

**CITY OF PIKEVILLE  
BOARD OF COMMISSIONERS  
REGULAR MEETING MINUTES  
December 13, 2010 AT 6:00 P.M.**

The Board of Commissioners for the City of Pikeville met in a regular called session on Monday, December 13, 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 6:00 p.m. Commission Members present at roll call were as follows:

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

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

**MINUTES**

The minutes for the previous special meeting held on December 1, 2010 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. 5-0.

**BUSINESS FROM THE FLOOR**

Police Chief James Adkins was present and wanted to thank the commissioners and the Mayor for their help with the Christmas with a Cop event that was held this past Saturday. Chief Adkins said that to see the smiles on the kids faces made it all worthwhile.

**PAYMENT OF CITY BILLS**

The City Manager Donovan Blackburn requested the approval to pay city bills in the amount of \$497,606.74 as submitted in each commissions packet. Commissioner Davis made the motion to approve. Commissioner Chaney seconded the motion. Mayor Justice called for further discussion, there being none, motion passed unanimously. 5-0.

**CITY ENGINEER**

**Jody Hunt was present with Summit Engineering, Inc. and submitted several requests to the commission for approval.**

- 1.** Consider request to authorize payment and approve the submitted pay request #6 with H2O Construction Company in the amount of \$324,939.43 for the Marion Branch Sewer project and to authorize the Mayor to sign said pay request. 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.
- 2.** Consider a request to approve invoice #54313 and authorize payment to Summit Engineering for \$10,875.97 for US23/Mullins Sewer Projects as submitted. Commissioner Layne made the motion to approve. Commissioner Chaney seconded. Mayor Justice called for comments there being none the motion passed unanimously. 5-0.
- 3.** Consider a request to approve invoice #54425 and authorize payment to Summit Engineering for \$5,693.64 for miscellaneous project as submitted. Commissioner Layne made the motion to approve. Commissioner Chaney seconded. Mayor called for comments, there being none the motion passed unanimously. 5-0.
- 4.** Consider a request to approve invoice #54314 and authorize payment to Summit Engineering for \$18,476.49 for the Marion Branch Sewer Project as submitted. Commissioner Layne made the motion to approve. Commissioner Chaney seconded the motion. Mayor Justice called for discussion, there being none the motion passed unanimously. 5-0.
- 5.** Consider a request to approve invoice #54427 and authorize payment to Summit Engineering for \$13,000 for the Flood Levee Certification Project as submitted. Commissioner Layne made the motion to approve. Commissioner Chaney seconded the motion. Mayor Justice called for comments, there being none the motion passed unanimously. 5-0.
- 6.** Consider a request to approve invoice #54428 and authorize payment to Summit Engineering for \$1,652.67 for the Hambley Field Sky Box Project as submitted. Commissioner Carter made the motion to approve. Commissioner Chaney seconded the motion. Mayor Justice called for comments. Commissioner Davis asked about this Hambley Field Sky box deal, what is it? City Manager Donovan Blackburn responds I will be go into more detail about the sky box a

little later. This invoice is simply for the basic design of the sky box, the intent is to extend the media box. Mayor Justice called for further comments, there being none the motion passed unanimously. 5-0.

**7.** Consider a request to approve the invoice and to authorize payment to Stoll, Keenon, & Ogden for \$18,267.00 for Legal Services from Bond Council as submitted. Commissioner Chaney made a motion to approve. Commissioner Layne seconded the motion. Mayor Justice called for comments, there being none the motion passed unanimously. 5-0.

**8.** Consider a request to approve pay request #6 and to authorize payment to Big Sandy Area Development District for \$7,500.00 for the Marion Branch Sewer Administrative Fee as submitted. Commissioner Chaney made a motion to approve. Commissioner Davis seconded the motion. Mayor Justice called for comments, there being none the motion passed unanimously. 5-0.

**9.** Consider a request to approve pay request #6 and to authorize payment to Westerfield-Bonte Co. Inc. for \$540.00 for digital printing for bond documents as submitted. Commissioner Carter made the motion to approve. Commissioner Layne seconded the motion. Mayor Justice called for comments, there being none the motion passed unanimously. 5-0.

**10.** Consider a request to approve the submitted change order #8 with Mountain Enterprises in the amount of a deduct of \$213,433.27 for the Thompson Road Widening project and to authorize the mayor to sign and execute said change request. Commissioner Chaney made the motion to approve. Commissioner Davis seconded the motion. Mayor Justice called for discussion. Mayor asked, now where is that money at? City Manager Donovan Blackburn replies that it is not really the project that this is some of the subtractions that we had already approved but we are still looking at another \$130,000 that we haven't spent. Mayor Justice called for further discussion, there being none the motion passed unanimously. 5-0.

**11.** Consider a request to approve the submitted change order #1 with Overhead Door in the amount of \$5,944.00 for the Bob Amos Soccer project and to authorize the City Manager to sign and execute said change request. Commissioner Layne made the motion to approve. Commissioner Carter seconded the motion. Mayor Justice called for comments. Commissioner Davis asked what is this for? City Manager Blackburn answered that this is for the fencing on the soccer field. Mayor Justice called for further discussion, there being none the motion passed unanimously. 5-0.

**12.** Consider a request to authorize payment and approve the submitted pay request #16 with Mountain Enterprises Inc. for \$46,139.92 for the Thompson Road Widening project and to authorize the Mayor to sign said pay request.

Commissioner Layne made a motion to approve. Commissioner Chaney seconded the motion. Mayor Justice called for comments, there being none the motion passed unanimously. 5-0.

**13.** Consider a request to authorize payment and approve the submitted pay request #8 with Cumberland Pipeline in the amount of \$124,259.88 for the US23 Waterline replacement project and to authorize the Mayor to sign said pay request. Commissioner Chaney made the motion to approve. Commissioner Carter seconded the motion. Mayor Justice called for comments. Commissioner Davis asked How much is left of that project? Jody Hunt replied that there is only one more pay request left of that. City Manager also spoke up and let the Commissioners know that there was a power point laying in front of them of all the projects going on with updates. Mayor Justice called for further discussion, there being none the motion passed unanimously. 5-0.

**14.** Consider a request to approve invoice #000 and authorize payment to S&ME \$5,400 for the Texas Roadhouse Development site as submitted. 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.

**15.** Consider a request to approve invoice #149A and authorize payment to S&ME for \$8,100 for the Texas Roadhouse Development & city Thompson Road Development sites. Commissioner Carter made the motion to approve. Commissioner Layne seconded the motion. Mayor Justice called for discussion, there being none the motion passed unanimously. 5-0.

**16.** Consider a request to approve invoice #54750 as submitted and authorize payment to Summit Engineering for \$49,000 for the city Thompson Road Development sites. Commissioner Carter made the motion to approve. Commissioner Layne seconded the motion. Mayor Justice called for comments, there being none the motion passed unanimously. 5-0.

**17.** Consider a request to approve invoice #54749 as submitted and authorize payment to Summit Engineering for \$30,000 for the Texas Roadhouse Development site. 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.

**18.** Consider a request to approve invoice #53835 as submitted and authorize payment to Summit Engineering for \$7,600 for the Texas Roadhouse Development site. Commissioner Carter made the motion to approve. Commissioner Layne seconded the motion. Mayor Justice called for comments, there being none the motion passed unanimously. 5-0.

## CITY MANAGER

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

- 1. Consider request to adopt a resolution read into record by City Attorney Russell Davis authorizing the Issuance of Revenue Bond not to exceed \$26,500,000.00 for the benefit of Pikeville College and approval of a Loan Agreement, Trust Indenture, prel. statement, note purchase agreement and authorization for Mayor to execute documents. Commissioner Davis 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. Consider request to amend the city personnel policy by totally deleting Chapter 3.13 “Service Awards”. Commissioner Chaney made the motion to approve. Commissioner Layne seconded the motion. Mayor Justice called for further comments, there being none the motion passed. 5-0.**
- 3. Consider request to adopt a resolution setting no-parking boundaries at the end of Keyser Heights as shown in the attached exhibit and to authorize the mayor to sign said resolution. Commissioner Chaney made the motion. Commissioner Carter seconded the motion. Mayor Justice called for comments, there being none the motion passed unanimously. 5-0.**

### A RESOLUTION DESIGNATING AS

#### “NO PARKING” THE TURNABOUT LOCATED AT THE END OF KEYSER HEIGHTS DRIVE.

WHEREAS, the Commission for the City of Pikeville has determined that the public street consisting of the turnabout located at the end of Keyser Heights Drive would best be suited as a “no parking” zone so that the property owners and other traffic coming to the end of Keyser Height Drive will be able to fully use the turnabout.

WHEREAS, the action of this resolution shall supersede any and all previous action regarding parking within the boundaries of the described area.

BE IT RESOLVED by the City of Pikeville that its Commission that the turnabout located at the end of Keyser Heights Drive be designated as a “no parking” zone within the areas as marked on the attached plat dated ?? by Summit Engineering, that the turnabout be so marked and the zone enforced as “no parking” consistent with the City’s ‘Parking Ordinance.’

Passed this 13th day of December, 2010.

\_\_\_\_\_ moved for the adoption of the foregoing ordinance.

\_\_\_\_\_ seconded the motion.

Upon roll call, the votes were as follows:

**December 13, 2010 Regular Meeting**

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

The Mayor declared the within ordinance adopted.

\_\_\_\_\_  
FRANK JUSTICE, II, MAYOR

ATTESTED:

\_\_\_\_\_  
CITY CLERK

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**4. Consider request to reappoint the following board members to the various boards through the end of the next term as submitted:**

**Joint Planning Commission**

Bill Blackburn term to expire 1-1-15

John Elliott term to expire 1-1-15

Layne Tackett term to expire 1-1-15

**Historic Preservation Board**

Connie Maddox term to expire 11-26-14

Beverly Coleman term to expire 11-26-14

**Board of Ethics**

Scott Kreutzer term to expire 2-27-15

John Sanders term to expire 2-27-15

Dr. Cindy Smith term to expire 2-27-15

**Technical Advisory Committee**

Tim Malone term to expire 2-27-15

**Industrial Development Board**

Marvin Hensley term to expire 11-9-14

**Hillbilly Days Board**

Donovan Blackburn term to expire 1-1-12

Jessie Bowling term to expire 1-1-12

**Commissioner Chaney made the motion to approve. Commissioner Davis seconded the motion. Mayor Justice called for discussion, there being none the motion passed unanimously. 5-0.**

**5. Consider a request to adopt a resolution changing the name of the Pikeville/Pike County Tourism Commission to also include Convention Bureau within their title and authorize the mayor to sign and execute said resolution. Commissioner Carter made a motion to approve. Commissioner Layne seconded the motion. Mayor Justice called for comments. City Manager comments that he spoke with Judge Rutherford and the Judge asked if the city would be interested in doing so and we have always worked well together. Mayor Justice called for further comments, there being none the motion passed unanimously. 5-0.**

A RESOLUTION AUTHORIZING

TO CHANGE NAME OF TOURISM COMMISSION  
FROM PIKEVILLE/PIKE COUNTY TOURISM COMMISSION  
TO PIKEVILLE/PIKE COUNTY TOURISM COMMISSION  
AND CONVENTION BUREAU.

WHEREAS, on June 11<sup>th</sup> 1984 by a joint action adopted by a resolution of the Pikeville City Commission did establish the joint Pikeville/Pike County Tourism Commission as authorized by KRS 91A.360;

WHEREAS, the Pikeville City Commission does understand the need and economic advantages to our community and region in creating convention activities for our city and county;

BE IT RESOLVED the Commission for the City of Pikeville does hereby authorize changing the name of the Pikeville/Pike County Tourism Commission to the Pikeville/Pike County Tourism Commission and Convention Bureau by a joint action through the adoption of this resolution and by the Pike County Fiscal passage of their ordinance number 12.07.10.008.

Passed this 13th day of December, 2010.

\_\_\_\_\_ moved for the adoption of the foregoing ordinance.

\_\_\_\_\_ seconded the motion.

Upon roll call, the votes were as follows:

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

The Mayor declared the within ordinance adopted.

\_\_\_\_\_  
FRANK JUSTICE, II, MAYOR

ATTESTED:

\_\_\_\_\_  
CITY CLERK

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**City Manager Donovan Blackburn announced the consent items for the Mayor and the commission to hear before the executive session. Mr. Blackburn also introduced Tonya Taylor as the new finance director.**

- 6. Pursuant to KRS 61.810, consider request for closed session for discussion of economic development, legal and personnel issues. Commissioner Davis made the motion. Commissioner Carter seconded the motion. Mayor Justice called for discussion, there being none the motion passed unanimously. 5-0.**

7. Commissioner Carter made the motion to re convene. Commissioner Layne seconded the motion. Mayor Justice called for discussion, there being none the motion passed unanimously. 5-0. Mayor called the session back into order.
8. Consider a request to authorize the purchase of the Marion Branch property currently owned by the Pikeville/Pike County Airport for the purchase price of up to \$1,150,000 and any other fees that may occur for the conveyance. To authorize payment of said track of property and to authorize the mayor to sign any necessary paperwork in order to execute the conveyance of the property into the Cities name. This is all contingent upon the Airport Board taking steps to also agree to these terms by their board. Commissioner Carter made the motion to approve. Commissioner Davis seconded the motion. Mayor Justice called for comments, there being none the motion passed unanimously. 5-0.
9. Consider a request to authorize the sale of surplus city property located off on the right hand side of the road right past the Cedar Creek/US23 overpass across the road from the entrance of Bob Amos Park to Mitch Potter for the terms and conditions as discussed and agreed by the commission during closed session. Commissioner Layne made the motion to approve. Commissioner Davis seconded the motion. Mayor Justice called for comments, there being none the motion passed unanimously. 5-0.
10. Consider a request to cancel the regular City Commission meetings that are scheduled for December 27<sup>th</sup> 2010 and January 24<sup>th</sup> 2011. Commissioner Carter made the motion to approve. Commissioner Layne seconded the motion. Mayor Justice called for comments, there being none the motion passed unanimously. 5-0.
11. Consider a request to adopt a resolution, as read into record, stating that based on the population of the City of Pikeville that the Mayor and commission requests legislative action to reclassify the City of Pikeville to a fourth class city. Commissioner Chaney made the motion to approve. Commissioner Davis seconded the motion. Mayor Justice called for comments. Mayor then asked what does this do. City Attorney Davis answers that it doesn't change anything that we are doing now. Mayor called for further comments, there being none the motion passed unanimously. 5-0.

**RESOLUTION OF THE CITY OF PIKEVILLE, KENTUCKY STATING THAT BASED ON THE POPULATION OF THE CITY, THE CITY OF PIKEVILLE, BY AND THROUGH ITS COMMISSION AND THE MAYOR, SEEKS TO BE RECLASSIFIED AS A CITY OF THE FOURTH CLASS**

WHEREAS, as established by Section 156 of the Constitution of the Commonwealth of Kentucky (now repealed) the City of Pikeville by population is should be ranked a 4<sup>th</sup> class city; and

WHEREAS, the City of Pikeville through special legislation in the 1980's was reclassified as a 3<sup>rd</sup> class city by the Kentucky General Assembly; and

**WHEREAS**, the City of Pikeville understands the importance of the classification system set forth by the Constitution of the Commonwealth and therefore does wish to maintain it's integrity by being reclassified back to a 4<sup>th</sup> class city in order to meet the population requirement as the constitution describes ; and

**WHEREAS**, the City of Pikeville current population as documented by the 2000 Census is listed at 6,295. Under the requirements set forth by the Constitution of the Commonwealth under section 156 states city's with a population between a population of 3,000 and 7,999 shall be classified as a 4<sup>th</sup> class city. Pikeville's classification should therefore be set as a city of the 4<sup>th</sup> class; and

**WHEREAS**, the Pikeville City Commission by the adoption of this resolution does meet all requirements set forth by KRS81.032 respectfully submitting to the Kentucky General Assembly a request for the City of Pikeville to be reclassified based upon the cities current population as documented by the 2000 Census as required by KRS81.032 (3);

**NOW THEREFORE**, in consideration of the foregoing premises, the City of Pikeville hereby resolves as follows:

**SECTION 1.** In consideration of the present population of the City of Pikeville based upon the 2000 Census, the City of Pikeville seeks to be reclassified as a Fourth Class City as it should be set forth by the Constitution of the Commonwealth and does hereby authorize and direct the Mayor, the City Clerk, the City Manager and the City Attorney to take whatever steps are necessary to have the City reclassified.

**SECTION 2.** That the city has met all requirements set forth by KRS 81.032 and therefore by the passage of this resolution does ask the General Assembly to act through new legislation during the 2011 Legislative Session of reclassifying the City of Pikeville to a city of the 4<sup>th</sup> class.

**SECTION 3.** The foregoing RESOLUTION was read, passed and adopted by the City Commission of Pikeville, Pike County, Kentucky, meeting in regular session on the 13th day of December, 2010.

Passed this 13th day of December, 2010

Commissioner \_\_\_\_\_ moved for the adoption of the foregoing resolution. Commissioner \_\_\_\_\_ seconded the motion.

Upon roll call:

	Yes	No
Frank Justice, Mayor	_____	_____
Gene Davis, Commissioner	_____	_____
Dallas Layne, Commissioner	_____	_____
Jimmy Carter, Commissioner	_____	_____
Barry Chaney, Commissioner	_____	_____

The Mayor declared the within resolution adopted this 13th day of December, 2010.

\_\_\_\_\_  
Franklin D. Justice, II  
Mayor, City of Pikeville

\_\_\_\_\_  
Date

ATTEST:

\_\_\_\_\_  
Melanie Stevens, City Clerk

\_\_\_\_\_  
Date

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- 12. Consider a request to adopt the revised city rate chart as presented to be effective on January 1<sup>st</sup> 2011. Commissioner Carter made a motion to approve. Commissioner Chaney seconded the motion. Mayor Justice called for comments, there being none the motion passed unanimously. 5-0.**
- 13. Consider a request to issue a grant to the Pikeville Senior Citizen Center for the amount of \$3,500 for the purpose of allowing them to cover the cost of the free meals they provide to those who need them in our community as their letter states as submitted. Commissioner Davis made a motion to approve. Commissioner Chaney seconded the motion. Mayor Justice called for comments, there being none the motion passed unanimously. 5-0.**
- 14. 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**

**CONSENT ITEMS:**

**City Manager on vacation the week of December 18<sup>th</sup> 2010**

**City Hall Closed for the following dates:**

**December 23<sup>rd</sup> & 24<sup>th</sup> for Christmas**

**December 30<sup>th</sup> & 31<sup>st</sup> for New Year**

**Sue Varney Retirement Party noon at City Annex - Garfield Center on Tuesday 14<sup>th</sup> 2010**

**The next scheduled Regular Meeting of the City of Pikeville Board of Commissioners is January 10, 2011 at 6:00 p.m.**

**APPROVED:**

**December 13, 2010 Regular Meeting**

FRANKLIN D. JUSTICE, II, MAYOR

**ATTESTED:**

MELANIE STEVENS, CITY CLERK