

**CITY OF PIKEVILLE
BOARD OF COMMISSIONERS
REGULAR MEETING MINUTES
March 24, 2014 AT 6:00 P.M.**

The Board of Commissioners for the City of Pikeville met in a regular called session on Monday, March 24, 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 -Absent
 EUGENE DAVIS**

MAYOR: FRANKLIN D. JUSTICE, II

MINUTES

The minutes for the previous regular meeting held on March 10, 2014 were in each Commission Member's agenda package. There being no additions or corrections, Commissioner Davis made the motion to approve the minutes as prepared. Commissioner Coleman seconded the motion. Mayor Justice called for discussion, there being none, the motion carried unanimously. 4-0.

BUSINESS FROM THE FLOOR

- 1. Consider a request to adopt a Proclamation naming April 2014 as Spring Cleanup Month and to authorize the Mayor to sign and execute said Proclamation. Commissioner Carter made the motion to adopt. Commissioner Coleman seconded the motion. Mayor Justice called for comments. Justin Prater, Tourism Director with City of Pikeville addressed the commission and introduced Kelly Scott with Pikeville High School. Mrs. Scott is the Pride Coordinator with PHS, along with Stacy Gooch Pride President and invited the Commission to come out on April 12, 2014 at 10 a.m. and help clean the Pikeville Pond area.**

2. Consider a request to have property owned by the City of Pikeville at the Gateway sign to be designated for the Veterans War Memorial. Mr. Robert Howard and Claudie Little were present and addressed the commission. Mr. Howard stated they would like to come before the Commission to get approval for a War Memorial location and to provide tanks, equipment free to the City. Commissioner Carter made the motion to approve. Commissioner Coleman seconded the motion. Mayor Justice called for comments. Mr. Blackburn, city manager added the property at the lower gateway sign would be the location proposed to use and per the interest expressed by the Commission for the request to authorize the City Attorney to draft a letter so the City can go forward on this project. Rusty Davis, City Attorney was present and stated basically we need to approve a proclamation to use this public land to use by the Federal Government. Commissioner Carter asked if the Commission would have some type of plan to view. Mr. Robert Howard with the Veterans answered yes and he stated they were raising monies for the plan and it would be free to the City. Mayor Justice asked what would be there. Mr. Howard answered tanks, a wall memorial for all the fallen soldiers. Mayor Justice called for additional comments there being none, motion passed unanimously. 4-0.

PAYMENT OF CITY BILLS

The City Manager Donovan Blackburn requested the approval to pay city bills in the amount of \$1,159,839.12. Commissioner Davis made the motion to approve. Commissioner Coleman seconded the motion. Mayor Justice called for comments and Commissioner Davis asked the traditional question of do we have the money. City Manager responded that we did have the money. Mayor Justice called for further discussion, there being none, motion passed unanimously. 4-0.

CITY ENGINEER

1. Consider a request to authorize and approve payment of invoice #70503 from Summit Engineering, Inc. for \$3,511.05 for Peach Orchard Acquisition/Demolition project. Commissioner Carter made the motion to approve. Commissioner Coleman seconded the motion. Mayor Justice called for comments. Commissioner Davis asked if the project was almost finished. Mr. Elswick was present with Summit Engineering, Inc. and responded yes. Mayor Justice called for further discussion, there being none, motion passed unanimously. 4-0.
2. Consider a request to authorize and approve payment of invoice #70502 from Summit Engineering, Inc. for \$26,176.80 for the Riverfill Seating project. Commissioner Coleman made the motion to approve. Commissioner Carter

seconded the motion. Mayor Justice called for comments. Commissioner Davis asked if that project was underway. Mr. Elswick with Summit Engineering, Inc. responded no, not yes. There is still one permit not issued at this time. Mayor Justice called for further discussion, there being none, motion passed unanimously. 4-0.

CITY ATTORNEY

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

1. Consider a 2nd reading and adoption of ordinance #0-2014-005 providing for the issuance of the City's general obligation note, taxable series 2014, in a principal amount not to exceed \$500,000 for the purpose of providing funds to pay a portion of the costs of a public project of the city consisting of the acquisition, construction and equipping of outdoor terrace seating and blacktop and other real property improvements along the former riverbank in the area known as "Riverfill" in Pikeville, KY; along with setting of other terms and conditions as mentioned within the reading, as attached and to authorize the mayor to sign and execute said ordinance on behalf of the City of Pikeville. City Attorney Rusty Davis read into record. Commissioner Davis made the motion to adopt. Commissioner Coleman seconded the motion. Mayor Justice called for roll call. Ordinance Adopted. 4-0.

SUMMARY OF NOTE ORDINANCE CITY OF PIKEVILLE, KENTUCKY

THERE FOLLOWS A SUMMARY OF AN ORDINANCE OF THE CITY OF PIKEVILLE, KENTUCKY, ADOPTED ON MARCH 24, 2014, IDENTIFIED BY ITS TITLE OR CAPTION AS FOLLOWS:

ORDINANCE NO. #0-2014-005

AN ORDINANCE OF THE CITY OF PIKEVILLE, KENTUCKY, PROVIDING FOR THE ISSUANCE OF THE CITY'S GENERAL OBLIGATION NOTE, TAXABLE SERIES 2014, IN A PRINCIPAL AMOUNT NOT TO EXCEED \$500,000 FOR THE PURPOSE OF PROVIDING FUNDS TO PAY A PORTION OF THE COSTS OF A PUBLIC PROJECT OF THE CITY CONSISTING OF THE ACQUISITION, CONSTRUCTION AND EQUIPPING OF OUTDOOR TERRACED SEATING AND BLACKTOP AND OTHER REAL PROPERTY IMPROVEMENTS ALONG THE FORMER RIVERBANK IN THE AREA KNOWN AS "RIVERFILL" IN PIKEVILLE, KENTUCKY; SETTING FORTH THE TERMS AND CONDITIONS UPON WHICH THE SERIES 2014 NOTE IS TO BE ISSUED AND OUTSTANDING; ORDERING AND PROVIDING FOR THE LEVY OF AN ANNUAL TAX, TO THE EXTENT NECESSARY, SUFFICIENT TO PAY THE INTEREST ON AND PRINCIPAL OF THE SERIES 2014 NOTE; AND PROVIDING FOR A PRIVATE SALE OF THE SERIES 2014 NOTE 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.

March 24, 2014 Regular Meeting

(1) For the purposes of providing funds (a) to pay a portion of the costs of acquiring, constructing and installing (i) new terraced-styled outdoor seating sufficient to seat approximately 2,500 people along the former riverbank in the area known as "Riverfill" in Pikeville, Kentucky; and (ii) blacktop and related real property improvements in the former riverbed located adjacent to the new seating improvements within the City, and (b) to pay related costs, the City authorizes the sale and issuance of its General Obligation Note, Taxable Series 2014 (the "Note") to U.S. Bank National Association, Pikeville, Kentucky, in a principal amount of \$500,000, under authority of the Kentucky Constitution and KRS Chapter 66. The Note 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 Note will be issued in fully registered form, scheduled to fully mature on December 1, 2018, and to bear interest semi-annually. The form of the Note is set out in detail in the Ordinance.

(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 Note 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 6 of the Ordinance is set out in full:

"Section 6. Tax Levy and Pledge; Note Fund. For the purpose of providing funds required to pay the interest on the Note as and when the interest becomes due and in order to create a sinking fund to pay and discharge the principal thereof when the Note becomes due, there shall be and there is hereby levied upon all of the taxable property within the City, beginning in 2014 and continuing in each year as long as the Note is outstanding, a direct annual tax sufficient, to the extent any 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 a special and separate account in the name of the City and held apart from all other funds of the City, shall be applied only for the purpose of paying the principal of and interest on the Note, and shall be designated the City's "General Obligation Note, Taxable Series 2014, Interest and Sinking Fund Account" (the "Note Fund"). The proceeds of said special annual tax and any other funds accumulated from time to time in the Note Fund are hereby irrevocably pledged for the purpose of paying the interest on and principal of the Note and shall never be used for any other purpose. The City hereby covenants with the Bank 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 Note and interest when and as it matures or becomes 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 Note Fund, which shall be depleted as of December 1 of each year except for a carryover amount not exceeding the greater of the earnings on the Note Fund or one-twelfth of the principal and interest payments on the Note for the preceding year ending December 2, to the extent not invested as hereinafter provided, shall be deposited in the Bank, or if the Bank is not or ceases to become a member of the FDIC, in a bank or banks which are members of the 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 direct obligations of the United States of America having an equivalent market value. All or any part of the Note Fund may be invested in Investment Obligations, as hereinafter defined in Section 7, 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 Note Fund."

(3) The private sale of the Note is authorized, and certain documents incident to such sale and the delivery of the Note 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 Note Ordinance of the City of Pikeville, Kentucky, was approved by the Board of Commissioners for first reading on March 10, 2014, and for second reading on March 24, 2014 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 March 24, 2014.

March 24, 2014 Regular Meeting

/s/ Rebecca Hamilton
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 Note 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

- 2. Consider a 2nd reading and adoption of ordinance #0-2014-004 amending the 2013-2014 City of Pikeville fiscal budget to reflect certain increases and decreases in revenues and expenditures and to authorize the mayor to sign and execute said ordinance on behalf of the City of Pikeville. Commissioner Carter made the motion to adopt. Commissioner Davis seconded the motion. Mayor Justice called for roll call. Ordinance Adopted. 4-0.**

**ORDINANCE AMENDING THE FISCAL BUDGET
FOR THE 2013-2014 FISCAL YEAR**

ORDINANCE NO. 0-2014-004

WHEREAS, certain additional information has come to the attention of the Finance Department which necessitates the amendment of the 2013-2014 fiscal year budget to reflect certain increases and decreases to revenues and expenditures. **NOW, THEREFORE** be it ordained by the City of Pikeville that the fiscal budget for the 2013-2014 fiscal year is hereby amended to reflect an increase and or decrease of revenues and /or expenditures as reflected in the attached exhibit entitled "Budget Amendments".

The above ordinance was give first reading on March 10th, 2014.

The ordinance was given second reading on March 24, 2014. The ordinance shall be in full force and effect immediately after it is passed and published as required by law.

Passed, this 24th day of March, 2014.

Commissioner Carter moved the adoption of the foregoing ordinance. Commissioner Davis seconded the motion.

Upon roll call, the votes were as follows:

	<u>YES</u>	<u>NO</u>
FRANKLIN D. JUSTICE, II MAYOR	<u> x </u>	<u> </u>
JAMES A. CARTER, COMMISSIONER	<u> x </u>	<u> </u>
EUGENE W. DAVIS, COMMISSIONER	<u> x </u>	<u> </u>
JERRY KEITH COLEMAN, COMMISSIONER	<u> x </u>	<u> </u>
BARRY N. CHANEY, COMMISSIONER	<u> </u>	<u> </u> Absent

The Mayor declared the within Ordinance adopted.

FRANKLIN D. JUSTICE, II, MAYOR

ATTEST:

REBECCA HAMILTON, CITY CLERK

CITY MANAGER

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

- 1. Consider a request to reject any and all bids, as permitted, for the advertised of bids for the City of Pikeville, Wastewater Treatment Plan Upgrade and to re-advertise for bids for the same project. All previous bids will be sent back unopened with an announcement that said project shall be rebid, again with the authority to reject any and all bids at the description of the city. Commissioner Carter made the motion to approve. Commissioner Coleman seconded the motion. Mayor Justice called for comments, there being no comments, motion passed unanimously. 4-0.**
- 2. Consider a request to authorize and approve an Amendment between the Kentucky Department for Local Government and City of Pikeville for project #SP046 regarding funding for the Pikeville-Pike County Regional Airport Commercial Airline Service Project, as submitted, and authorize the mayor to sign and execute said amendment on behalf of the City of Pikeville. Commissioner Carter made the motion to approve. Commissioner Coleman seconded the motion. City Manager added, this is just the standard. Mayor Justice called for comments, there being no comments, motion passed unanimously. 4-0.**
- 3. Consider a request to authorize and approve an Escrow Agreement between Public Charters, Shelby Financial Corporation and City of Pikeville for the commercial air service, as submitted, accepting all terms and conditions contained therein 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. City Manager added that the City Commission is aware that the City has a large pot of money for this and this agreement would guarantee if anything happened to the ticket sales then a refund would be issued to the customers, I think somewhere around \$35,000.00 and the City Attorney has reviewed the agreement. Mayor Justice called for comments, there being none motion passed unanimously. 4-0.**
- 4. Consider a request to authorize and approve a letter of request to .GOV Domain Registration, as submitted, requesting use of a .GOV domain for the city's web and email usage and to authorize the mayor to make said request through the execution of said letter 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 comments, motion passed unanimously. 4-0.**
- 5. Consider a request to authorize and approve an amendment #9 between the City of Pikeville and RealtyLink Investment, as submitted, and to authorize the Mayor to sign and execute said amendment on behalf of the City of Pikeville. City Manager added this is the same issue as before. Commissioner Davis made the motion to approve. Commissioner Carter seconded the motion. Mayor Justice called for comments, there being no comments, motion passed unanimously. 4-0.**

6. Consider a request to advertise for bid for professional services for the purpose of conducting a study for our portable handheld radio service. Commissioner Davis made the motion to approve. Commissioner Coleman seconded the motion. Mayor Justice called for comments, there being no comments, motion passed unanimously. 4-0.
7. Consider a request to authorize and adopted a resolution creating a joint non-profit organization in Pike County and its executive board and adopting its by-laws for the Pikeville/Pike County Heritage/History Museum Board of Directors and to authorize the mayor to sign and execute said resolution on behalf of the City of Pikeville. Donovan Blackburn, City Manager read the resolution into record. Commissioner Carter made the motion to approve. Commissioner Coleman seconded the motion. Mayor Justice called for comments, there being no comments, motion passed unanimously. 4-0.
8. Consider a request to adopt a Proclamation naming May 2-014 as Building Safety Month and to authorize the Mayor to sign and execute said Proclamation. Commissioner Coleman made the motion to approve the adoption of the Proclamation. Commissioner Davis seconded the motion. Mayor Justice called for comments, there being no comments, Proclamation adopted, motion passed unanimously. 4-0.
9. Consider a request to authorize and approve a Change in Terms Agreement between Jenny Wiley Drama Association and Community Trust Bank, as submitted and to authorize the mayor to sign and execute on behalf of the City of Pikeville. Commissioner Carter made the motion to approve. Commissioner Coleman seconded the motion. Mayor Justice asked what that is. Mr. Blackburn said it was for Where Mr. Backus was not there anymore and a change in the Name per the guidelines of the bank. Mayor Justice called for further comments, there being none, motion passed unanimously. 4-0.
10. Consider a request to authorize and approve a Work-Based Learning Program Agreement between Carl D. Perkins Job Corps Center and the City of Pikeville, as submitted, and authorize the mayor to sign and execute said agreement on behalf of the City of Pikeville. Commissioner Coleman made the motion to approve. Commissioner Davis seconded the motion. City Manager Mr. Blackburn added it was to allow students to work and all applications are to go through the HR and City Manager for approval. Mayor Justice called for comments, there being no comments, motion passed unanimously. 4-0.
11. Consider a request to advertise for bid for the purchase of Fire Hydrants & parts. Commissioner Carter made the motion to approve. Commissioner Coleman seconded the motion. Mayor Justice called for comments, there being no comments, motion passed unanimously. 4-0.
12. Consider a request to adopt a Proclamation naming April as Autism Awareness Month in the City of Pikeville and to authorize the Mayor to sign and execute said proclamation on behalf of the City of Pikeville. Commissioner Coleman made the motion to approve. Commissioner Carter seconded the motion. Mayor Justice called for comments, there being no comments, motion passed unanimously. 4-0.
13. Pursuant to KRS 61.810 consider a request for closed session for the purpose of discussion economic development, legal and personnel issues. Commissioner

Davis made the motion to approve. Commissioner Coleman seconded the motion. Mayor Justice called for comments, there being none. Motion passed. 4-0.

14. Commissioner Carter made the motion to re convene. Commissioner Coleman seconded the motion. Mayor Justice called for comments, there being none, the motion passed unanimously. 4-0. Mayor Justice called session back into order.
15. Request made by City Attorney Rusty Davis to adopt and accept motion to allow the City Attorney to file a civil suit against either the Pinson's or Nancy Caudill Yost to force them to correct a nuisance on their property or allow the City to correct the nuisance and authorize the city clerk to place a lien on property on behalf of the City. Commissioner Carter made the motion. Commissioner Davis seconded the motion. Mayor Justice called for comments, there being none, motion passed unanimously. 4-0.

There being no further business to come before the Commission, Commissioner Davis has made the motion to adjourn the meeting. Commissioner Coleman seconded the motion. Mayor Justice called for discussion, there being none, and the meeting was adjourned. 4-0

CONSENT ITEMS:

East Kentucky Expo Events:

April 10, 2014: Billy Currington w/Brett Elredge & Chase Rice.

April 26, 2014: Old Crow Medicine Show w/ Marty Stuart.

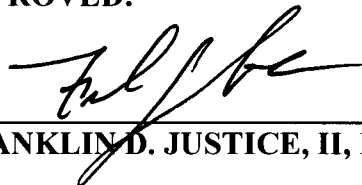
April 24-26, 2014: Hillbilly Days. City Hall Closed due to employees working event.

April 18, 2014: City Hall Closed per Personnel Policy Holiday Schedule.

April 20, 2014: Easter Sunday.


The next scheduled Regular Meeting of the City of Pikeville Board of Commissioners is April 14, 2014 at 6:00 p.m.

APPROVED:



FRANKLIN D. JUSTICE, II, MAYOR

ATTESTED:



REBECCA HAMILTON, CITY CLERK