

Maysville City Commission
8 March 2007
REGULAR MEETING

The Board of Commissioners of the City of Maysville, Kentucky met in regular session on 8 March 2007 at 5:15 p.m. at Maysville Municipal Building. Present: Commissioner Kelly Ashley, Commissioner Judy Pfeffer, 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, Police Chief Kent Butcher, Comptroller Romie Griffey, Director of Public Works Jim Fryman, Fire Officer Dan Lester, Asst. Police Chief Ron Rice, City Engineer Sam Baker, Utility Manager Eddie Wenz, Tourism/Renaissance Director Duff Giffen, Zoning Administrator Matt Wallingford, Codes Officer Gary Wells, Assistant Comptroller Karen Cracraft, and Assistant City Attorney Steve Zweigart.

MINUTES & REPORTS

Motion by Commissioner Litton, second by Commissioner Pfeffer to approve the minutes for Feb. 8, 2007 and all department reports as presented. Upon call of the roll, voting is as follows: Voting aye: Commissioner Ashley, Commissioner Pfeffer, Commissioner Mains, Commissioner Litton, and Mayor Cartmell.

APPOINTMENTS AND REAPPOINTMENTS

The following reappointments were presented to the Board of Commissioners:

Codes Enforcement Board – John Tomlin & Gerald Orme
2/10/2010
Housing Commission – Jerry Ormes, 3/13/2010
Human Rights Commission – Dorothy Mattox & Chris Bone,
3/9/2010

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

DISCUSSION OF WASHINGTON'S GLEN

Washington's Glen residents Terri Srinivasan and Sandra Moss addressed the Board of Commissioners regarding a nearby resident who opened a driveway onto a road in the subdivision. Because the resident's property adjoins the roadway, the city cannot prevent it.

Srinivasan and Moss proposed that the city survey the area to ascertain where the property lines actually conjoin the roadway. They also asked that the city plant trees and bushes to screen the view from the subdivision onto the resident's property which has two RVs sitting on it. They requested that the be allowed to have input into the kind of trees planted and that a culvert be placed under the driveway.

The Board of Commissioners agreed to the proposal.

RESOLUTION AUTHORIZING MAYOR TO SIGN AGREEMENT WITH
BUFFALO TRACE ADD FOR GPS/GIS MAPPING SERVICES.

The following resolution was presented to the Board of Commissioners:

1COMMONWEALTH OF KENTUCKY
CITY OF MAYSVILLE
Resolution No. 07-12

A RESOLUTION AUTHORIZING CONTRACT WITH BUFFALO TRACE AREA DEVELOPMENT DISTRICT FOR GPS/GIS MAPPING SERVICES

WHEREAS, the City needs a GIS mapping for the combined sewer overflow system in order to comply with Federal and State requirements; and

WHEREAS, Buffalo Trace Area Development District (BTADD) has made a proposal to map the sewer and storm sewer system for a cost of \$39,776;

NOW THEREFORE, BE IT RESOLVED BY THE CITY OF MAYSVILLE, KENTUCKY, that the Mayor is hereby authorized and directed to execute an agreement with BTADD for mapping of sewer utility data and data services based on GPS technology for a price of \$39,776.

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

RESOLUTION AWARDING CONTRACT FOR OLD CHURCH MUSEUM FLOOR

The following resolution was presented to the Board of Commissioners:

1COMMONWEALTH OF KENTUCKY
CITY OF MAYSVILLE
Resolution No. 07-13

A RESOLUTION AWARDING CONTRACT FOR OLD CHURCH MUSEUM FLOOR REPLACEMENT

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

- (a) Subject: Old Church Museum Floor Replacement
- (b) Advertised: January 23, 2007
- (c) Bid Opening: February 6, 2007

WHEREAS, the following bid was received:

RJ Construction Co, Inc.	\$48,400
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WHEREAS, the City Manager and the City Engineer have recommended acceptance of the bid above as the best bid,

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

The bid of RJ Construction Co, Inc., in the sum of \$48,400 for the subject contract described above is hereby accepted on behalf of the City of Maysville.

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

RESOLUTION AWARDING CONTRACT FOR JERSEY RIDGE ROAD

The following resolution was presented to the Board of Commission:

1COMMONWEALTH OF KENTUCKY
CITY OF MAYSVILLE
Resolution No. 07-23

A RESOLUTION AWARDDING CONTRACT FOR
JERSEY RIDGE ROAD REPAIRS

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

- (a) Subject: Jersey Ridge Road Repairs
- (b) Advertised: February 19, 2007
- (c) Bid Opening: March 6, 2007

WHEREAS, the following bids were received:

- (1) Independent Excavating, Inc. \$171,158.50
- (2) Wind Ridge Construction, LLC \$177,169

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 Independent Excavating, Inc., in the sum of \$171,158.50 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 Ashley to adopt the resolution as read. After discussion of bid amounts, Commissioner Pfeffer withdrew her motion. The issue was tabled.

RESOLUTION AUTHORIZING THE FILING OF AN APPLICATION WITH THE DEPARTMENT OF TRANSPORTATION FOR A GRANT UNDER THE FEDERAL TRANSIT ACT

The following resolution was presented to the Board of Commissioners:

1CITY OF MAYSVILLE
COMMONWEALTH OF KENTUCKY
Resolution No. 07-14

A RESOLUTION AUTHORIZING THE FILING OF AN APPLICATION WITH THE DEPARTMENT OF TRANSPORTATION, UNITED STATES OF AMERICA, FOR A GRANT UNDER THE FEDERAL TRANSIT ACT.

WHEREAS, the Secretary of Transportation is authorized to make grants for mass transportation projects; and

WHEREAS, the contract for financial assistance will impose certain obligations upon the City of Maysville including the provision by it of the local share of project costs; and

WHEREAS, it is required by the U.S. Department of Transportation in accordance with the provisions of Title VI of the Civil Rights Act of 1964, that in connection with the filing of an application for assistance under the Federal Transit Act, the City gives an assurance that it will comply with Title VI of the Civil Rights Act of 1964 and the U.S. Department of Transportation requirements thereunder; and

WHEREAS, it is required by the U.S. Department of Transportation in accordance with the provisions of section 504 of the Rehabilitation Act of 1973, that in connection with the filing of an application for assistance, the City gives an assurance that it will comply with section 504 of the Rehabilitation Act of 1973 and the U.S. Department of Transportation requirements thereunder; and

WHEREAS, it is required by the U.S. Department of Labor in accordance with the provisions of section 13(c) of the Federal Transit Act, that in connection with the filing of an application for assistance under the Federal Transit Act, and in the absence of a waiver from the U.S. Department of Labor, the City gives an assurance that it will comply with section 13(c) of the Federal Transit Act and the U.S. Department of Labor requirements thereunder; and

WHEREAS, it is the goal of the City that disadvantaged business enterprises be utilized to the fullest extent possible in connection with this project, and definitive procedures shall be established and administered to ensure that disadvantaged businesses shall have maximum feasible opportunity to compete for contracts when procuring construction contracts, supplies, equipment contracts or consultant and other services.

NOW THEREFORE, BE IT RESOLVED BY THE CITY OF MAYSVILLE, KENTUCKY, that the Mayor is authorized:

- (a) to execute and file an application on behalf of the City of Maysville with the U.S. Department of Transportation, for federal grant monies to aid in the continual operating, administration, and capital expenses of the local transit system;
- (b) to execute and file with such application an assurance or any other document required by the U.S. Department of Transportation effectuating the purposes of Title VI of the Civil Rights Act of 1964;
- (c) to set forth and execute affirmative minority business policies in connection with the project's procurement needs;
- (d) to set forth and execute with such application an assurance that the City of Maysville will comply with the conditions of the Special Section 13(c) Warranty as required by the U.S. Department of Labor effectuating the purposes of section 13(c) of the Federal Transit Act;
- (e) to furnish such additional information as the U.S. Department of Transportation may require in connection with the application of the project; and
- (f) to execute grant contract agreements on behalf of the City of Maysville with the Kentucky Transportation Cabinet for aid in the financing of the continuing operating, administrative, and capital expenses of the Maysville Transit Authority.

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

RESOLUTION COMMITTING THE LOCAL SHARE OF FUNDS NECESSARY FOR A GRANT APPLICATION TO AID IN THE ADMINISTRATION AND OPERATION EXPENSE OF THE TRANSIT SYSTEM

The following resolution was presented to the Board of Commissioners:

**CITY OF MAYSVILLE
COMMONWEALTH OF KENTUCKY
Resolution No. 07-15**

A RESOLUTION COMMITTING THE LOCAL SHARE OF FUNDS NECESSARY FOR A GRANT APPLICATION TO AID IN THE ADMINISTRATION AND OPERATION EXPENSE OF THE LOCAL TRANSIT SYSTEM.

WHEREAS, the City of Maysville is authorized by the Kentucky Revised Statutes section 96.189 to apply for and accept grants of money to assist in the implementation of a transit system in the City of Maysville; and

WHEREAS, the City of Maysville has applied for a \$264,968 matching grant under Section 5311 to the Kentucky Transportation Cabinet and Federal Transportation Agency of the United States Department of Transportation in connection with the Section 5311 project, for administration and operation of the local transit system; and

WHEREAS, said application requires assurance of the City of Maysville relative to the commitment of the local share for the Section 5311 project.

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

1. The City of Maysville hereby gives assurance of its intent to commit its local matching share of the funds necessary in the amount of \$114,484 for operating and capital funds to support the Project in order to improve transit service in the City of Maysville, for a minimum of five years from the inception of the project. Said local share of expenses is to be paid from the General Fund, including bus fares.

2. The City of Maysville hereby gives assurance that it intends to continue the operation of local transit service for a minimum of five years through 30 June 2012.

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

RESOLUTION AUTHORIZING GRAND APPLICATION TO OFFICE OF SPECIAL PROGRAMS

The following resolution was presented to the Board of Commissioners:

**1 COMMONWEALTH OF KENTUCKY
CITY OF MAYSVILLE
Resolution No. 07-16**

A RESOLUTION AUTHORIZING GRANT APPLICATION TO OFFICE OF
SPECIAL PROGRAMS

WHEREAS, the City of Maysville, Kentucky desires to promote and carry out the building of and promotion of a safe route to school on behalf of the residents through the execution of the SAFE ROUTES TO SCHOOL PROJECT,

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 Office of Special Programs an application for funding up to \$51,000 for the creation of a safe route to school with all information and documentation that may be required by the Office of Special Programs and to execute a Memorandum of Agreement for the project should the project be awarded.

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

RESOLUTION AUTHORIZING APPLICATION TO THE KENTUCKY
TRANSPORTATION CABINET: BIKE SAFETY

The following resolution was presented to the Board of Commissioners:

1COMMONWEALTH OF KENTUCKY
CITY OF MAYSVILLE
Resolution No. 07-17

A RESOLUTION AUTHORIZING LETTER OF INTENT AND GRANT
APPLICATION TO THE KENTUCKY TRANSPORTATION CABINET

BE IT RESOLVED BY THE CITY OF MAYSVILLE, KENTUCKY, that the Mayor is authorized and directed to execute and deliver to the Kentucky Transportation Cabinet a letter of intent and an application, with required assurances concerning City responsibilities, for a project to improve the pedestrian and bicycle safety education of the City of Maysville under the Transportation Equity Act for the 21st Century (TEA-21) by providing pedestrian and bicycle safety education in the amount of \$47,728.

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

RESOLUTION AUTHORIZING LETTER OF INTENT AN GRANT APPLICATION
TO THE KENTUCKY TRANSPORTATION CABINET:
SIDEWALK/LANDSCAPING

The following resolution was presented to the Board of Commissioners:

1COMMONWEALTH OF KENTUCKY
CITY OF MAYSVILLE
Resolution No. 07-18

A RESOLUTION AUTHORIZING LETTER OF INTENT AND GRANT
APPLICATION TO THE KENTUCKY TRANSPORTATION CABINET

BE IT RESOLVED BY THE CITY OF MAYSVILLE, KENTUCKY, that the Mayor is authorized and directed to execute and deliver to the Kentucky Transportation

Cabinet a letter of intent and an application, with required assurances concerning City responsibilities, for a project to improve the sidewalks and the landscaping of the City of Maysville under the Transportation Equity Act for the 21st Century (TEA-21) by providing sidewalks and landscaping work in the amount of \$155,968.

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

RESOLUTION AUTHORIZING A RESERVE FOR COLLEGE ARBORETUM

The following resolution was presented to the Board of Commissioners:

1COMMONWEALTH OF KENTUCKY
CITY OF MAYSVILLE
Resolution No. 07-19

A RESOLUTION AUTHORIZING RESERVE FOR COLLEGE ARBORETUM

WHEREAS, the City proposes to renovate recreational resources to provide for the health and well being of the general public, and

WHEREAS, the City intends to make preapplication to the Governor's Office for assistance under the Land and Water Conservation Fund Act of 1965 for the College Arborteum, and

WHEREAS, the Land and Water Conservation Fund is limited to funding a maximum of fifty percent (50%) of proposed project costs estimated not to exceed \$75,000;

NOW THEREFORE, BE IT RESOLVED BY THE CITY OF MAYSVILLE, KENTUCKY, that the City hold in reserve fifty percent (50%) of the proposed project costs for the purpose of matching the Land and Water Conservation Fund assistance. In the event a Grant is awarded, the Mayor is hereby authorized and directed to sign assurances to comply with all applicable Federal and State laws, rules and regulations, especially Title VI of the Civil Rights Act and Section 504 of the 1973 Rehabilitation Act.

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

RESOLUTION AUTHORIZING AGREEMENT WITH FLINT GROUP

The following resolution was presented to the Board of Commissioners:

1COMMONWEALTH OF KENTUCKY
CITY OF MAYSVILLE
Resolution No. 07-20

A RESOLUTION AUTHORIZING AGREEMENT WITH FLINT GROUP

WHEREAS, the City of Maysville, Kentucky is concerned about the status of the Hayswood Hospital property and in obtaining funding for the site; and

WHEREAS, the Flint Group, Inc. provides services in seeking and applying for federal funds and grants;

NOW THEREFORE, BE IT RESOLVED BY THE CITY OF MAYSVILLE, KENTUCKY, that the Mayor is hereby authorized and directed to execute an agreement with the Flint Group, Inc. to pay the Flint Group, Inc. to seek and apply for federal funds and grants for the City of Maysville to use for the old Hayswood Hospital site with services not to exceed \$2,000.

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

RESOLUTION ENDORSING CONTINUATION OF BUFFALO TRACE/GATEWAY NARCOTICS TASK FORCE

The following resolution was presented to the Board of Commissioners:

1COMMONWEALTH OF KENTUCKY
CITY OF MAYSVILLE
Resolution No. 07-21

A RESOLUTION ENDORSING CONTINUATION OF THE BUFFALO TRACE / GATEWAY NARCOTICS TASK FORCE

WHEREAS, the City of Maysville, Kentucky (the “City”) is concerned about illegal narcotics sales and usage; and

WHEREAS, the Buffalo Trace / Gateway Narcotics Task Force was formed under an Interlocal Cooperative Agreement by cities and counties located in the Buffalo Trace and Gateway Area Development Districts to combat the sales and illegal usage of drugs; and

WHEREAS, the City endorses the continuation of the Buffalo Trace / Gateway Narcotics Task Force;

NOW THEREFORE, BE IT RESOLVED BY THE CITY OF MAYSVILLE, KENTUCKY, that the City will provide up to \$15,000 toward the match of any federal or state funds to assist in the continuation of an enforcement unit, with said funds to be allocated from the FY2008 budget.

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

RESOLUTION ADOPTING REVISED DRUG AND ALCOHOL POLICY

The following resolution was presented to the Board of Commissioners:

1COMMONWEALTH OF KENTUCKY
CITY OF MAYSVILLE
Resolution No. 07-22

A RESOLUTION AUTHORIZING DRUG AND ALCOHOL POLICY FOR SAFETY-SENSITIVE POSITIONS

WHEREAS, the Federal Transit Administration requires a Drug and Alcohol Policy in accordance with provisions, requirements and regulations of the Federal Transit Administration Drug and Alcohol rules; and

WHEREAS, the City of Maysville, Kentucky has created a new Drug and Alcohol Policy for safety-sensitive positions;

NOW THEREFORE, BE IT RESOLVED BY THE CITY OF MAYSVILLE, KENTUCKY, that the Drug and Alcohol Policy for safety-sensitive positions attached hereto is hereby adopted by the City of Maysville.

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

ORDINANCE AMENDING CODES ENFORCEMENT ORDINANCE 192.99

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

**1COMMONWEALTH OF KENTUCKY
CITY OF MAYSVILLE
Ordinance No. 07C-01**

AN ORDINANCE AMENDING CODE OF ORDINANCE SECTION 192.99 TO
ADD CIVIL PENALTY FOR VIOLATION OF JUNK CARS CHAPTER

Summary

This Ordinance amends Code of Ordinance Section 192.99 to add Civil Penalties imposed in Code of Ordinance Section 11.01(B).

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

ORDINANCE AMENDING CODES ENFORCEMENT ORDINANCE 195.06

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

**1COMMONWEALTH OF KENTUCKY
CITY OF MAYSVILLE
Ordinance No. 07C-02**

AN ORDINANCE AMENDING CODE OF ORDINANCE SECTION 195.06 TO
ADD CHAPTER 192 TO THE JURISDICTION OF CODES ENFORCEMENT
BOARD

Summary

This Ordinance amends Code of Ordinances Section 195.06 to add Chapter 192, Junk Vehicles, to the Jurisdiction of the Code Enforcement Board.

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

ORDINANCE AMENDING CODES ENFORCEMENT ORDINANCE 11.01:
PENALTIES

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

**1COMMONWEALTH OF KENTUCKY
CITY OF MAYSVILLE
Ordinance No. 07C-03**

**AN ORDINANCE AMENDING CODE OF ORDINANCES SECTION 11.01 TO
ADD CIVIL FINES FOR JUNK VEHICLES**

Summary

This Ordinance amends Code of Ordinances Section 11.01 to add a section for Civil Fines for Junk Vehicles Violations.

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

PUBLIC COMMENT

Bill Boggs, board member of the Buffalo Trace/Gateway Narcotics Task Force, thanked the Board of Commissioners for its continued support of the task force.

ADJOURNMENT

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

Mayor

City Clerk