

**CITY OF PIKEVILLE  
BOARD OF COMMISSIONERS  
REGULAR MEETING MINUTES  
March 22, 2010 AT 6:00 P.M.**

The Board of Commissioners for the City of Pikeville met in a regular called session on Monday, March 22, 2010. The meeting was held in the City Hall Conference Meeting Room located at 118 College Street, Pikeville, Kentucky.

There being a quorum present, Mayor Frank 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 March 8, 2010 were in each Commission Member's agenda package. There being no additions or corrections, Commissioner Davis made the motion to approve the minutes as prepared. Commissioner Layne seconded the motion. Mayor Frank Justice called for discussion, there being none the motion carried unanimously. 5-0.

**BUSINESS FROM FLOOR**

Mayor Justice called for business from the floor. There being none, the Mayor called for the next item on the agenda.

**PAYMENT OF CITY BILLS**

The City Manager Donovan Blackburn requested the approval to pay city bills in the amount of \$112,552.59. Commissioner Layne made the motion to approve. Commissioner Chaney seconded the motion. Mayor Justice called for further discussion, Commissioner Davis asked if the City had funds to pay. City Manger replied yes. Mayor called for further comments, there being none the motion passed unanimously. 5-0.

**BIG SANDY AREA DEVELOPMENT DISTRICT**

Jeff Sizemore and Nicole Meade were present for the Big Sandy Area Development. Mr. Sizemore addressed the commission in reference to the Marion’s Branch Sewer Project. The Pre Bid Conference has been schedule for this Thursday at 2:00 p.m. Project is on schedule. Mayor called for additional questions or comments, there being none, mayor called for next item on agenda.

**PIKEVILLE FIRE DEPARTMENT**

Mayor Justice called upon the Pikeville Fire Department for update. Fire Chief Ronald Conn was present. Chief Conn announced the department was training in the burn unit which was located at fire station #1. Training is scheduled on March 23, 2010 at 1:00 p.m. if anyone would like to stop by for observation. Mayor Justice asked how long the class was. Mr. Conn replied 10-12 minutes. Mayor Justice asked for further comments or questions, there being none, mayor called for next item.

**CITY ATTORNEY**

City Attorney Rusty Davis was present with several items to be present before the commission.

1. Consider the 2<sup>nd</sup> reading of ordinance 2010 006 amending the City of Pikeville fiscal year 2009-2010 annual operating budget. Commissioner Layne made the motion to adopt the ordinance. Commissioner Carter seconded the motion. Mayor Justice called comments or questions, there being none, ROLL CALL. Ordinance Adopted: 5-0.

**ORDINANCE AMENDING THE FISCAL BUDGET FOR THE 2009-2010 FISCAL YEAR**

**ORDINANCE NO. 0-2010-006**

**WHEREAS**, certain additional information has come to the attention of the Finance Department which necessitates the amendment of the 2009-2010 fiscal year budget to reflect certain increases and decreases to revenues and expenditures. **NOW, THEREFORE** be it ordained by the City of Pikeville that the fiscal budget for the 2009-2010 fiscal year is hereby amended to reflect an increase and or decrease of revenues and /or expenditures as reflected in the attached exhibit entitled “Budget Amendments”.

The above ordinance was give first reading on March 8, 2010.

The ordinance was given second reading on March 22, 2010. The ordinance shall be in full force and effect immediately after it is passed and published as required by law.

**Passed**, this 22<sup>nd</sup> day of March, 2010.

Commissioner Layne moved the adoption of the foregoing ordinance. Commissioner Carter 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	_X_	___
BARRY N. CHANEY, COMMISSIONER	_X_	___

The Mayor declared the within Ordinance adopted.

FRANKLIN D. JUSTICE, II, MAYOR

ATTEST:

REBECCA HAMILTON, CITY CLERK

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- 2. Consider the 2<sup>nd</sup> reading of ordinance 2010 005 amending Chapter 52. Commissioner Layne made the motion to adopt the ordinance. Commissioner Chaney seconded the motion. Mayor Justice called comments or questions, there being none, ROLL CALL. Ordinance Adopted: 5-0.**

ORDINANCE AMENDING SECTIONS 52.03, 52.04 AND 52.05 SO TO PROHIBIT CITY WATER CUSTOMERS THAT HAVE PUBLIC SANITARY SEWER SERVICE AVAILABLE WITHIN 100 FEET OF THEIR PROPERTY LINE FROM MAINTAINING SEPTIC TANK OR OTHER DISPOSAL SYSTEM FOR WASTEWATER TREATMENT AND PROVIDING FOR DISCONNECT FROM CITY WATER SOURCE FOR FAILURE TO COMPLY WITH REQUIREMENT TO USE PUBLIC SANITARY SEWER SERVICE.

ORDINANCE: 0 2010 05

WHEREAS, the use of public sanitary sewer service is preferable to the use of a privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of wastewater;  
 WHEREAS, the discharge of improperly treated wastewater is a health hazard and harmful to the environment;  
 WHEREAS, both the City of Pikeville and Pike County have heretofore adopted ordinances prohibiting the use of privies, septic tanks and other facilities intended or used for the disposal of wastewater where public sanitary sewer service is available;  
 WHEREAS, the City has water customers outside of the City of Pikeville who have or will have available to them public sanitary sewer service and the City desires to require that these water customers be required to treat it wastewater by-product of the City's water with public sanitary sewer service where available;  
 NOW THEREFORE, Be it ordained by the City of Pikeville that sections 52.03, 52.04 and 52.05 of the Code of City Ordinances be amended as follows:

§ 52.03 DISCHARGING INTO NATURAL OUTLETS.

It shall be unlawful to discharge to any natural outlet within the city, or in any area under the jurisdiction of the city, or in any area outside of the City which is served by City of Pikeville water where public sanitary sewer service is available, as defined in § 52.05, any wastewater or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this chapter. No provisions of this chapter shall be construed to relieve the owner of a discharge to any natural outlet of the responsibility for complying with applicable state and federal regulations governing those discharges.

§ 52.04 PRIVIES, SEPTIC TANKS, AND OTHER FACILITIES.

It shall be unlawful within the city or in any area outside of the City which is served by City of Pikeville water to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of wastewater where public sanitary sewer service is available, as defined in § 52.05.

§ 52.05 SUITABLE TOILET FACILITIES.

The owners of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes, situated within the city or in any area outside of the City which is served by City of Pikeville water where public sanitary sewer service is available, as defined in § 52.05 and abutting on any street, alley, or right-of-way in which there is now located or may be in the future be located a public sanitary or combined sewer of the city, are required at the owners' expense to install suitable toilet facilities therein, and to connect those facilities directly with the proper public sewer in accordance with the provisions of this chapter, within ninety (90) days after date of official notice to do so, provided that the public sewer is within one hundred (100) feet of the property line. Failure to comply with the requirement to connect to a public sewer will result in disconnection of water services from a house, building or property as provided in § 52.88.

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 March 2010. This ordinance was given a second reading on the 22nd day of March, 2010.

Passed this 22<sup>nd</sup> day of March, 2010.  
Commissioner Layne moved for 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>
FRANK JUSTICE, II MAYOR	_x_	_____
GENE DAVIS, COMMISSIONER	_x_	_____
DALLAS LAYNE, COMMISSIONER	_x_	_____
JIMMY CARTER, COMMISSIONER	_x_	_____
BARRY CHANEY, COMMISSIONER	_x_	_____

The Mayor declared the within ordinance adopted.

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FRANK JUSTICE, II, MAYOR

ATTESTED:

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REBECCA HAMILTON, CITY CLERK

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- 3. **Rusty Davis read into record the 1<sup>st</sup> reading of ordinance 2010 007 naming a un named street “Jeannie Stone Drive”. The second reading will be at the next scheduled meeting.**
- 4. **Rusty Davis read into record the 1<sup>st</sup> reading of ordinance 2010 008 amending Chapter 54 Utility Rules and Regulations. The next reading will be at the next scheduled meeting.**

**CITY MANAGER**

**City Manager Donovan Blackburn presented the commission with the following items for approval:**

- 1. **Consider request to award the bid for the City Police Cars to Bruce Walters Ford. Only one bid was received in the amount of \$26,847.91 each. Motion also is to authorize the City Manager Donovan Blackburn to sign all necessary paperwork to purchase and tag the vehicles. Commissioner Chaney made the motion to approve. Commissioner Layne seconded the motion. Mayor Justice called for roll call. Commissioner Jimmy Carter abstained. Commissioner Gene Davis abstained. Mayor called for further comments, there being none the motion passed unanimously. 3-0.**
- 2. **Consider request to award the bid for the City Police Truck to Bruce Walters Ford. Only one bid was received in the amount of \$23,920.64. Motion also is to authorize the City Manager Donovan Blackburn to sign all necessary paperwork to purchase and tag the vehicle. Commissioner Chaney made the motion to approve. Commissioner Layne seconded the motion. Mayor Justice called for roll call. Commissioner Jimmy Carter abstained.**

- Commissioner Gene Davis abstained. Mayor called for further comments, there being none the motion passed unanimously. 3-0.
3. Consider request to award cardboard bailer to Central Kentucky Fiber Resources LCC in the amount of \$15,500.00. Commissioner Chaney made the motion to approve. Commissioner Layne seconded the motion. Mayor Justice asked if the bailer would be for boxes picked up at local businesses. Greg May, UMG replied Yes the route would be planned once all equipment was purchased and in working order. Mayor Justice called for further comments, there being none the motion passed. 5-0.
  4. Consider request to adopt a Proclamation naming April 11-17, 2010 as National Public Safety Telecommunications Week and authorize the Mayor to sign the proclamation. Commissioner Layne made the motion to approve. Commissioner Carter seconded the motion. Mayor called for comments, there being none the motion passed unanimously. 5-0.
  5. Request to reclassify Beverly Epling to Administrative Desk Clerk for Tax Department and to hire Tabatha Adkins as Administrative Desk Clerk for the Garfield Community Center at the city pay chart rate and contingent upon passing all pre employment testing. Commissioner Layne made the motion to approve. Commissioner Chaney seconded the motion. Mayor Justice called for comments, there being none the motion passed unanimously. 5-0.
  6. Consider a request to re hire Janet Newsome to the position of custodian upon passing all required pre employment testing. Commissioner Carter made the motion to approve. Commissioner Chaney seconded the motion. Mayor Justice called for comments, there being none motion passed unanimously. 5-0.
  7. Consider a request to adopt a proclamation honoring the Shelby Valley Wildcats as the 2010 Boys Basketball State Champs. Mayor Justice read the proclamation into record. Commissioner Carter made the motion to adopt. Commissioner Chaney seconded the motion. Mayor Justice called for comments. City Manager Donovan Blackburn stated the County Judge and the City has invited the Wildcats to be Co-Grand Marshals at the Hillbilly Day Parade this year. Mayor Justice added that the coach was teaching the boys about life and what a great job. Commissioner Layne commended the Wildcats and agreed with the mayor whole heartily. Mayor Justice called for further comments, there being none motion passed unanimously. 5-0.
  8. City Manager requested an item to be added for consideration. Requested the commission to approve the Pike TV agreement and adopt a resolution for a joint board. Commissioner Carter made the motion to approve. Commissioner Layne seconded the motion. Mayor called for comments, there being none the motion passed unanimously. 5-0.
  9. Consider request to bid the base ball locker room. Commissioner Davis made the motion to approve. Commissioner Layne seconded the motion. Mayor Justice called for comments. City Manager stated that the Pikeville

- Independent School would be funding the project. Mayor Justice called for further comments, there being none motion passed unanimously. 5-0.
10. Consider request for closed session for discussion of economic development, legal and personnel issues. Commissioner Davis made the motion. Commissioner Layne seconded the motion. Mayor Justice called for discussion, there being none the motion passed unanimously. 5-0.
  11. Commissioner Carter made the motion to re convene. Commissioner Chaney seconded the motion. Mayor Justice called for discussion, there being none the motion passed unanimously. 5-0. Mayor called the session back into order.
  12. There being no further business to come before the Commission, Commissioner Carter has made the motion to adjourn the meeting. Commissioner Layne seconded the motion. Mayor Justice called for discussion, there being none the meeting was adjourned. 5-0

**CONSENT ITEMS:**

Press conference scheduled for the Hatfield McCoy River Rats on April 1, 2010 at 10 a.m. at the Bob Amos Park for the Opening of the rental services for Kayaking, Paddle Boats and other services at Shelter #2.

The next scheduled Regular Meeting of the City of Pikeville Board of Commissioners is April 12, 2010 at 6:00 p.m.

**APPROVED:**

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**FRANKLIN D. JUSTICE, II, MAYOR**

**ATTESTED:**

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**REBECCA HAMILTON, CITY CLERK**