

**CITY OF PIKEVILLE
BOARD OF COMMISSIONERS
REGULAR MEETING MINUTES
September 10, 2012 AT 6:00 P.M.**

The Board of Commissioners for the City of Pikeville met in a regular called session on Monday, September 10, 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 Pro-tem Jimmy Carter 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
 JIMMY CARTER**

MAYOR: FRANKLIN D. JUSTICE, II Absent

MINUTES

The minutes for the previous regular meeting held on August 27, 2012 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 Chaney seconded the motion. Mayor Pro-tem Jimmy Carter called for discussion, there being none, the motion carried unanimously. 4-0.

BUSINESS FROM THE FLOOR

Check presentation to Pikeville Senior Citizens Center \$20,416.66. The City has granted \$3083.34 in funds for this fiscal year already the check will be in addition. Consider a request to amend the current fiscal year's city budget to reflect an increase to the Pikeville Senior Citizens Center grant in the amount of \$5,000. Commissioner Davis made the motion to approve. Commissioner Layne seconded the motion. Mayor Pro-tem Carter called for discussion. Carolyn Tackett, Director, and Sharon Coleman, Board Member of the Pikeville Senior Citizens Center were present and came forward to address the commission. Commissioner Chaney says that our seniors have fought for our freedom, they have worked in our coal mines, they have been our nurses, our teachers, really our everything. Ms. Tackett agrees, she says that they have paid their dues. Ms. Tackett says that they are the forgotten ones and we take care of them, whether they need transportation, or home deliveries. We do activities and we have health promotions; we take them to the

doctor or the dentist, we wait while they get their treatment. Anything that you would do in your own home life, this is what we do for our seniors, home away from home. Commissioner Davis comments that he made his motion in honor of his mother. Mayor Pro-tem Carter called for further discussion, there being none, the motion carried unanimously. 4-0.

Concern citizen issue regarding Harold Branch traffic. City Manager received some calls about the right hand turn out of the new parking garage at the hospital. If someone takes the turn, you enter the other line of traffic. Mr. Blackburn has spoke with Jack Sykes and Mike Hill with Summit Engineering and they were already aware of the situation. As a result, they made it a no right hand turn. People are still taking the turn so now we are going to put center strips to prevent the turn.

PAYMENT OF CITY BILLS

The City Manager Donovan Blackburn requested the approval to pay city bills in the amount of \$600,323.32. Commissioner Davis made the motion to approve. Commissioner Chaney seconded the motion. Mayor Pro-tem Carter called for further discussion, there being none, motion passed unanimously. 4-0.

BIG SANDY AREA DEVELOPMENT DISTRICT

Brandon Montgomery was present for the Big Sandy Area Development. Mr. Montgomery had no updates for the commission.

CITY ENGINEER

Jack Sykes and Jody Hunt were present with Summit Engineering, Inc. and submitted a request to the commission for approval.

1. Consider a request to approve and authorize payment to invoice #64245 for Summit Engineering for Sword Fork/ Marion Branch environmental work for \$42.50. Commissioner Layne made the motion to approve. Commissioner Chaney seconded the motion. Mayor Pro-tem Carter called for comments, there being none, the motion passed unanimously. 4-0.
2. Consider a request to approve and authorize payment to invoice #63684 for Summit Engineering for the FoxCroft Extention Sewer Project for \$4,900.00. Commissioner Layne made the motion to approve. Commissioner Chaney seconded the motion. Mayor Pro-tem Carter called for comments, there being none, the motion passed unanimously. 4-0.

CITY ATTORNEY

Russell Davis was present and had several items to read into record.

- 1. Consider a 2nd reading and adoption of ordinance #0-2012-022 closing a portion of Venters Lane adjacent to property owned by Walters Land Inc in exchange for consideration of a new dedicated proposed county road creating a new intersection of Venters Road from US HWY 23 north to the airport road and to authorize the Mayor Pro-tem to sign and execute said ordinance. Commissioner Chaney made a motion to approve. Commissioner Davis seconded the motion. Mayor Pro-tem Carter called for comments. Mr. Davis explains that we have the consent of the adjoining property owners and that it doesn't take effect until the new one is open. The county is on board with this. Commissioner Chaney said that he was very appreciative to Magistrate Anderson that he would take the road into the county. Mayor Pro-tem called for further comments, there being none, Mayor Pro-tem called roll call. Motion passed unanimously. 4-0.**

ORDINANCE CLOSING A PORTION OF VENTERS LANE ADJACENT TO PROPERTY OWNED BY WALTERS LAND INC. #3 IN EXCHANGE FOR AND IN CONSIDERATION OF A DEDICATION OF A NEW PROPOSED COUNTY ROAD TO PIKE COUNTY RUNNING AT THE REAR OF THE WALTERS NISSAN/WALTERS TOYOTA PROPERTY CREATING A NEW INTERSECTION OF VENTERS ROAD FROM US HWY 23 NORTH TO AIRPORT ROAD

ORDINANCE NO. 0-2012-022

WHEREAS, Walters Land Inc. #3 have requested that the City of Pikeville close a portion of Venters Lane which is adjacent to their property so that that portion of Venters Lane can be relocated at the rear of the Walters Nissan/Walters Toyota property creating a new intersection of Venters Lane with US Hwy 23 North to an intersection with Airport Road.

WHEREAS, in consideration for the request of the closure of a portion of Venters Lane and to relocate the same, Walters Land Inc. has agreed to dedicate to Pike County a new right of way/street as shown on the attached map prepared by Jigsaw Enterprises, LLC entitled "Walters Nissan Proposed Venters Lane Closure" dated August 27, 2012 and shall arrange with the Transportation Department or other third parties for the construction and surfacing of the street in accordance with county roadway standards and regulations said right of way/street replacing that portion of Venters Lane closed by this Ordinance.

WHEREAS, in consideration of the closure, Walters Land Inc. #3 has identified all of the property owners in or abutting the public way or portion thereof to be closed and have obtained therefrom a consent to close a public way required by KRS 82.405(2)(b).

WHEREAS, the Commission finds that it has identified all and given written notice of the proposed closing to all of the property owners abutting the public way or portion thereof to be closed and the same have given their written notarized consent to the closing, a copy of said consent(s) being attached hereto.

WHEREAS, the City shall retain and except from this closure a 10 foot utility corridor for its existing sewer line and any other utilities to be located therein in the future as the same utility corridor is shown on the attached map.

WHEREAS, the City of Pikeville by the closing of this public way make no representations or agreements to anyone concerning ownership, title, use or possession of the underlining fee property.

NOW, THEREFORE, be it ordained by the City of Pikeville that a portion of the public way in the City of Pikeville known as Venters Lane as the same portion is described in the attached map as the "Proposed Venters Lane Closure" is hereby closed to be effective (1) upon dedication of the new Venters Road right of way; (2) acceptance of this new right of way by Pike County and (3) completion and opening of the new right of way. The public way is to be closed on the effective date of this ordinance is that portion of Venters Lane beginning at or near its Intersection with US 23 as shown on the attached map and running adjacent to the Walters Nissan/Walters Toyota tract to the intersection of the new proposed county road as shown on the attached map.

There is accepted and reserved from this closure a 10 foot utility corridor as the same is located on the attached map for use of the construction, reconstruction and location of utilities.

The above ordinance was given first reading this 27th day of August, 2012, the ordinance was given a second reading on the 10th day of September 2012.

Passed this 10th day of September, 2012.

Commissioner Chaney moved for the adoption of the foregoing ordinance.

Commissioner Davis seconded the motion.

Upon roll call, the votes were as follows:

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

The Mayor declared the within ordinance adopted.

[Signature] Mayor Pro-tem
FRANK JUSTICE, II, MAYOR

ATTESTED:
[Signature]
CITY CLERK

2. Consider a request to approve a contract between the City of Pikeville and James Forsyth for city electrical inspection and Robert Thacker as the alternate electrical inspector, contingent upon Robert Thacker

obtaining his city business license for the City of Pikeville and authorize the Mayor pro-tem to sign and execute said contract on behalf of the City of Pikeville. Commissioner Chaney made a motion to approve.

Commissioner Layne seconded the motion. Mayor Pro-tem Carter called for comments. Basically, Jim Forsyth has been doing this for years but the state has just told us that they prefer that we have a written contract with our inspectors. He has just had an oral contract, and we paid the fees through the electrical inspection within our fee schedule. So, our city attorney drew up a written contract that says that we hire Mr. Forsyth as a contractor to do electrical inspections and Robert Smith tells him which ones to do. He gets paid on a fee schedule, he has to keep his electrical license and he has to have a city license and either side can get out in thirty days. We also need an alternate and that will be Robert Thacker and he will have the same agreement. We can get these signed and get these into the state like they want us to do. Mayor Pro-tem Carter called for further comments, there being none, motion passed unanimously. 4-0.

3. Consider a 1st reading of an ordinance #0-2012-023 adopting the 2012 supplement to the City of Pikeville code of ordinances. No further action is required at this time. The second reading will take place at the next regular scheduled meeting.

CITY MANAGER

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

1. Consider request to set, Tuesday October 30th 2012 as Trick-or-Treat night in the City of Pikeville for the hours of 6 pm and 8 pm contingent upon the county selecting the same date and time. Commissioner Layne made the motion to adopt. Commissioner Chaney seconded the motion. Mayor Pro-tem called for comments. City Manager has talked to the county judge and they are tentatively looking at the same night because October 31st is on a Wednesday and that is a church night. Mayor Pro-tem called for further comments, there being none, motion passed unanimously. 4-0.
2. Consider a request to cancel the October 8th commission meeting due to the Kentucky League of Cities annual conference during this week. Commissioner Chaney made the motion to approve. Commissioner Layne seconded the motion. Mayor Pro-tem Carter called for further comments, there being none the motion passed. 4-0.
3. Consider a request to reappoint Max Thompson to the Pikeville Housing Authority board. New term will end 9-16-16. Commissioner Davis made the

- motion. Commissioner Chaney seconded the motion. Mayor Pro-tem called for comments, there being none the motion passed unanimously. 4-0.
4. Consider a request to authorize and approve a grant request by the Pikeville/Pike County Airport to apply for funding for a taxiway runway for the airport and to authorize the mayor pro-tem to sign and execute said grant agreement and contract if required on behalf of the City of Pikeville. Said grant will be funded 90% by the FAA, 5% by the State of Kentucky and 5% by the Pikeville/Pike County airport. Commissioner Layne made the motion to approve. Commissioner Davis seconded the motion. Mayor Pro-tem Carter called for comments and then asked that if it says 5% by Pikeville/Pike County airport board, is that just a resolution that we have to approve or do we have any money in this. Mr. Blackburn says that we have no money in this; because they are not a government entity, they cannot apply for it on their own, they have to have a sponsor. This is another example of the city and county working together on a great project. Mayor Pro-tem called for further comments, there being none the motion passed unanimously. 4-0.
 5. Consider a request to adopt a joint resolution amending the Pike TV by-laws as submitted dated 9-4-2012 and to authorize the Mayor Pro-tem to sign and execute said resolution. Commissioner Chaney made the motion to approve. Commissioner Davis seconded the motion. Mayor Pro-tem Carter called for comments. City Manager says that the only thing that this does is that it changes the actual date of the meeting under the current interlocal agreement between the city and the county. It takes both parties to amend the by-laws. Mayor Pro-tem called for further questions, there being none, the motion passed unanimously. 4-0.
 6. Consider a request to adopt a resolution authorizing the City to convey the City Sadd Avenue property, as attached, for the Pikeville Scholar House project for the price of \$750,000 and to authorize the Mayor Pro-tem to sign and execute conveyance. Commissioner Layne made the motion to approve. Commissioner Chaney seconded the motion. Mayor Pro-tem Carter called for comments. Mr. Blackburn says that the purpose of this resolution is to be in compliance with the Kentucky Housing Corp. who is obviously financing this project. Commissioner Davis asked if there was a schedule for this. City Manager said they should be starting by this fall. Mayor Pro-tem says the graduation rates out of these facilities are around 80% and hopefully they will stay around after they get out of school. Commissioner Chaney says that it is a great blessing to have a place like this in our area. Mayor Pro-tem called for further comments, there being none, the motion passed unanimously. 4-0.
 7. Consider a request to approve the paving and patching of Chloe Ridge & Sycamore as submitted using state contract price. Commissioner Chaney made the motion to approve. Commissioner Davis seconded the motion. Mayor Pro-tem Carter called for comments and then adds that that is one of the finest paving jobs of the Boulevard that I have seen. City Manager says

- pat Tommy on the back for that. There was a lot of late nights that went into it from the police, fire, UMG, and Tommy. Commissioner Davis comments that it is a great paving job. City Manager then moves on to the Sycamore paving telling that the residents are calling in and wanting to thank the commission for listening to them. Mayor Pro-tem called for further comments, there being none, the motion passed unanimously. 4-0.
8. Consider a request to amend the riverbank bid with H2O by increasing contract by \$10,000 to repair a section of additional damage that has occurred between when the grant request went into when the project was awarded and authorize the Mayor Pro-tem to sign an amended contract as such. Commissioner Chaney made the motion to approve. Commissioner Layne seconded the motion. Mayor Pro-tem called for comments, there being none, the motion passed. 4-0.
 9. Consider a request to approve and accept a contract between the City of Pikeville and Summit Engineering as submitted labeled as Engineering Services Proposal Contract-2 for Bob Amos Equestrian Trail and authorize the Mayor Pro-tem to sign and execute on behalf of the City of Pikeville. Commissioner Chaney made the motion to approve. Commissioner Davis seconded the motion. Mayor Pro-tem called for comments. City Manager says that this is the second contract. We've already approved the first one. Mayor Pro-tem called for further comments, there being none, the motion passed. 4-0.
 10. Consider a request to advertise for bid the sale of the city surplus property located on at 205 Scott Ave., Pikeville, KY 41501. Commissioner Chaney made the motion to approve. Commissioner Davis seconded the motion. Mayor Pro-tem called for comments, there being none, the motion passed. 4-0.
 11. Consider a request to advertise for bid our Bulk Ice Control Salt for the 2012-2013 winter season. Commissioner Davis made the motion to approve. Commissioner Layne seconded the motion. Mayor Pro-tem called for comments, there being none, the motion passed. 4-0.
 12. Consider a request to authorize and approve a contract between the City of Pikeville and Kentucky Transportation Department, Division of Highway Safety Programs for the purpose of federal OT for Highway Safety and to authorize the Mayor Pro-tem to sign and execute said contract on behalf of the City of Pikeville. Commissioner Layne made the motion to approve. Commissioner Chaney seconded the motion. Mayor Pro-tem called for comments. City Manager says that this is a way that we can grant overtime to our police department and allow them to be out and promote safety. They spend 75% of their time working in the neighborhoods and 25% on the main roads. Mayor Pro-tem called for further discussion, there being none, the motion passed. 4-0.

****City Manager announced the Consent Items for all to hear****

13. Pursuant to KRS 61.810, consider request for closed session for discussion of economic development, legal and personnel issues. Commissioner Chaney made the motion. Commissioner Davis seconded the motion. Mayor Pro-tem Carter called for discussion, there being none, the motion passed unanimously. 4-0.
14. Commissioner Layne made the motion to re convene. Commissioner Chaney seconded the motion. Mayor Pro-tem Carter called for discussion, there being none the motion passed unanimously. 4-0. Mayor Pro-tem called the session back into order.
15. Consider a request to authorize and approve a contract between the City of Pikeville and Pikeville Scholar House for the purpose of conveying the city Sadd Ave property to the Pikeville Scholar House program for the amount of \$750,000 and shall authorize the Mayor or Mayor Pro-tem to sign and execute said contract on behalf of the City of Pikeville. Both parties shall agree as part of the contract that if the Pikeville Scholar House cannot meet the following requirements for the property than the Pikeville Scholar House group agrees they will grant the city the option of purchasing back the same property at the same price of \$750,000 at the cities sole discretion. The terms shall include but not be limited to the Pikeville Scholar House shall be dedicated for single parents going to an institution of higher learning, shall build a minimum of 40 units, the structure shall be built timely and the Pikeville Housing authority shall be installing as the managing authority of the facility. Commissioner Chaney made a motion to approve. Commissioner Layne seconded the motion. Mayor Pro-tem Carter called for comments, there being none, the motion passed unanimously. 4-0.
16. There being no further business to come before the Commission, Commissioner Layne has made the motion to adjourn the meeting. Commissioner Davis seconded the motion. Mayor Pro-tem Carter called for discussion, there being none, the meeting was adjourned. 4-0

CONSENT & ANNOUNCEMENT ITEMS:

U-Pike Coal Building dedication September 15th at 4 pm on Huffman

City Manager off the week of September 17th 2012

KLC Annual Conference September 8th 2012 in Lexington, KY

Light the Night Walk- September 13th, 2012 in the City Park @ 5:30 pm
(Bruce Walters Jr, Danny Vanhoose, Scrappy Barnes hosting)

Lynyrd Skynyrd- September 13th 2012 at the Expo Center at 7:30 pm

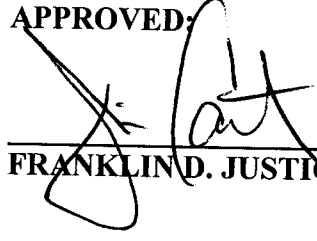
Paint Pikeville Pink- September 15th, 2012 at the Expo plaza @ 9 am

United for Coal, October 13th from 2 pm to 3 pm

Dedication on September 25th 2012 at 11:00 am. Dedication of the Randy Jones memorial Christmas in July Playground

The next scheduled Regular Meeting of the City of Pikeville Board of Commissioners is September 24, 2012 at 6:00 p.m.

APPROVED:


FRANKLIND. JUSTICE, II, MAYOR

ATTESTED:


CHRISTY SPEARS, CITY CLERK