

CITY OF NEWPORT, KY
REGULAR MEETING OF THE BOARD OF COMMISSIONERS
Monday, July 20, 2020
MINUTES

CALL TO ORDER / ROLL CALL

The meeting was called to order by Mayor Peluso at 7:00 p.m. and held via video teleconference via the Zoom meeting application with a live stream to the City's Facebook page.

In attendance via video teleconference were: Commissioner Beth Fennell, Commissioner Frank Peluso, Commissioner Thomas Guidugli, Jr., Commissioner Ken Rehtin, and Mayor Jerry Peluso. Also in attendance were: City Manager Thomas Fromme, City Attorney Daniel Braun, Police Chief Chris Fangman, Fire Chief Bill Darin, Director of Finance Leonard Kuntz, Community Services Director Doug Roell, Assistant City Manager Larisa Sims, and City Clerk Amy Able.

The published agenda and MRA public hearing notice stated that, in accordance with the Governors Emergency Order and the provisions of SB 150, it is allowable to conduct the meeting via a live video teleconference. The notices advised the public how to comment in advance or during the meeting. No advance comments were received.

PERSONNEL ORDERS

The city clerk read by title and summary **R-2020-025**

AN ORDER OF THE BOARD OF COMMISSIONERS OF THE CITY OF NEWPORT,
KENTUCKY, APPOINTING **BARRY SHIELDS** TO THE POSITION OF **CODE
ENFORCEMENT OFFICER.**

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 vote; by show of hands, the **motion carried unanimously, 5:0.**

The city clerk read by title and summary **R-2020-026**

AN ORDER OF THE BOARD OF COMMISSIONERS OF THE CITY OF NEWPORT,
KENTUCKY, APPOINTING **TYLER WATSON** TO THE POSITION OF
FIREFIGHTER/MEDIC, GRADE 0 IN THE NEWPORT FIRE/EMS DEPARTMENT
EFFECTIVE AUGUST 3, 2020.

Commissioner Peluso made a **motion to approve**; second to the motion was offered by Commissioner Guidugli. Chief Darin stated Watson began his career in Southgate in 2013 and currently working with Bellevue/Dayton. Upon hearing there were no further comments or questions, the mayor called for a vote; by show of hands, the **motion carried unanimously, 5:0.**

The city clerk read by title and summary **R-2020-027**

AN ORDER OF THE BOARD OF COMMISSIONERS OF THE CITY OF NEWPORT,
KENTUCKY **PROMOTING MARCUS MUENCH TO THE POSITION OF CAPTAIN, GRADE
3 AND ERIC HERMAN TO LIEUTENANT, GRADE 0** IN THE FIRE/EMS DEPARTMENT.

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 vote; by show of hands, the **motion carried unanimously, 5:0.**

PUBLIC HEARINGS

The mayor opened the hearing for Municipal Road Aid Funds at 7:05 and read the notice.

The purpose of the public hearing is to obtain written or oral comments regarding the proposed use of Municipal Road Aid Program funds for the 2020-2021 fiscal year. The proposed use of these funds is for road improvements such as resurfacing, rehabilitation, or reconstruction and signalization for City streets. Funds will be used for reconstruction and maintenance of roads including expenses such as filling potholes as well as snow removal and treatment, street cleaning, line painting, and repair or replacement of sidewalks, curbs, gutters, lighting and signage when done in conjunction with a street reconstruction project.

Municipal Road Aid Program

Cash balance carried forward (estimate)	\$ 23,315.63
Anticipated receipts (including interest)	\$316,425.04
Total available for appropriation	\$339,740.67

The public hearing notice was advertised in the Campbell County Recorder on July 9, 2020 and posted at the city building and on the city website beginning July 2, 2020.

The mayor called for any comments or questions. No comments were received by the city clerk in advance of this public hearing. Mrs. Sims, monitoring the livestream on Facebook stated there were no related questions or comments. The mayor closed the public hearing at 7:07.

APPROVAL OF MINUTES

Commissioner Fennell made a **motion to approve** minutes of the June 15, 2020 regular and June 16, 2020 special meetings. Second to the motion was offered by Commissioner Guidugli. Upon hearing there were no corrections or questions, the mayor called for a vote; by show of hands, the **motion carried unanimously, 5:0.**

OLD BUSINESS

The city clerk gave second reading by title and summary of **O-2020-010**

AN ORDINANCE OF THE BOARD OF COMMISSIONERS OF NEWPORT, KENTUCKY PURSUANT TO SECTION 71.60 OF THE CODE OF ORDINANCES AMENDING THE ONE-WAY STREET SCHEDULE IN CHAPTER 73, ADDING **THORNTON STREET FROM ISABELLA TO BRIGHTON AS A ONE-WAY WESTERLY STREET.**

Commissioner Peluso made a **motion to approve**; second to the motion was offered by Commissioner Fennell. Mr. Fromme reviewed the issue, brought to the attention of staff and Board members by several residents and it was previously looked at as long as six years ago. Cut-through traffic has increased since the expansion/reopening of Route 9. (Recent counts, likely reduced due to recording during the pandemic showed the individual blocks had 150, 400, and 200 cars per day.) Further study of traffic on the West Side will be coming. The proposed change is for all three blocks to change from two-way traffic to one-way westward. Following the first reading earlier in the year, a few residents expressed opposition to any change at an earlier meeting. Subsequent to the first reading, additional information was provided to the board including traffic counts. Certified letters were sent to 65 residents of the immediate area, (14 were returned or refused service). Seven of fifty-one receiving letters responded in favor of one-way conversion. Staff discussed the matter individually twenty residents and found two opposed and eighteen in favor. Chief Fangman confirmed for Commissioner Fennell that monitoring for speed will continue. Commissioner Rehtin noted any such change has impact elsewhere and he reiterated the need for a comprehensive traffic study. Following notice, the change is likely to be implemented September 1. Upon hearing there were no further comments or questions, the mayor called for a vote; by show of hands, the **motion carried unanimously, 5:0.**

NEW BUSINESS

The city clerk read by title and summary **R-2020-028**

AN ORDER OF THE BOARD OF COMMISSIONERS OF THE CITY OF NEWPORT,

KENTUCKY (THE "CITY"), AUTHORIZING THE EXECUTION OF A **MEMORANDUM OF AGREEMENT** BETWEEN THE CITY AND **NEWPORT CLIFTON DEVELOPMENT LLC** (THE "COMPANY") RELATING TO THE ACQUISITION, CONSTRUCTION, EQUIPPING AND INSTALLATION OF A RESIDENTIAL PROJECT TO BE LOCATED WITHIN A DOWNTOWN BUSINESS DISTRICT AS DESIGNATED BY THE CITY (THE "PROJECT"); 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.

Commissioner Peluso made a **motion to approve**; second to the motion was offered by Commissioner Rehtin. Mr. Fromme introduced Mr. Jim Parsons, counsel for the developer (joining via video) and Mr. T.J. Ackerman, the developer (joining via audio) to take any questions. Mr. Fromme stated this will be a Citirama project on Thirteenth and Fourteenth Streets between York and Monmouth. Concerns about slippage will be addressed throughout the development. Mr. Parsons explained with the IRB there is no debt to the city, it is self-supporting, similar to the 120 Main project and using PILOT savings for public infrastructure (retaining wall, sanitary and storm.) Mr. Parsons responded to questions about the PILOT which does not create higher taxes for these owners; the property tax bill they receive is the same tax rate applied to their assessment as any other property and a portion of the gross tax goes to the city and the rest supports the debt issued for the bonds as with all the IRB projects. Mr. Ackerman responded to questions about the expected timeline; by the Citirama show in September 2021, they expect to have completed nine of the first eighteen homes and the remainder complete by summer 2022. Infrastructure for the entire project will be done all at once. An additional forty-two homes (not part of the show) will follow with all sixty expected to be occupied by 2023. Commissioner Fennell brought up traffic in the area. The plans for improvements to US 27 will be coordinated with the reopening of Thirteenth Street. The plans will include traffic calming features, this was discussed at length before the Planning Commission. Mr. Ackerman stated he will continue to work with the city manager's office and the police chief and one option to consider may be multiple mid-block crosswalks installed with pavers or granite cobblestones (which provide a slight pitch). Upon hearing there were no further comments or questions, the mayor called for a vote; by show of hands, the **motion carried unanimously, 5:0**.

The city clerk read by title and summary **R-2020-029**

AN ORDER OF THE BOARD OF COMMISSIONERS OF THE CITY OF NEWPORT, KENTUCKY **IMPOSING A DEVELOPMENT MORATORIUM** UPON ALL PROPERTIES CURRENTLY LOCATED WITHIN THE 1-2 AND TRANSITION ZONES BOUNDED BY FIFTH STREET TO THE NORTH, THE LICKING RIVER TO THE WEST, BRIGHTON STREET TO THE EAST AND HODGE STREET TO THE SOUTH AND DIRECTING THE DIRECTOR OF CODE ENFORCEMENT TO REFUSE TO ACCEPT OR PROCESS APPLICATIONS FOR A ZONE CHANGE, APPROVING DEVELOPMENT PLANS OR PLACING THE SAME ON THE PLANNING AND ANY ZONING COMMISSION AGENDA FOR DETERMINATIONS, ESTABLISHING THE PURPOSE FOR THE MORATORIUM AND SETTING THE DURATION THEREOF.

Commissioner Rehtin made a **motion to approve**; second to the motion was offered by Commissioner Guidugli. Mr. Fromme stated the update to the comprehensive plan is in progress and it makes sense to include such a large site in the plan since considerable funds have already been invested in the update. Mrs. Sims stated the committee is in the middle of the process and identifying focus areas, this area continues to come up; the update will likely be complete in January 2021 and will include any zoning recommendations. Mr. Braun noted corresponding dates are outlined in the Order. Upon hearing there were no further comments or questions, the mayor called

for a vote; by show of hands, the **motion carried unanimously, 5:0.**

The city clerk gave first reading by title and summary of **O-2020-011**

AN ORDINANCE OF THE BOARD OF COMMISSIONERS OF THE CITY OF NEWPORT, KENTUCKY AMENDING THE APPROPRIATIONS PROVISION OF THE GENERAL FUND SET FORTH IN THE AMENDED BUDGET ADOPTED BY ORDINANCE O-2020-007 FOR THE FISCAL YEAR JULY 1, 2019 TO JUNE 30, 2020.

Commissioner Guidugli made a **motion to approve**; second to the motion was offered by Commissioner Peluso. Mr. Kuntz explained this is a correction. He stated an amendment to "Transfers Out to Other Funds" [of the FY 2019-2020 budget ordinance] related to the legacy pension fund was made through a mid-year amendment [O-2019-028], but that change was omitted from the totals on the full amended Ordinance adopted in June [O-2020-007]. Upon hearing there were no further comments or questions, the mayor called for a vote; by show of hands, the **motion carried unanimously, 5:0.**

The city clerk gave first reading by title and summary of **O-2020-012**

AN ORDINANCE OF THE BOARD OF COMMISSIONERS OF THE CITY OF NEWPORT, KENTUCKY AMENDING THE APPROPRIATIONS PROVISION FOR THE GENERAL FUND SET FORTH IN ORDINANCE O-2020-008 WHICH ADOPTED THE BUDGET FOR THE FISCAL YEAR JULY 1, 2020 TO JUNE 30, 2021.

Commissioner Fennell made a **motion to approve**; second to the motion was offered by Commissioner Guidugli. Mr. Kuntz said this corrects the omission of \$150,000 to Transfers [of the FY 2020-2021 budget adopted by Ordinance O-2020-008] for the Fire and Police legacy pensions. Upon hearing there were no further comments or questions, the mayor called for a vote; by show of hands, the **motion carried unanimously, 5:0.**

The city clerk gave first reading by title and summary of **O-2020-013**

AN ORDINANCE OF THE BOARD OF COMMISSIONERS OF THE CITY OF NEWPORT, KENTUCKY AMENDING §111.58 OF THE CODE OF ORDINANCES CONCERNING **ALCOHOLIC BEVERAGE LICENSES.**

Commissioner Peluso made a **motion to approve**; second to the motion was offered by Commissioner Fennell. Mr. Fromme stated this is a housekeeping measure related to existing zones where extended hours permits are allowable and SC was inadvertently left out. Mr. Braun confirmed extended hours permits will only be available in RFD or SC zones or in an entertainment center. Upon hearing there were no further comments or questions, the mayor called for a vote; by show of hands, the **motion carried unanimously, 5:0.**

Commissioner Fennell made a **motion for recess** at 7:51 p.m. to allow a meeting of the Public Properties Corporation; second to the motion was offered by Commissioner Peluso. The mayor called for a vote; by show of hands, the **motion carried unanimously, 5:0.**

CITY OF NEWPORT, KENTUCKY, PUBLIC PROPERTIES CORPORATION MEETING

Commissioner Rehtin made a **motion to enter the Meeting** of the City of Newport, Kentucky, Public Properties Corporation; second to the motion was offered by Commissioner Fennell. By show of hands, all were in favor, **5:0.** The meeting was called to order by Mayor Peluso at 7:52 p.m.

Attendance was noted for the record with **all members present** through video teleconference including the Directors: Jerry Peluso, Tom Guidugli, Jr., Frank Peluso, Sr., Beth Fennell, and Ken Rehtin; and Tom Fromme, President as well as Lenny Kuntz, Treasurer and Amy Able, Secretary.

Mrs. Sims gave a presentation. The landfill was operated from the 1940's through the 1970's, deemed a Superfund Site, there was an agreed order, the landfill was capped, the City entered a consent agreement, performed operational and maintenance activities and agreed to do so indefinitely. In 2009 an environmental covenant was placed including restrictions of the types of uses for the site. The Port Authority briefly took ownership and the PPC took it back over last year. The City continues to do monitoring and maintenance work following EPA requirements such as cap repairs. The site is located in the City of Wilder and wraps behind the Wilder Storage facility. Numerous depressions were filled and the swale was extended last year as monitoring continues. The project is a new partnership with Duke Energy to lease a portion of the site for solar energy.

Representatives from Duke joining via video teleconference were introduced: Cara Brooks, Steven Barkowski (audio), Elizabeth Bennett, and Mike Starkey. Mrs. Sims explained the proposal is a two-year option to lease to allow them to test and survey to conduct due diligence to find if the site can support a solar facility. The group responded to questions. Part of the two-year period will be monitoring to confirm if the site will support the weight as necessary. The estimated time frame would be for construction in 2022. Mr. Barkowski confirmed Duke is experienced with developing landfills and sensitive to the requirements for there being no damage to the cap, if there were any damage it will be returned to the as-found condition. It is estimated 60-70% of the flat portion would be utilized.

The city clerk read by title and summary **Resolution 2020-001**

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE CITY OF NEWPORT, PUBLIC PROPERTIES CORPORATION AUTHORIZING THE EXECUTION OF AN OPTION TO LEASE AGREEMENT WITH DUKE ENERGY KENTUCKY, INC. AND ALL SUBSEQUENT DOCUMENTATION IN CONJUNCTION THEREWITH.

Commissioner Peluso made a **motion to approve**; second to the motion was offered by Commissioner Rehtin. Upon hearing there were no further comments or questions, the mayor called for a vote; by show of hands, the **motion carried unanimously, 5:0.**

There being no further business, Commissioner Guidugli made a **motion to adjourn**; second to the motion was offered by Commissioner Fennell. The mayor called for a vote; by show of hands, the **motion carried unanimously, 5:0.** The meeting of the City of Newport, Kentucky Public Properties Corporation adjourned at 8:07 p.m.

Commissioner Fennell made a motion to return to and reenter the regular session of the Board of Commissioners; second to the motion was offered by Commissioner Guidugli. The mayor called for a vote; by show of hands, the **motion carried unanimously, 5:0.** The Board of Commissioners meeting reconvened at 8:08 p.m. Attendance was noted for the record with all members present through video teleconference including Mayor Peluso and Commissioners Guidugli, Peluso, Fennell, and Rehtin.

COMMENTS FROM CITY DEPARTMENT HEADS

Chief Darin thanked the Board for approving the new hire and promotions. He acknowledged the long service of Capt. Muench (since 2005) and Lt. Herman (since 2007).

Mrs. Sims thanked participants of the virtual public forum on the comprehensive plan update.

Mr. Braun noted for the record this meeting being conducted via video teleconference is allowable in accordance with the Governors Emergency Order and the provisions of SB 150.

Mr. Kuntz stated the assessment rolls from PVA are expected to be delayed by two-weeks,

calculation of the tax rates will begin immediately upon receipt of that data.

COMMENTS FROM CITY MANAGER

- The City continues to work with businesses through the challenges of the pandemic.
- Work on Grandview piering will begin in August with paving to follow including on Overlook.
- Work has begun on the tennis courts at Mussman.
- Work is underway at Sixteenth and Monmouth to improve drainage.
- Sidewalk repairs will begin shortly with notices sent to adjacent properties.
- Newport Gaming and Racing facility is under construction and over 40,000 sq. ft. with a portion of the parking lot already being repaved and employee parking to be in the rear.
- Asked Chief Fangman to review the Citizens Police Academy. The fourteen week program includes overviews of other city departments. There are a maximum of fifteen seats per class.

COMMENTS FROM THE BOARD OF COMMISSIONERS

Commissioner Guidugli

- Urged everyone to complete the census as it is essential for the City to receive funds to provide services.

Commissioner Peluso

- Welcomed and congratulated the newly hired and promoted. He added thanks and congratulations to retiring officers McElroy and Selby and Fire Capt. Frank Peluso, Jr.
- Congratulated Mr. Ron Crail, a resident of Saratoga Place was recently recognized with a medal presentation ceremony for his service during the Korean War.
- Expressed sympathy to the family and friends of Mr. Jimmy McCully, a retired, employee of the City for over thirty years.

Commissioner Rehtin

- Thanked Mrs. Sims for monitoring the comments and questions received during the live stream of the meeting to the City Facebook page. He addressed two items brought up online.
 - He asked the city manager to respond to the suggestion that the City would lose revenue by not participating in Riverfest. Mr. Fromme explained that Riverfest is very costly to the City even in the best of circumstances starting with personnel costs. All union contracts include bonuses for Riverfest which total about \$30,000 as all employees must work the event. As a declared emergency, the National Guard assists. This still does not provide the personnel required. Additional officers are brought in from the County. Consider Newport has 41 police and 35 fire compared to Cincinnati's 1,200+. There are well over \$100,000 in these personnel costs.
 - Asked about the program for reporting cars registered in Ohio consistently parked on Newport streets. The PD has shared information for reporting these.

Mayor Peluso

- Check on elderly neighbors during the heat.

ADJOURNMENT

There being no further business, Commissioner Rehtin made a **motion to adjourn**; second to the motion was offered by Commissioner Guidugli. The motion carried unanimously, 5:0. The meeting adjourned at 8:25 p.m.

Date Approved/Signed

Jerry R. Peluso, Mayor

*Board of Commissioners of Newport, KY
July 20, 2020 Meeting Minutes*

Attest:

Amy B. Able, City Clerk

NOT an official copy