

## REGULAR MEETING MINUTES - JULY 22, 1991

The Board of Commissioners of the City of Pikeville met in regular session on Monday, July 22, 1991. The meeting was conducted in the Commission's regular meeting place in the City Hall Public Meeting Room at 260 Hambley Boulevard, Pikeville, Kentucky.

There being a quorum present, Mayor Walter E. May called the meeting to order at 7:00 p.m. Commission Members present upon call of the roll were as follows:

MAYOR:	WALTER E. MAY
COMMISSIONER:	WALTER BLANKENSHIP
	FRANK MORRIS
	JOHNNY MOUNTS

Commissioner Eugene Davis was absent.

## AGENDA ITEM II. CALL OF THE AGENDA

Commissioner Mounts requested to discuss the lease agreement negotiations concerning the Model City Day Care Center. The item was placed under Agenda Item VI. B., Item 3 (Old Business - City Attorney's Reports).

## AGENDA ITEM III. MINUTES

The minutes of the previous regular meeting of June 24, 1991 and special meeting of July 2, 1991 were included in each Commission Member's agenda package. There being no additions or corrections, Commissioner Morris made the motion to approve the minutes as submitted. Commissioner Mounts seconded the motion. Upon call of the roll, the motion carried 4 - 0.

## AGENDA ITEM IV. BUSINESS FROM THE FLOOR

There were no items of business presented to the Commission during the call for "Business from the Floor".

## AGENDA ITEM V. PAYMENT OF BILLS

A list of City Bills totaling \$407,855.13 were presented to the Commission for approval of payment. Commissioner Mounts requested an explanation for the payment request from Professional Services Group in the amount of \$202,557.50 for gasoline/invoice. The Finance Director reported the request for payment included gasoline purchases for the police and fire department vehicles and the monthly operations fee. The Mayor directed that the bills from PSG be listed separately on future accounts payable lists. Commissioner Blankenship inquired about the request for payment from Layne Western in the amount of \$34,144.68. The City Manager advised the bill was for the repairs of the raw water intake pumps. PSG Manager, Bill Harless, reported all pumps at the raw water intake have been serviced and can operate at 100%. Commissioner Morris made the motion to approve payment of the City Bills totaling \$407,855.13. Commissioner Blankenship seconded the motion. Kitty Pauley, Public Relations Director, presented a payment request from H. Powell & Associates for the downtown park revitalization project in the amount of \$1,000.00 (second payment). Commissioner Morris amended his motion to allow for payment of City Bills totaling \$408,855.13. Commissioner Blankenship seconded the motion. Upon call of the roll, the motion carried 4 - 0.

## AGENDA ITEM VI. OLD BUSINESS

A. CITY ENGINEER'S REPORTS: Jack Sykes representing Summit Engineering, City Engineers, gave the following verbal report of ongoing City Projects:

1. Mall Access Road: Presented to the Commission was a summary of bids received for the construction of a roadway to tie the new bridge to Thompson Road. The engineer's estimate for the roadway construction was \$120,518.00. The low bid was submitted by Paul Thacker Construction Company in the amount of \$146,874.00. Other bids received ranged from \$160,000.00 to \$204,000.00. Mr. Sykes reported he has evaluated the low bid and determined the documentation to be in order and recommended the Commission award the bid to Paul Thacker Construction Company. Commissioner Morris made the motion to award the bid for construction of the mall access road to Paul Thacker Construction Company in the amount of \$146,874.00. Commissioner Blankenship seconded the motion. Upon call of the roll, the motion carried 4 - 0.



2. Riverfill Road Extension: Mr. Sykes advised the Commission that he had been directed to evaluate an extension of the roadway through the riverfill. A number of alternate routes were drafted and displayed to the Commission on a map prepared by the City Engineer. Mayor May reported the matter is being researched in an effort to establish a roadway access to the new health department. The access road would run from the Huffman Avenue Ramp behind the park and follow the right side of the riverfill, connecting the alley behind the Day Care Center, Elm Street, and would extend to the new health department. Mr. Sykes gave his opinion that the best route would be to parallel the property line and run adjacent to the drainage ditch. A problem has been encountered with the roadway extension as planned in that officials from Pikeville College do not want a roadway built over the college property. Mayor May and City Engineer Jack Sykes met with Dr. Owens, President of Pikeville College, and explained the situation. Mayor May reported he advised Dr. Owens that the City has been advised through their attorney that the City has the right to build a roadway over the easement. Dr. Owens and the executive committee agreed to a roadway being constructed as discussed above, but to notify the health department officials the roadway is temporary and that if in the future the college has need for the property, the roadway will be closed. Mayor May advised the Commission that he did not respond to the proposal. Mayor May added that Dr. Mary Fox of the Pike County Health Department has indicated the building will be ready for occupancy in late August or early September. Dr. Fox has been seeking funds for the purpose of building a bridge to give access from the Bypass, however has not been successful in getting the funds needed. Mr. Sykes reported an estimate has been prepared following the exhibit reviewed by the Commission. The estimate provides for two - twelve foot lanes, curb and gutter on both sides, a four foot walkway on one side, the Elm Street connector is cut down to eleven feet, six inches, there are two 9 foot traffic lanes at the Bank Street connector. Total cost is estimated at \$281,843.00. \$25,000.00 of the cost is for sidewalks, \$69,000.00 is curb and gutter, and \$70,000.00 for drainage. Commissioner Mounts and Blankenship discussed providing an access to the health department via Baird Avenue which would not have to cross college property. Mr. Sykes explained the Comprehensive Plan prepared in 1975 provides a roadway through the riverfill. Commissioner Mounts remarked that at that time it was not known that the Urban Renewal Agency would deed the property in question to the college. Mr. Sykes reported using the alternate route from the Huffman Avenue Ramp would provide for more access points, however this route is contingent upon the outcome of the lawsuit with Hughes & Associates with regard to the riverfill property. The Commission authorized the Mayor to seek funding for the construction of a roadway from Pike County and State officials. The Commission agreed to allow Summit Engineering to continue with the surveys for preparation of base maps and to prepare a cost estimate for the roadway extension from Baird Avenue.

3. PSG Wastewater Contract Change Order: Mr. Sykes advised the Commission that PSG has submitted a request for a change order which would include a time extension of 112 days. The completion date would be extended from September 11, 1991 to January 1, 1992. Mr. Sykes reported the time extension would not interfere with the completion date specified in the agreed order with the state (January 7, 1992). The City Engineer requested a construction schedule, which was given to each Commission Member. Mr. Sykes estimated the project to be 80% complete at this time. The engineer recommended the Commission approve the change order. Commissioner Blankenship made the motion to approve the change order as requested. Commissioner Mounts seconded the motion. Upon call of the roll, the motion carried 4 - 0. Commissioner Mounts asked when the plant would be placed in operation. Richard Bryant of PSG advised they were making last minute adjustments, but expected to place the plant on line around the end of the week. Mayor May told Mr. Bryant to advise the Commission of the exact date to allow for press coverage.

4. Pauley Pump Station Reconstruction: A presentation was made in a previous session advising the Commission of a Division of Water recommendation to reconstruct the Pauley Pump Station. Mr. Sykes advised the Commission a draft set of plans have been prepared. The engineers have looked at three alternates for the construction of the station. Recommended was the construction of a Smith & Loveless wetwell mounted station. Mr. Sykes reported he looked at the possibility of rehabilitating the existing station but the station is extremely deteriorated. PSG recommended the engineers not consider that alternate. The engineers have estimated the total reconstruction of the station using a conventional, submersible pump at \$30,000.00. A Smith & Loveless station can be delivered for \$17,500.00. In addition to the station,



there will be an approximate \$5,000.00 equipment cost, which includes the installation of 50 feet of 4 inch pipe and abandonment of the dry pit. Mr. Sykes advised the project can be done in-house. Commissioner Blankenship made the motion to declare an emergency with regard to the serious deterioration of the pump station and authorized the engineer to proceed with the engineer's recommendation to replace the pump station with a Smith & Loveless Station with work to be done by PSG. Commissioner Mounts seconded the motion. Upon call of the roll, the motion carried 4 - 0.

5. Outlet to Force Main: Mr. Sykes advised the Commission that when the force main reaches the wastewater plant it is proposed to hook it into what is referred to as the plant pump station. It was explained the design can be modified to allow pumping into the headworks of the wastewater plant. The modification will require 210 feet of force main to construct at a cost of \$3,000.00. The advantage of the modification will eliminate pumping volume in additional time, and will also save operating dollars. Mr. Sykes explained there is a pump station inside the system which recirculates a certain amount of flow within the plant, itself. The expense for the modification will pay for itself in four to five years. The Commission agreed to allow the modification as a change order to PSG's construction contract. The change order will be presented to the Commission for approval at the next regular meeting.

B. CITY ATTORNEY'S REPORTS: Terri Smith of the law firm Baird, Baird, Baird & Jones was present and acting as city attorney.

1. Sandy Valley Water District: Presented for approval was the amended agreement for water purchase between Sandy Valley Water District and the City of Pikeville. The amended agreement reflects the rate increase. Commissioner Mounts made the motion, seconded by Commissioner Blankenship to authorize the Mayor to execute the agreement. Upon call of the roll, the motion carried 4 - 0.

2. Second reading was given to an Ordinance entitled:

ORDINANCE RELATING TO THE ADOPTION OF UTILITY RULES AND REGULATIONS  
(ORDINANCE NO O-91-014)

Commissioner Blankenship made the motion to adopt the Ordinance as presented. Commissioner Mounts seconded the motion. Upon call of the roll, the motion carried by the following votes:

MAYOR:	WALTER E. MAY	YES
COMMISSIONER:	WALTER BLANKENSHIP	YES
	EUGENE DAVIS	ABSENT
	FRANK MORRIS	YES
	JOHNNY MOUNTS	YES

3. Model City Day Care Center: The Commission directed Kitty Pauley, Public Relations Director, to schedule a meeting with the Model City Day Care Center Board of Directors to discuss the proposed lease agreement.

C. CITY MANAGER'S REPORTS: City Manager John Johnson brought the following items to the Commission for consideration:

1. Skid Steer Loader: Mr. Johnson advised the Commission of the bids received for the skid steer loader to be utilized during the construction of the Bypass sidewalks. Four bids were received as follows: Wilson Equipment Company for a Case brand in the amount of \$17,700.00; East Equipment Company for a Toyota brand in the amount of \$20,272.30; Huber Tractor and Rent-All in the amount of \$21,000.00; and Commonwealth Equipment Company for a Mustang brand in the amount of \$24,400.00. PSG reviewed the bids and recommended acceptance of the low bid from Wilson Equipment Company in the amount of \$17,700.00. Commissioner Blankenship made the motion to accept the low bid from Wilson Equipment Company in the amount of \$17,700.00 for the Case Skid Steer Loader/Backhoe. Commissioner Mounts seconded the motion. Upon call of the roll, the motion carried 4 - 0.

2. Resolution of Appreciation: Mr. Johnson reported the City Attorney was directed at the previous meeting to prepare a resolution commending Virginia Oney, Finance Director, who has resigned her position effective August 9, 1991. Mayor May read the resolution as follows:

RESOLUTION RECOGNIZING FINANCE DIRECTOR, VIRGINIA ONEY, FOR HER FAITHFUL  
YEARS OF SERVICE AS AN EMPLOYEE OF THE CITY OF PIKEVILLE



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WHEREAS, the City of Pikeville Finance Director, Virginia Oney, has notified the City commission that she must resign from her employment with the City of Pikeville because she and her family are moving out of state,

WHEREAS, the City Commission regretedly accepts Virginia Oney's letter of resignation and desires to recognize Ms. Virginia Oney for her twelve (12) years of outstanding service to the City of Pikeville and does hereby desire to express their appreciation to Ms. Oney for her outstanding work as Finance Director and her faithfulness and loyalty to the Commission and the citizens of the City of Pikeville;

NOW, THEREFORE, BE IT RESOLVED by the City of Pikeville that the Commission therefore does hereby recognize and commend their Finance Director, Virginia Oney, for here twelve (12) years of outstanding service to the City of Pikeville and by these presents, do hereby proclaim that Virginia Oney has been a faithful, loyal and valuable employee of the City of Pikeville whose absence will be deeply missed by this Commission.

Passed this 22nd day of July, 1991.

Commissioner Blankenship moved the adoption of the foregoing resolution. Commissioner Mounts seconded the motion.

Upon roll call, the votes were as follows:

	<u>YES</u>	<u>NO</u>
WALTER E. MAY, MAYOR	X	
GENE DAVIS, COMMISSIONER		ABSENT
FRANK MORRIS, COMMISSIONER	X	
JOHNNY MOUNTS, COMMISSIONER	X	
WALTER BLANKENSHIP, COMMISSIONER	X	

The Mayor declared the within Resolution adopted.

/s/ Walter E. May  
WALTER E. MAY, MAYOR

ATTEST:

/s/ Karen Harris  
KAREN HARRIS, CITY CLERK

Mayor May commented he had worked only a short time with Ms. Oney, but had found her to be a valuable employee. Commissioner Blankenship commented that Ms. Oney was a very loyal employee to the City of Pikeville.

3. Studio Seven Lease: Mr. Johnson reported to the Commission that Ward Hale representing Studio Seven has requested the Commission rescind the recent agreement for the month to month lease of the Teen Center at the Hambley Athletic Complex. Commissioner Morris made the motion to rescind the previous motion accepting the lease agreement with Studio Seven. Commissioner Blankenship seconded the motion. Upon call of the roll, the motion carried 4 - 0.

4. Pike County Courthouse Renovation: The City Manager advised the Commission that construction has progressed to the point at the Pike County Courthouse where the pedestrian traffic in front and around the courthouse needs to be restricted. A protection wall will be erected for safety purposes and if room permits a walkway tunnel will be constructed. Commissioner Mounts made the motion to allow the sidewalk to be closed to pedestrian traffic in the area of the courthouse providing that the parking will not be affected and that a walkway tunnel be provided. Commissioner Blankenship seconded the motion. Upon call of the roll, the motion carried 4 - 0.

5. Mr. Johnson requested an executive session for the purpose of discussing a personnel matter.

D. PSG REPORTS: Bill Harless, PSG Manager, presented the following



items to the Commission for consideration:

1. Garbage Rate Structure: Mr. Harless advised the Commission that he was not prepared to give the report on the proposed garbage rate structure.

2. Maintenance Report: Mr. Harless reported he had been asked by the Commission to prepare a maintenance report. Mr. Harless advised the report is not complete.

3. Crack Sealant Report: Bob Radditz of PSG presented the Commission with a map identifying the sections of roadway which they are requesting permission to have crack sealant installed. The map also identified what is city responsibility and what is state responsibility. Commissioner Mounts made the motion to authorize the sealant to be placed on Hambley Boulevard from Lorraine Street to Baird Avenue. Commissioner Blankenship seconded the motion. Upon call of the roll, the motion carried 4 - 0.

AGENDA ITEM VII.

NEW BUSINESS

A. HISTORIC PRESERVATION: Jack Sykes, Chairman of the Historic Preservation Board, advised the Commission that the City of Pikeville has been awarded a \$7,500.00 grant from the Kentucky State Historical Preservation Council. The Historic Preservation Board has met and recommended the grant be used in the development of guidelines on which the Historic Preservation Ordinance can be enforced and to conduct a survey to identify the historic structures in town. The Historic Preservation Board has advertised for services. The Historic Preservation Board recommends the acceptance of a proposal from Thomason & Associates. Mr. Sykes gave a brief report of the company's qualifications. Commissioner Mounts made the motion to accept the proposal of Thomason & Associates. Commissioner Blankenship seconded the motion. Upon call of the roll, the motion carried 4 - 0.

Jesse Salyers, a merchant in the downtown area, complained to the Commission about the traffic problem on the weekend evenings. Mr. Salyers reported the problem seems to stem from the youth cruising the streets and parking in the parking lot at the corner of Huffman Avenue. Mr. Salyers asked if the City could cause the parking lot to be blocked at these times. A traffic light installation at the intersection of Huffman Avenue was suggested, but it was thought the effect would not justify the \$35,000.00 cost. A suggestion of stationing a police officer in the area was heard. The Mayor asked Mr. Salyers to have the merchants give the Commission their concerns and suggestions to remedy to the problem in writing.

At 8:35 p.m., Commissioner Blankenship made the motion to adjourn to executive session for the purpose of discussing a personnel matter and legal matters. Commissioner Mounts seconded the motion. Upon call of the roll, the motion carried 4 - 0.

At 9:45 p.m., Commissioner Blankenship made the motion, seconded by Commissioner Mounts, to reconvene to regular session. Upon call of the roll, the motion carried 4 - 0.

City Manager, John Johnson, reported he was in receipt of a letter of resignation from Diann Osborne. Commissioner Blankenship made the motion, seconded by Commissioner Mounts to accept the resignation. Upon call of the roll, the motion carried 3 - 1 (Commissioner Morris voted no). Mayor May commented that Ms. Osborne had been employed with the City for twelve years. The Commission directed the City Manager to interview Ms. Osborne for any future position openings for which she may be qualified and was further directed to offer any assistance to Ms. Osborne to find employment with other city agencies or other firms.

Mr. Johnson explained the Commission had previously adopted a resolution to purchase a parcel of property in the Keyser Heights subdivision. Mr. Johnson requested the Commission rescind the resolution. Commissioner Blankenship made the motion, seconded by Commissioner Mounts to rescind the resolution approving the purchase of a parcel in Keyser Heights subdivision. Upon call of the roll, the motion carried 3 - 1 (Commissioner Morris voted No.)

Mr. Johnson requested the Commission authorize him to contact the Farmer's Home Administration requesting \$42,000.00 in funds they are holding from the water treatment plant project. The funds will be used for the construction of a water line on Marion's Branch. Commissioner



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Mounts made the motion, seconded by Commissioner Blankenship to authorize the City Manager to request the remainder of the water treatment plant project funds from the Farmer's Home Administration. Upon call of the roll, the motion carried 4 - 0.

Terri Smith, representing the City Attorney's Office, presented a resolution as follows:

RESOLUTION EXERCISING OF OPTION TO TERMINATE LEASE AGREEMENT DATED MAY 19, 1988 BETWEEN THE CITY OF PIKEVILLE AND GROUSE POINT DEVELOPMENT COMPANY

WHEREAS, on May 19, 1988, the City of Pikeville did enter into a Lease Agreement with Grouse Point Development Company for the lease of certain property owned by the City of Pikeville in Poor Farm Hollow, Pikeville, Pike County, Kentucky.

WHEREAS, Section 6 of said Lease Agreement required Grouse Point Development Company to provide to the City of Pikeville satisfactory proof of financing capability within the period of three years.

WHEREAS, the Commission has been advised by the City Attorney that Grouse Point Development has not provided the City with any evidence of its capability to finance this proposed development even though Grouse Point Development was notified by the City Attorney on February 4, 1991 that it had failed to comply with Section 6 of the Lease Agreement.

WHEREAS, a notice of default was served on Grouse Point Development on May 20, 1991 and Grouse Point Development has failed to cure the default within sixty (60) days and has remained in default of said Lease Agreement for more than sixty (60) days after being notified of its default.

WHEREAS, the Commission for the City of Pikeville has determined that it is in the public's best interest to exercise on behalf of the City of Pikeville its right to terminate the Lease Agreement entered into between the City of Pikeville and Grouse Point Development Company on May 19, 1988.

THEREFORE, BE IT RESOLVED BY THE CITY OF PIKEVILLE that the City of Pikeville does hereby exercise its option to terminate a certain Lease Agreement dated May 19, 1988 between the City of Pikeville and Grouse Point Development Company for a certain tract of property located in Poor Farm Hollow, Pikeville, Kentucky and does hereby direct the City Attorney to notify Grouse Point Development Company of the termination of this Lease Agreement.

Passed this 22nd day of July, 1991.

Commissioner Morris moved the adoption of the foregoing resolution. Commissioner Blankenship seconded the motion.

Upon roll call, the votes were as follows:

	<u>YES</u>	<u>NO</u>
WALTER E. MAY, MAYOR	X	
GENE DAVIS, COMMISSIONER		ABSENT
FRANK MORRIS, COMMISSIONER	X	
JOHNNY MOUNTS, COMMISSIONER	X	
WALTER BLANKENSHIP, COMMISSIONER	X	

The Mayor declared the within Resolution adopted.

/s/ Walter E. May  
WALTER E. MAY, MAYOR

ATTEST:

/s/ Karen Harris  
KAREN HARRIS, CITY CLERK

AGENDA ITEM IX.

ANNOUNCEMENTS



A. WORK SESSION: The Commission was advised of a work session scheduled for July 25th at 2:30 p.m. with Mountain Water District and representatives from Umbaugh & Associates.

Bill Harless of PSG advised the Commission that work has begun on the reconstruction of the Bypass sidewalks. Mayor May advised Mr. Harless to discuss the feasibility of placing turn-off lanes at Helen's Florist and the end of Huffman Avenue with City Engineer, Jack Sykes. Mr. Sykes advised the Commission that he has a meeting tomorrow with Denton Biliter of the Highway Department to discuss these matters. Mr. Harless was directed to contact Mr. Sykes prior to beginning work in these areas.

There being no further business to come before the Commission, Commissioner Blankenship made the motion, seconded by Commissioner Mounts to adjourn. The motion carried 4 - 0. (Adjournment Time: 9:50 p.m.)

The City Commission's next scheduled meeting is August 26, 1991 at 7:00 p.m. in the City Hall Public Meeting Room at 260 Hambley Boulevard.

APPROVED

Walter E. May  
WALTER E. MAY, MAYOR

ATTEST:

Karen Harris  
KAREN HARRIS, CITY CLERK

X