

**CITY OF NEWPORT, KY**  
**REGULAR MEETING OF THE BOARD OF COMMISSIONERS**  
**Monday, October 19, 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. The mayor opened the meeting with a moment of silent prayer and the Pledge of Allegiance.

Clerk's note: 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 meeting agenda published on the city website, posted at the city building, and distributed to media of record advised the public how to comment in advance or during the meeting. No advance comments were received by staff.

**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, Assistant City Attorney Dan Braun, Police Chief Chris Fangman, Fire Chief Bill Darin, Community Services Director Doug Roell, Assistant City Manager Larisa Sims, and Interim City Clerk Joy Rovno.

**PERSONNEL ORDERS**

The city clerk read by title and summary **R-2020-039**.

AN ORDER OF THE BOARD OF COMMISSIONERS OF THE CITY OF NEWPORT, KENTUCKY, **APPOINTING DOUG ROELL** TO THE POSITION OF PROJECTS DIRECTOR IN THE OFFICE OF THE CITY MANAGER EFFECTIVE OCTOBER 1, 2020.

Thomas Fromme stated the city continues to grow even during the COVID pandemic. Doug Roell has been serving as Community Service Director for many years, due to his many job duties, it is difficult to keep up with daily infrastructure issues such as pot holes, trees, leaf pick, road repairs and also manage large developments. With this new position Doug will be able to concentrate his efforts on capital projects throughout the city. Doug will be working closely with Larisa Sims on new and ongoing developments. This will help staff keep up with the levels of service to our community. Commissioner Fennell made a **motion to approve**; second to the motion was offered by Commissioner Rehtin  
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-2020-042**.

AN ORDER OF THE BOARD OF COMMISSIONERS OF THE CITY OF NEWPORT, KENTUCKY, **PROMOTING CONNOR EAST** TO THE POSITION OF ENGINEER/MEDIC GRADE 0 IN THE NEWPORT FIRE DEPARTMENT EFFECTIVE OCTOBER 20, 2020.

Chief Bill Darin stated these promotions are due to promotional exams, Robert Hug was first and Connor East second after taking the exam. He went on to say both Connor and Robert began working for the city in 2018, Chief Darin stated he was proud of both gentlemen for their accomplishments. Commissioner Fennell made a **motion to approve**; second to the

motion was offered by Commissioner Guidugli. The mayor called for a vote; by show of hands, **motion carried unanimously, 5:0.**

The city clerk read by title and summary **R-2020-043.**

AN ORDER OF THE BOARD OF COMMISSIONERS OF THE CITY OF NEWPORT, KENTUCKY, **PROMOTING ROBERT HUG** TO THE POSITION OF ENGINEER/MEDIC GRADE 0 IN THE NEWPORT FIRE DEPARTMENT EFFECTIVE OCTOBER 20, 2020.

Commissioner Guidugli made a **motion to approve**; second to the motion was offered by Commissioner Fennell. Mayor Peluso congratulated both firefighters on their promotions. Upon hearing there were no comments or questions, the mayor called for a vote; by show of hands, the **motion carried unanimously, 5:0.**

### **APPROVAL OF MINUTES**

Commissioner Peluso made a **motion to approve** minutes of the September 21, 2020 regular meeting and 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 to **O-2020-016.**

AN ORDINANCE OF THE BOARD OF COMMISSIONERS OF THE CITY OF NEWPORT, KENTUCKY **AMENDING SECTION 150.22 OF THE CODE OF ORDINANCES CONCERNING APPEALS OF NOTICES AND ORDERS.**

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.**

### **NEW BUSINESS**

The city clerk gave first reading by title and summary of **O-2020-018.**

AN ORDINANCE OF THE BOARD OF COMMISSIONERS OF THE CITY OF NEWPORT, KENTUCKY **AMENDING SECTION 31.42 OF THE CODE OF ORDINANCES CONCERNING THE OFFICE OF THE CITY MANAGER.**

Commissioner Fennell made a **motion to approve**; second to the motion was offered by Commissioner Guidugli. Mr. Fromme explained that this is a house keeping item, which creates the new position for Doug Roell. 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-2020-019.**

AN ORDINANCE OF THE BOARD OF COMMISSIONERS OF THE CITY OF NEWPORT, KENTUCKY **AMENDING SECTION 153.44 OF THE CODE OF ORDINANCES CONCERNING MAP AMENDMENTS.**

Commissioner Fennell asked for clarification. Dan Braun replied the city had streamlined the process, he stated it's a housekeeping measure. Commissioner Fennell asked if the Board of Commissioners would not vote on map amendments. Dan Braun replied the Board of Commissioners would vote on the recommendations of the Planning and Zoning Commission if they were asked to do so by someone, otherwise there would be no necessity for the Board of Commissioners to have to review map amendments. Larisa Sims replied the Board of Commissioners will only see a map amendment under a specific request from someone asking that the Board of Commissioners hold a separate hearing to review it, otherwise the Planning and Zoning Commission's recommendation would be the approval. Commissioner Fennell replied she was not comfortable with this change. Commissioner Guidugli made a **motion to approve**; second to the motion was offered by Commissioner Fennell **against**.

The mayor called for a vote; by show of hands, the **motion carried 4/1**.

The city clerk gave first reading by title and summary of **O-2020-020**.

**AN ORDINANCE OF THE BOARD OF COMMISSIONERS OF THE CITY OF NEWPORT, KENTUCKY ENACTING AND ADOPTING A SUPPLEMENT TO THE CODE OF ORDINANCES OF THE CITY OF NEWPORT.**

Commissioner Peluso made a **motion to approve**; second to the motion was offered by Commissioner Fennell. Thomas Fromme stated this is a housekeeping item, the Code of Ordinances is updated to reflect the changes made throughout the year. 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 gave first reading by title and summary of **O-2020-021**.

**AN ORDINANCE OF THE BOARD OF COMMISSIONERS OF THE CITY OF NEWPORT, KENTUCKY AMENDING SECTION 9.33 (C) AND RELATED SITE SPECIFIC SIGN LOCATIONS OF THE OFFICIAL ZONING ORDINANCE OF THE CITY NEWPORT, KENTUCKY CONCERNING THE SIGN OVERLAY DISTRICT (SOD).**

Commissioner Peluso made a **motion to approve**; second to the motion was offered by Commissioner Rehtin. Larisa Sims stated this is an expansion of the sign overlay district to include the majority of the riverfront district which would include the Ovation Music Venue and signage relative to that development. Commissioner Fennell asked if this would exceed the current signage regulations. Larisa Sims replied it's quite different due to the scale and frontages and the need for pedestrian signs. It is very similar to what is permitted for Newport on the Levee. 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-2020-037**.

**AN ORDER OF THE BOARD OF COMMISSIONERS OF THE CITY OF NEWPORT, KENTUCKY GRANTING PROPERTY ASSESSMENT MORATORIUM TO JUSTIN VANDERGLAS AND MARY KATE FOGARTY RELATING TO THE RESTORATION OF PROPERTY AT 829 MONROE STREET IN NEWPORT, KENTUCKY.**

Commissioner Guidugli made a **motion to approve**; second to the motion was offered by Commissioner Fennell. Commissioner Fennell stated this is a conversion from a multi-family to a single family which is encouraged. Commissioner Guidugli stated it's good to see rehabs throughout the city recently most of the rehabs have been in the west end of town, he stated

it's nice to see rehabs in the east end as well. 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-2020-038.**

**AN ORDER OF THE BOARD OF COMMISSIONERS OF THE CITY OF NEWPORT, KENTUCKY CONSENTING TO THE ASSIGNMENT OR TRANSFER OF CONTROL OF ITS CABLE SYSTEMS FRANCHISE AGREEMENT WITH CINCINNATI BELL.**

Commissioner Peluso made a motion with comment; second to the motion was offered by Commissioner Fennell with questions. Commissioner Peluso stated since the cable system was installed in the city in the early 80's, the cable company's would make promises, which some were kept some not. Commissioner Peluso asked Dan Braun to reach out to the new company asking if they would be willing to make some kind of donation to our recreation or youth programs in the city. Dan Braun replied he placed a call to the attorney that sent the agreement, and is awaiting a response. Commissioner Fennell asked for clarification of the agreement. Dan Braun replied Cincinnati bell is selling to a company by the name Redfiber. A request went to Campbell, Kenton and Boone counties asking each city to pass an order to consent to assignment, which would fulfill the requirement by the FCC in regards to the transfer agreement. Commissioner Fennell asked where Redfiber was located. Dan Braun replied he believed it is a large Australian firm, he stated he would send the commissioners all the information pertaining to this company and transfer information. Dan Braun stated the transfer will happen regardless, the company is following FCC guidelines informing us of the transfer. Commissioner Fennell asked if this matter could wait until the board receives more information. Dan Braun stated it is not time sensitive and it could wait until the next hearing. Mr. Braun stated would reach out to Mr. Guilfoyle who represents the company and who has made himself available for any questions. Commissioner Fennell stated since Commissioner Peluso has made reasonable request that had not been answered by the company and this is not time sensitive, Commissioner Fennell recommended tabling this item until more information is gathered. Dan stated he would have more info by next meeting. Commissioner Rehtin asked if the current agreement allows for assignment. Dan Braun replied yes. Thomas Fromme agreed to table the item. Commissioner Guidugli motioned to table the item until next meeting and to include Mr. Guilfoyle in order to get more information and get a better understanding of the agreement. This motion was seconded by Commissioner Fennell. The mayor called for a vote; by show of hands, the **motion carried unanimously, 5:0. To Table Item until the November 16, 2020.**

The city clerk gave first reading by title and summary of **O-2020-044.**

**AN ORDER OF THE BOARD OF COMMISSIONERS OF THE CITY OF NEWPORT, KENTUCKY DECLARING PART OF THE FLOODWALL AS DESCRIBED IN EXHIBITS "A" AND "B", IN THE CITY OF NEWPORT, KENTUCKY AS SURPLUS REAL PROPERTY AND AUTHORIZING THE MAYOR TO EXECUTE ANY AND ALL NECESSARY DOCUMENTS FOR THE TRANSFER OF SUCH PROPERTY OWNED BY THE CITY OF NEWPORT PURSUANT TO WRITTEN DETERMINATION MADE IN ACCORDANCE WITH KRS 82.083 (3) AND TO BE TRANSFERRED IN ACCORDANCE WITH KRS 82.084 (4) (B).**

Larisa Sims stated Corporex is working on the Ovation and Music Venue, the property transfer would enable the construction of the new garage which is an extension of the floodwall. This is a .03 acre parcel, this cleans up the boundary between the bottom slop to the Ovation property proper. Larisa went on to say this has been reviewed by the Corps of

Engineers and the city is awaiting Corps approvals. Commissioner Fennell asked what part of flood wall this entails. Larisa stated is on the south edge of the floodwall. Commissioner Fennell asked if it would affect the trails on top of the floodwall. Larisa replied no it would not interfere with the trails, this is at the bottom of the levee. Commissioner Guidugli asked if this property was part of the original development plan. Larisa replied yes, this was envisioned as part of the original plan. Commissioner Guidugli replied as part of the development agreement, the city was to help with the acquisition of the land to make the development work. Commissioner Peluso expressed concern is signing over a piece of tax payer property to a Corporation. Commissioner Peluso asked that a reverter clause be added if in fact nothing is built on this piece of property it reverts back the tax payers of Newport. Commissioner Fennell asked if this was time sensitive. Larisa Sims replied yes, this is the last piece, we are likely to get Corps approval next week and they will begin construction immediately. Thomas Fromme stated he understood Commissioner Peluso concerns and he would reach out to Mr. Banta, Mr. Fromme stated he did not foresee a problem with adding the reverter clause. Mayor Peluso asked, because this is time sensitive and we don't anticipate an issue with the reverter clause should the board vote on this item. Thomas Fromme replied yes. Commissioner Guidugli asked if the order could be amended to include this condition. He went on the say even though the developer has acted in good faith, it's important to protect our tax payers. Commissioner Peluso made a **motion to approve with condition** that the Developer include a right of reverter clause in the deed of conveyance in the event the development of the property does not occur within a reasonable time and the property not utilized for such purposes so that the same shall be then returned to the ownership of the City. 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.**

### **COMMENTS FROM CITY DEPARTMENT HEADS**

**Mr. Roell**, Projects Director, stated work began to rebuild a section of Central Avenue between 13th and Grandview Street. Sewer work at Grandview and Central has been completed. Currently the East side of the street is being broken up and removed, the newly installed concrete will be allowed to cure for 1 week before the West side of the street will be removed and poured back. The road will remain open during this time with the shifting of traffic from side to side until project completion. In addition, and during this project, a section of rolled curbing on Grandview that has slipped will also be replaced. A lane of traffic will be closed to facilitate this work, but the road will remain open. Signage will be placed advising motorists of these closures as they occur. Once all the concrete work is complete Grandview Avenue from Central to Main Street and the entirety of Overlook Street will be repaved to complete the project. He thanked the Board and City Manager for their vote of confidence and the chance to serve in a new capacity. Commission Peluso asked if Overlook was being repaved and stabilized. Doug Roell replied the stabilization would occur during the repaving. Commissioner Peluso congratulated Mr. Roell on his new position. Commissioner Rehtin asked how many feet of curbing would be installed along Grandview Avenue. Doug Roell replied about 270 ft. of curbing would be placed, the curbs to be replaced are marked. Mayor Peluso added residence will have access to Grandview during construction.

**Dan Braun**, City Attorney, congratulated Doug Roell on his new position.

**Police Chief Chris Fangman** stated Socially Distancing Halloween will be on Saturday, October 31 from 6-8. He invited children and their parents to come to the city building to practice a safe Halloween. Chief Fangman also invited businesses and organizations to join in the festivities.

### **COMMENTS FROM CITY MANAGER**

- Appreciates our public safety departments for reaching out to the community, which is consistent with the mission of the City and Board promoting community wide events such as National Night Out. He stated Halloween will be 6pm-8pm rain or shine, Mr. Fromme stated he hopes everyone stops by the city building for the festivities.
- Announced the new dog park will open soon. Mr. Fromme thanked Tim Appleton, City volunteers and donors. He stated the new dog park is located behind the library. He thanked the Governors office, Kentucky Transportation District and District 6, for allowing the city to utilize this unused land and make it a vital piece of property for our residents. City workers have cleaned out the area under I- 471 bridge for bike and walking trails. He stated the dog park has a walking trail around it as well. Mr. Fromme thanked Community Leaders, Volunteer groups, the Public Works Department, local bike groups and the Newport Police Department for all of their hard work to make this happen.
- Wished everyone a safe and Happy Halloween

### **COMMENTS FROM THE BOARD OF COMMISSIONERS**

#### **Commissioner Peluso**

- Congratulated those that received promotions and appointments. Congratulation to Beth Fennell her long time OKI representative. The city was recently awarded a grant for the riverfront. Commissioner Peluso suggested a committee be formed from neighborhood groups, representatives from businesses on the riverfront, the Recreation Commission and Board of Commissioners to look at what recreational needs are needed in this area.
- Wished everyone a Happy Halloween.

#### **Commissioner Rehtin**

- Congratulated employees on their promotions and thanked Doug Roell for all he does for the city.
- Asked about issues with the 16<sup>th</sup> Street speed humps
- Tom Fromme stated they should be left alone for now to see how it goes and continue to monitor. This was community driven, in this situation after test counts and speeds there was a staggering number of cars, over 1000 a day, and many over speed limit. There is a signage for the bumps and they are painted.
- Doug Roell stated there have been few complaints. Those that slow down are not dragging, those that do not slow down drag on the humps.
- Ken Rehtin stated he thought the humps are excessive but agrees to continue to monitor and if the humped need to be modified in the future to do so.
- Mayor Peluso stated he was on 16<sup>th</sup> and has shared his observations with Larisa Sims.
- Commissioner Fennell stated she has received complaints about the speed humps. Residents on 16<sup>th</sup> street deserve safety. Over the years many people have asked for speed humps, It has always been our position not to install speed humps, for a variety of reasons, liability and snow plows, Commissioner Fennell stated she has been an OKI representative for over 20 years. She stated she would like to see a

more comprehensive approach. She suggested 16<sup>th</sup> Street as an experiment, see how it works, then look at all the streets for solutions.

- Thomas Fromme stated from a comprehensive point of view we have taken measurements of speed and volume of every hill on every street on that side of the hill to date. 16<sup>th</sup>, 15<sup>th</sup>, Parkview, Grandview, and a citizen survey for 19<sup>th</sup> Street to become one way, with very few residents interested in doing so. He stated traffic calming devices are hard or impossible to implement on our narrow streets. Commissioner Fennell replied, what we are doing isn't working and reiterated a need for a more comprehensive plan, she offered to try to think of new ideas.
- Ken Rehtin asked when Dog Park will open. Tom replied once the 501(c) 3 and insurance are filed. Tom stated there will not be a grand opening due to Covid-19, but hopefully the park will open within a week.
- Ken reminded everyone to wear a mask in public
- Ken also asked everyone to vote.

### **Commissioner Fennell**

- Congratulated employees on their promotions.
- Informed everyone on the CDC guidelines for Halloween and encouraged residents to come to the city building to trick or treat.
- Reminded everyone to vote

### **Mayor Peluso**

- Encouraged residents to visit new furniture and antique store at 1021 Saratoga. Stated the owners did a great job rehabbing the space.
- Encouraged residents to visit Skate Park under I-471 arts from all over the county, are creating Halloween themed art work. Our Skate Park has been in many publications, artist Derick Tubby and skater/artist Efron Lemos, both from California have traveled here to visit the park and create some art using spray paint.
- Recognized Chad Schutlz and the MacElwains for their act of kindness helping a neighbor in need.
- Asked residents to watch for bicycle bandits, they are looking for unlocked cars. Asked residents to please be aware and lock your doors and call Newport Police Department for any suspicious activity.
- Thanked the Newport Fire Department for their quick response to the fire on the 800 block Central. He stated Captain Plieman did a great job in the search and rescue. The Mayor also extended thoughts and prayers to the family.
- Wished everyone a Happy and safe Halloween

### **Commissioner Guidugli**

- Congratulated Doug Roell, Connor East and Robert Hug on promotions
- Asked everyone to please vote

**ADJOURNMENT**

There being no further business, Commissioner Rehtin made a **motion to adjourn**; second to the motion was offered by Commissioner Fennell. The motion carried unanimously, 5:0. The meeting adjourned at 8:20 p.m.

Respectfully submitted,  
Joy Rovno, Interim City Clerk

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Date Approved/Signed

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Jerry R. Peluso, Mayor

Attest:

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City Clerk