

MINUTES } CITY OF PIKEVILLE

CITY OF PIKEVILLE BOARD OF COMMISSIONERS REGULAR MEETING MINUTES NOVEMBER 27, 1995

The Board of Commissioners of the City of Pikeville held their regular monthly meeting on Monday, November 27, 1995. The meeting was conducted in the City Hall Public Meeting Room at 260 Hambley Boulevard, Pikeville, Kentucky.

There being a quorum present, Mayor Steven D. Combs called the meeting to order at 6:00 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 for the previous regular meeting held on October 23, 1995 were included in each Commission Member's agenda package. There being no additions or corrections, Commissioner Blackburn made the motion, seconded by Commissioner Davis to approve the minutes as submitted. Upon call of the roll, the motion carried 3 - 0.

AGENDA ITEM III. BUSINESS FROM THE FLOOR

There were no items presented to the Commission during the call for Business from the Floor.

AGENDA ITEM IV. PAYMENT OF BILLS

A. CITY BILLS/FINANCIAL STATEMENTS: A list of City Bills totaling \$435,033.99 was presented to the Commission for approval of payment. The City Manager and Finance Director affirmed that sufficient funds were available to make payment and advised that the City is currently operating within the confines of the overall budget. Commissioner Blackburn made the motion, seconded by Commissioner Davis to approve payment of the bills as submitted. Upon call of the roll, the motion carried 3 - 0.

Financial Statements for month ending October, 1995 were presented to the Commission for review. No action taken.

B. SEWER EXTENSION PROJECT: Presented for approval of payment were requests for payment from M & D General Contracting for Contracts 1, 2, and 3 of the Sewer Extension Project totaling \$102,230.15. Payment Request #2 for the above referenced projects were defined as follows:

CHLOE CREEK SEWER	CONTRACT 1	\$ 58,770.90
HAROLDS BRANCH SEWER	CONTRACT 2	24,165.50
NORTH INTERCEPTOR SEWER	CONTRACT 3	19,293.75

Also presented, in accordance with KIA Loan Agreement regulations, was a request for approval to deposit the retainage amounts in an escrow account for M & D Contracting, Inc. for the Sewer Extension Project payment requests # 1 and #2 which total \$20,793.85.

City Engineer Sykes recommended the approval of the payment requests. He reported that the contractor has missed approximately four weeks of valuable construction time due to the labor union protests. According to Mr. Sykes, the Chloe Creek project is 11.2% complete; the Harolds Branch project is 9% complete; and the North Interceptor project is 7.6% complete. 35% of the contract time has elapsed. All three of the contracts have been sublet. Mr. Sykes reported that each of the contractors are proceeding at a reasonable progress, however expects that the general contractor will solicit a time extension. Mayor Combs stated that the Chloe Project was allowed to proceed during the labor dispute and asked the reason the project is behind schedule. The City Engineer reported that supervision had not been provided during all periods of the work day, however the contractor has since placed a supervisor on the job and the work production has improved. The Commission requested that the City Engineer send a letter to the contractor advising of their concerns regarding the contract time schedule.

Commissioner Blackburn made the motion, seconded by Commissioner Davis to approve payment of \$102,230.15 to M & D Contracting and to approve depositing a total of \$20,793.85 in retainage amounts in an escrow fund for M & D Contracting as requested. Upon call of the roll, the motion carried 3 - 0.

3. SCOTT AVENUE STORM DRAINAGE: Presented for approval was an invoice from M & S General Contracting in the amount of \$22,353.00 which represents the total amount of the contract to provide storm drainage at the upper end of Scott Avenue. Mayor Combs asked if the drain was going to be raised to street level. City Engineer Sykes reported that he had looked at the drain and has decided that it would be best to leave it where it is even though it is 1 1/2 inch lower than desired. Commissioner Blackburn stated the need to blacktop the area on Scott Avenue between Main Street and Fourth Street. The City Manager advised that it is in the plans to asphalt this area in the spring. Mr. Sykes reported that no retainer had been withheld from the contract. He stated that the contractor is local and feels comfortable, that if any problem should arise, it would be remedied. Commissioner Blackburn made the motion, seconded by Commissioner Davis to approve payment to M & S General Contracting in the amount of \$22,353.00. The contract will be paid from the emergency fund. Upon call of the roll, the motion carried 3 - 0.

MINUTES } CITY OF PIKEVILLE

AGENDA ITEM V.

OLD BUSINESS

A. CITY ENGINEER'S REPORT: Jack Sykes, representing Summit Engineering, City Engineers, presented a verbal progress report on the following projects:

1. Waste Water Treatment Plant/Raw Water Intake Repairs: 90% of this maintenance project has been completed. Through negotiations with the contractor, the contract completion has been delayed until spring to allow PSG to perform needed drain work.
2. Pond Cleanup: The project is currently in day 74 of a 180 day contract. Most of the rough clean up work has been completed and seeding has been initiated. The aerator units have been delivered and the contractor is currently in the process of having the utilities installed.
3. Floodway: Concerning the riverbank improvements at the shopping center project, as it relates to the Flood Insurance Program, Mr. Sykes reported that he and City Manager Johnson have met with one of the two property owners to negotiate a general understanding of how the City is to place the material being excavated. A verbal agreement has been reached and are currently in the process of getting the necessary easements executed. The other property owner is ill and Mr. Sykes advised that he and the City Manager would be meeting with her in the near future. The project is at a stand still until the concurrence of the property owners is obtained since they will dictate the manner in which the fill material is placed.

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

1. Zoning Map Amendments: Presented and given first reading were three Ordinances proposing amendments to the Zoning Map. The City Attorney advised that the proposed changes had been recommended by the Pikeville/Pike County/Elkhorn City Planning Commission. The Ordinances were read entitled:

AN ORDINANCE AMENDING THE CITY OF PIKEVILLE ZONING MAP FOR A 10.74 ACRE LOT LOCATED ON THOMPSON ROAD FROM ITS CURRENT CLASSIFICATION OF R-1 TO C-2.

(Property adjacent to the Lowe's site and known as the Jiggs Wright property. The announced planned use is to construct a 120 room motel facility)

AN ORDINANCE AMENDING THE CITY OF PIKEVILLE ZONING MAP FOR THE LOT ON THE CORNER OF THIRD STREET AND SCOTT AVENUE CURRENTLY OWNED BY RANDALL ROBERTS FROM R-1A TO C-3

(The planned use of the facility is for an interior design business) The City Attorney reported that he had attended the Joint Planning Commission's Public Hearing on this matter and advised there were a number of individuals who had voiced opposition to the proposed zoning change, as well as a number of individuals who voiced support for the proposed zoning change. The City Attorney advised that a variance is not applicable in this matter. Attorney Davis explained that Scott Avenue, down to Neal Smith's Law Office, is zoned C-3. The opposite side of the street carries a C-3 designation down to the old high school property. During the 45 minute discussion of this issue, the Commission heard comments of concern from Dr. Orville Clark. He reported that the Joint Planning Commission conducted a 1 1/2 hour public hearing where one member of that Board, Leon Huffman, witnessed a heated debate from adjacent property owners. Because the Joint Planning Commission did not have a quorum, it was announced that a meeting would be scheduled to decide the issue. Dr. Clark reported that the validity of the meeting conducted by the Joint Planning Commission on November 19th is questioned due to the newspaper not advertising the meeting. According to Dr. Clark, members of the Joint Planning Commission met for approximately 30 minutes to decide this issue and several other issues. He argued that the Joint Planning Commission was not adequately informed of the opposition to the proposed zoning change. He further commented that a petition signed by residents of Third Street in opposition to the proposed zoning change, although presented at the public hearing, was not made a part of the materials distributed to the members of the Joint Planning Commission. Dr. Clark contended that the petition should be considered a major factor in deciding the issue.

Howard Roberts told the Commission that he also had been present at the October 19th public hearing. He reported that it was announced that a subsequent meeting of the Joint Planning Commission would be held to consider the matter. Mr. Roberts contended that any interested party could have contacted Mr. Huffman to find out the date of the meeting.

Mayor Combs suggested that the Commission request the Joint Planning Commission to conduct another public hearing on the matter. City Attorney Davis explained the options available. The Commission could do nothing - the Joint Planning Commission's recommendation would become final within 90 days; they could override the Joint Planning Commission's recommendation, which requires a majority vote of the entire Commission; or they could delay any decision until the next meeting. Commissioner Davis stated that he did not feel comfortable in rejecting the decision of the Joint Planning Commission. Commissioner Blackburn stated he would like additional time to talk with members of the Joint Planning Commission.

Tim Weddington, on behalf of Sabrina Weddington of East Towne Designs, told the Commission that he was present for the Joint Planning Commission's November meeting and felt they conducted a thorough conversation of the issue. He advised that the validity of the meeting had been questioned, however it was ruled that the meeting indeed was valid as all meetings of the Joint Planning Commission are considered special in nature and only require 24 hours notice to the Board Members and the news media. He questioned the Commission's authority to decide the validity of the meeting or to ask the Joint Planning Commission to conduct another public hearing. Mr. Weddington submitted for the Commission's review an artist's rendering of the building's facade as

well as a streetscape. He told the Commission that very little construction work would be needed however there would be some changes with respect to parking.

City Attorney Davis agreed with Mr. Weddington's comment concerning the suggestion to ask the Joint Planning Commission to conduct another public hearing. He told the Commission that they would need to reject their recommendation before asking them to reconsider their decision.

Action concerning the proposed Scott Avenue Zoning Change was delayed until the City Commission's December meeting.

The third proposed zoning amendment ordinance was read entitled:

AN ORDINANCE AMENDING THE CITY OF PIKEVILLE ZONING MAP FOR A .67 ACRE LOT ON THE CORNER OF JULIUS AND SOUTH HELLIER STREET CURRENTLY OWNED BY THE CITY OF PIKEVILLE FROM R-1A TO C-1

(Old Water Treatment Plant property)

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

2. Technical Advisory Committee: First Reading was given to an Ordinance to establish a fee schedule for the review of subdivision plats by the Technical Advisory Committee. The Ordinance was read entitled:

ORDINANCE SETTING FEES FOR SUBDIVISION REVIEW BY THE TECHNICAL ADVISORY COMMITTEE

The Ordinance will be on file in the office of the City Clerk for public inspection. Second reading was scheduled for December 21, 1995.

3. Waiver of Release: City Attorney Davis explained that the Unisign Corporation was the high bidder on two parcels of river fill property which was auctioned in December, 1993. As with all of the deeds of conveyance, a stipulation was placed which required construction to begin within 18 months of the purchase date. Unisign is currently under construction. Presented for approval was a Waiver of Release Agreement from Matewan Bank. Matewan Bank will be financing the Unisign Corporation's development and they want to make sure that the City of Pikeville can not maintain that they can repurchase the property pursuant to the clause in the deed of conveyance. Commissioner Blackburn made the motion to authorize the Mayor to execute the Waiver of Release and subordinate the right of reversion. Commissioner Davis seconded the motion. City Attorney Davis explained that while there is a 36 month time limit for completion of the development, there is no right of reversion for not completing within the specified time period. Upon call of the roll, the motion carried 3 - 0.

4. South End Annexation: City Attorney Davis announced that the Supreme Court has denied the appellant's motion to review the Court of Appeals decision relative to the 1990 South Mayo Trail annexation. The property involved is now officially a part of the City Limits.

5. Auction: The Commission was advised that the old water plant property; the property at Lorraine Plaza; and the Industrial site property at Lake Joann was recently sold during auction. Commissioner Blackburn made the motion to authorize the Mayor to execute the appropriate deeds of conveyance to the high bidders or their assignees. Commissioner Davis seconded the motion. Upon call of the roll, the motion carried 3 - 0. The results of the auction are as follows:

Old Water Plant Property -	purchased by W. E. Elliott, Jr.	\$ 51,000.00
Lorraine Plaza Property -	purchased by T. T. Colley	\$ 52,000.00
Industrial Site Property -	purchased by W. Kinzer & R.C. Billips	\$320,000.00

6. Executive Session: The City Attorney requested an executive session to discuss a pending legal matter.

C. CITY MANAGER'S REPORTS: City Manager, John B. Johnson, brought the following items before the Commission:

1. Meeting Reschedule: City Manager Johnson recommended the rescheduling of the December 25th meeting to December 21st. Commissioner Davis made the motion to schedule the December meeting on December 21, 1995 at 6:00 p.m. Commissioner Blackburn seconded the motion. Upon call of the roll, the motion carried 3 - 0.

2. Records Storage Facility/Thompson Road Fire Station: City Manager Johnson advised that he has a preliminary design for a storage facility which he proposes to locate at the Chloe Creek Fire Station lot. Records were being stored at the old water treatment plant facility however that property was sold and alternate storage space must be obtained. There will be no water connected to the structure, however the City Manager noted that it may be necessary to heat the portion of the facility where the Administration/Finance Department records are to be stored. Also authorization was requested to modify the existing preliminary design for the construction of a fire station to be located on Thompson Road. According to City Manager Johnson, the addition of the fire station would allow for a lower fire insurance rating for the citizens of Pikeville. Mayor Combs made the motion, seconded by Commissioner Blackburn to authorize the design of the storage and fire station facilities. Upon call of the roll, the motion carried 3 - 0.

3. Street Name: City Manager Johnson presented a letter from Marvin Hensley and Jim Slusher requesting that High Street be renamed to College View Drive from the top of High Street and to include Saad Avenue. The Commission directed the City Attorney to prepare an Ordinance to change the name of High Street and authorized the City Manager to contact the Saad Family to see if they object to the proposed change.

MINUTES } CITY OF PIKEVILLE

4. Vehicle Acquisition: Mr. Johnson reported that he had accepted bids for the acquisition of a dump truck for the Public Works Department. \$31,000.00 had been budgeted for this purchase. The lowest bid submitted was \$50,000.00, due largely to the addition of snow equipment. Mr. Johnson told the Commission that he had also budgeted \$10,000.00 for the purchase of a new air compressor. He advised that the existing air compressor is in good working order and suggested applying the \$10,000.00 toward the purchase of the dump truck. Mr. Johnson requested that the Commission reject the bids and authorize him to negotiate the purchase of a dump truck not to exceed the low bid. Additionally, bids were accepted for the purchase of a utility truck. The low bid, submitted by Bruce Walters Ford, was \$24,732. The amount budgeted was \$21,000.00. The City Manager likewise requested the Commission to reject the bids and to authorize him to negotiate the purchase of a utility truck for an amount not to exceed the low bid. Mr. Johnson told the Commission that he feels he will be able to negotiate a better price for a vehicle which is currently on the dealer's lot. Commissioner Blackburn made the motion, seconded by Commissioner Davis to reject the bids received for the dump truck and the utility truck and authorized the City Manager to negotiate the purchase of the two vehicles for amounts not to exceed the low bids. Upon call of the roll, the motion carried 3 - 0.

Emergency snow removal plans were discussed with Public Works Manager, Tom Bacon.

The Mayor announced that a letter had been received from Pike County Judge Executive, Donna Damron, requesting a joint session with the Fiscal Court and the City Commission to discuss IDEA and the proposed civic center project. City Manager Johnson advised that they also wanted to include Governor Patton and Congressman Rogers in the meeting. The Commission consented to meeting with the Fiscal Court upon a convenient date being arranged.

At 7:40 p.m., Mayor Combs made the motion, seconded by Commissioner Davis to adjourn to an executive session for the purpose of discussing a contract negotiation and a pending legal matter. Upon call of the roll, the motion carried 3 - 0.

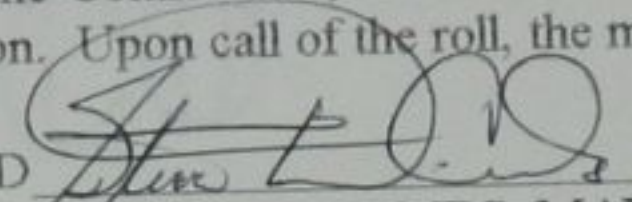
At 8:55 p.m., Commissioner Blackburn made the motion to reconvene to regular session. Mayor Combs seconded the motion. Upon call of the roll, the motion carried 3 - 0.

Bonds: Mayor Combs made the motion to direct the City Manager and the City Attorney to direct Hilliard Lyons to proceed with their bond proposal as long as the City is under no obligation to sell the bonds. Commissioner Blackburn seconded the motion. Upon call of the roll, the motion carried 3 - 0.

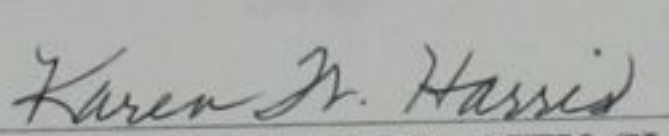
Christmas Benefit: City Manager Johnson advised it had been a custom for the City of Pikeville to give a ham or turkey to its employees for Christmas. He reported that the City had been unable to grant the salary increase originally anticipated and recommended that each employee be given a \$100.00 one-time salary increase for the month of December, 1995, only. Commissioner Blackburn made the motion, seconded by Commissioner Davis to accept the City Manager's recommendation. Upon call of the roll, the motion carried 3 - 0.

There being no further business to come before the Commission, Commissioner Blackburn made the motion to adjourn. Commissioner Davis seconded the motion. Upon call of the roll, the motion carried 3 - 0.

APPROVED


STEVEN D. COMBS, MAYOR

ATTEST:


KAREN W. HARRIS, CITY CLERK