

**CITY OF PIKEVILLE
BOARD OF COMMISSIONERS
REGULAR MEETING MINUTES
October 25, 2010 AT 6:00 P.M.**

The Board of Commissioners for the City of Pikeville met in a regular called session on Monday, October 25, 2010. The meeting was held in the City Hall Conference Meeting Room located at 118 College 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: GENE DAVIS
 BARRY CHANEY
 DALLAS LAYNE
 JIMMY CARTER**

MAYOR: FRANKLIN D. JUSTICE, II

MINUTES

The minutes for the previous regular meeting held on October 11, 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 Davis seconded the motion. Mayor Frank Justice called for discussion, there being none the motion carried unanimously. 5-0.

BUSINESS FROM THE FLOOR

Consider a request to adopt a resolution authorizing the east end of Keyser Heights 3 point turn lane to be designated as a no parking area as the area was included and marked on the map exhibit that shall be included as part of the record with the said resolution and to authorize the mayor to sign and execute the resolution. Commissioner Layne made a motion to approve. Commissioner Chaney seconded the motion. Mayor Justice called for comments, there being none the motion passed unanimously. 5-0.

A RESOLUTION DESIGNATING AS

**“NO PARKING” THE TURNABOUT
LOCATED AT THE END OF KEYSER**

October 25, 2010 Regular Meeting

HEIGHTS DRIVE.
R _____

WHEREAS, the Commission for the City of Pikeville has determined that the public street consisting of the turnabout located at the end of Keyser Heights Drive would best be suited as a “no parking” zone so that the property owners and other traffic coming to the end of Keyser Height Drive will be able to fully use the turnabout.

BE IT RESOLVED by the City of Pikeville that its Commission that the turnabout located at the end of Keyser Heights Drive be designated as a “no parking” zone, that the turnabout be so marked and the zone enforced as “no parking” consistent with the City’s ‘Parking Ordinance.’

Passed this 25th day of October, 2010.

_____ moved for the adoption of the foregoing ordinance.

_____ seconded the motion.

Upon roll call, the votes were as follows:

	<u>YES</u>	<u>NO</u>
FRANK JUSTICE, II, MAYOR	_____	_____
GENE DAVIS, COMMISSIONER	_____	_____
DALLAS LAYNE, COMMISSIONER	_____	_____
BARRY CHANEY , COMMISSIONER	_____	_____
JIMMY CARTER, COMMISSIONER	_____	_____

The Mayor declared the within ordinance adopted.

FRANK JUSTICE, II, MAYOR

ATTESTED:

CITY CLERK

PAYMENT OF CITY BILLS

The City Manager Donovan Blackburn requested the approval to pay city bills in the amount of \$146,499.52. Commissioner Davis made the motion to approve. Commissioner Carter seconded the motion. Mayor Justice called for further discussion, there being none, motion passed unanimously. 5-0.

Consider a request to approve and authorize payment to Utility Management Group in the amount of \$158,279.00 for the 2009-2010 fiscal year electrical cost. Commissioner Layne made the motion to approve. Commissioner Chaney seconded the motion. Mayor Justice called for comments, there being none the motion passed unanimously. 5-0.

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 has a progress meeting this Tuesday at 11:30 a.m. City Manager Donovan Blackburn adds that item #2 under city engineer is contingent upon the recommendation to pay in the progress meeting on Tuesday.

CITY ENGINEER

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

- 1. Consider a request to award the bid for the North Mayo Trail Fire Station to H2O Construction Company (who was the low bidder) in the amount of \$189,000.00, to authorize the mayor to sign an execute a contract for said project and to sign and execute the submitted notice to proceed. Commissioner Chaney made the motion to approve. Commissioner Layne seconded the motion. Mayor Justice called for comments, there being none the motion passed unanimously. 5-0.**
- 2. Consider a request to approve pay request #5 and authorize payment to H2O Contracting for \$476,606.45 for the Marion Branch Sewer project as submitted and authorize the mayor to sign and execute said pay request contingent upon the area development districts recommendation to pay during tomorrow's progress meeting. Commissioner Carter made the motion to approve. Commissioner Layne seconded the motion. Mayor Justice called for comments, there being none the motion passed unanimously. 5-0.**
- 3. Consider a request to approve pay request #5 and authorize payment to H2O Contracting for \$153,605.50 for the Mullins Addition Sewer project as submitted and authorize the mayor to sign and execute said pay request. Commissioner Chaney made the motion to approve. Commissioner Davis seconded the motion. Mayor Justice called for comments, there being none the motion passed unanimously. 5-0.**

- 4.** Consider a request to authorize and approve the submitted contract between the City of Pikeville and Summit Engineering for engineering services for the Billips Sewer project and to authorize the mayor to sign said contract. Commissioner Layne made the motion to approve. Commissioner Carter seconded. Mayor called for comments, there being none the motion passed unanimously. 5-0.
- 5.** Consider a request to approve invoice #53537 and authorize payment to Summit Engineering for \$10,322.58 for the Marion Branch Sewer project as submitted. Commissioner Layne made the motion to approve. Commissioner Carter seconded the motion. Mayor Justice called for comments, there being none the motion passed unanimously. 5-0.
- 6.** Consider a request to approve invoice #53538 and authorize payment to Summit Engineering for \$18,126.00 for US23 Waterline replacement project as submitted. Commissioner Carter made the motion to approve. Commissioner Layne seconded the motion. Mayor Justice called for comments, there being none the motion passed unanimously. 5-0.
- 7.** Consider a request to approve the submitted change order #1 with Cumberland Pipeline in the amount of \$30,840 for the Sandy Valley Water Main replacement as submitted which also includes a 45 day time line extension to the term of the contract and authorize the mayor to sign and execute said change request. Commissioner Carter made the motion to approve. Commissioner Layne seconded the motion. Mayor Justice called for comments, there being none, the motion passed unanimously. 5-0.
- 8.** Consider a request to approve pay request #7 and authorize payment to Cumberland Pipeline for \$79,016.85 for the Sandy Valley Water Main replacement project as submitted and authorize the mayor to sign and execute said pay request. Commissioner Chaney made the motion to approve. Commissioner Carter seconded the motion. Mayor Justice called for comments, there being none the motion passed unanimously. 5-0.
- 9.** Consider a request to authorize payment and approve the submitted change order #2 with Elliott Contracting in the amount of \$519.59 for the Bob Amos Bathroom project and to authorize the city manager to sign said change order. Commissioner Layne made the motion to approve. Commissioner Carter seconded the motion. Mayor Justice called for comments, there being none the motion passed unanimously. 5-0.
- 10.** Consider a request to authorize payment and approve the submitted change order #3 with Elliott Contracting in the amount of \$1,593.00 for the Bob Amos Bathroom project and to authorize the city manager to sign said change order. Commissioner Davis made the motion to approve. Commissioner Chaney

seconded the motion. Mayor Justice called for comments, there being none the motion passed unanimously. 5-0.

11. Consider a request to approve pay request #3 and authorize payment to Ohio Irrigation in the amount of \$12,416.50 for the Bob Amos Soccer Field Project. Commissioner Carter made the motion to approve. Commissioner Layne seconded the motion. Mayor Justice called for discussion, there being none motion passes unanimously. 5-0.

12. Consider a request to approve invoice #5 and authorize payment to Big Sandy Area Development District for \$7,500.00 for the Marion Branch Sewer project Administrative fees as submitted. Commissioner Davis made a motion to approve. Commissioner Carter seconded the motion. Mayor Justice called for comments, there being none the motion passed unanimously. 5-0.

CITY ATTORNEY

City Attorney Rusty Davis was present and had several items to read into record.

- 1. City Attorney Russell Davis gave the 1st reading of ordinance #0-2010-014 amending chapter 156 Zoning Code. Second reading at next scheduled meeting.**
- 2. Consider the request for a 2nd reading and passage of ordinance #0-2010-023 naming various un-named streets within the City of Pikeville limits. The first reading was October 11, 2010. Commissioner Carter made the motion to approve. Commissioner Layne seconded the motion. Mayor Justice called for comments, there being none, mayor called for roll call. Ordinance passed unanimously. 5-0.**

AN ORDINANCE NAMING UNAMED STREETS
OF NORTH RIDGELINE LANE, SOUTH RIDEGLINE LANE,
RIDGEVIEW DRIVE AND GRANDVIEW DRIVE

ORDINANCE NO. 0-2009-019

BE IT ORDAINED BY THE CITY OF PIKEVILLE that the unnamed street l be named as follows as described.

1. **North Ridgeline Lane**-Located at the end of East Chloe Ridge running north.
2. **South Ridgeline Lane**-Located at the end of East Chloe Ridge running south.
3. **Ridgeview Drive**-Located off of East Chloe Ridge Drive going by the City owned water tank.
4. **Grandview Drive**-Located at the end of Heather Lane above the city owned water tank

That this ordinance shall be in full force after it is passed and published as required by law.

The above ordinance was given first reading this ____ day of _____, 2010. At Pikeville, Kentucky, this ordinance was given a second reading on the ____ day of _____, 2010.

Passed this ____ day of _____, 2010.

Commissioner _____ moved the adoption of the foregoing Ordinance.

Commissioner _____ seconded the motion.

Upon call of the roll, the votes were as follows;

YES

NO

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

The Mayor declared the within Ordinance adopted.

FRANKLIN D. JUSTICE, II, MAYOR

ATTEST:

REBECCA HAMILTON, CITY CLERK

3. Consider the request for a 2nd reading and passage of ordinance #0-2010-017 amending the city's 2010-2011 operational budget. The first reading was on October 11, 2010. Commissioner Carter made the motion to approve. Commissioner Layne seconded the motion. Mayor Justice called for comments, there being none, mayor called for roll call. Ordinance passed unanimously. 5-0.

ORDINANCE AMENDING THE FISCAL BUDGET FOR THE 2010-2011 FISCAL YEAR

ORDINANCE NO. 0-2010-017

WHEREAS, certain additional information has come to the attention of the Finance Department which necessitates the amendment of the 2010-2011 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 2010-2011 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 _____, _____, 2010.

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

Passed, this ____ day of _____, 2010.

Commissioner _____ moved the adoption of the foregoing ordinance. Commissioner _____ seconded the motion.

Upon roll call, the votes were as follows:

	<u>YES</u>	<u>NO</u>
FRANKLIN D. JUSTICE, II MAYOR	_____	_____
JAMES A. CARTER, COMMISSIONER	_____	_____
EUGENE W. DAVIS, COMMISSIONER	_____	_____
DALLAS LAYNE, COMMISSIONER	_____	_____
BARRY N. CHANEY, COMMISSIONER	_____	_____

The Mayor declared the within Ordinance adopted.

FRANKLIN D. JUSTICE, II, MAYOR

ATTEST:

CHRISTY BILLITER, CITY CLERK

4. **City Attorney Russell Davis gave the 1st reading of ordinance #0-2010-024 amending Chapter 121 Smoking Regulations. Second reading at next scheduled meeting.**
5. **Consider the request to adopt a resolution authorizing the execution of a MOA as presented between Pikeville College and the City of Pikeville agreeing to undertake the issuance of bond anticipation notes and to authorize the mayor to sign and execute said resolution. Commissioner Davis made the motion to approve. Commissioner Chaney seconded the motion. Mayor Justice called for comments, there being none the motion passed unanimously. 5-0.**

RESOLUTION
SERIES 2010

A RESOLUTION OF THE CITY OF PIKEVILLE, KENTUCKY,
AUTHORIZING THE EXECUTION OF A MEMORANDUM OF
AGREEMENT BETWEEN PIKEVILLE COLLEGE, A
KENTUCKY NONPROFIT CORPORATION AND THE CITY
OF PIKEVILLE, KENTUCKY, A MUNICIPAL
CORPORATION RELATING TO THE ACQUISITION,
CONSTRUCTION, EQUIPPING, AND INSTALLATION OF A
FACILITY AT 147 SYCAMORE STREET, PIKEVILLE,
KENTUCKY FOR THE CONSTRUCTION, EQUIPPING,
FURNISHING AND INSTALLATION OF A NINE-STORY,
65,000 SQUARE FOOT CLINICAL FACILITIES BUILDING
(THE "PROJECT"); AGREEING TO UNDERTAKE THE
ISSUANCE OF EDUCATIONAL FACILITIES REVENUE
BOND ANTICIPATION NOTES AT THE APPROPRIATE
TIME TO FINANCE THE COSTS OF THE PROJECT; AND
TAKING OTHER PRELIMINARY ACTION.

WHEREAS, Pikeville College, a nonprofit corporation duly organized and existing under the laws of the Commonwealth of Kentucky, (the "College") as borrower, proposes to undertake an industrial building project, within the meaning of the Industrial Buildings for Cities and Counties Act, as amended, Sections 103.200 to 103.285 of the Kentucky Revised Statutes (the "Act") consisting of (i) the cost of the construction, equipping, furnishing and installation of a nine-story, 65,000 square foot clinical facilities building (the "*Project*") on property located at 147 Sycamore Street, in Pikeville, Kentucky, (ii) interest on the Notes during the period of construction of the Project, (iii) reimbursement to the College for costs of the Project, and (iv) the costs of issuing the Notes (collectively, the "*Project*") to be financed with the issuance of the City of Pikeville, Kentucky Fixed-Rate Educational Facilities Revenue Bond Anticipation Notes (Pikeville College of Osteopathic Medicine Project), Series 2010 (the "*Notes*");

WHEREAS, it has been determined that the City of Pikeville (the "Issuer") may assist the College by issuing the Notes to defray the costs of financing the Project and by entering into, at the appropriate time, a loan or lease agreement with reference thereto pursuant to authority of the Act, all in furtherance of the purposes of the Act and the public benefit of the residents and inhabitants of Issuer; such loan or lease agreement to be upon such terms and conditions as the Act may require and the Issuer may deem advisable; and

WHEREAS, the undertaking of the Project by the College will encourage the expansion of commerce in accordance with the public policy of the Commonwealth of Kentucky by promoting the economic development of the Commonwealth of Kentucky and the Issuer, will relieve conditions of unemployment,

will encourage the increase of industry and will improve the economic welfare of the inhabitants of the Issuer; and

WHEREAS, the Issuer is further authorized by the Act to issue bonds, which term under the Act encompasses bonds, variable rate bonds, commercial paper bonds, bond anticipation notes or any other obligations for the payment of money issued by a city, county or other authority pursuant to the Act, for the purpose of defraying the cost of acquiring, constructing, equipping and installing an industrial building or buildings, as defined in the Act; discussions have occurred between the College and the Issuer incident to the issuance of the Notes by the Issuer; the Issuer has agreed with the College to issue the Notes upon compliance by the College with certain conditions, requirements and obligations, and subject to the approval of the Issuer of the terms of all agreements, ordinances and other documents required incident to the Note issue; and the Issuer has authorized the College to proceed with the Project, subject to reimbursement of the initial costs of the Project from the proceeds of the Notes, when, as and if issued; and

WHEREAS, based upon an estimate of the costs of the Project, the Issuer proposes to issue the Notes in one or more series as determined by the College and agreed to by the Issuer in an amount not to exceed TWENTY SIX MILLION FIVE HUNDRED THOUSAND DOLLARS (\$26,500,000), such Notes to be sold and delivered by the Issuer to pay the costs of the Project, together with costs incident to the authorization, sale and issuance of such Notes, but with such contributions from the College as may be necessary; and

WHEREAS, the Issuer proposes to enter into at the appropriate time a loan or lease agreement with the College with respect to the Project, whereby the College will covenant and agree to pay amounts sufficient to provide for the payment of principal of and premium, if any, and interest on the Notes, together with all trustee and paying agents' fees in connection with the Notes as the same become due and payable; and the College will covenant and agree to pay, as the same shall become due, all taxes and government charges of any kind that may be lawfully assessed or levied against the Project; the liability of the College under this instrument or any other instrument related to the issuance of the Notes shall be limited to its interest in the Project to be financed thereby and no party shall have the right to obtain payment from the College or from any assets of the College other than such Project; and

WHEREAS, it is deemed necessary and advisable that a Memorandum of Agreement between the Issuer and the College be executed setting forth the preliminary agreements of the parties with respect to the financing of the Project, the issuance of the Notes to defray the costs thereof, and the payments to be made by the College with respect to the Project;

BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF PIKEVILLE AS FOLLOWS:

SECTION I: It is hereby found, determined and declared that (i) the recitals set forth in the preamble to this Resolution, which are incorporated in this Section by reference, are true and correct; (ii) the total amount of money necessary to be provided by the Issuer for the costs of the Project to be financed by the Notes is not expected to exceed TWENTY SIX MILLION FIVE HUNDRED THOUSAND DOLLARS (\$26,500,000); (iii) the College has represented that it will have sufficient financial resources to finance the Project and to place in operation and continue to operate, maintain and insure the Project throughout the term of the Note issue, meeting when due the obligations of the proposed loan or lease agreement; and (iv) sufficient safeguards will be provided by the loan or lease agreement to insure that all money provided from the proceeds of the sale of the Notes will be expended by way of direct expenditure or reimbursement, solely and only for the purposes of the Project.

SECTION II: It is hereby found, determined and declared that the financing of the Project will be paid out of the proceeds of the Notes and such contributions of the College as may be necessary to complete the Project as defined in the loan or lease agreement to be executed by and between the Issuer and the College at the appropriate time pursuant to the Act;

THAT NONE OF THE NOTES WILL BE GENERAL OBLIGATIONS OF THE ISSUER; THAT NEITHER THE NOTES NOR THE INTEREST THEREON SHALL CONSTITUTE OR GIVE RISE TO ANY INDEBTEDNESS OF THE ISSUER OR ANY CHARGE AGAINST ITS GENERAL CREDIT OR TAXING POWER, BUT THAT THE NOTES AND THE PAYMENT OF INTEREST THEREON SHALL BE SECURED AND PAYABLE SOLELY AND ONLY BY A PLEDGE OF AMOUNTS TO BE PAID BY THE COLLEGE UNDER SUCH LOAN OR LEASE AGREEMENT; AND THAT NO PART OF SAID COSTS WILL BE PAYABLE OUT OF ANY GENERAL FUNDS, REVENUES, ASSETS, PROPERTIES OR OTHER CONTRIBUTIONS OF THE ISSUER.

SECTION III: In order to induce the acquisition, construction, equipping and installation of the Project in the community with the resultant public benefits which will flow there from, it is deemed necessary and advisable that the Memorandum of Agreement hereinafter referred to be approved and executed for and on behalf of the Issuer. Accordingly, the Memorandum of Agreement by and between the College and the Issuer substantially in the form and with the contents set forth in EXHIBIT A attached hereto and incorporated herein by reference is hereby approved and the Mayor is hereby authorized and directed to execute and deliver said Memorandum of Agreement.

SECTION IV: Inasmuch as the Project is to be acquired, constructed, equipped and installed in order to conform to the requirements of the College, so that the College may provide additional industrial and economic development and employment to citizens and residents of the local community, and inasmuch as the College is particularly equipped to acquire, construct, equip and install the Project and possesses more expertise in such matters, it is hereby found, determined and declared that acquisition, construction, equipping and installation of the Project should be undertaken or caused to be undertaken by the College. Accordingly, the College is hereby authorized to formulate and develop plans for the acquisition, construction, equipping and installation of the Project and to enter into such contracts and undertakings as may be required for the acquisition, construction, equipping and installation of the Project (subject, if applicable, to Section V above).

SECTION V: This Resolution and the Memorandum of Agreement approved hereby constitute the present intent of the Issuer to issue the Notes at a later date; provided, however, it is acknowledged and agreed that prior to the actual issuance of the Notes, if to be tax-exempt, there must first be held a public hearing with reasonable public notice as required by the Tax Equity and Fiscal Responsibility Act of 1982.

SECTION VI: Stites & Harbison, PLLC is hereby approved as Note Counsel. Note Counsel is authorized and directed to take any legal action necessary or appropriate in connection with the issuance of the Notes. The City Attorney is authorized and directed to assist Note Counsel in any appropriate manner.

SECTION VII: No Issuer funds shall be expended on the Project, except such as are derived from Note proceeds.

SECTION VIII: To the extent any resolution, ordinance or part thereof is in conflict, the provisions of this Resolution shall prevail and be given effect.

SECTION IX: No recourse shall be had for the payment of the principal of or premium or interest on any of the Notes or for any claim based thereon or upon any obligation, covenant or agreement therein contained against any past, present or future officer, member, employee or agent of the Issuer, as such, either directly or through the Issuer, under any rule of law or equity, statute or constitution, or by the enforcement of any assessment or penalty or otherwise, and all such liability of any such officers, members, employees or agents as such shall be expressly waived and released as a condition of and consideration for the adoption of this Resolution and the issuance of the Notes.

SECTION X: The commitment of the Issuer pursuant to this Resolution is subject to the condition that on or before one year from the date hereof or such other date as shall be agreed upon by the Issuer, the Issuer

shall have agreed to acceptable terms and conditions with respect to the loan or lease agreement referred to in this Resolution and the details of the industrial building revenue bond financing.

SECTION XI: This Resolution shall be in full force and effect from and after its adoption as provided by law.

INTRODUCED, SECONDED, ADOPTED AND APPROVED at a duly convened meeting of the City Commission of the City of Pikeville, Kentucky held on the 25th day of October, 2010, signed in open session by the Mayor of his approval, attested under seal by the City Clerk, ordered to be filed and recorded as required by law, and declared to be in full force and effect according to law.

CITY OF PIKEVILLE, KENTUCKY

BY: _____
Franklin D. Justice II, Mayor

(SEAL)
ATTEST:

Christy Billiter, City Clerk

- 6. Consider the request to adopt a resolution as submitted and read for the purpose of authorizing the city attorney to intervene in a law suit with the Kentucky Coal Producers and the Commonwealth of Kentucky against the EPA regarding regulations set forth illegally by the EPA against Coal mining. Commissioner Chaney made the motion to approve. Commissioner Layne seconded the motion. Mayor Justice called for comments. Commissioner Davis states that if we do not oppose this it will be a destruction of life as we know it here in Eastern Kentucky. It will destroy us in our economy. Mayor Justice says that we want to join in on this and show our support. City Manager Donovan says that we are the first committee in the state of Kentucky to support the Coal Producer suit. Mayor Justice called for further discussion, there being none the motion passed unanimously. 5-0.**

A RESOLUTION AUTHORIZING THE INTERVENTION
BY THE CITY OF PIKEVILLE IN A FEDERAL COURT
SUIT STYLED KENTUCKY COAL ASS v. EPA et al
R _____

WHEREAS, the Commission for the City of Pikeville has determined that the public interest would be served by intervening in a lawsuit filed by the Kentucky Coal Ass and the Commonwealth of KY contesting EPA illegal action of blocking certain surface mining coal permits because of the negative economic impact upon the City and its Citizens.

BE IT RESOLVED by the City of Pikeville that the City Attorney is authorized to intervene into civil action styled KY Coal Ass and Commonwealth of KY v. EPA et al 7:10-cv-00125-ART pending in the Federal District Court at Pikeville.

Passed this 25th day of October, 2010.

_____ moved for the adoption of the foregoing ordinance.

_____ seconded the motion.

Upon roll call, the votes were as follows:

	<u>YES</u>	<u>NO</u>
FRANK JUSTICE, II, MAYOR	_____	_____
GENE DAVIS, COMMISSIONER	_____	_____
DALLAS LAYNE, COMMISSIONER	_____	_____
BARRY CHANEY , COMMISSIONER	_____	_____
JIMMY CARTER, COMMISSIONER	_____	_____

The Mayor declared the within ordinance adopted.

FRANK JUSTICE, II, MAYOR

ATTESTED:

CITY CLERK

CITY MANAGER

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

- 1. Consider a request to award the bid for City Police Vehicle and authorize payment to Walters Ford (who was the low bidder) in the amount of \$21,602.24 and to authorize the city manager to sign all required paperwork in order to purchase and place said vehicle into the City of Pikeville’s name. Commissioner Chaney made the motion to adopt. Commissioner Layne seconded the motion. Mayor called for further comments, there being none the motion passed. Commissioner Davis abstained and Commissioner Carter abstained. 3-2.**
- 2. Consider a request to approve and authorize a resolution as submitted and read for the purpose of a submittal of a grant on and for the city of Pikeville’s behalf for the purpose of purchasing a Early Warning Siren**

system and to authorize the Mayor to sign said grant on the city’s behalf. Commissioner Chaney made the motion to approve. Commissioner Davis seconded the motion. Mayor Justice called for further comments, there being none the motion passed. 5-0.

RESOLUTION

BE IT RESOLVED: by the Pikeville City Commission that we hereby authorize to execute on behalf of the City of Pikeville, a public entity established under the laws of the State of Kentucky, this application and to file it in the appropriate state office for the purpose of obtaining certain Federal financial assistance under the Kentucky Division of Emergency Management, Hazard Mitigation Grant program available from the Federal Emergency Management Agency (FEMA Region IV) for an emergency siren warning system in the amount of \$200,526.00. The maximum Federal share for HMGP project is 75%. The remainder of the project cost is to be matched at 12% by the State (\$24,063.12) and \$26,068.38 (13%) by the City of Pikeville.

THAT, the City of Pikeville, a public entity established under the law of the State of Kentucky, hereby authorizes its agent to provide to the State and to the Federal Emergency Management Agency (FEMA) for all matters pertaining to such Federal disaster assistance the assurance and agreements required for project application.

Passed and approved this 25th day of October, 2010.

Mayor, Franklin D. Justice, II

I, Christy Billiter, duly appointed City of Pikeville Clerk, do hereby certify that the above is a true and correct copy of a resolution and approved by the Pikeville City Commission. On the 25th day of October, 2010.

Christy Billiter, City Clerk

City Manager Donovan Blackburn announced the consent items for everyone to hear before closed session.

- 3. Consider request for closed session for discussion of economic development, legal and personnel issues. Commissioner Davis made the motion. Commissioner Carter seconded the motion. Mayor Justice called for discussion, there being none the motion passed unanimously. 5-0.**
- 4. Commissioner Carter made the motion to re convene. Commissioner Layne seconded the motion. Mayor Justice called for discussion, there being none the motion passed unanimously. 5-0. Mayor called the session back into order.**

5. Consider the request to authorize and approve a contract as submitted between the City of Pikeville and Sean Cochran for the purpose of lease and operations of the River-trails, RV Park Operation & Paddle Boating within the City of Pikeville and to authorize the mayor to sign and execute said contract on behalf of the City of Pikeville. Commissioner Carter made the motion to approve. Commissioner Chaney seconded the motion. Mayor Justice called for comments, there being none the motion passed unanimously. 5-0.
6. Consider a request to authorize the posting of the position of City Finance Director for the City of Pikeville. Sue Varney has announced her retirement as of December 31st 2010. Commissioner Chaney made a motion to approve. Commissioner Davis seconded the motion. Mayor Justice called for comments, there being none, the motion passed unanimously. 5-0.
7. There being no further business to come before the Commission, Commissioner Davis has made the motion to adjourn the meeting. Commissioner Chaney seconded the motion. Mayor Justice called for discussion, there being none the meeting was adjourned. 5-0

CONSENT ITEMS:

Pikeville Medical Center groundbreaking, October 26th 2010 at 1pm

Nightmare on Main will be Tuesday, October 26th 2010 from 5:30 pm until 8:30 pm

Judicial Center groundbreaking October 27th 2010 at 2 pm

Trick-or-treat Thursday. October 28th 2010 from 6 pm until 8 pm

Ground breaking of Special Needs park November 10th at 4 pm @ Bob Amos RV Park/ Soccer Field level

The next scheduled Regular Meeting of the City of Pikeville Board of Commissioners is November 8, 2010 at 6:00 p.m.

APPROVED:

FRANKLIN D. JUSTICE, II, MAYOR

ATTESTED:

CHRISTY BILLITER, CITY CLERK

October 25, 2010 Regular Meeting