

REGULAR MEETING MINUTES - APRIL 25, 1994

The Board of Commissioners of the City of Pikeville held their regular monthly meeting on Monday, April 25, 1994 at the City Hall Public Meeting Room, 260 Hambley Boulevard, Pikeville, Kentucky.

At 7:00 p.m., Mayor Steven D. Combs called the meeting to order. Commission Members present and forming a quorum were as follows:

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

AGENDA ITEM II.**CALL OF THE AGENDA**

The agenda was amended to allow Item F (Tele-Media's report), under Business from the Floor, to be heard first.

AGENDA ITEM III.**MINUTES**

Due to a computer malfunction, submittal of the minutes for the previous regular meeting of March 25, 1994 and special meeting of April 11, 1994, was deferred to the next regular meeting.

AGENDA ITEM IV.**BUSINESS FROM THE FLOOR**

A. TELE-MEDIA: Tele-Media Vice President, Wayne Harrison, was present and gave each Commission Member a copy of a letter which details his company's progress in the improvement of cable T.V. service. As provided for in the resolution adopted at the March 28, 1994 regular meeting, a copy of the lease agreement between Tele-Media and Panther Land Corporation for the new headend site at Flatwoods was submitted to the City Manager. Additionally, Mr. Harrison advised the Commission that the headend design has been completed; the headend equipment has been ordered and Tele-Media is in receipt of some of that equipment; the site preparation and excavation is substantially complete; the tower design and foundation has been completed and the equipment has been ordered. The satellite dishes design has been complete, the base pads have been poured and the dishes and other equipment have been ordered; the building foundation is complete; and the utility rideouts for fiber line have been completed. The contracts for the excavation of the site, setting of foundations for the building, satellite base and towers, and the building construction are not available. This work has been assigned to a local contractor and all terms have been agreed to on a verbal basis. Information relative to these items will be supplied to the Commission once Mr. Harrison receives the copies of the billings. Negotiations for the erection of the towers has been completed. The contract document will be presented when it becomes available. It was reported that Commissioner Blankenship had visited the site on this date. Commissioner

Blankenship confirmed that work is proceeding. He confirmed that the foundations have been poured, work has commenced on the building and the base for the tower is on site. Commissioner Blankenship advised that Tele-Media is actually a little ahead of schedule attributed mainly to the good weather.

Mr. Harrison reported that with regard to station WSAZ (NBC), equipment has been added to Tele-Media's existing headend site which should have improved reception by 60%. It was questioned whether Tele-Media considered removing WSAZ from the tier and replace it with the station out of Bristol. Mr. Harrison reported that the initial testing was good, however did not think the signal was significantly improved. City Attorney Davis advised the Commission to consider delaying any action to order reprogramming for at least another month. Mr. Harrison told the Commission that WVAH (FOX) representatives are working with Tele-Media staff to provide and install additional equipment to improve the reception of this channel. Mr. Harrison reported that should the equipment installation not be completed in the set time frame, Tele-Media has obtained permission to replace WVAH with an off-satellite FOX network feed. He advised that in either case, reception on channel 12 should be improved by the end of the month.

B. TELECOMMUNICATIONS CENTER: Don Wallen in his capacity as Chairman of the Board for the Big Sandy Telecommunications Center, along with South Central Bell Manager, Art Willett, delivered a brief summary of the intended purpose of the proposed telecommuting center. The Commission was advised that this technology will render aid to many professionals as well as providing research capabilities for the education sector. The Big Sandy Telecommunications Board is made up of volunteers and is a non-profit corporation. Some of the Board Members are Leon Huffman, Bill Owens, Alan Epling, Bill Fannin, M.D., Jerry Altman, Jean Hale, Maria Shockey, Marty Backus, Dr. Debra Floyd, Terry Spears, Mayor Steve Combs and Pike County Judge/Executive Donna Damron. Wes Walthrop has been employed as a consultant and has received commitments of "seed money" from several agencies to help get the project off the ground. Some agencies that have pledged donations are Bell South (\$10,000); IDEA Board; and the Pike County Fiscal Court (\$10,000 to be included in the upcoming budget year). In addition, many area businesses have pledged donations - one bank has pledged \$5,000 per year for the next three to four years. Mr. Wallen advised that this program has had the support of previous City Commissions and asked the Commission to consider making a monetary commitment. The center will be located within the City Limits and it is expected there will be between 4 to 8 employees. Mayor Combs indicated that he would recommend that the Commission include in the upcoming budget an amount equal to that (within reason) pledged by the Pike County Fiscal Court. Commissioner Blankenship voiced his support for Mayor Combs' recommendation.

C. KEYSER HEIGHTS: Linda Ratliff, spokesperson for the Keyser Heights tenants, told the Commission that since the

last City Commission Meeting, the city engineer, building inspector, and others made a site visit to look at the drainage situation as it related to the ongoing construction by Stuart Adams in Keyser Heights Phase II. Ms. Ratliff told the Commission that the playground area has now been excavated. Additionally, one building permit for Keyser Heights II has been revoked and Mr. Adams has been referred to the Pikeville/Pike County/Elkhorn City Joint Planning Commission for approval of a subdivision plat. Ms. Ratliff told the Commission that she had spoken with Darwin Messer of the EPA who indicates that Mr. Adams has been cited and has been asked to halt work in conjunction with the 5 acre rule. Ms. Ratliff called attention to the City's Zoning Ordinance and the provisions associated with a planned use development which she interprets as giving the city's building inspector the authority to halt further excavation. Ms. Ratliff reported that it had been suggested that the developer and the property owners get together to discuss the matter, however she said it was difficult to manage when the developer removes a fence without permission from the property owner. Stuart Adams responded that the fence was in right-of-way. Steve Ratliff contended that the City holds an easement. The property owner who erected the fence advised the Commission that the fence was installed to discourage people from driving on her driveway. She indicated she would have given Mr. Adams permission to remove the fence posts had he asked. Steve Ratliff told the Commission that the Keyser residents are subjected to the dust which is the product of the development. Mr. Ratliff said he had approached Mr. Adams about providing some type of dust control, however Mr. Adams had refused. Mr. Adams told the Commission that he sweeps his road nightly. This statement was refuted by Mr. Ratliff. Mayor Combs asked Building Inspector Honaker if he had inspected the area and found the development to be in violation of the City's nuisance ordinance. The Building Inspector advised that he had visited the site on numerous occasions but reported that he was unsure whether the developer had someone cleaning the area on a constant basis. Mrs. Ratliff informed the Commission that the residents had been keeping the area clean. Mayor Combs stated that he had visited Keyser Heights and thought the dust to be a problem. He stated that Mr. Adams should be taking measures to control the dust. Mr. Adams contended that his development was not causing the dust problem as he is excavating in the hollow. Commissioner Blackburn asked if the City had any ordinances which would prohibit Mr. Adams from continuing to excavate. City Attorney Davis advised that Mr. Adams has a permit to construct one house and before further houses can be constructed he will have to obtain approval from the Joint Planning Commission of his subdivision plat. City Attorney Davis advised that the City has no ordinances which prohibit Mr. Adams from excavating on his property. Mrs. Ratliff disagreed and read from section 156.072 and 156.073 of the City's Zoning Ordinance as it pertains to Planned Unit Developments. City Engineer Sykes advised that these provisions would not apply because Mr. Adams' property is not zoned PUD (Planned Unit Development).

City Attorney Davis advised that no permit or performance

standards are provided for in the ordinance. Mayor Combs in referring to general performance standards, asked if Mr. Adams was providing some sort of dust control. Building Inspector Honaker advised that he was not and stated it was a possibility that Mr. Adams was in violation of the nuisance ordinance, however no citations have been issued. Mr. Ratliff called the Commission's attention to the slide that is behind his house which he alleges was caused by Mr. Adams' development, and the fact that the slide has not been removed. A list of recommendations for site control was made by the engineer and was given to the City Manager on March 30, 1994. It was recommended that Mr. Adams complete the following: Reestablish the drainage pattern which was in effect prior to the grading; Construct a series of silt checks in the channel immediately downstream of the slide area; Seed and mulch all the disturbed area; and to implement silt control precaution in all areas where Mr. Adams is working in or adjacent to natural drains. Mr. Adams reported that he had taken measures to divert the drainage and has initiated clean up efforts, however told the Commission that he will not comply with the remaining items due to his contention that previous mining activity is responsible for the other damages. Mayor Combs advised that the City Manager had written to the Division of Abandoned Mine Lands and asked them to investigate the slide. Officials responded in writing and the following excerpt was read "While it would appear that some mining activity did occur in this area, the inspector observed that recent earth moving activity by a construction company in this area diverted surface drainage into the area that failed. As such this agency will need to review this matter a bit more thoroughly in an effort to determine the eligibility of this site". Mayor Combs asked City Attorney Davis to advise the Commission when they have exhausted the means within their jurisdiction to remedy the situation. City Attorney Davis replied that it was his opinion that the City Commission had already exceeded their jurisdiction as the City has no standards in which to require developers to obtain permits prior to disturbing earth or to require precautions for silt control. With regard to the dust, the City Attorney advised that the developer can be cited if it is found that the dust creates a nuisance or a hazard. He further commented that any citizen would have the right to file suit against the developer for infractions against City ordinances. The residents also waged complaints that equipment which exceeded the 15 ton weight limit was taken over their roadway and the fact that the \$100,000.00 bond was lowered to \$10,000.00. City Attorney Davis explained that the bond was lowered because it was impractical to enforce the bond on each and every person who have the potential to violate the weight limit. Mayor Combs stated he thought this reasoning a poor excuse to allow a developer to damage city streets. Secretary of the Joint Planning Commission, Leon Huffman, explained to the residents that the Joint Planning Commission will consider the adoption of subdivision regulations at their next meeting. He stated that no subdivision plats would be approved for the City of Pikeville until such time as the regulations are adopted. Mr. Huffman assured the residents that the meeting which Mr. Adams' subdivision plat

will be reviewed will be advertised so the public can attend. According to Mr. Huffman, the subdivision regulations will address roadway requirements as well as utility requirements. Mr. Adams told those present that he is going to develop the subdivision according to the rules and regulations. In concluding the discussion, the residents were again advised that they have the right to obtain a criminal summons through the County Attorney's office if they believe that Mr. Adams is in violation of the nuisance ordinance or if he is creating a potential hazard to their property. In addition, the Building Inspector was directed to make a determination if the dust generated by Mr. Adams' development is causing a nuisance. He was further instructed to document his findings. Mrs. Ratliff asked the Commission to designate a speed limit for their area. The Chief of Police was directed to make a recommendation for a speed limit by the next meeting. Mrs. Ratliff also questioned the progress on the drain replacement. Tom Bacon of PSG advised that the drain has been installed, however it has not be completed. Stuart Adams told the Commission that he would not be responsible for any damage which may be caused by PSG's installation of a grid screen that he thinks is too small. Mayor Combs reiterated to the Building Inspector that he should cite Mr. Adams for any violation of the City's ordinances.

D. LEASH LAW: Gretchen Bogan, a resident in the Lorraine Street area, told the Commission of a problem in her neighborhood of dogs running at large. She reported that the dogs leave droppings in the residents' yards and, additionally, she stated she was concerned for the animals safety. Ms. Bogan told the Commission that she felt there should be some way to make the owner be a responsible pet owner. City Attorney Davis advised the Commission that an Ordinance exists which prohibits owners from allowing their animals to run loose. The Commission discussed the fact that enforcement of the law is a problem in that the City must employ an animal control officer and have some place to impound the animals and administer the necessary care, all of which must be provided for in the operating budget. Humane Society member, Mary Wells, told the Commission that Pike County's Animal Shelter personnel answer calls all over the county and have never refused to pick up any animal for which they have received a call. She told the Commission that she saw no reason for the City to provide an animal shelter. City Attorney Davis told the Commission it would be perfectly legal to subsidize the County's animal shelter by providing more manpower and an extra vehicle. Commissioner Blackburn made the motion to authorize the Chief of Police to talk with the animal shelter manager to determine their needs in an effort to include funds in the upcoming budget to assist the County's animal shelter in the control of stray animals. Commissioner Clark seconded the motion. Upon call of the roll, the motion carried 5 - 0.

E. DAY CARE CENTER: Interim Day Care Center Director, Pam Collier, presented the Commission with a letter of intent to renew the lease agreement for another term. In addition, Ms. Collier gave each Commission Member a list of items in need of repair. Ms. Collier conceded her knowledge of the lease

agreement's provision that Model City Day Care Center maintain and fund any repairs to the building, however, she disclosed to the Commission that the Day Care Center is experiencing financial difficulty. She asked the Commission to consider meeting with the Day Care Center Board of Directors in a work session to discuss means to alleviate the financial problems, whether it be approval to increase rates and/or supporting a grant application. Ms. Collier advised the Commission that rates have not been increased since 1990. The lease agreement provides that rates can not be increased without City Commission approval. The City Engineer was authorized to make an inspection of the Day Care Center and to develop a cost estimate for the items needing repair. Mayor Combs made the motion to schedule a special meeting on May 3, 1994 at 5:00 p.m. to discuss the matter further. Commissioner Blackburn seconded the motion with the stipulation that the Building Inspector and Fire Inspector accompany the City Engineer on the inspection of the Day Care Center facility and that they write any violations found. Upon call of the roll, the motion carried unanimously.

F. UDAG: Sue Smallwood, Administrative Assistant and member of the UDAG Advisory Committee, reported that the advisory committee met in special meeting on April 22, 1994. The committee reviewed the proposals for the utilization of UDAG funds which have been submitted to date. The committee recommends that the City authorize the submission to the Washington HUD office the applications of SEI & Development Corporation and YMCA. Ms. Smallwood told the Commission that while the applications do not represent the complete funding package, it has been advised that the applications be submitted now. Ms. Smallwood reported that she had been advised by HUD official, Dave Sowell of the publishing of a publication which mandates the recapturing of unobligated UDAG funds within 90 days. The committee is still considering the other applications which were submitted, however those projects require additional information or application revisions. Commissioner Blankenship made the motion seconded by Commissioner Blackburn to authorize the submittal of the applications for UDAG funding to the Washington HUD office on behalf of SEI & Development Corporation and YMCA. Mayor Combs asked if the submittal of these applications would affect the City's eligibility in using the remaining UDAG funds. Ms. Smallwood reported that Roger Recktenwald, Chairman of the UDAG Committee, and grantsman Will Linder, advised that the City will be eligible to submit applications for the remainder of the UDAG Funds as long as the applications are submitted prior to the 90 day deadline. Upon call of the roll, the motion carried 4 - 0 - 1 with Mayor Combs abstaining from the vote with regard to SEI & Development Corporation and voting yes on the submittal of the YMCA application.

G. HABITAT FOR HUMANITY: Ray Milam with the Sandy Valley Habitat for Humanity explained to the Commission that in August, 1993, the previous City Commission approved the construction of a 175 foot road off Julius Avenue to serve property that had been donated to the Sandy Valley Habitat for Humanity on which to build houses. According to Mr.

Milam, a contract was awarded to Mountain Paving to lay asphalt on November 12, 1993, however the weather did not permit paving. City Manager Johnson advised that although the street has been dedicated, the Commission has not officially accepted the dedication. City Attorney Davis advised that if the street has been dedicated there would not be a problem to pave the street and recommended that the Commission consider adopting an ordinance to officially accept the street into the maintenance system. Mayor Combs advised that he was not against the project, however he called attention to the fact that included in the street dedication is a parking lot which has had numerous maintenance problems. The City Attorney suggested to go ahead and pave the street but to not accept the roadway into the City's street maintenance system. City Manager Johnson told the Commission that Mountain Enterprises has indicated that the roadway was too steep and too narrow for their equipment and recommended that a smaller paving company lay the asphalt. The Commission advised that no action was necessary since approval for the paving of the roadway was granted by the previous Commission. City Manager Johnson reported that the estimated cost of the project is \$5,700.00.

H. HAROLDS BRANCH SEWER: Charlie Comer asked the status of extension of sewage service to Harolds Branch. Mayor Combs reported that grant and loan applications have been submitted to the appropriate agencies. According to City Engineer Sykes, the City should receive notification sometime in August relative to the CDBG funds. The KIA loan is contingent upon receiving the CDBG funds.

I. MOUNTAIN WATER DISTRICT: Leon Huffman, on behalf of Mountain Water District, advised the Commission of that agency's proposal to construct a water line up Cedar Creek. According to City Engineer Sykes, Mountain Water District is proposing to tie onto the 8 inch line constructed by the Bowles Heirs at the Cedar Creek development. The extension would provide service to about 200 residences in Hurricane. Mr. Huffman told the Commission that Mountain Water District plans to bid for a 50,000 gallon water tank and for a 100,000 gallon water tank. City Engineer Sykes recommended that a 100,000 gallon water tank be installed to provide fire protection. Commissioner Davis questioned if the City's water plant is in the position to produce the additional water required to serve the area. Tom Bacon, PSG Manager, told the Commission that the water plant is producing about 4.3 million gallons of water daily with a water loss estimated at 10%. Mr. Bacon alerted the Commission to the need to operate the plant on a 24 hour basis and advised them that this cost would be reflected in their upcoming budget. Mr. Bacon pointed out that the third pump at the water plant could be activated, however he is not sure that the distribution lines could withstand the added pressure. Discussed with Mr. Huffman was the fact that Mountain Water District has refused to pay for their water usage at the new rate. City Attorney Davis told the Commission that the Public Service Commission now has jurisdiction to approve the rates but indicated his desire to negotiate a rate with Mountain Water District officials. Also discussed was the

possibility of Mountain Water District participating in the cost to add improvements to the water plant to allow for increased water production. City Engineer Sykes informed the Commission of an existing ordinance which requires ductile iron to be used in the installation of water lines, however Mountain Water District proposes to install 200 psi PVC pipe. No action was taken with regard to this matter.

AGENDA ITEM V.

PAYMENT OF BILLS

A. CITY BILLS: A list of City Bills totaling \$427,457.77 was presented to the Commission for approval of payment. Upon the City Manager's recommendation that the bills be approved for payment and upon his confirmation that sufficient funds were available to make payment, Commissioner Clark made the motion to approve payment of the bills as requested. Commissioner Blankenship seconded the motion. Upon call of the roll, the motion carried unanimously.

AGENDA ITEM VI.

OLD BUSINESS

A. CITY ENGINEER'S REPORTS: Jack Sykes representing Summit Engineering, Inc., City Engineers, presented a verbal report of ongoing projects:

1. Thompson Road/Lake Joann Sanitary Sewer Project: City Engineer Sykes reported that the contractor, Environmental Construction began final cleanup for the project on April 19th. Paving is expected to begin on April 27th.

2. Sidewalk: A payment request in the amount of \$36,208.00 was approved for payment for certain drainage work accomplished by Patriot Construction. City Engineer Sykes reported that the contractor has completed the installation of the curb box inlets and has installed two catch basins and the connecting pipe. The contractor will begin pouring the sidewalk in about one week.

3. Dark Hollow Sewage: During the previous City Commission Meeting, the City Engineer was asked to evaluate the siphon line in Dark Hollow relative to the anticipated development in Keyser Heights and in Dark Hollow. In the report given to the Commission at the previous meeting, two alternatives were evaluated to serve Dark Hollow. The City Engineer recommended that the waste be gravity fed to the siphon at Keyser Hollow at an estimated cost of \$29,000.00. The City Engineer advised the Commission that after further review, his recommendation remains the same. The City Engineer reported that the existing siphon could accommodate an additional 40 lots either in Dark Hollow or Keyser Heights. For the addition of more than 40 dwellings, City Engineer Sykes told the Commission their alternative would be to install a pump station at the mouth of Keyser Heights using the existing siphon as a force main which is estimated to cost \$45,000.00.

4. 18" Main Trunkline Replacement: The City Engineer reported that he has initiated work on the design for the

replacement of the 18 inch wastewater line at the lower end of town.

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

1. Dilapidated Housing/Nuisance Ordinance: Pursuant to the Commission's direction at the Special Meeting held on April 11, 1994, City Attorney presented and gave first reading to a summary ordinance amending the existing ordinance relating to dilapidated housing and environmental nuisances.

The Ordinance was captioned as follows:

AMENDED ORDINANCE PROVIDING FOR THE REGULATION AND ABATEMENT OF UNSAFE OR UNFIT HOUSING AND RENTAL DWELLINGS, DILAPIDATED HOUSING, PUBLIC AND ENVIRONMENTAL AND NOISE NUISANCES INJURIOUS TO THE PUBLIC AND ABATEMENT THEREOF; PROVIDING FOR THE REGULATION AND LICENSING OF LANDLORDS, INSPECTION OF RENTAL UNIT; SETTING PENALTIES AND FINES FOR VIOLATION OF THIS ORDINANCE AND PROVIDING FOR HEARING TO CONTEST VIOLATIONS.

The Ordinance will be in the office of the City Clerk for a period of at least ten days where it may be viewed by the public.

2. Street Name: Second reading was given to an Ordinance entitled:

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

Commissioner Blankenship made the motion to adopt the Ordinance as presented. Mayor Combs 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	NOT PRESENT AT TIME OF VOTE
	EUGENE DAVIS	YES

3. Loading Zone: Presented and given second reading was an Ordinance captioned as follows:

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

Police Chief Edmonds recommended that the Commission adopt the Ordinance.

Mayor Combs made the motion to adopt the Ordinance. Commissioner Davis 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

4. 15 Minute Parking: City Attorney Davis presented and gave second reading to an Ordinance entitled:

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

Commissioner Davis 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	YES
COMMISSIONER:	KENNY BLACKBURN	YES
	WALTER BLANKENSHIP	YES
	SHARON CLARK	YES
	EUGENE DAVIS	YES

5. Zoning: During the Special Meeting of April 11, 1994, the Commission heard a request from Nancye Blackburn, owner of property at the mouth of Coal Hollow, to accept the recommendation of the Pikeville/Pike County/Elkhorn City Joint Planning Commission to amend the zoning for this .95 acre tract from R-2 to C-2. During the Special Meeting, the Commission discussed Ms. Blackburn's planned use for the property and, after considerable discussion, agreed to allow the City Attorney to give first reading to an Ordinance which would change the zoning of the parcel as requested.

Commissioner Davis explained that he had been unable to attend the entire Special Meeting and asked Ms. Blackburn what she plans to put on the site. Ms. Blackburn told the Commission that she is in the process of relocating Dr. Thompson's old house located on Tollage Creek in the hopes of renting/leasing space to a professional person or to an educator.

The City Attorney pointed out that should the City Commission adopt the Ordinance to amend the zoning of the parcel, there is no legal requirement that Ms. Blackburn could not change her mind to relocate the house to the site.

Commissioner Clark spoke in favor of the zoning amendment. Adjacent property owner, Gretchen Bogan, told the Commission that she supported the proposed zoning amendment. Commissioner Blackburn advised the Commission that he would like to defer approval of the Ordinance until the house has been relocated to the site. Commissioner Blackburn further stated that there is some question as to whether this amendment could be classified as spot zoning. City Attorney Davis advised the Commission that either way they voted, a number of reasons could be used to justify their decision. Mayor Combs pointed out that three of four corners in this

area are zoned commercial.

City Attorney Davis gave second reading to the Ordinance entitled:

ORDINANCE AMENDING THE CITY OF PIKEVILLE ZONING MAP FOR COAL HOLLOW AT THE INTERSECTION OF HAMBLEY BOULEVARD FROM R-2 TO C-2

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

MAYOR:	STEVEN D. COMBS	ABSTAIN
COMMISSIONER:	KENNY BLACKBURN	NO
	WALTER BLANKENSHIP	YES
	SHARON CLARK	YES
	EUGENE DAVIS	YES

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

1. Police Cruiser: City Manager Johnson advised the Commission that no bids had been received in answer to an advertisement for bids for the purchase of a new, 1994 Police package vehicle. The City Manager recommended that a vehicle be purchased through the State Price Contract in the amount of \$14,254.00. Mayor Combs made the motion, seconded by Commissioner Blankenship to purchase a police package vehicle in the amount of \$14,254.00. Upon call of the roll, the motion carried unanimously. The City Manager advised that three or four dealers offer purchasing through State Price Contracting.

2. Travel Policy: Presented for the Commission's review during the previous regular meeting was a draft of the proposed travel policy. There being no additions or deletions to the policy, Mayor Combs made the motion to adopt the travel policy as prepared. Commissioner Davis seconded the motion. Upon call of the roll, the motion carried unanimously.

3. Downtown Park Revitalization: Administrative Assistant Sue Smallwood reported that she and the City Clerk met with architect Helen Powell to discuss the revitalization of the City Park. It was reported that in conjunction with a Land & Water Conservation Fund Grant, work on the replacement of the band stand, relocation of the basketball court and removal of the tennis court will begin in the next few weeks. A picture of the proposed replacement pavilion was shown to the Commission, however consideration is being given to the Bowles Heirs to allow their approval of the structure prior to ordering. City Manager Johnson told the Commission that it is less expensive to purchase a prefab pavilion rather than stick building the structure.

4. Emergency Shelter: Ray Sword, Acting Director of

the Pikeville Emergency Shelter, at the request of Mayor Combs, presented a proposed budget detailing the shelter's needs in an effort to apply for Emergency Shelter Grant Funds to operate and maintain the emergency shelter. Total budget, including wages, was submitted in the amount of \$21,629.44. Sue Smallwood informed the Commission that funds were received during last fiscal year which went toward the purchase of a new HVAC system; handicapped rails; renovation of the reception area; and the purchase of bunk beds. Also a portion of the utilities and insurance was paid from the grant budget. Ms. Smallwood told the Commission that only 10% of the funds could be used for administrative purposes. Mr. Sword told the Commission that the shelter's greatest need is more space. He submitted a contractor's estimate in the amount of \$4,500.00 which allows for three rooms to be subdivided. Ms. Smallwood further commented that there is no set amount on the grant funds applied for, however the needs must be justified. In addition, the grant funds must have a local match. Commissioner Blankenship made the motion, seconded by Commissioner Clark to authorize Will Linder, grantsman, to submit an application for funding. Upon call of the roll, the motion carried unanimously.

5. Kirby Trash Cans: As directed at the special meeting of April 11, 1994, City Manager Johnson presented a cost estimate for the purchase of Kirby trash cans to be utilized by all of the City's trash customers. Mr. Johnson told the Commission that each can costs between \$55 and \$65 which would call for an investment of \$120,000.00 for the City's 2500 customers. The 90 gallon trash containers have a life expectancy of 5 years. Mr. Johnson advised the Commission that two garbage packers costing anywhere from \$65,000 to \$90,000 will need to be purchased in the upcoming year. It was suggested to allow the customer to share in the cost of the trash cans. The City Manager was asked to try to obtain one of the cans for demonstration.

6. Vehicles: City Manager Johnson advised the Commission of the need to purchase three new vehicles to be used by the Public Works Department. Mr. Johnson recommended the purchase of a 4 X 4 to be used as a sewer truck in the amount of \$18,517.00 and the purchase of two 4 X 4 1/2 ton trucks to replace two aging vehicles. Total cost for the three vehicles is \$45,763.00. Mr. Johnson further advised that snow blades can be put on the front of the trucks to lend additional snow clearing support during the winter. The vehicles are to be purchased utilizing State Price Contract. City Attorney Davis confirmed that bids need not be advertised when purchasing through State Price Contract. Commissioner Blackburn made the motion, seconded by Commissioner Clark to authorize the purchase of the three vehicles as recommended by City Manager Johnson. Upon call of the roll, the motion carried unanimously.

7. Police/Fire Pension: Mayor Combs informed the Commission of discussions had with the Police Chief relative to the pension plan. Chief Edmonds reported that it is his understanding that the City should have paid into the state retirement system on behalf of police and fire employees at

the time when Pikeville received its Third Class City distinction. The Commission authorized the City Manager to investigate the matter further.

8. Personnel Matter: City Manager Johnson advised the Commission of Chief Dispatcher Justice's recommendation to employ Melody Tackett as dispatcher. Commissioner Blackburn made the motion, seconded by Commissioner Blankenship to employ Melody Tackett as recommended by Wally Justice. Upon call of the roll, the motion carried unanimously.

AGENDA ITEM

NEW BUSINESS

A. BOARD APPOINTMENTS:

1. Model City Day Care Center Nominating Committee: The Commission was advised of two vacancies on the Model City Day Care Center Board of Directors. According to the lease agreement, two individuals representing the City and two individuals representing the Day Care Center Board are to serve on a nominating committee to recommend individuals to fill the vacancies. Mayor Combs nominated Susan Huffman and Kim May Downey to act as the City's representatives on the nominating committee. Commissioner Davis seconded the motion. Upon call of the roll, the motion carried unanimously.

2. Tree Board: It was reported that the Pikeville Tree Board currently has two positions on the Board which have expired. Mayor Combs nominated Glenn McDowell and Commissioner Walter Blankenship to serve as members of the Pikeville Tree Board. Commissioner Davis seconded the motion. Upon call of the roll, the motion carried 4 - 0 - 1 (Commissioner Blankenship abstained from the vote).

3. IDEA Board: The Commission was advised that Lynn Parrish, a city appointed member of the Industrial Development Economic Authority Board, had resigned. Mayor Combs nominated Bill VanHoose to complete the unexpired term. Commissioner Davis seconded the motion. Upon call of the roll, the motion carried 4 - 0 - 1 (Commissioner Blackburn abstained from the vote).

4. Code of Ethics Panel: Mayor Combs advised the Commission of his desire to appoint a panel to prepare the preliminary drafts of the Ethics Ordinance as mandated by the General Assembly. Mayor Combs nominated Bill Baird, John Cornett, Sharon Clark, Bill Owens and Gene Davis to serve on the Code of Ethics Panel with City Attorney Davis to act as liason between the Ethics Panel and the City Commission. Commissioner Blankenship seconded the motion. Upon call of the roll, the motion carried 4 - 0 - 1 (Commissioner Clark abstained from the vote).

B. ABC: Commissioner Clark voiced her concern with regard to the packaged liquor stores serving malt beverages during Hillbilly Days and asked if an Ordinance could be enacted to prohibit such sale. City Attorney Davis advised he had not had the opportunity to research the statutes, however

MINUTES } CITY OF PIKEVILLE

indicated he would contact the City's ABC Officer, Richard Elswick, to learn if the City could enact legislation to prohibit packaged liquor stores from serving by the drink.

C. PAVING: Commissioner Clark asked the Commission to consider paving a small section of property located across from Jerry Kanney's office on Hibbard Street, down to Dr. Lowe's office. She added that a number of people park on this section and paving would prevent dirt from being tracked onto the street. City Manager Johnson estimated that the section could be paved for about \$1,000.00 and suggested that it be added to the list of paving projects slated to be accomplished during the 1994-95 budget year. Commissioner Clark made the motion, seconded by Commissioner Blankenship to include the parcel on Hibbard Street in the 1994-95 paving schedule. Upon call of the roll, the motion carried unanimously.

D. USE CONTRACT WITH PIKEVILLE INDEPENDENT SCHOOL DISTRICT: Mayor Combs asked the progress made toward reaching an agreement with the Pikeville Independent School District for the use of the Hambley Athletic Complex. City Attorney Davis reported that he and City Manager Johnson will meet with Superintendent John Waddell to finalize the use agreement.

E. INDUSTRIAL RUBBER COMPANY: During the previous City Commission Meeting, the City Attorney informed the Commission of a request from Industrial Rubber Company asking that the May 1st deadline for beginning construction on their new facility at Lorraine Street be extended. The Commission denied the request. Mayor Combs asked for a status report on the matter. City Attorney Davis reported that Industrial Rubber Company officials have been sent a letter of default by certified mail.

F. COAL RUN SEWAGE PACKAGE PLANT: Mayor Combs reported that he and City Manager Johnson had met with Leon Huffman concerning Mountain Water District's interest in acquiring the sewage treatment plant located at Coal Run. Additionally, the City of Coal Run has also expressed an interest in obtaining the treatment plant, however both agencies have indicated that they would expect the City to make a gift of the plant. City Manager Johnson advised that the City contributes about \$38,000.00 per year toward the operation of the Industrial Development Economic Authority. He suggested donating the treatment plant to the IDEA Board for use at their Mossy Bottom site in lieu of the annual contribution, perhaps for two to three years. Commissioner Davis made the motion, seconded by Commissioner Blankenship to authorize the City Manager to negotiate with IDEA Board officials for the disposal of the sewage treatment facility.

G. HILLBILLY DAYS: Commissioner Clark complimented the Parks Department and personnel at PSG for their efforts in keeping the trash cleaned up during Hillbilly Days.

H. DRIVING RANGE: The Commission advised that several inquiries had been made as to what date the golf driving range located in the Bob Amos Park would be reopened. City

Manager Johnson advised the Commission that he and Parks Director, Doug Justice, had reviewed the lease with the YMCA which includes the driving range tract. The lease allows for the operation of the driving range until such time as the YMCA begins construction of their facility. The Commission was advised that construction has begun. Parks Director Justice advised the Commission that he had spoken with YMCA Board Member, Bruce Elliott, who indicated that he would have no problem with reopening the facility as long as it could be operated without any possibility of anyone getting injured as a result of the ongoing construction. The Parks Director told the Commission he would proceed with reopening the facility which will be operated between the hours of 4:00 p.m. to dark.

I. WALKING TRACK: Commissioner Davis reported that he had been questioned by several people as to when the Bob Amos Park walking track is scheduled for resurfacing. City Manager Johnson informed the Commission that he had contacted Clinton Asphalt Company, however the company has not yet submitted a bid.

At 10:50 p.m., Commissioner Blackburn made the motion, seconded by Commissioner Clark to adjourn to an executive session for the purpose of discussing a personnel matter (pursuant to KRS). Upon call of the roll, the motion carried unanimously.

At 10:55 p.m., the meeting was reconvened to regular session upon motion by Commissioner Davis, seconded by Commissioner Blackburn and a unanimous vote.

Mayor Combs reported that the Commission discussed the employment of an individual for a part-time building codes enforcement position. No action was taken.

Mayor Combs called PSG Manager Bacon's attention to a sewer leak in the pond area, which was detected during the Cleanup, and also a water leak between Sixth and Seventh Streets.

Included with the Commission's agenda package were reports from the Building/Codes Enforcement Department and the Parks & Recreation Department. Mayor Combs asked that additional activities reports from these departments be submitted on a monthly basis.

Fire Inspector, John Cole, reported to the Commission that he had issued 19 order to remedy fire hazards. He also reported that he had been working with Health Department Officials and the Building Inspector for the issuance of environmental notices.

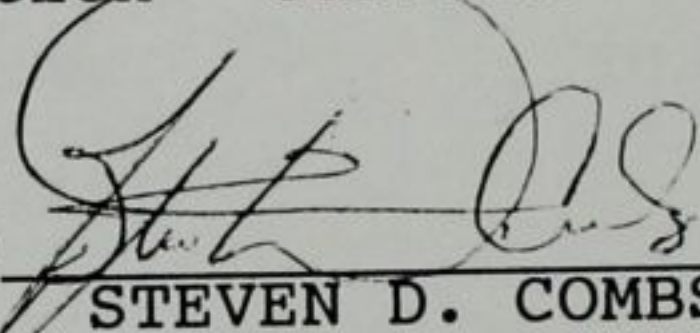
Commissioner Clark advised that a considerable amount of trash is located on the creek bank behind Cornelius Justice's apartments on Williamson Road. Mayor Combs reported that a large amount of debris was behind the Fairview Apartments on the Bypass. The Building Inspector was directed to look at these two locations.

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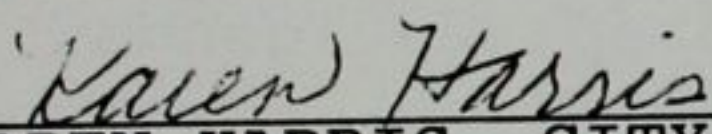
Mayor Combs commended the Police Department, Fire Department, Parks Department and PSG for their assistance during Hillbilly Days. Mayor Combs voiced his appreciation to Bruce Walters, Dusty Layne and others for the use of their golf carts during Hillbilly Days. The Mayor also asked for a report of the expenses incurred by the City during Hillbilly Days.

There being no further business to come before the Commission, Commissioner Blankenship made the motion, seconded by Commissioner Clark to adjourn the meeting. Upon call of the roll, the motion carried unanimously. (Adjournment Time: 11:05 p.m.)

APPROVED


STEVEN D. COMBS, MAYOR

ATTEST:


KAREN HARRIS, CITY CLERK