

MAYSVILLE BOARD OF COMMISSIONERS
Thursday, Feb. 10, 2011; 5:20 p.m.
REGULAR MEETING
Maysville Municipal Building

The Board of Commissioners of the City of Maysville, Kentucky met in a regular meeting on Thursday, Jan. 13, 2011 at 5:20 p.m. at the Maysville Municipal Building. Present: 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, City Engineer Sam Baker, Police Chief Ron Rice, Fire Chief Eric Bach, Asst. Comptroller/HR Director Karen Cracraft, Tourism/Renaissance Director Duff Giffen, Public Works Director Rick Truesdell, Zoning Administrator Matt Wallingford, Codes Officer Nicole Jones, and Building Official Wells. Absent: Commissioner John Mains, Comptroller Romie Griffey, Utility Manager Eddie Wenz, and Asst. City Attorney Kelly Caudill. Others present: The Ledger Independent and WFTM.

MINUTES AND REPORTS

Motion by Commissioner Pfeffer, second by Commissioner Litton to approve the minutes of the Jan. 13, 2011 regular meeting, Jan 26 and 28, 2011 special meetings and department reports. Upon call of roll, voting is as follows: Voting aye: Commissioner Ashley, Commissioner Pfeffer, Commissioner Litton, and Mayor Cartmell, Motion passes.

APPOINTMENTS & REAPPOINTMENTS

Motion by Commissioner Litton, second by Commissioner Ashley to reappoint Harry Mann and Ben Breslin to the Codes Enforcement Board, terms to expire Feb. 10, 2014, as recommended by the Mayor. Upon call of roll, voting is as follows: Voting aye: Commissioner Ashley, Commissioner Pfeffer, Commissioner Litton, and Mayor Cartmell, Motion passes.

RESIGNATION FROM JOINT PLANNING COMMISSION

Motion by Commissioner Pfeffer, second from Commissioner Ashley accepting a letter from Chan Warner expressing his intention to resign from Maysville-Mason County Joint Planning Commission. Upon call of roll, voting is as follows: Voting aye: Commissioner Ashley, Commissioner Pfeffer, Commissioner Litton, and Mayor Cartmell, Motion passes.

REQUEST FOR JOINT PLANNING COMMISSION

Motion by Commissioner Pfeffer, second by Commission Ashley requesting Maysville-Mason County Joint Planning Commission hold a public hearing on amending the sign ordinance. Upon call of roll, voting is as follows: Voting aye: Commissioner Ashley, Commissioner Pfeffer, Commissioner Litton, and Mayor Cartmell, Motion passes.

RESOLUTION AUTHORIZING MUTUAL AID AGREEMENT

The following resolution was presented to the Board of Commissioners:

**1COMMONWEALTH OF KENTUCKY
CITY OF MAYSVILLE
Resolution No. 11-10**

**RESOLUTION AUTHORIZING MUTUAL
AID AGREEMENT**

WHEREAS, the City of Maysville Police Department has been asked to enter into a Mutual Aid Agreement between Alexandria Police Department, Cold Spring Police Department, Northern Kentucky University Department of Public Safety, Bellevue Police Department, Dayton Police Department, Falmouth Police Department, Pendleton County Sheriff's Department, Pendleton County 911 Dispatch-Technical Communications Unit and Maysville Police Department, which Agreement will provide that the parties to the Agreement shall respond to a request for assistance from the other agencies to the extent they are able;

NOW THEREFORE, BE IT RESOLVED BY THE CITY OF MAYSVILLE, KENTUCKY, that the Chief of Police is hereby authorized to execute a Mutual Aid Agreement.

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

RESOLUTION ENDORSING CONTINUATION OF NARCOTICS TASK FORCE

The following resolution was presented to the Board of Commissioners:

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

**RESOLUTION ENDORSING CONTINUATION OF THE
BUFFALO TRACE / GATEWAY NARCOTICS TASK FORCE**

WHEREAS, the City of Maysville, Kentucky (the “**City**”) is concerned about illegal narcotics sales and usage; and

WHEREAS, the Buffalo Trace / Gateway Narcotics Task Force was formed under an Interlocal Cooperative Agreement by cities and counties located in the Buffalo Trace and Gateway Area Development Districts to combat the sales and illegal usage of drugs; and

WHEREAS, the City endorses the continuation of the Buffalo Trace / Gateway Narcotics Task Force;

NOW THEREFORE, BE IT RESOLVED BY THE CITY OF MAYSVILLE, KENTUCKY, that the City will provide up to \$15,000 toward the match of any federal or state funds to assist in the continuation of an enforcement unit, with said funds to be allocated from the FY2011 budget.

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

RESOLUTION AUTHORIZING LETTER OF SUPPORT FOR ASSISTED LIVING FACILITY

The following resolution was presented to the Board of Commissioners:

**1COMMONWEALTH OF KENTUCKY
CITY OF MAYSVILLE
Resolution No. 11-12**

**RESOLUTION AUTHORIZING LETTER OF
SUPPORT FOR ASSISTED LIVING**

WHEREAS, Hospice of Hope, Inc. has proposed constructing an Assisted Living and Hospice Care Center which will provide a needed service to the City of Maysville and will also provide new jobs;

NOW THEREFORE, BE IT RESOLVED BY THE CITY OF MAYSVILLE, KENTUCKY, that the Mayor is hereby authorized and directed to execute a Letter of Support for the Assisted Living and Hospice Care

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

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

RESOLUTION AUTHORIZING LEGALLY BINDING AGREEMENT WITH HOSPICE OF HOPE

The following resolution was presented to the Board of Commissioners:

**1COMMONWEALTH OF KENTUCKY
CITY OF MAYSVILLE
Resolution No. 11-13**

RESOLUTION AUTHORIZING LEGALLY BINDING AGREEMENT WITH HOSPICE OF HOPE, INC.

WHEREAS, Hospice of Hope, Inc. has proposed constructing an Assisted Living and Hospice Care Center which will provide a needed service to the City of Maysville and will also provide new jobs; and

WHEREAS, the City has entered into a Grant Agreement with the Commonwealth of Kentucky, Governor's Office for Local Development for CDBG funds which require an agreement between the City and Hospice of Hope, Inc.;

NOW THEREFORE, BE IT RESOLVED BY THE CITY OF MAYSVILLE, KENTUCKY, that the Mayor is hereby authorized and directed to execute the Legally Binding Agreement with Hospice of Hope, Inc. for the CDBG Grant on the Assisted Living Project.

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

RESOLUTION AUTHORIZING FILING APPLICATION FOR TRANSIT GRANT

The following resolution was presented to the Board of Commissioners:

**1CITY OF MAYSVILLE
COMMONWEALTH OF KENTUCKY
Resolution No. 11-14**

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 5307/5311 project; and

WHEREAS, said application requires assurance of the City of Maysville relative to the commitment of the local share for the Section 5307/5311 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 Ashley, second by Commissioner Pfeffer to adopt the resolution as presented. Upon call of roll, voting is as follows: Voting aye: Commissioner Ashley, Commissioner Pfeffer, Commissioner Litton, and Mayor Cartmell, Motion passes.

RESOLUTION AUTHORIZING LOCAL SHARE OF FUNDS FOR TRANSIT GRANT

The following resolution was presented to the Board of Commissioners:

**1CITY OF MAYSVILLE
COMMONWEALTH OF KENTUCKY**
Resolution No. 11- 15

A RESOLUTION AUTHORIZING THE FILING OF AN APPLICATION WITH THE DEPARTMENT OF TRANSPORTATION, UNITED STATES OF AMERICA, FOR A GRANT UNDER THE SAFE, ACCOUNTABLE, FLEXIBLE, EFFICIENT TRANSPORTATION EQUITY ACT: A LEGACY FOR USERS (SAFETEA-LU).

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 Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), 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 Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), that in connection with the filing of an application for assistance under the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), 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 Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), 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 Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU).
- 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 Litton to adopt the resolution as presented. Upon call of roll, voting is as follows: Voting aye: Commissioner Ashley, Commissioner Pfeffer, Commissioner Litton, and Mayor Cartmell, Motion passes.

RESOLUTION AUTHORIZING CITY ENGINEER TO NEGOTIATE A CONTRACT WITH O'CONNELL INTERNATIONAL ARTS

The following resolution was presented to the Board of Commissioners:

**1COMMONWEALTH OF KENTUCKY
CITY OF MAYSVILLE
Resolution No. 11-16**

RESOLUTION
RE: COX BUILDING ART WORK

BE IT RESOLVED BY THE CITY OF MAYSVILLE, KENTUCKY, that the City Engineer and City Manager are hereby authorized to negotiate a contract with O'Connell International Art for the restoration of those items in the Cox Building identified by Travelers Insurance Company consultants as art elements, provided that the amount to be paid O'Connell International Art under the contract shall not exceed the amount of reimbursement from Traveler's Insurance Company for the identified art elements. It is further resolved that the Mayor is hereby authorized and directed to execute the contract with O'Connell International Art.

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

RESOLUTION AUTHORIZING MAYOR TO SIGN TRAILS CONTRACT

The following resolution was presented to the Board of Commissioners:

**1COMMONWEALTH OF KENTUCKY
CITY OF MAYSVILLE
Resolution No. 11-17**

**RESOLUTION AUTHORIZING MEMORANDUM OF AGREEMENT FOR
RECREATIONAL TRAILS GRANT**

BE IT RESOLVED BY THE CITY OF MAYSVILLE, KENTUCKY, that the Mayor is hereby authorized and directed to execute the Memorandum of Agreement between Commonwealth of Kentucky Department for Local Government Office of Federal Grants and the City of Maysville for the Recreational Trails Grant.

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

Mayor

City Clerk