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construction. A Resolution has been prepared to bind the City to the conditions of that easement. Harding Dawahare moved, seconded by Buford Johnson to agree to approve said Resolution once Draxie Fidler England signs the easement deed for this project. The motion carried as follows:

COMMISSIONER:	ROBERT AMOS, JR.	ABSENT
	BUFORD JOHNSON	YES
	HARDING DAWAHARE	YES
	ROBERT PAGE	YES
MAYOR:	W. C. HAMBLEY, M.D.	YES

Consent items were noted and filed regarding March, 1983 overtime paid, sewage treatment plant activities; upper poor farm recreation area usage; building permits sold; public works crew activities; and parking violation fine collections.

Buford Johnson moved, seconded by Harding Dawahare to adjourn to a work session on personnel matters. The motion carried as follows:

COMMISSIONER:	ROBERT AMOS, JR.	ABSENT
	BUFORD JOHNSON	YES
	HARDING DAWAHARE	YES
	ROBERT PAGE	YES
MAYOR:	W. C. HAMBLEY, M.D.	YES

Following completion of the Personnel Executive Session, the City Commission reconvened the regular meeting.

On the motion of Harding Dawahare, seconded by Buford Johnson, the meeting was adjourned by the following vote:

COMMISSIONER:	ROBERT AMOS, JR.	ABSENT
	BUFORD JOHNSON	YES
	HARDING DAWAHARE	YES
	ROBERT PAGE	YES
MAYOR:	W. C. HAMBLEY, M.D.	YES

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

REGULAR MEETING - APRIL 25, 1983

A Regular Meeting of the Pikeville City Commission was held on April 25, 1983 at 7:00 P.M. in the Old City Hall Meeting Room at 211 Division Street.

Mayor W. C. Hambley, M.D. presided and upon call of the roll, the following were present:

COMMISSIONER:	ROBERT AMOS, JR.	ABSENT
	BUFORD JOHNSON	PRESENT
	HARDING DAWAHARE	PRESENT
	ROBERT PAGE	PRESENT
MAYOR:	W. C. HAMBLEY, M.D.	PRESENT

The minutes of the previous regular meeting of April 11, 1983 were read and were approved without any additions or corrections.

Mayor William C. Hambley declared the Planned Use Hearing for Revenue Sharing and Coal Severance monies open and explained how funds from both these sources are diminishing due to the flat coal market and the impact of 1980 Census Data on the City's Revenue Sharing Formula Allocation. The City staff had prepared estimates of \$144,000.00 in Revenue Sharing and \$93,000 in Coal Severance Fund Revenues for Fiscal Year 1983-84. The City staff suggested that the coal severance fund be allocated to water, sewer, and natural gas line extensions as needed to serve new areas or new development. The Revenue Sharing Funds were recommended to be allocated with \$50,000.00 for Upper Poor Farm Hollow Recreational Development; \$25,000.00 for Police Department Equipment (Vehicles); \$25,000.00 for the paving of the Hobbs Warehouse Site Parking Lot; with the balance to be allocated at the City Commission's Direction but possibly toward the design and restoration of the Old Greyhound Depot as a City Hall.

Mrs. Betsy Venters, President of the Preservation Council of Pike County Incorporated, presented a written request for a \$10,000.00 allocation for the Center for Arts and History (the Old Academy Building) in order to retain professional services for an Economic Development Study and application for a Rehabilitation Grant as well as a public relations/fund raising program to attract private funds for the operation and maintenance of the center.

There being no further testimony, the public hearing was closed by Mayor Hambley.

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A citizen from South Mayo Trail came before the Commission regarding a private right-of-way which the abutters now wish to dedicate to the City so it can be taken over for maintenance by the City. The City Attorney discussed this situation and advised the property owners how to proceed. The owners are responsible for the roadway maintenance at this point until they dedicate it to the City. The City would not pave the roadway but maintain it as a gravel roadway if it is dedicated as such.

John Hall brought up the problem of traffic flow on Julius Avenue where it is too narrow for two cars to pass. His daughter wrecked a car at that location. A 15 MPH speed limit is needed. The City Attorney was directed to prepare a speed zone ordinance for Julius Avenue.

A petition was presented to the City Commission requesting the dismissal of Police Officer Bill Scott over an incident in the City Park over Hillbilly Days where a bottle of bourbon was poured out on the ground by said Police Officer. No action was taken.

Finance Officer, Ted Herring, presented City Bills totaling \$237,523.52 to the City Commission for approval. The two month bill for Lindsey & Elliott Gas was almost half the total. Harding Dawahare made the motion, seconded by Robert Page to approve payment. Upon roll call the vote was as follows:

COMMISSIONER:	ROBERT PAGE	YES
	HARDING DAWAHARE	YES
	BUFORD JOHNSON	YES
MAYOR:	W. C. HAMBLEY, M.D.	YES

The Motion Carried.

ABC Manufacturing	\$ 3.70
Alert Oil and Gas Company	6,061.62
Appalachian Newspapers Inc	88.90
Aratex Uniform Rental	126.00
Ashland Oil Company	956.70
Award Company of America	107.56
B & B Fire Protection	377.60
B & W Fire Extinguisher Sales	97.00
BSN Corporation	468.60
Big Sandy Area Development District Inc.	1,500.00
Big Sandy R C & D Council	25.00
Big Sandy Electric & Supply	36.81
Big Sandy Two-Way Communications	81.03
Brock-McVey Electric Supply	13.53
C I Thornburg Co Inc.	4,371.66
Callaghan & Company	135.98
Campbell Oil & Mine Supply	43.63
Miller Kent Carter - Atty At Law	2,560.23
Carter & Sadler Wholesale	116.65
Nancye Yost Caudill Gas	115.06
Charlies Hardware	19.93
Chevron U S A Inc.	3,962.85
Chrisman Insurance	125.00
City Utilities	4,428.41
Cleveland Cotton Products	577.24
Colley Block Co Inc.	108.00
Columbia Gas of Ky.	58,878.59
Clow Corporation	328.60
East Ky. Beverage	500.00
East Ky. Miracle Water	190.20
Eastern Ky. University	147.50
Elkhorn Stone Co Inc	2,296.59
Elliott Supply Company Inc.	27.60
Executive Printing	1,038.64
Farmers Feed & Supply	339.76
General Truck Parts	450.00
Hall Sign Company	346.63
I B M Corporation	1,582.80
Industrial Rubber Products	132.57
I T T Autowize	1,670.00
J & P Septic	150.00
Keene	34.80
Kentucky Municipal League	476.00
Kentucky Power Company	12,418.15
Kentucky Welding Supply	90.57
Larry Keenes True Value	171.66
Lindsey & Elliott	101,585.58
Lutes Electric	907.30
McCoy & McCoy	1,025.73
McJunkin	492.87
Machinery Sales Inc.	982.74
Foster Meade	78.00
Mid-States Meter & Supply	228.68
Mountain Enterprises Inc.	406.80
Norton Floral Company	44.54
Perry D. Owens	5.75

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Old Dominion Brush	\$	355.24
One Stop Market		10.00
Oxford Chemicals		971.93
Paper Supply Co		159.60
Pauley Building Center		14.70
Peerless Electronic Supply		247.06
Pikeville Tire Company		230.36
Petty Cash - Police		100.00
Petty Cash - Administrative		16.29
Pike County Collieries		623.23
Ralph B. Carter Company		551.27
Glenn Ratliff		80.00
Steve Ramsey		35.27
Rays Catalog Sales		3,112.00
Rogers Petroleum Service Inc.		89.15
Frank C. Carlton		126.42
F. Gene Charles		325.53
Sears Roebuck and Company		8.45
Pike County Solid Waste		6,796.08
Summitt Engineering		5,577.49
T-D Sporting Goods		11.55
Utility Tool Company		471.00
U S Postal Service		48.00
Walter P Walters Agency		658.74
Womwell Auto Parts		19.85
Zebulon Starter Shop		120.00
South Central Bell		3,226.97
TOTAL		<u>\$ 237,523.52</u>

Community Development Bills totaling \$10,887.21 were presented for approval of payment. Mayor Hambley read the billing memo from the Day Care Center Projects. Clerk of the works, Sue Smallwood, and Ted Herring explained the adjustment on the bill. Buford Johnson made the motion, seconded by Robert Page to approve payment. Upon roll call the vote was as follows:

COMMISSIONER:	ROBERT PAGE	YES
	HARDING DAWAHARE	YES
	BUFORD JOHNSON	YES
MAYOR:	W. C. HAMBLEY, M.D.	YES

The Motion Carried.

Inner Loop Boulevard Design Engineering Bills from Summit Engineering totaling \$24,974.30 which had previously been approved for payment from Coal Severance Funds were resubmitted for payment from the Community Development Capital Fund since the Coal Severance Fund revenues have dried up. Finance Officer, Ted Herring, indicated that when the State repays the city for the Inner Loop Boulevard Engineering, then the CDCF will be reimbursed this amount. Harding Dawahare made the motion, seconded by Buford Johnson to approve this payment on the condition that the CDCF be reimbursed when the State money for this inner loop boulevard design engineering is received. Upon roll call the vote was as follows:.

COMMISSIONER:	ROBERT PAGE	YES
	HARDING DAWAHARE	YES
	BUFORD JOHNSON	YES
MAYOR:	W. C. HAMBLEY, M.D.	YES

The Motion Carried.

Progress Payment #16 from R. D. Zande & Associates, Ltd. for the Water Treatment Plant Design in the amount of \$3,584.00 was presented for approval. Payment is from the Community Development Capital Fund. Harding Dawahare moved, seconded by Robert Page to approve this payment. Upon roll call the vote was as follows:

COMMISSIONER:	ROBERT PAGE	YES
	HARDING DAWAHARE	YES
	BUFORD JOHNSON	YES
MAYOR:	W. C. HAMBLEY, M.D.	YES

The Motion Carried.

The land lease proposal for four acres in Upper Poor Farm Hollow was presented for further consideration. Pike Villa, Inc. is the developer. The rent for the land is \$60,000.00 for a 99 year lease. The City Attorney suggested a work session be scheduled with the developer. No action was taken on the lease proposal.

A letter received from the Kentucky Department of Local Government was noted and a \$400,000.00 check for the City's new water treatment plant land acquisition and improvements will be received from the Big Sandy Area Development District's Area Development Fund monies. Documentation of the bidding process for this project will be required. No action was taken.

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The City Commission was asked to transfer the temporary construction easements obtained for the inner loop boulevard project to the Kentucky Department of Transportation. Ted Herring reported on the 16 of 19 construction easements that have been obtained. No action was taken pending the receipt of the other three easements.

Notice was received that the B O R Land and Water Conservation Fund Grant Application had been revised downward from \$50,000.00 to \$30,000.00 due to the Park Caretakers Quarters being ineligible for the 50% Federal matching funds. This change was discussed, but no action was taken.

Finance Officer, Ted Herring reported that the American Bell Telephone Company's Phone System proposal had not yet been received so this bid item was postponed two weeks.

Ted Herring reported that the proposed Inner Loop Boulevard Utility Agreement has yet to be received but contrary to prior expectations, the City will pay for these utilities. The State has agreed to pay for the design engineering for this project. No action was taken.

The Commission then discussed the revised agreement with KYDOT for the Phase III Sewer Trunk Line. State Auditors discovered that the project's 15% contingencies were split 50/50 and should have been prorated along with the other costs about 60% City, 40% State. This raised the City's share by \$33,026.81 to \$1,232,307.51. A revised agreement has been submitted for Commission approval. Harding Dawahare made a motion, seconded by Robert Page to approve the amended agreement to raise the City's share of the Phase III Sewer Trunk Line Project to \$1,232,307.51. The vote was as follows:

COMMISSIONERS:	ROBERT AMOS, JR.	ABSENT
	BUFORD JOHNSON	YES
	HARDING DAWAHARE	YES
	ROBERT PAGE	YES
MAYOR:	W. C. HAMBLEY, M.D.	YES

The Motion Carried.

Mayor Hambley presented a standard Farmer's Home Administration agreement for Bond Counsel services with Harper, Ferguson and Davis, Attorneys, of Louisville, Kentucky. They will be used for a legal opinion in the sale of loan anticipation notes for the proposed New Water Treatment Plant. Larry Webster explained the agreement and Mayor Hambley read the resolution.

R-83-011 RESOLUTION AUTHORIZING EXECUTION OF BOND COUNSEL AGREEMENT WITH HARPER FERGUSON AND DAVIS FOR BOND COUNSEL SERVICES

WHEREAS, the standard Farmers Home Administration legal contract has been presented between the City of Pikeville and Harper, Ferguson and Davis for bond counsel service for the new water plant project, and;

WHEREAS, the said agreement has been approved.

NOW, THEREFORE BE IT RESOLVED that the Mayor and City Clerk are authorized to execute the said Agreement and to bind the City to the terms thereof.

At Pikeville, Kentucky this 25th day of April, 1983.

Commissioner Dawahare moved the adoption of the foregoing Resolution. Commissioner Page seconded the Motion.

Upon roll call the votes were as follows:

W. C. HAMBLEY, M.D., MAYOR	YES
HARDING DAWAHARE, COMMISSIONER	YES
BUFORD JOHNSON, COMMISSIONER	YES
ROBERT PAGE, COMMISSIONER	YES
ROBERT AMOS, JR., COMMISSIONER	ABSENT

The Mayor declared the within Resolution adopted.

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

ATTEST:

/s/ Ted Herring
TED HERRING, CITY CLERK

Harding Dawahare made the motion, seconded by Robert Page, to authorize the Mayor and City Clerk to execute the agreement with Harper, Ferguson and Davis for Bond Counsel Services. The vote on this motion was as follows:

COMMISSIONER:	ROBERT PAMOS, JR.	ABSENT
	BUFORD JOHNSON	YES

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	HARDING DAWAHARE	YES
	ROBERT PAGE	YES
MAYOR:	W. C. HAMBLEY, M.D.	YES

The Motion Carried.

The Commission then took up the consideration of an Ordinance to establish the office of alcoholic beverage control administrator and setting license fees for legal sales outlets. City Attorney, Larry Webster read a draft of said ordinance. A question on whether the 3% gross receipts tax on establishments which conduct legal sales of alcohol is on just the sale of alcohol and not other products or services. The Ordinance and possible other regulations were discussed at some length. Considerable disagreement was expressed on various aspects of this matter. Harding Dawahare made a motion to adopt the Ordinance establishing the office of ABC Administrator and setting a 3% gross receipts tax on the sale of alcoholic beverages. No second was received but discussion continued. An executive session was suggested but determined to be illegal. Harding Dawahare reiterated his motion. Robert Page seconded the motion. The vote on this motion was as follows: 0-83-007

COMMISSIONER:	ROBERT AMOS, JR.	ABSENT
	BUFORD JOHNSON	YES
	HARDING DAWAHARE	YES
	ROBERT PAGE	YES
MAYOR:	W. C. HAMBLEY, M.D.	YES

The Motion Carried.

Mayor Hambley asked for comment on the licensing procedures under the ABC program. Harding Dawahare explained the Commission consensus at the work session that would limit retail liquor stores to 8-12 outlets; limit on-premise sale of beer and wine by the drink to restaurants with 50% of their business volume from food and have 50 seats for food service. No limit on the number of restaurant beer and/or wine licenses were decided.

A letter from the Kiwanis Club asked the City Commission to rename the Upper Poor Farm Holl Recreation Area. Buford Johnson suggested the name of Robert Amos. This motion was seconded by Harding Dawahare. The vote on the motion was as follows:

COMMISSIONER:	ROBERT AMOS, JR.	ABSENT
	BUFORD JOHNSON	YES
	HARDING DAWAHARE	YES
	ROBERT PAGE	YES
MAYOR:	W. C. HAMBLEY, M.D.	YES

The Motion Carried.

A representative of the Industrial Softball League requested use of the hardball field at Robert Amos Park on Sunday until a softball field on the third level can be built. This was approved.

The City Commission received reports on personnel actions taken since the last meeting; A notice of a new Federal Jobs Bill Program; A proposal to use CDBG Jobs Bill Funding to build the access road and prepare the site for the new water plant and the official notice of the Columbia Gas rate increases for January 1 and March 1, 1983. Consent Items on a payroll report for March 31, 1983; The Utility Office report of February arrears on the March 1983 bills and use of the Robert Amos Recreation Area were received.

Harding Dawahare moved, seconded by Buford Johnson to adjourn to Executive Session to discuss personnel matters. The vote was as follows:

COMMISSIONER:	ROBERT AMOS, JR.	ABSENT
	BUFORD JOHNSON	YES
	HARDING DAWAHARE	YES
	ROBERT PAGE	YES
MAYOR:	W. C. HAMBLEY, M.D.	YES

The Motion Carried.

Following the Personnel Executive Session, Harding Dawahare moved, seconded by Robert Page to adjourn the Executive Session and resume the regular meeting. The vote on this motion was as follows:

COMMISSIONER:	ROBERT AMOS, JR.	ABSENT
	BUFORD JOHNSON	YES
	HARDING DAWAHARE	YES
	ROBERT PAGE	YES
MAYOR:	W. C. HAMBLEY, M.D.	YES

The Motion Carried.

There being no further business, Harding Dawahare moved, seconded by Buford Johnson, to adjourn the meeting. The vote on this motion was as follows:

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COMMISSIONER: ROBERT AMOS, JR. ABSENT
BUFORD JOHNSON YES
HARDING DAWAHARE YES
ROBERT PAGE YES
MAYOR: W. C. HAMBLEY, M.D. YES

The Motion Carried.

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

REGULAR MEETING - MAY 9, 1983

A Regular Meeting of the Pikeville City Commission was held on May 9, 1983 at 7:30 P.M. at the Old City Hall Meeting Room on Division Street.

Mayor W. C. Hambley presided and upon call of the roll, the following members were present:

COMMISSIONER: ROBERT PAGE
HARDING DAWAHARE
BUFORD JOHNSON
MAYOR: W. C. HAMBLEY, M.D.

Commissioner Ames was absent.

The regular meeting minutes of April 25, 1983 were read and approved without any additions or corrections.

Frank Morris, Chamber of Commerce Vice President, was present to discuss the Pike Area Coal Exposition and to request the closing of a portion of Bank Street to allow some of their equipment to be parked and displayed in that location. They have a hundred exhibitors and expect 9,000 coal operators and/or their employees to participate. Buford Johnson moved, seconded by Harding Dawahare to authorize the temporary closing of Bank Street from the College Apartments to the parking area behind the Mountain Comprehensive Care office. Upon roll call the vote was as follows:

COMMISSIONER: ROBERT PAGE YES
HARDING DAWAHARE YES
BUFORD JOHNSON YES
MAYOR: W. C. HAMBLEY, M.D. YES

The Motion Carried.

A representative of the Civil Air Patrol, Pike Rangers, presented a letter requesting use of the Bypass Texaco for storage of two rescue vehicles. Security may be a problem, but neither the staff nor the Commission had any objections to this free usage of rented City space for such a public purpose. There being a consensus of the Commission on this request, it was approved without a vote.

Frank Morris requested use of the City Park for a sticker swap during the P A C E Coal Show in order to keep these people away from the Coal Show. Permission was granted without a vote.

The Roberts & Helcomb Bill for April 1983 Natural Gas purchase costing \$8,524.50 was presented for approval. It was moved by Buford Johnson, seconded by Harding Dawahare to approve payment of this bill. Upon roll call the vote was as follows:

COMMISSIONER: ROBERT PAGE YES
HARDING DAWAHARE YES
BUFORD JOHNSON YES
MAYOR: W. C. HAMBLEY, M.D. YES

The Motion Carried.

City Manager presented \$55,072.34 in bills from the Community Development Day Care Center Project for which a transfer of \$52,932.14 was requested due to an excess of funds in the Community Development Checking Account. Harding Dawahare made the motion to approve payment, seconded by Buford Johnson. Upon roll call the vote was as follows:

COMMISSIONER: ROBERT PAGE YES
HARDING DAWAHARE YES
BUFORD JOHNSON YES
MAYOR: W. C. HAMBLEY, M.D. YES

The Motion Carried.

Progress Payment #17 from R. D. Zande & Associates, Ltd. for the new water treatment plant design engineering was presented for approval of payment in