

**REGULAR MEETING  
AUGUST 8, 2019**

The Ashland Board of Commissioners met in Regular Session in the Commissioners' Chambers, City Building, Ashland, Kentucky, on Thursday, August 8, 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, Corporation Counsel; Andrew Wheeler, Assistant Corporation Counsel; Susan W. Maddix, City Clerk; Scott Sexton, Acting Chief of Police; Greg Ray, Fire Chief; Stephen W. Corbitt, Interim City Engineer; Tony Grubb, Finance Director; Jack Hunter, Street Superintendent; Sean Murray, Human Resources/Parks & Recreation Director; Chris Pullem, Director of Community and Economic Development; Mark Hall, Utilities Director; Michelle Veach, Assistant Finance Director; Michelle Grubb, Ashland Bus System; Lorraine Woolery, Section 8 Voucher/Grants Coordinator; and Reporters.

The invocation was given by Commissioner Gute.

The Pledge of Allegiance was conducted.

**AGENDA**

City Manager Graese presented the agenda of August 8, 2019. Motion was made by Gute, 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.

**HEARINGS AND REPORTS**

**Mayor and City Commissioners' Comments**

Commissioner Gute welcomed those in attendance. He congratulated Whitney Lowe on a successful First Friday. He attended National Night Out which included participation of law enforcement, fire departments and EMTs and was facilitated by Kentucky's #1 Chief, Todd Kelley. Commissioner Gute congratulated Chief Kelley on the award. Commissioner Gute reminded everyone that summer is winding down and school starts on August 14.

Mayor Gilmore asked that drivers be extra careful before and after school. Mayor Gilmore stressed the importance of the safety of our children. Mayor Gilmore noted the new LED lighted STOP signs at 23<sup>rd</sup> Street. Acting Chief Scott Sexton advised the number of traffic accidents have decreased since the installation of the lighted signs. Mayor Gilmore suggested possible LED lighting in the area of our schools.

Commissioner Clark announced that Build Ashland has organized a cleanup for all Ashland elementary schools. Meet at Oakview Elementary on Saturday at 8:00 AM or any elementary school of your choice. The work day will be followed by a pool party at Dawson Pool sponsored by Build Ashland from 12:00 Noon to 7:00 PM.

Commissioner Perkins asked the status of the crosswalks and signage at the schools. City Manager Graese advised he would follow-up with the Transportation Task Force (TTF) and report back to the Board.

**City Manager's Report**

City Manager Graese gave an update on the Whole Internet Network Solution (WINS) project. The first set of phone numbers have been ported from the City's current carrier. The locations ported are the Mill Street facility and Dawson Pool. Once the numbers are fully operational and the bugs worked out, additional numbers will be ported by location. Mr. Graese asked the public to be patient during the transition.

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**PUBLIC PARTICIPATION**

Warren Howard, representing the American Cancer Society and the “Real Men Wear Pink” campaign appeared before the Commission to advise the committee selected City Manager Graese, Mayor Gilmore and Commissioner Perkins to participate in the campaign. The campaign centers around leaders in the community fundraising for the American Cancer Society. Mr. Howard gave each of the gentlemen literature and asked they consider participating in the campaign. A kick-off meeting is scheduled for September.

Rob Oldham, 1431 Patty Lane, appeared before the Commission to thank the City for allowing Recovery Fest to continue holding its event in Ashland. Over 2,500 people attended the 2-day event and treatment facilities in the area were represented. Mr. Oldham would like to eventually open a center in Ashland.

Gerald Thompson, Leighwood Drive, appeared before the Commission to ask questions regarding the Ashland/Boyd County Convention and Visitors Bureau and the move by Boyd County to separate and create its own Tourism Commission. Mr. Thompson asked the status of the issue. Mayor Gilmore explained that the City has been meeting with Judge Executive Chaney since January. One of Judge Chaney’s concerns when he took office was tourism and that Boyd County was not getting represented appropriately by the tourism office. The majority of the hotels and motels are outside the City limits. Mayor Gilmore, City Manager Graese and Corporation Counsel Moore met with Judge Chaney to try to keep the Bureau a joint effort. Plans were made to create a new Board of Directors due to current members not having been properly appointed pursuant to governing documents. A joint ordinance was drafted; however, Boyd County scheduled a meeting and voted to adopt an ordinance creating a Tourism Commission for Boyd County only. Commissioner Clark thanked the Mayor for his efforts regarding the issue and stated her belief that the division of resources is not good. Commissioner Steen also advised she believes it is not a good idea. Commissioner Gute agreed the Board of Commissioners does not agree with Boyd County’s decision. Commissioner Perkins hopes Boyd County will eventually see the advantage of a joint Tourism Commission and change their mind. Mayor Gilmore assured everyone that the Ashland Tourism office will continue to operate.

**OLD BUSINESS**  
**SECOND READING & FINAL ADOPTION**

**ORDINANCE NO. 107, 2019**

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 \$230.00 AND EXTENDING THE CONTRACT TO AUGUST 20, 2019 FOR RENOVATIONS OF BUILDING #3 AT SAFE HARBOR OF NORTHEAST KENTUCKY TO BE PAID FROM COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS (CDBG).

\* \* \* \* \*

BE IT ORDAINED BY THE CITY OF ASHLAND, KENTUCKY:

SECTION 1. That Change Order No. 2 in the contract authorized by Ordinance No. 18, 2019 between the City of Ashland, Kentucky and Tri-State Construction for a contract regarding the renovations of Building #3 at Safe Harbor of Northeast Kentucky resulting in an ADA compliant transitional unit for the Department of Community and Economic Development is hereby approved as follows:

**REGULAR MEETING AUGUST 8, 2019**  
**ORDINANCE NO. 107, 2019 CONTINUED**

**Change Order No. 2**

Original Contract Price	\$58,058.58
Previous Change Orders	2,805.00
Contract Price prior to this Change Order	60,863.58
Net <b>Increase</b> /Decrease of this Change Order	230.00
Contract Price with all approved Change Orders	\$61,093.58

Contract Extension to August 20, 2019

Liquidated damages at \$250.00 per day beyond August 20, 2019.

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

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

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

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

/s/STEPHEN E. GILMORE  
MAYOR

ATTEST:

/s/SUSAN W. MADDIX  
CITY CLERK

ADOPTED BY THE BOARD OF COMMISSIONERS: July 26, 2019  
READOPTED BY THE BOARD OF COMMISSIONERS: August 8, 2019  
PUBLISHED:

**MOTION**

Motion was made by Gute, seconded by Steen, to adopt Ordinance No. 107, 2019, at this its second reading. Upon roll call, voting aye were Commissioners Clark, Gute, Steen and Mayor Gilmore. Nay – none. Abstain – Commissioner Perkins. Motion passed.

**CONSENT AGENDA**

**RESOLUTION NO. 20, 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 **AUGUST 8, 2019**.

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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”, for the regular meeting, **August 8, 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.

**REGULAR MEETING AUGUST 8, 2019**  
**CONSENT AGENDA CONTINUED**

/s/STEPHEN E. GILMORE  
MAYOR

ATTEST:

/s/SUSAN W. MADDIX  
CITY CLERK

ADOPTED BY THE BOARD OF COMMISSIONERS: August 8, 2019

**MOTION**

Motion was made by Gute, seconded by Clark, to adopt Resolution No. 20, 2019.

**MOTION TO AMENDED CONSENT AGENDA BY REMOVING ITEM #6**

Motion was made by Perkins to amend the Consent Agenda by removing Item #6 from the agenda to vote on separately. Commissioner Perkins would like to abstain from voting on Item #6 but vote on the remaining items. Motion was seconded by Commissioner Clark. Upon roll call, voting aye were Commissioners Clark, Gute, Perkins, Steen and Mayor Gilmore. Nay – none. Motion passed.

**MOTION TO ADOPT CONSENT AGENDA AS AMENDED**

Motion was made by Clark, seconded by Gute, to adopt Resolution No. 20, 2019, as amended. Upon roll call, voting aye were Commissioners Clark, Gute, Perkins, Steen and Mayor Gilmore. Nay – none. Motion passed.

**CONSENT AGENDA ITEMS**

1. City Manager recommends authorizing payment of Invoice #CI-0000013767 dated July 23, 2019 in the amount of \$98,780 to Service Pump & Supply Co., Inc. for the refurbishing and reinstalling of one flowserve model 23 EPM raw water intake pump at the Ashland Water Treatment Plant, Department of Utility Operations.
2. City Manager recommends authorizing payment of Invoice #0052864 dated June 30, 2019 in the amount of \$25,867.50 to GRW for the design and engineering work completed for the Ashland Water Treatment Plant SCADA and Instrumentation upgrades.
3. City Manager recommends authorizing payment of Invoice #1040551 dated July 11, 2019 in the amount of \$2,970.00 to Barton & Loguidice for the work completed on the filter failure investigation at the Ashland Water Treatment Plant.
4. City Manager recommends authorizing payment of Pay Request #1 dated July 29, 2019 in the amount of \$163,653.28 to Southern Ohio Trenching & Excavating, Inc. for the waterline replacement project on US 23 from 43rd Street to 11th Street.
5. City Manager recommends authorizing payment of Invoices #0116816A.00-1R and #0116816A.00-2R dated June 28, 2019 in the total amount of \$35,909.90 to LJB, Inc. for the engineering services completed on the 2019 waterline replacement project.
6. ITEM REMOVED.
7. City Manager recommends approval to award the bid for the purchase of one 2020 Chevrolet Tahoe for the Ashland Fire Department to Don Hall Chevrolet in the amount of \$37,262.00 and approving payment upon acceptance of vehicle.

**REGULAR MEETING AUGUST 8, 2019**  
**CONSENT AGENDA CONTINUED**

8. City Manager recommends approval for Ashland Community Kitchen to host Chili Fest on September 28, 2019 from 11:00 am to 5:00 pm. This would include set-up to begin on Friday, September 27 at 12:00 pm and closing the Paramount parking lot and 14th Street between Winchester Avenue and Carter Avenue at an estimated City Staff cost of \$119.83, to be paid by Ashland Community Kitchen.
9. City Manager recommends approval for KYOVA's efforts to apply for a grant for a KYTC Feasibility Study of our downtown area and development.
10. City Manager recommends the probationary appointment of Maranda L. Evans to the position of Administrative Assistant, Grade 108, in the Department of General Government, Division of Human Resources, effective August 11, 2019.
11. City Manager recommends the probationary appointment of Patrick Ewing, Charles Irwin and Forrest Moore to the position of Wastewater Treatment Operator, Grade 105, Department of Utilities, Division of Wastewater Treatment Plant, contingent upon the satisfactory completion of a physical examination.
12. Other Consent Items

**MOTION AUTHORIZING PAYMENT OF PAY REQUEST 32 TO TRI-STATE CONSTRUCTION & ENTERPRISE**

Motion was made by Clark, seconded by Gute, authorizing payment of Pay Request #2 dated June 23, 2019 in the amount of \$9,967.50 to Tri-State Construction & Enterprise for the work completed on the Safe Harbor #3 Renovation Project. Upon roll call, voting aye were Commissioners Clark, Gute, Steen and Mayor Gilmore. Nay – none. Abstain – Commissioner Perkins. Motion passed.

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

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

AN ORDINANCE OF THE CITY OF ASHLAND, KENTUCKY, AMENDING PART III. CONDITIONS OF EMPLOYMENT; C. DISCIPLINARY ACTION AND PART V. COMPENSATION PLAN; J. STEP-UP PAY OF THE “POLICIES AND PROCEDURES, COMPENSATION PLAN AND CLASSIFICATION PLAN” AS ADOPTED BY ORDINANCE NO. 51, SERIES OF 2017, AS PREVIOUSLY AMENDED.

**MOTION**

Motion was made by Clark, 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 AUGUST 8, 2019**  
**ORDINANCE NO. \_\_\_\_\_, 2019**  
**FIRST READING AND ADOPTION ONLY**

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

AN ORDINANCE OF THE CITY OF ASHLAND, KENTUCKY, AUTHORIZING AND DIRECTING STEPHEN E. GILMORE, MAYOR, TO SUBMIT THE PROGRAM YEAR 2019 **AMENDED** ACTION PLAN FOR A COMMUNITY DEVELOPMENT BLOCK GRANT TO THE U. S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD) IN THE AMOUNT OF \$561,481.00 PLUS THE CARRY-OVER FROM 2018 IN AN APPROXIMATE AMOUNT OF \$998,804.00, AND UPON ACCEPTANCE OF SAID APPLICATION FROM HUD, TO EXECUTE ON BEHALF OF THE CITY OF ASHLAND, AN AGREEMENT WITH THE U. S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT TO ENABLE THE CITY TO UNDERTAKE THESE ACTIVITIES AND/OR ANY AND ALL DOCUMENTS ASSOCIATED WITH THE GRANT SUBMITTAL.

**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, Steen and Mayor Gilmore. Nay – none. Abstain – Commissioner Perkins. 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 SUBMIT THE ANNUAL SECTION 8 MANAGEMENT ASSESSMENT PROGRAM (SEMAP) CERTIFICATION TO THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT.

**MOTION**

Motion was made by Clark, seconded by Gute, to adopt Ordinance No. \_\_\_\_\_, 2019, at this its first reading. Upon roll call, voting aye were Commissioners Clark, Gute, Steen and Mayor Gilmore. Nay – none. Abstain – Commissioner Perkins. 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 A UTILITY KEEP COST BETTERMENT AGREEMENT BETWEEN THE KENTUCKY TRANSPORTATION CABINET, DIVISION OF RIGHT-OF-WAY & UTILITIES, AND THE CITY OF ASHLAND REGARDING WORK BY THE CABINET'S HIGHWAY CONTRACTOR ON WINCHESTER AVENUE BETWEEN 9<sup>TH</sup> & 10<sup>TH</sup> STREETS AT A COST OF \$1,835.00 TO THE CITY OF ASHLAND.

**REGULAR MEETING AUGUST 8, 2019**  
**ORDINANCE NO. \_\_\_\_\_, 2019 CONTINUED**

**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.

**FIRST READING AND ADOPTION ONLY**

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

AN ORDINANCE OF THE CITY OF ASHLAND, KENTUCKY, ESTABLISHING THE ASHLAND TOURIST AND CONVENTION COMMISSION, ESTABLISHING THE FUNDING OF THE COMMISSION BY THE TRANSIENT ROOM TAX AND THE COMPOSITION OF ITS MEMBERS, AND REPEALING ORDINANCE NO. 25, SERIES OF 1982, AND ORDINANCE NO. 8, SERIES OF 1997, OF THE CITY OF ASHLAND, KENTUCKY.

**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, APPROVING AN AMENDED LOAN AGREEMENT (#2017-M-001A) WITH TIPTON'S TRADITIONS, LLC IN THE AMOUNT OF \$42,000.00, THE REMAINING PRINCIPAL BALANCE OF THE ORIGINAL LOAN (#2017-M-001) APPROVED BY RESOLUTION NO. 6, SERIES OF 2017, DUE TO A CHANGE IN OWNERSHIP OF TIPTON'S TRADITIONS AND AUTHORIZING STEPHEN E. GILMORE, MAYOR, TO EXECUTE THE AMENDED LOAN DOCUMENTS.

**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.

**REGULAR MEETING AUGUST 8, 2019**  
**ORDINANCE NO. \_\_\_\_\_, 2019**

**FIRST READING AND ADOPTION ONLY**

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

AN ORDINANCE OF THE CITY OF ASHLAND, KENTUCKY, AUTHORIZING AND APPROVING CHANGE ORDER NO. 1 BETWEEN THE CITY OF ASHLAND, KENTUCKY AND SOUTHERN OHIO TRENCHING & EXCAVATING, INC. FOR A CONTRACT REGARDING THE WATERLINE REPLACEMENT ON U.S. 23 FROM 43<sup>RD</sup> STREET (ASHLAND) TO 11<sup>TH</sup> STREET (CATLETTSBURG) IN THE AMOUNT OF \$52,100.00 FOR THE DEPARTMENT OF UTILITIES, DIVISION OF WATER DISTRIBUTION.

**MOTION**

Motion was made by Perkins, 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.

**READING AND ADOPTION**

**MUNICIPAL ORDER NO. 6, 2019**

A MUNICIPAL ORDER OF THE CITY OF ASHLAND, KENTUCKY, DESIGNATING THE LOCATION OF THREE BRONZE STATUES KNOWN AS VULCAN, VENUS AND GENESIS AT THE ASHLAND RIVERFRONT PARK.

\* \* \* \*

WHEREAS, by Municipal Order No. 5, 2019, the City of Ashland, Kentucky accepted the donation of three bronze statues known as and depicting Vulcan, Venus and Genesis, and

WHEREAS, the City of Ashland desires to designate the location for the installation and display of said statues;

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

SECTION 1. The bronze statues known as Vulcan, Venus and Genesis shall be installed and displayed at the Ashland Riverfront Park, at the location within the park as shown on the plat attached hereto and incorporated by reference herein.

SECTION 2. The installation and operation of said statues shall be in accordance with the terms and conditions of the donor agreement dated July 29, 2019 as approved by Municipal Order No. 5, 2019.

**INTRODUCED, PUBLICLY READ AND FINALLY APPROVED ON ONE READING**, this the 8<sup>th</sup> day of August, 2019.

/s/STEPHEN E. GILMORE  
MAYOR

ATTEST:

/s/SUSAN W. MADDIX  
CITY CLERK

**REGULAR MEETING AUGUST 8, 2019**  
**MUNICIPAL ORDER NO. 6, 2019 CONTINUED**

**MOTION**

Motion was made by Gute, seconded by Steen, to adopt Municipal Order No. 6, 2019.

**DISCUSSION**

Commissioner Clark suggested the possible creation of an Arts Council, unless the City already has one in place, to create a policy and review future art donations, art projects, etc. Corporation Counsel Moore will research the subject and report back to the Board.

**VOTE**

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

**OTHER NEW BUSINESS**

Commissioner Gute requested “No Smoking” signs be placed in the area of the pickle ball/tennis courts and in the area of the Library Commons. Commissioner Perkins suggested camera surveillance in the area of the Library Commons due to the number of children playing in the area. Commissioner Clark requested turning off the power bank located near the Riverfront Walking Trail during evening hours. City Manager Graese advised the Board that Parks and Recreation Director Sean Murray and the Ashland Police Department have been working on possible solutions and appropriate signage for these areas.

**EXECUTIVE SESSION**

Motion was made by Clark, seconded by Perkins, to go into Executive Session at 12:55 PM to discuss two potential litigation matters. Upon roll call, voting aye were Commissioners Clark, Gute, Perkins, Steen and Mayor Gilmore. Nay – none. Motion passed.

**RECONVENED**

The meeting reconvened at 1:37 PM and Mayor Gilmore announced the only items discussed were two potential litigation matters with no final action taken.

**ADJOURNMENT**

Mayor Gilmore declared the meeting adjourned at 1:37 PM.

  
 STEPHEN E. GILMORE  
 MAYOR

ATTEST:

  
 SUSAN W. MADDIX  
 CITY CLERK

