

**CITY OF PIKEVILLE  
BOARD OF COMMISSIONERS  
REGULAR MEETING MINUTES  
October 22, 2012 AT 6:00 P.M.**

**The Board of Commissioners for the City of Pikeville met in a regular called session on Monday, October 22, 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 Pro-tem Jimmy Carter 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**

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

**MINUTES**

**The minutes for the previous special meeting held on October 15, 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 Chaney seconded the motion. Mayor Pro-tem Carter called for discussion, there being none the motion carried unanimously. 4-0.**

**BUSINESS FROM THE FLOOR**

**Consider a request to adopt a proclamation honoring the 2012 PHS Girls Soccer program's winning season. Commissioner Davis made the motion to approve. Commissioner Layne seconded the motion. Mayor Pro-tem Carter called for comments. Coach VanHoose came forward and thanked the City Commissioners for the wonderful soccer complex. He says that all the city workers always want to help. And nobody has a facility like we do. This is a very, very special night for us. Commissioner Layne says that this Commission is very proud of you all. Commissioner Chaney says that Pikeville has a winning tradition so this is no surprise; keep up the good work. Commissioner Davis talks about his past and how he was part of the sports program at PHS. He tells the ladies that he wants them to realize that they live in a special place. Commissioner Carter emphasizes again that the ladies have done an outstanding job and we are very proud of them. City Manager comments about the coach. He says that way back when he was a wide**

receiver for PHS and on a play he didn't move. Mr. Blackburn says the coach got in his face and called him Oliver. And he says first off my name is Donovan and not Oliver. Commissioner Carter called for additional comments, there being none, the motion passed. 4-0.

Consider a request to adopt a proclamation honoring the 2012 PHS Boys Soccer program's winning season & wishing them success towards the State Title. Commissioner Chaney made the motion to approve. Commissioner Davis seconded the motion. Mayor Pro-tem called for discussion. Coach Heffington came forward and explained to the Commission why the boys looked the way they do; because they just come from practice. He goes on to say that they have been very blessed. Mr. Heffington thanks the Commission for their support; he says the parents are very supportive also. He states that Pikeville is all about excellence. Commissioner Chaney says to the coach that there is nothing no more important than our future, our students. People will talk about you for years to come. Cindy, a mother of a player, says that most of these kids are the first soccer players of Pikeville. We really appreciate you recognizing them tonight. Robby Lindsey, Battalion Chief, has a daughter on the girl's team and he commends all the players for taking care of the sports complex after the games. He says that they stick around after the games and pick up trash and do what needs to be done to take care of the facility. Mayor Pro-tem Carter called for further discussion, there being none, the motion passed. 4-0.

#### **PAYMENT OF CITY BILLS**

The City Manager Donovan Blackburn requested the approval to pay city bills in the amount of \$93,908.50. Commissioner Davis made the motion to approve. Commissioner Chaney seconded the motion. Mayor Pro-tem Carter called for further discussion, there being none, motion passed unanimously. 4-0.

#### **BIG SANDY AREA DEVELOPMENT DISTRICT**

Brandon Montgomery was present for the Big Sandy Area Development. Mr. Montgomery had no updates for the commission.

#### **CITY ATTORNEY**

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

1. Consider a request for a 2<sup>nd</sup> reading and adoption of ordinance #0-2012-025 amending Chapter 92.35 of the City of Pikeville code of ordinances

**amending section 92.35 Procedure; Duration; License fee, deleting criteria required for permits and to authorize the Mayor Pro-tem to sign and execute said ordinance. Commissioner Chaney made a motion to approve. Commissioner Davis seconded the motion. Mayor Pro-tem Carter called for comments, there being none, Mayor Pro-tem called roll call. Motion passed unanimously. 4-0.**

AN ORDINACE AMENDING § 92.35 PROCEDURE;  
DURATION; LICENSE FEE DELETING  
CRITERIA FROM PERMITS

**ORDINANCE NO. 0-2012-025**

**WHEREAS**, the City of Pikeville City Commission is amending Chapter 92 Dilapidated

Housing and Nuisances, sections 92.35.

**WHEREAS**, this ordinance will take effect immediately upon passage and publication as

required by state statue.

**NOW, THEREFORE, BE IT ORDAINED** by the City of Pikeville that Chapter 92 "DILAPIDATED HOUSING AND

NUISANCES" sections 92.35 is amended to read as follows:

**LANDLORD LICENSING**

**§ 92.35 PROCEDURE; DURATION; LICENSE FEE.**

(A) Every person, individual, firm, owner, corporation, landlord, or combination thereof engaged in the business of leasing or renting of any apartment building, multiple unit, multiple dwelling units, or single-dwelling unit which has a separate power meter and is rented or leased for more than sixty (60) days to the same person or family regardless of whether the initial term is less than sixty (60) days if the term is routinely renewed for more than sixty (60) days, is hereby required to make application to and receive an annual license from the City Tax Office before engaging in the business. The annual license fee shall be the fee set forth in the business. The annual license fee shall be the fee set

forth in Chapter 115 of this Code or Ordinances. Said applicant shall state their name and address and identify the number of tenants occupying his or her property and the location thereof. The Tax Office shall present an updated list of all license holders the first working day of each month. The City Tax Office shall issue said license if:

- (1) The applicant's property is not in violation of any ordinance of the city;
- (2) All city taxes and fees shall be fully paid; and
- (3) The applicant provides a full legal description of all parcels of property he or she rents.

(B) The Building Inspector is hereby empowered to revoke said license if it is discovered that the applicant has:

- (1) Misrepresented himself or herself or the estate of his or her property;
- (2) Refused access to premises for inspection as required in § 92.36; or
- (3) Unabated violations or more than three (3) repeated violations on a same property in a twelve (12) month period.

(C) (1) Every person, individual, firm, owner, corporation, landlord, or combination thereof engaged in the business of leasing or renting of any apartment building, multiple unit, multiple dwelling units, or single-dwelling unit which has a separate power meter and is rented or leased for more than sixty (60) days to the same person or family regardless of whether the initial term is less than sixty (60) days if the term is routinely renewed for more than sixty (60) days, shall be required to pay a two dollar (\$2.00) permit fee to the City Tax Office for each separate unit they are renting. Said permit shall state the landlord's name, address, contact number and e-mail address if one is available. The permit shall have ~~the following information tenant's name, the location where they are rented or leased to, identifying the number of tenants occupying the specific property and the physical address of the~~ for each separate rented or leased unit owned and operated by the landlord.

(2) The Building Inspector is hereby empowered to revoke the permit for any individual unit or property if it is discovered that the applicant has:

- (a) Their property is or becomes in violation of any of the ordinances of the city and/or the statutes of the state, federal government or this chapter;
- (b) Misrepresented himself or herself or the estate of their property;
- (c) Refused access to premises for inspection as required in § 92.36; or
- (d) Unbated violations or more a repeat violation on the same property.

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 SPEARS, CITY CLERK

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- 2. Consider a request for a first reading of an ordinance #0-2012-026 related to the amendment of the City of Pikeville zoning map for 136 South College Street property from R-1A to R-3. No further action is required at this time. The second reading will take place at the next regular scheduled meeting.**

**CITY MANAGER**

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

- 1. Consider request to make formal job offers to Corey White and James Maynard contingent upon passing all required pre-employment test for said position at the starting rate. Commissioner Chaney made the motion to adopt. Commissioner Layne seconded the motion. Mayor Pro-tem called for further comments, there being none, motion passed unanimously. 4-0.**
- 2. Consider a request to reclassify Allison Cantrell to Full Time Utility Agent at the 1-year rate for said position to take effect January 1, 2013. Commissioner Layne made the motion to approve. Commissioner Chaney seconded the motion. Mayor Pro-tem Carter called for further comments, there being none the motion passed. 4-0.**
- 3. Consider a request to award a bid, authorize purchase and authorize payment for the bid for the East KY Expo Center's, Point of Sale equipment to NCR for \$86,157.60, who was the only bidder, contingent upon the funds being available in the City's Expo Center's account. Commissioner Chaney made the motion. Commissioner Davis seconded the motion. Mayor Pro-tem Carter called for comments and asked Mr. St. John if this was the**

system that he wanted. Mr. St. John answered, "Yes." Mayor Pro-tem called for further comments, there being none, the motion passed unanimously. 4-0.

4. Consider a request to be closed November 9<sup>th</sup> in observance of Veterans Day due to Veterans Day falling on Sunday November 11<sup>th</sup> this year. Commissioner Chaney made the motion to approve. Commissioner Davis seconded the motion. Mayor Pro-tem Carter called for comments, there being none, the motion passed. 4-0.

**\*\*City Manager announced consent items for all to hear\*\***

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

#### **CONSENT ITEMS:**

**October 23<sup>rd</sup> Nightmare on Main, Part III from 6 pm until 8 pm**

**October 29<sup>th</sup> @ 11:30 am Scholar House ground breaking on Sadd Ave.**

**October 29<sup>th</sup> @ 6 pm UNITE program at Jenny Wiley State Park**

**October 30<sup>th</sup> @ 10:30 am Pikeville Theatre ground breaking with Key Note speaker Congressman Hal Rogers**

**October 30<sup>th</sup> Trick or Treat night from 6 pm until 8 pm**

**City Hall will be closed for Election Day on Tuesday, November 6<sup>th</sup> 2012**

**The next scheduled Regular Meeting of the City of Pikeville Board of Commissioners is November 12, 2012 at 6:00 p.m.**

APPROVED:



FRANKLIN D. JUSTICE, II, MAYOR

ATTESTED:



CHRISTY BILLITER, CITY CLERK