

MAYSVILLE BOARD OF COMMISSIONERS

Thursday, 8 March 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, March 8, 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, 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, and Asst. City Attorney Kelly Caudill. Absent: Building Official Wells and Codes Officer Nicole Jones. Others present: The Ledger Independent and WFTM.

MINUTES FROM 2/9/12 AND DEPARTMENT REPORTS

Commissioner Pfeffer noted a correction: Bill Henton should be Bill Hinson in February minutes

Motion by Commissioner Pfeffer, second by Commissioner Ashley to approved minutes with correction noted and department reports. Upon call of roll, voting is as follows: Voting aye: Commissioner Mains, Commissioner Ashley, Commissioner Pfeffer, Commissioner Litton, and Mayor Cartmell, Motion passes.

PRESENTATION BY ORACLE DESIGN GROUP

Chris Byrd of Oracle Design Group addressed the commission regarding the proposed rehab of Earle D. Jones Elementary School into low income housing for the elderly, which would include 30 housing units. Maysville Initiatives has agreed to manage the property. Project completion would be in September 2013.

RESOLUTION AUTHORIZING LETTER OF SUPPORT FOR REHAB OF JONES ELEMENTARY

The following resolution was presented to the Board of Commissioners:

**1COMMONWEALTH OF KENTUCKY
CITY OF MAYSVILLE
Resolution No. 12-14**

RESOLUTION AUTHORIZING LETTER OF SUPPORT

WHEREAS, Oracle Consulting , LLC has proposed rehabilitating Jones School to provide quality affordable housing for the elderly and disabled population; and

WHEREAS, the City recognizes the need for affordable housing in the City;

NOW THEREFORE, BE IT RESOLVED BY THE CITY OF MAYSVILLE, KENTUCKY, that the Mayor is hereby authorized and directed to execute and deliver a letter of support for the proposed development.

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.

LIMESTONE CABLE VISION RATE INCREASE

The following letter was presented to the Board of Commissioners as a matter of public record. No action was necessary.

February 24, 2012

Mr. Ray Young
City of Maysville
216 Bridge St.
Maysville, KY 41056

Dear City Manager Young:

This letter is to inform you and the City Council that effective May 1,2012 we must raise some of our cable vision rates.

As of May 1, 2012, the Broadcast Basic local service will increase to \$20.75 per month. This increase was precipitated by the increasing cost of carrying the broadcast channels out of Cincinnati and Lexington. This year marks the second round of retransmission consent negotiations that we must do every three years with our broadcast partners. While the initial rates the broadcasters asked for in 2009 were excessive they pale in comparison to what they have demanded this year. We have seen increases by some broadcasters as high as 500% and we carry 8 broadcast channels. There has been a huge outcry from consumer groups and the federal government concerning the excessive rates requested by the broadcasters and its impact on the average cable subscriber. We remain hopeful that reforms will occur to reign in the excessive rates before 2015.

The Preferred Cable Service will increase to \$47.50 per month and we will be exploring additions to our lineup including both Analog and High Definition channels. 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.

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. The adjustments to our rates are necessary to recover the rising cost of operation and maintenance, the funding of improvements to our existing facilities and to provide a reliable service. 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

APPOINTMENT: ASSISTANT CITY CLERK

Motion by Commissioner Mains, second by Commissioner Pfeffer to appoint Sharon Swisher to the position of Assistant City Clerk. Upon call of roll, voting is as follows: Voting aye: Commissioner Mains, Commissioner Ashley, Commissioner Pfeffer, Commissioner Litton, and Mayor Cartmell, Motion passes.

HIRING OF PROJECT COORDINATOR

The following memorandum was presented to the Board of Commissioners:

To: Mayor and City Commission
Fr: Ramon M. Young, City Manager
Re: David Hord
Da: March 5, 2012

The City has a number of significant projects either underway or in the planning stages. Those projects include sewer lines, floodwall certification, sidewalk grants, and walking trails.

To ensure that these projects are properly handled, I am recommending we hire David Hord as a project coordinator.

David has the knowledge and experience needed to handle such an assignment.

David would be a valuable team member should he be approved.

Motion by Commissioner Ashley, second by Commissioner Pfeffer to hire David Hord as Project Coordinator. Upon call of roll, voting is as follows: Voting aye: Commissioner

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

PROMOTION: POLICE DEPARTMENT

The following memorandum was presented to the Board of Commissioners:

Date: March 5, 2012
From: Ronald J. Rice
Subject: Removable from Probationary Status
To: Honorable Mayor and City Commission

I recommend that Officer Matthew T. Jones be appointed from a probation recruit status to a Police Officer Level One Status with the department. Matthew completed his training with the Department of Criminal Justice on February 18, 2011. During that time he was recognized by instructors David Goldey and Jim Simpson as class adjutant and he received the physical fitness excellence award for basic class #420. In addition, he has successfully completed the required field training program, is doing a good job and we continue to feel he is a real addition to our department.

Respectfully,
Ronald J. Rice
Chief of Police

Motion by Commissioner Ashley, second by Commissioner Mains to approve the promotion of Matthew T. Jones to Police Officer Level One Status. Upon call of roll, voting is as follows: Voting aye: Commissioner Mains, Commissioner Ashley, Commissioner Pfeffer, Commissioner Litton, and Mayor Cartmell, Motion passes.

RETIREMENT: PUBLIC WORKS

The following letter was presented to the Board of Commissioners:

March 7, 2012

To: Mayor and City Commissioner

It is with mixed emotions that I am announcing my retirement effective March 21, 2012. I have enjoyed my time with the City and will miss the people I work with.

Sincerely,
Ray Johnson

Motion by Commissioner Ashley, second by Commissioner Pfeffer to accept the retirement letter of Ray Johnson. Upon call of roll, voting is as follows: Voting aye:

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

SURPLUS PROPERTY

Motion by Commissioner Ashley, second by Commissioner Pfeffer to approve the sale of surplus property from the Public Works Department. 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 PAY SCHEDULE

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 PAY PLAN FOR CLASSIFIED CITY EMPLOYEES AND NON-ELECTED OFFICIALS FOR SERVICES RENDERED BEGINNING 1 JULY 2011.

Summary

This Ordinance amends the pay plan for regular City employees and non-elected officials by job classification to change the job classification for Assistant City Engineer to Project Coordinator.

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.

RESOLUTION: MAIN STREET COMMITMENT

The following resolution was presented to the Board of Commissioners:

**1COMMONWEALTH OF KENTUCKY
CITY OF MAYSVILLE
Resolution No. 12-15**

A RESOLUTION AUTHORIZING ANNUAL LETTER OF COMMITMENT FOR THE KENTUCKY RENAISSANCE ON MAIN PROGRAM AND RE-CERTIFICATION APPLICATION

WHEREAS, the City of Maysville, Kentucky, realizes the importance of participating in the Kentucky Renaissance on Main Program; and

WHEREAS, the City is required to execute an Annual Letter of Commitment providing that it will employ a local Renaissance manager, maintain an organization focused on downtown revitalization, budget necessary funds, provide reports, and attend training, and a re-certification application,

NOW THEREFORE, BE IT RESOLVED BY THE CITY OF MAYSVILLE, KENTUCKY, that the Mayor is hereby authorized and directed to execute and deliver the Annual Letter of Commitment required for certification by the Kentucky Renaissance on Main Program and the re-certification application.

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 CONTRACT WITH ROYAL BLUE ENTERTAINMENT

The following resolution was presented to the Board of Commissioners:

**1COMMONWEALTH OF KENTUCKY
CITY OF MAYSVILLE
Resolution No. 12-16**

**RESOLUTION AUTHORIZING CONTRACT
WITH ROYAL BLUE ENTERTAINMEN**

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 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 MAYOR TO SIGN TRANSIT GRANT

The following resolution was presented to the Board of Commissioners:

**1CITY OF MAYSVILLE
COMMONWEALTH OF KENTUCKY
Resolution No. 12-17**

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 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 OF COMMITMENT OF LOCAL FUNDS FOR TRANSIT GRANT

The following resolution was presented to the Board of Commissioners:

**1CITY OF MAYSVILLE
COMMONWEALTH OF KENTUCKY
Resolution No. 12-18**

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 5309/5311 project; and

WHEREAS, said application requires assurance of the City of Maysville relative to the commitment of the local share for the Section 5309/5311 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 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 DEMOLITION OF WOOD STREET HOUSES

The following resolution was presented to the Board of Commissioners:

**1COMMONWEALTH OF KENTUCKY
CITY OF MAYSVILLE
Resolution No. 12-19**

**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.

Commissioner Mains asked Mr. Reader if he was okay with the demolition of the properties. Mr. Reader responded, "I think it's for the best."

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 CDBG APPLICATION FOR PROSPECTIVE BUSINESS

The following resolution was presented to the Board of Commissioners:

**1CITY OF MAYSVILLE
COMMONWEALTH OF KENTUCKY
Resolution No. 12-20**

A RESOLUTION AUTHORIZING THE FILING OF A KENTUCKY SMALL CITIES
COMMUNITY DEVELOPMENT BLOCK GRANT APPLICATION FOR DEVELOPMENT
OF AN ECONOMIC DEVELOPMENT PROJECT.

WHEREAS, it is necessary and in the public interest that the City avail itself of the financial assistance provided by Title I of the Housing and Community Development Act of 1974, as amended, in order to improve handicapped accessibility to the City; and WHEREAS, it is recognized that the Federal/State contract for such financial assistance pursuant to said Title I will impose certain obligations and responsibilities upon the City and will require among other things:

- a) Approval of a satisfactory application transmitted to the Kentucky Department of Local Government;
- b) Certification on behalf of the City Commission and Mayor, relating to activities such as civil rights, citizen participation, relocation payments, acquisition of properties, national environmental policies and accounting practices; and

- c) Other local obligations and responsibilities in connection with the undertaking and carrying out of the Kentucky Community Development Block Grant Program;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF MAYSVILLE, MAYSVILLE, KENTUCKY, that:

- 1) The Mayor is authorized and directed to prepare and submit to the Kentucky Department of Local Government such certifications as required to assure full compliance with all laws and regulations related to Community Development Block Grants for public facilities;

- 2) An application for a Kentucky Community Development Block Grant in the behalf of the city for a grant not to exceed \$1,000,000 of such Title I funds is hereby approved, and that the Mayor is hereby authorized to execute and file such application with the Kentucky Department of Local Government and to provide such additional information and to furnish such documentation as may be required of the City relating to the Kentucky Community Development Block Grant Program for planning funds for the proposed Economic Development Project, located in the City of Maysville.

Motion by Commissioner Mains, 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 CONTRACT WITH KNIGHT TYME ENTERTAINMENT

The following resolution was presented to the Board of Commissioners:

**1COMMONWEALTH OF KENTUCKY
CITY OF MAYSVILLE
Resolution No. 12-21**

**RESOLUTION AUTHORIZING CONTRACT
WITH KNIGHT TYME ENTERTAINMENT**

BE IT RESOLVED BY THE CITY OF MAYSVILLE, KENTUCKY, that the Mayor is hereby authorized and directed to execute a contract with Knight Tyme Entertainment to provide entertainment for the Fourth of July.

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.

ORDINANCE AMENDING CODE OF ORDINANCES: VEHICLE TOWING & STORAGE

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

**COMMONWEALTH OF KENTUCKY
CITY OF MAYSVILLE
Ordinance No. 12-02**

**AN ORDINANCE AMENDING CODE OF ORINANACES
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.

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.

ADJOURNMENT

Motion by Commissioner Mains, second by Commissioner Litton 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
