

**CITY OF PIKEVILLE
BOARD OF COMMISSIONERS
REGULAR MEETING MINUTES
April 22, 2013 AT 6:00 P.M.**

The Board of Commissioners for the City of Pikeville met in a regular called session on Monday, April 22, 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 Pro-tem Jimmy Carter called the meeting to order at 6:00 p.m. Commission Members present at roll call were as follows:

COMMISSIONER: **JIMMY CARTER
JERRY KEITH COLEMAN
BARRY CHANEY
EUGENE DAVIS**

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

MINUTES

The minutes for the previous regular meeting held on April 8, 2013 and special commission meeting held on April 12, 2013 and 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 Pro-tem Jimmy Carter called for discussion, there being none, the motion carried unanimously. 4-0.

PAYMENT OF CITY BILLS

The City Manager Donovan Blackburn requested the approval to pay city bills in the amount of \$720,678.07. Commissioner Davis made the motion to approve. Commissioner Coleman seconded the motion. Mayor Pro-tem called for discussion. Commissioner Davis asked if we have the money and City Manager says that we do have the money. Mayor Pro-tem Carter called for further discussion, there being none, motion passed unanimously. 4-0.

BUSINESS FROM THE FLOOR

Comments and presentation by representatives of the University of Pikeville regarding the Academy Building. City Manager Donovan Blackburn introduces Mr.

Hurley and invites him to the podium. Mr. Blackburn announces that this is our last City Commission meeting in the "Academy Building." Mr. Hurley came forward and read a passage that he had prepared thanking everyone; he adds in the passage of his appreciation of the Cities friendships and the cooperation with the City. Mr. Hurley and his team are excited to be partners with the City. With that said, Mr. Hurley and a few of his students presented gifts to the Mayor, City Manager and Commissioners. Student Luke Wright, future doctor, presented Commissioner Barry Chaney with a gift. Student Jennifer Grant, senior member of the basketball team and intern with the Dallas Mavericks, presented Commissioner Gene Davis with a gift. From California, a double major, Student BJ presented Mayor Pro-tem Jimmy Carter with a gift. Student Haley Johnson, member of the Volleyball team with plans of attending law school, presented Commissioner Jerry Keith Coleman a gift. Student Elijah Justice, a UPike basketball player from SVHS had a gift for Mayor Frank Justice and presented to City Manager in the absence of the Mayor. Mr. Hurley then comments on the City Manager a bit and talks about how much he appreciated the City Manager's time and efforts. Student Brittany Hodge from Allen Central High School, who is on the UPike Volleyball team presented a gift to Mr. Donovan Blackburn. Mr. Hurley concluded by saying that he was very thankful for everyone and wishes us the best in our new home. Mayor Pro-tem Carter says that we are in a unique circumstance here. We are becoming a College town now; it is a medical town and we are glad to be a part of it. Commissioner Davis says that I liked Pikeville College so much that I graduated twice. As the saying goes, "spare the rock and spoil the child." Thanks students for coming to our meeting. Commissioner Chaney comments that whenever Elijah shows up then things happen; through education, things happen. He is honored that UPike will be educating our people once again in this building. Commissioner Coleman says that he is the newest member of the Commission and has only served a couple of meetings but feels very fortunate to be here witnessing this and is glad the University is taking back the building. City Manager concludes with this is truly an honor and a blessing. University, make us proud. We have a great partnership, we thank you for the gifts and for the partnership.

Chief Phillip Reed to address the Commission on a recap of activity during Hillbilly Days and additional updates regarding the Police Department. Chief Reed says that there were a total of 31 arrest. Twenty-three were drug and alcohol arrest; there was a theft of an iphone but it was recovered and there were several tailgate thefts. Commissioner Chaney says that one of the vendors stated that he liked the friendliness of the people and the organization of the police department. City Manager refers to the occurrence in Boston, he says that one of the things that Chief saw was a sense of urgency was to have the department walking around with full uniform. They stood out and we had a lot of compliments. The fire department did a great job too. Traffic flow was extremely light. UMG worked late and they did a good job. Compliments to our 911 staff. The fireworks were phenomenal this year. Phillip and all your staff and the other departments mentioned did a great job. With

the crowd that we had, our number one priority is to keep people safe. We appreciate everybody's understanding. Phillip, on behalf of the Commission, thank you. Mayor Pro-tem Carter says that everyone compliments our City the day after the event because the streets are extremely clean. No one understands the planning that goes into this event, they do not understand that we start a year in advance. Commissioner Davis talked to a man from Indiana that had made a comment about the City and how he loved Hillbilly Days and our City. Mr. Davis said that this was the best Hillbilly Days that he had ever been to. Commissioner Coleman said that he had seen Chief Reed out and talked to him about his agenda packet and that the Chief told him that it was at the police station; he was out working at all hours. Phillip does a good job.

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 a couple of requests to the commission for approval.

1. Consider request to approve and authorize payment of a pay request #2 for \$132,682.00 to H2O Construction, Inc. for the Foxcroft Sewer Extension Project and to authorize the Mayor to sign, authorizing said pay request. Commissioner Chaney made the motion to approve. Commissioner Coleman seconded the motion. Mayor Pro-tem Carter called for comments and said that Jody reviewed earlier in work session and that is about completed. Mayor Pro-tem called for further questions or comments, there being none, the motion passed unanimously. 4-0.

2. Consider request to authorize and approve payment for invoice #WO214 for \$77,018.72 to H2O Construction Co., Inc. for the Town Mt. Pump Station Project. Commissioner Chaney made the motion to approve. Commissioner Davis seconded. Mayor Pro-tem Carter called for comments, there being none, the motion passed unanimously. 4-0.

CITY ATTORNEY

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

- 1. Consider a second reading and adoption of an ordinance #0-2013-009 amending the 2012-2013 annual operating budget for the City of Pikeville and authorize the Mayor or Mayor Pro-tem to sign and execute on behalf of the City of Pikeville. Commissioner Chaney made the motion to approve. Commissioner Coleman seconded the motion. Mayor Pro-tem Carter called for comments, there being none. Mayor Pro-tem called roll call. Motion passed unanimously. 4-0.

**ORDINANCE AMENDING THE FISCAL BUDGET
FOR THE 2012-2013 FISCAL YEAR**

ORDINANCE NO. 0-2013-009

WHEREAS, certain additional information has come to the attention of the Finance Department which necessitates the amendment of the 2012-2013 fiscal year budget to reflect certain increases and decreases to revenues and expenditures.

NOW, THEREFORE be it ordained by the City of Pikeville that the fiscal budget for the 2012-2013 fiscal year is hereby amended to reflect an increase and or decrease of revenues and /or expenditures as reflected in the attached exhibit entitled "Budget Amendments".

The above ordinance was give first reading on April 12th, 2013.

The ordinance was given second reading on _____. The ordinance shall be in full force and effect immediately after it is passed and published as required by law.

Passed, this ____ day of _____, 2013.

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	_____	_____
JERRY KEITH COLEMAN, COMMISSIONER	_____	_____
BARRY N. CHANEY, COMMISSIONER	_____	_____

The Mayor declared the within Ordinance adopted.

FRANKLIN D. JUSTICE, II, MAYOR

ATTEST:

CHRISTY BILLITER, CITY CLERK

- 2. Consider a request for a first reading of an ordinance #0-2013-010 amending and adopting the City of Pikeville's Revised Subdivision Regulations dated March 2013. No further action is required at this time. The second reading will take place at the next regular scheduled meeting. City Attorney comments that this is what the City Manager went over when referring to making the amendments to the streets.

3. Consider a request for a first reading of an ordinance #0-2013-011 amending Chapter 90.07 with regard to the sale of animals during festivals and events. No further action is required at this time. The second reading will take place at the next regular scheduled meeting. City Attorney comments that this ordinance will take care of the full time animal vendors with license.
4. Consider a request for the adoption of an emergency ordinance #0-2013-012 amending Chapter 38.21 changing the address for the City Commission meetings to the new City Hall location at 243 Main Street, Pikeville, KY 41501 and to authorize the Mayor to sign and execute said ordinance 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. Mayor Pro-tem called roll call. Motion passed unanimously. 4-0.

**AN EMERGENCY ORDINANCE AMENDING CHAPTERS
38.21 OF THE CITY OF PIKEVILLE
CODE OF ORDINANCES
"BOARD OF COMMISSIONERS"
CHANGING THE LOCATION TO THE NEW CITY HALL
FOR THE BOARD OF COMMISSIONERS
REGULAR COMMISSION MEETING**

ORDINANCE NO. 0-2013-012

WHEREAS, the Commission desires to change the location and announce to the press and public that effective May 13th 2013 all regular meeting for the City of Pikeville Board of Commissioners shall be held on the 2nd floor Commission Meeting Room of the new Pikeville City Hall, located at 243 Main Street, Pikeville, KY 41501; and

WHEREAS, an emergency is declared to exist with regard to the adoption of the ordinance. Said emergency being that the City will be vacating the existing City Hall and relocating City Hall prior to the next regular scheduled commission meeting. The press and public shall be immediately notified granting 3 weeks' time prior to the next scheduled commission meeting.

NOW, THEREFORE, BE IT ORDAINED THAT Chapter 38.21 "MEETINGS" is amended to read as follows:

CHAPTER 38: BOARD OF COMMISSIONERS

RULES OF PROCEDURE

§ 38.20 MAYOR AS PRESIDING OFFICER.

The Mayor shall preside at all meetings of the Board of Commissioners and may vote in all proceedings.

April 22, 2013 Regular Meeting

(KRS 83A.150(3))

§ 38.21 MEETINGS.

(A) Regular meetings of the Board of Commissioners shall be held at City Hall on ~~417 College Street~~ 243 Main Street, Pikeville, KY 41501, at 6:00 p.m. on the second (2nd) and fourth (4th) Monday of each month.

(B) Special meetings of the Board may be called by the Mayor or upon written request of a majority of the Board. In the call, the Mayor or Board shall designate the purpose, time, and place of the special meeting with sufficient notice for the attendance of Board members and for compliance with KRS Chapter 61.

(C) At a special meeting no business shall be considered other than that set forth in the designation of purpose.

(D) The minutes of every meeting shall be signed by the City Clerk and by the officer presiding at the meeting. (KRS 83A.150(4))

§ 38.22 QUORUM.

Unless otherwise provided by statute, a majority of the Board of Commissioners constitutes a quorum and a vote of a majority of a quorum is sufficient to take action.

(KRS 83A.060(6))

Passed and adopted this 22nd day of April, 2013.

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	—	—
JERRY KEITH COLEMAN, 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 authorize and approve an amended Memorandum of Agreement between the City of Pikeville and Commonwealth of Kentucky, Department of Local Government, Amendment No. 2 for Project ID #A361 as submitted, extending the expiration date from June 30, 2013 to June 30, 2014 to allow for project completion and to authorize the Mayor to sign and execute said Amendment Agreement on behalf of the City of Pikeville. Commissioner Chaney made the motion to adopt. Commissioner Coleman seconded the motion. Mayor Pro-tem called for comments. City Manager comments that this is pretty self explanatory, we want to make sure the money is still there for the comprehensive plan. Mayor Pro-tem called for further questions or comments, there being none, motion passed unanimously. 4-0.**
- 2. Consider a request to approve and authorize payment to the City of Prestonsburg in the amount of \$5,435 for reimbursement of the 2012-2013 recycling grant as submitted. Commissioner Chaney made the motion to approve. Commissioner Coleman seconded the motion. Mayor Pro-tem Carter called for comments, there being none, the motion passed. 4-0.**
- 3. Consider a request giving Paul Kimberlain and Tim Roberts the duties, powers and additional responsibility for the City of Pikeville's environmental and nuisance complaints and to increase their current salary rate by an additional \$1.00 per hour for each for the additional responsibility. Said increase and responsibilities shall take effective immediately. Commissioner Chaney made the motion. Commissioner Coleman seconded the motion. Mayor Pro-tem Carter called for comments. City Manager explained that we had a couple of department officers helping Tommy McClanahan with the nuisances and now we don't, so we are needing a second set of eyes. Mayor Pro-tem called for further questions or comments, there being none, the motion passed unanimously. 4-0.**
- 4. Consider request to authorize the City to host a surplus auction for City of Pikeville surplus goods and to authorize and approve standard contract with auctioneer Bill Blackburn for his services as auctioneer and authorize the City Manager to sign and execute for said services. Commissioner Chaney made the motion to approve. Commissioner Coleman seconded the motion. Mayor Pro-tem Carter called for comments. Commissioner Chaney asked when would the sell take place. City Manager said that once we move offices then after we establish the extra furniture that has been acquired then we will declare it a surplus and have the auction. Mayor Pro-tem called for additional questions or comments, there being none, the motion passed unanimously. 4-0.**

5. Consider a request to authorize Summit Engineering to complete the final bid specifications, architectural design and documents for the replacement of the City of Pikeville Station 3 Fire Station for a fee not to exceed \$18,000. Commissioner Chaney made the motion to approve. Commissioner Davis seconded the motion. Mayor Pro-tem Carter called for comments. Mr. Blackburn introduces Phillip from Summit and says that he is with us tonight and thanks him for attending. Mayor Pro-tem called for additional questions or comments, there being none, the motion passed unanimously. 4-0.
6. Consider a request to approve and authorize a permanent easement to be granted to Lightyear in order to place a pole and equipment for the purpose of high-speed internet, as submitted, on Cassidy Blvd. as shown on the submitted exhibits and authorize the Mayor or Mayor Pro-tem to sign and execute said easement on behalf of the City of Pikeville. Commissioner Chaney made the motion to approve. Commissioner Coleman seconded the motion. Mayor Pro-tem Carter called for comments, there being none, the motion passed unanimously. 4-0.

****City Manager announces the Consent Items****

7. 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 Coleman seconded the motion. Mayor Pro-tem Carter called for discussion, there being none, the motion passed unanimously. 4-0.
8. Commissioner Davis made the motion to re convene. Commissioner Coleman seconded the motion. Mayor Pro-tem Carter called for discussion, there being none, the motion passed unanimously. 4-0. Mayor Pro-tem called the session back into order.
9. Consider a request to adopt Addendum #1 to the original agreement, dated February 7th 2012 between the City of Pikeville and Codell Construction, as submitted, for the Pikeville Theatre project and authorize the Chairman of the Theatre committee, Donovan Blackburn to sign and execute on behalf of the City and the Committee. Commissioner Chaney made a motion to approve. Commissioner Coleman seconded the motion. Mayor Pro-tem called for comments, there being none, the motion passed unanimously. 4-0.
10. Consider a request to award the bids for the Pikeville Theatre Project as follows:
 - Rising Sun Development \$1,105,300 for General Trades, Drywall and Acoustics
 - Structural Steel Services \$331,569 for Structural Steel
 - Kalkreuth Roofing \$317,615 for Roofing
 - Radden Painting \$54,736 for Painting
 - Carpet Decorators Inc. \$32,413 for flooring
 - Martin Flooring \$23,082 for performance floor

**Landmark Sprinkler \$74,500 for fire protection
Elliott Contracting \$1,168,724 for Electrical/ HVAC & Plumbing
Ablell Elevator \$53,749 for elevator
Iweiss Inc \$41,705 for Stage Rigging and Drapes
Atlas Metal Products \$135,352 for theatre seating**

For a total construction bid cost of \$3,338,745.00. To also accept the letter of guarantee by Jenny Wiley Drama Association and their bank for guaranteed to be spent on the construction phase of the project in the amount of \$300,000 and contingent upon the receipt of the executed Memorandum of Agreement from the Department for Local Government for the \$250,000 coal severance line item and to authorize the Theatre Committee Chair Donovan Blackburn to sign and execute any and all documents necessary in order to award said bids and to grant permission once said bids have been formally approved to authorize the Construction Manager, Codell Construction to issue the notice to proceed for said project. Motion is all contingent upon the Pikeville Theatre Commission taking formal action by a majority vote to also approve said bids, work and motion. Commissioner Chaney made a motion to move. Commissioner Davis seconded the motion. Mayor Pro-tem called for comments, there being none, the motion passed unanimously. 4-0.

- 11. There being no further business to come before the Commission, Commissioner Davis has made the motion to adjourn the meeting. Commissioner Coleman seconded the motion. Mayor Pro-tem Carter called for discussion, there being none, the meeting was adjourned. 4-0.**

CONSENT ITEMS:

April 29th 2013 Senator McConnell announcement at Whayne Supply

April 29th 2013 Senator McConnell will speak at Chamber event at Hampton Inn at 11:30 registration required.

The next scheduled Regular Meeting of the City of Pikeville Board of Commissioners is May 13, 2013 at 6:00 p.m.

APPROVED:



FRANKLIN D. JUSTICE, II, MAYOR

ATTESTED:

Christy Spears
CHRISTY SPEARS, CITY CLERK