

**CITY OF PIKEVILLE  
BOARD OF COMMISSIONERS  
REGULAR MEETING MINUTES  
July 14, 2014 AT 6:00 P.M.**

The Board of Commissioners for the City of Pikeville met in a regular called session on Monday, July 14, 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 –Absent  
JERRY KEITH COLEMAN  
BARRY CHANEY  
EUGENE DAVIS**

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

**MINUTES**

The minutes for the previous regular meeting held on June 23, 2014 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 Justice called for discussion, there being none, the motion carried unanimously. 4-0.

**PAYMENT OF CITY BILLS**

Mayor Justice made a request to approve and authorize payment of the City Bill list as submitted in the amount of: \$1,214,862.81. Commissioner Davis made the motion to approve. Commissioner Coleman seconded the motion. Mayor called for additional comments, there being none motion passed unanimously. 4-0.

**BUSINESS FROM THE FLOOR**

Mayor Justice called for anyone with business from the floor to come forward. There was no business from the floor.

**EXPO:** Mayor Justice stated he was going to move down on the agenda to item #4 from the City Manager Report. Mayor Justice made a request to approve and affirm the hiring of Cindy Collins by SMG as the new General Manager for the East Kentucky Expo Center, as required by the operational agreement between SMG & the City of Pikeville. Commissioner Chaney made the motion to approve.

Commissioner Coleman seconded the motion. City Manager Blackburn asked for Cindy Collins to come forward and introduce herself to the commission. City Manager Blackburn stated he had reviewed her resume but wanted her to take about a 1 minute time slot to tell the commission about herself and stated the press was present and a press release was schedule to go out. Cindy Collins came forward and stated she has been a resident of Kentucky for 20 years, Floyd County actually and was born in Fort Knox, so I am a Kentucky girl by birth and by choice. She has been the Operations Manager; COO for the Paramount for almost 17 years. Cindy; I want to comment on the events going on in downtown. Every time I come in there are two or three activities going on and I am very excited to be here and as I learn more and I'm overwhelmed by the busyness of downtown. Now that's impressive. Cindy Collins stated that the City of Pikeville is definitely a unique town. City Manager asked if anyone had any questions for Cindy. Commissioner Chaney asked her if in the 17 years with the Paramount she ever had Ted Nugent. Cindy; No, but he was at the SMG in Huntington. Actually my husband had a guitar lesson with him. Commissioner Davis asked Cindy if she ever had Ashley Judd preform. Cindy replied; yes. City Manager asked if there were any additional comments. City Manager stated that obviously everyone heard what he said in the work session that behalf of SMG and that he had the opportunity through the interview process to have talked with Cindy and he recommends on installing her as the General Manager of the EXPO center. Commission Coleman asked Cindy if the Paramount center was a very busy place. Cindy; it was and there is a lot going on there, smaller than the arena 1450 seats but we did a lot of things and I am hoping I can bring the knowledge I got from promoting and putting on shows there here and I have a lot of ideas and a great team and excited to be here and ready to hit the ground running. Commissioner Coleman; great, glad to have you. Mayor Justice asked if any other questions or comments. Commissioner Chaney asked Cindy if she wanted to introduce her husband. Cindy; sure, Cindy's husband; Rich Collins/ student of Ted Nugent. Cindy; I just got an apartment today and we are looking for a house with the help of Mrs. Blackburn. Mayor Justice called for additional comments, there being none, motion passed unanimously. 4-0.

**MAIN STREET:** Mayor Justice commented on downtown façade program. Mayor Justice asked if Minta was present. Minta replied; yes Mayor. Mayor Justice; I have had several comments in the coal fields from people who have visited downtown and said the downtown façade and facelift was really looking nice. The area is downtown Division Street and I just want you to know people are noticing. Minta; all positive I hope? Mayor Justice replied; yes, keep up the good work.

#### CITY ENGINEER REPORT

1. Consider a request to approve and authorize payment of Pay Estimate #12, as submitted and as recommended by Codell Construction for the Pikeville Theatre project. Said request is contingent upon final approval by the Pikeville Theatre Building Committee for the

recommendation for the City Commission to authorize payment. Said pay request is for \$349,532.38 for the following vendors and totals as submitted, Kalkreuth Roofing & Sheet Metal for \$19,198.13, B L Radden & son, Inc. for \$39,756.55, Sherwin Williams for \$12,019.46, Carpet Decorators, Inc. for \$13,436.10, Kentucky Flooring Distributors for \$9,193.00, IWeiss, Inc. for \$37,639.75, Rising Sun Developing, In c. for \$103,520.00, MMI of Kentucky for \$2,925.70, Mountain Aggregates for \$1,476.88, Ken/API Supply for \$14,100.00, Elliott Contracting, Inc. for \$76,343.40, Graybar Electric Company for \$505.00, Plumbers Supply Co. for \$298.41, Codell Construction for \$19,120.00 (Codell's payment is contingent upon receipt of the receipt of grant funds per our addendum contract) for a total payment of \$349,532.38 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 Davis made the motion to approve. Commissioner Chaney seconded the motion. Mayor Justice called for comments, there being none motion passed unanimously. 4-0.

2. Consider a request to approve and authorize payment of invoice #0000021 with Holzman Moss Bottino Architecture as submitted, for \$3,918.14, contingent upon approval by the Theater Building Committee for the Pikeville Downtown Theatre Building Committee for the Pikeville Theatre project. Commissioner Chaney made the motion to approve. Commissioner Coleman seconded the motion. Commissioner Davis asked City Manager Blackburn if the project is complete or what the status is. City Manager Blackburn replied almost everything is done outside and they have had a full month of production and is open for business and need a little blacktop and overall the project is 98% complete. Commissioner Davis asked how the facility compared to Abington. City Manager Blackburn replied: ours is newer have a lot of bells and whistles. Mayor Justice called for comments, there being none motion passed unanimously. 4-0.

3. Consider and approve and authorize payment of invoice #00005167 with L.E. Gregg for \$270.00 contingent upon approval by the Theater Building Committee for the Pikeville Downtown Theatre Building Committee for the Pikeville Theatre project. Commissioner Chaney made the motion to approve. Commissioner Coleman seconded the motion. Mayor Justice called for comments, there being none motion passed unanimously. 4-0.

4. Consider a request to authorize and approve payment for Invoice #16351, as submitted, with DSS Corporation for \$19,995.00 for equipment for the 911 call center, as budgeted. Commissioner Chaney made the motion to approve. Commissioner Coleman seconded the motion. Mayor Justice called for comments, there being none motion passed unanimously. 4-0.

5. Consider a request to authorize and approve payment for Invoice#10 for Vaughn & Melton Consulting Engineering, Inc. for \$34,360.62 for the City of Pikeville Waste Water Treatment Plant and authorize the mayor to sign and execute said pay request. Commissioner Chaney made the motion to approve. Commissioner Davis seconded the motion. Mayor Justice called for comments, there being none motion passed unanimously. 4-0.
6. Consider a request to authorize and approve payment for Invoice #12466 to Rising Sun Developing Company for \$770.27 for Elevator panic device for theater building. Commissioner Chaney made the motion to approve. Commissioner Coleman seconded the motion. Mayor Justice called for questions or comments, there being none motion passed unanimously. 4-0.
7. Consider a request to authorize and approve payment for Invoice #1 with Elliott Contracting Inc. for \$11,554.13 for hvac & electrical work for the Pikeville Theatre building. Commissioner Davis made the motion to approve. Commissioner Coleman seconded the motion. Mayor Justice called for comments, there being none motion passed unanimously. 4-0.

#### CITY ATTORNEY REPORT

1. Consider a first reading of an ordinance #0-2014-014 amending the fiscal budget for the 2014-2015 Fiscal Year.
2. Consider a request to sign and execute an easement and release agreement between the City of Pikeville and Terry Nathan Ratliff and Christi M. Ratliff, as submitted, and authorize the mayor the authority to sign and execute said easement on behalf of the City of Pikeville. City Attorney Rusty Davis explained to the commission that in the past the City had given the residents at Apple Court a 4 foot easement encroachment right on City Utilities to build an addition on their home and in that easement they agreed they would be responsible for any additional costs and they would have to waive any damages if we had to dig up the utilities and now they want to add on a swimming pool and need an extra ½ foot so the total easement would be 4 ½ foot request for their property and we will send by the PVA office for an increase to the value of their home. City Attorney; UMG has already looked at it is my understanding and they don't think there is any issues. Mayor Justice; we had some issues with a business up on South Mayo Trial. Mayor; When did we do this? City Attorney; we did it on July 31, 2006; I believe, no its 2007 because I pulled the paper and it was signed April 11, 2007 was the last easement. Mayor Justice; what's going on Donnie? Donnie; we require a 10 foot easement on each side of the sewer line and they want to over the line easement and to my knowledge I don't think

UMG said it was ok. I went and looked at it and in my opinion I say no, cause you get to the point you let everybody do that and you say someone buys the property and you go right back to square one and you got people everywhere on it now with encroachments and it makes it hard to do your job. City Manager; Rusty what is the pacific and I apologize Donnie and I had a brief discussion about this and obviously the concern is the obstacles set by the ordinances that I could not grant this and cause of the offset set by the ordinance we couldn't approve it without what Rusty is bringing forth we could not approve this. City Attorney; yeah. City Manager; we take each request and look at it as a one on one request and grant based on what the commission approves, but what Donnie's point is the ordinance is set the commission has to approve. Mayor; I remember down at Bowles Addition we had issues where they had their fences and everything over the easements. Rusty; Do you know how deep the line is back there? Donnie; about 6 feet deep. Rusty; A lot of times it depends on and I know we have a standard as to what we get and a lot of times I think it depends on how deep you have to dig and the deeper it is the more you are going to need. With 6 feet deep I don't know and to me this would be the criteria of how much room you need to dig up the line. Commissioner Coleman asked if we had to make a motion today. Mayor Justice; I would like to sleep on it. City Manager; Do we know when construction is set to begin? City Attorney; I don't really know. Commissioner Coleman; I would rather sleep on it than go either way personally. City Attorney; that is all I have. Mayor; Thank you Rusty. Item was tabled to review.

#### CITY MANAGER REPORT

1. Consider a request to authorize and approve the asphaltting of various city streets, as submitted as Exhibit A, utilizing Mountain Enterprises at the state contract price. Commissioner Coleman made the motion to approve. Commissioner Davis seconded the motion. Mayor Justice called for comments, there being none motion passed unanimously. 4-0.
2. Consider a request to authorize conveyance and approve payment of a Quitclaim Deed, as submitted, in the amount of \$300,000 between Leesville Land LLC and CAM Mining LLC and City of Pikeville, and to authorize payment of any additional fees associated to convey and transfer to the City's name and to authorize the City Manager and City Attorney authority to make modifications as needed for the final document and to authorize the mayor to sign and execute said deed 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 motion passed unanimously. 4-0.

3. Consider a request to authorize and approve a Right to Enter agreement, as submitted, between CAM Mining LLC and the City of Pikeville and to authorize the City Manager and City Attorney authority to make modifications as needed for the final document and to authorize the mayor to sign and execute said agreement on behalf of the City of Pikeville. Commissioner Coleman made the motion to approve. Commissioner Chaney seconded the motion. Mayor Justice called for comments, there being none motion passed unanimously. 4-0.
4. Consider a request to approve and affirm the hiring of Cindy Collins by SMG as the new General Manager for the East Kentucky Expo Center, as required by the operational agreement between SMG & the City of Pikeville. \*(Item was moved up to the beginning of the meeting.)\*
5. Consider a request to authorize and approve the City Manager Donovan Blackburn's travel plans in the first of August to travel to Europe on behalf of the City of Pikeville for business related to the city. The trip will consist of visiting and meeting with leadership of Alltech's European Headquarters located in Dunboyne Ireland and then traveling to meet with various government officials to establish a twinning city relationship with the City of Dundalk Ireland. Commissioner Chaney made the motion to approve. Commissioner Coleman seconded the motion. Mayor Justice called for comments, there being none motion passed unanimously. 4-0.
6. Consider a request to authorize and approve payment for an EDO Membership Agreement with StateBook, as submitted, in the amount of \$5,000 and authorize the mayor to sign and execute said contract on behalf of the City of Pikeville. Commissioner Davis made the motion to approve. Commissioner Chaney seconded the motion. Mayor Justice called for comments, there being none motion passed unanimously. 4-0.
7. Consider a request to authorize and award the bid for the Pikeville Commons Lift Station Relocation – Phase 1 Project, to Mountain Enterprises, Inc. (who was the only bidder) for the amount of \$157,575.00 and to authorize the mayor to sign and execute the Notice of Award and Notice to Proceed for said project. Commissioner Chaney made the motion to approve. Commissioner Coleman seconded the motion. Mayor Justice asked if that was the right price. City Manager replied yes, \$1,500.00 over. Phillip Elswick, Summit Engineering replied \$6,500.00 over. Commissioner Coleman asked if this was just to move the line. City Manager; yes then we will come back and move the lift station. Mayor Justice called for comments, there being no additional comments motion passed unanimously. 4-0.

8. Consider a request to authorize and adopt a resolution, as submitted, authorizing a KIA Fund B Loan Application for the Marion Branch Water Tank Replacement Project and to authorize the Mayor the authority to sign and execute said resolution on behalf of the City of Pikeville. Commissioner Chaney made the motion to approve. Commissioner Davis seconded the motion. Mayor Justice asked City Manager to explain the motion. City Manager; this is a Loan/Grant to build a tank for expanded use to enhance the property. Mayor Justice called for comments, there no additional comments motion passed unanimously. 4-0.
9. Consider a request to authorize and approve Change Order #1, as submitted, for the River fill Seating Project with Rising Sun Developing, Inc. for an increase of \$18,730.54 and to authorize the mayor the authority to sign and execute said change or on behalf of the City of Pikeville. Said change order primary intent is to install a landing and sidewalk for a special needs seating area and install guardrail along the by-pass for safety. Commissioner Chaney made the motion to approve. Commissioner Coleman seconded the motion. Mayor Justice called for comments. Commissioner Davis asked how the project is going. City Manager replied; very well, most of the project is done. The seeding and watering of the sod and we hope to use it this weekend and any that was downtown this weekend saw it was like Hillbilly Days downtown. A tremendous crowd with Muscle on Main, Riverfill racing, but waiting for the sod to take and we don't have the hand rails so but by next race time it will be ready to go. Mayor Justice called for any additional comments, there being none motion passed unanimously. 4-0.
10. Consider a request to appoint Elmon Walters, to replace Layne Tackett, to the Pikeville/Elkhorn/Pike County Joint Planning Commission. Elmon's term shall expire January 1st 2015. Commissioner Chaney made the motion to approve. Commissioner Coleman seconded the motion. Mayor Justice stated that Mr. Layne Tackett has passed away and he would be greatly missed by the all that knew him and the City. Mayor Justice called for comments, there being none motion passed unanimously. 4-0.
11. Consider a request to authorize and approve a Project Management Contract Services Agreement, as submitted, between the City of Pikeville and Midwest Public Safety Communications, Inc. and authorize the mayor to sign and execute said contract on behalf of the City of Pikeville.
12. Consider a request to adopt a proclamation in recognition and dedication of Big Sandy Cal Ripken 8 U Field to be named Raleigh Wright Field and authorize the mayor the authority to sign and execute said proclamation on behalf of the City of Pikeville. Commissioner Davis made the motion to approve. Commissioner

Coleman seconded the motion. Mayor Justice called for comments, there being none motion passed unanimously. 4-0.

13. Consider a request to advertise for bid a 2015 Chevrolet Caprice Police Patrol Vehicle and a 2015 Chevrolet Tahoe SUV using the local preference option. There are capital budgeted items. Commissioner Chaney made the motion to approve. Commissioner Coleman seconded the motion. Mayor Justice called for comments, there being none motion passed unanimously. 4-0.

14. Consider a request to advertise for a vehicle for the Technology (IT) department for a 2014 Ford F150 Regular Cab 4wd. State fleet model, standard options with auto and air. Bidding will be with local preference option. Specs shall be set by the City Manager. This is a capital budgeted item. Commissioner Chaney made the motion to approve. Commissioner Coleman seconded the motion. Mayor Justice called for comments, there being none motion passed unanimously. 4-0.

15. Pursuant to KRS 61.810, consider request for closed session for the purpose of discussion economic development, legal and personnel issues. Commissioner Davis made the motion to adjourn. Commissioner Coleman seconded the motion. Mayor Justice called for comments, there being none motion passed unanimously. 4-0.

Commissioner Carter made the motion to re convene. Commissioner Coleman seconded the motion. Mayor Justice called the session back into order.

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, and the meeting was adjourned. 4-0.

#### CONSENT ITEMS:

**August 1, 2014: Kentucky Heritage Council ED Conference at the East KY EXPO Center.**

**August 1, 2014: Press Announcement for an event this coming Monday.**

**August 21, 2014: Southeast Kentucky Chamber 57th Annual Awards Banquet will at the East KY Expo Center starting at 5:00 pm.**



The next scheduled Regular Meeting of the City of Pikeville Board of Commissioners is July 28, 2014 at 6:00 p.m.

APPROVED:



FRANKLIN D. JUSTICE, II, MAYOR

ATTESTED:



REBECCA HAMILTON, CITY CLERK