



**CITY OF COVINGTON, KENTUCKY
LEGISLATIVE MEETING
BOARD OF COMMISSIONERS
TUESDAY, October 11, 2016, 6:00 PM**

**20 WEST PIKE STREET
COVINGTON, KENTUCKY**

AGENDA

CALL TO ORDER: Mayor Sherry Carran

PRAYER AND PLEDGE OF ALLEGIANCE TO THE FLAG

ROLL CALL

Reading of Minutes of the meetings of September 27, 2016 (or motion to dispense with reading and approve minutes).

PRESENTATIONS:

ITEMS FOR CONSIDERATION:

NEW BUSINESS – FIRST READING OF ORDINANCES

1. Consider Ordinance No. O-xx-16 entitled: **AN ORDINANCE AMENDING CHAPTER 111 OF THE COVINGTON CODE OF ORDINANCES TO ESTABLISH A NEW SUBCHAPTER CONTAINING THE REQUIREMENTS AND PROCEDURES FOR THE REGISTRATION AND OPERATION OF A COMMERCIAL QUADRICYCLE AND COMMERCIAL QUADRICYCLE BUSINESS WITHIN THE CITY.** *In the 2016 legislative session, the legislature amended alcoholic beverage control statute to allow the operation of commercial quadricycle businesses, aka pedal wagons. The amendments require local*

governments to enact ordinances relating to the operation, licensing, insurance, inspections, and safety of the vehicle and business.

Staff Reporting: Michael Bartlett, Assistant City Solicitor
First Reading, No Vote

2. Consider Ordinance No. O-xx-16 entitled: **AN ORDINANCE AMENDING CHAPTER 111, SUBCHAPTER "ALCOHOLIC BEVERAGES" OF THE COVINGTON CODE OF ORDINANCES ALLOWING THE ISSUANCE OF AN AUTHORIZED PUBLIC CONSUMPTION LICENSE.** *This amendment will establish an Authorized Public Consumption license, which is required for the operation of a commercial quadricycle business.*

Staff Reporting: Michael Bartlett, Assistant City Solicitor
First Reading, No Vote

3. Consider Ordinance No. O-xx-16 entitled: **AN ORDINANCE AMENDING CHAPTER 94, SUBSECTIONS 94.12 AND 94.99 OF THE COVINGTON CODE OF ORDINANCES, REQUIRING A DAILY PERMIT FOR CERTAIN COMMERCIAL OR PROFESSIONAL PHOTOGRAPHY AND VIDEOGRAPHY AT COVINGTON PUBLIC PARKS AND SETTING FOR TH THE PROCEDURES ASSOCIATED WITH THE PHOTOGRAPHY PERMIT.** *The City has received a number of complaints concerning photography sessions in our public parks. The groups block citizens from using the park and interfere with the quiet enjoyment of nearby residents. The permit system will be for commercial and fee based photography sessions in our public parks.*

Staff Reporting: Cassandra Zoda, Assistant City Solicitor
First Reading, No Vote

4. Consider Ordinance No. O-xx-16 entitled: **AN ORDINANCE AMENDING CHAPTER 116.02(B)(1) OF THE COVINGTON CODE OF ORDINANCES TO BASE THE DISBURSEMENT PERIOD FOR ECONOMIC DEVELOPMENT INCENTIVES UPON THE EFFECTIVE DATE OF AN INCENTIVE AGREEMENT EXECUTED BETWEEN THE CITY AND AN APPLICANT.** *Currently, the measure for the disbursement of economic development incentives is based upon the execution date of an incentive agreement between the City and an applicant. The issue that arises is that applicants receiving State incentives are not able to sufficiently stagger their City incentives to correspond with State incentives. Basing the disbursement upon the effective date*

allows the City to collect the fully taxable amount from a business until the incentive is initiated.

Staff Reporting: Donald Warner, Development Manager
First Reading, No Vote

5. Consider Ordinance No. O-xx-16 entitled: **AN ORDINANCE AMENDING O-27-13, CLASSIFICATION AND SALARY ORDINANCE, CLASSIFICATION 700, STEP 1, RAISING THE MAXIMUM SALARY FROM \$46,310.00 TO \$48,000.00.** *This change is necessary to comply with the recent changes in the Fair Labor Standards Act (FSLA) which requires all Exempt positions have a minimum salary of \$47,476.00, effective December 1, 2016.*

Staff Reporting: Jo Ann Simpson, Human Resource Director
First Reading, No Vote

NEW BUSINESS – ORDER/RESOLUTIONS

6. Consider Order/Resolution No. O/R-xx-16 entitled: **AN ORDER/RESOLUTION AUTHORIZING THE MAYOR AND CITY MANAGER TO EXECUTE A DISPOSITION AND DEVELOPMENT AGREEMENT, AND ALL OTHER NECESSARY DOCUMENTS, TO FACILITATE THE CONSTRUCTION OF A MIXED-USE DEVELOPMENT AT THE 501 MAIN STREET SITE, INCORPORATING CITY-OWNED PARCELS AT 501 MAIN STREET AND 501 BAKEWELL STREET, WITH F&C DEVELOPMENT, INC.** *Flaherty & Collins was selected in 2015 and awarded a Preferred Developer Agreement for the 501 Main Street project. Since that time, Flaherty & Collins has worked continuously with staff to develop a project proposal that will result in a transformative project at an intersection which serves as the gateway to the MainStrasse neighborhood.*

Staff Reporting: Donald Warner, Development Manager
Recommendation: Approve Order/Resolution

7. Consider Order/Resolution No. O/R-xx-16 entitled: **AN ORDER/RESOLUTION AUTHORIZING THE EXECUTION OF A MEMORANDUM OF AGREEMENT OF AGREEMENT BETWEEN THE CITY AND F&C DEVELOPMENT, INC. RELATING TO THE ACQUISITION, CONSTRUCTION, EQUIPPING AND INSTALLATION OF A MIXED-USE RESIDENTIAL AND COMMERCIAL PROJECT TO BE LOCATED IN THE DOWNTOWN BUSINESS DISTRICT OF THE CITY; AGREEING TO**

UNDERTAKE THE ISSUANCE OF INDUSTRIAL BUILDING REVENUE BONDS AT THE APPROPRIATE TIME TO PAY THE COSTS OF ACQUIRING, CONSTRUCTING, EQUIPPING AND INSTALLING SAID PROJECT AND FACILITIES; AND TAKING OTHER PRELIMINARY ACTION. *The 501 Main project will be financed by industrial revenue bonds issued pursuant to KRS 103.200, et seq. Under this structure, the developer will assume the obligation for repayment of the bond proceeds and the City will not have any debt obligation. Additionally, the developer will make payments in lieu of taxes to the City over a period of thirty years in an amount equal to 20% of the agreed upon valuation of the project.*

Staff Reporting: Donald Warner, Development Manager

Recommendation: Approve Order/Resolution

8. Consider Order/Resolution No. O/R-xx-16 entitled: **AN ORDER/RESOLUTION ACCEPTING THE RESIGNATION OF CHRISTOPHER CARROLL, CPA, SENIOR ACCOUNTING MANAGER IN THE FINANCE DEPARTMENT, EFFECTIVE OCTOBER 7, 2016.**

Staff Reporting: Lisa Desmarais, Director of Finance and Operations

Recommendation: Approve Order/Resolution

9. Consider Order/Resolution No. O/R-xx-16 entitled: **AN ORDER/RESOLUTION APPROVING THE APPOINTMENT OF ROBERT HAGEDORN, CPA AS SENIOR ACCOUNTING MANAGER IN THE FINANCE DEPARTMENT, EFFECTIVE OCTOBER 10, 2016.** *With the resignation of Chris Carroll, staff has recommended that Bob Hagedorn, our current payroll specialist, be appointed to the vacant position of Senior Accounting Manager.*

Staff Reporting: Lisa Desmarais, Director of Finance and Operations

Recommendation: Approve Order/Resolution

10. Consider Order/Resolution No. O/R-xx-16 entitled: **AN ORDER/RESOLUTION APPROVING THE EMPLOYMENT OF ROBERT KREBS AS A PART-TIME FIRE/RENTAL INSPECTOR, AT AN HOURLY RATE OF \$20.50, EFFECTIVE OCTOBER 12, 2016.** *With the recent promotion of Tom McDaniel, there is an opening for this position. The position was advertised and 65 applications were received. Staff recommends Mr. Krebs as the best candidate to fill this position.*

Staff Reporting: Mike Yeager, Development Director/City Engineer

Recommendation: Approve Order/Resolution

11. Consider Order/Resolution No. O/R-xx-16 entitled: **AN ORDER/RESOLUTION AMENDING THE JOB DESCRIPTION FOR CODE ENFORCEMENT MANAGER, CHANGING THE FSLA DESIGNATION FROM NON-EXEMPT TO EXEMPT.**

Staff Reporting: Jo Ann Simpson, Human Resource Director

Recommendation: Approve Order/Resolution

12. Consider Order/Resolution No. O/R-xx-16 entitled: **AN ORDER/RESOLUTION AUTHORIZING THE MAYOR AND CITY MANAGER TO EXECUTE A CONTRACT WITH THELEN ASSOCIATES FOR DESIGN SERVICES TO REPAIR SLIDES ALONG DEVOU DRIVE, IN AN AMOUNT NOT TO EXCEED \$21,000.00, PAYABLE FROM DEVOU PARK MASTER PLAN FUND.** *The City recently repaired the worse sections of Devou Drive with the installation of retaining walls. However, there are still slide issues along the road and the road needs to be stabilized. This contract will be an extension of the design services that Thelen provided in 2012. They have also completed a lot of the preliminary geotechnical information. DPAC has approved expenditures up to \$21,000.00.*

Staff Reporting: Mike Yeager, Development Director/City Engineer

Recommendation: Approve Order/Resolution

13. Consider Order/Resolution No. O/R-xx-16 entitled: **AN ORDER/RESOLUTION APPROVING A LICENSE AGREEMENT WITH TRI STATE PARKING FOR THE OPERATION OF A VALET SERVICE UTILIZING FOUR PUBLIC SPACES AT THE NORTHEAST CORNER OF WEST SIXTH STREET AND MAIN STREET, IN AN ANNUAL AMOUNT OF \$250.00.** *This valet service can be used by any visitor to MainStrasse. The cars are being taken to a private lot which is freeing up to 70 public parking spaces.*

Staff Reporting: Mike Yeager, Development Director/City Engineer

Recommendation: Approve Order/Resolution

14. Consider Order/Resolution No. O/R-xx-16 entitled: **AN ORDER/RESOLUTION ESTABLISHING A ONE-TIME EXCEPTION TO CHAPTER 111 OF THE COVINGTON CODE OF ORDINANCES ALLOWING MALT BEVERAGES BY THE DRINK OR BY THE PACKAGE AND DISTILLED SPIRITS AND WINE BY THE DRINK OR BY THE PACKAGE TO BE SOLD BEGINNING**

AT 9:00 AM ON SUNDAY, OCTOBER 30, 2016. *The Bengals will be facing the Washington Redskins in Wembley Stadium in London with kickoff at 9:30 a.m. EST. Several proprietors of local businesses have requested permission to serve alcoholic beverages earlier than 11:00 a.m. to commemorate this event. Kentucky alcoholic beverage control laws allow regulation of Sunday sales by local government.*

Staff Reporting: Michael Bartlett, Assistant City Solicitor

Recommendation: Approve Order/Resolution

15. Consider Order/Resolution No. O/R-xx-16 entitled: **AN ORDER/RESOLUTION PROCLAIMING MONDAY, OCTOBER 31, 2016, BETWEEN THE HOURS OF 6:00 PM AND 8:00 PM, AS THE OFFICIAL “TRICK OR TREAT” CELEBRATION IN THE CITY OF COVINGTON.**

Staff Reporting: Larry Klein, City Manager

Recommendation: Approve Order/Resolution

16. Local 38 amendment to Collective Bargaining Agreement

PROJECT UPDATE:

- Update SNK grants from OKI - Mike Yeager, Development Director/City Engineer

Next regularly scheduled Legislative Commission Meeting: 6:00 PM, Tuesday, October 25, 2016.

Next regularly scheduled Caucus Meeting: 6:00 PM, Tuesday, October 18, 2016.

PUBLIC COMMENTS

COMMISSIONERS' COMMENTS

CITY MANAGER'S COMMENTS

CITY SOLICITOR'S COMMENTS

MAYOR'S COMMENTS

ADJOURNMENT