

CITY OF PIKEVILLE

CITY OF PIKEVILLE
BOARD OF COMMISSIONERS
REGULAR MEETING MINUTES
January 25, 2010 at 6:00 PM

The Board of Commissioners for the City of Pikeville met in regular session on Monday, January 25, 2010. The meeting was held in the City Hall Public Meeting Room located at 118 College Street, Pikeville, Kentucky.

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

COMMISSIONER: JIMMY CARTER
 BARRY CHANEY
 DALLAS LAYNE ABSENT
 EUGENE DAVIS

MAYOR: FRANKLIN D. JUSTICE, II

The minutes for the previous special meeting held on January 11, 2010 were in each commission member's agenda package. After review and no other additions or corrections, Commissioner Chaney made the motion to approve the minutes as prepared. Commissioner Davis seconded the motion. Mayor Justice called for discussion, there being none the Mayor called for the vote. The motion carried unanimously. 4-0.

A list of City Bills totaling \$225,094.22 was presented to the Commission for approval of payment. Commissioner Davis made the motion to approve. Commissioner Chaney seconded the motion. Mayor Justice called for discussion, there being none the Mayor called for the vote. The motion carried unanimously. 4-0.

Nikki Meade from Big Sandy Area Development District was present but had no updates for the commission.

BUSINESS FROM FLOOR:

Phillip and Margaret Johnson from Marions Branch was present. Mayor Justice open the floor for business. Mr. Johnson had several questions related to the letter for the tap fee and service for the sewer project. Mayor Justice directed City Manager Donovan Blackburn to reply on the project. Mr. Johnson asked how far up Marions Branch would the sewer service line extend. City Manager stated that City Engineer Jack Sykes was not present and he had no maps available during the meeting to answer. Mr. Blackburn asked Mr. Johnson to contact him tomorrow and he would have that information for him. Mr. Johnson replied ok. Mr. Johnson would the person occupying a rental be responsible for the service bill. Mr. Blackburn; Yes. Mr. Johnson asked how long until the fee tap be waived. Mr. Blackburn stated the project would go to bid in March and service would be available around the first of April. Fee tap waiver is per the letter. Mr. Johnson asked if

the system had to be inspected. Mr. Blackburn stated yes. Commissioner Carter asked if this was for all residents. City Manager answered no, 310 customers currently. Mayor asked if the sign up is free and clear. City Manger stated \$2500.00 tap fee waived and the home owner would have to bring grinder into home. City Manager stated power is responsibility of resident. Mr. Johnson asked if the City would be maintaining the line. City Manger answered yes. City Manger asked if Mr. Johnson had anymore questions. Mr. Johnson stated no, you have helped a lot.

FIRE DEPARTMENT:

Fire Chief Ronald Conn was present. Mr. Conn reported the department had been servicing the equipment and working to maintain the Pikeville Pond. Introduced the new firefighter/emts: Nick Potter from Dorton area, Brent Tackett from Toler Creek, Brent Tackett from Shelby Valley and Chief Conn also mentioned Kevin Fox who was unable to attend. Chief Conn reported all had passed the required physical agility and required employment testing.

CITY ATTORNEY:

- 1. City Attorney Rusty Davis read into record the 2nd reading of Ordinance No. 0 2010-02. Commissioner Carter made the motion to adopt. Commissioner Chaney seconded the motion. Mayor Justice called for comments, there being none motion passed unanimously. Roll Call 4-0.**

**ORDINANCE CLOSING A PORTION OF POPULAR
STREET ADJACENT TO PIKEVILLE COLLEGE
ORDINANCE NO. 0-2010-02**

WHEREAS, Pikeville College has requested that the City of Pikeville closed a portion of Popular Street, which extends through their Campus and property; and

WHEREAS, the City of Pikeville has identified all of the property owners in or abutting the public way or portion thereof to be closed.

WHEREAS, Pikeville College is the sole owners of all of the property in or abutting that portion of Popular Street which is to be closed.

WHEREAS, written notice of the proposed closing was given to the property owner Pikeville College; and

WHEREAS, the sole property owner, Pikeville College, abutting the public way or a portion thereof being closed have given its written notarized consent to the closing, a copy of said consent being attached hereto,

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF PIKEVILLE that the following described tract or parcel of property being a public way within the City of Pikeville, Kentucky, is hereby closed without further action.

The public way to be closed by virtue of this ordinance is that portion of Popular that is adjacent to the new elevator added to Spilman Hall. A map depicting that portion of Popular Street to be closed hereby dated Januray 11, 2010 and

CITY OF PIKEVILLE

prepared by Summit Engineering is attached hereto and marked as Exhibit A for identification. The remaining portion of Popular Street shall remain open and shall become a dead end street at the portion of said street close hereby.

The above ordinance was given first reading this 11th day of January, 2010, the ordinance was given a second reading on the 25th day of January, 2010.

Passed this 25th day of January, 2010.

Commissioner Carter moved for the adoption of the foregoing ordinance.

Commissioner Chaney seconded the Motion.

Upon roll call, the votes were as follows:

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

The Mayor declared the within ordinance adopted.

FRANKLIN D. JUSTICE. II MAYOR

ATTEST:

REBECCA HAMILTON, CITY CLERK

2. City Attorney Rusty Davis read into record an emergency ordinance amending Chapter 54 Utility Rules and Regulations creating a new utility agreement document and requested the commission to adopt. Commissioner Carter made the motion to adopt. Commissioner Chaney seconded the motion. Mayor Justice called for further comments, there being none he asked for roll call 4-0. Ordinance was adopted.

**AN ORDINACE AMENDING CHAPTER 54
TO AMEND UTILITY RULES AND REGULATIONS
CREATING A AGREEMENT FOR SERVICES**

ORDINANCE NO. 0-2010-001

WHEREAS, certain additional information has come to the attention of the City which necessitates the amendment of Chapter 54 in order for to comply to regulations for various grants for the Marion Branch Sewer Project.

An emergency is declared to exist with regard to the adoption of the ordinance. Said emergency being that the City of Pikeville is on a time deadline to adopt required utility agreement to in order to be awarded Rural

CITY OF PIKEVILLE

Development grant to the City of Pikeville for the purpose of constructing a sewer line project on Island Creek leading to Marion Branch Development . Failure to comply may result in the loss of said grant funds.

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

SERVICE AGREEMENT

§ 54.06 UTILITY SERVICE AGREEMENT

All person's or businesses requesting gas, water or sewer service will be required to fill out, sign and execute the agreement under this section.

CITY OF PIKEVILLE, KY
UTILITY SERVICE AGREEMENT CONCERNING
GAS, WATER & SEWER SYSTEM FOR CUSTOMER

This Agreement Concerning Water and or Sewer System for Customer Service is entered into by and between The City of Pikeville (the "CITY") and _____ ("CUSTOMER") for sanitary sewer service to the property located at _____ ("Property").

Please Check The Box That Applies:

"WATER"

"SEWER"

"GAS"

WHEREAS, the CITY owns, operates and maintains a natural gas, water and sanitary sewer system from which CUSTOMER desires to obtain sewer service; and

WHEREAS, for sewer customers the elevation and/or slope of the Property in relation to the location of the City's sanitary sewer system requires the installation of a either a gravity system or pressure sewer system commonly known as a grinder pump system ("Grinder Pump") in order to transport CUSTOMER'S sewage to the CITY'S sanitary sewer system; and

WHEREAS, the CITY'S gas, water and or sanitary system is regulated by the "rules and regulations" set forth by the City's Code of Ordinance under Chapter 54; and

WHEREAS, the CITY only allows gas, water or sewer service to a CUSTOMER property through the terms and conditions set forth by the execution of this agreement; and

WHEREAS, the CUSTOMER does desires to connect to the CITY'S gas, water and or sanitary sewer system to receive water and or sewer service from the CITY;

NOW, THEREFORE, in consideration of the mutual promises and covenants contained herein, the CITY and CUSTOMER agree as follows:

1. As a condition to initiation and continuation of water and or sanitary sewer service to CUSTOMER by the CITY:
 - a. The CUSTOMER agrees to grant to the CITY, its successors and assigns, a perpetual easement in, over, through, under and upon the above described land, with the right to erect, construct, install and lay and thereafter use, operate, inspect, repair, maintain, replace, and remove gas, water or sewer lines and appurtenant facilities, together with the right to utilize adjoining lands belonging to the user for the purpose of ingress to egress from the above described lands.
 - b. For Sewer Service the CITY shall be responsible for the maintenance of that portion of the service lateral installed by the CITY and the CUSTOMER shall be responsible for the maintenance of that portion thereof installed by the consumer on gravity systems. On pressurized system, the customer shall be responsible for that portion of sewer lateral beyond the grinder station. The CITY shall be responsible for the maintenance and replacement of all grinder pump equipment used in connection with its pressurized sewer system with the exception of malfunctions caused by abuse on the part of the customer, including, but not limited to, subjecting the system to excessive amounts of grease or the disposal of improper or foreign items.
 - c. The CUSTOMER hereby agrees to connect to the water and or sewer system of the CITY. The top-on fee of the sewer system is \$ _____. A State inspection fee payable to the Kentucky State Treasure of \$ _____ will be charged (residential) at the time of connection (all businesses must obtain permits at the Pike County Health Department).
 - d. The CUSTOMER agrees to comply with and is bound to and by the CITY'S Utility Rules and Regulations as listed and adopted by the Pikeville City Commission under Chapter 54 of the City's Code of Ordinances.

CITY OF PIKEVILLE

- e. The CITY shall have final authority on any questions of location of any service line connection to its gas, water and or sewer system, and may shut off services to a user who allows a connection or extension to be made to such sewer lines for the purpose of supplying water and or sewer service to another user.
 - f. For sewer systems the CUSTOMER agrees that the CITY shall have the right to stop any discharges from the Grinder Pump in order to prevent contamination of state waters.
 - g. For sewer system the Customer agrees that the CITY and its representatives shall have the right to enter the CUSTOMER'S property to operate, maintain and repair water systems, gravity systems or Grinder Pump systems on behalf of the CUSTOMER, as well as to stop discharge from the Grinder Pump in order to prevent contamination of waterways.
 - 2. The CITY and CUSTOMER agree that the Grinder Pump shall be regarded as an integral component of the CITY'S sanitary sewer system and not as a part of the home plumbing for the Property.
 - 3. The CUSTOMER agrees to pay all fees and charges as set forth by the CITY as outlined in the CITY'S Rate Ordinance and Rules and Regulations and understands the CITY'S rates and or Rules and Regulations may be amended from time to time.
 - 4. The CUSTOMER acknowledges and agrees that failure of CUSTOMER to pay all costs associated with the operation and maintenance of the Grinder Pump as set forth in this agreement or the CITY'S Rates and Rules and Regulations or failure of CUSTOMER to allow the CITY and its representatives to enter CUSTOMER'S property, as set forth in Section 1.g. above, shall be grounds for the disconnection of gas, water and wastewater service to the Property.
 - 5. This Agreement shall be performable in Pike County, Kentucky, which county shall be the exclusive place for venue for any disputes arising under the Agreement.
 - 6. Any amendments to this Agreement must be in writing and signed by both the CITY and the CUSTOMER.
 - 7. This Agreement is not assignable by CUSTOMER. Upon termination of service to the Property, any new customer desiring to receive gas, water and/or wastewater service from the CITY shall be required to execute their own service agreement.
 - 8. CUSTOMER AGREES TO INDEMNIFY AND HOLD HARMLESS THE CITY, ITS OFFICERS, DIRECTORS, EMPLOYEES OR REPRESENTATIVES FROM ANY CLAIMS OR DAMAGES ASSOCIATED WITH OR ARISING FROM DESIGN, OPERATION OR MAINTENANCE OF THE GRINDER PUMP.
 - 9. For sewer grinder systems he Grinder Pump will be powered by CUSTOMER'S home electrical system. In the event that power service to the Grinder Pump is disrupted, CUSTOMER shall be responsible for taking measures to prevent the backup of wastewater on the Property. All connection shall comply with the state electric code at uses cost.
 - 10. By signing this agreement CUSTOMER agrees that all information given below is accurate and true and understands any false information given may result in disconnection of service and any balance from the CUSTOMER on a previous account must be paid in full before new service can be connected.
- CUSTOMER SIGNATURE:

_____ Date Executed

APPLICATION INFORMATION REQUIRED

Name: _____ Spouse _____
 Last First Middle Last First Middle
 S.S.# _____ S.S.#: _____

Drivers License #: _____ Drivers License #: _____

Employer: _____ Employer: _____

Work Phone: _____ Work Phone: _____

Mailing Address: _____

Home Phone: _____ Cell Phone: _____

Service Address: _____

Rent? _____ Own? _____

Landlord's Name? _____ Address? _____

<u>For Official Use ONLY</u>			
Account Number: _____			
If deposit or service charge is required list the amount:			\$
For which account:	Water	Gas	

CITY OF PIKEVILLE

Passed this 25th day of January, 2010.

Commissioner Carter moved the adoption of the foregoing ordinance.

Commissioner Chaney seconded the motion.

Upon roll call, the votes were as follows:

	<u>YES</u>	<u>NO</u>
FRANKLIN D. JUSTICE, II MAYOR	_X_	___
JAMES A. CARTER, COMMISSIONER	_X_	___
EUGENE W. DAVIS, COMMISSIONER	_X_	___
DALLAS LAYNE, COMMISSIONER	___	___ ABSENT
BARRY N. CHANEY, COMMISSIONER	_X_	___

The Mayor declared the within Ordinance adopted.

/s/ Frank Justice
FRANKLIN D. JUSTICE, II, MAYOR

ATTEST:

/s/ Rebecca Hamilton
REBECCA HAMILTON, CITY CLERK

CITY MANAGER:

City Manager Donovan Blackburn presented the following items to the commission for approval.

1. Consider request to promote Sandy Walters to the position of accounting clerk and authorize pay to be set based on city pay chart with time of service with city. Commissioner Carter made the motion to approve. Commissioner Chaney seconded the motion. Mayor Justice called for comments, there being none the motion passed unanimously. 4-0.
2. Consider request to authorize application for the 2010 Kentucky Crumb Rubber Grant Application for soccer field surfacing. The grant is in the amount of \$31,125.00 and the grant requires a match of 25%. Request also to approve City of Pikeville match for \$10,375.00 and authorize the Mayor to sign any necessary paperwork for said grant. Commissioner Chaney made the motion to approve. Commissioner Davis seconded the motion. Mayor Justice called for comments, there being none the motion passed unanimously. 4-0.
3. Consider request to authorize application for the Wal Mart Grant Application in the amount of \$2,000.00 for outdoor recreational rental equipment for the Bob Amos Park location. Commissioner Chaney made the motion to approve. Commissioner Carter seconded the motion. Mayor Justice called for comments there being none the motion passed unanimously. 4-0.
4. Consider request to adopt the amended job description for the position of Director of City Events and Firefighter/EMT/Project Manager. Commissioner Carter made the motion to approve. Commissioner Chaney seconded the motion. Mayor Justice called for comments, there being none the motion passed unanimously. 4-0.
5. Consider request to adopt amended pay chart as submitted. Commissioner Carter made the motion to approve. Commissioner Chaney seconded the motion. Mayor called for discussion, there being none the motion passed unanimously. 4-0.

6. Consider request to adopt a resolution waving sewer tap fees for the Marion Branch Sewer project as allowed by chapter 55, section 04 of the city code of ordinance. City Manager Donovan Blackburn read the resolution into record. Commissioner Chaney to approve. Commissioner Charter seconded the motion. Mayor Justice called for comments, there being none the motion passed unanimously. 4-0.

City Manager, Donovan Blackburn requested closed session to discuss legal, economic development and personnel issues. Commissioner Davis made the motion to approve. Commissioner Carter seconded. Mayor Justice called for discussion, there being none motion passed. 4-0.

Commissioner Carter made the motion to reconvene the meeting into regular session. Commissioner Davis seconded the motion. Mayor Justice called for discussion, there being none the motion passed. 4-0.

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

The next scheduled Regular Meeting of the City of Pikeville Board of Commissioners is February 8, 2010 at 6:00 p.m.

APPROVED:

FRANKLIN D. JUSTICE, II MAYOR

ATTESTED:

REBECCA HAMILTON, CITY CLERK