

REGULAR MEETING - NOVEMBER 9, 1987

The Pikeville City Commission met in their regularly scheduled meeting on Monday, November 9, 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 Commission 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 October 26, 1987 were included in each Commission Member's agenda package. Robert Page made the motion, seconded by Robert Weddle to approve the minutes as submitted. The motion carried unanimously.

In Business from the Floor, Jack Walters explained that his company has purchased Larry Keene's interest in the car lot located on the corner of Main and Pike Street. Mr. Walters requested that the Commission approve the removal of the two parking meter spaces in front of the lot (Main Street side) that he may use these spaces for displaying cars. Greg Justice made the motion to remove the two parking meters as requested and paint the curb yellow. Frank Morris seconded the motion. The motion carried unanimously.

Marvin Hensley, a resident of May Hollow, presented the Commission with a signed petition from ten of the fourteen residents requesting that 5 speed bumps installed at the time of this road's blacktopping be removed due to the residents' opinion that the speed bumps are inappropriately located. Mr. Hensley went on to explain that the residents would probably be agreeable to leaving three speed bumps. The Commission directed Eugene Edmonds, Chief of Police, to assess the situation and report which speed bumps should be removed.

Joe Stephens approached the Commission relative to the North Gate Complex, a 40 unit housing project. He asked the Commission to define what action they plan to correct the deficiencies at the Sewage Treatment Plant. Jack Sykes presented the Commission from Jerry Hurst of the Division of Water who has cited 4 improvements needed immediately.

1. Remove all roof leaders of buildings known to be connected to the sanitary sewer system. These buildings are listed in a six page, 1979 report by PSG.
2. Remove all known catch basins still tied to the sanitary system. Some such catch basins are known to exist at Steel Street and St. Clair.
3. Evaluate and replace, if necessary, two (2) old corrugated pipe sections. One of these is a 10" pipe near South Mayo Trail and the other is an 18" pipe running from Johnson Motors to the high school.
4. A new evaluation of the entire system should be conducted after the above improvements are made.

The Division of Water has reviewed and is currently holding approval of Mr. Stephens North Gate Complex Project and Bob Billips' Northmonte Project. These projects and any further projects requiring the Division of Water's approval will be held until the City makes a commitment to finding a solution to the collection system's problems. Basically, the City needs to do the following three things:

1. Determine the existing needed repairs and expansion at the sewage treatment plant and place a dollar figure on this item.
2. Develop a financing package to meet the needs and commit to the Division of Water to accomplish the same.
3. Develop and submit a schedule by which these accomplishments will be completed.

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Mr. Sykes referred to the Commission's prior meeting approval of a contract with Summit Engineering and MSE to do the plans for the Sewage Treatment Plant relative to the Pikeville Mall Project. Part of the contract provides for the evaluation of needed repairs at the Sewage Treatment Plant. Their report will include what is recommended that the \$480,000 associated with the Mall Project be used for and recommendations of items needed to be done to allow for anticipated growth. Mr. Stephens has indicated that he is not able to wait the 60 days that Summit/MSE anticipates that will be needed to study the plant in collecting the necessary monitoring data, so Mr. Sykes contacted MSE for a preliminary cost estimate of what they thought it would take to get the plant up to 1.2 MGD. Mr. Sykes presented each Commission member with the preliminary report. MSE's estimate for this proposed expansion is \$1,846,000. During MSE's contact with the Division of Water, Jerry Hurst recommended that they also consider expansion to 1.5 MGD which they estimate would provide about a ten year growth for the plant. The plant's present capacity is 800,000 MGD. Mr. Sykes reported that he has been in contact with Will Linder, a grantsman, asking that he review the Mall Project to determine if more than \$480,000 is available that could be allocated to the plant expansion. Mr. Sykes also mentioned that the other potential development projects in the area should be reviewed and submitted to the State and Federal agencies in a hope to convince them to allocate grant money or loan money toward the plant - developments that probably will not take place unless the plant is expanded. The Commission questioned if the City will be able to meet the Agreed Order's deadline of July 1, 1988. It was Mr. Sykes opinion that the City will not be able to meet this deadline and has been notified by Mr. Hurst that the only way the Division of Water can approve a schedule beyond July 1, 1988 is by judicial order. It was questioned whether it would be feasible to order the existing downspouts to be taken out of the system. Jack Sykes recommended that the Commission authorize him to write a letter to Jerry Hurst and send copies of the cost estimates for expansion and indicate that they are being evaluated by the City. He asked that a work session be scheduled with Will Linder to discuss other potential sources of funding. The Commission directed Mr. Sykes to send a letter to Jerry Hurst explaining the City's plan to correct these items and to schedule a work session with Mr. Linder and MSE.

Pat Wagner, Executive Director of the Housing Authority, approached the Commission on behalf of the residents of the Northgate Housing Project who would like to have speed bumps in their project due to the excessive speed of vehicles traveling in this area. The Commission directed the Chief of Police to evaluate the area and report back as to where the speed bumps should be located. Mrs. Wagner also asked the Commission to consider establishing caution lights or signs warning of an elderly crossing at the crosswalk extending from the High Rise on Hellier Street to Division Street. It was reported that Mr. Carlton had written the Highway Department relative to this problem but has received no answer as to whether the State will install the traffic mechanism or if the City will have to install the lights.

Jack Sykes, City Engineer gave a verbal update of current projects:

1. Shelby Bridge Gas Line Relocation: Presented to the Commission for consideration was a \$4,800.00 change order for the relocation of 320 feet of gas line. This relocation was necessary due to a plan change in construction that had taken place after the gas line had been placed. This change order amount will be reimbursed by the Highway Department. Robert Page made the motion to approve the change order in the amount of \$4,800.00 for the gas line relocation at the Shelby Bridge. Greg Justice seconded the motion. The motion carried unanimously.

2. South Mayo Trail Sewer Project: This project is about 67% complete. With reference to this project, there is a service line located between the Best Western and Modern Villa Hotel. Eugene Little owns the property located between the two hotels on the back lot and Dennis Ratliff owns the property on the front. When the easements were obtained, Mr. Little granted an easement along the back at no cost to the City. At this time, Mr. Sykes reported that he informed Mr. Little that he also needed an easement to extend to Mr. Ratliff's property. Mr. Little agreed to give the easement but did not sign the document at this point due to his garden not being ready for harvest. Mr. Little has, since this time, opted to not give the easement to the City in this location, however, he would agree to give an easement from the back of a located trailer, which there is only about 8 - 10 feet between the

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trailer and the motel. There are utility poles, air conditioners and a swimming pool and it was Mr. Sykes opinion that it would be impossible to get the line through in this location. Mr. Little is also agreeable to granting an easement between his house and the motel but the area here is less than on the other side which would not make this practical. Mr. Sykes presented the City's options to the Commission. 1. Either to delete the extension from the property not giving the Ratliff property sewer service or 2. Going through the condemnation process on the right-of-way. The sewer line extension to service these two properties is estimated to cost \$7,984. Mr. Sykes gave an estimate of \$20,000.00 if the Commission condemned Mr. Little's property, which would put this sewer line servicing to residents at about \$28,000.00. Mr. Sykes recommended that this extension be deleted due to the cost of the line versus what will be served. Robert Page made the motion to delete the extension of a sewerline due to estimated costs for condemnation of the property to provide services for two houses. Greg Justice seconded the motion. The motion carried 4 - 1 with Frank Morris voting "NO".

3. Harolds Branch Water Line: Mr. Sykes reported that a pay request for this project will be submitted along with the Project Bills. This pay request is for 90% of the cost of the project. The engineer is withholding the standard 10%. This project is complete with the exception of putting a feeder in the pump station unit and turning on the pump. The engineer made the Commission aware of the fact that the contractor, KY. VA. Stone had 60 days to complete the project and has exceeded the contract time by 33 days.

4. Harolds Branch Water Tank Repair: This job is complete with the exception of chlorinating the tank, flushing the tank, and putting it back on line. There is a pay request to be submitted with the Project Bills, but the engineer asked that the Finance Officer hold payment until Mr. Sykes confirms that the tank is backfilled with water. This contractor was 61 days beyond the contract time.

5. Trash Trap: This project is complete.

6. Smith Hill Water Line: This project begins at the water tank and will be coming down to Poplar Street. The engineer reported that this project is proceeding.

City Bills were presented to the Commission for approval of payment in the amount of \$92,502.19. Robert Page questioned the even \$10,000.00 amount to Columbia Gas. Finance Officer, Ted Herring, explained this bill was estimated because no bill had yet been received and payment would be due before the next regular meeting. Robert Page made the motion to approve payment of the City Bills totaling \$92,502.19. Frank Morris seconded the motion. The motion carried unanimously.

A list of Project Bills totaling \$66,453.58 were presented to the Commission for approval of payment. Robert Page made the motion to approve payment of the Project Bills totaling \$66,453.58. Frank Morris seconded the motion. The motion carried 4 - 1 with Greg Justice voting to approve all the bills with the exception of item 3 to Cumberland Fence Company for the trash trap in the amount of \$11,490.00.

Robert Page made the motion, seconded by Frank Morris to approve payment of bills totaling \$76,110.71 for the South Mayo Trail Sewer Project. The motion carried unanimously.

Professional Service Group's Bill for the operating and maintenance of the City's Water and Sewage Treatment Plant for the month of November was presented to the Commission for approval of payment in the amount of \$40,708.33. Robert Page made the motion, seconded by Frank Morris to approve payment of PSG's bill in the amount of \$40,708.33. The motion carried unanimously.

Ordinance O-87-022 was presented to the Commission and given second reading. The Ordinance was read entitled:

AN ORDINANCE PROVIDING FOR THE GRANTING OF NONEXCLUSIVE FRANCHISES TO ERECT, CONSTRUCT, MAINTAIN AND OPERATE COMMUNITY ANTENNA TELEVISION SYSTEM FACILITIES, AND ADDITIONS THERETO, IN, UNDER, OVER, ALONG, ACROSS AND UPON THE STREETS, ROADS, HIGHWAYS, FREEWAYS, LANES, ALLEYS, COURTS, SIDEWALKS, PARKWAYS, DRIVES, AND OTHER PUBLIC PLACES IN THE CITY OF PIKEVILLE, KENTUCKY, OR PORTIONS THEREOF, AND SUBSEQUENT ADDITIONS THERETO, FOR THE PURPOSE OF TRANSMISSION AND DISTRIBUTION OF CABLE TELEVISION IMPULSES

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AND TELEVISION ENERGY TO THE INHABITANTS OF THE CITY OF PIKEVILLE, KENTUCKY: AUTHORIZING THE ADVERTISEMENT FOR BIDS ON SUCH FRANCHISES: AND FOR OTHER PURPOSES.

Section 6 of the Ordinance was amended to state that an amount equal to three percent (3%) of each Grantee's annual gross revenues derived from Subscriber fees for basic cable television service paid to grantee shall be paid quarterly instead of within 90 days after the close of the grantee's fiscal year.

As provided for in Section 3, upon adoption of the Ordinance, bids will be advertised for one or more Nonexclusive Franchises. Bid opening was set for November 25, 1987.

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

Second Reading was given to an Ordinance entitled:

O-87-023 ORDINANCE PROVIDING FOR FREE TWO (2) HOUR PARKING AT METERS, PROHIBITING PARKING AT METERS FOR MORE THAN TWO (2) HOURS, AND PROVIDING FINES FOR VIOLATION

Greg Justice made the motion, seconded by Frank Morris to adopt the Ordinance. The motion carried unanimously.

First Reading was given to an Ordinance entitled:

ORDINANCE MODIFYING THE PIKEVILLE ZONING ATLAS CHANGING LOT NUMBER E1 IN CEDAR CREEK FROM NEIGHBORHOOD COMMERCIAL DISTRICT (C1) TO ONE-FAMILY RESIDENTIAL DISTRICT (R1)

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.

Leon Huffman came before the Commission relative to the City Commission's September, 1987 approval to establish a joint city/county Industrial Development Authority. Mr. Huffman nominated three individuals to be appointed by the Mayor to serve on this Board. Those recommended were: Burlin Coleman for a 3 year term; Danny Stratton for a 2 year term; and T. T. Colley for a 4 year term. Frank Morris made the motion, seconded by Robert Page to authorize the Mayor to appoint Burlin Coleman, Danny Stratton, and T.T. Colley to serve on the Pikeville/Pike County Economic Development Authority. The motion carried unanimously.

Two Resolutions were presented to the Commission with regard to the Pikeville Mall Project. The Resolutions were read entitled:

R-87-020 A RESOLUTION OF THE CITY COMMISSION OF PIKEVILLE, KENTUCKY RELATING TO APPROVAL OF CONTRACT BETWEEN THE CITY AND THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Mr. Carlton, City Manager reported that the UDAG agreement can not be submitted until the executed copy of the CDBG agreement is received from the State.

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

R-87-021 A RESOLUTION OF THE CITY COMMISSION OF PIKEVILLE, KENTUCKY, RELATING TO APPROVAL OF CONTRACT BETWEEN THE CITY AND THE COMMONWEALTH OF KENTUCKY, DEPARTMENT OF LOCAL GOVERNMENT

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

Mr. Carlton reported that Rick Yates of Linton & Company, the City's auditor, has recommended that the City consider revising the Business License Ordinance. At this time Mr. Yates is not prepared to make a presentation but a meeting will be scheduled with the auditor, city attorney and tax administrator.

Presented to the Commission was a computer printout of 1986 delinquent taxes. The delinquent amount is listed at \$12,840. The Commission did not approve for these delinquent taxes to be turned over to the Kentucky Revenue Recoveries for collection.

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Mr. Carlton reported that an application has been filed once more to the Farmers Home Administration applying for a loan to sewer the Harolds Branch area. Farmers Home Administration has encouraged the City to investigate other funding agencies. Mr. Carlton asked that the Commission consider approving the filing of a pre-application to the Area Regional Commission for a \$150,000 grant for this project. Robert Page made the motion, seconded by Greg Justice to authorize the Mayor to sign the pre-application to ARC for a \$150,000 grant. The motion carried unanimously.

Cecil Ray, Public Works Director, informed the Commission that the contractor working at Shelby has been responsible for three gas line breaks. He presented the Commission with a suggestion for penalties for gas line breakages and fees to be charged for gas lost, materials and labor for repair for all contractors damaging city utility lines. The city attorney suggested that each breakage be considered separately, in that the contractor should be billed for the cost of repairing the line, administrative, engineering, and estimated gas loss; The City Manager should send a letter to the company with a bill requesting payment, if the contractor refuses to pay, then the city attorney will send a letter, and if circumstances warrant, file suit.

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

The next scheduled meeting is November 23, 1987.

APPROVED

W.C. Hamblay, Jr.

