

**REGULAR MEETING  
FEBRUARY 14, 2019**

The Ashland Board of Commissioners met in Regular Session in the Commissioners' Chambers, City Building, Ashland, Kentucky, on Thursday, February 14, 2019, 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; James H. Moore, III, Corporation Counsel; Susan W. Maddix, City Clerk; Todd Kelley, Chief of Police; Greg Ray, Fire Chief; Ryan Eastwood, City Engineer and Capital Projects; Tony Grubb, Finance Director; Michelle Veach, Assistant Finance Director; Jack Hunter, Acting Director of Public Services and Utility Operations; Sean Murray, Human Resources/Parks & Recreation Director; Chris Pullem, Director of Community and Economic Development; Lorraine Woolery, Section 8 Voucher Grant Coordinator, Community and Economic Development; Michelle Grubb, Finance Department; Steve Alley, Deputy Fire Chief; Major Ryan Conley, Major Scott Sexton, Sergeant Brian Clark, Ashland Police Department; Brian Felty, Dave Branham, Reed Downs and Shane Cook, Department of Public Services and Utility Operations; and Reporters.

The invocation was given by Commissioner Gute.

The Pledge of Allegiance was conducted.

**AGENDA**

City Manager Graese presented the agenda of February 14, 2019. Motion was made by Clark, seconded by Steen, 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 Steen, to dispense with reading and approve the minutes of the Regular Meetings held on January 10 and January 24, 2019. 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 those in attendance and announced he had the new Ashland Tomcat football schedule for 2019 available. He welcomed students in attendance as part of the Youth Leadership Program. Commissioner Gute thanked Ashland in Motion and its sponsors, vendors, etc. for the very successful 2<sup>nd</sup> Annual Gravy Bowl. He announced the merger of Ashland American and Ashland National Little Leagues.

Commissioner Clark also welcomed the students with the Ashland Alliance Youth Leadership Group. Commissioner Clark advised that the current Board takes the future of young men and women very seriously. Several members of the Commission visited Ashland Middle School highlighting their Solve for Tomorrow members. The team was in Frankfort earlier in the week and will leave soon for California to tour the Google facility. Commissioner Clark reported that she, the City Manager and Economic Development Specialist Katherine Utsinger attended the Kentucky League of Cities "City Day" in Frankfort and met with Representative Adkins, Representative Clark and Senator Webb.

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**HEARINGS AND REPORTS CONTINUED**

Mayor Gilmore also welcomed the students and thanked Chuck Williams for investing his time with the students. Mayor explained to the students how Boyd and Greenup counties work together and will hopefully work together to market the Armco Steel (AK Steel) property. AK Steel recently announced that it plans to cease operation at the Ashland Works. He also explained how Central Park was purchased by the City of Ashland for \$32,500.00 from the company many years ago when the company couldn't meet their payroll.

**City Manager's Report**

City Manager recognized Ashland Bus System employee Tammy McKinney for going above and beyond the call of duty on January 30, 2019 regarding her care for passengers on a Greyhound Bus when the bus experienced mechanical difficulties and arrived over 8 hours late. Mayor Gilmore presented Ms. McKinney with a Certificate of Achievement.

City Manager Graese reported on his attendance at the Kentucky League of Cities Board of Directors' meeting. The speakers included House Majority Leader John "Bam" Carney and Senate President Robert Stivers. The leading topic was that of pension issues with Kentucky League of Cities advocating for the separation of the County Employees Retirement System (CERS) from Kentucky Retirement Systems (KRS). CERS constitutes 75% of the money and 63% of the members within KRS; however, CERS has only 35% representation on the Kentucky Retirement Systems Board.

City Manager reported that staff has been reviewing and working on the City's existing Procurement Regulations regarding a recommendation that the City adopt a responsible bidder ordinance. City staff has created a Bidder's/Vendor's Qualification Disclosure Statement and Evaluated Bid Criteria form that department will start implementing. Mayor Gilmore explained that he has contacted numerous contractors to determine why they no longer bid on Ashland projects. Commissioner Perkins asked if there was any material change in the language of the ordinance. City Manager Graese advised that the forms created are in accordance with the ordinance. Commissioner Perkins asked if the forms could be changed in the future without Board approval and expressed concern that at any point the City Manager wants to change the requirements for how a bidder is chosen, it could be done without approval from the Board. Corporation Counsel Moore advised the Board that the process is:

- #1 - Before anyone is entitled to bid on a City project, they must be pre-qualified or qualified pursuant to the existing procurement ordinance.
- #2 - Staff created a list of items to be evaluated on the Evaluated Bid Criteria form. The ordinance does not require an amendment to change the form.

Commissioner Perkins asked Corporation Counsel Moore if the way the ordinance is currently written is the City getting the best work possible and holding the contractors and sub-contractors accountable for poor performance. Corporation Counsel Moore believes this process will allow the City to do a better job evaluating bidders. Commissioner Perkins asked if there is an ordinance in place requiring the City to evaluate or grade a contractor's or sub-contractor's performance on a project. Mr. Moore advised the City does not. Commissioner Perkins believes it is imperative that we grade contractors and sub-contractors at the completion of every project to document satisfactory or unsatisfactory performance. A consensus was reached among the Board to amend the Procurement Ordinance requiring an evaluation be conducted at the end of each City of Ashland project. An ordinance will be presented at the next Commission meeting.

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PUBLIC PARTICIPATION**

**PUBLIC PARTICIPATION**

Melissa Rigsby, 84 State Route 854, Rush, Kentucky, and owner of property located at 1420 Central Avenue, appeared before the Commission to inform members of the Board that she submitted an application for Community Development Block Grant funds. Corporation Counsel Moore advised there is a process and a committee that reviews the applications and makes recommendations to the Board. The documents submitted by Ms. Rigsby will be submitted to the committee in support of the application.

Cathy Queen, 2519 Auburn Avenue, appeared before the Commission representing the Ashland Animal Rescue Fund (AARF). AARF was created in 2009 and she has served as a volunteer since 2010. Ms. Queen believes our community can do a much better job in caring for our pets and being responsible pet owners. Current Kentucky laws are written in a very vague manner and she reported that the City of Louisville and the City of Lexington have devised some model ordinances which are better written for the well-being and safety of animals. Ms. Queen commended the City of Ashland's Animal Control officer and the Boyd County Animal Shelter. Both entities work well with AARF. Calls to AARF are relentless regarding animals freezing to death, etc. She offered her support and the support of AARF in serving a committee, etc. in adding better defined language, etc. to the Animal Control Ordinance. Commissioner Clark advised that Representative Clark filed a bill on Friday that is making its way through the legislature defining things like shelter, tether, etc. Mayor Gilmore advised the City can make its ordinance more stringent than Kentucky Revised Statutes but not less stringent.

Mike Maynard, 1819 Eloise Street, Executive Director of the Hillcrest/Bruce Mission, appeared before the Commission asking that the Ashland Bus System routes be revised to make it more convenient for residents of Hillcrest and Bruce Apartments. He advised that the current route picking up at Hillcrest and going to Kroger runs every other hour so that a trip to Kroger would take approximately 4 hours. Mr. Maynard believes this is a reason there is a shopping cart issue throughout Ashland. Mr. Maynard was advised that the Bus System is currently reviewing all the routes in order to do the most good for the most people.

**OLD BUSINESS  
SECOND READING & FINAL ADOPTION**

**ORDINANCE NO. 7, 2019**

AN ORDINANCE OF THE CITY OF ASHLAND, KENTUCKY, AUTHORIZING AND DIRECTING STEPHEN E. GILMORE, MAYOR, TO EXECUTE A CONTRACT BETWEEN THE CITY OF ASHLAND AND SUMMIT FENCE COMPANY, INC. IN THE AMOUNT OF \$26,990.00 FOR THE PURCHASE AND INSTALLATION OF FENCING, GATES AND ALL APPURTENANCES FOR THE DEPARTMENT OF PUBLIC SERVICES AND UTILITY OPERATIONS, DIVISION OF WATER DISTRIBUTION AND WASTEWATER COLLECTION MILL STREET FACILITY.

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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 Summit Fence Company, Inc. for the purchase and installation of fencing, gates and all appurtenances for the Department of Public Services and Utility Operations, Division of Water Distribution and Wastewater Collection Mill Street facility in the amount of \$26,990.00. A copy of said contract is attached hereto and made a part hereof by reference.

**REGULAR MEETING FEBRUARY 14, 2019  
ORDINANCE NO. 7, 2019 CONTINUED**

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

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

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

/s/STEPHEN E. GILMORE  
MAYOR

ATTEST:

/s/SUSAN W. MADDIX  
CITY CLERK

ADOPTED BY THE BOARD OF COMMISSIONERS: January 24, 2019  
READOPTED BY THE BOARD OF COMMISSIONERS: February 14, 2019  
PUBLISHED:

**MOTION**

Motion was made by Gute, seconded by Steen, to adopt Ordinance No. 7, 2019, 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. 8, 2019**

AN ORDINANCE OF THE CITY OF ASHLAND, KENTUCKY, AUTHORIZING AND DIRECTING STEPHEN E. GILMORE, MAYOR, TO EXECUTE A CONTRACT BETWEEN THE CITY OF ASHLAND AND SERVICE PUMP & SUPPLY, INC. IN THE AMOUNT OF \$58,364.00 FOR THE PURCHASE AND INSTALLATION OF THE 26<sup>TH</sup> STREET SEWAGE STATION CHANNEL GRINDER REPLACEMENT PROJECT FOR THE DEPARTMENT OF PUBLIC SERVICES AND UTILITY OPERATIONS, DIVISION OF WASTEWATER COLLECTION.

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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 Service Pump & Supply, Inc. for the purchase and installation of the 26<sup>th</sup> Street sewage station channel grinder replacement project for the Department of Public Services and Utility Operations, Division of Wastewater Collection in the amount of \$58,364.00. 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

**REGULAR MEETING FEBRUARY 14, 2019**  
**ORDINANCE NO. 8, 2019 CONTINUED**

ATTEST:

/s/SUSAN W. MADDIX  
 CITY CLERK

ADOPTED BY THE BOARD OF COMMISSIONERS: January 24, 2019  
 READOPTED BY THE BOARD OF COMMISSIONERS: February 14, 2019  
 PUBLISHED:

**MOTION**

Motion was made by Clark, seconded by Perkins, to adopt Ordinance No. 8, 2019, 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. 9, 2019**

AN ORDINANCE OF THE CITY OF ASHLAND, KENTUCKY, ADOPTING THE REVISED JOB DESCRIPTION FOR THE POSITION OF LABORATORY TECHNICIAN IN THE DIVISION OF WATER TREATMENT PLANT, THE REVISED JOB DESCRIPTION FOR THE POSITION OF SOLID WASTE WORKER I IN THE DIVISION OF FLEET MAINTENANCE/SOLID WASTE, BOTH IN THE DEPARTMENT OF PUBLIC SERVICES & UTILITY OPERATIONS, 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 revised job description for the position of Laboratory Technician in the Division of Water Treatment Plant and the revised job description in the Division of Fleet Maintenance/Solid Waste, both in the Department of Public Services & Utility Operations, are hereby adopted. The amended Authorized Positions Listing is hereby adopted. A copy of said Revised 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

**REGULAR MEETING FEBRUARY 14, 2019  
ORDINANCE NO. 9, 2019 CONTINUED**

ATTEST:

/s/SUSAN W. MADDEX  
CITY CLERK

ADOPTED BY THE BOARD OF COMMISSIONERS: January 24, 2019  
READOPTED BY THE BOARD OF COMMISSIONERS: February 14, 2019  
PUBLISHED:

**MOTION**

Motion was made by Gute, seconded by Steen, to adopt Ordinance No. 9, 2019, 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. 10, 2019**

AN ORDINANCE OF THE CITY OF ASHLAND, KENTUCKY, AUTHORIZING AND DIRECTING STEPHEN E. GILMORE, MAYOR, TO EXECUTE A CONTRACT BETWEEN THE CITY OF ASHLAND, KENTUCKY, AND DANIEL RUNYON D/B/A DANIELS LAWN CARE FOR THE PURCHASE OF ALL LABOR FOR THE ABATEMENT OF HIGH GRASS AND WEEDS ON RESIDENTIAL LOTS THROUGHOUT THE CITY LIMITS OF ASHLAND FOR THE DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT.

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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 Daniel Runyon d/b/a Daniels Lawn Care for the purchase of all labor for the abatement of high grass and weeds on residential lots throughout the City limits of Ashland for a two-year period not to exceed December 31, 2020 for the Department of Community and Economic Development. 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. MADDEX  
CITY CLERK

ADOPTED BY THE BOARD OF COMMISSIONERS: January 24, 2019  
READOPTED BY THE BOARD OF COMMISSIONERS: February 14, 2019  
PUBLISHED:

**REGULAR MEETING FEBRUARY 14, 2019**  
**ORDINANCE NO. 10, 2019 CONTINUED**

**MOTION**

Motion was made by Clark, seconded by Gute, to adopt Ordinance No. 10, 2019, 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. 11, 2019**

AN ORDINANCE OF THE CITY OF ASHLAND, KENTUCKY, AUTHORIZING AND DIRECTING STEPHEN E. GILMORE, MAYOR, TO EXECUTE A DEED OF CONVEYANCE BETWEEN THE CITY OF ASHLAND, KENTUCKY, AND THE HARVEY FAMILY LIMITED PARTNERSHIP REGARDING THE ACCEPTANCE OF THE DONATION OF ELEVEN (11) LOTS LOCATED NEAR THE CHARLES AND BETTY RUSSELL PARK TRAIL PROPERTY.

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BE IT ORDAINED BY THE CITY OF ASHLAND, KENTUCKY:

SECTION 1. That Stephen E. Gilmore, Mayor, is hereby authorized and directed to execute on behalf of said City a Deed of Conveyance between the City of Ashland, Kentucky and The Harvey Family Limited Partnership accepting the charitable donation of eleven (11) lots located near the Charles and Betty Russell Park trail property. Said Deed of Conveyance is attached hereto and made a part hereof by reference.

SECTION 2. 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 3. 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 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:	January 24, 2019
READOPTED BY THE BOARD OF COMMISSIONERS:	February 14, 2019
PUBLISHED:	

**MOTION**

Motion was made by Gute, seconded by Clark, to adopt Ordinance No. 11, 2019, 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 FEBRUARY 14, 2019  
ORDINANCE NO. 12, 2019**

**SECOND READING & FINAL ADOPTION**

**ORDINANCE NO. 12, 2019**

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 ROB FIELDS REGARDING AN ENCROACHMENT FOR A SIGN AT 1516 CENTRAL 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 the Rob Fields regarding an encroachment for a sign at 1516 Central 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: January 24, 2019  
READOPTED BY THE BOARD OF COMMISSIONERS: February 14, 2019  
PUBLISHED:

**MOTION**

Motion was made by Clark, seconded by Steen, to adopt Ordinance No. 12, 2019, 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. 13, 2019**

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 DIXON ENGINEERING, INC. FOR PROFESSIONAL ENGINEERING SERVICES FOR THE PREPARATION OF BID SPECIFICATIONS FOR THE COATING, PAINTING AND REPAIRING OF THE SUMMIT WATER STORAGE TANK IN AN AMOUNT NOT TO EXCEED \$4,500.00.

**REGULAR MEETING FEBRUARY 14, 2019  
ORDINANCE NO. 13, 2019 CONTINUED**

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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 an Agreement between the City of Ashland, Kentucky and Dixon Engineering, Inc. for professional engineering services for the preparation of bid specifications for the coating, painting and repairing of the 1,000,000-gallon steel reservoir (Summit) water storage tank in an amount not to exceed \$4,500.00. A copy of said agreement is attached hereto and made a part hereof by reference.

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

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

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

/s/STEPHEN E. GILMORE  
MAYOR

ATTEST:

/s/SUSAN W. MADDIX  
CITY CLERK

ADOPTED BY THE BOARD OF COMMISSIONERS: January 24, 2019  
READOPTED BY THE BOARD OF COMMISSIONERS: February 14, 2019  
PUBLISHED:

**MOTION**

Motion was made by Gute, seconded by Clark, to adopt Ordinance No. 13, 2019, 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. 14, 2019**

AN ORDINANCE OF THE CITY OF ASHLAND, KENTUCKY, AMENDING ORDINANCE NO. 47, SERIES OF 1982, AS PREVIOUSLY AMENDED BY ORDINANCE NO. 101, SERIES OF 2015, WHICH REQUIRES AN APPLICATION FOR PERMISSION TO MAKE CUTS AND EXCAVATIONS IN PUBLIC RIGHTS-OF-WAY, SETS THE FEE FOR SUCH PERMIT AND THE PENALTY FOR VIOLATIONS OF THIS ORDINANCE.

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BE IT ORDAINED BY THE CITY OF ASHLAND, KENTUCKY:

SECTION 1. That Ordinance No. 47, Series of 1982, as previously amended by Ordinance No. 101, Series of 2015, being an ordinance entitled, "AN ORDINANCE OF THE CITY OF ASHLAND, KENTUCKY, REQUIRING AN APPLICATION FOR PERMISSION TO MAKE CUTS AND EXCAVATIONS IN PUBLIC RIGHTS-OF-WAY, SETTING THE FEE FOR SUCH PERMIT AND THE PENALTY FOR VIOLATIONS OF THIS ORDINANCE", be and said ordinance is hereby amended to read as follows, such amendments shown by a single broken line through all deleted language and by underscoring all newly inserted language:

**REGULAR MEETING FEBRUARY 14, 2019**  
**ORDINANCE NO. 14, 2019 CONTINUED**

**SECTION 1. PERMIT REQUIRED FOR WORK PERFORMED WITHIN PUBLIC RIGHTS-OF-WAY.**

Work performed within public street rights-of-way, public utility easements, within public alley rights-of-way, or within any property line limits owned or controlled by the City of Ashland, Kentucky, shall require a work permit from the City of Ashland, Kentucky. The work permit shall be granted by the ~~Director of Public Works for~~ City Manager of the City of Ashland or his designee upon a determination by ~~him~~ the City Manager or his designee that the permit should be granted and after the payment of a fee of ~~Twenty Five Dollars (\$20.00~~ 50.00) for each application for work in the rights-of-way of 500 feet or less; Five Hundred Dollars (\$500.00) for each application for work in the rights-of-way of more than 500 feet but less than 2,000 feet; and One Thousand Dollars (\$1,000.00) for each application for work in the rights-of-way of 2,000 feet or more. It shall not be necessary for the City of Ashland Department of Utilities, Divisions of Water Distribution/Meter Services and Wastewater Collection to pay the ~~Twenty Dollar (\$20.00)~~ application fee.

Before approval is granted, the ~~Public Works Director~~ City Manager or his designee shall require the applicant to file with the City an agreement or bond satisfactory to the City, to indemnify and hold harmless the City from any and all claims, injuries, damage and costs resulting to the City and arising and growing out of such work. Such bond requirements shall not apply to the City of Ashland Department of Engineering and Utilities, Divisions of Water Distribution/Meter Services and Wastewater Collection. No work on any property owned or controlled by the City of Ashland, Kentucky, shall commence prior to issuance of a permit by the ~~Public Works Director's Office~~ City Manager or his designee. All work shall be performed in compliance with City specifications where applicable.

**SECTION 2. EXCAVATIONS IN RECENTLY IMPROVED PUBLIC STREETS AND ALLEYS.**

No permit shall be issued by the City Manager or his designee ~~Public Works Director~~ for any excavation or opening in any street or alley if such street or alley has been completed less than five (5) years, unless the applicant for such permit can clearly demonstrate that the public health and/or safety requires that the proposed excavation or opening be permitted, and the burden of such proof shall rest solely with the applicant, and the final decision regarding the issuance of such permit shall be that of the City Manager or his designee ~~Director of Public Works~~. This section shall not prohibit an excavation or opening of such street or alley necessitated by an emergency condition in which event an application for such permit shall be filed as soon as practicable and in no event later than forty-eight (48) hours after such emergency excavation or opening. An emergency condition shall be deemed one in which the public or an individual's health or safety requires immediate correction. Any excavation or opening in a street or alley completed less than five (5) years shall be made only upon payment of a penalty, in advance, in the amount of Fifteen Hundred Dollars (\$1,500.00) ~~five hundred dollars (\$500.00)~~ within the first year following completion of the street or alley; Twelve Hundred Dollars (\$1,200.00) ~~four hundred dollars (\$400.00)~~ within the second year following completion of the street or alley; One Thousand Fifty Dollars (\$1,050.00) ~~three hundred fifty dollars (\$350.00)~~ within the third year following completion of the public street or alley; Nine Hundred Dollars (\$900.00) ~~three hundred dollars (\$300.00)~~ within the fourth year following completion of the public street or alley; Seven Hundred Fifty Dollars (\$750.00) ~~two hundred fifty dollars (\$250.00)~~ within the fifth year following completion of the public street or alley.

**SECTION 3. INFORMATION TO BE SUPPLIED BY APPLICANT FOR PERMIT.**

Any applicant for a permit shall complete the application form designated for the purpose by the City Manager or his designee ~~Director of Public Works~~ and in addition shall provide the following: 1. An approved 8½ x 11 drawing of work to be performed. 2. Location of where the work is to be done. 3. Name and address of the person, public utility, or firm completing the work. 4. Duration of the work to be done and whether all necessary permits have been obtained from other city, state, and federal agencies. 5. Date the work is scheduled to begin and projected date of completion.

**REGULAR MEETING FEBRUARY 14, 2019**  
**ORDINANCE NO. 14, 2019 CONTINUED**

**SECTION 4. PRECAUTIONS TO BE TAKEN BY HOLDER OF AN EXCAVATION PERMIT.**

A. The location of all existing utilities shall be determined in advance of any excavation by the permit holder and the necessary precautions shall be taken to safeguard against damage during the execution of excavation work. The cost of repairing any damage to pipes, driveways, culverts and/or any other facilities due to such excavation activity shall be borne by the permit holder.

B. Any permit holder who finds it necessary to block or cause to be blocked any public right-of-way travelled by pedestrians or motor vehicle traffic, shall maintain sufficient barricades, warning signs, and lights to warn and protect those using the public right-of-way during the entire period of excavation. If the excavation occurs on a portion of a public right-of-way travelled by motor vehicles, traffic control devices shall be placed per the manual for Uniform Traffic Control Devices (MUTCD) (current edition). The traffic control pattern must be reviewed and approved by the City Manager or his designee ~~Department of Public Works, Division of Streets, Work Zone Supervisor~~. During the night hours, self-illuminating warning devices shall be required on any right-of-way travelled by motor vehicles and pedestrians.

C. The holder of an excavation permit shall be responsible for providing steel plates necessary to cover excavations so as to maintain motor vehicle and pedestrian flows during the course of construction.

**SECTION 5. BACKFILLING AND RESTORATION SPECIFICATIONS.**

A. All cuts, openings or excavations in a public street, alley, or sidewalk shall be filled in one-foot lifts compacted to within 7½ inches of the top, next 6 inches shall be concrete with the last 1½ inches being the wearing surface, unless otherwise approved.

B. Any cut in easement shall be filled in one-foot lifts to the top and then shall be covered with sod or sown with grass seed at the discretion of the City Manager or his designee ~~Director of Public Works~~.

C. The work of paving shall be performed by the permit holder and shall be in accordance with the City of Ashland specifications and any costs or fees shall be assessed to the permit holder in accordance with the schedule of fees approved by the Department of Public Works. The City of Ashland reserves the right to perform such backfilling paving and restoration at its discretion. When the City performs such backfill operation, the costs of such backfilling shall include labor, materials, ~~and~~ equipment and administrative costs. Such costs shall be determined by the City upon completion of all work and shall be assessed to the permit holder.

D. The City of Ashland shall be notified by the permit holder as to when backfilling will take place and in all cases where conditions permit, pavement must be restored within twenty four (24) hours after backfilling is completed.

E. If any settlement occurs within one (1) year of restoration by the permit holder, the City of Ashland may take such corrective action as it deems appropriate and charge the permit holder for such costs, including the restoration and excavation, or give notice to the permit holder to restore such excavation or pavement within ten (10) days of such receipt of such notice or be in violation of this ordinance.

F. No opening or excavation in any paved public street shall be permitted to obstruct the flow of traffic without providing for an appropriate detour around such opening or excavation or by either temporarily restoring the street surface, covering the opening or excavation with adequate steel plates, or other appropriate measures which would aid the flow of traffic.

**REGULAR MEETING FEBRUARY 14, 2019  
ORDINANCE NO. 14, 2019 CONTINUED**

**SECTION 6. SIDEWALK AND DRIVEWAY SPECIFICATION.**

The City Manager or his designee ~~Director of Public Works~~ shall be given a twenty-four (24) hours-notice prior to any work to be performed by the permit holder. All sidewalk cuts shall be replaced with original width unless the cut shall exceed twenty-five (25) feet in length in which case the sidewalk shall be formed and poured to a five (5) feet width and a thickness of four (4) inches with the exception of all driveway aprons. Unless otherwise approved, all residential driveway aprons shall have a width of ten (10) feet wide to twenty-five (25) feet wide; all commercial driveway aprons shall have a width of fifteen (15) feet minimum to twenty-five (25) feet maximum with three (3) feet flares on either side at the edge of road or curb. The flares shall angle at an extended three (3) feet toward the property line. All driveway aprons shall be six (6) inches of thickness of concrete reinforced with number 10 welding wire mesh from edge of the improved portion of the public right-of-way to the property line. Whenever a driveway approach has been abandoned, either by closing the entrance to the property served or by changing the use of the property served so that the driveway approach is no longer necessary or usable, it shall be the duty of the owner of the property served by said approach to remove the driveway approach, restore sidewalk, curb, gutter and parkway to the line and grade of the adjoining sidewalk, curb, gutter and parkway within ninety (90) days after receiving notice to do so by the City Manager or his designee ~~Director of Engineering and Utilities or the Director of Public Works~~.

**SECTION 7. PENALTIES.** Any violation of this ordinance shall be punishable by a fine pursuant to the provisions of KRS 534.040. Each twenty-four (24) hour period of violation shall constitute a separate offense.

**SECTION 8.** All ordinance and parts of ordinances in conflict herewith, to the extent of such conflict only, are hereby repealed.

**SECTION 9.** This ordinance shall be in full force and effect from and after its adoption, readoption and publication, as required by law.

/s/STEPHEN E. GILMORE  
MAYOR

ATTEST:

/s/SUSAN W. MADDIX  
CITY CLERK

ADOPTED BY THE BOARD OF COMMISSIONERS: January 24, 2019  
READOPTED BY THE BOARD OF COMMISSIONERS: February 14, 2019  
PUBLISHED:

**MOTION**

Motion was made by Gute, seconded by Steen, to adopt Ordinance No. 14, 2019, 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. 4, 2019**

A RESOLUTION OF THE CITY OF ASHLAND, KENTUCKY, ADOPTING, AUTHORIZING AND APPROVING THE COURSE OF ACTION PRESENTED BY THE CITY MANAGER ON THE ITEMS APPEARING ON THE CONSENT AGENDA FOR THE REGULAR MEETING OF THE BOARD OF CITY COMMISSIONERS OF FEBRUARY 14, 2019.

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**REGULAR MEETING FEBRUARY 14, 2019**  
**CONSENT AGENDA CONTINUED**

BE IT RESOLVED BY THE CITY OF ASHLAND, KENTUCKY:

SECTION 1. The Board of City Commissioners hereby adopts, authorizes and approves the action presented by the City Manager on each item appearing on the "Consent Agenda", as amended, for the regular meeting, **February 14, 2019**, 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: February 14, 2019

**MOTION**

Motion was made by Clark, seconded by Gute, to adopt Resolution No. 4, 2019. 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 the request by Ashland in Motion to conduct the annual First Fridays Downtown Live events on April 5th, May 3rd, August 2nd, September 6th, and October 4th, 2019 from 3:00 - 12:00 AM (5:00 PM Start Time) on Winchester Avenue from 14th - 18th Streets to promote downtown business and on 15th Street from Winchester Avenue to the alley between Winchester and Carter Avenues for the sale of beer in a controlled environment with an estimated cost to the City of \$3,809.27.
2. City Manager recommends permission authorizing Stephen E. Gilmore, Mayor to sign the Kentucky Pollutant Discharge Elimination System Permit Application.
3. City Manager recommends the appointment of Andrew C. Hatfield to the position of Water Distribution Crew Leader, Grade 110, Water Distribution/Meter Services Division, Public Services & Utility Operations Department, effective February 18, 2019.
4. City Manager recommends the probationary appointment of David E. Jones to the position of Pump Station Technician, Grade 110, Water Distribution/Meter Services Division, Public Services & Utility Operations Department, contingent upon satisfactory completion of a physical examination.
5. City Manager recommends the appointment of Jeffery A. Wellman to the position of Pump Station Technician, Grade 110, Water Distribution/Meter Services Division, Public Services & Utility Operations Department, effective February 18, 2019.
6. City Manager recommends the rescission of Ryan A. Martinez to the position of Water Plant Operator I, Water Production Department, Public Services & Utility Operations Department, previously approved on January 24, 2019.

**REGULAR MEETING FEBRUARY 14, 2019**  
**CONSENT AGENDA CONTINUED**

7. City Manager recommends the appointment of Samuel H. Horn, William E. McKenzie, R. Scott Powell and J. David Miles to the position of Fire Engineer, Ashland Fire Department, effective Sunday, February 17, 2019.
8. Other Consent Items.

**NEW BUSINESS**  
**FIRST READING AND ADOPTION ONLY**

**ORDINANCE NO. \_\_\_\_\_, 2019**

AN ORDINANCE OF THE CITY OF ASHLAND, KENTUCKY, AUTHORIZING AND DIRECTING STEPHEN E. GILMORE, MAYOR, TO EXECUTE A MUTUAL AID AGREEMENT BETWEEN THE CITY OF ASHLAND, ASHLAND FIRE DEPARTMENT, AND THE TRI-STATE AIRPORT AUTHORITY FIRE RESCUE.

**MOTION**

Motion was made by Gute, seconded by Clark+, to adopt Ordinance No. \_\_\_\_\_, 2019, 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. \_\_\_\_\_, 2019**

AN ORDINANCE OF THE CITY OF ASHLAND, KENTUCKY, AUTHORIZING AND DIRECTING STEPHEN E. GILMORE, MAYOR, TO EXECUTE TASK ORDER #23 BETWEEN THE CITY OF ASHLAND, KENTUCKY AND STRAND ASSOCIATES, INC. REGARDING THE 2018 ANNUAL COMBINED SEWER OVERFLOW REPORTS FOR THE DEPARTMENT OF PUBLIC SERVICES AND UTILITY OPERATIONS IN AN AMOUNT NOT TO EXCEED \$15,000.00.

**MOTION**

Motion was made by Gute, seconded by Steen, to adopt Ordinance No. \_\_\_\_\_, 2019, at this its first reading. Upon roll call, voting aye were Commissioners Clark, Gute, Perkins, Steen and Mayor Gilmore. Nay – none. Motion passed.

**REGULAR MEETING FEBRUARY 14, 2019**  
**NEW BUSINESS CONTINUED - DISCUSSION**

**DISCUSSION ITEMS**

**Proposed Animal Control Ordinance Changes**

City Manager Graese advised that City staff was asked to review the existing Animal Control Ordinance to strengthen the ordinance regarding animal cruelty. City Manager Graese reported that staff met and suggests more clarity of the definition of guidelines and education to residents and for better self-compliance, and the vast majority of the City's residents do comply. The negative side is difficulty of enforcement, visual evidence, no access to private property without a warrant, gives more leverage to disputing neighbors and less discretion by the Animal Control Officer on a case by case basis. The Animal Control Officer has prosecuted 13 cases of animal cruelty in the last 12 years and was successful in each one. Corporation Counsel Moore advised the Board that enforceable conditions could be added to the current ordinance. Commissioner Steen advised the definition of shelter should be added to the ordinance. Following discussion, motion was made by Perkins, seconded by Steen, directing the City Manager to draft an ordinance for animal control that would enhance our existing ordinance and provide to the Commission for further review and discussion. For clarification, a discussion will be held prior to adoption. Upon roll call, voting aye were Commissioners Clark, Gute, Perkins, Steen and Mayor Gilmore. Nay – none. Motion passed.

**Fiscal Notes**

Commissioner Clark reported she likes seeing the fiscal notes printed on the agenda. Corporation Counsel Moore advised the Board the draft of the fiscal not ordinance was a combination of several ordinances from different cities. Commissioners Clark and Perkins advised they approved of the version presented to them. Commissioner Clark's only concern was that the Commission could not act on an item without a prepared fiscal note. Corporation Counsel Moore provided for that circumstance in the draft. Commissioner Perkins explained to the public the purpose of the ordinance. The ordinance will be on the next agenda for first reading.

**APPOINTMENTS**

Motion was made by Gute, seconded by Perkins, approving the Mayor's appointment of Amanda Clark to the Ashland Housing Authority Board as the Mayor's designee for a term that begins February 14, 2019 and will expire on February 14, 2023. Upon roll call, voting aye were Commissioners Gute, Perkins, Steen and Mayor Gilmore. Nay – none. Abstain – Commissioner Clark. Motion passed.

Motion was made by Perkins, seconded by Steen, approving the Mayor's appointment of David Daniel to the Ashland Planning Commission for a term beginning February 14, 2019 and expiring on February 14, 2023. Upon roll call, voting aye were Commissioners Clark, Gute, Perkins, Steen and Mayor Gilmore. Nay – none. Motion passed.

Motion was made by Clark, seconded by Steen, approving the Mayor's appointment of Susan Fleming and Mike Miller to the Board of Zoning Adjustment for a term beginning February 14, 2019 and expiring on February 28, 2023. 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 Gute, to go into Executive Session at 1:36 PM to discuss individual personnel matters. Upon roll call, voting aye were Commissioners Clark, Gute, Perkins, Steen and Mayor Gilmore. Nay – none. Motion passed.

**REGULAR MEETING FEBRUARY 14, 2019**  
**EXECUTIVE SESSION CONTINUED**

**RECONVENED**

The meeting reconvened at 2:50 PM and Mayor Gilmore announced that the only items discussed were individual personnel matters with no final action taken.

**MOTION – ASHLAND POLICE DEPARTMENT IA#172**

Motion was made by Gute, seconded by Perkins, concurring with the recommendation of the Chief of Police. Upon roll call, voting aye were Commissioners Clark, Gute, Perkins, Steen and Mayor Gilmore. Nay – none. Motion passed.

**MOTION – GRIEVANCE #2019-001**

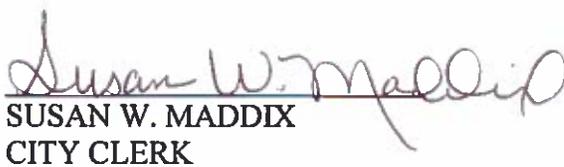
Motion was made by Clark, seconded by Steen, to deny Grievance #2019-001. Upon roll call, voting aye were Commissioners Clark, Gute, Perkins, Steen and Mayor Gilmore. Nay – none. Motion passed.

**ADJOURNMENT**

Mayor Gilmore declared the meeting adjourned at 2:53 PM.

  
STEPHEN E. GILMORE  
MAYOR

ATTEST:

  
SUSAN W. MADDIX  
CITY CLERK