

**CITY OF PIKEVILLE
BOARD OF COMMISSIONERS
REGULAR MEETING MINUTES
June 14, 2010 AT 6:00 P.M.**

The Board of Commissioners for the City of Pikeville met in a regular called session on Monday, June 14, 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 May 24, 2010 were in each Commission Member's agenda package. There being no additions or corrections, Commissioner Carter made the motion to approve the minutes as prepared. Commissioner Layne 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 \$587,874.41. Commissioner Davis made the motion to approve. Commissioner Chaney seconded the motion. Mayor Justice called for further discussion, there being none, motion passed unanimously. 5-0.

BUSINESS FROM THE FLOOR

Chad Osborne was present and addressed the commission. Mr. Osborne was born and raised in Pikeville and is wanting to build on property that he owns in the city of Pikeville. There was discussion between Mayor Justice and Robert Smith, the building codes officer, about which district the property was located. Robert says that Chad is in a C-3 district, down there beside Bill Osborne. City Attorney Rusty

Davis gets involved and states that we don't even have to see what he is going to build, it is going to be nicer than what is there. The discussion continues and Chad is asked if he is going to use the foundation that is there. Mayor Justice states that Bill took care of the property when he was around. Chad wants to be there to take care of his mommy. City Manager Donovan suggest, "Could you ask for some alternatives? Could we pass a motion for alternatives if everyone is in agreement." Mr. Smith suggests that we use the original footprints of the house. City Attorney Rusty Davis explains the laws of building on a foundation. Mayor Justice then says to everyone that he needs to be beside his mom. Mr. Osborne questioned a single family home and Mayor Justice responded, "Look behind the fence. There is an ordinance where a single family home is prohibited. We are taking that whole area though Chad so that would be no more." Chad then says that his intentions are to build a two car garage with an apartment above.

Other Business from the floor included request no. 3 from the agenda considering the request for an additional deduct of the contract price with OHeil Irrigation Lawn and Sprinkler System Inc for the Bob Amos Soccer Field project; and request no. 4 from the agenda considering the request to award the bid for fencing for the Bob Amos Soccer field to Overhead Door. Overhead Door was about \$96.00 higher than Mountaineer Fencing however Mountaineer did not include the Bid Bond as part of their price which was required.

BIG SANDY AREA DEVELOPMENT DISTRICT

Jeff Sizemore was present for the Big Sandy Area Development District. Mr. Sizemore addressed the commission in reference to the Marion's Branch Sewer Project. Libby had emailed Rebecca on financials and they are meeting when Rebecca gets back from vacation. The project has a meeting on Tuesday, the 29th at 11 a.m. at City Hall. Everyone is encouraged to attend meetings that are held.

CITY ENGINEER

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

US23/MULLINS ADDITION UTILITY PROJECT: Consider request to approve contract with Summit Engineer for engineering services for the combined US23/Mullins Addition utility projects. Commissioner Davis made the motion to approve. Commissioner Carter seconded. Mayor Justice called for comments there being none the motion passed unanimously. 5-0.

MARION BRANCH SEWER PROJECT: Consider request to approve addendum #2 as submitted with Summit Engineer on the Marion Branch Sewer Project authorizing an additional **\$14,085.00** to original contract and to authorize the Mayor to sign and execute said addendum. Commissioner Layne made the motion to approve. Commissioner Carter seconded. Mayor called for comments, there being none the motion passed unanimously. 5-0.

POLICE REPORT

City Manager Donovan Blackburn gave an update on the equipment that the police station is getting from the last meeting. Police Chief James Adkins addressed the commission on the DARE program and the comments from the schools. There were copies of the DARE program and the comments from the schools available for the commissioners to read. Officer Baldrige was present to speak to the commission on his experience at the schools. Mr. Blackburn says that not only do we set an example but we recognize the DARE program. Traditionally children are afraid of the police department but the DARE program puts a face in front of them and lets them see the work we do. Chief Adkins tells the commission about being asked to sit in on a site based program for hiring a new principal. Officers walk through schools and the kids use texting to give tips on crime or drug info. This is all possible because the guys are doing such a good job presenting the DARE program. Officer Baldrige shares his experience; he states that he teaches preschool to high school kids about the DARE program. In preschool, we teach them not to talk to strangers, how to deal with peer pressure, and not to take drugs. Kids are being forced on to aunts and uncles and to other family members so we try to teach them things they should be teaching them at home. Just being available for the children and taking time out for the children letting them know we care. Commissioner Carter says, "I think that is huge." Commissioner Layne followed with, "I want to commend you on the job you are doing, I am amazed at the respect you are getting. I want to thank you for doing a good job. I saw your heart was into it." Commissioner Davis apologizes for reading as Mr. Baldrige was speaking then states that what impressed him the most of all was that the kids liked you when you come into schools and how attentive the kids were. Mayor Justice also apologizes for reading while Officer Baldrige has been talking and goes on to say how proud he is of him for his accomplishments. Chief Adkins then tells the commission about the National Business College day event, where Officer Baldrige will be participating and taking the DARE truck for the day. Mr. Blackburn says that stepping outside of this, our Chief has gone beyond the call of duty and using our resources. It is the great love of people like Officer Baldrige and Tony have, that goes beyond. Commissioner Chaney comments to Officer Baldrige that he wants to congratulate him,

cause one day a kid will come up to you and thank you for the change you made in their life. Mayor Justice adds, "I want to thank you again."

CITY ATTORNEY

ORDINANCE 0 2010 009

City Attorney Rusty Davis was present. Mr. Davis read into record the 2nd reading of Ordinance Amending the Fiscal Budget. 1st reading of the Ordinance was on May 24, 2010. Commissioner Layne made the motion to adopt. Commissioner Davis seconded the motion. Mayor Justice called for comments, there being none he called for Roll Call. Ordinance adopted. 5-0.

ORDINANCE AMENDING THE FISCAL BUDGET FOR THE 2009-2010 FISCAL YEAR

ORDINANCE NO. 0-2010-009

WHEREAS, certain additional information has come to the attention of the Finance Department which necessitates the amendment of the 2009-2010 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 2009-2010 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 24th, May, 2010.

The ordinance was given second reading on June 14th, 2010. The ordinance shall be in full force and effect immediately after it is passed and published as required by law.

Passed, this 14th day of June, 2010.

Commissioner Layne moved the adoption of the foregoing ordinance. Commissioner Davis seconded the motion.

Upon roll call, the votes were as follows:

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

The Mayor declared the within Ordinance adopted.

FRANKLIN D. JUSTICE, II, MAYOR

ATTEST:

REBECCA HAMILTON, CITY CLERK

ORDINANCE 0 2010 011

City Attorney Rusty Davis read into record an ordinance adopting the city’s annual budget for the fiscal year July 1, 2010 through June 30, 2011. Commissioner Carter made the motion to adopt. Commissioner Layne seconded the motion. Mayor Justice called for comments, there being none, the Mayor called for a Roll Call vote, the ordinance was adopted. 5-0.

AN ORDINANCE ADOPTING THE CITY OF PIKEVILLE, KENTUCKY ANNUAL BUDGET FOR THE FISCAL YEAR JULY 1, 2010 THROUGH JUNE 30, 2011, BY ESTIMATING REVENUES AND RESOURCES AND APPROPRIATING FUNDS FOR THE OPERATION OF CITY GOVERNMENT

ORDINANCE NO. 0-2010-011

WHEREAS, an annual budget proposal and message has been prepared and delivered to the City Commission; and

WHEREAS, the City Commission has reviewed such budget proposal and made necessary modifications.

NOW, THEREFORE, BE IT HEREBY ORDAINED BY THE CITY OF PIKEVILLE,

SECTION I: That the annual budget for the fiscal year beginning July 1, 2010 and ending June 30, 2011 is hereby adopted per Exhibit “A” attached.

SECTION II: That this ordinance shall be in effect on July 1, 2010.

The above ordinance was given first reading this 24th day of May, 2010. At Pikeville, Kentucky, this ordinance was given a second reading on the 14 day of June, 2010.

Passed this 14 day of June, 2010.

Commissioner Carter moved the adoption of the foregoing Ordinance.

Commissioner Layne seconded the motion.

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

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

The Mayor declared the within Ordinance adopted.

FRANKLIN D. JUSTICE, II, MAYOR

ATTEST:

REBECCA HAMILTON, CITY CLERK

* * *

Commissioner Layne introduced, caused to be read in full, and moved immediate adoption of a proposed Ordinance, given first reading on May 24, 2010, identified by its title or caption as follows:

AN ORDINANCE OF THE CITY OF PIKEVILLE, KENTUCKY, PROVIDING FOR THE ACQUISITION, CONSTRUCTION AND INSTALLATION OF MAJOR WATER 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-1 (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 motion for the adoption of the Ordinance was seconded by Commissioner Carter. After full discussion, the Mayor put the question to vote, 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 motion was carried and the Ordinance was duly adopted. He signed it as evidence of his approval, caused it to be attested by the City Clerk, and announced that it was in full force and effect.

* * *

The Mayor noted that one of the previously adopted Ordinances authorized the issuance and offering at public sale of \$1,500,000 principal amount of the City's Water and Sewer Revenue Bonds, Taxable Series 2010S-1 (Build America Bonds – Direct Payment to Issuer) (the "Bonds"). He stated that the Notice of Sale of Bonds had been published soliciting the submission of sealed, competitive bids for the purchase of the Bonds by June 14, 2010, at 5:00 p.m. EDT. The City Clerk produced the only bid received by her in conformity with the published Notice of Sale of Bonds and the Official Notice of Bond Sale, and such bid was publicly read and was ordered to be set out in the minutes, which is done as follows:

<u>Name of Bidder</u>	<u>Price Offered</u>	<u>Rate Stipulated</u>
U.S. Department of Agriculture, Rural Development	\$1,500,000	2.5%

It was noted by the Commissioners that in conformity with the terms and conditions of the proposed loan to the District from the U. S. Department of Agriculture, Rural Development ("USDA"), a bid was received from USDA offering to purchase the Bonds, such bid being at a price of par or face value at the interest rate stipulated above, but only if no other bids are received for the Bonds in accordance with the terms of the offering.

Because no other bids were received, it was apparent that the best and only bid for the purchase of the Bonds was that of USDA, offering to purchase the same at the price of \$1,500,000, at the interest rate stipulated above.

Thereupon, Commissioner Chaney introduced, caused to be read in full by the City Clerk, and moved immediate adoption of a Resolution, as follows:

A RESOLUTION ACCEPTING THE BEST AND ONLY BID RECEIVED FOR THE PURCHASE OF \$1,500,000 AGGREGATE PRINCIPAL AMOUNT OF THE CITY'S WATER AND SEWER REVENUE BONDS, TAXABLE SERIES 2010S-1 (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 5:00 p.m., EDT (local time), on June 14, 2010, in accordance with the conditions of Bond sale, for the purchase of the City's Water and Sewer Revenue Bonds, Taxable Series 2010S-1 (Build America Bonds – Direct Payment to Issuer), in the aggregate face amount of \$1,500,000 (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 \$1,500,000 (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 Carter. 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.

June 14, 2010 Regular Meeting

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.

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CITY MANAGER

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

1. Consider request to resend the approval and award as adopted during the May 24th 2010 regular commission meeting for the bid for the Hambley baseball dressing room addition to the low bidder of Commonwealth Construction in the amount of \$28,000 plus the additional electrical work of \$1,750.00. Commissioner Chaney made the motion to adopt. Commissioner Layne seconded the motion. Mayor called for further comments, there being none the motion passed unanimously. 5-0.
2. Consider request to authorize Pikeville Independent School system to build a dressing room addition onto the Hambley Baseball dugout that upon completion shall be granted to the city. Commissioner Carter made the motion to approve. Commissioner Layne seconded the motion. Mayor Justice called for further comments, there being none the motion passed. 5-0.
3. Consider request for an additional deduct of the contract price with Ohio Irrigation Lawn Sprinkler System Inc for the Bob Amos Soccer Field project in the amount of \$31,256 awarding the revised total contract of the project to be \$89,433.00 and authorize the city manager to sign and execute the amended contract on behalf of the city. The original contract was \$184,763 with an original deducts of \$64,074 and now the additional deduct for \$31,256 leaving a total contract price of \$89,433. Commissioner Carter made the motion. Commissioner Layne seconded the motion. Mayor Justice called for comments. Mayor Justice called for further comments, there being none the motion passed unanimously. 5-0.
4. Consider request to award the bid for the fencing for the Bob Amos Soccer field to Overhead Door for the amount of \$29,453.34 and authorize the mayor to sign and execute the contract for said project. Overhead Door was about \$96.00 higher than Mountaineer Fencing however Mountaineer did not include the Bid Bond as part of their price which was required. Commissioner Carter made the motion to approve. Commissioner Layne seconded the motion. Mayor Justice called for comments. City Manager Donovan explained the bid bond and the rules then thanked everyone for their bids as well as Mayor Justice. Mayor Justice called for further comments, there being none the motion passed unanimously. 5-0.

- 5. Consider a request to adopt a resolution authorizing the city to waive the sewer tap fees for the Mullins Addition sewer project as required by city ordinance Chapter 55 section 4 and to authorize the mayor to sign and execute said resolution. 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 AUTHORIZING THE FEES FOR SEWER TAPS
FOR THE MULLINS ADDITION SEWER PROJECT
TO BE WAIVED PER CITY ORDINANCE CHAPTER 55 SECTION 4**

WHEREAS, the Pikeville City Commission is constructing a 1.2 million dollar sewer extension project to Mullins Addition in Pike County Kentucky.

WHEREAS, said project will provide service to over 83 new customers which are county residents within the cities service territory. The project will substantially clean the waterways along with providing a much needed service to the residents within this area creating a greater quality of life.

WHEREAS, the Pikeville City Commission does hereby wish to exercise their authority as listed under Chapter 55 section 4 of the Pikeville Code of Ordinance by waving all sewer tap fees for up to an 8” line for this project area.

WHEREAS, all customers who wish to take advantage of the \$2,500 tap fee savings will be required to have signed up for the service by July 15th 2010. This date may be extended by the written authorization of the city manager on a case-by-case bases but this offer may not be extended past 30 days prior to the completion of the project.

WHEREAS, through the funding for this project does allow the coverage for the expense of the tap fees for those customers who sign up by the required deadline.

NOW, THEREFORE, BIT IT RESOLVED the Pikeville City Commission authorizes all customers within the described project territory a substantial savings by waiving their tap fees as long as the customer’s signs up for service by July 15th 2010 as allowed under Pikeville City ordinance Chapter 55:04.

Passed this 14th day of June, 2010.

Commissioner Carter moved for the adoption of the foregoing resolution.

Commissioner Layne seconded the motion.

Upon roll call, the votes were as follows:

YES

NO

FRANK JUSTICE, II MAYOR	<u> X </u>	_____
GENE DAVIS, COMMISSIONER	<u> X </u>	_____
DALLAS LAYNE, COMMISSIONER	<u> X </u>	_____
JIMMY CARTER, COMMISSIONER	<u> X </u>	_____
BARRY CHANEY, COMMISSIONER	<u> X </u>	_____

The Mayor declared the within resolution adopted.

FRANK JUSTICE, II MAYOR

ATTESTED:

REBECCA HAMILTON, CITY CLERK

- 6. Consider a request to adopt a joint resolution with the Pike Fiscal Court Amending the By-laws for Pike TV organization and to authorize the Mayor to sign and execute said resolution. 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.**

**JOINT RESOLUTION AMENDING THE
BY-LAWS OF PIKE-TV**

Resolution # _____

WHEREAS, it is the will of the Pike County Fiscal Court (herein after referred to as "County") and the City of Pikeville Commission(herein after referred to as "City") to amend the attached By-laws of the Government Television Channel (hereinafter referred to as "PikeTV") that is broadcasted and services all of Pike County.

WHEREAS, through the adoption of this resolution the City endorses and adopts the following document, which is attached hereto and incorporated by reference:

- 1. the By-Laws for PikeTV dated June 1st 2010;

WHEREAS, through the adoption of this resolution the above-mentioned By-Laws shall only be amended by a jointly passed resolution by both the City and the County government.

WHEREAS, if so adopted it is the will of the County and City Government that the County Judge and Mayor both initial the attached By-Laws in the space provided to verify their authenticity as the adopted By-laws.

NOW, THEREFORE, BE IT RESOLVED the City of Pikeville fully supports and approves this joint action and all content set forth herein and as attached.

Passed this 14th day of June, 2010.

Commissioner Chaney moved for the adoption of the foregoing resolution.

Commissioner Davis seconded the motion.

Upon roll call, the votes were as follows:

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

The Pikeville City Mayor declared the within resolution adopted.

FRANK JUSTICE, MAYOR

ATTESTED:

REBECCA HAMILTON, CITY CLERK

- 7. Consider request to hire summer intern Glen Turner at \$8.00 per hour working a maximum of 32 hours a week contingent upon passing all required pre-employment tests. Commissioner Chaney made the motion to approve. Commissioner Davis seconded the motion. Mayor called for further comments, there being none the motion passed unanimously. 5-0.
- 8. Consider a request to re-hire Jarred Damron to the position of city dispatcher at the 5-year rate contingent upon passing all required pre-employment tests. 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.
- 9. Consider a request to approve city asphalt projects as submitted under state contract price with Mountain Enterprises for \$112,002.50 as submitted and authorize work and payment upon completion of the work. 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 approve "Option 4" as submitted of the city employee health plan with Bluegrass Family Health incurring a 10.5% increase in

- premium. Commissioner Davis made the motion to approve. Commissioner Chaney seconded the motion. Mayor called for comments. Mayor then asked who is Bluegrass Family Health then City Manager Donovan Blackburn replied. Then, Mayor asked about the bidding process and if anyone else bid and Mr. Blackburn responded to this as well. Mayor Justice called for further comments, there being none, the motion passed unanimously. 5-0.
11. Consider a request to reappoint the following members to serve the remainder of the existing term for the following boards. Jack O. Burchett, Board of Zoning term ending 5/1/14, Stephen Hogg & Frank Nall, Board of Ethics term ending 2/27/14 & Mark White and Mark Batten, Technical Advisory Committee, term ending 2/27/14. 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.
 12. Consider a request to authorize the city attorney to approve a contract with Pikeville Medical Center to construct a parking lot on city and state easement between Baird Ave and the old Air Service facility contingent up on city attorney and city managers approval. The State of KY has issued a permit to the city for the project. The intent is for Pikeville Medical to construct at no cost to the city for a public parking facility for PMC use. Commissioner Carter made the motion to approve. Commissioner Chaney seconded the motion. Mayor Justice called for comments. Mayor Justice says to City Manager, "Donovan we are keeping that road open aren't we?" City Manager replies, "Yes." Mayor Justice called for further comments, there being none the motion passed unanimously. 5-0.
 13. Consider a request to cancel the next regularly scheduled commission meeting on June 28th 2010. 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.
 14. Consider request for closed session for discussion of economic development, legal and personnel issues. Commissioner Layne made the motion. Commissioner Carter seconded the motion. Mayor Justice called for discussion, there being none the motion passed unanimously. 5-0.
 15. 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.
 16. Consider the request to authorize and approve the joint transfer of property owned by Don Childers of Childers Oil and the City of Pikeville. The property Childers Oil owns is located at the old Happy Mart location on South Mayo Trail and the Property the city owns is located on the by-pass beside of Combs Bridge. The Childress property was appraised at \$412,000 while the city property was appraised at \$401,000. The request would be to trade and transfer the Childers property to the city and the city property to the Childers Oil with no additional fees. The request would also include

- having the city attorney draft the deed of conveyance for the even trade of both properties. The agreement would be contingent upon Childers Oil agreeing to remove the gas tanks within 120 days of the transfer and to authorize the mayor to sign all documents to execute the deed of conveyance on the cities behalf. Commissioner Chaney made the motion to approve. Commissioner Layne seconded the motion. Mayor Justice called for comment, there being none, the motion passed unanimously.5-0.
17. Consider the request to authorize and pay up to \$12,000 dollars worth of construction work to the property owned by Linda Walters located on Peach Orchard. The property incurred some damage to a concrete wall beside the house by the city asphaltting the road. The request would authorize payment to repair said work contingent upon the property owner signing a release of all liability for the work and any future liability on behalf of the city for the property and structure. 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.
18. There being no further business to come before the Commission, Commissioner Davis has made the motion to adjourn the meeting. Commissioner Carter seconded the motion. Mayor Justice called for discussion, there being none the meeting was adjourned. 5-0

CONSENT ITEMS:

City Manager on vacation the week of June 19th 2010.

Sister City of Ankang China will be in Pikeville on June 30th. City Commission to attend banquet at 6:30 pm at the Expo on the 30th of June.

The next scheduled Regular Meeting of the City of Pikeville Board of Commissioners is July 12, 2010 at 6:00 p.m.

APPROVED:

FRANKLIN D. JUSTICE, II, MAYOR**ATTESTED:**

CHRISTY BILLITER, CITY CLERK