

**CITY OF PIKEVILLE
BOARD OF COMMISSIONERS
REGULAR MEETING MINUTES
December 10, 2012 AT 6:00 P.M.**

The Board of Commissioners for the City of Pikeville met in a regular called session on Monday, December 10, 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 special meeting held on November 29, 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

Update from Dan'l Hall from Vaughn & Melton on city sewer plant design. Mr. Hall addresses the Mayor and the Commission. He says that as of last week, we're about 85% done. We have identified some technologies that will affect your plant in the future. What we would like to do is examine the technologies and take the pro's and con's of each one and select the best. Our PDR has to work in conjunction with Summit's plan. Their plan talks about two membrane technologies as well. Right now there is discussion about 3MGD and 4MGD's. We have to satisfy these requirements. With that being the case, once the treatment and technologies are decided there is a cost associated with it. Once that cost is associated, it can be added to the construction cost for the entire project and it will be time to move on to the next phase.

PAYMENT OF CITY BILLS

The City Manager Donovan Blackburn requested the approval to pay city bills in the amount of \$390,773.48. Commissioner Layne made the motion to approve. Commissioner Davis seconded the motion. Mayor Justice called for further discussion, there being none, motion passed unanimously. 5-0.

Consider a request to authorize a payment of SMG payroll up to \$30,000 with the City Finance Directors sign-off and City Managers approval for their next pay period. Commissioner Carter made the motion to approve. Commissioner Layne seconded the motion. Mayor called for comments, there being none, the motion passed unanimously. 5-0.

Consider a request to approve payment and submit for reimbursement of an invoice #902382713 to UMG for \$821.44 as submitted for the City of Pikeville early warning system. Commissioner Davis made the motion to approve. Commissioner Chaney seconded the motion. Mayor Justice called for comments, there being none, the motion passed unanimously. 5-0.

Consider a request to approve and authorize payment of pay estimate #1 as submitted to Tom Wright Construction, Inc. for \$64,500 as recommended by the Theatre Building Committee for the Pikeville Theatre Project for the demolition phase and authorize the City Manager to sign and execute any documents to exercise said pay request. Commissioner Chaney made the motion to approve. Commissioner Carter seconded the motion. Mayor Justice called for comments. Commissioner Davis asked how is that going. City Manager replied that it is moving along. We are on schedule. They expect to get the construction phase out for bid as we get out of the demolition phase. We expect to reward the construction phase probably around the third week of January. Completion date scheduled around December 2013. Mayor called for further comments, there being none, the motion passed unanimously. 5-0.

Consider a request to approve and authorize payment of pay estimate #1 as submitted by Codell Construction for \$6,386.28 for partial payment of pre-construction fees as recommended by the Theatre Building Committee for the Pikeville Theatre Project and authorize the City Manager to sign and execute any documents for said pay request. Commissioner Chaney made the motion to approve. Commissioner Layne seconded the motion. Mayor Justice called for comments and then asked what the difference is between a pay estimate and a pay request. City Manager says that they are the same. Mayor Justice called for additional comments, there being none, the motion passed unanimously. 5-0.

CITY ENGINEER

Jody Hunt was present with Summit Engineering, Inc. and submitted several requests to the commission for approval.

1. Consider request to award the bid for the Bob Amos Equestrian Trail as recommended by Summit Engineering to the low bidder being Tom Wright Construction for \$279,700 contingent upon the funding agency allowing the funds to be moved around from the various accounts. One account is \$30,000 high and the other is \$30,000 low and to issue the notice to proceed. Commissioner Chaney made the motion to approve. Commissioner Layne seconded the motion. Mayor Justice called for comments. Jody Hunt, engineer from Summit, passed out a recommendation letter to the Commissioners and explained that Tom Wright was the apparent low bidder; and that there is two funding sources for this project. Commissioner Carter asked if we wait until the funding comes through will these prices still be good. Mr. Hunt says yes that we have ninety days to analyze the bid. Mayor Justice called for further comments, there being none, the motion passed unanimously. 5-0.

2. Consider request whether or not to start the Peach Orchard storm water separation project now or delay it for some time in March when the blacktop plant is open. Issue with starting now is the contractor will create cuts in the blacktop and will only be able to place gravel due to the blacktop being closed. The commission discussed and felt the contractor would be better off starting now giving the gravel time to compact until the blacktop plant opens in March. This will keep the blacktop from sagging again, due to better compaction waiting for the blacktop plant to open.

BUSINESS FROM THE FLOOR

Update from Wallen & Cornett regarding the City Audit & to consider a request to adopt the City of Pikeville 2011-2012 audit as presented. Don Wallen starts by saying that he cannot believe it has a year already. Mr. Wallen says that the audit should have been dropped off earlier by Mr. Johnny White. To talk about measurements and financial help; governmental measurements are leaning more toward net assets. The larger it gets the better off you are. Our net assets are nine million five hundred thousand dollars. Comparison to last year, we increased our assets. The first part of the report is the management discussion analysis and in that section you will find most of the facts and numbers that I won't throw at you. The more important facts are in that section. Another measure is the general fund, which ended seven million four hundred which increased about a million over last year. Spending has been very level. Some areas of interest are occupational tax, which is our biggest source of increase. One of the good things to point out is we did

refinance some bonds. During the refinancing, we saved \$440,000. All the departments stayed within the budget except the recreation department went over budget by &75.00. Governmental compliance was fine and records are in great shape. City Manager makes a few comments about what a good job Grace Ratliff does in collecting occupational taxes. He also thanks Tonya Taylor for the job she has done in the finance department. Then he goes on to talk about all the new businesses that are expected for the next year. We are going to do a cost of service study again this year. Finally, he thanks Mr. Wallen and his staff for the auditing. Mayor Justice comments that Grace does a great job and wants to commend her for that. City Manager asked the Commission to consider a motion to adopt the audit from 2011-2012. Commissioner Davis made the motion to approve. Commissioner Carter seconded the motion. Mayor Justice called for comments, there being none, the motion passed. 5-0.

CITY ATTORNEY

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

1. Consider a request for a second reading and passage of an ordinance #0-2012-028 Chapter 150 Building Codes deleting section 150.32 Examination and License for Electrical Contractor and Electricians and authorize the Mayor to sign and execute. Commissioner Chaney made a motion to approve. Commissioner Carter seconded the motion. Mayor Justice called for comments, there being none. Mayor called roll call. Motion passed unanimously. 5-0.

AN ORDINANCE REPEALING CHAPTERS 150:32 OF BUILDING CODES DELETING SECTION 32 EXAMINATION AND LICENSE FOR ELECTRICAL CONTRACTOR AND ELECTRICIANS.

ORDINANCE NO. #0-2012-028

WHEREAS, the Commission desires to amend Chapter 150 of the City Code of Ordinances by repealing section 32. Currently this section is in conflict with state regulations. The State of Kentucky has assumed the responsibility of this section and is therefore no longer a local responsibility;

NOW, THEREFORE, BE IT ORDAINED THAT Chapter 150:32 "EXAMINATION AND LICENSE FOR ELECTRICAL CONTRACTOR AND ELECTRICIANS" is hereby deleted:

CHAPTER 150: BUILDING REGULATIONS

December 10, 2012 Regular Meeting

ELECTRICAL PERMITS; CONTRACTORS

~~§150.32 EXAMINATION AND LICENSE FOR ELECTRICAL CONTRACTOR AND ELECTRICIANS.~~

~~(A) The city shall require all electrical contractors and electricians, except those who have had a least five (5) years of experience as an electrician or electrical contractor, to be examined by an Examining Board before being issued a license to engage in their occupation. The city shall require all nonresident electrical contractors and electricians to conform to reasonable standards prior to engaging in their occupation within the jurisdiction of the city.~~

~~(B) Electricians and electrical contractors shall have sixty (60) days from the date of enactment of this section to apply for an electrical license. Persons applying for a license shall furnish proof of five (5) years experience in the electrical field. Proof considered as valid shall be: letters on company letterheads stating employment and job responsibility, signed by a company official; vocational school time shall count as experience; contract documents and other proof shall be considered. Upon furnishing such proof, the contractor shall be issued a license by the city.~~

~~(C) Upon the expiration of the sixty (60) day grace period, all persons applying for a license shall be examined, except as set forth in divisions (A) and (B) above.~~

~~(D) Examining Board.~~

~~(1) The Examining Board shall be composed of seven members appointed by the city, where the provisions of KRS 227.450 to 227.500 are accomplished. The Board members shall consist of two (2) Fire Department officials, two (2) consulting electrical engineers or architects, two (2) electrical contractors, and one utility company official. No appointee shall serve more than two (2) consecutive years.~~

~~(2) The members of the Examining Board shall serve without salary.~~

~~(3) In order to administer KRS 227.450 through 227.500, the Examining Board shall issue and revoke licenses; conduct and make regulations for conducting examinations of applicants; govern the method and time of making application for examination and the time within which the applicants shall be examined after application has been filed. The examination shall be made within one (1) month after application has been filed.~~

~~(E) Electrical contractors and electricians may be required to pay a reasonable fee before issuance of a license to them.~~

The ordinance shall be in full force and effect after it is passed and published as required by law. The above ordinance was given a first reading this ___ day of _____, 2012.
A second reading was given this ___ day of _____, 2012.

Passed this _____ day of _____, 2012.
Commissioner _____ moved for the adoption of the forgoing ordinance.
Commissioner _____ seconded the motion.

Upon roll call, the votes were as follows:

	Yes	No
FRANK JUSTICE, MAYOR	_____	_____
GENE DAVIS, COMMISSIONER	_____	_____
DALLAS LAYNE, COMMISSIONER	_____	_____
JIMMY CARTER, COMMISSIONER	_____	_____
BARRY CHANEY, COMMISSIONER	_____	_____

The Mayor declared the within ordinance adopted.

FRANKLIN D. JUSTICE, II MAYOR

ATTEST:

December 10, 2012 Regular Meeting

CHRISTY SPEARS, CITY CLERK

- 2. Consider a request for a second reading and passage of an ordinance #0-2012-029 Chapter 34 Personnel and Employment Policies adding section 34.18 Cell Phone and Cell Phone stipend for City Commission and authorize the Mayor to sign and execute. Commissioner Chaney made the motion to approve. Commissioner Carter seconded the motion. Mayor Justice called for comments, there being none. Mayor called roll call. Motion passed unanimously. 5-0.

**AN ORDINANCE AMENDING CHAPTERS
34 PERSONNEL AND EMPLOYMENT POLICIES CREATING
SECTION 18 CELL PHONE AND CELL PHONE
STIPEND FOR CITY COMMISSION**

ORDINANCE NO. #0-2012-029

NOW, THEREFORE, BE IT ORDAINED THAT Chapter 34:18 "cell phone and cell phone stipend for city commission" is hereby created:

CHAPTER 34: PERSONNEL AND EMPLOYMENT POLICIES

BENEFITS

§ 34.15 POLICY.

The City Personnel Guidelines Manual dated April 23, 2012, also adopted by resolution on April 23, 2012 is hereby adopted as the Personnel and Policy Manual for the city. The manual shall supersede any and all previous versions. The manual will contain the complete benefits package for all personnel employed directly by the city. Copies available for public inspection at the office of the City Clerk. Any amendments to the policy manual must be dated made via motion and a majority vote by City Commission.

(Ord. 0-2009-02, passed 2-9-09; Am. Ord. 0-2012-14, passed 6-11-12)

§ 34.16 PARTICIPATION IN COUNTY EMPLOYEES RETIREMENT SYSTEM.

(A) The city is hereby authorized to participate in the County Employees Retirement System effective July 1, 1989 and all eligible regular full-time officers and employees of the city are hereby authorized and directed to comply with the statutory requirements of this retirement system.

(B) All the employees of the city (either employed under nonhazardous job positions or hazardous positions) whose duties require an average of one hundred (100) hours during each working month shall be considered as "regular full-time" employees for county retirement purposes except those employees of agencies excluded as shown below which may participate in the system as a separate agency and those other employees who are employed as "temporary", "part-time" and "seasonal" workers, as defined in KRS 78.510(21) of the County Employees Retirement Laws. The agencies expressly excluded as authorized by KRS 78.530 are the city Urban Renewal Agency and all other Boards or Commissions authorized by the city should they be determined to be an agency of the city.

(C) The city will comply with all the statutory requirements to make the county employees Retirement System hazardous Duty Coverage available for all eligible employees who are working under approved positions within the police and fire departments.

(Ord 0-89-004, passed 4-10-89; Am. Ord. 0-2009-02, passed 2-9-09)

§ 34.17 RETIREMENT.

(A) The retirement system created will be available to retired city employees who meet the following criteria:

- (1) Who were employed by the city on August 25, 1975; and
- (2) Who have completed at least twenty five (25) years of employment with the city; and
- (3) Who retire from employment for the city.

(B) The pension shall be five hundred dollars (\$500.00) per month payable from the general funds, but there shall be a dollar for dollar offset for any other pension or retirement benefits received from any other source other than social security or SSI by the employee. With regard to the city's funded pensions, this offset shall apply to only that portion of any city funded pension benefits that are attributed to city contributions to the pension. The portion of the benefit attributed to the city employee's contribution shall not be offset. The offset provided for herein shall apply retroactively to all other pension or retirement benefits heretofore granted as described in the preamble hereto.

(C) The pension shall be payable only to the employee for and during his or her natural life and no payment will be due or payable to either the dependents of, heirs of, spouse of or other relatives of the employee following his or her demise.

(D) No disability plan or fund is established.

(E) This section shall not create any property rights and shall be subject to amendment or cancellation at any time.

(F) No policemen or firemen are eligible to participate in this retirement plan.

(Ord. 0-98-001, passed 2-23-98)

§ 34.18 CELL PHONE AND CELL PHONE STIPEND FOR CITY COMMISSION

(A) The city is hereby authorized to grant a cell phone for the elected offices of Mayor and City Commissioners, under the active city government cell phone plan. At the Mayor's or City Commissioner's discretion instead of electing to accept a city owned cell phone they may instead utilize their personal cell phone and be granted a monthly stipend of \$75 to pay for cell phone, texting, data service & accessories.

(B) Upon the last day elected officials term, if they have accepted the option of being granted a city owned cell phone, the elected official must return said to the city manager.

The ordinance shall be in full force and effect after it is passed and published as required by law. The above ordinance was given a first reading this ___ day of _____, 2012. A second reading was given this ___ day of _____, 2012.

Passed this _____ day of _____, 2012. Commissioner _____ moved for the adoption of the forgoing ordinance. Commissioner _____ seconded the motion.

Upon roll call, the votes were as follows:

	Yes	No
FRANK JUSTICE, MAYOR	_____	_____
GENE DAVIS, COMMISSIONER	_____	_____
DALLAS LAYNE, COMMISSIONER	_____	_____
JIMMY CARTER, COMMISSIONER	_____	_____
BARRY CHANEY, COMMISSIONER	_____	_____

The Mayor declared the within ordinance adopted.

FRANKLIN D. JUSTICE, II MAYOR

ATTEST:

CHRISTY SPEARS, CITY CLERK

- 3. Consider a request for a first reading of an ordinance #0-2012-030 adopting the 2012 Supplement to the City of Pikeville Code of Ordinances. 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 accept and approve the closeout documents for bid package #1 for the Pikeville Theatre Project as recommended by the Theatre Building Committee and to authorize the Chairman of said committee Donovan Blackburn to sign and execute said closeout documents as submitted. Commissioner Chaney made the motion to adopt. Commissioner Davis seconded the motion. Mayor called for further comments, there being none, motion passed unanimously. 5-0.

2. Consider a request to cancel the regular commission meeting scheduled for December 24th 2012 due to Christmas and authorize the City Manager to call a special meeting if necessary. Commissioner Layne made the motion to approve. Commissioner Chaney seconded the motion. Mayor Justice called for further comments, there being none the motion passed. 5-0.
3. Consider a request to call a Special called meeting and/or work session for January 7th 2013. The main purpose will be to meet with the students at PHS for their presentation for the City comprehensive plan. Commissioner Chaney made the motion. Commissioner Layne seconded the motion. Mayor Justice called for comments, there being none, the motion passed unanimously. 5-0.
4. Consider request to approve and accept the contract amendment between SMG and the City of Pikeville as submitted and to authorize the Mayor to sign and execute said amendment on behalf of the City of Pikeville. The contract will grant SMG a 5 year contract starting July 1st and in return SMG will issue a check to the city 10 days after contract execution for \$115,000 for the city to spend on the facility in whatever way they wish. Commissioner Chaney made the motion to approve. Commissioner Layne seconded the motion. Mayor Justice called for comments. Commissioner Davis asked if there were any changes. City Manager says yes the only change is the \$115,000 every 5 years. Mayor Justice called for further comments, there being none, the motion passed unanimously. 5-0.
5. Consider a request to accept the resignation of Donovan Blackburn to the East KY Expo Board of Directors and to appoint Lyle Blackburn to take the place of Donovan Blackburn whose term will expire on November 1, 2015. Commissioner Layne made the motion to approve. Commissioner Chaney seconded the motion. Mayor Justice called for comments. City Manager comments that he serves on seventeen boards and/or commissions, by taking himself off of this one will allow him more time to concentrate on other things. Mayor Justice called for further comments, there being none, the motion passed unanimously. 5-0.
6. Consider a request to appoint Sean Cochran and Jesse Bowling to the Hillbilly Day Board whose term will expire 1-1-2014. 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.
7. Consider a request to adopt an amended job description, contingent upon Kentucky Retirement System's approval, as submitted for the position 911 Public Safety Director which is held by Paul Maynard. 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.
8. Consider a request to submit grant payment on behalf of Magoffin County Fiscal court in the amount of \$58,362 and to authorize payment contingent upon the funds being available to the city from the granting agency.

- Commissioner Chaney made a motion to approve. Commissioner Davis seconded the motion. Mayor Justice called for comments. Commissioner Davis asked if this is something to do with the problem they had with flooding. Mr. Blackburn explained that we are the lead agency for this grant. Mayor Justice called for further comments, there being none, the motion passed unanimously. 5-0.
9. Consider a request for the city to apply for the KLC Safety Grant in the amount of \$6,000 with a \$6,000 match for the purpose of purchasing manhole covers and to authorize the Mayor to sign and execute any documents required to submit said grant. Commissioner Chaney made the motion to approve. Commissioner Layne seconded the motion. Mayor Justice called for comments. Commissioner Carter asked if he had seen paperwork on the Crumb Rubber Grant again. Mr. Blackburn responded that we have already purchased that so we are not going to apply for that again. Mayor called for further discussion, there being none, the motion passed unanimously. 5-0.
 10. Consider a request to adopt the job description for the position of Patrol Lieutenant, contingent upon Kentucky Retirement System's approval, as presented for the Police Department and amend city pay chart as presented and to post said position. Commissioner Layne made the motion to approve. Commissioner Chaney seconded the motion. Mayor Justice called for comments and then asked Chief Reed to describe this position to us. Chief Reed approaches the podium and explains that this position is between the Patrol Sergeant and the Patrol Captain positions. Mayor called for additional comments, there being none, the motion passed unanimously. 5-0.
 11. Consider a request to amend city personnel policy section 1.8 Probation Period as submitted. 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.
 12. Consider a request to adopt the Outdoor Warning Policy as submitted. Commissioner Chaney made the motion to approve. Commissioner Carter seconded the motion. Mayor Justice called for comments. City Manager says that this will be here this week. The testing will start tomorrow and will go through Wednesday. Tommy McClanahan, Project Manager for the City, says that the small testing will be going on Tuesday and Wednesday will be the big test. Mayor called for additional comments, there being none, the motion passed unanimously. 5-0.
 13. Pursuant to KRS 61.810, consider request for closed session for discussion of economic development, legal and personnel issues. Commissioner Chaney made the motion. Commissioner Layne seconded the motion. Mayor Justice called for discussion, there being none, the motion passed unanimously. 5-0.
 14. Commissioner Chaney made the motion to re convene. Commissioner Carter seconded the motion. Mayor Justice called for discussion, there being none the motion passed unanimously. 5-0. Mayor called the session back into order.

15. Consider a request to approve and adopt a contract as submitted dated December 10th 2012 with the heading, Contract for City Manager, and accept and approve all terms and conditions set forth therein between the City of Pikeville and the City Manager William Donovan Blackburn and authorize the Mayor to sign and execute said contract on behalf of the City of Pikeville. Commissioner Davis made a motion to approve. Commissioner Carter seconded the motion. Mayor Justice called for comments, there being none, the motion passed unanimously. 5-0.
16. Consider a request to authorize and approve a onetime Merit increase, to be paid immediately, to the City Attorney Russell Davis in the amount of \$10,000 for his extensive and valued legal services. Commissioner Layne made the motion to approve. Commissioner Carter seconded the motion. Mayor Justice called for comments, there being none, the motion passed unanimously. 5-0.
17. There being no further business to come before the Commission, Commissioner Layne has made the motion to adjourn the meeting. Commissioner Carter seconded the motion. Mayor Justice called for discussion, there being none, Mayor called roll call. Mayor Justice and Commissioner Chaney voted no. Meeting adjourned. 3-2.

CONSENT ITEMS:

Christmas Parade December 10th at 6 pm

City Manager will be off the week of Christmas.

City Hall will be closed on December 24th & 25th for Christmas

City Hall will be closed on December 31st and January 1st for New Year

December 24th Commission Meeting cancelled

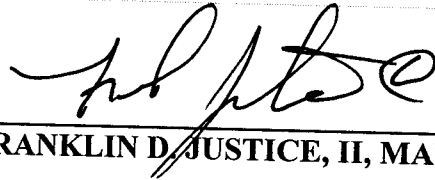
PMC New Year Gala for city commission and guest will be held December 31st at Expo.

City Manager will be out of office on business on December 11th through December 14th.

The next scheduled Regular Meeting of the City of Pikeville Board of Commissioners is January 14, 2012 at 6:00 p.m.

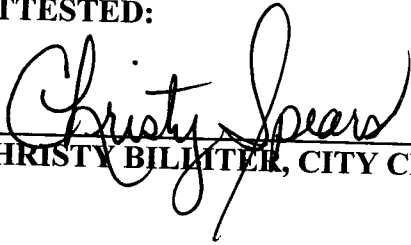
APPROVED:

December 10, 2012 Regular Meeting



FRANKLIN D. JUSTICE, II, MAYOR

ATTESTED:



CHRISTY BILLITER, CITY CLERK