

**CITY OF PIKEVILLE
BOARD OF COMMISSIONERS
SPECIAL MEETING MINUTES
November 9, 2012 AT 10:30 A.M.**

The Board of Commissioners for the City of Pikeville met in a special called session on Friday, November 9, 2012. 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 Franklin D. Justice, II called the meeting to order at 10:30 a.m. Commission Members present at roll call were as follows:

**COMMISSIONER: GENE DAVIS
BARRY CHANEY
DALLAS LAYNE
JIMMY CARTER**

MAYOR: FRANKLIN D. JUSTICE, II

(2) Remarks and update by Mayor Frank Justice on his family circumstances and election results. Moved to the end of the meeting.

(3) Update by the City Manager on emergency siren project multi-county million dollar grant, retail development, scholar house, theatre, by-pass & Thompson Rd projects. City Manager announces that we received a multi-county million dollar grant on the commercial air project, on top of the \$750,000 already granted. The retail development was signed October 1st and they are still working on the lease agreement to the new Post Office. The project probably won't start to around April sometime. The Scholar House will start moving ground on or around December; and the Theatre project broke ground a couple of weeks ago. The theatre project should be completed sometime around December 2013. Thompson Road project is with Summit Engineering; they were selected as the engineers on this project. And the Emergency Sirens are all up, testing will be done either Tuesday or Wednesday.

(16) Consider a request for approval and authorization of a Transfer Agreement between the City of Pikeville and Suddenlink and authorize the Mayor or Mayor Pro-tem to sign and execute. City Manager announces that Linda and Michael are here representing Suddenlink. As you know there is a sellout option with

Suddenlink, and what we have is a resolution that comes to an agreement with the concerns that we have. He says that first we appreciate Michael and his group for negotiating the franchise group. One of the concerns that the commission had is the upgrade of the HD channels. Also, the rewiring of Myers Towers and re-establishment of the government channel, Pike TV. So, we got through all those issues. The other concern with the commission is high definition. In the packet that was passed out, you will see the list of HD TV extended channels that have been added. All other issues brought before them, they have been more than happy to step up and fix. There is a resolution that we are wanting to adopt which basically outlines the agreement for the transfer. Concerns that we have, is that the City has spent quite a few dollars investing in our government channel. We have a place that we announce from, we have the equipment that we have bought, we have a partnership with several the county and several others. The concern that we have is what if a year down the road, the partnership we have with the university and the county, the leadership has changed and the relationship has severed. So, the request was that there will be a ninety day notice, if there was a separation, Suddenlink would be required to provide the City with a government channel of their own. The fibers of the network are still at City Hall at this time and need to be moved to Hambley. They have agreed to split the cost and move it. The other thing is the need for high speed internet for downtown. If Suddenlink decides not to do it, then we can find an outside source. With that, there is a resolution presented that I would ask the City Commission for adoption. Commissioner Chaney made the motion to approve. Commissioner Layne seconded the motion. Mayor Justice called for comments, there being none. Mayor Justice abstained. The motion passed. 5-0.

(4) Consider approval of the minutes for the regular commission meeting held on October 22nd 2012 and authorize mayor or mayor pro-tem to sign and execute. Commissioner Layne made the motion to approve. Commissioner Chaney seconded the motion. Mayor Justice called for comments, there being none. Mayor abstained. The motion passed. 5-0.

(5) Consider a request to cancel the regular commission meeting scheduled for this coming Monday, November 12th 2012. Commissioner Chaney made the motion to approve. Commissioner Carter seconded the motion. Mayor Justice called for comments, there being none, the motion passed unanimously. 5-0.

(6) Formal announcement by City Manager on the official retirements of Police Chief James Adkins last day of employment will be November 30th 2012 and Captain Woody Pruitt last day of employment was October 31, 2012. City Manager says that in the packets for this meeting there is a retirement announcement on behalf of Captain Pruitt. It outlines his career with the City. He is now employed with the PMC. Regarding Chief Adkins, his last day is November 30th.

- (7) Consider a request to post in-house for the positions of Police Chief, Police Captain, Police Officers & for City Manager to select an interview committee of four. Commissioner Carter made the motion to approve. Commissioner Chaney seconded the motion. Mayor Justice called for comments and then asked Mr. Blackburn to go over the interview committee. City Manager said that it is you(Mayor), me(City Manager), and two of the Commissioners, your choice. Mayor called for further comments, there being none, the motion passed unanimously. 5-0.
- (8) Consider a request to amend city personnel policy 1.8 Probationary Period as submitted amending section 3 Promotion. Commissioner Chaney made a motion to approve. Commissioner Layne seconded the motion. Mayor Justice called for comments. City Manager explains that this has to do with the positioning for the police department. Mayor called for further discussion, there being none, the motion passed unanimously. 5-0.
- (9) Consider a request to adopt a resolution accepting into the city street system "Maple Hill Drive" on Harold's Branch, as submitted, and authorize the Mayor or Mayor Pro-tem to sign and execute said resolution. Commissioner Chaney made a motion to approve. Commissioner Carter seconded the motion. Mayor Justice called for comments. Commissioner Carter asked the City Engineer Jack Sykes if he has taken a look at the road being discussed. City Manager spoke up and says that this is a road that has been damaged by our garbage truck and he feels should be considered a city street. Mayor Justice called for further comments, there being none. Mayor abstained. The motion passed. 5-0.
- (10) Consider a request to grant each city employee a onetime extra pay period of \$350.00 and authorize payment for next pay period. Commissioner Layne made a motion to approve. Commissioner Carter seconded the motion. Mayor Justice called for comments, there being none. Mayor Justice abstained. The motion passed. 5-0.
- (11) Consider a request to approve and authorize payment of invoice #5 to Holzman Moss Bottino Architecture for services regarding the Pikeville Theatre project for \$42,358.21 as submitted. Commissioner Chaney made a motion to approve. Commissioner Davis seconded the motion. Mayor Justice called for comments. Commissioner Davis asked what the status of the theatre was. City Manager replied that we are in the demolition phase. Plus Holzman is out of New York and they are having some issues with the weather and things there. Mayor called for further comments, there being none. Mayor Justice abstained. The motion passed. 5-0.
- (12) Consider a request to authorize and approve a contract between the City of Pikeville and Payment Service Network, Inc. for Credit Card Processing services as submitted and to authorize the Mayor or Mayor Pro-tem to sign and execute said contract for service on behalf of the City of Pikeville. Commissioner Chaney made a

motion to approve. Commissioner Davis seconded the motion. Mayor Justice called for comments, there being none. Mayor abstained. The motion passed. 5-0.

(13) Consider a request for a second reading and passage of 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 and authorize the Mayor or Mayor Pro-tem to sign and execute. Commissioner Chaney made a motion to approve. Commissioner Carter seconded the motion. Mayor Justice called for comments, there being none. Mayor called roll call, Mayor abstained. The motion passed. 5-0.

**AN ORDINANCE RELATED TO THE AMENDMENT
OF THE CITY OF PIKEVILLE ZONING MAP FOR
136 SOUTH COLLEGE STREET PROPERTY
FROM R-1A TO R-3**

Ordinance #0-2012-026

WHEREAS, The Joint Planning Commission for Pikeville, Pike County and Elkhorn City has reviewed the proposed Zone map amendment contained herein and after duly notice public hearing did approve the same at its October 9th, 2012 meeting.

NOW, THEREFORE, BE IT ORDAINED by the City of Pikeville that the Zoning Map for the City of Pikeville is amended as follows:

1. The Commission finds there have been major changes of an economic, social or physical nature of 136 South College Street which was not anticipated in the community's comprehensive plan and which have substantially altered the basic character of such areas so that the current zoning classification is inappropriate.
2. That the City of Pikeville's zoning map for 136 South College Street as the same is reflected on the attached map is hereby amended from a R-1A classification to R-3.

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

Upon roll call, the votes were as follows:

YES NO

FRANKLIN D. JUSTICE, II, MAYOR ___ ___

JAMES A. CARTER, COMMISSIONER ___ ___

EUGENE W. DAVIS, COMMISSIONER ___ ___

BARRY CHANEY, COMMISSIONER ___ ___

DALLAS LAYNE, COMMISSIONER ___ ___

The Mayor declared the within ordinance adopted.

FRANKLIN D. JUSTICE, II, MAYOR

ATTEST:

CHRISTY BILLITER, CITY CLERK

(14) Consider a request for a first reading of ordinance of #0-2012-027 related to the amendment of the City of Pikeville 2012-2013 Operating Budget. No further action to be taken at this time. The second reading will take place at the next regular scheduled meeting.

(15) Consider a request to approve and authorize payment of the City Bill list for \$680,582.32 as submitted. Commissioner Davis made a motion to approve. Commissioner Layne seconded the motion. Mayor Justice called for comments. Commissioner Davis asked if there are funds for the bills. City Manager says yes there is. Mayor Justice called for additional comments, there being none, the motion passed unanimously. 5-0.

(16) Consider a request for approval and authorization of a Transfer Agreement between the City of Pikeville and Suddenlink and authorize the Mayor or Mayor Pro-tem to sign and execute. Commissioner Chaney made a motion to approve. Commissioner Layne seconded the motion. Mayor Justice called for comments, there being none. Mayor Justice abstained. The motion passed. 5-0.

(17) Consider a request to approve payment for an invoice to Federal Signal Corporation for \$61,912 and authorize payment contingent upon satisfaction of the City Manager on completion of said project. Commissioner Chaney made a motion to approve. Commissioner Carter seconded the motion. Mayor Justice called for comments and then asked what this is. City Manager responded that this is the early warning siren. There are two lines that still need to be hooked up. Commissioner

Carter says there are eight towers or sirens and Mr. Blackburn confirms. Mayor Justice called for further comments, there being none, the motion passed unanimously. 5-0.

(18) Consent Items:

Commission swearing in ceremony will be held during the December 10th 2012 regular commission meeting.

City Hall closed November 22nd & 23rd for Thanksgiving.

Christmas Parade will be held December 10th 2012.

City Manager off the week of Thanksgiving November 19th through 23rd.

(2) Mayor Justice updates everyone on his mother. Labor Day we went to Cleveland Clinic and Mother had surgery on that Friday. Little bit late cause she put it off. I have spent two nights in two months in my house here in Pikeville. Commissioner Carter stepped in and I appreciated everybody and the citizens of Pikeville for understanding. This past week, I have stayed in my house two nights in a row. Mother is in St. Jo East under acute long term care until November 21. At that time we'll either take her home for rehabilitation or PMC for rehabilitation. She has a trache. The trache should be coming out before long. Walking about a week ago. She will make a full recovery. The surgery was a success. As far as the election goes, each of you that ran in the election, I appreciate it. I know that you take your time and money and we had a great turn out and I really appreciate that. The only thing I have to say about the election is I don't get on topix, but these fine people that were running for election, I understand, were hit on topix. There are two types of people that get on topix, people who don't understand that get on there and people who are cowards who won't come to you face to face. Mayor finished up with a couple more statements about topix and his thoughts on the use of topix.

(19) Pursuant to KRS 61.810, consider request for closed session for the purpose of discussing economic development, legal and personnel issues. Commissioner Carter made a motion to approve. Commissioner Layne seconded the motion. Mayor Justice called for comments, there being none, the motion passed unanimously. 5-0.

(20) There being no further business to come before the commission, Commissioner Layne made the motion to adjourn the meeting. Commissioner Davis seconded the motion. Mayor Justice called for discussion, there being none, the meeting was adjourned. 5-0.

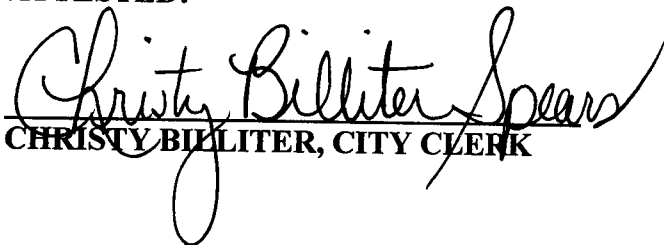
The next scheduled Regular Meeting of the City of Pikeville Board of Commissioners is November 26, 2012 at 6:00 p.m.

APPROVED:



FRANKLIN D. JUSTICE, II, MAYOR

ATTESTED:



CHRISTY BILLITER, CITY CLERK

November 9, 2012 Special Meeting