

**CITY OF PIKEVILLE
BOARD OF COMMISSIONERS
REGULAR MEETING MINUTES
FEBRUARY 12, 2007**

The Board of Commissioners for the City of Pikeville met in regular session on Monday, February 12, 2007. 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:	EUGENE W. DAVIS JAMES A. CARTER BARRY N. CHANEY
MAYOR:	FRANKLIN D. JUSTICE, II

Commissioner Dallas Layne was absent.

AGENDA ITEM II. MINUTES

The minutes for the previous regular meeting of January 22, 2007 were included in each Commission Member's agenda package. There being no additions or corrections, Commissioner Carter made the motion, seconded by Commissioner Davis to approve the minutes as prepared. The motion carried 4 – 0.

AGENDA ITEM III. BUSINESS FROM THE FLOOR

A. THOMPSON ROAD IMPROVEMENT PROJECT: Thompson Road residents, Robert VanHoose and Randall Kinder were present and asked the status of the Thompson Road Improvement Project. City Manager Blackburn reported there have been two meetings with the utility companies regarding relocation of their respective service lines; the engineers are continuing discussions with the CSX Railroad concerning right-of-way issues; and appraisals are being prepared for needed rights-of-way. It is expected the appraisals will be forwarded to the city on March 1, 2007.

AGENDA ITEM IV. PAYMENT OF BILLS

A list of city bills totaling \$449,889.76 was presented to the Commission for approval of payment. Mayor Justice made the motion, seconded by Commissioner Chaney to approve payment of the bills as requested. The motion carried 4 – 0.

AGENDA ITEM V. OLD BUSINESS

A. BIG SANDY AREA DEVELOPMENT DISTRICT: No report

B. PIKEVILLE MAIN STREET PROGRAM: No report

C. CITY ENGINEER'S REPORTS: City Manager Blackburn requested the Commission's approval to submit an application for grant funding from the Kentucky Heritage Council. It was explained the funds will be used to place markers and various signage for the downtown historic walking tour. Should the grant be awarded, the city will be required to provide \$13,880 in matching funds. Commissioner Chaney made the motion to authorize the submission of a grant application to the Kentucky Heritage Council. Commissioner Davis seconded the motion. The motion carried 4 – 0.

Closed Session: Commissioner Carter made the motion, seconded by Commissioner Chaney to adjourn to a closed session for the purpose of discussing a legal matter. The motion carried 4 – 0.

Mayor Justice made the motion to reconvene to regular session. Commissioner Carter seconded the motion. The motion carried 4 – 0.

D. CITY ATTORNEY'S REPORTS: Russell H. Davis, Jr., city attorney, presented the following ordinances, captioned as follows, for first reading:

1. AN ORDINANCE RELATED TO THE AMENDMENT OF SECTION 32 PROVIDING FOR DEPARTMENTS, BOARDS, COMMITTEES, COMMISSIONS, TERM LIMITS AND OTHER LIMITS

2. AN ORDINANCE RELATED TO THE AMENDMENT OF SECTION 40.40 TO INCREASE THE TERM OF OFFICE FOR THE BOARD OF ETHICS FROM THREE (3) YEARS TO FOUR (4) YEARS

3. AN ORDINANCE RELATED TO THE AMENDMENT OF SECTION 96 TO INCREASE THE TERM OF OFFICE FOR THE CITY TREE BOARD FROM THREE (3) YEARS TO FOUR (4) YEARS; INCREASE THE NUMBER OF BOARD MEMBERS FROM FIVE (5) TO SIX (6) MEMBERS; GRANTING THE CITY MANAGER AUTHORITY TO MAKE EXCEPTIONS TO DISTANCE FROM CURB AND SIDEWALKS; PROVIDING THAT CITY MANAGER WILL APPROVE REMOVAL OF UNSAFE TREES, TREE TOPPING; PROVIDING THAT THE CODES OFFICER WILL NOTIFY PROPERTY OWNERS OF NEED TO REMOVE DEAD OR DISEASED TREES

4. AN ORDINANCE RELATED TO THE AMENDMENT OF SECTION 157.03 TO INCREASE THE TERM OF OFFICE FOR THE PIKEVILLE HISTORIC PRESERVATION BOARD FROM THREE (3) YEARS TO FOUR (4) YEARS

5. AN ORDINANCE AMENDING CODE OF ORDINANCES AND THE UTILITY RULES AND REGULATIONS SO TO PROVIDE FOR IMMEDIATE DISCONNECTION OF UTILITIES OBTAINED BY A CHECK, DRAFT, NOTE

OR OTHER NEGOTIABLE INSTRUMENT WHICH IS DISHONORED FOR NOT SUFFICIENT FUNDS FOR ANY OTHER REASON; PROVIDING FOR IMMEDIATE DISCONNECTION OF UTILITIES WHEN CHECK, DRAFT, NOTE OR OTHER NEGOTIABLE INSTRUMENT IS DISHONORED FOR NON-SUFFICIENT FUNDS OR ANY OTHER REASON AFTER THE ACCOUNT HAS RECEIVED FINAL NOTICE AND SUBJECT TO DISCONNECT FOR NONPAYMENT WITHOUT THE CUSTOMER RECEIVING A FURTHER FINAL NOTICE.

6. AN ORDINANCE AMENDING THE REVISED UTILITY SPECS AND REGULATIONS FOR THE CITY OF PIKEVILLE UTILITY SERVICE AREA

7. AN ORDINANCE AMENDING THE UTILITY RULES AND REGULATIONS SO TO PROVIDE FOR MINIMUM TAP AMOUNT; PAYMENT DUE DATE; LATE PAYMENT PENALTY; DELINQUENT NOTICE; DISCONNECTION FOR NON-PAYMENT; APPLICATION OF ACCOUNT DEPOSIT TO DELINQUENT ACCOUNTS; RECONNECTION FEES; NON-SUFFICIENT FUNDS FEE; DISCONNECTION FOR DISHONORED CHECKS; AND RENTAL PROPERTY DEPOSITS REQUIRED

8. ORDINANCE RELATED TO THE AMENDMENT OF SECTION 55.06 OF THE CODE OF ORDINANCES AND THE CITY OF PIKEVILLE UTILITY RULES AND REGULATIONS ADOPTED BY _____ SO TO PROVIDE PAYMENT BY THE FIFTEENTH DAY FOLLOWING THE BILL FOR SERVICE; PROVIDING FOR A PENALTY OF 5% AFTER FIFTEEN DAYS; DISCONTINUANCE OF SERVICE AFTER 24 HOURS AFTER THE FIRST DAY OF THE FOLLOWING MONTH; DISCONTINUING DOOR HANGERS, BEING REPLACED WITH A MAILED DELINQUENT NOTICE; REFERENCING ENTIRE NONPAYMENT POLICY TO THE CITY OF PIKEVILLE REVISED UTILITY RULES AND REGULATIONS.

9. AN ORDINANCE AMENDING CODE OF ORDINANCES TO ELIMINATE ADDITIONAL MINIMUM PAYMENT FEES FOR A 2ND REGULATOR UNDER THE CIRCUMSTANCES AS OUTLINED BELOW AND TO INCLUDE THE CITY'S UTILITY RULES AND REGULATIONS AS A REFERENCE TO FOR POLICY FOR BILLING PURPOSES

The Ordinances are on file in the office of the City Clerk for public inspection. Second reading was scheduled for February 26, 2007.

E. CITY MANAGER'S REPORTS: City Manager, Donovan Blackburn, presented the following matters for the Commission's consideration:

1. Meeting Cancellation: City Manager Blackburn requested that the City Commission's regular meeting scheduled for March 12, 2007 be cancelled. He advised he will be out of town attending the NLC meeting in Washington, D.C.

Commissioner Carter made the motion, seconded by Commissioner Davis to cancel the March 12, 2007 meeting as requested. The motion carried 4 – 0.

2. **911 System Acquisition:** As explained during work session, the city manager advised the Commission of the need to purchase new communications equipment for the dispatch center. Estimated cost of the equipment is \$150,000. Commissioner Chaney made the motion to authorize the preparation of equipment specifications and to advertise for bids. Commissioner Davis seconded the motion. The motion carried 4 – 0.

3. **Recreational Trail Grant Resolution:** Presented to the Commission for approval was the following resolution authorizing the submission of a Recreational Trails Grant, in the amount of \$80,000, for the completion of the sidewalk along Bob Amos Drive:

RESOLUTION SUPPORTING THE COMPLETION OF A SIDEWALK FROM THE BOB AMOS PARK GREENHOUSE TO THE WALKING TRACK AREA AND AUTHORIZING THE FILING OF AN APPLICATION FOR A RECREATIONAL TRAILS GRANT FOR SAID PROJECT

WHEREAS, the City of Pikeville supports Phase II of the Bob Amos Park Sidewalk Project which will extend the sidewalk from the city's greenhouse to the upper level of Bob Amos Park, and will enhance the recreational opportunities, promote exercising, and improve safety within the Bob Amos Park; and

WHEREAS, the Pikeville City Commission authorizes the submission of a Recreational Trails funding application in the amount of \$80,000 to complete the construction of the sidewalk.

NOW, THEREFORE, BE IT RESOLVED that the Mayor of the City of Pikeville is authorized to execute any necessary documentation to apply for a Recreational Trails Grant for the completion of the Bob Amos Park sidewalk.

Commissioner Chaney made the motion to adopt the resolution as presented and read. Commissioner Carter seconded the motion. The motion carried 4 – 0.

4. **Sandy Valley Water District:** City Manager Blackburn reported that the Public Service Commission issued a 4 page Action List with regard to the acquisition of the Sandy Valley Water District. While most of the required actions have been accomplished, the city manager requested the Commission accept the 4 page Action List and authorize the Mayor to execute necessary documentation. Commissioner Davis made the motion, seconded by Commissioner Chaney to accept the 4 page Action List issued by the Public Service Commission with regard to the acquisition of the Sandy Valley Water District and further, to authorize the Mayor to execute necessary documentation. The motion carried 4 – 0.

5. Municipal Road Aid Bond Funds: A resolution was presented to the Commission regarding Municipal Road Aid Bond Funds for approval. The resolution authorizes the amendment of an agreement between the Kentucky Transportation Cabinet (KYTC) and the City of Pikeville, allowing KYTC to remit remaining funds totaling \$8,443.74. The funds are to be used for street resurfacing, rehabilitation or bridge replacement on existing city streets. Commissioner Davis made the motion to adopt the resolution as presented. Commissioner Chaney seconded the motion. The motion carried 4 – 0.

6. Proclamation: Commissioner Carter made the motion to authorize the City Manager to prepare a proclamation in honor and recognition of the 1957 Pikeville High School Basketball Team, who placed Third in that year’s Kentucky State Tournament. Commissioner Chaney seconded the motion. The motion carried 4 – 0.

Commissioner Davis made the motion, seconded by Mayor Justice to adjourn to closed session for the purpose of discussing legal, personnel, and economic development issues. The motion carried 4 – 0.

Mayor Justice made the motion to reconvene to regular session. Commissioner Carter seconded the motion. The motion carried 4 – 0.

7. Board Appointments: Mayor Justice made the following Board nominations:

Board of Zoning Adjustments	Jack Burchett
Pikeville/Pike County Airport Board	Lynn Parrish Bill Hickman Michael deBourbon
Board of Ethics	Cindy Smith

Commissioner Carter made the motion to accept the nominations, made by the Mayor, to the Board of Zoning Adjustments, Pikeville/Pike County Airport Board, and Board of Ethics. Commissioner Chaney seconded the motion. The motion carried 4 – 0.

8. Employment Offer: Commissioner Carter made the motion to extend an employment offer to Sandy Valley Water District employee, Pat Layne, pursuant to details discussed during closed session. Commissioner Chaney seconded the motion. The motion carried 4 – 0.

9. Job Descriptions: Commissioner Chaney made the motion to approve job descriptions for the positions of EMT/IT; Human Resources/Payroll; EMT/Pond;

and Economic Development Director. Commissioner Davis seconded the motion. The motion carried 4 – 0.

10. **Position Announcements:** City Manager Blackburn requested permission to post, in-house, the positions of Human Resource/Payroll and Economic Development Director. Commissioner Chaney made the motion to authorize the in-house postings of the positions of Human Resource/Payroll and Economic Development Director. Commissioner Carter seconded the motion. The motion carried 4 – 0.

11. **Pay Plan:** Mayor Justice made the motion to approve the amended pay plan dated February 12, 2007 as disclosed during closed session. Commissioner Carter seconded the motion. The motion carried 4 – 0.

There being no further business to come before the Commission, Commissioner Davis made the motion, seconded by Commissioner Carter to adjourn the meeting. The motion carried 4 – 0.

The next scheduled meeting of the Board of Commissioners for the City of Pikeville is February 26, 2007 at 6:00 p.m.

APPROVED: _____
FRANKLIN D. JUSTICE, II, MAYOR

ATTEST:

KAREN W. HARRIS, CITY CLERK