

**CITY OF PIKEVILLE  
BOARD OF COMMISSIONERS  
REGULAR MEETING MINUTES  
MAY 8, 2006**

The Board of Commissioners for the City of Pikeville met in regular meeting on Monday, May 8, 2006. 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. At roll call, the following Commission Members were present:

<b>COMMISSIONER:</b>	<b>EUGENE W. DAVIS JAMES A. CARTER M. SHANE HALL</b>
<b>MAYOR:</b>	<b>FRANKLIN D. JUSTICE, II</b>

Commissioner Dallas Layne was absent.

**AGENDA ITEM II. MINUTES**

The minutes for the previous regular meeting of April 24, 2006 and special meeting of April 21, 2006 were included in each Commission Member's agenda package. There being no additions or corrections, Commissioner Carter made the motion, seconded by Commissioner Hall to approve the minutes as prepared. The motion carried 4 – 0.

**AGENDA ITEM III. BUSINESS FROM THE FLOOR**

Gary Johnson, along with other residents of the Lover's Leap Subdivision, appeared before the Commission to request permission to install a new security gate at the entrance to the subdivision. Mr. Johnson proposed the gate be closed from 6:00 p.m. to 6:00 a.m. to non-residents. Security codes will be given to emergency personnel and residents. Mr. Johnson advised that all residents of the subdivision are in agreement with regard to closing the gate during the specified time periods. The Commission had no objection to Mr. Johnson's proposal.

**AGENDA ITEM IV. PAYMENT OF BILLS**

**A. CITY BILLS:** A list of city bills totaling \$385,015.74 was presented to the Commission for approval of payment. Commissioner Davis made the motion, seconded by Commissioner Carter to approve payment of the city bills as requested. The motion carried 4 – 0.

**B. HIGH STREET RETAINING WALL:** Presented for approval of payment was an invoice from JBC, Incorporated in the amount of \$22,328.44 for work completed on the High Street Retaining Wall Project. To date, two change orders have been approved to extend the retaining wall along High Street and on Auxier Avenue. The contract amount including the two change orders is \$105,849.23. Cemetery Grant funds will pay for the retaining wall replacement along the cemetery. The remainder of the project will be reimbursed with Department of Transportation Funds that was unspent during the Kentucky Avenue Roadway Improvement Project. Commissioner Carter made the motion to approve payment of the invoice from JBC, Incorporated in the amount of \$22,328.44. Mayor Justice seconded the motion. The motion carried 4 – 0.

**AGENDA ITEM V.**

**OLD BUSINESS**

**A. BIG SANDY AREA DEVELOPMENT DISTRICT:** No report

**B. PIKEVILLE MAIN STREET PROGRAM:** A written report of activities during the month of April, 2006 was given to each Commission Member. No action taken.

**C. CITY ENGINEER'S REPORTS:** Jack Sykes representing Summit Engineering, city engineers, presented a verbal status report for the following projects:

1. **Wastewater Treatment Plant Headworks Project:** Mr. Sykes presented the 4<sup>th</sup> and final invoice on behalf of Zabcar Corporation for the Headworks Improvement Project in the amount of \$35,029.77 for approval of payment. Submitted was an affidavit of release of liens and the contractor's release of lien. The one year warranty period will expire on May 3, 2007. Commissioner Carter made the motion to approve payment of the invoice as recommended by the city engineer. Commissioner Davis seconded the motion. The motion carried 4 – 0.

2. **Pauley Bridge Rehabilitation Project:** Mr. Sykes reported the contractor, Steve Thacker Construction, is in the process of completing the flooring and painting of the bridge. With the removal of the sidewalk portion of the bridge, the bridge is out of level by approximately 17 inches. The bridge can be adjusted using the turnbuckles located at the end of the bridge. Because the contractor will accept no liability during leveling, city personnel will make the necessary adjustments. Traffic will be stopped along US 23 at 5 minute intervals, during the adjustment to the bridge, for safety purposes. Mr. Sykes told the Commission that he has spoken with structural engineers regarding the proper procedures for adjusting the bridge. Commissioner Hall requested that the property owners in the area be notified of the time and date, when the leveling of the bridge is scheduled. City Manager Blackburn was asked to check the city's liability insurance policy.

3. **Bob Amos Park Improvement Project:** City Engineer Sykes reported that Mayor Justice, City Manager Blackburn, and he are to meet with Division of

Mining personnel on site on May 10, 2006 to discuss the proposed mining in Bob Amos Park.

**D. CITY ATTORNEY'S REPORTS:** Russell H. Davis, Jr., city attorney, presented the following items for the Commission's consideration:

1. **Zoning Map Amendment:** Second reading was given to an Ordinance entitled as follows:

**ORDINANCE AMENDING THE CITY OF PIKEVILLE'S ZONING MAP FOR AN AREA LOCATED ALONG LORAIN STREET ON THE EAST SIDE, OWNED BY SHANE HALL, FROM R-1A TO C3**

Mayor Justice made the motion to adopt the ordinance as presented and read. Commissioner Davis seconded the motion. The motion carried by the following votes:

<b>COMMISSIONER:</b>	<b>DALLAS LAYNE</b>	<b>ABSENT</b>
	<b>EUGENE W. DAVIS</b>	<b>YES</b>
	<b>JAMES A. CARTER</b>	<b>YES</b>
	<b>M. SHANE HALL</b>	<b>ABSTAIN</b>
<b>MAYOR:</b>	<b>FRANKLIN D. JUSTICE, II</b>	<b>YES</b>

2. **Zoning Map Amendment:** Presented and given second reading was an Ordinance captioned as follows:

**ORDINANCE AMENDING THE CITY OF PIKEVILLE'S ZONING MAP FOR AN AREA LOCATED AT 119 SECOND STREET OWNED BY SOUTHEAST TELEPHONE, FROM R-1A TO C3**

Commissioner Carter made the motion to adopt the ordinance as presented and given second reading. Commissioner Hall seconded the motion. The motion carried by the following votes:

<b>COMMISSIONER:</b>	<b>DALLAS LAYNE</b>	<b>ABSENT</b>
	<b>EUGENE W. DAVIS</b>	<b>YES</b>
	<b>JAMES A. CARTER</b>	<b>YES</b>
	<b>M. SHANE HALL</b>	<b>YES</b>
<b>MAYOR:</b>	<b>FRANKLIN D. JUSTICE, II</b>	<b>YES</b>

3. **Operating Budget for 2006-2007:** Presented and given second reading was an ordinance entitled as follows:

**AN ORDINANCE ADOPTING THE CITY OF PIKEVILLE, KENTUCKY ANNUAL BUDGET FOR THE FISCAL YEAR JULY 1, 2006 THROUGH JUNE**

**30, 2007, BY ESTIMATING REVENUES AND RESOURCES AND APPROPRIATING FUNDS FOR THE OPERATION OF CITY GOVERNMENT**

Commissioner Hall made the motion to adopt the ordinance as presented and given second reading. Commissioner Carter seconded the motion. The motion carried by the following votes:

<b>COMMISSIONER:</b>	<b>DALLAS LAYNE</b>	<b>ABSENT</b>
	<b>EUGENE W. DAVIS</b>	<b>YES</b>
	<b>JAMES A. CARTER</b>	<b>YES</b>
	<b>M. SHANE HALL</b>	<b>YES</b>
<b>MAYOR:</b>	<b>FRANKLIN D. JUSTICE, II</b>	<b>YES</b>

4. **Buckley's Creek Annexation:** First reading of an amended ordinance, regarding the intent to annex property in the Buckley's Creek area, was postponed.

5. **Big Shoal/Keyser Branch Annexation:** First reading was given to an ordinance entitled as follows:

**AMENDED ORDINANCE DECLARING THE INTENTION OF THE CITY OF PIKEVILLE TO ANNEX CERTAIN UNINCORPORATED TERRITORY LYING ADJACENT TO THE PRESENT CITY CORPORATE LIMITS AND COMPRISING OF APPROXIMATELY 713.59 ACRES EXTENDING THE CITY'S CORPORATE LIMITS ON THE NORTHWEST OF THE EXISTING CORPORATE LIMITS ALONG THE LEVISA FORK OF THE BIG SANDY RIVER ON BIG SHOAL AND KEYSER BRANCH**

Second reading of the ordinance was scheduled for May 22, 2006.

6. **Municipal Road Aid:** Presented was the following resolution approving the annual coop contract with the Kentucky Transportation Cabinet for the fiscal year beginning July 1, 2006:

**RESOLUTION ADOPTING AND APPROVING THE EXECUTION OF A MUNICIPAL AID COOP PROGRAM CONTRACT BETWEEN THE INCORPORATED AREA AND THE COMMONWEALTH OF KENTUCKY, TRANSPORTATION CABINET, DEPARTMENT OF INTERGOVERNMENTAL PROGRAMS FOR THE FISCAL YEAR BEGINNING JULY 1, 2006, AS PROVIDED IN THE KENTUCKY REVISED STATUTES AND ACCEPTING ALL STREETS REFERRED TO THEREIN AS BEING STREETS WHICH ARE A PART OF THE INCORPORATED AREA**

**Be it resolved by the City of Pikeville Board of Commissioners that:**

**The City of Pikeville Board of Commissioners does hereby accept all streets referred to in said Contract as being city streets which are a part of the Incorporated Area; and**

**The City of Pikeville Board of Commissioners does hereby ratify and adopt all statements, representations, warranties, covenants, and agreements contained in said Contract and does hereby accept said Contract and by such acceptance agrees to all the terms and conditions therein stated; and**

**The Mayor of the City of Pikeville is hereby authorized and directed to sign said Contract as set forth on behalf of the Board of Commissioners of the City of Pikeville, Pike County, and the City Clerk of Pikeville is hereby authorized and directed to certify thereto.**

**Commissioner Carter made the motion, seconded by Commissioner Hall to adopt the resolution as presented and read. The motion carried 4 – 0.**

**The City of Pikeville’s apportionment of the 2006-07 fiscal year is \$60,011.00.**

**E. POLICE DEPARTMENT UPDATE: Police Chief James Adkins advised the Commission that Homeland Security began its assessment this date. A report of the findings is scheduled for May 11, 2006 at 3:00 p.m. in the City Hall Public Meeting Room.**

**Chief Adkins introduced 5 new police officers for the City of Pikeville. The newly appointed officers are Scotty Hamilton, Russell Blankenship, Wes Babcock, Gary Tomblin, and Jeffrey Bailey. The officers will be in basic training at the Police Academy in Richmond from June 26, 2006 – November 10, 2006.**

**F. FIRE DEPARTMENT UPDATE: No report**

**G. CITY MANAGER’S REPORT: Donovan Blackburn, City Manager, presented the following matters for the Commission’s consideration:**

**1. Board of Zoning Adjustments Appointment: Postponed.**

**2. Excavator: City Manager Blackburn presented a recommendation from Veolia Water personnel recommending the award of bid for the purchase of an excavator to the lowest and best bidder, Knox-Tenn Rental and Sales Company, in the amount of \$43,500.00. Commissioner Carter made the motion, seconded by Commissioner Davis, to award the bid for the purchase of an excavator, from Knox-Tenn Rental and Sales Company, in the amount of \$43,500.00. The motion carried 4 – 0.**

**3. Proclamation: Commissioner Hall made the motion, seconded by Commissioner Davis to authorize the signing of a proclamation designating May 19,**

2006 as American Cancer Society Relay for Life Day in Pikeville, Kentucky. The motion carried 4 - 0.

4. **Police Personnel Policy:** City Manager Blackburn recommended amendment of the Personnel Policy with regard to probationary periods for police officers. The current policy provides for a probationary period of one year from the hire date of the employee. The amendment extends the probationary period to one year from the date of graduation from the police academy. City Manager Blackburn explained that it is difficult to evaluate an officer's performance during the probationary period as it now exists. This is due largely to the fact that police officers are in the police academy for six months, giving supervisors about six months to evaluate the officer's performance. Mayor Justice made the motion, seconded by Commissioner Carter to approve the amendment to the personnel policy regarding probationary periods for police officers. The motion carried 4 - 0.

5. **Closed Session:** Commissioner Hall made the motion, seconded by Mayor Justice to adjourn to closed session for the purpose of discussing business proposals and bids submitted for economic development of the city's Thompson Road Property and personnel issues. The motion carried 4 - 0.

Mayor Justice made the motion, seconded by Commissioner Carter to reconvene to regular session. The motion carried 3 - 0 (Commissioner Hall not present at the time of the vote).

At the recommendation of City Manager Blackburn, Commissioner Davis made the motion, seconded by Commissioner Carter to request a zoning map amendment for the city's Thompson Road property from Institutional to C-2. The motion carried 4 - 0.

Mayor Justice made the motion to name the Girls Softball Locker Room Facility in honor of William J. Baird, III. Commissioner Davis seconded the motion. The motion carried 4 - 0.

City Manager Blackburn requested to post the position to hire a full-time I.T. employee. Commissioner Hall made the motion, seconded by Mayor Justice to authorize the city manager to post the position for a full-time I.T. employee. The motion carried 4 - 0.

Mayor Justice made the motion, seconded by Commissioner Hall to employ James Hartsock, as a temporary maintenance employee for the cemetery and pond area, at the wage rate of \$8.00/hr. The motion carried 3 - 0 (Commissioner Davis not present at the time of the vote).

Mayor Justice made the motion to adjourn to closed session for the purpose of discussing the RFQ's, received for operation of city services, with the bidding companies. Commissioner Hall seconded the motion. The motion carried 4 - 0.

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

**The next scheduled meeting of the Board of Commissioners of the City of Pikeville is May 22, 2006 at 6:00 p.m.**

**APPROVED: \_\_\_\_\_  
FRANKLIN D. JUSTICE, II, MAYOR**

**ATTEST:**

**\_\_\_\_\_  
KAREN W. HARRIS, CITY CLERK**

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<b>MAYOR:</b>	<b>FRANKLIN D. JUSTICE, II</b>

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	<b>EUGENE W. DAVIS</b>	<b>YES</b>
	<b>JAMES A. CARTER</b>	<b>YES</b>
	<b>M. SHANE HALL</b>	<b>ABSTAIN</b>
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	<b>JAMES A. CARTER</b>	<b>YES</b>
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<b>MAYOR:</b>	<b>FRANKLIN D. JUSTICE, II</b>	<b>YES</b>

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<b>MAYOR:</b>	<b>FRANKLIN D. JUSTICE, II</b>	<b>YES</b>

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**Be it resolved by the City of Pikeville Board of Commissioners that:**

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**The City of Pikeville Board of Commissioners does hereby ratify and adopt all statements, representations, warranties, covenants, and agreements contained in said Contract and does hereby accept said Contract and by such acceptance agrees to all the terms and conditions therein stated; and**

**The Mayor of the City of Pikeville is hereby authorized and directed to sign said Contract as set forth on behalf of the Board of Commissioners of the City of Pikeville, Pike County, and the City Clerk of Pikeville is hereby authorized and directed to certify thereto.**

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**The next scheduled meeting of the Board of Commissioners of the City of Pikeville is May 22, 2006 at 6:00 p.m.**

**APPROVED: \_\_\_\_\_  
FRANKLIN D. JUSTICE, II, MAYOR**

**ATTEST:**

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KAREN W. HARRIS, CITY CLERK**