

**CITY OF PIKEVILLE
BOARD OF COMMISSIONERS
REGULAR MEETING MINUTES
AUGUST 28, 2006**

The Board of Commissioners for the City of Pikeville met in regular session on Monday, August 28, 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. Commission Members present at roll call were as follows:

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| COMMISSIONER: | DALLAS LAYNE EUGENE W. DAVIS M. SHANE HALL |
| MAYOR: | FRANKLIN D. JUSTICE, II |

Commissioner James A. Carter was absent.

AGENDA ITEM II. MINUTES

The minutes for the previous regular meeting of August 14, 2006 were included in each Commission Member's agenda package. There being no additions or corrections, Mayor Justice 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

There were no items presented during the call for Business from the Floor.

AGENDA ITEM IV. PAYMENT OF BILLS

A list of City Bills totaling \$23,627.08 was presented to the Commission for approval of payment. Commissioner Davis made the motion, seconded by Commissioner Layne to approve payment of the bills as requested. The motion carried 4 – 0.

AGENDA ITEM V. OLD BUSINESS

A. BIG SANDY AREA DEVELOPMENT DISTRICT: Donna Witte was present on behalf of the Big Sandy Area Development District. It was reported that two bids were received for asbestos abatement for the structures located on Saad Avenue (only 3 of the 5 structures were identified as containing asbestos). The bids were submitted by Alpha Environmental Contracting, Inc. in the amount of \$4,671.00 and by American Logistics, Inc. in the amount of \$14,960.00. It was recommended to award the bid to the low bidder, Alpha Environmental Contracting, Inc. in the amount of \$4,671.00. Commissioner Hall made the motion

to award the bid for asbestos abatement, for Phase VI of the Pikeville Redevelopment Project, to Alpha Environmental Contracting, Inc. in the amount of \$4,671.00. Commissioner Davis seconded the motion. The motion carried 4 - 0.

PRIDE on the River: Commissioner Layne made the motion to authorize the Big Sandy Area Development District to submit a PRIDE funding application in the amount of \$500,000 for the PRIDE on the River Project. Commissioner Davis seconded the motion. The motion carried 4 - 0.

B. PIKEVILLE MAIN STREET PROGRAM: No report

C. CITY ENGINEER'S REPORTS: Jack Sykes was present on behalf of Summit Engineering, Inc., city engineers, and requested the Commission's authorization to proceed with the plans for Thompson Road Improvement Project as proposed. Commissioner Layne made the motion, seconded by Commissioner Davis to authorize Summit Engineering, Inc. to proceed with the plans for the Thompson Road Improvement Project as proposed. The motion carried 3 - 0 - 1 with Commissioner Hall abstaining from the vote.

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

1. **BUCKLEY'S CREEK:** Second reading was given to an Ordinance entitled as follows:

ORDINANCE REPEALING ORDINANCE NO. O-006-004 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 834.886 ACRES EXTENDING THE CITY'S CORPORATE LIMITS ON THE NORTHWEST OF THE EXISTING CORPORATE LIMITS ON BUCKLEYS CREEK ALONG U.S. HIGHWAY 119

Commissioner Layne made the motion, seconded by Mayor Justice to adopt the ordinance as presented and given second reading. The motion passed with the following votes:

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

2. **BIG SHOAL ANNEXATION:** First reading was given to an ordinance captioned as follows:

ORDINANCE FINALLY ANNEXING TO THE CITY OF PIKEVILLE 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 was scheduled for September 11, 2006.

3. STREET NAME: Presented and given second reading was an ordinance entitled as follows:

ORDINANCE NAMING UNNAMED STREET WITHIN THE CITY OF PIKEVILLE TO "LOTHLORIEN LANE"

The street is located at the top of Town Mountain Road, running by the water tank up the hill to the Forsyth residence.

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

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

4. HIGHLAND THEATER CORPORATION: City Attorney Davis presented a Purchase and Sale Agreement for approval by the Commission. Attorney Davis reported that Highland Theater Corporation has agreed to sell to the City of Pikeville a tract of property located on Main Street, including all of the property owned by Highland from the retaining wall to Main Street, and including the steps. The purchase price is \$215,000. Highland reserves an easement for the location of the existing marquee sign for the River 10 Cinema showings for as long as the Highland property is used as a cinema. Highland is required to maintain the sign in good condition at their cost. The City will have the right to relocate the sign to the Highland Cinema property at its cost and at a height equal to the existing sign height. The reserved easement will terminate upon the relocation of the sign by the City. Closing is scheduled in thirty days from today. Commissioner Layne made the motion to enter into the Purchase and Sale Agreement as explained by the City Attorney, and authorized the Mayor to execute any necessary documents associated with the purchase. Commissioner Davis seconded the motion. The motion carried 4 – 0.

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

1. Mossy Bottom Sewer Project: City Manager Blackburn explained there is a \$143,120 shortfall in funding for the Mossy Bottom Sewer Extension. He requested the Commission approve a letter of commitment to allocate \$143,120 from a current 2006 Coal Severance Fund project to ensure the Mossy Bottom project proceeds as quickly as possible. Commissioner Hall made the motion, seconded by Commissioner Davis to authorize the Mayor and the City Manager to execute a letter of commitment to allocate \$143,120 to the Mossy Bottom Sewer Extension project. The motion carried 4 – 0.

2. Industrial Development And Economic Authority (IDEA): Presented for approval was a renewal of an Interlocal Agreement between the City of Pikeville and the Pike County Fiscal Court for the Pikeville/Pike County Industrial Development and Economic Authority. Commissioner Davis made the motion to approve the Interlocal Agreement and authorized the Mayor to execute said agreement. Commissioner Layne seconded the motion. The motion carried 4 – 0.

3. Equipment Policy: Presented for approval was a policy and fee schedule for the use of city equipment by other governmental agencies. Mayor Justice made the motion, seconded by Commissioner Hall to approve the policy and fee schedule as presented. The motion carried 4 – 0.

4. Closed Session: Commissioner Davis made the motion to adjourn to closed session, for the purpose of discussing economic development, legal, and personnel issues. Commissioner Layne seconded the motion. The motion carried 4 – 0.

Commissioner Hall made the motion, seconded by Commissioner Layne, to reconvene to regular session. The motion carried 4 – 0.

Commissioner Layne made the motion to authorize the City Manager to advertise for bids for the Bob Amos Project. Commissioner Hall seconded the motion. The motion carried 4 – 0.

Commissioner Davis made the motion to advertise for bids for the purchase of a new fire truck. Commissioner Layne seconded the motion. The motion carried 4 – 0.

Commissioner Davis made the motion to authorize the submittal of a grant application for \$150,000 in Renaissance funds to be used for sidewalk replacement in the downtown area. Commissioner Layne seconded the motion. The motion carried 4 – 0.

Three bids were received for the abatement of illegal dump sites located on Harolds Branch and Williams Hollow. The city received a PRIDE Community Grant in the amount of \$15,000.00 to assist in the clean-up. The bids were submitted by Toby J. Hall d/b/a/ Pimco, Inc. in the amount of \$7,840.00; Jerry Charles of Pikeville Paving & Construction in the amount of \$13,465.10; and Cecil Howell of Howell Excavation in the amount of \$14,860.00. Commissioner Layne made the motion, seconded by Commissioner Davis to award the bid to the low bidder, Toby J. Hall d/b/a/ Pimco, Inc. in the amount of \$7,840.00. The motion carried 4 – 0.

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

Commission Members attended the dedication ceremony, for the re-opening of the Pauley Bridge, at 7:00 p.m.

The next regular meeting of the Pikeville City Commission is September 11, 2006 at 6:00 p.m.

APPROVED: _____
FRANKLIN D. JUSTICE, II, MAYOR

ATTEST:

KAREN W. HARRIS, CITY CLERK