

**CITY OF PIKEVILLE
BOARD OF COMMISSIONERS
REGULAR MEETING MINUTES
August 8, 2011 AT 6:00 P.M.**

The Board of Commissioners for the City of Pikeville met in a regular called session on Monday, August 8, 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 Frank Justice 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**

MINUTES

The minutes for the previous regular meeting held on July 25, 2011 were in each Commission Member's agenda package. There being no additions or corrections, Commissioner Carter made the motion to approve the minutes as prepared. Commissioner Davis seconded the motion. Mayor Frank Justice called for discussion, there being none the motion carried unanimously. 5-0.

BUSINESS FROM THE FLOOR

Motion made to cut down sign. Commissioner Carter made the motion to approve. Commissioner Layne seconded the motion. Mayor Justice called for further comments, there being none, the motion passed unanimously. 5-0.

PAYMENT OF CITY BILLS

The City Manager Donovan Blackburn requested the approval to pay city bills in the amount of \$508,704.50. Commissioner Davis made the motion to approve. Commissioner Chaney seconded the motion. Mayor Justice called for further discussion, there being none, motion passed unanimously. 5-0.

August 8, 2011 Regular Meeting

BIG SANDY AREA DEVELOPMENT DISTRICT

Brandon Montgomery was present for the Big Sandy Area Development. Mr. Montgomery had no updates for the commission.

CITY ENGINEER

- 1. Consider request to approve and authorize payment for Pay Request #14 with H2O Co. Inc. for \$31,233.15 for the Marion Branch Sewer project and authorize the mayor to sign and execute said pay request. Commissioner Chaney made the motion to approve. Commissioner Layne seconded the motion. Mayor Justice called for comments. Mayor asked, "When will this project be complete?" City Manager Blackburn responded that it is slated to be complete by October. Mayor then asked if we are getting everyone's yard fixed back up. Mr. Blackburn said that there are still a few that we are working on. Mayor called for further comments, there being none the motion passed unanimously. 5-0.**
- 2. Consider request to approve and authorize payment for Invoice #58036 for \$4,675.00 to Summit Engineer for the US23 Sewer Project. Commissioner Carter made the motion to approve. Commissioner Layne seconded. Mayor Justice called for comments there being none the motion passed unanimously. 5-0.**

CITY ATTORNEY

Russell Davis was present and read the following into record:

Motion made to approve the execution by the Mayor of an agreement with Wayne and Robin Jones wherein the Jones agree to convey their property subject to the City of Pikeville "Order to remedy fire Hazard" in exchange for the City's agreement to not seek to enforce a cleanup lien against the Jones' personally but rather will only pursue a lien claim against the property. City Attorney explained that the property was subject to a \$13,000 judgement lien for Community Trust Bank, property tax lien of Tax Ease in the sum of approximately \$4,500, City of Pikeville tax lien of approximately \$1,000 and a few other smaller lien. The City will intervene in an exist foreclosure suit against the property and try and work out a settlement where one of the lienholder acquires the property and removes the house or the city bid up to the amount of its property tax lien, acquire the property free of the other liens and the tear down the house. Commissioner Layne made the motion to approve. Commissioner Carter seconded the motion. Mayor Justice called for comments. Commissioner Layne asked the question

of what the cost of tearing the house would be. City Attorney replied that it would cost about five or six hundred. Mayor Justice called for further comments, there being none, the motion passed unanimously. 5-0.

CITY MANAGER

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

1. Consider a 2nd reading by City Attorney Russell Davis and adoption of an ordinance #0-2011-025 amending Chapter 35 Taxation. Commissioner Carter made the motion to adopt. Commissioner Layne seconded the motion. Mayor called for comments. City Manager commented that the text of the ordinance did not change; we simply changed the whereas language to change the clarity of why the ordinance exist. Bottom line we do have the 3% tax. Mayor called for further comments, there being none, motion passed unanimously. 5-0.

AN ORDINANCE RELATED TO THE AMENDMENT OF CHAPTER 35 "TAXATION" OF SECTION 35.25 "TRANSIENT ROOM TAX" OF THE CITY OF PIKEVILLE CODE OF ORDINANCE

ORDINANCE NO. 0-2011-025

NOW, THEREFORE, BE IT ORDAINED by the City of Pikeville that **§35.25 OF THE CODE OF ORDINANCES RELATED TO "TRANSIENT ROOM TAX" SHALL BE AMENDED AS FOLLOWS:**

WHEREAS, on May 27, 1992 the City of Pikeville enacted an ordinance pursuant to KRS 91A.350 (a) establishing a 3% Transient Room Tax within the City of Pikeville for the funding of the Joint Tourism Commission with the Pike County Fiscal Court.

WHEREAS, the purpose of the Transient Room Tax was to fund the Joint Tourism Commission. Ordinance number 0-82-011 read as follows; Whereas, the City of Pikeville and Pike county have adopted Ordinances per KRS 91A.350(a) in order to establish a joint commission for the purpose of promoting recreational convention and tourist activity and Whereas, the tourism and Recreation Commission has met and approved recommendations to be presented to the City and County government for its annual funding.

WHEREAS, pursuant to KRS 93A.060 the Pikeville City Commission has the authority to adopt and or amend any ordinances enacted by the existing or previous body. Under this authority the Pikeville City Commission shall exercise this authority through the adoption of this ordinance.

WHEREAS, by the adoption of city resolutions #2011-101 the Pikeville City Commission did withdraw the City of Pikeville participation from the Joint Tourism Commission and by resolution #2011-099 and ordinance #0-2011-019 did form a separate City of Pikeville Tourism and Convention Commission as permitted under the authority of 91A.350(2).

WHEREAS, by the passage of this ordinance the city is in no way obligated to continue funding for the Joint Tourism Commission since by city resolution #2011-101 did withdrawn its membership and participation and therefore shall withdraw any and all funding by and through this chapter for the Joint Tourism Commission as it was originally established.

WHEREAS, by the authority of KRS 91A.350(A) to create a independent City Tourism and Convention Commission city shall hereby redirect all funds generated through the authority of this chapter from the Joint Tourism Commission to the City of Pikeville Tourism and Convention Commission as it is required to do so pursuant to KRS91A.390(1) which states a “The local governing body shall include the commission in the annual budget and shall provide funds for the operation of the commission by imposing a transient room tax, not to exceed three percent (3%).

WHEREAS, upon the adoption of this ordinance the language of Chapter 35.25 shall not change only the intent to redirect the funding from the Joint Tourism Commission to the newly formed City Tourism Commission created by this chapter as described above shall change in order to meet the requirements as set forth by KRS 91A.390(1).

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF PIKEVILLE:

TRANSIENT ROOM TAX

§ 35.25 TAX IMPOSED; COLLECTION OF TAX.

(A) The city hereby adopts a three percent (3%) transient room tax to take effect January 1, 1986, as provided herein.

(B) Pursuant to KRS 91A.390, the room tax shall be assessed on a quarterly basis payable on the twentieth of each month for the prior quarter.

(C) The city shall, as set out in the statutes, collect the room tax and the Tax Administrator and the City Attorney shall be responsible for its collection in the event that it is not timely submitted.

(D) It shall be unlawful for any person, firm or corporation to operate a hotel or motel within this city without a hotel and motel license. Such license shall be issued by the Tax Administrator on an annual basis which shall expire on December 31 of each year. The license shall be displayed in the registration office in public view. Any person, firm or corporation who violates any provision of this division (D) shall be guilty of a misdemeanor and shall be fined not less than two hundred dollars (\$200.00) nor more than one thousand dollars (\$1,000.00) or imprisoned for not more than fifty (50) days, or both, for each offense. Each day in which any such violation occurs shall constitute a separate offense. The fines and imprisonment provided for herein shall be in addition to remedies provided for in division (E).

(E) No hotel and motel license for the operation of a hotel or motel shall be issued to any person, firm or corporation, who or which is delinquent in the payment of the tax at the time of issuing said license. All delinquent taxes shall bear interest at the rate of one and one half percent (1-1/2%) per month until paid. The city shall be entitled to a lien upon any property owned or leased by any person, firm or corporation who is delinquent in the payment of the tax due from the city after thirty (30) days or upon the property in which the hotel or motel is located by filing a notice of lien with the Pike County Court Clerk's Office. The city shall be entitled to recover all of its costs and expenses, including attorney fee, incurred in connection with the collection of any delinquent taxes. The city may revoke or suspend the hotel or motel license of any hotel or motel delinquent in the payment of the tax due the city after thirty (30) days.

(F) The city shall retain and shall not disburse to the Tourism Commission any amount equal to five percent (5%) of the transient room tax collected by the city to cover administrative costs of billing and collecting the tax.

(G) The city may revoke or suspend the liquor license issued by the Alcoholic Beverage Control Administrator of any hotel or motel which is delinquent in the payment of the tax due hereunder to the city after thirty (30) days or in such cases where the hotel and/or motel's occupational license has not been renewed or revoked by the city. The Alcoholic Beverage Control Administrator is further authorized and directed hereby to consider previous tax delinquency of the tax imposed hereunder before issuing or reissuing any alcoholic beverage license to the delinquent individual, business or corporation and in cases where the individual, business or corporation has been repeatedly delinquent in the payment of the tax imposed hereunder, the Alcoholic Beverage Control Administrator shall not renew, reissue or issue an alcoholic beverage license to such individual, business or corporation.

(Ord. 0-92-011, passed 5-27-92)

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

City Manager Donovan Blackburn adds that before we go into closed session, he would like to recognize a job well done by Josh Lawson. Chief Adkins speaks to the matter as well. They explain that this was an occurrence at the Brookshire Inn where a child was rescued. Officer Lawson bonded with the child and took him back to Lexington to be with his parents. Other announcements include Muscle on Main, featuring Susan Rousche, and Main Street Live. Everything for August is included on the Tourism Event Calendar.

- 2. Pursuant to KRS 61.810, consider request for closed session for discussion of economic development, legal and personnel issues. Commissioner Layne made the motion. Commissioner Davis seconded the motion. Mayor Justice called for discussion, there being none the motion passed unanimously. 5-0.**
- 3. Commissioner Carter made the motion to re convene. Commissioner Layne seconded the motion. Mayor Justice called for discussion, there being none**

the motion passed unanimously. 5-0. Mayor called the session back into order.

4. There being no further business to come before the Commission, Commissioner Carter has made the motion to adjourn the meeting. Commissioner Layne seconded the motion. Mayor Justice called for discussion, there being none the meeting was adjourned. 5-0

CONSENT ITEMS:

Letter's of recognition by the Pikeville PD

PIKEVILLE CITY TOURISM EVENT CALENDAR FOR AUGUST, 2011

[AUG 3rd](#) – Economic Development Cabinet to host conference @ the EXPO

[AUG 4th, 5th, 6th](#) – Kenny Huffman Classic Tennis Tournament @ Bob Amos Park

[AGU 5th](#) – Main Street Live @ Expo Plaza from 6 pm until 10 pm

[AUG 12th](#) – Muscle on Main Block Party @ Applebee's Restaurant from 6-10pm

[AUG 13th](#) - Muscle on Main Cruise In/Burnout Show on Main Street @ 3pm-10pm

[AUG 13th](#) - Big-n-Rich featuring Gretchen Wilson @ EXPO Center

[AUG 18th– 29th](#) -- Kentucky State Fair in Louisville @ Expo/Fairgrounds

[AUG 19th](#) – Main Street Live @ Expo Plaza from 6 pm until 10 pm

[AUG 26-27th](#) - Pike County Bowl @ Hambley Complex

Also:

Movie Night in the Park

Paintball opening soon

*****Every Friday, Saturday, Sunday, the Cut-Thru Adventures is on the river giving tours by canoe, kayak, tubing, plus renting paddle boats at the Pikeville Pond at an unbeatable price! To date, they have worked with groups as large as 150 all the way down to a single person tour. Call [\(606\)444-5131](tel:6064445131) to book yours!

The next scheduled Regular Meeting of the City of Pikeville Board of Commissioners is August 22, 2011 at 6:00 p.m.

APPROVED:

August 8, 2011 Regular Meeting

FRANKLIN D. JUSTICE, II, MAYOR

ATTESTED:

CHRISTY BILLITER, CITY CLERK