

**Maysville City Commission  
2 July 2008  
SPECIAL MEETING**

The Board of Commissioners of the city of Maysville, Kentucky met in a special meeting on 2 July 2008 at 12 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, Tourism /Renaissance Director Duff Giffen, Zoning Administrator Matt Wallingford, Building Official Gary Wells, and Asst. Comptroller Karen Cracraft. Absent: City Engineer Sam Baker, Water Manager Eddie Wenz and Asst. City Attorney Kelly Caudill. Also present: The Ledger Independent and WFTM.

**MINUTES & DEPARTMENT REPORTS**

Minutes from the June 12, 2008 regular meeting, June 23, 2008, special meeting, and department reports were presented to the Board of Commissioners.

**Motion** by Commissioner Litton, second by Commissioner Ashley to accept the minutes and reports as submitted. 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 Mayor submitted the following appointments and reappointments to the Board of Commissioners:

Board of Adjustment  
Peggy Crum, 7/31/12  
Betty Coutant, 7/31/12  
Joint Planning Commission  
Bob Hall, 7/31/12  
Fleming-Mason Airport Board  
Brad Gossard, 5/31/11

**Motion** by Commissioner Mains, second by Commissioner Pfeffer to approve the appointments and reappointments as submitted by the Mayor. 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 POLICE OFFICER**

The following memo was submitted to the Board of Commissioners:

To: Honorable Mayor and City Commission  
Fr: Chief James K. Butcher  
Re: Appointment  
Da: June 23, 2008

I respectfully request the appointment of Eric L. Hylander to a probationary police officer with the Maysville Police Department. Mr. Hylander has completed our hiring process, as well as all other components required by the Department of Criminal Justice Training. We anticipate that Eric will be an excellent addition to our department.

**Motion** by Commissioner Mains, second by Commissioner Litton to approve the appointment of Eric L. Hylander to probationary police officer. Upon call of the roll, voting is as follows: Voting aye: Commissioner Ashley, Commissioner Pfeffer, Commissioner Mains, Commissioner Litton and Mayor Cartmell.

#### APPOINTMENT OF PART-TIME POSITION AT PUBLIC WORKS

The following memo was presented to the Board of Commissioners:

To: Mayor & City Commission  
From: Ramon M. Young, City Manager  
Date: June 30, 2008  
Re: New hire

I respectfully request part-time hire of Jim Warner at the Public Works Dept. His job duties will include signs / banners, answering phones, and some inventory control in the tool crib. Jim comes with excellent references on sign and banner making and we expect he will make a great addition to this department and for the City.

Motion by Commissioner Litton, second by Commissioner Ashley to appoint Jim Warner to a part-time position with the Public Works Department. Upon call of the roll, voting is as follows: Voting aye: Commissioner Ashley, Commissioner Pfeffer, Commissioner Mains, Commissioner Litton and Mayor Cartmell.

#### APPOINTMENT OF FULL-TIME POSITION AT PUBLIC WORKS

The following memo was submitted to the Board of Commissioners:

To: Honorable Mayor and City Commission  
From: James T. Fryman, Public Works Director  
Date: July 2, 2008  
Re: Full Time Position Opening

Due to the full time position opening in the Public Works Department with the resignation of Debbie Mattingly it is my recommendation that the Mayor and the City Commissioners hire Johnny Stahl for the full time position opening and the start date to be July 14, 2008.

**Motion** by Commissioner Mains, second by Commissioner Pfeffer to approve the appointment of Johnny Stahl to the full-time position at the Public Works Department. Upon call of the roll, voting is as follows: Voting aye: Commissioner Ashley, Commissioner Pfeffer, Commissioner Mains, Commissioner Litton and Mayor Cartmell.

#### DISCUSSION OF BLACK TOP

City Manager Ray Young asked the Board of Commissioners to look over the list of streets to be black topped and inform him in the next couple of weeks if there are streets they would like to see included.

#### DISCUSSION OF DOWNTOWN PARKING

Joe Kielman, of East Second Street, addressed the Board of Commissioners regarding downtown parking. Kielman said due to employees of other businesses parking in front of his wife's business at 41 W. 2<sup>nd</sup> St., he would like to see 2-hour parking reinstated in the downtown. Kielman said he has started a petition of other downtown business owners.

City Manager Ray Young said, the issue would be placed on the August agenda to give Kielman time to talk further with other business owners.

#### RESOLUTION SUBORDINATING WOMEN'S CRISIS CENTER MORTGAGES

The following resolution was presented to the Board of Commissioners:

**1COMMONWEALTH OF KENTUCKY  
CITY OF MAYSVILLE  
Resolution No. 08-38**

**A RESOLUTION SUBORDINATING WOMEN'S  
CRISIS CENTER MORTGAGES**

WHEREAS, the City of Maysville, Kentucky (hereinafter "**City**") has two mortgages on the property owned by Women's Crisis Center, Inc., located at 211 East Third Street, Maysville, Kentucky; and

WHEREAS, the City's mortgages are second and third to the first mortgage of U.S. Bank, N.A. recorded in Mason County Mortgage Book 304, page 301 which mortgage is a construction mortgage; and

WHEREAS, the WCC Buffalo Trace Shelter, LLC, the owner of 211 East Third Street, Maysville, Kentucky has made arrangements to refinance the mortgage with U.S. Bank, N.A.; and

WHEREAS, US Bank, N.A. has requested that the City of Maysville, Kentucky subordinate its two mortgage loans to the mortgage loan of US Bank, N.A. so that the City maintains a second and third lien position on the property;

NOW THEREFORE, BE IT RESOLVED BY THE CITY OF MAYSVILLE, KENTUCKY, that the Mayor is hereby authorized and directed to execute a Subordination Agreement to US Bank, N.A. subordinating the mortgages of the City of Maysville, Kentucky recorded in Mason County Mortgage Book 276, page 566 and Mason County Mortgage Book 280, page 21 to the mortgage lien of US Bank, N.A. which lien is in the amount of \$500,000.

**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 LAND USE ORDINANCE GOVERNING TEMPORARY SIGNS

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

**COMMONWEALTH OF KENTUCKY  
CITY OF MAYSVILLE  
Ordinance No. 08C-12**

AN ORDINANCE AMENDING CODE OF ORDINANCES SECTION 320.411.3

#### Summary

This Ordinance amends Code of Ordinances Section 320.411.3 to allow temporary signs to be posted no more than 8 days before the event and removed no later than 48 hours after an event. A maximum of four signs are permitted.

Motion by Commissioner Pfeffer, 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 PROHIBITING PIT BULL DOGS

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

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

**AN ORDINANCE PROHIBITING PIT BULL DOGS**

Summary

This Ordinance amends Code of Ordinances Chapter 199 to prohibit pit bull dogs in the City of Maysville. The Ordinance amends Code of Ordinances §199.02, 199.05, and 199.07 to delete the references to registration of pit bull dogs and the prohibition of pit bull dogs in multi-family dwellings. The Ordinance adds a provision that if a pit bull dog is found within the City after September 1, 2008 that the police department will seize and impound the pit bull dog. A pit bull dog seized will only be released to an owner producing evidence that the pit bull dog is to permanently taken out of the City of Maysville. If such proof is not provided, the pit bull dog shall be destroyed.

Motion by Commissioner Mains, second by Commissioner Pfeffer to adopt the ordinance as presented on second reading.

Public comments:

**Anne Denham**, 8112 Ky. 11, Maysville:

I am writing regarding the proposed City of Maysville Pit Bull ban.

The proposed Pit Bull ban is an attempt to regulate the safety of Maysville residents, but finding a balance between reactive legislation and reasonable, enforceable and non-discriminatory regulation is a delicate balance. This balance should be the result of careful review of the facts surrounding this issue and include advice from experts in the field such as local veterinarians and the American Kennel Club (AKC) who have helped develop reasonable legislation in other parts of Kentucky as well as across the nation.

First, there are many causes that result in abuse, injury or death to innocent Maysville residents. For example, irresponsible people who use guns to cause death or injury, irresponsible drivers who drive while intoxicated resulting in injury or death to innocent people, irresponsible use of drugs or alcohol, abuse of children, etc. The law does its best to regulate the cause of these atrocities but alcohol is not banned, guns are not banned, and drivers are not banned. In keeping with this balance, one breed of dog should not be banned because of fear from inaccurate information, rumor and hype, but we should look at regulation for all dogs, including the Pit Bull Terrier, and for all dog

owners to be responsible for keeping their dogs under control, and educate the general public on the best way to react to stray dog, no matter what the breed.

There are indeed records of dogs that have shown aggression towards a human being but these include many different breeds of dogs from Spaniels to German shepherds. Unfortunately, the Pit Bull Terrier gets blamed for many attacks even when there is not a trace of terrier in the dog who committed the aggressive act. Hype spread by alarmists and media sensationalism fuels this fire and does not result in public safety. Did you know Pit Bulls are trained as therapy dogs in Kentucky? Did you know Pit Bulls sniff out drugs in Kentucky? Will this now be denied due city legislation?

All dog owners should be responsible for control of their animals. A dog should be on a leash when out of the house and wear a muzzle if necessary; dogs and dog owners should undergo training on responsibility and safety procedures. These are the kinds of legislation we should be considering, rather than banning one breed of dog, and that same irresponsible pet owner will be perpetuating the same behaviors with the new dog.

The AKC support laws that: establish a fair process by which specific dogs are identified as “dangerous” based on stated, measurable actions; impose appropriate penalties on irresponsible owners; and establish a well-defined method for dealing with dogs proven to be dangerous. The American Kennel Club strongly opposes any legislation that determines a dog to be “dangerous” based on specific or phenotypic classes of dogs.

Of great concern also is the reference to not allowing the dog owner to take a Pit Bull to the veterinarian of their choice, because that veterinarian may be located in the city. This may have disastrous unintended consequences. Now, if an animal is found roaming the likelihood of the dog being sick or diseased is increased, as even responsible pet owners will not be able to get preventative care for their pets. Dog owners should be allowed to take their animals to the vet so that they remain healthy and not a risk to society.

In closing, what I ask is the City of Maysville work with an expert group such as the American Kennel Club as well as city veterinarians for a fair, enforceable, non-discriminatory law to govern the ownership of dogs and protect the city of Maysville from irresponsible dog owners:

- Required licensing with a fee of all dogs within city limits
- Required and enforced leash law for dogs
- A muzzle law for breeds of dogs that a veterinarian deems advisable, to include Pit Bull Terriers, when a dog is off the owners property
- Required training for dog owners on dog obedience and treatment of dogs to preserve the safety of the public as well as the animal; this would be best to address all pet owners but prioritized for those breeds that a veterinarian deems advisable
- Required obedience training for dogs prioritized for those breeds that a veterinarian deems advisable

- Required vaccination of all dogs
- Sanctions for dog owners who do not abide by the law
- No restriction for dog owners to take their pets to a veterinarian within the city of Maysville

The safety of all people is a primary concern for the city of Maysville. The safety of all people is also the primary concern of all responsible pet owners, to include those who own Pit Bull Terriers.

Thank you for your time,  
Anne Denham

**Brian Beckett**, of 7111 Oak Woods Pike, Lewisburg, said breed bans have been struck down in other states as unconstitutional. Some states, such as Florida, have prohibited breed bans by cities. He also said that many cities have found breed bans unenforceable because it is too difficult for police officers to tell what is or isn't a pit bull.

**William Smallwood**, 6140 Key Pike, said he thought the city should enforce the ordinance it has instead of enacting a breed ban.

**Kathy Warner**, 1426 E. 3<sup>rd</sup> St., said her family has a pit bull that is very gentle and they keep in a wire kennel when it isn't under their direct supervision. She didn't think responsible pet owners should be penalized because of those who aren't.

**Alicia Beckett**, of 7111 Oak Woods Pike, Lewisburg, said she has been "patrolling" downtown Maysville for the past month and hasn't seen a single pit bull running loose as has been stated by police officials.

**City Manager Ray Young** said the new ordinance would not prohibit pit bull owners from bringing their dogs to a veterinary clinic within the city limits. He said the police department has tried to enforce the current ordinance for the past five years, but has been unable to. He said the pit bull ban is a proactive measure to prevent someone from being seriously injured.

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

#### ORDINANCE AMENDING CHAPTER 320, ARTICLE V

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

**1COMMONWEALTH OF KENTUCKY  
CITY OF MAYSVILLE  
ORDINANCE NO. 08C-13**

AN ORDINANCE AMENDING CODE OF ORDINANCES SECTION 320 ARTICLE V

Summary

This Ordinance amends Code of Ordinances Section 320 Article V to add a definition for private clubs/lodges.

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

ADJOURNMENT

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

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David Cartmell, Mayor

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City Clerk