

**MAYSVILLE BOARD OF COMMISSIONERS**  
**Thursday, Dec. 10, 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, 10 December 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, Police Chief Kent Butcher, Fire Chief Eric Bach, Asst. Comptroller/HR Director Karen Cracraft, Tourism/Renaissance Director Duff Giffen, Public Works Director Rick Truesdell, Zoning Administrator Matt Wallingford, Building Official Gary Wells, Codes Officer Nicole Jones, and Asst. City Attorney Kelly Caudill. Absent: Comptroller Romie Griffey, City Engineer Sam Baker, Utility Manager Eddie Wenz. Also present: The Ledger Independent and WFTM.

MINUTES & DEPARTMENT REPORTS

Motion by Commissioner Pfeffer, second by Commissioner Ashley to accept the minutes from the Nov. 12, 2009 regular meeting, Nov. 25, 2009 and Dec. 4, 2009 special meetings and department reports. 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

The Mayor presented the following recommendations:

Renaissance Board: Lee Redmond and Tina Curtis, terms to expire 12/31/13  
Cemetery Board: Duke Ford and John McNeill, terms to expire 12/31/12  
Board of Architectural Review: Carol Bennett and Tom Hendrickson, terms to expire 12/31/12  
Narcotics Task Force Board: Bill Boggs, term to expire 12/12

Motion by Commissioner Pfeffer, second by Commissioner Mains to approve the recommendations as made by the Mayor. 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.

RESIGNATION IN POLICE COMMUNICATIONS DEPARTMENT

For the record:

To: Honorable Mayor and City Commissioner  
Fr: Chief James K. Butcher

Re: Resignation/Dispatch  
Da: November 23, 2009

It is with regret that I announce the resignation of Cyndi Layne Henderson on November 20, 2009 as a full-time dispatcher with the Maysville/Mason County Dispatch Center. Cyndi has done a great job as dispatcher and I would like to wish her the best as she pursues other interests in her life.

#### PROMOTION OF DENNIS TRUESDELL TO STREET SUPERINTENDENT

To: Honorable Mayor and City Commission  
Fr: Rick Truesdell, Public Works Director  
Da: December 8, 2009  
Re: Full Time Position Opening

Due to the full time position opening in the Public Works Department with Rick Truesdell promoted to Public Works Director, it is my recommendation that the Mayor and the City Commissioners promote Dennis Truesdell to Street Superintendent and the start date to be December 11, 2009.

Motion by Commissioner Ashely, second by Commissioner Pfeffer to promote Dennis Truesdell to the position of Street Superintendent. 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.

#### PROMOTION OF MATTHEW WALTON TO POLICE ONE STATUS

December 3, 2009

Honorable Mayor and City Commissioners

I would like to recommend that Officer Matthew Walton be appointed from a probation recruit status to a Police Officer Level One status with the department. Matthew has completed all of his training requirements as well as the time spent with a field-training officer. Matthew has been doing a good job and will make a great addition to our department.

Respectfully,  
James K. Butcher  
Chief of Police

Motion by Commissioner Pfeffer, second by Mayor Cartmell to promote Matthew Walton to Police Officer Level One status. 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 LEASE WITH MEDCORP

The following resolution was presented to the Board of Commissioners:

**COMMONWEALTH OF KENTUCKY  
CITY OF MAYSVILLE  
Resolution No. 09-112**

A RESOLUTION AUTHORIZING LEASE WITH MED CORP

WHEREAS, Med Corp E.M.S. South, LLC has agreed to operate an ambulance service in the City of Maysville; and

WHEREAS, the City has space available in the Public Works Building on Martha Comer Drive in Maysville;

NOW THEREFORE, BE IT RESOLVED BY THE CITY OF MAYSVILLE, KENTUCKY, that the Mayor is hereby authorized and directed to execute a lease between the City of Maysville and Med Corp E.M.S. South, LLC for a portion of the Public Works Building for a term commencing 1 December 2009 and expiring 30 June 2010 for no rent, but in consideration of the provision of ambulance services to the City of Maysville citizens.

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.

RESOLUTION AUTHORIZING CERTIFICATE OF COMPLIANCE TO FEDERAL TRANSIT

The following resolution was presented to the Board of Commissioners:

**COMMONWEALTH OF KENTUCKY  
CITY OF MAYSVILLE  
Resolution No. 09-113**

A RESOLUTION AUTHORIZING CERTIFICATE OF COMPLIANCE TO FEDERAL TRANSIT

NOW THEREFORE, BE IT RESOLVED BY THE CITY OF MAYSVILLE, KENTUCKY, that the Mayor is hereby authorized and directed to execute the Certificate of Compliance with Federal Transit Administration Regulations on the Prevention of Alcohol and Prohibited Drug Misuse in Transit Operations.

Motion by Commissioner Litton, 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.

## RESOLUTION SUPPORTING KENTUCKY HUMAN RIGHTS COMMISSION

The following resolution was presented to the Board of Commissioners:

1

**COMMONWEALTH OF KENTUCKY  
CITY OF MAYSVILLE  
Resolution No. 09-114**

**A RESOLUTION SUPPORTING THE KENTUCKY  
COMMISSION ON HUMAN RIGHTS**

WHEREAS, the United States was founded on the principle that government must respect people's rights to speak freely, worship as they choose, and pursue their dreams in liberty;

WHEREAS, Kentucky became the first state south of the Mason-Dixon Line to open its own Human Rights Commission and six years later the first southern state to pass its own civil rights act;

WHEREAS, we remember the enduring importance of the Kentucky Civil Rights Act of 1966, our thoughts turn to those who have yet to secure these precious liberties bestowed upon all by our Creator;

WHEREAS, freedom, justice and equality is the eternal birthright of all mankind, and during the year of 2010, we renew our commitment to lead the cause of human rights and pray for the day when the light of Liberty will shine on all of humanity; and

WHEREAS, thousands of people rallied and marched, participated in hunger strikes and sit-ins and many were violently beaten before these laws were enacted, thus ensuring the Kentucky Commission on Human Rights could perform the function of enforcing laws that prohibit discrimination;

NOW THEREFORE, BE IT RESOLVED BY THE CITY OF MAYSVILLE, KENTUCKY, that the City of Maysville does hereby acknowledge and reaffirm its deep commitment to helping those who toil tirelessly for liberty, justice and equality and join this great Commonwealth in celebrating the 50<sup>th</sup> Anniversary of the Kentucky Commission on Human Rights.

Motion by Commissioner Litton, 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 IN SUPPORT OF THE FEDERATION FOR AMERICAN COAL, ENERGY AND SECURITY AND ITS MISSION

The following resolution was presented to the Board of Commissioners:

**COMMONWEALTH OF KENTUCKY  
CITY OF MAYSVILLE  
Resolution No. 09-115**

A RESOLUTION IN SUPPORT OF THE FEDERATION FOR AMERICAN COAL, ENERGY AND SECURITY (“**FACES**”) AND ITS MISSION

WHEREAS, the coal economy directly and indirectly supports 84,000 Kentucky jobs; and

WHEREAS, coal generates half the electricity consumed in the United States today; and

WHEREAS, coal generates more than 90 percent of electricity in Kentucky; and

WHEREAS, the coal economy directly and indirectly supports 2,000 jobs in the Maysville, Kentucky area; and

WHEREAS, without coal, the energy rate paid by the citizens of Maysville would be higher;

NOW THEREFORE, BE IT RESOLVED BY THE CITY OF MAYSVILLE, KENTUCKY, that the City of Maysville hereby supports the Federation for American Coal, Energy and Security and its mission to campaign for the economic prosperity coal provides through good jobs and affordable energy; to protect our nation’s security and tradition of self-reliance through the use of coal, our most abundant and affordable domestic source of energy; to preserve our environment by promoting good stewardship of our natural resources; and to strengthen our communities by advancing technologies that mine coal using safe, environmentally and economically responsible mining methods.

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 APPROVING INVESTMENT MANAGEMENT AGENCY AGREEMENT

The following resolution was presented to the Board of Commissioners:

**COMMONWEALTH OF KENTUCKY  
CITY OF MAYSVILLE  
Resolution No. 09-116**

A RESOLUTION APPROVING INVESTMENT MANAGEMENT AGENCY  
AGREEMENT AMONG THE CITY TREASURER, THE BOARD OF  
TRUSTEES OF POLICEMEN'S AND FIRE FIGHTERS PENSION FUND  
AND U.S. BANK, NATIONAL ASSOCIATION

BE IT RESOLVED BY THE CITY OF MAYSVILLE, KENTUCKY, that the City Treasurer and the Board of Trustees of the Policemen's and Fire Fighter's Pension Fund, established pursuant to KRS 95.621-629, are hereby authorized to enter into an Investment Management Agreement and custody agreement with U.S. Bank, N.A. whereby the Bank's Trust Department shall manage investment of the Pension Fund, subject to all applicable Kentucky laws and City Ordinances concerning investment and security of pension funds, and further subject to termination at any time by the Board of Trustees or the City Treasurer.

Motion by Commissioner Mains, 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.

RESOLUTION AUTHORIZING MEMORANDUM OF AGREEMENT FOR TRAINING FACILITIES GRANT

The following resolution was presented to the Board of Commissioners:

1

**COMMONWEALTH OF KENTUCKY  
CITY OF MAYSVILLE  
Resolution No. 09-117**

A RESOLUTION AUTHORIZING MEMORANDUM OF  
AGREEMENT WITH FIRE COMMISSION

WHEREAS, the Fire Department has applied and been approved for a \$150,000 grant for a training facility; and

WHEREAS, the City will provide property located at Martha Comer Drive, Maysville, Kentucky, as a site for fire and rescue training;

NOW THEREFORE, BE IT RESOLVED BY THE CITY OF MAYSVILLE, KENTUCKY, that the Fire Chief is hereby authorized and directed to sign the Memorandum of

Agreement with the Governor's Commission on Fire Protection, Personnel Standards and Education, which states that the Fire Commission will receive a multi-purpose building to use for fire and rescue training free of rent and that if the Maysville Fire Department is disbanded, the City of Maysville shall deed the property to the Fire Commission to conduct fire and rescue training.

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.

ORDINANCE AMENDING ORDINANCE 09c-14 TO INCREASE CHARGES FOR SEWER SERVICES

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

**COMMONWEALTH OF KENTUCKY  
CITY OF MAYSVILLE  
Ordinance No. 10C-24**

AN ORDINANCE AMENDING ORDINANCE NO. 09C-14 TO INCREASE CHARGES FOR SEWER SERVICES OF THE MAYSVILLE UTILITY COMMISSION

Summary

This Ordinance amends prior Ordinances to increase all sewer rates by 15% on 1 July 2011; by 15% on 1 July 2012; and 15% on 1 July 2013. This increase is necessary to comply with the court mandated combined Sewer Elimination Project, which will cost approximately \$11,000,000 and to comply with the requirements for an \$11,000,000 loan from Kentucky Infrastructure Authority which requires the increases.

Preamble

WHEREAS, Maysville Utility Commission on November 18, 2009 conducted a public hearing after duly published notice of proposed increases in sewer service charges to provide for necessary operations and maintenance expenses, and for required updates to the system; and

WHEREAS, the evidence presented at said hearing substantiated the necessity for and reasonableness of the proposed increases; and

WHEREAS, the Utility Commission at a special meeting recommended the water and sewer rate increase ordained herein,

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

(1) Ordinance No. **09C-14** ~~07C-04~~ section (1) is amended to read in its entirety as follows:

(A) WATER SERVICE MINIMUM METER CHARGES. Minimum monthly water meter charges are revised as follows:

<u>METER SIZE</u>	<u>MONTHLY WATER METER CHARGE</u>
3/4"	8.09
1"	20.18
1 1/4"	40.38
1 1/2"	60.55
1 3/4"	80.73
2"	92.84
2 1/2"	121.08
3"	161.43
4"	201.82
6"	403.62

(B) Charge for Sanitary Sewer service \$5.19 per 1,000 gallons flat rate fee. The charge for sanitary sewer service will increase by 15% on 1 July 2011 to \$5.97 per 1,000 gallons flat rate fee. The charge for sanitary sewer service shall increase by 15% on 1 July 2012 to \$6.87 per 1,000 gallons flat rate fee. The charge for sanitary sewer service shall increase by 15% on 1 July 2013 to \$7.90 per 1,000 gallons flat rate fee.

- (C) Surcharge of 25% of Water Bill to all customers outside the City Limits.
- (D) A 25% Surcharge added to all Multi-family Apartment (4 or more) with one master

meter.

(E) The Industrial Recovery Cost shall be added to the above schedule based upon calculated extra cost for treatment on industrial sewage, of not less than \$0.05 per 1,000 gallons.

(F) A penalty of 5% on all bills will be charged if not paid by the 15<sup>th</sup> of the following month.

(G) WATER SERVICE VOLUME CHARGES. Monthly water volume charges are revised as follows:

<u>GALLONS PER MONTH</u>	<u>MONTHLY WATER SERVICE CHARGE PER 1,000 GALLONS</u>
First 1,000 Gallons Minimum	8.09

Next 3,000	4.05
Next 6,000	3.45
Next 40,000	2.65
Over 50,000	1.61

( H) MINIMUM VOLUME CHARGES. In the event a special water rate shall be fixed by Maysville Utility Commission for a peculiar or unusual situation not within the scope of its usual experience, and not specifically contemplated herein, no such rate shall be less than 1.40 per 1,000 gallons.

(I) NEGOTIATED WHOLESALE RATES. Contracted water rates in effect for wholesale water customers, including the City of Flemingsburg, Western Lewis-Rectorville Water District, Western Mason Water District, and Buffalo Trail Water Association, Inc., shall be increased 15%. Southern Mason Water District rates shall remain the same pursuant to agreement with Southern Mason Water District for a period fo five years from the closing date of acquisition of the Southern Mason System and thereafter shall be the same rates as the City of Maysville.

(J) PRIVATE FIRE PROTECTION CHARGES. Annual private fire protection charges shall continue as follows:

<u>FIRE USE CONNECTIONS</u>	<u>ANNUAL PRIVATE FIRE PROTECTION CHARGES</u>
2 1/2"	\$208.15
4"	285.89
6"	423.78
8"	708.40
10"	1062.60

(K) MULTI-FAMILY APARTMENTS. A twenty-five percent surcharge shall be added to all multi family apartments (four or more) with one master meter.

(L) NO EXCEPTIONS. All metered water must go through rate schedule steps.

(2) PRIOR ORDINANCES. All other service charges, penalties, and other provisions under Code of Ordinances Chapter 150 and of all other Ordinances related to water, sewer and fire protection are hereby ratified, reaffirmed, and continued in force except to the extent in conflict herewith.

Motion by Commissioner Litton, second by Commissioner Mains to pass the ordinance as presented on first reading. Upon call of the roll, voting is as follows: Voting aye:

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

ORDINANCE AMENDING LAND USE TEXT: HISTORIC DISTRICT

The following ordinance was presented to the Board of Commissioners upon second 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 Pfeffer, second by Commissioner Ashley to adopt the ordinance as presented on second 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.

ORDINANCE AMENDING ORDINANCE 09-19: PVA ASSESSMENT

The following ordinance was presented to the Board of Commissioners upon second 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
	<u>33,206,464</u>

Motion by Commissioner Litton, second by Commissioner Ashley to adopt the ordinance as presented on second 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.

CLOSED SESSION

Motion by Commissioner Ashley, second by Commissioner Mains to go into closed session pursuant to KRS 61.810 (1)(f) to discuss disciplinary action. 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 Litton, 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.

MEETING CANCELLATION

Motion by Commissioner Mains, second by Commissioner Pfeffer to cancel scheduled special meeting on Dec. 18, 2009. 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.

ADJOURMENT

Motion by Commissioner Mains, second by Commissioner Pfeffer 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.

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Mayor

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City Clerk