

Maysville City Commission
10 April 2008
REGULAR MEETING

The Board of Commissioners of the city of Maysville, Kentucky met in a regular meeting on 10 April 2008 at 5:15 p.m. at the 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, Asst. Police Chief Ron Rice, Comptroller Romie Griffey, 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 Gary Wells, Asst. Comptroller/HR Director Karen Cracraft, and Asst. City Attorney Kelly Caudill.
Also present: The Ledger Independent and WFTM.

MINUTES & REPORTS

Motion by Commissioner Pfeffer, second by Commissioner Litton, to accept the minutes from the March 13, 2008, regular meeting and department reports. Upon call of the roll, voting is as follows: Voting aye: Commissioner Ashley, Commissioner Pfeffer, Commissioner Mains, Commissioner Litton and Mayor Cartmell.

APPOINTMENTS & REAPPOINTMENTS

Recommendation by Mayor Cartmell to make the following reappointments:

- Convention & Visitors Bureau
Shauna Ormes, 10/11/10
- Human Rights Commission
Carol Bennett, 3/9/11
- Maysville-Mason County Port Authority
Doug Hendrickson, 5/12
- Fleming-Mason Airport Board
Doug Hendrickson, 5/12

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

JIM DEATLEY

Jim DeAtley, of Anderson Security at DP&L, advised the Board of Commissioners that he had been approached by a number of citizens who were concerned about a private security company directing traffic at EKP's Spurlock plant on Kentucky 8 when contractors were getting off work. City Manager Young said the city had requested a temporary traffic light at the plant entrance during construction, but the state highway

cabinet had refused to install one for the 18-month project. As an alternative safety measure, the security guards were trained and supervised by Maysville Police. Asst. City Attorney Caudill said that there was a potential liability issue whether the city got involved or didn't. The city manager added that the city had received no complaints from citizens.

DISCUSSION OF DOWNTOWN PARKING

Tourism Director told the Board of Commissioners that drawings had been held for two weeks in the new downtown parking incentive program. Both times downtown workers were found that were parked off street, and they received \$25 gift certificates from the Chamber of Commerce. People seemed to appreciate the positive way the city is handling the downtown parking situation, she said.

UPDATE OF 2ND STREET STORM SEWER

City Engineer said work on the 2nd Street storm and sanitary sewer separation is progressing at the trestle, but is about a week and half behind.

UPDATE ON FLOODWALL REPAIR

City Engineer reported concrete was poured on two upper blocks. Forming is currently being put up on one side. The project is about a month from completion.

UPDATE ON CSO COMPLIANCE ACTIVITIES

Utility Manager reported on three-part process: 1. Series of reports with first set due May 10; 2. Capital improvements, which will take years and millions of dollars; 3. Enforcement of sewer ordinance, which is to be turned over to Codes Department.

RESOLUTION AUTHORIZING TESTING OF POLICE MOTORCYCLE

Asst. Police Chief Ron Rice reported to the Board of Commissioners that Heritage Honda offered to let the Maysville Police Department test the new Honda police motorcycle for two months at no cost to the city. The dealership will pay insurance on the motorcycle. Officer Cullin Thomas has gotten safety gear from officers in Lexington at no cost.

The following resolution was presented to the Board of Commissioners:

**1COMMONWEALTH OF KENTUCKY
CITY OF MAYSVILLE
Resolution No. 08-20**

A RESOLUTION AUTHORIZING TESTING OF POLICE MOTORCYCLE

WHEREAS, the City of Maysville, Kentucky wants to evaluate the effectiveness of using motorcycles for police officers, and

WHEREAS, Heritage Honda has requested that the City use a Honda police motorcycle provided by Heritage Honda for evaluation; and

WHEREAS, Heritage Honda will carry the insurance on the motorcycle and not charge for the use of the motorcycle; and

WHEREAS, the City of Maysville, Kentucky will pay for the fuel for the motorcycle;

NOW THEREFORE, BE IT RESOLVED BY THE CITY OF MAYSVILLE, KENTUCKY, that the City of Maysville Police Department will use the Honda motorcycle provided by Heritage Honda to evaluate the use of police motorcycles with Heritage Honda carrying insurance coverage on the motorcycle and the City of Maysville, Kentucky paying for fuel used.

Motion by Commissioner Litton, second by Commissioner Mains, to adopt the resolution at 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 SALE OF PROPERTY ON WEST 4TH STREET

The following resolution was presented to the Board of Commissioners:

**1COMMONWEALTH OF KENTUCKY
CITY OF MAYSVILLE
Resolution No. 08-21**

A RESOLUTION APPROVING SALE OF SURPLUS REAL PROPERTY TO MYRICK

WHEREAS, the City of Maysville, Kentucky acquired 128 West Fourth Street, 130 West Fourth Street, 138 West Fourth Street, 140 West Fourth Street, 142 West Fourth Street, 144 West Fourth Street, 146 West Fourth Street, and 148 West Fourth Street by various deeds in 1997; and

WHEREAS, the City has no use for said pieces of property and it is in the public interest to dispose of the surplus property rather than continue to maintain it; and

WHEREAS, Sean Myrick is an adjoining property owner who desires to acquire the surplus property for the purpose of building a driveway to his property at 126 West Fourth Street, Maysville, Kentucky; and

WHEREAS, the real property to be conveyed has been appraised for a total of \$1,350;

NOW THEREFORE, BE IT RESOLVED BY THE CITY OF MAYSVILLE, KENTUCKY, that the Mayor and City Clerk are hereby authorized and directed to execute a deed for 128 West Fourth Street, 130 West Fourth Street, 138 West Fourth Street, 140 West Fourth Street, 142 West Fourth Street, 144 West Fourth Street, 146 West Fourth Street, and 148 West Fourth Street to Sean Myrick in consideration of \$1,350 and the Mayor is further authorized and directed to execute the closing statement and any other necessary documents. The deeds shall contain restrictions that no residential structure shall be constructed on any of the lots without an engineering report and a foundation plan designed by Kentucky Registered Engineer, the driveway shall not be more than 12 -14 feet wide, the driveway must use existing driveway access to West Fourth Street on 144 West Fourth Street, the driveway shall be located 15-20 feet away from retaining structures along West Fourth Street, minimal grating and erosion control must be used, no retaining walls or their supporting structures may be disturbed, the driveway shall be paved to the top of the slope, and Mr. Myrick shall be responsible for maintaining the lots in an acceptable condition.

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 CONTRACT WITH KNIGHTYME ENTERTAINMENT

**1COMMONWEALTH OF KENTUCKY
CITY OF MAYSVILLE
Resolution No. 08-22**

A RESOLUTION AUTHORIZING CONTRACT WITH KNIGHTYME ENTERTAINMENT

BE IT RESOLVED BY THE CITY OF MAYSVILLE, KENTUCKY, that the Mayor is hereby authorized and directed to execute a contract with Knightyme Entertainment to provide music at Pig Out on Market.

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

RESOLUTION AWARDING CONTRACT FOR MASONRY REPAIRS ON COX BUILDING

The following resolution was presented to the Board of Commissioners:

**1COMMONWEALTH OF KENTUCKY
CITY OF MAYSVILLE
Resolution No. 08-23**

A RESOLUTION AWARDDING CONTRACT FOR
COX BUILDING MASONRY REPAIR

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

- (a) Subject: Masonry Repair
- (b) Advertised: April 1, 2008
- (c) Bid Opening: April 9, 2008

WHEREAS, the following bid was received:

- (1) Bates Building Maintenance, Inc. \$166,512

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 Bates Building Maintenance, Inc. in the sum of \$166,512 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 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 DECLARING MAY 10, 2008 AS NATIONAL TRAIN DAY

The following resolution was presented to the Board of Commissioners:

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

A RESOLUTION DECLARING NATIONAL TRAIN DAY WHEREAS, on May 10, 1869 the Central Pacific and Union Pacific railways were joined creating the nation's first transcontinental railroad; and

WHEREAS, railways provide jobs and transportation; and

WHEREAS, trains are a more energy efficient mode of travel; and

WHEREAS, National Train Day festivities are scheduled for May 10, 2008 nationwide;

NOW THEREFORE, BE IT RESOLVED BY THE CITY OF MAYSVILLE, KENTUCKY, that May 10, 2008 is declared National Train Day in 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 Pfeffer, Commissioner Mains, Commissioner Litton and Mayor Cartmell.

RESOLUTION SUPPORTING MASON COUNTY'S EMERGENCY CALL-BACK SYSTEM

The following resolution was presented to the Board of Commissioners:

**1CITY OF MAYSVILLE
COMMONWEALTH OF KENTUCKY
Resolution No. 08-25**

A RESOLUTION SUPPORTING E911 CONTRACT

WHEREAS, the City of Maysville, Kentucky and Mason County Fiscal Court have an interlocal agreement providing for joint operation of enhanced 911 services; and

WHEREAS, Mason County Fiscal Court has agreed to enter into a Contract with WenWay Communications for a One Call Now Citizen Communication Systems which will alert residents in emergency situations;

NOW THEREFORE, BE IT RESOLVED BY THE CITY OF MAYSVILLE, KENTUCKY, that it supports the decision of the Mason County Fiscal Court to enter into said Contract and use E911 funds for the payment of the Contract.

Motion by Commissioner Ashley, 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.

APPROVAL OF CITY AUDIT FOR FYE 6/30/07

Motion by Commissioner Pfeffer, second by Commissioner Mains, to approve the Audit for FYE 6/30/07. Upon call of the roll, voting is as follows: Voting aye: Commissioner Ashley, Commissioner Pfeffer, Commissioner Mains, Commissioner Litton and Mayor Cartmell.

ORDINANCE REGULATING THE SALE OF CATALYTIC CONVERTORS

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

**WEALTH OF KENTUCKY
CITY OF MAYSVILLE
Ordinance No. 08C-03**

**AN ORDINANCE REGULATING THE SALE OF CATALYTIC CONVERTORS
Summary**

This Ordinance enacts Code of Ordinances Chapter 238 to regulate the sale of catalytic convertors within city limits. Any person engaged in purchasing catalytic convertors in the City of Maysville, Kentucky is required to check the identification of the seller, keep a record of the seller's name and address, require the seller to produce proof that the seller is the owner of the car from which the catalytic convertor was removed, and keep a record of the proof of ownership. A violation of any provision of this Chapter shall be a Class II violation punishable under §11.01.

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

Code of Ordinances Chapter 238 is hereby enacted in its entirety as follows:

Chapter 238 Catalytic Convertors

Section 238.01 Purchase of Catalytic Convertors

Any person engaged in a business which purchases catalytic convertors within the city limits of the City of Maysville, Kentucky shall require all sellers of catalytic convertors to produce personal identification prior to the sale. The purchaser shall retain a record of the sellers's name and address. The purchaser shall also require the seller to produce proof of ownership of the car from which the catalytic convertor was removed. The purchaser shall retain a copy of the proof of ownership in its records.

Section 238.02 Retention of Records

A copy of the information required by §238.01 shall be furnished to the police department upon request.

Section 238.99 Penalty

Violation of any provision of this Chapter shall be a Class II violation punishable under §11.01. The text of this Ordinance shall be published in full.

Commissioner Mains suggested that an addition be made to the ordinance that records on convertors be kept for 6 years.

Motion by Commissioner Mains, second by Commissioner Ashley, to pass the ordinance with recommended changes 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.

RESOLUTION ON EARTH DAY

The following resolution was presented to the Board of Commissioners:

**1CITY OF MAYSVILLE
COMMONWEALTH OF KENTUCKY
Resolution No. 08-26**

A RESOLUTION DECLARING EARTH DAY

WHEREAS, the Governor's Office for Local Development and the Kentucky Environmental and Public Protection Cabinet are celebrating Earth Day on April 22, 2008; and

WHEREAS, the Kentucky Environmental and Public Protection Cabinet has requested local governments across the state to become Earth Day Partners;

NOW THEREFORE, BE IT RESOLVED BY THE CITY OF MAYSVILLE, KENTUCKY, that April 22, 2008 is declared Earth Day in the City of Maysville.

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

CLOSED SESSION

Motion by Commissioner Litton, second by Commissioner Ashley, to go into closed session to discuss pending litigation under KRS 61.810(1)(c). Upon call of the roll, voting is as follows: Voting aye: Commissioner Ashley, Commissioner Pfeffer, Commissioner Mains, Commissioner Litton and Mayor Cartmell.

OPEN SESSION

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

ADJOURNMENT

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

David Cartmell, Mayor

City Clerk