

**CITY OF PIKEVILLE
BOARD OF COMMISSIONERS
REGULAR MEETING MINUTES
September 8, 2008 AT 6:00 P.M.**

The Board of Commissioners for the City of Pikeville met in a regular called session on Monday, September 8, 2008. The meeting was held in the City Hall Conference Meeting Room located at 118 College Street, Pikeville, Kentucky.

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

COMMISSIONER: **GENE DAVIS
BARRY CHANEY
DALLAS LAYNE
JIMMY CARTER**

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

MINUTES

The minutes for the previous regular meeting held on August 25, 2008 were in each Commission Member's agenda package. There being no additions or corrections, Commissioner Layne made the motion to approve the minutes as prepared. Commissioner Chaney seconded the motion. Mayor Frank Justice called for discussion, there being none the motion carried unanimously.

PAYMENT OF CITY BILLS

A list of City Bills totaling \$446,387.64 was presented to the Commission for approval of payment. Commissioner Davis made the motion to approve. Commissioner Chaney seconded the motion. Mayor Frank Justice called for discussion, there being none the motion carried unanimously.

BUSINESS FROM FLOOR

Mayor Frank Justice opened the floor to any new business. Resident James Huffman was present and addressed the commission on receiving a copy of the ordinance that was in reference to the tenant/landlord nuisance complaint that was published in the Appalachian News Express paper. Mayor Justice advised Mr. Huffman that there was no ordinance pertaining to tenant/landlord but there is a City ordinance on nuisance and that ordinance is what would be addressed. Commissioner Carter explained to Mr. Huffman that the city will take action to prevent any violators of the nuisance ordinance. Mr. Huffman asked if the City could notify the landlords before action was taken. Mayor Justice advised Mr.

Huffman it was the responsibility of the landlord for his tenant's actions, not the City. Mayor Justice if the police had to be called for that residence for music too loud or a crime numerous times then the City attorney will take action by filing a suit in court and the court would decide. City Manager Donovan Blackburn explained that the top 10 complaints were pulled from the police department and 6 were left on the list. The landlords that were removed from the list had addressed the problems with their tenants'. Commissioner Chaney supported this action and advised Mr. Huffman he should look at other options with his tenants'' such as rental agreements and legal process if necessary. City Manager Donovan Blackburn stated public safety is the main concern.

OLD BUSINESS

- A. Main Street Director Jennifer Bunch updated the commission with a September 2008 work plan on her task she was working on with target dates and completion dates.
- B. Russell H. Davis, Jr., City Attorney, presented the following matters for the Commission's consideration:
 - 1. City Attorney Rusty Davis presented a request to consider a second reading of an ordinance amending Chapter 72 "Parking Regulations" REGULATIONS" FOR THE CITY OF PIKEVILLE

ORDINANCE NO. 0 2008 21

Commissioner Jimmy Carter made the motion to approve.
 Commissioner Barry Chaney seconded the motion. Upon roll call:

	<u>YES</u>	<u>NO</u>
FRANK JUSTICE, II MAYOR	<u>X</u>	_____
GENE DAVIS, COMMISSIONER	<u>X</u>	_____
JIMMY CARTER, COMMISSIONER	<u>X</u>	_____
DALLAS LAYNE, COMMISSIONER	<u>X</u>	_____
BARRYCHANEY, COMMISSIONER	<u>X</u>	_____

The Mayor declared the within ordinance adopted.

(s) Frank Justice

FRANK JUSTICE, II, MAYOR

ATTESTED:

(s) Rebecca Hamilton

REBECCA HAMILTON, CITY CLERK

- 2. City Attorney Rusty Davis presented a request to consider a second reading of Ordinance Chapter 101.**

Ordinance 0 2008 22

ORDINANCE PROHIBITING THE CHANGING OF APPEARANCE OF PUBLIC IMPROVEMENTS WITH IN THE DOWNTOWN RENAISSANCE AREA: EQUIRING A PERMIT FOR CERTAIN CHANGES AND ESTABLISHING PENALTY FOR VIOLATION; RIGHT OF ENTRY TO REPAIR, MAINTAIN AND REMEDY VILATIONS.

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 25TH day of August, 2008; the ordinance was given a second reading on the 8th day of September, 2008.

Passed this 8th day of September, 2008.

Commissioner Dallas Layne moved for the adoption of the forgoing ordinance.

Commissioner Barry Chaney seconded the motion.

Upon roll call, the votes were as follows:

	Yes	No
FRANK JUSTICE, MAYOR	<u> X </u>	_____
GENE DAVIS, COMMISSIONER	<u> X </u>	_____
DALLAS LAYNE, COMMISSIONER	<u> X </u>	_____
JIMMY CARTER, COMMISSIONER	<u> X </u>	_____

The Mayor declared the within ordinance adopted.

(s) Frank Justice _____

FRANKLIN D. JUSTICE, II MAYOR

ATTEST:

(s) Rebecca Hamilton _____

REBECCA HAMILTON, CITY CLERK

- 3. City Attorney Rusty Davis presented a first reading of an ordinance 2008 Supplement to the City of Pikeville Code of Ordinances.**

C. City Manager Report: City Manager Donovan Blackburn asked the commission to consider the following requests.

- 1. Consider request to hire Jeffrey Lee Prater for the Technology Director for the City of Pikeville contingent upon Mr. Prater passing all required pre employment tests at the starting rate for the position. Commissioner Chaney made the motion to approve. Commissioner Davis seconded the motion. Mayor Frank Justice called for discussion, there being none the motion carried unanimously.**
- 2. Consider request to accept Memorandum of Agreement for the HB410 Coal Severance Tax Project #559 SX21195124 for the Marion Branch Economic Development construction for FY08 in the amount of \$880,000.00 and have the mayor sign and execute any and all documents. Commissioner Chaney made the motion to approve. Commissioner Davis seconded the motion. Mayor Frank Justice called for roll call: the motion carried unanimously.**
- 3. Consider request to accept Memorandum of Agreement for the HB410 Coal Severance Tax Project #556 SX21195127 for the Sewer Extensions for Buckley Creek for FY08 in the amount of \$180,000.00 and have the mayor sign and execute any and all documents. Commissioner Chaney made the motion to approve. Commissioner Davis seconded the motion. Mayor Frank Justice called for roll call: the motion carried unanimously.**
- 4. Commissioner Jimmy Carter wanted to share his experience with the Pikeville Fire Department on an eye opening experience.**

Commissioner Carter participated in the Fire School Training at Auxier Ave and noted that the other schools held Pikeville Fire Department with the highest regards in professional and training standards. Commissioner Carter was very impressed with the department.

5. Consider a request for closed session for the purpose of discussion of legal and economic development issues. Commissioner Layne made the motion to approve. Commissioner Carter seconded the motion. Motion passed unanimously.
6. Commissioner Carter made motion to re-convene into regular session. Commissioner Layne seconded the motion.
7. Consider request to approve a project at Cedar Creek which involves 4 or 5 residents yards with drainage issues as depicted and recommended on an exhibit by the City Engineering Firm; Summit Engineering. The cost of the project would be an estimated \$1,500.00. Commissioner Chaney made the motion to approve. Commissioner Davis seconded the motion. Mayor Justice called for further discussion. City Manager stated the project would be on utility easements along private tracks since it involved 4 or 5 residents. City Attorney stated the work was for the public good and was allowed. There being no further discussion, the motion carried unanimously.
8. Consider request to construct the sewer line up Buckley's Creek and in partnership with the Pike County School system by allowing the Mullins School as approved by the County School Board to provide the necessary line and cost of construction to hook into the city's line which will terminate at the mouth/end of the hollow where the Christian School entrance point. As outlined in the paragraph below the school will agree to fund their portion of the project and the city will agree to reimburse the school using the method and formula as shown below. The motion would also give the Mayor Justice the authority to sign and execute any and all documents retaining to this matter under the terms of the paragraph below. Commissioner Carter made the motion to approve. Commissioner Layne seconded the motion. Mayor Justice called for discussion. There being no further discussion, the motion carried unanimously.

The City agrees to reimburse the school system at the end of 5 years from the date of the agreement a portion of the initial cost of \$174,189.00 for the 4 inch force main beginning at Adams Road to the connection of the Mullins School for any additional customers that the City connects to the City's system between Adams Road and the Mullins School tap. The amount reimbursed will be in proportion to the flow received by the Pike County School system and any additional customers to the City's system between Adams Road and the Mullins School tap. The flow rate used to

