

**CITY OF PIKEVILLE
BOARD OF COMMISSIONERS
REGULAR MEETING MINUTES
SEPTEMBER 26, 2005**

The Board of Commissioners for the City of Pikeville met in regular meeting on Monday, September 26, 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 M. SHANE HALL
MAYOR:	FRANKLIN D. JUSTICE, II

AGENDA ITEM II. MINUTES

The minutes for the previous regular meeting held on September 12, 2005 were included in each Commission Member's agenda package. There being no additions or corrections, Commissioner Davis made the motion, seconded by Commissioner Layne to approve the minutes as prepared. The motion carried unanimously.

AGENDA ITEM III. BUSINESS FROM THE FLOOR

A. PIKEVILLE CONCERT ASSOCIATION: Gene Schindler with the Pikeville Concert Association announced that the Tommy Dorsey Band is this season's opening act. The concert coincides with the opening of the East Kentucky Exposition Center on October 3rd. Director of the "Expo Center", Donna Damron, and Mr. Schindler invited the Commission to attend the reception and the concert. Mayor Justice presented the following resolution in honor of the Tommy Dorsey Band and the Pikeville Concert Association:

**PROCLAMATION BY THE CITY OF PIKEVILLE, KENTUCKY
BOARD OF COMMISSIONERS
DESIGNATING MONDAY, OCTOBER 3, 2005 AS
"TOMMY DORSEY BAND DAY"
AND HONORING THE PIKEVILLE CONCERT ASSOCIATION**

WHEREAS, the Pikeville Concert Association has served our region through a diverse cultural offering of family-friendly performances for over fifty years; and

WHEREAS, in keeping with its goal to entertain, educate, and energize our mountain community, the Pikeville Concert Association is sponsoring a community concert, in conjunction with Pikeville College, featuring The Tommy Dorsey Band; and

WHEREAS, The Tommy Dorsey Band is synonymous with “The Big Band Sound”; and

WHEREAS, The Tommy Dorsey Band, best known for its chart toppers of *Marie, I’ll Never Smile Again, Boogie Woogie, and I’ll Be Seeing You*, will be performing at the Pikeville/Pike County Exposition Center on October 3, 2005.

NOW, THEREFORE, the City of Pikeville Board of Commissioners, hereby proclaim October 3, 2005 as “Tommy Dorsey Band Day” in the City of Pikeville in salute of their continuing contributions to our American culture, and further, commend the Pikeville Concert Association for their continued service to the people of Pikeville and Pike County through their sponsorship of entertaining and educational events.

At Pikeville, Kentucky, this twenty-sixth day of September, 2005.

Commissioner Layne made the motion to adopt the resolution as presented. Commissioner Davis seconded the motion. The motion carried unanimously.

2. PIKE COUNTY HUMANE SOCIETY: David Stratton appeared before the Commission on behalf of the Pike County Humane Society. Mr. Stratton presented the Commission with the building plans of the proposed animal shelter. The shelter is to be constructed on the Big Sandy Regional Airport property, on the flat located to the left after passing the runway. Commission Members complimented the Pike County Humane Society for their choice of sites and the architecture of the proposed facility.

AGENDA ITEM IV.

PAYMENT OF BILLS

A. CITY BILLS: A list of city bills totaling \$570,483.61 was presented to the Commission for approval of payment. Commissioner Davis made the motion, seconded by Commissioner Carter to approve payment of the city bills as requested. The motion carried unanimously.

AGENDA ITEM V.

OLD BUSINESS

A. BIG SANDY AREA DEVELOPMENT DISTRICT: Sandy Runyon, Executive Director for the Big Sandy Area Development District, presented the following items for Commission approval:

1. Determination of Just Compensation: Ms. Runyon reported that GOLD has approved the city's request to amend the Phase VI budget to include acquisition, relocation and demolition of buildings 29, 31, 32, 33, 34, and 36 located on Auxier Avenue and Saad Avenue. Due to limited funds, it was recommended that CDBG funds be utilized to purchase buildings 29, 31, and 32. CDBG funds remain in Phase V to acquire building 36, with relocation and demolition to be paid from Phase VI funds. Buildings 33 and 34 will be acquired with local funds. All preliminary work has been completed. Ms. Runyon presented the following resolution authorizing the determination of Just Compensation:

AN ORDER OF THE CITY OF PIKEVILLE APPROVING THE DETERMINATION OF JUST COMPENSATION FOR ACQUISITION OF PROPERTY IN THE PIKEVILLE PHASE VI TARGET AREA OF PIKEVILLE, KENTUCKY

WHEREAS, the Commonwealth of Kentucky, Governor's Office for Local Development, has approved Community Development Block Grant funds for acquisition of properties in the Pikeville Phase VI Target Area; and,

WHEREAS, in accordance with the Uniform Acquisition and Relocation Policies of 1974 (The Uniform Act), the Pikeville City Commission (hereinafter referred to as "City") has obtained an appraisal and a review appraisal of properties to be acquired through the CDBG program; and,

WHEREAS, based upon the appraisals and review appraisals prepared by competent appraisers, it is necessary that the City determine the Just Compensation to be offered to each property owner; and

NOW, THEREFORE, BE IT ORDERED, by the City that:

- 1. The Determination of Just Compensation for the properties to be acquired in The Phase VI Target Area are hereby approved in the following amounts:**

Owner	Address	Amount
Pam Keathley	115 Saad Avenue	\$127,400
Pam Keathley	119 Saad Avenue	88,200
Sue Smallwood	117 Saad Avenue	134,900

- 2. The Mayor or his designated representative is directed to make Offers for Purchase of properties in the Pikeville Phase VI Target Area in the amount Of the "Determination of Just Compensation" listed above, with the written Confirmation of Fair Market Value by the Review Appraiser, and to accept And sign all related acquisition documents relating to these offers on behalf Of the City in order to eliminate slum and blight and provide for the Assemblage of land.**

3. That a drawdown of funds is authorized to be made from the Commonwealth of Kentucky when signed Agreements for Sale are executed with the Property owners in the amounts approved above.
4. That acquisition procedures will be undertaken in accordance with all rules And regulations promulgated by the Commonwealth of Kentucky and the Uniform Act, as amended.

Mayor Justice made the motion, seconded by Commissioner Layne to adopt the resolution as presented. The motion carried unanimously.

Mayor Justice made the motion, seconded by Commissioner Layne to authorize the submission of drawdown #5 to GOLD for reimbursement of funds utilized in the original scope of services in Phase VI of the Redevelopment Project. The motion carried unanimously.

B. MAIN STREET PROGRAM: No report

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

1. **Hambley Complex Improvement:** City Manager Blackburn explained that Pikeville Independent School District officials have indicated they will fund the installation of dugouts for the softball field. Mr. Byers asked for approval of a proposal, with Summit Engineering, Inc., to design the dugouts for a fee of \$12,000. Commissioner Carter made the motion, seconded by Commissioner Layne to enter into an agreement with Summit Engineering, Inc. for design of the dugouts, contingent upon negotiation of a satisfactory agreement with Pikeville Independent School District. The motion carried unanimously.

D. CITY ATTORNEY'S REPORTS: In the absence of the city attorney, City Manager Blackburn presented the following Ordinances for consideration:

1. **Ethics Ordinance:** Second reading was given to an Ordinance entitled as follows:

ORDINANCE AMENDING SECTION 40.08 "MISUSE OF INFORMATION" OF THE CITY OF PIKEVILLE CODE OF ETHICS PROHIBITING THE DISCLOSURE OF CONFIDENTIAL INFORMATION; SECTION 40.99 PROVIDING FOR CIVIL PENALTIES FOR VIOLATION OF SECTION 40.08(C).

Commissioner Layne made the motion to adopt the Ordinance as presented and given second reading. Commissioner Hall 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	YES
MAYOR:	FRANKLIN D. JUSTICE, II	YES

2. Property Tax Rates: Presented and read was the following Ordinance:

AN AMENDED ORDINANCE FIXING A TAX LEVY ON REAL AND TANGIBLE PERSONAL PROPERTY, FRANCHISES, ALL FOR THE GENERAL OPERATING EXPENSE PURPOSES AND PROVIDING FOR A DUE DATE AND DISCOUNT ON ALL TAXES, IF PAID ON OR BEFORE NOVEMBER 7, 2005 AND PENALTIES IF NOT PAID BY DECEMBER 5, 2005.

The clerk reported the property tax information has been received and bills should be ready to mail by October 7th. It was recommended the ordinance be adopted on an emergency basis to prevent any financial hardship on the city. Mayor Justice made the motion, seconded by Commissioner Carter to declare an emergency and adopt the ordinance. The motion carried by the following votes:

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

3. Utility Rules and Regulations: First reading was given to an Ordinance entitled as follows:

AN ORDINANCE RELATED TO THE AMENDMENT OF SECTION 55.06 OF THE CODE OF ORDINANCES AND THE CITY OF PIKEVILLE UTILITY RULES AND REGULATIONS ADOPTED BY 0-91-014 SO TO PROVIDE FOR PAYMENT ON THE FIFTEENTH DAY FOLLOWING THE BILL FOR SERVICE; PROVIDING FOR A PENALTY OF 5% AFTER FIFTEEN DAYS; AND DISCONTINUANCE OF SERVICE AFTER TWENTY DAYS

Second reading was scheduled for October 10, 2005.

E. FIRE DEPARTMENT REPORTS: Fire Chief Hall presented a verbal report of activities in the Fire Department during the previous two week period. Chief Hall advised the department responded to 46 EMS and 15 fire calls. EMS service was provided during high school and college football games. Two trees were removed on High Street and Kentucky Avenue. Due to the heavy leaf fall, fire department personnel clean the screens at the pond every other day. Maintenance work continues at the Dils Cemetery site.

F. POLICE DEPARTMENT REPORTS: Police Sgt. Chris Edmonds advised the police department responded to 405 calls. The bulk of the calls were false alarms and collisions. Sgt. Edmonds reported there were 4 burglaries. Arrests have been made in three of the cases. The Police Department began a new Bike Patrol Program.

G. CITY MANAGER'S REPORTS: Donovan Blackburn, City Manager, presented the following items for the Commission's consideration:

1. **Ridgecliff Project Audit (Hellier Manor Apartments, LTD):** At the Commission's request, City Manager Blackburn requested a quote from a CPA firm to conduct an audit of the aforementioned project, for the three year period, 12/31/02-12/31/04. Wallen & Cornett, CPAs responded with a proposal to conduct an "Agreed Upon Procedures" engagement. The fee is \$2,800 per year audited, plus travel and out-of-pocket expenses. Mayor Justice made the motion, seconded by Commissioner Hall to authorize Wallen & Cornett to proceed with an "Agreed Upon Procedures" engagement of Hellier Manor Apartments, LTD., for the amount of \$2,800 per year audited plus travel and out-of-pocket expenses. The motion carried unanimously. The engagement will be a review of specific items that are relevant to the City's agreement with Hellier Manor Apartments, LTD, and their past ability to repay HODAG funds committed to the project.

2. **Marketing Study:** Pikeville/Pike County Tourism Director, Phyllis Hunt was present to discuss the need to appoint a selection committee to review the Requests for Qualifications proposals received to conduct a marketing study. City Manager Blackburn recommended that Roger Recktenwald, Serena Stiltner, Phyllis Hunt, and he be appointed to review the proposals. Commissioner Davis made the motion, seconded by Commissioner Carter to accept the city manager's recommendations for appointees to the selection committee. The motion carried unanimously.

3. **GPS Mapping:** City Manager Blackburn reported that Public Works and City Hall staff met with several GPS mapping firms to discuss mapping locations of the city's various utility lines. Pike County officials offered the use of their information regarding 9-1-1 addressing. The county's information is compatible with one vendor's product. Due to the time and cost factor involved if city staff had to compile the information, the city manager requested the Commission approve sole-source procurement and purchase the mapping system from MapSync. Veolia Water agreed to pay \$8,000 toward acquisition of the system. Commissioner Hall made the motion, seconded by Commissioner Layne to purchase the GPS mapping system from MapSync under the provisions of sole source procurement. The motion carried unanimously.

4. **Wastewater Plant Headworks Project:** The clerk presented a written report from Public Works Manager, Roger Recktenwald, regarding the acquisition and installation of equipment at the city's wastewater plant. According to the

report, JWC Environmental is the only manufacturer that markets a single piece of equipment that performs all requirements and is capable of being installed in the existing influent channel at the plant and companion equipment for handling septic flows from waste haulers. N.E. Zabcar Corporation is cited as highly skilled and well experienced in wastewater treatment construction with a corporate specialty in rehabilitation work. An additional factor to consider is that of timely acquisition and installation to avoid emergencies and/or imperiling the health and safety of the public. Based upon this information, the clerk recommended the Commission declare sole-source procurement. Mayor Justice made the motion, seconded by Commissioner Carter to declare sole source procurement with regard to acquisition of the equipment and installation as recommended by the Public Works Manager and city clerk. The motion carried unanimously.

5. Closed Session: The City Manager requested a closed session for the purpose of discussing personnel items and economic development issues.

Commissioner Davis made the motion, seconded by Commissioner Hall to adjourn to closed session for the purpose of discussing personnel items and economic development issues. The motion carried unanimously.

Mayor Justice made the motion, seconded by Commissioner Hall to reconvene to regular session. The motion carried unanimously.

City Manager Blackburn recommended the employment of Alicia Baldrige in the capacity of Police Officer. He explained the city would fund the expenditures for Ms. Baldrige's training and salary while attending the Police Academy in Richmond. Upon completion of the training, Ms. Baldrige will be transferred to the Operation UNITE Program. Commissioner Carter made the motion to approve the City Manager's recommendation, contingent upon Ms. Baldrige passing all city pre-employment testing. Commissioner Hall seconded the motion. The motion carried unanimously.

Mayor Justice made the motion to appoint Patrol Officer, Phillip Reed to the position of Detective at no increase in salary. Commissioner Layne seconded the motion. The motion carried unanimously.

Mayor Justice made the motion to promote Patrol Officer, Aaron Thompson, to the position of Sergeant, at a wage rate of \$16.32/hr. Commissioner Carter seconded the motion. The motion carried unanimously.

There being no further business to come before the Commission, Commissioner Davis made the motion, seconded by Commissioner Hall to adjourn the meeting. The motion carried unanimously. (Adjournment Time: 8:40 p.m.)

The next regular meeting of the Board of Commissioners for the City of Pikeville is October 10, 2005. The meeting will be held in the City Hall Public Meeting Room located at 118 College Street.

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

ATTEST:

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