RECESSED MEETING
MAY 21, 2018

The Ashland Board of Commissioners met in Recessed Session in the Commissioners' Chambers, City Building, Ashland, Kentucky, on Monday, May 21, 2018, at the hour of 11:00 AM. Those present were Commissioners: Amanda Clark, Marty Gute, Matt Perkins, Pat Steen and Mayor Stephen E. Gilmore, who presided. Also present were: Michael S. Graese, City Manager; Richard W. Martin, Interim Corporation Counsel; Susan W. Maddix, City Clerk; Todd Kelley, Chief of Police; Tony D. Grubb, Finance Director; Michelle Veach, Assistant Finance Director; Greg Ray, Fire Chief; Ryan Eastwood, City Engineer and Capital Development Director; Chris Pullem, Community and Economic Development Director; Jack Hunter, Acting Director of Public Services and Utilities Operations; Sean Murray, Human Resources/Parks & Recreation Director; and Joanna King, Public Information Officer.

AGENDA

City Manager Graese presented the agenda of May 21, 2018. Motion was made by Clark, seconded by Gute, to receive & file the agenda. Upon roll call, voting aye were Commissioners Clark, Gute, Perkins, Steen and Mayor Gilmore. Nay - none. Motion passed.

OLD BUSINESS
SECOND READING & FINAL ADOPTION

ORDINANCE NO. 79, 2018

AN ORDINANCE OF THE CITY OF ASHLAND, KENTUCKY, AMENDING ORDINANCE NO. 4, SERIES OF 2014, WHICH CREATED, ADOPTED AND APPROVED AN ECONOMIC DEVELOPMENT INCENTIVES PROGRAM IN ORDER TO STRENGTHEN AND EXPAND THE CITY'S ECONOMIC BASE; ESTABLISHED THE ELIGIBILITY CRITERIA REGARDING APPLICATIONS; PROVIDED FOR A COMMITTEE TO REVIEW APPLICATIONS; SET THE APPLICATION AND REVIEW PROCEDURE; AND IDENTIFIED THE EVENTS OF DEFAULT WHILE PROVIDING REMEDIES THEREOF; HEREBY CREATING AN ECONOMIC DEVELOPMENT INCENTIVE LOAN PROGRAM AND REPEALING ORDINANCE NO. 114, SERIES OF 2004.

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BE IT ORDAINED BY THE CITY OF ASHLAND, KENTUCKY:

SECTION 1. That Ordinance No. 4, series of 2014, being an ordinance entitled, "AN ORDINANCE OF THE CITY OF ASHLAND, KENTUCKY, CREATING, ADOPTING AND APPROVING AN ECONOMIC DEVELOPMENT INCENTIVES PROGRAM IN ORDER TO STRENGTHEN AND EXPAND THE CITY'S ECONOMIC BASE; ESTABLISHING THE ELIGIBILITY CRITERIA REGARDING APPLICATIONS; PROVIDING FOR A COMMITTEE TO REVIEW APPLICATIONS; SETTING THE APPLICATION AND REVIEW PROCEDURE; AND IDENTIFYING THE EVENTS OF DEFAULT WHILE PROVIDING REMEDIES THEREOF," be and said ordinance is hereby amended to read as follows, such amendments shown by a single broken line through all deleted language and by underscoring all newly inserted language:

SECTION 1. DEFINITIONS.

For the purpose of this Ordinance, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

"Applicant" shall mean a business entity applying for ~~occupational license fee withholdings rebate~~ incentives pursuant to this Ordinance

"Approved Applicant" shall mean an Applicant approved by the City.

"Ashland Main Street area" shall mean the area designated in Exhibit "A".

"Business Entity" shall mean a sole proprietorship, partnership, limited liability company, corporation, or other similar organization qualified to do business in the Commonwealth of Kentucky.

"Committee" shall mean the Ashland Business Growth and Development Committee.

"Director" shall mean the Community and Economic Development Director.

"Occupational tax" shall mean the occupational license fee withholdings (payroll tax) from an employee's wages, salaries, bonuses or commissions.

"Ashland Business Growth and Development Program" (the "Program") shall mean the Economic Development Incentives Program created by this Ordinance.

SECTION 2. PURPOSES, GOALS AND OBJECTIVES.

The City hereby declares that improvement of the quality of life for citizens in the City is an important public purpose, goal and objective, and that as part of its effort to meet that objective the City must (1) recognize the importance of a growing and expanding economy, (2) create programs to foster an atmosphere that encourages economic development and (3) provide incentives for the creation of new jobs in the business and industrial zoned areas of the City. In order to satisfy the needs and take the action identified herein, the City has determined that it should create a program to ~~offer employee payroll tax withholdings rebates to job creation prospects on the Ashland taxable wages directly created by such project~~ incentivize development for businesses and entrepreneurs within the City of Ashland.

SECTION 3. CREATION OF BUSINESS GROWTH & DEVELOPMENT PROGRAM.

There is hereby created the Ashland Business Growth and Development Program by which incentives are made available to qualified applicants in the form of either employee occupational tax withholding rebates or an Economic Development Incentive Loan, upon the terms and conditions established herein.

SECTION 4. DEVELOPMENT INCENTIVE.

Eligible Applicants. An Applicant shall be eligible for ~~an employee withholdings incentive payment~~ the Program only if:

It is a new or existing business entity that owns the property where the business entity is housed, or possesses the property through a lease agreement, for the duration of the incentive agreement. Applicants incorporated as a non-profit are ineligible.

~~Applicant shall observe all applicable zoning, business, and code regulations.~~ The business must be located within the corporate city limits of Ashland, observe all applicable zoning, business, and code regulations, and be current with all taxes, fees, etc.

Employee Withholdings Incentive Payment. The employee ~~payroll~~ occupational tax incentive payments are designed and intended to provide an incentive to eligible Applicants equal to a portion of employee ~~payroll~~ occupational tax withholdings payable to the City, which are generated by new employees. To be eligible for the payment, the Applicant must generate a minimum of new Ashland payroll as defined ~~in eligibility requirements~~ below. If approved, the Applicant may seek a rebate equal to up to fifty percent (50%) of the employees' withholdings generated by new jobs otherwise owed to the City for a period up to five (5) years as determined by the City. This rebate is to be applied to the employee occupational tax withholdings payable to the City only and not for any other taxes or fees payable to the City, Boyd County, the Ashland School District or to any other taxing agency, district, or authority. It shall be the responsibility of an Approved Applicant to seek a rebate.

Located in Ashland Main Street Zone: Minimum of $250,000 in new Ashland taxable wages.

Located in other business or industrial zoned areas in the City: Minimum of $2,000,000 in new City taxable wages.

Economic Development Incentive Loan. The incentive loan is intended to provide an incentive to eligible Applicants for the creation or retention of jobs within the City of Ashland and in circumstances where the proposed project shows a demonstrated financial gap and that the project would not occur "but for" the assistance provided through City financial assistance. The maximum amount of assistance through this loan will not exceed $50,000. The funded project must either contribute a minimum of one new job per $25,000 borrowed and/or be instrumental in the retention of jobs that would otherwise be lost. Monies provided by the program must be used for fixed asset or capital financing. Loans cannot be used for operating expenses. Applicant must provide a minimum of 20% equity of total project costs. The City of Ashland shall not be a primary lender in the judgment of the Committee. In order to be eligible for a loan under the program, the project must be substantially funded by the Applicant and, where necessary, commercial loan participation. The amount loaned is a four-year, forty-eight (48) month forgivable loan and principle balance shall be reduced by 25% each year from the date of execution.

SECTION 5. BUSINESS GROWTH & DEVELOPMENT PROGRAM COMMITTEE.

There is hereby created a Business Growth & Development Program Committee composed of ~~three~~ five members as follows:

Mayor or other member of the Ashland Board of City Commissioners
City Manager
~~Economic Development Director~~
Representative from Finance Department
Representative from Legal Department
One City of Ashland resident, from the following areas of expertise:

a) Banker/Loan Officer
b) Certified Public Accountant
c) Local business person

The Committee shall establish and evaluate terms and conditions for ~~payroll tax refund~~ incentive applications submitted to it and make a recommendation to the Board of City Commissioners.

The Board of City Commissioners shall review the recommendation from the Committee and make a final determination, within the parameters outlined in this Ordinance.

SECTION 6. STATE INCENTIVE AND FINANCIAL PROGRAMS.

An applicant company that has, or becomes, approved and qualified for credits or benefits under any Commonwealth of Kentucky incentive or financial program for a business, division, or location within the City shall not be entitled to any incentives in addition thereto from the City during the term of its agreement/program with the Commonwealth of Kentucky.

SECTION 7. APPLICATION AND REVIEW PROCEDURE.

An Applicant shall submit to the Director a completed incentive program application ~~(in a form created/revised by the finance director/economic development director)~~ provided by the Community and Economic Development Department, which shall include the following at a minimum:

A description of the project, total project cost, sources of funding and purpose of the incentive application.

A five (5) year pro forma, including the number of new jobs to be created, the wages, salaries, bonuses and commissions expected to be paid and the amount of Ashland employee withholdings expected to be generated by the new jobs.

General information about company management capabilities, including resumes of top management and the company's marketing strategies.

Such financial and non-financial information about the Applicant and/or its principals as is required by this Ordinance or as otherwise deemed necessary by the Director or the Committee.

Certification that the Applicant is an equal opportunity employer and agrees that it shall not discriminate in hiring and employment because of race, creed, color, national origin, religion, sex, age or disability and that it shall comply with all federal, state and local equal opportunity policies and laws to insure non-discrimination because of race, creed, color, national origin, religion, sex, age or disability.

The Director shall review each application to verify the information submitted therewith and determine:

Whether the application meets the program eligibility requirements.

The accuracy of the factual representations in the application and the Applicant's employment and financial projections.

The amount of the incentive for which the Applicant qualifies and the terms upon which the Director would recommend approval to the Committee.

Special credit risks presented by the Applicant or the project.

Any and all other matters deemed appropriate to weigh the credit worthiness of the Applicant, the incentive program application and the project.

The ~~Finance and Economic Development~~ Directors may request additional information from the Applicant at any time, or waive any listed criteria not believed necessary for consideration of the applicant's request.

After the Director's review of the application, he shall submit it with his recommendations to the Committee for review. The Committee may request additional information from the Applicant at any time. Following its review, the Committee shall either reject the application or recommend its approval. ~~The incentive application shall be submitted to the Mayor for final approval.~~ Upon such approval, the approved Applicant and the City shall enter into a Program Agreement which sets forth the terms of the ~~grant of~~ incentive and the obligations of each party.

Incentives may be denied for any of the following reasons:

a) Activities not considered being in the public's best interest.
b) Funds used for operating expense.
c) Inappropriate business plan.
d) Inappropriate management.
e) Funds cannot be used to pay off or refinance existing debt.
f) Not economically feasible based on one or more of the following: economic impact, market analysis, and industrial trends analysis to substantiate business plan projections.
g) Other reason deemed appropriate by the Committee.

SECTION 8. EVENTS OF DEFAULT.

The following shall constitute events of default, which may be declared by the City:

Failure of an Approved Applicant to report or to pay employee ~~payroll~~ occupational tax as required by this Ordinance, whether from new jobs or existing jobs;

Failure of an Approved Applicant to satisfy the projected schedule of employee ~~payroll~~ occupational tax submitted with its incentive program application or as set forth in the program agreement.

Failure of an Approved Applicant to create or retain jobs as set forth in its incentive program application.

Dissolution of business prior to the end of the forty-eight (48) month term for all incentive loans.

Failure of an Approved Applicant to pay any tax, license fee, penalty or other charge or obligation to the City pursuant to the Code of Ordinances;

Failure of an Approved Applicant to comply with any term, condition or obligation imposed by this Ordinance;

Failure of an Approved Applicant to comply with any term, condition or obligation of the incentive program agreement;

The making of any material misrepresentation of any statement or fact on an Approved Applicant's incentive program application or supporting documents, whether or not relied upon by the City, Committee or Director.

SECTION 9. REMEDIES.

In the event of default under a Program Agreement, the City may suspend the participation of the Approved Applicant until such time as the default is cured or the City may terminate the agreement with prior written notice to the Approved Applicant within 30 days to correct the default event. If the approval is terminated, the City may pursue remedies available to the City under Kentucky law and pursuant to the terms of the parties' Program Agreement.

The failure of the City to declare a default in any event thereof shall not constitute a waiver thereof.

The remedies contained in the Program Agreement shall be cumulative and in addition to any other remedy authorized by law. Said remedies may be exercised separately, together or in any combination thereof, and any such exercise shall not constitute a waiver of any remaining remedies.

No discharge in bankruptcy or other bankruptcy proceedings shall affect the Approved Applicant's obligation to comply with this Ordinance, except as provided by Federal or State Law.

SECTION 2. Ordinance No. 114, Series of 2004, and all ordinances and parts of ordinances in conflict herewith, to the extent of such conflict only, are hereby repealed.

SECTION 3. This ordinance shall be in full force and effect from and after its adoption, readoption and publication, as required by law.

SECTION 4. It is hereby authorized that publication of this ordinance be in summary form.

/s/STEPHEN E. GILMORE
MAYOR

ATTEST:

/s/SUSAN W. MADDIX
CITY CLERK

ADOPTED BY THE BOARD OF COMMISSIONERS: May 10, 2018
READOPTED BY THE BOARD OF COMMISSIONERS: May 21, 2018
PUBLISHED:

MOTION

Motion was made by Gute, seconded by Perkins, to adopt Ordinance No. 79, 2018, at this its second reading. Upon roll call, voting aye were Commissioners Clark, Gute, Perkins, Steen and Mayor Gilmore. Nay – none. Motion passed.

SECOND READING & FINAL ADOPTION

ORDINANCE NO. 80, 2018

AN ORDINANCE OF THE CITY OF ASHLAND, KENTUCKY, PROHIBITING PARKING IN THE 300 BLOCK OF 8TH STREET FROM ITS INTERSECTION WITH WINCHESTER AVENUE (U.S. 23) EXTENDING TO A POINT 80' ON THE EAST SIDE, AND PROVIDING A PENALTY FOR THE VIOLATION OF THIS ORDINANCE.

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BE IT ORDAINED BY THE CITY OF ASHLAND, KENTUCKY:

RECESSED MEETING MAY 21, 2018
ORDINANCE NO. 80, 2018 CONTINUED

SECTION 1. That it shall be unlawful for any person, firm or corporation to park and leave standing any vehicle on the east side of 8th Street from Winchester Avenue (U.S. 23) to a point 80' from the intersection of 8th Street with Winchester Avenue on the east side.

SECTION 2. The Director of Public Works is hereby authorized and directed to install appropriate signs and/or curb or street markings to properly carry the provisions of this ordinance into effect.

SECTION 3. The Chief of Police is hereby authorized and directed to properly carry the provisions of this ordinance into effect and to take appropriate steps to enforce same.

SECTION 4.

4.1 Any person, firm or corporation violating the terms of this ordinance who chooses to prepay the administrative penalty, the rate shall not be less than Ten Dollars ($10.00).

4.2 If violation of this ordinance results in a uniform citation being issued, any person, firm or corporation who shall violate the provisions of this ordinance shall be deemed guilty of a violation and shall be punished by a fine not less than Ten Dollars ($10.00) nor more than any stated amount provided in KRS 534.040 for a violation offense.

SECTION 5. All other ordinances and parts of ordinances in conflict herewith, to the extent of such conflict only, are hereby repealed.

SECTION 6. This ordinance shall be in full force and effect from and after its adoption, readoption and publication, as required by law.

/s/STEPHEN E. GILMORE
MAYOR

ATTEST:

/s/SUSAN W. MADDIX
CITY CLERK

ADOPTED BY THE BOARD OF COMMISSIONERS: May 10, 2018
READOPTED BY THE BOARD OF COMMISSIONERS: May 21, 2018
PUBLISHED:

MOTION

Motion was made by Clark, seconded by Gute, to adopt Ordinance No. 80, 2018, at this its second reading. Upon roll call, voting aye were Commissioners Clark, Gute, Perkins, Steen and Mayor Gilmore. Nay – none. Motion passed.

SECOND READING & FINAL ADOPTION

ORDINANCE NO. 81, 2018

AN ORDINANCE OF THE CITY OF ASHLAND, KENTUCKY, AMENDING ORDINANCE NO. 55, SERIES OF 2009, PREVIOUSLY AMENDED BY ORDINANCE NO. 45, SERIES OF 2010, AND ORDINANCE NO. 77, SERIES OF 2014, COMMONLY KNOWN AND REFERRED TO AS THE LOADING ZONE ORDINANCE DESIGNATING A LOADING ZONE IN THE 300 BLOCK OF 8TH STREET ON THE EAST SIDE.

RECESSED MEETING MAY 21, 2018
ORDINANCE NO. 81, 2018 CONTINUED

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BE IT ORDAINED BY THE CITY OF ASHLAND, KENTUCKY:

SECTION 1. That Ordinance No. 55, Series of 2009, previously amended by Ordinance No. 45, Series of 2010, and Ordinance No. 77, Series of 2014, being an ordinance entitled, "AN ORDINANCE OF THE CITY OF ASHLAND, KENTUCKY DESIGNATING THE LOCATION OF LOADING/UNLOADING ZONES WITHIN THE CITY OF ASHLAND, PROVIDING FOR A PENALTY FOR THE VIOLATION OF THIS ORDINANCE AND REPEALING ANY AND ALL OTHER ORDINANCES IN CONFLICT HEREWITH" is amended, such amendment shown by a single broken line through all deleted language and by underscoring all newly inserted language.

SECTION 5. That loading zones be and the same are hereby created as follows:

100 Block of 15th Street adjacent to the Federal Building located at 1405 Greenup Avenue (Two Loading/Unloading Zones)
Beginning at a point on the west curbline of 15th Street, said point being 91.4 feet from the intersection of the west curbline of 15th Street and the north curbline of Greenup Avenue, thence extending 45.4 feet (one existing 20.4 foot stall and one existing 25 foot parking stall) northerly to a point on the west curbline of 15th Street.

Greenup Avenue
Southeast corner a distance of 50 feet in an easterly direction from 13th Street.

West Side of 18th Street (Two Loading/Unloading Zones)
Beginning at a point 36 feet from the curb insert and continuing in a southerly direction 10 feet for the first loading zone and second such zone to begin at this point and continue 10 additional feet in a southerly direction.

1401 Winchester Avenue – G.B. Johnson Building (2-car loading zone)
Beginning at a point on the north curb line of Winchester Avenue, said point being 15.50 feet from the easterly right-of-way of 14th Street; thence with the northerly curb line of Winchester Avenue in the southeasterly direction 44.00 feet to a point.

17th Street
Beginning at a point on the east curb line of 17th Street; said point being in a southerly direction 74.0' from the intersection point of the southerly curb line of Winchester Avenue and the easterly curb line of 17th Street; thence in a southerly direction 40.0' to a point; thence in an easterly direction 8.0' to a point in an existing sidewalk; thence in a northerly direction with said sidewalk 40.0'; thence in a westerly direction 8.0' to the point of beginning.

1501 Carter Avenue
Beginning at a point on the north curb line of Carter Avenue, said point being 127.50 feet from the intersection of the east curb line of 15th Street and the north line of Carter Avenue; thence with the north line of Carter Avenue in a southeasterly direction 14 feet to a point; thence leaving said curb line, at approximately 60° angle to the curb, in a southwesterly direction 22.00 feet to a point; thence in a northwesterly direction 14.00 feet to a point; thence in a northeasterly direction 22.00 feet to the point and place of beginning.

230 16th Street
Beginning at a point on the easterly curbline of 16th Street, said point being 18' from the intersection of the easterly curbline of 16th Street and the southerly curbline of an alley, thence southerly 13' to a point on the easterly curbline of 16th Street.

RECESSED MEETING MAY 21, 2018
ORDINANCE NO. 81, 2018 CONTINUED

Central Avenue – Kentucky Power
Beginning at a point on the northerly curbline of Central Avenue, said point being 112.5 feet from the intersection of the westerly curbline of 18th Street and Central Avenue, thence westerly 45' to a point on the northerly curbline of Central Avenue.

Winchester Avenue – 1300 Block – In front of Ashland News
Beginning at a point on the northerly curbline of Winchester Avenue, said point being 147 feet from the intersection of the westerly curbline of 14th Street and Winchester Avenue, thence westerly 22' to a point on the northerly curbline of Winchester Avenue.

Winchester Avenue – 2200 Block
Beginning at a point on the southerly curbline of Winchester Avenue, said point being westerly 140 feet from the intersection of the southerly curbline of Winchester Avenue and the westerly curbline of 23rd Street, thence westerly along the southerly curbline of Winchester Avenue 22' to a point on the southerly curbline of Winchester Avenue.

In front of 1544 Winchester Avenue

8th Street – 300 Block – East Side (7:00 AM – 8:00 PM)**
Beginning at a point on the easterly curbline of 8th Street, said point being southerly 160 feet from the intersection of the southerly curbline of Winchester Avenue and the easterly curbline of 8th Street, thence northerly along the easterly curbline of 8th Street 80' to a point on the easterly curbline of 8th Street.

SECTION 2. All other ordinances and any parts of ordinances in conflict herewith, to the extent of such conflict only, are hereby repealed.

SECTION 3. This ordinance shall be in full force and effect from and after its adoption, readoption and publication, as required by law.

/s/STEPHEN E. GILMORE
MAYOR

ATTEST:

/s/SUSAN W. MADDIX
CITY CLERK

ADOPTED BY THE BOARD OF COMMISSIONERS: May 10, 2018
READOPTED BY THE BOARD OF COMMISSIONERS: May 21, 2018
PUBLISHED:

MOTION

Motion was made by Gute, seconded by Perkins, to adopt Ordinance No. 81, 2018, at this its second reading. Upon roll call, voting aye were Commissioners Clark, Gute, Steen and Mayor Gilmore. Nay – none. Abstain – Commissioner Perkins. Motion passed.

RECESSED MEETING MAY 21, 2018
ORDINANCE NO. 82, 2018 CONTINUED

SECOND READING & FINAL ADOPTION

ORDINANCE NO. 82, 2018

AN ORDINANCE OF THE CITY OF ASHLAND, KENTUCKY, AMENDING ORDINANCE NO. 52, SERIES OF 2016, BY AMENDING THE AREAS FOR THE ENFORCEMENT OF TWO HOUR PARKING LIMITS WITHIN THE CITY OF ASHLAND TO INCLUDE THE NORTH SIDE OF GREENUP AVENUE FROM 13TH STREET TO 18TH STREET AND THE 100 BLOCK OF 16TH STREET.

* * * *

BE IT ORDAINED BY THE CITY OF ASHLAND, KENTUCKY:

SECTION 1. That Ordinance No. 52, series of 2016, being an ordinance entitled, "AN ORDINANCE OF THE CITY OF ASHLAND, KENTUCKY, DESIGNATING THE AREAS FOR THE ENFORCEMENT OF TWO HOUR PARKING LIMITS WITHIN THE CITY+ OF ASHLAND," be and said ordinance is hereby amended to read as follows, such amendments shown by a single broken line through all deleted language and by underscoring all newly inserted language:

SECTION 1. The Ashland Board of City Commissioners hereby designates the following areas be limited to two-hour parking intervals:

LYING GENERALLY FROM THE EAST SIDE OF 13TH STREET TO, BUT NOT INCLUDING, THE SOUTH SIDE OF GREENUP AVENUE FROM 17TH STREET TO 18TH STREET AND 18TH STREET; AND FROM, AND INCLUDING, THE NORTH SIDE OF GREENUP AVENUE TO, AND INCLUDING, THE NORTH SIDE OF CENTRAL AVENUE

WEST SIDE OF EIGHTEENTH STREET IN THE 300 BLOCK FROM WINCHESTER AVENUE TO CARTER AVENUE

EAST AND WEST SIDE OF THE 100 BLOCK OF 16TH STREET

SECTION 2. All ordinances and parts of ordinances in conflict herewith, to the extent of such conflict only, are hereby repealed.

SECTION 3. EFFECTIVE DATE.

This ordinance shall be in full force and effect after it has been adopted, readopted and published, as required by law, and after the appropriate signs and street markings, if required, have been installed as herein provided.

/s/STEPHEN E. GILMORE
MAYOR

ATTEST:

/s/SUSAN W. MADDIX
CITY CLERK

ADOPTED BY THE BOARD OF COMMISSIONERS: May 10, 2018
READOPTED BY THE BOARD OF COMMISSIONERS: May 21, 2018
PUBLISHED:

RECESSED MEETING MAY 21, 2018
ORDINANCE NO. 82, 2018 CONTINUED

MOTION

Motion was made by Clark, seconded by Steen, to adopt Ordinance No. 82, 2018, at this its second reading. Upon roll call, voting aye were Commissioners Clark, Gute, Perkins, Steen and Mayor Gilmore. Nay – none. Motion passed.

SECOND READING & FINAL ADOPTION

ORDINANCE NO. 83, 2018

AN ORDINANCE OF THE CITY OF ASHLAND, KENTUCKY, PROHIBITING PARKING ON THE SOUTH SIDE OF BEECH STREET FROM SOUTH 29TH STREET TO 13TH STREET AND ON THE NORTH SIDE OF BEECH STREET FROM DAWES STREET TO FLOYD STREET, AND PROVIDING A PENALTY FOR THE VIOLATION OF THIS ORDINANCE.

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BE IT ORDAINED BY THE CITY OF ASHLAND, KENTUCKY:

SECTION 1. That it shall be unlawful for any person, firm or corporation to park and leave standing any vehicle on the south side of Beech Street from South 29th Street to 13th Street and on the north side of Beech Street from Dawes Street to Floyd Street.

SECTION 2. The Director of Public Works is hereby authorized and directed to install appropriate signs and/or curb or street markings to properly carry the provisions of this ordinance into effect.

SECTION 3. The Chief of Police is hereby authorized and directed to properly carry the provisions of this ordinance into effect and to take appropriate steps to enforce same.

SECTION 4.

4.1 Any person, firm or corporation violating the terms of this ordinance who chooses to prepay the administrative penalty, the rate shall not be less than Ten Dollars ($10.00).

4.2 If violation of this ordinance results in a uniform citation being issued, any person, firm or corporation who shall violate the provisions of this ordinance shall be deemed guilty of a violation and shall be punished by a fine not less than Ten Dollars ($10.00) nor more than any stated amount provided in KRS 534.040 for a violation offense.

SECTION 5. All other ordinances and parts of ordinances in conflict herewith, to the extent of such conflict only, are hereby repealed.

SECTION 6. This ordinance shall be in full force and effect from and after its adoption, readoption and publication, as required by law.

/s/STEPHEN E. GILMORE
MAYOR

ATTEST:

/s/SUSAN W. MADDIX
CITY CLERK

ADOPTED BY THE BOARD OF COMMISSIONERS: May 10, 2018
READOPTED BY THE BOARD OF COMMISSIONERS: May 21, 2018
PUBLISHED:

RECESSED MEETING MAY 21, 2018
ORDINANCE NO. 83, 2018 CONTINUED

MOTION

Motion was made by Gute, seconded by Clark, to adopt Ordinance No. 83, 2018, at this its second reading. Upon roll call, voting aye were Commissioners Clark, Gute, Perkins, Steen and Mayor Gilmore. Nay – none. Motion passed.

SECOND READING & FINAL ADOPTION

ORDINANCE NO. 84, 2018

AN ORDINANCE OF THE CITY OF ASHLAND, KENTUCKY, REPEALING ORDINANCE NO. 71, SERIES OF 2018, WHICH AUTHORIZED A CONTRACT BETWEEN THE CITY OF ASHLAND AND MARCUS HATTEN D/B/A H & S CONSTRUCTION & LAWN CARE RESULTING FROM THE WITHDRAWAL OF THE COMPANY'S PROPOSAL.

BE IT ORDAINED BY THE CITY OF ASHLAND, KENTUCKY:

SECTION 1. That Ordinance No. 71, Series of 2018, is hereby repealed.

SECTION 2. All ordinances and parts of ordinances in conflict herewith, to the extent of such conflict only, are hereby repealed.

SECTION 3. This ordinance shall be in full force and effect from and after its adoption, readoption and publication, as required by law.

SECTION 4. It is hereby authorized that publication of this ordinance be in summary form.

/s/STEPHEN E. GILMORE
MAYOR

ATTEST:

/s/SUSAN W. MADDIX
CITY CLERK

ADOPTED BY THE BOARD OF COMMISSIONERS: May 10, 2018
READOPTED BY THE BOARD OF COMMISSIONERS: May 21, 2018
PUBLISHED:

MOTION

Motion was made by Gute, seconded by Perkins, to adopt Ordinance No. 84, 2018, at this its second reading. Upon roll call, voting aye were Commissioners Clark, Gute, Perkins, Steen and Mayor Gilmore. Nay – none. Motion passed.

SECOND READING & FINAL ADOPTION

ORDINANCE NO. 85, 2018

AN ORDINANCE OF THE CITY OF ASHLAND, KENTUCKY, AUTHORIZING AND DIRECTING STEPHEN E. GILMORE, MAYOR, TO EXECUTE A THREE STATE MULTI-AGENCY MEMORANDUM OF UNDERSTANDING FOR THE PLANNING, COORDINATION AND FUNDING PROCEDURES AMONG KYOVA INTERSTATE PLANNING COMMISSION AGENCIES ON BEHALF OF THE ASHLAND BUS SYSTEM.

RECESSED MEETING MAY 21, 2018
ORDINANCE NO. 85, 2018 CONTINUED

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BE IT ORDAINED BY THE CITY OF ASHLAND, KENTUCKY:

SECTION 1. That Stephen E. Gilmore, Mayor of the City of Ashland, Kentucky be and is hereby authorized and directed to execute a three state, multi-agency Memorandum of Understanding for the Planning, Coordination and Funding Procedures among KYOVA Interstate Planning Commission; West Virginia Department of Transportation (WVDOT)/West Virginia Division of Highways (WVDOH); Kentucky Transportation Cabinet (KYTC); Ohio Department of Transportation (ODOT); West Virginia Department of Environmental Protection (WVDEP); Kentucky Department for Environmental Protection (KYDEP)/Kentucky Division for Air Quality (KYDAQ); Ohio Environmental Protection Agency (OEPA); Regional Intergovernmental Council (RIC); Tri-State Transit Authority (TTA); City of Ashland/Ashland Bus System (ABS); and Lawrence County Port Authority (LCPA) in consultation with FHWA Offices of West Virginia, Kentucky, and Ohio; FTA Regions III, IV, and V; EPA Regions III, IV and V for the Huntington, WV-KY-OH Transportation Management Area (TMA). Said Memorandum addresses the interagency coordination affecting the transportation planning process for the Huntington, WV-KY-OH Transportation Management Area (TMA) between the agencies pursuant to 23 USC 134, 49 USC 5303, and 40 CFR 93.

A copy of said Memorandum of Understanding is attached hereto and made a part hereof by reference.

SECTION 2. All ordinances of the City of Ashland and any parts of ordinances in conflict herewith, to the extent of such conflict only, are hereby repealed.

SECTION 3. This ordinance shall be in full force and effect from and after its adoption, readoption and publication, as required by law.

SECTION 4. It is hereby authorized that publication of this ordinance be in summary form.

/s/STEPHEN E. GILMORE
MAYOR

ATTEST:

/s/SUSAN W. MADDIX
CITY CLERK

ADOPTED BY THE BOARD OF COMMISSIONERS: May 10, 2018
READOPTED BY THE BOARD OF COMMISSIONERS: May 21, 2018
PUBLISHED:

MOTION

Motion was made by Clark, seconded by Gute, to adopt Ordinance No. 85, 2018, at this its second reading. Upon roll call, voting aye were Commissioners Clark, Gute, Perkins, Steen and Mayor Gilmore. Nay – none. Motion passed.

RECESSED MEETING MAY 21, 2018
ORDINANCE NO. 86, 2018 CONTINUED

SECOND READING & FINAL ADOPTION

ORDINANCE NO. 86, 2018

AN ORDINANCE OF THE CITY OF ASHLAND, KENTUCKY, AUTHORIZING AND APPROVING CHANGE ORDER NO. 1 BETWEEN THE CITY OF ASHLAND, KENTUCKY AND MIKE ENYART & SONS, INC. FOR A CONTRACT ADOPTED BY ORDINANCE NO. 8, SERIES OF 2018, REGARDING THE LOUISA STREET WATER MAIN PROJECT IN CATLETTSBURG FOR THE DEPARTMENT OF ENGINEERING AND UTILITIES, DIVISION OF WATER DISTRIBUTION.

* * * * * * * * * *

BE IT ORDAINED BY THE CITY OF ASHLAND, KENTUCKY:

SECTION 1. That Change Order No. 1 in the contract authorized by Ordinance No. 8, 2018 between the City of Ashland, Kentucky and Mike Enyart & Sons, Inc. for the Louisa Street Water Main Project in Catlettsburg is hereby approved as follows:

Change Order No. 1
Extension of time for completion from August 14, 2018 to September 14, 2018

A true copy of Change Order No. 1 is attached hereto and made a part hereof by reference.

SECTION 2. All ordinances of the City of Ashland and any parts of ordinances in conflict herewith, to the extent of such conflict only, are hereby repealed.

SECTION 3. This ordinance shall be in full force and effect from and after its adoption, readoption and publication, as required by law.

SECTION 4. It is hereby authorized that publication of this ordinance be in summary form.

/s/STEPHEN E. GILMORE
MAYOR

ATTEST:

/s/SUSAN W. MADDIX
CITY CLERK

ADOPTED BY THE BOARD OF COMMISSIONERS: May 10, 2018
READOPTED BY THE BOARD OF COMMISSIONERS: May 21, 2018
PUBLISHED:

MOTION

Motion was made by Gute, seconded by Clark, to adopt Ordinance No. 86, 2018, at this its second reading. Upon roll call, voting aye were Commissioners Clark, Gute, Perkins, Steen and Mayor Gilmore. Nay – none. Motion passed.

MOTION TO AMEND COMMISSION MEETING TIMES

Motion was made by Gute, seconded by Clark, changing the meeting times of all Ashland Board of City Commissioners' meetings to 12:00 PM during the months of June, July and August, 2018. Upon roll call, voting aye were Commissioners Clark, Gute, Perkins, Steen and Mayor Gilmore. Nay – none. Motion passed.

RECESSED MEETING MAY 21, 2018
BUDGET WORK SESSION

WORK SESSION – FY 2019 BUDGET DISCUSSION

City Manager Graese opened the work session thanking staff, especially the Finance Department, for their work on preparing the budget. Mayor Gilmore also thanked the Finance Department for their expertise.

Finance Director Grubb reviewed the proposed budget with the Commission. Mr. Grubb advised the budget does not include any rate modifications, is a balanced budget and no cost of living adjustment (COLA) for employees included.

Finance Director Grubb reviewed the General Fund in detail with the Commission and also distributed a breakdown of Contributions, Gifts, Dues and Fees.

Sheila Fraley and Ruby Deerfield appeared before the Commission on behalf of Summer Motion. Summer Motion is scheduled for June 30 – July 4, 2018 at Central Park and the Ashland Riverfront. This is the 30th Anniversary of Summer Motion. They thanked the Commission for their continued support.

Contributions, Gifts, Due and Fee for Fiscal Year 2019 are approved as follows:

Recreation Contributions – 101-0901-3118	
Summer Motion	30,000
Summer Motion – Overtime	25,868
Poage Landing Days	30,000
Poage Landing Days – Overtime	6,298

Dues & Fees – 101-0901-3119	
Ashland Alliance	15,000
Ashland in Motion	35,000
Ashland Regional Airport	5,000
FIVCO	7,589
Kentucky League of Cities	6,313
KYOVA	7,589
Office of Emergency Management	86,202
Tri-State Airport	5,000

Contributions & Gifts – 101-0901-3120
Ashland Community and Technical College
Ashland Senior Center
Highlands Museum
Jesse Stuart Foundation
Paramount Arts Center
Shelter of Hope
The Neighborhood
Hillcrest-Bruce Mission
Pathways to Bright Futures
Miscellaneous

The Commission was advised that $20,000 is allocated to Contributions and Gifts. The Commission agreed to review the requests and make a recommendation at the next budget meeting.

RECESS

Mayor Gilmore declared the meeting recessed at 1:15 PM until 9:00 AM on Tuesday, May 22, 2018.

STEPHEN E. GILMORE
MAYOR

ATTEST:

SUSAN W. MADDIX
CITY CLERK