

Maysville City Commission
Thursday, 14 May 2009
REGULAR MEETING

The Board of Commissioners of the City of Maysville, Kentucky met in a regular meeting on May 14, 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, City Engineer Sam Baker, Utility Manager Eddie Wenz, Zoning Administrator Matt Wallingford, Building Official Gary Wells, Code Officer Nicole Jones, and Asst. City Attorney Kelly Caudill. Absent: Tourism/Renaissance Director Duff Giffen, Asst. Comptroller/HR Director Karen Cracraft, and Street Superintendent Rick Truesdell. Also present: The Ledger Independent and WFTM.

MINUTES FROM 4/9/09 AND DEPARTMENT REPORTS

Motion by Commissioner Litton, second by Commissioner Pfeffer to accept the minutes from April 9, 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.

REAPPOINTMENT

Mayor Cartmell recommended the appointment of Sam Holloway to Maysville-Mason County Riverport Authority.

Motion by Commissioner Mains, second by Commissioner Litton to reappoint Sam Holloway to Maysville-Mason County Riverport Authority. 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.

CHANGE OF STATUS IN TOURISM DEPARTMENT

The following memo was presented to the Board of Commissioners:

To: Ray Young
Mayor David Cartmell
Kelly Ashley
John Mains
Judy Pfeffer
Rick Litton
Fr: Duff Giffen
Da: April 22, 2009
Re: Suzie Pratt

I would like to change Suzie Pratt's employment status from part-time to full-time.

Motion by Commissioner Pfeffer, second by Commissioner Ashley to change the employment status of Suzie Pratt from part-time to full-time. 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.

PUBLIC COMMENT – PIT BULL DOGS

Residents of Buckner Street addressed the Board of Commissioners regarding a pit bull dog living at 507 Buckner St. The owner of the dog had been allowed to keep it because she had a medical excuse. McFierson pointed out, however, that the medical provision of the city ordinance only grandfathered in dogs already in the city when the ordinance was passed in September of 2008. This particular dog was not living in the city, according to McFierson until February of 2009. McFierson also questioned whether the woman in question was the actual owner of the dog. He said he has also documented a number of other pit bull dogs in the East End. City Manager Young said the city would look into the issue.

PUBLIC COMMENT – PARKING ON 3RD STREET

The Board of Commissioners was addressed by residents of 3rd Street who are concerned by parking issues on W. 3rd Street between Lexington Pike and Short Street. Danny Russell, 237 W. 3rd St., presented a letter from his Realtor, Barbara Lennex, which said that lack of parking is the main complaint of prospective buyers looking at his home. Resident Ron Wolfkamp suggested putting in angle parking to allow more parking spaces along that area of roadway. City Manager Young said the city engineer would study the idea.

RESOLUTION AUTHORIZING WORK ON RECREATION PARK POOL

The following resolution was presented to the Board of Commissioners:

**1COMMONWEALTH OF KENTUCKY
CITY OF MAYSVILLE
Resolution No. 09-47**

A RESOLUTION AUTHORIZING WORK ON RECREATION PARK POOL

WHEREAS, the Recreation Park Pool needs a new surge tank; and

WHEREAS, the City has retained the Biagi, Chance, Cummins, London, Titzer, Inc. as a consultant to prepare plans and construction drawings for a surge tank;

NOW THEREFORE, BE IT RESOLVED BY THE CITY OF MAYSVILLE, KENTUCKY, that the Mayor is hereby authorized to execute and submit a letter to the Commonwealth of Kentucky that the City of Maysville is in the process of planning and designing a properly sized surge tank for the Recreation Park Pool and that the City will install a properly sized surge tank as soon as practical.

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 was adopted.

MOTION TO FILE SUIT TO COLLECT PAYROLL TAXES

Motion by Commissioner Litton, second by Commissioner Pfeffer to file suite to collect payroll taxes from Ed Burns and Susan Wood. Upon call of the roll, voting is as follows: Voting aye: Commissioner Mains, Commissioner Pfeffer, Commissioner Litton, Commissioner Ashley, and Mayor Cartmell. The motion was adopted.

RESOLUTION AUTHORIZING ENCROACHMENT PERMIT REQUEST

The following resolution was presented to the Board of Commissioners:

**1COMMONWEALTH OF KENTUCKY
CITY OF MAYSVILLE
Resolution No. 09-43**

A RESOLUTION AUTHORIZING ENCROACHMENT PERMIT REQUEST

WHEREAS, a Bicycle Race is going to be held in conjunction with the Buffalo Trace Balloon Race on August 1, 2009; and

WHEREAS, in order to provide for the safety of the bicyclists, access for vehicular traffic needs to be limited on Clarks Run Road on August 1, 2009 during the race;

NOW THEREFORE, BE IT RESOLVED BY THE CITY OF MAYSVILLE, KENTUCKY, that the Mayor is hereby authorized and directed to execute and delivery an encroachment permit request to the Kentucky Transportation Cabinet, Department of Highways, Permits Branch, requesting limited access fro vehicular traffic on Clarks Run Road from the intersection of U.S. 68 to the State Highway Department Garage on Saturday, August 1, 2009 during the Bicycle Race.

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 was adopted.

RESOLUTION AUTHORIZING GRANT APPLICATION FOR POLICE MOBILE DATA TERMINALS

The following resolution was presented to the Board of Commissioners:

**1COMMONWEALTH OF KENTUCKY
CITY OF MAYSVILLE
Resolution No. 09-44**

A RESOLUTION AUTHORIZING GRANT APPLICATION FOR POLICE MOBILE DATA TERMINALS

WHEREAS, the City of Maysville is eligible to apply for grant money to purchase mobile data terminals for police cruisers,

NOW THEREFORE, BE IT RESOLVED BY THE CITY OF MAYSVILLE, KENTUCKY, that the Mayor is hereby authorized and directed to execute and delivery a grant application and any other necessary documentation to Justice Assistance Grant Program under the Recovery Act in the amount of \$28, 005 for three mobile data terminals.

Motion by Commissioner Pfeffer, 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 was adopted.

RESOLUTION ADOPTING & APPROVING THE EXECUTION OF MUNICIPAL AID COOP PROGRAM CONTRACT

The following resolution was presented to The Board of Commissioners:

**1COMMONWEALTH OF KENTUCKY
CITY OF MAYSVILLE
Resolution No. 09-45**

A RESOLUTION ADOPTING AND APPROVING THE EXECUTION OF A MUNICIPAL AID COOP PROGRAM CONTRACT BETWEEN THE CITY OF MAYSVILLE AND THE COMMONWEALTH OF KENTUCKY, TRANSPORTATION CABINET, DEPARTMENT OF INTERGOVERNMENTAL PROGRAMS FOR THE FISCAL YEAR BEGINNING JULY 1, 2009, AS PROVIDED IN THE KENTUCKY REVISED STATUTES AND ACCEPTING ALL STREETS REFERRED TO THEREIN AS BEING STREETS WHICH ARE A PART OF THE INCORPORATED AREA.

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

The City of Maysville does hereby accept all streets referred to in said Contract as being city streets which are a part of the City of Maysville; and the City of Maysville, does hereby ratify and adopt all statements, representations, warranties, covenants, and agreements contained in said Contract and does hereby accept said Contract and by such acceptance agrees to all the terms and conditions therein stated; and the Mayor is hereby authorized and directed to sign said Contract as set forth on behalf of the City of Maysville, and the City Clerk is hereby authorized and directed to certify thereto.

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 was adopted.

RESOLUTION AUTHORIZING MAYOR TO SIGN FUNDING AGREEMENT WITH KIA

The following resolution was presented to the Board of Commissioners:

**1COMMONWEALTH OF KENTUCKY
CITY OF MAYSVILLE
Resolution No. 09-46**

A RESOLUTION AUTHORIZING APPLICATION TO FEDERALLY ASSISTED
WASTEWATER REVOLVING FUND

WHEREAS, the City of Maysville proposes to provide upgraded sanitary sewer service for industrial, institutional, commercial and residential growth in the City of Maysville, and

WHEREAS, the City of Maysville endorses said proposed service, and

WHEREAS, under the terms of Title VI of the Water Quality Act of 1987 (Public Law 100-4) and amendments to KRS 224A, the State is authorized to render financial assistance to eligible project applicants by way of capitalization grants from the U.S. Environmental Protection Agency and State match funds comprising the Federally Assisted Wastewater Revolving Fund (State Revolving Loan Program) established to aid in the construction of wastewater treatment facilities improvements and certain related facilities with consideration for approval to be based on applications submitted through the Kentucky Natural Resources and Environmental Protection Cabinet and the Kentucky Infrastructure Authority, and,

WHEREAS, the improvements proposed for construction by the City of Maysville within the City area are considered eligible for such loan assistance.

NOW THEREFORE, BE IT RESOLVED BY THE CITY OF MAYSVILLE, KENTUCKY, that the Mayor is hereby authorized to execute and submit an application through the

Kentucky Natural Resources and Environmental Protection Cabinet and the Kentucky Infrastructure Authority with such assurances and required supporting data as is necessary to obtain loan assistance from the Federally Assisted Wastewater Revolving Fund (State Revolving Loan Program) for the proposed wastewater treatment facilities improvements, and is hereby authorized as the City of Maysville Official Project Representative to carry out necessary negotiations for and administer the loan assistance the applicant may obtain from the applicant may obtain from the Federally Assisted Wastewater Revolving Fund (State Revolving Loan Program).

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, and Commissioner Ashley. Mayor Cartmell abstained. The motion was adopted.

ORDINANCE ACCEPTING MEADOW RIDGE DRIVE EXTENSION

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

**1COMMONWEALTH OF KENTUCKY
CITY OF MAYSVILLE
Ordinance No. 09C-13**

AN ORDINANCE ACCEPTING DEDICATION OF MEADOW RIDGE DRIVE EXTENSION

Summary

This Ordinance accepts the dedication as the public way of the right-of-way of Meadow Ridge Drive Extension containing an area of 0.086 acres and an area of 0.068 acre, including the utility improvements within the street right-of-way and pertinent utility easements and authorizing execution of an agreement Re Meadow Ridge Drive.

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 196.02 TO PROHIBIT BURNING WITHIN THE CITY LIMITS

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

**1COMMONWEALTH OF KENTUCKY
CITY OF MAYSVILLE
Ordinance No. 09C-06**

AN ORDINANCE AMENDING CODE OF ORDINANCES §196.02 TO PROHIBIT ANY BURNING WITHIN THE CITY LIMITS

Summary

This Ordinance amends Code of Ordinances §196.02 to delete the exception that combustible material may be burned with special permission of the Chief of the Fire Department. The Ordinance makes it unlawful for anyone to burn combustible material at any place within the corporate limits of the City.

Motion by Commissioner Ashley, second by Commissioner Pfeffer.

Mayor Cartmell argued that there should be exceptions for farms to burn brush and branches. Commissioners Ashley and Pfeffer agreed that after storms there should be exceptions to the ordinance.

Upon call of the roll, voting is as follows: Voting naye: Commissioner Mains, Commissioner Pfeffer, Commissioner Litton, Commissioner Ashley, and Mayor Cartmell. The motion was defeated.

ORDINANCE AMENDING CODE OF ORDINANCE 70.130, 70.131, & 70.132 TO REMOVE ZONING REFERENCES

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

**1COMMONWEALTH OF KENTUCKY
CITY OF MAYSVILLE
Ordinance No. 09C-07**

AN ORDINANCE AMENDING CODE OF ORDINANCES §70.130, 70.131, and 70.132 TO REMOVE ZONING REFERENCES

Summary

This Ordinance amends Code of Ordinances §70.130 to remove the responsibility for zoning from the duties of the Codes Enforcement Officer. The Ordinance amends Code of Ordinances §70.131 to delete the requirement that the Codes Enforcement Officer attend meetings of Mason County Joint Planning Commission, Board of Adjustment, Maysville/Washington Board of Architectural Review, Vacant Property Review Commission, and the Board of Building and Housing Appeals and adds a requirement that the Codes Enforcement Officer attend the meetings of the Codes Enforcement Board. This Ordinance amends Code of Ordinances §70.131 to remove the duties of Zoning Administrator, Administrative Officer of the Board of Adjustment, Vacant

Property Review Commission, and Board of Building and Housing Appeals; Administrative Officer of the Maysville Board of Architectural Review; and Administrative Officer of the Mason County Joint Planning Commission. This Ordinance amends Code of Ordinances §70.132 to remove the zoning code and subdivision regulations from the code responsibilities of the Codes Enforcement Officer.

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

ORDINANCE ESTABLISHING APPOINTMENT, QUALIFICATIONS & DUTIES OF ZONING ADMINISTRATOR

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

**1COMMONWEALTH OF KENTUCKY
CITY OF MAYSVILLE
Ordinance No. 09C-08**

AN ORDINANCE ESTABLISHING APPOINTMENT, QUALIFICATIONS, AND DUTIES OF ZONING ADMINISTRATOR

Summary

This Ordinance establishes that a Zoning Administrator shall be appointed who shall be responsible for enforcing all zoning codes in the City. The Zoning Administrator shall have graduated from an accredited high school and shall be chosen on the basis of ability to understand and enforce zoning laws. The Zoning Administrator shall be responsible for attending all meetings of Mason County Joint Planning Commission, the Board of Adjustment, and Board of Architectural Review. The Zoning Administrator shall have the duty of administration and enforcement of the zoning code, shall serve as Administrative Officer of the Board of Adjustments, Administrative Officer of Board of Architectural Review, and Administrative Officer of the Mason County Joint Planning Commission. The Zoning Administrator shall have the primary duty of enforcing the zoning code and subdivision regulations.

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 11.01 TO ADD CIVIL FINES FOR INTERNATIONAL PROPERTY MAINTENANCE CODES VIOLATIONS

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

**1COMMONWEALTH OF KENTUCKY
CITY OF MAYSVILLE
Ordinance No. 08C-09**

AN ORDINANCE AMENDING CODE OF ORDINANCES SECTION 11.01 TO ADD CIVIL FINES FOR INTERNATIONAL PROPERTY MAINTENANCE CODE VIOLATIONS

Summary

This Ordinance amends Code of Ordinances § 11.01 to amend the civil fines for International Property Maintenance Code to add a fine for all other offenses of \$250 and to add a category for removal of condemnation notice or prohibited occupancy of a condemned property with fines of \$150 for first offense, \$200 for the second offense and \$250 for all others.

Motion by Commissioner Mains, second by Commissioner Pfeffer to pass the ordinance as presented upon 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 278.99

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

**1COMMONWEALTH OF KENTUCKY
CITY OF MAYSVILLE
Ordinance No. 09C-10**

AN ORDINANCE AMENDING CODE OF ORDINANCES §278.99

Summary

This Ordinance amends Code of Ordinances §278.99 to add that if a person is issued a citation by the Codes Enforcement Board, violations shall be punishable by civil fine under §11.01 (B)(2) \$100.00 for first offense, \$125.00 for second offense, and \$250.00 for all others. If a person is issued a citation by the Codes Enforcement Board for removal of a condemnation sign or occupancy of a condemned property, violation shall be punishable by civil fine under § 11.01 (B)(7) of \$150.00 for first offense, \$200.00 for second offense and \$250.00 for all others.

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

ORDINANCE AMENDING CODE OF ORDINANCES SECTION 320.409.6

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

**CITY OF MAYSVILLE
COMMONWEALTH OF KENTUCKY
Ordinance No. 09C-12**

AN ORDINANCE AMENDING CODE OF ORDINANCES SECTION 320.409.6 B

Summary

This Ordinance amends Code of Ordinances Section 320.409.6B to adopt the guidelines which have been approved by the Planning Commission, to require recommendations to be forwarded to the Planning Commission within thirty days, to require the Planning Commission to hold a public hearing within sixty days of receiving recommendations and to forward the recommendations within thirty days after holding a public hearing, to change approval of changes to designated property to require approval for construction, modification or demolition of features contributing to the historic landscape and requiring approval of fences, street furniture, sidewalks, and construction, modification, or demolition of outbuildings; provides the board will not approve proposed new construction that requires subdivision of existing parcels or a net increase in the number of dwellings within a parcel, any rezoning request must be accompanied by a development plan; new construction shall reflect the historically significant architectural periods represented within the district; enclosed structural volume, external proportions and massing shall be considered for certificates of appropriateness; every effort will be made to encourage the preservation and repair of historically significant property; and the administrative official shall assess the exterior of all buildings in the historic district and landmarks at least once a year and report neglected buildings to the reviewing agency who shall issue a letter of warning requiring necessary action and may take legal action.

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

ORDINANCE

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

reading:

**COMMONWEALTH OF KENTUCKY
CITY OF MAYSVILLE
Ordinance No. 09C-14**

AN ORDINANCE AMENDING ORDINANCE NO. 98C-5 **07C-04** AND
CODE OF ORDINANCES CHAPTER 150 TO INCREASE CHARGES
FOR WATER SERVICES OF THE MAYSVILLE UTILITY COMMISSION

Summary

This Ordinance amends prior Ordinances and Code of Ordinances Sections 150.61 and 150.63 to increase all water service charges by 15%; to increase all sewer rates by 10%; to increase the residential deposit from \$75 to \$125; and to increase the service connection fee to \$900 for 1" service effective 1 June 2009. This increase is necessary to provide Maysville Utility Commission revenues for operation and maintenance expenses and for required updates to the system.

Motion by Commissioner Mains, 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 Litton, Commissioner Ashley, and Mayor Cartmell. Commissioner Pfeffer abstains. 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 second 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 Pfeffer, 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 Mains, Commissioner Pfeffer, Commissioner Litton, Commissioner Ashley, and Mayor Cartmell. The motion was adopted.

SET DATE FOR BUDGET WORKSHOP

Board of Commissioners agrees to meet in special meeting and hold a budget workshop Thursday, May 21, 2009 at 5 p.m.

ADOURNMENT

Motion by Commissioner Litton, second by Commissioner Ashley to adjourn into close session pursuant to KRS 61.810(1)(c) to discuss purchase of real estate. 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. No action taken.

ADJOURNMENT

Motion by Commissioner Pfeffer, second by Commissioner Ashley to adjourn into architects presentation at 9:30 a.m., Tuesday, May 19, 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.

David Cartmell, Mayor

City Clerk