

**CITY OF PIKEVILLE
BOARD OF COMMISSIONERS
REGULAR MEETING MINUTES
October 11, 2010 AT 6:00 P.M.**

The Board of Commissioners for the City of Pikeville met in a regular called session on Monday, October 11, 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 September 27, 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

Leslie Combs was present and addressed the commission. She was there to thank everyone from the bottom of her heart for their participation in the flood relief for kids. Ms. Combs wanted everyone from the City of Pikeville to know what a success the event was and that the help and participation from the city contributed to the success of the event.

Next, Carl West was present and approached the commission with an issue. Mr. West bought a piece of property on Keyser Heights about two years ago and he moved his mother there from Johns Creek. He says the problem is that there is no way to get in and out of the driveway to turn around. He brought along pictures to show to the Mayor and the commission. He says that his mother has to get her neighbor to get in her car to turn her car around because it is a one car driveway. He says he did take the car away from her because he didn't want her driving like

that. Mr. West says he believes that part of the problem is that it should have been a culdesac but the developer provided more lots to sell and they all have one car driveways and most people have two cars these days. Mayor Justice asked if he and the Commission could take a look at the pictures. After examining the pictures for a few minutes, City Manager Donovan Blackburn and the commission, along with the mayor decide that there needs to be further examination of the situation because they didn't realize there was an issue. City Manager suggest that the city keep the pictures and send someone out and survey the area. Mr. Blackburn explains that it is the city's request that we address this situation more in two weeks when we have gathered more information.

PAYMENT OF CITY BILLS

The City Manager Donovan Blackburn requested the approval to pay city bills in the amount of \$612,322.99. 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.

1. Consider a request to authorize payment to Stoll-Keenon-Ogden in the amount of \$15,695.94 as submitted for the expenses related to the 1.5M – 2010S-1 bond. Commissioner Carter made the motion to approve. Commissioner Layne seconded the motion. Mayor Justice called for discussion, there being none the motion passed unanimously. 5-0.
2. Consider a request to authorize payment to Russell Davis in the amount of \$1,800 for legal services related to Marion Branch Sewer project as submitted. Commissioner Chaney made the motion to approve. Commissioner Davis seconded the motion. Mayor Justice called for discussion, there being none the motion passed unanimously. 5-0.

BIG SANDY AREA DEVELOPMENT DISTRICT

Libby Ratcliff was present for the Big Sandy Area Development. Ms. Ratcliff addressed the commission in reference to the Marion's Branch Sewer Project. The last project meeting was on September 28 and there was change order #1 that increased the project by \$84,450.00. This brought the revised completion date to March 17, 2011. Tomorrow, here, at 1:00 pm will be the loan closing conference. The next progress meeting is scheduled for October 26th. Currently, we have expended 28.5% of our total budget.

CITY ENGINEER

Jodi Hunt was present with Summit Engineering, Inc. and submitted a request to the commission for approval.

Bob Amos Bathroom Project. Consider a request to approve pay request #2 and authorize payment to Elliott Contracting for \$25, 054.20 for the Bob Amos Bathroom project as submitted and authorized 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.

CITY ATTORNEY

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

- 1. Consider the request for a 1st reading of ordinance #0-2010-023 naming various un-named streets within the City of Pikeville limits. Second reading at next scheduled meeting.**
- 2. Consider the request for a 1st reading of ordinance #0-2010-017 amending the city's 2010-2011 operational budget. Second reading at next scheduled meeting.**
- 3. Consider the request for a 2nd reading and passage of ordinance #0-2010-019 amending Chapter 121 Smoking Regulations. Commissioner Layne made the motion to approve. Commissioner Carter seconded the motion. Mayor Justice called for comments. Commissioner Davis asked the question, Does this mean you can't walk down Main Street smoking or one of the side streets? City Attorney Davis responds that yeah you can't walk down the street smoking. Our biggest problem was that people would come outside the building and smoke where smoking was not allowed. Like at the hospital where they cannot smoke on the premises, they go and stand in the middle of Harold's Branch Road, which is a safety hazard. We have had more than a few complaints about people standing in the middle of the road at night. There is a few other places where there are people standing out in the streets smoking and puts a burden on motorists. City Manager Donovan Blackburn speaks up and says and also Mr. Davis with that said, if they are going up and down Main Street with street being the word then yes smoking is prohibited for them. Realistically, they are not supposed to be standing in the street anyway. The ordinance in relationship to schools, the original intent was to protect the children from second hand smoke and a request from Gov. Patton and President of the College, their facility has gone smoke free too.**

The concern being a safety issue now is that the students can't smoke on college property that they will take it to the streets to smoke. Commissioner Davis tells about he and his wife walking at Bob Amos on the track every evening and that he picks up cigarette butts that are on the track. Smoking doesn't bother me out in the open like that he says. Mayor Justice asked if there was an ordinance against someone smoking there to begin with. Second thing, Mayor Justice says is that it is hard to tell a business owner what he can do and cannot do with his business. People have an addiction with what we call legal so we need to provide them with a warm place to put their cigarette butts instead of them being ugly and throwing them in the streets. I am going to vote no cause they are just going to walk another 150 feet up the road. Commissioner Carter asked, Can they not smoke in their vehicles? Mayor Justice says that they all don't have cars up there though. Mayor says my dad has been down there at the University of Kentucky and I have watched people sit down there on the limestone or whatever wrapped in their gowns smoking cigarettes and they have canisters to put their cigarette butts in. It doesn't look appealing to me but I guess if I had an addiction I would want a place to go, I had the same addiction guys and I managed to get off of it, thank goodness. I know Donovan has worked very hard on this and I haven't talked to you about it but at this point I don't know that I can go along with this or not. Mayor continues with that's my comments does anyone else have any comments. City Manager responds, "Mayor, with that said, two things for the commission. One, someone with private property does have a right to designate a smoking area. Mayor then asked, don't airports have a smoking room? City Manager answers yes. Mayor says, They do, and a smoking room is not a break room is it? That's beyond our scope, they would just move 150 ft from the hospital. I've done just about all I am going to do on the smoking issue. City Manager says, What I would also say is, Mayor you are right. The difference is, this legislation doesn't stop you, there is the 150 ft barrier. If anyone is 150 ft from the road, it doesn't prohibit you from smoking. Whenever the college ask the commission to consider this, they wanted us to restrict four or five different streets. Then there was Harold's Branch Road, so the intent was to kill two birds with one stone. Commissioner Carter suggest that we table this ordinance until next meeting. Mayor Justice ask if we can legally do that for now. Commissioner Layne comments that we have come this far we can't turn back, all of these things happen for the health of our children. Mayor Justice responds that he understands the comment from Commissioner Layne but no one is dragging the kids up there beside the road to smoke a cigarette. Mayor says he was one of the ones who directed this originally by getting this out of public places and I still stand behind that 100 percent but he says that people need a way out also. If they are out there in the middle of Harold's Branch or whatever road we need to do something to keep them safe and

keep the residence safe. Commissioner Davis says that whenever he comes by the hospital he sees the same thing, they are barely on hospital property, people along the bank sitting and smoking. So I wonder how far can you go as a government in telling people what they can do and what they can't do. Mayor says we are going to have a second reading at the next meeting and go from there. I am not trying to aggravate anybody. We are going to do this the next time.

AN ORDINANCE AMENDING CHAPTER 121

“SMOKING REGULATIONS” ADDING SECTIONS 121.10 AND 121.11

AS REQUIRED BY STATE OF KENTUCKY

ORDINANCE NO. 0-2010-019

WHEREAS, the City of Pikeville City Commission is amending Chapter 121 Smoking Regulations, sections 121.10 and 121.11 due to the concern of public safety.

WHEREAS, this ordinance will take effect immediately upon passage and publication as

required by state statute.

NOW, THEREFORE, BE IT ORDAINED Chapter 121 “SMOKING REGULATIONS” sections 121.10 and 121.11 is amended to read as follows:

CHAPTER 121: SMOKING REGULATIONS

GENERAL PROVISIONS

§ 121.02 DEFINITIONS.

For the purpose of this chapter the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ARENA. Ballparks, sports pavilions, stadiums, gymnasiums, health spas, boxing arenas, swimming pools, roller and ice rinks, bowling alleys, and other similar places where members of the general public assemble to engage in physical exercise, participate in athletic competition or witness sports or other events such as music concerts, plays or public performances.

BUSINESS. A sole proprietorship, partnership, joint venture, corporation, or other business entity, either for-profit or not-for-profit, including retail establishments where goods or services are sold; professional corporations and other entities where legal, medical, dental, engineering, architectural, or other professional services are delivered; and private clubs.

EMPLOYEE. A person who is employed by an employer in consideration for direct or indirect monetary wages or profit, and a person who volunteers his or her services for a non-profit entity.

EMPLOYER. A person, business, partnership, association, corporation, including a municipal corporation, trust, or non-profit entity that employs the services of one (1) or more individual persons.

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ENCLOSED AREA. All space between a floor and ceiling that is enclosed on all sides by solid doors, walls and/or windows, which the combination of extend from the floor to the ceiling.

FREESTANDING BAR. An establishment within a building that is not a restaurant nor an attached bar, as those terms are defined herein, has a current distilled spirits and wine retail drink license, restaurant drink license, restaurant wine license or malt beverage license issued by the Commonwealth of Kentucky and City of Pikeville government and serves alcoholic beverages for consumption by guests/patrons within a totally enclosed area as defined herein.

HEALTH CARE FACILITY. An office or institution providing care or treatment of diseases, whether physical, mental, or emotional or other medical, physiological or psychological conditions, including but not limited to, hospitals, rehabilitation hospitals or other clinics, including weight control clinics, nursing homes, homes for the aging or chronically ill, laboratories, and offices of surgeons, chiropractors, physical therapists, physicians, dentists, and all specialists within these professions. This definition shall include all waiting rooms, hallways, private rooms, semiprivate rooms, and wards within health care facilities.

PLACE OF EMPLOYMENT. An area under the control of a public or private employer that employees normally frequent during the course of employment, including, but not limited to, work areas, employee lounges, restrooms, conference rooms, meeting rooms, classrooms, employee cafeterias and hallways. A private residence is not a **PLACE OF EMPLOYMENT** unless it is used as a childcare, adult day care, or health care facility.

PRIVATE CLUB. An organization, whether incorporated or not, which is the owner, lessee, or occupant of a building or portion thereof used exclusively for club purposes at all times, which is operated solely for a recreational, fraternal, social, patriotic, political, benevolent, or athletic purpose, but not for pecuniary gain, and which only sells alcoholic beverages incidental to its operation. The affairs and management of the organization are conducted by a board of directors, executive committee, or similar body chosen by the members at an annual meeting. The organization has established bylaws and/or a constitution to govern its activities. The organization has been granted an exemption from the payment of federal income tax as a club under 26 U.S.C. § 501.

PUBLIC PLACE. An enclosed area to which the public is invited or in which the public is permitted, including, but not limited to, banks, bars, educational facilities, health care facilities, hotel and motel lobbies, laundromats, polling places, public transportation facilities and vehicles, reception areas, restaurants, retail food production and marketing establishments, retail service establishments, retail stores, sports arenas, theaters, service lines and waiting rooms. A private club is a **PUBLIC PLACE** when being used for a function to which the general public is invited. A private residence is not a **PUBLIC PLACE** unless it is used as a childcare, adult day care, or health care facility.

RESTAURANT. An eating establishment, including, but not limited to, coffee shops, cafeterias, sandwich stands, and private and public school cafeterias, which gives or offers for sale food to the public, guests, or employees, as well as kitchens and catering facilities in which food is prepared on the premises for serving elsewhere except a free standing bar as defined herein where all employee, guest or patrons must be at least twenty-one (21) years of age to enter.

RETAIL TOBACCO STORE. Facilities that are owned or leased by tobacco manufacturers or wholesalers for the promotion, testing, research and/or development of tobacco products. For the purposes of this chapter, a tobacco manufacturer or wholesaler shall be an establishment that generates seventy-five percent (75%) or more of its total annual gross revenues from the sale of tobacco products. This would include newsstands, but does not include grocery stores, restaurants or drugstores.

SERVICE LINE. An indoor or outdoor line in which one (1) or more persons are waiting for or receiving service of any kind or purchasing items, whether or not the service involves the exchange of money.

SHOPPING MALL. An enclosed public walkway or hall area that serves to connect retail or professional establishments.

SMOKING. Inhaling, exhaling, burning, or carrying any lighted cigar, cigarette, pipe or other lighted tobacco product, in any manner or in any form.

PROHIBITIONS

§ 121.10 SMOKING IN PUBLIC AREAS ADJECENT TO SCHOOLS, DAYCARE CENTERS OR HOSPITALS

(A) Smoking is prohibited in all public places as defined in § 121.02 within the city limits which shall also include all public grounds or property that are within 150 feet of the property boundaries of a School, College, Daycare or Hospital. Penalty, see § 121.99

§ 121.11 SMOKING IN PUBLIC ROADWAYS OR STREETS

(A) For the purpose of public safety smoking is prohibited on any public street, roadway, alley, road entrance or street shoulder. This prohibition does not apply if a person is in the confines of a motor vehicle other than that of public transportation or if any of the mentioned areas are on private property. Penalty, see § 121.99

§ 121.15 SMOKING IN ENCLOSED PUBLIC PLACES PROHIBITED.

Smoking is prohibited in all enclosed public places, as defined in § [121.02](#), within the city limits of the city. Smoking is prohibited in all areas of restaurants as defined by § [121.02](#).

(Ord. 0-2007-028, passed 9-24-07; Am. Ord. 031, 2007, passed 10-9-07) Penalty, see § [121.99](#)

§ 121.16 SMOKING IN PLACES OF EMPLOYMENT PROHIBITED.

(A) Smoking is prohibited in all enclosed facilities within places of employment. This prohibition includes, but is not limited to, common work areas, auditoriums, classrooms, conference and meeting rooms, private offices, elevators, hallways, medical facilities, cafeterias, employee lounges, stairs and restrooms.

(B) This prohibition on smoking or location of the enclosed smoking areas shall be communicated to all existing employees by the effective date of this chapter and to all prospective employees upon their application for employment.

(C) Employers may elect as an exception under § [121.02](#) to provide an enclosed smoking area as defined by § [121.19\(A\)\(2\)](#). (Ord. 0-2007-028, passed 9-24-07; Am. Ord. 031, 2007, passed 10-9-07) Penalty, see § [121.99](#)

§ 121.17 SMOKING IN OUTDOOR ARENAS AND STADIUMS PROHIBITED.

Smoking is prohibited in the seating areas, concession areas, and bathrooms of all outdoor arenas, venues, stadiums and amphitheaters or as further defined under § [121.02](#). The owners, lessees or operators of these venues may designate a smoking area(s) in other areas of the arena, stadium or amphitheaters not prohibited herein as long as such area is outdoors, well ventilated and at a reasonable distance from any main path, entrance, window or ventilation system as outlined in § [121.18](#).

(Ord. 0-2007-028, passed 9-24-07; Am. Ord. 031, 2007, passed 10-9-07) Penalty, see § [121.99](#)

§ 121.18 REASONABLE DISTANCE.

Smoking is prohibited within a reasonable distance of the outside entrance to or open windows of any enclosed area in which smoking is prohibited by this chapter and from the air intake of a ventilation system serving an enclosed area where smoking is prohibited, in order to ensure that tobacco smoke does not enter that enclosed area through entrances, windows, ventilation systems or other means. In these areas the ventilation must be so that the public will not be exposed to secondhand smoke by walking the designated path to the entrance of a business.

§ 121.99 PENALTY.

(A) A person who smokes in an area where smoking is prohibited by the provisions of this chapter shall be guilty of a violation, punishable by a fine not exceeding fifty dollars (\$50.00).

(B) A person who owns, manages, operates, or otherwise controls a public place or place of employment and who fails to comply with the provisions of this chapter shall be guilty of a violation, punishable by:

- (1) A fine not exceeding fifty dollars (\$50.00) for a first violation within a one (1) year period.
- (2) A fine not exceeding one hundred dollars (\$100.00) for a second violation within one (1) year.
- (3) A fine not exceeding two hundred fifty dollars (\$250.00) for each additional violation within one (1) year.

(C) In addition to the fines established by this section, violations of this chapter by a person who owns, manages, operates, or otherwise controls a public place or place of employment may result in the suspension or revocation of any permit or license (including but not limited to alcoholic beverage licenses) issued to the person for the premises by the city on which the violation occurred.

(D) Violation of this chapter is declared to be a public nuisance, which may be abated by the city or its designated agents by restraining order, preliminary and permanent injunction, or other means provided for by law. The city may recover the reasonable costs of any court enforcement action seeking abatement of this nuisance.

(E) Each day on which a violation of this chapter occurs shall be considered a separate and distinct violation. 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 _____, 2010, the ordinance was given a second reading on the ____ day of _____, 2010.

Passed this ____ day of _____ 2010.

Commissioner _____ moved for the adoption of the forgoing ordinance.

Commissioner _____ seconded the motion.

Upon roll call, the votes were as follows:

	Yes	No
FRANK JUSTICE, MAYOR	_____	_____
GENE DAVIS, COMMISSIONER	_____	_____
DALLAS LAYNE, COMMISSIONER	_____	_____
JIMMY CARTER, COMMISSIONER	_____	_____
BARRY CHANEY, COMMISSIONER	_____	_____

The Mayor declared the within ordinance adopted.

FRANKLIN D. JUSTICE, II MAYOR

ATTEST:

CHRISTY BILLITER, CITY CLERK

4. Consider the request for a 2nd reading and passage of ordinance #0-2010-020 amending Chapter 90 Animals. Commissioner Chaney made the motion to approve. Commissioner Carter seconded the motion. Mayor Justice called for comments. Commissioner Davis asked, before you fine them \$500 dollars should they be made aware of that before they come in to set up to sell? City Manager Donovan answers that this is a request from the humane society with the intent to keep the puppy mills out of town. Mayor ask if you can sell somewhere in the city just not at the festival, right. He says that there are people out there that are selling animals that are legit that have their shots and documentations and whatnot. Mayor Justice called for further comments, there being none, mayor called for roll call. Mayor Justice abstained. Ordinance passed. 4-1.

**AN ORDINANCE AMENDING CHAPTER 90
“ANIMALS” PROHIBITING THE SALE OF ANIMALS
DURING A CITY FESTIVAL OR EVENT**

ORDINANCE NO. 0-2010-020

WHEREAS, the City of Pikeville City Commission is amending Chapter 90 “Animals”, sections 90.07 and section 92.99 Penalty.

WHEREAS, by the request of the leadership of the Human Society passage of this ordinance shall be considered with the intent to protect the life and well being of all Animals while reducing the risk within the community of puppy milling or the possibility of disease from animals that have not been properly bred or cared for.

WHEREAS, during festivals and event the City's resources and personnel are taxed to the point that undertaking the inspection of animal sales and issuing permits therefore is difficult or impossible.

WHEREAS, this ordinance will take effect immediately upon passage and publication as required by state statute.

NOW, THEREFORE, BE IT ORDAINED Chapter 90 “ANIMALS” section 90.07 and section 92.99 Penalty. is amended to read as follows:

**CHAPTER 90: ANIMALS
GENERAL PROVISIONS**

§ 90.07 SALE OF ANIMALS DURING FESTIVALS

The offering for sale or sale of animals at a festival or event occurring for less than five (5) days is prohibited within the city limits. Penalty, see § 90.99

§ 90.99 PENALTY.

(A) Any person who violates any provisions of this chapter for which another penalty is not already otherwise provided shall be guilty of a misdemeanor and shall be fined not more than five hundred dollars (\$500.00), or imprisoned for not more than thirty (30) days, or both, for each offense. Each day the violation exists shall constitute a separate offense.

(B) Any person who violates § 90.03 or § 90.07 shall be guilty of a misdemeanor and shall be fined not more than five hundred dollars (\$500.00) per offense, imprisoned for not more than twelve (12) months, or both for each offense.

(C) Any person who violates § 90.04 shall be guilty of a misdemeanor and shall be fined not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00).

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 _____, 2010, the ordinance was given a second reading on the ____ day of _____, 2010.

Passed this ____ day of _____ 2010.

Commissioner _____ moved for the adoption of the forgoing ordinance.

Commissioner _____ seconded the motion.

Upon roll call, the votes were as follows:

	Yes	No
FRANK JUSTICE, MAYOR	_____	_____
GENE DAVIS, COMMISSIONER	_____	_____
DALLAS LAYNE, COMMISSIONER	_____	_____
JIMMY CARTER, COMMISSIONER	_____	_____
BARRY CHANEY, COMMISSIONER	_____	_____

The Mayor declared the within ordinance adopted.

FRANKLIN D. JUSTICE, II MAYOR

ATTEST:

CHRISTY BILLITER, CITY CLERK

- 5. Consider the request for a 2nd reading and passage of ordinance #0-2010-022 as a supplement to the city bond ordinance. Commissioner Layne made the motion to approve. Commissioner Chaney seconded the motion. Mayor Justice called for comments, there being none, mayor called for roll call. Ordinance passed unanimously. 5-0.**

ORDINANCE NO. 0-2010-022

AN ORDINANCE OF THE CITY OF PIKEVILLE, KENTUCKY, SUPPLEMENTING ORDINANCE NO. 0-2010-10 ADOPTED ON JUNE 14, 2010, RELATING TO THE ISSUANCE OF THE CITY’S WATER AND SEWER REVENUE BONDS, TAXABLE SERIES 2010S-1 (BUILD AMERICA BONDS – DIRECT PAYMENT TO ISSUER)

WHEREAS, the City of Pikeville, Kentucky (the “City”), on June 14, 2010, adopted Ordinance No. 0-2010-10 (the “Bond Ordinance”) authorizing the sale and issuance of the City’s Water and Sewer Revenue Bonds, Taxable Series 2010S-1 (Build America Bonds – Direct Payment to Issuer), in the principal amount of \$1,500,000 (the “Bonds”); and the City desires to supplement and clarify the Bond Ordinance with respect to the description of the Bond-financed project and certain other matters;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF PIKEVILLE, KENTUCKY, ACTING BY AND THROUGH ITS BOARD OF COMMISSIONERS, AS FOLLOWS:

Section 1. Descriptions in the Bond Ordinance of the “Project” are supplemented and clarified to specify major wastewater (sanitary sewer) service additions and extensions to the City’s combined water and sewer system, commonly referred to as the Marion’s Branch Sewer Project.

Section 2. References in the preamble of the Bond Ordinance to the outstanding amounts of the “Prior Obligations” and the “2007 Bonds” shall be updated by the Finance Director of the City in a Certificate of Delivery and Payment to be delivered by the City in connection with the issuance of the Bonds.

Section 3. Provisions of the Bond Ordinance in conflict with the provisions of this Ordinance are, to the extent of such conflict, hereby repealed.

ADOPTED BY THE BOARD OF COMMISSIONERS OF THE CITY OF PIKEVILLE, KENTUCKY, upon second reading at a meeting held on the 11th day of October, 2010, and upon such adoption signed by the Mayor, attested by the City Clerk, ordered to be published and declared to be in full force and effect upon such publication.

APPROVED:

/s/ Franklin Justice II

Mayor

City of Pikeville, Kentucky

Attest:

/s/Christy Billiter

City Clerk

Certification

I, the undersigned, City Clerk of the City of Pikeville, Kentucky (the “City”), hereby certify that the foregoing is a true, complete and correct copy of an Ordinance finally adopted upon second reading by the Board of Commissioners of the City at a properly convened meeting of the Board of Commissioners held on the 11th day of October, 2010, as shown by the official records in my custody and under my control.

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WITNESS my hand this 11th day of October, 2010.

/s/Christy Billiter
City Clerk
City of Pikeville, Kentucky

CITY MANAGER

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

- 1. Consider request to adopt a resolution accepting all of Steeleburn Road into the city’s road maintenance program. 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.**

**RESOLUTION ACCEPTING INTO THE CITY STREET
SYSTEM STEELEBURN STREET
AS INDICATED ON HE ATTACHED MAP
DATED APRIL 23RD 2002 PREPARED BY
JOHNSON ENGINEERING INC.**

WHEREAS, the City of Pikeville has annexed into the City of Pikeville the Steeleburn Street Subdivision which included all of Steeleburn Street as illustrated on the attached map dated April 23rd 2002; and

WHEREAS, the City of Pikeville desires to accept and designated as a public city all of Steeleburn Street to include the road extension for future development; and

WHEREAS, by the City of Pikeville excepting the future extension of the road does see an economic and housing needed benefit for the city and its citizens; and

WHEREAS, the City of Pikeville has agreed to pave the extension as depicted on the attached map and accept said road as a public city street under the conditions that in order for the city to meet the terms of accepting this portion the land owner will reimburse the city for all cost associated the paving. Hereafter the city will then stand responsible for all future maintenance and paving as required as a public street.

NOW THEREFORE BE IT RESOLVED, that the City does hereby designate and accept into the City Street program Steeleburn Street in its entirety as illustrated on the for mentioned attached map under the conditions set forth by this resolution.

Adopted this 11th day of October , 2010.

Commissioner _____ moved for the adoption of the foregoing resolution.

Commissioner _____ seconded the motion.

Upon roll call, the votes were as follows:

	Yes	No
FRANK JUSTICE, MAYOR	_____	_____
GENE DAVIS, COMMISSIONER	_____	_____
DALLAS LAYNE, COMMISSIONER	_____	_____
JIMMY CARTER, COMMISSIONER	_____	_____
BARRY CHANEY, COMMISSIONER	_____	_____

The Mayor declared the within resolution adopted.

Mayor Franklin D. Justice, II

(DATE)

ATTEST: _____
Christy Billiter, City Clerk

(DATE)

2. Consider request to appoint Lloyd Childress to the vacant position for the Historical Preservation Board which term will expire on 11-26-2011. Commissioner Layne made the motion to approve. Commissioner Carter seconded the motion. Mayor Justice called for further comments, there being none the motion passed. 5-0.
3. Consider request to award the bid and authorize payment for Road Salt to North America Salt Company, who was the low bidder, in the amount of 65.46 a ton delivered. Commissioner Layne made the motion. Commissioner Carter seconded the motion. Mayor Justice called for comments, there being none the motion passed unanimously. 5-0.
4. Consider request to award the bid and authorize payment for a 2011 Silverado 3500 series 4WD Crew Cab pick-up to Walters Chevrolet-Buick, who was the only bidder, for the amount of \$37,506.84 and authorize the City Manager to sign any and all paperwork required to transfer said vehicle into city's name. Commissioner Chaney made the motion to approve. Commissioner Layne seconded the motion. Mayor Justice called for comments. Commissioner Davis abstained and Commissioner Carter abstained, the motion passed. 3-2.
5. Consider a request to advertise for bid for the purchase of city police vehicle. 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.
6. Consider a request to approve the submitted Supplement to Legal Service Agreement with William Davis for Bond Counsel Service's agreement for the 2010S-1 – Bonds as submitted and to authorize the mayor to sign said agreement. 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.
7. Consider request to approve the submitted contract for the purchase of a postage machine for the Annex Building and authorize the mayor to sign and execute said contract. 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 authorize a loan from Community Trust Bank for the purpose of Thompson Road property site development & Texas Roadhouse site development contingent upon the execution of a lease between the COP and TRH & authorize the mayor to sign all necessary paperwork to execute said loan on the city's behalf. 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 the CHS agreement between Community Trust and City of Pikeville as submitted and authorize the Mayor and City Manager to sign on the Cities behalf to execute. Commissioner Chaney made the motion to approve. Commissioner Carter seconded the motion. Mayor Justice called for discussion. Commissioner Davis asked the question what is

- CHS? City Manager Donovan replies it is our lockbox for the utilities office for the people to drop off payments. Mayor Justice called for further comments, there being none, the motion passed unanimously. 5-0.
- Mr. Blackburn took a minute to remind the commissioners of the library board meeting and asked if any of the commissioners were interested in going. Commissioner Layne spoke up and talked about what a great opportunity it was. Commissioner Carter committed to going as well.
10. 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.
11. 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.
12. 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:

Pike County Library Board, Legislative Meet and Greet meeting on 10-18-10 from 5:30 pm until 7:00 pm. Entire commission invited

Nightmare on Main will be Tuesday, October 26th 2010

Trick-or-Treat Thursday, October 28th 2010 from 6 pm until 8 pm

The next scheduled Regular Meeting of the City of Pikeville Board of Commissioners is October 25, 2010 at 6:00 p.m.

APPROVED:

FRANKLIN D. JUSTICE, II, MAYOR

ATTESTED:

CHRISTY BILLITER, CITY CLERK