

**CITY OF PIKEVILLE  
BOARD OF COMMISSIONERS  
SPECIAL MEETING MINUTES  
October 8, 2009 AT 6:00 P.M.**

The Board of Commissioners for the City of Pikeville met in a special called session on Thursday, October 8, 2009. The meeting was held in the City Hall Conference Meeting Room located at 118 College Street, Pikeville, Kentucky.

1. There being a quorum present, Mayor Frank Justice called the meeting to order at: 7:00 p.m. Commission Members present at roll call were a follows:

<b>COMMISSIONER:</b>	<b>GENE DAVIS</b>	
	<b>BARRY CHANEY</b>	<b>Absent</b>
	<b>DALLAS LAYNE</b>	
	<b>JIMMY CARTER</b>	

<b>MAYOR:</b>	<b>FRANKLIN D. JUSTICE, II</b>
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2. The minutes for the previous regular meeting held on September 28, 2009 were in each Commission Member's agenda package. There being no additions or corrections, Commissioner Carter made the motion to approve the minutes as prepared. Commissioner Chaney seconded the motion. Pro-Tem Mayor Eugene Davis called for discussion, there being none the motion carried unanimously. 4-0

3. A list of City Bills totaling \$480,072.03 was presented to the Commission for approval of payment. Commissioner Layne made the motion to approve. Commissioner Carter seconded the motion. Mayor Frank Justice called for discussion, there being none the motion carried unanimously.

4. Consider request for the approval and authorization of payment for the invoice for the city water telemetry project in the amount of \$66,759.00 to Microcomm for SCADA System Expansion. Commissioner Carter made the motion to approve. Commissioner Layne seconded the motion. Mayor Justice called for discussion, there being none the motion passed unanimously. 4-0

5. Consider request for the approval and authorization of payment for the invoice for the city sewer telemetry project to Boggs Municipal Services, Inc. in the amount of \$28,400.00 and UMG, LLC in the amount of \$6,788.00. Commissioner Davis made the motion to approve. Commissioner Carter seconded the motion. Mayor Justice called for discussion, there being none the motion passed unanimously. 4-0.

6. Consider discussion, reading and consideration of adoption of a 6 month moratorium Emergency Ordinance 0-2009-025 prohibiting any issuances of any

**building or construction permits or business license permits for outpatient's drug or addition centers or clinics that would consider operating with 1,000 feet of a school, daycare or public park. Ordinance was read into record by City Attorney Rusty Davis. Frank Justice made the motion to adopt. Commissioner Layne seconded the motion. Mayor Justice called for discussion. Rusty Davis added the City of Pikeville needed to submit to Joint Planning Commission for the zoning of the areas for review. City Commissioner Davis added this discussion is not that we approve or disapprove; the commission is only acting to allow time to study the ordinance and become educated on the issue. Mr. Blackburn stated the commission supports various programs like DARE, Hidta and West Care for the homeless shelter. Mr. Blackburn also stated that the city was taking steps to offer city employees access to counseling and the help is there. Mayor Justice added that the commission does not want drug treatment facilities near schools and will take proper procedures and asked for roll call. Ordinance was adopted unanimously. 4-0.**

**ORDINANCE DECLARING A MORATORIUM FOR A PERIOD OF SIX MONTHS FROM THE EFFECTIVE DATE OF THIS ORDINANCE FROM THE ISSUANCE OF ANY BUILDING PERMITS, CONSTRUCTION PERMITS OR BUSINESS LICENSE PERMITS FOR THE OPERATION OF OUTPATIENT DRUG ABUSE OR ADDICTION OUTPATIENT TREATMENT CENTERS, FACILITIES OR CLINICS OR THE OPERATION THEREOF, WITHIN 1,000 FEET OF A SCHOOL, DAYCARE OR OTHER INSTITUTION THAT IS LICENSED BY THE COMMONWEALTH OF KENTUCKY TO PROVIDE INSTRUCTIONAL AND/OR DAYCARE FOR MINORS OR PUBLIC PARK OR PLAYGROUND**

**ORDINANCE NO. 0-2009-025**

WHEREAS, it is known the Commission for the City of Pikeville that drug abuse/addiction outpatient treatment centers sometimes commonly referred to as methadone clinics or suboxone clinics that have operated in the City of Pikeville have resulted in certain problems that could present a danger to minors who come together in groups to attend schools and daycare facilities within the City of Pikeville.

WHEREAS, some of the common problems associated with drug abuse and drug addiction treatment centers are the fact that many of the patients have violent criminal records, are known to abuse narcotic drugs, have been ordered to participate in the program, appear at the treatment center under the influence of drugs and/or alcohol, often drive vehicles to and from the clinics under the influence of drugs and/or alcohol, congregate at the treatment centers before the opening time of the clinics resulting in traffic and parking problems; and

WHEREAS, Commission for the City of Pikeville believes that drug abuse and addiction treatment clinics are not well suited to be located adjacent to or in the vicinity of school and daycare centers where minors receive instructional and daycare services; and

WHEREAS, the Commission desires to prohibit and prevent the location, operation or construction of drug abuse and treatment centers within 1,000 feet of licensed school and daycare centers for a period of 6 months from the day hereof so that both the Planning Commission for Pike County, Elkhorn City and the City of Pikeville shall have the

opportunity to consider amendments to the existing zoning regulations for the City of Pikeville concerning the appropriate location of drug abuse and addiction treatment centers.

NOW THEREFORE, be it ordained by the City of Pikeville that for a period of 6 months from the effective date of this ordinance, no person shall attempt to construct, build, open or operate a drug abuse or addiction treatment clinic, center or facility within the corporate limits of the City of Pikeville within a 1,000 feet radius of any state licensed, operator or regulated school or daycare center for minors or public park or playground. Further, the City of Pikeville shall not issue any building permits, construction permits or occupational license permits which would allow the operation of drug abuse or treatment centers, clinics or facilities within a 1,000 foot radius of any state licensed, operated or regulated school or daycare facility for minors or public park or playground.

There is an exemption from this moratorium for any state licensed hospital or in the downtown business district.

Am emergency is declared to exist which necessitates the immediate adoption of this Ordinance to prevent the operation of new drug treatment clinics while regulations are being considered.

The above ordinance was given first reading this 8th day of October, 2009.

Passed this 8<sup>th</sup> day of October, 2009.

Mayor Frank Justice moved for the adoption of the foregoing ordinance.

Commissioner Layne seconded the motion.

Upon roll call, the votes were as follows:

	<u>YES</u>	<u>NO</u>
FRANK JUSTICE, II, MAYOR	<u>X</u>	_____
GENE DAVIS, COMMISSIONER	<u>X</u>	_____
DALLAS LAYNE, COMMISSIONER	<u>X</u>	_____
BARRY CHANEY, COMMISSIONER	ABSENT	_____
JIMMY CARTER, COMMISSIONER	<u>X</u>	_____

The Mayor declared the within ordinance adopted.

/s/ Frank Justice  
FRANK JUSTICE, II, MAYOR

ATTESTED:

/s/ Rebecca Hamilton  
CITY CLERK

**7. City Attorney Rusty Davis read into record a resolution referring to the Pikeville/Pike County Joint Planning Commission amending zoning regulations regarding Drug Treatment Centers and to authorize the Mayor or Pro tem Mayor to sign to execute said resolution. Commissioner Carter made the motion to approve the resolution. Commissioner Davis seconded the motion. Mayor Justice**

called for discussion or comments, there being none the motion passed unanimously. 4-0.

8. City Attorney Rusty Davis read into record the second reading of ordinance 0-2009-024 amending the City of Pikeville 2009-2010 Operation Budget. Mr. Davis asked for adoption. Commissioner Carter made the motion to adopt. Commissioner Layne seconded the motion. Mayor asked for further discussion, there being none roll call. Ordinance adopted unanimously. 4-0.

ORDINANCE AMENDING THE FISCAL BUDGET FOR THE 2009-2010 FISCAL YEAR

ORDINANCE NO. 0-2009-024

WHEREAS, certain additional information has come to the attention of the Finance Department which necessitates the amendment of the 2009-2010 fiscal year budget to reflect certain increases and decreases to revenues and expenditures.

NOW, THEREFORE be it ordained by the City of Pikeville that the fiscal budget for the 2009-2010 fiscal year is hereby amended to reflect an increase and or decrease of revenues and /or expenditures as reflected in the attached exhibit entitled "Budget Amendments".

The above ordinance was give first reading on September 27th 2009.

The ordinance was given second reading on October 8, 2009. The ordinance shall be in full force and effect immediately after it is passed and published as required by law.

Passed, this 8th day of October, 2009.

Commissioner Carter moved the adoption of the foregoing ordinance. Commissioner Layne seconded the motion.

Upon roll call, the votes were as follows:

	<u>YES</u>	<u>NO</u>
FRANKLIN D. JUSTICE, II MAYOR	<u>X</u> _____	_____
JAMES A. CARTER, COMMISSIONER	<u>X</u> _____	_____
EUGENE W. DAVIS, COMMISSIONER	<u>X</u> _____	_____
DALLAS LAYNE, COMMISSIONER	<u>X</u> _____	_____
BARRY N. CHANEY, COMMISSIONER	_____	_____ ABSENT

The Mayor declared the within Ordinance adopted.

/s/ Frank Justice  
FRANKLIN D. JUSTICE, II, MAYOR

ATTEST:

/s/ Rebecca Hamilton  
REBECCA HAMILTON, CITY CLERK

9. Consider a request to promote Robby Lindsey to the position of Fire/Codes Housing Inspector and adjust the pay according to the city pay chart based on a 20 year plus service. Commission Carter made the motion to approve. Commissioner Davis seconded the motion. Mayor Justice called for discussion, there being none the motion passed unanimously. 4-0.

10. Consider a request to approve amended pay chart dated October 8, 2009. Commission Layne made the motion to approve. Commissioner Carter seconded the motion. Mayor Justice called for discussion, there being none the motion passed unanimously. 4-0.

11. Consider a request to approve new job description for “Administrative Clerk”. Commissioner Davis made the motion to approve. Commissioner Layne seconded the motion. Mayor Justice called for comments, there being none the motion passed unanimously. 4-0.

12. Consider a request reclassify Robbi Howell to the position of “Administrative Clerk” and adjust pay to the pay chart set forth for the position by the city pay chart. Commissioner Davis made the motion to approve. Commissioner Layne seconded the motion. Mayor Justice called for additional comments, there being none the motion passed unanimously. 4-0.

13. Consider request to observe Halloween Night “Trick-or Treat” in the Pikeville City Limits on October 29, 2009 between the hours of 6:00 p.m. and 8:00 p.m. to follow the Pike County Court Action. Commission Layne made the motion to approve. Commissioner Davis seconded the motion. Mayor Justice

14. Consider discussion on the Army corps of Engineer public hearing on Nationwide Permit 21 at the East KY Expo Center in Pikeville on October 13, 2009 at 7:00 p.m. City Manager read the public hearing notice. Mayor Justice asked for comments, there being none no further actions was taken.

Consider request to accept the ARC Grant Award for the Marion Branch Sewer Project in the amount of \$325,000.00. Commissioner Carter made the motion to accept. Commissioner Layne seconded the motion. Mayor called for further comments, there being none the grant award was accepted. 4-0.

15. Consider request to adopt a resolution accepting the Pikeville Communications Improvement Project for Fiscal Year 2009 Homeland Security Grant (HSGP) in the amount of \$15,492.00 to purchase a repeater for the 911 Communications Center. Commissioner Davis made the motion to approve. Commissioner Carter seconded. Mayor Justice called for further comments, there being none the resolution was approved. 4-0.

16. Consider request for closed session for discussion of an economic development issues involving new business opportunity for a potential downtown business. Commissioner Layne made the motion to adjourn. Commissioner Carter seconded the motion to adjourn. Mayor Justice called for discussion, there being none the motion passed unanimously to adjourn for closed session. 4-0

17. Commissioner Carter made the motion to re convene. Commissioner Layne seconded the motion. Mayor Justice called for discussion, there being none the motion passed unanimously. 4-0. Mayor called the session back into order.

18. There being no further business to come before the Commission, Commissioner Carter has made the motion to adjourn the meeting. Commissioner Davis seconded the motion. Mayor Justice called for discussion, there being none the meeting was adjourned. 4-0

**The next scheduled Regular Meeting of the City of Pikeville Board of Commissioners is October 26, 2009 at 6:00 p.m.**

**APPROVED:**

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

**ATTESTED:**

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**REBECCA HAMILTON, CITY CLERK**