

**CITY OF PIKEVILLE
BOARD OF COMMISSIONERS
REGULAR MEETING MINUTES
October 13, 2014 AT 6:00 P.M.**

The Board of Commissioners for the City of Pikeville met in a regular called session on Monday, October 13, 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**

Commissioner Jimmy Carter made a motion for the commission meeting to recess for a 15 minute break. Commissioner Jerry Keith Coleman seconded the motion. Mayor Frank Justice called for comments, there being none motion passed.

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

MINUTES

Consider a request to adopt the minutes from the regular commission meeting held September 22, 2014 and the special commission meeting held September 29, 2014, as submitted, and to authorize the mayor to sign and execute said minutes on behalf of the City of Pikeville. There being no additions or corrections, Commissioner Carter 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. 5-0.

BUSINESS FROM THE FLOOR

Mayor Justice read into record a Proclamation honoring citizen and resident Gene Layne. Commissioner Chaney made the motion to adopt the Proclamation. Commissioner Davis seconded the motion. Mayor Justice called for comments. Commissioner Davis; Yes, I would like to say that you can see how much he will be missed by the people here in this room tonight. He was a good man and he will be

greatly missed. Commission Chaney; You know, Gene Layne was a friend of mine, he didn't care so much about treasures here on earth, he laid up his treasures in heaven. He displayed a servant's heart; he displayed his love for Christ by loving others. I know he loved his sister, wife, daughter and dad. I am proud to know him. I know a lot of people that have known him over the years and have talked about what a good man he was. I have met people that he has helped. He will be missed by this community and like the proclamation says he can't be replaced. We can only strive to be better. Commissioner Carter; Barry, says it all, and you know, Gene was a friend to everybody, not just a friend to a few, everybody. I got to know him best with the little league softball and he beat our team every week he beat us and he never rubbed it in, he was always teaching and helping. He was a good man and I am going to miss him terribly. Commissioner Coleman; I was on Gene and Sandy's porch a hand full of days before Gene passed. Anytime I needed help and you could go to him on any problem and he would help. He also would remind me to follow up. It wasn't about him, he always helped others. When we would have lunch I would tell him he needed to run for city council and he would laugh; the whole time I was praying he wouldn't, because I knew he would beat me, but Gene was a one of a kind and his passing is a loss to the community. He impacted more than just the City of Pikeville and we will miss him. Mayor Justice; we are not honoring Gene; by allowing us to adopt this and acknowledge Gene, Sandy you are honoring us by taking the time to be here to let us acknowledge him. Mayor Justice; Gene and Sandy where class mates of mine, Gene was in my first grade home room and we was in the same home room all the way through school. I will say I have never heard Gene say a mean word. When I heard of his death on Facebook, I didn't have any pictures, so I snapped some from Facebook of him and his wife Sandy. He was always a humble soul and I understood when he got involved with little league, his dad and brothers trained him well. His dad was my little league baseball coach. He gave his time to us and we are surely honored to get to honor him here tonight. I am sorry for your loss and I know it's hard. Is there anything the family would like to say? Sandy Layne; we thank you for the honor. Mayor Justice; appreciate you. Mayor Justice called for additional comments, there being none motion to adopt the Proclamation into record has passed unanimously. 5-0.

Mayor Justice asked if there was a captain of the softball team in the audience. Student; yes. Mayor Justice; and your name is? Student; Megan Cochran. Mayor Justice asked her to come forward and sit in the Mayor's chair to read the Proclamation with him into record. Mayor Frank Justice called for the Pikeville High School Girls Varsity Softball Team and coaches to come forward for the presentation and adoption of a Proclamation honoring the team and coaches for their accomplishments in 2014. Commissioner Carter made the motion to adopt the Proclamation into record. Commissioner Coleman seconded the motion. Mayor Justice called for comments. Commissioner Davis; Stacy Gooch has she graduated? Megan replied; yes. Commissioner Davis; what was your record this year? Megan 20 - 17. Commissioner Davis, how many seniors? Megan; 2. Commissioner Davis;

this is a young team. I am proud of you and the parents. Congratulations. Commissioner Chaney; It seems like every little bit some Pikeville Team is doing well and the tradition is outstanding and you have done a great job and we are proud of you. Commissioner Carter; Yes, we are proud of you and Congratulations ladies and we want to see you back here next Spring and we will do it all over again. Commissioner Coleman; It is an honor to be on a commission where we have a city school that has an outstanding sports program. Mayor Justice; I am proud of our school system at the level of programs we have. With the representation that you all display for your school in academics and sports make us proud. Mayor Justice called for additional comments. Coach Thomas responded; I want to thank you for the acknowledgment and I want to say we are proud of these girls they are outstanding students. The school wants to thank this commission for all they do and to say the City has an outstanding police force and thank them for all the hard work they do. Mayor Justice called for additional comments, there being none motion passed to adopt this Proclamation into record unanimously. 5-0.

City Manager Blackburn directed the team to exit to the back to pick up a package from Sean Cochran with a copy of the signed Proclamation, letter from the mayor and a gift card from Texas Roadhouse for each of the members of the team.

Mayor Justice called for additional business from the floor. Mr. David Smiley came forward to address the commission. Mr. Smiley; I live at 93 Love Road, Pikeville, KY. I have a couple of petitions that list residents that would agree to sign up for sewage on Ratliff Road and Kinnikinick Lane which is about 32 customers. I know the money isn't there now, but we would like to submit this to someone. Mayor Justice asked where exactly this area is. Mr. Smiley; right off U.S 23, across from Mullins School on Ratliff Road. The first right hand turn after cowpen, north on 23, behind the convenience store that used to be there. Mr. Smiley, I have an above ground sewage tank, and we have 4 homes and we try to maintain that and it is expensive. If anyone moves out it goes to 3 trying to maintain. Of the 17 homes on Ratliff's Road 2 didn't sign the petition and 1 house is empty. On Kinninick, that is Mr. Justice, he has 18 homes in that area and we are asking to be considered as we desperately need. Commissioner Chaney; the issue is funding, and the county has us tied up with coal severance. City Manager Blackburn, yes, just to give a brief review on some history on this issue is the City has a 201 service area and we have look at the areas in need with our contracting company UMG and made a list which we have submitted to our state legislators alone with our list for funding. As everybody knows with coal production down we have lost funding and a lot of times what the City would do is leverage a grant with coal severance funds and with coal severance down from 12 million it has become very competitive. What the state legislatives have done this year is take those dollars we would have used for utility projects and put in economic development projects to create jobs in order to qualify for that money. Now we would have to go before another funding agency such as KIA and others explaining what we would be doing as to the quality of life, the problem with that is Frankfort is having the same issues. In answer to your

question Frankfort is aware of the issues down there and is the commission. The commission certainly wants to get sewage down there. I would like to take the petition to take with me when I go to Frankfort to ask for funding and it helps to show the people's voices. Please register the petition with the City Clerk. Mr. Smiley stated he had spoken to Frankfort and they recommended he come to the City of Pikeville. It gets to be very expensive to maintain and have the system certified. Commissioner Carter asked what the cost per month to maintain the system is. Mr. Smiley; average of \$100 per home owner and if we have to get a permit \$500.00 for that month. If we have any problem, like if a motor goes out, we have to replace and lab fees for water samples quarterly. We had one contractor and he was not doing a good job, so we had to take over the system, we don't own it but we have to maintain it. Mayor Justice, we will certainly look at this, but we have to find funding. You may have to contact your state representatives and congressman's office. Mr. Smiley; if nothing can be done, would the City be interested in taking over the system? City Manager replied, we have never done that in the past and you have to understand what we are doing is providing sewer, we can't go on private property to maintain a system. Mr. Smiley it's not on my property and I don't own it but my wife collects the money when we can. I agreed to put my name on the power bill. Mayor Justice; Phillip how much would it cost to provide sewer to the area? Phillip; to bring sewer to the area? Mayor; yes. Phillip; yes I can do that, get a cost estimate. City Manager Blackburn; we have done that in the past, it is dated but Summit had done that before. Mayor Justice, replied to Mr. Smiley, we would look at it again and get a cost estimate. Mr. Smiley; thank you.

Mayor Justice called for any additional business from the floor. Shannon Wright with Wright Construction came forward to address the commission. Mr. Wright stated he wanted to see if the commission had any questions on the proposal submitted for the close bids on the property that they would have for him. Commissioner Carter stated he had looked at the proposal and it had several different items. Mayor Justice asked City Manager to read the motion into record so they can discuss. City Manager read into record the motion. Consider a request to accept \$270,035.00 Commissioner Carter made the motion to approve. Commissioner Coleman seconded the motion. Mayor Justice called for questions and comments. Commissioner Carter asked Mr. Wright about the several different options listed in the bid package and asked what kind of time frame was he looking at. Mr. Wright replied, they had several different options right now and what the City does has to happen before he can know more of a grander plan on the property. Commissioner Carter; are you looking at 6 months? Mr. Wright replied; No, we are looking at probably 6 to 8 months before I know if those things are going to come into play. Commissioner Carter; ok. Mr. Wright; obviously, with the new development going south with the new bridge we would have some grander ideas for the property. City Manager; with that said let me make some comments. First of all the commission is aware the property appraised at about \$400 thousand dollars however we have advertised that property for bid twice and Shannon has come

forward on both bids with interest on the property. Jimmy on the proposal that you read obviously he had some thought of what he can do with the property, but what they are going to do, but they have several options. Obviously because it is on South Mayo Trail they are looking at it for job growth and investing here in the city again and are asking the City to look at it not on fair market value but investment value to the community. Pursuant to Kentucky law by placing the property up for bid we give everybody the opportunity to bid and we ask everyone to submit a development plan and that is what Shannon is talking about is he submitted a plan of 1 of 4 options and that is what we have. Mayor Justice; and one of these 4 we don't know what it is right now? Commissioner Chaney; I like the corporate office option. Mr. Wright; that is one we are looking at we want to get out of our administrative office we have had on Caney for 15 years and we are looking at that as we have several different headquarters throughout places. Commissioner Chaney asked how many jobs that would bring. Mr. Wright; Well, we employ right now about 150 to 170 and about 6 million dollar payroll base from Caney. Commissioner Coleman; I feel fortunate that these guys bid it and that they have the means to do something there we can be proud of and I am for what they submitted. Mayor Justice; I am sure what they would do is something we can be proud of, but the only hesitation I have it not knowing what we are doing. Mr. Wright; Yes, I understand. Mayor Justice; Development plans and is there any way until we know further down the road we can hold this bid? City Manager; no, Mayor Justice; can't do it? City Manager: No, because of the way it was posted. Mayor Justice; we have stipulation of the way we award? City Manager; that can be a condition of the award to give the City option to buy the property back if it is not built within, typically what we have done is put a 24 month period on a bid for build. Mr. Wright replied he didn't think they would be interested in that, we are going to build something and something nice. I understand. Mayor Justice; we have had people buy property like in the new retail area and they have not developed it. Mr. Wright; you have also had it out to bid twice and I know you can sit on it just like I can if I chose to do. Mayor Justice; but we would still have control of it. Mr. Wright; I understand. Mayor Justice; I would like to have a stipulation for 24 months. Mr. Wright; if you hold my hands to 24 months than you are not going to get best and not give me the time to see what would be best for the property. I have some plans and I have a rental facility nearby. Commissioner Chaney; is that a completed building in 24 months or just start construction in 24 months? Mayor Justice; Well I mean I know the gentleman and I know what they do will be top of the line that is why I asked Donovan. City Manager replied; the problem is the way we bid the project, you got a gigantic sign on the property and advertised in the paper 4 times and we have had 1 interested party and with that said we can put a stipulation and because of the way the bid was advertised you can't hold the bid. Mayor Justice; because of the retail area and I want to do this deal, don't get me wrong. Mr. Wright; I understand. A lot of it is based on what you all are doing. You want me to something, but you are doing a bridge and road. There may be something out there in 6 months that might be a better option. We want the property and build something nice there and bring jobs. Mayor Justice; 3 years would give you enough time wouldn't it? Mr. Wright; I

would think so, when are you getting started on the bridge. City Manager; the bridge is under design. Mayor Justice; so if we say 3 years. Mr. Wright; that is fine. City Manager; what the contract would say is within 3 years that it would give the City the option to buy back the property that if no construction had begun on the property at the purchase price. City Manager; I would amend the motion to include and Consider a request to accept and approve a bid for the sale of the City owned property, located on the South Mayo Trail, known as the old Happy Mart property, for the sales price of \$270,035.00 to Wright Concrete & Construction Inc. (which was the only bid received). Under the terms of the sales agreement the Wright Concrete and Construction, Inc. Shall start the construction of a business within 36 months after the purchase date of the property. Failure to start construction on the property will grant the city an option to repurchase the property back at the same rate it was sold for. This motion includes to approve and authorize the mayor to sign any and all paperwork necessary to convey of said property to Wright Concrete & Construction Inc. and authorize payment of any and all necessary fees to convey and or record said transaction 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 no further comments motion passed unanimously. 5-0.

Mayor Justice called for any additional business from the floor, there being none they moved to next item on agenda.

PAYMENT OF CITY BILLS

Consider a request to approve and authorize payment of the City bill list, as submitted, for \$971,663.27. Commissioner Davis asked City Manager if we had the money. City Manager replied yes. Commissioner Davis made the motion to approve. Commissioner Coleman seconded the motion. Mayor Justice called for comments, there being none motion passed unanimously. 5-0.

CITY ENGINEER'S REPORT

Consider a request to authorize and approve payment of invoice #12 from Vaughn & Melton Consulting Engineers, Inc. for \$14,100.00 for the Waste Water Treatment Plant Improvements and to authorize the mayor to sign and execute said pay request if necessary. Commissioner Carter made the motion to approve. Commissioner Carter seconded the motion. Mayor Justice called for comments, there being none motion passed unanimously. 5-0.

Consider a request to authorize and approve final payment, contingent on the release of liens is received from the contractor and Summit issues a closeout letter along with the release of lien for pay request #1 for \$181,365.00 with Mountain Enterprises, Inc., as submitted, for the Pikeville Commons Lift Station Project and to authorize the mayor the authority to sign and execute said pay request on behalf

of the City of Pikeville. Commissioner Chaney made the motion to approve. Commissioner Davis seconded the motion. Mayor Frank Justice called for comments, there being none motion passed unanimously. 5-0.

CITY MANAGER REPORT

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

Consider a request to authorize and approve temporary closing for the parking of the multiple spaces running parallel to the new construction of the U-Pike Optometry School from Huffman to Elm Street for the purpose of the construction of the new facility. Commissioner Chaney made the motion to approve. Commissioner Davis seconded. Mayor Justice called for comments, there being none motion passed unanimously. 5-0.

Consider a request to authorize and approve the submission of the Rural Development and CDBG applications for Marion Branch water project and authorize the Mayor and or City Manager the authorization to sign and execute any and all documents in order to submit said grant on behalf of the City of Pikeville. Commissioner Chaney made the motion to approve. Commissioner Carter seconded the motion. Mayor Justice called for comments, there being none motion passed unanimously. 5-0.

Consider a request to authorize and approve the City Manager, Donovan Blackburn to sign and execute a Grant Agreement Between the Kentucky Transportation Cabinet Department of Aviation and The City of Pikeville, Contract Number: PO2 615 1400002265 for State Project Number: KY 14-17, for \$470,588.00 as submitted. The agreement is to cancel the document as submitted and note it has been combined in Contract Number: P02 615 1500001767. Commissioner Carter made the motion to approve. Commissioner Coleman seconded. Mayor Justice called for comments, there being none motion passed unanimously. 5-0.

Consider a request to authorize and approve the City Manager, Donovan Blackburn to sign and execute a Grant Agreement Between the Kentucky Transportation Cabinet Department of Aviation and The City of Pikeville, Contract Number: PO2 615 1500001767 for State Project Number: KY 14-17, for \$720,588.00 as submitted. Commissioner Chaney made the motion to approve. Commissioner Davis seconded. Mayor Justice called for comments, there being none motion passed unanimously. 5-0.

Consider a request to authorize for bid a specification sheet for the purchase of an Odor & Corrosion Control Unity that pumps oxygen and ozone into the force main to control odor and corrosion that affects our lift station. Commissioner Carter made the motion to approve. Commissioner Coleman seconded. Mayor Justice called for comments, there being none motion passed unanimously. 5-0.

Consider a request to authorize to bid the following pieces of equipment on behalf of the City of Pikeville; Large Garage Truck, Sweeper Truck & two Salt Inserts for our large dump truck. All these are budgeted 2014 items. Commissioner Carter made the motion to approve. Commissioner Coleman seconded. Mayor Justice called for comments, there being none motion passed unanimously. 5-0.

Consider a request to authorize and approve a contract proposal with Consulting Services Incorporated (CSI), as submitted, for Geotechnical Services for the Pikeville Commons Pump Station for \$5,900.00 and to authorize the mayor the authority to sign and execute said proposal on behalf of the City of Pikeville. Commissioner Coleman made the motion to approve. Commissioner Davis seconded. Mayor Justice called for comments, there being none motion passed unanimously. 5-0.

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 questions or comments, there being none motion passed unanimously. 5-0.

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. 5-0.

City Manager Donovan Blackburn read the Consent Items into record as noted:

October 13, 2014: Grand Opening for the Hobby Lobby store at Pikeville Commons ribbon cutting event at 9 a.m.

October 13, 2014: Alltech Brewery/Distillery luncheon meeting will be held on at Jenny Wiley Theatre at noon (by invitation only). Commission is invited to attend.

October 17, 2014: Pikeville Scholar House Groundbreaking event at 4:00 p.m. for the Sadd Ave entrance widening project.

October 20, 2014: Marion Branch groundbreaking event at the Industrial Site at 4:00 p.m.

October 20, 2014: Pikeville City Commission forum at the East Kentucky Expo Center.

October 21, 2014: Nightmare on Main at the East KY Expo Center from 6:00 p.m. - 8:00 p.m.

October 27, 2014: The Veterans Park Ground Breaking event at 4:00 p.m. on site by the new Fire Station 3 on Hambley Bld.

The next scheduled regular meeting of the City of Pikeville Board of Commissioners is October 27, 2014 at 6:00 p.m.

APPROVED:



FRANKLIN D. JUSTICE, II, MAYOR

ATTESTED:



REBECCA HAMILTON, CITY CLERK