

# MINUTES } CITY OF PIKEVILLE

## REGULAR MEETING MINUTES - JUNE 28, 1993

The Board of Commissioners of the City of Pikeville met in regular session on Monday, June 28, 1993. The meeting was conducted 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:	SHARON CLARK
	JOHNNY MOUNTS

Commissioners Walter Blankenship and Eugene Davis were absent.

Billy Shelton was present representing the City Attorney's Office.

### AGENDA ITEM II. CALL OF THE AGENDA

Added to the Agenda were appointments to the Parks Board and Zoning Board of Adjustments. Discussion relative to the City Park, placed as New Business on the prepared agenda, was moved to be heard after Business from the Floor.

### AGENDA ITEM III. MINUTES

The minutes for the continued meeting of May 19, 1993 and regular meeting of May 24, 1993 were included in each Commission Member's agenda package. There being no additions or corrections, Commissioner Mounts made the motion, seconded by Commissioner Clark to approve the minutes as submitted. Upon call of the roll, the motion carried 3 - 0.

### AGENDA ITEM IV. BUSINESS FROM THE FLOOR

A. HANDICAP PARKING: Earl Adkins addressed the Commission to ask that the city's police officers enforce the Handicap parking laws as provided for in KRS. 189.456. According to Mr. Adkins, individuals possessing handicap parking permits or license plates are unable to park in handicap designated places due to other persons without the permits utilizing those parking places. Currently, the city's police officers issue a \$5.00 parking ticket every two hours, which Mr. Adkins feels is not an effective deterrent. KRS allows for a ~~\$25.00~~ <sup>\$20.00</sup> fine plus court cost. The city would not realize any revenue from this method of enforcement. After considerable discussion, Commissioner Clark made the motion, seconded by Commissioner Mounts to authorize the city's police department to enforce KRS with regard to handicap parking. Upon call of the roll, the motion carried 3 - 0.

B. SURPLUS PROPERTY: Sid Trivette on behalf of Justine Trivette, and Leah Deanne Tackett appeared before the Commission requesting to purchase a small tract of property near the Ashland Oil property on Scott Avenue. The two ladies propose to divide the property between themselves for their personal use. Mayor May reported, that in making plans to sell a portion of the river fill property, it has been determined that the entrance needs to be changed. City Engineer Sykes reported the driveway would be moved back toward the brick building and line up with Main Street which would enlarge the tract that Ms. Trivette and Ms. Tackett have proposed to purchase. It was recommended that the tract not be declared as surplus property until the matter has been resolved. Mayor May pointed out that he foresees a potential problem in that it has been announced there will be an auction of a certain portion of river fill property. If a small tract is sold, it may look like the city is showing favoritism. The Mayor indicated that this parcel could be included in the auction. Ms. Tackett called the Commission's attention to the ditch that runs through the middle of the property. She advised the Commission that the drainage has an odor. Ms. Trivette and Ms. Tackett hired someone to analyze the drainage, however no results from the test are expected for about six weeks.

C. QUAIL RIDGE: Dr. Greg Hazelett advised the Commission of his plans to develop approximately 27 lots in a partially unannexed area adjacent to Quail Ridge. According to City Engineer Sykes, the fire code provides that a development must install at least an 80,000 gallon water tank. Currently, the Quail Ridge development has a 30,000 gallon water storage tank which was installed by the developer, Ertel Whitt, Jr. The tank was installed prior to the existing fire code. Dr. Hazelett is requesting that the city share in the cost of the installation of the water tank and fund the difference of the cost of installing an 80,000 gallon water tank over a 30,000 gallon water tank. Jack Sykes, City Engineer, recommended the tank be upgraded to 100,000 gallons as it would also improve fire protection abilities in the Quail Ridge Subdivision. City Engineer Sykes advised that the pump station would have to be rehabilitated and in addition to that, pressure reducing equipment would also have to be installed. The tank is estimated to cost \$70,000. Pump station repairs is estimated to cost between \$40,000 and \$50,000. After considerable discussion, the Commission agreed that since the installation of the larger tank would improve service to areas currently within the City Limits and based on the assumption that a request would be made from the developer to the city for annexation of the new subdivision, the City Engineer was authorized to negotiate with Dr. Hazelett on an amount that the city



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should fund on the cost of the water tank. It was agreed that Mr. Whitt should be included in the discussion. Mr. Whitt advised the Commission that he has been unable to locate any ordinances or other documentation where the city accepted maintenance on the water lines in the Quail Ridge area. Billy Shelton was asked to have City Attorney Davis to research this matter.

D. CITY PARK: Myra Chico, Executive Director of the Pikeville Main Street Program, came before the Commission to request permission to continue with the city park revitalization in accordance with the previously approved Master Development Plan. Ms. Chico advised the Commission that a \$20,000 Land and Water Conservation Fund Grant was approved in 1992 and one year remains for the expenditure of these funds. The Commission was also informed that the Main Street Program received an anonymous donation in the amount of \$30,000 for the gazebo bandstand. Mayor May explained that the project was put on "hold" due to other proposals such as the construction of a 40 acre campus, amphitheater, etc. These proposals have not materialized and the Mayor recommended the continuation of the project as proposed. Hillard Howard, Parks Board Chairman, voiced the Park Board's support for the continuation of the parks revitalization program as outlined in the Master Development Plan. Mr. Howard reported that the Park Board's main topics of their meetings has been the need to resurface the walking track and bleacher replacement. In discussing the bleacher replacement, the Commission discussed the stadium type seating and requested that the City Engineer and Mr. Howard work with the school board in negotiating an arrangement to fund the seating. With regard to the walking track, City Manager Johnson advised that monies to resurface the track have been included in the 1993-94 budget. Commissioner Mounts made the motion to reaffirm the park revitalization plan and urge the Parks Board and the Parks Revitalization Committee to continue with the plan as originally presented and voted upon. Commissioner Clark seconded the motion. Upon call of the roll, the motion carried 3 - 0.

E. CABLE T.V.: Wayne Deel advised the Commission of poor cable t.v. reception in the area served by Mayo Village. Mayo Village Cable Company owner/operator, Cleo Chaney, contended that Mr. Deel is not a customer nor has she had any complaints. Mr. Deel reported he was not a customer due to the cost of hook-up.

F. SEWAGE: Charles Comer, a resident of Harolds Branch, asked if sewage service would be extended to Harolds Branch this year. Mayor May reported that the city does not have the funds to extend the sewage lines, however, he advised that he has received information that the Federal Government is going to pay for the extension but the project has not yet been funded.

## AGENDA ITEM V.

## PAYMENT OF BILLS

A. CITY BILLS: A list of City Bills totaling \$364,863.15 was presented to the Commission for approval of payment. Upon the City Manager's confirmation that monies were available for payment, Commissioner Mounts made the motion, seconded by Commissioner Clark to approve payment of the City Bills as requested. Upon call of the roll, the motion carried 3 - 0.

B. SOUTH MAYO WATER DISTRIBUTION SYSTEM IMPROVEMENTS: Presented for approval were two bills from Summit Engineering in the amount of \$10,100.75 and \$302.01 for engineering and inspection services for the South Mayo Water Distribution System extension project. Commissioner Clark made the motion to approve payment of the invoices from Summit Engineering as requested. Commissioner Mounts seconded the motion. Upon call of the roll, the motion carried 3 - 0.

The Commission received a request for payment from M & S General Contracting for Contract #10 of the South Mayo Water Distribution Extension Project in the amount of \$67,163.65. While \$176,000 is outstanding on this contract, the project is basically complete with 3 fire hydrants and some clean up work remaining. Commissioner Mounts made the motion, seconded by Commissioner Clark to approve payment in the amount of \$67,163.65 to M & S General Contracting. The motion carried 3 - 0.

## AGENDA ITEM VI.

## OLD BUSINESS

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

1. South Mayo Water Distribution System Extension Project: City Engineer Sykes reported that the line has been installed for Contract #12 - Booster Pump Station at Cedar. Contract #13 (water tank installation), should be completed within two weeks. The city engineer reported that contingency funds were added to the overall project and advised that a change order to contract #10 has been proposed. The change order, in the amount of \$28,669.75, consists of a tie-in farther down stream and a tie-in to the old Chaney water system. Approximately \$50,000 will be remain in the contingency fund. PSG has proposed three water system upgrade projects (Sycamore Street; KY Ave & High Street; Loop Riverview Drive) to be funded with the remaining contingency monies. Mr. Sykes recommended that two water tanks (Harolds Branch and Ratliff's Creek) be bid for painting. Commissioner Mounts made the motion, seconded by Commissioner Clark to authorize the City Engineer to advertise for bids for painting of two water tanks. Upon call of the roll, the motion carried 3 - 0. City Manager



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Johnson advised that monies had been included in the 1993-94 budget for water tank maintenance. The Commission agreed that the monies should be diverted to fund the projects as recommended by PSG.

2. Thompson Road: City Engineer Sykes advised the Commission that 4 bids had been received for the extension of sewage lines to serve the proposed shopping center site and the Lake Joann area. The low bid was received from Environmental Construction Corporation in the amount of \$534,024.20 which includes the Pauley Pump Station rehab. The low bid exceeds the engineer's estimate by approximately \$40,000, however the pump station rehab was not included in the engineer's estimate. Mr. Sykes reported that funding has not yet been approved by the Kentucky Infrastructure Authority, however the board is expected to meet on July 7th. As the project is expected to take 60 - 90 days for completion, the city engineer requested that the Commission accept the low bid, based on the condition that no work will begin until funding is approved. Commissioner Mounts made the motion as recommended by the City Engineer, to award the project to the low bidder subject to no work being done until funding is approved. Commissioner Clark seconded the motion. Upon call of the roll, the motion carried 3 - 0. Mr. Sykes reported that he has been advised that it will take at least another three weeks before CSX approves the request for easement. The Commission agreed to a letter of understanding from the contractor that the contractor will not work in the area until the necessary easements have been obtained. The City will hold the contractor harmless for any liquidated damages resulting from the delay in securing the easements.

An addendum agreement between the City of Pikeville and Big Sandy/Pikeville Limited Partnership was presented to the Commission for consideration. On December 14, 1992, both parties entered into a utility agreement whereby the city agreed to extend utility lines for sanitary sewer and gas service to the proposed shopping center site. Work was to be completed by July 15, 1993. Due to the expansion of the scope of work to include extension of service to Lake Joann, delays in the funding approval, and the inability to obtain the necessary easements from CSX Transportation, it is agreeable to the developer to extend the utility completion date to December 1, 1993. Mr. Sykes advised the Commission that the developer is also behind schedule. Commissioner Mounts made the motion, seconded by Commissioner Clark to approve the addendum agreement as presented. Upon call of the roll, the motion carried 3 - 0. City Engineer Sykes reported that the developer has requested that the city provide a temporary facility should they require sewage service prior to the completion of the extension. The Commission agreed to the request.

3. Street Name: A request was received from Terry & Katherine Coleman, residents of property adjacent to Quail Ridge, for the road leading to their property to be named Heather Lane. The acting City Attorney was directed to have an Ordinance prepared for consideration at the next meeting.

4. Police Station: City Engineer Sykes presented plans for a 60 X 60 police station. The structure was originally planned to be constructed on the old city hall site at 211 Division Street, however after discussion it was decided to relocate the building to the opposite side of the street. Commissioner Mounts made the motion to authorize the City Engineer to advertise for bids for the construction of the police station. Commissioner Clark seconded the motion. Upon call of the roll, the motion carried 3 - 0.

B. CITY ATTORNEY'S REPORTS: Billy Shelton, representing the City Attorney's office, presented the following items for the Commission's consideration:

1. Swim Team: A letter from City Attorney Davis was reviewed with regard to the need to make six appointments to the Pikeville Swim Team Board. The organizational group recommended that the following individuals be appointed: Shanna Elliott, Robin Wells, Leslie Combs, Pat Case, Glenna Rogers, and Carol McGee. The ordinance provides that two members shall be appointed for one year, two members for two years and two members for three years. The acting city attorney was directed to communicate to the group that Robin Wells and Glenna Rogers were not eligible to serve on the board due to not residing within the city limits. Upon motion by Commissioner Clark and seconded by Commissioner Mounts, Pat Case and Leslie Combs were appointed to one year terms and Shanna Elliott and Carol McGee were appointed to two year terms (terms were set alphabetically). Upon call of the roll, the motion carried 3 - 0.

2. Annexation: Second reading was given to an Ordinance entitled:

ORDINANCE DECLARING THE INTENTION OF THE CITY TO ANNEX CERTAIN UNINCORPORATED TERRITORY LYING ADJACENT TO THE PRESENT CITY CORPORATE LIMITS AND COMPRISING OF APPROXIMATELY 209 ACRES WHICH WOULD EXTEND THE CITY CORPORATE LIMITS SOUTHWARD ON ISLAND CREEK AND CEDAR CREEK.

Commissioner Clark made the motion to adopt the Ordinance. Mayor May seconded the motion. Upon call of the roll, the motion carried by the following votes:



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

3. Budget Amendment: As announced at the previous meeting, it was deemed necessary to amend the 1992-93 operating budget to include revenues and expenditures of additional funds which were received, mostly in the form of grants. Presented for second reading was an Ordinance entitled:

## ORDINANCE ADOPTING AN AMENDED FISCAL YEAR BUDGET FOR THE FISCAL YEAR 1992-93

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

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

4. 1993-1994 Budget: Presented for second reading was an Ordinance captioned as follows:

## AN ORDINANCE ADOPTING THE CITY OF PIKEVILLE, KENTUCKY ANNUAL BUDGET FOR THE FISCAL YEAR JULY 1, 1993 THROUGH JUNE 30, 1994, BY ESTIMATING REVENUES AND RESOURCES AND APPROPRIATING FUNDS FOR THE OPERATION OF CITY GOVERNMENT

Commissioner Clark 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	ABSENT
	SHARON CLARK	YES
	EUGENE DAVIS	ABSENT
	JOHNNY MOUNTS	YES

5. Zoning/River Fill Auction: Each Commission member was given a copy of the minutes of the Pikeville/Pike County/Elkhorn City Planning Commission public hearing. The purpose of the public hearing was to receive comments concerning a requested change of the zoning map for the City of Pikeville for certain properties located in the river fill west of Don Combs Avenue from RF to R1-A and C3. It was the recommendation of the Planning Commission to grant the requested change in zoning. Presented and given reading was an Ordinance entitled as follows:

## ORDINANCE AMENDING ZONING MAP FOR THE CITY OF PIKEVILLE IN PART OF THE RIVERFILL

Commissioner Mounts made the motion to declare an emergency and adopt the Ordinance as presented. Commissioner Clark seconded the motion. Said emergency was declared to exist because of the City's plans to sell the property at public auction as soon as is possible.

The motion carried by the following votes:

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

Commissioner Clark made the motion, seconded by Commissioner Mounts to authorize the City Manager to hire an auctioneer for the section of river fill designated for sale. Upon call of the roll, the motion carried 3 - 0.

At 9:05 p.m., Commissioner Mounts made the motion to adjourn to an executive session for the purpose of discussing a personnel matter and negotiation with a property developer, pursuant to the Open Meetings Law, Section 3, paragraphs f and g. Commissioner Clark seconded the motion. Upon call of the roll, the motion carried 3 - 0.

At 10:40 p.m., Commissioner Mounts made the motion, seconded by Commissioner Clark to reconvene to regular session. Upon call of the roll, the motion carried 3 - 0.

Mayor May reported that while in closed session, the Commission heard a report from a local developer, John Rasnick, concerning the building of homes within the City of



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Pikeville. It was announced that a proposed contract will be presented to the Commission at the next City Commission Meeting for consideration and continued negotiation. A prepared press release was given to each news media representative. Mayor May continued by reporting that an announcement was made earlier in the month by Senator Wendell Ford's Office that UDAG funds previously designated may now be used toward the development of housing in Pikeville.

Police Department: Police Chief Edmonds recommended the hiring of Tilden C. May as dispatcher and Pamela Spiccochi as police officer. Commissioner Mounts made the motion to approve the hirings as recommended by the police chief. Commissioner Clark seconded the motion. Upon call of the roll, the motion carried 3 - 0.

Fire Department: City Manager Johnson reported that Fire Department Personnel are now working 48 hour per week shifts and recommended that an additional 3% pay increase be awarded to these employees for their increased hours. Commissioner Clark made the motion, seconded by Commissioner Mounts to grant an additional 3% pay increase to fire fighters. Upon call of the roll, the motion carried 3 - 0.

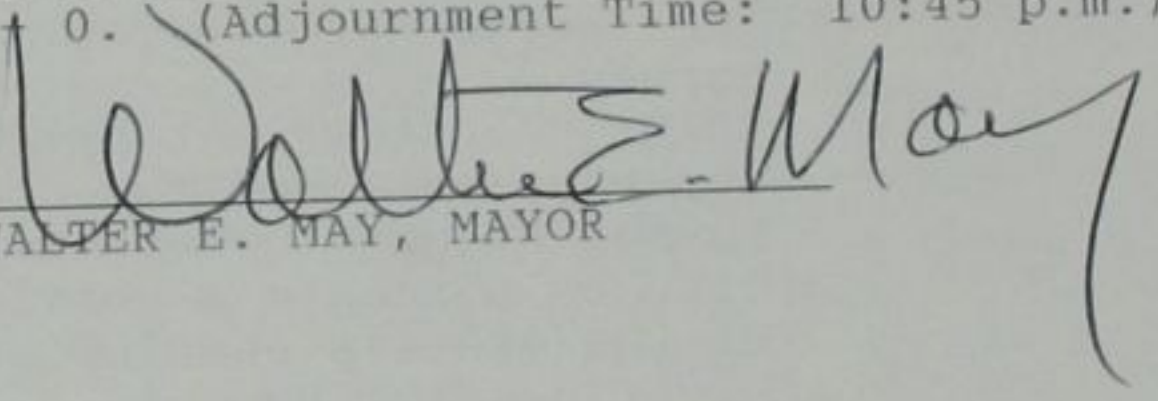
EMS Grant: The City Manager advised the Commission that the Department of Human Resources awarded a grant to the city in the amount of \$4,148.00 to be used toward the purchase of computer hardware and software to aid in the billing for the ambulance service. Commissioner Mounts made the motion to accept the grant funds. Commissioner Clark seconded the motion. Upon call of the roll, the motion carried unanimously.

Parks Board: The Commission was advised of a vacancy on the Parks Board created when Judy Schueneman moved. Mayor May nominated Andrew Joyce to serve Ms. Schueneman's unexpired term. Commissioner Clark made the motion, seconded by Commissioner Mounts to approve the nomination of Andrew Joyce as a member of the Parks Board. Upon call of the roll, the motion carried 3 - 0.

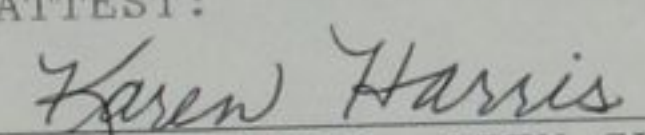
Zoning Board of Adjustments: Mayor May advised that Buford Rose had resigned his seat on the Zoning Board of Adjustments and that Paul Thacker's term had expired. Mayor May nominated William Hickman to serve the unexpired term of Buford Rose and Paul Thacker to serve a four year term. Commissioner Mounts made the motion to approve the Mayor's nomination of William Hickman and Paul Thacker to serve on the Board of Zoning Adjustments. Commissioner Clark seconded the motion. Upon call of the roll, the motion carried 3 - 0.

There being no further business to come before the Commission, Commissioner Clark made the motion, seconded by Commissioner Mounts to adjourn. Upon call of the roll, the motion carried 3 - 0. (Adjournment Time: 10:45 p.m.)

APPROVED

  
WALTER E. MAY, MAYOR

ATTEST:

  
KAREN HARRIS, CITY CLERK