

**CITY OF PIKEVILLE
BOARD OF COMMISSIONERS
REGULAR MEETING MINUTES
MARCH 22, 2004**

The Board of Commissioners of the City of Pikeville met in regular meeting on Monday, March 22, 2004. The meeting was held in the City Hall Public Meeting Room located at 118 College Street, Pikeville, Kentucky.

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

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| COMMISSIONER: | DALLAS LAYNE EUGENE W. DAVIS SHAWN A. AMOS JAMES A. CARTER |
| MAYOR: | FRANKLIN D. JUSTICE, II |

AGENDA ITEM II. MINUTES

The minutes from the previous regular meeting held on March 8, 2004 were included in each Commission Member's agenda package. There being no additions or corrections, Commissioner Davis made the motion, seconded by Commissioner Amos to approve the minutes as presented. The motion carried unanimously.

AGENDA ITEM III. BUSINESS FROM THE FLOOR

There were no items presented during the call for business from the floor.

AGENDA ITEM IV. PAYMENT OF BILLS

City Bills totaling \$464,865.37 were presented to the Commission for approval of payment. Commissioner Layne made the motion, seconded by Commissioner Carter to approve payment of the bills as requested. The motion carried unanimously.

AGENDA ITEM V. OLD BUSINESS

A. BIG SANDY AREA DEVELOPMENT DISTRICT: Sandy Runyon, Executive Director of the Big Sandy Area Development District, reported the Coal Development Funds, awarded for the purchase of generators for the Water Treatment Plant, have been released to the city.

An EDA grant to prepare a hotel/motel feasibility study has been awarded to the City of Pikeville. The grant proceeds total \$20,000 (\$12,000 EDA funds; \$8,000 City of Pikeville funds). Ms. Runyon advised that Summit Engineering, Inc. presented the only bid to provide engineering services for the study. Ms. Runyon recommended the contract to prepare the study be awarded to Summit Engineering, Inc. and requested the Big Sandy Area Development District be named as the grant administrator. Mayor Justice made the motion to award the contract for preparation of the hotel/motel study to Summit Engineering, Inc. and to name the Big Sandy Area Development District as grant administrator. Commissioner Carter seconded the motion. The motion carried unanimously.

B. MAIN STREET PROGRAM: Melissa Staggs, Pikeville Main Street Program Executive Director, presented two bills for approval of payment. The bills were from Tele-Media in the amount of \$55,387.13 and American Electric Power in the amount of \$3,283.96. Ms. Staggs reported the Main Street Board reviewed the invoices and recommended payment during their previous meeting.

Commissioner Amos made the motion, seconded by Commissioner Davis to approve payment of the invoices to Tele-Media and American Electric Power as recommended by the Main Street Board. The motion carried unanimously.

C. CITY ENGINEER'S REPORTS: Charles Byers, representing Summit Engineering, Inc. city engineers, presented a verbal status report for the following projects:

1. Utility Relocation Project - Phase II: The engineer estimates project completion by April 15th.

2. Utility Relocation Project - Phase III: Bell South began work this date. Bell South officials failed to notify the Main Street Agency that they were beginning work and would be closing the street. The engineer directed all contractors of Phase III to give the Main Street Agency advance notice of street closings to allow the information to be sent to area businesses and the public. The engineer advised that Phase III of the Utility Relocation Project should be completed by the close of 2004.

3. Parking Garage Project: Presented for approval was change order #12 from Elliott Contracting in the amount of \$24,911.84. Mayor Justice made the motion to approve the change order as presented. Commissioner Layne seconded the motion. The motion carried unanimously.

4. City Park Walkway: Bids were received for construction of a walkway, along with other design elements, from the parking garage through the city park. Bids ranged from \$376,000 up to \$440,000. The low bid was submitted by Commonwealth Building & Construction. Commissioner Layne made the motion to award the contract for the City Park Walkway project to Commonwealth Building & Construction in the amount of \$376,000, contingent upon the availability of funds. Commissioner Amos seconded the motion. The motion carried unanimously.

D. CITY ATTORNEY'S REPORTS: Russell H. Davis, Jr., City Attorney, presented the following items for the Commission's consideration:

1. Street Names: Presented and given second reading was an ordinance entitled:

ORDINANCE NAMING CERTAIN UNNAMED STREETS WITHIN THE CITY OF PIKEVILLE TO "NATURES COVE DRIVE, HEMLOCK LANE, LOCUST DRIVE, MAGNOLIA DRIVE, PRATER PLACE, LEE AVENUE AND ALEXANDRA DRIVE"

Commissioner Layne made the motion to adopt the Ordinance and presented and read. Commissioner Carter seconded the motion. The motion carried by the following votes:

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| COMMISSIONER: | DALLAS LAYNE | YES |
| | EUGENE DAVIS | YES |
| | SHAWN AMOS | YES |
| | JAMES CARTER | YES |
| MAYOR: | FRANK JUSTICE, II | YES |

2. 2003-04 Budget: Presented and given second reading was an ordinance captioned as follows:

ORDINANCE AMENDING THE FISCAL BUDGET FOR THE 2003-04 FISCAL YEAR

Commissioner Layne made the motion, seconded by Commissioner Amos to adopt the Ordinance as presented and read. The motion carried by the following votes:

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| COMMISSIONER: | DALLAS LAYNE | YES |
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| | EUGENE DAVIS | YES |
| | SHAWN AMOS | YES |
| | JAMES CARTER | YES |
| MAYOR: | FRANK JUSTICE, II | YES |

3. Tele-Media Cable T.V. Franchise: Presented was a request from Tele-Media Company to transfer their cable t.v. franchise to Cequell. According to City Attorney Davis, Cequell is a newly formed company with no assets. Mr. Davis explained the request for transferring the franchise stems from Tele-Media's parent company declaring bankruptcy. The current franchise agreement expires in 2007. The City Attorney recommended employing a FCC attorney to assist in negotiations regarding the transfer of the franchise. Tom Kenly and Robert Herrald were present on behalf of Tele-Media. Mr. Kenly explained that Tele-Media is not bankrupt, however its parent company, Adelpia has declared Chapter 11. He commented that Cequell's business partners have been in the cable t.v. business a number of years. City Attorney Davis explained that a FCC attorney can assist in negotiations in the area of fees and services. Mr. Kenly told the Commission that fees and services are generally negotiated closer to the franchise expiration event. Comments from the Commission, City Manager, and City Attorney regarding general dissatisfaction with Tele-Media's service and t.v. signal reception were voiced. Mr. Kenly and Mr. Herrald agreed to meet with the Commission in work session to further discuss the request and various service issues. Mr. Kenly commented that Tele-Media would not reimburse the city for any legal fees in conjunction with this matter.

Commissioner Layne made the motion, seconded by Commissioner Carter to employ Linda Ain, FCC attorney, at the rate of \$150.00/hr. to assist the city in its negotiations with Tele-Media regarding transfer of the franchise to Cequell. The motion carried unanimously. The City Attorney advised that he did not think the legal fees would exceed \$4,000.00.

4. Resolution in Memory of Johnny Mounts: Former City Commissioner Johnny D. Mounts passed away on March 16, 2004. The Pikeville City Commission adopted the following resolution in honor and memory of Johnny D. Mounts:

WHEREAS, Johnny Dean Mounts, a citizen and community leader of the City of Pikeville did pass away on March 16, 2004, the Commission for the City of Pikeville does now desire to recognize and honor Johnny Dean Mounts for his lifetime achievements and service to his community; and

WHEREAS, Johnny Dean Mounts was born on May 10, 1946 in Pike County Kentucky; and

WHEREAS, Johnny Dean Mounts was a graduate of Pikeville College and received his master's degree from Eastern Kentucky University. He served in the United States Air Force. He was a teacher and served as a basketball coach at Phelps High School in the late 1970s. He was a Pikeville businessman being the owner of the Pikeville Car Wash and Cedar Trace Plaza and an active member of the Pikeville Presbyterian Church.

WHEREAS, Johnny Dean Mounts was a noble civic leader having served as a City of Pikeville Commissioner from 1988 to 1998. As a Commissioner he had a strong interest in beautifying the City and attracting small businesses to the City. He was instrumental in the planning, financing and construction of the new Police Station and the restoration of the Academy Building (present City Hall) to its current state. Other projects completed during his tenure included the YMCA, Pikeville Methodist Hospital expansion, water treatment facility, expansion of the wastewater treatment plant, development of Cassidy Boulevard and the regional Pikeville/Pike County Library.

WHEREAS, Johnny Dean Mounts' dedication of his time and talents to serving his community and his exemplar community leadership is deemed worthy of being recognized and honored by this Commission.

THEREFORE BE IT RESOLVED by the Commission for the City of Pikeville that to all whom these presents shall come, know ye that Johnny Dean Mounts is by this Commission and the City of Pikeville recognized and honored for a superior effort, relentless determination and dedication of exemplar service to and love of his community. The life and labors of this individual have made his community a better place. **IT IS FURTHER ORDERED** by this Commission that this Resolution is to be duly recorded within the records of the City of Pikeville so that his achievements will be known by those who serve hereafter and a copy thereof delivered to Johnny Dean Mounts' family in recognition of the honor that is being bestowed upon Johnny Dean Mounts this day.

Commissioner Layne made the motion to adopt the resolution. Commissioner Amos seconded the motion. The motion carried unanimously.

5. "Lucille Smith Appreciation Day": Presented for adoption was the following resolution in honor of Lucille Saad Smith:

WHEREAS, Lucille Smith, a civic leader in Pike County, and

WHEREAS, Lucille Smith has served the citizens of Pike County in various public offices throughout the years, and

WHEREAS, Lucille Smith began broadcasting "The Personal Touch Program" forty years ago, on April 6th, 1964, and

WHEREAS, Lucille Smith, broadcasted each day, Monday through Friday, continuously since that time, and

WHEREAS, Lucille Smith has provided the listeners of this area with news, births, obituaries, anniversaries, birthdays and other community information on "The Personal Touch" program.

NOW, THEREFORE BE IT RESOLVED that the Pikeville City Commission hereby commends Lucille Smith on this historical broadcasting event and resolves that April 6th, 2004, be designated as "Lucille Smith Appreciation Day" in honor of her achievement.

Commissioner Carter made the motion to adopt the resolution as presented. Commissioner Layne seconded the motion. The motion carried unanimously.

6. Speed Limit: City Attorney Davis presented and gave first reading to the following ordinance:

ORDINANCE SETTING SPEED LIMIT ON MARION BRANCH ROAD WITHIN THE CITY OF PIKEVILLE AT 35 M.P.H.

Second reading of the ordinance was scheduled for the next regular meeting.

D. CITY MANAGER'S REPORTS: City Manager, Donovan Blackburn, requested the City Commission's consideration of the following matters:

1. Police Policy Manual: Mr. Blackburn reported the final draft of the Police Policy Manual is complete. The manual was reviewed by the City Manager, City Attorney and Police Chief. Based upon their recommendation, Mayor Justice made the motion, seconded by Commissioner Amos to adopt the Police Policy Manual. The motion carried unanimously. The City Manager reported that adoption of the Police Policy Manual brings the Police Department one step closer to accreditation. There are a couple of minor items to complete before accreditation can be

attained.

2. 2004 Audit: Presented was a proposal from Wallen & Cornett CPA's to conduct the audit of the city's financial statements for year ending June 30, 2004. The fee is not to exceed \$18,895.00. The completed audit report is to be submitted to the City Commission no later than November 8, 2004. Commissioner Layne made the motion to accept Wallen & Cornett's proposal to audit the financial statements for year ending June 30, 2004. Commissioner Carter seconded the motion. The motion carried unanimously.

3. 2004/2005 Budget: City Manager Blackburn advised the Commission that the proposed operating budget for 2004/05 has been completed. A work session was scheduled for April 1, 2004 at the Fire Training Center for the Commission to review the budget with the department heads.

4. Paving schedule: The city manager presented the road paving schedule through July, 2004. Streets scheduled for paving include Bank Street, College Street, Julius Avenue, Huffman Avenue, Scott Avenue, Garred Street, South Mayo Trail, Paul David Lane, Mt. Martha Drive, and High Street. College Street, Huffman Avenue and Scott Avenue will be milled prior to paving. Milling activities are scheduled to begin around the end of March with paving to begin the first week of April.

There being no further business to come before the Commission, Commissioner Davis made the motion to adjourn the meeting. Commissioner Layne seconded the motion. The motion carried unanimously.

The next scheduled meeting of the City of Pikeville Board of Commissioners is April 12, 2004 at 6:00 p.m.

APPROVED: _____


FRANKLIN D. JUSTICE, II, MAYOR

ATTEST:


KAREN W. HARRIS, CITY CLERK