

Maysville City Commission
Thursday, August 14, 2008; 5:15 p.m.
REGULAR MEETING

The Board of Commissioners of the city of Maysville, Kentucky met in a regular meeting on 14 August 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, 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, 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 special meeting on July 2, 2008 and reports of the Fire, Police, Codes, and Public Works departments and Safety Committee, City Engineer, Utility Commission, and Treasurer's Report were presented to the Board of Commissioners.

Motion by Commissioner Pfeffer, second by Commissioner Ashley, 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 Mayor recommended the following appointments to the Board of Commissioners:
Maysville Utility Commission
Tom Pfeffer, 9/1/11
BT/G Narcotics Task Force Board & Executive Committee
Bill Boggs, 9/30/10

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

POLICE OFFICER RECOGNITION

Police Chief Kent Butcher presented commendations to Sgt. Leo McKay, Officers Bernard Evans, Harold Gooding, and Kelly Prater for their rolls in saving the lives of two people trapped in a house fire on East Second Street on the night of May 28, 2008. McKay was presented with a Leadership Award, and Evans, Gooding, and Prater

received the department's Lifesaving Medal.

RESOLUTION AUTHORIZING NARCOTICS TASK FORCE FEDERAL EQUITABLE SHARING AGREEMENT

The following resolution was presented to the Board of Commissioners:

**1COMMONWEALTH OF KENTUCKY
CITY OF MAYSVILLE
Resolution No. 08-39**

A RESOLUTION AUTHORIZING BUFFALO TRACE/GATEWAY NARCOTICS TASK FORCE FEDERAL EQUITABLE SHARING AGREEMENT

NOW THEREFORE, BE IT RESOLVED BY THE CITY OF MAYSVILLE, KENTUCKY that the Mayor is hereby authorized and directed to execute and deliver to the United States Department of the Treasury and Department of Justice, the Federal Equitable Sharing Agreement for Buffalo Trace/Gateway Narcotics Task Force.

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 AUTHORIZING NARCOTICS TASK FORCE FEDERAL ANNUAL CERTIFICATION REPORT

The following resolution was presented to the Board of Commissioners:

**1COMMONWEALTH OF KENTUCKY
CITY OF MAYSVILLE
Resolution No. 08-40**

A RESOLUTION AUTHORIZING BUFFALO TRACE/GATEWAY NARCOTICS TASK FORCE FEDERAL ANNUAL CERTIFICATION REPORT

NOW THEREFORE, BE IT RESOLVED BY THE CITY OF MAYSVILLE, KENTUCKY that the Mayor is hereby authorized and directed to execute and deliver to the United States Department of the Treasury and Department of Justice, the Federal Annual Certification Report for Buffalo Trace/Gateway Narcotics Task Force.

Motion by Commissioner Pfeffer, 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.

RESOLUTION RE: DRUG TASK FORCE GRANT AGREEMENT

The following resolution was presented to the Board of Commissioners:

**1COMMONWEALTH OF KENTUCKY
CITY OF MAYSVILLE
Resolution No. 08-41**

A RESOLUTION RE: DRUG TASK FORCES GRANT AGREEMENT

WHEREAS, the City of Maysville has applied for and been awarded a 2008 Office of Drug Control Policy Supplemental Awards to Drug Task Forces Grant; and

WHEREAS, the City is required to execute certain forms before receiving the Grant;

NOW THEREFORE, BE IT RESOLVED BY THE CITY OF MAYSVILLE, KENTUCKY that the Mayor is hereby authorized and directed to execute and deliver to the Kentucky Justice and Public Safety Cabinet the Statement of Action Grant Award and Special Conditions.

Motion by Commissioner Litton, 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 RE: BODY ARMOR GRANT

The following resolution was presented to the Board of Commissioners:

**1COMMONWEALTH OF KENTUCKY
CITY OF MAYSVILLE
Resolution No. 08-42**

A RESOLUTION RE: BODY ARMOR GRANT

WHEREAS, the Commonwealth of Kentucky, Department for Local Government and the City of Maysville, Kentucky entered into a memorandum agreement for grant for body armor, and

WHEREAS, the agreement needs to be extended;

NOW THEREFORE, BE IT RESOLVED BY THE CITY OF MAYSVILLE, KENTUCKY, that the Mayor is authorized and directed to execute an amendment to the memorandum of agreement to extend the contract to December 31, 2008.

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.

RESOLUTION RE: RIFLES & AMMUNITION GRANT

The following resolution was presented to the Board of Commissioners:

**1COMMONWEALTH OF KENTUCKY
CITY OF MAYSVILLE
Resolution No. 08-43**

A RESOLUTION RE RIFLES AND AMMUNITION GRANT

NOW THEREFORE, BE IT RESOLVED BY THE CITY OF MAYSVILLE, KENTUCKY, that the Mayor is hereby authorized and directed to execute a Grant Application to the Kentucky Office of Homeland Security for the purchase of patrol rifles and ammunition.

Motion by Commissioner Mains, 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.

ORDINANCE AMENDING BUDGET FOR FYE 2009

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

**1COMMONWEALTH OF KENTUCKY
CITY OF MAYSVILLE
Ordinance No. 08-18**

AN ORDINANCE AMENDING THE CITY OF MAYSVILLE, KENTUCKY ANNUAL BUDGET FOR FISCAL YEAR 1 JULY 2008 THROUGH 30 JUNE 2009.

WHEREAS, an annual budget proposal and message has been prepared and delivered to the Board of Commissioners by the City Manager pursuant to KRS 91A.030 and Code of Ordinances section 131.01; and

WHEREAS, the Board of Commissioners has reviewed such budget proposal and made the following necessary modifications.

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

(1)The General Fund budget for the City's fiscal year ending 30 June 2008, adopted 23 June 2008 by Ordinance No. 08-08 is amended as follows:

	INCREASE/ DECREASE	<u>ORIGINAL</u>	<u>AMENDED</u>
Resources available			
Fund Balance carried forward	\$8,000,000	\$8,000,000	0
Appropriations			
Fire	\$1,655,000	\$2,130,000	\$475,000
Estimated Fund Balance			
End of year	\$5,076,000	\$4,601,000	(\$475,000)

Motion by Commissioner Litton, 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.

RESOLUTION AWARDING CONTRACT TO PURCHASE FIRE TRUCK

The following resolution was presented to the Board of Commissioners:

**1COMMONWEALTH OF KENTUCKY
CITY OF MAYSVILLE
Resolution No. 08-44**

A RESOLUTION AWARDING CONTRACT FOR PURCHASE OF FIRE TRUCK

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

- (a) Subject: Fire Truck
- (b) Advertised: July 25, 2008
- (c) Bid Opening: August 4, 2008

WHEREAS, the following bids were received:

- (1) Ferrara Fire Apparatus \$462,800
- (2) E-One \$426,759
- (3) All American Fire Company \$447,993

WHEREAS, the City Manager and the Fire Chief have recommended acceptance of the first bid above as the best bid,

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

(1) The bid of Ferrara Fire Apparatus in the sum of \$462,800 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 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 AWARDING CONTRACT TO PURCHASE POLICE CRUISER

City Manager Ray Young explained to the Board of Commissioners that no resolution was being presented because none of the bids met specs. The cruisers would be rebid with bids being accepted for 1-8 cruisers in attempt to get enough bids that will meet specs.

RESOLUTION AWARDING ANNUAL PAVING CONTRACT

The following resolution was presented to the Board of Commissioners:

**1COMMONWEALTH OF KENTUCKY
CITY OF MAYSVILLE
Resolution No. 08-45**

A RESOLUTION AWARDING CONTRACT FOR RESURFACING OF VARIOUS STREETS

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

- | | | |
|-----|--------------|--------------------------------|
| (a) | Subject: | Resurfacing of Various Streets |
| (b) | Advertised: | July 18, 2008 |
| (c) | Bid Opening: | July 31, 2008 |

WHEREAS, the following bids were received:

- | | | |
|-----|---------------------------|---------------|
| (1) | H.G. Mays Corporation | \$ 406,881.23 |
| (2) | Brown County Construction | \$ 470,020.62 |

WHEREAS, the City Manager and the City Engineer have recommended acceptance of the first bid above as the best bid,

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

- (1) The bid of H.G. Mays Corporation in the sum of \$ 406,881.23 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 Ashley 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 ACCEPTING DEDICATION OF ROSA DRIVE & MCHUGH COURT

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

**1COMMONWEALTH OF KENTUCKY
CITY OF MAYSVILLE
Ordinance No. 08-C-14**

AN ORDINANCE ACCEPTING DEDICATION OF ROSA DRIVE AND MCHUGH COURT

Summary

This Ordinance accepts the dedication as a public way of the right-of-way of Rosa Drive and McHugh Court, containing an area of 1.221 acres, more or less, including the utility improvements within the street right-of-way and appurtenant utility easements.

Preamble

WHEREAS, Rowan Restaurants, LLC has tendered a deed of conveyance to the City of Maysville, Kentucky, for the right-of-way on Rosa Drive and McHugh Court, containing 1.221 acres, and

WHEREAS, pursuant to KRS 100.277(3), the Mason County Joint Planning Commission on 6 August 2008 approved the dedication of the right-of-way on Rosa Drive and McHugh Court as a public way; and

WHEREAS, the Zoning Administrator and City Engineer have advised that all requirements of Code of Ordinances Section 171.02 have been satisfied; and

WHEREAS, the proposed dedication will be beneficial to the public interest and is suitable for immediate acceptance by the City of Maysville, Kentucky,

NOW THEREFORE, BE IT ORDAINED BY THE CITY OF MAYSVILLE, KENTUCKY, that dedication as a public way of the right-of-way on Rosa Drive and McHugh Court, containing approximately 1.221 acres, more or less, including the utility improvements within the street right-of-way and appurtenant utility easements, is hereby accepted, and the Mayor is hereby authorized and directed to accept conveyance of said right-of-way.

Motion by Commissioner Litton, 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 CODE OF ORDINANCES SECTION 54.07

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

**1COMMONWEALTH OF KENTUCKY
CITY OF MAYSVILLE
Ordinance No. 08C-15**

AN ORDINANCE AMENDING CODE OF ORDINANCES SECTION 54.07

Summary

This Ordinance amends Code of Ordinances Section 54.07 to require recording for public meetings to be retained for thirty days after minutes have been approved.

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

1. Code of Ordinances Section 54.07 is hereby amended to read in its entirety as follows:

§ 54.07 RECORD OF PROCEEDINGS.

All public meetings and hearings shall be recorded by tapes or similar electronic devices. The recordings shall be preserved by the City Clerk 1 year for public hearings and until **thirty days after** the minutes have been transcribed, approved and signed by the Clerk and Mayor for public meetings.

(1991 Code, § 54.07)

Opinion reference:

Minutes of meeting, open or closed, not required to show any more than formal action taken and votes cast, and summary of discussion is not required, see

OAG 81-387

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.

ORDINANCE FIXING CITY OF MAYSVILLE AD VALOREM TAX LEVIES ON MOTOR VEHICLES DUE IN 2009 & ALL OTHER TAXABLE PROPERTY DUE IN 2008 & LEVYING A FRANCHISE TAX ON FINANCIAL INSTITUTIONS DUE IN 2009

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

**COMMONWEALTH OF KENTUCKY
CITY OF MAYSVILLE
Ordinance No. 08-16**

AN ORDINANCE FIXING CITY OF MAYSVILLE AD VALOREM TAX LEVIES ON MOTOR VEHICLES DUE IN 2009 AND ON ALL OTHER TAXABLE PROPERTY DUE IN 2008 AND LEVYING A FRANCHISE TAX ON FINANCIAL INSTITUTIONS DUE IN 2009

WHEREAS, the 2009 ad valorem tax rate on motor vehicles is fixed by KRS 132.487(2) at the rate which could have been levied on 1 January 1983 assessments; and

WHEREAS, the Board of Commissioners hereby foregoes any other ad valorem tax increases for 2008 which would result from raising and compensating tax rate, as authorized by KRS 132.027; and

WHEREAS, KRS 136.575 authorizes a franchise tax on financial institutions measured by deposits in the institutions located within the city at a rate up to 0.025% of the deposits, due by 31 January 2009.

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

(1) That for the use and benefit of the General Fund, there is hereby levied the following ad valorem taxes on each \$100.00 of assessed value taxable by the City:

- a) \$0.2460 on motor vehicles taxable in 2009, pursuant to KRS 132.487;
- b) \$0.015 on unmanufactured tobacco taxable in 2008, pursuant to KRS 136.575;
- c) \$0.146 on all other real and personal property taxable in 2008, pursuant to KRS 92.280 and 132.027, and Kentucky Constitution section 157.

(2) That for the use and benefit of the General Fund, there is levied a franchise tax on financial institutions equal to 0.025 percent of deposits in such institutions located within and taxable by the City, to be billed by the City by 1 December 2008 and due with two percent discount if paid by 31 December 2008 or without discount if paid by 31 January 2009, pursuant to KRS 136.575.

(3) That the City Clerk shall notify the Kentucky Revenue Cabinet of the ad valorem tax and franchise tax rates hereby levied by 1 October 2008.

(4) The text of this Ordinance shall be published in full.

Code of Ordinances reference: Chapter 133

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 THE ASSESSMENT OF THE MASON COUNTY PVA FOR REAL & PERSONAL PROPERTY IN THE CITY FOR TAX YEAR 2008

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

**COMMONWEALTH OF KENTUCKY
CITY OF MAYSVILLE
Ordinance No. 08-17**

AN ORDINANCE ADOPTING THE ASSESSMENT OF THE MASON COUNTY PROPERTY VALUATION ADMINISTRATOR FOR REAL AND PERSONAL PROPERTY IN THE CITY OF MAYSVILLE FOR TAX YEAR 2008.

BE IT ORDAINED BY THE CITY OF MAYSVILLE, KENTUCKY, that the assessment of real and personal property made by the Mason County Property Valuation Administrator, reviewed by the Mason County Board of Assessment Appeals, equalized and certified by the Kentucky Revenue Cabinet, and certified by the Mason County Clerk to the City Treasurer as set out below is hereby accepted and adopted as the assessment of taxable property in the City of Maysville for tax year 2008, which assessment shall be subject to taxation at the rates to be fixed by Ordinance.

2008 TAX ASSESSMENT

Real Property	\$431,243,223
Tangible Personal Property	116,886,155
Inventories	40,915,705
Un-manufactured Tobacco	0

The text of this Ordinance shall be published in full.

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.

SET DATE FOR SPECIAL MEETING

The Board of Commissioners agreed to meet in special session Monday, Aug. 18, 2008 at noon.

ADJOURNMENT

Motion by Commissioner Litton, 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.