

**CITY OF PIKEVILLE
BOARD OF COMMISSIONERS
REGULAR MEETING MINUTES
August 25, 2008 AT 6:00 P.M.**

The Board of Commissioners for the City of Pikeville met in a regular called session on Monday, August 25, 2008. 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 (ABSENT)
DALLAS LAYNE
JIMMY CARTER**

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

MINUTES

The minutes for the previous regular meeting held on August 11, 2008 were in each Commission Member's agenda package. There being no additions or corrections, Commissioner Layne made the motion to approve the minutes as prepared. Commissioner Davis 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 \$181,085.97 was presented to the Commission for approval of payment. City Manager Donovan Blackburn requested to add an invoice to the bill list for \$33,400.00 for vendor H20 Construction Co. Inc. Commissioner Carter made the motion to approve. Commissioner Davis seconded the motion. Mayor Frank Justice called for discussion, there being none the motion carried unanimously.

OLD BUSINESS

A. Russell H. Davis, Jr., City Attorney, presented the following matters for the Commission's consideration:

- 1. Consider second reading of an ordinance naming a new street in the City of Pikeville as Grandview Drive.**

**ORDINANCE NAMING AN UN-NAMED STREET OFF HEATHER
LANE "GRANDVIEW DRIVE"
Ordinance # 0-2008-20**

BE IT ORDAINED BY THE CITY OF PIKEVILLE that the unnamed street leading off of Heather Lane at the top running through the subdivision is hereby named "GRANDVIEW DRIVE"

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

The above ordinance was given first reading this 11th day of August, 2008; the ordinance was given second reading on the 25th day of August, 2008. Passed this 25th day of August, 2008. Commissioner Davis 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>Absent</u>	_____

The Mayor declared the within ordinance adopted.

(s) Franklin D. Justice
FRANK JUSTICE, II, MAYOR

ATTESTED:

(s)Rebecca Hamilton
REBECCA HAMILTON, CITY CERK

- 2. The second reading of an ordinance 0 2008 19 intent to annex approximately 153.6 acres at Sword Fork of Fords Branch.**

**ORDINANCE DECLARING THE INTENTION OF THECITY
OF PIKEVILLE TO ANNEX CERTAIN UNINCORPORATED
TERRITORY LYING ADJACENTTO THE PRESENT CITY
CORPORATE LIMITS ANDCOMPRISING OF APPROXIMATELY
153.67 ACRESEXTENDING THE CITY'S CORPORATE LIMITS
AT SWORD FORK OF FORDS BRANCH OF THE LEVISA
FORK OF THE BIG SANDY RIVER**

ORDINANCE NO. 0-2008-019

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;

WHEREAS, the Pikeville City Commission has determined that by reason of the location of certain utilities contained within a portion of the territory sought to be annexed, the territory has both municipal value and purpose and in the future will be used to maintain, replace, expand and enhance these and other utilities and to provide the City with the jurisdiction and power to regulate the use of these utilities and to exercise eminent domain where necessary to improve, expand and enhance the utilities.

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:

City of Pikeville
Proposed Annexation
Sword Fork of Fords Branch

. Beginning at a point on the ridge between Marion Branch of the Levisa Fork of the Big Sand River and Sword Fork of Fords Branch of the Big Sandy River and being on the City of Pikeville Existing Corporate Boundary Line, Annexation Ordinance #0-2004-014; Thence, down a spur of the ridge S 75°05'23" E a distance of 198.19'; Thence, N 83°16'33" E a distance of 288.50'; Thence, down the hill S 12°58'56" E a distance of 903.38'; Thence, S 09°01'26" E a distance of 392.17' to a point in the existing drainage of Sword Fork of Fords Branch; Thence, with the existing drainage of Sword Fork N 84°08'37" E a distance of 45.05'; Thence, N 84°29'17" E a distance of 88.20'; Thence, N 78°36'54" E a distance of 242.39'; Thence, N 68°02'51" E a distance of 176.66'; Thence, N 70°34'20" E a distance of 172.86'; Thence, N 84°19'57" E a distance of 178.77'; Thence, N 86°49'36" E a distance of 166.69'; Thence, N 75°40'32" E a distance of 315.79' to a point at or near the Commonwealth of Kentucky Right of Way for U.S. 23 & 119; Thence, with said right of way S 00°59'17" E a distance of 311.80' to a point on the point of the hill; Thence, leaving said right of way and running up the point S 40°21'38" W a distance of 584.44'; Thence, S 26°15'41" W a distance of 156.84'; Thence, S 19°34'03" W a distance of 284.33'; Thence, S 39°01'42" W a distance of 462.54'; Thence, S 16°55'03" W a distance of 287.35'; Thence, S 12°38'55" W a distance of 241.18' to a point on the ridge on the South side of Sword Fork; Thence, with the ridge S 63°25'48" W a distance of 263.57'; Thence, N 70°20'28" W a distance of 306.68'; Thence, N 62°40'31" W a distance of 455.87'; Thence, S 71°42'58" W a distance of 139.62'; Thence, N 88°12'40" W a distance of 145.56'; Thence, N 75°33'29" W a distance of 255.09'; Thence, N 41°00'11" W a distance of 269.25'; Thence, N 83°15'41" W a distance of 246.79'; Thence, N 74°47'17" W a distance of 147.10'; Thence, N 57°17'10" W a distance of 146.95'; Thence, N 55°43'37" W a distance of 147.24'; Thence, N 78°01'49" W a distance of 161.44'; Thence, N 67°04'07" W a distance of 167.05'; Thence, N 60°30'18" W a distance of 187.74' to a point on the ridge between Marion Branch and Sword Fork and being on the City of Pikeville existing Corporate Boundary Line; Thence, with City of Pikeville existing Corporate Boundary Line N 46°21'02" E a distance of 39.38'; Thence, N 05°23'21" E a distance of 949.24'; Thence, N 54°05'08" E a distance of 489.24'; Thence, N 32°02'56" E a distance of 599.10'; Thence, N 66°49'21" E a distance of 490.29'; Thence, N 55°33'18" E a distance of 402.40'; to the point of beginning and containing 669,876.29 square feet or 153.67 acres more or less.

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 Sword Fork of Fords Branch of the Levisa Fork of the Big

Sandy River”– dated 7-31-08 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 11th day of August 2008. This ordinance was given a second reading on the 25th day of August 2008.

Passed this 25th day of August, 2008.

Commissioner Carter 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>Absent</u>	_____

The Mayor declared the within ordinance adopted.

(s) Franklin D. Justice
FRANK JUSTICE, II, MAYOR

ATTESTED:

(s)Rebecca Hamilton
REBECCA HAMILTON, CITY CERK

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 Ordinance O-2008-019, of their right to petition the mayor of the City of Pikeville to place the question 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-2008-019, which is on or before October 27th 2008. A valid petition must be signed by either 50% of the resident voters within the territory described or 50% of the real property owners within the territory proposed to be annexed.

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- 3. City Manager Donovan Blackburn presented a request to consider first reading of ordinance number 0 2008 22 creating Chapter 101: “Downtown and Renaissance Guidelines”. Second reading is scheduled for the September 8th 2008 regular meeting.**
- 4. City Manager Donovan Blackburn presented a request to consider a first reading of ordinance number 0 2008 21 amending Chapter 72 “Parking Regulations”**
- 5. City Attorney Rusty Davis presented a request to issue a letter of credit with Community Trust Bank for the City funds held in their bank. Mr. Davis stated that the Community Trust Bank by Law had the right and did not have to ask the City for permission. The funds were secure by**

Federal Home Loan securities. Commissioner Layne made the motion to approve. Commissioner Davis seconded the motion. Mayor Frank Justice called for discussion, there being no further discussion the motion carried unanimously.

B. City Manager Report: City Manager Donovan Blackburn asked the commission to consider the following requests.

- 1. Consider request to approve contract for wrecker service as required by City Ordinance 0-2008-18 with Robertson Wrecker Service & Road Test Service and to authorize the Mayor to sign and execute the agreement. Commissioner Carter 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 request to hire Joseph Slone to the position of police officer at the starting pay scale per pay chart contingent upon Mr. Slone passing all required pre-employment tests. Commissioner Layne made the motion to approve. Commissioner Carter seconded the motion Mayor Frank Justice called for discussion. There being none, Mayor Justice called for the vote, the motion carried unanimously.**
- 3. Consider request to reclassify Janet Newsome upon interview board recommendation to the position of 911 Dispatcher at salary rate per pay chart contingent upon passing all required pre-employment dispatch position testing. Mrs. Newsome will transfer to Dispatch in November 2008. Request to post and hire replacement for the custodian position Mrs. Newsome currently holds. Commissioner Layne made the motion to approve. Commissioner Carter seconded the motion. Mayor Justice called for discussion. There being no further discussion the motion passed unanimously.**
- 4. Consider request to adopt a resolution in support of flood protection with the Army Corp of Engineering for the request of new pump stations for the Pikeville Pond. Commissioner Carter made the motion to approve. Commissioner Layne seconded the motion. Mayor Justice called for discussion, there being no further discussion motion passed unanimously.**
- 5. Consider a request to award bid to H2O for 10 inch force main extension in the amount of \$221,380.00 contingent upon the city acquiring all necessary easements for the project. Commissioner Layne made the motion to approve. Commissioner Carter seconded the motion. Mayor Frank Justice called for discussion. There being no further discussion the motion passed unanimously.**
- 6. Consider request to award bid for Buckley Creek Sewer as recommended by project engineer Kenviorns to Akins Excavating Company, Inc. in the amount of \$324,189.00 contingent upon**

approval of MOA by City and Governors Office for Local Government for funding and contingent upon partnership with the Pike County School board to assist in shortfall of funding for the difference between approved City approved amount. The City will agree to pay up to \$150,000 for the project and the Pike county School board will be required to pay the City anything above this amount for the project. Commissioner Carter made the motion to approve. Commissioner Layne seconded the motion. Mayor Justice called for discussion. City Manager Donovan Blackburn drafted letter to the Pike County School Board. Letter is requesting approximately \$174,000.00 from the school to pledge for this project. The motion was amended to approve the letter as part of the motion. There being no additional comments or discussion the motion passed unanimously.

7. Consider request to accept Bill Vanhooose resignation from the IDEA Board and to replace the remaining appointment with John Elliott. Commissioner Layne made the motion to approve. Commissioner Carter seconded the motion. Mayor Justice called for discussion. There being none. The motion passed unanimously.
8. Consider request to participate in the "Second Sunday" event in October by closing Main Street on October 12, 2008 from 2 p.m. until 5 p.m. contingent upon East Kentucky Exposition Center not having an event scheduled. Commissioner Carter made the motion to approve. Commissioner Layne seconded the motion. Mayor Justice called for discussion. City Manager Donovan Blackburn advised the event is a get health incentive and the Health Department is supporting the event and held after church. There being no additional comments or discussion the motion passed unanimously.
9. Consider request to reclassify Johnny Lee Cole from Dispatcher to firefighter/EMT at rate of pay per year of service with City, effective date is: August 25, 2008. Commissioner Layne made the motion to approve. Commissioner Carter seconded the motion. Mayor Justice called for discussion. There being no discussion motion passed unanimously.
10. 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 Carter seconded the motion. Motion passed unanimously.
11. Commissioner Layne made motion to re-convene into regular session. Commissioner Carter seconded the motion.
12. Consider request to place Baseball/RV Park Project to bid. Commissioner Layne made the motion to approve. Commissioner Davis seconded the motion. Mayor Justice called for discussion. There being no discussion the motion passed unanimously.

- 13. Consider a request for the Pikeville Fire Department to purchase a pool table in the amount of \$1,000.00 from an independent source (Debbie Blackburn). The pool table is only 1 year old and with all accessories had a new value of over \$2,500. Commissioner Davis made the motion to approve. Commissioner Layne seconded the motion. Mayor Justice called for discussion. There being no further discussion the motion passed unanimously.**
- 14. City Manager discussed that per the direction of the city commission the police department would pull the top 10 properties within the city that had the most police complaints over the past 24 months. The cities intent is to make the property owner aware of the complaints and to ask the property owner to accept the accountability for a resolution or plan of action to address these reoccurring complaints. Out of the top 10 complaints 2 of the complaints were dismissed by the commission. 1 was due to being a business and the other was due to an apartment complex under new ownership. Said ownership had already made corrections to clean the area up and to set new policy for living in the apartments. The City Manager requested the remaining 8 properties be sent a letter under the cities signature explaining the concerns and giving the property owner the opportunity to respond. If the property owner's refuse to respond or makes no attempt to address the concerns of the city then the motion is to grant the city manager and attorney authority to take such action within the law including up to filing a civil action against the property owners. The intent is to give the property owners the opportunity to address any and all issue before any action would be taken. The properties reported by the Pikeville Police Department in a two year report. (1.) 308 Poplar Street, Pikeville, KY 41501. (2.) 110 5th Street, Pikeville, KY 41501 (3.) 112 Jay Street, Pikeville, KY 41501. (4.) 113 Hibbard Street, Pikeville, KY 41501 (5.) 158 Fife Fork, Pikeville, KY 41501. (6.) 189 Poplar Street, Pikeville, KY 41501. (7.) 197 Poplar Street, Pikeville, KY 41501 (8.) 265 Scott Avenue, Pikeville, KY 41501.**

C. Consent Items

September 17th at 10 a.m. Constitution reading in the Pikeville City Park by Pikeville College and they are requesting the commission to attend and participate.

City Manager will be off On August 28th and 29th. (Taking 1 vacation day and a comp day for working past 2 weekends)

City Manager in Lexington August 26th, 27th for Kentucky Rural Water Association Conference. Pikeville is a finalist in the Wooden Bucket Award.

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

The next scheduled Regular Meeting of the City of Pikeville Board of Commissioners is September 8, 2008 at 6:00 p.m.

APPROVED:



FRANKLIN D. JUSTICE, II, MAYOR

ATTESTED:



REBECCA HAMILTON, CITY CLERK