

**Maysville City Commission**  
**7 February 2008**  
**SPECIAL MEETING**

The Board of Commissioners of the city of Maysville, Kentucky met in a special meeting on 7 February 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, City Clerk Lisa Dunbar, City Attorney Sue Brammer, 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 Asst. Comptroller/HR Director Karen Cracraft. Also present: The Ledger Independent.

MINUTES & REPORTS

**Motion** by Commissioner Pfeffer, second by Commissioner Ashley, to accept the minutes from the Jan. 10, 2008, regular meeting, Jan. 24, 2008, special meeting and department reports. Upon call of the roll, voting is as follows: Voting aye: Commissioner Ashley, Commissioner Pfeffer, Commissioner Mains, Commissioner Litton and Mayor Cartmell.

APPOINTMENTS & REAPPOINTMENTS

Recommendation by Mayor Cartmell to appoint Ann Johnson to fill the un-expired term of Chris Bone on the Human Rights Commission. Appointment would expire March 2010.

**Motion** by Commissioner Litton, second by Commissioner Pfeffer to appoint Ann Johnson to the Human Rights Commission. Upon call of the roll, voting is as follows: Voting aye: Commissioner Ashley, Commissioner Pfeffer, Commissioner Mains, Commissioner Litton and Mayor Cartmell.

APPOINTMENT OF PROBATIONARY EMPLOYEE TO PUBLIC WORKS

The following recommendation was made to the Board of Commissioners:

To: Honorable Mayor and City Commissioners  
From: James T. Fryman, Public Works Director  
Date: February 7, 2008  
Re: Full Time Position Opening

Due to the full time position opening in the Public Works Department with the retirement of Truett Crosby it is my recommendation that the Mayor and the City Commissioners hire Jarrod Gulley for the full time position opening and the start date to be February 18, 2008, with a 90 day probation period.

**Motion** by Commissioner Mains, second by Commissioner Pfeffer, to appoint Jarrod Gulley as recommended by the Public Works Director. Upon call of the roll, voting is as follows: Voting aye: Commissioner Ashley, Commissioner Pfeffer, Commissioner Mains, Commissioner Litton and Mayor Cartmell.

DISCUSSION OF DOWNTOWN PARKING

City Manager Young informed the Board of Commissioners that the Downtown Merchants Association wanted to have a meeting with staff and commissioners on February 13, 2008. Commissioner Pfeffer and Mayor Cartmell agreed to meet with the merchants to discuss downtown parking and a proposed parking ordinance.

RESOLUTION AWARDING RIVERPARK CONTRACT

The following resolution was presented to the Board of Commissioners:

**1COMMONWEALTH OF KENTUCKY  
CITY OF MAYSVILLE  
Resolution No. 08-12**

A RESOLUTION AWARDING CONTRACT FOR OPERATION OF  
THE MAYSVILLE RIVER PARK

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

- (a) Subject: Operation of the Maysville River Park
- (b) Advertised: 7 January 2008
- (c) Bid Opening: 5 February 2008

WHEREAS, proposals were received from the following persons:

- 1) William Ross, Sheryl Ross , Sonny Florence, and Vera Florence
- 2) Clinton Hughes
- 3) Dan Seithers and Elizabeth Litzinger

WHEREAS, the City Manager and the Director of Public Works have recommended acceptance of the first proposal, as the best proposal,

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

- (1) The proposal of William Ross, Sheryl Ross, Sonny Florence, and Vera Florence 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 Ashley, 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 MAYOR TO SIGN LETTER TO SEN. MITCH MCCONNELL FOR COX BUILDING FUNDING

The following resolution was presented to the Board of Commissioners:

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

A RESOLUTION AUTHORIZING REQUEST FOR COX BUILDING FUNDS

WHEREAS, the City of Maysville, Kentucky has purchased the Cox Building in downtown Maysville, Kentucky; and

WHEREAS, the City is attempting to obtain funds for the renovation of the Cox Building;

NOW THEREFORE, BE IT RESOLVED BY THE CITY OF MAYSVILLE, KENTUCKY, that the Mayor is hereby authorized and directed to sign a letter to Senator Mitch McConnell requesting funding for the Cox Building in the amount of \$3.5 million.

ADOPTED BY THE BOARD OF COMMISSIONERS OF THE CITY OF MAYSVILLE, 7 February 2008.

**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 AWARDING AN ENGINEERING CONTRACT FOR DESIGN OF SEWER REPAIRS IN OLD WASHINGTON

The following resolution was presented to the Board of Commissioners:

**1COMMONWEALTH OF KENTUCKY  
CITY OF MAYSVILLE  
Resolution No. 08-09**

**A RESOLUTION AWARDING DESIGN WORK FOR WASHINGTON SEWER REHABILITATION**

WHEREAS, the City of Maysville asked for proposals from three engineering firms for Phase One and Phase Two of the design work for repairs and upgrades to the Washington Sewer System; and

WHEREAS, the following proposals were received:

	PHASE ONE	PHASE TWO
1. Cann-Tech	\$31,000	\$76,000
2. DLZ	\$75,291	\$86,434.50
3. Palmer Engineering	\$111,426	\$97,311

WHEREAS, the City Manager and the City Engineer have recommended acceptance of the Cann-Tech proposal for Phase One;

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

1. The proposal of Cann-Tech in the sum of \$31,000 for Phase One of the Washington Sewer Rehabilitation 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 proposal 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.

RESOLUTION APPROVING CHANGE ORDER FOR 2<sup>ND</sup> STREET SEWER CONTRACT

The following resolution was presented to the Board of Commissioners:

**1COMMONWEALTH OF KENTUCKY  
CITY OF MAYSVILLE  
Resolution No. 08-10**

**A RESOLUTION AUTHORIZING CHANGE ORDER FOR SECOND STREET STORM SEWER**

WHEREAS, the City of Maysville, Kentucky and Wind Ridge Construction entered into a Contract for Second Street Storm Sewer in the amount of \$206,822; and

WHEREAS, the City has been required by the Commonwealth of Kentucky to change some of the materials used which results in an increase of \$27,770; and

WHEREAS, the City has contacted Wind Ridge Construction to determine the costs of the new materials required; and

WHEREAS, the City has been approved to use concrete grout in lieu of a mechanical seal at the manholes which reduces the cost of the original contract price by \$6,000;

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

1. The contract change order for the Second Street Storm Sewer with Wind Ridge Construction is hereby changed from the original contract price of \$206,822 to \$228,592.
2. The Mayor is hereby authorized and directed forthwith to execute all contractual documents necessary or appropriate to effectuate the contract change order to reflect the changes in the cost of the materials.

**Discussion:** Staff was instructed to look at whether the city could save money by purchasing the materials itself and thereby avoiding sales tax. If so, a new resolution could be drawn up and voted on at a special meeting.

**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 APPROVING CONTRACT WITH RDH SURVEY

The following resolution was presented to the Board of Commissioners:

**1COMMONWEALTH OF KENTUCKY  
CITY OF MAYSVILLE  
Resolution No. 08-11**

A RESOLUTION AUTHORIZING CONTRACT FOR PROJECT MANAGEMENT WORK  
WHEREAS, the City of Maysville, Kentucky needs Project Management work furnished to it; and

WHEREAS, RDH Surveys, Inc. has proposed providing Project Management;

NOW THEREFORE, BE IT RESOLVED BY THE CITY OF MAYSVILLE, KENTUCKY, that the Mayor is hereby authorized and directed to execute a Contract with RDH Surveys, Inc. to furnish Project Management at a rate of \$15.00 per hour, which Contract may be cancelled by either party on fourteen days written notice.

**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 FILING OF APPLICATION FOR TRANSIT GRANT

The following resolution was presented to the Board of Commissioners:

**1CITY OF MAYSVILLE**

**COMMONWEALTH OF KENTUCKY**  
**Resolution No. 08-13**

A RESOLUTION AUTHORIZING THE FILING OF AN APPLICATION WITH THE DEPARTMENT OF TRANSPORTATION, UNITED STATES OF AMERICA, FOR A GRANT UNDER THE FEDERAL TRANSIT ACT.

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 City of Maysville including the provision by it of the local share of 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 Federal Transit Act, the City gives an assurance that it will comply with Title VI of the Civil Rights Act of 1964 and the U.S. 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 the 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 13(c) of the Federal Transit Act, that in connection with the filing of an application for assistance under the Federal Transit Act, 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 13(c) of the Federal Transit Act 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 definitive 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:

- (a) to execute and file an application on behalf of the City of Maysville with the U.S. Department of Transportation, for federal grant monies to aid in the continual operating, administration, and capital expenses of the local transit system;
- (b) to execute and file with such application an assurance or any other document required by the U.S. Department of Transportation effectuating the purposes of Title VI of the Civil Rights Act of 1964;
- (c) to set forth and execute affirmative minority business policies in connection with the project's procurement needs;
- (d) to set forth and execute with such application an assurance that the City of Maysville will comply with the conditions of the Special Section 13(c) Warranty as required by the U.S. Department of Labor effectuating the purposes of section 13(c) of the Federal Transit Act;
- (e) to furnish such additional information as the U.S. Department of Transportation may require in connection with the application of the project; and

(f) to execute grant contract agreements on behalf of the City of Maysville with the Kentucky Transportation Cabinet for aid in the financing of the continuing operating, administrative, and capital expenses of the Maysville Transit Authority.

**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.

RESOLUTION COMMITTING LOCAL FUNDS FOR TRANSIT GRANT APPLICATION

The following resolution was presented to the Board of Commissioners:

**CITY OF MAYSVILLE  
COMMONWEALTH OF KENTUCKY  
Resolution No. 08-14**

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 the 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 City of Maysville; and

WHEREAS, the City of Maysville has applied for a \$264,605 matching grant under Section 5311 to the Kentucky Transportation Cabinet and Federal Transportation Agency of the United States Department of Transportation in connection with the Section 5311 project, for administration and operation of the local transit system; and

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

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

1.The City of Maysville hereby gives assurance of its intent to commit its local matching share of the funds necessary in the amount of \$118,803 for operating and capital funds to support the Project in order to improve transit service in the City of Maysville, for a minimum of five 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 local transit service for a minimum of five years through 30 June 2013.

**Motion** by Commissioner Ashley, 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.

ORDINANCE AMENDING LAND USE ORDINANCE

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

**1COMMONWEALTH OF KENTUCKY  
CITY OF MAYSVILLE  
ORDINANCE NO. 08C-01**

AN ORDINANCE AMENDING CODE OF ORDINANCES SECTION 320 ARTICLE V, 320.406, AND 320.409.4.

Summary

This Ordinance amends Code of Ordinances Section 320 Article V to add definitions for Zoo, Plumbing/Electrical/HVAC, Conference Center, Convention Center, Exhibition Hall, Assisted Care Facility, and Video/Audio/Theater Production Facility. This Ordinance amends Code of Ordinances Section 320.406 (F)(2) to state that Plumbing/Electrical/HVAC usage shall be permitted in B2, I-1A, and I-1B and to be conditional in B-1, B-3, D-1, I-2A, I-2B, I-3, and C; Zoos shall be permitted in A-2 and conditional in C; Conference, Convention Centers and Exhibition Halls shall be permitted in B-2 and D-1 and conditional in B-1; Assisted Care Facility are permitted in A-2; and Video/Audio/Theater Production Facility shall be permitted in B-1, B-2, and D-1, and conditional in B-3 and C. This Ordinance amends Code of Ordinances Section 320.409.4 to add that project land in a planned unit development shall be owned, leased or controlled by a single entity at the time of development; that development of the commercial portion of a planned unit development shall not take place until completion of the residential areas unless the project exceeds 750 acres; and that if construction of a planned unit development has not begun within one year of approval or construction stops for 180 days, the approval is null and void.

**Motion** by Commissioner Pfeffer, second by Commissioner Litton, 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 APPROVING, ADOPTING & ENACTING THE CODIFIED ORDINANCES

**1CITY OF MAYSVILLE  
COMMONWEALTH OF KENTUCKY  
Ordinance No. 08C-02**

AN ORDINANCE APPROVING, ADOPTING, AND ENACTING THE CODIFIED ORDINANCES OF THE CITY OF MAYSVILLE, KENTUCKY.

WHEREAS, the City of Maysville is authorized by Kentucky Revised Statutes (“**KRS**”) section 83A.060(5) to adopt a codification of local legislation by reference; and

WHEREAS, effective 1 November 1982, the City created a codification of its ordinances pertaining to legislation of a general and permanent nature; and

WHEREAS, KRS section 83A.060(11) requires the City, at least once every five years, to examine its Code of Ordinances for consistency with state law and for consistency among ordinances, and to revise the same to eliminate redundant, obsolete, inconsistent, and invalid provisions; and

WHEREAS, the City of Maysville has now completely recodified its Code of Ordinances for the fifth time in compliance with KRS section 83A.060(11).

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

(1) The ordinances of the City of Maysville, Kentucky, of a general and permanent nature, as prepared by the City Attorney, published by American Legal Publishing Corporation and copyrighted 2008, and as attached hereto and made a part of this Ordinance as if fully copied herein, are hereby approved, adopted, and enacted as the Code of Ordinances of the City of Maysville, Kentucky, covering the following subjects:

- Title I : Code Construction and Penalties
- Title III : Public Information and Ethics
- Title V : Legislative
- Title VII : Administrative
- Title IX : Public Safety

Title XI	:	Employment Provisions
Title XIII	:	Finance and Taxation
Title XV	:	Public Services
Title XVII	:	Public Ways and Property
Title XIX	:	Private Property Regulations
Title XXI	:	Miscellaneous Public Offenses
Title XXIII	:	Business Regulations
Title XXV	:	Traffic Regulations
Title XXVII	:	Building Regulations
Title XXIX	:	Subdivision Regulations
Title XXXI	:	Zoning Regulations
Title XL	:	Permit Fees

(2) A copy of the Code of Ordinances, as adopted, shall accompany this Ordinance and shall be made a part of the permanent records of the City pursuant to KRS section 83A.060(5).

(3) The Code of Ordinances contains all of the ordinance provisions of a general and permanent nature pertaining to the subjects therein enumerated and embraced through Ordinance No. 05-C-25. All prior ordinances and parts of ordinances prior to Ordinance No. 05-C-25 which are in force on 1 December 2005, and which are incorporated in or pertaining to the subjects enumerated and embraced in the Code of Ordinances, are hereby repealed effective as of 1 January 2008.

(4) The repeal of ordinances as provided in section (3) hereof, however, shall not affect:

(a) Any ordinance of a temporary nature, or any ordinance pertaining to subjects not enumerated and embraced in the Code of Ordinances;

(b) Any offense or act committed or done, or any penalty or forfeiture incurred, or any contract or right established or accruing before 1 January 2008;

(c) Any ordinance or resolution, promising or guaranteeing the payment of money to or by the City, authorizing the issuance of any bonds or notes of the City or any other evidence of City indebtedness, or any contract or obligation assumed by the City;

(d) Any right of franchise conferred by any ordinance or resolution of the City to any person or corporation;

(e) Any ordinance, levying, or imposing taxes, assessments, or charges;

(f) Any prosecution, suit, or other proceeding pending, or any judgment rendered, on or prior to 1 January 2001; or

(g) Any ordinance adopted by the City subsequent to Ordinance No. 05-C-25.

(5) This Ordinance shall forthwith be published in full in accordance with KRS section 83A.060(9) and shall become effective as of 1 January 2008.

**Motion** by Commissioner Pfeffer, second by Commissioner Ashley, 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.

#### ADJOURNMENT

**Motion** by Commissioner Ashley, second by Commissioner Pfeffer, 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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David Cartmell, Mayor

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City Clerk