

**CITY OF PIKEVILLE
BOARD OF COMMISSIONERS
REGULAR MEETING MINUTES
October 13, 2008 AT 6:00 P.M.**

The Board of Commissioners for the City of Pikeville met in a regular called session on Monday, October 13, 2008. The meeting was held in the City Hall Conference Meeting Room located at 118 College Street, Pikeville, Kentucky.

There being a quorum present, Mayor Franklin D. Justice called the meeting to order at: 6:00 p.m. Commission Members present at roll call were a follows:

COMMISSIONER: **GENE DAVIS
BARRY CHANEY
DALLAS LAYNE
JIMMY CARTER**

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

MINUTES

The minutes for the previous regular meeting held on September 22, 2008 were in each Commission Member's agenda package. There being no additions or corrections, Commissioner Layne made the motion to approve the minutes as prepared. Commissioner Chaney seconded the motion. Mayor Frank Justice called for discussion, there being none the motion carried unanimously.

PAYMENT OF CITY BILLS

A list of City Bills totaling \$457,939.32 was presented to the Commission for approval of payment. Commissioner Chaney made the motion to approve. Commissioner Davis seconded the motion. Mayor Frank Justice called for discussion, there being none the motion carried unanimously.

BUSINESS FROM FLOOR

Mayor Frank Justice opened the floor to any new business. There was no business from the floor.

OLD BUSINESS

A. Big Sandy Area Development representative Melanie Stevens presented two standard contracts to the City Commission one for the administrative services contract agreement for the Marion Branch Project CFDA # 14.228. Second contract was for professional services Part II Terms and Conditions. Commissioner Chaney made the motion to approve the contracts and authorize the Mayor to sign and execute any documents and all documents. Commissioner Davis seconded the motion. Mayor Justice called for any additional comments. Melanie Stevens advised the Commission the public meeting for the project was scheduled for Tuesday, October 28, 2008 at Pikeville City Hall Meeting Room and had been published in the Appalachian News Express. There being no further comments the motion passed unanimously.

B. Main Street: City Manager Donovan Blackburn advised the Commission that Jennifer Bunch, Director of the Main Street Program had resigned as of October 14, 2008.

C. City Engineer's Report:

1. City engineer Jack Sykes request that the commission authorize Summit to take all necessary steps on getting the utility relocation completed for Thompson road during this winter contingent upon the city securing all the necessary easements for this phase of the project. The intent is to complete the utilities this winter and then start the construction for the road widening in the spring. Commissioner Chaney made the motion to approve. Commissioner Layne seconded the motion. Mayor Justice called for discussion, there being none the motion passed unanimously.
2. City engineer Jack Sykes advised the commission that there were no bids received for the Bob Amos RV/Baseball project. Mr. Sykes advised the commission that since there were no bids under Kentucky Law he would now have the authority to contact various contractors to try to negotiate a contract and price for the project. Mr. Sykes stated it may be easier to separate the project in order to attract a contractor to do the job. The RV Park would be one contract, the Baseball field would be a second project and the paving would be a third project. Mr. Sykes advised the commission that when he was successful and the City Manager was satisfied with the projects, contractors and price he would then bring it back before the commission for final approval.

D. Fire Department Update:

Pikeville Fire Chief Ronald Conn addressed the Commission and provided information in reference to Fire Prevention classes the department personnel had provided to the local daycare and the Pikeville Elementary children grades K-1, average of 300 children. The Department had completed the required hydrant test and the chases in the air riding system

for the ambulances are installed. Chief Conn also gave a brief summary of events the Fire department had been participating in through the community including working with the 2nd Sunday in October and the Annual Five K Run.

E. Russell H. Davis, Jr., City Attorney, presented the following matters for the Commission's consideration:

1. **City Attorney Rusty Davis** presented a first reading of an ordinance amending Chapter 54 Utility Rules and Regulations to include identity theft prevention program. The second reading is schedule for the October 27th 2008 regular commission meeting.
2. **City Attorney Rusty Davis presented** a "EMERGENCY ORDINANCE" Amending fixing a tax levy on real and tangible personal property, franchises, all for the general operation expense purposes and providing for a due date and discount on all taxes, if paid on or before November 25, 2008, and penalties if not paid by January 25, 2009. Motion was adopted as attached.

AN AMENDED ORDINANCE FIXING A TAX LEVY ON REAL AND TANGIBLE PERSONAL PROPERTY, FRANCHISES, ALL FOR THE GENERAL OPERATING EXPENSE PURPOSES AND PROVIDING FOR A DUE DATE AND DISCOUNT ON ALL TAXES, IF PAID ON OR BEFORE NOVEMBER 25, 2008, AND PENALTIES IF NOT PAID BY JANUARY 25, 2009

ORDINANCE NO. 0-2008-24

SECTION I. The County Assessment of property situated within the City of Pikeville, both real and personal, is hereby adopted.

SECTION II. For the purposes of providing funds for the general operating expenses of the City of Pikeville for the Fiscal Year from July 1, 2008 to June 30, 2009, the following taxes are levied and the revised collection schedule adopted.

(A) Upon all real estate within the City of Pikeville not specifically exempted from taxation, situated within the City of Pikeville, of \$0.15 per one-hundred (\$100.00) dollars, of assessed value.

(B) A tax upon all tangible personal property and franchises, not specifically exempted from taxation, a tax of \$0.15 per one-hundred (\$100.00) dollars, of assessed value.

SECTION III. A discount of two (2%) percent of the total amount of the tax bill is hereby allowed upon all tax bills paid on or before November 25, 2008.

SECTION IV. The face amount of tax without discount or penalty shall be due for tax bills that are paid after November 25, 2008 through January 25, 2009.

SECTION V. A penalty of five (5%) percent of the total amount of the tax bills that are not paid on or prior to February 25, 2009 shall be imposed and collected.

SECTION VI. A penalty of twenty-one (21%) percent of the total amount of the tax bills that are paid after March 25, 2009 shall be imposed and collected.

SECTION VII. Certificates of delinquency shall bear interest from the date of issuance until collected at the rate of twelve percent (12%) per annum.

SECTION VIII. The Tax Administrator is hereby designated and authorized to collect the tax imposed herein.

SECTION IX. This Ordinance is passed pursuant to, in compliance with, and by virtue of the authority of the following constitutional and statutory provisions, to-wit: Kentucky Constitution, 157, 170, and 181; Kentucky Revised Statutes, 92.280; 92.281; 92.290; 92.330; 132.010; 132.027; 134.020; and 134.430.

SECTION X. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION XI. An emergency is declared to exist with regard to the adoption of the ordinance. Said emergency being that the property tax bills are now ready to be mailed and the delay in mailing the property tax bills may cause a financial hardship upon the City of Pikeville.

Passed this 13th day of October, 2008.

Commissioner Carter moved the adoption of the foregoing ordinance.

Commissioner Layne seconded the motion.

Upon roll call, the votes were as follows:

	YES	NO
FRANKLIN D. JUSTICE, II, MAYOR	✓	
JAMES A. CARTER, COMMISSIONER	✓	
EUGENE W. DAVIS, COMMISSIONER	✓	
BARRY N. CHANEY, COMMISSIONER	✓	
DALLAS LAYNE, COMMISSIONER	✓	

The Mayor declared the within ordinance adopted.

Frank Justice
FRANKLIN D. JUSTICE, II, MAYOR

Rebecca Hamilton
REBECCA HAMILTON, CITY CLERK

F. City Manager Report: City Manager Donovan Blackburn asked the commission to consider the following requests.

- 1. Consider request to re-appoint Max Thompson to his expired term for the Housing Authority Board term which expired on 9/16/08. The term is a four year term to start from the date that it expired. Commissioner Chaney made the motion to approve. Commissioner Layne seconded the motion. Mayor Frank Justice called for discussion, there being none the motion carried unanimously.**
- 2. Consider request to authorize an emergency purchase order for the purpose of purchasing road salt in the amount of \$26,760.00 from Mid-Atlantic Salt due to shortage and unavailability. Commissioner Chaney made the motion to approve. Commissioner Layne seconded the motion. Mayor Frank Justice called for discussion. Greg May with UMG presented the commission a letter from the company explaining the shortage issue. Mr. May also made a comment to the commission supporting the request. There being no further discussion the motion carried unanimously.**
- 3. Consider request to reclassify Candi Preston to the position of Main Street/Administrative Director. City Manager noted to the commission that the interview board was making the recommendation along with the City Manager. Candi would be paid at the rate of the position as listed on the city pay chart. Commissioner Chaney made the motion to approve. Commissioner Carter seconded the motion. Mayor Frank Justice called for discussion, there being none the motion carried unanimously.**
- 4. Consider request to reclassify Shawn Amos to the position of HR Clerk/Event Director. Shawn would be paid at the rate of the position as listed on the city pay chart. Commissioner Chaney made the motion to approve. Commissioner Carter seconded the motion. Mayor Justice called for discussion. City Manager Donovan Blackburn stated this was a lateral move. There being no further discussion the motion carried unanimously.**
- 5. Consider request to approve the amended salary guidelines and job descriptions to reflect the amended positions of Main Street/Administrative Director and HR Clerk/Event Director. Commissioner Chaney made the motion to approve. Commissioner Layne seconded the motion. Mayor Justice called for discussion, there being none the motion carried unanimously.**
- 6. Consider a request to amend trick or treat night from Friday October 31, 2008 to Thursday October 30, 2008 from 6 p.m. to 8 p.m. Commissioner Carter made the motion to approve. Commissioner Layne seconded the motion. Mayor Justice called for discussion, there being none the motion carried unanimously.**

7. **Consider request to adopt a resolution for the financial package for a new roll off dumpster truck. Authorization for Mayor to sign and execute any documents for Lease. Commissioner Carter made the motion to approve. Commissioner Davis seconded the motion. The Mayor called for discussion. Commissioner Carter asked if this was a lease agreement. City Manager Blackburn answered yes. There being no further discussion the resolution, as attached, passed unanimously.**

A RESOLUTION APPROVING A LEASE FOR THE FINANCING OF A PROJECT AND AUTHORIZING THE EXECUTION OF VARIOUS DOCUMENTS RELATED TO SUCH LEASE.

WHEREAS, the governing body of the City of Pikeville, Kentucky (the "Lessee") has the power, pursuant to Section 65.940 et seq. of the Kentucky Revised Statutes to enter into lease agreements with or without the option to purchase in order to provide for the use of property for public purposes;

WHEREAS, the governing body of the Lessee (the "Governing Body") has previously determined, and hereby further determines, that the Lessee is in need of the Project, as defined in the Lease hereinafter described;

WHEREAS, the Governing Body has determined and hereby determines that it is in the best interests of the Lessee that the Lessee and the Kentucky Area Development Districts Financing Trust (the "Lessor") enter into a Lease Agreement (the "Lease") for the leasing by the Lessee from the Lessor of the Project;

NOW THEREFORE, BE IT ORDERED AND RESOLVED BY THE CITY COMMISSION OF THE CITY OF PIKEVILLE:

Section 1. Recitals and Authorization. The Lessee hereby approves the Lease Agreement (the "Lease") and all Collateral Documents, as defined in the Lease, each in substantially the form presented to this Governing Body. It is hereby found and determined that the Project identified in the Lease is public property to be used for public purposes. It is further determined that it is necessary and desirable and in the best interests of the Lessee to enter into the Lease for the purposes therein specified, and the execution and delivery of the Lease and all representations, certifications and other matters contained in the Closing Memorandum with respect to the Lease, or as may be required by the Lessor prior to delivery of the Lease, are hereby approved, ratified and confirmed. The Mayor and City Clerk of the Lessee are hereby authorized to execute the Lease, together with such other agreements or certifications which may be necessary to accomplish the transaction contemplated by the Lease.

Section 2. Investment of Funds. Ross, Sinclair & Associates, LLC, as Program Administrator, is hereby authorized to direct the Trustee to invest funds on deposit under

the Lease in such manner, subject to all legal limitations, as will, in the Program Administrator's judgment, produce the most favorable financial result for the Lessee.

Section 3. Severability. If any section, paragraph or provision of this Resolution shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph or provision shall not affect any of the remaining provisions of this Resolution.

Section 4. Sunshine Law. This Governing Body hereby finds and determines that all formal actions relative to the adoption of this Resolution were taken in an open meeting of this Governing Body, and that all deliberations of this governing Body and of its committees, if any, which resulted in formal action, were in meetings open to the public, in full compliance with applicable legal requirements.

Section 5. Conflicts. All resolutions, orders or parts thereof in conflict with the provisions of this Resolution are, to the extent of such conflict, hereby repealed and the provisions of this Resolution shall prevail and be given effect.

Section 6. Effective Date. This Resolution shall take effect from and after its passage, as provided by law.

INTRODUCED, SECONDED AND ADOPTED, at a duly convened meeting of the Governing Body, held on October 13, 2008, signed by the Mayor of the Lessee, attested by the City Clerk, filed and indexed as provided by law.

By: Frank Justice
Mayor

ATTEST:

By: Rebecca Hamilton
City Clerk

- 8. Consider a request to adopt a resolution supporting the funding package for the Marion Branch sewer project. Authorize the Mayor to sign and execute any documents if necessary. Commissioner Chaney made the motion to approve. Commissioner Davis seconded the motion. Mayor Justice called for discussion, there being none the Mayor called for a Roll Call vote. Motion passed as attached.**

RESOLUTION
City of Pikeville

WHEREAS, the City of Pikeville proposes to construct new wastewater infrastructure (Marion Branch Project) to provide for the health, well being, an prosperity of the community's citizens, and

WHEREAS, the City of Pikeville intends to make application to the Community Development Block Grant Program for \$1,000,000 to match the Single County Coal Severance HB406 in the amount of \$1,100,000,

Now therefore be it also resolved, that the City of Pikeville supports making application for this and all other available grant funding sources,

Be it further resolved, that in the event that the grant funds are awarded, the City of Pikeville understands that it will sign assurance to comply with all applicable federal and state laws, rules, and regulations.

Passed this 13th day of October , 2008

Commissioner Barry Chaney moved for the adoption of the foregoing resolution.

Commissioner Gene Davis seconded the motion.

Upon roll call:

	Yes	No
Frank Justice, Mayor	<u>X</u>	_____
Gene Davis, Commissioner	<u>X</u>	_____
Dallas Layne, Commissioner	<u>X</u>	_____
Jimmy Carter, Commissioner	<u>X</u>	_____
Barry Chaney, Commissioner	<u>X</u>	_____

The Mayor declared the within resolution adopted this 13th day of October, 2008.

/s/ Frank Justice

Franklin D. Justice, II
Mayor, City of Pikeville

10-13-08

Date

ATTEST:

/s/ Rebecca Hamilton

Rebecca Hamilton, City Clerk

9. Consider a request to amend the City of Pikeville Personnel Policy Chapter 1 to include Section 14 as advised by the Kentucky League of City Loss Prevention Council for the wording of the "At Will Employment". Commissioner Carter made the motion to approve. Commissioner Davis seconded the motion. The Mayor called for discussion, there being none the motion carried unanimously.
10. Consider request to resend and void any and ALL previous official actions taken by the City of Pikeville Commission from January 2004 forward to date on any previous requests or suggestions from the City directly related to the Pikeville/Pike County Joint Airport Board in reference to the Marion Branch project, funding for the Marion Branch project, or the property for the Marion Branch project. To void and resend any suggestion of establishing a development board for the project. Commissioner Chaney made the motion to approve. Commissioner Carter seconded the motion. Mayor Justice called for discussion, there being none the motion carried unanimously.
11. Consider a request for closed session for the purpose of discussion of legal and economic development issues. Commissioner Davis made the motion to approve. Commissioner Layne seconded the motion. Motion passed unanimously.
12. Commissioner Davis made motion to re-convene into regular session. Commissioner Layne seconded the motion. Motion passed unanimously.
13. City Manager: Consider a request to cancel Regular Scheduled Meeting on November 10, 2008 at 6 p.m. and to call a Special Meeting on November 3, 2008 at 6.p.m. Commissioner Chaney made the motion to approve. Commissioner Carter seconded the motion. Mayor Justice called for discussion, there being none the motion passed unanimously.

G. Consent Items

City Manager Donovan Blackburn, Economic Development Director Minta Chaney, Finance Director Sue Varney and Main Street Director Candi Preston will be attending the Kentucky League of Cities Conference being held in Louisville, KY: October 16, 2008.

There being no further business to come before the Commission, Commissioner Chaney made the motion to adjourn the meeting. Commissioner Carter seconded the motion. Mayor Frank Justice called for discussion, there being none the motion carried unanimously.

The next scheduled Regular Meeting of the City of Pikeville Board of Commissioners November 10, 2008 at 6:00 p.m. is canceled.

The next scheduled Special Meeting of the City of Pikeville Board of Commissioners is November 3, 2008 at 6:00 p.m.

APPROVED:



FRANKLIN D. JUSTICE, II, MAYOR

Gene Davis

Pro Tem/Mayor

ATTESTED:



REBECCA HAMILTON, CITY CLERK