

**CITY OF PIKEVILLE  
BOARD OF COMMISSIONERS  
REGULAR MEETING MINUTES  
June 25, 2012 AT 6:00 P.M.**

**The Board of Commissioners for the City of Pikeville met in a regular called session on Monday, June 25, 2012. 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 regular meeting held on June 11, 2012 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**

**Check presentation by County Judge Executive Wayne T Rutherford. TABLED.**

**PAYMENT OF CITY BILLS**

**The City Manager Donovan Blackburn requested the approval to pay city bills in the amount of \$715,314.30. Commissioner Carter 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 ATTORNEY**

**Russell Davis was present and had several items to read into record.**

- 1. Consider 2<sup>nd</sup> reading and adoption of ordinance #0-2011-016 amending Chapter 152 Flood Damage Prevention adding section 152.10 prohibited Activities and authorize the mayor to sign and execute said ordinance. Commissioner Layne made a motion to approve. Commissioner Chaney seconded the motion. Mayor Justice called for comments, there being none, Mayor called roll call. Mayor abstained. Motion passed. 5-0.**

**ORDINANCE RELATED TO THE AMENDMENT OF § 152  
OF THE CODE OF ORDINANCES RELATED TO FLOOD  
DAMAGE PREVENTION TO PROHIBIT CERTAIN  
ACTIVITIES TO PROTECT AND PRESERVE THE FLOOD  
STORAGE CAPACITY OF THE PIKEVILLE POND**

**ORDINANCE NO. 0-2012-016**

WHEREAS, in order to protect and preserve the flood storage capacity of Pikeville Pond for extreme flood event the City Commission desires to PROHIBITS all fill placement within the limits of Pikeville Pond below elevation 675

NOW, THEREFORE, BE IT ORDAINED by the City of Pikeville that § 152 Flood Damage Prevention is amended to add Section 152.10 as follows:

**§ 152.10 – Prohibited Activities**

Notwithstanding Division of Water regulations, in order to protect and preserve the flood storage capacity of Pikeville Pond for extreme flood events, the City of Pikeville expressly PROHIBITS all fill placements within the areas designated “NO FILL BOUNDARY FOR PIKEVILLE POND” attached as exhibit hereto.

The amended ordinance shall be in full force and effect after it is passed and published as required by law. The above ordinance was read and passed this \_\_\_\_ day of \_\_\_\_\_, 2012.

Commissioner \_\_\_\_\_ moved for the adoption of the forgoing ordinance.

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

Upon roll call, the votes were as follows:

	Yes	No
FRANK JUSTICE, MAYOR	_____	_____
GENE DAVIS, COMMISSIONER	_____	_____
DALLAS LAYNE, COMMISSIONER	_____	_____

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JIMMY CARTER, COMMISSIONER

BARRY CHANEY, COMMISSIONER

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

The Mayor declared the within ordinance adopted.

\_\_\_\_\_  
FRANKLIN D. JUSTICE, II MAYOR

ATTEST:

\_\_\_\_\_  
Christy Billiter, CITY CLERK

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- 2. **Consider a 2<sup>nd</sup> reading and adoption of ordinance #0-2011-017 adopting the 2012 supplement to the City of Pikeville Code of Ordinances and authorize the mayor to sign and execute said ordinance. Commissioner Davis made a motion to approve. Commissioner Carter seconded the motion. Mayor Justice called for comments, there being none, Mayor called roll call. Motion passed unanimously. 5-0.**

**ORDINANCE ADOPTING THE 2012 SUPPLEMENT  
TO THE CITY OF PIKEVILLE CODE OF ORDINANCES**

**Ordinance #: 0-2012-17**

**WHEREAS**, American Legal Publishing Corporation of Cincinnati, Ohio has completed the S-25 supplement to the Code of Ordinances of the City of Pikeville, which supplement contains all ordinances of a general nature enacted since the prior supplement to said Code; and

**WHEREAS**, American Legal Publishing Corporation has recommended the revision or addition of sections of the Code of Ordinances based upon duly enacted or amended ordinances by the City of Pikeville or section of the Kentucky Revised Statutes; and

**WHEREAS**, it is the intent of the Commission to accept these updated and revised section in accordance with the changes of the ordinances by the City of Pikeville or section of the Kentucky Revised Statutes;

**NOW, THEREFORE, BE IT ORDAINED** by the City of Pikeville as follows:

**SECTION 1:** That the S-25 supplement of the Code of Ordinances of the City of Pikeville, KY as submitted by American Legal Publishing Corporation of Cincinnati, Ohio and as attached hereto, be and the same is hereby adopted by reference as if set out in its entirety.

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**SECTION 2:** 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 \_\_\_\_ day of \_\_\_\_\_, 2012, the ordinance was given a second reading on the \_\_\_\_ day of \_\_\_\_\_, 2012.

Passed this \_\_\_\_ day of \_\_\_\_\_, 2012.

Commissioner \_\_\_\_\_ moved for the adoption of the forgoing ordinance.

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

Upon roll call, the votes were as follows:

	Yes	No
FRANK JUSTICE, MAYOR	_____	_____
GENE DAVIS, COMMISSIONER	_____	_____
DALLAS LAYNE, COMMISSIONER	_____	_____
JIMMY CARTER, COMMISSIONER	_____	_____
BARRY CHANEY, COMMISSIONER	_____	_____

The Mayor declared the within ordinance adopted.

\_\_\_\_\_  
FRANKLIN D. JUSTICE. II MAYOR

ATTEST:

\_\_\_\_\_  
CHRISTY BILLITER, CITY CLERK

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**CITY MANAGER**

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

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1. Consider request to hire a Director of IT at the starting rate, contingent upon the passage of all pre-employment test. Commissioner Davis made the motion to adopt. Commissioner Carter seconded the motion. Mayor called for further comments. Mayor Justice asked what can you tell me about Steve Johnson. City Manager Blackburn responds that Steve has been doing work for the City over the past several months under a current contract. In speaking with Rebecca, what we have elected to do is hire an IT person instead of a new Billing Clerk in the Utility office which will pull the IT work off the utility department and where it should be. Mayor called for further comments, there being none, motion passed unanimously. 5-0.
2. Consider a request to hire a Tour Guide at the starting rate, contingent upon the passage of all pre-employment test. TABLED
3. Consider a request to promote Bruce Collins to the position of Detective as recommended by the interview committee at the rate per the positions pay chart. Commissioner Chaney made the motion. Commissioner Davis seconded the motion. Mayor Justice called for comments, there being none the motion passed unanimously. 5-0.
4. Consider request to award the bid to purchase a small tour bus to Absolute Bus for \$37,900 and to authorize the City Manager to sign any and all paperwork necessary to execute said purchase and to place said vehicle into the City of Pikeville's name. 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.
5. Consider a request to authorize and approve the 2012-2013 Kentucky Pride Fund Recycling Grant Agreement for the period of July 1 2012 through June 30 2013 and to authorize the Mayor to sign and execute said agreement on behalf of the City of Pikeville. Commissioner Chaney made the motion to approve. Commissioner Layne seconded the motion. Mayor Justice called for comments, there being none the motion passed unanimously. 5-0.
6. Consider a request to authorize and approve the city to purchase the property located beside the city property on the by-pass next to Combs Bridge for the purchase price of \$35,500 and to authorize the Mayor to sign and execute the Deed of Conveyance for said purchase. 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.
7. Consider a request to authorize and approve the sale of the property the city is purchasing on the by-pass next to Combs Bridge to Don Childers of Childers Oil for the sale price of \$35,500 for the purpose of economic development and to authorize the Mayor to sign and execute a deed of conveyance for said sale. Commissioner Chaney made the motion to approve. Commissioner Layne seconded the motion. Mayor Justice called for comments. Commissioner Davis wonders what Hometown Convenience, LLC is. Mayor says that it is Don Childers. Mr. Blackburn said it is Don Childers with Childers Oil. Mayor asked City Attorney how this was possible

- without putting out a bid and if this was possible. City Attorney says that we are ok and it is good. Mayor called for further comments, there being none, the motion passed unanimously. 5-0.
8. Consider a request to authorize and approve a property swap between Don Childers of Childers Oil for property owned by Childers located on South Mayor Trail where the old Happy Mart was located and by the City the property located beside Combs Bridge currently owned by the city and to authorize the Mayor to sign and execute all required paperwork and deed of conveyances for said transfer of both properties. Said trade of properties is based upon economic development for new business opportunity and tax base. Commissioner Layne made the motion to approve. Commissioner Chaney seconded the motion. Mayor Justice called for comments. Mayor asked how much of the property are we getting, where is the cut-off. Mr. Blackburn says it is a different piece of property, it is the Old Happy Mart. Mayor says it a vacant lot, I see. Mayor called for further comments, there being none, the motion passed unanimously. 5-0.
  9. Consider a request to adopt a resolution regarding easement for the use of city street for the Foxcroft Sewer Extention project and to 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; and then says I guess that means we are going to tear our street to pieces. Mr. Blackburn nodded. Mayor called for further comments, there being none, the motion passed unanimously. 5-0.
  10. Consider a request to approve and authorize the Mayor to sign and execute a letter of intent for Kentucky Cultural District Certification on behalf of the City of Pikeville. Commissioner Layne made the motion to approve. Commissioner Davis seconded the motion. Mayor called for comments, there being none, the motion passed unanimously. 5-0.
  11. Consider a request to approve and authorize a resolution for the City of Pikeville to submit application(s) to the Kentucky Office of Homeland Security for replacement communication equipment and/or training and equipment for an arson investigation team and authorize the Mayor to sign and execute. (No match is required.) 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.
  12. Consider a request to authorize the City of Pikeville to submit an application to the Hazard Mitigation Grant Program DR- 1976 for acquisition/demolition of landslide structure located at 7 Peach Orchard and stabilize land and authorize the Mayor to sign and execute said application. (The city match will be 13 percent.) 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.
  13. Consider a request to resolution adopting the City of Pikeville Wastewater Facility Plan and authorize the Mayor to sign said resolution along with a letter to Division of Water submitting said plan. 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. Consider a request to award the bid to purchase for a Booster Pump Station Upgrade to H2O Construction, who was the low bid, in the amount of \$122,000 and to authorize the Mayor to sign and execute a contract on behalf of the city for said purchase and work. Commissioner Chaney made the motion to approve. Commissioner Layne seconded the motion. Mayor called for comments, there being none, the motion passed unanimously. 5-0.
15. Consider a request to authorize the City of Pikeville to submit a grant application for the National Recreation and Park Association who is partnered with Coca-Cola Company in a collaboration effort between Sprit and Food City in the amount of \$10,000 to refurbish local basketball courts and to authorize the mayor to sign and execute any and all paperwork necessary to apply and receive said grant. Commissioner Layne made the motion to approve. Commissioner Carter seconded the motion. Mayor called for comments. Commissioner Davis questioned if the term refurbished local basketball courts if they were referring to Bob Amos. Mr. Blackburn said yes to buy some bleacher. Mayor called for further comments, there being none, the motion passed unanimously. 5-0.

\*\*\*\*\*City Manager announces consent items\*\*\*\*\*

16. Pursuant to KRS 61.810, consider request for closed session for discussion of economic development, legal and personnel issues. Commissioner Carter made the motion. Commissioner Chaney seconded the motion. Mayor Justice called for discussion. Commissioner Carter thanks Sean Cochran for the event that was held over the weekend. It was quite an event. Great job Sean, Jesse, Chief, and all that was involved. Mayor called for additional questions or comments, there being none, the motion passed unanimously. 5-0.
17. Commissioner Carter made the motion to re convene. Commissioner Davis seconded the motion. Mayor Justice called for discussion, there being none the motion passed unanimously. 5-0. Mayor called the session back into order.
18. Consider a request to authorize the tax office to waive all penalties, late fees and interest on money owed by Pam Newsome's occupational tax. Issue was created by her employer and not her fault however pursuant to city ordinance she would stand liable unless city commission approves to dismiss. Error was caused by employer paying the wrong city. The city did receive what was paid in however the city that Ms Newsome was paying tax rate was 1.5% instead of 2%. The variance caused Ms Newsome to be in default of payment and therefore penalties, late fees and interest accessed pursuant to city ordinance. Ms Newsome discovered the mistake herself and turned the violation into the city on her own. Commissioner Layne made the motion to waive all current penalties, late fees and interest for Ms Newsome.

Commissioner Carter seconded the motion. Mayor Justice called for discussion. There being none the motion passed 5-0

19. There being no further business to come before the Commission, Commissioner Davis has made the motion to adjourn the meeting. Commissioner Layne seconded the motion. Mayor Justice called for discussion, there being none, the meeting was adjourned. 5-0

**CONSENT ITEMS:**

**July 4<sup>th</sup> City Hall will be closed for 4<sup>th</sup> Celebration**

**US 119 Corridor dedication to honor Charles "Fuzzy" Keesee will be Wednesday June 27<sup>th</sup> 2012 at 11 am at Belfry High School auditorium**

**Game Day Tour with Coach Joker Phillips for camp for eighth-grade and below will be held at Bob Amos Park on Tuesday June 26<sup>th</sup> registration at 4:30 and football activities starting at 5:30.**

**Boy Scouts Soap box derby on July 21 from 9 am til 4 pm Bailey Drive**

**EDA award announcement of \$25,000 for City Comp Plan announced**

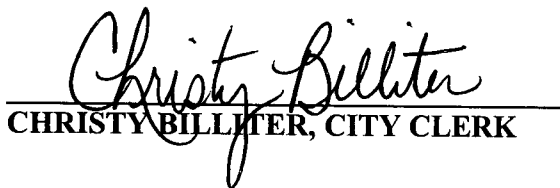
**The next scheduled Regular Meeting of the City of Pikeville Board of Commissioners is July 9, 2012 at 6:00 p.m.**

**APPROVED:**



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

**ATTESTED:**



**CHRISTY BILLITER, CITY CLERK**