

**REGULAR MEETING
SEPTEMBER 28, 2017**

The Ashland Board of Commissioners met in Regular Session in the Commissioners' Chambers, City Building, Ashland, Kentucky, on Thursday, September 28, 2017, at the hour of 6:00 PM. Those present were Commissioners: Amanda Clark, Marty Gute, Marshall Steen and Matt Perkins, who presided. Absent: Mayor Stephen E. Gilmore. Also present were: Michael S. Graese, City Manager; John F. Vincent, Corporation Counsel; Susan W. Maddix, City Clerk; Todd Kelley, Chief of Police; Sean Murray, Director of Human Resources/Parks & Recreation; Greg Ray, Fire Chief; Ryan Eastwood, Director of Engineering and Utilities; Chris Pullem, Community and Economic Development Director; Tony Grubb, Finance Director; Michelle Veach, Assistant Finance Director; Randy Carpenter, Acting Director of Public Works; and Reporters.

The invocation was given by Commissioner Gute.

The Pledge of Allegiance was conducted.

AGENDA

City Manager Graese presented the agenda of September 28, 2017. Motion was made by Clark, seconded by Gute, to receive & file the agenda as amended. Upon roll call, voting aye were Commissioners Clark, Gute, Perkins and Steen. Nay - none. Motion passed.

MINUTES

Motion was made by Gute, seconded by Clark, to dispense with reading and approve the minutes of the Called Meeting held on September 13, 2017 and the Regular Meeting held on September 14, 2017. Upon roll call, voting aye were Commissioners Clark, Gute, Perkins and Steen. Nay – none. Motion passed.

HEARINGS AND REPORTS

Mayor and Commissioners' Comments

Commissioner Clark announced that ChiliFest, on the parking lot next to the Paramount Arts Center, and the Super Hero Creamery Block Party, on 15th Street, will be held on Saturday, September 30. She also gave “kudos” to City Manager Graese for his presentation at Rotary Club regarding the launch of the “How Can We Help” button added to the City’s website.

City Manager’s Report

City Manager Graese reported on the following items:

The “How Can We Help” button is now operational on the City’s website and City Manager Graese explained the process followed when comments or complaints are received.

The 29th Street project is projected to be ongoing through May, 2018. City Manager Graese reported the City is watering down the street twice a day in order to try and keep the dust down and the street sweeper is also working in the area every other day. There is a projected schedule on the City’s website but he wanted to make sure the community is aware that the intersection of 29th Street and Belmont Street will be completely closed on Monday, October 2, 2017, for the day.

Regarding the Kentucky pension crisis and the possibility that the City will have to increase funding in the amount of \$1.9 million, City Manager Graese reported the City team met for a brainstorming session as to how the City will handle this additional expense.

REGULAR MEETING SEPTEMBER 28, 2017
HEARINGS AND REPORTS CONTINUED

The survey has been completed by the small test group regarding the crime reduction/rental property order and the City received great feedback. The City will be launching that survey to the community in the near future.

There was a power failure at the Wastewater Treatment Plant earlier this week when there was an arc and the junction box caught on fire. City Manager Graese publicly thanked American Electric Power and local electricians for responding in the middle of the night and also recognized the following:

Bruce Worthington
Eric Boyd
Mark Cade
Dave Krueger
Mark Hall
Laura Aubill
Jeff McFarlin
Ashland Police Department
Ashland Fire Department

PUBLIC PARTICIPATION

Josh Blanton, representing Build Ashland, appeared before the Commission to support a project on the Riverfront for walking and biking trails. Mr. Blanton presented the Commission with a map depicting the proposed path. Commissioner Gute recommend the project move forward with community involvement from Build Ashland and other civic groups which would result in little cost to the City. Commissioner Clark, Perkins and Steen all supported the project.

Mike Caudill, 4856 Sherwood Drive, appeared before the Commission regarding the status of NeuroRestorative's location on Sherwood Drive. The residents complained regarding the numerous vehicles coming and going at this location at all hours of the day and night; vehicles being driven through neighbors' yards; etc. The Board of Zoning Adjustment ruled earlier this year that it is a business cannot be located in the current zone; however, NeuroRestorative filed suit against the City. Mr. Caudill was advised that the case is still currently in litigation within the court system.

Reverend T.J. Azar, 201 Providence Hill, #3, Ashland, appeared before the Commission on behalf of Calvary Episcopal Church, requesting permission to conduct the "Blessing of the Animals" on Wednesday, October 4 from 6 to 7:30 PM on the 14th Street parking lot. Reverend Azar submitted paperwork to the City requesting permission but understood it was submitted too late for inclusion on the agenda. This event is co-sponsored by First Christian Church. Commissioner Perkins advised Reverend Azar the City would contact her regarding options for the event.

OLD BUSINESS
SECOND READING & FINAL ADOPTION

ORDINANCE NO. 96, 2017

AN ORDINANCE OF THE CITY OF ASHLAND, KENTUCKY, AUTHORIZING AND DIRECTING STEPHEN E. GILMORE, MAYOR, TO EXECUTE A CONTRACT BETWEEN THE CITY OF ASHLAND, KENTUCKY, AND OLIVE HILL TRUCKING, INC. FOR THE PURCHASE OF GRAVEL, STONE AND SAND FOR THE DEPARTMENTS OF PUBLIC WORKS AND ENGINEERING AND UTILITIES.

BE IT ORDAINED BY THE CITY OF ASHLAND, KENTUCKY:

REGULAR MEETING SEPTEMBER 28, 2017
ORDINANCE NO. 96, 2017 CONTINUED

SECTION 1. That Stephen E. Gilmore, Mayor, be and he is hereby authorized and directed to execute a contract between the City of Ashland, Kentucky, and Olive Hill Trucking, Inc. for the purchase of gravel, stone and sand for the Departments of Public Works and Engineering & Utilities in the amounts specified in their bid dated August 17, 2017. A copy of said contract is attached hereto and made a part hereof by reference.

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/MATT PERKINS
MAYOR PRO-TEM

ATTEST:

/s/SUSAN W. MADDIX
CITY CLERK

ADOPTED BY THE BOARD OF COMMISSIONERS: September 14, 2017
READOPTED BY THE BOARD OF COMMISSIONERS: September 28, 2017
PUBLISHED:

MOTION

Motion was made by Gute, seconded by Clark, to adopt Ordinance No. 96, 2017, at this its second reading. Upon roll call, voting aye were Commissioners Clark, Gute, Perkins and Steen. Nay – none. Motion passed.

SECOND READING & FINAL ADOPTION

ORDINANCE NO. 97, 2017

AN ORDINANCE OF THE CITY OF ASHLAND, KENTUCKY, AUTHORIZING AND DIRECTING STEPHEN E. GILMORE, MAYOR, TO EXECUTE A CONTRACT BETWEEN THE CITY OF ASHLAND, ASHLAND FURNACE CO., INC. AND ASHLAND CHILD DEVELOPMENT CENTER FOR THE PURCHASE AND INSTALLATION OF AN HVAC SYSTEM AT 1526 AND 1538 CENTRAL AVENUE IN THE AMOUNT OF \$67,934.00, FUNDED BY THE CITY OF ASHLAND, DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT THROUGH THE HOUSING AND URBAN DEVELOPMENT COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG).

BE IT ORDAINED BY THE CITY OF ASHLAND, KENTUCKY:

SECTION 1. That Stephen E. Gilmore, Mayor, be and he is hereby authorized and directed to execute a contract between the City of Ashland, Kentucky, Ashland Furnace Co., Inc. and Ashland Child Development Center for the purchase and installation of an HVAC system at 1526 and 1538 Central Avenue funded by the City of Ashland, Department of Community and Economic Development, through the Housing and Urban Development Community Development Block Grant. Said contract is in accordance with the bid of the company and in an amount not to exceed \$67,934.00. A copy of said contract is attached hereto and made a part hereof by reference.

REGULAR MEETING SEPTEMBER 28, 2017
ORDINANCE NO. 97, 2017 CONTINUED

SECTION 2. That any 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/MATT PERKINS
MAYOR PRO-TEM

ATTEST:

/s/SUSAN W. MADDIX
CITY CLERK

ADOPTED BY THE BOARD OF COMMISSIONERS: September 14, 2017
READOPTED BY THE BOARD OF COMMISSIONERS: September 28, 2017
PUBLISHED:

MOTION

Motion was made by Gute, seconded by Clark, to adopt Ordinance No. 97, 2017, at this its second reading. Upon roll call, voting aye were Commissioners Clark, Gute, Perkins and Steen. Nay – none. Motion passed.

SECOND READING & FINAL ADOPTION

ORDINANCE NO. 98, 2017

AN ORDINANCE OF THE CITY OF ASHLAND,
KENTUCKY, DECLARING THE CARP
PRECINCT ADVERSELY AFFECTED BY THE
LEGAL SALE OF ALCOHOL IN NEIGHBORING
PRECINCTS.

WHEREAS, under the provisions of KRS 242.1292, it has become necessary that, due to the legal sale of alcoholic beverages in the neighboring Central and Moore precincts, the City of Ashland Board of Commissioners declare Carp precinct adversely affected and calls for an election to be held in Carp precinct to take the sense of the people as to making the precinct a wet territory;

NOW, THEREFORE, IT IS HEREBY ORDAINED BY THE BOARD OF COMMISSIONERS OF THE CITY OF ASHLAND, KENTUCKY, AS FOLLOWS:

SECTION 1. Since the end of prohibition in the City of Ashland in 1981, the economies of neighboring Moore and Central precincts have achieved substantial growth directly attributed to the legal sale of alcoholic beverages.

SECTION 2. In 2016, alcohol sales in the City of Ashland’s two wet precincts represented \$14,325,205 in gross sales and accounted for over five-hundred jobs.

SECTION 3. Carp precinct has been declared a “low to moderate income area” according to the United States Census Bureau evidencing that at least 51% of the residents within the precinct are below the area median income level.

SECTION 4. The election shall be presented to the voters in conformance with the requirements of KRS 242.050 except that the form of the proposition shall be, “Are you in favor of the sale of alcoholic beverages in Carp precinct?”

SECTION 5. All 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.

REGULAR MEETING SEPTEMBER 28, 2017
ORDINANCE NO. 98, 2017 CONTINUED

/s/MATT PERKINS
MAYOR PRO-TEM

ATTEST:

/s/SUSAN W. MADDIX
CITY CLERK

ADOPTED BY THE BOARD OF COMMISSIONERS: September 14, 2017
READOPTED BY THE BOARD OF COMMISSIONERS: September 28, 2017
PUBLISHED:

MOTION

Motion was made by Clark, seconded by Gute, to adopt Ordinance No. 98, 2017, at this its second reading. Upon roll call, voting aye were Commissioners Clark, Gute, Perkins and Steen. Nay – none. Motion passed.

CONSENT AGENDA

RESOLUTION NO. 36, 2017

A RESOLUTION OF THE CITY OF ASHLAND, KENTUCKY, ADOPTING, AUTHORIZING AND APPROVING THE COURSE OF ACTION PRESENTED BY THE CITY MANAGER ON THE ITEMS APPEARING ON THE CONSENT AGENDA, AS AMENDED, FOR THE REGULAR MEETING OF THE BOARD OF CITY COMMISSIONERS OF **SEPTEMBER 28, 2017**.

BE IT RESOLVED BY THE CITY OF ASHLAND, KENTUCKY:

SECTION 1. The Board of City Commissioners hereby adopts, authorizes and approves the action presented by the City Manager on each item appearing on the “Consent Agenda”, as amended, for the regular meeting, **September 28, 2017**, attached hereto and incorporated herein, as if set out in full, is a copy of the “Consent Agenda” hereby adopted, authorized and approved.

SECTION 2. This resolution shall be in full force and effect from and after its adoption, as required by law.

/s/MATT PERKINS
MAYOR PRO-TEM

ATTEST:

/s/SUSAN MADDIX
CITY CLERK

ADOPTED BY THE BOARD OF COMMISSIONERS: September 28, 2017

MOTION

Motion was made by Gute, seconded by Clark, to adopt Resolution No. 36, 2017. Upon roll call, voting aye were Commissioners Clark, Gute, Perkins and Steen. Nay – none. Motion passed.

REGULAR MEETING SEPTEMBER 28, 2017
CONSENT AGENDA CONTINUED

CONSENT AGENDA ITEMS

1. City Manager recommends approval of the emergency actions taken by the City Manager declaring an emergency regarding the loss of power at the Wastewater Treatment Plant on September 25, 2017 necessary to protect the life, safety and welfare of the citizens of Ashland.
2. City Manager recommends approval for payment of Invoice #1953 dated September 1, 2017 in the amount of \$31,500 to Weather Top Roofing Services, Inc. for the work completed for the replacement of the rubber roof at the Ashland Fire Department, No. 2 Station.
3. City Manager recommends approval for a police Lieutenant and two Officers to travel to Washington D.C. October 24 - 26, 2017 to plan the 52nd Annual School Safety Patrol trip.
4. City Manager recommends approval for Ashland in Motion to conduct the 3rd Annual Brunch and Browse event on November 25, 2017 from 11 am - 5 pm. Recommend approval for the sponsor to block four parking spaces in front of Community Trust Bank on the corner of Judd Plaza and Winchester Avenue to allow for food trucks, portable restroom, picnic tables and city trash cans.
5. City Manager recommends approval for the City and KDMC to have a Trick-or-Treat event on October 31, 2017 from 6 pm - 7:30 pm at the Central Park Tennis Courts to include: musical pumpkins, hay maze, pumpkin patch, games, prizes and trick-or-treat candy for children ages 3 - 12. Admission is one can of food to be donated to River Cities Harvest.
6. City Manager recommends the probationary appointment of Michael W. Barnett to the position of Fire Inspector 1, Grade 1, Ashland Fire Department, effective October 2, 2017.
7. City Manager recommends the probationary appointment of Barry L. Lyon to the position of Equipment Operator II, Grade 106, Department of Public Works, Division of Fleet Maintenance/Solid Waste, contingent upon satisfactory completion of a physical examination.
8. Other Consent Items.

NEW BUSINESS
FIRST READING AND ADOPTION ONLY

ORDINANCE NO. _____, 2017

AN ORDINANCE OF THE CITY OF ASHLAND, KENTUCKY, AUTHORIZING AND DIRECTING STEPHEN E. GILMORE, MAYOR, TO EXECUTE AN AGREEMENT BETWEEN THE CITY OF ASHLAND, KENTUCKY, WHAYNE SUPPLY COMPANY AND ATC SEQUOIA, LLC REGARDING THE LEASE OF A CELL TOWER BY WHAYNE SUPPLY COMPANY TO ATC SEQUOIA LLC.

MOTION

Motion was made by Gute, seconded by Clark, to adopt Ordinance No. _____, 2017, at this its first reading. Upon roll call, voting aye were Commissioners Clark, Gute, Perkins, Steen and Mayor Gilmore. Nay – none. Motion passed.

REGULAR MEETING SEPTEMBER 28, 2017
ORDINANCE NO. _____, 2017

FIRST READING AND ADOPTION ONLY

ORDINANCE NO. _____, 2017

AN ORDINANCE OF THE CITY OF ASHLAND, KENTUCKY, AMENDING ORDINANCE NO. 101, SERIES OF 1986, AS PREVIOUSLY AMENDED, BY AMENDING ARTICLE XV, SECTION XV.3 DEFINITIONS, TO INCLUDE THE DEFINITION OF BED AND BREAKFAST FACILITY; AMENDING ARTICLE XIII CONDITIONAL USES FOR CONDITIONAL USE PERMITS TO INCLUDE BED AND BREAKFAST FACILITY AS A CONDITIONAL USE IN AN R-5 ZONE; AND AMENDING THE TABLE OF PERMITTED USES TO INCLUDE BED AND BREAKFAST FACILITY AS A CONDITIONAL USE IN AN R-5 ZONE.

MOTION

Motion was made by Clark, seconded by Gute, to adopt Ordinance No. _____, 2017, at this its first reading. Upon roll call, voting aye were Commissioners Clark, Gute, Perkins and Steen. Nay – none. Motion passed.

FIRST READING AND ADOPTION ONLY

ORDINANCE NO. _____, 2017

AN ORDINANCE OF THE CITY OF ASHLAND, KENTUCKY, AMENDING ORDINANCE NO. 71, SERIES OF 2016, KNOWN AND REFERRED TO AS THE “COMPREHENSIVE HIRING ORDINANCE FOR POLICE OFFICERS FOR THE DEPARTMENT OF POLICE” BY AMENDING THE EMPLOYMENT AGREEMENT PURSUANT TO KRS 70.290.

MOTION

Motion was made by Gute, seconded by Clark, to adopt Ordinance No. _____, 2017, at this its first reading. Upon roll call, voting aye were Commissioners Clark, Gute, Perkins and Steen. Nay – none. Motion passed.

BLESSING OF THE ANIMALS – CALVARY EPISCOPAL CHURCH

Motion was made by Clark, seconded by Gute, to approve the request of Calvary Episcopal Church for the “Blessing of the Animals” on October 4, 2017 on the 14th Street parking lot next to the Paramount Arts Center subject to staff review and approval. Upon roll call, voting aye were Commissioners Clark, Gute, Perkins and Steen. Nay – none. Motion passed.

ADJOURNMENT

Mayor Pro-Tem Perkins declared the meeting adjourned at 6:26 PM.

MATT PERKINS
MAYOR PRO-TEM

ATTEST:

SUSAN W. MADDIX
CITY CLERK