

**CITY OF PIKEVILLE
BOARD OF COMMISSIONERS
REGULAR MEETING MINUTES
FEBRUARY 26, 2007**

The Board of Commissioners for the City of Pikeville met in regular session on Monday, February 26, 2007. The meeting was conducted 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 BARRY N. CHANEY
MAYOR:	FRANKLIN D. JUSTICE, II

AGENDA ITEM II. MINUTES

The minutes for the previous regular meeting of February 12, 2007 were included in each Commission Member's agenda package. There being no additions or corrections, Commissioner Chaney made the motion, seconded by Commissioner Layne, to approve the minutes as submitted. The motion carried unanimously.

AGENDA ITEM III. BUSINESS FROM THE FLOOR

There were no items presented during the call for business from the floor.

AGENDA ITEM IV. PAYMENT OF BILLS

A list of City Bills totaling \$61,686.71 was presented to the Commission for approval of payment. Commissioner Chaney made the motion to authorize payment of the City Bills as requested. Commissioner Davis seconded the motion. The motion carried unanimously.

AGENDA ITEM V. OLD BUSINESS

A. BIG SANDY AREA DEVELOPMENT DISTRICT: Sandy Runyon, Executive Director for the Big Sandy Area Development, advised that Phase VI of the Pikeville Redevelopment Project has been completed and is in grant closeout stage.

Ms. Runyon announced the dates for the East Kentucky Fair as August 2 – 5, 2007. She asked the Commission to consider monetary support of the fair. County sponsorships are being requested in the amounts of \$5,000 each, while cities are being asked \$2,500 each. Ms. Runyon commented that the fair should be self-

supporting within five years. Commissioner Carter made the motion to authorize the expenditure of \$2,500 for support of the 2007 East Kentucky Fair. Commissioner Chaney seconded the motion. The motion carried unanimously.

A resolution will be presented at the next meeting, for consideration, in support of the East Kentucky Fair.

B. PIKEVILLE MAIN STREET PROGRAM: Program Director, Serena Stiltner, reported that she had met with youth, parents, and YMCA officials regarding the rehabilitation of the skate park. The meeting stemmed from growing safety concerns in connection with the youth skating in the downtown area. Ms. Stiltner advised that YMCA official, Dennis Rohrer, announced the YMCA would be providing materials for needed repairs. The youth and the local skate shop have agreed to assist with the labor needs.

C. CITY ENGINEER’S REPORTS: Updates given during work session.

D. CITY ATTORNEY’S REPORTS: In the absence of City Attorney Russell Davis, Jr., City Manager Blackburn presented and gave second reading to the following ordinances:

1. AN ORDINANCE RELATED TO THE AMENDMENT OF SECTION 32 PROVIDING FOR DEPARTMENTS, BOARDS, COMMITTEES, COMMISSIONS, TERM LIMITS AND OTHER LIMITS (O-2007-002)

Commissioner Carter made the motion to adopt the Ordinance as presented. Commissioner Layne seconded the motion. The motion carried by the following votes:

COMMISSIONER:	DALLAS LAYNE	YES
	EUGENE W. DAVIS	YES
	JAMES A. CARTER	YES
	BARRY N. CHANEY	YES
MAYOR:	FRANKLIN D. JUSTICE, II	YES

2. AN ORDINANCE RELATED TO THE AMENDMENT OF SECTION 40.40 TO INCREASE THE TERM OF OFFICE FOR THE BOARD OF ETHICS FROM THREE (3) YEARS TO FOUR (4) YEARS (O-2007-003)

Commissioner Carter made the motion, seconded by Commissioner Davis, to adopt the Ordinance as given second reading. The motion carried by the following votes:

COMMISSIONER:	DALLAS LAYNE	YES
	EUGENE W. DAVIS	YES
	JAMES A. CARTER	YES
	BARRY N. CHANEY	YES

MAYOR: FRANKLIN D. JUSTICE, II YES

3. AN ORDINANCE RELATED TO THE AMENDMENT OF SECTION 96 TO INCREASE THE TERM OF OFFICE FOR THE CITY TREE BOARD FROM THREE (3) YEARS TO FOUR (4) YEARS; INCREASE THE NUMBER OF BOARD MEMBERS FROM FIVE (5) TO SIX (6) MEMBERS; GRANTING THE CITY MANAGER AUTHORITY TO MAKE EXCEPTIONS TO DISTANCE FROM CURB AND SIDEWALKS; PROVIDING THAT CITY MANAGER WILL APPROVE REMOVAL OF UNSAFE TREES, TREE TOPPING; PROVIDING THAT THE CODES OFFICER WILL NOTIFY PROPERTY OWNERS OF NEED TO REMOVE DEAD OR DISEASED TREES (O-2007-004)

Commissioner Carter made the motion to adopt the Ordinance as presented. Commissioner Layne seconded the motion. The motion carried by the following votes:

COMMISSIONER:	DALLAS LAYNE	YES
	EUGENE W. DAVIS	YES
	JAMES A. CARTER	YES
	BARRY N. CHANEY	YES
MAYOR:	FRANKLIN D. JUSTICE, II	YES

4. AN ORDINANCE RELATED TO THE AMENDMENT OF SECTION 157.03 TO INCREASE THE TERM OF OFFICE FOR THE PIKEVILLE HISTORIC PRESERVATION BOARD FROM THREE (3) YEARS TO FOUR (4) YEARS (O-2007-005)

Commissioner Carter made the motion, seconded by Commissioner Layne, to adopt the Ordinance as presented and given second reading. The motion carried by the following votes:

COMMISSIONER:	DALLAS LAYNE	YES
	EUGENE W. DAVIS	YES
	JAMES A. CARTER	YES
	BARRY N. CHANEY	YES
MAYOR:	FRANKLIN D. JUSTICE, II	YES

5. AN ORDINANCE AMENDING CODE OF ORDINANCES AND THE UTILITY RULES AND REGULATIONS SO TO PROVIDE FOR IMMEDIATE DISCONNECTION OF UTILITIES OBTAINED BY A CHECK, DRAFT, NOTE OR OTHER NEGOTIABLE INSTRUMENT WHICH IS DISHONORED FOR NOT SUFFICIENT FUNDS FOR ANY OTHER REASON; PROVIDING FOR IMMEDIATE DISCONNECTION OF UTILITIES WHEN CHECK, DRAFT, NOTE OR OTHER NEGOTIABLE INSTRUMENT IS DISHONORED FOR NON-

SUFFICIENT FUNDS OR ANY OTHER REASON AFTER THE ACCOUNT HAS RECEIVED FINAL NOTICE AND SUBJECT TO DISCONNECT FOR NONPAYMENT WITHOUT THE CUSTOMER RECEIVING A FURTHER FINAL NOTICE. (O-2007-007)

Commissioner Carter made the motion, seconded by Commissioner Chaney, to adopt the Ordinance as presented and given second reading. The motion carried by the following votes:

COMMISSIONER:	DALLAS LAYNE	YES
	EUGENE W. DAVIS	YES
	JAMES A. CARTER	YES
	BARRY N. CHANEY	YES
MAYOR:	FRANKLIN D. JUSTICE, II	YES

6. AN ORDINANCE AMENDING THE REVISED UTILITY SPECS AND REGULATIONS FOR THE CITY OF PIKEVILLE UTILITY SERVICE AREA (O-2007-010)

Commissioner Carter made the motion to adopt the Ordinance as presented and given second reading. Commissioner Chaney seconded the motion. The motion carried with the following votes:

COMMISSIONER:	DALLAS LAYNE	YES
	EUGENE W. DAVIS	Not Present At Time of Vote
	JAMES A. CARTER	YES
	BARRY N. CHANEY	YES
MAYOR:	FRANKLIN D. JUSTICE, II	YES

7. AN ORDINANCE AMENDING THE UTILITY RULES AND REGULATIONS SO TO PROVIDE FOR MINIMUM TAP AMOUNT; PAYMENT DUE DATE; LATE PAYMENT PENALTY; DELINQUENT NOTICE; DISCONNECTION FOR NON-PAYMENT; APPLICATION OF ACCOUNT DEPOSIT TO DELINQUENT ACCOUNTS; RECONNECTION FEES; NON-SUFFICIENT FUNDS FEE; DISCONNECTION FOR DISHONORED CHECKS; AND RENTAL PROPERTY DEPOSITS REQUIRED (O-2007-006)

The Commission discussed the clause providing for a \$30.00 fee for return of checks for non-sufficient funds. Some of the Commission Members thought the fee too excessive. An amendment to the ordinance was requested to give the City Manager the authority to decide the fee on a case-by-case basis. The City Manager advised that the amendment will be presented at the next regular meeting.

8. ORDINANCE RELATED TO THE AMENDMENT OF SECTION 55.06 OF THE CODE OF ORDINANCES AND THE CITY OF PIKEVILLE UTILITY RULES AND REGULATIONS ADOPTED BY O-2007-006 SO TO PROVIDE PAYMENT BY THE FIFTEENTH DAY FOLLOWING THE BILL FOR SERVICE; PROVIDING FOR A PENALTY OF 5% AFTER FIFTEEN DAYS; DISCONTINUANCE OF SERVICE AFTER 24 HOURS AFTER THE FIRST DAY OF THE FOLLOWING MONTH; DISCONTINUING DOOR HANGERS, BEING REPLACED WITH A MAILED DELINQUENT NOTICE; REFERENCING ENTIRE NONPAYMENT POLICY TO THE CITY OF PIKEVILLE REVISED UTILITY RULES AND REGULATIONS. (O-2007-008)

Commissioner Carter made the motion, seconded by Commissioner Chaney, to adopt the Ordinance as presented and given second reading. The motion carried by the following votes:

COMMISSIONER:	DALLAS LAYNE	YES
	EUGENE W. DAVIS	YES
	JAMES A. CARTER	YES
	BARRY N. CHANEY	YES
MAYOR:	FRANKLIN D. JUSTICE, II	YES

9. AN ORDINANCE AMENDING CODE OF ORDINANCES TO ELIMINATE ADDITIONAL MINIMUM PAYMENT FEES FOR A 2ND REGULATOR UNDER THE CIRCUMSTANCES AS OUTLINED BELOW AND TO INCLUDE THE CITY'S UTILITY RULES AND REGULATIONS AS A REFERENCE TO FOR POLICY FOR BILLING PURPOSES (O-2007-009)

Commissioner Layne made the motion, seconded by Commissioner Chaney to adopt the Ordinance as given second reading. The motion carried by the following votes:

COMMISSIONER:	DALLAS LAYNE	YES
	EUGENE W. DAVIS	Not Present At The Time Of Vote
	JAMES A. CARTER	YES
	BARRY N. CHANEY	YES
MAYOR:	FRANKLIN D. JUSTICE, II	YES

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

1. Position Reclassifications: City Manager Blackburn recommended the following position reclassifications and employee transfers with no increase in wages:

Firefighter/IT Position – Tommy McClanahan and Brandon Hayton

Firefighter/Pond Maintenance – Tracy Daniels, David Maynard, Kenny Sampson, and Keith Gillispie

Human Resources/Payroll/IT Director – Rebecca Hamilton

Commissioner Chaney made the motion, seconded by Commissioner Layne to authorize the position reclassifications and employee transfers with no increase in wages. The motion carried unanimously.

2. Utility Clerk: City Manager Blackburn recommended the employment of Leslie Branham in the position of utility clerk at the entry level wage rate, pending satisfactory completion of all pre-employment testing. Commissioner Layne made the motion, seconded by Commissioner Chaney to approve the City Manager's recommendation. The motion carried unanimously.

3. Fire Chief: The city manager recommended the promotion of Ronald Conn to the position of fire chief. Commissioner Davis made the motion, seconded by Commissioner Layne to promote Ronald Conn to the position of fire chief. The motion carried unanimously.

Commission Members complimented the previous fire chief, Tommy Hall, for his outstanding leadership of the Pikeville Fire Department during his tenure. The city manager commented that Mr. Hall was unable to return to work due to his physical health.

4. Assistant Fire Chief: Commissioner Layne made the motion, seconded by Commissioner Davis to authorize the posting of the position of assistant fire chief and to authorize the city manager to conduct interviews. The motion carried unanimously.

5. Industrial Development Economic Authority: Mayor Justice nominated Marvin Hensley to serve as a city representative on the IDEA Board. Commissioner Chaney made the motion to appoint Marvin Hensley to serve on the IDEA Board. Commissioner Carter seconded the motion. The motion carried unanimously.

6. Board of Zoning Adjustments: City Manager Blackburn announced that he had received the resignation of Terry Anderson from the Board of Zoning Adjustments. Commissioner Carter made the motion to appoint Darrell Slone to serve the remainder of Mr. Anderson's term. Commissioner Chaney seconded the motion. The motion carried unanimously.

7. Proclamations: Presented for approval were the following proclamations:

Proclamation in Recognition and Honor of the Pikeville High School Varsity Cheerleaders and Their Coaching Staff for Their Accomplishments in the 2007 Kentucky Class A State and the 2007 UCA National Cheerleading Competitions

WHEREAS, the Pikeville High School Varsity Cheerleading Squad did compete in the 2007 Kentucky Class A State and 2007 UCA National Cheerleading Competitions; and,

WHEREAS, for the tenth straight year, the Pikeville High School Varsity Cheerleading Squad were named the 2007 Kentucky Class A State Champions; and,

WHEREAS, the Pikeville High School Varsity Cheerleading Squad finished 13th in a field of 58 squads in the 2007 UCA National Cheerleading competition; and

WHEREAS, the Pikeville High School Varsity Cheerleaders' ranking in both competitions not only brings honor and recognition to the squad and its coaches, but also brings state and national honor and recognition to the City of Pikeville; and

WHEREAS, a tradition of excellence among all cheerleaders at Pikeville High School is well known both statewide and nationally and such a tradition of excellence is worthy of being honored and recognized by the Board of Commissioners for the City of Pikeville.

Now, Therefore, Be it Proclaimed by the City of Pikeville as follows:

That the Pikeville High School Varsity Cheerleaders, Olivia Harris, Kristen Kendrick, Lora Cleary, Stephanie Combs, Jessica Justice, Katie Akers, Mackenzie Bentley, Autumn Coleman, Kaitlyn Justice, Elizabeth Lee, Kayela Spurlock, Taylor Stone, Lynlee Jackson, and their coach, Jeannie Stone, are by these presents duly honored and recognized by the City of Pikeville for their 2007 Kentucky Class A State Champion Title and their 13th place finish in the 2007 National UCA Cheerleading Competition.

That because of each lady's outstanding representation of excellence in cheerleading and as a citizen of the City of Pikeville, they are hereby appointed and designated as "Special Ambassador" of good will for the City of Pikeville.

That these outstanding accomplishments on behalf of the cheerleaders and coaches set forth hereinabove shall be caused by the Clerk of the City of Pikeville to be recorded among the records of the City of Pikeville so that others that come hereafter will know of their excellence in cheerleading.

At Pikeville, Kentucky, this 20th day of February, 2007.

***THE CITY OF PIKEVILLE BOARD OF
COMMISSIONERS***

*Mayor Franklin D. Justice, II
Commissioner Dallas Layne
Commissioner James A. Carter
Commissioner Eugene W. Davis
Commissioner Barry N. Chaney*

Commissioner Layne made the motion, seconded by Commissioner Davis to adopt the Proclamation as presented. The motion carried unanimously.

Mayor Justice commented that the Varsity Squad finished Fourth in the State during this past weekend's competition.

Proclamation in Recognition and Honor of the Pikeville Junior High School Cheerleaders and Their Coaching Staff for Their Accomplishment in the 2007 UCA Small Junior High National Cheerleading Competition

WHEREAS, the Pikeville Junior High School Cheerleading Squad did compete in the 2007 UCA Small Junior High National Cheerleading Competition; and,

WHEREAS, the Pikeville Junior High School Cheerleading Squad were named Champion in the 2007 UCA Small Junior High National Cheerleading competition; and

WHEREAS, the Pikeville Junior High School Cheerleaders' ranking in this competition not only brings honor and recognition to the squad and its coaches, but also brings national honor and recognition to the City of Pikeville; and

WHEREAS, a tradition of excellence among all cheerleaders at Pikeville Junior High School is well known both statewide and nationally and such a tradition of excellence is worthy of being honored and recognized by the Board of Commissioners for the City of Pikeville.

*Now, Therefore, Be it Proclaimed by the
City of Pikeville as follows:*

That the Pikeville Junior High School Cheerleaders, Nike Varney, Kaitlyn Hurt, Hannah Harris, Mackenzie Robinson, Kristin Little, Kayli Johnson, Randa McGuire, Jennifer McDonald, Grace Mullins, Kathleen Smith, Stephanie Smith, Lindsey Akers, Morgan Curry, Carli Deskins, Lindsey Chaney, Cassie Huff, Ariel Ferarri, Haley Wagner, Rachel Hazelett, Kayla Justice, Laryn Hamilton, Jayda Battle, Kasey Trimble, Erin Wheeler, and their coaches, Lisa Wheeler, Raquel Stone, and Mitzi Cross, along with assistant coaches, Hank Light, Josh McCurdy, Ryan McGovern and Kandice Hamilton, are by these presents duly honored and recognized by the City of Pikeville for their 2007 UCA Small Junior High National Champion title.

That because of each lady's outstanding representation of excellence in cheerleading and as a citizen of the City of Pikeville, they are hereby appointed and designated as "Special Ambassador" of good will for the City of Pikeville.

That these outstanding accomplishments on behalf of the cheerleaders and coaches set forth hereinabove shall be caused by the Clerk of the City of Pikeville to be recorded among the records

of the City of Pikeville so that others that come hereafter will know of their excellence in cheerleading.

At Pikeville, Kentucky, this 20th day of February, 2007.

***THE CITY OF PIKEVILLE BOARD OF
COMMISSIONERS***

Mayor Franklin D. Justice, II

Commissioner Dallas Layne

Commissioner James A. Carter

Commissioner Eugene W. Davis

Commissioner Barry N. Chaney

Commissioner Davis made the motion to adopt the Proclamation in recognition of the Pikeville Junior High Cheerleading Squad. Commissioner Layne seconded the motion. The motion carried unanimously.

Mayor Justice reported that the Junior High Squad finished 2nd in the State during this past weekend's competition.

8. Eagle Scouts: Presented before the Commission for approval were two resolutions acknowledging the achievements of Don Combs, II and Justin Walker. Both young men earned the rank of Eagle Scout. Commissioner Carter made the motion, seconded by Commissioner Chaney to adopt resolutions congratulating Don Combs, II and Justin Walker for their accomplishments. The motion carried unanimously.

9. City Manager Blackburn requested closed session for the purpose of discussing economic development, personnel and legal issues. Mayor Justice made the motion, seconded by Commissioner Davis to adjourn to closed session for the stated purposes. The motion carried unanimously.

Commissioner Layne made the motion to reconvene to regular session. Commissioner Davis seconded the motion. The motion carried unanimously.

During closed session the Commission reviewed a memorandum requesting that the city forgive the delinquent property tax debt in the amount of \$434.00 for Herschel and Darlene Hackney. Commissioner Chaney made the motion to authorize the Mayor and City Manager to sign the memorandum to forgive the debt. Commissioner Carter seconded the motion. The motion carried unanimously.

City Manager Blackburn recommended the employment of Minta Sue Chaney as Economic Development Director at the entry level salary, pending satisfactory completion of all pre-employment testing. Commissioner Carter made the motion, seconded by Commissioner Layne to accept the City Manager's recommendation. The motion carried unanimously.

Commissioner Carter made the motion, seconded by Commissioner Layne, to grant permission to the Pikeville Police Department to enter into an agreement with Pikeville College to sponsor a Law Enforcement Fraternity. 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 meeting of March 12, 2007 was cancelled.

The next regular meeting of the Pikeville City Commission is March 26, 2007 at 6:00 p.m.

APPROVED: _____
FRANKLIN D. JUSTICE, II, MAYOR

ATTEST:

KAREN W. HARRIS, CITY CLERK

