

**CITY OF PIKEVILLE
BOARD OF COMMISSIONERS
REGULAR MEETING MINUTES
February 22, 2010 AT 6:00 P.M.**

The Board of Commissioners for the City of Pikeville met in a regular called session on Monday, February 22, 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 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 February 8, 2010 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. 5-0.

BUSINESS FROM FLOOR

Mayor Justice called for business from the floor. There being none, the Mayor called for the next item on the agenda.

PAYMENT OF CITY BILLS

The City Manager Donovan Blackburn requested the approval to pay city bills in the amount of \$118,151.47. Commissioner Layne made the motion to approve. Commissioner Davis seconded the motion. Mayor Justice called for further discussion, Commissioner Davis asked if the City had funds to pay. Finance Director Sue Varney acknowledged yes. Mayor called for further comments, there being none the motion passed unanimously. 5-0.

Mayor Justice read request to approve payment to Sprinturf in the amount of \$1,218.19 for the Hambley Field Turf replacement, SEMS software in the amount of \$7,000 and Rocky Company in the amount of \$14,860 as submitted. Commissioner Layne made the motion to approve. Commissioner Carter seconded the motion. Mayor Justice called for comments, there being none the motion to authorize payment was approved unanimously. 5-0.

BIG SANDY AREA DEVELOPMENT DISTRICT

Nicole Meade was present for the Big Sandy Area Development. Mayor Justice asked Ms. Meade for an update. Ms. Meade answered, that is not my project. Mayor asked Ms. Meade to answer again. Ms. Meade, not my project, I don't have any information to give you. Mayor asked Ms. Meade if the City had her involved in any projects. Ms. Meade answered no, not yet. Ms. Meade stated part of her job duties is to attend meetings. Mayor Justice, ok.

POLICE DEPARTMENT REPORT

Mayor Justice called upon the Pikeville Police Department for update. Sergeant Chris Edmonds was present. Sgt. Edmonds reported the department has installed 6 in car cameras with the seized drug money. Mayor Justice, stated good job.

PIKEVILLE FIRE DEPARTMENT

Mayor Justice called upon the Pikeville Fire Department for update. Fire Chief Ronald Conn was present. Chief Conn introduced new hire Kevin Fox, he was absent last meeting due to family member having surgery. Mr. Fox announced he was from the Lexington area and moved here with his wife who owns a local business. City Manager Donovan Blackburn, welcomed him along with the mayor and commissioners.

CITY ENGINEER REPORT

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

Consider request to approve Addendum # 3 to the Thompson Road Widening Project engineering contract between Summit Engineering, Inc. and the City of Pikeville to increase fees by \$28,500.00 for additional engineering services caused by the increased length of the project and to authorize the mayor to sign the addendum. Commissioner Carter made the motion to approve. Commissioner Layne seconded the motion. Mayor Justice called for further comments, there being none the motion passed unanimously. 5-0.

CITY ATTORNEY

City Attorney Rusty Davis not present. City Manager Donovan Blackburn read into record the 1st reading of Ordinance RATES AND CHARGES 51.15 Gas Fees. 2nd reading of the Ordinance will be on March 8, 2010.

City Attorney arrived. Mayor Justice opened the discussion in reference to the dumping or filling of material on the By Pass Road property owned by Steve Friend near the Pikeville Pond Area. Mayor Justice expressed his anger to have this happen. The city has addressed this time and time again. Mayor Justice stated having material dumped in to the flood control area is a major concern of his. Mayor Justice asked City Attorney Rusty Davis what the city could do to prevent this from happening in the future. Mr. Davis; Mayor, we don't have any current ordinances or restrictions to perceive approval for roads or different elevations. The city could draw up regulations for fill property, not just a couple of loads of dirt in the backyard, anything else and set limits. Mayor we could hire Summit Engineering to help with the draft of a permit type based on compliance with environmental issues and run off streams near the pond or any water shed area in city limits less than 5 acres. Mayor Justice; Community Trust property was not over 5 acres, and that fill has been a problem. Mr. Davis; The natural stream and the flow of water would be a consideration factor along with state laws. Mr. Davis stated that his thoughts would be to let Summit Engineering, Inc. look at the issues and regulated by federal, and state and then the city developing some type of regulations to ensure this does not happen in the future near our streams and the flood ways. The city could draft an ordinance based on endangering the wildlife and water quality near the Pikeville Pond based on wild life concern; but not knowing the quality of the material being dumped into the pond area is an issue. The city could also do a moratorium to prevent for six months until Summit has time to review the situation. Commissioner Gene Davis asked if the commission has the authority to pass the moratorium. Rusty Davis answered yes. Mayor Justice stated he did not want or like to tell property owners what to do with their own property, his concern is the flood control for that area and the city; not to take away any capacity to withhold the water and that is the problem to be prevented. Commissioner Jimmy Carter asked if the city had received a copy of the letter or permit from the Division of Water or a copy of any testing documentation for the material. Rusty Davis stated they have been provided with the permit. Mr. Sykes stated that he had not seen the plans for the fill area in question. Robert Smith, Codes Enforcement Officer for the City of Pikeville stated Mr. Friend had planned on filling the gully between his house and the drain. Mayor; storm drain? Mr. Smith; not over drain to the drain. Mr. Davis stated he would recommend Summit Engineering to look into not allowing fill on 20 foot right of way easement. Mr. Davis also mentioned the issue is noted that filling in or near the water takes away capacity. Jack Sykes agreed. City Manager Donovan Blackburn that the city would look into drafting an ordinance for the commissioner to review before the

next meeting. Fire Chief Ronald Conn stated that in the May floods this year the pond area level raised 15 feet in 4 hours, the pond raised faster than the river. Jack Sykes added they needed to evaluate the permit that DOW issued. Mayor Justice would like to have permit and something drafted by next meeting. Rusty Davis requested Summit Engineering to start a comprehensive plan for the city to protect the fill permit and have future excising time to review before permits are issued. Mr. Davis asked commission if they wanted to stop the current job. Mayor Justice answered no. Mr. Sykes stated he wanted to look at the project and take the approach of flood control. Rusty Davis agreed along with the mayor and city manager. Commissioner Chaney, Davis and Layne agreed. Mayor closed the discussion with understanding of developing a plan and taking another look at the issue at the next meeting.

CITY MANAGER

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

1. Consider request to approve adopt a resolution requesting the Joint Planning Commission to amend Chapter 156.105 restricting areas for placement of mobile homes in the Pikeville City Limits. 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.
2. City Manager requested approval to adopt a resolution in regards to HB 410 authorizing and approving line items for Coal Severance projects: 554,555,558,557,561,562 and 563 for fiscal year 2009-2010 and to approve and agree to all terms and guidelines set forth therein and to authorize the mayor to sign and execute submitted memorandums of agreements for each project. Commissioner Chaney made the motion to approve agreements. Commissioner Davis seconded the motion. Mayor Justice called for comments, there being none the motion was passed unanimously. 5-0.
3. Consider request to approve amendments as submitted to Chapter 4.6 of city personnel policy amending cities uniform policy. 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.
4. Consider request to award bid on the playground equipment for the city park from Miracle Recreation Equipment Company as submitted for \$52,867.12. 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 request to authorize advertisement for Marion Branch Sewer Project for constructions bid upon receipt of funding agency authorization to

- bid 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.
6. Consider request to authorize advertisement for bid for purpose of purchasing a new vehicle to be used by the City Manager. 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.
 7. Request to adopt a resolution authorizing the city to file an application for the 2010 recreational trails program grant in the maximum amount of \$100,000.00 with a 50% match form the city and authorize the mayor to sign and execute said resolution. Commissioner Layne made the motion to approve. Commissioner Carter seconded the motion. Mayor Justice called for comments, there being none the motion passed unanimously. 5-0.
 8. Consider a request to approve an application to the KY League of Cities Safety Grant Program for the purpose of applying for personal protective equipment for the Pikeville Fire Department in the amount of \$6,000.00 with a 50% match by the city. Safety Boots will be purchased if awarded. 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.
 9. Consider a request to adopt a resolution accepting \$325,000.00 in ARC funds to the City of Pikeville for the Marion Branch Sewer Project and to authorize the Mayor to sign and execute the resolution and any other required paperwork necessary to acquire said funds. Commissioner Chaney made the motion to approve. Commissioner Layne seconded the motion. Mayor Justice called for comments, there being none motion passed unanimously. 5-0.
 10. Consider request to award bid to Davis Equipment Company in the amount \$23,490.00 for the purchase of a Kubota tractor and mowing deck and to authorize payment for the purchase. Commissioner Chaney made the motion to approve. Commissioner Layne seconded the motion. Mayor Justice asked the size of the mower. Greg May answered same as the last one that was totaled in the accident. 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 Layne seconded the motion. Mayor Justice called for discussion, there being none the motion passed unanimously. 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 Manger requested approval to make the official offer to purchase a house owned by Teresa Justice located off of Thompson Road adjacent to the

- property the city already owns in the amount of \$209,000.00 and to authorize the mayor to sign any and all paperwork necessary for this sale contingent upon the home owner accepting the offer. 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.
14. The commission was asked to consider the authorization of a change order with Sprinturf in the amount of \$21,500 for additional grading work that needs to be completed on Hambley Field as was discussed during the work session. The additional work will greatly help with the drainage problem on the existing field. The request was to also authorize the City Manager to sign said change order and to authorize payment for said services. Commissioner Davis made the motion to approve. Commissioner Carter seconded the motion. Mayor called for comments, there being none the motion passed unanimously. 5-0.
15. There being no further business to come before the Commission, Commissioner Carter 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

The next scheduled Regular Meeting of the City of Pikeville Board of Commissioners is March 8, 2010 at 6:00 p.m.

APPROVED:

FRANKLIN D. JUSTICE, II, MAYOR

ATTESTED:

REBECCA HAMILTON, CITY CLERK