

**Maysville City Commission
19 June 2007
SPECIAL MEETING**

PUBLIC HEARING ON CITY BUDGET FOR FYE JUNE 30, 2008

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, and Codes Officer Gary Wells. Absent: Assistant Comptroller Karen Cracraft and Asst. City Attorney Steve Zweigart.

There was no public comment on the budget.

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

CITY COMMISSION SPECIAL MEETING

The Board of Commissioners of the city of Maysville, Kentucky met in a special meeting on 19 June 2007 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, and Codes Officer Gary Wells. Absent: Assistant Comptroller Karen Cracraft and Asst. City Attorney Steve Zweigart.

Also present: The Ledger Independent and WFTM.

MINUTES & REPORTS

Motion to approve minutes of May 10, 2007 meeting and officers' reports 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 SALE OF PORTIONS OF 214, 218 AND 220 E. FOURTH STREET

The following resolution was presented to the Board of Commissioners:

**COMMONWEALTH OF KENTUCKY
CITY OF MAYSVILLE
Resolution No. 07-27**

A RESOLUTION AUTHORIZING SALE OF PORTIONS OF 214, 218, AND 220 EAST FOURTH STREET

WHEREAS, the City of Maysville, Kentucky acquired the property at 214, 218, and 220 East Fourth Street in order to create a municipal parking lot fronting on East Fifth Street; and

WHEREAS, the parking lot has been constructed and there is surplus property fronting

on East Fourth Street which is not used by the City; and

WHEREAS, the City is incurring expenses by keeping the surplus property mowed; and

WHEREAS, the City has had the surplus property appraised which appraisal showed the fair market value as \$400 and the cost of the appraisal was \$200; and

WHEREAS, the surplus property may only be sold to an adjoining property owner;

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 to effecuate the sale of a portion of 214, 218, and 220 East Fourth Street to the adjoining property owners, John K. Clark Jr. and Irene Clark for \$200 and the Mayor is further authorized and directed to execute the closing statement and any other necessary documents.

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

RESOLUTION AUTHORIZING AMENDMENT OF TOWER LICENSE AGREEMENT WITH NEW CINGULAR WIRELESS PCS, LLC

The following resolution was presented to the Board of Commissioners:

**COMMONWEALTH OF KENTUCKY
CITY OF MAYSVILLE
Resolution No. 07-29**

RESOLUTION AUTHORIZING AMENDMENT TO TOWER LICENSE AGREEMENT WITH NEW CINGULAR WIRELESS PCS, LLC

WHEREAS, New Cingular Wireless PCS, LLC and the City entered into a Tower License Agreement dated 30 September 2005 and the paragraph containing the term of the agreement has a mistake in the date; and

WHEREAS, New Cingular Wireless, PCS, LLC has requested the City to enter into a First Amendment to Tower License Agreement correcting the date;

NOW THEREFORE, BE IT RESOLVED BY THE CITY OF MAYSVILLE, KENTUCKY, that the Mayor is hereby authorized and directed to enter into First Amendment to Tower License Agreement with New Cingular Wireless PCS, LLC for the Shannon Tower Site.

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

RESOLUTION AWARDDING CONTRACT FOR PURCHASE OF FUEL FOR FISCAL YEAR 2008

The following resolution was presented to the Board of Commissioners:

**COMMONWEALTH OF KENTUCKY
CITY OF MAYSVILLE
Resolution No. 07-28**

A RESOLUTION AWARDDING CONTRACT FOR PURCHASE

OF FUEL FOR FISCAL YEAR 2008

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

- (a) Subject: Fuel Purchase for Fiscal Year 2008
- (b) Advertised: May 31, 2007
- (c) Bid Opening: June 12, 2007

WHEREAS, the following bids were received:

- (1) Lykins Enterprises, Inc

Gasoline	Rack + .02/gallon
Diesel	Rack + .02/gallon

- (2) Harper Oil Products

Gasoline	Rack + .0354/gallon
Diesel	Rack + .0385/gallon

WHEREAS, the Director of Public Works recommended acceptance of the first bid as the best bid,

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

- (1) The bid of Lykins Enterprises, Inc. 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 Mains, second by Commissioner Pfeffer, to adopt the resolution as read. Upon call of the roll, voting is as follows: Voting aye: Commissioner Ashley, Commissioner Pfeffer, Commissioner Mains, Commissioner Litton and Mayor Cartmell.

ORDINANCE SETTING REQUIREMENTS FOR INSURANCE LICENSE TAX

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

**COMMONWEALTH OF KENTUCKY
CITY OF MAYSVILLE
Ordinance No. 07C-08**

AN ORDINANCE SETTING REQUIREMENTS FOR REFUNDS OF INSURANCE LICENSE TAX

Summary

This Ordinance establishes a new section of Chapter 136 Insurance License Tax to provide that requests for refunds for insurance license tax must be made in writing within 3 years of the end of the calendar year in which said tax is paid. The refund request requires supporting documentation of the name and address of each insured upon whom tax was erroneously paid, the type of risk, the amount of insurance premium and such other information as may be reasonably requested by the City.

Motion by Commissioner Mains, second by Commissioner Pfeffer, to pass the ordinance as read in summary on first read. 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 SECTIONS 153.02 AND 153.04

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

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

AN ORDINANCE AMENDING CODE OF ORDINANCES SECTIONS 153.02 AND 153.04

Summary

This Ordinance amends Code of Ordinances Section 153.02 and 153.04 to add a definition of unnecessary alarm and to provide that the fire chief may issue warnings and order the assessment of administrative fees.

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

1. Code of Ordinances Section 153.02 is hereby amended to read in its entirety as follows:

§ 153.02 DEFINITIONS.

For the purpose of this chapter, the following words and phrases shall have the meanings ascribed to them respectively:

ALARM SYSTEM. Any system which transmits directly to the police or fire station to alert the city that a burglar, fire, medical, or other emergency exists or that the services of public safety forces are needed. **ALARM SYSTEM** also means any alarm device which automatically emits an audible, visual, electronic, telephonic, or other similar response upon the occurrence of any hazard or emergency and which alerts persons outside the building of the existence of such hazard or emergency. **ALARM SYSTEM** shall include, but not be limited to, alarms for burglary, fire, flood, and temperature. **ALARM SYSTEM** excludes motor vehicle alarms and personal alarms.

AUTOMATIC DIALING ALARM SYSTEM. An alarm system which selects the city's designated alarm number to public safety alarm panels and uses a pretaped or prerecorded message to alert the city that an emergency exists or that the services of the public safety forces are needed.

DESIGNATED ALARM NUMBER. The telephone number designated by the city for burglar, fire, medical, and other alarms which is connected to the city's communication center.

FALSE ALARM INCIDENT. A false alarm which intentionally or negligently, or due to alarm system malfunction, is transmitted over the city's designated alarm number.

FALSE ALARM NOTIFICATION. An alarm system notification to the city when there is no evidence of an actual or attempted criminal offense.

PROVIDER. The person who contracts with the user to install or provide an alarm system.

PUBLIC SAFETY OFFICERS. Includes members of the City Police Department and Fire Department and the Codes Enforcement Officer.

UNNECESSARY ALARM. Unnecessary alarm means the activation of fire alarm systems which results in the fire department being summoned to the location served by

the alarm system when there is no fire or fire-related emergency occurring, nor is there any indication, as determined by the fire department, that a fire or fire-related emergency has occurred, as reported by the alarm. The activation of a fire alarm system shall be rebuttably presumed to be an unnecessary alarm if, after investigation, the fire department finds no indication that a fire or fire-related emergency occurred. Unnecessary alarm shall not include a scheduled or controlled test of the fire alarm system, provided that the fire department has been notified immediately prior to each test, nor shall unnecessary alarm include a deliberate false alarm, the burden of proof for these exceptions being upon the user.

USER. The person, corporation, or other entity which purchases, leases, or is protected by the alarm system.
(Ord. 95C-24, passed 6-20-95)

2. Code of Ordinances Section 153.04 is hereby amended to read in its entirety as follow:

§ 153.04 WARNING AND ADMINISTRATIVE FEE.

(A) The Chief of Police or Fire Chief shall issue warnings and order the assessment of administrative fees against the user and/or provider of alarm systems which do not comply with this chapter upon the following schedule:

<u>Unnecessary Alarm Incidents</u>	False Alarm Incidents or Action Taken
First	Warning letter to user/provider
Second	Final warning letter
Third	\$50 fee to user/provider
Fourth	\$100 fee to user/provider
Fifth	\$100 fee to user/provider and proof of remedial action required
Sixth	Disconnection from city designated alarm number

The administrative fee is imposed as a partial reimbursement to the city for the cost of receiving and responding to the false alarm and shall be paid by the user or provider so warned. The number of false alarm incidents shall be counted within any period of twenty-four consecutive months. The Chief of Police or the Fire Chief may issue guidelines to administer this section.

(B) The Chief of Police may waive all or part of the above actions for a newly installed alarm system during the thirty days immediately following the completion of the installation to a maximum of three false alarms.

(C) If the user fails to pay the administrative fee within thirty days or to appeal within ten days after service of the order or notice therefor, in accordance with division (D) below, the action of the Chief of Police or the Fire Chief shall be final and he shall report the delinquency to the City Manager, who shall report the same to the Board of Commissioners, which may thereupon assess the cost, together with the expense of assessing and collecting the same, upon the owner of the property where the alarm system is located.

(D) Any person who has been served notice of an order of the Chief of Police or the Fire Chief may appeal the order. A notice of appeal, signed by the appellant,

shall be filed with the City Clerk. It shall set forth the reasons for appeal. It must be filed within ten days after service of the notice from the Chief of Police **or the Fire Chief**. Filing of a notice of appeal shall stay the order of the Chief of Police **or the Fire Chief** until a review of the appeal has been completed, unless the public health, safety, or welfare requires immediate abatement of a public nuisance.

(E) The City Manager shall conduct a hearing within thirty days after notice of appeal is filed with the City Clerk. At the hearing, the appellant may be heard in his defense in person or by counsel and may offer evidence on his behalf. The City Manager shall report findings and a recommendation to the Board of Commissioners.

(F) The Board shall review such findings and recommendation, and after full deliberation, shall issue a final ruling affirming, modifying, or reversing the order of the Chief of Police.
 (Ord. 95C-24, passed 6-20-95)

Motion by Commissioner Litton, second by Commissioner Ashley, to pass the ordinance as read in full 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 ADOPTING THE CITY OF MAYSVILLE ANNUAL BUDGET FOR FISCAL YEAR JULY 1, 2007 THROUGH JUNE 30, 2008

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

**COMMONWEALTH OF KENTUCKY
 CITY OF MAYSVILLE
 Ord. No. 07-09**

AN ORDINANCE ADOPTING THE CITY OF MAYSVILLE, KENTUCKY ANNUAL BUDGET FOR FISCAL YEAR 1 JULY 2007 THROUGH 30 JUNE 2008 BY ESTABLISHING REVENUES AND RESOURCES AND APPROPRIATING FUNDS FOR THE OPERATION OF CITY GOVERNMENT.

WHEREAS, an annual budget proposal and message has been prepared and delivered to the Board of Commissioners by the City Manager pursuant to KRS 91A.030 and Code of Ordinances section 131.01; and

WHEREAS, the Board of Commissioners has reviewed such budget proposal and made necessary modifications.

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

1. The annual budget for the City's fiscal year ending 30 June 2008, summarized by resources, revenues, and appropriations as follows, is hereby adopted:

	<u>GENERAL</u> <u>FUND</u>	<u>LOCAL</u> <u>GOVERNMENT</u> <u>ECONOMIC</u> <u>FUND</u>	<u>MUNICIPAL</u> <u>ROAD AID</u> <u>PROGRAM</u> <u>FUND</u>
RESOURCES AVAILABLE			
FUND BALANCES CARRIED FORWARD	8,000,000	150,000	300,000

ESTIMATED REVENUES:			
Property taxes	942,000		
License & Permits	6,682,000		
Intergovernmental Revenues	4,128,000	50,000	150,000
Other Revenue	<u>1,267,000</u>	<u> </u>	<u> </u>
Total Estimated Revenues	<u>13,019,000</u>	<u>50,000</u>	<u>150,000</u>
TOTAL RESOURCES AVAILABLE FOR APPROPRIATIONS			
	21,019,000	200,000	450,000
General Government & Public Safety			
	2,991,000		
Police	2,044,000	100,000	
Fire	1,678,000	100,000	
Public Works & Streets	3,041,000	350,000	
Other 259,000			
Parks & Recreation	179,000		
Capital Expenditures	<u>5,545,000</u>	<u> </u>	
Total Appropriations	<u>15,737,000</u>	<u>200,000</u>	<u>350,000</u>
ESTIMATED FUND BALANCES END OF YEAR			
	5,282,000	0	100,000

Motion by Commissioner Mains, second by Commissioner Pfeffer, to pass the ordinance as read in full 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 ADOPTING THE PAY PLAN FOR 2007-2008

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

**COMMONWEALTH OF KENTUCKY
CITY OF MAYSVILLE
Ordinance No. 07-10**

AN ORDINANCE ADOPTING PAY PLAN FOR CLASSIFIED CITY EMPLOYEES AND NON-ELECTED OFFICIALS FOR SERVICES RENDERED BEGINNING 1 JULY 2007.

Summary

This Ordinance adopts a pay plan for regular City employees and non-elected officials by job classification for services rendered on and after 1 July 2007 until amended.

Motion by Commissioner Pfeffer, second by Commissioner Mains, to pass the ordinance as read in summary on the 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 71.110 AND

71.111 TO CHANGE NAME OF TOURISM AND CONVENTION COMMISSION

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

**1COMMONWEALTH OF KENTUCKY
CITY OF MAYSVILLE
Ordinance No. 07C-06**

AN ORDINANCE AMENDING CODE OF ORDINANCES SECTIONS 71.110 and 71.111

Summary

This Ordinance amends Code of Ordinances Sections 71.110 and 71.111 to change the name of the Tourist and Convention Commission to Convention and Visitors Bureau.

Motion by Commissioner Litton, second by Commissioner Ashley, to adopt the ordinance as read in summary 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.

SPECIAL MEETING DATE

The commission agreed to meet at noon on June 26, 2007 to address annual budget and other issues.

ADJOURNMENT

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