

MINUTES } CITY OF PIKEVILLE

REGULAR MEETING - - SEPTEMBER 28, 1987

The Pikeville City Commission met in a regularly scheduled meeting on Monday, September 28, 1987 at the Old City Hall Meeting Room at 211 Division Street in Pikeville, Kentucky.

Mayor Pro Tem Greg Justice called the meeting to order at 7:40 P.M. The following Commission Members were present and formed a quorum:

|               |                     |      |
|---------------|---------------------|------|
| COMMISSIONER: | GREG JUSTICE        |      |
|               | ROBERT WEDDLE       |      |
|               | FRANK MORRIS        |      |
|               | ROBERT PAGE         |      |
| MAYOR:        | W. C. HAMBLEY, M.D. | 7:55 |

The minutes for the previous regular meeting of September 14, 1987 were included in each Commission Member's agenda package. Robert Page made the motion, seconded by Robert Weddle to approve the minutes as presented. The motion carried 4 - 0.

In Business from the Floor, Leon Huffman, Secretary for the Planning Commission gave the Commission a report of actions taken by this Board. Mr. Huffman reported that all areas in the City Limits have been zoned. Presented to the Commission was an Ordinance to be given first reading which provides for an amendment to the Zoning Map and Ordinance to include Yorktown. The Ordinance was read entitled:

ORDINANCE OF THE CITY OF PIKEVILLE MODIFYING THE PIKEVILLE ZONING ATLAS TO INCLUDE ZONING FOR THE RECENT YORKTOWN ANNEXATION.

The Ordinance will be on file in the Office of the City Clerk for a period of at least ten days where it may be viewed by the public.

Mr. Huffman, upon the request of County Judge Exeutive Paul Patton, asked the Commission to consider participating jointly in a Pike County Industrial Development Authority. Membership of this Board will be appointed by the County Judge and the Mayor. No funding is being requested at this time, however, at some future time if this Board foresees feasible industrial development, they may approach the Board for monetary assistance. This Authority is being established under KRS 152. Frank Morris made the motion to participate in the establishment of this Authority with Pike County. Greg Justice seconded the motion. The motion carried unanimously.

Joe Childers of Commonwealth Insurance Agency approached the Commission for permission to establish an employee payroll deduction for life and accident insurance. Greg Justice made the motion to approve this request. Frank Morris seconded the motion. The motion carried unanimously.

Jeff Huffman, a resident of Harolds Branch, appeared before the Commission asking that the ditchlines along the road be cleaned and streetlights installed. The Commission directed the City Manager to contact the power company requesting that street lights be installed.

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

1. May Hollow: Bids were opened this afternoon for the paving of 1943 feet of road in May Hollow. The average width of this road is ten feet and there will be 3 inches of pavement. The Bid did not include any improvements to the road. Two bids were received and were bid for material and for material and labor.

|                           |             |   |             |
|---------------------------|-------------|---|-------------|
| MOUNTAIN ENTERPRISES..... | \$27.75/ton | = | \$10,406.25 |
| in place.....             | \$42.50/ton | = | \$15,937.50 |
| SUPERIOR PAVING.....      | \$28.35/ton | = | \$10,631.35 |
| in place                  | \$36.50/ton | = | \$13,687.50 |

Mr. Sykes did inform the Commission that there are a couple of locations that fences encroach upon the right-of-way. Greg Justice made the motion to accept the City Engineer's recommendation in awarding the bid for asphalt to the low bidder, Mountain Enterprises, in the amount of \$27.75/ton, have the city crews to do the paving, and to authorize



the City Crews to remove the fencing upon the property owners authorization and to complete this paving project in October. Robert Page seconded the motion. The motion carried unanimously.

2. Lift Station #7 Reconstruction: Mr. Sykes reported that he had discussed the property dispute with the Commission in a work session. The lift station is constructed upon a tract of property that he believes the City purchased in August 1959. The easements for the sewage line were obtained and recorded at that time. Mr. Amick's deed for the property has an exception whereby it excepts the property that the City purchased in August 1959 and reference to a deed book and page have been left blank. The problem is that the August 1959 deed was never recorded. When lift station #7 was redesigned, it was done so assuming that the City had a deed to this property. The only item being constructed on top of the bank is the electrical control panel. Mr. Amick's contention is that the City only owns a very small tract of property around the existing pump station. The contractor is at a point in construction where the new lift station could be operable around the first of December. Robert Page made the motion, seconded by Robert Weddle to authorize the City Engineer to negotiate a purchase price for the 1200 sq. ft. parcel needed and if he is not successful authorize the City Attorney to file a condemnation suit and a suit to determine the City's boundaries. The motion carried unanimously.

3. Central Business District Storm/Sanitary Separation: All line is in with the exception of an extension up Theater Alley. The contractor's time is up as of today and advised the Commission that a change order would be presented at the next meeting for a time extension.

Resolution R-87-016 was presented to the Commission and read entitled:

RESOLUTION AUTHORIZING EXECUTION OF SUPPLEMENTAL AGREEMENT BETWEEN CITY OF PIKEVILLE, POWELL CONSTRUCTION COMPANY AND BAKER'S CONSTRUCTION COMPANY

Agreement on file at City Hall

Robert Page made the motion to adopt the Resolution. Robert Weddle seconded the motion. The motion carried 3 - 2 with Frank Morris and Greg Justice voting "NO".

Change Order #12 was presented to the Commission for approval in the amount of \$56,124.00 a number of additional items at the Water Treatment Plant. This is the final change order. Some items listed on the change order are paint - \$584.00; instrumentation and control changes \$5,911.00; reconstruction of slip area \$38,709.00; connection of sewer force main from the water treatment plant near U.S. 23 to existing manhole number 21A \$4,717.00. Robert Page made the motion, seconded by Robert Weddle to authorize the final change order in the amount of \$56,124.00. The motion carried 4 - 1 with Greg Justice voting "NO".

City Bills totaling \$41,402.82 were presented to the Commission for approval of payment. Robert Page made the motion, seconded by Robert Weddle to approve payment of City Bills totaling \$41,402.82. The motion carried unanimously.

Project Bills totaling \$84,777.40 were presented to the Commission for approval of payment. Robert Page made the motion, seconded by Greg Justice to approve payment of the Project Bills in the amount of \$84,777.40. The motion carried unanimously.

The Cedar Gap Ordinance was referred to the City Attorney for additional amendments.

Second Reading was given to Ordinance O-87-017. The Ordinance was read entitled:

ORDINANCE NAMING STREET IN YORKTOWN "RAINBOW LANE".

Greg Justice made the motion, seconded by Robert Page to adopt the Ordinance. The motion carried 4 - 1 with Frank Morris voting "NO".

Second Reading was given to Ordinance O-87-018. The Ordinance was read entitled:

ORDINANCE DESIGNATING LOADING ZONE AND HANDICAPPED PARKING ON GRACE AVENUE AND MAIN STREET.

Robert Page made the motion, seconded by Frank Morris to adopt the Ordinance. The motion carried unanimously.



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Presented to the Commission for their consideration was a letter from Nancye Blackburn of Grouse Point Development requesting that the City, with reference to a request from the Highway Department to deed Parcel 102 for right of way purposes, make the deed subject to the City's and Grouse Point's lease agreement dated April 1984. Greg Justice made the motion to deed Parcel 102 to the Highway Department subject to the City's agreement with Grouse Point Development. Frank Morris seconded the motion. The vote was as follows:

|               |                     |         |
|---------------|---------------------|---------|
| COMMISSIONER: | GREG JUSTICE        | YES     |
|               | ROBERT WEDDLE       | ABSTAIN |
|               | FRANK MORRIS        | YES     |
|               | ROBERT PAGE         | NO      |
| MAYOR:        | W. C. HAMBLEY, M.D. | NO      |

THE MOTION DID NOT CARRY.

First Reading was given to a summary Ordinance entitled:

AN ORDINANCE RELATING TO THE ISSUANCE OF CITY OF PIKEVILLE KENTUCKY INDUSTRIAL BUILDING REFUNDING REVENUE BONDS (YMCA PROJECT), IN THE PRINCIPAL AMOUNT OF \$2,435,000

The Ordinance will be on file in the office of the City Clerk where it may be viewed by the Public. The Ordinance is scheduled to be given second reading at the City Commission's continued meeting on October 16, 1987.

Robert Page made the motion, seconded by Greg Justice to award the bid for the Cut-Thru Overlook access road gravel and asphalt to Mountain Enterprises, low bidder and only bidder, subject to funding availability. The motion carried unanimously.

Robert Page made the motion to award the off site mall improvement design work contract to Summit/MSE. Frank Morris seconded the motion. The motion carried 4 - 1 with Greg Justice voting "NO".

Greg Justice made the motion to provide city employees with a clothing laundering service. Frank Morris seconded the motion. The motion carried unanimously.

Tom Anderson with the Citizens Bank of Pikeville proposed that the Citizens Bank be designated as the Pikeville Mall Administrator. According to Mr. Anderson, the Citizens Bank of Pikeville will not be compensated for this service. Frank Morris made the motion, seconded by Robert Page to name the Citizens Bank of Pikeville as the Pikeville Mall Administrator. The motion carried 3 - 2 with Greg Justice and Mayor Hambley voting "NO". It was directed that copies of materials pertaining to the mall project would be forwarded to Sue Smallwood at City Hall.

The Commission set a 3:00 P.M. work session with Will Linder for Thursday, October 1, 1987 to discuss the Mall Project.

Robert Page made the motion, seconded by Frank Morris to declare October 2, 1987 a Holiday for City Employees (Cut-Thru Dedication). The motion carried unanimously.

Frank Morris made the motion to adjourn to a closed session to discuss a legal matter. Robert Page seconded the motion. The motion carried unanimously.

Robert Page made the motion to reconvene to regular session. Frank Morris seconded the motion. The motion carried unanimously.

Frank Morris made the motion to agree to settle the W. W. Lindsey and City of Pikeville case whereby the natural gas rate for the next five years would be 10% less than the rate charged by Columbia Gas then after 5 years renegotiate. If the two parties cannot agree on a new rate, the rate will be set at 15% less than Columbia Gas but no greater than 5% than the rate the other suppliers are charging. Greg Justice seconded the motion. The motion carried 4 - 0 - 1 with Robert Page "Abstaining".

Upon motion by Robert Page and seconded by Frank Morris, the meeting was adjourned by a unanimous vote.

The next scheduled meeting of the Pikeville City Commission is October 12, 1987.

APPROVED

*W.C. Hambley M.D.*