

City OF NEWPORT, KY
REGULAR MEETING OF THE BOARD OF COMMISSIONERS
Monday, June 10, 2019
MINUTES

CALL TO ORDER / ROLL CALL

The meeting was called to order by Mayor Peluso at 7:00 p.m. in the Multi-Purpose Room of the Newport Municipal Building at 998 Monmouth Street. The meeting was opened with a moment for silent invocation and the mayor led the Pledge of Allegiance.

In attendance were: Commissioner Beth Fennell Commissioner Thomas Guidugli, Jr., Commissioner Frank Peluso, Commissioner Ken Rehtin, and Mayor Jerry Peluso. Also in attendance were: City Manager Thomas Fromme, Assistant City Manager Larisa Sims, City Attorney Daniel Braun, Police Chief Tom Collins, Fire Chief Bill Darin, Community Services Director Doug Roell, Historic Preservation Officer Scott Clark, Community Liaison Bev Holiday, and City Clerk Amy Able.

PRESENTATIONS, AWARDS AND PROCLAMATIONS

Mayor Peluso read and presented a Proclamation to Ms. Mirena Combs, the 2019 KHSAA Girls' Singles Bowling State Champion and 2019 graduate of Newport High School.

Ms. Amy Tobin, New Riff, shared details of the Big Bourbon Toast to be held June 14, 2019 from 5:30 – 8:30. Events will include an interstate tug-of-war on the Purple People Bridge.

The mayor called for a five minute recess at 7:10 with the Board reconvening at 7:15 and all members responding to roll call.

PUBLIC FORUM

Ms. Donna Walls of Dayton Street asked if the 800 block of Dayton could have two-hour parking limits or some restrictions for residential parking due to their being no parking on the street on weekends. Chief Collins will meet with her to discuss the matter.

Ms. Rachel Comte, Chair of Connect Northern Kentucky, which has works to improve bike and pedestrian connections and tactical urbanism is hosting a series of slow rides. The next two will be evening rides on July 2 and August 6. Details are at connectnky.org.

Ms. Laura Schafer of Hamlet Street asked about the process to comment on the shelter. Mr. Fromme stated the Board of Adjustment is an independent body and the Board of Commissioners is not at liberty to discuss matters for which the Board of Adjustment will hold a public hearing. Those hearings are advertised or interested parties may contact the Development Services Department to confirm if the Board is meeting on the regular meeting date which is each third Thursday at 4:30. Comments to the Board of Adjustment may be given at public hearings or written comments may be submitted in advance.

APPROVAL OF MINUTES

Commissioner Guidugli made a motion to approve the minutes of the Monday, May 20, 2019 regular meeting. Commissioner Fennell offered a second to the motion. Upon hearing there were no changes, corrections, comments or questions, the mayor called for a roll call vote.

Commissioner Guidugli: Yes Commissioner Peluso: Yes Mayor Peluso: Yes
Commissioner Fennell: Yes Commissioner Rehtin: Yes Motion carried 5-0.

OLD BUSINESS

The city clerk gave second reading by title and summary to **O-2019-010**.

AN ORDINANCE OF THE BOARD OF COMMISSIONERS OF THE CITY OF NEWPORT, KENTUCKY AMENDING SECTION 32.133 OF THE CODE OF ORDINANCES CONCERNING **MEETINGS OF THE PLANNING AND ZONING COMMISSION**.

Commissioner Peluso made a **motion to approve**; second to the motion was offered by Commissioner Guidugli. Mr. Fromme Upon hearing there were no comments or questions, the mayor called for a roll call vote.

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| Commissioner Peluso: | Yes | Commissioner Rehtin: | Yes | Mayor Peluso: | Yes |
| Commissioner Guidugli: | Yes | Commissioner Fennell: | Yes | | <u>Motion carried 5-0.</u> |

NEW BUSINESS

The city clerk read **R-2019-045**.

AN ORDER OF THE BOARD OF COMMISSIONERS OF THE CITY OF NEWPORT, KENTUCKY, AUTHORIZING CITY MANAGER THOMAS J. FROMME, PURSUANT TO THE INTERLOCAL AGREEMENT ESTABLISHING THE CITY'S PARTICIPATION IN THE **KENTUCKY LEAGUE OF CITIES INSURANCE SERVICES ASSOCIATION**, TO ENTER INTO AND EXECUTE A **TRUST PARTICIPATION AGREEMENT** IN ASSOCIATION THEREWITH.

Commissioner Guidugli made a **motion to approve**; second to the motion was offered by Commissioner Fennell. Upon hearing there were no comments or questions, the mayor called for a roll call vote.

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| Commissioner Guidugli: | Yes | Commissioner Rehtin: | Yes | Mayor Peluso: | Yes |
| Commissioner Fennell: | Yes | Commissioner Peluso: | Yes | | <u>Motion carried 5-0.</u> |

The city clerk read **R-2019-046**

AN ORDER OF THE BOARD OF COMMISSIONERS OF THE CITY OF NEWPORT, KENTUCKY, AUTHORIZING CITY MANAGER THOMAS J. FROMME TO ENTER INTO **AGREEMENTS** WITH KENTUCKY LEAGUE OF CITIES (KLCIS) FOR **PROPERTY AND LIABILITY** INSURANCE, WITH KENTUCKY EMPLOYERS MUTUAL (KEMI) FOR **WORKERS COMPENSATION** INSURANCE, WITH THE HARTFORD FOR **CRIME COVERAGE**, AND WITH OHIO CASUALTY AND TRAVELERS INSURANCE FOR **PUBLIC OFFICIALS BONDS**.

Commissioner Fennell made a **motion to approve**; second to the motion was offered by Commissioner Peluso. Upon hearing there were no comments or questions, the mayor called for a roll call vote.

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| Commissioner Fennell: | Yes | Commissioner Rehtin: | Yes | Mayor Peluso: | Yes |
| Commissioner Peluso: | Yes | Commissioner Guidugli: | Yes | | <u>Motion carried 5-0.</u> |

The city clerk read **R-2019-047**

AN ORDER OF THE BOARD OF COMMISSIONERS OF THE CITY OF NEWPORT, KENTUCKY, AUTHORIZING THE **ISSUANCE OF UP TO \$14,000,000 MAXIMUM AGGREGATE PRINCIPAL AMOUNT TAXABLE INDUSTRIAL BUILDING REVENUE BONDS**, SERIES 2019A, AND \$4,000,000 MAXIMUM AGGREGATE PRINCIPAL AMOUNT TAXABLE INDUSTRIAL BUILDING REVENUE BONDS, SERIES 2019B, IN ORDER TO ASSIST 120 MAIN STREET, LLC, (**THE SKYPOINT PROJECT**), OR ASSIGNS, TO FINANCE THE ACQUISITION, CONSTRUCTION AND EQUIPPING OF AN INDUSTRIAL BUILDING FACILITY LOCATED WITHIN THE CITY OF NEWPORT,

KENTUCKY AND TO IMPROVE SAID FACILITY; AUTHORIZING THE ISSUANCE OF ADDITIONAL BONDS; PROVIDING FOR THE PLEDGE OF REVENUES FOR THE PAYMENT OF SAID BONDS; AUTHORIZING A LEASE AGREEMENT BETWEEN THE CITY OF NEWPORT, KENTUCKY AND 120 MAIN STREET, LLC, OR ASSIGNS, WITH RESPECT TO THE FACILITY (THE "AGREEMENT"); AUTHORIZING A SPRINGING EXECUTORY INTEREST DEED; AUTHORIZING A TRUST INDENTURE APPROPRIATE FOR THE PROTECTION AND DISPOSITION OF SUCH REVENUES AND FURTHER TO SECURE THE PAYMENT OF SAID BONDS; AUTHORIZING A BOND PURCHASE AGREEMENT; AUTHORIZING AN OPEN END LEASEHOLD MORTGAGE AND SECURITY AGREEMENT (WITH GROUND LESSOR JOINDER, A PILOT MORTGAGE TO SECURE THE SERIES 2019B BONDS, AND AUTHORIZING A HOME OFFICE PAYMENT AGREEMENT.

Commissioner Peluso made a **motion to approve**; second to the motion was offered by Commissioner Guidugli. Mr. Fromme stated the bonds were previously authorized, this is a follow-up item. The property will be redeveloped into 45 condominiums, most with skyline views, and likely to be priced between \$350,000-\$500,000. Mr. Jim Parsons added the bonds are private activity bonds, the City has no obligation, and the PILOT payment will bring significant revenue. Upon hearing there were no comments or questions, the mayor called for a roll call vote.

Commissioner Peluso: Yes Commissioner Rehtin: Yes Mayor Peluso: Yes
Commissioner Guidugli: Yes Commissioner Fennell: Yes Motion carried 5-0.

The city clerk read **R-2019-048**

AN ORDER OF THE BOARD OF COMMISSIONERS OF THE CITY OF NEWPORT, KENTUCKY AUTHORIZING AND DIRECTING THE CITY MANAGER TO ISSUE **PURCHASE ORDERS FOR THE PURCHASE OF THREE 2019 DODGE CHARGER AWD VEHICLES.**

Commissioner Guidugli made a **motion to approve**; second to the motion was offered by Commissioner Fennell. Mr. Fromme stated these were authorized in the current fiscal year budget. Upon hearing there were no comments or questions, the mayor called for a roll call vote.

Commissioner Guidugli: Yes Commissioner Rehtin: Yes Mayor Peluso: Yes
Commissioner Fennell: Yes Commissioner Peluso: Yes Motion carried 5-0.

The city clerk read **R-2019-049**

AN ORDER OF THE BOARD OF COMMISSIONERS OF THE CITY OF NEWPORT, KENTUCKY DECLARING CERTAIN PERSONAL PROPERTY OF THE CITY OF NEWPORT CODE ENFORCEMENT AND PUBLIC WORKS DEPARTMENTS AS **SURPLUS** AND AUTHORIZING DISPOSAL IN ACCORDANCE WITH STATE LAW.

Commissioner Fennell made a **motion to approve**; second to the motion was offered by Commissioner Peluso. This includes a street sweeper and a code enforcement animal control vehicle, cages, and accessories. Upon hearing there were no comments or questions, the mayor called for a roll call vote.

Commissioner Fennell: Yes Commissioner Rehtin: Yes Mayor Peluso: Yes
Commissioner Peluso: Yes Commissioner Guidugli: Yes Motion carried 5-0.

The city clerk read **R-2019-050**

AN ORDER OF THE BOARD OF COMMISSIONERS OF THE CITY OF NEWPORT, KENTUCKY GRANTING A **PROPERTY ASSESSMENT MORATORIUM** TO HEIDI ARNOLD AND MARGARET RAUPACH RELATING TO THE RESTORATION OF PROPERTY AT 714 EAST NINTH STREET IN NEWPORT, KENTUCKY.

Commissioner Peluso made a **motion to approve**; second to the motion was offered by Commissioner Guidugli. Mr. Fromme said the program is being utilized in multiple neighborhoods. Upon hearing there were no comments or questions, the mayor called for a roll call vote.

Commissioner Peluso: Yes Commissioner Rehtin: Yes Mayor Peluso: Yes
Commissioner Guidugli: Yes Commissioner Fennell: Yes Motion carried 5-0.

The city clerk read **R-2019-051**

AN ORDER OF THE BOARD OF COMMISSIONERS OF THE CITY OF NEWPORT, KENTUCKY (THE "CITY"), AUTHORIZING AND DIRECTING MAYOR JERRY PELUSO TO EXECUTE A FULL **RELEASE AND SATISFACTION OF MORTGAGE CONCERNING THE WATERTOWER SQUARE** DEVELOPMENT PROJECT.

Commissioner Fennell made a **motion to approve**; second to the motion was offered by Commissioner Guidugli. Mr. Fromme stated the obligations are paid off, during the payoff period the City held a mortgage which now will be released. Upon hearing there were no comments or questions, the mayor called for a roll call vote.

Commissioner Fennell: Yes Commissioner Rehtin: Yes Mayor Peluso: Yes
Commissioner Guidugli: Yes Commissioner Peluso: Yes Motion carried 5-0.

The city clerk read **R-2019-052**

AN ORDER AUTHORIZING CITY MANAGER THOMAS J. FROMME TO EXECUTE A MEMORANDUM OF AGREEMENT WITH **HEALTHPOINT FAMILY CARE, INC.** FOR PARTICIPATION IN THE CITY OF NEWPORT'S **JOB DEVELOPMENT INCENTIVE PROGRAM (JDIP)** PURSUANT TO SECTION 37.212 ET. SEQ. OF THE CODE OF ORDINANCES.

Commissioner Peluso made a **motion to approve**; second to the motion was offered by Commissioner Fennell. Mr. Fromme said this Order and the next are the latest for the JDIP program. Payroll tax is 20% of City revenue (\$7.5m vs \$2.4m from property tax.) Upon hearing there were no comments or questions, the mayor called for a roll call vote.

Commissioner Peluso: Yes Commissioner Guidugli: Yes Mayor Peluso: Yes
Commissioner Fennell: Yes Commissioner Rehtin: Yes Motion carried 5-0.

The city clerk read **R-2019-053**

AN ORDER OF THE BOARD OF COMMISSIONERS OF THE CITY OF NEWPORT, KENTUCKY AUTHORIZING CITY MANAGER THOMAS J. FROMME TO EXECUTE A MEMORANDUM OF AGREEMENT WITH **COMPREHENSIVE MEDICAL MANAGEMENT, LLC** FOR PARTICIPATION IN THE CITY OF NEWPORT'S **JOB DEVELOPMENT INCENTIVE PROGRAM (JDIP)** PURSUANT TO SECTION 37.212 ET. SEQ. OF THE CODE OF ORDINANCES.

Commissioner Guidugli made a **motion to approve**; second to the motion was offered by Commissioner Peluso. Upon hearing there were no comments or questions, the mayor called for a roll call vote.

Commissioner Guidugli: Yes Commissioner Fennell: Yes Mayor Peluso: Yes
Commissioner Peluso: Yes Commissioner Rehtin: Yes Motion carried 5-0.

The city clerk read **R-2019-054**

AN ORDER OF THE BOARD OF COMMISSIONERS OF THE CITY OF NEWPORT, KENTUCKY AUTHORIZING CITY MANAGER THOMAS J. FROMME TO EXECUTE A **MUNICIPAL AID CO-OP PROGRAM CONTRACT** BETWEEN THE CITY OF NEWPORT, KENTUCKY AND THE COMMONWEALTH OF KENTUCKY, TRANSPORTATION CABINET, DEPARTMENT OF RURAL AND MUNICIPAL AID FOR THE FISCAL YEAR BEGINNING JULY 1, 2018, AS PROVIDED IN THE KENTUCKY

REVISED STATUTES AND ACCEPTING ALL STREETS REFERRED TO THEREIN AS BEING STREETS WHICH ARE A PART OF THE CITY OF NEWPORT, KENTUCKY.

Commissioner Guidugli made a **motion to approve**; second to the motion was offered by Commissioner Peluso. Mr. Fromme explained the City participated in this program last year which takes 3% of whatever Municipal Road Aid funds were available making participants eligible for emergency road funds from the State. Upon hearing there were no comments or questions, the mayor called for a roll call vote.

Commissioner Guidugli: Yes Commissioner Fennell: Yes Mayor Peluso: Yes
Commissioner Peluso: Yes Commissioner Rehtin: Yes Motion carried 5-0.

The city clerk read **R-2019-055**

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE CITY OF NEWPORT, KENTUCKY AFFIRMING SUPPORT OF AND PARTNERSHIP WITH THE 2020 CENSUS AND TO ESTABLISH A **2020 CENSUS COMPLETE COUNT COMMITTEE** WITH REGARD THERETO.

Commissioner Fennell made a **motion to approve**; second to the motion was offered by Commissioner Guidugli. Ms. Sims who will head the committee commented on the importance of an accurate count. There being no comments or questions, the mayor called for a roll call vote.

Commissioner Fennell: Yes Commissioner Rehtin: Yes Mayor Peluso: Yes
Commissioner Guidugli: Yes Commissioner Peluso: Yes Motion carried 5-0.

The city clerk gave first reading by title and summary to tentative **O-2019-011**.

AN ORDINANCE **REPEALING CHAPTER 94, TREES AND LANDSCAPE**, OF THE CODE OF ORDINANCES IN ITS ENTIRETY AND REPLACING WITH NEW CONTENT

Commissioner Guidugli made a **motion to approve**; second to the motion was offered by Commissioner Peluso. Mr. Roell and Ms. Comte (City Arborist) **gave an overview, responded to questions from the Board in extended discussion, and** explained the update follows a review of the entire chapter, makes clear who is responsible, and references adoption of ANSI standards. Any fees collected for damages go to a dedicated tree fund. The update will be shared with groups who have been active in tree planting and maintenance. Recent incidents of vandalism to trees are being reviewed by the Police Department. Educating and informing residents and volunteers about benefits, best practices, and goals improves the program and the canopy. The arborist will continue to work directly with utility companies and communicating with residents on trimming. **(Commissioner Fennell pointed out that under the new provisions,)** replacement of sidewalk damaged by trees will now be the responsibility of the homeowner. For tree removal, information has been shared on the City website and the trees are marked. Community tree planting has been successful with a 90% survival rate. Re-inventory will be done in one of ten zones each year followed by planting and/or pruning. Trees on Monmouth will be pruned this summer. Upon hearing there were no further comments or questions, the mayor called for a roll call vote.

Commissioner Guidugli: Yes Commissioner Fennell: Yes Mayor Peluso: Yes
Commissioner Peluso: Yes Commissioner Rehtin: Yes Motion carried 5-0.

The city clerk gave first reading by title and summary to tentative **O-2019-012**

AN ORDINANCE **AMENDING CHAPTER 32** OF THE CODE OF ORDINANCES CONCERNING CITY BOARDS AND COMMISSIONS.

Commissioner Guidugli made a **motion to approve**; second to the motion was offered by Commissioner Fennell. Mr. Fromme said this goes along with the prior item; now that the City has an arborist, this eliminates the Tree Board which has not been active. Upon hearing there were no comments or questions, the mayor called for a roll call vote.

Commissioner Guidugli: Yes Commissioner Rehtin: Yes Mayor Peluso: Yes
Commissioner Fennell: Yes Commissioner Peluso: Yes Motion carried 5-0.

The city clerk gave first reading by title and summary to tentative **O-2019-013**

AN ORDINANCE OF THE BOARD OF COMMISSIONERS OF THE CITY OF NEWPORT, KENTUCKY **CLOSING AND VACATING PART OF TRAPP ALLEY** IN THE CITY OF NEWPORT, CAMPBELL COUNTY, KENTUCKY.

Commissioner Fennell made a **motion to approve**; second to the motion was offered by Commissioner Guidugli. Mr. Fromme said there was no prospective use for the paper alley off McHenry and the adjoining property owners have signed off. Upon hearing there were no comments or questions, the mayor called for a roll call vote.

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| Commissioner Fennell: | Yes | Commissioner Rehtin: | Yes | Mayor Peluso: | Yes |
| Commissioner Guidugli: | Yes | Commissioner Peluso: | Yes | <u>Motion carried 5-0.</u> | |

The city clerk gave first reading by title and summary to tentative **O-2019-014**

AN ORDINANCE OF THE BOARD OF COMMISSIONERS OF THE CITY OF NEWPORT, KENTUCKY **AMENDING SECTION 37.091** OF THE CODE OF ORDINANCES CONCERNING BUSINESS LICENSES.

Commissioner Peluso made a **motion to approve**; second to the motion was offered by Commissioner Fennell. Mr. Braun explained this simply states the CPI is determined by the Federal Bureau of Labor Statistics. Upon hearing there were no comments or questions, the mayor called for a roll call vote.

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| Commissioner Peluso: | Yes | Commissioner Rehtin: | Yes | Mayor Peluso: | Yes |
| Commissioner Fennell: | Yes | Commissioner Guidugli: | Yes | <u>Motion carried 5-0.</u> | |

COMMENTS FROM CITY DEPARTMENT HEADS

Mr. Braun presented a framed map of the City in 1896. A map was given to Mr. Braun by Mr. Otto Dan Wolff who found it cleaning out an attic; Wolff's grandfather was Newport City Attorney from 1912-1915. The map was restored, digitized, and framed with assistance from Chris Harris, Steve Mathison, Hedgehog Signs, and AC Moore.

COMMENTS FROM CITY MANAGER

Several projects that have long been in the works are coming to fruition and getting attention in the media. These include North American Properties acquisition of Newport on the Levee and their plans for improvements. Ovation development is underway with the demolition of the old Riverside Ford lot and groundbreaking for the arena will follow by the end of the summer. The City must continue to work to grow the payroll revenue stream.

COMMENTS FROM THE BOARD OF COMMISSIONERS

Commissioner Peluso

- This is Italian Week in Newport with the 28th Italianfest.

Commissioner Fennell

- This year may bring the coolest weather in the history of Italianfest.

Mayor Peluso

- Italianfest activities kick off Wednesday with the Mayor's Bocce Ball Tournament at Pompilio's. Eight teams representing Northern Kentucky cities will challenge last year's champion, Cold Spring.
- The Taste of Newport and East Row Garden tours were both great successes this year. Thanks to all the vendors, visitors, and those who volunteered.
- Birthday wishes were extended to Mrs. Frances Peluso, the Mayor's mother turns 91

tomorrow.

ADJOURNMENT

Commissioner Guidugli made a motion to adjourn; second to the motion was offered by Commissioner Peluso.

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| Commissioner Peluso: | Yes | Commissioner Rehtin: | Yes | Mayor Peluso: | Yes |
| Commissioner Fennell: | Yes | Commissioner Guidugli: | Yes | <u>Motion carried 5-0.</u> | |

The meeting adjourned at 8:30 p.m.

Date Approved/Signed

Jerry R. Peluso, Mayor

Attest:

Amy B. Able, City Clerk

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