

MINUTES } CITY OF PIKEVILLE

REGULAR MEETING MINUTES - NOVEMBER 22, 1993

The Board of Commissioners of the City of Pikeville met in regular meeting on Monday, November 22, 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 7:20 p.m. Commission Members present at call of the roll were as follows:

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

There were no additions or deletions to the prepared agenda.

The minutes from Special Meetings of October 22 and November 10, 1993, and Continued Meeting of October 26, 1993 were included in each Commission Member's agenda package. There being no additions or corrections, Commissioner Clark made the motion, seconded by Commissioner Blankenship to approve the minutes as submitted. Upon call of the roll, the motion carried unanimously.

AGENDA ITEM IV.

BUSINESS FROM THE FLOOR

A. U.D.A.G. ADVISORY COMMITTEE: U.D.A.G. Advisory Committee Chairman, Roger Recktenwald, reported he and the other committee members, Commissioners Sharon Clark and Johnny Mounts and City Staff Sue Smallwood and Karen Gibson had met on three occasions. The committee has contacted the Washington H.U.D. office in an effort to obtain a guideline relative to the proposals received. Mr. Recktenwald reported that Washington is expecting the same level of detail and eligibility as they would have expected with the original proposal. The committee met separately with the four individuals that propose to participate in the U.D.A.G. program and advised them of the specific information necessary to complete an application. Established was a date of December 1st for those individuals to submit information relative to financing capabilities and evidence of property control. Mr. Recktenwald estimated there would be \$500,000 remaining should all four proposals be recommended for funding. The committee has requested that the Commission authorize them to contact the two individuals who had made late proposals and ask for their participation in the process (Thomas Huffman d/b/a/ Landmark Inn and Chris Penn - shopping center project). Secondly, they requested that the City engage the services of Will Linder to package the entire U.D.A.G. agreement as opposed to Mr. Linder working separately with each proposed developer. According to Mr. Recktenwald, H.U.D. officials are looking to have the amended package in their office by mid January. Commissioner Blankenship made the motion, seconded by Commissioner Mounts to authorize the U.D.A.G. Committee to contact the other respondents to invite them to submit proposals for the anticipated remaining U.D.A.G. funds and to engage Will Linder to prepare the entire package amendment to be sent to H.U.D. In discussion, Mr. Linder advised the Commission that his standard application fee would be charged which would be payable only if the amendment is funded. City Attorney Davis gave his approval as to the legality of offering the two individuals who responded late the opportunity to submit a proposal, however stated it must be understood that those who had submitted their proposal on a timely basis must be given first priority. Upon call of the roll, the motion carried unanimously.

B. COMPREHENSIVE PLAN: Will Linder appeared before the Commission to discuss the modification made to the Comprehensive Plan. A public hearing was held in August. Subject to that public hearing, five letters were submitted regarding concerns or suggested changes in the Comprehensive Plan. Those letters were submitted by Steve Combs, Jack Sykes, Nancye Blackburn, Ertel Whitt and Gloria Whitt. The concerns with the Comprehensive Plan fell mainly in three areas. One was the fact that Cedar Creek and Lovers Leap had been designated as affordable housing sites. Three additional sites were named as a result of the public hearing. Those sites were identified as Keyser Heights, Phase II; Poor Farm; and Coal Hollow. The Comprehensive Plan has been modified to include these three sites. Commissioner Mounts disagreed with the designation of Poor Farm as a residential area. The second area of concern was with regard to the planner's belief that an additional connector between the Bypass and Hambley Boulevard is needed. Mr. Linder advised this connector would be a critical need within the next 10 to 12 years. The original plan located the connector at Fourth Street. Mr. Linder thought the best location would be Third Street. There was a lot of opposition from residents of both Third and Fourth Streets. Mr. Linder reported this item was removed from this update of the Comprehensive Plan since it must be updated every five years. Mr. Linder recommended that a committee be appointed to explore the best location for the connector. There was some concern with regard to the location of neighborhood parks and other types of public services. The final item had to do with existing and future land use plans. Modifications have been made to include the construction of a library facility behind the Tourism Office

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in the park itself. Mr. Linder suggested making the map available for the next two to three weeks to allow for comments for any additional changes. It was the consensus of the Commission to change the designation of Poor Farm from residential to commercial. Commissioner Mounts made the motion to approve the Comprehensive Plan with the changes as discussed. Commissioner Blankenship seconded the motion. Upon call of the roll, the motion carried unanimously. Steve Combs asked Mr. Linder if the map for the property at the mouth of Chloe had been changed. Mr. Linder advised that the future land use map for this area had been changed from residential to public for expansion of the school system and the Fire Department. In addition, Mr. Combs questioned why the library was designated for the park instead of on property they currently own. Mr. Linder advised that from a planner's standpoint, that property was much more suited for a commercial use than a public use. Library Board Chairman, Terry Deskins, advised that the Library Board found the site in the park to be very desirable as they would like to keep the library in the central downtown area. Additionally, the property they own could be sold to help pay for the facility.

C. DESKINS MOTOR: Terry Deskins, on behalf of Deskins Motor, appeared before the Commission to ask that the tract of land behind Roy Goff's Furniture and adjacent to McDonalds be declared as surplus property. Mr. Deskins advised the Commission that his company is one of the applicants for the U.D.A.G. funds. Deskins Motor wishes to build a new facility since they have acquired the Chrysler and Plymouth franchise and they would like to have the opportunity to acquire this tract in order to qualify for the U.D.A.G. funds and to locate their new facility. Commissioner Blankenship suggested adding this tract to the properties that are slated for auction. Commissioner Mounts made the motion, seconded by Commissioner Davis to change the Comprehensive Plan to reflect this tract as a commercial use instead of institutional. Upon call of the roll, the motion carried unanimously. Commissioner Clark made the motion to include this tract with the list of property slated for public auction. Commissioner Blankenship seconded the motion. Upon call of the roll, the motion carried unanimously.

AGENDA ITEM V.

PAYMENT OF BILLS

A. CITY BILLS: A list of City Bills totaling \$424,282.84 were presented to the Commission for approval of payment. Upon the City Manager's confirmation that monies were available and his recommendation the bills be approved, Commissioner Blankenship made the motion, seconded by Commissioner Davis to approve payment of the bills as submitted. Upon call of the roll, the motion carried 5 - 0.

B. LAKE JOANN/THOMPSON ROAD SANITARY SEWER: Presented for payment was a bill from Environmental Construction in the amount of \$114,181.23. City Engineer Sykes reported this payment brings the project to a 60% completion point. Projected completion date is the middle of December, however the contractor is awaiting delivery of the pump station. Commissioner Mounts made the motion, seconded by Commissioner Blankenship to approve payment as requested. Upon call of the roll, the motion carried unanimously.

C. SOUTH MAYO WATER DISTRIBUTION PROJECT: City Engineer Sykes advised that invoices presented for approval during this meeting represents final completion of the project. The project was divided into four contracts - Yorktown Extension, Island Creek Tie-In, Broad Fork Pump Station, and Water Storage Tank. As constructed, the four projects totaled \$1,138,948.50. Contingency funds remaining are \$47,779.75 which have been designated to pay for the painting and repair of the Harolds Branch and Ratliffs Creek Water Tanks. Mr. Sykes advised there were also liquidated damages assessed in the amount of \$5,000 for delay of the project.

1. WELDING, INC: Mr. Sykes presented a final payment request from the Water Storage Tank Contractor in the amount of \$49,595.00 which includes a deduct change order in the amount of \$2,500.00 and \$2,500.00 in liquidated damages. Commissioner Blankenship made the motion to approve payment to Welding, Inc. and also to approve the deduct change order and liquidated damages. Commissioner Davis seconded the motion. Upon call of the roll, the motion carried unanimously.

2. M & S GENERAL CONTRACTING: Final payment in the amount of \$60,311.64 was presented. Included in the final payment was a change order which has a net increase of \$3,862.50 for additional valves for the pump station, three additional water services, and installation of 150 feet of line. The payment also represents the deduct of \$2,500.00 in liquidated damages. Commissioner Davis made the motion, seconded by Commissioner Mounts to approve the final pay request, change order and liquidated damages. Upon call of the roll, the motion carried unanimously.

3. SUMMIT ENGINEERING: Presented for approval was a final bill from Summit Engineering for Inspection Services associated with the South Mayo Trail Water Distribution Project. The bill was presented in the amount of \$720.05. Commissioner Blankenship made the motion, seconded by Commissioner Clark to approve payment as requested. Upon call of the roll, the motion carried unanimously.

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AGENDA ITEM VI.

OLD BUSINESS

A. CITY ENGINEER'S REPORTS: Jack Sykes on behalf of Summit Engineering, Inc., City Engineers, gave a verbal reports on the following projects:

1. Sidewalk Bids: Mr. Sykes advised that four bids were submitted for construction of a sidewalk to extend from Lorraine Street to Pikeville High School. The engineer's estimate for the project was \$120,862.94. The low bid was received from Patriot Construction in the amount of \$143,563.00. Mr. Sykes reported that the low bidder and one other contractor indicated that the price was higher than what it would have been had it been a Spring letting because they anticipate lost time due to inclement weather. Commissioner Mounts made the motion to award the bid to the low bidder, Patriot Construction, and authorized the City Engineer to negotiate with the low bidder to delay the project until March 1st for a reduced contract amount. Commissioner Blankenship seconded the motion. Upon call of the roll, the motion carried 5 - 0.

2. Police Station: Mr. Sykes reported that this project is a little behind schedule.

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

1. Selection of Auctioneer: City Attorney Davis reported that several letters of interest were received from auctioneers who have stated they would be willing to accept the terms and conditions as advertised for the disposal of certain property within the river fill. Mr. Davis reported that Phillip Childers of the Hindman Land Auction Company submitted his company for consideration, however failed to submit his Auctioneer's License, nor did he submit a list of properties sold in Pike County during the previous year. The City Manager has attempted to contact Mr. Childers but could not get a response. Those submitting letters and who met the terms of the advertisement were Greg Justice, Bill Gibson, and Pinson Auction & Realty. It was the opinion of the City Attorney that Hindman Land Auction Company should not be included in the drawing for the selection of an auctioneer. City Commissioner-Elect, Kenny Blackburn, drew Bill Gibson's name from the hat.

At 8:26 p.m., pursuant to Section 3 of the open meetings law, Commissioner Blankenship made the motion to adjourn to executive session for the purpose of discussing the reserves for the property to be auctioned. Commissioner Clark seconded the motion. Upon call of the roll, the motion carried unanimously.

At 9:20 p.m., Commissioner Blankenship made the motion, seconded by Commissioner Clark to reconvene to regular session. Upon call of the roll, the motion carried 5 - 0.

City Attorney Davis advised that after minimum bids had been discussed, it became apparent that further appraisal of the property was needed. Some time before the auction, the Commission will meet to set the minimum bids. Mr. Davis advised that the Commission needed to adopt a motion to (1) authorize the City Manager to hire Bill Gibson to auction the river fill tracts adjacent to Combs Avenue, property adjacent to Baird Avenue and the property adjacent to the Industrial Rubber property located on Hambley Boulevard, (2) the City Manager will advise the auctioneer of the minimum sales price for each tract of property based on direction given to him by the Commission at a meeting to be held at a later date, (3) to authorize the City Manager to incur an advertising budget up to \$4,000.00, (4) to authorize the Mayor to execute deeds of conveyance to purchasers at the auction which exceed the minimum sales price set for any lot sold, (5) set an auction time of 11 a.m. on December 18, 1993, (6) to notify the successful bidders that construction is to begin on any lot sold within 18 months from the date of the sale and the construction is to be complete within three years from the date of sale. Commissioner Blankenship made the motion to accept the recommended motion as outlined above by the City Attorney. Commissioner Clark seconded the motion. Upon call of the roll, the motion carried unanimously.

With regard to a tract of property which the City owns in Poor Farm Hollow, Mr. Davis advised that some of the Commissioners reported that they had heard that one of the developers, Grouse Point Development, still claims that they have some type of lease or option on that property. Mr. Davis reported that he had been authorized during a previous meeting to notify that particular developer who did have a lease and option at one time, that the lease and option was cancelled pursuant to the terms of the City's agreement with that developer. The City Attorney advised that if the developer is still making claims that they have an option on the property that it may be wise to authorize him to file suit on behalf of the City of Pikeville against the developer for what is termed "declaratory judgement" asking that the courts declare the City of Pikeville's rights and the developer's rights with regard to this particular tract of property. Commissioner Mounts made the motion, seconded by Commissioner Clark to authorize the City Attorney to file suit against Grouse Point Development for declaratory judgement. Upon call of

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the roll, the motion carried unanimously.

Mr. Davis reported that he was going to meet with the City School Board's attorney and work on a use agreement for the Hambley Athletic Complex. The school will not be charged for the use of the facility.

2. EMT TRAINING: Presented was an agreement between the City of Pikeville and the City of Lexington whereby two of Pikeville's employees would be allowed to finish their paramedic training by completing 500 hours of ride time with the City of Lexington's paramedics. Mr. Davis advised there would be no cost associated with this training, however Lexington has requested that an agreement be executed saying that Pikeville certifies the trainees are City of Pikeville employees and Pikeville will carry worker's compensation insurance. The Commission was advised that the City's employees will not be driving Lexington's vehicles. Commissioner Blankenship made the motion, seconded by Commissioner Clark to approve execution of the agreement with the City of Lexington for paramedic training. Upon call of the roll, the motion carried unanimously.

3. GAS PURCHASE AGREEMENT: Presented for approval was a gas purchase agreement between the City of Pikeville and J.W. Kinzer. According to Mr. Davis, the City Manager has worked out the details for the City to receive another source for the purchase of natural gas. The agreement can be cancelled on short notice by either ~~employee~~^{party}. It was reported that the City currently has an agreement with Mr. Kinzer, however this agreement allows the City to purchase natural gas from three other distribution points. Commissioner Blankenship made the motion, seconded by Commissioner Clark to authorize the Mayor to execute the agreement. Upon call of the roll, the motion carried 4 - 0 - 1 with Commissioner Mounts abstaining from the vote.

4. BOWLES FAMILY PARTNERSHIP: Presented was an agreement between the City of Pikeville and the Bowles Family Partnership. Mr. Davis explained that during a previous meeting, the Commission had approved a plan prepared by H. Powell & Associates to revitalize the City Park. As part of that revitalization, a new pavilion has been proposed. The Bowles Family, through this agreement, will donate monies to the City of Pikeville for the construction of the pavilion subject to the pavilion being named "The Bowles Pavilion". Commissioner Clark made the motion, seconded by Commissioner Blankenship to authorize the Mayor to execute the agreement. Upon call of the roll, the motion carried 4 - 0 - 1 with Commissioner Mounts abstaining from the vote.

5. Deeds of Conveyance: City Attorney Davis asked for authorization for the Mayor to execute the deeds of conveyance to the purchasers of the two tracts of property sold by sealed bids in October, 1993. The Bypass property was purchased by Hobart Clay Johnson and Patty Green for \$36,100.00. Commissioner Blankenship made the motion to authorize the Mayor to execute the deed of conveyance for the Bypass property. Upon call of the roll, the motion carried unanimously.

Mr. Davis advised the Commission that the river fill lot on which the building is located was initially divided in such a manner as it rendered a large amount of the parking lot unusable. Purchaser of the lot and building, Dr. Baretta Casey, has requested reconfiguration of the lot to include the entire parking lot. Based on the square foot price, City Engineer Sykes calculated that an additional cost of just over \$6,000 would be added to the purchase price of the lot making the total purchase price \$209,762.00. Commissioner Blankenship made the motion to approve the change in the boundary line and authorize the Mayor to execute the deed of conveyance. Commissioner Clark seconded the motion. Upon call of the roll, the motion carried unanimously.

C. CITY MANAGER'S REPORTS: City Manager, John Johnson, presented the following items for the Commission's consideration:

1. CITY PARK: City Manager Johnson presented for approval a contract on behalf of H. Powell and Associates, Landscape Architects, for the park revitalization project which involves the construction management associated with the Land & Water Conservation Grant awarded just over a year ago. The grant will fund the relocation of the basketball courts to the river fill level, the wall around the park will be removed, and the pavilion which replaces the current bandstand will be constructed. The contract is for an amount not to exceed \$4,000. Commissioner Mounts made the motion, seconded by Commissioner Clark to approve the contract as presented. Upon call of the roll, the motion carried unanimously.

2. EMPLOYEE BENEFIT: Commissioner Clark made the motion, seconded by Commissioner Blankenship to authorize the purchase of hams and turkeys from Velocity Market at a cost of \$1.75/lb and .91/lb, respectively to be given to the City's employees for Christmas. Upon call of the roll, the motion carried unanimously.

3. PIKEVILLE AQUATICS CLUB: Mr. Johnson advised that members of the Pikeville Aquatics Club have written a letter with regard to some needed repairs to the City Pool. The repairs as discussed in the letter (fiberglass the inside of the pool, etc) are estimated to cost \$61,000.00.

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The Commission authorized the City Engineer, Parks Director and City Manager to decide what repairs are necessary and return to the Commission with a recommendation.

AGENDA ITEM VII.

NEW BUSINESS

A. BOARD APPOINTMENTS: Mayor May advised of several vacancies on the various City appointed Boards and requested approval of nominations as follows:

1. Tree Board: Mayor May nominated Dorothy LaFon and Barbara Adams to serve on the Tree Board. Ms. LaFon and Ms. Adams will be replacing Kenny Blackburn and Jeannine Owens whose terms have expired. Commissioner Blankenship made the motion to accept the nominations. Commissioner Clark seconded the motion. Upon call of the roll, the motion carried unanimously. Mayor May advised that the term of Marvin Hensley, Kim Robinson and Dawn Deaton have also expired and nominated these individuals for reappointment. Commissioner Clark made the motion, seconded by Commissioner Blankenship to reappoint Marvin Hensley, Kim Robinson, and Dawn Deaton to serve on the Tree Board. Upon call of the roll, the motion carried 5 - 0.

2. Zoning Board of Adjustments: Mayor May nominated Joe Dean Anderson to fill the unexpired term of Paul Thacker and George Williamson to fill the unexpired term of Frank Dawahare on the Zoning Board of Adjustments. Commissioner Davis made the motion, seconded by Commissioner Mounts to accept the nominations. Upon call of the roll, the motion carried unanimously.

3. Industrial Development & Economic Authority: Mayor May advised that Dan Stratton's term on the IDEA Board has expired and that Mr. Stratton is not eligible for reappointment. Nominated to fill the vacancy was Dallas Layne. Commissioner Clark made the motion, seconded by Commissioner Blankenship to appoint Dallas Layne to serve on the IDEA Board. Upon call of the roll, the motion carried 5-0.

4. Historic Preservation Board: The Commission was advised that the term of Jack Sykes on the Historic Preservation Board has expired and Mr. Sykes has indicated that he does not wish to be reappointed to the Board. Mayor May nominated Myra Chico to serve on the Board. Commissioner Blankenship made the motion to appoint Myra Chico to serve on the Historic Preservation Board. Commissioner Clark seconded the motion. Upon call of the roll, the motion carried unanimously.

5. Pikeville Public Hospital Corporation: Mayor May advised that two board members, Jim Hobbs and Ed Elder, have exceeded the number of years, that has been established by Ordinance, that individuals can serve on any one board. Mayor May nominated Dr. David Mulliken and Jack Walters to serve on the Pikeville Public Hospital Corporation. Commissioner Blankenship made the motion, seconded by Commissioner Clark to appoint Dr. David Mulliken and Jack Walters to serve on the Pikeville Public Hospital Corporation. Upon call of the roll, the motion carried 3 - 0- 2 with Commissioners Davis and Mounts abstaining from the vote.

Commissioner Blankenship made the motion, seconded by Commissioner Mounts to cancel the December 27, 1993 regular meeting and reschedule the meeting for December 28, 1993 to allow sufficient time for preparation of the meeting's agenda. Upon call of the roll, the motion carried unanimously.

There being no further business to come before the Commission, Commissioner Blankenship made the motion, seconded by Commissioner Mounts to adjourn the meeting. Upon call of the roll, the motion carried unanimously.

APPROVED Walter E. May
WALTER E. MAY

ATTEST:

Karen Harris
KAREN HARRIS, CITY CLERK