

**CITY OF PIKEVILLE  
BOARD OF COMMISSIONERS  
REGULAR MEETING MINUTES  
September 9, 2013 AT 6:00 P.M.**

The Board of Commissioners for the City of Pikeville met in a regular called session on Monday, September 9, 2013. The meeting was held in the City Hall Conference Meeting Room located at 243 Main 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:

<b>COMMISSIONER:</b>	<b>JIMMY CARTER</b>	
	<b>JERRY KEITH COLEMAN</b>	<b>Absent</b>
	<b>BARRY CHANEY</b>	
	<b>EUGENE DAVIS</b>	
<b>MAYOR:</b>	<b>FRANKLIN D. JUSTICE, II</b>	

**MINUTES**

The minutes for the previous regular meeting held on August 26<sup>th</sup>, 2013 and special commission meeting held August 30<sup>th</sup>, 2013 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. Mayor abstained and the motion carried unanimously. 4-0.

**BUSINESS FROM THE FLOOR**

Consider a request to allow the 8<sup>th</sup> and the 6<sup>th</sup> grade football programs to play up to three games per year each on the turf field upon City Managers approval. Commissioner Chaney made the motion to approve. Commissioner Carter seconded the motion. Mayor Justice called for comments, there being none, the motion passed unanimously. 4-0.

Chief Reed to address Commission regarding recognition of outstanding service by Officer Joseph Slone. Chief Reed approached the podium along with Officer Slone and Sergeant Riddle. These are two of the Officers that were working during our first Hatfield & McCoy festival. On Sunday, when we had the races, there were people lined up all along the bypass on both sides and all along the park. At three

o'clock on Sunday evening, there was the first report that someone had a purse stolen and for a period of about eleven hours, there was a report of something stolen almost on the hour of a vehicle being broken into. There were items stolen like cell phones, ipads, ipods, clothes, shoes, book bags, golf clubs, you name it and it was stolen, just a lot of stuff. These two gentleman were working that evening and I went home around 12:30 that night and I heard on the radio of the report of theft from vehicles and I was really disgusted. Two hours after I went home, Sergeant Riddle called me. He says that we just want to let you know that we have arrested the guy who made all the thefts tonight and retrieved all the property. So to back track a bit, Officer Slone knew that this perpetrator was out so he did not give up. When someone is around the cars, Officer Slone observes everything about them and this guy actually had a pill bottle in his pocket that belonged to someone else. So it could have been the case that we arrest him and then Officer Slone went back and then do what we do but this was so strong in his mind and this guy had a phone and such. Well, during this period between this man and Officer Slone there was a text message sent that said "Bring my phone back you thief" and at that point Officer Slone had a clue there was more to this guys story. So when Officer Slone took this man back to the station they were able to get a confession from him and when they went to his vehicle it was loaded down with stolen goods. People are still picking their things up at the station. Another quick story I will share with the Commission is, we had a woman from Louisa at the event and she had three children and their ipod and ipads were stolen. When she got back to her vehicle her kids open the door to the truck the kids started crying immediately. So, long story short, Officer Slone was able to return the items back to these children. And there were eleven other instances where we returned stolen goods. Also, Sergeant Riddle was on duty during this time and shares in this success. You can have full confidence that these guys do everything that they can to take care of this community and keep us safe. City Manager asked Chief if there was any action taken to recognize these gentlemen at the station for their outstanding service. Chief answers yes that we have an awards ceremony amongst us where they are given a certificate of recognition, actually we recognized everyone on shift. City Manager says before the two recognized gentlemen speak, I would like for the Commission to note that a few years ago that the Commission had asked that the department take on a set of standards and I feel that we have done just that. When I came on board, ten years ago, Mayor you wanted different standards from the way we looked, the way we dressed, to the way we walked. Through ten years of a lot of hard work and hiring the right people, this is one incident that has occurred that has shown this community what this department is all about and how their taxes have gone to work for them, so I commend them. Officer Slone says it is an honor to serve on this police department and it wasn't just myself, we did it as a team. Had we not went into the City, I would just had a cell phone theft. We actually found the vehicle with the stolen items, I give all the credit to them as well as myself. Sergeant Riddle says as Phillip says it was a sickening feeling because these people come out to our event and have their items stolen and knowing that the perpetrator is still out there. It was a group effort. This perpetrator had stolen so much stuff that he could not carry it all so he had made

small piles all around. So the Officers were locating stuff before the guy could take it to his truck. Once we put all the evidence together, it was a matter of time before we found the vehicle. It's always good when you can get the property back to the owner and it makes it all worth it. City Manager says that both of these guys are great guys and the other guys we have on the force are pretty upstanding as well. Mayor Justice says that I am very proud of this department and I appreciate each and every one of you. We have hired you two and I have enjoyed watching you grow and do what you do. Riddle would not even approach the mic much less speak into it a few years ago, we've done well. We need the type of individuals that go the extra effort and that's what you have done and that is to be commended. Sergeant Riddle says that we had some stolen properties from some visitors and they said we wish our Officers would go the extra mile because if we were in our town, we would have not gotten our stuff back. Commissioner Carter said that they will tell their people in their home town and they will tell other people. Great job. Commissioner Davis commends them doing a fine job period. He says this whole Commission feels that we have the finest police department in Eastern Kentucky. I am personally proud of you. It goes back to a burglary at my home and Lieutenant Thompson caught the guy. Commissioner Chaney says that I have talked to both district judges and they talk about when our officers come to court how professional they are. And at these festivals and when I have ridden with you all how you go the extra mile. You know the things to look for and you do a great job. We appreciate you and this town appreciates you. I feel a lot safer because of you. Thanks guys, we appreciate you.

#### PAYMENT OF CITY BILLS

The City Manager Donovan Blackburn requested the approval to pay city bills in the amount of \$489,892.62. Commissioner Davis made the motion to approve. Commissioner Carter seconded the motion. Mayor Justice called for comments and Commissioner Davis asked if we had the money. City Manager answered yes. Mayor Justice called for further discussion, there being none, motion passed unanimously. 4-0.

#### CITY ENGINEER

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

1. Consider request to approve and authorize payment of various pay requests as recommended by the Pikeville Theatre Building Committee and Project Manager Codell Construction for the Pikeville Theatre Project. Application #1 from Elliott Contracting Inc. for \$7,691.40, Application #1 for Rising Sun Developing Inc. for \$137,493.00 and Application #1 for Abell Elevator International for \$7,740.00 and to authorize the Chairman of the Committee

- Donovan Blackburn to sign and execute said pay requests on behalf of the City of Pikeville. Commissioner Carter made the motion to approve. Commissioner Chaney seconded the motion. Mayor Justice called for comments, there being none, the motion passed unanimously. 4-0.
2. Consider a request to approve and authorize a payment for pay request #3 with Boca Enterprises, Inc. in the amount of \$52,344.67 for the Peach Orchard Storm Water Separation Project and to authorize the Mayor to sign and execute said pay request. Commissioner Carter made the motion to approve. Commissioner Chaney seconded the motion. Mayor Justice called for comments and asked are they doing the paving and are we satisfied with what they are doing. Mr. Hunt replied that we are not doing the paving and that it is not on the pay request. Mayor Justice called for additional questions or comments, there being none, the motion passed unanimously. 4-0.
  3. Consider a request to approve and authorize payment of invoice #68506, as submitted, for \$50,000 to Summit Engineering for Pikeville Comprehensive Plan. Commissioner Davis made the motion to approve. Commissioner Carter seconded the motion. Mayor Justice called for comments and Commissioner Davis asked if this was a normal amount. City Manager said yes and the Mayor stated that it is \$25,000 more than last time. City Manager said this was a grant. Mayor Justice called for additional questions or comments, there being none, the motion passed unanimously. 4-0.
  4. Consider a request to approve and authorize a payment of invoice #68503, as submitted, for \$12,186.80 to Summit Engineering for the Peach Orchard Storm/ Sewer Separation Project. Commissioner Chaney made the motion to approve. Commissioner Carter seconded the motion. Mayor Justice called for comments and Commissioner Davis asked if the project is complete. Mr. Hunt said that the pavement is not included and we needed to readdress that. Mayor Justice called for further questions or comments, there being none, the motion passed unanimously. 4-0.

#### CITY ATTORNEY

**Russell Davis was present and had an item to present to read into the record.**

1. **Motion was made by Chaney and seconded by Carter to have the City Attorney file a motion and intervening Complaint in a suit styled the Estate of Lonney R. Johnson vs. J&R Trading, LLC, Pike Circuit Court, action #10-C1-01917 to assert the City Nuisance claim against one of the properties involved in that civil action located on Fifth Street.**

#### CITY MANAGER

August 26, 2013 Regular Meeting

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

1. Consider request to authorize and approve Rachael Hamilton to participate with the City in a work study program with Big Sandy Technical College and to authorize the City Manager to sign any and all paperwork necessary to execute said request. Commissioner Chaney made the motion to adopt. Commissioner Carter seconded the motion. Mayor Justice called for comments and Commissioner Carter asked what she would be doing. City Manager replied that she would be working in the utility department. Mayor called for further comments, there being none, motion passed unanimously. 4-0.
2. Consider a request to authorize and approve the promotion of Sean Cochran to the position of City Administrator for City Operations and to approve the salary for said position based on the city pay chart based on time employed by the city. Commissioner Chaney made the motion to approve. Commissioner Davis seconded the motion. Mayor called for comments, and Commissioner Chaney asked if there was going to be a speech. Mayor asked City Manager if he made the recommendation and he said that he did recommend. Mayor Justice called for further comments, there being none, the motion passed. 4-0.
3. Pursuant to the Agreement of Sale of Property between the City of Pikeville and RealtyLink Investments, LLC executed on 6-15-2012, as amended. consider a request to authorize and approve the execution of three (3) separate deeds of conveyances, as submitted, between KY Pikeville Thompson, LLC, KY Pikeville Lakeview, LLC and KY Pikeville Thompson PO, LLC and the City of Pikeville for the total receiving sum of \$2,000,000 for the combined properties, to approve any and all expense required to convey and record said documents on behalf of the City of Pikeville, to authorize the City Attorney and City Manager to jointly make amendments, as necessary, to the deeds as submitted (as long as the intent is not altered), and to authorize the Mayor to sign and execute said deeds along with any and all documents necessary to complete said transaction. Commissioner Carter made the motion. Commissioner Chaney seconded the motion. Mayor Justice called for comments, there being none, the motion passed unanimously. 4-0.
4. Consider a request to authorize and approve an easement agreement between KY Pikeville Thompson LLC, KY Pikeville Thompson PO, LLC, and the City of Pikeville, as submitted, to be executed upon the conveyance of the city Justice Way property pursuant to the sales agreement between the City of Pikeville and RealtyLink Investment LLC dated 6-16-2012 and to authorize the Mayor to sign and execute said easement agreement on behalf of the City of Pikeville. Commissioner Davis made the motion to approve. Commissioner Chaney seconded the motion. Mayor Justice called for comments, there being none, the motion passed unanimously. 4-0.

5. Consider a request to potentially award the fire station bid, as submitted, to Elliott Contracting for \$819,000, authorize the Mayor to sign and execute the contract to said work along with any other paperwork necessary and issue the notice to proceed all contingent upon the city completing the sale of the property on Justice Way with RealtyLink Development. Notice to proceed shall immediately follow the closing of the Justice Way property with the developer and execution of a 5 year construction loan in order to construct said facility. Commissioner Chaney made the motion to approve. Commissioner Carter seconded the motion. Mayor Justice called for comments, there being none, the motion passed unanimously. 4-0.
  6. Consider a first reading of ordinance #0-2013-027 authorizing and approving a 5 year construction loan through Community Trust Bank in the amount up to \$900 thousand dollars for the construction of the relocated fire station and to authorize the Mayor to sign and execute any and all loan documents required. This is all contingent upon the City closing first with RealtyLink Development on the Justice Way property. The City shall expect to close on the construction loan with Community Trust Bank immediately after the execution of the conveyance for the retail development with RealtyLink. No further action is required at this time. Second reading will take place at the next scheduled commission meeting.
  7. Consider a request to advertise for bid for three new police cars, as submitted, authorizing the application of using the Local Preference option. Commissioner Chaney made the motion to approve. Commissioner Carter seconded the motion. Mayor Justice called for comments. Commissioner Carter says that the new ones are sharp and look good. Mayor Justice called for further comments or questions, there being none, the motion passed unanimously. 4-0.
- \*\*\*\*City Manager announced consent items\*\*\*\*
8. 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. 4-0.
  9. 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. 4-0. Mayor Justice called the session back into order.
  10. 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. 4-0

**CONSENT ITEMS:**

September 20<sup>th</sup> 2013 will be Main Street of Pikeville, "Division Street Bash" event.

September 23<sup>rd</sup> 2013 at 11:00 am is tentative date of Pikeville Commons ground breaking event.

Thank you letters are included in your packets from Joe Dan Vanhoose and Joanne Newkirk.

City Grant updates have been provided in each Commission packet.

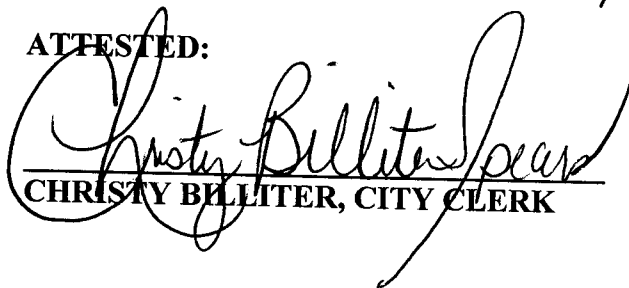
The next scheduled Regular Meeting of the City of Pikeville Board of Commissioners is September 23, 2013 at 6:00 p.m.

APPROVED:



FRANKLIN D. JUSTICE, II, MAYOR

ATTESTED:



CHRISTY BELLITER, CITY CLERK