

**CITY OF PIKEVILLE  
BOARD OF COMMISSIONERS  
REGULAR MEETING MINUTES  
APRIL 25, 2005**

The Board of Commissioners for the City of Pikeville met in regular session on Monday, April 25, 2005. The meeting was held in the City Hall Public Meeting Room located at 118 College Street, Pikeville, Kentucky.

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

<b>COMMISSIONER:</b>	<b>DALLAS LAYNE EUGENE W. DAVIS JAMES A. CARTER M. SHANE HALL</b>
<b>MAYOR:</b>	<b>FRANKLIN D. JUSTICE, II</b>

**AGENDA ITEM II. MINUTES**

The minutes for the previous regular meeting of April 11, 2005 were included in each Commission Member's agenda package. There being no additions or corrections, Commissioner Carter made the motion, seconded by Commissioner Hall to approve the minutes as prepared. 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**

A list of City Bills totaling \$473,213.65 was presented to the Commission for approval of payment. Commissioner Davis made the motion to authorize payment of the list of invoices as requested. Commissioner Hall seconded the motion. The motion carried unanimously.

**AGENDA ITEM V. OLD BUSINESS**

**A. BIG SANDY AREA DEVELOPMENT DISTRICT:** Sandy Runyon, executive director for the Big Sandy Area Development District, reported that contractor, Alpha Environmental, Inc., will begin asbestos abatement activities, on the first seven structures in the Phase VI area, on April 27<sup>th</sup>. The contractor estimates asbestos removal to be completed within thirty days.

Discussion regarding the bids received for demolition of the seven structures in Phase VI was deferred to closed session. Mayor Justice reported a legal issue had been brought to his attention concerning submission of bids.

**B. (1) RENAISSANCE ON MAIN:** Melissa Staggs, project director for the Renaissance on Main Program, explained the state funding eligibility requirements were revised by the General Assembly, as well as a change in the program's name from Main Street to Renaissance on Main. Because Pikeville had achieved a Gold Level designation under the former program, the city will retain the same ranking. Pikeville is one of the few cities in Kentucky that has achieved the Gold Level designation. Ms. Staggs advised that Pikeville is eligible for grant funds and suggested submitting funding applications in the next funding cycle since there are so few Gold Level cities to compete with for funding. Ms. Staggs advised the grant funds can be used for a variety of improvement projects including sidewalk replacement/repair. The Renaissance on Main Board will look at expanding the renaissance area during their next meeting. By expanding the renaissance area, Pikeville will qualify for additional funding. Further discussion regarding this matter is scheduled for the May 23<sup>rd</sup> City Commission meeting.

**(2) Pauley Bridge Rehabilitation Project:** Ms. Staggs presented an agreement with Summit Engineering to provide plans, bidding, and inspection services in conjunction with the restoration of the Pauley Bridge, for approval. The contract fee is \$18,600.00. City Attorney Davis recommended approval of the agreement pending the removal of section 6.8 (limitation of liability). Mayor Justice made the motion to enter into a contract with Summit Engineering for engineering services associated with the Pauley Bridge restoration, subject to the removal of section 6.8 from the contract document. Commissioner Layne seconded the motion. The motion carried unanimously.

**(3) UNITE Pike:** UNITE Pike substance abuse coordinator, Debbie Trusty, presented a written progress report of the organization's activities during the past 7 months. One of the organization's main goals was to hire a coordinator to work with various organizations and agencies in the education, enforcement, and treatment of substance abuse. Ms. Trusty reported that she spends at least 1 ½ hours daily, answering email requests on the UNITE Pike website as well as making referrals for those seeking treatment. UNITE Pike is beginning a media campaign to promote the organization through billboard signs and radio public service announcements.

UNITE Pike Chairman, Ken Trivette, commended the Mayor and Commission for recognizing the substance abuse problem and taking action to form an agency to combat this problem. UNITE Pike consists of a coalition of businesses, agencies, organizations, and individuals committed to fighting substance abuse.

UNITE Pike member, Bill Baird, thanked the City and the Renaissance on Main Program for their assistance with the UNITE Pike coalition. He reported that "Substance Abuse Sunday" is scheduled for June 5<sup>th</sup>. A march against substance abuse is scheduled for September 11<sup>th</sup>. Mr. Baird serves as a member of the WestCare Board. The first 24 beds of the 72 bed substance abuse treatment facility should be available by the end of summer, 2005. WestCare is waiting for the necessary state approval and licensure.

**C. CITY ENGINEER'S REPORTS:** Representing Summit Engineering, city engineers, Charles Byers presented a verbal progress report for the following projects:

1. **Utility Relocation Project:** BellSouth officials have indicated their contract should be completed within the next month. The Commission requested a copy of the punch list for the entire project be presented at their next meeting.

2. **Indian Hills Sewer Extension Project:** According to Mr. Byers, M & S General Contracting is on schedule with the sewer extension project and should complete within the contract period (June 27<sup>th</sup>).

**D. CITY ATTORNEY'S REPORTS:** Russell H. Davis, Jr., city attorney, presented the following ordinances for consideration:

1. Second reading was given to an ordinance entitled as follows:

**AN ORDINANCE RELATED TO THE AMENDMENT OF SECTION 92.04 RELATING TO THE DEFINITION OF ENVIRONMENTAL NUISANCE OR NUISANCE AND THE AMENDMENTS OF SECTION 92.99 AND SECTION 92.98 RELATING TO THE PENALTY FOR VIOLATION OF THE DILAPIDATED HOUSING AND NUISANCE ORDINANCE.**

The ordinance provides for an increase in fees for environmental nuisance, litter, garbage, trash and weed offenses, as well as providing for citations to owners who allow their yard grass to exceed 6 inches or hillside weeds that exceed twelve inches.

Commissioner Carter made the motion to adopt the ordinance. Commissioner Hall seconded the motion. The motion carried by the following votes:

<b>COMMISSIONER:</b>	<b>DALLAS LAYNE</b>	<b>YES</b>
	<b>EUGENE W. DAVIS</b>	<b>YES</b>
	<b>JAMES A. CARTER</b>	<b>YES</b>
	<b>M. SHANE HALL</b>	<b>YES</b>
<b>MAYOR:</b>	<b>FRANKLIN D. JUSTICE, II</b>	<b>YES</b>

2. City Attorney Davis presented and gave second reading to the following ordinance captioned as follows:

**ORDINANCE RELATING TO THE CLASSIFICATION OF ABANDONED URBAN PROPERTY AS REAL PROPERTY; DEFINING "ABANDONED URBAN PROPERTY" AN ASSESSMENT OF A RATE OF TAXATION FOR ABANDONED URBAN PROPERTY**

Commissioner Carter made the motion to adopt the Ordinance as presented and given second reading. Commissioner Layne seconded the motion. The motion carried by the following votes:

<b>COMMISSIONER:</b>	<b>DALLAS LAYNE</b>	<b>YES</b>
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	<b>EUGENE W. DAVIS</b>	<b>YES</b>
	<b>JAMES A. CARTER</b>	<b>YES</b>
	<b>M. SHANE HALL</b>	<b>YES</b>
<b>MAYOR:</b>	<b>FRANKLIN D. JUSTICE, II</b>	<b>YES</b>

**3. Second reading was given to an ordinance entitled as follows:**

**ORDINANCE CREATING A VACANT PROPERTY REVIEW COMMISSION, SPECIFYING THE DUTIES OF THE COMMISSION AND NUMBER OF MEMBERS THERETO**

**Commissioner Carter made the motion, seconded by Commissioner Layne to adopt the ordinance as presented and given second reading. The motion carried by the following votes:**

<b>COMMISSIONER:</b>	<b>DALLAS LAYNE</b>	<b>YES</b>
	<b>EUGENE W. DAVIS</b>	<b>YES</b>
	<b>JAMES A. CARTER</b>	<b>YES</b>
	<b>M. SHANE HALL</b>	<b>YES</b>
<b>MAYOR:</b>	<b>FRANKLIN D. JUSTICE, II</b>	<b>YES</b>

**Mayor Justice nominated the following individuals to serve on the Vacant Property Review Commission:**

<b>Layne Tackett</b>	<b>1 year term</b>
<b>Ed Smith</b>	<b>1 year term</b>
<b>Teresa Combs</b>	<b>1 year term</b>
<b>Robbie Bevins</b>	<b>2 year term</b>

**Commissioner Layne made the motion to approve the Mayor's nominations to the Vacant Property Review Commission as stated. Commissioner Carter seconded the motion. The motion carried unanimously.**

**The fifth and final appointment was deferred until the next regular meeting.**

**4. Second reading was given to the following ordinance entitled:**

**AN ORDINANCE RELATED TO THE AMENDMENT OF SECTION 150.15(A) INCREASING PERMIT FEES AND SECTION 150.15(B) OF THE SCHEDULE OF BUILDING PERMIT FEES TO PROVIDE FOR AN INCREASED FEE IN THE SUM OF ONE HUNDRED DOLLARS (\$100.00) OR DOUBLE THE FEE PROVIDED FOR IN SECTION 150.15(A), WHICHEVER FEE IS GREATER WHEN CONSTRUCTION IS STARTED WITHOUT A BUILDING PERMIT; PROVIDING FOR A HABITUAL VIOLATOR FEE OF FIVE HUNDRED DOLLARS (\$500.00) AND PROVIDING FOR A LIEN UPON THE REAL ESTATE UPON WHICH THE CONSTRUCTION OCCURS FOR UNPAID BUILDING PERMIT FEES**

**City Attorney Davis commented the building permit fees had not been adjusted in approximately 20 years.**

Commissioner Layne made the motion, seconded by Commissioner Hall to adopt the ordinance as read. The motion carried by the following votes:

<b>COMMISSIONER:</b>	<b>DALLAS LAYNE</b>	<b>YES</b>
	<b>EUGENE W. DAVIS</b>	<b>YES</b>
	<b>JAMES A. CARTER</b>	<b>YES</b>
	<b>M. SHANE HALL</b>	<b>YES</b>
<b>MAYOR:</b>	<b>FRANKLIN D. JUSTICE, II</b>	<b>YES</b>

5. First reading was given to an ordinance entitled as follows:

**AN ORDINANCE RELATED TO THE LICENSING, RESTRICTION AND REGULATION OF ADULT ENTERTAINMENT; ESTABLISHING AN EMPLOYEE AGE REQUIREMENT; PROHIBITING ALCOHOLIC BEVERAGES SALES BY LICENSEES AND PROVIDING FOR PENALTIES FOR VIOLATIONS**

The Commission heard explanations from the City Attorney and City Manager with regard to the foregoing ordinance. It was pointed out that adult entertainment establishments are considered a legal business. Without regulations, the business could locate in any commercial area. City Attorney Davis advised the ordinance is not going to prohibit adult establishments, but will provide for strict licensing requirements.

Second reading of the ordinance was scheduled for May 9, 2005.

Mayor Justice made the motion to adopt a resolution asking the Pike County Fiscal Court to consider adopting the foregoing Ordinance. Commissioner Carter seconded the motion. The motion carried unanimously.

**E. FIRE DEPARTMENT REPORTS:** Fire Chief, Tommy Hall, presented a brief summary of activities in the Fire Department since April 11<sup>th</sup>. The department answered 34 fire calls; 65 EMS calls; made 120 inspections for Hillbilly Days vendors; installed 10 child car seats; cleaned around the cemetery and pond; and installed screens over the 36" drains. The Fire Chief is in the process of preparing a powerpoint demonstration for operation and maintenance of the flood gates.

**F. POLICE DEPARTMENT REPORTS:** Police Sergeant, Chris Edmonds, presented a verbal report of the Police Department's activities since April 11<sup>th</sup>. The department answered 586 calls during this period. 18 arrests were made during the three day Hillbilly Days festival. Foot patrol and patrolling schedules have been revised. The Mayor requested a report detailing patrols for a complete 24 hour period.

The Mayor and Commission commended the Fire Department, Police Department and Veolia Water personnel for their services during Hillbilly Days. Commissioner Davis commented that he thought this year's festival was more organized than any

of the preceding festivals. He further stated that the clean-up efforts were better than in preceding years.

Commissioner Davis made the motion to adjourn to closed session for the purpose of discussing a legal matter and a personnel matter. Commissioner Hall seconded the motion. The motion carried unanimously.

Mayor Justice made the motion, seconded by Commissioner Hall to reconvene to regular session. The motion carried unanimously.

The clerk presented the bids received for demolition of seven structures in the Phase VI Redevelopment Project. The bids were as follows:

Corbin Mining, LLC	\$42,000.00
RAD Contracting	\$68,000.00
Patriot Construction	\$80,000.00

The clerk reported the bid for Corbin Mining, LLC is based upon receipt of a waiver from the City granting permission to waste at an alternate location other than a licensed landfill. RAD Contracting did not submit a bid bond as required by specifications.

Commissioner Carter made the motion, seconded by Commissioner Layne to award the bid for demolition to Corbin Mining, LLC and to grant a waiver to allow them to waste the debris at an alternate location. The motion carried 4 – 0 – 1 with Mayor Justice abstaining from the vote.

**F. CITY MANAGER’S REPORTS:** Donovan Blackburn, City Manager, presented the following items for the Commission’s consideration:

**1. RESOLUTION OF THE CITY OF PIKEVILLE CONDEMNING THE VIDEO PORTRAYAL OF PIKEVILLE, KENTUCKY BY A & E**

Be it resolved by the City of Pikeville, Kentucky that the City of Pikeville does hereby demand a public apology from the A & E Network concerning and related to a television show on their network called “City Confidential”. We, the Mayor and Commissioners for the City of Pikeville strongly condemn the installment that aired on Saturday, March 26, 2005, entitled “Pikeville, Kentucky – Kentucky Gothic”, in which they portrayed our city and community in an unfair, derogatory, inaccurate and insulting manner.

WHEREAS, City Confidential represents itself as a show that “goes inside a unique American city and explores its colorful characters, its peculiar history, and the truth behind its hidden mystery. With its lush cinematography, insightful interviews, and in-depth reporting, CITY CONFIDENTIAL® gets to the heart of every city-and every story”, yet they disregard not only the truth about Pikeville, but also NEVER attempted to get at its heart, and

**WHEREAS, City Confidential strategically pieced together interviews to cast an unfair and untrue light on our city; and**

**WHEREAS, They twisted the story of our town around in a manner that would fit the story they were telling; and**

**WHEREAS, They practiced irresponsible journalism by not checking their facts before airing them; and**

**WHEREAS, A more in depth list of grievances follows in the attached letter:**

**BE IT RESOLVED that I, Frank Justice, II, and the City Commission, on behalf of our fine citizens do hereby demand that the Arts and Entertainment Network and the television show City Confidential issue a national public apology to our city.**

**Commissioner Hall made the motion to adopt the Resolution. Commissioner Carter seconded the motion. The motion carried unanimously.**

**2. Coal Severance Funding: Presented was the following resolution concerning the Coal Severance Line Item Budget:**

**RESOLUTION OF THE CITY OF PIKEVILLE  
BOARD OF COMMISSIONERS APPROVING A  
LETTER OF PRIORITY RATING FOR  
LINE-ITEM COAL SEVERANCE PROJECTS**

**WHEREAS, the City of Pikeville Board of Commissioners have proposed three projects to be funded with Coal Severance Funds; and,**

**WHEREAS, the City of Pikeville Board of Commissioners have designated the projects and prioritization as follows:**

<b>Project</b>	<b>Amount</b>	<b>Fiscal Year</b>	<b>Priority</b>
<b>Sewer Plant Upgrade</b>	<b>\$500,000</b>	<b>FY 2005-06</b>	<b>1</b>
<b>Pikeville Tourism Study</b>	<b>\$ 25,000</b>	<b>FY 2004-05</b>	<b>1</b>
<b>City of Pikeville Economic Development</b>	<b>\$100,000</b>	<b>FY 2004-05</b>	<b>2</b>

**NOW, THEREFORE, BE IT RESOLVED by the City of Pikeville that the Sewer Plant Upgrade will be listed in the 2005-06 operating budget and assigned a Priority 1 rating; the Pikeville Tourism Study will be listed in the 2004-05 operating budget and assigned a Priority 1 rating; and City of Pikeville Economic Development Study will be listed in the 2004-05 operating budget and assigned a Priority 2 rating.**

**Commissioner Carter made the motion to adopt the resolution. Commissioner Hall seconded the motion. The motion carried unanimously.**

**3. Vehicle Bids: Three bids were received for the purchase of a dump truck and a 4X4 truck for the Sewer Department. The low bid for both vehicles was received from Empire Ford. The dump truck bid was \$41,098.38 and snow plow was \$4,300.00. The bid for the sewer truck was \$32,395.00. Project Manager, Greg**

May, recommended award of the bid to the low bidder, Empire Ford. Mayor Justice made the motion to award the bid for purchase of a dump truck/snow plow and 4 X 4 truck to Empire Ford as recommended by Mr. May. Commissioner Davis seconded the motion. The motion carried unanimously.

4. **Police Officer:** City Manager Blackburn made the motion to hire Anthony Conn for the position of police officer at the wage rate of \$11.02/hr., pending satisfactory completion of background investigation. Commissioner Layne made the motion to hire Anthony Conn for the position of police officer, pending a satisfactory background investigation. Commissioner Hall seconded the motion. The motion carried unanimously.

5. **Jail Expansion:** The City Manager announced the groundbreaking ceremony for the Pike County Jail Expansion Project is April 26<sup>th</sup> at 10 a.m.

There being no further business to come before the Commission, Commissioner Davis made the motion, seconded by Commissioner Hall to adjourn the meeting. The motion carried unanimously. (Adjournment Time: 8:00 p.m.)

The next meeting of the Pikeville City Commission is scheduled for May 9, 2005 at 6:00 p.m.

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

ATTEST:

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KAREN W. HARRIS, CITY CLERK