

## MAYSVILLE BOARD OF COMMISSIONERS

Thursday, 13 March 2014; 5:15 p.m.

### REGULAR MEETING

Maysville Municipal Building

The Board of Commissioners of the City of Maysville, Kentucky met in a regular meeting on Thursday, March 13, 2014 at 5:15 p.m. at the Maysville Municipal Building. Present: Commissioner Victor McKay, Commissioner Kelly Ashley, Commissioner Judy Pfeffer, Commissioner Rick Litton and Mayor David Cartmell. Also present: City Manager Ray Young, Asst. City Clerk Sharon Swisher, City Attorney Sue Brammer, Comptroller Romie Griffey, Projects Coordinator David Hord, Police Chief Ron Rice, Fire Chief Eric Bach, Asst. Comptroller/HR Director Karen Cracraft, Utility Manager Eddie Wenz, Public Works Director Rick Truesdell, Zoning Administrator Matt Wallingford, Building Official Wells, and Codes Officer Nicole Jones. Absent: Tourism Director Suzie Pratt and Asst. City Attorney Kelly Caudill. Others present: The Ledger Independent and WFTM.

### MINUTES FROM 2/13/14 MEETING AND DEPARTMENT REPORTS

**Motion** by Commissioner Pfeffer, second by Commissioner Ashley to approve the minutes and department reports as presented. Upon call of roll, voting is as follows: Voting aye: Commissioner Litton, Commissioner Ashley, Commissioner Pfeffer, Commissioner McKay and Mayor Cartmell, Motion passes.

### RESIGNATION: POLICE DEPARTMENT

The following letter was presented to the Board of Commissioners:

Chief Ron Rice  
Maysville Police Department  
212 Government Street  
Maysville, KY 41056

Dear Chief Rice,

I am writing to notify you that I am resigning from position as Police Officer with the City of Maysville. My last day of employment will be March 27, 2014.

I greatly appreciate all of the opportunities that I have been given during my time with the department, as well as your professional guidance and support. Thank you so much for two excellent years at MPD. I have worked alongside some outstanding colleagues, and I've been able to really grow and develop in this career field. I wish you and the Maysville Police Department the best of success in the future.

If I can assist with the transition, please do let me know. I would be glad to help however I can.

Very sincerely,

Brittani Price

**Motion** by Pfeffer, second by Commissioner Litton to accept the resignation of Brittani Price from the police department. Upon call of roll, voting is as follows: Voting aye: Commissioner Litton, Commissioner Ashley, Commissioner Pfeffer, Commissioner McKay and Mayor Cartmell, Motion passes.

RESOLUTION: AIRCRAFT

The following resolution was presented to the Board of Commissioners:

**COMMONWEALTH OF KENTUCKY  
CITY OF MAYSVILLE  
Resolution No. 14-11**

**RESOLUTION AUTHORIZING LOAN AGREEMENT WITH UNITED STATES OF  
AMERICA FOR AIRCRAFT**

WHEREAS, there is currently a GS-4D aircraft on static display at the Fleming - Mason Airport, which aircraft is on loan from the United States of America; and

WHEREAS, United States of America requires a contract and inventory to be signed annually requiring the City of Maysville, Kentucky, to use the property for static display purposes only;

NOW THEREFORE, BE IT RESOLVED BY THE CITY OF MAYSVILLE, KENTUCKY, that the Mayor is hereby authorized and directed to execute and deliver the 2014 loan agreement and inventory for the period from April 1, 2014 to March 31, 2015, to the United States of America.

**Motion** by Commissioner McKay, second by Commissioner Pfeffer to adopt the resolution as presented. Upon call of roll, voting is as follows: Voting aye: Commissioner Litton, Commissioner Ashley, Commissioner Pfeffer, Commissioner McKay and Mayor Cartmell, Motion passes.

RESOLUTION DECLARING MAYOR'S DAY RECOGNITION OF VOLUNTEER  
GROUPS

The following resolution was presented to the Board of Commissioners:

**COMMONWEALTH OF KENTUCKY  
CITY OF MAYSVILLE  
Resolution No. 14-12**

RESOLUTION DECLARING  
MAYORS DAY OF RECOGNITION FOR NATIONAL SERVICE

WHEREAS, service to others is a hallmark of the American character, and central to how we meet our challenges; and

WHEREAS, the nation's mayors are increasingly turning to national service and volunteerism as a cost-effective strategy to meet city needs; and

WHEREAS, AmeriCorps and Senior Corps address the most pressing challenges facing our cities and nation, from educating students for the jobs of the 21<sup>st</sup> century and supporting veterans and military families to preserving the environment and helping communities recover from natural disasters; and

WHEREAS, national service expands economic opportunity by creating more sustainable, resilient communities and providing education, career skills, and leadership abilities for those who serve; and

WHEREAS, national service participants serve in more than 70,000 locations across the country, bolstering the civic, neighborhood, and faith-based organizations that are so vital to our economic and social well-being; and

WHEREAS, national service participants increase the impact of the organizations they serve with, both through their direct service and by recruiting and managing millions of additional volunteers; and

WHEREAS, national service represents a unique public-private partnership that invests in community solutions and leverages non-federal resources to strengthen community impact and increase the return on taxpayer dollars; and

WHEREAS, AmeriCorps members and Senior Corps volunteers demonstrate commitment, dedication, and patriotism by making an intensive commitment to service, a commitment that remains with them in their future endeavors; and

WHEREAS, the Corporation for National and Community Service shares a priority with mayors nationwide to engage citizens, improve lives, and strengthen communities; and is joining with mayors across the country to support the Mayors Day of Recognition for National Service on April 1, 2014.

NOW THEREFORE, BE IT RESOLVED BY THE CITY OF MAYSVILLE, KENTUCKY, that April 1, 2014 is hereby proclaimed as National Service Recognition Day, and encourage residents to recognize the positive impact of national service in our city, to thank those who serve, and to find ways to give back to our community.

**Motion** by Commissioner Pfeffer, second by Commissioner McKay to adopt the resolution as presented. Upon call of roll, voting is as follows: Voting aye: Commissioner Litton, Commissioner Ashley, Commissioner Pfeffer, Commissioner McKay and Mayor Cartmell, Motion passes.

RESOLUTION AUTHORIZING THIRD STREET SIDEWALK CLOSED

The following resolution was presented to the Board of Commissioners:

**COMMONWEALTH OF KENTUCKY  
CITY OF MAYSVILLE  
Resolution No. 14-13**

**RESOLUTION AWARDING BID FOR  
THIRD STREET SIDEWALK REPLACEMENT**

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

- A. Third Street Sidewalk Replacement
- B. Advertised: January 6, 2014 and January 13, 2014
- C. Bid opening: January 28, 2014

WHEREAS, the following bids were received:

1. Straight Edge Construction	\$58,860.00
2. Kea Wya Concrete Inc.	49,371.00
3. Tom Chestnut Excavation and Construction	118,016.25
4. Stewart Contracting Corporation	\$148,355.00

WHEREAS, the Projects Coordinator and City Manager have recommended the acceptance of the first bid above as the best bid because Kea Wya Concrete Inc. was disqualified since it is not State Prequalified,

**Motion** by Commissioner Ashley, second by Commissioner Litton to adopt the resolution as presented. Upon call of roll, voting is as follows: Voting aye: Commissioner Litton, Commissioner Ashley, Commissioner Pfeffer, Commissioner McKay and Mayor Cartmell, Motion passes.

RESOLUTION AUTHORIZING LETTER FOR OKTOBERFEST

The following resolution was presented to the Board of Commissioners:

**COMMONWEALTH OF KENTUCKY**

**CITY OF MAYSVILLE  
Resolution No. 14-14**

**RESOLUTION AUTHORIZING LETTERS FOR OKTOBERFEST**

WHEREAS, The Kentucky Gateway Museum Center is holding an Oktoberfest festival in downtown Maysville on August 8 and 9, 2014; and

WHEREAS, Kentucky Gateway Museum Center needs letters to the Alcoholic Beverage Control and Department of Charitable Gaming to allow alcohol to be sold at the event and to allow gaming to take place,

NOW THEREFORE, BE IT RESOLVED BY THE CITY OF MAYSVILLE, KENTUCKY that the Mayor is hereby authorized and directed to execute a letter to the Alcohol Beverage Control as Alcohol Beverage Control Administrator for the City of Maysville and a letter to the Department of Charitable Gaming allowing the Kentucky Gateway Museum Center to sell alcohol on Second Street and Market Street and to obtain a gaming license for the Oktoberfest festival.

**Motion** by Commission Ashley, second by Commissioner Pfeffer to adopt the resolution as presented. Upon call of roll, voting is as follows: Voting aye: Commissioner Litton, Commissioner Ashley, Commissioner Pfeffer, Commissioner McKay and Mayor Cartmell, Motion passes.

**RESOLUTION AUTHORIZING LOCAL MONEY FOR TRANSIT GRANT**

The following resolution was presented to the Board of Commissioners:

**COMMONWEALTH OF KENTUCKY  
CITY OF MAYSVILLE  
Resolution No. 14-15**

**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 5309/5311 project; and

WHEREAS, said application requires assurance of the City of Maysville relative to the commitment of the local share for the Section 5309/5311 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 presented. Upon call of roll, voting is as follows: Voting aye: Commissioner Litton, Commissioner Ashley, Commissioner Pfeffer, Commissioner McKay and Mayor Cartmell, Motion passes.

#### RESOLUTION AUTHORIZING MAYOR TO SIGN TRANSIT GRANT

The following resolution was presented to the Board of Commissioners:

**COMMONWEALTH OF KENTUCKY  
CITY OF MAYSVILLE  
Resolution No. 14-16**

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.

**Motion** by Commissioner Pfeffer, second by Commissioner Ashley to adopt the resolution as presented. Upon call of roll, voting is as follows: Voting aye: Commissioner Litton, Commissioner Ashley, Commissioner Pfeffer, Commissioner McKay and Mayor Cartmell, Motion passes.

#### RESOLUTION AUTHORIZING LOCAL MONEY FOR TRANSIT GRANT

The following resolution was presented to the Board of Commissioners:

**COMMONWEALTH OF KENTUCKY  
CITY OF MAYSVILLE  
Resolution No. 14-17**

A RESOLUTION COMMITTING THE LOCAL SHARE OF FUNDS NECESSARY FOR A  
GRANT APPLICATION TO AID IN THE 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 5339 project; and

WHEREAS, said application requires assurance of the City of Maysville relative to the commitment of the local share for the Section 5339 project(s).

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

3. 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.
4. 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 presented. Upon call of roll, voting is as follows: Voting aye: Commissioner Litton, Commissioner Ashley, Commissioner Pfeffer, Commissioner McKay and Mayor Cartmell, Motion passes.

#### RESOLUTION AUTHORIZING MAYOR TO SIGN TRANSIT GRANT

The following resolution was presented to the Board of Commissioners:

**COMMONWEALTH OF KENTUCKY  
CITY OF MAYSVILLE  
Resolution No. 14-18**

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 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 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 Litton, second by Commissioner Pfeffer to adopt the resolution as presented. Upon call of roll, voting is as follows: Voting aye: Commissioner Litton, Commissioner Ashley, Commissioner Pfeffer, Commissioner McKay and Mayor Cartmell, Motion passes.

#### ORDINANCE REVISING FINANCIAL DISCLOSURE STATEMENT REQUIREMENTS

The Board of Commissioners was presented with the following ordinance upon second reading:

**COMMONWEALTH OF KENTUCKY  
CITY OF MAYSVILLE  
Ordinance No. 14-09**

**AN ORDINANCE REVISING  
FINANCIAL DISCLOSURE STATEMENT REQUIREMENTS**

Summary

This Ordinance amends Code of Ordinances Section 31.35 to change the requirement that annual financial disclosure statements must be filed by officers and employees who are authorized to make purchases or award contracts involving the expenditure of more than \$100 to more than \$300.

**Motion** by Commissioner Pfeffer, second by Commissioner Litton to adopt the ordinance as presented on second reading. Upon call of roll, voting is as follows: Voting aye: Commissioner Litton, Commissioner Ashley, Commissioner Pfeffer, Commissioner McKay and Mayor Cartmell, Motion passes.

#### ORDINANCE AMENDING CODE OF ORDINANCES, FIRE/POLICE VACATIONS

The Board of Commissioners was presented with the following ordinance upon second reading:

**COMMONWEALTH OF KENTUCKY  
CITY OF MAYSVILLE  
Ordinance No. 14-10**

## AN ORDINANCE REVISING POLICE AND FIRE VACATIONS


### Summary

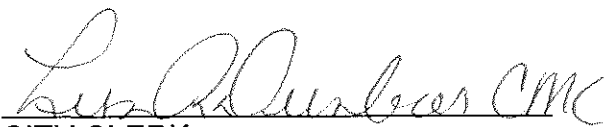
This Ordinance amends Code of Ordinances Section 90.31 to state that department members shall be entitled to select the time of their annual leave in accordance with their seniority instead of by grade, to delete the requirement that all vacations for firefighters shall be taken between June 1 and October 1 annually, and to add that no more than one member of the fire department per shift may be absent on annual leave at any one time without consent of the Fire Chief.

**Motion** by Commissioner Pfeffer, second by Commissioner Litton to adopt the ordinance upon second reading. Upon call of roll, voting is as follows: Voting aye: Commissioner Litton, Commissioner Ashley, Commissioner Pfeffer, Commissioner McKay and Mayor Cartmell, Motion passes.

### ADJOURNMENT

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

  
MAYOR

  
CITY CLERK