

**CITY OF PIKEVILLE
BOARD OF COMMISSIONERS
REGULAR MEETING MINUTES
September 24, 2012 AT 6:00 P.M.**

The Board of Commissioners for the City of Pikeville met in a regular called session on Monday, September 24, 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 Pro-tem Jimmy Carter 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 Absent**

MINUTES

The minutes for the previous regular meeting held on September 10, 2012 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 Pro-tem Jimmy Carter called for discussion, there being none, the motion carried unanimously. 4-0.

BUSINESS FROM THE FLOOR

Jody Hunt from Summit Engineering provided a brief update on the Peach Orchard and Foxcroft Sewer Projects. On September 20, 2012 at 2:00 pm, there was a bid opening for the Peach Orchard Sewer Separation Project. The lowest bidder was BOCA Enterprises for \$288,490, but there was a mathematical error and the new total was 276,590 still being the low bidder. At 2:30 pm, there was a bid opening for the Foxcroft Sewer Project. The lowest bidder on this project was H2O Construction Co., Inc. for \$127,990. Both of these projects are within the funding that is allowable. To give you an update on the Bob Amos Horse Trail Project, we are in the preliminary design phase. We have completed the layout of the barn, parking area, and riding area, and we have submitted to Melanie and Sean Cochran for review. They have submitted back some reviews and we are making the necessary changes on those before we bring them to you for preliminary review. And on the comprehensive plan, I don't have anything to add to that one. Mr. Hunt

ask for questions. Mayor Pro-tem Carter asked, "When will we start on the water separation on Peach Orchard?" Mr. Hunt said that it will start very soon after we follow procedure. On Foxcroft, we will have to go through a funding agent before we can go any further.

PAYMENT OF CITY BILLS

The City Manager Donovan Blackburn requested the approval to pay city bills in the amount of \$1,081,835.50. Commissioner Davis made the motion to approve. Commissioner Layne seconded the motion. Mayor Pro-tem Carter called for discussion. City Manager commented that half million of this is for the blacktopping of the Boulevard, which was a budgeted item. The money has been set aside for the last ten years for this. Mayor Pro-tem Carter called for further discussion, there being none, motion passed unanimously. 4-0.

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 Layne seconded the motion. Mayor Pro-tem Carter called for discussion. City Manager comments that this is because we are cancelling the first October meeting. Mayor Pro-tem Carter called for further discussion, there being none, motion passed unanimously. 4-0.

BIG SANDY AREA DEVELOPMENT DISTRICT

Brandon Montgomery was present for the Big Sandy Area Development. Mr. Montgomery had no updates for the commission.

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 Peach Orchard Sewer Separation Project to BOCA Enterprises, who was the low bidder, in the amount of \$276,590, and to authorize and approve a contract for said work, issue a notice to proceed and authorize the mayor or mayor pro-tem to sign and execute said contract for said project. Commissioner Chaney made the motion to approve. Commissioner Davis seconded the motion. Mayor Pro-tem Carter called for comments, there being none, the motion passed unanimously. 4-0.

2. Consider request to award the bid for the Foxcroft Sewer Extention Project to H2O Construction, who was the low bidder, in the amount of \$127,990, and to authorize and approve a contract for said work, issue a notice to proceed and authorize the mayor or mayor pro-tem to sign and execute said contract for said project. Commissioner Layne made the motion to approve. Commissioner Chaney seconded. Mayor Pro-tem Carter called for comments. City Manager Blackburn congratulates and thank both UMG and the Commission because there is hardly any area that does not have sewer. All together, we should have less than 20% storm water. Mayor Pro-tem called for further discussion, there being none, the motion passed unanimously. 4-0.
3. Consider request to approve an invoice #64633 for Summit Engineering for \$9,000.00 for Sword Fork/ Marion Branch environmental work and authorize payment for said invoice. Commissioner Davis made the motion to approve. Commissioner Chaney seconded. Mayor Pro-tem called for comments, there being none the motion passed unanimously. 4-0.
4. Consider a request to approve an invoice WO#147 for H2O Construction Co.,Inc. for \$120,000 for Riverbank stabilization project and authorize payment for said invoice and to also approve and pay the additional \$10,000 for extra work completed contingent upon the addendum for the additional \$10,000 being signed and executed as already approved. Commissioner Davis made the motion to approve. Commissioner Layne seconded. Mayor Pro-tem called for comments. Commissioner Davis wanted to know how it was going. Mr. Hunt replied that it is near completion, talked to the contractor today and he is very pleased with the construction. City Manager says that this is another project that we have been working on for a couple of years and is almost complete. Commissioner Chaney asked if there was anything that we could do to prevent this from happening again. Mr. Hunt answered, "Probably not." Mayor Pro-tem called for further discussion, there being none the motion passed unanimously. 4-0.

CITY ATTORNEY

Russell Davis was absent, so City Manager Donovan Blackburn read the ordinances into record.

1. **Consider a 2nd reading and adoption of an ordinance #0-2012-023 adopting the 2012 supplement to the City of Pikeville code of ordinances and to authorize the mayor pro-tem to sign and execute said ordinance. Commissioner Layne made the motion to approve. Commissioner Chaney seconded. Mayor Pro-tem called for comments, there being none. Mayor Pro-tem call roll call. The motion passed unanimously. 4-0.**

ORDINANCE ADOPTING THE 2012 SUPPLEMENT TO THE CITY OF PIKEVILLE CODE OF ORDINANCES

Ordinance #:0-2012-023

WHEREAS, American Legal Publishing Corporation of Cincinnati, Ohio has completed the S-26 supplement to the Code of Ordinances of the City of Pikeville, which supplement contains all ordinances of a general nature enacted since the prior supplement to said Code; and

WHEREAS, American Legal Publishing Corporation has recommended the revision or addition of sections of the Code of Ordinances based upon duly enacted or amended ordinances by the City of Pikeville or section of the Kentucky Revised Statutes; and

WHEREAS, it is the intent of the Commission to accept these updated and revised section in accordance with the changes of the ordinances by the City of Pikeville or section of the Kentucky Revised Statutes;

NOW, THEREFORE, BE IT ORDAINED by the City of Pikeville as follows:

SECTION 1: That the S-26 supplement of the Code of Ordinances of the City of Pikeville, KY as submitted by American Legal Publishing Corporation of Cincinnati, Ohio and as attached hereto, be and the same is hereby adopted by reference as if set out in its entirety.

SECTION 2: The ordinance shall be in full force and effect after it is passed and published as required by law.

The above ordinance was given first reading this ____ day of _____, 2012, the ordinance was given a second reading on the ____ 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 BILLITER, CITY CLERK

- 2. Consider a request to adopt an emergency ordinance #0-2012-024 fixing a tax levy on real and tangible personal property, franchises, all for the general operating expense purposes and providing for a due date and discount on all taxes, if paid on or before November 1st 2012 and penalties if not paid by February 1st 2013 and to authorize the Mayor or Mayor Pro-tem to sign and execute said ordinance. Commissioner Davis made the motion to approve. Commissioner Chaney seconded. Mayor Pro-tem called for comments, there being none. Mayor Pro-tem call roll call. The motion passed unanimously. 4-0.

**AN ORDINANCE FIXING A TAX LEVY ON REAL AND TANGIBLE
PERSONAL PROPERTY, FRANCHISES, ALL FOR THE GENERAL
OPERATING EXPENSE PURPOSES AND PROVIDING FOR A DUE DATE
AND DISCOUNT ON ALL TAXES, IF PAID ON OR BEFORE
NOVEMBER 1st, 2012 AND PENALTIES IF NOT PAID BY
FEBRUARY 1st, 2013.**

ORDINANCE NO. O-2012-024

SECTION I. The County Assessment of property situated within the City of Pikeville, both real and personal, is hereby adopted.

SECTION II. For the purposes of providing funds for the general operating expenses of the City of Pikeville for the Fiscal Year from July 1, 2012 to June 30, 2013, the following taxes are levied and the revised collection schedule adopted.

(A) Upon all real estate within the City of Pikeville not specifically exempted from taxation, situated within the City of Pikeville, of \$0.15 per one-hundred (\$100.00) dollars, of assessed value.

(B) A tax upon all tangible personal property and franchises, not specifically exempted from taxation, a tax of \$0.15 per one-hundred (\$100.00) dollars, of assessed value.

SECTION III. A discount of two (2%) percent of the total amount of the tax bill is hereby allowed upon all tax bills paid on or before November 1th, 2012.

SECTION IV. The face amount of tax without discount or penalty shall be due for tax bills that are paid after November 1st, 2012 through January 1st, 2013.

SECTION V. A penalty of five (5%) percent of the total amount of the tax bills that are not paid on or prior to February 1st, 2013 shall be imposed and collected.

SECTION VI. A penalty of twenty-one (21%) percent of the total amount of the tax bills that are paid after February 1st, 2013 shall be imposed and collected.

SECTION VII. Certificates of delinquency shall bear interest from the date of issuance until collected at the rate of twelve percent (12%) per annum.

SECTION VIII. The Tax Administrator is hereby designated and authorized to Collect the tax imposed herein.

SECTION IX. . This Ordinance is passed pursuant to, in compliance with, and by virtue of the authority of the following constitutional and statutory provisions, to- with: Kentucky Constitution, 157, 170, and 181; Kentucky Revised Statutes, 92.280; 92.281; 92.290; 92.330; 132.010; 132.020; and 134.430.

SECTION X. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION XI. An emergency is declared to exist with regard to the adoption of the ordinance. Said emergency being that the property tax bills are now ready to be mailed and the delay in mailing the property tax bills may cause a financial hardship upon the City of Pikeville.

Passed this _____ day of _____, 2012.

Commissioner _____ moved the adoption of the foregoing ordinance.

Commissioner _____ seconded the motion.

Upon roll call, the votes were as follows:

	<u>YES</u>	<u>NO</u>
FRANKLIN D. JUSTICE, II, MAYOR	—	—
JAMES A. CARTER, COMMISSIONER	—	—
EUGENE W. DAVIS, COMMISSIONER	—	—
BARRY N. CHANEY, COMMISSIONER	—	—
DALLAS LAYNE, COMMISSIONER	—	—

The Mayor declared the within ordinance adopted.

JIMMY CARTER, MAYOR PRO-TEM

ATTEST:

CHRISTY SPEARS, CITY CLERK

CITY MANAGER

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

1. Consider request to adopt award a bid, authorize purchase and approve payment for the purchase of Fire Gear for the fire department to Bluegrass Fire Equipment, who was the only bidder, in the amount of \$54,570. Commissioner Layne made the motion to adopt. Commissioner Davis seconded the motion. Mayor Pro-tem called for comments. Mr. Blackburn adds that this is a budgeted capital item. Mayor Pro-tem called for further comments, there being none, motion passed unanimously. 4-0.
2. Consider a request to award a bid to Morton Salt (who was the only bidder) for \$61.85 per ton, authorize purchase as needed and approve payment for said purchases of the 2012-2013 seasons Bulk Ice Control Salt. Commissioner Chaney made the motion to approve. Commissioner Davis seconded the motion. Mayor Pro-tem called for comments and then says that he hopes that we have to buy a lot of salt. Mayor Pro-tem Carter called for further comments, there being none the motion passed. 4-0.
3. Consider a request to place for bid point of sale hardware and software for the East KY Expo Center. Commissioner Chaney made the motion. Commissioner Davis seconded the motion. Mayor Pro-tem Carter called for comments. City Manager says that this is a budgeted item for the Expo, it is just a request to go to bid. Mayor Pro-tem comments that he cannot believe that there is not a system already. Mr. St. John says that he has one but it is out dated. Mayor Pro-tem called for further discussion, there being none, the motion passed unanimously. 4-0.
4. Consider request to award the bid for the sale of the city surplus property located at 205 Scott Ave, Pikeville, KY to Eddy Coleman, who was the high bidder, in the amount of \$50,000 and to authorize the mayor or mayor pro-tem to sign and execute the deed of conveyance for the sale of said property. Commissioner Chaney made the motion to approve. Commissioner Layne seconded the motion. Mayor Pro-tem Carter called for comments. Commissioner Layne asked if that was the property on Scott Ave. City Manager said yes on 205 Scott. City Manager says that according to KY law we advertised on the web site first and there were no bidders then we put it in the paper and got three bids. Mayor Pro-tem called for further comments, there being none the motion passed unanimously. 4-0.
5. Consider a request to authorize the city to make application for the 2012 litter abatement grant, as submitted and to authorize the mayor or mayor pro-tem to sign and execute said grant request. Commissioner Layne made the motion to approve. Commissioner Chaney seconded the motion. Mayor Pro-tem Carter called for comments, there being none the motion passed unanimously. 4-0.
6. Consider a request to adopt a resolution, as submitted, authorizing the mayor or mayor pro-tem to make application for and, up on approval, to enter into an agreement with the Kentucky arts council to execute any documents which are deemed necessary by KCA to facilitate and administer the project and to act as authorized correspondent for this project for the

- 2013 Kentucky Cultural District Certification Program and to authorize the mayor or mayor pro-tem to sign and execute said resolution. Commissioner Chaney made the motion to approve. Commissioner Layne seconded the motion. Mayor Pro-tem Carter called for comments. Mr. Blackburn turned it over to Melanie Stevens to explain. Ms. Stevens says that the KCA will help market us across the state. Mayor Pro-tem called for further comments, there being none the motion passed unanimously. 4-0.
7. Consider a request to approve and adopt the amended city personnel policy 3.18 Fringe Benefit Employer Election Notice to Employees as submitted. Commissioner Chaney made the motion to approve. Commissioner Layne seconded the motion. Mayor Pro-tem Carter called for comments. City Manager says that this is the same thing that we talked about last commission meeting, regarding Martial Arts. Mayor Pro-tem called for further comments, there being none, the motion passed unanimously. 4-0.
 8. Consider a request to approve and adopt the amended city personnel policy 3.14 Insurance as submitted. Commissioner Chaney made the motion to approve. Commissioner Layne seconded the motion. Mayor Pro-tem Carter called for comments. City Manager comments that all this does is marry together our insurance policy to our employee policy. Mayor Pro-tem called for further comments, there being none, the motion passed unanimously. 4-0.
 9. Consider a request to adopt a proclamation, as submitted, recognizing and honoring the 1972 and 1987 Pikeville High School Champion football teams and to authorize the mayor or mayor pro-tem the authority to sign and execute said proclamation. Commissioner Davis made the motion to approve. Commissioner Layne seconded the motion. Mayor Pro-tem Carter called for comments. Mr. Blackburn says that this will be presented either the 12th or the 15th. Mayor Pro-tem called for further comments, there being none, the motion passed unanimously. 4-0.
 10. Consider a request to call a special commission meeting on October 15th at 4 pm. Commissioner Chaney made the motion to approve. Commissioner Layne seconded the motion. Mayor Pro-tem Carter called for comments. Commissioner Davis asked where the meeting will be held. City Manager Blackburn says that we will be here at City Hall and we will be awarding the Pikeville Theater Project bids. Mayor Pro-tem called for further comments, there being none, the motion passed unanimously. 4-0.
 11. Consider a request to authorize and approve a Real Estate Development Agreement as submitted between the United States Postal Service and the City of Pikeville and authorize the Mayor or Mayor Pro-tem the authority to sign and execute said contract contingent upon the city also executing an assignment contract with Realty Link Investments, LLC that would apply to said contract. Commissioner Davis made the motion to approve. Commissioner Chaney seconded the motion. Mayor Pro-tem Carter called for comments. City Manager announces that as the city commission is aware, I have been working on this over a year. After twenty-five versions of this contract, tonight after approval from you, everybody will have accepted

these terms. Mayor Pro-tem thanked Mr. Blackburn for all his efforts and says his persistence pays off in the long run. Commissioner Chaney says that this development will not only attract people from local areas but will draw from other regions as well. Mayor Pro-tem called for further discussion, there being none, the motion passed unanimously. 4-0.

12. Consider a request to authorize and approve an Assignment Agreement, as submitted, between the City of Pikeville and Realty Link Investments, LLC for the assignment of the Real Estate Development Agreement between the United States Postal Service and the City of Pikeville and to authorize the Mayor or Mayor Pro-tem to sign and execute said assignment contract on behalf of the City of Pikeville. Commissioner Chaney made the motion to approve. Commissioner Davis seconded the motion. Mayor Pro-tem Carter called for comments, there being none, the motion passed unanimously. 4-0.
13. Consider a request to approve a contract between LightYear and City for fiber internet service with the expo and authorize the Mayor or Mayor Pro-tem to execute. Commissioner Chaney made the motion to approve. Commissioner Layne seconded the motion. Mayor Pro-tem Carter called for comments. City Manager says that Steve St. John is negotiating this contract. This is a secondary option; it is necessary for the new POS system. Mayor Pro-tem called for further discussion, there being none, the motion passed unanimously. 4-0.

*****City Manager announced Consent Items for all to hear*****

14. 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 Chaney seconded the motion. Mayor Pro-tem Carter called for discussion, there being none the motion passed unanimously. 4-0.
15. Commissioner Layne made the motion to re convene. Commissioner Davis seconded the motion. Mayor Pro-tem Carter called for discussion, there being none the motion passed unanimously. 4-0. Mayor called the session back into order.
16. Consider a request to approve and authorize a contract and payment to AEP for the relocation of a utility pole located on the city property beside of Combs Bridge. The necessity to relocate the pole is to open up said property so the city may sell in order to create a new business development opportunity and tax base and to authorize the city manager to sign and execute said contract on behalf of the City of Pikeville. Commissioner Layne made a motion to approve. Commissioner Chaney seconded the motion. Mayor Pro-tem Carter called for comments, there being none, the motion passed unanimously. 4-0.
17. There being no further business to come before the Commission, Commissioner Davis has made the motion to adjourn the meeting.

Commissioner Layne seconded the motion. Mayor Pro-tem Carter called for discussion, there being none, the meeting was adjourned. 4-0

CONSENT ITEMS:

KLC Annual Conference October 8th 2012 in Lexington, KY

United for Coal, October 13th from 2 pm to 3 pm

Dedication on September 25th 2012 at 11:00 am dedication of the Randy Jones memorial Christmas in July Playground.

Go Local show - Hatfield & McCoy Pikeville/ Pike County Tourism will air week of October 1st. WYMT will be on Wednesday, October 3rd at 7 pm.

WKYT – Saturdays 10:00 am

WYMT – Wednesdays 7:00 pm

WBKO – Sundays 10:35 am

WVLT – Wednesdays and Saturdays

October 29th @ 6 pm UNITE policy forum at Jenny Wiley's convention center with Governor Beshear, Congressman Rogers, Speaker Stumbo, Rep. Rocky Adkins, Senator Stivers and Jensen.

October 30th @ 10:30 am, Pikeville Theatre ground breaking with Key Note speaker Congressman Hal Rogers

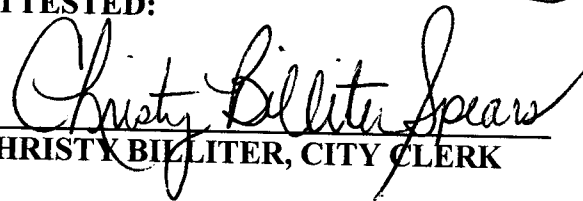
October 8th 2012 commission meeting has been cancelled.

The next scheduled Regular Meeting of the City of Pikeville Board of Commissioners is October 22, 2012 at 6:00 p.m.

APPROVED:


FRANKLIN D. JUSTICE, II, MAYOR

ATTESTED:


CHRISTY BILLITER, CITY CLERK

September 24, 2012 Regular Meeting