

MAYSVILLE BOARD OF COMMISSIONERS

Thursday, 10 December 2015; 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, Nov. 12, 2015 at 5:15 p.m. at the Maysville Municipal Building. Present: Commissioner Judy Pfeffer, Commissioner Kelly Ashley, Commissioner Robert Boone, Commissioner Victor McKay, and Mayor David Cartmell. Also present: City Manager Ray Young, City Clerk Lisa Dunbar, City Attorney Sue Brammer, Comptroller Penny Stanfield, Projects Coordinator David Hord, Police Chief Ron Rice, Fire Chief Eric Bach, Asst. Comptroller/HR Director Karen Cracraft, Utility Manager Eddie Wenz, Tourism Director Suzie Pratt, Public Works Director Rick Truesdell, Zoning Administrator Matt Wallingford, Building Official Wells, and Codes Officer Nicole Jones, and Asst. City Attorney Kelly Caudill. Others present: The Ledger Independent, The Maysville Mercury, and WFTM.

PUBLIC COMMENT

Members of DeKalb Lodge approached the Board of Commissioners with concerns about property owned by Freddie Riggs on Market and Second streets, which is in disrepair. The Riggs property is adjacent to the lodge property and the lodge members are concerned about someone getting hurt. Planning and Zoning Administrator Matt Wallingford said that Riggs has informed him that the property in question is in the process of being sold and he will keep the lodge up to date on the situation.

APPOINTMENTS & REAPPOINTMENTS

The Mayor recommended the following appointments:

Board of Architectural Review: Clay Hedgecock & Phil Weber; exp. 12/31/18

Renaissance Board: Lynn David, Mike Jackson, exp. 12/31/19; Robert Roe, & Patti North; exp. 12/31/17

Board of Ethics: Omer Coleman & Janice Barnett; exp. 12/8/18

Cemetery Advisory Board: Duke Ford & Liz Miller, exp. 12/31/18

Motion by Commissioner Pfeffer, second by Commissioner Ashley to approve the appointments as presented by the Mayor. Upon call of roll, voting is as follows: Voting aye: Commissioner Pfeffer, Commissioner Ashley, Commissioner Boone, Commissioner McKay and Mayor Cartmell, Motion passes.

RESIGNATION: TOURISM

The following letter was presented to the Board of Commissioners:

November 5, 2015

To: Ray Young, City Manager

This letter will serve as notice to resign my position from the City of Maysville, Department of Tourism, effective November 27, 2015.

Thank you for the opportunity to serve the Maysville-Mason County community. I wish continued success with the Cox Building and Conference Center.

Denise Bollinger

Accepted by Ramon M. Young, 11/15/15

Motion by Commissioner Boone, second by Commissioner Ashley to accept the resignation of Denise Bollinger from the Tourism Department. Upon call of roll, voting is as follows: Voting aye: Commissioner Pfeffer, Commissioner Ashley, Commissioner Boone, Commissioner McKay and Mayor Cartmell, Motion passes.

APPOINTMENT: TOURISM

The following letter was presented to the Board of Commissioners:

December 1, 2015

Mr. Ray Young
Maysville City Hall
216 Bridge Street
Maysville, KY 41056

Dear Mr. Young,

Please inform the City Commissioners that the Maysville Convention and Visitors Commission board has voted to hire Ms. Gena Turner to work with our director, Suzie Pratt.

Sincerely,

Lynn David
CVC Chairman

Motion by Commissioner Pfeffer, second by Commissioner McKay to approve the appointment of Gena Turner to the Tourism Department. Upon call of roll, voting is as follows: Voting aye: Commissioner Pfeffer, Commissioner Ashley, Commissioner Boone, Commissioner McKay and Mayor Cartmell, Motion passes.

APPOINTMENT: PUBLIC WORKS

The following memo was presented to the Board of Commissioners:

Date: December 7, 2015
To: Honorable Mayor and City Commissioners
From: Rick Truesdell, Public Works Director
Re: Full Time Position Opening

It is my recommendation that Phillip Tucker be moved from seasonal status to full time status. Effective date December 14, 2015.

Motion by Commissioner Pfeffer, second by Commissioner Ashley to approve the appointment of Phillip Tucker to full-time status in the Public Works Department. Upon call of roll, voting is as follows: Voting aye: Commissioner Pfeffer, Commissioner Ashley, Commissioner Boone, Commissioner McKay and Mayor Cartmell, Motion passes.

APPOINTMENT: TREASURER

Motion by Commissioner Boone, second by Commissioner Ashley to appointment Penny Stanfield to the position of Treasurer. Upon call of roll, voting is as follows: Voting aye: Commissioner Pfeffer, Commissioner Ashley, Commissioner Boone, Commissioner McKay and Mayor Cartmell, Motion passes.

DISCUSSION: PA SYSTEM

City Manager Young explained that due to recent difficulty of those in attendance to hear the full proceedings of the Board of Commissioners, staff has been looking at installing a PA system for public meetings. The cost would be between \$2,500 and \$3,000. The Board of Commissioners indicated such a project should proceed.

UPDATE ON TRASH RECEPTACLES ON EAST END

Renaissance Director Wallingford said that receptacles have been located along Forest Avenue at Hunt's Garage and vacant lot across the street, Cox IGA, and old tobacco shop across from WFTM.

RESOLUTION AUTHORIZING APPLICATION FOR EMPLOYEES DENTAL INSURANCE

The following resolution was presented to the Board of Commissioners:

**COMMONWEALTH OF KENTUCKY
CITY OF MAYSVILLE
Resolution No. 15-104**

RESOLUTION AUTHORIZING
DENTAL INSURANCE BENEFIT APPLICATION

BE IT RESOLVED BY THE CITY OF MAYSVILLE, KENTUCKY, that the Mayor is hereby authorized and directed to sign an application for dental insurance benefits for employees with 100% of the premium to be paid by employees through payroll deduction.

Motion by Commissioner Boone, second by Commissioner Ashley to adopt Resolution 15-104 as presented. Upon call of roll, voting is as follows: Voting aye: Commissioner Pfeffer, Commissioner Ashley, Commissioner Boone, Commissioner McKay and Mayor Cartmell, Motion passes.

RESOLUTION AUTHORIZING ACTION CONCERNING BANK ACCOUNTS &
CERTIFICATES OF DEPOSIT

The following resolution was presented to the Board of Commissioners:

**COMMONWEALTH OF KENTUCKY
CITY OF MAYSVILLE
Resolution No. 15-105**

RESOLUTION AUTHORIZING
ACTION CONCERNING BANK ACCOUNTS AND CERTIFICATES OF DEPOSIT

BE IT RESOLVED BY THE CITY OF MAYSVILLE, KENTUCKY, that Penny Stanfield, Comptroller, and Karen Cracraft, Assistant Comptroller, are authorized to make changes to certificates of deposit, request new certificates of deposit or to cash certificates of deposit.

Motion by Commissioner Pfeffer, second by Commissioner Ashley to adopt Resolution 15-105. Upon call of roll, voting is as follows: Voting aye: Commissioner Pfeffer, Commissioner Ashley, Commissioner Boone, Commissioner McKay and Mayor Cartmell, Motion passes.

RESOLUTION RE: WATER LINES FOR WATER TOWER

The following resolution was presented to the Board of Commissioners:

**COMMONWEALTH OF KENTUCKY
CITY OF MAYSVILLE
Resolution No. 15-106**

RESOLUTION AWARDING BID FOR
WATER MAIN EXTENSIONS FOR WATER STORAGE TANK

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

- A. Water Main Extension
- B. Advertised: September 24, 2015
- C. Bid opening: October 27, 2015

WHEREAS, the following bids were received:

1. BP Pipeline, LLC	\$393,810.00
2. Tilton Excavating, LLC	\$451,540.00
3. Danny Sullivan Excavating	\$551,445.60
4. Rose Excavating & Development	\$617,016.00
5. K. Carrender Construction	\$706,650.00

WHEREAS, Strand Associates, Inc. and the City Manager have recommended the acceptance of the above bid,

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

1. The bid of BP Pipeline, LLC in the sum of \$393,810.00 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 Resolution 15-106 as presented. Upon call of roll, voting is as follows: Voting aye: Commissioner Pfeffer, Commissioner Ashley, Commissioner Boone, Commissioner McKay and Mayor Cartmell, Motion passes.

RESOLUTION AUTHORIZING MEMORANDUM OF AGREEMENT FOR TRAILS GRANT

The following resolution was presented to the Board of Commissioners:

COMMONWEALTH OF KENTUCKY

**CITY OF MAYSVILLE
Resolution No. 15-107**

**RESOLUTION AUTHORIZING
CONTRIBUTION FOR COLLEGE TRAIL GRANT**

BE IT RESOLVED BY THE CITY OF MAYSVILLE, KENTUCKY, that the City commits to contributing \$20,000 to the costs of constructing a trail at Maysville Community and Technical College and the Mayor is hereby authorized to sign a Memorandum of Agreement with Mason County stating the contribution the City will make.

Motion by Commissioner Pfeffer, second by Commissioner Ashley to adopt Resolution 15-107 as presented. Upon call of roll, voting is as follows: Voting aye: Commissioner Pfeffer, Commissioner Ashley, Commissioner McKay and Mayor Cartmell; Abstained: Commissioner Boone, Motion passes.

**RESOLUTION AUTHORIZING MAYOR TO SIGN LETTER OF SUPPORT FOR
BROWNFIELD REDEVELOPMENT PROGRAM**

The following resolution was presented to the Board of Commissioners:

**COMMONWEALTH OF KENTUCKY
CITY OF MAYSVILLE
Resolution No. 15-108**

**RESOLUTION AUTHORIZING SUPPORT LETTER FOR
U.S. EPA BROWNFIELD ASSESSMENT GRANT**

BE IT RESOLVED BY THE CITY OF MAYSVILLE, KENTUCKY, that the Mayor is hereby authorized and directed to execute a letter of support to the Kentucky Brownfield Redevelopment Program in its effort to attain an U.S. EPA Brownfield Assessment Grant.

Motion by Commissioner Pfeffer, second by Commissioner McKay to adopt Resolution 15-108 as presented. Upon call of roll, voting is as follows: Voting aye: Commissioner Pfeffer, Commissioner Ashley, Commissioner Boone, Commissioner McKay and Mayor Cartmell, Motion passes.

MUNICIPAL ORDER ESTABLISHING ANTI-FRAUD POLICY

The following municipal order was presented to the Board of Commissioners:

COMMONWEALTH OF KENTUCKY

**CITY OF MAYSVILLE
MUNICIPAL ORDER NO. 15-01**

**MUNICIPAL ORDER ADOPTING
ANTI-FRAUD POLICY**

IT IS NOW ORDERED BY THE CITY OF MAYSVILLE, KENTUCKY that the City of Maysville Anti-Fraud Policy attached hereto is hereby adopted by the City of Maysville.

See Attachment A

Motion by Commissioner Boone, second by Commissioner Pfeffer to adopt Municipal Order 15-01. Upon call of roll, voting is as follows: Voting aye: Commissioner Pfeffer, Commissioner Ashley, Commissioner Boone, Commissioner McKay and Mayor Cartmell, Motion passes.

ORDINANCE RE: VACANT PROPERTY

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

**COMMONWEALTH OF KENTUCKY
CITY OF MAYSVILLE
Ordinance No. 16-01**

**AN ORDINANCE ENACTING
ABANDONED AND VACANT PROPERTY REGISTRATION PROVISIONS**

Summary

This Ordinance establishes an abandoned/vacant residential property registration program requiring that abandoned property which is vacant and in violation of any ordinance of the City of Maysville be registered with the City within sixty (60) days after abandonment. The Ordinance provides that no later than one year after residential property becomes vacant, the owner shall register with the Codes Enforcement Officer. The owner shall notify the Codes Enforcement Officer within ten (10) days of any change of information. There is no fee to register residential property. Vacant and abandoned property shall be posted with a name and 24-hour contact phone number of the person responsible for maintenance. The person responsible for maintenance of the property shall inspect it every thirty (30) days. The abandoned or vacant property shall be maintained free of leaves, debris, and graffiti. The yards shall be landscaped and maintained. Pools shall be kept in working order. Doors and windows shall be weather tight and secured. The buildings shall be maintained in good repair.

Motion by Commissioner Boone, second by Commissioner Ashley to pass Ordinance 16-01 upon first reading. Upon call of roll, voting is as follows: Voting aye: Commissioner

Pfeffer, Commissioner Ashley, Commissioner Boone, Commissioner McKay and Mayor Cartmell, Motion passes.

ORDINANCE AMENDING THE PER DIEM EXPENSE

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

**COMMONWEALTH OF KENTUCKY
CITY OF MAYSVILLE
Ordinance No. 15-02**

AN ORDINANCE AMENDING THE PER DIEM EXPENSE

Summary

This Ordinance amends Code of Ordinances Section 113.01 to change the per diem expense from \$32 per diem to \$38 per diem.

Motion by Commissioner Boone, second by Commissioner Ashley to pass Ordinance 16-02 as presented upon first reading. Upon call of roll, voting is as follows: Voting aye: Commissioner Pfeffer, Commissioner Ashley, Commissioner Boone, and Mayor Cartmell; Nay: Commissioner McKay, Motion passes.

ORDINANCE AMENDING CODE OF ORDINANCES SECTION 93.16

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

**COMMONWEALTH OF KENTUCKY
CITY OF MAYSVILLE
Ordinance No. 16-03**

**AN ORDINANCE AMENDING
CODE OF ORDINANCES SECTION 93.16**

Summary

This Ordinance amends Code of Ordinances Section 93.16, to change the compensation for members of the Washington-Maysville Volunteer Fire Department from one hour of federal minimum wage per fire run and \$10 per month to a monthly stipend of \$25 per month for members who attend monthly meetings and meet minimal training requirements.

Motion by Commissioner Boone, second by Commissioner Pfeffer to pass Ordinance 16-03 as presented upon first reading. Upon call of roll, voting is as follows: Voting aye: Commissioner Pfeffer, Commissioner Ashley, Commissioner Boone, Commissioner McKay and Mayor Cartmell, Motion passes.

ORDINANCE RE: HOLIDAY PAY

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

**COMMONWEALTH OF KENTUCKY
CITY OF MAYSVILLE
Ordinance No. 16-04**

**AN ORDINANCE
RE HOLIDAY PAY**

Summary

This Ordinance adds Code of Ordinances Section 110.03 to provide that employees shall receive double time for hours actually worked on a holiday.

Motion by Commissioner Ashley, second by Commissioner Pfeffer to pass Ordinance 16-04 as presented upon first reading. Upon call of roll, voting is as follows: Voting aye: Commissioner Pfeffer, Commissioner Ashley, Commissioner Boone, Commissioner McKay and Mayor Cartmell, Motion passes.

ORDINANCE ALLOWING TWO VACATION DAYS FOR EMPLOYEES WHO
HAVE ACCUMULATED 800 HOURS OF SICK TIME

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

**COMMONWEALTH OF KENTUCKY
CITY OF MAYSVILLE
Ordinance No. 16-05**

**AN ORDINANCE ALLOWING TWO VACATION DAYS
FOR EMPLOYEES WHO HAVE ACCUMULATED 800 SICK HOURS**

Summary

This Ordinance adds Code of Ordinances Section 112.10 to allow employees who have accumulated 800 sick hours by December 31 to receive two additional vacation days in the following calendar year.

Motion by Commissioner Pfeffer, second by Commissioner Ashley to pass Ordinance 16-05 as presented upon first reading. Upon call of roll, voting is as follows: Voting aye: Commissioner Pfeffer, Commissioner Ashley, Commissioner Boone, Commissioner McKay and Mayor Cartmell, Motion passes.

DISCUSSION: RESUME REVIEW COMMITTEE

Commissioner Boone expressed concern over the appearance of having administrative staff involved in the resume review committee for city manager. After discussion, the Board of Commissioners agreed to meet in special meeting on Wednesday, Dec. 16, 2015 at 5:15 p.m. to review resumes for City Manager.

ADJOURNMENT

Motion by Commissioner Pfeffer, second by Commissioner Boone to adjourn. Upon call of roll, voting is as follows: Voting aye: Commissioner Pfeffer, Commissioner Ashley, Commissioner Boone, Commissioner McKay and Mayor Cartmell, Motion passes.



MAYOR


CITY CLERK

ATTACHMENT A

City of Maysville Anti-Fraud Policy

Introduction

The City of Maysville has established an anti-fraud policy to enforce controls and to aid in the prevention and detection of fraud, theft, waste, or abuse against the City. This policy applies to any fraud, theft, waste, or abuse or suspected fraud, theft, waste, or abuse involving an employee (including management), a consultant, vendor, contractor, outside agency, or person doing business with the City or in any other relationship with the City. The City of Maysville does not tolerate any type of fraud, theft, waste or abuse. The City's policy is to promote consistent, legal, and ethical organizational behavior by:

- assigning responsibility for reporting fraud, theft, waste or abuse
- providing guidelines to conduct investigations of suspected fraudulent behavior.

Failure to comply with this policy subjects an employee (including management) to disciplinary action, including termination. Failure to comply by a consultant, vendor, contractor, outside agency, or person doing business with the City or in any other relationship with the City could result in cancellation of the business or other relationship between the entity and the City of Maysville.

The City of Maysville will pursue prosecution if the results of an investigation indicate the possibility of criminal activity.

For purposes of this policy only the term *fraud* or *fraudulent* includes theft, waste, and abuse as defined below. The term *employee* includes employees in management positions. The term *management* includes department heads, managers, assistant managers, supervisors.

Definitions and Examples of Fraud, Waste, and Abuse

Fraud is defined as an intentional deception designed to obtain a benefit or advantage or to cause some benefit that is due to be denied. Examples of fraud include:

- Forgery or alteration of a check, bank draft, or any other financial document
- Theft of a check or other diversion of a taxpayer payment
- Misappropriation of funds, securities, supplies, or other assets
- Impropriety in the handling or reporting of money or financial transactions
- Profiteering as a result of insider knowledge of City operations
- An employee with access to confidential taxpayer information who sells this information or uses it in the conduct of an outside business activity
- Disclosing to others the securities activities engaged in or contemplated by the City.

Waste is the loss or misuse of City resources that results from deficient practices, system controls, or decisions.

Abuse is the intentional, wrongful, or improper use of resources or misuse of rank, position, or authority that causes the loss or misuse of resources, such as tools, vehicles, computers, copy machines, etc. Examples of abuse include:

- Using City of Maysville equipment or supplies to conduct personal business
- An employee using non-confidential taxpayer information to get new customers for his/her outside business.

Theft is defined as the act of taking something from someone unlawfully. An example of theft is taking home a printer belonging to the City of Maysville and keeping it for personal use.

Responsibility to Report Suspected Fraud

Each employee is required to report any suspected fraud, theft, waste or abuse or other dishonest conduct to the employee's management.

Management is required to report suspected fraud, theft, waste or abuse or other dishonest conduct, including reports from employees or other individuals, to the City Manager.

The identity of an employee or complainant who reports suspected fraud will be protected to the full extent allowed by law.

Suspected improprieties and/or misconduct concerning an employee's ethical conduct should be reported to division management or the City Manager. Note that there are many instances of prohibited actions that do not rise to the level of fraud, such as an improper relationship with a vendor.

Guidelines for Handling a Report of Suspected Fraud, Theft, Waste, or Abuse

Whether the initial report is made to management or the City Manager, the reporting individual should receive the following instructions and information:

- Do not contact the suspected individual in an effort to determine facts or demand restitution.
- Allow the City Manager to conduct the investigation. Do not further investigate the allegations.
- Observe strict confidentiality. Do not discuss the case, facts, suspicions, or allegations with no one unless specifically asked to do so by the City Manager.
- Retaliation will not be tolerated. The City of Maysville will not tolerate any form of retaliation against individuals providing information concerning fraud or suspected fraud.

- Every effort will be made to protect the rights and the reputations of everyone involved, including the individual who in good faith alleges perceived misconduct as well as the alleged violator(s).
- The identity of an employee or other individual who reports a suspected act of fraud will be protected as provided by this policy.

Responsibility of City Manager

On receiving a report of suspected fraud, the City Manager shall document the contact and conduct a preliminary investigation to determine the credibility of the report. If the report is credible, the City Manager shall follow the investigation guidelines provided in this policy.

The City Manager shall make every effort to protect the rights and the reputations of everyone involved in a report of suspected fraud, including the individual who in good faith alleges perceived misconduct, as well as the alleged violator(s). The City Manager also shall make every effort to protect the identity of a person who in good faith reported the suspected fraud. However, disciplinary action may be taken as provided by this policy if a report is made in bad faith.

On determining that a report is not credible or is not a report of fraud, the City Manager shall document this determination. The City Manager's documentation shall include support for the determination.

The City Manager is responsible for the administration, revision, interpretation, and application of this policy.

Guidelines for the Investigation of Suspected Fraud

The City Manager is responsible for the full investigation and documentation of suspected fraud.

The City Manager has primary responsibility for the investigation of reported wrongdoing and all suspected fraud and for coordinating investigative. Each employee involved in an investigation of suspected fraud shall keep the content of the investigation strictly confidential to the full extent provided by law. Investigation results shall not be disclosed or discussed with anyone other than those who have a legitimate need to know.

Any required investigative activity shall be conducted without regard to the suspected wrongdoer's length of service, position/title, relationship to the City, or any other perceived mitigating circumstance.

The City Manager shall maintain appropriate documentation regarding incidents of fraud. The City Manager shall develop and maintain guidelines for access to and security of this documentation.

If an investigation substantiates fraudulent activities, the City Manager will prepare an incident report. The City Manager shall prepare the report as soon as possible after the

fraud is confirmed and shall document the content of the investigation, the findings, and any disciplinary action taken as a result of the finding.

Any inquiries from the suspected individual, his or her attorney/representative, or any other inquirer shall be directed to the City Manager.

Disciplinary Action

Failure to comply with any part of this policy is grounds for disciplinary action, including termination.

An employee who

- has engaged in any form of fraud, waste, or abuse,
- suspects or discovers fraudulent activity and fails to report his or her suspicions as required by this policy, or
- intentionally reports false or misleading information

is subject to disciplinary action, including termination.

Any member of management who does not pass to the City Manager each and every report of suspected fraud made by an employee or other person is subject to disciplinary action, including termination.

Annual Report

Incidents of suspected fraud determined by the City Manager to have merit shall be reported to City Commission on an annual basis. The annual report shall include: whether the report was from an employee; the determination of merit; whether a full investigation was conducted and if so, the results of the investigation; the disciplinary action, if any resulting from the investigation; whether the report was referred to an outside entity and if so, the current status or final results of the referral.