

**CITY OF PIKEVILLE
BOARD OF COMMISSIONERS
SPECIAL MEETING MINUTES
February 21, 2011 AT 6:00 P.M.**

The Board of Commissioners for the City of Pikeville met in a special called session on Monday, February 21, 2011. The meeting was held in the City Hall Conference Meeting Room located at 118 College Street, Pikeville, Kentucky.

(1) There being a quorum present, Mayor Franklin D. Justice, II 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

(2) The minutes for the previous special meeting held on February 16, 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 Chaney seconded the motion. Mayor Franklin D. Justice, II called for discussion, there being none the motion carried unanimously. 5-0.

(4) Consider request for a 2nd reading by City Attorney Russell Davis and the adoption of ordinance #0-2011-006 amending Chapter 31 City Officials. Commissioner Chaney made the motion to approve. Commissioner Davis seconded the motion. Mayor Justice called for discussion, there being none, Mayor called roll call. Motion passed unanimously. 5-0.

**AN ORDINANCE RELATED TO THE AMENDMENT
OF CHAPTER 31 "CITY OFFICIALS" AMENDING THE
LANGUAGE FOR THE POSITIONS OF CITY CLERK,
FINANCE DIRECTOR, DIRECTOR OF TAX ADMINISTRATION,
AND CITY MANAGER WHILE OMITTING THE POSITIONS
OF TREASURER CONTROLLER & SUPERINTENDENT
OF PUBLIC WORKS UNDER SECTIONS 31.36, 31.39 AND 31.41**

February 21, 2011 Special Meeting

ORDINANCE #0-2011-006

NOW, THEREFORE, BE IT ORDAINED by the City of Pikeville that Chapter 31 is amended as follows:

CHAPTER 31: CITY OFFICIALS***NONELECTED CITY OFFICIALS*****§ 31.35 ESTABLISHMENT OF NONELECTED CITY OFFICES.**

- (A) All nonelected city offices shall be created by ordinance which shall specify:
- (1) Title of office;
 - (2) Powers and duties of office;
 - (3) Oath of office;
 - (4) Bond, if required; and
 - (5) Compensation, which may be specifically established or set by reference to another ordinance in which the compensation is specifically established.
- (B) All nonelected city officers shall be appointed by the Board of Commissioners.
- (C) All nonelected officers may be removed by the Board of Commissioners at will unless otherwise provided by statute or ordinance.

Statutory reference:

Nonelected city offices, see KRS 83A.080(1), (2)

§ 31.36 ~~FINANCE DIRECTOR/CITY CLERK/TAX ADMINISTRATOR.~~ FINANCE DIRECTOR, CITY CLERK AND DIRECTOR OF TAX ADMINISTRATION.

- (A) The city hereby establishes the office of ~~Finance Director/City Clerk/Tax Administrator~~ Finance Director, City Clerk and Director of Tax Administration.
- (B) ~~The duties and responsibilities of this office shall include, but are not limited to the following:~~ The duties and responsibilities of the various positions and responsibilities of these offices shall be set by the commission through the adoption of their city job descriptions. The duties and responsibilities shall also include any KRS that is specific to the various positions.
- ~~— (1) Be responsible for the efficient operation of the finances of the city, including but not limited to the preparation and signing of all checks, the preparation and submission of monthly financial reports, attendance at all meetings of the Board of Commissioners (for which no overtime will be paid, but compensatory time off shall be available as needed), be in complete charge of all accounting for all departments of the city, receive and deposit all funds of the city and each department thereof, be in complete charge of the office and records of the city and each department, and be responsible for the collection of property taxes, employee license fees, business license fees, and other taxes and fees paid to the city; and~~
- (2) 1 ~~The City Clerk~~ no later than January 31 of each year, mail to the State Department for Local Government, a list containing current city information including, but not limited to, the following:
- (a) The correct name of the mayor, legislative body members, and the following appointed officials who are serving as of January 1 of each year:
 1. City Clerk;
 2. City Tax Director ~~Treasurer~~;
 3. City Manager;
 4. City Attorney;
 5. Finance Director;
 6. Police Chief;
 7. Fire Chief; and
 8. ~~Public Works Director~~
 - (b) The correct name of the city, mailing address for City Hall, and the telephone number of City Hall; and
 - (c) The name and telephone number of either an elected or appointed official to serve as a contact person that may be reached during normal business hours of 8:00 a.m. to 4:30 p.m.
- ~~— (3) Perform such other duties as may be prescribed from time to time, including but not limited to the preparation of miscellaneous reports such as financial analysis projects, budget preparation work, and other related work as required.~~
- (C) The Finance Director/City Clerk/Tax Administrator shall take an oath of office that he will faithfully and to the best of his ability carry out the duties of his position, as this oath of office is more specifically set forth in § [31.01](#) of this chapter.
- (D) The bond required for this office shall be ten thousand dollars (\$10,000.00).
- (E) ~~The compensation for this office shall be at the rate of one thousand six hundred sixty one dollars (\$1,661.00) per month.~~ Compensation shall be in the amount as established by the Board of Commissioners from time to time as set forth in § [31.03](#).

(F) The person serving as ~~Finance Director, City Clerk, Director of Tax Administration~~ ~~Finance Director/City Clerk/Tax Administrator~~ shall be appointed by the Board of Commissioners and shall serve in that position until removed by the Board of Commissioners at will.
(Ord. 230.4, passed 8-9-82)

Statutory reference:

Office of City Clerk, see KRS 83A.085

§ 31.37 CITY MANAGER.

(A) The office of City Manager is established. Qualifications for the office shall include, but not be limited to, professional training or administrative qualifications with special reference to actual experience in or knowledge of accepted practice regarding duties of the office and shall also include, but not be limited to:

- (1) Being responsible to the Board of Commissioners for the proper administration of all duties imposed upon him by ordinance;
- (2) Recommending to the Board, subject to any statute, ordinance, or contract which relates to the appointment, tenure, or removal of any employee, the appointment, and when necessary for the good of the service, the removal of subordinate employees and officers of the city. No officer or employee of the city shall be appointed or removed except through action by the Board, except that the City Manager may fill vacancies in the classified service pending the appointment by the Board and may employ personnel for temporary positions subject to such conditions as may be imposed by the Board;
- (3) Preparing for the budget, submitting it to the Board, and being responsible for its administration after adoption;
- (4) Preparing and submitting to the Board at the end of each fiscal year a complete report on the finances and administrative activities of the city for the preceding year;
- (5) Keeping the Board advised of the financial condition and future needs of the city and making recommendations as he deems desirable;
- (6) Maintaining liaison with related units of local government respecting interlocal contracting and joint activities.
- (7) Supervising all departments of city government and the conduct of all city officers and employees under his jurisdiction and requiring each department to make reports to him as required by ordinance or as he deems desirable; and
- (8) Performing other duties required of city executive authorities by statute or required of him by the Board not inconsistent with this section.

(B) The Board shall appoint a City Manager by a majority vote of all its members. The City Manager shall be appointed for an indefinite term and may be removed only by a majority vote of all Board members. At least thirty (30) days before such removal shall become effective, the Board shall by a majority vote of all its members adopt a preliminary resolution stating the reasons for his removal. The City Manager may reply in writing and may request a public hearing which shall be held not earlier than twenty (20) days nor later than thirty (30) days after the filing of the request. After the public hearing, if requested, and after full consideration, the Board by majority vote of all its members may adopt a final resolution of removal. By the preliminary resolution the Board may suspend the City Manager from duty, but shall in any event cause to be paid to him any unpaid balance of his compensation and compensation for the next calendar month following adoption of the preliminary resolution.

(C) The City Manager shall be the chief administrative officer and exercise those executive powers and duties delegated to him by ordinance and statute. He shall enforce the City Manager plan, city ordinances, and all applicable statutes. Subject to approval of the Board, the City Manager shall promulgate procedures to insure orderly administration of the functions of city government and compliance with statutes or ordinances. Any delegation of the City Manager's duties or responsibilities to subordinate officers and employees shall be made by municipal order except that all bonds, notes, contracts, and written obligations of the city according to ordinance or resolution shall be made and executed by the Mayor on behalf of the city. (KRS 83A.150 (7) - (9))

(D) Compensation shall be in the amount as established by the Board of Commissioners from time to time as set forth in § 31.03.

(E) No person shall be appointed or act as the City Manager unless such person has taken the oath required by Section 228 of the Constitution of the Commonwealth of Kentucky and has provided bond, if required, with corporate surety authorized to transact business in Kentucky and conditioned upon the performance of the duties specified herein.

§ 31.38 CITY ATTORNEY.

(A) There is hereby established the office of City Attorney.

(B) The Board of Commissioners shall appoint a City Attorney who shall be the general law officer and legal counsel of the city. The Board may remove the City Attorney at will. He shall be an attorney licensed to practice in the Commonwealth of Kentucky. He shall be chosen solely on the basis of his legal qualifications, with special emphasis on actual experience in or knowledge of Kentucky municipal and administrative law. The City Attorney may also engage in the private practice of law and may hold other public or private employment.

(C) The City Attorney shall have and exercise all powers and duties assigned to him by statute, this chapter, and such other municipal responsibilities delegated from time to time. He shall attend all meetings of the Board of Commissioners, if so requested, shall advise the Mayor, the Board of Commissioners, the City Manager, and all other city officials and employees in all legal matters pertaining to their municipal duties or affecting the interests of the city, shall appear for and defend the city in all legal actions and administrative proceedings in which the city is a party or is interested, shall institute legal action for and in behalf of the city wherever necessary for protection or enforcement of rights or interests of the city, shall prepare and examine ordinances, resolutions, orders, and legal instruments as the Board of Commissioners may direct, and generally shall attend to all legal business of the city.

(D) In addition to the salary fixed for the City Attorney by annual ordinance of the Board of Commissioners, the City Attorney shall receive additional compensation as an independent contractor for all extraordinary services, including appearances in legal actions and administrative proceedings and hearings involving the city, municipal bond issues, real estate acquisitions and dispositions, and other matters beyond the scope of usual legal counsel to the city or requiring an unusual amount of time. For such extraordinary services, the City Attorney shall be paid reasonable fees commensurate with the amount and value of time devoted thereto, based upon charges made by other attorneys for comparable legal services.

(E) No person shall be appointed or act as City Attorney unless such person has taken the oath required by Section 228 of the Constitution of the Commonwealth of Kentucky and has provided a bond, if required to do so by the Board of Commissioners, in the sum as established by the Board of Commissioners, with corporate surety authorized to transact business in Kentucky and conditioned upon the performance of the duties specified herein.

~~§ 31.39 SUPERINTENDENT OF PUBLIC WORKS.~~

~~— (A) The office of Superintendent of Public Works is hereby established.~~

~~— (B) The Superintendent shall be appointed by the Board of Commissioners and may be removed by the Board at will.~~

~~— (C) No person shall be appointed or act as the Superintendent unless such person has taken the oath required by Section 228 of the Constitution of the Commonwealth of Kentucky and has provided a bond, if required to do so by the Board of Commissioners, in the sum as established by the Board of Commissioners, with corporate surety authorized to transact business in Kentucky and conditioned upon the performance of the duties specified herein.~~

~~— (D) The Superintendent shall advise the Board of Commissioners and the City Manager on all matters relating to the maintenance and improvement of sewer and water facilities and shall perform such work and services in connection therewith, as may be assigned him by the Board.~~

~~— (E) The compensation of the Superintendent shall be in an amount to be established by the Board of Commissioners from time to time by ordinance.~~

§ 31.40 CODES AND ZONING ENFORCEMENT OFFICER.

(A) The office of Codes and Zoning Enforcement Officer is hereby established.

(B) This officer shall be appointed by the Board of Commissioners, and may be removed by the Board at will.

(C) No person shall be appointed or act as the Codes and Zoning Enforcement Officer unless such person has taken the oath required by Section 228 of the Constitution of the Commonwealth of Kentucky and has provided a bond, if required to do so by the Board of Commissioners, in the sum as established by the Board of Commissioners, with corporate surety authorized to transact business in Kentucky and conditioned upon the performance of the duties specified herein.

(D) It shall be the duty of the Codes and Zoning Enforcement Officer to administer, execute, and enforce the provisions of the official building ([Chapter 150](#)), dirt fill ([Chapter 151](#)), sign ([Chapter 155](#)), and zoning ([Chapter 156](#)) regulations of the city.

(E) Compensation shall be in an amount to be established by the Board of Commissioners from time to time by ordinance.

~~§ 31.41 TREASURER/CONTROLLER.~~

~~— (A) The office of Treasurer/Controller is hereby created.~~

~~— (B) The powers and duties of this office shall be such as to be responsible for the efficient operation of the finances of the city and to oversee the operation of the Finance Department, the Tax Revenue/Audit Department and the Utilities Collection Department, including but not limited to the signing of all checks on behalf of the city as City Treasurer, assistance and preparation of monthly financial reports and the yearly budget, attendance at all meetings of the City Commission, responsibility for accounting for all departments of the city, preparation of miscellaneous financial reports and analysis for special projects and any other works as may be from time to time required by the city.~~

~~— (C) The Treasurer/Controller shall take the oath of office that he will faithfully and to the best of his ability carry out the duties of this position, or such other oath of office as may be required by law.~~

~~— (D) No bond shall be required for this position except as otherwise may be required by law.~~

~~— (E) The person serving as Treasurer/Controller shall be appointed by the Commission and shall serve in that position until removed by the Commission at will, unless provided by law otherwise.~~

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 _____, 2011.
the ordinance was given a second reading on the ___ day of _____, 2011. Passed this ___ day of _____, 2011.

Commissioner _____ moved for the adoption of the foregoing ordinance.

Commissioner _____ seconded the motion.

Upon roll call, the votes were as follows:

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

The Mayor declared the within ordinance adopted.

FRANK JUSTICE II, MAYOR

ATTESTED:

CHRISTY BILLITER, CITY CLERK

(5) Consider a request to approve Change Order #1 for the Texas Roadhouse site development project as submitted and 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.

(6) Consider a request to approve submitted pay request and authorize payment on the Texas Roadhouse site development project as submitted. Combined with agenda item #5 for approval.

(7) Consider a request to adopt a resolution omitting Melanie Stevens and adding Christy Billiter as an authorized city employee to sign checks on behalf of the City 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.

RESOLUTION DESIGNATING CHRISTY BILLITER AND OMITTING MELANIE STEVENS AS AUTHORIZED TO SIGN CHECKS ON BEHALF OF THE CITY OF PIKEVILLE

WHEREAS, the Pikeville City Commission desires to authorize its City Clerk, Christy Billiter to replace former City Clerk, Melanie Stevens, as a signatory for checks drawn on the City of Pikeville's numerous checking accounts with Community Trust Bank, US Bank, B B & T Bank, Citizens National Bank, First Commonwealth Bank of Pikeville and Family Bank.

BE IT RESOLVED BY THE CITY OF PIKEVILLE AS FOLLOWS:

- 1. That the City Clerk, Christy Billiter, is hereby authorized to sign checks on all accounts of the City of Pikeville. In every instance, all checks drawn on accounts of the City of Pikeville are to be signed by two persons, being the HR Director Rebecca Hamilton, Finance Director Tonya Taylor, City Clerk Christy Billiter or City Manager Donovan Blackburn.
2. That all prior resolutions granting Tonya Taylor, Finance Director, Donovan Blackburn as City Manager and Rebecca Hamilton, HR Director authority to withdraw and sign checks on the accounts of the City of Pikeville are hereby reaffirmed, and the City Clerk, Christy Billiter hereby authorized to sign checks on all of the accounts of the City of Pikeville in the absence of the Finance Director, HR Director or the City Manager.
3. Community Trust bank, B B & T Bank, US Bank, Citizens National Bank, First commonwealth Bank of Pikeville and Family Bank are each authorized to pay and charge to the accounts of the City of Pikeville checks signed by Tonya Taylor as Finance Director and Donovan Blackburn as City Manager; or Tonya Taylor as Finance Director and Rebecca Hamilton, as HR Director; or Donovan Blackburn as City Manager or Rebecca Hamilton, as HR Director; or Christy Billiter as City Clerk or Donovan Blackburn as City Manager, Tonya Taylor as Finance Director or Rebecca Hamilton as HR Director.
4. The City Clerk is authorized and directed to deliver for and on behalf of the City and on behalf of the City of the City of Pikeville a certification of this resolution to Community Trust Bank, US Bank, B B & T Bank, Citizens National Bank, First Commonwealth Bank of Pikeville and Family Bank. The City Manager, Donovan Blackburn, is authorized to execute any documents necessary to enforce this resolution which are consistent with the authority granted herein.
5. That Community Trust bank, B B & T Bank, US Bank, Citizens National Bank, First commonwealth Bank of Pikeville and Family Bank are authorized to rely upon this resolution until they have received written notice of any amendments or revisions of this resolution
6. That signature stamps shall not be used for signing checks drawn on accounts of the City of Pikeville.

Passed this 21st day of February, 2011.

Commissioner _____ moved to adoption of the foregoing resolution.

Commissioner _____ seconded the motion.

Upon roll call, the votes were as follows:

Table with 2 columns: Name, YES, NO. Rows include DALLAS LAYNE, COMMISSIONER; EUGENE W. DAVIS, COMMISSIONER; JAMES A. CARTER, COMMISSIONER; BARRY CHANEY, COMMISSIONER; FRANKLIN D. JUSTICE, II, MAYOR.

The Mayor declared the within Resolution adopted.

FRANKLIN D. JUSTICE, II, MAYOR

ATTEST:

MELAINE STEVENS, CITY CLERK

Mayor Justice asked, "Do we need a closed session for this or do we need a discussion? For this lease." City Manager Donovan Blackburn replied, "We don't need one if everybody is in agreement with what I have submitted to them." Mayor says, "I think you have answered all the questions. We got a door of opportunity to get out after 180 days and they have to pay us our utility bill. And we also, in the meantime, if we get in trouble eight years from now, we can still turn it back over to them with a years notice. And we're picking up the agreement between the county and the Expo center. And the Pepsi-cola company and we're going to have negotiations with SMG and if it doesn't go our way then we're handing it back to them. It's not going to be business as usual, we are going to change things down there. We are not just a cash cow, if we can't change it to make things work it ain't going to happen." City Manager says, "with that in mind the commission has already authorized Mayor to sign said contract so the action will be to cancel the item on the agenda and move to item number 9."

(8) Pursuant to KRS 61.810, consider request for closed session for the purpose of discussion issues relating to legal contract for the operation of the East KY Expo Center.

(9) There being no further business to come before the commission, Commissioner Davis 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.

The next scheduled Regular Meeting of the City of Pikeville Board of Commissioners is February 28, 2011 at 6:00 p.m.

APPROVED:

FRANKLIN D. JUSTICE, II, MAYOR

ATTESTED:

CHRISTY BILLITER, CITY CLERK