

CITY OF NEWPORT, KY
MEETING OF THE BOARD OF COMMISSIONERS
Monday, February 24, 2014
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, Commissioner John Hayden, Commissioner Frank Peluso, and Mayor Jerry Peluso. **Absent:** Thomas Guidugli, Jr. Also in attendance were: City Manager Thomas Fromme, City Attorney Daniel Braun, Chief Tom Collins, Fire Chief Gary Auffart, Historic Preservation Officer Scott Clark, Community Liaison Bev Holiday, and City Clerk Amy Able.

PERSONNEL ORDERS

The city clerk read **R-2014-010** an order **promoting Acting Sergeant Daron Arnberg to the position of Sergeant in the Newport Police Department**. Commissioner Peluso made a **motion to approve**; second to the motion was offered by Commissioner Fennell. Upon hearing there were no further comments or questions, the mayor called for a roll call vote.

Commissioner Peluso:	Yes	Commissioner Hayden:	Yes	
Commissioner Fennell:	Yes	Mayor Peluso:	Yes	<u>Motion carried 4-0.</u>

The city clerk read **R-2014-011** an order **promoting Patrol Officer Brandon Haffey to the Position of Sergeant in the Newport Police Department**. Commissioner Peluso made a **motion to approve**; second to the motion was offered by Commissioner Fennell. Upon hearing there were no further comments or questions, the mayor called for a roll call vote.

Commissioner Peluso:	Yes	Commissioner Hayden:	Yes	
Commissioner Fennell:	Yes	Mayor Peluso:	Yes	<u>Motion carried 4-0.</u>

Mayor Peluso administered an oath to the two promoted members of the Police Department.

The city clerk read **R-2014-012** an order **reappointing Carol Michael to the Code Enforcement Board**. Commissioner Fennell made a **motion to approve**; second to the motion was offered by Commissioner Peluso. Upon hearing there were no further comments or questions, the mayor called for a roll call vote.

Commissioner Fennell:	Yes	Commissioner Hayden:	Yes	
Commissioner Peluso:	Yes	Mayor Peluso:	Yes	<u>Motion carried 4-0.</u>

The city clerk read **R-2014-013** an order **reappointing Tom Mitts to the Code Enforcement Board**. Commissioner Fennell made a **motion to approve**; second to the motion was offered by Commissioner Hayden. Upon hearing there were no further comments or questions, the mayor called for a roll call vote.

Commissioner Peluso:	Yes	Commissioner Hayden:	Yes	
Commissioner Fennell:	Yes	Mayor Peluso:	Yes	<u>Motion carried 4-0.</u>

The city clerk read **R-2014-014** an order **reappointing Roger Weddle to the Code Enforcement Board**. Commissioner Fennell made a **motion to approve**; second to the motion was offered by Commissioner Peluso. Upon hearing there were no further comments or questions, the mayor called for a roll call vote.

Commissioner Fennell: Yes Commissioner Hayden: Yes
Commissioner Peluso: Yes Mayor Peluso: Yes Motion carried 4-0.

The city clerk read **R-2014-015** an order **reappointing F. Lorelei Buescher to the Historic Preservation Commission**. Commissioner Peluso made a **motion to approve**; second to the motion was offered by Commissioner Fennell. Upon hearing there were no further comments or questions, the mayor called for a roll call vote.

Commissioner Peluso: Yes Commissioner Hayden: Yes
Commissioner Fennell: Yes Mayor Peluso: Yes Motion carried 4-0.

The city clerk read **R-2014-016** an order **reappointing Nick Miller to the Historic Preservation Commission**. Commissioner Peluso made a **motion to approve**; second to the motion was offered by Commissioner Fennell. Upon hearing there were no further comments or questions, the mayor called for a roll call vote.

Commissioner Peluso: Yes Commissioner Hayden: Yes
Commissioner Fennell: Yes Mayor Peluso: Yes Motion carried 4-0.

The city clerk read **R-2014-017** an order **reappointing Wm. "Tom" Fisher to the Historic Preservation Commission**. Commissioner Fennell made a **motion to approve**; second to the motion was offered by Commissioner Hayden. Upon hearing there were no further comments or questions, the mayor called for a roll call vote.

Commissioner Fennell: Yes Commissioner Peluso: Yes
Commissioner Hayden: Yes Mayor Peluso: Yes Motion carried 4-0.

The city clerk read **R-2014-018** an order **appointing Mike Kolb to the Historic Preservation Commission**. Commissioner Fennell made a **motion to approve**; second to the motion was offered by Commissioner Hayden. Upon hearing there were no further comments or questions, the mayor called for a roll call vote.

Commissioner Fennell: Yes Commissioner Peluso: Yes
Commissioner Hayden: Yes Mayor Peluso: Yes Motion carried 4-0.

The city clerk read **R-2014-019** an order **reappointing Richard Buechel, Jr. to the Newport Housing Authority Commission**. Commissioner Peluso made a **motion to approve**; second to the motion was offered by Commissioner Fennell. Upon hearing there were no further comments or questions, the mayor called for a roll call vote.

Commissioner Peluso: Yes Commissioner Hayden: Yes
Commissioner Fennell: Yes Mayor Peluso: Yes Motion carried 4-0.

The city clerk read **R-2014-020** an order **reappointing Carolyn Duff to the Newport Housing Authority Commission**. Commissioner Peluso made a **motion to approve**; second to the motion was offered by Commissioner Fennell. Upon hearing there were no further comments or questions, the mayor called for a roll call vote.

Commissioner Peluso: Yes Commissioner Hayden: Yes
Commissioner Fennell: Yes Mayor Peluso: Yes Motion carried 4-0.

The city clerk read **R-2014-021** an order **reappointing Ronald Rawe to the Planning and Zoning Commission**. Commissioner Fennell made a **motion to approve**; second to the motion was offered by Commissioner Hayden. Upon hearing there were no further comments or questions, the mayor called for a roll call vote.

Commissioner Fennell: Yes Commissioner Peluso: Yes
Commissioner Hayden: Yes Mayor Peluso: Yes Motion carried 4-0.

The city clerk read **R-2014-022** an order **reappointing Bill Kreutzjans to the Planning and Zoning Commission**. Commissioner Peluso made a **motion to approve**; second to the motion was offered by Commissioner Fennell. Upon hearing there were no further comments or questions, the mayor called for a roll call vote.

Commissioner Peluso: Yes **Commissioner Fennell: Yes**
Commissioner Hayden: Yes **Mayor Peluso: Yes** **Motion carried 4-0.**

The city clerk read **R-2014-023** an order **reappointing Judith Lloyd to the Board of Adjustment**. Commissioner Hayden made a **motion to approve**; second to the motion was offered by Commissioner Peluso. Upon hearing there were no further comments or questions, the mayor called for a roll call vote.

Commissioner Hayden: Yes **Commissioner Fennell: Yes**
Commissioner Peluso: Yes **Mayor Peluso: Yes** **Motion carried 4-0.**

AWARDS & PROCLAMATIONS

Mayor Peluso presented a Business Recognition Award to Carl and Dennis Ward of **Executive Transportation** which has been in business since 1961 and came to Newport in 1984.

PRESENTATION

Kristen Sundae of Vision 2015 gave an overview of that organization's transition to the **myNKy** campaign. The goal is to involve residents and community stakeholders in long range planning.

The Mayor called for a ten minute break at 7:25 p.m. The meeting resumed at 7:35 p.m. with all members of the Board present except for Commissioner Guidugli.

PUBLIC FORUM

Jason Huntermer of West Ninth Street voiced his concerns about combatting problems such as drug abuse and littering in the community.

APPROVAL OF MINUTES

Commissioner Hayden made a **motion to approve the minutes of the January 27, 2014 regular meeting**; 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 Hayden: Yes **Commissioner Fennell: Present, not voting**
Commissioner Peluso: Yes **Mayor Peluso: Yes** **Motion carried 3-0.**

Commissioner Peluso made a **motion to approve the minutes of the February 10, 2014 caucus meeting**; second to the motion was offered by Commissioner Hayden. Upon hearing there were no comments or questions, the mayor called for a roll call vote.

Commissioner Peluso: Yes **Commissioner Fennell: Present, not voting**
Commissioner Hayden: Yes **Mayor Peluso: Yes** **Motion carried 3-0.**

UNFINISHED BUSINESS

The city clerk gave second reading of **O-2014-002**, an ordinance creating section 93.63(d) of the Code of Ordinances concerning **installation of awnings upon commercial buildings with permitted outdoor dining**. Commissioner Peluso made a **motion to approve**; second to the motion was offered by Commissioner Hayden. Upon hearing there were no further comments or questions, the mayor called for a roll call vote.

Commissioner Peluso: Yes **Commissioner Fennell: Yes**
Commissioner Hayden: Yes **Mayor Peluso: Yes** **Motion carried 4-0.**

NEW BUSINESS

The city clerk gave first reading of **O-2014-003**, an ordinance creating Section 93.63(d) of the Code of Ordinances amending section 9.32 C. 1. b. of the official Zoning Ordinance of the City of Newport, Kentucky concerning permitted non-residential uses in the Transitional Zone (TZD). Commissioner Peluso made a **motion to approve**; second to the motion was offered by Commissioner Hayden. The city manager stated this was previously discussed at a caucus meeting. This corrects the inadvertent removal of uses of existing businesses when the Transition Zone was created (and would allow their future expansion rather than leaving them as a non-conforming use which cannot expand). The term eco-green is used to mean something compatible with the nearby residences. There will be a hearing before the Planning and Zoning Commission to make certain prospective businesses meet that definition. One company that has expressed interest has expansion plans for that location and will be a good fit in that corridor. Upon hearing there were no further comments or questions, the mayor called for a roll call vote.

Commissioner Peluso:	Yes	Commissioner Fennell:	Yes
Commissioner Hayden:	Yes	Mayor Peluso:	Yes

Motion carried 4-0.

The city clerk gave first reading of **O-2014-004**, an ordinance making certain findings concerning and establishing a **development area for economic development purposes within the city to be known as the City Center Development Area**; approving a local participation agreement between city, the county of Campbell, Kentucky (the "County"), special taxing districts, and the City Of Newport Finance And Administration Department; establishing an incremental tax special fund for payment of project costs and redevelopment assistance; designating the City Of Newport Finance and Administration Department as the agency responsible for oversight, administration and implementation of the development area; and authorizing the mayor and other officials to take such other appropriate actions as are necessary or required in connection with the establishment of the development area. Commissioner Peluso made a **motion to approve**; second to the motion was offered by Commissioner Hayden. The city manager stated this concerns the Tax Incremental Financing Zone (TIF) that has been discussed many times. The general boundaries are Fifth Street from the bridge to the East, to Saratoga down to Third, over to Washington, and down to Cowan's Drive to the city limit and also includes the Purple Bridge and the Riverfront area. TIF funds can be used for public infrastructure improvement within the zone. He added he has had preliminary meetings with the County to ask them to participate. The State is likely to match what the City does which is why we have pledged the full 80%. Upon hearing there were no further comments or questions, the mayor called for a roll call vote.

Commissioner Peluso:	Yes	Commissioner Fennell:	Yes
Commissioner Hayden:	Yes	Mayor Peluso:	Yes

Motion carried 4-0.

The city clerk read **R-2014-024** an order repealing R-2014-009 and accepting the **amended offer for purchase** and authorizing the city manager to execute a **deed of conveyance for the sale of 6,072 square feet of property including the grant of a permanent easement of 1,751 square feet and to execute a temporary construction easement agreement** for encroachment upon 12,777 square feet of city rights-of-way located along the proposed Ky Route 9 Extension from mp 21.643 to Ky Route 8 near the Fourth Street Bridge with the Kentucky Transportation Cabinet. Commissioner Peluso made a **motion to approve**; second to the motion was offered by Commissioner Fennell. The city manager stated the change is increasing the required permanent easement from 402 square feet to 1,751 square feet. The temporary easement is changing from 13,827 to 12,777 sq. ft. There is an increase of about \$6,200 for the purchase price. The areas are adjacent to the new flood gates and will be restored when the

work is complete. Often such property is deeded back to the city after the projects are concluded. Upon hearing there were no further comments or questions, the mayor called for a roll call vote.

Commissioner Peluso: Yes Commissioner Hayden: Yes
Commissioner Fennell: Yes Mayor Peluso: Yes Motion carried 4-0.

The city clerk gave first reading of tentative number **O-2014-005** an ordinance amending Section 70.35 of the Code of Ordinances concerning **bicycle operation on city sidewalks**. Commissioner Fennell made a **motion to approve**; second to the motion was offered by Commissioner Hayden. The city manager stated this was originally considered with regard to safety for children and he added that bicyclists are required to yield to pedestrians whether they are utilizing the road or the sidewalk. There are many occasions that sidewalks are utilized by the police bike patrols for a variety of reasons. Upon hearing there were no further comments or questions, the mayor called for a roll call vote.

Commissioner Fennell: Yes Commissioner Peluso: Yes
Commissioner Hayden: Yes Mayor Peluso: Yes Motion carried 4-0.

The city clerk gave first reading of tentative number **O-2014-006** an ordinance creating Section 100 of Title IX, General Regulations, of the Code of Ordinances concerning the registration of **vacant residential property** located within the city and providing a penalty for the violation thereof. Commissioner Peluso made a **motion to approve**; second to the motion was offered by Commissioner Fennell. The city manager stated this is designed to put the burden on the property owner or the bank when a property is vacant. These properties will be added to an inspection list for the Code Enforcement Department. In some cases enforcement is difficult because these properties are not always locally owned; in some cases they are owned by foreign banks. It was suggested that legislation such as this should be shared with the PVA and Campbell County Clerks' office so that those doing title searches are well aware of the penalties for non-compliance. Upon hearing there were no further comments or questions, the mayor called for a roll call vote.

Commissioner Peluso: Yes Commissioner Hayden: Yes
Commissioner Fennell: Yes Mayor Peluso: Yes Motion carried 4-0.

COMMENTS FROM CITY DEPARTMENT HEADS

Chief Collins stated the Police Department is preparing for various special events including marathons and festivals. This includes planning and cooperative efforts with the Fire Department including the Save Program the Fire Chief is working on to pre-plan for catastrophic events. Efforts continue with neighboring cities as well.

Chief Auffart added as part of the Save Program the Fire Department is working with the Police Chief, the County and others to review policies such as active shooter situations.

COMMENTS FROM CITY MANAGER

Thanked Kristen Sundae for her presentation and encouraged everyone to participate by visiting www.myNKy.org and completing the questionnaire.

Following the last meeting in which residents spoke about a desire for a bike lane or path on the new Route 9, the City was able to help facilitate communications with KYTC who have been able to accommodate the request for a bike path to be included in portions of the Route 9 expansion. There was an initial misunderstanding as part of the goals from Vision 2015 concerning the Licking River Trail were not communicated effectively to the State. One of the remaining questions concerning continuity of the trail is how to get around the River City metals property considering the floodwall is in the river.

A priority list for street repairs is being compiled. Input is welcome.
In response to requests from residents No further updates.

COMMENTS FROM THE BOARD OF COMMISSIONERS

Commissioner Peluso

- Congratulations to those promoted in the Police Department.
- Thanks to the Finance Department for the report provided to the Board.

Commissioner Fennell

- Congratulations to all who worked together on the bicycle path on Route 9 which came together quickly and had not been a part of the State's original plans.
- Asked about a resident who had a problem with the sewer line between his home and the street. The city manager explained while maintaining these laterals was always the responsibility of the homeowners, SD1 will no longer camera the lines.
- Sympathy is extended to the family of Mary Tankersly and her partner Ben.

Commissioner Hayden

- Thanked members of the Public Works Department for their long hours during recent winter storms. They did the best they could with the limited salt supply. We must consider a cost analysis of construction of our own salt dome. This should be considered if we move forward with a bond issue.
- In discussing a bond issue, we must consider there are many streets that need attention and even with the newly dedicated funds some will still wait several years. Then the dedicated funds could be used for a maintenance program going forward.

Mayor Peluso

- The Newport Business Association will hold their annual meeting and awards presentation this Wednesday.
- Regarding the road salt supply, appropriate funds had been budgeted; the suppliers did not have any salt to sell. Even though this has been one of our worst winters, our contracted purchase amounts and advance orders are based on history and would have gone further if the vendors would have had salt to sell to us.

ADJOURNMENT

There being no further business, Commissioner Hayden made a **motion to adjourn**; second to the motion was offered by Commissioner Peluso. The mayor called for a roll call vote.

Commissioner Hayden: Yes

Mayor Peluso: Yes

Commissioner Peluso: Yes

Motion carried 3-0.

The meeting adjourned at 8:30 p.m.

Date Approved/Signed

Jerry R. Peluso, Mayor

Attest:

Amy B. Able, City Clerk