

**CITY OF PIKEVILLE  
BOARD OF COMMISSIONERS  
REGULAR MEETING MINUTES  
AUGUST 9, 2004**

The Board of Commissioners for the City of Pikeville met in regular session on Monday, August 9, 2004. The meeting was held in the City Hall Public Meeting Room located at 118 College Street, Pikeville, Kentucky.

There being a quorum present, Mayor Pro Tem Eugene W. Davis called the meeting to order at 6:15 p.m. Commission Members present at call of the roll were as follows:

<b>COMMISSIONER:</b>	<b>DALLAS LAYNE EUGENE W. DAVIS SHAWN A. AMOS JAMES A. CARTER</b>
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Mayor Franklin D. Justice, II was absent.

**AGENDA ITEM II.**

**BUSINESS FROM THE FLOOR**

Myers Tower resident, Larry Tipton, appeared before the Commission to again discuss the loud music, speeding, and reckless driving by individuals along Hambley Boulevard. Mr. Tipton presented the Commission with a petition containing 82 names of Myers Towers residents asking for enforcement of ordinances regulating such traffic violations as reckless driving and speeding, as well as disturbing the peace. The Commission viewed a video tape of the alleged activities recorded by Mr. Tipton during the evening of August 7th. Since Mr. Tipton's last visit, City Manager Blackburn reported that several tickets have been issued by the Police Department for excessively loud vehicle exhaust systems and stereo systems. Additionally, the Mayor, Commission and City Manager have reviewed ordinances regulating noise which have been enacted by several larger cities. During a work session held this date, Mr. Blackburn advised that decibel levels included in a proposed ordinance, being considered by the City Commission, were deemed too low. He advised that further research will be conducted and he plans to present a recommendation during the August 23rd meeting. Mr. Blackburn pointed out that those residing in a downtown area can expect a certain amount of "city noise", however assured that the Police Department would continue their efforts to enforce the city's ordinances.

**AGENDA ITEM III.**

**PAYMENT OF BILLS**

**A. BIG SANDY AREA DEVELOPMENT DISTRICT:** Presented for approval of payment was an invoice totaling \$4,060.00 from Big Sandy Area Development District for administration services for Phase VI of the Pikeville Redevelopment Project. Upon the City Clerk's recommendation the invoice be approved for payment, Commissioner Amos made the motion, seconded by Commissioner Layne to approve payment in the amount of \$4,060.00 to Big Sandy Area Development District. The motion carried 4 - 0.

**B. KENTUCKY AVENUE - PHASE IV ROADWAY IMPROVEMENTS:** City Engineer, Charles Byers, recommended approval of final payment to Mountain Enterprises, Inc. in the amount of \$6,848.49 for the completion of the roadway and sidewalk located in the Kentucky Avenue Phase IV project area. Commissioner Layne made the motion, seconded by Commissioner Carter to approve payment to Mountain Enterprises, Inc. in the amount of \$6,848.49 as recommended by the city engineer. The motion carried 4 - 0.

**AGENDA ITEM IV.**

**OLD BUSINESS**

No items of business were presented by the Big Sandy Area Development District and the Pikeville Main Street Program.

**C. CITY ENGINEER'S REPORTS:** Charles Byers, representing Summit Engineering, Inc., city engineers, presented a verbal status report for the following projects:

1. Phase III - Utility Relocation Project: Mr. Byers reported that both Bell South and AEP are approximately 80% complete with their respective contracts.

2. Indian Hills Sewer Extension Project: The final right-of-way easement has been negotiated. Mr. Byers estimated that it will be 6 weeks before plans are approved by the Division of Water and the project is ready to advertise for bids.

3. Pikeville Medical Center: During the previous meeting, the Commission reviewed Pikeville Medical Center's plans to construct a physical therapy facility in the riverfill area. The facility's construction necessitates the relocation of 400 ft of existing 24" sewage lines and water lines. Two concepts were discussed. Determining the second concept to be the best alternative, the Commission authorized proceeding with the utility relocations at Pikeville Medical Center's expense. City Manager Blackburn advised that it may not be feasible to acquire the necessary easement from the Pike County Health Department in a reasonable time frame. He recommended the Commission authorize Pikeville Medical Center to proceed with the utility relocation utilizing the first design concept if the easement has not been obtained prior to submission of plans and specifications to the Division of Water. The City Manager advised that the psi may be reduced by utilizing the first design concept, however the engineer determined the reduction is negligible. Commissioner Davis made the motion, seconded by Commissioner Carter to authorize Pikeville Medical Center to proceed with relocation of the city's utility lines, at Pikeville Medical Center's expense, utilizing design concept 1, if the necessary easement has not been acquired by August 13th. The motion carried 4 - 0.

**D. CITY ATTORNEY'S REPORTS:** Russell H. Davis, Jr., City Attorney, presented the following matters for the Commission's consideration:

1. Electrical Permits: Presented and given second reading was an ordinance entitled as follows:

**AN ORDINANCE RELATED TO THE AMENDMENT OF 150.31 OF CHAPTER 150 OF THE BUILDING REGULATIONS ORDINANCE CREATING A REQUIREMENT OF A ELECTRICAL PERMIT AND PROVIDING FEES THEREFORE**

Commissioner Amos 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:

<b>COMMISSIONER:</b>	<b>DALLAS LAYNE</b>	<b>YES</b>
	<b>EUGENE W. DAVIS</b>	<b>YES</b>
	<b>SHAWN A. AMOS</b>	<b>YES</b>
	<b>JAMES A. CARTER</b>	<b>YES</b>
<b>MAYOR:</b>	<b>FRANKLIN D. JUSTICE, II</b>	<b>ABSENT</b>

2. Street Acceptance: Presented and given first reading was an ordinance entitled as follows:

**ORDINANCE ACCEPTING SUMMER STREET AS A PUBLIC WAY**

Summer Street is located in the Cedar Gap Subdivision.

The Ordinance was placed on file in the City Clerk's office for public inspection. Second reading of the ordinance was scheduled for August 23rd.

3. **Hambley Athletic Complex:** In an effort to provide additional safety and sanitation measures for those utilizing the facilities at Hambley Athletic Complex, the city manager recommended the preparation of an ordinance prohibiting individuals from bringing pets or other animals into the complex, and prohibiting the sale, distribution, or use of shell peanuts and sunflower seeds within the complex. City Attorney Davis presented and gave first reading of the proposed ordinance. During discussion of the matter, the Commission requested the city attorney include a provision to permit smoking or the use of tobacco products only in established areas. The ordinance was re-read with the recommended provision. Second reading of the ordinance was scheduled for August 23rd.

4. **Mossy Bottom Wastewater System:** Presented was a waiver of conflict of interest for approval with regard to the acquisition of the Mossy Bottom Wastewater System from Mountain Water District. City Manager Blackburn explained that the waiver acknowledges that Summit Engineering, Inc. also provides engineering services to Mountain Water District, however that Summit Engineering, Inc. did not provide design nor construction administration services to Mountain Water District with regard to the Mossy Bottom Wastewater System. Summit Engineering, Inc. has been requested by the city to provide certain due diligence requirements relative to evaluating the potential acquisition of the wastewater system. Through the approval of the waiver, both the city and Mountain Water District waive any conflict of interest considerations with regard to Summit Engineering's evaluation of the Mossy Bottom Wastewater system. The city attorney advised that he has reviewed the waiver and found it to be satisfactory. Commissioner Layne made the motion, seconded by Commissioner Carter to authorize the City Manager to execute the Waiver of Conflict of Interest on behalf of the City of Pikeville. The motion carried 4 - 0.

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

1. **Pike County Bowl Plaques:** The city manager recommended approval of a request from Community Trust Bank to place informational plaques, regarding the Pike County Bowl's history, on the pillars located at the Hambley Complex concession stand. Commissioner Layne made the motion to grant approval of the request for placement of the informational plaques. Commissioner Amos seconded the motion. The motion carried 4 - 0.

2. **Statue:** City Manager Blackburn reported that an initiative had begun several years ago to commission a statue in honor of former mayor, William C. Hambley, M.D. A total of \$9,500.00 was placed in a bank account for this purpose. The city manager requested permission to investigate the cost of the statue and the possibility of continuing fund-raising efforts. Commissioner Layne made the motion, seconded by Commissioner Amos to authorize the city manager to pursue the cost of a statue as well as fund-raising efforts. During discussion, Commissioner Davis voiced his admiration for Dr. Hambley and commented the honor is well-deserved due to the former mayor's impact on the community and its residents. The motion carried 4 - 0.

3. **Signage:** Presented was a proposal to purchase two "welcome signs" to be placed at Hambley Athletic Complex and Howard Field. Commissioner Amos made the motion, seconded by Commissioner Carter to authorize the purchase of the signage for Hambley Athletic Complex and Howard Field. The motion carried 4 - 0. The City Manager advised that Community Trust Bank, as a sponsor of the signage, will have advertising space on the signs.

4. **Closed Session:** City Manager Blackburn requested a closed session for the purpose of discussing a personnel issue. Commissioner Carter made the motion to adjourn to closed session for the purpose of discussing a personnel matter. Commissioner Amos seconded the motion. The motion carried 4 - 0.

Commissioner Layne made the motion to reconvene to regular session. Commissioner Carter seconded the motion. The motion carried 4 - 0.

City Manager Blackburn reported that he and management of Veolia Water Na, Inc. recommend the appointment of Kevin Hamilton to the position of Parks Director. Commissioner Carter made the motion to approve the recommendation and appoint Kevin Hamilton to the position of Parks Director. Commissioner Amos seconded the motion. The motion carried 4 - 0.

Presented for approval was an amendment to the city's travel policy. City Manager Blackburn recommended an increase in the per diem allowance from the current \$26.00/day to \$36.00/day. The mileage rate is based on the reimbursement rate approved by the IRS. Commissioner Amos made the motion, seconded by Commissioner Carter to amend the travel policy to provide for a \$36.00/day per diem allowance. The motion carried 4 - 0.

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 4 - 0.

The next regular meeting of the Board of Commissioners is scheduled for August 23, 2004 at 6:00 p.m.

APPROVED:   
FRANKLIN D. JUSTICE, II, MAYOR

ATTEST:  
  
KAREN W. HARRIS, CITY CLERK