

Maysville City Commission
13 March 2008
REGULAR MEETING

The Board of Commissioners of the city of Maysville, Kentucky met in a regular meeting on 13 March 2008 at 5:15 p.m. at the Maysville Municipal Building. Present: Commissioner Kelly Ashley, Commissioner Judy Pfeffer, Commissioner John Mains, Commissioner Rick Litton and Mayor David Cartmell presiding. Also present: City Manager Ray Young, City Clerk Lisa Dunbar, City Attorney Sue Brammer, Comptroller Romie Griffey, Director of Public Works Jim Fryman, City Engineer Sam Baker, Utility Manager Eddie Wenz, Tourism/Renaissance Director Duff Giffen, Zoning Administrator Matt Wallingford, and Asst. Comptroller/HR Director Karen Cracraft. Also present: The Ledger Independent and WFTM.

MINUTES & REPORTS

Motion by Commissioner Litton, second by Commissioner Mains, to accept the minutes from the Feb. 7 and Feb. 19, 2008, special meetings and department reports. Upon call of the roll, voting is as follows: Voting aye: Commissioner Ashley, Commissioner Pfeffer, Commissioner Mains, Commissioner Litton and Mayor Cartmell.

APPOINTMENTS & REAPPOINTMENTS

Recommendation by Mayor Cartmell to make the following reappointments:

Codes Enforcement Board
Harry Man, 2/10/11
Ben Breslin, 2/10/11
Board of Examiners
James Sammons, 3/11/12
Human Rights Commission
Jack Hussey, 3/9/11

Motion by Commissioner Mains, second by Commissioner Pfeffer to reappoint Harry Man and Ben Breslin to the Codes Enforcement Board, James Sammons to the Board of Examiners and Jack Hussey to the Human Rights Commission. Upon call of the roll, voting is as follows: Voting aye: Commissioner Ashley, Commissioner Pfeffer, Commissioner Mains, Commissioner Litton and Mayor Cartmell.

GEOFF DAVIS REPRESENTATIVE

William T. "Bill Tom" Cooper, representative to Geoff Davis, addressed the commission and encouraged them to direct citizens to US Rep. Davis for needs with various services including Veterans Affairs.

DISCUSSION OF DOWNTOWN PARKING

City Manager presented a staff proposal to continue free downtown parking and start an incentive program to encourage downtown employees to park in public lots. The program would randomly award a \$25 Chamber of Commerce gift certificate weekly to registered employees.

Motion by Commissioner Pfeffer, second by Commissioner Ashley, to continue suspension of 2-hour parking ordinance through June. Upon call of the roll, voting is as follows: Voting aye: Commissioner Ashley, Commissioner Pfeffer, Commissioner Mains, Commissioner Litton and Mayor Cartmell.

DISCUSSION OF CATALYTIC CONVERTER SALES IN CITY

Mayor said that due to the widespread theft of catalytic converters, he would like the city attorney to look into an ordinance requiring buyers of catalytic converters to get the identification of the seller along with the serial number and make of car on any purchase of converters.

The city attorney said she would look into it.

DISCUSSION OF 2ND STREET STORM SEWER

City Engineer said work on the 2nd Street storm and sanitary sewer separation would begin Monday, March 24 at the railroad trestle at 2nd and Bridge streets. That section of the street would be closed for about two weeks.

UPDATE ON FLOODWALL REPAIR

City Engineer reported a section of the floodwall had been removed near the French Quarter Hotel. Repairs would take 4-6 weeks and plenty of sand bags are on hand if needed.

UPDATE ON RESIDENTIAL FAÇADE PROGRAM

City Manager reported \$11,000 in matching funds is available for residents of the East End south of Forest Avenue. The façade program will include downtown and Old Main Street in Washington in 2009.

RESOLUTION ADOPTING & APPROVING THE EXECUTION OF MUNICIPAL ROAD AID CONTRACT

The following resolution was presented to the Board of Commissioners:

**1COMMONWEALTH OF KENTUCKY
CITY OF MAYSVILLE
Resolution No. 08-16**

A RESOLUTION ADOPTING AND APPROVING THE EXECUTION OF A MUNICIPAL AID COOP PROGRAM CONTRACT BETWEEN THE CITY OF MAYSVILLE AND THE COMMONWEALTH OF KENTUCKY, TRANSPORTATION CABINET, DEPARTMENT OF INTERGOVERNMENTAL PROGRAMS FOR THE FISCAL YEAR BEGINNING JULY 1, 2008, AS PROVIDED IN THE KENTUCKY REVISED STATUTES AND ACCEPTING ALL STREETS REFERRED TO THEREIN AS BEING STREETS WHICH ARE A PART OF THE INCORPORATED AREA.

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

The City of Maysville does hereby accept all streets referred to in said Contract as being city streets which are a part of the City of Maysville; and the City of Maysville, does hereby ratify and adopt all statements, representations, warranties, covenants, and agreements contained in said Contract and does hereby accept said Contract and by such acceptance agrees to all the terms and conditions therein stated; and the Mayor is hereby authorized and directed to sign said Contract 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 Litton, second by Commissioner Ashley, to adopt the resolution as presented. Upon call of the roll, voting is as follows: Voting aye: Commissioner Ashley, Commissioner Pfeffer, Commissioner Mains, Commissioner Litton and Mayor Cartmell.

RESOLUTION AUTHORIZING CONTRACT WITH PARROTS OF THE CARIBBEAN

The following resolution was presented to the Board of Commissioners:

**1COMMONWEALTH OF KENTUCKY
CITY OF MAYSVILLE
Resolution No. 08-17**

RESOLUTION AUTHORIZING CONTRACT WITH PARROTS OF THE CARRIBEAN

NOW THEREFORE, BE IT RESOLVED BY THE CITY OF MAYSVILLE, KENTUCKY, that the Mayor is hereby authorized and directed to execute a contract with Parrots of the Carribean to provide music on the Friday night of the 2008 Rosemary Clooney Music Festival.

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

RESOLUTION AUTHORIZING LOAN AGREEMENT WITH USA FOR AIRCRAFT

The following resolution was presented to the Board of Commissioners:

**1COMMONWEALTH OF KENTUCKY
CITY OF MAYSVILLE
Resolution No. 08-18**

A 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 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 2008 loan agreement for the period from April 1, 2008 to March 31, 2009, to the United States of America.

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

RESOLUTION ENDORSING CONTINUATION OF THE BUFFALO TRACE/GATEWAY NARCOTICS TASK FORCE

The following resolution was presented to the Board of Commissioners:

**1COMMONWEALTH OF KENTUCKY
CITY OF MAYSVILLE
Resolution No. 08-19**

A RESOLUTION ENDORSING CONTINUATION OF THE BUFFALO TRACE / GATEWAY NARCOTICS TASK FORCE

WHEREAS, the City of Maysville, Kentucky (the "**City**") is concerned about illegal narcotics sales and usage; and

WHEREAS, the Buffalo Trace / Gateway Narcotics Task Force was formed under an Interlocal Cooperative Agreement by cities and counties located in the Buffalo Trace and Gateway Area Development Districts to combat the sales and illegal usage of drugs; and

WHEREAS, the City endorses the continuation of the Buffalo Trace / Gateway Narcotics Task Force;

NOW THEREFORE, BE IT RESOLVED BY THE CITY OF MAYSVILLE, KENTUCKY, that the City will provide up to \$15,000 toward the match of any federal or state funds to assist in the continuation of an enforcement unit, with said funds to be allocated from the FY2009 budget.

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

ORDINANCE AMENDING LAND USE ORDINANCE

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

**1COMMONWEALTH OF KENTUCKY
CITY OF MAYSVILLE
ORDINANCE NO. 08C-01**

AN ORDINANCE AMENDING CODE OF ORDINANCES SECTION 320 ARTICLE V, 320.406, AND 320.409.4.

Summary

This Ordinance amends Code of Ordinances Section 320 Article V to add definitions for Zoo, Plumbing/Electrical/HVAC, Conference Center, Convention Center, Exhibition Hall, Assisted Care Facility, and Video/Audio/Theater Production Facility. This Ordinance amends Code of Ordinances Section 320.406 (F)(2) to state that Plumbing/Electrical/HVAC usage shall be permitted in B2, I-1A, and I-1B and to be conditional in B-1, B-3, D-1, I-2A, I-2B, I-3, and C; Zoos shall be permitted in A-2 and conditional in C; Conference, Convention Centers and Exhibition Halls shall be permitted in B-2 and D-1 and conditional in B-1; Assisted Care Facility are permitted in A-2; and Video/Audio/Theater Production Facility shall be permitted in B-1, B-2, and D-1, and conditional in B-3 and C. This Ordinance amends Code of Ordinances Section 320.409.4 to add that project land in a planned unit development shall be owned, leased or controlled by a single entity at the time of development; that development of the commercial portion of a planned unit development shall not take place until completion of the residential areas unless the project exceeds 750 acres; and that if construction of a planned unit development has not begun within one year of approval or construction stops for 180 days, the approval is null and void.

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

ORDINANCE APPROVING, ADOPTING & ENACTING THE CODIFIED ORDINANCES

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

**1CITY OF MAYSVILLE
COMMONWEALTH OF KENTUCKY
Ordinance No. 08C-02**

AN ORDINANCE APPROVING, ADOPTING, AND ENACTING THE CODIFIED ORDINANCES OF THE CITY OF MAYSVILLE, KENTUCKY.

WHEREAS, the City of Maysville is authorized by Kentucky Revised Statutes (“**KRS**”) section 83A.060(5) to adopt a codification of local legislation by reference; and

WHEREAS, effective 1 November 1982, the City created a codification of its ordinances pertaining to legislation of a general and permanent nature; and

WHEREAS, KRS section 83A.060(11) requires the City, at least once every five years, to examine its Code of Ordinances for consistency with state law and for consistency among ordinances, and to revise the same to eliminate redundant, obsolete, inconsistent, and invalid provisions; and

WHEREAS, the City of Maysville has now completely recodified its Code of Ordinances for the fifth time in compliance with KRS section 83A.060(11).

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

(1) The ordinances of the City of Maysville, Kentucky, of a general and permanent nature, as prepared by the City Attorney, published by American Legal Publishing Corporation and copyrighted 2008, and as attached hereto and made a part of this Ordinance as if fully copied herein, are hereby approved, adopted, and enacted as the Code of Ordinances of the City of Maysville, Kentucky, covering the following subjects:

Title I	:	Code Construction and Penalties
Title III	:	Public Information and Ethics
Title V	:	Legislative
Title VII	:	Administrative

Title IX	:	Public Safety
Title XI	:	Employment Provisions
Title XIII	:	Finance and Taxation
Title XV	:	Public Services
Title XVII	:	Public Ways and Property
Title XIX	:	Private Property Regulations
Title XXI	:	Miscellaneous Public Offenses
Title XXIII	:	Business Regulations
Title XXV	:	Traffic Regulations
Title XXVII	:	Building Regulations
Title XXIX	:	Subdivision Regulations
Title XXXI	:	Zoning Regulations
Title XL	:	Permit Fees

(2) A copy of the Code of Ordinances, as adopted, shall accompany this Ordinance and shall be made a part of the permanent records of the City pursuant to KRS section 83A.060(5).

(3) The Code of Ordinances contains all of the ordinance provisions of a general and permanent nature pertaining to the subjects therein enumerated and embraced through Ordinance No. 05-C-25. All prior ordinances and parts of ordinances prior to Ordinance No. 05-C-25 which are in force on 1 December 2005, and which are incorporated in or pertaining to the subjects enumerated and embraced in the Code of Ordinances, are hereby repealed effective as of 1 January 2008.

(4) The repeal of ordinances as provided in section (3) hereof, however, shall not affect:

(a) Any ordinance of a temporary nature, or any ordinance pertaining to subjects not enumerated and embraced in the Code of Ordinances;

(b) Any offense or act committed or done, or any penalty or forfeiture incurred, or any contract or right established or accruing before 1 January 2008;

(c) Any ordinance or resolution, promising or guaranteeing the payment of money to or by the City, authorizing the issuance of any bonds or notes of the City or any other evidence of City indebtedness, or any contract or obligation assumed by the City;

(d) Any right of franchise conferred by any ordinance or resolution of the City to any person or corporation;

(e) Any ordinance, levying, or imposing taxes, assessments, or charges;

(f) Any prosecution, suit, or other proceeding pending, or any judgment rendered, on or prior to 1 January 2001; or

(g) Any ordinance adopted by the City subsequent to Ordinance No. 05-C-25.

(5) This Ordinance shall forthwith be published in full in accordance with KRS section 83A.060(9) and shall become effective as of 1 January 2008.

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

ADJOURNMENT

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

David Cartmell, Mayor

City Clerk