

## MAYSVILLE BOARD OF COMMISSIONERS

Thursday, 11 July 2019; 5:15 p.m.

REGULAR MEETING

Maysville Municipal Building

The Board of Commissioners of the City of Maysville, Kentucky met in regular session on Thursday, July 11, at 5:15 p.m. at the Maysville Municipal Building. Present were Commissioner Andrew Wood, Commissioner Jeff Brammer, Commissioner Kelly Ashley, Commissioner Victor McKay, and Mayor Charles T. Cotterill. Also present were City Manager Matt Wallingford, City Clerk Lisa R. Dunbar, City Attorney Sue Brammer, Comptroller Penny Francis, Police Chief Ron Rice, and Assistant City Attorney Kelly Caudill. Absent: HR Director Karen Cracraft, Public Works Director Mike Barbee, Fire Chief Kevin Doyle, Project Coordinator David Hord, Utility Manager Darren Garrison, Planning & Zoning Administrator George Larger, Building Inspector Gary Wells, Codes Office Nicole Brooks, Tourism Director Lacey Holleran, and Main Street Director Caroline Reece.

### CONSENT AGENDA

- **Minutes:** Regular June 13 and July 9, 2019
- **Department Reports:** Engineering Department, Utility Department, Treasurer/Finance, Codes Department, Main Street, Police Department, Fire Department, Public Works Department, City Clerk, Tourism Department
- **Board & Commission Reappointments**
  - Dave Wallingford, Board of Adjustment, exp. 7/31/2023
  - Xandy Stewart, Joint Planning Board, exp. 7/31/2023

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

### PUBLIC COMMENT

A petition was presented to the Board of Commissioners (ATTACHMENT A) lodging a noise complaint in regard to music at Bubby's Bar and Grill. Tim and Lena Botkins, Velma Butler, Gerald Parker, Rick Parker and Sheila Pollitt spoke on behalf of area residents. Mayor Cotterill and Commissioner Ashley said that the music could be heard on E. Second Street. Bubby's owner Sean Myrick and son Sean Myrick said that the music did not exceed the decibel level imposed by City ordinance, but Chief Rice said that the decibel level was difficult to test outdoors. City Manager Wallingford suggested that the Myricks and residents work together to find an acceptable volume. Mr. Myrick said he was willing to work with the residents to come to a compromise. Mayor Cotterill told Mr. Myrick that if he didn't find a solution, the City Commission would.

## RECYCLING

City Manager Wallingford said that the City had a couple of choices: Either stop curbside recycling and go to recycling trailers or put an additional \$0.50 on water bills to cover the cost of recycling. It was estimated that about \$18,000 could be collected annually. However, by stopping curbside recycling service, the City would save \$40,000-50,000 annually through attrition at Public Works, and a new recycling truck would not need to be purchased.

Stephanie Gastauer spoke on behalf of increased education including reducing waste and urging the public to reuse rather than throw out. Commissioner McKay said that he would like to see if they couldn't get the numbers up, and Commissioner Ashley asked how much Rumpke charged for recycling.

**Motion** by Commissioner Ashley, second by Commissioner McKay to come back in two weeks after information on Rumpke charges could be ascertained. Upon call of roll, voting is as follows: Voting aye: Commissioner Wood, Commissioner Brammer, Commissioner Ashley, Commissioner McKay and Mayor Coterill, Motion passes.

## DOWNTOWN STREET SCAPE

**Motion** by Commissioner McKay, second by Commissioner Ashley in favor of not having bump outs on downtown streetscape. Upon call of roll, voting is as follows: Voting aye: Commissioner Wood, Commissioner Brammer, Commissioner Ashley, Commissioner McKay and Mayor Coterill, Motion passes.

## MUNICIPAL ORDER AUTHORIZING ADOPTION OF MASON COUNTY EMERGENCY MANAGEMENT PLAN

The following Municipal Order was presented to the Board of Commissioners:

**COMMONWEALTH OF KENTUCKY  
CITY OF MAYSVILLE  
Municipal Order No. 19-02**

**MUNICIPAL ORDER**

**ADOPTION OF MASON COUNTY EMERGENCY OPERATIONS PLAN**

WHEREAS, KRS 39B.010(1), KRS 39B.030(3), KRS 390.050(3), and applicable Kentucky Administrative Regulations require the development and maintenance of a local emergency operations plan which sets forth the local government organizational structure, policies, procedures, and guidelines for the management and coordination of all disaster and emergency response in Mason County and its cities; and

WHEREAS, KRS 39B.030(3), KRS 39B.060(2), KRS 39C.050(3), applicable Kentucky Administrative Regulations, and planning guidance issued by the Kentucky Division of Emergency Management require the local emergency operations plan be officially approved and adopted by signed order of the County Judge/Executive or Mayor; and

WHEREAS, the director of the Mason County Office of Emergency Management has submitted the Mason County Emergency Operations Plan to the City for official approval and adoption in accordance with the aforementioned laws, administrative regulations, and planning guidance;

NOW THEREFORE, IT IS ORDERED BY THE CITY OF MAYSVILLE, KENTUCKY, in accordance with the provisions of KRS 39A to 39F and applicable Kentucky Administrative Regulations, as follows:

1. The Mason County Emergency Operations Plan is officially approved and adopted effective the date of the Order.

2. The conveyance of the official approval and adoption of the Mason County Emergency Operations Plan through this Order shall remain in effect one year or until superseded by a subsequent Order promulgated in accordance with KRS 39B.030(3), KRS 39B.060(2), KRS 39C.050(3), applicable Kentucky Administrative Regulations, and planning guidance issued by the Kentucky Division of Emergency Management.

3. A copy of the officially approved and adopted Mason County Emergency Operations Plan, including this Order, shall be placed on file for public inspection during regular office hours in the Mason County Office of Emergency Management.

**Motion** by Commissioner Ashley, second by Commissioner Brammer to adopt Municipal Order 19-02. Upon call of roll, voting is as follows: Voting aye: Commissioner Wood, Commissioner Brammer, Commissioner Ashley, Commissioner McKay and Mayor Cotterill, Motion passes.

RESOLUTION AUTHORIZING AGREEMENT WITH BUFFALO TRACE SEARCH & RESCUE

The following Resolution was presented to the Board of Commissioners:

**COMMONWEALTH OF KENTUCKY  
CITY OF MAYSVILLE  
Resolution No. 19-50**

**RESOLUTION AUTHORIZING MUTUAL  
AID AGREEMENT WITH BUFFALO TRACE SEARCH AND RESCUE**

BE IT RESOLVED BY THE CITY OF MAYSVILLE, KENTUCKY, that the City enter into a Mutual Aid Agreement with Buffalo Trace Search and Rescue and Maysville-Mason County Emergency Management authorizing the payment of a per capita fee of 25 cents per year.

See ATTACHMENT B

**Motion** by Commissioner Ashley, second by Commissioner McKay to adopt Resolution 19-50 as presented. Upon call of roll, voting is as follows: Voting aye: Commissioner Wood, Commissioner Brammer, Commissioner Ashley, Commissioner McKay and Mayor Cotterill, Motion passes.

RESOLUTION AUTHORIZING NOTICE OF LOCAL BUILDING INSPECTOR PROGRAM

The following Resolution was presented to the Board of Commissioners:

**COMMONWEALTH OF KENTUCKY  
CITY OF MAYSVILLE  
Resolution No. 19-51**

**RESOLUTION AUTHORIZING  
NOTICE OF LOCAL BUILDING INSPECTOR PROGRAM**

BE IT RESOLVED BY THE CITY OF MAYSVILLE, KENTUCKY, that the Mayor is hereby authorized and directed to execute the Notice of Local Building Inspector Program.

**Motion** by Commissioner McKay, second by Commissioner Ashley to adopt Resolution 19-51 as presented. Upon call of roll, voting is as follows: Voting aye: Commissioner Wood, Commissioner Brammer, Commissioner Ashley, Commissioner McKay and Mayor Cotterill, Motion passes.

RESOLUTION AUTHORIZING LEASE WITH MASONS

The following Resolution was presented to the Board of Commissioners:

**COMMONWEALTH OF KENTUCKY  
CITY OF MAYSVILLE  
Resolution No. 19-52**

**RESOLUTION AUTHORIZING  
LEASE TO THE MASONS**

BE IT RESOLVED BY THE CITY OF MAYSVILLE, KENTUCKY, that the Mayor is hereby authorized and directed to execute a new Lease with Maysville Lodge No. 52, Free and Accepted Masons for use of the Blue Lodge room on the third floor of Cox building for meetings and one room on the second floor for exclusive use for storage, and office space for rent of \$1 per year expiring June 30, 2020 provided that the lease shall automatically renew for ninety-one additional one year terms from 1 July through 30 June each with no further action necessary to effectuate the

renewal, subject to termination upon notice by either party sixty (60) days prior to the end of the term.

**Motion** by Commissioner Ashley, second by Commissioner Brammer to adopt Resolution 19-52 as presented. Upon call of roll, voting is as follows: Voting aye: Commissioner Wood, Commissioner Brammer, Commissioner Ashley, Commissioner McKay and Mayor Coterrill, Motion passes.

RESOLUTION AUTHORIZING LEASE WITH ORVAG

The following Resolution was presented to the Board of Commissioners:

**COMMONWEALTH OF KENTUCKY  
CITY OF MAYSVILLE  
Resolution No. 19-53**

**RESOLUTION AUTHORIZING  
LEASE TO OHIO RIVER VALLEY ARTISTS GUILD, INC.**

BE IT RESOLVED BY THE CITY OF MAYSVILLE, KENTUCKY, that the Mayor is hereby authorized and directed to execute a new Lease with Ohio River Valley Artists Guild, Inc. for Suite 3, Cox building for no rent for a term expiring June 30, 2020 with automatic renewals, subject to termination upon notice by either party sixty (60) days prior to the end of the term.

**Motion** by Commissioner Brammer, second by Commissioner Ashley to adopt Resolution 19-53 as presented. Upon call of roll, voting is as follows: Voting aye: Commissioner Wood, Commissioner Brammer, Commissioner Ashley, Commissioner McKay and Mayor Coterrill, Motion passes.

RESOLUTION ACCEPTING 217, 219 AND 221 WEST SECOND STREET FROM KENTUCKY TRUST FOR HISTORIC PRESERVATION

The following Resolution was presented to the Board of Commissioners:

**COMMONWEALTH OF KENTUCKY  
CITY OF MAYSVILLE  
Resolution No. 19-54**

**RESOLUTION TO AUTHORIZE ACCEPTANCE OF  
217, 219 AND 221 WEST SECOND STREET**

BE IT RESOLVED BY THE CITY OF MAYSVILLE, KENTUCKY, that the Mayor is hereby authorized and directed to execute the Consideration Statement on the Deed of Conveyance from Kentucky Trust For Historic Preservation to accept the property known as 217, 219 and 221

West Second Street subject to the condition that Kentucky Trust For Historic Preservation shall approve any structures placed on the property.

**Motion** by Commissioner McKay, second by Commissioner Ashley to adopt Resolution 19-54 as presented. Upon call of roll, voting is as follows: Voting aye: Commissioner Wood, Commissioner Brammer, Commissioner Ashley, Commissioner McKay and Mayor Coterrill, Motion passes.

RESOLUTION AUTHORIZING LEASE WITH KCTCS FOR COX BUILDING SPACE

The following Resolution was presented to the Board of Commissioners:

**COMMONWEALTH OF KENTUCKY  
CITY OF MAYSVILLE  
Resolution No. 19-56**

**RESOLUTION TO RENEW THE COX BUILDING  
LEASE WITH KCTCS**

BE IT RESOLVED BY THE CITY OF MAYSVILLE, KENTUCKY, that the Mayor is hereby authorized and directed to execute the lease renewal agreement with Kentucky Community and Technical College System for 12 months at an annual cost of \$6,000.

**Motion** by Commissioner McKay, second by Commissioner Brammer to adopt Resolution 19-55 as presented. Upon call of roll, voting is as follows: Voting aye: Commissioner Wood, Commissioner Brammer, Commissioner Ashley, Commissioner McKay and Mayor Coterrill, Motion passes.

RESOLUTION AUTHORIZING LEASE WITH SUPERIOR WINDINGS

The following Resolution was presented to the Board of Commissioners:

**COMMONWEALTH OF KENTUCKY  
CITY OF MAYSVILLE  
Resolution No. 19-55**

**RESOLUTION AUTHORIZING LEASE WITH SUPERIOR WINDINGS LLC**

BE IT RESOLVED BY THE CITY OF MAYSVILLE, KENTUCKY, that the Mayor is hereby authorized and directed to execute a Lease and Option to Purchase with Superior Windings LLC for the property located at 1419 East Second Street, Maysville, Kentucky. Monthly rent will be paid in the amount of \$1,500 per month beginning July 1, 2019. Beginning July 1, 2020 monthly rent shall be \$2,000 per month. Tenant will have an option to purchase the building beginning July 1, 2020 for the sum of \$190,000.

**Motion** by Commissioner Brammer, second by Commissioner Ashley to adopt Resolution 19-55 as presented. Upon call of roll, voting is as follows: Voting aye: Commissioner Wood, Commissioner Brammer, Commissioner Ashley, Commissioner McKay and Mayor Coterill, Motion passes.

ORDINANCE TO AMEND CODES ENFORCEMENT ORDINANCE TO AMEND MEETING TIME

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

COMMONWEALTH OF KENTUCKY  
CITY OF MAYSVILLE  
Ordinance No. 19-15

AN ORDINANCE AMENDING CODE OF ORDINANCES SECTION 195.05

SUMMARY

This ordinance amends Code of Ordinances Section 195.05 Codes Enforcement Board to change the time of the meetings to 4:30 p.m. on the third Wednesday of every month.

**Motion** by Commissioner Brammer, second by Commissioner Ashley to adopt Ordinance 19-15 as presented upon second reading. Upon call of roll, voting is as follows: Voting aye: Commissioner Wood, Commissioner Brammer, Commissioner Ashley, Commissioner McKay and Mayor Coterill, Motion passes.

ORDINANCE ABOLISHING CEMETERY BOARD

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

COMMONWEALTH OF KENTUCKY  
CITY OF MAYSVILLE  
Ordinance No. 19-18

AN ORDINANCE REPEALING CEMETERY BOARD OF TRUSTEES

Summary

This Ordinance repeals Code of Ordinances Section 71.140 and 71.141 establishing Cemetery Board of Trustees.

**Motion** by Commissioner Brammer, second by Commissioner Ashley to adopt Ordinance 19-18 as presented upon second reading. Upon call of roll, voting is as follows: Voting aye:

Commissioner Wood, Commissioner Brammer, Commissioner Ashley, Commissioner McKay and Mayor Coterill, Motion passes.

ORDINANCE AMENDING CODE OF ORDINANCES SECTION 70.176

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

COMMONWEALTH OF KENTUCKY  
CITY OF MAYSVILLE  
Ordinance No. 19-19

AN ORDINANCE AMENDING CODE OF ORDINANCES SECTION 70.176 COMPTROLLER'S DUTIES  
AND POWERS

SUMMARY

This ordinance amends Code of Ordinances Section 70.176 to add management and reinvestments of funds to the duties of Comptroller.

**Motion** by Commissioner Ashley, second by Commissioner Brammer to adopt Ordinance 19-19 as presented upon second reading. Upon call of roll, voting is as follows: Voting aye: Commissioner Wood, Commissioner Brammer, Commissioner Ashley, Commissioner McKay and Mayor Coterill, Motion passes.

ORDINANCE TO AMEND CODE OF ORDINANCES SECTION 54.10 TO CHANGE MEETING DATE

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

COMMONWEALTH OF KENTUCKY  
CITY OF MAYSVILLE  
Ordinance No. 19-22

AN ORDINANCE AMENDING CODES OF ORDINANCES SECTION 54.02

SUMMARY

This ordinance amends Section 54.02 to change the second regular meeting to the fourth Thursday of the month.

**Motion** by Commissioner Brammer, second by Commissioner Ashley to adopt Ordinance 19-22 as presented on second reading. Upon call of roll, voting is as follows: Voting aye: Commissioner Wood, Commissioner Brammer, Commissioner Ashley, Commissioner McKay and Mayor Coterill, Motion passes.



ASSISTANT CITY CLERK ADDED TO CITY MANAGER DUTIES

**Motion** by Commissioner Ashley, second by Commissioner McKay to assigned Assistant City Clerk duties to those of City Manager. Upon call of roll, voting is as follows: Voting aye: Commissioner Wood, Commissioner Brammer, Commissioner Ashley, Commissioner McKay and Mayor Coterill, Motion passes.

RESOLUTION AUTHORIZING CHANGE ORDER #8 TO WASTE WATER TREATMENT PROJECT

The following Resolution was presented to the Board of Commissioners:

**COMMONWEALTH OF KENTUCKY  
CITY OF MAYSVILLE  
Resolution No. 19-57**

**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 \$62,382 for flow monitoring at CSO outfalls at six sites for six months for a contract total of \$3,110,605.43.

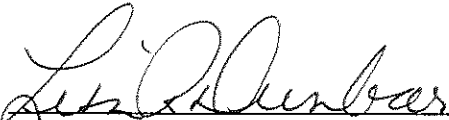
**Motion** by Commissioner Ashley, second by Commissioner McKay to adopt Resolution 19-57 as presented. Upon call of roll, voting is as follows: Voting aye: Commissioner Wood, Commissioner Brammer, Commissioner Ashley, Commissioner McKay and Mayor Coterill, Motion passes.

ADJOURNMENT

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

Meeting adjourned at 6:45 p.m.

  
\_\_\_\_\_  
MAYOR

  
\_\_\_\_\_  
CITY CLERK

To whom it may concern:

We the undersigned, would like to submit a formal petition of a Noise Complaint regarding the business "Bubby's Bar & Grille" located at 603 Forest Avenue. What was once a small locally owned restaurant in a primarily quiet residential area, has now turned into a Bar and Grill with outdoor entertainment. This transition from "Restaurant" to "Outdoor Entertainment" has introduced an invasive level of noise pollution on the surrounding residential community.

We realize that some of the music may, at times, be low on the decibel scale. However, its close proximity still invades our homes and affects our lives. These impacts include, but are not limited to: overwhelming in-home TV volume, trying to read a book, sitting on the porch, and most importantly effecting sleep schedules of the entirety of the community.

We the residents of the area are a quiet and peaceful community of retirees and hardworking people. We hereby request that if entertainment hosted by Bubby's Bar and Grille cannot be reduced to an acceptable level, then they be disallowed from conducting outdoor entertainment due to the current impacts upon us, the long standing residents.

By signing and submitting this petition, we are making it clear that this problem is impacting a number of people, of all backgrounds in the surrounding area. It is affecting people's quality of life and is a violation of the rights of people in the area. We request that the City Manager and the City Council hear the voices of, we, the longstanding members of the community.

1. ~~Mr. & Mrs. Tim Botkins~~ 606-564-7338
2. Dawnya Clark 606-584-1521
3. Patsy Garey 606-564-5484
4. Angela Crump 606-407-2761
5. Gary Housh 606-564-4910
6. Jimmy Clay 606-584-3683
7. Ron Washington 606-584-8443
8. Barry Million 606-407-0059
9. Matthew D Davenport 606-407-5212  
Lost tenants due to Loud music

	NAME	PHONE NUMBER	ADDRESS (optional)
1.	Carl Pollitt	(606) 584-4074	305 Lexington ST
2.	Sheila Pollitt	937-217-3864	305 Lexington ST.
3.	Ann Hickman	564-6154	309 Lexington St.
4.	Tim Watkins	564-7338	311 Lexington St.
5.	Lena Bolton	SAME ↑	" "
6.	Remond [unclear]	902 0200	515 Forest Ave
7.	Barbara [unclear]		" "
8.	Kate Parker	606-584-4737	511 Forest Ave
9.	[unclear]	606-584-1080	511 Forest Ave
10.	James [unclear]	606-375-2420	510 Forest Ave
11.	Jerry Butler	564-4354	316 Lexington St.
12.	Gerald Butler	564-4354	316 Lexington St.
13.	John Butler	564-4354	316 Lexington St.
14.	Linda Ward	550-1420	303 Lexington St.
15.	Pita Lang	606-375-9958	609 Forest Avenue
16.	Ray [unclear]	606-584-3009	701 Forest Ave.
17.	Davie/Brashon	606- <del>584</del> <sup>375</sup> -8434	Poplar Street.
18.			
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27.			

**Mutual Aid Agreement**

**City of Maysville**

The purpose of this Agreement is to outline the responsibilities of the City of Maysville, Buffalo Trace Search and Rescue, Mason County Emergency Management.

Buffalo Trace Search and Rescue is the only officially recognized land based rescue squad and water rescue from a boat in the City of Maysville.

The Buffalo Trace Search and Rescue shall serve the citizens of Maysville by providing fully trained and equipped personnel who will take the lead role in the following types of missions.

- (1) Searches for missing persons and,
- (2) Low angle rescue.
- (3) Water rescue and recovery without divers

The Buffalo Trace Search and Rescue will respond and assist, but not take the lead role in the following types of missions:

- (1) Incident management assistance at scenes.
- (2) Swift Water Rescue and High Angle Rescue
- (3) Water Rescue or recovery requiring divers

The Buffalo Trace Search and Rescue may be called to respond by any of the following services or agencies and will respond per availability of resources and personal:

- (1) Matthew Wallingford, City Manager
- (2) Clay Buser, EM Director
- (3) KyEM Area Manager
- (4) State SAR Coordinator
- (5) Division of Emergency Management

The Mason County Dispatch will call out the rescue squad by contacting the Chief or Assistant Chief of Buffalo Trace Search and Rescue, providing an address and nearest cross street on any incident in Mason County when any assistance is requested.

In all City of Maysville declared states of emergencies, the Buffalo Trace Search and Rescue will fall under the direction and control of the Mason County Emergency Management and/or the Mayor. The rescue squad shall operate under its own chain of command during the state of emergency.

If emergencies occur in Bracken, Robertson, and Mason Counties simultaneously, priority will be given to Mason County. Personnel will be assigned by the chief officers as personnel are available. This mutual aid agreement does not influence the organizational by-laws, standard operating procedures, or other powers of the Buffalo Trace Search and Rescue Incident Command System except during a declared emergency.

The Buffalo Trace Search and Rescue shall maintain its equipment and property and shall be accountable for all equipment through an annual inventory which will be submitted to the Director of the Mason County Emergency Management.

The Buffalo Trace Search and Rescue shall be responsible for all funds donated to the squad by outside resources. The treasurer of the Buffalo Trace Search and Rescue shall assure all payments of outstanding debts in a timely manner, The Buffalo Trace Search and Rescue shall not charge for any of its services except as allowed through mutual aid at the request of KyEM or the FEMA EMAC system.

The City of Maysville may be asked to provide official license plates and insurance for newly acquired rescue vehicles upon written request and approval of the City Manager.

The responsibilities of all parties to this mutual aid agreement shall conform to those responsibilities as provided in KRS Chapter 39F.

The effective date of this mutual aid agreement shall be for one year, beginning July 1, 2019 and ending June 30, 2020 at which time the mutual aid order may be renegotiated, updated, modified or cancelled.

The City of Maysville agrees to pay Buffalo Trace Search and Rescue \$.25 per capital per 2010 Census for those living within the City limits to help with operational needs of SAR team.

\_\_\_\_\_  
Charles T. Cotterill, Mayor

Date: \_\_\_\_\_

\_\_\_\_\_  
Director, Mason Co. EM

Date: \_\_\_\_\_

\_\_\_\_\_  
Chief, Buffalo Trace Search & Rescue

Date: \_\_\_\_\_