

MAYSVILLE BOARD OF COMMISSIONERS
Thursday, Nov. 18, 2010; 5:15 p.m.
SPECIAL MEETING
Maysville Municipal Building

The Board of Commissioners of the City of Maysville, Kentucky met in a regular meeting on Thursday, Nov. 18, 2010 at 5:15 p.m. at the Maysville Municipal Building. Present: Commissioner John Mains, Commissioner Judy Pfeffer, Commissioner Rick Litton, Commissioner Kelly Ashley and Mayor David Cartmell. Also present: City Manager Ray Young, City Clerk Lisa Dunbar, City Attorney Sue Brammer, Comptroller Romie Griffey, Asst. Police Chief Lisa O'Hearn, Fire Chief Eric Bach, Asst. Comptroller/HR Director Karen Cracraft, City Engineer Sam Baker, Utility Manager Eddie Wenz, Tourism/Renaissance Director Duff Giffen, Street Supervisor Dennis Truesdell, Zoning Administrator Matt Wallingford, Building Official Wells, Codes Officer Nicole Jones and Asst. City Attorney Kelly Caudill. Others present: The Ledger Independent and WFTM.

MINUTES & REPORTS

Motion by Commissioner Mains, second by Commissioner Pfeffer to approve the minutes of the Oct. 14, 2010 regular Board of Commissioners meeting and monthly department reports. Upon call of roll, voting is as follows: Voting aye: Commissioner Mains, Commissioner Pfeffer, Commissioner Litton, Commissioner Ashley, and Mayor Cartmell, Motion passes.

APPOINTMENTS

The following appointments were presented to the Board of Commissioners:

Board of Architectural Review: Ken Pickrell, Gay Kleier, Don Buckley, terms expire 12/31/13

Board of Ethics: Doug Bowery, H.G. Orme, terms expire 12/8/13

Cemetery Board of Trustees: Bob Hendrickson, Kirk Clarke, terms expire 12/31/13

Renaissance Board: Caroline Reese, Duke Ford, Jim Downing, terms expire 12/31/14

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

ADULT EDUCATION PROGRAM

Bill Teagarden, director the Adult Education Program at Maysville Community & Technical College requested \$550 to fund 10 GED tests in Mason County

Motion by Commissioner Litton, second by Commissioner Ashley to approve the requested \$550 funding from the City for 10 GED tests. Upon call of roll, voting is as follows: Voting aye: Commissioner Mains, Commissioner Pfeffer, Commissioner Litton, Commissioner Ashley, and Mayor Cartmell, Motion passes.

PROMOTION: DISPATCH

The following memorandum was submitted to the Board of Commissioners:

To: Honorable Mayor and City Commission
From: Colonel Ronald J. Rice, Chief of Police
Subject: Telecommunications Officer Appointment

I respectfully request the appointment of Jonathan H. Hughes as a probationary telecommunications officer with the Maysville Police Department. Mr. Hughes has completed all phases of the city's and Department of Criminal Justice training hiring process.

Request this appointment be effective immediately as we anticipate this addition to our telecommunications staff.

Respectfully,
Ronald J. Rice, Colonel
Chief of Police

Motion by Commissioner Ashley, second by Commissioner Pfeffer to approve the appointment of Jonathan H. Hughes to the position of probationary telecommunications officer with the Maysville Police Department. Upon call of roll, voting is as follows: Voting aye: Commissioner Mains, Commissioner Pfeffer, Commissioner Litton, Commissioner Ashley, and Mayor Cartmell, Motion passes.

PROMOTION: POLICE SERGEANT

The following memorandum was submitted to the Board of Commissioners:

To: Mayor and City Commission
Fr: Ramon M. Young, City Manager
Re: Promotion in Police Department
Da: Nov. 16, 2010

The promotion of Rob Corns to the position of lieutenant left the Maysville Police Department with a vacancy in the rank of sergeant.

The promotion procedure was followed as stated in City Ordinance 90.27.

As state in previous memos, we are fortunate to have a number of qualified candidates.

I am recommending that Michael Palmer be promoted to the rank of sergeant.

Motion by Commissioner Litton, second by Commissioner Mains to approve the promotion of Michael Palmer to the rank of sergeant. Upon call of roll, voting is as follows: Voting aye: Commissioner Mains, Commissioner Pfeffer, Commissioner Litton, Commissioner Ashley, and Mayor Cartmell, Motion passes.

HARRIET BEECHER STOWE SLAVERY TO FREEDOM MUSUEM

Orloff Miller, chair of the museum board, requested funding to help replace the furnace, which was destroyed in flooding, at the museum/Marshall Key House. The museum building is owned by the city.

Miller read the following letter from the Kentucky Heritage Council into the record:

Dear Mr. Miller:

I, along with Patrick Kennedy of the Kentucky Heritage Council, have reviewed the 2010 Collation of Four Independent Assessments of Necessary Repairs for the Marshall Key House located in Old Washington. The property includes the house and smokehouse. We agree that your report provides a very thorough list of the issues and maintenance problems currently associated with the property.

Of primary concern to us is the ongoing water problem in the basement. We hope that the replaced culvert will help move water away from the structure. However, we are still concerned that this will not address the ongoing flooding of the basement, and we would like to see plans that help permanently address this situation. The flooding continues to cause settlement issues on the interior, climate control problems, and needless expenses related to the heating system.

We would greatly appreciate any support the City of Maysville may offer to preserve this historic property. As holders of a Preservation Easement on the Marshall Key House, the Kentucky Heritage Council would only ask that any plans be approved by our office prior to commencement of work and that all work be performed in accordance with the Secretary of the Interior's Standards.

As partners in preservation, sincerely,
Peggy D. Guier,
Staff Attorney

City Manager Ray Young reported that there is money with Buffalo Trace Area Development District to replace furnace and the city should be able to help with maintenance issues.

REPORT: OLD WASHINGTON FLOODING

City Engineer Baker reported that the project to build a water detention pond on the Fryman property is underway. Estimates for the project include repair to the existing lower pond, which leaks. Work can start right away.

Motion by Commissioner Pfeffer, second by Commissioner Ashley to continue project to construct a new storm water retention pond and repair the existing pond in Old Washington. Upon call of roll, voting is as follows: Voting aye: Commissioner Mains, Commissioner Pfeffer, Commissioner Litton, Commissioner Ashley, and Mayor Cartmell, Motion passes.

RESOLUTION AMENDING SAFETY TOWN AGREEMENT

The following resolution was presented to the Board of Commissioners:

**1COMMONWEALTH OF KENTUCKY
CITY OF MAYSVILLE
Resolution No. 10-72**

**RESOLUTION AUTHORIZING AMENDMENT TO
SAFETY TOWN PROJECT AGREEMENT**

WHEREAS, SAFETEA-LU Federal Reimbursement Agreement has been previously entered into between the Kentucky Transportation Cabinet and the City of Maysville which provided \$48,000 for the City of Maysville Safety Town Project, and

WHEREAS, the Parties desire to amend the Agreement to extend it until December 31, 2011;

NOW THEREFORE, BE IT RESOLVED BY THE CITY OF MAYSVILLE, KENTUCKY, that the Mayor is hereby authorized and directed to execute the Amendment to the Agreement between Kentucky Transportation and City of Maysville for the City of Maysville Safety Town Project in the amount of \$48,000 to extend the term until December 31, 2011.

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

RESOLUTION AUTHORIZING APPLICATION FOR FORESTRY GRANT

The following resolution was presented to the Board of Commissioners:

1COMMONWEALTH OF KENTUCKY

**CITY OF MAYSVILLE
Resolution No. 10-73**

**RESOLUTION AUTHORIZING FORESTRY
GRANT APPLICATION**

BE IT RESOLVED BY THE CITY OF MAYSVILLE, KENTUCKY, that the Mayor is hereby authorized and directed to execute a pre-proposal, full proposal and any other necessary documents to apply for the 2011 U.S. Forest Service National Urban and Community Forestry Challenge Cost Share Grant Program to request funds for a multi-use trail which will be used for public health and economic development.

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

REPORT ON COX BUILDING

City Engineer Baker reported that Third Street should be open to traffic on Monday or Tuesday, but the portion of Upper Market between Third and the alley will remain closed during clean up. The third floor is being cleaned up so the front dormer can be stabilized.

RESOLUTION TO DECLARE EMERGENCY RE: COX BUILDING ROOF

The following resolution was presented to the Board of Commissioners:

**1COMMONWEALTH OF KENTUCKY
CITY OF MAYSVILLE
Resolution No. 10-74**

**A RESOLUTION AUTHORIZING THE EMERGENCY REPLACEMENT OF COX
BUILDING ROOF**

WHEREAS, the Cox Building caught on fire on November 9, 2010;

WHEREAS, the building is unstable and the roof has been destroyed;

WHEREAS, the Mayor has declared an emergency and certified in writing that an emergency exists because the building is unstable, there is no roof on the building and that public harm will result from the delay caused by the competitive bidding procedure;
NOW THEREFORE, BE IT RESOLVED BY THE CITY OF MAYSVILLE, KENTUCKY, that the Mayor is hereby authorized and directed forthwith to execute all contractual documents necessary or appropriate to hire companies to stabilize the building, remove debris, and replace the roof upon recommendation from the City Manager and City

Engineer and with notice provided to the Board of Commissioners. Bidding requirements have not been met because of the need to stabilize the building and replace the roof on an emergency basis.

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

RESOLUTION ON STORM WATER EASEMENT

The following resolution was presented to the Board of Commissioners:

**1COMMONWEALTH OF KENTUCKY
CITY OF MAYSVILLE
Resolution No. 10-75**

RESOLUTION RE: FRYMAN
STORM WATER EASEMENT

WHEREAS, there is a flooding problem in Old Washington, and

WHEREAS, the City Engineer has determined that a detention pond on the property of V. Thomas Fryman, Jr. will alleviate some of the flooding;

NOW THEREFORE, BE IT RESOLVED BY THE CITY OF MAYSVILLE, KENTUCKY, that the City accept a storm water easement from V. Thomas Fryman, Jr. and Lisa Fiedler Fryman, husband and wife, granting the City the right to construct and maintain a storm water detention pond on the Fryman property in consideration for the City rebuilding the existing field fence adjoining Windsor Place Development and agreeing to make future modifications to the detention pond, including raising the surface elevation of Green Street up to three feet, if necessary, to ensure that the detention pond will be adequate to serve future development on the Fryman property in the drainage basin served by the detention pond.

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

ORDINANCE AMENDING CHAPTER 234 ALARM SYSTEMS

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

COMMONWEALTH OF KENTUCKY

**CITY OF MAYSVILLE
Ordinance No. 10C-13**

**AN ORDINANCE AMENDING CODE OF ORDINANCES
SECTION §153.02 AND §153.03**

Summary

This Ordinance amends Code of Ordinances Section §153.02 to add activation of alarm systems which result in the police department being summoned to the definition of unnecessary alarms. This Ordinance amends section §153.03 to add that each provider or user of an alarm system shall furnish to the Fire Chief or Chief of Police a valid list of authorized personnel, which lists will be updated upon any change in contact.

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

CLOSED SESSION

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

RESOLUTION AUTHORIZING LAWSUIT

The following resolution was presented to the Board of Commissioners:

**1COMMONWEALTH OF KENTUCKY
CITY OF MAYSVILLE
Resolution No. 10-76**

RESOLUTION AUTHORIZING LAWSUIT

BE IT RESOLVED BY THE CITY OF MAYSVILLE, KENTUCKY, that the Mayor is hereby authorized and directed to execute a Fee Agreement and Joint Prosecution

Agreement with Reminger Co., L.P.A. to authorize the filing of a lawsuit against the reinsurance carrier for unpaid medical claims.

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

ADJOURNMENT

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

Mayor

City Clerk