

**CITY OF PIKEVILLE
BOARD OF COMMISSIONERS
REGULAR MEETING MINUTES
September 27, 2010 AT 6:00 P.M.**

The Board of Commissioners for the City of Pikeville met in a regular called session on Monday, September 27, 2010. The meeting was held in the City Hall Conference Meeting Room located at 118 College Street, Pikeville, Kentucky.

There being a quorum present, Commissioner Jimmy Carter was voted in as Mayor Pro-Tem by the commission with no objections. Commissioner Carter called the meeting to order at 6:00 p.m. Commission Members present at roll call were as follows:

COMMISSIONER:	GENE DAVIS	Absent
	BARRY CHANEY	
	DALLAS LAYNE	
	JIMMY CARTER	
MAYOR:	FRANKLIN D. JUSTICE, II	Absent

MINUTES

The minutes for the previous regular meeting held on September 13, 2010 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. Commissioner/Mayor Pro-Tem Jimmy Carter called for discussion, there being none the motion carried unanimously. 3-0.

PAYMENT OF CITY BILLS

The City Manager Donovan Blackburn requested the approval to pay city bills in the amount of \$92,161.67. Commissioner Layne made the motion to approve. Commissioner Chaney seconded the motion. Commisisoner/Mayor Pro-Tem Carter called for further discussion, there being none, motion passed unanimously. 3-0.

BUSINESS FROM THE FLOOR

Tommy Thornsburgy was present from Cedar Hill Drive. Mr. Thornsburgy was there to see if the commissioners were aware of the water coming off the mountain behind

Peachtree Drive, which connects to Cedar Hill Drive. Commissioner Carter talks about the property and ask if the property has been reclaimed and if it was the old mine site. Commissioner Carter and City Manager Blackburn recall that there was a washout about 5 years ago in this same area. Mr. Thornsbury questions if the water pathway has been moved at the top of the mountain because he says there used to be equal amounts of water coming down both sides of the mountain and now there is an excessive amount coming down the side of Peachtree Drive. City Manager Donovan Blackburn suggest that the city engineer Jack Sykes takes down Mr. Thornsbury's information and arrange to go see what the issue might be. Mr. Thornsbury also asked if he could tag along when the city engineer went to investigate the area.

Gene Sysco was there on behalf of his daughter to talk about the Soccer Field. Mr. Sysco wants to see that his daughter can play soccer in a fashion that makes her proud. He said he believes it has been resolved in that the soccer team was given access to the football field for practice for the remainder of the season about twenty five minutes ago. City Manager addresses Mr. Sysco's concerns and lets him know that this has been the intent from day one and there has been some miscommunication. Mr. Blackburn tells Mr. Sysco of a conversation he had with the Superintendent and the Athletic Director about the soccer field; he lets Mr. Sysco know that some things were misinterpreted. It was decided that the kids above all else were taken care of. Commissioner Chaney talks to Mr. Sysco and tells him that we are very much interested in growing this program. Commissioner Chaney says that it was recommended that we get a regulation field so we are spending the money to do that. He goes on to emphasize that we are interested in our kids and want to see them succeed. Commissioner Carter agreed with Commissioner Chaney and says we are all about growing it. We want to do it the right way the first time. We want to say that there was never any restrictions on anybody practicing anywhere. They can practice anywhere you want to. The only thing we said is that we cannot have the wear and tear on the turf at Hambley because that was some of the issues we got into in having to replace the turf. I just want to make that clear, when we do something we want to do it right the first time. We feel like we have a top notch product up there.

BIG SANDY AREA DEVELOPMENT DISTRICT

Jeff Sizemore was present for the Big Sandy Area Development. Mr. Sizemore addressed the commission in reference to the Marion's Branch Sewer Project. The project continues to move forward and has a meeting this Tuesday at 11:30 a.m.

CITY ENGINEER

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

1. Consider a request to approve submitted invoice and to authorize payment to Summit Engineering, Inc. for \$4,753.60 for Administrative Cost, \$1,445.10 for Addendum #2 cost and \$13,000 for resident inspection cost for a total of \$19,198.70 for Marion Branch Sewer project as submitted and authorize the mayor pro-tem to sign and execute said pay request. Commissioner Chaney made the motion to approve. Commissioner Layne seconded the motion. Commissioner/Mayor Pro-Tem Carter called for comments, there being none the motion passed unanimously. 3-0.

2. Consider a request to approve submitted invoice and authorize payment to Summit Engineering, Inc. for \$939.92 for the Big Sandy Water Line Replacement Sewer Project as submitted and authorize the mayor pro-tem to sign and execute said pay request. Commissioner Layne made the motion to approve. Commissioner Chaney seconded. Commissioner/Mayor Pro-Tem Carter called for comments there being none the motion passed unanimously. 3-0.

3. Consider a request to approve pay request #4 to and authorize payment to H2O Construction Co. for \$280,612.90 for the Marion Branch Sewer Project as submitted and authorize the mayor pro-tem to sign and execute said pay request. Commissioner Chaney made the motion to approve. Commissioner Layne seconded. Commissioner/Mayor Pro-Tem Carter called for comments, there being none the motion passed unanimously. 3-0.

4. Consider a request to authorize a change order #1 as submitted to Overhead Door for the Bob Amos Soccer Fence project for \$5,944.00 and authorize the mayor pro-tem to sign and execute said change order. Commissioner Chaney made a motion to approve. Commissioner Layne seconded the motion. Commissioner/Mayor Pro-Tem Carter called for comments, there being none the motion passed unanimously. 3-0.

5. Consider a request to approve pay request #6 and authorize payment to Cumberland Pipeline for \$114,481.80 for the Sandy Valley Water Main replacement as submitted and authorize the mayor pro-tem to sign and execute said pay request. Commissioner Chaney made the motion to approve. Commissioner Layne seconded the motion. Commissioner/Mayor Pro-Tem Carter called for comments, there being none the motion passed unanimously. 3-0.

6. Consider a request to approve submitted invoice #53366 and to authorize payment to Summit Engineering, Inc. for \$10,875.97 for US23 Combined Sewer/Water project as submitted and authorize the mayor pro-tem to sign and

execute said pay request. Commissioner Layne made a motion to approve. Commissioner Chaney seconded the motion. Commissioner/Mayor Pro-Tem Carter called for comments, there being none the motion passed unanimously.3-0.

7. Consider a request to approve invoice #601501 and to authorize payment to Elliott Contraction for \$73,026.00 for the Bob Amos Bathroom/Concession stand project as submitted and authorize the mayor or mayor pro-tem, if necessary, to sign to execute said pay request. Commissioner Layne made the motion to approve. Commissioner Chaney seconded the motion. Commissioner/Mayor Pro-Tem Carter called for comments, there being none the motion passed unanimously. 3-0

8. Consider a request to approve a change order for Marion Branch sewer project to provide full hook-ups to all new sewer customers as submitted and to authorize the mayor or mayor pro-tem to sign and execute said change order. Commissioner Chaney made the motion to approve. Commissioner Layne seconded the motion. Commissioner/Mayor Pro-Tem Carter called for comments, there being none the motion passed unanimously. 3-0.

9. Consider a request to approve a change order for Mullins Addition Sewer as submitted and to authorize the mayor or mayor pro-tem to sign and execute said change order. Commissioner Chaney made the motion to approve. Commissioner Layne seconded the motion. Commissioner/Mayor Pro-Tem Carter called for comments, there being none the motion passed unanimously. 3-0.

CITY ATTORNEY

City Attorney Rusty Davis was absent therefore City Manager Donovan Blackburn had several items to read into record. (Commissioner Eugene Davis arrives)

1. Consider the request for a 2nd reading and passage of ordinance #0-2010-05 amending Chapter 92 Dilapidated Housing and Nuisance and to authorize the Mayor or Mayor Pro-tem to sign and execute said ordinance. The first reading was September 13, 2010. Commissioner Layne made a motion to approve. Commissioner Chaney seconded the motion. Commissioner/Mayor Pro-Tem Carter called for comments, there being none, mayor pro-tem called for roll call. Ordinance passed unanimously. 4-0.

AN ORDINANCE AMENDING CHAPTER 92

“DILAPIDATED HOUSING AND NUISANCES”

September 27, 2010 Regular Meeting

AS REQUIRED BY STATE OF KENTUCKY

ORDINANCE NO. 0-2010-015

WHEREAS, the City of Pikeville City Commission is amending Chapter 92 Dilapidated

Housing and Nuisances, sections 92.35 through 92.38 and Chapter 92.99 Penalty.

WHEREAS, this ordinance will take effect immediately upon passage and publication as

required by state statute.

NOW, THEREFORE, BE IT ORDAINED Chapter 92 "DILAPIDATED HOUSING AND

NUISANCES" sections 92.35 through 92.38 and Chapter 92.99 Penalty. is amended to read as follows:

LANDLORD LICENSING**§ 92.35 PROCEDURE; DURATION; LICENSE FEE.**

(A) Every person, individual, firm, owner, corporation, landlord, or combination thereof engaged in the business of leasing or renting of any apartment building, multiple unit, multiple dwelling units, or single-dwelling unit which has a separate power meter and is rented or leased for more than ~~ninety (90) sixty (60)~~ days to the same person or family regardless of whether the initial term is less than ~~ninety (90) sixty (60)~~ days if the term is routinely renewed for more than ~~ninety (90) sixty (60)~~ days, is hereby required to make application to and receive an annual license from the City ~~Clerk~~ Tax Office before engaging in the business. The annual license fee shall be the fee set forth in the business. The annual license fee shall be the fee set forth in Chapter 115 of this Code or Ordinances. Said applicant shall state ~~his~~ their name and address and identify the number of tenants occupying ~~his~~ their property and the location thereof. The tax office shall present an updated list of all license holders the first working day of each month. The City ~~Clerk~~ Tax Office shall issue said license if:

- (1) The applicant's property is not in violation of any ordinance of the city;
- (2) All city taxes and fees shall be fully paid; and
- (3) The applicant provides a full legal description of all parcels of property he rents.

(B) The Building Inspector is hereby empowered to revoke said license if it is discovered that the applicant has:

- (1) Misrepresented himself or the estate of his property;
- (2) Refused access to and premises for inspection as required in § 92.36; or
- (3) Unabated violations or more then 3 repeated violation on a same property in a 12 month period.

(C) Every person, individual, firm, owner, corporation, landlord, or combination thereof engaged in the business of leasing or renting of any apartment building, multiple unit, multiple dwelling units, or single-dwelling unit which has a separate power meter and is rented or leased for more than sixty (60) days to the same person or family regardless of whether the initial term is less than sixty (60) days if the term is routinely renewed for more than sixty (60) days, shall be required to pay a \$2.00 permit fee to the City Tax Office for each separate unit that they are renting. Said permit shall state the Landlord's name, address, contact number and e-mail address if one is available. The permit shall have the following information, the tenants name the location is rent or leased to, identify the number of tenants occupying ~~his~~ the specific property and the physical address of the rented or leased unit.

The Building Inspector is hereby empowered to revoke said permit for any individual unit or property if it is discovered that the applicant has:

- (~~3~~1) ~~His~~ Their property is or becomes in violation of any of the ordinances of the city and/or the statutes of the state, federal government or this chapter.
- (2) Misrepresented himself or the estate of their property;
- (3) Refused access to premises for inspection as required in § 92.36; or
- (4) Unabated violations or more a repeat violation on the same property.

§ 92.36 INSPECTION; ENFORCEMENT.

(A) The Building Inspector or other such appropriate public official as the City Commission or City Manager shall designate shall inspect each unit before it is reoccupied by tenants or may inspect every rental facility within every two (2) to five (5) years, whichever event is shorter, in addition to any other inspection required by law or herein to which an applicant for license or licenses shall consent, to determine the health and safety conditions of the apartment buildings, multiple dwellings, rooming houses, dwelling or dwelling units, within the city.

(B) For the purpose of making this inspection, the Building Inspector is hereby authorized to enter, examine, and survey at all reasonable times before the unit is reoccupied all apartment buildings, commercial buildings, multiple dwellings, rooming houses, dwellings, or dwelling units. The tenant or person in charge of an apartment building, commercial building, multiple dwelling, rooming house, dwelling, or dwelling unit shall give the Building Inspector free access only to the leased portion of same or central facility serving same for the purpose of such inspection, examination, and survey.

(C) The building inspector will access a fee \$25.00 inspection fee to the property owner each time an inspection occurs under the terms set forth by this chapter. If violations occur that cannot be corrected during the initial inspection then the property owner will be accessed a fee of \$10.00 for each return visit until which time the Building Inspector is satisfied that the violation(s) have been corrected.

§ 92.37 NOTICE OF REVOCATION HEARING.

The Building Inspector shall cause notice of the revocation of the permit or license to be served upon the licensee as provided for herein for violation of any of the provisions of this chapter. The permittee or licensee may request a hearing to the City Clerk in writing, as provided for in this chapter. A hearing shall be scheduled and heard by the cities Vacant Property Review Board within 30 days of the request. The owner may not allow another tenant to occupy their structure until which time all issues are remedied or until the hearing is concluded and the decision is rendered to allow tenants back into their structure.

§ 92.38 VIOLATION.

(A) Failure to secure a license in accordance with the provisions of this subchapter or failure to comply with any of the requirements of this subchapter is a punishable violation.

(B) If the Building Inspector determines there to be a violation of either federal, state or local regulations the landlords permit for that unit or if repete violation their license shall be revoked immediately until which time the item(s) are corrected. If a landlords permit or license is revoked then they shall not be permitted to allow their premises to be occupied by a tenant. When a violation occurs, the Building Inspector shall determine what city agency shall be contacted for their review, assessment, plan of action and possible penalty if applicable. If it is a violation of fire codes the City Fire Marshall shall be contacted to inspect for compliance before their permit or license may reinstated by the Building Inspector. If it is a violation of a building code the City Codes Enforcement Officer shall be contacted to inspect for compliance before their permit or license may be reinstated by the Building Inspector. If it is an environmental nuisance violation, the City Environmental Nuisance Officer shall be contacted to inspect for compliance before their permit or license may be reinstated by the Building Inspector. It is the Building Inspectors responsibility to determine if there is a violation and contact the appropriate department as explained for their determination if the item has been corrected to federal, state or local compliance. When the appropriate department is satisfied with the resolution they shall submit in writing to the Building Inspector their position. When the Building Inspector receives remedy statements from each department that all issues have been address it will then be the Building Inspector's responsibility to reinstate the landlords permit or license to continue to operate.

Penalty, see § 92.99

§ 92.99 PENALTY.

(A) (1) Except as otherwise provided in this section, any owner, his or her agent, and/or occupant who violates any provision of this chapter shall be issued a citation and fined for each violation as follows:

OFFENSE	FINE
(a) Environmental nuisance (§ 92.10), if not completed by specified date:	
First offense	\$75.00
Second offense	300.00
Third offense	1,000.00
(b) Litter, garbage, trash and weeds (§ 92.11), if not completed by specified date:	
First offense	
Second offense	75.00
Third offense	300.00
	1,000.00
(c) Abatement of environmental nuisance (§ 92.12), if not completed by specified date:	
First offense	
Second offense	75.00
Third offense <u>(and every offense thereafter)</u>	300.00
	1,000.00
(d) Dilapidated housing (§§ 92.20 - 92.29)	50.00
(e) Failure to acquire landlord (§§ 92.35 – 92.38 92.37)	25.00
<u>First offense</u>	<u>150.00</u>
<u>Second offense</u>	<u>300.00</u>

(f)	<u>Third offense (and every offense there after)</u>	<u>1,000.00</u>
	<u>Landlord Violations (92.38)</u>	<u>500.00</u>
(g)	Unreasonable and loud noises (§§ 92.50, 92.51)	25.00

(2) Each day in which such violation occurs shall constitute a separate offense. The fines set out above shall be in addition to any cost to remedy a condition or to repair, alter, improve, vacate or close a structure as provided for in § 92.23.

(B) The city may discontinue this utility service for any structure which is in violation of this chapter or for outstanding and delinquent fines assessed against the structure regardless of the person or persons assessed such fines.

(C) Any person who violates any provision of this chapter may become individually liable to the city or the owner or owners of property affected by violation of this chapter not only for the cost of abatement of the violation as provided for herein, but also for all costs, expenses, attorney fees and/or civil damages incurred by the city or other person affected by the violation of this chapter to enforce the provisions of this chapter for each parcel of real property found in violation for those periods as charged.

(D) (1) Upon conviction for a first offense for violating any provision of §§ 92.50 through 92.55, the court shall impose a fine of seventy-five dollars (\$75.00). The minimum fine imposed by this division (D)(1) shall be mandatory and the court shall not suspend or waive any portion of the minimum fine.

(2) Upon conviction for a second offense for violating any provision of §§ 92.50 through 92.55, the court shall impose a fine of one hundred fifty dollars (\$150.00). The minimum fine imposed by this division (D)(2) shall be mandatory and the court shall not suspend or waive any portion of the minimum fine.

(3) Upon conviction for a third or subsequent offense for violating any provision of §§ 92.50 through 92.55, the court shall impose a fine of three hundred dollars (\$300.00). The minimum fine imposed by this division (D)(3) shall be mandatory and the court shall not suspend or waive any portion of the minimum fine. Furthermore, the sound amplification system shall be forfeited, pursuant §§ 92.50 through 92.55.

(a) The sound amplification system shall be forfeited and shall be confiscated by order of the Pike District Court (or by the Pike Circuit Court if a civil forfeiture action be filed) upon the conviction of a person for a third violation.

(b) Upon an entry of an order of confiscation, the officer's designee shall conduct the removal of the sound amplification system. If the officer determines, in the officer's own discretion, that it is impractical to remove the sound amplification system at the scene of the violation, then the vehicle shall be impounded by the police for the limited purpose of the expedient removal of the sound amplification system.

The ordinance shall be in full force and effect after it is passed and published as required by law. The above ordinance was given first reading this ____ day of _____, 2010, the ordinance was given a second reading on the ____ day of _____, 2010.

Passed this ____ day of _____, 2010.

Commissioner _____ moved for the adoption of the forgoing ordinance.

Commissioner _____ seconded the motion.

Upon roll call, the votes were as follows:

	Yes	No
FRANK JUSTICE, MAYOR	___	___
GENE DAVIS, COMMISSIONER	___	___
DALLAS LAYNE, COMMISSIONER	___	___
JIMMY CARTER, COMMISSIONER	___	___
BARRY CHANEY, COMMISSIONER	___	___

The Mayor declared the within ordinance adopted.

FRANKLIN D. JUSTICE, II MAYOR

ATTEST:

REBECCA HAMILTON, CITY CLERK

2. Consider the request for a 2nd reading and passage of a summary ordinance #0-2010-016 which is an ordinance providing for the issuance of the City's General Obligation Bonds for Series 2010 and to authorize the Mayor or Mayor Pro-tem to sign and execute said ordinance. The first reading was September 13, 2010. Commissioner Layne made a motion to approve. Commissioner Chaney seconded the motion. Commissioner/Mayor Pro-Tem Carter called for comments, there being none, mayor pro-tem called roll call. Ordinance passed unanimously. 4-0.

SUMMARY OF BOND ORDINANCE
CITY OF PIKEVILLE, KENTUCKY

There follows a summary of an Ordinance of the City of Pikeville, Kentucky, adopted on September 27, 2010, identified by its title or caption as follows:

ORDINANCE NO. 0-2010-016

AN ORDINANCE OF THE CITY OF PIKEVILLE, KENTUCKY, PROVIDING FOR THE ISSUANCE OF THE CITY'S GENERAL OBLIGATION BONDS, SERIES 2010, FOR THE PURPOSES OF CURRENTLY REFUNDING THE CITY'S OUTSTANDING WATER AND SEWER SYSTEM REFUNDING REVENUE BONDS, SERIES 1998; AND PAYING COSTS OF CONSTRUCTING AND INSTALLING SEWER SERVICE ADDITIONS AND IMPROVEMENTS TO THE CITY'S COMBINED WATER AND SEWER SYSTEM; SETTING FORTH THE TERMS AND CONDITIONS UPON WHICH THE SERIES 2010 BONDS ARE 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 2010 BONDS; AND PROVIDING FOR A PUBLIC SALE OF THE SERIES 2010 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 currently refunding the City's outstanding Water and Sewer System Refunding Revenue Bonds, Series 1998 (the "1998 Obligations"), providing a portion of the funds necessary to construct and install sanitary sewer service additions and improvements to the City's combined and consolidated municipal water and sewer system, and paying related costs, the City authorizes the sale and issuance of its General Obligation Bonds, Series 2010 (the "Bonds"), in a principal amount of \$1,675,000 (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 February 1, 2011 - 2021, 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 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 Bonds become due, there shall be and there is hereby levied upon all of the taxable property within the City, beginning in 2010 and continuing in each year as long as any of the 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 Bonds and shall never be used for any other purpose. The City hereby covenants with the holders of the 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 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 February 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 Bonds for the preceding year ending February 1, to the extent not invested as hereinafter provided, shall be deposited in a bank or banks designated by the Mayor or the City Finance Director 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 September 13, 2010, and for second reading on September 27, 2010, 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 October __, 2010.

/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 the request for the reading and passage of an emergency ordinance #0-2010-021 fixing a tax levy on property tax for the City of Pikeville and authorize the Mayor Pro-Tem to sign and execute said ordinance. Commissioner Davis made a motion to approve. Commissioner Chaney seconded the motion. Commissioner/Mayor Pro-Tem Carter called for comments, there being none, mayor pro-tem called for roll call. Ordinance passed unanimously. 4-0.
4. Consider the request for a 1st reading of ordinance #0-2010-019 amending Chapter 121 Smoking Regulations as read into record. Second reading at next scheduled meeting.
5. Consider the request for a 1st reading of ordinance #0-2010-020 amending Chapter 90 Animals as read into record. Second reading at next scheduled meeting.
6. Consider the request for a 1st reading of ordinance #0-2010-022 as a supplement to the city bond ordinance as read into record. Second reading at next scheduled meeting.

CITY MANAGER

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

1. **Consider a request to designate Thursday October 28th as Trick or Treat night in the City of Pikeville between the hours of 6 pm and 8 pm. Commissioner Layne made the motion to adopt. Commissioner Davis seconded the motion. Commissioner/Mayor Pro-Tem called for further comments, there being none the motion passed unanimously. 4-0.**
2. **Consider a request to award a bid for a Waste Water Pump to Service Pump Supply for the amount of \$37,835.00 which was the low bid and to authorize payment. This is a capitol budget item. This item was tabled and later in the meeting rejected.**
3. **Consider a request to award a bid for a Sweeper Truck to CMI for the amount of \$139,938.00 which was the low bid, to authorize payment and authorize the city manager to sign all required paperwork to execute sale and place the title into the cities name. This is a capitol budget item. Commissioner Chaney made a motion to approve. Commissioner Layne seconded the motion. Commissioner/Mayor Pro-Tem Carter called for comments, there being none the motion passed unanimously. 4-0.**
4. **Consider award of contract to H2O for NRCS cleanup of Mays Branch in the amount of \$10,000 and to authorize the Mayor Pro-Tem to sign said contract**

- on the cities behalf. Commissioner Chaney made the motion to approve. Commissioner Davis seconded the motion. Commissioner/Mayor Pro-Tem Carter called for comments, there being none the motion passed unanimously. 4-0.
5. Consider a request to reject the bids for item #2 under city manager's report for a Waste Water Pump and authorize for the item to be placed back out for re-bid. Commissioner Chaney made a motion to approve. Commissioner Davis seconded the motion. Commissioner/Mayor Pro-Tem Carter called for discussion, there being none the motion passed unanimously. 4-0.
 6. Consider request pursuant to KRS 61.810 for a closed session for discussion of economic development, legal and personnel issues. Commissioner Davis made the motion. Commissioner Chaney seconded the motion. Commissioner/Mayor Pro-Tem Carter called for discussion, there being none the motion passed unanimously. 4-0.
 7. Commissioner Chaney made the motion to re convene. Commissioner Layne seconded the motion. Mayor Pro-Tem called for discussion, there being none the motion passed unanimously. 4-0. Mayor Commissioner/Pro-Tem Carter called the session back into order.
 8. Consider a request to authorize and approve the submitted Letter of Intent (LOI) between Texas Roadhouse and the City of Pikeville and authorize the Mayor or Mayor Pro-tem to sign and execute said LOI on the city's behalf. Also, to authorize the approval of a lease after review and approval by the City Manager and City Attorney and to authorize the Mayor or Mayor Pro-Tem to sign and execute said lease on the City of Pikeville's behalf and to authorize the city to approve the city engineer work on design and place to bid for site work necessary in order to complete the terms of the agreement by the City. Commissioner Chaney made the motion to approve. Commissioner Layne seconded the motion. Commissioner/Mayor Pro-Tem Carter called for comments, there being none the motion passed unanimously. 4-0.
 9. Consider a request to authorize and approve the submitted employment contract dated 9-27-2010 and all terms therein between the city of Pikeville and current city manager William Donovan Blackburn and to authorize the Mayor or Mayor Pro-tem to sign and execute said contract on behalf of the City of Pikeville. Commissioner Chaney made the motion to approve. Commissioner Layne seconded the motion. Commissioner/Mayor Pro-Tem Carter called for comments, there being none the motion passed unanimously. 4-0.
 10. Consider a request to authorize the city to post for new job opening for the position of Director of Economic Development and Grants at the city managers leisure prior to the end of the calendar year. Commissioner Chaney made a motion to approve. Commissioner Layne seconded the motion. Commissioner/Mayor Pro-Tem Carter called for comments, there being none the motion passed unanimously. 4-0.

11. Consider a request made by Commissioner Barry Chaney to authorize the City Manager Donovan Blackburn to be granted an additional 40 hours of vacation time. Commissioner Chaney made a motion to approve. Commissioner Layne seconded the motion. Commissioner/Mayor Pro-tem called for comments, there being none the motion passed unanimously. 4-0.
12. There being no further business to come before the Commission, Commissioner Chaney has made the motion to adjourn the meeting. Commissioner Layne seconded the motion. Commissioner/Mayor Pro-Tem Carter called for discussion, there being none the meeting was adjourned. 4-0

CONSENT ITEMS:**KLC Event and Award Announcement**

Pike County Library Board, Legislative Meet and Greet meeting on 10-18-10 from 5:30 pm until 7:00 pm. Entire commission is invited.

Nightmare on Main will be Tuesday, October 26th 2010

Heritage Museum unveils Daniel Boone exhibit at the Hampton Inn on Sunday, October 2nd, 2010 @ 4:00 pm

The next scheduled Regular Meeting of the City of Pikeville Board of Commissioners is October 11, 2010 at 6:00 p.m.

APPROVED:

FRANKLIN D. JUSTICE, II, MAYOR

ATTESTED:

CHRISTY BILLITER, CITY CLERK