REGULAR MEETING
MAY 10, 2018

The Ashland Board of Commissioners met in Regular Session in the Commissioners' Chambers, City Building, Ashland, Kentucky, on Thursday, May 10, 2018, at the hour of 12:00 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, Engineering and Utilities Director; Chris Pullem, Community and Economic Development Director; Tony D. Grubb, Finance Director; Michelle Veach, Assistant Finance Director; Jack Hunter, Acting Director of Public Works; Kandi Hale, Acting Human Resources/Parks & Recreation Director; Michelle Grubb, Finance Department; Lorraine Woolery, Community and Economic Development; 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 April 26, 2018. Motion was made by Perkins, 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.

HEARINGS AND REPORTS

Mayor and City Commissioners' Comments

Commissioner Gute welcomed the audience. He thanked Michelle Grubb and the Parks & Recreation Department staff for their help in a successful National Day of Prayer at the Ashland Transportation Center. He also thanked sponsors King's Daughters' Medical Center and Our Lady of Bellefonte Hospital. Commissioner Gute attended the ribbon cutting and open house for the Governor's Inn Bed and Breakfast.

Commissioner Steen reported the Board received good news in a tourism report indicating a continuous increase over the past five (5) years in tourist spending in Boyd County. Commissioner Steen thanked Sue Dowdy and her staff at the Ashland Convention and Visitors' Bureau.

Commissioner Clark announced the Ashland Tennis Center's "Wing Wars" scheduled for Saturday at 4:00 PM.

Commissioner Perkins congratulated the small businesses nominated and the award winners honored at the Northeast Kentucky Small Business awards breakfast. The Board presented Director Kim Jenkins with a key to the City. Commissioner Perkins thanked those who work hard to make the small business community strong.

Mayor Gilmore presented the following Proclamation to members of the Ashland Police Department:

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

To recognize National Police Week 2018 and to honor the service and sacrifice of those law enforcement officers killed in the line of duty while protecting our communities and safeguarding our democracy.

REGULAR MEETING MAY 10, 2018
HEARINGS AND REPORTS CONTINUED

WHEREAS, there are more than 900,000 law enforcement officers serving in communities across the United States, including the dedicated members of the Ashland Police Department;

WHEREAS, there have been 58,627 assaults against law enforcement officers in 2016, resulting in approximately 16,677 injuries;

WHEREAS, since the first recorded death in 1791, more than 20,000 law enforcement officers in the United States have made the ultimate sacrifice and been killed in the line of duty, including 6 members of the Ashland Police Department Lieutenant Conrad Frank (1910), Patrolmen Charles Hatfield (1919), Doc Lefler (1921), William Johnson (1923), Lon Castle (1925) and James Layne (1937);

WHEREAS, the names of these dedicated public servants are engraved on the walls of the National Law Enforcement Officers Memorial in Washington, D.C.;

WHEREAS, 360 new names of fallen heroes are being added to the National Law Enforcement Officers Memorial this spring, including 129 officers killed in 2017 and 231 officers killed in previous years;

WHEREAS, the service and sacrifice of all officers killed in the line of duty will be honored during the National Law Enforcement Officers Memorial Fund's 30th Annual Candlelight Vigil, on the evening of May 13, 2018;

WHEREAS, the Candlelight Vigil is part of National Police Week, which takes place this year on May 13-19;

WHEREAS, May 15 is designated as Peace Officers Memorial Day, in honor of all fallen officers and their families and U.S. flags should be flown at half-staff;

THEREFORE, BE IT RESOLVED that the City of Ashland formally designates May 13-19, 2018, as Police Week in the City of Ashland, and publicly salutes the service of law enforcement officers in our community and in communities across the nation.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the City of Ashland, Kentucky to be affixed this 10th Day of May 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 Central Park tennis courts will be completed tomorrow or Monday. A ribbon cutting is scheduled for May 16 at 4:00 PM.

"How Can We Help" button has been operational since early February. A total of 101 reports have been recorded with 9 currently open. City Manager Graese encouraged the public to report concerns to the City using this method.

Commissioner Perkins asked City staff to remind any landscaping company getting a business license of the proper disposal of lawn clippings in addition to a reminder in water bills. City ordinance prohibits lawn clippings to be blown out on the street.

REGULAR MEETING MAY 10, 2018
PUBLIC PARTICIPATION

PUBLIC PARTICIPATION

Bernard O'Nan, 2720 Forest Avenue, appeared before the Commission representing the United Way. Mr. O'Nan requested a waiver of the City's fees for the 6th Annual Run Walk and Live United 5K race. The race is held each year on City streets or in Central Park. Mr. O'Nan advised that Alan O'Such is the race director for the event. Mr. O'Nan was advised the City offers a route for races that is free; however, Mr. O'Nan advised the organization did not want to use the free route. The organization also has 25 Jr. ROTC members who have volunteered to help during the race. Mr. O'Nan advised City services would not be needed and that an answer from the Board is needed immediately. Motion was made by Steen, seconded by Gute, to waive the fee for the race using the route requested by the United Way. Upon roll call, voting aye were Commissioners Clark, Gute, Steen and Mayor Gilmore. Nay - none. Abstain – Commissioner Perkins. Motion passed.

Lieutenant Jason Moore and Officer Rob Brunty appeared before the Commission to report on the recent conclusion of the 52nd Annual Ashland School Safety Patrol trip. Lt. Moore advised over 10,000 students have been on the trip and officers are seeing 3rd generation students. 155 students went on the trip this year and Lt. Moore advised no student has ever been turned down due to the inability to pay. Lt. Moore and Officer Brunty thanked the City for the continued support of the program.

Rob Oldham, Founder of Boyd County Addiction Resource Center, appeared before the Commission regarding Recovery Fest which will be held at Central Park on May 26 from 12:00 Noon to 10:00 PM and on May 26 from 12:00 Noon to 8:00 PM. Mr. Oldham thanked the Commission for their support and invited everyone to attend the event.

Molly Hood, 3215 Bath Avenue, appeared before the Commission asking for additional police patrol in the area of Joe Harris Park from 29th to 35th Streets. Police Chief Kelley advised he would make sure his staff was made aware of the need.

OLD BUSINESS
SECOND READING & FINAL ADOPTION

ORDINANCE NO. 73, 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 AND THE ALAN S. RAY AND TINA CAMPBELL REGARDING AN ENCROACHMENT FOR A SIGN AT 1612 BATH AVENUE ON THE CITY'S RIGHT-OF-WAY.

* * * * * * * * * *

BE IT ORDAINED BY THE CITY OF ASHLAND, KENTUCKY:

SECTION 1. That the Ashland Board of City Commissioners hereby authorizes and directs Stephen E. Gilmore, Mayor, to execute an agreement between the City of Ashland and the Alan S. Ray and Tina Campbell regarding an encroachment for a sign at 1612 Bath Avenue which involves using a portion of the City's right-of-way. A copy of said agreement is attached hereto and made a part hereof by reference.

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

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

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

REGULAR MEETING MAY 10, 2018
ORDINANCE NO. 73, 2018 CONTINUED

/s/STEPHEN E. GILMORE
MAYOR

ATTEST:

/s/SUSAN W. MADDIX
CITY CLERK

ADOPTED BY THE BOARD OF COMMISSIONERS: April 26, 2018
READOPTED BY THE BOARD OF COMMISSIONERS: May 10, 2018
PUBLISHED:

MOTION

Motion was made by Clark, seconded by Steen, to adopt Ordinance No. 73, 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. 74, 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 AND DORIS C. MEADE REGARDING A PARKING ENCROACHMENT AT 800 WINCHESTER AVENUE ON THE CITY'S RIGHT-OF-WAY.

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BE IT ORDAINED BY THE CITY OF ASHLAND, KENTUCKY:

SECTION 1. That the Ashland Board of City Commissioners hereby authorizes and directs Stephen E. Gilmore, Mayor, to execute an agreement between the City of Ashland and Doris C. Meade regarding a parking encroachment at 800 Winchester Avenue which involves using a portion of the City's right-of-way. A copy of said agreement is attached hereto and made a part hereof by reference.

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

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

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: April 26, 2018
READOPTED BY THE BOARD OF COMMISSIONERS: May 10, 2018
PUBLISHED:

REGULAR MEETING MAY 10, 2018
ORDINANCE NO. 74, 2018 CONTINUED

MOTION

Motion was made by Gute, seconded by Steen, to adopt Ordinance No. 74, 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. 75, 2018

AN ORDINANCE OF THE CITY OF ASHLAND, KENTUCKY, AUTHORIZING AND APPROVING CHANGE ORDER NO. 2 BETWEEN THE CITY OF ASHLAND, KENTUCKY AND TRI-STATE CONSTRUCTION & ENTERPRISE LLC INCREASING THE CONTRACT AMOUNT BY $24,740.00 AND EXTENDING THE COMPLETION DATE BY FOUR (4) WEEKS IN THE CONTRACT FOR THE CITY OF ASHLAND'S NEW WATER DISTRIBUTION AND WASTEWATER COLLECTION FACILITY.

* * * * * * * * * *

BE IT ORDAINED BY THE CITY OF ASHLAND, KENTUCKY:

SECTION 1. That Change Order No. 2 in the contract authorized by Ordinance No. 77, 2017 between the City of Ashland, Kentucky and Tri-State Construction for a contract regarding the construction of the interior offices, electrical system, HVAC system, fire sprinkler system and other work in the City of Ashland's new Water Distribution and Wastewater Collection facility for the Department of Engineering and Utilities is hereby approved as follows:

Change Order No. 2	
Original Contract Price	$735,886.00
Previous Change Orders	4,768.00
Contract Price prior to this Change Order	740,654.00
Net **Increase**/Decrease of this Change Order	24,740.00
Contract Price with all approved Change Orders	$765,394.00
Additional time for completion of project	4 weeks

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

REGULAR MEETING MAY 10, 2018
ORDINANCE NO. 75, 2018 CONTINUED

ADOPTED BY THE BOARD OF COMMISSIONERS: April 26, 2018
READOPTED BY THE BOARD OF COMMISSIONERS: May 10, 2018
PUBLISHED:

MOTION

Motion was made by Gute, seconded by Perkins, to adopt Ordinance No. 75, 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. 76, 2018

AN ORDINANCE OF THE CITY OF ASHLAND, KENTUCKY, AUTHORIZING THE CREATION OF THE POSITION OF PROGRAMS AND GRANTS SPECIALIST AS A REPLACEMENT FOR THE POSITIONS OF SECRETARY III AND DEVELOPMENT GRANTS ADMINISTRATOR IN THE DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT; ADOPTING THE REVISED JOB DESCRIPTION FOR THE POSITION OF SUPERINTENDENT IN THE DEPARTMENT OF FINANCE, DIVISION OF MASS TRANSIT; AND AMENDING THE AUTHORIZED POSITIONS LISTING OF THE "POLICIES AND PROCEDURES, COMPENSATION PLAN AND CLASSIFICATION PLAN" AS ADOPTED BY ORDINANCE NO. 51, SERIES OF 2017, AS PREVIOUSLY AMENDED.

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BE IT ORDAINED BY THE CITY OF ASHLAND, KENTUCKY:

SECTION 1. That Ordinance No. 51, series of 2017, as previously amended, being an ordinance entitled, "AN ORDINANCE OF THE CITY OF ASHLAND, KENTUCKY, ADOPTING THE POLICIES AND PROCEDURES, COMPENSATION PLAN AND CLASSIFICATION PLAN FOR THE CITY OF ASHLAND, KENTUCKY AND REPEALING ORDINANCE NO. 91, SERIES OF 2011, AND ALL AMENDMENTS THERETO" is hereby amended. The job description for the position of Programs and Grants Specialist in the Department of Community and Economic Development is hereby adopted. The revised job description for the position of Superintendent in the Department of Finance, Division of Mass Transit is hereby adopted. The amended Authorized Positions Listing is hereby adopted. A copy of said amended Job Descriptions and Authorized Positions Listing is attached hereto and made a part hereof by reference.

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

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

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

/s/STEPHEN E. GILMORE
MAYOR

ATTEST:

/s/SUSAN W. MADDIX
CITY CLERK

REGULAR MEETING MAY 10, 2018
ORDINANCE NO. 76, 2018 CONTINUED

ADOPTED BY THE BOARD OF COMMISSIONERS: April 26, 2018
READOPTED BY THE BOARD OF COMMISSIONERS: May 10, 2018
PUBLISHED:

MOTION

Motion was made by Gute, seconded by Clark, to adopt Ordinance No. 76, 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. 77, 2018

AN ORDINANCE OF THE CITY OF ASHLAND, KENTUCKY, AMENDING SECTION 4 OF ORDINANCE NO. 21, SERIES OF 2012, PREVIOUSLY AMENDED BY ORDINANCE NO. 65, SERIES OF 2018, WHICH IS COMMONLY KNOWN AND REFERRED TO AS THE "SIGN ORDINANCE" REGARDING POLITICAL CAMPAIGN SIGNS.

BE IT ORDAINED BY THE CITY OF ASHLAND, KENTUCKY:

SECTION 1. That Section 4 of Ordinance No. 21, Series of 2012, previously amended by Ordinance No. 65, Series of 2018, being an ordinance entitled, "AN ORDINANCE OF THE CITY OF ASHLAND, KENTUCKY, ADOPTING THE SIGN REGULATIONS FOR THE CITY OF ASHLAND, KENTUCKY, AND REPEALING ARTICLE VII OF ORDINANCE NO. 101, 1986 COMMONLY KNOWN AND REFERRED TO AS THE "ZONING ORDINANCE" AND REPEALING ORDINANCE NO 56, SERIES OF 1998," which is commonly known and referred to as the "Sign Ordinance" be and said section is hereby amended as follows, such amendments shown by underscoring all newly inserted language and by a single broken line through all deleted language:

Section 3. GENERAL REQUIREMENTS

A. No sign of any type nor any part thereof shall be erected, painted, posted, placed or hung except in compliance with these regulations.

B. Each application for a sign permit shall be made in writing upon forms furnished by the Code Enforcement Officer and shall contain or have attached thereto the following information:

   1. A drawing approximately to scale showing the design of the sign, including dimensions, method of attachment or support, source of illumination and showing the relationship to any building or structure to which it is or is proposed to be installed or affixed.

   2. A plot plan approximately to scale indicating the location of the sign relative to property lines, easements, streets, sidewalks, structures, utilities and other signs.

C. Sign plans shall be submitted to and approved by the Code Enforcement Officer prior to a permit being issued. A record of such applications, plans and the action taken thereon shall be kept in the office of the Code Enforcement Officer.

D. Each applicant before being granted a sign permit shall pay to the City of Ashland a fee for each sign permit. The fee shall be set by the City Commission.

E. In addition to the detailed regulations set forth in other provisions of these Regulations, all signs displayed within the City (including those listed in Section 4) shall comply with the following standards:

1. Obstruction to Exits. No sign shall be erected so as to obstruct any fire escape, required exit, window, or door opening intended as a means of egress.
2. Obstruction to Ventilation or Light. No sign shall be erected which interferes with any opening required for ventilation and/or light to a structure.
3. Clearance from Surface and Underground Utilities. Signs and their supporting structures shall maintain clearance and non-interference with all surface and underground utilities. Furthermore, sign placement shall not interfere with natural or artificial drainage, or surface or underground water.
4. Drainage. The roofs of canopies, awnings, or similar sign structures exceeding fifty (50) square feet shall be drained to prevent dripping or flowage onto sidewalks or streets; and shall be connected to an approved disposal source by adequate conductors.
5. Obstruction to Corner Visibility. No sign or sign structure shall impair the visibility of intersecting streets and drives as defined by Section 7 of these regulations.
6. Setbacks. Unless otherwise specifically regulated herein, signs shall be permitted in required yards, and not on or over the public rights-of-way.

Section 4. SPECIAL SIGN REGULATIONS

The following types of signs are regulated as per the provisions of this Section. In addition to the requirements of these provisions, such signs shall also comply with Sections 3E, 6, 7 and 8. Because these signs may be permitted in several or all of the City zoning districts, because they are temporary in nature, and/or because they provide public service information, these signs need not comply with Section 5.

A. Property identification. Two (2) square feet per occupant, eight (8) square feet maximum per zoning lot, unlighted, displaying only the name/address of the occupant.
B. Flags and governmental insignia. Except in connection with commercial promotions.
C. Legal notices, informational and directional signs erected by a public agency. (Limited to one (1) square foot per five (5) square feet of lot frontage in all zones—maximum of sixty-four (64) square feet).
D. Integral structural features. When cut or set into the building surface, the name, date of erection, and/or address of a structure.
E. Private traffic signs. Directing traffic/parking on private property, limited to three (3) signs no larger than four (4) square feet in area per zoning lot.
F. Sign repair and maintenance. For conforming signs, includes the replacement of copy.
G. Auto service stations. One (1) price of gasoline sign per public street frontage not exceeding eight (8) square feet in are, affixed to an existing sign structure, a canopy support, or flat-mounted on the building; up to six (6) square feet of signage per service/pump island indicating services offered, and other relevant information.
H. Real estate sale/rental, political campaign signs. No larger than eight (8) square feet in residential zones, and one (1) square foot per each five (5) linear front feet in non-residential zones (with a maximum of sixty-four (64) square feet).
I. Construction signs. One (1) per zoning lot during construction/reconstruction period, unilluminated, removed within two weeks of job completion; no larger than eight (8) square feet in residential zones; and one (1) square foot per each five (5) linear front feet in non-residential zones (with a maximum of sixty-four (64) square feet).

J. Public and semi-public. One (1) sign per street frontage for public, civic or religious institutions or events, not to exceed thirty-two (32) square feet in area; up to three (3) off premises directional signs, unilluminated, per institution or event, with a maximum sign area of six (6) square feet.

K. Historical plaques. One (1) per zoning lot, when erected by recognized historical agencies.

L. Temporary interior signs. Signs painted or displayed on interior windows and interior spaces.

M. Open house signs. Up to three (3) directional signs may be displayed off premises on the days of any advertised open house for sale, each sign shall not exceed four (4) square feet in area.

N. Political campaign signs. Displayed in accordance with Section 3 and Section 7~~, which shall be removed within one week following the advertised election and not placed no earlier than eight (8) weeks prior to the election. In the case where a candidate qualifies for the general election, all signs must be taken down after the primary election and not placed until eight (8) weeks prior to the general election~~.

O. Balloon Signs. Such signs shall be permitted upon completion of a sign permit application. Such signs shall not be greater than six hundred (600) cubic feet in size. Said sign permit shall not be granted for more than sixty (60) days per calendar year. Balloon signs may be flown off premises at community events as long as the applicant has not exceeded sixty (60) days. Balloon signs must be removed after the event has concluded.

Section 7. PROHIBITED SIGNS

Unless otherwise permitted, the following signs are prohibited in all use districts:

A. Signs advertising an activity, business, product or service no longer conducted on the premises upon which the sign is located, with the exception of balloon signs which may be used at community events.

B. Signs which, because of their location, nature, color, shape, or message would tend to be confused with, or obstruct the view of, traffic and emergency signals or signs.

C. Signs which display copy of an immoral or indecent nature. The Board of City Commissioners shall resolve any questions pertaining to this provision, applying local community standards.

D. Roof signs, with the exception of balloon signs.

E. Mobile signs.

F. By Nuisance or Hazardous Characteristics.

1. Signs which conflict with traffic control signs. Signs or sign structures which by color, wording or location, resemble or conflict with traffic control signs or devices.
2. Signs which create safety hazards. Signs which obstruct vehicular views of pedestrians or other vehicles or pedestrian views of vehicles, so as to affect the safety of the public.
3. Rotating, moving, scintillating, blinking or flashing illumination signs, except for randomly blinking Tivoli lights, or those permitted by conditional use.
4. Electronic reader boards, of more than thirty two (32) square feet of area.

G. Signs attached to trees, utility poles, and/or traffic signals.

H. Signs advertising off-premises uses or services, with the exception of balloon signs located at a community event.

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

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

/s/STEPHEN E. GILMORE
MAYOR

REGULAR MEETING MAY 10, 2018
ORDINANCE NO. 77, 2018 CONTINUED

ATTEST:

/s/SUSAN W. MADDIX
CITY CLERK

ADOPTED BY THE BOARD OF COMMISSIONERS: April 26, 2018
READOPTED BY THE BOARD OF COMMISSIONERS: May 10, 2018
PUBLISHED:

MOTION

Motion was made by Clark, seconded by Gute, to adopt Ordinance No. 77, 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. 78, 2018

AN ORDINANCE OF THE CITY OF ASHLAND, KENTUCKY, AMENDING THE ZONING MAP OF THE OFFICIAL ZONING ORDINANCE OF THE CITY OF ASHLAND NO. 101, SERIES OF 1986, AS PREVIOUSLY AMENDED, BY CHANGING THE ZONING CLASSIFICATION OF 360, 361, 364, 369 and 370 BLACKBURN AVENUE FROM (R-5) MULTI/SINGLE FAMILY RESIDENTIAL/MEDIUM DENSITY TO (B-1) NEIGHBORHOOD BUSINESS.

* * * * * * * * * * *

WHEREAS, Mark Rothenstine, Thomas Wessel and Lisa Suzanne Harris have requested the rezoning of 360, 361, 364, 369 and 370 Blackburn Avenue from R-5 Multi/Single Family Residential/Medium Density to B-1 Neighborhood Business, and

WHEREAS, the Ashland Planning Commission held a duly advertised and conducted public hearing on said application June 19, 2007, and on the basis of evidence presented thereat made certain factual determinations and concluded therefrom that the proposed change is in conformance with the adopted Comprehensive Plan; and made a recommendation to the Ashland City Commission that said application be approved as requested;

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

SECTION 1. On the basis of the aforementioned factual determinations and recommendation by the Ashland Planning Commission with further review of such facts of the Ashland Board of City Commissioners, and pursuant to KRS Chapter 100, that the official Zoning Ordinance of the City of Ashland, No. 101, series of 1986 and the official Zoning Map which is a part thereof, be hereby amended as follows:

The zoning classification of 360, 361, 364, 369 and 370 Blackburn Avenue is hereby changed from R-5 Multi/Single Family Residential/Medium Density to B-1 Neighborhood Business.

SECTION 2. The invalidity of any provision of this Ordinance shall not affect the validity of any other provision.

SECTION 3. All ordinances and parts of ordinances in conflict herewith, to the extent of such conflict only, are hereby repealed.

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

REGULAR MEETING MAY 10, 2018
ORDINANCE NO. 78, 2018 CONTINUED

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: April 26, 2018
READOPTED BY THE BOARD OF COMMISSIONERS: May 10, 2018
PUBLISHED:

MOTION

Motion was made by Perkins, seconded by Steen, to adopt Ordinance No. 78, 2018, at this its second reading. Upon roll call, voting aye were Commissioners Clark, Gute, Perkins, Steen and Mayor Gilmore. Nay – none. Motion passed.

CONSENT AGENDA

RESOLUTION NO. 9, 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 **MAY 10, 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, **May 10, 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: May 10, 2018

MOTION TO ADOPT CONSENT AGENDA AS AMENDED

Motion was made by Gute, seconded by Clark, to adopt Resolution No. 9, 2018.

REGULAR MEETING MAY 10, 2018
CONSENT AGENDA CONTINUED

DISCUSSION

Commissioner Perkins asked about the completion date for the Mill Street Facility Project. City Manager Graese advised the project is scheduled to be completed by the end of June pending approval of the HVAC system by the state.

City Manager Graese also reported that all paving on 29th Street is to be completed by May 31.

VOTE

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

CONSENT AGENDA ITEMS

1. City Manager recommends approval of payment for Pay Request #10 dated April 30, 2018 in the amount of $299,959.52 to Tribute Contracting & Consulting for the work completed on the 29th Street Storm Water Separation Project.

2. City Manager recommends approval of payment for Pay Request #4 dated April 17, 2018 in the amount of $35,649.00 to Tri-State Construction, Inc. for the work completed on the Mill Street Facility Project Phase II.

3. City Manager recommends approval for payment of $25,000 to Boyd County Fiscal Court for construction of the new Animal Shelter that had been approved in a previous budget.

4. City Manager recommends approval for the Ashland Fire Department to apply for the 2018 Homeland Security Grant in the amount of approximately $10,000. Monies received from this grant would be used to purchase Battery Operated Jaws Ram Unit.

5. City Manager recommends amending the event request by Ashland in Motion for the First Friday Downtown Event dated June 1, 2108 that would include additional street closures on Winchester Avenue from 14th to 19th also 17th and 18th from Greenup to Carter Avenue, extending the event time to 12 am, extending set-up time and street closure to begin on Thursday, May 31 at 5 pm and to allow the addition of a second location designated to the sell and consumption of alcohol. It is estimated that the City Staff cost for this event is $2,561.41.

6. City Manager recommends approval to award the bid for the purchase of a new one-ton regular cab truck with utility bed in the amount of $35,359.00 to Tim Short Chevrolet and approving payment upon acceptance of the vehicle, Division of Wastewater Collection, Department of Engineering & Utilities.

7. City Manager recommends approving the retirement of an employee upon receipt and execution of a retirement agreement, reducing FY19 costs by $83,058.

8. The City Manager recommends that Jack Hunter perform the job duties and responsibilities with the compensation level of the previous Public Works Director's position as it existed prior to the restructure of the position under the provisions of Ordinance No. 66, 2018 pending the hiring and appointment of the Director of Public Services and Utilities Operations, and Ryan Eastwood continue to perform the duties and responsibilities with level of compensation of the previous position of Engineer/Utilities Director pending the hiring and appointment of the Public Services/Utilities Director.

REGULAR MEETING MAY 10, 2018
CONSENT AGENDA CONTINUED

9. City Manager recommends approval to change the time of the May 24, 2018 Board of City Commissioners' meeting from 6:00 PM to 12:00 PM (NOON) due to a scheduling conflict with the graduation of Paul G. Blazer High School.

10. Other Consent Items.

NEW BUSINESS
FIRST READING AND ADOPTION ONLY

ORDINANCE NO. _____, 2018

AN ORDINANCE OF THE CITY OF ASHLAND, KENTUCKY, AMENDING ORDINANCE NO. 4, SERIES OF 2014, WHICH CREATED, ADOPTED AND APPROVED AN ECONOMIC DEVELOPMENT INCENTIVES PROGRAM IN ORDER TO STRENGTHEN AND EXPAND THE CITY'S ECONOMIC BASE; ESTABLISHED THE ELIGIBILITY CRITERIA REGARDING APPLICATIONS; PROVIDED FOR A COMMITTEE TO REVIEW APPLICATIONS; SET THE APPLICATION AND REVIEW PROCEDURE; AND IDENTIFIED THE EVENTS OF DEFAULT WHILE PROVIDING REMEDIES THEREOF; HEREBY CREATING AN ECONOMIC DEVELOPMENT INCENTIVE LOAN PROGRAM AND REPEALING ORDINANCE NO. 114, SERIES OF 2004.

MOTION

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

FIRST READING AND ADOPTION ONLY

ORDINANCE NO. _____, 2018

AN ORDINANCE OF THE CITY OF ASHLAND, KENTUCKY, PROHIBITING PARKING IN THE 300 BLOCK OF 8TH STREET FROM ITS INTERSECTION WITH WINCHESTER AVENUE (U.S. 23) EXTENDING TO A POINT 80' ON THE EAST SIDE, AND PROVIDING A PENALTY FOR THE VIOLATION OF THIS ORDINANCE.

MOTION

Motion was made by Perkins, seconded by Steen, 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 MAY 10, 2018
ORDINANCE NO. , 2018

FIRST READING AND ADOPTION ONLY

ORDINANCE NO. _____, 2018

AN ORDINANCE OF THE CITY OF ASHLAND, KENTUCKY, AMENDING ORDINANCE NO. 55, SERIES OF 2009, PREVIOUSLY AMENDED BY ORDINANCE NO. 45, SERIES OF 2010, AND ORDINANCE NO. 77, SERIES OF 2014, COMMONLY KNOWN AND REFERRED TO AS THE LOADING ZONE ORDINANCE DESIGNATING A LOADING ZONE IN THE 300 BLOCK OF 8TH STREET ON THE EAST SIDE.

MOTION

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

FIRST READING AND ADOPTION ONLY

ORDINANCE NO. _____, 2018

AN ORDINANCE OF THE CITY OF ASHLAND, KENTUCKY, AMENDING ORDINANCE NO. 52, SERIES OF 2016, BY AMENDING THE AREAS FOR THE ENFORCEMENT OF TWO HOUR PARKING LIMITS WITHIN THE CITY OF ASHLAND TO INCLUDE THE NORTH SIDE OF GREENUP AVENUE FROM 13TH STREET TO 18TH STREET AND THE 100 BLOCK OF 16TH STREET.

MOTION

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

FIRST READING AND ADOPTION ONLY

ORDINANCE NO. _____, 2018

AN ORDINANCE OF THE CITY OF ASHLAND, KENTUCKY, PROHIBITING PARKING ON THE SOUTH SIDE OF BEECH STREET FROM SOUTH 29TH STREET TO 13TH STREET AND ON THE NORTH SIDE OF BEECH STREET FROM DAWES STREET TO FLOYD STREET, AND PROVIDING A PENALTY FOR THE VIOLATION OF THIS ORDINANCE.

MOTION

Motion was made by Perkins, 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 MAY 10, 2018
ORDINANCE NO. , 2018

FIRST READING AND ADOPTION ONLY

ORDINANCE NO. _____, 2018

AN ORDINANCE OF THE CITY OF ASHLAND, KENTUCKY, AUTHORIZING AND DIRECTING STEPHEN E. GILMORE, MAYOR, TO EXECUTE A THREE STATE MULTI-AGENCY MEMORANDUM OF UNDERSTANDING FOR THE PLANNING, COORDINATION AND FUNDING PROCEDURES AMONG KYOVA INTERSTATE PLANNING COMMISSION AGENCIES ON BEHALF OF THE ASHLAND BUS SYSTEM.

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 APPROVING CHANGE ORDER NO. 1 BETWEEN THE CITY OF ASHLAND, KENTUCKY AND MIKE ENYART & SONS, INC. FOR A CONTRACT ADOPTED BY ORDINANCE NO. 8, SERIES OF 2018, REGARDING THE LOUISA STREET WATER MAIN PROJECT IN CATLETTSBURG FOR THE DEPARTMENT OF ENGINEERING AND UTILITIES, DIVISION OF WATER DISTRIBUTION.

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.

DISCUSSION ITEM

Request by Community Trust Bank, Inc. for the limited use of public right-of-way for the installation of fiber optic cable over the alley behind the Community Trust Bank at 1544 Winchester Avenue to the parking garage at Judd Plaza - Motion was made by Clark, seconded by Gute, to approve the request of Community Trust Bank. Upon roll call, voting aye were Commissioners Clark, Gute, Perkins, Steen and Mayor Gilmore. Nay – none. Motion passed.

REGULAR MEETING MAY 10, 2018
DISCUSSION ITEMS CONTINUED

DISCUSSION ITEM

Recycling Installation Options located under the blue bridge – City Manager Graese proposed the installation of a 110' x 130' fenced in area slightly to the west side of the blue bridge where the current recycling area is to house the 20 recycling containers. We can use the existing pavement as a one-way route through the entrance gate, drop it off and exit through a separate gate. Recycle bins will be placed at angles on both sides of the pavement and necessary gravel will be laid in the rest of the area to maintain a sustainable and professional appearance. An 8 x 8 shed could be built at a rough estimate of $3,000.00 or less to be used as a heating/cooling station for a seasonal employee. The seasonal employee cost would be less than $10,000 per year and would be able to confirm all material brought to the recycling area is allowed. He proposed the area be open on Thursdays and Fridays from 3:00 – 7:00 PM and on Saturdays from 8:00 AM – 4:00 PM.

Commissioner Clark advised the proposal is a decent short-term solution. Suggested no one from out of town be allowed to bring items for recycling. A viable solution for now.

Commissioner Gute supports the City Manager's proposal. Commissioner Gute recommends concurring with the proposal at this time. However, he proposed a survey be sent to all 8,000 water customers whose response will determine the next step, etc.

Motion was made by Perkins directing the City Manager to initiate a voluntary curbside recycling program; and to initiate a sign-up period to gauge interest with the cost to be determined based on participation. Motion was seconded by Clark.

City Manager Graese asked for clarification on the motion. Are we asking to do the survey and then to gauge the way forward.

Commissioner Perkins advised that he wants the sign-up period to begin. Not a survey. Sign people up that are interested.

Commissioners Clark and Gute stated that citizens would need to know the costs involved before signing up.

Mayor Gilmore asked if there is a minimum number of residents required for curbside recycling.

Commissioner Perkins advised that the cost of recycling is fully subsidized by the participants.

Following further discussion, Mayor Gilmore advised he understood that the program would be initiated by getting the numbers from the survey.

VOTE ON MOTION

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

OTHER NEW BUSINESS

Commissioner Clark was contacted by Glockner of Ashland regarding a Jeep Show to be held on Saturday, May 19, requesting closure of the alley directly behind their business for one block. Motion was made by Clark, seconded by Steen, authorizing the closure from 12:00 Noon to 4:00 PM on Saturday, May 19, for the event. Upon roll call, voting aye were Commissioners Gute, Perkins, Steen and Mayor Gilmore. Nay – none. Motion passed.

REGULAR MEETING MAY 10, 2018
ORDINANCE NO. , 2018

FIRST READING AND ADOPTION ONLY

ORDINANCE NO. _____, 2018

AN ORDINANCE OF THE CITY OF ASHLAND, KENTUCKY, REPEALING ORDINANCE NO. 71, SERIES OF 2018, WHICH AUTHORIZED A CONTRACT BETWEEN THE CITY OF ASHLAND AND MARCUS HATTEN D/B/A H & S CONSTRUCTION & LAWN CARE RESULTING FROM THE WITHDRAWAL OF THE COMPANY'S PROPOSAL.

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.

CITY MANAGER PERFORMANCE EVALUATION

Commissioner Perkins recommended the Board conduct the City Manager's performance evaluation in Executive Session at the next meeting. Mayor Gilmore distributed evaluation forms provided by Kentucky League of Cities for guidance.

MAY 24, 2018 COMMISSION MEETING

Commissioner Gute reminded everyone that the May 24, 2018 meeting of the Board of Commissioners will be at 12:00 NOON due to a conflict with graduation at Paul G. Blazer High School that evening.

HEPATITIS "A"

Mayor Gilmore reported on a meeting with Maria Hardy, Director of the Ashland/Boyd County Health Department regarding the Hepatitis "A" outbreak. Mayor Gilmore advised legislation will be presented at the next meeting regarding required vaccines for food service workers. The City of Ashland wanted to be pro-active for the health and safety of its citizens.

TOUR OF WASTE WATER TREATMENT PLANT AND CITY PARKS

The Board left the City Building and toured the Waste Water Treatment Plant.

RECESS

Mayor Gilmore declared the meeting recessed at 3:38 PM until Monday, May 21, 2018 at 11:00 AM.

_____
STEPHEN E. GILMORE
MAYOR

ATTEST:

_____
SUSAN W. MADDIX
CITY CLERK