

**CITY OF PIKEVILLE
BOARD OF COMMISSIONERS
REGULAR MEETING MINUTES
January 23, 2012 AT 6:00 P.M.**

The Board of Commissioners for the City of Pikeville met in a regular called session on Monday, January 23, 2012. The meeting was held in the City Hall Conference Meeting Room located at 118 College Street, Pikeville, Kentucky.

There being a quorum present, Mayor Frank Justice called the meeting to order at 6:00 p.m. Commission Members present at roll call were as follows:

COMMISSIONER:	GENE DAVIS	
	BARRY CHANEY	
	DALLAS LAYNE	Absent
	JIMMY CARTER	

MAYOR: FRANKLIN D. JUSTICE, II

MINUTES

The minutes for the previous regular meeting held on January 9, 2012 were in each Commission Member's agenda package. There being no additions or corrections, Commissioner Chaney 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. 4-0.

BUSINESS FROM THE FLOOR

Residents from Sycamore Street were present to submit a petition along with photos. Mitch Copley presented the statement that they prepared. It reads as follows:

January 22, 2012

Dear Mayor, Commissioners, and City Manager:

As citizens of Pikeville owning property and/or living on Sycamore Street, we are very disappointed by your decision to close a portion of the one-way street. Upon review of the previous minutes of City Commission meetings, the Mayor and several commissioners voiced concern about feedback from citizens and property owners on Sycamore Street. Because we were previously not apprised of the street closing situation, we now wish to provide you with our feedback.

First, closure of this section of Sycamore Street would cause loss of the primary ingress and egress route to and from our properties. Without access to our properties from the University side, we have no choice but to navigate a narrow, winding road. We are extremely concerned with our safety, as an ambulance, fire truck, and police car would also require more time to reach our homes. In addition, parcel deliveries to our homes from companies such as UPS and Lowe's have become nearly impossible.

Second, the City has not effectively maintained the alternative means of travel to the property affected on Sycamore Street. For example, the asphalt on Cemetery Hill is breaking apart, and Sycamore Street is never cleaned. Property owners have frequently been required to contact the City to remove snow and ice from the roadway since the temporary closure for construction. Also, delivery and maintenance vehicles servicing the University frequently block the entrance to Cemetery Road.

Third, we are extremely concerned with diminution of property value on Sycamore Street. Per the City Manager, the University feels that parking on the street will be more accessible for residents. In reality, the barriers placed on the road by the City during construction have made on-street parking completely inaccessible. "Residential Parking Only" signs could be displayed on the public road beyond the college campus, as are currently on display on Hellier Street below the Kinzer Family Residential Center. Furthermore, there is inadequate space for turnabout on the street. As such, it has become difficult for both residents and their visitors to navigate to and from the homes on Sycamore Street. This inadequacy also impacts service and emergency vehicles' ability to navigate the street properly.

We feel that any safety concerns for students at the University of Pikeville are overstated. Per minutes of the City Commission meeting on August 8, 2005, it was stated to the Commission that no accidents involving pedestrians had been reported for many years, and only two reported vehicular collisions on the street in the previous 18 months.

Various other institutions of higher learning have public ways running through their campuses, and alternative, yet effective, means of traffic management have been employed. For example, if student safety is truly an issue on Sycamore Street, speed bumps, crosswalks with flashing yield signs, and a reduced speed limit could be used effectively.

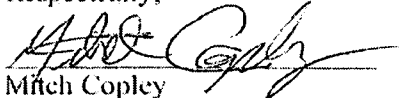
Peak foot traffic times do not coincide with traffic flow of residents, as residents typically travel Sycamore Street in the evening after working hours. Furthermore, per the City Manager's email to a Sycamore Street property owner, it is the City's belief that foot traffic will increase as a result of the construction of the medical school building. However, the opposite is quite the case. The Coal Building will encompass the entire medical school, thus decreasing the medical school population's foot traffic across Sycamore Street.


Property owners voiced some of their concerns of the results of the temporary closing of the street at the March 28, 2011 meeting of the Board of Commissioners. One resident questioned when the road would re-open and was not provided an answer. The mayor, as stated in the minutes, said that they would "try to do better."

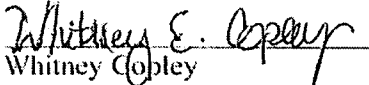
It is absurd that a city government would endanger the safety of its own taxpayers to provide "safety" for hypothetical persons generated from enrollment projections. Common sense and constructive discussions could be used to mitigate any safety concerns for incoming students without the permanent closure of Sycamore Street. Additionally, it is our belief that leaving Sycamore Street open would have no impact on enrollment at the University, thus mitigating the City Manager's claims that this ordinance was passed for economic development.

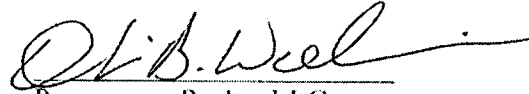
We implore you to put yourselves in our shoes; if you were facing a potential, permanent closure of the one way street where you lived, that would jeopardize the value of your home, the safety of your family, and overall quality of your life, would you still be in favor of this closure? We can say with confidence, "We do not believe you would." As citizens, taxpayers and landowners and occupants of the City of Pikeville, we petition this City Commission to repeal ordinance # 0-2011-036.


Respectfully,



 Mitch Copley
 241 Sycamore Street

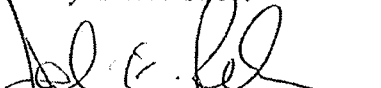

 Cathy Rehmeyer
 261 Sycamore St



 Whitney Copley
 241 Sycamore Street


 Peppergreen Realty, LLC
 Oliver Williamson, President
 265 Sycamore St


 Genoa Castle
 266 Sycamore Street


 Barbara Maynard
 269 Sycamore St


 John Rehmeyer
 261 Sycamore St


 Ruth Canada
 269 Sycamore St.

Mayor asked if Mr. Copley had done open record request for the meeting information that he had noted in his statement. City Manager Blackburn and Mrs. Copley replied that the information is listed on the Cities website. Mayor, while examining the photos, then asked if the residents used Cemetery Hill as an access road to get to their properties. Mr. Copley says that it provides the least amount of time to travel the wrong way on a one way street road. Mayor Justice says that the City has instructed emergency vehicles to go up there and try it out and let us know the result; and we have been informed that there is a meeting between the residents

and the college. What is going on there? City Manager Blackburn says that he got a phone call regarding the resident's concerns of Sycamore. As I presented to you and the commissioners in the email I sent out, I made you aware of a special called meeting, work session, that the university had with the city commission. During that meeting, student base crossing and their safety and the gathering of students and their safety were made issues of concern. For these reasons and a few others, the university is wanting to close the street. In speaking with Governor Patton, it was our understanding that the residence were made aware of the Cities intent to close the street. Governor Patton expressed concern and sorrow that there was misunderstanding on their behalf and at that time I requested a meeting between the residents and the university to look at what the facts are to bring back to the commission what both sides of the argument is. The meeting was supposedly set for this Thursday the 26th in the university board room. My intent was to bring all that back to the February 13th meeting. Mayor says that is what I thought we were going to do is sit down and have a meeting on this. Mr. Copley responds that he is present to ask the commission to repeal the ordinance. City Attorney Rusty Davis says that it would not make much since to do that because you have to have a first and second reading on that and publish it and it really would not change anything right now. Commissioner Carter comments that he would like to come to an agreement. He says that if we have to repeal it, then lets repeal it; let's just come to an agreement. Mayor Justice agrees with Commissioner Carter in that we all need to come to an agreement. Mayor Justice suggests that we all agree on a day that we can walk the area first and then sit down and meet about it. When ask if Thursday January 26th worked for everyone, Mr. John Rehmyer, a resident of Sycamore Street, spoke up and said that he would not be able to make that date but he would be available on Monday the 30th. Mayor Justice said that would be better for him also. After discussing the decision for a couple of minutes, everyone agreed that Monday January 30th was the better day to meet. There would be a special called work session at 5:00pm on this day located at 261 Sycamore Street.

Presentation of the city 2010-2011 Audit by Don Wallen of Wallen and Cornett. Mr. Wallen addresses the Commission and the Mayor and begins by noting a change that will take place in one area of the audit. Then he says that we complied with all federal laws this year with our grants. He goes on to mention page 6, where there is a change of net assets. They have increased. He said those are cost based assets; the larger the better. Then to page 16, the statement of revenue, (Fund Balance), which has increased as well. There is approximately \$9 million in operational cash or about eight months in this account. Here, the cash increased but so has our expenditures. On to occupational tax, the receipts keep increasing. Buildings are being built; collecting a lot of tax from the Medical building. Collecting penalties and interest on occupational taxes too. Mr. Wallen mentions the franchise fees that have increased, and the building permits, along with the interest income that has gone up. He says that there were only two funds that are not so

good and they are the sewer and the water; but the gas and sanitization done well. Overall, the city spent a lot of money and made a lot of improvements. Mr. Wallen says that we are very healthy. City Manager Blackburn extends a word of appreciation to Mr. Wallen; he also commends his staff. He says that overall, each department stayed beneath their budget for the year. Mr. Blackburn concludes by thanking Mr. Wallen on behalf of himself and the staff. Mayor Justice calls for a motion to be made to pass the audit contingent upon the change that Mr. Wallen mentioned in the beginning. Commissioner Carter made the motion to approve. Commissioner Chaney seconded the motion. Mayor Justice called for comments, there being none, the motion passed unanimously. 4-0.

PAYMENT OF CITY BILLS

The City Manager Donovan Blackburn requested the approval to pay city bills in the amount of \$268,701.47. Commissioner Davis made the motion to approve. Commissioner Carter seconded the motion. Mayor Justice called for further discussion, there being none, motion passed unanimously. 4-0.

CITY ENGINEER

1. Consider request to approve and authorize payment for invoice #60588 to Summit Engineering for \$2,955.50 as submitted for the Marion Branch Sewer Project and authorize the Mayor to sign and execute said pay request. Commissioner Carter made the motion to approve. Commissioner Chaney seconded the motion. Mayor Justice called for comments, there being none the motion passed unanimously. 4-0.
2. Consider request to approve and authorize payment for invoice #60678 to Summit Engineering for \$2,715.70 as submitted for US23 Phase II Sewer Project and authorize the mayor to sign and execute said pay request. Commissioner Chaney made the motion to approve. Commissioner Davis seconded. Mayor Justice called for comments there being none the motion passed unanimously. 4-0.
3. Consider request to approve and authorize payment for invoice #48846 to Gatterdam Industrial Services for \$2,00.00 as submitted for the Odor Control Pump system and authorize the mayor to sign and execute said pay request. Commissioner Chaney made the motion to approve. Commissioner Davis seconded. Mayor called for comments, there being none the motion passed unanimously. 4-0.

4. Consider a request to approve and authorize payment for invoice #48844 to Gatterdam Industrial Services for \$1,000.00 as submitted for the Odor Control Pump system and authorize the mayor to sign and execute said pay request. Commissioner Chaney made a motion to approve. Commissioner Davis seconded the motion. Mayor called for comments. Commissioner Carter asked if this is for the Chevron Station and if we were still working on that. Donnie Slone with UMG answered that it is for down there and that everything is going good so far. Mayor Justice called for further comments, there being none, the motion passed unanimously. 4-0.

CITY ATTORNEY

Russell Davis was present and had one item to read into record.

- 1. Consider a 2nd reading of an ordinance #0-2012-001 creating a horse trails park. Commissioner Davis made the motion to approve. Commissioner Carter seconded the motion. Mayor Justice called for comments. Mayor asked if this is going in behind your facility on Island Creek and is there a problem here? City Manager Donovan Blackburn replies, "No that there is not a problem. The funding that the city received requires us to adopt an ordinance designating the area that highlights the actual trail. What we have done here is taken a very small part of the trail and put the barn, where the trail will start; it will qualify for the \$60,000 grant. And there is another grant that we hope will follow this one." Mayor then asked Mr. Blackburn to give him specifics on where the barn is going. Mr. Blackburn uses reference points as the shooting range and a pond that is in the area. Mayor is concerned about people driving through the service area; he thought the barn was going to be in Bob Amos Park instead of Island Creek. Mr. Blackburn says, "That's not what we presented." So he turns to Melanie Stevens, the cities grant writer, and ask if we could resubmit the boundaries. She says that the area has to meet certain criteria to fit the grant. City Manager also explains some of the criteria for the park and the trail. After a couple minutes of discussion of boundaries, Mr. Blackburn ask if we cannot change the boundaries of the park, do we want to forgo the grant? Mayor says that he thinks that it would be better because he has a hard time bringing the general public in the service area in behind UMG and thinks access is not easy even with a four wheel drive. Ms. Stevens speaks up about a security grant for security fencing that she is working on; but City Manager says that is not the issue, location is. Mayor says we have to put these type things where they are easy access to the people. I think this is a wonderful thing that you are trying to do for the handicap children**

but we are also wanting to develop a horse trail park for everybody and it needs to be where we can get to it. Commissioner Carter asked what is the difference in the areas; what if the access road is not as accessible as you thought it might be for that location. City Manager says that for the \$60,000 there is a deadline and if we do not meet the deadline are we going to forfeit the \$60,000. Mayor asked for this grant is there a match. Ms. Stevens answers, "Yes it is 50/50." Mayor then says that for a \$120,000 facility he would rather forgo this cycle than put it in a place that I don't think is accessible. Let's put it to a vote and let's see, nobody else seems to be commenting on this. Commissioner Carter asked if the Mayor was talking about the area behind the basketball courts at Bob Amos, if that was where he is talking about putting the barn. In finding out it is, he says that he is not sure about that. Commissioner Davis asked if it could be put across the ditch, on the other side of the Y. City Manager says that is where the paint ball is now. Mayor says so this is a second reading, any further questions or comments, role call please. Commissioner Eugene Davis voted yes. Commissioner Carter commented that he would like to submit it to the other location first and was wondering if he had to vote no on this ordinance now. City Manager suggested that we table the motion to determine whether or not there is another option. Mayor speaks up that we need to discuss this further, we might take out a picnic area or something or someplace else. Commissioner Davis withdrew his vote with a request to table the ordinance. Ordinance tabled.

**ORDINANCE CREATING A CITY PARK
FOR THE ESTABLISHMENT OF
HORSEBACK RIDING AND OTHER
RELATED FACILITIES
LOCATED ON INLAND CREEK
BEHIND FIRE STATION #2.**

Ordinance # 0-2012-001

WHEREAS, the City of Pikeville desires to create a City Park pursuant to KRS 97.010 for the purpose of establishing horseback riding and related facilities for the public use and benefit on property owned by the City of Pikeville on Inland Creek;

NOW, THEREFORE, be it ordained by the City of Pikeville that there is created pursuant to K.R.S. 97.010 a Park for the establishment of horseback riding and related facilities for the public use and benefit on property

owned by the City of Pikeville on Inland Creek behind Fire Station #2 as the same is more specifically designated and located on the attached Map entitled "City of Pikeville – Handicapped Horseback Riding Facility".

The above ordinance was given first reading this ____ day of _____, 2012, the ordinance was given a second reading on the ____ day of _____, 2012.

Passed this ____ day of _____, 2012.

Commissioner _____ moved for the adoption of the foregoing ordinance.

Commissioner _____ seconded the motion.

Upon roll call, the votes were as follows:

	<u>YES</u>	<u>NO</u>
FRANK JUSTICE, II, MAYOR	_____	_____
GENE DAVIS, COMMISSIONER	_____	_____
DALLAS LAYNE, COMMISSIONER	_____	_____
BARRY CHANEY , COMMISSIONER	_____	_____
JIMMY CARTER, COMMISSIONER	_____	_____

The Mayor declared the within ordinance adopted.

FRANK JUSTICE, II, MAYOR

ATTESTED:

CITY CLERK

CITY MANAGER

City Manager Donovan Blackburn presented the commission with the following items for approval:

- 1. Consider request to name Donovan Blackburn, Melanie Stevens & Barry Chaney to a selection committee for the purpose of selecting a consultant group for the city’s comprehensive plan. Said committee would have full authority granted by the city commission to select a consultant for this purpose as described. Would also ask to authorize the mayor to sign and execute a contract with the selected consultant group all contingent upon**

funding availability in order to pay for said services. Commissioner Davis made the motion to adopt. Commissioner Chaney seconded the motion. Mayor called for comments. Mayor asked if there was a budget number on that. Melanie Stevens says that the target is \$40,000. City Manager comments that the original intent was to save the coal funds. Melanie was able to find us a grant that was willing to fund this study. Pursuant to the grant agency, we are mandated to solicit three proposals. Of which we have done. With this motion, it allows us to follow through with this procedure. Mayor called for further questions or comments, there being none, motion passed unanimously. 4-0.

2. Consider a request to bid out construction services to repair the river bank beside the Cassidy bridge where major erosion has occurred during the July 2010 flooding. Commissioner Chaney made the motion to adopt. Commissioner Carter seconded the motion. Mayor Justice called for comments, there being none, the motion passed. 4-0.
3. Pursuant to KRS 61.810, consider request for closed session for discussion of economic development, legal and personnel issues. Commissioner Davis made the motion. Commissioner Carter seconded the motion. Mayor Justice called for discussion, there being none the motion passed unanimously. 4-0.
4. Commissioner Carter made the motion to re convene. Commissioner Chaney seconded the motion. Mayor Justice called for discussion, there being none the motion passed unanimously. 4-0. Mayor called the session back into order.
5. There being no further business to come before the Commission, Commissioner Davis has made the motion to adjourn the meeting. Commissioner Carter seconded the motion. Mayor Justice called for discussion, there being none the meeting was adjourned. 4-0.

CONSENT ITEMS:

KLC City Day & Night February 1st 2012 in Frankfort, KY at Capital & Conference Center

KCCMA Conference February 1st & 2nd 2012 in Frankfort, KY

JWT Theater Work-Session at Artisan Center on February 2nd & 3rd 2011

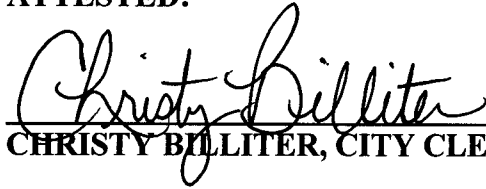
The next scheduled Regular Meeting of the City of Pikeville Board of Commissioners is February 13, 2012 at 6:00 p.m.

APPROVED:



FRANKLIN D. JUSTICE, II, MAYOR

ATTESTED:



CHRISTY BILLITER, CITY CLERK