

Maysville City Commission
Thursday, Nov. 6, 2008; 5:15 p.m.
SPECIAL MEETING

The Board of Commissioners of the city of Maysville, Kentucky met in a regular meeting on 6 November 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, Asst. City Clerk/Comptroller Romie Griffey, City Attorney Sue Brammer, Fire Chief Eric Bach, Asst. Police Chief Ron Rice, Director of Public Works Jim Fryman, City Engineer Sam Baker, Asst. Comptroller/HR Director Karen Cracraft., Tourism/Renaissance Director Duff Giffen, Zoning Administrator Matt Wallingford, Codes Officer Gary Wells, and Asst. City Attorney Kelly Caudill. Absent: City Clerk Lisa R. Dunbar and Utility Manager Eddie Wenz. Also present: WFTM.

MINUTES & DEPARTMENT REPORTS

The minutes of Oct. 9, 2008, regular meeting and department reports were presented to the Board of Commissioners.

Motion by Commissioner Litton, second by Commissioner Pfeffer, to approve the minutes and 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.

APPOINTMENTS & REAPPOINTMENTS

The following reappointment was presented to the Board of Commissioners:
Board of Ethics, Robert Blake, to expire 12/8/11

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

SNOW REMOVAL

Director of Public Works Jim Fryman told the commission that the city's salt supply is the same as last winter's at 770 tons. However, due to the salt shortage and increased prices, his department would be conserving salt. The public works department will be mixing Geomelt, which is made from beet juice, in with the salt to make it go farther and be more effective. Geomelt will melt ice at a lower temperature than salt alone. Equipment will also be set at different spreading speeds, and salt will be spread only at intersections and on hills. Residents will notice that the salt and Geomelt mixture has a sandy or dirty appearance compared to salt alone.

HAYSWOOD HOSPITAL REPORT

City Engineer Baker reported that the geotechnical report fieldwork is complete and the report will be ready in a couple of weeks. The engineers on the project have told him that hillside stability is not a major issue as the structure's foundation is notched into rock.

RESOLUTION AUTHORIZING MAYOR TO SIGN GRANT APPLICATION FOR HAYSWOOD HOSPITAL

The following resolution was presented to the Board of Commissioners:

**1COMMONWEALTH OF KENTUCKY
CITY OF MAYSVILLE
Resolution No. 08-55**

**RESOLUTION TO APPLY FOR GRANT TO CLEANUP
HAYSWOOD HOSPITAL**

WHEREAS, the City of Maysville, desires to have a clean, safe, developed, and environmentally sound community; and

WHEREAS, the City of Maysville has identified a Brownfield site in need of environmental cleanup to allow for a safe and developed downtown area; and

WHEREAS, the Environmental Protection Agency (EPA) accepts applications for funding for cleanup of identified Brownfields sites.

NOW THEREFORE, BE IT RESOLVED BY THE CITY OF MAYSVILLE, KENTUCKY, that the City agrees to make application for cleanup funding through the EPA to environmentally remediate the former Hayswood Hospital to provide for the health and safety of the community while redeveloping the property for utilization and that the Mayor is hereby authorized and directed to review and sign all documents relating to this application and any funding that should be received as a result of this application.

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.

RESOLUTION DEDICATING PUBLIC FUNDS FOR HAYSWOOD HOSPITAL

The following resolution was presented to the Board of Commissioners:

**1COMMONWEALTH OF KENTUCKY
CITY OF MAYSVILLE
Resolution No. 08-56**

RESOLUTION TO MATCH FUNDS FOR HAYSWOOD HOSPITAL CLEANUP GRANT

WHEREAS, the City of Maysville agrees to make application for cleanup funds through the Environmental Protection Agency (EPA) to remediate the former Hayswood Hospital; and

WHEREAS, the EPA requires a 20% funding match on cleanup grants.

NOW THEREFORE, BE IT RESOLVED BY THE CITY OF MAYSVILLE, KENTUCKY, that the City agrees to provide a 20% match, up to \$40,000, for the Hayswood Hospital Brownfields Cleanup Grant, and that the Mayor is hereby authorized and directed to review and sign all documents relating to this match commitment.

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

ORDINANCE AMENDING WASTEWATER ORDINANCE

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

**1COMMONWEALTH OF KENTUCKY
CITY OF MAYSVILLE
Ordinance No. 08C-24**

AN ORDINANCE AMENDING CODE OF ORDINANCES SECTION 154.071 TO ADD AND MODIFY MAXIMUM DAILY CONCENTRATIONS OF VARIOUS WASTEWATER POLLUTANTS.

Summary

This Ordinance amends Code of Ordinances Section 154.071 to add maximum daily concentration limits for molybdenum, selenium and total phosphorus and reduce the existing maximum daily concentration limits for cadmium, hexavalent chromium, copper, lead and nickel from industrial wastewater discharges.

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 ALCHOLIC BEVERAGE ORDINANCE TO ALLOW SALES UNTIL 2 A.M., JANUARY 1

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

**COMMONWEALTH OF KENTUCKY
CITY OF MAYSVILLE
Ordinance No. 08C-25**

AN ORDINANCE AMENDING CODE OF ORDINANCES SECTION 231.09

Summary

This Ordinance amends Code of Ordinances Section 231.09 to allow the sale of alcoholic beverages on New Year's Eve until 2:00 a.m. on January 1 regardless of the day of the week on which New Year's Eve occurs.

Motion by Commissioner Litton, second by Commissioner Ashley to pass the ordinance 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 AMENDING ALCOHOLIC BEVERAGE ORDINANCE TO DEFINE POWERS OF ABC ADMINISTRATOR

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

**COMMONWEALTH OF KENTUCKY
CITY OF MAYSVILLE
Ordinance No. 08C-26**

AN ORDINANCE AMENDING CODE OF ORDINANCES SECTION 231.11

Summary

This Ordinance amends Code of Ordinances Section 231.11 to add that the Alcoholic Beverage Control Administrator shall have the same powers and duties with respect to suspension and revocation for cause of City licenses as the State Alcoholic Beverage Control Board has with respect to State licenses under KRS 241.060. The City Alcoholic Beverage Control Administrator, on his own initiative or on the complaint of any person, may institute proceedings to revoke or suspend any license issued under this Chapter.

Appeals from the Orders of the Alcoholic Beverage Control Administrator may be taken to the State Alcoholic Beverage Control Board by filing with the Board within thirty days a certified copy of the orders of the City's Alcoholic Beverage Control Administrator. Matters at issue shall be heard by the Board upon an original proceeding. Appeals from

the City's Alcoholic Beverage Control Administrator shall be governed by KRS Chapter 13B.

Motion by Commissioner Pfeffer, second by Commissioner Ashley to pass 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 AMENDING ALCHOHOLIC BEVERAGE ORDINANCE TO ADD PROVISIONS REGARDING REVOCATION OR SUSPENSION OF LICENSE

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

**COMMONWEALTH OF KENTUCKY
CITY OF MAYSVILLE
Ordinance No. 08C-27**

AN ORDINANCE ADOPTING CODE OF ORDINANCES SECTION 231.12

Summary

This Ordinance adds Code of Ordinances Section 231.12 to add a provision that within three days after any order of revocation of a license becomes final, notice of revocation shall be given to the licensee and to the owner of the licensed premises. The licensee shall at once surrender the license to the City Alcoholic Beverage Control Administrator. If the revoked license is not surrendered by the licensee, the Chief of Police shall cause one of his officers to take physical possession of the license and return it to the City Alcoholic Beverage Control Administrator. Appeals from the decision of the City Alcoholic Beverage Control Administrator shall be to the Alcoholic Beverage Control Board. If a license is revoked or suspended by an order of the City Alcoholic Beverage control Administrator, the licensee shall at once suspend all operations authorized under his license.

Motion by Commissioner Mains second by Commissioner Pfeffer to pass the ordinance 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 AMENDING ALCOHOLIC BEVERAGE ORDINANCE TO ADD PROVISION REGARDING SURRENDER OF LICENSE

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

**COMMONWEALTH OF KENTUCKY
CITY OF MAYSVILLE
Ordinance No. 08C-28**

**AN ORDINANCE AMENDING CODE OF ORDINANCES SECTION 231.07 TO ADD
PROVISIONS FOR REVOCATION OR SUSPENSION OF LICENSES**

Summary

This Ordinance amends Code of Ordinances Section 231.07 to state that applications for licenses shall be made to the City Alcoholic Beverage Control Administrator and that no license shall be granted or renewed to any person who is delinquent in the payment of any taxes or fees due the City at the time of issuing the license and if the licensee becomes delinquent in payment of any taxes or fees due to City at any time during the license period, the license shall be subject to revocation or suspension. Appeals may be taken to the State Alcoholic Beverage Control Board.

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 ADOPTING DONATED SICK LEAVE PROGRAM

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

**1COMMONWEALTH OF KENTUCKY
CITY OF MAYSVILLE
Ordinance No. 08C-19**

AN ORDINANCE ADOPTING DONATED SICK LEAVE PROGRAM

Summary

This Ordinance establishes a donated sick leave program to allow employees to voluntarily donate accrued sick leave hours to another employee who has exhausted his paid benefits and is absent from work thirty days (whichever is longer) to receive donated sick leave from other full-time regular employees. Employees may not contribute more than 10% of their accrued sick leave balance to another employee during a calendar year. A donation must be not less than 4 hours and no more than 80 hours.

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 Ashley, Commissioner Pfeffer, Commissioner Mains,

Commissioner Litton and Mayor Cartmell.

ORDINANCE EXEMPTING SERVICE DOGS FROM THE PIT BULL ORDINANCE

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

**1COMMONWEALTH OF KENTUCKY
CITY OF MAYSVILLE
Ordinance No. 08C-20**

**AN ORDINANCE EXEMPTING SERVICE DOGS FROM
THE PIT BULL PROHIBITION**

Summary

This Ordinance amends Code of Ordinances § 199.09 to allow pit bull service dogs that are used to accommodate a disability and were owned prior to September 1, 2008 and amends Code of Ordinances Sections § 199.10 and §199.11 to revise the number of the sections.

Motion by Commissioner Litton, second by Commissioner Ashley 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.

ORDINANCE AMENDING ORDINANCE SECTION 71.145; MAYSVILLE CEMETERY CO.

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

**1COMMONWEALTH OF KENTUCKY
CITY OF MAYSVILLE
Ordinance No. 08C-21**

AN ORDINANCE AMENDING ORDINANCE SECTION §71.145

Summary

This Ordinance amends City of Maysville Ordinance Section §71.145 to delete the authority to share the expenses with the adjoining non-profit Maysville Cemetery Company.

Motion by Commissioner Mains, second by Commissioner Pfeffer 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.

ORDINANCE REPEALING SPECIAL EVENTS COMMISSION

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

**1COMMONWEALTH OF KENTUCKY
CITY OF MAYSVILLE
Ordinance No. 08C-22**

AN ORDINANCE REPEALING MAYSVILLE SPECIAL EVENTS COMMISSION

Summary

This Ordinance repeals the Ordinances creating the Maysville Special Events Commission since it has been replaced by the Renaissance Committee.

Motion by Commissioner Ashley, 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.

ORDINANCE RE RENAISSANCE BOARD

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

**1COMMONWEALTH OF KENTUCKY
CITY OF MAYSVILLE
Ordinance No. 08C-23**

AN ORDINANCE RE RENAISSANCE COMMITTEE

Summary

This Ordinance establishes the Renaissance Committee which consists of 12 members who are appointed by the Mayor with approval by the Board of Commissioners for a 4 year term to serve without compensation. The responsibility of the Renaissance Committee is to optimize Maysville's historic downtown area.

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 Ashley, Commissioner Pfeffer, Commissioner Mains,

Commissioner Litton and Mayor Cartmell.

CLOSED SESSION

Motion by Commissioner Mains, second by Commissioner Pfeffer to go into executive session to discuss proposed or pending litigation pursuant to KRS 61.810(1))b). 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.

David Cartmell, Mayor

City Clerk