

**CITY OF PIKEVILLE
BOARD OF COMMISSIONERS
REGULAR MEETING MINUTES
May 14, 2012 AT 6:00 P.M.**

The Board of Commissioners for the City of Pikeville met in a regular called session on Monday, May 14, 2012. The meeting was held in the City Hall Conference Meeting Room located at 118 College 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: GENE DAVIS
 BARRY CHANEY
 DALLAS LAYNE
 JIMMY CARTER**

MAYOR: FRANKLIN D. JUSTICE, II

MINUTES

The minutes for the previous regular meeting held on April 23, 2012 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 Layne seconded the motion. Mayor Frank Justice called for discussion, there being none, the motion carried unanimously. 5-0.

BUSINESS FROM THE FLOOR

Proclamation reading & photo with the Pikeville Lady Panthers softball team. Mayor Justice announces that we passed this proclamation the last meeting so this is a re-read and we will take a photo. Mayor calls for comments. Commissioner Chaney says that we have some of the prettiest ladies here in Pikeville and he congratulates the team on a job well done. Coach says thank you for recognizing us and honoring us here tonight. Commissioner Davis says the entire commission is proud of what you have accomplished. Pikeville is a special place. Mayor says that girls softball can get with it. You get down in the dirt and play hard. It's truly an honor to have you up here tonight. Pikeville Panthers are the best. Thank you for coming. Commissioner Carter thanks the team as well. Pikeville is made of champions. Commissioner Layne says I love Pikeville and I have never seen anything like the high school winning all these championships. Congratulations.

Consider a request to adopt a proclamation honoring Lindsey Isner as the Female Athlete of the Year for the state of Kentucky. Commissioner Carter made the motion to approve. Commissioner Chaney seconded the motion. Mayor Justice called for comments. Mayor recognizes Cindy Stewart who is the golf coach and the basketball coach at Pikeville High School. She comes forward to tell a little more about Lindsey. Then, Mayor says we are proud to have you Lindsey as Pikeville, KY. Mayor called for further comments, there being none, the motion passed unanimously. 5-0.

Pikeville Elementary School presentation. Mr. Robert Jones and Ms. Paula Martin step up to the microphone. Mr. Jones speaks of the great relationship that we have together. He then introduces Ms. Paula as the new art teacher and tells of her new art project. She is presenting the city with trash cans that have been decorated by her students with handprints, etc. Ms. Paula says that the students read the book "the Dot" and that is how some of the cans are decorated, and some have quilt squares on them. We have ten that are completely painted that we are going to give you. Mayor says that our kids are in good hands when they are at Pikeville Elementary with you, Bobby, and we know Ms. Paula loves her job.

Eugene Sisco approaches the commission about property at 499 Hambley Blvd. where he has put his business. He says he filled in a piece of this a few years ago. He brought pictures along with him, which he showed to the Mayor and the Commission. What he wants to do is fill in the property and expand his parking lot about twelve to fourteen parking spaces. City Attorney Davis says number one it is a stream and the Division of Water Corp of Engineers controls filling in streams and that has been since a long time that that has been a law. You would have to start there. The second issue is even if you could get that type of permit to fill in a stream. The second issue is about a year ago we passed an ordinance that clearly forbid any filling around the Pikeville pond because of some problems and issues that we've had down there. Mr. Sisco questioned this and asked where is around. Mr. Davis says it has some very defined boundaries. City Manager says that he was just made aware of this right before we came into session but it does have some very defined boundaries. About a year ago, we had two other residents filling in. The issue is there was still some flood control issues. So that is why the commission passed the ordinance. Mr. Sisco says he wants a copy of the ordinance and is not wanting to break the law he is just wanting to do what is in his boundaries to do. Mayor says we did the ordinance and we use that area to keep this town from flooding. City Attorney says that ever more dirt that you put in there takes away from the water storage capacity. Mr. Sisco says if the ordinance is clearly defined then I will go with that. Mr. Davis says we can get that for you, I am not sure why it is not on the internet. I drafted it, I know we passed it. City Manager says I will get it to you.

Mayor Justice asked Apple, Jim Wright, if he has Business to present. City Manager Blackburn says I assume this is a resolution in support of the Veterans Hospital.

Mr. Wright says this has been sent out to 57 counties in the 5th Congressional District and same resolution sent out to 29 counties of the 5th Congressional District. He also showed the Commission what West Virginia has as far as patients, doctors, and workers. City Manager asked that we make a request to review before we read the resolution and take it up in next meeting. Commissioner Layne says that he is also a veteran and goes to veterans hospitals as well. He says that not only would a veterans hospital be an economic benefit but it would be a great thing.

City Manager announces Item #4 on the Expo Center. Mr. Blackburn says thank you to the Commission for saving the East Kentucky Expo Center from a financial stand point. Since doing so, the Expo Center has thrived. Our usage is up and events are up which create memories for our youth. This being a regional facility, they are also holding proms there as well. The Expo was recently ranked third in Sports Tourism by the Kentucky Monthly Magazine. Now, we have an announcement by Steve St. John regarding the Expo Center with Press Release. Mr. St. John addresses the Mayor and the Commissioners. He talks about the non-ticketed events that Mr. Blackburn was talking about. He says that in the month of May if you were a ticket purchaser you would see two events this month but the reality of it is that there are twenty-two events going on. In the press release we have going out tomorrow, has many key points in it, we have a contract extension with the fifteenth region policy board. That tournament will be hosted on the hard wood of the Expo Center until 2017 and hopefully beyond that. That is our big news, the contract extension. Mayor says that that is great news. It has a good atmosphere to it. It's also a good time of year for people to use what is theirs, while using it for prom. City Manager says the anticipated crowd from this event is 25,000 people.

Tourism Press Release. City Manager shares with the Commission an Economic Impact Study that was done by the travelers and tourism industry that was done through the state of Kentucky, 2010 thru 2011. Pike County is listed 20th amongst 120 counties in the state of Kentucky. Pike County alone generates \$92,880,650 of tourism revenue. Resolution adopted on May 31, 2011 created the first Pikeville City Tourism Commission.

City of Pikeville Cut Thru "There's Only One" announcement. City Manager says that it is not just from the stand point of the engineering and what originally created through the cut thru project; but it is also all the many additions that have happened over the years. There are numerous things that have happened to enhance the project. Mayor Justice says that Jesse and Donovan have utilized areas and have greatly influenced the quality of life for people of the region. I just want to say thank you for that. I know it is hard to get the money for that and there is a lot of individuals putting forth effort to make this happen and I just want to thank you.

Tourism Muscle on Main Announcement Top 10 Festivals & Events. City Manager Blackburn says Muscle on Main is no exception. Mr. Blackburn recalls in 2004, 2005 when Mayor asked him to meet with Good Ole Boys Car Club at the Windmill.

From that, Commissioner Chaney and Commissioner Carter with Ferrell Gas a major corporate sponsor with this event. This event continues to grow; we have a lot in the pipeline. With that said, the Kentucky travel industry has a 2012 ranking of the top ten festivals and events for the state of Kentucky. I'm proud to say that Muscle on Main is named one of the top ten best festivals and event for the state of Kentucky this year. I also present a citation on behalf of Rep. Leslie Combs and Senator Jones that have issued the city two citations for these two prestigious awards for Muscle on Main and "There's Only One."

Muscle on Main 2012 Judges Recognition Award presentation

Announcement Pikeville named 2012 "Playful City USA" Community by KaBoom. City Manager announces that again Pikeville is awarded "Playful City USA." Mayor says that you all do a great job and I am really satisfied with what is going on. Commissioner Carter says there is a lot of hard work going on at the city and it is amazing with what is going on here. Great job.

City Manager says there is one more presentation that we have tonight, I mentioned during work session. There was a presentation based upon historical venues. One other presentation is a plaque listing Mayors from 1904 forward, where Mayor Justice is currently serving and is the second longest serving Mayor.

Mayor Justice called for a fifteen minute break

PAYMENT OF CITY BILLS

The City Manager Donovan Blackburn requested the approval to pay city bills in the amount of \$640,761.83. Commissioner Chaney made the motion to approve. Commissioner Davis seconded the motion. Mayor Justice called for further discussion, there being none, motion passed unanimously. 5-0.

Consider a request to authorize payment of SMG payroll up to \$30,000 with the City Finance Directors sign-off and City Managers approval for their next pay period. Commissioner Layne made the motion to approve. Commissioner Chaney seconded the motion. Mayor Justice called for comments, there being none, motion passed unanimously. 5-0.

CITY ENGINEER

Jody Hunt was present with Summit Engineering, Inc. and submitted several requests to the commission for approval.

1. Consider request to authorize payment and approve invoice #521819 to S&ME in the amount of \$67,339 for the core drilling and reporting for the Marion Branch Development Property and to authorize the Mayor to sign and execute any paperwork necessary to execute said request. Commissioner Carter made the motion to approve. Commissioner Layne seconded the motion. Mayor Justice called for comments. Mayor says what is going on there. City Manager responds that if you recall about a year ago when we were meeting with the Marion Branch Development, in order to determine where we could build upon the property we needed to do some core drilling so we put some money into some coal severance. Mayor wonders what we found out, he says that is what he is asking. Jody will present it next time and put some work into it. Mayor called for further comments, there being none the motion passed unanimously. 5-0.
2. Consider request to authorize and approve Change Order #2 for the US 23 Corridor Sanitary Sewer Project- Phase II as submitted decreasing by \$68,168.00 and to authorize the Mayor to sign and execute said change order. Commissioner Davis made the motion to approve. Commissioner Chaney seconded. Mayor Justice called for comments there being none the motion passed unanimously. 5-0.
3. Consider request to approve payment and authorize pay request for final pay request #6 for H2O Construction, Inc. for \$146,467.20 for the US 23 Corridor Sanitary Sewer, Phase II project and to authorize Mayor to sign and execute said pay request. Commissioner Carter made the motion to approve. Commissioner Chaney seconded. Mayor called for comments. Mayor says this is it, we are closed out. Mr. Hunt says that this is it. Mayor calls for further comments, there being none the motion passed unanimously. 5-0.

CITY ATTORNEY

Russell Davis was present and had several items to read into record.

1. **Consider a 2nd reading and adoption of an ordinance #0-2012-010 for the issuance of a General Obligation Bond, Series 2012B for refinancing current utility debt and authorize the Mayor to sign and execute said ordinance. Commissioner Layne made the motion to approve. Commissioner Chaney seconded the motion. Mayor Justice called for comments, there being none. Mayor called roll call. Motion passed unanimously. 5-0.**

SUMMARY OF BOND ORDINANCE CITY OF PIKEVILLE, KENTUCKY

May 14, 2012 Regular Meeting

There follows a summary of an Ordinance of the City of Pikeville, Kentucky, adopted on May 14, 2012, identified by its title or caption as follows:

ORDINANCE NO. 0-2012-10

AN ORDINANCE OF THE CITY OF PIKEVILLE, KENTUCKY, PROVIDING FOR THE ISSUANCE OF THE CITY'S GENERAL OBLIGATION BONDS, SERIES 2012B, FOR THE PURPOSES OF CURRENTLY REFUNDING CERTAIN OUTSTANDING OBLIGATIONS OF THE CITY PAYABLE TO THE UNITED STATES DEPARTMENT OF AGRICULTURE, RURAL DEVELOPMENT; SETTING FORTH THE TERMS AND CONDITIONS UPON WHICH THE BONDS ARE TO BE ISSUED AND OUTSTANDING; PROVIDING FOR THE PAYMENT AND RETIREMENT OF THE OBLIGATIONS BEING REFUNDED; ORDERING AND PROVIDING FOR THE LEVY OF AN ANNUAL TAX, TO THE EXTENT NECESSARY, SUFFICIENT TO PAY THE INTEREST ON AND PRINCIPAL OF THE BONDS; PROVIDING FOR CERTAIN UTILITIES REVENUE TRANSFERS; AND PROVIDING FOR A PUBLIC SALE OF THE BONDS AND THE APPLICATION OF THE PROCEEDS THEREOF

The full text of this Ordinance is available for public inspection during the normal City of Pikeville business hours in the office of the City Clerk, City Hall, Pikeville, Kentucky.

(1) For the purposes of (i) currently refunding the City's Water and Sewer Revenue Bonds, Series 2007 in an outstanding principal amount of \$722,589, (ii) currently refunding two series of bonds payable to the United States Department of Agriculture, Rural Development in a combined outstanding principal amount of \$764,100 and assumed by the City upon the acquisition of portions of the Mossy Bottom Sewer System, and (iii) paying related costs, the City authorizes the sale and issuance of its General Obligation Bonds, Series 2012B (the "Bonds"), in a principal amount of \$1,205,000 (subject to adjustment upon public sale), under authority of the Kentucky Constitution and KRS Chapter 66. The Bonds will be payable from the tax revenues of the City and secured by an irrevocable pledge of the full faith, credit and taxing power of the City. The Bonds will be issued in fully registered form, scheduled to mature on January 1, 2013-2042, and to bear interest semiannually at rates established by competitive bidding. Redemption provisions, together with the form of the Bonds, provisions with respect to registration, authentication, transfer and exchange of Bonds, and provisions relating to the appointment and duties of a Paying Agent and Bond Registrar are set out in detail in the Ordinance. The Bonds will be issued in book-entry form.

(2) As mandatorily required by Section 159 of the Kentucky Constitution, the Ordinance levies annually such special tax, separate and apart from all other taxes, as may be necessary to provide for the payment of the Bonds and the interest thereon when due and payable, such tax to be applicable to all property which is subject to taxation for City purposes from time to time and being unlimited as to rate or amount. In accord with KRS 83A.060(9)(c), the following text of Section 12(A) of the Ordinance is set out in full:

"Section 12.

"(A) Tax Levy and Pledge; Bond Fund. For the purpose of providing funds required to pay the interest on the Series 2012B Bonds as and when the interest becomes due and in order to create a sinking fund to pay and discharge the principal thereof as the Series 2012B Bonds become due, there shall be and there is hereby levied upon all of the taxable property within the City, beginning in 2012 and continuing in each year as long as any of the Series 2012B Bonds are outstanding, a direct annual tax sufficient, to the extent other lawfully available moneys of the City are not provided, for that purpose as mandatorily required by Section 159 of the Constitution of Kentucky, and such tax shall be unlimited as to rate or amount. The proceeds derived from said special annual tax levied from time to time, together with other lawfully available moneys of the City provided for the purpose, shall be deposited and carried in the Bond Fund. The proceeds of said special annual tax and the balances accumulated from time to time in the Bond Fund are hereby irrevocably pledged for the purpose of paying the interest on and principal of the Series 2012B Bonds and shall never be used for any other purpose. The City hereby covenants with the holders of the Series 2012B Bonds that it will levy said special annual tax in each year at whatever rates may be necessary from time to time in order to produce the amounts required in each year, to

the extent funds are not otherwise provided, to pay the Series 2012B Bonds and interest when and as they mature or become due.

“If principal or interest should fall due in any year at a time when there are insufficient funds on hand, collected by reason of the foregoing special tax levy, such principal and interest shall be paid from other available funds of the City and reimbursement therefor shall be made out of the special tax hereby provided, when the same shall have been collected.

“All moneys held in the Bond Fund, which shall be depleted as of January 2 of each year except for a carryover amount not exceeding the greater of the earnings on the Bond Fund or one-twelfth of the principal and interest payments on the Series 2012B Bonds for the preceding year ending January 1, to the extent not invested as hereinafter provided, shall be deposited in a bank or banks designated by the Mayor or the Finance Director of the City which are members of the Federal Deposit Insurance Corporation (“FDIC”), and all such deposits which cause the aggregate deposits of the City in any one bank to be in excess of the amount insured by FDIC or one of its agencies shall be continuously secured by a valid pledge of Investment Obligations of the types described in items (A), (B) and (C) of Section 13 hereof having an equivalent market value. All or any part of the Bond Fund may be invested in Investment Obligations, as hereinafter defined in Section 13, maturing or being subject to retirement at the option of the holder on such dates as the same may be needed for meeting interest and/or principal payments, and all such investments shall be carried to the credit of the Bond Fund.”

(3) Provision is made for the transfer to the City’s General Fund of revenues of the City’s combined water and sewer system to reimburse the General Fund for payment of semiannual debt service on the Bonds.

(4) The competitive sale of the Bonds is authorized, and certain documents incident to such sale and the delivery of the Bonds are authorized and approved.

* * *

The foregoing provisions, including the above caption of the Ordinance, are intended to be a Summary of the Ordinance, and reference is hereby made to the full text of the Ordinance for a full and complete statement of its contents.

Certification

I, the undersigned City Clerk of the City of Pikeville, Kentucky, hereby certify that the foregoing Summary of Bond Ordinance of the City of Pikeville, Kentucky, was approved by the Board of Commissioners for first reading on April 23, 2012, and for second reading on May 14, 2012, and was further approved for publication following adoption according to law. I further certify that the foregoing Summary was prepared for the City by Mark S. Franklin, Stoll Keenon Ogden PLLC, 2000 PNC Plaza, Louisville, Kentucky 40202.

WITNESS my hand this May 14, 2012.

/s/ Christy Billiter
City Clerk
City of Pikeville, Kentucky

Preparation Certificate

The undersigned Attorney at Law, licensed to practice in Kentucky, hereby certifies that the foregoing Summary of Bond Ordinance of the City of Pikeville, Kentucky, was prepared by the undersigned and constitutes a general summary of certain essential provisions of the described Ordinance, reference to the full text of which Ordinance is hereby made for a complete statement of its provisions and terms.

May 14, 2012 Regular Meeting

/s/ Mark S. Franklin

Stoll Keenon Ogden PLLC
2000 PNC Plaza
Louisville, Kentucky 40202

- 2. **Consider a 2nd reading and adoption of an ordinance #0-2012-011 for the issuance of a General Obligation Bond, Series 2012C for refinancing current utility debt and authorize the Mayor to sign and execute said ordinance. Commissioner Davis made the motion to approve. Commissioner Layne seconded the motion. Mayor Justice called for comments, there being none. Mayor called roll call. Motion passed unanimously. 5-0.**

SUMMARY OF BOND ORDINANCE
CITY OF PIKEVILLE, KENTUCKY

There follows a summary of an Ordinance of the City of Pikeville, Kentucky, adopted on May 14, 2012, identified by its title or caption as follows:

ORDINANCE NO. 0-2012-011

AN ORDINANCE OF THE CITY OF PIKEVILLE, KENTUCKY, PROVIDING FOR THE ISSUANCE OF THE CITY'S GENERAL OBLIGATION BONDS, SERIES 2012C, FOR THE PURPOSES OF ADVANCE REFUNDING A CERTAIN OUTSTANDING OBLIGATION OF THE CITY PAYABLE TO THE KENTUCKY RURAL WATER FINANCE CORPORATION; SETTING FORTH THE TERMS AND CONDITIONS UPON WHICH THE BONDS ARE TO BE ISSUED AND OUTSTANDING; PROVIDING FOR THE PAYMENT AND RETIREMENT OF THE OBLIGATIONS BEING REFUNDED; ORDERING AND PROVIDING FOR THE LEVY OF AN ANNUAL TAX, TO THE EXTENT NECESSARY, SUFFICIENT TO PAY THE INTEREST ON AND PRINCIPAL OF THE BONDS; PROVIDING FOR CERTAIN UTILITIES REVENUE TRANSFERS; AND PROVIDING FOR A PUBLIC SALE OF THE BONDS AND THE APPLICATION OF THE PROCEEDS THEREOF

The full text of this Ordinance is available for public inspection during the normal City of Pikeville business hours in the office of the City Clerk, City Hall, Pikeville, Kentucky.

(1) For the purposes of advance refunding the City's monthly loan repayment obligation to the Kentucky Rural Water Finance Corporation dated in an outstanding principal amount of \$1,677,000 and paying related costs, the City authorizes the sale and issuance of its General Obligation Bonds, Series 2012C (the "Bonds"), in a principal amount of \$1,555,000 (subject to adjustment upon public sale), under authority of the Kentucky Constitution and KRS Chapter 66. The Bonds will be payable from the tax revenues of the City and secured by an irrevocable pledge of the full faith, credit and taxing power of the City. The Bonds will be issued in fully registered form, scheduled to mature on January 1, 2013-2023, and to bear interest semiannually at rates established by competitive bidding. Redemption provisions, together with the form of the Bonds, provisions with respect to

registration, authentication, transfer and exchange of Bonds, and provisions relating to the appointment and duties of a Paying Agent and Bond Registrar are set out in detail in the Ordinance. The Bonds will be issued in book-entry form.

(2) As mandatorily required by Section 159 of the Kentucky Constitution, the Ordinance levies annually such special tax, separate and apart from all other taxes, as may be necessary to provide for the payment of the Bonds and the interest thereon when due and payable, such tax to be applicable to all property which is subject to taxation for City purposes from time to time and being unlimited as to rate or amount. In accord with KRS 83A.060(9)(c), the following text of Section 12(A) of the Ordinance is set out in full:

“Section 12.

“(A) Tax Levy and Pledge: Bond Fund. For the purpose of providing funds required to pay the interest on the Series 2012C Bonds as and when the interest becomes due and in order to create a sinking fund to pay and discharge the principal thereof as the Series 2012C Bonds become due, there shall be and there is hereby levied upon all of the taxable property within the City, beginning in 2012 and continuing in each year as long as any of the Series 2012C Bonds are outstanding, a direct annual tax sufficient, to the extent other lawfully available moneys of the City are not provided, for that purpose as mandatorily required by Section 159 of the Constitution of Kentucky, and such tax shall be unlimited as to rate or amount. The proceeds derived from said special annual tax levied from time to time, together with other lawfully available moneys of the City provided for the purpose, shall be deposited and carried in the Bond Fund. The proceeds of said special annual tax and the balances accumulated from time to time in the Bond Fund are hereby irrevocably pledged for the purpose of paying the interest on and principal of the Series 2012C Bonds and shall never be used for any other purpose. The City hereby covenants with the holders of the Series 2012C Bonds that it will levy said special annual tax in each year at whatever rates may be necessary from time to time in order to produce the amounts required in each year, to the extent funds are not otherwise provided, to pay the Series 2012C Bonds and interest when and as they mature or become due.

“If principal or interest should fall due in any year at a time when there are insufficient funds on hand, collected by reason of the foregoing special tax levy, such principal and interest shall be paid from other available funds of the City and reimbursement therefor shall be made out of the special tax hereby provided, when the same shall have been collected.

“All moneys held in the Bond Fund, which shall be depleted as of January 2 of each year except for a carryover amount not exceeding the greater of the earnings on the Bond Fund or one-twelfth of the principal and interest payments on the Series 2012C Bonds for the preceding year ending January 1, to the extent not invested as hereinafter provided, shall be deposited in a bank or banks designated by the Mayor or the Finance Director of the City which are members of the Federal Deposit Insurance Corporation (“FDIC”), and all such deposits which cause the aggregate deposits of the City in any one bank to be in excess of the amount insured by FDIC or one of its agencies shall be continuously secured by a valid pledge of Investment Obligations of the types described in items (A), (B) and (C) of Section 13 hereof having an equivalent market value. All or any part of the Bond Fund may be invested in Investment Obligations, as hereinafter defined in Section 13, maturing or being subject to retirement at the option of the holder on such dates as the same may be needed for meeting interest and/or principal payments, and all such investments shall be carried to the credit of the Bond Fund.”

(3) Provision is made for the transfer to the City’s General Fund of revenues of the City’s combined water and sewer system to reimburse the General Fund for payment of semiannual debt service on the Bonds.

(4) The competitive sale of the Bonds is authorized, and certain documents incident to such sale and the delivery of the Bonds are authorized and approved.

* * *

The foregoing provisions, including the above caption of the Ordinance, are intended to be a Summary of the Ordinance, and reference is hereby made to the full text of the Ordinance for a full and complete statement of its contents.

Certification

I, the undersigned City Clerk of the City of Pikeville, Kentucky, hereby certify that the foregoing Summary of Bond Ordinance of the City of Pikeville, Kentucky, was approved by the Board of Commissioners for first reading on April 23, 2012, and for second reading on May 14, 2012, and was further approved for publication following adoption according to law. I further certify that the foregoing Summary was prepared for the City by Mark S. Franklin, Stoll Keenon Ogden PLLC, 2000 PNC Plaza, Louisville, Kentucky 40202.

WITNESS my hand this May 14, 2012.

/s/ Christy Billiter
City Clerk
City of Pikeville, Kentucky

Preparation Certificate

The undersigned Attorney at Law, licensed to practice in Kentucky, hereby certifies that the foregoing Summary of Bond Ordinance of the City of Pikeville, Kentucky, was prepared by the undersigned and constitutes a general summary of certain essential provisions of the described Ordinance, reference to the full text of which Ordinance is hereby made for a complete statement of its provisions and terms.

/s/ Mark S. Franklin
Stoll Keenon Ogden PLLC
2000 PNC Plaza
Louisville, Kentucky 40202

- 3. Consider a 1st reading of an ordinance #0-2012-012 amending Chapter 150 Electrical Permits; Contractors amending section 150.31 Standards for electrical wiring. No further action is required at this time. The second reading will take place at the next regular scheduled meeting.
- 4. Consider a 1st reading of an ordinance #0-2012-009 amending Chapter 98 Alarm Systems, deleting residential alarm users and various other organizations from false alarm enforcement. 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 a request to cancel the May 28th 2012 regular city commission meeting due to Memorial Day. Commissioner Chaney made the motion to adopt. Commissioner Davis seconded the motion. Mayor called for further comments, there being none, motion passed unanimously. 5-0.**
- 2. Consider a request to call a Special Called meeting for May 25th 2012 at the time to be determined for the 1st reading of 2012-2013 City of Pikeville Operating Budget ordinance along with other miscellaneous items. Commissioner Chaney made the motion to approve. Commissioner Layne seconded the motion. Mayor called for comments. Mayor asked for time suggestions. Commissioner Chaney suggests 11am. Then they all settled on 10:00 am. Mayor Justice called for further comments, there being none, the motion passed. 5-0.**
- 3. Consider a request to accept the terms and conditions between the City of Pikeville and Bruce Walters Ford for a 2012 Ford Escape to be used by the City Tourism Director. Walters Ford shall grant said vehicle to the city for a period of 5 years by forgiving the note of \$23,926.00 understanding the city shall return the vehicle without damage except for normal wear and tear and to authorize the City Manager to sign and execute said agreement along with all paperwork necessary in order to transfer said vehicle into cities name. Said agreement is to grant Bruce Walter Ford sponsorship for Muscle on Main event. Commissioner Chaney made the motion. Mayor Justice seconded the motion. Mayor Justice called for comments. Mayor wonders if this is a sponsorship vehicle. City Manager says they are sponsoring a co-sponsor of Muscle on Main, so for their fee to sponsor they will grant us a vehicle for a period of five years with no cost to the city. Mayor calls for additional comments, there being none. Commissioner Davis and Commissioner Carter abstained. The motion passed. 5-0.**
- 4. Consider request to submit an application to the Kentucky Main Street Program for advancement to Designated Kentucky Main Street program and to authorize the Mayor to sign said letter of request. Commissioner Chaney made the motion to approve. Commissioner Davis seconded the motion. Mayor Justice called for comments, there being none, the motion passed unanimously. 5-0.**
- 5. Consider a request to adopt a proclamation for Autism Awareness and authorize the Mayor to sign and execute said proclamation. Commissioner Davis made the motion to approve. Commissioner Carter seconded the motion. Mayor Justice called for comments, there being none the motion passed unanimously. 5-0.**
- 6. Consider a request to submit an application for grant to the Byrne Criminal Justice Innovation Program and to authorize the Mayor to sign and execute**

all necessary paperwork required for said grant submittal. Commissioner Chaney made the motion to approve. Commissioner Carter seconded the motion. Mayor Justice called for comments. Mayor says what is that. City Manager responds that this is funding for overtime for the police department to work in residential areas with a lot of theft and drug problems. Mayor wonders if we are going to have to match that. Mr. Blackburn says no. Commissioner Carter wonders how they get their information, from the CAD system. Mr. Blackburn says that Melanie is meeting with the police department to get the information and yes they are pulling from CAD to determine where the high target areas will be. Mayor call for additional comments, there being none, the motion passed unanimously. 5-0.

7. Consider a request to authorize and approve and agreement as submitted between the City of Pikeville and RealtyLink Investments, LLC (W. Neil Wilson) and to authorize the City Manager and City Attorney to make any adjustments that they see necessary to exercise such an agreement and to authorize the Mayor to sign and execute on behalf of the City of Pikeville. Commissioner Chaney made the motion to approve. Commissioner Layne seconded the motion. Mayor Justice called for comments. Mayor says what is this. City Manager responds that this is the sales agreement with the Thompson Road property. This is the same exact agreement the commission already approved back in November; there has been a few adjustments since this. Then items number 8 and 9 kind of go together. Mayor says we sell it to him for two million bucks, does he have any performance stuff in there. City Manager says in the contract no. Mayor says that if we let him get his hands on it and he just sits there what are we going to do. City Manager responds that his comment is that he is not going to invest three million dollars and sit there. We can put language in there, where it will be a retail development within twenty-four months. Commissioner Carter says didn't we have something in there that he had to develop. City Manager says it was within the letter of intent where it will be a retail development, he has eight letters of intent already signed by potential businesses. He builds for several national chains. Mayor says you want to put this off and tell us about those businesses in closed session, so we will put off 7,8 and 9. City Manager says yes.
8. Consider a request to authorize and approve an Assignment Agreement as submitted between the City of Pikeville and RealtyLink Investments, LLC and to authorize the City Manager and City Attorney to make any adjustments that they see necessary to exercise such an agreement and to authorize the Mayor to sign and execute on behalf of the City of Pikeville.
9. Consider a request to authorize and approve a Real estate Development Agreement as submitted between the City of Pikeville and the US Post Office, contingent upon the approval and execution of the Assignment Agreement between the City of Pikeville and RealtyLink Investments, LLC and to authorize the City Manager and City Attorney to make any adjustments that they see necessary to execute such an agreement and to authorize the Mayor

- to sign and execute said Development Agreement on behalf of the City of Pikeville.
10. Consider request to approve the submitted contract for the Riverbank Stabilization project and all terms and conditions set forth therein. Commissioner Chaney made the motion to approve. Commissioner Davis seconded the motion. Mayor Justice called for comments, there being none, the motion passed unanimously. 5-0.
 11. Consider a request to award a bid for the CDBG CERF Project #11.017 Riverbank Stabilization project and authorize the Mayor to sign and execute a contract and or any other paperwork necessary to award said project or draw down said grant funds in order to pay for said project. Commissioner Carter made the motion to approve. Commissioner Layne seconded the motion. Mayor Justice called for comments, there being none, the motion passed unanimously. 5-0.
 12. Consider a request to authorize and approve the submitted Grant Agreement between the City of Pikeville and Department of Local Government for the \$100,000 riverbank stabilization project and to authorize the Mayor to sign and execute said agreement on behalf of the City of Pikeville. Commissioner Chaney made the motion to approve. Commissioner Davis seconded the motion. Mayor Justice called for comments, there being none, the motion passed unanimously. 5-0.
 13. Consider a request to appoint and or re-appoint the following board members to the following boards:
 - Tree Board:**
 - Jennifer Brown term to expire 7-1-16
 - Steve St.John term to expire 7-1-16
 - Vacant Property Review Board:**
 - Bill Blackburn term to expire 4-25-16
 - Model City Day Care Nominating Committee:**
 - Kay Baird term to expire 1-1-14
 - Susan Huffman term to expire 1-1-14
 - City Tourism and Convention Commission:**
 - Sean Cochran term to expire 5-24-16
 - Frank Bailey term to expire 5-24-16
 - Drew Justice term to expire 5-24-16

Commissioner Chaney made the motion to approve. Commissioner Layne seconded the motion. Mayor Justice called for comments, there being none, the motion passed unanimously. 5-0.
 14. Consider a request to authorize the Mayor to sign and execute a request for an extension, as submitted, for the City of Pikeville Homeland Security Grant for Document Description 11-216 in the amount of \$14,000. Commissioner Davis made the motion to approve. Commissioner Chaney seconded the motion. Mayor Justice called for comments, there being none, the motion passed unanimously. 5-0.

15. Consider a request to authorize and approve a contract between the City of Pikeville and Wallen, Cornett & Puckett for city audit service as submitted and to authorize the Mayor to sign and execute said contract. Commissioner Chaney made the motion to approve. Commissioner Carter seconded the motion. Mayor Justice called for comments, there being none. Commissioner Davis abstained. The motion passed unanimously. 5-0.
16. Consider a request to adopt a proclamation on Win the War Against Violence, supporting the 10% challenge to reduce violence within the Commonwealth of Kentucky and authorize the Mayor to sign and execute said proclamation. Commissioner Chaney made the motion to approve. Commissioner Layne seconded the motion. Mayor Justice called for comments, there being none, the motion passed unanimously. 5-0.
17. Consider a request to place for bid crumb rubber project for the City Soccer Field. Commissioner Carter made the motion to approve. Commissioner Chaney seconded the motion. Mayor Justice called for comments. Mayor says this crumb rubber project, we've applied for this how many times. City Manager says that we've applied for the grant three times Mayor, we've been turned down for the grant. We are moving forward, we are bidding. Mayor says ok we are moving forward. Mayor calls for further comments, there being none, the motion passed unanimously. 5-0.
18. Consider a request to amend an adopted motion from the April 23rd 2012 Commission meeting be again award the design contract to Vaughn & Melton, for the City of Pikeville's Waste Water Treatment plant as recommended by the RFQ review committee contingent upon the receipt of the \$750,000 funding awarded from the Army Corp Section 531 Grant and to authorize the Mayor upon his satisfaction of contract design selection, terms and price to sign and execute said contract upon review approval by the City Attorney and City Manager. Said contract shall not exceed \$920,000. Commissioner Chaney made the motion to approve. Commissioner Layne seconded the motion. Mayor Justice called for comments. Mayor says I thought you said it was \$926,000. Mr. Blackburn says that it was about 9,000 over budget. Mayor says ok I see. Mayor calls for additional comments, there being none, the motion passed unanimously. 5-0.
19. Consider a request to accept the nomination of Leonard Lawson to be the recipient of the City of Pikeville Ambassador's award to be presented during the Chamber Event in July. Commissioner Chaney made the motion to approve. Commissioner Davis seconded the motion. Mayor Justice called for comments, there being none, the motion passed unanimously. 5-0.
20. Consider a request to asphalt Sycamore Street as discussed during previous work sessions using state contract price. Commissioner Chaney made the motion to approve. Commissioner Carter seconded the motion. Mayor Justice called for comments, there being none, the motion passed unanimously. 5-0.

****City Manager announced the consent items for all to hear****

- 21. Pursuant to KRS 61.810, consider request for closed session for discussion of economic development, legal and personnel issues. Commissioner Chaney made the motion. Commissioner Davis seconded the motion. Mayor Justice called for discussion, there being none, the motion passed unanimously. 5-0.**
- 22. Commissioner Carter made the motion to re convene. Commissioner Davis seconded the motion. Mayor Justice called for discussion, there being none the motion passed unanimously. 5-0. Mayor called the session back into order.**
- 23. Consider a request to authorize and approve an agreement as submitted between the City of Pikeville and RealtyLink Investments, LLC (W. Neil Wilson) and to authorize the City Manager and City Attorney to make any adjustments that they see necessary to exercise such an agreement such as the City Manager shall include a time constrains for the developer to start the development project giving the city the option to purchase the property back at the same rate if the development does not meet such constrains at the cities discretion and to authorize the Mayor to sign and execute on behalf of the City of Pikeville. Commissioner Carter made a motion to approve. Commissioner Layne seconded the motion. Mayor Justice called for comments, there being none, the motion passed unanimously. 5-0.**
- 24. Consider a request to authorize and approve an Assignment Agreement as submitted between the City of Pikeville and RealtyLink Investments, LLC and to authorize the City Manager and City Attorney to make any adjustments that they see necessary to exercise such an agreement and to authorize the Mayor to sign and execute on behalf of the City of Pikeville. Commissioner Chaney made the motion to approve. Commissioner Davis seconded the motion. Mayor Justice called for comments, there being none, the motion passed unanimously. 5-0.**
- 25. Consider a request to authorize and approve a Real estate Development Agreement as submitted between the City of Pikeville and the US Post office, contingent upon the approval and execution of the Assignment Agreement between the City of Pikeville and RealtyLink Investments, LLC and to authorize the City Manager and City Attorney to make any adjustments that they see necessary to execute such an agreement and to authorize the Mayor to sign and execute said Development Agreement on behalf of the City of Pikeville. Commissioner Chaney made the motion to approve. Commissioner Davis seconded the motion. Mayor Justice called for comments, there being none, the motion passed unanimously. 5-0.**
- 26. There being no further business to come before the Commission, Commissioner Davis has made the motion to adjourn the meeting. Commissioner Layne seconded the motion. Mayor Justice called for discussion, there being none the meeting was adjourned. 5-0**

CONSENT & ANNOUNCEMENT ITEMS:

May 14, 2012 Regular Meeting


Budget Work Session will be held Monday, May 21st 2012 at City hall, conference room starting at 10:00am.

EPA at Expo for public hears on mining permits on June 7, from noon to 4 pm and then from 7 pm until 11 pm.

City Manager on Vacation the first week of June

The next scheduled Regular Meeting of the City of Pikeville Board of Commissioners is June 11, 2012 at 6:00 p.m.

APPROVED:



FRANKLIN D. JUSTICE, II, MAYOR

ATTESTED:



CHRISTY BILLITER, CITY CLERK