

## MINUTES } CITY OF PIKEVILLE

## REGULAR MEETING MINUTES - FEBRUARY 28, 1994

The Board of Commissioners of the City of Pikeville met in regular session on Monday, February 28, 1994. The meeting was conducted in the City Hall Public Meeting Room at 260 Hambley Boulevard.

There being a quorum present, Mayor Steven D. Combs called the meeting to order at 7:00 p.m. Commission Members present upon call of the roll were as follows:

MAYOR:	STEVEN D. COMBS
COMMISSIONER:	KENNY BLACKBURN
	SHARON CLARK
	EUGENE DAVIS

Commissioner Walter Blankenship was absent.

## AGENDA ITEM II. CALL OF THE AGENDA

There were no additions or deletions to the prepared agenda.

## AGENDA ITEM III. MINUTES

The minutes for the previous regular meeting of January 24, 1994 were included in each Commission Member's agenda package. There being no additions or corrections, Commissioner Davis made the motion, seconded by Commissioner Blackburn to approve the minutes as submitted. Upon call of the roll, the motion carried 4 - 0.

## AGENDA ITEM IV. BUSINESS FROM THE FLOOR

1. SEWAGE EXTENSION: Dale McNeely came before the Commission to ask when sewage service would be extended to the Fife Fork of Chloe. Mr. McNeely told the Commission that residents had been promised, at the time of annexation, that service would be provided within one year. Mr. McNeely estimated that Fife Fork had been in the corporate limits for 10 years. City Engineer Sykes reported that the Commission had authorized him, during the last meeting, to file an application to obtain funding for the extension of the sewage line to serve Chloe Creek and Harolds Branch. He advised that interviews with those area residents were now being conducted to obtain various types of information necessary for the completion of the funding application which will be filed by April 30th. Mr. McNeely told the Commission that he had heard over and over the attempts made by the City to obtain grant funds. He stated that it was the City's responsibility to provide service to the residents and proposed that the City borrow the money to do the project if the grant funds can't be obtained. Mayor Combs asked where the sewage line stops on Chloe. City Engineer Sykes advised the sewage line has been installed to the South Central Bell Office. Mayor Combs reported that he had met with a bonding agent who is investigating the potential of refinancing or reselling the City's existing bonds. A preliminary study was completed by Ross Sinclair & Associates and submitted to the Commission. Mayor Combs advised the Commission that the City will not be obligated if the bonding agent is unable to raise the necessary capital nor will it be required to pay for the feasibility study. Information with regard to the bonds has been supplied to Ross Sinclair & Associates by the City's auditor, Wallen & Cornett. Commissioner Davis asked which bonds are being considered. Mayor Combs advised that all bonds from 1969 forward are being investigated, however not included are the YMCA bonds or the Hospital bonds. Commissioner Clark asked if there was a negative side to refinancing the bonds. City Auditor Wallen advised the only negative side was that the term of the bonds could be extended. Mayor Combs made the motion, seconded by Commissioner Blackburn to authorize Ross Sinclair & Associates along with any other licensed bonding agents to investigate the potential for refinancing the City's bond debt. During discussion, Mayor Combs explained the objective was to not increase the bond payment but to generate the needed funds (approximately \$2 million) for the sewer project. The City Manager was directed to contact the local banks and other licensed bonding agents. In addition, it was reported that the City Engineer would continue to pursue the grant. There being no further discussion, the roll was called and the motion carried 4 - 0.

2. AUDIT: City Auditor, Don Wallen of the firm Wallen & Cornett, delivered the audit for year ending June 30, 1993. In a brief summary, Mr. Wallen reported that his firm had found no irregularities and had issued the City a "clean" report. The General Fund finished the year with a \$60,334.00 surplus, even though it had begun the year with a \$130,502.00 deficit. A surplus was realized in the Special Revenue Fund, Debt Service Fund and Capital Projects Fund at \$204,000.00, \$4,095.00, and \$237,348.00 respectively. In comparing the actual figures to the budgeted amount, collected was \$372,000.00 more in Occupational License Fees than was budgeted. Mr. Wallen explained this figure was partially due to the increase in the Occupational License Fee rate. Property Tax collections also exceeded the budget by \$31,000.00. Franchise Fee collections came in \$30,000.00 under budget. With reference to the expenditure budget, Mr. Wallen reported that Public Safety had exceeded the budget by \$142,000.00, however this deficit occurred in the presentation of the situation since the ABC budget had funded the extra officers (two police officers and two fire fighters) in the past. Also seeing a deficit in the expenditure budget were the Street Fund, Parks Fund, and General Government Fund at \$7,000.00, \$3,000.00 and \$14,963.00, respectively. The Water & Sewer Fund shows a deficit of \$549,000.00. Mr. Wallen explained that the



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deficit is mainly an accounting loss as \$496,000.00 is depreciation. The deficit in this fund would have been \$53,824.00 without the depreciation. The Gas Fund realized a \$7,451.00 deficit. A \$46,000 surplus would have been realized without depreciation. The Sanitation Fund showed a surplus of \$123,000.00. Without depreciation the surplus amounts to \$145,000.00. Mr. Wallen reported that the Long-Term Debt was able to be reduced by \$390,000.00. Commissioner Davis pointed out that the increase in the Occupational License Fee rate was dedicated to pay for the Wastewater Treatment Plant expansion. Mr. Wallen confirmed that the funds had been transferred as specified. Mayor Combs asked if anything unusual happened that would account for the surplus. Mr. Wallen advised that two parcels of property were sold which accounted for \$275,000.00 of the surplus. The two parcels were identified as the tract in the river fill purchased by Absher Enterprises and the tract on Hambley Boulevard purchased by Industrial Rubber Company. Nancye Blackburn asked what the account situation would have been without the sale of the property. Mr. Wallen reported that if the property had not been sold a deficit of between \$80,000.00 and \$85,000.00 would have resulted. Mr. Wallen called particular attention to Pages 44-48 of the audit report which give a detailed breakdown of individual expenses. He urged each Commission Member to review those pages of the audit and to contact him if they had any questions.

3. U.D.A.G.: Chairman of the U.D.A.G. Advisory Committee, Roger Recktenwald, gave the Commission a report of this committee's efforts in selecting projects to qualify for \$4.5 million in U.D.A.G. funds. Mr. Recktenwald reported the committee met again on this date and reviewed the four current proposals from Nancye Blackburn for housing and commercial development at Coal Hollow; SEI for commercial development at the shopping center site; David Adams for a housing development at Keyser Heights; and Jerry Kanney for construction of a YMCA facility. The committee is also working with Thomas Huffman to develop a commercial proposal. Meeting with the committee was Brian Kirby from Will Linder & Associates who reviewed the compliance issues. Mr. Recktenwald reported that the committee is not in the position to make a recommendation to the Commission, however thinks that the committee will be able to make the recommendation within two weeks. Mr. Recktenwald enlisted the Commission's support in getting HUD official, Dave Sowell, to come to Pikeville to review the recommended proposals. In addition, Mr. Recktenwald asked the Commission to meet in Special Session to hear the committee's recommendations. In answer to a question posed by Commissioner Davis, Mr. Recktenwald advised the Commission that U.D.A.G. funds are expended on a \$2.50 to \$1.00 ratio. It was explained that the City is the recipient of the grant funds. The manner in which the funds will be repaid by the developer are negotiated prior to instigation of the project. Typically, the funds are paid back over a period of time, depending upon the nature of the project. There are different ways in which the City can receive the benefit - either cash rebate or improved infrastructure. The Commission agreed to meet in Special Session at such time as the U.D.A.G. Advisory Committee is prepared to make their recommendation on which projects should be submitted for receiving grant funds.

4. DARK HOLLOW: The Commission heard a request from David Adams for the extension of sewage service to the property line of Dark Hollow. Mr. Adams reported the extension would serve fourteen dwellings. City Manager Johnson reported that the current line is in front of B & B Customs and advised the extension would be costly due to having to construct the line under both, old and new U.S. 23. Mayor Combs asked if the subdivision could tie into the sewage line at Keyser Heights. City Engineer Sykes reported he was unsure that gravity feed could be attained. Mr. Sykes advised it would cost between \$300.00 to \$400.00 for him to prepare a cost estimate. Commissioner Blackburn made the motion, seconded by Mayor Combs to authorize the City Engineer to determine the feasibility of extending sewage service to the Adams' property line and preparation of a cost estimate. Upon call of the roll, the motion carried 4 - 0.

5. PARKING: Presented to the Commission was a request from Greg Justice, proprietor of Charlie's Hardware, to change the two, two hour parking spaces behind his store to 30 minute parking. Police Chief Edmonds expressed his opinion that the parking limits should be uniform. He added that it would be difficult to enforce the time restrictions due to the number of regulated parking spaces. Commissioner Clark voiced her concerns that changing the time limits for adjacent parking at one person's place of business may set a precedent. Mayor Combs asked about the loading zone policy. City Manager Johnson reported that any one who is loading or unloading may park in a loading zone for a period of time not to exceed two hours. City Attorney Davis confirmed that the loading zone ordinance does not limit parking to commercial vehicles and suggested amending the ordinance to provide that each commercial vendor desiring to utilize the loading zones must first secure a loading zone permit. In addition, fifteen minute parking zones would be established for non-commercial users. The Commission directed the City Attorney to redraft the current loading zone ordinance. No action was taken with regard to Mr. Justice's request to change the parking behind his store.

6. CHAMBER OF COMMERCE: President of the Pike County Chamber of Commerce, Leslie Combs, asked for permission to use a portion of the City's river fill property on which to locate a carnival during Hillbilly Days. In years past, the carnival was located on the tract which was recently sold to Absher Enterprises. Ms. Combs requested to use the paved tract adjacent to the Absher property. Ms. Combs pointed out that this lot was used for parking during Hillbilly Days but proposed to keep a lane open for thru traffic. The Commission



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was advised that while Chamber officials think that they will only need the property to the ramp, it may be necessary to extend the use to include to the corner of Bank One's lot. Mayor Combs made the motion to allow the Chamber of Commerce to use the property as requested and directed they work out the details with the Chief of Police and the City Manager. Commissioner Clark seconded the motion. Upon call of the roll, the motion carried 4 - 0.

Ms. Combs, on behalf of Pikeville College, requested to use the Horse Ring and grounds at Bob Amos Park from May 27 - 29, 1994 for a rodeo. All proceeds will benefit Pikeville College's Scholarship Fund. Commissioner Clark made the motion, seconded by Commissioner Blackburn to allow Pikeville College's use of the Horse Ring and grounds during the time specified and directed the details be worked out with Parks Director, Doug Justice. Upon call of the roll, the motion carried 4 - 0.

7. HAROLD'S BRANCH SEWAGE: The Commission heard comments from Steve Ford and Charlie Comer, residents of Harolds Branch, asking City officials to approach Pike County Fiscal Court to determine the feasibility of Pike County returning a portion of the property taxes collected from City residents. Mr. Ford proposed that these funds could be used to extend the sewage service to Harolds Branch, Layne Hollow, Ferguson Creek and Chloe. Mayor Combs reported that he had discussed this possibility with County Judge Executive, Donna Damron, at some length who indicated the improbability of the County giving any monetary assistance due to the number of sewage lines left to construct within the County. Mayor Combs advised that the City can't legally force the County to return the taxes, however there is legislation proposed to change the distribution of taxes for cities of the Third Class. It was estimated that City residents pay \$600,000.00 in County property taxes. The Mayor reported that Judge Damron had suggested that a delegation from the City be sent to address the full board at the next Fiscal Court Meeting. Mayor Combs and Commissioner Davis indicated they would attend the meeting. In addition, Mayor Combs invited any city resident to attend the meeting.

8. TIPPING FEES: Nancye Blackburn asked the Commission if any type of report had been given with regard to the tipping fee charged to the City by Pike County for wasting in the Fords Branch Landfill. City Attorney Davis reported that he had researched the matter and could not find evidence of a contract ever being negotiated, however advised that the City could not legally refuse to pay for dumping in the Landfill. City Manager Johnson advised that the County is currently contracting with Commonwealth Technologies for the evaluation of the rate structure. Additionally, Mr. Johnson reported that County officials have confirmed that the City's rate is assessed at the County's cost. Ms. Blackburn told the Commission that she did not think the city's residents were being treated fairly in that the City's residents pay more for sanitation service than do the County's residents. City Manager Johnson reported that County residents pay \$12.00 per month for once weekly service while the City's residents pay \$10.00 per month for twice weekly service.

9. HIGH STREET BOND ISSUE: John Pinson, Executive Director of the Pikeville Housing Authority, advised the Commission of the Housing Authority's plan to acquire and rehab certain properties located on High Street, Poplar Street, and Kentucky Avenue. It is proposed to provide additional housing for single parents attending Pikeville College and more parking spaces. Mr. Pinson told the Commission that the Housing Authority has been denied CDBG funds for the past two years and has learned from Will Linder that the City is applying for a CDBG for a sewer project. Mr. Pinson said that Mr. Linder had advised that the City could not apply for two grants. It is anticipated that 1/3rd of the cost of the project could be obtained with a grant from the Kentucky Housing Corporation which would leave the project about \$450,000.00 short and asked for the City to consider contributing to the project. City Manager Johnson suggested using U.D.A.G. funds, but it was explained that only the monies refunded by the developers could be used. Commissioner Clark pointed out that it could be a number of years before any of the funds would be rebated to the City. Mayor Combs commended the Housing Authority's efforts and asked Mr. Pinson to submit a written detailed proposal for the Commission's consideration. The Mayor indicated there may be a possibility of submitting the Housing Authority's application for CDBG funds instead of the City applying for funds for the sewage extension.

Commissioner Davis questioned Mr. Pinson with regard to controlling littering around rent-subsidized dwelling units. Mr. Pinson advised that he would be having a meeting with the landlords and would address this matter with them.

10. PROCLAMATION FOR PIKEVILLE HIGH SCHOOL CHEERLEADERS: Mayor Combs presented a request from City School Board Member, Kaye Baird, for a City proclamation commending both the Girls & Boys Varsity Cheerleading Squads for their achievements. Mayor Combs reported that the Girls Squad had won the All-A Classic Championship two years straight and the Boys Squad had won this year and was runner-up last year. Mayor Combs made the motion, seconded by Commissioner Clark to direct the City Attorney to prepare a proclamation to commend both cheerleading squads and present it for adoption at the end of the meeting. Upon call of the roll, the motion carried 4 - 0.

## AGENDA ITEM V.

## PAYMENT OF BILLS

A. CITY BILLS: A list of City Bills totaling \$601,356.90 was presented to the



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Commission for approval of payment. Mayor Combs questioned the large deductible for liability insurance coverage. Both, City Attorney Davis and Commissioner Clark, advised the deductible (\$5,000.00 per claim) was reasonable. Also questioned was the bill from East KY Water for the Poor Farm Pump Station. City Engineer Sykes reported the bill was for the rehabilitation of the main line pump station and Poor Farm Hollow. Commissioner Blackburn questioned the request for payment to Wayne Supply for the grader rental used during the recent snow. City Manager Johnson reported that it was the City's responsibility to provide PSG with equipment. With regard to this matter, Mayor Combs advised of PSG official's willingness to renegotiate their current contract, which he indicated would be discussed later on in the meeting. Commissioner Davis made the motion, seconded by Commissioner Clark to approve payment of the City Bills as presented. Upon call of the roll, the motion carried 4 - 0.

B. THOMPSON ROAD/LAKE JOANN SANITARY SEWER: Presented on behalf of Environmental Construction Company was an invoice in the amount of \$26,504.46. City Engineer Sykes advised the Commission that all the facilities in connection with this project are in place and he anticipates a March 8th start up date. He reported that clean up remains and there is approximately \$40,000.00 left on the contract. Mayor Combs asked if any change orders had been approved for this project. City Engineer Sykes reported that a net deduct change order in the amount of \$2,470.00 had been approved. The change order was necessary due to the contract not requiring as much paving as expected and due to a fence replacement. Mr. Sykes reported that tentative approval had been given by the Commission for a \$10,500.00 change order which would have provided backfill material for the sewage line running through the Winn Dixie and Lowe's parking lots. Mr. Sykes reported he was able to negotiate and eliminate the need for the change order. Commissioner Clark made the motion to approve payment of the request for payment as recommended by the City Engineer. Commissioner Blackburn seconded the motion. Upon call of the roll, the motion carried 3 - 0 (Commissioner Davis not present at the time of the vote).

At 8:55 p.m., Mayor Combs made the motion to recess the meeting for five minutes. Commissioner Blackburn seconded the motion. Upon call of the roll, the motion carried 3 - 0 (Commissioner Davis not present at the time of the vote).

At 9:02 p.m., Mayor Combs made the motion, seconded by Commissioner Clark to reconvene. Upon call of the roll, the motion carried 4 - 0.

## AGENDA ITEM VI.

## OLD BUSINESS

A. CITY ENGINEER'S REPORTS: Jack Sykes representing Summit Engineering, City Engineers, presented the following verbal report of ongoing City Projects:

1. Police Station: This project is substantially complete. A retainer of \$28,000.00 is being withheld pending final inspection.

2. Sidewalk: During the last City Commission Meeting, City Attorney Davis and City Engineer Sykes were directed to contact Highway Department representatives to determine if it would be feasible to construct the sidewalk, in the vicinity of the floodwall, behind the guardrail. Requests to cut the guardrail or moving the sidewalk behind the guardrail have been denied by Denton Biliter. The only other alternative would be to construct a ramp up and over the floodwall. Steps, alone, would not meet the handicap accessibility requirements. On a 1:12 slope (handicap regulations) it would take 318 feet to go up and over the floodwall. The sidewalk contractor submitted a quote in excess of \$62,000.00 to construct the ramp. Mr. Sykes told the Commission he could not assure the sidewalk would be safe for pedestrian traffic without added precautions in the curve. Commissioner Blackburn asked the possibility of raising the curb. The City Engineer reported that it would cost anywhere from \$2,000.00 to \$3,000.00 to raise the curb 4 inches. Mayor Combs made the motion to authorize the City Manager to negotiate a change order to raise the curb and to adopt a resolution requesting the Highway Department to reduce the speed limit to 30 m.p.h. through the curve. Commissioner Blackburn seconded the motion. Upon call of the roll, the motion carried 4 - 0. Commissioner Blackburn requested that it be determined if the street lighting for this area should be increased.

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

1. Pikeville Public Hospital Corporation: City Attorney Davis explained that the Pikeville Public Hospital Corporation, approximately one year ago, approved a line of credit in the amount of \$3.5 million for the Methodist Hospital of Kentucky, Inc. It is required by the corporate charter of the Pikeville Public Hospital Corporation that the City approve any debt that Pikeville Public Hospital Corporation incurs. The original term for the line of credit is one year, which will expire in February, 1994. The hospital came back through Pikeville Public Hospital Corporation and made the request that the line of credit be renewed for an additional year. The same terms and conditions would apply. Hospital CFO, Larry Smith, reported that the Methodist Hospital had drawn down \$2.2 million. The City Attorney reported that Pikeville Public Hospital Corporation had approved renewal of the line of credit. Additionally, the Chairman urged hospital officials to pay off the line of credit within the year. Commissioner Blackburn advised he would abstain from the vote due to his employment with Bank One. Commissioner Davis also expressed his intention to abstain from the vote, as he had done in the past, with regard to hospital



related issues. The resolution was presented and read entitled:

RESOLUTION APPROVING AND AUTHORIZING THE PIKEVILLE PUBLIC HOSPITAL CORPORATION TO  
EXTEND A LINE OF CREDIT ESTABLISHED WITH THE PIKEVILLE NATIONAL BANK AND TRUST  
COMPANY IN AN AMOUNT NOT TO EXCEED 3.5 MILLION DOLLARS

RESOLUTION #R-94-002

WHEREAS, the Pikeville, Kentucky Public Hospital Corporation desires to extend its line of credit with the Pikeville National Bank and Trust Company in the maximum amount of \$3.5 million dollars for the purpose of providing financing for the Pikeville Methodist Hospital of Kentucky.

WHEREAS, the Articles of Incorporation of Pikeville, Kentucky, Public Hospital Corporation require that said corporation incur no indebtedness or liability without the approval of the Commission of the City of Pikeville and a majority vote of the members of the Board of Directors of said corporation.

WHEREAS, a majority of the Board of Directors of said corporation did, at a meeting held February 9, 1994, approve the extension of a 3.5 million dollar line of credit with the Pikeville National Bank and Trust Company for an additional year upon such terms and conditions which shall, in the discretion of the Chairman, be advisable subject, however, to final approval of the transaction by the Commission of the City of Pikeville.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the City of Pikeville that the Commission of the City of Pikeville does hereby approve and authorize the Pikeville, Kentucky, Public Hospital Corporation to incur indebtedness or liability to the Pikeville National Bank and Trust Company pursuant to an existing line of credit established by the corporation with the Bank in an amount not to exceed 3.5 million dollars including interest thereon.

Passed this 28th day of February, 1994.

Commissioner Sharon Clark moved the adoption of the foregoing resolution. Commissioner Eugene Davis seconded the motion.

Upon roll call, the votes were as follows:

STEVEN D. COMBS, MAYOR	ABSENT
GENE DAVIS, COMMISSIONER	ABSTAIN
SHARON CLARK, COMMISSIONER	YES
WALTER BLANKENSHIP, COMMISSIONER	ABSENT
KENNY BLACKBURN, COMMISSIONER	ABSTAIN

The Mayor declared the within resolution adopted.

/s/ Steven D. Combs  
STEVEN D. COMBS, MAYOR

ATTEST:

/s/ Karen Harris  
KAREN HARRIS, CITY CLERK

\*Mayor Combs was absent from 9:20 p.m. to 9:46 p.m. due to a family emergency.

2. Mayor's Office Parking: City Attorney Davis presented and gave second reading to an Ordinance entitled as follows:

ORDINANCE ELIMINATING PRESERVED PARKING FOR THE MAYOR'S OFFICE AND DESIGNATING  
THE SAME AS GENERAL PARKING (ORDINANCE  
#O-94-002).

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

MAYOR:	STEVEN D. COMBS	ABSENT
COMMISSIONER:	KENNY BLACKBURN	YES
	WALTER BLANKENSHIP	ABSENT
	SHARON CLARK	YES
	EUGENE DAVIS	YES

3. Parking on Williamson Street: Second reading was given to an Ordinance captioned as follows:

ORDINANCE CREATING A TWO HOUR PARKING ZONE ON WILLIAMSON STREET AT THE CORNER OF  
WILLIAMSON STREET AND HIBBARD STREET  
(ORDINANCE #O-94-003)

Commissioner Clark made the motion, seconded by Commissioner Blackburn to adopt the Ordinance as presented and read. During discussion, City Manager Johnson advised the Commission that this area would probably received limited enforcement of the parking regulation imposed. Upon call of the roll, the motion carried by



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the following votes:

MAYOR:	STEVEN D. COMBS	ABSENT
COMMISSIONER:	KENNY BLACKBURN	YES
	WALTER BLANKENSHIP	ABSENT
	SHARON CLARK	YES
	EUGENE DAVIS	YES

4. Hospital Security: City Attorney Davis reported an Ordinance adopted by the Pikeville City Commission in 1975, designated hospital security to issue parking violations to persons parking in fire lanes. Mr. Davis reported that a request has been made by the hospital to allow the security guards to also issue parking tickets in the hospital's parking lot for other violations. Police Chief Edmonds recommended that the Commission authorize hospital security to issue the parking violations as requested. City Attorney Davis advised the Commission that it may be questionable for the City to delegate police authority, but in this case, gave the opinion that it is legal, as the City has from time to time given authority to non-sworn officers (meter maids or traffic control officers). However, Mr. Davis advised that the City could not grant authority to issue KRS violations. City Attorney Davis gave first reading to an Ordinance to designate the Pikeville Methodist Hospital Security Guards to Issue Parking Violations.

5. 1976 Gas Revenue Bonds: City Attorney Davis presented a resolution to the Commission to authorize the early redemption of the 1976 Gas Bonds. Finance Director Jan Hunt advised the Commission that it was advantageous to pay off the bonds early and reported an overall savings of \$24,000.00. She affirmed that sufficient monies were available in the bond escrow account for the early redemption. The resolution was read as follows:

## RESOLUTION AUTHORIZING THE REDEMPTION AND RETIREMENT OF ALL OF THE CITY OF PIKEVILLE BONDS OF 1976

### RESOLUTION #R-94-003

WHEREAS, the Finance Administration for the City of Pikeville has advised the Commission that the early retirement of certain gas bonds of 1976 would result in a financial savings to the City of Pikeville and further, that the City of Pikeville has sufficient revenues in escrow to retire said bonds at the next redemption date;

BE IT RESOLVED by the Commission for the City of Pikeville that the Finance Administrator is authorized to, at the next redemption date, redeem and retire all of such outstanding bonds of 1976 both as to principal and as to interest after proper publication of notice of redemption of said bonds as required by law.

Passed this 28th day of February, 1994.

Commissioner Kenny Blackburn moved the adoption of the foregoing resolution. Commissioner Sharon Clark seconded the motion.

Upon roll call, the votes were as follows:

STEVEN D. COMBS, MAYOR	ABSENT
GENE DAVIS, COMMISSIONER	YES
SHARON CLARK, COMMISSIONER	YES
WALTER BLANKENSHIP, COMMISSIONER	ABSENT
KENNY BLACKBURN, COMMISSIONER	YES

The Mayor declared the within resolution adopted.

/s/ Steven D. Combs  
STEVEN D. COMBS, MAYOR

ATTEST:

/s/ Karen Harris  
KAREN HARRIS, CITY CLERK

6. Pike County Medical Supplies Lease: City Attorney Davis informed the Commission of a lease agreement which was executed in January, 1990 between the Urban Renewal Agency and Pike County Medical Supplies for a 1/4 acre tract at the mouth of the hospital on the Bypass (site of former King's Market). Provisions were for a 60 year lease term with a \$450.00 per month lease payment. Additionally, the lease provided that within 12 months, Pike County Medical Supplies would construct a medical supply building. Finance Director Hunt had brought to the City Attorney's attention that rental had not been received for the property since June 1993. At the time the January 1994 payment was made, Ms. Hunt advised Pike County Medical Supply representatives that lease payments had not been made for the past six months. A check for six months lease along with the lease payment for February 1994 was remitted. City Attorney Davis advised the Commission that the lease agreement could be terminated for failure to comply with the lease provisions. Commissioner Blackburn made the motion to terminate the lease agreement, return the lease payment checks from June 1993 to present date to Pike County Medical Supplies, and directed the City Manager to have the property appraised. Commissioner Clark seconded the motion. Upon call



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of the roll, the motion carried 4 - 0.

7. Kentucky Long Rifles Use Agreement: Included with the Commission's agenda package was the final draft of the Use Agreement between the City of Pikeville and Pikeville Professional Baseball, Inc., for the non-exclusive use of the Hambley Athletic Complex by the Kentucky Long Rifles. The agreement provides for the Baseball Team to reimburse the City for any out of pocket expenses including but not limited to, water use, gas use, electricity use and the cost to clean the complex. All activities are to be scheduled with the Parks Director. The Baseball Team will provide \$1 million in public liability insurance. Commissioner Davis made the motion, seconded by Commissioner Blackburn to approve the Use Agreement as negotiated. Upon call of the roll, the motion carried 4 - 0.

8. Pikeville High School Cheerleaders Proclamation: Two proclamations were presented and read as follows:

## PROCLAMATION RECOGNIZING THE ACHIEVEMENTS OF THE PIKEVILLE HIGH SCHOOL BOYS CHEERLEADING SQUAD AND THEIR SPONSOR IN WINNING THE ALL-A-STATE-AT-LARGE CHEERLEADING CHAMPIONSHIP

WHEREAS, The Pikeville High School Boys Cheerleading Squad did, on Saturday, February 5, 1994, at Madison Central High School, compete in the All-A-State-at-Large Cheerleading Championship Meet featuring single A squads through out the state with the help of eight seniors who have had a long outstanding career as cheerleaders with Pikeville High School.

WHEREAS, a flawless performance of a difficult routine resulted in the squad receiving the state championship title.

WHEREAS, the squad also participated in the National Cheerleading Finals in Dallas, Texas.

WHEREAS, these young persons' achievements in the name of Pikeville do honor the City of Pikeville and provide state wide recognition to our City.

NOW, THEREFORE, be it proclaimed by the City of Pikeville that the Pikeville High School Boys Cheerleading Squad and its sponsor, Jeannie Stone, are hereby recognized for their achievement in winning the All-A-State Cheerleading Championship. The City of Pikeville does hereby recognize for their outstanding achievement the following individual members of the squad as follows:

Tammy Newsome	Kari Lindsey
Shanea Bush	Ashla Hayes
Sarah Baird	Raquel Stone
Ashley Branham	Megan Collier
Cindy Combs	Dana Burke
Mandy Amick	Kelly Hamilton
Karen Kowalski	Ashley Elswick
Lucy Venters	

Passed this 28th day of February, 1994.

Mayor Steve Combs moved the adoption of the foregoing proclamation. Commissioner Sharon Clark seconded the motion.

Upon roll call, the votes were as follows:

STEVEN D. COMBS, MAYOR	YES
GENE DAVIS, COMMISSIONER	YES
SHARON CLARK, COMMISSIONER	YES
WALTER BLANKENSHIP, COMMISSIONER	ABSENT
KENNY BLACKBURN, COMMISSIONER	YES

The Mayor declared the within proclamation adopted.

/s/ Steven D. Combs  
STEVEN D. COMBS, MAYOR

ATTEST:

/s/ Karen Harris  
KAREN HARRIS, CITY CLERK

and

## PROCLAMATION RECOGNIZING THE ACHIEVEMENTS OF THE PIKEVILLE HIGH SCHOOL CHEERLEADING SQUAD AND SPONSORS IN WINNING THE ALL-A-STATE-AT-LARGE CHEERLEADING CHAMPIONSHIP

WHEREAS, the Pikeville High School Girls Cheerleading Squad was the defending All-A-State-at-Large Cheerleading Champions.

WHEREAS, the Pikeville High School Girls Cheerleading Squad did, on Saturday, February 5, 1994, participate in the All-A-State-at-Large Cheerleading Championship Meet held at Madison Central High School featuring cheerleading



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squads from single A schools across the state.

WHEREAS, a flawless performance of the squad's routine resulted in the squad receiving the state championship title.

WHEREAS, these young persons' achievements in the name of Pikeville do honor the City of Pikeville and provide state wide recognition to our City.

NOW, THEREFORE, be it proclaimed by the City of Pikeville that the Pikeville High School Girls Cheerleading Squad and its sponsor, Lisa Wheeler, are hereby recognized for their achievement in winning the All-A-State Cheerleading Championship. The City of Pikeville does hereby recognize for their outstanding achievement the following individual members of the Cheerleading Squad as follows:

Jenny Shepherd	Natalie Schnell	Emily Combs
Angie Clifton	Pam Robinson	Lindsey Akers
Brandi Justice	Braye Justice	Stacy Rose
Christie Burchett	Kelly Cassady	Ashley Collins
Christy Robinson	Kimberly Branham	Kitty Collins
Olivia Wallen	Kendra Hamilton	
Katie Burke	Teri Lee Kinzer	

Passed this 28th day of February, 1994.

Mayor Steve Combs moved the adoption of the foregoing proclamation. Commissioner Sharon Clark seconded the motion.

Upon roll call, the votes were as follows:

STEVEN D. COMBS, MAYOR	YES
GENE DAVIS, COMMISSIONER	YES
SHARON CLARK, COMMISSIONER	YES
WALTER BLANKENSHIP, COMMISSIONER	ABSENT
KENNY BLACKBURN, COMMISSIONER	YES

The Mayor declared the within proclamation adopted.

/s/ Steven D. Combs  
STEVEN D. COMBS, MAYOR

ATTEST:

/s/ Karen Harris  
KAREN HARRIS, CITY CLERK

City Attorney Davis requested an executive session for the purpose of discussing a couple of pending legal matters, a couple of complaints with regard to occupational tax assessments, and a personnel matter. At 10:00 p.m., Commissioner Blackburn made the motion, seconded by Commissioner Davis to adjourn to an executive session pursuant to the City Attorney's request. Upon call of the roll, the motion carried 4 - 0.

At 12:03 a.m., Commissioner Clark made the motion, seconded by Commissioner Blackburn to reconvene to regular session. Upon call of the roll, the motion carried 4 - 0.

City Attorney Davis reported that three items had been discussed by the Commission while in executive session. Mayor Combs announced that he would be abstaining from any action with regard to the occupational tax issue. The City Attorney reported that no action was necessary with regard to the occupational tax matter discussed with Pam Robinette and Jim Reynolds. No action was requested with regard to the pending legal matter or personnel matter. With regard to the pending personnel legal matter, Mr. Davis reported that he would be corresponding with Mike Cornett's attorney.

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

1. Cable T.V. Public Hearing: City Manager Johnson advised the Commission that a public hearing was held on February 14, 1994 to give citizens the opportunity to discuss their cable service concerns with the providers of the service. Tel-Com, Mountain Cable, and Mayo Village representatives were present. There were approximately 9 citizens present. A letter of apology was sent by Tele-Media representatives who advised that their notice of the hearing was delivered to their home office and was not delivered to Mr. Harrison in time for him to attend the hearing. Mr. Johnson advised that the same complaints were made as had been heard in the past - poor reception of channels 7, 12 and 13. Mr. Johnson reported he had requested and received FCC Tests from Tel-Com and Tele-Media. He requested permission to have these tests reviewed by Rahmer Technologies to determine if they are operating within FCC guidelines. Cost is between \$400.00 and \$600.00. Mr. Johnson advised, that if it becomes necessary, Rahmer Technologies will do field testing for a cost not to exceed \$3,000.00. Mayor Combs made the motion to employ Rahmer Technologies to review the tests from Tel-Com and Tele-Media. Commissioner Clark seconded the motion. Upon call of the roll, the motion carried 4 - 0. Mayor Combs announced that



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Wayne Harrison of Tele-Media had informed him that Tele-Media now has a signed document in hand for the new tower site. Mayor Combs reported that it had been learned during the public hearing that Tele-Media is the only cable company operating in Pikeville who charges a monthly fee for each outlet. The Mayor made the motion to authorize the City Attorney to notify Tele-Media to come into line with the common practice and not assess a monthly charge for each outlet. Tele-Media Manager, Carol Adkins, was present and advised the Commission that FCC rules prohibit the monthly charge for each outlet and assured the Commission that Tele-Media does not assess this charge. City Manager Johnson asked Ms. Adkins to send him a current charge list. It was announced that Tele-Media's legal counsel has requested a meeting with Mayor Combs and the City Attorney to discuss the City's concerns with regard to the cable service. The Mayor asked that the meeting be scheduled for sometime during the week of March 14th.

2. Parking: City Manager Johnson asked the Commission to consider repealing the Ordinance which provides for a two hour parking limit for the old city hall lot and the freight station lot. Police Chief Edmonds recommended the deletion of the parking restrictions on both lots. He reported that he had monitored the use and determined that the old city hall lot is the only one being used. The Commission directed the City Attorney to prepare an Ordinance to repeal the two hour parking limit for the freight station lot and directed the Ordinance be given first reading at the end of the meeting.

3. Parking Lot Lease Agreements: In an effort to provide additional parking, Mr. Johnson reported that monthly lease agreements had been negotiated with Jack Mandt and the owners of the Justice property on Third Street. The lease amount was \$500.00 for each lot and could be terminated with a 30 day notice. Mr. Johnson reported that he had monitored the parking lots and recommended the leases be terminated due to lack of use. Commissioner Blackburn made the motion, seconded by Commissioner Clark to cancel both leases. Upon call of the roll, the motion carried 4 - 0.

4. Vacuum Truck: Mr. Johnson asked the Commission to consider continuing the practice of sending the vacuum truck to Elkhorn City once or twice a year. It was reported that it takes approximately 2 hours to clean their streets. PSG donates the manpower to operate the vacuum truck and repairs any damages which may occur to the vehicle. Commissioner Davis made the motion, seconded by Commissioner Blackburn to continue the practice of sending the vacuum truck to Elkhorn City. Upon call of the roll, the motion carried 3 - 0 - 1 with Commissioner Clark abstaining from the vote.

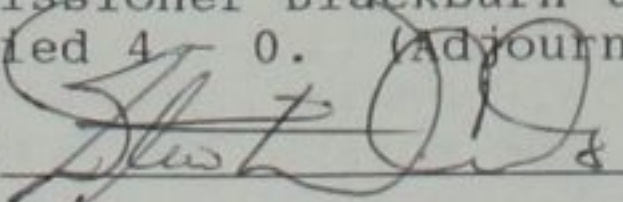
5. Coal Run Sewage Treatment Plant: City Manager Johnson asked the Commission to consider selling or allowing PSG to operate the sewage treatment plant located beside East Kentucky Beverage at Coal Run. Mr. Johnson reported that the plant was donated to the City by East Kentucky Beverage. The City currently operates the plant for 5 or 6 customers. Mountain Water District has expressed interest in obtaining the plant. Commissioner Davis made the motion to authorize the Mayor and City Manager to enter into negotiations with interested parties for the disposal of the plant. Upon call of the roll, the motion carried 4 - 0.

6. Police Cruiser: Mr. Johnson advised the Commission of the Police Chief's request to purchase a police cruiser. Mr. Johnson reported that a 1994 Crown Victoria could be purchased through State Price Contract at Hill Top Ford for \$14,253.00. The purchase is in the budget. Mayor Combs asked if the Police Chief was still interested in acquiring an additional 4 wheel drive vehicle. The City Manager suggested purchasing a 4 wheel drive vehicle in the Fall. Discussion was had with regard to allowing local suppliers the opportunity to bid on the vehicle. The City Manager reported that it was not necessary to bid if a purchase was made through the State Price Contract. City Attorney Davis explained the Model Procurement purchasing procedures. He advised the Commission that it would not be legal to designate that the purchase be made locally as all supplies and equipment costing over \$10,000.00 must be bid. Commissioner Blackburn made the motion, seconded by Commissioner Clark to advertise for bids for the purchase of a police cruiser. Upon call of the roll, the motion carried 4 - 0.

The City Attorney gave first reading to an Ordinance to repeal the two hour limit for parking in the old freight station lot.

News-Express reporter, Allen Blair, questioned the City Attorney with regard to the validity of adjourning to an executive session for the purpose of discussing a tax matter. The City Attorney advised that the City's Occupational Tax Ordinance provides that all information with regard to the taxes are to be kept confidential under criminal penalties. Mr. Davis further advised that closed sessions may be held to discuss proprietary information and that the Commission was not dealing with a general complaint. The persons who had the complaint could have requested the discussion be held in public, however they did not make that request. The City Attorney advised that Mr. Blair could contact the parties in question as there was nothing to prohibit them from discussing the matter.

There being no further business to come before the Commission, Commissioner Davis made the motion, seconded by Commissioner Blackburn to adjourn the meeting. Upon call of the roll, the motion carried 4 - 0. (Adjournment Time: 12:30 a.m.)

APPROVED 

*Karen Harris*



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STEVEN D. COMBS, MAYOR

ATTEST:

KAREN W. HARRIS, CITY CLERK