

**CITY OF MAYSVILLE BOARD OF COMMISSIONERS**

Thursday, 10 October 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, Oct. 10, 2019 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, HR Director Karen Cracraft, Police Chief Jared Muse, Project Coordinator David Hord, Planning & Zoning Administrator George Larger, and Assistant City Attorney Kelly Caudill. Absent: Public Works Director Mike Barbee, Fire Chief Kevin Doyle, Utility Manager Darren Garrison, Building Inspector Jim Fawcett, Codes Office Nicole Brooks, Tourism Director Lacey Holleran, and Main Street Director Caroline Reece.

CONSENT AGENDA

- **Minutes:** Regular Sept. 12 & special Sept. 24, 2019
- **Department Reports:** Engineering Department, Utility Department, Treasurer/Finance, Codes Department, Main Street, Police Department, Fire Department, Public Works Department, City Clerk, Tourism Department
- **Appointments/Reappointments**
  - Industrial Development Authority: Kenny Pitakis, 10/11/23
  - Convention & Visitors Bureau: Nicole Gordon, 10/11/22
- **Retirement** of Dan Lester from Fire Department
- **Resignation** of Josh Ilg from Fire Department and Arthur C Fiege II from public works
- **Appointment** of Willie Conway and Pete Woodruff to wastewater department
- **Appointment** of Billy Hamilton to public works department

**Motion** by Commissioner Ashley, second by Commissioner Brammer to approve the consent agenda 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.

APPOINTMENT OF CYNTHIA BERRY TO POLICE DEPARTMENT

Memo from Chief Muse recommending Cynthia Berry was read. See ATTACHEMENT A

**Motion** by Commissioner McKay, second by Commissioner Ashley to appoint Cynthia Berry as a probationary officer with the Maysville Police Department. Upon call of roll, voting is as follows:

Voting aye: Commissioner Wood, Commissioner Brammer, Commissioner Ashley, Commissioner McKay and Mayor Cotterill, Motion passes.

Mayor Cotterill swore in Office Berry.

#### GAS LINE WORK UPDATE: COLUMBIA GAS

Columbia Gas representative David Lemons told the Board of Commissioners that in 2020 his company intends to work on gas lines on Fifth Street, Germantown Road and West 2<sup>nd</sup> Street beyond Germantown Road. The gas line on Third Street may be on their 2021 schedule.

#### TOMMY HENDERSON – WALTON PARK

Mr. Henderson approached the Board of Commissioners to explain his plans for the old Walton Park property. He plans to turn it into an outdoor music venue. It is in the floodplain and is good for little else, he said. He has cleared the property of brush and plans to put in an elevated stage, which will be the only permanent structure. He will not allow vehicles other than vehicles delivering equipment to the stage. He plans to construct a foot bridge for visitors who can park at his property across the creek.

#### PUBLIC COMMENT

Ledger Independent reporter Mary Ann Kearns announced that there will be a retirement party for Ledger photographer Terry Prather on Wednesday, Oct. 16 from 3-5 p.m.

Bryan Helphinstine requested the Board of Commissioner's help in getting a conditional use permit for a drug detox facility.

#### COLLEGE CAFÉ LEASE

MCTC President Steve Vacik addressed the Board of Commissioners regarding the recently passed lease increase from \$6,000 to \$18,000 per year. Mr. Vacik said that he did not feel that the increase was in keeping with the 2009 Memorandum of Agreement between the college and the city in which the college was only required to pay utilities. He said that the college had three choices: To pay the increase, to close the program, or to move the program elsewhere. Paying the increase or moving the program were not viable options. He asked the Board of Commissioners to reconsider the increase.

#### BRICK ON SUTTON STREET

Projects Coordinator Hord told the Board of Commissioners that there were a number of options on how to repave Sutton Street between 2<sup>nd</sup> Street and McDonald Parkway. To brick the entire street in that block would be about \$50,000, bricking just the driving land and paving

the parking areas would be \$34,000, and paving the entire block would be \$7,500. The item will be on the Oct. 24<sup>th</sup> agenda for action.

RESOLUTION APPROVING MUNICIPAL AGREEMENT WITH THE CITY OF LAKEVIEW

The following Resolution was presented to the Board of Commissioners:

COMMONWEALTH OF KENTUCKY  
CITY OF MAYSVILLE  
Resolution No. 19-80

RESOLUTION AUTHORIZING  
AGREEMENT WITH LAKEVIEW HEIGHTS

BE IT RESOLVED BY THE CITY OF MAYSVILLE, KENTUCKY, that the Mayor is hereby authorized and directed to enter into an agreement with the City of Lakeview Heights to use the City of Maysville's building inspector to inspect buildings in Lakeview Heights and for the City of Lakeview Heights to reimburse the City of Maysville at the rate of \$40 per hour plus mileage for the services as building inspector.

**Motion** by Commissioner Ashley, second by Commissioner Brammer to adopt Resolution 19-80 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 MEMORANDUM OF AGREEMENT WITH KENTUCKY  
TRANSPORTATION CABINET

The following Resolution was presented to the Board of Commissioners:

COMMONWEALTH OF KENTUCKY  
CITY OF MAYSVILLE  
Resolution No. 19-81

RESOLUTION AUTHORIZING  
MEMORANDUM OF AGREEMENT WITH TRANSPORTATION CABINET

WHEREAS the City has received a Memorandum of Agreement between the City of Maysville and the Commonwealth of Kentucky Transportation Cabinet, Department of Highways for the amount of \$125,250 for resurfacing of roads,

NOW THEREFORE, BE IT RESOLVED BY THE CITY OF MAYSVILLE, KENTUCKY, that the Board of Commissioners does hereby ratify and adopt all statements, representations, warranties, covenants, and agreements contained in said Agreement and does hereby accept the

funds provided in said Agreement and by such acceptance agrees to all the terms and conditions therein stated; and

The Mayor is hereby authorized and directed to sign said Agreement as set forth on behalf of the City of Maysville and the City Clerk is hereby authorized and directed to certify thereto.

**Motion** by Commissioner Brammer, second by Commissioner Ashley to adopt Resolution 19-81 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 ACCEPTING FISCAL YEAR 2020 PAVING CONTRACT

The following Resolution was presented to the Board of Commissioners:

COMMONWEALTH OF KENTUCKY  
CITY OF MAYSVILLE  
Resolution No. 19-82

RESOLUTION AWARDING ANNUAL PAVING CONTRACT

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

- |     |              |                    |
|-----|--------------|--------------------|
| (a) | Subject:     | Annual Paving      |
| (b) | Advertised:  | September 26, 2019 |
| (c) | Bid Opening: | October 7, 2019    |

WHEREAS, the following sealed bids were received from the following:

- |     |                                     |              |
|-----|-------------------------------------|--------------|
| (1) | Brown County Construction Co., Inc. | \$296,853.77 |
| (2) | HG Mays Corporation                 | \$360,759.38 |

WHEREAS, the Projects Coordinator has recommended acceptance of the first bid as the best bid,

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

- (1) The bid of Brown County Construction Co., Inc., 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 McKay, second by Commissioner Ashley to adopt Resolution 19-82 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 RECOGNIZING OCTOBER AS DOMESTIC VIOLENCE AWARENESS MONTH

The following Resolution was presented to the Board of Commissioners:

**COMMONWEALTH OF KENTUCKY  
CITY OF MAYSVILLE  
Resolution 19-83**

**Domestic Violence Awareness Month Proclamation for 2019**

**Whereas** Domestic Violence is a pattern of control in an intimate relationship where one person uses coercion and violence to gain power and control over his or her partner; and

**Whereas**, victims of domestic violence can be of any age, race, religion, or economic status; and

**Whereas** nearly 1 in 4 women and 1 in 7 men have experienced severe physical violence by an intimate partner in their lifetimes; and

**Whereas**, too often, the victims of domestic violence are children who have lifelong repercussions from the emotional and physical trauma of experiencing or witnessing domestic violence; and

**Whereas**, Domestic Violence Awareness Month in October provides us with a special opportunity to advance our efforts to prevent and end domestic violence and to assist all victims of it; and

**Whereas**, one person can make a huge difference in the life of a child or an adult victim of domestic violence, helping them find safety and making them more resilient to the effects of domestic violence; and

**Whereas** we can all do one thing to help end domestic violence and the harm that it causes; now therefore

**Be it resolved** that the City of Maysville hereby proclaims the month of October 2019, as Domestic Violence Awareness Month in the City of Maysville.

**Motion** by Commissioner Brammer, second by Commissioner Ashley to adopt Resolution 19-38 as presented. The following Resolution was presented to the Board of Commissioners:

RESOLUTION ENDORSING FIRE SAFETY INITIATIVE

The following Resolution was presented to the Board of Commissioners:

**COMMONWEALTH OF KENTUCKY  
CITY OF MAYSVILLE  
Resolution No. 19-84**

RESOLUTION SUPPORTING FIRE SAFETY INITIATIVE

WHEREAS Walker Wood, Drew Wood, Emily Wood and Alex Wood have undertaken a community service project to ensure that every home in Mason County is adequately protected with a sufficient number of smoke alarms; and

WHEREAS, the name of their community service project is the Kentucky Fire Safety Initiative; and

WHEREAS, this initiative directly benefits the residents of Maysville; and

WHEREAS, the City of Maysville and the Maysville Fire Department do desire to continue to support this community service project through the adoption of this Resolution.

NOW THEREFORE, BE IT RESOLVED BY THE CITY OF MAYSVILLE, KENTUCKY, that the City of Maysville hereby endorses the Kentucky Fire Safety Initiative and its goal of providing smoke detectors for every home in Maysville and Mason County and pledges to offer its support through bookkeeping, accounting, purchase and installation of the detectors in Maysville as well as coordination and distribution of detectors to the various Volunteer Fire Departments throughout Mason County.

**Motion** by Commissioner Ashley, second by Commissioner McKay to adopt Resolution 19-84 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 TO ESTABLISH POLICE BANK ACCOUNT

The following Resolution was presented to the Board of Commissioners:

**COMMONWEALTH OF KENTUCKY  
CITY OF MAYSVILLE  
Resolution No. 19-85**

RESOLUTION TO ESTABLISH POLICE BANK ACCOUNT

BE IT RESOLVED BY THE CITY OF MAYSVILLE, KENTUCKY, that a new checking account be opened at Bank of Maysville to hold cash confiscated or that was previously held in the Police Department property room. Penny Francis, Jeremy Poe, and Robin Hutchinson are hereby authorized to sign the signature card and to be signers on the account. All checks shall be signed by two of the three authorized persons.

**Motion** by Commissioner Ashley, second by Commissioner McKay to adopt Resolution 19-84 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.

ORDINANCE AMENDING CODE OF ORDINANCES GOVERNING HIRING AGES FOR POLICE AND FIRE OFFICERS

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

**COMMONWEALTH OF KENTUCKY  
CITY OF MAYSVILLE  
Ordinance No. 19-28**

**AN ORDINANCE AMENDING CODE OF  
ORDINANCES SECTION 90.06**

Summary

This Ordinance amends Code of Ordinances §90.06 Qualifications for Police and Fire to delete the requirement that the person hired be under the age of 41 years.

**Motion** by Commissioner Ashley, second by Commissioner McKay to pass Ordinance 19-29 as presented upon first reading. Upon call of roll, voting is as follows: Voting aye: Commissioner Wood, Commissioner Brammer, Commissioner Ashley, Commissioner McKay and Mayor Coterrill, Motion passes.

ORDINANCE AMENDING CODE OF ORDINANCES TO CHANGE REHIRE PERIOD

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

**COMMONWEALTH OF KENTUCKY  
CITY OF MAYSVILLE  
Ordinance No. 19-29**

**AN ORDINANCE AMENDING CODE OF  
ORDINANCES SECTION 70.009 TO CHANGE**

PROVISIONS RE-HIRE OF RETIREES

Summary

This Ordinance amends Code of Ordinances §70.009, Personnel to change the requirement that City retirees shall not re-employed for a period of six months after retirement to a period of three months after retirement for all retirees except hazardous duty retirees who are eligible for re-employment after one month.

**Motion** by Commissioner McKay, second by Commissioner Brammer to pass Ordinance 19-30 as presented upon first 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 30 – OPEN RECORDS

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

COMMONWEALTH OF KENTUCKY  
CITY OF MAYSVILLE  
Ordinance No. 19-30

AN ORDINANCE AMENDING  
CODE OF ORDINANCES CHAPTER 30

Summary

This Ordinance amends Code of Ordinances Section 30.01 to add in the definition of request that the written application for open records can be e-mailed. This Ordinance also amends Section 30.15 to state that an open records request may be mailed to the City building or e-mailed to the City Clerk.

**Motion** by Commissioner Ashley, second by Commissioner Brammer to pass Ordinance 19-31 as presented upon first 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 CLOSING A SECTION OF RIGHT OF WAY ON LIMESTONE STREET

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

COMMONWEALTH OF KENTUCKY  
CITY OF MAYSVILLE  
Ordinance No. 19C-31



AN ORDINANCE CLOSING PORTION OF  
LIMESTONE STREET RIGHT-OF-WAY

Summary

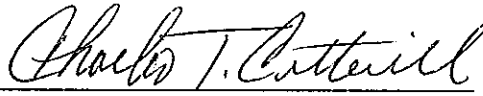
This Ordinance orders closure as a public way of a 0.0301 acre portion of Limestone Street right-of-way subject to reservation of existing utility lines and easements.


**Motion** by Commissioner Ashley, second by Commissioner McKay to pass Ordinance 19C-31 as presented upon first reading. 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 Ashley, 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.

Adjournment at 6:17 p.m.

  
MAYOR

  
CITY CLERK

**Police Department**

**Jared Muse  
Chief of Police**



ATTACHEMENT A

**City of Maysville, Kentucky**  
212 Government Street  
Maysville, Kentucky 41056  
Phone: 606-564-9411  
Fax: 606-564-9416

Date: October 3, 2019

From: Chief Muse

Subject: Probationary Police Officer

To: Honorable Mayor and City Commissioners

Request the appointment of Cynthia Berry as a probationary officer with the Department. Ms. Berry has completed the hiring process both locally and with the Department of Criminal Justice.

She appears eager to enter the field of law enforcement, is a native of Bracken County, and a graduate of Eastern Kentucky University.

Respectfully,

Jared Muse  
Chief

A handwritten signature in cursive script, appearing to read "Jared Muse", is written over the printed name and title.