

MAYSVILLE CITY COMMISSION
Thursday, 12 August 2010; 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, Aug. 12, 2010, at 5:15 p.m. at the Maysville Municipal Building. Present: Commissioner John Mains, Commissioner Judy Pfeffer, Commissioner Rick Litton, Commissioner Kelly Ashley and Mayor David Cartmell. Also present: City Manager Ray Young, City Clerk Lisa Dunbar, City Attorney Sue Brammer, Comptroller Romie Griffey, Police Chief Ron Rice, Fire Chief Eric Bach, Asst. Comptroller/HR Director Karen Cracraft, City Engineer Sam Baker, Utility Manager Eddie Wenz, Tourism/Renaissance Director Duff Giffen, Zoning Administrator Matt Wallingford, Building Official Wells, Codes Officer Nicole Jones and Asst. City Attorney Kelly Caudill. Absent: Public Works Director Rick Truesdell. Others present: The Ledger Independent and WFTM.

MINUTES OF 7/8/10 & 8/3/10 MEETINGS & DEPARTMENT REPORTS

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

WASHINGTON RESIDENTS; FLOODING

A number of residents of the Washington area addressed the commission regarding flooding on Old Main Street. The flooding is serious and ongoing since the construction of Windsor Place townhouses. The retention pond there is inadequate causing storm run off to flood homes and businesses on Old Main Street.

The city manager and engineer said the state engineer has said that the state will replace a culvert under Old Main Street and improve drainage along US 68. The city is looking at constructing a retention pond to ease run off concerns.

UPPER MARKET STREET: STREET SWEEPER

Two residents and the Mayor said that the majority of residents on Upper Market Street would like the street sweeper to stop running in their area

Motion by Commissioner Pfeffer, second by Commissioner Mains to institute a 30 day moratorium on the street sweeper on Upper Market Street. Upon call of roll, voting is as follows: Voting aye: Commissioner Mains, Commissioner Pfeffer, Commissioner Litton, Commissioner Ashley, and Mayor Cartmell, Motion passes.

APPOINTMENTS/REAPPOINTMENTS

Motion by Commissioner Litton, second by Commissioner Ashley to reappoint Bill Boggs to the Buffalo Trace/Gateway Narcotics Task Force, term to expire 6/30/12 and Scott Smalley to the Maysville Utility Commissioner, term to expire 9/1/13. Upon call of roll, voting is as follows: Voting aye: Commissioner Mains, Commissioner Pfeffer, Commissioner Litton, Commissioner Ashley, and Mayor Cartmell, Motion passes.

APPOINTMENT OF POLICE CHIEF

Memorandum

To: Mayor and City Commission
Fr: Ramon M. Young, City Manager
Re: Police Chief
Da: August 2, 2010

With the retirement of Police Chief Kent Butcher, we must now address the task of appointing the next chief.

We have the options of going outside the department or appointing from within. I personally feel that the department is equipped with the best personnel in the 25 years that I have been with the city.

The City Commission and the Administration have hired and promoted the right people to get us to the point that I feel there is no need to look elsewhere. To do so would be counterproductive to the department.

We have an excellent candidate for the position in Asst. Chief Ron Rice.

Ron has served the community well since his hire date of May 28, 1996. Ron has become a leader in the community and his credentials are too impressive to ignore. I have every confidence in his ability to provide the needed leadership that is expected as Chief of Police.

I am recommending that Ronald J. Rice be promoted to the position of Chief of Police of the City of Maysville.

Motion by Commissioner Mains, second by Commissioner Pfeffer to appoint Ronald J. Rice to the position of Maysville Chief of Police. Upon call of roll, voting is as follows: Voting aye: Commissioner Mains, Commissioner Pfeffer, Commissioner Litton, Commissioner Ashley, and Mayor Cartmell, Motion passes.

APPOINTMENT OF PROBATIONARY POLICE OFFICER

August 9, 2010

TO: Honorable Mayor and City Commission
FROM: Major Ronald J. Rice

Subject: Appointment

I respectfully request the appointment of Matthew T. Jones to a probationary police officer with the Maysville police department beginning Monday August 16th of this year. Matthew has completed all components of the cities and the department of criminal justice training hiring process and we anticipate that Matthew will be an excellent addition to our department.

Respectfully,

Ronald J. Rice, Major
Assistant Chief of Police

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

RESOLUTION AUTHORIZING AGREEMENT WITH MEDICAL BENEFIT ADMINISTRATORS INC.

The following resolution was presented to the Board of Commissioners:

**CITY OF MAYSVILLE
COMMONWEALTH OF KENTUCKY
Resolution No. 10-52**

A RESOLUTION AUTHORIZING AGREEMENT WITH MEDICAL BENEFITS ADMINISTRATORS, INC.

NOW THEREFORE, IT IS HEREBY RESOLVED BY THE CITY OF MAYSVILLE, KENTUCKY, that the Mayor is hereby authorized and directed to execute an Benefit Management Agreement on behalf of the City of Maysville between the City of Maysville and Medical Benefits Administrators, Inc. to administer the City of Maysville Employee Health Plan.

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

RESOLUTION AUTHORIZING NARCOTICS TASK FORCE GRANT

The following resolution was presented to the Board of Commissioners:

COMMONWEALTH OF KENTUCKY

**CITY OF MAYSVILLE
Resolution No. 10-53**

**A RESOLUTION AUTHORIZING ACCEPTING GRANT AWARD TO BUFFALO
TRACE/GATEWAY NARCOTICS TASK FORCE**

WHEREAS, Buffalo Trace/Gateway Narcotics Task Force has been awarded a \$157,500 grant from the Justice and Public Safety Cabinet;

NOW THEREFORE, BE IT RESOLVED BY THE CITY OF MAYSVILLE, KENTUCKY, that the Mayor is hereby authorized and directed to execute the Statement of Action Grant Award form, Special Conditions that govern the use of the grant funds and the Confidential Funds Certification.

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

RESOLUTION AUTHORIZING NARCOTICS TASK FORCE CERTIFICATION REPORT

The following resolution was presented to the Board of Commissioners:

**1COMMONWEALTH OF KENTUCKY
CITY OF MAYSVILLE
Resolution No. 10-54**

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

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

RESOLUTION AUTHORIZING EXECUTION OF SEWER LINE EASEMENT

The following resolution was presented to the Board of Commissioners:

**1COMMONWEALTH OF KENTUCKY
CITY OF MAYSVILLE**

Resolution No. 10-55

A RESOLUTION AUTHORIZING EXECUTION OF SEWER LINE EASEMENT

WHEREAS, the City of Maysville is installing a new sanitary sewer line in Washington;
and

WHEREAS, an agreement has been negotiated with Frank Thornton, unmarried widower, concerning location of the easement, tap ons, service lines, and costs;

NOW THEREFORE, BE IT RESOLVED BY THE CITY OF MAYSVILLE, KENTUCKY, that the Mayor is hereby authorized and directed to execute the easement agreement between the City of Maysville and Frank Thornton

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

RESOLUTION AWARDING CONTRACT FOR PAVING

The following resolution was presented to the Board of Commissioners:

**1COMMONWEALTH OF KENTUCKY
CITY OF MAYSVILLE
Resolution No. 10-56**

A RESOLUTION AWARDING CONTRACT FOR
RESURFACING OF VARIOUS STREETS

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

- (a) Subject: Resurfacing of Various Streets
- (b) Advertised: July 16, 2010
- (c) Bid Opening: August 3, 2010

WHEREAS, the following bids were received:

- (1) H.G. Mays Corporation \$ 181,177.35
- (2) Brown County Construction \$ 182,680.92

WHEREAS, the City Manager and the City Engineer 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 H.G. Mays Corporation in the sum of \$ 181,177.35 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 Ashley, second by Commissioner Mains to adopt the resolution as presented. Upon call of roll, voting is as follows: Voting aye: Commissioner Mains, Commissioner Pfeffer, Commissioner Litton, Commissioner Ashley, and Mayor Cartmell, Motion passes.

RESOLUTION AWARDING CONTRACT FOR DEMOLITION OF 214 LEE STREET

The following resolution was presented to the Board of Commissioners:

**1 COMMONWEALTH OF KENTUCKY
CITY OF MAYSVILLE
Resolution No. 10-57**

**RESOLUTION AWARDING CONTRACT FOR
DEMOLITION OF 214 LEE STREET PROPERTY**

WHEREAS, the City of Maysville previously purchased the property known as 214 Lee Street;

WHEREAS, it is in the interest of the City of Maysville to demolish the house located on the property so the lot may be used by the City; and

WHEREAS, the following proposals were received:

- | | | |
|----|-------------------------------|---------|
| 1) | Classic Remodeling | \$5,200 |
| 2) | Wind Ridge Construction, Inc. | \$5,395 |
| 3) | H & S Excavating | \$6,900 |

NOW THEREFORE, BE IT RESOLVED BY THE CITY OF MAYSVILLE, KENTUCKY, that the Mayor is hereby authorized and directed forthwith to execute all contractual documents necessary and appropriate to effectuate acceptance of the demolition proposal of Classic Remodeling to demolish 214 Lee Street, Maysville, Kentucky for \$5,200.

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

MOTION AWARDING CONTRACT FOR DEMOLITION OF 642 GERMANTOWN RD.

The following resolution was presented to the Board of Commissioners:

**1 COMMONWEALTH OF KENTUCKY
CITY OF MAYSVILLE
Resolution No. 10-58**

**RESOLUTION AWARDING BID FOR DEMOLITION
OF 642 GERMANTOWN ROAD**

WHEREAS, the City of Maysville has received the following bids for demolition of 642 Germantown Road:

- | | | |
|-----|------------------------------|---------|
| (1) | Classic Remodeling | \$1,850 |
| (2) | Wind Ridge Construction, LLC | \$1,995 |

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 \$1,850 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 Ashley, second by Commissioner Pfeffer to adopt the resolution as presented. Upon call of roll, voting is as follows: Voting aye: Commissioner Mains, Commissioner Pfeffer, Commissioner Litton, Commissioner Ashley, and Mayor Cartmell, Motion passes.

ORDINANCE ADOPTING MASON COUNTY PVA 2010 ASSESSMENT

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

**COMMONWEALTH OF KENTUCKY
CITY OF MAYSVILLE
Ordinance No. 10-08**

AN ORDINANCE ADOPTING THE ASSESSMENT OF THE MASON COUNTY PROPERTY VALUATION ADMINISTRATOR FOR REAL AND PERSONAL PROPERTY IN THE CITY OF MAYSVILLE FOR TAX YEAR 2010.

BE IT ORDAINED BY THE CITY OF MAYSVILLE, KENTUCKY, that the assessment of real and personal property made by the Mason County Property Valuation Administrator, reviewed by the Mason County Board of Assessment Appeals, equalized and certified by the Kentucky Revenue Cabinet, and certified by the Mason County Clerk to the City Treasurer as set out below is hereby accepted and adopted as the assessment of taxable property in the City of Maysville for tax year 2010, which assessment shall be subject to taxation at the rates to be fixed by Ordinance.

2010 TAX ASSESSMENT

Real Property	\$442,452,229
Tangible Personal Property	101,115,753
Inventories	32,319,877
Un-manufactured Tobacco	0

The text of this Ordinance shall be published in full.

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

ORDINANCE FIXING AD VALOREM TAX LEVIES & FRANCHISE TAXES

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

**COMMONWEALTH OF KENTUCKY
CITY OF MAYSVILLE
Ordinance No. 10-09**

AN ORDINANCE FIXING CITY OF MAYSVILLE AD VALOREM TAX LEVIES ON MOTOR VEHICLES DUE IN 2011 AND ON ALL OTHER TAXABLE PROPERTY DUE IN 2010 AND LEVYING A FRANCHISE TAX ON FINANCIAL INSTITUTIONS DUE IN 2011

WHEREAS, the 2011 ad valorem tax rate on motor vehicles is fixed by KRS 132.487(2) at the rate which could have been levied on 1 January 1983 assessments; and

WHEREAS, the Board of Commissioners hereby foregoes any other ad valorem tax increases for 2010 which would result from raising and compensating tax rate, as authorized by KRS 132.027; and

WHEREAS, KRS 136.575 authorizes a franchise tax on financial institutions measured by deposits in the institutions located within the city at a rate up to 0.025% of the deposits, due by 31 January 2011.

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

(1) That for the use and benefit of the General Fund, there is hereby levied the following ad valorem taxes on each \$100.00 of assessed value taxable by the City:

- a) \$0.2460 on motor vehicles taxable in 2011, pursuant to KRS 132.487;
- b) \$0.015 on unmanufactured tobacco taxable in 2010, pursuant to KRS 136.575;
- c) \$0.158 on all other real and personal property taxable in 2010, pursuant to KRS 92.280 and 132.027, and Kentucky Constitution section 157.

(2) That for the use and benefit of the General Fund, there is levied a franchise tax on financial institutions equal to 0.025 percent of deposits in such institutions located within and taxable by the City, to be billed by the City by 1 December 2010 and due with two percent discount if paid by 31 December 2010 or without discount if paid by 31 January 2011, pursuant to KRS 136.575.

(3) That the City Clerk shall notify the Kentucky Revenue Cabinet of the ad valorem tax and franchise tax rates hereby levied by 1 October 2010.

(4) The text of this Ordinance shall be published in full.

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

ORDINANCE AMENDING CODE OF ORDINANCES 71.207: ARTS COMMISSION

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

CITY OF MAYSVILLE

COMMONWEALTH OF KENTUCKY
Ordinance No. 10C-10

AN ORDINANCE AMENDING CODE OF ORDINANCES §71.207

Summary

This Ordinance amends Code of Ordinances § 71.207 to change the number of members of the Arts Commission from nine appointed by the City and nine appointed by the Mason Fiscal Court to four appointed by Mason Fiscal Court and five appointed by the City.

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

ORDINANCE DEDICATIONG SPRUCE, BIRCH & COTTONWOOD COURTS

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

1COMMONWEALTH OF KENTUCKY
CITY OF MAYSVILLE
Ordinance No. 10C-11

AN ORDINANCE ACCEPTING DEDICATION OF SPRUCE COURT,
BIRCH COURT, AND COTTONWOOD COURT

Summary

This Ordinance accepts the dedication as a public way of the right-of-way of Spruce Court, Birch Court, and Cottonwood Court, containing an area of 2.211 acres, more or less, including the utility improvements within the street right-of-way and appurtenant utility easements.

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

Mayor

City Clerk