

**CITY OF PIKEVILLE  
BOARD OF COMMISSIONERS  
REGULAR MEETING MINUTES  
May 9, 2011 AT 6:00 P.M.**

The Board of Commissioners for the City of Pikeville met in a regular called session on Monday, May 9, 2011. 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  
JIMMY CARTER**

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

**MINUTES**

The minutes for the previous regular meeting held on April 25, 2011 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. 5-0.

**BUSINESS FROM THE FLOOR**

Debbie and Junior Ray were present and presented the commission with pictures that were taken of Ransom Drive on Chloe Road. Mr. Ray says that every time it rains there seems to be a problem. There appears to be water coming down from the mountain going down hill on the city road into the creek. Mr. Ray says that children are being sent home from school because their clothes and shoes are muddy from this slide. Mayor and Commissioners are asking Mr. Ray if he is aware of any mining or digging that is being done in the area or that has been done recently. Mr. Ray says that there hasn't been anything going on in the last twenty years. Commissioner Davis ask if this occurs during heavy down pours. Mr. Ray answers that it happens in every rain, he says there are three to four inches of mud on the road from each rain. Mr. Blackburn asked Donnie Slone from UMG if he has been up there. Donnie Slone says that they took a skid steer up there and had to clean it up a couple weeks ago. Mayor asked Mr. Slone if he could see where it was coming

from. Mr. Slone says that there is a drain that is on private property that is stopped up and that is what is causing this. City Attorney Rusty Davis says that typically, we don't allow people to turn their storm drain into our streets. Mayor Justice says that there is something more going on here than just storm water, there is debris washing out here too. Mayor asked City Engineer Jack Sykes if he could go and take a look at what is going on here. Mayor also comments that he does not see any ditches alongside the roads either. Mr. Sykes gets Mr. Ray's information so he can take a closer look at the situation.

### **PAYMENT OF CITY BILLS**

The City Manager Donovan Blackburn requested the approval to pay city bills in the amount of \$638,416.05. Commissioner Davis made the motion to approve. Commissioner Chaney seconded the motion. Mayor Justice called for further discussion, there being none, motion passed unanimously. 5-0.

### **BIG SANDY AREA DEVELOPMENT DISTRICT**

Sandy Runyon was present for the Big Sandy Area Development. Ms. Runyon addressed the commission in reference to the Marion's Branch Sewer Project. There was a progress meeting last week and we are waiting for approval from the USDA on change order number three. Had some concerns on pay roll deficiencies with contractors and will talk in private about those.

### **CITY ENGINEER**

Jack Sykes was present with Summit Engineering, Inc. and submitted several requests to the commission for approval.

1. Consider a request to approve a Facility Encroachment Agreement as submitted between the City of Pikeville and CSX and all terms set forth there in and to authorize the Mayor to sign and execute said agreement on behalf of the City of Pikeville. Commissioner Carter made the motion to approve. Commissioner Layne seconded the motion. Mayor Justice called for comments, there being none the motion passed unanimously. 5-0.
2. Consider a request to authorize payment and approve the submitted pay request #11 with H2O Construction Inc. for \$92,895.27 for Marion Branch Sewer Project and to authorize the Mayor to sign and execute said pay request. Commissioner Layne made the motion to approve. Commissioner Chaney

seconded. Mayor Justice called for comments there being none the motion passed unanimously. 5-0.

3. Consider a request to authorize payment and approve the submitted invoice with PlaySafer for \$10,160.00 for the Rubber Mulch. Commissioner Layne made the motion to approve. Commissioner Carter seconded. Mayor called for comments, there being none the motion passed unanimously. 5-0.

4. Consider a request to authorize payment and approve the submitted pay request #6 with Elliott Contracting, Inc. for \$19,760.84 for the Bob Amos Soccer project and authorize the Mayor to sign and execute said pay request. Commissioner Chaney made the motion to approve. Commissioner Layne seconded the motion. Mayor Justice called for comments. Commissioner Carter asked is everything down there now and is the grass growing? City Manager Donovan Blackburn answered that as per the contract. Commissioner Carter asked about the rubber mulch that we were supposed to put down. Mr. Blackburn answers that we were denied the grant. Mayor asked if everyone was enjoying the field now, how is the field holding up? Mr. Blackburn says that they are using it for practice and they are smiling. Mayor Justice called for additional questions or comments, there being none the motion passed unanimously. 5-0.

5. Consider a request to authorize payment and approve the submitted invoice with Summit Engineering for \$4,798.55 for Marion Branch Sewer Project. Commissioner Carter made the motion to approve. Commissioner Layne seconded the motion. Mayor Justice called for comments, there being none the motion passed unanimously. 5-0.

#### CITY ATTORNEY

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

- 1. City Attorney Russell Davis read aloud the 1<sup>st</sup> reading of ordinance number 0-2011-014 regarding regulations for concealed weapons within the City of Pikeville. No further action is required at this time. The second reading will take place at the next regular scheduled meeting.**
- 2. City Attorney Russell Davis read aloud the 1<sup>st</sup> reading of ordinance number 0-2011-015 Chapter 34 "Personnel and Employment Policy" regarding regulations for training for city officers. No further action is required at this time. The second reading will take place at the next regular scheduled meeting.**
- 3. City Attorney Russell Davis read aloud the 1<sup>st</sup> reading of ordinance number 0-2011-016 Chapter 90 "Animals" regarding regulations for dogs within the City of Pikeville. No further action is required at this time. The second reading will take place at the next regular scheduled meeting.**

4. **City Attorney Russell Davis read aloud the a 1<sup>st</sup> reading of ordinance number 0-2011-017 Chapter 92 “Dilapidated Housing” regarding regulations involving nuisance regulations within the City of Pikeville. 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 a request to approve the submitted Pledge Agreement Form between the City of Pikeville and Federal Reserve Bank of Boston as submitted and to authorize the Mayor and city manager names to be included on said document and authorize the mayor to sign on the cities behalf. Commissioner Chaney made the motion to adopt. Commissioner Davis seconded the motion. Mayor called for further comments, there being none the motion passed unanimously. 5-0.**
2. **Consider a request to appoint the following board members:  
Robbie Bevins Vacant Property Review Board term to expire 4/25/15  
Jody Hunt on Board of Zoning Adjustments term to expire 5/1/14  
Commissioner Carter made the motion to approve. Commissioner Chaney seconded the motion. Mayor Justice called for comments, there being none the motion passed unanimously. 5-0.**
3. **Consider a request to adopt an amended job description for Samantha Rogers as submitted increasing various responsibilities to include the Director of Artisan Program. Commissioner Davis made the motion. Commissioner Layne seconded the motion. Mayor Justice called for comments, there being none the motion passed unanimously. 5-0.**
4. **Consider a request to approve the cost overrun letter for RD for the Pen Friend Sewer project and authorize mayor to sign on behalf of the City of Pikeville. Commissioner Carter made the motion to approve. Commissioner Layne seconded the motion. Mayor Justice called for comments, there being none the motion passed unanimously. 5-0.**
5. **Consider a request to approve a letter of Certification of Community Development needs for the purpose of applying for funds to stabilize the riverbank on Cassidy Blvd where the city sewer line is laid and to authorize the mayor to sign said letter. Commissioner Chaney made the motion to approve. Commissioner Davis seconded the motion. Mayor Justice called for comments, there being none the motion passed unanimously. 5-0.**
6. **Consider a request to appoint Jesse Bowling to the Playground Committee as the Mayor’s appointee. Commissioner Chaney made the motion to approve. Commissioner Carter seconded the motion. Mayor Justice called for comments, there being none the motion passed unanimously. 5-0.**

City Manager Donovan Blackburn recognized Steve St.Johns for attending the meeting to answer questions in regards to the Expo center. Mr. Blackburn also announced that there will be a press conference on Thursday May 12<sup>th</sup> at 4 pm at the Expo and would like the commissioners to attend.

7. 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. Mayor stops and thanks JD for coming up. Mayor calls for further discussion, there being none the motion passed unanimously. 5-0.
8. Commissioner Chaney made the motion to re convene. Commissioner Carter seconded the motion. Mayor Justice called for discussion, there being none the motion passed unanimously. 5-0. Mayor called the session back into order.
9. Consider a request to approve a letter of intent as submitted between the City of Pikeville and RealtyLink for the purchase of the city property on Thompson Road and to authorize the Mayor to sign and execute the LOI on behalf of the City. Commissioner Chaney made the motion to approve. Commissioner Carter seconded the motion. Mayor Justice called for comments, there being none the motion passed unanimously. 5-0.
10. There being no further business to come before the Commission, Commissioner Davis has made the motion to adjourn the meeting. Commissioner Layne seconded the motion. Mayor Justice called for discussion, there being none the meeting was adjourned. 5-0

**CONSENT ITEMS:**

The next scheduled Regular Meeting of the City of Pikeville Board of Commissioners is May 23, 2011 at 6:00 p.m.

**APPROVED:**

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**FRANKLIN D. JUSTICE, II, MAYOR**

**ATTESTED:**

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**CHRISTY BILLITER, CITY CLERK**

May 9, 2011 Regular Meeting