

**CITY OF PIKEVILLE
BOARD OF COMMISSIONERS
SPECIAL MEETING MINUTES
December 12, 2011 AT 5:00 P.M.**

The Board of Commissioners for the City of Pikeville met in a special called session on Monday, December 12, 2011. The meeting was held in the City Hall Conference Meeting Room located at 118 College Street, Pikeville, Kentucky.

(1) There being a quorum present, Mayor Franklin D. Justice, II called the meeting to order at 5:00 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**

(2) The minutes for the previous regular meeting held on November 28, 2011 were in each Commission Member's agenda package. There being no additions or corrections, Commissioner Layne made the motion to approve the minutes as prepared. Commissioner Davis seconded the motion. Mayor Franklin D. Justice, II called for discussion, there being none, the motion carried unanimously. 5-0.

(3) Consider request to adopt a Proclamation honoring the 2011 Pikeville High School Regional Football Championship Season and to authorize the Mayor to sign and execute said proclamation. Commissioner Davis made the motion to approve. Commissioner Carter seconded the motion. Mayor Justice called for questions or comments. Commissioner Davis wants to comment that he has seen a lot of football in Pikeville in his lifetime. And he has been noticing this team during the year. There is one thing that he wants to compliment these guys on; Commissioner says that you realized at the beginning of the year you had a shot at winning state championship and I think you gave it everything that you had. That's one thing I noticed at each of your games; I am very impressed by your attitude, the way that you played, and I know that your coach probably taught you to play every play like it's your last. Commissioner Davis wants them to know how much he admires the team and enjoyed watching them work as a team; you guys put into it everything that you got, this means you are true team players. Commissioner Carter agrees with Commissioner Davis. Commissioner Carter says that each and every week it

looked like you got a little better and you gained a little confidence. I am very proud of this team and how you have represented us throughout the state. Commissioner Layne adds that the team has set the bar high. This town and the people in it, everybody here is proud of you. Commissioner Chaney then adds that he knows most of the player's parents. He says that people have commented on what good players and good kids you are. The desire to win and the desire to compete will be an asset to you. He goes on to say that the life lessons learned throughout this season will make you better men, better fathers, and better people. Mayor Justice says for a variety of reasons I haven't been able to keep up with you in person. I have followed you on the telephone and through my in-laws and I am awfully proud of you, each and every one of you. I've coached with you and I have watched you develop. I think what you are going to find is that you have started something here. Hopefully, you have started the winning spirit and pride. Like the other Commissioners have said, you will learn about life on the football field; people getting your back, and getting your job done. You have provided excitement in the town and provided people something to do; people get out and go to restaurants and have something to do. We are very proud of you. Seniors take what you have learned on the field and apply it to life. Commissioner Davis adds that this wouldn't be possible without the support of the student body, community, and the staff of the high school. Mayor Justice shows the proclamation that is framed and lets the coaches and players know that they will get a copy of the proclamation as well. The high school coach stood and thanked the Commission for their top notch facility and for the recognition. Mayor Justice called for further discussion, there being none, motion passed unanimously. 5-0.

(4) Consider a request to adopt a Proclamation honoring the 2011 Pikeville Fire Department Combat Challenge Team and to authorize the Mayor to sign and execute said proclamation. Commissioner Davis made the motion to approve. Commissioner Carter seconded the motion. Mayor Justice called for questions or comments. Commissioner Chaney comments that he didn't realize that these fellas were that good. Commissioner Carter adds, "or that fast." City Manager Donovan Blackburn tells that these guys are not only on this team, but are also representatives of our cities fire department. Commissioner Carter says for your first time, and not knowing what to expect, you did an outstanding job. You knew what you had to do, and it had to be intimidating, congratulations. Mayor Justice says I have had the opportunity to watch their local challenges and it is a joy. If you haven't done that yet, you should. Commissioner Layne says that he is proud of them as well. He adds that it is a pleasure to work with them. City Manager says that there is a plaque for each of them from the House of Representatives and W. Keith Hall; which he reads aloud. Mayor Justice calls for further comments, there being none, the motion passes unanimously. 5-0.

(5) Consider a request to approve and authorize payment of the City Bill lists as submitted in the amount of \$562,742.71. Commissioner Layne made the motion

to approve. Commissioner Chaney seconded the motion. Mayor Justice called for comments, there being none, the motion passed unanimously. 5-0.

(6) Consider a request to authorize 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 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 approve payment of \$450 for Timberwolf for display cases at Expo Center. Commissioner Chaney made a 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 approve final payment for pay request #12 to H2O Construction, Inc. for \$131,960.70 for Mullins Sewer Project as submitted and to authorize the Mayor to sign and execute said payment along with any further documentation to close out said project. Commissioner Chaney made a motion to approve. Commissioner Davis seconded the motion. Mayor Justice called for comments, there being none, the motion passed unanimously. 5-0.

(9) Consider a request to approve and authorize payment for Invoice #60097 to Summit Engineering for \$5,911.00 as submitted for the Marion Branch Sewer Project and authorize the Mayor to sign and execute said pay request. 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.

(10) Consider a request to approve and authorize payment for pay request #18 to H2O Construction Inc. for \$218,452.50 as submitted for the Marion Branch Sewer Project and authorize the mayor to sign and execute said pay request. 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.

(11) Consider a request to approve and authorize payment for pay request #4 to H2O Construction Inc. for \$74,138.40 as submitted for the US23 Phase 2 Sewer Project and authorize the Mayor to sign and execute said pay request. Commissioner Layne made the motion to approve. Commissioner seconded the motion. Mayor Justice called for comments, there being none, the motion passed unanimously. 5-0.

(12) Consider a 2nd reading and adoption of ordinance #0-2011-036 closing a portion of Sycamore Street and to authorize the Mayor to sign and execute said ordinance. Commissioner Layne made the motion to approve. Commissioner Carter

seconded the motion. Mayor Justice called for comments. Mayor Justice asked, "So we have notified the property owners out there?" Commissioner Carter asked, "You haven't gotten anything back from any of them?" City Manager responded that there is not very many of them. Mayor Justice called for further comments, there being none, Mayor called roll call. Motion passed unanimously. 5-0.

ORDINANCE CLOSING A PORTION OF SYCAMORE STREET ADJACENT TO PROPERTY OWNED BY PIKEVILLE COLLEGE

Ordinance #: 0-2011-036

WHEREAS, Pikeville College has requested that the City of Pikeville close a portion of Sycamore Street which extends through their property so to control the traffic though they campus.

WHEREAS, the City of Pikeville has identified all the property owners in or abutting the public way or portion thereof to be closed.

WHEREAS, Pikeville College is the sole owner of all the property in or abutting that portion of Sycamore Street which is to be closed.

WHEREAS, written notice of the proposed closing was given to the property owners as identified above; and

WHEREAS, the sole property owners abutting the public way or portion thereof to be closed have given their consent to the closing.

NOW, THEREFORE, be it ordained by the City of Pikeville that the foregoing described tract or parcel of property being a public way in the City of Pikeville, Kentucky is hereby closed without further action. The public way to be closed by virtue of this ordinance is that portion of Sycamore Street beginning at Kentucky Avenue and continue to the Cemetery adjacent to the Pikeville College property as the street to be closed is depicted on the attached map dated 11-21-2011 labeled "Exhibit showing proposed street closure Sycamore Street"

The above ordinance was given first reading this ___ day of _____, 2011, the ordinance was given a second reading on the ___ day of _____, 2011.

Passed this ___ day of _____, 2011.

Commissioner _____ moved for the adoption of the foregoing ordinance.

Commissioner _____ seconded the motion.

Upon roll call, the votes were as follows:

	<u>YES</u>	<u>NO</u>
FRANK JUSTICE, II, MAYOR	_____	_____
GENE DAVIS, COMMISSIONER	_____	_____
DALLAS LAYNE, COMMISSIONER	_____	_____
BARRY CHANEY, COMMISSIONER	_____	_____

December 12, 2011 Special Meeting

JIMMY CARTER, COMMISSIONER

The Mayor declared the within ordinance adopted.

FRANK JUSTICE, II, MAYOR

ATTESTED:

CITY CLERK

(13) Consider a 2nd reading and adoption of an ordinance #0-2011-021 closing a portion of Hatcher Alley and to authorize the Mayor to sign and execute said ordinance. Commissioner Layne 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. Mayor Justice voted no. 4-0.

**ORDINANCE CLOSING A PORTION OF HATCHER COURT ALLEY
ADJACENT TO PROPERTY OWNED BY BAILEY REAL ESTATE,
LLC, BAILEY HOTEL, LLC AND FRANK BAILEY AND GAIL
BAILEY AND ACCEPTING A DEDICATION OF A NEW ALLEY
RUNNING FROM COLLEGE STREET TO HATCHER COURT**

Ordinance #0-2011-021

WHEREAS, Frank Bailey, and his wife Gail Bailey, Bailey Real Estate, LLC and Bailey Hotels, LLC have requested that the City of Pikeville close a portion of Hatcher Court which extends through their property so that they may construct a new hotel bordered by College Street, Elm Street and Hambley Boulevard.

WHEREAS, the City of Pikeville has identified all the property owners in or abutting the public way or portion thereof to be closed.

WHEREAS, Frank Bailey, Gail Bailey, Bailey Real Estate, LLC and Baily Hotels, LLC are the sole owners of all the property in or abutting that portion of Hatcher Court which is to be closed.

WHEREAS, written notice of the proposed closing was given to the property owners as identified above; and

WHEREAS, the sole property owners abutting the public way or portion thereof to be closed have given their written notarized consent to the closing, a copy of said Petition and Consent being attached hereto,

WHEREAS, in exchange for the City of Pikeville's agreement to close this portion of Hatcher Court, Bailey Hotels, LLC agrees to dedicate a new Hatcher Court connector to College Street and bear the costs of relocating any

utility lines that will be required to be relocated to accommodate the construction of the new hotel within that portion of Hatcher Court that is closed hereby.

NOW, THEREFORE, be it ordained by the City of Pikeville that the foregoing described tract or parcel of property being a public way in the City of Pikeville, Kentucky is hereby closed without further action. The public way to be closed by virtue of this ordinance is that portion of Hatcher Court that is adjacent to the property owned by Frank and Gail Bailey, Bailey Real Estate, LLC and Bailey Hotels, LLC being more particularly described as follows:

Being a part of Hatcher Court located on the northeast side of Elm Street approximately 40 feet southeast of the intersection of Elm Street and Hambley Boulevard in Pikeville, Kentucky and more particularly described as follows:

Beginning at the south corner of that property owned by Bailey Real Estate, LLC as recorded in Deed Book 878, Page 152 in the Pike County Clerk's office, at the southwest corner of Hatcher Alley on the east right of way line of Elm Street; thence, with the south property line of Bailey Real Estate, LLC and continuing with the south property line of Bailey Real Estate, LLC as recorded in Deed Book 878, Page 143 in said Clerk's office, North 48°14'08" East, 111.31 feet to the southwest corner of that property conveyed to Bailey Hotel, LLC as recorded in Deed Book 876, Page 413 in said Clerk's office, thence, with the southeast line of Bailey Hotel, LLC, North 48°49'47" East, 30.42 feet, thence, leaving said line and crossing Hatcher Court, South 41°35'23" East, 15.18 feet to the North corner of that property conveyed to Frank Bailey and Gail Bailey as recorded in Deed Book 678, Page 645 in said Clerk's office, thence, with his northwest property line, South 48°44'42" West, 71.00 feet, thence, South 41°45'52" East, 1.13 feet to the North corner of that property conveyed to Bailey Real Estate, LLC as recorded in Deed Book 878, Page 125 in said Clerk's office, thence, with the northwest property line of Bailey Real Estate, LLC, and continuing with the northwest property line of Bailey Real Estate, LLC as recorded in Deed Book 878, Page 161 in said Clerk's office, South 48°14'08" West, 72.75 feet to the East right of way line of Elm Street; thence, with said right of way line, North 34°24'42" West, 16.13 feet to the Point of Beginning and containing 2,220.93 square feet (0.051 acres).

And being the same property reflected on a map prepared by Vincent Engineering showing the right of way of Hatcher Court to be closed.

That the City of Pikeville does hereby accept the dedication by Bailey Hotels, LLC of a street, right of way or alley running between North College Street and Hatcher Court as the same is more particularly described as follows:

Being a tract of land located on the northwest side of North College Street approximately 270 feet northeast of the intersection of Elm Street and North College Street in Pikeville, Kentucky and more particularly described as follows:

Beginning at the southeast corner of that property owned by Bailey Hotel, LLC as recorded in Deed Book 878, Page 129 in the Pike County Clerk's office, at the southwest corner of the Johnny Denison property as recorded in Deed Book 846, Page 429 in the Pike County Clerk's office and on the northwest right of way line of North College Street; thence, with the northwest right of way line of North College Street, South 49°23'12" West, 28.00 feet; thence, leaving said right of way line and through the property of Bailey Hotel, LLC, North 41°15'18" East, 120.00 feet to the southeast line of Hatcher

Alley; thence, with the southeast line of Hatcher Alley, North 49°23'12" East, 28.00 feet to the Northwest corner of the Johnny Dension property; thence, with the southwest line of Johnny Denison, South 41°15'18" East, 120.00 feet to the Point of Beginning and containing 3,360 square feet (0.08 acres). Being a part of that property conveyed to Bailey Hotel, LLC as recorded in Deed Book 878, Page 129 in the Pike County Clerk's office.

A map showing the Bailey Hotels, LLC dedication is attached hereto prepared by Vincent Engineering showing the right of way of alley to be created.

The above ordinance was given first reading this ___ day of _____, 2011, the ordinance was given a second reading on the ___ day of _____, 2011.

Passed this ___ day of _____, 2011.

Commissioner _____ moved for the adoption of the foregoing ordinance.

Commissioner _____ seconded the motion.

Upon roll call, the votes were as follows:

	<u>YES</u>	<u>NO</u>
FRANK JUSTICE, II, MAYOR	_____	_____
GENE DAVIS, COMMISSIONER	_____	_____
DALLAS LAYNE, COMMISSIONER	_____	_____
BARRY CHANEY , COMMISSIONER	_____	_____
JIMMY CARTER, COMMISSIONER	_____	_____

The Mayor declared the within ordinance adopted.

FRANK JUSTICE, II, MAYOR


ATTESTED:

CITY CLERK

(14) Consider a request to purchase a 2nd ambulance at the bid price submitted and approved during the November 28th meeting with Life Star (who was the only bidder) for \$74,680.00 and to authorize the City Manager to sign and execute any and all paperwork necessary to transfer said ambulance into the City of Pikeville name and ownership. Commissioner Chaney made the motion to approve. Commissioner Davis seconded the motion. Mayor Justice called for comments. City Manager comments that there were supposed to be two ambulances bid on the last meetings agenda instead of one. Mayor Justice called for further comments, there being none, the motion passed unanimously. 5-0.

(15) Consider a request to approve the purchase and make payment of Sentry File Management and SIS for the Server. Sentry File cost is: \$5895.00 for software and installation with training. SIS is for Server: \$9393.00 which includes installation and networking and to authorize the City Manager to sign and execute a contract for said services on behalf of the City of Pikeville. Commissioner Layne made the motion to approve. Commissioner Carter seconded the motion. Mayor Justice called for comments. Commissioner Carter asked if that was to get away from Pike TV, to get them off our server? City Manager explains that this is a scanning system. It is to allow us digital copies instead of paper trails. Mayor Justice called for further comments, there being none, the motion passed unanimously. 5-0.

(16) Summit Engineer will give an update on various city projects.



SUMMIT ENGINEERING, INC.

DATE: December 12, 2011
 TO: Jody Hunt
 CC: Jack Sykes, Kevin Howard, Cheryl Ray, Mike Hill
 FROM: Brett Fisher
 RE: Report on Pikeville Projects -- Water and Sewer

1. MULLINS SEWER PROJECT

a. A few minor items of cleanup work remain and are anticipated to be completed within the 1-2 weeks. The Contractor's final payment will be released when the project team agrees that all items of work have been completed.

2. MARION BRANCH SEWER PROJECT

a. Contractor Pay Request -- In the Amount of \$218,452.50 requires council approval.

b. Summit Invoice -- In the Amount of \$5,911.00 requires council approval.

c. Hookups -- ALL residential grinder pumps have been connected and are in service.

d. Marion Branch Lift Station -- The Contractor is beginning to install security fencing around all of the larger pumps stations. After security fencing is up and is lockable, the Contractor plans to install the backup generator set and odor control at the Marion Branch Lift Station.

e. Next Period --

- i. Marion Branch Lift Station -- The Contractor plans to continue completing remaining items of work at the Marion Branch Lift Station. These remaining items include but are not limited to, installation of the Generator Set, Odor Control Unit, final site surfacing, etc.
- ii. Construction of 30" gravity sewer behind Lower Bowles Addition to replace a bottle neck of 18" sewer.
- iii. Miscellaneous seeding and cleanup
- iv. A final project punch list walk through will be planned in the coming weeks with the project team to verify the remaining items of work on the base project.

f. Ozone Odor Control Unit -- Ronnie Brooks of Rural Development is awaiting the necessary certification letter from the City attorney before granting approval to go ahead with the purchase of the odor control unit.

g. E-ONE Grinder Pump Test/Repair Shop -- The Engineer is currently waiting on a final quote from the Contractor for the grinder pump test and repair shop to verify that adequate project funds remain.

1201 PROGRESSIVE PLACE, BOX 101, LEASINGEN, KY 40539 859-264-9860 FAX 859-264-9106

CIVIL ENGINEERING MINING ENGINEERING ARCHITECTURE SURVEYING

MEMO 12.12.11
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3. PEACH ORCHARD STORM/SANITARY SEWER SEPARATION PROJECT

- a. The project plans are complete and a final cost estimate has been submitted to the City to begin to acquire funding for the project. A final set of plans have been provided to Ricky Hamilton of UMG for review and final comment.



SUMMIT ENGINEERING, INC.

DATE: December 12, 2011
TO: Jack Sykes
CC: Kevin Howard, Cheryl Ray, Mike Hill
FROM: Jody G. Hunt
RE: Report on Pikeville Projects – Water and Sewer

1. LYKINS / BILLIPS SANITARY SEWER PROJECT

- a. Contractor Pay Request – In the Amount of \$74,138.40 requires council approval.
- b. The Contractor has installed approximately 90% of the main line and approximately 75% of the service lines. The contractor has been working on the installation of service line and the wet wells for residential grinder pump stations. There are four remaining wet wells to be installed.
- c. Possible Cost Savings – The Engineer and the Contractor have been working with the City to install the main line connection in a different location. This alternate location eliminates the need for disturbance to Thompson Rd. and the CSX bore. We are in the process of obtaining easements for this alternate route.

Jody Hunt with Summit asked if there were any questions with the information that was provided. Mayor Justice asked, "How is the Island Creek project, Marion's Branch project? Do we have everyone's yard fixed?" Mr. Hunt answered that all residential grinders have been installed. They are in the process of cleaning the yards up. Commissioner Carter asked what percentage of the residents signed up. City Manager answered that it was a high percentage of the community. Mayor Justice asked if the ones that did not sign up if we were sure that they were not straight lining. Commissioner Carter wants to make sure that the health department had to go inspect after completion to make sure their ok. Mayor Justice says that since our federal, state, and local governments have put all this money into this project we know for a fact that the ones that did not sign up on this project are not main lining or straight lining? City Manager says we have walked the creeks and sampled the water to make sure there is no fecal matters in the water. Once everything is done we are going to walk the banks again says the City Manager. Commissioner Carter asked how long do we need to wait to start sampling the water again to see what kind of results we get? Mr. Hunt answers first of the year. Mayor Justice then has a question about the Ozone Odor Control Unit and how it works. Mr. Hunt says that in the beginning there was trouble with the unit breaking down but now it is doing really well. Mayor says we might want to look at putting one of these behind the Chevy garage.

(17) If there are no additional business required would ask the commission to consider a request to cancel the regular commission meeting schedule to start at 6 pm (December 12th, 2011). Commissioner Carter made the motion to approve. Commissioner Layne seconded the motion. Mayor Justice called for comments, there being none, the motion passed unanimously. 5-0.

Consent Items announcement:

- City employee Christmas party will be December 16th from 6 pm until 8 pm At Expo
- City Hall will be closed on Friday December 23rd & Monday December 26th For Christmas.
- City Hall will be closed on Friday December 30th & Monday January 2nd for New Years.
- City Manager will be scheduled off the week of Christmas.
- Commission meeting for December 26th has been cancelled due to Christmas Week.

(18) There being no further business to come before the commission, Commissioner Davis 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.

The next scheduled Regular Meeting of the City of Pikeville Board of Commissioners is January 9, 2012 at 6:00 p.m.

APPROVED:



FRANKLIN D. JUSTICE, II, MAYOR

ATTESTED:



CHRISTY BILLITER, CITY CLERK

