

**CITY OF PIKEVILLE
BOARD OF COMMISSIONERS
REGULAR MEETING MINUTES
NOVEMBER 8, 2004**

The Board of Commissioners for the City of Pikeville met in regular session on November 8, 2004. 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:

MAYOR:	FRANKLIN D. JUSTICE, II
COMMISSIONER:	DALLAS LAYNE
	EUGENE W. DAVIS
	SHAWN A. AMOS
	JAMES A. CARTER

AGENDA ITEM II.

MINUTES

The minutes for the previous regular meeting of October 25, 2004 were included 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 Amos seconded the motion. The motion carried unanimously.

AGENDA ITEM III.

BUSINESS FROM THE FLOOR

A. BOY SCOUTS: Fifteen members of Boy Scout Troop 12, along with their troop leaders, were present. Barry Goff, Troop 12 Leader, explained the scouts are working toward earning their citizenship and community merit badges. The Commission fielded a number of questions concerning the East Kentucky Exposition Center, annexation, and the feasibility of beginning a youth center. Discussion concluded with an admonishment from the Commission to the scouts to continue with their scouting activities.

B. HERITAGE CENTER: David Deskins, Chairman, and Everett Johnson, curator, for the Big Sandy Mountain Heritage Center gave a brief summary of the museum's first year of operation. Over 2000 artifacts have been displayed in 4 exhibit rooms. An estimated 3500 visitors from 40 states and a number of foreign countries have toured the museum. Mr. Deskins commented on the success of the Civil War Symposium hosted by the museum. He advised the Commission the Pike County Fiscal Court has allotted \$25,000 in their current operating budget for the museum's operation.

C. 2003-2004 AUDIT: Don Wallen, of Wallen & Cornett, CPAs, presented the audit report for year ending June 30, 2004. Mr. Wallen advised the city ended its fiscal year with a 4 month operating surplus. The General Fund finished the year with a fund balance of \$2,236,042. The Sewer Fund ending balance was \$53,759.00. Mr. Wallen reported fiscal year ending June, 2003, the Sewer Fund incurred a loss of \$21,000. The Natural Gas Fund finished the year with a surplus balance of \$42,219.00. Part of the General Fund's surplus was attributed to substantial increases in the collections for property taxes, franchise fees, interest income and parking fines. Leading the increases was collection for occupational fees at \$288,000.00. Mr. Wallen cautioned the Commission against relying on the large increase in occupational fees as expendable income for future years' budgets due to completion of several large construction projects. Fixed asset expenditures increased by \$74,000. Street improvements increased by \$400,000. No findings were reported for the city's Federal Programs.

D. CEDAR CREEK ZONING CHANGE: Chris Chrisman, appeared before the Commission on

behalf of the Bowles Family Partnership to request the Commission to ask the Pikeville/Pike County/Elkhorn City Joint Planning Commission to reconsider their decision disapproving two zoning requests for his undeveloped property located at Cedar Creek. Mr. Chrisman questioned the validity of the decision based upon his not receiving notice of the meeting, and not having the opportunity to respond to the opposition. The Bowles Family Partnership requested zoning reclassifications of two parcels from PDMU to R-3 and one parcel from PDMU to R-1. The Joint Planning Commission recommended approval of the reclassification of the one parcel from PDMU to R-1. Cedar Creek resident, Robert Mayfield, explained that the adjoining property owners' objections for reclassification to R-3 is due to the types of uses allowed in R-3 districts, mainly rental apartments and condominiums. The residents are concerned the 40-45 apartments proposed for construction, within a 6/10 mile span, will have an adverse affect on the character of the neighborhood as well as cause significant decreases in their property values. Mr. Mayfield pointed out that Mr. Chrisman was afforded ample opportunity during the public hearing of October 12th to make his case to the Joint Planning Commission. City Manager Blackburn commented that Pikeville's Zoning Code supports the use Mr. Chrisman has proposed in the PDMU classification. Additionally, the zoning code would permit a secondary use, including commercial or industrial uses. By reclassifying the zoning to an R-3, Mr. Chrisman would be restricting his options in the development of the property. The Commission explained they would not take any action to overrule the Joint Planning Commission's decision, however they would review the legal notification procedures. The Commission commented if the procedures were not correctly followed they would consider asking the Joint Planning Commission to re-hear the requests.

AGENDA ITEM IV.

PAYMENT OF BILLS

A. CITY PARK WALKWAY: Presented on behalf of Commonwealth Building & Construction was invoice #4 totaling 76,050.00 for work completed to date on the walkway through the downtown city park. Commissioner Layne made the motion to approve payment as requested. Commissioner Amos seconded the motion. The motion carried unanimously.

AGENDA ITEM V.

OLD BUSINESS

A. BIG SANDY AREA DEVELOPMENT DISTRICT: Executive Director for the Big Sandy Area Development District, Sandy Runyon, reported there are five remaining tenants to be relocated in the Phase VI target area. Ms. Runyon estimated that \$300,000 will remain in CDBG Funds. She recommended the Commission proceed with conducting survey work, legal work, appraisals, and review appraisals for five properties located on Saad Avenue. Ms. Runyon explained the pre-acquisition work will be funded utilizing the city's matching funds for the project. Commissioner Carter made the motion to proceed with the pre-acquisition work for 5 structures located on Saad Avenue. Commissioner Layne seconded the motion. The motion carried unanimously.

Two bids were received for asbestos inspection of the 7 structures acquired during Phase VI. The low bid was submitted by American Technical Experts, Inc. in the amount of \$1,015.00. J & M Monitoring submitted a bid totaling \$1,435.00. Mayor Justice made the motion to award the contract for asbestos inspection to American Technical Experts, Inc. in the amount of \$1,015.00. Commissioner Davis seconded the motion. The motion carried unanimously.

B. CITY ENGINEER'S REPORTS: Charles Byers, representing Summit Engineering, Inc., presented a verbal progress report for the following projects:

1. Indian Hill Sewer Extension Project - A pre-construction meeting has been scheduled for 2:00 p.m. on November 9th.
2. Utility Relocation Project: American Electric Power has completed all service hook-ups. BellSouth representatives estimate completion of their contract in March, 2005. Commissioner Davis commended AEP for the timely completion of their contract.

C. CITY ATTORNEY'S REPORTS: Russell H. Davis, Jr., City Attorney, presented the following matters for the Commission's consideration:

1. AMBULANCE RATES: Presented and given first reading was an ordinance entitled:

ORDINANCE SETTING CITY OF PIKEVILLE AMBULANCE SERVICE BILLING RATES, ADOPTING AMBULANCE SERVICE UNCOLLECTIBLE ACCOUNTS, GUIDELINES, POLICIES AND PROCEDURES

The ordinance will be on file in the office of the City Clerk for public inspection. Second reading was scheduled for November 22, 2004.

2. JAY STREET: Second reading was given to an Ordinance entitled:

ORDINANCE DESIGNATING AS NO PARKING A PORTION OF THE NORTH SIDE OF JAY STREET LOCATED IN THE CURVE AT 124 JAY STREET

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

MAYOR:	FRANKLIN D. JUSTICE, II	NOT PRESENT AT TIME OF VOTE
COMMISSIONER:	DALLAS LAYNE	YES
	EUGENE W. DAVIS	YES
	SHAWN A. AMOS	YES
	JAMES A. CARTER	YES

3. CEDAR CREEK ZONING: Presented for first reading was an ordinance entitled:

ORDINANCE AMENDING THE CITY OF PIKEVILLE'S ZONING MAP FOR PROPERTY ON CEDAR CREEK ALONG 1384 FROM PD-MU TO R-1

Second reading was scheduled for November 22, 2004.

4. CHECK SIGNATURE: Presented for adoption was the following resolution to authorize the City Manager to sign checks on behalf of the City:

**RESOLUTION DESIGNATING DONOVAN BLACKBURN,
CITY MANAGER, AS AUTHORIZED TO SIGN CHECKS
ON BEHALF OF THE CITY OF PIKEVILLE**

WHEREAS, the Pikeville City Commission desires to authorize its City Manager, Donovan Blackburn, to replace former City Manager, Kenny Blackburn, as a signatory for checks drawn on the City of Pikeville's numerous checking accounts with Community Trust Bank, US Bank, B B & T Bank, Kentucky National Bank of Pikeville and Family Bank.

BE IT RESOLVED BY THE CITY OF PIKEVILLE AS FOLLOWS:

1. That the City Manager, Donovan Blackburn, is hereby authorized to sign checks on all accounts of the City of Pikeville. In every instance, all checks drawn on accounts of the City of Pikeville are to be signed by two persons, being the Finance Director, City Clerk or City Manager.

2. That all prior resolutions granting Sue Varney as Finance Director and Karen Harris as

City Clerk, authority to withdraw and sign checks on the accounts of the City of Pikeville are hereby reaffirmed, and the City Manager, Donovan Blackburn, is hereby authorized to sign checks on all of the accounts of the City of Pikeville in the absence of the Finance Director or the City Clerk.

3. Community Trust Bank, B B & T Bank, US Bank, Kentucky National Bank of Pikeville and Family Bank are each authorized to pay and charge to the accounts of the City of Pikeville checks signed by Sue Varney as Finance Director and Karen Harris as City Clerk; or Sue Varney as Finance Director and Donovan Blackburn as City Manager; or Karen Harris as City Clerk or Donovan Blackburn as City Manager.

4. The City Clerk is authorized and directed to deliver for and on behalf of the City of the City of Pikeville a certification of this resolution to Community Trust Bank, US Bank, B B & T Bank, Kentucky National Bank of Pikeville, and Family Bank. The City Manager, Donovan Blackburn, is authorized to execute any documents necessary to enforce this resolution which are consistent with the authority granted herein.

5. That Community Trust Bank, US Bank, B B & T Bank, Kentucky National Bank of Pikeville and Family Bank are authorized to rely upon this resolution until they have received written notice of any amendments or revisions of this resolution.

6. That signature stamps shall not be used for signing checks drawn on accounts of the City of Pikeville.

Commissioner Layne made the motion to adopt the resolution. Mayor Justice seconded the motion. The motion carried unanimously.

5. SIGN REGULATIONS: Presented for first reading was an Ordinance captioned as follows:

AN ORDINANCE RELATED TO THE AMENDMENT OF SECTION 156.147(C)(2) OF THE GENERAL SIGN REGULATIONS ORDINANCE PROHIBITING CERTAIN SIGNS WITH A SPECIFIC AREA OF THE CITY

Second reading of the Ordinance was scheduled for November 22, 2004.

D. CITY MANAGER'S REPORTS: City Manager, Donovan Blackburn, requested the Commission's consideration for the following matters:

1. **Surplus Property:** Mr. Blackburn requested permission to conduct an auction to dispose of surplus office equipment and vehicles. Commissioner Carter made the motion, seconded by Commissioner Amos to authorize the city manager to proceed with an auction for disposal of surplus office equipment and vehicles. The motion carried unanimously.

2. **Rescue 8:** City Manager Blackburn requested permission to offer for sealed bids the sale of Rescue 8 (mini pumper). The reserve was established at \$15,000.00. Commissioner Layne made the motion to authorize the sale of Rescue 8 through sealed bid. Commissioner Carter seconded the motion. The motion carried unanimously.

3. **Parking Meters:** The City Manager presented an information packet for ReinoMite digital parking meters. The system allows several parking spaces to be metered with one meter unit. Several options for paying the meter include coins, credit card, or by mobile phone. Mayor Justice explained the meters are suggested to assist the professional business owners with their parking

needs. Action concerning the meters was delayed to allow the Commission opportunity to review the information.

4. Closed Session: At 8:20 pm, Mayor Justice made the motion to adjourn to closed session for the purpose of discussing a personnel matter. Commissioner Layne seconded the motion. The motion carried unanimously.

Mayor Justice made the motion to reconvene to regular session. Commissioner Layne seconded the motion. The motion carried unanimously. (9:00 pm)

At the recommendation of City Manager Blackburn and Police Chief Sanders, Mayor Justice made the motion to promote Christopher Edmonds to the position of Police Sergeant at an annual wage rate of \$31,262.40. Commissioner Carter seconded the motion. The motion carried unanimously.

Commissioner Layne made the motion to establish the position of City Maintenance Program Manager and to authorize the City Manager to proceed with accepting applications. Commissioner Amos seconded the motion. The motion carried unanimously.

At the recommendation of City Manager Blackburn, Commissioner Carter made the motion, seconded by Commissioner Amos to reclassify Rebecca Hamilton from Payroll/Billing Clerk to Administrative Assistant for Economic Development at an annual salary of \$32,000. The motion carried unanimously.

Pursuant to the City Manager's request, Mayor Justice made the motion to authorize the City Manager to proceed with the purchase of a city employee vehicle utilizing the state price contract, pending final approval by the Commission of the make and price of the vehicle. 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 Layne to adjourn the meeting. The motion carried unanimously. (Adjournment Time: 9:04 pm).

The next scheduled meeting of the Board of Commissioners of the City of Pikeville is November 22, 2004 at 6:00 p.m.

APPROVED: _____


FRANKLIN D. JUSTICE, II, MAYOR

ATTEST: _____


KAREN W. HARRIS, CITY CLERK