

**SPECIAL CALLED MEETING
MAY 7, 2020
(COVID-19 CIRCUMSTANCES)**

The Ashland Board of Commissioners met in Special Called Session in the Commissioners' Chambers, City Building, Ashland, Kentucky, on Thursday, May 7, 2020, 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: Michael S. Graese, City Manager; James H. Moore, III, Corporation Counsel; Susan W. Maddix, City Clerk; Wm. Todd Kelley, Chief of Police; Lorraine Woolery, Section 8/Housing Choice Voucher Administrator; and Reporters.

CALL LETTER

May 5, 2020

DELIVERED BY: DATE: TIME:

TO:

Amanda Clark, City Commissioner	R. Brunty	05-5-20	1815
Marty Gute, City Commissioner	R. Brunty	5-5-20	1810
Matt Perkins, City Commissioner	R. Brunty	5-5-20	1840
Pat Steen, City Commissioner	R. Brunty	5-5-20	1825
Michael S. Graese, City Manager	Todd Kelley	5/5/2020	1710
James H. Moore, III, Corporation Counsel	R. Brunty	5-5-20	1832
Susan W. Maddix, City Clerk	Todd Kelley	5/5/2020	1710

FROM: Stephen E. Gilmore, Mayor	R. Brunty	5-5-20	1807
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Commissioners:

This is to advise that I hereby call a special meeting of the Board of Commissioners of the City of Ashland, Kentucky to be held in the Commissioners' Chambers, City Building, 1700 Greenup Avenue, Ashland, Kentucky:

DATE: Thursday, May 7, 2020

TIME: 12:00 PM

PURPOSE: To conduct all business as shown on the agenda attached hereto and incorporated by reference herein.

This meeting will be a video teleconference conducted from the Commissioners' Chambers located on the 3rd floor of the Ashland City Building at 1700 Greenup Avenue, Ashland, Kentucky. Under the authority of Attorney General Daniel Cameron OAG 20-05 dated March 18, 2020, there will be no primary location from which members of the public may attend and directly view this meeting and members of the public will not be admitted to the Commissioners' Chambers.

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Amanda Clark, Marty Gute, Matt Perkins and Pat Steen, City Commissioners
Michael S. Graese, City Manager
James H. Moore, III, Corporation Counsel
Susan W. Maddix, City Clerk

SPECIAL CALLED MEETING MAY 7, 2020
CALL LETTER CONTINUED

In lieu of a primary location, members of the public may view the proceedings by accessing a live stream of the Commission meeting broadcast by MyTown TV at the following sites:

<https://www.youtube.com/channel/UCyq2LQ45fzpLNVVsiOXG35w>
www.ashlandky.gov
<https://www.facebook.com/CityofAshlandKY/>

Members of the media may attend in person at the Commissioners' Chambers subject to social distancing protocols.

Very truly yours,

/s/Stephen E. Gilmore (sm)
 Mayor

/sm

Executed by delivering a true copy of the foregoing letter to each of the persons named in the caption thereof.

/s/Todd Kelley, Chief of Police
 Signature and rank of officer in charge
 of execution of this letter

The appropriately executed original of this letter shall be filed in the Office of the City Clerk of the City of Ashland, Kentucky.

True copies of the foregoing notice of special meeting have been served by e-mail upon the media sources shown on the list attached to the executed copy of this letter.

cc:

The Daily Independent
 Email: tevans@dailyindependent.com
 Email: mjames@dailyindependent.com
 Email: asnyder@dailyindependent.com

My Town TV
 Email: Jeromy@mytowntv.com
 Email: Ashley@mytowntv.com

The Herald Dispatch
 Email: dmalloy@herald-dispatch.com

Lexington Herald Leader
 Email: dlawhead@herald-leader.com

WMKY Radio
 Email: wmky@moreheadstate.edu

WLGC Radio
 Email: jimforrest@koolhits1057.com

WSAZ – TV
 Email: news@wsaz.com
 Email: Kristen.Schneider@wsaz.com
 Email: Chad.Hedrick@wsaz.com

WOWK-TV
 Email: news@wowktv.com
 Email: sshaw@wowktv.com

WCHS – TV
 Email: news@wchstv.com

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CALL LETTER CONTINUED

WRVC, WTKZ, WCMI The Planet Radio
Kindred Communications
 Email: pr@kindredcom.net

WTCR, WKEE, WAEZ, WNST, B97
Clearchannel
 Email: jim.davis@clearchannel.com

VOTE - CALL LETTER

Motion was made by Clark, seconded by Steen, to receive, file and record the call letter. Upon roll call, voting aye were Commissioners Clark, Gute, Perkins, Steen and Mayor Gilmore. Nay - none. Motion passed.

MAYOR AND COMMISSIONERS' COMMENTS

Mayor Gilmore reported on the COVID-19 testing site located at Ashland Community & Technical College on Technology Drive. Senator Robin Webb was instrumental in getting a testing site located in Boyd County. Mayor Gilmore urged citizens to take advantage of the testing. Citizens may register online at kycovid19.ky.gov or TheLittleClinic.com to schedule a time. Mayor Gilmore described the procedure as very orderly and citizens never have to leave the vehicle.

Mayor Gilmore read the following proclamation:

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

To recognize National Police Week 2020 and to honor the service and sacrifice of those law enforcement officers killed in the line of duty while protecting our communities and safeguarding our democracy.

WHEREAS, there are more than 900,000 law enforcement officers serving in communities across the United States, including the dedicated members of the Ashland Police Department and;

WHEREAS, there have been 58,866 assaults against law enforcement officers in 2018, resulting in approximately 18,005 injuries and;

WHEREAS, since the first recorded death in 1786, more than 24,200 law enforcement officers in the United States have made the ultimate sacrifice and been killed in the line of duty, including 6 members of the Ashland Police Department and;

WHEREAS, the names of these dedicated public servants are engraved on the walls of the National Law Enforcement Officers Memorial in Washington, DC and;

WHEREAS, 308 new names of fallen heroes are being added to the National Law Enforcement Officers Memorial this spring including 146 officers killed in 2019 and 161 officers killed in previous years and;

WHEREAS, the service and sacrifice of all officers killed in the line of duty will be honored during the National Law Enforcement Officers Memorial Fund's 32nd Annual Candlelight Vigil, on the evening of May 13, 2020 and;

WHEREAS, May 15 is designated as Peace Officers Memorial Day, in honor of all fallen officers and their families and U.S. flags should be flown at half-staff.

SPECIAL CALLED MEETING MAY 7, 2020
MAYOR AND COMMISSIONERS' COMMENTS CONTINUED

THEREFORE, BE IT RESOLVED that Ashland, Kentucky Board of City Commissioners formally designates May 10 - 16, 2020, as Police Week in Ashland, Kentucky and publicly salutes the service of law enforcement officers in our community and in communities across the nation.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of Ashland, Kentucky to be affixed this 7th day of May 2020.

/s/STEPHEN E. GILMORE, MAYOR
Attest:

/s/SUSAN W. MADDIX, CITY CLERK

ASHLAND MURAL PROJECT BY PRIVATE CITIZENS

Commissioner Clark announced private citizens Dave Daniel, Grace Dixon and Lyndi Lowman planned a project and raised over \$7,000.00 for the painting of a mural on the side of a building owned by Paul Castle and located next to the new hotel. Graham Allen and Jeff Murphy from Square Peg Studio and Design will be in Ashland May 14 – 16 to paint the Ashland mural.

NATIONAL DAY OF PRAYER

Commissioner Gute announced that the National Day of Prayer event was held “virtually” earlier in the day and prayers were offered for the City of Ashland. Mayor Gilmore asked that Commissioner Gute give an invocation.

INVOCATION BY COMMISSIONER GUTE

OLD BUSINESS

SECOND READING & FINAL ADOPTION

ORDINANCE NO. 48, 2020

SERIES 2020A BOND ORDINANCE

A SERIES BOND ORDINANCE OF THE CITY OF ASHLAND, KENTUCKY, AUTHORIZING THE ISSUANCE OF \$10,500,000 PRINCIPAL AMOUNT OF WATER AND SEWER SYSTEM REVENUE BONDS, SERIES 2020A (WHICH AMOUNT MAY BE INCREASED OR DECREASED BY UP TO \$1,050,000); DESIGNATING THE PAYING AGENT AND REGISTRAR IN RESPECT THEREOF; APPROVING THE PREPARATION OF A PRELIMINARY AND FINAL OFFICIAL STATEMENT IN RESPECT THEREOF; PROVIDING FOR THE SALE OF SUCH BONDS TO THE LOWEST AND BEST BIDDER; AND AUTHORIZING THE MAYOR AND THE CITY CLERK TO EXECUTE DOCUMENTS ON BEHALF OF THE CITY.

WHEREAS, the City of Ashland, Kentucky (the “City”), pursuant to the provisions of Chapter 58 and Sections 96.350 to 96.510, inclusive, of the Kentucky Revised Statutes, has, under date of January 15, 2004, authorized and adopted its “General Bond Ordinance” (the “General Bond Ordinance”), pursuant to which the City is authorized to issue its Water and Sewer System Revenue Bonds from time to time, the proceeds of which, in whole or in part, are to be used for the purposes described with particularity in the General Bond Ordinance; and

SPECIAL CALLED MEETING MAY 7, 2020
ORDINANCE NO. 48, 2020 CONTINUED

WHEREAS, the General Bond Ordinance authorizes the issuance and sale of Water and Sewer System Revenue Bonds in one or more series pursuant to one or more Series Ordinances; and

WHEREAS, the City has determined that it is necessary and desirable that the City issue at this time a series of Water and Sewer System Revenue Bonds designated the "City of Ashland, Kentucky Water and Sewer System Revenue Bonds, Series 2020A" for the purpose of providing moneys to (i) pay all or a portion of the costs of the construction of additions and improvements (the "2020A Project") to the City's combined and consolidated water and sewer system (the "System"); (ii) pay all or a portion of the costs of issuance of the Series 2020A Bonds; and (iii) pay all or a portion of the cost of any necessary increase to the Debt Service Reserve in accordance with the requirements of the General Bond Ordinance.

NOW, THEREFORE, BE IT ORDAINED by the City of Ashland, Kentucky, that pursuant to the General Bond Ordinance authorizing the issuance of and securing Water and Sewer System Revenue Refunding Bonds, this Series 2020A Bond Ordinance is adopted, as follows:

ARTICLE I

AUTHORITY AND DEFINITIONS

101. Short Title. This ordinance may hereafter be cited by the City and is hereinafter sometimes referred to as the "Series 2020A Bond Ordinance."

102. Defined Words and Terms.

(1) All words and terms which are defined in the General Bond Ordinance, which General Bond Ordinance is incorporated herein by reference, shall have the same and identical meanings respectively in this Series 2020A Bond Ordinance as such terms are given in Article I of the General Bond Ordinance.

(2) "Financial Advisor" shall mean Ross, Sinclaire & Associates, LLC, Lexington, Kentucky.

(3) "Series 2020A Bonds" shall mean the Water and Sewer System Revenue Bonds, Series 2020A, which are authorized by Article II of this Series 2020A Bond Ordinance.

103. Authority. This Series 2020A Bond Ordinance is adopted pursuant to the authority of Article II, Section 204 of the General Bond Ordinance and the Act.

104. Determination in Respect of Improvements to the System Payable from the Revenues of the City's System. It is hereby determined and declared by the City that, (1) pursuant to the requirements of the General Bond Ordinance, the City is issuing the Series 2020A Bonds to finance all or a portion of the costs of the 2020A Project and (ii) the cost of financing the 2020A Project shall be payable from the revenues of the System.

105. Determination by the City that Series 2020A Bonds Be Issued. It is hereby determined by the City that it is necessary and desirable that \$10,500,000 principal amount of Water and Sewer System Revenue Bonds, Series 2020A (which amount may be increased or decreased by up to \$1,050,000) (the "Permitted Adjustment"), be authorized and issued by the City for the purpose of financing all or a portion of the 2020A Project, paying all or a portion of the costs of issuance of the Series 2020A Bonds and funding all or a portion of any necessary increase to the Debt Service Reserve in accordance with the requirements of the General Bond Ordinance.

SPECIAL CALLED MEETING MAY 7, 2020
ORDINANCE NO. 48, 2020 CONTINUED

106. Authorization to Execute Documents and Accept Bids. The City hereby authorizes the Mayor and the City Clerk to execute all necessary documents including the Official Statement and authorizes the Mayor to accept the best bid for the Series 2020A Bonds.

ARTICLE II

AUTHORIZATION AND TERMS OF SERIES 2020A BONDS

201. Authorization of Bonds; Principal Amount; Designation and Series. In order to provide sufficient funds necessary for all or a portion of the costs of the 2020A Project, paying all or a portion of the costs of issuance of the Series 2020A Bonds, and funding all or a portion of any necessary increase in the Debt Service Reserve in accordance with and subject to the terms, conditions, and limitations established in the Act, the General Bond Ordinance and this Series 2020A Bond Ordinance, a series of Water and Sewer System Revenue Bonds is hereby authorized to be issued in the aggregate principal amount of \$10,500,000 (subject to the Permitted Adjustment). As stated aforesaid, the City is of the opinion and hereby determines that the issuance of the Series 2020A Bonds in such principal amount as is necessary to provide sufficient funds to be used and expended for the System. As provided by Article II, Section 204 of the General Bond Ordinance, in addition to the designation "Water and Sewer System Revenue Bonds," the series of Bonds hereby authorized shall bear the additional designation "Series 2020A" and each Bond as so designated shall be a "Water and Sewer System Revenue Bond, Series 2020A." The Series 2020A Bonds shall be issued in fully registered, Book-Entry Form.

202. Purpose for Issue of Series 2020A Bonds. The purposes for which the Series 2020A Bonds are being issued is to provide funds for deposit in the Series 2020A Cost of Issuance Account to pay the costs of issuing the Series 2020A Bonds, providing funds for deposit in the Series 2020A Construction and Acquisition Account to pay the costs of the 2020A Project, and providing funds, if necessary, for deposit in the Debt Service Reserve, all to the extent and in the amounts or subject to the determinations provided in Article III of this Series 2020A Bond Ordinance.

203. Issue Date. The Series 2020A Bonds shall be dated shall be dated their date of initial issuance and delivery.

204. Maturities. The Series 2020A Bonds shall be issued as serial bonds or term bonds maturing or subject to mandatory sinking fund redemption on April 1st of the years and in the principal amounts (subject to the Permitted Adjustment), as follows:

<u>Year</u>	<u>Principal Amount</u>	<u>Year</u>	<u>Principal Amount</u>
2021	\$340,000	2032	\$500,000
2022	390,000	2033	520,000
2023	400,000	2034	535,000
2024	410,000	2035	550,000
2025	415,000	2036	570,000
2026	425,000	2037	585,000
2027	435,000	2038	605,000
2028	450,000	2039	625,000
2029	460,000	2040	650,000
2030	475,000	2041	670,000
2031	490,000		

SPECIAL CALLED MEETING MAY 7, 2020
ORDINANCE NO. 48, 2020 CONTINUED

The right is reserved in the City to increase or decrease the total principal amount of Series 2020A Bonds awarded to the best bidder as provided in Section 401 hereof by the amount of the Permitted Adjustment, with such increase or decrease to be made in any principal maturity so that the total amount of Series 2020A Bonds awarded to such best bidder may be a maximum of \$11,550,000 or a minimum of \$9,450,000. In the event of any such Permitted Adjustment, no rebidding or recalculation of a submitted bid will be required or permitted; the price at which such adjusted principal amount of Series 2020A Bonds will be sold shall be at the same price per \$1,000 of Bonds as the price per \$1,000 of the \$10,500,000 of Series 2020A Bonds bid.

If the successful bidder and original purchaser of the Series 2020A Bonds elects, in accordance with the provisions of the Official Terms and Conditions of Bond Sale prepared for the Series 2020A Bonds (the "Official Terms and Conditions"), to combine the Series 2020A Bonds stated to mature on the maturity dates set out in the successful bid of such original purchaser to comprise a term bond ("Term Bonds") as set out in the successful bid, then such Term Bonds shall be subject to mandatory redemption in part, at the selection of the Paying Agent and Bond Registrar by lot in such manner as the Paying Agent and Bond Registrar may determine, from moneys in the Sinking Fund on each applicable April 1st at par plus accrued interest to the redemption date, according to the mandatory sinking fund redemption schedule or schedules set out in the accepted bid and in principal amounts corresponding to the maturity schedule set out in Section 204 hereof (subject to the Permitted Adjustment as herein provided).

205. Interest Payment Date; Rates. The Series 2020A Bonds shall bear interest from their date of initial issuance and delivery, payable semi-annually on April 1st and October 1st of each year, commencing April 1, 2020, at the rates set out in the successful bid.

206. Denominations, Numbers, and Letters. The Series 2020A Bonds shall be issued in the denomination of Five Thousand Dollars (\$5,000) or any integral multiple thereof, not exceeding, however, the aggregate principal amount of Series 2020A Bonds maturing in the year of maturity of the Bond for which the denomination is to be specified. The Series 2020A Bonds shall be lettered and numbered separately consecutively from R-1 upwards.

207. Place of Payment and Designation of Paying Agent and Registrar. The principal and Redemption Price on the Series 2020A Bonds shall be payable in lawful money of the United States of America at the principal office of the Paying Agent and Registrar, U.S. Bank National Association, Louisville, Kentucky. The Mayor and City Clerk of the City are hereby authorized to enter into an agreement between the City and the Paying Agent and Registrar hereby appointed. Interest on Series 2020A Bonds will be paid by check or draft mailed to the registered owner as of the fifteenth day of the month preceding the date on which a payment of interest is due at such address as shall be shown by the registration records of the Registrar in accordance with the provisions of Article III of the General Bond Ordinance.

208. Redemption of Series 2020A Bonds; Redemption Terms and Prices. The Series 2020A Bonds maturing on April 1, 2029 shall be redeemable at the option of the City in whole or in part at any time on or after April 1, 2028 (less than all of a single maturity to be selected in such manner as the Registrar may determine) at a redemption price equal to the par amount thereof, plus accrued interest to the redemption date, upon notice and pursuant to other conditions as prescribed by the General Bond Ordinance or supplemental ordinances not inconsistent herewith.

SPECIAL CALLED MEETING MAY 7, 2020
ORDINANCE NO. 48, 2020 CONTINUED

At the option of the City, to be exercised at least forty-five days before the date for application of the mandatory redemption of the Term Bonds, the City may receive a credit against the mandatory redemption requirement for Term Bonds of the same maturity as the Term Bonds subject to the application of the mandatory redemption requirement set forth in the successful bid for the Series 2020A Bonds which, before the date for application of such requirement (and of which a credit has not previously been taken) (1) have been redeemed other than through the application of such mandatory redemption procedure, and cancelled by the Paying Agent, or (2) have been delivered to the Paying Agent by the City for cancellation.

ARTICLE III

DISPOSITION OF PROCEEDS OF SERIES 2020A BONDS

301. Debt Service Reserve. There shall be deposited in the Debt Service Reserve, identified in Section 506 of the General Bond Ordinance, proceeds of the Series 2020A Bonds, such that the amount on deposit in the Debt Service Reserve will equal the Aggregate Debt Service Reserve Requirement. Such funds held from time to time in the Debt Service Reserve shall be treated, invested, transferred, and applied in accordance with the provisions of Article V, Section 506 of the General Bond Ordinance.

302. Series 2012 Bond Proceeds Fund. All amounts remaining after deposit of amounts required to be deposited in the Debt Service Reserve shall be deposited in the Bond Proceeds Fund, hereby established with a depository selected by an Authorized Officer (the "Bond Proceeds Depository"), pursuant to Article V, Section 503 of the General Bond Ordinance. The moneys in the Bond Proceeds Fund shall be deposited in a cost of issuance account, hereby created, known as the "Series 2020A Cost of Issuance Account" and a Construction and Acquisition account hereby created, known as the "Series 2020A Construction and Acquisition Account" in amounts set forth in an order (the "Order") of an Authorized Officer regarding the delivery of the Series 2020A Bonds. After all costs of issuance payable from the Series 2020A Cost of Issuance Account have been paid, any balance in the account shall be deposited in the Construction and Acquisition Account or shall be transferred to the Debt Service Fund, as determined by an Authorized Officer. Amounts in the Series 2020A Construction and Acquisition Account shall be used only to pay the costs of the 2020A Project specifically identified in the Order, unless the City obtains an opinion of bond counsel that any other use would not adversely affect the exclusion from gross income on the interest on the Series 2020A Bonds for federal income tax purposes. Any amounts remaining in the Series 2020A Construction and Acquisition Account after completion of the 2020A Project shall be used to pay other permissible expenses of the City, subject to the requirements of the preceding sentence, or transferred to the Debt Service Fund, as determined by an Authorized Officer.

ARTICLE IV

ISSUANCE AND SALE OF THE SERIES 2020A BONDS

401. Award of Series 2020A Bonds to Lowest and Best Bidder. The Series 2020A Bonds shall be awarded to the lowest and best bidder (the "Purchaser") in accordance with the Official Terms and Conditions of Bond Sale. The Mayor, City Clerk, or Director of Finance shall, in a certificate of award to be executed on the date of the public sale of the Series 2020A Bonds, accept the bid which the Mayor determines to be the best bid in accordance with the Official Terms and Conditions of Sale; shall in accepting the successful bid, determine the exact principal amount of Series 2020A Bonds to be issued and the rates of interest which the Series 2020A Bonds shall bear; and shall evidence such acceptance and determination by the completion and execution of the Official Bid Form submitted by the successful bidder.

SPECIAL CALLED MEETING MAY 7, 2020
ORDINANCE NO. 48, 2020 CONTINUED

402. Approval of Preliminary Official Statement and Official Statement. The City hereby approves the Preliminary Official Statement, including the Official Bid Form and Official Terms and Conditions of Bond Sale heretofore prepared by the City and its Financial Advisor, authorizes the public distribution of such Preliminary Official Statement and authorizes the Financial Advisor for the City to complete the Preliminary Official Statement to reflect the interest costs to be borne by the Series 2020A Bonds and other relevant facts to serve as the City's Official Statement regarding the Series 2020A Bonds. The Mayor is further authorized to declare the Official Statement to be "final" for purposes of Securities and Exchange Commission Rule 15c2-12.

403. Continuing Disclosure Undertaking. The City hereby authorizes and approves a Continuing Disclosure Undertaking to be dated as of the date of initial issuance and delivery of the Series 2020A Bonds (the "Continuing Disclosure Undertaking") substantially in the form presented or described to the Board of Commissioners, with such modifications and additions as may be approved by the officer of the City executing the same. Failure to comply with the provisions of the Continuing Disclosure Undertaking shall not constitute a default on the Series 2020A Bonds; however, any holder of the Series 2020A Bonds may take such action as may be necessary and appropriate, including seeking specific performance, to cause the City to comply with its obligations under this section and the Continuing Disclosure Undertaking. The Mayor and the City Clerk are each separately authorized to execute and deliver the Continuing Disclosure Undertaking.

404. General Authorization. The Mayor and City Clerk of the City, each as an Authorized Officer, are hereby authorized to do and perform any act or sign any and all documents required by the General Bond Ordinance, and perform any other acts or sign and execute any other documents necessary or convenient in connection with the authorization, sale, delivery, and issuance of the Series 2020A Bonds. The Series 2020A Bonds shall be executed, authenticated, and sealed pursuant to the General Bond Ordinance and supplemental ordinances not inconsistent therewith, provided that the attestation shall be by an Authorized Officer.

405. Delivery of Series 2020A Bonds. The Mayor, City Clerk, Director of Finance, City Manager, and other officers of the City, and all Authorized Officers of the City as defined in the General Bond Ordinance, are hereby severally authorized, after execution of the Series 2020A Bonds to deliver the Series 2020A Bonds to or upon the order of the Purchaser thereof, to receive the proceeds of sale of the Series 2020A Bonds and give a written receipt thereof on behalf of the City, to apply the proceeds and any other moneys in accordance with the terms of the General Bond Ordinance and this Series 2020A Bond Ordinance, and in such manner as is required to cause the conditions to the issuance of the Series 2020A Bonds as stipulated in the General Bond Ordinance to be complied with and to do and perform, or cause to be done and performed, for and on behalf of the City, all acts and things that constitute conditions to the authentication and delivery of the Series 2020A Bonds, or that are otherwise required to be done and performed by or on behalf of the City before, or simultaneously with, the delivery of the Series 2020A Bonds.

ARTICLE V

ADDITIONAL REPRESENTATIONS, WARRANTIES,
COVENANTS, AND AGREEMENTS

501. Franchise Agreements. To the extent permitted by law, so long as the Series 2020A Bonds remain Outstanding, the City will not grant any franchises or grant any rights of way over the public streets or public grounds of the City relating to (i) water service in the service area of the water portion of the System, or (ii) sewer service in the service area of the sewer portion of the System.

SPECIAL CALLED MEETING MAY 7, 2020
ORDINANCE NO. 48, 2020 CONTINUED

502. Additional Bonds. Notwithstanding satisfaction of other conditions to the issuance of additional Bonds contained in the General Bond Ordinance, no such issuance may occur (i) should any Event of Default (or any event which, once notice has been given or grace periods have passed, would constitute an Event of Default) have occurred and be continuing unless such default shall be cured upon such issuance and (ii) unless the amount on deposit in the Debt Service Reserve is no less than the Aggregate Debt Service Reserve Requirement.

503. Priority of Pledges. The City covenants and agrees to take such action (including, as applicable, filing of UCC financing statements and continuations thereof) as is necessary from time to time otherwise preserve the priority of the pledges set forth in Section 501 of the General Bond Ordinance under applicable law.

ARTICLE VI

EFFECTIVE DATE

601. Effective upon Adoption and Publication. This Series 2020A Bond Ordinance and any supplement thereto shall be in full force and effect from and after its adoption and publication of a summary thereof.

INTRODUCED AND PUBLICLY READ ON FIRST READING on April 23, 2020.

PUBLICLY READ, ADOPTED, AND APPROVED ON SECOND READING, on May 7, 2020.

/s/STEPHEN E. GILMORE
MAYOR

ATTEST:

/s/SUSAN W. MADDIX
CITY CLERK

MOTION

Motion was made by Gute, seconded by Steen, to adopt Ordinance No. 48, 2020, 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. 49, 2020

AN ORDINANCE OF THE CITY OF ASHLAND, KENTUCKY, ADOPTING AMENDMENT 11 FOR CITY EMPLOYEES AND AMENDMENT 10 FOR THE FIRE DEPARTMENT UNION FOR THE CITY OF ASHLAND, KENTUCKY MEDICAL CARE PLAN AND SUMMARY PLAN ADOPTED BY ORDINANCE 46, 2012 AND PREVIOUSLY AMENDED, TO INCLUDE TELEHEALTH SERVICES.

* * * *

BE IT ORDAINED BY THE CITY OF ASHLAND, KENTUCKY:

SPECIAL CALLED MEETING MAY 7, 2020
ORDINANCE NO. 49, 2020 CONTINUED

SECTION 1. The Board of City Commissioners (“Board”) hereby amends the Medical Care Plan and Summary Plan Document for employees of the City of Ashland (Amendment #11) and the Fire Department Union Plan (Amendment #10) as adopted by Ordinance No. 46, Series of 2012, and previously amended. Said amendments are attached hereto and made a part hereof by reference.

SECTION 2. Stephen E. Gilmore, Mayor, is hereby authorized and directed to execute any and all other documents relating to the adoption and implementation of said amendments.

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

ADOPTED BY THE BOARD OF COMMISSIONERS: April 23, 2020
READOPTED BY THE BOARD OF COMMISSIONERS: May 7, 2020
PUBLISHED:

MOTION

Motion was made by Clark, seconded by Steen, to adopt Ordinance No. 49, 2020, 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. 10, 2020

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 CALLED MEETING OF THE BOARD OF CITY COMMISSIONERS OF MAY 7, 2020.

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 called meeting, May 7, 2020, 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

SPECIAL CALLED MEETING MAY 7, 2020
CONSENT AGENDA CONTINUED

ATTEST:

/s/SUSAN W. MADDIX
 CITY CLERK

ADOPTED BY THE BOARD OF COMMISSIONERS: May 7, 2020

MOTION

Motion was made by Clark, seconded by Steen, to adopt Resolution No. 10, 2020.

DISCUSSION

Commissioner Clark stated she was not comfortable voting on Item (3) Health Plan Increase and Benefit Reductions for all City employees with the exception of Ashland Fire Department union employees.

Mayor Gilmore asked the Commission to remove Item (3) from the Consent Agenda and table the item to the May 14 meeting. He reported that an insurance consultant will review the City's plan to look at any and other potential avenues to save money for the total operation of the City and in regard to the City's employees.

MOTION TO REMOVE ITEM (3) FROM THE CONSENT AGENDA & TABLE

Motion was made by Clark, seconded by Perkins, to remove Item (3) from the Consent Agenda and table the item to the May 14, 2020 Commission meeting:

City Manager recommends the following health plan increases and benefit reductions for all City employees with the exception of Ashland Fire Department union employees. The premium increases and benefit reductions were reviewed and recommended by the Insurance Committee for approval of the Ashland Board of City Commissioners for an approximate savings of \$712,526.88.

Increase employee premiums (Per Pay):

Employee Health Only - From \$25.00 to \$35.00
 Employee Health & Dental - From \$27.00 to \$40.78
 Employee + 1 Health Only - From \$50.00 to \$65.00
 Employee + 1 Health & Dental - From \$54.00 to \$75.54
 Family Health Only - From \$70.00 to \$90.00
 Family Health & Dental - From \$75.00 to \$103.72

This includes any current employee, hired prior to March 1, 2018 who has a spouse that waives off their employer's plan and onto the City's plan, will increase from \$27.00 per pay to \$35.00 per pay.

Medical Deductible and Out of Pocket (OOP) for In Network and Rx Max OOP increase as follows:

Medical Deductible from \$1,000 to \$1,500 individual
 Medical Deductible from \$2,000 to \$3000 family
 Medical -Max OOP from \$3000 to \$3,500 individual
 Medical-Max OOP from \$6000 to \$7000 family
 Rx Tier 2 max from \$100 to \$200 for Retail
 Rx Tier 2 max from \$200 to \$300 for Mail order
 Rx Tier 3 max from \$150 to \$250 for Retail
 Rx Tier 3 max from \$200 to \$350 for Mail order
 Rx OOP max from \$3,100 to \$4,000
 Rx OOP max from \$6,200 to \$8,000

SPECIAL CALLED MEETING MAY 7, 2020
CONSENT AGENDA CONTINUED

Health Reimbursement Account contribution by City will cease for the calendar year 2021.
 Current balances will remain until exhausted.

FISCAL NOTE: Potential savings of \$712,526.88.

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

DISCUSSION

Mayor Gilmore requested City Manager Graese expand on Consent Agenda Item (2) Lay-offs. City Manager Graese reported the City's budget is made up of different funds (General Fund, Utility Fund, Floodwall Fund, etc.) and how monies from one fund cannot be used for another fund. City Manager Graese explained the biggest impact will be on the General Fund with the decrease in revenue from the payroll tax and net profit license fee tax. In addition, our Finance Department was informed this week that the collection of property taxes was going to be deferred. Kentucky Revised Statutes mandate a balanced budget. City Manager Graese explained that the four areas making up the General Fund are personnel, medical benefits, operational costs and services provided to citizens. The Commission has instructed that the services provided to our citizens is a top priority. The City currently has 308 Authorized Positions. The City will not be hiring seasonal employees per direction from the Commission. City staff will be at a loss of approximately 60 people when totaling vacant positions not being filled, retirements, layoffs and seasonal employees. City Manager clarified that the fiscal note listed on the agenda includes the employee's salary, medical benefits, retirement, FICA and Medicare.

City Manager Graese advised the Commission that the federal funds received by the City of Ashland are Community Development Block Grant funds to be used for low- to moderate- income persons. No city with a population under 500,000 has been granted funds from the federal government. Louisville got \$130 million from the federal government and is permitted to spend monies received in a variety of ways.

Commissioner Clark clarified that of the \$1.7 billion the State of Kentucky received, only 40 to 45 percent may be distributed to cities if the Governor chooses to do so. It is discretionary.

VOTE TO ADOPT CONSENT AGENDA 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 the submission of an application to the Tri-State Transit Authority for a Federal Grant under the Section 5310 Program to acquire the 2017 Ford "Wheelchair Lift" mobility minibus originally purchased by Our Lady of Bellefonte Hospital to expand the City's fleet and authorizing Gretchen VanHoose to furnish such additional information as may be required by the Federal Transit Administration or Tri-State Transit Authority in connection with aforesaid application for said grant.
2. City Manager recommends approving the lay-off of the following positions until such time as revenues may increase allowing a return to work of employees. The Customer Service Representative and the Occupational/Net Profit Tax Clerk may return to work when the City Building re-opens.

SPECIAL CALLED MEETING MAY 7, 2020
CONSENT AGENDA CONTINUED

City Manager's Office – Administrative Assistant
 Community & Economic Development – Receptionist
 Finance - Payroll Specialist II
 Finance – Customer Service Representative
 Finance – Occupational/Net Profit Tax Clerk
 Parks & Recreation – Maintenance Worker x 2
 Public Services (Streets) – Maintenance Worker x 2
 Public Services (Central Garage) – Mechanic
 Utilities (Wastewater Collection) – Operator III
 Utilities (Sewer Plant) – Operator

NEW BUSINESS
FIRST READING AND ADOPTION ONLY

ORDINANCE NO. _____, 2020

AN ORDINANCE OF THE CITY OF ASHLAND, KENTUCKY, AUTHORIZING AND DIRECTING STEPHEN E. GILMORE, MAYOR, TO EXECUTE AN AGREEMENT WITH ASHLAND CHILD DEVELOPMENT CENTER, THE SUB-RECIPIENT OF \$5,000.00 FROM THE 2019 PROGRAM YEAR COMMUNITY DEVELOPMENT BLOCK GRANT-CV FUNDS.

MOTION

Motion was made by Gute, seconded by Steen, to adopt Ordinance No. _____, 2020, 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. _____, 2020

AN ORDINANCE OF THE CITY OF ASHLAND, KENTUCKY, AUTHORIZING AND DIRECTING STEPHEN E. GILMORE, MAYOR, TO EXECUTE AN AGREEMENT WITH ASHLAND COMMUNITY KITCHEN, THE SUB-RECIPIENT OF \$21,000.00 FROM THE 2019 PROGRAM YEAR COMMUNITY DEVELOPMENT BLOCK GRANT-CV FUNDS.

MOTION

Motion was made by Clark, seconded by Steen, to adopt Ordinance No. _____, 2020, at this its first reading. Upon roll call, voting aye were Commissioners Clark, Gute, Perkins, Steen and Mayor Gilmore. Nay – none. Motion passed.

SPECIAL CALLED MEETING MAY 7, 2020
ORDINANCE NO. _____, 2020

FIRST READING AND ADOPTION ONLY

ORDINANCE NO. _____, 2020

AN ORDINANCE OF THE CITY OF ASHLAND, KENTUCKY, AUTHORIZING AND DIRECTING STEPHEN E. GILMORE, MAYOR, TO EXECUTE AN AGREEMENT WITH ASHLAND SENIOR CENTER, THE SUB-RECIPIENT OF \$11,000.00 FROM THE 2019 PROGRAM YEAR COMMUNITY DEVELOPMENT BLOCK GRANT-CV FUNDS.

MOTION

Motion was made by Gute, seconded by Steen, to adopt Ordinance No. _____, 2020, 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. _____, 2020

AN ORDINANCE OF THE CITY OF ASHLAND, KENTUCKY, AUTHORIZING AND DIRECTING STEPHEN E. GILMORE, MAYOR, TO EXECUTE AN AGREEMENT WITH COMMUNITY ASSISTANCE & REFERRAL SERVICE, INC. (CARES), THE SUB-RECIPIENT OF \$10,000.00 FROM THE 2019 PROGRAM YEAR COMMUNITY DEVELOPMENT BLOCK GRANT-CV FUNDS.

MOTION

Motion was made by Clark, seconded by Gute, to adopt Ordinance No. _____, 2020, 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. _____, 2020

AN ORDINANCE OF THE CITY OF ASHLAND, KENTUCKY, AUTHORIZING AND DIRECTING STEPHEN E. GILMORE, MAYOR, TO EXECUTE AN AGREEMENT WITH HILLCREST BRUCE MISSION, THE SUB-RECIPIENT OF \$22,000.00 FROM THE 2019 PROGRAM YEAR COMMUNITY DEVELOPMENT BLOCK GRANT-CV FUNDS.

MOTION

Motion was made by Gute, seconded by Steen, to adopt Ordinance No. _____, 2020, at this its first reading. Upon roll call, voting aye were Commissioners Clark, Gute, Perkins, Steen and Mayor Gilmore. Nay – none. Motion passed.

SPECIAL CALLED MEETING MAY 7, 2020
ORDINANCE NO. _____, 2020

FIRST READING AND ADOPTION ONLY

ORDINANCE NO. _____, 2020

AN ORDINANCE OF THE CITY OF ASHLAND, KENTUCKY, AUTHORIZING AND DIRECTING STEPHEN E. GILMORE, MAYOR, TO EXECUTE AN AGREEMENT WITH SAFE HARBOR OF NORTHEAST KENTUCKY, LLC, THE SUB-RECIPIENT OF \$12,000.00 FROM THE 2019 PROGRAM YEAR COMMUNITY DEVELOPMENT BLOCK GRANT-CV FUNDS.

MOTION

Motion was made by Gute, seconded by Steen, to adopt Ordinance No. _____, 2020, 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. _____, 2020

AN ORDINANCE OF THE CITY OF ASHLAND, KENTUCKY, AUTHORIZING AND DIRECTING STEPHEN E. GILMORE, MAYOR, TO EXECUTE AN AGREEMENT WITH SHELTER OF HOPE, THE SUB-RECIPIENT OF \$12,000.00 FROM THE 2019 PROGRAM YEAR COMMUNITY DEVELOPMENT BLOCK GRANT-CV FUNDS.

MOTION

Motion was made by Clark, seconded by Steen, to adopt Ordinance No. _____, 2020, 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. _____, 2020

AN ORDINANCE OF THE CITY OF ASHLAND, KENTUCKY, AUTHORIZING AND DIRECTING STEPHEN E. GILMORE, MAYOR, TO EXECUTE AN AGREEMENT WITH SAFE HARBOR OF NORTHEAST KENTUCKY, INC., THE SUB-RECIPIENT OF \$5,000.00 FROM THE 2019 PROGRAM YEAR COMMUNITY DEVELOPMENT BLOCK GRANT.

MOTION

Motion was made by Gute, seconded by Steen, to adopt Ordinance No. _____, 2020, 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.

SPECIAL CALLED MEETING MAY 7, 2020
MUNICIPAL ORDER NO. 7, 2020

READING AND ADOPTION

MUNICIPAL ORDER NO. 7, 2020

A MUNICIPAL ORDER OF THE CITY OF ASHLAND, KENTUCKY, AUTHORIZING AND DIRECTING STEPHEN E. GILMORE, MAYOR, TO EXECUTE AN INTERLOCAL COOPERATION AGREEMENT BETWEEN THE CITY OF ASHLAND, KENTUCKY AND THE CITY OF RACELAND, KENTUCKY AUTHORIZING ASHLAND AND RACELAND POLICE OFFICERS TO EXERCISE THEIR POWERS THROUGHOUT BOTH CITIES IN ORDER TO COMBAT ILLEGAL ACTIVITY.

WHEREAS, KRS 65.255 provides that peace officers and police department members acting in the performance of their duties outside their own jurisdiction pursuant to an interlocal agreement shall have the full powers of arrest and all powers they possess in their own jurisdiction, and shall have the same immunities and privileges as if the duties were performed in their own jurisdiction;

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

SECTION 1. That Stephen E. Gilmore, Mayor of the City of Ashland, Kentucky, is hereby authorized and directed to execute an Interlocal Cooperation Agreement between the City of Ashland and the City of Raceland, Kentucky. A true copy of said Interlocal Cooperation Agreement is attached hereto and made a part hereof by reference.

INTRODUCED, PUBLICLY READ AND FINALLY APPROVED ON ONE READING, this the 7th day of May, 2020.

/s/STEPHEN E. GILMORE
MAYOR

ATTEST:

/s/SUSAN W. MADDIX
CITY CLERK

MOTION

Motion was made by Clark, seconded by Steen, to adopt Municipal Order No. 7, 2020. Upon roll call, voting aye were Commissioners Clark, Gute, Perkins, Steen and Mayor Gilmore. Nay – none. Motion passed.

READING AND ADOPTION

RESOLUTION NO. 11, 2020

A RESOLUTION OF THE CITY OF ASHLAND, KENTUCKY, AUTHORIZING FUNDS IN THE AMOUNT OF \$175,000.00 FOR THE PURPOSE OF MATCHING LAND AND WATER CONSERVATION FUND ASSISTANCE TO DEVELOP AN INCLUSIVE ADA COMPLIANT PLAYGROUND IN CENTRAL PARK.

SPECIAL CALLED MEETING MAY 7, 2020
RESOLUTION NO. 11, 2020 CONTINUED

WHEREAS, the City of Ashland, Kentucky proposes to develop recreational resources to provide for the health and well-being of the general public, and

WHEREAS, the City of Ashland, Kentucky intends to make application to the Department for Local Government (DLG) for assistance under the Land and Water Conservation Fund Act of 1965, and

WHEREAS, the Land and Water Conservation Fund (LWCF) is limited to funding a maximum of fifty percent (50%) of proposed project costs estimated at Three Hundred Fifty Thousand Dollars (\$350,000.00);

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

SECTION 1. That the City of Ashland, Kentucky hold in reserve fifty percent (50%) of the proposed project costs for the purpose of matching the Land and Water Conservation Fund assistance.

SECTION 2. That in the event a grant is awarded, the City of Ashland, Kentucky, understands that it will sign assurances to comply with all applicable Federal and State laws, rules and regulations, especially Title VI of the Civil Rights Act and Section 504 of the 1973 Rehabilitation Act.

SECTION 3. Stephen E. Gilmore, Mayor, is hereby authorized to execute any and all documents relating to the acceptance by the City of Ashland, Kentucky of said funds.

SECTION 4. 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: May 7, 2020

MOTION

Motion was made by Gute, seconded by Steen, to adopt Resolution No. 11, 2020.

DISCUSSION

Commissioner Clark questioned whether the City, if awarded the grant, has the option to decline if funds in the amount of \$175,000 are not available. Mayor Gilmore advised the resolution allows only for application. Corporation Counsel Moore explained it is a statement of intention. An ordinance would be required to commit funding. This resolution allows only for application for the grant. If awarded, an ordinance would have to be adopted allowing the expenditure.

VOTE

Upon roll call, voting aye were Commissioners Gute, Perkins, Steen and Mayor Gilmore. Nay – Commissioner Clark. Motion passed.

ADJOURNMENT

Mayor Gilmore declared the meeting adjourned at 12:40 PM.


STEPHEN E. GILMORE
MAYOR

ATTEST:


SUSAN W. MADDIX
CITY CLERK