

**CITY OF PIKEVILLE
BOARD OF COMMISSIONERS
REGULAR MEETING MINUTES
OCTOBER 22, 2007**

A regular meeting of the Board of Commissioners for the City of Pikeville was held on Monday, October 22, 2007. The meeting was held in the City Hall Public 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 as follows:

COMMISSIONER:	DALLAS LAYNE EUGENE W. DAVIS JAMES A. CARTER BARRY N. CHANEY
MAYOR:	FRANKLIN D. JUSTICE, II

AGENDA ITEM II. MINUTES

The minutes for the previous regular meeting of October 8, 2007 and special meeting of October 9, 2007 were included in each Commission Member's agenda package. There being no additions or corrections, Commissioner Layne made the motion, seconded by Commissioner Chaney to approve the minutes as prepared. The motion carried unanimously.

AGENDA ITEM III. BUSINESS FROM THE FLOOR

Mayor Justice welcomed members of Boy Scout Troop 12 and their troop leader, Reed Potter, Jr., to the meeting. Mr. Potter explained that the scouts, by attending a community meeting, are earning a communications badge.

AGENDA ITEM IV. PAYMENT OF BILLS

A list of City Bills totaling \$365,928.43 was presented to the Commission for approval of payment. Commissioner Davis made the motion, seconded by Commissioner Chaney, to approve payment of the bills as requested. The motion carried unanimously.

AGENDA ITEM V. OLD BUSINESS

CITY MANAGER'S REPORTS: Donovan Blackburn, City Manager, presented the following items for the Commission's consideration:

- 1. Ransom Drive Bridge:** Two bids were received for the replacement of the Ransom Drive Bridge. The City Manager reported that both bids were over budget

and recommended the bids be rejected and the project rebid. Commissioner Carter made the motion to reject the bids received for the replacement of the Ransom Drive Bridge and to authorize to rebid the project. Commissioner Layne seconded the motion. The motion carried unanimously.

2. Roll-off Truck: Presented and given reading was the following resolution approving the lease for the acquisition of a roll-off truck for the solid waste department:

A RESOLUTION APPROVING A LEASE FOR THE FINANCING BETWEEN THE CITY OF PIKEVILLE AND ROSS, SINCLAIRE & ASSOCIATES, LCC AS THE PROGRAM ADMINISTRATOR FOR THE LEASING OF A ROLLOFF WASTE MANAGEMENT VEHICLE

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 COUNCIL 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.

Commissioner Davis made the motion to adopt the resolution. Commissioner Chaney seconded the motion. The motion carried unanimously.

2. Lease Agreement: Presented was a request to approve the lease agreement between the City of Pikeville and the Kentucky Area Development Districts Financing Trust for lease of a roll-off truck. The City Manager recommended approval of the lease agreement contingent upon the City Attorney's review and approval of the agreement. Commissioner Carter made the motion to approve the agreement and to authorize the Mayor to execute the agreement, contingent upon the City Attorney's approval. Commissioner Layne seconded the motion. The motion carried unanimously.

3. Staph: Because of recent reports of staph infection outbreaks, Utility Management Group has sanitized the turf, restrooms and lockerrooms at Hambley Athletic Complex.

Commissioner Carter made the motion to adjourn to closed session for the purpose of discussing economic development, legal, and personnel issues. Commissioner Layne seconded the motion. The motion carried unanimously.

Commissioner Chaney made the motion, seconded by Commissioner Layne, to reconvene to regular session. The motion carried unanimously.

There being no further business to come before the Commission, Commissioner Davis made the motion, seconded by Commissioner Layne to adjourn the meeting. The motion carried unanimously.

The next regular meeting of the Board of Commissioners of the City of Pikeville is scheduled for November 12, 2007.

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

ATTEST:

**_____
KAREN W. HARRIS, CITY CLERK**