

**CITY OF PIKEVILLE  
BOARD OF COMMISSIONERS  
REGULAR MEETING MINUTES  
January 28, 2013 AT 6:00 P.M.**

The Board of Commissioners for the City of Pikeville met in a regular called session on Monday, January 28, 2013. 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:

<b>COMMISSIONER:</b>	<b>JIMMY CARTER</b>	<b>Absent</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 special meeting held on January 17, 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, the motion carried unanimously. 3-0.

**PAYMENT OF CITY BILLS**

The City Manager Donovan Blackburn requested the approval to pay city bills in the amount of \$1,027,838.44. Commissioner Davis made the motion to approve. Commissioner Chaney seconded the motion. Mayor Justice called for comments. Commissioner Davis asked if we have the money to pay the bills. City Manager nodded. Mayor Justice called for further discussion, there being none, motion passed unanimously. 3-0.

Consider a request to authorize payment of invoice #2 to Pike County Fiscal court in the amount of \$41,400 for reimbursement of the 2012-2013 recycling grant and to authorize payment contingent upon the funds being available to the city from the granting agency. Commissioner Chaney made the motion to approve. Commissioner

Davis seconded the motion. Mayor Justice called for comments, there being none, the motion passed unanimously. 3-0.

### 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 #0-2013-003 amending chapter 130.15 through 130.17 to clarify the restrictions upon the carrying of concealed deadly weapons in government buildings by the City of Pikeville. Mayor asked if open carry was okay. City Attorney says that yes it is and concealed is still okay except where the state law says you cannot and it allows us to restrict public buildings and it is basically what we did before. Our definition of public building just expanded a little bit. 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 #0-2013-002 amending chapter 37 Public Records, setting fees for public record requests. No further action is required at this time. The second reading will take place at the next regular scheduled meeting.
3. Consider a request to approve and authorize a lease agreement, as submitted, between the City of Pikeville and the University of Pikeville for the leasing of the current City Hall building and grounds located at 118 College Street, Pikeville, KY and authorize the City Manager and City Attorney to tweak the language as long as it does not change the overall intent of the current lease as submitted and to authorize the Mayor to sign and execute said lease on behalf of the City of Pikeville. Said lease will not go into effect at which time the City of Pikeville vacates said building. Commissioner Chaney made the motion to move. Commissioner Davis seconded the motion. Mayor Justice called for comments. City Manager comments that we would like to thank the City Attorney, Governor Patton and James Hurley for working together on this project. The University has helped the community grow and has established several new programs in the area. Some of the intent of the work, to satisfy the Mayor's concerns is that the University is required to utilize the building at all times. Especially while they are in session. Since 2007, the population at the college has almost tripled. Their need to expand and have other services in the community and in an investment community with all these new businesses coming in, such as the retail outlet and the expansion that we have had, the need to have a business program and teach the skills that are needed in order to enhance these businesses which are important. There are also some conditions that we submitted in there such as a 25 year term. As part of the lease agreement,

the University will also be responsible for keeping up with the elevator and sewer wells clean and organized. It will also offer two employees the business program as temps. The pedway sign out on the Boulevard, the University will operate but will have City content. Will offer training programs like Excel and Word, minimum of sixty employees at a time at no cost to the city. Community Outreach program which will offer free programs for the unemployed such as the coal miners, and other such folks in the area. There has been a lot of cooperation between the City and the University. Mayor called for additional comments, there being none, motion passed unanimously. 3-0.

4. Consider a request to approve and authorize a lease agreement, as submitted, between the City of Pikeville and Southeast Kentucky Chamber of Commerce for the leasing of the current Annex building and grounds located at 178 College Street, Pikeville, KY and authorize the Mayor to sign and execute said lease on behalf of the City of Pikeville. Commissioner Chaney made a motion to approve. Commissioner Davis seconded the motion. Mayor Justice called for comments, there being none, motion passed unanimously. 3-0.
5. Consider a request to adopt a resolution as read into record by the City Attorney, relating to the authorization and issuance of the City of Pikeville Hospital improvement revenue bond anticipation notes (Pikeville Medical Center, Inc. Expansion Project) series 2013, in a principal amount not to exceed \$45,000,000 on behalf of the Pikeville Medical Center, Inc. as submitted and to authorize the Mayor to sign and execute said resolution. Mayor turned the floor to the City Manager who then turned the meeting over to the City Attorney. City Attorney says the first thing that we are going to do is have a public hearing on a proposal to issue bonds on behalf of the Pikeville Medical Center. Do we have anybody here to speak for or against the bonds? John Stump is the hospital's council and he'll tell us a little bit more about what we are going to do with this bond and what it is about. Mr. Stump says there is a proposed issuance of \$45 million and the project has expanded significantly. We are asking the approval of the resolution. City Manager sent out in each Commissioners packet a press release from Congressman Rogers on the approved bond for Pikeville Medical Center and a copy of the resolution that is being presented. If there are any questions or comments from the Commission, City Attorney is prepared to answer. City Attorney says that as a point of procedure, since there is no one here for the public hearing, we are going to close the public hearing and let the clerk note that no one appeared for the public hearing tonight to speak for or against. It is typical of what we have done in the past. As John has said, we have done this once before not too long ago. These type of bonds, generally, if we find that the project is worthy, we'll assist and issue the bonds. What we are asking the Commission to do tonight is adopt a resolution no. 002. Commissioner Chaney made the motion to approve.

**Commissioner Davis seconded the motion. Mayor Justice called for comments, there being none. Mayor called roll call. The motion passed unanimously. 3-0.**

#### **CITY MANAGER**

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

- 1. Consider request to authorize the Pikeville Fire Department to implement an EMT Advanced program for the Pikeville Ambulance Service, pay rates for new certification will be set at a later date. City Manager has supplied the Mayor with several documents giving him the information requested. The one question he did ask that was not answered is what the additional billing would be, ALS vs. BLS revenues. If the City would have had this system then we would have generated another \$182,000 in revenue. The other question that was asked was what is the program at the Fire Department and the City certifications. Again, based on the total salary at the Fire Department is \$1,030,210. It depends on what level of increase the Commission is willing to consider. Five percent is \$51,000, 10 percent is \$103,000. Again you are taking on \$182,000 additional income. The Mayor had several other questions and the information has been provided. We do feel like that this will add great value to the community area. We have been in direct contact with the Medical Center and they are enforcing this program along with the Fire Department as well. Commissioner Chaney made the motion to adopt. Commissioner Davis seconded the motion. Mayor called for comments and then asked if we were going to do the five or ten right now. City Manager says not right now. Mayor says that we are going to see what is going on first. Mayor called for further comments, there being none, motion passed unanimously. 3-0.**
- 2. Consider a request to authorize and approve a Nondisclosure Agreement between the City of Pikeville and the Utility Management Group, LLC as submitted and authorize the Mayor to sign and execute on behalf of the City of Pikeville. Commissioner Davis made the motion to approve. Commissioner Chaney seconded the motion. Mayor called for comments. City Manager adds that all this is is that both UMG and SMG has access to our vendor system. So if they do a purchase order request, they have to figure out who that vendor is and assign a purchase order before it goes to City Hall. It has been brought to my attention that there is personal information on those accounts that are not subject to open record that we need to keep sensitive between the City and our partners. With these nondisclosure agreements, it caters to just those issues. Mayor Justice called for further comments, there being none, the motion passed. 3-0.**

3. Consider a request to authorize and approve a Nondisclosure Agreement between the City of Pikeville and SMG as submitted and authorize the Mayor to sign and execute on behalf of the City of Pikeville. Commissioner Chaney made the motion. Commissioner Davis seconded the motion. Mayor Justice called for comments, there being none, the motion passed unanimously. 3-0.
4. Consider request to authorize and approve the Affiliate Program Annual Letter of Commitment as submitted as the formal and binding statement of the plans, expectations and responsibilities required for certification by the Kentucky Main Street Program from the City of Pikeville and the Pikeville Main Street Program to commit to participate in the Kentucky Main Street Program and agree to meet the requirements outlined in the Affiliate Program Annual Letter of Commitment for April 1, 2013 thru March 31, 2014 and to authorize the Mayor to sign and execute said Letter of Commitment 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. 3-0.
5. Consider a request to approve and authorize an amended contract between the City of Pikeville and CDW-G as they are a Microsoft Government Vendor, adding Office 365 email service for all city email and to authorize the City Manager to sign and execute said agreement authorizing the use of new email service. Commissioner Davis made the motion to approve. Commissioner Chaney seconded the motion. Mayor Justice called for comments, there being none, the motion passed unanimously. 3-0.
6. Consider a request for a conditional job offer to be formally made to Billy Ratliff for the position of Pikeville Police Officer, at the starting rate contingent upon passing various pre-employment required test for said position and acceptance into the police academy. Commissioner Chaney made the motion to approve. Commissioner Davis seconded the motion. Mayor Justice called for comments. Commissioner Davis ask if Mr. Ratliff was present. City Manager says that this is a conditional offer and he will be brought before the Commission whenever he is hired. Mayor then ask how many are we hiring. Chief Reed replies four. Mayor Justice says so this is the first one. Chief Reed approached the podium and said that we are going to hire four new officers. He says that Mr. Ratliff is a certified officer with the county, he works with the Sheriff's department and has already been through some training. That's why we feel like he is a good candidate. Mayor called for additional questions or comments, there being none, the motion passed unanimously. 3-0.
7. Consider a request to resend a motion passed during the May 23, 2011 regular commission meeting approving an easement between City of Pikeville and JMP as it was submitted and instead approving and an easement agreement as submitted under the correct name as Potter Holdings #2, LLC and to authorize the Mayor to sign and execute said easement.

Commissioner Chaney made the motion to approve. Commissioner Davis seconded the motion. Mayor Justice called for comments, there being none, the motion passed unanimously. 3-0.

8. Consider a request to reclassify Leigh Ann Hughes to the position of Grant Administrator and approve amended job description. Note: Melanie Stevens will be leaving for a new position on February 8<sup>th</sup>. Leigh Ann will move into her position but in a little different capacity. She will report to the Finance Director. Commissioner Chaney made the motion to approve. Commissioner Davis seconded the motion. Mayor Justice called for comments, there being none, the motion passed unanimously. 3-0.
9. Consider a request to adopt a resolution supporting reforms to the county employees retirement system (CERS) to make the plan sustainable, sound, and secure for the current and future employees and to authorize the Mayor to sign and execute said resolution. Commissioner Davis made the motion to approve. Commissioner Chaney seconded the motion. Mayor Justice called for comments and then asked the City Manager to shorten this for us. City Manager then explains that what this is saying is that the fund is greatly underfunded and what they are doing is instead of balancing the budget per say, they are forcing the contributions by various Cities to pay higher and higher each year. So, what we are asking is to create a balance plan to make sure it is properly funded to protect the Cities employees that are part of the process. Mayor called for further comments, there being none, the motion passed unanimously. 3-0.
10. Consider a request to authorize and emergency PO for a slide at the overlook to NATTCO, Inc. for \$14,900 and approve the City Manager to authorize said work. Commissioner Chaney made the motion to approve. Commissioner Davis seconded the motion. Mayor Justice called for comments. Commissioner Davis ask is this PO was for the slide going down off to the right there. City Manager says that the whole thing, part of the side walk, is going down the hill. The rain storm that we had caused it to slide. Commissioner Davis says lets jump on that, it is a great price. Mayor Justice calls for further comments, there being none, the motion passed unanimously.3-0.

\*\*\*\*City Manager announced the Consent Items\*\*\*\*

11. Pursuant to KRS 61.810, consider request for closed session for discussion of economic development, legal and personnel issues. Commissioner Chaney made the motion. Commissioner Davis seconded the motion. Mayor Justice called for discussion, there being none, the motion passed unanimously. 3-0.
12. Commissioner Chaney made the motion to re convene. Commissioner Davis seconded the motion. Mayor Justice called for discussion, there being none the motion passed unanimously. 3-0. Mayor called the session back into order.

13. 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. 3-0

**CONSENT ITEMS:**

Updated copy of City Flash was in the commission packets

Chamber Economic Development luncheon on February 4<sup>th</sup> 2013 @ 11:30 at the Stumbo Convention Center, Jenny Wiley

Special called Theatre Committee meeting February 26<sup>th</sup> to award bid

February 20<sup>th</sup> 2013 will be City Night with KLC at the Frankfort Convention Center, Frankfort KY from 4:30 pm until 8:00 pm

February 20<sup>th</sup> 2013 will be City Day with KLC in Frankfort KY from 9:00 am until 4:00 pm.

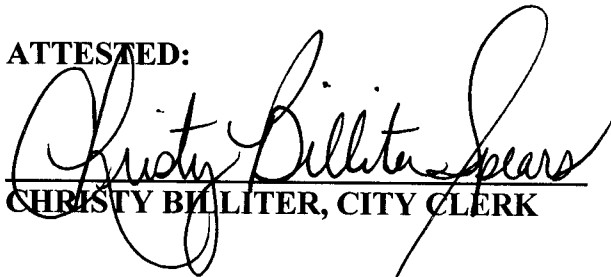
The next scheduled Regular Meeting of the City of Pikeville Board of Commissioners is February 11, 2013 at 6:00 p.m.

APPROVED:



FRANKLIN D. JUSTICE, II, MAYOR

ATTESTED:



CHRISTY BILLITER, CITY CLERK