

**CITY OF PIKEVILLE
BOARD OF COMMISSIONERS
REGULAR MEETING MINUTES
April 8, 2013 AT 6:00 P.M.**

The Board of Commissioners for the City of Pikeville met in a regular called session on Monday, April 8, 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 Pro-tem Carter 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 Absent

MINUTES

The minutes for the previous regular meeting held on March 25, 2013 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 Coleman seconded the motion. Mayor Pro-tem Carter called for discussion, there being none, the motion carried unanimously. 4-0.

BUSINESS FROM THE FLOOR

Mr. Drew Justice was present representing his sister-in-law Candace Meade on behalf of Bella Pooch. They were directed to the Commission Meeting by the Chamber of Commerce because they were interested in setting up a booth during Hillbilly Days and their shop sells animals and there is an ordinance against selling animals during Hillbilly Days. City Manager Blackburn says the intent of the ordinance is to prevent the so called "Puppy Mills" out of town, not to hurt local businesses. In previous years, we have had animals sold at this event and it has caused some problems so therefore we had to adopt this ordinance but if you have a City License and then you should be able to sell within the city. City Attorney says that in this case, I do not think we would want to enforce the ordinance. So therefore we need to make a motion to consider a request to approve an emergency amendment to section 90.07 "Sale of Animals During Festivals" of the City Code of Ordinances permitting the sale of animals during a festival under the conditions

that it is reputable businesses who has a permanent business in the county of Pike, who possess a current and valid business license in the county of Pike, who has all animals being sold seen and certified by a licensed veterinarian from the county of Pike and who offers a one year valid warranty from any genetic defects for any animal sold. Anyone not meeting these guidelines would not be permitted to for the offering or sale of any animals at a festival or event occurring for less than five (5) days is prohibited within city limits. Commissioner Chaney made the motion to approve. Commissioner Coleman seconded the motion. Mayor Pro-tem called for comments. City Manager stated that the purpose of this motion was so that this practice could be permitted during the upcoming Hillbilly Days festival. That there was not another City Commission meeting between now and Hillbilly Days so the motion is necessary to override the current ordinance as it is written, however, the ordinance would be amended and presented back to the commission for a first reading during the next scheduled city commission meeting. The intent of the original ordinance was to cater to the request of the Pike County Humane Society and ASPCA to prevent puppy mills from selling sick and defective animals. It was not the intent to restrict local businesses who are following the law, operating a business in our community and doing everything possible to have a good and honest business practice. Mayor Pro-tem called for additional comments, there being none, the motion passed unanimously. 4-0.

PAYMENT OF CITY BILLS

The City Manager Donovan Blackburn requested the approval to pay city bills in the amount of \$556,112.87. Commissioner Davis made the motion to approve. Commissioner Chaney seconded the motion. Mayor Pro-tem called for comments and Commissioner Davis asked the traditional question of do we have the money. And City Manager responded that we did have the money. 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 says that we sent in the recycling grant last week for about \$50,000 and that we should have an answer next week some time.

CITY ENGINEER

Jody Hunt was present with Summit Engineering, Inc. and had a couple of updates for the Commission. For the Peach Orchard Storm Sewer Project, they have progressed up to Habitat Street. On the Comprehensive Plan, there are no major problems. And on the Bob Amos Horse Trail Project, the

contract is signed. The Notice to Proceed was issued today. Mr. Hunt also submitted one request to the Commission for approval.

1. Consider request to authorize and approve payment for invoice #2 to Vaughn and Melton Consulting Engineering for \$40,894.00. Commissioner Chaney made the motion to approve. Commissioner Coleman 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 2nd reading and adoption of ordinance #0-2013-007 amending Chapter 100 Ambulance Service as submitted and read into record as submitted and authorize the Mayor to sign and execute on behalf of the City. Commissioner Chaney made a motion to approve. Commissioner Coleman seconded the motion. Mayor Pro-tem Carter called for comments. City Manager made a couple quick notes saying that there appears to be an increase but there is not; and there appears to be a lot of additional items, but there is not. We are just getting the basic rate fees. Mayor Pro-tem Carter called for additional questions or comments, there being none, Mayor Pro-tem called roll call. Motion passed unanimously. 4-0.**
2. **Consider a 2nd reading and adoption of ordinance #0-2013-008 amending Chapter 36: "Finance and Revenue" deleting sections 36.60 and 36.61 and creating section 36.72 Formal Bids – Purchasing over \$20,000 and Local preferences as submitted and read into record and authorize the Mayor to sign and execute on behalf of the city. Commissioner Chaney made a motion to approve. Commissioner Coleman seconded the motion. Mayor Pro-tem Carter called for comments. City Manager Blackburn says the only comments he has to add is that the county also has adopted something similar to this. Mayor Pro-tem called for additional questions or comments, there being none, Mayor Pro-tem called roll call. Motion passed unanimously. 4-0.**

CITY MANAGER

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

1. **Consider request to close City Hall on April 18th & 19th for Hillbilly Days (Tax Department will remain open) and again on April 25th & 26th for the**

relocation of City Hall to its new location on Main Street. Commissioner Chaney made the motion to adopt. Commissioner Davis seconded the motion. Mayor Pro-tem called for comments and said that everything is looking good and that he is impressed at how hard everybody is working. Mayor Pro-tem called for further comments, there being none, motion passed unanimously. 4-0.

2. Consider a request to hire the Director of Grants as posted and approved by the City Commission contingent upon the passage of all required pre-employment test. TABLED
3. Consider a request to authorize and approve a Mutual Aid Agreement, as submitted, and authorize the Mayor Pro-tem to sign and execute said agreement on behalf of the City of Pikeville. Commissioner Chaney made the motion. Commissioner Coleman seconded the motion. Mayor Pro-tem Carter called for comments. Mr. Blackburn says that the reason for this agreement is that under our current policy Elkhorn City cannot transfer to PMC and under this policy they will be able to. Mayor Pro-tem called for additional questions or comments, there being none, the motion passed unanimously. 4-0.
4. Consider request to authorize and approve an agreement letter to ThinkFactory, as submitted, permitting the filming of Hillbilly Days and authorize the Mayor to sign said letter. Commissioner Chaney made the motion to approve. Commissioner Coleman seconded the motion. Mayor Pro-tem Carter called for comments. City Manager says the reason behind this is that Pepsi comes in and does a big booth and they do the Voice. This agreement allows them to take footage; and because of the Hatfield and McCoy heritage, they have interest in our festival. Mayor Pro-tem called for additional questions or comments, there being none, the motion passed unanimously. 4-0.
5. Consider a request to authorize and adopt the amended City of Pikeville Garfield Center, RV Park, Shelters and Fire Department Training Center Rental Agreement, dated April 8th 2013, as submitted. Commissioner Chaney made the motion to approve. Commissioner Davis seconded the motion. Mayor Pro-tem Carter called for comments and asked that the changes be discussed. City Attorney Davis says that with all the move on whether or not to adopt the conceal weapon, the conceal carry law lets us prohibit that. We went through all our policies and procedures on open carry and concealed carry. We are not really for gun control, we go as far as we can without breaking Kentucky law. Mayor Pro-tem called for additional questions or comments, there being none, the motion passed unanimously. 4-0.
6. Consider a request to authorize the submittal of a grant application to the Bikes Belong Coalition for up to a \$10,000 grant with a 50% match and authorize the Mayor or Mayor Pro-tem to sign any and all paperwork necessary for said submittal or acceptance of said grant. 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.

- 7. Consider a 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 31st 2013 and authorize the City Manager to sign the use agreement on behalf of the City of Pikeville. Commissioner Chaney made the motion to approve. Commissioner Coleman seconded the motion. Mayor Pro-tem Carter called for comments. City Manager says that this is something that we do each year. We already have the check for the event. Mayor Pro-tem called for further comments, there being none, the motion passed unanimously. 4-0.**
- 8. Consider a request to authorize Pikeville Independent School System to construct an indoor batting complex behind the existing girls softball dugout where the existing portable batting cage is located under the following terms and conditions:**
 - 1)It is understood the facility shall be the property of the City of Pikeville and the City may relocate or demolish said structure at no replacement cost to the city**
 - 2)It is understood that this facility shall be a multi-utilized facility by all school baseball and softball programs having the school place a priority on programs schedule. It shall also be understood during nonscheduled use said facility may be used as a picnic shelter for the public.**
 - 3)The school will assume all expense to construct said facility but it shall have concrete floors, block columns to match the dugout columns and painted to match as well and a colored tin roof to match the adjacent dug out and color.**
 - 4)The school shall make a formal written request to build said complex in writing and shall prepare and sign an agreement to each condition as they are mentioned above understanding that the City shall own and have final say over said facility and its future use.**

And to authorize the Mayor or Mayor Pro-tem to sign on behalf of the City agreeing to said terms and conditions. Commissioner Davis made the motion to approve. Commissioner Coleman seconded the motion. Mayor Pro-tem Carter called for comments. City Manager says that we have been in contact with the Boosters and they have tabled the item at this time because of limited space. When we receive the conditions in a formal request, we will then agree on this. Mayor Pro-tem called for additional questions or comments, there being none, the motion passed unanimously. 4-0.
- 9. Consider a request to cancel the June 24th 2013 commission meeting and to schedule a special called meeting the week before at the discretion of the City Manager if a meeting is determined to be needed to conduct City business. Commissioner Davis made the motion to approve. Commissioner Chaney seconded the motion. Mayor Pro-tem called for comments. Mr. Blackburn**

added that he will be out of town that week. Mayor Pro-tem Carter called for additional comments, there being none, the motion passed unanimously. 4-0.

10. Consider a request to authorize the Mayor to sign a letter to authorize an eagle scouts project of planting 7 trees on the Bob Amos walk trail and agree as part of the authorization the City shall not cut down said trees for a period of at least 7 years. Commissioner Chaney made a motion to approve. Commissioner Coleman seconded the motion. Mayor Pro-tem called for questions or comments and commented that we should keep the trees longer than seven years. Mayor Pro-tem called for additional comments, there being none, the motion passed unanimously. 4-0.

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

11. 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 Coleman seconded the motion. Mayor Pro-tem Carter called for discussion. Commissioner Davis shared a piece of history with everyone; in 1974, on this very day, in front of 55,000 people Hank Aaron broke Babe Ruth's record. Mayor Pro-tem called for further comments, there being none, the motion passed unanimously. 4-0.
12. Commissioner Davis made the motion to re convene. Commissioner Chaney seconded the motion. Mayor Pro-tem called for discussion, there being none the motion passed unanimously. 4-0. Mayor Pro-tem called the session back into order.
13. Consider a request to authorize an amended agreement or letter of agreement to be signed and executed by the Mayor Pro-tem between Jenny Wiley Drama Association, Incorporated amending the Sales and Development Agreement dated September 1st 2011 amending page 2 paragraph 3 authorizing the agreements \$50,000 annual payment for Jenny Wiley Theatre to be redirected and made to Community Trust Bank each year until which time a 6 year, \$300,000 note has been paid in full. After said note is paid in full payment shall then resume back to JWT pursuant to the original terms of the contract dated September 1st 2011 contract. Commissioner Chaney made a motion to approve. Commissioner Davis seconded the motion. Mayor Pro-tem Carter called for comments, there being none, the motion passed unanimously. 4-0.
14. There being no further business to come before the Commission, Commissioner Davis has made the motion to adjourn the meeting. Commissioner Coleman seconded the motion. Mayor Pro-tem Carter called for discussion, there being none, the meeting was adjourned. 4-0

CONSENT ITEMS:

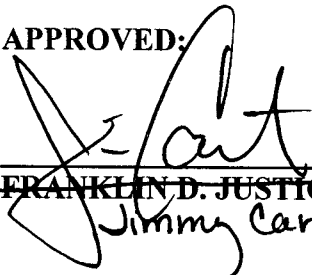
Hillbilly Days April 18th, 19th & 20th, City Hall will be closed 18th & 19th other than tax department will be open

April 29th 2013 Senator McConnell announcement at Whayne Supply

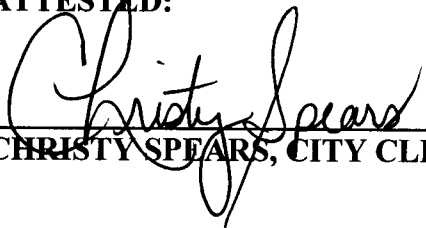
April 29th 2013 Senator McConnell will speak at Chamber event at Hampton Inn at 11:30 registration required.

The next scheduled Regular Meeting of the City of Pikeville Board of Commissioners is April 22, 2013 at 6:00 p.m.

APPROVED:


~~FRANKLIN D. JUSTICE, II, MAYOR~~
Jimmy Carter, Mayor Pro-tem

ATTESTED:


CHRISTY SPEARS, CITY CLERK