

**CITY OF PIKEVILLE  
BOARD OF COMMISSIONERS  
REGULAR MEETING MINUTES  
October 28, 2013 AT 6:00 P.M.**

The Board of Commissioners for the City of Pikeville met in a regular called session on Monday, October 28, 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:

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

<b>MAYOR:</b>	<b>FRANKLIN D. JUSTICE, II</b>
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**MINUTES**

The minutes for the previous regular meeting held on October 14, 2013 were in each Commission Member's agenda package. There being no additions or corrections, Commissioner Chaney made the motion to approve the minutes as prepared. Commissioner Coleman seconded the motion. Mayor Frank Justice called for discussion, there being none, the motion carried unanimously. 4-0.

**BUSINESS FROM THE FLOOR**

Police Chief Phillip Reed will address the City Commission regarding the recent investigation by Officer Scotty Hamilton and Bruce Collins and an update on the UNITE drug roundup. Captain Chris Edmonds stood in for Chief Reed, in his absence, to speak on the investigation and UNITE drug roundup. Captain Edmonds brought the two officers forward. Captain says that we are here to recognize a couple good officers and their outstanding service for the City. We decided to give these two guys an award for cracking this cold case. Not sure if everyone remembers about seven or eight years back when ZZ Top was in town with the Expo; but, some of our local thieves got into their stuff and stole items such as watches and rings, some of these things could not be replace. While Officer Hamilton was out on the job one day, he received a little lead of a confidential form. Then, Detective Collins took the lead and went over to the judges and got up with a general attorney. One of

the gentleman that took the stuff had been wearing the watch into court, a \$15,000 watch and the only time he would wear it was when he was coming to court. So, Mr. Bartley noticed the watch when they were in the court room together. One day in court, he was wearing the watch and Officer Hamilton and Det. Collins went over and asked for the watch and requested that all items need to be brought back by 2:00pm. When he came back, we got their rings back for them and also a couple of watches. Scotty has been doing a good job with investigations and Bruce has been assisting him, together they uncovered this case. City Manager says before we go into UNITE, from a Commission standpoint I want to commend both the Officer and the Detective for the job well done. And I will add that this occurred at a time where we were not controlling the Expo Center. Through great efforts the case was resolved and done with great work. I commend you gentleman for the fine work you have done and bringing this to the City. We have had a black eye for sometime over this and we appreciate what you do. Captain and Detective says that they are sending a representative to pick the items back up. Detective Collins says that these guys lose things in all different Cities and Pikeville is the first City that has called back and actually found their stuff for them. And they have been contacted several times by other people outside the department other than me. Mayor asked what time are we looking at here. Detective Collins responds that this has been seven years ago. City Manager how he was figured out and how the Officers kept him focused. They replied that there was a few other things we had him on and how did they get the items back. Detective Collins says that funny thing is that the guy had the stuff buried in his back yard. Commissioner Davis asked if the Officers dug up the jewelry and Detective Collins responded no that he brought the stuff back. Mayor says what is going to happen to this individual. Detective Collins says that Rick Bartley is working on that right now. Mayor says I appreciate what you all are doing here. Commissioner Coleman asked if he was in jail and Mr. Collins says no that he has many other things pending. Mayor says we do appreciate you, now you have something with UNITE to share with us. Captain said that we now have a good working relationship with UNITE and we are starting to do more than ever. We have had three that have bought undercover and they were in housing and now have been eliminated from that. There were twenty-seven total and we have gotten three. We are working on a good relationship with UNITE and plan on getting others. Mayor says pour it on it, keep pouring it to them.

#### PAYMENT OF CITY BILLS

The City Manager Donovan Blackburn requested the approval to pay city bills in the amount of \$881,307.41. Commissioner Davis made the motion to approve. Commissioner Chaney seconded the motion. Mayor Justice called for discussion and Commissioner Davis asked if we had the money. City Manager replied that we do have the money. Mayor Justice called for further discussion, there being none, motion passed unanimously. 4-0.

## CITY ATTORNEY

1. Consider a request of a first reading of ordinance #0-2013-032 for a consent to annex by the City of Pikeville certain unincorporated territory lying adjacent to the present city corporate boundaries consisting of approximately 4.15 acres located on or near Stonehenge Drive. No further action is required at this time. The second reading will take place at the next regular scheduled meeting.
2. Consider a second reading and adoption of ordinance #0-2013-030 amending chapter and section 32.01 "Departments, Boards and Commission" setting conditions and requirements for city board appointments and to authorize the Mayor to sign and execute said ordinance on behalf of the City of Pikeville. Commissioner Chaney made the motion to adopt. Commissioner Coleman seconded the motion. Mayor Justice called for comments, City Attorney Rusty Davis says that the only thing we are doing here is that we are allowing city boards to be a little more flexible in that we are now allowing people who work in the city as candidacy for the position. Mayor called for further comments, there being none. Mayor called roll call, motion passed unanimously. 4-0.

**AN ORDINANCE RELATED TO THE AMENDMENT OF  
CHAPTER 32 "DEPARTMENTS, BOARDS, AND  
COMMISSIONS" OF SECTION 32.01  
"TERM RESTRICTIONS" OF THE CITY  
OF PIKEVILLE CODE OF ORDINANCE**

**ORDINANCE NO. 0-2013-030**

**NOW, THEREFORE, BE IT ORDAINED** by the City of Pikeville that **CHAPTER 32 OF THE CODE OF ORDINANCES RELATED TO SECTION 32.01 "TERM RESTRICTIONS" SHALL BE AMENDED AS FOLLOWS:**

WHEREAS, the existing ordinance will be in full force and take effect upon passage and publication.

Now, therefore, be it ordained by the board of commissioners of the City of Pikeville, Kentucky as follows:

**CHAPTER 32: DEPARTMENTS, BOARDS, AND COMMISSIONS**

**§ 32.01 TERM RESTRICTIONS.**

- (A) No person shall be permitted to serve as a member, director, board member, or commissioner of any of the several public agencies, public corporations, public districts, commissions, or other subdivisions or bodies of the city which operate within the city and in the interest of the public unless the individual is at least twenty-one (21) years of age, ~~and a~~ Any member serving on a Joint Board must be a resident of the City of Pikeville. All other board appointment other than a Joint Board must be either a city resident, city property owner or be employed within the city limits to be eligible for an appointment to a city board. An appointed member, director, board member or commissioner is however exempt from having to reside in the city if they are a paid employee of the city. If they do not reside in the city and their employment is terminated for any reason they shall vacate their appointment effective on their employment termination date. If any person

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appointed to a city board for whatever reason no longer meets the above requirements that member that member appointment shall be considered vacant at which time the requirement is no longer met and the city shall appoint a replacement for said member immediately pursuant to whatever action is required per Kentucky law.

- (B) No individual shall concurrently serve as a member, director, board member, commissioner, and the like on more than three (3) public agencies, public corporations, public districts, commissions, or other subdivisions or bodies of the city, which operate in the interest of the public. An appointed member, director, board member or commissioner is however exempt from serving on no more than three (3) public agencies, public corporations, public districts, commission or other subdivisions or bodies of the city if they are a paid employee of the city.
- (C) No person shall appoint, elect, nominate, or otherwise submit for approval the name of any individual as a member, director, board member, or commissioner of any of the agencies, public corporations, public districts, or commissions if that individual is prohibited from serving in such capacity by virtue of this section.
- (D) This section shall apply retroactively. Any person who has currently served the allowed time shall serve the remainder of his or her terms or one (1) year, whichever is less. A partial term resulting by an appointment to fill an unexpired term shall not count toward the allowable terms but will be counted toward the allowable time left for that term.

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 KEITH COLEMAN, COMMISSIONER	_____	_____
JIMMY CARTER, COMMISSIONER	_____	_____
BARRY CHANEY, COMMISSIONER	_____	_____

The Mayor declared the within ordinance adopted.

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FRANKLIN D. JUSTICE, II MAYOR

ATTEST:

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CHRISTY SPEARS, CITY CLERK

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- 3. Consider a second reading and adoption of ordinance #0-2013-031 adopting the 2013 supplement to the City of Pikeville Code of Ordinances and to authorize the Mayor to sign and execute said ordinance on behalf of the City of Pikeville Code of Ordinances and to authorize the Mayor to sign and execute said ordinance on behalf of the City of Pikeville. Commissioner Chaney made the motion to adopt. Commissioner Coleman seconded the motion. Mayor called for further comments, there being none. Mayor called roll call, motion passed unanimously. 4-0.

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

Ordinance #: 0-2013-031

**WHEREAS**, American Legal Publishing Corporation of Cincinnati, Ohio has completed the S-30 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-30 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.

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

ATTEST:

\_\_\_\_\_  
CHRISTY BILLITER, CITY CLERK

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- 4. Consider a first reading of an ordinance #0-2013-033 naming an unnamed bridge as "Paul Hopkins Bridge". 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 a Grant Agreement between the Kentucky Transportation Cabinet, Department of Aviation and the City of Pikeville, Contract Number PO2 615 1400002265, as submitted and to authorize the City Manager to sign and execute said contract on behalf of the City of Pikeville along with any other paperwork necessary to execute and receive said grant. Commissioner Davis made the motion to adopt. Commissioner Coleman seconded the motion. Mayor called for comments and asked if this is what we talked about. City Manager says yes. Mayor called for further comments, there being none, motion passed unanimously. 4-0.**

2. Consider a request to authorize and approve a Consent to Assignment Agreement between the City of Pikeville and SE Acquisitions, LLC and Birch Communications of Kentucky, LCC as submitted and to authorize the Mayor to sign and execute said assignment 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, Commissioner Davis asked what the LLC stood for. City Clerk responded Limited Liability Company. City Manager said it is a trade name. Mayor Justice called for further comments, there being none, the motion passed. 4-0.
3. Consider a request to authorize and approve an annexation agreement, as submitted, accepting all terms and conditions set forth therein and to authorize the Mayor to sign and execute said agreement on behalf of the City of Pikeville. Commissioner Chaney made the motion. Commissioner Davis seconded the motion. Mayor Justice called for comments, City Manager adds this is as discussed. Mayor called for further comments, there being none, the motion passed unanimously. 4-0.
4. Consider a request to amend a motion adopted during the October 14<sup>th</sup> 2013 regular commission meeting regarding the authorization and approval of work to be complete by Mountain Enterprises, Inc. for asphalt, as it was submitted under state contract price, for the Deskins Development and City of Pikeville, for the total submitted amount of \$81,998.80 and to also authorize a second project, as submitted, for the total cost of \$42,151.20 that was contingent upon the receipt of payment of the total cost of \$42,151.20 by Mr. Deskins the developer, prior to the work being authorized and executed by the City of Pikeville. This amended shall be to consider a motion to authorize and approve work to be completed by Mountain Enterprises, Inc. for asphalt, as submitted under state contract price, for a total of \$105,378.00 paving a city road and easement per the terms and condition of an easement agreement signed and executed on December 10<sup>th</sup> 2008 between William D & Barbara Deskins and the City of Pikeville and to also authorize a second project, as submitted, for a total cost of \$42,151.20 that is contingent upon the receipt of the full amount by Mr. Deskins the developer, prior to the work being authorized and executed by the City of Pikeville. To authorize the City Manager to sign the construction proposals submitted by Mountain Enterprises, Inc. authorizing the work above as described. Commissioner Davis made the motion to approve. Commissioner Chaney seconded the motion. Mayor Justice called for comments, there being none, the motion passed unanimously. 5-0.
5. Consider the adoption of a resolution accepting into the City Street system Stonehenge Drive and authorize the Mayor to sign and execute said resolution on behalf of the City of Pikeville. Commissioner Chaney made the motion to approve. Commissioner Coleman seconded the motion. Mayor Justice called for comments and asked if this met

- standards. Jody Hunt said that yes it does. Mayor asked if there were addition comments or questions, there being none, the motion passed unanimously. 4-0.
6. Consider a request to authorize and approve an application and a Letter of Commitment of Match Funds for the Transportation Alternatives Grant Program for a trails project at Thompson Road. The estimated cost would be \$380,000 with a 20% match and to authorize the Mayor to sign and execute said application and funds match commitment letter 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.
  7. Consider a request to appoint Dallas Layne to the City of Pikeville Housing Authority Board, replacing Clinton Daniels. Dallas's term shall start immediately and shall expire on September 16<sup>th</sup> 2017. 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.
  8. Consider a request to appoint Jaclyn Ousley to the City Tourism and Convention Commission replacing Sam Keith, who submitted a written memorandum resigning from the board. Jaclyn will fill Sam Keith's term immediately and is set to expire on May 24<sup>th</sup> 2014. 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.
  9. Consider a request to appoint Shawn Cash to the City Tourism and Convention Commission replacing Romaine Keith, who submitted a written memorandum resigning from the board. Shawn will fill Romaine Keith's term immediately and is set to expire on May 24<sup>th</sup> 2016. 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.
  10. Consider a request to reappoint John Elliott to the Industrial Development and Economic Authority. John's new term shall expire on November 9<sup>th</sup> 2017. 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.
  11. Consider a request to reappoint Robert Smith to the Historic Preservation Board. Robert's new term shall expire on November 26<sup>th</sup> 2017. Commissioner Davis made the motion to approve. Commissioner Chaney seconded the motion. Mayor Justice called for comments, there being none, Mayor opposed. 3-1.
  12. 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 Coleman seconded




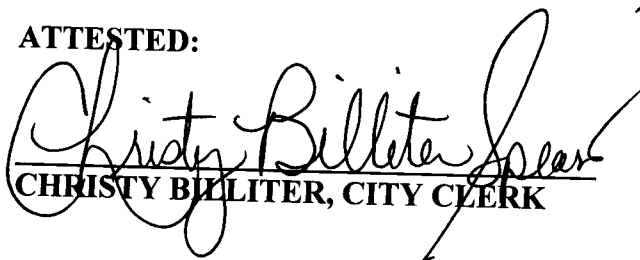
- the motion. Mayor Justice called for discussion, there being none, the motion passed unanimously. 4-0.
13. Commissioner Davis made the motion to re convene. Commissioner Chaney seconded the motion. Mayor Justice called for discussion, there being none, the motion passed unanimously. 4-0. Mayor called the session back into order.
14. City Attorney request the consideration of the Commission, for a delinquent tax payer, the Landmark Motel, to file a civil suit on the amount of occupational taxes due. Commissioner Chaney made a motion to approve. Commissioner Coleman seconded the motion. Mayor Justice called for comments, there being none, the motion passed unanimously. 4-0.
15. 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 ITEMS:**

Wednesday, November 6<sup>th</sup> 2013 at 2 pm will be the Commercial Air Service Launch event.

Shaping our Appalachian Region(SOAR) Summit scheduled for December 9, 2013 at the East KY Expo Center from 9 am until 5 pm.

The next scheduled Regular Meeting of the City of Pikeville Board of Commissioners is November 11, 2013 at 6:00 p.m.

**APPROVED:**  
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**FRANKLIN D. JUSTICE, II, MAYOR****ATTESTED:**  
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**CHRISTY BILLITER, CITY CLERK**