

**CITY OF PIKEVILLE
BOARD OF COMMISSIONERS
REGULAR MEETING MINUTES
July 12, 2010 AT 6:00 P.M.**

The Board of Commissioners for the City of Pikeville met in a regular called session on Monday, July 12, 2010. 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 Gene Davis called the meeting to order at 6:00 p.m. Commission Members present at roll call were as follows:

COMMISSIONER:	GENE DAVIS	
	BARRY CHANEY	
	DALLAS LAYNE	
	JIMMY CARTER	Absent
MAYOR:	FRANKLIN D. JUSTICE, II	Absent

MINUTES

The minutes for the previous regular meeting held on June 28, 2010 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 Layne seconded the motion. Pro Team Mayor Gene Davis called for discussion, there being none the motion carried unanimously. 3-0.

BUSINESS FROM THE FLOOR

Pro Team Mayor Gene Davis called for business from the floor. There being none, Mr. Davis 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 \$433,917.95, along with invoices from Westcare - \$200.00 & Branham Productions - \$800.00 bringing the total to \$434,917.95. Commissioner Layne made the motion to approve. Commissioner Chaney seconded the motion. Pro Team Mayor Davis called for further discussion, there being none, motion passed unanimously. 3-0.

BIG SANDY AREA DEVELOPMENT DISTRICT

Libby Radcliff was present for the Big Sandy Area Development. Ms. Radcliff addressed the commission in reference to the Marion's Branch Sewer Project. The project has its second progress meeting on Tuesday, July 27th, at 11 a.m.

CITY ENGINEER

Jack Sykes and Jodi Hunt were present with Summit Engineering, Inc. and updated the commission on various projects. Jodie Hunt gave an update on the Sandy Valley Water Project. The project is 44% complete and behind on construction. There is 7,825 linear foot of lining in place of 11,742 linear foot. Mullins Addition Project is on schedule with 52 of 76 sign ups and is 35% complete. Along with Marion Branch Sewer Project being on schedule as well. US 23 Corridor has received permits back. The Levee Certification has begun taking pictures and surveying. Thompson Road Project is substantially complete. Anticipating a change order to be issued for next meeting for substantial debt deduction. Mr. Sykes updated us on the Soccer field project, which is nearing final grading and everything is progressing.

MARIONS BRANCH SEWER PROJECT: Consider request to approve pay request #1 to H2O Construction in the amount of \$207,707.28 and authorize the pro team mayor to sign the request. Commissioner Chaney made the motion to approve. Commissioner Layne seconded. Pro Team Mayor called for comments, there being none the motion passed unanimously. 3-0.

CITY ATTORNEY

ORDINANCE NO 0 2010 012

City Attorney Rusty Davis was present. Mr. Davis read into record the 2nd reading of Ordinance Amending Chapter 151 "Erosion and Sediment Control". 1st reading of this Ordinance was on June 28, 2010. Commissioner Chaney made the motion to adopt. Commissioner Layne seconded the motion. Pro Team Mayor Davis called for comments, there being none, he called for Roll Call. Ordinance adopted. 3-0.

**AN ORDINANCE AMENDING CHAPTER 151 DIRT FILLS
TO ESTABLISH AND EXPAND TO EROSION
AND SEDIMENT CONTROL GUIDELINES AND ENFORCMENT**

ORDINANCE NO. 0-2010-012

WHEREAS, the City of Pikeville City Commission is amending Chapter 151: Dirt Fills to establish and expand to Erosion and Sediment Control setting new guidelines and enforcement procedures under Chapter 151 as 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 151 “EROSION AND SEDIMENT CONTROL” is amended to read as follows:

CHAPTER 151: ~~DIRT FILLS~~ EROSION AND SEDIMENT CONTROL

~~§ 151.01 – PERMIT REQUIRED.~~

~~— It shall be unlawful for any person, firm, or corporation, in person or by his agent, employee, or servant, to make fills with dirt, or other material, or to throw, cast, drop, or deposit, or to permit the throwing, casting, dropping, or depositing of material so as to cause a permanent and immovable barricade adjacent to and parallel with the banks of the Levisa Fork of the Big Sandy River within the corporate limits of the city, or upon the banks of any other stream within the city, without first obtaining a permit from the City Codes and Zoning Enforcement Officer.~~

~~(Ord. 1010.2, passed 5-22-78) Penalty, see § 151.99~~

~~§ 151.02 – WRITTEN APPLICATION FOR PERMIT.~~

~~— (A) Any person desiring to make a fill with dirt, rock, or any other substance suitable to make a permanent improvement or fill shall make written application for a permit on forms provided for that purpose in the office of the City Manager, or his designee, which permit shall be issued upon the approval of the Codes and Zoning Enforcement Officer and upon compliance with the conditions herein stipulated.~~

~~— (B) Application for a proposed plan for a fill shall state and include the following:~~

~~— (1) A plot plan shall be submitted to the scale of one (1) inch equals two hundred (200) feet, showing the river miles from Louisa, which is shown on the Engineers River Survey Map of the proposed fill, together with five (5) foot contours from the United States Geological Survey Data.~~

~~— (2) There shall also be submitted with the plot plan, cross sections to the scale of one (1) inch equals ten (10) feet, both vertical and horizontal. The cross section shall show the fill to be made, together with computations showing the cubic yardage in that fill.~~

~~— (3) Approval of the proposed fill by the United States Army Corps of Engineers stating that the proposed fill will not interfere with navigation of the Levisa Fork of the Big Sandy River.~~

~~— (4) The purpose of the proposed fill.~~

~~— (5) Evidence of approval of the proposed fill by any other agencies of the city from whom approval is required for filling certain areas, such as the Urban Renewal and Community Development Agency in the case of a fill in a development plan.~~

~~(Ord. 1010.2, passed 5-22-78)~~

~~§ 151.03 – LOWEST POINT OF FILL.~~

~~— Under no circumstances shall the top of the fill project, project below a point on the shoreline which is ten (10) feet above the low water mark and adjacent to the proposed area to be filled. The lowest point of the fill shall be at a minimum of ten (10) feet vertically above the established low water mark adjacent to the fill area.~~

~~(Ord. 1010.2, passed 5-22-78) Penalty, see § [151.99](#)~~

~~§ 151.04 – DEFLECTION OF THREAD OF STREAMS PROHIBITED.~~

~~— Under no circumstances shall a fill be made on either shore of the Levisa Fork of the Big Sandy River within the corporate limits of the city which will deflect or have a tendency to deflect the thread of the streams.~~

~~(Ord. 1010.2, passed 5-22-78) Penalty, see § [151.99](#)~~

§ 151.05 BOND; INDEMNIFICATION.

— Each applicant shall fill a bond in the amount of two thousand five hundred dollars (\$2,500.00) with surety to be approved by the Codes and Zoning Enforcement Officer. The bond shall be conditioned to indemnify the city for any loss or damage resulting from the work undertaken or the manner of doing the same. The bond shall further be conditioned that the city will be paid by the surety thereupon for the removal of any unlawful fill, or for the removal of any prohibited material within the fill such as used car bodies.

(Ord. 1010.2, passed 5-22-78)

§ 151.99 PENALTY.

— (A) — Any person, firm, or corporation, or other individual convicted of any violation of this chapter shall be guilty of a misdemeanor and shall be fined not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00), or be imprisoned for not more than thirty (30) days, or both. Each day that an unlawful condition is allowed to exist shall constitute a separate offense.

— (B) — The occupant of any premises, and the owner of any unoccupied premises, upon which a violation of this chapter is apparent, shall be deemed prima facie responsible for the violation so evidenced and subject to the penalty provided therefor.

(Ord. 1010.2, passed 5-22-78)

§ 151.01 Introduction/ Purpose

During the construction process, soil is highly vulnerable to erosion by wind and water. Eroded soil endangers water resources by reducing water quality and causing the siltation of aquatic habitat for fish and other desirable species. Eroded soil also necessitates repair of sewers and ditches and the dredging of lakes. In addition, clearing and grading during construction cause the loss of native vegetation necessary for terrestrial and aquatic habitat.

As a result, the purpose of this local regulation is to safeguard persons, protect property, and prevent damage to the environment in the City of Pikeville. This ordinance will also promote the public welfare by guiding, regulating, and controlling the design, construction, use, and maintenance of any development or other activity that disturbs or breaks the topsoil or results in the movement of earth on land in the City of Pikeville. It is intended to supplement the requirements of the Subdivision Regulations and Zoning Ordinance for the City of Pikeville.

§ 151.02 Definitions

Clearing - Any activity that removes the vegetative surface cover.

Drainage Way - Any channel that conveys surface runoff throughout the site.

Erosion Control - A measure that prevents erosion.

Erosion and Sediment - A set of plans indicating the specific measures and sequencing to be used to control sediment and erosion on a development site during and after construction.

Grading - Excavation or fill of material, including the resulting conditions thereof.

Perimeter Control - A barrier that prevents sediment from leaving a site by filtering sediment-laden runoff or diverting it to a sediment trap or basin.

Phasing - Clearing a parcel of land in distinct phases, with the stabilization of each phase completed before the clearing of the next.

Sediment Control - Measures that prevent eroded sediment from leaving the site.

Site - A parcel of land or a contiguous combination thereof, where grading work is performed as a single unified operation.

Erosion and Sediment Control Permit - A permit issued by the City of Pikeville for the construction or alteration of ground improvements and structures for the control of erosion, runoff, and grading.

Stabilization - The use of practices that prevent exposed soil from eroding.

Start of Construction - The first land-disturbing activity associated with a development, including land preparation such as clearing, grading, and filling; installation of streets and walkways; excavation for basements, footings, piers, or foundations; erection of temporary forms; and installation of accessory buildings such as garages.

Watercourse - Any body of water, including, but not limited to lakes, ponds, rivers, streams, and bodies of water delineated by the City of Pikeville, including the Pikeville Pond.

Waterway - A channel that directs surface runoff to a watercourse or to the public storm drain.

§ 151.03 Permits

A) An Erosion and Sediment Control Permit shall be required for any land disturbing activity that would require the uncovering of 10,000 square feet (0.23 Ac.). No person shall be granted an Erosion and Sediment Control Permit for land-disturbing activity that would require the uncovering of 10,000 square feet (0.23 Ac.) or more without the approval of an Erosion and Sediment Control Plan by the City of Pikeville. All ongoing disturbances shall be required to comply with this ordinance.

B) No Erosion and Sediment Control Permit is required for the following activities:

- 1) Any emergency activity that is immediately necessary for the protection of life, property, or natural resources.
- 2) Existing nursery and agricultural operations conducted as a permitted main or accessory use.
- 3) Coal extraction permitted by state regulatory agencies under KRS 201 and 405 KAR.
- 4) Logging operations regulated by and properly permitted under applicable state regulations.
- 5) Oil or gas well drilling, re-opening, or deepening properly permitted by state regulatory agencies under KRS 353.

C) An application shall be submitted on a form provided by the City of Pikeville. Accompanying such form shall be a general plot plan which shall include the following information.

- 1) General vicinity map;
- 2) Property boundaries indicating extent and location of proposed grading activities, and major physical;
- 3) Location and dimensions of buffer areas to be maintained or established, and location and description of proposed erosion control devices or structures;
- 4) Identification and location of all trees that are to be retained and protected;
- 5) As determined at the discretion of the Codes Enforcement Officer or his agent, other information as deemed appropriate may be required in instances related to geological hazard, shoreline protection, floodplain protection, tree protection and replacement or project scope;
- 6) **An application fee of \$100.00 for the grading of one acre or less, plus \$25.00 for each additional acre or portion thereof.**

D) Each application shall bear the name(s) and address(s) of the owner or developer of the site and of any consulting firm retained by the applicant together with the name of the applicant's principal contact at such firm and shall be accompanied by a filing fee.

E) Each application shall include a statement that any land clearing, construction, or development involving the movement of earth shall be in accordance with the Erosion and Sediment Control Plan and that a qualified representative shall be on site on all days when construction or grading activity takes place.

F) The applicant will be required to file with the City of Pikeville a faithful performance bond, letter of credit, or other improvement security in an amount deemed sufficient by the City of Pikeville the City of Pikeville to cover all costs of improvements, landscaping, maintenance of improvements for such period as specified by the City of Pikeville, and engineering and inspection costs to cover the cost of failure or repair of improvements installed on the site.

§ 151.04 Review and approval

A) The City of Pikeville will review each application for an Erosion and Sediment Control Permit to determine its conformance with the provisions of this regulation. Within 30 days after receiving an application, the City of Pikeville) shall, in writing:

- 1) Approve the permit application;
- 2) Approve the permit application subject to such reasonable conditions as may be necessary to secure substantially the objectives of this regulation, and issue the permit subject to these conditions; or
- 3) Disapprove the permit application, indicating the reason(s) and procedure for submitting a revised application and/or submission.

B) Failure of the City of Pikeville to act on an original or revised application within 30 days of receipt shall authorize the applicant to proceed in accordance with the plans as filed unless such time is extended by agreement between the applicant and the City of Pikeville. Pending preparation and approval of a revised plan, development activities shall be allowed to proceed in accordance with conditions established by the City of Pikeville.

§ 151.05 Erosion and Sediment Control Plan

1) The Erosion and Sediment Control Plan shall include the following:

- 1) A natural resources map identifying soils, forest cover, vegetation, waterways, topography, and resources protected under other chapters of this code. This map should be at a scale no smaller than 1"=100'.
 - 2) A sequence of construction of the development site, including stripping and clearing; rough grading; construction of utilities, infrastructure, and buildings; and final grading and landscaping. Sequencing shall identify the expected date on which clearing will begin, the estimated duration of exposure of cleared areas, areas of clearing, installation of temporary erosion and sediment control measures, and establishment of permanent vegetation.
 - 3) All erosion and sediment control measures necessary to meet the objectives of this local regulation throughout all phases of construction and after completion of development of the site. Depending upon the complexity of the project, the drafting of intermediate plans may be required at the close of each season.
 - 4) Seeding mixtures and rates, types of sod, method of seedbed preparation, expected seeding dates, type and rate of lime and fertilizer application, and kind and quantity of mulching for both temporary and permanent vegetative control measures.
 - 5) Provisions for maintenance of control facilities, including easements and estimates of the cost of maintenance.
- B) Modifications to the plan shall be processed and approved or disapproved in the same manner as Section IV of this regulation, may be authorized by the Codes Enforcement Officer by written authorization to the permittee, and shall include
- 1) Major amendments of the erosion and sediment control plan submitted to the City of Pikeville.
 - 2) Field modifications of a minor nature.

§ 151.06 Design Requirements

- A) Grading, erosion control practices, sediment control practices, and waterway crossings shall meet the design criteria set forth in the most recent versions of the Pikeville Subdivision Regulations and the publication "Best Management Practices (BMPs) for Controlling Erosion, Sediment, and Pollutant Runoff from Construction Sites" (hereinafter referred to as the "BMP Manual"), and shall be adequate to prevent transportation of sediment from the site to the satisfaction of the City of Pikeville. The manual may be downloaded at http://www.kytc.state.ky.us/EnvAnalysis/Stormwaterquality/link_resource.htm. Hardcopies may be obtained from the Kentucky Department for Environmental Protection, Division of Water (502-564-3410).
- B) Storm Drainage practices shall be designed and constructed in accordance with the current edition of the publication "Water System, Sanitary Sewer System, and Storm Sewer System Improvement Specifications, City of Pikeville, Kentucky", and the latest revision to the Pikeville Subdivision Regulations.
- C) Cut and fill slopes shall be no greater than 2:1, except as approved by the City of Pikeville to meet other community or environmental objectives.
- D) Clearing and grading of natural resources, such as forests and wetlands, shall not be permitted, except when in compliance with all other chapters of this Code. Clearing techniques that retain natural vegetation and drainage patterns, as described in Best Management Practices (BMPs) for Controlling Erosion, Sediment, and Pollutant Runoff from Construction Sites, shall be used to the satisfaction of the City of Pikeville.
- E) Clearing, except that necessary to establish sediment control devices, shall not begin until all sediment control devices have been installed and have been stabilized.
- F) Phasing shall be required on all sites disturbing greater than 30 acres, with the size of each phase to be established at plan review and as approved by the City of Pikeville.
- G) Erosion control requirements shall include the following:
- 1) Soil stabilization shall be completed within five days of clearing or inactivity in construction.
 - 2) If seeding or another vegetative erosion control method is used, it shall become established within two weeks or the City of Pikeville may require the site to be reseeded or a nonvegetative option employed.
 - 3) Special techniques that meet the design criteria outlined in *Best Management Practices (BMPs) for Controlling Erosion, Sediment, and Pollutant Runoff from Construction Sites* on steep slopes or in drainage ways shall be used to ensure stabilization.
 - 4) Soil stockpiles must be stabilized or covered at the end of each workday.
 - 5) The entire site must be stabilized, using a heavy mulch layer or another method that does not require germination to control erosion, at the close of the construction season.
 - 6) Techniques shall be employed to prevent the blowing of dust or sediment from the site.
 - 7) Techniques that divert upland runoff past disturbed slopes shall be employed.
- H) Sediment controls requirements shall include
- 1) Settling basins, sediment traps, or tanks and perimeter controls.
 - 2) Settling basins that are designed in a manner that allows adaptation to provide long term stormwater management, if required by the City of Pikeville.
 - 3) Protection for adjacent properties by the use of a vegetated buffer strip in combination with perimeter controls.

D) Waterway and watercourse protection requirements shall include

- 1) A temporary stream crossing installed and approved by the Kentucky Division of Water, US Army Corps of Engineers, and other agencies having jurisdiction, if a wet watercourse will be crossed regularly during construction
- 2) Stabilization of the watercourse channel before, during, and after any in-channel work
- 3) All on-site stormwater conveyance channels designed according to the criteria outlined in *Best Management Practices (BMPs) for Controlling Erosion, Sediment, and Pollutant Runoff from Construction Sites*.
- 4) Stabilization adequate to prevent erosion located at the outlets of all pipes and paved channels

J) Construction site access requirements shall include

- 1) a temporary access road provided at all sites
- 2) other measures required by the City of Pikeville in order to ensure that sediment is not tracked onto public streets by construction vehicles or washed into storm drains

§ 151.07 Inspection

A) The Codes Enforcement Officer or other designated agent on behalf of the City of Pikeville shall make inspections as hereinafter required and either shall approve that portion of the work completed or shall notify the permittee wherein the work fails to comply with the Erosion and Sediment Control Plan as approved. Plans for grading, stripping, excavating, and filling work bearing the stamp of approval of the Codes Enforcement Officer or its agent shall be maintained at the site during the progress of the work. To obtain inspections, the permittee shall notify the Codes Enforcement Officer at least two working days before the following:

- 1) Start of construction
- 2) Installation of sediment and erosion measures
- 3) Completion of site clearing
- 4) Completion of rough grading
- 5) Completion of final grading
- 6) Close of the construction season
- 7) Completion of final landscaping

B) The permittee or his/her agent shall make regular inspections of all control measures in accordance with the inspection schedule outlined on the approved Erosion and Sediment Control Plan(s). The purpose of such inspections will be to determine the overall effectiveness of the control plan and the need for additional control measures. All inspections shall be documented in written form and submitted to the Codes Enforcement Officer at the time interval specified in the approved permit.

C) The City of Pikeville or its designated agent shall enter the property of the applicant as deemed necessary to make regular inspections to ensure the validity of the reports filed under Section B.

§ 151.08 Enforcement

A) Stop-Work Order; Revocation of Permit

1) In the event that any person holding an Erosion and Sediment Control Permit pursuant to this ordinance violates the terms of the permit or implements site development in such a manner as to materially adversely affect the health, welfare, or safety of persons residing or working in the neighborhood or development site so as to be materially detrimental to the public welfare or injurious to property or improvements in the neighborhood, the City of Pikeville may suspend or revoke the Erosion and Sediment Control Permit and shall issue a "Stop-Work Order".

2) Any person that constructs, enlarges, alters, repairs, or maintains any grading, excavation, or fill, or causes the same to be done, contrary to or in violation of any terms of this ordinance shall be subject to a "Stop-Work Order".

3) In the event of the issuance of a Stop-Work Order, no work shall be conducted on the property for which the Stop-Work Order was issued (excluding remedial work directed in a citation) until such time as the Stop-Work Order has been withdrawn in writing by the City.

B) Violation

1) No person shall construct, enlarge, alter, repair, or maintain any grading, excavation, or fill, or cause the same to be done, contrary to or in violation of any terms of this ordinance. Any person who violates this chapter may be cited for the appropriate violation and assessed the fine as set out in paragraph (c.) below. In addition to the person conducting the operation in violation of this chapter, the owner or owners of the tract or parcel of land as reflected in the Property Valuation Office may be cited for the appropriate violation and fined as set out in paragraph (c.) below.

2) The form of the notice of violation of this chapter shall contain in substance the following information:

- a) A statement that the notice represents a determination that a violation of this chapter has been committed by the individual and/or owner of the property and that the determination shall be final unless contested as provided for herein;
- b) A statement of the specific violation for which the citation is issued and of the remedial measure necessary to be performed to correct the citation;
- c) A statement of the monetary fine established for the violation;
- d) A statement of options for responding to the notice and the procedures necessary to exercise these options; and
- e) Whether a Stop-Work Order has been issued and a statement that a request for a hearing hereunder will not result in the lifting or a stay of the stop work order.

2) A citation issued pursuant to this chapter represents a determination that a violation thereof has been committed, and such determination shall be final unless contested as provided for herein.

3) The notice of violation shall be hand-delivered or mailed to the violator, or mailed to the last known address of the owner or violator as listed in the P.V.A. Office.

4) Any person who receives notice of a violation shall respond to such notice as provided in this section within seven (7) days of the date of the notice, by either paying the fine set forth in the notice and performing the required remedial work or requesting a hearing pursuant hereto. If the individual or owner does not respond to the notice by either paying the fine and performing the required remedial work or by requesting in writing with the City Clerk a hearing pursuant to this chapter, within seven (7) days of the receipt of the notice, the individual or owner shall be deemed to have waived his or her right to a hearing and the determination that a violation was committed shall be considered final. Any person who fails to

request a hearing and fails to pay the fine within seven (7) days shall be deemed to have refused to pay the fine levied by the citation. Thereupon the City shall have the right to forfeit any bond post hereunder. Additionally, the City may give notice to the property owner to the last known address of the owner as listed in the P.V.A. Office by certified mail that in the event that the owner does not perform the required remedial work with in 14 day of the said notice the City shall at it sole option proceed to perform the remedial measure and shall have a lien upon the property for it costs including engineering and legal cost.

6) Any person cited for a violation of this chapter may contest the determination that a violation occurred by requesting in writing a hearing before the hearing officer. Such hearing shall be held no later than fourteen (14) days from the date of receipt of the request, unless prior to the hearing the person requesting such hearing requests an extension of time not to exceed fourteen (14) days. No less than seven (7) days prior to the date set for the hearing, the Board shall notify the violator or owner of the property of the date, time and place of the hearing. Any person requesting a hearing who fails to appear at the time and place set for the hearing shall be deemed to have refused to pay the fine levied by the citation.

7) At the hearing, after consideration of the evidence, the hearing officer shall determine whether a violation was committed. Where it has not been established that a violation was committed, an order dismissing the citation shall be entered. Where it has been established that a violation was committed, the hearing officer shall uphold the citation and remedial measures and order the violator or owner to perform the remedial measures and pay the citation within seven (7) days. A copy of such order shall be furnished to the violator/owner. Any person ordered to pay the fine who fails to do so within seven (7) days shall be deemed to have refused to pay the fine levied by the citation.

8) An appeal from the hearing officer’s determination may be made to the District Court of Pike County within seven (7) days of the hearing officer’s determination. The appeal shall be initiated by the filing of a complaint and a copy of the hearing officer’s order in the same manner as any civil action under the Rules of Civil Procedure. The action shall be tried de novo and the burden shall be upon the City to establish that a violation has occurred. If the court finds that a violation occurred, the owner shall be ordered to perform the remedial work and to pay the city all fines, fees, and penalties occurred as of the date of judgment. If the Court finds that a violation did not occur, the city shall be ordered to dismiss the citation. The judgment of the District Court may be appealed to the Circuit Court in accordance with the Rules of Civil Procedure.

9) Upon information given by the Police Department or any other city employee that a violation fine has not been paid, a summons shall be issued against the offender directing the violator to appear at a specific time before the court of appropriate jurisdiction. Failure to pay a violation fine shall result in the violator being fined not less than twenty five dollars (\$50.00) or more than one thousand dollars (\$1,000.00) or imprisoned for not more than fifty (50) days, or both for each offense. No summons shall be issued during the time in which said citation is being contested pursuant to the provisions of this chapter. In addition hereto, the City may also fill a civil suit to collect any unpaid fines, fees and penalties including it attorney fees and shall have a lien upon the real property of the person or company subject to the civil suit for unpaid fines and penalties.

§ 151.10 Separability

The provisions and sections of this ordinance shall be deemed to be separable, and the invalidity of any portion of this ordinance shall not affect the validity of the remainder.

§ 151.99 Penalties

1) Except as otherwise provided in this section, any owner, his or her agent, and/or occupant who violates any provision of this chapter shall be issued a citation and fined for each violation as follows:

<u>OFFENSE</u>	<u>FINE</u>

.First offense	.Second offense (if no	\$200.00
hearing request)		\$500.00
.Third offense (each addition 7 day period with out a request for		\$1,000.00 (max \$5,000.00)
a hearing w/o remedial work being preformed)		
. Violation of Stop-Work Order		\$1,000.00 per day (max \$10,000.00)

The above ordinance was given first reading this ____ day of _____, 2010. At Pikeville, Kentucky, this ordinance was given a second reading on the ____ day of _____, 2010.

Passed this ____ day of _____, 2010.

Commissioner _____ moved the adoption of the foregoing Ordinance.

Commissioner _____ seconded the motion.

Upon call of the roll, the votes were as follows;

	YES	NO
FRANKLIN D. JUSTICE, II MAYOR	_____	_____
JAMES A. CARTER, COMMISSIONER	_____	_____
EUGENE W. DAVIS, COMMISSIONER	_____	_____
DALLAS LAYNE, COMMISSIONER	_____	_____
BARRY CHANEY, COMMISSIONER	_____	_____

The Mayor declared the within Ordinance adopted.

FRANKLIN D. JUSTICE, II, MAYOR

ATTEST:

REBECCA HAMILTON, CITY CLERK

CITY MANAGER

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

1. Consider a request to adopt the amended city Rental Center & RV Agreement dated 07-12-10 as submitted. Commissioner Chaney made the motion to adopt. Commissioner Layne seconded the motion. Pro Team Mayor called for further comments, there being none the motion passed unanimously. 3-0.
2. Consider the request to authorize the submittal of a grant application on behalf of the City of Pikeville for the purpose of vehicle fuel conversion to propane through the Climate Showcase Communities grant for \$116,710. Grant will be for \$58,355 with \$9,700 of in-kind with city fueling station and

- city match of \$48,655 from coal severance. The request would also authorize the mayor to sign and execute said grant application. Commissioner Layne made the motion to approve. Commissioner Chaney seconded the motion. Pro Team Mayor Davis called for further comments, there being none the motion passed. 3-0.
3. Consider the request to hire city intern Dalton Elswick as a summer filing clerk at minimum wage contingent upon passing all required pre-employment tests. Commissioner Chaney made the motion. Commissioner Layne seconded the motion. Pro Team Mayor Davis called for comments, there being none the motion passed unanimously. 3-0.
 4. Consider the request to adopt the 3 various resolutions as presented regarding the 2011 & 2012 fiscal years coal severance line items as required by the Department for Local Government. Commissioner Layne made the motion to approve and adopt all 3 resolutions as read into record. Commissioner Chaney seconded the motion. Pro Team Mayor Davis called for comments, there being none the motion passed unanimously. 3-0.
 5. Consider the request to adopt the amended city personnel policy Chapter 2 Section 10, dated July 12, 2010 as submitted. Commissioner Layne made the motion to approve. Commissioner Chaney seconded the motion. Pro Team Mayor Davis called for comments, there being none the motion passes unanimously. 3-0.
 6. Consider a request to approve a contract between the city of Pikeville and American Tower Company for the purpose of placing a city repeater for emergency services contingent upon the city attorney and city manager approval and to authorize the city manager to sign the contract on the City of Pikeville behalf. Commissioner Chaney made a motion to approve. Commissioner Layne seconded the motion. Pro Team Mayor Davis called for comments, there being none, the motion passed unanimously. 3-0.

Business From The Floor

City Manager Donovan Blackburn called for Business from the floor once again and there was someone there to speak on an issue on Williams Hollow. She says that she lives at the mouth of the hollow and cannot see to pull out. Mr. Blackburn introduced her to Donnie Slone and asked Mr. Slone to meet with this lady to take care of the issue.

7. Pursuant to KRS 61.810, consider request for closed session for discussion of economic development, legal and personnel issues. Commissioner Layne made the motion. Commissioner Chaney seconded the motion. Pro Team Mayor Davis called for discussion, there being none the motion passed unanimously. 3-0.
8. Commissioner Chaney made the motion to re convene. Commissioner Layne seconded the motion. Pro Team Mayor Davis called for discussion, there being none the motion passed unanimously. 3-0. Pro Team Mayor called the session back into order.

9. Consider a request to approve of construction of both the Lykins Creek Sewer project and the Billips Sewer Project understanding the total estimate cost for both projects is \$975,000. The commission did adopt a resolution accepting the terms for coal severance project A363 in the amount of \$799,000 which would leave an estimated \$176,000 shortfall for both projects. The commission would also agree the shortfall for the projects would be made up out of the in-city sewer account. The request would authorize the bid for the projects as soon as the funds for the coal severance project A363 would be available. Upon acknowledgement the funds are available the City Manager would then have approval to sign a contract with Summit Engineering to design, bid and submit any necessary permits for said project. Commissioner Chaney made a motion to approve. Commissioner Layne seconded the motion. Pro Team Mayor Davis called for discussion, there being none the motion passed unanimously. 3-0.
10. Consider a request to approve the construction of a line extension on Buckley's Creek from the end of the existing line by the Pike Central School to terminate at the mouth of Ratliff's Creek. The request would authorize Summit Engineering to design and bid the project for its construction. The funds to contract the project would come from the out-of-city sewer account. The motion would authorize the City Manager to have approval to sign a contract with Summit Engineering to design, bid and submit any necessary permits for said project. Commissioner Layne made a motion to approve. Commissioner Chaney seconded the motion. Pro Team Mayor Davis called for comments, there being none the motion passed unanimously. 3-0.
11. Consider a request to authorize the city attorney to draft a document with the Hampton Inn and or Frank Bailey in order to swap access easements to the alley behind the Hampton Inn. The intent would be to close off the entrance onto the alley on Elm Street and revert this easement back to Frank Bailey or Hampton Inn and in return the empty parking lot owned by Frank Bailey on College Street will offer an easement to the City of Pikeville for access as a public easement to alley behind the Hampton Inn. After the draft and review by the city attorney and city manager the City manager would then be granted authority to sign said documents in order to execute. Commissioner Layne made the motion to approve. Commissioner Chaney seconded the motion. Pro Team Mayor Davis called for comments, there being none, the motion passed unanimously. 3-0.
12. There being no further business to come before the Commission, Commissioner Layne has made the motion to adjourn the meeting. Commissioner Chaney seconded the motion. Pro Team Mayor Davis called for discussion, there being none the meeting was adjourned. 3-0

CONSENT ITEMS:

July 16th Chamber event at Expo at 6pm

July 17th Hillbilly Christmas in July, Kids Day in the Park from 5pm until 7pm

Week of August 2nd City Manager on Vacation

The next scheduled Regular Meeting of the City of Pikeville Board of Commissioners is July 26, 2010 at 6:00 p.m.

APPROVED:

FRANKLIN D. JUSTICE, II, MAYOR

ATTESTED:

CHRISTY BILLITER, CITY CLERK