

**CITY OF PIKEVILLE  
BOARD OF COMMISSIONERS  
REGULAR MEETING MINUTES  
JANUARY 11, 2010 AT 6:00 P.M.**

The Board of Commissioners for the City of Pikeville met in a regular called session on Monday, January 11, 2010. The meeting was held in the City Hall Conference Meeting Room located at 118 College Street, Pikeville, Kentucky.

There being a quorum present, Mayor Frank Justice called the meeting to order at: 5:00 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 December 14, 2009 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 Carter seconded the motion. Mayor Frank Justice called for discussion, there being none the motion carried unanimously. 5-0.

**PAYMENT OF CITY BILLS**

The City Manager Donovan Blackburn requested the approval to pay city bills in the amount of \$520,855.99. Commissioner Chaney made the motion to approve. Commissioner Davis seconded the motion. Mayor Justice called for further discussion, there being none the motion passed unanimously. 5-0.

**BIG SANDY AREA DEVELOPMENT DISTRICT**

Sandy Runyon was present representing Big Sandy Area Development. Mrs. Runyon stated that the presentation of various city project over the past 6 years that City Manager Donovan Blackburn presented in the work session was very impressive and a really good job putting together how progressive the city is and growing. Libby Radcliff gave a brief update on Marions Branch Sewer Project. Mrs. Radcliff stated one item was needed the release of funds for the RD (Rural

Development ) grant and to remind the commission of the meeting scheduled Tuesday at 9 a.m. to complete the checklist and schedule the advertisement for the bid processing. Mrs. Runyon introduced Nikki Meade, a Pikeville resident. Mrs. Runyon stated that Mrs. Meade was the newest member to Big Sandy Area Development and replaced Melanie Stevens position. Mrs. Meade will be attending and working with Pikeville.

### **POLICE DEPARTMENT REPORT**

Police Chief James Adkins announced the department's project to get the police vehicles GPS units installed was moving along. Chief Adkins is working with S & L Services to complete the upgrade and installation for the new vehicles. Chief Adkins completed updating the serial numbers and vehicle identification numbers to ensure all vehicles are in compliance and running smoothly.

### **CITY ENGINEER REPORT**

City Engineer, Jack Sykes was present and had the following agenda requests:

1. Consider request to approve and authorize payment pay request #11 for Thompson Road Widening Project in the amount of \$362,944.85 and to authorize the mayor to sign the request. Commissioner Layne made the motion to approve. Commissioner Carter seconded the motion. Mayor Justice called for further comments, there being none the motion passed unanimously. 5-0.
2. Request to adopt a resolution awarding bid for the US23 water line replacement to the low bidder of Cumberland Pipeline Limited Liability Company in the amount of \$1,034,723.00 and to accept all terms as set forth in said resolution and to authorize the mayor to sign and execute said resolution. City Manager Donovan Blackburn read the resolution into record. Commissioner Davis made the motion to approve. Commissioner Chaney seconded the motion. Mayor Justice called for comments, there being none the motion passed unanimously. 5-0.

#### **CITY OF PIKEVILLE RESOLUTION NO 2010-01**

#### **A RESOLUTION REGARDING ISSUING OF NOTICE OF AWARD FOR:**

#### **SANDY VALLEY WATER MAIN REPLACEMENT (WX21071605) PIKE COUNTY, KENTUCKY**

WHEREAS, the City of Pikeville desires to issue a notice of award for the Sandy Valley Water Main Replacement Project (WX21071605),

#### **THE CITY OF PIKEVILLE DOES HEREBY RESOLVE TO:**

- a. Grant the City Manager authority to direct the Engineer to issue a notice of award for the Sandy Valley Water Main Replacement Project (WX21071605) to Cumberland Pipeline, LLC, the lowest responsive bidder, in the amount of \$1,034,723.00. The award will be contingent upon the city

being approved and authorized to receive the necessary funding to pay for said project and as soon as the City Manager is satisfied that the right of way acquisition has reached a point where no significant delays of construction would be expected.

- b. Said resolution will authorize the Mayor Frank Justice to sign all required documents including the contract between the construction company and City of Pikeville.

ADOPTED BY City of Pikeville on the 11th day of January 2010.

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- 3. Consider request to adopt a resolution awarding bid for the Mullins Addition Sewer project to the low bidder of H2O Construction in the amount of \$916,065.00, and to accept all terms set forth in the said resolution and to authorize the mayor to sign and execute said resolution. City Manager Donovan Blackburn read the resolution into record. Commissioner Carter made the motion to approve. Commissioner Chaney seconded the motion. Mayor Justice called for comments, there being none the motion passed unanimously. 5-0.**

CITY OF PIKEVILLE  
RESOLUTION  
2010 02

**A RESOLUTION REGARDING ISSUING OF NOTICE OF AWARD FOR:**

**US23 CORRIDOR SANITARY SEWER PROJECT  
PHASE 1 – MULLINS ADDITION SEWER (SX21195130)  
PIKE COUNTY, KENTUCKY**

WHEREAS, the **City of Pikeville** desires to issue a notice of award for the Mullins Addition Sewer Project,

**THE CITY OF PIKEVILLE DOES HEREBY RESOLVE TO:**

- a. Grant the City Manager authority to direct the Engineer to issue a notice of award for the US23 Corridor Sanitary Sewer Project: Phase 1 – Mullins Addition Sewer (SX21195130) to H2O Construction Co. Inc, the lowest responsive bidder, in the amount of \$916,065.00 as soon as the Division of Water Permit is in hand. The award is contingent upon the city being approved and authorized to receive the necessary funding through the sale of municipal bonds in order to pay for said project.
- b. Said resolution will authorize the Mayor Frank Justice to sign all required documents including the contract between the construction company and City of Pikeville.

ADOPTED BY City of Pikeville on the 11th day of January 2010.

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**CITY ATTORNEY**

**City Attorney Rusty Davis was present and had several items to read into record.**

- 1. Consider request to read the 2<sup>nd</sup> reading of Ordinance amending Chapter 90 “Animals”. The first reading was December 14, 2009. Commissioner Carter made the motion to adopt. Commissioner Chaney seconded the motion.**

Mayor Justice called for comment, there being none, mayor called for roll call. Ordinance passed unanimously. 5-0.

## ODINANCE AMENDING CHAPTER 90 "ANIMALS" FOR THE CITY OF PIKEVILLE

### ORDINANCE NO. 0-2009-027

**BE IT ORDAINED BY THE CITY OF PIKEVILLE AS FOLLOWS:**

Chapter 90 "ANIMALS" is amended to read as follows:

## CHAPTER 90: ANIMALS

### GENERAL PROVISIONS

#### § 90.02 ANIMALS RUNNING AT LARGE.

(A) No person who is the owner of any animal shall permit it to run at large in any public road, highway, street, lane, or alley, or upon unenclosed land, or permit it to go on any private yard, lot, or enclosure without the consent of the owner of the yard, lot, or enclosure.

(B) The owner of an animal who permits it to run at large in violation of this section is liable for all damages caused by such animal upon the premises of another.

(C) Animals running at large will be subject to being tracked, properly caged and picked up by the City of Pikeville Animal Control Officer and then taken to the County Animal Shelter. Owners claiming their animal will be required to pay all applicable fees accessed by the Animal Shelter before being able to have their animal released. The Animal Shelter will then notify the City of Pikeville authorities of the owner's name of the animal so that the city may access the applicable fine and penalty set under section 90.99 to the pet owner.

(D) Animal owners who are repeat offenders by having their animals running at large and picked up by the City Animal Control Officer more than 1 time in a 90 day period will also be access an additional 500.00 dollar fine for each repeat offence during this time frame. This will be an additional penalty accessed on top of the fee and/or penalty set by section 90.99.

#### § 90.99 PENALTY.

(A) Any person who violates any provisions of this chapter for which another penalty is not already otherwise provided shall be guilty of a misdemeanor and shall be fined not more than five hundred dollars (\$500.00), or imprisoned for not more than thirty (30) days, or both, for each offense. Each day the violation exists shall constitute a separate offense.

(B) Any person who violates § [90.03](#) shall be guilty of a misdemeanor and shall be fined not more than five hundred dollars (\$500.00), imprisoned for not more than twelve (12) months, or both for each offense. (KRS 525.130)

(C) Any person who violates § 90.04 shall be guilty of a misdemeanor and shall be fined not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00).

The above ordinance was give first reading on December 14<sup>th</sup> 2009.

The ordinance was given second reading on January 11<sup>th</sup> 2010. The ordinance shall be in full force and effect immediately after it is passed and published as required by law.

**Passed**, this 11th day of January, 2010.

Commissioner Jimmy Carter moved the adoption of the foregoing ordinance.

Commissioner Barry Chaney seconded the motion.

Upon roll call, the votes were as follows:

	<u>YES</u>	<u>NO</u>
FRANKLIN D. JUSTICE, II MAYOR	<u>X</u>	_____
JAMES A. CARTER, COMMISSIONER	<u>X</u>	_____
EUGENE W. DAVIS, COMMISSIONER	<u>X</u>	_____
DALLAS LAYNE, COMMISSIONER	<u>X</u>	_____
BARRY N. CHANEY, COMMISSIONER	<u>X</u>	_____

The Mayor declared the within Ordinance adopted.

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

**ATTEST:**

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**REBECCA HAMILTON, CITY CLERK**

- 2. Consider request to read the 1<sup>st</sup> reading of an Ordinance to close Poplar Street per the request of Pikeville College. The Ordinance was read by City Attorney Rusty Davis. Second reading at the next scheduled meeting.**

**CITY MANAGER**

**City Manager Donovan Blackburn presented the commission with the following items for approval:**

1. Consider request to appoint Randy Roberts and Joyce Pinson to the City Tree Board both appointments will expire 7/1/2013. Commissioner Chaney made the motion to approve. Commissioner Davis seconded the motion. Mayor Justice called for comments, there being none the motion passed unanimously. 5-0.
2. City Manager requested to extend job offers to Eric Murphy and Hershell Tackett for firefighter/EMT positions contingent upon passing all required pre employment testing and background checks at the city pay chart for the position. Commissioner Layne made the motion to approve. Commissioner Chaney seconded the motion. Mayor Justice called for comments, there being none the motion was passed unanimously. 5-0.
3. Consider request to appoint Donovan Blackburn and Jesse Bowling to the Hillbilly Days Board both appointments will end on 1/1/2011. Commissioner Layne made the motion to approve. Commissioner Chaney seconded the motion. Mayor Justice called for comments, there being none the motion was passed unanimously. 5-0.
4. Consider request to adopt the submitted Residential Antidisplacement and Relocation Assistance Plan as submitted and authorize the mayor to sign and execute. Both forms are for the Marion's Branch Sewer Project. Commissioner Chaney made the motion to approve. Commissioner Carter seconded the motion. Mayor called for comments, there being none the motion passed unanimously. 5-0.
5. Consider request to approve the submitted contract between City of Pikeville and the YMCA for the purpose of operation of the city pool and to authorize the mayor to sign and execute the agreement. Commissioner Davis made the motion to approve. Commissioner Chaney seconded the motion. Mayor Justice called for comments. City Manager Blackburn stated there where no changes to the agreement from the previous years agreement. Commissioner Carter asked operation of the pool? City Manager; Yes. Mayor Justice called for comments, there being none the motion passed unanimously. 5-0.
6. Consider request to adopt amendments to city personnel policy chapters 3.19 and 4.18 as submitted. Commissioner Chaney made the motion to approve. Commissioner Davis seconded the motion. Mayor Justice called for comments. City Manager stated the changes were needed to clean up the fringe benefits section of the personnel policy related to vehicle mileage and cell phone usage for employees per the IRS guidelines. Mayor Justice asked why this became an issue. City Manager stated that a representative from Department of Local Government visited every city in KY and briefed on changes and requirements per IRS guidelines. Mayor Justice called for further comments, there being none the motion passed unanimously. 5-0.
7. Request to adopt amended City Rental Center Agreement dated 1/11/2010 as submitted. Commissioner Layne made the motion to adopt. Commissioner Chaney seconded the motion. Mayor Justice called for comments, there being none the motion passed unanimously. 5-0.

8. Consider request to approve the “Request for approval of evidentiary materials and release of funds” as submitted and to authorize the Mayor to sign said document. Commissioner Chaney made the motion to approve. Commissioner Davis seconded the motion. Mayor called for comments, there being none the motion passed unanimously. 5-0.
9. Commissioner Chaney made the motion to approve. Commissioner Carter seconded the motion. Mayor Justice called for comments, there being none the motion passed unanimously. 5-0.
10. Request authorization and accept the request for advance or reimbursement from the USDA, Natural Resources Conservation Service in the amount of \$68,679.00 for the flood of May 2009 and for Mayor Justice to sign contract. Commissioner Davis made the motion to approve. Commissioner Layne seconded the motion. Mayor Justice called for comments, there being none motion passed unanimously. 5-0.
11. Consider request for closed session for discussion of economic development, legal and personnel issues. Commissioner Davis made the motion to adjourn. Commissioner Carter seconded the motion to adjourn. Mayor Justice called for discussion, there being none the motion passed unanimously to closed session. 5-0.
12. Commissioner Carter made the motion to re convene. Commissioner Chaney seconded the motion. Mayor Justice called for discussion, there being none the motion passed unanimously. 5-0. Mayor called the session back into order.
13. City Manager requested to post the position for Project Manager under the Fire Department. Commissioner Chaney made the motion to approve. Commissioner Davis seconded the motion. Mayor called for comments, there being none the motion passed unanimously. 5-0.
14. City Manager requested permission to accept the offer for the property located at 106 Lakeview Drive, Pikeville, KY and authorize the city manager to sign the contract for Hensley Development, LLC. The offer is from Larry and Denise Branham in the amount of \$240,000. Commissioner Layne made the motion to accept. Commissioner Chaney seconded the motion. Mayor called for comments, there being none the motion passed unanimously. 5-0.
15. City Manager made the motion to terminate the employment of Evelyn Ratliff which was employed as the accounting clerk. Commissioner Chaney made the motion to approve. Commissioner Carter seconded the motion. Mayor Justice called for comments, there being none the motion passed unanimously. 5-0.
16. City Manager requested permission to post the vacant position for accounting clerk. Commissioner Chaney made to motion to approve. Commissioner Chaney seconded. Mayor Justice called for comments, there being none the motion passed unanimously. 5-0.

There being no further business to come before the Commission, Commissioner Davis has made the motion to adjourn the meeting. Commissioner Chaney

seconded the motion. Mayor Justice called for discussion, there being none the meeting was adjourned. 5-0

The next scheduled Regular Meeting of the City of Pikeville Board of Commissioners is January 25, 2010 at 6:00 p.m.

**APPROVED:**

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

**ATTESTED:**

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**REBECCA HAMILTON, CITY CLERK**