

**CITY OF PIKEVILLE
BOARD OF COMMISSIONERS
SPECIAL MEETING MINUTES
November 14, 2011 AT 5:00 P.M.**

The Board of Commissioners for the City of Pikeville met in a special called session on Monday, November 14, 2011. The meeting was held in the City Hall Conference Meeting Room located at 118 College Street, Pikeville, Kentucky.

(1) There being a quorum present, Mayor Franklin D. Justice, II called the meeting to order at 5:00 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

(2) Consider a request to adopt a Proclamation honoring the 2011 Pikeville Junior High Football Championship Season and to authorize the Mayor to sign and execute said proclamation. Commissioner Layne made the motion to approve. Commissioner Davis seconded the motion. Mayor Pro-tem Carter called for comments. Commissioner Layne congratulates the team and says that they are not as pretty as the girls but they are handsome. Commissioner Chaney congratulates them as well and says that football is hard work and he appreciates all they do. Commissioner Davis starts talking about his experience as coach of Pikeville. He says he will never forget the times he played at Pikeville and coached at Pikeville. He is very proud of this team. Mayor Pro-tem Carter congratulates them and invites the coach to come forward to accept the framed proclamation from the commission. Mayor Pro-tem called for further comments, there being none, the motion passed unanimously. 4-0.

(3) Consider a request to adopt a Proclamation honoring the 2011 Pikeville Junior High Girls Basketball Championship Season and to authorize the Mayor to sign and execute said proclamation. Commissioner Layne made the motion to approve. Commissioner Davis seconded the motion. Mayor Pro-tem called for comments. Commissioner Chaney says that all you girls are so pretty you could be easily confused for cheerleaders. He also congratulates the girls on their accomplishment. He says that at this rate Commissioner Layne may expect you to

win the high school tournament in a couple of years. Commissioner Davis and Layne congratulate you as well. Then, the commission asked for the coaches to come up and receive their framed proclamation. Mayor Pro-tem Carter called for further discussion, there being none, motion passed unanimously. 4-0.

Mayor Pro-tem Carter invited all the players, coaches, and guests to eat a buffet style dinner.

(4) There being no further business to come before the commission, Commissioner Davis made the motion to adjourn the meeting. Commissioner Layne seconded the motion. Mayor Pro-tem called for discussion, there being none, the meeting was adjourned. 4-0.

APPROVED:



FRANKLIN D. JUSTICE, II, MAYOR

ATTESTED:



CHRISTY BILLITER, CITY CLERK

**CITY OF PIKEVILLE
BOARD OF COMMISSIONERS
REGULAR MEETING MINUTES
November 14, 2011 AT 6:00 P.M.**

The Board of Commissioners for the City of Pikeville met in a regular called session on Monday, November 14, 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 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 October 24, 2011 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

- 1. Good Ole Boys Car Club to address the Commission. Jesse Bowling, Director of Tourism and Events, was present to speak on behalf of Muscle on Main and to introduce the Vice President of the Car Club, Clay Bevins. Mr. Bevins started out by thanking the Commissioners for their support and everything they do. He went on to say what a great program Muscle on Main is. City Manager Donovan Blackburn talks about the improvements that have been made just this year and the relationship that we have and how appreciative we are of that. Commissioner Chaney says that we see why they call you the "Good Ole Boys." Mr. Bevins says as a token of our appreciation we would like to make each of you, the commission, members of our club. Each commissioner was called up to accept a plaque in honor of the membership. Mr. Bevins finished by saying that each of you are welcome to come to any or**

all of our meetings. Commissioner Layne says that if you can think of something we can do to make things better, just let us know.

2. Consider a motion to establish and award a grant to the Hillbilly Christmas in July Organization in the sum of \$20,000 to be used for the purchase of playground equipment for installation in the RV/soccer park playground and to authorize payment of said grant. 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.
3. Check presentation to Jimmy Kinney from the Hillbilly Christmas in July organization and remarks. Mr. Jimmy Kinney was really appreciative of this. He says this is a group project; hopefully, by summer of next year the playground will be finished. We really appreciate the community effort. City Manager Blackburn says that we greatly appreciate you and your dear friend Randy. Mr. Blackburn wanted to thank the city commission for allowing him to be part of this along with UMG. Commissioner Davis speaks to Mr. Kinney using an old expression that the apple doesn't fall too far from the tree. He said Mr. Kinney reminds him of his dad.
4. Consider a request to adopt a Proclamation honoring Rue 21 as a new business within the City of Pikeville. Commissioner Chaney made the motion to approve. Commissioner Davis seconded the motion. Mayor Pro-tem Carter called for discussion, there being none, the motion passed unanimously. 4-0.
5. Consider a request to adopt a Proclamation honoring East KY Auto World as a new business within the City of Pikeville. Commissioner Chaney made the motion to approve. Commissioner Davis seconded the motion. Mayor Pro-tem called for comments, there being none, the motion passed unanimously. 4-0.
6. H&W Hilton Garden's Press Release announcing the construction of the new Hilton Garden in downtown Pikeville. City Manager read this release on the owners behalf.

PAYMENT OF CITY BILLS

The City Manager Donovan Blackburn requested the approval to pay city bills in the amount of \$891,078.07. Commissioner Chaney made the motion to approve. Commissioner Davis 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

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

1. Consider a request to approve and authorize payment for Invoice #36852-B to Eastern Telephone & Technologies for \$19,899.75 as submitted for the City Hall Emergency Generator Project and authorize the mayor to sign and execute said pay request. Commissioner Davis 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 authorize and approve payment for Invoice \$59529 to Summit Engineering for \$8,866.50 as submitted for the Marion Branch Sewer Project and authorize the mayor to sign and execute said pay request. Commissioner Chaney made the motion to approve. Commissioner Layne seconded. Mayor Pro-tem Carter called for comments, there being none, the motion passed unanimously. 4-0.
3. Consider a request to approve and authorize payment for Pay Request #17 to H2O Construction Inc. for \$176,700.00 as submitted for the Marion Branch Sewer Project, Phase 2 and authorize the mayor to sign and execute said pay request. Commissioner Davis made the motion to approve. Commissioner Layne seconded. Mayor Pro-tem called for comments, there being none, the motion passed unanimously. 4-0.
4. Consider a request to approve and authorize payment for invoice #94055833 to Federal Signal Corp. Federal Warning Systems for \$2,368.00 as submitted for the Early Warning Signal Project and authorize the mayor to sign and execute said pay request. Commissioner Layne made a motion to approve. Commissioner Chaney seconded the motion. Mayor Pro-tem called for comments, there being none the motion passed unanimously. 4-0.
5. Consider a request to approve and authorize payment for Invoice #94055647 to Federal Signal Corp. Federal Warning Systems for \$53,860.80 as submitted for the Early Warning Signal Project and authorize the mayor to sign and execute said pay request. Commissioner Layne made the motion to approve. Commissioner Chaney seconded the motion. Mayor Pro-tem called for comments, there being none, the motion passed unanimously. 4-0.

6. Consider a request to approve and authorize payment for Invoice #94055626 to Federal Signal Corp. Federal Warning Systems for \$1,512.00 as submitted for the Early Warning Signal Project and authorize the mayor to sign and execute said pay request. 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.
7. Consider a request to approve and authorize payment for Invoice #94055661 to Federal Signal Corp. Federal Warning Systems for \$7,112.00 as submitted for the US23 Combined Water & Sewer Project and authorize the mayor to sign and execute said pay request. Commissioner Layne made the motion to approve. Commissioner Chaney seconded the motion. Mayor Pro-tem called for comments. Mayor Pro-tem Carter asked, "What siren sight had to be moved?" Melanie Stevens, grant writer, answered, "There were questions about some of the power lines and they had to be taken into consideration." Mayor Pro-tem called for further discussion, there being none, the motion passed unanimously. 4-0.
8. Consider a request to approve and authorize payment for invoice for Russell H Davis, City Attorney for \$5,456.25 as submitted for the Early Warning Signal Project and authorize the mayor to sign and execute said pay request. Commissioner Chaney made the motion to approve. Commissioner Davis seconded the motion. Mayor Pro-tem called for discussion, there being none, the motion passed unanimously. 4-0.

CITY ATTORNEY

Russell Davis was present and had a couple of items to read into record.

1. **Consider a 1st reading of an ordinance #0-2011-035 amending the Fiscal 2010-2011 City Operating budget. No further action is required at this time. The second reading will take place at the next regular scheduled meeting.**
2. **Consider a 1st reading of an ordinance #0-2011-034 adopting the 2011 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:

November 14, 2011 Regular Meeting

1. Consider request to adopt the amended city personnel policy 3.1 Holidays and City Hall Closings as submitted. Commissioner Layne made the motion to adopt. Commissioner Davis seconded the motion. Mayor Pro-tem called for further comments. City Manager Blackburn commented that this allows salary employees to be paid for the holiday if they work that holiday rather than receiving comp time. Mayor Pro-tem called for further discussion, there being none, motion passed unanimously. 4-0.
2. Consider a request to adopt a Resolution approving an agreement and all terms set forth therein and granting authority for the Mayor on behalf of the City of Pikeville to sign and execute said agreement between the City of Pikeville and Mountain Water District for the sale and purchase of wholesale water. Commissioner Layne made the motion to approve. Commissioner Chaney seconded the motion. Mayor Pro-tem called for comments. City Manager Blackburn says that currently the city has a five year contract; three years will lapse January 1st. There was a billing mistake on our side and we now have extended our contract by three years. Mayor Pro-tem Carter called for further comments, there being none the motion passed. 4-0.
3. Consider a request to approve and accept an agreement and all terms set forth therein as submitted between Mountain Water District and the City of Pikeville dated November 14th 2011 addressing Customer Data Transfer, Billing & Service Disconnects and other various miscellaneous provisions and to grant authority for the Mayor to sign and execute said agreement on behalf of the City of Pikeville. Commissioner Chaney made the motion. Commissioner Layne seconded the motion. Mayor Pro-tem Carter called for comments. Mr. Blackburn explains that this is a mutual agreement. It is an agreement where if a customer doesn't pay one service then both services will be cut off. Mayor Pro-tem Carter called for further comments, there being none, the motion passed unanimously. 4-0.
4. Consider a request to adopt a resolution establishing an Economic Development Loan Program; setting criteria for qualification for an economic loan and providing for purposes for which funds may be used and to authorize the Mayor 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, there being none, the motion passed unanimously. 4-0.
5. Consider a request to adopt a resolution awarding an Economic Development Loan to Alpha Natural Resources or its affiliates or subsidiary for the location and establishment of an office within the corporate limits of the City of Pikeville and authorize the Mayor 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 Blackburn comments that Alpha has been in our market looking for a place to stay in our industry. To be able to accommodate these types of businesses, there is a need to work with a local

business. This is a way to create new business and help out the existing new business. Furthermore, the city has to pass these resolutions in order for these things to happen. This commission is very supportive of this business; and if they choose to go elsewhere in the county, then we will still be very supportive of the business. We just want the business in our area. Mayor Pro-tem Carter adds that this will be a great business to have in our neighborhood. Thanks to Donovan and the others for their hard work on this project. Mayor Pro-tem called for further discussion, there being none, the motion passed unanimously. 4-0.

6. Consider a request to adopt a resolution offering an Economic Development Tax Incentive to Alpha Natural Resources or its affiliates or subsidiary for the location and establishment of an office within the corporate limits of the City of Pikeville and authorize the Mayor to sign and execute said resolution. Commissioner Chaney made the motion to approve. Commissioner Layne seconded the motion. Mayor Pro-tem Carter called for comments. City Manager Blackburn says the intent is to pull this great company into our area to our tax base. Commissioner Chaney thinks that a lot of the reason they want to come to our area is because of what we have done in the past. Mayor Pro-tem called for further comments, there being none, the motion passed unanimously. 4-0.
7. Consider a request to adopt a resolution accepting a section (.396 miles) of state road KY3218 which would include the right-of-way limits, maintenance and ownership of said road and to authorize the mayor 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, there being none, the motion passed unanimously. 4-0.
8. Consider a request to appoint Dr. Rakesh Sachdeva to the Pikeville/Pike County Air Board whose appointment shall start on 1-1-2012 and term shall expire on 12-28-13 contingent upon the County Judge joint approval and endorsement. Dr. Sachdeva shall be replacing Lynn Perrish. Commissioner Chaney made the motion to approve. Commissioner Davis seconded the motion. Mayor Pro-tem called for comments. Mayor Pro-tem Carter would like to thank Lynn for his help on the airport board and the buying of the property. He says that eventually the property will be developed and have some middle class house seats there. Mayor Pro-tem called for further discussion, there being none, the motion passed unanimously. 4-0.
9. Consider a request to amend a motion from the October 24th 2011 for an emergency purchase under sole source procurement for an Emergency Filtration System to be used for the massive odor sewer problem that exist at the Chevron Lift Station in Coal Run. The amendment is to approve the cost and payment in the amount of \$57,600 for the system to Gatterdam Industries. Commissioner Chaney made the motion to approve. Commissioner Davis seconded the motion. Mayor Pro-tem Carter called for comments, there being none, the motion passed unanimously. 4-0.

10. Consider a request to purchase property located on 183 Julius Ave owned by Brian McGuire as listed in Deed book 919 page 463 for \$18,000 and any transfer fees and authorize the mayor to sign and execute the deed of conveyance along with any documents necessary to execute said purchase. Commissioner Chaney made the motion to approve. Commissioner Layne seconded the motion. Mayor Pro-tem called for comments. Mayor Pro-tem Carter says that nobody has lived there for years; it has been dilapidated. Mayor Pro-tem called for further comments, there being none, the motion passed unanimously. 4-0.
11. Consider a request to grant each city employee a onetime pay increase of \$300.00 and authorize payment. Commissioner Davis made the motion to approve. Commissioner Layne seconded the motion. Mayor Pro-tem called for comments. Commissioner Chaney said he had a few comments he would like to make. He says that the employees deserve more. A lot of the people that work for the city leave here, in the evening, with a stack of paper and take phone calls in the evening while at home. Mayor Pro-tem called for further discussion, there being none, the motion passed unanimously. 4-0.
12. Consider a request to approve a Memorandum of Agreement (MOA) between the City of Pikeville and The Department of Local Government as submitted for the receipt for funding for Coal Severance project A362 for \$175,000 and authorize the Mayor to sign and authorize the MOA. Commissioner Chaney made the motion to approve. Commissioner Layne seconded the motion. Mayor Pro-tem Carter called for comments, there being none, the motion passed unanimously. 4-0.
13. Consider a request to accept and approve all terms and conditions set forth in the submitted request and a resolution regarding funds administered by the Kentucky Office of Homeland Security and to authorize the Mayor to sign and execute said documents along with any additional paperwork necessary to execute. Scope of work includes installing a generator at the flood gate. Funding includes \$14,000 with no match requirement. Commissioner Davis made the motion to approve. Commissioner Layne seconded the motion. Mayor Pro-tem Carter called for comments. Commissioner Davis asked, "So that needs to be signed by Jimmy?" and Mayor Pro-tem Carter says, "So they pay for everything." Mayor Pro-tem Carter called for further comments, there being none, the motion passed unanimously. 4-0.
14. Consider a request for the City of Pikeville to submit the 2011-2012 Safety and Liability Grant Application to the Kentucky League of Cities for the purpose of purchasing poured-in-surface for the special needs playground and to authorize the Mayor to sign and execute said application and any additional paperwork necessary to apply or receive said grant of funds for said grant. Commissioner Davis made the motion to approve. Commissioner Layne seconded the motion. Mayor Pro-tem Carter called for comments. Mayor Pro-tem says that if you haven't gone up there to see it, then you

should. Mayor Pro-tem called for further comments, there being none, the motion passed unanimously. 4-0.

15. Consider a request to award the bid for a Dump Truck Body for the City of Pikeville, to authorize payment and the city manager to sign any and all paperwork necessary to transfer said truck into the City of Pikeville name (item is in the city capital budget). City Manager asked for the recommendation of UMG. Greg May with UMG read the following recommendation: UMG recommends the Peterbilt Model 227 with R/S body from Martin's Peterbilt at the purchase price of \$102,104.67. The \$4,579.67 difference in the lowest bid of \$97,525.00 from Goodpasture is the warranty and service work that can be done locally. Commissioner Chaney made the 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. Consider a request to award the bid for a Rear-loading Refuse Collection Truck & Chassis for the City of Pikeville to authorize payment and the city manager to sign any and all paperwork necessary to transfer said truck into the City of Pikeville name (item is in the city capital budget). City Manager asked for the recommendation of UMG. Greg May with UMG read the following recommendation: UMG recommends purchasing the 2012 Peterbilt with Pak-Mor body from Midstate Equipment at the bid price of \$126,200 even though the Peterbilt price is \$5,450, higher UMG feels that the justification for the higher price is that Peterbilt can be serviced on warranty work locally. Commissioner Chaney made the motion to approve. Commissioner Davis seconded the motion. Mayor Pro-tem Carter called for comments, there being none, the motion passed unanimously. 4-0.

City Manager Blackburn recognized Brad Hall with the Chamber of Commerce and a couple other members that were in attendance.

17. 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.
18. Commissioner Chaney made the motion to re convene. Commissioner Davis 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.
19. Consider a request to authorize and approve an agreement as submitted and all terms set forth therein between the City of Pikeville, US Post Office and KY Pikeville Thompson, LLC (W.Neil Wilson) and to authorize the Mayor to sign and execute on behalf of the City of Pikeville. Commissioner Chaney made a motion to approve. Commissioner Davis seconded the motion. Mayor Pro-tem Carter called for comments. City Manager explains that Neil Wilson

submitted this three party contract being contingent upon making a couple of adjustments and creating nearly 4 to 600 jobs with Nationally recognized stores. Commissioner Carter states this is an opportunity. It is huge for our area. This is something we have been working on for years. Commissioner Chaney adds that people recognize the value of our local economy.

Commissioner Layne recognizes Mr. Blackburn for all that he has done. Mr. Blackburn says he couldn't have done it without the push of the commission and the chamber. He says that this community is blessed to have leaders of your stature. Mayor Pro-tem called for further comments, there being none, the motion passed unanimously. 4-0.

20. Consider a request to approve and adopt this "First Amendment Agreement for Sale of Property" between the City of Pikeville and RealtyLink Investments, LLC as submitted and to authorize the Mayor to sign and execute said agreement 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, there being none, the motion passed unanimously. 4-0.
21. Pursuant to KRS 61.810, consider request for closed session for the purpose of discussion economic development, legal and personnel issues. Commissioner Davis made the motion to approve. Commissioner Chaney seconded the motion. Mayor Pro-tem Carter called for discussion, there being none, the motion passed unanimously. 4-0.
22. Commissioner Carter made the motion to re convene. Commissioner Layne 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.
23. 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 Pro-tem Carter called for discussion, there being none, the meeting was adjourned. 4-0

CONSENT ITEMS:

Chamber Energy Summit at the East KY Expo from 6 pm until 8 pm, November 17th

**December 4th Landau Murphy Event at the Expo Center
City Employee Christmas Party December 16th from 6 pm until 8 pm**

City Hall closed 24th & 25th for Thanksgiving

The next scheduled Regular Meeting of the City of Pikeville Board of Commissioners is November 28, 2011 at 6:00 p.m.

APPROVED:



FRANKLIN D. JUSTICE, II, MAYOR

ATTESTED:



CHRISTY BILLITER, CITY CLERK