

COMMISSIONERS' ORDER NO. _____

**AN ORDER ACCEPTING THE RESIGNATION FOR RETIREMENT OF
CAPTAIN WAYNE KELLER FROM THE COVINGTON FIRE
DEPARTMENT, EFFECTIVE MAY 31, 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 for retirement of Captain Wayne Keller from the Covington Fire Department, effective May 31, 2017. The Board wishes to thank Captain Keller for his over 20 years of service to the City and its citizens.

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 LIEUTENANT CHRIS ALSIP TO CAPTAIN IN THE COVINGTON FIRE DEPARTMENT, EFFECTIVE JUNE 4, 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 promotion of Lieutenant Chris Alsip to Captain in the Covington Fire Department, effective June 4, 2017.

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 ENGINEER JIMMY ADAMS TO LIEUTENANT IN THE COVINGTON FIRE DEPARTMENT, EFFECTIVE JUNE 4, 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 promotion of Engineer Jimmy Adams to Lieutenant in the Covington Fire Department, effective June 4, 2017.

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/
PARAMEDIC TYLER NEFF TO ENGINEER/PARAMEDIC IN THE
COVINGTON FIRE DEPARTMENT, EFFECTIVE JUNE 4, 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 promotion of Firefighter/Paramedic Tyler Neff to Engineer/Paramedic in the Covington Fire Department, effective June 4, 2017.

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 RESIGNATIONS OF FIREFIGHTER
RECRUIT CANDIDATE WHITNEY CRAIG AND RECRUIT
FIREFIGHTER BENJAMIN DIESEL.

* * * *

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 resignations of Firefighter
Recruit Candidate Whitney Craig and Recruit Firefighter Benjamin Diesel.

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 OF RECRUIT
ALEXANDRA AVERBECK FROM THE COVINGTON POLICE
DEPARTMENT, EFFECTIVE MAY 3, 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 Recruit
Alexandra Averbeck from the Covington Police Department, effective May 3, 2017.

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 PUBLICATION OF A REQUEST FOR PROPOSALS FOR THE REDEVELOPMENT OF THE CITY-OWNED PROPERTIES AT TWO SITES IN THE JACKSON SQUARE/ORCHARD PARK AREA.

* * * *

WHEREAS, City staff desire to solicit proposals for the redevelopment of the City-owned properties at two sites in the Jackson Square/Orchard Park Area; and

WHEREAS, specifications cannot be made sufficiently specific to permit award on the basis of either the lowest bid price or the lowest evaluated bid price; and

WHEREAS, competitive negotiation is thus appropriate in accordance with KRS 45A.370.

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 publication of a request for proposals for the redevelopment of the City-owned properties at two sites in the Jackson Square/Orchard Park area.

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 ENTER INTO AN ECONOMIC DEVELOPMENT AGREEMENT WITH PRO-TECH EQUIPMENT COMPANY TO PROVIDE BUSINESS INCENTIVES PURSUANT TO CITY OF COVINGTON CODE OF ORDINANCES, CHAPTER 116.

* * * *

WHEREAS, City of Covington Code of Ordinances authorizes the City to enter into economic development agreements with, and provide economic incentives to, eligible companies; and

WHEREAS, pursuant to Covington Code of Ordinances Chapter 116, Pro-Tech is eligible to enter into an economic development agreement with the City and receive a New Business Incentive equal to 1% of taxable payroll.

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 enter into an Economic Development Agreement with Pro-Tech Equipment Company to provide business incentives pursuant to City of Covington Code of Ordinances, Chapter 116.

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 FILING OF ANNUAL REPORTS FOR THE CITY OF COVINGTON, KENTUCKY DEVELOPMENT PROPERTIES CORPORATION AND THE CITY OF COVINGTON, KENTUCKY MUNICIPAL PROPERTIES CORPORATION.

* * * *

**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 filing of annual reports for the City of Covington, Kentucky Development Properties Corporation and the City of Covington, Kentucky Municipal Properties Corporation.

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 A BUSINESS ASSOCIATE AGREEMENT WITH NeoCERTIFIED AS A SECURE EMAIL SERVICE PROVIDER.

* * * *

WHEREAS, the Health Insurance Portability and Accountability Act of 1996 ("HIPAA") requires that business associates of covered entities provide certain assurances regarding the safeguarding of protected health information; and

WHEREAS, the City, as a covered entity, utilizes NeoCertified to securely send protected health information; and

WHEREAS, as the City's "business associate" as that term is defined under HIPAA, NeoCertified must sign an agreement setting forth the required assurances.

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 Business Associate Agreement with NeoCertified as a secure email service provider.

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 A RENEWAL CONTRACT WITH THE KENTON COUNTY PROPERTY VALUATION ADMINISTRATOR FOR AN ANNUAL LICENSE FEE, IN AN AMOUNT OF \$1,342.16, PAYABLE FROM GENERAL FUND.

* * * *

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 renewal contract with the Kenton County Property Valuation Administrator (PVA) for an annual license fee, in an amount of \$1,342.16, payable from General Fund.

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 AN ENGAGEMENT LETTER WITH MUNICIPAL SOLUTIONS, LLC FOR AN ORGANIZATIONAL ASSESSMENT, IN AN AMOUNT OF \$45,290.00.

* * * *

WHEREAS, the Mayor and Commission requested an organizational assessment to optimize the City's functions, structure, and resources; and

WHEREAS, Municipal Solutions, LLC is a highly qualified organization which specializes in public-sector organizational assessments to improve efficiency for state and local governments through the use of skilled consultants; and

WHEREAS, Municipal Solutions, LLC's consultants are specialists and practitioners in various fields and professions related to local government organization and operations; and

WHEREAS, the City has determined that competition regarding the procurement of this service is not feasible, the services to be provided by Municipal Solutions, LLC are professional in nature, an emergency exists that will cause public harm as a result in delay in competitive procedures, and the interests of the citizens of Covington will be served by utilizing Municipal Solutions, LLC with regard to the organizational analysis.

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 Engagement Letter and all other necessary documents with Municipal Solutions, LLC for an organizational assessment, in an amount of \$45,290.00.

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 PUBLICATION OF A REQUEST FOR PROPOSALS FOR THE ACQUISITION OF VEHICLES AND EQUIPMENT FOR VARIOUS CITY DEPARTMENTS, INCLUDING THE FIRE DEPARTMENT, THE POLICE DEPARTMENT, AND THE DEPARTMENT OF PUBLIC IMPROVEMENTS.

* * * *

WHEREAS, City staff desire to solicit proposals for the outright acquisition of and/or the leasing of certain vehicles and equipment under a fleet management program; and

WHEREAS, specifications cannot be made sufficiently specific to permit award on the basis of either the lowest bid price or the lowest evaluated bid price; and

WHEREAS, competitive negotiation is thus appropriate in accordance with KRS 45A.370.

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 publication of a request for proposals for the acquisition of vehicles and equipment for various City departments, including the Fire Department, the Police Department, and the Department of Public Improvements.

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 AN AMENDMENT TO AN EXISTING REVOCABLE LICENSE AGREEMENT BETWEEN THE CITY OF COVINGTON AND 638 MADISON, LLC, ALLOWING THE OPERATION OF A WALK-UP FOOD WINDOW IN A CITY-OWNED ALLEY AND TO REFLECT ADDITIONAL MODIFICATIONS TO THE EXISTING REVOCABLE LICENSE AGREEMENT.

* * * *

WHEREAS, The City and 638 Madison, LLC entered into a License Agreement to assist in the development of tourism and economic growth within the Madison Avenue area of the City of Covington pursuant to Commissioners' Order/Resolution No. O/R-147-16; and

WHEREAS, 638 Madison, LLC wishes to license from the City all of the public alleys contiguous to the 638 Madison, LLC's property along its northern and eastern property lines to permit existing encumbrances and to permit 638 Madison, LLC's guests and customers to have pedestrian access over and through the licensed premises to permit access to an existing food service walk up window located on the exterior of 638 Madison, LLC's building wall located along the northern alley; and

WHEREAS, the City and 638 Madison, LLC wish to make additional revisions to the existing License Agreement to reflect the parties' responsibilities.

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 First Amended and Restated License Agreement to allow 638 Madison, LLC to operate a walk-up food window in a City-owned alley and to reflect additional modifications to the existing revocable license 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' ORDER NO. _____

AN ORDER AUTHORIZING THE MAYOR TO EXECUTE A DEVELOPMENT TERM SHEET FOR THE JOHN R. GREEN REDEVELOPMENT PROJECT.

* * * *

WHEREAS, the John R. Green Development is a proposed redevelopment of a number of parcels in the Mainstrasse neighborhood commonly known as the John R. Green property (the "Project"); and

WHEREAS, the Project will redevelop 1 1/2 acres within the City, create 170 market-rate apartments, and add roughly 6000 square feet of commercial space, stimulating economic growth in the area; and

WHEREAS, the developer for the Project and City staff have negotiated a term sheet relating to the development; and

WHEREAS, the developer has proposed the use of an industrial revenue bond to leverage a portion of the total Project costs through the City's ability to serve as a conduit bond issuer under KRS 103; and

WHEREAS, it is anticipated that the City may elect to issue general obligation bonds to finance its portion of the project; and

WHEREAS, a PILOT agreement, which will result in an annual payment to the City in an amount equal to 20 percent of the agreed assessed value for the property is also contemplated; and

WHEREAS, pursuant to the term sheet, the City intends to contribute \$2,500,000.00 toward the project, which would be utilized exclusively in the construction of the public portion of a garage on the Project site allotting for approximately 92 public parking space; and

WHEREAS, any revenues from the City's portion of the parking garage would be dedicated to the debt service on the City's bonds.

WHEREAS, the term sheet is intended to be a summary of the current intentions of the parties with respect to the Project, and it shall not constitute an agreement to consummate the acquisition or to enter into a development agreement or any related documents, furthermore the parties understand that they will have no rights or obligations of any kind whatsoever relating to the terms contained in the term sheet or herein.

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
Development Term Sheet for the John R. Green Redevelopment Project.

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 EXPENDITURE OF UP TO \$10,000.00 FOR THE REWRITE OF SPECIFICATIONS FOR THE SIXTH STREET/SCOTT BOULEVARD STREETScape PROJECT.

* * * *

**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 expenditure of an amount up to \$10,000.00, for the rewrite of the specifications for the Sixth Street/Scott Boulevard streetscape project.

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 ESTABLISHING COMPENSATION RATES FOR MEMBERS OF THE COVINGTON HUMAN RIGHTS COMMISSION.

* * * *

WHEREAS, the Board of Commissioners approved the establishment of compensation rates for members of City boards and City appointees to external board and commission per O/R-288-14; and

WHEREAS, the Human Rights Commission was not included on the list of boards and commissions at that time, and it is appropriate that the members of the Human Rights Commission be included in those board and commission members who are paid for their service.

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 approves compensation for members of the Human Rights Commission as follows: \$35 for the chairperson per meeting attended; and, \$25 per member per meeting attended.

Section 2

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 AMENDING APPENDIX A: COVINGTON, KENTUCKY ZONING ORDINANCE, ARTICLE 15, SECTIONS 15.03.08 AND 15.03.09 OF THE COVINGTON CODE OF ORDINANCES TO REFLECT CHANGES IN ENFORCEMENT DUE TO THE EFFECT OF HOUSE BILL 422.

* * * *

WHEREAS, the 2016 Regular Session of the General Assembly enacted House Bill 422 which made comprehensive revisions to the statutes authorizing and governing Code Enforcement Boards; and

WHEREAS, the 2016 legislative amendments consolidate three chapters of Kentucky Revised statutes into one chapter, KRS 65.8801 to 65.8839; and

WHEREAS, KRS 65.8801 to 65.8839 provides authority for a local government to protect, promote, and improve the health, safety, and welfare of the citizens residing within the local government of this Commonwealth by authorizing the creation of administrative boards with the authority to issue remedial orders, secure search warrants, and impose civil fines in order to provide an equitable, expeditious, effective, and inexpensive method of ensuring compliance with the ordinances in force in local governments; and

WHEREAS, the City of Covington has utilized a Code Enforcement Board and wishes to continue to utilize a Code Enforcement Board under KRS 65.8801 to 65.8839; and

WHEREAS, pursuant to KRS 65.8801 to 65.8839 the continuation of a Code Enforcement Board will allow for the expeditious abatement of nuisances occurring within the City of Covington, protecting the health, safety, and welfare of all citizens and guests; and

WHEREAS, with the revisions to Chapter 92 impending repeal of KRS 82.700, et seq. and 381.770, several sections of Covington Ordinances require revision to comply with the new and revised sections of KRS and Chapter 92.

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

Section 1

Appendix A: Covington, Kentucky Zoning Ordinance, Article 15, Sections 15.03.08 and 15.03.09 of the Covington Code of Ordinances are hereby amended to read as follows:

15.03.08 Violations of this Zoning Ordinance; Notice of Violation, Citations, Appeals, and Liens.

(A) When a zoning enforcement officer, based upon personal observation or investigation, has reasonable cause to believe that a person has committed a violation of this zoning ordinance, the officer is authorized to issue a citation to the offender. When authorized, a zoning enforcement officer may, in lieu of immediately issuing a citation, give notice that a violation can be remedied within a specified time period. If the person to whom the notice is given fails or refuses to remedy the violation within the time specified, the zoning enforcement officer is authorized to issue a citation.

(B) If the zoning enforcement officer elects to give notice of violation in lieu of immediately issuing a citation, this notice should be sent to the offending party by regular first-class mail at the last known address of the party.

(C) The notice required by this section must be in plain language and must:

- (1) Be in writing;
- (2) Include a description of the real estate sufficient for its identification;
- (3) Include a statement of the reason or reasons why the notice of violation is being issued; and
- (4) Include a correction order allowing a reasonable amount of time for the correction of any and all violations.

(D) Any citation issued by the zoning enforcement officer for a violation or violations of this zoning ordinance must be in a form prescribed by the City and must contain, in addition to any other information required by ordinance or rule of the board, the following information:

- (1) The date and time of issuance;
- (2) The name and address of the person to whom the citation is issued;
- (3) The date and time the offense or violation was committed;
- (4) The facts constituting the offense or violation;
- (5) The section of the code or number of the ordinance violated;
- (6) The name of the zoning enforcement officer;
- (7) The civil fine that will be imposed for the violation if the person does not contest the citation.
- (8) The maximum civil fine that may be imposed if the person elects to contest the citation.

(9) The procedure for the person to follow in order to pay the civil fine or to contest the citation; and

(10) A statement that if the person fails to pay the civil fine set forth in the citation or contest the citation, within the time allowed, the person will be deemed to have waived the right of a hearing before the Code Enforcement Board to contest the citation and that the determination that a violation was committed will be final.

(E) Any citation that is issued for the violation or violations of this zoning ordinance must be served upon the owner of the property or any individual with a legal interest in the property by:

~~(1) Certified mail, return receipt requested;~~

~~(2)(1) Personal delivery service to the alleged violator; or~~

~~(3)(2) By leaving the notice at the person's usual place of residence with any individual residing therein who is 18 years of age or older and who is informed of the contents of the notice; or~~

(3) Posting a copy of the citation in a conspicuous place on the premises and mailing a copy of the citation by regular, first-class mail of the United States Postal Service to the owner of record of the property if no one is on the premises at the time the citation is issued

(F) After issuing a citation to an alleged violator of this zoning ordinance, the zoning enforcement officer must notify the Code Enforcement Board by delivering the citation to the administrative official designated by ordinance or by the Code Enforcement Board.

(G) When a citation for a violation or violations of this zoning ordinance is issued, the person to whom the citation is issued must respond to the citation within seven days of the date the citation is issued by either paying the civil fine set forth in the citation or requesting, in writing, a hearing before the Code Enforcement Board to contest the citation. If the person fails to respond to the citation within seven days, the person will be deemed to have waived the right to a hearing to contest the citation and the determination that a violation was committed will be considered final. In this event, ~~the Code Enforcement Board must enter a final order determining that the violation was committed and imposing the civil fine set forth in the citation~~the citation as issued shall be deemed a final order determining that the violation was committed and imposing the civil fine as set forth in the citation, and the person shall be deemed to have waived the right to appeal the final order to District Court.

(H) When a hearing before the Code Enforcement Board has been requested, the Code Enforcement Board, through its clerical staff and administrative staff, must schedule a hearing. Not less than seven days before the date set for the hearing, the Code Enforcement Board must notify the person who requested the hearing of the date, time and place of the hearing. The notice of hearing must be given in the same manner as set

forth in paragraph E above, except that service may also be achieved by sending the notice via certified mail, return receipt requested or by sending the notice via regular first-class mail without posting a copy of the subject property.

(I) Each case before the Code Enforcement Board may be presented by an attorney selected by the City of Covington or by a member of the administrative staff of the City of Covington. An attorney may either be counsel to the Code Enforcement Board or may represent the City of Covington by presenting cases before the Code Enforcement Board, but in no case may an attorney serve in both capacities.

(J) All testimony at the Code Enforcement Board hearings must be under oath and must be recorded. The Code Enforcement Board must take testimony from the zoning enforcement officer(s), the alleged offender, and any witnesses to the alleged violation offered by the zoning enforcement officer(s) or the alleged offender. Formal rules of evidence do not apply, but fundamental due process must be observed and must govern the proceedings.

(K) At the hearing, the Code Enforcement Board must determine, based on the evidence presented, whether a violation was committed. When the Code Enforcement Board determines that no violation was committed, an order dismissing the citation must be entered. When the Code Enforcement Board determines that a violation has been committed, it must issue an order upholding the citation and may order the offender to pay a civil fine, or may order the offender to remedy a continuing violation within a specified period of time to avoid the imposition of the fine, or both. Any person requesting a hearing before the board who fails to appear at the time and place set for the hearing shall be deemed to have waived the right to a hearing to contest the citation and the determination that a violation was committed shall be final. In this event, the citation as issued shall be deemed a final order determining that the violation was committed and imposing the civil fine as set forth in the citation, and the person shall be deemed to have waived the right to appeal the final order to District Court.

(L) Every final order of the Code Enforcement Board must be reduced to writing, which must include the findings and conclusions reached and the date the order was issued, ~~and a~~ copy of the order must be furnished to the person named in the citation. If the person named in the citation is not present at the time a final order is issued, the order must be delivered to that person by regular first-class mail; certified mail, return receipt requested; or by personal delivery; or by leaving a copy of the order at that person's usual place of residence with any individual residing therein who is 18 years of age or older and who is informed of the contents of the order.

(M) An appeal from any final order issued by the Code Enforcement Board may be made to the Kenton County District Court within 30 days of the date the order is issued. The appeal must be initiated by the filing of a complaint and a copy of the Code Enforcement Board's order in the same manner as any civil action under the Rules of Civil Procedure. The appeal must be limited to a review of the record created before the Code Enforcement Board.

(N) A judgment of the Kenton District Court may be appealed to the Kenton Circuit Court in accordance with the Rules of Civil Procedure.

(O) If no appeal from a final order of the Code Enforcement Board is filed within the time period set forth in this section, the Code Enforcement Board's order will be deemed final for all purposes.

(P) The City of Covington must possess a lien on real property owned by the person found by a final ~~order, non-appealable order of the Code Enforcement Board,~~ or by final judgment of the court, to have committed a violation of this zoning ordinance for all fines assessed for the violation and for all charges and fees incurred by the City in connection with the enforcement of this Code. The lien must be notice to all persons from the time of its recording and must bear interest at the legal rate until paid. The lien must take precedence over all other ~~subsequent~~ liens, except state, country, school board and eCity taxes if all legal requirements are satisfied, and may be enforced by judicial proceedings.

(Q) In addition to the remedy prescribed in paragraph (P) above, the person found to have committed the violation will be held personally responsible for the amount of all fines assessed for the violation and for all charges and fees incurred by the City in connection with the enforcement of the ordinance. The City may bring a civil action against the person and will have the same remedies as provided for the recovery of a debt.

15.03.09 Penalties for Violation.

(A) Any person, firm, corporation, or entity that violates any provision of this subchapter is subject to a civil fine or fines as set forth in Section 92.99 of these ordinances. ~~of not less than \$100.00 per day per violation but not more than \$500.00 per day per violation, or the cost to the City of Covington to abate the violation, or both. Each date that a violation of this code continues after due notice has been served in accordance with the terms of this code will be deemed a separate offense to a maximum of \$10,000 per citation.~~

~~(B) As an additional alternative remedy to the above penalty, any violator who violates any provision of this ordinance and has been previously issued two or more citations of violations of this ordinance on the same property within a 12-month period may be assessed additional civil penalties of \$500 per day per violation to a maximum of \$20,000 per citation.~~

~~(C)~~(B) The City of Covington must possess a lien for all fines, penalties, charges, attorney's fees and other reasonable costs associated with enforcing this code and placing of a lien on the parcel of real property pursuant to this code. The lien must be superior to and have priority over all other ~~subsequently filed~~ liens, except state, county, school board, and eCity taxes if all legal requirements are satisfied.

Section 2

All other subsections of Appendix A: Covington, Kentucky Zoning Ordinance, Article 15, Sections 15.03.08 and 15.03.09 of the Covington Code of Ordinances shall remain unchanged and shall be incorporated as if restated in full within this Ordinance.

Section 3

This Ordinance shall take effect and be in full force from and after its passage, publication, which may be in summary form, and recording, according to the law.

MAYOR

ATTEST:

CITY CLERK

Passed: _____(Second Reading)

_____(First Reading)

COMMISSIONERS' ORDINANCE NO. _____

AN ORDINANCE AMENDING ARTICLE 10, SECTION 10.13.03 OF THE COVINGTON ZONING ORDINANCE PERMITTING A SECOND PROJECTING SIGN FOR BUSINESS ESTABLISHMENTS LOCATED IN CORNER BUILDINGS.

* * * *

WHEREAS, pursuant to Commissioner's Order/Resolution No. O/R-181-16, the Board of Commissioners authorized the City Manager to file an application to the Kenton County & Municipal Planning & Zoning Commission (Kenton County Planning Commission) to review and make recommendations on proposed text amendments to the City of Covington zoning ordinance permitting two projection signs for certain businesses located on corner lots within the General Business and Commercial Districts (Commercial-Neighborhood, Commercial-General, and Commercial-Community Zones) and the Downtown Districts (Central Business District, Commercial-Tourist, and Linden Gateway District Zones); and

WHEREAS, a public hearing was held on the City's application on Tuesday, April 11, 2017, and the Kenton County Planning Commission recommended approval of the proposed text amendments; 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, and agrees with the recommendation to amend the zoning text as indicated in the caption of this ordinance.

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

Section 1

ARTICLE X ZONES

SECTION 10. Signs

Section 10.13.03 Projecting Signs

B. The Zoning Administrator is authorized to approve an administrative adjustment, permitting a second projecting sign to business establishments located in an existing building, provided that the Zoning Administrator finds that:

1. The business establishment has a ground floor entrance;
2. The business establishment is located on a corner lot;
3. The placement of a single projecting sign at the corner of the building pursuant to the standards and limitations provided under Section 10.13.03(A) would interfere with or impact a significant architectural feature of the building. For purposes of

this section, significant architectural feature shall include, but not be limited to, transom windows, awnings, ornamentation, and light fixtures;

4. That relief in the form of a variance to increase the maximum height of the top of a projecting sign above the sidewalk would be incompatible with the placement of other projecting signs found within the district.

C. Should the Zoning Administrator make the findings necessary to approve an administrative adjustment as provided under Section 10.13.03(B) above, then the business establishment shall be allowed two (2) projecting signs, one to be placed on each street frontage, subject to the standards set forth in Section 10.13.03(A), with the exception that each projecting sign may be no more than 18 square feet in area or the maximum area possible in conformance with the other standards in this section, whichever is smaller; measurement is for one face, but sign may have two equal faces.

Section 2

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

MAYOR

ATTEST:

CITY CLERK

Passed: _____ (Second Reading)

_____ (First Reading)