

**CITY OF PIKEVILLE
BOARD OF COMMISSIONERS
REGULAR MEETING MINUTES
May 13, 2013 AT 6:00 P.M.**

The Board of Commissioners for the City of Pikeville met in a regular called session on Monday, May 13, 2013. The meeting was held in the City Hall Conference Meeting Room located at 243 Main 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: JIMMY CARTER
 JERRY KEITH COLEMAN
 BARRY CHANEY
 EUGENE DAVIS**

MAYOR: FRANKLIN D. JUSTICE, II

MINUTES

The minutes for the previous regular meeting held on April 22, 2013 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 Coleman seconded the motion. Mayor Frank Justice called for discussion, there being none, the motion carried unanimously. 5-0.

BUSINESS FROM THE FLOOR

Consider a request to adopt a proclamation honoring the 2012-2013 State Governor's Cup Quick Recall Champions the Pikeville High School Academic Team and to authorize the Mayor to sign and execute said proclamation on behalf of the City of Pikeville. Commissioner Chaney made the motion to adopt. Commissioner Davis seconded the motion. Mayor Justice called for comments and Commissioner Carter read the proclamation aloud. Commissioner Chaney congratulated everyone and says that the team has put a lot of time into this and it is evident that they work very hard and it really shows. He thanks them for being such wonderful kids. Commissioner Davis says that he is so proud of them too. He tells stories of when he first moved to Pikeville and how he liked it so much he did not want to go back to McRoberts where he grew up. Commissioner Carter says that the City has been very blessed with great athletics and great academics. Commissioner Coleman says that he is a PHS graduate but wonders what Quick Recall is. One of the students

explain that it is like Jeopardy except there is no money. Mr. Coleman congratulates them on a job well done. Mayor Justice then says that it is a great honor to be your Mayor. We thank each of you for coming up and congratulate you on a job well done. One of the student approached the podium and thanked the Commission for the recognition and their parents, coaches and their team for a great year. City Manager Donovan Blackburn thanked the Academic team for coming to the Commission meeting and announced that the team will receive a copy of the proclamation, a gift certificate from Texas Roadhouse and a photo from tonight delivered to the school no later than Friday of this week. Also, Mr. Blackburn notes that this is a stepping stone, it is the first proclamation in the New City Hall.

Commissioner Barry Chaney wanted to share a success story with the Commission and recognize someone. He says that last week he was thinking of someone who did a very good deed and has been overlooked. That someone is Donovan Blackburn, he did something completely overlooked. There was \$841,000 that was paid directly to the Fiscal Court for this building. It shows what a great bargainer that Donovan is. Mr. Blackburn says that it is important to keep funds local and he appreciates the recognition. Mayor Justice says it also goes to show what Donovan Blackburn means to the City of Pikeville.

PAYMENT OF CITY BILLS

The City Manager Donovan Blackburn requested the approval to pay city bills in the amount of \$1,033,575.72. Commissioner Davis made the motion to approve. Commissioner Coleman seconded the motion. Mayor Justice called for comments. Commissioner Davis asked if we have the money and City Manager responds that we do. 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 and authorize payment for pay request #1 to Boca Enterprises, Inc. for \$97,313.16 and to authorize the Mayor to sign and execute said pay request. Commissioner Carter made the motion to approve. Commissioner Coleman seconded the motion. Mayor Justice called for comments and asked Mr. Hunt if he advised this. Mr. Hunt responded that he did. Mayor Justice called for further questions or comments, there being none, the motion passed unanimously. 5-0.

CITY ATTORNEY

Russell Davis was present and a couple of items to read into record.

- 1. Consider a request for a second reading and adoption of an ordinance #0-2013-010 amending and adopting the City of Pikeville’s Revised Subdivision Regulations dated Revised March 2013 and authorize the Mayor to sign and execute said pay request. Commissioner Carter 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. 5-0.**

**ORDINANCE AMENDING AND ADOPTING
THE CITY OF PIKEVILLE REVISED
SUBDIVISION REGULATIONS**

Ordinance #0-2013-010

WHEREAS, it is the will of the City of Pikeville Commission (herein after referred to as “City”) to adopt the attached amended PIKEVILLE SUBDIVISION REGULATIONS, PIKEVILLE KENTUCKY, dated Revised March 2013;

WHEREAS, through the adoption of this ordinance the City endorses, adopts, supports and shall enforce the following document, which is attached hereto and incorporated by reference:

1. PIKEVILLE SUBDIVISION REGULATIONS; REVISED JANUARY, 1995, REVISED MARCH, 2013.

WHEREAS, through the passage and adoption of this ordinance the above-mentioned Pikeville Subdivision Regulations document shall be in full force for enforcement by the City of Pikeville.

WHEREAS, the attached amended Pikeville Subdivision Regulations, dated revised March, 2013 has all revisions that are deleted stricken out and all additions underlined; and

NOW, THEREFORE, BE IT ORDAINED the Pikeville KY City Commission fully supports, approves and adopts by this action of the Pikeville City Commission the Pikeville Subdivision Regulations dated Revised March 2013 and all content set forth herein and as attached.

The above ordinance was give first reading on April 22th, 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 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, MAYOR	_____	_____
GENE DAVIS, COMMISSIONER	_____	_____
JERRY KEITH COLEMAN, COMMISSIONER	_____	_____
JIMMY CARTER, COMMISSIONER	_____	_____
BARRY CHANEY, COMMISSIONER	_____	_____

The Pikeville City Mayor declared the within ordinance adopted.

FRANK JUSTICE, MAYOR

ATTESTED:

CHRISTY SPEARS, CITY CLERK

- 2. Consider a request for a second reading and adoption of an ordinance #0-2013-011 amending Chapter 90.07 with regard to the sale of animals during festivals and events and authorize the Mayor to sign and execute 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, Mayor called roll call. The motion passed unanimously. 5-0.**

AMENDMENT TO § 90.07 OF ORDINANCE NO.0-2010-020 WITH REGARD TO THE SALE OF ANIMALS DURING FESTIVALS AND EVENTS

Ordinance #0-2013-011

WHEREAS, the Commission desires to amend its Animal Control Ordinance to permit certain vendors to sell animals during festivals and events.

THEREFORE, but it ordained by the City of Pikeville a follows:

The offering for sale or sale of animals at a festival or event occurring for less than five (5) days is prohibited within the city limits except for businesses or individuals that operate and maintain in the year preceding the festival or event a licensed business in Pike County that sells animals on a regular and reoccurring basis.

The above ordinance was given first reading this ___ day of _____, 2013, the ordinance was given a second reading on the ___ day of _____, 2013.

Passed this ___ day of _____, 2013.

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	_____	_____
JERRY COLEMAN, COMMISSIONER	_____	_____
BARRY CHANEY, COMMISSIONER	_____	_____
JIMMY CARTER, COMMISSIONER	_____	_____

The Mayor declared the within ordinance adopted.

FRANK JUSTICE, II, MAYOR

ATTESTED:

CHRISTY SPEARS, CITY CLERK

CITY MANAGER

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

- 1. Consider request to adopt a resolution, as read and submitted, requesting the Pike County Fiscal Court for consideration in reprioritizing \$400,000 earmarked by the state legislatures to relocate the Thompson Road Fire Station to make way for the new retail development and the greatly needed creation of new business and jobs and to authorize the Mayor to sign and execute said resolution. Commissioner Chaney made the motion to adopt. Commissioner Davis seconded the motion. Mayor called for further comments, there being none, motion passed unanimously. 5-0.**
- 2. Consider a request to cancel the May 27th 2013 commission meeting due to City Hall being closed for Memorial Day and to authorize a special called meeting and budget work session for Thursday, May 23rd 2013 to start at**

- 10:00 am. Commissioner Carter made the motion to approve. Commissioner Coleman seconded the motion. Mayor Justice called for comments and said the 23rd right. And City Manager Blackburn responded yes sir. Mayor Justice called for further comments, there being none, the motion passed. 5-0.**
- 3. Consider a request to authorize the City of Pikeville to apply for the Cops Grant which shall pay 75% of the officer's salary for up to three years. Under the grant, the city will be obligated to keep the police officer employed for one additional year once the three years are up and to authorize the Mayor to sign any and all paperwork necessary for said grant submittal and award. Commissioner Davis made the motion. Commissioner Coleman seconded the motion. Mayor Justice called for comments, there being none, the motion passed unanimously. 5-0.**
 - 4. Consider request to authorize and approve an Engagement Agreement between the City of Pikeville and Wallen, Cornett & Puckett, as submitted, for auditing services for the East KY Expo Center's operations for fiscal year ending June 30, 2013 and to authorize the Mayor to sign and execute said agreement. Commissioner Carter made the motion to approve. Commissioner Coleman seconded the motion. Mayor Justice called for comments, there being none, the motion passed unanimously. 5-0.**
 - 5. Consider a request to authorize and approve an Engagement Agreement between the City of Pikeville and Wallen, Cornett & Puckett, as submitted, for auditing services for the City of Pikeville fiscal year ending June 30, 2013 and to authorize the Mayor to sign and execute said agreement. Commissioner Davis made the motion to approve. Commissioner Carter seconded the motion. Mayor Justice called for comments, there being none, the motion passed unanimously. 5-0.**
 - 6. Consider a request to hire Tricia Varney to the position of Director of Grants at the 3 year rate, contingent upon passing all required pre-employment test. Commissioner Carter made the motion to approve. Commissioner Chaney seconded the motion. Mayor Justice called for comments. City Manager said that the interview committee made the recommendation on this candidate. Mayor called for additional questions or comments, there being none, the motion passed unanimously. 5-0.**
 - 7. Consider a request to authorize and approve a Service Agreement between the City of Pikeville and ThyssenKrupp Elevator Corporation for maintenance and certification service to the new City Hall elevator located at 243 Main Street, Pikeville, KY 41501 and to authorize the Mayor to sign and execute said agreement. Commissioner Davis made the motion to approve. Commissioner Carter seconded the motion. Mayor Justice called for comments, there being none, the motion passed unanimously. 5-0.**
 - 8. Consider a request to reappoint Joe D. Anderson and Marvin Hensley as board members to the board of Zoning Adjustments. Each new term will expire on May 1, 2017. Commissioner Chaney made the motion to approve. Commissioner Coleman seconded the motion. Mayor Justice called for**

- comments and stated that he would like to thank the individuals that come up and serve on these boards and give their time. Mayor called for additional comments, there being none, the motion passed unanimously. 5-0.
9. Consider a request to reappoint Layne Tackett to the Vacant Property Review Board. Each new term shall expire on April 25, 2017. Commissioner Chaney made the motion to approve. Commissioner Davis seconded the motion. Mayor Justice called for comments and said the same applies with this reappointment. Mayor called for further questions or comments, there being none, the motion passed unanimously. 5-0.
 10. Consider a request to reappoint Teresa Combs to the Vacant Property Review Board. Each new term shall expire on April 25, 2017. Commissioner Chaney made the motion to approve. Commissioner Davis seconded the motion. Mayor Justice called for comments, there being none, the motion passed. Commissioner Coleman opposed. 4-1.
 11. Consider a request to appoint Randy Roberts to replace Ed Smith as board members to the Vacant Property Review Board. Each new term shall expire on April 25, 2017. Commissioner Chaney made the motion to approve. Commissioner Carter seconded the motion. Mayor Justice called for comments and stated that he appreciated the support from Ed Smith while on the board. Mayor called for additional comments, there being none, the motion passed unanimously. 5-0.
 12. Pursuant KRS 91A.360, at the request of the Mayor, to consider to reaffirm the reappoints of Jim Hobbs who shall be the City Representative appointment and Romaine Keith, who shall be the Hotel and Motel representative as board members to the City of Pikeville Tourism and Convention Commission. Each new term shall expire on May 24, 2016. 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.
 13. Consider a request to accept the resignation of Frank Bailey as a board member to the City of Pikeville tourism and Convention Commission and to affirm the Mayor's replacement of Mr. Bailey's appointment with Mike Alexander who shall serve the remaining term that shall expire on May 24, 2015. Mr. Alexander as Mr. Bailey's replacement shall as the Hotel and Motel representative. Mr. Alexander is the new General Manager of the new Hilton Garden. Commissioner Chaney made the motion to approve. Commissioner Davis seconded the motion. Mayor Justice called for comments. Commissioner Davis says that Frank Bailey is a very respected person and he takes great interest in the City park. Mayor called for further comments, there being none, the motion passed unanimously. 5-0.
 14. Consider a request to reappoint Sherry Riddle and Kay Hammond as board members to the Pikeville Scholar House Board. Each new term shall expire on January 1, 2017. Commissioner Chaney made the motion to approve. Commissioner Davis seconded the motion. Mayor Justice called for comments. Commissioner Carter asked if this is a one year term or two and

City Manager says that they are staggered. Mayor calls for further questions or comments, there being none, the motion passed unanimously. 5-0.

15. Consider a request to authorize and approve a Recovered Materials Purchase Agreement between the City of Pikeville and Central Kentucky Fiber Resources, LLC of Lexington KY as submitted and to authorize the Mayor to sign and execute said agreement on behalf of the City of Pikeville. Commissioner Carter made the motion to approve. Commissioner Coleman seconded the motion. Mayor Justice called for comments, there being none, the motion passed unanimously. 5-0.
16. It has been one week today since Structural Steel Services communicated with us that the wrong decking was included in their final bid number for the new theatre. Structural Steel Services has been given adequate time to respond, in which they have not. In order to move forward with the project, ask for the Commission to consider a request to reject Structural Steel Services bid (who was the low bidder), based on lack of response and not meeting the bid specifications by not using the materials as was printed in the bid document. Instead the request is to award to second lowest bidder Modern Construction who has agreed to meet the original low bidder's Structural Steel Services bid price at \$331,569.00 which shall include the original product specified using Epic Decking as their product and to authorize the committee Chairman Donovan Blackburn to sign execute any documentation to reject and execute said bid as explained and to issue the notice to proceed for said bid. Commissioner Chaney made the motion to approve. Commissioner Coleman seconded the motion. Mayor Justice called for comments, there being none, the motion passed unanimously.5-0.

*****City Manager announces the Consent Items. Also, Congratulates Main Street Program for being a Certified Main Street Community**

17. Pursuant to KRS 61.810, consider request for closed session for discussion of economic development, legal and personnel issues. Commissioner Carter made the motion. Commissioner Coleman seconded the motion. Mayor Justice called for discussion, there being none the motion passed unanimously. 5-0.
18. Commissioner Carter made the motion to re convene. Commissioner Coleman seconded the motion. Mayor Justice called for discussion, there being none the motion passed unanimously. 5-0. Mayor called the session back into order.
19. Consider a request to exempt Daniel Slone's construction company from having to pay an occupational tax for the housing project that he will start in the Deskins Development, up on the hill behind where Bill Deskins resides due to an error made by the City of Pikeville informing said contractor that the property was not in the City limits when indeed it was. Said contractor bid the project without the Cities occupational fees so therefore the Commission shall waive said tax. 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.

20. There being no further business to come before the Commission, Commissioner Davis has 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

CONSENT ITEMS:

Copy of the KLC 2013 Legislative Update has been provided in your packet.

June 24th 2013 Commission meeting was cancelled.

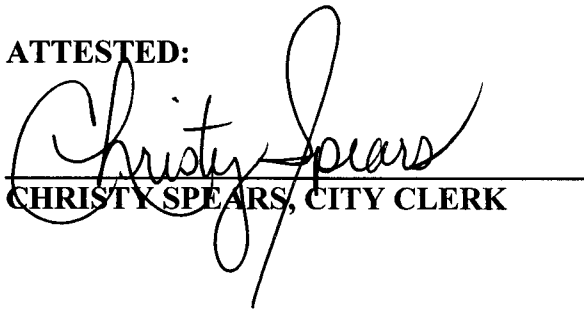
The next scheduled Regular Meeting of the City of Pikeville Board of Commissioners is June 10, 2013 at 6:00 p.m.

APPROVED:



FRANKLIN D. JUSTICE, II, MAYOR

ATTESTED:



CHRISTY SPEARS, CITY CLERK