

MAYSVILLE BOARD OF COMMISSIONERS

Thursday, Nov. 10, 2011; 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, Nov. 10, 2011 at 5:15 p.m. at the Maysville Municipal Building. Present: Commissioner John Mains, Commissioner Kelly Ashley, Commissioner Judy Pfeffer, Commissioner Rick Litton and Mayor David Cartmell. Also present: City Manager Ray Young, City Clerk Lisa Dunbar, City Attorney Sue Brammer, Comptroller Romie Griffey, City Engineer Sam Baker, Police Chief Ron Rice, Fire Chief Eric Bach, Asst. Comptroller/HR Director Karen Cracraft, Utility Manager Eddie Wenz, Tourism/Renaissance Director Duff Giffen, Public Works Director Rick Truesdell, Zoning Administrator Matt Wallingford, Codes Officer Nicole Jones, and Asst. City Attorney Kelly Caudill. Absent: Building Official Wells. Others present: The Ledger Independent and WFTM.

MINUTES OF OCT. 13, 2011 REGULAR MEETING & DEPARTMENT REPORTS

Motion by Commissioner Pfeffer, second by Commissioner Litton to approve the Oct. 13, 2011 minutes and department reports as presented. Upon call of roll, voting is as follows: Voting aye: Commissioner Mains, Commissioner Ashley, Commissioner Pfeffer, Commissioner Litton, and Mayor Cartmell, Motion passes.

APPOINTMENTS & REAPPOINTMENTS

The Mayor presented the following for approval:

Joe Brannen, Downtown Business, exp. 12/31/15
Tom Clarke, Destination Maysville, exp. 12/31/15
Robert Roe, Arts Commission, exp. 12/31/13
Lynn David, Tourism, exp. 12/31/15
Mike Jackson, Entrepreneur Center, exp. 12/31/15

Motion by Commissioner Ashley, second by Commissioner Litton to approve the appointments and reappointments as presented. Upon call of roll, voting is as follows: Voting aye: Commissioner Mains, Commissioner Ashley, Commissioner Pfeffer, Commissioner Litton, and Mayor Cartmell, Motion passes.

RETIREMENT: JERRY PHILLIPS

The following letter was presented to the Board of Commissioners:

City Manager

Ray Young

I Jerry Phillips do give notice as is my intention to retire as of November 30, 2011. Thank you for the years of service that I have worked for you, it has been a pleasure working for you and knowing you.

Sincerely yours,

Jerry Phillips

Motion by Commissioner Ashley, second by Commissioner Pfeffer to approve the retirement of Jerry Phillips. Upon call of roll, voting is as follows: Voting aye: Commissioner Mains, Commissioner Ashley, Commissioner Pfeffer, Commissioner Litton, and Mayor Cartmell, Motion passes.

POLICE DEPARTMENT PROMOTIONS

The following memoranda were presented to the Board of Commissioners:

Date: November 1, 2011

From: Chief Rice

Subject: Promotion to Sergeant

To: Honorable Mayor and Commissioners

With recent retirement within the police department and the continuing effort to ensure adequate supervision is available at all times I respectfully request the promotion of Officer Jeremy D. Poe to the rank of Sergeant.

Jeremy joined the department in November 2004, and has excelled in his job performance causing him to be selected as field training officers for new recruits. His personnel file contains five letters of appreciation or accomplishments from his supervisors and members of the community. Jeremy is a certified member of the bike patrol and in July of this year received the Governor's Occupant Protection Enforcement Award.

Officer Poe completed the departments' promotion process earlier this year finishing second by less than a percentage point; therefore I humbly request this promotion.

Respectfully,

Ronald J. Rice

Chief

And:

Date: November 1, 2011

From: Chief Rice

Subject: Promotion to Sergeant

To: Honorable Mayor and Commissioners

With recent retirement within the police department and the continuing effort to ensure adequate supervision is available at all times I respectfully request the promotion of Officer Jeremy D. Poe to the rank of Sergeant.

Kelly joined the police department in February 2004. Since that time he has demonstrated a willingness to be part of the team as shown when he volunteered to become the departments' canine handler, when that position became available. A review of his personnel file indicates nine letters of appreciation from his peers, supervisors and members of the community; most noteworthy was his selection as officer of the year, in 2008, by the Kentucky Peace Officer Association, for his life saving efforts.

Officer Prater completed the departments' promotion process earlier this year with the highest score; therefore I humbly request this promotion.

Respectfully,
Ronald J. Rice
Chief

Motion by Commissioner Litton, second by Commissioner Pfeffer to approve the promotions of Jeremy Poe and Kelly Prater to rank of sergeant per the recommendation of Police Chief Ron Rice. Upon call of roll, voting is as follows: Voting aye: Commissioner Mains, Commissioner Ashley, Commissioner Pfeffer, Commissioner Litton, and Mayor Cartmell, Motion passes.

ORDINANCE AMENDING CODE OF ORDINANCE SECTION 90.04: POLICE & FIRE REQUIREMENTS

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

**COMMONWEALTH OF KENTUCKY
CITY OF MAYSVILLE
Ordinance No. 11-15**

**AN ORDINANCE AMENDING CODE OF ORDINANCES
SECTION §90.04**

Summary

This Ordinance amends Code of Ordinances Section 90.04 to add that police officers and fire fighters who have completed all Kentucky training requirements are not required to take the examination.

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

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

ORDINANCE AMENDING CODE OF ORDINANCES SECTION 400.09: ELECTRICAL INSPECTION FEES

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

**COMMONWEALTH OF KENTUCKY
CITY OF MAYSVILLE
Ordinance No. 11-14**

**AN ORDINANCE AMENDING CODE OF ORDINANCES
SECTION §400.09 ELECTRIC INSPECTIONS**

Summary

This Ordinance amends Code of Ordinances Section 400.09 to increase the fees for electrical inspections from a range of \$20 to \$60 to a range of \$35 to \$75, to change the mileage charge on percentage rates from \$0.22 per mile plus \$15 per hour driving time to the state rate plus \$35 per hour, and to change the percentages charged for the electrical portion of any Capital Construction Contract.

Motion by Commissioner Ashley, second by Commissioner Pfeffer to adopt the ordinance as presented upon second reading. Upon call of roll, voting is as follows: Voting aye: Commissioner Mains, Commissioner Ashley, Commissioner Pfeffer, , and Mayor Cartmell; Voting no: Commissioner Litton; Motion passes.

ORDINANCE ACCEPTING 0.823 ACRE FOR ROSA DRIVE EXTENSION

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

**COMMONWEALTH OF KENTUCKY
CITY OF MAYSVILLE
Ordinance No. 11-13**

**AN ORDINANCE ACCEPTING 0.823 ACRE
FOR ROSA DRIVE EXTENSION**

Summary

This Ordinance accepts 0.823 acre from Hospice of Hope, Inc., including the utility agreements within the street right-of-way and appurtenant utility easements to construct an extension of Rosa Drive.

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 Mains, Commissioner Ashley, Commissioner Pfeffer, Commissioner Litton, and Mayor Cartmell, Motion passes.

RESOLUTION AUTHORIZING CONTRACT WITH APPLE, INC

The following resolution was presented to the Board of Commissioners:

**1COMMONWEALTH OF KENTUCKY
CITY OF MAYSVILLE
Resolution No. 11-73**

RESOLUTION AUTHORIZING
CONTRACT WITH APPLE, INC.

WHEREAS, the City of Maysville is having Apple Developer Program develop an app for the City of Maysville;

NOW THEREFORE, BE IT RESOLVED BY THE CITY OF MAYSVILLE, KENTUCKY, that Matt Wallingford is hereby authorized and directed to execute any necessary legal agreements and contracts with Apple, Inc. for iOS Developer Program at a cost of \$99 per year.

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

RESOLUTION AUTHORIZING THE MAYOR TO SIGN MEMORANDUM OF AGREEMENT WITH KENTUCKY TRANSPORTATION CABINET

The following resolution was presented to the Board of Commissioners:

**1COMMONWEALTH OF KENTUCKY
CITY OF MAYSVILLE
Resolution No. 11-74**

RESOLUTION AUTHORIZING MEMORANDUM OF AGREEMENT
RE: EAST SECOND STREET SEWER LINE CONSTRUCTION

BE IT RESOLVED BY THE CITY OF MAYSVILLE, KENTUCKY, that the Mayor is

hereby authorized and directed to sign the Memorandum of Agreement with Kentucky Transportation Cabinet concerning East Second Street Sewer Line Construction Project.

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

RESOLUTION AWARDING CONTRACT ON ROSA DRIVE SEWER EXTENSION

The following resolution was presented to the Board of Commissioners:

**COMMONWEALTH OF KENTUCKY
CITY OF MAYSVILLE
Resolution No. 11-75**

**RESOLUTION AWARDING CONTRACT FOR
ROSA DRIVE SEWER EXTENSION**

WHEREAS, the City of Maysville advertised for bids in accordance with plans and specifications as follows:

- A. Rosa Drive Sewer Extension
- B. Advertised: October 11, 2011
- C. Bid opening: October 25, 2011

WHEREAS, the following bid was received:

- | | |
|---------------------------------|--------------|
| 1. Wind Ridge Construction, LLC | \$226,711.57 |
|---------------------------------|--------------|

WHEREAS, the City Engineer and City Manager have recommended the acceptance of the bid above as the best bid,

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

1. The bid of Wind Ridge Construction, LLC in the sum of \$226,711.57 for the subject contract described above is hereby accepted on behalf of the City of Maysville.
2. The Mayor is hereby authorized and directed 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 Mains, second by Commissioner Ashley to adopt the resolution as presented. Upon call of roll, voting is as follows: Voting aye: Commissioner Mains, Commissioner Ashley, Commissioner Pfeffer, Commissioner Litton, and Mayor Cartmell, Motion passes.

RESOLUTION AUTHORIZING CONTRACT TO DEMOLISH 225 W. THIRD ST.

The following resolution was presented to the Board of Commissioners:

**1 COMMONWEALTH OF KENTUCKY
CITY OF MAYSVILLE
Resolution No. 11-76**

**RESOLUTION AWARDED BID FOR DEMOLITION
OF 225 WEST THIRD STREET**

WHEREAS, the City of Maysville has received the following bid for demolition of 225 West Third Street, Maysville, Kentucky:

(1) Classic Remodeling \$4,100

WHEREAS, the Code Enforcement Officer and Zoning Administrator have recommended acceptance of the first bid above as the best bid,

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

(1) The bid of Classic Remodeling in the sum of \$4,100 for 225 West Third Street for the subject contract described above is hereby accepted on behalf of the City of Maysville.

(2) The Mayor is hereby authorized 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 Pfeffer, second by Commissioner Litton to adopt the resolution as presented. Upon call of roll, voting is as follows: Voting aye: None; Voting no: Commissioner Mains, Commissioner Ashley, Commissioner Pfeffer, Commissioner Litton, and Mayor Cartmell, Motion fails.

RESOLUTION AUTHORIZING BOND AGREEMENT FOR SEWER PROJECT

The following resolution was presented to the Board of Commissioners:

**1COMMONWEALTH OF KENTUCKY
CITY OF MAYSVILLE
Resolution No. 11-77**

RESOLUTION AUTHORIZING INDEMNITY BOND

WHEREAS, the Commonwealth of Kentucky, Transportation Cabinet requires a \$1,000,000.00 Encroachment Bond for the East Second Street Sewer Line Construction Project;

NOW THEREFORE, BE IT RESOLVED BY THE CITY OF MAYSVILLE, KENTUCKY that the Mayor and City Clerk are hereby authorized and directed to execute the contract of indemnity to Travelers Casualty and Surety Company of America and any other necessary documents to effectuate issuance of the bond.

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

CLOSED SESSION

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

RETURN TO OPEN SESSION

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

MOTION ON LAWSUIT PAYMENT

Motion by Commissioner Litton, second by Commissioner Mains to authorize payment of Case 08100218 with Kentucky Labor Cabinet. Upon call of roll, voting is as follows: Voting aye: Commissioner Mains, Commissioner Ashley, Commissioner Pfeffer, Commissioner Litton, and Mayor Cartmell, Motion passes.

ADJOURNMENT

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

Mayor

City Clerk