

MINUTES } CITY OF PIKEVILLE

MINUTES - CONTINUED MEETING
FEBRUARY 15, 1974

At a continued meeting of the Board of Commissioners of the City of Pikeville held in City Hall, on February 15, 1974, at 7:30 P.M., the following members were present:

COMMISSIONERS: Robert Amos, Jr.
Kermit Sexton
Thomas Howell
Willie J. Meade
MAYOR: W. C. Hambley

The meeting was called to order at 7:35 P.M.

The meeting opened with the discussion of the purchase of the Cole Property. After discussing the matter, Mayor Hambley told Mrs. Cole that they would pay \$22,000 for the purchase of the entire property. Mayor Hambley stated that the \$22,000 included the costs of the property, plus relocation costs.

Mrs. Cole stated that she would agree to that amount. Mayor Hambley informed Mrs. Cole that they would have eight (8) months from the date of execution to have everything moved.

Commissioner Kermit Sexton made the motion to purchase the property, Commissioner Robert Amos, Jr., seconded the motion. Upon roll call the vote was as follows:

COMMISSIONERS:	Robert Amos, Jr.	Yes
	Kermit Sexton	Yes
	Thomas Howell	Yes
	Willie J. Meade	Yes
MAYOR:	W. C. Hambley	Yes

The Motion Carried

**Money to come out of Revenue Sharing Fund, Environmental Portion.*

Mayor Hambley directed City Attorney, Larry Webster, to prepare the deed for the property to the City of Pikeville.

The next item of discussion was the Acquisition for the Earl Little property at the mouth of Chloe.

Mayor Hambley stated he had been negotiating with Earl Little and his wife, and they have agreed to take the value that it is worth which is \$15,000.00 and \$810.00 for relocation expense that included the value of the two (2) tracts.

Mayor Hambley stated that they have bought two (2) trailers and that the Commission would agree that they be able to put one of them on the Cities lot next door to Mayor Hambley and that they will pay rent to the City. Mayor Hambley stated that the Commission would have to decide what the rent is going to be.

Mayor Hambley stated that Dusty Huffman and Bill Huffman have agreed that they could put one trailer behind the Ice Company. Mayor Hambley stated that the reason for buying the property was to move the Cemetery back to where the two (2) houses are.

**Mayor Hambley directed City Attorney, Larry Webster to get the deed for the property.*

Commissioner Kermit Sexton made the motion to purchase the property. Commissioner Willie J. Meade seconded the motion. Upon roll call the vote was as follows:

COMMISSIONERS:	Robert Amos, Jr.	Yes
	Kermit Sexton	Yes
	Thomas Howell	Yes
	Willie J. Meade	Yes
MAYOR:	W. C. Hambley	Yes

The Motion Carried

**Money to come out of Revenue Sharing Fund, Transportation Element.*

The next item was to approve the final estimates from Philpot Construction, Tri State Construction and Mays Construction.

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Mayor Hambley stated that when they voted to approve Contract No. 3, Change Order No. 1, from Philpot it is also to allow for an extension for Contract time from December 10, 1973 to January 15, 1974.

Commissioner Kermit Sexton made the motion to approve Contract No. 3 Change Order No. 1. Commissioner Robert Amos, Jr., seconded the motion. Upon roll call the vote was as follows:

COMMISSIONERS:	Robert Amos, Jr.	Yes
	Kermit Sexton	Yes
	Thomas Howell	Yes
	Willie J. Meade	Yes
MAYOR:	W. C. Hambley	Yes

The Motion Carried

**Estimate on file in City Clerk's Office.*

The next item was to approve the Final Estimate No. 9 from Philpot Construction.

After a lengthy discussion Commissioner Willie J. Meade made the motion to pay the balance due on Final Estimate No. 9 for the amount of \$19,869.00. Commissioner Kermit Sexton seconded the motion. Upon roll call the vote was as follows:

COMMISSIONERS:	Robert Amos, Jr.	Yes
	Kermit Sexton	Yes
	Thomas Howell	Yes
	Willie J. Meade	Yes
MAYOR:	W. C. Hambley	Yes

**Estimate on file in City Clerk's Office.*

Mayor Hambley stated that Delmas Philpot would have to replace Ervin Mullins two poles, located on Harold's Branch.

The next item was to approve the Estimate from Tri State. Robert Amos, Jr., stated that the only thing concerning Tri State, was the damage done to Mrs. Scott's wall.

Jim Music, from Tri State, stated that Mrs. Scott would submit her bill to Tri State for the damage done to her wall.

Commissioner Kermit Sexton made the motion to pay Change Order No. 2, for total plus increase in Contract price for the amount of \$4,829.00. Commissioner Robert Amos, Jr., seconded the motion. Upon roll call the vote was as follows:

COMMISSIONERS:	Robert Amos, Jr.	Yes
	Kermit Sexton	Yes
	Thomas Howell	Yes
	Willie J. Meade	Yes
MAYOR:	W. C. Hambley	Yes

The Motion Carried

**Estimate on file in City Clerk's Office.*

The next item was to approve the Final Estimate No. 8 from Tri State for the amount of \$29,193.78.

Commissioner Kermit Sexton made the motion to pay the final estimate No. 8 for the amount of \$29,193.78. Commissioner Robert Amos, Jr., seconded the motion. Upon roll call the vote was as follows:

COMMISSIONERS:	Robert Amos, Jr.	Yes
	Kermit Sexton	Yes
	Thomas Howell	Yes
	Willie J. Meade	Yes
MAYOR:	W. C. Hambley	Yes

The Motion Carried

**Tri State is to reimburse the City of Pikeville \$633.53 for labor, material, and broken lines.*

**Estimate on file in City Clerk's Office.*

The next item was to approve Contract No. 2 Change Order No. 2 for increase in Contract price from Mays Construction.

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Commissioner Robert Amos, Jr., made the motion to approve the Change Order No.2 from Mays Construction for the amount of \$10,383.50. Commissioner Willie J. Meade seconded the motion. Upon roll call the vote was as follows:

COMMISSIONERS:	Robert Amos, Jr.	Yes
	Kermit Sexton	Yes
	Thomas Howell	Yes
	Willie J. Meade	Yes
MAYOR:	W. C. Hambley	Yes

The Motion Carried

**Estimate on file in City Clerk's Office.*

The next item was to approve Reconciliation Change Order NO.3 from Mays Construction for the amount of \$45,884.95 decrease in Contract price.

Commissioner Willie J. Meade made the motion to approve Change Order No. 3 from Mays Construction to decrease the Contract the amount of \$45,884.95. Commissioner Robert Amos, Jr., seconded the motion. Upon roll call the vote was as follows:

COMMISSIONERS:	Robert Amos, Jr.	Yes
	Kermit Sexton	Yes
	Thomas Howell	Yes
	Willie J. Meade	Yes
MAYOR:	W. C. Hambley	Yes

The Motion Carried

**Estimate on file in City Clerk's Office*

The next item was to approve the Final Estimate No. 12 from Mays Construction for the amount of Balance due which is \$113,000.53.

Robert Amos, Jr., stated that he and Kermit Sexton, Ayers Shortt and Ronnie Senters went over on Ferguson Creek and the only thing over there was the Williams Hollow Road.

Robert Amos, Jr., stated that Herman West was asking them to replace the dirt and gravel they had promised him.

Mayor Hambley stated that the City would replace the dirt and gravel that they had promised Mr. West.

Robert Amos, Jr., stated that Jim Scott was asking for a New Drive Way. After a lengthy discussion the decision was to put cinders or some sand on the drive way.

Wendell Gilliam, Magistrate for District 1, came before the Commission to request that the Williams Hollow Road be repaired back as it was.

Commissioner Kermit Sexton asked if there have been any water lines run on private property.

Ronnie Senters stated that they had to go across Myrtle Slone's property to get to George Slone's.

Mayor Hambley asked Ronnie Senters how he got access to the property. Ronnie Senters stated that he went across a walk path.

Mayor Hambley stated that they should make a proposition to Myrtle Slone to make the walk way a dedicated public way.

Mayor Hambley directed City Attorney, Larry Webster to prepare the Easement Agreement. City Manager, Ayers Shortt stated that he would take the Easement Agreement, to Myrtle Slone for her to sign.

**Mayor Hambley stated that if Myrtle Slone didn't sign the Easement Agreement, for Ronnie Senters to remove the lines immediately.*

Commissioner Willie J. Meade made the motion to pay Final Estimate NO. 12 of Mays Construction for the balance due in the amount of \$113,000.53, and pursue further the situation of the Easement Agreement and the Williams Hollow Road repairs. Commissioner Thomas Howell seconded the motion. Upon roll call the vote was as follows:

COMMISSIONERS:	Robert Amos, Jr.	Yes
	Kermit Sexton	Yes
	Thomas Howell	Yes
	Willie J. Meade	Yes
MAYOR:	W. C. Hambley	Yes

The Motion Carried

**Estimate on file in City Clerk's Office.*

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City Attorney, Larry Webster presented a Resolution and Supplemental Contract concerning R. E. Riley and Thadeus Scott.

R-74-08

RESOLUTION AUTHORIZING BY AGREEMENTS DATED APRIL 19, 1950
AND MAY 10, 1954, THE CITY OF PIKEVILLE ENTERED INTO CERTAIN
GAS PURCHASE CONTRACTS WITH R. E. RILEY AND THADEUS SCOTT
OF PIKEVILLE, KENTUCKY

WHEREAS, by Agreements dated April 19, 1950 and May 10, 1954, the City of Pikeville entered into certain gas purchase contracts with R. E. Riley and Thadeus Scott of Pikeville, Kentucky, and;

WHEREAS, the City of Pikeville now feels that the purchase price for gas contained in said Agreements should be modified to reflect the current market price being paid by the City for wholesale natural gas, and;

WHEREAS, the City Attorney has drawn a Supplemental Agreement raising the price for gas purchased under said contracts from twenty-five cents per one thousand cubic feet to the sum of fifty cents per one thousand cubic feet to the sum of fifty cents per one thousand cubic feet, for the Yost well and forty-five cents for the City Park Well, and making said purchase price subject to renegotiation, which Supplemental Agreement has been duly read and considered by the City Commission.

NOW, THEREFORE, BE IT RESOLVED that the Mayor of Pikeville, be, and he hereby is authorized to execute said Supplemental Agreement for and in behalf of the City of Pikeville, and to bind the City of Pikeville to the terms thereof.

At Pikeville, Kentucky this 15th day of February, 1974.

Commissioner Kermit Sexton moved the adoption of the foregoing Resolution. Commissioner Joe Meade seconded the motion.

Upon roll call the vote was as follows:

MAYOR, W. C. HAMBLEY	<u>YES</u>
COMMISSIONER, ROBERT AMOS	<u>YES</u>
COMMISSIONER, THOMAS J. HOWELL	<u>YES</u>
COMMISSIONER, KERMIT SEXTON	<u>YES</u>
COMMISSIONER, WILLIE J. MEADE	<u>YES</u>

The Mayor declared the Resolution adopted.

/s/ W. C. Hambley, M.D.
MAYOR

ATTEST:

/s/ Charles L. Huffman, Jr.
CHARLES L. HUFFMAN, JR. CITY CLERK

SUPPLEMENTAL AGREEMENT

THIS SUPPLEMENTAL AGREEMENT made and entered into this 14 day of February, 1974, by and between the CITY OF PIKEVILLE, a municipal corporation of the fourth class, hereinafter called the BUYER, and MRS. R. E. RILEY, individually, and as Trustee for the R. E. Riley trust, and Thadeus Scott, of Pikeville, Pike County, Kentucky, hereinafter called the SELLERS.

WHEREAS, by agreement dated April 19, 1950, of record in Deed Book 319, Page 297, Pike County Court Clerk's Office, and by Agreement dated May 10, 1954, of record in Deed Book 357, Page 233, Pike County, Court Clerk's Office, the Sellers did agree to sell to the City all the natural gas produced from the "City Park Well," and what natural gas the city can use from the "Yost Well" and;

WHEREAS, by the Agreement of April 19, 1950, as modified by subsequent agreement, the Buyer pays to the Seller twenty-five cents per one thousand cubic feet for gas produced from the City Park Well, from which is deducted one-eighth, being original royalties credited to the Buyer as being the owner of the Oil and Gas Estate in the property upon which the City Park Well is situated, and;

WHEREAS, by the terms of the agreement of May 10, 1954, the Buyer pays to the Seller the sum of thirty cents per one thousand cubic feet for such gas produced from the Yost Well as the Buyer uses, and;

WHEREAS, it is the intention of the parties hereto by this agreement to modify, supplement and amend the agreements above mentioned as hereinafter set forth,

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NOW, THEREFORE, for and in consideration of the sum of ONE (\$1.00) DOLLAR and other good and valuable consideration, receipt of which is hereby acknowledged, and the further consideration of the premises, and the terms and conditions of the contract dated April 19, 1950, as amended, and the contract dated May 10, 1954, and in consideration of the mutual covenants contained therein, Seller and Buyer hereby mutually agree as follows:

1. Buyer agrees to henceforth pay to the Seller the sum of forty-five cents per one thousand cubic feet of gas produced from the City Park Well and fifty cents per one thousand cubic feet of gas produces from the Yost Well, as are more fully described above.

2. The terms and conditions of said agreements of April 19, 1950 and May 10, 1954, shall remain unchanged as to the amounts of gas to be purchased by the Buyer from the respective wells mentioned therein.

3. The above mentioned purchase price of fifty cents per one thousand cubic feet of gas purchased from each of said wells shall be subject to renegotiation at the end of each five year period following the effective date of this agreement. Seller agrees that the maximum renegotiated price at the end of each five year period shall not be nearer than twenty cents per one thousand cubic feet to the price charged at said time by the Columbia Gas Transmission Company, or its successors, to the Buyer.

4. The agreement of April 19, 1950 and May 10 1954 shall remain in full force and effect, except as modified herein.

5. The within Agreement shall become effective beginning February 1, 1974.

6. This Agreement be binding upon and enure to the benefit of the heirs, representatives and assigns of the Seller, and the assigns or successors of the Buyer.

IN TESTIMONY WHEREOF, witness the signature of the parties hereto the City of Pikeville being pursuant to a Resolution duly passed by the City Council of the City of Pikeville, a copy of which is attached hereto and made a part hereof. Fully executed copies of the within shall have the same force and effect as the original of same.

This 14th day of February, 1974.

/s/ Mrs. R. E. Riley
MRS. R. E. RILEY, individually, and as
Trustee for R. E. Riley Trust

/s/ THADEUS SCOTT
THADEUS SCOTT

CITY OF PIKEVILLE, A MUNICIPAL CORPORATION

BY: /s/ W. C. Hambley, M. D.
MAYOR

ATTEST:

/s/ Charles L. Huffman, Jr.
CITY CLERK

STATE OF Florida

COUNTY OF Volusea

18th day of March, 1974. Subscribed and sworn to before me by MRS. R. E. RILEY, this

My Commission expires October 10, 1976

/s/ Brenda B. Thomas
NOTARY PUBLIC

STATE OF KENTUCKY

COUNTY OF PIKE

Subscribed and sworn to before me by THADEUS SCOTT, this 14th day of February, 1974.

My Commission expires APRIL 5, 1976

/s/ PATRICIA ANN COLEMAN
NOTARY PUBLIC

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STATE OF KENTUCKY

COUNTY OF PIKE

Subscribed and sworn to before me by DR. WILLIAM C. HAMBLEY,
MAYOR, this 15 day of February, 1974.

My Commission expires 8-4-74.

/s/ Lawrence R. Webster
NOTARY PUBLIC

THIS INSTRUMENT WAS PREPARED BY:

/s/ LAWRENCE R. WEBSTER
ATTORNEY AT LAW

Mayor Hambley recommended to pay 45 cents for the City Park Well and 50 cents for the Yost Well.

Thadeus Scott stated that they would agree to that amount.

Commissioner Kermit Sexton made the motion to adopt the above Resolution. Commissioner Willie J. Meade seconded the motion. Upon roll call the vote was as follows:

COMMISSIONERS:	Robert Amos, Jr.	Yes
	Kermit Sexton	Yes
	Thomas Howell	Yes
	Willie J. Meade	Yes
MAYOR:	W. C. Hambley	Yes

The Motion Carried

Mayor Hambley stated the raise would be effective February 1, 1974.

City Attorney, Larry Webster stated he had a list of delinquent property tax. Larry Webster stated that it would costs more to prosecute than some of the taxes were actually worth.

Mayor Hambley instructed City Attorney, Larry Webster to file suit for the delinquent property tax of \$500.00 or more.

Mayor Hambley read the following Resolution:

R-74-09

RESOLUTION AUTHORIZING INTERIM FINANCING FOR WATER & GAS
RELOCATION PROJECT SOUTH OF THE CITY OF PIKEVILLE

WHEREAS, the City of Pikeville has contracted for and is presently in the process of Relocating Water & Gas Lines of the City of Pikeville, and

WHEREAS, Financing Arrangements are now being made. THEREFORE, and

WHEREAS, it is necessary; however, to acquire Interim Financing,

NOW THEREFORE, BE IT RESOLVED that the Mayor and City Clerk of the City of Pikeville, Kentucky be and they are hereby authorized to arrange for Interim Financing in Connection with the Water & Gas Relocation Project of the City of Pikeville now underway in the total sum of \$162,063.31 for the following Contracting companies in the following amounts:

Philpot Welding, Inc.	\$19,869.00
Tri State Construction Company	\$29,193.78
Mays Construction Co.	\$113,000.53

BE IT FURTHER RESOLVED, that the Mayor and City Clerk are authorized to secure a loan in the amount of \$162,063.31 for a period not to exceed 60 days.

An emergency is declared to exist in regard to this Resolution and the same shall be in full force and effect immediately upon subscription and approval by this Commission.

At Pikeville, Pike County, Kentucky, this 15th day of February, 1974.

Commissioner Robert Amos moved the adoption of the foregoing Resolution and Commissioner Thomas Howell seconded the motion.

Upon roll call the vote was as follows:

W. C. HAMBLEY, M.D., MAYOR	<u>YES</u>
KERMIT SEXTON, COMMISSIONER	<u>YES</u>

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ROBERT AMOS, COMMISSIONER
THOMAS HOWELL, COMMISSIONER
WILLIE JOE MEADE, COMMISSIONER

YES
YES
YES

The Mayor declared the Resolution adopted.

/s/ W. C. HAMBLEY, M.D.
W. C. HAMBLEY, M.D., MAYOR

ATTEST:

CHARLES L. HUFFMAN, JR. CITY CLERK

Commissioner Robert Amos, Jr., made the motion to adopt the above Resolution for the amount of \$162,063.31. Commissioner Thomas Howell seconded the motion. Upon roll call the vote was as follows:

COMMISSIONERS:	Robert Amos, Jr.	Yes
	Kermit Sexton	Yes
	Thomas Howell	Yes
	Willie J. Meade	Yes
MAYOR:	W. C. Hambley	Yes

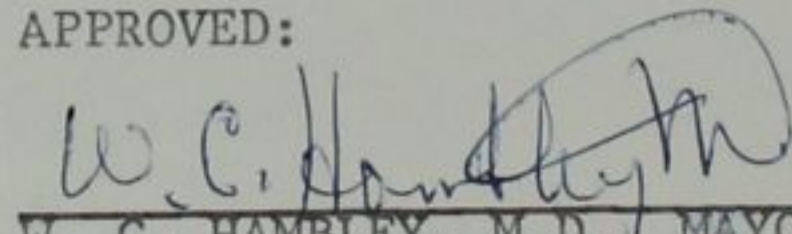
The Motion Carried

Commissioner Willie J. Meade made the motion to adjourn. Commissioner Kermit Sexton seconded the motion. Upon roll call the vote was as follows:

COMMISSIONERS:	Robert Amos, Jr.	Yes
	Kermit Sexton	Yes
	Thomas Howell	Yes
	Willie J. Meade	Yes
MAYOR:	W. C. Hambley	Yes

MEETING ADJOURNED.

APPROVED:


W. C. HAMBLEY, M.D., MAYOR

ATTEST:

CHARLES L. HUFFMAN, JR., CITY CLERK

MINUTES OF A MEETING OF THE
BOARD OF COMMISSIONERS OF THE CITY OF PIKEVILLE,
KENTUCKY HELD ON FEBRUARY 25, 1974

The Board of Commissioners of the City of Pikeville, Kentucky, met in regular session at the City Hall, in said City, on the 25th day of February, 1974, at the hour of 7:30 P.M., Local Time. Present were the Hon. W. C. Hambley, Mayor, in the chair presiding, and the following named Commissioners: Robert Amos, Thomas Howell, Kermit Sexton.
Absent: WILLIE JOE MEADE.

The meeting was called to order at 7:35 P.M., due to the absence of the Assistant City Clerk, Jo Ann Johnson read the minutes for February 15, 1974. The minutes were approved as read without any additions or corrections.

Mrs. Runyon, from Williams Hollow Road came before the Commission asking why water was not available to her. Mrs. Runyon stated that she had put her own lines in at a considerable cost.