

**CITY OF PIKEVILLE  
BOARD OF COMMISSIONERS  
REGULAR MEETING MINUTES  
May 12, 2014 AT 6:00 P.M.**

**The Board of Commissioners for the City of Pikeville met in a regular called session on Monday, May 12, 2014. 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 28, 2014 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 Justice called for discussion, there being none, the motion carried unanimously. 5-0.**

**PAYMENT OF CITY BILLS**

**The City Manager Donovan Blackburn requested the approval to pay city bills in the amount of \$1,060,204.04. Commissioner Davis made the motion to approve. Commissioner Coleman seconded the motion. Mayor Justice called for comments and Commissioner Davis asked the traditional question of do we have the money. City Manager responded that we did have the money. Mayor called for further discussion, there being none, motion passed unanimously. 5-0.**

**BUSINESS FROM THE FLOOR****1. Mayor Franklin Justice read into record a Proclamation.**

*To All To Whom These Presents Shall Come:*

**WHEREAS:** *Violence creates unnecessary costs to individual, city governments, county governments and the Commonwealth of Kentucky; and*

**WHEREAS:** *Violence reduces the quality of life of its victims and impacts all Kentuckians regardless of geography, ethnicity, income or age; and*

**WHEREAS:** *A reduction in violence will make Kentucky and its communities more attractive to both new businesses and visitors; and*

**WHEREAS:** *Win The War Against Violence, a Kentucky non-profit organization, has announced The 2012 Ten Percent Challenge, a violence reduction and educational awareness campaign encouraging all Kentuckians to help reduce the instances of violence in the Commonwealth by ten percent in 2012; and*

**WHEREAS:** *Frank D. Justice earned the respect, admiration and high regard of all with whom he came into contact, and our community has sustained a great loss in his death;*

**NOW, THEREFORE BE IT PROCLAIMED,** *the Pikeville City Commission do hereby proclaim the month of May as*  
**WIN THE WAR AGAINST VIOLENCE**  
**THE 2012 TEN PERCENT CHALLENGE**

*This 14th day of May, 2012.*

**The Department for Aging and Independent Living (Dail) proudly announced the celebration of the Kentucky Aging Network Awards for 2014. (Dail) honored those individuals and agencies that have contributed to the betterment of those aged and disable within the state.**

**City Manager Donovan Blackburn asked Carolyn Tackett to come forward. Mr. Blackburn recognized Mrs. Tackett for being awarded the Program Director of the year 2014 by the State of Kentucky. Mr. Blackburn stated that the award is a very prestige award and that was bestowed upon her as a citizen and stated it was duly earned. Mr. Blackburn added that the commission has been able to budget \$30,000.00 a year along with UMG serves to the Senior Citizens center at no cost to the facility. Mrs. Tackett has done a great job for the center and very proud of her and congratulations on behalf of the city. Mayor Justice congratulated to Mrs. Tackett and expressed his appreciation for all her hard work. Mrs. Tackett stated she was shocked to have been selected especially with so many directors within the state. Mrs. Tackett also added today was her birthday, she is 59 years old. Commissioner Carter stated very well deserved. Commissioner Chaney asked Mrs. Tackett how many citizens the center feed. Mrs. Tackett replied 158 in house and 370 on home delivery, which this is the only hot meal some of the senior citizens will receive due to some of the seniors don't any family members or are staying in hotels. Mrs. Tackett said that they also take some of them to their chemotherapy treatments, we are like a home away from home.**

I also spend time with them if needed in the hospital to let the family have a night at their home. The Senior Citizen center also can provide clothes if needed. The key is to keep the citizens out and busy. Commissioner Coleman stated he was extremely proud of Mrs. Tackett. Mayor called for further comments, there being none motion passed unanimously. 5-0.

City Manager asked Mrs. Tackett and Commission to step forward to present the award and for pictures.

2. Mayor Justice and the City Commission presented various department manager and directors Certificates of Appreciation for their working and making the 38<sup>th</sup> Annual Hillbilly Days an outstanding festival. The departments included tax, utility, accounting, codes, 911 dispatch and administration employees that worked the three day event. City Manager also added a special thank you to 911 Public Safety Director; Paul Maynard for all his work and that he had put in 39 extra hours during Hillbilly Days and did a great job at helping with calling in reports of illegal park cars and helping the police department during the event.
3. Police Chief Phillip Reed invited the Mayor, City Manager and Commission to join him and his police department at the Bob Amos Park for a cookout on Tuesday at shelter #5 from 11a.m. to 2 p.m. to for the National Police Week.
4. Mayor Justice announced National Lupus awareness.

#### CITY ENGINEER

Phillip Elswick, with Summit Engineering, Inc. was present and submitted the following request:

1. Consider a request to approve and authorize payment of pay estimate #10 submitted by Codell construction in the amount of \$411,771.42 for the Pikeville Theatre Project. The payment request was approved by the Pikeville Theatre Building Committee with the recommendation for the City Commission to authorize payment. The request included payment to: Kalkreuth Roofing & Sheet Metal in the amount of \$117,708.30, D&T Associates, Inc. in the amount of \$41,640.00, Carpet Decorators, Inc. in the amount of \$3,607.20, Abell Elevator International for \$9,134.10, Rising Sun Developing, Inc. in the amount of \$36,000.00, Ken/API Supply Company in the amount of \$10,323.12, Elliott Contracting, Inc. in the amount of \$113,000.40, Elliott Supply & Glass Company in the amount of \$37,407.36, McQuay International for \$13,290.00, and Plumbers Supply Company for \$5,255.94. The request also includes request to authorize

the Theatre Building Committee Chairman Donovan Blackburn to sign and execute any pay request or documents necessary to execute said payments. Commissioner Chaney made the motion to approve.

Commissioner Coleman seconded the motion. Mayor Justice called for comments, there being none motion passed unanimously. 5-0.

2. Consider a request to approve payment for invoice #000019 for the Pikeville Theatre Project as submitted by the Pikeville Theatre Building Committee and authorize payment as submitted to Holzman Moss Bottino in the amount of \$3,484.29. Commissioner Chaney made the motion to approve. Commissioner Coleman seconded the motion. Mayor Justice called for comments, there being none motion passed unanimously. 5-0.

#### CITY ATTORNEY

Russell Davis was present and had one item to read into record.

1. Consider a 2<sup>nd</sup> reading of Ordinance # 0-2014-008 amending Chapter 72 Parking Regulations amending section 72.992 procedures for Contesting a Parking Citation and to authorize the mayor to sign and execute on behalf of the City of Pikeville. Commissioner Chaney made the motion to adopt the Ordinance into record. Commissioner Carter seconded the motion. Mayor Justice called for comments, there being none, Mayor called for roll call. Ordinance adopted unanimously. 5-0.

ORDINANCE AMENDING  
CHAPTER 72 PARKING REGULATIONS  
AMENDING SECTION 72.992  
FOR PROCEDURE FOR CONTESTING  
PARKING CITATIONS SO TO  
INCREASE THE TIME TO SET A HEARING DATE  
Ordinance #0-2014-008

*NOW THEREFORE, BE IT ORDAINED, by the City of Pikeville, that Chapter 72 section 72.992 Procedure for Contesting Citation is hereby amended as follows.*

*CHAPTER 72: PARKING REGULATIONS  
PARKING CITATION ENFORCEMENT  
§ 72.992 PROCEDURE FOR CONTESTING CITATION.*

*(A) Any person cited for a parking violation as provided for herein may contest the determination that a violation occurred by requesting in writing with the City Clerk a hearing before the hearing officer, and tendering to the City Clerk the fine set forth in the notice and hearing costs in the sum of ten dollars (\$10). Such hearing shall be held no later than fourteen (14) thirty (30) days from the date of receipt by the Clerk of the requests, unless prior to the hearing the person requesting such hearing requests an extension of time not to exceed fourteen (14) thirty (30) days. No less than seven (7) days prior to the date prior to the hearing, the City Clerk shall notify the registered owner of the vehicle of the date, time and place of the hearing. Any person requesting a hearing who fails to appear at the time shall be deemed to have waived his or her right to a hearing and the determination that a violation was committed shall be considered final; further, the person shall be deemed to have refused to pay the fine levied by the citation. In that event, the fine and hearing costs submitted by the person requesting a hearing shall be retained in full by the city.*

*(B) At the hearing, after consideration of the evidence, the hearing officer shall determine whether a violation was committed. Where it has not been established that the violation was committed, an order dismissing the citation may be entered. In the event of a dismissal, the fine and hearing costs tendered by the party requesting the hearing shall be*

returned immediately by the city. Where it has been established that a violation was committed, the hearing officer shall uphold the citation and the fine and hearing costs submitted shall be retained in full by the city. A copy of such order shall be furnished to the owner.

(C) The hearing officer may consider the parking citation and any other written report made under oath by the officer who issued a citation in lieu of the officer's personal appearance at the hearing.

(D) An appeal from the hearing officer's determination may be made to the District Court of Pike County within seven (7) days of the date of the hearing officer's determination. The appeal shall be initiated by the filing of a complaint and a copy of the hearing officer's order in the same manner as any civil action under the Rules of Civil Procedure. The action shall be tried de novo and the burden shall be upon the city to establish that a violation occurred. If the Court finds that a violation did occur the city shall be permitted to keep fine and hearing costs tendered to the city and shall recover from the owner any court costs associated with the appeal. If the court finds that a violation did not occur, the city shall be ordered to dismiss the citation, return the fine and hearing costs tendered by the owner along with his or her taxable costs of the appeal.

(E) The judgment of the District Court may be appealed to the Circuit Court in accordance with the Rules of Civil Procedure.

(F) The city shall be authorized to employ on a part-time or full-time basis an individual to serve as a hearing officer pursuant to this subchapter at such compensation as the Board of Commissioners feels reasonable.

The above ordinance was given first reading this 28th day of April, 2014, the ordinance was given a second reading on the 12th day of May, 2014.

Passed this 12th day of May, 2013.

Commissioner Chaney moved for the adoption of the foregoing ordinance.

Commissioner Carter seconded the motion.

Upon roll call, the votes were as follows:

	YES	NO
FRANK JUSTICE, II, MAYOR		<u>  x  </u>
GENE DAVIS, COMMISSIONER		<u>  x  </u>
JERRY K. COLEMAN, COMMISSIONER		<u>  x  </u>
BARRY CHANEY, COMMISSIONER	<u>  x  </u>	
JIMMY CARTER, COMMISSIONER		

The Mayor declared the within ordinance adopted.

FRANK JUSTICE, II, MAYOR

ATTESTED:

CITY CLERK REBECCA HAMILTON

2. Consider a 2<sup>nd</sup> reading of Ordinance #-0-2014-007 amending the City of Pikeville's 2013-2014 Fiscal Year's operating budget and to authorize the mayor to sign and execute said ordinance on behalf of the City of Pikeville. Commissioner Carter made the motion to adopt the ordinance into record. Commissioner Chaney seconded the motion. Mayor called for comments, there being none, Mayor called for roll call. Ordinance adopted unanimously. 5-0.

**ORDINANCE AMENDING THE FISCAL BUDGET FOR THE 2013-2014 FISCAL YEAR**

**ORDINANCE NO. 0-2014-007**

WHEREAS, certain additional information has come to the attention of the Finance Department which necessitates the amendment of the 2013-2014 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 2013-2014 fiscal year is hereby

“Budget Amendments”.

The above ordinance was give first reading on April 28th, 2014.

The ordinance was given second reading on May 12, 2014. The ordinance shall be in full force and effect immediately after it is passed and published as required by law.

Passed, this 12th day of May, 2014.

Commissioner Carter moved the adoption of the foregoing ordinance. Commissioner Chaney                                  seconded the motion.

Upon roll call, the votes were as follows:

	YES	NO
FRANKLIN D. JUSTICE, II MAYOR	<u>  x  </u>	<u>    </u>
JAMES A. CARTER, COMMISSIONER	<u>  x  </u>	<u>    </u>
EUGENE W. DAVIS, COMMISSIONER	<u>  x  </u>	<u>    </u>
JERRY KEITH COLEMAN, COMMISSIONER	<u>  x  </u>	<u>    </u>
BARRY N. CHANEY, COMMISSIONER	<u>  x  </u>	<u>    </u>

The Mayor declared the within Ordinance adopted.

FRANKLIN D. JUSTICE, II, MAYOR

ATTEST:

REBECCA HAMILTON, CITY CLERK

3. Consider a 1<sup>st</sup> reading of ordinance #0-2014-009 adopting the 2014 Supplement to the City Code of Ordinances.

**CITY MANAGER**

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

1. Consider a request to authorize and approve a conditional job offer to Ashley Arnold and Jonathan Harris for the position of City Dispatcher, at the starting rate for said position, contingent upon their completing and passing of all required pre-employment testing for said position. Commissioner Chaney made the motion to approve. Commissioner Carter seconded the motion. Mayor Justice called for comments, there being none motion passed unanimously. 5-0.
2. Consider a request to authorize and approve the hiring of Ronnie D. Hylton for the position of Executive Director of Events at the starting rate for said position contingent upon the completion and passing all required pre-employment tests. Commissioner Chaney made the motion to approve. Commissioner Davis seconded the motion. Mayor Justice called for comments. Mr. Blackburn asked Mr. Hylton to come forward and introduce himself to the commission. Mr. Hylton gave an overview of

his background, college and working experience. Mr. Hylton stated he was from Elkhorn and lived there until he was around 10 years of age then he moved to Pikeville with his mother. Mr. Hylton stated he moved to West VA when he was 17 due to his dad's job changed. He joined the ARMY 2004-2008. Mr. Hylton stated he did a yearlong deployment in 2006 to September 2007 in Iraq. Mr. Hylton stated he then went directly to the Kentucky National Guard and he used GI Bill to put himself through college at Pikeville University with the exception of one semester where he transferred to EKV and then came back to complete at Pikeville. Mayor Justice stated he was impressed and welcomed him to the City. Mayor called for additional comments, there being none motion passed unanimously. 5-0.

3. Consider a request to authorize and approve an Engineering Service Proposal by Summit Engineering for the creation of a bicycle Route Master Plan for the City and authorize the mayor to sign and execute said proposal 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 motion passed unanimously. 5-0.
4. Consider a request to call a special work session for May 23, 2014 at 2:00 p.m. for the purpose of conducting the 2014-2015 City Operations Budget Work session. Commissioner Carter made the motion to approve. Commissioner Coleman seconded the motion. Mayor called for comments. City Manager commented the regular meeting was canceled on Monday, May 26, 2014 due to Memorial Day and a holiday for the city. Mayor Justice called for additional comments, there being none motion passed unanimously. 5-0.
5. Consider a request to amend a motion adopted on during the April 28, 2014 City Commission meeting as follows: Consider a request to authorize and approve the purchase of a track of property located on South Mayo Trail owned by Joan Johnson, as submitted, through Abode Realty for the purchase price of \$225,000.00 (which is the fair market value, as submitted). To also consider the request to authorize payment for said track of property along with any other cost associated with, to include but not limited to, the transfer, taxes and realty fees for said property. To also authorize the mayor authority to sign and execute the deed of conveyance or any other paperwork available for said conveyance and or closing. The request also includes to authorize the City Manager, Donovan Blackburn or City Attorney Russell Davis to sign any additional paperwork necessary for closing on behalf of the City of Pikeville for the purchase of the property. Commissioner Carter made the motion to approve. Commissioner Coleman seconded the motion. Mayor Justice called for comments, there being none motion passed unanimously. 5-0.
6. Consider a request to award a bid and authorize the purchase and authorize payment, as recommended by the city's hired engineer firm of

- Vaughn and Melton Consulting Engineers, Inc. who have reviewed the bid package information for the purchase of two (2) mechanical screens and a (one unit) sludge belt filter press. The submitted information and pricing from Parkson Corporation would be in the amount of \$289,633.00 and from Komline Sanderson Engineering Corp. would be in the amount of \$274,710.00. It would appear the bid submittals meet the intent/scope of the project. The corresponding unit prices appear to be within range of the Engineer's pre-bid estimate, and project budget. In addition, we have found the two base bid items to be acceptable in terms of our engineering review. Commissioner Chaney made the motion to approve. Commissioner Davis seconded the motion. Mayor Justice called for comments, there being none motion passed unanimously. 5-0.
7. Pursuant to KRS 61.810, consider a request for closed session for the purpose of discussion economic development, legal and personnel issues. Commissioner Carter made to motion. Commissioner Davis seconded the motion. Mayor Justice called for comments, there being none, motion passed. 5-0.
  8. Commissioner Carter made the motion to re convene. Commissioner Coleman seconded the motion. Mayor called the session back into order.
  9. There being no further business to come before the Commission, Commissioner Carter has made the motion to adjourn the meeting. Commissioner Coleman seconded the motion. Mayor Justice called for discussion, there being none, and the meeting was adjourned. 5-0.

#### **CONSENT ITEMS:**

- May 12, 2014: Scholar House of Pikeville Grand Opening and Ribbon Cutting 11:00 a.m. at 127 Saad Ave., Pikeville, KY 41501.**
- May 15, 2014: The ART's House Open House and Southeast KY Chamber hosts Business after Hours from 5:00 p.m. to 7:00 p.m. at 123 Second Street, Pikeville, KY 41501.**
- May 16, 2014: UPike Optometry School Ground Breaking Ceremony at 11:00 a.m. to be held at UPike Administration Building, Sycamore Street.**
- May 22, 2014: Jenny Wiley Theatre for Pikeville.**
- May 23, 2014: New Business: "Roasted" ribbon cutting cemony will be at: noon.**
- May 23, 2014: City Budget Workshop at 2:00 p.m. City Hall 2<sup>nd</sup> floor conference room.**
- May 23, 2014: Special Called Meeting at 2:00 p.m. City Hall.**
- June 2, 2014: City Manager on vacation for a week.**



**East KY EXPO Events:**

**May 30, 2014: TNA Wrestling “ Impact Wrestling World Tour.”**

**The Regular Meeting on May 26, 2014 will be cancelled due to Memorial Day.**

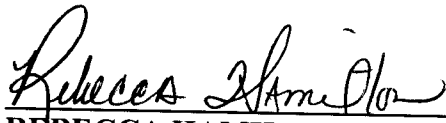
**The next scheduled Special Meeting of the City of Pikeville Board of Commissioners is May 23, 2014 at 4:00 p.m.**

**APPROVED:**



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

**ATTESTED:**



**REBECCA HAMILTON, CITY CLERK**