

**Maysville City Commission**  
**18 October 2007**  
**REGULAR MEETING**

The Board of Commissioners of the city of Maysville, Kentucky met in a regular meeting on 18 October 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, Codes Officer Gary Wells, and Assistant Comptroller Karen Cracraft. Absent: Asst. City Attorney Steve Zweigart.  
Also present: The Ledger Independent and WFTM.

MINUTES & REPORTS

**Motion** by Commissioner Ashley, second by Commissioner Litton, to approve minutes of Sept. 13, 2007 regular 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.

WASHINGTON SEWERS

Residents of Washington approached the Board of Commissioners with concerns regarding sewers in the area. Resident Suzette Blevins said the concerns included sewage smells, ground water inflow into sewers, manholes overflowing during heavy rains, and mosquitoes. Resident Dave Grayson said he is also concerned about residences, which are not hooked up to city sewers.

City Manager Ray Young told the residents that he would recommend to the Maysville Utility Commission that a study be done to see what needs to be done to the sewer system in the community.

DISCUSSION OF DOWNTOWN PARKING

City Manager Ray Young told the Board of Commissioners that he had been approached by some downtown business owners who requested that the 2-hour downtown parking restriction be lifted during the holiday season. Young recommended to the Board of Commissioners that it suspend enforcement of the parking restriction during November and December.

**Motion** by Commissioner Litton, second by Commissioner Pfeffer, that enforcement of the 2-hour downtown parking restriction be suspended during the months of November and December. Upon call of the roll, voting is as follows: Voting aye: Commissioner Ashley, Commissioner Pfeffer, Commissioner Mains, Commissioner Litton and Mayor Cartmell.

UPDATE ON RIVERWALK PROJECT

City Engineer Sam Baker told the Board of Commissioners that the City has received the needed permit from the Kentucky Division of Water and is expecting the permit from the Corps of Engineers to begin work on the Riverwalk Project.

KLC 2007 ENTERPRISE CITY AWARD

Mayor David Cartmell commended Renaissance Coordinator Duff Giffen and Planning Administrator Matt Wallingford for applying for the award, which is in recognition of the Downtown Façade Program.

RESOLUTION AUTHORIZING 2008 PRESERVE AMERICA PRESIDENTIAL AWARD

The following resolution was presented to the Board of Commissioners:

**COMMONWEALTH OF KENTUCKY  
CITY OF MAYSVILLE  
Resolution No. 07-53**

A RESOLUTION AUTHORIZING PRESERVE AMERICA  
PRESIDENTIAL AWARD NOMINATION

WHEREAS, the City of Maysville, Kentucky desires to nominate the Opera Theater project for the 2008 Preserve America Presidential Award,

NOW THEREFORE, BE IT RESOLVED BY THE CITY OF MAYSVILLE, KENTUCKY, that the Mayor is hereby authorized and directed to execute the nomination form for the 2008 Preserve America Presidential Award.

**Motion** by Commissioner Mains, second by Commissioner Litton, 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 STATEMENT OF ASSURANCE FOR FLOODWALL MURAL

The following resolution was presented to the Board of Commissioners:

**COMMONWEALTH OF KENTUCKY  
CITY OF MAYSVILLE  
Resolution No. 07-54**

A RESOLUTION AUTHORIZING STATEMENT OF ASSURANCES  
FOR FLOODWALL MURAL PROJECT

WHEREAS, the Governor's office for local development is providing funds for the Floodwall Mural Project; and

WHEREAS, receipt of the grant monies requires that a Statement of Assurances be signed and recorded with the Mason County Clerk;

NOW THEREFORE, BE IT RESOLVED BY THE CITY OF MAYSVILLE, KENTUCKY, that the Mayor is hereby authorized and directed to execute the Statement of Assurances for the Floodwall Mural Project which states that the flood wall will be used for public purposes for the life of the project, no encumbrance will be placed on the floodwall during the life of the project, the City will file a project completion report, and will keep accurate records of accounts.

**Motion** by Commissioner Ashley, second by Commissioner Litton, 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 BAD DEBT COLLECTION SERVICE AGREEMENT

The following resolution was presented to the Board of Commissioners:

**1CITY OF MAYSVILLE  
COMMONWEALTH OF KENTUCKY  
Resolution No. 07-55**

A RESOLUTION AUTHORIZING BAD DEBT COLLECTION SERVICE AGREEMENT

WHEREAS, Credit Bureau Systems, Inc. has proposed an agreement to do debt service collection for the ambulance service;

NOW THEREFORE, BE IT RESOLVED BY THE CITY OF MAYSVILLE, KENTUCKY, that the Mayor is hereby authorized and directed to execute a Bad Debt Collection Service Agreement and Business Associate Agreement with Credit Bureau Systems, Inc. providing that Credit Bureau Systems, Inc. shall do collection work on ambulance service accounts and be paid on a contingency fee of 35% of recovered dollars on primary bad debt collections and 40% on primary legal accounts.

**Motion** by Mayor Cartmell, second by Commissioner Mains, 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 AWARDING CONTRACT FOR AMBULANCE

The following resolution as presented to the Board of Commissioners:

**COMMONWEALTH OF KENTUCKY  
CITY OF MAYSVILLE  
Resolution No. 07-56**

A RESOLUTION AWARDING CONTRACT FOR AMBULANCE

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

- |     |          |                       |                    |
|-----|----------|-----------------------|--------------------|
| (a) | Subject: | Purchase of Ambulance |                    |
|     | (b)      | Advertised:           | September 29, 2007 |
|     | (c)      | Bid Opening:          | October 10, 2007   |

WHEREAS, the following bids were received:

Life Star Rescue	\$ 99,870
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WHEREAS, the City Manager and the Fire Chief have recommended acceptance of the above bid,

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

- (1) The bid of Life Star Rescue in the sum of \$ 99,870 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 Litton, 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 SUPPORTING ADEQUATE FUNDING FOR AMTRAK

The following resolution was presented to the Board of Commissioners:

**COMMONWEALTH OF KENTUCKY  
CITY OF MAYSVILLE**



expansion of our nation;

WHEREAS, the Safety at Sea Act was written to apply to ocean going vessels and assumes that ships are remote from land and other vessels. The Delta Queen can be landed in minutes over the entire route she traverses;

WHEREAS, the Safety at Sea Act requires inflammable material for the construction of boats, many layers of fire-retardant paint over the years as well as state of the art fire suppression systems protect the wooden superstructure of the Delta Queen as well;

WHEREAS, the Delta Queen contributes economically to river communities. There are many employees on the boat itself, passengers who spend money in river towns and people on shore who support this boat, both within the corporate ownership and at third party companies providing amenities;

WHEREAS, it would be a travesty to restrict her travels and deny the public the opportunity to enjoy this uniquely American experience for many generations to come;

WHEREAS, the very existence of the Delta Queen is now threatened with the expiration of her exemption from the Safety at Sea Act in 2008;

NOW THEREFORE, BE IT RESOLVED BY THE CITY OF MAYSVILLE, KENTUCKY, that the Congress of the United States act with all due haste to provide for the permanent exemption of the Delta Queen from the provisions of the Safety at Sea Act.

**Motion** by Commissioner Pfeffer, second by Commissioner Mains, 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 TO PURCHASE HANDICAP MINI VAN

The following resolution was presented to the Board of Commissioners:

**COMMONWEALTH OF KENTUCKY  
CITY OF MAYSVILLE  
Resolution No. 07-59**

**A RESOLUTION AWARDING CONTRACT FOR  
HANDICAPPED MINI VAN**

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

- |     |          |                                 |
|-----|----------|---------------------------------|
| (a) | Subject: | Purchase Handicapped Mini Van   |
|     | (b)      | Advertised: September 10, 2007  |
|     | (c)      | Bid Opening: September 24, 2007 |

WHEREAS, no bids were received;

WHEREAS, the State Contract price for a handicapped mini van is \$34,111.84;

WHEREAS, American Bus and Accessories, Inc. has made a proposal under the State Contract price of \$34,111.84;

WHEREAS, the City Manager and the Public Works Director have recommended acceptance of the above bid,

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

as follows:

(1) The Contract price of American Bus and Accessories , Inc. in the sum of \$34,111.84 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 Pfeffer, 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 AUTHORIZING AGREEMENT WITH EAST KENTUCKY POWER COOPERATIVE

The following resolution was presented to the Board of Commissioners:

**1CITY OF MAYSVILLE  
COMMONWEALTH OF KENTUCKY  
Resolution No. 07-60**

**A RESOLUTION AUTHORIZING AGREEMENT WITH  
EAST KENTUCKY POWER COOPERATIVE, INC.**

WHEREAS, Mason County Fiscal Court and East Kentucky Power Cooperative, Inc. desire to enter into a Landfill Gas Sales Agreement concerning the Maysville-Mason County Landfill;  
and

WHEREAS, the Maysville-Mason County Landfill is operated jointly by the City of Maysville and Mason County Fiscal Court and the operation is governed by the Landfill Committee; and

WHEREAS, the Landfill Committee has approved the Landfill Gas Sales Agreement;  
and

WHEREAS, the property on which the facility is to collect landfill gas from the landfill will be constructed is actually owned by the City of Maysville;

NOW THEREFORE, IT IS HEREBY RESOLVED BY THE CITY OF MAYSVILLE, KENTUCKY, that the Mayor is hereby authorized and directed to execute the Site Lease Agreement between Mason County Fiscal Court, the City of Maysville, and East Kentucky Power Cooperative, Inc. and the City hereby approves the Landfill Gas Sales Agreement between Mason County Fiscal Court and East Kentucky Power Cooperative, Inc. and authorizes Mason County Fiscal Court to enter into the same.

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

ORDINANCE CHANGING GRADE & PROMOTION REQUIREMENTS IN FIRE DEPARTMENT

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

**COMMONWEALTH OF KENTUCKY  
CITY OF MAYSVILLE**

## Ordinance No. 07C-17

AN ORDINANCE AMENDING CODE OF ORDINANCES SECTIONS 90.10 AND 90.13  
TO CHANGE GRADE AND PROMOTION REQUIREMENT  
IN THE FIRE DEPARTMENT.

### Summary

This Ordinance amends Code of Ordinances Sections 90.10 to delete the title of Major and use the title Assistant Chief, to change the number of Captains to three and to delete the position of Dispatcher. This Ordinance amends Code of Ordinances Section 90.13 to change the service requirement for Captain to five years and to not require a stated amount of service for Lieutenant.

**Motion** by Commissioner Litton, second by Commissioner Ashley, 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 133.06 & 133.07; DEFINITION OF DOWNTOWN DISTRICT

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

### **COMMONWEALTH OF KENTUCKY CITY OF MAYSVILLE Ordinance No. 07C-16**

AN ORDINANCE AMENDING CODE OF ORDINANCE SECTIONS 133.06 and 133.07

### Summary

This Ordinance amends Code of Ordinances Section 133.06 to delete the definition of downtown business district and add a definition of downtown district to include all areas within the tax credit boundaries on the map attached hereto. The Ordinance amends Code of Ordinances Section 133.07 to refer to the downtown district rather than downtown business district.

**Motion** by Commissioner Litton, 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 Ashley, Commissioner Pfeffer, Commissioner Mains, Commissioner Litton and Mayor Cartmell.

### ADJOURNMENT

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

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Mayor

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City Clerk