

**CITY OF PIKEVILLE  
BOARD OF COMMISSIONERS  
REGULAR MEETING MINUTES  
MARCH 14, 2005**

The Board of Commissioners for the City of Pikeville met in regular session on Monday, March 14, 2005. 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 presided and called the meeting to order at 6:00 p.m. Commission Members present at roll call were as follows:

<b>COMMISSIONER:</b>	<b>DALLAS LAYNE M. SHANE HALL</b>
<b>MAYOR:</b>	<b>FRANKLIN D. JUSTICE, II</b>

Commissioner James A. Carter was absent. Commissioner Eugene W. Davis arrived at the meeting at 6:55 p.m.

**AGENDA ITEM II** **MINUTES**

The minutes for the previous special meeting held on February 23, 2005 were included in each Commission Member's agenda package. There being no additions or corrections, Commissioner Layne made the motion, seconded by Commissioner Hall to approve the minutes as prepared. The motion carried 3 – 0.

**AGENDA ITEM III.** **BUSINESS FROM THE FLOOR**

**A. CIVIL WAR EXHIBITION:** Heritage Museum Chairman, David Deskins, appeared before the Commission to discuss two events proposed by the Heritage Museum Board. Mr. Deskins invited the Commission to attend a concert on April 9<sup>th</sup> at the Pike County Extension Office. The concert features music from the Civil War era. Additional activities for the day include portrayals by a local artist of General U.S. Grant and Pike County's first judge.

Mr. Deskins requested permission to use the downtown City Park during the Memorial Day weekend for a Civil War living history re-enactment. Features of the re-enactment include a Civil War army camp and the inaugural ceremony for James A. Garfield. Mr. Deskins assured the Commission that the park would not be damaged in any way.

City Manager Blackburn reported the downtown park is booked on May 28<sup>th</sup> with another event. He advised that he would try to re-arrange events to accommodate the Heritage Museum Board's request.

**B. PIKEVILLE HIGH SCHOOL BASEBALL:** Dusty Layne requested permission, on behalf of the Pikeville High School Baseball Team, to proceed with their plan in selling advertising space on the 3' X 28' section at the bottom of the scoreboard to fund the expenses of the baseball team. Mr. Layne explained that the fund-raising concept was approved by the high school principal, the site-based committee, and the school board. After the advertising had been tentatively sold, the principal advised he had approved the fund-raising concept in error because the concept had not been approved by the athletic director. According to Mr. Layne, the athletic director disapproved the request stating the City has an ordinance prohibiting advertising signs on public property. Mr. Layne explained the baseball team is in dire need of the \$12,000 to be gained through the fund-raising effort. The baseball team has a trip to South Carolina scheduled to be taken within the next two weeks. The Pikeville Independent School Board allots \$1,200 per season to the baseball program. Mr. Layne reported the allotment is not sufficient to purchase uniforms for the entire team. Former City Commissioner and now Circuit Judge, Steve Combs, advised the intent of the ordinance was not to preclude the athletic teams from raising funds to support their sport's activities. Mayor Justice commented that the school board increases their tax rate each year to the maximum allowable by law. He opined that the City had funded the improvements to Hambley Athletic Complex and that the school board should be able to allocate sufficient funds to the school's various extracurricular activities. Commissioners Layne and Hall consented to the Mayor's suggestion that he be authorized to speak on behalf of the City Commission in addressing the matter with the school board at their meeting scheduled for March 15<sup>th</sup>. Commissioners Layne and Hall and Mayor Justice indicated their support of dedicating city funds to the baseball team to assist with their expenses. Mayor Justice stated that he would call a special meeting to consider the matter further if negotiations proved unsuccessful with the school board.

#### **AGENDA ITEM IV.**

#### **PAYMENT OF BILLS**

**A. INDIAN HILLS SEWER EXTENSION PROJECT:** Presented for approval of payment was Invoice #1 from M & S General Contractors in the amount of \$96,188.40 for work accomplished to date on the Indian Hills Sewer Extension Project. City Engineer, Jack Sykes, advised the invoice is correct and recommended payment as submitted. Commissioner Layne made the motion, seconded by Commissioner Hall to approve payment of the invoice as presented. The motion carried 3 – 0. Mr. Sykes reported the project is approximately 30% complete.

**B. PIKEVILLE REDEVELOPMENT PROJECT:** Frank Nall submitted a pay request in the amount of \$100.00 for a title search of a parcel of property located on Saad Avenue. The clerk explained the property is one of five properties being considered for acquisition with remaining Phase VI CDBG funds. Commissioner Hall made the motion, seconded by Commissioner Layne to approve payment to Frank Nall in the amount of \$100.00 as recommended by the clerk. The motion carried 3 – 0.

**AGENDA ITEM V.**

**OLD BUSINESS**

No items of business were presented during the call for Big Sandy Area Development District and Main Street Agency reports.

**A. CITY ENGINEER'S REPORTS:** Jack Sykes, representing Summit Engineering, city engineers, presented a verbal progress report concerning the Utility Relocation Project. Mr. Sykes advised that BellSouth has all connections made with the exception of Second Street. He reported that he does not expect the utility poles to be removed prior to the Hillbilly Days Festival.

**B. CITY ATTORNEY'S REPORTS:** Russell H. Davis, Jr., city attorney, presented the following items for the Commission's consideration:

**1. Substance Abuse Treatment Center:** Presented and read was a resolution expressing gratitude to Gary C. Johnson and Anita Johnson for their gift of property to West Care. The resolution was presented as follows:

**RESOLUTION RECOGNIZING AND HONORING GARY C. JOHNSON AND ANITA P. JOHNSON FOR THEIR DONATION OF A 35,000 SQUARE FEET FACILITY AT ASHCAMP, PIKE COUNTY, KENTUCKY FOR THE ESTABLISHMENT OF A DRUG TREATMENT FACILITY**

**WHEREAS,** the City of Pikeville and Pike County have worked to establish a Drug Treatment Facility in Pike County as a part of their efforts to battle the epidemic of illegal drug use and abuse;

**WHEREAS,** West Care Kentucky, a non-profit organization, in coordination with the City of Pikeville, Pike County, Operation UNITE/UNITE Pike, Pikeville Medical Center, the Pikeville/Pike County Public School Systems, Pike County Drug Court and others has agreed to establish and operate a drug treatment facility in Pike County.

**WHEREAS,** Gary C. Johnson and Anita P. Johnson did donate to West Care a 35,000 square feet facility located at Ashcamp, formerly known as the Kentucky Youth Academy, for establishment of the drug treatment facility.

**NOW, THEREFORE, BE IT RESOLVED** by the City of Pikeville that Gary C. Johnson and Anita P. Johnson are each hereby recognized and honored for their generous gift of a facility to operate a Drug Treatment Facility and in doing so greatly assisted the City of Pikeville, its citizens and other organizations in their efforts to establish a much needed drug treatment program for our community and to continue the battle against illegal drug use.

Mayor Justice made the motion to adopt the Resolution. Commissioner Layne seconded the motion. The motion carried 3 – 0.

**2. Amendment to Building Permit Ordinance section 150.15: Presented for first reading was an Ordinance entitled as follows:**

**AN ORDINANCE RELATED TO THE AMENDMENT OF SECTION 150.15(B) OF THE SCHEDULE OF BUILDING PERMIT FEES TO PROVIDE FOR AN INCREASED FEE IN THE SUM OF ONE HUNDRED DOLLARS (\$100.00) OR DOUBLE THE FEE PROVIDED FOR IN Section 150.15(A), WHICHEVER FEE IS GREATER WHEN CONSTRUCTION IS STARTED WITHOUT A BUILDING PERMIT; PROVIDING FOR A HABITUAL VIOLATOR FEE OF FIVE HUNDRED DOLLARS (\$500.00) AND PROVIDING FOR A LIEN UPON THE REAL ESTATE UPON WHICH THE CONSTRUCTION OCCURS FOR UNPAID BUILDING PERMIT FEES**

**City Attorney Davis explained the increase in fee is necessary to cover the additional costs associated with enforcement.**

**Second reading was scheduled for March 28, 2005.**

**Building Inspector/Codes Enforcement Officer Robert Smith was congratulated by the Commission for passing the necessary tests in acquiring the state license to inspect 1 and 2 family dwellings.**

**C. CITY MANAGER'S REPORTS: City Manager Donovan Blackburn requested a closed session for the purpose of discussing a personnel matter and an economic development matter.**

**Commissioner Layne made the motion, seconded by Commissioner Davis to adjourn to closed session for the purpose of discussing a personnel matter and an economic development matter. The motion carried 4 – 0.**

**Commissioner Layne made the motion to reconvene to regular session. Mayor Justice seconded the motion. The motion carried 4 – 0.**

**City Manager Blackburn recommended the promotion of Ella Cole to Resident Manager of the Emergency Shelter at the wage rate of \$9.00/hr. Commissioner Hall made the motion to accept the City Manager's recommendation. Commissioner Layne seconded the motion. The motion carried 4 – 0.**

**Proposed hotel development: Mayor Justice made the motion to authorize the City Manager and City Attorney to negotiate with property owner, Frank Bailey, in committing 70 parking spaces within the parking structure for use by the hotel, contingent upon the hotel being constructed within the next year. Commissioner Layne seconded the motion. The motion carried 4 – 0.**

**There being no further business to come before the Commission, Commissioner Davis made the motion, seconded by Commissioner Layne to adjourn the meeting. The motion carried 4 – 0. (Adjournment Time 7:40 p.m.)**

**The next scheduled meeting of the Pikeville City Commission is March 28, 2005 at 6:00 p.m.**

**APPROVED: \_\_\_\_\_  
FRANKLIN D. JUSTICE, II, MAYOR**

**ATTEST:**

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KAREN W. HARRIS, CITY CLERK**