

**CITY OF PIKEVILLE
BOARD OF COMMISSIONERS
SPECIAL MEETING MINUTES
March 8, 2013 AT 9:00 A.M.**

The Board of Commissioners for the City of Pikeville met in a special called session on Friday, March 8, 2013. 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 9:00 a.m. Commission Members present at roll call were as follows:

COMMISSIONER:	JIMMY CARTER	Absent
	JERRY KEITH COLEMAN	
	BARRY CHANEY	
	GENE DAVIS	
 MAYOR:	 FRANKLIN D. JUSTICE, II	

(2) The minutes for the previous regular commission meeting held on February 25th, 2013 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 Franklin D. Justice, II called for discussion, there being none, the motion carried unanimously. 4-0.

(3) Consider a first reading of ordinance #0-2013-005 adopting the 2013 Supplement to the City of Pikeville Code of Ordinances as submitted and read into record. No further action is required at this time. Second reading will take place at next scheduled commission meeting.

(4) Consider a first reading of summary ordinance #0-2013-006 amending Chapter 152 Flood Damage Prevention Code as submitted and read into record. No further action is required at this time. Second reading will take place at next scheduled commission meeting. City Attorney explains that basically we already have this ordinance but FEMA has worked on this for a number of years, a map study of changes of elevation that requires us to re-adopt this ordinance adopting that specific map amendment. Even though the ordinance actually says has revised.

It is nothing new, it basically says that the City is responsible for insuring the people don't build in flood zones or in flood ways. This is a requirement for the City to be able to participate in the Flood Insurance Program. If we didn't participate in this, then homeowners could not get flood insurance so that's another reason for this.

(5) Consider a request to approve and adopt an amended inter-local agreement relating to water and sewer service along US23 and authorize the Mayor to sign and execute said amended agreement. Commissioner Chaney made the motion to approve. Commissioner Davis seconded the motion. Mayor Justice called for comments and then said tell us about it Donovan. City Manager then says that all this is is a cleanup. It does not take any additional action. Basically what has happened, a couple years ago there were three different agreements regarding this amendment and instead of having these three agreements we put this into one document. Mayor called for additional questions or comments, there being none, the motion passed unanimously. 4-0.

(6) Consider a request to cancel the regular commission meeting scheduled for March 11th 2013. Commissioner Chaney made the motion to approve. Commissioner Coleman seconded the motion. Mayor Justice called for comments, there being none, the motion passed unanimously. 4-0.

(7) Update on Marion Branch property, bond release & road material & on City Road Maintenance acceptance guidelines. City Manager asked to move this item to the end of the meeting.

(8) Consider a request to approve and authorize the promotion of Aaron Thompson to the position of Patrol Lieutenant at the 13 year rate for said position. Commissioner Chaney made the motion to approve. Commissioner Coleman seconded the motion. Mayor Justice called for questions or comments. Commissioner Chaney says that this promotion is well deserved and earned by Sgt. Thompson. Mr. Blackburn also adds that the Chief along with myself also interviewed Sgt. Thompson and fully recommended him for the position. As a side note, we have posted for Seargent positions. On the 25th, we will be bringing you two new candidates for that position. Mayor Justice called for additional questions or comments, there being none, the motion passed unanimously. 4-0.

(9) Consider a request to authorize and approve a permanent easement agreement between the Pike County Fiscal Court and City of Pikeville, as submitted, for the purpose of granting the city a permanent easement for the purpose of public street, parking sidewalk and utility corridor on Division Street

and to authorize the Mayor to sign and execute said easement on behalf of the City of Pikeville. Commissioner Chaney made the motion to approve. Commissioner Coleman seconded the motion. Mayor Justice called for comments. City Manager says that the comment that he has is that the handout that was given to you illustrates what is being done on Division Street. The Commission is already aware and we have discussed in previous meetings that the parking along Division Street is going away and the street will remain a two way street. The diagonal parking that you see in the exhibit will be two hour parking. The permanent easement will give the City control of that area. The intent is to remove the existing sidewalk and place a sidewalk along the diagonal parking. The private development of the Fiscal Court has already met this past Tuesday and has been approved by the private development board. UMG will be working with Codell Construction to do the project. We appreciate the cooperation with Judge Rutherford on this project; he understood the necessity of the situation. He understood the importance in providing parking for our businesses, and he is actually paying for the blacktop. Commissioner Davis says that this is a great addition to the project that is going on. Mayor Justice called for additional questions or comments, there being none, the motion passed unanimously. 4-0.

(10) Consider a request to authorize and approve a Temporary License agreement between the City of Pikeville and Pike County Fiscal court, as submitted, for the purpose of installing and placement of a sign and electrical conduit as described and authorize the Mayor to sign and execute on behalf of the City of Pikeville contingent upon the approval by the Pike County Fiscal Court for a permanent easement on Division Street as described above. Commissioner Davis made the motion to approve. Commissioner Coleman seconded the motion. Mayor Justice called for comments and says what are we doing there. City Manager says that as of last meeting, the Fiscal Court also requested to place a LED sign in the grassy area there at the Courthouse. Instead, at the last meeting the Commission authorized a permanent easement. However, the City does not own the property, it is owned by the state and we have a 99 year lease. The City Attorney and the County Attorney was looking and there was a grant that we used in the past which was a Temporary License Agreement to allow the county to do what they want with the property. Mayor Justice asked if it was going back in the same location. Mr. Blackburn says yes that nothing changes. Mayor called for additional questions or comments, there being none, the motion passed unanimously. 4-0.

(11) Consider a request to approve and authorize payment of city bill list as submitted for \$475,370.35. Commissioner Davis made the motion to approve. Commissioner Chaney seconded the motion. Mayor Justice called for comments. Commissioner Davis asked if we have the money. City Manager says yes sir. Mayor called for further questions or comments, there being none, the motion passed unanimously. 4-0.

(12) Consider a request to approve and authorize payment for pay request #1 to H2O Construction, as submitted, for the FoxCroft Sewer Project and authorize the Mayor to sign and execute said pay request. For \$34,920.00. Commissioner Chaney made the motion to approve. Commissioner Coleman seconded the motion. Mayor Justice called for comments, there being none, the motion passed unanimously. 4-0.

(13) Consider a request to adopt a resolution in support of the 2014 Kentucky Recycling Grant program as submitted and authorize the Mayor to sign and execute 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, the motion passed unanimously. 4-0.

Mayor Justice, now back to Marion's Branch. City Manager Blackburn says that first of all, there have been a couple of meetings that I have had over the past couple of weeks. One in particular, with CAM mining, just informing the Commission that phase one has been released. The intent is to have the area seeded by sometime the first of April and once the grass gets a little green, they are going to ask for a full bond release at the latest would be June. So by June, the property would be available to turn over to the City full time. I also spoke with them about the possibilities of improving, but their position is that the coal industry is not as wealthy as they once were but they would take it under consideration. Ironically, I had a meeting this week also and Darryl Maynard approached me, on behalf of Habitat for Humanity, and the Commission is aware because of discussions in the past, that one thing they bring to the table is that somewhere in the range of 600 to 700,000 dollars in funding for infrastructure. At some point in the future, if we discuss the property is not suitable, for instance the ridge areas. With all these discussions going on, there's other opportunity. In everyone's packet, I have included a copy of an email from Magistrate Harris. The basic concern of this email was if the City of Pikeville was reliable upon the City's comprehensive plan and how the City acquired the property of Marion's Branch. Magistrate Harris did a couple open record request in which I handled. He asked for appraisals, which there were six of them done. After the appraisals were reviewed, the Airport Board got involved, declared the property a surplus and said we are not going to accept any of the appraisals and we are going to go with our own appraisal. So they hired Redd, Brown and Williams out of Prestonsburg, Paintsville area and they did an appraisal for \$1,1 million. To sum it up, we had six appraisals and the process was still followed. At any rate, Magistrate Harris states that he doesn't have anything against the City of Pikeville. Though the Airport board has several million dollars from the property, instead of the City acquiring that property, they say we should pay an extra \$1 million dollars. On top of that, instead of developing housing not only to fill

the need, they say the taxpayers of the City should pay for the Airport Road. There were strong comments made about the Airport Board and some emails that were pulled out about our taxpayers and Citizens. Mayor Justice says that we have been hashing this out for a long time. Mayor addresses the City Attorney and asked his opinion on the matter. City Attorney Davis says that not all political pandering needs to be responded to. He gets up there for self gratification. Apparently Mr. Harris, we've already spent a lot of time on it. It is my suggestion that we ignore him. You guys have spent fifteen minutes dealing with this and it has kept you from dealing with other important City issues that are helping us grow, keep our people working and keep our community growing. If Mr. Harris spends as much time, if he takes his time, the Magistrates time and the Judges time to deal with issues that are not involved in Pike County, then they have serious fiscal issues to deal with. They've got a budgetary crisis and he is working on this kind of stuff. He's completely off basis, the FAA is looking to avoid the problem that he is trying to create in his imagination. Rather than take our time, I would say go to the FAA and take your packet and your papers and waste their time. Mayor says that it is a shame that we have to keep reporting on this airport situation. We adopted a five year plan that was created by the input of the county judges, school board members and leaders of the community, what's the needs of Pikeville and the surrounding area. And we adopted the comprehensive plan that they come up with. There is three pieces of property that we annexed: Marion's Branch, Big Shoal and Buckley's Creek. We adopted that plan so we went forward. Some of those properties are owned by good family friends and they did not want their property annexed. But as Mayor and Commission, we did what we adopted and we went after those properties and we tried to make it just as comfortable and we continued to grow. Also, in this comprehensive plan, we needed middle income housing, not low income housing, not multi-million dollar housing, we need middle income housing for the people that's working in our hospitals, in our colleges and in this area and making it grow, seeing what you see today. People are coming from Lawrence County, Morgan County and Letcher County to come and work in our hospitals and in our college and banking community and thought it would be good to have some middle income housing. So, digging into all this stuff, I understand there were two airport boards, Pikeville Airport Board and Pike County Airport Board. Pikeville Airport Board owned a piece of property on Island Creek called Marion's Branch. The county had nothing to do with it but Judge Rutherford did have a whole lot to do with helping Pikeville acquire that property. Stop me if I am wrong Rusty, but that is the way I see it. So we had two, a Mayor and a Judge that were progressive and they decided they wanted to combine these two airports and build a nice regional airport up at the current location, Pikeville/Pike County Airport. By doing so, Pikeville Airport Board brought a great asset to this joint venture. We had coal reserves with our Airport Board, we also had a piece of property that was valuable at one time after the coal was mined. This procedure took years and years. So they have seven, eight million dollars of money so now we don't have to dip into our general fund, the county doesn't have to dip into their general fund. They're able to live off their income they have received off of their royalties. It's all good and

done and there is a nice piece of property up there. We looked at it, and you are going to use it Airport Board. No we are not going to build a second airport. That's what they do, they do airports. We would like to answer some of our comprehensive plan and build some housing developments and some recreational tourism, but we want to use that area which is 400 level acres where you can fit the horseshoe of Pikeville, if you know what I am talking about, and all of the housing in this area. It is a tremendous asset. You can go with them with intent and for some reason there are some people fighting it and I don't understand why people want to interfere with progress. But this was going to allow children to go to the county school system. They were going to be closer to their work area, where it would be safer to drive to work and be part of our community and add taxes to the county school system and the City of Pikeville. It would just be a nice quality of life issue. But once again, people want to fight. All we wanted, putting the two boards together was a nice deal. They should have gave us the property in my opinion. But no, we had to give a million dollars to an agency that is already loaded with a lot of money and we can't put that into infrastructure. We are sitting here now trying to come up with ways to get the road, we already have sewage up there thanks to Rogers, Leslie Combs, and the rest of them. Water is about there, we are close to having what we need. We still need funding, but now we have to put a million dollars there. Donovan talks about Darryl Maynard coming with his six to seven hundred thousand through Habitat for Humanity. That is not what we need. We need funded to put the road in, we don't need to be giving a million dollars. Donovan, unless Magistrate Harris wants to take legal action, and I don't know what his purpose is, I think his purpose is to aggravate you. He is not going to aggravate me anymore. I'm done with him. I've explained it one last time. Unless he sues or somebody sues, I don't want to hear anything else about it. I don't know about the rest of this Commission, but I'm done. City Manager responds to the Mayor that before there is something said in the media or from the press, I want to let you know that Bill has an attorney. They have sent information to the FAA and made the comment that he would make sure that all the I's were dotted and t's were crossed. Secondly, Judge Rutherford's role. You mentioned that Judge Rutherford helped us acquire the property. It went further than that, he said that you, me and several board members of the Airport Board needed to be explained why we were working together. What the intent was. Even with the Chamber of Commerce, you were very vocal with what your intent was. You have worked diligently with the Judge in Fiscal Court and you are aware of the advisory board in which the Judge sits on. The other point you made that I want to add to is the infrastructure. Two points, one is that that property is also considered as a 201 service area, which is in the City of Pikeville. The City Commission also looked for opportunity to work with the county, looking for the right thing to do for the community. So what's happening now is the division went down US23 and I had a conversation with you and said we will redo the project. The Mayor said no we are going to do the right thing Donovan. We sewer Island Creek, \$5.5 million dollars. We got grants, CDBG from coal severance. But also we went to work in Frankfort and Ray Jones worked and got us a million dollars, but we also had to go back and ask for special consideration. We also had letters of

support from Representative Combs saying that this was a great project; and Ray Jones went before the Legislators and we received \$25,000 for the Comprehensive Plan. In bringing this up, the law allows pursuant to KRS 183.133, the board may dispose any real or personal property, or rights therein, which, in the opinion of the board are no longer needed for operating or expanding the airport or air navigation facilities. The airport board, with great men, declared property surplus, could have gave it to the City. Got an appraisal, we moved forward, in order to help the county and the city grow. With a working relationship with the county judge, trying to pull the Magistrates in. All the documentation, emails and everything is there to prove the point. Again, from the stand point of the Commission, I wanted to get that covered. As you read the paper of what documentation and obviously what the intent was, but from this point forward I agree with the Mayor on his closed issue. I have far more pressing things to do as well with the business of the Commission and the City so I'm done. Mayor comments that he is glad that Mr. Blackburn mentioned Ray Jones, I left him out. Leslie Combs, a good friend, W. Keith worked hard on this and you and I went down and had special legislation with Rocky Adkins to pick up a million dollars. Let's add that up real fast. We gave the airport one million, so Rocky Adkins says ok, if you can spend a million in a single county in coal severance, then we are going to give you a million multi county coal severance. How many multi county coal severance tax projects have been done in this county? None. So by not giving us that million dollars to build that road and that infrastructure there, we gave the City of Louisville, Kentucky a million dollars to put their storm sewer drains in. There's three million dollars. There's money that Pike County school system could have added to their enrollment. They could have been collecting taxes off of it. It's not all about the taxes, we're trying to give people a quality of life. Is there anything else we need to discuss? City Manager says one last comment is that I am going to be working with Dan'l Hall over the next thirty days and there should be some great information from this that I will be able to share.

(14) Consent Item Announcements:

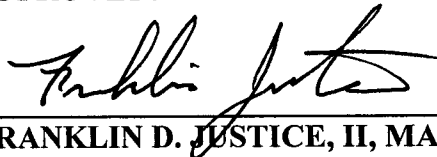
- 1. City Manager will be out of town week of March 10th for NLC Conference**
- 2. Announcement of Airport Taxiway ribbon cutting**
- 3. RX Drug Summit week of April 1st City Manager & Police Chief will be attending.**
- 4. Grant updates are in your packets.**
- 5. Invitation to City Complex after meeting for walk-thru**

(15) There being no further business to come before the commission, Commissioner Davis 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.

The next scheduled Regular Meeting of the City of Pikeville Board of Commissioners is March 25, 2013 at 6:00 p.m.

APPROVED:



FRANKLIN D. JUSTICE, II, MAYOR

ATTESTED:



CHRISTY BILLITER, CITY CLERK