

MINUTES } CITY OF PIKEVILLE

SPECIAL MEETING MINUTES - AUGUST 3, 1993

The Board of Commissioners of the City of Pikeville were called to meet in Special Session on Tuesday, August 3, 1993 at 4:30 p.m. for the following purposes:

CITY OF PIKEVILLE
SPECIAL CITY COMMISSION MEETING
TUESDAY, 4:30 P.M.
AUGUST 3, 1993
CITY HALL PUBLIC MEETING ROOM

- I. CALL TO ORDER
- II. MINUTES: Consider approval of minutes from the June 28, 1993 regular meeting.
- III. PAYMENT OF BILLS
 - A. City Bills
 - B. Water Distribution System Improvements
 1. Contract #10 (M & S)...\$139,475.00
 2. Contract #12 (M & S)...\$ 50,957.46
 3. Summit Engineering.....\$ 14,288.35
 4. Contract #13 (Welding Inc..)\$104,085.00
- IV. OLD BUSINESS
 - A. City Engineer's Reports
 1. Comprehensive Plan Update
 2. Water Tank Painting Bids - Harolds Branch and Ratliff's Creek.
 3. Fire Station Addition/Painting
 4. Police Station Bids
 5. Thompson Road Sewer (KIA Loan Resolution, etc.)
 6. Sidewalk Project
 7. South Mayo Water Distribution System (change order, etc.)
 8. Request for change in entrance to Bailey property on Hambley Boulevard.
 9. Status report of on-going projects
 - B. City Attorney's Reports
 1. Handicap Parking: Consider first reading of an Ordinance amending the existing parking ticket fee ordinance with regard to Handicap Parking.
 2. Street Name: Consider first reading of an Ordinance naming a street near the Quail Ridge Subdivision.
 - C. City Manager's Reports
 1. Survey
 2. UDAG: Consider authorizing the advertising for proposals for the utilization of UDAG funds
 3. Keyser Heights: Consider a request from residents for the city to purchase a portion of the state's surplus property in Keyser Heights
 - D. Monthly Financial Reports
- V. NEW BUSINESS
 - A. Habitat for Humanity: Consider a request for the city to accept an access to property on Julius Avenue.
 - B. Baseball: Consider discussion relative to the Pikeville Baseball Team
- VI. CONSENT ITEMS
 - A. PSG Monthly Operating Report
 - B. Activity Report for Pikeville Emergency Shelter
 - C. Police Department Activities Reports
- VII. ANNOUNCEMENTS
- VIII. ADJOURNMENT

There being a quorum present, Mayor Walter E. May called the meeting to order at 4:50 p.m. Commission Members present upon call of the roll were as follows:

MAYOR:	WALTER E. MAY
COMMISSIONER:	WALTER BLANKENSHIP
	EUGENE DAVIS

Commissioner Sharon Clark was absent. Commissioner Johnny Mounts arrived at 7:03 p.m.

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

AGENDA ITEM II. MINUTES

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The minutes for the previous regular meeting of June 28, 1993 were included in each Commission Member's agenda package. There being no additions or corrections, Commissioner Blankenship made the motion, seconded by Commissioner Davis to approve the minutes as submitted. Upon call of the roll, the motion carried 3 - 0.

AGENDA ITEM III.

PAYMENT OF BILLS

A. CITY BILLS: A list of City Bills totaling \$408,957.98 was presented to the Commission for approval of payment. Upon the city manager's confirmation that funds were available for payment, Commissioner Blankenship made the motion, seconded by Commissioner Davis to approve payment of the bills as requested. Upon call of the roll, the motion carried 3 - 0.

B. WATER DISTRIBUTION SYSTEM IMPROVEMENTS: Invoices for Contracts 10, 12, and 13, along with a request for payment for inspection services from Summit Engineering were presented to the Commission for approval of payment. City Engineer Sykes reported that Contract 10 is basically complete and submitted M & S General Contractor's invoice in the amount of \$139,475.00. The city engineer advised that a 5% retainage is being withheld from the total contract. Contract 12 (Broad Fork Pump Station and Line) is awaiting the extension of electrical service for completion. Invoices totaling \$50,957.46 were presented for this contract. Welding, Inc. submitted a pay request in the amount of \$104,085.00 for Contract 13 (Water Storage Tank). Summit Engineering presented a request for payment in the amount of \$14,288.35 for inspection services associated with all contracts in the Water Distribution Systems Improvement Project. Commissioner Davis made the motion to approve all payments for the project as requested. Commissioner Blankenship seconded the motion. Upon call of the roll, the motion carried 3 - 0.

AGENDA ITEM IV.

OLD BUSINESS

A. CITY ENGINEER'S REPORTS: Jack Sykes representing Summit Engineering, City Engineers, presented the following items for the Commission's consideration:

1. Comprehensive Plan Update: On October 5, 1992, the City of Pikeville entered into an agreement with Will Linder & Associates and Summit Engineering to prepare an update of the Comprehensive Plan. The existing comprehensive plan was prepared in 1977 and has not been updated. KRS stipulates that the plan must be updated every five years. Present at this date's meeting was Will Linder, who supplied each Commission Member with a "draft" of the comprehensive plan. Mr. Linder explained that population and employment statistics were strongly relied upon when developing the plan. According to Mr. Linder, the 1977 plan provided for a population of 11,000 by 1990. The 1990 census for Pikeville shows a population of 6,324. The slow rate of population growth was attributed to the lack of available property for housing and the decline of the coal industry. Mr. Linder advised the Commission that plans need to be geared toward providing affordable housing for moderate income persons and housing for the elderly. Mr. Linder commented that Pikeville has an 18% elderly population which compares to a national average of 13 - 15%. Mr. Linder briefly reviewed various facets of the update which include a statement of goals and objectives, a land use plan, a transportation plan, a community facilities plan, a zoning ordinance, and subdivision regulations through the year 2003. Mr. Linder asked the Commission to review the draft and schedule a public hearing to be held jointly with the Pikeville/Pike County/Elkhorn City Joint Planning Commission. Any questions from the Commission or the public will be addressed during the public hearing.

2. Water Tank Painting Bids: Two bids were received for the painting of the Harolds Branch and Ratliffs Creek Water Storage Tanks. The apparent low bidder for both water tanks was W & O Construction Company. The bid for the Harolds Branch Tank totaled \$22,603.00. The bid for painting the Ratliffs Creek Tank was \$18,103.00. The painting of both tanks will be funded with contingency monies from the South Mayo Water Distribution Project. Commissioner Davis made the motion to accept the low bid for the painting of the Harolds Branch and Ratliffs Creek Water Storage Tanks. Commissioner Blankenship seconded the motion. Upon call of the roll, the motion carried 3 - 0.

3. Fire Station: Change Order #3 in the amount of \$475.00 was presented to the Commission for approval. The change order provides for the installation of gutters for the old section of the fire station. Commissioner Blankenship made the motion, seconded by Commissioner Davis to approve the change order as presented. Upon call of the roll, the motion carried 3 - 0.

4. Police Station: City Engineer Sykes reported that three bids were received for the construction of a proposed police station. The low bid was received from Commonwealth Building and Construction in the amount of \$247,000. The other bids were as follows:

Engineering Design and Construction.....	\$252,600.
M & S General Contractors.....	\$247,995.

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City Manager Johnson reported that sufficient monies are available to fund the project.

Commissioner Blankenship made the motion, seconded by Commissioner Davis to award the bid for construction of a police station to the low bidder, Commonwealth Building and Construction in the amount of \$247,000. Upon call of the roll, the motion carried 3 - 0.

5. Thompson Road: During the previous City Commission Meeting, the contract for the extension of sewage service in the Thompson Road area was awarded to the low bidder, Environmental Construction Corporation. Authorization was given for the execution of a contract with Environmental Construction Corporation if the Kentucky Infrastructure Authority approved funding for the project at their July meeting. According to Mr. Sykes, there was certain documentation not received by KIA in sufficient time to review prior to the meeting, so the application for funding was not considered at the July meeting. Due to this reason, Mr. Sykes reported he did not award the project. Since that time, Will Linder met with representatives of KIA. Mr. Linder reported that KIA representatives have assured him that the project has been given a Priority 1 Rating and no problem is foreseen with the awarding of the funds, however the formality of having the meeting is necessary. Mr. Linder advised that the meeting should be held toward the end of August. An inducement resolution was supplied to the City by KIA which would allow the city to expend funds and then be reimbursed after the KIA actually approves the application for funding. City Engineer Sykes recommended that the Commission approve the resolution and approve execution of the contract with Environmental Construction Corporation. He advised the Commission that should they not approve execution of the contract, that the contractor will not be able to meet the deadline of December 1, 1993 for completion of the sewage extension to the shopping center site. The inducement resolution was presented and read as follows:

INDUCEMENT RESOLUTION OF THE CITY OF PIKEVILLE, KENTUCKY PIKEVILLE MALL (THOMPSON ROAD INTERCEPTOR) SEWER PROJECT)

WHEREAS, the City Commission of Pikeville, Kentucky has heretofore approved the undertaking of the Pikeville Mall (Thompson Road Interceptor) Sewer Project, utilizing a Kentucky Infrastructure Authority Fund B Loan, described in further detail in Exhibit A (the project); and

WHEREAS, the City of Pikeville (Issuer) may be expected to pay and/or incur costs with respect to the project ("Prior Capital Expenditures") on or after the date of this resolution and prior to the execution of an assistance agreement (the "Loan") with the Kentucky Infrastructure Authority (the "Authority") under the Authority's Governmental Assistance Program which will permanently finance the Project.

NOW, THEREFORE, BE IT RESOLVED by the City Commission of the City of Pikeville, Kentucky as follows:

1. The City Commission hereby approves the use of the Loan in the maximum principal amount of \$641,889 to permanently finance the costs of the Project and declares its intent that any Prior Capital Expenditures (including any borrowing to finance such Prior Capital Expenditure on an interim basis) made by the Issuer will be made in anticipation of the Loan to reimburse said Prior Capital Expenditures, this declaration is made pursuant to Treas. Reg. 1.103-18.

2. The Mayor and City Treasurer of the Issuer are each separately hereby authorized and directed to reimburse not later than one year later than the later of (i) the day of the expenditure or (ii) the date the time was placed in service, only those Prior Capital Expenditures made with respect to assets having a reasonable expected economic life of at least one year, and, in addition, eligible preliminary expenditures paid and incurred prior to commencement of the Project.

3. The Issuer finds and determines that, consistent with the Issuer's budgetary and financial circumstances, it does not have funds currently available and does not expect to have funds available in the future that may be allocated on a long term basis, other than the proceeds of the Loan, to finance the Prior Capital Expenditures.

4. The Issuer hereby directs the Mayor and the City Treasurer to take the following action at the time the Prior Capital Expenditures are reimbursed from proceeds of the Loan only if said reimbursement relieves the proceeds used for reimbursement from any restrictions imposed by both legal documents under which the Loan was entered into and applicable state law: (1) evidence the reimbursement on the books and records maintained with respect of the obligation, and (2) identify either at the actual prior expenditure to be reimbursed or, in the case of reimbursement of a fund or account, the fund or account from which the expenditure was paid.

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5. The books, records and proceedings of the issuer with respect to this resolution shall be made reasonably available by the Issuer, for inspection by the general public at the Issuer's administrative office every business day during normal business hours commencing no later than 30 days after the passage of this resolution. Said books, records and proceedings of the Issuer with respect to this resolution will continue to be reasonably available to the general public until the date of the Loan.

APPROVED this 3rd day of August, 1993.

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

ATTEST:

/s/ Karen Harris
KAREN HARRIS, CITY CLERK

Commissioner Davis made the motion to adopt the foregoing resolution. Commissioner Blankenship seconded the motion. Upon call of the roll, the motion carried 3 - 0.

Commissioner Blankenship made the motion to authorize the execution of the contract in the amount of \$534,024.20 for the Thompson Road Sewage Line Extension with Environmental Construction Corporation. Commissioner Davis seconded the motion. Upon call of the roll, the motion carried 3 - 0.

6. Sidewalk: The city engineer reported that the Bypass Sidewalk project is complete with the exception of seeding. It was requested that a final payment in the amount of \$36,984.65 to PSG be approved. Commissioner Davis made the motion to approve payment as requested pending release of the funds from the state. Commissioner Blankenship seconded the motion. Upon call of the roll, the motion carried 3 - 0. Mr. Sykes reminded the Commission that a \$200,000 grant was received from the state for construction of this sidewalk project. Total project cost was \$232,974.00.

7. South Mayo Water Distribution System: A change order in the amount of \$8,393.75 was presented to the Commission from M & S General Contractors for Contract #10 of the South Mayo Water Distribution System Project (water line installation). The change order provided for the addition of 6" and 12" lines as a result of errors in the existing maps and the addition of fire hydrants. Approximately \$39,000 remains in contingency funds which will be used to fund the painting of the Harolds Branch and Ratliffs Creek water tanks. Commissioner Davis made the motion to approve the change order as requested. Commissioner Blankenship seconded the motion. Upon call of the roll, the motion carried 3 - 0.

Mr. Sykes advised the Commission that two of the contracts in the South Mayo Water Distribution Project have exceeded the contract time and the city is eligible to assess liquidated damages on the contractors. Contracts 10, 12 and 13 have exceeded their completion dates. Mr. Sykes expressed his concern for the delays in the completion of contracts 12 and 13 and presented the Commission with a proposed settlement for liquidated damages. Contract 12 and 13 contractors (M & S General Contractors and Welding, Inc., respectively) have verbally agreed to pay the City \$2,500 each (\$5,000 combined) to compensate the City for liquidated damages. The combined sum should be sufficient to cover additional administrative and inspection costs due to contract time overruns. The settlement is contingent upon the city making no additional attempts to collect further liquidated damages. Mr. Sykes explained that this provision is effective for Contract #12 to the extent that the project is essentially complete within 10 days after electricity is installed. Commissioner Blankenship made the motion, seconded by Commissioner Davis to approve the settlement for liquidated damages for Contracts 12 and 13 as specified by the City Engineer. Upon call of the roll, the motion carried 3 - 0.

8. Bailey Property: Frank Bailey, owner of the property fronting Hambley Boulevard from Hillbilly Liquors to the Mandt property, advised the Commission of his plans to construct a convenience market. The development would require access on Hambley Boulevard and Mr. Bailey is proposing to replace the three current entrances with two entrances. Also proposed is a drive through window which will necessitate the deletion of three loading zones and one parking spot. Site plans call for the construction of a canopy, however, City Engineer Sykes reported that the canopy as designed will encroach upon and over the Hambley Boulevard right of way. Mr. Bailey requested permission for said encroachment. The Commission expressed their support for the project and directed the acting city attorney to prepare a resolution to eliminate the parking space and loading zones, allow for the elimination of the existing entrances with permission to construct two additional entrances, and the right to encroach upon the city's right of way on the condition that the city reserves the right to access the

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encroachment as needed for street and/or utility maintenance. The reading of the resolution was directed to be made toward the end of the meeting.

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

1. Handicap Parking: Mr. Shelton reported that an ordinance is necessary to amend the city's parking ticket violation fee schedule to provide for an increase in the fine for the unauthorized parking in a designated handicap parking space. At the previous regular meeting, the Commission authorized the police department to issue citations pursuant to KRS. Due to other agencies (Pikeville College Security, Methodist Hospital Security, and Federal Courthouse Security) having the authorization to issue parking tickets on their respective premises, the ordinance must be amended to increase the fine for handicap parking violations from \$5.00 per violation to \$20.00 per violation. The ordinance was presented and given first reading entitled as follows:

AMENDED ORDINANCE INCREASING FINE FOR ILLEGALLY PARKING IN HANDICAPPED ZONES FROM \$5.00 TO \$20.00

The Ordinance will be on file in the office of the City Clerk for a period of at least ten days for public inspection.

2. Street Name: First reading was given to an Ordinance captioned as follows:

ORDINANCE NAMING A PREVIOUSLY UNNAMED STREET IN THE QUAIL RIDGE SUBDIVISION, HEATHER LANE

The Ordinance will be on file in the office of the City Clerk for a period of at least ten days for public inspection.

C. CITY MANAGER'S REPORTS: City Manager, John Johnson, presented a verbal report on the following items:

1. 911 Survey: City Manager Johnson reported that Big Sandy Area Development District has been contracted to conduct the survey for the 911 project. Mr. Johnson reported that BSADD has not received a very good response from the mailout surveys. In addition, Mr. Johnson reported that Will Linder has indicated that information from the surveys could be used in the application of loans and grants. A proposal was submitted from BSADD to incorporate the information needed for implementation of 911 and for the use in grant/loan applications in the amount of \$4,845.00. Mr. Johnson advised that the survey will be conducted house-to-house or by telephone and expects a 90 - 95% success rate. Commissioner Blankenship made the motion to approve the addition of \$4,845.00 to Big Sandy Area Development District's contract. Commissioner Davis seconded the motion. Upon call of the roll, the motion carried 3 - 0.

2. UDAG: During the previous meeting, it was announced that HUD officials had consented to the use of the \$4.5 million in UDAG funds (committed to Pikeville since 1984) for housing. Mayor May briefly reviewed the history of the efforts to find a developer who possessed the necessary financing to do a commercial project. After notification that the monies would be withdrawn, Mayor May met with Senator Wendell Ford and Representative Harold Rogers asking for their assistance in getting a waiver in the UDAG regulations that would allow the use of the grant for housing. Also, at the previous meeting, an announcement was made by John Rasnick, local developer, of his plans to build affordable housing in Lover's Leap with the assistance of \$2 million in UDAG funds. The UDAG monies would be used for the installation of utility lines and site preparation. Since that time, a letter has been received by the City Manager from John Rasnick and Jack Sykes, recommending that the City advertise for proposals for projects to utilize the UDAG monies. Will Linder gave his opinion as a grantsman that the city should act quickly, as any delays in beginning a project could cause HUD to recapture the grant and divert the funds to the budget deficit reduction program. Commissioner Blankenship made the motion to advertise for proposals for the use of the UDAG monies. Commissioner Davis seconded the motion. Upon call of the roll, the motion carried 3 - 0. Proposals will be evaluated relative to the following criteria:

1. The economic viability of the project.
2. The economic impact to the City.
3. The impact on quality of life within the City of Pikeville
4. The need for the project
5. The ability of the developer to finance the project.
6. The time table of the proposed project.

The Commission stressed the fact that only projects which would not be feasible without UDAG Funds could be considered and reminded the public that HUD would have the final approval of the project selected.

3. Keyser Heights: Linda Ratliff presented a petition to the Commission on behalf of 103 residents of the Keyser Heights Subdivision. The petition called for the City of Pikeville to purchase and maintain the property located beyond houses numbered 40 and 41. The property is used as a turning circle by sanitation trucks and school buses and a playground area. It was reported to the Commission that the Kentucky Department of Transportation has advertised that they are accepting sealed bids for the sale of a section of property which encompasses the turning lane and play ground area.

At 6:24 p.m., Commissioner Davis made the motion to adjourn to an executive session for the purpose of discussing the bid for the Kentucky Department of Transportation's surplus property at Keyser Heights (Pursuant to KRS 68.810, section 3, paragraph b). Commissioner Blankenship seconded the motion. Upon call of the roll, the motion carried 3 - 0.

At 6:40 p.m., Commissioner Blankenship made the motion, seconded by Commissioner Davis to reconvene to regular session. Upon call of the roll, the motion carried 3 - 0.

Mayor May reported that discussion was had relative to the acquisition of surplus property advertised for sale by the Kentucky Department of Transportation. Acting City Attorney Shelton offered the following resolution for the Commission's consideration:

RESOLUTION REQUESTING THAT THE COMMONWEALTH OF KENTUCKY DONATE CERTAIN ACCESS PROPERTY TO THE CITY OF PIKEVILLE FOR A COMMUNITY PARK/RECREATION AREA

WHEREAS, on August 3, 1993, the residents of Keyser Heights have come before the Pikeville City Commission to request that the City make a proposal to the Department of Transportation to make available, either by gift or by setting a fair price, a tract of real property, encompassing approximately two acres, adjacent to the east end of Keyser Heights Subdivision, Pikeville, Pike County, Kentucky for use as a community park/recreation area.

NOW, THEREFORE, BE IT RESOLVED by the City Commission of the City of Pikeville, Kentucky as follows:

The City Commission hereby authorizes the City Manager to make a proposal to the Department of Transportation to make available, either by gift or by setting a fair price, a tract of real property, encompassing approximately two acres, adjacent to the east end of Keyser Heights Subdivision, Pikeville, Pike County, Kentucky for use as a community park/recreation area.

Approved this 3rd day of August, 1993.

Commissioner Walter Blankenship moved the adoption of the foregoing resolution. Commissioner Eugene Davis 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		ABSENT
JOHNNY MOUNTS, COMMISSIONER		ABSENT
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

Commissioner Blankenship made the motion to authorize the City Manager to submit a bid for the entire tract of property advertised for sale by the Kentucky Department of Transportation (Keyser Hollow Waste Area and Gas Well). Commissioner Davis seconded the motion. Upon call of the roll, the motion carried 3 - 0.

D. MONTHLY FINANCIAL REPORTS: Copies of the financial statements for the

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period of April 24, 1993 through June 30, 1993 were given to each Commission Member for review.

AGENDA ITEM V.

NEW BUSINESS

A. Habitat for Humanity: The Commission reviewed a letter from Ray Milam, President of the Sandy Valley Habitat for Humanity, requesting that the city accept the access that goes with a parcel of property on Julius Avenue on which they are preparing to erect four homes. The Commission directed the City Engineer to inspect the location and present his recommendations at the next meeting.

B. Baseball: Hugh B. Hall addressed the Commission on behalf of the Kentucky Long Rifles Baseball Club. Mr. Hall gave notice of an anticipated shortage of funds with which to meet the season's obligations and requested the City Commission approve a donation in the amount of \$10,000.00. Since Paintsville shares in hosting the games with Pikeville, a like request will be made of the Paintsville City Commission. Mr. Hall advised the Commission that the short fall is due to the loss of their underwriting. Reports were given to the Commission on the success of the Kentucky Long Rifles and the stability of the Frontier League, along with the League's plan for expansion. Acting City Attorney Shelton advised the Commission that cities are strictly prohibited by KRS from making donations with public funds and suggested a loan to the organization. The Commission had a lengthy debate over the merits of loaning public funds to the ball club. Mr. Hall reminded the Commission that several items to ready the field for play was accomplished with ball club funds. Commissioner Davis suggested reimbursing the Kentucky Long Rifles for the work done on the field after the appropriate receipts are remitted. City Treasurer, Karen Gibson, reported to the Commission that monies are available through the Coal Severance Fund for recreation expenditures and advised that sufficient funds are currently available. Commissioner Blankenship made the motion to authorize the City Attorney to prepare an agreement for the purpose of loaning \$10,000 to the Kentucky Long Rifles Baseball Club with the provision that the loan be repaid at the end of the year if monies are available. Commissioner Mounts seconded the motion. Upon call of the roll, the motion carried by the following votes:

MAYOR:	WALTER E. MAY	ABSTAIN
COMMISSIONER:	WALTER BLANKENSHIP	YES
	EUGENE DAVIS	NO
	JOHNNY MOUNTS	YES

With regard to Frank Bailey's request for a change of entrances and deletion of parking spaces and a loading zone on Hambley Boulevard for the purpose of constructing a convenience market, the following resolution was presented:

RESOLUTION ELIMINATING LOADING ZONES AND PARKING ON A PORTION OF HAMBLEY BOULEVARD AND GRANTING THE RIGHT TO ENCROACH UPON HAMBLEY BOULEVARD WITH A CANOPY

WHEREAS, on August 3, 1993, Frank Bailey requested permission from the Pikeville City Commission to eliminate three loading zones and one parking spot on Hambley Boulevard, eliminate existing entrances to his property located on the corner of Elm Street and Hambley Boulevard for the purposes of the construction and operation of a One-Stop Market.

NOW, THEREFORE BE IT RESOLVED by the City Commission of the City of Pikeville, Kentucky as follows:

1. The City Commission hereby eliminates one parking spot and three loading zones on the east side of Hambley Boulevard beginning at the corner of Elm Street and Hambley Boulevard and do hereby designate said area as "No Parking". The adjacent property owner, Frank Bailey, is hereby given permission to eliminate three existing entrances to his property located at the corner of Elm Street and Hambley Boulevard and to construct two entrances so that property as per map titled "Frank Bailey - proposed site for One Stop Market proposed improvements dated July 21, 1993 and prepared by Summit Engineering, Inc."

2. The City Commission also hereby grants to Frank Bailey, his heirs and assigns the right to construct and maintain a canopy which will encroach upon and over the Hambley Boulevard right of way as depicted on the aforesaid map, reserving unto itself the right to access the encroachment as needed for street and/or utility maintenance. Nothing in this resolution shall be deemed to include or grant any right, title or interest in or to said real estate of the City, other than the right to construct and maintain the canopy as granted herein.

Approved this 3rd day of August, 1993.

Commissioner Walter Blankenship moved the adoption of the foregoing resolution. Commissioner Johnny 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	X	
SHARON CLARK, COMMISSIONER		ABSENT
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

There being no further business to come before the Commission, Commissioner Davis made the motion, seconded by Commissioner Blankenship to adjourn. Upon call of the roll, the motion carried 4 - 0 (Adjournment Time: 7:29 p.m.).

APPROVED Walter E. May
WALTER E. MAY, MAYOR

ATTEST:

Karen Harris
KAREN HARRIS, CITY CLERK

