

**CITY OF PIKEVILLE
BOARD OF COMMISSIONERS
REGULAR MEETING MINUTES
AUGUST 23, 2004 AT 6:00 P.M.**

The Board of Commissioners for the City of Pikeville met in regular meeting on Monday, August 23, 2004 at 6:00 p.m. The meeting was held in the City Hall Public Meeting Room located at 118 College Street, Pikeville, Kentucky.

There being a quorum present, Mayor Franklin D. Justice, II called the meeting to order. Commission members present at call of the roll were as follows:

COMMISSIONER	DALLAS LAYNE SHAWN A. AMOS JAMES A. CARTER
MAYOR:	FRANKLIN D. JUSTICE, II

Commissioner Eugene W. Davis arrived at the meeting at 6:06 p.m.

AGENDA ITEM II: MINUTES

The minutes for the previous regular meeting of August 9, 2004 were included in the city commission's agenda package. There being no additions or corrections, Commissioner Amos made the motion, seconded by Commissioner Layne to approve the minutes as prepared. The motion carried 3 – 0 (Mayor Justice abstained from the vote due to not being present during the meeting of August 9th. Commissioner Davis was not present at the time of the vote.)

AGENDA ITEM IV: PAYMENT OF CITY BILLS

A list of City Bills totaling \$426,478.84 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.

B. Summit Engineer asks the commission to consider a request to approve payment to Elliott Contracting in the amount of \$175,000 for construction cost of the Pikeville Parking Garage. Commissioner Layne made the motion to approve. Commissioner Davis seconded the motion. Mayor Justice called for discussion, there being none the motion carried unanimously.

OLD BUSINESS V: OLD BUSINESS

A. BIG SANDY AREA DEVELOPMENT DISTRICT.

1. Discussion was held concerning property acquisition in the Phase VI project area. No action was taken.

B. PIKEVILLE MAIN STREET

1. Consider request for approval of Change Order #1 to Anderson's contract for Phase III Utility Relocation Project in the amount of \$5,200.00. Commission Carter made the motion to approve. Commissioner Layne seconded the motion. Mayor Justice called for discussion, there being none the motion carried unanimously. Mayor Justice abstained from the vote.
2. Consider request for pay request #16 as submitted to Mountain Enterprises, Inc. in the amount of \$16,787.98 for Phase II of the Utility Relocation Project. Commission Carter made the motion to approve. Commissioner Layne seconded the motion. Mayor Justice called for discussion, there being none the motion carried unanimously.
3. Consider request to draw down funds totaling \$47,914.48 for administration services provided by the Main Street Agency for the Utility Relocation Project. Commission Amos made the motion to approve. Commissioner Davis seconded the motion. Mayor Justice called for discussion, there being none the motion carried unanimously.
4. Consider a request for payment to Anderson's Landscaping in the amount of \$4,780.62 for Phase IV Streetscape Project. Commission Carter made the motion to approve. Commissioner Amos seconded the motion. Mayor Justice called for discussion, there being none the motion carried unanimously. Mayor Justice abstained from the vote.
5. Main Street director gave the City Commission an update for the 2004 Senior Games. No action was taken.

C. CITY ENGINEER'S REPORT

1. The City Engineer gave the City Commission an update on Phase III of the Renaissance Area Utilities Project. Charlie Byers stated no 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. No problems at this time.
3. City Engineer stated they were working on the Sunset Lane Sewer project but foresaw issues regarding easements. They would keep the commission aware as the project moved forward.
4. City Engineer gave report to the City Commission at the City Mangers request. Parts of Marion Branch Road was starting to slip due to the heavy coal truck traffic and rain. City Engineer recommended that steel pylons be driven into ground to prevent

area from slipping. Jack Sykes from Summit recommended the City Manager contact FEMA to see if the city could get a quote for project and if it would be covered under FEMA disaster. City Manger Donovan Blackburn stated he would get back with the Commission at a later meeting with an update.

D. CITY ATTORNEY'S REPORT

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

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

ORDINANCE NO. 0-04-013

Commissioner Davis made the motion to adopt the Ordinance as presented and given second reading. Commissioner Carter seconded the motion. Mayor Justice called for discussion there being none The ordinance carried by the following votes:

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

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

**AN ORDINANCE PROHIBITING INDIVIDUALS FROM
BRINGING PETS OR OTHER ANIMALS INTO THE
HAMBLEY ATHLETIC COMPLEX, TO PROHIBIT THE
SALE, DISTRIBUTION, OR USE OF SHELL PEANUTS AND
SUNFLOWER SEEDS, AND TO ESTABLISH SMOKING
AREAS IN HABLEY ATHLETIC COMPLEX.**

ORDINANCE NO. 04-0-022

Commissioner Davis made the motion to adopt the Ordinance as presented and given its second reading. Commissioner Layne seconded the motion. Mayor Justice called for discussion there being none the ordinance carried by the following votes:

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

MAYOR: FRANKLIN D. JUSTICE, II YES

3. **City Attorney Russell Davis request the commission to adopt a Resolution:**

HONORING Charles Bowles “Chuck” Chrisman

Commissioner Layne made the motion to adopt the Ordinance as presented and given second reading. Commissioner Carter seconded the motion. Mayor Justice called for discussion there being none the resolution was adopted by the following votes:

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

MAYOR: FRANKLIN D. JUSTICE, II YES

4. **City Attorney Russell Davis presented and gave the 1st reading to an ordinance entitled as follows:**

AN ORDINANCE FINALLY ANNEXING TO THE CITY OF PIKEVILLE UNINCORPORATED TERRITORY LYING ADJACENT TO THE PRESENT CITY CORPORATE LIMITS ON MARION BRANCH AND LONG BRANCH EXTENDING THE CITY’S CORPORATE LIMITS ON THE SOUTH WEST OF THE EXISTING CORPORATE LIMITS

ORDINANCE NO. 0-2004-014

This is a 1st reading no further action is required. The 2nd and final reading is scheduled for September 13th 2004.

5. **City Attorney Russell Davis presented and gave the 1st reading to an ordinance entitled as follows:**

AN ORDINANCE RELATED TO THE AMENDMENT OF THE PIKE COUNTY, CITY OF PIKEVILLE & ELKHORN CITY SUBDIVISION & DEVELOPMENT REGULATIONS REGARDING CELLULAR PHONE TOWER REGULATIONS

ORDINANCE NO. 0-2004-015

This is a 1st reading no further action is required. The 2nd and final reading is scheduled for September 13th 2004.

E. CITY MANAGERS REPORT

1. City Manager submitted request whether or not to table the Drafted Noise Ordinance as submitted at the previous Commission Meeting. Commission agreed not to enact the draft ordinance at this time. Mayor Justice asked for the City Manager to continue to review other ordinances to see if he could come up with something better. As for now the commission agreed the existing ordinance was good enough and asked the Police Chief and City Manager to make sure we communicated with all officers to be knowledgeable and to use good judgment with its use.
2. Presented to the Commission for consideration was a letter of request from the law offices of Cox Bowling & Johnson PLLC, on behalf of Appalachian Racing, LLC, (ARI) seeking approval of the expansion of ARI's track facility to Pikeville. ARI operates the harness racing facility in Prestonsburg and a simulcast facility in Hazard. The proposed expansion to Pikeville will be similar to the facility located in Hazard. City Manager Blackburn reported that he spoke with ARI's Prestonsburg facility manager, Anita Ratliff, as well as Hazard Mayor, Bill Gorman. Ms. Ratliff assured that the Pikeville facility will be clean, well-staffed, and have a full service restaurant for its patrons. The facility expects to employ between 20 to 30 individuals. Mayor Gorman complimented the management of the Hazard facility. The City of Hazard has enjoyed additional revenue of about \$75,000.00 annually. Mr. Blackburn explained that 1% of all monies wagered at the Pikeville facility will be dedicated for local economic development. The City of Pikeville will be entitled to 75% of this amount. It is expected the facility will generate between \$75,000.00 and \$100,000.00 annually from this resource. For the increased employment, additional revenue generated, and for increased tourist trade, the City Manager recommended the approval of the request to expand the Appalachian Racing, LLC track to include a facility in Pikeville.

Speaking in opposition to the request, Commissioner Davis objected to the use of the term "wagering", pointing out that the activity is "gambling". He added that he is opposed to legalizing gambling within the city limits of Pikeville. Commissioner Davis concluded by stating that he has never seen anything good come from alcohol, drugs or gambling. Commissioner Layne voiced his

support and agreement for the comments made by Commissioner Davis.

Further expounding on his recommendation, City Manager Blackburn stated that by approving the request, the city would be in a position to enforce established regulations with regard to operations of the harness racing facility. He pointed out that anyone with access to a computer and the internet can gamble, regardless of age and with no regulation. The city does not collect any revenue from these online activities.

There being no further comment, Commissioner Carter made the motion, seconded by Commissioner Amos to approve the Appalachian Racing, LLC request to expand their operations by locating a simulcast facility within the city limits of Pikeville. The motion carried by the following votes:

COMMISSIONER:	DALLAS LAYNE	NO
	EUGENE W. DAVIS	NO
	SHAWN A. AMOS	YES
	JAMES A. CARTER	YES
MAYOR:	FRANKLIN D. JUSTICE, II	YES

3. 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.
4. Consider request to reconvene in regular session. Commissioner Layne made the motion to approve. Commissioner Carter seconded the motion. Motion passed unanimously.
5. Consider request to hire Robert Smith as the City Codes Enforcement/Environmental officer at the starting rate contingent upon passing required pre-employment test and to approve revised job description. Commissioner Layne made the motion to approve. Commissioner Amos seconded the motion. Mayor Justice called for discussion, there being none the motion carried unanimously.

CONSENT ITEMS VI:

- A. Kentucky State Senior Games – September 14 – 18 – Pikeville
- B. KLC Conference – October 6-9 – Owensboro. City Manager will attend.
- C. KCCMA Conference – October 16-20 – San Diego, CA. City Manager received a grant and will be attending.
- D. Traffic loops to be installed on Hambley Blvd in 3 weeks.

- E. Retirement part at Station 1 for Randy Meade on August 30th at 2 pm.**
- F. Sept. 3 & 4 there will be a yard sale at the Sykes Building to benefit the Child Advocacy Center.**

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:

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FRANKLIN D. JUSTICE, II, MAYOR**

ATTESTED:

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REBECCA HAMILTON, CITY CLERK**