

**CITY OF PIKEVILLE
BOARD OF COMMISSIONERS
REGULAR MEETING MINUTES
SEPTEMBER 12, 2005**

The Board of Commissioners for the City of Pikeville met in regular session on Monday, September 12, 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 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
MAYOR:	FRANKLIN D. JUSTICE, II

Commissioner M. Shane Hall was absent.

AGENDA ITEM II. MINUTES

The minutes for the previous regular meeting held on August 22, 2005 were included in each Commission Member's agenda package. There being no additions or corrections, Commissioner Layne made the motion, seconded by Commissioner Carter to approve the minutes as prepared. The motion carried 4 – 0.

AGENDA ITEM III. BUSINESS FROM THE FLOOR

Members of the professional staff of WestCare Kentucky were present as Mayor Justice presented and read a resolution designating September, 2005 as National Alcohol and Drug Addiction Recovery Month. The resolution was read as follows:

WHEREAS, substance use disorders are a serious and treatable health problem, and as many as 63 percent of Americans say that addiction to alcohol or other drugs has had an impact on them at some point in their lives, whether it was the addiction of a friend or family or another experience, such as their own personal addiction; and

WHEREAS, assessing our citizens' needs for addiction treatment and referring them to appropriate treatment – and their family members to support services – is a crucial first step in helping people realize that recovery is possible and treatment is effective; and

WHEREAS, barriers to accessing treatment programs that can help heal lives, families, and our community are a significant problem for our neighbors, friends, co-workers, and family members with substance use disorders; and

WHEREAS, community members seeking treatment programs deserve affordable, individualized treatment programs; and

WHEREAS, celebrating individuals in recovery and their families, and saluting the health care providers who helped them obtain treatment, educates our community about the benefits of treatment and affirms that such providers deserve adequate compensation for their services; and

WHEREAS, to help achieve this goal, the Substance Abuse and Mental Health Services Administration within the U.S. Department of Health and Human Services; the White House Office of National Drug Control Policy; and UNITE Pike, The Fountain of Hope, and WestCare Kentucky invite all residents of Pikeville Kentucky to participate in National Alcohol and Drug Addiction Recovery Month;

NOW, THEREFORE, I Frank Justice II, Mayor of the City of Pikeville, by virtue of the authority vested in me by the laws of Pikeville, Kentucky do hereby proclaim the month of September 2005 as

National Alcohol and Drug Addiction Recovery Month

In Pikeville, Kentucky and call upon the people of Pikeville Kentucky to observe this month with appropriate programs, activities, and ceremonies supporting this year's theme, "Join the Voices for Recovery: Healing Lives, Families, and Communities."

IN WITNESS WHEREOF, I have hereunto set my hand this 12th day of September, in the year of our Lord two thousand five, and of the Independence of the United States of America the two hundred and thirtieth

Commissioner Davis made the motion to adopt the resolution. Commissioner Layne seconded the motion. The motion carried 4 – 0.

AGENDA ITEM IV.

PAYMENT OF BILLS

A. Indian Hills Sewer Extension Project: Presented for approval was Change Order #2 deducting \$35,670.00 from the construction contract, along with the final pay estimate from M & S General Contracting in the amount of \$159,165.13. City Engineer, Charles Byers, recommended approval of the change order and final pay estimate. He advised there is a one year warranty on the project. Commissioner Carter made the motion to approve the change order and final pay estimate as recommended by the city engineer. Commissioner Layne seconded the motion. The motion carried 4 – 0.

B. Pikeville Redevelopment Project: An invoice totaling \$300.00 was presented to the Commission for approval of payment from Frank Nall for preparation of three title examinations of property located in the Phase VII area. The clerk

recommended payment as requested. Commissioner Davis made the motion, seconded by Commissioner Carter to approve payment to Frank Nall as recommended. The motion carried 4 – 0.

AGENDA ITEM V.

OLD BUSINESS

A. BIG SANDY AREA DEVELOPMENT DISTRICT: Sandy Runyon, Executive Director of the Big Sandy Area Development District, reported that Phase VII of the Redevelopment Project is proceeding. All preliminary work has been completed and is being reviewed by ADD staff.

B. PIKEVILLE MAIN STREET PROGRAM: No report

C. CITY ENGINEER'S REPORTS: Charles Byers representing Summit Engineering, Inc., city engineers, presented a verbal status report for the following projects:

1. **Smith Hill Water Tank:** Mr. Byers advised that one bid had been received for maintenance and painting of Smith Hill Water Tank #2. The bid was submitted by Eastern Tank & Utility Service in the amount of \$62,000.00. Mr. Byers reported that an alternate bid of \$38,000.00 was submitted to remove and dispose of lead paint should it be determined that lead paint is on the tank, bringing the total contract amount to \$100,000.00. Commissioner Davis made the motion, seconded by Commissioner Carter to accept the bid subject to there being sufficient funds allocated in the budget. The motion carried 4 – 0.

2. **PRIDE Funding Applications:** Summit Engineering, Inc. prepared two PRIDE funding applications for extension of sewer service to Ratliff's Creek and Island Creek. Mr. Byers requested authorization for Mayor Justice to sign the application and to submit the applications. Commissioner Layne made the motion, seconded by Commissioner Carter to authorize Mayor Justice to execute the application documents and to submit to PRIDE. The motion carried 4 – 0.

Commissioner Carter mentioned that an area within the city limits, Nightingale Lane, does not have sewer service. There are between 10 and 15 homes in the area. The city engineer was directed to prepare a cost estimate to extend sewer service to this area.

3. **Pauley Bridge Rehabilitation Project:** One bid was received for repairs and improvements to the Pauley Bridge. The bid was received from Intech Contracting in the amount of \$286,243 with an alternate bid of \$135,000 for painting of the steel cables. The engineer's estimate for repairs was approximately \$127,000 for the entire project. Mayor Justice made the motion, seconded by Commissioner Carter to reject the bids and to authorize the city engineer to re-advertise for bids. The motion carried 4 – 0.

Commissioner Davis made the motion to adjourn to closed session for the purpose of discussing economic development matters. Commissioner Layne seconded the motion. The motion carried 4 – 0.

Commissioner Layne made the motion to reconvene to regular session. Commissioner Carter seconded the motion. The motion carried 3 – 0.
Mayor Justice left the meeting at 8:00 p.m.

Mayor Pro Tem Eugene Davis presided.

D. CITY ATTORNEY’S REPORTS: Russell H. Davis, Jr., city attorney, presented the following ordinances for second reading:

ORDINANCE ADOPTING THE PIKEVILLE POLICE DEPARTMENT FIELD TRAINING OFFICER MANUAL AS PART OF THE PIKEVILLE POLICE DEPARTMENT MANUAL OF RULES AND REGULATIONS.

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

COMMISSIONER:	DALLAS LAYNE	YES
	EUGENE W. DAVIS	YES
	JAMES A. CARTER	YES
	M. SHANE HALL	ABSENT
MAYOR:	FRANKLIN D. JUSTICE, II	ABSENT

ORDINANCE ADOPTING A TASER USE POLICY AS PART OF THE CITY OF PIKEVILLE POLICE DEPARTMENT MANUAL OF RULES AND REGULATIONS

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

COMMISSIONER:	DALLAS LAYNE	YES
	EUGENE W. DAVIS	YES
	JAMES A. CARTER	YES
	M. SHANE HALL	ABSENT
MAYOR:	FRANKLIN D. JUSTICE, II	ABSENT

AN ORDINANCE RELATED TO THE AMENDMENT OF SECTION 150.01 “ADOPTION OF KENTUCKY BUILDING CODE” TO CLARIFY THE PARTICULAR KENTUCKY ADMINISTRATIVE REGULATIONS ADOPTED BY THE CITY OF PIKEVILLE

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
	M. SHANE HALL	ABSENT
MAYOR:	FRANKLIN D. JUSTICE, II	ABSENT

ORDINANCE ADOPTING THE PIKEVILLE PERSONNEL GUIDELINE MANUAL BE ADOPTED AS THE CITY OF PIKEVILLE’S PERSONNEL AND POLICY MANUAL

Commissioner Layne made the motion, seconded by Commissioner Carter to adopt the ordinance as read. The motion carried by the following votes:

COMMISSIONER:	DALLAS LAYNE	YES
	EUGENE W. DAVIS	YES
	JAMES A. CARTER	YES
	M. SHANE HALL	ABSENT
MAYOR:	FRANKLIN D. JUSTICE, II	ABSENT

E. FIRE DEPARTMENT UPDATE: No report

F. POLICE DEPARTMENT UPDATE: Sgt. Chris Edmonds advised that most of the calls answered during the previous two weeks are attributed to accidents without injuries and security alarms. Sgt. Edmonds explained there were 54 alarms, 4 of which were breaks-in. The police department raised \$1,100 from a car wash. The proceeds will be used for the “Shop With a Cop” program. The police department assisted with crowd control during the September 11th UNITE Pike anti-drug march. It was announced that Captain Gordon Carter is retiring effective September 30, 2005.

G. CITY MANAGER’S REPORTS: Donovan Blackburn, city manager, presented the following matters for the Commission’s consideration:

1. Walking Track/Tennis Court Resurfacing Bids: K & L Sealers presented the only bid for the resurfacing of the walking track and tennis court located at Bob Amos Park. The total bid was \$64,478.00. The city manager advised that \$100,000 had been budgeted for the project. Commissioner Layne made the motion, seconded by Commissioner Carter to award the bid to K & L Sealers in the amount of \$64,478.00. The motion carried 3 – 0.

At Commissioner Carter's request, a cost estimate will be prepared to install lighting on the basketball courts.

2. **Emergency Shelter:** City Manager Blackburn reported that part-time employee, Rick Branham, resigned his position at the Emergency Shelter effective September 30, 2005. He asked for authorization to advertise for a part-time employee for the emergency shelter. Commissioner Carter made the motion, seconded by Commissioner Layne to authorize the city manager to advertise for a part-time employee for the emergency shelter. The motion carried 3 – 0.

3. **Roadside PRIDE Month:** Presented was the following resolution designating the month of October, 2005 as Roadside PRIDE month:

WHEREAS, the PRIDE initiative encourages citizens of southern and eastern Kentucky to take personal responsibility for keeping the region's environment clean, thereby improving the region's quality of life; and

WHEREAS, the annual Roadside PRIDE cleanup campaign is an opportunity for citizens to demonstrate personal responsibility by volunteering to pick up litter along roadsides in their communities; and

WHEREAS, the City of Pikeville is participating in the Roadside PRIDE campaign by recruiting volunteers to pick up litter along the city's streets and roadways; and

WHEREAS, the citizens of the City of Pikeville are encouraged to volunteer during the city's Roadside PRIDE cleanup events;

Be It Resolved that I, Frank Justice, II, do hereby proclaim the month of October 2005 to be Roadside PRIDE Month in the City of Pikeville.

I call attention to eight years of the PRIDE initiative and encourage all citizens of the City of Pikeville to get involved in keeping our communities clean.

Commissioner Carter made the motion, seconded by Commissioner Layne to adopt the resolution as presented. The motion carried 3 – 0.

4. **I-66 Foundation, Inc.:** Presented and read was the following resolution:

A RESOLUTION OF THE CITY OF PIKEVILLE, KENTUCKY SUPPORTING THE I-66 FOUNDATION, INC. AND ITS EFFORTS TO EDUCATE THE PUBLIC ON THE IMPACT OF THE I-66 INTERSTATE PROJECT IN KENTUCKY.

WHEREAS, the City of Pikeville believes that the I-66 Interstate Project will positively impact its citizens through economic growth and opportunity, and

WHEREAS, the citizens of Pikeville should have the opportunity to learn about the economic benefits and other positive aspects of the I-66 Interstate Project, and

WHEREAS, the I-66 Foundation Inc and the I-66 Institute, having been recently established, will serve as a resource center and information clearinghouse for the I-66 Interstate Project.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF PIKEVILLE, KENTUCKY:

Section 1. That the City of Pikeville supports the I-66 Foundation, Inc., and the I-66 Institute in its efforts to educate the public on the impact and importance of the I-66 Interstate Project in Kentucky.

Commissioner Layne made the motion, seconded by Commissioner Carter to adopt the Resolution as presented. The motion carried 3 – 0.

5. Halloween Trick-or-Treat: Commissioner Carter made the motion, seconded by Commissioner Layne to designate the observance of Halloween Trick-or-Treat within the city limits on Monday, October 31, 2005 between the hours of 6 p.m. and 8 p.m. The motion carried 3 – 0.

6. Lease Agreement: Presented for approval was a Lease Agreement between the City of Pikeville and Bailey Hotel, LLC granting the hotel the right to use up to, but not exceeding, 120 parking spaces on the top floor of the parking garage. The hotel will pay \$3.00 per night per room or 3% of the gross monthly room receipts, whichever is greater. The city attorney and city manager recommended acceptance of the agreement. Commissioner Layne made the motion, seconded by Commissioner Carter to authorize the Mayor to execute the lease agreement with Bailey Hotel, LLC. The motion carried 3 – 0.

7. Ped-Way Signs: During the previous meeting a bid was awarded to White Way Sign for a two-sided, 5' X 24' LED informational sign for the pedway. The company contacted the city manager and advised they had submitted the bid with an error in pricing and requested to withdraw the bid. The city manager and city attorney explained the company is legally bound to honor the bid. City Manager Blackburn requested the Commission allow him to re-advertise for bids and if a lower bid is received, he will request that White Way Sign be released from their obligation. Commissioner Layne made the motion, seconded by Commissioner Carter to accept the city manager's request. The motion carried 3 – 0.

8. Police Officers: As mentioned earlier, the city manager advised of Captain Gordon Carter's retirement effective September 30, 2005. The City Commission previously gave permission to hire three police officers. The city manager requested permission to hire two additional police officers. Commissioner

Carter made the motion, seconded by Commissioner Layne to authorize the employment of a total of five police officers. The motion carried 3 – 0.

Commissioner Layne made the motion, seconded by Commissioner Carter to advertise within the police department for a replacement for Captain Carter. The motion carried 3 – 0.

There being no further business to come before the Commission, Commissioner Layne made the motion, seconded by Commissioner Carter to adjourn the meeting. The motion carried 3 – 0. (Adjournment Time 9:00 p.m.)

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

ATTEST:

**_____
KAREN W. HARRIS, CITY CLERK**