

**CITY OF PIKEVILLE  
BOARD OF COMMISSIONERS  
REGULAR MEETING MINUTES  
March 25, 2013 AT 6:00 P.M.**

**The Board of Commissioners for the City of Pikeville met in a regular called session on Monday, March 25, 2013. The meeting was held in the City Hall Conference Meeting Room located at 118 College Street, Pikeville, Kentucky.**

**There being a quorum present, Mayor Frank Justice called the meeting to order at 6:00 p.m. Commission Members present at roll call were as follows:**

<b>COMMISSIONER:</b>	<b>JIMMY CARTER</b>	
	<b>JERRY KEITH COLEMAN</b>	
	<b>BARRY CHANEY</b>	<b>Absent</b>
	<b>EUGENE DAVIS</b>	

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

**MINUTES**

**The minutes for the previous special meeting held on March 8, 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 Carter seconded the motion. Mayor Frank Justice called for discussion, there being none, the motion carried unanimously. 4-0.**

**PAYMENT OF CITY BILLS**

**The City Manager Donovan Blackburn requested the approval to pay city bills in the amount of \$907,593.57. Commissioner Davis made the motion to approve. Commissioner Carter seconded the motion. Mayor called for comments. Commissioner Davis asked if we have the money to pay the bills and City Manager says yes we do. 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 had several project updates for the commission. The first being Peach Orchard Storm Sewer where the contractors have started working and cutting pavement.**

**They have installed the first Manhole and piping to the first Drop Box inlet on Habitat Street. Next is Foxcroft Sewer Extention, the contractor has started the service line installation and began work on the electrical portion of the residential grinders. It has been slow due to the weather, however the main line is in. Then, Bob Amos Horse Trail Project, we have concerns with the funding. We passed a hurdle this week and we plan to issue Notice to Proceed early next week. On the City's Comprehensive Plan, we are working on this in house and the team discussed the goals and objectives the City would like to address. We are going to review based upon the interviews and what we saw. Finally, the 201 Facilities Plan, we are in the process of responding to some DOW comments and we are working together to present this information. Mr. Hunt also submitted several requests to the commission for approval.**

- 1. Consider request to approve and authorize payment of invoice #66870 for \$2,125.00 to Summit Engineering for the work on the City 201 Facilities Plan. Commissioner Davis made the motion to approve. Commissioner Carter seconded the motion. Mayor Justice called for comments, there being none, the motion passed unanimously. 4-0.**
- 2. Consider request to authorize and approve payment of invoice #204 for \$15,400.00 to H2O Construction for manhole rehabs. Commissioner Davis made the motion to approve. Commissioner Coleman seconded. Mayor Justice called for comments. City Manager says that this was a budgeted item. Mayor called for additional comments, there being none, the motion passed unanimously. 4-0.**
- 3. Consider request to approve and authorize payment of invoice #199 for \$72,481.28 to H2O Construction for Town Mountain Pump Station project. Commissioner Carter made the motion to approve. Commissioner Coleman seconded. Mayor called for comments. City Manager says that this is also a budgeted item and it was bid out as well. Mayor called for additional questions or 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 second reading and adoption of an ordinance #0-2013-005 adopting the 2013 Supplement to the City of Pikeville Code of Ordinances as submitted and read into record and authorize the Mayor to sign and execute on behalf of the City. Commissioner Davis made the motion to approve. Commissioner Coleman seconded the motion. Mayor Justice**

**called for comments, there being none, Mayor called roll call. Commissioner Chaney being absent. Motion passed unanimously. 4-0.**

**ORDINANCE ADOPTING THE 2013 SUPPLEMENT TO THE CITY OF PIKEVILLE CODE OF ORDINANCES**

Ordinance #: 0-2013-005

**WHEREAS**, American Legal Publishing Corporation of Cincinnati, Ohio has completed the S-28 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;

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

**SECTION 1:** That the S-28 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 \_\_\_\_\_, 2013, the ordinance was given a second reading on the \_\_\_\_ day of \_\_\_\_\_, 2013.

Passed this \_\_\_\_ day of \_\_\_\_\_, 2013.

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	_____	_____
JERRY K. COLEMAN, COMMISSIONER	_____	_____
JIMMY CARTER, COMMISSIONER	_____	_____
BARRY CHANEY, COMMISSIONER	_____	_____

The Mayor declared the within ordinance adopted.

March 25, 2013 Regular Meeting

FRANKLIN D. JUSTICE, II MAYOR

ATTEST:

CHRISTY BILLITER, CITY CLERK

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- 2. Consider a second reading and adoption of a summary ordinance #0-2013-006 amending Chapter 152 Flood Damage Prevention Code as submitted and read into record and authorize the Mayor to sign and execute on behalf of the City. Commissioner Carter made the motion to approve. Commissioner Davis seconded the motion. Mayor Justice called for comments. City Attorney says that the state says that we need to do this and they did map amendments. Commissioner Coleman asked if we had a chose on the matter. City Attorney responded no that we don't. He says that in order to have flood insurance we have to have this. This is designed to keep new folks out of the flood zone. Commissioner Carter asked the City Engineer if he was aware of the zone changes. Mr. Hunt says no but the Codes Enforcement Officer says yes we are and that there are people that are in the flood zone now that were out of the zone before. City Attorney says that they have the option to rebuild. And if those people buy flood insurance now, they will get a better rate than when the food plane is in place. Commissioner Coleman says that he does not like the idea of forcing people to buy flood insurance. Mayor Justice called for further questions, there being none, Mayor called roll call. Commissioner Chaney being absent. Motion passed unanimously. 4-0.

**SUMMARY ORDINANCE RELATED TO THE AMENDMENT OF  
 § 152 OF THE CODE OF ORDINANCES RELATED TO FLOOD  
 DAMAGE PREVENTION TO ADOPT CERTAIN REVISIONS OF  
 STATE AND FEDERAL REGULATION RELATED TO FLOOD  
 PREVENTION**

**ORDINANCE NO. 0-2013-006**

The Legislature of the Commonwealth of Kentucky has in Kentucky Revised Statutes delegated to local government units the authority to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry.

It is the purpose of this ordinance to promote the public health, safety, and general welfare and to minimize public and private loss due to flooding

March 25, 2013 Regular Meeting

**NOW THEREFORE, BE IT ORDAINED BY THE COMMISSION FOR THE CITY OF PIKEVILLE AS FOLLOWS:**

**ARTICLE 2. DEFINITIONS** – Certain definition are established within the ordinance related to the application of the ordinance.

**ARTICLE 3. GENERAL PROVISIONS**

**SECTION A. LANDS TO WHICH THIS ORDINANCE APPLIES**

This ordinance shall apply to all Special Flood Hazard Areas (SFHA), areas applicable to KRS 151.250 and, as determined by the Floodplain Administrator or other delegated, designated, or qualified community official as determined by the City Commission of the City of Pikeville from available technical studies, historical information, and other available and reliable sources, areas within the jurisdiction of the City Commission of the City of Pikeville which may be subject to periodic inundation by floodwaters that can adversely affect the public health, safety, and general welfare of the citizens of the City of Pikeville

**SECTION B. BASIS FOR ESTABLISHING THE SPECIAL FLOOD HAZARD AREAS**

The areas of special flood hazard identified by the Federal Emergency Management Agency (FEMA) in the Flood Insurance Study (FIS) for Pike dated \_\_\_\_, with the accompanying Flood Insurance Rate Maps (FIRMS), other supporting data and any subsequent amendments thereto, are hereby adopted by reference and declared to be a part of these regulations by City of Pikeville and for those land areas acquired by City of Pikeville through annexation. This FIS and attendant mapping is the minimum area of applicability of this ordinance and may be supplemented by studies for other areas which allow implementation of this ordinance and which are recommended to the City Council by the Floodplain Administrator and are enacted by City Council pursuant to statutes governing land use management regulations. The FIS and/or FIRM are permanent records of City of Pikeville and are on file and available for review by the public during regular business hours at Code Enforcement Office.

**SECTION C. ESTABLISHMENT OF DEVELOPMENT PERMIT**

A Development Permit shall be required in conformance with the provision of this ordinance prior to the commencement of any development activities in the special flood hazard areas (SFHA). See Article 4, Section B for instructions and explanation.

Application for a Development Permit shall be made on forms furnished by the Floodplain Administrator

**SECTION H. ENFORCEMENT, VIOLATION NOTICE AND PENALTIES**

- 1) Civil Offense: If, at any time, development occurs which is not in accordance with the provisions of this ordinance including obtaining or complying with the terms and conditions of a floodplain development permit and any approved modifications, such development shall constitute a civil offense.
- 2) Notice of Violation: If, at any time, a duly authorized employee or agent of the Floodplain Administrator has reasonable cause to believe that a person has caused development to occur which is not in accordance with the provisions of this ordinance including obtaining or complying with the terms and conditions of a floodplain development permit and any approved modifications thereof, a duly authorized employee of the Floodplain Administrator shall issue a notice to the person responsible for the violation and/or the property owner, stating the facts of the offense or violation, the section of this ordinance and/or of the permit violated, when it occurred, how the violation is to be remedied to bring the development into conformity with this ordinance or with the approved permit, and within what period of time the remedy is to occur, which period

of time shall be reasonable and shall be determined by the nature of the violation and whether or not it creates a nuisance or hazard. The remedy may include an order to stop work on the development. The notice shall also state that a citation may be forthcoming in the event that the requested remedies and corrective actions are not taken, which citation will request a civil monetary fine and shall state the maximum fine which could be imposed. See below.

- 3) Notice of Citation: If, at any time, a duly authorized employee or agent of the Floodplain Administrator has reasonable cause to believe that a person has caused development to occur which is not in accordance with the provisions of this ordinance including obtaining or complying with the terms and conditions of a floodplain development permit and any approved modifications thereof, a duly authorized employee of the Floodplain Administrator may issue a citation to the offender stating the violation, prior notices of violation issued, how the violation is to be remedied to bring the development into conformity with this ordinance or with the approved permit, and within what period of time the remedy is to occur, and what penalty or penalties are recommended. When a citation is issued, the person to whom the citation is issued shall respond to the citation within seven (7) days of the date the citation is issued by either carrying out the remedies and corrections set forth in the citation, paying the civil fine set forth in the citation or requesting a hearing before the governing body. If the person to whom the citation is issued does not respond to the citation within seven (7) days, that person shall be deemed to have waived the right to a hearing and the determination that a violation occurred shall be considered final.
- 4) Penalties: Violation of the provisions of this ordinance or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with granting of a variance or special exceptions, shall constitute a misdemeanor civil offense. Any person who violates this ordinance or fails to comply with any of its requirements shall, upon conviction thereof, be fined no less than \$500.00 or imprisoned for not more than 30 days, or both, and in addition, shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the Floodplain Administrator from taking such other lawful action as is necessary to prevent or remedy any violation.
- 5)

#### **ARTICLE 4. ADMINISTRATION**

##### **SECTION A. DESIGNATION OF LOCAL ADMINISTRATOR**

The City Commission of City of Pikeville hereby appoints the Codes Enforcement Officer to administer, implement, and enforce the provisions of this ordinance by granting or denying development permits in accordance with its provisions, and is herein referred to as the Floodplain Administrator.

##### **SECTION B. ESTABLISHMENT OF DEVELOPMENT PERMIT**

A Development Permit shall be obtained before any construction or other development begins within any special flood hazard area established in Article 3, Section B.

##### **Application Stage**

Application for a Development Permit shall be made on forms furnished by Floodplain Administrator.

##### **Construction Stage**

Upon placement of the lowest floor, **and before construction continues**, or floodproofing by whatever construction means, it shall be the duty of the permit holder to submit to the Floodplain Administrator and to the State a certification of the elevation of the lowest floor or flood-proofed elevation, as built, in relation to Mean Sea Level.

##### **SECTION C. DUTIES AND RESPONSIBILITIES OF THE LOCAL ADMINISTRATOR**

The Floodplain Administrator and/or staff is hereby appointed, authorized and directed to administer, implement and enforce the provisions of this ordinance. The Floodplain Administrator is further authorized to render interpretations of this ordinance, which are consistent with its spirit and purpose by granting or denying development permits in accordance with its provisions and his duties are provided for within for permit review, review of flood date, notification of other agencies, documentation, remedial action, right of entry, stop work orders, revocation of permits, liabilities and expiration of construction permits

**ARTICLE 5. PROVISIONS FOR FLOOD HAZARD REDUCTION** establishes general construction standards, specific standards for residential construction, non-residential construction, elevated structures, manufactured homes and recreational vehicles, floodways, Pikeville Pond area construction, streams w/o established base flood elevations and/or floodways, shallow flooding zones, subdivision proposals, accessory structures, and critical facilities.

**ARTICLE 6. APPEALS AND VARIANCE PROCEDURES** provides for appeals and variance procedures, appeal board, duties of appeal board, condition for variance and variance notification.

**ARTICLE 7. SEVERABILITY**

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 \_\_\_\_\_, 2013, the ordinance was given a second reading on the \_\_\_\_ day of \_\_\_\_\_, 2013

Passed this \_\_\_\_ day of \_\_\_\_\_, 2013

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	_____	_____
JERRY K COLEMAN, COMMISSIONER	_____	_____
JIMMY CARTER, COMMISSIONER	_____	_____
BARRY CHANEY, COMMISSIONER	_____	_____

The Mayor declared the within ordinance adopted.

\_\_\_\_\_  
FRANKLIN D. JUSTICE, II MAYOR

ATTEST:

\_\_\_\_\_  
CHRISTY SPEARS, CITY CLERK

**Certification**

The undersigned, a duly licensed attorney for the Commonwealth of Kentucky does certify that he has prepared the forgoing Summary Ordinance adopted by the City of Pikeville and that the same complies with the provision of KRS 83.A.060(9).

\_\_\_\_\_  
Russell H. Davis

City Attorney

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- 3. Consider a 1<sup>st</sup> reading of an ordinance #0-2013-007 amending Chapter 100 Ambulance Service as submitted and read into record. No further action is required at this time. The second reading will take place at the next regular scheduled meeting.**
- 4. Consider a 1<sup>st</sup> reading of an ordinance #0-2013-008 amending Chapter 36: "Finance and Revenue" deleting sections 36.60 and 36.61 and creating section 36.72 Formal Bids – Purchasing over \$20,000 and Local preferences. 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 authorize and approve the promotion of David Adkins and Michael Riddle to the position of Police Sargent at the rate for said position based on time of service with the city. Commissioner Carter made the motion to adopt. Commissioner Davis seconded the motion. Mayor called for comments. City Manager says that the interview committee with both Captains, Chief, Lieutenant and I concur with this recommendation. Commissioner Carter comments that there is nobody to blame but themselves then. Mayor Justice called for additional questions or comments, there being none, motion passed unanimously. 4-0.**
- 2. Consider a request and approval of a conditional job offer to hire Sonny Buckley and Joshua Tackett for the position of police officers at the starting rate for said position. Commissioner Davis made the motion to approve. Commissioner Coleman seconded the motion. Mayor Justice called for comments. City Manager asked that Chief Reed approach the podium with**



the two candidates. Chief Reed says that these two candidates have already completed phase one. There were several applicants; these two stood out above all the rest. Mr. Tackett works at Red Onion and Mr. Buckley is a layed off miner. Mayor Justice asked if they both needed to attend the academy. Chief Reed said that they would be attending the academy in July. City Manager asked that Mr. Buckley approach the podium and tell the Commission where you are from and a little bit about yourself. Mr. Buckley says that he has always been interested in law enforcement. He is originally from Pikeville and he has a daughter that is seven months old that is present tonight. Commissioner Davis says that he wins his vote of sympathy. Mr. Blackburn Congratulates Mr. Buckley and then asked Mr. Tackett to approach the podium to tell the Commission a little about himself. Mr. Tackett says that he has been a correction officer for three years. He says that he has two little girls and that he lives at Virgie, Kentucky. Mayor Justice asked Chief if he has checked them out pretty good and he nods yes. Mayor says good luck guys with the rest of your path, thank you for coming up. You represent the City well. Mayor Justice called for further comments, there being none, the motion passed. 4-0.

3. Consider a request to adopt an amended personnel policy 4.11 Corrective Action Guidelines as submitted amending item 14 regarding employees with firearms. Commissioner Carter made the motion. Commissioner Coleman seconded the motion. Mayor Justice called for comments, there being none the motion passed unanimously. 4-0.
4. Consider request to authorize and approve an assignment agreement # DOT227244P and amendment # DOT227244P between CSX, CAM Mining and City of Pikeville assigning a RR Crossing to the City of Pikeville and authorize the Mayor to sign and execute said documents on behalf of the City of Pikeville. Commissioner Carter made the motion to approve. Commissioner Davis seconded the motion. City Manager comments that the this is the railroad crossing down at Marion's Branch where the Kayaking and Sludge Pond for our Sewer. We utilize both of those facilities which saves tax payers for the City of Pikeville money. Since CAM is in phase II, we asked for that crossing to be transferred into the Cities name for the utilization of the ponds. There is a royalty for the transfer. Mayor says that is a prime piece of property isn't it. City Attorney says if we make that public we might be able to get out of that. Mayor Justice called for comments, there being none, the motion passed unanimously. 4-0.
5. Consider a request to authorize and approve the submittal of a Pipeline Safety Grant which will cover the cost of equipment for safety for leak protection. Amount of the grant will be \$20,000 and will not require any match. Also consider the request to authorize the Mayor to sign and execute any and all paperwork necessary to apply for said grant and receive if awarded. Commissioner Davis made the motion to approve. Commissioner Carter seconded the motion. Mayor Justice called for comments, there being none, the motion passed unanimously. 4-0.

6. Consider a request to post for a city position to be determined. As discussed in work session, either a part time employee or Director of Grants. Commissioner Carter 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. Consider a request to authorize and approve a contract between the City of Pikeville and Pikeville YMCA for the operation of the city swimming pool, under the same terms and condition as the previous year's contract, to authorize payment to the YMCA as per the conditions in the contract, and to authorize the Mayor to sign and execute on behalf of the City of Pikeville. Commissioner Davis made the motion to approve. Commissioner Coleman seconded the motion. Mayor Justice called for comments, there being none, the motion passed unanimously. 4-0.

\*\*\*\*City Manager announced Consent Items\*\*\*\*

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

#### **CONSENT & ANNOUNCEMENT ITEMS:**

**RX Drug Summit week of April 1<sup>st</sup> City Manager & Police Chief will be attending.**

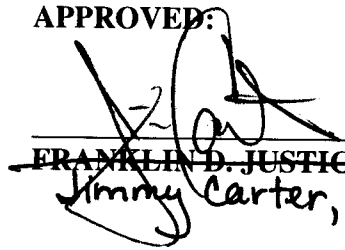
**City Hall closed Friday, March 29<sup>th</sup> for Good Friday.**

**Hillbilly Days April 18<sup>th</sup>, 19<sup>th</sup> & 20<sup>th</sup>**

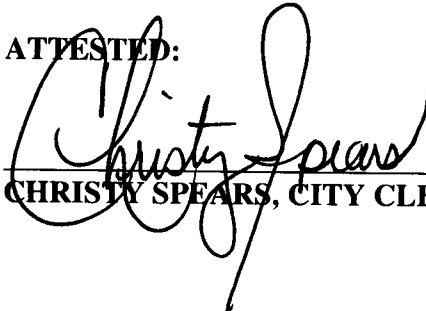
**Airport ribbon cutting is being rescheduled and will be announced at a later date.**

**The next scheduled Regular Meeting of the City of Pikeville Board of Commissioners is April 8, 2013 at 6:00 p.m.**

APPROVED:

  
~~FRANKLIN D. JUSTICE, II, MAYOR~~  
Jimmy Carter, Mayor Pro-Tem

ATTESTED:

  
CHRISTY SPEARS, CITY CLERK