

Maysville City Commission
Thursday, 9 July 2009, 5:15 p.m.
REGULAR MEETING

The Board of Commissioners of the City of Maysville, Kentucky met in a regular meeting on July 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, Asst. Police Chief Ron Rice, Fire Chief Eric Bach, Asst. Comptroller/HR Director Karen Cracraft, City Engineer Sam Baker, Tourism/Renaissance Director Duff Giffen, Public Works Admin. Asst. Debbie Mattingly, Zoning Administrator Matt Wallingford, Building Official Gary Wells, Code Officer Nicole Jones, and Asst. City Attorney Kelly Caudill. Absent: Utility Manager Eddie Wenz.
Also present: The Ledger Independent and WFTM.

MINUTES OF 6/11/09 & 6/25/09 MEETINGS AND DEPARTMENT REPORTS

Motion by Commissioner Litton, second by Commissioner Pfeffer to accept the minutes of the 6/11/09 and 6/25/09 minutes and the department reports as submitted. 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.

APPOINTMENTS & REAPPOINTMENTS

Mayor recommended reappointing Jean Everett to the Maysville-Mason County Joint Planning Commission for a four-year term.

Motion by Commissioner Mains, second by Commissioner Pfeffer to reappointment Jean Everett to the Maysville-Mason County Joint Planning Commission for a four-year term. 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.

TAMARRA STRICKLETT: EDGEMONT ROAD

Edgemont Road resident Tamarra Stricklett requested the Commission take measures to slow traffic on Edgemont Road. She specifically asked that the city install speed humps and reduce the speed limit to 15 m.p.h. from 25 m.p.h. Resident Bruce Carlson opposed installing speed humps. City Manager Young said the city would reduce the speed and put up a *dead end* sign.

OTHER PUBLIC STATEMENTS

Charlie Haughaboo, 215 W. Second St., asked if the city could help him with a tree that had buckled the sidewalk and as a result water was getting into his basement. City

Manager Young said ordinance prohibited the city fixing the sidewalk, but it might be able to help with the tree. The city engineer would come look at the problem.

GEOFF DAVIS FIELD REP

Rick Van Meter introduced himself to the Board of Commissioners as Field Representative to Congressman Geoff Davis.

APPOINTMENT TO AUDIT COMMITTEE

Motion by Commissioner Ashley, second by Commissioner Litton to appoint commissioners Mains and Pfeffer to the Audit Committee. Upon call of the roll, voting is as follows: Voting aye: Commissioner Litton, Commissioner Ashley, and Mayor Cartmell. Abstained: Commissioner Mains, Commissioner Pfeffer. The motion passes.

RESOLUTION AUTHORIZING REVISED DRUG & ALCOHOL POLICY FOR MAYSVILLE TRANSIT SYSTEM

The following resolution was presented to the Board of Commissioners:

**1COMMONWEALTH OF KENTUCKY
CITY OF MAYSVILLE
Resolution No. 09-57**

**A RESOLUTION AUTHORIZING REVISED DRUG
AND ALCOHOL POLICY FOR MAYSVILLE TRANSIT SYSTEM**

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 has revised its policy to comply with required policy modifications of the Federal Transit Administration;

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

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 RE AIRPORT GRANT

The following resolution was presented to the Board of Commissioners:

**1COMMONWEALTH OF KENTUCKY
CITY OF MAYSVILLE
Resolution No. 09-58**

A RESOLUTION RE AIRPORT GRANT

WHEREAS. Fleming Mason Airport is eligible for a Grant for Airport Improvement Program from the Federal Aviation Administration; and

WHEREAS, the Grant Agreement was received by Fleming Mason Airport on July 3, 2009 and had to be filed by July 9, 2009.

NOW THEREFORE, BE IT RESOLVED BY THE CITY OF MAYSVILLE, KENTUCKY, that the City Manager's and the City Attorney's execution of the Grant Agreement is hereby ratified.

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

RESOLUTION DENYING REZONING AT 825 KENTON STATION ROAD

The following resolution was presented to the Board of Commissioners:

**COMMONWEALTH OF KENTUCKY
CITY OF MAYSVILLE
Resolution No. 09-59**

**A RESOLUTION DENYING REZONING AT 825 KENTON STATION ROAD,
MAYSVILLE, KENTUCKY**

WHEREAS, Mason County Joint Planning Commission on May 6, 2009 conducted a public hearing and made findings of fact, conclusions of law, and a recommendation to the Board of Commissioners of the City of Maysville, Kentucky that three acres, 825 Kenton Station Road, Maysville, Kentucky owned by Chamness Properties, LLC be rezoned from I-1B (Light Industrial) to B-1 (General Business); and

WHEREAS, Chamness Properties, LLC has now requested that the zoning remain I-1B (Light Industrial);

NOW THEREFORE, IT IS HEREBY RESOLVED BY THE CITY OF MAYSVILLE, KENTUCKY, that the zoning change for 825 Kenton Station Road, Maysville, from I-1B (Light Industrial) to B-1 (General Business) is hereby denied.

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 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:

**COMMONWEALTH OF KENTUCKY
CITY OF MAYSVILLE
Resolution No. 09-60**

A RESOLUTION AUTHORIZING GRANT AGREEMENT WITH KENTUCKY
TRANSPORTATION CABINET

WHEREAS, the City of Maysville has applied for an SAFETEA-LU 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 the Mayor is hereby authorized and directed to execute and deliver the Non-Urbanized Area Public Transportation Grant Agreement between the Kentucky Transportation Cabinet and 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 Mains, Commissioner Pfeffer, Commissioner Litton, Commissioner Ashley, and Mayor Cartmell. The motion passes.

RESOLUTION REVISING PLANNING AREA FOR WASTE WATER FACILITY PLANT

The following resolution was presented to the Board of Commissioners:

**COMMONWEALTH OF KENTUCKY
CITY OF MAYSVILLE
Resolution No. 09-61**

A RESOLUTION REVISING PLANNING AREA FOR WASTE WATER FACILITY
PLANT

WHEREAS, a small section of the Washington sewer line needs to be placed on property owned by Charles W. Marshall, et al;

WHEREAS, the Marshall's property is outside of the City of Maysville's planning area but within Maysville's water district;

NOW THEREFORE, BE IT RESOLVED BY THE CITY OF MAYSVILLE, KENTUCKY, that the planning area for the waste water facility be revised to include the section of Marshall's property that would include the new sewer line as shown on the drawing attached hereto.

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 FILING OF LOAN APPLICATION & APPOINTING
MAYOR & SUCCESSORS-IN-TITLE AS OFFICIAL PROJECT REPRESENTATIVE OF
FEDERALLY ASSISTED WASTEWATER REVOLVING FUND PROJECT

The following resolution was presented to the Board of Commissioners:

**1COMMONWEALTH OF KENTUCKY
CITY OF MAYSVILLE
Resolution No. 09-62**

A RESOLUTION AUTHORIZING FILING OF LOAN APPLICATION AND APPOINTING
MAYOR AND SUCCESSORS-IN-TITLE AS OFFICIAL PROJECT REPRESENTATIVE
OF FEDERALLY ASSISTED WASTEWATER REVOLVING FUND PROJECT

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 Energy and Environment 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 and Successors-In-Title are hereby authorized to execute and submit an application and any other necessary documents through the Kentucky Energy and Environment 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 are 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 Federally Assisted Wastewater Revolving Fund (State Revolving Loan Program).

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.

ORDINANCE AMENDING CODE OF ORDINANCES 196.02: OPEN BURNING RESTRICTIONS

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

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

AN ORDINANCE AMENDING CODE OF ORDINANCES §196.02 TO RESTRICT BURNING TO AGRICULTURAL AREAS IN THE CITY

Summary

This Ordinance amends Code of Ordinances §196.02 to state that open burn shall be only allowed in agricultural zones 2500 feet from residential and commercial areas. The Ordinance requires that a firefighter inspect each open burn location. Open burning can only be conducted in a turbo burn pit. If a complaint is received, the Fire Chief may order the open burn extinguished. If the Fire Department is required to extinguish the open burn, the Fire Department will charge the Applicant for the costs of extinguishing the fire. The Applicant has to be compliant with all state regulations.

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

ORDINANCE AMENDING CODE OF ORDINANCES 93.02 TO ALLOW REGULAR FIRE FIGHTERS ON WASHINGTON-MAYSVILLE VFD; FIRST READING

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

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

AN ORDINANCE AMENDING CODE OF ORDINANCES §93.02

Summary

This Ordinance amends Code of Ordinances §93.02 to delete the exception that members of the Washington-Maysville Volunteer Fire Department may not be members of the regular fire department of the City of Maysville.

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

ORDINANCE AMENDING CODE OF ORDINANCES 134. 02, TO DELETE CREDIT FOR FIRST-YEAR APPLICATION FEE FROM OCCUPATIONAL TAX; SECOND READING

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

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

AN ORDINANCE AMENDING CODE OF ORDINANCES §134.02

Summary

This Ordinance amends Code of Ordinances § 134.02 to delete the credit for the first year application fee from the following year's occupational license fee.

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 passes.

ORDINANCE AMENDING CODE OF ORDINANCES 134.99; SECOND READING

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

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

AN ORDINANCE AMENDING CODE OF ORDINANCES §134.99

Summary

This Ordinance amends Code of Ordinances §134.99 to add that employees who fail to file returns or pay tax are subject to the interest and penalty fees.

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.

ORDINANCE ENACTING & ADOPTING A SUPPLMENT TO THE CODE OF ORDINANCES OF THE CITY OF MAYSVILLE, KY; SECOND READING

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

**1COMMONWEALTH OF KENTUCKY
CITY OF MAYSVILLE
Ordinance No. 09C-15**

AN ORDINANCE ENACTING AND ADOPTING A SUPPLEMENT TO THE CODE OF ORDINANCES OF THE CITY OF MAYSVILLE , KENTUCKY

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WHEREAS, American Legal Publishing Corporation of Cincinnati, Ohio has completed the 2008 supplement to the Code of Ordinances of the City of Maysville, which supplement contains all ordinances of a general nature enacted since the prior codification of the Code of Ordinances;

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

1. The 2008 Supplement to the Code of Ordinances of the City of Maysville, Kentucky as submitted by American Legal Publishing Corporation of Cincinnati, and attached hereto, be and the same is hereby adopted by reference as if set out in its entirety.
2. This ordinance shall be forthwith be published in full in accordance with K.R.S. Section 83A.060 (9).

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.

NEWDIGATE TAVERN/STANLEY REED HOUSE

Mayor Cartmell announced that a contractor had been hired to begin work on Newdigate Tavern, which was funded through a private donation.

ADJOURNMENT

Motion by Commissioner Pfeffer, second by Commissioner Litton 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.

David Cartmell, Mayor

City Clerk