

**CITY OF PIKEVILLE
BOARD OF COMMISSIONERS
REGULAR MEETING MINUTES
October 10, 2011 AT 6:00 P.M.**

The Board of Commissioners for the City of Pikeville met in a regular called session on Monday, October 10, 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 Pro-tem Jimmy Carter 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 Absent**

MINUTES

The minutes for the previous regular meeting held on September 26, 2011 were in each Commission Member's agenda package. There being no additions or corrections, Commissioner Chaney made the motion to approve the minutes as prepared. Commissioner Davis seconded the motion. Mayor Pro-tem Carter called for discussion, there being none, the motion carried unanimously. 4-0.

PAYMENT OF CITY BILLS

The City Manager Donovan Blackburn requested the approval to pay city bills in the amount of \$501,163.67. Commissioner Layne made the motion to approve. Commissioner Chaney seconded the motion. Mayor Pro-tem Carter called for further discussion, there being none, motion passed unanimously. 4-0.

Consider a request to approve and authorize payment for invoice as submitted to Federal Signal Corporation for \$53,196.00 as submitted for the Early Warning Siren Project and authorize the mayor pro-tem to sign and execute said pay request. Commissioner Davis made the motion to approve. Commissioner Chaney seconded the motion. Mayor Pro-tem Carter called for discussion. Mayor Pro-tem Carter asked if there were different locations for this project. City Manager directed this question to Melanie Stevens, the grant writer. Ms. Stevens confirms that there are

eight locations involved in this project. Commissioner Layne asked if we received a grant for this. Ms. Stevens replies that we got just shy of \$80,000. Mayor Pro-tem calls for further comments, there being none, the motion passed unanimously. 4-0.

Consider a request to approve and authorize payment for Invoice as submitted to Steve Thacker Construction for \$14,700.00 as submitted for the Swinging Bridge repair project. Commissioner Layne made the motion to approve. Commissioner Chaney seconded the motion. Mayor pro-tem Carter called for comments. Mayor Pro-tem comments, "Great Job." Mayor Pro-tem called for further discussion, there being none, motion passed unanimously. 4-0.

BIG SANDY AREA DEVELOPMENT DISTRICT

Sandy Runyon was present for the Big Sandy Area Development. Ms. Runyon had no updates for the commission.

CITY ENGINEER

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

1. Consider request to approve and authorize payment for pay request #16 to H2O Construction Inc. for \$117,253.75 as submitted for the Marion Branch Sewer Project and authorize the mayor pro-tem to sign and execute said pay request. Commissioner Davis made the motion to approve. Commissioner Layne seconded the motion. Mayor Pro-tem Carter called for comments. Commissioner Davis asked Mr. Hunt from Summit Engineering if this is the final pay request. Mr. Hunt replied no. Mayor Pro-tem called for additional comments, there being none the motion passed unanimously. 4-0.

2. Consider request to approve and authorize payment for invoice #59095 to Summit Engineering for \$8,866.50 as submitted for the Marion Branch Sewer Project and authorize the mayor pro-tem to sign and execute said pay request. Commissioner Chaney made the motion to approve. Commissioner Layne seconded. Mayor Pro-tem Carter called for comments, there being none, the motion passed unanimously. 4-0.

3. Consider a request to approve the submitted contract between Summit Engineering, Inc. and City of Pikeville for the 401 Water Quality Certification and Section 404 Permit Application for Marion Branch and to authorize the Mayor Pro-tem to sign on behalf of the City of Pikeville. Commissioner Chaney made the motion to approve. Commissioner Davis seconded the motion. Mayor

Pro-tem Carter called for comments, there being none, the motion passed unanimously. 4-0.

CITY ATTORNEY

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

- 1. Consider a 2nd reading and adoption of an ordinance #0-2011-031 amending Chapter 35 “Taxes” amending section 35.27 “Restaurant Tax.” Commissioner Chaney made a motion to approve. Commissioner Layne seconded the motion. Mayor Pro-tem Carter called for comments. Mr. Jack Abshire III was present to speak on behalf of the Riverfill 10 Movie Theater. Mr. Abshire says this is a restaurant tax that has been applied to the movie theater, and the movie theater is not a restaurant. Then, secondly, the tax is to support other entertainment establishments in Downtown Pikeville which will be our competitors. Mr. Abshire is suggesting the language be added to the books as restaurant tax which excludes the movies. City Attorney Davis responds by letting Mr. Abshire know that this is a tax that applies to any place that serves food. It applies to Food City or Velocity Market, just the same as it does the movie theater. If you were to put a vending machine in, then it wouldn’t apply, but since you have a counter serving food then we can’t discriminate. City Manager Blackburn says that we put this tax in place to create revenue. Anytime you look at an area that wants an exemption you have to take a look at the ordinance and look at the definition of a restaurant. When the city was looking at who was exempt, they looked at this definition. Mr. Blackburn adds that this is a “pass through tax” which businesses may pass on to customers. Unfortunately, the movie theater’s registers are not equipped to handle tax rates and Mr. Abshire acknowledged that fact. City Attorney Davis says that we also plan to bring a theater into town and they may serve food there as well. They will have to pay this tax too. Mr. Davis continues that we feel that we have a good relationship with the Riverfill 10 theater and we want to keep that relationship. Commissioner Chaney agrees by saying that he hates taxes too, but considers them to be more of an investment to the future. Commissioner Chaney adds that if you don’t have the quality of life in your community, then people will not come. Mayor Pro-tem Carter asked, “Just real quick, if they are serving packaged candy, then are they getting charged the 2%?” City Attorney answered, “No, it is just popcorn and fountain drinks.” Mr. Abshire says that a population increase would benefit everyone. He asked that the city limit this tax to restaurants because the other people who are serving food are given a disservice. Commissioner Chaney remarks that no matter where the people are coming from, whether Knott Co. or wherever, everyone will be paying**

this tax. City Manager Blackburn says that under KLC, the blanket tax covers everyone that serves food. There are people that sit on our boards that own restaurants that are asking for this tax; the commission is asking for this tax for the Expo Center and JWT. The overall quality of life is the common denominator here. The way you price appears to be the nitch for you. Mr. Abshire concludes by saying that the tax supports the Expo Center and JWT and it is frustrating that we are supporting our competition. Mayor Pro-tem Carter called for further discussion, there being none, Mayor Pro-tem called roll call. Ordinance passed. 4-0.

**AN ORDINANCE RELATED TO THE AMENDMENT
OF CHAPTER 35 "TAXATION" OF SECTION 35.27
"RESTAURANT TAX" OF THE CITY
OF PIKEVILLE CODE OF ORDINANCE**

ORDINANCE NO. 0-2011-031

NOW, THEREFORE, BE IT ORDAINED by the City of Pikeville that §35.27 OF THE CODE OF ORDINANCES RELATED TO "RESTAURANT TAX" SHALL BE AMENDED AS FOLLOWS:
CHAPTER 35: TAXATION
§ 35.27 RESTAURANT TAX

Section

01 Definitions

02 Restaurant Tax

03 Reporting Procedures to City Council

04 Reporting Procedures for Restaurants

05 Transfer of Funds to Pikeville Tourism & Convention Bureau

06 Collection and Enforcement

07 Interest and Penalties

08 Information Deemed Confidential: Penalty for Disclosure: Exceptions

09 Duties, Director of Finance

10 Procedure for Applying for Refund or Overpayment

11 Failure to File Return; Failure to Pay the Restaurant Tax Withheld; Underpayment of amount due

12 Severability

13 Other Ordinances Not Repealed

01 Definitions:

Restaurant: As used in this chapter, restaurant means any fixed or mobile commercial establishment that engages in the preparation and serving of ready-to-eat foods in portions to the consumer, including, but not limited to: restaurants, coffee shops, cafeterias, short order cafes, luncheonettes, grilles, tea rooms, sandwich shops, soda fountains, roadside stands, street vendor, catering kitchens, delicatessen, or similar places in which food is prepared for sale for consumption of the premises or elsewhere. It does not include school cafeterias which are operated by the school system and not an independent corporation, food vending machines, establishments serving beverage only in single service or original containers. Temporary food stand, operated by non-profit organizations are exempt from this tax. Applies to food and beverages (excluded alcoholic drink that are taxed under §111.17).

Commission: The Pikeville Tourism and Convention Commission

02 Restaurant Tax.

On and after ~~July 15, 2011~~ November 15, 2011, there is hereby levied upon the retail sale of all food and beverages by a restaurant located within the municipal limits of the City of Pikeville a tax equal to ~~one and one-half~~ two percent (~~1.5~~ 2%) of the gross amount of each sale (excluding any other tax). This tax may or may not be passed on to the ultimate customer/consumer at the discretion of the restaurant.

03 Reporting Procedures to City of Pikeville

A. The funds collected from this tax shall be maintained by the City Tax Administrator in a special fund managed by the City Finance Director and disbursed to the Commission monthly. All such money shall be used solely for the purpose of promoting recreational, convention and tourist activity in the City of Pikeville, as set out in KRS Section 91A.390, and shall not be used to provide a subsidy in any form to any motel, hotel or restaurant.

B. The Commission must obtain approval from the City Commission of the City of Pikeville prior to using any revenues from the restaurant tax for the purpose of capital improvements including the purchase or acquisition of land. In the event that an approved capital project must be debt serviced by bonds or bonded by the City of Pikeville the Commission will pledge amounts agreed upon by the Commission and City Commission necessary to satisfy principal and interest payments of the bond issue.

C. The Commission is strongly encouraged to obtain approval from the City Commission of Pikeville for any projects that are estimated at a cost of \$10,000 or more. In obtaining the approval, the Commission must provide the City Commission a complete copy of any and all plans, data, research, appraisals, blueprints, etc. regarding the project.

D. The Commission will continue to provide its annual budget to the City Commission.

E. The Commission shall provide a monthly written report to the City Commission which includes all income, expenditures, disbursements, and request pertaining to restaurant tax funds.

04 Reporting Procedures for Restaurants.

On or before the twentieth (20th) day of each calendar month, each restaurant owner and/or operator shall report to the City Tax Administrator on forms provided by the City of Pikeville the gross amount of sales of the restaurant from food and beverages for the preceding calendar month, and calculation of the tax due for that month by computing ~~one and one-half~~ ~~two~~ percent (~~1.5~~ 2%) of its gross sales from food and beverages. The owner/operator of the restaurant shall remit with the form the tax due to the City Tax Administrator.

05 Transfer of funds to Pikeville City Tourism and Convention Commission.

On or before the last day of each calendar month, the City Director of Finance shall transfer to the Pikeville City Tourism and Convention Commission the gross of monies collected from the restaurant tax collected as of the 25th of the current month. The Pikeville City Tourism and Convention Commission shall reimburse the City of Pikeville five percent (5%) of the tax collected as reimbursement for the costs of collections, including but not limited to the cost of reporting forms, postage, court cost, attorney's fees and all other expenses incurred in collection of this tax by the fifth (5th) day following the monthly transfer of funds.

06 Collection and Enforcement.

A. It shall be the duty of the City Tax Administrator to collect and receive the restaurant tax imposed by this Ordinance.

B. The City Tax Administrator shall keep records showing the amount paid by each restaurant owner and/or operator and the date of such receipt.

C. The City Tax Administrator is hereby charged with the enforcement of provisions of this Ordinance, and is hereby empowered to prescribe, adopt and promulgate, and enforce rules and regulations relating to any matter pertaining to the administration and enforcement of the provisions of the ordinance, including but not limited to provisions of the reexamination and correction of returns to which and underpayment or overpayment is claimed or found to have been made, and the rules and regulations as promulgated by him shall be binding upon the taxpayer. Provided, however, all such rules, regulations and decisions shall be subject to the consent and approval of the City Manager, Mayor and City Commission.

D. The City Tax Administrator, or any agent or employee designated by him or her in writing, may examine the books, papers, and records of any restaurant in order to determine the accuracy of any return made, or if no return was made, to ascertain the amount of restaurant tax imposed by the terms of this ordinance as he or she may deem is reasonably necessary for the purpose incident to the performance of his or her duties hereunder. The City Tax Administrator may enforce this right by application to the appropriate court having jurisdiction over these matters.

E. The City Tax Administrator may dispense with examination of the books, papers, and records of any taxpayer in any case where the City Tax Administrator is furnished with a certificate of a qualified Certified Public Accountant, or the sworn statement of any other reputable accountant or bookkeeper stating that the amount of restaurant tax reported conforms to the State or Federal Income Tax Return filed for the applicable period.

F. A restaurant owner and/or operator who collects the restaurant tax from one (1) or more persons and who fails to file a return and make payments therewith shall in addition to the penalties prescribed herein upon conviction be subject to a fine of not less than Fifty Dollars (\$50.00) nor more than Five Hundred Dollars (\$500.00), or imprisonment for not more than thirty (30) days, or both such fine and imprisonment, for each offense. Such criminal penalties shall be in addition to the penalties imposed within this Ordinance.

07 Interest and Penalties.

A. Any person who fails to file any return required within the afore stated time due to who fails to pay such restaurant tax when same shall become due, shall be charged a penalty of ten Percent (10%) of the amount of the unpaid restaurant tax for each month such return remains un-filed or tax unpaid, not exceeding a penalty of Twenty-Five Percent (25%) in the aggregate.

B. All restaurant taxes imposed by this Ordinance which remain unpaid after they become due shall bear interest at the rate of one and one-half of one percent (1.5%) per month (or part thereof).

C. Any person who shall fail, neglect or refuse to make any return or pay any tax due required by this Ordinance, or to pay the city those so withheld under the terms of this Ordinance, or any person who shall refuse to permit the City Finance Director or any agent or employee designated by him in writing, to examine books, records, and papers pertaining to information required under this Ordinance, or who shall knowingly make any incomplete, false, or fraudulent return, or who shall attempt to do anything whatsoever to avoid the full disclosure of the amount of gross receipts in order to avoid the payment of the whole or any part of the restaurant license tax, shall become liable to the city for such tax as well as the interest and penalty thereon, and shall in addition, be subject to a fine of not less than FIFTY DOLLARS (\$50.00) or more than FIVE HUNDRED DOLLARS (\$500.00) or imprisonment for not less than thirty (30) days, each day of non filing constituting a separate offense. Such criminal penalties shall be in addition to the penalties imposed above.

08 Information Deemed Confidential; Penalty for Disclosure: Exceptions.

Any information, including returns, documents, or payments made pursuant hereto and any other information gained by the City Tax Administrator or any other official, agent, or employee of the City of Pikeville as a result of any return, investigation, hearing or verification required or authorized by the ordinance shall be confidential; except, in accordance with proper judicial order, and any person or agent divulging such information shall, upon conviction, be subject to a fine of not less than Fifty Dollars (\$50.00) nor more than Five Hundred Dollars (\$500.00) or imprisonment not to exceed Thirty (30) days, or both, at the discretion of the court, and upon conviction shall be dismissed from employment by the City. Provided, however, such person may disclose to the Commissioner of the Revenue Cabinet of the state or his or her duly authorized agent, or the other Commissioner of Internal Revenue Service, or his or her duly authorized agent, all such information and extend the right to inspect any of the books and records of the City to said Commissioner of the Revenue Cabinet of the state and/or to said Commissioner of the Internal Revenue Service who must grant to the City the reciprocal right to obtain information from the files and records of the Internal Revenue Service and maintains the privileged character of the information so furnished to them.

09 The City Tax Administrator, or any agent or employee designated by him or her in writing, shall have the following duties in connection with the restaurant tax.

A. Keep accurate records of all returns and of all sums received for restaurant taxes. Such records shall contain the names and addresses of each taxpayer, and the dates and amounts of payments. He or she shall keep the original returns on file for a period of not less than three (3) years after filing.

B. Enforce the provisions of this Ordinance, all in accordance with any policies set forth in any ordinance, municipal order, or executive order.

C. Prepare forms and instructions for the returns and payments required by this Ordinance. All instructions shall be clear and shall be as short as possible.

D. Examine returns. And for any returns appearing to be correct, made inquiries, investigations, and adjustments in the amount of tax due.

E. Where necessary to determine accurate figures for determining the amount of tax due, examine books, records, and information stored in computers of any taxpayer, provided that each city officer or employee acting under this ordinance shall identify himself or herself and request the information desired. If the officer or employee is refused admission to any place of business or refused access to any records or computer memory, the City Tax Administrator or employee shall leave the premises and shall seek an appropriate court order, with the assistance of the city attorney, to obtain access to the information needed.

F. The City Tax Administrator shall approve the form of all returns and written instructions prior to use by an agent or employee designated by him or her in writing.

G. The City Tax Administrator may prepare pamphlets for distribution to the public, clearly explaining the restaurant tax, returns, and payments required.

10 Procedures for Applying for Refund of Overpayment.

A. Any taxpayer (pursuant to this Ordinance) who truly believes that he has made or permitted an overpayment of his or her liability for any restaurant tax required by this Ordinance may apply for refund of said overpayment provided that he or she files an amended return, verified under oath and setting forth in detail the full explanation of the reason of the said claimed overpayment of his or her liability, within one (1) year of the date of said overpayment is made or the date he or she said restaurant tax payment was due, whichever occurs first.

B. If a refund has been properly claimed according to the provisions of paragraph A above, then the City Director of Finance, with the Tax Administrator's written approval shall have the authority to honor and refund any such overpayment actually made above actual liability upon the restaurant tax required under this Ordinance which he or she determines within his or her sole discretion was made through honest mistake or inadvertence.

C. In no event shall any refund be made for any payment upon any restaurant tax unless the refund claim is submitted and filed in strict compliance with the foregoing provisions of this section upon such refund claim forms or amended return forms as hereafter shall be promulgated by the City Tax Administrator from time to time.

11 Failure to File Return, Failure to Pay the Restaurant Tax Withheld, Underpayment of Amount Due.

A. If the taxpayer liable for collecting the restaurant tax and filing a return fails to make a return, the City Tax Administrator shall prepare an estimate of the amount of restaurant taxes due based on the best information available to them. The City Tax Administrator may make investigations to assist in making the estimate. He or she may consider the volume of business done in the same type of business, and any other relevant matters. When the City Tax Administrator estimates the restaurant taxes, the amount of interest and late charges provided by this Ordinance shall be added to the taxes due. He or she shall notify the taxpayer of the amount due. Such notification shall be in writing and shall contain a brief description of the method and estimated figures used in arriving at the estimated tax. Any taxpayer may dispute the amount of the estimated tax by filing within thirty (30) days of notification of the estimated taxes a return accompanied by payment of the entire balance due together with the interest and late charges due. Such return shall be processed like any late return, and shall establish the restaurant tax liability of the taxpayer in place of the estimated amount prepared by the City Tax Administrator. However, the City Tax Administrator may later determine that the amount shown in the return is insufficient so there is a deficiency, in the same manner as in the case of other returns.

B. If the City Tax Administrator determines, by examining available evidence, that the amount of restaurant taxes paid over by the taxpayer is less than the amount required by this Ordinance, he or she shall notify the taxpayer of the deficiency. The City Tax Administrator may use any of the methods authorized in paragraph A of the section to determine whether a deficiency exists and to determine the amount of such deficiency. He or she shall thereupon notify the taxpayer of the deficiency. Such notice shall be in writing and shall state not only the amount of the deficiency but also the methods and estimates used in arriving at the amount of the deficiency. If the taxpayer does not object in writing within thirty (30) days of the date of receiving such notice, the taxpayer shall be deemed to have accepted the revised figures for the restaurant tax liability. If the taxpayer does file written objection within the time specified, the

taxpayer shall pay the fees, together with penalties and interest, under protest and may thereupon pursue administrative and judicial remedies as provided by this Ordinance and by state law to seek a refund.

C. If the City Tax Administrator finds that any taxpayer has overpaid, he or she shall notify them of overpayment and shall refund the amount of the overpayment to them.

D. When the City Tax Administrator notifies any taxpayer of any estimated amount due, alleged overpayment, or refund, he or she shall include in the notice clear instructions on how, when, and where the taxpayer may protest or appeal the decision.

E. If any taxpayer or any person, firm, association, or corporation required by this ordinance to pay a restaurant tax or to file a return shall fail to file any return for any month, such failure to file shall constitute a continuing offense against the city and the City Tax Administrator may proceed to estimate and collect the restaurant taxes at any time. In all other cases, no increases shall be made in the taxpayer's restaurant tax liability unless the first notice of such increase is received by the taxpayer within three (3) years of the time the return was first due.

12 Severability.

The provisions of this Ordinance are severable. If any sentence, clause, section, or part of this Ordinance or the application thereof to any particular case is for any reason found to be unconstitutional, illegal, or invalid, such unconstitutionality, illegality, or invalidity shall not affect or repeal any of the remaining provisions, sentences, clauses or sections or parts of this Ordinance, it being the legislative intent of the City Commission of Pikeville to ordain and enact each provision, section, paragraph, sentence and part thereof, separately and independently of each other.

13 Other Ordinances Not Repealed.

Nothing contained herein shall be deemed to repeal or modify any other ordinance heretofore enacted and in force in the City of Pikeville unless specifically repealed by separate ordinance.

Nothing herein shall affect the 3% alcoholic beverage tax set forth in the Alcoholic Beverage Ordinance 111.17 and the tax provided for herein shall be in addition to the alcoholic beverage tax.

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

2. Consider a request to authorize and accept all terms and conditions of the submitted Agreed Order between the City of Pikeville and State of Kentucky Energy and Environmental Cabinet and to authorize the Mayor to sign and execute said Agreed Order on behalf of the City of Pikeville. Commissioner Chaney made a motion to approve. Commissioner Davis seconded the motion. Mayor Pro-tem Carter called for comments. City Attorney Davis says that he recommends this order. City Manager Blackburn says that we went to a new way of reporting and since then we have had no violations. Mayor Pro-tem Carter asked if this is all about waste treatment. Mr. Blackburn responded that this is about water treatment. Mayor Pro-tem called for further discussion, there being none, the motion passed unanimously. 4-0.
3. Consider a request to authorize the Mayor to sign and execute the submitted Vendor Disclosure statement on behalf of the City of Pikeville for the Big Sandy Area Community Action Program. Commissioner Chaney made the motion to approve. Commissioner Davis seconded the motion. Mayor Pro-tem Carter called for comments, there being none, the motion passed unanimously. 4-0.

CITY MANAGER

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

1. Consider the adoption of a resolution accepting “Map Drive” into the cities street maintenance program. Commissioner Chaney made the motion to adopt. Commissioner Layne seconded the motion. Mayor Pro-tem called for further comments, there being none, motion passed unanimously. 4-0.
2. Consider the request to authorize to bid utility relocation line project as submitted. Commissioner Davis made the motion to approve. Commissioner Chaney seconded the motion. Mayor Pro-tem Carter called for comments. City Manager Blackburn says this is for the Hilton Garden project. Mayor Pro-tem Carter called for further comments, there being none, the motion passed. 4-0.
3. Consider a request to award city bid for Road Salt for the upcoming winter season to Morton Salt (who was the only bidder) for the amount of \$79.35 per ton. Commissioner Layne made the motion. Commissioner Chaney seconded the motion. Mayor Pro-tem Carter called for comments. Mayor Pro-tem Carter asked, “When did salt get so expensive?” Mayor Pro-tem called for further discussion, there being none, the motion passed unanimously. 4-0.

4. Consider a request to authorize the submittal of an application for participation with AEP for the Commercial Incentive Program with a potential maximum payout of 50% of the cost of up to \$20,000 annually per project for energy savings project for the City of Pikeville and to authorize the mayor or mayor pro-tem to sign said application and any other required paperwork necessary to participate in the application process or award and implementation of the program. Commissioner Chaney made the motion to approve. Commissioner Layne seconded the motion. Mayor Pro-tem Carter called for comments, there being none the motion passed unanimously. 4-0.
5. Consider a request to authorize an easement between the City of Pikeville and Pike County Fiscal Court as submitted for the purpose of locating a generator on East Kentucky Expo property that will serve the Pike County Court House and to authorize the mayor or mayor pro-tem to sign and execute said easement on the cities behalf. This item was tabled.
6. Consider a request to post for the position of Billing Clerk. Commissioner Layne made the motion to approve. Commissioner Chaney seconded the motion. Mayor Pro-tem called for comments, there being none, the motion passed unanimously. 4-0.
7. Consider a request to advertise for bid a Dump Truck Body & Chassis and a Rear-loading Refuse Collection Truck & Chassis for the City of Pikeville (both items are in the City Capitol Budget). Commissioner Chaney made the motion to approve. Commissioner Layne seconded the motion. Mayor Pro-tem called for comments, there being none, the motion passed unanimously. 4-0.

City Manager announced the consent items for the commissioners to hear.

8. 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 Layne seconded the motion. Mayor Pro-tem Carter called for discussion, there being none, the motion passed unanimously. 4-0.
9. Commissioner Layne made the motion to re convene. Commissioner Davis seconded the motion. Mayor Pro-tem Carter called for discussion, there being none the motion passed unanimously. 4-0. Mayor Pro-tem called the session back into order.
10. 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 Pro-tem Carter called for discussion, there being none the meeting was adjourned. 4-0.

CONSENT ITEMS:

Halloween & Trick or Treat on October 31st 2011

Congressman Rogers visit to U-Pike will be on October 19th at 3 pm

Special AOC meeting will be October 20th at 4 pm at the Pike County Court House

Updated Tourism Calendar

The next scheduled Regular Meeting of the City of Pikeville Board of Commissioners is October 24, 2011 at 6:00 p.m.

APPROVED:

FRANKLIN D. JUSTICE, II, MAYOR

ATTESTED:

CHRISTY BILLITER, CITY CLERK