

**CITY OF PIKEVILLE
BOARD OF COMMISSIONERS
REGULAR MEETING MINUTES
August 23, 2010 AT 6:00 P.M.**

The Board of Commissioners for the City of Pikeville met in a regular called session on Monday, August 23, 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**

BUSINESS FROM THE FLOOR

Consider the request to open the bid letter from RD for the “Series 2010S-2 Bonds” and to accept and award bid. Commissioner Chaney made a motion to approve. Commissioner Carter seconded the motion. Mayor Justice called for discussion, there being none the motion passed unanimously. 5-0.

Flora Adams was present and addressed the commission about the traffic flow on Park Street. She says that the people drive so fast that she is afraid that a child may get killed. She feels that there is a major, major problem on this street. She is wondering if there could be a three way stop sign put up in the area. She says there is nothing there. City Manager Donovan Blackburn says that there will be a motion made for a three way stop sign put in there. She also asked for an additional sign for slow 15mph sign or maybe a children playing sign along with additional patrolling in the area. Mayor Justice lets Flo know that Chief Adkins will be down to patrol and make sure the speed limit is posted. Ms. Adams addresses another issue with parking on the streets by Pikeville College students. She said she understands that it is first come first serve but she feels that it is being abused by the students. Mayor Justice said that we would check into it.

Judy Tackett was also present and wanted to address her situation with flooding and the drain tile that she feels is causing the issue. She says that her living room, kitchen, and bathroom were destroyed. She does not feel that it is right that she is living in the city and she is getting flooded. She feels if the drain was taken out and

something else was put in then it would eliminate the problem. She brought along pictures to show the Mayor. In order for the city to do anything about it the SPA has to approve it. Paul Maynard was familiar with the situation and gave the mayor and the commission an insight on the SPA's decision. Rusty gives his legal aspect on the matter. City Manager Donovan Blackburn gets to the issue that it is a private drain tile. The tile is on Mr. Bartley and Mr. Ray's property and Mrs. Tackett doesn't seem to think either of them would mind if the drain was taken out. Mayor Justice suggests why don't we have UMG go down and pull it out if everyone is ok with it.

Consider a request to adopt a resolution accepting Billips Lane as submitted by map from Bocook Engineering, Inc and is dated 8-23-2010 as project number 6802 into the cities road maintenance program, to include the bridge only if csx would waive their fees for the bridge all contingent upon the city engineer inspecting the road to ensure it meets the city specs and to authorize the mayor to sign and execute said resolution. Commissioner Carter made a motion to approve. Commissioner Layne seconded the motion. Mayor Justice called for discussion, there being none, the motion passed unanimously. 5-0. Mayor Justice thanked Ms. Billips for all she has done.

MINUTES

The minutes for the previous regular meeting held on August 8, 2010 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 Carter seconded the motion. Mayor Frank Justice called for discussion, there being none the motion carried unanimously. 5-0.

PAYMENT OF CITY BILLS

The City Manager Donovan Blackburn requested the approval to pay city bills in the amount of \$78,693.89. Commissioner Chaney made the motion to approve. Commissioner Davis seconded the motion. Mayor Justice called for further discussion, there being none, motion passed unanimously. 5-0.

BIG SANDY AREA DEVELOPMENT DISTRICT

Nikki Billiter was present for the Big Sandy Area Development. Mrs. Billiter addressed the commission in reference to the Marion's Branch Sewer Project. The project is on schedule.

CITY ENGINEER

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

PAY REQUEST #1: Consider request to approve pay request #1 and authorize payment to Ohio Irrigation Lawn Sprinkler for \$66,269.70 for Bob Amos Soccer Complex project as submitted and authorize the Mayor to sign and execute said pay 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.

PAY REQUEST #2: Consider request to approve pay request #2 and authorize payment to Ohio Irrigation Lawn Sprinkler for \$45,481.80 for Bob Amos Soccer Complex project as submitted and authorize the mayor to sign and execute said pay request. Commissioner Chaney made the motion to approve. Commissioner Davis seconded. Mayor Justice called for comments there being none the motion passed unanimously. 5-0.

CHANGE ORDER #1: Consider a request to approve a change order for the Bob Amos Concession/Bathroom project to Elliot Contracting for the purpose of adding a grease trap in the amount of \$1,684.81, authorize payment and the mayor to sign any required documents to execute said change order. Commissioner Chaney made the motion to approve. Commissioner Davis seconded. Mayor called for comments, there being none the motion passed unanimously. 5-0.

CHANGE ORDER #2: Consider a request to approve a change order for the Bob Amos Soccer complex project to KYOVA Lighting for additional concrete for the light poles in the amount of \$2,634.00, authorize payment and the mayor to sign any required documents to execute said change order. 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.

CITY ATTORNEY

City Attorney Rusty Davis was present and read into record the resolution in regard to awarding the bid to RD for the series 2010S-2 bond. 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.

A RESOLUTION ACCEPTING THE BEST AND ONLY BID RECEIVED FOR THE PURCHASE OF \$1,837,000 AGGREGATE PRINCIPAL AMOUNT OF THE CITY'S WATER AND SEWER REVENUE BONDS, TAXABLE SERIES 2010S-2

(BUILD AMERICA BONDS – DIRECT PAYMENT TO ISSUER), AS AUTHORIZED BY ORDINANCE OF THE COMMISSION, AND ESTABLISHING THE INTEREST RATE TO BE MADE APPLICABLE THERETO.

THE COMMISSION OF THE CITY OF PIKEVILLE, KENTUCKY, DOES HEREBY RESOLVE AS FOLLOWS:

Section 1. It is hereby determined and declared that the best and only bid received prior to 6:00 p.m., EDT (local time), on August 23, 2010, in accordance with the conditions of Bond sale, for the purchase of the City’s Water and Sewer Revenue Bonds, Taxable Series 2010S-2 (Build America Bonds – Direct Payment to Issuer), in the aggregate face amount of \$1,837,000 (the “Bonds”), was and is the bid of the U. S. Department of Agriculture, Rural Development (“USDA”), offering to purchase the Bonds at a price of \$1,837,000 (par) upon condition that the Bonds bear interest at the single uniform rate of 2.5% per annum. This USDA bid is found to be in conformity with the terms and conditions of the contemplated USDA loan to the District and is hereby accepted in the name and on behalf of the District. This bid, together with this Resolution of acceptance, shall constitute a firm contract for the purchase and sale of the Bonds. It is noted that as permitted in the Notice of Sale of Bonds and Official Notice of Bond Sale, no good faith check is attached to said bid.

Section 2. The Bonds shall bear interest from their date until paid at the rate set out in Section 1 above, and the printer may be instructed at the appropriate time to proceed with the preparation of the Bonds.

Section 3. This Resolution shall be in full force and effect from and after its adoption.

Franklin D. Justice II, Mayor
City of Pikeville, Kentucky

Attest:

City Clerk

The motion for the adoption of the Resolution was seconded by Commissioner _____. After full discussion, the Mayor put the question, and the following voted:

Voting “Aye”: Barry Chaney, Eugene Davis, Dallas Layne, Jimmy Carter, and Franklin D. Justice II.

Voting “Nay”: None.

The Mayor then announced that the Resolution had been duly adopted, signed it, caused it to be attested by the City Clerk and declared it was in full force and effect.

* * *
(Other Business)
* * *

There being no further business, on motion and vote, the meeting was duly adjourned.

Franklin D. Justice II, Mayor
City of Pikeville, Kentucky

Attest:

City Clerk

Certification

The undersigned, City Clerk of the City of Pikeville, Kentucky, does hereby certify that the foregoing is a true and complete copy of excerpts of the minutes of a regular meeting of the City Board of Commissioners duly and properly held on August 23, 2010, insofar as the same are pertinent to the adoption of the Resolutions identified therein and to the sale of \$1,837,000 City of Pikeville Water and Sewer Revenue Bonds, Taxable Series 2010S-2 (Build America Bonds – Direct Payment to Issuer), and the establishment of the interest rate which shall be applicable thereto. The meeting was held in accordance with the Board of Commissioners’ regular meeting schedule duly adopted and made available to the public in compliance with KRS 61.820.

WITNESS my hand this _____day of August, 2010.

City Clerk

ORDINANCE 0-2010-13

Mr. Davis also read into record the 2nd reading of an Ordinance providing for the acquisition, construction, and installation of water and sewer services. 1st reading of this Ordinance was on August 8, 2010. Commissioner Layne made the motion to adopt. Commissioner Chaney seconded the motion. Mayor Justice called for comments, there being none, Ordinance adopted unanimously by a roll call vote . 5-0.

SUMMARY OF ORDINANCE

CITY OF PIKEVILLE, KENTUCKY

There follows a summary of an Ordinance of the City of Pikeville, Kentucky (the “City”), identified by its title as follows:

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF PIKEVILLE, KENTUCKY, PROVIDING FOR THE ACQUISITION, CONSTRUCTION AND INSTALLATION OF MAJOR WATER AND SEWER SERVICE ADDITIONS AND IMPROVEMENTS TO THE CITY’S COMBINED WATER AND SEWER SYSTEM; AUTHORIZING THE ISSUANCE OF THE CITY’S WATER AND SEWER REVENUE BONDS, TAXABLE SERIES 2010S-2 (BUILD AMERICA BONDS – DIRECT PAYMENT TO ISSUER), TO PAY A PORTION OF THE COSTS THEREOF, SUCH BONDS TO BE ISSUED IN ACKNOWLEDGMENT OF THE SECURITY RIGHTS OF THE HOLDERS OF CERTAIN PREVIOUSLY ISSUED AND OUTSTANDING BONDS AND OBLIGATIONS; CONFIRMING AND CONTINUING PROVISIONS FOR THE COLLECTION, SEGREGATION, DISTRIBUTION AND DISBURSEMENT OF THE REVENUES OF THE SYSTEM, AND FOR THE ALLOCATION THEREOF TO VARIOUS SPECIAL FUNDS PREVIOUSLY CREATED, IN ORDER TO PROVIDE FOR THE ORDERLY PAYMENT OF THE PRINCIPAL OF AND INTEREST ON THE BONDS HEREIN AUTHORIZED; CONFIRMING AND CONTINUING CONDITIONS AND RESTRICTIONS UNDER WHICH ADDITIONAL BONDS MAY BE ISSUED IN THE FUTURE, PAYABLE FROM SUCH REVENUES AND RANKING ON A BASIS OF PARITY WITH THE BONDS HEREIN AUTHORIZED AND OTHER PARITY BONDS OUTSTANDING; PROVIDING FOR THE RIGHTS

OF THE HOLDERS OF THE BONDS HEREIN AUTHORIZED AND THE ENFORCEMENT THEREOF; AND PROVIDING FOR AN ADVERTISED, PUBLIC, COMPETITIVE SALE OF THE BONDS HEREIN AUTHORIZED.

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.

Summary

The City has authorized the construction and installation of major water and sewer service improvements and additions (the "Project") to its combined municipal water and sanitary sewer system (the "System"), all substantially according to plans and designs prepared by Summit Engineering. The System will continue to be municipally owned and operated by the City for the security of the Bonds hereinafter identified. To pay a part of the costs of the Project, there are authorized to be issued the City's Water and Sewer Revenue Bonds, Taxable Series 2010S-2 (Build America Bonds – Direct Payment to Issuer) (the "Bonds"), in the aggregate principal amount of \$1,837,000, payable solely from the revenues of the System as provided below. The Bonds shall be offered for public sale. The Bonds shall mature as to principal in varying amounts on January 1 in each of the years 2013 through 2050, as set forth in the maturity schedule, and shall bear interest annually at rates established by competitive bidding. The Bonds will be payable solely from the revenues of the System, subject and subordinate to the prior pledges and rights existing in favor of certain Prior Obligations, as such capitalized term is defined in the Ordinance.

Proceeds of the Bonds shall be deposited in a Construction Fund and used in paying costs of the Project, including reimbursing the City for its previous payment of such costs. Provision is made for the operation and maintenance of the System, for the segregation, allocation and custody of revenues of the System into various funds and for the enforcement of payment of the outstanding Bonds so long as they are outstanding. Various covenants are made to the holders of the Bonds, including covenants to own and operate the System on a revenue-producing basis, to establish and collect sufficient rates, to make an annual budget, to segregate revenues according to the applicable bond ordinances, to keep proper books of record and account and to provide financial statements each fiscal year, to maintain certain kinds and levels of insurance and to enforce delinquent payments according to law and said ordinances. The City may issue bonds on a parity with the Bonds under certain conditions and, additionally, the issuance of subordinate obligations is authorized.

* * *

The foregoing provisions, including the title 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 Ordinance was approved by the Board of Commissioners of the City for first reading on August 9, 2010, and for second reading on August 23, 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 Mary C. Garris of Stoll Keenon Ogden PLLC, Attorneys at Law, 2000 PNC Plaza, Louisville, Kentucky 40202.

WITNESS my hand this __ day of August, 2010.

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 Ordinance was prepared by the undersigned and constitutes a general summary of certain essential

provisions of the designated Ordinance, reference to the full text of which Ordinance is made for a complete statement of its provisions and terms.

/s/ Mary C. Garris
Mary C. Garris
Stoll Keenon Ogden PLLC
2000 PNC Plaza
Louisville, Kentucky 40202

CITY MANAGER

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

- 1. Consider request to place a 3 way stop at Park Street as discussed during business from the floor. Commissioner Chaney made the motion to adopt. Commissioner Davis seconded the motion. Mayor called for further comments, there being none the motion passed unanimously. 5-0.**
 - 2. Consider a request to hire Samantha Rogers as a Administrative Desk Clerk at the city pay scale for said position contingent upon passing required pre-employment test. 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.**
 - 3. Consider a request to adopt a proclamation honoring Devin Porter for the accomplishment of achieving the rank of Eagle Scout. Commissioner Carter made the motion. Commissioner Layne seconded the motion. Mayor Justice called for comments, there being none the motion passed unanimously. 5-0.**
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Proclamation

*Of Accomplishment for
Devin Duane Porter*

By

*Mayor Frank Justice, II
& Pikeville City Commission
City of Pikeville, Kentucky*

Whereas, the Pikeville City Government recognizes the outstanding accomplishment of Devin Duane Porter who has earn the high rank of an Eagle Scout.

Whereas, through his hard work and determination he is rewarded and acknowledged through his accomplishing this title that he shall wear as a badge on honor throughout his entire life.

Whereas, the Pikeville City Commission does recognize that Mr. Porter has demonstrated tremendous dedication in his efforts to service others and posses the necessary skills to execute the duties of this prestigious position.

Therefore be It Resolved that I, Frank Justice, II, Mayor of Pikeville KY do hereby acknowledge the accomplishment of Devin Duane Porter this 23rd day of August, 2010.

Given under my hand this 23rd day of August, 2010.

Mayor, City of Pikeville KY

4. Consider a request to approve submitted contract between the city of Pikeville and the Pikeville Housing Authority and authorize the mayor to sign said contract. Commissioner Chaney made a motion to approve. Commissioner Davis seconded the motion. Mayor Justice called for discussion, there being none the motion passes unanimously. 5-0.
5. Consider request for closed session pursuant to KRS 61.810 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.
6. Commissioner Chaney made the motion to re convene. Commissioner Carter seconded the motion. Mayor Justice called for discussion, there being none the motion passed unanimously. 5-0. Mayor called the session back into order.
7. Consider a request to award the bid from the RFP for vending machine services to Pepsi at the submitted terms, conditions and price of the RFP as submitted and to authorize the City Manager to sign the contract on the cities behalf. To also approve the submitted vending filling services contract and to authorize the City Manager to negotiate a price and hire an outside contractor for the purpose of filling the cities vending machines per the terms and conditions of the submitted contract and to sign and execute said contract on the cities behalf. Commissioner Layne made the motion to

- approve. Commissioner Chaney seconded the motion. Mayor Justice called for discussion, there being none, the motion passed unanimously. 5-0.
8. Consider a request to reclassify Jesse Bowling's job position to the Director of Events & Projects, to amend his job description to reflect the new title and approve the amended city pay chart as submitted for said position. Commissioner Chaney made the motion to approve. Commissioner Layne seconded the motion. Mayor Justice called for discussion, there being none, the motion passed unanimously. 5-0.
 9. There being no further business to come before the Commission, Commissioner Davis has made the motion to adjourn the meeting. Commissioner Layne seconded the motion. Mayor Justice called for discussion, there being none the meeting was adjourned. 5-0

CONSENT ITEMS:

Kentucky Annual Telecommunication Conference August 31st

Department of Local Government September 8th through 10th

Kentucky League of Cities Annual Conference September 14th through 17th

Pike County Housing forum August 27th 2010 at EKEC from 1:30 until 3:00

The next scheduled Regular Meeting of the City of Pikeville Board of Commissioners is September 13, 2010 at 6:00 p.m.

APPROVED:

FRANKLIN D. JUSTICE, II, MAYOR

ATTESTED:

CHRISTY BILLITER, CITY CLERK