

**CITY OF PIKEVILLE  
BOARD OF COMMISSIONERS  
REGULAR MEETING MINUTES  
August 12, 2013 AT 6:00 P.M.**

**The Board of Commissioners for the City of Pikeville met in a regular called session on Monday, August 12, 2013. The meeting was held in the City Hall Conference Meeting Room located at 243 Main 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:**

**COMMISSIONER:            JIMMY CARTER  
                                     JERRY KEITH COLEMAN  
                                     BARRY CHANEY  
                                     EUGENE DAVIS**

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

**MINUTES**

**The minutes for the previous special meeting held on August 2, 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 Frank Justice called for discussion, there being none. Commissioner Carter abstained, the motion carried unanimously. 5-0.**

**BUSINESS FROM THE FLOOR**

**Consider a request to adopt a Proclamation for the Big Sandy All-stars Cal Ripken 8U Division for winning the State Championship. Proclamation read by Commissioner Coleman. Commissioner Chaney made the motion to approve. Commissioner Davis seconded the motion. Mayor Justice called for comments. Commissioner Carter commented that we have had a boat load of teams do well this year but you are our first in the New City Hall. It's always an honor to bring you up here for your hard work and for you letting us honor you for your hard work and diligence. You have done very well and keep up the good work. Mayor says we not only support our teams in sports but we are also strong academically. We are a City of Champions. We appreciate all the support the parents give their kids and the kids for their love of sports and academics. We have a really unique community here. We have good teams and good academics. Commissioner Davis adds that baseball has**

always been one of his favorite sports. He says that he has always believed that kids should be exposed to as many activities as humanly possible while in school. He congratulates the team and says that he thinks that this championship is well deserved. Commissioner Chaney says it is a real privilege to see you all here tonight. This is what Pikeville is all about, a community spirit, people helping each other and making Pikeville better; it's just something that has always been here, one generation helping the next generation, so I thank you. Commissioner Coleman says that he is very proud of these fellows. And he appreciates the parents for bringing the kids out. We appreciate everything you have done and we are real proud of you. Coach Robbie Wright comes forward along with the other two coaches, James Jarrell and Keith Hall and they call each player forward one by one and give them an award. Afterwards, the team and coaches took pictures with the Mayor and the Commissioners. Mayor called for additional comments, there being none, the motion passed unanimously. 5-0.

Consider a request to adopt a Proclamation and present a Key to the City to Raleigh Wright in recognition of his outstanding dedicated service as Ambassador for Youth Sports in Pikeville, KY. Commissioner Chaney made the motion to approve. Commissioner Carter seconded the motion. City Manager says that prior to the adoption of the Proclamation, I would ask that Commissioner Coleman read the Proclamation in which the Commission wanted to surprise this individual. Commissioner Coleman read the proclamation aloud. Once done, Commissioner Chaney tells about when he was a younger gentleman and having the privilege of playing ball for Mr. Wright. He says that Mr. Wright is always right; he said he was always an example of what a man should be. Mr. Wright says that he didn't realize he was as good as everyone was portraying him to be. Mr. Wright compliments the City and the workers of the City for the Parks and Recreation for their cooperation, naming Jay and David Keene and a few more. Next, Commissioner Carter talks about how long he has known Raleigh Wright and how Mr. Wright taught school with Commissioner Carter's dad and coaching basketball with his dad. He says there were many trips he can remember where Mr. Wright was there. Mr. Wright says that Commissioner Carter's dad was very good to him and his dad let him help coach and he enjoyed that. Mayor asked Coach Lawson if he had a grandson present or if he was just there to support. Mr. Lawson said he was there to support a great friend. Mayor Justice says that Mr. Lawson is another great leader from our community who also coached baseball and is great with kids. Commissioner Coleman shared with everyone a story that happened thirty-five years ago when he was a pitcher and played baseball and some advise Mr. Wright gave him. Commissioner Coleman said that even though you were on the opposing team you wanted me to do well and you had observed the mistakes I was making. So you told me how to correct myself and it helped. This is just one example of how you have helped us all and you have done so much more than that and we all appreciate you. Commissioner Davis mentions Terri Wright that was a good baseball player as well. Mr. Davis says that Raleigh has done great things for the kids in the community. Mayor says we wanted to do this to show everyone that there are good people in our

community that want to help our kids today and that support our teams by giving their time. Mayor Justice called for additional questions or comments, there being none, the motion passed unanimously. 5-0.

Presentation by Aaron Thompson regarding award presented to Officer Russell Blankenship. Lieutenant Thompson and Officer Blankenship approached the podium and Mr. Thompson says that we want to bring to the Commission's attention that Officer Blankenship has been awarded two awards from the Governor's office. They were all to do with reducing highway fatalities and injuries; there are three awards given out in the state and Mr. Blankenship received one of those. He is also recognized as our department leader. Mayor takes a look at the awards and announces each award and the presentation date. Mayor says that this is a very good job and I think you deserve this highly because we probably live on the most dangerous part of US 23. Mr. Thompson responds that to my knowledge this is the first time one of our officers has taken an award of this kind. Mayor says thank you for bringing honor to our department and doing such a honorable job. Good job, we appreciate it. City Manager says on that note, to be blunt, I have been with the City almost ten years and Mr. Thompson has been here about the same time. Ten years ago, the department had a lot of deficiencies. This Commission has been committed to raising the expectations of the department and bringing in good, qualified candidates for the positions. Everything from the physical agility process we take to the interviewing process. From that, when one officer dropped off, we have replaced that person with a great candidate. Russell was one of those candidates. I was privileged enough to interview and be part of that process. This is just one example of how we have been rated and ranked. Recently, we have been ranked at a 100% and it shows how this department has gone above and beyond in the state of Kentucky. And I am very proud of how Officer Blankenship has represented this City; great job. Mayor says I do not have statistic numbers now, but I know it is significantly down, but at one time we had Ernie Fletcher up here over Thompson Road and they were kind enough to find us some money, but we had 16 fatalities down there and we have reduced that tremendously. I really appreciate that and what you have done there.

#### PAYMENT OF CITY BILLS

The City Manager Donovan Blackburn requested the approval to pay city bills in the amount of \$972,087.58. Commissioner Davis made the motion to approve. Commissioner Coleman seconded the motion. Mayor Justice called for comments and Commissioner Davis asked if we have the money. City Manager says yes sir. Mayor Justice called for further discussion, there being none, motion passed unanimously. 5-0.

#### CITY ENGINEER

**Jody Hunt was present with Summit Engineering, Inc. and submitted a request to the commission for approval.**

1. Consider a request to authorize and approve payment for pay request #4 for Tom Wright Construction, Inc. for \$36,675.00 as submitted, for the Bob Amos Equestrian Trail Project and to authorize the Mayor to sign and execute said pay request on behalf of the City of Pikeville. Commissioner Chaney made the motion to approve. Commissioner Carter seconded the motion. Mayor Justice called for comments and said you already recommended we pay the bills. Mr. Hunt says yes. Mayor calls for further questions or comments, there being none, the motion passed unanimously. 5-0.

#### **CITY ATTORNEY**

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

1. **Consider a request for a second reading and adoption of an ordinance #0-2013-024 amending Chapter 72 Parking Regulations, section 72.001 and 72.004 and to authorize the Mayor to sign and execute on behalf of the City of Pikeville. Commissioner Chaney made the motion to approve. Commissioner Carter seconded the motion. Mayor Justice called for comments, there being none. Mayor called roll call. Motion passed unanimously. 5-0.**

#### **ORDINANCE AMENDING CHAPTER 72 PARKING REGULATIONS AMENDING SECTION 72.001 AND CREATING SECTION 72.004 PARKING SCHEUDLES**

#### **Ordinance #0-2013-024**

NOW THEREFORE, BE IT ORDAINED Chapter 72 is hereby deleted from the City of Pikeville Code of Ordinances.

#### **CHAPTER 72: PARKING REGULATIONS**

Section

Parking Generally

72.001 Obstructional parking; double parking

- 72.002 Manner of parking
- 72.003 Limitations on stopping and parking; notice by official sign, painted curb, or the like required
- 72.004 [Reserved]
- 72.005 Parking restricted to allow street cleaning
- 72.006 All-night parking
- 72.007 Parking on off-street facility
- 72.008 Owner responsibility
- 72.009 Parking of trucks restricted; trucks with volatile loads
- 72.010 Display of parked vehicle for sale; parking of disabled vehicles
- 72.011 Parking for persons with disabilities
- 72.012 Loading zones
- 72.013 Parking of vehicles exceeding weight limit
- 72.014 Stopping, parking against flow of traffic
- 72.015 Fifteen (15) minute parking
- 72.016 Ten (10) minute parking

*Revenues from fees, fines, and forfeitures related to parking, see KRS 65.120*

## **PARKING GENERALLY**

### **§ 72.001 OBSTRUCTIONAL PARKING; DOUBLE PARKING.**

(A) It shall be unlawful for any person to personally obstruct or to leave any vehicle or any other thing that may be a nuisance, obstruction, or hindrance in or on any street, alley, or sidewalk within the city either during the day or night.

(B) It shall be unlawful for any person to stop or park any vehicle on the roadway side of any other vehicle stopped or parked at the edge or curb of a street.

(Ord. 540.11, passed 3-12-49) Penalty, see § 72.999

### **§ 72.002 MANNER OF PARKING.**

(A) It shall be unlawful for the operator of any vehicle to stop or park the vehicle in a manner other than with its right-hand side toward and parallel with the curb, except that where parking is permitted on the left side of a one-way street, the left-hand side shall be so parked, and except for commercial loading and unloading on one-way streets.

(B) No vehicle shall be parked or left standing on any street unless its two (2) right wheels are within six (6) inches of and parallel with the curb, except that on one-way streets where parking is permitted on the left side the two (2) left wheels are to be within six (6) inches of and parallel with the curb

(C) The city may establish diagonal parking at certain places, requiring the parking of vehicles at a certain angle to the curb and within a certain portion of the roadway adjacent thereto. However, diagonal parking shall not be established where the roadway space required would be within ten (10) feet of the center line of any street. Such diagonal parking places shall be designated by suitable signs, and shall indicate by markings on the pavement the required angle and the width of the roadway space within which such vehicle shall park.

(D) It shall be unlawful for the operator of any vehicle to so park such vehicle that any part thereof shall extend beyond the lines marking the side or the rear of the space assigned for one (1) vehicle.

Penalty, see § 72.999

**§ 72.003 LIMITATIONS ON STOPPING AND PARKING; NOTICE BY OFFICIAL SIGN, PAINTED CURB, OR THE LIKE REQUIRED.**

(A) It shall be unlawful for the operator of any vehicle to stop or park such vehicle except in a case of real emergency or in compliance with the provisions of this traffic code or when directed by a police officer or traffic sign or signal at any time in the following places:

(1) On the mainly-traveled portion of any roadway or any other place in the roadway where vehicles stand in any manner other than as specified in § 72.002.

(2) On a sidewalk.

(3) In front of sidewalk ramps provided for persons with disabilities.

(4) In front of a public or private driveway or alley.

(5) Within an intersection or crosswalk.

(6) At any place where official signs or the like prohibit stopping or parking. This does not apply to police officers when operating properly identified vehicles during the performance of their official duties.

(7) Within thirty (30) feet of any flashing beacon, traffic sign, or traffic-control device.

(8) Within ten (10) feet of a fire hydrant.

(9) Within any restrictive zone marked by yellow paint marks parallel to the curbing, or to park more than ten (10) minutes within any restrictive zones marked by yellow paint marks across the curbing.

(10) No person shall move a vehicle not lawfully under his or her control into any such prohibited area.

(B) The provisions of this section prohibiting the stopping and parking of a vehicle shall apply at all times or at those times herein specified or as indicated on official signs except when it is necessary to stop a vehicle to avoid conflict with other traffic or in compliance with the directions of a police officer or official traffic-control devices.

(C) The provisions of this section imposing a time limit on parking shall not relieve any person from his or her duty to observe other and more restrictive provisions prohibiting or limiting the stopping or parking of vehicles in specific places or at specified times.

(D) When signs are erected in compliance with the provisions of division (E) below giving notice thereof, no person shall park a vehicle at any time on any street so marked by official signs.

(E) (1) The city shall determine on what streets or portions thereof stopping or parking shall be restricted or prohibited. Whenever under authority of or by this traffic code or any other ordinance any parking limit is imposed or parking is prohibited on designated streets, or parking areas are restricted to handicapped parking, appropriate signs shall be erected giving notice thereof. However, in lieu of erecting such signs, a restrictive zone may be marked by yellow paint marks as described in division (A) (9) of this section above.

(2) No such regulations or restrictions shall be effective unless the signs have been erected and are in place or the restrictive zone is painted yellow at the time of any alleged offense, except in the case of those parking restrictions which by their very nature would not require such signs and markings.

(Ord. 540.39, passed 3-27-72) Penalty, see § 72.999

**Statutory reference:**

*Limitations of stopping and parking, see KRS 189.450(5) - (7)*

**§ 72.004 ~~RESERVED~~ Parking Schedules**

The city hereby adopts the city's parking schedule exhibit, created by Summit Engineering entitled "City of Pikeville Parking Schedules" dated August 12<sup>th</sup> 2013. All times listed shall be enforceable by this section. Anyone violating this section shall be subject to penalty under sections 72.990 through 72.999 "Parking Citation Enforcement".

**§ 72.005 PARKING RESTRICTED TO ALLOW STREET CLEANING.**

The city is authorized to designate street cleaning areas and shall provide suitable signs and markings on the street to be cleaned, restricting parking on that particular day. It shall be unlawful for the operator of any vehicle to stop on any street so designated.

(Ord. 540.33, passed 3-13-62) Penalty, see § 72.999

**§ 72.006 ALL-NIGHT PARKING.**

(A) It shall be unlawful for any person, firm, or corporation to park, leave, or abandon a motor vehicle in the same place on a public street in the city for a period of twenty four (24) hours or longer.

(B) Any vehicle left parked in violation of division (A) shall be deemed abandoned, and shall be subject to the impoundment provisions of § 72.993.

(Ord. 540.24, passed 4-9-57) Penalty, see § 72.999

**§ 72.007 PARKING ON OFF-STREET FACILITY.**

(A) It shall be unlawful for the driver of a motor vehicle to park or abandon the vehicle or drive on or otherwise trespass on another's property, or on an area developed as an off-street parking facility, without the consent of the owner, lessee, or person in charge of such property or facility.

(B) If at any time a vehicle is parked, abandoned, or otherwise trespasses in violation of division (A) of this section, the owner, lessee, or person in charge of the property or facility may have the unauthorized motor vehicle removed in accordance with the provisions of § 72.993.

(C) Every property owner or operator of an off-street parking facility shall post signs stating thereon that the property or parking lot or facility is privately owned and that unauthorized vehicles will be removed at the owner's expense before exercising the authority granted in division (B).

Penalty, see § 72.999

§ 72.008 OWNER RESPONSIBILITY.

If any vehicle is found illegally parked in violation of any provisions of this chapter regulating stopping, standing, or parking of vehicles, and the identity of the driver cannot be determined, the owner or person in whose name the vehicle is registered shall be held prima facie responsible for the violation.

Penalty, see § 72.999

§ 72.009 PARKING OF TRUCKS RESTRICTED; TRUCKS WITH VOLATILE LOADS.

(A) For the purpose of this section (A), **COMMON OR CONTRACT CARRIER** shall mean any individual, firm, partnership, corporation, or company that owns, controls, operates, manages, or leases, except those leased to authorized carriers, any motor vehicle for the transportation of property for hire upon any highway. It shall be unlawful for any truck, trailer, or semi-trailer of any common or contract carrier to remain parked for more than one (1) continuous hour upon any of the public streets of the city between the hours of 6:00 p.m. and 6:00 a.m. This restriction does not apply to any truck, trailer, or semi-trailer while engaged in loading or unloading property.

(Ord. 540.30, passed 3-28-60)

(B) It shall be unlawful for trucks loaded with explosives, combustibles, or other volatile materials, including, but not limited to hay, straw, and lumber, to park overnight on the streets, alleys, and byways of the city.

(Ord. 540.12, passed 5-24-49) Penalty, see § 72.999

§ 72.010 DISPLAY OF PARKED VEHICLE FOR SALE; PARKING OF DISABLED VEHICLES.

(A) It shall be unlawful to park a motor vehicle displayed for sale or a motor vehicle on which demonstrations are being made on any street.

(B) It shall be unlawful for any person, firm, or corporation to park any broken-down or disabled motor vehicle or other vehicle that is not in condition to be operated under its own power, on any street in the city.

Penalty, see § 72.999

§ 72.011 PARKING PERMITS FOR PERSONS WITH DISABILITIES.

(A) Any other provision to the contrary notwithstanding, a motor vehicle bearing a decal in its front windshield issued by the County Clerk pursuant to appropriate county ordinances for persons with disabilities, when operated by persons with disabilities or when transporting a person with disabilities, may be parked in a designated parking place for persons with disabilities, or when parked in a metered parking space may be parked for two (2) hours for no fee, or when parked where any parking limit is imposed may be parked for two hours in excess of the parking limit. The motor vehicle may be parked in a loading zone for that period of time necessary to permit entrance or exit of the persons with disabilities to or from the parked vehicle, but in no circumstances longer than thirty (30) minutes.

(B) This section shall not permit parking in a "no stopping" or "no parking" zone nor where parking is prohibited for the purpose of creating a fire lane or to accommodate heavy traffic during morning, afternoon, or evening hours, nor permit a motor vehicle to be parked in such a manner as to constitute a traffic hazard.



Penalty, see § 72.999

**§ 72.012 LOADING ZONES.**

(A) Parking spaces on city streets which have been designated and marked "Commercial Loading Zone - by permit only" shall be used exclusively for trucks and vehicles displaying a commercial parking permit, in loading and unloading goods, wares and merchandise only for a reasonable amount of time on each trip not to exceed two (2) hours. A **REASONABLE TIME** is defined to be that time which is reasonably and actually necessary to properly load and unload goods, ware, and merchandise on any one trip. In no event shall any commercial truck or commercial vehicle in loading and unloading goods, wares and merchandise occupy a designated commercial loading zone for more than two (2) hours on any one (1) trip. Any truck or vehicle using a commercial loading zone by permit shall promptly move after the loading or unloading is completed. If the driver has other business to attend to other than obtaining a receipt for the delivery or acceptance of the goods, wares or merchandise loaded or unloaded, the business must be completed after the vehicle is moved from the commercial loading zone.

(B) Commercial parking permits as provided for herein shall be issued by the city. All permits shall be valid for only the year of issue. All permits must be renewed prior to January 21 of each year. Permits are non-transferable or assignable.

(C) Persons, firms or corporations shall be entitled to apply and receive a commercial parking permit for a commercial vehicle operated and used by them primarily for commercial delivery of goods, wares and merchandise. Permits shall not be issued for any vehicle which makes only occasional commercial deliveries or for deliveries which are only incidental to the applicant's business or occupation. Commercial loading zone permits shall permit parking only as allowed in division (A) of this section.

(D) The City Manager, after consulting with the Chief of Police, shall designate and mark throughout the city commercial parking zones where needed.

(E) Taxi stands may be used by vehicles displaying a commercial parking permit. No other loading or unloading shall be permitted in designated taxi stands. Section 72.083 is amended to this extent.

(F) Any person, firm or corporation violating any provision of this chapter shall be subject to the fines and penalties established by the city for parking improperly in a loading zone. Violation of division (A) of this section by a permit holder or the improper issuance of a permit may result in the immediate revocation of a commercial loading zone permit. The City Manager shall have the authority to revoke permits subject to holder's right to appeal the revocation pursuant to the city's violation hearing procedure.

(Ord. 0-90-022, passed 7-23-90; Am Ord. 0-94-007, passed 4-25-94)

Penalty, see § 72.999

***Cross reference:***

*Use of taxi stand as loading zone, see § 72.083*

**§ 72.013 PARKING OF VEHICLES EXCEEDING WEIGHT LIMIT.**

(A) Vehicles weighing in excess of three (3) tons shall be prohibited from parking along any city street, alley way, or road for a period of time longer than is necessary for the loading or unloading of passengers, not to exceed three (3) minutes, and for the driver to stand any freight-carrying vehicles or service vehicles for a period of time longer than is necessary to load, unload, and deliver materials or to provide services.

(B) Any person, firm, or corporation violating any provision of this section shall be subject to the fines and penalties previously established by the city for parking in a no parking zone.

(Ord. 0-86-021, passed 12-8-86) Penalty, see § 72.999

§ 72.014 STOPPING, PARKING AGAINST FLOW OF TRAFFIC.

It shall be unlawful for the operator of any motor vehicle to stop or park a vehicle along any streets against the flow of traffic.

(Ord. 0-90-010, passed 5-14-90) Penalty, see § 72.999

§ 72.015 FIFTEEN MINUTE PARKING ZONE.

Parking shall not be permitted in a fifteen (15) minute parking zone for longer than fifteen (15) minutes. Once a vehicle has moved from a fifteen (15) minute parking zone, the vehicle may not again reoccupy or park in the same fifteen (15) minute parking zone until thirty (30) minutes have passed. A new violation shall occur for each additional hour that a vehicle violated the fifteen (15) minute parking zone.

(Ord. 0-94-008, passed 4-25-94)

§ 72.016 TEN MINUTE PARKING ZONE.

(A) The first two (2) parking spaces on the left side of Main Street beginning at the corner of Grace Avenue and Main Street shall be designated and marked as ten (10) minute parking only.

(B) Any motor vehicle found parked, standing, or stopped in a ten (10) minute parking zone designated parking space in excess of ten (10) minutes may be cited for overtime parking and fined in accordance with § 72.999 and be subject to the parking citation enforcement procedures in § 72.990.

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 foregoing ordinance.

Commissioner \_\_\_\_\_ seconded the motion.

Upon roll call, the votes were as follows:

	<u>YES</u>	<u>NO</u>
FRANK JUSTICE, II, MAYOR	_____	_____
GENE DAVIS, COMMISSIONER	_____	_____
JERRY K. COLEMAN, COMMISSIONER	_____	_____
BARRY CHANEY, COMMISSIONER	_____	_____
JIMMY CARTER, COMMISSIONER	_____	_____

The Mayor declared the within ordinance adopted.

FRANK JUSTICE, II, MAYOR

ATTESTED:

CITY CLERK

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- 2. Consider a request for a second reading of an ordinance #0-2013-025 deleting the entire Chapter 75 Parking Schedules and to authorize the Mayor to sign and execute said ordinance on behalf of the City of Pikeville. Commissioner Chaney made the motion to approve. Commissioner Coleman seconded the motion. Mayor Justice called for comments, there being none. Mayor called roll call. Motion passed unanimously. 5-0.

**ORDINANCE DELETING  
CHAPTER 75 PARKING REGULATIONS**

**Ordinance #0-2013-025**

WHEREAS, the City of Pikeville has determined that Chapter 75 "Parking Regulations" is outdated and unenforceable. It is therefore beneficial for the City to amend its parking regulations by deleting Chapter 75 and combining under Chapter 72 "Parking Regulations" under section 72.004 "Parking Schedules" by creating a comprehensible exhibit illustrating time restrictions for parking schedules within the business district of the City of Pikeville.

NOW THEREFORE, BE IT ORDAINED Chapter 75 is hereby deleted from the City of Pikeville Code of Ordinances.

**~~CHAPTER 75: PARKING SCHEDULES~~**

Section

- ~~I.~~ No parking zones
- ~~II.~~ Limited parking
- ~~III.~~ Restricted parking
- ~~IV.~~ Loading zones; pick-up zones
- ~~V.~~ Parking spaces for persons with disabilities
- ~~VI.~~ Parking meter spaces

**~~SCHEDULE I: NO PARKING ZONES~~**

STREET	DESCRIPTION	ORD. NO.	DATE
-	-	-	-
Division St.	South side, from corner of Main Street and Division Street, continuing down to intersection with main walkway to new entrance to Courthouse.	0-92-015	11-23-92
-	-	-	-
Jay St.	North side, at the curve at 124 Jay Street.	-	-04
-	-	-	-
Second St.	Northeast side, including the area extending from Pike St. to Division St.	540.36	5-10-70
-	-	-	-
Steele St.	Both sides, from the intersection of Steele St. and Cline St. to the intersection of Steele St. and Myra Barnes Ave.	540.29	2-10-58
-	-	-	-
Wolford St.	Left side, from the intersection of Wolford St. and Scott Ave. in the direction of the Levisa Fork of the Big Sandy River.	540.28	9-24-57

Penalty, see § 72.999

#### **SCHEDULE II: LIMITED PARKING**

—(A)— Parking is limited at the following locations:

STREET	LOCATION	SIDE	HOURS	ORD. NO.	DATE
-	-	-	-	-	-
City Hall	Two (2) spaces adjacent to City Hall	-	2	0-94-002	2-28-94
-	-	-	-	-	-
Cline St.	Between Central Ave. and Yost St.	North	15 min.	540.16A	3-12-56
-	-	-	-	-	-
College St.	Entire length	Both	No parking between 12:00 a.m. and 6:00 a.m.	540.4	6-15-43
-	-	-	-	-	-
Division St.	In front of City Hall	-	15 min.	540.17	2-28-52
-	-	-	-	-	-
Division St.	Running to the riverfill parking lot	North	30 min.	0-92-015	11-23-92
-	-	-	-	-	-
Huffman Ave.	From the corner of College St. to the entrance of the City Park	North	One hour	540.38	2-28-72
-	-	-	-	-	-
Huffman Ave.	Adjacent to the Chamber of Commerce Building opposite the	-	5 min.	0-84-007	7-9-84

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STREET	LOCATION	SIDE	HOURS	ORD. NO.	DATE
-	Federal Courthouse limited to postal patrons only	-	-	-	-
Huffman Ave.	First five (5) spaces on the same side as the Tourism Office	-	15 min.	0-2001-003	2-7-01
-	-	-	-	-	-
Kentucky Ave.	Area designated as the Kentucky Avenue Project	-	No parking between 6:30 a.m. and 6:30 p.m., weekdays	540.40	7-17-75
STREET	LOCATION	SIDE	HOURS	ORD. NO.	DATE
-	-	-	-	-	-
Main St.	Designated free parking spaces for Post Office patrons	East	10 min.	540.38	2-28-72
-	-	-	-	-	-
Main St.	From a point at the northern end of the 44-foot free parking area to a point 16 feet south of the entrance to the parking lot in the rear of the Rogers Building	East	One hour	540.38	2-28-72
-	-	-	-	-	-
Main St.	In front of the building operated by P. Walters Insurance Agency	-	15 min.	540.38	2-28-72
-	-	-	-	-	-
Main St.	In front of the Hatcher Parking Lot	East	One hour	540.38	2-28-72
-	-	-	-	-	-
Main St.	Between Scott Ave. and Pike St.	-	One hour	540.15	1-25-51
-	-	-	-	-	-
Main St.	In front of Courthouse on Main St. from telephone booths running to corner of Main and Division St.	-	30 min.	0-92-015	11-23-92
-	-	-	-	-	-
Main Street	From Caroline Ave. to Division St.	-	30 min.	0-2002-011	9-9-02
-	-	-	-	-	-
-	Old train station adjacent to new Police Station Tract and on Old Police Station Lot, each lot being adjacent to Hambley Boulevard	-	Two hours	0-93-014	9-27-93
-	-	-	-	-	-
Pike St.	Between Main St. and Second St.	-	No parking between 8:00 a.m. and 6:00 p.m.	540.15	1-25-51
-	-	-	-	-	-
Pike St.	Between Second St. and Third St.	-	One hour	540.15	1-25-51
-	-	-	-	-	-

Second St.	Between Pike St. and Division St. in front of Wards Supply Company	-	After 8:00 p.m.	540.32	7-24-61
-	-	-	-	-	-
STREET	LOCATION	SIDE	HOURS	ORD. NO.	DATE
-	-	-	-	-	-
Williamson St.	Corner of Williamson St. and Hubbard St.	-	Two hours	0-94-003	2-28-94

(Ord. 0-88-007, passed 6-27-88; Am. Ord. 0-93-014, passed 9-27-93)

Penalty, see § 72.999

~~(B) (1) It shall be unlawful for any motor vehicle to park or remain in any of the parking spaces in front of the U.S. Post Office from the corner of Main Street and Huffman Avenue down to the entrance of the parking lot between the two (2) buildings occupied by Walter P. Walters Insurance Agency for longer than ten (10) minutes. The ten (10) minute period shall commence when the vehicle is first parked in any of the above described marked spaces and continue without interruption, regardless of whether the vehicle is moved or not, throughout the expiration of the ten (10) minute limit. The same vehicle shall not be permitted to occupy the same space until a thirty (30) minute period has elapsed following the removal of the vehicle.~~

~~(2) Citations and penalties for violations of division (B) (1) above shall be governed by § 72.020.~~

(Ord. 0-89-008, passed 7-10-89)

**SCHEDULE III: RESTRICTED PARKING**

— Parking shall be restricted at the following locations:

STREET	LOCATION	RESTRICTION	ORD. NO.	DATE
-	-	-	-	-
College St.	Area adjacent to the Irvin S. Pruitt house, between the Rush-Dye and Barnette properties	Parking for agents of the state, county, or city only when on public business	540.44	4-24-78
-	-	-	-	-
Division St.	First 2 spaces on north side	Sheriff vehicle inspection	0-92-015	11-23-92
-	-	-	-	-
Division St.	West side adjacent to Hall of Justice and Courthouse	County government	0-94-017	7-25-94
-	-	-	-	-
Division St.	East side beginning at entrance to First National Bank Parking Lot	Handicapped and sheriff inspection	0-94-017	7-25-94
-	-	-	-	-
Hambley Blvd.	Beginning at the corner of Division St. and Hambley Blvd.	Parking only for the use of the Police Department and visitors having business with the Police Department	0-86-019	12-8-86
-	-	-	-	-

Main St.	Between Pike St. and Huffman Ave.	No parking of trucks with a capacity greater than one-half ton, except for loading and unloading purposes	540.6	5-28-46
-	-	-	-	-
Third St.	Four parking, two on each side of the street on the south end.	Public library	0-93-005	4-26-93
-	-	-	-	-
-	Parking spaces on south side of the Hall of Justice in the riverfill	Parking for Courthouse officials	0-92-015	11-23-92
Penalty, see § 72.999	-	-	-	-
-	-	-	-	-
-	Myers Tower Complex	No parking in "resident" parking without resident parking permit	0-96-008	9-23-96
STREET	LOCATION	RESTRICTION	ORD. NO.	DATE
-	-	-	-	-
-	-	No parking in "visitor" parking if not bona fide visitor	-	-

**SCHEDULE IV: LOADING ZONES; PICK-UP ZONES**

— (A) — The following locations shall be designated as loading zones:

STREET	LOCATION	HOURS	ORD. NO.	DATE
-	-	-	-	-
Auxier Ave.	In front of V. Howard's Refrigeration Service	-	540.31	10-24-60
-	-	-	-	-
Caroline Ave.	The first two parking places on the left when facing Caroline from Second St.	-	0-84-007	7-9-84
-	-	-	-	-
Caroline Ave.	The one handicapped parking space on Caroline Ave. with hours of 9:00 a.m. to 3:00 p.m. near its intersection with Main St.	-	0-85-021	12-9-85
-	-	-	-	-
Caroline Ave.	South side of Caroline Ave. near Hobbs loading alley.	-	0-85-021	12-9-85
-	-	-	-	-
Caroline Ave.	First two spaces where intersects with Main St.	-	0-91-006	3-25-91
-	-	-	-	-
College St.	In front of the Van Hoose Building	-	0-86-001	1-27-86
-	-	-	-	-
Division St.	South side, extending east from the east side entrance door of the Pike County Health Office toward the front corner of the Weddington Building	6:00 a.m. to 6:00 p.m.	540.2	12-17-40

-	for 50 feet	-	-	-
Division St.	A point running parallel with the Huffman Drug Store	-	540.23	4-9-57
-	-	-	-	-
Division St.	South side, between Second Street and the Citizens Bank parking lot driveway	-	540.41	1-26-76
-	-	-	-	-
Division St.	First two parking spaces on the northeast side, just north of Second St.	-	0-83-017	12-12-83
-	-	-	-	-
Division St.	At its intersection with Second St. consisting of the first three spaces toward the Old City Hall Building on the corner nearest the Citizens Bank Parking Lot	-	0-85-006	4-22-85
<b>STREET</b>	<b>LOCATION</b>	<b>HOURS</b>	<b>ORD. NO.</b>	<b>DATE</b>
-	-	-	-	-
Grace Ave.	On the corner of Grace Ave. and Main St. and being two car lengths in width	-	0-87-018	9-28-87
-	-	-	-	-
Hambley Blvd. and Elm St.	First two parking spaces on the east side of Hambley Blvd. beginning on the north side of the intersection of Hambley Blvd. and Elm St.	-	0-93-001	1-4-93
-	-	-	-	-
Main St.	In front of the Hatcher Parking Lot running from the Hatcher Parking Lot entrance to the first parking meter past the corner of the Hatcher Building	-	0-85-006	4-22-85
-	-	-	-	-
Main St.	South corner at Division St.	-	540.37	5-10-71
-	-	-	-	-
Pike St.	South side, between Main St. and Second St., adjacent to the Pinson Hotel	5 min.	540.19	3-26-56
-	-	-	-	-
Pikeville Blvd.	East side beginning 120 feet south of Division St. and ending 320 feet south of Division St.	-	0-85-016	9-9-85
-	-	-	-	-
Scott Ave.	Beginning at the end of the no-parking zone adjacent to Norton Floral and extending north along Scott Ave. 30 feet	-	0-86-023	12-22-86
-	-	-	-	-
Scott Ave.	At the intersection of Scott Ave. and Wolford St. on the left side of Scott Ave. going from Third St. toward Fourth St.	-	0-85-006	4-22-85
-	-	-	-	-



Scott Ave.	Near the intersection of Scott Ave. and Fourth St.	-	0-85-006	4-22-85
-	-	-	-	-
Second St.	The first two parking meters on Second St. to the left of Grace Ave. facing Grace Ave. from Second St.	-	0-84-007	7-9-84
-	-	-	-	-
Second St.	The two parking spaces beginning at the corner of Second and Division Sts.	-	0-86-019	12-8-86
STREET	LOCATION	HOURS	ORD. NO.	DATE
-	-	-	-	-
Second St.	The two parking spaces on the north side beginning at the corner of Second and Division Street and extending along Second Street in front of C & R Office Supply	-	0-88-008	6-27-88

—(B)— The following locations shall be designed as pick-up zones:

STREET	LOCATION	HOURS	ORD. NO.	DATE
-	-	-	-	-
College St.	In front of Matney's Store, Greer's Store, and Williamson Brothers Electric Company	-	540.25	4-23-57
-	-	-	-	-
Division St.	Adjacent to, in the Old Fire Station/City Hall parking lot	5 min.	0-2001-024	9-24-01
-	-	-	-	-
Division St.	The first space from the south corner of Second St. and Division St.	15 min.	0-99-007	4-26-99
-	-	-	-	-
Grace Ave.	The third parking space from the corner of Grace Ave. and Main St.	15 min.	0-99-007	4-26-99
-	-	-	-	-
Main St.	In front of the First National Bank, meter 33	5 min.	540.20	10-8-56
-	-	-	-	-
Main St.	In front of Mildred's Newsstand, meter 11	5 min.	540.20	10-8-56
-	-	-	-	-
Main St.	In front of the Pikeville Hardware Company, meter 51	5 min.	540.20	10-8-56
-	-	-	-	-
Main St.	In front of the Pikeville National Bank and Trust, meter 62	5 min.	540.20	10-8-56
-	-	-	-	-
Main St.	East side, 16 feet south of the parking lot entrance of the Rogers Building	-	540.38	2-28-72

-	-	-	-	-
Second St.	At Grace Ave., in front of Dawahare's Department Store, meter 138	5 min.	540.20	10-8-56
-	-	-	-	-
Second St.	At Caroline Ave. in front of Ruth's Shop, meter 98	5 min.	540.20	10-8-56
-	-	-	-	-
Second St.	In front of Ward Hardware, meter 167	5 min.	540.20	10-8-56
STREET	LOCATION	HOURS	ORD. NO.	DATE
-	-	-	-	-
Second St.	A point running parallel with the Huffman Drug Store	5 min.	540.23	4-9-57

Penalty, see § 72.999

~~§ SCHEDULE V: PARKING SPACES FOR PERSONS WITH DISABILITIES~~

~~(A) Generally. Parking spaces for persons with disabilities shall be provided at the following locations:~~

STREET	LOCATION	SPACES	ORD. NO.	DATE
-	-	-	-	-
Caroline Ave.	The first space above Hobbs Alley toward Main St. on the side of Caroline Ave. which is adjacent to Hobbs and the Citizens Bank building	1	0-85-006	4-22-85
-	-	-	-	-
Division	The first spaces on the south side beginning after the intersection of the walkway to the new entrance to the Courthouse	2	0-92-015	11-23-92
-	-	-	-	-
Main St.	In front of Pikeville Drug at the intersection of Grace Ave. and Main St.	-	0-87-018	9-28-87
-	-	-	-	-
Main St.	In front of the Kentucky Rehabilitation Center, between the Traveller's Insurance Company and the alley adjacent to the Church of Christ property	2	540.50	9-27-82

~~(B) Church property. Parking spaces for persons with disabilities are established at the following locations:~~

LOCATION	SPACES	ORD. NO.	DATE
-	-	-	-
Fourth St. in front of the First Baptist Church during such times as church is in session	3	0-85-006	4-22-85
-	-	-	-
Main St. on the south side of the alley, in front of the Church of Christ	2	540.50	9-27-82

property

-	-	-	-
Methodist Church	-	0-85-006	4-22-85
-	-	-	-
Presbyterian Church	-	0-85-006	4-22-85

Penalty, see § 72.999

~~□ SCHEDULE VI: PARKING METER SPACES~~

Parking meter spaces shall be provided at the following locations:

STREET	LOCATION	TIME LIMIT	ORD. NO.	DATE
-	-	-	-	-
Auxier Ave.	In front of the R.T. Greer Company	-	540.31	10-24-60
-	-	-	-	-
College St. to Main St.	All streets bordering the City Park	15 min.	540.35	5-10-71

Penalty, see § 72.999

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 foregoing ordinance.

Commissioner \_\_\_\_\_ seconded the motion.

Upon roll call, the votes were as follows:

	<u>YES</u>	<u>NO</u>
FRANK JUSTICE, II, MAYOR	_____	_____
GENE DAVIS, COMMISSIONER	_____	_____
JERRY K. COLEMAN, COMMISSIONER	_____	_____
BARRY CHANEY, COMMISSIONER	_____	_____
JIMMY CARTER, COMMISSIONER	_____	_____

The Mayor declared the within ordinance adopted.

\_\_\_\_\_  
FRANK JUSTICE, II, MAYOR

ATTESTED:

\_\_\_\_\_  
CITY CLERK

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3. Consider a request for the second reading and adoption of Ordinance #0-2013-026 amending Chapter 92 Dilapidated Housing and Nuisance, section 92.11 paragraph (B) and to authorize the Mayor to sign and execute said ordinance 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. Mayor called roll call. Motion passed unanimously. 5-0.

**ORDINANCE AMENDING SECTION 92.12  
OF CHAPTER 92 DILAPIDATED HOUSING  
AND NUISANCES**

**Ordinance #0-2013-026**

NOW THEREFORE, BE IT ORDAINED Chapter 92 "Dilapidated Housing and Nuisances" is amended to read as follows"

**CHAPTER 92: DILAPIDATED HOUSING AND NUISANCES**

**ENVIRONMENTAL NUISANCES**

**§ 92.10 ENVIRONMENTAL NUISANCES UNLAWFUL.**

It shall be unlawful for any owner, his or her agent, or any occupant of real property, public or private, or any other person or corporation, or each of them, in the city to cause, allow, or permit an environmental nuisance to exist on any property owned, occupied, or under control of the person, or to in any other way cause or permit a nuisance.

(Ord. 0-90-007, passed 4-9-90; Am. Ord. 94-0-010, passed 5-23-94; Am. Ord. 0-2011-017, passed 5-23-11) Penalty, see § 92.99

**§ 92.11 LITTER, GARBAGE, TRASH, AND WEEDS.**

(A) It shall be unlawful for any owner, his or her agent, or any occupant of real property, or any other person or corporation, or each of them, to drop, deposit, permit or acquiesce in the dropping, depositing or scattering in any manner in or on any public or private property or place within the city, any trash, litter, garbage, rubbish, debris, refuse, or waste of any kind, or other obnoxious materials, whether solid or liquid.

(B) It shall be unlawful for any owner, his agent, or any occupant of real property to perform any act with any of the aforementioned materials anywhere within the city on private or public property in such a manner that the materials may be carried or deposited in whole or in part by the action of the sun, wind, rain, snow, or any of the nature's elements so as to be scattered, deposited or conveyed to any of the aforementioned places.

(C) It shall be unlawful for any owner, his agent, or any occupant of real property to allow any weeds or vegetation to accumulate.

(Ord. 0-90-007, passed 4-9-90; Am. Ord. 94-0-010, passed 5-23-94; Am. Ord. 0-2011-017, passed 5-23-11) Penalty, see § 92.99

§ 92.12 ABATEMENT OF ENVIRONMENTAL NUISANCES.

(A) It shall be unlawful for any owner, his agent, or any occupant or corporation, or each of them, whether or not the nuisance was created by said owner, agent, or occupant, to fail to remedy the existence of an environmental nuisance in violation of the provisions of §§ 92.10 or 92.11 within seven (7) days unless a shorter period is specified pursuant to division (B) or (C) of this section after receiving notice thereof pursuant to this subchapter regardless of whether the violator has requested a hearing pursuant to § 92.13. An additional violation shall occur for each additional one hundred (100)-day period that an environmental nuisance remains unabated regardless of whether the violator has requested a hearing pursuant to § 92.13.

(B) It shall be unlawful for any owner, his agent, or any occupant or corporation, or each of them, whether or not the nuisance was created by said owner, agent, or occupant, to fail to remedy the existence of an environmental nuisance in violation of the provisions of § 92.0492.11 within three (3) days after receiving notice thereof pursuant to this subchapter regardless of whether the violator has requested a hearing pursuant to § 92.13 and § 92.98. In respect to violations of this section if these specific violations are not remedied, within seven (7) days after the three (3) day abatement period elapse as stated under § 92.98 then regardless if an appeal has started as outlined under § 92.13 the city may enter the property where the violation was cited in order to remedy the violation immediately. If after the appeal the ruling is found to be in the violators favor then no further action is necessary and the city will not be able to collect any fines, penalties or cost the city incurred to remedy the charged violation. If however after the appeal the ruling is in the cities favor the violator as described above shall be responsible to pay to the city within ten (10) days all fees resulting from fines, penalties and additional cost incurred by the city to remedy the violation. If payment is not received by within the ten (10) day period then a lien shall be placed by the city against the property in which the violation occurred. Additional cost to remedy a violation shall be fair and approved by the City Manager prior to the work being completed.

(C) Notice in writing may be served upon an owner or person, or his agent or occupant, by hand delivery, first class mail, or by posting of the same on the property. The required notice if mailed shall be mailed to the last-known address of the owner of record of said property. Such notice shall describe the environmental nuisance so maintained, assessment of fines, and shall demand abatement of the nuisance within seven (7) calendar days from the date of notice, unless the nuisance constitutes an immediate danger to the health, safety, and well-being of the community, in which case notice shall demand immediate abatement. It shall be the duty of all owners to see that their current address is maintained on record in the County P.V.A. Office.

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 foregoing ordinance.

Commissioner \_\_\_\_\_ seconded the motion.

Upon roll call, the votes were as follows:

	<u>YES</u>	<u>NO</u>
FRANK JUSTICE, II, MAYOR	_____	_____
GENE DAVIS, COMMISSIONER	_____	_____
JERRY K. COLEMAN, COMMISSIONER	_____	_____
BARRY CHANEY, COMMISSIONER	_____	_____
JIMMY CARTER, COMMISSIONER	_____	_____

The Mayor declared the within ordinance adopted.

ATTESTED:

FRANK JUSTICE, II, MAYOR

\_\_\_\_\_  
CITY CLERK

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- 4. Consider a request for the second reading and adoption of Ordinance #0-2013-023 amending Section 111.17 related to an alcoholic beverage regulatory license fee and adopting a budget in order to reimburse the city for expenses. Amendments were made to section 111.17 Regulatory License Fee Imposed under sections (A), adding sentence (B) and (C) and to authorize the Mayor to sign and execute said ordinance on behalf of the City of Pikeville. Commissioner Carter made the motion to approve. Commissioner Coleman seconded the motion. Mayor Justice called for comments, there being none. Mayor called roll call. Motion passed unanimously. 5-0.

**ORDINANCE AMENDING SECTION 111.17  
RELATED TO AN ALCOHOLIC BEVERAGE  
REGULATORY LICENSE FEE; ADOPTING A  
BUDGET FOR EXPENDURES FOR THE  
ADDITIONAL POLICING, REGULATORY AND  
ADMINISTRATIVE EXPENSES RELATED TO THE  
SALE OF ALCOHOLIC BEVERAGES IN THE CITY  
OF PIKEVILLE AND ADOPTING A REGULATORY  
LICENSE FEES TO REIMBURSE THE CITY FOR  
THESE EXPENSES**

**Ordinance #0-2013-023**

WHEREAS, the City of Pikeville having conferred with the various departments within the City which deal with the policing, regulation and administration of alcoholic beverage licensing and sales have determined the additional cost incurred by the City of Pikeville to police, regulate and administer the sales and licensing of alcoholic beverage within the City and have submitted a proposed budget for those expenses;

WHEREAS, the Commission for the City of Pikeville has heretofore adopted this proposed budget;

WHEREAS, based upon the additional cost incurred by the City of Pikeville to police, regulate and administer the sales and licensing of alcoholic beverage within the City as reflected in it approved budget, the finance department has determined that a regulatory license fee percentage of 3% upon the gross receipts of each establishment licensed to sell alcoholic beverage by package or drink with in the City is reasonable estimated to reimburse the City for it additional expense to police, regulate and administer the sales and licensing of alcoholic beverage within the City;

NOW THERFORE, it is here by ordained by the Commission for the City of Pikeville as follows:

**111.17 REGULATORY LICENSE FEE IMPOSED.**

(A) There is imposed a regulatory license fee upon the gross receipts from sale of alcoholic beverages of each establishment within the city licensed to sell alcoholic beverages, by package or by drink, in the sum of three percent (3%) of the gross receipts of such establishments. The regulatory license fee is assessed at three percent (3%) based upon the city's estimate and approved budget as to the cost of reimbursing the city for additional policing and regulatory or administrative expenses related to the sale of alcoholic beverages in the city. The regulatory license fee shall be in addition to any other taxes, fees, or licenses lawfully imposed upon such establishment.

(B) A credit shall be allowed to each establishment against the regulatory license fee equal to the annual license fees imposed in 111.15.

(C) The regulatory license fee described in division (A) of this section shall be collected by the Administrator according to the existing framework of the occupational tax and license fee regulations of the city. Such regulatory license fee shall be payable and collectable quarterly

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 foregoing ordinance.

Commissioner \_\_\_\_\_ seconded the motion.

Upon roll call, the votes were as follows:

	<u>YES</u>	<u>NO</u>
FRANK JUSTICE, II, MAYOR	_____	_____
GENE DAVIS, COMMISSIONER	_____	_____
JERRY K. COLEMAN, COMMISSIONER	_____	_____
BARRY CHANEY , COMMISSIONER	_____	_____
JIMMY CARTER, COMMISSIONER	_____	_____

The Mayor declared the within ordinance adopted.





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 foregoing ordinance.

Commissioner \_\_\_\_\_ seconded the motion.

Upon roll call, the votes were as follows:

	<u>YES</u>	<u>NO</u>
FRANK JUSTICE, II, MAYOR	_____	_____
GENE DAVIS, COMMISSIONER	_____	_____
JERRY K. COLEMAN, COMMISSIONER	_____	_____
BARRY CHANEY, COMMISSIONER	_____	_____
JIMMY CARTER, COMMISSIONER	_____	_____

The Mayor declared the within ordinance adopted.

\_\_\_\_\_  
FRANK JUSTICE, II, MAYOR

ATTESTED:

\_\_\_\_\_  
CITY CLERK

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**CITY MANAGER**

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

- 1. Consider a request to authorize and approve Change Order #1 for installation of alternating wall panels for \$8,000 and installation of Micro Seam Corners for \$28,037 for a total of \$36,037.00 understanding that Jenny Wiley Drama Association has agreed to reimburse the city for these expenses above and beyond the already committed \$300,000 at which time the vendor submits their invoice for payment and to authorize the Committee Chairman Blackburn to sign and execute the submitted contract between Kalkreuth Roofing and Sheet Metal for said change order on behalf of the Theatre Committee. Commissioner Chaney made the motion to adopt. Commissioner Davis seconded the motion. Mayor called for further comments, there being none, motion passed unanimously. 5-0.**
- 2. Consider a request to authorize and approve Change Order 15-1-1, as submitted, with Irwin Telescopic Seating Company for \$18,200 understanding that Jenny Wiley Drama Association has agreed to reimburse the City for these expenses above and beyond the already committed \$300,000 at what time the vender submits their invoice for payment and to**

- authorize the Committee Chairman Blackburn to sign and execute the submitted contract between Irwin Telescopic Seating Company for said change order on behalf of the Theatre Committee. Commissioner Davis made the motion to approve. Commissioner Chaney seconded the motion. Mayor Justice called for further comments, there being none the motion passed. 5-0.
3. Consider a request to adopt a resolution adopting an amended and revised City of Pikeville 2013 Comprehensive Plan dated August 12<sup>th</sup> 2013. Commissioner Chaney made the motion. Commissioner Davis seconded the motion. Mayor Justice called for comments, there being none, the motion passed unanimously. 5-0.
  4. Consider a request to approve and authorize an amendment to the existing Real Estate Development Agreement, as submitted, between the United States Postal Service and the City of Pikeville on October 1, 2012, and amended effective June 12<sup>th</sup> 2013 now agreeing to extend said agreement and amending the closing date to occur on or before September 16<sup>th</sup>, 2013 and authorize the Mayor to sign and execute said amendment on behalf of the City of Pikeville. 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.
  5. Consider a request to authorize and approve a use agreement between the City of Pikeville and Gridiron Alumni Inc., as submitted, for the use of Hambley Athletic Complex for a PHS alumni game for 2013 and to authorize the Mayor to sign said agreement on behalf of the City of Pikeville. Commissioner Davis made the motion to approve. Commissioner Carter seconded the motion. Mayor Justice called for comments and Commissioner Carter asked how much liability do we have on this. City Manager says that Rusty and I have worked through this. Mayor called for additional questions or comments, there being none, the motion passed unanimously. 5-0.
  6. Consider a request to advertise for bid a 2013 700 Gallon Trailer Mounted Sewer Cleaner and a Compact Sidewalk Sweeper. Both are budgeted items. Commissioner Chaney made the motion to approve. Commissioner Davis seconded the motion. Mayor Justice called for comments. Commissioner Carter asked if we have that much sewer that we are going on the road with it that we need a trailer, what exactly is this? Donnie Slone responds that this is just a pull behind that if we cannot get our truck in there then we will just use this. Mayor called for further questions or comments, there being none, the motion passed unanimously. 5-0.
  7. Consider a request to authorize and approve an agreement between the City of Pikeville and Pikeville Independent School District dated July 22<sup>nd</sup> 2013, as submitted, regarding setting terms and conditions for the construction of a batting cage facility adjacent to the current softball field at Hambley Complex and to authorize the Mayor to sign and execute said agreement on behalf of the City of Pikeville. Commissioner Davis made the motion to approve. Commissioner Carter seconded the motion. Mayor Justice called

- for comments and wanted an explanation. City Manager says as the Commission my recall, there was an authorization of the batting cage contingent upon a couple of issues that one that the official request be in writing by the school system. And this has happened. Two, they agree to all the terms that the Commission has needed them to agree to, and this has happened. Mayor called for any other questions or comments, there being none, the motion passed unanimously. 5-0.
8. Consider a request to award a bid and authorize purchase and payment for Video Production Equipment to IVideo Technologies, who was the only bidder, for \$43,432.10 for television studio production equipment that will be owned by the City of Pikeville to authorize the Mayor to sign and execute the attached proposal. Commissioner Chaney made the motion to approve. Commissioner Davis seconded the motion. Mayor Justice called for comments and asked if this was more than what you expected. City Manager replied that we have \$25,000 in grants and we expected it to be in that range so we are good to go. Mayor called for any other question or comments, there being none, the motion passed unanimously. 5-0.
  9. Consider a request to appoint Donnie Slone as the City of Pikeville's voting delegate and/or Grondall Potter as the City of Pikeville's alternate voting delegate for the 34<sup>th</sup> Annual Business meeting of the Kentucky Rural Water Association, as submitted, and authorize the Mayor to sign and execute the voting credentials agreement on behalf of the City of Pikeville. Commissioner Chaney made the motion to approve. Commissioner Coleman seconded the motion. Mayor Justice called for comments, there being none, the motion passed unanimously. 5-0.
  10. Consider a request to adopt a Proclamation by the Pikeville City Commission naming the City of Pikeville 2013 Community Ambassador Award recipient. City Manager says which is Gene Hale. 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.
  11. Consider a request to authorize and approve the City Anti-Litter Control Program Grant Funding Request and Agreement 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. 5-0.
  12. Consider a request to authorize and approve an addition to the City Personnel Policy for the section 1.17 Security of 911 Call Center policy as submitted. Commissioner Chaney made the motion to approve. Commissioner Coleman seconded the motion. Mayor Justice called for comments and said explain this to me. City Manager says that this sets parameters as the Commission is aware, the 911 center is located in the Police Departement. It is a very important component to the Citizens of Pikeville. It is where the calls come in to the first responders. The policy is to

say who can and cannot be in the facility at any given time. Making sure the dispatchers are taking care of the task as hand and focusing on the caller and not being disturbed by people coming in and out of the facility they should not be in. Mayor called for additional questions or comments, there being none, the motion passed unanimously. 5-0.

13. Consider a request to reject any and all bids for the replacement of Fire Station #3 as due, submitted and opened on July 29<sup>th</sup> 2013. This is due to low bid still being higher that the projected anticipated cost to construct. To also consider a request to re-advertise for bid the same project with a variance in design in order to lower the expected cost of the project. Commissioner Davis made the motion to approve. Commissioner Coleman seconded the motion. Mayor Justice called for comments and asked Mr. Hunt how they determine how much the project should cost. Mr. Hunt replies that there is a book that is published every year that averages the price of projects throughout the state depending upon the type of materials you use, the type of construction you use, and it's a comprehensive book and depending of the type of materials you have it makes it a higher cost facility or a cheaper facility. Mayor asked if this is it come in higher due to it being in Pikeville. Mr. Hunt says that it was one of two things. City Manager answers wages. Mr. Hunt agrees that the rates have changed and the wages went way up. Mayor ask why. City Manager responds that any project that is government driven that receives state and local funds, increases the project by 10 or 12 percent. Mayor called for additional comments, there being none, the motion passed unanimously. 5-0.

**City Manager announced the Consent Items**

**and**

**Mayor Justice announces that he will be out of town on August 22, 2013 thru September 6, 2013**

14. Pursuant to KRS 61.810, consider request for closed session for discussion of economic development, legal and personnel issues. Commissioner Davis made the motion. Commissioner Carter seconded the motion. Mayor Justice called for discussion, there being none the motion passed unanimously. 5-0.
15. Commissioner Carter made the motion to re convene. Commissioner Coleman seconded the motion. Mayor Justice called for discussion, there being none the motion passed unanimously. 5-0. Mayor called the session back into order.
16. Consider a request to create the position of Assistant City Manager and to post for the hiring of said position. Commissioner Carter made a motion to approve. Commissioner Davis seconded the motion. Mayor Justice called for comments, there being none, the motion passed unanimously. 5-0.
17. Be it resolve by the Commission that the City Attorney is authorized to file or continue to pursue a nuisance claim against the property under a contract of

property located at 110 5<sup>th</sup> Street. As the result of multiple calls to the police department related to the property for noise complaints, assaults, disturbances, Criminal activity, etc. The City Attorney is authorized to seek closure of the nuisance and removal of the offending structure.

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.

18. There being no further business to come before the Commission, Commissioner Davis has made the motion to adjourn the meeting. Commissioner Carter seconded the motion. Mayor Justice called for discussion, there being none, the meeting was adjourned. 5-0

**CONSENT ITEMS:**

Chamber Annual Awards Banquet August 15<sup>th</sup> 2013 at 6:00 pm at Expo

Governor's Conference for Local Issues Conference will be August 14<sup>th</sup> through 16<sup>th</sup>

August 27<sup>th</sup> 2013 from 5pm to 7pm will be City Hall official Open House

Hatfield & McCoy Heritage Day's Festival August 31<sup>st</sup> through September 2<sup>nd</sup> 2013

The next scheduled Regular Meeting of the City of Pikeville Board of Commissioners is August 26, 2013 at 6:00 p.m.

APPROVED:

  
FRANKLIN D. JUSTICE, II, MAYOR

Jimmy Carter, Mayor Pro-tem

ATTESTED:

  
CHRISTY BILLITER, CITY CLERK