

**REGULAR MEETING
AUGUST 22, 2019**

The Ashland Board of Commissioners met in Regular Session in the Commissioners' Chambers, City Building, Ashland, Kentucky, on Thursday, August 22, 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; Andrew Wheeler, Assistant Corporation Counsel; Susan W. Maddix, City Clerk; Todd Kelley, Chief of Police; Greg Ray, Fire Chief; Stephen W. Corbitt, Interim City Engineer; Tony Grubb, Finance Director; Michelle Veach, Assistant Finance Director; Jack Hunter, Street Superintendent; Chris Pullem, Director of Community and Economic Development; Ray Hale, Acting Utilities Director; Michelle Grubb, Ashland Bus System; Bill Stambaugh, Water Treatment Plant; Sergeant Brian Clark, Ashland Police Department; and Reporters.

The invocation was given by Commissioner Gute.

The Pledge of Allegiance was conducted.

AGENDA

City Manager Graese presented the agenda of August 22, 2019. Motion was made by Perkins, 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 announced LaborFest will be held in Central Park at 2:00 PM in addition to the celebration in Catlettsburg, KY. Commissioner Gute announced that Rumpke is working on a final draft of a flier to be distributed so citizens interested in voluntary curbside recycling may sign up. Commissioner Perkins asked about signing up for service online. City Manager Graese advised that Rumpke has noted on the flier that you may sign up online or via U.S. mail. Commissioner Perkins asked that a link to the sign up at Rumpke be placed on the City's website.

Commissioner Perkins announced the United Way 4K at 9:00 AM Saturday, August 24. He announced that the Mayor's granddaughter, Langley Sebastian, is in charge of the event.

Mayor Gilmore presented the following Proclamation to Pathways Inc.:

**PROCLAMATION BY
Stephen E. Gilmore, Mayor
CITY OF ASHLAND, KENTUCKY**

* * * * *

WHEREAS, Pathways Inc. in the City of Ashland has served the community since 1967; and

WHEREAS, they have proudly served as a community-based center for mental health care and the prevention and treatment of alcohol and other addictions; and

WHEREAS, which also includes services for individuals with intellectual or developmental disabilities; and

WHEREAS, their core values consist of Respect, Accessibility, Empowerment, Responsibility, Competency, Trust and Support; and

REGULAR MEETING AUGUST 22, 2019
HEARINGS AND REPORTS CONTINUED

WHEREAS, September has been National Recovery Month for the past 30 years, bringing much needed awareness to these growing problems in our community,

NOW, THEREFORE, I, Stephen E. Gilmore, Mayor of the City of Ashland, Kentucky on behalf of the City Commission do hereby proclaim September 2019 as

“RECOVERY MONTH”
 In the City of Ashland

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of Ashland, Kentucky to be affixed this 22nd day of August 2019.

/s/STEPHEN E. GILMORE, MAYOR

Attest:

/s/SUSAN W. MADDIX, CITY CLERK

Commissioner Perkins stated how proud he is of the work Pathways Inc. does and proud that Pathways' headquarters is located in Ashland. Commissioner Perkins noted that Kyle Gibson is proof that Pathways makes a difference, and he is very proud of the young man Kyle Gibson has become.

City Manager's Report

City Manager Graese reported on the following:

Mark Hall, Director of Utilities, was presented with Operational Excellence Award by the Clean Water Professionals of Kentucky and Tennessee for the Wastewater Treatment Plant.

The Ashland Bus System received Surface Transportation Block Grant funds in the amount of \$171,000.00 from KYOVA. Bus Shelters are being replaced throughout the City of Ashland with the addition of new locations for bus shelter placement. Bike racks, benches, trash cans, etc. will also be purchased.

Telephone numbers have been ported from the City's current carrier for the Whole Internet Network Solution (WINS) project. Staff is currently working on resolving some issues so that all remaining locations may be ported. The Finance Department has purchased software to allow online billing and bill pay.

PUBLIC PARTICIPATION

Cheryl Spriggs, representing Ashland Rotary, appeared before the Commission regarding the World War II Memorial Wall. Rotary is planning to have the wall built next year which is the 75th Anniversary of the end of WWII. Rotary met with the Park Board to get site approval for the Ashland Riverfront. Ms. Spriggs advised the Commission that Rotary is requesting that the area be called Veterans' Memorial Walk or Veterans' Memorial Park. Ms. Spriggs requested the Commission add this project to the agenda to be approved at the next Commission meeting on September 12, 2019 in order to get the site drawing completed. Mayor Gilmore advised the item will be on the next agenda.

Ann Perkins, 2603 Cumberland, representing Safe Harbor, appeared before the Commission to thank the Mayor, Commission and City staff for the completion of the handicap bedroom/bathroom project. Mrs. Perkins thanked the Ashland Police and Fire Departments for their quick response time and also D.J. Rymer and Lorraine Woolery specifically for their assistance.

REGULAR MEETING AUGUST 22, 2019
ORDINANCE NO. 108, 2019

OLD BUSINESS
SECOND READING & FINAL ADOPTION

ORDINANCE NO. 108, 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.

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. PART III. CONDITIONS OF EMPLOYMENT; C. DISCIPLINARY ACTION AND PART V. COMPENSATION PLAN; J. STEP-UP PAY are hereby amended. A copy of said amended sections 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

ADOPTED BY THE BOARD OF COMMISSIONERS:	August 8, 2019
READOPTED BY THE BOARD OF COMMISSIONERS:	August 22, 2019
PUBLISHED:	

MOTION

Motion was made by Clark, seconded by Gute, to adopt Ordinance No. 108, 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 AUGUST 22, 2019
ORDINANCE NO. 109, 2019

SECOND READING & FINAL ADOPTION

ORDINANCE NO. 109, 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.

BE IT ORDAINED BY THE CITY OF ASHLAND, KENTUCKY:

SECTION 1. That the Program Year 2019 **AMENDED** Action Plan is hereby approved by the Board of Commissioners of said City and Stephen E. Gilmore, Mayor, is hereby authorized and directed to execute and submit said **AMENDED** Plan in the amount of \$561,481.00 plus the carry-over from 2018 in an approximate amount of \$998,804.00, to the Department of Housing and Urban Development for approval and implementation; to provide such documentation and certifications as may be required by the Department of Housing and Urban Development; and, further, to act as the authorized correspondent of the City of Ashland relating to the Community Development Program.

SECTION 2. That the United States of America and the Secretary of Housing and Urban Development be, and hereby are, assured of full compliance by the Board of Commissioners of the City of Ashland, Kentucky, with certifications relating to all regulations and administration of Civil Rights Act, citizen participation, relocation payments, acquisition processes, accounting procedures, the Hatch Act, minimum wage and minimum hour provisions of the Fair Labor Standards Act, and all requirements of the National Environmental Policy Act of 1968.

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, re adoption 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: August 8, 2019
READOPTED BY THE BOARD OF COMMISSIONERS: August 22, 2019
PUBLISHED:

REGULAR MEETING AUGUST 22, 2019
ORDINANCE NO. 109, 2019 CONTINUED

MOTION

Motion was made by Gute, seconded by Steen, to adopt Ordinance No. 109, 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.

SECOND READING & FINAL ADOPTION

ORDINANCE NO. 110, 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.

BE IT ORDAINED BY THE CITY OF ASHLAND, KENTUCKY:

SECTION 1. That the Board of Commissioners of the City of Ashland, Kentucky hereby accepts the Annual Section 8 Management Assessment Program (SEMAP) Certification and authorizes and directs Stephen E. Gilmore, Mayor, to submit said application to the U.S. Department of Housing and Urban Development. Said certification is attached hereto and made a part hereof by reference.

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

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

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

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

/s/STEPHEN E. GILMORE
MAYOR

ATTEST:

/s/SUSAN W. MADDIX
CITY CLERK

ADOPTED BY THE BOARD OF COMMISSIONERS: August 8, 2019
READOPTED BY THE BOARD OF COMMISSIONERS: August 22, 2019
PUBLISHED:

MOTION

Motion was made by Clark, seconded by Gute, to adopt Ordinance No. 110, 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.

REGULAR MEETING AUGUST 22, 2019
ORDINANCE NO. 111, 2019

SECOND READING & FINAL ADOPTION

ORDINANCE NO. 111, 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 9TH & 10TH STREETS AT A COST OF \$1,835.00 TO THE CITY OF ASHLAND.

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 a Utility Keep Cost Betterment Agreement Pursuant to KRS 177.035 WORK BY CABINET'S HIGHWAY CONTRACTOR between the Kentucky Transportation Cabinet, Division of Right-of-Way & Utilities, and the City of Ashland, Kentucky at a cost of \$1,835.00 to the City of Ashland. The Kentucky Transportation Cabinet, Department of Highways, proposes to construct an on-street parking bay along NB Winchester Avenue between 9th & 10th Streets, and a pull-off bay along SB Winchester Avenue between 9th & 10th Streets, Mill, Resurface & Restripe Winchester Avenue to include a 2-way left turn lane, update striping on 10th Street and update signal to include flashing yellow arrows at U.S. 23X & 10th Street (2018BOP). A copy of said agreement 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: August 8, 2019
READOPTED BY THE BOARD OF COMMISSIONERS: August 22, 2019
PUBLISHED:

MOTION

Motion was made by Gute, seconded by Steen, to adopt Ordinance No. 111, 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 AUGUST 22, 2019**ORDINANCE NO. 112, 2019****SECOND READING & FINAL ADOPTION****ORDINANCE NO. 112, 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.

WHEREAS, by Ordinance No. 25, Series of 1982, the City of Ashland created the Ashland Tourist and Convention Commission, and

WHEREAS, by Ordinance enacted in August 1984, the Boyd Fiscal Court ratified and adopted the action of the City of Ashland creating the Ashland Tourist and Convention Commission, joined the Ashland/Boyd County Tourist and Convention Commission, and imposed a three percent (3%) Transient Room Tax, and

WHEREAS, by Ordinance No. 8, Series of 1997, the City of Ashland imposed a Transient Room Tax not to exceed three percent (3%) on organizations doing business as motor courts, motels, hotels, inns or like or similar accommodations businesses, and

WHEREAS, by Ordinance No. 11, 2019, the Boyd County Fiscal Court has repealed in its entirety the aforementioned ordinance enacted on the 1st day of August 1984 which provided for the joint operation of the Ashland/Boyd County Tourist and Convention Commission and withdrawn from said joint commission, and

WHEREAS, the Ashland Tourist and Convention Commission is therefore the successor in interest to the former Ashland/Boyd County Tourist and Convention Commission, and

WHEREAS, it is therefore necessary to reconstitute the Ashland Tourist and Convention Commission as established by the City of Ashland as a local governing body pursuant to KRS 91A.350(2) and KRS 91A.360 et seq., and

WHEREAS, it has come to the attention of the Board of Commissioners of the City of Ashland that the Board of the Ashland/Boyd County Tourist and Convention Commission is not currently properly constituted and that said Board must be reconstituted as a Board of the Ashland Tourist and Convention Commission;

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

SECTION 1. Ordinance No. 25, Series of 1982 and Ordinance No. 8, Series of 1997, of the City of Ashland, Kentucky, are hereby repealed in their entirety.

SECTION 2. The City of Ashland, Kentucky, pursuant to powers and authorities granted to it by KRS 91A.350, hereby creates and establishes the Ashland Tourist and Convention Commission as the successor in interest to the Ashland/Boyd County Tourist and Convention Commission for the purpose of promoting recreational, convention and tourist activity within the City of Ashland, Kentucky; said Commission to be governed by KRS 91A.350, 91A.360, 91A.390 and other applicable provisions of the Kentucky Revised Statutes as they now exist and as they may hereafter be amended; and said Commission shall, therefore, have all the authority, powers, duties and obligations granted to it by said statutes and this ordinance.

SECTION 3. The Ashland Tourist and Convention Commission shall be composed of seven (7) members to be appointed by the Mayor of the City of Ashland, Kentucky, in the following manner:

REGULAR MEETING AUGUST 22, 2019
ORDINANCE NO. 112, 2019 CONTINUED

- a. Two (2) commissioners from a list submitted by the local city motel and hotel association.
- b. One (1) commissioner from a list submitted by the local county hotel and motel association, provided that if only one (1) local hotel and motel association exists which covers both the City of Ashland and Boyd County, then three (3) commissioners shall be appointed from a list submitted by it. If no formal local city or county hotel and motel association is in existence upon the establishment of the commission or upon the expiration of the term of a commissioner appointed pursuant to this ordinance, then up to three (3) commissioners shall be appointed by the Mayor from persons residing within the City of Ashland and representing local hotels or motels. A local city or county hotel and motel association shall not be required to be affiliated with the Kentucky Hotel and Motel Association to be recognized as the official local city or county hotel and motel association.
- c. One (1) commissioner from a list submitted by the local restaurant association or associates. If no formal local restaurant association or associations exist upon the establishment of a commission or upon the expiration of the term of a commissioner appointed pursuant to this subsection, then one (1) commissioner shall be appointed by the Mayor from persons residing within the City of Ashland and representing a local restaurant. A local restaurant association or associations shall not be required to be affiliated with the Kentucky Restaurant Association to be recognized as the official local restaurant association or associations.
- d. One (1) commissioner from a list submitted by the Ashland Alliance (the local Chamber of Commerce). If no local chamber of commerce is in existence upon the establishment of a commission or upon the expiration of the term of a commissioner appointed pursuant to this subsection, then one (1) commissioner shall be appointed by the Mayor from persons residing within the City of Ashland and representing local businesses.
- e. Two (2) commissioners by the Mayor of the City of Ashland, Kentucky.

SECTION 4. The Commissioners appointed individually by the Mayor of the City of Ashland shall pursuant to Section 3(e) hereof each have an initial term of three (3) years. The Commissioner appointed from nominees submitted by the Ashland Alliance (the local Chamber of Commerce) and from a list of nominees submitted by the local restaurant association shall each have an initial term of two (2) years. The remaining commissioners shall be appointed for an initial term of one year. All subsequent terms of all commissioners shall be for a term of three (3) years.

SECTION 5. Vacancies on the Commission shall be filled in the same manner that original appointments are made.

SECTION 6. The Commission shall elect from its membership a chairman and a treasurer and may employ such personnel and make such contracts as are necessary to effectively carry out the purpose of KRS 91A.350 to 91A.390. The Commission may employ an Executive Director or Chief Executive Officer. Any Executive Director or Chief Executive Officer so employed shall be a resident of Ashland, Kentucky, or become a resident of Ashland, Kentucky within ninety (90) days of employment, and shall maintain residency in Ashland, Kentucky for the duration of his employment. Contracts may include but shall not be limited to the procurement of promotional services, advertising services and other services and materials relating to the promotion of tourist and convention business; provided, contracts of the type enumerated shall be made only with persons, organizations, and firms with experience and qualifications for providing promotional services and materials such as advertising firms, chambers of commerce, publishers and printers.

REGULAR MEETING AUGUST 22, 2019
ORDINANCE NO. 112, 2019 CONTINUED

SECTION 7. The books of the Commission shall be audited by an independent auditor who shall make a report to the Commission, to the organizations submitting names from which Commission members are selected, to the Mayor and Board of Commissioners of the City of Ashland, Kentucky, not less than annually.

SECTION 8. The Commission shall annually submit to the Ashland Board of City Commissioners a request for funds for the operation of the Commission for the ensuing year. The Ashland Board of City Commissioners shall include the Commission in its annual budget and shall provide for the operation of the Commission by imposing a transient room tax, not to exceed three percent (3%) of the rent for every occupancy of a suite, room or rooms, charged by all persons, companies, corporations or other like or similar persons, groups or organizations doing business as motor courts, motels, hotels, inns, bed and breakfasts, Airbnb or like or similar accommodations businesses.

SECTION 9. A transient room tax of three percent (3%) is hereby imposed and levied on the rate, rent or other charge for every occupancy of a suite, room or rooms, let or rented by any and all persons, companies, corporations or other like or similar persons, groups or organizations doing business as motor courts, motels, hotels, inns, bed and breakfasts, Airbnb or like or similar accommodations businesses in the City of Ashland, Kentucky. Transient room taxes shall not apply to the rental or leasing of an apartment supplied by an individual or business that regularly holds itself out as exclusively providing apartments. Apartment means a room or set of rooms, in an apartment building, fitted especially with a kitchen and usually leased as a dwelling for a minimum period of thirty (30) days or more.

SECTION 10. Provisions for administration of the Transient Room Tax:

- a. All persons, companies, corporations or other like or similar persons, groups, or organizations doing business as motor courts, motels, hotels, inns or like or similar accommodations businesses in the City of Ashland shall file a monthly return with the license fee administrator for the City of Ashland, Kentucky, by the 20th day of the following month. If the 20th day falls on a Saturday, Sunday or a legal holiday, the report shall be due by the next regular working day. Payment of the tax shall accompany the return.
- b. The tax on motels and hotels within the City of Ashland shall be made payable to the City of Ashland Cashier.
- c. A certified copy of the sales and use tax return shall be attached to the monthly return.
- d. A collection fee in the amount of three percent (3%) of the first \$1,000.00 and two and one-quarter percent (2¼ %) of the tax in excess of \$1,000.00 will be retained by the City of Ashland, Kentucky, on its respective collections.
- e. A penalty of ten percent (10%) will be assessed on any unpaid tax which is not paid by the due date.
- f. Interest computed at the legal rate on judgments in the Commonwealth of Kentucky shall be assessed on any unpaid tax which is not paid by the due date.
- g. It will be the responsibility of the taxpayer to maintain books, records and papers in support of all amounts reported on the monthly return.
- h. Any taxpayer who fails to keep books, records and papers will be assessed a penalty not exceeding Ten Dollars (\$10.00) for each day such taxpayer fails to maintain books, records and papers.
- i. The City of Ashland, Kentucky will be permitted to examine the books, records and papers of the taxpayer upon notification in writing to the taxpayer.
- j. Any taxpayer who shall refuse to permit the City of Ashland or any authorized agent of the City to examine the books, records and papers of the taxpayer will be assessed a penalty not exceeding Ten Dollars (\$10.00) for each day the taxpayer fails to permit examination of any books, records and papers.

REGULAR MEETING AUGUST 22, 2019
ORDINANCE NO. 112, 2019 CONTINUED

SECTION 11. A portion of the money collected from the imposition of any such transient room tax, as determined by the Ashland Board of City Commissioners may be used to finance the cost of acquisition, construction, operation and maintenance of facilities useful in the attraction and promotion of tourist and convention business and shall include athletic stadiums. The balance of the money collected from the imposition of any such transient room tax shall be used for the purposes set forth in KRS 91A.350. Proceeds from any such transient room tax may not be used to provide a subsidy in any form to any hotel, motel or restaurant. Money not expended by the Commission during any fiscal year shall be used to make up a part of the Commission's budget for its next fiscal year.

SECTION 12. All persons, companies, corporations or other like or similar persons, groups or organizations doing business as motor courts, motels, hotels, inns, bed and breakfasts, Airbnb or like or similar accommodations businesses shall collect and pay said transient room tax to the City of Ashland, Kentucky.

SECTION 13. Any person, firm or corporation who shall violate the provisions of this ordinance shall be deemed guilty of a violation and shall be punished by a fine not less than Ten Dollars (\$10.00) nor more than any stated amount provided in KRS 534.040.

SECTION 14. SEVERABILITY CLAUSE. It shall be considered that it is the intent of the City of Ashland, in enacting this ordinance, that if any part of it be held unconstitutional or invalid for any reason, the remaining parts shall remain in force, unless the ordinance provides otherwise, or unless the remaining parts are so essentially and inseparably connected with and dependent upon the unenforceable part that it is apparent that the City would not have enacted the remaining parts with the unenforceable part, or unless the remaining parts, standing alone, are incomplete and incapable of being executed in accordance with the intent of the City of Ashland.

SECTION 15. All other ordinances and parts of ordinances in conflict herewith, to the extent of such conflict only, are hereby repealed.

SECTION 16. 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:	August 8, 2019
READOPTED BY THE BOARD OF COMMISSIONERS:	August 22, 2019
PUBLISHED:	

MOTION

Motion was made by Gute, seconded by Clark, to adopt Ordinance No. 112, 2019, at this its second reading.

DISCUSSION

Commissioner Perkins clarified that following adoption of this ordinance, a different Tourism Commission from the one existing now will be appointed and consist of representatives of the parties collecting the tax and some citizens appointed by the Mayor. Corporation Counsel Moore explained that pursuant to statute, there will be 7 members. Two members that are considered "wild cards," 3 representing area hotels and motels, 1 representing restaurants and 1 representing the Ashland Alliance. Commissioner Perkins also clarified that the Tourism Commission governs the Convention and Visitors Bureau. It is not governed by the City of Ashland. Commissioner Perkins expressed concern regarding funding for the tourism office. Mayor Gilmore advised he has spoken with the tourism office and it is understood there will be reductions until funding is available.

REGULAR MEETING AUGUST 22, 2019
ORDINANCE NO. 112, 2019 CONTINUED

Commissioner Perkins asked the Commission to consider aiding the tourism office during this time. Commissioner Clark advised there is money available now and suggested the new Board review each of the hotels and motels to confirm the transient room tax is being paid correctly. Corporation Counsel Moore will prepare a letter to all hotels and motels to make them aware of the changes.

VOTE

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

SECOND READING & FINAL ADOPTION

ORDINANCE NO. 113, 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.

WHEREAS, Resolution No. 6, Series of 2017, approved Loan #2017-M-001 to Tipton's Traditions in the total amount of \$70,000.00 to be paid in two increments of \$35,000.00 from the Economic Development Minority Loan Fund, and

WHEREAS, a change in ownership of Tipton's Traditions has occurred, and

WHEREAS, the remaining principal balance of the loan is \$42,000.00 for a period of three years;

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

SECTION 1. That the Board of Commissioners of the City of Ashland, Kentucky, hereby approves Minority Loan Agreement No. 2017-M-001A to Tipton's Traditions in the remaining principal balance of \$42,000.00 which was paid from the Economic Development Minority Loan Fund. No additional funds will be released to Tipton's Traditions.

SECTION 2. The Mayor of the City of Ashland, Kentucky is hereby authorized and directed to execute any and all documents relating to the loan.

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.

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

REGULAR MEETING AUGUST 22, 2019
ORDINANCE NO. 113, 2019 CONTINUED

ADOPTED BY THE BOARD OF COMMISSIONERS: August 8, 2019
 READOPTED BY THE BOARD OF COMMISSIONERS: August 22, 2019
 PUBLISHED:

MOTION

Motion was made by Clark, seconded by Steen, to adopt Ordinance No. 113, 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. 114, 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 43RD STREET (ASHLAND) TO 11TH STREET (CATLETTSBURG) IN THE AMOUNT OF \$52,100.00 FOR THE DEPARTMENT OF UTILITIES, DIVISION OF WATER DISTRIBUTION.

BE IT ORDAINED BY THE CITY OF ASHLAND, KENTUCKY:

SECTION 1. That Change Order No. 1 in the contract authorized by Ordinance No. 52, 2019 between the City of Ashland, Kentucky and Southern Ohio Trenching and Excavating, Inc. for the Waterline Replacement Project on U.S. 23 from 43rd Street (Ashland) to 11th Street (Catlettsburg) is hereby approved as follows:

Change Order No. 1

Original Contract Price	\$429,705.00
Previous Change Orders	0.00
Contract Price prior to this Change Order	429,705.00
Net Increase /Decrease of this Change Order	52,100.00
Contract Price with all approved Change Orders	\$481,805.00

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

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

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

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

/s/STEPHEN E. GILMORE
 MAYOR

ATTEST:

/s/SUSAN W. MADDIX
 CITY CLERK

REGULAR MEETING AUGUST 22, 2019
ORDINANCE NO. 114, 2019 CONTINUED

ADOPTED BY THE BOARD OF COMMISSIONERS: August 8, 2019
 READOPTED BY THE BOARD OF COMMISSIONERS: August 22, 2019
 PUBLISHED:

MOTION

Motion was made by Gute, seconded by Steen, to adopt Ordinance No. 114, 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. 21, 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 22, 2019.

* * * * *

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 22, 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: August 22, 2019

MOTION

Motion was made by Gute, seconded by Clark, to adopt Resolution No. 21, 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 for payment of Fiscal Year 20 contribution in the amount of \$11,250 to The Salvation Army as adopted in the Fiscal Year 2020 Budget.
2. City Manager recommends approval for payment of Fiscal Year 20 contribution in the amount of \$3,750 to The Ashland Senior Center as adopted in the Fiscal Year 2020 Budget.

REGULAR MEETING AUGUST 22, 2019
CONSENT AGENDA CONTINUED

3. City Manager recommends approval for payment of Fiscal Year 20 contribution in the amount of \$5,000 to Shelter of Hope as adopted in the Fiscal Year 2020 Budget.
4. City Manager recommends approval for payment of Fiscal Year 20 contribution in the amount of \$30,000 to Poage Landing Days Festival as adopted in the Fiscal Year 2020 Budget.
5. City Manager recommends approval for payment of Fiscal Year 20 contribution in the amount of \$3,000 to Ashland School Safety Patrol as adopted in the Fiscal Year 2020 Budget.
6. City Manager recommends authorizing payment of Invoice #0116816A.00-4 dated August 4, 2019 in the amount of \$29,764.76 to LJB, Inc. for the engineering services performed for the 2019 waterline replacement project.
7. City Manager recommends approval of the purchase of a 12x2 Cutaway bus from the Commonwealth of Kentucky Department of Transportation Public Transit Association (KPTA) Bid #8.
8. City Manager recommends approval to award the bid for the purchase of ten Eclipse all climate automatic flushing devices to Consolidated Pipe & Supply Co., Inc., in the amount of \$21,710 and approving payment upon acceptance of the devices, Division of Water Distribution, Department of Utility Operations.
9. City Manager recommends approval to award the bid for the purchase and installation of the 26th Street sewage station channel grinder replacement to Service Pump and Supply in the amount of \$60,638, Department of Utility Operations.
10. City Manager recommends approval to award the bid for the purchase of a new one ton regular cab truck with utility bed for the Central Garage in the amount of \$38,309 to Don Hall Supercenter and approving payment upon acceptance of the vehicle.
11. City Manager recommends approval to award the bid to provide all labor, material, equipment, supervision, tools and perform all work and service necessary for re-roofing the Water Treatment Plant and River Intake Building in the amount of \$150,000 to Bri-Den Roofing, Division of Water Production, Department of Utility Operations.
12. City Manager recommends approval to award the bid for the purchase of one new 2020 Cubic Yard, Rear Loading Packer Truck in the amount of \$150,666.00 to Municipal Equipment, Inc., and approving payment upon acceptance of vehicle, Division of Sanitation, Department of Public Services.
13. City Manager recommends approval to award the bid for the purchase of one new 3/4 Ton Crew Cab Truck in the amount of \$31,777 to Don Hall Supercenter and approving payment upon acceptance of the vehicle, Division of Water Distribution, Department of Utility Operations.
14. City Manager recommends approval to award the bid for the purchase of one new 3/4 Ton Crew Cab in the amount of \$31,771.20 to Don Hall Supercenter, Division of Water Treatment Plant, Department of Utility Operations.
15. City Manager recommends approval to award the bid for the purchase of a Regenerative/Direct Vac Air Sweeper in the amount of \$248,332 to Stringfellow, Inc. and approving payment upon acceptance of the vehicle, Division of Streets, Department of Public Services.

REGULAR MEETING AUGUST 22, 2019
CONSENT AGENDA CONTINUED

16. City Manager recommends the probationary appointment of Carrie A. Haight to the position of GIS Analyst, Grade 110, Department of Engineering, contingent upon the satisfactory completion of a physical examination.
17. 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 AN AGREED ORDER BETWEEN THE CITY OF ASHLAND, KENTUCKY, AND THE COMMONWEALTH OF KENTUCKY ENERGY AND ENVIRONMENT CABINET, DIVISION OF ENFORCEMENT; AUTHORIZING THE PAYMENT OF A CIVIL PENALTY IN THE AMOUNT OF \$22,500.00.

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.

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 AN AMENDMENT TO THE GRANT AGREEMENT BETWEEN THE CITY OF ASHLAND, KENTUCKY AND WB HOSPITALITY, LLC ADOPTED BY ORDINANCE NO. 177, SERIES OF 2018, AMENDING ARTICLE I – DEFINITIONS AND ARTICLE III – AGENCY’S AGREEMENT TO MAKE GRANT; DISBURSEMENT AND RECEIPT REGARDING THE ACQUISITION, CONSTRUCTION, AND FINANCING OF THE HOTEL REDEVELOPMENT PROJECT.

MOTION

Motion was made by Gute, seconded by Clark, to adopt Ordinance No. _____, 2019, at this its first reading.

DISCUSSION

Commissioner Perkins asked Finance Director Grubb if payments on the bond issue are coming out of the General Fund. Mr. Grubb advised the Commission approximately \$500,000.00 has been paid from the General Fund. Payments will continue to be made from the General Fund until such time as the hotel starts generating revenue so that the City of Ashland may be repaid in full. Commissioner Clark clarified that over the course of 20 years the increase in revenue will not only be from the hotel but from the entire TIF District.

REGULAR MEETING AUGUST 22, 2019
ORDINANCE NO. _____, 2019 CONTINUED

VOTE

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, DESIGNATING A HANDICAP PARKING SPACE ON THE EAST SIDE OF 16TH STREET IN THE 200 BLOCK; AND PROVIDING A PENALTY FOR THE VIOLATION OF THIS ORDINANCE.

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.

FIRST READING AND ADOPTION ONLY

ORDINANCE NO. _____, 2019

AN ORDINANCE OF THE CITY OF ASHLAND, KENTUCKY, AUTHORIZING STEPHEN E. GILMORE, MAYOR, TO EXECUTE A CONTRACT BETWEEN THE CITY OF ASHLAND AND BRI-DEN ROOFING FOR PROVIDING ALL LABOR, MATERIAL, EQUIPMENT, SUPERVISION, TOOLS AND PERFORMING ALL WORK AND SERVICE NECESSARY FOR RE-ROOFING THE WATER TREATMENT PLANT AND RIVER INTAKE BUILDING IN THE AMOUNT OF \$150,000.00 FOR THE DEPARTMENT OF UTILITY OPERATIONS, DIVISION OF WATER PRODUCTION.

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, REPEALING ORDINANCE NO. 21, SERIES OF 1997, WHICH DESIGNATED A HANDICAP PARKING SPACE AT 1600 GREENUP AVENUE.

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 22, 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 EXECUTE A CONTRACT BETWEEN THE CITY OF ASHLAND AND SERVICE PUMP & SUPPLY, INC. IN THE AMOUNT OF \$60,638.00 FOR THE PURCHASE AND INSTALLATION OF THE 26TH STREET SEWAGE STATION CHANNEL GRINDER REPLACEMENT FOR THE DEPARTMENT OF UTILITIES, DIVISION OF WASTEWATER COLLECTION.

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, AUTHORIZING AND APPROVING CHANGE ORDER NO. 1 BETWEEN THE CITY OF ASHLAND, KENTUCKY AND GRW ENGINEERS, INC. IN THE AMOUNT OF \$32,470.00 REGARDING A CONTRACT TO PROVIDE ENGINEERING SERVICES FOR THE WATER TREATMENT PLANT SCADA DESIGN WITHIN THE CONTRACT FOR THE DEPARTMENT OF UTILITIES, DIVISION OF WATER PRODUCTION.

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.

READING AND ADOPTION

MUNICIPAL ORDER NO. 7, 2019

A MUNICIPAL ORDER OF THE CITY OF ASHLAND, KENTUCKY, AUTHORIZING AND DIRECTING STEPHEN E. GILMORE, MAYOR, TO EXECUTE A QUITCLAIM DEED OF CONVEYANCE BETWEEN THE CITY OF ASHLAND, KENTUCKY, AND MICHAEL A. THOMPSON AND MARILYN J. THOMPSON REGARDING THE ACCEPTANCE OF THE DONATION OF 3112 CENTRAL AVENUE IN EAST ASHLAND.

BE IT ORDERED BY THE CITY OF ASHLAND, KENTUCKY:

REGULAR MEETING AUGUST 22, 2019
MUNICIPAL ORDER NO. 7, 2019 CONTINUED

SECTION 1. 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, Kentucky and Michael A. Thompson and Marilyn J. Thompson accepting the charitable donation of 3112 Central Avenue located in the East Ashland area. Said Quitclaim 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.

INTRODUCED, PUBLICLY READ AND FINALLY APPROVED ON ONE READING, this the 22nd day of August, 2019.

/s/STEPHEN E. GILMORE
MAYOR

ATTEST:

/s/SUSAN W. MADDIX
CITY CLERK

MOTION

Motion was made by Gute, seconded by Steen, to adopt Municipal Order No. 7, 2019. Upon roll call, voting aye were Commissioners Clark, Gute, Perkins, Steen and Mayor Gilmore. Nay – none. Motion passed.

OTHER NEW BUSINESS

Commissioner Gute was contacted by Don Hall GM Super Center who is having a “drive-in” on Saturday from 8:00 AM to 6:00 PM. Jimmy Hall requested use of the City employee parking lot and barricades to block 18th Street from Greenup Avenue to the floodwall. Mayor Gilmore advised permission was granted for use of the parking lot and Jack Hunter, Superintendent of Streets, will deliver the barricades.

Commissioner Perkins noted an article in the newspaper regarding the Ashland Planning Commission’s meeting regarding chickens in the City of Ashland. Commissioner Perkins asked if the issue would be presented to the Board of Commissioners. Corporation Counsel Moore advised the Planning Commission has sixty days from the date of the public hearing to present its proposal to the City Commission. At the public hearing a motion was made to amend the text of the Zoning Ordinance but failed for lack of a second thereby resulting in a disapproval. The recommendation of the denial will be presented to the City Commission at a future meeting.

APPOINTMENT

Motion was made by Gute, seconded by Clark, approving the Mayor’s appointment of James C. Powers to the Ashland Planning Commission for a term retroactive to January 1, 2019 and expiring on January 1, 2023. 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 12:49 PM.


STEPHEN E. GILMORE
MAYOR

ATTEST:


SUSAN W. MADDIX
CITY CLERK