

**CITY OF PIKEVILLE
BOARD OF COMMISSIONERS
REGULAR MEETING MINUTES
April 11, 2011 AT 6:00 P.M.**

The Board of Commissioners for the City of Pikeville met in a regular called session on Monday, April 11, 2011. 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 March 28, 2011 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.

PAYMENT OF CITY BILLS

The City Manager Donovan Blackburn requested the approval to pay city bills in the amount of \$855,016.63. 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

Denise Thomas was present for the Big Sandy Area Development. Ms. Thomas addressed the commission in reference to the Marion's Branch Sewer Project. The CDBG funding associated with Marion's Branch Project is being monitored by DLG and that should be done through the end of April. Project administrator will

be back to work with the staff. Mayor asked, “So we can go back to CDBG again?” And Ms. Thomas answered, “That’s right.”

CITY ENGINEER

Jack Sykes with Summit Engineering, Inc. was absent; however, several requests were submitted to the commission for approval.

1. Consider a request to authorize payment and approve the submitted invoice #56142 with Summit Engineering for \$9,350.00 for US23 Water Line Project. 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.
2. Consider a request to authorize payment and approve the submitted invoice #56140 with Summit Engineering for \$9,597.10 for Marion Branch Sewer Project. Commissioner Carter made the motion to approve. Commissioner Davis seconded. Mayor Justice called for comments there being none the motion passed unanimously. 5-0.
3. Consider a request to approve the submitted change order request #3 for the Marion Branch Sewer project with H2O Construction for \$95,225.00 as submitted and to authorize the mayor to sign said change order contingent upon funding being approved and available by the funding agency. Commissioner Chaney made the motion to approve. Commissioner Layne seconded. Mayor called for comments, there being none the motion passed unanimously. 5-0.
4. Consider a request to approve the submitted pay request #9 for the US23 Water Line project with H2O Construction for \$126,117.25 as submitted and to authorize the mayor to sign said change order. Commissioner Chaney made the motion to approve. Commissioner Davis seconded the motion. Mayor Justice called for comments. Mayor asked City Manager, “Does that close that out Donovan? Is that it?” City Manager answers, “If not, there might be one more.” Mayor Justice called for further comments, there being none, the motion passed unanimously. 5-0.
5. Consider a request to approve the submitted pay request #10 for the Marion Branch Sewer Project with H2O Construction for \$208,026.25 as submitted and to authorize the mayor 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.

CITY ATTORNEY

City Attorney Russell Davis was present and presented the commission with two ordinances.

ORDINANCE #0-2011-009

Consider a 2nd reading and adoption of ordinance #0-2011-009 amending the City of Pikeville 2010-2011 operational budget. Commissioner Davis made a motion to approve. Commissioner Chaney seconded the motion. Mayor Justice called for comments, there being none, Mayor called roll call. Ordinance passed unanimously. 5-0.

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

ORDINANCE NO. 0-2011-009

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 March 28th, 2011.

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 _____, 2011.

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:

MELANIE STEVENS, CITY CLERK

ORDINANCE #0-2011-010

Consider a 1st reading of an ordinance relation to alcohol sales for the City of Pikeville. No further action was required at this time. Second reading will take place at next scheduled meeting.

CITY MANAGER

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

1. Consider request to appoint Sam Carter to the position of city hearing officer. Commissioner Layne made the motion to adopt. Commissioner Davis seconded the motion. Mayor called for comments. Mayor Justice asked, "Who is the city hearing officer now?" City Attorney Rusty Davis responds that Ben Adkins was once our hearing officer, we have had very few of them. Mayor called for further comments, there being none the motion passed unanimously. Commissioner Carter abstained. 5-0.
2. City Attorney Rusty Davis presented the commission with a request to adopt an "Amended/restated resolution approving the Pikeville College Bond Issue" and to authorize the mayor to sign and execute said resolution. Commissioner Carter made the motion to approve. Commissioner Chaney seconded the motion. Mayor Justice called for further comments, there being none the motion passed. 5-0.

AMENDED RESOLUTION NO. _____ Series 2011

AN AMENDED RESOLUTION (THE "AMENDED RESOLUTION") AMENDING RESOLUTION NO. 31 ADOPTED DECEMBER 13, 2010, AND AUTHORIZING (A) THE ISSUANCE OF CITY OF PIKEVILLE, KENTUCKY FIXED RATE EDUCATIONAL FACILITIES REVENUE BOND ANTICIPATION NOTES (PIKEVILLE COLLEGE OF OSTEOPATHIC MEDICINE PROJECT), SERIES 2011 IN AN AMOUNT NOT TO EXCEED \$26,500,000 (THE "NOTES") AND; (B) THE EXECUTION AND DELIVERY OF (I) A TRUST INDENTURE BETWEEN U.S. BANK NATIONAL ASSOCIATION, AS TRUSTEE (THE "TRUSTEE") AND THE CITY OF PIKEVILLE, KENTUCKY (THE "ISSUER") SECURING THE NOTES, (II) A LOAN AGREEMENT BETWEEN THE ISSUER AND PIKEVILLE COLLEGE (THE "COLLEGE") REGARDING THE NOTES, (III) A NOTE PURCHASE AGREEMENT AMONG THE ISSUER, THE COLLEGE AND

MORGAN KEEGAN & COMPANY, INC. (THE “UNDERWRITER”) IN CONNECTION WITH THE NOTES, (IV) A PRELIMINARY OFFICIAL STATEMENT AND AN OFFICIAL STATEMENT RELATING TO THE ISSUANCE AND SALE OF THE NOTES, AND (V) ANY AND ALL OTHER RELATED DOCUMENTS; AND THE TAKING OF OTHER RELATED ACTION.

3. Consider a request to name Mayor Justice as the Chairman of the Marion Branch advisory board, Barry Chaney as the Vice-Chairman, and Wayne T. Rutherford as the Secretary. Commissioner Carter 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 Manager Donovan Blackburn announced the consent items for the Mayor and the Commissioners to hear.

4. Pursuant to KRS 61.810, 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.
5. Commissioner Carter made the motion to re convene. Commissioner Chaney seconded the motion. Mayor Justice called for discussion, there being none the motion passed unanimously. 5-0. Mayor called the session back into order.
6. Consider a request to authorize the terms of a settlement agreement between the City of Pikeville and Pikeville/ Pike County airport board by authorizing the acceptance by the airport board to pay 1 of the 2 years of occupational tax owned by their employees and to waive all late fees and penalties for the same 2 year period. Commissioner Chaney made a motion to approve. Commissioner Carter seconded the motion. Mayor Justice called for comments, there being none, the motion passed unanimously. 5-0.
7. Consider a request to approve the revised city pay chart dated April 11th 2011 as submitted. Pay chart did not reflect any rate changes, was submitted to correct and delete job descriptions. Commissioner Carter made a motion to approve. Commissioner Layne seconded the motion. Mayor Justice called for comments, there being none the motion passed unanimously. 5-0.
8. City Attorney Rusty Davis presented the following:
The Commission for the City of Pikeville having recognized that over the course of the last year the City Manager has performed extra work and taken on additional duties that were outside of the work and duties provided for in his contract for City Manager and/or exceeded the Commission’s expectation of the duties to be performed by the City Manager which

additional undertakings resulting in the City Manager working and traveling more hours than was expected of him over the course of the last year and recognizing that over this period of time the City Manager was not compensated for all of the work performed, duties assumed and responsibilities undertaken (these extra duties including the negotiation for and acquisition of the East Kentucky Exposition Center, acquisition of the Marion Branch properties from the Pike County Airport Board, serving as a Board Member and involvement with the Kentucky League of Cities and the National League of Cities, Member of State Chamber of Commerce Economic Development Committee, Pike County Justice Center Planning Development Board Member, Member of the Marion Branch Development Advisory Board, Vice-Chair of the Pike TV Executive Board, and the overseeing of an exceptional expansion of the City's corporate boundaries and utilities as the result of heavily contested annexations, all of which inure to the prosperity and recognition of the City of Pikeville);

NOW THEREFOR, in recognition of the above preamble; The Commission for the City of Pikeville does hereby so order and move to issues to the City Manager, Donovan Blackburn, a single retroactive pay increase for the period of April 1, 2010 and ending on April 1, 2011 in the sum of twenty thousand dollars (\$20,000.00), said sum to be paid immediately.

Commissioner Chaney made a motion to approve. Commissioner Layne seconded the motion. Mayor Justice called for comments, 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:

- 1. Autism Awareness Walk will be April 30th on the plaza of the EXPO center, 10am – 1pm.**
- 2. PRIDE Clean Up at Bob Amos with Pikeville Daisy Troops April 25th @ 6pm.**
- 3. Sister City Ankang China Delegation arrive in Pikeville April 12th and 13th 2011; Banquet for Commission April 12th at 6:30 pm at Expo Center**
- 4. Hillbilly Days April 14th through 16th 2011 – City Hall closed Thursday, Friday & Saturday**
- 5. East Leadership KY Conference April 28th & 29th 2011**
- 6. Muscle on Main will feature Kentucky Speedway at Hillbilly Days and HCIJ April 14/15th**
- 7. Town Hall Forum, East KY Expo Center on April 26th, 2011 to discuss the Marion Branch Project & Expo Center. Donovan Blackburn, Mayor Frank Justice and Commissioner Barry Chaney will be guest speakers.**

The next scheduled Regular Meeting of the City of Pikeville Board of Commissioners is April 25, 2011 at 6:00 p.m.

APPROVED:

FRANKLIN D. JUSTICE, II, MAYOR

ATTESTED:

CHRISTY BILLITER, CITY CLERK