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REGULAR MEETING MINUTES - MARCH 28, 1994

The Board of Commissioners of the City of Pikeville met in regular session on Monday, March 28, 1994. The meeting was held 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
	WALTER BLANKENSHIP
	SHARON CLARK
	EUGENE DAVIS

AGENDA ITEM II.

CALL OF THE AGENDA

There were no additions or deletions to the prepared agenda, however, Old Business, Item C., "City Manager's Report", was moved on the agenda to be heard after the minutes were approved, due to a death in City Manager Johnson's family.

AGENDA ITEM III.

MINUTES

The minutes for the previous regular meeting of February 28, 1994 were included with each Commission Member's agenda package. Mayor Combs asked that the minutes be amended to reflect his absence during the time between 9:20 p.m. and 9:46 p.m. due to a family emergency. Commissioner Clark made the motion, seconded by Commissioner Davis to approve the minutes as amended. Upon call of the roll, the motion carried 4 - 0 - 1 with Commissioner Blankenship abstaining from the vote.

CITY MANAGER'S REPORTS

City Manager, John Johnson, presented the following items for the Commission's consideration:

1. Bond Refinancing: A letter from Ross Sinclair, with regard to bond refinancing, was included in each Commission Member's agenda package. The company's representative, Mark Matthews met with Finance Director Jan Hunt, Auditor Don Wallen, and City Manager Johnson concerning the bonds currently outstanding to look at the potential for refinancing the bonds to fund sewer extensions to areas within the City Limits which do not have the sewage service. Mr. Matthews, in his letter, advised that it is not financially feasible to refinance the bonds at a lower rate as some of the bonds were refinanced in 1987. The City Manager gave notice to the Commission that two other bond companies (Bank One, Columbus National and Hilliard Lyons) are exploring the potential of refinancing the city's bonds. Mayor Combs recommended that the local banks be contacted.

2. Autumn Jam: A request was presented to the

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Commission from the Coleman Oil Company for permission to use the Hambley Athletic Complex on September 17, 1994 for the Autumn Jam Concert. Commissioner Clark asked if any irreparable damage was done to the field during last year's concert. Commissioner Davis reported that while no major damage was done to the field, barbecued rib bones littered the field. Parks Director, Doug Justice, gave his opinion that should it rain during the event, the field would be destroyed. Mayor Combs reported that he had received several complaints from the Parks Department personnel that no assistance was rendered by Coleman Oil in cleaning up the field. Coleman Oil officials reported that money (\$1,000.00) for clean up was given to the school for students to clean up the field. City Manager Johnson advised the Commission that it was Coleman Oil's responsibility to clean the field. City Attorney Davis reported that a Use Agreement was executed with the sponsors of the country music event last year and recommended reassigning the agreement which would provide for the sponsors to be responsible for any damage to the field, coordinate all equipment placement with the Parks Director, provide adequate security, and to clean up after the event. Commissioner Blankenship made the motion to allow Coleman Oil to use the Hambley Athletic Complex on September 17, 1994 for an Autumn Jam. Commissioner Blackburn seconded the motion. Upon call of the roll, the motion carried unanimously.

3. River Fill Property Sale: City Manager Johnson reported that Auctioneer/Real Estate Agent, Bill Gibson, retained the right, for a period of 90 days, to attempt to sell any property which was not sold during the auction. One lot, River Fill Lot #5, was not sold during the auction. City Manager Johnson advised that an offer has been tendered and requested to discuss the matter in executive session. City Attorney Davis advised the Commission that this matter would be appropriate to discuss in executive session. The City Manager also requested to discuss a personnel matter while in executive session.

At 7:15 p.m., Commissioner Davis made the motion, seconded by Commissioner Blankenship to adjourn to executive session for the purpose of discussing a legal matter and a personnel matter. Upon call of the roll, the motion carried unanimously.

At 8:10 p.m., the motion was made by Commissioner Blankenship and seconded by Commissioner Blackburn to reconvene to regular session. Upon call of the roll, the motion carried 5 - 0.

Mayor Combs reported that while in executive session item 3 of the City Manager's reports was discussed as well as a personnel matter recommended by the Fire Chief.

City Attorney Davis told the audience that one of the items the Commission considered dealt with whether they would accept an offer from Thomas Goodman, Jr. to purchase River Fill Lot #5 for \$63,000.00. A minimum bid for this lot was set during the auction in the amount of \$65,000.00. The

highest offer during the auction was \$57,000.00. The highest offer made to Action Auction was \$63,000.00. City Manager Johnson recommended that the offer be accepted. Commissioner Blankenship made the motion to authorize the sale of Lot #5 to Thomas Goodman, Jr. Commissioner Clark seconded the motion. Upon call of the roll, the motion carried unanimously.

Commissioner Blankenship made the motion, seconded by Commissioner Clark to authorize the Mayor to execute the deed for the sale of River Fill Lot #5 to Thomas W. Goodman. Upon call of the roll, the motion carried unanimously.

City Attorney Davis advised that Fire Chief Hall had recommended to the Commission during executive session that approval be granted to allow for the promoting of 5 firemen to Lieutenant, two of which will also serve at battalion chiefs, and the appointment of a Fire Inspector. The recommended rate of pay while on probation was \$1,670/month and increased to \$1,770/month after satisfactory completion of the probationary period. The Fire Chief reported the promotions would allow the initiation of certain programs such as fire prevention and EMS training. Commissioner Blankenship made the motion, seconded by Commissioner Blackburn to approve the promotions and pay scale as recommended by the Fire Chief. Upon call of the roll, the motion carried unanimously.

Fire Chief Hall recommended the hiring of Kenneth Edward Greenhill, II to replace a fireman who recently retired. Fourteen applications were received and reviewed for this position. Commissioner Blackburn made the motion, seconded by Commissioner Blankenship to hire Kenneth Edward Greenhill, II as fire fighter/EMT. Upon call of the roll, the motion carried unanimously.

4. Travel Policy: A draft travel policy was given to each Commission Member for review.

5. City Bills: A list of City Bills totaling \$424,437.72 was presented to the Commission for approval of payment. City Manager Johnson recommended approval of the bills and confirmed that sufficient funds were available for payment. Commissioner Blackburn made the motion to approve payment of the City Bills totaling \$424,437.72. Commissioner Blankenship seconded the motion. Upon call of the roll, the motion carried unanimously.

The City Manager left the meeting at 8:20 p.m.

AGENDA ITEM IV.

BUSINESS FROM THE FLOOR

1. CABLE: Wayne Harrison, Assistant Vice-President of Tele-Media Corporation, was present to discuss his company's long-term and short-term proposals for improving the cable reception for the City of Pikeville, WSAZ and WVAH, in particular. Mr. Harrison advised the Commission that a new lease has been completed for the new antenna site. Additionally, the final site testing has also been completed.

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Equipment for the new head-end site will be ordered during this week. It is expected that site preparation will begin within the next few weeks, weather permitting. A construction schedule was given to each Commission Member which targeted October 31, 1994 as completion for the project. In the meantime, Mr. Harrison reported that he is working with officials from WVAH and WSAZ to improve the reception of the stations in an effort to allow these stations to remain on the cable system. If an improved reception can not be attained, one alternative would be to provide another affiliate for NBC and FOX, which would require permission from the broadcasters. In the event that the signal can not be improved and permission is not granted from the broadcasters to provide an alternate affiliate, the matter will be brought before the Commission to discuss further alternatives. To comply with FCC guidelines, a letter will be sent to all subscribers giving notice that WVAH and WSAZ may be removed from the system.

City Attorney Davis reported that Tele-Media officials had met with Mayor Combs, Commissioner Clark and himself a couple of weeks ago. Tele-Media has been given 90 days in which to remedy the reception problems. During the meeting, Tele-Media officials were told that a final hearing on the Notice of Default would be delayed as long as certain conditions were met. The following resolution established those guidelines:

WHEREAS, the City of Pikeville did, on January 28, 1994, notify Tele-Media Company KVV that they were in default of its Cable TV Franchise granted by the City of Pikeville;

WHEREAS, the City of Pikeville and Tele-Media desire to reach an understanding which may resolve the default issue;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF PIKEVILLE that the city of Pikeville, after the expiration of the 90 day default remedy period provided for in Section 5 of the Franchise Ordinance No. O-87-022, shall not proceed with notice and hearing of the issues of default so long as Tele-Media complies with each of the following provisions, to-wit:

1. Construct a new antenna at Flat Woods, Pike County, Kentucky and a new fiber optic transmission trunk line according to the attached construction schedule;

2. Immediately provide the City Manager with a copy of Tele-Media's site lease for the Flat Woods Antenna Tract;

3. Provide the City Manager with a copy of Tele-Media's executed site excavation contract no later than April 15, 1994 and a copy of Tele-Media's Tower Erection Contract and Trunk Transmission Line Construction Contract at such time which will correspond with the attached construction schedule;

4. That a representative of Tele-Media shall appear at each of the regularly scheduled monthly meetings of the Pikeville City Commission and deliver a written report on the

progress of the construction of both the antenna and trunk line in relation to the attached construction schedule and be prepared to answer any questions concerning the report;

5. That a City Representative shall be permitted to inspect the construction site (s) to verify the construction schedule progress;

6. Complete construction and testing of the new antenna and trunk line and have equipment in service by October 31, 1994;

7. By May 1, 1994, replace Channel 7, WSAZ-13 with another NBC network affiliate and Channel 12 WVAH-11 with a Fox network affiliate if possible; or if not, provide alternative programs acceptable to the Commission for the City of Pikeville for WSAZ and WVAH during construction of the new antenna and transmission line;

If all of the provisions stated above have been fully complied with and further providing that the new antenna and trunk transmission line brings Tele-Media in compliance with the Cable Television Consumer Protection and Competition Act of 1992 minimum technical standards for signal quality as adopted and periodically updated by FCC regulations, the notices of default concerning the issues addressed in the January 28, 1994 default notice (subject to an exception for the overcharged issue for alleged overcharges occurring prior to the completion of Item 7 above, which will be resolved by alternative means other than through a franchise default proceeding) shall be considered withdrawn;

8. If Tele-Media fails to comply with one or more of the items listed above, the City shall have the right, after 30 days notice, to proceed with a default hearing pursuant to Section 5 of the franchise ordinance;

Further, the Pikeville City Commission does hereby request pursuant to Section 611 of the Cable Act of 1992 that a channel be designated for public, educational, and/or governmental use, which would include but not be limited to a public forum channel, free educational program and city commission meetings, as soon as possible and also provide the necessary facilities and equipment for public, educational or governmental use.

The construction schedule referred to in the preceeding resolution is attached to the minutes and marked as "Exhibit A".

Mayor Combs asked Mr. Harrison to provide the City Attorney with documentation verifying the ordering of the equipment for the new head-end site construction.

WVAH representative, George Parnision, was present and advised the Commission that his station will be trying to bring the signal in from another cable system and microwave the signal to Tele-Media's head-end site in an effort to keep WVAH on Tele-Media's system while improvements are being

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made. City Attorney Davis commented that this effort should have been made a year ago.

One comment from the floor was made that every effort should be made to retain WSAZ for providing local news. Mayor Combs explained that Tele-Media was not planning to permanently remove WSAZ and would only remove the channel if the signal could not be improved while the new head-end site was being constructed.

Commissioner Blankenship was designated to act as the City's representative pursuant to the provisions of item 5 of the preceding resolution.

Denver Matney asked why that Tele-Media will not provide the Arts & Entertainment Channel. Mr. Harrison advised that he did not know why the A & E Channel was not initially provided on the cable system, however when channels are added, Tele-Media will poll subscribers to determine which channels should be added. The City Attorney added that the City can not dictate to the cable company which channels are provided.

Commissioner Blankenship made the motion to adopt the resolution. Commissioner Blackburn seconded the motion. Upon call of the roll, the motion carried unanimously.

2. Keyser Heights: Linda Ratliff, on behalf of the residents of Keyser Heights, advised the Commission of the residents' concerns for the ongoing construction taking place behind their homes. Ms. Ratliff reported that during the weekend's rain, debris from the construction site, known as Keyser Heights Phase II, was forced down the road in front of their homes. She expressed concern about sedimentation control and safety regarding the gas wells. Mayor Combs reported that he had visited the subdivision and 4 inches of water was running down the road when he arrived. The Mayor reported that Paul Hall of PSG indicated that a great deal of money and time was expended to clean up the runoff. PSG Manager, Tom Bacon, reported he was unsure of the extent of the damage to the culvert and did not know if it had to be replaced. Stuart Adams, owner of the Keyser Heights Phase II property, told the Commission that he had not done any construction or earth moving work behind the houses in Keyser Heights. He reported that he did have a bulldozer to knock down the weeds in order to make a road. With regard to the residents' concern about safety, Mr. Adams told the audience that he owns the gas wells and will abide by state regulations which allows a structure to be constructed within 20 feet of a gas well. Steve Ratliff told the Commission that where Mr. Adams had made a road, that the debris had been pushed into hollow and subsequently clogged the drain which caused the runoff. Pictures of the roadway condition were viewed by the Commission. Building Inspector Mike Honaker told the Commission that a building permit has been issued to Mr. Adams, however the permit does not provide for sediment control. The Commission was advised that excavation is not in the general location where the permit was issued. City Attorney Davis advised the Commission that no Ordinance is in place which provides for a permit for excavation. He

added that if there has been an unreasonable shifting of water, there would be a reason for a private cause of action against the contractor, where he could be held responsible for the cleanup of the street, culvert repair/replacement or damage to private or public property.

The City Attorney advised the Commission to authorize the City Engineer to inspect and determine the cause for the erosion. Mr. Adams told the Commission that he would allow the City Engineer or anyone else to look at his project.

City Engineer Sykes disclosed to the Commission that his firm has provided survey services to Mr. Adams which may present a conflict of interest. Commissioner Blankenship and PSG Manager Tom Bacon will accompany City Engineer Sykes when the site inspection is made. A representative from the Keyser Heights Tenant Association will also visit the site.

Mayor Combs asked Mr. Adams if his plans provide for rip-rap on the drainage ditch. Mr. Adams advised that his plans did not provide for rip-rap. Mr. Adams contended that the runoff problems were due to the heavy rainfall and not due to his development.

Mayor Combs asked the City Engineer if there are any requirements for sediment control administered by the Division of Water. Mr. Sykes told the Commission that he did not think there would be any regulations applicable to this situation.

Mayor Combs requested a written report from City Engineer Sykes and PSG Manager Tom Bacon on their findings.

Steve Ratliff asked if the residents should ask the EPA look at the situation. Mayor Combs advised that the residents were within their rights to request the EPA to do an inspection. City Engineer Sykes said that he did not know how EPA regulations would be applicable, however advised that he was not completely knowledgeable with regard to EPA regulations. The Commission directed the City Engineer to ask the EPA to make an inspection at the Keyser Heights construction site.

The Public Works Department was directed to keep a tally of the expenses associated with the clean up and repairs.

The Fire Department was directed to hose the mud off the street in the Keyser subdivision.

The Commission also heard a complaint from Steve Ratliff with regard to PSG not responding to calls for service. Mike Cornett told the Commission that Keyser Heights residents have been experiencing sewage problems for the last four years. He reported that the sewage line overflows in the vicinity of the mailboxes at the foot of the hill. Mr. Cornett questioned how the sewage line would be able to accomodate the Keyser Heights Phase II development. The City Engineer advised that the siphon type line, as designed, should be able to accept the sewage from the 10 to 12 houses

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that Mr. Adams plans to build in Dark Hollow. Mr. Sykes reported there have been problems with the sewage line due to it not being a direct gravity line which allows it to become clogged from time to time. Mr. Sykes reported to the Commission that several problems were encountered with this line three to four years ago but was not aware of any current problems.

Sandra Hobson requested to see Mr. Adams plan which depicts the type and location of houses to be constructed in Keyser Heights Phase II. Mr. Adams advised he would allow any one to view the plans.

The Building Inspector reported that no official plan had been submitted to the City or to the Planning Commission. Mr. Adams reported that he was waiting on information concerning a grant for which he had applied before filing for a subdivision with the Planning Commission. City Attorney Davis reported that any time that property is subdivided, the developer must file a subdivision plat with the Planning Commission during a public hearing.

The Mayor assured the residents that building permits would not be issued to construct houses where there is no sewage capability.

Leon Huffman commented that some of the runoff problem may be attributable to an old mining operation.

Mayor Combs reported that if it is determined that action is necessary once the report from the engineers is tendered, a special meeting will be called.

3. Main Street Program: Myra Chico, Executive Director of the Pikeville Main Street Program, gave each Commission Member a report defining the function of the Main Street Program. She called the Commission's attention to the last page of the report which details the past three year's activity. Ms. Chico told the Commission that since she has been the director, 72 new businesses with an investment of \$6,673,500.00 were begun. Fifteen major building rehabilitations costing \$11,469,500.00 were completed. As a community, more than \$12 million has been invested in public improvements. According to Ms. Chico, the Main Street Program is a downtown revitalization program. She added that while many buildings are vacant, she has shown several buildings to prospective tenants. Ms. Chico reminded the Commission that she resigned her position as executive director of the program on December 6, 1993. The Main Street Board has gone through the process of recruiting for a new director, however the individual chosen is reluctant to accept the position until funding for the continuation of the Main Street Program is committed. During the past three years, the City of Pikeville has budgeted \$10,000.00 per year for operating expenses and have given a matching grant of up to \$5,000.00 upon proof that the funds have been raised by the program. Ms. Chico asked for a vote of support for the Main Street Program and a commitment that the program will be included in the City's 1994-95 budget. Mayor Combs and

Commissioner Blankenship voiced that they saw no reason to discontinue the program at this time. Commissioner Davis, referring to the last page of the report, asked Ms. Chico where the 72 new businesses are. Ms. Chico reported that this activity had taken place over the last three years. She advised that some of those businesses have closed. Commissioner Davis asked Ms. Chico to give him a list of the 72 businesses. Mayor Combs made the motion to have a vote of support for the Main Street Program. Commissioner Blankenship seconded the motion. During discussion, Mayor Combs advised that he would certainly vote to keep the program in the City's 1994-95 budget. Upon call of the roll, the motion carried unanimously.

4. No Smoking Policy: Della Dotson submitted a petition requesting a ban against smoking in all public buildings. She reported that state and federal buildings as well as many private business buildings are smoke-free and asked the City Commission to follow suit. Commissioner Davis asked if any smokers had signed the petition. Ms. Dotson reported that several of the persons who had signed the petition were smokers. Commissioner Davis said he would be in favor of banning smoking in the City Hall Public Meeting Room due to the many complaints. Commissioner Blackburn commented that he would not vote to ban smoking from all public buildings and restaurants located within the city limits. Ms. Dotson told the Commission that while the petition called for a smoking ban in all public buildings and restaurants, she was mainly concerned with the City offices and the meeting room. Commissioner Clark told Ms. Dotson she would vote to ban the smoking in the City Hall Public Meeting Room during Commission Meetings but would not vote to ban smoking in the private offices. Commissioner Davis made the motion to ban smoking in the City Hall Public Meeting Room during all City Commission Meetings. Commissioner Blankenship seconded the motion. Upon call of the roll, the motion carried unanimously.

5. River Bank Clean Up: Erin McAnallen, a junior from Pikeville High School, addressed the Commission relative to cleaning up the river bank behind the lake. She told the Commission she was aware of their efforts to extend sewage service to Chloe Creek and Harolds Branch but asked if they were going to wait until the sewage lines were constructed before having the trash skimmed from the lake. Ms. McAnallen reminisced about fishing in the lake and having picnics on the river bank not too many years ago, however now there are signs posted which label the lake as contaminated. Ms. McAnallen expressed her concern for the unsanitary condition of the lake and surrounding banks. Mayor Combs told the Commission that he had received correspondence from the Welfare Jobs Placement Office indicating that they have people to place in jobs and will allow them to work 20 hours per week. Commissioner Blankenship expressed his concern over the liability connected with persons working in the water. City Attorney Davis reported that he had drafted a form that would have to be signed by the workers that would acknowledge that the persons employed were not city employees and would not be entitled to workers compensation insurance. The only

compensation paid is \$4.00 per person per day for lunch reimbursement. Ms. McAnallen asked if the litter law could be enforced. Mayor Combs introduced Mike Honaker, the Building Inspector/Codes Enforcement Officer, and advised it was his job to enforce the ordinances with regard to litter and trash. Mr. Honaker advised the Commission of the need to revise the current ordinance to provide for a larger fine. Mayor Combs asked the City Attorney to review the Environmental Ordinance in an attempt to simplify the enforcement. It was suggested by the Mayor that the building inspector spend a day a week on enforcing the environmental ordinance. City Attorney Davis reported that a citation can be issued every twenty-four hours until the nuisance is abated. Building Inspector Honaker told the Commission that this was impractical as he did not have the time to spend more than one day per week on the enforcement of the nuisance ordinance. Mayor Combs suggested allowing the Jobs Placement Workers to pick up the trash. Commissioner Clark contended that this would not solve the problem and said that until fines were assessed for littering, the problem would not cease. Ms. McAnallen asked why the Commission couldn't hire someone to assist the Building Inspector. City Attorney Davis advised it would be costly to add to the staff. Chuck Chrisman commended Ms. McAnallen for her interest and concern as well as her articulation in communicating such an important matter to the Commission. The Commission discussed the fines that have been established for littering and expressed their opinion that the fines should be increased in an effort to deter littering. Commissioner Davis made the motion to authorize the City Manager to advertise for the employment of a person to assist the Building Inspector/Codes Enforcement Officer to issue citations strictly for environmental nuisances and to further authorize the City Manager to prepare a job description. Commissioner Blankenship seconded the motion. Chuck Chrisman asked the Commission to consider publishing the names of those persons who are cited for allowing trash to accumulate on their property. Mayor Combs agreed that publishing the names of the persons violating the ordinance would be an effective enforcement tool. Upon call of the roll, the motion carried unanimously.

AGENDA ITEM VI.

OLD BUSINESS

A. CITY ENGINEER'S REPORTS: Jack Sykes representing Summit Engineering, City Engineers, gave a verbal report of the following ongoing city projects:

1. Police Station: The police station construction is complete. Final payment was approved with the City Bills.

2. Poor Farm Pump Station: Final payment for this project was approved with the City Bills. A couple of problems were encountered with this project. One was excessive voltage to the pump. The problem was corrected when Kentucky Power Company changed out the transformers. The second problem occurred as a result of revamping the pump station in that the 18" sewer line which runs along 23 from behind the Bowles Addition to Lift Station #7 would not

handle the flow.

3. Sidewalk Project: At the last meeting, the City Engineer was authorized to negotiate a change order with the contractor relative to raising the curb to 8 inches. A change order in the amount of \$4,950 was finally negotiated. Mr. Sykes indicated that he thought the amount excessive but assured the Commission it was the best price he could negotiate. Mayor Combs made the motion, based on the City Engineer's recommendation, to authorize the change order in the amount of \$4,950.00. Commissioner Davis seconded the motion. Upon call of the roll, the motion carried unanimously. Mayor Combs asked if any headway had been made in getting the guardrail moved to the outside of the sidewalk. Mr. Sykes advised that the Highway Department had refused to allow relocation of the guardrail which initiated this change order. The Mayor asked if anyone had asked Lt. Governor Patton to see if he could influence the Highway Department to approve the relocation of the guardrail. Mr. Sykes reported that he had not contacted Lt. Governor Patton. Mr. Sykes advised that the contractor would begin at the opposite end of the project which would allow about 30 days to attempt to get the guardrail placed outside the sidewalk in the curve. Commissioner Blackburn asked if the lighting in the curve had been checked to determine if it was adequate. Mr. Sykes reported he had not, but indicated he would determine if the lighting needed to be increased.

4. Thompson Road/Lake Joann Sanitary Sewer: The City Engineer reported that the sewage system is complete and is in operation. The contractor has indicated that pavement replacement will begin during the last two weeks of April. Mayor Combs advised that he had numerous complaints about potholes in the road. Mr. Sykes indicated some stone could be placed in the holes to allow for easier passage until the roadway is paved. Additionally, Mr. Sykes told the Commission that it was the contractor's responsibility to maintain the roadway at no additional cost to the City.

5. Dark Hollow Sewer: During the previous Commission Meeting, the City Engineer was asked to determine the feasibility of extending the sewage line to serve a development in Dark Hollow. The first alternate provided for tying into the existing system and running a line up to allow for a gravity flow from Dark Hollow. The extension is 832 feet. Mr. Sykes reported he ran elevations and assured the Commission it would gravity flow. Construction costs for this alternate is \$23,224.00. The second alternate, bore and jack under US 23 with an installation of a manhole and tying into the existing sewer line behind the old Elliott Glass Building, was estimated to cost just over \$45,000.00. Mr. Sykes advised that Alternate 1 would be his recommended choice as it would accomodate the Dark Hollow development, however he did not evaluate the system to determine if it would accomodate the 40 houses planned for Keyser Heights Phase II. Stuart Adams told the Commission that he had applied for UDAG funds to upgrade the sewage system for the Keyser Heights development. Mr. Sykes advised the Commission that it would cost an additional \$20,245.00 to increase the

water service to provide for fire protection. The City Attorney reported that prior to Mr. Adams constructing the development in Dark Hollow, he must present and receive approval, from the Planning Commission, of a subdivision plat. In addition, the City Attorney reported that in a R-1 Zone, only one house per lot can be built. Mr. Adams told the Commission that he had been issued 2 building permits. City Attorney Davis advised that one permit had been issued in error, and recommended that one of the permits be revoked. Building Inspector Honaker informed the Commission that he also had issued 2 building permits for the Keyser Heights development and asked if one of the permits should be revoked. The City Attorney advised that the permit should not be revoked if Mr. Adams has begun construction. City Attorney Davis recommended that the Commission not approve the extension of the sewer line until Mr. Adams gets a full subdivision plan approved by the Planning Commission and upon receiving Mr. Adams' assurances guaranteeing that he will complete the development. Mayor Combs said that in accordance with other developments, the Commission plans to extend the sewer line to the property line. There is some question with regard to the interpretation of the code and advised Mr. Adams to consult the City Attorney and Building Inspector to resolve the matter. The City Attorney commented that while it may be the City's obligation to extend the sewer lines, the extension can only be accomplished when funds are available. Action with regard to the matter was deferred until the City Engineer can determine and recommend the best alternate for extension of the sewage line and upon the Planning Commission's approval of Mr. Adams' subdivision plat.

6. Pikeville Pond Cleanup Project: A booklet entitled "Pikeville Pond Cleanup Project" was given to each Commission Member which mainly deals with the sewer line extensions to Chloe Creek and Harolds Branch. Mr. Sykes referred to Appendix 1, page I-4 of the report, which depicts a cost breakdown. Included in the cost is the replacement for the main sewer trunk line (18" line mentioned in the Poor Farm Pump Station report); installation of a new and additional force main across the river; and involves the replacement of the pump lift station. The Commission was informed that these items constitute \$693,470.00 of the total cost, which must be completed prior to the proposed sewer line extensions to Chloe Creek and Harolds Branch. The extension at Harolds Branch is estimated to cost \$470,000.00; Chloe Creek at \$559,000.00; Layne Hollow at \$75,000.00; Middle Bridge at \$63,900.00; Pikeville Pond Cleanup (includes cleanup of the vegetation around the pond and the installation of aeration fountains). Total project cost is \$2.7 million which includes the standard 7.1% design fees and 15% contingency. Mr. Sykes referred to page 3 of the booklet which depicted the funding scenario. It is proposed to apply for a \$1 million CDBG grant and a \$1,250,000 KIA loan. Interest rates through KIA are now at .4%. Mr. Sykes told the Commission that the additional customers served through the extensions would finance \$1,250,000 in bonds, however there is \$506,000 included in the funding package that the City would have to come up with a local match, borrow the money from the KIA,

and retire the note, using perhaps, Coal Severance funds. Mr. Sykes told the Commission the payment would be equivalent to less than \$30,000.00 annually. The City Engineer reported that Will Linder & Associates have completed the necessary surveys of the residences located on Harolds Branch and Chloe Creek. In order to be eligible for CDBG funds, 51% of the residents must fall within the low and moderate income brackets. Chloe Creek did not qualify according to the survey. In addition, there is some question as to whether the pond cleanup can be funded through a KIA loan. City Engineer Sykes suggested that the installation of the Chloe Creek lines could constitute the City's matching funds. Mayor Combs asked if the money could be borrowed from KIA now to begin the sewage extension. The city engineer advised that the money could be borrowed to begin the trunk line replacement, however, it was pointed out by Commissioner Blackburn that the KIA loan was to be retired through the increase of additional customers. The Mayor asked how to get the project started. City Engineer Sykes reported that Will Linder will submit the funding applications to the appropriate agencies by April 1st. It is expected that notice will be given between 60 and 120 days from KIA if the loan is approved. CDBG Grant announcements are expected around August 1st. In an effort to speed the process up, Mr. Sykes told the Commission he would begin the design for the main sewer trunk line replacement for an amount not to exceed 80% of the rate allowable through the grant program. Commissioner Blankenship made the motion, seconded by Commissioner Blackburn to authorize the City Engineer to begin the design for the main sewer trunk line replacement. Upon call of the roll, the motion carried unanimously.

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

1. Bowles Family Partnership: Presented for approval was an agreement between the City of Pikeville and the Bowles Family Partnership. City Attorney Davis explained that a similar agreement had been approved during the last administration, however the members of the Bowles Family wanted to amend the agreement to reflect the dollar amount of the grant. \$30,000.00 total will be given to the City of Pikeville for the construction of a pavilion in the downtown City Park in exchange for the pavilion being constructed according to the plans prepared by H. Powell & Associates, and that the pavilion will be named in the honor of the Bowles Family. Commissioner Blankenship made the motion to authorize the Mayor to execute the agreement as presented. Commissioner Davis seconded the motion. Upon call of the roll, the motion carried 5 - 0.

2. Road Aid: A resolution was presented to the Commission for approval between the Department of Rural and Municipal Aid and the City of Pikeville for the grant of municipal road aid monies which the City can use to overlay streets and bridges. It was explained to the Commission that the agreement is executed annually. According to the resolution, the City is expected to receive \$70,133.00 during

the 1994-95 Fiscal Year. Commissioner Blankenship made the motion to adopt the resolution. Mayor Combs seconded the motion. Upon call of the roll, the motion carried unanimously.

3. CDBG and KIA: Resolutions were presented for the Commission's approval for the submission of a grant application to the Department of Local Government for CDBG Funds and a loan application to the Kentucky Infrastructure Authority for the sewage extension projects as discussed during the City Engineer's reports. Commissioner Blankenship made the motion, seconded by Commissioner Blackburn to adopt the resolutions. Upon call of the roll, the motion carried unanimously.

4. Street Name: First reading was given to an Ordinance entitled:

ORDINANCE RENAMING OF HILL STREET IN THE CEDAR CREEK SUBDIVISION, "DANIELLE STREET"

City Attorney Davis reported that it had been requested by an area resident that the name of the street be changed. It was reported the street was a gravelled roadway now known as Hill Street.

The Ordinance will be on file in the office of the City Clerk for a period of 10 days for public inspection.

5. Parking: Second reading was given to an Ordinance entitled:

ORDINANCE REPEALING AN ORDINANCE DESIGNATING OLD TRAIN STATION PARKING LOT FOR TWO HOUR PARKING

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

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

6. Hospital Security Guards: Second reading was given to an Ordinance granting authority to the Pikeville Methodist Hospital security guards to issue parking violations for all parking infractions. The Ordinance was read entitled:

AMENDED ORDINANCE DESIGNATING SECURITY OFFICERS OF THE PIKEVILLE METHODIST HOSPITAL AS SPECIAL POLICE WITH REGARD TO THE ISSUANCE OF PARKING VIOLATIONS UPON THE PROPERTY OF THE PIKEVILLE METHODIST HOSPITAL

Commissioner Blankenship made the motion to adopt the Ordinance as presented. Commissioner Clark seconded the motion. Upon call of the roll, the motion carried by the

following votes:

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

7. Loading Zones: City Attorney Davis had been directed at the previous meeting to amend the current ordinance pertaining to loading zones. Mr. Davis presented an ordinance which he labeled as a commercial loading zone ordinance which would allow commercial vehicles to park in loading zones only if they possess a permit. There would be no charge for the permit, if the application is approved. Approval would be based on evidence proving that routine deliveries are made. To provide parking for other persons who load or unload, Mr. Davis suggested the designation of 15 minute parking zones. First reading was given to the two ordinances as follows:

AMENDED ORDINANCE CREATING COMMERCIAL LOADING ZONE;
AUTHORIZING ISSUANCE OF COMMERCIAL PARKING PERMIT AND
PROVIDING FOR PENALTIES FOR VIOLATION OF THIS ORDINANCE

and

ORDINANCE CREATING FIFTEEN MINUTE PARKING ZONE AND PROVIDING
FOR PENALTIES FOR VIOLATION

The Ordinances will be on file in the office of the City Clerk for public inspection.

8. Zoning Amendment: Presented to the Commission for consideration was a recommendation from the Pikeville/Pike County/Elkhorn City Joint Planning Commission for the rezoning of a .95 acre tract at the mouth of Coal Hollow from R-2 to C-2. The City Attorney advised that this matter had been presented to the previous administration and was disapproved because the applicant did not have a specific plan and because there was some question as to whether the change would constitute "spot zoning". Mr. Davis told the Commission that this side of the Boulevard is zoned residential. Building Inspector, Mike Honaker, told the Commission that he has issued a building permit to the applicant to relocate a house from Tollage Creek for the purpose of renting/leasing office space. Commissioner Blackburn expressed his concern that should the zoning be changed, that the applicant would not follow through with the relocation of the building. Commissioner Blankenship made the motion, seconded by Commissioner Blackburn to deny the request for rezoning at this time. Upon call of the roll, the motion carried 3 - 0 - 2 (Commissioner Clark and Mayor Combs abstained from the vote).

9. SIGNATURES: Presented to the Commission was a resolution which designated three persons to sign checks on the City of Pikeville's Employee Benefit Plan with the Pikeville National Bank & Trust Company. It was explained that Willis Corroon

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administers the health, dental, and various other employee insurance plans on behalf of the City of Pikeville. Commissioner Blackburn and Mayor Combs expressed their concern for granting this authority to the company. City Attorney Davis advised the Commission that those persons who had been designated act as signators were insured to cover any irregularities which may occur. The resolution was presented as follows:

RESOLUTION DESIGNATING RICHARD Q. FORD, CHIEF EXECUTIVE OFFICER, FRED MASSA, CHIEF ADMINISTRATIVE OFFICER AND PHILLIP A JONES, SENIOR BOOKKEEPER ALL OF WILLIS CORROON ADMINISTRATIVE SERVICES CORPORATION, AS AUTHORIZED TO SIGN CHECKS ON BEHALF OF THE CITY OF PIKEVILLE ON ACCOUNT NO. 1103527 WITH THE PIKEVILLE NATIONAL BANK AND TRUST COMPANY

WHEREAS, the Pikeville City Commission desires to authorize Richard Q. Ford, Chief Executive Officer, Fred Massa, Chief Administrative Officer and Phillip A. Jones, Senior Bookkeeper of Willis Corroon Administrative Services Corporation as signatories for checks drawn on a City of Pikeville Account No. 1103527 with the Pikeville National Bank and Trust Company entitled City of Pikeville - Employee Benefit Plan.

BE IT RESOLVED BY THE CITY OF PIKEVILLE AS FOLLOWS:

1. That Richard Q. Ford, Chief Executive Officer, Fred Massa, Chief Administrative Officer of Willis Corroon Administrative Services Corporation, P O Box 305167, Nashville, Tennessee 37230-5167 are hereby authorized to sign checks on Account No. 1103527 entitled City of Pikeville - Employees Benefit Plan with the Pikeville National Bank and Trust Company.

2. That all prior resolutions granting authority to withdraw and sign checks on the account of the City of Pikeville are hereby revoked.

3. That the Pikeville National Bank and Trust Company is hereby authorized to pay and charge to said account of the City of Pikeville checks signed by either the three individuals named in Paragraph 1 above.

4. That the City Clerk is authorized and directed to deliver for and on behalf of the City of Pikeville certification of this resolution to the Pikeville National Bank and Trust Company. The City Manager is authorized to execute any documents necessary to enforce this resolution which are consistent with the authority granted herein.

5. The Pikeville National Bank and Trust Company is hereby authorized to rely upon this resolution until such time as they have received written notice of any amendments or revisions of this resolution.

Passed this 28th day of March, 1994.

Commissioner Sharon Clark moved the adoption of the

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foregoing resolution. Commissioner Walter Blankenship seconded the motion.

Upon roll call, the votes were as follows:

STEVEN D. COMBS, MAYOR	NO
GENE DAVIS, COMMISSIONER	YES
SHARON CLARK, COMMISSIONER	YES
WALTER BLANKENSHIP, COMMISSIONER	YES
KENNY BLACKBURN, COMMISSIONER	NO

The Mayor declared the within resolution adopted.

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

ATTEST:

/s/ Karen Harris
KAREN HARRIS, CITY CLERK

9. INDUSTRIAL RUBBER COMPANY: City Attorney Davis advised the Commission that Ralph Spenser of Industrial Rubber Company had sent a letter of request asking that a time extension be granted until August 1, 1994, for the company to begin construction of their facility on the property they purchased at Lorraine Street. City Attorney Davis told the Commission that the purchase agreement gave Industrial Rubber Company a 12 month period in which to begin construction of their facility. The lease provided the right for the City to repurchase the property for the company's failure to comply with the construction provision. The deadline for beginning construction is May 1, 1994. Officials at Industrial Rubber cite poor weather conditions and the mining strike as reasons for not beginning construction within the specified time period. Commissioner Blankenship made the motion, seconded by Commissioner Blackburn to deny the time extension. During discussion, the Commission stated they did not want to set a precedence for any future requests which may be brought before them. Upon call of the roll, the motion carried unanimously.

AGENDA ITEM VII.

NEW BUSINESS

A. BOARD APPOINTMENTS: Due to the resignation of George Williamson on the Board of Zoning Adjustments, Mayor Combs nominated Walter Preston Walters, Jr. to complete the unexpired term. Commissioner Blankenship made the motion, seconded by Commissioner Davis to accept the Mayor's nomination of Walter Preston Walters, Jr. to serve on the Board of Zoning Adjustments. Upon call of the roll, the motion carried 5 - 0.

B. WELFARE RELEASE PROGRAM: Mayor Combs reported that he had been made aware of a program administered through the Department of Employment services whereby persons are allowed to perform various types of general supervised labor. It was explained that these workers could do general lawn mowing or could be assigned to litter details. The City would be

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responsible for a lunch reimbursement of \$4.00 for each worker. City Attorney Davis advised that with a signed work release form (which he prepared), the City would be accepting no liability for any of those workers unless the City was found to be negligent in some way. Mayor Combs made the motion to authorize the City Manager to participate in the program and to grant permission for the program to be terminated at any time deemed necessary by either the City Manager or Parks Director, Doug Justice. Commissioner Blankenship seconded the motion. Upon call of the roll, the motion carried unanimously.

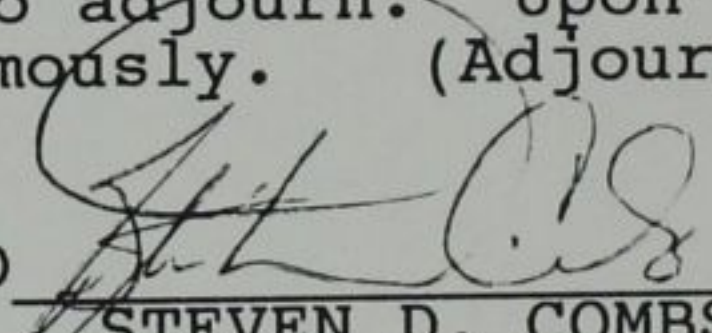
At 11:45 p.m., Mayor Combs asked for an executive session to discuss the possible gift of property to another governmental agency and a personnel matter. Commissioner Blankenship made the motion, seconded by Commissioner Blackburn to adjourn to executive session to discuss matters as stated by the Mayor. Upon call of the roll, the motion carried unanimously.

At 12:10 a.m., Commissioner Blankenship made the motion, seconded by Commissioner Blackburn to reconvene to regular session. Upon call of the roll, the motion carried unanimously.

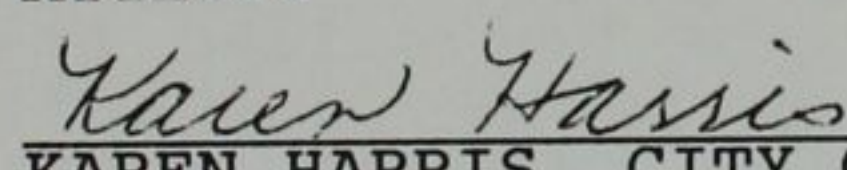
The Mayor reported that while in executive session, the Commission discussed the possible gift of property to another governmental agency and one personnel matter. The Mayor advised that no action is necessary.

There being no further business to come before the Commission, Commissioner Blankenship made the motion, seconded by Commissioner Davis to adjourn. Upon call of the roll, the motion carried unanimously. (Adjournment Time: 12:15 a.m.)

APPROVED


STEVEN D. COMBS, MAYOR

ATTEST:


KAREN HARRIS, CITY CLERK