

**REGULAR MEETING  
FEBRUARY 11, 2016**

The Ashland Board of Commissioners met in Regular Session in the Commissioners' Chambers, City Building, Ashland, Kentucky, on Thursday, February 11, 2016, at the hour of 12:00 PM. Those present were Commissioners: Larry Brown, Amanda Clark, Kevin Gunderson, Marty Gute and Mayor Chuck Charles, who presided. Also present were: Benjamin R. Bitter, City Manager; John F. Vincent, Corporation Counsel; Susan W. Maddix, City Clerk; Robert W. Ratliff, Chief of Police; Scott Penick, Fire Chief; Greg Ray, Deputy Fire Chief; Sean Murray, Human Resources/Parks and Recreation Director; Marion Russell, Director of Public Works; Mike Miller, Director of Planning and Community Development; Chris Pullem, Economic Development Director; Ryan Eastwood, Director of Engineering and Utilities; Tony Grubb, Finance Director; Mike Adkins, Risk Manager; Michelle Veach, Assistant Finance Director; Major Mark McDowell and Major Todd Kelley, Ashland Police Department; and Reporters.

The invocation was given by Commissioner Gunderson.

The Pledge of Allegiance was conducted.

**AGENDA**

City Manager Bitter presented the agenda of February 11, 2016. Motion was made by Brown, seconded by Gunderson, to receive & file the agenda. Upon roll call, voting aye were Commissioners Brown, Clark, Gunderson, Gute and Mayor Charles. Nay - none. Motion passed.

**MINUTES**

Motion was made by Clark, seconded by Gute, to dispense with reading and approve the minutes of the Regular Meeting held on January 28, 2016. Upon roll call, voting aye were Commissioners Brown, Clark, Gunderson, Gute and Mayor Charles. Nay – none. Motion passed.

**HEARINGS AND REPORTS**

**Mayor and City Commissioners' Comments**

Commissioner Gute reported it is good to see both the Ashland Town Center mall and the Mayo Arcade full of stores and shoppers. Commissioner Gute noted the loss of Mark Justice of WLGC radio and sends thoughts and prayers to Mr. Justice's family.

Commissioner Brown congratulated Commissioner Clark on her participation in the "Dancing with Our Stars" fundraising event for the Highlands Museum and Discovery Center which raised approximately \$80,000.00 for the museum. He also reported he had an excellent dining experience at the new Reds Sports Bar and Grille on Winchester Avenue. Commissioner Brown commented on the recent loss of Mark Justice and also the loss of John Clarke, Kenny Conn and Tom Carver.

Commissioner Gunderson attended a performance at the Paramount Arts Center (PAC) on February 4, 2016 of the Band of Royal Marines with the Pipes, Drums and Highland Dancers of the Scots Guards. He commented on the many upcoming events scheduled at the PAC. Commissioner Gunderson stated that members of the Commission were interviewed monthly by Mark Justice of WLGC who will certainly be missed by all.

Commissioner Clark thanked everyone for coming to the meeting. She enjoyed being a part of the Highlands Museum and Discovery Center's "Dancing with Our Stars". She stated it was a great experience. Commissioner Clark reported 11 employers are participating in the job fair being held today at the Transportation Center and over 100 people attended in the first hour.

Mayor Charles also commented on the loss of Mark Justice.

**REGULAR MEETING FEBRUARY 11, 2016**  
**HEARINGS AND REPORTS CONTINUED**

**City Manager's Report**

City Manager Bitter asked Director of Engineering and Utilities Eastwood to make a presentation to the Commission regarding the current sewer lining project. Director Eastwood explained to the Commission how the lining works and noted the monetary savings to the City. Mayor Charles thanked Mr. Eastwood for the quick response to affected businesses.

**PUBLIC PARTICIPATION**

David Stump, 2622 Jackson Avenue, appeared before the Commission regarding a security breach concerning the release of his partial social security number and Kentucky Retirement identification number. Mr. Stump is a retired Ashland firefighter.

Arnold Warren, 4316 Ferguson Drive, appeared before the Commission regarding an incident that occurred on February 1 in his neighborhood involving dogs running loose and Animal Control. Director of Public Works Marion Russell will investigate the matter and report back to the City Manager.

Tim Keyser, 5200 block of Winchester Avenue, appeared before the Commission requesting speed bumps be installed on Apple Blossom Lane. This request will be forwarded to the Transportation Task Force. The Ashland Police Department will investigate the speeding complaints.

**OLD BUSINESS**

**SECOND READING & FINAL ADOPTION**

**ORDINANCE NO. 13, 2016**

AN ORDINANCE OF THE CITY OF ASHLAND,  
KENTUCKY, REGARDING CONDUCT OF CITY  
EMPLOYEES.

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BE IT ORDAINED BY THE CITY OF ASHLAND, KENTUCKY:

SECTION 1. Notwithstanding any policies or procedures of any department of the City, any City employee shall be able to engage in communications with the Mayor, or any City Commissioner without limitation. However, this provision shall not be interpreted to permit any conversation with the Mayor or any City Commissioner regarding any pending or anticipated grievance, litigation with the City of Ashland or contract negotiations for the department for which they may be employed. In matters relating to departmental policy, the employee shall notify the department head of the contact to be made with the Mayor or any City Commissioner. The Mayor or any City Commissioner is not required by this Ordinance to meet with or engage in conversation with any City employee, and such discussion shall be at the sole discretion of those officials.

SECTION 2. This ordinance shall be in full force and effect from and after its adoption, readoption and publication, as required by law.

SECTION 3. It is hereby authorized that publication of this ordinance be in summary form.

/s/CHUCK D. CHARLES  
MAYOR

ATTEST:

/s/SUSAN MADDIX  
CITY CLERK

**REGULAR MEETING FEBRUARY 11, 2016**  
**ORDINANCE NO. 13, 2016 CONTINUED**

ADOPTED BY THE BOARD OF COMMISSIONERS: January 28, 2016  
READOPTED BY THE BOARD OF COMMISSIONERS: February 11, 2016  
PUBLISHED:

**MOTION**

Motion was made by Clark, seconded by Brown, to adopt Ordinance No. 13, 2016, at this its second reading. Upon roll call, voting aye were Commissioners Brown, Clark, Gunderson, Gute and Mayor Charles. Nay – none. Motion passed.

**SECOND READING & FINAL ADOPTION**

**ORDINANCE NO. 14, 2016**

AN ORDINANCE OF THE CITY OF ASHLAND, KENTUCKY, AUTHORIZING AND DIRECTING CHUCK D. CHARLES, MAYOR, TO EXECUTE A CONTRACT BETWEEN THE CITY OF ASHLAND, KENTUCKY, AND MORRIS CONTRACTING FOR THE BOYD COUNTY MIDDLE SCHOOL WATERLINE EXTENSION PROJECT FOR THE CITY OF ASHLAND, DEPARTMENT OF ENGINEERING AND UTILITIES.

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BE IT ORDAINED BY THE CITY OF ASHLAND, KENTUCKY:

SECTION 1. That Chuck D. Charles, Mayor, be and he is hereby authorized and directed to execute a contract between the City of Ashland, Kentucky, and Morris Contracting for the Boyd County Middle School waterline extension project for the City of Ashland Department of Engineering and Utilities. A copy of said contract is attached hereto and made a part hereof by reference.

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

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

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

/s/CHUCK D. CHARLES  
MAYOR

ATTEST:

/s/SUSAN MADDIX  
CITY CLERK

ADOPTED BY THE BOARD OF COMMISSIONERS: January 28, 2016  
READOPTED BY THE BOARD OF COMMISSIONERS: February 11, 2016  
PUBLISHED:

**MOTION**

Motion was made by Brown, seconded by Clark, to adopt Ordinance No. 14, 2016, at this its second reading. Upon roll call, voting aye were Commissioners Brown, Clark, Gunderson, Gute and Mayor Charles. Nay – none. Motion passed.

**REGULAR MEETING FEBRUARY 11, 2016**  
**ORDINANCE NO. 15, 2016**

**SECOND READING & FINAL ADOPTION**

**ORDINANCE NO. 15, 2016**

AN ORDINANCE OF THE CITY OF ASHLAND, KENTUCKY, AUTHORIZING AND DIRECTING CHUCK D. CHARLES, MAYOR, TO EXECUTE AN AGREEMENT WITH THE BOYD COUNTY BOARD OF EDUCATION FOR THE INSTALLATION OF A WATER LINE EXTENSION OUTSIDE THE CITY LIMITS FOR THE BOYD COUNTY MIDDLE SCHOOL.

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BE IT ORDAINED BY THE CITY OF ASHLAND, KENTUCKY:

SECTION 1. That Chuck D. Charles, Mayor of the City of Ashland, Kentucky, be and is hereby authorized to execute an agreement between the City of Ashland, Kentucky, and the Boyd County Board of Education for the installation of a meter pit and 3,5000+/- feet of 8” water main from the intersection of Little Garner Road and Summit Road along Summit Road outside the city limits to Boyd County Middle School for the Department of Engineering and Utilities. 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/CHUCK D. CHARLES  
MAYOR

ATTEST:

/s/SUSAN MADDIX  
CITY CLERK

ADOPTED BY THE BOARD OF COMMISSIONERS: January 28, 2016  
READOPTED BY THE BOARD OF COMMISSIONERS: February 11, 2016  
PUBLISHED:

**MOTION**

Motion was made by Gunderson, seconded by Gute, to adopt Ordinance No. 15, 2016, at this its second reading. Upon roll call, voting aye were Commissioners Brown, Clark, Gunderson, Gute and Mayor Charles. Nay – none. Motion passed.

**SECOND READING & FINAL ADOPTION**

**ORDINANCE NO. 16, 2016**

AN ORDINANCE OF THE CITY OF ASHLAND, KENTUCKY, AUTHORIZING AND DIRECTING CHUCK D. CHARLES, MAYOR, TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT BETWEEN THE CITY OF ASHLAND, KENTUCKY AND HOWERTON ENGINEERING AND SURVEYING, PLLC RETAINING HOWERTON TO PROVIDE ENGINEERING SERVICES REGARDING THE LOUISA STREET WATER LINE PROJECT.

**REGULAR MEETING FEBRUARY 11, 2016**  
**ORDINANCE NO. 16, 2016 CONTINUED**

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BE IT ORDAINED BY THE CITY OF ASHLAND, KENTUCKY:

SECTION 1. That Chuck D. Charles, Mayor, be and he is hereby authorized and directed to execute a professional services agreement between the City of Ashland, Kentucky and Howerton Engineering and Surveying, PLLC retaining Howerton to provide engineering services regarding the Louisa Street Water Line Project. A copy of said agreement is attached hereto and made a part hereof by reference.

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

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

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

/s/CHUCK D. CHARLES  
MAYOR

ATTEST:

/s/SUSAN MADDIX  
CITY CLERK

ADOPTED BY THE BOARD OF COMMISSIONERS: January 28, 2016  
READOPTED BY THE BOARD OF COMMISSIONERS: February 11, 2016  
PUBLISHED:

**MOTION**

Motion was made by Gunderson, seconded by Clark, to adopt Ordinance No. 16, 2016, at this its second reading. Upon roll call, voting aye were Commissioners Brown, Clark, Gunderson, Gute and Mayor Charles. Nay – none. Motion passed.

**CONSENT AGENDA**

**RESOLUTION NO. 4, 2016**

A RESOLUTION OF THE CITY OF ASHLAND, KENTUCKY, ADOPTING, AUTHORIZING AND APPROVING THE COURSE OF ACTION PRESENTED BY THE CITY MANAGER ON THE ITEMS APPEARING ON THE CONSENT AGENDA FOR THE REGULAR MEETING OF THE BOARD OF CITY COMMISSIONERS OF **FEBRUARY 11, 2016**.

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BE IT RESOLVED BY THE CITY OF ASHLAND, KENTUCKY:

SECTION 1. The Board of City Commissioners hereby adopts, authorizes and approves the action presented by the City Manager on each item appearing on the “Consent Agenda” for the regular meeting, **February 11, 2016**, 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/CHUCK D. CHARLES  
MAYOR

**REGULAR MEETING FEBRUARY 11, 2016**  
**CONSENT AGENDA CONTINUED**

ATTEST:

/s/SUSAN MADDIX  
CITY CLERK

ADOPTED BY THE BOARD OF COMMISSIONERS: February 11, 2016

**MOTION**

Motion was made by Gute, seconded by Clark, to adopt Resolution No. 4, 2016. Upon roll call, voting aye were Commissioners Brown, Clark, Gunderson, Gute and Mayor Charles. Nay – none. Motion passed.

**CONSENT AGENDA ITEMS**

1. City Manager recommends approval to award the bid for the Ashland Child Development Center Handicap Accessibility Improvement Project to Morris Contracting for their bid of \$43,904.50.
2. City Manager recommends approval for two employees to attend training at the Victaulic Bermad Factory in Houston, TX on February 28 – March 1, 2016. The training will include how to maintain, rebuild and operate the valves for our water tanks.
3. City Manager recommends approval for a police detective to attend Internet Crimes Against Children Undercover Chat Investigations and Techniques training in Forest, VA on May 15-20, 2016.
4. City Manager recommends approval for a Police Major from Field Operations Division to attend the Kentucky Lifesavers Conference in Louisville, KY on March 21-24, 2016.
5. City Manager recommends authorizing the Mayor to sign a letter to Governor Matt Bevin in support of the KCTCS/ACTC Fuel the Force Campaign.
6. City Manager recommends authorizing the Mayor to sign a letter to State Legislative Delegation in support of the ACTC Business Champions Council.
7. City Manager recommends approval for Boy Scout Troop 100/Pack 100 to adopt Ashland Riverfront Park as their Litter Control Project.
8. Other Consent Items.

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

**ORDINANCE NO. \_\_\_\_\_, 2016**

AN ORDINANCE OF THE CITY OF ASHLAND, KENTUCKY, AUTHORIZING AND DIRECTING CHUCK D. CHARLES, MAYOR, TO SUBMIT A HIGHWAY SAFETY GRANT APPLICATION TO THE KENTUCKY TRANSPORTATION CABINET, OFFICE OF HIGHWAY SAFETY, FOR THE ASHLAND POLICE DEPARTMENT FOR THE PERIOD OCTOBER 1, 2016 THROUGH SEPTEMBER 30, 2017.

**REGULAR MEETING FEBRUARY 11, 2016**  
**ORDINANCE NO. \_\_\_\_\_, 2016 CONTINUED**

**MOTION**

Motion was made by Clark, seconded by Brown, to adopt Ordinance No. \_\_\_\_\_, 2016, at this its first reading. Upon roll call, voting aye were Commissioners Brown, Clark, Gunderson, Gute and Mayor Charles. Nay – none. Motion passed.

**FIRST READING AND ADOPTION ONLY**

**ORDINANCE NO. \_\_\_\_\_, 2016**

AN ORDINANCE OF THE CITY OF ASHLAND, KENTUCKY, AUTHORIZING AND DIRECTING CHUCK D. CHARLES, MAYOR, TO EXECUTE TASK ORDER #20 BETWEEN THE CITY OF ASHLAND, KENTUCKY AND STRAND ASSOCIATES, INC. REGARDING THE ANNUAL COMBINED SEWER OVERFLOW REPORT FOR THE DEPARTMENT OF ENGINEERING & UTILITIES.

**MOTION**

Motion was made by Gunderson, seconded by Brown, to adopt Ordinance No. \_\_\_\_\_, 2016, at this its first reading. Upon roll call, voting aye were Commissioners Brown, Clark, Gunderson, Gute and Mayor Charles. Nay – none. Motion passed.

**FIRST READING AND ADOPTION ONLY**

**ORDINANCE NO. \_\_\_\_\_, 2016**

AN ORDINANCE OF THE CITY OF ASHLAND, KENTUCKY, AUTHORIZING AND DIRECTING CHUCK D. CHARLES, MAYOR, TO EXECUTE AMENDMENT #2 TO TASK ORDER #19 BETWEEN THE CITY OF ASHLAND, KENTUCKY AND STRAND ASSOCIATES, INC. ADOPTED BY ORDINANCE NO. 21, SERIES OF 2015, TO INCLUDE THE HOURLY BILLING RATE FOR SENIOR PROJECT MANAGER REGARDING THE ANNUAL COMBINED SEWER OVERFLOW REPORT FOR THE DEPARTMENT OF ENGINEERING & UTILITIES.

**MOTION**

Motion was made by Gute, seconded by Brown, to adopt Ordinance No. \_\_\_\_\_, 2016, at this its first reading. Upon roll call, voting aye were Commissioners Brown, Clark, Gunderson, Gute and Mayor Charles. Nay – none. Motion passed.

**FIRST READING AND ADOPTION ONLY**

**ORDINANCE NO. \_\_\_\_\_, 2016**

AN ORDINANCE OF THE CITY OF ASHLAND, KENTUCKY, AUTHORIZING AND APPROVING CHANGE ORDER NO. 1 BETWEEN THE CITY OF ASHLAND, KENTUCKY AND BUILDING CRAFTS, INC. FOR A CONTRACT REGARDING THE WATER TREATMENT PLANT AIR BACKWASH SYSTEM PROJECT FOR THE DEPARTMENT OF ENGINEERING AND UTILITIES.

**REGULAR MEETING FEBRUARY 11, 2016**  
**ORDINANCE NO. \_\_\_\_\_, 2016 CONTINUED**

**MOTION**

Motion was made by Brown, seconded by Gunderson, to adopt Ordinance No. \_\_\_\_\_, 2016, at this its first reading. Upon roll call, voting aye were Commissioners Brown, Clark, Gunderson, Gute and Mayor Charles. Nay – none. Motion passed.

**FIRST READING AND ADOPTION ONLY**

**ORDINANCE NO. \_\_\_\_\_, 2016**

AN ORDINANCE OF THE CITY OF ASHLAND, KENTUCKY, AUTHORIZING AND APPROVING CHANGE ORDER NO. 1 BETWEEN THE CITY OF ASHLAND, KENTUCKY AND LAYNE INLINER, LLC FOR A CONTRACT REGARDING THE 15<sup>TH</sup> AND 17<sup>TH</sup> STREETS COMBINED SEWER REHABILITATION PROJECT FOR THE DEPARTMENT OF ENGINEERING AND UTILITIES.

**MOTION**

Motion was made by Gute, seconded by Clark, to adopt Ordinance No. \_\_\_\_\_, 2016, at this its first reading. Upon roll call, voting aye were Commissioners Brown, Clark, Gunderson, Gute and Mayor Charles. Nay – none. Motion passed.

**FIRST READING AND ADOPTION ONLY**

**ORDINANCE NO. \_\_\_\_\_, 2016**

AN ORDINANCE OF THE CITY OF ASHLAND, KENTUCKY, AUTHORIZING AND DIRECTING CHUCK D. CHARLES, MAYOR, TO EXECUTE A CONTRACT BETWEEN THE CITY OF ASHLAND, KENTUCKY, ASHLAND CHILD DEVELOPMENT CENTER AND MORRIS CONTRACTING FOR ALL LABOR AND MATERIAL FOR HANDICAP ACCESSIBILITY IMPROVEMENTS PROJECT FOR THE DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT TO BE FUNDED IN PART BY COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS FOR PROGRAM YEAR 2015.

**MOTION**

Motion was made by Clark, seconded by Brown, to adopt Ordinance No. \_\_\_\_\_, 2016, at this its first reading. Upon roll call, voting aye were Commissioners Brown, Clark, Gunderson, Gute and Mayor Charles. Nay – none. Motion passed.

**REGULAR MEETING FEBRUARY 11, 2016**  
**ORDINANCE NO. \_\_\_\_\_, 2016**

**FIRST READING AND ADOPTION ONLY**

**ORDINANCE NO. \_\_\_\_\_, 2016**

AN ORDINANCE OF THE CITY OF ASHLAND, KENTUCKY, AUTHORIZING AND APPROVING CHANGE ORDER NO. 1 BETWEEN THE CITY OF ASHLAND, KENTUCKY AND GUY'S FLOOR COVERING, LLC FOR A CONTRACT REGARDING THE KING'S DAUGHTERS' AND SONS' HOME REHABILITATION PROJECT (PHASE II) FOR THE DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT.

**MOTION**

Motion was made by Gunderson, seconded by Clark, to adopt Ordinance No. \_\_\_\_\_, 2016, at this its first reading. Upon roll call, voting aye were Commissioners Brown, Clark, Gunderson, Gute and Mayor Charles. Nay – none. Motion passed.

**OTHER NEW BUSINESS**

**MOTION**

Motion was made by Gute, seconded by Brown, authorizing an increase in the Authorized Positions to add three (3) firefighters.

**DISCUSSION**

Commissioner Gute reported that the McGrath Study conducted in December of 2011 recommended 17 to 18 firefighters per shift which would be more cost effective in combatting unscheduled overtime which could potentially reduce pension spiking. Chief Penick advised the Commission he conducted a staffing study in 2014. A total of 409 unscheduled overtime shifts occurred. If each shift consisted of 17 scheduled firefighters, that amount would have been reduced to 205 which is a reduction of 204. City Manager Bitter reported the options are to continue as we are now by using monies in the budget, reducing services by browning out an engine, or increase staff. The Commission asked that Chief Penick and Finance Director Grubb prepare a report breaking down the comparisons for presentation at the next Commission meeting.

**VOTE**

Upon roll call, voting aye was Commissioner Gute. Nay - Commissioners Brown, Clark, Gunderson and Mayor Charles. Motion failed.

**OTHER NEW BUSINESS**

Commissioner Gute reported other cities such as Richmond, Covington, Bowling Green and Owensboro have adopted a social media policy. The Commission requested Human Resources and Legal meet to make a recommendation to the Board regarding the possible adoption of a social media policy for employees and elected officials of the City of Ashland.

**EXECUTIVE SESSION**

Motion was made by Clark, seconded by Brown, to go into Executive Session at 12:45 PM to discuss individual personnel matters. Upon roll call, voting aye were Commissioners Brown, Clark, Gunderson, Gute and Mayor Charles. Nay – none. Motion passed.

**REGULAR MEETING FEBRUARY 11, 2016**  
**EXECUTIVE SESSION CONTINUED**

**RECONVENED**

The meeting reconvened at 2:19 PM and Mayor Charles announced the only items discussed were individual personnel matters with no final action taken.

**MOTION**

Motion was made by Clark, seconded by Gunderson, to reinstate a City employee placed on “special leave” by previous Commission action on January 14, 2016 with an accommodation regarding work schedules to be administered by the Human Resources Director under the Temporary Limited Duty Policy of the City. All other requirements of the “special leave” shall remain in effect. Upon roll call, voting aye were Commissioners Brown, Clark, Gunderson, Gute and Mayor Charles. Nay – none. Motion passed.

**READING AND ADOPTION**

**RESOLUTION NO. 5, 2016**

A RESOLUTION OF THE CITY OF ASHLAND,  
KENTUCKY EXPRESSING THE INTENT OF THE  
BOARD OF CITY COMMISSIONERS TO TERMINATE  
THE CITY MANAGER THIRTY (30) DAYS  
HEREAFTER.

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BE IT RESOLVED BY THE BOARD OF CITY COMMISSIONERS OF THE  
CITY OF ASHLAND, KENTUCKY:

1. Pursuant to the provisions of KRS 83A.150(8) the Board of City Commissioners expresses its intent to remove Ben Bitter from his position as the City Manager as the Board has lost confidence in his ability to perform his duties as the chief administrative officer of the City for, including but not limited to, the following reasons:

In violation of explicit City Personnel Policy, he caused to be issued a City check to an active City employee, allegedly for accrued vacation pay while failing to inform the Board of such action; when the independent City auditor listed as a finding such incident in an initial draft of his audit report, the City Manager met with the auditor and advised the auditor that he had the right to take such action, resulting in the irregularity being removed from his report; he made false statements to Board members regarding an ordinance that was prepared being on the next meeting agenda; he has failed to seasonably resolve safety and health issues of the water and sewer work force; he has failed to adequately investigate a matter of significant financial loss in the Public Works Department that was reported by the City auditor and further he failed to implement remedial action to correct identified deficiencies; he has failed to hold certain employees accountable for acts of omission relating to such loss; he has failed to the satisfaction of the Board to move forward various projects of serious magnitude; he has publicly made statements that have proved false and/or embarrassing to the Board; he has failed to adequately communicate with Board members regarding items of concern; and otherwise, he has not performed his duties to the level of competence and professionalism expected by the Board.

2. Pursuant to the provisions of KRS 83A.150(8) effective immediately Ben Bitter is suspended from duty as the City Manager with pay for no longer than thirty days from this date pending the adoption of a final resolution.

3. This Resolution shall have full force and effect as adopted pursuant to applicable law.

**REGULAR MEETING FEBRUARY 11, 2016**  
**RESOLUTION NO. 5, 2016 CONTINUED**

/s/CHUCK D. CHARLES  
MAYOR

ATTEST:

/s/SUSAN MADDIX  
CITY CLERK

ADOPTED BY THE BOARD OF COMMISSIONERS: February 11, 2016

**MOTION**

Motion was made by Clark, seconded by Brown, to adopt Resolution No. 5, 2016. Upon roll call, voting aye were Commissioners Brown, Clark and Gunderson. Nay – Commissioner Gute and Mayor Charles. Motion passed.

**RECESS**

Mayor Charles declared the meeting recessed at 2:25 PM in memory of Tom Carver, John Clarke, Kenny Conn and Mark Justice. The recessed meeting will be held on Friday, February 12, 2016 at 9:00 AM.

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CHUCK D. CHARLES  
MAYOR

ATTEST:

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SUSAN MADDIX  
CITY CLERK