

**CITY OF PIKEVILLE
BOARD OF COMMISSIONERS
REGULAR MEETING MINUTES
February 23, 2009 AT 6:00 P.M.**

The Board of Commissioners for the City of Pikeville met in a regular called session on Monday, February 23, 2009. 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 February 9, 2009 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 Layne 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 \$ 131,929.15 was presented to the Commission for approval of payment. 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.

OLD BUSINESS

- A. Big Sandy Area Development District representative Melanie Stevens was present. Mayor Justice asked for a brief review and update on the Marion's Branch Project. Mrs. Stevens advised that the Economic Recovery Funds (ERF) Project Consideration Form was due February 27, 2009. The form was necessary due to the project is not currently ranked on the 2010 priority list, a project questionnaire and additional required materials must be submitted to the Division of Water to be ranked for the ERF consideration.

Mayor Justice asked how many homes this project would affect. City engineer Jack Sykes answered about 420 homes.

- B. 1. City Engineer Jack Sykes submitted an order request for the Bob Amos Baseball Field and RV Park. Change order for the contractor H2O Construction; No. 2 on Contract No. 2 was submitted for increase of \$8,248.00 to the contract price with no change to the contract time. Mayor Justice asked why was the change order needed. Mr. Sykes answered; reconcile quantities and add a line item “2u” in order to provide single pedestal electrical service to each space. Nine dual service pedestals were removed and 18 single service pedestals were added. RV dump station has been deleted from the original contract. Mayor Justice asked if RV site would be ready for the annual Hillbilly Days Event. Mr. Sykes; Yes, we hope to be. The only issue is the blacktop for the site location. Mayor Justice stated that the site would have cable connections. Mayor Justice stated he wanted the site done right no cutting corners and the blacktop should be complete. Commissioner Davis made the motion to approve the change order. Commissioner Carter seconded the motion. Mayor Justice called for further discussion, there being none the motion passed unanimously.**
- 2. Jack Sykes submitted engineering services proposal for the Peach Orchard Re Development Project and the Sandy Valley Water Main Replacement Project. The Peach Orchard project a re development study and report for the lump sum fee of \$20,000.00 with a net 30 day basis with invoices tendered every thirty days as a percentage of completion. The Sandy Valley Water Main Project would replace the Sandy Valley 12” water asbestos cement water line between Coal Run and Cowpen. This is a design only project at this time. Bidding, construction administration, and resident inspection services may be added as “additional services” through a written scope addendum, once the project is fully funded. Summit Engineering Inc. proposes to provide the design services for a lump sum fee of \$56,000.00. Mayor Justice asked we had a motion. Commissioner Davis made the motion to approve. Commissioner Carter seconded the motion. Mayor Justice called for further discussion. Commissioner Davis asked if Summit was helping with the stimulus funding. Mr. Sykes stated yes we are helping the county with the process and the city. Mr. Davis; the By Pass project more rock falls this winter are we seeking funding to take care of this area? Mr. Sykes; I think that is the relocation phase 2 for that area. Commissioner Carter asked if the county would have to go to bid. Mr. Sykes stated all project would have to be bid. Mr. Sykes; we will know more in a few weeks and will stay on top of the by pass project. Mayor called for further discussion, there being none the motion passed unanimously.**
- C. Russell H. Davis, Jr., City Attorney, presented but had no matters to discuss at this meeting.**
- D. City Manager Report: City Manager Donovan Blackburn asked the commission to consider the following requests.**
- 1. Consider request to discuss the progress of the cable franchise agreement status. Mr. Blackburn stated that Mr. William Pohts**

would be here around the 1st of March and would be contacting Codes Enforcement Office, Robert Smith and Suddenlink to talk about the original study and re fill out due to improvements and the upgrades that have been done to the service system. The bill from Suddenlink would be voided for the \$6,000.00 to the City and Suddenlink will pay. April 2009 will be a review of the system again.

2. Consider request to add item to agenda. Consider request to approve an agreement for the Physician Medical Service Agreement and authorize the Mayor sign and execute all documents. The City must have an active physician to operate the ambulance service and the current doctor had relocated out of the area. Commissioner Chaney made the motion to approve. Commissioner Carter seconded the motion. Mayor Frank Justice called for discussion, there being none the Mayor called for the vote to approve as submitted and the motion carried unanimously.
3. Consider request to adopt a proclamation in recognition of the accomplishments of the Class A State Basketball Champions at the Shelby Valley High School. Mayor Justice read the proclamation and Commissioner Carter made the motion to adopt. Commissioner Davis seconded the motion. Mayor Justice called for discussion, there being no further discussion the motion carried unanimously.

*Proclamation in Recognition and
Honor of the Shelby Valley High School
Wildcats and Their Coaching Staff for
Their Accomplishment in the 2009
All "A" State Championship*

WHEREAS, the Shelby Valley High School Varsity Basketball Team did compete in the 2009 All "A" State Championship; and

WHEREAS, the Shelby Valley High School Wildcats was victorious and accomplished the name of State Champions on Sunday February 1st in the 2009 All "A" State Championship tournament; and

WHEREAS, through outstanding team play the Wildcats went 4-0, undefeated beating the excellent teams of Henry County, Newport Central Catholic, Elliott County and in the final game top ranked in the State of Kentucky Bardstown; and

WHEREAS, the Shelby Valley High School Wildcats brings great honor, accomplishment and recognition to their community, school, team and its coaches; and

WHEREAS, this commission also calls to the attention of all the name of Elisha Justice. Through excellent in leadership and hard play Justice achieved the name of the Tournament's Most Valuable Player finishing the tournament with a total of 48 points and 16 steals; and

WHEREAS, through a tradition of excellence among all players at Shelby Valley High School shall be well known both statewide and such a tradition of excellence is worthy of being honored and recognized by the Board of Commissioners for the City of Pikeville.

Now, Therefore, Be it Proclaimed by the City of Pikeville as follows:

That the Shelby Valley High School Boys Basketball Team, Jacob Robinson, Elisha Justice, Logan Lucas, Logan Bryant, Ashley Hatfield, Taylor Newsome, Jonathan Berger, Cody Varney, Rusty Roberts, Devan Adams, Tyler Newsome, Trey Roberts, Christian Bartley, Dillon Tackett, Curby Tackett, Austin McCoy, Cody Bentley, Colton Damron, Jacob

Bonn, Johnny Mullins, Jordan Robinson, Lucas Fields, Steven Adkins, their team managers Harrison Booher, Jewel Booher and their coaches, Jason Booher, Greg Newsome, Ronnie Johnson, Rodney Wright, are by these presents duly honored and recognized by the City of Pikeville for their 2009 All "A" State Championship.

That because of each team member's outstanding representation of excellence in basketball and as a citizen of Pike County Kentucky they are hereby appointed and designated on this day as "Special Ambassador" of good will for the City of Pikeville.

That these outstanding accomplishments on behalf of the basketball team, managers and coaches set forth herein above shall be caused by the Clerk of the City of Pikeville to be recorded among the records of the City of Pikeville so that others that come hereafter will know of their excellence in achievement.

Adopted by Pikeville City Commission this 23rd day of February, 2009.

- 4. Consider request to adopt a proclamation in recognition of accomplishments of the Pikeville High School girls cheerleading program for being named champion in the 2008 KAPOs State Cheerleading Competition. Mayor Justice read the proclamation. Commissioner Layne made the motion to approve the proclamation. Commissioner Chaney made the motion to second. Mayor Justice called for motion to adopt proclamation. The motion carried unanimously.**
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*Proclamation in Recognition and
Honor of the Pikeville High School
Varsity Cheerleaders and Their
Coaching Staff for Their
Accomplishment in the 2008 KAPO
State Cheerleading Competition*

WHEREAS, the Pikeville High School Varsity Cheerleading Squad did compete in the 2008 KAPO State Cheerleading Competition; and,

WHEREAS, the Pikeville High School Varsity Cheerleading Squad were named Champion in the 2008 KAPO State Cheerleading competition; and

WHEREAS, the Pikeville High School Varsity Cheerleaders ranking in this competition not only brings honor and recognition to the squad and its coaches, but also brings national honor and recognition to the City of Pikeville; and

WHEREAS, a tradition of excellence among all cheerleaders at Pikeville High School is well known statewide and such a tradition of excellence is worthy of being honored and recognized by the Board of Commissioners for the City of Pikeville.

*Now, Therefore, Be it Proclaimed by the
City of Pikeville as follows:*

That the Pikeville High School Varsity Cheerleaders, Katie Akers, Mackenzie Bentley, Elizabeth Lee, Taylor Slone, Lynlee Jackson, Collins Kurkowski, Hannah Harris, Kayli Johnson, Kristin Little, Grace Mullins, Kathleen Smith, Niki Varney, Lindsey Akers, Morgan Curry, Carli Deskins, Cassie Huff, and their coach, Jeannie Stone, are by these presents duly honored and recognized by the City of Pikeville for their 2008 High School KAPOS State Champion title.

That because of each lady's outstanding representation of excellence in cheerleading and as a citizen of the City of Pikeville, they are hereby appointed and designated as "Special Ambassador" of good will for the City of Pikeville.

That these outstanding accomplishments on behalf of the cheerleaders and coaches set forth hereinabove shall be caused by the Clerk of the City of Pikeville to be recorded among the records of the City of Pikeville so that others that come hereafter will know of their excellence in cheerleading.

Adopted by Pikeville City Commission this 23rd day of February, 2009.

5. Consider request to adopt a proclamation in recognition and honor of the Pikeville High School Varsity Academic Team and their Accomplishment in the 2009 All "A" Academic State Tournament. Mayor Justice read the proclamation. Commissioner Carter made the motion to adopt. Commissioner Chaney seconded the motion. Mayor Justice called for the motion to adopt the proclamation. Motion carried unanimously.

Proclamation in Recognition and Honor of the Pikeville High School Varsity Academic Team and Their Accomplishment in the 2009 All "A" Academic State Tournament

WHEREAS, the Pikeville High School Varsity Academic Team did compete in the 2009 All "A" Academic State Tournament; and

WHEREAS, the Pikeville High School Varsity Academic Team was victorious in the 2009 All "A" Academic State Tournament; and

WHEREAS, the Pikeville High School Varsity Academic Team also accomplished Overall Winner of the 2009 Governor's Cup 58th District Tournament and finished 1st place in Quick Recall and 1st place in Future Problem Solving; and

WHEREAS, the Pikeville High School Academic Team brings great honor, accomplishment and recognition to their community, school, team and its coaches; and

WHEREAS, through a tradition of excellence among all Academic Team members at Pikeville High School is well known statewide and such a tradition of excellence is worthy of being honored and recognized by the Board of Commissioners for the City of Pikeville.

*Now, Therefore, Be it Proclaimed by the
City of Pikeville as follows:*

That the Pikeville High School Varsity Academic Team, Max Morley, Thomas Browning, Jack Carter, Shikha Sachdeva, Emily Thacker, Salman Jeelani, Christian, Harris, Carolyn Owens, Alex Taylor, Stephen Loader, and Thomas Lane, are by these presents duly honored and recognized by the City of Pikeville for their 2009 All "A" Academic State Championship.

That because of each team member's outstanding representation of excellence in Academics and as a citizen of the City of Pikeville, they are hereby appointed and designated on this day as "Special Ambassador" of good will for the City of Pikeville.

That these outstanding accomplishments on behalf of the academic team and coaches set forth herein above shall be caused by the Clerk of the City of Pikeville to be recorded among the records of the City of Pikeville so that others that come hereafter will know of their excellence in achievement.

Adopted by Pikeville City Commission this 23rd day of February, 2009.

6. Consider a request to adopt an amendment to the Police Department Policy Manual to include a new section. The section would include Awards and Honors Policy. Commissioner Carter made the motion to adopt the changes to Police Policy Manual. Commissioner Chaney seconded the motion. Mayor Justice called for further discussion, there being none the motion passed unanimously.

7. Consider a request to extend a job offer for the position for a Police Patrolman Officer's to Chadwick Branham and Joshua Lawson at the starting rate contingent upon passing all required per employment testing. Commissioner Layne made the motion to approve hiring. Commissioner Chaney seconded the motion. Mayor Justice asked for further comment or discussion. Chief Adkins presented the gentleman to meet the board of commission. Mayor Justice addressed each applicant to stand and tell about them selves. Mr. Branham; I am from the Marrowbone area and I just moved home from Richmond. I have a background in criminal justice. I have my mother Delphia here with me tonight and I am single. I feel grateful and thankful for this opportunity. Mr. Lawson; I am from the Marrowbone area also. I have my wife Alyson with me tonight. I am 24 years old and am thankful for the opportunity to be in law enforcement. City Manager Donovan Blackburn stated that the two applicants came very highly recommended by the interview board and would be excellent additions to the police department. Mayor Justice; Chief are these the two you are requesting to fill the vacant positions? Chief Adkins; Yes, and they have big shoes to fill. The City has previous officers, Bruce Collins for one that graduated from the police academy with honors and where a special pin. Mayor Justice; I think we have made some good selections. Commissioner Davis; I want to know what made you gentleman want to be a part of the City? Mr. Branham; I came home and was looking for a job. I am very interested in law enforcement and the honor it brings. Mr. Lawson; I am interested for the same reasons, respect and honor and integrity. Mayor Justice; welcome and do I have a motion and a second? City Clerk; Yes. Mayor Justice called for further discussion, there being none the motion passed unanimously.
8. 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. Mayor Justice called for discussion, their being none motion passed unanimously.
9. Consider request to re convene. Commissioner Layne made motion to re-convene into regular session. Commissioner Chaney seconded the motion. Mayor called for re-convene of session.
10. Consider request to adopt a resolution by the Pikeville City Commission developing and directing the Deployment and funding needed to provide sewer service in the Broad bottom, Kinninnick, Hurricane Creek, Lykins Branch, and Mullins Addition Areas. Commissioner Chaney made the motion to approve. Commissioner Layne seconded the motion. Mayor

Justice called for further discussion, there being none the motion passed unanimously.

**RESOLUTION BY THE PIKEVILLE
CITY COMMISSION DEVELOPING AND DIRECTING
THE DEPLOYMENT AND FUNDING NEEDED TO PROVIDE
SEWER SERVICE IN THE BROADBOTTOM,
KINNINNICK, HURRICANE CREEK, LYKINS BRANCH,
AND MULLINS ADDITION AREAS**

WHEREAS, the City of Pikeville City Commission fully understands its responsibility for the need to provide clean drinking water and sewer services to every household possible within the City of Pikeville’s service area.

WHEREAS, through hard work and leadership the Pikeville City Commission is committed to designing systems and seeking required funding to provide those residents, businesses and developments within the City of Pikeville Service area the infrastructure needed to improve the safety, quality of life and growth for the entire region.

WHEREAS, through the continued dedication to the development of services within the City of Pikeville and County customers in the service area, the city commission has shown and will continue to show its leadership by expanding these needed services. The recent projects as outlined below show the commitment of the city to service various areas; both in the city and in the county within the city service area.

- 1) \$300,000 Sewer project to expand to a 10” line on Thompson Road to enhance the opportunity to offer additional sewer service and growth to the areas listed above.
- 2) \$300,000 Sewer project from US23 to the top of Buckley Creek to provide the new Mullins School and Pike Central the ability to have municipal sewer system.
- 3) \$4,500,000 Sewer project should start within the year to provide sewer service to the left and right fork of Island Creek and to the new development on Marion Branch. This will bring service to over 400 homes and business on Island Creek.

- 4) \$560,000 Water project to provide a backup line to the north side of the service area to include the city of Coal Run to the Floyd County Line.
- 5) \$110,000 Sewer project to support new development on Thompson Road

WHEREAS, the Pikeville City Commission gives great thanks and appreciation to the legislative leadership for recognizing the need and assisting the City to secure the funding needs for these projects. The City Commission recognizes the hard work and commitment of Senator Ray Jones and Representative Leslie Combs for their hard work and commitment to make these projects a reality to promote growth and a better way of life for those they serve.

WHEREAS, through the adoption of resolution the Pikeville City Commission directs and authorizes the Pikeville City Manager to immediately commission the city engineer to design systems and secure permits to promote and provide sewer service to the areas of Broad Bottom, Kinninnick, Hurricane Creek, Lykins Branch and Mullins Addition.

WHEREAS, the Pikeville City Commission directs the City Manager to solicit required funds through grants and low interest bonds to support the financial requirements to develop these systems. Furthermore to contact, communicate and work with state and federal leadership to move these projects forward as quickly as possible as funds become available.

NOW, THEREFORE, BE IT RESOLVED the Pikeville City Commission fully supports the continued development and deployment of the above mentioned sewer services and directs the City Manager to take such action as described herein.

Passed this 23rd day of February 2009.

Commissioner Barry Chaney moved for the adoption of the foregoing resolution.

Commissioner Dallas Layne seconded the motion.

Upon roll call, the votes were as follows:

	<u>YES</u>	<u>NO</u>
FRANK JUSTICE, MAYOR	<u>X</u>	___
GENE DAVIS, COMMISSIONER	<u>X</u>	___
DALLAS LAYNE, COMMISSIONER	<u>X</u>	___

JIMMY CARTER, COMMISSIONER
BARRY CHANEY, COMMISSIONER

 X _____
 X _____

The Pikeville City Mayor declared the within resolution adopted.

FRANK JUSTICE,
MAYOR

ATTESTED:

REBECCA HAMILTON
CITY CLERK

- 11. Consider request to approve one (1) week of additional vacation for the City Manager to be taken or sold back to city this year. Commissioner Chaney made the motion to approve. Commissioner Layne seconded the motion. Mayor Justice called for further discussion, there being none the motion passed unanimously.**

There being no further business to come before the Commission, Commissioner Davis made the motion to adjourn the meeting. Commissioner Carter seconded the motion. Mayor Frank Justice called for discussion, there being none the meeting was adjourned.

The next scheduled Regular Meeting of the City of Pikeville Board of Commissioners is March 9, 2009 at 6:00 p.m.

APPROVED:

FRANKLIN D. JUSTICE, II, MAYOR

ATTESTED:

REBECCA HAMILTON, CITY CLERK