

**CITY OF PIKEVILLE  
BOARD OF COMMISSIONERS  
SPECIAL MEETING MINUTES  
May 23, 2014 AT 1:00 P.M.**

**The Board of Commissioners for the City of Pikeville met in a special called session on Friday, May 23, 2014. The meeting was held in the City Hall Conference Meeting Room located at 243 Main Street, Pikeville, Kentucky.**

- 1. There being a quorum present, Mayor Frank Justice called the meeting to order at 1:00 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**

- 2. The minutes for the previous regular meeting held on May 12, 2014 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 Justice called for discussion, there being none, the motion carried unanimously. 5-0.**
- 3. Consider a request to promote Paul Kimberlain, as recommended by the interview committee and City Manager to the position of Sergeant with the Pikeville Police Department at the rate for said position based on time served for the position. Commissioner Chaney made the motion to approve. Commissioner Coleman seconded the motion. Mayor Justice called for comments. City Manager Blackburn stated that Officer Kimberlain was present. Commissioner Chaney asked that he come up to the front. City Manager asked if the commission had any questions for him. Commissioner Chaney asked if he had prepared a speech. Officer Kimberlain said hopefully a little thank you speech if you approve me. Officer Kimberlain stated he appreciated the opportunity. Commissioner Chaney asked Officer Kimberlain if he didn't have the most time in the force. Commissioner Davis asked how long Officer Kimberlain had been a police officer. Officer Kimberlain replied 16 years. Mayor Justice stated he was glad to see him up for the promotion and for one would have liked to have seen him a long time ago. Commissioner Coleman asked Officer Kimberlain if any other**

officer had been there longer than him. Officer Kimberlain replied no, he was the old man. City Manager stated that when talking about Paul's longevity and commitment to the force, that him and Paul go back a few years and played football back in the days and he had heard when he joined the force and he has been a great asset to the City and the police force. Also, as a teaser, that everyone pick up a copy of the Appalachian News Express tomorrow and see a nice little story about Officer Kimberlain that was shared with me a few minutes ago. Mr. Blackburn stated it was an honor and a privilege to work with Paul and he will add to the department as with his years of experience and gave him a good recommendation. Mayor Justice called for any additional comments. Police Chief Reed approached the Commission and stated the department has started moving forward and completed some things they have set their hearts to do. It's not just one person down there to get to the top from the bottom to get where we want to be. We are doing our best to grow so you the Commission and City can be proud of us. Chief Reed stated that Donovan knows how hard I have fought to get Officer Kimberlain up here and I stood behind my beliefs and 16 years goes a long way. In the police line of work you see just about everything in 16 years. To be still standing here with a position attitude and still wanting to come to work every day says a lot for someone in law enforcement. It tends to weigh on you and your train of thought when you see and deal with what we see daily. I am proud to stand behind this man and from the top to the bottom will continue to work toward the goals that we have set in place and make our department better and to move him into a position to further his career. City Manager added, that in the 11 years he has set in his chair that any officer in a situation wants the one guy with them is Officer Kimberlain. Commissioner Carter, stated that explains it all. Commissioner Coleman stated yes it does. Mayor Justice thanked the chief and commented his comments were very well said. Mayor Justice called for further comments, there being none motion passed unanimously. 5-0.

4. Consider a request to award the bids and authorize payment for the following: Stationary Compactor to the low bidder Municipal Equipment for \$65,486.00, the Lift Station upgrade to the low bidder: Precision Pumps for \$42,918.00 and award the Gas Meter bid to the sole bidder: Consolidated Pipe and Supply Company for \$39,777.99. Commissioner Chaney made the motion to approve. Commissioner Carter seconded the motion. Mayor Justice called for comments, there being none motion passed unanimously. 5-0.
5. Consider a request for the 2<sup>nd</sup> reading and adoption of Ordinance 0-2014-009 adopting the 2014 Supplement to the City of Pikeville Code of Ordinances and to authorize the Mayor to sign and execute said ordinance on behalf of the City of Pikeville. City Manager read into record due to City Attorney could not be present. Commissioner Carter made the motion to adopt. Commissioner Chaney seconded the motion. Mayor Justice called for

**comments, there being none. Mayor called for roll call. Ordinance was adopted. 5-0.**

*ORDINANCE ADOPTING THE 2014 SUPPLEMENT TO THE CITY OF PIKEVILLE CODE OF ORDINANCES*

*Ordinance #:0-2014-009*

*WHEREAS, American Legal Publishing Corporation of Cincinnati, Ohio has completed the S-32 supplement to the Code of Ordinances of the City of Pikeville, which supplement contains all ordinances of a general nature enacted since the prior supplement to said Code; and*

*WHEREAS, American Legal Publishing Corporation has recommended the revision or addition of sections of the Code of Ordinances based upon duly enacted or amended ordinances by the City of Pikeville or section of the Kentucky Revised Statutes; and*

*WHEREAS, it is the intent of the Commission to accept these updated and revised section in accordance with the changes of the ordinances by the City of Pikeville or section of the Kentucky Revised Statutes;*

*NOW, THEREFORE, BE IT ORDAINED by the City of Pikeville as follows:*

*SECTION 1: That the S-32 supplement of the Code of Ordinances of the City of Pikeville, KY as submitted by American Legal Publishing Corporation of Cincinnati, Ohio and as attached hereto, be and the same is hereby adopted by reference as if set out in its entirety.*

*SECTION 2: The ordinance shall be in full force and effect after it is passed and published as required by law.*

*The above ordinance was given first reading this 12th day of May, 2014, the ordinance was given a second reading on the 23rd day of May, 2014.*

*Passed this 23rd day of May, 2014.*

*Commissioner Carter moved for the adoption of the forgoing ordinance.*

*Commissioner Chaney seconded the motion.*

*Upon roll call, the votes were as follows:*

	Yes	No
FRANK JUSTICE, MAYOR	x	
GENE DAVIS, COMMISSIONER	x	
JERRY K. COLEMAN, COMMISSIONER	x	
JIMMY CARTER, COMMISSIONER	x	
BARRY CHANEY, COMMISSIONER	x	

*The Mayor declared the within ordinance adopted.*

*/s/Franklin Justice*

*FRANKLIN D. JUSTICE, II MAYOR*

*ATTEST:*

*/s/Rebecca Hamilton*

*REBECCA HAMILTON, CITY CLERK*

- 6. Consider a request to authorize and approve a contract between the City of Pikeville and the Commonwealth of Kentucky for the FEMA - DR4008 KY Hazard Mitigation Grant Program (HMGP), as submitted, for the purpose of extending contract for time and balance only to provide additional time for project completion and to authorize the mayor the authority to sign and execute said contract 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 motion passed unanimously. 5-0.**
- 7. Consider a request to approve and authorize payment of the city bill list, as submitted, for \$1, 304,737.69. Commissioner Davis made the motion to pay the bills. Commissioner Davis asked the question if we had the money. City Manager replied yes. Commissioner Coleman seconded the motion. Mayor**

- Justice called for comments, there being none motion passed unanimously. 5-0.
8. Consider a request to approve and authorize payment of Invoice #71135 to Summit Engineering for \$4,420.10 for the Pikeville Fire Station #3 project. Commissioner Chaney made the motion to approve. Commissioner Carter seconded the motion. Mayor Justice called for comments, there being none motion passed unanimously. 5-0.
  9. Consider a request to approve and authorize payment of Pay Request #6 to Elliott Contracting for \$211,638.94 for the Pikeville Fire Station #3 and to authorize the mayor to sign and execute said pay request 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 motion passed unanimously. 5-0.
  10. Consider a request to authorize and approve an engagement letter, as submitted, for audit services with Wallen Puckett and Anderson, PSC not to exceed \$31,950.00 in fees for said services and authorize the mayor to sign and execute said engagement letter on behalf of the City of Pikeville. Commissioner Davis made the motion to approve. Commissioner Chaney seconded the motion. Mayor Justice called for comments. Commissioner Davis asked if there had been any increase for the services. City Manager Blackburn replied no increase. Mayor Justice called for additional comments, there being none motion passed unanimously. 5-0.
  11. Consider a request to authorize and approve a Tenth Amendment to Agreement of Sale of City Property, as submitted, for the City Thompson Road Property amending the closing date to take place on or before June 13, 2014 and to authorize the mayor to sign and execute said amendment on behalf of the City of Pikeville. Commissioner Carter made the motion to approve. Commissioner Chaney seconded the motion. Mayor Justice called for comments. City Manager added that the last amendment was through June 2<sup>nd</sup> and a closing was expected to be by June 6<sup>th</sup>. This just gives us some wiggle room through the 13<sup>th</sup> and what he had told the Commission all along that this is a \$43,000,000.00 project and it takes time to get the funding and financing in place and he had met with the banker out of Wisconsin on two occasions and we are just trying to consolidate all the paperwork and as of right now the closing date should be June 6, 2014. Mayor Justice called for any other questions or comments, there being none motion passed unanimously. 5-0.
  12. Consider a request to approve and authorize payment of Invoice #70865 to Summit Engineering for \$1,249.53 for the Peach Orchard acquisition and demolition project. Commissioner Davis made the motion to approve. Commissioner Chaney seconded the motion. Mayor Justice called for comments, there being none motion passed unanimously. 5-0.
  13. Consider a request to authorize and approve the City Manager to negotiate, execute and approve a contract for the purchase (not to exceed \$175,000) of property located at 237 2nd Street in Pikeville KY and if successful to

authorize payment for said property along with any fees or taxes applicable and to grant the Mayor the authority to sign and execute the deed of conveyance along with any other paperwork necessary to execute said deed of conveyance. Commissioner Chaney made the motion to approve. Commissioner Carter seconded the motion. Mayor Justice called for comments. Commissioner Carter asked City Manager if the asking price was less than that. City Manager replied that the asking price was \$175,000.00 and the appraisal was \$181,000.00 however the motion is to authorize me to negotiate up to that price and as soon as this motion is casted Sean will be contacting the realtor as to what the offer will be and hope we have some paperwork to sign here in a couple of days. City Manager also replied of coarse the intent is not to in close but that Pike TV and EKB is looking to expand outside that building we have some confidentiality signers wishing to go into that building and will be announced here shortly. City Manager stated the intent is to honor the current lease agreements and obligations till they find a home and this building became available and in the path of our current fire location and some alternative uses down the road and to bring in a larger business into the community and along with allow us to honor our current lease agreements. Mayor Justice called for additional questions or comments, there being none motion passed unanimously. 5-0.

14. Consider a first reading of ordinance #0-2014-010 amending the 2014-2015 city operating budget. City Manager Blackburn read into record. 2<sup>nd</sup> reading will be June 9, 2014.
15. Consider a request on behalf of the City of Pikeville to authorize and approve the City Manager, Donovan Blackburn and City to be the Agent of Record in order to Incorporate the Shaping Our Appalachian Region (SOAR) program as a 5013C organization and to authorize the City Manager to sign and execute any and all documents necessary and or required to achieve such action. Commissioner Chaney made the motion to approve. Commissioner Davis seconded the motion. Mayor Justice called for comments. City Manager Blackburn stated that there is commencement movement across the Kentucky land due to the current conditions of economic conditions through SOAR an initiative was launched as the commission and both you was aware and approved the Governor Beshear and Congressman Rogers has asked me to serve a dual role in the position as of interim director and manager director with funds set aside where an executive director will be hired but one of the things City Manager Blackburn has been charged with is to work with the Governor's office on the 5013 C incorporated organization and he has written the by-laws on behalf of the organization and now they are in the hands of the legal department. City Manager stated the best path in this process is to incorporate them and in doing so they would be here and he would act as Agent of Record and the City would be the incorporator and it puts no burden on the City what so ever once the organization is created and the

organization falls under its' own 5013C other than the fact that he will continue to act as the Managing Director of the organization. City Manager Blackburn asked the Commission when they adjoin the meeting they could step to the left and see the wall that was constructed and see the two offices assigned to the SOAR so people can come into the stairs and the reason this is so important is both the governor's office and the Congressman's office has recognized the important role the City of Pikeville plays as the hub of the region and the working with other communities and the Commission plays an important valuable role as this unfolds. The pre SOAR will be folding into SOAR and moving out into the regions and a lot of wonderful things happening to diversifying our economy and have great partners at the table. It is a great honor and privilege on the City Commission to be selected by the Governor and Congressman to utilize this governmental agency as kind of a capital to this effect. It is more of a process to get this incorporated so it can stand alone. Mayor Justice called for additional comments, there being none motion passed unanimously. 5-0.

16. Consider a request to post for the position of hourly tourism associates & hourly administrative associate. Commissioner Chaney made the motion to approve. Commissioner Coleman seconded the motion. Mayor asked City Manager if these where new positions. City Manager replied yes and no, one will be due to the City has lost the last two new hires in tourism department. City Manager added that the two positions would be hourly so two hourly and two salary to give us more help and talking about the same amount of pay or close to it. Mayor Justice called for comments, there being none motion passed unanimously. 5-0.
17. Pursuant to KRS 61.810, consider a request for closed session for the purpose of discussion economic development, legal and personnel issues. Commissioner Carter made to motion. Commissioner Davis seconded the motion. Mayor Justice called for comments, there being none, motion passed. 5-0.
18. Commissioner Carter made the motion to re convene. Commissioner Coleman seconded the motion. Mayor called the session back into order.
19. There being no further business to come before the Commission, Commissioner Carter has made the motion to adjourn the meeting. Commissioner Coleman seconded the motion. Mayor Justice called for discussion, there being none, and the meeting was adjourned. 5-0.

**CONSENT ITEMS:**

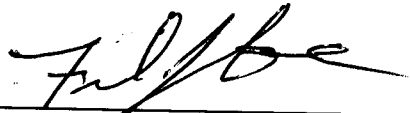
**May 22, 2014: Jenny Wiley Theatre open house event 5:00 pm Sneak Peek soft.**

**May 23, 2014: Roasted opening for City Commission.**

**June 12, 2014: Announcement of Alltech.**

**The next Regular Meeting of the City of Pikeville Board of Commissioners is June 9, 2014 at 6:00 p.m.**

**APPROVED:**



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

**ATTESTED:**

  
**REBECCA HAMILTON, CITY CLERK**