

MINUTES } CITY OF PIKEVILLE

Regular Meeting - February 26, 1990

The City of Pikeville Board of Commissioners met in Regular Session on Monday, February 26, 1990 at 7:30 p.m. The meeting was conducted in the City Commission's designated meeting place in the City Hall Public Meeting Room at 260 Hambley Boulevard.

There being a quorum present, Mayor Walter E. May called the meeting to order. City Commission Members present upon call of the roll were as follows:

Commissioner: Walter Blankenship
Eugene W. Davis
Frank M. Morris
Johnny D. Mounts
Mayor: Walter E. May

In call of the Agenda, Commissioner Mounts requested that the cigarette smoke in the City Hall Public Meeting Room be discussed. This item was inserted before Adjournment (7A). A Tourism & Recreation Commission matter was scheduled as "Business from the Floor". Items to be included as Agenda Items 3A, 3B, and 3C were an appointment to the IDEA Board, a request from the Humane Society, and a request from the Elkhorn City Mayor, respectively.

The minutes from the February 12, 1990 regular meeting were included in each Commission Members agenda package. There being no additions or corrections, Commissioner Morris made the motion, seconded by Commissioner Blankenship to approve the minutes of the February 12, 1990 regular meeting as circulated. Upon call of the roll, the motion carried unanimously.

AGENDA ITEM 3a: Mayor May reported that he had been asked by the Industrial Development Economic Authority Board to appoint a representative of the City to serve on this Board as a non-voting member. The Mayor nominated Commissioner Frank Morris to serve as liaison to the IDEA Board. Commissioner Davis made the motion to approve the Mayor's appointment of Commissioner Frank Morris to the IDEA Board. Commissioner Mounts seconded the motion. Upon call of the roll, the motion carried by a unanimous vote.

AGENDA ITEM 3b: The Humane Society contacted the Mayor relative to setting up a special display booth during Hillbilly Days on the parking lot where the old wholesale building was located (now being used for city public parking). Sophia Hays with the Tourism Commission reported that she is working with the Chamber of Commerce to coordinate booth space during Hillbilly Days. She advised the Commission that the Humane Society had applied to the Chamber for booth space. The Humane Society had advised the Mayor that they had applied for booth space with the Chamber, but reported that they were not having much success. Mayor May advised that the City is not trying to supersede the Chamber's authority in assigning booth space and indicated that the lot in question was not normally used for booth space during Hillbilly Days, however he saw no reason why the Chamber could not charge the Humane Society for that space. It was the consensus of the Commission to allow the Humane Society to use the lot as previously described.

AGENDA ITEM 3c: Mayor May reported that he had been contacted by Hank Salyers, Mayor of Elkhorn City, with regard to renting Pikeville's new street cleaning equipment and operator. The Mayor indicated that he would be in favor of allowing Elkhorn City to rent the equipment on the basis that the City would be adequately compensated and that it would not deprive the citizens of Pikeville. Commissioner Mounts expressed his concern over the thirty mile trip with regard to the City's liability insurance coverage. The Commission expressed their desire to have Elkhorn City to submit a proposal stating how many days monthly the street cleaning service is requested and the compensation they are willing to pay. The Mayor indicated that he would advise Mayor Salyers that the Commission requested further information, and he would bring this matter before them at the next City Commission Meeting. The Commission also discussed the possibility of refurbishing the old street sweeper.

BUSINESS FROM THE FLOOR David Stratton addressed the Commission on behalf of the Pikeville/Pike County Tourist and Recreation Commission. Mr. Stratton reported that this Commission was formed in 1984, and at that time a 1% Room Tax was adopted by the County and the City to fund this Commission. Present revenues under the 1% are estimated between \$20,000 to \$30,000 annually. Mr. Stratton presented a proposed budget to be funded at the proposed 3% room tax rate. Mr. Stratton requested that the City Commission approve the increase in room tax from 1% to 3% and secondly to approve the budget as proposed. Upon the City Commission's approval, the Pike County Fiscal Court will be asked to make a like action. Mayor May questioned Mr. Stratton on the procedure to collect past due room tax. Mr. Stratton reported that the traditional method would be to file a legal action. It was reported that as of this date \$10,700.00 is past due, of

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which \$6,700 is due from one motel, while \$4,000 is from another. Mr. Stratton reported that the \$4,000 debt is very collectable, however the \$6,700 is questionable due to the motel being in bankruptcy. Mr. Stratton reported that he has discussed a method with the City Attorney, which would require a permit - such as the liquor license - to operate a motel in Pikeville to assure the collection of all future taxes. The projected expenditures were discussed:

\$56,700.00 Cut-Thru Overlook (redo physical structure on the overlook, pave parking lot and do landscaping)

\$4,000.00 Dils Cemetery (help improve access and to cover insurance for those who go to view the McCoy gravesites and to maintain the gravesite)

\$12,000.00 Academy Building (Want to hire an Executive Director for the Tourism & Recreation Commission and house this office in the Academy Building)

\$10,000.00 Advertising and Promotion (uncommitted at this time)

\$ 3,000.00 Dues and conference expenses

Commissioner Mounts requested that Mr. Stratton supply the Commission with a listing of all hotels/motels in Pike County.

The Mayor requested that before Mr. Stratton addresses the Commission again, that he present a document signed by the Park Board Members stating that they agree with the project at the Overlook as the Tourism & Recreation Commission has designed and planned.

Commissioner Morris spoke in favor of the proposed Room Tax. He also spoke in favor of the Tourism & Recreation Commission in that all City's along U.S. 23 have Tourism Commissions and Pikeville needs to compete for this tourist trade.

Discussion continued at some length with regard to the motels/hotels in the County paying their fair share, so the hotels/motels in the City would not be carrying the burden. Also discussed was the feasibility of auditing various motels/hotels.

Mr. Stratton was advised that if the City Commission does adopt an Ordinance to increase the Room Tax rates, the rate will not go into effect until the Pike County Fiscal Court adopts the same rate.

Commissioner Morris made the motion to accept the Tourism & Recreation Commission's proposal to raise the room tax rate from 1% to 3%. City Attorney, Rusty Davis, advised that the proper procedure would be to have a first reading of an Ordinance to adopt the higher rate. The general consensus of the Commission was that they were unprepared to act upon this proposal and would like to have additional time to study the matter, however there were no objections to allowing a first reading of an Ordinance entitled:

AMENDMENT TO ORDINANCE ADOPTING ONE (1%) THREE (3%) PERCENT ROOM TAX FOR FUNDING OF TOURISM AND RECREATION COMMISSION

It was explained that while this ordinance would ensure payment of all future room taxes collected through issuance of an operating permit, it would not provide for collection of delinquent room taxes.

The Commission discussed the litter problem at the Bob Amos Park on the road leading to the Overlook. Parks Director, Doug Justice, reported that the area had been cleaned.

James A. Ellis requested to meet with the Commission in an executive session to discuss a dispute over Ellis & Associate's fee for the design of the Huffman Avenue City Hall. The Commission agreed to the request.

City Bills were presented to the Commission for approval of payment totaling \$164,003.06. Commissioner Mounts asked what fund the Thompson Road repairs were being made. Finance Director, Virginia Oney, reported that the Coal Severance Account was funding the repairs. It was reported that the invoices presented for payment for this project would deplete the Coal Severance Fund. It is expected the State will release additional Coal Severance monies (approximately \$50,000.00) in April. The invoice from Mountain Enterprises in the amount of \$7,469.86 for limestone was questioned. The Finance Director reported that this material was used in the Thompson Road project prior to the letting of the contract with J & M Equipment. Discussion was had relative to this invoice being the responsibility of Professional Services Group, Inc. City Engineer, Jack Sykes reported that limestone had been proposed to be placed after the fill was complete. Mr. Sykes advised that this item had been included with the

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estimate given to the Commission. It was requested that the Finance Director pull the invoice to determine if the stone was purchased before or after the contract was awarded to J & M Equipment. Further discussion was deferred until the end of the meeting.

City Engineer, Jack Sykes, gave a verbal report of ongoing City Projects.

1. Thompson Road: It was reported that approximately 2,500 feet of the roadfill is in place. An estimate was done on the remaining materials at the Wastewater Treatment Plant site versus the amount of materials required to fill the worst portion of the road. It is estimated that there will be a shortfall of fill material of about 1500 yards. Mr. Sykes reported that he had tried to reach the contractor for a cost estimate for the remainder of the materials but was unsuccessful. The Mayor questioned Mr. Sykes relative to a decision to not redo a section which was approved earlier. It was the Mayor's understanding that a contract was let to J & M Equipment on the basis of doing the entire road. Mr. Sykes explained that the contract was awarded on the basis of taking all the fill material available at the Wastewater Treatment Plant site. There are fill materials available at the old softball site and it was recommended that a contract be negotiated with the contractor to haul the materials back from that site. Mr. Sykes estimated a \$3,000.00 additional cost (1500 yds. @\$2.00 per yd.). The Commission opted to allow the City Manager to approve the change order within the realms of his authority to approve contracts \$7,500.00 and under.

2. Police Station: Mr. Sykes reported that each of the bidders for the construction of the proposed police station was asked to extend the bids. The low bidder, BER Construction would not extend his bid. The other two bids expire March 7, 1990. The next low bidder was approximately \$47,000 higher than the low bid. It was recommended that the bids be allowed to expire and rebid when appropriate.

3. Wastewater Treatment Plant: Mr. Sykes advised the Commission that there will be change order requests for the Wastewater Treatment Plant Project. It is not envisioned that there will be change orders that will affect the dollar amount of the contract, but change orders that may modify the type of equipment or type of construction activity. A change order request has been made with regard to the elevation of a storm drain that goes through the Wastewater Treatment Plant site. Mr. Sykes presented a proposed format to process those change orders. 1. Change orders would require a recommendation by the City Engineer. 2. Approval by the City. 3. Approval by the Division of Water. 4. Approval by the contractor. Mr. Sykes asked for the Commission's direction on whether they wanted the change orders to be presented to them for approval or if the Mayor and/or City Manager could be authorized to approve the change orders. Commissioner Mounts requested that the Commission be advised of changes approved. Commissioner Morris made the motion to authorize the Mayor and City Manager to approve change orders which do not involve monetary changes for the Wastewater Treatment Plant Project. Commissioner Blankenship seconded the motion. Upon call of the roll, the motion carried unanimously.

4. Wastewater Pollution: Mr. Sykes presented each Commission Member with a report on Wastewater Pollution in the Pikeville Pond. The Mayor explained that Mr. Sykes had been asked to prepare this documentation. There are a number of sections of Pikeville that do not have any sewer lines. It was further explained that although it is not known where the funds will come from to extend the sewer lines, the project must be started to identify the amount of monies needed. Mr. Sykes reviewed the report with the Commissioners and pointed out that there are approximately 5300 acres of drainage area that doesn't have any sanitary sewer. This area takes in a large portion of Chloe, almost all of Harolds Branch, a portion of Ferguson Creek, Layne Hollow, and a portion of the area around the middle bridge. It has been calculated that approximately 69,000 gallons per day of sewage potentially reaches that pond from unsewered areas (taken from a 1985 report). A cost estimate of \$1,495,000 was given to extend the sewer to these areas. Mr. Sykes requested permission to contact Will Linder, grantsman, and work with him toward preparation of an application for funding for these extensions. The Mayor reported that he had talked with Mr. Linder about this project, who indicated that he is unsure if grant monies can be obtained, but will apply. Mr. Linder's fee is contingent upon approval of grant funds. Commissioner Morris made the motion to authorize Will Linder & Associates to prepare a grant application for this proposed sewerline extension project. Commissioner Blankenship seconded the motion. Upon call of the roll, the motion carried unanimously.

Sewer Line: Mr. Sykes advised the Commission that he was going to get an estimate to get a t.v. camera into the sewer trunkline running from the Bowles Addition down to Johnson Motors. Mr. Sykes estimated this service to cost \$4,000.00. The Mayor announced that when it becomes evident there is a problem of this magnitude, the City Engineer should advise the City Manager who can authorize the work to be done (providing it falls within the

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boundary of monies he can approve), and after the work is done advise the Commission of the problem.

Capital Improvement Study: Mr. Sykes reported that he has a draft of the Capital Improvement Study which deals with water, sewer, gas, storm drains, solid waste, streets and roads. The only area of the draft that is incomplete pertains to streets and roads. A work session was scheduled for Wednesday, March 14, 1990 at 4:30 p.m. to review the Capital Improvement Study.

City Attorney Russell Davis, Jr. gave second reading to Ordinance O-90-004 entitled:

AMENDED ORDINANCE FIXING TIME AND PLACE OF REGULAR MEETINGS OF THE BOARD OF COMMISSIONERS OF THE CITY OF PIKEVILLE, PIKEVILLE, KENTUCKY

Commissioner Davis made the motion to adopt Ordinance O-90-004. Commissioner Blankenship seconded the motion. Upon call of the roll, the motion carried by the following votes:

Commissioner;	Walter Blankenship	Yes
	Eugene Davis	Yes
	Frank Morris	Yes
	Johnny Mounts	Yes
Mayor:	Walter E. May	Yes

Resolution R-90-007 was presented as follows:

RESOLUTION DESIGNATING HAMBLEY BOULEVARD AND CLINE STREET AS A BUSINESS ROUTE AND REQUESTING THAT THE SAME BE ACCEPTED BY THE KENTUCKY DEPARTMENT OF HIGHWAYS INTO THE STATE ROAD SYSTEM

WHEREAS, the City of Pikeville desires that Hambley Boulevard and Cline Street be designated as a business route and further that the Kentucky Department of Highways accept said streets into the state road system,

THEREFORE, BE IT RESOLVED BY THE CITY OF PIKEVILLE, that Hambley Boulevard and Cline Street, known collectively as the interloop and individually as Cline Street and Hambley Boulevard being more specifically described as beginning at a junction with Kentucky 1426 near the former upper bridge location, extending via Hambley Boulevard and Cline Street to a junction with Kentucky 1384 (Lorraine Street) near the former lower bridge location, a distance of 1.6 miles, be designated as a business route and further respectfully requests that the Kentucky Department of Highways accept into the state road system said streets.

Passed this 26th day of February, 1990

Commissioner Johnny Mounts moved for the adoption of the foregoing Resolution. Commissioner Eugene Davis seconded the Motion.

Upon roll call the votes were as follows:

Walter E. May, Mayor	Yes
Gene Davis, Commissioner	Yes
Frank Morris, Commissioner	Yes
Johnny Mounts, Commissioner	Yes
Walter Blankenship, Commissioner	Yes

The Mayor declared the within Resolution adopted.

/s/ Walter E. May
WALTER E. MAY, MAYOR

ATTESTED:

/s/ Karen Harris
KAREN HARRIS, CITY CLERK

Mr. Davis reported that the City Manager, Project Coordinator, Sue Smallwood, the City Engineer and he had met with R. D. Zande and their attorneys to discuss the situation at the Water Treatment Plant facilities. It was recommended that the Commission tour the Water Treatment Plant, then schedule a work session with R. D. Zande representative, Pat Blayney, in an effort for Mr. Blayney to explain the engineer's side to the concerns the City has. It was reported that the Commission has toured the Water Plant. Discussion was had relative to scheduling a meeting with the design engineer. Commissioner Blankenship made the motion, seconded by Commissioner Morris to authorize the City Engineer to contact an engineering firm to evaluate the Water Treatment Plant facility design in an effort to determine if the City has grounds for a suit. Mr. Sykes advised the Commission that he has received quotes from a firm in Louisville for an

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approximate cost of \$10,000.00. The motion was amended to allow Mr. Sykes to negotiate with an engineering firm to do the design evaluation for a cost not to exceed \$10,000.00. Upon call of the roll, the motion carried unanimously.

Mr. Davis presented three agreements for the Commission's consideration with regard to the Pikeville Mall Project. The first agreement is between the City and the Development with regard to the Community Development Block Grant funds. The second agreement, between the City and the developer, provides that the City will include a clause in all of the contracts awarded for offsite improvements, saying that if the project is not finished in a timely manner, the City or B. D. & E. can take over the contract and finish the project. The third agreement provides for the City's and Developers duties with regard to depositing monies for the bridge. Mr. Davis advised the Commission that there are certain points that should be discussed in an executive session. The Commission agreed to take no action until this matter was discussed in an executive session.

Jim Spurlock, representing Professional Services Group, Inc. asked permission to purchase meters to replace the existing meters in the Chaney System and to service the new apartments at Northgate. Commissioner Mounts made the motion, seconded by Commissioner Blankenship to approve the purchase of the meters. The motion carried unanimously. Mr. Spurlock advised the Commission that PSG's contract with the City provides that any expenditures over \$2,000.00 must be approved by the City, however the expenditure is funded from the PSG operating budget. Commissioner Mounts made the motion that the City Manager be designated to approve these types of requests up to \$7,500.00. Commissioner Blankenship seconded the motion. The motion carried unanimously.

John Johnson, City Manager, reported that there have been several requests made that the City obtain the old Hatcher Court Lot to provide public parking, until the owners decide on a development. It was requested that the Mayor, Commissioner Morris, and the City Manager be authorized to negotiate with the owner to determine what the lot could be leased for. Mr. Johnson reported that the owner has indicated that the street be deeded to him. The City Attorney reported that the only way to close a street is to file suit in Circuit Court with the adjoining property owners being named as parties to the suit. Commissioner Morris made the motion that the City negotiate with the owner for parking and direct the City Attorney to prepare a deed for the street. Commissioner Mounts seconded the motion. The motion carried 5 - 0.

The Commission discussed the merits of amending the parking ordinance to provide for impoundment or immobilization of vehicles found in violation of the parking ordinance or failure to pay parking fines and penalties. The amendment would also provide for an appointment of a hearing officer. The City Attorney advised the Commission that he would like to amend the dilapidated housing ordinance to set out fines for specific violations. The hearing officer would not only be responsible for hearing parking violations, but also for administering the fines for dilapidated housing and nuisance abatement. The City Attorney was directed to prepare the amendments to both ordinances.

The City Manager reported that he has designated the six parking spaces on the left side of Main Street from Grace Avenue to Division Street as a Taxi Cab Stand from 7 a.m. to 8 p.m. Mr. Johnson reported that he has spoken with the Taxi Drivers who have assured him that they will move to allow for the trucks to unload at Super Dollar Store. Mr. Johnson was directed to give written notice of this action to all the taxi drivers.

Brought before the Commission was a request from ex City Employee, Tennis Hamilton's, attorney, asking that Mr. Hamilton be paid retirement benefits from the time he actually left employment with the City of Pikeville. Mr. Johnson reported that Mr. Hamilton left the City's employ on 6/26/89, however he worked for PSG until 9/26/89. Mr. Hamilton's retirement benefits were calculated at \$1,500.00 less than the other three employees received on the premise that he was still working. Commissioner Mounts made the motion to pay Mr. Hamilton retirement benefits from the time he left the City's employ. Commissioner Morris seconded the motion. The motion carried unanimously.

Finance Director, Virginia Oney, gave a report on the invoice presented for payment with City Bills in the amount of \$7,469.86 to Mountain Enterprises. Ms. Oney reported that PSG is responsible to reimburse the City for this amount. It was explained that the City purchases material from Mountain Enterprises at a less expensive rate. The Finance Director was instructed to delineate the bills that PSG is to reimburse the City for in future payment requests. Ms. Oney explained that reimbursement is made when PSG's monthly operating bill is paid in that she deducts invoices that PSG is responsible for paying from their fee for operating the public works department. Commissioner Blankenship made the motion, seconded by

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Commissioner Morris to approve payment of the City Bills totaling \$164,003.06. Upon call of the roll, the motion carried unanimously.

Commissioner Davis made the motion to adjourn to an executive session for the purpose of discussing the Pikeville Mall negotiations and a legal matter with James Ellis. Commissioner Mounts seconded the motion. Upon call of the roll the motion carried unanimously.

Commissioner Morris made the motion to reconvene to regular session. Commissioner Mounts seconded the motion. The motion carried by the following votes:

Commissioner:	Walter Blankenship	not present at time of vote
	Eugene Davis	yes
	Frank Morris	yes
	Johnny Mounts	yes
Mayor:	Walter E. May	yes

City Attorney, Rusty Davis, requested that the City Commission authorize the Mayor to enter into three separate agreements with regard to the Big Sandy Regional Mall Project. The first agreement is between the City of Pikeville and the Mall Developers which provides for the duties in respect to each party with regard to the Community Development Block Grant. The second agreement is between the City of Pikeville and the developer which provides that the City will incorporate certain language in all city contracts for offsite improvements. The third agreement is an agreement between the developer and the City of Pikeville which provides for each party's duties in respect to depositing the funds into escrow for the bridge construction which will serve the mall site. Commissioner Johnny Mounts made the motion to authorize the Mayor to execute all three agreements. Commissioner Eugene Davis seconded the motion. Upon call of the roll, the motion carried unanimously. (Resolutions R-90-008, 009, and 010 were presented at a later date approving the execution of the agreements).

RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT BETWEEN THE CITY OF PIKEVILLE AND PINNACLE TRUST DEVELOPMENT COMPANY OF BRENTWOOD, TENNESSEE

R-90-008

WHEREAS, the City of Pikeville desires to enter into an agreement with Pinnacle Trust Company which provides for the duties and obligations as to each party with respect to funds received by the City of Pikeville pursuant to the terms of a community development block grant received by the City.

WHEREFORE, BE IT RESOLVED BY THE CITY OF PIKEVILLE that the Mayor is hereby authorized to execute on behalf of the City of Pikeville an agreement between the City of Pikeville and Pinnacle Trust Development Company.

Passed this 26th day of February, 1990.

Commissioner Johnny Mounts moved for the adoption of the foregoing Resolution. Commissioner Eugene Davis seconded the motion.

Upon roll call, the votes were as follows:

WALTER E. MAY, MAYOR	YES
GENE DAVIS, COMMISSIONER	YES
FRANK MORRIS, COMMISSIONER	YES
JOHNNY MOUNTS, COMMISSIONER	YES
WALTER BLANKENSHIP, COMMISSIONER	YES

The Mayor declared the within Resolution adopted.

/s/ Walter E. May
WALTER E. MAY, MAYOR

ATTESTED:

/s/ Karen Harris
KAREN HARRIS, CITY CLERK

RESOLUTION OF APPROVING EXECUTION BY MAYOR OF AGREEMENT BETWEEN CITY OF PIKEVILLE AND BARRY E. DOTSON AND ASSOCIATES, INC.

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R-90-009

WHEREAS, the City of Pikeville desires to enter into an agreement with Barry E. Dotson and Associates, Inc., which sets out each of the parties obligations with respect to the deposit of money into escrow pursuant to a previously entered Escrow Agreement for the construction of a five-lane bridge as part of the development of the Big Sandy Regional Mall project.

WHEREFORE, BE IT RESOLVED BY THE CITY OF PIKEVILLE that the Mayor is hereby authorized to execute on behalf of the City of Pikeville an agreement between Barry E. Dotson and Associates, Inc., and City of Pikeville.

Passed this 26th day of February, 1990.

Commissioner Johnny Mounts moved for the adoption of the foregoing Resolution. Commissioner Eugene Davis seconded the Motion.

Upon roll call, the votes were as follows:

WALTER E. MAY, MAYOR	YES
GENE DAVIS, COMMISSIONER	YES
FRANK MORRIS, COMMISSIONER	YES
JOHNNY MOUNTS, COMMISSIONER	YES
WALTER BLANKENSHIP, COMMISSIONER	YES

The Mayor declared the within Resolution adopted.

/s/ Walter E. May
WALTER E. MAY, MAYOR

ATTESTED:

/s/ Karen Harris
KAREN HARRIS, CITY CLERK

RESOLUTION OF APPROVING EXECUTION BY MAYOR OF AGREEMENT BETWEEN CITY OF PIKEVILLE AND BARRY E. DOTSON AND ASSOCIATES, INC.

R-90-010

WHEREAS, the Commission desires to enter into an agreement between the City of Pikeville and Barry E. Dotson and Associates, Inc., providing that the City of Pikeville will include in its advertisement for bids and contract for ancillary improvements for the Pikeville Mall project, language that would permit the City, in the event of a default on the part of its contractors, to terminate the contract and complete the work of the contractor.

WHEREFORE, BE IT RESOLVED BY THE CITY OF PIKEVILLE that the Mayor is hereby directed to execute on behalf of the City of Pikeville an agreement between the City of Pikeville and Barry E. Dotson and Associates, Inc.

Passed this a26th day of February, 1990.

Commissioner Johnny Mounts moved for the adoption of the foregoing Resolution. Commissioner Eugene Davis seconded the Motion.

Upon roll call, the votes were as follows:

WALTER E. MAY, MAYOR	YES
GENE DAVIS, COMMISSIONER	YES
FRANK MORRIS, COMMISSIONER	YES
JOHNNY MOUNTS, COMMISSIONER	YES
WALTER BLANKENSHIP, COMMISSIONER	YES

The Mayor declared the within Resolution adopted.

/s/ Walter E. May
WALTER E. MAY, MAYOR

ATTESTED:

/s/ Karen Harris
KAREN HARRIS, CITY CLERK

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Mayor May reported on the other matter considered in executive session. James Ellis appeared before the Commission requesting a clarification with regard to a legal matter. The Mayor pointed out that the City of Pikeville is not suing James Ellis and his firm. The lawsuit is to ask the court to confirm the results of the arbitrator. The Mayor requested the media to publicize his remarks.

The Commission discussed the cigarette smoking in the City Hall Public Meeting Room. Engineering Design and Construction submitted a quote to install electronic air cleaners in the amount of \$5,000.00. The Mayor indicated that he did not think this method practical. It was suggested that the audience and Commission Members be encouraged to not smoke during the meetings. No further action was taken.

Commissioner Mounts made the motion, seconded by Commissioner Blankenship to adjourn the meeting until February 27, 1990 at 4:30 p.m. at the Urban Renewal and Community Development Agency Office at 211 Division Street.

Upon call of the roll, the motion carried unanimously.

APPROVED

Walter E. May
WALTER E. MAY, MAYOR

ATTEST:

Karen Harris
KAREN HARRIS, CITY CLERK

