

Maysville City Commission
Thursday, 9 April 2009
REGULAR MEETING

The Board of Commissioners of the City of Maysville, Kentucky met in a regular meeting on April 9, 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, Asst. Comptroller/HR Director Karen Cracraft, City Engineer Sam Baker, Utility Manager Eddie Wenz, Road Superintendent Rick Truesdell, Zoning Administrator Matt Wallingford, Building Official Gary Wells. Absent: Tourism/Renaissance Director Duff Giffen, Code Officer Nicole Jones, and Asst. City Attorney Kelly Caudill. Also present: The Ledger Independent and WFTM.

MINUTES FROM 3/12/09 AND DEPARTMENT REPORTS

Motion by Commissioner Litton, second by Commissioner Pfeffer to accept the minutes from March 12, 2009 and department reports for March. 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.

APPROVAL OF CITY AUDIT FOR FYE 6/30/08

Motion by Commissioner Pfeffer, second by Commissioner Mains to approve the City of Maysville Audit for FYE 6/30/08. 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 ASSIGNMENT

The following resolution was presented to the Board of Commissioners:

**1COMMONWEALTH OF KENTUCKY
CITY OF MAYSVILLE
Resolution No. 09-42**

RESOLUTION AUTHORIZING ASSIGNMENT

NOW THEREFORE, BE IT RESOLVED BY THE CITY OF MAYSVILLE, KENTUCKY, that the Mayor is hereby authorized and directed to execute an assignment to Cullen Thomas of any rights of subrogation, reimbursement or recoupment arriving out of his Workers Compensation claim.

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.

APPOINTMENT

Mayor Cartmell recommended the appointment of Mike Thomas to the Renaissance Board.

Motion by Commissioner Pfeffer, second by Commissioner Ashley to appoint Mike Thomas to the Renaissance Board. 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.

UPDATE ON THE COX BUILDING

City Engineer Baker said he expected to receive proposal packages from eight architects by the due date of Tuesday. He would like to get recommendations on the selection process. After conferring with the Commission, it was agreed that staff would choose best 2-4 proposals, which will be presented to the Commission.

MOTION TO RELEASE FUNDS FOR VFW TRIP TO WASHINGTON

Mayor Cartmell stated that as funds have been raised in the amount \$3,200, for WWII VFW to visit the Washington D.C. memorial, he would like the funds released for the upcoming trip.

Motion by Commissioner Litton, second by Commissioner Ashley to release the funds, which are being held by the city. 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.

MOTION AUTHORIZING SALE OF SURPLUS PROPERTY

Motion by Commissioner Ashley, second by Commissioner Litton to authorize sale of surplus property (list attached). 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 DECLARING TRAIN DAY

The following resolution was presented to the Board of Commissioners:

1CITY OF MAYSVILLE

COMMONWEALTH OF KENTUCKY
Resolution No. 09-34

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 provided 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, 2009 nationwide;

NOW THEREFORE, BE IT RESOLVED BY THE CITY OF MAYSVILLE, KENTUCKY, that May 10, 2009 is declared National Train Day in 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 Mains, Commissioner Pfeffer, Commissioner Litton, Commissioner Ashley, and Mayor Cartmell. The motion passes.

RESOLUTION PROCLAIMING SILVER STAR BANNER DAY

The following resolution was presented to the Board of Commissioners:

COMMONWEALTH OF KENTUCKY
CITY OF MAYSVILLE
Resolution No. 09-35

A RESOLUTION PROCLAIMING SILVER STAR BANNER DAY

WHEREAS, the City of Maysville has always honored the sacrifices of the men and women in the Armed Forces; and

WHEREAS, the Silver Star Families of America was formed to make sure we remember the blood sacrifice of our wounded and ill by designing and manufacturing a Silver Star Banner and Flag; and

WHEREAS, the Silver Star Families of America has freely given thousands of Silver Star Banners to the wounded and their families; and

WHEREAS, the members of the Silver Star Families of America have worked tirelessly to provide the wounded of this City and Country with Silver Star Banners, Flags and care packages; and

WHEREAS, the Silver Star Families of America's sole mission is that every time someone sees a Silver Star Banner in a window or a Silver Star Flag flying that people remember the sacrifice for this City, State and Nation;

NOW THEREFORE, BE IT RESOLVED BY THE CITY OF MAYSVILLE, KENTUCKY, that it hereby proclaim its appreciation of the Silver Star Families of America and honor their commitment to our wounded Armed Forces members. We hereby declare May 1st Silver Star Banner Day, the permanent and official day to honor the wounded and ill soldiers of 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 2010 CENSUS PARTNER PROCLAMATION

The following resolution was presented to the Board of Commissioners:

**COMMONWEALTH OF KENTUCKY
CITY OF MAYSVILLE
Resolution No. 09-36**

A RESOLUTION AUTHORIZING 2010 CENSUS PARTNER PROCLAMATION

WHEREAS, an accurate census count is important to the City of Maysville for long range planning and for future funding;

NOW THEREFORE, BE IT RESOLVED BY THE CITY OF MAYSVILLE, KENTUCKY, that the Mayor is hereby authorized and directed to execute the 2010 Census Partner Proclamation stating that the City of Maysville supports the goals and ideals for the 2010 census, will encourage people to place an emphasis on the 2010 census, and will support census takers.

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 CONTRACT WITH ED KEANE ASSOCIATES

The following resolution was presented to the Board of Commissioners:

**1COMMONWEALTH OF KENTUCKY
CITY OF MAYSVILLE
Resolution No. 09-32**

RESOLUTION AUTHORIZING CONTRACT WITH ED KEANE ASSOCIATES

NOW THEREFORE, BE IT RESOLVED BY THE CITY OF MAYSVILLE, KENTUCKY, that the Mayor is hereby authorized and directed to execute a contract with Ed Keane Associates to provide entertainment for Maysville Uncorked.

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.

RESOLUTION AUTHORIZING CONTRACT WITH ROYAL BLUE ENTERTAINMENT

The following resolution was presented to the Board of Commissioners:

**1COMMONWEALTH OF KENTUCKY
CITY OF MAYSVILLE
Resolution No. 09-33**

RESOLUTION AUTHORIZING CONTRACT WITH ROYAL BLUE ENTERTAINMENT

NOW THEREFORE, BE IT RESOLVED BY THE CITY OF MAYSVILLE, KENTUCKY, that the Mayor is hereby authorized and directed to execute a contract with Royal Blue Entertainment to provide entertainment for the Simon Kenton Festival.

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 LETTER OF SUPPORT FOR AMVETS

The following resolution was presented to the Board of Commissioners:

**1COMMONWEALTH OF KENTUCKY
CITY OF MAYSVILLE
Resolution No. 09-37**

A RESOLUTION AUTHORIZING LETTER OF SUPPORT FOR AMVETS

WHEREAS, the AMVETS have applied for a grant to construct and install a war memorial for Maysville, Kentucky; and

WHEREAS, the City of Maysville supports the grant application and believes the memorial will provide a place to recognize the sacrifices of the men and women in the Armed Forces;

NOW THEREFORE, BE IT RESOLVED BY THE CITY OF MAYSVILLE, KENTUCKY, that the Mayor is hereby authorized and directed to sign a letter of support for the AMVETS grant application to construct and install a war memorial.

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

RESOLUTION TO CONTINUE FAÇADE FUND

The following resolution was presented to the Board of Commissioners:

**1COMMONWEALTH OF KENTUCKY
CITY OF MAYSVILLE
Resolution No. 09-41**

A RESOLUTION TO CONTINUE FACADE PROGRAM

WHEREAS, the Board of Commissioners of the City of Maysville approved a revolving loan fund program administered by Buffalo Trace Area Development District (“**BTADD**”) by Ordinance No. 93C-23; and

WHEREAS, it is a public purpose to support economic development, to foster prosperity of, the citizens of the City as a whole, preserve the buildings of Maysville, specifically to improve the appearance of the City, thereby increasing tourism, and to the extent practicable with available proprietary funds to provide the impetus for development in the City by appropriations to a program for facade improvements and building improvements; and

WHEREAS, the City can reasonably expect to realize tax revenue from projects financed by the revolving loan fund program administered by BTADD;

NOW THEREFORE, BE IT RESOLVED BY THE CITY OF MAYSVILLE, KENTUCKY that the sum of \$20,000 is hereby appropriated from General Fund for the fiscal year ending 30 June 2010 to BTADD Revolving Loan Fund in order for the BTADD Revolving Loan Fund to loan money for facade improvements and building improvements in the east end area of City of Maysville, Kentucky. The City Treasurer is authorized and directed to transfer the appropriation hereby made from the City of Maysville account to BTADD Revolving Loan Fund. The terms of the program shall be changed to provide a 50% match up to a maximum of \$2,000 for owner occupied property and a 40% match for rental property up to a maximum of \$1,600.

Motion by Commissioner Litton, second by Commissioner Pfeffer to adopt the resolution as presented.

After discussion, motions were withdrawn and motion was made by Commissioner Litton, second by Commissioner Pfeffer to adopt the resolution amended to appropriate

\$25,000 for the façade program. 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 GRANT APPLICATION TO FEMA

The following resolution was presented to the Board of Commissioners:

**1COMMONWEALTH OF KENTUCKY
CITY OF MAYSVILLE
Resolution No. 09-38**

A RESOLUTION AUTHORIZING GRANT APPLICATION TO FEMA

NOW THEREFORE, BE IT RESOLVED BY THE CITY OF MAYSVILLE, KENTUCKY, that the Mayor is hereby authorized and directed to execute and deliver a grant application for a Federal Emergency Management Agency Hazard Mitigation Grant.

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 GRANT APPLICATION FOR SPEED & MESSAGE TRAILER

The following resolution was presented to the Board of Commissioners:

**1COMMONWEALTH OF KENTUCKY
CITY OF MAYSVILLE
Resolution No. 09-40**

A RESOLUTION AUTHORIZING GRANT APPLICATION FOR SPEED AND MESSAGE TRAILER

WHEREAS, the Kentucky Justice and Public Safety Cabinet is accepting applications for Justice Assistance Grants and Law Enforcement Service Fee Grants; and

WHEREAS, the City of Maysville Police Department needs to purchase a speed and message trailer;

NOW THEREFORE, BE IT RESOLVED BY THE CITY OF MAYSVILLE, KENTUCKY, that the Mayor is hereby authorized and directed to execute the grant application to the Kentucky Justice and Public Safety Cabinet for a grant of up to \$10,000 which grant requires a 25% match and payment of the amount over \$10,000 to purchase a speed and message trailer.

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 AUTHORIZING GRANT AGREEMENT WITH KENTUCKY
TRANSPORTATION CABINET

The following resolution was presented to the Board of Commissioners:

**1CITY OF MAYSVILLE
COMMONWEALTH OF KENTUCKY
Resolution No. 09-39**

A RESOLUTION AUTHORIZING GRANT AGREEMENT WITH KENTUCKY
TRANSPORTATION CABINET

WHEREAS, the City of Maysville has applied for an American Recovery and Reinvestment Act Fund Grant for the Maysville Transit System; and

WHEREAS, the City has been awarded a grant;

NOW THEREFORE, BE IT RESOLVED BY THE CITY OF MAYSVILLE, KENTUCKY, that Mayor is hereby authorized and directed to execute and deliver the Non-Urbanized Area American Recovery and Reinvestment Act 2009 Public Transportation Grant Agreement between the Kentucky Transportation Cabinet and the City of Maysville.

Motion by Commissioner Mains, 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.

ORDINANCE AMENDING CODE OF ORDINANCES CHAPTER 273.03 FOR
REQUIREMENT OF SITE DEVELOPMENT PLANS

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

**1COMMONWEALTH OF KENTUCKY
CITY OF MAYSVILLE
Ordinance No. 09C-03**

AN ORDINANCE AMENDING CODES OF ORDINANCES §273.03 FOR THE
REQUIREMENT FOR SITE DEVELOPMENT PERMITS

Summary

This Ordinance amends Code of Ordinances § 273.03 to delete the exceptions for site development permits; to require construction specifications that meet with generally accepted engineering standards and practices; to require geotechnical studies, landscape plans, and storm water drainage plans, and to add that the requirement for a site development permit may that be waived if certain conditions are met.

Motion by Commissioner Litton, second by Commissioner Ashley to pass the ordinance 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.

ORDINANCE AMENDING CODE OF ORDINANCES CHAPTER 194.99 TO AMEND THE FINES FOR VIOLATION OF WEED ORDINANCE

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

**COMMONWEALTH OF KENTUCKY
CITY OF MAYSVILLE
Ordinance No. 09C-01**

AN ORDINANCE AMENDING CODES OF ORDINANCES CHAPTER 194.99 TO AMEND THE FINES FOR VIOLATIONS OF THE WEED ORDINANCE

Summary

This Ordinance amends Code of Ordinances §194.99 to make a violation of any provision of §194.01 a Class II violation punishable under §11.01. If a person is issued a citation by the Codes Enforcement Board, violations shall be punishable by civil fine under 11.01(b)(4) of \$50 for first offense, \$75 for second offense, and \$100 for all others.

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 CODE OF ORDINANCES SECTION 11.01 TO REVISE CIVIL FINES FOR WEED VIOLATIONS

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

**COMMONWEALTH OF KENTUCKY
CITY OF MAYSVILLE
Ordinance No. 09C-02**

AN ORDINANCE AMENDING CODE OF ORDINANCES SECTION 11.01 TO REVISE
CIVIL FINES FOR WEED VIOLATIONS

Summary

This Ordinance amends Code of Ordinances §11.01 to amend the Civil Fines for Weed Violations to \$50 for a first offense, \$75 for a second offense, and \$100 for all others.

Motion by Commissioner Pfeffer, second by Commissioner Mains 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.

ADJOURN INTO CLOSED SESSION PURSUANT TO KRS 61.810(1)(C)

Motion by Commissioner Litton, second by Commissioner Ashley to adjourn into closed session pursuant to KRS 61.810(1)(c) to discuss proposed or pending litigation.

ADJOURNMENT

Motion by Commissioner Ashley, second by Commissioner Mains 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.