

**CITY OF PIKEVILLE
BOARD OF COMMISSIONERS
REGULAR MEETING MINUTES
November 11, 2013 AT 6:00 P.M.**

The Board of Commissioners for the City of Pikeville met in a regular called session on Monday, November 11, 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 October 28, 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. Commissioner Carter abstained. The motion carried unanimously. 5-0.

BUSINESS FROM THE FLOOR

Report by City Manager on results on Federal Overtime program with the Pikeville Police Department and Friday night robbery & arrest. The federal overtime program, we conducted an attempt to a 50 to 30% rate which well exceeded what the requirements were or what the expectations were. I have a letter of appreciation from the Department of Transportation that commends the PD on a great job. Also, I want to make the Commission aware of an event where things happen such as a robbery. This past Friday night, on South Mayo Trail at one of the gas stations there was a robbery. The cashier put her hand on the till to open it up and the gentleman grabbed her hand and grabbed the money out of the till and took off. At the time, the department had a call and the guy got away. This individual went and

viewed the tape and the Officer recognized the gentleman and in less than two hours there was an arrest made. After picking him up, he took him back to the station and this gentleman confessed to the robbery. Just another example of a crime happening and our Police Department under the direction of the Chief solving a crime very quickly.

Mayor asked for additional business from the floor and stated that we would like to wish all Veterans a Happy Veteran's Day. We appreciate them so much. Happy Veteran's Day Commissioner Davis.

PAYMENT OF CITY BILLS

The City Manager Donovan Blackburn requested the approval to pay city bills in the amount of \$677,205.18. Commissioner Davis made the motion to approve. Commissioner Carter seconded the motion. Mayor Justice called for comments and Commissioner Davis asked if we had the money. City Manager responds yes sir. 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 of Pay Estimate #4, as submitted and recommended by Codell Construction for the Pikeville Theatre project and approved by the Pikeville Theatre Building Committee. Said pay request is for \$152,596.69 for the following vendors and totals as submitted, IWeiss, INC. for \$1,980.00, Rising Sun Development, INC. for \$91,755.00, Wright Way Ready Mix for \$6,963.00, Mountain Aggregates for \$486.53, Ken/API Supply for \$6,222.15, Elliott Contracting, Inc. for \$34,876.80, Elliott Supply & Glass for \$8,988.50 and Plumbers Supply Co. for \$1,324.71 for a total payment of \$152,596.69 and to authorize the Theatre Building Committee Chairman Donovan Blackburn to sign and execute any pay request or documents necessary to execute said payments. Commissioner Carter made the motion to approve. Commissioner Davis seconded the motion. Mayor Justice called for comments, there being none, the motion passed unanimously. 5-0.
2. Consider a request to authorize and approve payment for invoice #4 to Vaughn & Melton Consulting Engineers, Inc. for \$54,681.00 for the waste water treatment plant and to authorize the Mayor to sign and execute said pay request if necessary. 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.

CITY ATTORNEY

1. Consider a request for a second reading and passage of ordinance #0-2013-032 for a consent to annex by the City of Pikeville certain unincorporated territory lying adjacent to the present city corporate boundaries consisting of approximately 4.15 acres located on or near Stonehenge Drive and to authorize the Mayor to sign and execute on behalf of the City of Pikeville. Commissioner Davis made the motion to approve. Commissioner Carter seconded the motion. Mayor Justice called for comments and says that every time I see Howard Keith Hall he is talking about getting annexed by the City of Pikeville, Donovan we need to check on that. City Manager said will do. Mayor called for additional questions or comments, there being none. Mayor called roll call, the motion passed unanimously. 5-0.

**ORDINANCE FOR A CONSENT TO ANNEX BY THE
CITY OF PIKEVILLE CERTAIN UNINCORPORATED
TERRITORY LYING ADJACENT TO THE
PRESENT CITY CORPORATE BOUNDARIES
CONSISTING OF APPROXIMATLEY 4.15 ACRES
LOCATED ON OR NEAR STONEHENGE DRIVE**

ORDINANCE NO. 0-2013-032

WHEREAS, by the action of required submitted signatures by the property owners for their Consent and Request for Annexation, pursuant to KRS 81A.412, for the following described property, and

WHEREAS, the various property owners are the sole owners of the property and the City of Pikeville did received by letter a request the property owners consent authorizing the annexation of the described property attached herein and

WHEREAS, the area requested to be annexed is contiguous to the present City limits, and

WHEREAS, the Pikeville City Commission has determined that the benefit of the city to accept this Consent for Annexation of this, area

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF PIKEVILLE that the tract or parcel of property described hereinafter, contiguous to the present city limits of Pikeville, Kentucky is hereby declared to be

annexed into the corporate limits of the City of Pikeville and shall be by the passage of this ordinance become part of the city for all purposes. The property annexed hereby is described as follows:

City of Pikeville
Description of Annexation
William Deskins
124 Deskins Drive
Pikeville, KY 41501

Beginning at a point on the existing City of Pikeville Corporate Bound, Ordinance No. 0-2009-021 and being on Stonehenge Drive one foot more or less off the property line of Lela Maynard (Deed Book 912 Page 357).

Thence, with the existing City of Pikeville Corporate Boundary and crossing Stonehenge Drive N 78°47'02" W a distance of 40.25' to a point one foot more or less off the property line of Howard Keith Hall (Deed Book 732 Page 144); Thence, running down Stonehenge Drive with a line one foot more or less off the property line of Howard Keith Hall N 44°26'36" E a distance of 27.09'; Thence, N 19°53'25" E a distance of 34.85'; Thence, N 13°43'21" E a distance of 149.97'; Thence, S 84°57'04" E a distance of 120.17' to a point bear Deskins Hollow Drive; Thence, leaving Stonehenge Drive and running along Deskins Hollow Drive one foot more or less off the property line of Howard Keith Hall N 58°46'56" W a distance of 125.38'; Thence, crossing Deskins Hollow Drive and running with the edge of Holly Drive with the following calls: N 19°47'34" E a distance of 307.83'; Thence, N 21°02'39" E a distance of 170.75'; Thence, N 39°11'56" E a distance of 30.29'; Thence, N 63°27'07" E a distance of 59.16'; Thence, N 60°36'40" E a distance of 66.81'; Thence, N 80°08'29" E a distance of 49.42'; Thence, S 88°19'00" E a distance of 36.00'; Thence, leaving Holly Drive and running down the hill with the intent of not encroaching on the property of anyone other than William Deskins (Deed Book 554 Page 351) S 10°09'34" E a distance of 134.41'; Thence, S 17°38'39" E a distance of 96.49' to a point near the edge of Stonehenge and Vera Drive; Thence, with the edge of Stonehenge Drive with the following calls: 45°11'02" W a distance of 100.35'; Thence, S 39°49'04" W a distance of 35.57'; Thence, S 28°39'56" W a distance of 19.11'; Thence, S 23°15'13" W a distance of 26.10'; Thence, S 15°08'23" W a distance of 84.54'; Thence, S 01°02'27" W a distance of 21.26'; Thence, S 19°57'53" E a distance of 117.37'; Thence, S 09°26'50" E a distance of 31.55'; Thence, S 06°14'21" E a distance of 51.91'; Thence, S 09°19'00" E a distance of 87.35'; Thence, S 16°55'09" E a distance of 37.72'; Thence, S 28°46'23" W a distance of 21.78'; Thence, S 67°15'52" W a distance of 16.57'; Thence, N 77°54'50" W a distance of 21.18'; Thence, N 45°01'17" W a distance of 27.18'; Thence, N 27°34'52" W a distance of 26.11'; Thence, N 15°20'18" E a distance of 58.76'; Thence, N 04°56'34" E a distance of 40.05'; Thence, N 09°19'49" W a distance of 33.45'; Thence, N 50°06'58" W a distance of 32.00'; Thence, N 59°21'49" W a distance of 23.16'; Thence, crossing Stonehenge Drive S 35°48'14" W a distance of 37.10' to a point one foot more or less off the property line of Lela Maynard (Deed Book 912 Page 357); Thence, continuing with Stonehenge Drive and one foot more or less off the property line of Lela Maynard S 86°51'05" W a distance of 229.63'; Thence, S 18°35'22" W a distance of 167.13' to the point of beginning and containing 4.15 acres more or less.

Steven E. Haywood, PLS #2661

Date: 10/23/13

A map of the property in which the City of Pikeville proposed to annex prepared by Summit Engineering, Inc. entitled "City of Pikeville, Description of Annexation, William Deskins 124 Deskins Drive, Pikeville KY 41501" dated 10/23/13 is on file in the office of the city clerk and may be viewed during regular office hours.

November 11, 2013 Regular Meeting

This ordinance shall be in full force and effect after it is passed and published as required by law.

The above ordinance was given a first reading this _____ day of _____ 2013. This 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 KEITH COLEMAN, COMMISSIONER | _____ | _____ |
| JIMMY CARTER, COMMISSIONER | _____ | _____ |
| BARRY CHANEY, COMMISSIONER | _____ | _____ |

The Mayor declared the within ordinance adopted.

FRANK JUSTICE, II, MAYOR

ATTESTED:

CHRISTY SPEARS, CITY CLERK

2. Consider a request for a second reading and passage of ordinance 0-2013-033 naming an unnamed bridge as "Paul Hopkins Bridge" and to authorize the Mayor to sign and execute 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. Mayor called roll call, the motion passed unanimously. 5-0.

**ORDINANCE NAMING
UNNAMED BRIDGE AS THE
"PAUL HOPKINS BRIDGE"**

ORDINANCE NO. #0-2013-033

WHEREAS, the City of Pikeville desire to name a preciously unnamed bridge as the " Paul Hopkins Bridge".
Said bridge is located off the Bypass Road leading to the Pike County Health Department.

WHEREAS, The City of Pikeville is honored to name said bridge after Mr. Paul Hopkins in honor of his 20 years of service as the former Director of the Pike County Health Department. Prior to Mr. Hopkins recent retirement he received many awards and accolades including being named as the 2009 Kentucky Health Department Association's Public Health Director and also was the recipient of the 2003 Department for Public Health Commissioner's Award for Most innovative Health Department.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF PIKEVILLE that the bridge as describe above is hereby named **"PAUL HOPKINS BRIDGE"**

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:

| | Yes | No |
|-----------------------------------|-------|-------|
| FRANK JUSTICE, MAYOR | _____ | _____ |
| GENE DAVIS, COMMISSIONER | _____ | _____ |
| JERRY KEITH COLEMAN, COMMISSIONER | _____ | _____ |
| JIMMY CARTER, COMMISSIONER | _____ | _____ |
| BARRY CHANEY, COMMISSIONER | _____ | _____ |

The Mayor declared the within ordinance adopted.

FRANKLIN D. JUSTICE. II MAYOR

ATTEST:

CHRISTY SPEARS, CITY CLERK

3. Consider a first reading of an ordinance #0-2013-034 adopting the 2013 Supplement to the City of Pikeville Code of Ordinances. No further action is required at this time. The second reading will take place at the next regular scheduled meeting.

CITY MANAGER

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

1. Consider request to authorize and approve a onetime extra pay increase for all city employees in the amount of \$350.00 and authorize payment for the next pay period. Commissioner Davis made the motion to adopt. Commissioner Coleman seconded the motion. Mayor called for comments and Commissioner Davis says this is a common thing isn't it. City Manager said yes. Mayor called for further comments, there being none, motion passed unanimously. 5-0.
2. Consider a request to authorize and approve an application for the KLC Safety Grant to assist in paying for the police accreditation fees in the amount of \$3,803.40 of which there is a 50% match for the city and to authorize the Mayor and or police chief to sign and execute any documentation necessary to submit and execute said grant. Commissioner Carter made the motion to approve. Commissioner Coleman seconded the motion. Mayor Justice called for further comments, there being none the motion passed. 5-0.
3. Consider a request to authorize and approve change Order #1 upon the recommendation of the Pikeville Theatre Building Committee, as submitted, with Rising Sun Development for \$6,691.85 for the removal of wood panels on existing façade and patch backing wall as required and paint. Jenny Wiley Drama Association shall increase their contribution to pay for the additional cost of said work. Also, to authorize the Chairman of the Theatre Building Committee to sign and execute said change order. Commissioner Davis made the motion. Commissioner Carter seconded the motion. Mayor Justice called for comments, there being none, the motion passed unanimously. 5-0.
4. Consider a request to approve and authorize Change Order #3 upon the recommendation of the Pikeville Theatre Building Committee, as submitted, with Elliott Contraction for \$8,939.80 for the rough-in plumbing for a second floor restroom. Jenny Wiley Drama Association shall increase their contribution to pay for the additional cost of said work. Also, to authorize the Chairman of the Theatre Building committee to sign and execute said change order. Commissioner Chaney made the motion to approve. Commissioner Coleman seconded the motion. Mayor Justice called for comments and

- Commissioner Davis asked who the Chairman was and Mr. Blackburn says me. Mayor Justice called for additional questions or comments, there being none, the motion passed unanimously. 5-0.
5. Consider a request to authorize and approve Change Order #4 upon the recommendation of the Pikeville Theatre Building Committee, as submitted, with Rising Sun Development for \$2,093.00 and Modern Construction for \$3,275.10 for the removal of existing wood infill at previous stair opening between first and second floor in the existing two-story building. Jenny Wiley Drama Association shall increase their contribution to pay for the additional cost of the work. Also, to authorize the Chairman of the Theatre Building Committee to sign and execute said change order. Commissioner Carter made the motion to approve. Commissioner Coleman seconded the motion. Mayor Justice called for comments and asked how are you doing on the contingency. City Manager says that is why Jenny Wiley is paying for this. The contingency is fine and these charges are being taken care of by Jenny Wiley. We have not approved any change orders other than what Jenny Wiley has approved. Mayor Justice called for additional comments, there being none, the motion passed unanimously. 5-0.
 6. Consider a request to approve and authorize Change Order #5 upon the recommendation of the Pikeville Theatre Building Committee, as submitted, with Rising Sun Development for \$2,104.50 and Elliott Glass for \$16,547.77 to provide material and labor to install a new storefront in front of the building and install double door system. Jenny Wiley Drama Association shall increase their contribution to pay for the additional cost of said work. Also, to authorize the Chairman of the Theatre Building Committee to sign and execute said change order. Commissioner Chaney made the motion to approve. Commissioner Davis seconded the motion. Mayor Justice called for questions. Commissioner Davis asked about the new store front, is it Second Street. City Manager says yes, the doors that are there are worn out. Mayor called for additional comments, there being none, the motion passed unanimously. 5-0.
 7. Consider a request to authorize and issue a notice to proceed for work to be completed by Eastern Telephone and Technologies to relocate the 150 kw generator from the Academy Building to the new City Hall for the amount of \$18,840.00 and to approve and authorize payment for said work upon the completion and satisfaction of the move. Commissioner Carter made the motion to approve. Commissioner Coleman seconded the motion. Mayor Justice called for comments. Commissioner Carter asked if we really need this and Mr. Blackburn says we do not want to leave it behind do we. Mayor asked why we cannot do it our self. City Manager explains that it is a very complicated process. He further explains that UMG has already looked at it and it would be higher than what Eastern Telephone quoted. Also, the phasing has to be changed. Mr. Donnie Slone explains about the phasing. Mayor called for additional questions or comments, there being none, the motion passed unanimously. 5-0.

8. Consider a request to authorize and approve a resolution, as submitted, and agreeing to all terms and condition set forth therein for the purposes of granting authority and approval for applying for several grants through various agencies for the construction of the City of Pikeville waste water treatment plant and to authorize the Mayor to sign and execute said resolution on behalf of the City of Pikeville. 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.
9. Consider a request to reclassify Rebecca Hamilton position to the position of Director of Human Resources/ Utility Services & City Clerk and authorize and approve her revised job description as described. Note: Christy Spears has tendered her resignation for City Clerk to accept another job opportunity. Commissioner Chaney made the motion to approve. Commissioner Davis seconded the motion. Mayor Justice called for comments. Commissioner Chaney says that I hate to lose Christy. City Manager says that she is doing this for her family. City Manager wishes her the best. Mayor says that Christy has come a long way with us. I appreciate Donovan and everything he did, working with her and molding her. At that time she needed somebody to help her in life you did and I appreciate that. Commissioner Carter asked if you are looking for somebody or what's the plan. City Manager says that he was looking through my stack and see if I can save the City a little money and again we will go ahead and move forward with this. Mayor says so Rebecca will be acting City Clerk and be here for the meetings. City Manager says that Christy's last day will be this Friday. Mayor called for additional questions or comments, there being none, the motion passed unanimously. 5-0.
10. Consider a request to hire Brock Kinney to the position of Utility Clerk at said positions starting rate contingent upon taking and passing all required pre-employment tests. Commissioner Chaney made the motion to approve. Commissioner Davis seconded the motion. Mayor Justice called for comments and Commissioner Davis asked who is Brock Kinney. City Manager says that you probably do not know him, but if you follow football he played for Shelby Valley. His dad actually worked with Jimmy and I. He appears to be a very fine young man, Sean and Rebecca interviewed and he comes very highly recommended. Commissioner Chaney asked if he was in Business College with UPike. Mayor called additional questions or comments, there being none, the motion passed unanimously. 5-0.
11. Consider a request to authorize and approve the City Manager to hire a demolition company, by receiving at least competitive quotes, and authorize them to proceed to demolish the city owned property on Jefferson Street, recently acquired contingent upon said quotes are under the state procurement limits for required bidding. (Comments regarding City Attorney doing an outstanding job to address the purchase of said property.) Commissioner Carter made the motion to approve. Commissioner Coleman

seconded the motion. Mayor Justice called for comments and City Manager says that Rusty went and sit on the court yard steps and someone was there running up the bid and we still got the property. City Attorney says that we got is for basically for \$500 since there were taxes owed on the property but a side note we will have to tear it down. Mayor says good job Rusty and thank you. Mayor Justice called for additional comments, there being none, the motion passed unanimously. 5-0.

12. Consider a request to authorize and approve a resolution, as submitted and agreeing to all terms and conditions set forth therein for the purposes of adopting the Pikeville Police Department Policies, Procedures and General Orders Manual dated November 11, 2013, which practices shall be adopted and apply upon the adoption of this resolution and to authorize the Mayor to sign and execute said resolution on behalf of the City of Pikeville. Commissioner Carter made the motion to approve. Commissioner Davis seconded the motion. Mayor Justice called for comments. City Manager says that the police department under Chief Reed, one of the things I asked him to do is this because this is a major step to get us to where want to be. Mayor Justice called for further comments, there being none, the motion passed unanimously. 5-0.
13. Consider a request to authorize and approve a fifth amendment to an agreement for sale of property, as submitted, between RealtyLink Investments, LLC and the City of Pikeville and authorize the Mayor to sign and execute said agreement on behalf of the City of Pikeville. Commissioner Chaney made the motion to approve. Commissioner Coleman seconded the motion. Mayor Justice called for comments and asked what this amendment does. City Manager says that this is the last property to acquire. This amendment allows us to do this. Mayor Justice called for comments, there being none, the motion passed unanimously. 5-0.
14. Consider a request to authorize and approve a purchase and payment upon completion of installation with Irwin Seating Company for replacement seating components and labor for installation in the amount of \$26,738.24. Said purchase will qualify as sole source procurement and will not require bidding. Commissioner Carter made the motion to approve. Commissioner Coleman seconded the motion. Mayor Justice called for comments and Commissioner Davis is curious to what seating that we are talking about. City Manager says that this is the seating on the ball field we have had the issues with. City Attorney came to an agreement with Irwin Seating because the hinges were breaking and that is why they are being replaced. If someone was to get hurt we would be sued. Mayor Justice called for further comments, there being none, the motion passed unanimously. 5-0.
15. Consider a request to cancel the regular commission meeting scheduled for November 25th due to Thanksgiving week and to call a special commission meeting on November 22, 2013. Commissioner Davis 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 announced Consent Items*******

- 16. 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.
- 17. 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.
- 18. 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 Justice called for discussion, there being none, the meeting was adjourned. 5-0

CONSENT ITEMS:

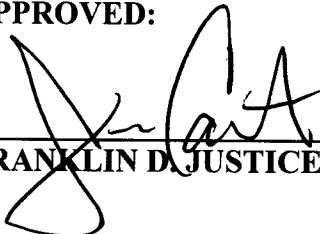
Shaping our Appalachian Region (SOAR) Summit scheduled for December 9, 2013 at the East KY Expo Center from 9am until 5pm

First Community Bank, 230 South Mayo Trail, Pikeville, KY Ribbon-Cutting November 18th at 10am

Thanksgiving November 28th. City Hall will be closed for November 28th & 29th. City Manager will be on vacation.

The next scheduled Regular Meeting of the City of Pikeville Board of Commissioners is December 9, 2013 at 6:00 p.m.

APPROVED:



FRANKLIN D. JUSTICE, II, MAYOR

ATTESTED:



CHRISTY BILLITER, CITY CLERK