

**RECESSED MEETING
DECEMBER 14, 2018**

The Ashland Board of Commissioners met in Recessed Session in the Commissioners' Chambers, City Building, Ashland, Kentucky, on Friday, December 14, 2018, at the hour of 9:00 AM. Those present were Commissioners: Amanda Clark, Marty Gute, Pat Steen and Mayor Stephen E. Gilmore, who presided. Absent: Commissioner Matt Perkins. Also present were: Michael S. Graese, City Manager; James H. Moore, III, Corporation Counsel; Susan W. Maddix, City Clerk; Greg Ray, Fire Chief; Tony Grubb, Finance Director; Jack Hunter, Acting Director of Public Services and Utility Operations; Sean Murray, Human Resources/Parks & Recreation Director; Katherine Utsinger, Economic Development Specialist; Michelle Grubb, Finance Department; and Reporters.

AGENDA

City Manager Graese presented the agenda of December 14, 2018. Motion was made by Clark, seconded by Steen, to receive & file the agenda. Upon roll call, voting aye were Commissioners Clark, Gute, Steen and Mayor Gilmore. Nay - none. Motion passed.

OLD BUSINESS

SECOND READING & FINAL ADOPTION

ORDINANCE NO. 175, 2018

AN ORDINANCE OF THE CITY OF ASHLAND,
KENTUCKY, APPROVING A MEDIATION
AGREEMENT AND AUTHORIZING AND DIRECTING
STEPHEN E. GILMORE, MAYOR, TO EXECUTE A
QUITCLAIM DEED OF CONVEYANCE BETWEEN
THE CITY OF ASHLAND AND GEORGE C. BORST III
AND JANETTA C. BORST REGARDING PEMBROKE
PLACE.

* * * * *

WHEREAS, George C. Borst and Janetta C. Borst (the Borsts) acquired certain real estate from Ashland Park Development, Inc. on March 21, 1991, by deed recorded at Deed Book 546, Page 170, in the office of the Boyd County Court Clerk, and

WHEREAS, by Deed of Easement dated April 30, 1991, the Borsts acquired a perpetual easement from Ashland Park Development, Inc. as a roadway for ingress and egress over certain property as described therein and subject to certain conditions as stated therein, said perpetual easement being recorded at Deed Book 546, Page 591, in the office of the Boyd County Court Clerk, and

WHEREAS, the perpetual easement acquired by the Borsts afore-referenced, and its extension over and through the real property acquired by Grantees by deed from Ashland Park Development, Inc. recorded at Deed Book 546, Page 170, in the office of the Boyd County Clerk, to its intersection with Cheshire Lane and Wilton Way, is sometimes referred to as Pembroke Place, and

WHEREAS, the afore-referenced properties were annexed by the City of Ashland on or about June 3, 1993, and

WHEREAS, a dispute arose concerning the use and nature of the easement known as Pembroke Place between Ashland Park Development, Inc. and the City of Ashland resulting in litigation between said parties in Boyd Circuit Court Civil Action #95-CI-01046, and

WHEREAS, affidavits filed of record in such litigation established that prior to the annexation of the real property by the City of Ashland, there was no dedication of said perpetual easement or its extension as a public roadway by plat, and

WHEREAS, affidavits filed of record in such litigation established that said perpetual easement or its extension was never in any manner formally dedicated to the City of Ashland as a City street or public roadway or accepted by the City of Ashland as a city street or public roadway, and

RECESSED MEETING DECEMBER 14, 2018
ORDINANCE NO. 175, 2018 CONTINUED

WHEREAS, affidavits filed of record in such litigation established that said perpetual easement or its extension was never established as a county road prior to annexation by the City of Ashland, and

WHEREAS, at mediation on March 13, 2002, it was agreed by the parties that upon completion of Cheshire Drive to Ashland's specifications the same road would be dedicated to the City of Ashland and accepted by the City of Ashland as a City street, and Pembroke Place would be acknowledged by the City to be a private road and the property of the Grantees herein, said agreement to be contingent upon approval by the Ashland Board of Commissioners, and

WHEREAS, the contingencies set out above were never met and the action was never approved by the Ashland Board of City Commissioners, however the Grantees easement of record, recorded in Deed Book 546, Page 591, in the office of the Boyd County Clerk remains in full force and effect;

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

SECTION 1. That the Mediation Agreement between the City of Ashland and George C. Borst III and Janetta C. Borst in Boyd Circuit Court Civil Action #95-CI-01046 is hereby approved.

SECTION 2. That Stephen E. Gilmore, Mayor, is hereby authorized and directed to execute on behalf of said City a Quitclaim Deed of Conveyance between the City of Ashland and George C. Borst III and Janetta C. Borst and the City of Ashland, Kentucky regarding Pembroke Place. Said Quitclaim Deed is attached hereto and made a part hereof by reference.

SECTION 3. That Stephen E. Gilmore, Mayor, is hereby authorized and directed to execute on behalf of said City any and all other documents related to this transaction.

SECTION 4. All ordinances of the City of Ashland and parts of ordinances in conflict herewith, to the extent of such conflict only, are hereby repealed.

SECTION 5. This ordinance shall be in full force and effect from and after its adoption, readoption and publication, as required by law.

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

/s/STEPHEN E. GILMORE
MAYOR

ATTEST:

/s/SUSAN W. MADDIX
CITY CLERK

ADOPTED BY THE BOARD OF COMMISSIONERS:	December 13, 2018
READOPTED BY THE BOARD OF COMMISSIONERS:	December 14, 2018
PUBLISHED:	

MOTION

Motion was made by Gute, seconded by Clark, to adopt Ordinance No. 175, 2018, at this its second reading. Upon roll call, voting aye were Commissioners Clark, Gute, Steen and Mayor Gilmore. Nay – none. Motion passed.

RECESSED MEETING DECEMBER 14, 2018
ORDINANCE NO. 176, 2018

SECOND READING & FINAL ADOPTION

ORDINANCE NO. 176, 2018

AN ORDINANCE OF THE CITY OF ASHLAND, KENTUCKY, ESTABLISHING THE FEE FOR THE PURCHASE OF A RECYCLING PERMIT FOR USE OF THE ASHLAND RECYCLING CENTER BY NON-RESIDENTS OF THE CITY OF ASHLAND, KENTUCKY.

WHEREAS, the United States Environmental Protection Agency defines recycling as “the process of collecting and processing materials that would otherwise be thrown away as trash and turning them into new product,” and

WHEREAS, recycling reduces the amount of waste sent to landfills and incinerators, and

WHEREAS, recycling conserves natural resources such as timber, water and minerals, and

WHEREAS, recycling increases economic security by tapping a domestic source of materials, and

WHEREAS, recycling prevents pollution by reducing the need to collect new raw materials, and

WHEREAS, recycling saves energy, and

WHEREAS, recycling supports American manufacturing and conserves valuable resources, and

WHEREAS, recycling helps create jobs in the recycling and manufacturing industries, and

WHEREAS, recycling can benefit the community and the environment;

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

SECTION 1. That the City of Ashland, Kentucky (“City”) has constructed a Recycling Center on 13th Street at the Riverfront for use by all City of Ashland residents currently charged a garbage fee on their utility bill.

SECTION 2. That the City shall offer for sale to non-residents of the City an annual numbered recycling permit for a fee of \$100.00.

(a) Recycling permits shall be available at the Ashland City Building located at 1700 Greenup Avenue, Ashland, during regular business hours.

(b) Beginning January 1, 2019, all permits shall be issued for one year must be renewed annually. Permits will be available throughout the year at a pro-rated cost.

(c) No permit shall be issued to any commercial business operation.

(d) In the event that an issued recycling permit shall be lost, the non-resident may obtain a duplicate permit upon the payment of Five Dollars (\$5.00).

SECTION 3. All residents of the City of Ashland shall gain entrance to the Recycling Center upon showing a city utility bill that includes a “Garbage” charge (along with a photo ID) OR a Kentucky Driver’s License with an Ashland, Kentucky address.

SECTION 4. All non-residents shall gain entrance to the Recycling Center upon showing the permit issued by the City of Ashland.

SECTION 5. All ordinances and parts of ordinances in conflict herewith, to the extent of such conflict only, are hereby repealed.

SECTION 6. This Ordinance shall be in full force and effect from and after its adoption, readoption and publication, as required by law.

**RECESSED MEETING DECEMBER 14, 2018
ORDINANCE NO. 176, 2018 CONTINUED**

/s/STEPHEN E. GILMORE
MAYOR

ATTEST:

/s/SUSAN W. MADDIX
CITY CLERK

ADOPTED BY THE BOARD OF COMMISSIONERS: December 13, 2018
READOPTED BY THE BOARD OF COMMISSIONERS: December 14, 2018
PUBLISHED:

MOTION

Motion was made by Gute, seconded by Clark, to adopt Ordinance No. 176, 2018, at this its second reading. Upon roll call, voting aye were Commissioners Clark, Gute, Steen and Mayor Gilmore. Nay – none. Motion passed.

SECOND READING & FINAL ADOPTION

ORDINANCE NO. 177, 2018

AN ORDINANCE OF THE CITY OF ASHLAND, KENTUCKY, AUTHORIZING AND DIRECTING STEPHEN E. GILMORE, MAYOR, TO EXECUTE A GRANT AGREEMENT BETWEEN THE CITY OF ASHLAND, KENTUCKY AND WB HOSPITALITY, LLC SETTING FORTH RESPECTIVE DUTIES, RIGHTS, COVENANTS, AND OBLIGATIONS WITH RESPECT TO THE ACQUISITION, CONSTRUCTION, AND FINANCING OF THE HOTEL REDEVELOPMENT PROJECT AND REPEALING ORDINANCE NO. 1, SERIES OF 2018.

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 Grant Agreement between the City of Ashland, Kentucky, and WB Hospitality, LLC setting forth their respective duties, rights, covenants, and obligations with respect to the acquisition, construction, and financing of the existing Ashland Plaza Hotel redevelopment project. A copy of said grant agreement is attached hereto and made a part hereof by reference.

SECTION 2. That Ordinance No. 1, Series of 2018, and all ordinances of the City of Ashland or 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

RECESSED MEETING DECEMBER 14, 2018
ORDINANCE NO. 177, 2018 CONTINUED

ADOPTED BY THE BOARD OF COMMISSIONERS: December 13, 2018
READOPTED BY THE BOARD OF COMMISSIONERS: December 14, 2018
PUBLISHED:

MOTION

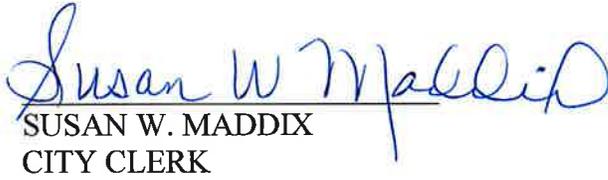
Motion was made by Gute, seconded by Steen, to adopt Ordinance No. 177, 2018, at this its second reading. Upon roll call, voting aye were Commissioners Clark, Gute, Steen and Mayor Gilmore. Nay – none. Motion passed.

ADJOURNMENT

Mayor Gilmore declared the meeting adjourned at 9:02 AM.


STEPHEN E. GILMORE
MAYOR

ATTEST:


SUSAN W. MADDIX
CITY CLERK