

City OF NEWPORT, KY
REGULAR MEETING OF THE BOARD OF COMMISSIONERS
Monday, July 22, 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 Rechten, 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, Director of Finance Leonard Kuntz, Historic Preservation Officer Scott Clark, Community Liaison Bev Holiday, and City Clerk Amy Able.

PUBLIC HEARING

The city clerk read the notice for the Public Hearing for Municipal Road Aid as published.

Municipal Road Aid Funds

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 2017-2018 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)	\$ 0
Anticipated receipts (including interest)	\$ 305,365.07
Total available for appropriation	\$ 26,043.42

The public hearing notice was advertised in the Campbell County Recorder on July 11, 2019 and posted at the city building and on the city website beginning July 5, 2019.

Mr. Fromme stated the MRA funds go to the public works budget for routine maintenance and other funds are dedicated to road reconstruction projects. Three percent is retained by the State for an emergency road repair fund with many cities participating. The mayor called for any questions or comments and upon hearing none closed the public hearing at 7:07 p.m.

PUBLIC FORUM

Representatives from Hampton Inn, Mr. Shaun Pan, Ms. Valarie Orr, and Mr. Gary Garrison addressed the Board and thanked the Mayor and Police Department for their attention to the ongoing problem of motorcycle noise and racing in the area of Third Street and especially on the bridges. This has generated many complaints from hotel guests. The group stated the Aloft hotel has also had similar complaints, and both have had negative reviews related to motorcycle noise. Discussion ensued. The Police Department will continue with proactive measures.

Mr. Joseph Humbert presented copies to the Board of his proposal for establishing public power in Newport through construction of a power plant to provide energy and revenue for the City.

APPROVAL OF MINUTES

Commissioner Guidugli made a motion to approve the minutes of the Monday, June 10, 2019 regular meeting, the Tuesday, June 11, 2019 special meeting, and the Monday, June 17, 2019

special 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-2019-011**.

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

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

Mr. Fromme stated along with the many benefits of trees there are a few shortcomings, one being damage to sidewalks. The Code Enforcement Department is creating an inventory of sidewalks currently damaged by trees in the public right-of-way. As the inventory is completed in each neighborhood, lists of addresses will be published (posted to the city website and shared through other known outlets) at which point residents will have thirty days to appeal to have their sidewalk inspected and added if they have damage due to trees. The areas from the comprehensive list will then be "grandfathered" with the city repairing these sidewalks and any subsequent damage to sidewalks by trees will be the responsibility of homeowners as provided for in this new ordinance (and as is currently the case for other sidewalk damage not caused by trees.) The goal will be to have one year of road funds to repair these damaged sidewalks.

Mr. Braun confirmed for Mayor Peluso there have been no changes to this ordinance since first reading.

Commissioner Fennell noted concerns about tree trimming by utility contractors.

Resident Ms. Laura Schafer asked for clarification about responsibility and liability. Mr. Fromme explained residents are responsible for sidewalk repairs. Under the old ordinance the city would make repairs to sidewalks damaged by trees but under the new ordinance these will also be the responsibility of the homeowner. The City may be found liable in cases where there is a fall and injury on damaged sidewalk if the City had sufficient notice and did not take action.

Commissioner Rehtin stated trees build more than a canopy, they build community. We need to continue the planting programs and hope residents don't lose the sense of ownership and pride.

Commissioner Guidugli noted the new ordinance and current programs provide for planting the right trees in the right places as well as addressing challenges such as invasive species.

Resident Mr. Steve Saunders asked about sidewalk requirements. Mr. Fromme responded the standard is four feet. Community tree planting efforts have been very successful and recently concentrated on the West Side.

Resident Ms. Catherine McElwain was recognized and reiterated most recent and upcoming tree planting focused on targeted areas for larger impact.

Resident Ms. Angela Seidel has been involved in tree planting projects and will continue but expressed concern that when trees are removed, they should be replaced.

Upon hearing there were no further comments or questions, the mayor called for a roll call vote.

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

NEW BUSINESS

The city clerk read **R-2019-058**

AN ORDER OF THE BOARD OF COMMISSIONERS OF THE CITY OF NEWPORT, KENTUCKY OBLIGATING **COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM** INCOME FUNDS FOR USE IN THE **MONMOUTH STREET STREETScape**

IMPROVEMENTS PROJECT AND THE **CENTRAL BUSINESS DISTRICT FAÇADE IMPROVEMENT PROGRAM AND AUTHORIZING THE MAYOR TO EXECUTE ALL NECESSARY REQUESTS AND APPLICATIONS.**

Commissioner Fennell made a **motion to approve**; second to the motion was offered by Commissioner Guidugli. Mr. Dennis Elrod, the grant administrator, and Mrs. Sims addressed the Board and responded to questions. The proposal is to continue with another block for the streetscape and for the façade program another 15 or so to follow the 15-17 now complete. The façade grants are matching and the applications on file will exceed the funds available. The program income comes from the St. Vincent School project. This is the end of CDBG funds from existing projects. A public hearing was held today with overview conversations but there were no comments received. Upon hearing there were no further 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-2019-059**

AN ORDER OF THE BOARD OF COMMISSIONERS OF THE CITY OF NEWPORT, KENTUCKY GRANTING **PROPERTY ASSESSMENT MORATORIUM** TO BELLEVUE LAND LLC RELATING TO THE RESTORATION OF PROPERTIES AT **1012 CENTRAL AVENUE AND 833 ISABELLA STREET** IN NEWPORT, KENTUCKY.

Commissioner Guidugli made a **motion to approve**; second to the motion was offered by Commissioner Fennell. Mr. Fromme stated the popularity of the program continues with many applications now coming in for properties on the West Side. Upon hearing there were no further 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-2019-060**

AN ORDER OF THE BOARD OF COMMISSIONERS OF THE CITY OF NEWPORT, KENTUCKY GRANTING A **PROPERTY ASSESSMENT MORATORIUM** TO RICK SIMS RELATING TO THE RESTORATION OF PROPERTY AT **843 MONROE STREET** IN NEWPORT, KENTUCKY.

Commissioner Fennell made a **motion to approve**; second to the motion was offered by Commissioner Guidugli. 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-2019-061**

AN ORDER OF THE BOARD OF COMMISSIONERS OF THE CITY OF NEWPORT, KENTUCKY AUTHORIZING AND DIRECTING MAYOR PELUSO TO EXECUTE A **MEMORANDUM OF AGREEMENT BETWEEN THE COMMONWEALTH OF KENTUCKY TRANSPORTATION CABINET AND THE CITY OF NEWPORT CONCERNING RIVERFRONT COMMONS BRIDGES PROJECT**, TIP (SNK) GRANT #6-434.

Commissioner Fennell made a **motion to approve**; second to the motion was offered by Commissioner Peluso. Mrs. Sims addressed the Board; the contract was previously awarded to Sunesis. Commissioner Fennell commended Mrs. Sims for her work. Commissioner Peluso asked about adding cameras; Mrs. Sims replied funds would need to come from the City budget. 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-2019-062**

AN ORDER OF THE BOARD OF COMMISSIONERS OF THE CITY OF NEWPORT, KENTUCKY, AUTHORIZING MAYOR JERRY PELUSO TO EXECUTE AN **INTERLOCAL AGREEMENT WITH THE CITY OF WOODLAWN**, KENTUCKY TO PROVIDE **POLICE, FIRE/EMS, AND STREET CLEANING SERVICES** TO THE CITY OF WOODLAWN, KENTUCKY.

Commissioner Fennell made a **motion to approve**; second to the motion was offered by Commissioner Peluso. Mr. Fromme noted this contract has been renewed several times, there was a slight adjustment to the fees. Mayor Peluso stated Woodlawn's Mayor Barth has said they're very happy with the service. Hearing there were no additional comments, the mayor called for a 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-2019-063**

AN ORDER OF THE BOARD OF COMMISSIONERS OF THE CITY OF NEWPORT, KENTUCKY, AUTHORIZING MAYOR JERRY PELUSO TO EXECUTE AN **INTERLOCAL AGREEMENT WITH THE CITY OF WOODLAWN**, KENTUCKY TO PROVIDE **PROPERTY MAINTENANCE CODE ENFORCEMENT** TO THE CITY OF WOODLAWN, KENTUCKY.

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.

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

The city clerk read **R-2019-064**

AN ORDER OF THE BOARD OF COMMISSIONERS OF THE CITY OF NEWPORT, KENTUCKY APPROVING AND AUTHORIZING MAYOR JERRY PELUSO TO EXECUTE A **MEMORANDUM OF UNDERSTANDING** WITH CAMPBELL COUNTY, THE CITIES OF FORT THOMAS, HIGHLAND HEIGHTS, AND SOUTHGATE, AND WITH NORTHERN KENTUCKY UNIVERSITY CONCERNING THE CREATION AND IMPLEMENTATION OF STRATEGIC SOLUTIONS FOR A **US 27 SMART CORRIDOR** LOCATED BETWEEN NEWPORT ON THE LEVEE AND NORTHERN KENTUCKY UNIVERSITY.

Commissioner Peluso made a **motion to approve**; second to the motion was offered by Commissioner Fennell. Mrs. Sims addressed the Board said discussions began a year ago. (Mr. Fromme exited at 8:16 and returned at 8:20.) The intent is to work with partner cities and Campbell County Economic Development (Director Will Weber was in attendance) to continue to coordinate on projects and improve grant eligibility. 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 Fennell:	Yes	Commissioner Guidugli:	Yes	Motion carried	5-0.

COMMENTS FROM CITY MANAGER

A great deal of resources and staff time is dedicated to responding to open records requests. The administrative staff is small and locating, preparing, and redacting records is time consuming.

After three years of planning, **a permit for the Skywheel has been issued by the Army Corps of Engineers**. While this is a private development, not a City project, the City was involved due to the location involving the floodwall/floodplain requiring application to ACE which could not be

submitted by the developer.

COMMENTS FROM THE BOARD OF COMMISSIONERS

Commissioner Rehtin

- Commended the Blue Ribbon Task Force
- SD1 rates are increasing. Those who need assistance can find information at SD1.org, the program will be facilitated by Brighton Center.

Mayor Peluso

- Recognized the Public Works Department for getting projects completed even during the excessive heat.

ADJOURNMENT

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

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 8:40 p.m.

Date Approved/Signed

Jerry R. Peluso, Mayor

Attest:

Amy B. Able, City Clerk

NOT an official copy