REGULAR MEETING
JANUARY 23, 2025

The Ashland Board of Commissioners met in Regular Session in the Commissioners' Chambers on the 3rd floor of the Ashland City Building, 1700 Greenup Avenue, Ashland, Kentucky on Thursday, January 23, 2025, at the hour of 12:00 PM. Those present were Commissioners: Marty Gute, Richard "Sonny" Martin, Tim Renfroe, David J. (D.J.) Rymer, II, and Mayor Chuck D. Charles, who presided. Also present: Tony D. Grubb, City Manager; Andrew K. Wheeler, Corporation Counsel; Mike McKay, Assistant Corporation Counsel; Susan W. Maddix, City Clerk; Wm. Todd Kelley, Chief of Police; Erika Bonner, Public Information Officer; Steve Alley, Fire Chief; Will McKenzie, Deputy Fire Chief; Steve Cole, City Engineer; Sean Murray, Director of Public Services; Michelle Veach, Assistant Finance Director; Chris Pullem, Director of Community & Economic Development; Mark Hall, Director of Utilities; Samantha Salyers, Human Resources; and Reporters.

INVOCATION & PLEDGE

The invocation was given by Commissioner Gute.

The Pledge of Allegiance was conducted.

AGENDA

City Manager Grubb presented the agenda of January 23, 2025. Motion was made by Rymer, seconded by Gute, to receive & file the agenda. Upon roll call, voting aye were Commissioners Gute, Martin, Renfroe, Rymer and Mayor Charles. Nay - none. Motion passed.

MINUTES

Motion was made by Gute, seconded by Martin, to dispense with reading and approve the minutes of the Regular Meeting held on December 12 and the Recessed Meeting held on December 13, 2024. Upon voting aye were Commissioners Gute, Martin, Renfroe, Rymer and Mayor Charles. Nay - none. Motion passed.

HEARINGS AND REPORTS

Mayor and Commissioners' Comments

Commissioner Gute welcomed the audience. He stated how proud he was of the firefighters being pinned later in the meeting. Commissioner Gute reported the commission meeting is the third meeting this week. A meeting was held regarding the conference center and a work session was held. All of the meetings were open to the public. He thanked city employees both inside and outside the city building and gave kudos to the water department working in such cold weather conditions.

Commissioner Rymer thanked everyone for attending the meeting. He agreed it had been a busy week and is looking forward to more busy weeks ahead. Commissioner Rymer gave a special thanks to the employees in Sanitation, Streets, Water Distribution and Wastewater Collection for their hard work.

Commissioner Renfroe agreed with Commissioner Gute regarding open meetings and asked citizens to attend and let their voice be heard. He also commended the city's utility workers.

Mayor Charles commended Interim City Manager Grubb who hit the ground running. The Commission gave Mr. Grubb a long "To Do" list and in his first 14 days has saved the city approximately $1.4 million.

REGULAR MEETING JANUARY 23, 2025
HEARINGS AND REPORTS CONTINUED

City Manager's Report

Interim City Manager Grubb introduced Utilities Director Mark Hall to report on the waterline break on 13th Street.

Mr. Hall reported on a significant water leak behind FUJI on 13th Street. The break is a 12" main that failed. Various valves need to be checked to isolate the leak. Portions of Oakview Road, Woodland Avenue, Pollard Road and Dixon Street are experiencing a loss of service. Mr. Hall advised he received word the leak has been shut off. The fear when there is a significant loss of water is that the supply in the Debord Hill water tank will drain, and that tank needs to stay at a certain level to supply water throughout the system. Areas of higher elevation and specifically the Floyd Street pump station will lose suction pressure. Now that the leak has been stopped, the Debord Hill tank will begin to refill. Ultimately the crews will determine what needs to be done for the repair, so we do not have a timeline yet. Mr. Hall will keep the Commission briefed through the Interim City Manager.

Assistant Finance Director Michelle Veach reported on the personnel restructuring. She reviewed the changes with the Commission such as eliminating vacant positions. Some employees were moved to vacant positions if at all possible. Several staff members took on additional duties from eliminated positions which were mostly administrative in nature so no city services would be affected. The savings from the changes will be approximately $1.4 million. Mayor Charles asked about the IT savings. Ms. Veach advised the IT savings of approximately $300,000 will be in addition to the $1.4 million. A small team of city employees from police, fire and IT have been working so that the city would not have to use outside contractors. The Section 8 program is operating entirely on HUD funds and no longer requires transfers from the General Fund.

PUBLIC PARTICIPATION

None.

CONSENT AGENDA

RESOLUTION NO. 3, 2025

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 **JANUARY 23, 2025**.

* * * * * * * * * *

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, **January 23, 2025,** 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 JANUARY 23, 2025
CONSENT AGENDA CONTINUED

ATTEST:

/s/SUSAN MADDIX
CITY CLERK

ADOPTED BY THE BOARD OF COMMISSIONERS: January 23, 2025

MOTION

Motion was made by Gute, seconded by Martin, to adopt Resolution No. 3, 2025. Upon roll call, voting aye were Commissioners Gute, Martin, Renfroe, Rymer and Mayor Charles. Nay - none. Motion passed.

CONSENT AGENDA ITEMS

1. City Manager recommends approval to pay invoice #2239 dated November 19, 2024 in the amount of $31,136.00 to Light's Enterprises, Inc. for the Clearance and removal of the property located at 120 20th Street Ashland, KY for the Ashland Fire Department.

2. City Manager recommends approval to pay Invoice #CI-0000026582 dated December 12, 2024 in the amount of $44,368.42 to Service Pump & Supply for the Raw Water Intake Pump Repair to one (1) Flowserve Model 23 EPM for the Department of Utility Operations, Division of Water Treatment Plant.

3. City Manager recommends approval to pay request #2 dated January 14, 2024 in the amount of $152,280.00 to Martin Painting & Coating Company for the Debord Hill Tank Rehabilitation Project for the Department of Engineering.

4. City Manager recommends approval to pay invoice #214251 dated December 31, 2024 in the amount of $33,400.00 to Bell Engineering for engineering services associated with the design of the Pollard Road Culvert Project for the Department of Engineering.

5. City Manager recommends approval to pay Invoice #0064510 dated December 31, 2024 in the amount of $260.00 to GRW for engineering services for the Pollard Mills Improvements Project-Phase 4 for the Department of Engineering.

6. City Manager recommends approval to pay application #15 dated December 23, 2024 for Item #09-00244.00 (KYOVA)- $255,610.95, Item #09-00307.00 (KYOVA) - $24,680.40, Item #09-00307.00 (KYTC)- $27,925.75 in the total amount of $308,217.10 to Allard Excavation for the Winchester Avenue Improvements Project for the Department of Engineering.

7. City Manager recommends the promotional appointment of James Litteral to the position of Fire Engineer in the Ashland Fire Department effective January 26, 2025.

8. City Manager recommends approval to pay invoice #214228 dated December 31, 2024 in the amount of $19,125.00 to Bell Engineering for the Johnson Fork, Baugess Drive, and Florida Street Booster Pump Station Improvements Project for the Department of Engineering.

REGULAR MEETING JANUARY 23, 2025
ASHLAND FIRE DEPARTMENT PINNING & SWEARING IN

ASHLAND FIRE DEPARTMENT PINNING

The following were promoted to Fire Engineer and were pinned by family members:

Fields Davis
Kenton Baker
Cody Clark
James Litteral

Mayor Charles administered the Oath to the newly promoted Fire Engineers.

NEW BUSINESS
FIRST READING AND ADOPTION ONLY

ORDINANCE NO. _____, 2024

AN ORDINANCE OF THE CITY OF ASHLAND, KENTUCKY, AUTHORIZING AND DIRECTING CHUCK D. CHARLES, MAYOR, TO EXECUTE SUPPLEMENTAL AGREEMENT NO. 2 BETWEEN THE COMMONWEALTH OF KENTUCKY TRANSPORTATION CABINET AND THE CITY OF ASHLAND FOR CONSTRUCTION OF THE WINCHESTER AVENUE STREETSCAPE PROJECT FROM 13TH STREET TO 18TH STREET FOR FUNDING IN THE AMOUNT OF $550,000.00 IN FEDERAL SAH FUNDS WITH A LOCAL MATCH OF $62,500.00 TO BE PAID FROM THE GENERAL FUND.

MOTION

Motion was made by Gute, seconded by Rymer, to adopt Ordinance No. _____, 2025, at this its first reading. Upon roll call, voting aye were Commissioners Gute, Martin, Renfroe, Rymer and Mayor Charles. Nay – none. Motion passed.

FIRST READING AND ADOPTION ONLY

ORDINANCE NO. _____, 2024

AN ORDINANCE OF THE CITY OF ASHLAND, KENTUCKY, AUTHORIZING AND DIRECTING CHUCK D. CHARLES, MAYOR, TO EXECUTE TASK ORDER NO. 25-01 BETWEEN THE CITY OF ASHLAND, KENTUCKY AND STRAND ASSOCIATES, INC. FOR PREPARATION OF THE ANNUAL 2024 COMBINED SEWER OVERFLOW REPORTS FOR THE DEPARTMENT OF UTILITIES IN AN AMOUNT NOT TO EXCEED $20,000.00.

MOTION

Motion was made by Renfroe, seconded by Rymer, to adopt Ordinance No. _____, 2025, at this its first reading. Upon roll call, voting aye were Commissioners Gute, Martin, Renfroe, Rymer and Mayor Charles. Nay – none. Motion passed.

REGULAR MEETING JANUARY 23, 2025
ORDINANCE NO. , 2025
FIRST READING AND ADOPTION ONLY

ORDINANCE NO. _____, 2024

AN ORDINANCE OF THE CITY OF ASHLAND, KENTUCKY, REPEALING ORDINANCE NO. 103, SERIES OF 2024, WHICH APPROVED MINORITY LOAN NO. 2024-M-004 TO BROADWAY BOOKS, LLC.

MOTION

Motion was made by Gute, seconded by Rymer, to adopt Ordinance No. _____, 2025, at this its first reading. Upon roll call, voting aye were Commissioners Gute, Martin, Rymer and Mayor Charles. Nay – none. Abstain – Commissioner Renfroe. Motion passed.

FIRST READING AND ADOPTION ONLY

ORDINANCE NO. _____, 2024

AN ORDINANCE OF THE CITY OF ASHLAND, KENTUCKY, AMENDING THE AUTHORIZED POSITION LISTING AND ADOPTING THE REVISED, UPDATED AND CORRECTED JOB DESCRIPTIONS FOR VARIOUS DEPARTMENTS WITHIN THE CITY OF ASHLAND OF THE CLASSIFICATION AND COMPENSATION PLAN AS ADOPTED BY ORDINANCE NO. 31, SERIES OF 2023, AS PREVIOUSLY AMENDED, SPECIFICALLY BY ORDINANCE NO. 82, SERIES OF 2023.

MOTION

Motion was made by Gute, seconded by Rymer, to adopt Ordinance No. _____, 2025, at this its first reading.

DISCUSSION

Commissioner Renfroe advised being a leader comes with a task of making difficult decisions. At face value, this ordinance saves approximately $1.4 million, but it came at a cost.

VOTE

Upon roll call, voting aye were Commissioners Gute, Martin, Renfroe, Rymer and Mayor Charles. Nay – none. Motion passed.

READING AND ADOPTION

RESOLUTION NO. 4, 2025

A RESOLUTION OF THE CITY OF ASHLAND, KENTUCKY, ACCEPTING THE GRANT, APPROVING THE GRANT ASSISTANCE AGREEMENT, AUTHORIZING THE AMENDMENT OF THE CITY OF ASHLAND'S ANNUAL BUDGET, AND AUTHORIZING AND DIRECTING CHUCK D. CHARLES, MAYOR, TO EXECUTE ANY AND ALL DOCUMENTS ASSOCIATED WITH THE GRANT FOR THE U.S. 23 (WINCHESTER AVENUE) WATER MAIN REPLACEMENT PROJECT 21CWW015.

* * * * * * * * * *

WHEREAS, the Kentucky General Assembly has appropriated funds for infrastructure projects in Senate Bill 36 of the 2021 Regular Session of the Kentucky General Assembly for the Cleaner Water Program, and

WHEREAS, the City of Ashland (the "Grantee") has previously determined that it is in the public interest to acquire and construct certain facilities and improvements to the Grantee's utility system (the "Project"), and

WHEREAS, the Grantee desires funding from the Kentucky Infrastructure Authority (the "Authority") for the purpose of acquisition and construction of the Project, and

WHEREAS, in order to obtain a grant from the Cleaner Water Program for the Project, and administered by the Authority, the Grantee is required to enter into an assistance agreement (the "Agreement") with the Authority;

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF ASHLAND, KENTUCKY as follows:

SECTION 1. The Grantee hereby accepts the grant award and approves the Agreement between the Grantee and the Authority to provide the necessary funds to the Grantee for the Project.

SECTION 2. That Chuck D. Charles, Mayor of the City of Ashland, Kentucky, is hereby designated to be the Grantee's "Authorized Official" for this Project and is hereby directed and empowered by the Grantee to execute the Agreement, related documents and agreements, and to otherwise act on behalf of the Grantee to effect such grant award.

SECTION 3. That the Grantee hereby agrees and commits to include, by amendment to its annual budget and audit process, the receipts and expenditures of funds subject to the Agreement up to and including the date of Project closeout.

SECTION 4. That this resolution shall take effect at the earliest time provided by law.

/s/CHUCK D. CHARLES
MAYOR

ATTEST:

/s/SUSAN W. MADDIX
CITY CLERK

ADOPTED BY THE BOARD OF COMMISSIONERS: January 23, 2025

MOTION

Motion was made by Gute, seconded by Renfroe, to adopt Resolution No. 4, 2025. Upon roll call, voting aye were Commissioners Gute, Martin, Renfroe, Rymer and Mayor Charles. Nay - none. Motion passed.

READING AND ADOPTION

RESOLUTION NO. 5, 2025

A RESOLUTION OF THE CITY OF ASHLAND, KENTUCKY, ACCEPTING THE GRANT, APPROVING THE GRANT ASSISTANCE AGREEMENT, AUTHORIZING THE AMENDMENT OF THE CITY OF ASHLAND'S ANNUAL BUDGET, AND AUTHORIZING AND DIRECTING CHUCK D. CHARLES, MAYOR, TO EXECUTE ANY AND ALL DOCUMENTS ASSOCIATED WITH THE GRANT FOR THE U.S. 23 (WINCHESTER AVENUE) WATER MAIN REPLACEMENT PROJECT 22CWW104.

REGULAR MEETING JANUARY 23, 2025
RESOLUTION NO. 5, 2025 CONTINUED

* * * * * * * * * *

WHEREAS, the Kentucky General Assembly has appropriated funds for infrastructure projects in House Bill 1 of the 2022 Regular Session of the Kentucky General Assembly for the Cleaner Water Program, and

WHEREAS, the City of Ashland (the "Grantee") has previously determined that it is in the public interest to acquire and construct certain facilities and improvements to the Grantee's utility system (the "Project"), and

WHEREAS, the Grantee desires funding from the Kentucky Infrastructure Authority (the "Authority") for the purpose of acquisition and construction of the Project, and

WHEREAS, in order to obtain a grant from the Cleaner Water Program for the Project, and administered by the Authority, the Grantee is required to enter into an assistance agreement (the "Agreement") with the Authority;

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF ASHLAND, KENTUCKY as follows:

SECTION 1. The Grantee hereby accepts the grant award and approves the Agreement between the Grantee and the Authority to provide the necessary funds to the Grantee for the Project.

SECTION 2. That Chuck D. Charles, Mayor of the City of Ashland, Kentucky, is hereby designated to be the Grantee's "Authorized Official" for this Project and is hereby directed and empowered by the Grantee to execute the Agreement, related documents and agreements, and to otherwise act on behalf of the Grantee to effect such grant award, and to engage a qualified Project Administrator.

SECTION 3. That the Grantee hereby agrees and commits to include, by amendment to its annual budget and audit process, the receipts and expenditures of funds subject to the Agreement up to and including the date of Project closeout.

SECTION 4. That this resolution shall take effect at the earliest time provided by law.

/s/CHUCK D. CHARLES
MAYOR

ATTEST:

/s/SUSAN W. MADDIX
CITY CLERK

ADOPTED BY THE BOARD OF COMMISSIONERS: January 23, 2025

MOTION

Motion was made by Gute, seconded by Rymer, to adopt Resolution No. 5, 2025. Upon roll call, voting aye were Commissioners Gute, Martin, Renfroe, Rymer and Mayor Charles. Nay - none. Motion passed.

REGULAR MEETING JANUARY 23, 2025
RESOLUTION NO. 6, 2025 CONTINUED

READING AND ADOPTION

RESOLUTION NO. 6, 2025

A RESOLUTION OF THE CITY OF ASHLAND, KENTUCKY, ACCEPTING THE GRANT, APPROVING THE GRANT ASSISTANCE AGREEMENT, AUTHORIZING THE AMENDMENT OF THE CITY OF ASHLAND'S ANNUAL BUDGET, AND AUTHORIZING AND DIRECTING CHUCK D. CHARLES, MAYOR, TO EXECUTE ANY AND ALL DOCUMENTS ASSOCIATED WITH THE GRANT FOR THE BAUGESS DRIVE, FLORIDA STREET AND JOHNSON FORK PUMP STATION PROJECT 22CWW105.

* * * * * * * * * *

WHEREAS, the Kentucky General Assembly has appropriated funds for infrastructure projects in House Bill 1 of the 2022 Regular Session of the Kentucky General Assembly for the Cleaner Water Program, and

WHEREAS, the City of Ashland (the "Grantee") has previously determined that it is in the public interest to acquire and construct certain facilities and improvements to the Grantee's utility system (the "Project"), and

WHEREAS, the Grantee desires funding from the Kentucky Infrastructure Authority (the "Authority") for the purpose of acquisition and construction of the Project, and

WHEREAS, in order to obtain a grant from the Cleaner Water Program for the Project, and administered by the Authority, the Grantee is required to enter into an assistance agreement (the "Agreement") with the Authority;

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF ASHLAND, KENTUCKY as follows:

SECTION 1. The Grantee hereby accepts the grant award and approves the Agreement between the Grantee and the Authority to provide the necessary funds to the Grantee for the Project.

SECTION 2. That Chuck D. Charles, Mayor of the City of Ashland, Kentucky, is hereby designated to be the Grantee's "Authorized Official" for this Project and is hereby directed and empowered by the Grantee to execute the Agreement, related documents and agreements, and to otherwise act on behalf of the Grantee to effect such grant award, and to engage a qualified Project Administrator.

SECTION 3. That the Grantee hereby agrees and commits to include, by amendment to its annual budget and audit process, the receipts and expenditures of funds subject to the Agreement up to and including the date of Project closeout.

SECTION 4. That this resolution shall take effect at the earliest time provided by law.

/s/CHUCK D. CHARLES
MAYOR

ATTEST:

/s/SUSAN W. MADDIX
CITY CLERK

ADOPTED BY THE BOARD OF COMMISSIONERS: January 23, 2025

REGULAR MEETING JANUARY 23, 2025
RESOLUTION NO. 6, 2025 CONTINUED

MOTION

Motion was made by Martin, seconded by Gute, to adopt Resolution No. 6, 2025. Upon roll call, voting aye were Commissioners Gute, Martin, Renfroe, Rymer and Mayor Charles. Nay - none. Motion passed.

READING AND ADOPTION

MUNICIPAL ORDER NO. 4, 2025

A MUNICIPAL ORDER OF THE CITY OF ASHLAND, KENTUCKY, AUTHORIZING AND DIRECTING CHUCK D. CHARLES, MAYOR, TO EXECUTE ANY AND ALL DOCUMENTS NECESSARY TO EFFECTUATE THE PARTICIPATION OF THE CITY OF ASHLAND IN THE SETTLEMENT OF PENDING LITIGATION WITH KROGER RELATING TO OPIOID MEDICATIONS IN THE COMMONWEALTH OF KENTUCKY (THE OPIOID LITIGATION).

* * * * * * * * * *

WHEREAS, the Commonwealth of Kentucky and various counties, consolidated governments, and municipalities, including the City of Ashland, have sought monetary damages from the pharmaceutical opioid manufactures and distributors, and

WHEREAS, the Commonwealth of Kentucky independently filed a lawsuit outside of the multi-state effort against the Kroger Company, and

WHEREAS, the Commonwealth of Kentucky agreed to a settlement that will deliver $110 million to the State of Kentucky, and

WHEREAS, the City of Ashland has determined that it desires to accept the proposed settlement of such claims;

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

SECTION 1. That Chuck D. Charles, Mayor of the City of Ashland, Kentucky, be and hereby is authorized and directed to execute all documents reasonably necessary to accept the terms of the proposed settlement of the "Opioid Litigation" by Kroger and to execute any and all documents necessary to complete and effectuate said settlement by the City of Ashland and to facilitate the receipt of settlement funds by the City of Ashland, Kentucky, including, without limitation, the Participation and Release Forms attached hereto and incorporated by reference herein.

INTRODUCED, PUBLICLY READ AND FINALLY APPROVED ON ONE READING, this the 23rd day of January, 2025.

/s/CHUCK D. CHARLES
MAYOR

ATTEST:

/s/SUSAN W. MADDIX
CITY CLERK

MOTION

Motion was made by Martin, seconded by Gute, to adopt Municipal Order No. 4, 2025. Upon roll call, voting aye were Commissioners Gute, Martin, Renfroe, Rymer and Mayor Charles. Nay - none. Motion passed.

REGULAR MEETING JANUARY 23, 2025
ORDINANCE NO. , 2025

FIRST READING AND ADOPTION ONLY

ORDINANCE NO. _____, 2025

AN ORDINANCE OF THE CITY OF ASHLAND, KENTUCKY, ADOPTING THE RULES AND REGULATIONS OF THE ASHLAND POLICE DEPARTMENT AND REPEALING ORDINANCE NO. 32, SERIES OF 2015.

MOTION

Motion was made by Renfroe, seconded by Martin, to adopt Ordinance No. _____, 2025, at this its first reading. Upon roll call, voting aye were Commissioners Gute, Martin, Renfroe, Rymer and Mayor Charles. Nay – none. Motion passed.

ANNOUNCEMENT

Mayor Charles announced the next meeting of the Commission will be held on Tuesday, February 11 at 5:00 PM.

EXECUTIVE SESSION

Motion was made by Rymer, seconded by Gute, to go into Executive Session at 12:25 PM to discuss an individual personnel matter. Upon roll call, voting aye were Commissioners Gute, Martin, Renfroe, Rymer and Mayor Charles. Nay - none. Motion passed.

Motion was made by Martin, seconded by Gute, to include discussion of Property Acquisition in the Executive Session. Upon roll call, voting aye were Commissioners Gute, Martin, Renfroe, Rymer and Mayor Charles. Nay - none. Motion passed.

RECONVENED

The meeting reconvened at 12:30 PM and Mayor Charles announced the only items discussed were a personnel matter and property acquisition with no final action taken.

MOTION

Motion was made by Martin, seconded by Rymer, removing the designation of Interim City Manager Tony Grubb be changed to City Manager Tony Grubb and appropriate modifications be made to the classification documents. Upon roll call, voting aye were Commissioners Gute, Martin, Renfroe, Rymer and Mayor Charles. Nay - none. Motion passed.

ADJOURNMENT

Mayor Charles declared the meeting adjourned at 12:31 PM.

CHUCK D. CHARLES
MAYOR

ATTEST:

SUSAN W. MADDIX
CITY CLERK