

**CITY OF PIKEVILLE
BOARD OF COMMISSIONERS
SPECIAL MEETING MINUTES
November 5, 2008 AT 3:00 P.M.**

The Board of Commissioners for the City of Pikeville met in a special called session on Wednesday, November 5, 2008. The meeting was held in the City Hall Conference Meeting Room located at 118 College Street, Pikeville, Kentucky.

There being a quorum present, Pro Team Mayor Eugene Davis called the meeting to order at: 3:00 p.m. Commission Members present at roll call were a follows:

COMMISSIONER:

**GENE DAVIS- PRO TEAM MAYOR
BARRY CHANEY -ABSENT
DALLAS LAYNE
JIMMY CARTER**

MAYOR:

FRANKLIN D. JUSTICE, II- ABSENT

MINUTES

1. Approvals of the October 3rd 2008 minutes on agenda should have read November 3rd 2008 so therefore have been tabled due to typographical error. The approval of the November 3rd 2008 minutes will be at the November 24th 2008 regular meeting.

2. City Manager Donovan Blackburn presented to the Commission a request to authorize a one time extra pay period to be paid to the current City Employees in the amount of \$275.00 (same amount as approved in 2007). Commissioner Carter made the motion to approve. Commissioner Layne seconded the motion. Pro Team Mayor Davis called for discussion, there being none the motion passed unanimously.

ANNEXATION

3. City Attorney Rusty Davis presented and gave the final reading of an ordinance to finally annex 153.67 acres at Sword Fork of Fords Branch in Pike County, Kentucky.

**ORDINANCE FINALLY ANNEXING BY THE CITY
OF PIKEVILLE CERTAIN UNINCORPORATED
TERRITORY LYING ADJACENT TO THE PRESENT CITY
CORPORATE LIMITS AND COMPRISING OF APPROXIMATELY
153.67 ACRES EXTENDING THE CITY'S CORPORATE LIMITS**

**AT SWORD FORK OF FORDS BRANCH OF THE LEVISA
FORK OF THE BIG SANDY RIVER**

ORDINANCE NO. 0-2008-026

WHEREAS, Ordinance No. 0-2008-019 was passed on the 25th day of August, 2008 by the Commission for the City of Pikeville, Kentucky enacting an ordinance stating its intent to annex to the City Limits of Pikeville certain unincorporated territory more particularly described hereinafter, and

WHEREAS, the territory to be annexed is adjacent and contiguous to the City of Pikeville's existing boundaries and the City Commission has determined that no part of the area to be annexed shall be included in the boundary of another city; and

WHEREAS, the Pikeville City Commission has determined that by reason of the population density, commercial and/or industrial use of the surrounding land, the territory sought to be annexed by the City of Pikeville is urban in character and suitable for development for the urban purposes by the City of Pikeville without unreasonable delay;

WHEREAS, pursuant to KRS 81A.425, notice was sent by first-class mail to each property owner listed on the records of the Pike County Property Valuation Administrator as of January 1, 2008; and,

WHEREAS, said notice was mailed no later than fourteen (14) days prior to the meeting at which the ordinance proposing the annexation and stated the intention of the City of Pikeville to annex the territory received its second reading; and

WHEREAS, Ordinance No. 0-2008-019, proposing the annexation was duly read in accordance with the Kentucky Revised Statutes, and was published and went into effect on August 26th, 2009; and,

WHEREAS, more than sixty (60) days have elapsed since Ordinance No. 0-2008-019 went into effect, and no petition containing signatures of property owners in the area to be annexed has been received by the Mayor pursuant to KRS 81A.420; and,

WHEREAS, all notices required by Kentucky Revised Statutes have been provided and/or published according to law;

WHEREAS, the Pikeville City Commission has determined that by reason of the location of certain utilities contained within a portion of the territory sought to be annexed, the territory has both municipal value and purpose and in the future will be used to maintain, replace, expand and enhance these and other utilities and to provide the City with the jurisdiction and power to regulate the use of these utilities and to exercise eminent domain where necessary to improve, expand and enhance the utilities.

WHEREAS, following the adoption of said ordinance proposing to annex said property, the City of Pikeville did publish the ordinance in accordance with KRS 83A.060(9), and,

WHEREAS, no petition in opposition of the annexation which would require an election to be held as prescribed in KRS 81A.420 has been received by the Mayor of the City of Pikeville and pursuant thereto, the City of Pikeville may adopt a final ordinance annexing to the City of Pikeville said property.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF PIKEVILLE that the tract or parcel of property described hereinafter, contiguous to the present city limits of Pikeville, Kentucky is hereby declared to be annexed into the corporate limits of the City of Pikeville and shall be by the passage of this ordinance become part of the city for all purposes. The property annexed hereby is described as follows:

City of Pikeville
Proposed Annexation
Sword Fork of Fords Branch

. Beginning at a point on the ridge between Marion Branch of the Levisa Fork of the Big Sand River and Sword Fork of Fords Branch of the Big Sandy River and being on the City of Pikeville Existing Corporate Boundary Line, Annexation Ordinance #0-2004-014; Thence, down a spur of the ridge S 75°05'23" E a distance of 198.19'; Thence, N 83°16'33" E a distance of 288.50'; Thence, down the hill S 12°58'56" E a distance of 903.38'; Thence, S 09°01'26" E a distance of 392.17' to a point in the existing drainage of Sword Fork of Fords Branch; Thence, with the existing drainage of Sword Fork N 84°08'37" E a distance of 45.05'; Thence, N 84°29'17" E a distance of 88.20'; Thence, N 78°36'54" E a distance of 242.39'; Thence, N 68°02'51" E a distance of 176.66'; Thence, N 70°34'20" E a distance of 172.86'; Thence, N 84°19'57" E a distance of 178.77'; Thence, N 86°49'36" E a distance of 166.69'; Thence, N 75°40'32" E a distance of 315.79' to a point at or near the Commonwealth of Kentucky Right of Way for U.S. 23 & 119; Thence, with said right of way S 00°59'17" E a distance of 311.80' to a point on the point of the hill; Thence, leaving said right of way and running up the point S 40°21'38" W a distance of 584.44'; Thence, S 26°15'41" W a distance of 156.84'; Thence, S 19°34'03" W a distance of 284.33'; Thence, S 39°01'42" W a distance of 462.54'; Thence, S 16°55'03" W a distance of 287.35'; Thence, S 12°38'55" W a distance of 241.18' to a point on the ridge on the South side of Sword Fork; Thence, with the ridge S 63°25'48" W a distance of 263.57'; Thence, N 70°20'28" W a distance of 306.68'; Thence, N 62°40'31" W a distance of 455.87'; Thence, S 71°42'58" W a distance of 139.62'; Thence, N 88°12'40" W a distance of 145.56'; Thence, N 75°33'29" W a distance of 255.09'; Thence, N 41°00'11" W a distance of 269.25'; Thence, N 83°15'41" W a distance of 246.79'; Thence, N 74°47'17" W a distance of 147.10'; Thence, N 57°17'10" W a distance of 146.95'; Thence, N 55°43'37" W a distance of 147.24'; Thence, N 78°01'49" W a distance of 161.44'; Thence, N 67°04'07" W a distance of 167.05'; Thence, N 60°30'18" W a distance of 187.74' to a point on the ridge between Marion Branch and Sword Fork and being on the City of Pikeville existing Corporate Boundary Line; Thence, with City of Pikeville existing Corporate Boundary Line N 46°21'02" E a distance of 39.38'; Thence, N 05°23'21" E a distance of 949.24'; Thence, N 54°05'08" E a distance of 489.24'; Thence, N 32°02'56" E a distance of 599.10'; Thence, N 66°49'21" E a distance of 490.29'; Thence, N 55°33'18" E a distance of 402.40'; to the point of beginning and containing 669,876.29 square feet or 153.67 acres more or less.

A map of the property in which the City of Pikeville declares its intention to annex prepared by Summit Engineering, Inc. entitled "City of Pikeville, Map Showing Proposed Annexation of Sword Fork of Fords Branch of the Levisa Fork of the Big Sandy River"—dated 7-31-08 is on file in the office of the city clerk and may be viewed during regular office hours.

This ordinance shall be in full force and effect after it is passed and published as required by law.

The above ordinance was given a first reading this 3rd day of November, 2008.
This ordinance was given a second reading on the 5th day of November, 2008.

Passed this 5th day of November, 2008.

Commissioner Layne moved for the adoption of the foregoing ordinance.

Commissioner Carter seconded the motion.

Upon roll call, the votes were as follows:

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

The Mayor declared the within ordinance adopted.

/s/ Gene Davis
Gene Davis, PRO TEAM MAYOR

ATTESTED:

/s/ Rebecca Hamilton
REBECCA HAMILTON, CITY CLERK

4. City Manager made a request to submit an application for the City of Pikeville for funding for the Marion’s Branch Sewer Project to the USDA Rural Development Application and to have the commission approve for the Mayor to sign and execute any and all documents necessary for the application. Commissioner Carter made the motion to approve. Commissioner Layne seconded the motion.

Pro Team Mayor Gene Davis called for any discussion. Commissioner Layne commended on Marion Branch was one of the most important projects for the City and the need for the project and how the project would allow the City to grow; Commissioner Carter; Marion's Branch Project is the infrastructure and a huge move for the City. The project would bring residents of Island Creek much needed sewage services; need and hope that the Airport Board will work with the City along with the County to ensure the development and growth for the area; City Manager Blackburn; congratulated the Commission on their re election and commented what a honor to have the residents of the community to show their support by re electing them for another term. Blackburn; 90% of the City Comprehensive Plan has been accomplished in the last 3 to 4 years and it was an honor for him to serve with the current Commission; Blackburn; Outstanding Job that the Commission has done for the City. Commissioner Layne; noted that the average person drove from Grundy VA and Floyd County to work at the Pikeville Medical Center and the Marion's Branch Project would allow for workers to have affordable housing closer to work. City Manager Blackburn; Thanks to Melanie Stevens with the Big Sandy Add District and stated she was doing a wonderful job on the project and if anyone had questions in reference to the funding she would be more than happy to answer their questions. Pro Team Mayor Davis asked if any more discussion, there being no further discussion the motion passed unanimously.

5. There being no further business to come before the Commission, Commissioner Layne made the motion to adjourn the meeting. Commissioner Carter seconded the motion. Pro Team Mayor Eugene Davis called for discussion, there being none the motion carried unanimously.

The next scheduled Regular Meeting of the City of Pikeville Board of Commissioners is November 24, 2008 at 6:00 p.m.

APPROVED:



FRANKLIN D. JUSTICE, II, MAYOR

ATTESTED:


REBECCA HAMILTON, CITY CLERK