

**CITY OF PIKEVILLE
BOARD OF COMMISSIONERS
REGULAR MEETING MINUTES
April 27, 2009 AT 6:00 P.M.**

The Board of Commissioners for the City of Pikeville met in a regular called session on Monday, April 27, 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	Absent
	BARRY CHANEY	
	DALLAS LAYNE	Absent
	JIMMY CARTER	

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

MINUTES

The minutes for the previous regular meeting held on April 13, 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.

BUSINESS FROM FLOOR

Mayor Frank Justice introduced Bob Finch for the National Day of prayer. Mr. Finch announced the event would be held in the Pikeville City Park on May 7, 2009 at noon. The color guard, Petty Officer Conn and others would be participating in the event. Mr. Finch held a special prayer for the Commission.

Mayor Frank Justice read a Proclamation that proclaimed a "Special Ambassador of good will for the City of Pikeville to Mr. Randy Stiles, for his heroic action on April 9, 2009. Mr. Stiles put his self in harms way to safe a life of a local woman Lora Damron and her unborn child in Wal Mart from being stabbed. Mayor Justice commended Mr. Stiles on his actions and stated his actions stated a lot about his character and his family should be proud of him. City Manager presented Mr. Stiles with the Proclamation and the Key to the City.

PAYMENT OF BILLS

A list of City Bills totaling \$175,332.70 was presented to the Commission for approval of payment. Commissioner Chaney made the motion to approve. Commissioner Carter seconded the motion. Mayor Frank Justice called for discussion, there being none the motion carried unanimously.

OLD BUSINESS

- A. 1. **City Engineer's Report:** City Manager Donovan Blackburn submitted a request on behalf of Jack Sykes to pay Estimate No. 3 to H2O Construction for the Bob Amos RV Park in the amount of \$26,745.60. Commissioner Chaney made the motion to approve. Commissioner Carter seconded the motion. Mayor Justice called for discussion, there being none the motion passed unanimously.
- B. **Big Sandy Development District:** Melanie Stevens was present and gave an update on the Marion Branch Sewer Extension Project. ARC had invited the City to submit a full application. The ADD would continue to work with the other funding agencies.
- C. **Police Department Update:** Chief James Adkins was present and thank everyone for their help during the annual Hillbilly Days Event. The police department was able to patrol the event better due to having the extra staff members from city hall help with blocking the streets. Chief Adkins also announced a new REWARD PROGRAM for the department and submitted to the Commission for approval. The program would establish criteria for \$1,000 Rewards for Information Leading to the Arrest and Conviction of Anyone who has Committed a Robbery or Burglary in the City of Pikeville and Appropriate Funding in the 2009-2010 FY Budget. Commissioner Chaney made the motion to adopt the program. Commissioner Carter seconded the motion. Mayor Justice called for additional comments, and stated he had been a victim of such acts at his place of employment, business and recently my home. It leaves you with a feeling of invasion and the scars it leaves on you wife, children and I think we need this program to send the message that the City of Pikeville is not the place to commit crimes. Commissioner Carter stated he had been burglarized twice and one time they had caught the person. He agreed the City needs to let criminals know we mean business. Mayor Justice called for additional comments, there being none the motion passed unanimously.

- D. Russell H. Davis, Jr., City Attorney, presented the following matters for the Commission's consideration:**
- 1st reading of an Ordinance 0 2009 10 amending chapter 114 "General Business Regulation" Amending section 114.01 Section B to set the operation hours for temporary vendors during the Hillbilly Days Annual Event.**
- E. City Manager Report: City Manager Donovan Blackburn asked the commission to consider the following requests.**
- 1. Consider request to adopt an amendment to the City of Pikeville Personnel Policy Section 3.1 Holiday and City Hall Closings. Commissioner Carter made the motion to adopt. Commissioner Chaney seconded the motion. Mayor Justice called for comments, there being none the motion passed unanimously.**
 - 2. Consider Request for Rebecca Hamilton to be paid through City payroll for reimbursement of funds paid by the Joint Planning Commission Board for Services rendered to attend the monthly board meetings and prepare the agenda, send notices and provide clerk services for the board. Commissioner Chaney made the motion to approve. Commissioner Carter seconded the motion. Mayor Justice called for additional comments, there being none the motion passed unanimously.**
 - 3. Consider request to join and participate in the Sister City Program. Commissioner Carter made the motion to approve. Commissioner Chaney seconded the motion. Mayor Justice called for additional comments. City Manager Donovan Blackburn added that this is an International Program and a great opportunity for the City. Mayor Justice called for further comments, there being none the motion passed unanimously.**
 - 4. Consider request to renew USDA loan number 333 for Mossy bottom Sewer Loan and to authorize the mayor to sign and execute any necessary documents for compliance and have the City Clerk to attest. Commissioner Chaney made the motion to approve. Commissioner Carter seconded the motion. Mayor Justice called for further discussion, there being none the motion passed unanimously.**
 - 5. Consider request for closed session for discussion of personnel, legal and economic development issues. Commissioner Carter made the motion to adjourn. Commissioner Chaney seconded the motion to adjourn. Mayor called for adjournment.**
 - 6. Commissioner Chaney made the motion to re convene. Commissioner Carter seconded the motion. Mayor called the session into order.**
 - 7. City Manager presented the Commission with a resolution and read into record; Resolution of agreement by the Pikeville City Commission to support and endorse the Pikeville Mayor's Appointment to the Pikeville/Pike County Airport Board. Commissioner Chaney made the motion to adopt the resolution.**

Commissioner Carter seconded the motion. Mayor Justice called for comments, there being none the resolution was adopted.

- 8. City Manager presented the Commission with an appointment to the Airport Board by the mayor for appointee J. Lyle Blackburn. Commissioner Chaney made the motion to accept. Commissioner Carter seconded the appointment. Mayor Justice called for comments, there being none the Commission accepted Mayor Justice appointment for Mr. Blackburn.**
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**RESOLUTION OF AGREEMENT BY THE PIKEVILLE
CITY COMMISSION TO SUPPORT AND ENSORSE THE
PIKEVILLE MAYOR'S APPOINTMENT TO THE
PIKEVILLE/PIKE COUNTY AIRPORT BOARD**

WHEREAS, on September 23rd 1985 Mayor William Hambley, along with the Pikeville City Commission, by a joint resolution with Judge Executive Paul Patton and the Pike County Fiscal Court as per KRS 183.132 established the Pikeville/Pike County Joint Air Board.

WHEREAS, records show between 1985 and 1998 two air boards were in existence. One board was for the purpose of the oversight and operation of the airport and the other board was for the purpose of the development of a new airport to be constructed at Marion Branch of Island Creek.

WHEREAS, on December 28th 1998 Mayor Steve Combs, along with the approval of the Pikeville City Commission, by a joint action taken on November 2nd 1998 with Judge Executive Donna Damron and the Pike County Fiscal Court, abolished both boards and by action of the City Commission and Fiscal Court through the authority of KRS 183.132 established one new joint Pikeville/Pike County Air Board. Through this action a total of 6 appointments were made, 3 by the Mayor of Pikeville and 3 by the Pike County Judge Executive by action jointly approved.

WHEREAS, through the understanding of KRS 183.132 the City of Pikeville named the following appointments; and through the city commission adopted a motion authorizing them to staggered terms which is required by law. The following appointments were established: Mike DeBourbon's initial appointment would be a 2 year term and then the appointment term expiration date would be every 4 years thereafter. Mike Francisco's initial appointment would be a 3 year term and then the appointment term expiration date would be every 4 years thereafter. Frank Hatcher initial appointment would be a 4 year term then the appointment term expiration date would be every 4 years thereafter.

WHEREAS, on June 19th 2001 the Pikeville City Commission through motion by then Commissioner Frank Justice did re-appoint Mike DeBourbon to the joint Air Board whose term had expired on December of 2000. Again on February 12th 2007 the Pikeville City Commission through the motion of Mayor Frank Justice did reappoint, with the approval of the City Commission, Mike DeBourbon to the joint Air Board whose term had expired on December of 2004. Mike DeBourbon's current term did expire on December of 2008. Mr. DeBourbon has not been re-appointed by the Mayor or city commission for the new term.

WHEREAS, on November 16th 2001 the Pikeville Mayor and City Commission did replace Dallas Layne by naming Terry Kinzer to the four year term at the end of Mr. Layne who replaced Mike Francisco, initial 3 year term which would have expired on December of 2001. On February 12th 2007 Mayor Frank Justice did replace Mr. Kinzer, with the approval of the City Commission, whose term did expire on December of 2005 by naming Lynn Perish to serve the remaining term of Mr. Kinzer which will expire on December of 2009.

WHEREAS, the on August 11th 2003 the Pikeville Mayor and City Commission did re-appoint Frank Hatcher to his initial 3 year term which did expire on December of 2002. On February 12th 2007 Mayor Frank Justice did replace Mr. Hatcher, with the approval of the City Commission, whose term did expire on December of 2006 by naming Bill Hickman to serve through the remaining term of Mr. Hatcher which will expire on December of 2010.

WHEREAS, as stated Mike DeBourbon's current term has expired and Mr. DeBourbon has not been re-appointed by the Mayor, City Commission or County Judge. Mr. DeBourbon however under state law has been allowed to continue to service until which time he is re-appointed or a new appointment is made to take his position.

WHEREAS, Mr. DeBourbon has served as a city nominated appointment since the first joint board in September of 1985. The Pikeville City Commission does recognize the hard work of Mr. DeBourbon and his commitment of the growth of Pikeville/Pike County airport and commends him for his long service record and accomplishments over the past 23 years.

WHEREAS, the City of Pikeville did conduct and release their comprehensive plan in June of 2005. The plan did show a specific need to create affordable middle income housing for those who live and work in Pike County region. The plan also outlined a need to create land mass within the area to support recruitment of jobs and industrial growth for the region creating a better way of life. The Pikeville City Commission did create a master plan outlining a plan to place middle income housing at the Marion Branch location in order to meet a great demand as outlined in the city comprehensive plan. The City has also worked with engineers, legislatures and other agencies to plan for infrastructure for the growth of the development. The City currently has over 2 million dollars committed to the project and is seeking several million more.

WHEREAS, the City of Pikeville is committed to ensuring that the community's needs are put first by endorsing and committing this development to meet such needs, i.e. creating affordable property and services with low service and tax consequence. It is the understanding and wishes of the City Commission that the Air Board needs to follow their duties as set forth by Kentucky law. KRS 183.133 (1) states "The purpose of the board is to establish, maintain, operate, and expand necessary, desirable or appropriate airport and air navigation facilities. It shall have the duty and such powers as may be necessary or desirable to promote and develop aviation, including air transportation, airports and air navigation facilities". Nowhere in the statute does it say that it is the air board's responsibility to be a development board. The air board should be concentrating on the operation and growth of the airport. Mr. DeBourbon has demonstrated by his words and actions he is not of the same opinion as is the entire city commission.

WHEREAS, by the full authority of KRS 183.132 (4) (C) it is understood by the Pikeville City Commission that all Air Board appointments should have been made and shall be made jointly by the Mayor of the City and the

County Judge Executive. Furthermore, it is understood that the appointments of the Air Board do not require the authorization or approval of the City Commission or Fiscal Court. The intent of this resolution, however, is to show the entire City Commission supports this action.

WHEREAS, it is the decision of the Mayor of Pikeville with the request and full endorsement of each member of the Pikeville City Commission NOT to re-appoint Mike DeBourbon to the new term which would expire on December of 2011. It is the full intent, as required by Kentucky law, of the Mayor, by joint action and approval of Pike County Judge Wayne Rutherford, will appoint a replacement of Mike DeBourbon to the new term. This action will take effect immediately upon the joint written approval of both Mayor Justice and Judge Rutherford.

WEHREAS, it is the intent of this resolution to show all those who come hereafter that this action was taken in order to show full support of the City Comprehensive Plan and the growth of the region. It is to be noted that each member of the Pikeville City Commission is of the same mind and opinion of Mayor Frank Justice and fully supports this actions of replacing Mr. Deborbon with the new appointment that will be named jointly under written agreement by the Mayor of Pikeville and Pike County Judge Executive.

NOW, THEREFORE, BE IT RESOLVED Mayor Frank Justice and the Pikeville City Commission fully support this resolution and all content therein.

Passed this 27th day of April, 2009.

Commissioner Chaney moved for the adoption of the foregoing resolution.

Commissioner Carter 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	_____	_____ (Absent)
DALLAS LAYNE, COMMISSIONER	_____	_____ (Absent)
JIMMY CARTER, COMMISSIONER	<u>X</u>	_____
BARRY CHANEY, COMMISSIONER	<u>X</u>	_____

The Pikeville City Mayor declared the within resolution adopted.

/s/ Frank Justice

MAYOR

ATTESTED:

/s/ Rebecca Hamilton
CITY CLERK

9. City Manager requested approval to have the mayor to sign letter to Mr. DeBourbon notifying him of his status with the board.

Commissioner Chaney made the motion to approve. Commissioner Carter seconded the motion. Mayor 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 May 11, 2009 at 6:00 p.m.

APPROVED:

FRANKLIN D. JUSTICE, II, MAYOR

ATTESTED:

REBECCA HAMILTON, CITY CLERK