

MAYSVILLE BOARD OF COMMISSIONERS

Thursday, 11 May 2017; 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, 11 May, 2017 at 5:15 p.m. at the Maysville Municipal Building. Present: Commissioner Schumacher, Commissioner Judy Pfeffer, Commissioner Kelly Ashley, Commissioner Victor McKay, and Mayor David Cartmell. Also present: City Manager Matt Wallingford, City Clerk Lisa Dunbar, City Attorney Sue Brammer, Comptroller Penny Francis, Projects Coordinator David Hord, Police Chief Ron Rice, Fire Chief Kevin Doyle, Asst. Comptroller/HR Director Karen Cracraft, Public Works Director Rick Truesdell, Zoning Administrator George Larger, Building Official Wells, Codes Officer Nicole Jones, Main Street Director Caroline Reece, and Asst. City Attorney Kelly Caudill. Absent: Tourism Director Suzie Pratt. Others present: The Ledger Independent and WFTM.

MINUTES & REPORTS

Motion by Commissioner Schumacher, second by Commissioner Pfeffer to adopt the minutes of the April 11, 2017 meeting and department report as presented. Upon call of roll, voting is as follows: Voting aye: Commissioner Schumacher, Commissioner Pfeffer, Commissioner Ashley, Commissioner McKay and Mayor Cartmell, Motion passes.

PUBLIC COMMENT

Matt Pollitt told the Board of Commissioners that his group, Unity Narcotics Anonymous, has camped at the river park for a few years, but this year he was told by management that the restrooms and showers would be locked from 9:30 p.m. to 8 a.m. When he asked what they were supposed to do if they needed a restroom during those hours, he was told to go over the hill.

Commissioner Schumacher said that paying customers should have access to restrooms 24 hours a day. City Manager Wallingford said he would talk to the managers.

REAPPOINTMENTS

The Mayor presented the following reappointments:

- Kendall Gulley, Maysville-Mason County Port Authority, 5/31/21
- Tommy Woosley, Fleming-Mason Airport Board, 5/31/21

Motion by Commissioner McKay, second by Commissioner Schumacher to approve the appointments as presented. Upon call of roll, voting is as follows: Voting aye:

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

RESIGNATION: FIRE DEPARTMENT

See ATTACHMENT A

Motion by Commissioner Schumacher, second by Commissioner Ashley to approve the resignation of Garrett Rumford from the Maysville Fire Department. Upon call of roll, voting is as follows: Voting aye: Commissioner Schumacher, Commissioner Pfeffer, Commissioner Ashley, Commissioner McKay and Mayor Cartmell, Motion passes.

ORVAG: REQUEST CITY BUY WALL RAILS

Motion by Commissioner Schumacher, second by Commissioner Pfeffer to buy wall rails for first floor gallery space at the request of Ohio River Valley Artists Guild. Upon call of roll, voting is as follows: Voting aye: Commissioner Schumacher, Commissioner Pfeffer, Commissioner McKay and Mayor Cartmell; Nay: Commissioner Ashley, Motion passes.

DISCUSSION: AMTRAK STATION

City Manager Wallingford told the Board of Commissioners that he was contacted by Charlie Monteverde from Amtrak who told him that Amtrak does not have the resources to maintain the train station as asked that the City take it over. The Board of Commissioners agreed with the City Manager in not wanting the City to own the station, but said the City might work with Amtrak in opening and closing the station as well as cleaning it. City Manager Wallingford said that he would talk to Amtrak about it.

RESOLUTION DECLARING SURPLUS PROPERTY: FORD EDGE

The following resolution was presented to the Board of Commissioners:

COMMONWEALTH OF KENTUCKY
CITY OF MAYSVILLE
Resolution No. 17-50

RESOLUTION DECLARING CERTAIN
POLICE VEHICLES AS SURPLUS PROPERTY

BE IT RESOLVED BY THE CITY OF MAYSVILLE, KENTUCKY, that the following vehicle is declared surplus property;

<u>UNIT#</u>	<u>VEH. YEAR</u>	<u>Make/Model</u>	<u>VIN#</u>
130	2007	Ford Edge	2FMDK38C77BA720

Motion by Commissioner Pfeffer, second by Commissioner Ashley to adopt Resolution 17-50 as presented. Upon call of roll, voting is as follows: Voting aye: Commissioner Schumacher, Commissioner Pfeffer, Commissioner Ashley, Commissioner McKay and Mayor Cartmell, Motion passes.

RESOLUTION AUTHORIZING LETTER TO ABC FOR MAYSVILLE UNCORKED

The following resolution was presented to the Board of Commissioners:

**COMMONWEALTH OF KENTUCKY
CITY OF MAYSVILLE
Resolution No. 17-47**

**RESOLUTION AUTHORIZING LETTER FOR
UNCORKED ALCOHOL SALES**

WHEREAS, the Maysville Players are holding the Uncorked event on Market Street on June 10, 2017 and are applying for temporary alcohol license for the event,

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 Alcoholic Beverage Control as Alcoholic Beverage Control Administrator for the City of Maysville allowing Maysville Players to sell alcohol on Market Street for the Uncorked Event on June 10, 2017.

Motion by Commissioner Pfeffer, second by Schumacher to adopt Resolution 17-47 as presented. Upon call of roll, voting is as follows: Voting aye: Commissioner Schumacher, Commissioner Pfeffer, Commissioner Ashley, Commissioner McKay and Mayor Cartmell, Motion passes.

RESOLUTION AUTHORIZING LEASE FOR JUVENILE JUSTICE

The following resolution was presented to the Board of Commissioners:

**COMMONWEALTH OF KENTUCKY
CITY OF MAYSVILLE
Resolution No. 17-48**

**RESOLUTION AUTHORIZING LEASE
WITH COMMONWEALTH OF KENTUCKY**

BE IT RESOLVED BY THE CITY OF MAYSVILLE, KENTUCKY, that the Mayor is hereby authorized and directed to execute a lease renewal agreement with the Commonwealth of Kentucky for Department of Juvenile Justice, 201 Government Street, Maysville, Kentucky.

Motion by Commissioner Ashley, second by Commissioner Pfeffer to adopt Resolution 17-48 as presented. Upon call of roll, voting is as follows: Voting aye: Commissioner Schumacher, Commissioner Pfeffer, Commissioner Ashley, Commissioner McKay and Mayor Cartmell, Motion passes.

RESOLUTION RE: NAME AND PURPOSE OF COX BUILDING

The following resolution was presented to the Board of Commissioners:

COMMONWEALTH OF KENTUCKY
CITY OF MAYSVILLE
Resolution No. 17-49

RESOLUTION RE NAME AND PURPOSE OF COX BUILDING

WHEREAS, the City of Maysville owns the property known as the Cox Building, 2 East Third Street, Maysville, Kentucky which is used for meetings, receptions and public gatherings; and

WHEREAS, the City of Maysville is selling 24 East Second Street, the Maysville Convention Center, and will in the future be using the Cox Building for a Convention Center;

NOW THEREFORE, BE IT RESOLVED BY THE CITY OF MAYSVILLE, KENTUCKY, that the Cox Building shall henceforth be named as the Cox Building Convention Center and will be used as a Convention Center by the City of Maysville and the 1% tax for the purpose of operating expenses of a convention center shall be used for the operating expenses of Cox Building Convention Center.

Motion by Commissioner Pfeffer, second by Commissioner Ashley to adopt Resolution 17-49 as presented. Upon call of roll, voting is as follows: Voting aye: Commissioner Schumacher, Commissioner Pfeffer, Commissioner Ashley, Commissioner McKay and Mayor Cartmell, Motion passes.

RESOLUTION AUTHORIZING MEMORANDUM OF AGREEMENT WITH MASON COUNTY FISCAL COURT ON WASHINGTON VOLUNTEER FIRE DEPARTMENT

The following resolution was presented to the Board of Commissioners:

COMMONWEALTH OF KENTUCKY
CITY OF MAYSVILLE
Resolution No. 17-51

RESOLUTION AUTHORIZING MEMORANDUM OF AGREEMENT WITH MASON COUNTY FISCAL COURT AND WASHINGTON-MAYSVILLE VOLUNTEER FIRE DEPARTMENT

BE IT RESOLVED BY THE CITY OF MAYSVILLE, KENTUCKY, that the Mayor is hereby authorized and directed to execute a Memorandum of Understanding with the Washington-Maysville Volunteer Fire Department and Mason Fiscal Court to lease the volunteer building located at 2231 Green Street to the Washington-Maysville Volunteer Fire Department for \$1 per year for three years, for the City to maintain utilities during the three year period, for the City to donate the building to Washington-Maysville Volunteer Fire Department on July 1, 2020, subject to reversion to Mason Fiscal Court for the City to transfer the vehicles and equipment used by the Washington-Maysville Volunteer Fire Department to the volunteer fire department, for the County to pay the vehicle insurance for Washington-Maysville Volunteer Fire Department and the County to cover the building insurance beginning July 1, 2020.

Motion by Commissioner Scumacher, second by Commissioner Pfeffer to adopt Resolution 17-51 as presented. Upon call of roll, voting is as follows: Voting aye: Commissioner Schumacher, Commissioner Pfeffer, Commissioner Ashley, Commissioner McKay and Mayor Cartmell, Motion passes.

RESOLUTION AUTHORIZING MAYOR TO SIGN CONSTRUCTION PERMIT APPLICATIONS

The following resolution was presented to the Board of Commissioners:

COMMONWEALTH OF KENTUCKY
CITY OF MAYSVILLE
Resolution No. 17-52

RESOLUTION AUTHORIZING CONSTRUCTION PERMIT APPLICATION

BE IT RESOLVED BY THE CITY OF MAYSVILLE, KENTUCKY, that the Mayor is hereby authorized and directed to execute the construction permit application to KDOW and letters approving the connection of the line, accepting responsibility for the additional flow, and accepting responsibility for the operation and maintenance of the landfill sewer line.

Motion by Commissioner Ashley, second by Commissioner Schumacher to adopt Resolution 17-52 as presented. Upon call of roll, voting is as follows: Voting aye: Commissioner Schumacher, Commissioner Pfeffer, Commissioner Ashley, Commissioner McKay and Mayor Cartmell, Motion passes.

ORDINANCE TO AMEND CODE OF ORDINANCES: LEASHED DOGS

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

COMMONWEALTH OF KENTUCKY

**CITY OF MAYSVILLE
Ordinance No. 17-07**

AN ORDINANCE REQUIRING LEASH OR RESTRAINT OF DOGS

Summary

This Ordinance requires owners and keepers of dogs or other domestic animals (excepting cats) from permitting or causing the dogs or animals to be off the premises of the owners or keepers unless the animals are under lease or other physical restraint. Violations shall be served by the County Animal Control Officer, Codes Enforcement Officer or police.

Motion by Commissioner Ashley, second by Commissioner Schumacher to pass Ordinance 17-07.

Discussion raised issues of enforcement and fines. Motions withdrawn. City Attorney will bring ordinance back with revisions at June meeting.

ORDINANCE RE: CITY ACCEPTANCE OF PUBLIC BUILDING CORPORATION PROPERTY

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

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

**AN ORDINANCE ACCEPTING CITY OF
MAYSVILLE PUBLIC BUILDING CORPORATION ASSETS**

Summary

This Ordinance accepts the transfer of the City of Maysville Public Building Corporation assets to the City of Maysville on July 1, 2017. The Mayor is hereby authorized and directed to execute any necessary documents, including the deed, to accept the assets.

BE IT ORDAINED BY THE CITY OF MAYSVILLE, KENTUCKY, that the City accept the transfer of the City of Maysville Public Building Corporation assets to the City of Maysville on July 1, 2017. The Mayor is hereby authorized and directed to execute any necessary documents, including a deed, to accept the assets.

Motion by Commissioner Pfeffer, second by Commissioner Schumacher to pass Ordinance 17-08 as presented upon first reading. Upon call of roll, voting is as follows:

Voting aye: Commissioner Schumacher, Commissioner Pfeffer, Commissioner Ashley, Commissioner McKay and Mayor Cartmell, Motion passes.

ORDINANCE AMENDING CODE OF ORDINANCES 320, ZONING TEXT

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

COMMONWEALTH OF KENTUCKY
CITY OF MAYSVILLE
Ordinance No. 17-09

AN ORDINANCE AMENDING CODE OF ORDINANCES
CHAPTER 320

Summary

This Ordinance amends Code of Ordinances Section 320.401.2 to adopt alternative regulations for zoning map amendment which provides that the map amendment shall be automatically implemented unless within twenty-one days after the final action by the Planning Commission any aggrieved person files a written request with the Planning Commission that the final decision shall be made by the legislative body or the legislative body files a notice with the Planning Commission that it shall decide the map amendment. This Ordinance also amends Section 320.406.6 to make nursing homes a conditional use in R-3 Multi-Family Residential Zoning and to add carwashes and taxis in the Land Use Chart.

Motion by Commissioner Pfeffer, second by Commissioner Ashley to pass Ordinance 17-09 as presented upon first reading. Upon call of roll, voting is as follows: Voting aye: Commissioner Schumacher, Commissioner Pfeffer, Commissioner Ashley, Commissioner McKay and Mayor Cartmell, Motion passes.

ORDINANCE AMENDING CODE OF ORDINANCES SECTION 71, UTILITY COMMISSION

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

COMMONWEALTH OF KENTUCKY
CITY OF MAYSVILLE
Ordinance No. 17C-10

AN ORDINANCE AMENDING CODE OF ORDINANCES
UTILITY COMMISSION

Summary

This Ordinance amends Code of Ordinances Section 71.001 to add that the City of Maysville Utility is a Department of the City of Maysville; amends Code of Ordinances Section 71.004 to change the compensation to \$300 per meeting attended paid annually; deletes Section 71.005 which states that the Utility Commission shall have absolute and exclusive control of the operation of the water system; deletes Section 71.006 Powers and duties of Utility Commission to delete that the Commission shall provide the rules for management of the municipal utilities, to revise the power and authority of the Commission to award contracts and make purchases to making recommendations for contracts and purchases, deletes the selection of employees, deletes obligations incurred by the Commission should be obligation only against the utilities, and deletes the section on bonds. This ordinance shall be effective on July 1, 2017.

Motion by Commissioner McKay, second by Commissioner Pfeffer to pass Ordinance 17-10 as presented upon first reading. Upon call of roll, voting is as follows: Voting aye: Commissioner Schumacher, Commissioner Pfeffer, Commissioner Ashley, Commissioner McKay and Mayor Cartmell, Motion passes.

ORDINANCE AMENDING CODE OF ORDINANCES SECTION 137.02, CONVENTION CENTER TAX

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

**COMMONWEALTH OF KENTUCKY
CITY OF MAYSVILLE
Ordinance No. 17-11**

**AN ORDINANCE AMENDING CODE OF ORDINANCES
SECTION 137.02**

Summary

This Ordinance amends Code of Ordinances Section 137.02 to state that the 1% special transit room tax shall be used for the sole purpose of meeting the operating expenses of the Cox Building Convention Center.

Motion by Commissioner Schumacher, second by Commissioner Pfeffer to pass Ordinance 17-11 as presented upon first reading. Upon call of roll, voting is as follows: Voting aye: Commissioner Schumacher, Commissioner Pfeffer, Commissioner Ashley, Commissioner McKay and Mayor Cartmell, Motion passes.

ORDINANCE AMENDING CODE OF ORDINANCE RE: TOWING

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

COMMONWEALTH OF KENTUCKY
CITY OF MAYSVILLE
Ordinance No. 17-06

AN ORDINANCE AMENDING CODE OF ORDINANCES
SECTION 260 VEHICLE TOWING AND STORAGE

Summary

This Ordinance amends Code of Ordinances Section 260.03 to add that services may only be delegated or subcontracted to a wrecker service or other provider who has complied with the requirements of 260.13 and deletes the requirement that the Police Department shall first call contractors with a business location in the City of Maysville; repeals Section 260.08 concerning requirements for wrecker drivers; amends Section 260.13 to require contractors to provide proof of insurance at accident scenes to the officer in charge; and amends Section 260.14 to repeal that the contractors' rates will be in response to the City's invitation for bid, that no charge will be paid for impoundment requested by the Police Department except as provided in the proposal by the City, stating what payment methods will be accepted by the contractor, and that the City will not be charged for any services rendered pursuant to this chapter.

Motion by Commissioner Schumacher, second by Commissioner Pfeffer to adopt Ordinance 17-06 as presented upon second reading. Upon call of roll, voting is as follows: Voting aye: Commissioner Schumacher, Commissioner Pfeffer, Commissioner Ashley, Commissioner McKay and Mayor Cartmell, Motion passes.

BRIAN HELPHENSTINE – UPDATE ON BODY CAMERAS

Police Chief Rice said that there has been an ongoing process of studying the implementation of body cameras and he is prepared to have a discussion with administration and/or the Board of Commissioners.

APPOINT DAVID HORD TO BUFFALO TRACE AREA DEVELOPMENT DISTRICT

Motion by Commissioner Ashley, second by Commissioner Schumacher to appoint David Hord to the Buffalo Trace Area Development District board. Upon call of roll, voting is as follows: Voting aye: Commissioner Schumacher, Commissioner Pfeffer, Commissioner Ashley, Commissioner McKay and Mayor Cartmell, Motion passes.

RESOLUTION TO AWARD BID FOR PAVING ELMCROFT

The following resolution was presented to the Board of Commissioners:

COMMONWEALTH OF KENTUCKY
CITY OF MAYSVILLE

Resolution No. 17-53

RESOLUTION AWARDING ELMCROFT PAVING

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

- A. Elmcroft Paving
- B. Advertised: April 20, 2017
- C. Bid opening: May 10, 2017

WHEREAS, the following bids were received:

- | | |
|--|----------|
| 1. Brown County Construction Company, Inc. | \$43,055 |
| 2. H.G. Mays Corporation | \$58,571 |

WHEREAS, the Projects Coordinator and City Manager have recommended the 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 Brown County Construction Company, Inc. in the sum of \$43,055 for the subject contract described above is hereby accepted on behalf of the City of Maysville subject to payment by CNA Surety of \$43,055 on the bond
- 2. The Mayor is hereby authorized and directed 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 Pfeffer, second by Mayor Cartmell to adopt Resolution 17-53 as presented. Upon call of roll, voting is as follows: Voting aye: Commissioner Schumacher, Commissioner Pfeffer, Commissioner Ashley, Commissioner McKay and Mayor Cartmell, Motion passes.

CLOSED SESSION: PERSONNEL


Motion by Commissioner Pfeffer, second by Commissioner Schumacher to go into closed session pursuant to KRS 610.81(1)(f): Discussion that might lead to the dismissal of an individual employee. Upon call of roll, voting is as follows: Voting aye: Commissioner Schumacher, Commissioner Pfeffer, Commissioner Ashley, Commissioner McKay and Mayor Cartmell, Motion passes.

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

Motion by Commissioner Schumacher, second by Commissioner Pfeffer to terminate the employment of Ronald Burton from the Public Works Department. Upon call of roll, voting is as follows: Voting aye: Commissioner Schumacher, Commissioner Pfeffer, Commissioner Ashley, Commissioner McKay and Mayor Cartmell, Motion passes.

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


MAYOR


CITY CLERK

April 5, 2017

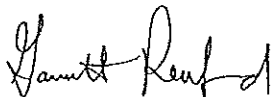
Chief Kevin Doyle
Maysville Fire Department
216 Bridge Street
Maysville, KY 41056

Chief Doyle,

After much deliberation, I have accepted employment with an industrial maintenance company as safety manager and will be resigning from my position, effective 4/22/2017. This was an extremely difficult decision for me, but a decision that will give me an opportunity in my current field of study: occupational safety.

I have had nothing but great experiences during my employment with the City of Maysville, and greatly appreciate every opportunity the city has given me. I believe working at this department has helped me grow as a person and as a professional and I am forever grateful. I wish the City of Maysville and the Maysville Fire Department success in the present and future. If there is anything I can do to assist in the transition, I would be happy to help.

Sincerely,



Garrett Rumford