

MINUTES } CITY OF PIKEVILLE

REGULAR MEETING - OCTOBER 12, 1987

The Pikeville City Commission met in a regularly scheduled meeting on Monday, October 12, 1987 at their regular meeting place in the Old City Hall Meeting Room at 211 Division Street.

Mayor W. C. Hambley, M.D. called the meeting to order at 7:30 p.m. with the following members present and forming a quorum:

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

The minutes for the previous regular meeting of September 28, 1987 and Special Meeting of October 1, 1987 were included in each Commission Member's agenda package. Commissioner Page questioned the October 1, 1987 meeting minutes. The City attorney explained that the items needed to be emphasized in the minutes are:

1. The City's previous obligation with the Highway Department by the 1974 agreement
2. The City's agreement with Nancye Blackburn's company, Grouse Point Development in 1984
3. If the Highway Department and Mrs. Blackburn can't agree then the dispute must be resolved between them.

It was noted that these items are included within the minute documents. Robert Page made the motion, seconded by Greg Justice to approve the minutes as submitted. The motion carried unanimously.

In Business from the floor, Harding Dawahare representing the Pikeville Business and Professional Association, requested the City of Pikeville to handle the expenses for putting up and taking down the Christmas decorations and ~~pay~~ the Christmas Parade which he estimates to cost anywhere from \$3,000 - \$4,000. The Commission questioned if it would be possible to use the Fire Department's equipment to put up the decorations. Mr. Carlton reported that the City did pay the Volunteer Fire Department \$1,000 per year to put up these decorations, but according to Mr. Dawahare they were mishandling the decorations so the Pikeville Business and Professional Association started putting up the decorations since they were purchasing them. Commissioner Page asked Mr. Dawahare to meet within the next two weeks with the Fire Chief and Volunteer Captain to explain how to handle the decorations and if a satisfactory arrangement cannot be worked out then at the Commission's next meeting they could arrange to have the decorations put up by someone else. Mr. Dawahare explained that the decorations would have to be put up by November 21st, the Christmas Parade's scheduled date. Frank Morris made the motion to check with the Finance Director, Ted Herring, and if there is money in the Parking Meter Fund allot \$10,000 to purchase Christmas decorations and to make plans to conserve the decorations. Greg Justice seconded the motion. The motion carried unanimously.

Reggie Smith approached the Commission on behalf of the Cedar Gap Subdivision residents regarding an Ordinance to accept Kati Street and Evan Street as public streets. Mr. Smith told the Commission that the residents felt the City had put an unfair burden on them with the amendment to the Ordinance stipulation the residents were responsible for any road slippage without putting this requirement on other housing developments within the City Limits. Mr. Smith asked that the Ordinance be adopted without this stipulation. Commission Justice told Mr. Smith that the reason for this amendment was not to put a burden on the residents but to make any slippage repairs the responsibility of the developers of hillside properties. Commission Page commented on the Highway Department's policy for accepting streets for maintenance. The Highway Department, according to Denton Billiter, inspects the streets upon acceptance, if the streets have been in operation for 5 years, they consider that to be an acceptable time. Commissioner Page went on to say it was his opinion that the Ordinance should be adopted without the slippage clause in order to work with developers and encourage increasing property tax collections for the

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City of Pikeville and City School System. By adopting the Ordinance with the slippage clause, he feels would discourage development within the City Limits. The City Attorney gave second reading to an Ordinance entitled:

O-87-020 ORDINANCE ACCEPTING KATI & EVAN STREET AS PUBLIC STREETS

Robert Page made the motion to accept the two streets, Katie and Evan. Frank Morris seconded the motion. The motion carried 4 - 1 with Greg Justice voting "NO" due to no slippage clause.

City Engineer Jack Sykes gave an update of projects underway:

1. South Mayo Trail Lift Station #7: The project is currently 57% complete. There has been one problem encountered which was brought to the City Commission's attention at the last meeting which has not yet been resolved. The problem is with regard to the Johnson Motor Lift Station #7. The property owner's deed indicates that the City owns the tract of property where this lift station is being reconstructed. There has been no record found that the City's deed for the tract has been recorded. The Amick's have notified the engineer that the City is trespassing on their property. The engineer and attorney have met with the Amicks since the last meeting. The City Attorney reported that the Amicks have asked \$10,000 for this property. Mr. Davis explained that it was his opinion that \$10,000 was a steep price for this tract, however if this was challenged in court the City would have to ask the court to interpret what the City purchased by a deed that cannot be found then for any property needed not owned by the City, ask the Court to allow the City to condemn. The City Engineer reported that there is contingency funds available for this purchase from the South Mayo Trail Sewer Project. \$115,000 was the initial amount of the contingency funds but there has been a previous change order authorized for about \$13,000. Robert Page made the motion to authorize the City Attorney to contact the owners of the property needed and proceed with the purchase. Frank Morris seconded the motion. The motion carried unanimously.

2. Central Business District Storm Sewer Project: This project is complete. Mr. Sykes reported that there has been 1 complaint relative to drainage on the alleyway at Pike Street between the Pinson and Keene property. He reported that both he and Mr. Carlton looked at the property and can not see where the contractor has done anything to change the drainage configuration in this area. Mr. Sykes admitted there was a drainage problem but this is due to the slope. Presented was a final change order for this project for the Commission's consideration. This change order has a net increase of \$1,008.50. The total change on this project has been a net deduct of -\$25,635.13. Mr. Sykes reported that the contractor has not yet signed this change order. Greg Justice made the motion to authorize the change order in the amount of \$1,008.50. Frank Morris seconded the motion. The motion carried unanimously.

3. Harold's Branch Water Line: All lines are in place and the contractor conducted the pressure test this day. They are hoping to have the pump in and in operation by the end of the week.

4. Ratliff Creek/Harolds Branch Water Tank Maintenance: The project is proceeding with the Ratliff Creek tank being complete. The exterior of the Harolds Branch tank has been sanded and there is a temporary tank for water supply in place.

5. Smith Hail Water Line Relocation: The contractor has been given notice to proceed and should begin work next week.

6. Mountain Manor Nursing Home Sewer: This project is complete.

City Bills totaling \$74,155.81 were presented to the Commission for approval of payment. Frank Morris made the motion, seconded by Greg Justice to approve payment of the bills as presented. The motion carried unanimously.

Project Bills were presented for approval of payment totaling \$113,536.53. Robert Page made the motion to authorize payment of the project bills totaling \$113,536.53. Greg Justice seconded the motion. The motion carried unanimously.

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Professional Service Group presented their monthly bill in the amount of \$40,708.33 for their operation and maintenance of the water and sewage treatment plants. Robert Page made the motion to approve payment to PSG totaling \$40,708.33. Frank Morris seconded the motion. The motion carried unanimously.

The City Attorney reported that Tele-media, cable T.V. supplier, has requested to be issued a written franchise. Mr. Davis prepared an ordinance and gave each Commission member a copy to review before the next meeting.

South Mayo Trail Sewer Project Bills were presented to the Commission for approval of payment in the amount of \$101,610.54. Greg Justice made the motion, seconded by Frank Morris to approve payment as requested. The motion carried unanimously.

Presented and given second reading was a summary ordinance entitled:

O-87-021 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

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

Second Reading was given to an Ordinance entitled:

O-87-019 ORDINANCE OF THE CITY OF PIKEVILLE MODIFYING THE PIKEVILLE ZONING ATLAS TO INCLUDE ZONING FOR THE RECENT YORKTOWN ANNEXATION

Robert Page made the motion, seconded by Greg Justice to adopt the Ordinance. The motion carried unanimously.

Mr. Carlton reported on a letter from the Kentucky Natural Resources and Environmental Protection Cabinet regarding the Sewage Treatment Plant EPA "funded" expansion. There is no longer federal aid in the form of grants for a sewage treatment plant. The new method of financing is called a state revolving fund and if the City is to get any help for the expansion it would only be a 55% loan. This year, the City of Pikeville is #14 on the list for receiving any kind of financial help. Mr. Carlton has signed a letter requesting a restudy of the City's priority rating with the hopes of moving up the list.

Rick Yates of Linton & Company who performed the City's 1986-87 Audit, informed the Commission that the audit is complete and copies have been supplied for each Commission Member. Mr. Yates asked the Commission to set a work session to review the audit. The Commission did not set a work session at this time.

Per the City Commission's directive at the last meeting, the city attorney prepared an ordinance to annex a certain tract of territory on Island Creek. Commissioner Justice informed Mr. Davis that Mr. Harvey Robinson, a property owner in this area, has decided that he does not want his property annexed. The ordinance was not read.

Presented to the Commission for consideration was a contract with Summit/MSE Engineers for the design of \$1,278,403 in off site improvements for the Pikeville Mall Project. Mr. Sykes explained that the contract is in the form as required by CDBG. There is \$122,000 for construction contingencies. The total engineering design inspection is \$167,079.00. The City Attorney reported that he had reviewed the contract. There are two different contract documents, one is an addendum and in both contracts there are termination provisions. The termination provision in the first one needs to be deleted due to the termination provision in the addendum being of a more comprehensive nature. There is a rather long and lengthy arbitration clause and the attorney suggested that the entire clause be deleted. Commissioner Page questioned whether the arbitration clause was a requirement of the funding agency. Jack Sykes stated that he did not think this was a requirement. Mr. Davis commented that there was another item to be clarified in the agreement is what their standard fee for charges for the additional services mentioned. He advised that Mr. Sykes should write a letter stating these charges. The added fees are in regard to the expansion of the sewage treatment plant. Robert Page made the motion to adopt the agreement deleting the first termination clause due to an apparent

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duplication and Summit Engineering submitting a letter with an explanation of additional fees if additional work is done at the sewage treatment plant. Frank Morris seconded the motion. The motion carried 4 - 1 with Greg Justice voting "NO".

Robert Page made the motion to appoint Sue Smallwood as Project Coordinator for the UDAG and CDBG Funds with relation to the Pikeville Mall Project. Frank Morris seconded the motion. The motion carried 4 - 1 with Greg Justice voting "NO".

The Commission directed the City Manager to designate a date and time for Halloween in the City.

Robert Page made the motion to adjourn to a closed session to discuss a personnel matter. Greg Justice seconded the motion. The motion carried unanimously.

Robert Page made the motion seconded by Greg Justice to reconvene the meeting to regular session. The motion carried unanimously.

Robert Page made the motion to retain Grace Potter in employment in the utility office until a permanent decision is made. Greg Justice seconded the motion. The motion carried unanimously.

Robert Page made the motion to authorize the City Attorney to draft an Ordinance and an announcement to the public that the parking meters will be bagged until January 15, 1988 and chalk the tires after two hours of free parking. Frank Morris seconded the motion. The motion carried unanimously.

The Commission announced work sessions for October 15th with Melvin & Simon Associates with regard to the Pikeville Mall Project and on October 16th at City Hall at 1:00 P.M. to discuss relocating the Police Department to the old water treatment plant building on Julius Avenue.

There being no further business to discuss, Robert Page made the motion, seconded by Frank Morris to adjourn the meeting. The motion carried unanimously.

APPROVED

W. C. Hamley M.