

**MAYSVILLE BOARD OF COMMISSIONERS**  
**Thursday, 9 January 2014**  
**REGULAR MEETING**  
**Maysville Municipal Building**

The Board of Commissioners of the City of Maysville, Kentucky met in a regular meeting on Thursday, Jan. 9, 2014 at 5:15 p.m. at the Maysville Municipal Building. Present: Commissioner Victor McKay, Commissioner Judy Pfeffer, Commissioner Rick Litton and Mayor David Cartmell. Absent: Commissioner Kelly Ashley. Also present: City Manager Ray Young, City Clerk Lisa Dunbar, City Attorney Sue Brammer, Comptroller Romie Griffey, Projects Coordinator David Hord, Police Chief Ron Rice, Fire Chief Eric Bach, Asst. Comptroller/HR Director Karen Cracraft, Utility Manager Eddie Wenz, Tourism Director Suzie Pratt, Street Superintendent Dennis Truesdell, Zoning Administrator Matt Wallingford, Building Official Wells, and Asst. City Attorney Kelly Caudill. Absent: Codes Officer Nicole Jones. Others present: The Ledger Independent and WFTM.

MINUTES FROM 12/8/13 & DEPARTMENT REPORTS

Motion by Commissioner Pfeffer, second by Commissioner McKay to approve the minutes and reports. Upon call of roll, voting is as follows: Voting aye: Commissioner Litton, Commissioner Pfeffer, Commissioner McKay and Mayor Cartmell, Motion passes.

ADAIR PARK

**Motion by** Commissioner Pfeffer, second by Commissioner McKay to name the park on West 2<sup>nd</sup> Street, Adair Park. Upon call of roll, voting is as follows: Voting aye: Commissioner Litton, Commissioner Pfeffer, Commissioner McKay and Mayor Cartmell, Motion passes.

RESOLUTION AUTHORIZING LETTER OF PARTICIPATION IN FINS PROGRAM

The following resolution was presented to the Board of Commissioners:

**1COMMONWEALTH OF KENTUCKY**  
**CITY OF MAYSVILLE**  
**Resolution No. 14-01**

RESOLUTION AUTHORIZING LETTER OF  
PARTICIPATION IN FINS PROGRAM

WHEREAS, the City of Maysville entered into Memorandum of Agreement with the Kentucky Department of Fish and Wild Life Resources ("KDFWR") in 2009 to manage fish in the Maysville-Mason County Recreation Park Lake;

WHEREAS, the KDFWR has the program entitled Fishing in Neighborhoods ("FINS") through which KDFWR would stock the lake with catfish and rainbow trout throughout the year; and

WHEREAS, KDFWR will pay 75% of the total fish costs and the City will pay 25% which can be an in kind match for work done at the Maysville-Mason County Recreation Park Lake;

NOW THEREFORE, the Mayor is hereby authorized and directed to execute a letter to KDFWR expressing a desire to participate in the FINS Program.

**Motion by** Commissioner Pfeffer, second by Commissioner McKay to adopt the resolution as presented. Upon call of roll, voting is as follows: Voting aye: Commissioner Litton, Commissioner Pfeffer, Commissioner McKay and Mayor Cartmell, Motion passes.

RESOLUTION AUTHORIZING AGREEMENT WITH CITY OF FLEMINGSBURG FOR INSPECTIONS:

The following resolution was presented to the Board of Commissioners:

**1COMMONWEALTH OF KENTUCKY  
CITY OF MAYSVILLE  
Resolution No. 14-02**

**RESOLUTION AUTHORIZING  
AGREEMENT WITH CITY OF FLEMINGSBURG**

BE IT RESOLVED BY THE CITY OF MAYSVILLE, KENTUCKY, that the Mayor is hereby authorized to enter into an agreement with the City of Flemingsburg to allow City of Maysville employees to do inspections for the City of Flemingsburg on a temporary basis, provided that the City of Maysville is reimbursed for mileage at \$0.45 per mile.

**Motion by** Commissioner Pfeffer, second by Commissioner McKay to adopt the resolution as presented. Upon call of roll, voting is as follows: Voting aye: Commissioner Litton, Commissioner Pfeffer, Commissioner McKay and Mayor Cartmell, Motion passes.

ORDINANCE AMENDING CODE OF ORDINANCES RE: TAXI FEES

The Board of Commissioners was presented with the following ordinance upon first reading:

**1COMMONWEALTH OF KENTUCKY  
CITY OF MAYSVILLE  
Ordinance No. 14-\_\_\_\_\_**

## **AN ORDINANCE INCREASING TAXICAB FARES**

### Summary

This Ordinance amends Code of Ordinances Section 232.13 to change the maximum taxi cab fare for travel entirely within either Zone 1 or Zone 2 from \$3.75 to \$4.75 and raises the fare for travel between Zone 1 and Zone 2 from a \$5.00 maximum fare to a \$6.00 maximum fare.

**Motion by** Commissioner Litton, second by Commissioner Pfeffer to pass the ordinance as presented on first reading. Upon call of roll, voting is as follows: Voting aye: Commissioner Litton, Commissioner Pfeffer, Commissioner McKay and Mayor Cartmell, Motion passes.

### ORDINANCE AMENDING CODE OF ORDINANCES: SICK TIME

The Board of Commissioners was presented with the following ordinance upon first reading:

**1COMMONWEALTH OF KENTUCKY  
CITY OF MAYSVILLE  
Ordinance No. 14-\_\_\_\_\_**

**AN ORDINANCE AMENDING CHAPTER 90  
OF THE CODE OF ORDINANCES TO COMPLY WITH THE CHANGES IN  
EMPLOYEE HANDBOOK**

### Summary

This Ordinance amends Code of Ordinance Section 90.04 to require that the written application be filed with Human Resources Department and state relevant information required by the Human Resources Director; amends Code of Ordinances Section 90.06 to change the requirement that a police or fire officer reside within ten miles by road from the Maysville City Building to fifteen minutes response time to the Maysville City Building, to require police applicants to pass a drug screen, and fire applicants to complete the Candidate Physical Ability Testing and adding fire officer training requirements; amends Code of Ordinances Section 90.07 to delete from behavior resulting in disciplinary action garnishment, to add mental or physical unfitness for the position, to add being intoxicated or buying or using alcoholic beverages while on duty, to add use of illegal drugs or narcotics, to add selling, trading, or buying chances or bets or any other gambling while on duty, to add sexual conduct on duty, to add theft, to add misdemeanor involving conduct amounting to moral turpitude or a pattern of misconduct as displayed by a series of misdemeanor convictions and to delete failure to support family; to amend Code of Ordinances Section 90.10 to add that temporary appointees of the Police and Fire Department must have an employment application on file in the Human Resources Department prior to employment and must adhere to all

policies and procedures as required by other non-temporary personnel, to delete that appointment of emergency fire fighters shall first be made from then eligible applicants, then from available former fire fighters, and to delete the requirement that the Fire Chief shall request the Board to advertise and conduct examinations for new applicants if the provisional appointments are expected to continue for more than 30 days; to amend Code of Ordinances Section 90.25 to change the probationary period for Fire Department from 12 months to eighteen months; to amend Code of Ordinances Chapter 90.27 to add the written exam and oral interview shall be administered by the Human Resources Director as well as the Chief and City Manager, and the Human Resources Director shall be involved in combining the scores; amends Code of Ordinances Section 90.29 to state that the Fire Department may fight fires at buildings beyond the City boundaries at the discretion of the Fire Chief, and delete the \$250 per hour charge for fire trucks dispatched to a fire outside the City limits; amends Code of Ordinances Section 90.30 to require a signed acknowledgement from members of Police Department that work four ten hour shifts, and add that the City Manager may review all overtime hours; and amends Code of Ordinances Section 90.33 to require that male officers shall keep hair neatly styled while on duty, changes the requirement for mustaches to delete the extent of growth and thickness requirements and to add that mustaches must not interfere with breathing apparatuses required by the Fire Department, allows female officers to wear small post earrings, and requires tattoos and piercings shall not be apparent or visible when the officer is in uniform.

**Motion by** Commissioner McKay, second by Commissioner Pfeffer to pass the ordinance as presented on first reading. Upon call of roll, voting is as follows: Voting aye: Commissioner Litton, Commissioner Pfeffer, Commissioner McKay and Mayor Cartmell, Motion passes.

#### ORDINANCE AMENDING CODE OF ORDINANCES CHAPTER 90.31, VACATIONS

The Board of Commissioners was presented with the following ordinance upon first reading:

**1COMMONWEALTH OF KENTUCKY  
CITY OF MAYSVILLE  
Ordinance No. 14-\_\_\_\_\_**

**AN ORDINANCE REVISING POLICE AND FIRE VACATIONS**

Summary

This Ordinance amends Code of Ordinances Section 90.31 to state that department members shall be entitled to select the time of their annual leave in accordance with their seniority instead of by grade, to delete the requirement that all vacations for firefighters shall be taken between June 1 and October 1 annually, and to add that no more than one member of the fire department per shift may be absent on annual leave at any one time without consent of the Fire Chief.

**Motion by** Commissioner Pfeffer, second by Commissioner McKay to pass the ordinance as presented on first reading. Upon call of roll, voting is as follows: Voting aye: Commissioner Litton, Commissioner Pfeffer, Commissioner McKay and Mayor Cartmell, Motion passes.

ORDINANCE AMENDING REQUIREMENTS FOR CELLULAR TOWERS

The Board of Commissioners was presented with the following ordinance upon second reading:

**1COMMONWEALTH OF KENTUCKY  
CITY OF MAYSVILLE  
Ordinance No. 14-01**

**AN ORDINANCE AMENDING REQUIREMENTS  
FOR CELLULAR ANTENNA TOWERS**

SUMMARY

This Ordinance amends Code of Ordinances Section 320.413 to require backup generators at all new cell tower sites or any existing site that receives any form of upgrade.

**Motion by** Commissioner Litton, second by Commissioner Pfeffer to adopt the ordinance as presented on second reading. Upon call of roll, voting is as follows: Voting aye: Commissioner Litton, Commissioner Pfeffer and Commissioner McKay, Abstaining: Mayor Cartmell. Motion passes.

ORDINANCE AMENDING CODE OF ORDINANCES SECTION 138.04 COMPETITIVE BIDDING

The Board of Commissioners was presented with the following ordinance upon second reading:

**1COMMONWEALTH OF KENTUCKY  
CITY OF MAYSVILLE  
Ordinance No. 14-02**

**AN ORDINANCE AMENDING CODE OF  
ORDINANCES SECTION 138.04 COMPETITIVE BIDDING**

Summary

This Ordinance Amends Code of Ordinances §138.04 to add a section that the City will abide by Federal Transit Administration Circular 4220.1F and 49CFR, Part 18 for public transit procurement.

**Motion by** Commissioner Pfeffer, second by Commissioner Litton to adopt the ordinance as presented on second reading. Upon call of roll, voting is as follows: Voting aye: Commissioner Litton, Commissioner Pfeffer, Commissioner McKay and Mayor Cartmell, Motion passes.

ORDINANCE AMENDING CODE OF ORDINANCES 320.405 SUBPEONA REQUIREMENTS

The Board of Commissioners was presented with the following ordinance upon second reading:

**1COMMONWEALTH OF KENTUCKY  
CITY OF MAYSVILLE  
Ordinance No. 14-03**

**AN ORDINANCE ADDING SUBPONEA REQUIREMENTS**

SUMMARY

This Ordinance amends Code of Ordinances Section 320.405 to require that subpoena requests to the Board of Adjustments be submitted at least 10 days prior to a public hearing.

**Motion by** Commissioner McKay, second by Commissioner Pfeffer to adopt the ordinance as presented on second reading. Upon call of roll, voting is as follows: Voting aye: Commissioner Litton, Commissioner Pfeffer, Commissioner McKay and Mayor Cartmell, Motion passes.

ORDINANCE ADDING A DEFINITION FOR INTERNET SWEEPSTAKES CAFÉ

The Board of Commissioners was presented with the following ordinance upon second reading:

**1COMMONWEALTH OF KENTUCKY  
CITY OF MAYSVILLE  
Ordinance No. 14-04**

**AN ORDINANCE ADDING A DEFINITION  
FOR INTERNET SWEEPSTAKES CAFÉ**

SUMMARY

This Ordinance amends Chapter 320 Article V Definition to add a definition for Internet Sweepstakes Café.

**Motion by** Commissioner Pfeffer, second by Commissioner McKay to adopt the ordinance as presented on second reading. Upon call of roll, voting is as follows: Voting

aye: Commissioner Litton, Commissioner Pfeffer, Commissioner McKay and Mayor Cartmell, Motion passes.

ORDINANCE ADDING INTERNET SWEEPSTAKES CAFÉ AS A CONDITIONAL USE  
IN THE I-1A INDUSTRIAL ZONE

The Board of Commissioners was presented with the following ordinance upon second reading:

**COMMONWEALTH OF KENTUCKY  
CITY OF MAYSVILLE  
Ordinance No. 14C-05**

**AN ORDINANCE ADDING INTERNET SWEEPSTAKES CAFÉ AS  
A CONDITIONAL USE IN THE I-1A LIGHT INDUSTRIAL ZONE**

SUMMARY

This Ordinance amends Code of Ordinances §320.406.6 to state that Internet Sweepstakes Cafés shall be considered a conditional use in the I-1A Light Industrial Zone and not permitted in any other zone.

**Motion by** Commissioner Pfeffer, second by Commissioner McKay to adopt the ordinance as presented on second reading. Upon call of roll, voting is as follows: Voting aye: Commissioner Litton, Commissioner Pfeffer, Commissioner McKay and Mayor Cartmell, Motion passes.

CLOSED SESSION

**Motion by** Commissioner Pfeffer, second by Commissioner McKay to go into closed session pursuant to KRS 61.810(1)(c) to discuss litigation. Upon call of roll, voting is as follows: Voting aye: Commissioner Litton, Commissioner Pfeffer, Commissioner McKay and Mayor Cartmell, Motion passes.

**Motion by** Commissioner Pfeffer, second by Commissioner Litton to return to open session. Upon call of roll, voting is as follows: Voting aye: Commissioner Litton, Commissioner Pfeffer, Commissioner McKay and Mayor Cartmell, Motion passes.

**Motion by** Commissioner Pfeffer, second by Commissioner McKay to settle lawsuit with Nationwide Insurance. Upon call of roll, voting is as follows: Voting aye: Commissioner Litton, Commissioner Pfeffer, Commissioner McKay and Mayor Cartmell, Motion passes.

ADJOURNMENT

Motion by Commissioner McKay, second by Commissioner Pfeffer to adjourn. Upon call of roll, voting is as follows: Voting aye: Commissioner Litton, Commissioner Pfeffer, Commissioner McKay and Mayor Cartmell, Motion passes.

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MAYOR

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CITY CLERK