

**CITY OF PIKEVILLE
BOARD OF COMMISSIONERS
REGULAR MEETING MINUTES
October 27, 2008 AT 6:00 P.M.**

The Board of Commissioners for the City of Pikeville met in a regular called session on Monday, October 27, 2008. The meeting was held in the City Hall Conference Meeting Room located at 118 College Street, Pikeville, Kentucky.

There being a quorum present, Pro Team Mayor Eugene Davis called the meeting to order at: 6:00 p.m. Commission Members present at roll call were a follows:

COMMISSIONER:

**GENE DAVIS- PRO TEAM MAYOR
BARRY CHANEY
DALLAS LAYNE
JIMMY CARTER**

MAYOR:

FRANKLIN D. JUSTICE, II- ABSENT

MINUTES

The minutes for the previous regular meeting held on October 13, 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. Pro Team Mayor Eugene Davis called for discussion, there being none the motion carried unanimously.

PAYMENT OF CITY BILLS

A list of City Bills totaling \$247,618.54 was presented to the Commission for approval of payment. Commissioner Chaney made the motion to approve. Commissioner Carter seconded the motion. Pro Team Mayor Eugene Davis called for discussion, there being none the motion carried unanimously.

BUSINESS FROM FLOOR

Pro Team Mayor Eugene Davis opened the floor to any new business. There was no business from the floor.

OLD BUSINESS

Pro Team Mayor Eugene Davis opened the floor to any new business. There was no old business.

A. Big Sandy Area Development representative Melanie Stevens reported a public meeting for the Marion's Branch Project would be held tomorrow at Pikeville City Hall at 11:30 a.m. as required. Mrs. Stevens invited the commission and every present to attend.

B. Main Street: Candi Preston Salyers addressed the commission with updates on the Main Street recertification process. Main Street Director needs to attend a total of 3 credit hours to be in compliance and recertify, currently Main Street has 1 ½ credits. Mrs. Salyers will be attending the necessary classes next month. Mrs. Salyers advised that the Christmas Parade would be held in down town Pikeville on December 6, 2008 and applications to participate was available on line, newspaper, Community Center and in the City Clerks Office for anyone to participate. The charity chosen this year was Judy's Place for Kids.

C. City Engineer's Report:

1. City engineer Jack Sykes request that the commission award the bid for Lykins Creek Water Line to H2O Construction in the amount of \$446,530.00 contingent upon receiving an MOA along with the funds from DLG in the amount of \$400,000 for the project. The remaining \$46,530.00 would come out of the city water account. Also request the Mayor be giving the authority to execute the MOA or any other documents to start this project. Commissioner Carter made the motion to approve. Commissioner Layne seconded the motion. Pro Team Mayor Eugene Davis called for discussion. City Manager Donovan Blackburn commented that the project had originally been estimated some time back and was around \$400,000.00, but also had expected the bid to come in around \$500,000.00. Mr. Blackburn stated that the project was very important to the community and he had been working on this project with Greg May with UMG, LLC and Jack Sykes to provide a secondary water line on the north side of the City in case of emergency there would be a backup supply. City Manager Donovan Blackburn also noted that there are two outstanding easements pending the project that should be signed this week. There being no additional comments the motion passed unanimously.
2. City engineer Jack Sykes requested for the Thompson Road Project that the construction agreement for CSX Railroad be executed this year (pending for 6 months). This will be necessary to provide access for AEP relocations for the project. Requesting authorization for the Mayor to execute the construction agreement and the permanent easement. Requesting authorization of payment of the CSX Force Account. CSX is currently updating the current FAE of \$236,271.00. Commissioner Carter made the motion to approve. Commissioner

Layne seconded the motion. Pro Team Mayor Davis called for additional comments, there being none the motion passed unanimously.

D. Police Department Update:

Pikeville Police Chief James Adkins was present and had no update at this time to present to the commission on any matters.

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

1. **City Attorney Rusty Davis** presented a second reading of an ordinance amending Chapter 54 Utility Rules and Regulations to include identity theft prevention program. Commissioner Chaney made the motion to approve. Commissioner Layne seconded the motion. Pro Team Mayor Davis called for additional comments. City Manager Donovan Blackburn commented the change was a mandate and a local company by the name of Shred All had signed an agreement to furnish the City with their services to shred required documents to be in compliance with the rules and regulations. Pro Team Mayor called for Roll Call: Motion Passed unanimously.

**AN ORDINANCE AMENDING CHAPTER 54
TO ESTABLISH UTILITY REGULATIONS
FOR AN IDENTITY THEFT PROGRAM**

ORDINANCE NO. 0-2008-25

WHEREAS, the City of Pikeville City Commission is amending the Utility Regulations to combine the Cities Rules and Regulation policy with Chapter 54 set within the ordinance.

WHEREAS, this ordinance will take effect immediately upon passage and publication as required by state statute and will supersede any previous rules and regulations via ordinance or policy.

NOW, THEREFORE, BE IT ORDAINED Chapter 54 "Utility Rules & Regulations" is amended to read as follows:

CHAPTER 54: UTILITY RULES AND REGULATIONS

IDENTITY THEFT

§ 54.10 IDENTITY THEFT PREVENTION PROGRAM

A. This Program is intended to identify red flags that will alert our employees when new or existing accounts are opened using false information, protect against the establishment

of false accounts, methods to ensure existing accounts were not opened using false information, and measures to respond to such events.

B. Contact Information:

The Senior Management Person responsible for this program is:
Pikeville City Manager
Phone number: 606-437-5100

The Governing Body Members of the Utility will be:

All sitting members of the Pikeville City Commission

C. Risk Assessment:

The City of Pikeville has conducted an internal risk assessment to evaluate how at risk the current procedures are at allowing customers to create a fraudulent account and evaluate if current (existing) accounts are being manipulated. This risk assessment evaluated how new accounts were opened and the methods used to access the account information. Using this information the utility was able to identify red flags that were appropriate to prevent identity theft.

- New accounts opened In Person
- New accounts opened via Telephone
- New accounts opened via Fax
- New accounts opened via Web
- Account information accessed In Person
- Account information accessed via Telephone (Person)
- Account information is accessed via Telephone (Automated)
- Account information is accessed via Web Site
- Identity theft occurred in the past from someone falsely opening a utility account

D. Detection (Red Flags):

The City of Pikeville adopts the following red flags to detect potential fraud. These are not intended to be all-inclusive and other suspicious activity may be investigated as necessary.

- Fraud or active duty alerts included with consumer reports
- Notice of credit freeze provided by consumer reporting agency
- Notice of address discrepancy provided by consumer reporting agency
- Inconsistent activity patterns indicated by consumer report such as:
 - Recent and significant increase in volume of inquiries
 - Unusual number of recent credit applications
 - A material change in use of credit
 - Accounts closed for cause or abuse

- ❑ Identification documents appear to be altered
- ❑ Photo and physical description do not match appearance of applicant
- ❑ Other information is inconsistent with information provided by applicant
- ❑ Other information provided by applicant is inconsistent with information on file.
- ❑ Application appears altered or destroyed and reassembled
- ❑ Personal information provided by applicant does not match other sources of information (e.g. credit reports, SS# not issued or listed as deceased)
- ❑ Lack of correlation between the SS# range and date of birth
- ❑ Information provided is associated with known fraudulent activity (e.g. address or phone number provided is same as that of a fraudulent application)
- ❑ Information commonly associated with fraudulent activity is provided by applicant (e.g. address that is a mail drop or prison, non-working phone number or associated with answering service/pager)
- ❑ SS#, address, or telephone # is the same as that of other customer at utility
- ❑ Customer fails to provide all information requested
- ❑ Personal information provided is inconsistent with information on file for a customer
- ❑ Applicant cannot provide information requested beyond what could commonly be found in a purse or wallet
- ❑ Identity theft is reported or discovered

E. Employee Response:

Any employee that may suspect fraud or detect a red flag shall implement the following response as applicable. All detections or suspicious red flags shall immediately be reported to the senior management official.

- ❑ Ask applicant for additional documentation
- ❑ Notify internal manager: Any utility employee who becomes aware of a suspected or actual fraudulent use of a customer or potential customers identity must notify Immediate Supervisor or City Manager.
- ❑ Notify law enforcement: The utility will notify City of Pikeville Police Department at 101 Division Street, Pikeville, KY 41501 of any attempted or actual identity theft.
- ❑ Do not open the account
- ❑ Close the account
- ❑ Do not attempt to collect against the account but notify authorities

F. Personal Information Security Procedures:

The City of Pikeville adopts and all City personnel shall comply with the following security procedures:

1. Paper documents, files, and electronic media containing secure information will be stored in locked file cabinets. File cabinets will be stored in a locked room.
2. Only specially identified employees with a legitimate need will have keys to the room and cabinet.
3. Files containing personally identifiable information are kept in locked file cabinets except when an employee is working on the file.
4. Employees lock file cabinets when leaving their work areas.
5. Access to offsite storage facilities is limited to employees with a legitimate business need.
6. No visitor will be given any entry codes or allowed unescorted access to the office.
7. Passwords will not be shared or posted near workstations.
8. Password-activated screen savers will be used to lock employee computers after a period of inactivity.
9. Anti-virus and anti-spyware programs will be run on individual computers and on servers daily.
10. When sensitive data is received or transmitted, secure connections will be used.
11. Computer passwords will be required.
12. User names and passwords will be different.
13. Passwords will be changed at least monthly.
14. The use of laptops is restricted to those employees who need them to perform their jobs.
15. Any wireless network in use is secured.
16. Monitor incoming traffic for signs of a data breach.
17. Monitor outgoing traffic for signs of a data breach.
18. Access to customer's personal identify information is limited to employees with a "need to know."
19. Procedures exist for making sure that workers who leave your employ or transfer to another part of the company no longer have access to sensitive information.
20. Employees are required to notify the city manager immediately if there is a potential security breach, such as a lost or stolen laptop.

- 21. Employees who violate security policy are subjected to discipline, up to, and including, dismissal.
- 22. Paper records will be shredded before being placed into the trash.
- 23. Any data storage media will be disposed of by shredding, punching holes in, or incineration.

G. Confirmation:

A confirmation sheet, approved by the commission and signed by the mayor of this program will be required and kept on file with the Pikeville City Clerks office.

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 13th day of October, 2008, the ordinance was given a second reading on the 27th day of October, 2008.

Passed this 27th day of October, 2008.

Commissioner Chaney moved for the adoption of the forgoing ordinance.

Commissioner Layne seconded the motion.

Upon roll call, the votes were as follows:

	Yes	No
FRANK JUSTICE, MAYOR	_____	Absent _____
GENE DAVIS, COMMISSIONER	___X_	_____
DALLAS LAYNE, COMMISSIONER	___X_	_____
JIMMY CARTER, COMMISSIONER	___X_	_____
BARRY CHANEY, COMMISSIONER	___X_	_____

The Mayor declared the within ordinance adopted.

/s/Eugene Davis

EUGENE DAVIS/ PRO TEAM MAYOR

ATTEST:

/s/ Rebecca Hamilton

REBECCA HAMILTON, CITY CLERK

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

1. Consider request to re-appoint Frankie Billiter to the IDEA Board, his appointment was vacant on 11/9/08. Commissioner Carter made the motion to approve. Commissioner Layne seconded the motion. Pro Team Mayor Davis called for discussion, there being none the motion carried unanimously.
2. Consider request to make a nomination for the Domestic Violence Board for the City of Pikeville. Nominee is: Pamela Chaney. Commissioner Layne made the motion to approve. Commissioner Carter seconded the motion. Pro Team Davis called for any discussion. City Manager Donovan Blackburn stated Mrs. Chaney would do an outstanding job. Pro Team Davis called for vote, all in favor say Aye. Commissioner Chaney (abstained) there being no further discussion the motion carried unanimously.
3. Consider request to purchase property located beside the city transfer station belonging to James Bentley in the amount of \$3,000.00 plus any deed preparations and recording fees. Commissioner Chaney made the motion to approve. Commissioner Carter seconded the motion. Pro Team Mayor Davis called for discussion, there being none the motion carried unanimously.
4. Consider a request for closed session for the purpose of discussion of legal and economic development issues. Commissioner Chaney made the motion to approve. Commissioner Carter seconded the motion. Pro Team Mayor Davis called for discussion, there being no the motion passed unanimously.
5. Commissioner Carter made motion to re-convene into regular session. Commissioner Chaney seconded the motion. Motion passed unanimously.

G. Consent Items

NLC Convention week is: November 10, 2008. City Manager Donovan Blackburn will be attending.

City Hall will be closed ½ day on November 4, 2008 for Election Day. Hours of operation will be from 8:00 a.m. until Noon.

City Hall will be closed on November 11, 2008 to observe Veteran's Day.

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

The next scheduled Regular Meeting of the City of Pikeville Board of Commissioners November 10, 2008 at 6:00 p.m. is canceled.

The next scheduled Special Meeting of the City of Pikeville Board of Commissioners is November 3, 2008 at 6:00 p.m.

APPROVED:



FRANKLIN D. JUSTICE, II, MAYOR

Gene Davis, Pro Team

ATTESTED:



REBECCA HAMILTON, CITY CLERK