

**CITY OF PIKEVILLE
BOARD OF COMMISSIONERS
REGULAR MEETING MINUTES
March 14, 2016 AT 6:00 P.M.**

The Board of Commissioners for the City of Pikeville met in a regular called session on Monday, March 14, 2016. 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: JOSH HUFFMAN Absent
 JERRY KEITH COLEMAN
 BARRY CHANEY
 FRANKLIN D. JUSTICE, II**

MAYOR: JAMES A. CARTER

MINUTES

The minutes for the previous regular meeting held on February 22, 2016 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 Jimmy Carter called for discussion, there being none, the motion carried unanimously. 4-0.

PAYMENT OF CITY BILLS

The City Manager Donovan Blackburn requested the approval to pay city bills in the amount of \$1,623,455.58. Commissioner Chaney made the motion to approve. Commissioner Coleman seconded the motion. Mayor Carter called for discussion, there being none, motion passed unanimously. 4-0.

Consider a request to authorize the purchase and approve payment to C.I. Thornburg Co., INC. for \$19,902.81 for budgeted water meters as a sole source procurement item. Commissioner Coleman made the motion to approve. Commissioner Chaney seconded the motion. Mayor Carter called for comments, there being none, the motion passed unanimously. 4-0.

CITY ENGINEER

Phillip Elswick was present with Summit Engineering, Inc. and submitted several request to the commission for approval.

1. Consider request to approve and authorize payment for invoice #28, as submitted, with Vaughn & Melton Consulting Engineering, Inc., for \$83,637.87 for the City of Pikeville Waste Water Treatment Plant Project. Commissioner Chaney made the motion to approve. Commissioner Coleman seconded the motion. Mayor Carter called for comments and City Manager Blackburn said that in the packets were updates from Vaughn and Melton for review. Mayor Carter called for additional comments, there being none, the motion passed unanimously. 4-0.
2. Consider a request to authorize and approve payment for invoice #76150, as submitted, with Summit Engineering, Inc. for \$23,200.00 for the Marion Branch Industrial Park Bridge Project. Commissioner Justice made the motion to approve. Commissioner Chaney 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 for pay request #5, as submitted, to Bush and Burchett, Inc. for \$247,456.75 for the Marion Branch Industrial Park Bridge Project and to authorize the Mayor the authority to sign and execute said pay request on behalf of the City of Pikeville. Commissioner Justice made the motion to approve. Commissioner Coleman 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 for invoice #9037865, as submitted, with CSX Transportation for \$6,504.61 for the Marion Branch Water and Sewer Project. Commissioner Justice made the motion to approve. Commissioner Chaney 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 Change Order #1, as submitted, with Crain Construction for an increase of \$5,200.00 for the York House Roof project and to authorize the Mayor to sign and execute said change order on behalf of the City of Pikeville. Commissioner Justice made the motion to approve. Commissioner Chaney seconded the motion. Mayor Carter called for comments. City Manager said that we underestimated the project and they are currently working on the project. Mayor Carter called for additional comments, there being none, the motion passed unanimously. 4-0.

CITY ATTORNEY

Russell Davis was present and had the following items to read into record.

1. Consider a request of a first reading of ordinance #0-2016-004 amending Chapter 121 of the Code of Ordinances related to restriction regulations for electronic smoking devices. Second reading and passage will take place at next scheduled meeting.
2. Consider a request of a first reading of ordinance #0-2016-003 amending the City of Pikeville 2015-2016 fiscal budget. Second reading and passage will take place at next scheduled meeting.
3. Consider a request to authorize and approve the execution of an agreed order #DOW 150192, as submitted, between the City of Pikeville and the Commonwealth of Kentucky Energy and Environment Cabinet and to authorize the Mayor the authority to sign and execute said agreement on behalf of the City of Pikeville. Commissioner Justice made the motion to approve. Commissioner Chaney seconded the motion. Mayor Carter called for comments. City Attorney explains and discusses the Agreed Order with the Commission. Mayor Carter called for additional comments, there being none, the motion passed unanimously. 4-0.
4. Consider a request to authorize and approve the City Attorney, Russell Davis to file a complaint, as submitted, with the Commonwealth of Kentucky Pike Circuit Court on behalf of the City of Pikeville against owners associated with Hellier Manor Apartments, Ltd, and to authorize the City Attorney to take any and all steps necessary to proceed with said complaint in order to represent the City of Pikeville's interest for said case and to authorize the City Attorney to sign, execute and file said complaint on behalf of the City of Pikeville. Commissioner Justice made the motion to approve. Commissioner Coleman seconded the motion. Mayor Carter called for comments. City Attorney explained the circumstances surrounding the lawsuit to the commission stating that the City is owed a sum of \$2,100,000.00 from the developers of Ridge Cliff apartments from an arrangement that was created with the developer of Hellier Manor/Ridge Cliff apartments. The City loaned the money for the construction of the apartments, but the developers believe that the money was a grant and they do not have to pay the sum back. The City Attorney said the City will let the Pike Circuit Court decide if the money is considered a loan or a grant. City Manager Donovan Blackburn explained that the City has attempted to negotiate with the developers, but was not successful and all negotiations were withdrawn by the developer. Mayor Carter called for additional comments, there being none, the motion passed unanimously. 4-0.

CITY MANAGER

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

- 1. Consider request to authorize and approve extending a job offer with the authority to hire a City Engineer. Consider a request to authorize and approve, upon recommendation of the interview committee and City Manager, extending a job offer with the authority to hire Philip Elswick as the City Engineer Level I at the 5 year rate and one weeks approved vacation contingent upon passage of all required pre-employment testing. Commissioner Justice made the motion to adopt. Commissioner Coleman seconded the motion. Mayor Carter called for comments, there being none, motion passed unanimously. 4-0.**
- 2. Consider a request to award an advertisement for public bids, as submitted, for various pipe and parts to the following vendors.**
 - 1. Waste Water Fittings and pipe to low bidder Consolidated Pipe**
 - 2. Gas Fittings and Pipe to low bidder Consolidated Pipe**
 - 3. Gate Valves and Fire Hydrants to low bidder Consolidated Pipe**
 - 4. Brass Fittings and all other water parts to low bidder Hayes Pipe**

Commissioner Chaney made the motion to approve. Commissioner Coleman 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 the submittal of a Kentucky Power Economic Growth Grant Application, as submitted, for \$75,000.00 for the completion of an engineer plan for providing fiber to the premises broadband throughout the City of Pikeville and City of Coal Run area and to authorize the Mayor the authority to sign and execute said grant application on behalf of the City of Pikeville. Commissioner Justice made the motion. Commissioner Chaney 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 an Applicant/Recipient Disclosure/Update Report, as submitted, with the U.S. Department of Housing and Urban Development for the City of Pikeville for the Community Development Block Grant Program for \$800,000.00 for the Waste Water Treatment Plant Project and to authorize the Mayor the authority to sign and execute said report on behalf of the City of Pikeville. Commissioner Justice made the motion to approve. Commissioner Coleman seconded the motion. Mayor Carter called for comments, there being none, the motion passed unanimously. 4-0.**
- 5. Consider a request to authorize and adopt a resolution in support of the 2016 Kentucky Recycling Grant Program, as submitted, and to authorize and approve the Mayor to sign and execute said resolution and grant agreement on behalf of the City of Pikeville. Note: Said application would be for the purchase of four (4) recycling trailers for \$13,000.00 each with 25% city match. Commissioner Chaney made the motion to approve. Commissioner**

Coleman seconded the motion. Mayor Carter called for comments, there being none, the motion passed unanimously. 4-0.

6. Consider a request to authorize and adopt a resolution, as submitted, authorizing the City of Pikeville to make an application, as submitted, along with WestCare, for a grant up to \$800,000.00 to benefit homeless individuals within the region and to authorize the Mayor to sign any and all paperwork necessary for the submittal for said grant on behalf of the City of Pikeville contingent upon the grant will include funds to cover the City of Pikeville's administrative cost and that Westcare will submit a written confirmation that Westcare agrees they are in compliance with and continue to abide by:
 1. Assurance of Compliance Title VI of the Civil Rights Act, Section 504 of the Rehabilitation Act of 1973, Title IX of the Education Amendments of 1972, and the Age Discrimination Act of 1975.
 2. Assurance of Compliance with SAMHSA Charitable Choice Statutes and Regulations SMA 170.
 3. Appendix II, Statement of Assurance.

Commissioner Chaney made the motion to approve. Commissioner Justice 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 a purchase order for work to be completed at the East KY Expo Center with Triple "S" Welding Repair Inc. for the fabrication and installation of handrail for the steps beside the Expo Center for a total cost of \$5,000.00, as submitted. Commissioner Justice made the motion to approve. Commissioner Chaney seconded the motion. Mayor Carter called for comments, there being none, the motion passed unanimously. 4-0.
8. Consider a request to authorize and approve a purchase order for the purchase of four (4) Garret Metal Detectors, as submitted, for the unit price of \$3,700.00, for a total of \$14,800.00 plus shipping for the East Kentucky Expo Center and to authorize the Expo General Manager to sign and execute any and all paperwork necessary to make said purchase on behalf of the City of Pikeville and East KY Expo Center. Commissioner Justice made the motion to approve. Commissioner Chaney seconded the motion. Mayor Carter called for comments, there being none, the motion passed unanimously. 4-0.
9. Consider a request to authorize and approve a newly amended letter of engagement, as submitted, between the City of Pikeville and the Law Firm of Linda K. Ain for legal fees and expenses while representing the City of Pikeville. Commissioner Justice made the motion to approve. Commissioner Chaney seconded the motion. Mayor Carter called for comments, there being none, the motion passed unanimously. 4-0.
10. Consider a request to authorize and approve, upon the recommendation of the interview committee and City Manager, extending a job offer with the authority to hire Logan Joseph Allara to the position of Zip Line Seasonal Employee, at the starting rate, contingent upon passage of all required pre-

- employment testing. Commissioner Justice made the motion to approve. Commissioner Chaney seconded the motion. Mayor Carter called for comments, there being none, the motion passed unanimously. 4-0.
11. Consider a request to authorize and approve a SentryFile Document Management Software Annual Support Agreement, as submitted, between the City of Pikeville and VanDyke, Inc. and to authorize the Mayor the authority to sign and execute said agreement on behalf of the City of Pikeville. Commissioner Chaney made the motion to approve. Commissioner Coleman seconded the motion. Mayor Carter called for comments, there being none, the motion passed unanimously. 4-0.
 12. Consider a request to authorize a purchase order for work and approve payment, as submitted, with Martin's Peterbilt to repair the engine and install a new cylinder head and EGR Cooler for a 2009 Peterbilt city vehicle for the total cost of \$12,000.00. Commissioner Chaney made the motion to approve. Commissioner Coleman seconded the motion. Mayor Carter called for comments, there being none, the motion passed unanimously. 4-0.
 13. Consider a request to authorize and adopt a resolution, as attached, adopting the City of Pikeville 911 Public Safety Center Policy and Procedure Manual and to authorize the Mayor the authority to sign and execute said resolution on behalf of the City of Pikeville. Commissioner Justice made the motion to approve. Commissioner Chaney seconded the motion. Mayor Carter called for comments, there being none, the motion passed unanimously. 4-0.
 14. Pursuant to KRS 61.810, consider request for closed session for discussion of economic development, legal and personnel issues. Commissioner Justice made the motion. Commissioner Coleman seconded the motion. Mayor Carter called for comments, there being none, the motion passed unanimously. 4-0.
 15. Commissioner Chaney made the motion to reconvene. Commissioner Coleman seconded the motion. Mayor Carter called for discussion, there being none, the motion passed with Commissioner Justice having to leave the meeting during closed session. 3-0. Mayor called the session back into order.
 16. There being no further business to come before the Commission, Commissioner Coleman has made the motion to adjourn the meeting. Commissioner Chaney seconded the motion. Mayor Carter called for discussion, there being none, the meeting was adjourned. 3-0.

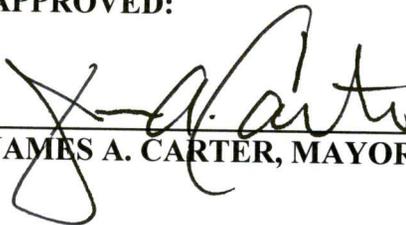
CONSENT ITEMS:

1. Hillbilly Days will be on April 21, 22 and 23, 2016.
2. Kentucky Association for Economic Development Conference will be held in Pikeville at the Expo Center on April 13, 14 and 15, 2016.
3. Expo Center Events:
 - * March 16, 2016 Harlem Globetrotters
 - * March 17, 2016 Mickey and Minnie Doorway to Magic

- * April 16, 2016 Dwight Yoakam
 - * May 7, 2016 Derby Show at the Expo
 - * June 10, 2016 Ricky Skaggs and Kentucky Thunder
 - * August 19, 2016 Ted Nugent
4. City Hall closed March 25, 2016 for Good Friday – Easter is March 27, 2016.
 5. York House Rehabilitation Week – May 9 thru 13, 2016. Looking for Volunteers for Hands-On Exterior Rehab & Window Preservation with Bob Yapp & Patrick Kennedy.

The next scheduled Regular Meeting of the City of Pikeville Board of Commissioners is March 28, 2016 at 6:00 p.m.

APPROVED:



JAMES A. CARTER, MAYOR

ATTESTED:



ELIZABETH THOMPSON, CITY CLERK