

Maysville City Commission
8 May 2008
REGULAR MEETING

The Board of Commissioners of the city of Maysville, Kentucky met in a regular meeting on 8 May 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, Police Chief Kent Butcher, 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 Ashley, second by Commissioner Pfeffer, to accept the minutes from the April 10, 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:

- Ethics Commission
 - Doug Bowery, 12/8/10
 - H.G. Orme, 12/8/10
- Renaissance Commission
 - Casey Clarke, 12/31/09
- Housing Authority
 - Pat Greifenkamp, 3/13/12

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.

RESIGNATION FROM FIRE DEPARTMENT

The following letter was submitted to the Board of Commissioners:

Dear: Ray young and city commission

At this time I would like to resign from the Maysville fire dept. I would like to thank you for the opportunity to work for the city. Please accept this effective may 2, 2008.

David berry

Motion by Commissioner Mains, second by Commissioner Ashley, to accept the resignation of David Berry from the fire department as presented. Upon call of the roll, voting is as follows: Voting aye: Commissioner Ashley, Commissioner Pfeffer, Commissioner Mains, Commissioner Litton and Mayor Cartmell.

APPOINTMENT OF PROBATIONARY FIRE OFFICER

The following memo was presented to the Board of Commissioners:

To: Mayor, City Commission and City Manager
From: Fire Chief Eric Bach
Date: May 5, 2008
Re: Probationary Fire Officer

I would like to recommend that Walter Teegarden be hired as a probationary Fire Officer. Walter has passed the entrance exam and the physical agility test. He is an EMT and has several fire training hours through his volunteer fire service experience. He is currently in the paramedic class being held at the Maysville Community College. Walter will be a great asset to our department.

Motion by Commissioner Litton, second by Commissioner Ashley, to appoint Walter Teegarden as a probationary fire officer. Upon call of the roll, voting is as follows: Voting aye: Commissioner Ashley, Commissioner Pfeffer, Commissioner Mains, Commissioner Litton and Mayor Cartmell.

APPOINTMENT OF TOURISM COORDINATOR

The following memo was presented to the Board of Commissioners:

To: David Cartmell
Rick Litton
Johnny Mains
Judy Pfeffer
Kelly Ashley
From: Duff Giffen
Date: May 8, 2008
Re: Tourism Coordinator

It is with great pleasure I recommend to the Maysville City Commission, Suzanne Pratt for the position of Tourism Coordinator for the Maysville-Mason County Convention & Visitors Bureau. This part-time position is being vacated by Cherri Gentry who is moving to Roanoke, Virginia.

Suzie brings over 10 years of marketing experience and unlimited enthusiasm to the position. She will be a wonderful asset to the organization and I look forward to working with her.

Her scheduled starting date is May 14, 2008.

Motion by Commissioner Litton, second by Commissioner Pfeffer, to appoint Suzanne Pratt to the position of Tourism Coordinator. Upon call of the roll, voting is as follows: Voting aye: Commissioner Ashley, Commissioner Pfeffer, Commissioner Mains, Commissioner Litton and Mayor Cartmell.

UPDATE OF 2ND STREET STORM SEWER

City Engineer said work beneath the railroad trestle on Bridge Street is complete; paving to begin next week. Contractor has progressed to middle of block on 2nd Street near intersection with Government Street. The project is about 6 to 8 weeks from completion.

RESOLUTION RE: EXTENSION OF COX BUILDING RENAISSANCE ON MAIN GRANT AGREEMENT

The following resolution was presented to the Board of Commissioners:

**1COMMONWEALTH OF KENTUCKY
CITY OF MAYSVILLE
Resolution No. 08-27**

**A RESOLUTION RE EXTENSION OF COX BUILDING
RENAISSANCE ON MAIN GRANT AGREEMENT**

WHEREAS, the Commonwealth of Kentucky Governor's Office for Local Development, Renaissance on Main Office, (hereinafter "GOLD") and the City of Maysville, Kentucky

entered into a Memorandum of Agreement for the Cox Building Grant which provides that the agreement continues until June 30, 2008;

WHEREAS, the Cox Building project has not been completed and the agreement needs to be extended.

NOW THEREFORE, BE IT RESOLVED BY THE CITY OF MAYSVILLE, KENTUCKY, that the Mayor is authorized and directed to execute a letter to GOLD requesting an extension of the Memorandum of Agreement between GOLD and the City for the Cox Building project and the Mayor is further authorized and directed to execute any necessary documents to effectuate the extension of the agreement.

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 AUTHORIZING CONTRACT WITH ROYAL BLUE ENTERTAINMENT

The following resolution was presented to the Board of Commissioners:

**1COMMONWEALTH OF KENTUCKY
CITY OF MAYSVILLE
Resolution No. 08-28**

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 music on the Saturday of the Simon Kenton Festival.

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 AUTHORIZING CONTRACT WITH POACEOUS

The following resolution was presented to the Board of Commissioners:

**1COMMONWEALTH OF KENTUCKY
CITY OF MAYSVILLE
Resolution No. 08-30**

RESOLUTION AUTHORIZING CONTRACT WITH POACEOUS

NOW THEREFORE, BE IT RESOLVED BY THE CITY OF MAYSVILLE, KENTUCKY, that the Mayor is hereby authorized and directed to execute a contract with Poaceous to provide music on the Sunday of the Simon Kenton Festival.

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 AUTHORIZING CONTRACT WITH PETER OPRISKO QUINTET

The following resolution was presented to the Board of Commissioners:

1COMMONWEALTH OF KENTUCKY

**CITY OF MAYSVILLE
Resolution No. 08-29**

RESOLUTION AUTHORIZING CONTRACT WITH PETER OPRISKO QUINTET

NOW THEREFORE, BE IT RESOLVED BY THE CITY OF MAYSVILLE, KENTUCKY, that the Mayor is hereby authorized and directed to execute a contract with Peter Oprisko Quintet to provide music at Maysville Uncorked Festival on June 13, 2008.

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 AUTHORIZING LETTER FOR AMERICAN RED CROSS

The following resolution was presented to the Board of Commissioners:

**1COMMONWEALTH OF KENTUCKY
CITY OF MAYSVILLE
Resolution No. 08-31**

A RESOLUTION AUTHORIZING LETTER FOR AMERICAN RED CROSS

WHEREAS, the American Red Cross, Mason County Chapter, has applied for a gaming license from the Office of Charitable Gaming to do a cash raffle for fundraising;

WHEREAS, American Red Cross, Mason County Chapter, is required to provide a statement to the Office of Charitable Gaming from the City of Maysville as the owner of the premises occupied by American Red Cross, Mason County Chapter, that it has permission to conduct charitable gaming on the premises;

NOW THEREFORE, BE IT RESOLVED BY THE CITY OF MAYSVILLE, KENTUCKY, that the Mayor is hereby authorized and directed to execute a letter to Commonwealth of Kentucky, Office of Charitable Gaming, that the American Red Cross, Mason County Chapter, has permission from the City of Maysville to conduct charitable gaming on the premises at 103 East Second Street, Maysville, Kentucky.

Motion by Commissioner Ashley, 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.

DISCUSSION OF SIGN ORDINANCE

City Manager said the city's sign ordinance has not been strictly enforced and as a result, signs and banners have gotten out of hand. Banners for non-profit organizations for one-time events have been allowed 30 days prior to the event. Staff was recommending changing that to 5 days prior to event. Commissioners recommend 8 days prior to event with a maximum of 4 banners.

Businesses have also been allowed to hang banners in violation of ordinance. Codes Officers will contact businesses and explain ordinance to them. Businesses will be allowed 30 days to come into compliance with ordinance. Staff also recommends sending sign violations to the Codes Board rather than District Court.

ORDINANCE AMENDING CODE OF ORDINANCE SECTION 195.06 TO ADD SECTION 320.11 TO THE JURISDICTION OF CODES ENFORCEMENT BOARD

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

**1COMMONWEALTH OF KENTUCKY
CITY OF MAYSVILLE
Ordinance No. 08C-04**

AN ORDINANCE AMENDING CODE OF ORDINANCE SECTION 195.06 TO ADD SECTION 320.411 TO THE JURISDICTION OF CODES ENFORCEMENT BOARD

Summary

This Ordinance amends Code of Ordinances Section 195.06 to add Land Use Management Sign Regulations, 320.411, to the Jurisdiction of the Code Enforcement Board.

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

ORDINANCE AMENDING CODE OF ORDINANCES SECTION 11.01 TO ADD CIVIL FINES FOR VIOLATION OF LAND USE MANAGEMENT SIGN REGULATIONS

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

**1COMMONWEALTH OF KENTUCKY
CITY OF MAYSVILLE
Ordinance No. 08C-05**

AN ORDINANCE AMENDING CODE OF ORDINANCES SECTION 11.01 TO ADD CIVIL FINES FOR VIOLATION OF LAND USE MANAGEMENT SIGN REGULATIONS

Summary

This Ordinance amends Code of Ordinances Section 11.01 to add a section for Civil Fines for Land Use Management Sign Regulations.

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

(1) Code of Ordinances Section 11.01 is hereby amended to read in its entirety as follows:

§ 11.01 CLASSIFICATION OF VIOLATIONS.

(A) Unless otherwise provided hereinafter, all code violations are declared to be misdemeanors and are classified into the following criminal penalty categories and shall be subject to the following fines and/or imprisonment:

Class	Fine per Violation	Imprisonment per Violation
I	\$100.00 to \$500.00	Up to 60 days
II	\$50.00 to \$250.00	Up to 30 days
III	\$10.00 to \$100.00	None
IV	\$15.00 within 24 hours, \$25.00 after	None
V	\$1.00 within 24 hours, \$2.00 after	None
VI	\$3.00 within 24 hours, \$5.00 after	None
VII	\$1,000.00	None

VIII	\$500.00 to 4,000.00	Up to 1 year
IX	\$100.00 to \$4,000.00	None
X	\$500.00	Up to 1 year

(B) Violations of Ordinances that are enforced by the Code Enforcement Board shall be subject to the following schedule of civil fines:

	Violation	1 st Offense	2 nd Offense	All Others
1.	Dangerous Animals (Chapter 191)	\$ 25.00	\$ 50.00	\$100.00
2.	International Property Maintenance Code (Chapter 279)	\$100.00	\$125.00	
3.	Collection of Refuse (Chapter 152)	\$ 10.00	\$ 25.00	\$ 50.00
4.	Weeds (Chapter 194)	\$ 10.00	\$ 25.00	\$ 50.00
5.	Junk Vehicles (Chapter 192)	\$100.00	\$250.00	\$500.00 plus \$100.00 per day while violation continues
6.	Land Use Management Supplementary Regulation (320.408) and Sign Regulations (320.411)	\$25.00	\$50.00	\$100.00

(Am. Ord. 86C-3, passed 3-25-86; Am. Ord. 89C-10, passed 6-8-89; Am. Ord. 89C-41, passed 12-12-89; Am. Ord. 91C-8, passed 5-7-91; Am. Ord. 94C-49, passed 12-28-94)

Statutory reference:

Ordained penalty may not be less than statutory penalty for same offense, see Ky. Const. 168
 City authority to enforce ordinances by fines, penalties, forfeitures, injunctions, abatement orders, see KRS 83A.065
 Fines for misdemeanors, see KRS 534.040(2)(a)
 Imprisonment of misdemeanors, see KRS 532.090(1)
 Codes Enforcement Board proceedings, KRS 65.8825

Case reference:

City ordinance may not redefine elements of an offense to impose criminal penalties greater than allowed by statute, *Pierce v. Commonwealth*, 777 S.W.2d 926 (Ky. App. 1989)

Opinion reference:

KRS 82.020 is a pre-emption statute that forbids city from redefining crime and punishment under Kentucky Penal Code, OAG 90-95

(2) This Ordinance shall be published in full.

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

ORDINANCE ESTABLISHING CIVIL PENALTIES FOR VIOLATION OF LAND USE
MANAGEMENT SIGN REGULATIONS

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

**1COMMONWEALTH OF KENTUCKY
CITY OF MAYSVILLE
Ordinance No. 08C-06**

**AN ORDINANCE ESTABLISHING CIVIL PENALTY FOR VIOLATION OF LAND USE
MANAGEMENT SIGN REGULATIONS**

Summary

This Ordinance enacts Code of Ordinances Section 320.411.99 to make violations of Code of Ordinances Section 320.411 enforced by the Code Enforcement Board and subject to civil fines of \$25 to \$100.

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

1. Code of Ordinances Section 320.411.99 is hereby adopted to read in its entirety as follows:

§ 320.411.99 PENALTY.

Violation of any provision of 320.411 shall be

- (a) Enforced by the Code Enforcement Board and shall be punishable by a civil fine under § 11.01(b)(6).
- (b) This Ordinance shall be published in full.

Motion by Commissioner Ashley, second by Commissioner Pfeffer, to pass the ordinance as presented 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 REGULATING THE SALE OF CATALYTIC CONVERTORS

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

**1COMMONWEALTH 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 used 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, provide the VIN number of the vehicle, 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 used 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 and the VIN number. 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 for six years.

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.

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 Pfeffer, Commissioner Mains, Commissioner Litton and Mayor Cartmell.

SET DATE FOR BUDGET WORKSHOP

A budget workshop will be held Tuesday, May 20, 2008 at noon in the Commission Chambers.

ADJOURNMENT

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

BUDGET WORKSHOP

The Board of Commissioners of the city of Maysville, Kentucky met in a budget workshop on 20 May 2008 at 12 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, Fire Chief, Eric Bach, Police Chief Kent Butcher, 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, Asst. Fire Chief Jeff Brammer, and Asst. Police Chief Ron Rice.

No action was taken.

ADJOURNMENT

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

Commissioner Litton and Mayor Cartmell. Commissioner Ashley absent.

David Cartmell, Mayor

City Clerk