

**CITY OF PIKEVILLE
BOARD OF COMMISSIONERS
REGULAR MEETING MINUTES
December 8, 2008 AT 6:00 P.M.**

The Board of Commissioners for the City of Pikeville met in a regular called session on Monday, December 8, 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

Pikeville City Commissioners Gene Davis, Dallas Layne, Jimmy Carter and Barry Chaney all retained their commission seat during the past general election. Each member of the commission was sworn into office. Circuit Judge Eddy Coleman administered the Oath of Office to Gene Davis, Dallas Layne and Jimmy Carter of which that all accepted the terms of oath. Judge Coleman signed the necessary statement for deliverance, acceptance and compliance of the oath. District Judge Kelsey Friend administered the Oath of Office to Barry Chaney of which he accepted the terms of the oath. Judge Friend signed the necessary statement for deliverance, acceptance and compliance of the oath.

MINUTES

The minutes for the previous regular meeting held on December 2, 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 \$77,415.78 was presented to the Commission for approval of payment. Commissioner Davis made the motion to approve. Commissioner Layne seconded the motion. Mayor Frank Justice called for discussion, there being none the motion carried unanimously.

OLD BUSINESS

A. Big Sandy Area Development District:

Sandy Runyon and Melanie Stevens were present from the BSADD. Mrs. Runyon stated how happy she was to see all four of the Commission re elected and glad to see the Mayor as well. Mrs. Runyon advised that the Marion's Branch Project was on schedule and that she knew how important the project was to the City.

B. City Engineer's Report:

City engineer Jack Sykes was present and requested the commission consider accepting a letter and the terms set forth therein the letter from Summit Engineering dated 11/24/08 referencing KY 1426 Rock Fall Improvement Project. The letter outlines KYTC practical solution process in the Rock Fall Improvement Project. Commissioner Carter made the motion to approve and accept the terms and letter. Commissioner Chaney seconded the motion. Mayor Justice called for further discussion or comments, there being none the motion passed unanimously.

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

- 1. City Attorney Rusty Davis presented a request to adopt a resolution authorizing assumption and supplemental agreements between the City of Pikeville and the Kentucky Infrastructure Authority and the authorize the Mayor to sign to execute agreements as presented. Commissioner Davis made the motion to adopt the resolution. Commissioner Layne seconded the motion. Mayor Justice called for comments. City Manager Donovan Blackburn added that the agreements were for the sewage system and this was to change the loan amounts into the City of Pikeville name. Mr. Blackburn stated paperwork only. Mayor Justice called for any further comments, there being none the motion passed unanimously.**

RESOLUTION

RESOLUTION OF THE CITY OF PIKEVILLE, KENTUCKY
APPROVING AND AUTHORIZING TWO ASSUMPTION AND
SUPPLEMENTAL ASSISTANCE AGREEMENTS
BETWEEN THE CITY OF PIKEVILLE, KENTUCKY AND
THE KENTUCKY INFRASTRUCTURE AUTHORITY.

WHEREAS, the City of Pikeville, Kentucky (the “Governmental Agency”) acquired the utility system of the Mountain Water District (“ the District”) on May 8, 2005 pursuant to a purchase contract between the Governmental Agency and District; and

WHEREAS, prior to the acquisition of District’s utility system by the Governmental Agency, the District had determined that it was in the public interest to acquire and construct certain infrastructure improvements for the benefit of the residents of District (collectively, the “Project”) and

WHEREAS, the District has made an application to the Kentucky Infrastructure Authority (the “Authority”) for the purpose of providing monies to permanently finance the costs of the Project; and

WHEREAS, in order to obtain such monies, the Authority sold its revenue or revenue refunding bonds(the “Bonds”) and used a portion of the proceeds thereof to permanently finance loans (collectively, the “Loans”) to the District evidenced by the Assistance Agreements dated as of July 1, 1997 and November 1, 2000 between the District and the Authority; and

WHEREAS, in conjunction with the acquisition of the District’s utility system by the Governmental Agency, the Governmental Agency assumed the obligations of the District payable from the revenues of such utility system, including the obligations under the Loans; and

WHEREAS, in connection with the assumption and refinancing of the Loans it is necessary and desirable that the Governmental Agency enter into Assumption and Supplemental Assistance Agreements with the Authority to formally assume the Loans; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF PIKEVILLE, KENTUCKY AS FOLLOWS:

SECTION 1. That the City Commission of the Governmental Agency hereby approves and authorizes the Assumption and Supplemental Assistance Agreements between the Governmental Agency and the Authority substantially in the forms on file with the Governmental Agency for the purpose of assuming the Loans.

SECTION 2. That the Mayor and City Clerk of the Governmental Agency be and hereby are authorized, directed and empowered to execute the Assumption and Supplemental Assistance Agreements and any other necessary documents or agreements, and to otherwise act on behalf of the Governmental Agency to effect such assumption.

SECTION 3. That this resolution shall take effect upon adoption as provided by law.

ADOPTED on December 8, 2008

By: /s/Frank Justice
Mayor

Attest:

/s/Rebecca Hamilton
City Clerk

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

- 1. Consider request to discuss and update on the SuddenLink Cable Franchise Agreement. Mayor opened the discussion. City Manager Donovan Blackburn stated that with his five years there have been concerns and the city was having a Public Hearing on January 6, 2009 so residents can voice their opinions of Pikeville primary cable provider. City manager Donovan Blackburn said a notice of default and a notice of non compliance had been sent to the cable providers. The notice of default was sent because a recent study undertaken by the City found SuddenLink was not in complaint with national electric codes. The study also found that Inter-Mountain cable also was out of compliance with electric codes. Both companies where sent a letter of default. Blackburn also stated that the City had been operating on the old ordinance while passing a new ordinance with both providers of service. Commissioner Jimmy Cater added that he would encourage everyone to come out to express their dissatisfaction and tell their family members as well to come out and express their dissatisfaction. Commissioner Carter stated that was the only way he felt the commission could get things done is to have a large vocal group to voice concerns about the cable service. Commissioner Gene Davis commented; the service has been poor, they have promised several times to fix by mid January. Commissioner Davis noted the Commission had been in several discussions with the cable provider SuddenLink in the City Conference Room. Commissioner Davis stated it is a serious situation to the Commission and to the customers out in the City. Commissioner Carter; stated that we have a community and a city to be proud of and it's sad to have a cable provider that has a snowy picture like you have got rabbit ears on your television. Carter stated we deserve more and the citizens deserve more and the city needed people to come out in force and let SuddenLink know we mean business. City Manager Donovan Blackburn**

added letters went out to residents and flyers are going out this week. City Attorney Rusty Davis; Echoed what Commissioner Carter had to say and added he needed the voices and surveys to if the City does not renew the agreement then there would more than likely be a federal court lawsuit. Mr. Davis; I have been dealing with them for 20 years. They need to comply with the Franchise Cable TV requirements. Mayor Frank Justice called for any additional comments or discussion, there being none the commission moved to next item on agenda.

2. City Manager requested for the City to authorize City Attorney Russell Davis to enter in and assist as a third party legal counsel on behalf of the Project Development Board regarding any legal services for the new Judicial Center being developed in the City of Pikeville on behalf of the Pike County Fiscal Court. City of Pikeville will be responsible for expenses due to Mr. Davis for his services that he will incur while assisting with this public project. No amount was discussed at this time. Commissioner Layne made the motion to approve the request. Commissioner Carter seconded the motion. Mayor Justice called for further discussion, there being none the motion passed unanimously.
3. Consider request to cancel December 22, 2009 Regular Scheduled Meeting. Commissioner Layne made the motion to approve. Commission Layne seconded the motion. Mayor Frank Justice called for discussion, there being none the motion carried unanimously.
4. Consider request to have special called meeting on January 6, 2009 at 6 p.m. for the main purpose of hosting a public hearing for public comments on the City of Pikeville Cable Franchise renewal other items will be added to the agenda as they come forward before the meeting. Commissioner Layne made the motion. Commissioner Chaney seconded the motion. Mayor Justice called for further discussion, there being none the motion passed unanimously.
5. Consider request to adopt new chapter 2.10 of City Personnel Policy Manual and to amend Chapter 3.1, 3.3, 3.15, 2.1 and pay rate chart as submitted. The later as submitted and documented will not take effect until July 1, 2009. Commissioner Carter made the motion to approve. Commissioner Layne seconded the motion. Mayor Justice called for discussion, there being none the motion passed unanimously.
6. Consider request to reclassify the position of 911 Coordinator to 911 Coordinator/Public Safety Director and approved amended job description and position pay rate chart. The position will be a salary position. Commission Chaney made the motion to approve. Commissioner Layne seconded the motion. Mayor Justice called for discussion, there being none the motion passed unanimously.

7. 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 Carter seconded the motion. Motion passed unanimously.
8. Commissioner Layne made motion to re-convene into regular session. Commissioner Carter seconded the motion.

E. Consent Items

December 22, 2008/ City Manager will be off.

January 6, 2009 Cable Franchise Public Hearing and Special Called Meeting.

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

The next scheduled meeting will be a Special Called Meeting of the City of Pikeville Board of Commissioners to be held January 6, 2009 time to be determined. There will be a Public Hearing at 6 p.m. on the same date as part of the Special Called Meeting.

APPROVED:



FRANKLIN D. JUSTICE, II, MAYOR

ATTESTED:



REBECCA HAMILTON, CITY CLERK