

MAYSVILLE CITY COMMISSION
Thursday, Nov. 12, 2009; 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, 2009 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 presiding. Also present: City Manager Ray Young, City Clerk Lisa Dunbar, City Attorney Sue Brammer, Comptroller Romie Griffey, Police Chief Kent Butcher, Fire Chief Eric Bach, City Engineer Sam Baker, Utility Manager Eddie Wenz, Tourism/Renaissance Director Duff Giffen, Zoning Administrator Matt Wallingford, Building Official Gary Wells, Code Officer Nicole Jones, and Asst. City Attorney Kelly Caudill. Absent: Asst. Comptroller/HR Director Karen Cracraft and Public Works Director Rick Truesdell. Also present: The Ledger Independent and WFTM.

MINUTES & DEPARTMENT REPORTS

Motion by Commissioner Pfeffer, second by Commissioner Ashley to accept the minutes of the Oct. 8, 2009 regular meeting and the department reports as presented. Upon call of the roll, voting is as follows: Voting aye: Commissioner Mains, Commissioner Pfeffer, Commissioner Litton, Commissioner Ashley, and Mayor Cartmell. The motion passes.

APPOINTMENTS & REAPPOINTMENTS

Recommendation by the Mayor to reappoint Omer Coleman and Janice Barnett Gifford to the Board of Ethics, terms to expire Dec. 8, 2012.

Motion by Commissioner Litton, second by Commissioner Mains to make the reappointments as recommended. Upon call of the roll, voting is as follows: Voting aye: Commissioner Mains, Commissioner Pfeffer, Commissioner Litton, Commissioner Ashley, and Mayor Cartmell. The motion passes.

MEDCORP DISCUSSION

City Manager Young told the Commission that Life Ambulance was leaving Maysville, but that MedCorp EMS would be taking over out-of-town transfer duties. In order to help MedCorp EMS get established, the city was offering the use of the Public Works Facility as an initial base of operations.

RESOLUTION ADOPTING BUFFALO TRACE REGIONAL HAZARD MITIGATION PLAN UPDATES

The following resolution was presented to the Board of Commissioners:

**1COMMONWEALTH OF KENTUCKY
CITY OF MAYSVILLE
Resolution No. 09-105**

**RESOLUTION ADOPTING BUFFALO TRACE REGIONAL HAZARD
MITIGATION PLAN UPDATE**

WHEREAS, certain areas of Maysville, Kentucky are subject to periodic flooding, tornados, severe winter storms, severe thunderstorms, and landslides and other natural hazards that have potential to cause damages to people and properties within the area; and

WHEREAS, the City of Maysville desires to prepare and mitigate for such natural hazards; and

WHEREAS, under the Disaster Mitigation Act of 2000, the United States Federal Emergency Management Agency (FEMA) requires that local jurisdictions have in place a FEMA-approved Hazard Mitigation Action Plan as a condition of receipt of certain future Federal mitigation funding after November1,2004;and

WHEREAS, the Buffalo Trace Regional Mitigation Plan was developed in accordance with the regulations of the Disaster Mitigation Act of 2000 and the guidance provided by the Federal Emergency Management Agency; and

WHEREAS, to assist cities and counties in meeting this requirement, the Buffalo Trace Area Development District has facilitated the development of a multi-Jurisdictional Hazard Mitigation Plan covering member jurisdictions of the Buffalo Trace Area Development District including the City of Maysville;

NOW, THEREFORE, BE IT RESOLVED, by the City of Maysville, Kentucky, as follows:

1. Adopts those portions of the Buffalo Trace Regional Hazard Mitigation Plan that pertain to City of Maysville;
2. Vests the Mason County Office of Emergency Management with the responsibility, authority, and the means to:
 - (a) Inform all concerned parties of this action.
 - (b) Develop an addendum to this Hazard Mitigation Plan if the City of Maysville's unique situation warrants such an addendum.
 - (c) Oversee the development and incorporation of the Hazard Mitigation Plan update information into existing policies, procedures and community plans, including but not limited to the local comprehensive plan,

3. Appoints Buffalo Trace Area Development District Regional Mitigation Committee to assure that the Hazard Mitigation Plan be reviewed according to the Plan Maintenance Procedures in section 3.5 of the plan and that any needed adjustment to the plan be developed and presented to the City of Maysville Mitigation Committee and to the Board of Commissioners of the City of Maysville for consideration.
4. Agrees to considers any other official actions as may be reasonably necessary to carry out the objectives of the Buffalo Trace Regional Hazard Mitigation Action Plan for the City of Maysville.

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

RESOLUTION AUTHORIZING CHECKING ACCOUNT FOR KIA LOAN

The following resolution was presented to the Board of Commissioners:

**COMMONWEALTH OF KENTUCKY
CITY OF MAYSVILLE
Resolution No. 09-106**

A RESOLUTION AUTHORIZING CHECKING ACCOUNTS FOR KIA LOANS

NOW THEREFORE, BE IT RESOLVED BY THE CITY OF MAYSVILLE, KENTUCKY, that the Comptroller is hereby authorized to establish checking accounts at Bank of Maysville for the \$500,000 Kentucky Infrastructure Authority loan for the Washington area sewer improvement project and for the \$11,000,000 Kentucky Infrastructure Authority loan for the combined Sewer Elimination project. The Comptroller, Assistant Comptroller, and Accounts Payable Clerk will be authorized to sign checks on the accounts. Two of the three will be required to sign checks.

Motion by Commissioner Ashley, second by Commissioner Litton to adopt the resolution with the change to also include Accounts Payable Clerk as signatory on account. Upon call of the roll, voting is as follows: Voting aye: Commissioner Mains, Commissioner Pfeffer, Commissioner Litton, Commissioner Ashley, and Mayor Cartmell. The motion passes.

RESOLUTION AWARING CONTRACT ON DEMOLITION OF 218 & 220 JANUARY STREET

The following resolution was presented to the Board of Commissioners:

1COMMONWEALTH OF KENTUCKY

CITY OF MAYSVILLE
Resolution No. 09-107

A RESOLUTION AWARDING BID FOR DEMOLITION
OF 218 AND 220 JANUARY STREET

WHEREAS, the City of Maysville has received the following bids for demolition of 218 and 220 January Street; and

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|-----|-------------------------------|------------|
| (1) | H & S Excavating and Trucking | \$3,950.00 |
| (2) | Wind Ridge Construction, LLC | \$4,300.00 |

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 H & S Excavating and Trucking in the sum of \$3,950 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 Pfeffer, second by Commissioner Mains to adopt the resolution as presented. Upon call of the roll, voting is as follows: Voting aye: Commissioner Mains, Commissioner Pfeffer, Commissioner Litton, Commissioner Ashley, and Mayor Cartmell. The motion passes.

RESOLUTION EXERCISING EXECUTION OF SEWER LINE EASEMENT

The following resolution was presented to the Board of Commissioners:

1COMMONWEALTH OF KENTUCKY
CITY OF MAYSVILLE
Resolution No. 09-108

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 Darrell Wayne Cracraft and Ruth Tilda Cracraft 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 Darrell Wayne Cracraft and Ruth Tilda Cracraft.

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

ORDINANCE AMENDING LAND USE TEXT: HISTORIC DISTRICT; FIRST READING

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

**CITY OF MAYSVILLE
COMMONWEALTH OF KENTUCKY
Ordinance No. 09C-22**

AN ORDINANCE AMENDING CODE OF ORDINANCES SECTION 320.409.6

Summary

This Ordinance amends Code of Ordinances Section 320.409.6A(G)(3) to add that if the reviewing agency disapproves a certificate of appropriateness, the applicant may appeal to the Board of Adjustments and if the Board of Adjustments upholds the previous decision, the applicant may appeal to the Mason County Circuit Court. This Ordinance amends Code of Ordinances Section 320.409.6A(G)(3) and 320.409.6B(G)(3) to add that when a building permit is issued work shall begin within six months of approval or the application shall be revoked. If the work is not completed within six months after the start of the project, the Certificate of Appropriateness shall be null and void and a new application must be submitted. Applicants will have twelve months to complete new habitable buildings and additions.

Motion by Commissioner Ashley, second by Commissioner Litton to pass the ordinance as presented on first reading. The following ordinance was presented to the Board of Commissioners upon

ORDINANCE AMENDING ORDINANCE 09-19: PVA ASSESSMENT; FIRST READING

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

**1COMMONWEALTH OF KENTUCKY
CITY OF MAYSVILLE
Ordinance No. 09-C-23**

AN ORDINANCE AMENDING ORDINANCE NO. 09-19

WHEREAS, the Property Valuation Administrator has amended the assessment on inventories from \$30,456,793 to \$33,206,464

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

City of Maysville Ordinance No. 09-19 is hereby amended to read in its entirety as follows:

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 2009, which assessment shall be subject to taxation at the rate to be fixed by Ordinance.

2009 TAX ASSESSMENT

| | |
|----------------------------|-------------------|
| Real Property | \$436,142,255 |
| Tangible Personal Property | 99,284,744 |
| Inventories | 30,456,793 |
| Un-manufactured Tobacco | 44,359 |
| | 33,206,464 |

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

RESOLUTION AUTHORIZING CONDEMNATION OF COLLINS' PROPERTY FOR SEWER LINE EASEMENT

The following resolution was presented to the Board of Commissioners:

**1COMMONWEALTH OF KENTUCKY
CITY OF MAYSVILLE
Resolution No. 09-110**

**A RESOLUTION AUTHORIZING CONDEMNATION OF COLLINS' PROPERTY
FOR SEWER LINE EASEMENT**

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

WHEREAS, the sewer line needs to be placed on the property of Henry B. Collins and Jeanetta Collins; and

WHEREAS, the City of Maysville has made a reasonable effort in good faith to negotiate a voluntary private purchase of the easement without success;

NOW THEREFORE, BE IT RESOLVED BY THE CITY OF MAYSVILLE, KENTUCKY, that acquisition of the sewer line easement from Henry B. Collins and Jeanetta Collins over a portion of the property located at 990 Martin Luther King Boulevard, Maysville, Kentucky, is determined and declared to be necessary for City purposes, including the need to run a new sewer line in the Washington area; that the City of Maysville has made a reasonable effort in good faith to negotiate a voluntary private purchase of the sewer line easement over said property, but without success; that it is necessary to initiate condemnation proceedings to acquire said property; and that the Mayor and City Attorney are hereby authorized and directed to take such action as may be necessary to obtain the sewer line easement to said property by condemnation pursuant to KRS 162.030.

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

RE-HIRING DISCUSSION

Mayor Cartmell recommended that the City develop a policy on re-hiring.

City Manager Young said that he thought that the Commission should handle any re-hiring issues on a case-by-case basis so that it won't be locked into a policy.

CLOSED SESSION

Motion by Commissioner Pfeffer, second by Commissioner Ashley to go into closed session to discuss personnel pursuant to KRS 61.810 (1)(f) and acquisition of sale of real property pursuant to KRS 61.810 (1)(b). Upon call of the roll, voting is as follows: Voting aye: Commissioner Mains, Commissioner Pfeffer, Commissioner Litton, Commissioner Ashley, and Mayor Cartmell. The motion passes.

RETURN TO OPEN SESSION

Motion by Commissioner Pfeffer, second by Commissioner Mains to return to open session. Upon call of the roll, voting is as follows: Voting aye: Commissioner Mains,

Commissioner Pfeffer, Commissioner Litton, Commissioner Ashley, and Mayor Cartmell. The motion passes.

No action was taken.

ADJOURNMENT

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

Mayor

City Clerk