

**CITY OF PIKEVILLE
BOARD OF COMMISSIONERS
REGULAR MEETING MINUTES
June 14, 2004 AT 6:00 P.M.**

The Board of Commissioners for the City of Pikeville met in a regular called session on Monday, June 14, 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 - ABSENT
JIMMY CARTER**

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

MINUTES

The minutes for the previous regular meeting held on May 24, 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 Amos 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. Cedar Creek residents are asked to come forward. Several residents come forward to address the commission about the problems caused by flooding over the weekend. They have concerns about the size of the drainage pipe that is used at the corner of Cedar Creek and Cedar Hills. They also express questions about ordinance and code laws regarding the covering of ditches and the drainage of houses into covered and open drains. Many feel that some neighbors covering open ditches with inadequate piping. They are wanting direction on what can be done and the process by which it will be handled. Donovan Blackburn says he was made aware of the situation today and that he sent A. T. Hall to look at the damages. Charlie Byers addresses pipe size requirements for a 10-year and 25-year flood event. Rusty Davis addresses law issues of property owner's vs. city codes and the ability to enforce old drains to be opened by new codes. The Mayor thinks that some issues may be an AML problem too. He decides that the commission and concerned parties will go to Cedar after the meeting to see the problems first hand. He directs Donovan Blackburn to write a letter to the residences after some investigation of the codes, ordinances and cause of the

problems can be determined to inform the citizens of the plans by which the city will go to address the problem in the future.

PAYMENT OF CITY BILLS

- A. There were no bills, therefore no action was taken.**

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 authorizing expenditure of \$2,500.00 for Fourth of July Celebration. 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.**
- 2. Consider authorizing expenditure of \$5000.00 for the Opening Ceremony of the State Senior Games – September 14-18. Move made by Commissioner Amos for approval and seconded by Commissioner Davis. Mayor called for discussion, there being none, motion passed unanimously.**
- 3. Consider approval of payment to AEP in the amounts of \$57,225.80 for Phase III contract #2; \$103,973.65 for Phase III contract #4;and \$88,641,24 for Phase III contract #1. Item was tabled.**
- 4. Consider approval for application for a Homeland Security grant for the police department for a new 911 system that will be a 100% reimbursement grant. Commissioner Davis made the motion to approve. Commissioner Carter seconded the motion. Mayor Frank Justice called for discussion, there being none the motion carried 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 tells the commission that the contractors say that they will do the paving and drainage work later in the fall.**
- 1. Renaissance Area Utility Project – Phase III update; everything is still moving along as planned.**
- 2. Indian Hills Sewer Project updates; still working on the right of way acquisitions.**

3. **Sunset Lane Sewer Project updates; have the 90 day contract from the contract and have been in contact with the division of water.**
4. **North Mayo Trail Water Line Project; Consider approval for change order #2 in the amount of \$6,436.61. Mayor Frank Justice made the motion to approve. Commissioner Amos 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. **Consider second reading and adoption of an Ordinance declaring the intention to annex unincorporated territory located on Marion's Branch.**

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 977 ACRES MORE OR LESS EXTENDING THE CITY'S CORPORATE LIMITS N THE SOUTHWEST OF THE EXISTING CORPORATE LIMITS

Mayor Frank Justice made the motion to approve. Commissioner Amos seconded the motion. The motion carried by the following votes:

COMMISSIONER:	DALLAS LAYNE	ABSENT
	EUGENE DAVIS	YES
	JAMES CARTER	YES
	SHAWN AMOS	YES
MAYOR:	FRANKLIN JUSTICE, II	YES

2. **City Attorney Russell Davis gave the first reading of the described ordinance amending the zoning on Bank Street.**

ORDINANCE AMENDING THE ZONING MAP TO RECLASSIFY PROPERTIES LOCATED AT 113 AND 115 BANK STREET FROM INSTITUTIONAL TO C-1

No further action required until 2nd reading.

3. **City Attorney Russell Davis gave the reading of an ordinance amending the 2003-2004 operating budget.**

ORDINANCE AMENDING THE 2003-2004 OPERATION BUDGET

No further action required until 2nd reading.

4. Consider requiring that parking garage be used solely for parking as required in deed. Commissioner Carter made the motion to approve. Commissioner Amos 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 authorizing the Mayor to execute the agreement with Kentucky Housing Corporation for receipt of \$35,000 in grant funds for the emergency shelter operations. Commissioner Davis 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 implement a 36 month from July 2004 forward for a gas hedging purchase strategy agreement and to authorize the mayor to sign said contract to execute. Mayor Justice made the motion to approve. Commissioner Davis seconded the motion. Mayor Frank Justice called for discussion, there being none the motion carried unanimously.

3. Consider approval to list City Manager, Donovan Blackburn as the designated agent for the City of Pikeville with FEMA. 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.

4. Consider approval for environment nuisance position to be made a part time job. 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.

5. Consider approval to begin the selection process for a police sergeant, authorize the city clerk to sale the old Harris property on Sadd Ave. for fair market value plus condemnation cost, authorize the city manager to hire a police officer. 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.

6. Consider approval of a cost of living increase of 2.3% for all city employees. 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.

7. Consider closed session for the purpose of discussing personnel matters and matters involving Mr. & Mrs. Boggs. 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.

8. Consider request to reconvene from executive session back into regular session. Commissioner Carter made the motion to come back into regular session. Commissioner Amos 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 Davis made the motion to adjourn the meeting. Mayor Justice 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 June 24, 2004 at 6:00 p.m.

APPROVED:

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

ATTESTED:

**_____
REBECCA HAMILTON, CITY CLERK**