

MAYSVILLE BOARD OF COMMISSIONERS

Thursday, 9 February 2012; 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, Feb. 9, 2012 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, Police Chief Ron Rice, Fire Chief Eric Bach, City Engineer Sam Baker, Asst. Comptroller/HR Director Karen Cracraft, Tourism/Renaissance Director Duff Giffen, Public Works Director Rick Truesdell, Zoning Administrator Matt Wallingford, Building Official Wells, and Codes Officer Nicole Jones. Absent: Comptroller Romie Griffey, Utility Manager Eddie Wenz, and Asst. City Attorney Kelly Caudill. Others present: The Ledger Independent and WFTM.

MINUTES FROM 1/12/12 and 1/30/12 MEETING & DEPARTMENT REPORTS

Motion by Commissioner Ashley, second by Commissioner Litton to approve the minutes and 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.

PUBLIC COMMENT

Germantown Road resident Bill Hinson asked for a letter from the City to the State Highway Department supporting his request to have the parking spot that was removed when Germantown Road was repaired put back in. City Manager Young said that the City would do that.

Bruce Carlson updated the Commission on his renovation of his East Second Street building. He wanted the Commission to know that state building code made it almost impossible to renovate old buildings in the downtown.

APPOINTMENTS

The following appointments were presented by the Mayor:

James Sammons, Board of Examiners, term expires 3/11/16
Pat Greifenkamp, 3/13/16 and Dale Horner, 3/13/15, Housing Commission
Ernie Hillenmeyer, Human Rights Commission, 3/9/15
Bill Shugars, BTADD Board, 2/15

Motion by Commissioner Mains, second by Commissioner Litton to approve the appointments 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.

RESIGNATION: POLICE DEPARTMENT

The following letter was presented to the Board of Commissioners:

To Whom It May Concern,

I, Jonathan Hughes, respectfully submit my resignation to the Maysville Kentucky police department, to be effective on February the 22nd of 2012.

I appreciate the opportunity of working with the department and I believe I have picked up life skills that will help me later on in life. My time with you has been enjoyable, but I have an opportunity to advance my career. Leaving you agency was a difficult decision but I know what I have benefited from my experience will help me with my endeavors.

I would like to thank you for the opportunity to have worked with you agency.

Sincerely,

Jonathan Hughes

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

APPOINTMENT: POLICE DEPARTMENT

The following memorandum was submitted to the Board of Commissioners:

Fr: Ronald J. Rice
Re: Appointment
To: Honorable Mayor and City Commission
Da: February 1, 2012

I respectfully request the appointment of Adam Burns to probationary police officer with the Maysville police department beginning Monday February 13, 2012. Adam has completed all components of the cities and the department of criminal justice training hiring process and we anticipate him being and excellent addition to our department.

Respectfully,
Ronald J. Rice
Chief

Motion by Commissioner Mains, second by Commissioner Litton to appoint Adam Burns to position of probationary police officer. Upon call of roll, voting is as follows: Voting aye: Commissioner Mains, Commissioner Ashley, Commissioner Pfeffer, Commissioner Litton, and Mayor Cartmell, Motion passes.

DISCUSSION OF REC PARK POOL

City Manager Young explained that underground leaks at the pool were in violation of state codes. He recommended that the 40-year-old pool be torn out and replaced for the 2013 season. The cost will be about \$200,000, and he recommended seeking corporate donations and grants. The current Olympic style pool has a 600 person capacity with current visitors at about 60 per day. He recommended installing a smaller pool with more modern features.

DISCUSSION: FLOODWALL

City Engineer Baker said the engineering survey should be done by the end of February after which there will be a site inspection for encroachment on a case by case basis in March as well as drilling, hydraulic modeling and geotechnical inspection, which will take a couple of months. The City will try to do as much as possible in house to save money.

RESOLUTION AUTHORIZING MAYOR TO SIGN RIVER PARK CONTRACT

The following resolution was presented to the Board of Commissioners:

**1COMMONWEALTH OF KENTUCKY
CITY OF MAYSVILLE
Resolution No. 12-08**

**RESOLUTION AWARDING CONTRACT FOR OPERATION OF
THE MAYSVILLE RIVER PARK**

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

- (a) Subject: Operation of the Maysville River Park
- (b) Advertised: 25 January 2012
- (c) Bid Opening: 7 February 2012

WHEREAS, sealed bids were received from the following persons:

- 1) Raleigh Oaks \$5,000
- 2) Donald Bussell \$2,000
- 3) Sandra Childs \$ 500
- 4) Bill & Sheryl Ross \$ 500
- 5) Holly DeRose \$ 150

WHEREAS, the City Manager has recommended acceptance of the first bid, as the best bid,

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

(1) The bid of Raleigh Oaks 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.

Campers Jack Sapp and Jimmy Teagarden expressed concern that the bidder might not have the experience or equipment to manage the park. Former park manager Bill Ross said that he was afraid that with the monetary commitment that Oaks had made, he was \$20,000 in the hole before he even opened the gate. City Manager Young said the City would save \$15,000 with the contract.

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

RESOLUTION RE: REQUEST TO EXTEND SAFETY TOWN PROJECT

The following resolution was presented to the Board of Commissioners:

**1COMMONWEALTH OF KENTUCKY
CITY OF MAYSVILLE
Resolution No. 12-09**

**RESOLUTION RE REQUEST TO EXTEND
SAFETY TOWN PROJECT**

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 extend the Agreement due to the state project on Maple Leaf Road;

NOW THEREFORE, BE IT RESOLVED BY THE CITY OF MAYSVILLE, KENTUCKY, that the Mayor is hereby authorized and directed to request an extension to January 31, 2013 and to execute Amendment to the Agreement between Kentucky Transportation

and City of Maysville for the City of Maysville Safety Town Project to extend the term until January 31, 2013.

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

RESOLUTION AUTHORIZING USE OF SECOND STREET FOR OKTOBERFEST

The following resolution was presented to the Board of Commissioners:

**1COMMONWEALTH OF KENTUCKY
CITY OF MAYSVILLE
Resolution No. 12-10**

RESOLUTION AUTHORIZING USE OF
SECOND STREET FOR OKTOBERFEST FESTIVAL

BE IT RESOLVED BY THE CITY OF MAYSVILLE, KENTUCKY, that the Mayor is hereby authorized and directed to execute a letter authorizing Kentucky Gateway Museum Center to hold money raffles and gaming and locate beer booths on Second Street and Market Street during Oktoberfest on August 10 and 11, 2012.

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 ENDORSING CONTINUATION OF NARCOTICS TASK FORCE

The following resolution was presented to the Board of Commissioners:

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

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 FY2012 budget.

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

RESOLUTION RE: WOOD STREET DEMOLITIONS

The following resolution was presented to the Board of Commissioners:

RESOLUTION AWARDING BID FOR DEMOLITION
OF 426, 428, and 430 WOOD STREET

WHEREAS, the City of Maysville has received the following bids for demolition of 426, 428, and 430 Wood Street, Maysville, Kentucky:

(1)	Classic Remodeling	\$ 9,400
(2)	Bradford Towing & Recovery	\$11,400
(3)	Windridge Construction, LLC	\$15,689
(4)	RGF Inc.	\$18,000
(5)	Applegate Construction	\$19,750
(6)	Tully's Back Hoe and Dock Hauling, LLC	\$25,000

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 \$9,400 for 426, 428, and 430 Wood 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 Mains, second by Commissioner Ashley to adopt the resolution as presented.

After discussion, the motion and second were withdrawn to allow property owner 30 days to make improvements.

RESOLUTION AUTHORIZING LOAN AGREEMENT WITH USA FOR AIRCRAFT

The following resolution was presented to the Board of Commissioners:

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

RESOLUTION AUTHORIZING LOAN AGREEMENT WITH UNITED STATES OF AMERICA FOR AIRCRAFT

WHEREAS, there is currently a GS-4D aircraft on static display at the Fleming - Mason Airport, which aircraft is on loan from the United States of America; and

WHEREAS, United States of America requires a contract to be signed annually requiring the City of Maysville, Kentucky, to use the property for static display purposes only;

NOW THEREFORE, BE IT RESOLVED BY THE CITY OF MAYSVILLE, KENTUCKY, that the Mayor is hereby authorized and directed to execute and deliver the 2011 loan agreement for the period from April 1, 2012 to March 31, 2013, to the United States of America.

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 AUTHORIZING INSURANCE APPLICATION

The following resolution was presented to the Board of Commissioners:

**1COMMONWEALTH OF KENTUCKY
CITY OF MAYSVILLE
Resolution No. 12-13**

RESOLUTION AUTHORIZING
INSURANCE APPLICATION

BE IT RESOLVED BY THE CITY OF MAYSVILLE, KENTUCKY, that the Mayor is hereby authorized and directed to execute the underwriting renewal survey/application from Kentucky League of Cities Insurance Services on behalf of the Mason County Joint Planning Commission.

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.

ORDINANCE AMENDING CODE OF ORDINANCES SECTION 260 VEHICLE TOWING AND STORAGE

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

COMMONWEALTH OF KENTUCKY
CITY OF MAYSVILLE
Ordinance No. 12-_____

AN ORDINANCE AMENDING CODE OF ORDINANCES
SECTION 260 VEHICLE TOWING AND STORAGE

Summary

This Ordinance amends Code of Ordinances Section 260.01 (C) to add that the vehicle may be towed to a City lot. This Ordinance amends Code of Ordinances Section 260.09 (G) to delete the requirement that the contractor shall maintain an office on or adjacent to the storage lot and to add a requirement that a phone number be posted at the storage lot to contact the contractor. This Ordinance repeals Code of Ordinances Section 260.12 requiring monthly reports by the contractor to the City Manager. This Ordinance repeals Codes of Ordinances Section 260.14 (H) providing a contractor will release the vehicle without charge if the owner or operator of the vehicle is found not guilty of violating the law.

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

1. Code of Ordinances Section §260.01 is hereby amended to read in its entirety as follows:

§ 260.01 VEHICLES WHICH MAY BE TOWED AND STORED BY POLICE ORDER.

Vehicles may be ordered by the Police Department to be towed and stored for the following violations and reasons:

- (A) Pursuant to Chapters 250–259 of the city Code of chapters;
- (B) If the vehicles are involved in traffic accidents and are inoperable as a result or no authorized operator is available and able to remove the vehicle from the accident scene; or
- (C) If the vehicle is involved in the perpetration of a crime and the police have probable cause to detain the vehicle to complete the crime investigation. The vehicle may be towed to a City lot.

2. Code of Ordinances Section §260.09 is hereby amended to read in its entirety as follows:

§ 260.09 VEHICLE STORAGE LOT.

Storing towed vehicles is an essential part of the contractor's duties under this chapter. The contractor shall be solely responsible for securing and protecting vehicles impounded and other property placed in the contractor's care, custody or control under this chapter. All vehicle storage shall be on a lot owned or leased by the contractor within the city territorial limits, which lot shall satisfy the following requirements:

- (A) The lot shall be located in an area in which vehicle storage is a permitted or conditional use under Code of Ordinances Chapter 320;
- (B) The lot shall be of size sufficient to store 20 standard-size automobiles with a minimum space between automobiles and between automobiles and any fixed objects of at least 18 inches;
- (C) The entire surface of the lot whereupon vehicles are stored shall be completely covered by asphalt, concrete or gravel;
- (D) The vehicle storage area of the lot shall be lighted to provide not less than 2 footcandles of illumination for all vehicles;
- (E) The lot shall be completely enclosed with a chain-link fence or fencing or other material of like strength, at least 8 feet in height, provided that an existing fence of less than 8 feet in height may be modified by the addition of material such as barbed wire to raise the fence to the required height;
- (F) The lot shall be secured at all times by locked gate except when vehicles are being impounded or released or when necessary to improve or maintain the lot; and
- (G) ~~The contractor shall maintain an office on or adjacent to the storage lot.~~ The contractor shall post a telephone number at the storage lot so owners of vehicles may contact the contractor.

3. Code of Ordinances Section §260.12 is hereby repealed in its entirety:

~~§ 260.12 REPORTS BY CONTRACTOR.~~

~~—The contractor shall furnish reports in writing to the City Manager each month for the next preceding calendar month detailing the following information:~~

- ~~(A) Number of wrecker calls received pursuant to this chapter;~~

- ~~————(B)—— Number of tows made in response to the calls and the towing charges made and collected;~~
- ~~————(C)—— Number of vehicles stored pursuant to this chapter, the period of storage for each vehicle and the storage charges made and collected;~~
- ~~————(D)—— Number of unclaimed vehicles sold and the gross proceeds from each sale; and~~
- ~~————(E)—— Documentation of compliance with applicable law for sale of each unclaimed vehicle.~~

4. Code of Ordinances Section §260.14 is hereby amended to read in its entirety as follows:

§ 260.14 CHARGES.

Charges for wrecker and impoundment services rendered pursuant to this chapter shall be made and collected as follows:

(A) The contractor may make and collect charges only for services and at rates which are proposed by the contractor in response to the city's invitation for bids and which are accepted by the city.

(B) No charge may be made for any service rendered as a result of a wrecker call or an impoundment requested by the Police Department except as provided in the contractor's proposal accepted by the city.

(C) The owner and operator of any vehicle towed and/or impounded pursuant to this chapter shall be jointly and severally liable for payment of charges authorized by this chapter.

(D) The contractor shall accept payment by cash, money order, travelers check, valid credit cards and personal checks drawn on verified bank accounts.

(E) Collections shall be the sole responsibility of the contractor.

(F) The city shall not be charged for any services rendered pursuant to this chapter.

(G) The contractor shall allow other wrecker operators to retrieve vehicles from impoundment without charge in addition to the charges payable by the owner and operator.

~~(H) If a vehicle is towed for violation of any law, and if, at a subsequent judicial hearing the owner or operator of the vehicle is found to be not guilty of violating the law, the contractor shall release the vehicle to the owner or operator without charge, and shall refund any previously paid towing and storage charges, without recourse to the city for the charge.~~

Motion by Commissioner Mains, second by Commissioner Ashley to pass the ordinance as presented on first 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 ORDINANCE SECTION 231.03 TO INCLUDE ALCOHOLIC BEVERAGE CATEGORIES FOR DISTILLERS AND MICROBREWERIES; SECOND READING

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

**COMMONWEALTH OF KENTUCKY
CITY OF MAYSVILLE
Ordinance No. 12-01**

**AN ORDINANCE AMENDING CODE OF ORINANACES
SECTION 231.03 LICENSES; LICENSE FEES**

Summary

This Ordinance amends Code of Ordinances Section 231.03 to add alcoholic beverage license categories for distiller and microbrewery and to add annual license fees of \$500 for each category.

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

Code of Ordinance Section §231.03 is hereby amended to read in its entirety as follows:

§ 231.03 LICENSES; LICENSE FEES.

(A) (1) The following kinds of alcoholic beverage licenses, to expire the same date as the state license, may be issued under this chapter upon payment of the following annual license fees:

<i>License</i>	<i>Fee</i>
Sale of distilled spirits and wine at wholesale	\$750
Sale of distilled spirits and wine at retail by the package, for consumption off the premises	\$450
Sale of distilled spirits and wine at retail by the glass, for consumption on the premises	\$450
Distribution of beer and malt beverages	\$150
Sale of beer and malt beverages at retail	\$75
<u>Distiller's license</u>	<u>\$500</u>
<u>Microbrewery</u>	<u>\$500</u>

(2) Provided, that private clubs shall pay half of the above fees for license years beginning July 1, 1983, and thereafter.

(B) No license listed above shall be deemed to include any other listed license, and any person applying for more than 1 above-listed license shall pay the aggregate fees therefor.

Motion by Commissioner Pfeffer, second by Commissioner Ashley 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.

CLOSED SESSION

Motion by Commissioner Mains, second by Commissioner Pfeffer to go into closed session pursuant to KRS 61.810(1)(f). 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 SESSSION

Motion by Commissioner Ashley, second by Commissioner Litton 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.

DISCIPLINARY ACTION

Motion by Commissioner Litton, second by Commissioner Ashley to terminate the employment of Linda Thoroughman. 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 Mains, second by Commissioner Pfeffer 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