

**CITY OF PIKEVILLE
BOARD OF COMMISSIONERS
REGULAR MEETING MINUTES
February 13, 2012 AT 6:00 P.M.**

The Board of Commissioners for the City of Pikeville met in a regular called session on Monday, February 13, 2012. The meeting was held in the City Hall Conference Meeting Room located at 118 College Street, Pikeville, Kentucky.

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

**COMMISSIONER: GENE DAVIS
 BARRY CHANEY
 DALLAS LAYNE
 JIMMY CARTER**

MAYOR: FRANKLIN D. JUSTICE, II

MINUTES

The minutes for the previous regular meeting held on January 23, 2012 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 Davis seconded the motion. Mayor Frank Justice called for discussion, there being none, the motion carried unanimously. 5-0.

BUSINESS FROM THE FLOOR

Introduction of local Scouts Troop working on their government merit badge. Ms. Hall speaks on behalf of the troops. She starts by recognizing each member of Troop 12. City Manager asked if they will be staying the whole meeting or how long did they plan to stay because at the conclusion of the meeting there would be a picture taken of the troops with the Mayor and the Commissioners. Then each of the troops would receive a packet with a picture in it for them to keep. Mayor says, "I don't ever want to pass an opportunity up to preach to some scouts." Mayor then starts talking about when he was in the scouts and which troop he was in. Mayor asked where this troop meets. Ms. Hall says this troop meets at the First Presbyterian Church. Mayor continues by telling the scouts that the organization that they are in is one of the finest organizations out there. He goes on to tell the different camps that he attended while in the troops. He says that this is one thing in his life that he

did not finish that he wishes he would have went back and done. He was an Eagle Scout and really close to being a Life Scout. I encourage you to stay focused and stay where you are at, it is a great organization. If there is anything the City of Pikeville can do for the Scouts just let us know. So if you are here to observe, we will go on. Anybody else have a comment. Ms. Hall announces that there are four candidates present that are working on their Life Scout status. Commissioner Davis congratulates them and agrees that they are in a great organization.

Mrs. Billy Davis was present to talk about getting sewer lines on South Mayo Trail across from the old Lowe's building. She says that there are people that live there that would like it and that she knows three different people that would build on that side of the road if there were sewer as well. The Mayor asked a couple of questions and then instructed City Manager to do some research on the matter.

Mr. Jim Wright, or Apple, was present to talk about other veteran organizations coming into the area for donations, like at Walmart and such, and never seeing any of the money for their organization which is local. He was wondering if there was anything the Commission could do about that. City Attorney Rusty Davis says that as long as they are a 501 C 3 charitable organization then they have a right to solicit funding. Unfortunately, the government doesn't control where you collect your money. In this particular case, I don't think we can go to Walmart and tell them that they have to pick a local organization over a non-local organization to collect money on their property. If they're on private property soliciting we have no legality; they are not breaking any laws. If they sell things then we can do something about that, but if they are getting donations then there is nothing we can do about it. Mayor speaks to Mr. Wright. Jim, apparently what our attorney is telling us is we have no legality of going and shutting them down. What you need to do, if I understand him right, is educate Walmart to where that money is going. Mr. Wright says the money is going to South Carolina and Florida. City Manager asked if anybody from Mr. Wright's organization has contacted Tim Burke, Walmart manager. He says no, they haven't. City Manager Blackburn volunteers to contact Mr. Burke to let him know that a local organization would like to solicit at his business and explain the situation. City Attorney adds that if you had some documentation to back up what you have told us today then Mr. Blackburn could present this information as well.

Main Street update by Main Street Director Minta Chaney. Ms. Chaney addressed the Commission about how fortunate we are to develop our downtown area. There was a packet that she handed out that has a picture of how successful Main Street Live is; and there is also a copy of a certificate from Senator Ray S. Jones, II for the 2012 Best Retail/Event Promotion Award. Ms. Chaney represents the City of Pikeville Main Street Program as one of the Regional Captains of the Kentucky

Main Street Program as well. Mayor Justice commends Ms. Chaney on a job well done. He says that he is looking forward to the theater and our downtown area and what it is going to look like. Commissioner Davis says it makes us look good. What you all do makes us look good; I, too, am looking forward to the theater. It is absolutely a great thing for the city.

PAYMENT OF CITY BILLS

The City Manager Donovan Blackburn requested the approval to pay city bills in the amount of \$598,216.08. Commissioner Layne made the motion to approve. Commissioner Chaney seconded the motion. Mayor Justice called for further discussion, there being none, motion passed unanimously. 5-0.

Consider a request to authorize and approve payment of a pay request for H2O Construction for the Hilton Garden utility relocation project for \$53,000.00 and also to approve a change order and payment for \$4,650.00 this is for the library tie in and an old 6" sewer line that was rerouted to another manhole. The total payment for the combined invoices is \$57,650.00. Commissioner Carter made the motion to approve. Commissioner Chaney seconded the motion. Mayor Justice called for comments, there being none, the motion passed unanimously. 5-0.

CITY ATTORNEY

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

1. Consider a 1st reading of ordinance #0-2012-001 relating to the establishment of a horse park. No further action is required at this time. The second reading will take place at the next regular scheduled meeting.
2. Consider a 1st reading of ordinance #0-2012-002 relating to alcohol sales. No further action is required at this time. The second reading will take place at the next regular scheduled meeting.
3. Consider a 1st reading of ordinance #0-2012-003 relating to return check fees. No further action is required at this time. The second reading will take place at the next regular scheduled meeting.
4. Consider a 1st reading of ordinance #0-2012-004 relating to the implementation of a city bond. No further action is required at this time. The second reading will take place at the next regular scheduled meeting.

CITY MANAGER

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

- 1. Consider request to authorize and approve an agreement as submitted between the City of Pikeville and Stoll-Keenon-Ogden for Bond Counsel Services as presented and to authorize the Mayor to sign and execute said agreement on behalf of the City of Pikeville. Commissioner Chaney made the motion to adopt. Commissioner Davis seconded the motion. Mayor called for further comments. Mayor asked, "How long is this bond for?" City Manager replied, "Twenty years." City Attorney Davis says that our Bond Counsel is present and introduces Mr. Mark Franklin to the Commission. Mayor says it's nice to see you again Mark. Mayor Justice called for further comments, there being none, motion passed unanimously. 5-0.**
- 2. Consider a request to authorize and approve the application agreement and payment of attached fee schedule as submitted between the City of Pikeville and Moody's and authorize the Mayor and/or Finance Director to sign and execute said agreement 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 the motion passed. 5-0.**
- 3. Consider a request to authorize and approve a Financial Advisor Engagement Contract as submitted between the City of Pikeville and Hilliard Lyons for Bond Counsel Services as presented and to authorize the Mayor to sign and execute said agreement on behalf of the City of Pikeville. Commissioner Layne made the motion. Commissioner Chaney seconded the motion. Mayor Justice called for comments, there being none the motion passed unanimously. 5-0.**
- 4. Consider a request to authorize and approve a contract and authorize entry payment as outlined under said contract as submitted, bringing a 2012 Combat Challenge event to the City of Pikeville and to authorize the Mayor to sign and execute said agreement on behalf of the City of Pikeville. Commissioner Carter made the motion to approve. Commissioner Layne seconded the motion. Mayor Justice called for comments. Commissioner Davis speaks up and says for those that don't know what this is, please explain to the Scouts what this is. Commissioner Chaney asked if this event will be on ESPN? Chief Conn says yes it will. Chief Conn says that it is an event that is held all over the world. We qualified our first time at 1.49. The teams that beat our team are strictly combat challengers whereas our team are firefighters as well as combat challengers. City Manager says we are hoping to bring a challenge to the City of Pikeville; where people from all over the world would come to participate. Commissioner Carter asked the Chief about how many teams would it bring into town. Chief Conn said that it should bring about five or six other teams. He says it will be a two day**

- event. Mayor explains to the scouts that when passing by Chloe Fire Station there is a Tower, that is where they train and that is where it will be held at. Mayor Justice called for additional comments, there being none the motion passed unanimously. 5-0.
5. Consider a request to formally approve and authorize the submittal of a letter to the Kentucky Transportation Cabinet on the Thompson Road Widening Project: The letter is to request and approve a contract between City of Pikeville and the Commonwealth of KY Transportation Cabinet referencing the approval and draw down of fund approved March of 2009 for project 12-8501/HB -330 in the amount of \$556,000.00 and authorize the mayor to sign said letter, contract and draw request on behalf of the City of Pikeville. Commissioner Chaney made the motion to approve. Commissioner Carter seconded the motion. Mayor Justice called for comments. City Manager comments that what this is a recall at the end of the Thompson Road project on federal funds that was allocated to us and should have been pulled down to finish the project. Since we failed to do so, they considered it a separate project. So we have been watching this over the last couple of years to try to get this draw down back in the city's general fund of projects. We failed to do so because of separate agreements and to approve this letter. In doing so, we should see the \$556,000.00 back in our general fund. Mayor repeats \$556,000.00. Mayor then goes on to tell the success of the Thompson Road project. He also says if we can find anybody with some money we should consider the same sort of project in the Ratliff Creek area. Mayor Justice then called for further comments, there being none, the motion passed unanimously. 5-0.
 6. Consider a request to authorize and approve a lease agreement between the City of Pikeville and the Jubilee Christian Assembly Church for the city to lease a portion of their property on the riverbank to be used as an entry point of the River Trails and in turn the city agrees to seal the church parking lot 5 times over a 10 year period and to authorize the mayor to sign and execute said lease 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 the motion passed unanimously. 5-0.
 7. Consider a request to authorize and approve a purchase order agreement between the Commonwealth of Kentucky and the City of Pikeville initiating a 2011 Homeland Security Grant for the city in the amount of \$14,000 for a generator for the city flood gate system and to authorize the mayor to sign and execute any and all documents necessary to execute said agreement on behalf of the City of Pikeville. Commissioner Layne made the motion to approve. Commissioner Davis seconded the motion. Mayor Justice called for comments, there being none, the motion passed unanimously. 5-0.
 8. Consider a request to execute an emergency purchase and contract for services between the City of Pikeville and Crowd Transporters, Inc. in the amount \$74,831.00 for emergency repairs to Marion Branch Road and to

authorize the mayor to sign and execute said contract. Resident, Benny Thacker dug the tow of the bank causing the road to break away. Without emergency repairs the city will lose the road. Two quotes have been received for said work & Crowd Transporters had the best price. Start date will be February 20th allowing materials to arrive. Commissioner Davis made the motion to approve. Commissioner Chaney seconded the motion. Mayor Justice called for comments. Mayor asked if this was a lawsuit. City Manager replied that the next item is the lawsuit so the answer to that question would be yes. He says that about \$50,000 of this was caused by this resident. City Attorney did send a letter out to the resident giving him ten days to make repairs on his own. Mayor says even though we are doing this on an emergency basis, we are not liable for it. City Attorney says that he will still be liable for the damages. Mayor Justice called for further comments, there being none, the motion passed unanimously. 5-0

9. Consider a request to authorize the city attorney to file a suit against Benny Thacker for reimbursement of funds to the city for the emergency work completed on Marion Branch Road and to authorize the mayor and or city attorney to sign any and all paperwork necessary to take such action. Commissioner Carter made the motion to approve. Commissioner Chaney seconded the motion. Mayor Justice called for comments. Mayor says this is something I see going on out in the county all the time. People digging roads underneath the roads or main highways, causing slides. People don't take any consideration and the individuals are causing damage to the public. The individual needs to be made liable for the damage they make. Mayor Justice called for further comments, there being none, the motion passed unanimously. 5-0
10. Consider a request to authorize and approve a contract between the City of Pikeville and Eastern Telephone & Technologies for IT services for the City of Pikeville and Expo Center as submitted and to authorize the mayor to sign and execute said contract on behalf of the City of Pikeville. Commissioner Chaney made the motion to approve. Commissioner Layne seconded the motion. Mayor Justice called for comments, there being none, motion passed unanimously. 5-0.
11. Consider a request to authorize and approve an Easement and Parking Agreement as submitted and Landlord's Waiver Agreement as submitted between the City of Pikeville and Bailey Hotel 2, LLC and to authorize the Mayor to sign and execute said agreement on behalf of the City of Pikeville. Note: These agreements were reviewed by the city attorney and are the same type of agreements signed during the cities first deal with Bailey Hotels for the Hampton Inn. Commissioner Chaney made the motion to approve. Commissioner Davis seconded the motion. Mayor Justice called for comments, there being none, the motion passed unanimously. 5-0.

**** City Manager announced the consent items for all to hear. ****

12. 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 Carter seconded the motion. Mayor Justice called for discussion, there being none the motion passed unanimously. 5-0.
13. Commissioner Carter made the motion to re convene. Commissioner Davis seconded the motion. Mayor Justice called for discussion, there being none the motion passed unanimously. 5-0. Mayor called the session back into order.
14. There being no further business to come before the Commission, Commissioner Davis has made the motion to adjourn the meeting. Commissioner Carter seconded the motion. Mayor Justice called for discussion, there being none the meeting was adjourned. 5-0

CONSENT ITEMS:

- * Pikeville Theater Construction Committee Meeting schedule for March 2nd at 9 am – Meeting notice will go out closer to actually meeting date
- * Horse Trails Grant Announcement of \$100,000 for a Horse Trail at Bob Amos Park
- * Congratulations to Melanie Stevens for passing her CDBG Administrator Re-Certification
- * Sandy Valley public hearing regarding funding will be held February 17th 2012 at their office in Prestonsburg, KY at 1:00 P.M.
- * City Commission schedule for March 12th 2012 has been cancelled due to National League of Cities Conference scheduled in DC. City manager will be attending.
- * Scholar House funding has been awarded to the Pikeville Scholar House Project

The next scheduled Regular Meeting of the City of Pikeville Board of Commissioners is February 27, 2012 at 6:00 p.m.

APPROVED:



FRANKLIN D. JUSTICE, II, MAYOR

February 13, 2012 Regular Meeting

ATTESTED:



CHRISTY BILLITER, CITY CLERK