

**REGULAR MEETING
JULY 28, 2016**

The Ashland Board of Commissioners met in Regular Session in the Commissioners' Chambers, City Building, Ashland, Kentucky, on Thursday, July 28, 2016, at the hour of 12:00 PM. Those present were Commissioners: Larry Brown, Amanda Clark, Kevin Gunderson and Marty Gute. Mayor Pro-Tem Gunderson presided. Absent: Mayor Chuck D. Charles. Also present were: Mike Miller, Acting Interim City Manager; John F. Vincent, Corporation Counsel; Susan W. Maddix, City Clerk; Todd Kelley, Acting Chief of Police; Sean Murray, Director of Human Resources/Parks & Recreation; Marion Russell, Director of Public Works; Scott Penick, Fire Chief; Ryan Eastwood, Director of Engineering and Utilities; Mike Adkins, Risk Manager; Michelle Veach, Assistant Finance Director; Kandi Hale, ABC/Insurance Benefit Administrator/Assistant City Clerk; Major Mark McDowell, Ashland Police Department; Greg Ray, Deputy Fire Chief; and Reporters.

The invocation was given by Commissioner Clark.

The Pledge of Allegiance was conducted.

AGENDA

Acting Interim City Manager Miller presented the agenda of July 28, 2016. Motion was made by Brown, seconded by Clark, to receive & file the agenda. Upon roll call, voting aye were Commissioners Brown, Clark, Gunderson and Gute. Nay - none. Motion passed.

MINUTES

Motion was made by Gute, seconded by Brown, to dispense with reading and approve the minutes of the Regular Meeting held on June 23, 2016 and the Recessed Meetings held on July 5 and July 6, 2016. Upon roll call, voting aye were Commissioners Brown, Clark, Gunderson and Gute. Nay – none. Motion passed.

HEARINGS AND REPORTS

Mayor and City Commissioners' Comments

Commissioner Clark thanked the audience for attending the meeting. She commended City staff, the Ashland Police Department and the Ashland Fire Department for their assistance with flood relief efforts. Commissioner Clark thanked the community for taking pride in Ashland and volunteering through the Facebook site “Build Ashland.” August 5 is the next First Friday event.

Commissioner Brown welcomed the audience and thanked Senator Robin Webb for attending the meeting. He also thanked everyone for their assistance with the flood relief efforts. Commissioner Brown announced that the Salvation Army in Ashland is now under the direction of Lieutenants Douglas & Jane Monroe. He congratulated Lieutenant Darren Wilson and Lieutenant Billy Bare on their retirement from the Ashland Police Department and announced that National Night Out is scheduled for August 2 from 7:00 – 9:00 PM in Central Park. He announced that the Ashland Area YMCA will waive the \$75 joining fee between July 31 and August 7 to those who bring in 5 non-perishable items to help families in need.

Commissioner Gute welcomed Rachel Adkins, an employee of *The Daily Independent*, and Kathryn Jackson, the new Band Director at Fairview Independent Schools. Commissioner Gute welcomed Sarah Rymer and Kaylee Robinson to the meeting and read the following Proclamation:

REGULAR MEETING JULY 28, 2016
HEARINGS AND REPORTS CONTINUED

PROCLAMATION BY
CHUCK D. CHARLES, MAYOR
CITY OF ASHLAND, KENTUCKY

WHEREAS, Paul G. Blazer High School has four winning track and field athletes – Sarah Rymer, Hannah Reese, Rachael Barber and Kaylee Robinson; and

WHEREAS, these four runners won first place in the 4x200 Relay at the 2016 Kentucky State Meet; and

WHEREAS, these athletes individually have also achieved wins, awards and accomplishments in other track and field events; and

WHEREAS, The City of Ashland recognizes Sarah Rymer, Hannah Reese, Rachael Barber and Kaylee Robinson for their outstanding performance in the 2016 Kentucky State Meet 4x200 Relay.

NOW, THEREFORE, I, Chuck D. Charles, Mayor of the City of Ashland, Kentucky, do hereby proclaim Thursday, July 28, 2016 as:

**“Sarah Rymer, Hannah Reese, Rachael Barber
and Kaylee Robinson Day”**

in the city of Ashland.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of Ashland, Kentucky to be affixed this 28th day of July, 2016.

/s/**CHUCK D. CHARLES, MAYOR**

Attest:

/s/**SUSAN W. MADDIX, CITY CLERK**

Commissioner Gunderson expressed appreciation to the staff and community for pulling together to help in the flood relief efforts. He congratulated the Summer Motion committee on a successful weekend in Central Park and at the Riverfront Park. Commissioner Gunderson reminded everyone about Poage Landing Days in September.

City Manager’s Report

Acting Interim City Manager Miller advised the Commission that Interim City Manager Martin would like to schedule a work session for the first week of August to discuss the 29th Street Combined Sewer Overflow project and the Mill Street facilities. Mayor Pro-Tem Gunderson advised he would recess today’s meeting.

PUBLIC PARTICIPATION

Robert Holbrook, 610 8th Street, and Tim Damron, 805 Bath Avenue, appeared before the Commission regarding a problem in their neighborhood with cats. Both advised that someone in the neighborhood was trapping cats. Both men advised they each have a cat missing for which they have paid for veterinarian visits and immunizations. They checked with the Boyd County Animal Shelter who does not have the missing cats. They requested the City find out where the cats were taken or they would like to have the money they have invested in their cats reimbursed to them.

REGULAR MEETING JULY 28, 2016
PUBLIC PARTICIPATION CONTINUED

Tom Wellman, 2621 Holt Street, and Jeff Culp, 2613 Holt Street, appeared before the Commission to complain regarding the condition of the house located at 2617 Holt Street. Mr. Wellman advised the house has been empty since November, 2015. Acting Interim City Manager Miller advised that several violation notices have been mailed and the process is ongoing with the addition of fines and liens being placed on the property.

CONSENT AGENDA

RESOLUTION NO. 23, 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 **JULY 28, 2016**.

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, **July 28, 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/KEVIN GUNDERSON
MAYOR PRO-TEM

ATTEST:

/s/SUSAN MADDIX
CITY CLERK

ADOPTED BY THE BOARD OF COMMISSIONERS: July 28, 2016

REMOVAL OF ITEM 17 FROM CONSENT AGENDA TO BE VOTED ON SEPARATELY

- City Manager recommends the probationary appointment of Robert O. Simpson, Eric A. Taylor, and Brian J. Clark to the position of Police Sergeant, Ashland Police Department, effective Monday, August 1, 2016. Corporation Counsel Vincent advised the Commission that Commissioner Clark requested this item be removed from the Consent Agenda to be voted on separately.

MOTION TO ADOPT CONSENT AGENDA

Motion was made by Gute, seconded by Clark, to adopt Resolution No. 23, 2016. Upon roll call, voting aye were Commissioners Brown, Clark, Gunderson and Gute. Nay – none. Motion passed.

CONSENT AGENDA ITEMS

1. City Manager recommends authorizing payment of Invoice No. 1102186 in the amount of \$19,763.64 and Invoice No. 1102443 in the amount of \$21,336.45 to Badger Meter, Inc. for the purchase of compound water meters and strainers.
2. City Manager recommends approval of Payment Request No. 3 in the amount of \$5,894.48 to Mark Morris Contracting for the Ashland Child Development Center Handicap Accessibility Improvements Project.

REGULAR MEETING JULY 28, 2016
CONSENT AGENDA CONTINUED

3. City Manager recommends approval to pay Invoice No. 20321 in the amount of \$31,155.00 to R.S. Technical Services, Inc. for the 6" camera unit that was purchased for the Division of Wastewater Collection.
4. City Manager recommends approval for payment of \$22,327.18 to Mike Enyart & Sons for work completed on the Miscellaneous Concrete and Asphalt Repair Work project.
5. City Manager recommends approval of Payment Request #6 in the amount of \$22,758.30 and Payment Request #7 in the amount of \$29,580.64 to Mark Morris Contract for work performed on the 31st Street Drainage Improvements Project.
6. City Manager recommends approval of Pay Request #2 in the amount of \$45,231 to Morris Contracting for the work completed on the Boyd County Middle School Water Line project.
7. City Manager recommends approval to pay Invoice No. 263154-1 in the amount of \$28,440.02 to Mountain Enterprises, Inc. for street paving per Contract Ordinance 62, 2016.
8. City Manager recommends approval to pay Invoice No. 263154-2 in the amount of \$26,426.34 to Mountain Enterprises, Inc. for street paving per Contract Ordinance 62, 2016.
9. City Manager recommends approval for payment of Property Tax Assessments to Chuck Adkins, Boyd County PVA, in the amount of \$50,000 for Calendar Year 2016 assessments.
10. City Manager recommends approval for the Poage Landing Days to conduct a Military Appreciation Fishing Tournament on September 10, 2016 from 9:00 am to 6:00 pm.
11. City Manager recommends approval for Poage Landing Days to conduct a 5K Run on September 17, 2016 from 6:30 am - 9:30 am.
12. City Manager recommends approval for The Girl Scouts of Kentucky's Wilderness Road Council to conduct a Block Party to be held in conjunction with First Friday events on September 2, 2016 from 3:00 pm - 9:00 pm.
13. City Manager recommends approval for the Ashland Police Department to conduct National Night Out crime prevention activities in Central Park on August 2nd from 7:00 pm to 9:00 pm.
14. City Manager recommends approval for the Ashland Police Department to submit an application to the Kentucky Department of Homeland Security for a grant relating to radio repeater equipment.
15. City Manager recommends approval for the Mayor to sign a letter in support of the Eastern Kentucky Coal Counties Transformation ARC/EDA POWER grant project for Ashland Community and Technical College.
16. City Manager recommends the probationary appointment of J. Ryan Conley, Jason A. Moore, and James H. Dooley to the position of Police Lieutenant, Grade 38, Ashland Police Department, effective Monday, August 1, 2016.
17. ITEM REMOVED.

REGULAR MEETING JULY 28, 2016
CONSENT AGENDA CONTINUED

18. City Manager recommends the conditional appointment of Parker C. (Chris) Lee to the position of Police Officer, Ashland Police Department, contingent upon satisfactory completion of a physical examination.
19. City Manager recommends the probationary appointment of George S. (Sam) Nunley to the position of Water Plant Operator I, Grade 24, in the Engineering & Utilities Department, Water Production Division, contingent upon satisfactory completion of a physical examination.
20. City Manager recommends the probationary appointment of David J. Rymer, II to the position of Maintenance Worker I, Grade 21, Parks/Recreation Department, contingent upon satisfactory completion of a physical examination.
21. Other Consent Items.

MOTION TO APPROVE ITEM 17 - City Manager recommends the probationary appointment of Robert O. Simpson, Eric A. Taylor, and Brian J. Clark to the position of Police Sergeant, Ashland Police Department, effective Monday, August 1, 2016. Motion was made by Brown, seconded by Gute, to approve the probationary appointment of Robert O. Simpson, Eric A. Taylor and Brian J. Clark to the position of Police Sergeant. Upon roll call, voting aye were Commissioners Brown, Gunderson and Gute. Nay – none. Abstain – Commissioner Clark. Motion passed.

NEW BUSINESS
FIRST READING AND ADOPTION ONLY

ORDINANCE NO. _____, 2016

AN ORDINANCE OF THE CITY OF ASHLAND, KENTUCKY, ADOPTING AND ENACTING SUPPLEMENTS S-60 AND S-61 TO THE CODE OF ORDINANCES OF THE CITY OF ASHLAND.

MOTION

Motion was made by Clark, seconded by Gute, to adopt Ordinance No. _____, 2016, at this its first reading. Upon roll call, voting aye were Commissioners Brown, Clark, Gunderson and Gute. 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 AN AGREEMENT WITH HILLCREST BRUCE MISSION, THE SUB-RECIPIENT OF \$1,000.00 FROM THE 2016 PROGRAM YEAR COMMUNITY DEVELOPMENT BLOCK GRANT.

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 and Gute. Nay – none. Motion passed.

REGULAR MEETING JULY 28, 2016
ORDINANCE NO. _____, 2016

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 AN AGREEMENT WITH SAFE HARBOR OF NORTHEAST KENTUCKY, INC., THE SUB-RECIPIENT OF \$9,000.00 FROM THE 2016 PROGRAM YEAR COMMUNITY DEVELOPMENT BLOCK GRANT.

MOTION

Motion was made by Brown, seconded by Clark, to adopt Ordinance No. _____, 2016, at this its first reading. Upon roll call, voting aye were Commissioners Brown, Clark, Gunderson and Gute. 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 AN AGREEMENT WITH ASHLAND COMMUNITY KITCHEN, INC., THE SUB-RECIPIENT OF \$11,000.00 FROM THE 2016 PROGRAM YEAR COMMUNITY DEVELOPMENT BLOCK GRANT.

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 Clark, Gunderson and Gute. Nay – none. Abstain – Commissioner Brown. 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 AN AGREEMENT WITH COMMUNITY ASSISTANCE REFERRAL SERVICE, INC. (CARES), THE SUB-RECIPIENT OF \$49,000.00 FROM THE 2016 PROGRAM YEAR COMMUNITY DEVELOPMENT BLOCK GRANT.

MOTION

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

REGULAR MEETING JULY 28, 2016
ORDINANCE NO. _____, 2016

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 AN AGREEMENT WITH THE ASHLAND CHILD DEVELOPMENT CENTER, INC., THE SUB-RECIPIENT OF \$9,000.00 FROM THE 2016 PROGRAM YEAR COMMUNITY DEVELOPMENT BLOCK GRANT.

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 and Gute. 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 AN AGREEMENT WITH SHELTER OF HOPE, INC., THE SUB-RECIPIENT OF \$10,000.00 FROM THE 2016 PROGRAM YEAR COMMUNITY DEVELOPMENT BLOCK GRANT.

MOTION

Motion was made by Clark, seconded by Gute, to adopt Ordinance No. _____, 2016, at this its first reading. Upon roll call, voting aye were Commissioners Brown, Clark, Gunderson and Gute. 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 AN AGREEMENT WITH THE BOYD COUNTY COUNCIL ON AGING, INC., ASHLAND SENIOR CENTER, THE SUB-RECIPIENT OF \$14,000.00 FROM THE 2016 PROGRAM YEAR COMMUNITY DEVELOPMENT BLOCK GRANT.

MOTION

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

REGULAR MEETING JULY 28, 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. 3 BETWEEN THE CITY OF ASHLAND, KENTUCKY AND MORRIS CONTRACTING FOR A CONTRACT REGARDING THE 31ST STREET DRAINAGE IMPROVEMENT PROJECT FOR THE DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT.

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 and Gute. Nay – none. Motion passed.

FIRST READING AND ADOPTION ONLY

ORDINANCE NO. _____, 2016

AN ORDINANCE OF THE CITY OF ASHLAND, KENTUCKY, AMENDING THE AUTHORIZED POSITIONS LIST FOR THE DEPARTMENT OF GENERAL GOVERNMENT AND THE DEPARTMENT OF PUBLIC WORKS OF THE “POLICIES AND PROCEDURES, COMPENSATION PLAN AND CLASSIFICATION PLAN” FOR THE CITY OF ASHLAND AS ADOPTED BY ORDINANCE NO. 91, SERIES OF 2011, AS PREVIOUSLY AMENDED.

MOTION

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

DISCUSSION ITEMS

Request for limited use of public right-of-way by Second Hand Rose at 925 Winchester Avenue to display store items for sale - Motion was made by Clark, seconded by Gute, authorizing the Legal Department to prepare an ordinance. Upon roll call, voting aye were Commissioners Brown, Clark, Gunderson and Gute. Nay – none. Motion passed.

Sign Ordinance Appeal by Air Extreme at 1213 Winchester Avenue – Attorney Matt Warnock appeared before the Commission to answer questions. Motion was made by Gute, seconded by Clark, to grant the appeal and allow the signage. Upon roll call, voting aye were Commissioners Brown, Clark, Gunderson and Gute. Nay – none. Motion passed.

EXECUTIVE SESSION

Motion was made by Brown, seconded by Clark, to go into Executive Session at 12:40 PM to discuss potential litigation. Upon roll call, voting aye were Commissioners Brown, Clark, Gunderson and Gute. Nay – none. Motion passed.

REGULAR MEETING JULY 28, 2016
ADJOURNMENT

RECONVENED

The meeting reconvened at 1:20 PM and Mayor Pro-Tem Gunderson announced the only item discussed was potential litigation with no final action taken.

RECESS

Mayor Pro-Tem Gunderson declared the meeting recessed at 1:22 PM until 10:00 AM on Thursday, August 4, 2016.

KEVIN GUNDERSON
MAYOR PRO-TEM

ATTEST:

SUSAN MADDIX
CITY CLERK