

**CITY OF PIKEVILLE
BOARD OF COMMISSIONERS
REGULAR MEETING MINUTES
FEBRUARY 13, 2006**

A regular meeting of the City of Pikeville Board of Commissioners was held on Monday, February 13, 2006. The meeting was held in the City Hall Public Meeting Room located at 118 College Street, Pikeville, Kentucky.

There being a quorum present, Mayor Franklin D. Justice, II called the meeting to order at 6:00 p.m. Commission Members present at roll call were as follows:

COMMISSIONER:	DALLAS LAYNE EUGENE W. DAVIS JAMES A. CARTER M. SHANE HALL
MAYOR:	FRANKLIN D. JUSTICE, II

AGENDA ITEM II. MINUTES

The minutes for the previous regular meeting of January 23, 2006 were included in each Commission Member's agenda package. There being no additions or corrections, Commissioner Layne made the motion, seconded by Commissioner Carter to approve the minutes as prepared. The motion carried unanimously.

AGENDA ITEM III. BUSINESS FROM THE FLOOR

Mayor Justice recognized attendance of members of Boy Scout Troop #12. Troop leaders, Kevin Auton and Reed Potter, Jr., explained the scouts are earning a merit badge for Citizenship in the Community.

AGENDA ITEM IV. PAYMENT OF BILLS

A list of City Bills totaling \$527,366.31 was presented to the Commission for approval of payment. Mayor Justice made the motion, seconded by Commissioner Layne to approve payment of the City Bills as requested. The motion carried unanimously.

AGENDA ITEM V. OLD BUSINESS

- A. BIG SANDY AREA DEVELOPMENT DISTRICT:** No report
- B. PIKEVILLE MAIN STREET PROGRAM:** Program Director, Serena Stiltner, requested the Commission's approval to pay two invoices as approved by the Pikeville Main Street Board. Ms. Stiltner presented an invoice totaling \$2,469.79 on behalf of Dr. John Phillips for reimbursement of repairs made to his office building, located on Caroline Avenue. The repairs were made as a result of

damage alleged to have occurred during the Utility Relocation Project. City Manager Blackburn explained the building was damaged during installation of conduit and their signage was damaged, as well. Additionally, Ms. Stiltner presented an invoice from Upbeat, Inc. in the amount of \$3,165.00 for the purchase of steel trash receptacles for the downtown area. Commissioner Layne made the motion, seconded by Commissioner Carter to approve payment of both invoices pursuant to the Pikeville Main Street Board's recommendation. The motion carried unanimously.

C. CITY ENGINEER'S REPORTS: Jack Sykes was present on behalf of Summit Engineering, Inc., city engineers, and presented a verbal status report for the following projects:

- 1. High Street Retaining Wall Project:** Three bids were received in answer to the advertisement for construction of a retaining wall along High Street, adjacent to the cemetery. The bids were as follows:

JBC, Inc.....	\$184.78/linear ft.
Mountain Enterprises, Inc.	\$282.52/linear ft.
Commonwealth Building	\$312.78/linear ft.

Mayor Justice made the motion, seconded by Commissioner Hall to award the project to the low bidder, JBC, Inc. The motion carried unanimously. A \$25,000.00 Cemetery Fund Grant was awarded by the State for the project. The city is required to match the grant funds.

City Engineer Sykes reported that approximately \$87,000 remains in a Department of Transportation account from the Kentucky Avenue Roadway and Utility Improvement Project. In conversation with DOT personnel, it was learned the remaining funds could be used for roadway improvement in the area. Mr. Sykes proposed using the surplus funds to expand the retaining wall along an additional portion of High Street, 80 feet along Sycamore Street, and 70 feet along Auxier Avenue. Commissioner Layne made the motion to approve a change order to the JBC, Inc. contract to allow for the expansion of the retaining wall as proposed by the city engineer. Commissioner Davis seconded the motion. The motion carried 4 – 0 – 1 with Commissioner Carter abstaining from the vote.

- 2. Bob Amos Park Improvement Project:** The city engineer advised that the design phase, for the improvements planned for Bob Amos Park (an RV Park/Campground and Soccer Field), are nearing completion. He requested authorization to advertise for bids for the earthwork contingent upon receiving permits from the Division of Mining. The City will fund the initial cost of the earthwork/reclamation project and be reimbursed through sale of the mineral. It is expected that Pike County Fiscal Court will vote at their next meeting to approve the conveyance of the county's ownership of mineral on the property. Commissioner Layne made the motion, seconded by Commissioner Carter to

authorize the City Engineer to advertise for bids for the earthwork portion of the project contingent upon receipt of all necessary permits. The motion carried unanimously.

D. CITY ATTORNEY'S REPORTS: Russell H. Davis, Jr., city attorney, presented and gave first reading to an ordinance entitled:

ORDINANCE AMENDING THE FISCAL BUDGET FOR THE 2005-2006 FISCAL YEAR

Second reading was scheduled for February 27, 2006.

E. FIRE DEPARTMENT UPDATE: Lt. Robbie Lindsay presented the Fire Department activity report for the previous three week period. Lt. Lindsay reported that Fire Department personnel responded to 64 EMS calls and 35 Fire calls. Personnel provided EMS and Fire Coverage services during events held at the East Kentucky Exposition Center. The Fire Chief is acquiring quotes to extend the truck bays at the Chloe Fire Station. Lt. Lindsay presented a rough rendering of the construction to be completed. He surmised that it may be more cost efficient to extend all three bays at one time. Fire Department Personnel took pictures of 8.3 miles, along the river's edge, to be submitted with a grant application to the PRIDE Program.

City Manager Blackburn commended the Police and Fire Departments for their quick response time to the Myers Tower fire. Lt. Lindsay reported the fires originated in restrooms. The 4 minute response time kept damage at a minimum. Personnel are investigating the cause of the fire. The Commission discussed the possibility of enacting an ordinance to require all volunteer and paid staff to respond to paged emergency calls.

F. POLICE DEPARTMENT UPDATE: Sgt. Aaron Thompson with the Pikeville Police Department presented a written activities report for the previous three week period. Sgt. Thompson advised that officers responded to 721 calls for service. He commended the Detective Division for their work in the confiscation of 13 grams of cocaine, other controlled substances, money, and the recovery of stolen property. Police Chief Adkins reported that three officers participated in Kids Day, a program sponsored by Wal-Mart. Child identification kits were distributed to parents during the day.

G. CITY MANAGER'S REPORTS: Donovan Blackburn, City Manager, presented the following items for the Commission's consideration:

1. Property Exchange: Presented for approval was an agreement between the City of Pikeville and Bailey Hotel, LLC ("Hampton") to exchange property to facilitate the construction of the hotel. The city attorney and city manager reviewed the contract and recommended approval. Commissioner Carter made

the motion, seconded by Commissioner Hall to authorize the Mayor to execute the agreement to exchange property with Bailey Hotel, LLC. The motion carried unanimously.

2. Landlord's Waiver: In conjunction with the Hampton Hotel Project, a waiver was presented for approval whereby the City, as owner of the parking garage, confirms its lease with Bailey Hotel, LLC, for the right to use up to 120 parking spaces on the fourth floor of the parking garage. Bailey Hotel has applied to Community Trust Bank, Inc. for a construction and permanent loan. The bank has agreed to make the loan only if the City subordinates and waives any claims, demands or rights with respect to the collateral (hotel facility). The city attorney recommended three changes to the waiver. Commissioner Hall made the motion to authorize the Mayor to execute the Landlord's Waiver contingent upon the changes to the agreement as recommended by the city attorney. Commissioner Davis seconded the motion. The motion carried unanimously.

3. Lease Agreement: City Manager Blackburn requested permission to enter into a lease agreement with Kentucky Alternatives Program for additional office space in the building located at College Street. The city manager reported the city will be gaining additional personnel through an agreement with Sandy Valley Water District. To provide additional office space at City Hall, he proposed to relocate the Pikeville Main Street Agency and UNITE Pike personnel to the new location. Commissioner Davis made the motion, seconded by Mayor Justice to authorize the lease of additional office space from Kentucky Alternatives Program. The motion carried 4 – 0 – 1 with Commissioner Carter abstaining from the vote.

4. College Street Signage: The city manager request approval to remove the stop signs on College & Elm upon the completion of the demolition of the Executive Printing building. He recommended that Elm Street remain as a one way stop and that College Street be open to through traffic. Commissioner Layne made the motion to approve the city manager's recommendation, contingent upon the removal of the Executive Office building. Commissioner Carter seconded the motion. The motion carried unanimously.

5. 2005 Assistance to Firefighters Grant: The Pikeville Fire Department was awarded a grant in the amount of 168,825.00 from the U.S. Fire Administration at FEMA for the purchase of equipment (breathing apparatus, etc.). The city's share is \$8,885.00. Commissioner Carter made the motion, seconded by Commissioner Davis to accept the Assistance to Firefighters Grant. The motion carried unanimously.

City Manager Blackburn requested authorization to submit a funding application in the amount of \$50,000 to PRIDE for lake clean-up. Commissioner Carter made the motion to authorize the submittal of a grant application to PRIDE in the amount of \$50,000 for the project. Commissioner Davis seconded the motion. The motion carried unanimously.

6. Surplus Property Auction: City Manager Blackburn requested permission to host an auction to dispose of surplus office equipment and vehicles. Commissioner Carter made the motion, seconded by Commissioner Layne to authorize the City Manager to proceed with the auction. The motion carried unanimously.

7. Tourism Commission: Mayor Justice nominated Judi Patton to serve as the city's representative on the Tourism Commission. Commissioner Carter made the motion, seconded by Commissioner Layne to approve the appointment of Judi Patton to serve as the city's representative on the Tourism Commission. The motion carried unanimously. The Mayor apologized to the previous representative for the appointment being made public prior to receipt of the notice. Mayor Justice commended the service of the previous representative.

8. Mid-South Conference Week: The following resolution was presented for adoption:

**RESOLUTION OF THE CITY OF PIKEVILLE
BOARD OF COMMISSIONERS DESIGNATING
FEBRUARY 26, 2006 THROUGH MARCH 4, 2006 AS
MID-SOUTH CONFERENCE WEEK
IN THE CITY OF PIKEVILLE (R-2006-002)**

WHEREAS, several of the top-rank teams in the nation will be in the City of Pikeville, Kentucky for the Community Trust Bank Mid-South conference Basketball Tournaments in the Eastern Kentucky Exposition Center, March 2nd – 4th, 2006; and,

WHEREAS, the Mid-South conference is traditionally one of the strongest National Associations of Intercollegiate Athletics (NAIA) conferences in men and women's basketball; and,

WHEREAS, schools in the Mid-South conference (MSC) include Pikeville College, Georgetown College, Campbellsville University, the University of the Cumberlands, Lindsey Wilson College and Lambuth University; and

WHEREAS, the events will begin on Wednesday, March 1, 2006, with a banquet for MSC student-athletes, coaches and administrators in the ballroom at the Eastern Kentucky Exposition Center (EKEC), and after the banquet, the MSC cheerleading competition will be held in the EKEC Arena; and,

WHEREAS, the basketball tournaments begin on Thursday, March 2, 2006, and conclude on Saturday, March 4, 2006; and,

WHEREAS, this is a great opportunity to showcase our great city, not to mention the significant economic impact the tournament will have on the city, county and region, as we will be hosting 10 teams from out of Pike County (five men's teams and 5 women's teams), as well as their respective cheerleading squads, faculty, staff, students, fans and media.

NOW, THEREFORE, BE IT RESOLVED that February 26, 2006 through March 4, 2006, is hereby designated as "Mid-South Conference Week" in the City of Pikeville, Kentucky, in honor of the presence of these distinguished guests in our great city.

Commissioner Hall made the motion to adopt the foregoing resolution. Commissioner Davis seconded the motion.

The motion carried unanimously.

9. Closed Session: City Manager Blackburn requested a closed session for the purpose of discussing an economic development issue, personnel issue concerning a former city employee, and a legal issue concerning WestCare and the city's homeless shelter. Commissioner Davis made the motion to adjourn to closed session for the purpose of discussing the matters outlined by the city manager. Commissioner Carter seconded the motion. The motion carried unanimously.

Commissioner Davis made the motion, seconded by Commissioner Carter to reconvene to regular session. The motion carried unanimously.

10. Southeast Telephone: Commissioner Carter made the motion to sell a triangular shaped tract of property, approximately 250 sq. ft. in size, to Southeast Telephone for the amount of \$500.00, to assist in an economic development project. Commissioner Layne seconded the motion. During discussion, it was noted that Southeast Telephone would be expanding their operations in the river fill location, employing about 160 individuals. Southeast Telephone will fund all costs associated with the property sale. The motion carried 4 – 0 – 1 with Mayor Justice abstaining from the vote.

11. Police Captain: Commissioner Layne made the motion, seconded by Commissioner Davis to authorize the city manager to post the position of Police Captain. The motion carried unanimously.

12. WestCare: City Manager Blackburn reported that he had been in negotiations with WestCare for the operation of the city's emergency/homeless shelter. The city manager opined the partnership would benefit the city by having a qualified professional organization operating the facility. The city would enjoy risk reduction and save money in personnel and repair costs. It is proposed that the city will deed the building to WestCare and will pledge up to \$60,000 per year for a two year period to assist with the transition. A reversionary clause will be added to the deed of conveyance to provide that

the building will return to the city at such time that the building ceases to be operated as a homeless/emergency shelter. Commissioner Hall made the motion to authorize the Mayor to execute any necessary documentation to effectuate the agreement. Commissioner Davis seconded the motion. The motion carried unanimously.

There being no further business to come before the Commission, Commissioner Davis made the motion, seconded by Commissioner Carter to adjourn the meeting. The motion carried unanimously.

The next scheduled meeting of the City of Pikeville Board of Commissioners is February 27, 2006 at 6:00 p.m.

APPROVED: _____
FRANKLIN D. JUSTICE, II, MAYOR

ATTEST:

KAREN W. HARRIS, CITY CLERK