

**Maysville City Commission
12 July 2007
REGULAR MEETING**

The Board of Commissioners of the city of Maysville, Kentucky met in a regular meeting on 12 July 2007 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, Fire Chief Eric Bach, Police Chief Kent Butcher, 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, Codes Officer Gary Wells, Assistant Comptroller Karen Cracraft and Asst. City Attorney Steve Zweigart. Also present: The Ledger Independent and WFTM.

MINUTES & REPORTS

Commissioner Mains requested a correction to the June 19, 2007 minutes, in title of Resolution Authorizing Purchase of Portions of 214, 218 and 220 East Fourth Street, to change purchase to sale.

Motion by Commissioner Pfeffer, second by Commissioner Ashley, to approve minutes of June 19 and 26, 2007 special meetings and officers' reports with correction requested. Upon call of the roll, voting is as follows: Voting aye: Commissioner Ashley, Commissioner Pfeffer, Commissioner Mains, Commissioner Litton and Mayor Cartmell.

APPOINTMENTS & REAPPOINTMENTS

Mayor Cartmell recommended the following reappointments:

Board of Adjustments; Dave Wallingford, Mary Bishop and LeMer Kyle-Reno, exp. 7/31/2011
Joint Planning Commission; Tim Teegarden, 7/31/2001

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

LIMESTONE MINISTERIAL ASSOCIATION

The following was presented to the Board of Commissioners by Rev. Mike Canada:

The members of the Limestone Ministerial Association share a conviction that any expanded gambling in the form of lotteries, racetrack betting, riverboats, and casinos in Maysville or Mason Co. will be contrary to the best interests of its citizens for at least 3 reasons:

#1 Economic and Social Impact: Statistics shown in a review of the Leven-Phares Study prepared for the United States Gambling Research Institute, reveal many more citizens stand to lose on a long-term basis from the effects of gambling, while only a few profit.

On this basis: We feel any expansion of gambling in the above mentioned forms in Mason Co. and Maysville, will take a tremendous toll on our financial base and well as have a detrimental effect on county and city officials.

#2 Morally: Wilberforce, a 17th Century British parliamentarian who worked tirelessly to see slavery abolished in Great Britain, did so for morality's sake a sense of a higher calling.

On this basis: All of us who have been placed in leadership positions must take into consideration what is best for the whole, guided by a higher power that gives wisdom beyond the status quo.

#3 Theologically: From a scriptural perspective, all leaders, whether elected or appointed as stated in Romas 13.1: "Are ordained by God."

On this basis: We believe we have been created for this time and place in history by a higher power. We believe we will be held accountable before God for our decisions on behalf of those we have been appointed to serve; i.e. either who are unaware of the long-range implications of our decisions, or those who would seek that which would ultimately prove to stand against principles of healthy economics and the well-being of all.

Finally: We would ask in the coming days, your careful consideration of these crucial points, especially in light of possible administration changes in Frankfort, being diligent not to allow any other building or land in our city or county to be used with these ends in mind.

Thank you.

Limestone Ministerial Association

RESIGNATION OF POLICE OFFICER

The following letters were presented to the Board of Commissioners:

July 6, 2007

Maysville City Commissioner
Maysville, Ky. 41056

On the 26th of June I received with regrets the resignation of Officer Jared Wagner. Jared has been with the Department for the past six months and has been doing a good job. I would like to wish Jared the best as he continues his Law Enforcement career with the Fleming County Sheriffs Department.

Respectfully,
James K. Butcher
Chief of Police

Chief Butcher,

I would like to thank you and all of the employees of the Maysville Police Department for allowing me to serve the people of Maysville in my time here at Maysville. I have no complaints about this department, down here you police the way it is suppost to be done and I'm more than greatful for the time I have spent serving under you, it truly has been a life changing experience. My reasons for going back to Fleming County my sound crazy to some people but after a lot of thought irealize what iwant out of my career and that's is to be Sheriff of Fleming County, and talking to other politicians and my father I realize I need to be serving the people from the county I wish to be elected into, I hope I don't cause any hard feelings with anyone in Maysville because I have made many friends down here. I'm going to work the remainder of my schedule up in till July the 6th and them I will be going to Fleming County.

Thank you and the City of Maysville for everything!
Jared Wagner

7/12/07; 2 of 15

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

APPOINTMENT OF POLICE OFFICER

The following letter was presented to the Board of Commissioners:

To: Honorable Mayor and City Commission
Fr: Chief James K. Butcher
Re: Appointment
Da: July 9, 2007

I respectfully request the appointment of Justin Lewis Merrill to a probationary police officer with the Maysville Police Department. Mr. Merrill has completed our hiring process as well as all other components required by the Department of Criminal Justice Training. We anticipate that Justin will be an excellent addition to our Police Department.

Respectfully,
James K. Butcher
Chief of Police

Chief Butcher clarified that Merrill had not gone for 18 weeks of training, but did have a Bachelors degree in Criminal Justice.

Motion by Commissioner Litton, second by Commissioner Ashley, to appoint Justin Lewis Merrill to the position of probationary officer with the Maysville Police Department. Upon call of the roll, voting is as follows: Voting aye: Commissioner Ashley, Commissioner Pfeffer, Commissioner Mains, Commissioner Litton and Mayor Cartmell.

RESIGNATION OF POLICE DEPARTMENT CHAPLAIN

The following letter was presented to the Board of Commissioners:

To: Honorable Mayor and City Commission
Fr: Chief Kent Butcher
Re: Resignation of Chaplain Mark Broadhead
Da: July 11, 2007

It is with regrets that I announce the resignation of Rev. Mark Broadhead who has served as our Police Chaplain for the past year. I appreciate all of the time and energy that Mark put into this program and good work that he did in our community. Mark has accepted a position with his church in Florida and we wish him and his family the best of luck as he continues his life of service.

Sincerely,
James K. Butcher
Chief of Police

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

RESOLUTION AUTHORIZING REVISION OF PERSONNEL POLICY & PROCEDURES MANUAL

The following resolution was presented to the Board of Commissioners:

**COMMONWEALTH OF KENTUCKY
CITY OF MAYSVILLE
Resolution No. 07-33**

RESOLUTION AUTHORIZING REVISION OF PERSONNEL POLICY AND PROCEDURES MANUAL

WHEREAS, the City has revised some personnel procedures and needs to modify some pages in the Personnel Policy and Procedures Manual;

NOW THEREFORE, BE IT RESOLVED BY THE CITY OF MAYSVILLE, KENTUCKY, that the revised pages of the Personnel Policy and Procedures Manual attached hereto are approved.

Attachment:

CODE OF ORDINANCE CHAPTER 35.50 – NEPOTISM PROHIBITED

No officer or employee of the City or a City agency shall advocate, recommend, or cause the:

- (1) employment;
- (2) appointment;
- (3) promotion;
- (4) transfer; or
- (5) advancement

of a family member to an office or position of employment with the City or a City agency. A “family member” means a spouse, an unemancipated child residing in the household of the officer or employee or a person claimed by the officer, employee, or his spouse as a dependent for tax purposes.

No officer or employee of the City or a City agency shall supervise or manage the work of a family member, **except a sibling.**

No officer or employee shall participate in any action relating to the employment or discipline of a family member, except this prohibition shall not prevent an elected or appointed official from voting on or participating in the development of a budget which includes compensation for a family member, provided that the family member is included only as a member of a class of persons or a group, and the family member benefits to no greater extent than any other similarly situated member of the class or group.

The prohibitions in this section shall not apply to any relationship or situation that would violate the prohibition, but which existed prior to 1 October 1994 and to the creation of family relationships by marriage which occur after the date of employment.

SELECTION / APPOINTMENT

The Board of Commissioners has the statutory authority for appointing all City employees. The Human Resources Director may make recommendations to the City Manager. The City Manager provides recommendations to the Board of Commissioners, with the exception to the provisions of Code of Ordinance Chapter 90.06 (B).

ABSENTEEISM

If an employee is not going to attend work because of injury or illness he must notify his supervisor or Department Head personally as soon as possible.

Absences from work, whether unpaid or paid through sick leave benefits, will be treated as "occurrences". An occurrence is defined as one or more consecutive working days, **partial days, or half days** of absence from the job. ~~An employee must work at least 50% of his/her scheduled shift to avoid an occurrence.~~ The following events will not be counted as an occurrence:

- Scheduled vacation time, bereavement leave, jury duty, and military leave.
- Hospitalization of the employee
- Absence due to work-related injury (workman's comp).
- Absences approved as FMLA
- Absence due to extreme weather conditions as determined by the Department Head.
- Absence due to extraordinary circumstances as determined by the Department Head and City Manager.

Occurrences are counted on a rolling 12-month period. Each occurrence will be on the employee's record for (1) year after the event and will expire on its anniversary.

It is the responsibility of the Department Head to keep accurate attendance records on each employee.

Excessive amounts of occurrences may result in the following disciplinary measures:

5 occurrences	-	Verbal counseling
7 occurrences	-	Written reprimand #1
9 occurrences	-	Written reprimand #2
12 occurrences	-	Additional discipline up to termination

Appointed hazardous-duty employees will be disciplined in accordance with the applicable provisions of Code of Ordinance Chapter 90 and KRS 15.520.

The following actions by employees are considered to be voluntary termination:

- Absent from work (3) consecutive days without notifying supervisor
- Failure to return to work after the end of an absence
- Job abandonment by leaving the premises without permission of a supervisor or designee.

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SECTION V – GENERAL BENEFITS

HOLIDAYS

The following holidays are termed "designated holidays" when City administrative offices are closed:

New Year's Day
Martin Luther King Day
Memorial Day
Independence Day
Labor Day
Thanksgiving Day
Veteran's Day
Christmas Day

When any holiday listed above falls on Saturday, the preceding business day shall be considered the holiday. When any holiday listed above falls on Sunday, the following business day shall be considered the holiday.

For departments scheduled 24 hours a day, 7 days a week, a holiday stipend and compensation rate will be set by the City Manager. If a public safety employee is on shift during the holiday period, they will be allotted holiday pay for the proportionate amount of time spent working during the designated holiday. **Any hourly employee who works during a designated holiday listed above shall receive one-half their regular rate of pay times the hours worked during the holiday in addition to their regular pay.**

CODE OF ORDINANCE CHAPTER 111: VACATIONS

111.01 DEFINITIONS

Employees shall be entitled to vacation benefits under the following terms and conditions. For purposes hereof, the following words and phrases shall have the following meanings ascribed to them respectively

CREDITABLE MONTHS OF EMPLOYMENT – Includes only consecutive full months of employment, the original month of employment only if before the fifteenth day of such month, and the month of separation or dismissal only if after the fifteenth day of such month.

HOLIDAY – Includes only nationally declared holidays and holidays declared by the Board of Commissioners of the City.

REGULAR EMPLOYMENT – All employment of persons hired or appointed as regular, full-time employees. Persons hired or appointed as seasonal, part-time, or nonregular, regardless of hours worked, are not included for purposes of vacation benefits.

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Fire Department	Number
Chief	1
Major (Asst Chief)	1
Lieutenant	(as required)
Firefighters	(as required)
Recruits	(as required)
Dispatcher	(as required)

- (A) *The Chief of Police, with the approval of the Board, may designate as many detectives to perform such investigative duties as the Chief may assign, one or more police officers holding grades not higher than lieutenant.*
- (B) *The departmental Chiefs may, in an emergency, or during the temporary absence of any regular member of their respective departments, provisionally appoint temporary patrol officers or firefighters as necessary for the duration of the emergency or temporary absence, not to exceed thirty days, at the minimum pay scale then in effect for recruits in the respective departments. Only persons who shall have been certified and trained pursuant to KRS 15.380 may be provisionally appointed as emergency police officers. Appointment of emergency firefighters shall first be made from the then eligible applicants as certified by the Board or from members of the City Volunteer Fire Department who otherwise are qualified as firefighters hereunder, then from available former firefighters, and then from qualified members of the public. The Fire Chief shall request the Board to advertise and conduct examinations for new applicants if the provisional appointments are expected to continue, or do continue, for more than thirty days.*

90.1 PROBATIONARY PERIOD

Members of the Police and Fire Departments shall serve a trial period as probationers of not less than 12 months from the date of their original probationary appointment before being commissioned as regular members of

their respective departments. Members of the Police Dept shall serve a trial period as probationers for a period of not less than 12 months beginning upon successful completion of the Dept of Criminal Justice Training before being commissioned as regular members of their department. During such trial period, recruits shall serve at the pleasure of and may be discharged without cause, recourse, or hearing by the Board of Commissioners.

90.2 OATHS

The Mayor, any judge, or a notary public shall administer the oath prescribed by Kentucky Constitution 228 and KRS 62.040 immediately upon the commission of the recruit, and the oath shall be subscribed to and by the administering official in the official minutes of the Board of Commissioners.

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RE-EMPLOYMENT

The City may re-employ any former employee with a satisfactory employment record who has resigned, **retired** or has been laid off.

Employees being reinstated **re-employed** after resignation or **retirement** will begin accruing benefits and seniority in the same manner as if it were an initial employment situation. **Any retired employee who is re-employed and eligible for health benefits under Kentucky Retirement Systems is not eligible to participate in the City health plan.** Hazardous duty employees being reinstated may serve a twelve month probationary period.

DEMOTION

The Board of Commissioners, upon recommendation of the City Manager, may demote an employee provided that he possesses the minimum qualifications for the position to which he is demoted. Provided that, hazardous-duty employees shall be demoted only in accordance with the applicable portions of Chapter 95 and KRS 15.520.

An employee may be demoted for inability to carry out his duties according to the standards prescribed for the position or for disciplinary reasons.

Written documentation of the demotion and reasons for it will be given to the employee by his supervisor with a copy to be kept in his personnel file.

A demoted individual may request a grievance hearing with the Board of Commissioners.

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DRIVING REGULATIONS

The City expects each employee to operate City vehicles with ordinary care and responsibility. Prior to utilizing a city vehicle, a pre-trip inspection should be made by the employee using the vehicle. If the department utilizes emergency vehicles, then it is the responsibility of the previous shift to prepare the vehicle for the next shift. A pre-trip inspection list should be turned into the employee's immediate supervisor and any mechanical problems should be noted. If an operator feels the problem has not been adequately addressed by the supervisor, then the operator should report the problem to the Public Works Director.

If an employee is involved in a motor vehicle accident with a city vehicle, no matter how minor, he must notify his supervisor immediately. It is the supervisor's responsibility to notify the Safety Director. If the employee is involved an accident where an individual dies or must be taken to a medical treatment facility or the accident results in property damage that is estimated to be more than \$5000, he will immediately be tested for drug and alcohol use

pursuant to the City of Maysville Substance Abuse Policy. It is the responsibility of the supervisor or officer-in-charge to make arrangements for this provision.

Any traffic violations and all accidents involving city vehicles will be reviewed by the Safety Committee during their quarterly meetings. The employee may be issued **up to two demerits** a demerit(s) based upon the severity of the incident and degree of unsafe action of the employees' part. Employees may not exceed 5 demerits within a two year period. If the employee exceeds 5 driving demerits, he faces a revocation of driving privileges and possible dismissal. Demerits may be removed from permanent record by attending a defensive driving course approved by the Safety Committee.

In January of each year, every employee that operates a city vehicle will have a motor vehicle record (MVR) run by the Police Department. The results will be turned in to the Safety Director. Any inactive or suspended licenses will be reported to the employees' Department Head for appropriate action. The Safety Director and Department Head have the authority to check an employee's drivers license status at any time.

Ride-checks may be made periodically to assess an operator's performance. The ride-check will be made by the immediate supervisor, department head, Safety Director, or City Manager without advance notice.

CONFIDENTIALITY / OPEN RECORDS

While many of the City's records are public information, some information regarding citizens and businesses in our community are not "open-record". Employees must not give out information about citizens or businesses to anyone not authorized to receive it. Employees are advised that if requested documentation is deemed "open-record" by the City Clerk, the city is required to release the information within (3) business days from date of request. Please refer all requests and inquiries for "open-records" to the City Clerk immediately.

It is the policy of the City of Maysville to maintain certain records on each employee, which are directly related to their work relationship with the City. At all times, the City will do it's best to balance the employee's right to privacy with the public's need to collect and use that information.

The Human Resource Office maintains a personnel file for every employee. Some information contained in these files is subject to public inspection and other information is considered confidential. Any requests for personnel information from sources outside the organization shall be referred to the Human Resources Director. Employment records will only be released in accordance with KRS 61.872 and 61.878 and with the signed acknowledgement of the employee, when practical. For further information regarding personnel records, please contact the Human Resources Director.

TELEPHONES / CELL PHONES

Since the telephones are for business use, employees are to keep personal calls to a minimum and as brief as possible. Use of personal cell-phones should not interfere with the employee's work duties or the day-to-day operation of the department.

Any employee who has been issued a city-owned cell phone will reimburse the City for personal calls made. The amount owed is determined by examination of a monthly bill for personal use and percentage of personal use to total use. Employees will reimburse the City by the personal percentage of the cell phone bill determined by the sample month.

CITY-OWNED VEHICLES

Employees who are issued city-owned vehicles and drive them to and from their homes shall have an amount added to the W-2's as taxable fringe benefits based upon the value of the vehicle use as recommended by the IRS.

This rule shall not apply to police or fire vehicles, or vehicles that have been altered from normal road use as determined by IRS regulations.

Motion by Commissioner Litton, second by Commissioner Pfeffer, 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 PHIL DIRT & THE DOZERS

The following resolution was presented to the Board of Commissioners:

**COMMONWEALTH OF KENTUCKY
CITY OF MAYSVILLE
Resolution No. 07-34**

RESOLUTION AUTHORIZING CONTRACT WITH PHIL DIRT & THE DOZERS

NOW THEREFORE, BE IT RESOLVED BY THE CITY OF MAYSVILLE, KENTUCKY, that the Mayor is hereby authorized and directed to execute a contract with Phil Dirt & the Dozers to provide music at the Rosemary Clooney Music Festival on Friday, September 28, 2007.

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 AWARDING CONTRACT FOR RESURFACING OF VARIOUS STREETS

The following resolution was presented to the Board of Commissioners:

**COMMONWEALTH OF KENTUCKY
CITY OF MAYSVILLE
Resolution No. 07-35**

**A RESOLUTION AWARDING CONTRACT FOR
RESURFACING OF VARIOUS STREETS**

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

- (a) Subject: Resurfacing of Various Streets
- (b) Advertised: June 25, 2007
- (c) Bid Opening: July 9, 2007

WHEREAS, the following bids were received:

- (1) Brown County Construction \$ 247,823.21
- (2) H.G. Mays Corporation \$ 254,823.21

WHEREAS, the City Manager and the City Engineer have recommended 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 in the sum of \$ 247,823.21 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 Mains, second by Commissioner Pfeffer, 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 AGREEMENT WITH COMMONWEALTH OF KENTUCKY, TRANSPORTATION CABINET, DEPARTMENT OF HIGHWAYS

The following resolution was presented to the Board of Commissioners:

**COMMONWEALTH OF KENTUCKY
CITY OF MAYSVILLE
Resolution No. 07-36**

**A RESOLUTION AUTHORIZING AGREEMENT WITH
COMMONWEALTH OF KENTUCKY, TRANSPORTATION
CABINET, DEPARTMENT OF HIGHWAYS**

WHEREAS, the City of Maysville and the Commonwealth of Kentucky, Transportation Cabinet, Department of Highways (hereinafter Department) have agreed that the drainage structures located on Forest Avenue and Union Street need to be reconstructed and the Department desires that the City do the work on the project;

NOW THEREFORE, BE IT RESOLVED BY THE CITY OF MAYSVILLE, KENTUCKY, that the reconstruction of the drainage structures located on Forest Avenue and Union Street is declared to be a public project and the Mayor is hereby authorized and directed to execute and deliver the Agreement between the Department and the City requiring the Department to reimburse the City a maximum of \$10,000 for the work, requiring the City to contract or construct with the Project, and requiring completion of the Contract by September 20, 2007.

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 AUTHORIZING GRANT AWARD BINDER FOR HANDHELD RADIO PROJECTS

The following resolution was presented to the Board of Commissioners:

**COMMONWEALTH OF KENTUCKY
CITY OF MAYSVILLE
Resolution No. 07-37**

A RESOLUTION AUTHORIZING GRANT AWARD BINDER FOR
HANDHELD RADIO PROJECTS

WHEREAS, the City of Maysville has applied for and granted a Grant Award for the Handheld Radio Project;

NOW THEREFORE, BE IT RESOLVED BY THE CITY OF MAYSVILLE, KENTUCKY, that the Mayor is hereby authorized and directed to execute and deliver the Grant Award Binder to the Kentucky Justice and Public Safety Cabinet, Grants Management Branch.

Motion by Commissioner Litton, 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 GRANT AWARD BINDER FOR BUFFALO
TRACE/GATEWAY NARCOTICS TASK FORCE GRANT

The following resolution was presented to the Board of Commissioners:

**COMMONWEALTH OF KENTUCKY
CITY OF MAYSVILLE
Resolution No. 07-38**

A RESOLUTION AUTHORIZING GRANT AWARD BINDER FOR
BUFFALO TRACE/GATEWAY NARCOTICS
TASK FORCE GRANT

WHEREAS, the City of Maysville has applied for and has been granted a Grant to Buffalo Trace/Gateway Narcotics Task Force;

NOW THEREFORE, BE IT RESOLVED BY THE CITY OF MAYSVILLE, KENTUCKY, that the Mayor is hereby authorized and directed to execute and deliver the Grant Award Binder for the Buffalo Trace/Gateway Narcotics Task Force Grant to the Kentucky Justice and Public Safety Cabinet, Grants Management Branch.

Motion by Commissioner Mains, second by Commissioner Litton, 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 LAND USE TEXT RE: RECYCLING CENTERS & RECYCLING
PLANTS

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

**1COMMONWEALTH OF KENTUCKY
CITY OF MAYSVILLE
ORDINANCE NO. 07C-11**

AN ORDINANCE AMENDING CODE OF ORDINANCES SECTION 320.008
AND 320.046.

Summary

This Ordinance amends Code of Ordinances Section 320.008 to add definitions for Recycling Centers and Recycling Plants and amends Code of Ordinances Section 320.046 (E) (2) to state that Recycling Centers and Recycling Plants are permitted uses in I-1A, I-1B, I-2A, I-2B, and I-3; Recycling Centers are conditional uses in A-1, A-2, and C; Recycling Plants are conditional uses in A-2 and C; and that Recycling Plants can not be located closer than 1,000 feet to any residence.

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

ORDINANCE AMENDING CODE OF ORDINANCES SECTIONS 153.02 AND 153.04

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

**COMMONWEALTH OF KENTUCKY
CITY OF MAYSVILLE
Ordinance No. 07C-07**

AN ORDINANCE AMENDING CODE OF ORDINANCES SECTIONS 153.02 AND 153.04

Summary

This Ordinance amends Code of Ordinances Section 153.02 and 153.04 to add a definition of unnecessary alarm and to provide that the fire chief may issue warnings and order the assessment of administrative fees.

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

1. Code of Ordinances Section 153.02 is hereby amended to read in its entirety as follows:

§ 153.02 DEFINITIONS.

For the purpose of this chapter, the following words and phrases shall have the meanings ascribed to them respectively:

ALARM SYSTEM. Any system which transmits directly to the police or fire station to alert the city that a burglar, fire, medical, or other emergency exists or that the services of public safety forces are needed. **ALARM SYSTEM** also means any alarm device which automatically emits an audible, visual, electronic, telephonic, or other similar response upon the occurrence of any hazard or emergency and which alerts persons outside the building of the existence of such hazard or emergency. **ALARM SYSTEM** shall include, but not be limited to, alarms for burglary, fire, flood, and temperature. **ALARM SYSTEM** excludes motor vehicle alarms and personal alarms.

AUTOMATIC DIALING ALARM SYSTEM. An alarm system which selects the city's designated alarm number to public safety alarm panels and uses a pretaped or prerecorded message to alert the city that an emergency exists or that the services of the public safety forces are needed.

DESIGNATED ALARM NUMBER. The telephone number designated by the city for burglar, fire, medical, and other alarms which is connected to the city's communication center.

FALSE ALARM INCIDENT. A false alarm which intentionally or negligently, or due to alarm system malfunction, is transmitted over the city's designated alarm number.

FALSE ALARM NOTIFICATION. An alarm system notification to the city when there is no evidence of an actual or attempted criminal offense.

PROVIDER. The person who contracts with the user to install or provide an alarm system.

PUBLIC SAFETY OFFICERS. Includes members of the City Police Department and Fire Department and the Codes Enforcement Officer.

UNNECESSARY ALARM. Unnecessary alarm means the activation of fire alarm systems which results in the fire department being summoned to the location served by the alarm system when there is no fire or fire-related emergency occurring, nor is there any indication, as determined by the fire department, that a fire or fire-related emergency has occurred, as reported by the alarm. The activation of a fire alarm system shall be rebuttably presumed to be an unnecessary alarm if, after investigation, the fire department finds no indication that a fire or fire-related emergency occurred. Unnecessary alarm shall not include a scheduled or controlled test of the fire alarm system, provided that the fire department has been notified immediately prior to each test, nor shall unnecessary alarm include a deliberate false alarm, the burden of proof for these exceptions being upon the user.

USER. The person, corporation, or other entity which purchases, leases, or is protected by the alarm system.
(Ord. 95C-24, passed 6-20-95)

2. Code of Ordinances Section 153.04 is hereby amended to read in its entirety as follow:

§ 153.04 WARNING AND ADMINISTRATIVE FEE.

(A) The Chief of Police or **Fire Chief** shall issue warnings and order the assessment of administrative fees against the user and/or provider of alarm systems which do not comply with this chapter upon the following schedule:

<u>Unnecessary Alarm Incidents</u>	False Alarm Incidents or Action Taken
First	Warning letter to user/provider
Second	Final warning letter
Third	\$50 fee to user/provider
Fourth	\$100 fee to user/provider
Fifth	\$100 fee to user/provider and proof of remedial action required
Sixth	Disconnection from city designated alarm number

The administrative fee is imposed as a partial reimbursement to the city for the cost of receiving and responding to the false alarm and shall be paid by the user or provider so warned. The number of false alarm incidents shall be counted within any period of twenty-four consecutive months. The Chief of Police or the

Fire Chief may issue guidelines to administer this section.

(B) The Chief of Police may waive all or part of the above actions for a newly installed alarm system during the thirty days immediately following the completion of the installation to a maximum of three false alarms.

(C) If the user fails to pay the administrative fee within thirty days or to appeal within ten days after service of the order or notice therefor, in accordance with division (D) below, the action of the Chief of Police **or the Fire Chief** shall be final and he shall report the delinquency to the City Manager, who shall report the same to the Board of Commissioners, which may thereupon assess the cost, together with the expense of assessing and collecting the same, upon the owner of the property where the alarm system is located.

(D) Any person who has been served notice of an order of the Chief of Police **or the Fire Chief** may appeal the order. A notice of appeal, signed by the appellant, shall be filed with the City Clerk. It shall set forth the reasons for appeal. It must be filed within ten days after service of the notice from the Chief of Police **or the Fire Chief**. Filing of a notice of appeal shall stay the order of the Chief of Police **or the Fire Chief** until a review of the appeal has been completed, unless the public health, safety, or welfare requires immediate abatement of a public nuisance.

(E) The City Manager shall conduct a hearing within thirty days after notice of appeal is filed with the City Clerk. At the hearing, the appellant may be heard in his defense in person or by counsel and may offer evidence on his behalf. The City Manager shall report findings and a recommendation to the Board of Commissioners.

(F) The Board shall review such findings and recommendation, and after full deliberation, shall issue a final ruling affirming, modifying, or reversing the order of the Chief of Police.

(Ord. 95C-24, passed 6-20-95)

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

ORDINANCE SETTING REQUIREMENTS FOR INSURANCE LICENSE TAX

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

**COMMONWEALTH OF KENTUCKY
CITY OF MAYSVILLE
Ordinance No. 07C-08**

AN ORDINANCE SETTING REQUIREMENTS FOR REFUNDS OF INSURANCE LICENSE TAX

Summary

This Ordinance establishes a new section of Chapter 136 Insurance License Tax to provide that requests for refunds for insurance license tax must be made in writing within 3 years of the end of the calendar year in which said tax is paid. The refund request requires supporting documentation of the name and address of each insured upon whom tax was erroneously paid, the type of risk, the amount of insurance premium and such other information as may be reasonably requested by the City.

Motion by Commissioner Pfeffer to adopt the ordinance as presented.
Motion withdrawn by Commissioner Pfeffer to allow Asst. Comptroller Cracraft an opportunity to research the issue.

SISTER CITIES INITIATIVE

Mayor Cartmell recommended to the Board of Commissioners that the staff look into the Sister Cities program as an inexpensive way to gain Maysville international attention.

City Manager Young said staff would look into the program.

TAX BREAKS FOR DOWNTOWN DEVELOPMENT

Mayor Cartmell recommended the city institute a 5-year moratorium on property taxes for any new home, duplex, and perhaps 2nd-floor residential development in the Old Town area of the city.

The commission agreed city staff should look into the issue.

CLOSED SESSION

Motion by Commissioner Pfeffer, second by Commissioner Ashley, to go into closed session to discuss personnel pursuant to KRS 61.810(f). Upon call of the roll, voting is as follows: Voting aye: Commissioner Ashley, Commissioner Pfeffer, Commissioner Mains, Commissioner Litton and Mayor Cartmell.

OPEN SESSION

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

Mayor

City Clerk