

**CITY OF PIKEVILLE  
BOARD OF COMMISSIONERS  
REGULAR MEETING MINUTES  
March 9, 2009 AT 6:00 P.M.**

**The Board of Commissioners for the City of Pikeville met in a regular called session on Monday, March 9, 2009. 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  
                                     BARRY CHANEY  
                                     DALLAS LAYNE  
                                     JIMMY CARTER**

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

**MINUTES**

**The minutes for the previous regular meeting held on February 23, 2009 were in each Commission Member's agenda package along with the following minutes: 5/13/02, 7/8/02, 1/27/03, 3/10/03, 5/28/03, 6/9/03, 6/19/03, 7/14/03, 7/18/03, 9/8/03, 9/22/03, 11/10/03, 12/22/03, 1/26/04, 2/23/04, 4/19/04, 6/14/04, 7/26/04, 8/23/04, 9/13/04 and 9/27/04. The commission was asked to approve the present and past minutes and to authorize the mayor to sign each copy to execute. 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.**

**PAYMENT OF CITY BILLS**

**A list of City Bills totaling \$ 465,928.47 was presented to the Commission for approval of payment. Commissioner Layne made the motion to approve. Commissioner Chaney seconded the motion. Mayor Frank Justice called for discussion; City Manager Donovan Blackburn added a pay request for Bob Amos Baseball Field and RV Park in the amount of: \$63,013.50 and a pay request for H2O Construction, Inc. for Bill Lykins Creek Water Line in the amount of \$116,298.00. Commissioner Layne amended his motion to approve the two additional invoices as explained by the City Manager. Commissioner Chaney seconded the amended motion. Mayor Justice called for other comments or discussion and there being none the motion carried unanimously.**

**BUSINESS FROM THE FLOOR**

Mayor Justice called for any business from the floor. There being none other than the Lykins Annexation the mayor asked for the City Attorney Item No. 1 to be read.

City Attorney Rusty Davis submitted the reading and request of the 2<sup>nd</sup> reading and adoption of an ordinance 0 2009 006 declaring the intention to annex certain unincorporated territory comprising of approximately 350.21 acres onto Lykins Branch. Mayor Justice called motion. Commissioner Chaney made the motion to adopt. Commissioner Layne seconded the motion. Gentleman from the floor submitted a petition to the Commission that the residents did not want to be a part of the City of Pikeville. The Mayor called for roll call: Dallas Layne; Yes, Gene Davis: Reluctantly; Yes, Jimmy Carter; Yes, Barry Chaney; Yes, Frank Justice; Yes. Ordinance passed unanimously.

**ORDINANCE DECLARING THE INTENTION OF THE  
CITY OF PIKEVILLE TO ANNEX CERTAIN  
UNINCORPORATED TERRITORY LYING ADJACENT  
TO THE PRESENT CITY CORPORATE LIMITS AND  
COMPRISING OF APPROXIMATELY 350.21 ACRES  
EXTENDING THE CITY'S CORPORATE LIMITS  
ONTO LYKINS BRANCH**

**ORDINANCE NO. 0-2009-006**

WHEREAS, the City of Pikeville pursuant to KRS 81A.420 declares that it is the desirable to annex certain unincorporated territory being more particularly described hereafter,

WHEREAS, the territory to be annexed is adjacent and contiguous to the City of Pikeville's existing boundaries and

WHEREAS, the Pikeville City Commission has determined that by reason of the population density, commercial and/or industrial use of the surrounding land, the territory sought to be annexed by the City of Pikeville is urban in character and suitable for development for the urban purposes by the City of Pikeville without unreasonable delay;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF PIKEVILLE that the City of Pikeville does hereby declare that it is desirable to annex certain unincorporated property described hereinafter and does hereby declare it the intention of

the City of Pikeville pursuant to 81A.420 to annex the property described hereinafter.

The unincorporated territory to be annexed is described as follows:

Lykins Branch  
Annexation

Beginning at a point on the line of the City of Pikeville existing corporate boundary line, Ordinance 110.13, and being near the junction of Lykins Branch Road and Thompson Road. Thence, leaving the existing corporate line S 02°04'59" E a distance of 987.47'; Thence, S 10°39'28" W a distance of 345.15' to a point in a small drain; Thence, up the drain S 20°04'52" E a distance of 262.97'; Thence, up the hill S 40°08'07" W a distance of 276.46' to a center of the point; Thence, up the point S 68°35'47" E a distance of 316.55' to a point on the City of Pikeville existing corporate boundary line, Ordinance #0-2007-024; Thence, with the existing City of Pikeville corporate boundary line S 13°48'30" E a distance of 94.14'; Thence, S 28°26'10" E a distance of 81.66'; Thence, S 18°12'09" E a distance of 82.74'; Thence, S 03°52'54" E a distance of 40.35'; Thence, S 32°39'45" W a distance of 43.31'; Thence, S 38°15'38" W a distance of 85.52'; Thence, S 07°02'17" E a distance of 39.52'; Thence, S 22°09'25" E a distance of 171.18'; Thence, S 23°42'09" E a distance of 143.23'; Thence, S 59°29'13" W a distance of 190.05'; Thence, S 48°29'16" W a distance of 90.03'; Thence, N 41°30'44" W a distance of 120.00'; Thence, N 47°05'42" W a distance of 474.25'; Thence, S 36°34'56" W a distance of 294.70'; Thence, S 16°34'56" W a distance of 396.77'; Thence, S 28°52'52" E a distance of 668.27'; Thence, N 76°13'08" W a distance of 595.30'; Thence, S 44°50'39" W a distance of 908.53'; Thence, S 01°44'15" E a distance of 270.17'; Thence, S 88°52'41" W a distance of 417.88'; Thence, S 22°55'15" W a distance of 644.76'; Thence, S 18°17'43" W a distance of 521.03'; Thence, S 31°18'22" W a distance of 1008.33'; Thence, N 42°17'24" W a distance of 1011.77'; Thence, S 67°13'32" W a distance of 340.76'; Thence, N 88°34'32" W a distance of 414.98'; Thence, S 16°31'20" W a distance of 1614.80'; Thence, leaving the City of Pikeville existing corporate boundary line and running down the hill into Big Shoal N 14°08'55" W a distance of 1243.89' to a point on the City of Pikeville existing corporate boundary line, Ordinance #0-0006-015.; Thence, with the city of Pikeville existing Boundary line N 50°50'18" E a distance of 109.78'; Thence, N 01°55'31" W a distance of 443.88'; Thence, N 27°55'13" W a distance of 238.43'; Thence, N 18°21'17" W a distance of 321.60'; Thence, N 36°07'37" W a distance of 291.07'; Thence, N 15°16'16" W a distance of 237.48'; Thence, N 15°58'03" E a distance of 110.88'; Thence, N 57°42'13" E a distance of 79.79'; Thence, N 87°37'43" E a distance of 266.52'; Thence, N 03°04'55" E a distance of 395.15'; Thence, N 16°39'14" W a distance of 170.50'; Thence, N 51°47'03" E a distance of 220.03'; Thence, N 13°37'37" E a distance of 389.51'; Thence, N 00°10'29" E a distance of 217.63'; Thence, N 33°29'53" E a distance of 381.19'; Thence, S 84°48'47" W a distance of 301.81'; Thence, N 00°36'14" W a distance of 370.32'; Thence, N 41°47'54" E a distance of 375.42'; Thence, N 68°31'37" E a distance of 309.09'; Thence, N 00°25'19" W a distance of 295.93'; Thence, N 07°00'07" W a distance of 232.38'; Thence, S 54°43'41" E a distance

of 927.59' to a point on the City of Pikeville existing corporate boundary line, Ordinance #2001-011; Thence, continuing with the City of Pikeville corporate boundary line S 12°46'56" W a distance of 432.69'; Thence, S 05°25'13" E a distance of 565.56'; Thence, N 80°12'42" E a distance of 979.78'; Thence, N 49°40'10" E a distance of 690.84'; Thence, S 87°08'28" E a distance of 351.53'; Thence, N 60°02'53" E a distance of 263.39'; Thence, N 35°34'13" E a distance of 528.12'; Thence, N 40°56'55" W a distance of 174.11'; Thence, N 77°12'25" W a distance of 589.93'; Thence, N 34°04'42" E a distance of 179.11'; Thence, N 30°09'16" E a distance of 210.32'; Thence, leaving the City of Pikeville corporate boundary line N 74°21'28" E a distance of 475.55'; Thence, S 87°25'08" E a distance of 331.82'; Thence, N 62°54'59" E a distance of 181.45'; Thence, N 87°59'52" E a distance of 335.59'; Thence, N 66°19'43" E a distance of 292.37'; Thence, N 16°01'23" E a distance of 263.79'; Thence, N 01°09'44" E a distance of 738.02' to a point on the City of Pikeville corporate Boundary line, Ordinance #110.13; Thence, with the City of Pikeville corporate boundary line S 70°31'34" E a distance of 29.88'; Thence, S 66°57'42" E a distance of 137.13'; to the point of beginning and containing 350.21 acres more or less.

Steven E. Haywood, PLS #2661

Date: 2/03/2009

A map of the property in which the City of Pikeville declares its intention to annex prepared by Summit Engineering, Inc. entitled "City of Pikeville, Map Showing Proposed Annexation of Lykins Branch, Pikeville, KY"-- dated 02/03/09 is on file in the office of the city clerk and may be viewed during regular office hours.

BE IT FURTHER ORDAINED that following the publication of this ordinance as required by law, that if within sixty (60) days hereof, 50% of the residents voters or owners of real property within the limits of the above-described territory do not petition the Mayor at City Hall, 118 College Street, Pikeville, Kentucky 41501 in opposition to the proposal, that a final ordinance will be passed finally annexing the above-described territory. If within sixty (60) days hereof, 50% of the resident voters or owner's of real property within the limits of the territory proposed to be annexed, petition the Mayor in opposition to the proposal, an election shall be held at the next regular election occurring

at least sixty (60) days after a certified copy of the petition is presented to the County Court Clerk by the Mayor.

This ordinance shall be in full force and effect after it is passed and published as required by law.

The above ordinance was given a first reading this 9<sup>th</sup> day of February, 2009.

This ordinance was given a second reading on the 9th day of March, 2009.

Passed this 9th day of March 2009.

Commissioner Chaney moved for the adoption of the foregoing ordinance.

Commissioner Layne seconded the motion.

Upon roll call, the votes were as follows:

	<u>YES</u>	<u>NO</u>
FRANK JUSTICE, II MAYOR	<u>  X  </u>	_____
GENE DAVIS, COMMISSIONER	<u>  X  </u>	_____
DALLAS LAYNE, COMMISSIONER	<u>  X  </u>	_____
JIMMY CARTER, COMMISSIONER	<u>  X  </u>	_____
BARRY CHANEY, COMMISSIONER	<u>  X  </u>	_____

The Mayor declared the within ordinance adopted.

  /s/Frank Justice    
FRANK JUSTICE, II, MAYOR

ATTESTED:

  /s/ Rebecca Hamilton    
REBECCA HAMILTON, CITY CLERK

**NOTICE OF RIGHT TO PETITION**

**Per KRS 81A.420, this publication shall serve to put on notice all resident voters and real property owners within the territory proposed to be annexed by the City of Pikeville’s Ordinance O-2008-009, of their right to petition the mayor of the City of**

Pikeville to place the questions of annexation on the ballot for a vote. A valid petition may be presented to the City of Pikeville's mayor at Pikeville City Hall within 60 days from the enactment of Ordinance O-2008-009. A valid petition must be signed by either 50% of the resident voters within the territory described above proposed to be annexed or 50% of the real property owners within the territory described above proposed to be annexed.

## OLD BUSINESS

A. Big Sandy Area Development District representative Melanie Stevens was present

B. CITY ENGINEERS REPORT:

1. City Engineer Jack Sykes submitted an update and overview of current projects that Summit Engineering Inc. was working on in the City. Thompson Road up to date and right of way pending. KY 1426 Rock fall should be ready to have a conference with City Manager around June. Bill Lykins Water Line Project nearing completion. Bob Amos RV Park will be ready by April. Mayor Justice questioned Mr. Sykes on if there would be blacktop on the site. Mr. Sykes; Yes, if blacktop plants are open.

C. CITY ATTORNEY REPORT

1. Rusty Davis presented a request of a 1<sup>st</sup> reading of ordinance 0 2009 007 amending Chapter 32 "Departments, Boards and Commissions" deleting various non existing boards. No further action was required. The 2<sup>nd</sup> reading is scheduled for March 23<sup>rd</sup> 2009.
2. Rusty Davis presents a request of a 1<sup>st</sup> reading of ordinance 0 2009 008 deleting the Chapter 94 in reference to: Public Library. Mayor Justice called for comments. City Manager Donovan Blackburn noted that these were clean up items. He had passed the ordinance and when submitted to legal the strike thru was left out and changes not noted. No further action was required. The 2<sup>nd</sup> reading is scheduled for March 23<sup>rd</sup> 2009.

D. CITY MANAGERS REPORT: City Manager Donovan Blackburn asked the commission to consider the following requests.

1. Consider request to a request to award bid for garbage truck to the low bidder Mid State Equipment Company in the amount of \$114,081.17 and to authorize the city manager to sign all necessary paperwork to purchase and transfer the garbage truck into the city of Pikeville name. Commissioner Davis made the motion to approve. Commissioner Chaney seconded the motion. Mayor

Justice called for further discussion. Commissioner Layne questioned why the City did not purchase locally with the company Worldwide Equipment. City Manager replied that UMG preferred the unit selected over Ken worth based on service and the warranty was a life time vs a few years as stated. The City Manager reminded the commission was best price along with best value. He stated UMG supported and recommend and the City Manager agreed with the recommendation from Mid State Equipment Company based on value, brand, warranty and bid specs. Mayor Justice called for further discussion, there being none the motion passed unanimously.

2. Consider request to award the bid to Elkhorn Ambulance Service, Inc. for them to purchase two surplus ambulances in the amount of \$10,000.00 each from the City of Pikeville and to authorize the City Manager to sign and execute all documents required to transfer the ambulances to Elkhorn Ambulance Service. Commissioner Davis made the motion to approve. Commissioner Chaney seconded the motion. Mayor Frank Justice called for discussion, there being none the Mayor called for the vote to approve as submitted and the motion carried unanimously.
3. Consider request to adopt a resolution for the intent to make an application to the KY Transportation Cabinet for assistance under the 2009 Transportation Enhancement Program in the amount of \$410,000.00 and the TEA-21 program will require a 20% match for the project. Mayor Justice read the Resolution into record. Commissioner Chaney made the motion to adopt. Commissioner Layne seconded the motion to adopt. Mayor Justice called for discussion, there being no further discussion the motion to adopt carried unanimously.

## RESOLUTION

### R-2009-002

**WHEREAS**, the City of Pikeville proposes to rehabilitate and renovate the Pikeville Pond Swinging Bridge located on the Bypass Road in order to provide transportation and connectivity to different land uses within the city, and

**WHEREAS**, the City of Pikeville intends to make application to the Kentucky Transportation Cabinet for assistance under the 2009 Transportation Enhancement Program due March 24, 2009.

**WHEREAS**, the Transportation Enhancement Program (TEA-21) is a reimbursement application in the amount of \$410,000.00 and the TEA-21 program will reimbursement 80% of the approved project cost.

March 9, 2009

**NOW THEREFORE BE IT RESOLVED**, that the City of Pikeville hold in reserve twenty percent (20%) of the proposed project costs for the purpose of matching the Transportation Enhancement Program and,

**BE IT FURTHER RESOLVED**, that in the event the Transportation Enhancement Program is awarded, the City of Pikeville understands that it will comply with the program guidelines.

/s/ Frank Justice

Mayor Franklin D. Justice, II

3/9/09

**ATTEST:** /s/Rebecca Hamilton

Rebecca Hamilton, City Clerk

3/9/09

4. Consider the request to amend the City Personnel Policy manual and adding section 5.9 "Consent to Drug Test". Commissioner Chaney made the motion to approve. Commissioner Davis seconded the motion. Mayor Justice called for discussion, there being no further discussion motion passed unanimously.
5. Consider a request to adopt a Proclamation naming April 2009 as "Redbud and Spring Clean Up Month" in the City of Pikeville and to authorize the Mayor to sign the Proclamation. Commissioner Chaney made the motion to approve. Commissioner Layne seconded the motion. Mayor Justice called for discussion, there being no further discussion motion passed unanimously.
6. Consider the request to approve a quit claim deed for property on Marion Branch from the Pikeville/Pike County Air Port Board and to authorize the mayor to sign and execute all documents necessary. Commissioner Chaney made the motion to approve. Commissioner Layne seconded the motion. Mayor Justice called for discussion, there being no further discussion motion passed unanimously.
7. Consider a request for closed session for the purpose of discussion of legal and economic development issues. Commissioner Layne made the motion to approve. Commissioner Davis seconded the motion. Motion passed unanimously.
8. Consider request to re convene. Commissioner Chaney made motion to re-convene into regular session. Commissioner Davis seconded the motion.

There being no further business to come before the Commission, Commissioner Chaney made the motion to adjourn the meeting. Commissioner Davis 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 23, 2009 at 6:00 p.m.**

**APPROVED:**



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

**ATTESTED:**



**REBECCA HAMILTON, CITY CLERK**

