

MAYSVILLE BOARD OF COMMISSIONERS
Thursday, March 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, March 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, Building Official Wells, and Codes Officer Nicole Jones. Absent: Asst. City Attorney Kelly Caudill. Others present: The Ledger Independent and WFTM.

MINUTES AND REPORTS

Motion by Commissioner Litton, second by Commissioner Pfeffer to approve the minutes of the Feb. 10, 2011 regular meeting and department reports. Upon call of roll, voting is as follows: Voting aye: Commissioner Ashley, Commissioner Pfeffer, Commissioner Litton, and Mayor Cartmell, Motion passes.

PUBLIC COMMENT

Washington resident Evelyn Dugan addressed the Board of Commissioners with concerns regarding the expansion of Washington 1st Stop. Planning Administrator Matt Wallingford told Ms. Dugan that the Board of Architectural Review had not received any plans from the business owner, but that he could legally build within 3 feet of the property line.

APPOINTMENTS & REAPPOINTMENTS

Motion by Commissioner Pfeffer, second by Commissioner Ashley to reappoint Jerry Ormes to the Maysville Housing Commission, term to expire March 13, 2015, and to reappoint Jack Hussey and Carol Bennett to the Human Rights Commission, terms to expire March 9, 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.

LIMESTONE CABLE VISION RATES

The following letter was submitted to the City Manager for the record:

Dear City Manager Young:

This letter is to inform you and the Council that effective May 1, 2011 we must raise some of our cable vision fees and to announce some changes to our channel lineup. We feel Limestone Cablevision continues to provide the best lineup of local and satellite television channels available in our area.

As of May 1, 2011, the Broadcast Basic local service will increase to \$18.50 per month. This increase was precipitated by the increasing cost of carrying over-the-air channels that has made the headlines lately. Traditional over-the-air broadcasters are facing declining viewership and advertising revenues and they are trying to offset these losses by increasing the fee we must pay to carry those channels.

The Preferred Cable Service will increase to \$45.50 per month and we will be adding more High Definition channels and adding additional analog channels to our lineup. All Digital packages will increase \$3.00 per package. The Premium Channels, HBO and Showtime (Analog Packages Only), monthly cost will remain \$13.95 per channel.

As we all know fuel costs are rising with no end in sight and we will be increasing our charge for installations and service calls from \$35.00 to \$40.00. We have not increased this fee in over 5 years and we feel we have no options by to increase it now.

Limestone Cable Vision, Inc. remains the only television service provider in this area offering our subscribers the over-the-air channels from Lexington, Kentucky and Cincinnati, Ohio areas, plus digital channels and complete internet service. We dislike increasing our cable vision fees, but as we stated our costs continue to increase due to the rising cost of programming and the demand for more channels. We feel as a locally owned cable operator that our prices are very competitive and fair to our subscribers for the services we offer.

Respectfully,
Ron Buerkley
System Manager

RESOLUTION AUTHORIZING CONTRACT FOR CONSTRUCTION MANAGEMENT
ON COX BUILDING PROJECT

The following resolution was presented to the Board of Commissioners:

**1COMMONWEALTH OF KENTUCKY
CITY OF MAYSVILLE
Resolution No. 11-18**

RESOLUTION AUTHORIZING CONTRACT WITH TRACE CREEK CONSTRUCTION,
INC.

WHEREAS, the City of Maysville advertised for proposals for Design-Build Services for renovation of the Cox Building and construction of an addition to the Cox Building on February 28, 2011; and

WHEREAS, proposals were opened on March 8, 2011; and

WHEREAS, only one proposal was received from Trace Creek Construction, Inc.; and

WHEREAS, the City has not received a cost proposal from Trace Creek Construction, Inc. and does not have a final insurance settlement from Travelers Insurance Company;

NOW THEREFORE, BE IT RESOLVED BY THE CITY OF MAYSVILLE, KENTUCKY, that the Design-Build Contract for renovation of the Cox Building and construction of an addition to the Cox Building is awarded to Trace Creek Construction, Inc. provided, that the staff negotiate a contract based on a not to exceed cost to be determined after the insurance settlement is finalized which cost shall be approved by the Board of Commissioners.

Motion by Commissioner Ashley, second by Commission 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 AGREEMENT WITH USAF FOR AIRCRAFT

The following resolution was presented to the Board of Commissioners:

**1COMMONWEALTH OF KENTUCKY
CITY OF MAYSVILLE
Resolution No. 11-19**

A 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, 2011 to March 31, 2012, to the United States of America.

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 AUTHORIZING CONTRACT WITH ROYAL BLUE ENTERTAINMENT

The following resolution was presented to the Board of Commissioners:

**1COMMONWEALTH OF KENTUCKY
CITY OF MAYSVILLE
Resolution No. 11-20**

RESOLUTION AUTHORIZING CONTRACT WITH ROYAL BLUE ENTERTAINMENT

NOW THEREFORE, BE IT RESOLVED BY THE CITY OF MAYSVILLE, KENTUCKY, that the Mayor is hereby authorized and directed to execute a contract with Royal Blue Entertainment to provide entertainment for the Simon Kenton Festival.

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

RESOLUTION AUTHORIZING APPLICATION FOR INSURANCE FOR NARCOTICS TASK FORCE

The following resolution was presented to the Board of Commissioners:

**1COMMONWEALTH OF KENTUCKY
CITY OF MAYSVILLE
Resolution No. 11-22**

RESOLUTION AUTHORIZING APPLICATION FOR INSURANCE
COVERAGE FOR BUFFALO TRACE/GATEWAY NARCOTICS TASK FORCE

WHEREAS, Buffalo Trace/Gateway Narcotics Task Force has prepared an application for insurance services with Kentucky League of Cities; and

WHEREAS, the signature of the Mayor is required on the application;

NOW THEREFORE, BE IT RESOLVED BY THE CITY OF MAYSVILLE, KENTUCKY, that the Mayor is hereby authorized and directed to execute the insurance application to Kentucky League of Cities for Buffalo Trace/Gateway Narcotics Task Force.

ADOPTED BY THE BOARD OF COMMISSIONERS OF THE CITY OF MAYSVILLE, KENTUCKY, this 10 March 2011.

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 INSURANCE APPLICATION FOR KLC

The following resolution was presented to the Board of Commissioners:

**1COMMONWEALTH OF KENTUCKY
CITY OF MAYSVILLE
Resolution No. 11-23**

RESOLUTION AUTHORIZING INSURANCE APPLICATION
FOR KENTUCKY LEAGUE OF CITIES

BE IT RESOLVED BY THE CITY OF MAYSVILLE, KENTUCKY, that the Mayor and Zoning Administrator Matt Wallingford are hereby authorized and directed to execute the application for insurance renewal with Kentucky League of Cities.

Motion by Commissioner Litton, second by Commissioner Mains 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 SUPPORTING TRANSIT FUNDING GRANT FOR LVCAP

The following resolution was presented to the Board of Commissioners:

**1COMMONWEALTH OF KENTUCKY
CITY OF MAYSVILLE
Resolution No. 11-24**

RESOLUTION AUTHORIZING LETTER OF SUPPORT FOR LICKING VALLEY
COMMUNITY ACTION PROGRAM TRANSPORTATION GRANT

BE IT RESOLVED BY THE CITY OF MAYSVILLE, KENTUCKY, that the Mayor is hereby authorized and directed to sign a Letter of Support for the Licking Valley Community Action Program transportation grant.

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

ORDINANCE CLOSING ALLEY BETWEEN CENTRAL AVENUE AND OAK ALLEY

The following resolution was presented to the Board of Commissioners:

**COMMONWEALTH OF KENTUCKY
CITY OF MAYSVILLE
Ordinance No. 11C-03**

**AN ORDINANCE CLOSING ALLEY BETWEEN
CENTRAL AVENUE AND OAK ALLEY**

Summary

This Ordinance orders closure as a public way of the alley between Central Avenue and Oak Alley subject to reservation of existing utility lines and easements.

WHEREAS, Alton D. Greene, Donald L. Tolle and Jeanette F. Tolle, have requested closure of the alley between Central Avenue and Oak Alley, Maysville, Kentucky; and

WHEREAS, the right of way is excess and there is no need to use it as a public way;

The City of Maysville, Kentucky, makes the following Findings of Fact:

1. Alton D. Greene, Donald L. Tolle and Jeanette F. Tolle are the only property owners adjoining the public way to be closed.

2. Written notice of the proposed closing was given to Alton Greene, Donald L. Tolle and Jeanette F. Tolle. Alton Greene, Donald L. Tolle and Jeanette F. Tolle have given their written notarized consent to the closing of the alley between Central Avenue and Oak Alley and copies of the Consents are attached hereto.
- (3) A copy of the Plat is attached hereto.

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

- (1) The alley between Central Avenue and Oak Alley, Maysville, Kentucky is hereby ordered closed, subject to the reservations hereinafter recited.

- (2) Existing utility lines and easements on, over, through or across portions of the alley are hereby reserved as provided in the City of Maysville, Kentucky, Code of Ordinances Section 171.02.

Motion by Commissioner Litton, second by Commissioner Pfeffer 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 ENACTING CODE OF ORDINANCES 230 TO LIMIT TIME OF DAY RESTRICTIONS ON SOLICITING

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

**COMMONWEALTH OF KENTUCKY
CITY OF MAYSVILLE
Ordinance No. 11-04**

**AN ORDINANCE ENACTING CODE OF ORDINANCES CHAPTER 230
TO IMPOSE TIME OF DAY RESTRICTIONS ON SOLICITING**

Summary

This Ordinance enacts Chapter 230 of the Code of Ordinances to define soliciting as seeking to obtain orders, subscriptions to publications, and donations. This Ordinance prohibits solicitation at residences before 9:00 a.m. or after 8:00 p.m.

BE OT ORDAINED BY THE CITY OF MAYSVILLE, KENTUCKY, as follows:
Code of Ordinances Chapter 230 is hereby enacted in its entirety as follows:

**CHAPTER 230
Restrictions on Soliciting**

Section 234.01 Definitions

- A. Soliciting means any of the following activities:
- (1) Seeking to obtain orders for the sale or exchange of goods, wares, merchandise or perishables of any kind, for any kind of remuneration or consideration, regardless of whether advance payment is sought;
 - (2) Seeking to obtain subscriptions to publications;
 - (3) Seeking to obtain donations of anything of value for the benefit of any association, organization, corporation or program;
 - (4) Seeking to obtain orders or prospective customers for goods or services.

B. Solicitor means a person engaged in the activities defined by this chapter as soliciting.

Section 234.02 Time of day restrictions on soliciting:

It is a violation of this Chapter for any person to solicit any person at his or her residence before 9:00 a.m. or after 8:00 p.m., local time, unless the solicitor has an appointment to do so.

Section 234.99 Penalty

Violation of any provision of this Chapter shall be a Class II violation punishable under Section 11.01.

Motion by Commissioner Pfeffer, second by Commissioner Mains 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.

ADJOURNMENT

Motion by Commissioner Mains, second by Commissioner Pfeffer 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