
- iii. Total operating budget showing proposed budget, current year budget, previous year budget and actual amounts, and any proposed changes;
- iv. Operating budget by division showing current year and budget year amounts and any proposed changes;
- v. The budgets for departments and divisions shall have two categories: Personnel Services and Non-Personnel Services;
 - 1. Personnel Services categories shall include separate line items for payroll, pension, medical and hospital insurance, uniform allowances, workers compensation insurance, and other benefits;
 - 2. Non-Personnel Services categories shall include separate line items for contractual services, materials and supplies, other services, capital outlay, and debt service;
- i. A description of the fund purpose, revenues and expenditures for all other funds;
- j. Miscellaneous statements including:
 - i. Capital budget by fund;
 - ii. Five year forecast;
 - iii. Transfer forecast;
 - iv. Outstanding debt service;
 - v. Encumbered funds from previous fiscal years; and
 - vi. Such other exhibits and information designed to help the public understand the City's budget.

(6) Authority to move funds.

- (a) Budget amendments are defined as changes which: i) increase or decrease revenues, expenditures, or reserves in an operating fund above or below the levels adopted by the original budget ordinance for that fiscal year for a department; ii) move funds between personnel and non-personnel services for a department; or iii) move funds interdepartmentally. Budget amendments shall require approval of the City's Board of Commissioners by ordinance.**
- (b) Certain Contracts and Expenditures Prohibited. No department or agency shall, during any budget year, expend or contract to expend any money or incur any liability, or enter into any contract which by its terms involves the expenditures of money for any purpose in excess of the amounts appropriated for that general classification of expenditure. Any contract, verbal or written, made in violation of this division shall be null and void.**
- (c) Appropriations Lapse at End of Year. All general fund appropriations shall lapse at the end of the budget year.**
- (d) The City Manager may approve and execute change orders for any contract up to an amount, in the aggregate, not to exceed ten (10) percent of the original contract price authorized by the City to complete the work contemplated, not to exceed in total the amount of funds budgeted for the contract.**
- (e) Budget transfers are defined as changes to the budget revenues, expenditures, or reserves in an operating fund as adopted in the original budget ordinance for the fiscal year that do not result in a net increase or decrease in an operating fund, and do not transfer funds between personnel and non-personnel services, or between departments. Budget transfers also include moving funds within a department to cover personnel, contracts, or other line item expenses. Budget transfer shall only require approval of the City Manager.**
- (7) Budget transfer procedures. Departments may request transfer of appropriated amounts within certain accounts in their own budgeted fund through the City Manager.**
- (E) Budget availability to the public. The City shall provide detailed budget information for the public.**
- (1) Each annual budget and supplemental budget report shall be posted on the City's website.**

- (2) Citizens shall be provided an opportunity to comment on each fiscal year's budget prior to its passage.**
- (3) Copies of the annual fiscal year budget shall be available at City Hall for inspection.**

§ 43.03 Reporting of Financial Matters

(A) City Manager to Submit Quarterly Reports on Capital Projects

- (1) The City Manager shall present quarterly progress reports on capital projects to the Board of Commissioners. The progress reports shall be made within 30 days of the last day of October, January, April, and July.**
- (2) Each department head shall provide updated information for capital projects managed by their department to the City Manager at least two weeks prior to the final date for submission of the quarterly progress report on capital projects to the Board of Commissioners.**
- (3) Upon the completion of a capital project, the City Manager shall prepare for the Board of Commissioners a Certificate of Completion for the project to include the name, project description, contractor's name, address, and other contact information, the original budget, actual cost, start date, and completion date.**

(B) City Manager to Submit Quarterly Financial Reports

- (1) The City Manager shall make quarterly financial reports to the Board of Commissioners. The progress reports shall be made within 30 days of the last day of October, January, April, and July.**
- (2) The Finance Director shall provide an updated report of City finances to the City Manager two weeks prior to the final date for submission of the quarterly financial reports to the Board of Commissioners.**
- (3) The Finance Director shall, within fifteen (15) working days after the end of each month, report to the Board of Commissioners on the status of the budget. The report shall include a tabular statement comparing the receipts to date by source with the revenue estimate and a tabular statement indicating for each appropriation the amount originally appropriate, the amount expended or encumbered to date, and the available balance.**

Section 2

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

MAYOR

ATTEST:

CITY CLERK

Passed: _____ (Second Reading)

_____ (First Reading)

COMMISSIONERS' ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTION 35.51 OF THE COVINGTON CODE OF ORDINANCES, CONTRACT APPROVAL AND MANAGEMENT POLICIES, TO CREATE AN EXCEPTION FOR FEDERAL HOUSING ASSISTANCE PROGRAMS OPERATING UNDER COMMISSION APPROVED PROGRAM GUIDELINES, AND CHANGING THE MONETARY THRESHOLD FOR SMALL CONTRACTS TO REFLECT CHANGES IN STATE LAW.

* * * *

WHEREAS, the City of Covington Board of Commissioners previously approved contract management and approval policies via Commissioners' Ordinance No. O-42-18; and

WHEREAS, since that time, City staff have recognized a need to classify certain Federal Housing Assistance Programs operating under Commission approved program guidelines as "Small Contracts"; and

WHEREAS, categorizing the Federal Housing Assistance Program contracts as Small Contracts will ensure that federal grant funds are expended in a timely manner, and allow for the funds to be available to eligible recipients in the Covington community as needed; and

WHEREAS, the Covington Board of Commissioners will retain control over how the funds are expended under the Federal Housing Assistance Programs, as such programs require the Commission to adopt yearly program and underwriting guidelines; and

WHEREAS, furthermore, the Local Model Procurement Code was amended in 2019 to increase the threshold for "Small Purchase Procedures" from \$20,000.00 to \$30,000.00, and it is recommended that the City update its contract policy, which is based on the City's Small Purchase Procedures authorized by state law, to reflect this change; and

WHEREAS, the City Manager and staff recommend that the Board of Commissioners adopt the following amendments to the City's contract approval and management policy.

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

Section 1

Section 35.51 of the Covington Code of Ordinances is amended to read as follows:

§ 35.51 RESPONSIBILITY AND DELEGATION OF AUTHORITY.

(A) Contracts Requiring Commission Approval. The following types of contracts or agreements shall require Board of Commissioner approval prior to execution:

1. Contracts involving an amount over \$~~[20,000.00]~~ **30,000.00**;
2. Loans or grants of City funds, including but not limited to economic development incentives, and City incentives;
3. Leases, easements, revocable licenses, or other grants of an interest in City-owned real property;
4. Receipt of Federal or State or philanthropic grants, and contracts requiring an in-kind match of City services or staff time; and
5. Intergovernmental agreements.

The Mayor shall be solely authorized to execute contracts requiring Board of Commissioner approval. If the Mayor is not available, the Vice-Mayor may execute the contract in his or her stead.

The above notwithstanding, the following types of contracts shall be exempt from requiring individual Commission approval:

Loans and/or grants of \$30,000.00 or less, which are for federal housing assistance programs with yearly program guidelines previously approved by the Board of Commissioners, and utilizing funds received from the U.S. Department of Housing and Urban Development (HUD). These include funds from the Community Development Block Grant Program (CDBG), the Home Investment Partnerships Program (HOME) and any other HUD grants awarded to the City.

(B) Small Contracts. In accordance with KRS 83A.150(9), the Board of Commissioners hereby delegates to the City Manager the authority to approve, and the Mayor the authority to execute "Small Contracts." Small Contracts are any other type of agreement not requiring Board of Commissioner approval as described above. Approval and signature of Small Contracts shall be subject to the following additional provisions:

1. If the Small Contract involves an expenditure of funds, the funds for the expenditure must be appropriated in the budget previously approved by the Board of Commissioners.
2. If the Mayor is not available, the Vice-Mayor may execute the contract in his or her stead. If the Vice-Mayor is not available, the Mayor is authorized to

appoint the City Manager as his or her designee for Small Contract signatures.

(C) The City Manager shall be responsible for providing a quarterly report to the Board of Commissioners on all contracts approved by the City Manager and the Mayor in the preceding quarter. The report shall identify the vendor, amount of the contract, date of approval, and purpose of the contract. Based on the reporting provided by the City Manager, the Board of Commissioners reserves the right to set policies on various contract categories that would otherwise be eligible for City Manager approval.

Section 2

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

MAYOR

ATTEST:

CITY CLERK

Passed: _____ (Second Reading)

_____ (First Reading)