

MINUTES } CITY OF PIKEVILLE

CITY OF PIKEVILLE BOARD OF COMMISSIONERS REGULAR MEETING MINUTES JULY 24, 1995

The Board of Commissioners of the City of Pikeville met in regular session on Monday, July 24, 1995. The meeting was held in the City Hall Public Meeting Room, 260 Hambley Boulevard, Pikeville, Kentucky.

There being a quorum present, Mayor Steven D. Combs called the meeting to order at 6:08 p.m. Commission Members present upon call of the roll were as follows:

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

Commissioner Eugene Davis was absent.

AGENDA ITEM II.

MINUTES

The minutes for the previous regular meeting of June 26, 1995 and special meeting of June 28, 1995 were included in each Commission Member's agenda package. There being no additions or corrections, Commissioner Blankenship made the motion to approve the minutes as presented. Commissioner Clark seconded the motion. Upon call of the roll, the motion carried 4 - 0.

AGENDA ITEM III.

BUSINESS FROM THE FLOOR

A. HILLBILLY DAYS/SUMMERFEST: Chamber of Commerce Executive Director, Gerald Altman, appeared before the Commission to ask the City's permission to use various City properties during the Hillbilly Days and SummerFest Festivals. Displayed were maps depicting the proposed vendor locations and traffic arrangements for Hillbilly Days, 1996 and SummerFest scheduled for July 2, 3, and 4, 1996. While no vote was taken with regard to the requested use of City property, the Commission reported that they had no problems with the manner in which the festivals were conducted. Mayor Combs directed that a meeting be scheduled with Jack Absher as soon as possible to discuss the possibility of locating the carnival on the RiverFill Ten Cinema property. City Manager Johnson is to prepare a cost analysis of expenses incurred (employee overtime costs, garbage removal costs, etc.) during the festivals. Mr. Altman was questioned about the manner in which employees working within the downtown area are notified to not park on City parking lots and streets. Mr. Altman reported that flyers are put on windshields a couple of days before the festival advising of the festival and requesting that alternate parking be arranged. Parking is allowed in the restricted areas until 5 p.m. preceding the day of the festival. The proceeds from SummerFest had been designated to be given to the City Park Revitalization Fund. Commissioner Clark asked how successful the celebration had been. Mr. Altman pointed out that this was the first year for the SummerFest Celebration. While the festival received no advertising, Mr. Altman indicated that a sum in the neighborhood of \$1,000.00 would be forwarded to the City Park Revitalization Fund.

B. CERTIFICATE OF NEED: Hospital Board Member, John Elliott, explained to the Commission that the Pikeville Methodist Hospital of KY is proposing to obtain a Certificate of Need to allow the establishment of an ambulance service. The primary function of the service will be to provide transportation for patients transferred to out-of-town medical facilities. The Mayor and Commissioners, a few weeks ago, had signed a letter of support, however procedures have changed which require a verbal vote of support from the governing body. Commissioner Blankenship made the motion to support the Pikeville Methodist Hospital of KY's application for the establishment of an ambulance service. 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

C. AUTUMN JAM: The Commission reviewed a letter from Victor Allara on behalf of Autumn Jam Productions, Inc., requesting to use the upper level of Bob Amos Park for the Autumn Jam III, scheduled for September. The Commission voiced concerns with regard to allowing the use of the walking track area since the track has recently been resurfaced. The Commission suggested that the production be held on the area currently being used as a horse ring. Mr. Allara told the Commission that he did not think the horse ring area deep enough to accommodate the stage area and the crowd. According to Parks Director, Doug Justice, the bleachers and fencing at the horse ring are removable. With this statement in mind, Mr. Allara told the Commission that he would be able to use the horse ring property. Commissioner Blackburn made the motion, seconded by Commissioner Blankenship to allow the use of the horse ring in Bob Amos Park by Autumn Jam Productions, Inc. Upon call of the roll, the motion carried 4 - 0.

D. 1. Cedar Creek Water Storage Tank: Mountain Water District Board Chairman, Leon Huffman, requested the City's approval to construct a 100,000 gallon water storage tank on Cedar Creek. According to Mr. Huffman, a 6" PVC line will be installed to serve the Hurricane Creek area and a portion of the line will also be installed within the City Limits. Commissioner Blackburn questioned the use of PVC pipe since a City Ordinance provides that all water lines located within the City Limits will be of ductile iron. PSG Manager, Tom Bacon, reported to the Commission that he has contacted the designer of the line extension, Kenvirons, and has been advised that the pipe being used is a "molecular reoriented PVC" which has been approved by the State and FmHA. According to City Engineer, Jack Sykes, the line will provide about 15 years of minimal maintenance. He could not guarantee the durability of the line after that time. The Commission agreed to consider accepting the line placed within the City Limits if the 6" line could be upgraded to an 8" line with the City having the option to change from the PVC pipe to ductile iron at City cost; that Mountain Water District wouldn't serve City residents without prior City Commission written approval; and that the City would have the right to use the tank and make taps. Commissioner Blankenship made the motion to authorize the City Attorney to prepare and the Mayor be authorized to sign an agreement for Mountain Water

District's execution, which would provide the aforementioned stipulations as well as the following: The City of

Pikeville will allow Mountain Water District to locate and build a water storage tank and service lines in the City of Pikeville on Cedar Creek with the provisions that the City will have the right to use the tank for storage and to provide water to its residents providing that they install a service line up to Mountain Water District's line that feeds the tank, that 8" lines be constructed within the City Limits, and that Mountain Water District supply the meter at the City Limits. Commissioner Blackburn seconded the motion. Upon call of the roll, the motion carried 4 - 0.

2. Mountain Water District: Mr. Huffman requested the Commission's consideration in extending the contract period for Mountain Water District's water purchase contract. Mr. Huffman advised that Farmer's Home Administration requires a 40 year contract in conjunction with funding of the Elkhorn Creek Water Project. Because of litigation between Mountain Water District and the City of Pikeville concerning a rate increase, the City Attorney advised the Commission to delay any action with regard to the request until the matter has been decided by the Public Service Commission. Mayor Combs told Mr. Huffman that the City Commission would authorize the time extension of the contract if the Mountain Water District Board agrees to pay the correct water purchase rate. City Attorney Davis reported that in conversations with a Public Service Commission staff attorney, it was learned that the PSC would accept any agreement reached between the City and Mountain Water District to resolve the water purchase rate disagreement.

3. IDEA: Industrial Development and Economic Authority Board Chairman, Leon Huffman, asked the Commission to reconsider action taken at the previous meeting, when the allotment for IDEA was withdrawn. Mr. Huffman advised the Commission that law mandates that an IDEA Board exist. The IDEA Board was formed approximately 8 years ago with Pike County providing 2/3rds of the funding and the City of Pikeville providing 1/3rd or approximately \$38,000.00. Mayor Combs referred to statistics formulated by the City Manager which depict the City paying \$6.00+ for each resident, while the County pays about \$1.50 per resident. Mr. Huffman told the Commission that they need to take into consideration the fact that Pike County has paid \$125,000.00 per year for the past four years for the Mossy Bottom Industrial Site. The Commission heard comments from Chuck Chrisman in support of an allotment of funds to IDEA stating that the City has several empty buildings that need to be occupied by business. Mayor Combs reported that he had been visited by Board Member Burlin Coleman and by Leon Huffman who had advised that IDEA may be prohibited in receiving Coal Severance Funds if the City does not fund and allotment to IDEA. The Commission declined to make any motion to rescind their prior action to not include funds in the 1995-96 operating budget for IDEA.

E. SCOTT AVENUE: 203 Scott Avenue resident (at the intersection of Scott Avenue and Second Street), Merle Varney appeared before the Commission to ask their assistance in remedying a drainage problem in front of her residence. City Engineer Sykes explained that water stands in the street and when cars pass through the water, it is splashed on the side of Ms. Varney's house. Two potential solutions to the problem have been identified. The first option would be to repave and reshape the street to allow the water to drain. With this option, Mr. Sykes advised that he has not performed a survey and can not guarantee that it will solve the problem. He estimated the cost at \$6,500.00. The other alternative would be to install a catch basin and run storm drainage. Mr. Sykes reported there would be some advantages to this alternate as there are about five catch basins that currently drain into the sanitary sewer system. Three of the catch basins had been designated by the State, some years ago, to be sealed, however those catch basins are still in operation. Mr. Sykes proposed to begin at the intersection of Second Street and Scott Avenue, install a catch basin in front of Ms. Varney's house, run a drain line down Second Street out to the river fill and tie it into the drainage system currently existing and pick up three of the catch basins. This alternate is estimated to cost \$18,631.00. The City Manager reported that a portion of the street had been repaved about 4 years ago and recommended that the line be installed under the sidewalks since the sidewalks were in need of replacement. Mr. Sykes told the Commission this could be done. Also discussed was the possibility of rerouting the parking which would also improve the flow of traffic. Commissioner Blackburn made the motion to authorize the City Engineer to survey the area and to authorize the City Manager and City Engineer to proceed with the best option and to use the City Engineer's recommendation of whether to change the parking from the right side of the street to the left side of the street. Commissioner Blankenship seconded the motion. Upon call of the roll, the motion carried 4 - 0.

F. ISTEAL APPLICATIONS: Historic Preservation Vice-Chairman, Myra Miller, advised the Commission that the City of Pikeville Historic Preservation Board has prepared a grant application to obtain ISTEAL funds for Phase II of the Pikeville Academy Building restoration and asked for sponsorship and authorization to submit the application. Mayor Combs asked if the City would be responsible to contribute any matching funds. Ms. Miller reported that the Historic Preservation Board is working on an approach that would require no funds from the City. Also presented was a request to submit an ISTEAL application to restore the Pauley Bridge. Project Coordinator, Sue Smallwood, advised that the funds could not be used to restore the bridge to vehicular traffic, however it could be opened to pedestrian traffic. City Engineer Sykes reported that the cost of restoring the Pauley Bridge is estimated at \$160,000.00. The City would be responsible to match any grant funds received at a rate of 20%. Ms. Smallwood also advised the Commission that the City would have to agree to maintain the Pauley Bridge for a 5 year period, should the application be successful. Commissioner Blackburn made the motion, seconded by Commissioner Blankenship to authorize the submission of both applications. Upon call of the roll, the motion carried 4 - 0.

G. RETIREMENT: Local Attorney, Larry Webster, appeared before the Commission on behalf of a previous City Employee, Robert L. Burgess, and requested they consider authorizing the payment of monthly retirement benefits as was afforded to several other prior City Employees.

At 7:30 p.m., Mayor Combs made the motion, seconded by Commissioner Blackburn to adjourn to executive session to discuss a contract negotiation; property negotiation, and a personnel matter concerning the retirement issue presented by Attorney Webster. Upon call of the roll, the motion carried 4 - 0.

At 8:35 p.m., Commissioner Blackburn made the motion to reconvene to regular session. Commissioner Blankenship seconded the motion. Upon call of the roll, the motion carried 3 - 0 (Commissioner Clark not present at the time of the vote).

MINUTES } CITY OF PIKEVILLE

Retirement: It was announced that during executive session, former City Attorney, Lawrence Webster represented to the Commission that the Commission in 1975 established an informal pension plan whereby employees that were employed in 1975, achieved 25 years of employment with the City of Pikeville and who retired from working with the City of Pikeville after 60 years of age would be eligible for a \$500.00 per month pension. He advised that no benefits were extended to spouses or family members and further that the informal plan included no disability benefits. The

Commission, after being advised that the Pike Circuit Court had previously entered a Judgment stating that it was lawful to establish new beneficiaries under this old informal plan, and after further finding that Mr. Burgess apparently met the qualifications, having more than 25 years of service with the City of Pikeville, retiring after age 60, did, upon motion by Commissioner Blackburn and seconded by Commissioner Blankenship and a 4 - 0 vote, authorize the establishment of a monthly retirement benefit, in the sum of \$500.00 to Robert L. Burgess.

Landfill: Mayor Combs made the motion to authorize the City Manager to bid out the City's landfill business. Commissioner Blackburn seconded the motion. During discussion, Mayor Combs explained that the garbage landfill business would be bid to see what type of arrangements could be reached to dispose of the City's solid waste. Upon call of the roll, the motion carried 4 - 0.

AGENDA ITEM IV.

PAYMENT OF BILLS

A list of City Bills totaling \$419,589.97 was presented to the Commission for approval of payment. Commissioner Blankenship made the motion, seconded by Commissioner Clark to authorize payment of the invoices as submitted. Upon call of the roll, the motion carried 4 - 0*. *Mayor Combs abstained from voting on the invoices submitted from vendors who appear on his Financial Disclosure Statement.

AGENDA ITEM V.

OLD BUSINESS

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

1. Sewer Extension Project: All documentation has been sent to the Division of Water for review. Mr. Sykes expects the Division of Water to grant approval for the execution of the contract documents within the next couple of weeks.

2. Bob Amos Walking Track: The rubber surface has been placed on the track. The contractor is patching and performing clean up work.

3. Pikeville College Improvements/Elm Street: The Commission reviewed at the previous meeting, a request from Pikeville College President Bill Owens, to widen Elm Street. The City Engineer was directed to prepare a cost estimate for the proposed project. To widen the street to 20 feet, a very general cost estimate of \$103,000.00 was presented. Commissioner Blackburn commented that the street was scheduled for blacktopping next month. Mr. Sykes reported that if the Commission is considering to widen the street, then blacktopping shouldn't be done as 1" of blacktop has been included in the cost estimate. The Commission directed that the cost estimate be forwarded to Pikeville College officials for review.

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

1. Annexation: City Attorney Davis presented and gave first reading to an Ordinance entitled as follows:

ORDINANCE FINALLY ANNEXING TO THE CITY OF PIKEVILLE THE TERRITORY ADJACENT TO THE PRESENT CITY CORPORATE LIMITS AND COMPRISING OF APPROXIMATELY ONE HUNDRED ACRES WHICH WOULD EXTEND THE CITY CORPORATE LIMITS NORTHWEST ALONG EITHER SIDE OF U.S. HIGHWAY 23 TO THE CORPORATE LIMITS OF COAL RUN CITY.

The Ordinance is on file in the office of the City Clerk for public inspection. Second reading of the Ordinance was scheduled for the next regular meeting.

AGENDA ITEM VII.

NEW BUSINESS

A. BOARD APPOINTMENTS:

1. Zoning Board of Adjustments: Mayor Combs nominated Johnny Green Charles to fill the vacancy on the Zoning Board of Adjustments. Commissioner Blankenship seconded the motion. Upon call of the roll, the motion carried 4 - 0.

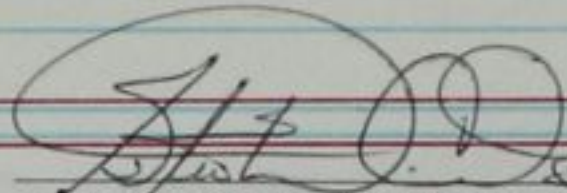
2. Local Tax Appeals Board: Commissioner Blankenship made the motion, seconded by Commissioner Blackburn to authorize the Mayor to appoint five persons to serve on the Local Tax Appeals Board for the 1994 Tax Year. Upon call of the roll, the motion carried 4 - 0.

Project Coordinator, Sue Smallwood, announced that the City of Pikeville has received notice of award of an Emergency Shelter Grant in the amount of \$46,000.00.

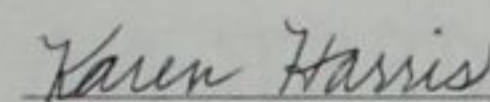
There being no further business to come before the Commission, Commissioner Blankenship made the motion, seconded by Commissioner Blackburn to adjourn the meeting. Upon call of the roll, the motion carried 4 - 0. (Adjournment Time: 8:50 p.m.)

APPROVED

MINUTES } CITY OF PIKEVILLE


STEVEN D. COMBS, MAYOR

ATTEST:


KAREN HARRIS, CITY CLERK