

**CITY OF PIKEVILLE  
BOARD OF COMMISSIONERS  
REGULAR MEETING MINUTES  
AUGUST 27, 2007**

A regular meeting of the Board of Commissioners for the City of Pikeville was held on Monday, August 27, 2007. The meeting was held in the designated meeting place in the City Hall Public Meeting Room, 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:

<b>COMMISSIONER:</b>	<b>DALLAS LAYNE JAMES A. CARTER BARRY N. CHANEY</b>
<b>MAYOR:</b>	<b>FRANKLIN D. JUSTICE, II</b>

Commissioner Eugene W. Davis was absent.

**AGENDA ITEM II. MINUTES**

The minutes for the previous regular meeting held on July 23, 2007 were included in each Commission Member's agenda package. There being no additions or corrections, Commissioner Chaney made the motion, seconded by Commissioner Layne to approve the minutes as prepared. The motion carried 4 – 0.

**AGENDA ITEM III. BUSINESS FROM THE FLOOR**

- A. PUBLIC TRANSPORTATION:** Mayor Justice commended Commissioner Chaney and City Manager Blackburn for their efforts in negotiating an agreement with Sandy Valley Transportation to provide public transportation services for the community.
- B. SMOKING IN PUBLIC PLACES:** Mayor Justice asked the Commission to consider adoption of an Ordinance to ban smoking in public places. The mayor expressed his concern for the health of the community's children. Free standing bars are to be exempt from the ban. Commissioner Carter requested that a resolution be adopted to encourage Pike County and the incorporated areas in Pike County to adopt a similar ban. A county-wide ban would ensure fairness to all businesses. Commissioner Chaney made the motion to authorize the preparation of an ordinance banning smoking in public places to be considered at the next regular meeting. Commissioner Layne seconded the motion. The motion carried 4 – 0.

**AGENDA ITEM IV. PAYMENT OF BILLS**

A list of City Bills totaling \$573,279.49 was presented to the Commission for approval of payment. Commissioner Carter made the motion, seconded by Commissioner Chaney to approve payment of the list of bills as requested. The motion carried 4 – 0.

**AGENDA ITEM V. OLD BUSINESS**

- A. BIG SANDY AREA DEVELOPMENT DISTRICT:** Melanie Stevens was present on behalf of the Big Sandy Area Development District. Ms. Stevens advised that the East Kentucky Fair was deemed a success. Director Sandy Runyon plans to deliver a report regarding the East Kentucky Fair during the Commission's next regular meeting.
- B. PIKEVILLE MAIN STREET PROGRAM:** No report

C. CITY ENGINEER'S REPORTS: No report

D. CITY ATTORNEY'S REPORTS: Russell H. Davis, Jr., city attorney, presented the following ordinances for the Commission's 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 DILAPIDATED HOUSING SO TO DESIGNATE THE VACANT PROPERTY REVIEW COMMISSION AS THE HEARING OFFICER FOR CHAPTER 92 (ORDINANCE O-2007-023)**

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

COMMISSIONER:	DALLAS LAYNE	YES
	EUGENE W. DAVIS	ABSENT
	JAMES A. CARTER	YES
	BARRY N. CHANEY	YES
MAYOR:	FRANKLIN D. JUSTICE, II	YES

2. Lackens Branch Annexation: First reading was given to an Ordinance captioned as follows:

**ORDINANCE FINALLY ANNEXING TO THE CITY OF PIKEVILLE CERTAIN UNINCORPORATED TERRITORY LYING ADJACENT TO THE PRESENT CITY CORPORATE LIMITS AND COMPRISING OF APPROXIMATELY 394.02 ACRES EXTENDING THE CITY'S CORPORATE LIMITS INTO LACKENS CREEK**

It was announced that a Special Meeting would be held on August 28, 2007 at 6:00 p.m. to consider second reading and adoption of the foregoing ordinance.

E. CITY MANAGER'S REPORTS: Donovan Blackburn, City Manager, presented the following items for the Commission's consideration:

1. Bike Trail: City Manager Blackburn reported that bids had been received for the construction of the multi-use trail in Bob Amos Park. The low bid was submitted by H20 Construction in the amount of \$101,984.00. A resolution to award the project was presented as follows:

**A RESOLUTION TO ISSUE A NOTICE OF AWARD FOR BOB AMOS MULTI-USE TRAIL PROJECT PIKEVILLE, KENTUCKY**

WHEREAS, the City of Pikeville opened sealed bids for the aforementioned project on August 9, 2007 and

WHEREAS, H20 Construction Co., Inc. of Pikeville, KY submitted the low bid for the project and

WHEREAS, the City of Pikeville has secured project funding from the Transportation Cabinet.

**THE CITY OF PIKEVILLE DOES HEREBY RESOLVE AS FOLLOWS:**

That the construction contract for "Bob Amos Multi-Use Trail Project" be awarded to H20 Construction Co., Inc.

Commissioner Carter made the motion to adopt the Resolution as presented and read. Commissioner Layne seconded the motion. The motion carried 4 – 0.

2. **Pikeville ByPass Project:** Presented for approval was a Memorandum of Agreement between the Kentucky Transportation Cabinet and the City of Pikeville for funding not to exceed \$250,000 for preliminary engineering services in the mitigation of the rockfall problem on the Pikeville Bypass – KY 1426. A resolution authorizing the execution of the agreement was presented and read as follows:

**RESOLUTION ADOPTING AND APPROVING THE EXECUTION OF A MEMORANDUM OF AGREEMENT BETWEEN THE MAYOR OF THE CITY AND THE COMMONWEALTH OF KENTUCKY, TRANSPORTATION CABINET, DEPARTMENT OF HIGHWAYS FOR THE AMOUNT OF \$250,000 IN STATE REIMBURSEMENT FUNDING FOR PRELIMINARY ENGINEERING SERVICES TO DEVELOP CONCEPTUAL ALTERNATIVES FOR IMPROVEMENTS TO ADDRESS THE ROCKFALL PROBLEM ON THE PIKEVILLE BYPASS (KY 1426) IN THE CITY OF PIKEVILLE. ANY COSTS IN EXCESS OF \$250,000 WILL BE THE RESPONSIBILITY OF THE CITY.**

Be it resolved by the City Council that:

The Council does hereby ratify and adopt all statements, representations, warranties, covenants, and agreements contained in said Agreement and does hereby accept said Agreement and by such acceptance agrees to all the terms and conditions therein stated; and

The Mayor of the City of Pikeville is hereby authorized and directed to sign said Agreement as set forth on behalf of the City Council, and the City Clerk of Pikeville is hereby authorized and directed to certify thereto.

Commissioner Layne made the motion to adopt the Resolution as presented and read. Commissioner Chaney seconded the motion. The motion carried 4 – 0.

Presented for approval was the following resolution authorizing Summit Engineering, Inc. to provide the preliminary engineering services pursuant to the aforementioned Memorandum of Agreement regarding KY 1426:

**RESOLUTION OF AGREEMENT TO ACCEPT AND APPROVE MEMORANDUM OF AGREEMENT (MOA) BETWEEN THE CITY OF PIKEVILLE AND KENTUCKY TRANSPORTATION CABINET FOR THE KENTUCKY ROUTE 1426 & INTERSECTION 1460 KNOWN AS BYPASS ROAD AND AUTHORIZE THE MAYOR TO SIGN MOA**

WHEREAS, Kentucky Route 1426 & intersection of 1460 is located in the City of Pikeville and is known and traveled as the Pikeville Bypass Road.

WHEREAS, the City of Pikeville City Commission does authorize the approval and execution of a Memorandum of Agreement (MOA) between the City of Pikeville and the Kentucky Transportation Cabinet for any work, feasibility study and or engineering services for work to be applied to Kentucky Route 1426, Bypass Road & intersection of 1460.

WHEREAS, the City of Pikeville authorizes Summit Engineer (the city's engineer) to execute all engineering services toward the design and engineering of this project.

NOW, THEREFORE, BE IT RESOLVED the Pikeville City Commission fully supports this project and authorizes Mayor Frank Justice to sign any and all necessary paperwork now and into the future to execute the MOA on behalf of the City for the purpose of work, design, engineering services and or studies related and or any other requirement to address the problems with route 1426 and the intersection of route 1460.

Commissioner Carter made the motion to adopt the resolution as presented. Commissioner Layne seconded the motion. The motion carried 4 – 0.

Summit Engineering will be preparing the preliminary engineering documents in conjunction with Wilbur Smith & Associates.

3. **Blacktop:** Presented for approval was a Memorandum of Agreement between the Kentucky Transportation Cabinet and the City of Pikeville providing for reimbursement of up to \$300,000 for blacktopping of various city streets. Commissioner Carter made the motion to approve the agreement and authorize the Mayor to execute said agreement. Commissioner Chaney seconded the motion. The motion carried 4 – 0.

4. **Fire Department:** City Manager Blackburn and Fire Chief Conn recommended approval to promote Keith Gillispie to the position of Lieutenant and to authorize the wage increase pursuant to the pay schedule. Commissioner Chaney made the motion to promote Keith Gillispie to the rank of Lieutenant and to authorize a wage increase pursuant to the pay schedule. Commissioner Carter seconded the motion. The motion carried 4 – 0.

5. **Sandy Valley Transportation:** City Manager Blackburn and Commissioner Chaney met with the executive board of Sandy Valley Transportation regarding a plea to resume public transportation within the city limits. An agreement for 5 days per week service was negotiated. Provisions of the agreement include the City funding \$1,000/month of the cost. It will be the city's responsibility to collect an additional \$22,000 to \$25,000 from private donors for the service. Commissioner Chaney made the motion, seconded by Commissioner Layne to authorize the expenditure of up to \$12,000/yr to Sandy Valley Transportation for the public transit service, and further to authorize the Mayor to execute the necessary documentation contingent upon review and approval of the terms and conditions of the agreement by the City Manager and City Attorney. The motion carried 4 – 0.

6. **Pikeville High School Field House:** Presented and given reading was the following resolution naming the Pikeville High School Field House in honor of Ken Trivette:

**RESOLUTION RECOGNIZING AND HONORING  
KEN TRIVETTE**

**WHEREAS, Ken Trivette served Pikeville High School as athletics director, assistant football coach, basketball coach and baseball coach since 1984; and**

**WHEREAS, Ken Trivette is a retired teacher with twenty-seven years of service; and**

**WHEREAS, Ken Trivette began his leadership career as head basketball coach at Cumberland College, where he led his team to their first ever NAIA National Tournament appearance. Upon leaving Cumberland College, he served Morehead State University as lead assistant and recruiting coordinator; and**

**WHEREAS, Ken Trivette was athletic director and assistant football coach during the 1987, 1988, and 1989 Pikeville High School State Football Championship teams, that became the first ever, to win three consecutive state titles; and**

**WHEREAS, Ken Trivette has distinguished himself as a teacher, coach, and community leader and his accomplishments are worthy of being honored and recognized by the Board of Commissioners for the City of Pikeville.**

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS FOR THE CITY OF PIKEVILLE AS FOLLOWS:**

- 1. That Ken Trivette is duly honored and recognized by the City of Pikeville for his many achievements as a teacher, coach and community leader.**
- 2. That in recognition of Ken Trivette's many achievements while serving as athletic director for Pikeville High School, the Board of Commissioners for the City of Pikeville does hereby name the field house at the W.C. Hambley Athletic Complex, Ken Trivette Field House, in honor of Ken Trivette.**
- 3. That the outstanding accomplishments of Ken Trivette as set forth hereinabove shall be caused by the Clerk for the City of Pikeville to be recorded among the records of the City of Pikeville so that others that come hereafter will know of his many achievements and accomplishments.**

Commissioner Chaney made the motion to adopt the resolution as presented. Mayor Justice seconded the motion. The motion carried 4 – 0.

**7. Surplus Item Auction:** City Manager Blackburn requested permission to host an auction to dispose of surplus items, including vehicles. Commissioner Layne made the motion, seconded by Commissioner Chaney to grant permission to host an auction to dispose of surplus property. The motion carried 4 – 0.

**8. Combined Sewer Overflow Consent Judgement:** Utility Management Group Manager, Greg May, and City Attorney Davis briefed the Commission regarding a judgement issued concerning the separation of sanitary and storm sewer. It was explained the judgement orders the City of Pikeville to remove storm water from the sanitary sewer system. The City of Pikeville has 7 years to complete the order. Mr. May estimated the project is between 45-50% complete and is confident the City can comply with the timetable. Failure to comply will result in a \$200/day fine. The judgement orders the City of Pikeville to pay a fine of \$1,000. Mr. May pointed out the judgement stems from a change in governmental policies regarding the treatment of storm water.

The City of Pikeville has two years to identify the areas of correction. The City Manager, City Attorney, and UMG Manager recommended that the Commission sign the consent judgement and authorize payment of the \$1,000 fine. Commissioner Chaney made the motion, seconded by Commissioner Carter to authorize the Mayor to sign the consent judgement and to authorize payment of the \$1,000 fine. The motion carried 4 – 0.

9. **Police Vehicle Acquisition:** Commissioner Chaney made the motion, seconded by Commissioner Carter to authorize the advertisement to purchase three vehicles for the police department. The motion carried 4 – 0.

10. **1<sup>st</sup> Quarter Holdings:** Commissioner Chaney made the motion, seconded by Commissioner Layne to accept a roadway dedication from 1<sup>st</sup> Quarter Holdings. The roadway is located off Alexandra Drive. The motion carried 4 – 0.

11. **Board of Zoning Adjustments:** Mayor Justice made the motion to appoint Joel Thornberry to serve as a member of the Board of Zoning Adjustments. Commissioner Carter seconded the motion. The motion carried 4 – 0.

12. **Technical Advisory Committee:** Commissioner Chaney made the motion to appoint Tim Malone and Mark Batten to serve as members of the Technical Advisory Committee. Commissioner Carter seconded the motion. The motion carried 4 – 0.

13. **UNITE Pike:** Amber Campbell, UNITE Pike Coordinator, was introduced to the Commission. Ms. Campbell gave a brief report of activities in which UNITE Pike is involved. Ms. Campbell asked the Commission to consider adoption of a resolution proclaiming September as National Drug and Alcohol Addiction Recovery month. The resolution was read as follows:

**PROCLAMATION ON BEHALF OF THE CITY OF PIKEVILLE  
NAMING THE MONTH OF SEPTEMBER AS “NATIONAL ALCOHOL  
AND DRUG ADDICTION RECOVERY MONTH”**

**WHEREAS**, substance abuse is a serious problem, and as many as 63 percent of Americans say that addiction to alcohol or other drugs has had an impact on them at some point in their lives, whether it was the addiction of a friend or family member or another experience, such as their own personal addiction; and

**WHEREAS**, 22.2 million people in the United States faced substance abuse issues in the past year, and all deserve to experience the many benefits of treatment and recovery; and

**WHEREAS**, treatment for substance abuse has a large and meaningful impact on our community, and research shows that substance abuse disorders are medical conditions that can be effectively treated, just as many illnesses are treatable; and

**WHEREAS**, we need to recognize the achievements of those who seek treatment services and celebrate their successes, and we have to ensure that treatment services are readily available to those who need them; and

**WHEREAS**, it is critical that we educate community members and local businesses about the substantial benefits of treatment, and by take steps to address it, as well as provide support for the families and children of those struggling with addictions, we can save lives and proactively address substance abuse issues in the workplace and other environments; and

**WHEREAS**, to achieve this goal, Operation UNITE, the U.S. Department of Health and Human Services, the Substance Abuse and Mental Health Services Administration (SAMHSA), and the White House Office of National Drug Control Policy (ONDCP), invite all residents of City of

Pikeville to participate in National Alcohol and Drug Addiction Recovery Month (Recovery Month); and

NOW THEREFORE, I, Mayor Frank Justice, by virtue of the authority vested in me by the laws of the City of Pikeville, do hereby proclaim the month of September 2007 as

**National Alcohol and Drug Addiction Recovery Month**

In and call upon the people of Pikeville to observe this month with appropriate programs, activities, and ceremonies supporting Recovery Month.

Commissioner Chaney made the motion to adopt the resolution as presented and read. Commissioner Layne seconded the motion. The motion carried 4 – 0.

Commissioner Layne made the motion to adjourn to closed session for the purpose of discussing economic development, personnel and legal issues. Mayor Justice seconded the motion. The motion carried 4 – 0.

Mayor Justice made the motion to reconvene to regular session. Commissioner Layne seconded the motion. The motion carried 4 – 0.

Position Posting: Commissioner Carter made the motion to advertise for applications for the position of Police Officer. Commissioner Layne seconded the motion. The motion carried 4 – 0.

City Park Expansion: Commissioner Chaney made the motion to authorize the City Manager to either submit a bid or to file condemnation for the acquisition of the property located at 178 College Street. Commissioner Layne seconded the motion. The motion carried 4 – 0.

YMCA: City Attorney Russell H. Davis, Jr. explained that the Pikeville Area Family YMCA is in the process of securing funds through Community Trust Bank for the purpose of expanding and improving the YMCA facility, located on Bob Amos Drive. The City of Pikeville, through a Development and Loan Agreement dated May 25, 1995, and recorded in the Pike County Clerk's Office, Mortgage Book 341 Page 268, holds a mortgage on said YMCA facility. The Pikeville Area Family YMCA and Community Trust Bank has requested that the City of Pikeville subordinate its mortgage to Community Trust Bank to effectuate the loan to the YMCA for its expansion and improvements.

Commissioner Chaney made the motion to subordinate the City of Pikeville's mortgage to Community Trust Bank, contingent upon receipt of a letter from the Pikeville Area Family YMCA confirming that the lease agreement, between the City of Pikeville and the YMCA for the lease of the property known as the softball field/soccer field, has expired and terminated. Commissioner Carter seconded the motion. The motion carried 4 – 0.

There being no further business to come before the Commission, Commissioner Layne made the motion, seconded by Commissioner Carter to adjourn the meeting. The motion carried 4 – 0.

The next regular meeting of the City of Pikeville Board of Commissioners is scheduled for September 10, 2007 at 6:00 p.m.

APPROVED: \_\_\_\_\_

  
FRANKLIN D. JUSTICE, II, MAYOR

ATTESTED:

  
KAREN W. HARRIS, CITY CLERK