

**REGULAR MEETING
FEBRUARY 8, 2018**

The Ashland Board of Commissioners met in Regular Session in the Commissioners' Chambers, City Building, Ashland, Kentucky, on Thursday, February 8, 2018, at the hour of 12:00 PM. Those present were Commissioners: Amanda Clark, Marty Gute, Matt Perkins and Mayor Stephen E. Gilmore, who presided. Absent: Commissioner Pat Steen. Also present were: Michael S. Graese, City Manager; Richard W. Martin, Interim Corporation Counsel; Susan W. Maddix, City Clerk; Todd Kelley, Chief of Police; 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; Sean Murray, Human Resources/Parks & Recreation Director; Mike Adkins, Risk Manager; Major Bill Hensley, Ashland Police Department; Lorraine Woolery, Community and Economic Development; Osei Amo-Mensah, Community and Economic Development; Michelle Grubb, Finance Department; Joanna King, Public Information Officer; and Reporters.

The invocation was given by Commissioner Gute.

The Pledge of Allegiance was conducted.

AGENDA

City Manager Graese presented the agenda of February 8, 2018. Motion was made by Perkins, seconded by Clark, to receive & file the agenda. Upon roll call, voting aye were Commissioners Clark, Gute, Perkins and Mayor Gilmore. Nay - none. Motion passed.

MINUTES

Motion was made by Clark, seconded by Perkins, to dispense with reading and approve the minutes of the Regular Meeting held on January 25, 2018. Upon roll call, voting aye were Commissioners Clark, Gute, Perkins and Mayor Gilmore. Nay - none. Motion passed.

HEARINGS AND REPORTS

Mayor and City Commissioners' Comments

Mayor Gilmore welcomed the Ashland Middle School (AMS) 6th Grade Student Council members and AMS staff members, Cory Brown and Rebekah Williams. Mr. Brown thanked the Board for allowing the students to observe our community's government in action. Mayor Gilmore stated "the government closest to the people is the most effective government there is."

Mayor Gilmore reported that he, along with the City Manager and members of the Board and Community and Economic Development staff, met on February 7 with Legislators in Frankfort on issues of great concern to the City of Ashland as well as to other cities across the state. Of greatest concern to the City was the proposal enacted by the Kentucky Retirement System Board regarding a pension obligation set to go into effect on July 1 unless the General Assembly addresses the issue. The City of Ashland's obligation could potentially be \$1.9 million.

Mayor Gilmore read the following statement on behalf of the Board:

We have to be as fiscally responsible, prudent and proactive as possible and take actions to prepare for this added burden to our city and our citizens.

1. I propose an immediate Hiring Freeze in the City of Ashland. Only necessary positions based upon review by the City Manager, Finance Director, and the Board of Commissioners before any new employees.

REGULAR MEETING FEBRUARY 8, 2018
HEARINGS AND REPORTS CONTINUED

2. Immediate review of our current budget status, this year's budget in effect until June 30, 2018, in each department and direct sustainable reductions in each department.
3. Review of all capital expenditure requests in each department that are in the budget today, essential infrastructure needs, for review by the City Manager, Finance Director and the Board of Commissioners for possible removal from the current budget.
4. Travel and Training needs to be essential to maintain required certifications.

We must address our spending in the City of Ashland just like every resident in our city, every business in our city. Live within our means and it brings tough decisions, but ours must always be in the best interest of every citizen, every day.

Commissioner Perkins reported it was frustrating to go to Frankfort and hear the lack of solutions offered by leadership there which is indicative of the problem. Commissioner Perkins stated he believes the City of Ashland, by the number attending, made it very clear to the Legislators that this issue is a priority for the City of Ashland.

Commissioner Gute reported that he left Frankfort feeling encouraged that the City of Ashland was heard. Representatives met with Senator Robin Webb and Representatives Kevin Sinnette, Rocky Adkins and Dan Bentley. Commissioner Gute welcomed the Ashland Middle School Student Council members. He also thanked Ashland in Motion (AIM) for their efforts with the "Gravy Bowl" event to be held on Saturday, February 10, at the Park Place building (formerly AEP/Kentucky Power building). Commissioner Gute advised the Board that AIM is in need of a generator for Saturday's event and asked the Board to allow the City to donate the use of a generator. City Manager Graese will work with Acting Public Works Director Randy Carpenter.

MOTION TO ACCEPT AND ADOPT MAYOR'S PROPOSAL:

Motion was made by Clark, seconded by Perkins, to accept and adopt the Mayor's proposal as read. Upon roll call, voting aye were Commissioners Clark, Gute, Perkins and Mayor Gilmore. Nay – none. Motion passed.

Commissioner Clark asked the Board to adjourn in memory of Marshall Steen and also in the memory of Rick Ritchason. Commissioner Clark spoke directly to the members of the AMS Student Council and stated that Mr. Ritchason, although he lived in a shelter, was a community volunteer which taught us all that we have something to give and that is to give of ourselves.

City Manager's Report

City Manager Graese followed up on the Mayor's comments and reported that City staff has enacted those items. He informed the public that the City currently has approximately 30 vacancies which is approximately 10% of the Authorized Positions.

Regarding Performance Recognition, City Manager Graese recognized the Directors, Department Heads and special staff for their dedication, professionalism and intelligence. He expressed his appreciation for their commitment to the City of Ashland.

REGULAR MEETING FEBRUARY 8, 2018
HEARINGS AND REPORTS CONTINUED

The City's "How Can We Help" button (Version 2.0) will be operational today and City Manager Graese encouraged citizens to use this method when reporting issues to the City. Commissioner Perkins asked if any plans are being made for improvements to the phone system, especially for those who are not "internet savvy". City Manager Graese advised the City is currently taking bids and/or proposals on improvements to the phone system, internet security, website management, etc.

PUBLIC PARTICIPATION

Whitney Lowe, Ashland in Motion, appeared before the Commission to thank the Board for the use of the generator for the "Gravy Bowl" event.

OLD BUSINESS
SECOND READING & FINAL ADOPTION

ORDINANCE NO. 19, 2018

AN ORDINANCE OF THE CITY OF ASHLAND, KENTUCKY, AUTHORIZING AND DIRECTING STEPHEN E. GILMORE, MAYOR, TO EXECUTE AN AMENDED AGREEMENT WITH SAFE HARBOR OF NORTHEAST KENTUCKY, INC., THE SUB-RECIPIENT OF 2017 PROGRAM YEAR COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS AS ADOPTED BY ORDINANCE NO. 58, SERIES OF 2017, CHANGING THE CONTACT INFORMATION FOR THE DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT.

WHEREAS, it is necessary to correct the contact information for the Department of Community and Economic Development originally adopted in the agreement authorized by Ordinance No. 58, Series of 2017;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF ASHLAND, KENTUCKY:

SECTION 1. That Stephen E. Gilmore, Mayor of the City of Ashland, Kentucky, is hereby authorized to execute an AMENDED agreement with Safe Harbor of Northeast Kentucky, Inc. as the sub-recipient of \$8,500.00 to assist in utility reimbursement costs for the Emergency Shelter from the 2017 Program Year Community Development Block Grant, said AMENDED agreement 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: January 25, 2018
READOPTED BY THE BOARD OF COMMISSIONERS: February 8, 2018
PUBLISHED:

**REGULAR MEETING FEBRUARY 8, 2018
ORDINANCE NO. 19, 2018 CONTINUED**

MOTION

Motion was made by Gute, seconded by Clark, to adopt Ordinance No. 19, 2018, at this its second reading. Upon roll call, voting aye were Commissioners Clark, Gute and Mayor Gilmore. Nay – none. Abstain – Commissioner Perkins. Motion passed.

SECOND READING & FINAL ADOPTION

ORDINANCE NO. 20, 2018

AN ORDINANCE OF THE CITY OF ASHLAND, KENTUCKY, AUTHORIZING AND DIRECTING STEPHEN E. GILMORE, MAYOR, TO EXECUTE AN AMENDED AGREEMENT WITH HILLCREST BRUCE MISSION, THE SUB-RECIPIENT OF 2017 PROGRAM YEAR COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS AS ADOPTED BY ORDINANCE NO. 59, SERIES OF 2017, CHANGING THE CONTACT INFORMATION FOR THE DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT.

WHEREAS, it is necessary to correct the contact information for the Department of Community and Economic Development originally adopted in the agreement authorized by Ordinance No. 59, Series of 2017;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF ASHLAND, KENTUCKY:

SECTION 1. That Stephen E. Gilmore, Mayor of the City of Ashland, Kentucky, is hereby authorized to execute an AMENDED agreement with Hillcrest Bruce Mission as the sub-recipient of \$3,500.00 for reimbursement of food pantry operating costs from the 2017 Program Year Community Development Block Grant, said AMENDED agreement 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: January 25, 2018
READOPTED BY THE BOARD OF COMMISSIONERS: February 8, 2018
PUBLISHED:

MOTION

Motion was made by Clark, seconded by Gute, to adopt Ordinance No. 20, 2018, at this its second reading. Upon roll call, voting aye were Commissioners Clark, Gute and Mayor Gilmore. Nay – none. Abstain – Commissioner Perkins. Motion passed.

**REGULAR MEETING FEBRUARY 8, 2018
ORDINANCE NO. 21, 2018**

SECOND READING & FINAL ADOPTION

ORDINANCE NO. 21, 2018

AN ORDINANCE OF THE CITY OF ASHLAND, KENTUCKY, AUTHORIZING AND DIRECTING STEPHEN E. GILMORE, MAYOR, TO EXECUTE AN AMENDED AGREEMENT WITH COMMUNITY ASSISTANCE REFERRAL SERVICE, INC. (CARES), SUB-RECIPIENT OF 2017 PROGRAM YEAR COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS AS ADOPTED BY ORDINANCE NO. 104, SERIES OF 2017, CHANGING THE CONTACT INFORMATION FOR THE DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT.

WHEREAS, it is necessary to correct the contact information for the Department of Community and Economic Development originally adopted in the agreement authorized by Ordinance No. 104, Series of 2017;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF ASHLAND, KENTUCKY:

SECTION 1. That Stephen E. Gilmore, Mayor of the City of Ashland, Kentucky, is hereby authorized to execute an AMENDED agreement with Community Assistance Referral Service, Inc. (CARES) as the sub-recipient of \$28,000.00 for case management salaries and administrative funds to provide services to the low/moderate income and homeless as directed by the City of Ashland's 10-year plan to minimize homelessness from the 2017 Program Year Community Development Block Grant, said AMENDED agreement 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: January 25, 2018
READOPTED BY THE BOARD OF COMMISSIONERS: February 8, 2018
PUBLISHED:

MOTION

Motion was made by Gute, seconded by Clark, to adopt Ordinance No. 21, 2018, at this its second reading. Upon roll call, voting aye were Commissioners Clark, Gute and Mayor Gilmore. Nay – none. Abstain – Commissioner Perkins. Motion passed.

**REGULAR MEETING FEBRUARY 8, 2018
ORDINANCE NO. 22, 2018**

SECOND READING & FINAL ADOPTION

ORDINANCE NO. 22, 2018

AN ORDINANCE OF THE CITY OF ASHLAND, KENTUCKY, AUTHORIZING AND DIRECTING STEPHEN E. GILMORE, MAYOR, TO EXECUTE AN AMENDED AGREEMENT WITH ASHLAND COMMUNITY KITCHEN, INC., THE SUB-RECIPIENT OF 2017 PROGRAM YEAR COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS AS ADOPTED BY ORDINANCE NO. 62, SERIES OF 2017, CHANGING THE CONTACT INFORMATION FOR THE DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT.

WHEREAS, it is necessary to correct the contact information for the Department of Community and Economic Development originally adopted in the agreement authorized by Ordinance No. 62, Series of 2017;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF ASHLAND, KENTUCKY:

SECTION 1. That Stephen E. Gilmore, Mayor of the City of Ashland, Kentucky, is hereby authorized to execute an AMENDED agreement with Ashland Community Kitchen, Inc. as the sub-recipient of \$8,500.00 for reimbursement of operational expenses from the 2017 Program Year Community Development Block Grant, said AMENDED agreement 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: January 25, 2018
READOPTED BY THE BOARD OF COMMISSIONERS: February 8, 2018
PUBLISHED:

MOTION

Motion was made by Clark, seconded by Gute, to adopt Ordinance No. 22, 2018, at this its second reading. Upon roll call, voting aye were Commissioners Clark, Gute and Mayor Gilmore. Nay – none. Abstain – Commissioner Perkins. Motion passed.

**REGULAR MEETING FEBRUARY 8, 2018
ORDINANCE NO. 23, 2018 CONTINUED**

SECOND READING & FINAL ADOPTION

ORDINANCE NO. 23, 2018

AN ORDINANCE OF THE CITY OF ASHLAND, KENTUCKY, AUTHORIZING AND DIRECTING STEPHEN E. GILMORE, MAYOR, TO EXECUTE AN AMENDED AGREEMENT WITH SHELTER OF HOPE, INC., THE SUB-RECIPIENT OF 2017 PROGRAM YEAR COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS AS ADOPTED BY ORDINANCE NO. 57, SERIES OF 2017, CHANGING THE CONTACT INFORMATION FOR THE DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT.

WHEREAS, it is necessary to correct the contact information for the Department of Community and Economic Development originally adopted in the agreement authorized by Ordinance No. 57, Series of 2017;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF ASHLAND, KENTUCKY:

SECTION 1. That Stephen E. Gilmore, Mayor of the City of Ashland, Kentucky, is hereby authorized to execute an AMENDED agreement with Shelter of Hope, Inc. as the sub-recipient of \$8,500.00 for reimbursement for case management and financial counseling from the 2017 Program Year Community Development Block Grant, said AMENDED agreement 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: January 25, 2018
READOPTED BY THE BOARD OF COMMISSIONERS: February 8, 2018
PUBLISHED:

MOTION

Motion was made by Clark, seconded by Gute, to adopt Ordinance No. 23, 2018, at this its second reading. Upon roll call, voting aye were Commissioners Clark, Gute and Mayor Gilmore. Nay – none. Abstain – Commissioner Perkins. Motion passed.

**REGULAR MEETING FEBRUARY 8, 2018
ORDINANCE NO. 24, 2018**

SECOND READING & FINAL ADOPTION

ORDINANCE NO. 24, 2018

AN ORDINANCE OF THE CITY OF ASHLAND, KENTUCKY, AUTHORIZING AND DIRECTING STEPHEN E. GILMORE, MAYOR, TO EXECUTE AN AMENDED AGREEMENT WITH THE BOYD COUNTY COUNCIL ON AGING, INC., ASHLAND SENIOR CENTER, THE SUB-RECIPIENT OF 2017 PROGRAM YEAR COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS AS ADOPTED BY ORDINANCE NO. 61, SERIES OF 2017, CHANGING THE CONTACT INFORMATION FOR THE DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT.

WHEREAS, it is necessary to correct the contact information for the Department of Community and Economic Development originally adopted in the agreement authorized by Ordinance No. 61, Series of 2017;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF ASHLAND, KENTUCKY:

SECTION 1. That Stephen E. Gilmore, Mayor of the City of Ashland, Kentucky, is hereby authorized to execute an AMENDED agreement with the Boyd County Council on Aging, Inc., Ashland Senior Center, as the sub-recipient of \$14,000.00 for reimbursement of operating expenses from the 2017 Program Year Community Development Block Grant, said AMENDED agreement 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: January 25, 2018
READOPTED BY THE BOARD OF COMMISSIONERS: February 8, 2018
PUBLISHED:

MOTION

Motion was made by Gute, seconded by Clark, to adopt Ordinance No. 24, 2018, at this its second reading. Upon roll call, voting aye were Commissioners Clark, Gute and Mayor Gilmore. Nay – none. Abstain – Commissioner Perkins. Motion passed.

**REGULAR MEETING FEBRUARY 8, 2018
ORDINANCE NO. 25, 2018**

SECOND READING & FINAL ADOPTION

ORDINANCE NO. 25, 2018

AN ORDINANCE OF THE CITY OF ASHLAND, KENTUCKY, AUTHORIZING AND DIRECTING STEPHEN E. GILMORE, MAYOR, TO EXECUTE AN AMENDED AGREEMENT WITH THE ASHLAND CHILD DEVELOPMENT CENTER, INC., THE SUB-RECIPIENT OF 2017 PROGRAM YEAR COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS AS ADOPTED BY ORDINANCE NO. 63, SERIES OF 2017, CHANGING THE CONTACT INFORMATION FOR THE DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT.

WHEREAS, it is necessary to correct the contact information for the Department of Community and Economic Development originally adopted in the agreement authorized by Ordinance No. 63, Series of 2017;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF ASHLAND, KENTUCKY:

SECTION 1. That Stephen E. Gilmore, Mayor of the City of Ashland, Kentucky, is hereby authorized to execute an AMENDED agreement with The Ashland Child Development Center, Inc. as the sub-recipient of \$8,000.00 for reimbursement of operational expenses from the 2017 Program Year Community Development Block Grant, said AMENDED agreement 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: January 25, 2018
READOPTED BY THE BOARD OF COMMISSIONERS: February 8, 2018
PUBLISHED:

MOTION

Motion was made by Clark, seconded by Gute, to adopt Ordinance No. 25, 2018, at this its second reading. Upon roll call, voting aye were Commissioners Clark, Gute and Mayor Gilmore. Nay – none. Abstain – Commissioner Perkins. Motion passed.

**REGULAR MEETING FEBRUARY 8, 2018
ORDINANCE NO. 26, 2018**

SECOND READING & FINAL ADOPTION

ORDINANCE NO. 26, 2018

AN ORDINANCE OF THE CITY OF ASHLAND, KENTUCKY, AUTHORIZING AND DIRECTING STEPHEN E. GILMORE, MAYOR, TO EXECUTE A POLE ATTACHMENT LICENSE AGREEMENT BETWEEN THE CITY OF ASHLAND, KENTUCKY, AND KENTUCKY POWER COMPANY FOR THE USE OF EIGHT (8) UTILITY POLES FOR THE PURPOSE OF HANGING FIBER FOR THE INSTALLATION OF A SECURITY SYSTEM AT THE CITY OF ASHLAND WATER STORAGE RESERVOIR FOR THE DEPARTMENT OF ENGINEERING AND UTILITIES AT A COST OF \$225.00 PER POLE.

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 pole attachment license agreement between the City of Ashland and Kentucky Power Company for the use of eight (8) Kentucky Power utility poles to hang fiber from for the installation of a security system at the City of Ashland water storage reservoir for the Department of Engineering and Utilities. The charge per pole is \$225.00 which may be elevated on a per pole basis if said pole is congested or nearing an overload. Said agreement 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: January 25, 2018
READOPTED BY THE BOARD OF COMMISSIONERS: February 8, 2018
PUBLISHED:

MOTION

Motion was made by Clark, seconded by Perkins, to adopt Ordinance No. 26, 2018, at this its second reading. Upon roll call, voting aye were Commissioners Clark, Gute, Perkins and Mayor Gilmore. Nay – none. Motion passed.

**REGULAR MEETING FEBRUARY 8, 2018
ORDINANCE NO. 27, 2018**

SECOND READING & FINAL ADOPTION

ORDINANCE NO. 27, 2018

AN ORDINANCE OF THE CITY OF ASHLAND, KENTUCKY, ACCEPTING THE PROPOSAL OF GRW ENGINEERS, INC. TO PROVIDE A WATER TREATMENT PLANT SCADA & FIELD INSTRUMENTATION NEEDS ASSESSMENT IN THE AMOUNT OF \$19,900.00 FOR THE DEPARTMENT OF ENGINEERING AND UTILITIES.

BE IT ORDAINED BY THE CITY OF ASHLAND, KENTUCKY:

SECTION 1. That the Board of City Commissioners of the City of Ashland, Kentucky hereby accepts the proposal of GRW Engineers, Inc. in the amount of \$19,900.00 to provide a Needs Assessment related to the existing SCADA and field instrument systems located at the City of Ashland Water Treatment Plant for the Department of Engineering and Utilities. A copy of said Proposal 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: January 25, 2018
READOPTED BY THE BOARD OF COMMISSIONERS: February 8, 2018
PUBLISHED:

MOTION

Motion was made by Gute, seconded by Clark, to adopt Ordinance No. 27, 2018, at this its second reading. Upon roll call, voting aye were Commissioners Clark, Gute, Perkins and Mayor Gilmore. Nay – none. Motion passed.

SECOND READING & FINAL ADOPTION

ORDINANCE NO. 28, 2018

AN ORDINANCE OF THE CITY OF ASHLAND, KENTUCKY, AMENDING SECTION 2 OF ORDINANCE NO. 142, SERIES OF 2007, WHICH CREATED A DOWNTOWN RESIDENTIAL PARKING ZONE WITHIN THE CITY, TRANSFERRING OVERSIGHT OF DOWNTOWN RESIDENTIAL PARKING TO THE ASHLAND POLICE DEPARTMENT.

**REGULAR MEETING FEBRUARY 8, 2018
ORDINANCE NO. 28, 2018 CONTINUED**

BE IT ORDAINED BY THE CITY OF ASHLAND, KENTUCKY:

SECTION 1. That Section 2 of Ordinance No. 142, Series of 2007, being an ordinance entitled, "AN ORDINANCE OF THE CITY OF ASHLAND, KENTUCKY, CREATING A DOWNTOWN RESIDENTIAL PARKING ZONE WITHIN THE CITY," 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. The ~~Economic Development Director, or such other person as may be designated by the City Manager from time to time,~~ Ashland Police Department shall issue downtown residential parking permits to citizens of Ashland residing in the area described in Section 1. There shall be no more than two permits issued per residential unit. The city will create a yearly fee of One Hundred Twenty Dollars (\$120.00) (prorated monthly from date of purchase) for the issuance of such permit and the amount charged may be changed from time to time by the City Manager. The permit will be renewed January 1st each year that this ordinance is in effect. Failure to renew will constitute a violation of this ordinance.

In order to obtain the permit, the citizen must make application to the ~~Economic Development Director, or other designated person at the City,~~ Ashland Police Department providing documentation of Kentucky registration and operator's license to establish the applicant's residency within the designated area. Should the citizen obtaining the permit move from the area, he or she shall notify the City of the move.

The City may elect in the future to terminate the residential parking set out under this ordinance. If such action is taken, those affected residents will be so notified. In the event that off-street parking is provided for a residential unit, a parking permit will not be provided.

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: January 25, 2018
READOPTED BY THE BOARD OF COMMISSIONERS: February 8, 2018
PUBLISHED:

MOTION

Motion was made by Gute, seconded by Clark, to adopt Ordinance No. 28, 2018, at this its second reading. Upon roll call, voting aye were Commissioners Clark, Gute, Perkins and Mayor Gilmore. Nay – none. Motion passed.

REGULAR MEETING FEBRUARY 8, 2018
ORDINANCE NO. 29, 2018

SECOND READING & FINAL ADOPTION

ORDINANCE NO. 29, 2018

AN ORDINANCE OF THE CITY OF ASHLAND, KENTUCKY, AUTHORIZING THE RECLASSIFICATION OF THE SECTION 8 VOUCHER/GRANTS COORDINATOR AND ADOPTING THE REVISED JOB DESCRIPTION FOR THE POSITION IN THE DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT; AND AMENDING THE AUTHORIZED POSITIONS TO REFLECT SAID RECLASSIFICATION IN THE "POLICIES AND PROCEDURES, COMPENSATION PLAN AND CLASSIFICATION PLAN" AS ADOPTED BY ORDINANCE NO. 51, SERIES OF 2017, AS PREVIOUSLY AMENDED.

BE IT ORDAINED BY THE CITY OF ASHLAND, KENTUCKY:

SECTION 1. That Ordinance No. 51, series of 2017, as previously amended, being an ordinance entitled, "AN ORDINANCE OF THE CITY OF ASHLAND, KENTUCKY, ADOPTING THE POLICIES AND PROCEDURES, COMPENSATION PLAN AND CLASSIFICATION PLAN FOR THE CITY OF ASHLAND, KENTUCKY AND REPEALING ORDINANCE NO. 91, SERIES OF 2011, AND ALL AMENDMENTS THERETO" is hereby amended. The revised job description for the position of Section 8 Voucher/Grants Coordinator in the Department of Community and Economic Development is hereby adopted. The amended Authorized Positions Listing is hereby adopted. A copy of said amended Job Description and Authorized Positions Listing 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 and readoption and shall later be published as required by law.

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

/s/STEPHEN E. GILMORE
MAYOR

ATTEST:

/s/SUSAN W. MADDIX
CITY CLERK

ADOPTED BY THE BOARD OF COMMISSIONERS: January 25, 2018
READOPTED BY THE BOARD OF COMMISSIONERS: February 8, 2018
PUBLISHED:

MOTION

Motion was made by Clark, seconded by Gute, to adopt Ordinance No. 29, 2018, at this its second reading. Upon roll call, voting aye were Commissioners Clark, Gute, Perkins and Mayor Gilmore. Nay – none. Motion passed.

REGULAR MEETING FEBRUARY 8, 2018
ORDINANCE NO. 30, 2018

SECOND READING & FINAL ADOPTION

ORDINANCE NO. 30, 2018

AN ORDINANCE OF THE CITY OF ASHLAND, KENTUCKY, AMENDING ORDINANCE NO. 99, SERIES OF 2010, AS PREVIOUSLY AMENDED BY ORDINANCE NO. 97, SERIES OF 2013, REGARDING THE RULES AND REGULATIONS FOR THE USE OF THE PORT OF ASHLAND, RIVERFRONT PARK, WITHIN THE CITY OF ASHLAND, KENTUCKY.

* * * *

BE IT ORDAINED BY THE CITY OF ASHLAND, KENTUCKY:

SECTION 1. That Ordinance No. 99, series of 2010, as previously amended by Ordinance No. 97, series of 2013, being an ordinance entitled, "AN ORDINANCE OF THE CITY OF ASHLAND, KENTUCKY, PROVIDING FOR THE RULES AND REGULATIONS FOR THE USE OF THE PORT OF ASHLAND, RIVERFRONT PARK, WITHIN THE CITY OF ASHLAND, KENTUCKY, FIXING PENALTIES FOR THE VIOLATION THEREOF AND REPEALING ANY AND ALL OTHER ORDINANCES IN CONFLICT HERewith," be and said ordinance 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 1. Certain conditions as enumerated herein are intended to regulate special events in which large numbers of people would be expected to attend. Information shall be given to each special event applicant on restrictions for the use of the Port of Ashland, Riverfront Park, for such events. Applicants must receive advance permission from the Board of City Commissioners.

- a) This ordinance is not intended to restrict or prohibit the use of the Port of Ashland, Riverfront Park, by individual citizens who are not required to make application for the use of the Port of Ashland, Riverfront Park, to the Board of City Commissioners. This ordinance is considered in conjunction with Ordinance No. 27, Series of 1999, as hereafter amended, that provides that Riverfront Park is supervised by the Department of Parks and Recreation with the Park Board acting as the advisory board for City parks.
- b) This ordinance shall apply to individuals or groups, in that all individuals/groups shall be subject to all applicable provisions of any and all ordinances on the use of the Port of Ashland, Riverfront Park.
- c) The Port of Ashland is also a Public Access Facility. Marine users, both commercial and recreational, must follow all Federal, State and Local laws. The Ashland Police Department (APD) is designated the responsible agent in charge of security at this facility. It is the policy of the APD to provide assistance in conducting security sweeps of the Port of Ashland, Kentucky prior to the arrival of Maritime Security Act (MTSA) regulated passenger vessels. The APD will also assist in providing additional security as required during elevated Coast Guard Maritime Security (MARSEC) levels.

SECTION 2. The Board of City Commissioners of the City of Ashland, in the interest of public safety and welfare, hereby declare the following activities to be prohibited within the confines of the Port of Ashland, Riverfront Park unless prior approval from the Ashland Board of City Commissioners has been obtained:

REGULAR MEETING FEBRUARY 8, 2018
ORDINANCE NO. 30, 2018 CONTINUED

a) No driver shall stop his vehicle in the roadway or in any way block or impede the flow of traffic on said roadway; nor shall any pedestrian impede the flow of traffic on said roadway.

b) No vehicle shall be operated in the Port of Ashland, Riverfront Park, at a speed in excess of five (5) miles per hour.

c) All automobiles and other vehicles entering the Port of Ashland, Riverfront Park, shall confine themselves strictly to the regular roadway through the park and shall not in any case drive on the paths, grass, or regular walkways through the park.

d) No vehicle shall be parked upon the roadway within the Port of Ashland, Riverfront Park, except off the traveled portion of the road and within the parking spaces provided for said purpose.

e) No person shall possess alcoholic beverages in an open container or a container with the seal or cap broken without prior Board action approving sale/consumption at the Riverfront Park after review by the Board of event application on a case by case basis with the Board setting the terms and conditions for such sale/consumption.

f) Vendors, who have been approved by the Board of City Commissioners, to set up and sell within the confines of the Port of Ashland, Riverfront Park, shall be restricted to the roadway, or other areas as designated by direction of the Board of City Commissioners; Director of Parks & Recreation or designees. In no event, shall any vendor be permitted to park or leave standing his vehicle or concession stand upon any grassy area of the Port of Ashland, Riverfront Park.

g) No individual or entity, not on City business, shall be permitted to park or remain standing a vehicle, trailer, camping trailer/tent, or similar structure upon any grassy area.

h) Motor vehicles, including all terrain (ATV), recreational vehicles (RV), golf carts, go carts and motorcycles, shall be confined to the paved roadway in the Port of Ashland, Riverfront Park, and designated parking areas. Power assisted wheelchairs for the handicapped shall not be considered as motor vehicles under the terms of this ordinance.

i) No person shall ride a skateboard or skates in the Port of Ashland, Riverfront Park.

j) All motor vehicles, not on city business, shall park in designated parking areas, which shall be limited to paved or graveled surfaces.

k) Any person, group, or organization, who has received Board of City Commission approval to drive or pull a vehicle onto any grassy area of the park, for the purpose of loading or unloading, shall without delay, remove the vehicle to a designated parking area. For enforcement purposes, it shall be a violation of this ordinance if no loading or unloading continues for more than thirty minutes.

l) Public safety and service vehicles, when on necessary city business shall have access to all areas of the Port of Ashland, Riverfront Park, but shall limit movement on grassy areas of the park to bona fide use, including public safety calls for service, and park maintenance, and wherever possible, shall avoid driving over or parking upon grassy areas, if the task to be performed can be accomplished without the use of a motor vehicle.

REGULAR MEETING FEBRUARY 8, 2018
ORDINANCE NO. 30, 2018 CONTINUED

m) Any person(s), group or organization who applies to the Board of City Commissioners for permission to use the Port of Ashland, Riverfront Park, shall in no way have the authority to delegate to other individuals or groups any privileges greater than that approved by the Board of City Commissioners.

n) Parking within the park shall be limited to those persons using the park. Parking by persons working outside the park shall be prohibited.

o) No person(s), group or organization shall engage in any activity for which fees or charges are made within the park, whether the moneys are collected at the park or other location. This prohibition shall not include any recognized community-wide activity, charitable fundraising activity or sale for which prior Board of Commissioners approval shall be required with reasonable advance request made by the organization involved. This prohibition shall not include work performed for or at the direction of the City.

p) It shall be unlawful to throw, scatter, or discard any paper, filth, garbage, or other waste matter at any place in the Port of Ashland, Riverfront Park, except in the receptacles therein placed for that purpose.

q) The use of inflatable playgrounds at the Port of Ashland, Riverfront Park, is prohibited unless prior approval from the Department of Parks and Recreation of the City of Ashland, Kentucky has been obtained.

r) Sponsored events on marine vessels docking at the Port of Ashland – It will be the responsibility of any commercial vessel to contact the Facility Securities Officers (FSO) of the Port of Ashland prior to docking for events. Contact shall be made no less than 7 days prior to arriving. The FSO is designated as the Chief of Police and the assistant is the Field Operations Division Commander (Patrol Major). This contact will make arrangements for the necessary security measure to be put in place mandated by Federal, State and Local laws. The sponsor of the event will need to inform the vendor of the requirement to contact the FSO upon approval of the Board of City Commissioners.

s) It is prohibited to camp or otherwise temporarily reside in the Port of Ashland, Riverfront Park, without prior written approval relating to a special event.

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: January 25, 2018
READOPTED BY THE BOARD OF COMMISSIONERS: February 8, 2018
PUBLISHED:

**REGULAR MEETING FEBRUARY 8, 2018
ORDINANCE NO. 30, 2018 CONTINUED**

MOTION

Motion was made by Clark, seconded by Perkins, to adopt Ordinance No. 30, 2018, at this its second reading. Upon roll call, voting aye were Commissioners Clark, Gute, Perkins and Mayor Gilmore. Nay – none. Motion passed.

SECOND READING & FINAL ADOPTION

ORDINANCE NO. 31, 2018

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 MORRIS CONTRACTING, INC. FOR ALL LABOR & MATERIALS FOR THE MISCELLANEOUS CONCRETE AND ASPHALT REPAIR WORK FOR UP TO ONE YEAR IN THE AMOUNT OF \$196,040.00 FOR THE DEPARTMENT OF ENGINEERING AND UTILITIES.

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 a contract between the City of Ashland, Kentucky, and Morris Contracting, Inc. for all labor and materials for the miscellaneous concrete and asphalt repair work for up to one (1) year in an amount not to exceed those specified in their bid for the Department of Engineering and Utilities. A copy of said contract 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: January 25, 2018
READOPTED BY THE BOARD OF COMMISSIONERS: February 8, 2018
PUBLISHED:

MOTION

Motion was made by Gute, seconded by Clark, to adopt Ordinance No. 31, 2018, at this its second reading. Upon roll call, voting aye were Commissioners Clark, Gute, Perkins and Mayor Gilmore. Nay – none. Motion passed.

REGULAR MEETING FEBRUARY 8, 2018
ORDINANCE NO. 32, 2018

SECOND READING & FINAL ADOPTION

ORDINANCE NO. 32, 2018

AN ORDINANCE OF THE CITY OF ASHLAND, KENTUCKY, PROVIDING FOR THE REGULATION OF GATHERING, DISPOSING, AND DESTRUCTION OF GARBAGE, RUBBISH, AND RELATED WASTE MATERIALS AND FIXING FEES THEREFOR; ESTABLISHING THE DIVISION OF SOLID WASTE; ESTABLISHING SEWER AND WATER RATES, TAP FEES, INSTALLATION CHARGES, SERVICE CHARGES, INDUSTRIAL PRETREATMENT CHARGES, PENALTIES AND INTEREST; PROVIDING A PENALTY FOR THE VIOLATION OF THIS ORDINANCE; AND REPEALING CONFLICTING ORDINANCES AND ALL AMENDMENTS THERETO.

* * * *

BE IT ORDAINED BY THE CITY OF ASHLAND, KENTUCKY:

GARBAGE

SECTION 1. COLLECTION AND DISPOSAL OF GARBAGE COMPULSORY.

The collection, removal and disposal of all garbage, offal, refuse, rubbish and waste matter is hereby declared to be compulsory and universal within the corporate limits of the City of Ashland, and shall be regulated by the terms of this ordinance.

SECTION 2. DIVISION OF SOLID WASTE CONTINUED.

There is hereby continued within the Department of Public Works of the City of Ashland, the Division of Solid Waste, formerly known as the Division of Sanitation.

SECTION 3. DEFINITIONS.

The following words, phrases and terms, as used in this ordinance, shall have the following meanings:

- 3.1 **Commercial or industrial garbage or waste** – shall mean and include, but is not limited to, all industrial garbage or waste capable of incineration or burning that accumulates in, upon or about the land and buildings appurtenant to the business and activities of wholesale produce and grocery establishments, restaurants, hotels, meat packaging and meat wholesale dealers, bakeries, breweries, fat rendering and hide processing plants, and all other business establishments in connection with which such commercial or industrial garbage or waste is produced or accumulated.
- 3.2 **Garbage, offal, refuse matter** – shall consist of every accumulation of animal, vegetable and other matter that attends or is incident to the preparation, consumption, decay or dealing in or storage of meats, fish, fowl, fruits, vegetables, and all other forms of food, and includes “wet garbage” but does not include “waste matter” as herein defined.
- 3.3 **Industrial garbage or waste** – see “commercial or industrial garbage or waste” herein defined.
- 3.4 **Offal** – see “garbage, offal or other refuse matter” herein defined.

REGULAR MEETING FEBRUARY 8, 2018
ORDINANCE NO. 32, 2018 CONTINUED

- 3.5 **Person** – shall mean every natural person, firm, co-partnership, association, society, or corporation.
- 3.6 **Refuse matter** – see “garbage, offal or other refuse matter” herein defined.
- 3.7 **Rubbish and Trash** – shall consist of leaves, grass cuttings, wood chips, shavings, sawdust, woodenware, paper, cardboard, straw, discarded clothing and all other combustible matter not included in this ordinance under the terms “garbage, offal and other refuse matter.”
- 3.8 **Waste matter** – shall consist of natural soil, earth, sand, clay, gravel, manure, stones, bricks, brickbats, plaster, portland cement, crockery, greenware, glass, glassware, ashes, cinders, shells, metals and all other noncombustible materials.
- 3.9 **Wet garbage** – kitchen and table refuse and offal, swill and every accumulation of animal, vegetable and other matter that attends or is incident to the preparation, consumption, decay or dealing in storage of meats, fish, fowl, birds, fruits, vegetables or other food.

**SECTION 4. PROHIBITED PRACTICES RELATING TO THE
HANDLING AND DISPOSAL OF GARBAGE AND
OTHER WASTE.**

From and after the effective date of this ordinance, it shall be unlawful:

- 4.1 to throw or deposit any garbage, rubbish or waste matter, or to cause the same to be thrown or deposited, upon or in any street, alley, gutter, vacant lot or yard;
- 4.2 to keep, place or deposit garbage or waste on any private grounds or premises whatsoever, except in cans or receptacle as designated in this ordinance and effective November 1, 2005, only in containers marked and provided by the City of Ashland;
- 4.3 to store or keep any garbage, rubbish or waste matter where rodents, flies, or insects can have access thereto or feed thereon;
- 4.4 to sell or dispose of wet garbage and all of it must be delivered to the City of Ashland, its agents or contractors, for removal and disposal, except, as authorized otherwise, for commercial and/or industrial operations by the Director of Public Services;
- 4.5 to bury any such garbage or waste matter at any place within the corporate limits of the City of Ashland, except as authorized by the Director of Public Services;
- 4.6 to deposit any rubbish or waste matter in or upon any vacant lot, yard, street, alley, gutter, highway, park or other public place within said City, except building materials and related supplies in use for construction by virtue of an authorized current building permit;

REGULAR MEETING FEBRUARY 8, 2018
ORDINANCE NO. 32, 2018 CONTINUED

- 4.7 to burn any garbage or refuse, waste paper, boxes, rubbish, debris, brush, grass, weeds, cuttings from trees, lawns and gardens, except that such materials may be burned in a furnace or private incinerator, or pursuant to a permit issued by and under the supervision of the Chief of the Fire Department of the City of Ashland, nor shall any person collect, remove or dispose of same except as provided in this ordinance;
- 4.8 to deposit or cause to be deposited in any manner garbage or rubbish or any other waste matter into the sewer system of the City of Ashland, except with the written approval and under the direction of the Director of Public Services of the City of Ashland;
- 4.9 for the owner or operator of any truck or other vehicle carrying manure, swill, garbage, offal, rubbish, or any other noxious, offensive or dangerous substance or the contents of any privy vault, cesspool, or sink to allow the scattering, spilling, or leakage of the contents thereof upon any street or other public way or upon any yard, driveway, or within any premises, whether public or private, or to allow such vehicle to stand or remain near any building, place of business, or residence, or to unreasonably delay the time of loading or unloading or in passing along any street or through any inhabited place or connection therewith to be kept in an unsanitary and unwholesome condition or to be stored in any place where needless offense is caused to any person;
- 4.10 to engage in the collection, hauling or transportation of any garbage or other similar waste or refuse for hire, except by the City of Ashland or its authorized agent, except the hauling for hire of commercial garbage or waste or of any private or commercial rubbish or waste matter, as defined in this ordinance, or of cesspool or privy contents, or of any waste building or construction materials left over from construction or demolition of any building, which is the specific duty of the owner, operator, contractor or their agent;
- 4.11 to keep or allow to accumulate for more than one week any kind of putrescible garbage or waste material;
- 4.12 for any person who is not a City employee to deposit any garbage, rubbish, refuse matter or waste matter into any City of Ashland vehicle or conveyance used for disposal of any waste except with authorization of the Solid Waste Supervisor or the Fleet Maintenance/Central Garage Superintendent or the vehicle operator.
- 4.13 for any person to store materials in the vicinity of any solid waste container, refuse matter or waste matter with the expectation that the City will not remove such materials as if it were solid waste. The City will not reimburse for removal of any such materials.

REGULAR MEETING FEBRUARY 8, 2018
ORDINANCE NO. 32, 2018 CONTINUED

SECTION 5. DUTIES OF USER OF GARBAGE COLLECTION SERVICE.

5.1 CONTAINERS.

5.1.1 Individual Containers. It shall be the duty of every tenant, lessee or occupant of any private dwelling, boarding house or other building where meals are prepared or provided; of the owner, or owner's agent, of every furnished flat or apartment house; and of every other person generating or having garbage, to have appropriate and sufficient water tight containers or receptacles with appropriate bails or handles and tight fitting covers, for the purpose of receiving and holding, without leakage or escape of odors, all the garbage which shall ordinarily accumulate on said premises in one week. Such receptacles shall have a capacity of not more than ninety-five (95) gallons.

5.1.2 Effective November 1, 2005, it shall be the duty of every tenant, lessee or occupant of any private dwelling, boarding house or other building where meals are prepared or provided; of the owner, or owner's agent, of every furnished flat or apartment house; and of every other person generating or having garbage and using individual containers, to utilize containers marked and provided by the City of Ashland. Receptacles lost or damaged due to resident neglect will be replaced at a charge of Fifty Dollars (\$50.00) to the resident. Stolen receptacles will be replaced at no charge to the resident with a police report.

5.1.3 Dumpsters. Collection, removal and disposal of garbage, rubbish and related waste materials in dumpsters by the City of Ashland shall not be permitted unless approved by the Solid Waste Supervisor or the Fleet Maintenance/Central Garage Superintendent.

5.2 PREPARATION.

Garbage shall be drained and put in paper or plastic bag before being placed in the container in order that same shall neither emit nor give off offensive odors in warm weather nor freeze and adhere to the can in cold weather.

5.3 PLACEMENT OF CONTAINERS.

Garbage containers shall be placed next to the alley adjacent to the premises or, if no alley exists, placed at a reasonably accessible location near the side or rear of the dwelling where then can be readily seen from the street or alley. Fenced yards must provide a gate of sufficient size to accommodate the City receptacle.

No container or receptacle for receiving garbage or waste shall be placed on or in any street, alley, sidewalk, nor in or on any public way or place, nor in the front yard of a residence except after 5:00 PM on the day preceding the collection day and shall be removed before 10:00 PM on collection day. After collection day, it shall be the responsibility of the citizen to return all containers to their normal location near the dwelling. No containers are to be left in the front yard of a residence unless specifically approved by the Director of Public Services.

REGULAR MEETING FEBRUARY 8, 2018
ORDINANCE NO. 32, 2018 CONTINUED

5.4 REMOVAL OF ITEMS NOT PROVIDED IN THIS ORDINANCE.

It shall be the responsibility of the householder to remove and have hauled away all discarded items not provided for removal by this ordinance, including, but not limited to, building materials, items over fifty (50) pounds, appliances, and furniture.

SECTION 6. RESPONSIBILITIES OF THE CITY, ITS AGENTS, OR PRIVATE HAULERS RELATING TO THE REMOVAL OF GARBAGE AND WASTE.

6.1 COLLECTIONS.

6.1.1 **Single Family Residential Collection – Mandatory.**

Participation in the City collection program is mandatory for all single-family households. The City of Ashland, or its designated agent, shall collect from single family households at least once each week and at such other and additional times as designated by the Director of Public Services or his designee. No person, firm or corporation, other than the City of Ashland or its agents, shall engage in the collection, transportation and disposal of garbage and other waste materials from single family households, except as contracted by the City of Ashland.

Garbage collection may not be stopped and started by the customer except in conjunction with a non-emergency or non-repair related utility shutoff and turn on.

6.1.2 **Collections from commercial, educational, non-profit or industrial establishments.**

Garbage, offal, refuse, rubbish, trash, or any and all other commercial, educational, non-profit and industrial garbage or waste, as herein defined, shall be collected by a private hauler who must be duly licensed by the City and must abide by the applicable provisions of this ordinance, except as specifically provided otherwise in this ordinance.

6.1.3 **Commercial pickup by City.**

When the City determines that providing commercial pickup is in the interest of the City such service may be provided as determined by the Director of Public Services. When the City is providing residential pickup at a location which is combined with a commercial operation, that commercial operation shall receive and be charged for pickup unless otherwise authorized by the Director of Public Works.

6.2 RUBBISH AND TRASH REMOVAL.

The City, or its agent, shall provide a pickup service for the removal of trash and rubbish, as defined in this ordinance, from households, during times determined by the Director of Public Works.

REGULAR MEETING FEBRUARY 8, 2018
ORDINANCE NO. 32, 2018 CONTINUED

6.2.1 Conditions for removal.

Such items to be collected must be placed in boxes or containers sturdy enough to be handled by the collector, the total loaded weight of each container not to exceed fifty (50) pounds per carton. Such items shall be placed at the curb or alley line no earlier than the day preceding collection day. The City of Ashland reserves the right to handle only those items that conform to this ordinance. Any material that does not conform to these regulations shall become the responsibility of the resident to properly dispose of as authorized herein.

6.2.2 Tree limbs.

Tree limbs not exceeding three feet (3') in length and one-inch (1") in diameter and must be tied in bundles which can be readily handled and loaded by one person. Additional charges, as set forth in Section 8 of this ordinance, will be made for collection and disposal of loose or unbagged trash, including tree limbs not exceeding five feet (5') in length.

6.2.3 Additional charges, as set forth in this Ordinance shall be made for collection and disposal of more than five (5) leaf bags or any bags exceeding thirty (30) pounds in weight.

SECTION 7. VEHICLES USED FOR GARBAGE OR WASTE COLLECTIONS.

7.1 GENERAL RULES.

7.1.1 Containment.

All trucks or other conveyances used and employed in the collection and transportation of garbage, offal, and any and all other refuse and waste matter, whether from households, business, or industrial establishments, shall be designed for such purpose, with automatic dump, so as to effectively prevent the scattering, spilling or leakage of the contents and odors. Such trucks or conveyances shall not be filled or loaded above the level of the upper edge or top of same and shall be kept securely covered while in transit, and shall be daily washed, cleaned and deodorized by the owner, it's or his agents and employees and shall at all times be subject to inspection and approval of the Director of Public Services or his designee.

7.1.2 Markings.

Each truck or conveyance shall bear a number plainly and visibly painted upon both sides thereof. Each truck or conveyance engaged in solid waste disposal shall be plainly marked in accordance with KRS Chapter 224.

REGULAR MEETING FEBRUARY 8, 2018
ORDINANCE NO. 32, 2018 CONTINUED

7.2 NOTIFICATION OF DISPOSAL SITES.

All owners of vehicles or conveyances used for disposal of any waste listed above within the city limits of the City of Ashland shall provide in advance of such use a notarized statement to the Director of Public Works of the final destination of the loads of such vehicles.

SECTION 8. FEES FOR COLLECTION OF GARBAGE FROM RESIDENCES AND DISCONTINUANCE AND/OR REFUSAL OF SERVICE FOR UNPAID BILLS.

8.1 FEES.

8.1.1 **Residential Fees.**

Effective January 1, 2015, there is hereby levied a sanitation collection service charge of Twenty-Two Dollars & Twenty-Four Cents (\$22.24) per month upon each householder within the City of Ashland serviced by sanitation service provided by the City of Ashland or its authorized agent, upon the terms stipulated in this Ordinance for weekly garbage removal and monthly trash removal. Exceptions to such monthly service charge are set forth in Section 15 of this ordinance.

8.1.2 **Dumpster Fees.**

\$22.24/residential unit per month with a minimum of \$88.95 per month effective January 1, 2015.

8.1.3 **Chipper Fees.**

Special arrangements for use of a chipper for limbs over 3' in length may be arranged for at a fee based on the City's rental rate and manpower costs as determined by the Director of Public Works.

8.1.4 **Commercial Fees.**

Commercial pickup shall pay a rate based on weight and volume as determined by the Director of Public Works, however, the minimum fee shall be Twenty-Two Dollars and Twenty-Four Cents (\$22.24) effective January 1, 2015. The size, type and location of the dumpster shall require approval by the Solid Waste Supervisor or the Fleet Maintenance/Central Garage Superintendent before placement.

8.1.5 **Special Fees.**

Such monthly service charge shall not include the removal of loose or un-bagged trash or tree limbs exceeding the measurements set forth in Section 6.2 of this Ordinance. A fee of Sixty-One Dollars and Fifty-One Cents (\$61.51) effective January 1, 2015 is hereby levied to collect any such loose or un-bagged trash or unbundled tree limbs not to exceed five (5) feet in length, provided that such removal does not require more than fifteen (15) minutes of the sanitation crew's time to load. Additional charges based on the above rate shall be charged for such jobs which require more than fifteen (15) minutes time to load.

REGULAR MEETING FEBRUARY 8, 2018
ORDINANCE NO. 32, 2018 CONTINUED

SECTION 9. NEW CONSTRUCTION – UNOCCUPIED.

Newly constructed households will not be charged the monthly sanitation collection service fee until the household is initially occupied, or collection service is requested, regardless of water utility status. This exception applies only during and continues after the original construction prior to occupancy. Once collection has started, all conditions apply.

SEWER

SECTION 10. FEES.

That on and after the effective date of this ordinance, the rates and charges for sewer services sold by the Department of Engineering & Utilities of the City of Ashland which shall be computed and billed monthly and shall be based upon the meter readings for water used or supplied each such lot, parcel of land, building or premises, shall be as follows:

10.1 FEES FOR SEWER SERVICE WITHIN THE CORPORATE LIMITS OF THE CITY OF ASHLAND EFFECTIVE JANUARY 1, 2017.

Minimum Bill ----- \$4.96 per 1,000 gallons per month

Each user charge per 1,000 gallons
 Minimum bills

10.2 FEES FOR SEWER SERVICE OUTSIDE THE CORPORATE LIMITS OF THE CITY OF ASHLAND EFFECTIVE SEPTEMBER 1, 2009

The fees for sewer services outside the corporate limits of the City of Ashland shall be 1.5 times the fees for sewer services inside the corporate limits of the City of Ashland in effect at the time of the service. Minimum Bill for sewer services outside the corporate limits of the City of Ashland shall be for 2,000 gallons of usage.

10.3 INDUSTRIAL PRETREATMENT CHARGES

10.3.1 Definitions.

Unless the context specifically indicates otherwise, the following terms and phrases used, in the ordinance shall have the meaning hereinafter designated:

Ammonia Nitrogen

The quantity of nitrogen in the form of ammonia (NH₃) as determined by laboratory analysis expressed in parts per million by weight.

Biochemical Oxygen Demand (BOD) (also known as BOD₅)

The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure, five (5) days at 20° Celsius expressed in terms of weight and concentration in milligrams per liter (mg/l).

Chemical Oxygen Demand (or COD)

COD of sewage, sewage effluent, polluted waters or industrial wastes is a measure of the oxygen equivalent of that portion of the organic matter in a sample that is susceptible to oxidation by a strong chemical oxidant. The laboratory determination shall be made in accordance with procedures set forth in "40 CRF 136".

REGULAR MEETING FEBRUARY 8, 2018
ORDINANCE NO. 32, 2018 CONTINUED

Domestic Wastewater

Wastewater from typical residential users and having pollutant characteristics of not greater than 250 mg/l BOD and 250 mg/l Suspended Solids and 20 mg/l ammonia nitrogen.

Industrial Wastes

The wastewater from industrial or commercial processes as distinct from domestic or sanitary wastes.

Oil and Grease

A group of substances, including hydrocarbons, fatty acids, soaps, fats, waxes, oils or any other material that is extracted by a solvent from the acidified sample that is not volatilized during the laboratory test procedures. Oil and greases are defined by the method of their determination in accordance with "40 CFR 136".

Shall

Is mandatory.

Surcharge

A charge for services in addition to the basic sewer user and debt service charges, for those users whose contributions contain Biochemical Oxygen Demand (BOD5), Chemical Oxygen Demand (COD), Total Suspended Solids (TSS), Oil & Grease or Ammonia-nitrogen (NH3-N) and Thiocyanate (SCN) in concentrations which exceed limits specified herein for such pollutants. Where authorized by the control authority, payment of a surcharge will authorize the discharge of the referenced pollutants so long as the discharge does not cause pass through or interference.

Suspended Solids (TSS)

Total suspended matter that either floats on the surface of, or is in suspension in, water, wastewater, or other liquids and that is removable by laboratory filtering as prescribed in "Standard Methods for the Examination of Water and Wastewater".

Thiocyanate

The quantity of thiocyanate (SCN) as determined by laboratory analysis expressed in parts per million by weight.

10.3.2 Surcharges.

Sewage or industrial wastes above normal domestic wastewater concentrations as defined herein but acceptable for discharge into the sewer system shall be subject to a surcharge.

Maximum allowable concentrations without surcharges:

<u>Parameter</u>	<u>Limits</u>	<u>Units</u>
Ammonia Nitrogen (NH3-N)	20	mg/l
BOD5	250	mg/l
COD	658	mg/l
Oil & Grease (Total)	50	mg/l
Suspended Solids (Total)	250	mg/l
Thiocyanate	0	mg/l

REGULAR MEETING FEBRUARY 8, 2018
ORDINANCE NO. 32, 2018 CONTINUED

10.3.3 Surcharges.

Any user discharging wastewater exceeding the maximum allowable concentration as noted above, shall be subject to a surcharge fee for each pound loading over and above the set limit as listed below:

Ammonia Nitrogen (NH ₃ -N)	\$0.5327/pound
Biochemical Oxygen Demand (BOD)	\$0.2193/pound
Oil & Grease	\$0.5007/pound
Suspended Solids (Total)	\$0.2706/pound
Thiocyanate	as stated below

A unit weight of thiocyanate will produce 0.24 unit weight of ammonia and therefore 24% of all thiocyanate loading shall be surcharged as ammonia.

10.3.4 Other Industrial Pretreatment Charges.

In addition to the above, all users shall pay a separate sewer user charge, fee or assessment for monitoring, inspections, surveillance, discharge reviews, construction, appeals, permit applications, consulting engineering, etc. as established by separate ordinances.

10.4 SEWER DISTRICT FEES.

Per Contracts with City.

SECTION 11. OTHER CHARGES

11.1 TAP FEES.

In order that new customers share in system development costs already borne by existing customers it is established that on and after the effective date of this ordinance, the minimum rates and charges payable in advance for sewer taps outside the city shall be as follows:

Water Meter Size	Sewer Tap Fees
5/8 x 3/4"	\$ 350.00
1"	650.00
2"	2,400.00
4"	9,500.00
6"	21,500.00

11.2 CONNECTION CHARGES.

That on or after the effective date of this ordinance, the minimum rates and charges payable in advance for actual sewer service installations which shall be separate charges from tap fees shall be as follows:

Water Meter Size	Sewer Connection Fees	
	Inside City Limits	Outside City Limits
5/8 x 3/4"	\$ 750.00	\$ 915.00
1"	805.00	970.00
Over 1"	860.00	1,025.00

If the actual cost of such sewer service installation exceeds the minimum charges fixed above, the City of Ashland reserves the right to charge the actual costs of labor and fringes, materials and equipment.

In addition to the above charges, the applicant shall pay all costs for pavement removal and restoration of whatsoever description or nature.

All costs for sewer connection(s) shall be paid at the time the customer applies for a water tap.

REGULAR MEETING FEBRUARY 8, 2018
ORDINANCE NO. 32, 2018 CONTINUED

11.3 COMBINED SEWER OVERFLOW (CSO) SURCHARGE FOR SEWER SERVICE INSIDE AND OUTSIDE THE CORPORATION LIMITS OF THE CITY OF ASHLAND EFFECTIVE APRIL 1, 2010 AND JANUARY 1, 2015.

In order to cover the cost of the U.S. Environmental Protection Agency's unfunded mandate for CSO reduction and to comply with the Consent Judgment issued by the Court it is established that a surcharge of \$2.50 per 1,000 gallons be added to all City of Ashland sewer service customers effective April 1, 2010. The surcharge shall be increased to \$3.50 per 1,000 gallons effective January 1, 2015.

All monies collected for this surcharge shall be placed in a separate account and only used for CSO reduction projects as outlined in the City's Long-Term Control Plan.

The surcharge shall be removed from all City of Ashland sewer service customers after all CSO reduction projects outlined in the City's Long-Term Control Plan have been completed and paid.

11.4 CHARGES FOR ALL HAULED WASTEWATER.

Effective January 1, 2017, all hauled wastewater shall be subject to a rate of \$32.26 per 1,000 gallons.

SECTION 12. ADJUSTMENTS.

12.1 UNUSUAL CIRCUMSTANCES.

The City Manager or his designee is authorized under unusual and/or special circumstances, non-reoccurring and rare in nature, to provide reasonable adjustments based upon such mitigating conditions which appear to require such adjustment to a utility bill. The burden of proof shall rest with the customer and there is absolutely no obligation on the City to provide any such adjustment. The City Manager or his designee shall maintain a file of any such adjustments granted under this policy for review by the Ashland Board of City Commissioners.

12.2 HIGH USAGE ADJUSTMENTS.

An adjustment may be made to individual residential and commercial (not industrial) water billings if a high usage occurs which causes volume to exceed 200% of the average usage during the previous twelve (12) months. An adjustment may be made for any amount over the 200% of the average bill, however, no bill so adjusted shall be reduced to less than 3000 gallons. The City may determine to extend this adjustment to more than one billing if it appears to be part of the same occasion.

This adjustment may only be granted once every five (5) years to the same household which shall include husband and wife as if they had each received an adjustment. No additional adjustment during this five (5) year period shall be made when the City determines that the customer of record was changed while a previous adjustee still resides at the same location.

If the adjustment involves rental property, the adjustment shall be recorded against the rental unit for the five (5) year period rather than the landlord's name. At the same time, the renter's name shall be listed as a customer of record who received an adjustment.

Any adjustment under this policy requires the approval of the Finance Director or his appointee.

12.3 POOL FILLING ADJUSTMENT.

Where no pool water drains to the sanitary sewer, one annual adjustment for permanent in-ground and/or above ground pools may be made to sewer billing only following prior arrangement with the City.

12.4 SEWER LEAK ADJUSTMENT.

An adjustment may be made to the sewer billing if a leak occurs which does not send water to the sanitary and/or combination sewer. The sewer portion of the bill will be adjusted to the customer's average bill.

WATER

SECTION 13. FEES.

That on and after the effective date of this ordinance, the rates and charges for water sold by the Department of Engineering and Utilities of the City of Ashland, shall be as follows:

**REGULAR MEETING FEBRUARY 8, 2018
ORDINANCE NO. 32, 2018 CONTINUED**

13.1 FEES FOR WATER SERVICE WITHIN THE CORPORATE LIMITS OF THE CITY OF ASHLAND EFFECTIVE JANUARY 1, 2017

Administrative & Billing Charge \$5.73/mo.

User Charges

0 to 2,000	gallons @	\$5.80-per 1,000 gallons
2,001 to 10,000	gallons @	\$4.38 per 1,000 gallons
10,001 to 100,000	gallons @	\$3.55 per 1,000 gallons
over 100,000	gallons @	\$2.86 per 1,000 gallons

Minimum Bill ----- \$11.53 per month

Each user charge per 1,000 gallons
Minimum bills

13.2 FEES FOR WATER SERVICE OUTSIDE THE CORPORATE LIMITS OF THE CITY OF ASHLAND EFFECTIVE JANUARY 1, 2017

Administrative & Billing Charge \$5.73/mo.

User Charges

0 to 2,000	gallons @	\$9.88 per 1,000 gallons
2,001 to 10,000	gallons @	\$7.44 per 1,000 gallons
10,001 to 100,000	gallons @	\$5.99 per 1,000 gallons
over 100,000	gallons @	\$4.85 per 1,000 gallons

Minimum Bill ----- \$25.49 per month

Each user charge per 2,000 gallons
Minimum bills

13.3 WATER DISTRICT FEES.

Per Agreements with City:
\$2.94 per 1,000 gallons effective January 1, 2017.

User charge per 1,000 gallons

SECTION 14. OTHER CHARGES.

14.1 SERVICE CHARGES

On and after the effective date of this ordinance, the following service charges shall be as follows:

These service charges shall be charged for each trip to your residence and/or business, except for emergencies and/or authenticated repairs.

During regular work hours Monday through Friday, except holidays...\$15.00
After regular work hours or on weekends or holidays.....\$45.00

**REGULAR MEETING FEBRUARY 8, 2018
ORDINANCE NO. 32, 2018 CONTINUED**

14.2 TAP FEES

In order that new customers share in system development costs already borne by existing customers it is established that on and after the effective date of this ordinance, the minimum rates and charges payable in advance for water taps outside the City shall be as follows:

Meter Size	Tap Fees
5/8 x 3/4"	\$ 425.00
1"	\$ 750.00
2"	\$ 3,150.00
4"	\$12,100.00
6"	\$28,800.00

14.3 CONNECTION CHARGES.

That on or after the effective date of this ordinance, the minimum rates and charges payable in advance for actual water service installations and/or requested relocations, which shall be separate charges from tap fees shall be as follows:

WATER TAP SIZE	INSIDE CITY LIMITS	OUTSIDE CITY LIMITS
5/8 X 3/4" meter	\$1,200.00	\$1,390.00
1" meter	\$1,460.00	\$1,690.00
2" meter	\$3,200.00	\$3,500.00
Over 4" 2" meter	\$Actual Cost	\$Actual Cost + 10%

If the actual cost of such water service installation exceeds the minimum charges fixed above, the City of Ashland reserves the right to charge the actual costs of labor and fringes, materials and equipment.

In addition to the above charges, the applicant shall pay all costs for pavement removal and restoration of whatsoever description or nature.

In cases of multiple meters in which the actual cost of such water service installation is below the above listed charges, the City Manager may reduce the charges to the actual costs of labor and fringes, materials, and equipment provided that, in the sole opinion of the City, the installation is feasible, practical, and not contrary to good operating practice, and will be in accordance with the Rules and Regulations of The Ashland Water Works.

14.4 WATER METER TEST FEES.

Fee inside City	\$13.00
Fee outside City	\$20.00

Fee will be refunded if meter is determined to be inaccurate and overstating consumption.

14.5 ADJUSTING METER PITS

The cost of adjusting meters to grade shall be the actual cost. Actual cost is defined as all costs incurred to complete installation including, but not limited to, labor, materials and equipment use charges.

REGULAR MEETING FEBRUARY 8, 2018
ORDINANCE NO. 32, 2018 CONTINUED

14.6 MONTHLY FIRE PROTECTION METER CHARGES.

14.6.1 MONTHLY FIRE PROTECTION CHARGES INSIDE CITY

The monthly fire protection meter charges shall be based upon the minimum bill or actual usage, whichever amount is greater.

14.6.2 MONTHLY FIRE PROTECTION (SPRINKLER) CHARGES OUTSIDE CITY

Meter Size	Minimum Bill
5/8 x 3/4"	\$13.00
1"	\$20.00
1½"	\$37.00
2"	\$53.00
3"	\$96.00
4"	\$152.00
6"	\$295.00
8"	\$490.00
10"	\$1,100.00
12"	\$1,500.00

The monthly fire protection meter charges shall be based upon the minimum bill or actual usage, whichever amount is greater.

14.7 HYDRANT METER.

14.7.1 The City of Ashland may authorize a meter for temporary installation of a fire hydrant. Any individual requesting and using such meter shall pay the applicable user charges, with a minimum charge of Three Dollars and Fifty Cents (\$3.50) per day, a Thirty Dollars (\$30.00) fee each for, turn on and turn off, and shall provide a One Hundred Fifty Dollar (\$150.00) deposit subject to all other conditions of this ordinance.

14.7.2 Monthly Metered Fire Hydrant – Outside City

Any governmental agency or fire district requesting the installation of a fire hydrant(s) outside of the city limits shall pay for all labor and material required for the water line extension and initial installation of the fire hydrant.

Said governmental agency or fire district shall pay a minimum monthly water bill or actual usage, whichever amount is greater.

Said governmental agency or fire district shall be responsible for all repairs and/or replacement of such fire hydrant, and will be billed as such. Said governmental agency or fire district shall be responsible for all repairs from the water main to and including the hydrant. The City of Ashland will perform all repairs as requested by the governmental agency and/or fire district and bill said agency or fire district accordingly.

GENERAL REGULATIONS

SECTION 15. SECURITY DEPOSIT.

A Security Deposit Fee of One Hundred Twenty-Five Dollars (\$125.00) shall be required of all new customers. From and after the effective date of this ordinance the security deposit charge for family residential units which are occupied by the homeowner, wherein the occupant is on a fixed income due to being blind, disabled, or sixty-two (62) years of age or older, provided that said total family income does not exceed Forty Percent (40%) of HUD Median Income for Boyd County Kentucky for that fiscal year, and provided that such financial incapacity is proven and established to the satisfaction of the City Manager of the City of Ashland, or his designee, by sworn affidavit or other properly authenticated records shall be Sixty Two Dollars and Fifty Cents (\$62.50). The deposit will be refunded after Twelve (12) Months service if the customer has not been delinquent on any payments due to the fault of the customer. Only one deposit fee is required for water, sewer and sanitation.

**REGULAR MEETING FEBRUARY 8, 2018
ORDINANCE NO. 32, 2018 CONTINUED**

SECTION 16. MANNER OF BILLING FOR SERVICE.

16.1 INCLUDED ON UTILITY BILL.

The applicable fee for utility or sanitation service shall be billed as a separate item on the regular billing for water/sewer/sanitation service by the City of Ashland and said charge shall be payable at the collections office in the same manner and within the same penalty-free period as required for payment of charges for water and sewer service.

EFFECTIVE JANUARY 1, 2019 AND EACH JANUARY THEREAFTER FOR WATER/SEWER/GARBAGE SERVICE WITHIN THE CORPORATE LIMITS OF THE CITY OF ASHLAND

The annual percentage increase of the Water, Sewer, and Garbage line item for the U. S. Department of Labor Consumer Price Index starting with the percentage for 2017 shall be applied one year later on January 1, 2019. The 2018 annual percentage rate shall be applied on January 1, 2020 in the like manner, and annually thereafter similar adjustments shall be applied to:

Administrative and billing charges
Each user charge per 1,000 gallons
Minimum bills

EFFECTIVE JANUARY 1, 2019 AND EACH JANUARY THEREAFTER FOR WATER SERVICE OUTSIDE THE CORPORATE LIMITS OF THE CITY OF ASHLAND

The annual percentage increase of the Water, Sewer, and Garbage line item for the U. S. Department of Labor Consumer Price Index starting with the percentage for 2017 shall be applied one year later on January 1, 2019. The 2018 annual percentage rate shall be applied on January 1, 2020 in the like manner, and annually thereafter similar adjustments shall be applied to:

Administrative and billing charges
Each user charge per 2,000 gallons
Minimum bills

16.2 FEE EXCEPTION FOR ELDERLY OR HANDICAPPED PERSONS.

Effective July 1, 2011 the minimum monthly water charge and monthly sanitation service fee stated in this ordinance shall not apply to family residential units located in the City of Ashland which are occupied by the homeowner, provided that the occupant is on a fixed income due to being blind, disabled, or sixty-two (62) years of age or older, provided that said total family income does not exceed Forty Percent (40%) of HUD Median Income for Boyd County, Kentucky for that fiscal year, provided that such financial incapacity is proven and established to the satisfaction of the City Manager of the City of Ashland, or his designee by sworn affidavit or other properly authenticated records. If such provisions apply, the minimum monthly water usage charges effective January 1, 2017 shall be Three Dollars and Eighteen Cents (\$3.18) per month. Also, if such provisions apply, the Administrative and Billing Charge, effective January 1, 2017 shall be Four Dollars and Eighty-Nine Cents (\$4.89) per month. The monthly sanitation fee shall be Fifteen Dollars and One Cent (\$15.01).

Any fee reduction granted must be renewed annually by the homeowner by January 1st. Failure to renew exemption applications January 1st of each year will result of termination of the exemption.

Renewal of expired exemptions, or new exemptions, may be granted at any time during the year, however, no retroactive exemptions shall be granted.

REGULAR MEETING FEBRUARY 8, 2018
ORDINANCE NO. 32, 2018 CONTINUED

16.3 CUSTOMER ACCOUNTABLE.

The utilities customer in whose name the water meter account is carried shall be held responsible for payment of the full amount of the utility and sanitation service charges billed, which total amount shall be based on the number of households served.

16.4 PAYMENTS CREDITED PRO-RATA.

All utility payments are credited prorata to water, sewer and sanitation.

16.5 SEPARATE BILLS

In instances where it is not feasible or possible to utilize such utility bills for notifying sanitation service customers of service charges payable, separate bills may be issued and shall be payable within ten (10) days after the date of rendering.

16.6 PROPER AUTHORITY.

The City of Ashland may demand proof of proper authorization to renters by the property owner regarding provision of all services, fees and charges.

SECTION 17. PENALTIES AND UTILITY SHUTOFF.

17.1 PENALTIES AND INTEREST

All charges for utility or sanitation service remaining unpaid after they become due shall be charged a penalty of ten percent (10%) and interest at the rate of one and one-half percent (1½%) per month (18% per annum). The due date shall be sixteen (16) calendar days from the date that the utility bills are delivered to the United States Postal Service. If the due date as computed in the previous sentence falls on a Saturday, Sunday or legal holiday, then the due date will be the next regular working day. No such penalty and interest charges shall be less than Five Dollars (\$5.00) except that this minimum charge shall apply only after computing the entire bill including water, sewer and sanitation charges, as appropriate, and shall not be charged on any bill already including a late utility charge.

17.2 UTILITY SHUT OFF

If all charges for all services are not paid by the due date of the delinquent notice, water service shall be discontinued. In addition to the 10% penalty, all service charges shall be paid before water is reconnected. If a check used for payment following a shutoff notice is returned for any reason, that service shall be shut off immediately without further notice.

17.3 RETURNED PAYMENT FEE

Any account on which payment is made partially or wholly by a check, returned bank draft or disputed credit card payment which is returned for any reason shall be charged a fee of Thirty-five Dollars (\$35.00). In addition, after the second such occurrence within a twelve (12) month period, the City may require payment by cash, cashier's check or money order for a twelve (12) month period. Thereafter, any single repetition shall cause the same requirements to be placed in effect indefinitely.

17.4 COLLECTION AGENCY FEE

Any inactive account on which payment is overdue is subject to processing through a collection agency. Any such account balance shall have an additional fee of fifty percent (50%) added to the amount due.

**REGULAR MEETING FEBRUARY 8, 2018
ORDINANCE NO. 32, 2018 CONTINUED**

17.5 PAYMENT PLANS.

The City Manager or his designee is authorized to establish and regulate a payment plan in special circumstances when needed and is further authorized to cease such plan for any delinquency or non-payment. Generally, such payment shall be in writing.

17.6 DELINQUENCY.

On or after the effective date of this section, if any charges for utility services provided by the City shall remain unpaid beyond the due date of the delinquent notice, the City shall refuse new service to the delinquent applicant until all charges are paid. The delinquency shall be deemed to exist whether the outstanding delinquency is in the name of the applicant or spouse.

17.7. PENALTY FOR VIOLATION.

The City of Ashland may levy fines or penalties against a user for willful or malicious acts including but not limited to: turning on water at meter without city approval; installing a jumper or similar device specifically for the purpose of theft of water; turning on of fire hydrants; damage to city facilities. A fine or penalty may be placed on the user's water bill to cover the actual cost of the loss (i.e. cost of repair, estimated cost of stolen water; cost of labor to remove jumpers...etc.) plus an additional fine as follows:

If water is turned on at the meter without city permission:	\$50 each occurrence
If a water meter jumper is installed:	\$100 each occurrence
Illegal use of fire hydrant or unmetered water source:	\$250 each occurrence
Intentional damage to city facilities: (based on severity of offense)	\$50 to \$200 per occurrence

The City Manager or his designee may determine the additional fine for other occurrences not listed above.

Any person, firm or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punishable by a fine of not less than Twenty-five Dollars (\$25.00) nor more than the maximum fine enumerated in KRS 534.040 for a misdemeanor offense.

SECTION 18. APPLICATION OF MONEYS COLLECTED.

All moneys derived from the administration and enforcement of this ordinance shall be used by the City of Ashland in the manner established by the Ashland Board of City Commissioners, for providing equipment, personnel and services to carry its provisions into effect including salaries, pension funds, benefits, equipment and landfill costs.

SECTION 19. SEVERABILITY.

If any section, provision, or part of this ordinance shall be adjudged to be invalid or unconstitutional, such adjudication shall not affect the validity of this ordinance as a whole or any section, provision or part thereof, not so adjudged as invalid or unconstitutional.

SECTION 20. REPEALED ORDINANCES.

That the following ordinances are hereby repealed:

Ordinance No. 68, 2015 (Garbage)

**REGULAR MEETING FEBRUARY 8, 2018
ORDINANCE NO. 32, 2018 CONTINUED**

Ordinance No. 59, 2008 as amended by: (Water)
Amended by Ordinance No. 81, 2008
Amended by Ordinance No. 82, 2011
Amended by Ordinance No. 30,2012
Amended by Ordinance No. 47, 2013

Ordinance No. 52, 2009 as amended by: (Sewer)
Amended by Ordinance No. 17, 2010
Amended by Ordinance No. 33, 2010
Amended by Ordinance No. 83, 2011
Amended by Ordinance No. 48, 2013

and all other ordinances and parts of ordinances in conflict, to the extent of such conflict only, are hereby repealed.

SECTION 21. EFFECTIVE DATE.

This ordinance shall be in full force and effect 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: January 25, 2018
READOPTED BY THE BOARD OF COMMISSIONERS: February 8, 2018
PUBLISHED:

MOTION

Motion was made by Clark, seconded by Gute, to adopt Ordinance No. 32, 2018, at this its second reading. Upon roll call, voting aye were Commissioners Clark, Gute, Perkins and Mayor Gilmore. Nay – none. Motion passed.

CONSENT AGENDA

RESOLUTION NO. 3, 2018

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 FOR THE REGULAR MEETING OF THE BOARD OF CITY COMMISSIONERS OF **FEBRUARY 8, 2018**.

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, **February 8, 2018**, 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.

REGULAR MEETING FEBRUARY 8, 2018
CONSENT AGENDA CONTINUED

/s/STEPHEN E. GILMORE
MAYOR

ATTEST:

/s/SUSAN W. MADDIX
CITY CLERK

ADOPTED BY THE BOARD OF COMMISSIONERS: February 8, 2018

MOTION

Motion was made by Clark, seconded by Gute, to adopt Resolution No. 3, 2018.

DISCUSSION

Commissioner Perkins asked for the project completion date for Item (1). City Manager Graese advised the completion date is scheduled for April 15, 2018 for the Central Park tennis courts.

VOTE ON MOTION TO ADOPT

Upon roll call, voting aye were Commissioners Clark, Gute, Perkins and Mayor Gilmore. Nay – none. Motion passed.

CONSENT AGENDA ITEMS

1. City Manager recommends approval for payment of Invoice #263169-1 dated December 18, 2017 in the amount of \$191,885.41 to Mountain Enterprises, Inc. for the contract work completed on the Central Park Tennis Court Renovation Project.
2. City Manager recommends approval for payment of Pay Request #1 dated January 25, 2018 in the amount of \$116,263.80 to Tri-State Construction & Enterprise for the work completed on the Mill Street Facilities, Phase II Project.
3. City Manager recommends approval of Pay Request #7 in the amount of \$237,534.25 to Tribute Contracting & Consulting for the work completed on the 29th Street Storm Water Separation.
4. City Manager recommends approval for payment to the Ashland School Safety Patrol in the amount of \$3,000 that was requested and approved in the Contributions and Gifts FY17 Budget.
5. City Manager recommends approval to accept a rate stabilization with Kentucky League of Cities Insurance Services (KLCIS) placing a 3% limit on any base rate increases for property and liability insurance coverage lines in each of the next two policy years, beginning with the renewal date of July 1, 2018.
6. City Manager recommends approval for the probationary appointment of Brian E. Felty to the position of Fleet Maintenance/Solid Waste Superintendent, Grade 112, Department of Public Works, Division of Fleet Maintenance/Solid Waste, effective February 12, 2018.
7. City Manager recommends for approval the probationary appointment of Braydon K. Bevins to the position of Wastewater Collection Operator I, Grade 104, Department of Engineering & Utilities, Division of Wastewater Collection, effective February 12, 2018.

REGULAR MEETING FEBRUARY 8, 2018
CONSENT AGENDA CONTINUED

8. City Manager recommends approval for the probationary appointment of Rodney D. Lambert and Wyatt R. Mullens to the position of Wastewater Collection I, Grade 104, Department of Engineering & Utilities, Division of Wastewater Collection, contingent upon satisfactory completion of physical examinations.
9. City Manager recommends the appointment of Joseph T. Ballard and Joseph L. George to the position of Police Officer Trainee, Ashland Police Department, contingent upon the satisfactory completion of the polygraph, psychological and physical examinations.
10. Other Consent Items.

NEW BUSINESS
FIRST READING AND ADOPTION ONLY

ORDINANCE NO. _____, 2018

AN ORDINANCE OF THE CITY OF ASHLAND, KENTUCKY, AUTHORIZING AND APPROVING CHANGE ORDER NO. 2 BETWEEN THE CITY OF ASHLAND, KENTUCKY AND COMMONWEALTH ECONOMICS PARTNERS, LLC WHICH ACCEPTED THE PROPOSED DOWNTOWN REDEVELOPMENT PROJECT AS IT RELATES TO BOTH THE STATE TAX INCREMENT FINANCING (TIF) AND TOURISM DEVELOPMENT ACT (TDA) FOR THE DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT.

MOTION

Motion was made by Gute, seconded by Clark, to adopt Ordinance No. _____, 2018, at this its first reading.

DISCUSSION

Commissioner Perkins asked the reasoning for the Change Order. Commissioner Clark advised it is an increase to the contract of \$32,818.33. Commissioner Perkins asked for clarification regarding the cost increase. City Manager Graese reported the TDA is a separate project from the TIF which created an additional workload on the consultant. City Manager Graese advised this will close out the agreement with Commonwealth Economics and the City is applying to the Woodlands Foundation for additional funding. Commissioner Perkins asked to see a copy of the work performed by Commonwealth.

VOTE ON MOTION TO GIVE FIRST READING

Following discussion, upon roll call, voting aye were Commissioners Clark, Gute, Perkins and Mayor Gilmore. Nay – none. Motion passed.

**REGULAR MEETING FEBRUARY 8, 2018
ORDINANCE NO. _____, 2018 CONTINUED**

FIRST READING AND ADOPTION ONLY

ORDINANCE NO. _____, 2018

AN ORDINANCE OF THE CITY OF ASHLAND, KENTUCKY, AUTHORIZING AND DIRECTING STEPHEN E. GILMORE, MAYOR, TO EXECUTE AN AGREEMENT BETWEEN THE COMMONWEALTH OF KENTUCKY TRANSPORTATION CABINET, DEPARTMENT OF HIGHWAYS, AND THE CITY OF ASHLAND FOR AN ENCROACHMENT PERMIT FOR A DECORATIVE TRAFFIC SIGNAL (MAST ARM) AT THE INTERSECTION OF WINCHESTER AVENUE (U.S. 23) AND 12TH STREET (U.S. 60) FOR THE DEPARTMENT OF ENGINEERING AND UTILITIES.

MOTION

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

FIRST READING AND ADOPTION ONLY

ORDINANCE NO. _____, 2018

AN ORDINANCE OF THE CITY OF ASHLAND, KENTUCKY, ACCEPTING THE PROPOSAL OF EN ENGINEERING, LLC TO PERFORM ENGINEERING AND DRAFTING SERVICES ASSOCIATED WITH THE RENOVATION OF JUDD PLAZA IN THE AMOUNT OF \$31,700.00 FOR THE DEPARTMENT OF ENGINEERING AND UTILITIES.

MOTION

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

FIRST READING AND ADOPTION ONLY

ORDINANCE NO. _____, 2018

AN ORDINANCE OF THE CITY OF ASHLAND, KENTUCKY, ADOPTING THE REVISED JOB DESCRIPTION FOR PUMP STATION TECHNICIAN IN THE DEPARTMENT OF ENGINEERING AND UTILITIES, DIVISION OF WATER DISTRIBUTION, IN THE "POLICIES AND PROCEDURES, COMPENSATION PLAN AND CLASSIFICATION PLAN" AS ADOPTED BY ORDINANCE NO. 51, SERIES OF 2017, AS PREVIOUSLY AMENDED.

MOTION

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

REGULAR MEETING FEBRUARY 8, 2018
NEW BUSINESS - APPOINTMENTS CONTINUED

APPOINTMENTS

Motion was made by Gute, seconded by Clark, approving the Mayor's appointment of the following:

Willie McCullough – Ashland Cemetery Board – 09/17/2017 – 09/17/2021

Cindy Blanton – Ashland Cemetery Board – 09/17/2017 – 09/17/2021

John Webb – Ashland Park Board – 07/27/2017 - 10/18/2019 (fulfill unexpired term)

Upon roll call, voting aye were Commissioners Clark, Gute, Perkins and Mayor Gilmore. Nay – none. Motion passed. Mayor Gilmore expressed his appreciation to the Board.

DISCUSSION ITEMS

Sign Ordinance Appeal by King's Way Church at 340 Providence Hill - Motion was made by Gute, seconded by Clark, to grant the appeal. Upon roll call, voting aye were Commissioners Clark, Gute, Perkins and Mayor Gilmore. Nay – none. Motion passed.

Sign Ordinance Appeal by Steak 'n Shake Restaurant at 450 Armco Road - Motion was made by Gute, seconded by Clark, to grant the appeal. Upon roll call, voting aye were Commissioners Clark, Gute, Perkins and Mayor Gilmore. Nay – none. Motion passed.

Billboards – The Board asked Planner Amo-Mensah about billboards being erected within the City limits and whether sign permits were being issued by the Department of Community and Economic Development. Commissioner Perkins stated the Board should be made aware when an application is submitted for a sign permit for a billboard. While the State allows billboards, the City of Ashland can make certain restrictions. Community and Economic Development Director Pullem advised that the current sign ordinance is being reviewed for changes and billboards will be considered also.

EXECUTIVE SESSION

Motion was made by Clark, seconded by Perkins, to go into Executive Session at 1:00 PM to discuss potential litigation. Upon roll call, voting aye were Commissioners Clark, Gute, Perkins and Mayor Gilmore. Nay – none. Motion passed.

RECONVENED

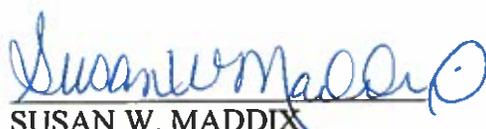
The meeting reconvened at 1:18 PM and Mayor Gilmore announced that the only item discussed was potential litigation with no final action taken.

RECESS

Mayor Gilmore declared the meeting recessed at 1:18 PM until 10:00 AM on Friday, February 9, 2018 to continue discussion of potential litigation.


 STEPHEN E. GILMORE
 MAYOR

ATTEST:


 SUSAN W. MADDIX
 CITY CLERK

