

**CITY OF PIKEVILLE
BOARD OF COMMISSIONERS
REGULAR MEETING MINUTES
July 26, 2004 AT 6:00 P.M.**

The Board of Commissioners for the City of Pikeville met in a regular called session on Monday, September 26, 2004. The meeting was held in the City Hall Conference Meeting Room located at 118 College Street, Pikeville, Kentucky.

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

COMMISSIONER: **GENE DAVIS**
 SHAWN AMOS (ABSENT)
 DALLAS LAYNE
 JIMMY CARTER

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

MINUTES

The minutes for the previous regular meeting held on July 12, 2004 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 Carter seconded the motion. Mayor Frank Justice called for discussion, there being none the motion carried unanimously.

PAYMENT OF CITY BILLS

A list of City Bills totaling \$407,070.75 was presented to the Commission for approval of payment. Commissioner Davis made the motion to approve. Commissioner Carter seconded the motion. Mayor Frank Justice called for discussion, there being none the motion carried unanimously.

Request was made for the commission to authorize payment of two invoices totaling \$300.00 to Frank Nall for deed preparation and closings for two property acquisitions in Phase VI of the Pikeville redevelopment Project. Commissioner Layne made the motion to approve. Commissioner Davis seconded the motion. Mayor Justice called for discussion, there being none the motion carried unanimously.

City Engineer made the request for the commission to authorize payment of an invoice to Commonwealth Building and Construction in the amount of \$67,050.00 for the purpose of the City Park Walkway. Commission Layne made the motion to

approve. Commissioner Carter seconded the motion. Mayor Justice called for discussion, there being none the motion carried unanimously.

BUSINESS FROM FLOOR

- A. A letter was presented to the City Commission on behalf of John Mauldin regarding the city's participation in a Crisis Intervention Program. No further discussion.
- B. Mr. Larry Tipton from Myers Tower presented a video tape to the commission and voiced his concerns about the tremendous amount of noise pollution in the downtown area. He stated as a resident of Myers Towers he is awoken all hours by loud noise and vehicles on the Blvd. He states the noise is the worst between 7 pm and 11:30 pm. Mr. Tipton felt the Police Department has ignored his complaints to correct. City Manager Donovan Blackburn stated that the noise was more than likely related to the times people are getting in and out of the theater. Mr. Tipton was especially upset over the loud stereo plan and motorcycle pipes. Mr. Blackburn explained to the commission that memo's had been sent to the police department with a copy of the current ordinance. Mr. Blackburn had also submitted to the commission a draft ordinance for the commission to consider if they wanted to put more strict regulations in. Mr. Blackburn stated that the current ordinance was still a good ordinance and gave the police department discretion on what a disturbance was. Under measuring noise by decimals the concern was everyone who creates any type of noise may be subject to being cited. Mr. Blackburn suggests to let the police do the job they are hired to do and use their discretion. Mr. Blackburn will look to revise the current noise ordinance. The department has an internal memo to crack down on loud music and illegal vehicle and motorcycle exhaust pipes. Mr. Tipton still was not happy. Mayor Justice and the commission agreed with Mr. Blackburn and agreed to allow the department memo time to address the issues.

OLD BUSINESS

- A. **BIG SANDY AREA DEVELOPMENT DISTRICT.**
 - 1. Sandy Ruynon was present by had no points of discussion
- B. **PIKEVILLE MAIN STREET**
 - 1. Consider a request to approval payments of invoices from Summit Engineering in the amount of \$11,568.35 and Anderson's Landscaping in the amount of \$67255.98. Commission Carter made the motion to approve. Commissioner Layne seconded the motion. Mayor Justice called for discussion, there being none the motion carried unanimously.

C. CITY ENGINEER'S REPORT

1. The City Engineer gave the City Commission an update on Phase II and III of the Renaissance Area Utilities Project. Charlie Byers stated everything was moving forward to plan and the project had not major issues at this time.
2. City Engineer Jack Sykes gave the City Commission an update on the South Mayo Trail Indian Hills Sewer Project. All is going to plan and expect no delays in construction of sewer line.
3. City Engineer presented a set of plans and made the recommendation to have the City water and sewer lines on the river fill relocated as illustrated by the plans so that a new medical building could be constructed by Pikeville Medical Center. The area is owned by Pikeville Medical Center but the City has an easement and lines through the property. The expense to relocate the lines would be paid for by Pikeville Medical Center. City Manager Donovan Blackburn fully supported and endorsed the request. Commissioner Davis made the motion to approve. Commissioner Carter seconded the motion. Mayor Justice called for discussion, there being none the motion carried unanimously.

D. CITY ATTORNEY'S REPORT

1. City Attorney Russell Davis presented and gave the 2nd reading to an ordinance entitled as follows:

**ORDINANCE SETTING SPEED LIMIT ON BOB AMOS DRIVE
WITHIN THE CITY OF PIKEVILLE AT 25 M.P.H.**

ORDINANCE NO. 0-2004-011

Commissioner Layne made the motion to adopt the Ordinance as presented and given second reading. Commissioner Carter seconded the motion. The motion carried by the following votes:

COMMISSIONER: DALLAS LAYNE	YES
JAMES A. CARTER	YES
SHAWN AMOS	ABSENT
EUGENE W. DAVIS	YES

MAYOR:	FRANKLIN D. JUSTICE, II	YES
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2. City Attorney Russell Davis presented and gave the 1st reading to an ordinance entitled as follows:

**AN ORDINANCE RELATED TO THE AMENDMENT OF S
150.31 OF CHAPTER 150 OF THE BUILDING REGULATIONS**

ORDINANCE CREATING A REQUIREMENT OF ELECTRICAL PERMIT AND PROVIDING FEES

ORDINANCE NO. 04-0-012

This was a first reading of this ordinance. No further action is required. Second reading is scheduled for August 9th, 2004.

E. CITY MANAGER'S REPORT

1. Consider request to allow Larry Thacker from Thacker Memorial and release him from any liability to reset monuments in the Sycamore Street cemetery at the City of Pikeville's request. Commissioner Carter made the motion to approve. Commissioner Davis seconded the motion. Mayor Frank Justice called for discussion, there being none the motion carried unanimously.
2. Consider request for the City to accept Summer Street into its street maintenance system. Attorney Russell Davis stated that this item would need to be address via ordinance instead of motion. The issue was tabled until the August 9th 2004 meeting.
3. Consider request to adopt a resolution on behalf of the City of Pikeville to participate in the "Preserve America Community" program. Commissioner Davis made the motion to approve. Commissioner Layne seconded the motion. Mayor Frank Justice called discussion there being none Mayor Justice called for a roll call vote.

COMMISSIONER:	DALLAS LAYNE	YES
	JAMES A. CARTER	YES
	SHAWN AMOS	ABSENT
	EUGENE W. DAVIS	YES

MAYOR:	FRANKLIN D. JUSTICE, II	YES
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Motion passed.

4. Consider request to adopt a resolution on behalf of the City of Pikeville to participate in the agreement with the Army Corps of Engineers for the Indian Hills Sewer Extension Project.

COMMISSIONER:	DALLAS LAYNE	YES
	JAMES A. CARTER	YES
	SHAWN AMOS	ABSENT
	EUGENE W. DAVIS	YES

MAYOR:	FRANKLIN D. JUSTICE, II	YES
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Motion passed.

- 5. City Manager presented the City Commission a copy of a Draft Amended copy of the Cities Noise Ordinance. The ordinance was drafted after several of the larger cities such as Lexington and Louisville. The City Commission felt the ordinance was too complex and asked for the draft to be re-drawn and tabled until further review.**
- 6. City Manager presented the City Commission with a resolution in support of the refinancing of three KIA bonds. They are the 88 and 93 bonds. City Manager stated this would save a few hundred thousand dollars in finance fees. Commissioner Carter made to motion to approve. Commissioner Davis seconded the motion. Mayor Frank Justice called for discussion, there being none the motion carried unanimously to adopt the resolution.**
- 7. City Manager presented the Hotel/Motel Feasibility Study to the City Commission. The City Manager explained the study would be an essential component to lure a hotel into Pikeville. Blackburn stated several calls had already been placed and he is working with the Chamber and other organizations to pull a quality hotel to the area. He thanked the commission for allowing the study to be completed and felt it would be the catalyst in the success in getting a hotel in downtown to support the community and Expo Center.**
- 8. City Manager made the request for the city to grant the Domestic Violence Shelter \$5,000. Commissioner Davis made the motion to approve. Commissioner Carter seconded the motion. Mayor Justice called for discussion, there being none the motion passed unanimously.**
- 9. Consider a request for closed session for the purpose of discussion of legal and personnel issues. Commissioner Layne made the motion to approve. Commissioner Carter seconded the motion. Motion passed unanimously.**

F. Consent Items

There being no further business to come before the Commission, Commissioner Davis made the motion to adjourn the meeting. Commissioner Carter seconded the motion. Mayor Frank Justice called for discussion, there being none the motion carried unanimously.

APPROVED:

FRANKLIN D. JUSTICE, II, MAYOR

ATTESTED:

REBECCA HAMILTON, CITY CLERK