

MAYSVILLE BOARD OF COMMISSIONERS

Thursday, 10 May 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, May 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, Street Superintendent 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 AND DEPARTMENT REPORTS

Motion by Commissioner Pfeffer, second by Commissioner Ashley to approve the minutes from the April 12, regular, and April 25, 2012, special, meetings and department 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

Resident Jack Hussey commended Maysville Police Department for quickly finding the person who knocked down a historic sign in Old Washington.

APPOINTMENTS

Motion by Commissioner Litton, second by Commissioner Pfeffer to reappoint Doug Hendrickson to the Riverport Authority and the Maysville-Mason County Airport Board, terms ending 5/31/16. Upon call of roll, voting is as follows: Voting aye: Commissioner Mains, Commissioner Ashley, Commissioner Pfeffer, Commissioner Litton, and Mayor Cartmell, Motion passes.

APPOINTMENT TO FIRE DEPARTMENT

The following memo was presented to the Board of Commissioners:

To: City Manager Ray Young, Mayor and City Commission
Fr: Fire Chief Eric Bach
Da: May 3, 2012
Re: Fire Recruit

I would like to recommend that Kyle Carpenter be appointed as a Probationary Firefighter/EMT with the fire department. Kyle has completed and passed all phases of the hiring process. Kyle is an Emergency Medical Technician and also has numerous fire training hours through the State Fire/Rescue program.

Kyle will be a great asset to our department for years to come.

Motion by Commissioner Mains, second by Commissioner Pfeffer to appoint Kyle Carpenter to the Maysville Fire Department. Upon call of roll, voting is as follows: Voting aye: Commissioner Mains, Commissioner Ashley, Commissioner Pfeffer, Commissioner Litton, and Mayor Cartmell, Motion passes.

PROMOTION IN FIRE DEPARTMENT

The following memo was presented to the Board of Commissioners:

To: City Manager Ray Young, Mayor and City Commission
Fr: Fire Chief Eric Bach
Da: May 3, 2012
Re: Lieutenant Promotion

I would like to recommend that Kevin Doyle be promoted to the position of Lieutenant with the fire department. Kevin has completed and passed all components of the promotion process. He is currently taking the Fire Science Engineering Program with a major in Fire Service Administration, through Eastern Kentucky University. Kevin has been an outstanding employee since he was hired 8 years ago. Kevin is and will continue to be a great leader for this department for many years to come.

Motion by Commissioner Litton, second by Commissioner Ashley to promoted Kevin Doyle to the position of lieutenant in the Maysville Fire Department. Upon call of roll, voting is as follows: Voting aye: Commissioner Mains, Commissioner Ashley, Commissioner Pfeffer, Commissioner Litton, and Mayor Cartmell, Motion passes.

POLICE AND FIRE PENSION FUND

Comptroller Romie Griffey gave the Board of Commissioners a report on the Police and Fire Pension Fund for the record.

RESOLUTION AUTHORIZING CONTRACT WITH KNIGHT TYME ENTERTAINMENT FOR BUSKER FEST

The following resolution was presented to the Board of Commissioners:

**1COMMONWEALTH OF KENTUCKY
CITY OF MAYSVILLE
Resolution No. 12-26**

**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 Buskerfest on Market Street.

Motion by Commissioner Ashley, second by Commissioner Mains to adopt the resolution authorizing contract to Knight Tyme Entertainment for Busker Fest. 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
FOR MUDDER FEST

The following resolution was presented to the Board of Commissioners:

**1COMMONWEALTH OF KENTUCKY
CITY OF MAYSVILLE
Resolution No. 12-27**

**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 Mudderfest at McDonald Parkway.

Motion by Commissioner Pfeffer, second by Commissioner Mains to authorize contract with Knight Tyme Entertainment for Mudder Fest. 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 NARCOTICS TASK FORCE EQUITABLE SHARING
AGREEMENT

The following resolution was presented to the Board of Commissioners:

**1COMMONWEALTH OF KENTUCKY
CITY OF MAYSVILLE
Resolution No. 12-28**

RESOLUTION AUTHORIZING BUFFALO TRACE/GATEWAY NARCOTICS TASK
FORCE EQUITABLE SHARING AGREEMENT AND CERTIFICATION REPORT

BE IT RESOLVED BY THE CITY OF MAYSVILLE, KENTUCKY, that the Mayor is hereby authorized and directed to execute and deliver to the United States Department of the Treasury and Department of Justice, the Equitable Sharing Agreement and Certification Report for Buffalo Trace/Gateway Narcotics Task Force.

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 AWARDING BID FOR FIRE TRAINING FACILITY

The following resolution was presented to the Board of Commissioners:

**COMMONWEALTH OF KENTUCKY
CITY OF MAYSVILLE
Resolution No. 12-29**

RESOLUTION AUTHORIZING CONTRACT FOR
FIRE TRAINING FACILITY UPFIT

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

- A. Fire Training Facility Upfit
- B. Advertised: April 11, 2012
- C. Bid opening: April 25, 2012

WHEREAS, the following bids were received:

- | | |
|---------------------|--------------|
| 1. Quality Builders | \$108,900.00 |
| 2. Maher Electric | \$143,286.00 |
| 3. RJ Construction | \$145,370.00 |
| 4. Greg's Framing | \$146,473.00 |

5. Gaunce Construction

\$215,500.00

WHEREAS, the Projects Coordinator and City Manager have recommended the 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 Quality Builders in the sum of \$108,900 for the subject contract described above is hereby accepted on behalf of the City of Maysville.
2. The Mayor is hereby authorized and directed 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. Upon call of roll, voting is as follows: Voting aye: Commissioner Mains, Commissioner Ashley, Commissioner Pfeffer, Commissioner Litton, and Mayor Cartmell, Motion passes.

RESOLUTION APPROVING LEASE WITH COMMUNITY COLLEGE

The following resolution was presented to the Board of Commissioners:

**COMMONWEALTH OF KENTUCKY
CITY OF MAYSVILLE
Resolution No. 12-30**

**RESOLUTION AUTHORIZING LEASE RENEWAL OF UPSTAIRS OFFICE
SPACE OF THE PUBLIC WORKS BUILDING**

WHEREAS, Kentucky Community and Technical College System has asked to renew the lease of approximately 1200 square feet of office space located in the upstairs of the Public Works Building at 1720 Martha Comer Drive, Maysville, Kentucky from the City of Maysville for a cost of \$ 0.00 for classroom space;

NOW THEREFORE, BE IT RESOLVED BY THE CITY OF MAYSVILLE, KENTUCKY, that the Mayor is hereby authorized and directed to execute a renewal lease agreement with Kentucky Community and Technical College System for office space in the upstairs of the Public Works Building.

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 COMPLAINT RESOLUTION PROCESS FOR TRANSIT SYSTEM

The following resolution was presented to the Board of Commissioners:

**COMMONWEALTH OF KENTUCKY
CITY OF MAYSVILLE
Resolution No. 12-31**

**RESOLUTION AUTHORIZING COMPLAINT
RESOLUTION PROCESS FOR TRANSIT SYSTEM**

BE IT RESOLVED BY THE CITY OF MAYSVILLE, KENTUCKY, that a Complaint Resolution Process Policy for the Transit System is hereby adopted to read as follows:

The Director of Public Works hears the complaint. If the director of Public Works cannot resolve the complaint, a written complaint is made by the complainant and is then presented to the City Manager. The complaining party or parties will be invited to meet with the City Manager stating the problem at hand. After hearing this problem, and reading this written statement, the City Manager will try to offer a satisfactory solution to the complaint.

If a satisfactory solution cannot be reached, the City Manager will consult with the Transportation Cabinet in Frankfort, Kentucky, for advice concerning the complaint.

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.

ORDINANCE AMENDING REQUIREMENTS FOR WINDOWS AND DOORS IN BUILDINGS; FIRST READING

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 REQUIREMENTS FOR

WINDOWS AND DOORS IN BUILDINGS

Summary

This Ordinance amends Code of Ordinances Section 276.01 to state that all buildings in the Renaissance District shall have all windows maintained in good condition in glass or shutters and doors maintained in good condition with original building material, provided that windows and doors not facing on a public way may be otherwise secured. The Ordinance further provides that all vacant buildings located outside the Renaissance District shall have all windows and doors boarded by using a minimum of 3/8 inch plywood or other similar material. Any board placed on a building shall be painted a color that is consistent with the color of the structure and shall be cut to fit the opening. This Ordinance shall be effective December 1, 2012.

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

ORDINANCE AMENDING CODE OF ORDINANCES SECTION 11.01 TO REVISE CIVIL FINES FOR WINDOWS AND DOORS; FIRST READING

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

1COMMONWEALTH OF KENTUCKY CITY OF MAYSVILLE Ordinance No. 12-_____

AN ORDINANCE AMENDING CODE OF ORDINANCES SECTION 11.01 TO REVISE CIVIL FINES FOR WINDOWS AND DOORS

Summary

This Ordinance amends Code of Ordinances §11.01 to add Civil Fines for non-maintenance of windows and doors of \$500 for a first offense, \$750 for a second offense, and \$1,000 fine for all others.

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

ORDINANCE AMENDING JURISDICTION OF CODES ENFORCEMENT BOARD
CHAPTER 195.6: FIRST READING

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 JURISDICTION OF
CODES ENFORCEMENT BOARD CHAPTER 276**

Summary

This Ordinance amends Code of Ordinances Section 195.06 to add to the jurisdiction of Codes Enforcement Board Chapter 276, Buildings.

Motion by Commissioner Pfeffer, 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 ENACTING PENALTIES FOR VIOLATION OF CODE OF ORDINANCES
SECTION 276.99; FIRST READING

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

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

**AN ORDINANCE ENACTING PENALTIES FOR
VIOLATION OF CODE OF ORDINANCES SECTION 276.01**

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

Code of Ordinance Section §276.99 is hereby amended to read in its entirety as follows:

§276.99 PENALTY

Violation of any provision of Chapter 276 shall be punishable by civil fine under Section 11.01(b) (7).

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

ORDINANCE REPEALING ORDINANCE No. 276.01 VACANT PROPERTY REVIEW COMMISSION; FIRST READING

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

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

**AN ORDINANCE REPEALING ORDINANCE NO. 276.01
VACANT PROPERTY REVIEW COMMISSION**

Summary

This Ordinance repeals Code of Ordinances Section 276.01 Vacant Property Review Commission because the provisions for Vacant Property Review Commission are contained in Code of Ordinances Section 71.190 -71.194.

Motion by Commissioner Ashley, 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 TO ADOPT NEW CODIFICATION; FIRST READING

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

**COMMONWEALTH OF KENTUCKY
CITY OF MAYSVILLE
Ordinance No. 12C-__**

**AN ORDINANCE ENACTING AND ADOPTING A SUPPLEMENT TO THE CODE OF
ORDINANCES OF THE CITY OF MAYSVILLE, KENTUCKY**

WHEREAS, American Legal Publishing Corporation of Cincinnati, Ohio has completed the 2012 supplement to the Code of Ordinances of the City of Maysville, which supplement contains all ordinances of a general nature enacted since the prior codification of the Code of Ordinances;

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

1. The 2012 Supplement to the Code of Ordinances of the City of Maysville, Kentucky as submitted by American Legal Publishing Corporation of Cincinnati, and attached hereto, be and the same is hereby adopted by reference as if set out in its entirety.

2. This ordinance shall be forthwith be published in full in accordance with K.R.S. Section 83A.060 (9).

Motion by Commissioner Ashley, second by Commissioner Litton 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 ORDINANCES CHAPTER 154: SEWER;
SECOND READING

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

**COMMONWEALTH OF KENTUCKY
CITY OF MAYSVILLE
Ordinance No. 12-04**

**AN ORDINANCE AMENDING
CODE OF ORDINANCES CHAPTER 154**

Summary

As required by the Kentucky Division of Water, the City of Maysville implements a Pretreatment Program to control discharges of industrial wastewater to the sanitary sewer system. This implementation includes the requirement that the City adopt and enforce effluent discharge limitations as part of the Sewer Use Ordinance.

Recent revisions to 40 CFR 403, the federal pretreatment program regulations, require that City Ordinance chapters 154.002 through 154.150 be revised in order to continue in compliance with federal and state regulations.

U.S. EPA's adoption and approval of these modifications requires the City of Maysville to adopt certain language revisions, which is being done through this ordinance amendment.

Motion by Commissioner Mains, second by Commissioner Pfeffer 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.

RESOLUTION AUTHORIZING CHANGE ORDER FOR ROSA DRIVE CONSTRUCTION

The following resolution was presented to the Board of Commissioners:

**COMMONWEALTH OF KENTUCKY
CITY OF MAYSVILLE
Resolution No. 12-32**

**RESOLUTION AUTHORIZING CHANGE ORDER
FOR ROSA DRIVE CONSTRUCTION**

WHEREAS, the City of Maysville, Kentucky previously entered into a contract with Windridge Construction, Inc. for the construction of Rosa Drive; and

WHEREAS, additional quantities are required to complete the project;

NOW THEREFORE, BE IT RESOLVED BY THE CITY OF MAYSVILLE, KENTUCKY, that the Mayor is hereby authorized and directed to execute a Contract Change Order increasing the contract by the sum of \$62,502.22.

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.

SET DATE FOR BUDGET WORKSHOP/SPECIAL MEETING

Commission agreed to meet at 8:30 a.m., Monday, June 4, 2012 for a budget workshop.

TRANSFER OF BUS TO PADUCAH TRANSIT SYSTEM

Motion by Commissioner Pfeffer, second by Commissioner Ashley to transfer a 2007 Gavel bus to the Paducah Transit System. 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