

**MINUTES  
BOARD OF COMMISSIONERS' MEETING  
Tuesday, August 18, 2015 6:00 P.M.**

A **REGULAR MEETING** of the Board of Commissioners of the City of Covington, Kentucky, was opened by Mayor Carran, on Tuesday, August 18, 2015, at 6:00 p.m., in Commission Chambers, 20 West Pike Street, Covington, Kentucky.

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

**MOTION** of Commissioner Wells, seconded by Commissioner Frank to dispense with the reading of and approve the minutes of the August 4, August 11, and August 12, 2015, meeting minutes.

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

**PRESENTATIONS** - There were no presentations scheduled.

**NEW BUSINESS – FIRST READING OF ORDINANCES**

**TAX RATE** – This Ordinance would set the Personal Property and Real Estate Tax Rate at \$0.3045 which is the City's current tax rate.

**COMMISSIONERS' ORDINANCE NO. O-XX-15**

AN ORDINANCE RELATING TO THE GENERAL REVENUE AND LEVYING AND FIXING AN AD VALOREM TAX RATE ON ALL PROPERTY ASSESSED OR ASSESSABLE SUBJECT TO TAXATION FOR MUNICIPAL PURPOSES IN THE CITY OF COVINGTON, KENTUCKY, TO MEET THE GENERAL EXPENSES OF SAID CITY; PROVIDING A SINKING FUND FOR PAYMENT OF INTEREST ON THE BONDED INDEBTEDNESS OF THE CITY; AND TO REDEEM BONDS MATURING DURING THE FISCAL YEAR ENDING JUNE 30, 2016.

**First Reading, No Vote**

**TAX RATE** – This Ordinance would set the Personal Property Tax Rate at \$0.3203 and the Real Estate Tax Rate at \$0.3010. This tax rate is the compensating rate.

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AN ORDINANCE RELATING TO THE GENERAL REVENUE AND LEVYING AND FIXING AN AD VALOREM TAX RATE ON ALL PROPERTY ASSESSED OR ASSESSABLE SUBJECT TO TAXATION FOR MUNICIPAL PURPOSES IN THE CITY OF COVINGTON, KENTUCKY, TO MEET THE GENERAL EXPENSES OF SAID CITY; PROVIDING A SINKING FUND FOR PAYMENT OF INTEREST ON THE BONDED INDEBTEDNESS OF THE CITY; AND TO REDEEM BONDS MATURING DURING THE FISCAL YEAR ENDING JUNE 30, 2016.

**First Reading, No Vote**

**TAX RATE** – This Ordinance would set the Personal Property Tax Rate at \$0.3332 and the Real Estate Tax Rate at \$0.3130. This tax rate is the compensating rate plus 4%.

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AN ORDINANCE RELATING TO THE GENERAL REVENUE AND LEVYING AND FIXING AN AD VALOREM TAX RATE ON ALL PROPERTY ASSESSED OR ASSESSABLE SUBJECT TO TAXATION FOR

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MUNICIPAL PURPOSES IN THE CITY OF COVINGTON, KENTUCKY, TO MEET THE GENERAL EXPENSES OF SAID CITY; PROVIDING A SINKING FUND FOR PAYMENT OF INTEREST ON THE BONDED INDEBTEDNESS OF THE CITY; AND TO REDEEM BONDS MATURING DURING THE FISCAL YEAR ENDING JUNE 30, 2016.

**First Reading, No Vote**

**AMEND SECTION 97.02**

**COMMISSIONERS' ORDINANCE NO. O-XX-15**

AN ORDINANCE AMENDING SECTION 97.02 OF THE COVINGTON CODE OF ORDINANCES CHANGING THE DUE DATE FOR CITY TAXES.

**First Reading, No Vote**

**EPAD** – The Energy Project Assessment District Act (House Bill 100) authorizes local governments to establish Energy Project Assessment Districts (EPADs), an innovating financing option for energy efficiency upgrades, on-site renewable energy projects and water conservation measures. The City could partner with organizations such as the Greater Cincinnati Energy Alliance who would be responsible for all program administration tasks. The city's role would be limited to approval of the individual projects and special assessments, collection of the special assessment and the pass-through of funds to the third party leader.

**COMMISSIONERS' ORDINANCE NO. O-XX-15**

AN ORDINANCE OF THE CITY OF COVINGTON CREATING NEW CHAPTER 100 OF TITLE IX OF THE CITY OF COVINGTON, KENTUCKY CODE OF ORDINANCES TO CREATE AN ENERGY PROJECT ASSESSMENT DISTRICT PURSUANT TO KRS § 65.205.209.

**First Reading, No Vote**

**OLD BUSINESS – SECOND READING OF ORDINANCES**

**NEW POSITION POLICE DEPARTMENT** – This new position will provide extensive administrative support and will serve as a representative of the Department to employees and the public.

**COMMISSIONERS' ORDINANCE NO. O-26-15**

AN ORDINANCE AMENDING § 34.50 OF THE COVINGTON CODE OF ORDINANCES, NON-UNIFORMED, NON-CIVIL SERVICE EMPLOYEES, AND COMMISSIONERS' ORDINANCE NO. O-27-15, CREATING THE POSITION OF BUSINESS ANALYST/EXECUTIVE ASSISTANT IN THE POLICE DEPARTMENT AND ESTABLISHING A SALARY FOR THE POSITION.

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

**ALLEY VACATION** – The closing of this alley is necessary to effectuate combining all of the parcels located in the Roebing Pointe Parking Lot into one contiguous property description.

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**COMMISSIONERS' ORDINANCE NO. O-27-15**

AN ORDINANCE VACATING A 16-FOOT WIDE ALLEY REFERENCED AS PARCEL C LOCATED IN WHAT IS REFERRED TO AS THE ROEBLING POINTE PARKING LOT THAT IS LOCATED BETWEEN ROEBLING WAY AND GREENUP STREET.

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

**THIRTEENTH STREET** – This change was temporarily made on an emergency basis on June 23, 2015, after the Engineering Department was contacted by the Police Department about some quality of life issues that were being experienced in the area. Since this change, the issues have improved and it is recommended that the change be made permanent.

**COMMISSIONERS' ORDINANCE NO. O-28-15**

AN ORDINANCE AMENDING CHAPTER 76 SCHEDULE II OF THE COVINGTON CODE OF ORDINANCES MAKING EAST THIRTEENTH STREET ONE-WAY EASTBOUND FROM GREENUP STREET TO WHEELER STREET.

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

**AMEND CHAPTER 91 FIRE PREVENTION CODE** – The Fire department has been administering a fire inspection program over the last several years. Some issues have been identified that necessitate amending the ordinance which will enable staff to enforce the codes beyond conducting repeated inspection.

**COMMISSIONERS' ORDINANCE NO. O-29-15**

AN ORDINANCE AMENDING CHAPTER 91 OF THE COVINGTON CODE OF ORDINANCES TO ADOPT THE KENTUCKY STANDARDS OF SAFETY (FORE PREVENTION CODE), DESIGNATE THE COVINGTON FIRE DEPARTMENT AS THE CITY'S PRIMARY ENFORCEMENT AGENCY, EXTEND THE APPLICATION OF KRS CHAPTER 227 TO SINGLE FAMILY DWELLINGS, AUTHORIZE THE FIRE DEPARTMENT TO CHARGE RE-INSPECTION FEES ACCORDING TO THE FEE SCHEDULE ESTABLISHED BY STATE LAW, PERMIT THE FIRE DEPARTMENT TO ABATE VIOLATIONS OF THE KENTUCKY STANDARDS OF SAFETY, AND IMPOSE CRIMINAL PENALTIES FOR VIOLATION OF LAWFUL ORDERS OF THE FIRE DEPARTMENT, AND AMENDING SECTION 111.025 OF THE COVINGTON CODE OF ORDINANCES TO AUTHORIZE SUSPENSION OR REVOCATION OF A CITY ALCOHOLIC BEVERAGE CONTROL LICENSE IF THE LICENSEE IS IN VIOLATION OF ANY PROVISION OF THE KENTUCKY STANDARDS

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

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**AMEND CHAPTER 92 PUBLIC NUISANCES** – The City's existing Criminal Activity Ordinance has proven to be very helpful to the Code Enforcement department, the Police department, and landlords. The amend to be made will provide an even bigger benefit to the departments.

**COMMISSIONERS' ORDINANCE NO. O-30-15**

AN ORDINANCE AMENDING CHAPTER 92 OF THE COVINGTON CODE OF ORDINANCES TO DEFINE VIOLATIONS OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE AS A PUBLIC NUISANCE, AMENDING THE DEFINITION OF A CRIMINAL NUISANCE VIOLATIONS, AMENDING THE NUMBER OF CRIMINAL NUISANCE VIOLATIONS NECESSARY TO CONSTITUTE A CRIMINAL ACTIVITY NUISANCE, EXCLUDING DOMESTIC VIOLENCE AND CERTAIN OTHER ACTIVITY FROM THE CRIMINAL ACTIVITY NUISANCE ORDINANCE, REPEALING PROVISIONS OF THE CRIMINAL ACTIVITY NUISANCE ORDINANCE RELATED TO ABATEMENT AND EVICTION, AND ESTABLISHING PENALTIES FOR PERMITTING A CRIMINAL ACTIVITY NUISANCE.

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

**AMEND CHAPTER 155** – Some issues have been identified that necessitate this amendment to the current ordinance relating to fire inspections. The amendments will include provisions that will provide a basis for enforcement of the codes beyond conducting repeated inspections.

**COMMISSIONERS' ORDINANCE NO. O-31-15**

AN ORDINANCE AMENDING CHAPTER 155 OF THE COVINGTON CODE OF ORDINANCES, ENTITLED RENTAL DWELLING LICENSING, TO PROVIDE FOR PROACTIVE INSPECTION OF RENTAL PROPERTIES WITHIN THE CITY, PROVIDE FOR JOINT ENFORCEMENT AND ADMINISTRATION BY THE COMMUNITY SERVICES DIVISION AND FIRE DEPARTMENT, UPDATE LICENSING STANDARDS AND CONDITIONS, AMEND THE LATE FEE CHARGED FOR RENTAL DWELLING LICENSES AND CLARIFY WHEN A LATE FEE SHALL BE CHARGED, ESTABLISH AMENDED FEES FOR INSPECTION AND RE-INSPECTION OF RENTAL DWELLING UNITS, PROVIDE FOR SUSPENSION OF A RENTAL DWELLING LICENSE WHERE A PROPERTY OWNER FAILS TO SCHEDULE A RE-INSPECTION, AMEND THE METHODS OF SERVICE OF NOTICES AND ORDERS, AND DESIGNATE RENTING WITHOUT A RENTAL DWELLING LICENSE AS A CLASS B MISDEMEANOR, AND AMENDING CHAPTER 110 OF THE COVINGTON CODE OF ORDINANCES TO REPEAL DUPLICATE PROVISIONS.

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

**NEW BUSINESS – ORDER/RESOLUTIONS**

**EMPLOYMENT** – Mr. Jones is a US Army Veteran with seven years of active duty service as a Military Police Officer. He is well qualified to become a Covington Police Officer.

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**COMMISSIONERS' ORDER/RESOLUTION NO. O/R-262-15**

AN ORDER/RESOLUTION APPROVING THE EMPLOYMENT OF RYAN JONES AS POLICE OFFICER IN THE COVINGTON POLICE DEPARTMENT, WITH A 12 MONTH PROBATIONARY PERIOD, EFFECTIVE NOVEMBER 15, 2015.

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

**PROMOTION** – Due to a recent retirement, a Captain position is open in the Fire Department and Lieutenant Foster is first on the Captain's promotional list.

**COMMISSIONERS' ORDER/RESOLUTION NO. O/R-263-15**

AN ORDER/RESOLUTION APPROVING THE PROMOTION OF LIEUTENANT MICAH FOSTER TO CAPTAIN IN THE COVINGTON FIRE DEPARTMENT, EFFECTIVE AUGUST 18, 2015.

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

**PROMOTION** – Due to a retirement and a promotion, a Lieutenant's position is open in the Department and Engineer/Paramedic Woodring is first on the active Lieutenant's promotional list.

**COMMISSIONERS' ORDER/RESOLUTION NO. O/R-264-15**

AN ORDER/RESOLUTION APPROVING THE PROMOTION OF ENGINEER/PARAMEDIC PAUL WOODRING TO LIEUTENANT/PARAMEDIC IN THE COVINGTON FIRE DEPARTMENT, EFFECTIVE AUGUST 18, 2015.

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

**PROMOTION** – Due to a retirement and promotions, an Engineer's position is open in the Department and Firefighter/Paramedic Averbeck is first on the active Engineer's promotion list.

**COMMISSIONERS' ORDER/RESOLUTION NO. O/R-265-15**

AN ORDER/RESOLUTION APPROVING THE PROMOTION OF FIREFIGHTER/PARAMEDIC PATRICK AVERBECK TO ENGINEER/PARAMEDIC IN THE COVINGTON FIRE DEPARTMENT, EFFECTIVE AUGUST 18, 2015.

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

**RETIREMENT** – Ms. Mahan has 25 years of service with the City and has been an integral employee within the Community Services Department for a number of years. She will be missed.

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**COMMISSIONERS' ORDER/RESOLUTION NO. O/R-266-15**

AN ORDER/RESOLUTION ACCEPTING THE RESIGNATION FOR RETIREMENT OF JEANETTE MAHAN, CLERK/TYPIST IN THE COMMUNITY SERVICES DEPARTMENT, EFFECTIVE SEPTEMBER 1, 2015.

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

**RESIGNATION**

**COMMISSIONERS' ORDER/RESOLUTION NO. O/R-267-15**

AN ORDER/RESOLUTION ACCEPTING THE RESIGNATION OF CHRISTIAN DENNERY, INTERIM CITY SOLICITOR, EFFECTIVE AUGUST 28, 2015.

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

**ECONOMIC DEVELOPMENT AGREEMENT** – Pro Mach, Inc. manufactures packaging and processing products and is currently headquartered in Loveland, Ohio. The firm is moving its corporate headquarters to RiverCenter Towers.

**COMMISSIONERS' ORDER/RESOLUTION NO. O/R-268-15**

AN ORDER/RESOLUTION AUTHORIZING THE MAYOR AND CITY MANAGER TO ENTER INTO AN ECONOMIC DEVELOPMENT AGREEMENT WITH PRO MACH, INC. TO PROVIDE BUSINESS INCENTIVES PURSUANT TO CITY OF COVINGTON CODE OF ORDINANCES CHAPTER 116.

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

**PROCUREMENT AGREEMENT** – The Greater Cincinnati Clean Energy Alliance (GCEA) provides administrative services needed to administer an Energy Project Assessment District. The services provided by GCEA will be at no cost to the city.

**COMMISSIONERS' ORDER/RESOLUTION NO. O/R-269-15**

AN ORDER/RESOLUTION AUTHORIZING THE MAYOR AND CITY MANAGER TO EXECUTE A NON-COMPETITIVE PROCUREMENT AGREEMENT WITH GREATER CINCINNATI ENERGY ALLIANCE.

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

**RENEWAL CONTRACT**

**COMMISSIONERS' ORDER/RESOLUTION NO. O/R-270-15**

AN ORDER/RESOLUTION APPROVING A RENEWAL CONTRACT WITH THE KENTON COUNTY PROPERTY VALUATION

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ADMINISTRATOR FOR REGULAR DATA UPDATES IN AN ANNUAL AMOUNT OF \$1,342.16, PAYABLE FROM THE GENERAL FUND.

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

**CHANGE ORDER** – The City entered into an agreement with Thelen for design services associated with stabilizing the levee slide along the Licking River near 21<sup>st</sup> Street. The slide has since extended another 35 feet which will require additional survey and design work from Thelen that was not anticipated.

**COMMISSIONERS' ORDER/RESOLUTION NO. O/R-271-15**

AN ORDER/RESOLUTION APPROVING A CHANGE ORDER TO THE CONTRACT WITH THELEN ASSOCIATES, INC. FOR THE COMPLETION OF DESIGN PLANS AND BID DOCUMENTS ASSOCIATED WITH THE LICKING RIVER LEVEE SLIDE AT 21<sup>ST</sup> STREET, IN AN AMOUNT NOT TO EXCEED \$3,962.00, PAYABLE FROM BOND FUNDS.

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

**CONTRACT EXTENSION** – In august 2014, the Commission approved an extension of the option for purchase to Marian Development Group until September 2015 to allow the project to apply for Low Income Housing Tax Credits. The project was selected to receive the credits and the final designs are in the process of being drafted and a 90 day extension is required for this work.

**COMMISSIONERS' ORDER/RESOLUTION NO. O/R-272-15**

AN ORDER/RESOLUTION AUTHORIZING THE MAYOR AND CITY MANAGER TO SIGN AN EXTENSION ON THE OPTION TO PURCHASE 824 GREENUP STREET WITH MARIAN DEVELOPMENT GROUP (dba LINCOLN SCHOLAR HOUSE LLC).

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

**AMEND ADMINISTRATIVE PLAN**

**COMMISSIONERS' ORDER/RESOLUTION NO. O/R-273-15**

AN ORDER/RESOLUTION AMENDING THE ADMINISTRATIVE PLAN FOR THE CITY OF COVINGTON'S HOUSING CHOICE VOUCHER/SECTION 8 PROGRAM.

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

**REQUEST FOR PROPOSALS**

**COMMISSIONERS' ORDER/RESOLUTION NO. O/R-274-15**

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AN ORDER/RESOLUTION APPROVING THE PUBLICATION OF REQUEST FOR PROPOSALS FOR PROJECT-BASED SECTION 8 VOUCHERS.

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

**COMPETITIVE NEGOTIATIONS** - Pursuant to KRS 45A.090 and KRS 45A.085(3), the City is allowed to make a negotiated award and enter into competitive negotiations with Maxwell Construction, DER Development, and Performance Construction, and to reject all other bids submitted for the construction of the new Devou Park Clubhouse.

**COMMISSIONERS' ORDER/RESOLUTION NO. O/R-275-15**

AN ORDER/RESOLUTION AUTHORIZING THE MAYOR AND CITY MANAGER TO MAKE A NEGOTIATED AWARD TO ENTER INTO COMPETITIVE NEGOTIATIONS WITH MAXWELL CONSTRUCTION, DER DEVELOPMENT, AND PERFORMANCE CONSTRUCTION FOR THE DEVOU PARK CLUBHOUSE IMPROVEMENT PROJECT, AND REJECT ALL OTHER BIDS RECEIVED.

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

**ADJOURNMENT**

Mayor Carran adjourned the meeting at 8:55 p.m.

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
CITY CLERK

APPROVED: \_\_\_\_\_