

MAYSVILLE BOARD OF COMMISSIONERS  
Thursday, 13 December 2018; 5:15 p.m.  
REGULAR MEETING  
Maysville Municipal Building

Mayor Cartmell called the meeting to order at 5:15 p.m. Steve Clump gave the invocation.

The Board of Commissioners of the City of Maysville, Kentucky met in regular session on Thursday, Dec. 13, 2018 at 5:15 p.m. at the Maysville Municipal Building. Present were Commissioner Jeff Brammer, Commissioner Judy Pfeffer, Commissioner Kelly Ashley, Commissioner Victor McKay, and Mayor David Cartmell. Also present were City Manager Matt Wallingford, City Clerk Lisa Dunbar, City Attorney Sue Brammer, Comptroller Penny Francis, HR Director Karen Cracraft, Project Coordinator David Hord, Public Works Director Mike Barbee, Police Chief Ron Rice, Fire Chief Kevin Doyle, Utility Manger Darren Garrison, Planning & Zoning Administrator George Larger, Building Inspector Gary Wells, Main Street Director Caroline Reece, and Assistant City Attorney Kelly Caudill. Absent: Codes Office Nicole Brooks and Tourism Director Lacey Holleran.

CONSENT AGENDA

- a. **Minutes:** Regular meeting Nov. 8, 2018
- b. **Department Reports:** Engineering Department, Utility Department, Treasurer/Finance, Codes Department, Main Street, Police Department, Fire Department, Public Works Department, City Clerk, Tourism Department
- c. **Board & Commission Reappointments**
  - Clay Hedgecock & Phil Weber to Board of Architectural Review, exp. 12/31/2021
  - Debbie Lewis & Janice Barnett to Board of Ethics, exp. 12/8/2021
  - Fran Sarver, Dawn Browning & Michael Parker, exp. 12/31/2022, and Meagan Brannon to fill the unexpired term of Andrew Wood, exp. 12/31/2020, on Main Street Board.
  - Duke Ford & Liz Miller, exp. 12/31/2021, Lori Brookbank, exp. 12/31/2020, to Cemetery Board,
- d. **Personnel**
  - Resignation of Ryan Heminger and Brent Rose from Public Works Department

**Motion** by Commissioner Pfeffer, second by Commissioner Ashley to approve the consent agenda. Upon call of roll, voting is as follows: Voting aye: Commissioner Brammer, Commissioner Pfeffer, Commissioner Ashley, Commissioner McKay and Mayor Cartmell, Motion passes.

### PROMOTION: FIRE DEPARTMENT

The following memo was presented to the Board of Commissioners:

To: City Manager Matt Wallingford, Mayor Cartmell, and City Commissioners  
From: Fire Chief Kevin Doyle  
RE: Casey Appleman  
Date: December 11, 2018

Casey Appleman has completed the probationary period with the fire department. He has proven to be a great EMT and firefighter and is enthusiastic about his career. We are proud to have him as part of our team and confident he will be an asset throughout his career. I am recommending that he is promoted to full time status.

**Motion** by Commissioner Pfeffer, second by Commissioner Brammer to approve the promotion of Casey Appleman. Upon call of roll, voting is as follows: Voting aye: Commissioner Brammer, Commissioner Pfeffer, Commissioner Ashley, Commissioner McKay and Mayor Cartmell, Motion passes.

### PUBLIC COMMENT

Bryan Helphinstine announced that AA would host a New Year's Eve event at the Mason County Cooperative Extension office at 5 p.m., Dec.31, with 6-12 speakers.

### TOMMY HENDERSON: SALVAGE YARD

Mr. Henderson's attorney David Mussetter told the Board of Commissioners that his client is doing everything he can to keep salvaged vehicles under roof at his east end business. Henderson was recently cited by the codes officer for leaving vehicles outside the building on a weekend. Mussetter said that a weekend delivery was to blame and that care will be taken in the future to get the cars inside in a more timely manner.

### DISCUSSION: AMBULANCE TRANSFERS

Fire Chief Doyle reported that EMS has made 463 transfers in the first six months of a trial program to make transfers from Meadowview Regional Hospital to other area hospitals like UK in Lexington and Cincinnati Children's Hospital. The transfer program is utilizing part-time EMS personnel and has brought in \$185,000 with a net profit of about \$

### DISCUSSION: AMERICAN INDIAN MOVEMENT OF INDIANA & KENTUCKY

Lance Sato addressed the Board of Commissioners on behalf of the AIM of Indiana & Kentucky. He shared information of the Christopher Columbus' atrocities against native people in the Caribbean and asked the Board of Commissioners to pass a resolution making September 2 Indigenous Peoples Day rather than Columbus Day.

COMMONWEALTH OF KENTUCKY  
CITY OF MAYSVILLE  
Resolution No. 18-108

RESOLUTION SUPPORTING INDIGENOUS PEOPLES DAY

Expressing the City of Maysville's support for the recognition of Indigenous Peoples Day to reflect upon the ongoing struggles of indigenous people of this land, to celebrate the thriving culture and value that all indigenous peoples add to our city; and URGING other businesses, organization, and public entities to recognize Indigenous Peoples Day.

WHEREAS, the City of Maysville recognized the annexation of indigenous homelands for the building of our city, and knows indigenous nations have lived upon this land since time immemorial, and values the progress our society has accomplished through American Indian technology, thought, and culture, and

WHEREAS, the City of Maysville understands that government entities, organizations and other public institutions should change their policies to support a day of celebration and appreciation for the contributions of indigenous peoples and to celebrate our country's variety of indigenous roots and history; and

WHEREAS, the idea of Indigenous Peoples Day was first proposed in 1977 by a delegation of Native nations to the United Nations-sponsored International Conference of Discrimination Against Indigenous Population in the Americas; and

WHEREAS, in 1990, at the First Continental Conference on 500 Years of Indian Resistance, representatives from 120 indigenous nations unanimously passed a resolution to transform Columbus Day into an occasion to strengthen the process of continental unity and struggle towards liberation, and thereby use the occasion to reveal a more accurate and historical record; and

WHEREAS, the City of Maysville recognizes the value of educational integrity and search for truth in telling the story of our foundation, and acknowledges past injustices to all Native American nations, and as a gesture of reconciliation, desires to recognize Indigenous Peoples Day; and

WHEREAS, the City of Maysville hereby urges that Indigenous Peoples Day shall be used to reflect upon the ongoing struggles of indigenous people of this land, and to celebrate the thriving culture and value that all indigenous people add to our City; and

NOW THEREFORE, BE IT RESOLVED BY THE CITY OF MAYSVILLE, KENTUCKY, that the second Monday of each October, which is the national holiday now known as Columbus Day, will be recognized as Indigenous Peoples Day and urges other businesses, organization and public entities to recognize Indigenous Peoples Day.

**Motion** by Commissioner Ashley, second by Mayor Cartmell to adopt Resolution 18-108 as presented. Upon call of roll, voting is as follows: Voting aye: Commissioner Brammer, Commissioner Ashley, and Mayor Cartmell; Voting Nay: Commissioner Pfeffer, and Commissioner McKay, Motion passes.

#### JUDGE-EXECUTIVE STATEMENT

Upon their leaving the Board of Commissioners, Mason County Judge-Executive Joe Pfeffer thanked Commissioner Pfeffer and Mayor Cartmell for working with the county over the years. The city and county have developed projects and have a great working relationship.

#### MAYORAL PROCLAMATION

Due to an issue at the Christmas Parade, The Mayor belatedly presented the parade Grand Marshal Rebecca Cartmell with a proclamation making Friday, Dec. 7, 2018 Rebecca Cartmell Day.

#### RESOLUTION AUTHORIZING CHANGE ORDER #7 FOR WASTE WATER TREATMENT PLANT

The following Resolution was presented to the Board of Commissioners:

**COMMONWEALTH OF KENTUCKY  
CITY OF MAYSVILLE  
Resolution No. 18-109**

**RESOLUTION AUTHORIZING CHANGE ORDER  
ON WASTE WATER TREATMENT PLANT IMPROVEMENTS**

BE IT RESOLVED BY THE CITY OF MAYSVILLE, KENTUCKY, that the Mayor is hereby authorized and directed to sign Change Order #7 increasing the contract price \$24,543.09 to relocate duct bank, install pull box and new transformer box for a contract total of \$3,048,223.43.

**Motion** by Commissioner Pfeffer, second by Commissioner Ashley to adopt Resolution 18-109 as presented. Upon call of roll, voting is as follows: Voting aye: Commissioner Brammer, Commissioner Pfeffer, Commissioner Ashley, Commissioner McKay and Mayor Cartmell, Motion passes.

RESOLUTION AUTHORIZING CHANGE ORDER #1 AND #2 FOR LANDFILL SEWER LINE EXTENSION

The following Resolution was presented to the Board of Commissioners:

COMMONWEALTH OF KENTUCKY  
CITY OF MAYSVILLE  
Resolution No. 18-110

RESOLUTION AUTHORIZING  
CHANGE ORDERS ON MAYSVILLE SEWER LINE EXTENSION PROJECT

BE IT RESOLVED BY THE CITY OF MAYSVILLE, KENTUCKY, that the Mayor is hereby authorized and directed to sign Change Order No. 2 decreasing the contract price by \$8,821.68 for final adjusted quantities for a total contract total of \$1,485,370.32.

**Motion** by Commissioner Ashley, second by Commissioner McKay to adopt Resolution 18-110 as presented. Upon call of roll, voting is as follows: Voting aye: Commissioner Brammer, Commissioner Pfeffer, Commissioner Ashley, Commissioner McKay and Mayor Cartmell, Motion passes.

RESOLUTION APPROVING ANNUAL MAIN STREET LETTER OF COMMITMENT

The following Resolution was presented to the Board of Commissioners:

COMMONWEALTH OF KENTUCKY  
CITY OF MAYSVILLE  
Resolution No. 18-111

A RESOLUTION AUTHORIZING ANNUAL LETTER OF COMMITMENT FOR THE KENTUCKY MAIN STREET PROGRAM

WHEREAS, the City of Maysville, Kentucky, realizes the importance of participating in the Kentucky Main Street Program; and

WHEREAS, the City is required to execute an Annual Letter of Commitment providing that it will employ a local Main Street director, maintain an organization focused on downtown

revitalization, budget necessary funds, provide reports, attend training, maintain a historic preservation ethic, and maintain community support,

NOW THEREFORE, BE IT RESOLVED BY THE CITY OF MAYSVILLE, KENTUCKY, that the Mayor, Chair of the Renaissance Committee, and Main Street Director are hereby authorized and directed to execute and deliver the Annual Letter of Commitment required for certification by the Kentucky Main Street Program.

**Motion** by Commissioner Pfeffer, second by Commissioner Brammer to adopt Resolution 18-111 as presented. Upon call of roll, voting is as follows: Voting aye: Commissioner Brammer, Commissioner Pfeffer, Commissioner Ashley, Commissioner McKay and Mayor Cartmell, Motion passes.

RESOLUTION AUTHORIZING EASEMENT FOR THOMPSON-HUNT PROPERTIES

The following Resolution was presented to the Board of Commissioners:

COMMONWEALTH OF KENTUCKY  
CITY OF MAYSVILLE  
Resolution No. 18- 112

RESOLUTION GRANTING SEWER LINE EASEMENT TO THOMPSON-HUNT PROPERTIES ON  
KENTON STATION ROAD

BE IT RESOLVED BY THE CITY OF MAYSVILLE, KENTUCKY, that the Mayor is hereby authorized and directed to execute an easement for a sewer line to Thompson-Hunt Properties which sewer line has been installed on property owned by the City on Kenton Station Road.

**Motion** by Commissioner Pfeffer, second by Commissioner Ashley to adopt Resolution 18-112 as presented. Upon call of roll, voting is as follows: Voting aye: Commissioner Brammer, Commissioner Pfeffer, Commissioner Ashley, Commissioner McKay and Mayor Cartmell, Motion passes.

RESOLUTION AUTHORIZING MONTHLY LANDFILL SEWER LINE PAYMENT

The following Resolution was presented to the Board of Commissioners:

COMMONWEALTH OF KENTUCKY  
CITY OF MAYSVILLE  
Resolution No. 18-113

RESOLUTION AUTHORIZING

MONTHLY LANDFILL SEWER LINE PAYMENT

BE IT RESOLVED BY THE CITY OF MAYSVILLE, KENTUCKY that the monthly landfill sewer line payment of \$111,536.37 is hereby authorized to be paid.

**Motion** by Commissioner Ashley, second by Commissioner Brammer to adopt Resolution 18-113 as presented. Upon call of roll, voting is as follows: Voting aye: Commissioner Brammer, Commissioner Pfeffer, Commissioner Ashley, Commissioner McKay and Mayor Cartmell, Motion passes.

ORDINANCE AMENDING CODE OF ORDINANCES 231.11 – ABC ADMINISTRATOR

The Board of Commissioners were presented with the following Ordinance on first reading:

COMMONWEALTH OF KENTUCKY  
CITY OF MAYSVILLE  
Ordinance No. 18-40

AN ORDINANCE AMENDING CODE OF ORDINANCES §231.11

SUMMARY

This Ordinance amends Code of Ordinance §231.11 to name the City Clerk as the City's Alcohol Beverage Control Administrator.

**Motion** by Commissioner Ashley, second by Commissioner Brammer to pass Ordinance 18-40 as presented upon first reading. Upon call of roll, voting is as follows: Voting aye: Commissioner Brammer, Commissioner Pfeffer, Commissioner Ashley, Commissioner McKay and Mayor Cartmell, Motion passes.

ORDINANCE AMENDING CHAPTER 154.071 – RESTRICTED DISCHARGES

The Board of Commissioners were presented with the following Ordinance on first reading:

COMMONWEALTH OF KENTUCKY  
CITY OF MAYSVILLE  
Ordinance No. 18-41

AN ORDINANCE AMENDING CODE OF ORDINANCES CHAPTER 154 OF THE CITY OF MAYSVILLE, KENTUCKY AND RELATING TO THE DISCHARGE OF WATERS AND WASTE TO THE SANITARY SEWER SYSTEM OF THE CITY OF MAYSVILLE

SUMMARY

This ordinance revises Code of Ordinances Section 154.071 to change discharge amounts to comply with state standards.

**Motion** by Commissioner Pfeffer, second by Commissioner Brammer to pass Ordinance 18-41 as presented upon first reading. Upon call of roll, voting is as follows: Voting aye: Commissioner Brammer, Commissioner Pfeffer, Commissioner Ashley, Commissioner McKay and Mayor Cartmell, Motion passes.

ORDINANCE AWARDING FRANCHISE FOR SOLID WASTE COLLECTION TO RUMPKE

The Board of Commissioners were presented with the following Ordinance on second reading:

COMMONWEALTH OF KENTUCKY  
CITY OF MAYSVILLE  
Ordinance No. 18-35

AN ORDINANCE AWARDING A FRANCHISE FOR THE COLLECTION FOR RESIDENTIAL SOLID WASTE IN THE  
CITY OF MAYSVILLE

SUMMARY

This Ordinance awards the Franchise for solid waste collection to Rumpke of Ohio, Inc. for a period from January 1, 2019 to December 31, 2020 which the City can renew for 2 additional two year terms.

WHEREAS, §163 of the Kentucky Constitution requires that public utilities acquire a franchise before operating within the City; and

WHEREAS, §164 of the Kentucky Constitution requires that franchise privileges are subject to the bidding and advertising requirements set forth in applicable Kentucky law and that bids received must be open publicly; and

WHEREAS, the City in accordance with these requirements advertised for bids for the award of a residential solid waste collection franchise and received one bid for such franchise; and

WHEREAS, the bid was received was opened publicly and has been evaluated by the City Manager, who is recommended that the bid specified below be accepted as being the best bid received; and



WHEREAS, the Board of Commissioners has likewise reviewed the bids received, has considered the recommendation of the City Manager, and finds that to be in the public interest that the bid recommended for acceptance by the City Manager be accepted;

NOW THEREFORE, BE IT ORDAINED that the bid for the collection of residential solid waste submitted by Rumpke of Ohio, Inc. be accepted and Rumpke of Ohio, Inc. shall be, and is hereby, awarded such franchise, the terms and conditions of which shall be governed by the applicable bids specifications promulgated by the City in connection with the bid advertising, by the bid received from Rumpke of Ohio, Inc., and by all other applicable bid documents and instruments. The City attorney shall prepare a Franchise Agreement to be entered into between the parties and the Mayor shall be and is hereby, authorized to execute same on behalf of the City. The franchise shall be for a two (2) year period beginning January 1, 2019 and ending on December 31, 2020. The City reserves the right to renew the franchise agreement for two (2) additional two (2) year periods by giving written notice to Rumpke of Ohio, Inc. thirty (30) days prior to the end of the current contract term.

**Motion** by Commissioner Pfeffer, second by Commissioner McKay to adopt Ordinance 18-35 as present upon second reading. Upon call of roll, voting is as follows: Voting aye: Commissioner Brammer, Commissioner Pfeffer, Commissioner Ashley, Commissioner McKay and Mayor Cartmell, Motion passes.

#### ORDINANCE AMENDING CODE OF ORDINANCES SECTION 320.305 – CHANGE OF PENALTIES

The Board of Commissioners were presented with the following Ordinance on second reading:

COMMONWEALTH OF KENTUCKY  
CITY OF MAYSVILLE  
Ordinance No. 18-36

AN ORDINANCE AMENDING CODE OF ORDINANCES §320.305

SUMMARY

This Ordinance amends Code of Ordinance §320.305 to change the penalties for a violation of any provision of KRS100.201 through 100.347 to a Class XII violation punishable under §11.01. Each day of violation shall constitute a separate offense. This Ordinance also changes violations of any other provision of KRS Chapter 100 to be a Class I violation.

**Motion** by Commissioner Pfeffer, second by Commissioner Ashley to adopt Ordinance 18-39 as presented upon second reading. Upon call of roll, voting is as follows: Voting aye:

Commissioner Brammer, Commissioner Pfeffer, Commissioner Ashley, Commissioner McKay and Mayor Cartmell, Motion passes.

ORDINANCE AMENDING CODE OF ORDINANCES SECTION 11.01 – CONDEMNED PROPERTY FINES

The Board of Commissioners were presented with the following Ordinance on second reading:

COMMONWEALTH OF KENTUCKY  
CITY OF MAYSVILLE  
Ordinance No. 18-37

AN ORDINANCE AMENDING CODE OF ORDINANCES §11.01

Summary

This Ordinance amends Code of Ordinances §11.01 to add 11.01 (B) (8) of a civil fine removing a condemnation sign or occupying a condemned property of \$150 for first offense, \$200 for second offense, and \$250 for all others. This Ordinance also adds a category XII to 11.01 (A) with a fine of \$10 to \$500 per day.

**Motion** by Commissioner Pfeffer, second by Commissioner McKay to adopt Ordinance 18-37 as presented upon second reading. Upon call of roll, voting is as follows: Voting aye: Commissioner Brammer, Commissioner Pfeffer, Commissioner Ashley, Commissioner McKay and Mayor Cartmell, Motion passes.

ORDINANCE AMENDING CODE OF ORDINANCES SECTION 278.99 – CIVIL FINES

The Board of Commissioners were presented with the following Ordinance on second reading:

COMMONWEALTH OF KENTUCKY  
CITY OF MAYSVILLE  
Ordinance No. 18-38

AN ORDINANCE AMENDING CODE OF ORDINANCES §278.99

Summary

This Ordinance amends Code of Ordinances §278.99 to state that violations are punishable by civil fine under §11.01 (B) (8).

**Motion** by Commissioner Pfeffer, second by Commissioner Brammer to adopt Ordinance 18-38 as presented upon second reading. Upon call of roll, voting is as follows: Voting aye: Commissioner Brammer, Commissioner Pfeffer, Commissioner Ashley, Commissioner McKay and Mayor Cartmell, Motion passes.

ORDINANCE AMENDING CHAPTER 152

The Board of Commissioners were presented with the following Ordinance on first reading:

COMMONWEALTH OF KENTUCKY  
CITY OF MAYSVILLE  
Ordinance No. 18-39

AN ORDINANCE AMENDING CODE OF ORDINANCES CHAPTER 152

SUMMARY

This Ordinance amends Code of Ordinance Chapter 152 to state that residential garbage will be collected privately. A fee of \$13 per month shall be collected through the Maysville Utility Commission. The Ordinance further states that garbage and recycling collection may be on different days. Residents may have one bulk item picked up per week.

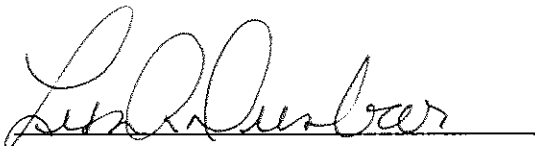
**Motion** by Commissioner Brammer, second by Commissioner Pfeffer to adopt Ordinance 18-39 as presented upon second reading. Upon call of roll, voting is as follows: Voting aye: Commissioner Brammer, Commissioner Pfeffer, Commissioner Ashley, Commissioner McKay and Mayor Cartmell, Motion passes.

SET DATE FOR SPECIAL MEETING

The Board of Commissioners agreed to hold a special meeting on Friday, Dec. 21, 2018 at 11 a.m.

ADJOURNMENT

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

  
CITY CLERK

  
MAYOR