

**CITY OF PIKEVILLE
BOARD OF COMMISSIONERS
REGULAR MEETING MINUTES
FEBRUARY 13, 2023 AT 6:00 P.M.**

The Board of Commissioners for the City of Pikeville met in a regular called session on Monday, February 13, 2023. 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: **ALLISON POWERS
BOB SHURTLEFF
PAT MCNAMEE
STEVE HARTSOCK**

MAYOR: **JAMES A. CARTER**

MINUTES

The minutes for the previous special meeting held on January 23, 2023 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. 5-0.

BUSINESS FROM THE FLOOR

Business recognitions presented to Family Drug & Total Pharmacy Care by Lisa Sizemore, Business Retention and Expansion Manager.

Pikeville Police Department recognitions presented by Police Chief Michael Riddle. Patrolman Austin Kranzman and Patrolman Larry Joe Thacker received the Patrol Activity Award. Patrolman Amanda Moore received the Extra Mile Award. Patrolman Zachary Bowens received the Officer of the Year, as well as the Governor's Award for 2022. Mayor and Commission congratulated each individual on a job well done and gave thanks for all they do within the City.

PAYMENT OF CITY BILLS

The City Manager Philip Elswick requested the approval to pay city bills in the amount of \$1,775,328.67. Commissioner McNamee made the motion to approve.

Commissioner Hartsock seconded the motion. Mayor Carter called for discussion, there being none, the motion passed unanimously. 5-0

CITY ENGINEER

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

1. Consider a request to authorize and approve payment of AstroTurf Corporation Pay Application No. 2, as submitted, for \$220,944.28 for the Hambley Athletic Complex Football/Baseball Field Artificial Turf Replacement 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. 5-0
2. Consider a request to authorize and approve Rising Sun Developing Company Change Order No. 1, as submitted, for \$7,931.34 and 5 days for the Pikeville Fire Station No. 2 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. 5-0
3. Consider a request to authorize and approve payment of Rising Sun Developing Company Pay Application No. 2, as submitted, for \$121,068.00 for the Pikeville Fire Station No. 2 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. 5-0
4. Consider a request to authorize and approve payment of Consulting Services Incorporated Invoice No. 18106, as submitted, for \$1,600.00 for the Pikeville Fire Station No. 2 Special Inspections project 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. 5-0
5. Consider a request to authorize and approve Overhead Door of Eastern Kentucky Proposal No. 2-3229, as submitted, for \$2,600.00 for installation of an additional gate at the Bob Amos Park Tennis Courts 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. 5-0

CITY ATTORNEY

City Attorney Russell Davis presented the Commission with the following:

1. Consider a first reading of Ordinance No. O-2023-01, as submitted, amending the Fiscal Year 2022 – 2023 budget.

CITY MANAGER

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

1. Consider a request to authorize and approve contracts with William H. McCann, Jr., Donna R. Phillips, Cris Eli Blak, and Steve Moulds for \$2,000 each, as submitted, for development of scripts associated with the *Spirits of Pikeville Past* bicentennial program 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. 5-0
2. Consider a request to authorize and approve a contract with Appalachian Newspapers, Inc., as submitted, for \$8,000.00 for digital marketing services 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. 5-0
3. Consider a request to authorize and approve a DC Elevator contract for maintenance of the Parking Garage elevators, as submitted, for \$300.00/month 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. 5-0
4. Consider a request to authorize and approve a DC Elevator contract for maintenance of the City Hall elevator, as submitted, for \$150.00/month 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 comment, there being none, the motion passed unanimously. 5-0
5. Consider a request to authorize and approve an amended Use Agreement, as submitted, with the Pikeville Independent Schools for reimbursement of expenses associated with replacement of the Hambley Athletic Complex turf and resurfacing/rehabilitation of the Bob Amos Park tennis courts and track

- and grant the Mayor the authority to sign and execute any and all necessary documents upon completion of negotiations by the City Manager and City Attorney. Commissioner Hartsock made the motion to approve. Commissioner McNamee seconded the motion. Mayor Carter called for comments, there being none, the motion passed unanimously. 5-0
6. Consider a request to authorize and approve payment of Fannin Construction, LLC Invoice No. 250, as submitted, for \$19,800.00 for demolition and disposal of the Bob Amos Park zipline infrastructure 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. 5-0
 7. Consider a request to authorize and approve payment of Flying Compass Invoice No. 224153, as submitted, for \$2,000.00 for grant writing services associated with the ARC ARISE grant application 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. 5-0
 8. Consider a request to authorize and approve a First Amended Lease Agreement, as submitted, with The Classy Stork LLC and Patricia Chaney, as guarantor, 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. 5-0
 9. Consider a request to authorize and approve the 2022 – 2023 Annual Agreement with Kentucky Main Street, as submitted, 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. 5-0
 10. Consider a request to authorize and approve payment of Top-Notch Tree Care Invoice No. 1087, as submitted, for \$12,000.00 for tree removal and disposal along US 23 at Cassidy Boulevard 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. 5-0
 11. Consider a request to authorize and approve submittal of an Encroachment Permit application to the Kentucky Transportation Cabinet for tree removal along US 23 and grant the City Manager 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. 5-0

- 12. Consider a request to authorize and approve submittal of an Encroachment Permit application to the Kentucky Transportation Cabinet for the Cedar Creek Overpass Utility Refurbishment project and grant the City Manager 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. 5-0**
- 13. Consider a request to declare a 2010 Airranger 16-foot boat (Hull Identification No. AMA00531E010, Engine Serial No. 496273) and a 2010 16-foot single axle aluminum trailer as surplus property and grant the City Manager the authority to sell the equipment at auction. Commissioner Powers made the motion to approve. Commissioner McNamee seconded the motion. Mayor Carter called for comments, there being none, the motion passed unanimously. 5-0**
- 14. Consider a request to declare a 1981 Sutphen Model TS 100+ 100-foot ladder truck (Truck No. HS 1551, VIN No. 1S9A3KFE9B1003017) as surplus property and authorize the City Manager to sell the equipment at auction. Commissioner Hartsock made the motion to approve. Commissioner McNamee seconded the motion. Mayor Carter called for comments, there being none, the motion passed unanimously. 5-0**
- 15. Consider a request to adopt a resolution, as submitted, authorizing submittal of a grant application to USDA and grant the Mayor the authority to sign and execute said resolution on behalf of the City of Pikeville. Commissioner Hartsock made the motion to approve. Commissioner Powers seconded the motion. Mayor Carter called for comments, there being none, the motion passed unanimously. 5-0**
- 16. Pursuant to KRS 61.810, consider a request for closed session for the purpose of discussion of economic development, legal, and personnel issues. Commissioner McNamee made the motion to approve. Commissioner Hartsock seconded the motion. Mayor Carter called for comments, there being none, the motion passed unanimously. 5-0**
- 17. Consider a request to reconvene the meeting out of closed session into regular session. Commissioner Shurtleff made the motion to approve. Commissioner McNamee seconded the motion. Mayor Carter called for comments, there being none, the motion passed unanimously. 5-0**
- 18. Consider a request to authorize and approve submittal of an Encroachment Permit application to the Kentucky Transportation Cabinet for placement of a pedestrian crossing on Baird Avenue at Bypass Road 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, the motion passed unanimously. 5-0**
- 19. Consider a request to authorize and approve a Standard Personal Property Absolute Auction Agreement with ProTEAM Auction, as submitted, for auctioning of the 1981 Sutphen Model TS 100+ ladder truck, 2010 Airranger**

- boat, and 2010 single axle aluminum trailer and grant the City Manager the authority to sign and execute any and all necessary documents. Commissioner McNamee made the motion to approve. Commissioner Shurtleff seconded the motion. Mayor Carter called for comments, there being none, the motion passed unanimously. 5-0
20. Consider a request to authorize and approve Subdivision and Special District Settlement Participation Forms with Teva, Allergan, CVS, Walgreens, and Walmart pharmacies and grant the Mayor the authority to sign and execute any and all necessary documents. Commissioner McNamee made the motion to approve. Commissioner Shurtleff seconded the motion. Mayor Carter called for comments, there being none, the motion passed unanimously. 5-0
21. Consider a request to adopt a resolution, as submitted, in opposition to Senate Bill 50 and House Bill 50, which would require partisan elections for local elections, and grant the Mayor the authority to sign and execute said resolution on behalf of the City of Pikeville. Commissioner McNamee made the motion to approve. Commissioner Powers seconded the motion. Mayor Carter called for comments, there being none, the motion passed unanimously. 5-0

RESOLUTION**A RESOLUTION OPPOSING THE PASSAGE OF SENATE BILL 50 AND HOUSE BILL 50 RELATING TO PARTISAN LOCAL ELECTIONS**

WHEREAS, the Kentucky General Assembly has proposed bills in both the Kentucky Senate and the Kentucky House of Representatives to require partisan local elections for the offices of county commissioner, mayor, legislative body members, all city offices, and soil and water conservation officers; and

WHEREAS, it has been the collective experience of members of this body that the question of party affiliation is an infrequent question during a campaign, suggesting that the voters do not consider this issue a significant concern; and

WHEREAS, KRS 82.082 establishes the policy of Home Rule for cities in the Commonwealth recognizing the importance of local decision since local government can best establish the city policies and structures that work best to address local issues and problems; and

WHEREAS, in keeping with the policy of Home Rule, KRS 83A.045 currently allows local legislative bodies and boards to opt for partisan elections, giving those with the best insight into the will of their constituents the ability to make the change if it is desired by the voters; and

WHEREAS, as a Home Rule city, this Commission feels that this issue should remain a local decision, and should not be mandated upon cities; and

WHEREAS, there are currently 415 cities in the Commonwealth and only 6 of those cities have determined the need to conduct partisan elections for their local cities; and

WHEREAS, the passage of this bill and the change of 409 city elections to partisan elections will represent a departure from Home Rule governing and will cause a substantial increase in election costs and organizational efforts within jurisdictions throughout the state; and

WHEREAS, local government traditionally provides the services used by citizens on a daily basis including parks and recreation, emergency medical services, police and fire services, economic development, streets, sewers, water service, trash disposal, and other public works services which are generally local issues that do not generally follow party ideology; and

WHEREAS, these local issues and services, especially emergency services and utility services, could be at risk to increase conflict and delays if party divisions and polarization enter into local government; and

WHEREAS, cities have recognized an increased challenge in finding qualified people to serve in local elected positions and see the addition of a primary election, as well as the potential for partisan acrimony, a further hurdle in attracting good people to these positions; and

WHEREAS, this Commission has been non-partisan and has and does work very well across the board fostering cooperation between elected officials belonging to different parties; and

WHEREAS, the Commission ultimately sees no significant benefit to requiring partisan elections that would warrant the additional cost and challenges presented by the requirement.

NOW THEREFORE BE IT RESOLVED that the City of Pikeville, Kentucky urges our State Legislators to vote against House Bill 50 and Senate Bill 50, as well as any other future legislation that requires partisan elections on a local level.

On motion of Commissioner **McNamee**, seconded by Commissioner **Powers**, that the foregoing

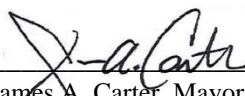
Resolution be adopted, the vote was called. On roll call the vote stood:

Commissioner Powers: YES	Commissioner Shurtleff: YES
Commissioner McNamee: YES	Mayor Carter: YES
Commissioner Hartsock: YES	

WHEREUPON, Mayor Carter declared the Resolution adopted, affixed his signature and the date thereto and ordered that the same be recorded

ATTEST:

 Robbi Bentley, City Clerk



 James A. Carter, Mayor
 Date: 2/13/2023

22. There being no further business to come before the Commission, Commissioner McNamee has made the motion to adjourn the meeting. Commissioner Powers seconded the motion. Mayor Carter called for discussion, there being none, and the meeting was adjourned. 5-0.

EVENTS, ATTRACTIONS & CONSENT ITEMS:

Appalachian Wireless Arena

February 17 – 18 – No Limits Monster Trucks
February 27 – March 6 – 15th Region tournaments
March 8 – Rock Resurrection Tour
March 18 – Koe Wetzel
March 24 – 25 – East Kentucky Stampede
April 7 – I Love the 90s Tour
June 11 – Blippi
June 24- Travis Tritt

Pikeville Tourism

April 20 – 22 – Hillbilly Days

Appalachian Center for the Arts

February 10 – Heather Land Live
February 17 – Anytown
February 18 – Improv!
March 9 – John Reep
June 16 – 18 – Into the Woods, Jr.
June 30 – July 1 – Disney’s 101 Dalmatians Kids
July 21 – 22 – Disney’s 101 Dalmatians Kids

APP Radio Players

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

UPIKE Film Series

March 20 – Mama Bears
April 4 - Hazing

The next scheduled Regular Meeting of the City of Pikeville Board of Commissioners is, February 27, 2023 at 6:00 p.m.

APPROVED:



JAMES A. CARTER, MAYOR

ATTESTED:



ROBBI BENTLEY, CITY CLERK