

MINUTES } CITY OF PIKEVILLE

REGULAR MEETING MINUTES - APRIL 26, 1993

The Board of Commissioners of the City of Pikeville conducted their regular monthly meeting on Monday, April 26, 1993. The meeting was held in the City Hall Public Meeting Room at 260 Hambley Boulevard.

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. CALL OF THE AGENDA

Two items were added to the prepared agenda as follows: Request from Jaycees with regard to the 4th of July Fireworks Demonstration was added to Business from the Floor (c); Request for Annexation was added to City Engineer's reports.

AGENDA ITEM III. MINUTES

The minutes for the previous regular meetings of February 22, 1993 and March 22, 1993 were included in each Commission Member's agenda package. There being no additions or corrections, Commissioner Davis made the motion, seconded by Commissioner Mounts to approve the minutes as submitted. Upon call of the roll, the motion carried unanimously.

AGENDA ITEM IV. BUSINESS FROM THE FLOOR

A. Traffic Lights: Four students representing Gene Davis' Political Science Class at Pikeville High School, presented the results of a survey which solicited comments from the 10th-12th graders (likely drivers) with regard to hazardous intersections which may require traffic control devices. Out of the 267 students polled, four potential locations were named as follows: intersection of Baird Ave. and Hambley Blvd (near KFC); intersection of Huffman Ave. and Hambley Blvd. (near bottom of Pikeville College steps); intersection of High Street and Hambley Blvd. (near Hardee's), and the intersection on South Mayo Trail at the Western Steer Steakhouse entrance. Mayor May commented that the KY Department of Transportation has communicated their decision to install traffic lights at the intersection of Baird Ave. and Hambley Blvd. and also at the intersection of Huffman Ave. and the Bypass. Mayor May further commented that both of these locations are on state maintained roadways. The other locations cited in the survey are city responsibility. Mayor May advised those in attendance that traffic lights cost approximately \$42,000 each to install. City Engineer Jack Sykes complimented the students on the quality of their report. He reported that he had studied the area and came up with the same conclusion, with the exception of the traffic light at High Street, however he approached the matter based on the frequency of accidents in the surveyed areas. Mayor May asked the Commission to follow through with the report and prioritize the locations to be included with the next three years' budgets. Commissioner Blankenship made the motion to include the funds to install a traffic light at the intersection of Huffman Ave and Hambley Blvd in the 1993-94 budget and to install one light a year for the next two years. Commissioner Clark seconded the motion. Upon call of the roll, the motion carried unanimously.

B. Swim Team: City Attorney Davis presented and gave first reading to an Ordinance, which he had been directed to prepare at a previous meeting, to create a board to operate a swim team for the city of Pikeville. The ordinance was captioned as follows:

ORDINANCE RELATING TO THE ESTABLISHMENT, CREATION, ORGANIZATION AND REGULATION OF THE CITY OF PIKEVILLE SWIM TEAM BOARD, AN AGENCY OF THE CITY OF PIKEVILLE

The Ordinance will be on file in the office of the City Clerk for public inspection prior to adoption.

Presented by Shanna Elliott was the Pikeville Aquatics Team proposed Budget for the Summer of 1993. Proposed is \$2,000 in revenues which represent fees of \$40.00 each for 50 children. The expenditure budget totals \$2,000 which provides for miscellaneous office items and equipment.

C. Fireworks: Joyce Bowens, on behalf of the Pikeville Jaycees, requested the City's participation once again in the annual 4th of July Fireworks display. Sponsors include Dawahares, Professional Services Group, Inc. and the Landmark Inn. Ms. Bowens requested the City fund \$5,000 of the anticipated \$9,500.00 cost. Commissioner Mounts expressed his opinion that the county should also participate in funding the fireworks display as many county residents travel to Pikeville for the event. Ms. Bowens assured the Commission she would

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approach the Fiscal Court on this matter and report back to the Commission. Commissioner Clark made the motion, seconded by Commissioner Blankenship to approve expending \$5,000 for the 4th of July Fireworks display. Upon call of the roll, the motion carried unanimously.

D. Hillbilly Days: Local businessman and Shriner, George Wells came before the Commission to thank them for their support during Hillbilly Days. Mr. Wells reported that between \$20,000 and \$25,000 was collected for medical care for crippled children. Mayor May thanked the Shriners for the role they play in the betterment of the community. Annie

Kinney reported to the Commission that the local chapter of the DAV contributed \$100.00 to the Shriners. The matter concluded with the Commission discussing trying to find a way to make sure professional concessionaires who come to town for events, such as Hillbilly Days, pay the appropriate percentage (10% of the profits) to the charity.

E. Cable T.V.: South Mayo Trail resident, Eugene Little, appeared before the Commission with regard to his cable t.v. service. Mr. Little advised the Commission that he currently receives service from Irland Chaney. Mr. Little asked the Commission to consider providing cable service to his area should the commission create a city owned cable company.

AGENDA ITEM V.

PAYMENT OF BILLS

A. CITY BILLS: A list of City Bills totaling \$453,018.32 was presented to the Commission for approval of payment. The City Manager confirmed that monies were available for payment and recommended the bills be approved as submitted. Commissioner Blankenship made the motion, seconded by Commissioner Mounts to approve the bills as submitted. Upon call of the roll, the motion carried 4 - 0 - 1 (Commissioner Davis abstained from the voting).

B. SOUTH MAYO WATER DISTRIBUTION SYSTEM IMPROVEMENTS: The following requests for payment were submitted to the Commission in conjunction with the South Mayo Water Distribution System Improvements Project:

(M & S General Contractors, Inc.)
Contract #10 (Water Line installation).....\$129,776.22
Contract #11 (Island Creek Tie-In).....\$ 11,147.75

(Summit Engineering, Inc.)
Water Line Inspection Services.....\$ 11,553.49
Water Line Extension Engineering Services....\$ 476.43

Commissioner Davis made the motion to approve payment of the bills for the South Mayo Water Distribution System Improvements Project as outlined. Commissioner Mounts seconded the motion. Upon call of the roll, the motion carried 5 - 0.

AGENDA ITEM VI.

OLD BUSINESS

A. CITY ENGINEER'S REPORTS: Jack Sykes representing Summit Engineering, City Engineers, presented the following oral report to the Commission:

1. South Mayo Water Distribution Project: City Engineer Sykes presented two change orders for approval (#3 and #4) which result in a \$7,703 net decrease for Contract #11 (Island Creek Tie-In). Commissioner Mounts made the motion to accept the change orders as presented. Commissioner Davis seconded the motion. Upon call of the roll, the motion carried unanimously.

2. Industrial Rubber Sewage Extension: It was reported that the bore and jack for the sewage extension to serve the present Industrial Rubber Corporation site has been completed by M & S General Contractors. Payment was approved as part of the City Bills in the amount of \$19,245.00. Bob Raddatz, PSG Manager, advised the Commission that the line could be installed in approximately one week. He indicated work would commence on April 28, 1993.

3. Lake Joann/Thompson Road: City Engineer Sykes requested approval of the concept plans for the extension of sewage service to the Lake Joann area and to the site of the proposed shopping center. A map along with a general explanation of the concept for the installation of the system was presented to the Commission. Mr. Sykes indicated all easements necessary for the project are in the process of being acquired. Construction cost is estimated to be \$453,272.50. The project is boosted to \$589,762.50 when contingencies, engineering fees, right-of-way costs and legal fees are added to the construction cost. Grantsman, Will Linder, has advised that no grant funds are available for this project. The only option in funding the project appears to be through a Kentucky Infrastructure Authority fund "B" loan at 3.0% interest for 30 years. It is expected that tap fees will only generate \$6,400.00, so \$583,362.50 will have to be borrowed. It is expected the annual cost for the sewer extension will be \$30,619.00 which covers the loan payment to KIA and operation and maintenance costs. City Manager Johnson reported that he anticipates \$64,000/yr will be generated from the Lowes and Winn Dixie Developments through occupational taxes which can be designated to retire the debt and operate the system. Mayor May and City Engineer Sykes reported that other

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developments are planned for the area which may take shape as early as this fall. Commissioner Mounts made the motion to authorize the engineer to submit the plans to the Division of Water for approval; proceed with advertising for bids; and authorize Will Linder & Associates to submit the necessary application for funding to the Kentucky Infrastructure Authority. Commissioner Blankenship seconded the motion. Upon call of the roll, the motion carried unanimously. City Engineer Sykes reported that if the loan funds are approved, construction should begin around the first of July, 1993.

Mayor May reported to the Commission that the Corp of Engineers have been authorized to begin construction of sewage lines to serve the areas of Harolds Branch, Ferguson Creek, and Chloe and to clean up Pikeville Pond. The Mayor advised that Corp representatives are in town now doing studies connected with this project.

4. Historic Preservation: The City Engineer advised the Commission that there is approximately \$450,000 available through the Kentucky Heritage Fund for historic projects. It was reported that the city's Historic Preservation Board met and considered a number of projects that fit the application criteria. It was the Board's recommendation that the city apply for funds to make the necessary repairs to reopen the Pauley Swinging Bridge. The cost to repair the bridge is estimated at \$44,000. Required prior to opening the bridge is an engineering inspection estimated to cost \$15,000 and \$2,000 annually thereafter. Mr. Sykes advised that a grant application has been prepared in the amount of \$44,000, however the Commission needs to set aside \$15,000 for the initial inspection and \$2,000 for the annual inspection for the next two years. Commissioner Blankenship made the motion to authorize Mr. Sykes to submit the application for funding. Commissioner Clark seconded the motion. Upon call of the roll, the motion carried unanimously.

5. Lorraine Plaza: City Engineer Sykes reported that he has met with a representative of Industrial Rubber Corporation, Ralph Spencer, and identified a tract of property that appears to be suitable to Industrial Rubber Corporation and appears to meet the criteria that the city was interested in relative to keeping adjacent to the substation. The acquisition consists of 170 feet of property beginning at the substation tract going down the Boulevard, all the from the highway right-of-way back to the edge of the river fill, for a total of approximately 39,000 square feet (just under 1 acre). A drawing depicting the type of structure to be constructed was shown to the Commission. Also, a letter providing certain tax information was included for the Commission's review. Cost of the building is estimated at \$450,000. Current Occupational Fees paid are \$6,500.00, however the fee should be doubled within one year of the relocation, contingent upon the economy. A verbal commitment from Denton Biliter of the Bureau of Highways was made for the additional entrance to serve the development. Terms of the sale provide for a purchase price of \$2.00 per square foot, construction must begin within one year of the date of the sale, and completion of construction within the next two years. Should Industrial Rubber Corporation fail to meet the term to begin construction, the property will be repurchased by the city for the same dollar figure paid by the Industrial Rubber Corporation. A monetary penalty was added should construction be uncompleted within the specified time period. To prevent speculation, Mr. Spencer was advised that should he resell the property, any profit would have to be remitted to the city of Pikeville. Based upon the conditions cited, Commissioner Mounts made the motion to authorize the sale of the described property on Lorraine Street to Industrial Rubber Corporation. Commissioner Blankenship seconded the motion. Upon call of the roll, the motion carried unanimously.

6. Annexation Request: The Commission reviewed a request from the C.C. Bowles Heirs, Robert C. & Leahdane Ray, and Kenneth and Lisa Forsyth for their property to be annexed to the City Limits of Pikeville. According to the City Engineer, the Bowles Heirs property is contiguous with the present city boundaries, however neither the Ray nor the Forsyth properties adjoin the Bowles property. Robert C. Ray was present and advised the Commission that he is now negotiating a property trade to allow for his property to adjoin the Bowles property. Mr. Ray was advised that the city can legally accept the Bowles request and invited Mr. Ray to notify them when he has worked out the details to his proposed property trade. The City Attorney was directed to prepare an ordinance to annex the described Bowles Heirs tract to the city limits.

7. River Fill Lots: In an effort to ready a portion of the river fill area for auction, a road has been constructed through subgrade; fire protection has been installed; and the lots have been subdivided to create two residential lots to accommodate the Third Street residents. Discussion was had with regard to improving the entrance to the property. City Attorney Davis advised that minimum bids need to be established prior to advertising the auction. Due to the legal nature of the discussion, Commissioner Clark made the motion to adjourn to a closed session, pursuant to Section 3,

paragraph b of the open meetings law, to discuss setting minimum bid limits for the auction of the river fill lots. Commissioner Mounts seconded the motion. Upon call of the roll, the motion carried 5 - 0. (Adjournment Time: 8:50 p.m.)

At 9:35 p.m., Commissioner Blankenship made the motion, seconded by Commissioner Clark to reconvene to regular session. Upon call of the roll, the motion carried unanimously.

Mayor May reported discussion was had in closed session with regard to minimum bids for the river fill property.

Commissioner Davis made the motion to authorize the City Manager to contact each of the three local banks and select one representative from each of the banks to form a three person committee to advise and give a joint opinion on minimum bid price for the auction and the selection of an appropriate auctioneer. Commissioner Blankenship seconded the motion. Upon call of the roll, the motion carried unanimously.

B. CITY ATTORNEY'S REPORTS: Russell Davis, Jr., City Attorney presented the following items for the Commission's consideration:

1. Parking: Second reading was given to an Ordinance to designate parking spaces for library patrons. The Ordinance was read entitled:

ORDINANCE CREATING AND ESTABLISHING FOUR PARKING SPACES ON THIRD STREET FOR PIKEVILLE PUBLIC LIBRARY PARKING

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

MAYOR:	WALTER E. MAY	YES
COMMISSIONER:	WALTER BLANKENSHIP	YES
	SHARON CLARK	YES
	EUGENE DAVIS	ABSTAIN
	JOHNNY MOUNTS	YES

2. Lovers Leap: City Attorney Davis advised the Commission that the owners of the Lovers Leap property have requested a reconveyance of the tract due to the terms of the agreement not being met. According to the City Attorney, a road to the site was to have been constructed by January, 1992 and utilities were to be installed by January, 1993. Funding for the proposed project for Lovers Leap was not approved. The deed provided that the property would revert to the previous owners should the city fail to comply with the terms of the deed. Commissioner Davis made the motion, seconded by Commissioner Mounts to authorize the return of the deed to the Lovers Leap Partnership. Upon call of the roll, the motion carried unanimously.

3. High Street: Presented and given reading was the following resolution which authorizes the submission of a Community Development Block Grant (CDBG) application for rehabilitation of High Street:

RESOLUTION OF THE CITY OF PIKEVILLE, KENTUCKY AUTHORIZING THE FILING OF A 1993 COMMUNITY DEVELOPMENT BLOCK GRANT 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 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 HEREBY RESOLVED BY THE CITY OF PIKEVILLE:

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- (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 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 of Pikeville for a grant of up to \$750,000 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 of Pikeville relating to the Kentucky Community Development Block Grant Program.

At Pikeville, Pike County, Kentucky this 26th day of April 1993.

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

ATTEST:

/s/ Karen Harris
KAREN HARRIS, CITY CLERK

During discussion of the proposed High Street Project, Administrative Assistant, Sue Smallwood, advised the Commission that a pledge of \$40,000 in cash or in-kind labor must be designated as the city's matching share for this project if funded. Commissioner Blankenship made the motion, seconded by Commissioner Davis to authorize the submission of the CDBG application. Upon call of the roll, the motion carried unanimously.

C. CITY MANAGER'S REPORTS: John Johnson, City Manager, presented the following verbal report to the Commission:

1. Coal Run Sewer Plant: City Manager Johnson reported that a request had been received from Advanced Auto Sales to hook onto the sewage plant at Coal Run. Commissioner Blankenship made the motion to grant the request and authorized the City Manager to charge a user fee similar to what the other subscribers are paying. Commissioner Clark seconded the motion. Upon call of the roll, the motion carried unanimously.

2. Surplus Property: The Commission was advised that the Transportation Cabinet has rejected both of the city's offers to purchase surplus property in Poor Farm and the gas well as Keyser Hollow. City Manager Johnson reported it has been rumored that a low income housing development was proposed for the area at Keyser Hollow. Mr. Johnson announced these are false statements. Mayor May advised that the same type rumors had been circulated for the Cedar Creek section. It was reported these matters had never been discussed nor considered.

3. E-911: City Manager Johnson distributed copies of a report prepared by Dan Cooley of the Big Sandy Area Development District (BSADD). The City of Pikeville contracted with BSADD to conduct the house-to-house survey in the establishment of a E-911 service for city residents. According to City Manager Johnson, the survey is in the 3rd stage. E-911 is expected to be in operation by early Fall.

4. Handicap Trail: Commissioner Blankenship brought to the Commission's attention that trees had been cut along the highwall along the Bob Amos Park Handicap Trail. Commissioner Blankenship advised that he had alerted the City Manager and Parks Director to the unsightly condition in which the trail had been left, however the debris has yet to be removed. Park Director, Doug Justice, reported that he had given permission for the removal of the trees. City Manager Johnson advised that the chipper has been scheduled for this Wednesday to aid in the necessary cleanup. Mayor May asked the City Attorney to review the ordinance relating to the removal of trees on public property and advise if permission must first be obtained from the Tree Board before any further removal of trees.

5. T.V. Cable Surveys: Administrative Assistant, Sue Smallwood, reported that approximately 2700 survey forms were sent to city residents asking a variety of questions about their current cable t.v. service. Among some of the questions asked were "Are you satisfied with your current service" and "Would you be in favor of a city operated cable t.v. service". Ms. Smallwood advised that 678 survey forms were returned with an extremely large

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percentage of those responding not satisfied with their current service and favoring a city operated system. Ms. Smallwood stated that many who responded to the survey commented they were unhappy with the recent switching of stations to different channels and making MTV a basic channel.

Wayne Harrison, Vice President of Tele-Media of KVV, was present and advised the Commission that a search team was in Pikeville during the first week of April and located 4 potential sites on which to relocate their reception equipment. According to Mr. Harrison, both NBC and FOX stations were received on all four sites. None of the sites are within the corporate limits of Pikeville. Mr. Harrison reported that no firm commitments have been made at this point. His company is still in the process of trying to locate all the property owners. The Tele-Media representative advised the Commission that he estimates six months before the equipment is relocated to the alternate site and the system is fully operational. The Commission discussed the recent FCC 120 day freeze on rates. Mayor May asked if Tele-Media plans to lower their rates. Mr. Harrison would only say that Tele-Media would not take any action on the issue until the FCC rate guidelines are published. He added that the rates could be reduced substantially but would only be done in accordance with the FCC guidelines. Change in program tiers was also discussed. The Commission requested monthly status reports.

D. FINANCIAL STATEMENTS: Finance Director, Jan Hunt, delivered the financial statements for April, 1993.

At 10:50 p.m., Commissioner Davis made the motion to adjourn to a closed session for the purpose of discussing a personnel matter as allowed by the Open Meeting Law, Subsection C. Commissioner Blankenship seconded the motion. Upon call of the roll, the motion carried 5 - 0.

At 12:35 a.m., the motion was made by Commissioner Davis and seconded by Commissioner Mounts to reconvene the meeting to regular session. Upon call of the roll, the motion carried unanimously.

City Manager Johnson advised that 16 applications were received for the position of Fire Chief, and those applications were reviewed by the Commission. Commissioner Blankenship made the motion to appoint Tommy Hall as Fire Chief. Commissioner Davis seconded the motion. Upon call of the roll, the motion carried 5 - 0.

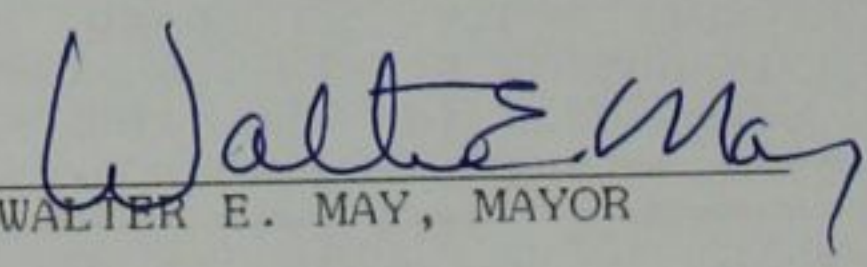
Police Chief Edmonds recommended the Commission employ Bruce Anderson as patrolman. Commissioner Mounts made the motion, seconded by Commissioner Blankenship to accept the Police Chief's recommendation and hire Bruce Anderson as patrolman. Upon call of the roll, the motion carried unanimously.

City Attorney Davis advised the Commission that regulations of the cable t.v. industry have changed and recommended the hiring of an attorney, Michael Beller, who specializes in FCC practices. Mr. Beller's fee is \$135.00/hr. Should the Commission decide to proceed with establishing a city operated cable system, Mr. Beller can offer advice as to the correct procedure. Commissioner Mounts made the motion to employ Michael Beller on a contract basis to assist the city with the regulation of all the cable t.v. franchise authorities. Commissioner Blankenship seconded the motion. Upon call of the roll, the motion carried unanimously. City Manager Johnson was directed to invite representatives from all companies who supply cable service to the residents of Pikeville to the next City Commission meeting.

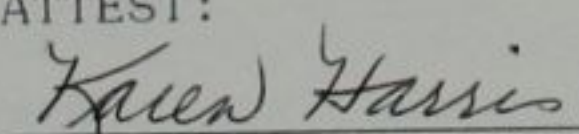
Commissioner Blankenship made the motion to authorize the Mayor, City Manager, and City Attorney to attend a National League of Cities meeting in Raleigh, N.C. concerning the cable t.v. regulations change. Commissioner Clark seconded the motion. Upon call of the roll, the motion carried unanimously.

There being no further business to come before the Commission, Commissioner Davis made the motion, seconded by Commissioner Mounts to adjourn the meeting. Upon call of the roll, the motion carried unanimously. (Adjournment Time: 12:45 a.m.)

APPROVED


 WALTER E. MAY, MAYOR

ATTEST:


 KAREN HARRIS, CITY CLERK