REGULAR MEETING
MARCH 22, 2018

The Ashland Board of Commissioners met in Regular Session in the Commissioners' Chambers, City Building, Ashland, Kentucky, on Thursday, March 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; Michelle Veach, Assistant Finance Director; Randy Carpenter, Acting Director of Public Works; Sean Murray, Human Resources/Parks & Recreation Director; Lorraine Woolery, 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 March 22, 2018. Motion was made by Gute, seconded by Clark, 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 Meetings held on February 22 and March 8, 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

Commissioner Clark welcomed the audience.

Mayor Gilmore presented the following Proclamation:

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

WHEREAS, teachers are the cornerstone of each and every community, providing our children their educational backgrounds and career path opportunities; and

WHEREAS, teachers and public servants affected by the potential change in benefits and retirement pensions were given a promise, that they would be supported and receive those benefits and retirement pensions, which they earned after years of working in the educational and public-sector fields; and

WHEREAS, the City of Ashland supports our teachers in their efforts in Frankfort in support of maintaining those earned benefits and retirement pensions; and

WHEREAS, by supporting our teachers and public servants, our community is united in showing our support for the livelihood and well-being of our teachers and public servants.

THEREFORE, BE IT RESOLVED that I, Stephen E. Gilmore, Mayor of City of Ashland, do hereby proclaim Thursday, March 22, 2018, as

"SUPPORT FOR TEACHERS AND PUBLIC SERVANTS DAY"

in the City of Ashland, and I encourage residents to recognize the positive impact our teachers and public servants have on our community, our families and most importantly our children. We thank them and we support them.

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

/s/STEPHEN E. GILMORE, MAYOR

Attest:

/s/SUSAN W. MADDIX, CITY CLERK

City Manager's Report

City Manager Graese reported on the following:

The Community Development Block Grant Action Plan is available for review by the public. There was a copy located at the entrance to the Chambers for public viewing. There will be two additional public hearings – One at Hillcrest Bruce Mission on March 26 at 11:00 AM and one at the City Building on April 11 at 3:00 PM.

An update has been posted on the City's website regarding the 29th Street Project.

"How Can We Help" version 2.0 is being utilized by the public. The City has received 67 reports - 58 of which have been resolved; 7 are in progress; and 2 have been delayed for weather. The City is continuing to work through any issues or "bugs" in the program.

The Central Park Tennis Courts are scheduled to be completed mid-April.

PUBLIC PARTICIPATION

Don Maxwell, 2701 Forest Avenue, appeared before the Commission to request a stop sign be installed on Railroad Alley (Mayo Plaza) at its intersection with 25th Street. Mr. Maxwell also request daily maintenance for the potholes on Belmont Street and 29th Street.

Girl Scout Troop 1100 made a presentation to the Commission regarding recycling.

OLD BUSINESS
SECOND READING & FINAL ADOPTION

ORDINANCE NO. 44, 2018

AN ORDINANCE OF THE CITY OF ASHLAND, KENTUCKY, ADOPTING AND ENACTING SUPPLEMENTS S-64, S-65, S-66 AND S-67 TO THE CODE OF ORDINANCES OF THE CITY OF ASHLAND.

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WHEREAS, American Legal Publishing Corporation of Cincinnati, Ohio has completed the S-64, S-65, S-66 and S-67 supplements to the Code of Ordinances of the City of Ashland, which supplements contain all ordinances of a general nature enacted since the prior supplement to the Code of Ordinances of this municipality, and

WHEREAS, American Legal Publishing Corporation has recommended the revision or addition of certain sections of the Code of Ordinances which are based on or make references to sections of the Kentucky Revised Statutes, and

REGULAR MEETING MARCH 22, 2018
ORDINANCE NO. 44, 2018 CONTINUED

WHEREAS, it is the desire of the Board of City Commissioners to adopt updated sections of the City Code as adopted by Ordinance No. 142, 2000 in accordance with the changes of the law of the Commonwealth of Kentucky;

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

SECTION 1. That the S-64, S-65, S-66 and S-67 Supplements to the Code of Ordinances of the City of Ashland, as submitted by American Legal Publishing Corporation (formerly Burlington Publishing Systems-proposal authorized by Ordinance No. 133, 1997), be and the same are hereby adopted by reference as if set out in full.

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

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

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

/s/STEPHEN E. GILMORE
MAYOR

ATTEST:

/s/SUSAN W. MADDIX
CITY CLERK

ADOPTED BY THE BOARD OF COMMISSIONERS: March 8, 2018
READOPTED BY THE BOARD OF COMMISSIONERS: March 22, 2018
PUBLISHED:

MOTION

Motion was made by Clark, seconded by Gute, to adopt Ordinance No. 44, 2018, at this its second reading. Upon roll call, voting aye were Commissioners Clark, Gute, Perkins, Steen and Mayor Gilmore. Nay – none. Motion passed.

SECOND READING & FINAL ADOPTION

ORDINANCE NO. 45, 2018

AN ORDINANCE OF THE CITY OF ASHLAND, KENTUCKY, AUTHORIZING AND DIRECTING STEPHEN E. GILMORE, MAYOR, TO EXECUTE A CONTRACT WITH BRENNTAG MID-SOUTH, INC. FOR THE PURCHASE OF LIQUID CHLORINE AT A PRICE OF $480.00 PER TON, LIQUID CAUSTIC SODA AT A PRICE OF $1.08 PER GALLON, SODIUM HYPOCHLORITE AT A PRICE OF $.78 PER GALLON AND SULFUR DIOXIDE AT A PRICE OF $665.00 PER TON FOR THE DEPARTMENT OF ENGINEERING AND UTILITIES, DIVISIONS OF WATER PRODUCTION AND WASTEWATER TREATMENT.

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BE IT ORDAINED BY THE CITY OF ASHLAND, KENTUCKY:

REGULAR MEETING MARCH 22, 2018
ORDINANCE NO. 45, 2018 CONTINUED

SECTION 1. That Stephen E. Gilmore, Mayor, be and he is hereby authorized and directed to execute a contract between the City of Ashland, Kentucky and Brenntag Mid-South, Inc., P. O. Box 20, Henderson, KY, for the purchase of liquid chlorine, liquid caustic soda, sodium hypochlorite and sulfur dioxide in accordance with the bid of the company in an amount not to exceed those set forth in the attached contract. A copy of said contract is attached hereto and made a part hereof by reference.

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

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

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

/s/STEPHEN E. GILMORE
MAYOR

ATTEST:

/s/SUSAN W. MADDIX
CITY CLERK

ADOPTED BY THE BOARD OF COMMISSIONERS: March 8, 2018
READOPTED BY THE BOARD OF COMMISSIONERS: March 22, 2018
PUBLISHED:

MOTION

Motion was made by Gute, seconded by Steen, to adopt Ordinance No. 45, 2018, at this its second reading. Upon roll call, voting aye were Commissioners Clark, Gute, Perkins, Steen and Mayor Gilmore. Nay – none. Motion passed.

SECOND READING & FINAL ADOPTION

ORDINANCE NO. 46, 2018

AN ORDINANCE OF THE CITY OF ASHLAND, KENTUCKY, AUTHORIZING AND DIRECTING STEPHEN E. GILMORE, MAYOR, TO EXECUTE A CONTRACT WITH CHEMTRADE CHEMICALS US, LLC FOR THE PURCHASE OF POLY-ALUMINUM CHLORIDE (PAC) AT A UNIT PRICE OF $1.360 PER GALLON FOR THE DEPARTMENT OF ENGINEERING AND UTILITIES, DIVISIONS OF WASTEWATER TREATMENT AND WATER PRODUCTION.

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BE IT ORDAINED BY THE CITY OF ASHLAND, KENTUCKY:

SECTION 1. That Stephen E. Gilmore, Mayor, be and he is hereby authorized and directed to execute a contract between the City of Ashland, Kentucky and Chemtrade Chemicals US, LLC, 90 E. Halsey Road, Parsippany, NJ, for the purchase of poly-aluminum chloride (PAC) in accordance with the bid of the company in an amount not to exceed those set forth in the attached contract. A copy of said contract is attached hereto and made a part hereof by reference.

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

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

REGULAR MEETING MARCH 22, 2018
ORDINANCE NO. 46, 2018 CONTINUED

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

/s/STEPHEN E. GILMORE
MAYOR

ATTEST:

/s/SUSAN W. MADDIX
CITY CLERK

ADOPTED BY THE BOARD OF COMMISSIONERS: March 8, 2018
READOPTED BY THE BOARD OF COMMISSIONERS: March 22, 2018
PUBLISHED:

MOTION

Motion was made by Clark, seconded by Gute, to adopt Ordinance No. 46, 2018, at this its second reading. Upon roll call, voting aye were Commissioners Clark, Gute, Perkins, Steen and Mayor Gilmore. Nay – none. Motion passed.

SECOND READING & FINAL ADOPTION

ORDINANCE NO. 47, 2018

AN ORDINANCE OF THE CITY OF ASHLAND, KENTUCKY, AUTHORIZING AND DIRECTING STEPHEN E. GILMORE, MAYOR, TO EXECUTE A CONTRACT WITH C. I. THORNBURG COMPANY, INC. FOR THE PURCHASE OF SAND AT A UNIT PRICE OF $0.18 PER POUND FOR THE DEPARTMENT OF ENGINEERING AND UTILITIES, DIVISIONS OF WASTEWATER TREATMENT AND WATER PRODUCTION.

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BE IT ORDAINED BY THE CITY OF ASHLAND, KENTUCKY:

SECTION 1. That Stephen E. Gilmore, Mayor, be and he is hereby authorized and directed to execute a contract between the City of Ashland, Kentucky and C. I. Thornburg Company, Inc., P. O. Box 2163, Huntington, WV, for the purchase of sand in accordance with the bid of the company in an amount not to exceed those prices set forth in the attached contract. A copy of said contract is attached hereto and made a part hereof by reference.

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

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

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

/s/STEPHEN E. GILMORE
MAYOR

ATTEST:

/s/SUSAN W. MADDIX
CITY CLERK

REGULAR MEETING MARCH 22, 2018
ORDINANCE NO. 47, 2018 CONTINUED

ADOPTED BY THE BOARD OF COMMISSIONERS: March 8, 2018
READOPTED BY THE BOARD OF COMMISSIONERS: March 22, 2018
PUBLISHED:

MOTION

Motion was made by Gute, seconded by Perkins, to adopt Ordinance No. 47, 2018, at this its second reading. Upon roll call, voting aye were Commissioners Clark, Gute, Perkins, Steen and Mayor Gilmore. Nay – none. Motion passed.

SECOND READING & FINAL ADOPTION

ORDINANCE NO. 48, 2018

AN ORDINANCE OF THE CITY OF ASHLAND, KENTUCKY, AUTHORIZING AND DIRECTING STEPHEN E. GILMORE, MAYOR, TO EXECUTE A CONTRACT WITH POLYDYNE, INC. FOR THE PURCHASE OF LIQUID POLYMER AT THE WATER TREATMENT PLANT AT A PRICE OF $9.890 PER GALLON, LIQUID POLYMER AT THE WASTEWATER TREATMENT PLANT AT A PRICE OF $10.148 PER GALLON, AND POLYMER CATIONIC AT A PRICE OF $1.550 PER POUND FOR THE DEPARTMENT OF ENGINEERING AND UTILITIES, DIVISIONS OF WASTEWATER TREATMENT AND WATER PRODUCTION.

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BE IT ORDAINED BY THE CITY OF ASHLAND, KENTUCKY:

SECTION 1. That Stephen E. Gilmore, Mayor, be and he is hereby authorized and directed to execute a contract between the City of Ashland, Kentucky and Polydyne, Inc., One Chemical Plant Road, Riceboro, GA, for the purchase of liquid polymer and polymer cationic in accordance with the bid of the company in an amount not to exceed those set forth in the attached contract. A copy of said contract is attached hereto and made a part hereof by reference.

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

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

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

/s/STEPHEN E. GILMORE
MAYOR

ATTEST:

/s/SUSAN W. MADDIX
CITY CLERK

ADOPTED BY THE BOARD OF COMMISSIONERS: March 8, 2018
READOPTED BY THE BOARD OF COMMISSIONERS: March 22, 2018
PUBLISHED:

REGULAR MEETING MARCH 22, 2018
ORDINANCE NO. 48, 2018 CONTINUED

MOTION

Motion was made by Gute, seconded by Clark, to adopt Ordinance No. 48, 2018, at this its second reading. Upon roll call, voting aye were Commissioners Clark, Gute, Perkins, Steen and Mayor Gilmore. Nay – none. Motion passed.

SECOND READING & FINAL ADOPTION

ORDINANCE NO. 49, 2018

AN ORDINANCE OF THE CITY OF ASHLAND, KENTUCKY, AUTHORIZING AND DIRECTING STEPHEN E. GILMORE, MAYOR, TO EXECUTE A CONTRACT WITH S4 WATER SALES AND SERVICE, LLC FOR THE PURCHASE OF POWDERED ACTIVATED CARBON AT A UNIT PRICE OF $.95 PER POUND AND HYDROFLUOSILICIC ACID AT A PRICE OF $2.880 PER GALLON FOR THE DEPARTMENT OF ENGINEERING AND UTILITIES, DIVISIONS OF WASTEWATER TREATMENT AND WATER PRODUCTION.

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BE IT ORDAINED BY THE CITY OF ASHLAND, KENTUCKY:

SECTION 1. That Stephen E. Gilmore, Mayor, be and he is hereby authorized and directed to execute a contract between the City of Ashland, Kentucky and S4 Water Sales and Service, LLC, 160 Vanderbilt Court, Bowling Green, KY, for the purchase of powdered activated carbon and hydrofluosilicic acid in accordance with the bid of the company in an amount not to exceed those set forth in the attached contract. A copy of said contract is attached hereto and made a part hereof by reference.

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

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

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

/s/STEPHEN E. GILMORE
MAYOR

ATTEST:

/s/SUSAN W. MADDIX
CITY CLERK

ADOPTED BY THE BOARD OF COMMISSIONERS: March 8, 2018
READOPTED BY THE BOARD OF COMMISSIONERS: March 22, 2018
PUBLISHED:

MOTION

Motion was made by Clark, seconded by Gute, to adopt Ordinance No. 49, 2018, at this its second reading. Upon roll call, voting aye were Commissioners Clark, Gute, Perkins, Steen and Mayor Gilmore. Nay – none. Motion passed.

REGULAR MEETING MARCH 22, 2018
ORDINANCE NO. 50, 2018

SECOND READING & FINAL ADOPTION

ORDINANCE NO. 50, 2018

AN ORDINANCE OF THE CITY OF ASHLAND, KENTUCKY, AUTHORIZING AND DIRECTING STEPHEN E. GILMORE, MAYOR, TO EXECUTE A CONTRACT WITH UNIVAR USA, INC. FOR THE PURCHASE OF LIQUID SODIUM PERMANGANATE AT A PRICE OF $7.8848 PER GALLON AND POTASSIUM PERMANGANATE AT A PRICE OF $2.00 PER POUND FOR THE DEPARTMENT OF ENGINEERING AND UTILITIES, DIVISIONS OF WASTEWATER TREATMENT AND WATER PRODUCTION.

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BE IT ORDAINED BY THE CITY OF ASHLAND, KENTUCKY:

SECTION 1. That Stephen E. Gilmore, Mayor, be and he is hereby authorized and directed to execute a contract between the City of Ashland, Kentucky and Univar USA, Inc., 4600 Dues Drive, Cincinnati, OH, for the purchase of liquid sodium permanganate and potassium permanganate in accordance with the bid of the company in an amount not to exceed those set forth in the attached contract. A copy of said contract is attached hereto and made a part hereof by reference.

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

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

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

/s/STEPHEN E. GILMORE
MAYOR

ATTEST:

/s/SUSAN W. MADDIX
CITY CLERK

ADOPTED BY THE BOARD OF COMMISSIONERS: March 8, 2018
READOPTED BY THE BOARD OF COMMISSIONERS: March 22, 2018
PUBLISHED:

MOTION

Motion was made by Clark, seconded by Perkins, to adopt Ordinance No. 50, 2018, at this its second reading. Upon roll call, voting aye were Commissioners Clark, Gute, Perkins, Steen and Mayor Gilmore. Nay – none. Motion passed.

REGULAR MEETING MARCH 22, 2018
ORDINANCE NO. 51, 2018

SECOND READING & FINAL ADOPTION

ORDINANCE NO. 51, 2018

AN ORDINANCE OF THE CITY OF ASHLAND, KENTUCKY, AUTHORIZING AND DIRECTING STEPHEN E. GILMORE, MAYOR, TO EXECUTE A CONTRACT WITH USALCO, LLC FOR THE PURCHASE OF ALUMINUM SULFATE AT A PRICE OF $0.8769 PER GALLON FOR THE DEPARTMENT OF ENGINEERING & UTILITIES, DIVISIONS OF WATER PRODUCTION AND WASTEWATER TREATMENT.

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BE IT ORDAINED BY THE CITY OF ASHLAND, KENTUCKY:

SECTION 1. That Stephen E. Gilmore, Mayor, be and he is hereby authorized and directed to execute a contract between the City of Ashland, Kentucky and USALCO, LLC, 2601 Cannery Avenue, Baltimore, MD, for the purchase of aluminum sulfate for the Department of Engineering & Utilities, Divisions of Water Production and Wastewater Treatment, in accordance with the bid of the company in an amount not to exceed those set forth in the attached contract. A copy of said contract is attached hereto and made a part hereof by reference.

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

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

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

/s/STEPHEN E. GILMORE
MAYOR

ATTEST:

/s/SUSAN W. MADDIX
CITY CLERK

ADOPTED BY THE BOARD OF COMMISSIONERS: March 8, 2018
READOPTED BY THE BOARD OF COMMISSIONERS: March 22, 2018
PUBLISHED:

MOTION

Motion was made by Gute, seconded by Steen, to adopt Ordinance No. 51, 2018, at this its second reading. Upon roll call, voting aye were Commissioners Clark, Gute, Perkins, Steen and Mayor Gilmore. Nay – none. Motion passed.

REGULAR MEETING MARCH 22, 2018
ORDINANCE NO. 52, 2018

SECOND READING & FINAL ADOPTION

ORDINANCE NO. 52, 2018

AN ORDINANCE OF THE CITY OF ASHLAND, KENTUCKY, AUTHORIZING AND DIRECTING STEPHEN E. GILMORE, MAYOR, TO EXECUTE TASK ORDER 2018-01 BETWEEN THE CITY OF ASHLAND, KENTUCKY AND HDR ENGINEERING, INC. REGARDING THE PHASE 2 STORMWATER MS4 COMPLIANCE REPORT IN THE AMOUNT OF $3,100.00.

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BE IT ORDAINED BY THE CITY OF ASHLAND, KENTUCKY:

SECTION 1. That Stephen E. Gilmore, Mayor, be and he is hereby authorized and directed to execute Task Order 2018-01 between the City of Ashland, Kentucky and HDR Engineering, Inc. regarding the Phase 2 Stormwater MS4 Compliance Report in the amount of $3,100.00. The $3,100.00 does not include trips to Ashland to obtain information and interview staff. A copy of said Task Order is attached hereto and made a part hereof by reference.

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

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

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

/s/STEPHEN E. GILMORE
MAYOR

ATTEST:

/s/SUSAN W. MADDIX
CITY CLERK

ADOPTED BY THE BOARD OF COMMISSIONERS: March 8, 2018
READOPTED BY THE BOARD OF COMMISSIONERS: March 22, 2018
PUBLISHED:

MOTION

Motion was made by Clark, seconded by Gute, to adopt Ordinance No. 52, 2018, at this its second reading. Upon roll call, voting aye were Commissioners Clark, Gute, Perkins, Steen and Mayor Gilmore. Nay – none. Motion passed.

REGULAR MEETING MARCH 22, 2018
ORDINANCE NO. 53, 2018

SECOND READING & FINAL ADOPTION

ORDINANCE NO. 53, 2018

AN ORDINANCE OF THE CITY OF ASHLAND, KENTUCKY, AUTHORIZING AND APPROVING CHANGE ORDER NO. 2 BETWEEN THE CITY OF ASHLAND, KENTUCKY AND ENGINEERING ASSOCIATES, PSC REGARDING THEIR PROPOSALS FOR DRAFTING AND DESIGN WORK COMPLETED IN THREE PHASES FOR THE NEW WATER DISTRIBUTION AND SEWER MAINTENANCE FACILITIES LOCATED AT MILL STREET AND 28TH STREET BY INCREASING THE AMENDED PROPOSAL IN THE AMOUNT OF $2,670.00 FOR THE DRAFTING OF A REVISED SITE PLAN FOR THE DEPARTMENT OF ENGINEERING AND UTILITIES, DIVISIONS OF WATER DISTRIBUTION AND WASTEWATER COLLECTION.

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BE IT ORDAINED BY THE CITY OF ASHLAND, KENTUCKY:

SECTION 1. That Change Order No. 2 to the Proposal authorized by Ordinance No. 60, 2016 and the AMENDED Proposal authorized by Ordinance No. 101, 2016, between the City of Ashland, Kentucky and Engineering Associates, PSC for the drafting and design work completed in three (3) phases for the new Water Distribution and Sewer Maintenance Facilities located at Mill Street and 28th Street is hereby approved as follows:

Change Order No. 2	
Amended Proposal Phase II Price	28,480.00
Previous Change Orders	25,430.00
Net **Increase**/Decrease of this Change Order	2,670.00
NEW PHASE II TOTAL	**$56,580.00**

A true copy of Change Order No. 2 is attached hereto and made a part hereof by reference.

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

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

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

/s/STEPHEN E. GILMORE
MAYOR

ATTEST:

/s/SUSAN W. MADDIX
CITY CLERK

ADOPTED BY THE BOARD OF COMMISSIONERS: March 8, 2018
READOPTED BY THE BOARD OF COMMISSIONERS: March 22, 2018
PUBLISHED:

REGULAR MEETING MARCH 22, 2018
ORDINANCE NO. 53, 2018 CONTINUED

MOTION

Motion was made by Gute, seconded by Clark, to adopt Ordinance No. 53, 2018, at this its second reading. Upon roll call, voting aye were Commissioners Clark, Gute, Perkins, Steen and Mayor Gilmore. Nay – none. Motion passed.

SECOND READING & FINAL ADOPTION

ORDINANCE NO. 54, 2018

AN ORDINANCE OF THE CITY OF ASHLAND, KENTUCKY, AUTHORIZING AND DIRECTING STEPHEN E. GILMORE, MAYOR, TO EXECUTE AN AMENDMENT TO THE AGREEMENT BETWEEN THE KENTUCKY TRANSPORTATION CABINET AND THE CITY OF ASHLAND FOR THE ASHLAND SAFE ROUTES TO SCHOOL FEDERAL PROJECT FOR THE DEPARTMENT OF ENGINEERING AND UTILITIES EXTENDING THE PROJECT TO JUNE 30, 2018.

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BE IT ORDAINED BY THE CITY OF ASHLAND, KENTUCKY:

SECTION 1. That Stephen E. Gilmore, Mayor of the City of Ashland, Kentucky, be and is hereby authorized to execute an Amendment (PO2-628-1500002940) to the Agreement adopted by Ordinance No. 7, Series of 2015, between the Commonwealth of Kentucky Transportation Cabinet and the City of Ashland, Kentucky, for the Ashland Safe Routes to School for the Department of Engineering and Utilities extending the contract to June 30, 2018. A copy of said amendment is attached hereto and made a part hereof by reference.

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

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

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

/s/STEPHEN E. GILMORE
MAYOR

ATTEST:

/s/SUSAN W. MADDIX
CITY CLERK

ADOPTED BY THE BOARD OF COMMISSIONERS: March 8, 2018
READOPTED BY THE BOARD OF COMMISSIONERS: March 22, 2018
PUBLISHED:

MOTION

Motion was made by Gute, seconded by Clark, to adopt Ordinance No. 54, 2018, at this its second reading. Upon roll call, voting aye were Commissioners Clark, Gute, Perkins, Steen and Mayor Gilmore. Nay – none. Motion passed.

REGULAR MEETING MARCH 22, 2018
ORDINANCE NO. 55, 2018

SECOND READING & FINAL ADOPTION

ORDINANCE NO. 55, 2018

AN ORDINANCE OF THE CITY OF ASHLAND, KENTUCKY, AUTHORIZING AND DIRECTING STEPHEN E. GILMORE, MAYOR, TO EXECUTE A FIVE-YEAR EXTENSION TO THE HOUSING ASSISTANCE PAYMENTS CONTRACT BETWEEN THE CITY OF ASHLAND, KENTUCKY AND HARBOR HILL, LLLP REGARDING THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT PROJECT-BASED ASSISTANCE HOUSING CHOICE VOUCHER PROGRAM FOR THE DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT ADOPTED BY ORDINANCE NO. 104, SERIES OF 2009.

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BE IT ORDAINED BY THE CITY OF ASHLAND, KENTUCKY:

SECTION 1. That Stephen E. Gilmore, Mayor, be and he is hereby authorized and directed to execute a five-year extension to the Housing Assistance Payments Contract between the City of Ashland, Kentucky and Harbor Hill, LLLP regarding the U.S. Department of Housing and Urban Development, Office of Public and Indian Housing, Project-Based Assistance, Housing Choice Voucher Program for the Department of Community and Economic Development. This is for the Harbor Hill 34 project-based vouchers to serve domestic violence victims. Said contract amends the contract previously adopted by Ordinance No. 104, Series of 2009. A copy of said contract extension is attached hereto and made a part hereof by reference.

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

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

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

/s/STEPHEN E. GILMORE
MAYOR

ATTEST:

/s/SUSAN W. MADDIX
CITY CLERK

ADOPTED BY THE BOARD OF COMMISSIONERS: March 8, 2018
READOPTED BY THE BOARD OF COMMISSIONERS: March 22, 2018
PUBLISHED:

MOTION

Motion was made by Gute, seconded by Clark, to adopt Ordinance No. 55, 2018, at this its second reading. Upon roll call, voting aye were Commissioners Clark, Gute, Steen and Mayor Gilmore. Nay – none. Abstain – Commissioner Perkins. Motion passed.

REGULAR MEETING MARCH 22, 2018
ORDINANCE NO. 56, 2018

SECOND READING & FINAL ADOPTION

ORDINANCE NO. 56, 2018

AN ORDINANCE OF THE CITY OF ASHLAND, KENTUCKY, AUTHORIZING AND APPROVING CHANGE ORDER NO. 1 BETWEEN THE CITY OF ASHLAND, KENTUCKY AND MORRIS CONTRACTING INCREASING THE CONTRACT AMOUNT BY $15,180.00 FOR A CONTRACT REGARDING THE DEBORD TERRACE CONCRETE AND HANDRAIL PROJECT FOR THE DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT THROUGH THE HOUSING AND URBAN DEVELOPMENT (HUD) COMMUNITY DEVELOPMENT BLOCK GRANT.

* * * * * * * * * *

BE IT ORDAINED BY THE CITY OF ASHLAND, KENTUCKY:

SECTION 1. That Change Order No. 1 in the contract authorized by Ordinance No. 15, 2018 between the City of Ashland, Kentucky and Morris Contracting for the Debord Terrace Concrete and Handrail Project is hereby approved as follows:

Change Order No. 1	
Original Contract Price	$218,642.00
Previous Change Orders	0.00
Contract Price prior to this Change Order	218,642.00
Net **Increase**/Decrease of this Change Order	15,180.00
Contract Price with all approved Change Orders	$233,822.00

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

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

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

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

/s/STEPHEN E. GILMORE
MAYOR

ATTEST:

/s/SUSAN W. MADDIX
CITY CLERK

ADOPTED BY THE BOARD OF COMMISSIONERS: March 8, 2018
READOPTED BY THE BOARD OF COMMISSIONERS: March 22, 2018
PUBLISHED:

MOTION

Motion was made by Gute, seconded by Clark, to adopt Ordinance No. 56, 2018, at this its second reading. Upon roll call, voting aye were Commissioners Clark, Gute, Steen and Mayor Gilmore. Nay – none. Abstain – Commissioner Perkins. Motion passed.

REGULAR MEETING MARCH 22, 2018
ORDINANCE NO. 57, 2018

SECOND READING & FINAL ADOPTION

ORDINANCE NO. 57, 2018

AN ORDINANCE OF THE CITY OF ASHLAND, KENTUCKY, AUTHORIZING AND DIRECTING STEPHEN E. GILMORE, MAYOR, TO EXECUTE AN AGREEMENT BETWEEN THE CITY OF ASHLAND, KENTUCKY AND BOYD COUNTY SANITATION DISTRICT NO. 4 AND REPEALING ORDINANCE NO. 102, SERIES OF 2009.

* * * * * * * * * * * * * * *

BE IT ORDAINED BY THE CITY OF ASHLAND, KENTUCKY:

SECTION 1. That Stephen E. Gilmore, Mayor, be and he is hereby authorized and directed to execute an agreement between the City of Ashland, Kentucky and Boyd County Sanitation District No. 4. A copy of said agreement is attached hereto and made a part hereof by reference.

SECTION 2. That Ordinance No. 102, Series of 2009 and any and all other ordinances and parts of ordinances in conflict herewith, to the extent of such conflict only, are hereby repealed.

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

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

/s/STEPHEN E. GILMORE
MAYOR

ATTEST:

/s/SUSAN W. MADDIX
CITY CLERK

ADOPTED BY THE BOARD OF COMMISSIONERS: March 8, 2018
READOPTED BY THE BOARD OF COMMISSIONERS: March 22, 2018
PUBLISHED:

MOTION

Motion was made by Clark, seconded by Gute, to adopt Ordinance No. 57, 2018, at this its second reading. Upon roll call, voting aye were Commissioners Clark, Gute, Perkins, Steen and Mayor Gilmore. Nay – none. Motion passed.

SECOND READING & FINAL ADOPTION

ORDINANCE NO. 58, 2018

AN ORDINANCE OF THE CITY OF ASHLAND, KENTUCKY, ADOPTING THE HOUSING CHOICE VOUCHER PROGRAM 2018 ANNUAL AND ADMINISTRATIVE PLAN FOR THE CITY OF ASHLAND, DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT, DIVISION OF ASSISTED HOUSING (SECTION 8).

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REGULAR MEETING MARCH 22, 2018
ORDINANCE NO. 58, 2018 CONTINUED

BE IT ORDAINED BY THE CITY OF ASHLAND, KENTUCKY:

SECTION 1. That the City of Ashland, Department of Community and Economic Development, Division of Assisted Housing (Section 8) 2018 Housing Choice Voucher Program Annual Plan and Administrative Plan is hereby adopted by the Board of Commissioners of the City of Ashland, Kentucky. Said 2018 Annual and Administrative Plan is attached hereto and made a part hereof by reference.

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

SECTION 3. SEVERABILITY CLAUSE. It shall be considered that it is the intent of the City of Ashland, in enacting this ordinance, that if any part of it be held unconstitutional the remaining parts shall remain in force, unless the ordinance provides otherwise, or unless the remaining parts are so essentially and inseparably connected with and dependent upon the unconstitutional part that it is apparent that the City would not have enacted the remaining parts without the unconstitutional part, or unless the remaining parts, standing alone, are incomplete and incapable of being executed in accordance with the intent of the City of Ashland.

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

SECTION 5. It is hereby authorized that publication of this ordinance be in summary form.

/s/STEPHEN E. GILMORE
MAYOR

ATTEST:

/s/SUSAN W. MADDIX
CITY CLERK

ADOPTED BY THE BOARD OF COMMISSIONERS: March 8, 2018
READOPTED BY THE BOARD OF COMMISSIONERS: March 22, 2018
PUBLISHED:

MOTION

Motion was made by Clark, seconded by Gute, to adopt Ordinance No. 58, 2018, at this its second reading. Upon roll call, voting aye were Commissioners Clark, Gute, Steen and Mayor Gilmore. Nay – none. Abstain – Commissioner Perkins. Motion passed.

SECOND READING & FINAL ADOPTION

ORDINANCE NO. 59, 2018

AN ORDINANCE OF THE CITY OF ASHLAND, KENTUCKY ADOPTING THE COMPREHENSIVE REGULATIONS FOR THE LICENSING AND OPERATION OF ESTABLISHMENTS FOR THE SALE OF ALCOHOLIC BEVERAGES WITHIN THE CITY AND PROVIDING FOR THE RESPONSIBILITES OF THE CITY ALCOHOLIC BEVERAGE CONTROL ADMINISTRATOR, REPEALING ORDINANCE NO. 110, SERIES OF 2013, AND ANY AMENDMENTS THERETO.

* * * *

REGULAR MEETING MARCH 22, 2018
ORDINANCE NO. 59, 2018 CONTINUED

WHEREAS, there was a local option election held in four precincts in the City, Wright, Moore, Ginn and Herbst, in October, 1980 which resulted in a favorable vote for the limited sale of alcoholic beverages within those precincts under the provisions of KRS 242.1292, and

WHEREAS, in 1989 the Boyd County Board of Elections merged the boundaries of the Herbst and Ginn precincts into the Herbst-Ginn Precinct, and the Board of City Commissioners amended the alcohol control ordinance to effect that merger, and

WHEREAS, in 2001, the Boyd County Board of Elections merged the Herbst-Ginn Precinct with the Wright Precinct, creating the Central Precinct, it is the desire of this Board of City Commissioners to amend its alcohol ordinance to effect this change, and

WHEREAS, in 2007, the Boyd County voters voted in favor of alcohol by the drink at restaurants with a seating capacity of 100 that derive 70% of their gross receipts from food. Licenses, therefore for such restaurants shall be available in Ashland at locations zoned for restaurants, 60 days from the date the election results were certified, and

WHEREAS, a local option election was held for the limited sale precincts in the City, Central and Moore Precincts on February 26, 2013 which resulted in a favorable vote for the sale of alcoholic beverages on Sundays, and

WHEREAS, on June 25, 2013 the Commonwealth of Kentucky passed legislation which significantly changed license types, application process and fees, and

WHEREAS, on March 30, 2017, the Commonwealth of Kentucky passed legislation to amend KRS 243.0341 allowing a city with a population of 20,000 or more to adopt an ordinance for 50 seat restaurants if that City already has 100 seat restaurants through a local option election, and

WHEREAS, on June 29, 2017, legislative changes became effective which requires the City of Ashland to make changes to the comprehensive alcohol ordinance accordingly, and

WHEREAS, on January 23, 2018, a special alcohol election was held in the Carp Precinct in Ashland which resulted in a favorable vote for the limited sale of alcoholic beverages within that precinct under the provisions of KRS 242.1292;

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

SECTION 1. SHORT TITLE.

This Ordinance shall be known and may be cited as the "Alcoholic Beverage Control Ordinance" of the City of Ashland ("City").

SECTION 2. DEFINITIONS.

Words used throughout this Ordinance, unless the context requires otherwise, shall have the same definitions as set out in the Kentucky Alcoholic Beverage Control Laws (Chapters 241, 242, 243 and 244 of Kentucky Revised Statutes) of the Commonwealth of Kentucky, and all amendments and supplements thereto.

SECTION 3. SCOPE.

Irrespective of title or headings, the sections of this ordinance shall be construed to apply to the traffic in both malt beverages and distilled spirits and wine where the context permits such application.

Nothing in this Ordinance shall excuse or relieve a licensee or the agent or employee of any licensee located within the City, from the restrictions, requirements and penalties of any other Ordinance of the City or of any Statute of the Commonwealth of Kentucky relating to violations pertaining to alcoholic beverages.

SECTION 4. ADOPTION OF STATE ALCOHOLIC BEVERAGE CONTROL LAW.

The provisions of the Alcoholic Beverage Control Laws of the Commonwealth of Kentucky (Chapters 241, 242, 243 and 244 of Kentucky Revised Statutes) and all amendments and supplements thereto, are adopted so far as applicable to this Ordinance, except as otherwise lawfully provided herein.

SECTION 5. CITY ALCOHOLIC BEVERAGE CONTROL ADMINISTRATOR - APPOINTMENT; SALARY.

(a) The City Manager shall, consistent with the provisions of KRS 83A.150 (7) (b) and KRS 241.170, appoint a City Alcoholic Beverage Control Administrator ("City Administrator") subject to approval of the Board of City Commissioners of the City of Ashland ("Board of Commissioners").

(b) The salary for said office shall be fixed from time to time by the Board of Commissioners.

(c) The functions of the City Administrator shall be the same with respect to City licenses and regulations, as the functions of the Alcoholic Beverage Control Board of the Commonwealth of Kentucky ("ABC Board") with respect to state licenses and regulations. No regulation of the City shall become effective until it has first been approved by the Board of Commissioners, and no such regulation shall be less stringent than the applicable statute or regulation of the ABC Board.

SECTION 6. OATH; ETHICS.

(a) The City Administrator before entering upon his/her duties as such, shall take the oath as prescribed in Section 228 of the Constitution and shall be bound by the same ethical requirements prescribed in KRS Chapter 11A.

LICENSES

SECTION 7. LICENSES.

As used in this section related to licensees within the limited sale precincts: "restaurant" means a facility where the usual and customary business is the preparation and serving of meals to consumers, that has a bona fide kitchen facility, and that receives at least fifty (50%) of its food and alcoholic beverage receipts from the sale of food at the premises and has dining facilities for not less than fifty (50) persons.

"hotel" means a hotel, motel or inn which can demonstrate to the City Administrator that the gross sales of the restaurant located within such hotel from the sale of food for consumption on the premises is not less than fifty percent (50%) of the total of gross sales of such licensed restaurant for the annual period and has dining facilities of not less than fifty (50) persons.

The City Administrator shall review the licensee's records and monthly returns required under Section 25 to determine if the licensee has met this definition to permit renewal of such license.

In no event shall a license for renewal be issued for any restaurant or any dining facility in a hotel, unless the applicant can demonstrate to the Administrator that gross receipts of the restaurant or the dining facility from the sale of food for consumption on the premises is reasonably estimated to be not less than fifty percent (50%) of the total gross receipts of such restaurant or dining facility for the license period and has dining facilities for not less than fifty (50) persons.

Pursuant to the provisions of KRS 242.1292(6) in each limited sale precinct the following licenses are provided for:

(a) **Central**

Five (5) licenses permitting the **package** sale of alcoholic beverages at retail.

Eleven (11) licenses permitting the sale **by the drink** for consumption by the general public on the premises of a restaurant or a hotel/motel or inn.

(b) **Moore Precinct**

Four (4) licenses permitting the **package** sale of alcoholic beverages at retail.

Eleven (11) licenses permitting the sale **by the drink** for consumption by the general public on the premises of a restaurant or a hotel/motel or inn.

(c) **Carp**

Three (3) licenses permitting the **package** sale of alcoholic beverages at retail.

Four (4) licenses permitting the sale **by the drink** for consumption by the general public on the premises of a restaurant or a hotel/motel or inn.

The licenses listed above shall be otherwise consistent with the qualifications and requirements of the Kentucky Revised Statutes.

Licenses issued permitting the sale by the drink for consumption by the general public on the premises shall be granted only to a hotel with not less than fifty (50) sleeping units and having dining facilities for not less than fifty (50) persons or to bona fide restaurants open to the general public having dining facilities for not less than fifty (50) persons.

(c) Pursuant to KRS 242.1292(6)(b) special private club licenses to sell alcoholic beverages by the drink for consumption on the premises may be granted to any non-profit, social, fraternal, military or political organization or club established and maintained for the benefit of members only, and which otherwise meet the criteria set out in KRS 243.270.

(1) Membership qualifications shall be consistent with their national organization, and a policy for courtesy membership or any temporary membership privilege will not be tolerated. The existence of such a membership policy shall be a violation of this Ordinance.

(2) Should membership qualifications be altered the club making such change shall furnish a copy of the proposed alteration within ten (10) days to the City Administrator. Failure to furnish such change shall constitute a violation.

(3) Clubs licensed to sell alcoholic beverages will provide to the City Administrator a list of its officers and notify the City Administrator of any change thereto. Club officers for the licensing year shall not have been convicted of any felony within the past five years or two misdemeanors or offenses directly or indirectly attributable to the use of intoxicating liquors within the past two years.

(d) Other licenses permitted under KRS 243.030 and KRS 243.040 in the limited sale precincts which KRS 243.070 permits the City to impose fees for the privilege of such license may be issued by the City Administrator.

(e) By the drink licenses at restaurants and dining facilities which seat a minimum of fifty (50) persons and derive a minimum of seventy percent (70%) of their gross receipts from the sale of food, permitted at any location within the City that is zoned for such commercial purpose.

REGULAR MEETING MARCH 22, 2018
ORDINANCE NO. 59, 2018 CONTINUED

The City Administrator shall review the licensee's records and monthly returns required under Section 25 to determine of the licensee has met this definition to permit renewal of such license.

In no event shall a license for renewal be issued for any restaurant or dining facility in a hotel, motel or inn unless the applicant can demonstrate to the Administrator that gross receipts of the restaurant or the dining facility from the sale of food for consumption on the premises is reasonably estimated to be not less than seventy percent (70%) of the total gross receipts of such restaurant or dining facility for the licensee period and has dining facilities for not less than fifty (50) persons.

(f) While KRS 244.330 permits one bar, counter or similar contrivance in any licensed premise under a single retail drink license, due to modern business practices and the large interior areas of some licenses, it may be necessary to provide more than one bar within a licensed premise to effectively serve the patrons at such premises. A supplemental bar may be allowed to a licensee, if such licensee can show the City Administrator the need for such supplemental bar and upon payment of an additional fee. A supplemental bar license may be issued to a licensee upon a showing to the City Administrator of good cause and need for the supplemental license, and upon payment of a fee equivalent to the amount of the annual license fee paid by the licensee. This supplemental license may only be issued for the use on the premises for which the applicant's existing license was issued.

Additional service bars are permitted as provided under KRS 244.330 not in rooms in which members or guests or patrons of the place shall be permitted to come and no distilled spirits or wine shall be served at service bars.

(g) Entertainment. Any licensee under this section desiring to provide entertainment to patrons of such licensed premise must first obtain a separate entertainment license by application to the City Administrator under this section in the form approved by the City Manager or his designee.

(1) Term of such license shall be concurrent with the retail drink license.
(2) Fee for such license shall be one hundred dollars ($100.00).
(3) This license shall be subject to the same sanctions as the retail drink license.

The purpose of this section is to provide City review of the type of such entertainment to promote the public health, safety, morals and welfare, and such licenses will not be unreasonably withheld, but periodic review will occur to protect those interests of the community set out herein.

SECTION 8. ADDITIONAL PRECINCT VOTE.

In the event additional precincts located within the City vote wet through the process established in KRS 242.1292 the Board of City Commissioners shall set the number of licenses to sell alcoholic beverages therein.

SECTION 9. APPLICATION.

(a) Any applicant shall have the notice of intention to apply for a license to sell alcoholic beverage placed in a newspaper meeting the requirements of KRS Chapter 424.

The advertisement shall state the name and addresses of the members of the partnership if the applicant is a partnership, as well as the name of the business and its address, or, if the applicant is a corporation, the names and addresses of the principal officers and directors of the corporation, as well as the name and addresses of the corporation itself, the location of the premises for which the license is sought, and the type of license to be applied for.

The applicant shall attach to the application a newspaper clipping of the advertisement and proof of the publication as provided in KRS 424.170.

(b) All licenses granted under this Ordinance shall be approved by the City Administrator. Applications for the issuance of new licenses and for renewals of existing licenses shall be in writing and upon the forms provided by the State ABC Department and/or the City Administrator as amended and supplemented from time to time.

The application shall be verified and shall set forth in detail such information concerning the applicant and the premises for which the license is sought as State Statute and ABC Board by regulation requires. The City application shall be in such form as designated by the City Administrator. Each application shall be accompanied by a certified check, cash or a postal or express money order for the license fee. Promptly upon receipt thereof the City Administrator shall pay the same to the City Finance Department. The furnishing of false information on an application hereunder shall constitute cause for denial or revocation of a license.

SECTION 10. INVESTIGATION OF APPLICANTS.

Applications made pursuant to KRS 243.380 and KRS 243.390 shall first be submitted to the City Administrator for review and action prior to submission to the State. Applications shall be fully compliant with cited statutes including all supportive documentation and fees submitted therewith.

Should the City Administrator at any time have reasonable grounds to believe that any employee of a licensee, or any stockholder, agent or employee of a licensed corporation, has a criminal record, he shall have the authority to require such person to appear in person, with proper photo identification (military identification card, passport, drivers license) at the police department of the City for the purpose of having his or her fingerprints taken.

No license application will be approved for any person, firm or corporation who is delinquent in payment of accounts with the City, including but not limited to property taxes, water bills, business privilege and net profit fees, occupational taxes, and outstanding loan payments to any City entity.

The City may require such additional information regarding the applicant as it deems appropriate, considering the nature of the business, including review of past payment history, credit information and criminal record, and may conduct an appropriate investigation regarding the information provided by an applicant to assist the City Administrator in his/her review thereof.

SECTION 11. PERSONS WHO MAY NOT BE LICENSED.

(a) No person shall become a licensee who:

(1) Has been convicted of any felony until five (5) years have passed from the date of conviction, release from custody or incarceration, parole, or termination of probation, whichever is later;

(2) Has been convicted of any misdemeanor involving a controlled substance that is described in or classified pursuant to KRS Chapter 218A in the two (2) years immediately preceding application;

(3) Has been convicted of any misdemeanor directly or indirectly attributable to the use of alcoholic beverages in the two (2) years immediately preceding the application;

(4) Is under the age of twenty-one (21) years;

(5) Has had any license relating to the regulation of the manufacture, sale, and transportation of alcoholic beverages revoked for cause or has been convicted of a violation of any statute within KRS Chapters 241 to 244, until the expiration of two (2) years from the date of revocation, or

(6) Is not a citizen of the United States and has not had an actual, bona fide residence in this state for at least one (1) year before the date on which the application for a license is made. This subsection shall not apply to applicants for manufacturers' licenses, to applicants that are corporations authorized to do business in this state, or to persons licensed on March 7, 1938.

(b) A partnership, limited partnership, limited liability company, or corporation shall not be licensed if:

(1) Each principal owner, partner, member, officer, and director does not qualify under subsection (1) (a), (b), (c), (d) and (e) of this section;

(2) It has had any license relating to the regulation of the manufacture, sale, and transportation of alcoholic beverages revoked for cause or has been convicted of a violation of any statute within KRS Chapters 241 to 244, until the expiration of two (2) years from the date of revocation or conviction; or

(3) Any principal owner, partner, member, officer, or director, or any business entity in which they were directly or indirectly interest, has had any license revoked for cause or has been convicted of a violation of any statute within KRS Chapters 241 to 244, until the expiration of the later of two (2) years from the date of the revocation or conviction.

(c) The provisions of this section shall apply to anyone applying for a new license under this ordinance, but shall not apply to those who renew a license or for a supplemental license where the original license was issued prior to the adoption of this ordinance.

(d) A person shall not evade license disqualification by applying for a license through or under the name of a different person. The state administrators shall examine the ownership, membership, and management of all license applicants, and shall deny the application if a disqualified person has a direct or indirect interest in the applicant's business. The department may issue administrative subpoenas and summonses to determine ownership of an applicant or to investigate alleged violations by a licensee.

SECTION 12. REFUSAL OF LICENSE.

A City license shall be refused:

(a) If the applicant or the premises for which the license is sought does not comply fully with all alcoholic beverage control statutes, the regulations of the ABC Board, and the provisions of this Ordinance relative to the regulations of the manufacture, sale and transportation of alcoholic beverages, and all regulations of the City Administrator.

(b) If the applicant has not obtained approval from the City Administrator for a license required at the proposed premises.

(c) If the applicant has done any act for which a revocation of license would be authorized; or

(d) If the applicant has made any false material statement in his application.

A license (new issuance, transfer or renewal) may be refused by the City Administrator for any reason which he/she, in the exercise of his/her sound discretion, may deem sufficient. The City Administrator must notify the applicant in writing of the denial and reason for denial by registered or certified mail.

Among some of those factors that the City Administrator shall consider in the exercise of his/her discretion are: public sentiment in the area; number of licensed outlets in the area; potential for future growth; type of area involved; type of transportation available; financial potential of the area; and applicant's status as a delinquent taxpayer as defined in KRS 131.1815.

SECTION 13. HEARING.

Should the applicant or licensee request the City Administrator to hold a hearing, the general practice procedures found in the Kentucky Rules of Civil Procedure shall apply as shall the following:

(a) Appearances. Any applicant or licensee may appear and be heard in person, or by or with duly appointed attorney, and may produce under oath evidence relative and material to matters before the board.

(b) Briefs. Briefs may be filed at the option of the applicant or licensee or at the request of the City Administrator.

(c) Rules of Evidence. The rules of evidence governing civil proceedings in courts in the Commonwealth of Kentucky shall govern hearings before the City Administrator; provided however, that the hearing officer may relax such rules to the degree in his/her judgment, the ends of justice will be served by doing so.

(d) Subpoenas. The City Administrator shall have subpoena power for such hearings and shall issue same at request of the applicant made with names and addresses of those desired to be subpoenaed.

(e) Transcript. Upon request in advance, in writing, and at the cost of the applicant or licensee the hearing may be transcribed.

(f) Decisions. All decisions made by the City Administrator resulting from such hearing shall be reduced to writing and shall be based upon the evidence developed at the hearing, and applicable law.

SECTION 14. ISSUANCE OF CITY LICENSE.

The City Administrator shall transmit fees upon collection to the City Finance Department. City Licenses shall be issued by the City Administrator upon receipt of notice from the ABC Board Administrator of the finality of appeal or protest permitted upon such license pursuant to the provisions of KRS 241.200; KRS 243.360, et seq.

SECTION 15. FORM OF LICENSES.

All City licenses shall be in such form as may be prescribed by the City Manager or his designee and shall contain:

(a) The name and address of the licensee;

(b) The number of the license;

(c) The type of the license;

(d) A description by street and number, or otherwise, of the licensed premises;

(e) The expiration date of the license; and

(f) A statement in substance that the license shall not be a property or vested right and that it may be revoked at any time pursuant to law.

Each kind of license shall be printed so as to be readily distinguishable from the other kinds.

SECTION 16. POSTING OF LICENSES.

Before commencing or doing any business for the time for which a license has been issued, the license shall be posted at all times and displayed in a conspicuous place in the room or principle room where the business is carried on, so that all persons visiting the place may readily see the license. Licenses listed in this Ordinance shall be enclosed in a wood or metal frame enclosing a clear glass space so that the whole of the license may be seen.

No licensee shall post or permit to be posted, upon premises other than the licensed premises or upon premises where traffic in alcoholic beverages is being carried on by any person other than the licensee, or knowingly deface, destroy or alter the license in any respect.

SECTION 17. ANNUAL FEES.

Pursuant to the provisions of KRS 243.070 the City annual license fees shall be the maximum amounts permitted by KRS 243.030 and 243.040 with the exception that a wholesaler's annual license fee shall be $400.00.

In order to engage in sale or trafficking of alcoholic beverages in the City, a party must be a license holder of one or a combination of the licenses required hereunder.

SECTION 18. PAYMENT OF LICENSE FEES.

The license fee and/or regulatory tax for every license issued under this Ordinance shall be payable by the person making application for such license and/or licensee, and no other person, firm or corporation shall pay for any license issued under this Ordinance. In addition to all other penalties provided in this Ordinance, a violation of this section shall authorize and require the revocation of the license, and also the revocation of the license, if any, of the person, firm or corporation so paying for the license and/or tax of another.

SECTION 19. EXPIRATION DATE; DATE FEES DUE; FRACTIONAL FEES.

(a) All City licenses shall expire on June 30 of each year. The renewal by the City Administrator of the license shall not be construed to be a waiver or condonement of any violation which occurred prior to such renewal and shall not prevent subsequent proceedings against the license therefore.

(b) Application for a license made after July 1 of any year, shall result in a charge, if the license is issued, of an amount equal to one-twelfth of the annual license fee for each calendar month or part thereof, including the month in which the license is granted, until the following July 1, except that no license issued shall be charged for a shorter period than six (6) months. No abatement of license fees shall be permitted to any person who held a license of the same kind for the same premises in the preceding license period and who was actually doing business under the license during the last month of the preceding license period.

SECTION 20. REFUND OF LICENSE FEES.

Should any licensee under this Ordinance be prohibited from conducting said business for the full period covered by the license because of any changes that may hereafter be made in the laws of the State of Kentucky with reference to alcoholic beverages or other cause outside licensee's control then the City shall refund to it the proportionate part of the license fee for the period during which it is prevented from carrying on said business if the licensee provides sufficient proof to the City Administrator that such period of inactivity was not the fault of the licensee or the result of a revocation, suspension or other wrong doing by licensee or agent or employee of the licensee.

SECTION 21. LOST OR DESTROYED LICENSES.

When a license shall be lost or destroyed without fault on the part of the licensee or his agent or employee, a duplicate in lieu of the original license shall be issued by the City Administrator after he/she shall be satisfied as to the facts, provided, however, that the person applying for said duplicate license shall pay a fee of ten dollars ($10.00) for issuing said duplicate.

SECTION 22. REVOCATION OR SUSPENSION.

(a) Any license may be revoked or suspended by the City Administrator if the licensee shall have violated any of the provisions of Kentucky Revised Statutes Chapters 241, 243 or 244, or any rule or regulation of the ABC Board or of the department of revenue relating to the regulation of the manufacture, sale and transportation or taxation of alcoholic beverages or if such licensee shall have violated or shall violate any act of congress or any rule or regulation of any federal board, agency or commission, or any provision of this Ordinance now, heretofore, or hereafter in effect relating to the regulation of the manufacture, sale and transportation or taxation of intoxicating liquors or any rules or regulations of the City heretofore in existence or authorized by the terms of Kentucky Revised Statutes Chapters 241, 243 and 244 to be created, or if any clerk, agent, servant, or employee of any licensee shall violate any of the laws, regulations or ordinances above referred to, irrespective of whether the licensee knew of or permitted the violation or whether the violation was committed in disobedience of his instructions, or any such license may be revoked or suspended for any cause which the City Administrator in the exercise of his sound discretion deems sufficient. A license may be revoked or suspended for any of the reasons for which the City Administrator would have been required to refuse a license if the facts had been known.

(b) Any license may be revoked or suspended for the following causes:

(1) Conviction of the licensee or his agent or employee for selling any illegal beverages on the licensed premises;

(2) Making any false, material statements in an application for a license or supplemental license;

(3) Violation of the provisions of Section 18;

(4) Conviction of the licensee or any of his clerks, servants, agents or employees of two (2) violations or misdemeanors directly or indirectly attributable to the manufacture, sale, transportation, or use of alcoholic beverages within two (2) consecutive years;

(5) Any felony;

(6) Willful and deliberate failure or default of a licensee to pay an excise tax or any part thereof, or any penalties imposed by or under the provisions of any statutes, Sections 17, 25 or 32 of this ordinance or acts of congress relative to taxation, or for a violation of any rules or regulations of the Department of Revenue made in pursuance thereof.

(7) Revocation of any license or permit provided in KRS 243.060, 243.070, 243.600 and 243.610 or granted under any act of congress relative to the regulation of the manufacture, sale and transportation of alcoholic beverages. Any license issued must be revoked or suspended if the licensee sells the alcoholic beverages at a price in excess of the price set by federal or state regulations.

(8) Setting up, conducting, operating or keeping, on the licensed premises, any gambling game, device, machine, contrivance, lottery, gift enterprise, handbook, or facility for betting or transmitting bets on horse races; or permitting to be set up, conducted, operated, kept, or engaged in, on the licensed premises, any such game, device, machine, contrivance, lottery, gift enterprise, handbook or facility. This section shall not apply to contests in which eligibility to participate is determined by chance and the ultimate winner is determined by skill and the licensee has no direct interest, or to the sale of lottery tickets sold under the provision of KRS Chapter 154A.

(9) Conviction of the licensee, his agents, servants, or employees for:

(i) The sale or use upon the licensed premises of those items described in KRS 218A.050 through 218A.130 as controlled substances;

(ii) Knowingly permitting the sale or use by patrons upon the licensed premises of those items described in KRS 218A.050 through 218A.130 as controlled substances;

(iii) Knowingly receiving stolen property upon the licensed premise.

SECTION 23. NOTICE TO LICENSEE; SURRENDER OF LICENSE; STOCK; HEARING.

(a) The City Administrator shall furnish to licensee a copy of this Ordinance at the time the City license is issued and a receipt for same shall be executed by the licensee. Any changes or amendments to same shall be forwarded to licensee at address on the license. Failure to receive or review such changes or amendments or review the Ordinance shall not be an excuse or justification for any violation or prevent, remit or decrease any penalty for a violation.

(b) All restrictions and prohibitions relating to retail package and drink licenses under this Ordinance and KRS Chapter 241, 242, 243, 244 and rules and regulations promulgated by the ABC Board shall have application to the club licenses.

(c) Within three (3) days after any order of revocation of a license becomes final, notice of revocation shall be given to the licensee and to the owner of the licensed premises. A notice mailed to the licensee and to the owner of the licensed premises at the address shown in the last application for a license or in the last statement supplemental to the application shall be deemed sufficient compliance with this section. The licensee shall at once surrender his license to the City Administrator. If the revoked license is not forthwith surrendered by the licensee, the Chief of the Police at the request of the City Administrator shall immediately cause one of his officers to take physical possession of the license and return it to the City Administrator.

(d) When a license has been revoked the former licensee may, with prior approval of the City Administrator dispose of and transfer his stock of alcoholic beverages to a licensee, but such a disposition of stock on hand shall not be delayed longer than ninety (90) days in the case of wholesalers or distributors nor longer than twenty (20) days in the case of retailers.

(e) Hearings conducted by the City Administrator relating to suspension or revocation shall be conducted in the manner prescribed in Section 9. Notice of such hearing shall be mailed to licensee at the address on his application by pre-paid certified mail return receipt requested. Notice shall set the time and place for such hearing and contain charges of violations.

(f) Appeal from the decision of the City Administrator shall be to the ABC Board.

(g) If a license is revoked or suspended by an order of the City Administrator, the licensee shall at once suspend all operations authorized under his license.

SECTION 24. TRANSFER OR ASSIGNMENT.

No license issued under this Ordinance shall be transferred or assigned either as to licensee or location except with prior approval of the City Administrator.

Such applicant or location proposed for transfer or assignment must meet the same requirements and/or criteria applicable to the respective licensee in issue.

SECTION 25. REGULATORY LICENSE FEE.

(a) A regulatory license fee will be imposed on the gross receipts of sale of alcoholic beverages of each license issued under Section 7. This rate will be set and adopted by Ordinance during each budget period. The rate is based upon the reasonable estimate compiled by the affected City departments of the costs involved in regulation, administration or policing of this Ordinance. When the Board of Commissioners adopts its annual budget each year the percentage rate being charged shall be reviewed to insure full reimbursement to the City for the cost of any additional policing, regulatory or administrative expenses related to the sale of alcoholic beverages, and the fee charged hereunder may be raised or lowered based upon the cost of the City to regulate and police the sale of alcoholic beverages. Such fee shall be in addition to any other tax, fee or license permitted by law, but a credit against such fee shall be allowed in an amount equal to the license or fee imposed under Section 17 and such regulatory fee shall be applied annually from July 1 to June 30.

(b) Payment of such fee shall accompany the tax returns approved for such use by the City Manager or his designee and shall be submitted to the City Administrator by the 20th day of each month for the preceding month's sales one-twelfth (1/12) of the fee required under Section 17 shall be deducted each month as credit.

(c) Failure to pay such monthly remittance within ten (10) days of the due date shall constitute a violation and subject the offending licensee to suspension or revocation.

(d) Penalty for the failure to file a return and/or to pay monthly remittance by its due date is five percent (5%) of the tax owed for each thirty days or fraction thereof. The total late filing penalty shall not exceed twenty five percent (25%) of the tax, provided, however, that in no case shall the penalty be less than $10.00.

(e) Interest at the rate of eight percent (8%) per annum shall be applied to any late payments.

SECTION 26. CHANGE OF INFORMATION.

(a) Since a number of licenses issued with the City are in the name of a corporation, it is necessary that stock ownership changes in such corporation be reported to the City Administrator. The City Administrator can therefore, investigate the person to whom the stock is transferred in order to ascertain whether that person is precluded by statute from holding an interest in an alcoholic beverage license.

(b) As used herein, the word "change" is construed to include any change in directors or officers of the corporation, or a change in ownership of stock whereby any person secure ten percent (10%) of the outstanding stock. Transfer of more than ten percent (10%) of the total stock shall require a new license.

(c) The following information will be required concerning any new director, officer, or person who secures any interest in an alcoholic beverage license:

(1) Name and address.

(2) Nature of interest.

(3) Whether or not a citizen of the United States.

(4) Date of birth.

(5) Date residence was established in Kentucky, if a resident of Kentucky. If Ashland resident, indicate when residence established.

(6) Whether or not he has any interest in any other license or corporation holding a license under this act.

(7) Extent of stock ownership.

This information shall be filed with the City Administrator as an amendment of the application pursuant to which the license was granted, and shall be provided to the City Administrator within thirty (30) days of the effective date of the reflected change.

SECTION 27. DORMANCY.

(a) Since under the provisions of KRS 242.1292 and Section 7 of this Ordinance a limited number of licenses exists in any limited sale precincts, it is necessary that a licensee actually conduct the business authorized by such a license or else the license will be declared dormant and become null and void after ninety (90) days. Such is the intent of this section. Realizing that a licensee, like any other business, may have his business interrupted by situations not under his control, various exceptions to the dormancy rule have been included in this section.

(b) Any license under which no business is transacted during a period of ninety (90) days shall become null and void. At the expiration of the ninety (90) day period the license shall be surrendered to the City Administrator.

(c) Except that the provisions of subsection (a) hereof shall not apply to any licensee who is unable to continue in business at the premises for which a license is issued due to construction, an act of God, casualty, death, the acquisition of the premises by any federal, state, city or other governmental agency under power of eminent domain, acquisition is voluntary or involuntary, or loss of lease through failure of landlord to renew existing lease. Such licensee shall furnish to the City Administrator a verified statement setting forth the fact that the licensee is unable to continue in business prior to the expiration of the ninety (90) days of inactivity, for any of the reasons set forth herein, and the City Administrator may grant an extension of the dormancy with the license continuing to remain in effect during the license period or until same is transferred to another premises, notwithstanding the fact that no business is transacted during said period; provided, however, no such license shall be considered valid unless business is conducted there under within twelve (12) months from the date of notice to the City Administrator. Such extension may not extend beyond the renewal date but may be for such times as the City Administrator deems appropriate in exercise of his sound discretion.

(d) All renewal of licenses must be on file with the City Administrator within thirty (30) days after the expiration of the licenses for the preceding license period or the same shall be canceled, except where the licensee is unable to continue in business at the same premises licensed during the preceding license period due to construction, an act of God, casualty, death, the
acquisition or threatened acquisition of these premises by any federal, state, city or other governmental agency or private corporation, possessing power of eminent domain, whether such acquisition is voluntary or involuntary, or loss of lease through failure of landlord to renew existing lease; that said licensee shall file a written verified statement no less than twenty (20) days from the expiration date of the license, setting forth these facts, and the City Administrator is hereby authorized to extend the time for filing of a renewal of such license for a reasonable length of time within the sound discretion of the City Administrator; provided, however, such licensee shall pay a license fee from the expiration date of the former license or licenses. Said license fee shall not be payable until application is made for the transfer of said license to a new location.

PREMISES

SECTION 28. APPROVAL OF PREMISES.

The City Administrator shall not grant any alcoholic beverage license or approve a renewal of a license until said applicant and his place of business shall have been approved by the county health department, city building inspector, city and/or state fire Marshal and all other inspections required by the Kentucky Building Code.

SECTION 29. PREMISES THAT MAY NOT BE LICENSED.

(a) No license for the sale of alcoholic beverages shall be issued for any premises unless the applicant for the license is the owner of the premises or is in possession of the premises under a written lease for a term of not less than the license period.

(b) No premises shall be licensed for the sale of alcoholic beverages at retail except where the licensed premises and the entrance to the premises are on the street level and located in a business center or on a main thoroughfare.

This subsection shall not apply to a hotel, club or restaurant, provided the club or restaurant received a minimum of 50 percent (50%) of its income from the sale of food and has a minimum seating capacity of fifty (50) people at tables. In the class of cases described in this paragraph the administrator to whom the application is made may, in the exercise of his/her sound discretion, decide whether the premises are to be licensed.

SECTION 30. APPLICATION OF ZONING REGULATIONS.

(a) For the purpose of regulating the location of retail package or retail drink licenses in the City the various zones or districts as fixed and established by the Ashland Planning and Zoning Ordinance and the zoning map adopted thereby, as the same may from time to time be amended, are hereby adopted as part of this Ordinance.

(b) No license shall be issued to any person, firm or corporation for selling at retail or wholesale any alcoholic beverages at any premises or location where such business is prohibited under the zoning ordinances or any other ordinance of the City. Any license issued in violation of this subsection shall be void. Provided, however, that any person, firm or corporation, who or which held a City license for, and actually carried on there under, said business during or within the last month of the preceding license period may be granted a similar license by the City Administrator for the same business at the same premises or location.

SECTION 31. DISORDERLY PREMISE.

No person licensed to sell alcoholic beverages at retail shall cause, suffer, or permit the licensed premises to become disorderly. Acts which constitute disorderly premises consist of permitting patrons to cause public inconvenience, annoyance or alarm, or wantonly creating a risk through, fighting, violent, tumultuous or threatening behavior or making unreasonable noise; or refusing to obey an official order to disperse issued to maintain public safety in dangerous proximity to a fire, hazard or other emergency; or creating a hazardous or physically offensive condition by any act that serves no legitimate purpose. In the course of any one day of operation of a licensed premise should multiple violations of the ordinance or other statutes or ordinances of a public disorder nature, e.g. disturbing the peace, be reported and investigated by the City Police Department, such reoccurrence shall be reported to the City Administrator by the Chief of Police. The City Administrator shall in the interest of public health, safety, morals and welfare direct the Chief of Police to temporarily suspend the license in question for the remaining hours of the day in question by locking the premises after dispersing the patrons. The temporary suspension shall remain in effect until review of the alleged violations by the City Administrator, such review shall occur on the next business day.

SECTION 32. DELINQUENT TAXES.

No license to sell alcoholic beverages shall be granted to any person, firm, or corporation who or which is delinquent in the payment of any taxes due to the City at the time of issuing said license; nor shall any license be granted to sell upon any premises or property, owned and/or occupied by the licensee, upon which there are any delinquent taxes due to the City whether owed by the licensee or other third party.

SECTION 33. BOOKS, RECORDS AND REPORTS.

(a) Every licensee under this Ordinance shall keep and maintain upon the licensed premises adequate books and records of all transactions involved in the sale of alcoholic beverages in the same manner required by the rules and regulations of the ABC Board. Such books and records shall be available at all reasonable times for inspection by the City Administrator and such City employees or agents who may assist the City Administrator in his review.

(b) For the purpose of assisting the City Administrator in enforcement of this Ordinance, every licensee required to report to the Revenue Cabinet under KRS 243.850 shall provide a copy of such report to the City Administrator. Copies of any and all reports and correspondences to the ABC Board required by Statute shall be furnished to the City Administrator.

SECTION 34. ENFORCEMENT.

The City Administrator shall have concurrent jurisdiction with the City Police Officers, state alcoholic beverage control administrators and field representatives to enforce the provisions of this ordinance and Kentucky Revised Statutes, Chapters 241, 242, 243, 244 and applicable KARs.

SECTION 35. HOURS FOR THE SALE AND DELIVERY.

(a) Restaurant/By the Drink and malt beverage licensed premises may remain open for business daily from 9:00 a.m. until 2:00 a.m. prevailing time, Monday through Saturday and shall have their "last call for drinks" at 1:30 a.m., except that no sale of alcoholic beverages may be made from 2:00 a.m. on Sunday until 1:00 p.m. on Sunday or when prohibited by state statute. Sunday operating hours shall be from 1:00 p.m. to 1:00 a.m. on Monday and, shall have their "last call for drinks" at 12:30 a.m. on Monday. Licensed premises may be open outside of the hours stated herein so long as the licensee secures the alcoholic beverages in a locked manner denying access to customers.

(b) Premises licensed permitting the package sale at retail may operate for business daily from 9:00 a.m. until Midnight, prevailing time, Monday through Saturday and from 1:00 p.m. to 11:00 p.m. on Sunday.

(c) All deliveries of alcoholic beverages in the City shall be made between the hours of 6:00 a.m. and Midnight. No deliveries shall occur on Sunday.

SECTION 36. LOCKED OR CLOSED OFF DEPARTMENT.

If a licensee provides on his/her licensed premises a separate department in which is kept all stocks of alcoholic beverages and all apparatus connected with the sale of alcoholic beverages, and said department is kept locked during the period in which the sale of alcoholic beverages is not permitted, he/she shall be deemed to have complied with Section 35 of this ordinance.

If any distilled spirits or malt beverages are found on the outside of a locked or closed off department of any licensed premises to sell distilled spirits, wine or malt beverages at retail at any hours during which the licensee is prohibited by the Kentucky Revised Statutes or by this Ordinance from selling said distilled spirits, wine or malt beverages, a prima facie presumption shall arise that such distilled spirits, wine or malt beverages were kept on the outside of the locked or closed off department for the purpose of sale in violation of this Ordinance and/or Kentucky Revised Statute and shall be grounds for revocation or suspension of the license, and in addition to other penalties provided for violation of this section the City Administrator or Ashland Police Department shall be and are hereby authorized to confiscate such distilled spirits, wine or malt beverages.

SECTION 37. ADVERTISING.

(a) Licensees may advertise or cause to be advertised in any manner any product that the licensee is licensed to manufacture or sell unless prohibited by administrative regulations promulgated by the City Administrator.

(b) Advertising shall not be prohibited for the following:

(1) advertising in newspapers, magazines or periodicals having a general circulation;

(2) promotional advertising on radio or television limited to no more than the name of the licensee and the products the licensee is permitted to manufacture or sell;

(3) promotional advertising containing the names of establishments or products displayed on uniforms or equipment of sporting teams;

(4) promotional advertising mailed or delivered to a consumer's residence.

(5) advertising during special civic and charitable events shall be permitted with prior approval by the City Administrator. A Special Event Advertising Form can be obtained from the City Administrator's office and shall be submitted at least five (5) days prior to the event.

(c) It shall be unlawful for a licensee under this ordinance to distribute or cause to be distributed any handbills, circulars or cards as a medium for advertising alcoholic beverages.

(d) All signs must comply with the criteria set forth in the City's Sign Ordinance.

SECTION 38. CONDITIONS, PROHIBITIONS AND RESTRICTIONS.

All licenses granted under this ordinance shall be subject to the following conditions, prohibitions and/or restrictions and all other provisions of KRS Chapters 241, 242, 243 and 244 other ordinances and regulations of the City applicable thereto:

(a) Every licensee hotel and licensee private club shall be entitled to serve such beverages as such licensee is entitled to serve in a separate room or rooms at banquets or dinners or where meals are served; however, no hotel/motel or private club shall maintain or operate or permit to be operated more than one bar or room where alcoholic beverages are sold and which is opened to the general public without first obtaining a separate license for each bar or room which is opened to the general public.

(b) Each licensed premise shall at all times be conducted in an orderly manner and no disorderly, riotous or indecent conduct shall be allowed at any time on any licensed premises and no nuisance suffered, permitted or maintained thereon.

(c) No gambling or game of chance shall be permitted in any form on such licensed premises. Dice, slot machines, or any device of chance is prohibited and shall not be kept on such premises.

(d) It shall be unlawful for any licensee licensed under this Ordinance to have or maintain any radio receiving apparatus on such premises which is intentionally adjusted so as to receive police messages broadcast from the Regional Public Safety Communications Center as it is now or may hereafter be operated. In addition to other penalties provided for the violation of this section, the Chief of Police or the City Administrator shall have the authority to confiscate any and all such radio receiving apparatus.

(e) It shall be unlawful for any licensee under this Ordinance to permit the sale, use and/or storage of controlled substances defined in KRS Chapters 218A.050, 070, 090, 110 and 130 with the exception of possession of properly prescribed medications upon the licensed premises. It shall be unlawful for any licensee, except licensed drug stores, to keep or sell or permit to be sold or used on the licensed premises any narcotic or barbiturate drugs. In addition to other penalties set out in this Ordinance for the violation of this section, the City Administrator shall also have the authority to revoke the license issued to said premises.

(f) The licensee shall be responsible for maintaining security on his premises including providing adequate outside lighting to permit customers to utilize the parking area and to promote the safety, health and welfare of the general public utilizing the licensed premise. Security standards are further necessary to discourage unlawful activity in and around the licensed premises.

(g) No license shall be issued to any person, firm or corporation for the sale at retail of any alcoholic beverage at any store or other place of business where a substantial portion of its business consists of the selling of school books, school supplies, food, lunches or drinks for such minors irrespective of the distance of such store or other place of business from a church, school or hospital.

(h) It shall be unlawful for any licensee under this ordinance who sells alcoholic beverages of any kind, to give away or offer to give away anything tangible of value as a premium or prize, or for any other purpose in connection with the sale of alcoholic beverages.

(i) No licensee or agent or employee of a licensee shall permit any person to become drunk or intoxicated on the premises, nor shall any licensee permit any drunk or intoxicated person to remain on the licensed premises.

(j) No licensee or agent or employee shall permit any person or persons, other than employees of the licensee, to open any bottle of distilled spirits, wine or malt beverages, and no container of distilled spirits, wine or malt beverage shall be opened nor its contents consumed on the licensed premises unless the licensee holds a retail drink license.

(k) As used in this section: "Premises" means the place of business of a person licensed to sell alcoholic beverages including, in the case of drive-in establishments, the entire lot upon which the business establishment is situated.

(i) No person under 21 years of age shall enter any premises licensed for the sale of alcoholic beverages for the purpose of purchasing or receiving any alcoholic beverages.

(ii) No person under 21 years of age shall possess for his or her own use or purchase or attempt to purchase or have another purchase for him or her any alcoholic beverages. No person shall aid or assist any person under 21 years of age in purchasing or having delivered or served to him or her any alcoholic beverages.

(iii) No person under 21 years of age shall misrepresent his or her age for the purpose of inducing any licensee, or other employee of any licensee, to sell or serve any alcoholic beverages to such person.

(iv) No person under 21 years of age shall use or attempt to use any false, fraudulent, or altered identification card or paper or any document to purchase or attempt to purchase or otherwise obtain any alcoholic beverage.

(v) It shall be unlawful for any person under the age of twenty-one (21) years to possess in the City of Ashland, Kentucky, any alcoholic beverages outside of the confines of his, or her, abode or residence. Any alcoholic beverages found in possession of such person shall be seized as contraband.

(l) It shall be the duty of every retail licensee to display at all times in a prominent place a printed card at least eight (8) inches by eleven (11) inches in size which shall show, in thirty (30) point or large type, substantially as follows:

WARNING TO MINORS

Persons under the age of twenty-one (21) are subject to a fine of up to one hundred ($100.00) dollars if they:

1. Enter licensed premises to buy, or have served to them, alcoholic beverages.

2. Possess, purchase or attempt to purchase, or get another to purchase alcoholic beverages.

3. Misrepresent their age for the purpose of purchasing or obtaining alcoholic beverages.

(m) No wholesaler or distributor shall sell any alcoholic beverages to any person in the City for any consideration except under the usual credit or cash terms of the wholesaler or distributor at or before the time of delivery. Nor shall any retail licensee sell to a purchaser for any consideration except for cash at time of purchase.

(n) Persons at least eighteen (18) years of age may stock, arrange displays, accept payment for and sack malt beverages by the package, under the supervision of an adult. Delivery of malt beverages away from the parking area of the licensed premises shall not be performed by any under the age of twenty (20) years.

(o) No licensee shall knowingly or willfully allow in, upon or about his licensed premises lewd, immoral or obscene entertainment, activities or advertising materials.

(p) No malt beverages shall be sold or purchased for consumption on a premise with a carry-out package license. No malt beverages shall be sold or purchased to be carried out of a premise with a restaurant or hotel/motel by-the-drink license.

SECTION 39. EMPLOYEE PROHIBITIONS.

(a) A person holding a license shall not knowingly employ in connection with the licensed business, any person who:

(1) has been convicted of any felony within the last two (2) years;

(2) has twice been convicted of any misdemeanors or offenses directly or indirectly attributable to the use of alcoholic beverages within the last two (2) years;

(3) Is under the age of twenty (20) years, unless the person is employed:

(i) In a bottling house or room of a licensed distiller, winery, brewer or rectifier;

(ii) In an office of a wholesaler or manufacturer that is maintained in a building separate from the warehouses or factory;

(iii) At premises licensed only with a nonquota retail malt beverage package license, and the person employed to sell malt beverages is at least eighteen (18) years of age and under the supervision of a person twenty (20) years of age or older; or

(iv) In any of the following establishments, if the employment is in a capacity that does not involve the sale or serving of alcoholic beverages:

A restaurant that derives at least fifty percent (50%) of its food and alcoholic beverage sales from the sale of good for consumption on the licensed premises; or

Any other establishment with alcoholic beverage sales not exceeding fifty percent (50%) of its gross sales;

(v) Within two (2) years prior to the date of the person's employment, has had any City license issued or any license issued under KRS Chapters 241 to 244 or under any other act or Ordinance relating to the regulation of the manufacture, sale or transportation of alcoholic beverages revoked for cause.

(v) The provisions of paragraph (1) and (2) shall not apply if the employee's duties do not involve the sale, service, delivery or traffic in alcoholic beverages at the licensed premise.

Violation of this subsection shall subject both employer and employee to penalties provided in this Ordinance and shall be cause for revocation of license.

MISCELLANEOUS

SECTION 40. SALES FROM WHOLESALER'S OR DISTRIBUTOR'S PREMISES.

No purchase or pick up shall be made at a licensed wholesaler's or distributor's premise located within a dry precinct of the city. In further restriction to the prohibitions contained in KRS 243.180 such licensee's transaction, sale and/or delivery of the alcoholic beverage must occur at a licensed premise under Section 7 within a limited sale precinct or to another licensed wholesaler or distributor.

SECTION 41. PENALTIES.

In addition to any administrative action taken for violation of this ordinance, criminal prosecution may be instituted in Boyd District Court alleging a violation which may result in penalties as set out in KRS 534.040.

SECTION 42. SEVERABILITY.

Action by a Court of competent jurisdiction declaring any section, subsection, phrase or word of this ordinance to be invalid, unconstitutional and/or void shall not affect the remainder of this Ordinance which shall remain in full force and effect.

SECTION 43. REPEAL

That Ordinance No. 110, Series of 2013, and all amendments thereto, are hereby repealed.

SECTION 44. FORCE AND EFFECT.

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

/s/STEPHEN E. GILMORE
MAYOR

ATTEST:

/s/SUSAN W. MADDIX
CITY CLERK

ADOPTED BY THE BOARD OF COMMISSIONERS: March 8, 2018
READOPTED BY THE BOARD OF COMMISSIONERS: March 22, 2018
PUBLISHED:

REGULAR MEETING MARCH 22, 2018
ORDINANCE NO. 59, 2018 CONTINUED

MOTION

Motion was made by Clark, seconded by Gute, to adopt Ordinance No. 59, 2018, at this its second reading. Upon roll call, voting aye were Commissioners Clark, Gute, Perkins, Steen and Mayor Gilmore. Nay – none. Motion passed.

SECOND READING

ORDINANCE NO. _____, 2018

AN ORDINANCE OF THE CITY OF ASHLAND, KENTUCKY, ESTABLISHING GUIDELINES AND PROCEDURES FOR CONTRIBUTIONS BY THE CITY OF ASHLAND AND REPEALING ORDINANCE NO. 54, SERIES OF 2001.

Ordinance No. , 2018 died for lack of a motion.

CONSENT AGENDA

RESOLUTION NO. 6, 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 **MARCH 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, **March 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

ATTEST:

/s/SUSAN W. MADDIX
CITY CLERK

ADOPTED BY THE BOARD OF COMMISSIONERS: March 22, 2018

MOTION

Motion was made by Gute, seconded by Clark, to adopt Resolution No. 6, 2018. Upon roll call, voting aye were Commissioners Clark, Gute, Perkins, Steen and Mayor Gilmore. Nay – none. Motion passed.

REGULAR MEETING MARCH 22, 2018
CONSENT AGENDA CONTINUED

CONSENT AGENDA ITEMS

1. City Manager recommends approval of the request from Poage Landing Days Festival, Inc. to conduct the Annual Poage Landing Days Festival in Downtown Ashland on September 20 - 23, 2018. This event would block Winchester Avenue from 13th - 18th Street on Thursday/Friday/Sunday, 13th - 19th Street on Saturday and Ramey Street on Friday/Sunday. Activities are to include: Live Music, Car Show, Inflatables, Arts & Crafts, Food Vendors, 5k Run (Route B), Fiddle Fest and Motorcycle Show. The event has an estimated City cost of $10,967.64.

2. City Manager recommends approval to adopt the health insurance benefits cost reduction efforts for all City employees with the exception of union fire employees as recommended by the Insurance Committee. The projected over all savings to the City are $189,170.00. Employee Contributions will be increased $5.00 - $15.00 per pay period.

3. City Manager recommends to award the bid for the purchase of Pipe and Accessories for the Simpson Road Water Main Replacement Project in the amount of $59,085 to The C.I. Thornburg Co., Inc., and approving payment upon acceptance of materials for the Division of Water Distribution, Department of Engineering & Utilities.

4. City Manager recommends permission to pay Tribute Contracting & Consulting for the work completed to widen the storm trench on 29th from Belmont to 600' south in order for Water Distribution to install a waterline in the same trench. Cost to be determined, not to exceed $20,000.

5. Other Consent Items.

NEW BUSINESS
EMERGENCY CLAUSE
FIRST AND SECOND READING AND FINAL ADOPTION

ORDINANCE NO. 60, 2018

AN ORDINANCE OF THE CITY OF ASHLAND, KENTUCKY, ESTABLISHING GUIDELINES AND PROCEDURES FOR CONTRIBUTIONS BY THE CITY OF ASHLAND, REPEALING ORDINANCE NO. 54, SERIES OF 2001, AND DECLARING AN EMERGENCY TO EXIST TO ALLOW TWO READINGS OF THIS ORDINANCE ON THE SAME DAY.

****

WHEREAS, the Board of City Commissioners ("Board") recognizes that various groups and organizations often contribute significantly to the quality of life in our community; and

WHEREAS, the Board will consider funding requests from groups and organizations involved in projects and activities that benefit the community and its citizens; and

WHEREAS, the Board recognizes that establishment of guidelines and a uniform application and review process are necessary to ensure that City funds are spent appropriately;

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

REGULAR MEETING MARCH 22, 2018
ORDINANCE NO. 60, 2018 CONTINUED

SECTION 1. All applicants shall follow the guidelines set forth in Section 2 for the submission of grant applications. The grant applications shall be received by the Department of Community Development and divided into the four (4) categories listed below:

(a) Category 1 – Dues and Fees (e.g. Ashland Alliance, Ashland in Motion, Ashland Regional Airport, FIVCO, Kentucky League of Cities, KYOVA, Office of Emergency Management, Tri-State Airport, etc.)

(b) Category 2 – Programs and Events (e.g. Winter Wonderland of Lights, etc.)

(c) Category 3 – Recreational Contributions (e.g. Summer Motion, Poage Landing Days, etc.)

(d) Category 4 – Other (e.g. Ashland Community and Technical College, Ashland Senior Center, Highlands Museum and Discovery Center, Jesse Stuart Foundation, Paramount Arts Center, Shelter of Hope, The Neighborhood, etc.)

Funding shall be awarded for Categories 2, 3 and 4 based upon the availability of funds.

Category 4 applications shall be submitted by the Department of Community and Economic Development to the Grant Committee for recommendation and approval by the Board.

SECTION 2. GUIDELINES. The following guidelines shall apply to the annual review process of grants to be considered for funding by the City:

(a) Only organizations providing services within the City of Ashland or which directly benefit residents of the City of Ashland shall be eligible to apply.

(b) Requesting organizations shall have tax-exempt status as defined in Section 501(c) of the U.S. Internal Revenue Code; or shall operate in association with a unit of government.

(c) Grant requests shall have the prior approval of the governing board of the requesting organization.

(d) Grant requests shall be for programs/projects/activities that benefit the community, enhance economic development, provide educational opportunities for youth or that enhance the quality of life for residents of the City. The following attachments should be included with the application:

(1) A list of the current board of directors of the applying organization.

(2) If applicable, a copy of the organization's IRS 501(c) letter.

(3) A project budget (expenses and income) with all sources of financial support and expenses committed.

(4) A year-to-date financial statement of the organization and most recent 990 financial report filed with the Internal Revenue Service.

(5) If applicable, a description of non-cash contributions expected from the City to support the program/project/activity for which funding is sought. This shall include an estimate of labor costs, equipment use, utility costs, and other items.

(e) It is not the intent of the City to become either the sole or the majority source of funding for any applicant. Any grant to a project or organization shall be made on a one-time basis and recipients should not assume funding beyond the award for one fiscal year. The City's fiscal year runs from July 1 to June 30.

(f) Applications shall be submitted to the Department of Community and Economic Development by January 15 of each year for processing by the grant committee established by the Board of City Commissioners. For Fiscal Year 2019 requests, applications shall be due March 30. The grant committee shall make its recommendation to the Board of Commissioners by April 1 of each year for funding. For Fiscal Year 2019, the grant committee shall make its recommendation to the Board of Commissioners by April 30. Each member of the Board of City Commissioners shall recommend to the Mayor an individual to be appointed to the Grant Committee and said individual shall not be a member of the Board of any organization applying for City funds, donations and/or grants, nor be a member of the Board of City Commissioners or a City employee.

(g) Applicants will be notified by mail of the outcome of their grant application by May 15 of each fiscal year.

(h) All organizations must be compliant with all City ordinances, rules and regulations and not be delinquent in any financial obligation to the City of Ashland.

(i) Completion reports shall be filed for each grant award with verification as to how the funds were expended, the benefit to the community or enhancement of economic development, and the number of people impacted or served with the grant funding. Failure to submit the completion report with adequate documentation within ninety (90) days of the end of the fiscal year may result in the City asking that the funds be returned and may bar the recipient from future grants.

(j) The City of Ashland shall be recognized as a sponsor of the program/project/activity anytime that the event/program/project/activity is publicized.

(k) Application forms, completion reports, and the guidelines, restrictions, and instructions herein shall be available from the Department of Community and Economic Development.

(l) The Board reserves the right to adjust potential grant awards based on competitive requests, appropriateness of requests, fund availability and other criteria established by the City of Ashland.

(m)The City of Ashland may waive, in its sole discretion, any of the above guidelines.

SECTION 3. FORMS. A copy of the grant application is attached hereto and made a part hereof by reference.

SECTION 4. CITY RECORDS. For each contribution awarded that involves non-cash contributions from the city, the Department of Finance shall maintain a record of labor costs, equipment use, utility costs, and other, related items.

SECTION 5. Review of this ordinance after first reading on March 8, 2018, revealed redundancies. The intent of the Board is to abbreviate the procedures required in order to streamline the process. Due to the March 30, 2018 deadline for submission of applications in order to be reviewed for the budget process and the Board of Commissioners is not scheduled to hold another regular meeting until April 12, 2018, an emergency is hereby declared to exist and the rules requiring this ordinance to be read on two separate days are hereby suspended.

REGULAR MEETING MARCH 22, 2018
ORDINANCE NO. 60, 2018 CONTINUED

SECTION 6. REPEAL. That Ordinance No. 54, Series of 2001, and all other ordinances and parts of ordinance in conflict herewith, to the extent of such conflict only, are hereby repealed.

SECTION 7. EFFECTIVE DATE. This ordinance shall be in full force and effect from and after its adoption and readoption as provided in Section 4 and shall later be published, as required by law.

/s/STEPHEN E. GILMORE
MAYOR

ATTEST:

/s/SUSAN MADDIX
CITY CLERK

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

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.

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 Gute, to adopt Ordinance No. 60, 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, AUTHORIZING AND DIRECTING STEPHEN E. GILMORE, MAYOR, TO EXECUTE A CONTRIBUTION-IN-AID-OF-CONSTRUCTION AGREEMENT FOR ELECTRIC DISTRIBUTION SERVICE BETWEEN THE CITY OF ASHLAND, KENTUCKY, AND KENTUCKY POWER COMPANY FOR THE INSTALLATION OF SEVEN (7) NEW POWER POLES AND A ONE-PHASE TAP FOR NEW SERVICE TO THE LOGTOWN WATER STORAGE TANK AT EAST PARK FOR THE DEPARTMENT OF ENGINEERING AND UTILITIES AT A COST OF $4,708.20.

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 MARCH 22, 2018
ORDINANCE NO. , 2018

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 TRIBUTE CONTRACTING & CONSTRUCTION, LLC FOR THE CONTRACT REGARDING THE 29TH STREET STORM WATER SEPARATION PROJECT INCREASING THE CONTRACT BY $52,860.00 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, Steen and Mayor Gilmore. Nay – none. Motion passed.

FIRST READING AND ADOPTION ONLY

ORDINANCE NO. _____, 2018

AN ORDINANCE OF THE BOARD OF COMMISSIOERS OF THE CITY OF ASHLAND, KENTUCKY, CREATING THE DIVISION OF RECREATION; THE DIVISION OF PARK MAINTENANCE; CREATING THE BOARD OF PARK COMMISSIONERS AND PROVIDING FOR THE APPOITMENT OF THE MEMBERS THEREOF; AND REPEALING ALL PRIOR RECREATION COMMISSIONS AND BOARDS OF PARK COMMISSIONERS, ORDINANCE NO. 27, SERIES OF 1999.

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, AUTHORIZING AND DIRECTING STEPHEN E. GILMORE, MAYOR, TO EXECUTE AN AGREEMENT WITH A & J PROPERTIES FOR THE INSTALLATION OF A WATER LINE EXTENSION OUTSIDE THE CITY LIMITS AT RUCKER MOBILE HOME PARK LOCATED NEAR SUMMIT ROAD AND LITTLE GARNER ROAD.

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.

REGULAR MEETING MARCH 22, 2018
ORDINANCE NO. , 2018

FIRST READING AND ADOPTION ONLY

ORDINANCE NO. _____, 2018

AN ORDINANCE OF THE CITY OF ASHLAND, KENTUCKY, AMENDING SECTION 5 OF ORDINANCE NO. 21, SERIES OF 2012, WHICH IS COMMONLY KNOWN AND REFERRED TO AS THE "SIGN ORDINANCE" REGARDING REGULATIONS ON OUTDOOR ADVERTISING.

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, AUTHORIZING THE RECLASSIFICATION OF THE DIRECTOR OF ENGINEERING AND UTILITES TO THE POSITION OF CITY ENGINEER AND CAPITAL DEVELOPMENT DIRECTOR; AUTHORIZING THE RECLASSIFICATION OF PUBLIC WORKS DIRECTOR TO THE POSITION OF DIRECTOR OF PUBLIC SERVICES AND UTILITIES OPERATIONS; ADOPTING THE REPLACEMENT JOB DESCRIPTIONS FOR ALL POSITIONS IN THE AFFECTED DEPARTMENTS; AND ADOPTING THE REVISED AUTHORIZED POSITIONS LISTING TO REFLECT THIS REORGANIZATION; OF 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, Steen and Mayor Gilmore. Nay – none. Motion passed.

EXECUTIVE SESSION

Motion was made by Clark, seconded by Perkins, to go into Executive Session at 6:36 PM to discuss individual personnel. Upon roll call, voting aye were Commissioners Clark, Gute, Perkins, Steen and Mayor Gilmore. Nay – none. Motion passed.

RECONVENED

The meeting reconvened at 6:45 PM and Mayor Gilmore announced that the only items discussed were individual personnel matters with no final action taken.

REGULAR MEETING MARCH 22, 2018
ADJOURNMENT

ADJOURNMENT

Mayor Gilmore declared the meeting adjourned at 6:45 PM.

STEPHEN E. GILMORE
MAYOR

ATTEST:

SUSAN W. MADDIX
CITY CLERK