

Maysville City Commission
Thursday, Feb. 5, 2009; 5:15 p.m.
SPECIAL MEETING

The Board of Commissioners of the city of Maysville, Kentucky met in a regular meeting on 5 February 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, 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, Building Official Gary Wells, Codes Officer Nicole Jones, Asst. Comptroller/HR Director Karen Cracraft, and Asst. City Attorney Kelly Caudill. Also present: The Ledger Independent and WFTM.

MINUTES & DEPARTMENT REPORTS

The minutes of the Jan. 8, 2009, regular meeting and department reports were presented to the Board of Commissioners.

Motion by Commissioner Litton, second by Commissioner Ashley to accept the Jan. 8, 2009 minutes and department reports with corrections as noted. 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

The Mayor presented the following appointments and reappointments to the Board of Commissioners:

Peggy Gilligan to Codes Enforcement Board, term to expire 2/10/12

Sherry Rice, Tourism Commission, to fill unexpired term of Tina Jackson, 10/11/10

Motion by Commissioner Pfeffer, second by Commissioner Mains to approved the recommended appointment and reappointment. 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.

COMMUNITY PRAYER SERVICE

For the record a community prayer service will be held at the 6:30 p.m., Feb. 20, March 20, and April 24 at the High School Auditorium.

UPDATE ON HAYSWOOD HOSPITAL SITE

City Engineer Sam Baker said the geotechnical report was not bad. There were no issues with slippage of the major portion of the hillside if the structure is demolished. Some slippage of the top two feet of soil is likely. The report included a recommendation to create a berm with demolition material to prevent slippage.

There is no news on the asbestos survey funding. It has tentative state approval. If that funding is not available, another source is possible.

RESOLUTION APPROVING SALE OF MARTHA COMER DRIVE PROPERTY

The following resolution was presented to the Board of Commissioners:

**1COMMONWEALTH OF KENTUCKY
CITY OF MAYSVILLE
Resolution No. 09-19**

A RESOLUTION AUTHORIZING CONTRACT AND DEED TO PME OF OHIO, INC.

WHEREAS, PME of Ohio, Inc. (hereinafter "**PME**") is evaluating the establishment of a new manufacturing facility in the Commonwealth of Kentucky; and

WHEREAS, the City of Maysville, Kentucky desires PME to locate the new facility in Maysville in order to provide jobs to Maysville residents; and

WHEREAS, it is anticipated that this facility will result in a creation of approximately twenty new jobs within two years following approval of State Incentives; and

WHEREAS, in order to induce PME to locate the facility in Maysville, the City desires to sell approximately 4.9 acres of land located at 1719 Martha Comer Drive, Maysville, Mason County, Kentucky to PME for the sum of \$1; and

WHEREAS, the transfer of the property serves the public purpose of economic development and relief of unemployment;

NOW THEREFORE, BE IT RESOLVED BY THE CITY OF MAYSVILLE, KENTUCKY, that the Mayor is hereby authorized and directed to execute and deliver a contract for sale to PME of Ohio, Inc. to authorize the sale of 4.9 acres of land located at 1719 Martha Comer Drive, Maysville, Mason County, Kentucky to PME with agreement to extend water and waste water lines and to build an access road. The Mayor is further authorized and directed to execute the deed, closing statement, and any other necessary documents in connection with the closing of the sale of the property located at 1719 Martha Comer Drive, Maysville, Mason County, Kentucky.

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

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

RESOLUTION COMMENDING PUBLIC WORKERS

The following resolution was presented to the Board of Commissioners:

**1COMMONWEALTH OF KENTUCKY
CITY OF MAYSVILLE
Resolution No. 09-18**

A RESOLUTION COMMENDING EFFORTS MADE DURING STATE OF EMERGENCY

WHEREAS, the City of Maysville recently experienced an emergency situation during the ice and snow storm; and

WHEREAS, many people worked long hours under very difficult circumstances during the time of emergency;

NOW THEREFORE, BE IT RESOLVED BY THE CITY OF MAYSVILLE, KENTUCKY, that the Maysville Public Works Department, the Maysville Police Department, the Maysville Fire Department, Maysville Utility Commission, Kentucky Utility workers, RECC workers, out-of-state contractors, Columbia Gas, the Maysville-Mason County Red Cross, and St. Patrick's School be publicly thanked for all their efforts to restore power, clean the streets, provide shelter, and maintain order during a time of emergency in the City of Maysville.

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

RESOLUTION AUTHORIZING APPLICATION FOR TRANSIT GRANT

The following resolution was presented to the Board of Commissioners:

**1CITY OF MAYSVILLE
COMMONWEALTH OF KENTUCKY
Resolution No. 09-11**

A RESOLUTION AUTHORIZING THE FILING OF AN APPLICATION WITH THE DEPARTMENT OF TRANSPORTATION, UNITED STATES OF AMERICA, FOR A GRANT UNDER THE SAFE, ACCOUNTABLE, FLEXIBLE, EFFICIENT TRANSPORTATION EQUITY ACT: A LEGACY FOR USERS (SAFETEA-LU),

WHEREAS, the Secretary of Transportation is authorized to make grants for mass transportation projects; and

WHEREAS, the contract for financial assistance will impose certain obligations upon the applicant, including the provision by it of the local share of the project costs; and

WHEREAS, it is required by the U.S. Department of Transportation in accordance with the provisions of Title VI of the Civil Rights Act of 1964, that in connection with the filing of an application for assistance under the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), the City gives an assurance that it will comply with Title VI of the Civil Rights Act of 1964 and the Department of Transportation requirements thereunder; and

WHEREAS, it is required by the U.S. Department of Transportation in accordance with the provisions of Section 504 of the Rehabilitation Act of 1973, that in connection with the filing of an application for assistance the City gives an assurance that it will comply with Section 504 of Rehabilitation Act of 1973 and the U.S. Department of Transportation requirements thereunder; and

WHEREAS, it is required by the U.S. Department of Labor in accordance with the provisions of Section 5333(b) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), that in connection with the filing of an application for assistance under the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), and in the absence of a waiver from the U.S. Department of Labor, the City gives an assurance that it will comply with Section 5333(b) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), and the U.S. Department of Labor requirements thereunder; and

WHEREAS, it is the goal of the City that disadvantaged business enterprises be utilized to the fullest extent possible in connection with this project, and the definite procedures shall be established and administered to ensure that disadvantaged businesses shall have maximum feasible opportunity to compete for contracts when procuring construction contracts, supplies, equipment contracts or consultant and other services.

NOW THEREFORE, BE IT RESOLVED BY THE CITY OF MAYSVILLE, KENTUCKY, that the Mayor is authorized:

- Section 1. to execute and file an application on behalf of the City of Maysville with the U.S. Department of Transportation, to aid in the financing of the capital, administrative and operating expenses.
- Section 2. to execute and file with such application an assurance or any other document required by the U.S. Department of Transportation effectuating the purpose of Title VI of the Civil Rights Act of 1964.

- Section 3. to set forth and execute affirmative minority business policies in connection with the project's procurement needs.
- Section 4. to set forth and execute with such application an assurance that the Maysville Transit System will comply with the conditions of the Section 5333(b) Warranty as required by the U.S. Department of Labor effectuating the purposes of Section 5333(b) of Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU),
- Section 5. to furnish such additional information as the U.S. Department of Transportation may require in connection with the application or the project.
- Section 6. to execute grant contract agreements on behalf of City of Maysville with the Kentucky Transportation Cabinet for aid in the financing of the capital, administrative, and operating expenses of the Maysville Transit Authority.
- Section 7. This Resolution shall be in full force and effect from and after the date of its adoption.

Motion by Commissioner Ashley, second by Commissioner Pfeffer to adopt the resolution as read. 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 LOCAL FUNDS FOR TRANSIT SYSTEM

The following resolution was presented to the Board of Commissioners:

**CITY OF MAYSVILLE
COMMONWEALTH OF KENTUCKY
Resolution No. 09-12**

A RESOLUTION COMMITTING THE LOCAL SHARE OF FUNDS NECESSARY FOR A
GRANT APPLICATION TO AID IN THE ADMINISTRATION AND OPERATION
EXPENSE OF THE LOCAL TRANSIT SYSTEM.

WHEREAS, the City of Maysville is authorized by Kentucky Revised Statutes Section 96.189 to apply for and accept grants of money to assist in the implementation of a transit system in the local service area; and

WHEREAS, the City of Maysville has applied to the Kentucky Transportation Cabinet and the Federal Transit Administration of the United States Department of Transportation Act of 1964, in connection with the Section 5307/5311 project; and

WHEREAS, said application requires assurance of the City of Maysville relative to the commitment of the local share for the Section 5307/5311 project(s).

NOW THEREFORE, BE IT RESOLVED BY THE City of Maysville, Kentucky as follows:

1. The City of Maysville hereby gives assurance that it is its intent to commit its local share of the funds necessary to support this project to improve transit service in local service area for a minimum of five (5) years from the inception of the project. Said local share of expenses is to be paid from the General Fund, including bus fares.
2. The City of Maysville hereby gives assurance that it intends to continue the operation of transit service for a minimum of five (5) years.

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

RESOLUTION REQUESTING FUNDING FOR THE COX BUILDING

The following resolution was presented to the Board of Commissioners:

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

A RESOLUTION AUTHORIZING REQUEST FOR FUNDING FOR COX BUILDING

NOW THEREFORE, BE IT RESOLVED BY THE CITY OF MAYSVILLE, KENTUCKY, that the Mayor is hereby authorized and directed to execute and deliver a letter to Senator Mitch McConnell requesting funding for the Cox Building.

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

RESOLUTION AUTHORIZING APPLICATION FOR SURVEY AND PLANNING GRANT FROM KENTUCKY HERITAGE COUNCIL

The following resolution was presented to the Board of Commissioners:

1CITY OF MAYSVILLE

COMMONWEALTH OF KENTUCKY
Resolution No. 09-13_

A RESOLUTION AUTHORIZING APPLICATION FOR
SURVEY AND PLANNING GRANT

NOW THEREFORE, BE IT RESOLVED BY THE City of Maysville, Kentucky that the Mayor is hereby authorized and directed to execute a survey and planning grant application for Kentucky Heritage Council.

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

RESOLUTION AUTHORIZING COLUMBIA GAS EASEMENT

The following resolution was presented to the Board of Commissioners:

CITY OF MAYSVILLE
COMMONWEALTH OF KENTUCKY
Resolution No. 09-14

A RESOLUTION AUTHORIZING COLUMBIA GAS EASEMENT

WHEREAS, the City of Maysville previously granted a gas pipe line easement to Columbia Gas of Kentucky, Inc. in May 2003 and which original easement has been lost and not recorded;

NOW THEREFORE, BE IT RESOLVED BY THE City of Maysville, Kentucky that the Mayor is hereby authorized and directed to execute and deliver a gas pipe line easement to Columbia Gas of Kentucky, Inc. on the property acquired by the City by deed recorded in Mason County Deed Book 292, page 134.

Motion by Commissioner Mains, second by Commissioner Ashley to adopt the resolution as read. 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 APPROVING CONTRACT TO DEMOLISH 330 W. 3RD ST.

The following resolution was presented to the Board of Commissioners:

1COMMONWEALTH OF KENTUCKY
CITY OF MAYSVILLE
Resolution No. 09-16

A RESOLUTION AWARDING CONTRACT FOR DEMOLITION

WHEREAS, the City of Maysville has condemnation orders against 330 West Third Street, Maysville, Kentucky; and

WHEREAS, the Codes Enforcement Officer has obtained proposals for demolition for the property; and

WHEREAS, the Codes Enforcement Officer has received a proposal for demolition on the building from Wind Ridge Construction, LLC for \$3,402;

NOW THEREFORE, BE IT RESOLVED BY THE CITY OF MAYSVILLE, KENTUCKY, that the Mayor is hereby authorized and directed forthwith to execute all contractual documents necessary or appropriate to effectuate acceptance of the demolition proposal of Wind Ridge Construction, LLC to demolish 330 West Third Street, Maysville, Kentucky for \$3,402.

Motion by Commissioner Ashley, second by Commissioner Pfeffer to adopt the resolution as read. 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 APPROVING CONTRACT TO DEMOLISH 402 W. 3RD ST.

The following resolution was presented to the Board of Commissioners:

**1COMMONWEALTH OF KENTUCKY
CITY OF MAYSVILLE
Resolution No. 09-16**

A RESOLUTION AWARDING CONTRACT FOR DEMOLITION

WHEREAS, the City of Maysville has condemnation orders against 402 West Third Street, Maysville, Kentucky; and

WHEREAS, the Codes Enforcement Officer has obtained proposals for demolition for the property; and

WHEREAS, the Codes Enforcement Officer has received a proposal for demolition on the building from Wind Ridge Construction, LLC for \$4,100;

NOW THEREFORE, BE IT RESOLVED BY THE CITY OF MAYSVILLE, KENTUCKY, that the Mayor is hereby authorized and directed forthwith to execute all contractual documents necessary or appropriate to effectuate acceptance of the demolition

proposal of Wind Ridge Construction, LLC to demolish 402 West Third Street, Maysville, Kentucky for \$4,100.

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

CLOSED SESSION TO DISCUSS PERSONNEL PURSUANT TO KRS 61.810(1)(F) & PROPERTY PURSUANT TO KRS 61.810(1)(B)

Motion by Commission Pfeffer, second by Commissioner Ashley to go into closed session. 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.

ADJOURN

Motion by Commissioner Litton, second by Commissioner Pfeffer 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