

MAYSVILLE BOARD OF COMMISSIONERS

Thursday, 12 March 2015, 5:15 p.m.

REGULAR MEETING

Maysville Municipal Building

The Board of Commissioners of the City of Maysville, Kentucky met in a regular meeting on Thursday, March 12, 2015 at 5:15 p.m. at the Maysville Municipal Building. Present: Commissioner Judy Pfeffer, Commissioner Kelly Ashley, Commissioner Robert Boone, Commissioner Victor McKay, and Mayor David Cartmell. 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, Utility Manager Eddie Wenz, Tourism Director Suzie Pratt, Public Works Director Rick Truesdell, Zoning Administrator Matt Wallingford, Building Official Wells, and Codes Officer Nicole Jones, and Asst. City Attorney Kelly Caudill. Absent: Asst. Comptroller/HR Director Karen Cracraft. Others present: The Ledger Independent, The Maysville Mercury, and WFTM.

MINUTES & REPORTS

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

PUBLIC COMMENT

Mayor Cartmell expressed praise, on behalf of the Board of Commissioners, for public works employees, police, firefighters and others for their hard work during the recent snow emergency.

ORDINANCE ENACTING RENTAL DWELLING LICENSING PROVISIONS

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

COMMONWEALTH OF KENTUCKY

CITY OF MAYSVILLE

Ordinance No. 15-02

**AN ORDINANCE ENACTING
RENTAL DWELLING LICENSING PROVISIONS**

Summary

This Ordinance adds Code of Ordinances Chapter 200 to require owners to acquire a rental dwelling license by July 1 of each year, to require owners to pay a late fee of \$50 for any applications filed after July 1st; to provide that all rental dwellings shall comply with all provisions of applicable city fire, zoning, life safety, housing, nuisance, property maintenance, and building codes; to provide that the Codes Enforcement Officer is authorized to make

inspections upon receiving a complaint or observing the existence of exterior damage, excess weed and grass, or prohibited trash set out, or where an employee reasonably believes a condition exists that relates to life or safety issue; owners shall be charged a fee of \$30 per inspected rental dwelling but fees shall not exceed \$100 per rental dwelling and no owner shall be assessed more than \$500 in inspection fees in one calendar year; no notice shall be required for an inspection of the exterior rental dwelling or for any inspection made for life or safety issue; for interior inspection, except those made for life or safety issue, the rental inspector shall attempt to contact the owner and contact the tenant, if the rental inspector is unable to obtain consent, he may apply to the Court to obtain a warrant to obtain legal access; notice of violation shall be provided to the owner providing for thirty days to make corrections and a notice to the tenant shall be posted on the rental dwelling; the Codes Enforcement Officer is authorized to suspend rental dwelling licenses if the licensing deficiencies are not remedied within thirty days ; the Codes Enforcement Officer shall mail notice of suspension of the rental property dwelling license to the owner setting forth the specific reasons for the failure and that the license has been suspended; the notice shall also provide the information that when the rental dwelling license has been suspended, the rental dwelling may not be reoccupied or rented until proof has been provided to the Codes Enforcement Officer that all violations have been corrected and the rental dwelling license is reinstated or reissued; the owner may appeal the suspension to the Codes Enforcement Board within seven days; the Codes Enforcement Officer, shall reinspect the dwelling units upon notice that the violations have been remedied but shall not be required to do so more often than once every thirty days; the owner may appeal a determination of violation to the Codes Enforcement Board within seven days of receipt; when any rental dwelling is condemned, the rental dwelling license shall be suspended; the Codes Enforcement Board shall hear appeals not less than three days and not more than thirty days from the date the appeal is received; the decision of the Codes Enforcement Board shall be reduced to writing and shall be final unless continued; parties may appeal a final decision of the Codes Enforcement Board to Mason Circuit Court; when a rental dwelling license has been denied or suspended the dwelling unit shall be vacated and not rented again until the owner is properly licensed; the owner shall be subject to fines under Code of Ordinances Section 11.01 (D) (2); and the City shall have a lien for fines.

Motion by Commissioner McKay, second by Commissioner Pfeffer to adopt ordinance 15-02 as presented upon second reading.

After discussion and input from the public **both motions were withdrawn.** Commissioner McKay and Commissioner Ashley will form a committee including Phil French, Ken Pickrell, Robbie Detro, Karen Sue Osborne, Patrick Boggs, and Bill Boggs to consider revisions to the ordinance.

PROMOTION: PUBLIC WORKS

The following memorandum was presented to the Board of Commissioners:

Date: March 4, 2015
To: Honorable Mayor and City Commissioners
From: Rick Truesdell, Public Works Director

Re: Full Time Position Opening

It is my recommendation that Brent Rose be moved from seasonal status to full time status.
Effective date March 16, 2015.

Motion by Commissioner Pfeffer, second by Commissioner Ashley to approve the promotion of Brent Rose. Upon call of roll, voting is as follows: Voting aye: Commissioner Pfeffer, Commissioner Ashley, Commissioner Boone, Commissioner McKay and Mayor Cartmell, Motion passes.

RESIGNATION: COMPTROLLER

The following memorandum was presented to the Board of Commissioners:

To: Ramon M. Young, City Manager
Fr: Romie Griffey, Comptroller
Da: 9 March 2015
Re: Resignation

I respectfully resign my position as City of Maysville Comptroller and Maysville Utility Commission Treasurer effective with the appointment of a new individual.

Sincerely,
Romie Griffey

Motion by Commissioner Pfeffer, second by Commissioner Ashley to approve the resignation of Romie Griffey from the position of comptroller. Upon call of roll, voting is as follows: Voting aye: Commissioner Pfeffer, Commissioner Ashley, Commissioner Boone, Commissioner McKay and Mayor Cartmell, Motion passes.

APPOINTMENT: COMPTROLLER

The following memorandum was presented to the Board of Commissioners:

Memorandum

To: Mayor and City Commission
Fr: Ramon M. Young, City Manager
Re: Comptroller
Da: March 9, 2015

To fill the position of comptroller, we have advertised for the position, reviewed the resumes submitted, and conducted interviews.

We were fortunate to have several qualified candidates.

In my opinion, the most qualified person for the position is Penny Stanfield. Penny meets the qualifications as set forth by the commission.

I am recommending that Penny Stanfield be hired as comptroller for the City of Maysville with a start date of April 20, 2015.

Motion by Commissioner Pfeffer, second by Commissioner Ashley to approve the appointment of Penny Stanfield to the position of comptroller effective April 20, 2015. Upon call of roll, voting is as follows: Voting aye: Commissioner Pfeffer, Commissioner Ashley, Commissioner Boone, Commissioner McKay and Mayor Cartmell, Motion passes.

APPOINTMENTS & REAPPOINTMENTS

Mayor Cartmell made the following recommendations:

Dale Horner, Housing Commission, to expire 3/13/19

Marilyn Commodore, Human Rights Commission, to expire 3/9/18

Motion by Commissioner Ashley, second by Commissioner Boone to approve the reappointment of Dale Horner to the Housing Commission and the appointment of Marilyn Commodore to the Human Rights Commission. Upon call of roll, voting is as follows: Voting aye: Commissioner Pfeffer, Commissioner Ashley, Commissioner Boone, Commissioner McKay and Mayor Cartmell, Motion passes.

RESOLUTION PROCLAIMING VIETNAM WAR COMMEMORATION

The following resolution was presented to the Board of Commissioners:

**COMMONWEALTH OF KENTUCKY
CITY OF MAYSVILLE
Resolution No. 15-31**

**RESOLUTION PROCLAIMING
VIETNAM WAR COMMEMORATION**

Whereas; the City of Maysville honors all men and women who have served in our nation's armed forces, and

Whereas, the Vietnam ground offensive officially began in March of 1965 with the deployment of 2,500 Marines, and

Whereas, the men and women of Maysville answered the call to duty and were part of the nearly three million Americans that served, and

Whereas, at least fifty-eight thousand paid the ultimate sacrifice and we remain thankful for those who fought in this conflict for the honor and legacy they built, and

Whereas, We are grateful for their brave service and draw inspiration and pride from all that they are, now

Therefore, I, David Cartmell, Mayor of the City of Maysville do hereby proclaim March 2015 as the Commemoration of the 50th Anniversary of he Vietnam War in Maysville.

Motion by Commissioner Boone, second by Commissioner McKay to adopt Resolution 15-31 as presented. Upon call of roll, voting is as follows: Voting aye: Commissioner Pfeffer, Commissioner Ashley, Commissioner Boone, Commissioner McKay and Mayor Cartmell, Motion passes.

RESOLUTION AUTHORIZING SUPPORT LETTER FOR REVENUE BONDS

The following resolution was presented to the Board of Commissioners:

**COMMONWEALTH OF KENTUCKY
CITY OF MAYSVILLE
Resolution No. 15-32**

**RESOLUTION AUTHORIZING
ECONOMIC DEVELOPMENT BONDS APPLICATION**

BE IT RESOLVED BY THE CITY OF MAYSVILLE, KENTUCKY, that the Mayor is hereby authorized and directed to execute the Application for Incentive Programs, Economic Development Bonds , the grant agreement with the Cabinet for Economic Development, and any other necessary documents.

Motion by Commissioner Pfeffer, second by Commissioner Boone to adopt Resolution 15-32 as presented. Upon call of roll, voting is as follows: Voting aye: Commissioner Pfeffer, Commissioner Ashley, Commissioner Boone, Commissioner McKay and Mayor Cartmell, Motion passes.

RESOLUTION APPROVING ENGINEER FOR SAFE ROUTES TO SCHOOL PHASE II

The following resolution was presented to the Board of Commissioners:

**COMMONWEALTH OF KENTUCKY
CITY OF MAYSVILLE
Resolution No. 15-33**

**RESOLUTION AWARDED
PROFESSIONAL ENGINEERING SERVICES FOR NEW SIDEWALKS**

WHEREAS, the City of Maysville advertised for qualifications for professional engineering services for the design of new sidewalks for the City of Maysville Safe Routes to School Project Phase II; and

WHEREAS, qualifications were submitted by Strand Associates, CMW, Howerton Engineering, and Cann-Tech Engineering; and

WHEREAS, the committee has recommended CMW to provide professional engineering services for the design of the new sidewalks;

NOW THEREFORE, BE IT RESOLVED BY THE CITY OF MAYSVILLE, KENTUCKY, as follows:

1. The proposal of CMW to provide professional engineering services for the design of new sidewalks for the City of Maysville Safe Routes to School Project Phase II is hereby accepted on behalf of the City of Maysville.

2. The Mayor is hereby authorize and directed forthwith to execute all contractual documents necessary or appropriate to effectuate acceptance of said bid and to consummate the contract on behalf of the City of Maysville.

Motion by Commissioner Ashley, second by Commissioner Pfeffer to adopt Resolution 15-33 as presented. Upon call of roll, voting is as follows: Voting aye: Commissioner Pfeffer, Commissioner Ashley, Commissioner Boone, Commissioner McKay and Mayor Cartmell, Motion passes.

RESOLUTION AUTHORIZING MAYOR TO SIGN TRANSIT GRANT

The following resolution was presented to the Board of Commissioners:

**COMMONWEALTH OF KENTUCKY
CITY OF MAYSVILLE
Resolution No. 15-34**

A RESOLUTION AUTHORIZING THE FILING OF AN APPLICATION WITH THE DEPARTMENT OF TRANSPORTATION, UNITED STATES OF AMERICA, FOR A GRANT UNDER THE MOVING AHEAD FOR PROGRESS IN THE 21ST CENTURY (MAP-21),

WHEREAS, the Secretary of Transportation is authorized to make grants for mass transportation projects; and

WHEREAS, the contract for financial assistance will impose certain obligations upon the applicant, including the provision by it of the local share of the project costs; and

WHEREAS, it is required by the U.S. Department of Transportation in accordance with the provisions of Title VI of the Civil Rights Act of 1964, that in connection with the filing of an application for assistance under the Moving Ahead for Progress in the 21st Century (MAP-21), the City gives an assurance that it will comply with Title VI of the Civil Rights Act of 1964 and the Department of Transportation requirements thereunder; and

WHEREAS, it is required by the U.S. Department of Transportation in accordance with the provisions of Section 504 of the Rehabilitation Act of 1973, that in connection with the filing of an application for assistance the City gives an assurance that it will comply with Section 504 of Rehabilitation Act of 1973 and the U.S. Department of Transportation requirements thereunder; and

WHEREAS, it is required by the U.S. Department of Labor in accordance with the provisions of Section 5333(b) of the Moving Ahead for Progress in the 21st Century (MAP-21), that in connection with the filing of an application for assistance under the Moving Ahead for Progress in the 21st Century (MAP-21), and in the absence of a waiver from the U.S. Department of Labor, the City gives an assurance that it will comply with Section 5333(b) of the Moving Ahead for Progress in the 21st Century (MAP-21), and the U.S. Department of Labor requirements thereunder; and

WHEREAS, it is the goal of the City that disadvantaged business enterprises be utilized to the fullest extent possible in connection with this project, and the definite procedures shall be established and administered to ensure that disadvantaged businesses shall have maximum feasible opportunity to compete for contracts when procuring construction contracts, supplies, equipment contracts or consultant and other services.

NOW THEREFORE, BE IT RESOLVED BY THE CITY OF MAYSVILLE, KENTUCKY, that the Mayor is authorized:

- Section 1. to execute and file an application on behalf of the City of Maysville with the U.S. Department of Transportation, to aid in the financing of the capital, administrative and operating expenses.
- Section 2. to execute and file with such application an assurance or any other document required by the U.S. Department of Transportation effectuating the purpose of Title VI of the Civil Rights Act of 1964.
- Section 3. to set forth and execute affirmative minority business policies in connection with the project's procurement needs.
- Section 4. to set forth and execute with such application an assurance that the Maysville Transit System will comply with the conditions of the Section 5333(b) Warranty as required by the U.S. Department of Labor effectuating the purposes of Section 5333(b) of Moving Ahead for Progress in the 21st Century (MAP-21),

- Section 5. to furnish such additional information as the U.S. Department of Transportation may require in connection with the application or the project.
- Section 6. to execute grant contract agreements on behalf of City of Maysville with the Kentucky Transportation Cabinet for aid in the financing of the capital, administrative, and operating expenses of the Maysville Transit Authority.
- Section 7. This Resolution shall be in full force and effect from and after the date of its adoption.

Motion by Commissioner Ashley, second by Commissioner Pfeffer to adopt Resolution 15-34 as presented. Upon call of roll, voting is as follows: Voting aye: Commissioner Pfeffer, Commissioner Ashley, Commissioner Boone, Commissioner McKay and Mayor Cartmell, Motion passes.

RESOLUTION AUTHORIZING LOCAL SHARE OF TRANSIT FUNDS

The following resolution was presented to the Board of Commissioners:

**COMMONWEALTH OF KENTUCKY
CITY OF MAYSVILLE
Resolution No. 15-35**

**A RESOLUTION COMMITTING THE LOCAL SHARE OF FUNDS NECESSARY FOR A
GRANT APPLICATION TO AID IN THE ADMINISTRATION AND OPERATION
EXPENSE OF THE LOCAL TRANSIT SYSTEM.**

WHEREAS, the City of Maysville is authorized by Kentucky Revised Statutes Section 96.189 to apply for and accept grants of money to assist in the implementation of a transit system in the local service area; and

WHEREAS, the City of Maysville has applied to the Kentucky Transportation Cabinet and the Federal Transit Administration of the United States Department of Transportation Act of 1964, in connection with the Section 5309/5311 project; and

WHEREAS, said application requires assurance of the City of Maysville relative to the commitment of the local share for the Section 5309/5311 project(s).

NOW THEREFORE, BE IT RESOLVED BY THE City of Maysville, Kentucky as follows:

1. The City of Maysville hereby gives assurance that it is its intent to commit its local share of the funds necessary to support this project to improve transit service in local service area for a minimum of five (5) years from the inception of the project. Said local share of expenses is to be paid from the General Fund, including bus fares.
2. The City of Maysville hereby gives assurance that it intends to continue the operation of transit service for a minimum of five (5) years.

Motion by Commissioner Pfeffer, second by Commissioner Boone to adopt Resolution 15.35 as presented. Upon call of roll, voting is as follows: Voting aye: Commissioner Pfeffer, Commissioner Ashley, Commissioner Boone, Commissioner McKay and Mayor Cartmell, Motion passes.

ORDINANCE AMENDING ANNUAL BUDGET FOR FYE 2015

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

**COMMONWEALTH OF KENTUCKY
CITY OF MAYSVILLE
Ordinance No. 15-08**

AN ORDINANCE AMENDING THE CITY OF MAYSVILLE, KENTUCKY ANNUAL BUDGET FOR FISCAL YEAR 1 JULY 14 THROUGH 30 JUNE 2015

WHEREAS, an annual budget proposal and message has been prepared and delivered to the Board of Commissioners by the City Manager pursuant to KRS 91A.030 and Code of Ordinances section 131.01; and

WHEREAS, the Board of Commissioners has reviewed such a budget proposal and made the following necessary modifications.

NOW THEREFORE BE IT ORDAINED BY THE CITY OF MAYSVILLE, KENTUCKY, as follows:

- (1) The General Fund budget for the City’s fiscal year ending 30 June 15, adopted 16 June 2014 by Ordinance No. 14-15 is amended as follows:
- (2)

	<u>ORIGINAL</u>	<u>AMENDED</u>	<u>INCREASE/ DECREASE</u>
Resources available			
Fund balance carried forward	5,374,000	5,374,000	0
Revenue			
Intergovernmental Revenue	1,560,000	3,460,000	1,900,000
Appropriations			
Capital	2,837,000	3,737,000	1,900,000
Estimated Fund Balance			
End of Year	5,374,000	5,374,000	0

Motion by Commissioner Pfeffer, second by Commissioner Ashley to pass Ordinance 15-07 as presented upon first reading. Upon call of roll, voting is as follows: Voting aye: Commissioner Pfeffer, Commissioner Ashley, Commissioner Boone, Commissioner McKay and Mayor Cartmell, Motion passes.

ORDINANCE AMENDING CODE OF ORDINANCES 240.04, FOOD TRUCKS

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

**COMMONWEALTH OF KENTUCKY
CITY OF MAYSVILLE
Ordinance No. 15-08**

**AN ORDINANCE AMENDING
CODE OF ORDINANCES SECTION 240.04**

Summary

This Ordinance amends Code of Ordinances Section 240.04, Regulation of Mobile Food Unit Vendors, to provide a new subsection permitting a Mobile Food Unit Vendor to operate once per calendar year within the historic districts for a business special event held in conjunction with a host, subject to approval.

Motion by Commissioner Pfeffer, second by Commissioner Boone to pass Ordinance 15-08 upon first reading. Upon call of roll, voting is as follows: Voting aye: Commissioner Pfeffer, Commissioner Ashley, Commissioner Boone, Commissioner McKay and Mayor Cartmell, Motion passes.

ORDINANCE REPEALING CODE OF ORDINANCES SECTION 191.04, HUNTING

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

**COMMONWEALTH OF KENTUCKY
CITY OF MAYSVILLE
Ordinance No. 15-03**

**AN ORDINANCE REPEALING
CODE OF ORDINANCES SECTION 191.04**

Summary

This Ordinance repeals Code of Ordinances Section 191.04 which prohibited hunting in the City limits to comply with provisions of Kentucky Constitution Section 255 A.

Motion by Commissioner Ashley, second by Commissioner Boone to adopt Ordinance 15-03 as presented upon second reading. Upon call of roll, voting is as follows: Voting aye:

Commissioner Pfeffer, Commissioner Ashley, Commissioner Boone, Commissioner McKay and Mayor Cartmell, Motion passes.

ORDINANCE AMENDING SIGN REGULATIONS

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

**COMMONWEALTH OF KENTUCKY
CITY OF MAYSVILLE
Ordinance No. 15C-04**

AN ORDINANCE AMENDING SIGN REGULATIONS

SUMMARY

This Ordinance amends Code of Ordinances Section 320.411.3 to delete the provision that political signs may be erected not earlier than thirty days prior to the election and removed within five days following the election at the expense of the candidate; amends Code of Ordinances Section 320.411.4 to state that changing signs are prohibited except signs meeting the requirements of Section 320.411.41; and adds Code of Ordinances Section 320.411.41 to permit electronic message signs except in R1-R2, TH-1, MH, A-I, A-2, the Maysville Historic District, Washington Historic District, and Renaissance Districts, requires that the display contain monochromatic static messages only without movement, allows for messages to be changed once every sixty minutes; requires the change of messages to be accomplished immediately; and limits electronic message signs to 25% of the maximum sign area in the zone where the sign is to be located.

Motion by Commissioner Ashley, second by Commissioner Pfeffer to adopt Ordinance 15C-04 as presented upon second reading. Upon call of roll, voting is as follows: Voting aye: Commissioner Pfeffer, Commissioner Ashley, Commissioner Boone, Commissioner McKay and Mayor Cartmell, Motion passes.

PROMOTION: CVB

The following letter was presented to the Board of Commissioners:

PERSONNEL RECOMMENDATION

The Maysville/Mason County CVB having met in closed session at a special meeting held March 4, 2015, makes the following personnel recommendation to the Maysville City Commission:

That Ann Boley be reclassified from part time to full time hourly employee.

Norbert Gallenstein, Chair
Maysville/Mason County CVB

Attest:
J. Kelly Clarke, Secretary/Treasurer
Maysville/Mason County CVB

Motion by Commissioner Pfeffer, second by Commissioner Ashley to approve the reclassification of Ann Boley from part-time to full-time employee. Upon call of roll, voting is as follows: Voting aye: Commissioner Pfeffer, Commissioner Ashley, Commissioner Boone, Commissioner McKay and Mayor Cartmell, Motion passes.

RESOLUTION RE: HOMELAND SECURITY GRANT

The following resolution was presented to the Board of Commissioners:

**COMMONWEALTH OF KENTUCKY
CITY OF MAYSVILLE
Resolution No. 15-36**

**RESOLUTION AUTHORIZING
HOMELAND SECURITY GRANT**

WHEREAS, the City of Maysville desires to make an application for Law Enforcement Protection Program funds for a project to be administered by Kentucky Office of Homeland Security and;

WHEREAS, it is recognized that an application for and approval of Kentucky Office of Homeland Security funds impose certain obligations and responsibilities upon the City;

NOW THEREFORE, BE IT RESOLVED BY THE CITY OF MAYSVILLE, KENTUCKY, that the Mayor is hereby authorized and directed to execute and furnish all required documentation, including a memorandum of agreement, as may be required by Kentucky Office of Homeland Security for the furtherance of the above-referenced project and to act as the authorized correspondent for said project.

Motion by Commissioner McKay, second by Commissioner Pfeffer to adopt Resolution 15-36 as presented. Upon call of roll, voting is as follows: Voting aye: Commissioner Pfeffer, Commissioner Ashley, Commissioner Boone, Commissioner McKay and Mayor Cartmell, Motion passes.

LIMESTONE CABLE

Entered for the record: Letter from Limestone Cable regarding rate increases. Attachment A.

CLOSED SESSION

Motion by Commissioner Pfeffer, second by Commissioner Boone to go into closed session pursuant to KRS 61.810(1)(b) to discuss the sale or acquisition of property. Upon call of roll,

voting is as follows: Voting aye: Commissioner Pfeffer, Commissioner Ashley, Commissioner Boone, Commissioner McKay and Mayor Cartmell, Motion passes.


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

No action was taken.

ADJOURNMENT

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


MAYOR


CITY CLERK