

**CITY OF PIKEVILLE
BOARD OF COMMISSIONERS
REGULAR MEETING MINUTES
May 24, 2010 AT 6:00 P.M.**

The Board of Commissioners for the City of Pikeville met in a regular called session on Monday, May 24, 2010. 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 Absent
 DALLAS LAYNE
 JIMMY CARTER

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

MINUTES

The minutes for the previous regular meeting held on May 10, 2010 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 Carter seconded the motion. Mayor Frank Justice called for discussion, there being none the motion carried unanimously. 4-0.

PAYMENT OF CITY BILLS

The City Manager Donovan Blackburn requested the approval to pay city bills in the amount of \$205,127.82. 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.

Mr. Blackburn also requested the approval of an invoice to Russell Davis for the Marion Branch sewer project legal fees in the amount of \$4,200.00 as submitted. Commissioner Davis made the motion to approve. Commissioner Carter seconded the motion. Mayor Justice called for further discussion, there being none the motion carried unanimously. 4-0.

BUSINESS FROM THE FLOOR

Mayor Frank Justice acknowledged Mrs. Williams, who was in the audience. Mrs. Williams had talked with Greg May before the meeting and set an appointment for 3:30pm to settle her issue. Mayor Justice thanked Mrs. Williams for attending the meeting.

There was a request for permission to sell and advertise for sealed bids to the city surplus property located on Riverview Drive not to accept bids below the limit as the commission will set during closed session. Commissioner Carter made the motion to approve. Commissioner Layne seconded the motion. Mayor Justice called for further discussion, there being none the motion carried unanimously. 4-0.

BIG SANDY AREA DEVELOPMENT DISTRICT

Libby Ratliff was present for the Big Sandy Area Development. Mrs. Ratliff addressed the commission in reference to the Marion's Branch Sewer Project, CDBG, and drug free work place. In talking with Brett Fisher, the first of next week they should start laying pipes. And thus far, expenses have been paid out of the city funds, four percent of the budget.

CITY ENGINEER

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

THOMPSON ROAD. Consider request to authorize payment and to approve pay request #13 for the Thompson Road Improvement project in the amount of \$55,142.00 and authorize the Mayor to sign the pay request. Commissioner Carter made the motion to approve. Commissioner Layne seconded the motion. Mayor Justice called for comments, there being none the motion passed unanimously. 4-0.

THOMPSON ROAD: Consider request to approve Change Order #6 for the Thompson Road Improvement project in the amount of \$17,665.00 as submitted and authorize mayor to sign said change order. Commissioner Davis made the motion to approve. Commissioner Layne seconded. Mayor Justice called for comments, there being none the motion passed unanimously. 4-0.

US 23/SANDY VALLEY WATER PROJECT: Consider request to approve pay request #2 for the US23 Water Line replacement project to Cumberland Pipeline in the amount of \$108,248.85 and authorize the mayor to sign the request. Commissioner Layne made the motion to approve. Commissioner Davis

seconded. Mayor Justice called for comments, there being none the motion passed unanimously. 4-0.

SOCCER BID: Consider the request to authorize the work and payment for the Bicycle Track around the soccer field at Bob Amos Park in the amount of \$29,022 to Mountain Enterprises and the work and payment of the additional 70 parking spaces at Bob Amos Park for the soccer field in the amount of \$72,415.00 to Mountain Enterprises. Commissioner Davis made the motion to approve. Commissioner Layne seconded the motion. Mayor Justice called for comments, there being none the motion passed unanimously. 4-0.

SOCCER BID: Consider the request to award the bid for the Bob Amos Soccer field lighting to KYOVA in the amount of \$177,517.00 with a deduct in the amount of \$6,960 for a total contract price of \$170,557.00 and to issue the notice to proceed with the project and authorize the Mayor to sign the contract if necessary. Commissioner Carter made the motion to approve. Commissioner Layne seconded. Mayor Justice called for comments, there being none the motion passed unanimously. 4-0.

SOCCER BID: Consider the request to award the construction bid on the Bob Amos Soccer field O-Heil Irrigation in the amount of \$184,763 with a deduct of \$64,074 for the netting and the concrete work for a total contract price of \$120,689.00 and to issue the notice to proceed and authorize the Mayor to sign the contract if necessary. Commissioner Carter made the motion to approve. Commissioner Layne seconded the motion. Mayor Justice called for comments, there being none the motion passed unanimously. 4-0.

SOCCER BID: Consider the request to reject all bids for the bleacher system for the Bob Amos Soccer field project. Commissioner Carter made the motion to reject. Commissioner Layne seconded the motion. Mayor Justice called for comments, there being none the motion rejected unanimously. 4-0.

FIRE DEPARTMENT UPDATE

Fire Chief Ronald Conn was present and introduced his newest hire, Mitch Case. Mr. Case is a graduate of Belfry High School and the University of Eastern. Commissioner Layne recognized Mr. Case and confirmed that he knew his grandmother. Mayor Frank Justice asked, "do you play football?" and Mr. Case answered, "yes I do, or I did." Mayor Justice went on to say that he was a Belfry fan with the exception of when they played Pikeville. "Good resume, congratulations," Mayor Justice says to Mr. Case. Fire Chief Conn speaks out, "tell the Mayor what you have been doing today." Mr. Case responds that he has been cleaning the cemetery. "We appreciate you all doin' that stuff, it is beyond the call of duty," says Mayor Justice. Mayor

Justice also thanks Mr. Case for taking the time to come down for the meeting.

POLICE REPORT

Mayor Frank Justice addressed the subject of unlocking cars at Walmart. He says it is taking a long time to get into the vehicles. Police Chief James Adkins replies that the department does not have the tools to do the job. The Mayor replies that we need to get the tools. Chief Adkins says that they have tools such as the slim jim to get in, but need to get better tools that do less damage to the vehicles. City Attorney Rusty Davis gets involved in the conversation about the liability of the vehicles and the damage caused by getting into the vehicle. Commissioner Carter says that we need to help someone if they lock their keys in their car, we need to get in. If someone is in distress and there is an emergency, such as a kid locked in the vehicle, we will get in even if we have to knock the window out of the car states Chief Adkins. City Manager Donovan says that the city will order the kits but will only use them to handle those type of calls case by case.

CITY ATTORNEY

City Attorney Rusty Davis presented the commission with the first reading of three different ordinances. The 2nd reading and consideration of adoption will be held during the next regular commission meeting held on June 14th 2010.

1. Ordinance No 0-2010-011. An ordinance adopting the 2010-2011 fiscal budget.
2. Ordinance No 0-2010-009. An ordinance amending the 2009-2011 fiscal budget.
3. Ordinance No 0-2010-010. AN ORDINANCE OF THE CITY OF PIKEVILLE, KENTUCKY, PROVIDING FOR THE ACQUISITION, CONSTRUCTION AND INSTALLATION OF MAJOR WATER SERVICE ADDITIONS AND IMPROVEMENTS TO THE CITY'S COMBINED WATER AND SEWER SYSTEM; AUTHORIZING THE ISSUANCE OF THE CITY'S WATER AND SEWER REVENUE BONDS, TAXABLE SERIES 2010S-1 (BUILD AMERICA BONDS – DIRECT PAYMENT TO ISSUER), TO PAY A PORTION OF THE COSTS THEREOF, SUCH BONDS TO BE ISSUED IN ACKNOWLEDGMENT OF THE SECURITY RIGHTS OF THE HOLDERS OF CERTAIN PREVIOUSLY ISSUED AND OUTSTANDING BONDS AND OBLIGATIONS; CONFIRMING AND CONTINUING PROVISIONS FOR THE COLLECTION, SEGREGATION, DISTRIBUTION AND DISBURSEMENT OF THE REVENUES OF THE SYSTEM, AND FOR THE ALLOCATION

THEREOF TO VARIOUS SPECIAL FUNDS PREVIOUSLY CREATED, IN ORDER TO PROVIDE FOR THE ORDERLY PAYMENT OF THE PRINCIPAL OF AND INTEREST ON THE BONDS HEREIN AUTHORIZED; CONFIRMING AND CONTINUING CONDITIONS AND RESTRICTIONS UNDER WHICH ADDITIONAL BONDS MAY BE ISSUED IN THE FUTURE, PAYABLE FROM SUCH REVENUES AND RANKING ON A BASIS OF PARITY WITH THE BONDS HEREIN AUTHORIZED AND OTHER PARITY BONDS OUTSTANDING; PROVIDING FOR THE RIGHTS OF THE HOLDERS OF THE BONDS HEREIN AUTHORIZED AND THE ENFORCEMENT THEREOF; AND PROVIDING FOR AN ADVERTISED, PUBLIC, COMPETITIVE SALE OF THE BONDS HEREIN AUTHORIZED.

CITY MANAGER

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

- 1. Consider request to award the bid for the Hambley baseball dressing room addition to the low bidder Commonwealth Construction in the amount of \$28,000 plus the additional electrical work of \$1,750.00 contingent upon the commission review and sign off on the plans and receiving the total funds from the Pikeville Independent School system for the addition. Commissioner Carter made the motion to adopt. Commissioner Davis seconded the motion. Mayor called for further comments, there being none the motion passed unanimously. 4-0.**
- 2. Consider request to approve the amended job descriptions as submitted for the positions of Human Resource Director/Project Administrator and City Clerk. Commissioner Layne made the motion to approve. Commissioner Carter seconded the motion. Mayor Justice called for further comments, there being none the motion passed. 4-0.**
- 3. Consider request to approve the use agreement between the City of Pikeville and Community Trust Bank as submitted for the purpose of authorizing the use of Hambley Complex for the Pike County Bowl to be held on August 28th 2010 and authorize the City Manager to sign the use agreement on behalf of the City of Pikeville. Commissioner Davis made the motion. Commissioner Layne seconded the motion. Mayor Justice called for further comments, there being none the motion passed unanimously. 4-0.**
- 4. Consider request to authorize the scope of work and advertisement of bid for the Fire Department at Cedar Creek project contingent upon Department of Local government authorizing the project as being approved. Commissioner Carter made the motion to approve. Commissioner Layne seconded the**

- motion. Mayor Justice called for comments, there being none the motion passed unanimously. 4-0.
5. Consider a request to approve a contact with S.M.&E. to conduct the geotec work for the flood wall levee certification project in the amount of \$30,000 contingent upon the receipt of the grant funding for the project and to authorize the mayor to sign said contract. Commissioner Davis made the motion to approve. Commissioner Layne seconded the motion. Mayor Justice called for comments, there being none the motion passed unanimously. 4-0.
 6. Consider a request to approve the coal severance amendments as submitted to DLG for projects under HB410 for the purpose of extending project dates for projects P555, 557, 558, 561, & 563 to June 30th 2011 and authorize the mayor to sign each amendment. Commissioner Layne made the motion to approve. Commissioner Carter seconded the motion. Mayor Justice called for comments, there being none the motion passed unanimously. 4-0.
 7. Consider request to approve the coal severance MOA amendments as submitted to DLG for projects under HB410 for project #559 Marion Branch Economic Development & project #560 Marion Branch Sewer Project and authorize the mayor to sign. Commissioner Davis made the motion to approve. Commissioner Layne seconded the motion. Mayor called for further comments, there being none the motion passed unanimously. 4-0.
 8. Consider a request to adopt a resolution support the cities intent to borrow funds through Rural Development (RD) for utility project. Commissioner Carter made the motion to approve. Commissioner Davis seconded the motion. Mayor Justice called for comments. Commissioner Carter states that this is a grant in the amount of \$613,000 with a bond amount of \$1,837,000.00 for the US23 and Mullins Addition Project that will be signed tomorrow. Mayor Justice called for additional comments, there being none the motion passed unanimously. 4-0.
 9. 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.
 10. Commissioner Carter made the motion to re convene. Commissioner Davis seconded the motion. Mayor Justice called for discussion, there being none the motion passed unanimously. 4-0. Mayor called the session back into order.
 11. There being no further business to come before the Commission, Commissioner Carter has made the motion to adjourn the meeting. Commissioner Davis seconded the motion. Mayor Justice called for discussion, there being none the meeting was adjourned. 4-0

CONSENT ITEMS: City Hall will be closed Monday May 31st 2010 to observe Memorial Day

City Manager on vacation the week of June 19th 2010

The next scheduled Regular Meeting of the City of Pikeville Board of Commissioners is June 14, 2010 at 6:00 p.m.

APPROVED:

FRANKLIN D. JUSTICE, II, MAYOR

ATTESTED:

REBECCA HAMILTON, CITY CLERK