

**CITY OF PIKEVILLE
BOARD OF COMMISSIONERS
REGULAR MEETING MINUTES
November 24th, 2008**

The Board of Commissioners for the City of Pikeville met in regular session on Monday, November 24th, 2008. The meeting was held in the City Hall Public Meeting Room located at 118 College Street, Pikeville, Kentucky.

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

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| COMMISSIONER: | DALLAS LAYNE EUGENE W. DAVIS M. SHANE HALL |
| MAYOR: | FRANKLIN D. JUSTICE, II |

Commissioner JAMES CARTER was absent from the commission meeting.

MINUTES

The minutes for the commission meetings held of November 3rd, 2008, November 5th, 2008, May 24th 2004, February 14th 2005 and may 23rd 2005 were included in each Commission Member's agenda package. There being no additions or corrections, Commissioner Chaney made the motion, seconded by Commissioner Layne to approve the minutes as submitted. The motion carried unanimously.

PAYMENT OF CITY BILLS

City Manager Donovan Blackburn recommended that the city bill be authorized for payment in the amount of \$605,288.14 as outlined and submitted to the commission in their meeting packet. Commissioner Layne made the motion to pay the bills, seconded by Commissioner Chaney. Mayor Justice called for discussion. Commission Davis asked the City Manager if the city was in good financial standing and had the funds to make said payments. Blackburn stated the city did have the funds. There being no further discussion Mayor Justice call for the vote. The motion carried unanimously.

OLD BUSINESS

MAIN STREET REPORTS: Main Street Director Candi Sawyers were not present do to a training session in Summerset KY. There was no Main Street report.

CITY ENGINEER'S REPORTS: Jack Sykes was on vacation and was not present for the meeting. There was no City Engineer's report.

CITY ATTORNEY'S REPORTS:

William Phots reports concerning the City's two Cable TV providers systems were presented to the City Commission. The reports reflect that both providers are out of compliance with the NEC and NESC requirements. Both will be given a 'Notice of default and Request to remedy' by the City of Attorney. Suddenlink's report reflect other problems with signal strength and need to upgrade equipment which is consistent with complains received by the commission of poor TV quality from Suddenlink. The City Attorney outlined for the Commission and provided documentation of the history of problems with the Suddenlink franchise since its inception 20 years ago and the City's on-going struggle with this franchise holders to improve their system.

The City Attorney requested to have a formal public hearing to decide whether or not to deny Sudden-link franchise agreement with the City of Pikeville based on outcome of the hearing, a survey and the current completed study on their system. The hearing date would be decided by the City Manager and City Attorney. Also request for permission to send out a survey (as presented) to all citizens of Pikeville requesting their input on their cable service. Commission Chaney made a motion to accept the reports and approved the request for a letter of compliance, to send out the surveys and have a public hearing. Commissioner Layne seconded the motion. Mayor Justice called for discussion. There being no further discussion Mayor Justice called for the vote. The motion carried unanimously"

Rusty Davis, City Attorney presented and read the following Ordinances for their first reading as required by Kentucky Law. Each of the three (3) ordinances will be giving a 2nd and final reading during a special called meeting to be held December 2nd 2008:

1. Consider 1st reading of an ordinance number 0-2008-27 amending the city of Pikeville 2008-2009 fiscal budget. No further action required at this time. Second reading scheduled for December 2nd 2008.
2. Consider 1st reading of an ordinance number 0-2008-28 amending Chapter 53 "Water" fees. No further action is required at this time for a 1st reading. The second reading is scheduled for December 2nd 2008.
3. Consider 1st reading of an ordinance number 0-2008-29 amending Chapter 55 "Collection of Sewer Service Charges" amending sewer fees. No further action is required at this time for a 1st reading. The Second reading is scheduled for December 2nd 2008.

Don Wallen, CPA with Wallen and Cornnett Accounting firm did address the commission regarding his role and letter supporting the city revised Cost of Service study. Mr. Wallen stated he has reviewed ,certified and supports the report. Mr. Wallen submitted a letter to the City Commission stating he has reviewed the mathematics and methodology used in the computations and have concluded that the resulting rates indicated are accurate and necessary to cover both the in-city and out-of-city water/sewer expenses. These rates cover the expenses only and should not result in a surplus of any appreciable amount in the water/sewer fund. Mr. Wallen stated the study will not allow for any substantial profit. If any profit would exist it would be because of additional usage. He stated he has stood in front of this body over the past few years and has told the commission that the City has lost money on water and sewer in the past and the increase is necessary. Mr. Wallen also stated that he is also a resident in the area that would have the new out-of-city rates. He stated he personally would be paying the new rates but that the rates as documented are fair and necessary. Mr. Wallen thanked the commission.

CITY MANAGER'S REPORTS:

Donovan Blackburn, City Manager asked the commission to consider the request to complete and submit a letter and complete a questionnaire to the Kentucky Infrastructure Authority for the Federally Assisted Wastewater Revolving Loan Program and to authorize the City Manager to sign any necessary paperwork to send said letter and complete said questionnaire for the purpose of seeking funds for the Marion Branch Sewer project. Commissioner Chaney made the motion, seconded by Commissioner Davis. Mayor Justice called for discussion. City Manager stated this does not bind the city to the loan for the funds but allows to see if the city would qualify for them. There being no further discussion Mayor Justice called for a vote. The motion carried unanimously.

City Manager read and requested that City Commission adopt the Resolution as outlined below. Commissioner Layne moved to adopt the resolution as attached. Commissioner Chaney seconded the motion. Mayor Justice called for discussion, there being no further discussion Mayor Justice asked for a Roll Call vote. The motion to adopt passed unanimously as illustrated below.

RESOLUTION CITY OF PIKEVILLE KENTUCKY

RESOLUTION OF THE City of Pikeville ACCEPTING THE AGREEMENT, APPROVING THE AGREEMENT, AUTHORIZING THE AMENDMENT OF LOCAL BUDGET, AND AUTHORIZING A REPRESENTATIVE TO SIGN ALL RELATED DOCUMENTS

WHEREAS, the General Assembly has appropriated funds for infrastructure projects in the 2008-2010 Budget of the Commonwealth; and

WHEREAS, the City of Pikeville has previously determined that it is in the public interest to acquire and construct certain facilities and improvements to the City of Pikeville utility system **Bill Lykins Creek Water Project**; and

WHEREAS, the City of Pikeville desires funding from the Kentucky Infrastructure Authority for the purpose of acquisition and construction of the **Bill Lykins Water Project**.

NOW, THEREFORE, BE IT RESOLVED by the _____ of the _____ as follows:

SECTION 1. That the **City of Pikeville** hereby accepts the Agreement and approves the Agreement between **the City of Pikeville** and the **Kentucky Infrastructure Authority** substantially in the form on file with the City of Pikeville for the purpose of providing a portion of the necessary financing to the City of Pikeville for the acquisition and construction of the **Bill Lykins Water Project**.

SECTION 2. That Pikeville City Manager, Donovan Blackburn is hereby authorized, directed and empowered by the City of Pikeville to execute the Agreement and all other necessary documents or agreements and to otherwise act on behalf of the **City of Pikeville** to implement the **Bill Lykins Water Project**.

SECTION 4. This Agreement shall take effect immediately upon passage.

ADOPTED on November 24th, 2008.

City of Pikeville

Donovan Blackburn, (Representative)
Title: City Manager

Passed this 24th day of November, 2008.

Commissioner **Dallas Layne** moved to adoption of the foregoing resolution.

Commissioner **Gene Davis** seconded the motion.

Upon roll call, the votes were as follows:

| | <u>YES</u> | <u>NO</u> |
|----------------------------|------------|-------------|
| DALLAS LAYNE, COMMISSIONER | <u>X</u> | <u> </u> |

| | | |
|--------------------------------|--------------|----------------------|
| EUGENE W. DAVIS, COMMISSIONER | <u> X </u> | <u> </u> |
| JAMES A. CARTER, COMMISSIONER | <u> </u> | <u> </u> (Absent) |
| BARRY CHANEY, COMMISSIONER | <u> X </u> | <u> </u> |
| FRANKLIN D. JUSTICE, II, MAYOR | <u> X </u> | <u> </u> |

City Manager read and requested that City Commission adopt the Proclamation as outlined below. Commissioner Layne moved to adopt the Proclamation as attached. Commissioner Davis seconded the motion. Mayor Justice called for discussion, there being no further discussion Mayor Justice asked for a vote. The motion to adopt passed unanimously.

***NATIONAL HOSPICE/PALLIATIVE CARE
MONTH – NOVEMBER 2008***

*Dignity. Compassion. Quality Care.
Hospice of the Bluegrass – Mountain Rivers.*

*City of Pikeville
Pikeville, Pike County, Kentucky*

PROCLAMATION

WHEREAS, hospice and palliative care provides patients and families the highest quality care during life-limiting illness and at the end of life, through pain management and symptom control, caregiver training and assistance, and emotional and spiritual support, allowing patients to live fully up until the final moments, surrounded and supported by the faces of loved ones, friends, and committed caregivers;

WHEREAS, last year, more than 1.4 million Americans living with life-limiting illness, and their families received care from hospice and palliative care programs in communities throughout the United States;

WHEREAS, professional and compassionate hospice staff – including physicians, nurses, social workers, therapists, counselors, health aides, and clergy – provide comprehensive care focused on the wishes of each individual patient;

WHEREAS, more than 400,000 trained volunteers contribute 18 million hours of service to hospice programs annually;

WHEREAS, providing high-quality hospice and palliative care reaffirms our belief in the essential dignity of every person, regardless of age, health, or social status, and that every stage of human life deserves to be treated with the utmost respect and care;

WHEREAS, hospice and palliative care providers encourage all people to learn more about options of care and to share their wishes with family, loved ones, and their healthcare professionals;

NOW, THEREFORE, be it resolved that I, Franklin D. Justice, II, DVM, Mayor, City of Pikeville, Kentucky, by the virtue of the authority vested in me by the Pikeville City Commission and the citizens of Pikeville, Kentucky, do hereby proclaim November 2008 as National Hospice/Palliative Care Month and encourage citizens to increase their understanding and awareness of care at the end of life and to observe this month with appropriate activities and programs.

*IN WITNESS WHEREOF, I have hereunto set my hand
This 24th day of November, in the year of our Lord
2008 and caused this seal to be affixed.*

*Franklin D. Justice, II, DVM, Mayor
City of Pikeville, Kentucky*

Donovan Blackburn, City Manager, requested a closed session for the purpose of discussing a personnel matter and a legal matter concerning economic development. Commissioner Davis made the motion, seconded by Commissioner Layne to adjourn to closed session for the requested purposes. Mayor Justice called for discussion there being no further discussion Mayor Justice called for a vote. The motion carried unanimously.

Mayor Justice made the motion to reconvene to regular session. Commissioner Chaney seconded the motion. Mayor Justice called for discussion, there being none Mayor Justice called for a vote, the motion carried unanimously and the meeting was called to Regular Session.

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

The next meeting of the Pikeville City Commission is scheduled for December 2nd, 2008 at 6:00 p.m. This will be a special called meeting of the Pikeville City Board of Commission.

CONSENT ITEMS:

City Hall will be closed in observance of Thanksgiving on November 27th and 28th 2008.

APPROVED: 
FRANKLIN D. JUSTICE, II, MAYOR

ATTEST:

REBECCA HAMILTON, CITY CLERK