

**RECESSED MEETING
SEPTEMBER 13, 2019**

The Ashland Board of Commissioners met in Recessed Session in the Commissioners' Chambers, City Building, Ashland, Kentucky, on Friday, September 13, 2019, at the hour of 8:30 AM. Those present were Commissioners: Amanda Clark, Marty Gute, Pat Steen and Mayor Stephen E. Gilmore, who presided. Absent: Commissioner Matt Perkins. Also present were: Michael S. Graese, City Manager; James H. Moore, III, Corporation Counsel; Susan W. Maddix, City Clerk; Todd Kelley, Chief of Police; Mark Hall, Director of Utilities; Stephen W. Corbitt, Interim City Engineer; Tony Grubb, Finance Director; Michelle Veach, Assistant Finance Director; Jack Hunter, Street Superintendent; and Steve Alley, Deputy Fire Chief.

AGENDA

City Manager Graese presented the agenda of September 13, 2019. Motion was made by Clark, seconded by Steen, to receive & file the agenda. Upon roll call, voting aye were Commissioners Clark, Gute, Steen and Mayor Gilmore. Nay - none. Motion passed.

OLD BUSINESS

SECOND READING & FINAL ADOPTION

ORDINANCE NO. 122, 2019

AN ORDINANCE OF THE CITY OF ASHLAND,
KENTUCKY, ESTABLISHING THE ASHLAND PUBLIC
ARTS COUNCIL FOR THE CITY OF ASHLAND,
KENTUCKY.

* * * * *

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

SECTION 1. Public art as referred to herein shall mean art that is visually or physically accessible to the public and that is accepted by, donated to, or acquired by the City of Ashland, Kentucky. Public art that is neither acquired by the City through donation or purchased with public funds or erected through special conditions requiring approval by the City of Ashland shall not be subject to this Ordinance.

SECTION 2. There is hereby created the Ashland Public Arts Council, a committee established by the Board of Commissioners of the City of Ashland, Kentucky.

SECTION 3. The Ashland Public Arts Council shall consist of five (5) members who shall be appointed by the Mayor with the consent and approval of the Board of Commissioners of the City of Ashland, Kentucky.

SECTION 4. Each member shall serve for a term of three (3) years or until his successor is duly appointed provided that the initial terms of the initial members shall be staggered with two (2) appointed for three-year terms, two (2) appointed for two-year terms and one (1) appointed for a one-year term.

SECTION 5. The purpose of the Ashland Public Arts Council shall be to encourage and promote the appreciation and enjoyment of the arts and the cultural resources of the City of Ashland. Promotion of the arts in the City of Ashland, Kentucky is vital to the growth of the City and the well-being of its citizens. The arts are an important part of the cultural and economic life of the City and enrich not only the participants in the arts, but those who observe and appreciate the arts as well.

SECTION 6. Before any public art is accepted, approved, or purchased by the City, an application for approval shall first be submitted to the Ashland Public Arts Council on such form as it may establish.

SECTION 7. The Ashland Public Arts Council shall have the following specific powers and duties:

RECESSED MEETING SEPTEMBER 13, 2019
ORDINANCE NO. 122, 2019 CONTINUED

- a. The Ashland Public Arts Council shall review all public art to be purchased by the City of Ashland or public art that is proposed to be donated to the City of Ashland and shall recommend the acceptance, rejection or purchase of the same to the Ashland Board of Commissioners.
- b. The Ashland Public Arts Council shall establish goals and criteria to be used when reviewing proposed public arts projects for possible recommendation.
- c. The Ashland Public Arts Council will review the proposed location of all public art that is proposed to be located on City property or rights-of-way and shall recommend the situs and proposed location of any such public art to the Board of Commissioners for its consideration and approval.
- d. The Ashland Public Arts Council shall solicit proposals for public art commissions and review artist proposals and recommend commissions to the Board of Commissioners as appropriate.
- e. The Ashland Public Arts Council may make recommendations to the Board of Commissioners, the Park Board and the Ashland Planning Commission regarding the use of public art to enhance existing development.
- f. The Ashland Public Arts Council may make recommendations to the Board of Commissioners with regard to the planning of capital improvement projects to be undertaken by the City where there is a potential for the incorporation of public art in the final development of property.
- g. The Ashland Public Arts Council shall review and recommend for approval or rejection by the Board of Commissioners proposed art work for private development projects where the developer is legally obligated to provide public art.
- h. The Ashland Public Arts Council shall recommend to the Board of Commissioners effective and efficient management and maintenance practices for all public art within the City.
- i. The Ashland Public Arts Council shall pursue private sources to fund public art initiatives for the City of Ashland.

SECTION 8. The Ashland Public Arts Council shall make its recommendation to the Board of Commissioners with respect to any proposed donation or purchase of public art for which application has been made within 30 days of the filing of an application.

SECTION 9. 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 10. All other ordinances and parts of ordinances in conflict herewith, to the extent of such conflict only, are hereby repealed.

SECTION 11. 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

RECESSED MEETING SEPTEMBER 13, 2019
ORDINANCE NO. 122, 2019 CONTINUED

ADOPTED BY THE BOARD OF COMMISSIONERS: September 12, 2019
READOPTED BY THE BOARD OF COMMISSIONERS: September 13, 2019
PUBLISHED:

MOTION

Motion was made by Gute, seconded by Steen, to adopt Ordinance No. 122, 2019, at this its second reading. Upon roll call, voting aye were Commissioners Clark, Gute, Steen and Mayor Gilmore. Nay – none. Motion passed.

SECOND READING & FINAL ADOPTION

ORDINANCE NO. 123, 2019

AN ORDINANCE OF THE CITY OF ASHLAND, KENTUCKY, AUTHORIZING AND DIRECTING STEPHEN E. GILMORE, MAYOR, TO EXECUTE TASK ORDER NO. 1 BETWEEN THE CITY OF ASHLAND, KENTUCKY AND LJB INC. REGARDING THE WATERLINE REPLACEMENT DESIGN AND PERMITTING PROJECT IN AN ADDITIONAL AMOUNT OF \$12,290.00.

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 Task Order No. 1 between the City of Ashland, Kentucky and LJB Inc. regarding the Waterline Replacement Design and Permitting Project in the amount of \$12,290.00 for additional engineering services. A copy of said Task Order No. 1 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: September 12, 2019
READOPTED BY THE BOARD OF COMMISSIONERS: September 13, 2019
PUBLISHED:

MOTION

Motion was made by Clark, seconded by Steen, to adopt Ordinance No. 123, 2019, at this its second reading. Upon roll call, voting aye were Commissioners Clark, Gute, Steen and Mayor Gilmore. Nay – none. Motion passed.

RECESSED MEETING SEPTEMBER 13, 2019
ORDINANCE NO. 124, 2019

SECOND READING & FINAL ADOPTION

ORDINANCE NO. 124, 2019

AN ORDINANCE OF THE CITY OF ASHLAND, KENTUCKY, AUTHORIZING AND DIRECTING STEPHEN E. GILMORE, MAYOR, TO EXECUTE TASK ORDER #1 BETWEEN THE CITY OF ASHLAND, KENTUCKY AND EN ENGINEERING REGARDING THE ENGINEERING AND DRAFTING SERVICES ASSOCIATED WITH THE RENOVATION OF JUDD PLAZA (16TH STREET PLAZA) INCREASING THE AMOUNT OF THE PROPOSAL \$45,000.00.

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 Task Order #1 in the contract authorized by Ordinance No. 35, Series of 2018, between the City of Ashland, Kentucky and EN Engineering regarding the engineering and drafting services associated with the renovation of Judd Plaza (16th Street Plaza) in the amount of \$45,000.00. A copy of said Task Order is attached hereto and made a part hereof by reference.

Original Contract Amount	\$31,700.00
Task Order #1	<u>\$45,000.00</u>
New Contract Amount	\$76,700.00

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:	September 12, 2019
READOPTED BY THE BOARD OF COMMISSIONERS:	September 13, 2019
PUBLISHED:	

MOTION

Motion was made by Gute, seconded by Clark, to adopt Ordinance No. 124, 2019, at this its second reading. Upon roll call, voting aye were Commissioners Clark, Gute, Steen and Mayor Gilmore. Nay – none. Motion passed.

RECESSED MEETING SEPTEMBER 13, 2019
ORDINANCE NO. 125, 2019

SECOND READING & FINAL ADOPTION

ORDINANCE NO. 125, 2019

AN ORDINANCE OF THE CITY OF ASHLAND, KENTUCKY, AUTHORIZING AND DIRECTING STEPHEN E. GILMORE, MAYOR, TO SUBMIT THE CITY OF ASHLAND’S COMMUNITY DEVELOPMENT BLOCK GRANT 2018 CONSOLIDATED ANNUAL PERFORMANCE AND EVALUATION REPORT (CAPER) FOR THE DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT.

BE IT ORDAINED BY THE CITY OF ASHLAND, KENTUCKY:

SECTION 1. That Stephen E. Gilmore, Mayor, is hereby authorized and directed to submit the City of Ashland’s Community Development Block Grant 2018 Consolidated Annual Performance and Evaluation Report (CAPER) for the Department of Community and Economic Development. Said report 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: September 12, 2019
READOPTED BY THE BOARD OF COMMISSIONERS: September 13, 2019
PUBLISHED:

MOTION

Motion was made by Clark, seconded by Steen, to adopt Ordinance No. 125, 2019, at this its second reading. Upon roll call, voting aye were Commissioners Clark, Gute, Steen and Mayor Gilmore. Nay – none. Motion passed.

SECOND READING & FINAL ADOPTION

ORDINANCE NO. 126, 2019

AN ORDINANCE OF THE CITY OF ASHLAND, KENTUCKY, PROHIBITING THE CARRYING OR POSSESSION OF CERTAIN SPECIFIC ITEMS IN THE ASHLAND CITY BUILDING LOCATED AT 1700 GREENUP AVENUE AND/OR THE ASHLAND POLICE STATION LOCATED AT 201 17TH STREET, ASHLAND, KENTUCKY.

RECESSED MEETING SEPTEMBER 13, 2019
ORDINANCE NO. 126, 2019 CONTINUED

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

SECTION 1. No person, including any employee of the City of Ashland, except sworn officers of the Ashland Police Department or other law enforcement officers, shall have in his possession or on his person within the confines of the Ashland City Building located at 1700 Greenup Avenue and/or the Ashland Police Station located at 201 17th Street, Ashland, Kentucky, any of the following:

- a. Concealed deadly weapon
- b. Any knife, except an ordinary pocketknife with a blade less than two inches in length that folds into the handle, doesn't open by pressing a button and doesn't lock into place, or other knife routinely used in the performance of City duties;
- c. Billy, nightstick or club;
- d. Blackjack or slapjack;
- e. Nunchaku karate sticks;
- f. Shuriken or death star;
- g. Artificial knuckles made from metal, plastic or other similar hard material;
- h. Sharp objects such as scissors, screw drivers, ice picks for example;
- i. Flammable liquids or gasses; or
- j. Any other item that the Ashland Police Department determines could be utilized as a weapon

SECTION 2. As a condition of entry to the aforementioned buildings, all persons entering are required to consent to passing through a security checkpoint for prohibited items including the use of a security wand or patdown when metal is indicated or for those medically unable to pass through a metal detector.

SECTION 3. Violation of this Ordinance may result in denial of entry to the building or portion of the building, or an order to leave the building or portion of the building, or, if an employee of the City of Ashland, disciplinary measures up to and including dismissal from employment, unless the City Manager granted prior consent to the City employee to possess such item on City property.

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

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

/s/STEPHEN E. GILMORE
MAYOR

ATTEST:

/s/SUSAN W. MADDIX
CITY CLERK

ADOPTED BY THE BOARD OF COMMISSIONERS:
READOPTED BY THE BOARD OF COMMISSIONERS:
PUBLISHED:

September 12, 2019
September 13, 2019

RECESSED MEETING SEPTEMBER 13, 2019
ORDINANCE NO. 126, 2019 CONTINUED

MOTION

Motion was made by Gute, seconded by Steen, to adopt Ordinance No. 126, 2019, at this its second reading. Upon roll call, voting aye were Commissioners Clark, Gute, Steen and Mayor Gilmore. Nay – none. Motion passed.

SECOND READING & FINAL ADOPTION

ORDINANCE NO. 127, 2019

AN ORDINANCE OF THE CITY OF ASHLAND, KENTUCKY, AUTHORIZING STEPHEN E. GILMORE, MAYOR, TO EXECUTE A CONTRACT BETWEEN THE CITY OF ASHLAND AND SHIELD ROOFING AND CONSTRUCTION LLC FOR THE ROOF REPLACEMENT AT THE 21ST STREET GARAGE FOR THE DEPARTMENT OF PUBLIC SERVICES, DIVISION OF STREETS IN THE AMOUNT OF \$36,600.00.

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 contract between the City of Ashland, Kentucky, and Shield Roofing and Construction LLC for the labor, material, equipment, supervision, tools and performance of all work and services necessary for roof replacement at the Street Department building at 21st Street for the Division of Streets, Department of Public Services in the amount of \$36,600.00. A copy of said contract 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:	September 12, 2019
READOPTED BY THE BOARD OF COMMISSIONERS:	September 13, 2019
PUBLISHED:	

MOTION

Motion was made by Clark, seconded by Gute, to adopt Ordinance No. 127, 2019, at this its second reading. Upon roll call, voting aye were Commissioners Clark, Gute, Steen and Mayor Gilmore. Nay – none. Motion passed.

RECESSED MEETING SEPTEMBER 13, 2019
ORDINANCE NO. 128, 2019 CONTINUED

SECOND READING & FINAL ADOPTION

ORDINANCE NO. 128, 2019

AN ORDINANCE OF THE CITY OF ASHLAND, KENTUCKY, CREATING THE POSITION AND ADOPTING THE JOB DESCRIPTION OF EVIDENCE CLERK IN THE DEPARTMENT OF POLICE; AND AMENDING THE AUTHORIZED POSITIONS 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. The job description for the position of Evidence Clerk in the Department of Police is hereby adopted. The Authorized Positions Listing is hereby amended. A copy of said Job Description and amended Authorized Positions Listing is attached hereto and made a part hereof by reference.

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

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

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

/s/STEPHEN E. GILMORE
MAYOR

ATTEST:

/s/SUSAN W. MADDIX
CITY CLERK

ADOPTED BY THE BOARD OF COMMISSIONERS:	September 12, 2019
READOPTED BY THE BOARD OF COMMISSIONERS:	September 13, 2019
PUBLISHED:	

MOTION

Motion was made by Gute, seconded by Steen, to adopt Ordinance No. 128, 2019, at this its second reading. Upon roll call, voting aye were Commissioners Clark, Gute, Steen and Mayor Gilmore. Nay – none. Motion passed.

RECESSED MEETING SEPTEMBER 13, 2019
MUNICIPAL ORDER NO. 9, 2019
READING AND ADOPTION

MUNICIPAL ORDER NO. 9, 2019

A MUNICIPAL ORDER OF THE CITY OF ASHLAND, KENTUCKY, DESIGNATING HAZARDOUS POSITIONS IN CITY EMPLOYMENT AND AUTHORIZING THE CITY MANAGER AND/OR FINANCE DIRECTOR TO EXECUTE ANY DOCUMENT REQUIRED FOR SUBMISSION TO THE KENTUCKY RETIREMENT SYSTEM TO QUALIFY CITY EMPLOYEES ENTITLED TO HAZARDOUS RETIREMENT BENEFITS.

WHEREAS, The Board of City Commissioners desires to comply with the provisions of Kentucky Revised Statutes 61.592 relating to the County Employees Retirement System (“CERS”) affecting the City’s employees engaged in hazardous employment, and

WHEREAS, The Board of City Commissioners adopted Ordinance No. 95, 2008 designating positions of the Police and Fire Departments as hazardous duty, and

WHEREAS, Kentucky Retirement Systems has requested additional information on the position of Fire Engineer prior to September 1, 2008;

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

SECTION 1. That the Board of City Commissioners of the City of Ashland, Kentucky, hereby designates the position of Fire Engineer at the City, currently designated as hazardous for the purpose of qualifying for hazardous retirement benefits from CERS as a hazardous duty position for time served prior to September 1, 2008.

SECTION 2. The City Manager and/or Finance Director is authorized and directed to execute any document required of CERS to qualify City employees for hazardous employment benefits.

INTRODUCED, PUBLICLY READ AND FINALLY APPROVED ON ONE READING, this the 13th day of September, 2019.

/s/STEPHEN E. GILMORE
MAYOR

ATTEST:

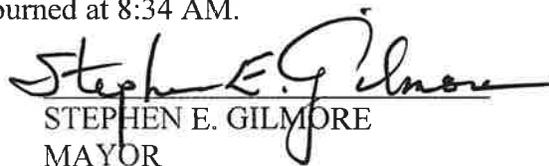
/s/SUSAN W. MADDIX
CITY CLERK

MOTION

Motion was made by Gute, seconded by Clark, to adopt Municipal Order No. 9, 2019. Upon roll call, voting aye were Commissioners Clark, Gute, Steen and Mayor Gilmore. Nay – none. Motion passed.

ADJOURNMENT

Mayor Gilmore declared the meeting adjourned at 8:34 AM.


STEPHEN E. GILMORE
MAYOR

ATTEST:


SUSAN W. MADDIX
CITY CLERK

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