

**CITY OF PIKEVILLE
BOARD OF COMMISSIONERS
REGULAR MEETING MINUTES
August 26, 2013 AT 6:00 P.M.**

The Board of Commissioners for the City of Pikeville met in a regular called session on Monday, August 26, 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 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 August 12, 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 Pro-Tem Carter called for discussion, there being none, the motion carried unanimously. 4-0.

BUSINESS FROM THE FLOOR

Robert Howard with the Veterans of the Foreign Wars to address Commission. Robert Howard came forward stated the mission of the VFW and saying that they serve all Veterans, seeing that they receive their earned entitlements for the sacrifices that they and their loved ones made while serving the nation. The reason they come before the Commission is because they do not have a post home. There are 114 Combat Veterans that live in Pikeville and they do not have a place to serve the Veterans. The main thing they want to do is provide service to their Veterans and they need a place to do it. City Manager ask if there were specific days that they were meeting. Mr. Howard said that it was three days a week and they just come in. City Manager says I haven't approve this through the Commission yet but there a couple of facilities we have that might work but there is a Veteran on the Commission and I don't think there is any question whether or not if we would help

if we can. My suggestion is if it is something we can work out with scheduling, we have a real nice training center. My thought is that it might work for you temporarily. Mr. Howard says that we would like to see this monument bigger as well, the one in front of the Courthouse. It is a great monument, but we would like to see it bigger and we would raise the money and get the equipment in here. That's what we are needing, if you have a place that we can work out of, that would be great. City Manager responds that he has a couple of suggestions that might work, of course the training center and the other option may be the SE Chamber of Commerce, the White House, the room there is not used Monday through Friday; allowing the Chamber to have certain events. Maybe we could create a schedule where they use it for a certain amount of time throughout the week and you use it as well. I will talk to the Chamber because that will be a little more conveniently located. Mr. Howard says basically we meet once a month, and we need a place where they know where to come. Right now we are meeting at restaurants and we would like to get more developed here in Pikeville. City Manager says I commend you on your service and I will give you my card and you can contact me directly and we will set something up. We will see what your needs are and try to help you and those that are in need, is that ok. Commissioner Davis asked what branch of the Service were you in and he answers Army then he thanks everyone. Mayor Pro-Tem calls for additional business from the floor.

Consider public comments regarding a law suit filed by the City against property owned by Ernest Ray located on 5th Street in downtown Pikeville, KY. City Manager asked that City Attorney Russell Davis address the issue to start off. City Attorney says he looked back through his files and said that the property owner met with the Commission in executive session and said that he would do what we asked of him but he never did send me a remediation plan. And I didn't hear anything over the year period of time until the last meeting when some of the Commissioners and the City Manager advised me that there was a continuing problem and you all directed that we file suit. We had already filed suit, it was just a matter of reactivating the suit and moving forward with it. But the reason why we did this in the beginning is that we have statistics from the police department where they have received calls for assistance, but for this 110 5th Street property since May 2010 to the current time, there have been 29 complaints called into this property. If you look at going back about one year, there have been at least seven or eight calls to the property. Of course this maybe just for a check but still yet, and Mr. Davis list them. Also, during this same period of time, there were seven environmentals written on this property. If you compare these complaints to the similar complaints to the ones in the neighborhood, it doesn't even compare and it is clear why there is a suit filed. There has been accusations that I come up with this on my own and that I do not like the property owner, but you know that it is hard to get me to do anything if I am not told to do it to somebody. I do not do much just for fun, but if somebody doesn't think this is a nuisance then I'll be happy to dismiss the law suit. City Manager says that there is a reason for this suit and why everybody is here tonight.

City Manager says that as Rusty has reviewed, the Commission did take action at the last meeting and we are going to continue the suit by a vote. How it all started is with a phone call and a text. As the Commission has made a promise to the community that they would address it at that time and I think that they acted at that time to drop the suit. Just a couple of comments to why you are here. Mr. Blackburn talks about the phone call with concern of the person that lives alone and reads a text that was about a gun that had been fired at the dilapidated residence and an elderly lady that is extremely afraid. Also, a text from someone talking about drug deals and people keeping other people up all hours of the night and wooden walls that would not stop bullets. City Manager asked Mayor Pro-Tem Carter to open the floor for comments from Citizens asking them to state their name and address for record. City Attorney says that if you can state your name and address so the Clerk can record that you have a real complaint with what is going on in the community that would help us out tremendously. Mr. John Lucas who lives at 184 Scott Ave comes forward. He explains that he lives on the corner of Scott Ave and 5th Street and has lived there for five years; explaining that he has a young family. He says that he loves 5th Street and loves the neighbors but the property in question has been a problem since he has lived there. Has had knocks at his door all hours of the night. A month and a half ago, what prompted a concern with him and his family, is when he pulled into the parking lot and two police cruisers were facing his house and the officers were with bullet proof. He asked the officers what was going on and they said they weren't sure that there were shots fired and there was danger. And I have three young children. There is police presents quite often and it is very uncomfortable. Next, Mr. Reed Potter from 107 5th Street approached the podium. He has lived there for 17 years and don't remember it being this bad but the last ten years there has been drug bust. We always know about the drug deals before they hit the paper because we see them. I have three children and they have seen a lot go on there. The same night John was speaking of, I went in the house and wondered about my wooden walls stopping a bullet. I have personally witnessed at least three drug arrest. Many times I have come home and seen some horrible beatings that have taken place outside the residence. I have seen nude, drunken people that are screaming and then sometimes pass out in the yard. It is an incredible neighborhood except that one piece of property. I cannot imagine anything helping that piece of property. It is a constant problem, every time someone moves out there are couches and things outside the property. I would ask that you follow through with this suit. Then, Ms. Robin Little came forward. She and her family live beside the property. The back of her house is beside the back of her house. She says that she has made several calls about the properties herself. She has a daughter that is 15 and a son that is 17. About three weeks ago, she was painting her laundry room and she had her windows open. She says that they have their windows open all the time, they must not have any air. She said that on this day she heard a woman say to someone please don't hurt me and I heard slapping and hitting and I did call the police and I guess they didn't find anything but I know he was beating her because I could hear it. They also have gutters on the property that are draining onto my property and flooded my basement a couple of times. At one point, there was a garbage can sitting

there at one point and they would just dump it and it would come into my basement. They also have two different pipes that are coming out of the house in two different areas into the gutter system; not sure if they are from sewer or what they are coming from. It is not fit to live in. One of the windows are broken and has been broken from sometime now and there is no air conditioning. The renters that they are going to get are not people we want in the neighborhood. Back in the summer, around 12 o'clock one night I heard something, the next morning there was a ladder stood up against my house. My daughter is a very pretty girl and I am concerned about my daughter. I just want to live in a safe neighborhood. The night I heard fighting, I went over to check on my neighbor. I heard fighting and screaming, I just couldn't tell what it was, I heard people crying for help. It is very disturbing, the word is always being used. I am concerned to why this is not being taken care of. I feel this is a dilapidated property and it really should be taken down. Next, Ms. Sandy Thompson Penix from 118 5th Street came forward. She says that she lives a little further up the street so she doesn't witness as much as Reed and the others. She states that there have been a lot of things happen at my house. A lady come to her house drunk with a cigarette in her hand and barged in on her son and tried to take her Christmas lights to use as electricity and run to someone else's house. About a month ago my husband was missing some things and we couldn't prove it was them, but we are pretty confident where the stuff is. There is fighting going on constantly and things just haven't gotten any better. Ms. Misty Potter approaches the podium from 107 5th Street and says that she stays at home so she gets to see more. She says that her boys have seen the naked lady drunken in the front yard and couldn't get up. She says that they watched one lady be beaten and her boys thought that they should jump in and help. She says her son heard the gun shot and he is 19 and was scared and called and said you have to get back here. She says that there is a lot of people that come to the door begging for money or asking the boys to drive them places; they want to report things stolen because they moved out, wanting me to watch things sitting out in the yard. She states that it is the best neighborhood ever except for this one place. She thanks the Commission for looking into it. City Manager says that obviously there are others here from the neighborhood so just for the show of record how many are here tonight for this issue. There were eight people that raised their hands. Also, for the record, how many here have experienced or seen or witnessed the same type of situations that we are talking about. The same people raised their hands. That's adequate. Rusty, unless there is anything else from the neighborhood that we need, Mr. Ray is also here. Mr. Ernest Ray was present and approached the podium and apologizes for the trouble that has been going on in the neighborhood and then states that he is honestly unaware of all of this since last year that we had this meeting; he says that he has not had anyone contact him personally. Ms. Penix says that she did not know that he was the property owner or she would have. Ms. Little says that she did not know that he was the owner either that she would like for the gutters to be fixed. Another lady says that she lives in the grey house next door and she has talked to the guy that cuts the grass and that he says that Mr. Ray will not let him clean the mess that lays on the sidewalk and the streets. Mr. Ray replies that he was unaware

and she says no you are not. She says that you have been there and you have seen the mess that has been left and you have done nothing about it. Mr. Ray says I apologize and that he has no record since the last meeting; Mr. Blackburn, I have not gotten any kind of letter or phone call. City Manager says that I will concur, that it is not the government responsibility to go door to door to make sure you are in compliance. When we get calls and complaints from the residence that we have, we take action. The concern from the City stand point is that the last time that we met there were commitments made by yourself to make sure there were quality people going into those properties and the issues as described here tonight did not exist. Mr. Ray says I do not think I can judge quality people. City Attorney says yes you can run a criminal background. A lot of these people, I know them, have an extensive backgrounds. You rent to somebody that has five or six DUI's or PI's. Mr. Ray says I cannot do that. Commissioner Chaney says you know Ernest Ray what concerns me is that you come to my house the other night and we talked; from hearing what they say, we have a safety issue. Somebody here has said a firearm has been discharged and the police was called, fights in the front yard. Mr. Ray then says why didn't anybody let me know. Commissioner Chaney says well let me finish up here; from where I am sitting, you are on shaky ground on this one because when you have all this going on not only is it unsafe, it will also destroy property values in that neighborhood. Commissioner Chaney says I am not going to argue with you. Mayor Pro-Tem Carter says that he drove by the other day and says that he cannot tell a whole lot of difference because the weeds were high and that the window was still broken, from how long ago. One of the ladies answered a couple of years at least. Mayor Pro-Tem asked how many rental properties do you have Mr. Ray and he responds just a few. Commissioner Davis asked him how would you define just a few, because you know you know how many you have unless it is in the hundreds. Mayor Pro-Tem says I would think you should be able to know you have an issue there. Mr. Ray says I do know and that's why I came last year but I thought the issue was smoothed out. Mayor Pro-Tem says so what you are saying what we need to do is every time the police is called we should call you. Mr. Ray says that way I can be aware. Mayor Pro-Tem responds do you think it is our responsibility to call you each and every time, or should we have all these people call you each time. Mr. Ray says I can't refuse to rent to somebody. City Attorney says that you can absolutely refuse to rent to a criminal. Mr. Ray said I don't consider a DUI record a criminal. If it is, I'm sorry, I'm in the same boat I guess. City Attorney said if it looks like a duck, quacks like a duck, then it is a duck. I can give you some names off the record that you have rented to that everybody in this room knows would be a problem. City Manager says for record, since March last year, that there are twelve issues or complaints since the last time we have talked. The concern is if you were living next door to this piece of property, you would be right here before the Commission as well. It's not just that these issues happened last year only, it's been reoccurring. Mr. Ray says that the building is structurely sound. Every time we change residence, the City comes out and inspects the building and charge \$25 each time you change residence and it has never failed. It's not the nicest looking place in town but not the worst either; and I just can't see it. If someone can point it

out to me. Commissioner Coleman says J.R., we are all friends. Mr. Ray adds that he hopes we are all friends. Commissioner Coleman says to him that he gets out early and the he hustles; but his things is on this situation is this, I think 5th Street is neat and clean. Outside structural issues, you cannot stand there and expect people to live amongst the issues that these people have described. I know you well enough to know, you cannot stand there and face those people and tell them that they should be forced to live around that kind of activity. Forget the structure itself. Without even mentioning the structure, if that was happening beside of you or beside of me, you and I would react the same way, it would be bad. I guess my thing is, it is hard for me to sit here and sympathize with you even if the structure is sound if those type of activities are going on around there. I know where you live and your neighborhood is not like that. I know that in the neighborhood you live in, none of that is going on around you. If you could allow me to put you next door to that, I know you well enough to know that you would not tolerate it and I wouldn't blame you. Fifth Street is a nice neighborhood and the majority of the homes is in this building and they are all saying the same thing. I wasn't on this Commission when this all arose but I have to say based upon what I am reading and what I hear here, I have my concerns. If you want to respond to that I would appreciate it, I would like to know how you feel and address your neighbors. I know them all and you know them all. Mr. Ray says I do not know them. Commissioner Coleman says well I know them and I know what kind of people they are and regardless of whether you know them or not I cannot imagine that you could look at them and deny the activity they have seen. I just can't imagine you could look at them and say what's the big deal. Mr. Ray says I didn't say that. What I am saying is maybe we should communicate; sometimes communication helps everyone. It makes people aware of problems. Commissioner Chaney says when we called you into closed session I thought we were communicating in March 2012, and you still have not done anything. Didn't we express our concerns then. Mr. Ray said yes, but that was March of 2012. Commissioner Chaney says that you have had a pretty good while to get things straightened out. City Manager Blackburn says these good folks bring this to your attention and to my attention and you say that we haven't contacted you. A little over a year ago, you were in threat of a suit that the Commission is now taking. So, kind of turning this the same way, as an owner of a piece of property, you don't know a person in the neighborhood. Mr. Ray apologizes. That is our position too; the issue is, your piece of property is under attack by these people and you don't even know who they are. Now, they are coming before the Commission to force the issue. This is a not a matter of person or property it is a matter of business; so at the end of the day, what are you asking the Commission. Mr. Ray replies that he is asking maybe to put this hearing that's on the 30th of this month, to postpone it until we have another meeting with the Mayor and Commissioners. Mayor Pro-Tem Carter asked Mr. Ray what his plan is once given notice of all this stuff. What is he going to do to make it right. Mr. Ray says that he would address the renter first and find out what was going on. Mayor Pro-Tem Carter says you have the police report, you know what was going on. Mr. Ray says I don't have it. Mayor Pro-Tem says well you would have if you would have asked; then he says, let's go back to that for

a second, talking about the issues down there. If this was my rental property, I would be proactive and I would have come back to the Commission or to Donovan and say is everything ok. Not just put lipstick on the pig and think everything was okay. Mr. Ray says that he thought it was ok. Once again, Mayor Pro-Tem says if I was you I would be proactive and make sure everything was ok. Mr. Ray says you are absolutely correct, maybe we should do checks once a month. Mayor Pro-Tem says if you cannot control your tenants, we are not going to have a meeting once a month for you on this, that's just not how this works. City Manager says just again for clarity, the Commission, under the environmental nuisance policy, because of properties such as this who have had repeat offenses, what our environmental department does is put together a top ten list. The point being that this is not just a problem with one property it is a problem with people within the list. Mr. Ray asked if he was on the top ten list. City Manager answers yes that you are one of the top ten. Mr. Ray asked if anyone else has had a suit against them. City Manager says yes we have filed suit against others on the list. City Attorney verifies and list one on Main Street that we are working on and a couple others. Mr. Ray asked if it was because renters or because of dilapidation and it was answered both. Mayor Pro-Tem Carter says most time when we do make contact the person we have issues with and the police bring forward the record, they normally take care of it and we normally don't hear anything back from them. Mr. Ray says why didn't you contact me. Mayor Pro-Tem says we did a year ago. We told you there were issues there, correct. Mr. Ray agreed. Commissioner Davis says let me change the tone of this for a minute. I know everyone of those people back there. There is good people sitting back there. During this whole discussion, I have kept my eyes back there as much as I have had them on you. I look at them and think we need to help those people back there. If I were you I would get my stuff together. I am going to help those people back there because they deserve peace and tranquility in their home. My heart beats for them, not you. I will make a promise today that I will keep fighting for them because they deserve peace and security; they need to live wherever they want to live without fear. They need to be able to go to bed at night and not worry about that stuff going on. I know if it was like that at my house I would call the police but I would run them off. I would try to take care of it myself first; but those people deserve their peace and tranquility. City Attorney says that there is only a few things that could be done to assure that this property is not a bother to these neighbors. The house has to be immediately vacated. The house then has to have substantial renovations, bringing it up to code making it comparable to the other houses in the neighborhood. Three would be a minimum rent to ensure that you are getting good renters. If you spend that type of money remodeling it, then you can get six, seven, eight hundred dollars for the rental and getting everybodys criminal record. That's the only way I see that we can cure this thing because we have gone the other route where you just say ok try to do better and it didn't work. City Manager says as part of the hearing, is this part of the suggestion to remedy the situation. City Attorney says it would be up to us to agree. It takes a long time to go through court, it moves slow for different reasons. This is separate, he asked if we will put it off and the only way I would put this off is if he would do the four things

that I mentioned. To immediately satisfy these people if all the renters are gone. Then there be a sizable investment made in the property. I'm talking about you go in there and re drywall the whole apartment and redo the kitchen. And it just be a quality apartment, but the problem is he has the poorest property there and it tends to draw the same type of tenants that can be a problem. We have a lot of rental units in town for med students and college students that are renting for seven and eight hundred dollars, not nearly the problems. City Manager says everyone has heard the residence, the City Attorney and Mr. Ray, does the Commission want to consider those options or what would they like to do; so what action are we going to consider. Mayor Pro-Tem Carter asked Mr. Ray if he was interested in any of the scenerios that the City Attorney put forth and if that being the case and the agreement to evict the tenants there and start a renovation process. Mayor Pro-Tem says I do not want to tear anything down, we just want everything to be nice and clean; and we don't want to take money out of your pocket but you have to see our point. Mr. Ray says it seems like it is more the people rather than the building. Commissioner Coleman says I have four rentals in Floyd Co. and I do not have a fraction of the issues that you are having to deal with here. Occasionally, I rent to the wrong person. If I have any issues going on like this, one of the other renters will call me. I think part of your problem is you have two units there and you are renting to the same kind of people. I do not want to tell you how to do your business but that piece of property must be of some value. Standing where you are, I couldn't tolerate those type of shananigans and having the whole community mad at me for it. City Manager explains to Mr. Ray that what they are asking is to bring the property into substantial compliance to improve the overall quality of the neighborhood on top of immediately evicting the tenants. The solutions either A proceed with the suit or B the eviction of the tenants and not have to put up with the calls with a specific time to have a specific time to a plan for an overhall of property. City Attorney adds that he is talking about substantial remodeling, at least \$50,000 and he says to Commissioner Carter's point I am not sure just tearing the building down and rebuilding a nice unit or re selling it or just sale the vacant lot to someone; but I am talking about a \$50,000 renovation deal where you put vinyl on the outside. Mayor Pro-Tem asked Mr. Potter if he has a question. Mr. Potter says I understand that you don't own the property and if not will you spend \$50,000 to renovate the building if you do not own the building. Mr. Ray says correct I do not own it. I am having a few problems with my other partner. Mr. Potter says if I were in your shoes I would have a problem with putting the money into it then. Commissioner Coleman asked if selling the property was a possibility. Would you consider. Mr. Ray replies that everything is for sale. Commissioner Chaney says that you cannot sell this unless your partner agrees though. We will probably have to go through a hearing unless you and your partner can come to an agreement. City Attorney says his partner inherited the property. She is a young lady and lives in Lexington working at a clothing store. She doesn't have any experience or capability of doing anything about it, although she has told me that she is going to buy Mr. Ray out. Mr. Ray agrees that he has a problem and he says he will do what it takes to remedy the problem. He still asked that the motion be put off. Mayor Pro-Tem Carter says

the only way we can do that is if you will agree to evict the tenants and meet somewhere to hear the plans you have. Commissioner Chaney wants to do the hearing because if he doesn't do what he says he is going to do then what next. City Attorney says that we can pass on the hearing until next month if he agrees. I can just tell the Judge that we will need a hearing a month away. If everything stays the same then we can just pick up and follow through in a month. I would say that the first thing and the minimum thing for us to request would be, the tenants have to go. We know if we work out a deal then the tenants have to go. Mayor Pro-Tem says one way or the other they have to go. City Attorney says if he would be willing to give the tenants an eviction notice then we could pass the motion that in thirty days that if they are not evicted. Commissioner Coleman asked how do you feel about that J.R., a month from now. It gives everybody time to regroup; it gives you time to make a decision to either renovate, knock it down, sell it, or whatever you want to do. On this hearing, I think what Rusty has described is pretty fair. Mr. Ray says sure. Commissioner Coleman says so you are agreeable to the eviction and he says yes. Another gentleman from the audience stood and was asking about the partnership with Mr. Ray and the girl. He is wondering how Mr. Ray could guarantee the evictions and the renovations when his partner was not present and was not doing the same. He was wondering why everyone was taking Mr. Ray's word on property that he doesn't completely own. City Attorney Davis says that that is exactly correct, she will have to sign off saying that she is agreeable too. That is true and Mr. Ray has told me that that is one of the problems that he can't invest money without some type of agreement from her that she is going to let him recover his money from the partnership. And that was part of the reason that we had given him thirty days and that couldn't be done in thirty days. Now we are facing much of the same thing, but we will have to work on it faster. This time evicting the tenants probably helps us because we shouldn't have the day to day problems the neighborhood has had. If it does take two or three months to get Ms. Johnson on board to get everything finalized, having no tenants will be better. City Manager says and with having no tenants, thirty days is nothing compared to ten years. Mayor Pro-Tem asked if everyone was ok with that and someone commented that they have not heard Mr. Ray say he was agreeable to it yet. Mayor Pro-Tem Carter said at least we will get them evicted and it will not be rented. At least that is the intention. City Attorney says that Mr. Ray will then have to decide what happens to his property, it is a LLC or a Corporation so both of them might have to. City Manager follows that with we have a meeting in two weeks for a follow up so we are coming back in two weeks with Mr. Ray presenting a plan to the Commission with this is the plan for what I am going to propose for this piece of property and this is what I am willing to do. If the Commission is not satisfied, then it will be full steam ahead. Commissioner Chaney adds that the gutters are flooding your neighbor as well and you need to get that fixed. Mr. Ray says that the City made him move them. City Attorney says we do not allow you to put them on someone else's property and you'll have to ditch them out to the storm drain in the street and UMG will help with the plan, a lot of times what they do is fill a pit full of gravel. City Manager said also with that said that for the record the City did not ask you to do

that the federal government requires through this mandate that anybody that has gutters into the sewer system was mandated to be removed and did not permit to direct onto someone else's property. I had the same problem in my own basement when I had to move my own gutters and had to take care of the problem. City Attorney says unless Mr. Ray is willing to commit to a sizable amount of renovations then there is no need to extend the suit. Commissioner Coleman states that if he is agreeable to evict his tenants then this structure will no longer have tenants or will you sale the property. Mayor Pro-Tem says that may be something too that will get this going too. City Manager says with the law suit pending, I will assume the City Attorney will have the eviction notice filed. We will come back in work session in two weeks at 5:00pm, Mr. Ray will present his plans. Is that agreeable. Mr. Ray says fair enough. Mayor Pro-Tem says same here. City Attorney says sometime before Friday get me a copy of the notices that you have served them on the tenants and Mr. Blackburn will have us a work session notice together. Mayor Pro-Tem Carter addresses Ms. Penix. Ms. Penix once again expresses her concerns with the property and City Manager assures her that in two weeks that if there isn't a plan then the suit will be followed through. City Manager also asked the police department to patrol the area a little extra until this issue is resolved. A lady was asking a question about gutters that are draining onto her property and saying that it was making her daughter sick. City Attorney said that Donnie Slone can help with the problem, he won't fix the problem but will make suggestions to how to fix it. City Manager thanked everyone for attending.

PAYMENT OF CITY BILLS

The City Manager Donovan Blackburn requested the approval to pay city bills in the amount of \$821,730.11. Commissioner Davis made the motion to approve. Commissioner Coleman seconded the motion. Mayor Pro-Tem called for comments and Commissioner Davis asked if we had the money. City Manager replied that we do have the money. Mayor Pro-Tem Carter called for further discussion, there being none, motion passed unanimously. 4-0.

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 of invoice #2 from Vaughn & Melton Consulting Engineers, Inc. for \$20,447.00 for Engineering Services on the City waste water treatment plant. Commissioner Davis made the motion to approve. Commissioner Coleman seconded the motion. Mayor Pro-Tem Carter called for comments and Commissioner Davis once again asked if we have the money. The City Manager answered yes. Mayor Pro-Tem called for additional questions or comments, there being none, the motion passed unanimously. 4-0.

CITY MANAGER

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

- 1. Consider request to purchase a 2014 Mack GU713 Roll Off Truck with a manual transmission, 52,000# rear axle, under state contract MA-75-1100000316 price from Municipal Equipment for \$155,931.04. Commissioner Chaney made the motion to adopt. Commissioner Coleman seconded the motion. Mayor Pro-Tem Carter called for comments and then asked if that is a capital budget item. City Manager Blackburn said yes it is. Mayor Pro-Tem called for further questions or comments, there being none, motion passed unanimously. 4-0.**
- 2. Consider a request to authorize and adopt the amended chapter 4.11 Corrective Action Guidelines, as submitted, of the City of Pikeville personnel policy manual. Commissioner Davis made the motion to approve. Commissioner Coleman seconded the motion. Mayor Pro-Tem called for comments. City Manager says the only comment he has is that the Attorney General's office has given their opinion on employee's carrying firearms to make sure we are in compliance with the state and federal regulations. Mayor Pro-Tem called for further questions or comments, there being none, the motion passed. 4-0.**
- 3. Consider a request to authorize and approve a quitclaim Deed between Ida Mae Bailey and City of Pikeville, as submitted, and to authorize the Mayor to sign and execute said deed on behalf of the City of Pikeville. Commissioner Chaney made the motion. Commissioner Coleman seconded the motion. Mayor Pro-Tem Carter called for comments and asked for the background on this matter. City Manager says this is a unique story. Ida Mae was a previous owner of the house during the Thompson Road – RealtyLink process. The title search was done and what was determined was that we did not have a clear deed on the house. We were the third transaction to acquire the property to what happened previously. Todd Mayhorn and Ida Mae had a property and an attorney had the actual contract and that contract was filed instead of the deed. So when the title search was done we found the contract. So we had to go back to Ida Mae Bailey, who lives in Lexington, and have her sign off on it so now the City now has a clear deed. Ms. Bailey happens to be Mr. Danny Adkins mother-in-law, who has now moved in with him, so I was able to get it all taken care of with the good Lord shining down on me. So that clears up the problem, which wasn't just a City problem, it was a Mr. Kinder problem, which was the same issue before that. Mayor Pro-Tem called for additional comments, there being none, the motion passed unanimously. 4-0.**

4. Consider a request to approve to award and authorize payment for the bid on the Compact Street Sweeper to Tenant for \$89,604.32 and to authorize the City Manager to sign and execute any paperwork required to transfer said equipment into the City of Pikeville's name. CMI Equipment and Municipal Equipment did submit bids that were lower but they did not meet the specs. The city spec was a 4x4 vehicle and only the Tenant met this requirement. Note the City had this item budgeted at \$130,000. Commissioner Davis made the motion to approve. Commissioner Coleman seconded the motion. Mayor Pro-Tem called for comments, there being none, the motion passed unanimously. 4-0.
5. Consider a request to approve to award and authorize payment for bid to CMI Equipment for \$66,594 for an O'Brien Model 7040-SC trailer mounted sewer cleaner and to authorize the City Manager to sign any paperwork required to transfer said equipment into the City of Pikeville's name. Note the City had this item budgeted at \$68,000. Commissioner Chaney made the motion to approve. Commissioner Coleman seconded the motion. Mayor Pro-Tem called for comments, there being none, the motion passed unanimously. 4-0.
6. Consider a request to authorize and approve the position, job description and rate chart, as submitted, for the position of City Administrator for City Operation. Commissioner Davis made the motion to approve. Commissioner Coleman seconded the motion. Mayor Pro-Tem called for comments, there being none, the motion passed unanimously. 4-0.
7. Consider a request to authorize and approve the Mayor to sign and execute all documents necessary in order to execute all the terms and conditions, including but not limited to the sale of the city property located off of Thompson Road as described in the "Agreement for Sale of Property" between RealtyLink and City of Pikeville dated and executed by the Mayor on 6-13-12. To also authorize and approve payment of any funds required that may be related to this transaction to include but not be limited to any taxes, filing fees, etc. Commissioner Chaney made the motion to approve. Commissioner Coleman seconded the motion. Mayor Pro-Tem called for comments, there being none, the motion passed unanimously. 4-0.
8. Consider a request to authorize and approve the Mayor to sign and execute all documents necessary in order to execute all the terms and conditions, including but not limited to the sale of the post office property located off of Thompson Road as described in the "Real Estate Development Agreement" between the United States Postal Service and City of Pikeville dates as executed by the Mayor Pro-Tem on 9-24-12 and Assignment Agreement dated October 1st 2012 between the City of Pikeville and RealtyLink Investment, LLC. To also authorize and approve payment of any funds required that maybe related to this transaction to include but not limited to any taxes, filing fees, etc. Commissioner Coleman 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.

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

9. Pursuant to KRS 61.810, consider request for closed session for discussion of economic development, legal and personnel issues. Commissioner Coleman made the motion. Commissioner Davis seconded the motion. Mayor Pro-Tem called for discussion, there being none, the motion passed unanimously. 4-0.
10. Mayor Pro-Tem Carter made the motion to re convene. Commissioner Coleman seconded the motion. Mayor Pro-Tem called for discussion, there being none, the motion passed unanimously. 4-0. Mayor Pro-Tem called the session back into order.
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:

August 27th 2013 from 5pm to 7pm will be City Hall official Open House

Hatfield & McCoy Heritage Day's Festival August 31st through September 2nd 2013

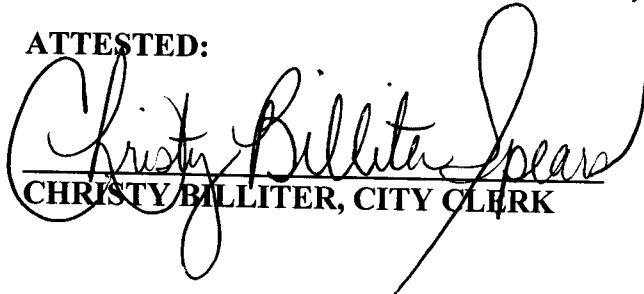
The next scheduled Regular Meeting of the City of Pikeville Board of Commissioners is June 27, 2011 at 6:00 p.m.

APPROVED:



FRANKLIN D. JUSTICE, II, MAYOR

ATTESTED:



CHRISTY BILLITER, CITY CLERK