

MINUTES } CITY OF PIKEVILLE

for approval. He did not think it was necessary at that time and does not think it necessary now. Mr. Page stated that as he understood it, what the City Commission was saying was that these former By-Laws are not acceptable now.

Commissioner Ratliff requested to know if there was anything in the former By-Laws specifying who was eligible to vote at the Community Service Commission Meetings.

Mr. Dacus answered that the members originally appointed unless amended by the appointing authority.

Commissioner Amos asked if any By-Laws had ever been presented to the City Commission for approval.

Mr. Dacus stated that the former By-Laws were presented to the Community Services Commission for approval.

Mr. Jack Page stated that the former By-Laws were adopted under a law that expired.

John Forsyth stated that he felt it didn't make any difference who voted because it's all purely advisory anyway.

Commissioner Amos asked the Fairview residents that were present if any objected to the Fairview Urban Renewal Plan.

There were no objections.

Mayor Hambley stated that the City Commission was established to serve the people and that the City Commission would continue to serve in the best interests of the people.

Mayor Hambley directed Jess R. Collier, Jr., Acting City Manager, to begin filling the potholes in the City Streets.

Commissioner Sidney Ratliff made the motion to adjourn. Commissioner Thomas J. Howell seconded the motion.

Upon roll call the vote was as follows:

Commissioner:	Sidney Ratliff	Yes
	Thomas J. Howell	Yes
	Willie Joe Meade	Absent
	Robert Amos, Jr.	Yes
Mayor:	W.C. Hambley, M.D.	Yes

The motion carried. The Meeting was adjourned.

APPROVED:

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

ATTEST:

CHARLES L. HUFFMAN, JR.
CITY CLERK

REGULAR MEETING - MARCH 14, 1977

A Regular Meeting of the Board of Commissioners of the City of Pikeville, Kentucky, was held on March 14, 1977, at 7:30 P.M., at the regular meeting place of said Board of Commissioners at City Hall in Pikeville, Kentucky.

Mayor William C. Hambley, M.D. presided, and upon call of the roll the following duly qualified and acting members of the Board of Commissioners were determined to be present:

Commissioner Robert Amos, Jr.
Commissioner Thomas J. Howell
Commissioner Sidney Ratliff

Mayor William C. Hambley, M.D.

The following were absent:

Commissioner Willie Joe Meade

The Meeting was called to order at 7:30 P.M.

The Assistant City Clerk read the Minutes for the period of February 28, 1977 (Regular Meeting) and March 1, 1977 (Adjourned)

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Regular Meeting). The Minutes were approved as read without additions or corrections.

Mr. Joseph Lyons stated "In accordance with the law, I present you with a Petition, the effect of which is to submit to the voters of Pikeville the question as to whether they are in favor of building a community center, or other such facility, as is or may be proposed by the City through its duly elected officials.

P E T I T I O N

The undersigned, residents and registered voters of Pikeville, Kentucky, hereby petition and request the City of Pikeville, through its elected Commissioners and Mayor, to pass the following Ordinance:

"NO COMMUNITY CENTER, NEIGHBORHOOD COMMUNITY FACILITY, CIVIC CENTER, AUDITORIUM, OR OTHER SUCH FACILITY OR BUILDING, SHALL BE BUILT OR CONSTRUCTED BY THE CITY OF PIKEVILLE WITHOUT FIRST SUBMITTING THE QUESTION AS TO WHETHER SUCH SHOULD BE BUILT TO A VOTE AT THE NEXT REGULAR ELECTION FOLLOWING THE PROPOSAL OF CONSTRUCTION OF SAME."

The purpose of this proposed Ordinance is to bring before the registered voters of the City of Pikeville by way of Initiative pursuant to KRS 89.610, the question of whether or not the registered voters of the City of Pikeville are in favor of or against a Civic Center or Community Center as now being proposed by the City of Pikeville through its duly elected officials.

*Petition on file in City Hall, City Clerk's Files.

Mayor Hambley stated that the City did not intend to encumber the property of the City of Pikeville to build the Civic Center, that it was to be paid for with Revenue Bonds, but since the people wanted to vote on the issue there should be something of substance to vote on such as a property tax increase attached to the Civic Center issue. Mayor Hambley stated that he did not object to a referendum, but felt it should be for a specific purpose. He stated that he did not want to have a vote on a nebulous subject, that many citizens would be in favor of a Civic Center if they didn't have to pay for it.

Commissioner Robert Amos, Jr. responded to the Petition with a Letter which he presented and read:

IN RESPONSE TO SAID PETITION

THE PETITION OF THE UNDERSIGNED RESIDENTS AND REGISTERED VOTERS OF THE CITY OF PIKEVILLE, KY, REQUESTING THAT THE ELECTED COMMISSIONERS AND THE MAYOR OF THE CITY TO PASS AN ORDINANCE PROHIBITING THE BUILDING OR CONSTRUCTION OF A COMMUNITY CENTER, CIVIC CENTER, AUDITORIUM OR NEIGHBORHOOD COMMUNITY FACILITY OF ANY KIND PRIOR TO A VOTE OF APPROVAL BY THE CITIZENS OF PIKEVILLE, KY, AT THE NEXT GENERAL ELECTION.

THIS COMMISSION WOULD FIRST HAVE TO RESCIND THE MASTER PLAN, R-76-37, RIVERFILL, CHLOE CREEK DEVELOPMENT PROJECT, etc. OF WHICH WAS PASSED (APPROVED) BY A MAJORITY OF THIS COMMISSION ON MAY 13, 1976, COMMISSIONER SID RATLIFF WAS NOT PRESENT AT THIS MEETING AND I COMMISSIONER ROBERT AMOS VOTED NO ON SAID MASTER PLAN ALTHOUGH I AM FOR A CIVIC CENTER OR NEIGHBORHOOD FACILITY OF SOME KIND BUT NOT NECESSARILY OF THE PROPORTION OF THE ONE PROPOSED. I QUESTIONED THE FEASIBILITY OF A CIVIC CENTER OF THAT PROPORTION AND THE FINANCIAL ABILITY OF THE CITY TO SUPPORT SAME AFTER IT WAS COMPLETED.

NOW DUE TO THE RESPECT THAT I HAVE FOR THE INTEGRITY AND JUDGEMENT OF THE MAYOR AND THE OTHER COMMISSIONERS, I DO NOT FEEL THAT IT IS EITHER ETHICAL OR APPROPRIATE FOR ME TO MOVE ON RESCINDING RESOLUTIONS THAT HAVE BEEN PASSED BY A MAJORITY OF THE VOTING BODY.

I PERSONALLY FEEL THAT YOU HAVE EVERY RIGHT AS CITIZENS AND TAX PAYERS OF THE CITY OF PIKEVILLE, KY, TO REQUEST A VOTE OF APPROVAL FOR THE CONSTRUCTION OF ANY KIND OF FACILITY OF WHICH REQUIRES A BOND ISSUE, AND AT SAME TIME I FEEL YOU SHOULD ASK OR REQUEST THE PARTIES FOR A CHANGE OF THEIR DECISION OF WHICH IS NEGATIVE TO YOUR WAY OF THINKING.

RESPECTIVELY,

/s/Bob Amos

ROBERT AMOS, JR.

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Commissioner Amos stated that he felt that the time to have presented a petition was immediately thereafter the passage of R-76-37, ten months have elapsed since that time and Year III, Title I Funds have been applied for approval.

Lawrence Webster, City Attorney, stated the question is: Does the Master Plan have to rescinded before a referendum is possible?...First of all, this is not a referendum, it is an initiative. Secondly, it could be argued that this initiative could have no legal effect if indeed the proposal for the construction of the neighborhood facility had already been made, this cannot be enacted retroactive. That doesn't keep the people from passing it. Mr. Webster stated that in his opinion, to the extent the proposal for the construction of the facility has already been made then it would have no effect.

Nancy Forsyth, a concerned citizen, stated from KRS 89.610 Initiative, "The Board shall either pass the Ordinance without alteration within 10 days after petition is filed, or submit the question of its passage to the voters of the City at the next regular election.

Community Development Bills were presented for approval in the amount of \$86,211.39.

Robert Atkins	Fairview Redevelopment Project	
	Moving Expense	\$ 80.00
Appalachian Express	Legal Ad	20.00
C & R Office Supply	Invoice Nos. 57353, 57881, 57769	21.50
Charlie's Hardware	Invoice No. 9082	6.51
City Utilities	Service for February	225.39
Ed Hellier	Office rent to 4/15/77	575.00
IBM Corporation	Invoice Nos. KQ22556, 6MRY733	755.77
Ky Power Company	Service for February	77.74
Means Services	Invoice No. 03073445780	10.63
Priscilla Newsome	Travel Expense to Washington	89.50
Pike County News	Legal Ad	2.80
Post Master	Postage	65.00
Paul Sowards	Reimbursement for Postage	24.86
South Central Bell	Service to 2/16/77	160.69
Xerox Corporation	Invoice No. 041787873	216.00
City of Pikeville	Ball Park Project - Req. #7	50,813.00
City of Pikeville	Fairview Housing Assistance Project	
	Req. #17	33,067.00
	TOTAL	<u>\$ 86,211.39</u>

Commissioner Sidney Ratliff made the motion to approve the above invoices. Commissioner Thomas J. Howell seconded the motion.

Upon roll call the vote was as follows:

Commissioner:	Sidney Ratliff	Yes
	Thomas J. Howell	Yes
	Willie Joe Meade	Absent
	Robert Amos, Jr.	Yes
Mayor:	W.C. Hambley, M.D.	Yes

The motion carried.

A Request for Funds was presented by Open Space Development Project in the amount of \$50,813.00 for approval.

Commissioner Robert Amos, Jr. made the motion to approve the above Request for Funds. Commissioner Thomas J. Howell seconded the motion.

Upon roll call the vote was as follows:

Commissioner:	Sidney Ratliff	Yes
	Thomas J. Howell	Yes
	Willie Joe Meade	Absent
	Robert Amos, Jr.	Yes
Mayor:	W.C. Hambley, M.D.	Yes

The motion carried.

A Request for Funds was presented from Community Development Housing Assistance Project in the amount of \$33,067.00 for approval.

Commissioner Robert Amos, Jr. made the motion to approve the above Request for Funds. Commissioner Thomas J. Howell seconded the motion.

Upon roll call the vote was as follows:

Commissioner:	Sidney Ratliff	Yes
	Thomas J. Howell	Yes
	Willie Joe Meade	Absent
	Robert Amos, Jr.	Yes
Mayor:	W.C. Hambley, M.D.	Yes

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The motion carried.

A Periodic Estimate for Partial Payment on the Sanitary Sewer Project at Harold's Branch (Hospital) was presented in the amount of \$13,700.00 for approval by Polley & Trent, Inc., Bardstown, Kentucky, for work completed under contract dated 12-8-76.

Commissioner Robert Amos, Jr. made the motion to approve the above Partial Payment to Polley & Trent, Inc., in the amount of \$13,700.00. Commissioner Thomas J. Howell seconded the motion.

Upon roll call the vote was as follows:

Commissioner:	Sidney Ratliff	Yes
	Thomas J. Howell	Yes
	Willie Joe Meade	Absent
	Robert Amos, Jr.	Yes
Mayor:	W.C. Hambley, M.D.	Yes

The motion carried.

A Final Periodic Estimate for Partial Payment was presented by Anderson Tank & Pipeline Company on the North and South Interchange Utility Relocation Project for work completed under contract dated 10-20-76 in the amount of \$29,299.50.

Commissioner Robert Amos, Jr. made the motion to approve the above Final Periodic Estimate for Payment to Anderson Tank & Pipeline Company in the amount of \$29,299.50. Commissioner Thomas J. Howell seconded the motion.

Upon roll call the vote was as follows:

Commissioner:	Sidney Ratliff	Yes
	Thomas J. Howell	Yes
	Willie Joe Meade	Absent
	Robert Amos, Jr.	Yes
Mayor:	W.C. Hambley, M.D.	Yes

The motion carried.

A Letter was presented and read from Baird and Baird concerning the re-conveyance of property known as the Industrial Development Property to its former owners.

BAIRD AND BAIRD
Attorneys at Law
Pikeville, Kentucky

March 3, 1977

Mr. Robert Amos, Jr. (Certified Mail)
Chloe Creek
Pikeville, Kentucky 41501

Mr. Sid Ratliff
Pikeville National Bank Building
Pikeville, Kentucky 41501

Mr. Thomas J. Howell
413 Third Street
Pikeville, Kentucky 41501

Mr. Willie Joe Meade
Pikeville, Kentucky 41501

Mayor William C. Hambley
206 Caroline Avenue
Pikeville, Kentucky 41501

RE: Industrial Development Property
formerly owned by Charlie
Van Hoose, et al, located near
Lykins Creek

Gentlemen:

We represent Charlie Van Hoose, Robert B. Johnson, Burlin Coleman, and their wives, and have been asked by them to formally request that the City of Pikeville re-convey the above property to them. The reason for this request is that this property was sold to the City of Pikeville to be used as an industrial site and this was the only reason these parties agreed to sell the City of Pikeville this property.

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It has been over five years now since the property has been conveyed and the City of Pikeville has not developed this property for industrial uses. The property was conveyed under threat of condemnation and, therefore, the above parties and their wives formally request that the property be re-conveyed to them. They are willing to pay the City of Pikeville the original purchase price, together with interest on that money, for the period of time involved.

We will appreciate hearing from you in this matter within the next 20 to 30 days.

Very truly yours,

BAIRD AND BAIRD

By: /s/William J. Baird, III

William J. Baird, III

WJB/jt

No action was taken.

Mr. Greg Anderson requested that the streets be cleaned and the holes in the streets be fixed for the Hillbilly Days celebration and parade.

Mayor Hambley directed Mr. Collier, Acting City Manager, to have the streets cleaned and the holes fixed in time for the Hillbilly Days Parade.

Mr. Bradford Hall suggested that the Commission seek ways to provide more parking in the City.

An Invoice was presented from Howard K. Bell, Consulting Engineers, Inc. for engineering services in connection with the Wastewater Collection and Treatment Facilities Project in the amount of \$4,058.12.

Commissioner Robert Amos, Jr. made the motion to approve the above invoice from Howard K. Bell, Consulting Engineers, Inc. in the amount of \$4,058.12. Commissioner Thomas J. Howell seconded the motion.

Upon roll call the vote was as follows:

Commissioner:	Sidney Ratliff	Yes
	Thomas J. Howell	Yes
	Willie Joe Meade	Absent
	Robert Amos, Jr.	Yes
Mayor:	W.C. Hambley, M.D.	Yes

The motion carried.

Change Order No. #2 was presented on the Gas-line reconstruction Project by Heath & Associates (Hall Contracting Corporation, Contractor) in the amount of \$44,532.00.

Commissioner Sidney Ratliff made the motion to approve the above Change Order No. #2 on the Gas-line reconstruction Project in the amount of \$44,532.00. Commissioner Thomas J. Howell seconded the motion.

Upon roll call the vote was as follows:

Commissioner:	Sidney Ratliff	Yes
	Thomas J. Howell	Yes
	Willie Joe Meade	Absent
	Robert Amos, Jr.	Yes
Mayor:	W.C. Hambley, M.D.	Yes

The motion carried.

Invoices No. #4 and No. #8 were presented by E.S. Preston Associates, Inc. for services performed on the Water Treatment Plant Expansion Project (Phase II - Cut Thru) Detail Plans, in the amount of \$1,119.24 (#8) and \$1,527.45 (#4) for approval.

Commissioner Robert Amos, Jr. made the motion to approve the above invoices from E.S. Preston Associates, Inc. in the amounts of \$1,527.45 and \$1,119.24. Commissioner Thomas J. Howell seconded the motion.

Upon roll call the vote was as follows:

Commissioner:	Sidney Ratliff	Yes
	Thomas J. Howell	Yes
	Willie Joe Meade	Absent
	Robert Amos, Jr.	Yes
Mayor:	W.C. Hambley, M.D.	Yes

The motion carried.

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entitled:

Resolution R-77-13 was presented and read

RESOLUTION AUTHORIZING EXECUTION
OF AGREEMENT BETWEEN CITY OF PIKEVILLE
AND HERB SPENCER, FOR APPRAISAL
SERVICES TO RENDERED IN CONNECTION
WITH THE ACQUISITION OF CLOSED DRAINAGE
EASEMENTS AND PROPERTIES IN THE ROAD
FORK AREA.

WHEREAS, THE ACQUISITION BY THE CITY OF
PIKEVILLE, KENTUCKY WITH COMMUNITY DEVELOPMENT FUNDS OF THE ROAD FORK CLOSED
DRAINAGE EASEMENTS, AND FEE SIMPLE TITLES CONNECTED THEREWITH WILL NECESSITATE
CERTAIN APPRAISAL SERVICES AND;

WHEREAS, HERB SPENCER, OF LEXINGTON, KENTUCKY
HAVE PROPOSED TO PERFORM THE SAID SERVICES WHICH PROPOSAL IS SET FORTH IN A
GUIDE FORM AGREEMENT FOR APPRAISAL SERVICES WHICH HAS BEEN CONSIDERED BY THE
CITY OF PIKEVILLE,

NOW, THEREFORE, BE IT RESOLVED THAT THE
MAYOR AND CITY CLERK ARE HEREBY AUTHORIZED TO ENTER INTO THE SAID CONTRACT
WITH HERB SPENCER AND TO BIND THE CITY TO THE TERMS THEREOF.

AN EMERGENCY IS DECLARED TO EXIST AND THE
WITHIN RESOLUTION SHALL BE IN FULL FORCE AND EFFECT UPON SUBSCRIPTION AND
APPROVAL OF SAME.

COMMISSIONER ROBERT AMOS, JR. MOVED THE
ADOPTION OF THE FOREGOING RESOLUTION. COMMISSIONER THOMAS J. HOWELL SECONDED
THE MOTION.

AT PIKEVILLE, KENTUCKY THIS 14th DAY OF
MARCH 1977.

UPON ROLL CALL THE VOTE WAS AS FOLLOWS:

W. C. HAMBLEY, MAYOR	YES
ROBERT AMOS, JR., COMMISSIONER	YES
THOMAS J. HOWELL, COMMISSIONER	YES
WILLIE JOE MEADE, COMMISSIONER	ABSENT
SID RATLIFF, COMMISSIONER	YES

ADOPTED.

THE MAYOR DECLARED THE WITHIN RESOLUTION

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

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

Commissioner Robert Amos, Jr. made the motion
to approve the above Resolution. Commissioner Thomas J. Howell seconded the
motion.

Upon roll call the vote was as follows:

Commissioner:	Sidney Ratliff	Yes
	Thomas J. Howell	Yes
	Willie Joe Meade	Absent
	Robert Amos, Jr.	Yes
Mayor:	W.C. Hambley, M.D.	Yes

The motion carried.

A Letter was presented from Will T. Scott,
Attorney at Law, concerning the retaining wall to be built on W.E. Venters
property.

Will T. Scott
Attorney at Law
P.O. Box 782
Pikeville, Kentucky 41501

March 3, 1977

City of Pikeville

RE: CITY'S OBLIGATION TO CONSTRUCT RETAINING WALL ON W.E. VENTERS PROPERTY AS
EVIDENCED BY AGREEMENT RECORDED IN CIVIL ORDINANCE BOOK NO. 1, PAGES 546,
547 AND DATED OCTOBER 14, 1963.

Dear Sir:

Enclosed please find a copy of the Resolution evidencing a contract between
Ed Venters and the City of Pikeville. Also, a copy of a second letter I directed
to certain persons on November 18, 1976.

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I am just a young attorney starting out in this business, but I am still shocked that a city with the reputation that Pikeville has, would totally ignore a demand made by one of its former Councilmen to honor a fair and just contract made between him and Pikeville. I am trying to write a nice letter, but its hard to keep out the disgust I feel in my stomache at this moment.

All Ed Venters wants is to get the retaining wall built that the city promised to build so that he can let his daughter build a house on the lot abutting the needed wall. If there's no wall she can't build a house because there would be no yard in five or six years.

I have tried to settle this matter amicably, and am again making one more effort to secure some kind of meaningful proposal from the city that would accomplish the stated objectives as evidenced by the contract between the city and Ed Venters.

I will attend the Commission Meeting Monday night, the 14th of this month. I would expect at that time to receive some kind of response.

/s/Will T. Scott

Will T. Scott
Attorney at Law

WTS/bh

cc: Mayor W.C. Hambley
Hon. Lawrence R. Webster
Mr. J. Collier
Mr. Robert Amos
Dr. Tom Howell
Mr. Joe Meade
Mr. Robert Easton
Mr. W.E. Venters

No action was taken.

Mrs. Ethel Tibbs came before the Commission with a request that the City do something about the hill sliding into the road on Peach Orchard.

Mayor Hambley directed Mr. Jess Collier, Acting City Manager, and Mr. Evans McGraw, City Engineer to check on the matter and devise a way to retain the hillside.

Commissioner Robert Amos, Jr. made the motion to adjourn the Meeting. Commissioner Thomas J. Howell seconded the motion.

Upon roll call the vote was as follows:

Commissioner:	Sidney Ratliff	Yes
	Thomas J. Howell	Yes
	Willie Joe Meade	Absent
	Robert Amos, Jr.	Yes
Mayor:	W.C. Hambley, M.D.	Yes

The motion carried. The Meeting was adjourned.

APPROVED: W.C. Hambley
W.C. HAMBLEY, M.D., MAYOR

ATTEST: CHARLES L. HUFFMAN, JR.
CITY CLERK