

**CITY OF PIKEVILLE
BOARD OF COMMISSIONERS
REGULAR MEETING MINUTES
January 26, 2009 AT 6:00 P.M.**

The Board of Commissioners for the City of Pikeville met in a regular called session on Monday, January 26, 2009. The meeting was held in the City Hall Conference Meeting Room located at 118 College Street, Pikeville, Kentucky.

There being a quorum present, Mayor Franklin D. Justice called the meeting to order at: 6:00 p.m. Commission Members present at roll call were a follows:

COMMISSIONER: **GENE DAVIS
BARRY CHANEY
DALLAS LAYNE
JIMMY CARTER**

MAYOR: **FRANKLIN D. JUSTICE, II**

MINUTES

The minutes for the previous regular meeting held on January 6, 2009 were in each Commission Member's agenda package. There being no additions or corrections, Commissioner Chaney made the motion to approve the minutes as prepared. Commissioner Davis seconded the motion. Mayor Frank Justice called for discussion, there being none the motion carried unanimously.

BUSINESS FROM FLOOR

Mayor Justice announced the City Commission public hearing regarding the proceedings that was begun in 2005 would be continued, pursuant to 47 USC 546, the hearing will afford the public in the City of Pikeville appropriate notice and participation for the purpose of (A) identifying the future cable related community needs and interest, and (B) reviewing the performance of Inter Mountain Cable and Sudden Link Communications (previously known as Cebridge Connections) under their franchises during the franchise term. This is a public service announcement. City Manager Donovan Blackburn; stated the agenda item would be tabled due to weather and rescheduled on February 9, 2009 at 6:00 p.m.

Don Wallen, CPA with the firm Wallen and Cornett presented the City of Pikeville 2007-2008 fiscal year audit results. Mayor Justice; welcome. Mr. Wallen; apologized for the audits not being bound, but stated they were finished and would have them copies this week. Mr. Wallen; the audit opinion results were a clean and qualified. Everything appears to be in order. Good Year. Going forward occupational tax collections not to expect to keep increasing. Occupational tax showed an increase of \$570,000. from prior year. \$22,000. Property tax increase.

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Franchise tax was down \$12,000. Interest Income increased \$152,000. The City of Pikeville is a healthy city and has enough cash reserve to operate for 6 months. \$184,000. Assets. Water and Sewer showed losses of \$116,000.00 and a loss in gas of \$227,000. This does not include the \$355,000.00 in bond payments. Mayor Justice; totals don't include in expense? Mr. Wallen; No, there is no true accounting that will show, this is a true med effect Revenue/Expense. Mr. Wallen; you have good records here and Grace Ratliff and Sue Varney do a great job. Commissioner Carter; Is this federal/state accounting practice? Mr. Wallen; this is acceptable accounting practice. Mayor; to best of my ability is this \$226,000.00 loss in gas? City Manager; Due to rate ordinance and last year we had a warmer winter the years will vary on gains and losses in gas. The City purchases gas in open market. Mr. Wallen; I think there was a profit in gas last fiscal year. City Manager; Finance Director and I spoke of this last week and there is a minor effect. Mayor; is the infrastructure line loss cut below standard? Utility Manager, Greg May; Yes, Mayor to 3%. Commissioner Carter; is this due to hedge funds where you buy long in market? City Manager; Fellon McCord have split. I have invited Drew Fellon to the next Commission meeting to discuss. The loss does not show a rebate of \$74,000.00 The City adjusts the gas prices every quarter and we have had a good record. City Manager; Thank you Don, you have done a great job complementing the city and their employees tonight. I just want to recognize and thank you and co worker Johnny White for all the hard work. Mayor Justice; Grace, you do a great job. City Manager; Sue also. Mr. Wallen; Grace has changed the way we process the returns that require tax payers to attach a copy of federal returns along with tax reports. This should show an increase next year.

PAYMENT OF CITY BILLS

A list of City Bills totaling \$185,665.68 was presented to the Commission for approval of payment. Commissioner Davis made the motion to approve. Commissioner Carter seconded the motion. Mayor Frank Justice called for discussion, there being none the motion carried unanimously.

OLD BUSINESS

- A. Sandy Runyon with Big Sandy Area Development District was present and requested approval to submit the EDA grant application for construction of Marions Branch Sewer project through Island Creek and to authorize the Mayor to sign any necessary paperwork to complete the grant process. Commissioner Chaney made the motion to approve. Commissioner Carter seconded the motion. Mayor Justice called for further discussion. City Manager Donovan Blackburn wanted to thank Sandy Runyon and her staff for all their work on the CDBG application. Mayor called for further discussion, there being none the motion passed unanimously.

- B. Jimmy Adkins, Police Chief reported that officer Joseph Slone would be graduating from the Police Academy in Richmond, KY on February 6, 2009

and beginning his PTO program. Dispatch held a job fair and was a success with 66 applicants in two days. 10 applicants to send for polygraph to fill the 3 positions available.

C. Russell H. Davis, Jr., City Attorney, presented the following matters for the Commission's consideration:

- 1. The first reading of an ordinance 0 2009 03 Amending the City of Pikeville Chapter 37 "Public Records" setting fees for public record requests. Second reading is scheduled for February 9, 2009 regular scheduled meeting.**
- 2. Consider first reading of an ordinance 0 2009 04 amending the City of Pikeville Chapter 98 "Alarm System" setting rules and fines for false alarms. Second reading is scheduled for February 9, 2009 regular scheduled meeting**
- 3. Consider first reading for an ordinance 0 2009 02 amending the City of Pikeville Chapter 34 "Personnel and Employment Policies. Second reading is scheduled for February 9, 2009 regular scheduled meeting**
- 4. Consider first reading of an ordinance 0 2009 05 amending the City of Pikeville Chapter 150 "Building Regulations" amending various fees for demolition and foundations. Second reading is scheduled for February 9, 2009 regular scheduled meeting.**
- 5. Consider first reading of an ordinance enacting and adopting a supplement to the Code of Ordinances 0 2009 01 for the City of Pikeville 12-2008. Second reading is scheduled for February 9, 2009 regular scheduled meeting.**

D. City Manager Report: City Manager Donovan Blackburn asked the commission to consider the following requests.

- 1. Consider request to place a bid for a new Garbage Truck. Commissioner Davis made the motion to approve. Commissioner Layne seconded the motion. Mayor Frank Justice called for discussion, Greg May with UMG, LLC stated that this purchase is a capital budget item and will replace the 95 model. Mayor; is this 95 model going to be traded in? City Manager; no 95 will be auction at City auction when held. Mayor Justice called for further discussion, there being none the motion carried unanimously.**
- 2. Consider request to adopt amended job descriptions and pay rate chart for positions as submitted. Economic Development Director would highlight grant administrator duties, Main Street/Administrative Director to assistant the City Manager; reclassify Shawn Amos form HR/Environmental to: Director Logistics/Environmental. Commissioner Carter made the motion to approve. Commissioner Layne seconded the motion. Mayor**

Frank Justice called for discussion. City Manager stated there where no rate increases just job description and duties. Mayor Justice called for the vote to approve as submitted and the motion carried unanimously.

- 3. Consider request to adopt a resolution supporting CERS a 10 year phase in the plan for the Kentucky Retirement System to allow retirement increase in order to save cities across the state money for their community. Commissioner Davis made the motion to approve. Commissioner Carter seconded the motion. Mayor Justice called for discussion, there being no further discussion the motion carried unanimously.**

CITY OF PIKEVILLE, KENTUCKY

RESOLUTION

A RESOLUTION SUPPORTING COUNTY EMPLOYEE RETIREMENT SYSTEMS REFORM.

WHEREAS, the City of Pikeville is a member of the County Employees Retirement System (CERS); and

WHEREAS, the Kentucky Retirement Systems Board of Trustees determines how much CERS members must pay into the system and cities have no choice but to pay this rate; and

WHEREAS, without reform, the City of Pikeville must now contribute 17.37 percent of non-hazardous duty employees' salaries to the retirement system and 35.61 for hazardous duty employees starting in Fiscal Year 2010, a marked increase from last fiscal year; and

WHEREAS, rate increases will cost the City of Pikeville approximately \$ 154,227.46 more than in FY09; and

WHEREAS, allowing CERS members to reach their full contribution obligations over a 10-year period instead of the five-year time frame currently required by the KRS Board of Trustees would provide about \$37.5 million in savings to the agencies participating in CERS next fiscal year; and

WHEREAS, actuaries with the Kentucky Retirement Systems have determined the 10-year extended phase-in period is fiscally sound; and

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WHEREAS, the City of Pikeville estimates that the extended phase-in would save approximately \$ 34,504.36 in FY10.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF PIKEVILLE AS FOLLOWS:

SECTION I

That Mayor Frank Justice is hereby authorized and directed to request that the Kentucky Retirement Systems Board of Trustees move ahead with administrative changes that would extend the phase-in period for reaching the actuarially required contribution (ARC) to a 10-year period instead of a five-year time frame for employers participating in the County Employees Retirement System (CERS).

SECTION II

The foregoing RESOLUTION was read, passed and adopted by the City Commission of the City of Pikeville, Pike County, Kentucky, meeting in regular session on the 26th day of January, 2009, and was thereafter approved by the Mayor.

APPROVED:

/s/Frank Justice

Mayor

ATTEST:

/s/Rebecca Hamilton

City Clerk

4. **Consider the request to amend the City of Pikeville rental agreement for the Garfield Community Center and Fire Department Training Center. Commissioner Layne made the motion to approve. Commissioner Carter seconded the motion. Mayor Justice called for discussion, there being no further discussion motion passed unanimously.**
5. **Consider request to adopt a resolution to submit an application on behalf of the City of Pikeville to the KY Office of Local Government for the Trails and Recreations Grant for development of the Pikeville Pond area in the amount of \$110,000 which requires a 50% match in funding source and to authorize the mayor to sign and execute all documents required for the application. Commissioner Chaney made the motion to approve. Commissioner Layne seconded the motion. Mayor Justice called for discussion, there being no further discussion motion passed unanimously.**

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**RESOLUTION SUPPORTING THE PIKEVILLE POND & RECREATIONAL
PATHWAY
AND AUTHORIZING THE FILING OF AN
APPLICATION FOR A RECREATIONAL TRAILS GRANT FOR SAID
PROJECT**

RESOLUTION R-2009-002

WHEREAS, the City of Pikeville supports the construction of the Pikeville Pond & Recreational Pathway Project and;

WHEREAS, the Pikeville City Commission authorizes the submission of a Recreational Trails funding application and authorizes the Mayor of the City of Pikeville to sign and execute any necessary documents to apply for the a Recreational Trails Grant for the Pikeville Pond & Recreational Pathway area.

WHEREAS, the Recreational Trails Grant is limited to funding a maximum of fifty percent (50%) of the proposed project costs estimated at \$55,000.00.

NOW, THEREFORE BE IT RESOLVED, that the City of Pikeville holds in reserve fifty percent (50%) of the proposed project costs for the purpose of matching the Recreational Trails Grant for the Pikeville Pond & Recreational Pathway project.

At Pikeville, Kentucky, this 26th day of January, 2009.

**/s/Franklin D. Justice
FRANKLIN D. JUSTICE, II, MAYOR**

ATTEST:

**/s/Rebecca Hamilton
REBECCA HAMILTON, CITY CLERK**

- 6. Consider request to hire for the 911 Dispatcher positions Rachael Adkins and Jessica Blair Conn based upon passing and the completion of all required testing for the position. Commissioner Chaney made the motion to approve. Commissioner Carter seconded the motion. Mayor Justice called for discussion, there being no further discussion motion passed unanimously.**
- 7. Consider request to amend personal policy changes as discussed in work session Sections: 1.15, 2.10, 3.16 and 3.17 and they are to be effective immediately. Commissioner Carter made the motion to approve. Commissioner Layne seconded the motion. Mayor**

Justice called for discussion, there being no further discussion motion passed unanimously.

8. Consider request to post position for the Garfield Community Center. Commissioner Carter made the motion to approve. Commissioner Chaney seconded the motion. Mayor Justice called for discussion. There being no further discussion motion passed unanimously.
9. Consider a request for closed session for the purpose of discussion of legal and economic development issues. Commissioner Layne made the motion to approve. Commissioner Carter seconded the motion. Motion passed unanimously.
10. Commissioner Carter made motion to re-convene into regular session. Commissioner Layne seconded the motion.

There being no further business to come before the Commission, Commissioner Carter made the motion to adjourn the meeting. Commissioner Layne seconded the motion. Mayor Frank Justice called for discussion, there being none the meeting was adjourned.

The next scheduled Regular Meeting of the City of Pikeville Board of Commissioners is February 9, 2009 at 6:00 p.m.

APPROVED:

FRANKLIN D. JUSTICE, II, MAYOR

ATTESTED:

REBECCA HAMILTON, CITY CLERK