

**CITY OF PIKEVILLE
BOARD OF COMMISSIONERS
SPECIAL MEETING MINUTES
September 13, 2013 AT 5:00 P.M.**

The Board of Commissioners for the City of Pikeville met in a special called session on Friday, September 13, 2013. The meeting was held in the City Hall Conference Meeting Room located at 243 Main Street, Pikeville, Kentucky.

(1) There being a quorum present, Mayor Frank Justice, II called the meeting to order at 5:00 p.m. Commission Members present at roll call were as follows:

COMMISSIONER:	Jimmy Carter	
	Jerry Keith Coleman	Absent
	Barry Chaney	Absent
	Gene Davis	

MAYOR: FRANKLIN D. JUSTICE, II

(2) Consider a request to adopt the minutes, as submitted, for the regular commission meeting held on September 9th 2013 and to authorize the Mayor to sign and execute said minutes on behalf of the City of Pikeville. Commissioner Davis made the motion to approve. Commissioner Carter seconded the motion. Mayor Justice called for discussion, there being none, the motion carried unanimously. 3-0.

(3) Pursuant to KRS 61.810, consider request for closed session for the purpose of discussion regarding economic development and legal issues with RealtyLink regarding the Pikeville Common's project. Commissioner Davis called for comments. Commissioner Carter seconded the motion. Mayor Justice called for discussion, there being none, the motion passed unanimously. 3-0.

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. 3-0. Mayor Justice called the session back into order.

(4) Consider a first reading of an amended ordinance #0-2013-027 authorizing and approving a 5 year construction loan through Community Trust Bank in the amount up to \$900 thousand dollars for the construction of the relocated fire station and to authorize the Mayor to sign and execute said ordinance on behalf of the City

of Pikeville. This is all contingent upon the City closing first with RealtyLink Development on the Justice Way property. The City shall expect to close on the construction loan with Community Trust Bank immediately after the execution of the conveyance for the retail development with RealtyLink. No further action is required at this time. Second reading will take place at the next scheduled commission meeting.

(5) Consider a first reading of an ordinance #0-2013-028 relating to the amendment of Chapter 115.15 occupational license fees amending various minimum liability line items. No further action is required at this time. Second reading will take place at the next scheduled commission meeting.

(6) Consider a request to authorize and approve a Fourth Amendment to Agreement For Sale of Property between RealtyLink Investments, LLC and City of Pikeville, as submitted, amending the original Agreement executed on 6-13-12 then by a first amendment dated June 15, 2013, as further amended by the seconded amendment dated July 8, 2013, the Third Amendment dated August 2, 2013 and to authorize the Mayor to sign and execute said agreement on behalf of the City of Pikeville. Commissioner Carter made the motion to approve. Commissioner Davis seconded the motion. Mayor Justice called for comments, there being none, the motion passed unanimously. 3-0.

(7) Consider a request to withdraw and amend the motion to approve an easement agreement between KY Pikeville Thompson LLC, KY Pikeville Thompson PO, LLC and the City of Pikeville adopted by the city commission during the regular meeting held on September 9th 2013 and instead to consider authorizing and approving a new Declaration and Easement agreement (as submitted) between KY PIKEVILLE THOMPSON RETAIL, LLC and KY PIKEVILLE THOMPSON PO, LLC and THE CITY OF PIKEVILLE, KENTUCKY, as submitted, to be executed upon the conveyance of the city Justice Way property pursuant to the sales agreement between the City of Pikeville and RealtyLink Investment LLC dated 6-16-2012 and amended agreement dated 9-13-13 and to authorize the Mayor to sign and execute said easement agreement on behalf of the City of Pikeville. Commissioner Carter made the motion to approve. Commissioner Davis seconded the motion. Mayor Justice called for comments, there being none, the motion passed unanimously. 3-0.

(8) Consider a request to withdraw and amend a motion adopted by the Pikeville City Commission during the September 9th 2013 regular commission meeting and instead consider a new motion authorizing and approving pursuant to the Agreement of Sale of Property between the City of Pikeville and RealtyLink

Investments, LLC executed on 6-15-2012, as amended, the execution of three (3) separate deeds of conveyances, as submitted. The first being between the CITY OF PIKEVILLE, KY and KY PIKEVILLE THOMPSON PO, LLC for the sum of \$221,538.45, the second being between the CITY OF PIKEVILLE, KENTUCKY and KY PIKEVILLE LAKEVIEW, LLC for the sum of \$19,938.46 and the third being between the CITY OF PIKEVILLE and KY PIKEVILLE THOMPSON RETAIL, LLC for the sum of \$897,230.75, to approve any and all expense required to convey and record said documents on behalf of the City of Pikeville, to authorize the city attorney and city manager to jointly make amendments, as necessary, to deeds as submitted (as long as the intent is not altered), and to authorize the Mayor to sign and execute said deeds along with any and all documents necessary to complete said transaction and conveyance. Commissioner Davis made the motion to approve. Commissioner Carter seconded the motion. Mayor Justice called for comments, there being none, the motion passed unanimously. 3-0.

(9) Consider a request to authorize and approve the Indemnity and Affidavit's, as submitted for the following properties as approved for conveyance by the City of Pikeville. The first being the property between the CITY OF PIKEVILLE, KY and KY PIKEVILLE THOMPSON PO, LLC for the sum of \$221,538.45, the second being the property between the CITY OF PIKEVILLE, KENTUCKY and KY PIKEVILLE LAKEVIEW, LLC for the sum of \$19,938.46 and the third being the property between the CITY OF PIKEVILLE and KY PIKEVILLE THOMPSON RETAIL, LLC for the sum of \$897,230.75 and to authorize the Mayor to sign and execute said affidavits on behalf of the City of Pikeville. Commissioner Carter made the motion to approve. Commissioner Davis seconded the motion. Mayor Justice called for comments, there being none, the motion passed unanimously. 3-0.

(10) Consider a request to authorize and approve the Mayor to sign and execute all documents necessary in order to execute all the terms and conditions, including but not limited to the sale of the city property located off Thompson Road as described in the "Agreement for Sale of Property" and fourth amended agreement dated 9-13-2013 between RealtyLink and City of Pikeville dated as executed by the Mayor on 6-13-12. To also authorize and approve payment of any funds required that may be related to this transaction to include but not be limited to any taxes, filing fees, etc. Commissioner Davis made the motion to approve. Commissioner Carter seconded the motion. Mayor Justice called for comments, there being none, the motion passed unanimously. 3-0.

(11) Consider a request to authorize the City Attorney to file any condemnation actions necessary or required to assist in the completion of the Pikeville Commons project or to protect the city boat ramp access. Commissioner Carter made the

motion to approve. Commissioner Davis seconded the motion. Mayor Justice called for comments, there being none, the motion passed unanimously. 3-0.

(12) Consider a request to authorize and approve the Mayor to sign and execute all documents necessary in order to execute all the terms and conditions, including but not limited to the sale of the post office property located off of Thompson Road as described in the "Real Estate Development Agreement" between the United States Postal Service and the City of Pikeville dated as executed by the Mayor Pro-Tem on 9-24-12 and Assignment Agreement dated October 1st 2012 between the City of Pikeville and RealtyLink Investments, LLC. To also authorize and approve payment of any funds required that may be related to this transaction to include but not be limited to any taxes, filing fees, etc. Commissioner Carter made the motion to approve. Commissioner Davis seconded the motion. Mayor Justice called for comments, there being none, the motion passed unanimously. 3-0.

(13) Consider a request to authorize and approve an Assignment and Assumption of Real Estate Development Agreement, as submitted, by the City of Pikeville, Kentucky, KY Pikeville Thompson Retail, LLC and KY Pikeville Thompson Retail, LLC and to authorize the Mayor to sign and execute said agreement on behalf of the City of Pikeville. Commissioner Davis made the motion to approve. Commissioner Carter seconded the motion. Mayor Justice called for comments, there being none, the motion passed unanimously. 3-0.

(14) Consider a request to authorize and approve the Guaranty on behalf of the City of Pikeville, as submitted, regarding the City of Pikeville, KY in favor of the United States Postal Service and to authorize the Mayor to sign and execute said Guaranty on behalf of the City of Pikeville. Commissioner Davis made the motion to approve. Commissioner Carter seconded the motion. Mayor Justice called for comments, there being none, the motion passed unanimously. 3-0.

(15) Consider a request to approve and authorize a fourth amendment to the existing Real Estate Development Agreement, as submitted, between the United States Postal Service and the City of Pikeville, executed by the City on October 1, 2012, and amended effective June 12th 2013 now agreeing to extend to extend said agreement and amending the closing date to occur on or before September 20th, 2013 and authorize the Mayor to sign and execute the said fourth amendment on behalf of the City of Pikeville. Commissioner Carter made the motion to approve. Commissioner Davis seconded the motion. Mayor Justice called for comments, there being none, the motion passed unanimously. 3-0.

(16) There being no further business to come before the commission, Commissioner Davis made the motion to adjourn the meeting. Commissioner Carter seconded the motion. Mayor Justice called for discussion, there being none, the meeting was adjourned. 3-0.

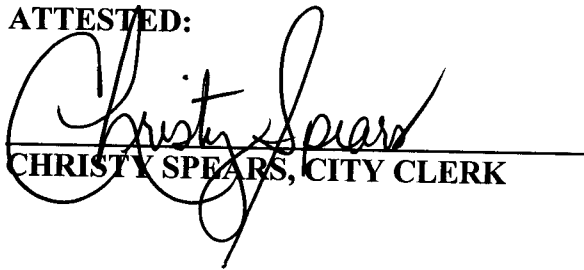
The next scheduled Regular Meeting of the City of Pikeville Board of Commissioners is September 23, 2013 at 6:00 p.m.

APPROVED:



FRANKLIN D. JUSTICE, II, MAYOR

ATTESTED:


CHRISTY SPEARS, CITY CLERK