

**REGULAR MEETING
FEBRUARY 22, 2018**

The Ashland Board of Commissioners met in Regular Session in the Commissioners' Chambers, City Building, Ashland, Kentucky, on Thursday, February 22, 2018, at the hour of 6:00 PM. Those present were Commissioners: Amanda Clark, Marty Gute, Matt Perkins, Pat Steen and Mayor Stephen E. Gilmore, who presided. Also present were: Michael S. Graese, City Manager; Richard W. Martin, Interim Corporation Counsel; Susan W. Maddix, City Clerk; Todd Kelley, Chief of Police; 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; Steve Alley, Ashland Fire Department; Brian Felty, Department of Public Works; Joanna King, Public Information Officer; and Reporters.

SWEARING-IN OF COMMISSIONER PAT STEEN – Boyd Circuit Court Judge John F. Vincent administered the Oath of Office to Pat Steen for the position of City Commissioner.

The invocation was given by Commissioner Gute.

The Pledge of Allegiance was conducted.

AGENDA

City Manager Graese presented the agenda of February 22, 2018. Motion was made by Clark, seconded by Gute, to receive & file the agenda. Upon roll call, voting aye were Commissioners Clark, Gute, Perkins, Steen and Mayor Gilmore. Nay - none. Motion passed.

MINUTES

Motion was made by Gute, seconded by Perkins, to dispense with reading and approve the minutes of the Regular Meeting held on February 8, 2018 and the Recessed Meetings held on February 9 and 12, 2018. Upon roll call, voting aye were Commissioners Clark, Gute, Perkins, Steen and Mayor Gilmore. Nay – none. Motion passed.

HEARINGS AND REPORTS

Mayor and City Commissioners' Comments

Mayor presented the following Proclamation to Elks Trustee Jon Marshall:

**PROCLAMATION BY
STEPHEN E. GILMORE, MAYOR
CITY OF ASHLAND, KENTUCKY**

WHEREAS, this year marks the 150th Anniversary of the founding of the Benevolent and Protective Order of The Elks of the United States of America; and

WHEREAS, this Fraternal Order was founded “To promote and practice the four cardinal virtues of Charity, Justice, Brotherly Love and Fidelity; to promote the welfare and enhance the happiness of its members; to quicken the spirit of American Patriotism and cultivate good fellowship;” and

WHEREAS, with a new spirit and direction the Elks began helping veterans and children, awarding scholarships and more, engaging communities wherever charity, justice, brotherly love, and fidelity were needed; and

WHEREAS, Elks are committed to serving people and communities through benevolent programs, demonstrating that “Elks care and Elks share”; and

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HEARINGS AND REPORTS CONTINUED

WHEREAS, this Ashland, Kentucky Elks Lodge #350 has 1,174 members and was chartered July, 7th 1897; and

WHEREAS, Ashland Elks Lodge #350 demonstrates their service to the Ashland community through several programs dedicated to helping veterans, children and those in need; and

WHEREAS, the City of Ashland is a better community for everyone due to the past, present and future efforts of Elks Lodge #350.

NOW THEREFORE, I, Stephen E. Gilmore, Mayor of the City of Ashland, Kentucky, do hereby proclaim 2018 as --

“ASHLAND ELK’S LODGE #350 YEAR”

in the City of Ashland.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the City of Ashland, Kentucky to be affixed this 22nd day of February, 2018.

/s/STEPHEN E. GILMORE, MAYOR

Attest:

/s/SUSAN W. MADDIX, CITY CLERK

Mayor Gilmore publicly thanked the Elks Lodge BPOE #350 for their donation of 50 pairs of gloves to the Ashland Police Department valued at \$1,250.00. The gloves are designed for protection from needles and sharp objects. Item #5 on the Consent Agenda authorizes the acceptance of the donation by the Ashland Police Department.

Commissioner Clark publicly thanked the Elks and expressed her appreciation and her belief in the mission of the Elks organization.

Commissioner Clark proposed the use of a grant application to be used by organizations requesting funds from the City of Ashland. She previously e-mailed each member of the Commission a draft of the form. Following her budget meeting, she believed the allocations should be more project based with a higher accountability as to how the funds were expended. Due to budget constraints this year, dues and contributions will be a difficult process. Members of the Commission thanked Commissioner Clark for her work on the issue. Discussion followed regarding each member of the Commission submitting the name of a person to serve on a Grant Review Committee to review the applications. Commissioner Perkins stated that members of the public may be interested in serving on the committee and if so, should contact a member of the Commission. Commissioner Clark thanked the Commission for their support.

Commissioner Gute welcomed the audience and said he hoped the meeting was a short one so he could go to the Ashland vs. Boyd County game – “Go Tomcats.” He also invited everyone to “like” the new page on Facebook for the Ashland Fire Department.

Commissioned Steen thanked everyone for their vote of confidence and stated she is glad to be a member of the Commission and will do her best.

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HEARINGS AND REPORTS CONTINUED

City Manager's Report

City Manager Graese reported on the latest information from the National Weather Service regarding flooding. The latest prediction was a rise to 58.2 ft. on Monday; however, the predictions are ever-changing. The City starts putting the pump stations in service at 45 feet and the floodwalls are installed at 62 ft. The City will be meeting with Emergency Management on Friday for a planning session in case the river rises to 60 ft.

City Manager Graese complimented the community on the use of the City's "How Can We Help" button on the City's website. Hopefully the public will see a quick turn-a-round.

City Manager Graese asked residents to avoid 29th Street; however, if citizens cannot avoid it, he recommended a speed limit of 10 MPH until it is paved. Mayor Gilmore asked if 29th Street could be paved from Carter Avenue to Geiger Crossing when the asphalt plant opens. City Manager Graese advised the plant is scheduled to open on April 1 but the paving will be done all at one time and there is additional pipe to lay on 29th Street up to Forest Avenue and on Simpson Road also. There are also sidewalks and curbs to be installed. The projected completion date for the entire project is still May 1. Commissioner Perkins asked what road will be closed next. The area from the intersection of 29th Street and Belmont Street up to Forest Avenue is next and construction may begin as early as Monday according to Director of Engineering and Utilities Ryan Eastwood. Commissioner Perkins asked how many residences and businesses will be impacted and have they been notified by mail or by phone. City Manager Graese advised it would be posted on the website. Mayor Gilmore suggested putting a flier on each door as he and Commissioner Perkins noted not everyone has internet. Corporation Counsel Martin advised a notice could be put in the newspaper. Director Eastwood advised there are approximately ten homes and businesses directly affected. Commissioner Perkins advised they be contacted.

Consent Agenda Item (8) - City Manager recommends approval for Safe Harbor to conduct a Happy Feet 5K run/walk utilizing City Route B on July 21, 2018 from 9:00 AM – 10:00 AM. Sponsor is asking for the \$1,000 required fee be waived and has an additional staff cost of \$1,684.01.

City Manager Graese asked the Commission to remove Item (8) from the Consent Agenda until a policy is reviewed on consistency regarding run events and the cost to the City. Motion was made by Gute, seconded by Clark, to remove Item (8) from the Consent Agenda. Upon roll call, voting aye were Commissioners Clark, Gute, Steen and Mayor Gilmore. Nay – none. Abstain – Commissioner Perkins. Motion passed.

PUBLIC PARTICIPATION

Hobart O. Rogers, Jr., 3440 Central Avenue, appeared before the Commission regarding water run-off behind his home causing damage. Acting Director of Public Works Carpenter will review the situation to see if there is anything the City can do to alleviate the water run-off.

Rhonda Wilson, 4135 Cabell Street, appeared before the Commission regarding the shutdown of 29th Street at Forest Avenue and asked what businesses are affected. She was advised they are Ken's BP, an awning business and an insurance company. Ms. Wilson advised she was the PTO President at Ashland Middle School. She advised Family Resource and Youth Services Coalition of Kentucky (FRYSCKy) centers were getting ready to shut down. Ashland has lost an employee and her last day is in two weeks. Ashland has lost \$18,059.50 between 3 local centers. Ms. Wilson has seen extended police presence at the schools and is appreciative. Mayor Gilmore advised for those not familiar with the school system that these are family resource centers in the Ashland school system to help needy children. Ms. Wilson was asking the City for funding. She was advised to complete an application to be considered during budget sessions.

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PUBLIC PARTICIPATION CONTINUED

Charles Scott, 2733 Hilton Avenue, appeared before the Commission as a concerned citizen regarding the drug activity in the City. Mr. Scott thanked the members of the Commission for their service. Mr. Scott believes that CARES and other organizations are good programs, but sometimes it is just a game or gimmick. Some will go eat breakfast, lunch and dinner; get shelter, clothing, and a shower. However, they still need money so they are going to go make money by prostitution, drugs, etc. When housing projects closed in Huntington, many of those displaced moved to Ashland because Ashland provides so many services to these types of people but these people learn how to "play the game". He asked that police officers get out of their cars and walk through places known for drugs; officers wave and establish a rapport with the community and children. Mayor Gilmore thanked Mr. Scott for his concern and love of the community. Commissioner Clark advised Mr. Scott that the United Way has been having a series of Community Conversations and the next one is March 15 @ 8:30 AM at the Salvation Army. She advised it is open to the public and invited Mr. Scott to attend.

Jessica Evans, 5010 Robin Hood, appeared before the Commission regarding a grinder pump at their residence. Mrs. Evans advised she and her husband purchased their home 4 years ago and was advised by the realtor, Cindy Conley-Jones, (also the homeowner) that the City of Ashland was responsible for maintenance of the grinder pump in their yard. On January 2, 2018 the grinder failed and there was sewage in the back yard. She called the City and was advised it was the homeowner's responsibility. The new pump was approximately \$4,000.00. Mrs. Evans questioned why the homeowner was responsible for something the City of Ashland installed. Commissioner Perkins asked how many grinder pumps were currently located within the City. Director of Engineering and Utilities Eastwood advised that number is 20. Commissioner Perkins asked for the number of pumps that were the property owners' responsibility and was advised by Director Eastwood that all 20 were the responsibility of the property owner. Corporation Counsel Martin advised that per ordinance the property owners have been responsible for their grinder pumps since 1990. Mrs. Evans provided information to the Commission for review.

OLD BUSINESS

CONSENT AGENDA

RESOLUTION NO. 4, 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 22, 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 22, 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.

/s/STEPHEN E. GILMORE
 MAYOR

REGULAR MEETING FEBRUARY 22, 2018
CONSENT AGENDA CONTINUED

ATTEST:

/s/SUSAN W. MADDIX
 CITY CLERK

ADOPTED BY THE BOARD OF COMMISSIONERS: February 22, 2018

MOTION

Motion was made by Gute, seconded by Clark, to adopt Resolution No. 4, 2018. Upon roll call, voting aye were Commissioners Clark, Gute, Perkins, Steen and Mayor Gilmore. Nay – none. Motion passed.

CONSENT AGENDA ITEMS

1. City Manager recommends authorizing payment to the Developer (WB Hospitality, LLC) from TIFF Bond Proceeds to reimburse for payment to contractor (Precedence Inc.) for the work performed for elevator and other improvements at the Hotel in the amount of \$51,376.35 which was calculated to be at 48% based on square footage calculations.
2. City Manager recommends authorizing payment to Developer (WB Hospitality, LLC) from TIFF Bond Proceeds for CTC Design Studio for Invoice #0022471 dated November 1, 2017 in the amount of \$14,229.00 which is calculated to be at 48% based on square footage allocations.
3. City Manager recommends authorizing payment to Developer (WB Hospitality, LLC) from TIFF Bond Proceeds for Ponder & Ponder, Architects, for Invoice #17257 dated November 4, 2017 in the amount of \$8,472.12 for architect work completed in the Hotel which is calculated to be a benefit of 48% based on square footage calculations.
4. City Manager recommends authorizing payment to Developer (WB Hospitality, LLC) from TIFF Bond Proceeds for Ponder & Ponder, Architects, for Invoice #17283 dated December 2, 2017 in the amount of \$6,236.60 for architect work completed in the Hotel which is calculated to be a benefit of 48% based on square footage calculations.
5. City Manager recommends approving the acceptance of a donation from the Elks Lodge BPOE #350 for the Ashland Police Department of fifty (50) pairs of gloves to protect officers' hands from needles and sharp objects valued at \$1,250.00
6. City Manager recommends approval to award the bid to furnish a suitable landfill location for the receipt and disposal of compacted garbage collected by the City for a period of one year to River Cities Disposal, LLC, 1837 River Cities Drive, Ashland, KY 41102, in the amount of \$17.97 per ton and a total bid price of \$215,640, Department of Public Works, Division of Sanitation.
7. City Manager recommends approval for the Ashland Police and Fire Departments to allow (7) officers and (1) fireman to travel to Washington D.C. for the annual school safety patrol trip from April 25 - 29, 2018 with all expenses paid by the Ashland School Safety Patrol.
8. ITEM REMOVED.

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CONSENT AGENDA CONTINUED

9. City Manager recommends approval of the request by Ashland in Motion to conduct the annual First Fridays Downtown Live events on April 6th, May 4th, June 1st, August 3rd, September 7th, and October 5th, 2018 from 2:00 - 11:00 PM (5:00 PM Start Time) on Winchester Avenue from 14th - 18th Streets to promote downtown business and on 15th Street from Winchester Avenue to the alley between Winchester and Carter Avenues for the sale of beer in a controlled environment.
10. City Manager recommends approval authorizing a request by the Summer Motion Committee for the Summer Motion 2018 scheduled of events on June 25 - July 6, 2018.
11. City Manager recommends approval for the probationary appointment Jonathan P. Coleman to the position of Fire Fighter, Ashland Fire Department, contingent upon satisfactory completion of physical and polygraph examinations.
12. City Manager recommends the probationary appointment of Jesse W. Ison to the position of Fire Battalion Chief, Grade 5, Ashland Fire Department, effective Sunday, February 25, 2018.
13. City Manager recommends the probationary appointment of C. Curtis McGraw, Jr. to the position of Crew Leader, Grade 109, in the Department of Parks and Recreation, contingent upon the satisfactory completion of a physical examination.
14. Other Consent Items.

NEW BUSINESS

EMERGENCY CLAUSE

FIRST AND SECOND READING AND FINAL ADOPTION

ORDINANCE NO. 38, 2018

AN ORDINANCE OF THE CITY OF ASHLAND, KENTUCKY, AUTHORIZING AND DIRECTING STEPHEN E. GILMORE, MAYOR, TO ACCEPT THE PROPOSAL OF XYLEM WATER SOLUTIONS USA, INC. TO PROVIDE MATERIALS AND SERVICES FOR THE WATER TREATMENT PLANT FILTER PROJECT FOR THE DEPARTMENT OF ENGINEERING AND UTILITIES AND DECLARING AN EMERGENCY TO EXIST TO ALLOW TWO READINGS OF THIS ORDINANCE ON THE SAME DAY.

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 Xylem Water Solutions USA, Inc. to provide materials and services for the Ashland, Kentucky Water Treatment Plant filter project for the Department of Engineering and Utilities. A copy of said Proposal is attached hereto and made a part hereof by reference.

SECTION 2. That Stephen E. Gilmore, Mayor, is hereby authorized and directed to execute said Proposal.

SECTION 3. Due to the need to begin work on the project and the Board of Commissioners is not scheduled to hold another regular meeting until March 8, 2018, an emergency is hereby declared to exist and the rules requiring this ordinance to be read on two separate days are hereby suspended.

SECTION 4. 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.

**REGULAR MEETING FEBRUARY 22, 2018
ORDINANCE NO. 38, 2018 CONTINUED**

SECTION 5. This ordinance shall be in full force and effect from and after its adoption and readoption as provided in Section 3 and shall later be published, as required by law.

SECTION 6. It is hereby authorized that publication of this ordinance be in summary form.

/s/STEPHEN E. GILMORE
MAYOR

ATTEST:

/s/SUSAN MADDIX
CITY CLERK

ADOPTED BY THE BOARD OF COMMISSIONERS:	February 22, 2018
READOPTED BY THE BOARD OF COMMISSIONERS:	February 22, 2018
PUBLISHED:	

MOTION

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

SUSPENSION OF RULES

Motion was made by Clark, seconded by Gute, to suspend the rules requiring this ordinance to be read on two separate days. Upon roll call, voting aye were Commissioners Clark, Gute, Perkins, Steen and Mayor Gilmore. Nay – none. Motion passed.

READOPTION

Motion was made by Clark, seconded by Perkins, to adopt Ordinance No. 38, 2018, at this its second reading. Upon roll call, voting aye were Commissioners Clark, Gute, Perkins, Steen and Mayor Gilmore. Motion passed.

FIRST READING AND ADOPTION ONLY

ORDINANCE NO. _____, 2018

AN ORDINANCE OF THE CITY OF ASHLAND, KENTUCKY, AMENDING ORDINANCE NO. 101, SERIES OF 1986, AS PREVIOUSLY AMENDED, BY AMENDING ARTICLE XIII, SECTION XIII.3 REGULATIONS FOR CONDITIONAL USE PERMITS, E. BEEKEEPING OPERATIONS AND AMENDING ARTICLE XV. DEFINITIONS, TO INCLUDE THE DEFINITION OF A BEEKEEPING OPERATION.

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, Steen and Mayor Gilmore. Nay – none. Motion passed.

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

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 A MEMORANDUM OF AGREEMENT BETWEEN THE KENTUCKY TRANSPORTATION CABINET, CITY OF ASHLAND, KENTUCKY AND KYOVA INTERSTATE PLANNING COMMISSION REGARDING THE METROPOLITAN TRANSPORTATION PLANNING PROCESS (MPO).

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, Steen and Mayor Gilmore. Nay – none. Motion passed.

FIRST READING AND ADOPTION ONLY

ORDINANCE NO. _____, 2018

AN ORDINANCE OF THE CITY OF ASHLAND, KENTUCKY, AMENDING APPENDIX F. DRUG AND ALCOHOL TESTING POLICY OF THE "POLICIES AND PROCEDURES, COMPENSATION PLAN AND CLASSIFICATION PLAN" AS ADOPTED BY ORDINANCE NO. 51, SERIES OF 2017, AS PREVIOUSLY AMENDED, TO INCLUDE THE DEPARTMENT OF TRANSPORTATION (DOT) REGULATION CHANGES FOR DRUG AND ALCOHOL TESTING IN 49 CFR PART 40.

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, Steen and Mayor Gilmore. Nay – none. Motion passed.

FIRST READING AND ADOPTION ONLY

ORDINANCE NO. _____, 2018

AN ORDINANCE OF THE CITY OF ASHLAND, KENTUCKY, AMENDING ORDINANCE NO. 56, SERIES OF 2009, WHICH ESTABLISHED THE PROCEDURES FOR THE USE OF CITY STREETS, RIGHTS-OF-WAY OR FACILITIES FOR STREET EVENTS BY UPDATING THE EVENT APPLICATION FORM.

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, Steen and Mayor Gilmore. Nay – none. Motion passed.

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ORDINANCE NO. _____, 2018

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 A CONTRACT BETWEEN THE CITY OF ASHLAND AND RIVER CITIES DISPOSAL, LLC FOR A SUITABLE LANDFILL LOCATION FOR THE RECEIPT AND DISPOSAL OF COMPACTED GARBAGE AND REFUSE, RUBBLE AND RUBBISH, COLLECTED BY THE CITY OF ASHLAND FOR A PERIOD OF ONE (1) YEAR IN AN AMOUNT NOT TO EXCEED \$17.97 PER TON FOR THE DEPARTMENT OF PUBLIC WORKS, DIVISION OF SANITATION.

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, Steen and Mayor Gilmore. Nay – none. Motion passed.

APPOINTMENTS

Motion was made by Gute, seconded by Perkins, approving the Mayor's appointment of Debbie Keyes to the Ashland Area Convention and Visitors' Bureau Board of Director for a three-year term that began January 31, 2018 and expires on January 31, 2021. Upon roll call, voting aye were Commissioners Clark, Gute, Perkins, Steen and Mayor Gilmore. Nay – none. Motion passed.

ADJOURNMENT

Mayor Gilmore declared the meeting adjourned at 7:06 PM.


 STEPHEN E. GILMORE
 MAYOR

ATTEST:


 SUSAN W. MADDIX
 CITY CLERK

