

MINUTES } CITY OF PIKEVILLE

SPECIAL MEETING MINUTES - FEBRUARY 1, 1993

The Board of Commissioners of the City of Pikeville were called to meet in Special Session on Monday, February 1, 1993 at 7:00 p.m. The meeting was held in the City Hall Public Meeting Room at 260 Hambley Boulevard in Pikeville, Kentucky.

The meeting was called for the following purposes:

CITY OF PIKEVILLE
SPECIAL CITY COMMISSION MEETING
MONDAY, 7:00 P.M.
FEBRUARY 1, 1993
CITY HALL PUBLIC MEETING ROOM

- I. CALL TO ORDER
- II. MINUTES: Consider approval of the minutes of the Special Meetings of December 11 and 28, 1992; Regular Meeting of December 28, 1992 and Continued Meeting of January 4, 1993.
- III. PAYMENT OF BILLS
 - A. City Bills
- IV. OLD BUSINESS
 - A. City Engineer's Reports
 1. Report for on-going projects
 2. Shopping Center site utilities extension
 3. Sewage extension to Industrial Rubber Property on South Mayo Trail.
 4. Keyser Heights Property
 5. Walters Road Maintenance
 6. South Mayo Water Improvements: Consider adoption of a resolution authorizing the submittal of a CDBG application.
 - B. City Attorney's Reports
 1. Volunteer Fire Department: Consider first reading of an Ordinance relating to the establishment, organization and regulation of a Volunteer Fire Department.
 2. City Services: Consider first reading of an Ordinance which would allow the City to provide certain city services to Island Creek.
 3. Municipal Road Aid: Consider adoption of the annual agreement with the Division of Rural and Municipal Aid for funds to be used for the repair/improvements of city street.
 4. Zoning: Consider a recommendation from the Joint Planning Commission to change the zoning on Bill King Hollow.
 5. Television Franchise: Consider discussion relative to the Tele-Media t.v. franchise agreement.
 - C. City Manager's Reports
 1. "911": Consider approval of a contract with the Big Sandy Area Development District for the house-to-house survey in connection with the establishment of E911 Service.
 2. Presentation of Monthly Financial Statements
- V. NEW BUSINESS
- VI. PERSONNEL ACTIONS
 - A: Personnel Policies and Procedures
- VII. CONSENT ITEMS
 - A. PSG Monthly Operating Report
 - B. Building Inspections: Consider the 1992 Annual report from the Building Inspector's office.
- VIII. ANNOUNCEMENTS
 - A. Parks Board Meeting has been scheduled for February 16, 1993 for 5:00 p.m. at City Hall.
- IX. ADJOURNMENT

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
	SHARON CLARK
	EUGENE DAVIS
	JOHNNY MOUNTS

AGENDA ITEM II.

MINUTES

The minutes for the special meetings of December 11 and 28, 1992, regular meeting of December 28, 1992, and Continued meeting of January 4, 1993 were

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included in each Commission Member's agenda package. There being no additions or corrections to the minutes, Commissioner Blankenship made the motion, seconded by Commissioner Davis to approve the minutes as submitted. The motion carried 5 - 0 (Commissioner Mounts cast a yes vote pertaining to those meetings in which he attended).

AGENDA ITEM III.

PAYMENT OF BILLS

A list of City Bills totaling \$502,338.44 were submitted to the Commission for approval of payment. Upon the City Manager's confirmation that he had reviewed the bills, recommended payment, and advised that monies were available for payment, Commissioner Blankenship made the motion, seconded by Commissioner Mounts to approve payment of the bills as presented. Upon call of the roll, the motion carried unanimously.

AGENDA ITEM IV.

OLD BUSINESS

A. CITY ENGINEER'S REPORTS: Jack Sykes representing Summit Engineering, City Engineers, gave a verbal report of the ongoing projects as follows:

1. Fire Station Addition: Mr. Sykes presented a change order from M & S General Contractors for the addition of items to the new section at the Fire Station which included the installation of emergency exit lights, stove, refrigerator, cabinets, electrical and plumbing for the washer and dryer and air compressor, and charge units for the ambulances. The change order increases the contract by \$2,680.22. Commissioner Blankenship made the motion, seconded by Commissioner Davis to approve the change order as presented. Upon call of the roll, the motion carried unanimously. Mr. Sykes reported that a small change order may be submitted at a later date which would allow the changing of the color scheme of the building. Mayor May requested that the engineer prepare a cost estimate for the completion of the training classrooms at the training tower.

2. South Mayo Water Line: The contractor, M & S General Contractors, have initiated work on contract #11 of the water distribution system improvements (the river crossing).

3. Shopping Center Utilities extension: Mr. Sykes reported that the developer has purchased the property at the airport site. As a part of the agreement, the city agreed to extend the utilities to the site by July 15, 1993. Authorization was given to Will Linder at a previous meeting to apply for CDBG funds for the extension of the sanitary sewer and for the tying together of the two river crossings. Total grant funds requested are \$618,246.00. The board which reviews the applications is scheduled to meet in early March. The following resolution was presented and read:

ORDER OF THE CITY OF PIKEVILLE, KENTUCKY AUTHORIZING THE FILING OF A 1992 KENTUCKY COMMUNITY DEVELOPMENT BLOCK GRANT ECONOMIC DEVELOPMENT APPLICATION

WHEREAS, it is necessary and in the public interest that the City avail itself of the financial assistance provided by Title I of the Housing and Community Development Act of 1974, and the 1981 Amendments permitting the Kentucky Department of Local Government, Division of Community Programs, to commence a Community Development Program within the community; and,

WHEREAS, it is recognized that the Federal/State contract for such financial assistance pursuant to said Title I will impose certain obligations and responsibilities upon the City and will require among other things:

(1) approval of a satisfactory application transmitted to the Kentucky Department of Local Government, Division of Community Programs

(2) certification by the City relating to activities such as civil rights, citizen participation, relocation payments, acquisition of properties, national environmental policies, and accounting practices; and,

(3) other local obligations and responsibilities in connection with the undertaking and carrying out of the Kentucky Community Development Block Grant Program; and,

WHEREAS, in those areas where acquisition and clearance is proposed, the objectives of the program cannot be achieved through more extensive rehabilitation, and a displacement strategy has been formulated;

NOW, THEREFORE, be it ORDERED by the City of Pikeville:

(1) that the United States of America and the Commonwealth of Kentucky be, and hereby are, assured of full compliance by the City with certification relating to all regulations and administration of Civil Rights Act, citizen participation, relocation payments, acquisition processes, accounting procedures, the Hatch Act, minimum wage and minimum hour provisions of the Fair Labor Standards Act, and all requirements of the National Environmental Policy act of 1968.

(2) that the Mayor is authorized and directed to prepare such certification

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and to assure full compliance with all certifications as outlined in (1) above, and all other pertinent regulations.

(3) that an application on behalf of the City for a grant of up to \$1,000,000 of said Title I funds is hereby approved and that the Mayor is hereby authorized to execute and file such application with the State Department of Local Government, to provide such additional information and to furnish such documentation as may be required, and to act as the authorized correspondent of the City relating to the Kentucky Community Development Block Grant Program.

/s/ Walter E. May
MAYOR

DATE: FEBRUARY 1, 1993

/s/ Karen Harris
ATTEST

Commissioner Blankenship made the motion to authorize the Mayor to execute the grant application. Commissioner Clark seconded the motion. Upon call of the roll, the motion carried unanimously.

Mr. Sykes asked the Commission to authorize Summit Engineering to initiate the design work for the sewage extension. The engineer reported that no design work for the water line extension project would be done until after it is learned whether the CDBG application has been approved. A proposal outlining Summit Engineering's scope of services for this project which includes design and construction inspection was presented to the city manager. Commissioner Mounts expressed his concern for the city obligating itself for the installation of the sewer lines prior to the developer breaking ground. According to the city engineer, the developer is now soliciting proposals for the site work and hopes to begin construction of the facility around May. Mayor May pointed out that the city is under no obligation to begin the utility installation until the developers' project progresses, however thought it prudent to have the funds and design plans in place. Commissioner Mounts made the motion, seconded by Commissioner Davis to enter into an agreement with Summit Engineering, Inc. for the design of the utilities to the airport site. Upon call of the roll, the motion carried unanimously.

4. Industrial Rubber Sewage Extension: Approximately one and a half years ago, plans were prepared and easements were obtained for the extension of a sanitary sewage line to serve Industrial Rubber and the houses located behind. It was decided at that time to not proceed with the project due, primarily, to the excessive cost (\$41,000). Mayor May advised that he had been asked to reconsider the extension due to the construction of two additional homes. Mr. Sykes estimated a \$33,000 cost if the project is done in-house. The engineer was directed to bring the matter back before the Commission at the next meeting along with costs.

5. Keyser Heights: The Department of Transportation, approximately one year ago, gave notice to the city that they were in possession of surplus property around the Keyser Heights Subdivision and offered to sell the property to the city. The Commission opted to not purchase the property at that time. Mr. Sykes advised the Commission that the Department of Transportation has again, offered to sell this property to the city at a less cost for the gas rights. The appraised land value is \$117,000.00 and the appraised gas wells/gas rights is \$72,500.00. Mr. Sykes commented that he is under the impression that the coal ownership comes with the purchase of the surface, however the coal deposits are under lease and there has been no mining on the property since 1985. Mr. Sykes further commented that the available tonnage is not sufficient to economically justify mining this tract alone. With regard to the gas reserves, Mr. Sykes has obtained an opinion that the one gas well which has been shut-in since 1976 will produce approximately 15 mcf/day. At an average wholesale rate of \$2.00/mcf the well could produce sales in the range of \$11,000/year. The sales rate would increase to about \$30,000/year if the city's retail gas rate were applied to the production. A \$42,000 cost was cited to tie the well into the city's pipeline network. Mr. Sykes projected that it would take 3.8 years to gain a payback at the City's retail rate or 10.5 years at the projected wholesale rate. Mr. Sykes alerted the Commission to the fact that the previous production of the well was under a take or pay contract with the Columbia Gas Transmission Company and suggested verification that the production is not committed to Columbia prior to purchase. Commissioner Blankenship made the motion to authorize the City Manager to offer \$50,000 to purchase the gas rights and gas well subject to the City Attorney determining that the Columbia contract is not in effect. Commissioner Clark seconded the motion. Upon call of the roll, the motion carried unanimously.

6. Walters Road Maintenance: The Commission heard from residents of Walters Road concerning the unpaved portion which has not been accepted into the city's street maintenance system, but was dedicated by the previous property owner. According to the residents, the seller of the

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property assured them that the road was part of the city's street system. The city engineer reported that the Commission and the property owner, in 1990, discussed the conditions under which the roadway would be accepted into the city's street maintenance system. According to Mr. Sykes the subgrade is in place and it appears there is sufficient drainage, however the roadway has not been paved. The city engineer estimated it would cost \$4,000 to pave the 320 ft. long and 12 ft. wide roadway. The Commission directed the city attorney to prepare an ordinance to accept this section of roadway into the city's street maintenance system. While discussion was had relative to the method of funding the paving, no decision was made at this time.

B. CITY ATTORNEY'S REPORTS: City Attorney, Russell Davis, Jr. presented a verbal report on the following matters:

1. Volunteer Fire Department: First reading of an Ordinance which relates the the establishment, organization and regulation of the Volunteer Fire Department was deferred until the next regular meeting to allow staff the opportunity to review the provisions of the ordinance.

2. Island Creek: The Commission heard comments from several residents of Island Creek requesting that the city provide city services to their area, which at present time, is outside the city limits of Pikeville. A petition had previously been submitted to the City which had the signatures of the majority of the property owners who have agreed to paying the city's property tax rate on their property valuation assessment. Discussion was had at some length were suggestions were made by the residents to allow the city to provide the services for a two year trial period and at the end of the trial period, the residents could initiate annexation if they were satisfied with the service, or service would be discontinued. Commissioners Blankenship and Clark voiced their opinion that the residents should petition for annexation now and should they not be satisfied with the service at the end of the trial period, request to be deannexed. Commissioner Blankenship also questioned the legality of providing city services outside the city limits. The city attorney advised that the city could face legal action in the event services weren't rendered since the services would be provided on a contractual basis. The Commission advised the residents that they would schedule a work session to discuss the matter further.

3. Municipal Road Aid: Presented to the Commission was a resolution adopting and authorizing the execution of a contract between the City of Pikeville and the Department of Rural and Municipal Aid for fiscal year beginning July 1, 1993. The City Manager reported that this contract is an annual agreement whereby monies are received from the Department of Rural and Municipal Aid for the repair of streets located in the city's designated street maintenance network. 1993's allotment is \$67,223.00. Commissioner Blankenship made the motion, seconded by Commissioner Davis to authorize the Mayor to execute the contract. Upon call of the roll, the motion carried unanimously.

4. Zoning: The Commission reviewed the letter and minutes submitted by the Joint Planning Commission relative to their recommendation that a zoning change of Bill King Hollow from R1 to R2. The Commission was also advised of the Joint Planning Commission's decision to table the city's request for a zoning change of the riverfill property until a representative from the city could appear. The City Attorney was directed to prepare an Ordinance to amend the zoning map with regard to the recommended change in zoning for Bill King Hollow.

5. Television Franchise: The Commission discussed the numerous complaints received from subscribers in the Tele-Media Television Franchise area concerning poor reception on Channels 7, 8 and 23. The following resolution was read:

RESOLUTION RELATING TO THE TELE-MEDIA CABLE TV FRANCHISE AGREEMENT

WHEREAS, the citizens of Pikeville have complained to the Pikeville City Commission about the poor cable TV reception on Channels 7, 8 and 23 of the Tele-Media Franchise Area within the City of Pikeville.

WHEREAS, the Franchise Application submitted by Tele-Media of KVV provided that Tele-Media would provide Channels 7, 8 and 23 within their franchise area,

WHEREAS, the Franchise Agreement accepted by Tele-Media requires that Tele-Media shall comply with the provisions of its Franchise Application.

THEREFORE, BE IT RESOLVED BY THE CITY OF PIKEVILLE AS FOLLOWS:

1. That the city of Pikeville expects Tele-Media Company to honor its Application for Non-Exclusive Franchise and Franchise Agreement which was submitted to the City of Pikeville and to

provide good interference free cable TV reception on all of the basic service channels and premium subscription channels listed in Exhibit E to Tele-Media's Application for Non-Exclusive Franchise including, but not limited to, Channel 7 (WSAZ), Channel 8 (WCHS) and Channel 23.

2. That Tele-Media shall immediately investigate the reception problems on Channels 7, 8, and 23 within the franchise area and advises the City of Pikeville prior to the next Commission Meeting, which is Monday, March 8, 1993, the source of the reception problems on these channels.

3. That Tele-Media Company shall further advise the City of Pikeville what steps shall be taken to correct the reception problems on Channel 7, 8 and 23 and shall submit a timetable to the City of Pikeville for completion of any necessary work to correct the problem.

Passed this 1st day of February, 1993.

Commissioner Gene Davis moved the adoption of the foregoing resolution. Commissioner Johnny Mounts seconded the motion.

Upon roll call, the votes were as follows:

	YES	NO
WALTER E. MAY, MAYOR	X	
GENE DAVIS, COMMISSIONER	X	
SHARON CLARK, 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

C. CITY MANAGER'S REPORTS: City Manager, John Johnson presented each Commission Member with a copy of the Financial Statements for month ending January 30, 1993. Mr. Johnson also asked the Commission's consideration in approving a contract with the Big Sandy Area Development District for the house-to-house survey in connection with the "911" project. The contract is figured on a monthly basis at a not to exceed total fee of \$13,760.00. It is projected that "911" service will be available to city residents by late summer or early fall. Commissioner Blankenship made the motion to approve the contract as submitted. Commissioner Clark seconded the motion. Upon call of the roll, the motion carried 5 - 0.

AGENDA ITEM VI.

PERSONNEL ACTIONS

A. PERSONNEL POLICIES AND PROCEDURES: The city manager requested a delay in the approval of the amended personnel policies and procedures to allow for corrections to be made to the document.

There being no further business to come before the Commission, Commissioner Blankenship made the motion to adjourn. Commissioner Clark seconded the motion. Upon call of the roll, the motion carried unanimously. (Adjournment Time: 9:20 p.m.)

APPROVED

WALTER E. MAY, MAYOR

ATTEST:

Karen Harris
KAREN HARRIS, CITY CLERK