

**CITY OF PIKEVILLE
BOARD OF COMMISSIONERS
SPECIAL MEETING MINUTES
AUGUST 2, 2013 AT 7:45 A.M.**

The Board of Commissioners for the City of Pikeville met in a special called session on Friday, August 2, 2013. The meeting was held in the City Hall Conference Meeting Room located at 243 Main Street, Pikeville, Kentucky.

1. There being a quorum present, Mayor Frank Justice called the meeting to order at 7:45 a.m. Commission Members present at roll call were as follows:

COMMISSIONER: **JERRY KEITH COLEMAN
BARRY CHANEY
EUGENE DAVIS
JIMMY CARTER - absent**

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

MINUTES

2. The minutes for the previous regular meeting held on July 22, 2013 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 Coleman seconded the motion. Mayor Frank Justice called for discussion, there being none. The motion carried unanimously. 3-0.

Commissioner Davis was not present at the time of the vote. He entered the meeting immediately after the vote at the start of item 3 on the agenda.

3. Consider a request to approve and authorize and a second amendment to the existing Real Estate Development Agreement, as submitted, between the United States Postal Service and The City of Pikeville, executed by the City on October 1, 2012, and amended effective June 12th 2013 now agreeing to extend said agreement and amending the closing date to occur on or before September 12th, 2013 and authorize the Mayor to sign an execute said amendment on behalf of the City of Pikeville. Commissioner Chaney made the motion to authorize and approve the amendment as presented. Commissioner Coleman seconded the motion. Mayor Frank Justice called for discussion. City Manager Donovan Blackburn stated the project was still moving forward. The amendment to move the closing date back was necessary in order to allow the developer to finalize his deal with Wal-Mart.

He explained that part of the developer's footprint was on Wal-Mart's property and due to some delays Wal-Mart has now finalized their deal with the developer and should be ready to close by the end of August. The addendum was needed in order to push the date back so the contact would be accurate. The Mayor called for further questions or comments, the motion carried unanimously. 4-0.

4. Consider a request to authorize and approve a third amendment dated August 2nd 2013 to an agreement for sale of property, as submitted, between Reality Link Investments, LLC and the City of Pikeville, pushing the closing date back to on or before September 15th 2013 and authorize the Mayor to sign and execute said agreement on behalf of the City of Pikeville. Commissioner Davis made the motion to authorize and approve the amendment as presented. Commissioner Coleman seconded the motion. Mayor Frank Justice called for discussion. There being no discussion, the motion carried unanimously. 4-0.
5. Consider a request for a second reading and adoption of ordinance #0-2013-020 amending Chapter 53: Water permitting master meters to be placed on apartment complex and to authorize the Mayor to sign and execute on behalf of the City of Pikeville. City Attorney Russell Davis read the ordinance aloud. Commissioner Chaney made the motion to adopt the ordinance as read and published. Commissioner Davis seconded the motion. Mayor Frank Justice called for discussion, asking if old customers would be grandfathered in. City Manager Blackburn stated yes. There being no further discussion, the Mayor called for a roll call vote. The motion carried unanimously. 4-0.

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

ORDINANCE NO. 0-2013-020

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

Section

General Provisions

53.01 Fire hydrants; standards

53.02 Water meters

53.03 Rates and charges

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53.04 Billings; when due

Cross-reference:

Disconnection upon noncompliance with sewer regulations, see § 52.88

GENERAL PROVISIONS

§ 53.01 FIRE HYDRANTS; STANDARDS.

All sub dividers, contractors, developers, private businesses, or public agencies having responsibility for providing fire hydrants within the city limits shall conform to the following specifications:

(A) Hydrants shall be Mueller Centurion with a five and one-fourth (5 1/4) inch hydrant valve and six (6) inch mechanical joint boot. The hydrant drain orifice shall be located so that no water remains in the barrel to freeze or corrode. All threads are to be national standard threads with seven (7) threads per inch.

(B) Thrust restraints for all hydrants, valves, tees, and plugs shall be provided in accordance with Pages 347-350 of the Fifth Edition of Cast Iron Pipe Research Association Handbook.

(C) Valves shall be Mueller catalog number C-500 with mechanical joints. Each valve shall have a precast box.

(D) Each fire hydrant shall have two (2) two and one-half (2 1/2) inch outlets and one (1) four and one-half (4 1/2) inch outlet.

(E) All hydrants shall be served by at least a minimum six (6) inch water line. In the event a larger water line should be available, the Mueller hydrants of a larger size, as is practical considering the availability of the water line, shall be substituted for the above specifications.

(F) Each sub divider, contractor, or other individual installing fire hydrants in the city shall provide the Fire Department, at no cost, one (1) breakaway kit for each two (2) hydrants and also two (2) suitable operating wrenches for the valve on that hydrant.

§ 53.02 WATER METERS.

(A) The Public Works Department shall not furnish water to more than one (1) customer or user on the same meter or the same water line connection. A separate meter is required for each residential and/or commercial account except where there is an apartment complex with more than 25 units. The City Manager may permit a Master Meter in that case. However special apartment building master meter rates below will apply and the owner/operator of the complex will be liable for payment of the total usage and billed amount.

(B) In all cases of multiple-family units or apartment houses, the Department of Public Works shall furnish a meter to, or make a connection on the city water line for each customer or user residing in that building or apartment house, but the connection shall be made only at the city water line. However, the Department shall not furnish the pipe or install the line from the city water line to that building or apartment house.

§ 53.03 RATES AND CHARGES.

(A) Service fees shall be as follows for all accounts:

Service		Fees and Charges

Water account deposit	\$25.00
Water tap fees	
5/8" X 3/4" standard tap	\$400.00 in city \$535.00 out of city rate
1" and above	Cost plus \$200.00
Any large rock removal for all installations	Cost of removal
Tap fee for all places of business or other places using sprinkling systems will be at cost plus cost of materials and labor plus the fee charge	Cost plus \$500.00
Service charge for standard read in service for Monday through Friday of operating hours	\$20.00
Service charge for standard read in service for after 5:00 p.m., holidays and weekends	\$30.00
Service charge for standard re-connects of non- payment, Monday through Friday of operating hours	\$30.00
Service charge for standard re-connect of non- payment after 5:00 p.m., holidays and weekends	\$40.00
Service	Fees and Charges
Service charge for meter reading re-checks	\$20.00
Service charge for test request	Cost plus \$20.00
Service charge for all investigations	\$20.00

(B) Water rates shall be as follows:

(1) Effective February 1, 2008, the monthly water service rates and charges for each customer inside the city shall be as follows:

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Gallons per Month	Monthly Charge
First 2,000	\$11.20 (min. mo. bill)
Next 3,000	\$0.620 per 100 gallons
Next 5,000	\$0.620 per 100 gallons
Next 10,000	\$0.398 per 100 gallons
Next 30,000	\$0.395 per 100 gallons
Next 50,000	\$0.385 per 100 gallons
Over 100,000	\$0.190 per 100 gallons

(2) From and after January 1, 2009, the monthly water service rates and charges for every account outside the city corporate boundaries, other than the wholesale users named in division (B)(3) below, shall be as set forth in the following schedule:

Gallons per Month	Monthly Charge
First 2,000	\$22.50 (min. mo. bill)
Next 3,000	\$0.630 per 100 gallons
Next 5,000	\$0.630 per 100 gallons
Next 10,000	\$0.540 per 100 gallons
Next 30,000	\$0.540 per 100 gallons
Next 50,000	\$0.500 per 100 gallons
Over 100,000	\$0.350 per 100 gallons

(Ord. 610.3, passed 5-22-78; Am. Ord. 19, passed 10-21-85; Am. Ord. 0-91-005, passed 3-25-91; Am. Ord. 0-99-013, passed 11-22-99; Am Ord. 0-00-009, passed 5-22-00)

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

Water District Name	Wholesale Rate	Increase Date
Southern Water	\$1.72 per 1,000 gallons	January 1, 2009
Mountain Water	\$1.68 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 1, 2009

(4) Pursuant to Section 53.02 "Water Meters" paragraph (A) the following rates shall apply if the City manager grants written approval for an exception for an apartment complex owner/operator with greater than 25 units. This exception will be to equipped said complex with a master meter instead of individual meters. At the time the

owner request water service to be installed the owner/operator shall supply the total number of apartments that the master meter will service. If this number changes at any time it shall be the owner/operators responsibly to notify the City at the time in which the number changes. In this event the following rates shall apply:

Inside the City Corporate Boundaries Rates:

(a) The owner of the apartment complex shall be responsible for the total usage and any and all fees cost or billing associated with water service.

(b) If any unit is occupied for any amount of time during the billing calendar month the owner of the apartment complex shall be billed the minimum of \$12.40 for each unit. Each unit billed shall get a 2,000 gallons credit of usage for that unit. Every gallon used thereafter shall be billed at the rate of \$0.620 per 100 gallons.

Outside the City Corporate Boundaries Rates:

(c) The owner of the apartment complex shall be responsible for the total usage and any and all fees cost or billing associated with water service.

(d) If any unit is occupied for any amount of time during the billing calendar month the owner of the apartment complex shall be billed the minimum of \$22.50 for each unit. Each unit billed shall get a 2,000 gallons credit of usage for that unit. Every gallon used thereafter shall be billed at the rate of \$0.630 per 100 gallons.

Note: In the event a unit is not rented during a calendar billing cycle it will be the owner operator's responsibility to submit in writing and a notarized statement of how many units were NEVER occupied for the entire billing cycle month and submit said statement with the billing statement for an adjustment. Each month the City shall consider that all units are in use unless notified by the described monthly billing process.

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 22nd day of July, 2013, the ordinance was given a second reading on the 2nd day of August, 2013.

Passed this 2nd day of August, 2013.

Commissioner Barry Chaney moved for the adoption of the forgoing ordinance.

Commissioner Gene Davis seconded the motion.

Upon roll call, the votes were as follows:

	Yes	No
FRANK JUSTICE, MAYOR	<u> X </u>	_____
GENE DAVIS, COMMISSIONER	<u> X </u>	_____
JERRY KEITH COLEMAN, COMMISSIONER	<u> X </u>	_____
JIMMY CARTER, COMMISSIONER	_____	___Absent
BARRY CHANEY, COMMISSIONER	<u> X </u>	_____

The Mayor declared the within ordinance adopted.

FRANKLIN D. JUSTICE, II MAYOR

ATTEST:

CHRISTY SPEARS, CITY CLERK

- 6. Consider a request for a second reading and adoption of ordinance #0-2013-021 authorizing a zoning change on KY1384 located across from Bob Amos Park entrance at Cedar Creek from R-1 to R1T and to authorize the Mayor to sign and execute on behalf of the City of Pikeville. City Attorney Russell Davis read the ordinance aloud. Commissioner Coleman made the motion to adopt the ordinance as read and published. Commissioner Chaney seconded the motion. Mayor Frank Justice called for discussion. City Attorney Davis stated this was a zoning change at Cedar on the Mitch Potter property. He stated the Joint Planning commission approved the zoning change with the adoption of a resolution. He stated Mr. Potter plans on building townhouses on the property and though it would be a nice project for the city. There being no further discussion, the Mayor called for a roll call vote. The motion carried unanimously. 4-0.

**AN ORDINANCE RELATED TO THE AMENDMENT
OF THE CITY OF PIKEVILLE ZONING MAP FOR
CEDAR CREEK PROPERTY
FROM R-1 TO R-1T**

Ordinance #0-2013-021

WHEREAS, The Joint Planning Commission for Pikeville, Pike County and Elkhorn City has reviewed the proposed Zone Map Amendment contained herein and did approve the same by resolution during its July 9th, 2013 commission meeting after a duly notice public hearing was held on July 9st 2013 and

NOW, THEREFORE, BE IT ORDAINED by the City of Pikeville that the Zoning Map for the City of Pikeville is amended as follows:

- 1. The Commission finds there have been major changes of an economic, social or physical nature of Cedar Creek Property which was not anticipated in the community's comprehensive plan and which have substantially altered the basic character of such areas so that the current zoning classification is inappropriate.
- 2. That the City of Pikeville's zoning map for Cedar Creek Property where the area is 12.12 acres in extent and fronts on KY1384 at the west end of the KY1384 bridge at the mouth of Cedar Creek as the same is reflected on the attached map is hereby amended from a R-1 classification to R-1T.

The above ordinance was given first reading this 22nd day of July, 2013, the ordinance was given a second reading on the 2nd day of August, 2013.

Passed this 2nd day of August, 2013.

Commissioner Jerry Keith Coleman moved for the adoption of the forgoing ordinance.

Commissioner Barry Chaney seconded the motion.

Upon roll call, the votes were as follows:

	Yes	No
FRANK JUSTICE, MAYOR	<u> X </u>	_____
GENE DAVIS, COMMISSIONER	<u> X </u>	_____
JERRY KEITH COLEMAN, COMMISSIONER	<u> X </u>	_____
JIMMY CARTER, COMMISSIONER	_____	___Absent
BARRY CHANEY, COMMISSIONER	<u> X </u>	_____

The Mayor declared the within ordinance adopted.

FRANKLIN D. JUSTICE, II MAYOR

ATTEST:

CHRISTY SPEARS, CITY CLERK

7. **City Attorney Russell Davis presented and read aloud the first reading of Ordinance #0-2013-024 Amending Chapter 72 Parking Regulations sections 72.001 and 72.004. No further action was required. The 2nd reading is scheduled for the August 12th 2013 regular meeting.**
8. **City Attorney Russell Davis presented and read aloud the first reading of Ordinance #0-2013-025 deleting the entire Chapter 75 Parking Schedules. No further action was required. The 2nd reading is scheduled for the August 12th 2013 regular meeting.**
9. **City Attorney Russell Davis presented and read aloud the first reading of Ordinance #0-2013-023 amending Chapter 92 Dilapidated Housing and**

Nuisance, section 92.11 paragraph (B). No further action was required. The 2nd reading is scheduled for the August 12th 2013 regular meeting.

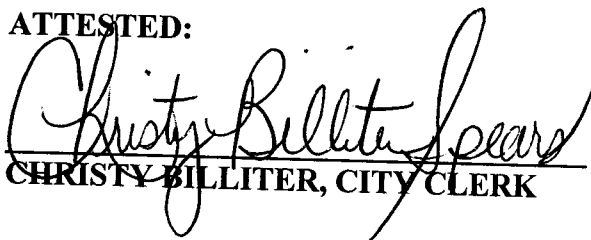
10. City Attorney Russell Davis presented and read aloud the first reading of Ordinance #0-2013-023 amending Section 111.17 related to an alcoholic beverage regulatory license fee and adopting a budget in order to reimburse the city for expenses. Amendments were made to section 111.17 Regulatory License Fee Imposed under sections (A), adding sentence (B) and (C). No further action was required. The 2nd reading is scheduled for the August 12th 2013 regular meeting.
11. City Attorney Russell Davis presented and read aloud the first reading of Ordinance #0-2013-022 adopting a budget for expenses for the additional policies, regulatory and administrative expenses related to the sale of Alcoholic beverages in the city of Pikeville for the 2013-2014 budget year. No further action was required. The 2nd reading is scheduled for the August 12th 2013 regular meeting.
12. There being no further business to come before the Commission, Commissioner Davis has made the motion to adjourn the meeting. Commissioner Coleman seconded the motion. Mayor Justice called for discussion, there being none, the meeting was adjourned. 4-0.

APPROVED:



FRANKLIN D. JUSTICE, II, MAYOR

ATTESTED:



CHRISTY BILLITER, CITY CLERK