

**CITY OF PIKEVILLE
BOARD OF COMMISSIONERS
REGULAR MEETING MINUTES
June 27, 2022 AT 6:00 P.M.**

The Board of Commissioners for the City of Pikeville met in a regular called session on Monday, June 27, 2022. The meeting was held in the City Hall Meeting Room located at 243 Main Street, Pikeville, Kentucky 41501.

There being a quorum present, Mayor James A. Carter called the meeting to order at 6:00 p.m. Commission Members present at roll call were as follows:

COMMISSIONER: **STEVE HARTSOCK
BOB SHURTLEFF - ABSENT
PAT MCNAMEE
ALLISON POWERS**

MAYOR: **JAMES A. CARTER**

MINUTES

The minutes for the previous regular meeting held on June 13, 2022 were in each Commissioner's agenda package. There being no additions or corrections, Commissioner McNamee made the motion to approve the minutes as prepared. Commissioner Powers seconded the motion. Mayor Jimmy Carter called for discussion, there being none, the motion carried unanimously. 4-0.

BUSINESS FROM THE FLOOR

Main Street Director Minta Trimble and Treasurer Libby Carter were present to be recognized by the Commission for receiving the Economic Vitality award as presented by the state Main Street organization. The Economic Vitality Award is designed to recognize an organization's leadership in enhancing the economic competitiveness, and The Shoppes at 225 met the award criteria. Both were very grateful to the Commission for investing in The Shoppes at 225 and trusting them to make it work.

PAYMENT OF CITY BILLS

The City Manager Philip Elswick requested the approval to pay city bills in the amount of \$2,131,888.78. Commissioner McNamee made the motion to approve. Commissioner Hartsock seconded the motion. Mayor Carter called for discussion, there being none, the motion passed unanimously. 4-0.

CITY ENGINEER

Brad Slone was present and submitted several requests to the Commission for approval.

- 1. Consider a request to authorize advertisement for public bid for the purchase of the following items for the 2022-2023 fiscal year:**
 - Fire Hydrants and Supplies**
 - Water System Supplies and Parts**
 - Water System Ductile Iron Pipe**
 - Water System Ductile Iron Fittings, Meter Boxes, and Supplies**
 - Sewer System Pipe**
 - Gas System Pipe**
 - Gas System Fittings, Valves, and Supplies**

Commissioner Hartsock made the motion to approve. Commissioner Powers seconded the motion. Mayor Carter called for comments, there being none, the motion passed unanimously. 4-0.

- 2. Consider a request to authorize and approve payment of Mountain Enterprises, Inc., Invoice No. 213252-6, as submitted, for \$50,233.15 for the 2021-2022 Streets and Roads Asphalt Purchasing and Placement project and grant the Mayor the authority to sign and execute any and all necessary documents. Commissioner Powers made the motion to approve. Commissioner McNamee seconded the motion. Mayor Carter called for comments, there being none, the motion passed unanimously. 4-0.**
- 3. Consider a request to authorize and approve payment of Copperhead Environmental Consulting, Invoice No. 1203.01, as submitted, for \$2,088.00 for the Pikeville FEMA Hazard Mitigation Environmental Assessment project and grant the Mayor the authority to sign and execute any and all necessary documents. Commissioner McNamee made the motion to approve. Commissioner Hartsock seconded the motion. Mayor Carter called for comments, there being none, the motion passed unanimously. 4-0**
- 4. Consider a request to authorize and approve payment of East Kentucky Contracting, Invoice No. 70207, as submitted, for \$19,283.75 for the City Hall First Floor Offices Renovation project and grant the Mayor the authority to sign and execute any and all necessary documents. Commissioner McNamee made the motion to approve. Commissioner Hartsock seconded the motion. Mayor Carter called for comments, there being none, the motion passed unanimously. 4-0**
- 5. Consider a request to authorize and approve payment of Mays Carpet, LLC, Invoice No. 006187, as submitted, for \$36,633.73 for the City Hall First Floor Flooring project and grant the Mayor the authority to sign and execute any and all necessary documents. Commissioner McNamee made the motion to approve. Commissioner Hartsock seconded the motion. Mayor Carter called for comments, there being none, the motion passed unanimously. 4-0.**

6. Consider a request to authorize and approve payment of Game Time (DWA Recreation, Inc.), Invoice No. PJI-0185505, as submitted, for \$39,743.19 for the City Park Playground Replacement project and grant the Mayor the authority to sign and execute any and all necessary documents. Commissioner Powers made the motion to approve. Commissioner Hartsock seconded the motion. Mayor Carter called for comments, there being none, the motion passed unanimously. 4-0.
7. Consider a request to authorize and approve payment of Tennis Technology, Inc., Pay Application Nos. 1 and 2, as submitted, for \$4,950.00 and \$143,550.00, respectively, for the Bob Amos Park Track Resurfacing project and grant the Mayor the authority to sign and execute any and all necessary documents. Commissioner Hartsock made the motion to approve. Commissioner McNamee seconded the motion. Mayor Carter called for comments, there being none, the motion passed unanimously. 4-0.

CITY ATTORNEY

City Attorney Russell Davis presented the Commission with the following ordinances:

1. Consider a second reading of Ordinance No. O-2022-09, as submitted, amending the Fiscal Year 2021 – 2022 budget and grant the Mayor the authority to sign and execute said ordinance on behalf of the City of Pikeville. Commissioner Hartsock made the motion to approve. Commissioner Powers seconded the motion. Mayor Carter comments, there being none, Mayor called for roll call

Mayor Carter: YES

Commissioner Shurtleff: ABSENT

Commissioner Hartsock: YES

Commissioner McNamee: YES

Commissioner Powers: YES

2. Consider a second reading of Ordinance No. O-2022-10, as submitted, adopting the Fiscal Year 2022 – 2023 budget and grant the Mayor the authority to sign and execute said ordinance on behalf of the City of Pikeville. Commissioner Powers made the motion to approve. Commissioner McNamee seconded the motion. Mayor Carter comments, there being none, Mayor called for roll call

Mayor Carter: YES

Commissioner Shurtleff: ABSENT

Commissioner Hartsock: YES

Commissioner McNamee: YES

Commissioner Powers: YES

CITY MANAGER

City Manager Philip Elswick presented the Commission with the following items for approval:

- 1. Consider a request to award a proposal to Prime AE Group, Inc., as submitted, for \$5,250 for the inspection of the Pikeville Pond/U.S. 23 Box Culverts and grant the Mayor the authority to sign and execute any and all necessary documents. Commissioner Hartsock made the motion to approve. Commissioner McNamee seconded the motion. Mayor Carter called for comments. The City Manager explained the U.S. Army Corps of Engineers noted some cracking within the box culverts during its last levee inspection and directed that an engineer be retained to assess the structural integrity of the culverts. There being no other comments, the motion passed unanimously. 4-0**
- 2. Consider a request to authorize and approve transfer of \$770,000.00 to Appalachian Tank, Inc., as submitted, from CDBG funds received for equipment procurement and grant the Mayor the authority to sign and execute any and all necessary documents. Commissioner McNamee made the motion to approve. Commissioner Powers seconded the motion. Mayor Carter called for comments, there being none, the motion passed unanimously. 4-0**
- 3. Consider a request to authorize and approve payment of Brushy Fork Leadership Institute Invoice No. PIKEVILLE-CD-2022-01, as submitted, for \$7,975.00 for completion of a Creative Arts District Strategic Plan and grant the Mayor the authority to sign and execute any and all necessary documents. Commissioner Hartsock made the motion to approve. Commissioner McNamee seconded the motion. Mayor Carter called for comments, there being none, the motion passed unanimously. 4-0**
- 4. Consider a request to authorize and approve a Grant Assistance Agreement with Kentucky Infrastructure Authority, as submitted, for funds to upgrade the Water Treatment Plan and grant the Mayor the authority to sign and execute any and all necessary documents. Commissioner Hartsock made the motion. Commissioner McNamee seconded the motion. Mayor Carter called for comments, there being none, the motion passed unanimously. 4-0**
- 5. Consider a request to adopt a resolution, as submitted, authorizing the filing of a civil suit against Cebridge Acquisition, LLC, Cequel III Communications II, LLC & Altice USA regarding the Suddenlink cable television franchise for franchise agreement violations and grant the Mayor the authority to sign and execute said resolution of behalf of the City of Pikeville. Commissioner Hartsock made the motion to approve. Commissioner McNamee seconded the motion. Mayor Carter called for comment. City Attorney Davis explained that Altice has made no effort to correct the franchise defaults identified by the Commission over one year ago, and the liquidated damages now exceed \$1M. There being no other comments, the motion passed unanimously. 4-0**

6. Consider a request to authorize and approve an engagement letter with Talcott Franklin P.C., the Webb Law Center PLLC, Franklin Scott Conway LLP, the Law Firm of Linda Ain, and Mitchell Law PLLC (appellate counsel) for representation in the civil suit against Cebridge Acquisition, LLC, Cequel III Communications II, LLC & Altice USA and grant the Mayor the authority to sign and execute any and all necessary documents. Commissioner Hartsock made the motion to approve. Commissioner Powers seconded the motion. Mayor Carter called for comments, there being none, the motion passed unanimously. 4-0
7. Consider a request to authorize and approve payment of KLC Invoice No. P-5252-2022-22264-0, as submitted, for \$192,209.23 for property insurance, KLC Invoice No. L5452-2022-22567-0, as submitted, for \$325,633.39 for liability insurance, KLC invoice No. W5452-2022-21597-0, as submitted, for \$207,108.21 for workers compensation insurance, authorize and approve the KLC General Insurance Trust Agreement and Workers Compensation Trust Agreement, select payment option No. 2, as submitted, and grant the Mayor the authority to sign and execute any and all necessary documents. Commissioner McNamee made the motion to approve. Commissioner Hartsock seconded the motion. Mayor Carter called for comments, there being none, the motion passed unanimously. 4-0
8. Consider a request to amend Section 2.3 – Payday, Pay Checks, and Direct Deposit of the City of Pikeville Personnel & Operating Policy Guidelines, as submitted. Commissioner McNamee made the motion to approve. Commissioner Powers seconded the motion. Mayor Carter called for comments, there being none, the motion passed unanimously. 4-0
9. Consider a request to make the following appointments to City of Pikeville Boards and Commissions:
 - Jody Hunt – Board of Zoning Adjustments – term expiring on May 1, 2026;
 - Steve Hogg – Board of Ethics – term expiring on February 27, 2026;
 - Michael Pruitt – Board of Ethics – term expiring on February 27, 2026;
 - Mark White – Technical Advisory Committee – term expiring on February 27, 2026;
 - Mark Batten – Technical Advisory Committee – term expiring on February 27, 2026;
 - Tim Malone – Technical Advisory Committee – term expiring on February 27, 2026; and
 - Reed Potter – Pikeville/Pike County Museum Board – term expiring on April 1, 2026.

Commissioner Hartsock made the motion to approve. Commissioner Powers seconded the motion. Mayor Carter called for comments, and the City Manager noted that all of these are reappointments. There being no other comments, the motion passed unanimously. 4-0

10. Pursuant to KRS 61.810, consider a request for closed session for the purpose of discussion of economic development, legal and personnel issues. Commissioner Powers made the motion to approve. Commissioner Hartsock seconded the motion. Mayor Carter called for comments there being none, motion passed unanimously. 4-0
11. Consider a request to reconvene the meeting out of closed session into regular session. Commissioner McNamee made the motion to approve. Commissioner Powers seconded the motion. Mayor Carter called to reconvene. 4-0
12. Consider a request to authorize and approve a Kentucky League of Cities proposal, as submitted, for \$14,000.00 for assistance in filling the Fire Chief position and grant the City Manager the authority to sign and execute any and all necessary documents. Commissioner McNamee made the motion to approve. Commissioner Powers seconded the motion. Mayor Carter called for comments there being none, motion passed unanimously. 4-0
13. There being no further business to come before the Commission, Commissioner McNamee has made the motion to adjourn the meeting. Commissioner Hartsock seconded the motion. Mayor Carter called for discussion, there being none, and the meeting was adjourned. 4-0.

EVENTS, ATTRACTIONS & CONSENT ITEMS:

Appalachian Wireless Arena

July 9 – Poison

August 2 – Foreigner

August 20 – Pikeville Comic & Toy Convention

August 24 – A Day to Remember

August 28 – ZZ Top

October 1 - Hoptoberfest

Appalachian Wireless Arena – Main Street Live

July 1 – TeeDee Young

July 15 – Down to the River

August 5 – Mirrored Image

August 19 – Paul Childers Band

September 2 – Midlife Crisis

September 16 – Sons of FM

Pikeville Tourism

July 2 – 4 – Independence Day at Pikeville

August 6 – Pikeville Pond Fishing Tournament

Sept. 8 – 10 – Moonshine, Music, & Makers

October 27 – Nightmare on Main

Appalachian Center for the Arts

Theatre

July 22 – Mountain Grrl Experience

August 5 – 14 – Zanadu

APP Radio Players

Feud to Forgiveness (dinner theater) – scheduling groups of up to 100.

Murder Mysteries

July 30 – Another Fistful of Bullets

December 2 – Holly Jolly Homicide

Summer Camps

June 17 – 18 & July 15 – 16 – The Jungle Book Kids

July 1 – 2 – Legally Blonde, Jr.

Upcoming Events (dates to be announced)

The Death of Octavia Hatcher

Rocky Horror Picture Show

Rudolph the Red Nosed Reindeer

Main Street

October 23 – Dead Ball

5k & Bike Events

August 13 – Cuffs & Hoses 5K

August 27 – PMC Colors of Courage

September 17 – VFW 5K

September 24 – Tour De Pikeville

October 8- UPIKE Bear the 99

The next scheduled Regular Meeting of the City of Pikeville Board of Commissioners is, July 11, 2022 at 6:00 p.m.

APPROVED:



JAMES A. CARTER, MAYOR

ATTESTED:



ROBBI BENTLEY, CITY CLERK