

**RECESSED MEETING  
MARCH 29, 2019**

The Ashland Board of Commissioners met in Recessed Session in the Commissioners' Chambers, City Building, Ashland, Kentucky, on Friday, March 29, 2019, at the hour of 9:00 AM. Those present were Commissioners: Amanda Clark, Marty Gute, Pat Steen and Mayor Stephen E. Gilmore, who presided. Absent: Commissioner Matt Perkins. Also present were: Chris Pullem, Acting City Manager; Andrew Wheeler, Acting Corporation Counsel; Susan W. Maddix, City Clerk; Todd Kelley, Chief of Police; Greg Ray, Fire Chief; Tony Grubb, Finance Director; Michelle Veach, Assistant Finance Director; Jack Hunter, Acting Director of Public Services and Utility Operations; Katherine Utsinger, Economic Development Specialist; and Reporters.

**AGENDA**

Acting City Manager Pullem presented the agenda of March 29, 2019. Motion was made by Clark, seconded by Steen, to receive & file the agenda. Upon roll call, voting aye were Commissioners Clark, Gute, Steen and Mayor Gilmore. Nay - none. Motion passed.

**OLD BUSINESS**

**SECOND READING & FINAL ADOPTION**

**ORDINANCE NO. 27, 2019**

AN ORDINANCE OF THE CITY OF ASHLAND, KENTUCKY, ADOPTING THE HOUSING CHOICE VOUCHER PROGRAM 2019 ANNUAL AND ADMINISTRATIVE PLAN FOR THE CITY OF ASHLAND, DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT, DIVISION OF ASSISTED HOUSING (SECTION 8).

\*\*\*\*\*

BE IT ORDAINED BY THE CITY OF ASHLAND, KENTUCKY:

SECTION 1. That the City of Ashland, Department of Community and Economic Development, Division of Assisted Housing (Section 8) 2019 Housing Choice Voucher Program Annual Plan and Administrative Plan is hereby adopted by the Board of Commissioners of the City of Ashland, Kentucky. Said 2019 Annual and Administrative Plan 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the City of Ashland and any parts of ordinances in conflict herewith, to the extent of such conflict only, are hereby repealed.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. SEVERABILITY CLAUSE. It shall be considered that it is the intent of the City of Ashland, in enacting this ordinance, that if any part of it be held unconstitutional the remaining parts shall remain in force, unless the ordinance provides otherwise, or unless the remaining parts are so essentially and inseparably connected with and dependent upon the unconstitutional part that it is apparent that the City would not have enacted the remaining parts without the unconstitutional part, or unless the remaining parts, standing alone, are incomplete and incapable of being executed in accordance with the intent of the City of Ashland.

SECTION 4. This ordinance shall be in full force and effect from and after its adoption, re-adoption and publication, as required by law.

SECTION 5. 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

**RECESSED MEETING MARCH 29, 2019**  
**ORDINANCE NO. 27, 2019 CONTINUED**

ADOPTED BY THE BOARD OF COMMISSIONERS: March 28, 2019  
 READOPTED BY THE BOARD OF COMMISSIONERS: March 29, 2019  
 PUBLISHED:

**MOTION**

Motion was made by Clark, seconded by Gute, to adopt Ordinance No. 27, 2019, at this its second reading. Upon roll call, voting aye were Commissioners Clark, Gute, Steen and Mayor Gilmore. Nay – none. Motion passed.

**SECOND READING & FINAL ADOPTION**

**ORDINANCE NO. 28, 2019**

AN ORDINANCE OF THE CITY OF ASHLAND, KENTUCKY, AUTHORIZING STEPHEN E. GILMORE, MAYOR, TO EXECUTE A BILL OF SALE BETWEEN THE CITY OF ASHLAND, KENTUCKY AND KENTUCKY POWER COMPANY FOR THE PURCHASE OF THE STREETLIGHT SYSTEM LOCATED WITHIN THE 1100 AND 1300 BLOCKS OF WINCHESTER AVENUE.

\*\*\*\*\*

BE IT ORDAINED BY THE CITY OF ASHLAND, KENTUCKY:

SECTION 1. That the Mayor, Stephen E. Gilmore, is hereby authorized and directed to execute on behalf of said City a Bill of Sale between the City of Ashland and Kentucky Power Company for the purchase of the streetlight system located within the 1100 and 1300 blocks of Winchester Avenue (more particularly described in the attached Exhibit A). Said Bill of Sale is attached hereto and made a part hereof by reference.

SECTION 2. All other ordinances or 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: March 28, 2019  
 READOPTED BY THE BOARD OF COMMISSIONERS: March 29, 2019  
 PUBLISHED:

**MOTION**

Motion was made by Gute, seconded by Steen, to adopt Ordinance No. 28, 2019, at this its second reading. Upon roll call, voting aye were Commissioners Clark, Gute, Steen and Mayor Gilmore. Nay – none. Motion passed.

**RECESSED MEETING MARCH 29, 2019**  
**ORDINANCE NO. 29, 2019**

**SECOND READING & FINAL ADOPTION**

**ORDINANCE NO. 29, 2019**

AN ORDINANCE OF THE CITY OF ASHLAND, KENTUCKY, AUTHORIZING STEPHEN E. GILMORE, MAYOR, TO EXECUTE AN AGREEMENT BETWEEN THE CITY OF ASHLAND AND THE KENTUCKY TRANSPORTATION CABINET, DEPARTMENT OF HIGHWAYS, FOR THE PURCHASE OF ITEMS FOR MASTARMS INSTALLATION IN THE AMOUNT OF \$13,804.82 FOR THE 1200 BLOCK OF WINCHESTER AVENUE STREETScape PROJECT FOR THE DEPARTMENT OF PUBLIC SERVICES.

\*\*\*\*\*

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 to execute an agreement between the City of Ashland, Kentucky, and the Kentucky Transportation Cabinet, Department of Highways, for the purchase of items for mastarms installation in the amount of \$13,804.82 for the 1200 Block of Winchester Avenue Streetscape Project for the Department of Public Services. A copy of said agreement 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:                    March 28, 2019  
READOPTED BY THE BOARD OF COMMISSIONERS:                March 29, 2019  
PUBLISHED:

**MOTION**

Motion was made by Gute, seconded by Clark, to adopt Ordinance No. 29, 2019, at this its second reading. Upon roll call, voting aye were Commissioners Clark, Gute, Steen and Mayor Gilmore. Nay – none. Motion passed.

**RECESSED MEETING MARCH 29, 2019**  
**ORDINANCE NO. 30, 2019**

**SECOND READING & FINAL ADOPTION**

**ORDINANCE NO. 30, 2019**

AN ORDINANCE OF THE CITY OF ASHLAND, KENTUCKY, AUTHORIZING AND DIRECTING STEPHEN E. GILMORE, MAYOR, TO EXECUTE A CONTRACT WITH BRENNTAG MID-SOUTH, INC. FOR THE PURCHASE OF HYDROFLUOSILICIC ACID AT A PRICE OF \$2.745 PER GALLON, LIQUID CHLORINE AT A PRICE OF \$499.00 PER TON, POTASSIUM PERMANGANATE AT A PRICE OF \$1.995 PER POUND, SODIUM HYPOCHLORITE AT A PRICE OF \$.870 PER GALLON AND SULFUR DIOXIDE AT A PRICE OF \$654.00 PER TON FOR THE DEPARTMENT OF UTILITIES, DIVISIONS OF WATER PRODUCTION AND WASTEWATER TREATMENT.

\*\*\*\*\*

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 and Brenntag Mid-South, Inc., P. O. Box 20, Henderson, KY, for the purchase of hydrofluosilicic acid, liquid chlorine, potassium permanganate, sodium hypochlorite and sulfur dioxide in accordance with the bid of the company in an amount not to exceed those set forth in the attached contract. 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/STEPHEN E. GILMORE  
MAYOR

ATTEST:

/s/SUSAN W. MADDIX  
CITY CLERK

ADOPTED BY THE BOARD OF COMMISSIONERS: March 28, 2019

READOPTED BY THE BOARD OF COMMISSIONERS: March 29, 2019

PUBLISHED:

**MOTION**

Motion was made by Clark, seconded by Steen, to adopt Ordinance No. 30, 2019, at this its second reading. Upon roll call, voting aye were Commissioners Clark, Gute, Steen and Mayor Gilmore. Nay – none. Motion passed.

**RECESSED MEETING MARCH 29, 2019**  
**ORDINANCE NO. 31, 2019**

**SECOND READING & FINAL ADOPTION**

**ORDINANCE NO. 31, 2019**

AN ORDINANCE OF THE CITY OF ASHLAND, KENTUCKY, AUTHORIZING AND DIRECTING STEPHEN E. GILMORE, MAYOR, TO EXECUTE A CONTRACT WITH POLYDYNE, INC. FOR THE PURCHASE OF LIQUID POLYMER FOR THE WATER TREATMENT PLANT AT A PRICE OF \$11.18 PER GALLON, LIQUID POLYMER FOR THE WASTEWATER TREATMENT PLANT AT A PRICE OF \$10.234 PER GALLON, AND POLYMER CATIONIC AT A PRICE OF \$1.55 PER POUND FOR THE DEPARTMENT OF UTILITIES, DIVISIONS OF WASTEWATER TREATMENT AND WATER PRODUCTION.

\*\*\*\*\*

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 and Polydyne, Inc., One Chemical Plant Road, Riceboro, GA, for the purchase of liquid polymer and polymer cationic in accordance with the bid of the company in an amount not to exceed those set forth in the attached contract. 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/STEPHEN E. GILMORE  
MAYOR

ATTEST:

/s/SUSAN W. MADDIX  
CITY CLERK

ADOPTED BY THE BOARD OF COMMISSIONERS:           March 28, 2019  
READOPTED BY THE BOARD OF COMMISSIONERS:       March 29, 2019  
PUBLISHED:

**MOTION**

Motion was made by Gute, seconded by Steen, to adopt Ordinance No. 31, 2019, at this its second reading. Upon roll call, voting aye were Commissioners Clark, Gute, Steen and Mayor Gilmore. Nay – none. Motion passed.

**RECESSED MEETING MARCH 29, 2019  
ORDINANCE NO. 32, 2019**

**SECOND READING & FINAL ADOPTION**

**ORDINANCE NO. 32, 2019**

AN ORDINANCE OF THE CITY OF ASHLAND, KENTUCKY, AUTHORIZING AND DIRECTING STEPHEN E. GILMORE, MAYOR, TO EXECUTE A CONTRACT WITH CHEMTRADE CHEMICALS US, LLC FOR THE PURCHASE OF POLY-ALUMINUM CHLORIDE (PAC) AT A UNIT PRICE OF \$1.48 PER GALLON FOR THE DEPARTMENT OF UTILITIES, DIVISIONS OF WASTEWATER TREATMENT AND WATER PRODUCTION.

\*\*\*\*\*

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 and Chemtrade Chemicals US, LLC, 90 E. Halsey Road, Parsippany, NJ, for the purchase of poly-aluminum chloride (PAC) in accordance with the bid of the company in an amount not to exceed those set forth in the attached contract. 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, re-adoption 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: March 28, 2019  
READOPTED BY THE BOARD OF COMMISSIONERS: March 29, 2019  
PUBLISHED:

**MOTION**

Motion was made by Clark, seconded by Gute, to adopt Ordinance No. 32, 2019, at this its second reading. Upon roll call, voting aye were Commissioners Clark, Gute, Steen and Mayor Gilmore. Nay – none. Motion passed.

**SECOND READING & FINAL ADOPTION**

**ORDINANCE NO. 33, 2019**

AN ORDINANCE OF THE CITY OF ASHLAND, KENTUCKY, AUTHORIZING AND DIRECTING STEPHEN E. GILMORE, MAYOR, TO EXECUTE A CONTRACT WITH C. I. THORNBURG COMPANY, INC. FOR THE PURCHASE OF SAND AT A UNIT PRICE OF \$0.14 PER POUND FOR THE DEPARTMENT OF UTILITIES, DIVISIONS OF WASTEWATER TREATMENT AND WATER PRODUCTION.

**RECESSED MEETING MARCH 29, 2019**  
**ORDINANCE NO. 33, 2019 CONTINUED**

\*\*\*\*\*

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 and C. I. Thornburg Company, Inc., P. O. Box 2163, Huntington, WV, for the purchase of sand in accordance with the bid of the company in an amount not to exceed those prices set forth in the attached contract. 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/STEPHEN E. GILMORE  
MAYOR

ATTEST:

/s/SUSAN W. MADDIX  
CITY CLERK

ADOPTED BY THE BOARD OF COMMISSIONERS:	March 28, 2019
READOPTED BY THE BOARD OF COMMISSIONERS:	March 29, 2019
PUBLISHED:	

**MOTION**

Motion was made by Gute, seconded by Steen, to adopt Ordinance No. 33, 2019, at this its second reading. Upon roll call, voting aye were Commissioners Clark, Gute, Steen and Mayor Gilmore. Nay – none. Motion passed.

**SECOND READING & FINAL ADOPTION**

**ORDINANCE NO. 34, 2019**

AN ORDINANCE OF THE CITY OF ASHLAND, KENTUCKY, AUTHORIZING AND DIRECTING STEPHEN E. GILMORE, MAYOR, TO EXECUTE A CONTRACT WITH S4 WATER SALES AND SERVICE, LLC FOR THE PURCHASE OF POWDERED ACTIVATED CARBON AT A UNIT PRICE OF \$.92 PER POUND FOR THE DEPARTMENT OF UTILITIES, DIVISIONS OF WASTEWATER TREATMENT AND WATER PRODUCTION.

\*\*\*\*\*

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 and S4 Water Sales and Service, LLC, 160 Vanderbilt Court, Bowling Green, KY, for the purchase of powdered activated carbon in accordance with the bid of the company in an amount not to exceed those set forth in the attached contract. 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.

**RECESSED MEETING MARCH 29, 2019**  
**ORDINANCE NO. 34, 2019 CONTINUED**

SECTION 3. This ordinance shall be in full force and effect from and after its adoption, reoption 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: March 28, 2019  
READOPTED BY THE BOARD OF COMMISSIONERS: March 29, 2019  
PUBLISHED:

**MOTION**

Motion was made by Clark, seconded by Steen, to adopt Ordinance No. 34, 2019, at this its second reading. Upon roll call, voting aye were Commissioners Clark, Gute, Steen and Mayor Gilmore. Nay – none. Motion passed.

**SECOND READING & FINAL ADOPTION**

**ORDINANCE NO. 35, 2019**

AN ORDINANCE OF THE CITY OF ASHLAND, KENTUCKY, AUTHORIZING AND DIRECTING STEPHEN E. GILMORE, MAYOR, TO EXECUTE A CONTRACT WITH UNIVAR USA, INC. FOR THE PURCHASE OF LIQUID CAUSTIC SODA AT A PRICE OF \$0.9727 PER GALLON AND LIQUID SODIUM PERMANGANATE AT A PRICE OF \$8.213 PER GALLON FOR THE DEPARTMENT OF UTILITIES, DIVISIONS OF WASTEWATER TREATMENT AND WATER PRODUCTION.

\*\*\*\*\*

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 and Univar USA, Inc., 4600 Dues Drive, Cincinnati, OH, for the purchase of liquid caustic soda and liquid sodium permanganate in accordance with the bid of the company in an amount not to exceed those set forth in the attached contract. 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, reoption 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

**RECESSED MEETING MARCH 29, 2019**  
**ORDINANCE NO. 35, 2019 CONTINUED**

ADOPTED BY THE BOARD OF COMMISSIONERS: March 28, 2019  
 READOPTED BY THE BOARD OF COMMISSIONERS: March 29, 2019  
 PUBLISHED:

**MOTION**

Motion was made by Gute, seconded by Clark, to adopt Ordinance No. 35, 2019, at this its second reading. Upon roll call, voting aye were Commissioners Clark, Gute, Steen and Mayor Gilmore. Nay – none. Motion passed.

**SECOND READING & FINAL ADOPTION**

**ORDINANCE NO. 36, 2019**

AN ORDINANCE OF THE CITY OF ASHLAND, KENTUCKY, AUTHORIZING AND DIRECTING STEPHEN E. GILMORE, MAYOR, TO EXECUTE A CONTRACT WITH USALCO, LLC FOR THE PURCHASE OF ALUMINUM SULFATE AT A PRICE OF \$0.9921 PER GALLON FOR THE DEPARTMENT OF UTILITIES, DIVISIONS OF WATER PRODUCTION AND WASTEWATER TREATMENT.

\*\*\*\*\*

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 and USALCO, LLC, 2601 Cannery Avenue, Baltimore, MD, for the purchase of aluminum sulfate for the Department of Utilities, Divisions of Water Production and Wastewater Treatment, in accordance with the bid of the company in an amount not to exceed those set forth in the attached contract. 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/STEPHEN E. GILMORE  
 MAYOR

ATTEST:

/s/SUSAN W. MADDIX  
 CITY CLERK

ADOPTED BY THE BOARD OF COMMISSIONERS: March 28, 2019  
 READOPTED BY THE BOARD OF COMMISSIONERS: March 29, 2019  
 PUBLISHED:

**MOTION**

Motion was made by Clark, seconded by Gute, to adopt Ordinance No. 36, 2019, at this its second reading. Upon roll call, voting aye were Commissioners Clark, Gute, Steen and Mayor Gilmore. Nay – none. Motion passed.

**RECESSED MEETING MARCH 29, 2019**  
**ORDINANCE NO. 37, 2019**

**SECOND READING & FINAL ADOPTION**

**ORDINANCE NO. 37, 2019**

AN ORDINANCE OF THE CITY OF ASHLAND, KENTUCKY, AUTHORIZING AND DIRECTING STEPHEN E. GILMORE, MAYOR, TO EXECUTE TASK ORDER #1 BETWEEN THE CITY OF ASHLAND, KENTUCKY AND HOWERTON ENGINEERING & SURVEYING PLLC REGARDING THE SEWER LINING PROJECT FOR THE DEPARTMENT OF UTILITIES, DIVISION OF WASTEWATER COLLECTION, IN AN AMOUNT NOT TO EXCEED \$500.00.

\*\*\*\*\*

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 Task Order #1 in the contract authorized by Ordinance No. 97, Series of 2018, between the City of Ashland, Kentucky and Howerton Engineering & Surveying PLLC regarding professional engineering and drafting services associated with the sewer lining project for the Department of Utilities, Division of Wastewater Collection, in an amount not to exceed \$500.00. A copy of said Task Order 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/STEPHEN E. GILMORE  
MAYOR

ATTEST:

/s/SUSAN W. MADDIX  
CITY CLERK

ADOPTED BY THE BOARD OF COMMISSIONERS:                    March 28, 2019  
READOPTED BY THE BOARD OF COMMISSIONERS:                March 29, 2019  
PUBLISHED:

**MOTION**

Motion was made by Gute, seconded by Steen, to adopt Ordinance No. 37, 2019, at this its second reading. Upon roll call, voting aye were Commissioners Clark, Gute, Steen and Mayor Gilmore. Nay – none. Motion passed.

**SECOND READING & FINAL ADOPTION**

**ORDINANCE NO. 38, 2019**

AN ORDINANCE OF THE CITY OF ASHLAND, KENTUCKY, PROVIDING A PROCEDURE FOR REASONABLE ACCOMMODATION IN THE CITY'S LAND USE AND ZONING AND BUILDING REGULATIONS PURSUANT TO FAIR HOUSING.

\*\*\*\*\*

**RECESSED MEETING MARCH 29, 2019**  
**ORDINANCE NO. 38, 2019 CONTINUED**

BE IT ORDAINED BY THE CITY OF ASHLAND, KENTUCKY:

SECTION 1. Purpose.

It is the policy of the City of Ashland, Kentucky, pursuant to the federal Fair Housing Amendments Act of 1988 and all other applicable federal and state law (hereinafter "fair housing laws"), to provide individuals with disabilities reasonable accommodation in rules, policies, practices and procedures to ensure equal access to housing and facilitate the development of housing for individuals with disabilities. This ordinance establishes a procedure for making requests for reasonable accommodation in land use, zoning and building regulations, policies, practices and procedures of the City of Ashland to comply fully with the intent and purpose of fair housing laws.

SECTION 2. Applicability.

Reasonable accommodation in the land use and zoning context means providing individuals with disabilities or developers of housing for people with disabilities, flexibility in the application of land use and zoning and building regulations, policies, practices and procedures, or even waiving certain requirements, when it is necessary to eliminate barriers to housing opportunities.

An individual with a disability is someone who has a physical or mental impairment that limits one or more major life activities; anyone who is regarded as having such impairment; or anyone with a record of such impairment.

A request for reasonable accommodation may be made by any individual with a disability, his or her representative, or a developer or provider of housing for individuals with disabilities, when the application of a land use, zoning or building regulation, policy, practice or procedure acts as a barrier to fair housing opportunities.

SECTION 3. Notice to the Public of Availability of Accommodation Process.

Notice of the availability of reasonable accommodation shall be prominently displayed at public information counters in the Department of Community and Economic Development and on the City of Ashland's official website, advising the public of the availability of the procedure for eligible individuals. Forms for requesting reasonable accommodation shall be available to the public in the Department of Community and Economic Development and on the City of Ashland's official website.

SECTION 4. Requesting Reasonable Accommodation.

- A. In order to make housing available to an individual with a disability, any eligible person as defined in Section 2 may request a reasonable accommodation in land use, zoning and building regulations, policies, practices and procedures.
- B. Requests for reasonable accommodation shall be in writing and provide the following information:
  - (1) Name and address of the individual(s) requesting reasonable accommodation;
  - (2) Name and address of the property owner(s);
  - (3) Address of the property for which accommodation is requested;
  - (4) Description of the requested accommodation and the regulation(s), policy or procedure for which accommodation is sought; and
  - (5) Reason that the requested accommodation may be necessary for the individual(s) with the disability to use and enjoy the dwelling.
- C. Any information identified by an applicant as confidential shall be retained in a manner so as to respect the privacy rights of the applicant and shall not be made available for public inspection except as required by court order and applicable Kentucky law.

**RECESSED MEETING MARCH 29, 2019**  
**ORDINANCE NO. 38, 2019 CONTINUED**

- D. A request for reasonable accommodation in regulations, policies, practices and procedures may be filed at any time that the accommodation may be necessary to ensure equal access to housing. A reasonable accommodation does not affect an individual's obligations to comply with other applicable regulations not at issue in the requested accommodation.
- E. If an individual needs assistance in making the request for reasonable accommodation, the City of Ashland will provide assistance to ensure that the process is accessible.

**SECTION 5. Reviewing Authority.**

- A. Requests for reasonable accommodation shall be reviewed by the Board of Zoning Adjustment (hereinafter "BZA"), using the criteria set forth in Section 6.
- B. The BZA shall issue a written decision on a request for reasonable accommodation within sixty (60) days of the date of the application and may either grant, grant with modifications, or deny a request for reasonable accommodation in accordance with the required findings set forth in Section 6.
- C. If necessary to reach a determination on the request for reasonable accommodation, the reviewing authority may request further information from the applicant consistent with fair housing laws, specifying in detail the information that is required. In the event that a request for additional information is made, the sixty (60) day period to issue a decision is stayed until the applicant responds to the request.

**SECTION 6. Required Findings.**

The written decision to grant, grant with modifications, or deny a request for reasonable accommodation shall be consistent with fair housing laws and based on the following factors:

- (1) Whether the housing, which is the subject of the request for reasonable accommodation, will be used by an individual with disabilities protected under fair housing laws;
- (2) Whether the requested accommodation is necessary to make housing available to an individual with disabilities protected under the fair housing laws;
- (3) Whether the requested accommodation would impose an undue financial or administrative burden on the City of Ashland; and
- (4) Whether the requested accommodation would require a fundamental alteration in the nature of the City of Ashland's land use and zoning or building program.

**SECTION 7. Written Decision on the Request for Reasonable Accommodation.**

- A. The written decision on the request for reasonable accommodation shall explain in detail the basis of the decision, including the BZA's findings on the criteria set forth in Section 6. All written decisions shall give notice of the applicant's right to appeal and to request reasonable accommodation in the appeals process as set forth below. The notice of decision shall be sent to the applicant by certified mail.
- B. The written decision of the BZA shall be final unless an applicant appeals in accordance with this ordinance and applicable Kentucky law.
- C. If the BZA fails to render a written decision on the request for reasonable accommodation within the sixty (60) day time period allotted by Section 5, the request shall be deemed granted.

**RECESSED MEETING MARCH 29, 2019**  
**ORDINANCE NO. 38, 2019 CONTINUED**

D. While a request for reasonable accommodation is pending, all laws and regulations otherwise applicable to the property that is the subject of the request shall remain in full force and effect.

**SECTION 8. Appeals.**

A. Within thirty (30) days of the date of the BZA's final written decision, an applicant may appeal from the action to the Boyd Circuit Court. Such appeal shall be taken within thirty (30) days after the final action of the BZA. Any final action which has not been appealed within thirty (30) days shall not be subject to judicial review. The BZA shall be a party in any such appeal filed in the Boyd Circuit Court.

B. If an individual needs assistance in filing an appeal on an adverse decision, the City of Ashland will provide assistance to ensure that the appeals process is accessible.

C. All appeals shall contain a statement of the grounds for the appeal. Any information identified by an applicant as confidential shall be retained in a manner so as to respect the privacy rights of the applicant and shall not be made available for public inspection.

D. Nothing in this procedure shall preclude an aggrieved individual from seeking any other state or federal remedy available

**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: March 28, 2019  
READOPTED BY THE BOARD OF COMMISSIONERS: March 29, 2019  
PUBLISHED:

**MOTION**

Motion was made by Gute, seconded by Clark, to adopt Ordinance No. 38, 2019, at this its second reading. Upon roll call, voting aye were Commissioners Clark, Gute, Steen and Mayor Gilmore. Nay – none. Motion passed.

**SECOND READING & FINAL ADOPTION**

**ORDINANCE NO. 39, 2019**

AN ORDINANCE OF THE CITY OF ASHLAND, KENTUCKY, AUTHORIZING AND DIRECTING STEPHEN E. GILMORE, MAYOR, TO EXECUTE A CONTRACT BETWEEN THE CITY OF ASHLAND AND SERVICE PUMP & SUPPLY, INC. IN THE AMOUNT OF \$87,500.00 TO REFURBISH AND REINSTALL ONE (1) FLOWSERVE MODEL 23 EPM RAW WATER INTAKE PUMP FOR THE DEPARTMENT OF UTILITIES, DIVISION OF WATER PRODUCTION.

\*\*\*\*\*

**RECESSED MEETING MARCH 29, 2019**  
**ORDINANCE NO. 39, 2019 CONTINUED**

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 and Service Pump & Supply, Inc. to refurbish and reinstall one (1) FLOWSERVE model 23 EPM raw water intake pump for the Department of Utilities, Division of Water Production in the amount of \$87,500.00. 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/STEPHEN E. GILMORE  
MAYOR

ATTEST:

/s/SUSAN W. MADDIX  
CITY CLERK

ADOPTED BY THE BOARD OF COMMISSIONERS: March 28, 2019  
READOPTED BY THE BOARD OF COMMISSIONERS: March 29, 2019  
PUBLISHED:

**MOTION**

Motion was made by Gute, seconded by Steen, to adopt Ordinance No. 39, 2019, at this its second reading. Upon roll call, voting aye were Commissioners Clark, Gute, Steen and Mayor Gilmore. Nay – none. Motion passed.

**SECOND READING & FINAL ADOPTION**

**ORDINANCE NO. 40, 2019**

AN ORDINANCE OF THE CITY OF ASHLAND, KENTUCKY, AUTHORIZING AND DIRECTING STEPHEN E. GILMORE, MAYOR, TO EXECUTE AN AGREEMENT BETWEEN THE CITY OF ASHLAND AND DESCO FEDERAL CREDIT UNION REGARDING AN ENCROACHMENT FOR PARKING AND LANDSCAPING AT 1201 AND 1219 CARTER AVENUE AND 332 MARTIN LUTHER KING JR. BOULEVARD ON THE CITY'S RIGHT-OF-WAY.

\*\*\*\*\*

BE IT ORDAINED BY THE CITY OF ASHLAND, KENTUCKY:

SECTION 1. That the Ashland Board of City Commissioners hereby authorizes and directs Stephen E. Gilmore, Mayor, to execute an agreement between the City of Ashland and Desco Federal Credit Union regarding an encroachment for parking and landscaping purposes at 1201 and 1219 Carter Avenue and 332 Martin Luther King Jr. Boulevard which involves using a portion of the City's right-of-way. A copy of said agreement is attached hereto and made a part hereof by reference.

SECTION 2. All other 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.

**RECESSED MEETING MARCH 29, 2019**  
**ORDINANCE NO. 40, 2019 CONTINUED**

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:	March 28, 2019
READOPTED BY THE BOARD OF COMMISSIONERS:	March 29, 2019
PUBLISHED:	

**MOTION**

Motion was made by Clark, seconded by Gute, to adopt Ordinance No. 40, 2019, at this its second reading. Upon roll call, voting aye were Commissioners Clark, Gute, Steen and Mayor Gilmore. Nay – none. Motion passed.

**SECOND READING & FINAL ADOPTION**

**ORDINANCE NO. 41, 2019**

AN ORDINANCE OF THE CITY OF ASHLAND, KENTUCKY, AMENDING SECTION 2 OF ORDINANCE NO. 101, SERIES OF 2018, PREVIOUSLY AMENDED BY ORDINANCE NO. 161, SERIES OF 2018, WHICH IS COMMONLY KNOWN AND REFERRED TO AS THE “BUDGET ORDINANCE” OF THE CITY OF ASHLAND.

\* \* \* \*

BE IT ORDAINED BY THE CITY OF ASHLAND, KENTUCKY:

SECTION 1. That Section 2 of Ordinance No. 101, series of 2018, previously amended by Ordinance No. 161, Series of 2018, being an ordinance entitled, “AN ORDINANCE OF THE CITY OF ASHLAND, KENTUCKY APPROVING AND ADOPTING THE 2018-2019 BUDGET AND APPROPRIATING REVENUES ON HAND AND TO BE RECEIVED DURING THE YEAR 2018-2019 FOR THE PAYMENT OF EXPENSES OF THE CITY OF ASHLAND FOR THE TWELVE-MONTH PERIOD BEGINNING JULY 1, 2018 AND ENDING JUNE 30, 2019 AND REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH,” which is commonly known and referred to as the “Budget Ordinance” be and said section is hereby amended as follows, such amendments shown by underscoring all newly inserted language and by a single broken line through all deleted language:

SECTION 2. That the following appropriations be and the same are hereby made from revenues on hand and to be received during the year 2018-2019 by the City of Ashland, Kentucky:

**RECESSED MEETING MARCH 29, 2019**  
**ORDINANCE NO. 41, 2019 CONTINUED**

**FROM GENERAL FUND**

FOR:		
DEPARTMENT OF GENERAL GOVERNMENT	\$5,821,159	<u>5,904,926</u>
DEPARTMENT OF FINANCE		648,118
DEPARTMENT OF PUBLIC SERVICES	4,917,944	<u>4,914,177</u>
DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT		743,522
DEPARTMENT OF POLICE	5,186,997	<u>5,202,596</u>
DEPARTMENT OF FIRE	6,135,515	<u>6,141,215</u>
DEPARTMENT OF CITY ENGINEER		214,990
TOTAL FROM GENERAL FUND	\$ <del>23,668,245</del>	<u>23,769,544</u>

**FROM TAX INCREMENT FINANCE FUND**

FOR:		
DIVISION OF TAX INCREMENT FINANCING		\$1,589,734

**FROM MUNICIPAL AID ROAD FUND**

FOR:		
DIVISION OF MUNICIPAL AID PROGRAM		\$ 634,865

**FROM COMMUNITY DEVELOPMENT BLOCK GRANT FUND**

FOR:		
DIVISION OF GENERAL CDBG		\$ 102,021
DIVISION OF CDBG ACTIVITIES	1,137,648	<u>1,214,021</u>
TOTAL FROM COMMUNITY DEVELOPMENT BLOCK GRANT	\$1,239,669	<u>1,316,042</u>

**FROM SECTION 8 VOUCHER PROGRAM FUND**

FOR:		
DIVISION OF SECTION 8 VOUCHER PROGRAM		\$ 2,943,755

**FROM FLOODWALL OPERATING FUND**

FOR:		
DIVISION OF FLOODWALL MAINTENANCE		\$225,450

**FROM UTILITY FUND**

FOR:		
DEPARTMENT OF UTILITY ADMINISTRATION		\$5,680,764
DEPARTMENT OF WATER SERVICES		9,495,162
DEPARTMENT OF WASTWATER		4,620,535
TOTAL FROM UTILITY FUND		\$19,796,461

**FROM ASHLAND BUS SYSTEM FUND**

FOR:		
DIVISION OF BUS SYSTEM		\$ 1,554,761

**FROM RECREATION OPERATING FUND**

FOR:		
DIVISION OF CENTRAL PARK	\$591,900	<u>671,900</u>

**RECESSED MEETING MARCH 29, 2019**  
**ORDINANCE NO. 41, 2019 CONTINUED**

DIVISION OF DAWSON PARK POOL	140,080
DIVISION OF SPORTS PARK	98,200
DIVISION OF OTHER PARKS (RECREATION)	144,790

TOTAL FROM RECREATION OPERATING FUND	<del>\$974,970</del> <u>1,054,970</u>
--------------------------------------	---------------------------------------

**FROM ASHLAND CEMETERY FUND**

FOR:	
DIVISION OF CEMETERY	\$162,630

**FROM CAPITAL PURCHASE / IMPROVEMENT FUND**

FOR:	
DEPARTMENT OF GENERAL GOVERNMENT	\$150,684
DEPARTMENT OF PUBLIC SERVICES	<del>1,017,995</del> <u>1,021,762</u>
DEPARTMENT OF POLICE	244,432
DEPARTMENT OF FIRE	237,000

TOTAL FROM CAPITAL PURCHASE / IMPROVEMENT FUND	<del>\$1,650,111</del> <u>1,653,878</u>
--	---

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.

/s/STEPHEN E. GILMORE  
MAYOR

ATTEST:

/s/SUSAN W. MADDIX  
CITY CLERK

ADOPTED BY THE BOARD OF COMMISSIONERS:	March 28, 2019
READOPTED BY THE BOARD OF COMMISSIONERS:	March 29, 2019
PUBLISHED:	

**MOTION**

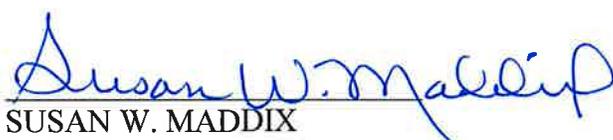
Motion was made by Clark, seconded by Gute, to adopt Ordinance No. 41, 2019, at this its second reading. Upon roll call, voting aye were Commissioners Clark, Gute, Steen and Mayor Gilmore. Nay – none. Motion passed.

**ADJOURNMENT**

Mayor Gilmore declared the meeting adjourned at 9:09 AM.

  
STEPHEN E. GILMORE  
MAYOR

ATTEST:

  
SUSAN W. MADDIX  
CITY CLERK