

**CITY OF PIKEVILLE
BOARD OF COMMISSIONERS
REGULAR MEETING MINUTES
JULY 28, 2008 AT 6:00 P.M.**

The Board of Commissioners for the City of Pikeville met in a regular called session on Monday, July 28, 2008. 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 July 14, 2008 were in each Commission Member's agenda package. There being no additions or corrections, Commissioner Layne made the motion to approve the minutes as prepared. Commissioner Chaney seconded the motion. Mayor Frank Justice called for discussion, there being none the motion carried unanimously.

BUSINESS FROM FLOOR

PAYMENT OF CITY BILLS

A list of City Bills totaling \$178,156.74 was presented to the Commission for approval of payment. Commissioner Chaney made the motion to approve. Commissioner Davis seconded the motion. Mayor Frank Justice called for discussion, there being none the motion carried unanimously.

City Manager Donovan Blackburn presented the invoice from East Kentucky Water for the payment for installation of fountains in the Pikeville Pond in the amount of \$22,958.00. Commissioner Chaney made the motion to approve. Commissioner Davis seconded the motion. Mayor Frank Justice called for discussion, there being no further discussion, the motion carried unanimously.

BUSINESS FROM THE FLOOR

Resident Marty Backus addressed the commission in reference to the Sandy Valley Water rate. Mr. Backus expressed his concern that no other residents were present on the issue and asked why the bill increased by 50 percent if there is no sewer. Mr. Backus stated one of his concerns was for folks in area on fixed incomes and ask for reconsideration on rate increase. Mayor Justice expressed that the issue had been before the commission previously and the issue has been addressed more than once. Commissioner Carter explained that the Sandy Valley water system had already applied to the Public Service Commission for a rate increase before the City took operation of the system and that the rate is in the medium pay chart for services and Mountain Water had intentions to apply for a sewer rate increase. Mountain Water did apply and had an increase in the sewer service this past year that would had effected this system if Mountain had still owned the system. City Manager Donovan Blackburn stated that the issue has been addressed several times and the cost of service, capital improvements to the system was justifiable. He stated the City could have hired a CPA or company like UMG to do the rate study but decided instead to hire the best possible person in the state so the cost-of-service study would be right and fair. He stated that Carryn Lee who worked for the PSC for 30 years analyzing cost-of-service studies and now works for Kentucky Rural Water Association as a cost-of-service analyst is who did the study and is an expert in the field. The City Manager stated that Pikeville is no different form any other city. In the state of Kentucky almost every city that operates a water system handles both in city and out of city rates. There where other problems with the water system that needed attention with incorrect water line installation. The system would need additional capital funding for repairs, improvements and growth. The Mayor stated it would not be the responsibility of the citizens who was already paying a much higher tax rate to carry the burden of a system that was added to the city system. The responsibility would have to fall on the people who this system pervious serviced and who will be added to the system. Commissioner Chaney and Commissioner Davis voiced he had great concern for residents on fixed income, but the quality of service and the condition of the water system helped them make their decision. Mayor Justice asked Mr. Backus if he had any other questions on this issue. Mr. Backus, "no not at this time". Mayor Justice, there being no further discussion, next item.

OLD BUSINESS

- A. Melanie Stevens present from Big Sandy Area Development District reported she was working on the CDBG funding for Marion's Branch Project.
- B. Jennifer Bunch present from Main Street Director/HR Clerk reported she was in the process of filling two vacant positions for the Board of Directors. Ms. Bunch also advised she would be attending the Local Issue Conference in Louisville on August 13, 14, and 15, 2008.

- C. **City Engineer's Report:** Jack Sykes presented the request for final payment for the Lee Avenue extension project in the amount of \$17,322.92 to be paid to J & W Contraction and authorize the City Manager to sign the close out report for the project as recommended by Summit Engineering. Commissioner Chaney made the motion to approve. Commissioner Davis seconded the motion. Mayor Frank Justice called for discussion, there being no further discussion the motion carried unanimously.
- D. **Russell H. Davis, Jr., City Attorney,** presented the following matters for the Commission's consideration:

1. The second reading of an ordinance 0 2008 17 Amending the City of Pikeville Utility Rules and Regulations amending the interest payment percentage of 6% on termination service for unpaid bills. Commissioner Chaney made the motion to adopt the Ordinance as presented and given second reading. Commissioner Carter seconded the motion. The motion carried by the following votes:

| | | |
|----------------------|--------------------------------|------------|
| COMMISSIONER: | DALLAS LAYNE | YES |
| | EUGENE W. DAVIS | YES |
| | JAMES A. CARTER | YES |
| | BARRY N. CHANEY | YES |
| MAYOR: | FRANKLIN D. JUSTICE, II | YES |

ORDINANCE NO. 0-2008-17

NOW, THEREFORE, BE IT ORDAINED Chapter 54 "UTILITY RULES AND REGULATIONS" is amended to read as follows:

CHAPTER 54: UTILITY RULES AND REGULATIONS

UTILITY BILLING PROCEDURES

§ 54.05 UTILITY RULES AND REGULATIONS

7. A deposit for water and/or gas service as set by ordinance may be required prior to service being connected. If a customer is moving from one premise to another a deposit shall be transferred to the new property and the unpaid balance from the prior bill be posted to the current bill. Upon termination of service, the deposit plus 6% interest actually earned after the first year will be applied to any unpaid bills of the customer, and if any balance or credit remains on the bill that amount will be billed or refunded to the customer.

The ordinance shall be in full force and effect after it is passed and published as required by law. The above ordinance was given first reading this 14th day of July, 2008; the ordinance was given a second reading on the 28th day of July, 2008.

Passed this 28th day of July, 2008.

Commissioner Gene Davis moved for the adoption of the forgoing ordinance.

Commissioner Dallas Layne seconded the motion.

Upon roll call, the votes were as follows:

| | Yes | No |
|----------------------------|--------------|-------|
| FRANK JUSTICE, MAYOR | <u> X </u> | _____ |
| GENE DAVIS, COMMISSIONER | <u> X </u> | _____ |
| DALLAS LAYNE, COMMISSIONER | <u> X </u> | _____ |
| JIMMY CARTER, COMMISSIONER | <u> X </u> | _____ |
| BARRY CHANEY, COMMISSIONER | <u> X </u> | _____ |

The Mayor declared the within ordinance adopted.

(s) Franklin D. Justice, II Mayor

FRANKLIN D. JUSTICE, II MAYOR

ATTEST:

(s) Rebecca Hamilton

REBECCA HAMILTON, CITY CLERK

2. City Attorney, Rusty Davis, presented a first reading of an ordinance amending Chapter 72 Parking creating rules and contract for wrecker service. Second reading is schedule at the next regular city commission meeting to be held August 11th 2008.

3. City Attorney, Rusty Davis proposed a request to accept easements as presented for the Lykens Creek Project and authorize City Manager, Donovan Blackburn to sign and execute any necessary documents on behalf of the City of Pikeville. Commissioner Davis made the motion to approve. Commissioner Carter seconded the motion. Mayor Frank Justice called for discussion. There being no further discussion the motion passed unanimously.

E. Police Department Report: Chief James Adkins had no new information to present at this time. Commissioner Chaney praised both the Police Department and the Fire Department on the response time and professionalism of the crew on a recent fire incident in the city limits.

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

1. Consider request to appoint Eddie Jackson to the Pikeville Tree Board. Commissioner Chaney made the motion to approve. Commissioner Layne seconded the motion. Mayor Frank Justice called for discussion, there being none the motion carried unanimously.

2. Consider request to place a bid for services for the installation of new sewer line on Thompson road River Bank/North Mayo Trail Sewer Project. Commissioner Layne made the motion to approve. Commissioner Chaney seconded the motion Mayor Frank Justice called for discussion. Mayor Justice called for the vote, the motion carried unanimously.

3. Consider request to bid streetscape signage for the Hambley Boulevard. Commissioner Carter made the motion to approve. Commissioner Chaney seconded the motion. Mayor Justice called for discussion, there being no further discussion the motion carried unanimously.

4. Consider the request to place project for bid on demolition and clearing of property to bid specification for 5 structures located on Sadd Avenue. 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.

5. Consider request to authorize payment to Jehovah Church for easement in the amount of \$87,800.00 for the Thompson Road Widening Project. Commissioner Davis made the motion to approve. Commissioner Layne seconded the motion. Mayor Justice called for discussion, there being no further discussion motion passed unanimously.

6. Consider request to review and approve contract for engineering services for Thompson Road & Buckley Creek sewer project

(which is a continuation of the Pride on the River sewer project) with Kenvirons Incorporated, 452 Versailles Road, Frankfort, KY 40601. 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 place a bid for Sprinter maintenance van an item which is in the capital budget. 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 purchase Bat Wing Mower for the amount of \$12,490.00 under state price contract. Commissioner Davis made the motion. Commissioner Davis seconded the motion. Mayor Justice called for discussion. City Manager Donovan Blackburn advised this was a capital budget item. 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 Davis made the motion to approve. Commissioner Layne seconded the motion. Motion passed unanimously.
10. Commissioner Carter made motion to re-convene into regular session. Commissioner Chaney seconded the motion.
11. Consider request to bid project for Bob Amos Complex Improvements as presented in work session. No motion was made or action taken.

CONSENT ITEMS

Kentucky State Local Issues Conference August 4, 5, and 6, 2008 held in Louisville, Kentucky with City Manager Donovan Blackburn, Economic Development Director Minta Chaney and Main Street Director Jennifer Bunch attending.

City Manager Donovan Blackburn mentioned the City of Pikeville Park was featured in the KLC Publication on City Green Space.

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

The next scheduled Regular Meeting of the City of Pikeville Board of Commissioners is August 11, 2008 at 6:00 p.m.

APPROVED:



FRANKLIN D. JUSTICE, II, MAYOR

ATTESTED:



REBECCA HAMILTON, CITY CLERK