

**CITY OF PIKEVILLE  
BOARD OF COMMISSIONERS  
REGULAR MEETING MINUTES  
February 25, 2013 AT 6:00 P.M.**

**The Board of Commissioners for the City of Pikeville met in a regular called session on Monday, February 25, 2013. 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:           JIMMY CARTER  
                                  JERRY KEITH COLEMAN  
                                  BARRY CHANEY  
                                  EUGENE DAVIS**

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

**MINUTES**

**The minutes for the previous regular meeting held on February 11, 2013 were in each Commission Member's agenda package. There being no additions or corrections, Commissioner Davis made the motion to approve the minutes as prepared. Commissioner Chaney seconded the motion. Mayor Frank Justice called for discussion, there being none, the motion carried unanimously. 5-0.**

**BUSINESS FROM THE FLOOR**

**Consider the adoption of a Proclamation acknowledging the accomplishments of the Pikeville Jr. High ACES program and authorize the Mayor to sign and execute said proclamation. Commissioner Carter made a motion to approve. Commissioner Chaney seconded the motion. Mayor Justice called for comments. Commissioner Chaney says that an innovative mind is alive and well; I understand you enjoy competing. You don't have to win them all, but why not. Commissioner Davis wants to let them know how proud he is of the program personally. He has been on the City Commission for 27 years and he is very proud, along with this Commission, of their accomplishments. Commissioner Carter is really impressed of how they went to Lexington and won by showing coal; then on to Washington. Great job guys and gals. Commissioner Coleman is very proud of you as well. Mayor Justice thanks the team for representing the City so well and says that he is very proud to be their**

**Mayor. Ms. Tackett approaches the podium and thanks the commission for having the team. She says it encourages her that we have such kids with leadership roles such as these have. Mayor comments on their public speaking abilities and how well spoken they are. One of the students who worked behind the scenes came forward, and she talked about what a great experience it was to work on this project. Mayor Justice called for further questions and comments, there being none, the motion passed unanimously. 5-0.**

**Commissioner Barry Chaney introduced Larry Thacker and Clay Bevins that were present from the Good Ole Boy's Car Club. They were there to support the Muscle on Main statewide award and be recognized by the Commission. Mayor Justice thanked them for their contribution and their presence.**

**Introduction of new police officer candidate by Chief Reed. Chief Reed approached the podium and explained the process to hire a new officer. He says that within the process, there are several steps that we follow that is set by the KLC board; physical fitness, oral interview, background, etc. This candidate stood well above the rest. This was Mr. Bill Ratliff, who is also a certified officer currently working for the Pike County Sheriff's Office. Mayor asked if he is ready to go. Chief responded that he is ready to go, that he has completed all processes and that this is the last step in his process. Mayor Justice asked Mr. Ratliff to step on up and introduce himself. Mr. Ratliff introduced himself and let them know he was from Millard and then moved to Elkhorn City. He went to the Police Academy in 2010. Commissioner Chaney asked when he starts. Chief Reed said that he would start Monday, March 4<sup>th</sup>.**

#### **PAYMENT OF CITY BILLS**

**The City Manager Donovan Blackburn requested the approval to pay city bills in the amount of \$849,592. Commissioner Davis made the motion to approve. Commissioner Chaney seconded the motion. Mayor called for questions or comments. Commissioner Davis asked if we have the money. City Manager nods yes. Mayor Justice called for further discussion, there being none, motion passed unanimously. 5-0.**

**Consider a request to approve and authorize payment of a capitol purchase for the 911 System, as submitted, to ModUcom for \$11,211.89. Commissioner Chaney made the motion to approve. Commissioner Carter seconded the motion. Mayor Justice called for comments. Commissioner Carter asked if we just bought new equipment. City Manager says that we are always buying technology; this is a capitol item. Mayor called for additional questions or comments, there being none, the motion passed unanimously. 5-0.**

**CITY ATTORNEY**

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

- 1. Consider a 2<sup>nd</sup> reading and adoption of ordinance #0-2013-004 amending the fiscal budget for the 2012-2013 fiscal year and authorize the Mayor to sign and execute said ordinance. Commissioner Chaney made a motion to approve. Commissioner Carter seconded the motion. Mayor Justice called for comments, there being none, Mayor called roll call. Motion passed unanimously. 5-0.**

**ORDINANCE AMENDING THE FISCAL BUDGET FOR THE 2012-2013 FISCAL YEAR**

**ORDINANCE NO. 0-2013-004**

**WHEREAS**, certain additional information has come to the attention of the Finance Department which necessitates the amendment of the 2012-2013 fiscal year budget to reflect certain increases and decreases to revenues and expenditures.

**NOW, THEREFORE** be it ordained by the City of Pikeville that the fiscal budget for the 2012-2013 fiscal year is hereby amended to reflect an increase and or decrease of revenues and /or expenditures as reflected in the attached exhibit entitled "Budget Amendments".

The above ordinance was give first reading on February 11<sup>th</sup>, 2013.

The ordinance was given second reading on \_\_\_\_\_. The ordinance shall be in full force and effect immediately after it is passed and published as required by law.

**Passed**, this \_\_\_\_ day of \_\_\_\_\_, 2013.

Commissioner \_\_\_\_\_ moved the adoption of the foregoing ordinance. Commissioner \_\_\_\_\_ seconded the motion.

Upon roll call, the votes were as follows:

	<u>YES</u>	<u>NO</u>
FRANKLIN D. JUSTICE, II MAYOR	_____	_____
JAMES A. CARTER, COMMISSIONER	_____	_____
EUGENE W. DAVIS, COMMISSIONER	_____	_____
JERRY KEITH COLEMAN, COMMISSIONER	_____	_____
BARRY N. CHANEY, COMMISSIONER	_____	_____

The Mayor declared the within Ordinance adopted.

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

**ATTEST:**

\_\_\_\_\_  
**CHRISTY BILLITER, CITY CLERK**

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2. **The Mayor is authorized to execute a restrictive easement for the horse trail and an easement for the horse barn and grounds restricting the project property perpetually for the strict use of a horse trail and outdoor recreation purposes to the Commonwealth of Kentucky, Department of Local Government, the form of which shall be approved by the City Manager and City Attorney. The City Attorney advised that these easements are required as a condition of the grants received for the project as contained in the Memorandum of Agreement with the Commonwealth. He noted that they last forever and require the City to continue at its cost and expense to operate and maintain in good order the project for perpetuity. Commissioner Chaney made the motion to approve. Commissioner Davis seconded the motion. Mayor Justice called for comments. Commissioner Carter asked if we were crossing anybody elses property. City Manager says no. Mayor adds that this is a quality of life issue. Mayor called for additional comments, there being none, the motion passed unanimously. 5-0.**

#### **CITY MANAGER**

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

1. **Consider request to approve and authorize the submittal of a KY Transportation Cabinet Office of Highway Safety Grant in the amount of \$25,000 and authorize the Mayor to sign any and all documents for submittal and award of said grant. Commissioner Chaney made the motion to adopt. Commissioner Carter seconded the motion. Mayor called for comments. Chief Reed said that last year Pike Co. was rated the third highest. Studies show that we are doing better. The focus is now on 6pm to 6am. We have gone from 3<sup>rd</sup> to 6<sup>th</sup>, so we are improving. Mayor called for further comments, there being none, motion passed unanimously. 5-0.**
2. **Consider a request to authorize the purchase of a new garbage truck under state contract price from Municipal Equipment, Inc. for \$82,995.90 and to authorize the City Manager to sign and execute any paperwork necessary to place said vehicle into City of Pikeville name. (This is a budgeted item) Commissioner Chaney made the motion to approve. Commissioner Davis seconded the motion. Mayor Justice called for further comments, there being none, the motion passed. 5-0.**
3. **Consider a request to authorize the Mayor to submit a letter of support on behalf of the City of Pikeville to KaBOOM!, regarding the City of Pikeville being named as a Playful City USA. Commissioner Chaney made the motion. Commissioner Carter seconded the motion. Mayor Justice called for comments, there being none, the motion passed unanimously. 5-0.**

4. Consider the adoption of a Proclamation honoring the passing of Pikeville resident Mayfield Pennington and authorize the Mayor to sign and execute said proclamation. Commissioner Carter made the motion to approve. Commissioner Chaney seconded the motion. Mayor Justice called for comments. Commissioner Chaney talks about when he was sixteen, Mr. Pennington taught him how to box. He says that he was always an encourager and worked with a lot of young guys. Mayfield's saying was "God is good." Commissioner Davis talks about his first acquaintance with Mayfield being when he was a football coach and Mayfield was a player. He says that Mayfield would do everything that you ask him to do; he was quick and strong and very well behaved. Commissioner Carter says that it is hard to say how many young lives that he touched in a positive way. He will be missed. Mayor Justice adds that he was a friend to all; he used his saying, "God is great, God is good" to mentor kids. Mayor called for additional comments, there being none, the motion passed unanimously. 5-0.
5. Consider a request to authorize and approve a contract between the City of Pikeville and Aramark Uniform Services as submitted contingent upon the State Retirement Board authorizing and accepting the position on behalf of the City of Pikeville. 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.
6. Consider a request to adopt a new job description and rate chart for the position of Firefighter EMT Advanced as submitted contingent upon the State Retirement Board authorizing and accepting the position on behalf of the City of Pikeville. 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.
7. Consider a request to approve and authorize a contract between the City of Pikeville and Branch Banking and Trust Company as submitted, for the leasing of a parking area on Main Street and to authorize the Mayor to sign and execute said lease on behalf of the City of Pikeville. Commissioner Chaney made the motion to approve. Commissioner Carter seconded the motion. Mayor Justice called for comments. Commissioner Carter says we are not going to do anything other than gravel that, correct. City Manager says yes. Mayor called for additional questions or comments, there being none, the motion passed unanimously. 5-0.
8. Consider a request to approve and authorize a contract between the City of Pikeville and Herzfelds Inc., as submitted, allowing them to market and sale certain products protected by the City of Pikeville, Hatfield and McCoy trademark and to authorize the Mayor to sign and execute said contract. As part of the terms of the contract the City would be awarded part of the profits. Commissioner Chaney made the motion to approve. Commissioner Davis seconded the motion. Mayor Justice called for comments and wants to know what this is. City Manager explains that the Hatfield and McCoy trademark belongs to the City. Commissioner Carter asked if this is for that

type of apparel. City Manager says that we have contacted Walmart and they sell our goods in their store. This particular vendor supplies our coffee mugs and things such of this. City Attorney comments that what they make and sell we get 10 %. Mayor called for further questions or comments, there being none, the motion passed unanimously. 5-0.

9. Consider a request to approve and authorize a contact between the City of Pikeville and Cotton Gallery, as submitted, allowing them to market and sale clothing apparel products protected by the City of Pikeville, Hatfield and McCoy trademark and to authorize the Mayor to sign and execute said contract. As part of the terms of the contract the City would be awarded part of the profits. Commissioner Chaney made the motion to approve. Commissioner Davis seconded the motion. Mayor Justice called for comments and wanted to know more about this. City Manager says that this is the t-shirts instead of the mugs, all Hatfield and McCoy. Mayor Justice called for additional comments, there being none, the motion passed unanimously. 5-0.
10. Consider a request to approve and authorize a release and waiver of liability, covenant between the City of Pikeville and Chloe Ridge Phase III Homeowners Association and Edgewater Development Company, LLC, as submitted, and authorize the Mayor to sign and execute on behalf of the City of Pikeville. Commissioner Chaney made the motion to approve. Commissioner Davis seconded the motion. Mayor Justice called for comments and wants to know about it. Mr. Blackburn says that last meeting we discussed the road up on Chloe Ridge. We have been looking for a copy of the rules and regs for the maintenance to require us to do so. We have found that the road has a five year plan. This road has been there for four years and does not meet the definition of what our requirements are. With all that said, Mr. Blackburn is meeting with Dan'l Hall to ask for a compromise. Mayor then asked if all we were going to do is make a new road; and before we make five years, we are going to start a new five years. City Manager says probably in this particular case. Mayor called for additional questions or comments, there being none. Mayor abstained. Motion passed unanimously. 5-0.
11. Consider a request to award the bid for replacement cost to repair concrete road at Keyser Heights based on a per foot basis as it was advertised to H2O Construction for \$6.00 per square foot and to authorize the notice to proceed for section H7 & E1 as listed on the attached map. Commissioner Chaney made the motion to approve. Commissioner Davis seconded the motion. Mayor Justice called for comments and asked what was the square footage. City Manager said that he did not know. Mayor called for additional comments, there being none, the motion passed unanimously. 5-0.
12. Consider a request to assign Mitch Case and Nicholas Fleming the extra duty beyond their formal position of Firefighter EMT to act as the city Traffic Patrol Officer in the absents of a Traffic Control Officer and grant all responsibilities for said position. Commissioner Davis made the motion to

approve. Commissioner Carter seconded the motion. Mayor Justice called for comments. City Manager comments that the existing officer has been out due to an injury. Mayor called for further questions or comments, there being none, the motion passed unanimously. 5-0.

**\*\*\*\*\*City Manager announced the Consent Items\*\*\*\*\***

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 Justice called for discussion, there being none, the motion passed unanimously. 5-0.
14. 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.
15. Consider a request to authorize and approve in the showing of continuing cooperation and friendship with the Pike County Fiscal Court in the granting of a permanent easement to the Pike County Fiscal Court within the boundaries as depicted on the map submitted, dated February 5<sup>th</sup> 2013 for the purpose of erecting a message board for County Government as illustrated on the exhibit dated February 12<sup>th</sup> 2013 and in return for the cooperation from the Pike County Fiscal Court shall grant the City of Pikeville a permanent road easement running length of Division Street on the Judicial Center side of Division Street. To also authorize the City Attorney to work with the County Attorney's office in preparing the easements and to authorize the Mayor to sign and execute both easements on behalf of the City of Pikeville. Commissioner Chaney made a motion to approve. Commissioner Davis seconded the motion. Mayor Justice called for comments, there being none, the motion passed unanimously. 5-0.
16. 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. 5-0

#### **CONSENT ITEMS:**

**February 25<sup>th</sup> through March 4 is the 15<sup>th</sup> Regional Tournament**

**Week of March 11<sup>th</sup> will be the National League of Cities Conference in DC**

**Week of April 1<sup>st</sup> will be the National Drug Summit in Florida**

**The next scheduled Regular Meeting of the City of Pikeville Board of Commissioners is March 11, 2013 at 6:00 p.m.**

**APPROVED:**



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

**ATTESTED:**

  
**CHRISTY BILLITER, CITY CLERK**