

**CITY OF PIKEVILLE
BOARD OF COMMISSIONERS
REGULAR MEETING MINUTES
SEPTEMBER 10, 2007**

A regular meeting of the Board of Commissioners for the City of Pikeville was held on Monday, September 10, 2007. The meeting was held in the City Hall Public Meeting Room, 118 College Street, Pikeville, Kentucky.

There being a quorum present, Mayor Franklin D. Justice, II called the meeting to order at 6:00 p.m. Commission Members present at roll call were as follows:

COMMISSIONER:	DALLAS LAYNE EUGENE W. DAVIS JAMES A. CARTER BARRY N. CHANEY
MAYOR:	FRANKLIN D. JUSTICE, II

AGENDA ITEM II. BUSINESS FROM THE FLOOR

A number of individuals were present to hear and/or participate in discussion regarding the City Commission's first reading of a proposed ordinance banning smoking in public places.

Thomas Huffman, owner/operator of the Landmark Inn and several other businesses in Pikeville, asked the Commission to consider exempting bingo parlors or other gaming businesses from the smoking ban. Mr. Huffman advised that individuals have to be 18 years of age or older to enter these types of establishments. He estimated that over 90% of the people that attend bingo functions are smokers.

Several members of the Pike County Youth Leadership Council were present in support of the smoking ban. A spokesperson for the group reported that petitions had been collected over the year in support of a ban on smoking in restaurants. In addition, the City Commission was asked to consider banning smoking in over-21 establishments that are attached to restaurant facilities. It was reported that extensive research shows there to be inadequate ventilation to diffuse smoke in facilities that are attached to restaurants.

The Commission applauded the Youth Leadership Council's interest in local government. It was announced that the ordinance would be given first reading at a later time during the meeting.

AGENDA ITEM III. PAYMENT OF BILLS

A list of City Bills totaling \$435,035.83 was presented to the Commission for approval of payment. Commissioner Chaney made the motion, seconded by

Commissioner Carter to approve payment of the bill listing totaling \$435,035.83 as requested. The motion carried unanimously.

AGENDA ITEM IV. OLD BUSINESS

A. BIG SANDY AREA DEVELOPMENT DISTRICT: Sandy Runyon, Executive Director for the Big Sandy Area Development District, apologized for not having the report regarding the East Kentucky Fair ready for presentation. She advised that she will try to have the report ready for the next City Commission meeting.

B. PIKEVILLE MAIN STREET PROGRAM: Program Director, Serena Stiltner, gave each Commission Member a written report of the previous two week's activities for the Pikeville Main Street Program.

C. CITY ENGINEER'S REPORTS: No report

D. CITY ATTORNEY'S REPORTS: Russell H. Davis, Jr., city attorney, presented the following ordinance for first reading:

ORDINANCE TO AMEND THE OCCUPATIONAL LICENSE FEE OF THE CITY OF PIKEVILLE TO SET A MINIMUM OCCUPATIONAL LICENSE FEE FOR CONTRACTORS

Second reading of the ordinance was scheduled for September 12, 2007.

E. CITY MANAGER'S REPORTS: City Manager, Donovan Blackburn, presented the following items for the Commission's consideration:

1. Smoking Ban Resolution: Presented and read was the following resolution:

RESOLUTION FOR CALL TO ACTION AND SUPPORT OF THE PIKE COUNTY FISCAL COURT, CITY OF ELKHORN AND CITY OF COAL RUN TO SUPPORT AND JOINT THE CITY OF PIKEVILLE'S INITIATIVE OF CREATING A COUNTY WIDE PUBLIC SMOKING POLICY & ORDINANCE PROMOTING GOOD HEALTH FOR OUR CITIZENS AND OUR CHILDREN

WHEREAS, the City of Pikeville Board of Commissioners makes findings on the attached ordinance establishing that the smoking of tobacco products produce a form of air pollution, a danger to health and material public nuisance for our community but more important endanger the health and lives of our children. After significant study and debate of the issues the City Commission deems it to be in the best interest for our community of Pikeville, Kentucky to enact regulations of smoking in public places.

WHEREAS, the harm of second hand smoke does have a major negative impact for the health of our entire community but more importantly the health and safety of our children as outlined within the attached ordinance.

WHEREAS, the City of Pikeville Board of Commissioners does applaud and recognize the hard work and initiative of the Pike County Youth Leadership Program and fully supports their initiative for a healthier Pike County by protecting our citizens from the dangers of smoking and effects of second hand smoke.

WHEREAS, the Pikeville City Commission is now taking significant steps by adopting the attached ordinance which addresses the issue of public smoking and promotes better health for our entire community while putting our children first.

NOW, THEREFORE, BE IT RESOLVED the Pikeville City Commission now calls upon the leadership of the Pike County Fiscal Court and neighboring cities within Pike County to join the City of Pikeville in the important initiative of putting the health of our community first through supporting, adopting and enforcing a county wide public smoking ordinance.

Commissioner Carter made the motion, seconded by Commissioner Layne to adopt the resolution as presented. The motion carried unanimously.

2. Smoking Ban Ordinance: Discussion was had with regard to the proposed smoking ban. The City Commission requested that two ordinances be read, one banning smoking in public places unless admittance is restricted to those 21 years of age or older, and one excluding bingo parlors. Summaries of the ordinances were read, captioned as follows:

a. A SUMMARY ORDINANCE OF THE CITY OF PIKEVILLE, KENTUCKY RELATED TO THE PROTECTION OF THE PUBLIC HEALTH AND WELFARE BY REGULATING SMOKING IN PUBLIC PLACES AND PLACES OF EMPLOYMENT WITHIN THE CITY AND PROVIDING FOR ENFORCEMENT AND PENALTIES FOR VIOLATION

b. A SUMMARY ORDINANCE OF THE CITY OF PIKEVILLE, KENTUCKY RELATED TO THE PROTECTION OF THE PUBLIC HEALTH AND WELFARE BY REGULATING SMOKING IN PUBLIC PLACES AND PLACES OF EMPLOYMENT WITHIN THE CITY AND PROVIDING FOR ENFORCEMENT AND PENALTIES FOR VIOLATION (EXCLUDING BINGO PARLORS)

The Commission explained since Ordinances require two readings before passage, reading both ordinances would allow for passage of one of the ordinances at the next regular meeting, which is scheduled for September 24, 2007.

3. FEMA Projects: Presented for approval was a reimbursement request on behalf of Utility Management Group in the amount of \$7,148.47 for FEMA 1703 Projects relating to the flooding event in April, 2007. Commissioner Layne made the motion to authorize reimbursement as requested. Commissioner Chaney seconded the motion. The motion carried unanimously.

4. Sandy Valley Transportation Contract: City Manager Blackburn advised that the terms have changed slightly from the previous meeting's approval. The city manager explained that the monthly fee for the public transportation service is \$5,832.00/month. The term of the contract is October 1, 2007 through June 30, 2008. The City of Pikeville's cost to Sandy Valley Transportation is \$1,000.00/month, however the City of Pikeville is responsible for collecting \$1,568.00 from various businesses and agencies that have agreed to assist in funding the public transportation service. The remainder of the monthly fee is paid by Pikeville College for rental of the extra office space located in the parking garage. The city manager advised that should the city fail to collect from one of the agencies, the city is responsible for that share. The city manager requested approval of the agreement contingent upon approval of the agreement by the Transportation Cabinet. Commissioner Chaney made the motion, seconded by Commissioner Carter to authorize the Mayor to execute the agreement with Sandy Valley Transportation contingent upon approval of the agreement by the Transportation Cabinet. The motion carried unanimously.

5. Halloween Trick-or-Treat: Commissioner Davis made the motion to set the observance of Halloween Trick-or-Treat in the City of Pikeville on October 30, 2007, from 6:00 p.m. – 8:00 p.m., contingent upon Pike County Fiscal Court setting the same date and time. Commissioner Chaney seconded the motion. The motion carried unanimously.

6. Safer Grant: The city manager requested approval to apply for a federal Safer Grant for the purpose of hiring three firefighters. The grant would pay 90% of the salaries of the firefighters for a three year period. Commissioner Layne made the motion, seconded by Commissioner Carter to authorize filing the application for the Federal Safer Grant. The motion carried unanimously.

7. ISO Rating Grant: Commissioner Carter made the motion to accept the assignment of grant funds from the Pike County Fiscal Court totaling \$12,000 for the city's ISO rating. Commissioner Layne seconded the motion. The motion carried unanimously.

Commissioner Davis made the motion to adjourn to closed session for the purpose of discussing personnel, legal and economic development matters. Commissioner Layne seconded the motion. The motion carried unanimously.

Commissioner Chaney made the motion to reconvene to regular session. Commissioner Carter seconded the motion. The motion carried unanimously.

Commissioner Carter made the motion to submit a letter of offer for the acquisition of the Harris property located on College Street, and to authorize the city attorney to file condemnation, if necessary. Commissioner Layne seconded the motion. The motion carried unanimously.

City Attorney Davis presented a Quitclaim Deed of Conveyance for the Commission's approval. He explained that Lois Stratton owned a tract of property at the mouth of Ferguson Creek. A portion of the property is owned by the City of Pikeville. It appears that Ms. Stratton may have, in error, deeded a portion of that property to another party. Acceptance of the Quitclaim Deed would release any claim upon the city's property. Commissioner Carter made the motion, seconded by Commissioner Chaney to authorize the Mayor to execute the Quitclaim Deed of Conveyance as explained by the city attorney. The motion carried unanimously.

There being no further business to come before the Commission, Commissioner Davis made the motion, seconded by Commissioner Layne to adjourn the meeting. The motion carried unanimously. (Adjournment time: 8:15 p.m.)

The next regular meeting of the Pikeville City Commission is scheduled for Monday, September 24, 2007 at 6:00 p.m. in the City Hall Public Meeting Room, 118 College Street, Pikeville, Kentucky.

**APPROVED: _____
FRANKLIN D. JUSTICE, II, MAYOR**

ATTEST:

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KAREN W. HARRIS, CITY CLERK**