

**Maysville City Commission**  
**Thursday, Dec. 11, 2008; 5:15 p.m.**  
**REGULAR MEETING**

The Board of Commissioners of the city of Maysville, Kentucky met in a regular meeting on 11 December 2008 at 5:15 p.m. at the Maysville Municipal Building. Present: Commissioner Kelly Ashley, Commissioner John Mains, Commissioner Rick Litton and Mayor David Cartmell presiding. Also present: City Manager Ray Young, City Clerk Lisa Dunbar, City Attorney Sue Brammer, Fire Chief Eric Bach, Asst. Police Chief Ron Rice, Director of Public Works Jim Fryman, City Engineer Sam Baker, Utility Manager Eddie Wenz, Tourism/Renaissance Director Duff Giffen, Zoning Administrator Matt Wallingford, Codes Officer Jack Fultz, Asst. Comptroller/HR Director Karen Cracraft, and Asst. City Attorney Kelly Caudill. Absent: Commissioner Judy Pfeffer and Comptroller Romie Griffey  
Also present: The Ledger Independent and WFTM.

MINUTES & DEPARTMENT REPORTS

The minutes of the Nov. 6, 2008 and Dec. 3, 2008 special meetings and department reports were presented to the Board of Commissioners.

**Motion** by Commissioner Litton, second by Commissioner Ashley to accept the Nov. 6 and Dec. 3, 2008 minutes and department reports as presented. Upon call of the roll, voting is as follows: Voting aye: Commissioner Ashley, Commissioner Mains, Commissioner Litton and Mayor Cartmell.

APPOINTMENTS & REAPPOINTMENTS

The following reappointments were presented by Mayor Cartmell:

Board of Architectural Review: Joe Williams & Bobbie Brothers, term to expire 12/31/11  
Cemetery Board: Tom Everett, term to expire, 12/31/11  
Renaissance Board: Pat Fay & Jim Tierney, term to expire 12/31/12

**Motion** by Commissioner Litton, second by Commissioner Mains to approve the appointments as presented. Upon call of the roll, voting is as follows: Voting aye: Commissioner Ashley, Commissioner Mains, Commissioner Litton and Mayor Cartmell.

GLENN GEORGE: ROSEMARY CLOONEY CONCERT

Market Street resident and business owner Glenn George, representing Middle Market residents and businesses, addressed the Board of Commission regarding the Rosemary Clooney Concert, which was held in September. George had sent a letter to each of the commissioners in November and distributed additional letters at the meeting, which follows:

Dear Candidates:

The RoseMary Clooney Concert has provided those of us living , working and owning property in the downtown area a format upon which to ask each of you some questions regarding private property, civil rights, and city responsibilities. Your responses will be shared with the public in order to assist them in making good decisions at the voting booth. Please have your response(s) to the Market Street Bookstore, no later than Oct. 20.

Item#1 John Cabelos, owner of Delights, became concerned that fencing off the East Side of market Street at eight a.m. on Saturday morning would harm business. He first approached an employee of Lundys who sent him to the owner. The owner told him “ go back to your place and fix some hot dogs”. Needless to say John became very upset and approached the Mayor, who told John, he, the Mayor, could do nothing. Later, couple of ladies trying to get to the beauty parlor on middle Market, after parking on Fourth street and walking were stopped by employees of Lundys and informed they were in a “secure” area, after discussions they were walked to the parlor. Later that evening a grandmother was told that her grandchildren would have to get off their front porch as they distracted the performers, the children are all under ten. Meanwhile across the street guests of 5 west 3<sup>rd</sup> street were stopped by police and first told that they could not walk down 3<sup>rd</sup> from Patton Ally to #5, after some discussion they were escorted by the police to the residence. When other guests at this same address stepped out on the sidewalk to smoke, they were told they could not do so. This was after telling Mrs. Dobson of the party and asking if passes would be needed. Her response was that she would provide passes so that no one would be hassled. She did not, but then closed with saying that if she saw anything inappropriate she would have the police deal with it. Abby Dobson says that Lundys sets up, determines secure areas etc. at the direction of the city. Both residents and owners are rather upset that Middle Market is “locked down” as is a tow block section of 3<sup>rd</sup> street from Wednesday at noon until Sunday. City personnel say that Lundys make all of the decisions.

Item#2 It is often stated that the concert is “good for business” and yet in an informal survey ( a formal one on many issues will be forthcoming) only one middle Market store did more than normal business on Saturday and many lost business due to the closures of market and 3<sup>rd</sup> on Wednesday, Thursday, and Friday.

Item#3 The promoter touted “being green” this year, yet on Sunday morning 3<sup>rd</sup> street, where the kitchen had been set up, smelled like dirty wash water and decaying meat, indeed the gutters on both sides of the street were filled with what appeared to be dirty dish water. Trash bags and other trash that had not been there before Wednesday closing of 3<sup>rd</sup> was also very evident.

Question #1 As a city Commissioner how would you deal with the issues in Item #1 to help prevent them from happening again.

Question #2 Since it doesn't seem to help business(s) in the downtown area what would

you do to try and change that?

Question #3 Does the city give police powers to the promoter, or allow the promoter to direct the police on who to deal with and how? If so is that legal? If not, then what would you do so that the police and security personnel know what they can and cannot do and how would you ensure that local residents and businesses not only understood, but agreed. If they did not agree with the “security” procedures what would you do to try and solve their issues?

Question#4 City personnel tell you often that the sidewalks are part of the private property they front. How then does the promoter, directing the city, eliminate access to private property so that an out of town promoter can make money?

Question#5 City services are hard to come by as they are “short handed”. How much money does the city spend on this concert for fire, police and general employees? Do you believe it is cost effective?

Question#6 Accepting that the concert is a good “image” producer for Maysville, how would you change it so that residents and business owners don’t feel like it’s “inflicted” on them?

Questions #7 What would you do to make sure that private property rights are protected?

Question #8 Being green is seen as being important, along with global warming, how will you lead the city in making sure that both are dealt with as priorities in Maysville.

Thank you for taking time to answer these questions, your response or lack to each will be noted with your name so that voters may make an informed choice.

Although the letter was distributed to each of the commissioners’ city mailboxes, George said he got a response Commissioner Judy Pfeffer alone. Commissioner Mains said he was on vacation when the letter arrived and was unable to respond before the deadline. Commissioner Litton said he did not find the letter in his mailbox.

In addition, George told the commission that although Lundy’s offered his family a free table at the event, but they preferred to have a dinner with guests in their apartment. He told promoter Abby Dobson who said they would be accommodated. Later, she again offered a free table, which they declined. “If I see anything that I find inappropriate going on in your apartment, I will have the police come up and deal with it,” he said he was quoting Dobson. City Manager Young said she was not given that power. George said guests had difficulty getting to his residence despite the fact that Dobson said she would cooperate. George said he wasn’t for doing away with the Rosemary Clooney Concert, but if the promoters were not reined in, there would be lawsuits next year and the city

would be a part of those.

John Cabelos also voiced concern about the sidewalk in front of his business being closed too early in the day as well as people not being able to see the concert from Market Street as they have in the past.

City Manager Ray Young told George and Cabelos that the contract to promote the Rosemary Clooney Concert is up, and city staff would be meeting with Lundy's in January to discuss the continuation of the event. The concerns voiced by downtown residents and business owners will be discussed. Issues like the erection of barricades can easily be addressed by waiting until later in the day to put them up, Young said. However, police and public works did a very good job of providing security to the artists during rehearsal and the performance when access to certain areas must be tightly controlled, he said. In the past, residents and business owners have gotten through and attended the show without tickets and that's not right, said Young.

George agreed. This is the time to be discussing this, he said.

#### GEORGE GLENN: DOWNTOWN SURVEY

Glenn also presented the Board of Commissioners with the results of survey conducted in the downtown. When asked, Glenn said there was a 40% response to the 36 surveys distributed.

#### Downtown Business Group Survey of Businesses: results

1. Do you think Maysville is a good place to have a business? Yes or No
  - A. Yes ( Downtown is a treasure)
2. Do you find City Hall to be business friendly? Yes or No
  - A. No (They couldn't direct me to the proper agencies for my various needs)
3. Do You think the way the city has traffic flowing one way on 2<sup>nd</sup> and two way on 3<sup>rd</sup> helps your business?
  - A. Has no effect
4. Do You feel the police department does enough patrolling in the downtown? Yes or No
  - A. Yes, by one vote of all who responded
5. Is there enough parking downtown? Yes or No

- A. No (because owners of businesses take up spaces or because of a lack of enforcement)
6. Are the Business charges for licenses and water (both city controlled) fair to business? Yes or No
- A. No ( show what benefit increasing the cost is to businesses)
7. Do You feel the city does enough to “spruce up” the downtown with plants, trees, trash cans, smokers etc.?
- A. No (middle market gets lots of attention but the rest of the district is neglected)
8. With regards to City organized events, particularly those that take place downtown, do you think there is sufficient communication between The City and downtown Businesses?
- A. No, 1. need to know a week or town ahead, not read about it in the paper. 2 I was actually stopped by a promoter, had to get the police to let me into my own shop!
9. Do You feel the city make a sufficient effort to encourage tourists to patronize businesses in the downtown area during events such as Rosemary Clooney Festival, the Christmas parade & Open House, Delta Queen visits and/or others?
- A. Split, No’s...need to advertise in Lexington and Cincinnati as a “day trip”, sends people to Washington on buses.
- 10 Your turn...
- A. More police presence downtown, billboard on AA and 52, enforce parking, involve businesses in decisions about downtown, I think it’s been great.

Regarding question #5, about parking, Commissioner Ashley said he had checked parking availability by driving through downtown regularly and said there were always open spots on the streets.

Regarding question #6, concerning tour buses going to Old Washington, Tourism Director Duff Giffen said that tours of the downtown are also offered to visitors from the Delta Queen.

“What I’m sharing with you are perceptions. Whether they are accurate or inaccurate, they are perceptions,” said George.

City Manager Young told George that he would give him a stack of his business cards, so anyone who voiced concerns on any issue to George could contact him personally.

POLICE DEPARTMENT APPOINTMENT

The following letter was presented to the Board of Commissioners:

November 18, 2008

Honorable Mayor and City Commission

I would like to recommend Probationary Officer Justin Merrill be appointed from probation recruit status to a Police Officer Level One with the Department. Justin has completed all of his training requirements as well as the time spent with a field training officer with the department. Justin 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 Mains, second by Commissioner Ashley to appoint Justin Merrill to Police Officer Level One. Upon call of the roll, voting is as follows: Voting aye: Commissioner Ashley, Commissioner Mains, Commissioner Litton and Mayor Cartmell.

RESOLUTION ADOPTING MAYSVILLE HISTORIC DISTRICT GUIDELINES

The following resolution was presented to the Board of Commissioners:

**1COMMONWEALTH OF KENTUCKY  
CITY OF MAYSVILLE  
Resolution No. 08-58**

A RESOLUTION ADOPTING MAYSVILLE HISTORIC DISTRICT GUIDELINES

WHEREAS, the City of Maysville has Historic District Guidelines which were prepared in 1992; and revised in 2006; and

WHEREAS, the Board of Architectural Review has reviewed the guidelines, held a public hearing on 12 November 2008 and has recommended adoption of the Maysville Historic District Guidelines;

NOW THEREFORE, BE IT RESOLVED BY THE CITY OF MAYSVILLE, KENTUCKY, that the Maysville Historic District Guidelines attached hereto are adopted by the City of Maysville.

**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 Ashley, Commissioner Mains, Commissioner Litton and Mayor Cartmell.

RESOLUTION TO PURCHASE A 15-PASSENGER VAN

The following resolution was presented to the Board of Commissioners:

**1COMMONWEALTH OF KENTUCKY  
CITY OF MAYSVILLE  
Resolution No. 08-59**

**A RESOLUTION AWARDING CONTRACT FOR  
15-PASSENGER VAN**

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

- (a) Subject: 15-Passenger Van
- (b) Advertised: October 16, 2008
- (c) Bid Opening: October 27, 2008

WHEREAS, the following bids were received:

- (1) American Bus and Accessories, Inc. \$46,097
- (2) Witworth Bus Sales, Inc. \$47,450
- (3) McCluskey Chevrolet, Inc. \$49,500
- (4) McCluskey Chevrolet, Inc. \$49,995

WHEREAS, the City Manager and the Public Works Director 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 American Bus and Accessories, Inc. in the sum of \$46,097 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 Litton to adopt the resolution as presented. Upon call of the roll, voting is as follows: Voting aye: Commissioner Ashley, Commissioner Mains, Commissioner Litton and Mayor Cartmell.

ORDINANCE AMENDING WASTEWATER ORDINANCE

The following ordinance was presented to the Board of Commissioners on second reading:

**1COMMONWEALTH OF KENTUCKY  
CITY OF MAYSVILLE  
Ordinance No. 08C-24**

AN ORDINANCE AMENDING CODE OF ORDINANCES SECTION 154.071 TO ADD AND MODIFY MAXIMUM DAILY CONCENTRATIONS OF VARIOUS WASTEWATER POLLUTANTS.

Summary

This Ordinance amends Code of Ordinances Section 154.071 to add maximum daily concentration limits for molybdenum, selenium and total phosphorus and reduce the existing maximum daily concentration limits for cadmium, hexavalent chromium, copper, lead and nickel from industrial wastewater discharges.

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

ORDINANCE AMENDING ALCHOLIC BEVERAGE ORDINANCE TO ALLOW SALES UNTIL 2 A.M., JANUARY 1

The following ordinance was presented to the Board of Commissioners on second reading:

**COMMONWEALTH OF KENTUCKY  
CITY OF MAYSVILLE  
Ordinance No. 08C-25**

AN ORDINANCE AMENDING CODE OF ORDINANCES SECTION 231.09

Summary

This Ordinance amends Code of Ordinances Section 231.09 to allow the sale of alcoholic beverages on New Year's Eve until 2:00 a.m. on January 1 regardless of the day of the week on which New Year's Eve occurs.

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

ORDINANCE AMENDING ALCOHOLIC BEVERAGE ORDINANCE TO DEFINE POWERS OF ABC ADMINISTRATOR

The following ordinance was presented to the Board of Commissioners on second reading:

**COMMONWEALTH OF KENTUCKY  
CITY OF MAYSVILLE  
Ordinance No. 08C-26**

AN ORDINANCE AMENDING CODE OF ORDINANCES SECTION 231.11

Summary

This Ordinance amends Code of Ordinances Section 231.11 to add that the Alcoholic Beverage Control Administrator shall have the same powers and duties with respect to suspension and revocation for cause of City licenses as the State Alcoholic Beverage Control Board has with respect to State licenses under KRS 241.060. The City Alcoholic Beverage Control Administrator, on his own initiative or on the complaint of any person, may institute proceedings to revoke or suspend any license issued under this Chapter.

Appeals from the Orders of the Alcoholic Beverage Control Administrator may be taken to the State Alcoholic Beverage Control Board by filing with the Board within thirty days a certified copy of the orders of the City's Alcoholic Beverage Control Administrator. Matters at issue shall be heard by the Board upon an original proceeding. Appeals from the City's Alcoholic Beverage Control Administrator shall be governed by KRS Chapter 13B.

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

ORDINANCE AMENDING ALCOHOLIC BEVERAGE ORDINANCE TO ADD PROVISIONS REGARDING REVOCATION OR SUSPENSION OF LICENSE

The following ordinance was presented to the Board of Commissioners on second reading:

**COMMONWEALTH OF KENTUCKY  
CITY OF MAYSVILLE  
Ordinance No. 08C-27**

AN ORDINANCE ADOPTING CODE OF ORDINANCES SECTION 231.12

Summary

This Ordinance adds Code of Ordinances Section 231.12 to add a provision that within three days after any order of revocation of a license becomes final, notice of revocation shall be given to the licensee and to the owner of the licensed premises. The licensee shall at once surrender the license to the City Alcoholic Beverage Control Administrator. If the revoked license is not surrendered by the licensee, the Chief of Police shall cause one of his officers to take physical possession of the license and return it to the City Alcoholic Beverage Control Administrator. Appeals from the decision of the City Alcoholic Beverage Control Administrator shall be to the Alcoholic Beverage Control Board. If a license is revoked or suspended by an order of the City Alcoholic Beverage control Administrator, the licensee shall at once suspend all operations authorized under his license.

**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 Ashley, Commissioner Mains, Commissioner Litton and Mayor Cartmell.

ORDINANCE AMENDING ALCOHOLIC BEVERAGE ORDINANCE TO ADD PROVISION REGARDING SURRENDER OF LICENSE

The following ordinance was presented to the Board of Commissioners on second reading:

**COMMONWEALTH OF KENTUCKY  
CITY OF MAYSVILLE  
Ordinance No. 08C-28**

**AN ORDINANCE AMENDING CODE OF ORDINANCES SECTION 231.07 TO ADD PROVISIONS FOR REVOCATION OR SUSPENSION OF LICENSES**

Summary

This Ordinance amends Code of Ordinances Section 231.07 to state that applications for licenses shall be made to the City Alcoholic Beverage Control Administrator and that no license shall be granted or renewed to any person who is delinquent in the payment of any taxes or fees due the City at the time of issuing the license and if the licensee becomes delinquent in payment of any taxes or fees due to City at any time during the license period, the license shall be subject to revocation or suspension. Appeals may be taken to the State Alcoholic Beverage Control Board.

**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 Ashley, Commissioner Mains, Commissioner Litton and Mayor Cartmell.

## SPECIAL MEETING

The Board of Commissioners agreed to hold a special meeting on Tuesday, Dec. 30, 2008 at noon.

## CLOSED SESSION

**Motion** by Commissioner Litton, second by Commissioner Mains to adjourn into closed session to discuss personnel pursuant to KRS 61.10(1)(f). Upon call of the roll, voting is as follows: Voting aye: Commissioner Ashley, Commissioner Mains, Commissioner Litton and Mayor Cartmell.

## RETURN TO OPEN SESSION

**Motion** by Commissioner Ashley, second by Commissioner Litton to return to open session. Upon call of the roll, voting is as follows: Voting aye: Commissioner Ashley, Commissioner Mains, Commissioner Litton and Mayor Cartmell.

## ADJOURNMENT

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

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David Cartmell, Mayor

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City Clerk