

**CITY OF PIKEVILLE  
BOARD OF COMMISSIONERS  
REGULAR MEETING MINUTES  
April 23, 2012 AT 6:00 P.M.**

**The Board of Commissioners for the City of Pikeville met in a regular called session on Monday, April 23, 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 March 26, 2012 were in each Commission Member's agenda package. There being no additions or corrections, Commissioner Davis made the motion to approve the minutes as prepared. Commissioner Layne seconded the motion. Mayor Frank Justice called for discussion, there being none. Commissioner Carter abstained. The motion carried. 5-0.**

**BUSINESS FROM THE FLOOR**

**Proclamation honoring the U-Pike Woman's Bowling Team as National Champions. Commissioner Carter made the motion to approve. Commissioner Layne seconded the motion. Mayor Justice called for comments. Then, Mayor Justice read in some stats that were provided by Coach Damron that reads as follows:**

**Kim Yioulos was named first-team All-American by the NCBCA and was named runner-up for National Bowler of the Year by the bowling writers, its equivalent of first-team All-American.**

**It is the third consecutive season she has been honored by both organizations.**

**Yioulos, the two-time NAIA Bowler of the Year, is a senior from Rochester, N.Y. She competed in 10 tournaments this season and was the individual champion in three of them. She was the only NAIA bowler to win three tournaments this year and one of only three in the country to do so.**

Yioulos rolled an average of 222.833 to win Pikeville's own Orange & Black Classic. She then won the Las Vegas Invitational in December with an average of 214.667 and followed that up after Christmas with a win in the Nittany Lion Kegler by averaging 210.6.

For the season she averaged 201.3, which led all NAIA bowlers this season and was fourth in all of college bowling.

In the other measurement of individual success, Yioulos also was the NAIA leader with a differential – the difference between her average and that of the entire field of a tournament – of 30.64. That was good for fifth nationally this season.

Brandi Hensley was named to the honorable-mention list by the NCBCA.

Hensley, who was named NAIA First-Team All-American last month, is a junior from Corpus Christi, Texas. She won the Striking Knights Invitational in November with an average of 225.8.

Her average of 195.42 was fourth among NAIA bowlers and 11<sup>th</sup> overall, while her differential

**City Attorney asked Mr. Damron if he could introduce these ladies because he would like to see what a good bowler looks like. Mr. Damron says you're your choice here. Commissioner Davis says that if we keep winning championships here that we are going to be known as "Pikeville, the City of Champions." Mayor Justice asked the ladies from Rochester, New York and Corpus Christi, Texas, "How do you find University of Pikeville?" Coach Ron Damron addresses the question. Coach says that there are twenty four young ladies present tonight with five graduating seniors. Out of the group, there are two young ladies from Kentucky and the rest are from other states, the farthest being Lauren Eggleton from Alaska. We have a young lady from Puerto Rico, a couple from Texas, Florida, Michigan, Georgia, Tennessee, Illinois, Ohio, Maryland, Idaho, and New York. Pikeville has established a really good tradition for bowling and it is amazing of the quality of student athletes that we attract. The first semester team GPA was 3.43 for this year. That is pretty good for this many students and not only that, they're champions in the lanes. Mayor Justice commends the ladies and the staff at the college for the job that they do. Commissioner Carter says that we need to find these ladies a place to have a home bowling area. The ladies applauded this comment. Mayor Justice called for further comments, there being none, the motion passed unanimously. 5-0.**

**Proclamation honoring Coach Ron Damron with U-Pike for Coach of the Year. Commissioner Chaney made the motion to approve. Commissioner Carter seconded the motion. Mayor Justice called for comments. Mayor ask the girls if they would like to speak about the coach. Mayor comments that great morals and integrity exemplifies Mr. Damron. City Manager Blackburn talks about his experience when he started as City Manager in 2004 when the bowling team won their first championship and how great Mr. Damron was to work with. Ashley Copley, a sophomore student at UPike, says that she is proud to be one of Mr. Damron's bowlers, and that he is an excellent coach. She says that he is a great role model. Mayor Justice called for further comments, there being none, the motion passed unanimously. 5- 0.**

**Proclamation honoring the Lady Panther Softball team for winning the 15<sup>th</sup> regional all "A" Championship. Commissioner Davis made the motion to approve. Commissioner Carter seconded the motion. Mayor Justice called for comments. City Manager Blackburn says that the only reason the team is not present is because they have a game while the meeting is going on. They extend their appreciation to the Commission and we will have Jesse or Sean to deliver the proclamation to them and we will invite them back once their season is over for a photo opp. Mayor Justice called for additional comments, there being none, the motion passed unanimously. 5-0.**

**Introduction of Senate resolution 214 by Senator Ray Jones and Johnny Ray Turner read into record by Commissioner Barry Chaney. City Manager also says that Mr. Justice will go up as a Community Ambassador Hall of Fame member. Mayor Justice appreciates everything that the representatives, senate, and the commission has done. Commissioner Davis speaks that Frank Justice was very well respected in Pikeville. He was a fantastic business man; and he did extremely well in the stock market when some people didn't. Our condolences to Frankie and the family. Commissioner Chaney says that it was a great honor to read the resolution. He says that the Mayor's family has been very good to him. Mayor says once again he would like to thank Johnny Ray Turner and Ray Jones for introducing this and this Commission for the reading you did for us; Mayor Pro-Tem Jimmy Carter for the reading, and I didn't know of the special ambassador until I read the paper. The family has been bestowed with a lot of love, and we really appreciate it.**

### **PAYMENT OF CITY BILLS**

**The City Manager Donovan Blackburn requested the approval to pay city bills in the amount of \$876,084.81. Commissioner Chaney made the motion to approve. Commissioner Carter seconded the motion. Mayor Justice called for comments.**

**Mayor says that the only comment he has is that he and Mr. Blackburn has already talked about it and they will look into it. Mayor Justice called for further discussion, there being none, motion passed unanimously. 5-0.**

#### **CITY ENGINEER**

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

- 1. Consider request to approve the purchase and payment of a standby generator and switch as submitted in the amount of \$12,666.00 for the Pikeville flood gate (said purchase will be paid for in full with a grant) and to authorize the mayor to sign and execute any documents necessary for said purchase, payment or grant. 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 ATTORNEY**

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

- 1. Consider a 1<sup>st</sup> reading of an ordinance #0-2012-010 for the issuance of a General Obligation Bond, Series 2012B for refinancing current utility debt. No further action is required at this time. The second reading will take place at the next regular scheduled meeting.**
- 2. Consider a 1<sup>st</sup> reading of an ordinance #0-2012-011 for the issuance of a General Obligation Bond, Series 2012C for refinancing current utility debt. No further action is required at this time. The second reading will take place at the next regular scheduled meeting.**
- 3. Consider the 2<sup>nd</sup> reading and adoption of an ordinance #0-2012-009 of Chapter 98 "Alarm Systems" amending section 98.03 amending exceptions of violators and authorize the mayor to sign and execute said ordinance on behalf of the City of Pikeville. This ordinance was TABLED.**
- 4. Consider a 2012 resolution as submitted relating to the defeasance of the City's loan repayment obligation to KIA Designated C92-04 and termination of the assistance agreement related thereto and to authorize the mayor to sign and execute said resolution on behalf of the City of Pikeville. Commissioner Chaney made the motion to approve. Commissioner Layne seconded the motion. Mayor Justice called for comments. City Attorney Davis explained that we are paying off a loan to KIA. Mayor says so we were using our reserve to do so. City Attorney**

- said through our reserve, yes. Mayor called for further comments, there being none. Mayor called roll call, the motion passed unanimously. 5-0.
5. Consider a request to adopt a 2012 resolution as submitted approving and authorizing a second supplemental assistance agreement by the city and KIA and authorize the mayor to sign and execute said resolution on behalf of the City of Pikeville. Commissioner Davis made the motion to approve. Commissioner Chaney seconded the motion. Mayor Justice called for comments. Mayor Justice says simplify that for me. City Attorney Davis says basically we have to refinance, we have to subordinate some other obligations we have made. Mr. Davis then turns to Greg Phillips from Hilliard Lyons. Greg says that the bonds do two things: 1. Refund debt that is at a high interest rate, and 2. Pay off KIA debt. Commissioner Layne asked if it would be at a lesser interest rate. And Mr. Phillips replied yes. Mayor asked about the risk of doing this, is it the same as it ever was. City Attorney says that we are not picking up any additional risk if anything it may be reducing it because we are cutting our debt by cutting our interest rate. Mr. Phillips says that it is a good deal because right now we are not earning anything on the cash reserve and it allows you to pay off debt at 4 to 5 percent. Mayor called for further comments, there being none. Mayor called roll call, the motion passed unanimously. 5-0.

#### CITY MANAGER

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

1. Consider request to approve a resolution as submitted and read into record authorizing a usage policy agreement on behalf of the City of Pikeville for the use by the University of Pikeville and Pikeville Independent School system for W.C. Hambley Complex and other sports facilities and to authorize the mayor to sign and execute said resolution. Commissioner Chaney made the motion to adopt. Commissioner Layne seconded the motion. Mayor called for further comments, there being none. Mayor called roll call, motion passed unanimously. 5-0.
2. Consider a request to adopt a resolution as submitted adopting the Amended City of Pikeville Personnel Policy Guidelines and to authorize the mayor to sign and execute said resolution. Commissioner Chaney made the motion to approve. Commissioner Carter seconded the motion. Mayor Justice called for comments, there being none. Mayor called roll call, the motion passed. 5-0.
3. Consider a request to adopt a resolution, as submitted and read into record, authorizing the participation and ratifying prior participation of the City of Pikeville, Pike County, Kentucky, with the Department of Army, Corps of Engineers, for the design and construction of the Pikeville Wastewater

- Treatment Plan expansion design project, and authorize the mayor of the City of Pikeville and other appropriate City Officials to act for and on behalf of the City of Pikeville, in executing, accepting or otherwise approving all documents, agreements, instruments, or other necessary papers required by the Department of the Army to implement said participation in the project and to authorize the Mayor to sign and execute said resolution on behalf of the City of Pikeville. Commissioner Carter made the motion. Commissioner Layne seconded the motion. Mayor Justice called for comments. City Manager comments that everyone is aware that this is for the \$750,000 grant. Mayor Justice called for further comments, there being none. Mayor called roll call, the motion passed unanimously. 5-0.
4. Consider request to authorize and approve a supplemental agreement #1 between the Commonwealth of Kentucky Transportation Cabinet Department of Highways and the City of Pikeville as submitted for the remaining \$556,000 in funds for the Thompson Road Widening project and to authorize the mayor 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 unanimously. 5-0.
  5. Consider a request to grant and transfer a city owned vehicle used by Pikeville Emergency Management Director to the City of West Liberty Ky and to authorize the City Manager to sign and execute all documents necessary for said transfer. Commissioner Chaney made the motion to approve. Commissioner Davis seconded the motion. Mayor Justice called for comments. City Manager Blackburn says of course, this is for the tornado community. Mayor says it is a very nice gesture for the citizens of Pikeville. Mayor called for additional comments, there being none, the motion passed unanimously. 5-0.
  6. Consider a request to authorize and approve a contract as submitted between the City of Pikeville and the University of Pikeville for the usage of the East Kentucky Expo Center for their Men's and Woman's basketball program and to permit the City Manager and City Attorney to jointly agree with any amendments as long as they do not interfere with the overall intent of the original agreement as presented 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 Davis seconded the motion. Mayor Justice called for comments, there being none, the motion passed unanimously. 5-0.
  7. Consider a request to award the design contract to Vaughn & Melton, for the City of Pikeville's Waste Water Treatment plant as recommended by the RFQ review committee contingent upon the receipt of the \$750,000 funding awarded from the Army Corp Section 531 Grant and to authorize the mayor upon his satisfaction of contract design selection, terms and price to sign and execute said contract upon review approval by the City Attorney and City Manager. Said contact shall not exceed \$900,000. 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 authorize and execute a contract as submitted for the operations of the city paddle boats on the Pikeville lake and to authorize the Mayor to sign and execute said contract on behalf of the City of Pikeville. Commissioner Davis made the motion to approve. Commissioner Layne seconded the motion. Mayor Justice called for comments. Mayor asked, "Where are you putting the paddle boats this year?" City Manager replied that the paddle boats would be on the opposite end. Mayor says thank you. Commissioner Carter then asked if we were going to get a dock back in because it would make it easier to get boats back in down there. City Manager says yes. Mayor calls for additional comments, there being none, the motion passed unanimously. 5-0.
  9. Consider a request to authorize Pikeville Medical Center (PMC) to take the three mobile homes that are on PMC existing property located at Harold Branch and to relocate them to PMC property located on South Mayo Trail behind their medical building. Commissioner Chaney made the motion to approve. Commissioner Layne seconded the motion. Mayor Justice called for comments. Commissioner Carter asked if this was temporary and the answer was yes. Codes Enforcement Robert Smith said, "Thank you." Mayor called for additional comments, there being none, the motion passed unanimously. 5-0.
  10. Consider a request to authorize and execute a contract as submitted between the City of Pikeville and Pikeville Area Family YMCA for the operation of the city swimming pool 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 Carter seconded the motion. Mayor Justice called for comments. Commissioner Carter asked if we have any idea when they are going to build their pool. Mr. Blackburn said that he talked to them during Hillbilly Days and that they are working on coming to the city and the county. Mayor says I guess we give them a \$25,000 grant for ten years. City Manager says that's what we have been doing. Mayor called for additional comments, there being none, the motion passed unanimously. 5-0.
  11. Consider a request to award a bid and authorize payment to Concrete Technology LLC (who was only bidder) in the amount of \$25,908.00 for the repairs of the Huffman Plaza Entrance at the East Kentucky Expo Center and to authorize the mayor to sign any contract or any other paperwork necessary for said award, payment or work. Commissioner Carter made the motion to approve. Commissioner Chaney seconded the motion. Mayor Justice called for comments. Commissioner Carter, Mayor Justice and Commissioner Davis asked Mr. Steve St. John, "What is going on?" Mr. St. John says that the original construction of the plaza along side the box office, shortly after completion of the building they closed that in for a storage area. Which now is the men and women's locker rooms, there are leaks going

- through there. It needs to be sealed so there will no longer be leaks there. Mayor called for further comments, there being none, the motion passed unanimously. 5-0.
12. Consider a request to approve a letter of support (LOS) to the Kentucky Cabinet for Economic Development for Tri-State laboratories to locate in the City as submitted with the state tax benefits by the state and to authorize the City Manager to sign said LOS on behalf of the City of Pikeville. Commissioner Chaney made the motion to approve. Commissioner Layne seconded the motion. Mayor Justice called for comments. City Manager says as in outlined in the letter, the city is not forgoing any tax benefits for this project. Mayor called for further comments, there being none, the motion passed unanimously. 5-0.
  13. Consider a request to authorize and execute a Financial Advisor Engagement Contract as submitted between the City of Pikeville and Hilliard Lyon and authorize the Mayor to sign and execute said contract 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. 5-0.
  14. Consider a request to authorize and execute an Agreement for Bond Counsel Services as submitted between the City of Pikeville and Stoll, Keenon & Ogden and authorize the Mayor to sign and execute said contract 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 unanimously. 5-0.
  15. Consider a request to adopt a resolution as submitted for "Procurement Standards for CDBG Project" and to authorize the mayor to sign and execute said resolution on behalf of the City of Pikeville. Commissioner Carter made the motion to approve. Commissioner Layne seconded the motion. Mayor Justice called for comments, there being none. Mayor called roll call, the motion passed unanimously. 5-0.
  16. Consider a request to approve and execute a contract between the City of Pikeville and Holzman Moss Bottino Architectures as submitted for the architecture services for the new Pikeville Theater and to authorize the City Manager to sign and execute on behalf of the City of Pikeville and as Chairman of the Theater Building Committee. 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.
  17. Consider a request to approve and execute an amendment #1200000748 for a Memorandum of Agreement between the Commonwealth of Kentucky, DLG and City of Pikeville for Project #A361 as submitted and authorize the Mayor to sign and execute said amendment 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 unanimously. 5-0.



18. Consider a request to approve and execute the following amendments between the City of Pikeville and Commonwealth of Kentucky as described:  
SX21195128: Amendment #2 combining FY11 and FY12 allocations and extending time to 6/30/13  
SX21195135: Amendment #2 combining FY11 and FY12 allocations and extending time to 6/30/13  
SX21195138: Amendment #2 extending time to 6/30/13  
And to authorize the mayor to sign and execute said amendments along with any other required documents necessary to execute said request on behalf of the City of Pikeville. Commissioner Davis made the motion to approve. Commissioner Chaney seconded the motion. Mayor Justice called for comments. City Manager says that these are various coal severance projects from last session that we are doing because we don't have completed yet. We are asking to stand so we don't lose the funding. Mayor called for further comments, there being none, the motion passed unanimously. 5-0.
19. Consider a request to authorize and adopt a Maintenance Agreement Addendum as submitted between ThyssenKrupp Elevator for preventative maintenance and inspection of parking garage elevators and authorize the mayor to sign and execute said agreement 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.
20. Consider a request to approve and adopt Floodplain Development Permit Application to be managed by the Pikeville Flood Plain Control Administrator as submitted for use by land owners in the city when requesting constructing within a blue stream as required by federal law and local ordinance. Commissioner Chaney made the motion to approve. Commissioner Layne seconded the motion. Mayor Justice called for comments. Mayor asked what does that do to us. City Manager says that over the past several years we have had question about people putting drain tiles in at Cedar, the question is if we have any way to enforce the prevention of that. The answer after Rusty and Summit has done some extensive research of that is in that area being in a blue stream is not permitted to do so. This causes them to require a permit, which would go through federal channels and this puts a process in place to prevent people from putting these drains in that we are having problems out of. Mayor says so the answer is we do not issue permits, so there cannot be anymore drain tiles put in. City Attorney answers that that is basically right but really the state takes care of that anyway. We are just coming up with paperwork that will ensure that they get their reply for state permits before we will issue any permits. Mayor asked if the people that already have their pipes in and don't have a permit if it is their own problem. City Attorney says that it is their own problem if they flood their neighbor. City Manager also lets the Mayor know that there is an advertisement going into the paper on Wednesday about the Floodplain regulations. Mayor says that the main point is that the city is not liable.

Mayor called for further discussion, there being none, the motion passed unanimously. 5-0.

**\*\*City Manager Blackburn announced the Consent Items for the Commission to hear. Mr. Blackburn also thanked everyone for their efforts in the Hillbilly Days Event. Mayor made mention to Expo Center and their efforts\*\***

21. Consider a request of a conditional job offer to Kimberly Robin Harris for the position of city 911 dispatcher at the position starting rate contingent upon the administering and passage all required pre-employment test. 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.
22. 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.
23. Commissioner Layne 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.
24. There being no further business to come before the Commission, Commissioner Davis has made the motion to adjourn the meeting. Commissioner Chaney seconded the motion. Mayor Justice called for discussion, there being none the meeting was adjourned. 5-0

#### CONSENT ITEMS:

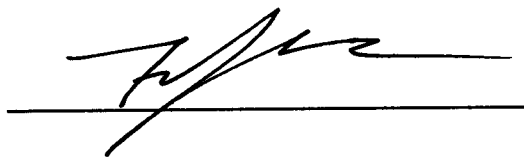
According to Kentucky Monthly magazine, April 27<sup>th</sup> issue, Pikeville's Expo Center ranks 3<sup>rd</sup> in Sports Tourism!

East Kentucky Leadership Conference will be April 26<sup>th</sup> & 27<sup>th</sup> in Prestonsburg @ the Mountain Arts Center.

EPA at Expo for public hears on mining permits on June 7, from noon to 4 pm and then from 7pm until 11pm.

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

APPROVED:



April 23, 2012 Regular Meeting

**FRANKLIN D. JUSTICE, II, MAYOR**

**ATTESTED:**

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CHRISTY BILLITER, CITY CLERK

