

CITY OF PIKEVILLE
BOARD OF COMMISSIONERS
REGULAR MEETING MINUTES
SEPTEMBER 25, 1995

The Board of Commissioners of the City of Pikeville met in regular session on Monday, September 25, 1995. The meeting was held in the City Hall Public Meeting Room at 260 Hambley Boulevard, Pikeville, Kentucky.

There being a quorum present, Mayor Steven D. Combs presided and 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
WALTER BLANKENSHIP
SHARON CLARK
EUGENE DAVIS

AGENDA ITEM II. MINUTES

The minutes for the previous regular meeting of August 28, 1995 and continued meeting of August 29, 1995 were included in each Commission Member's agenda package. There being no additions or corrections, Commissioner Blankenship made the motion, seconded by Commissioner Clark to approve the minutes as submitted. Upon call of the roll, the motion carried unanimously.

AGENDA ITEM III. BUSINESS FROM THE FLOOR

PIKEVILLE AQUATICS TEAM: Paul Sowards, on behalf of the Pikeville Aquatics Club, advised the Commission of the success earned by the Swim Team. Members of the Team presented the Commission with their Fourth Place trophy which was won during competition in Kingsport, TN. Mr. Sowards asked the Commission to consider enclosing the pool for winter use and emphasized that scholarships and other benefits are available for swimmers. John Michael Johnson displayed a rendition of a glass-enclosed structure, estimated to cost \$25.00/sq. ft. and a fabricated structure with garage sides and a rollback roof, estimated to cost \$200,000.00. The Commission told the group that at one time an insulated cover was used during the winter months, however, it became cost prohibitive. Commissioner Blankenship advised that at one point, the City lost \$60,000.00 during one season. Robin Wells objected to Commissioner Blankenship's calculation stating that the previous Finance Director, Karen Gibson, had reviewed the operating costs and had presented a much lower figure to the Aquatics Board. Ms. Wells advised the Commission that lower heating bills could be had, if Pikeville could follow suit of other agencies who had pool enclosures. She told the Commission that a boiler system is used to heat the pool. A plastic liner covers the top of the pool. When the pool is in use, the liner is rolled back, and the heat from the pool, warms the air temperature of the building. The liner is replaced when the pool is not in use. The Commission directed Finance Director, Jan Hunt, to prepare a cost analysis of the swimming pool winter months operation costs. John Michael Johnson was asked to obtain definite cost estimates for pool enclosures along with costs from other cities with regard to heating said enclosures. Commissioner Blankenship made the motion, seconded by Commissioner Blackburn to authorize Sue Smallwood, Project Coordinator, to contact Will Linder, grants person, to explore funding, through grants, to enclose the pool. Upon call of the roll, the motion carried unanimously.

The Mayor thanked Tom Hutchinson and McDonald's for their support of the Swim Team.

AGENDA ITEM IV. PAYMENT OF BILLS

A. CITY BILLS/FINANCIAL STATEMENTS: A list of City Bills totaling \$419,815.24 were presented to the Commission for approval of payment. Commissioner Blankenship made the motion, seconded by Commissioner Blackburn to approve payment of the bills as submitted. Upon call of the roll, the motion carried unanimously. Financial Statements for month ending August, 1995 were submitted to each Commission Member for their review. No action was taken.

B. U.D.A.G.: Presented to the Commission for approval was a request from Pikeville Y.M.C.A. for reimbursement of \$76,662.32 in construction costs for the Y.M.C.A. facility located in the Bob Amos Park. The reimbursement will be funded with proceeds of the Urban Development Action Grant. Commissioner Blankenship made the motion, seconded by Commissioner Clark to authorize payment of the reimbursement as requested by the Y.M.C.A. and to authorize Sue Smallwood to request a U.D.A.G. draw-down. Upon call of the roll, the motion carried unanimously.

AGENDA ITEM V. OLD BUSINESS

A. CITY ENGINEER'S REPORTS: Mark Westfall, representing Summit Engineering, Inc., City Engineers, presented a verbal report of ongoing projects as follows:

1. Bid Openings: Mr. Westfall advised the Commission that bids were accepted and opened for the painting and miscellaneous repairs to the Raw Water Intake and Waste Water Treatment Plant. One bid was received from National Painting and Sandblasting Company in the amount of \$18,175.00. Mayor Combs questioned if the PSG Operations Contract provides that they maintain the facility. PSG Manager Bacon reported that their contract provides that PSG will make repairs that do not exceed \$2,000.00. Commissioner Blackburn made the motion, seconded by Commissioner Davis to accept the bid as submitted. Upon call of the roll, the motion carried 5 - 0.

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2. Scott Avenue Storm Drainage: Two bids were received for the extension of storm drainage to serve the Scott Avenue/Second Street area in the vicinity of Merle Varney's house. The bids were received from M & S General Contracting in the amount of \$22,353.00 and from McPeak Construction in the amount of \$26,195.00. Commissioners questioned how the project is to be funded. City Manager Johnson advised the Commission that some projects budgeted can be deferred until the spring and funded through the additional property tax revenues. Commissioner Blackburn made the motion, seconded by Commissioner Davis to award the bid for the storm drainage extension to the low bidder, M & S General Contracting in the amount of \$22,353.00. Mayor Combs asked City Manager Johnson to prepare a list of the projects that will be deferred as a result of this action. Upon call of the roll, the motion carried unanimously.

3. Lake Cleanup: McPeak Construction is in day 21 of their 180 day contract for the Lake Clean-up Project. 14% of the project has been completed to date. Mr. Westfall told the Commission that all trees within the water's edge are being cut and removed. In addition trees that are 5 inches or smaller are removed within the 30 ft. easement.

4. Sewer Extension Project: The contractor, M & D Construction Company, is in day 20 of their 210 day contract to extend sewage service to Harold's Branch, Chloe Creek, Layne Hollow, and North Mayo Trail. According to Mr. Westfall, the contractor has initiated work on Chloe Creek and the North Interceptor.

5. Dark Hollow Sewer: During a meeting held on May 22, 1995, the Commission gave approval to allow Stuart Adams to construct a gravity line to serve the Dark Hollow and Keyser Heights Subdivisions. According to Mr. Westfall, Mr. Adams' bore contractor has encountered an obstacle underneath the Highway Department's retaining wall. He told the Commission that the obstacle appears to be a footer, however nothing is depicted on the mapping. Mr. Westfall advised the Commission of two alternates to allow the project to proceed. One option would be to rebores three feet deeper and more perpendicular to the four-lane. The other option would be to redesign the plan with the addition of a lift station at Keyser Heights. Mr. Westfall reported that he and Engineer Sykes had reviewed the options and recommend the former option. The Commission concurred. No costs will be incurred by the City at this time because the bore contractor's contract is with Adams Real Estate Company. Mr. Westfall further explained that while the distance of the bore will be somewhat shortened, the City may have to add a manhole.

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

1. Sewer Rate Ordinance: City Attorney Davis presented and gave second reading to an Ordinance entitled:

AN AMENDED ORDINANCE OF THE CITY OF PIKEVILLE, PROVIDING FOR THE COLLECTION OF SEWER SERVICE CHARGES FROM MUNICIPAL SANITARY SEWER SYSTEM

Commissioner Blackburn made the motion, seconded by Commissioner Clark to adopt the Ordinance as read. 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

2. Hatcher Court: During last month's meeting, the Commission discussed a request from Pikeville College that the Hatcher Court Alley which turns and runs back through Hambley Boulevard be closed. Mayor Combs had expressed his opinion that the City should reserve the right to reopen the alley should the College cease to use the property. The City Attorney explained, that under Kentucky Law, two procedures can be followed when closing a thoroughfare. One way would be to file suit and enjoin all adjoining property owners. Should the property owners feel the value of their property has been depreciated, they can recover damages through court action. The other method would be to have all property owners to sign an agreement waiving their right to any compensation. City Attorney Davis reported that since only one property owner has property adjoining the section of alley to be closed, he has prepared an agreement whereby the Hatcher Heirs would waive any right to compensation and further that the owners would agree that the alley would be re-established at such time as the College no longer utilizes the property. The City Manager informed the Commission that the Hatcher Heirs have offered the section of property that abuts the City's parking lot in exchange for the alley. This would allow the City to make a through alley whereby those using the College Parking Lot could enter from Hambley Boulevard and exit onto Huffman Avenue on the lower side where the Ashland Station was located. Mr. Johnson advised the cost would be minimal since the area is paved. The only thing that would have to be done is to stripe. The Commission heard from resident, Minnie Sue Elliott, who uses the alley. She told the Commission that she had talked with other residents who object to the closing of the alley. It was explained that the City Manager's recommended course of action would provide ingress/egress to her property. Ms. Elliott told the Commission that she has been unable to use that access because of people parking their vehicles and blocking the way. Bill VanHoose advised the Commission of his father's, Charlie VanHoose, concern for a possible drainage problem onto his property. Mr. VanHoose explained that, while there is no problem at this time, paving of the new access may divert water onto the property. Mayor Combs instructed the engineer to determine if there could be any drainage problems. The City Attorney was directed to negotiate an agreement with the Hatcher Heirs. First Reading was given to an Ordinance entitled:

AN ORDINANCE CLOSING A PORTION OF HATCHER COURT ALLEY LOCATED IN HATCHER COURT IN THE CITY OF PIKEVILLE

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Second Reading will be had upon the execution of an agreement with the Hatcher Heirs. The Ordinance will be on file in the office of the City Clerk for public inspection.

3. Zoning Code Amendment: First Reading was given to an Ordinance entitled:

ORDINANCE AMENDING THE CITY OF PIKEVILLE, KENTUCKY ZONING CODE PROVIDING FOR THE BOARD OF ZONING ADJUSTMENTS TO HAVE THE POWER TO HEAR AND DECIDE "OFF-STREET PARKING AND LOADING" VARIANCES

The Ordinance was scheduled for second and final reading at the next regular meeting. The Ordinance will be on file in the office of the City Clerk for public inspection.

4. U.D.A.G. Loan Agreement: City Attorney Davis advised the Commission that they have not officially authorized the Mayor to execute the U.D.A.G. Loan Agreement with the Y.M.C.A. According to the City Attorney, the provisions of the agreement are the same as the requirements established in the City's agreement with H.U.D. Total loan amount to Y.M.C.A. is \$321,145.00. Commissioner Davis made the motion, seconded by Commissioner Clark to approve the Y.M.C.A. Loan Agreement and to authorize the Mayor to execute the agreement. Upon call of the roll, the motion carried unanimously.

5. Letter of Credit: Project Director, Sue Smallwood, advised the Commission that a resolution is currently in existence with regard to authorizing two persons to access the Letter of Credit for the U.D.A.G. funds, however one of those persons is no longer employed by the City of Pikeville. She recommended that she and Jan Hunt, Finance Director, be authorized to access the Letter-of-Credit.

A resolution was presented and read as follows:

A RESOLUTION OF THE CITY COMMISSION OF PIKEVILLE, KENTUCKY, AUTHORIZING TWO INDIVIDUALS TO ACCESS THE LETTER OF CREDIT COMMUNICATION SYSTEM (LOCCS) AND ESTABLISHING A BANK DEPOSITORY FOR PURPOSES OF THE URBAN DEVELOPMENT ACTION GRANT PROGRAM.

WHEREAS, the City of Pikeville Kentucky is undertaking an Urban Development Action Grant (UDAG) Program under the rules and regulations of the U.S. Department of Housing and Urban Development; and

WHEREAS, the U.S. Department of Housing and Urban Development requires that a depository and authorization of two individuals to access the Letter of Credit Communication System be obtained by the City prior to release of UDAG funds;

NOW, THEREFORE, BE IT RESOLVED, by the City Commission of Pikeville, Kentucky, that Steven D. Combs, Mayor, is hereby authorized to approve Sue Smallwood, Project Director, and Jan Hunt, Finance Director, as the individuals authorized to access the Letter of Credit Communication System for the City's Urban Development Action Grant Funds to be utilized under this program.

At Pikeville, Kentucky, this 25th day of September, 1995.

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

ATTEST:

/s/ Karen W. Harris
KAREN W. HARRIS, CITY CLERK

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

With regard to the U.D.A.G. Funds, City Attorney Davis asked the Commission to consider entering into an agreement with him or his firm to prepare agreements and financing documents for the three recipients at the rate of \$75.00 per hour. Mr. Davis told the Commission that he had spoken with H.U.D. representative David Sowell who advised that \$50,000.00 has been set aside to be used for administrative expenses, although all items to be paid from this account have not yet been identified. According to the City Attorney, Mr. Sowell advised that additional funds could be set aside for administrative purposes. Mayor Combs made the motion to hire Russell Davis at the rate of \$75.00 per hour to prepare U.D.A.G. agreements that are necessary to close out the loans to the three recipients. Commissioner Blankenship seconded the motion. Upon call of the roll, the motion carried unanimously.

6. ISTEAs: Presented for approval was the ISTEAs Grant Agreement between the City of Pikeville and the Department of Transportation which enables the City to utilize grant funds in the amount of \$400,000.00 to renovate the Academy Building. Mr. Davis told the Commission that part of the agreement provides for Pikeville College to deed the Academy Building to the City of Pikeville. Pikeville College has a debt on the building in the approximate amount of \$115,000.00. Pikeville College has agreed to grant the deed of gift subject to three conditions: The name of Pikeville College Academy Building will be retained for the building; space will be made available for the Pikeville College Alumni Association; and the City agrees to continually use the Academy Building as a Heritage Tourism Center. Mayor Combs made the motion to approve the ISTEAs Grant Agreement between the City of Pikeville and the Transportation Cabinet. Commissioner Blankenship seconded the motion. Upon call of the roll, the motion carried 5 - 0.

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Commissioner Blankenship made the motion to agree to the three conditions specified by Pikeville College for the deed of gift to the City of Pikeville for the Pikeville College Academy Building and authorized the Mayor to execute said deed. Commissioner Clark seconded the motion. Upon call of the roll, the motion carried unanimously.

7. Fair Housing Policy/Affirmative Action Plan: Presented to the Commission were two resolutions which update the City's Fair Housing and Affirmative Actions Plans. The resolutions were read as follows:

AN ORDER OF THE CITY COMMISSION OF PIKEVILLE, KENTUCKY, APPROVING A FAIR HOUSING POLICY FOR THE CITY

WHEREAS, discrimination against persons because of race, color, sex, age, religion, or national origin in connection with real estate transactions is inconsistent with the demographic principles of the Constitution of the United States and the Commonwealth of Kentucky; and,

WHEREAS, such discrimination results in harmful economic effects to the City of Pikeville;

NOW, THEREFORE, BE IT ORDERED that:

1. the attached Fair Housing Policy be enacted to prohibit housing discrimination with the City, and to safeguard the City's citizens from discrimination in real estate transactions; and,
2. this policy shall be effective immediately upon passage by this City Commission.

APPROVED this 25th day of September, 1995.

/s/ Steven D. Combs
MAYOR

/s/ Karen W. Harris
ATTEST

and

AFFIRMATIVE ACTION PLAN
CITY OF PIKEVILLE

BE IT ORDERED BY THE CITY OF Pikeville (hereafter referred to as "Grantee"), KENTUCKY AS FOLLOWS:

1. Statement of Policy: The affirmative action policy of the Grantee is to promote equal employment opportunity; to prohibit discrimination in employment on account of race, color, religion, national origin, sex, age or handicapped status; and to bring about a fair representation and utilization of females and minorities on all levels of employment.
2. Dissemination of Policy: The Grantee will advise all employees and applicants for employment of this policy and will post it in a conspicuous place. The Grantee will make known to the public that employment opportunities are available on the basis of individual ability and will encourage all persons who are employed by the Grantee to strive for advancement on that basis.
3. Personnel Actions: The Grantee will actively recruit qualified or qualifiable persons among females and minorities on a non-discriminatory basis for all available job openings at every level; and the Grantee will ensure every employee equal treatment in respect to terms and conditions of employment, job assignments, compensation, access to training and promotions.
4. Workforce Utilization: Goals and Timetables: The Grantee will analyze the utilization of females and minorities in its workforce and compare it with the utilization by all employers in the County according to the latest official census. The goal of the Grantee is to bring about comparable utilization in all categories within the next five years.
5. Responsibility for Implementation: The Mayor of the City of Pikeville shall be responsible for implementation of this Affirmative Action Plan, including maintenance of the Workforce Analysis and Job Roster and hearing complaints of discrimination by any employees or prospective employees of the Grantee, with a final appeal to the City Commission.
6. Evaluation and Reports: The person given responsibility for implementation of this Plan shall examine its operation periodically and shall report the progress being made, together with recommendations for improvements in the Plan, to the Grantee at least once every year.

APPROVED this 25th Day of September, 1995.

/s/ Steven D. Combs
MAYOR

/s/ Karen Harris
ATTEST

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Commissioner Clark made the motion to adopt both, the Fair Housing and Affirmative Action Plan Resolutions. Commissioner Blankenship seconded the motion. Upon call of the roll, the motion carried unanimously.

8. KIA Loan Agreement: Project Coordinator, Sue Smallwood, advised the Commission that while an Assistance Agreement between the Kentucky Infrastructure Authority and the City of Pikeville has not yet been received, it will be forthcoming. It was explained that the Assistance Agreement provides loan proceeds in the amount of \$2,310,594.00 for sewer extensions to Harolds Branch, Chloe Creek and Layne Hollow as well as the replacement of the trunk line on North Mayo Trail. The City's engineer explained earlier that the contractor had been given the notice to proceed with the project. Ms. Smallwood asked the Commission to authorize the Mayor to sign the agreement upon receipt, which will allow timely payments to the contractor. Commissioner Blankenship made the motion, seconded by Commissioner Blackburn to approve the Assistance Agreement with the Kentucky Infrastructure Authority for the Sewer Extension Project Loan and to authorize the Mayor to execute the agreement. 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

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

1. Halloween: The City Manager reported that Pike County Fiscal Court representatives have reported that the County has set Tuesday, October 31, 1995 during the hours of 6 p.m. - 8 p.m. as Halloween Trick-or-Treat and recommended that the City Commission set the same date and time. Commissioner Blackburn made the motion, seconded by Commissioner Clark to set Halloween Trick-or-Treat on October 31, 1995 during the hours of 6 p.m. to 8 p.m. Upon call of the roll, the motion carried unanimously.

2. Solid Waste Bids: City Manager Johnson advised the Commission that two bids had been submitted with regard to the construction, maintenance and operation of the Island Creek Transfer Station. The bids were received as follows:

Local Sanitation.....	\$34.00/ton	with \$23,000.00 designated for Transfer Station
Addington.....	\$33.00/ton	with \$200,000.00 designated for Transfer Station.

City Manager Johnson reported that when comparing the County's Landfill rate of \$25.00/ton with the low bidder's price of \$33.00/ton, the City would be paying an additional \$5,000.00 per month. He recommended that the Commission reject the bids and authorize the City Attorney and he to try negotiating a lower fee with Addington.

Commissioner Blackburn made the motion, seconded by Commissioner Blankenship to reject all bids and authorize the City Manager and the City Attorney to negotiate with Addington. Upon call of the roll, the motion carried 5 - 0.

3. Gas Well Odorization Bids: The City Manager informed the Commission that the City is under direction from the PSC to odorize the natural gas system in certain locations as a safety precaution. One bid was received. The bid was submitted by GPM Equipment Sales, Inc. The bid provides for the placement of five odorizers through the system, which will take care of about 85% of the system. Bid amount is \$32,985.00. Mr. Johnson advised that the price may be somewhat lower in that one of the odorizers is not going to be installed until it is determined to be needed. \$50,000.00 has been set aside in the budget. Commissioner Blackburn made the motion, seconded by Commissioner Davis to award the bid to GPM Equipment Sales, Inc. in the amount of \$32,985.00. Upon call of the roll, the motion carried 5 - 0.

4. Fire Department Generator Bids: City Manager Johnson reported that one bid had been received in answer to an advertisement for the acquisition of a standby generator for the Pikeville Fire Department. The bid received was submitted by Cummins-Cumberland, Inc. in the amount of \$12,605.00. \$15,000.00 had been included in the City's operating budget for this purchase. Commissioner Blankenship made the motion, seconded by Commissioner Blackburn to accept the bid from Cummins-Cumberland, Inc. in the amount of \$12,605.00 for the purchase of a generator. Upon call of the roll, the motion carried unanimously. Mr. Johnson advised there would be installation costs which he estimated at \$3,000.00.

5. Line-of-Credit: City Manager Johnson advised the Commission that the Lake Cleanup Contractor, McPeak Construction Company, has begun their project. He requested that the Commission authorize him to negotiate and execute a \$300,000.00 unsecured Line-of-Credit to allow payment of invoices as they are presented. The City Manager reported that he anticipates collection of 1995 property taxes to begin in January which will allow immediate repayment of the Line-of-Credit. He further reported that he had requested proposals from each of the local financial institutions. Commissioner Blackburn made the motion, seconded by Commissioner Blankenship to authorize the City Manager to negotiate and execute an unsecured Line-of-Credit with the low bidder in the amount of \$300,000.00. 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

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AGENDA ITEM VI.

NEW BUSINESS

A. BOARD APPOINTMENTS:

1. **LIBRARY BOARD:** The Commission was advised of one vacancy on the City of Pikeville Library Board. The vacancy was created through the resignation of Tinker Page. Nominations were deferred until the next regular meeting.

2. **HOUSING AUTHORITY BOARD:** It was reported that the term of Velma Childers as Director on the Housing Authority Board has expired. In addition, the Commission was notified that Johnny Cornett had resigned as Director from this Board. Mayor Combs advised that KRS provides for a balance in political parties on this Board. He reported that Mrs. Childers is eligible to be reappointed to the Board, but due to the death of her husband he has not spoken with her to see if she is interested in serving another term. The Mayor asked that the matter be deferred until the next regular meeting. The Commission concurred.

3. **TECHNICAL ADVISORY COMMITTEE:** A letter of resignation was received by the Commission from Herman Lester. Mr. Lester advised the Commission that he must resign his seat on the Technical Advisory Committee due to a conflict of interest. Mayor Combs nominated Johnny Green Charles to complete Mr. Lester's term. Commissioner Blankenship seconded the motion. Upon call of the roll, the motion carried unanimously.

The City Attorney advised the Commission of one of the Technical Advisory Committee Board Member's request that they be compensated for using their professional expertise. Mayor Combs asked that the Board Member's submit a proposal to the Commission for consideration. Discussed was the possibility of charging the applicants a fee to compensate the TAC Board Members for their review.

4. **JOINT PLANNING COMMISSION:** The Commission was given notice that two City appointees' terms on the Joint Planning Commission have expired. Mayor Combs made the motion to reappoint Jean Ann Corbin and Steve Blevins to serve on the Joint Planning Commission. Commissioner Blackburn seconded the motion. Upon call of the roll, the motion carried 5 - 0.

B. EMERGENCY SHELTER: Helping Hand Board Members, Jeanine Owens and Rev. Stratton, appeared before the Commission and presented a letter stating that the Helping Hand, Inc. will no longer be operating the Perry Cline Emergency Shelter effective November 1, 1995. Mayor Combs reported that the City Housing Authority is trying to get approval from HUD to assume operation of the facility. Commissioner Blackburn made the motion to authorize the City Manager to work with the City Housing Authority to determine if a suitable arrangement can be negotiated with HUD to allow the operation of the emergency shelter by the City Housing Authority and if one can not be reached, that he be authorized to contact the County's Housing Authority. Commissioner Blackburn further moved that the City accept operation of the facility as of November 1, 1995. Commissioner Clark seconded the motion. Upon call of the roll, the motion carried unanimously.

At 7:55 p.m., Mayor Combs made the motion, seconded by Commissioner Blackburn to adjourn to an executive session for the purpose of discussing a legal matter. Upon call of the roll, the motion carried unanimously.

At 8:20 p.m., Commissioner Blankenship made the motion, seconded by Commissioner Blackburn to reconvene to regular session. Upon call of the roll, the motion carried 4 - 0 (Commissioner Davis not present at the time of the vote).

Pauley Bridge Settlement: City Attorney Davis reported that a pending legal dispute between the City of Pikeville and the Transportation Cabinet over the construction of the Buckley's Creek Bridge as a replacement bridge for the Pauley Bridge was discussed. The Transportation Cabinet claims the City owes \$310,580.62, the City claims they owe the Transportation Cabinet nothing and that they owe the City for damages sustained by their failure to obtain a fill permit. A proposal was sent to the State with the City offering to take care of any problems encountered as a result of the State not obtaining the fill permit in exchange for the debt. The Transportation has accepted the proposal by agreement dated August 28, 1995. Commissioner Blankenship made the motion to authorize the acceptance of the agreement and to authorize the Mayor to execute the agreement. Commissioner Blackburn seconded the motion. Upon call of the roll, the motion carried unanimously.

Hambley Boulevard Maintenance: Presented to the Commission was a resolution as follows:

RESOLUTION FROM THE CITY OF PIKEVILLE BOARD OF COMMISSIONERS REQUESTING THAT THE COMMONWEALTH OF KENTUCKY, TRANSPORTATION CABINET, DEPARTMENT OF HIGHWAYS ACCEPT AS A STATE MAINTAINED ROADWAY HAMBLEY BOULEVARD FROM ITS INTERSECTION WITH LORRAINE STREET TO ITS INTERSECTION WITH U.S. HIGHWAY 23 OF THE SOUTH END OF THE CITY OF PIKEVILLE'S CENTRAL BUSINESS DISTRICT

WHEREAS, Hambley Boulevard at one time was a state maintained roadway;

WHEREAS, Hambley Boulevard is heavily traveled as a thoroughway or road leading to other state maintained highways and roads;

WHEREAS, the maintenance obligations for the upkeep of Hambley Boulevard as a heavily traveled thoroughfare has placed a financial burden upon the City of Pikeville;

BE IT RESOLVED by the Board of Commissioners for the City of Pikeville that the Commonwealth of Kentucky Transportation Cabinet, Department of Highways accept, as a state maintained roadway, Hambley Boulevard in the City of Pikeville at the point of its intersection with Lorraine Street (the point where Hambley Boulevard currently ends as a state maintained roadway) to the point where Hambley Boulevard intersects with U.S. 23 on the south end of the City of Pikeville's central business district. The Commission further requests that Hambley Boulevard be designated as an alternate U.S. Highway 23 business route.

Passed this 25th day of September, 1995.

Commissioner Blackburn moved the adoption of the foregoing resolution. Commissioner Davis seconded the motion.

Upon roll call, the votes were as follows:

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

The Mayor declared the within resolution adopted.

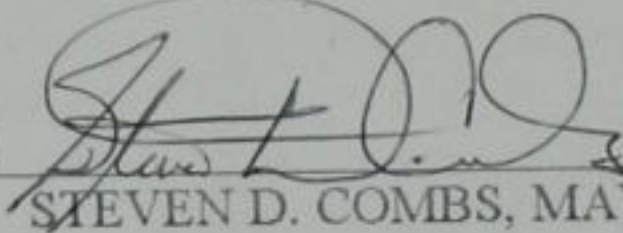
/s/ Steven D. Combs
STEVEN D. COMBS, MAYOR

ATTEST:

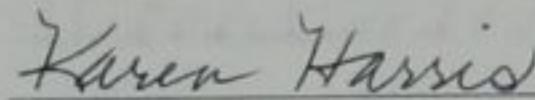
/s/ Karen Harris
KAREN HARRIS, CITY CLERK

Street Sweeping Schedule: PSG Manager, Tom Bacon, told the Commission that he has about 85% of the Street Sweeping Schedule prepared.

There being no further business to come before the Commission, Commissioner Blackburn made the motion to adjourn. Commissioner Blankenship seconded the motion. Upon call of the roll, the motion carried unanimously. (Adjournment Time: 8:35 p.m.)

APPROVED 
STEVEN D. COMBS, MAYOR

ATTEST:


KAREN HARRIS, CITY CLERK