

**CITY OF PIKEVILLE
BOARD OF COMMISSIONERS
REGULAR MEETING MINUTES
March 26, 2012 AT 6:00 P.M.**

The Board of Commissioners for the City of Pikeville met in a regular called session on Monday, March 26, 2012. The meeting was held in the City Hall Conference 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:

COMMISSIONER:	GENE DAVIS	
	BARRY CHANEY	
	DALLAS LAYNE	
	JIMMY CARTER	Absent
MAYOR:	FRANKLIN D. JUSTICE, II	

MINUTES

The minutes for the previous special meeting held on March 5, 2012 were in each Commission Member's agenda package. There being no additions or corrections, Commissioner Davis made the motion to approve the minutes as prepared. Commissioner Layne seconded the motion. Mayor Frank Justice called for discussion, there being none, the motion carried unanimously. 4-0.

BUSINESS FROM THE FLOOR

Item number five from City Manager's Report. Consider a request to adopt a Proclamation recognizing the Pikeville High School Varsity Basketball Team for winning the 59th district Championship. Commissioner Davis made a motion to approve. Commissioner Layne seconded the motion. Mayor called for comments. Commissioner Davis shares some words with the team. He advises them that if you are not playing to go to the next level then don't play. He adds that the team showed good sportsmanship which in turn reflects a good coach. Commissioner Chaney congratulates the team on a job well done. Mayor Justice says that you are a fine outstanding bunch of young men and that he appreciates what they have done for the community. Your dignity is just amazing. Commissioner Layne adds that he is really proud of you too. Mayor apologizes to Coach Williams for leaving out a

couple of the team members names and says that it will be corrected asap. Coach Williams thanks the Mayor and the Commission for all the support. He says that they are very proud to wear Pikeville across their chest. Mayor called for additional comments, there being none, the motion passed unanimously. 4-0.

PAYMENT OF CITY BILLS

The City Manager Donovan Blackburn requested the approval to pay city bills in the amount of \$1,591,619.42. Commissioner Davis made the motion to approve. Commissioner Layne seconded the motion. Mayor called for comments. City Manager Blackburn says that this is paying off some debt that we have funding reserved for. Mayor Justice called for further discussion, there being none, motion passed unanimously. 4-0.

CITY ENGINEER

Jody Hunt was present with Summit Engineering, Inc. and submitted several requests to the commission for approval.

1. Consider request to approve the Engineering Services Proposal as submitted between Summit Engineering and the City of Pikeville for the City 201 Facilities Plan Update in the amount of up to \$42,500.00 and authorize the Mayor to sign and execute said addendum. Commissioner Chaney made the motion to approve. Commissioner Davis seconded the motion. Mayor Justice called for comments, there being none, the motion passed unanimously. 4-0.

2. Consider request to approve addendum #4 as submitted between Summit Engineering and the City of Pikeville for professional services of relating to the Marion Branch Project funds for Foxcroft as submitted in the amount of \$49,943.00 and authorize Mayor to sign and execute said addendum. Commissioner Layne made the motion to approve. Commissioner Chaney seconded. Mayor Justice called for comments. Mayor says so we're switching from Marions Branch to Foxcroft and everything will stay the same? Mayor called for further comments, there being none, the motion passed unanimously. 4-0.

3. Consider request to approve and authorize payment of invoice #61988 to Summit Engineering for \$2,955.50 as submitted for the Marion Branch Sewer Project. Commissioner Layne made the motion to approve. Commissioner Davis seconded. Mayor called for comments, there being none the motion passed unanimously. 4-0.

4. Consider a request to approve and authorize payment of pay request #20 to for \$124,565.65 as submitted for Marion Branch Sewer Project and authorize the

Mayor to sign and execute said pay request. Commissioner Chaney made a motion to approve. Commissioner Davis seconded the motion. Mayor called for comments, there being none, the motion passed unanimously. 4-0.

5. Consider a request to approve and authorize a change order #5 for the Marion Branch Sewer Project being a \$130,691.50 deduct and authorize the Mayor to sign and execute said change order. Commissioner Chaney made the motion to approve. Commissioner Layne seconded the motion. Mayor Justice called for comments. City Manager comments that this is for Foxcroft per last meetings discussion. Mayor comments that our developers need to be more careful about putting in developments without sewage, and then turn around and expect the city to pay to put in sewage. I got a problem with that. Mayor called for additional comments, there being none, the motion passed unanimously. 4-0.

CITY ATTORNEY

Russell Davis was present and had several items to read into record.

1. **Consider a 1st reading of ordinance #0-2012-009 of Chapter 98 “Alarms Systems” amending section 98.03 amending exceptions of violators. No further action is required at this time. The second reading will take place at the next regular scheduled meeting.**
2. **Consider a 2nd reading and passage of ordinance #0-2012-005 relating to the adoption of the 2012 Supplement Code of Ordinance and authorize the Mayor to sign and execute on behalf of the City of Pikeville. Commissioner Davis made the motion to approve. Commissioner Chaney seconded the motion. Mayor Justice called for comments, there being none, the motion passed unanimously. 4-0.**

ORDINANCE ADOPTING THE 2012 SUPPLEMENT TO THE CITY OF PIKEVILLE CODE OF ORDINANCES

Ordinance #:0-2012-005

WHEREAS, American Legal Publishing Corporation of Cincinnati, Ohio has completed the S-24 supplement to the Code of Ordinances of the City of Pikeville, which supplement contains all ordinances of a general nature enacted since the prior supplement to said Code; and

WHEREAS, American Legal Publishing Corporation has recommended the revision or addition of sections of the Code of Ordinances based upon duly enacted or amended ordinances by the City of Pikeville or section of the Kentucky Revised Statutes; and

WHEREAS, it is the intent of the Commission to accept these updated and revised section in accordance with the changes of the ordinances by the City of Pikeville or section of the Kentucky Revised Statutes;

March 26, 2012 Regular Meeting

NOW, THEREFORE, BE IT ORDAINED by the City of Pikeville as follows:

SECTION 1: That the S-24 supplement of the Code of Ordinances of the City of Pikeville, KY as submitted by American Legal Publishing Corporation of Cincinnati, Ohio and as attached hereto, be and the same is hereby adopted by reference as if set out in its entirety.

SECTION 2: 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 ____ day of _____, 2012, the ordinance was given a second reading on the ____ day of _____, 2012.

Passed this ____ day of _____, 2012.

Commissioner _____ moved for the adoption of the forgoing ordinance.

Commissioner _____ seconded the motion.

Upon roll call, the votes were as follows:

	Yes	No
FRANK JUSTICE, MAYOR	_____	_____
GENE DAVIS, COMMISSIONER	_____	_____
DALLAS LAYNE, COMMISSIONER	_____	_____
JIMMY CARTER, COMMISSIONER	_____	_____
BARRY CHANEY, COMMISSIONER	_____	_____

The Mayor declared the within ordinance adopted.

FRANKLIN D. JUSTICE, II MAYOR

ATTEST:

CHRISTY BILLITER, CITY CLERK

- 3. Consider a 2nd reading and passage of ordinance #0-2012-006 relating to the amendment of Chapter 115.15 Occupational License fee, minimum liability and authorize the Mayor to sign and execute on behalf of the City of Pikeville. Commissioner Layne made the motion to approve.**

Commissioner Davis seconded the motion. Mayor Justice called for comments. City Manager says the only comment he has is that nothing changes, all this does is clean it up. Mayor calls for additional comments, there being none, the motion passed unanimously. 4-0.

**AN ORDINANCE RELATED TO THE AMENDMENT OF
CHAPTER 115 "OCCUPATIONAL LICENSE FEE" OF
SECTION 115.15 "MINIMUM LIABILITY" OF THE CITY
OF PIKEVILLE CODE OF ORDINANCE**

ORDINANCE NO. 0-2012-006

NOW, THEREFORE, BE IT ORDAINED by the City of Pikeville that **§115.15 OF THE CODE OF ORDINANCES RELATED TO SECTION 115.15 "MINIMUM LIABILITY" SHALL BE AMENDED AS FOLLOWS:**

WHEREAS, the existing ordinance will be in full force and take effect upon passage and publication.

Now, therefore, be it ordained by the board of commissioners of the City of Pikeville, Kentucky as follows:

§ 115.15 – Minimum Liability

In the event the tax payment required under section (3) is less than an amount sufficient to yield an annual license tax calculated at two percent (2%) of net income, equal to or in excess of the minimum license taxes set forth below, then the tax provided by said occupational license tax ordinance applicable to the licensee's trade, occupation or profession shall apply and be charged as a minimum license tax hereunder.

The minimum license taxes provided by the occupational license tax ordinance are listed:
All fees are based on a "per year" charge unless otherwise specified.

A.	1.	Advertising			
		a. Bill Boards	Per year	\$	100.00
		b. Solicitors	Per year	\$	100.00
		c. Distributors (2 Per day)	Per day	\$	50.00
	2.	Agents, representatives or solicitor not otherwise specifically provided for, taking or soliciting orders or making sales.	Per day	\$	25.00
			Per year	\$	100.00
	3.	Antique Dealer	Per year	\$	50.00
	4.	Auctioneer	Per day	\$	25.00
			Per year	\$	100.00
	5.	Automobile Dealers		\$	
		a. Automobile Dealer, selling automobiles and trucks, or conducting an automobile sales agency for new or used cars or trucks at a regular fixed place of business in the city, including the privilege of operating in connection therewith a repair shop and the sales of accessories and parts for the kind of cars for which he is a dealer.	Per year	\$	100.00
		b. Automobile dealers selling automobiles and trucks or conducting, an automobile sales agency for new and used cars and trucks without a regular fixed place of business in the City.	Per year	\$	100.00
		c. Automobile Dealers without permanent place of business	Per year	\$	1,000.00
		d. Automobile Dealer, selling used trucks or automobiles not in connection with any regular garage, with permanent location.	Per year	\$	100.00
		e. Automobile Repair Garage, including all branches of the business, except the privilege of selling automobiles new or used, or gasoline or oils, or operating an	Per year	\$	50.00

		automobile storage garage.		
		f. Automobile Storage Garage or Parking Lot commercial whether or not operated in connection with any other business	Per year	\$ 50.00
		g. Automobile Laundry where automobiles are washed, cleaned or polished, not in connection with automobiles garage or dealership.	Per year	\$ 50.00
		h. Automobile Parts and Accessories Awnings—Repair or Installation	Per year	\$ 50.00
	6.	Awnings – Repair or Installation	2 Per day	\$ 50.00
B.	1.	Bakery	Per year	\$ 100.00
	2.	Bakery Products—Agent or dealer selling or distributing except retail merchants licensed as such.	Per year	\$ 50.00
	3.	Barber Shop	Per year	\$ 50.00
		a. one chair		\$
	4.	Beauty Shop	Per year	\$ 50.00
		a. one operator		\$
	5.	Billiard or Pool Room	Per year	\$ 50.00
		a. one table		\$ 25.00
		b. each additional table		\$ 25.00
	6.	Bowling Alley	Per alley	\$ 25.00
	7.	Book or Magazine canvassing ---	Per day	\$ 25.00
			Per year	\$ 100.00
C.	1.	Carbonated etc., -- Carbonated beverages, bottlers, manufacturers, wholesalers, resident or nonresident, operating within the City.	Per year	\$ 100.00
	2.	Candy etc., --- Candy, potato chips, chewing gum and peanuts delivered and sold from trucks.	Per year	\$ 100.00
	3.	Carnivals or Circuses	Per day	\$ 100.00
			Per week	\$ 700.00
	4.	Cigarettes- Cigarettes, selling at retail in addition to any other license.	Per year	\$ 100.00
	5.	Cleaning and dyeing plant or laundry operating in the City	Per year	\$ 50.00
	6.	Cleaning etc.—Cleaning, dyeing and laundry agents, soliciting the business of cleaning, dyeing and laundry, either of clothes or of any other materials, without the operation of a plant within the city limits	Per year	\$ 100.00
	7.	Coal Industries:		\$
		a. Coal ramp or dock owner, for each 50-ton railroad carload capacity each day.	Per year	\$ 50.00
		b. Coal haulers: Truck with single axle, each truck.	Per year	\$ 50.00
		c. Tandems, each truck, per year	Per year	\$ 50.00
	8.	Cobbler or Shoe Repair Shop	Per year	\$ 50.00
	9.	Cold Storage Locker Plant	Per year	\$ 50.00
	10.	Contractors, builders, construction company, etc. plus ¼ of 1% of all contract prices (see section 16)	Per year	\$ 50.00
D.	1.	Dairy (50 gallons or over) operating a plant in or out of the city in connection with milk products	Per year	\$ 100.00
		a. 50 gallons or under a day, delivering	Per year	\$ 25.00
		b. Selling or delivering ice cream to wholesale or retail customers in the city, in addition to Dairy products	Per year	\$ 50.00
E.	1.	Exterminator, or pest control,	Per year	\$ 100.00
	2.	Exhibitions, given on the streets or in any building in the City, to which admission is charged.	Per day	\$ 25.00
F.	1.	Finance or Loan Company. To conduct or engage in loan agency business other than banks, or .to engage in. or conduct the business of lending money on the, deferred payment or installment plan other than banks.	Per year	\$ 300.00
	2.	Florist Shop	Per year	\$ 50.00
	3.	Florist Agent, where shop is not located in the City	Per year	\$ 50.00
	4.	Fruit Stands. Sale of fruits, melons, and vegetables where not operating under another license.	Per day	\$ 25.00
	5.	Furniture Repair Shop	Per year	\$ 50.00
G.	1.	Gasoline dealers, wholesale, selling and delivering to customers in the City whether by truck or otherwise.	Per year	\$ 100.00

	2.	Gasoline filling stations, whether .operated separately or in connection with a garage or other business.			
		2 pumps.,	Per year	\$	50.00
		each additional pump,	Per year	\$	25.00
		(Does not include soft drinks, cigarettes, or confections.)			
	3.	Gift and Novelty Shop	Per year	\$	50.00
H.	1.	Hotels	Per year	\$	100.00
		Each additional room over 25		\$	15.00
	2.	Herb Houses	Per year	\$	50.00
I.	1.	Ice cream, selling at retail	Per year	\$	50.00
	2.	Ice Cream dealer, wholesale, selling or distributing ice cream for resale, at retail	Per year	\$	50.00
L.	1.	Laundry	Per year	\$	100.00
	2.	Livestock Dealer	Per year	\$	100.00
	3.	Lumber and Building Supply companies, selling or delivering within the City	Per year	\$	100.00
	4.	Lumber Yard or Mill for sawing lumber	Per year	\$	100.00
	5.	Lunch Counters, Custard Stands, or wagons, no tables	Per year	\$	50.00
M.	1.	Medicine Vendor, selling medicines or nostrums on the streets or house to house	Per year	\$	500.00
	2.	Mercantile Establishments. All retail mercantile establishments not specifically covered under license elsewhere in this ordinance shall be assessed in accordance to the volume of business, said assessment to be arrived at from the amount of business done the preceding calendar year, or if said establishment has not been in business for the full calendar year, previous to this date, to be arrived at from the proportionate part of the year, said establishment has been in said business, within the City and to be assessed according to the following scale, with no deductions allowable from gross sales receipts except for Federal excise Taxes: All establishments having gross sales receipts of:			
		\$ 50,000.00 or less	Per year	\$	50.00
		\$ 50,000.01 to \$100,000.00	Per year	\$	60.00
		\$100,000.01 to \$150,000.00	Per year	\$	80.00
		\$150,000.01 to \$200,000.00	Per year	\$	90.00
		\$200,000.01 to \$250,000.00	Per year	\$	100.00
		All such establishments having gross sales receipts in excess of \$250,000.00 shall be taxed per \$1,000.00 or fractional part thereof an additional \$0.50 (fifty cents) for each \$1,000.00 or fractional part thereof.			
	3.	Monument. Dealers in monuments or tombstones and each agent soliciting same	Per year	\$	50.00
	4.	Motion Picture House, each such house	Per year	\$	100.00
	5.	Motels	Per Year	\$	100.00
		Each additional unit over 10		\$	10.00
N.	1.	Newspaper, publishing: weekly, semi-weekly or tri-weekly	Per year	\$	100.00
	2.	News Stand, selling newspapers, books, magazines only.	Per year	\$	50.00
	3.	Nursery. To engage in the sale of, or disposition of nursery products, trees, evergreens, shrubbery, etc., whether raised or produced in the City or not	Per year	\$	50.00
P.	1.	Packing House, or company, delivering or unloading meats wi4thin .the City	Per year	\$	100.00
	2.	Packing Houses, or company, delivering or unloading meats within the City, together with other provisions delivered on a wholesale basis	Per year	\$	100.00
	3.	Peddlers	2 Per day	\$	50.00
	4.	Photographer, itinerant	Per year	\$	50.00
	5.	Photograph gallery or studio, or photographer maintaining or operating such within the City	Per year	\$	50.00
	6.	Popcorn, peanut and candy stand, or either	Per year	\$	50.00
	7.	Printing Shop, job, not connected with newspaper	Per year	\$	50.00

	8.	Produce dealers wholesale or retail, maintaining a place of business in the City or buying or selling poultry, eggs, butter, hides and wool, or any of these	Per year	\$	50.00
	9.	Professions:			
	a.	Architects, Attorneys, Accountants	Per year	\$	100.00
	b.	Civil Mining and Electrical Engineers	Per year	\$	100.00
	c.	Nurses, RN	Per year	\$	50.00
	d.	Chiropractors, Chiropractors, Osteopaths	Per year	\$	100.00
	e.	Dentists, DM D. & D. D. 'S	Per year	\$	100.00
	f.	Electricians, Plumbers, Painters, Masons, etc., not connected with a licensed business	Per year	\$	50.00
	g.	Oculists, Opticians, Optometrists	Per year	\$	100.00
	h.	Physicians, MD	Per year	\$	100.00
	i.	Surveyors, Veterinarians	Per year	\$	50.00
	j.	Dental Technicians	Per year	\$	50.00
R.	1.	Radio broadcasting station, or studio, soliciting advertising	Per year	\$	100.00
	2.	Real Estate Agents, to engage in the business of real estate agent, or agency	Per year	\$	50.00
	3.	Repair Shops, not connected with other licensed business.	Per year	\$	50.00
	4.	Restaurant	Per year	\$	50.00
	5.	Rooming House	Per year	\$	50.00
	6.	Rental Real Estate, residential and commercial	Per year	\$	50.00
S.	1.	Sewing Machine Agent. For each agent or office in the City	Per year	\$	50.00
	2.	Shoe Shine Parlor	Per year	\$	50.00
	3.	Skating Rinks	Per year	\$	100.00
	4.	Sound cars or trucks used for commercial advertising, when not operated in connection with another business.	2 Per day	\$	50.00
	5.	Soft Drinks	Per year	\$	50.00
T.	1.	Taxicab, each operated	Per year	\$	100.00
	2.	Tire recapping establishments or shod	Per year	\$	50.00
U.	1.	Undertakers to conduct or engage in the business of undertaking by embalming, selling or furnishing burial outfits, caskets for the dead, etc.	Per year	\$	100.00
	2.	Unloading, or loading, all commercial trucks using the streets of Pikeville for parking while loading or unloading and not operating under another license	Per year	\$	50.00
W.	1.	Wrestling			
		(2) per match or exhibition	Per day	\$	50.00
		All Others	Per day	\$	50.00

NOTE: For any business or activity not listed above, the minimum license tax is \$50.00. If the tax shown on a taxpayer's return for any tax period exceeds the minimum license tax paid the taxpayer shall be credited with the amount of minimum license tax paid. Only minimum license taxes paid during and for the tax year for which the return is being filed can be claimed as a credit.

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 ___ day of _____, 2012, the ordinance was given a second reading on the ___ day of _____ 2012.

Passed this ___ day of _____, 2012.

Commissioner _____ moved for the adoption of the forgoing ordinance.

Commissioner _____ seconded the motion.

Upon roll call, the votes were as follows:

Yes

No

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FRANK JUSTICE, MAYOR	_____	_____
GENE DAVIS, COMMISSIONER	_____	_____
DALLAS LAYNE, COMMISSIONER	_____	_____
JIMMY CARTER, COMMISSIONER	_____	_____
BARRY CHANEY, COMMISSIONER	_____	_____

The Mayor declared the within ordinance adopted.

FRANKLIN D. JUSTICE. II MAYOR

ATTEST:

CHRISTY BILLITER, CITY CLERK

4. **Consider a 2nd reading and passage of ordinance #0-2012-007 relating to the amendment of Chapter 93 Parks and Recreation and authorize the Mayor to sign and execute on behalf of the City of Pikeville. Commissioner Davis made the motion to approve. Commissioner Chaney seconded the motion. Mayor Justice called for comments, there being none , the motion passed unanimously. 4-0.**

AN ORDINANCE RELATED TO THE AMENDMENT OF
CHAPTER 93 "PARKS AND RECREATION" OF
SECTION 93.30 AND 93.99 OF THE CITY
OF PIKEVILLE CODE OF ORDINANCE

ORDINANCE NO. 0-2012-07

NOW, THEREFORE, BE IT ORDAINED by the City of Pikeville that §93 "PARKS AND RECREATION" CODE OF ORDINANCES RELATED TO SECTION 93.30 AND 93.99 SHALL BE AMENDED AS FOLLOWS:

WHEREAS, the existing ordinance will be in full force and take effect upon passage and publication.

Now, therefore, be it ordained by the board of commissioners of the City of Pikeville, Kentucky as follows:

CHAPTER 93: PARKS AND RECREATION

Section

General Provisions

93.01 Vehicles in downtown business district, parks and recreation areas prohibited; exception

93.02 Limits for bass fishing in Pikeville Pond

City Park and Downtown Business District

93.15 Prohibition; exceptions

Bob Amos Park

93.25 Prohibitions; exceptions

93.30 Hambley Complex and Bob Amos Sports Complex

93.99 Penalty

HAMBLEY COMPLEX & BOB AMOS SPORTS COMPLEX**§ 93.30 POLICY OF USE.**

For purpose of keeping the City of Pikeville sports complex and facilities assets clean while reserving their value and keeping their operational cost as a priority the following policies are adopted:

(A) All agencies, individuals, groups, businesses or schools who by a usage, verbal or written agreement that uses any city owned sports facility or complex or any adjacent buildings and grounds owned by the city shall be responsible for the maintenance, cleanliness and responsible operational cost controls of said facility or complex while under their use.

(B) All agencies, individuals, groups, businesses or schools shall be responsible for following all city rules and regulations. Failure to do so shall result in a violation and that organization shall be cited not to exceed the maximum penalty under § 93.99.

(C) When using a city complex or facility as described above the organization shall be responsible for the following. Failure to comply shall result in a violation and that organization shall be cited not to exceed the maximum penalty under § 93.99.

1. That no damage occurs to the facility due to negligence or irresponsible actions from any member, coach or player while an organization is utilizing a city complex or facility.
2. All trash & clutter is cleaned up after each use and placed in proper containers. No personal items or effects are to be left on the fields or any part of the complex after each use.
3. Bathrooms, Locker-rooms or any other building, grounds or parking areas are clean after each use, are free of all trash and organized.
4. All city fixtures, equipment or supplies are placed back into their original permanent location.
5. All storage areas are clean, organized and free of trash.
6. All lights and electrical components, that are not fixed fixtures are unplugged or turned off.
7. The city facilities are not altered from their original state in any way without written consent from the City of Pikeville.
8. Stadium lights are permitted to be on no earlier then 15 minutes prior to the arrival of a person in charge of an event and must be off no longer than 30 minutes after a practice or 1 hour after a scheduled game. The City and Schools shall be the only agencies that control the stadium lighting system. The Athletic Director of each school shall be responsible for adding or deleting personnel from their schools user list by contacting the Parks Director or City Manager. Any user that violates this policy may lose entitlement to the system and their school or organization shall be cited not to exceed the maximum penalty under § 93.99.

- 9. That no unauthorized use of equipment, vehicles, foods, materials or tobacco product of any kind is permitted to be on or near the fields at any time.
- 10. Organization is permitted to be on the fields only during times that are scheduled with the city. Unauthorized use is not permitted and shall be in violation of this chapter.

§ 93.99 PENALTY.

(A) The penalty for violating § 93.02 shall be one hundred dollars (\$100.00) per violation.

(B) The penalty for violating § 93.30 shall be as follows per violation:

<u>First offense</u>	<u>\$150.00</u>
<u>Second offense</u>	<u>\$300.00</u>
<u>Third offense (and every offense thereafter)</u>	<u>\$1,000.00</u>

Note: A recurring violation within a 12 month period constitutes a second violation and or third violation and the organization shall be cited as such. Organizations with more than 5 violations in a 12 month period, at the city's sole discretion may void the usage agreement between the city and organization.

(BC) (1) Any person violating any provision of Chapter 93 may be fined a minimum of one hundred dollars (\$100.00) per violation however the maximum amount is not to exceed the maximum amount allowed by law for the commission of a misdemeanor.

(2) In addition to any other penalty provided for herein, any person violating Chapter 93 will subject the offending vehicle to impoundment by the police for a period of time not to exceed thirty (30) days. If the offending vehicle is impounded from a minor (person under the age of eighteen (18)) then a parent or guardian must accompany the minor to claim the offending vehicle from the Police Department within the thirty (30) day period. All outstanding fines must be paid in full before such time as the property will be turned back over to the owner.

(CD) In addition, the City of Pikeville reserves the right to charge any individual(s) with criminal trespass under the Kentucky Revised Statutes for the violation of any provision of Chapter 93.

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 ____ day of _____, 2012, the ordinance was given a second reading on the ____ day of _____ 2012.

Passed this ____ day of _____, 2012.

Commissioner _____ moved for the adoption of the forgoing ordinance.

Commissioner _____ seconded the motion.

Upon roll call, the votes were as follows:

	Yes	No
FRANK JUSTICE, MAYOR	_____	_____
GENE DAVIS, COMMISSIONER	_____	_____
DALLAS LAYNE, COMMISSIONER	_____	_____
JIMMY CARTER, COMMISSIONER	_____	_____
BARRY CHANEY, COMMISSIONER	_____	_____

The Mayor declared the within ordinance adopted.

FRANKLIN D. JUSTICE, II MAYOR

ATTEST:

CHRISTY BILLITER, CITY CLERK

- 5. Consider a 2nd reading and passage of an ordinance #0-2012-008 relating to the amendment of the 2011-2012 City Operating Budget and authorize the Mayor to sign and execute on behalf of the City of Pikeville. Commissioner Layne made the motion to approve. Commissioner Chaney seconded the motion. Mayor Justice called for comments, there being none, the motion passed unanimously. 4-0.

ORDINANCE AMENDING THE FISCAL BUDGET FOR THE 2011-2012 FISCAL YEAR

ORDINANCE NO. 0-2012-008

WHEREAS, certain additional information has come to the attention of the Finance Department which necessitates the amendment of the 2011-2021 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 2011-2012 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 February 27th, 2012.

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

Passed, this ____ day of _____, 2012.

Commissioner _____ moved the adoption of the foregoing ordinance. Commissioner _____ seconded the motion.

Upon roll call, the votes were as follows:

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

The Mayor declared the within Ordinance adopted.

FRANKLIN D. JUSTICE, II, MAYOR

ATTEST:

CHRISTY BILLITER, CITY CLERK

CITY MANAGER

City Manager Donovan Blackburn presented the commission with the following items for approval:

1. Consider request to hire Nick Fleming to the position firefighter at the city starting rate contingent upon passing all required pre-employment test. Commissioner Chaney made the motion to adopt. Commissioner Layne seconded the motion. Mayor called for comments. Battalion Chief Robby Lindsey was present to introduce our new firefighter Nick Fleming to the Commission. Then Mr. Blackburn asked Mr. Fleming to step to the mic and introduce himself. Mr. Fleming shares his interest in the position and his experiences that relate to the field. He lets everyone know that he is originally from Jenkins, KY which he shares in common with Commissioner Davis. Mayor Justice lets Mr. Fleming know that he is joining an organization that he is very proud of and how they represent the City of Pikeville. They go above and beyond the call of duty. We appreciate them. Mayor called for further comments, there being none, motion passed unanimously. 4-0.
2. Consider a request to hire Cody Allen Dudrick for Parks/ Part Time Seasonal Position at \$8.00 per hour contingent upon passing all required pre-employment test. Commissioner Layne made the motion to approve. Commissioner Chaney seconded the motion. Mayor called for comments. Commissioner Davis says tell us a little bit about him. City Manager replies that he is going to drive a bus for us on the River Trails Program. Mayor Justice called for further comments, there being none the motion passed. 4-0.
3. Consider a request to amend city personnel policy 3.3 Vacation, granting an employee with 30+ years of service an additional weeks vacation. Commissioner Layne made the motion. Commissioner Chaney seconded the motion. Mayor Justice called for comments. Mayor comments that anyone that has been with the City for 30 years should retire. Commissioner Davis comments that anybody that puts 30 years into their job deserves it. Mayor ask how many weeks does she get already? City Manager answers four. Mayor says then why do we need to give her another one? Then he ask how

many weeks does a 30 year employee get total. City Manager answers a total of five. Mayor then says that he is not picking on anybody but a total of five weeks vacation is enough. Grace Ratliff commented that she thinks they deserve more. Mayor says ok Grace I'm not picking on you, I love ya, but I am going against you. Mayor calls for additional comments, there being none, the motion passes. 3-1.

4. Consider the request of Smith Hill & Pine Street a 10 mph speed limit and request for Children Play signage to be placed within said area. Commissioner Chaney made the motion to approve. Commissioner Davis seconded the motion. Mayor Justice called for comments. Commissioner Chaney ask if it was recommended to use children at play sign or a pedestrian sign. City Manager answered yes, he said that this was discussed in work session. Mayor Justice commented on Poplar Street that is connected to Smith Hill. He said the environmental guys needed to take a look at the garbage cans out there, they look pitiful. Tommy McClanahan and Robert Smith were present and said that the issue has been taken care of. Mayor called for additional comments, there being none, the motion passed unanimously. 4-0.
5. Consider a request to adopt a Proclamation recognizing the Pikeville High School Varsity Basketball Team for winning the 59th district Championship. 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.
6. Consider a request to adopt a resolution in support of a 2012 Kentucky Recycling Grant program, to authorize its submittal and to authorize the Mayor to sign and execute said resolution. Commissioner Layne made the motion to approve. Commissioner Chaney seconded the motion. Mayor Justice called for comments, there being none the motion passed unanimously. 4-0.
7. Consider a request to approve a Grant application and authorize its submittal for a 2012 Recycling Grant as submitted and to authorize the Mayor to sign and execute said application. Commissioner Davis made the motion to approve. Commissioner Chaney seconded the motion. Mayor Justice called for comments, there being none, the motion passed unanimously. 4-0.
8. Consider an adoption of a Proclamation of the April 2012 PRIDE Spring Cleanup Month and to authorize a grant agreement for said cleanup as submitted and to authorize the Mayor to sign and execute said proclamation and application on behalf of the city. Commissioner Davis made the motion to approve. Commissioner Layne seconded the motion. Mayor called for comments. City Manager introduces Tammy with the Pride organization. Tammy thanks the commission and says that she has enjoyed working with them. Mayor thanks her for coming over. Mayor Justice called for additional comments, there being none, the motion passed unanimously. 4-0.

9. Consider a request to submit an application for the Recreational Trails Program for the river trail system and authorize the Mayor to sign and execute said application. Commissioner Chaney made the motion to approve. Commissioner Davis seconded the motion. Mayor Justice called for comments, there being none, the motion passed unanimously. 4-0.
10. Consider a request to submit a grant application for the Playful Cities USA grant for either a Construction Grant of up to \$20,000 or an Access Grant of up to \$15,000 or both and authorize the Mayor to sign and execute said grant application along with any paperwork necessary to execute said grant if awarded on behalf of the City of Pikeville. Commissioner Chaney made the motion to approve. Commissioner Davis seconded the motion. Mayor Justice called for comments, there being none, motion passed unanimously. 4-0.

****City Manager reads the Consent Items for the Commission and Mayor****

11. Pursuant to KRS 61.810, consider request for closed session for discussion of economic development, legal and personnel issues. Commissioner Chaney made the motion. Commissioner Layne seconded the motion. Mayor Justice called for discussion, there being none the motion passed unanimously. 4-0.
12. Commissioner Layne made the motion to re convene. Commissioner Chaney seconded the motion. Mayor Justice called for discussion, there being none the motion passed unanimously. 4-0. Mayor called the session back into order.
13. There being no further business to come before the Commission, Commissioner Davis has made the motion to adjourn the meeting. Commissioner Chaney seconded the motion. Mayor Justice called for discussion, there being none the meeting was adjourned. 4-0

CONSENT & ANNOUNCEMENT ITEMS:

On April 4th 2012, Congressman Hal Rogers, Colonel Robert Peterson with US Army Corps of Engineers and Mayor Justice will be present at City Hall at 11:00 am for the signing of the Corp grant for the design of the city sewer plant.

Reminder the April 9th 2012 City Commission has been cancelled. The next meeting will be held on April 23rd 2012.

Hillbilly Days April 19th, 20th & 21st. City Hall will be closed Thursday the 19th and Friday the 20th so that the employees may work the event. However, the Tax Department will have one employee working to accept tax payments on Thursday the 19th and Friday the 20th.

The next scheduled Regular Meeting of the City of Pikeville Board of Commissioners is April 23, 2012 at 6:00 p.m.

APPROVED:



FRANKLIN D. JUSTICE, II, MAYOR

ATTESTED:



CHRISTY BILLITER, CITY CLERK