

**CITY OF PIKEVILLE
BOARD OF COMMISSIONERS
REGULAR MEETING MINUTES
February 23, 2004 AT 6:00 P.M.**

The Board of Commissioners for the City of Pikeville met in a regular called session on Monday, February 23, 2004. The meeting was held in the City Hall Conference Meeting Room located at 118 College Street, Pikeville, Kentucky.

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

COMMISSIONER: **GENE DAVIS
SHAWN AMOS
DALLAS LAYNE
JIMMY CARTER**

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

MINUTES

The minutes for the previous regular meeting held on February 9, 2004 were in each Commission Member's agenda package. There being no additions or corrections, Mayor Frank Justice 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.

BUSINESS FROM FLOOR

Mayor Justice calls for business from the floor. Sharon Clark comes forward concerning the future of the landscaping program. She suggests that new contract specifically address the landscaping, i.e. planting of particular items, planting times, trimming, etc. City Manager Donovan Blackburn tells Ms. Clark and commission that he and Greg May have discussed the issue and they feel sure that the landscaping program will continue at least as well as it is now, but most likely even more so. Ms. Clark also questions what will become of the green house and growing the plants there. Mayor Justice says it will remain. Commissioner Davis says that no one on the commission would do away with the landscaping program.

An undammed city resident came forward and asks about street cleaning schedules. A. T. assures the Mayor that it is being done, but with all the construction, it is hard to be every where every day. But the big cleaner is being used consistently to try to keep a handle on the mud.

David Stratton steps forward to ask about animal shelter for the county. He understands that after a work session with the county that the city has decided not to lease the land currently leased by the YMCA for a skate park. He asks if the city would consider leasing the land about 50 from softball field below the YMCA. He says there is enough room for parking there and that the Animal Shelter needs a lease to qualify for funding. The human society has committed \$300,000 toward the project and they could get a grant for \$100,000. He says there is no other place for them to go.

Ms. Stratton steps forward to say that it is not possible for the animal shelter to locate in the industrial park because coal sufferance funds were used to build this park and it is her understanding that putting an animal shelter there would be against the law. Mayor Justice asks her if other property was looked at. She said that the property at the end of Burning Fork on US119 has been addressed, but was so far, unavailable.

Commissioner Layne says that he agrees there is a need for an animal shelter. He is sure the rest of the commission agrees. He makes a motion that the city will lease to the county the "old horse ring site" for a total of 20 years with 2 ten-year options. Commissioner Amos seconds the motion. Mayor Frank Justice called for discussion. There was much about noise pollution, smell pollution, animal control, etc. Afterwards, he votes no to the motion on the grounds that the city wasn't given any options for breaking the lease in the previous motion. Commissioner Layne withdraws his motion. Then makes the same motion with the inclusion of the options to break the lease the county if there are smell, noise, animal control, etc or if the animal shelter finds another place to build before starting to build on the softball field level of the YMCA or if before they start to build the commission changes their mind. Mayor Frank Justice called for discussion, there is more discussion. The motion is carried unanimously.

Mayor Frank Justice presents a thank you note to the CITY OF PIKEVILLE police department from the cheerleaders for the escort provided.

Mayor Justice asks for a motion to recess the meeting for a few minutes to take a needed break. Commissioner Amos makes the motion and Commissioner Carter seconds. Mayor Frank Justice called for discussion, there is more discussion. The motion is carried unanimously.

Mayor Justice asks for a motion to call the meeting back into session. Commissioner Amos makes the motion and Commissioner Carter seconds. Mayor Frank Justice called for discussion, there is more discussion. The motion is carried unanimously.

PAYMENT OF CITY BILLS

A. List of City Bills was presented to the Commission for approval of payment. Commissioner Layne made the motion to approve. Commissioner Amos seconded the motion. Mayor Frank Justice called for discussion, there being none the motion carried unanimously.

B. Consider final payment to Summit Engineering in the amount of \$1,800.00. Commissioner Amos made the motion to approve. Commissioner Layne seconded the motion. Mayor Justice called for discussion, there being none the motion carried unanimously.

C. Consider final payment to Summit Engineering in the amount of \$563.93. Commissioner Amos made the motion to approve. Commissioner Layne seconded the motion. Mayor Justice called for discussion, there being none the motion carried unanimously.

D. Consider approval of final payment to Summit Engineering in the amount of \$1,575.00. Commissioner Layne made the motion to approve. Commissioner Layne seconded the motion. Mayor Justice called for discussion, there being none the motion carried unanimously.

OLD BUSINESS

A. Big Sandy Area Development District Reports: Sandy Runyon from the Big Sandy Area Development District says she has no business to discuss.

B. Pikeville Main Street Program Reports: Missy Staggs asks the commission to consider the following request:

1. Consider approval of pay request #13 to Mountain Enterprises in the amount of \$52,935.30 for Utility Relocation Phase II. Mayor Justice made the motion to approve. Commissioner Layne seconded the motion. Mayor Frank Justice called for discussion, there being none the motion carried unanimously.

2. Consider approval of payment to Summit Engineering in the amount of \$16,850.00 fore Utility Relocation Phase III. Move made by Mayor Justice for approval and seconded by Commissioner Layne. Mayor Justice called for discussion, there being none, motion passed unanimously.

3. Consider adoption of a resolution establishing the Main Street Board as the Cemetery Board for the City of Pikeville and authorize the submission of a funding application for a Cemetery Grant for \$25,000.00. Move made by Commissioner Carter and

seconded by Commissioner Layne. Mayor Justice called for discussion, there being none, motion passed unanimously.

C. City's Engineer's Reports: Charles Byers informs the commission on the following:

1. Renaissance Area Utility Project – Phase II update; Mr. Byers says there's really not much to report due to the weather
2. Renaissance Area Utility Project – Phase III update; all utilities (AEP BellSouth & Tele-media) should start this week then stop during Hillbilly Days.
3. Kentucky Ave. Projects updates; Mr. Byers shares the quotes for guardrail on High Street and paving. Doesn't include guardrail for Sycamore Street. Quotes for new and used guardrail. Commission decides to use the new. Mayor Frank Justice made the motion to approve the installation of the new guardrail at the submitted price. Commissioner Layne seconded the motion. Mayor Frank Justice called for discussion, there being none the motion carried unanimously.
4. Consider approval to bid for preparation for pad for the rail car move. Commissioner Carter made the motion to approve. Mayor Frank Justice seconded the motion. Mayor Frank Justice called for discussion, there being none the motion carried unanimously.
5. Consider approval to bid for walk way in the city park. Mayor Justice made the motion to approve. Commissioner Carter seconded the motion. Mayor Frank Justice called for discussion, there being none the motion carried unanimously.

D. City Attorney's Reports: City Attorney Rusty Davis asks the commission to consider the following request:

1. City Attorney gave the first reading of the following ordinance:

ORDINANCE NAMING PREVIOUSLY UNAMED STREETS; NATURAL COVER DRIVE, HAMLOCK LANE, LOCUST DRIVE, MAGNOLIA DRIVE, PRATER PLACE, LEE AVENUE AND ALEXANDER DRIVE.

This was a first reading no further action is required.

2. Consider adoption of the annual resolution and to authorize the Mayor to sign.

RESOLUTION ADOPTING AND APPROVING THE EXECUTION OF A CONTRACT BETWEEN THE INCORPORATED AREA AND THE DEPARTMENT OF RURAL AND MUNICIPAL AID, COMMONWEALTH OF KENTUCKY, FOR THE FISCAL YAR BEGINNING JULY 1, 2004, AS

PROVIDED IN THE KENTUCKY REVISED STATUTES AND ACCEPTING ALL STREETS WHICH ARE A PART OF THE INCORPORATED AREA.

Commissioner Layne made the motion to approve. Commissioner Carter seconded the motion. Mayor Frank Justice called for discussion, there being none the motion carried unanimously.

E. City Manager's Reports: City Manager Donovan Blackburn asks the commission to consider the follow request:

1. Consider approval to transfer Connie Holloway to the position of Traffic Control Officer and to pay her based on the city pay rate chart. Mayor Justice made the motion to approve. Commissioner Amos seconded the motion. Mayor Frank Justice called for discussion, there being none the motion carried unanimously.

2. Consider approval to establish a grant to transfer one used police car to Pikeville College and to authorize the City Manager to sign any necessary paperwork to make said transfer. Mayor Justice made the motion to approve. Commissioner Carter seconded the motion. Mayor Frank Justice called for discussion, there being none the motion carried unanimously.

3. Consider discussion concerning disposal of city property located on Auxier. Commissioner Layne made the motion to allow City Manager to get prices for demolition and research the zoning of said property. Commissioner Carter seconded the motion. Mayor Frank Justice called for discussion, there being none the motion carried unanimously.

4. Consider amending contract with US Filter to change the verbiage, but will leave the contract with the same terms and conditions. Mayor Justice made the motion to approve. Commissioner Carter seconded the motion. Mayor Frank Justice called for discussion, there being none the motion carried unanimously.

5. Consider the approval of Ralph Feltner as the park's director under US Filter. Commissioner Davis made the motion to approve. Commissioner Layne seconded the motion. Mayor Frank Justice called for discussion, there being none the motion carried unanimously.

6. Consider the approval of Police Officer Tim Roberts moving into the house owned by the city at Hambley Athletic Complex for security reasons. Officer Roberts would be responsible for paying the utilities plus \$150.00 per month rent. No action taken at this meeting item tabled.

7. Consider new policy manual for the police department for further discussion at a later meeting. No action taken at this meeting item tabled.

8. Consider procurement of engineering services for Pauley Bridge. Mayor Justice made the motion to approve. Commissioner Layne seconded the motion. Mayor Frank Justice called for discussion, there being none the motion carried unanimously.

There being no further business to come before the Commission, Commissioner David made the motion to adjourn the meeting. Commissioner Layne seconded the motion. Mayor Frank Justice called for discussion, there being none the meeting was adjourned.

The next scheduled Regular Meeting of the City of Pikeville Board of Commissioners is March 8, 2004 at 6:00 p.m.

APPROVED:

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

ATTESTED:

**_____
REBECCA HAMILTON, CITY CLERK**