

**CITY OF PIKEVILLE
BOARD OF COMMISSIONERS
REGULAR MEETING MINUTES
June 22, 2009 AT 6:00 P.M.**

The Board of Commissioners for the City of Pikeville met in a regular called session on Monday, June 22, 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 June 8, 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 Carter seconded the motion. Mayor Frank Justice called for discussion, there being none the motion carried unanimously.

PAYMENT OF CITY BILLS

A list of City Bills totaling \$341,818.57 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. Melanie Stevens was present with the Big Sandy Area Development District. Mrs. Stevens thank everyone who may have attended their Big Sandy Adventure Tourism Conference held June 7-8th in Prestonsburg.

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

- 1. 2nd reading of an Ordinance 0 2009 017 amending Chapter 53 Water Fees setting the Wholesale Water Rate. Commissioner Layne made the motion to adopt. Commissioner Chaney seconded the motion. Mayor Justice called discussion there being none the Mayor asked for a roll call. Ordinance adopted unanimously 5-0 YES.**

**AN ORDINANCE AMENDING CHAPTER 53
WATER TO AMEND WHOLESALE WATER RATES**

ORDINANCE NO. 0-2009- 17

NOW, THEREFORE, BE IT ORDAINED Chapter 53 "WATER" is amended to read as follows:

CHAPTER 53: WATER

§ 53.03 RATES AND CHARGES.

(B) Water rates shall be as follows:

(3) From and after the dates as show in the Increase Date column below the water service rates and charges for wholesale users shall be as follows if accepted and approved by the Water Districts and or PSC:

(4) All terms and conditions of the Mountain Water rates are set by the Wholesale Water Purchase Agreement Contract dated May 29th 2009 as approved by the City of Pikeville, Mountain Water Board and or PSC:

Water District Name	Wholesale Rate	Increase Date
Southern Water	\$1.72 per 1,000 gallons	January 1 st 2009
Mountain Water	\$1.68 \$1.78 per 1,000 gallons for the first 28 million gallons for each calendar month. \$1.30 per 1,000 gallons for all gallons after the first 28 million gallons per calendar month.	March 1st 2009 July 1 st 2009
Mountain Water (Cowpen)	\$1.75 per 1,000 gallons	January 1st 2009

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 8th day of June, 2009, the ordinance was given a second reading on the 22nd day of June, 2009.

Passed this 22nd day of June, 2009.

Commissioner Layne moved for the adoption of the forgoing ordinance.

June 22, 2009 Regular Meeting

Commissioner Chaney seconded the motion.

- 2. **Consider 2nd reading of an Ordinance 0 2009 018 amending Chapter 55 Sewer Fees amending rates of reconnect fees for non payment. Commissioner Chaney made the motion to adopt. Commissioner Layne seconded the motion. Mayor Justice called discussion there being none the Mayor asked for a roll call. Ordinance was adopted unanimously. 5-0 Yes**

**AN ORDINANCE AMENDING CHAPTER 55 COLLECTION
OF SEWER SERVICE CHARGES ORDINANCE**

ORDINANCE NO. 0-2009-18

NOW, THEREFORE, BE IT ORDAINED Chapter 55 “Collection of Sewer Service Charges” is amended to read as follows:

CHAPTER 55: COLLECTION OF SEWER SERVICE CHARGES

55.04 RATES AND CHARGES.

(A) The following schedule of rates shall apply to each user of the sewage treatment system. This schedule includes rates for user charges and rates for debt service charges, each based on the volume of metered or estimated water consumption.

(B) Please note the following schedule shows in-city rates and out-of-city rates. For all accounts receiving service within the City of Pikeville corporate boundaries, the in-city rates will be applicable to all accounts. For all accounts that receive service from the City of Pikeville outside of the City of Pikeville corporate boundaries, the out-of-city rates will be applicable.

(C) Due to an option of a pre-treatment program car wash owners may qualify for car wash rates. These are rates based on a business where one hundred percent (100%) of the water and sewer consumption is on the washing of vehicles. The car wash must be set up on a separate meter that only services the mechanics of their system. The system may not be tie-in to any other service other than for the purpose of washing vehicles. To qualify for these rates the business must be on a pre-treatment program offered to car washes by city utilities. Those who do not participate in a pre- treatment program will not qualify for these rates and will be subject to the city’s normal rates.

**In-City Sewer Rate Schedule (Effective January 1, 2009)
(Based on Water Consumption)**

Rate Per Month

	Rate	Total
Water Consumption		
First 2,000 Gals/Mo.	\$8.00	\$8.00 Minimum
Over 2,000 Gals/Mo.	\$4.00	\$4.00 per 1,000 gallons

Car wash rates \$1.95 \$1.95 per 1,000 gallons

**Out-of-City Sewer Rate Schedule (Effective January 1, 2009)
(Based on Water Consumption)**

Rate Per Month

	Rate	Total
Water Consumption		
First 2,000 Gals/Mo.	\$18.80	\$18.80 Minimum
Over 2,000 Gals/Mo.	\$10.75	\$10.75 per 1,000 gallons
Car wash rates	\$4.00	\$4.00 per 1,000 gallons

Sewer Service & Tap Fees:

Service charge for standard read in service:
 Standard business operating hours Monday through Friday \$20.00
 After 5:00 p.m., holidays and weekends \$30.00

Service charge for standard reconnect of non-payment:
 Standard business operating hours Monday through Friday \$30.00
 After 5:00 p.m., holidays and weekends \$40.00

Service charge for disconnect & reconnect fee due to non-payment for all customers who are on Mountain Water water system which would require City of Pikeville to pay Mountain Water for water service to be disconnect & reconnect in order to collect for non-payment of City of Pikeville sewer service. \$80.00

In-city sewer tap fees:

Gravity 4-inch tap
 Gravity 6-inch tap \$300.00
 Gravity 8-inch tap \$400.00
 Commercial tap \$600.00
 Sewer tap for the force main \$1,000.00
 Any large rock removal for all installations \$2,600.00
 Cost of removal

Out-of-city sewer tap fees:

Gravity 4-inch tap
 Gravity 6-inch tap \$650.00
 Gravity 8-inch tap \$750.00
 Commercial tap \$850.00
 Sewer tap for the force main \$1,200.00
 Any large rock removal for all installations \$2,600.00
 Cost of removal

* The Commission for the City of Pikeville may adopt a resolution authorizing that fees for residential gravity taps for up to an eight (8) inch line may be adjusted or waived for all residential customers when the City of Pikeville installs new sewer service into a residential area. The Commission shall set the terms, conditions and time limit to sign a sewer service tap agreement to qualify for the waived or reduced fees. The Commission's elections hereunder will be based upon the amount of grants or other funding received from third parties for the sewer line extension, the number of customers per feet of new sewer line, the contractor's bid price/cost for the sewer line extension project and sewer taps completed by the contractor during construction of the sewer line or within sixty (60) days of completion of the project and the amount the taxpayer contributes to the project.

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 8th day of June, 2009, the ordinance was given a second reading on the 22nd day of June, 2009.

Passed this 22nd day of June, 2009.

Commissioner Chaney moved for the adoption of the forgoing ordinance.

Commissioner Layne seconded the motion.

3. **Consider 2nd reading of an Ordinance 0 2009 016 finally annexing unincorporated territory on Lykins Branch. Commissioner Chaney made the motion to adopt. Commissioner Carter seconded the motion. Mayor Justice called discussion there being none the Mayor asked for a roll call The Ordinance was adopted unanimously. 5-0 Yes**

**ORDINANCE FINALLY ANNEXING BY THE
CITY OF PIKEVILLE CERTAIN UNINCORPORATED
TERRITORY LYING ADJACENT TO THE
PRESENT CITY CORPORATE LIMITS AND
COMPRISING OF APPROXIMATELY 350.21 ACRES
EXTENDING THE CITY'S CORPORATE LIMITS
ONTO LYKINS BRANCH**

ORDINANCE NO. 0-2009-016

WHEREAS, Ordinance No. 0-2009-006 was passed on the 9th day of March, 2009 by the Commission for the City of Pikeville, Kentucky enacting an ordinance stating its intent to annex to the City Limits of Pikeville certain unincorporated territory more particularly described hereinafter, and

WHEREAS, the territory to be annexed is adjacent and contiguous to the City of Pikeville's existing boundaries and

WHEREAS, the Pikeville City Commission has determined that by reason of the population density, commercial and/or industrial use of the surrounding land, the territory sought to be annexed by the City of Pikeville is urban in character and suitable for development for the urban purposes by the City of Pikeville without unreasonable delay;

WHEREAS, the Pikeville City Commission has determined that the territory has both municipal value and purpose and in the future will be used to maintain, replace, expand and enhance these

and other utilities and to provide the City with the jurisdiction and power to regulate the use of these utilities and to exercise eminent domain where necessary to improve, expand and enhance the utilities.

WHEREAS, following the adoption of said ordinance proposing to annex said property, the City of Pikeville did publish the ordinance in accordance with KRS 83A.060(9), and, WHEREAS, as certified by the Clerk of Pike County office less than (50%) fifty percent of resident voters or owners of real property within the limits of the territory proposed to be annexed petition in opposition of the annexation as prescribed in KRS 81A.420 has been received by the Mayor of the City of Pikeville and pursuant thereto, the City of Pikeville may adopt a final ordinance annexing to the City of Pikeville said property.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF PIKEVILLE that the tract or parcel of property described hereinafter, contiguous to the present city limits of Pikeville, Kentucky is hereby declared to be annexed into the corporate limits of the City of Pikeville and shall be by the passage of this ordinance become part of the city for all purposes. The property annexed hereby is described as follows:

Lykins Branch
Annexation

Beginning at a point on the line of the City of Pikeville existing corporate boundary line, Ordinance 10.13, and being near the junction of Lykins Branch Road and Thompson Road. Thence, leaving the existing corporate line S 02°04'59" E a distance of 987.47'; Thence, S 10°39'28" W a distance of 345.15' to a point in a small drain; Thence, up the drain S 20°04'52" E a distance of 262.97'; Thence, up the hill S 40°08'07" W a distance of 276.46' to a center of the point; Thence, up the point S 68°35'47" E a distance of 316.55' to a point on the City of Pikeville existing corporate boundary line, Ordinance #0-2007-024; Thence, with the existing City of Pikeville corporate boundary line S 13°48'30" E a distance of 94.14'; Thence, S 28°26'10" E a distance of 81.66'; Thence, S 18°12'09" E a distance of 82.74'; Thence, S 03°52'54" E a distance of 40.35'; Thence, S 32°39'45" W a distance of 43.31'; Thence, S 38°15'38" W a distance of 85.52'; Thence, S 07°02'17" E a distance of 39.52'; Thence, S 22°09'25" E a distance of 171.18'; Thence, S 23°42'09" E a distance of 143.23'; Thence, S 59°29'13" W a distance of 190.05'; Thence, S 48°29'16" W a distance of 90.03'; Thence, N 41°30'44" W a distance of 120.00'; Thence, N 47°05'42" W a distance of 474.25'; Thence, S 36°34'56" W a distance of 294.70'; Thence, S 16°34'56" W a distance of 396.77'; Thence, S 28°52'52" E a distance of 668.27'; Thence, N 76°13'08" W a distance of 595.30'; Thence, S 44°50'39" W a distance of 908.53'; Thence, S 01°44'15" E a distance of 270.17'; Thence, S 88°52'41" W a distance of 417.88'; Thence, S 22°55'15" W a distance of 644.76'; Thence, S 18°17'43" W a distance of 521.03'; Thence, S 31°18'22" W a distance of 1008.33'; Thence, N 42°17'24" W a distance of 1011.77'; Thence, S 67°13'32" W a distance of 340.76'; Thence, N 88°34'32" W a distance of 414.98'; Thence, S 16°31'20" W a distance of 1614.80'; Thence, leaving the City of Pikeville existing corporate boundary line and running down the hill into Big Shoal N 14°08'55" W a distance of 1243.89' to a point on the City of Pikeville existing corporate boundary line, Ordinance #0-0006-015.; Thence, with the city of Pikeville existing Boundary line N 50°50'18" E a distance of 109.78'; Thence, N 01°55'31" W a distance of 443.88'; Thence, N 27°55'13" W a distance of 238.43'; Thence, N

18°21'17" W a distance of 321.60'; Thence, N 36°07'37" W a distance of 291.07'; Thence, N 15°16'16" W a distance of 237.48'; Thence, N 15°58'03" E a distance of 110.88'; Thence, N 57°42'13" E a distance of 79.79'; Thence, N 87°37'43" E a distance of 266.52'; Thence, N 03°04'55" E a distance of 395.15'; Thence, N 16°39'14" W a distance of 170.50'; Thence, N 51°47'03" E a distance of 220.03'; Thence, N 13°37'37" E a distance of 389.51'; Thence, N 00°10'29" E a distance of 217.63'; Thence, N 33°29'53" E a distance of 381.19'; Thence, S 84°48'47" W a distance of 301.81'; Thence, N 00°36'14" W a distance of 370.32'; Thence, N 41°47'54" E a distance of 375.42'; Thence, N 68°31'37" E a distance of 309.09'; Thence, N 00°25'19" W a distance of 295.93'; Thence, N 07°00'07" W a distance of 232.38'; Thence, S 54°43'41" E a distance of 927.59' to a point on the City of Pikeville existing corporate boundary line, Ordinance #2001-011; Thence, continuing with the City of Pikeville corporate boundary line S 12°46'56" W a distance of 432.69'; Thence, S 05°25'13" E a distance of 565.56'; Thence, N 80°12'42" E a distance of 979.78'; Thence, N 49°40'10" E a distance of 690.84'; Thence, S 87°08'28" E a distance of 351.53'; Thence, N 60°02'53" E a distance of 263.39'; Thence, N 35°34'13" E a distance of 528.12'; Thence, N 40°56'55" W a distance of 174.11'; Thence, N 77°12'25" W a distance of 589.93'; Thence, N 34°04'42" E a distance of 179.11'; Thence, N 30°09'16" E a distance of 210.32'; Thence, leaving the City of Pikeville corporate boundary line N 74°21'28" E a distance of 475.55'; Thence, S 87°25'08" E a distance of 331.82'; Thence, N 62°54'59" E a distance of 181.45'; Thence, N 87°59'52" E a distance of 335.59'; Thence, N 66°19'43" E a distance of 292.37'; Thence, N 16°01'23" E a distance of 263.79'; Thence, N 01°09'44" E a distance of 738.02' to a point on the City of Pikeville corporate Boundary line, Ordinance #110.13; Thence, with the City of Pikeville corporate boundary line S 70°31'34" E a distance of 29.88'; Thence, S 66°57'42" E a distance of 137.13'; to the point of beginning and containing 350.21 acres more or less.

Steven E. Haywood, PLS #2661

Date: 2/03/2009

A map of the property in which the City of Pikeville is now annexing was prepared by Summit Engineering, Inc. entitled "City of Pikeville, Map Showing Proposed Annexation of Lykins Branch, Pikeville, KY"-- dated 02/03/09 is on file in the office of the city clerk and may be viewed during regular office hours.

BE IT FURTHER ORDAINED that after the reading, enactment and publication as required by law the Pikeville City Commission through its authority hereby annexes the territory as described above.

This ordinance shall be in full force and effect after it is passed and published as required by law.

The above ordinance was given a first reading this 8th day of June, 2009. This ordinance was given a second reading on the 22nd day of June, 2009.

Passed this 22nd day of June, 2009.

Commissioner Chaney moved for the adoption of the foregoing ordinance.

Commissioner Carter seconded the motion.

June 22, 2009 Regular Meeting

4. **Consider 2nd reading of an Ordinance 0 2009 019 naming 2 un-named city streets Earlene Lane and Shoal Road. Commissioner Davis made the motion to approve. Commissioner Carter seconded the motion. Mayor Justice called discussion there being none the Mayor asked for a roll call. Commissioner Layne abstained. Ordinance was adopted. 5-0 Yes**

AN ORDINANCE NAMING UNAMED STREETS
OFF BOB AMOS DRIVE RUNNING THROUGH THE RV PARK
BY THE NAME OF "EARLENE LANE" & OFF OF BILLUPS DRIVE
BY THE NAME OF "SHOAL ROAD"

ORDINANCE NO. 0-2009-019

BE IT ORDAINED BY THE CITY OF PIKEVILLE that the unnamed street leading off of Bob Amos Drive running through the city RV Park starting at 82o-54' 18"W by 37o-47'-9" to be named "EARLENE LANE" & the unnamed street leading off of Billups Drive starting at 82o-34'-22"W by 37o-31'-7"N to be named "Shoal Road".

That this ordinance shall be in full force after it is passed and published as required by law. The above ordinance was given first reading this 8th day of June, 2009. At Pikeville, Kentucky, this ordinance was given a second reading on the 22nd day of June, 2009.

Passed this 22nd day of June, 2009.

Commissioner Davis moved the adoption of the foregoing Ordinance.

Commissioner Carter seconded the motion.

5. **Consider 1st reading of an Ordinance enacting and adopting a supplement to the code of ordinances of the City of Pikeville, KY. City Attorney Russell Davis read the ordinance aloud. No further action was required at this time. The 2nd reading and adoption is schedule for the July 13th 2009 regular meeting.**

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

1. **Consider payment of invoices for Buckley Creek Sewer Project for engineering and Inspection fees. Engineering fees to Kenvirons in the amount of \$20,000.00 and Inspection Fees in the amount of \$15,000.00 to Utility Management Group, LLC. Commissioner Chaney made the motion to approve. Commissioner Carter seconded the motion. Mayor Justice called for discussion, there being none the motion passed unanimously. 5-0**
2. **Consider approval for a change order as submitted for Buckley Creek Sewer Project in the amount of \$5,315.00 decrease. Commissioner Carter made the motion to approve. Commissioner Chaney seconded the motion. Mayor Justice called for comments, there being none the motion passed unanimously. 5-0**

3. Consider request to purchase pumps for the Buckley Creek Sewer Project in the amount of \$9,3770.00. Commissioner Chaney made the motion to approve. Commissioner Davis seconded the motion. Mayor Justice called for discussion, there being none the motion passed unanimously. 5-0
4. Consider final pay request #3 for Buckley Creek Sewer Project to Atkins Excavating, Inc. in the amount of \$70,413.15. Commissioner Chaney made the motion to approve payment. Commissioner Carter seconded the motion. Mayor Justice called for further discussion, there being none the motion passed unanimously. 5-0
5. Consider request to award the bid on a new dump truck from Martins Pete built in the amount of \$87,000.00. This is a capital budget item for the 2008-2009 fiscal year budget stated the city manager. Commissioner Carter made the motion to approve. Commissioner Layne seconded the motion. Mayor Justice called for further comments, there being none the motion passed unanimously. 5-0
6. Consider request to award the bid for purchase of 4 police cars. City Clerk stated no bids were received. Mayor withdrew motion. City Manager stated that since no bids were received they could accept state contract price or work out a fair price with dealer. Commissioner Carter made the motion to withdraw request. Commissioner Layne seconded the motion. Motion was withdrawn.
7. Consider request to award the bid for the new pick up truck for the parks department to Bruce Walters Ford for a F250 in the amount of \$24,328.57. Capitol Budget Item for the 208-2009 fiscal year budget. Commissioner Chaney made the motion to approve. Commissioner Layne seconded the motion. Mayor Justice called for comments, there being none the motion passed unanimously. Commissioner Carter & Commissioner Davis Abstained. 3-0
8. Consider request to adopt and amend the City Personnel Policy for Chapters 2.1 and 2.10 as submitted and dated 6-22-09. Commissioner Carter made the motion to approve and adopts the amended policy. Commissioner Chaney seconded the motion. Mayor Justice called for comments, there being none the motion passed unanimously. 5-0
9. Consider request to accept resignation letter from Shawn Amos. Commissioner Carter made the motion to accept. Commissioner Davis seconded the motion. Mayor Justice called for comments. City Manager Donovan Blackburn stated Mr. Amos had submitted his resignation letter due to personal reasons. Commissioner Chaney commented that Mr. Amos was a fine young man and he served the City well. Mayor Justice echoed the comments and called for further discussion, there being none the motion passed unanimously. 5-0
10. Consider request to apply for the JAG Grant in the amount of \$12,602.00 which requires no City match of funds for the purpose of purchasing on board video camera for police cars and to authorize the mayor to sign all necessary paperwork to apply for grant.

- Commissioner Davis made the motion to approve. Commissioner Chaney seconded the motion. Mayor Justice called for comments, there being none the motion passed unanimously. 5-0
11. Consider request to apply for a Bulletproof Vest Grant for the Police Department in the amount of \$8,500.00 to purchase 17 vests @ \$500.00 each. Grant application requires 50% match funding from the City. Request mayor to sign all necessary paperwork. Commissioner Chaney made the motion to approve. Commissioner Carter seconded the motion. Mayor Justice called for comments, there being none the motion passed unanimously. 5-0
 12. Consider request to adopt a Resolution approving the execution of a Municipal Aid Coop Program Contract between the KY Transportation Cabinet for the fiscal year beginning July 1, 2009 and to authorize the mayor to sign and execute resolution and contract as presented. Commissioner Chaney made the motion to approve. Commissioner Davis seconded the motion. Mayor Justice called for further discussion, there being none the motion passed unanimously. 5-0
 13. Consider request for closed session for discussion of personnel, legal and economic development issues. Commissioner Carter made the motion to adjourn. Commissioner Chaney seconded the motion to adjourn. Mayor called for adjournment. 5-0
 14. Commissioner Chaney made the motion to re convene. Commissioner Carter seconded the motion. Mayor Justice called for discussion, there being none the motion passed unanimously. 5-0 Mayor called the session into order.
 15. City Manager presented a request by the Division of Mines Department for an emergency Municipal Consent for Right of Way entrance across the Bob Amos Trail Access Road to reclaim the landslide project no. KY 09-085 for Shawne Wells. Commissioner Davis made the motion to approve. Commissioner Chaney seconded the motion. Mayor called for comments. City Manager stated the property was located on Cedar Hills Drive map number: 050 60 00 003.00 at the Pike County PVA office. Mayor Justice called for further comments, there being none the motion passed unanimously. 5-0
 16. City Manager submitted contract to re assign the Thompson Road Property house to Hensley Development as agent. Commissioner Layne made the motion to approve. Commissioner Carter seconded the motion. Mayor Justice called for comments, there being none the motion passed unanimously. 5-0

There being no further business to come before the Commission, Commissioner Davis made the motion to adjourn the meeting. Commissioner Chaney 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 July 13, 2009 at 6:00 p.m.

APPROVED:

FRANKLIN D. JUSTICE, II, MAYOR

ATTESTED:

REBECCA HAMILTON, CITY CLERK