

## REGULAR MEETING MINUTES - OCTOBER 24, 1994

The Board of Commissioners of the City of Pikeville held their regular monthly meeting on Monday, October 24, 1994. The meeting was conducted in the City Hall Public Meeting Room at 260 Hambley Boulevard.

There being a quorum present, Mayor Steven D. Combs called the meeting to order at 6:05 p.m. Commission Members present upon call of the roll were as follows:

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

Commissioners Walter Blankenship and Sharon Clark were absent.

## AGENDA ITEM II.

## MINUTES

The minutes of the September 21, 1994 Special Meeting and of the September 26, 1994 Regular Meeting were included in each Commission Member's agenda package. There being no additions or corrections, Commissioner Davis made the motion, seconded by Commissioner Blackburn to approve the minutes as submitted. Upon call of the roll, the motion carried 3 - 0.

## AGENDA ITEM III.

## BUSINESS FROM THE FLOOR

A. SEWER EXTENSION PROJECT: Appearing before the Commission on behalf of Will Linder & Associates, was Bryan Kirby, who presented the bid results for the appraisal and review appraisal work along with the proposals for the collection of sewage easements for Harold's Branch, Chloe Creek, and Layne Hollow. With regard to the request for proposals for the services of an appraiser and review appraiser, one response was received. Mr. Kirby recommended that the Commission reject the proposal received from Ruth Burchett of Appalachian Appraisals and that he be authorized to solicit three bids by phone with the provision that Appalachian Appraisals be one of the firms contacted. The results of the phone solicitation will be presented back before the Commission for approval. It was pointed out that appraisal services will be needed only if it becomes necessary to condemn an easement.

Two proposals were received with regard to the negotiation of easements for the sewage extension. It is estimated that some 200 easements will be necessary for this sewage extension project. The bids were as follows:

	John Pinson, Jr.	Steve Haywood
Sewer User Agreement	\$15.00	\$25.00
Right-of-Way Easement	\$25.00	\$30.00
Documentation Prep (if condemnation necessary)	\$20.00	\$30.00



## MINUTES } CITY OF PIKEVILLE

Mr. Kirby advised the Commission that both bidders were equally qualified. It was pointed out that Mr. Haywood is a local resident while Mr. Pinson is a student and does not live in Pikeville. Due to the budget restraints, Mr. Kirby recommended that the Commission award the bid for easement collection to John Pinson, Jr. The contract must be completed by December 31, 1994.

The Commission voiced their concerns with regard to Mr. Pinson being able to complete the contract within the time constraints due to his non-residency. Commissioner Blackburn questioned the feasibility of splitting the easements between the bidders subject to Mr. Haywood agreeing to perform the work at the low bid rate. Mr. Kirby told the Commission that he felt sure he would be able to certify to CDBG officials that procurement terms had been met.

Mr. Kirby and Ms. Smallwood will oversee the easement acquisition.

Mayor Combs made the motion to reject the bid from Appalachian Appraisals and authorized Brian Kirby to solicit bids by phone for the procurement of appraiser and review appraiser services with the provision that Appalachian Appraisals be one of the firms contacted. Commissioner Blackburn seconded the motion. Upon call of the roll, the motion carried 3 - 0.

Commissioner Blackburn made the motion, seconded by Commissioner Davis to split the contract for easement collection between John Pinson, Jr. and Steve Haywood, subject to Mr. Haywood agreeing to perform the services pursuant to Mr. Pinson's bid rate. Upon call of the roll, the motion carried 3 - 0.

B. TELE-MEDIA REPORT: Tele-Media Vice President, Wayne Harrison, was present and advised the Commission that the new system is scheduled to be put into operation on Friday Morning, October 28th, at 11:00 a.m. Also presented was a list of channel line-up changes.

C. DARK HOLLOW: On behalf of Stuart Adams, Jack Sykes presented a cost estimate for the extension of water and sewage lines to serve Dark Hollow. According to Mr. Sykes, it is in the City's best interest to tie into the six inch water line at the mouth of Keyser Heights. Cost is estimated at \$16,220.00. Mr. Sykes advised the Commission that the sewage siphon line is not working properly at this time. While the siphon line is designed to handle the sewage from an additional 30 houses, Mr. Sykes recommended that a bore and jack under US 23 be performed to be tied into the existing sewage system. This method would eliminate the need to install a pump station. According to Mr. Sykes, the pump station would cost an additional \$25,000.00 over a 10 year period to maintain. Cost for the bore and jack method is estimated at \$47,250.00. The Commission was advised that an encroachment permit from the State would be necessary as well as an easement across the B & B parking lot. Mr. Sykes



estimated the cost at \$33,000.00 to construct a gravity line to tie into the existing siphon line. Mayor Combs asked Mr. Adams what type of financial assistance he was willing to give to extend the water and sewage service to the Dark Hollow property line. Mr. Adams said that he had understood that the City would bear the cost for extending the lines. Mayor Combs asked if Mr. Adams had requested funds from UDAG to upgrade the sewage system. Mr. Sykes reported that Mr. Adams had requested about \$30,000.00 from UDAG for the installation of the pump station, however Mr. Adams is currently awaiting HUD approval of his UDAG application. Commissioner Blackburn asked if the City would be able to recoup the cost of the utility extensions. Mr. Sykes reported that the City had never absorbed the cost for a project of this magnitude. Mayor Combs asked for a status of the repairs to the siphon line. According to PSG Manager, Tom Bacon, it is expected the siphon can be repaired for about \$1,500.00, but he is unsure as to whether this will correct the entire problem. When questioned, City Manager Johnson advised the utility extension project had not been budgeted and was not sure monies were available. The Commission decided to take no action until a report is made at the next meeting concerning the siphon line repairs.

Keyser Heights resident, Linda Ratliff, advised the Commission that the concrete above her house had been torn out by Mr. Adams when the sewage line was installed for his houses in Keyser Heights. Mr. Adams advised that he will be restoring the concrete next Tuesday. The building inspector reported that Mr. Adams was scheduled to make the repairs tomorrow, however due to more houses being hauled across this section, Mr. Adams had postponed the repairs.

According to the Building Inspector, a video tape of the area was made prior to construction. Upon project completion the tape will be reviewed to determine the damage. A \$10,000.00 bond was posted by Mr. Adams.

Mr. Sykes asked the Commission to authorize him to file the plans for the utility extensions with the Division of Water since it takes 60 days for them to grant approval. According to Mr. Sykes the City must send a letter agreeing to accept the sewage waste, allow tap onto the water system and agree to supply water. Commissioner Davis made the motion to authorize the City Engineer to file the plans and letter, subject to the City Attorney's approval and subject to the condition that the City would not be financially obligated to the project, to the Division of Water. Commissioner Blackburn seconded the motion. During discussion, Commissioner Davis said he would like to review the letter to be sent to the Division of Water. Upon call of the roll, the motion carried 3 - 0.

D. SEWAGE EXTENSION: A resident from Harolds Branch questioned the process of easement negotiation and/or condemnation and the placement of the proposed sewage line. Mayor Combs assured the resident there would be no condemnation of an easement without compensation. With regard to the resident's question as to why the entire line



could not be placed in the creek bed, City Engineer Sykes explained that Division of Water rules will not allow the total line placement in the creek. In addition, this could also cause maintenance problems. City Engineer Jack Sykes invited the resident to his office to review the project. A 10 ft. permanent easement will be required for the project with a 15 ft. temporary easement on either side of the sewage line during construction.

## AGENDA ITEM IV.

## PAYMENT OF BILLS

A. CITY BILLS: Presented to the Commission for approval of payment was a list of City Bills totaling \$380,753.46. Commissioner Davis made the motion to approve payment as requested. Commissioner Blackburn seconded the motion. Upon call of the roll, the motion carried 3 - 0.

## AGENDA ITEM V.

## OLD BUSINESS

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

1. Water Tank Painting: Mr. Sykes reported that the Smith Hill Tank has been painted and the Toler Gap tank has been sandblasted.

2. Harolds Branch/Chloe/Layne Hollow Sewer Extension: The Harolds Branch section's design is completed. It is expected the final plan for the Chloe section will be completed by the end of November.

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

1. Code of Ethics: Pursuant to discussion with several City employees in a work session, the City Commission agreed to the addition of a provision to Page 10 of the proposed ordinance to allow the Ethics Board to determine which compensated employees who hold policy making positions must file a financial disclosure statement. City Attorney Davis advised other changes made to the proposed ordinance were the deletion of use of City Property by employees and a clarification of the \$50.00 limit for acceptance of gifts. First reading was given to a summary ordinance entitled:

SUMMARY ORDINANCE PROVIDING FOR A CODE OF ETHICS, SETTING STANDARDS OF CONDUCT FOR ELECTED AND APPOINTED OFFICIALS AND EMPLOYEES; PROVIDING FOR FINANCIAL DISCLOSURE STATEMENTS; ADOPTING A POLICY ON NEPOTISM; PROVIDING A BOARD OF ETHICS AND MEMBERSHIP THERETO; AND PROVIDING PENALTIES AND FINES FOR VIOLATIONS.

The Ordinance will be on file in the office of the City Clerk for public inspection. Second reading of the Ordinance is scheduled for November 28, 1994.



2. Zoning: City Attorney Davis gave second reading to an Ordinance entitled as follows:

**ORDINANCE AMENDING THE CITY OF PIKEVILLE ZONING MAP FOR THE  
LEFTHAND SIDE OF KEYSER HOLLOW FROM R-2 TO R-1**

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	ABSENT
	SHARON CLARK	ABSENT
	EUGENE DAVIS	YES

3. Lease: Pikeville Methodist Hospital Attorney, Pam Robinette, appeared before the Commission to request the execution of a 15 year lease for a portion of river fill property owned by Pikeville Public Hospital Corporation. According to Ms. Robinette, the Hospital will be creating a gravelled parking area which will provide about 210 parking spaces. It was explained that 52 parking spaces had been lost due to the construction of the oncology center. City Attorney Davis explained to the Commission that Pikeville Public Hospital Corporation had granted approval of the lease subject to the condition that the City Commission also approve the lease. Some question has arisen as to whether Pikeville Public Hospital Corporation should deed the property to the City of Pikeville since there is no debt on the property. Hospital Attorney Robinette argued that since the Urban Renewal Agency had given a deed of gift to Pikeville Public Hospital Corporation, there was never any debt on the property and therefore would not have to transfer ownership to the City of Pikeville. City Attorney Davis told the Commission that he did not think it necessary that Pikeville Public Hospital Corporation transfer ownership of the property at this time. Mayor Combs made the motion to approve the lease subject to the following provisions being added to the lease agreement:

1. protection for the proposed roadway and utility easements
2. no subleasing or assignments and no liens or encumbrances without the approval of both, Pikeville Public Hospital Corporation and the City of Pikeville Commission.
3. that the property would be preserved for hospital or health care use.

Commissioner Davis seconded the motion. Upon call of the roll, the motion carried 2 - 0 - 1 with Commissioner Blackburn abstaining from the vote.

4. Zoning: Pursuant to a recommendation by the Pikeville/Pike County/Elkhorn City Joint Planning Commission, first reading was given to an Ordinance to change the zoning on River Fill Lots # R-6 and R-7, owned by Judy Walters, from a R-1A Zone to R-1T. The Ordinance was captioned as follows:



ORDINANCE AMENDING THE CITY OF PIKEVILLE ZONING MAP FOR THE RIVERFILL AT THE END OF THIRD STREET FOR LOTS R-7 AND R-6 FROM R-1A TO R-1T.

The Ordinance will be on file in the office of the City Clerk for public inspection. The Ordinance was scheduled for second reading on November 28, 1994.

5. Drug Task Force: At the request of Police Chief Edmonds, City Attorney Davis gave reading to the following resolution:

RESOLUTION AUTHORIZING THE EXECUTION OF THE MOUNTAIN AREA  
DRUG TASK FORCE AGREEMENT

WHEREAS, the Commission of the City of Pikeville desires to have the Pikeville Police Department participate in an Interlocal Cooperation Agreement to create a regional Drug Task Force to investigate and prosecute illegal drug activities.

BE IT RESOLVED by the City of Pikeville that the Mayor is hereby authorized to enter into and execute on behalf of the City of Pikeville the Mountain Area Drug Task Force Board Agreement.

Passed this 24th day of October, 1994.

Mayor Combs moved the adoption of the foregoing resolution. Commissioner Blackburn seconded the motion.

Upon roll call, the votes were as follows:

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

The Mayor declared the within resolution adopted.

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

ATTEST:

/s/ Karen Harris  
KAREN HARRIS, CITY CLERK

6. Beech Street: City Attorney Davis advised the Commission that an Ordinance had previously been adopted to close a portion of Beech Street located in the Pauley Addition. The closing came as a result of a request from the sole adjacent property owner, John Paul Runyon. The City Attorney explained that since the time the Ordinance was adopted, the law changed with regard to the closing of streets. According to Mr. Davis, the City does not have to institute an action in the Circuit Court joining as parties all owners of property in or abutting the public way closed.



Instead, since the Runyons are the sole property owners of the property abutting the portion of the roadway being closed, a written notarized consent to the closing is all that is necessary to close the street. The City Attorney presented and gave first reading to an amended Ordinance entitled as follows:

AMENDED ORDINANCE CLOSING A PORTION OF BEECH STREET LOCATED IN THE PAULEY SUBDIVISION OF THE CITY OF PIKEVILLE

The Ordinance will be on file in the office of the City Clerk for public inspection. Second reading of the Ordinance is scheduled at the November 28, 1994 meeting.

C. CITY MANAGER'S REPORTS: Retirement: As directed during the previous regular meeting held on September 26, 1994, City Manager Johnson presented the Commission with a report from Tom Castle of Kentucky Retirement Systems detailing the cost and financing alternatives to purchase current service credit from July 1, 1984 to July 1, 1989. The cost to purchase the service time for the 23 eligible employees is \$201,043.42 if paid in lump sum by November 1, 1994. Annual installments are available in increments of \$72,232.89 for a three year period. The installment amount could be subject to change as a result of a variable interest rate. Commissioner Blackburn questioned if this amount includes reimbursement to employees who have retired, but purchased their own service time. City Manager Johnson explained that the cost is applicable to only those employees who are currently on the City's payroll. After the Commission's considerable discussion concerning the events which led to the City not participating in the retirement program in July 1984, Commissioner Blackburn made the motion, seconded by Commissioner Davis to purchase the current service credit from July 1, 1984 to July 1, 1989 and to pay the lump sum amount of \$201,043.42. Upon call of the roll, the motion carried by the following votes:

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

Pursuant to City Manager Johnson's request, Mayor Combs made the motion, seconded by Commissioner Davis to adjourn to an executive session for the purpose of discussing a personnel matter as allowed by KRS 61.810, Section 3, paragraph f. Upon call of the roll, the motion carried 3 - 0.

At 9:00 p.m., Mayor Combs made the motion, seconded by Commissioner Blackburn to reconvene to regular session. Upon call of the roll, the motion carried 3 - 0.

With regard to the appointment of individuals to serve as members on the IDEA Board, Library Board of Trustees, and Housing Authority, Mayor Combs deferred those appointments until the Code of Ethics Ordinance is adopted.

The Commission directed the City Attorney to schedule a joint

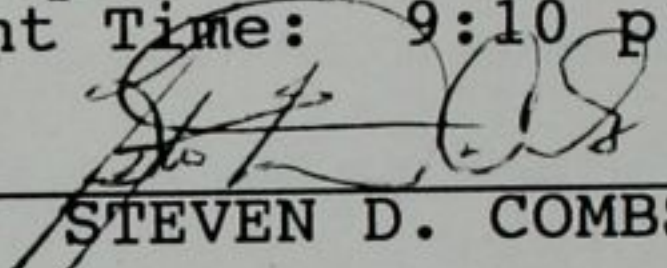


session with the Pikeville/Pike County/Elkhorn City Joint Planning Commission and the City Commission to discuss the proposed subdivision regulations.

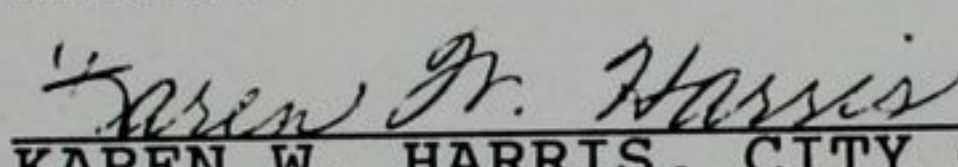
It was announced that the Pikeville City Commission and Pike County Fiscal Court will meet in joint session on November 9, 1994 at 5:00 p.m. in the Fiscal Court Meeting Room.

There being no further business to come before the Commission, Mayor Combs made the motion, seconded by Commissioner Davis to adjourn. Upon call of the roll, the motion carried 3 - 0. (Adjournment Time: 9:10 p.m.)

APPROVED

  
STEVEN D. COMBS, MAYOR

ATTEST:

  
KAREN W. HARRIS, CITY CLERK

X