

# MINUTES } CITY OF PIKEVILLE

## CITY OF PIKEVILLE BOARD OF COMMISSIONERS SPECIAL MEETING MINUTES DECEMBER 21, 1995

The Board of Commissioners of the City of Pikeville met in Special Meeting on Thursday, December 21, 1995 at 6:00 p.m. The meeting was held in the City Hall Public Meeting Room at 260 Hambley Boulevard in Pikeville, Kentucky.

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

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

The Special Meeting was called for the following purposes:

## CITY OF PIKEVILLE SPECIAL CITY COMMISSION MEETING AGENDA DECEMBER 21, 1995, 6:00 P.M. CITY HALL PUBLIC MEETING ROOM

### I. CALL TO ORDER

II. MINUTES: Consider approval of the minutes of the November 27, 1995 regular meeting.

### III. PAYMENT OF BILLS

- A. CITY BILLS
- B. SEWAGE EXTENSION PROJECT: Consider a request for payment from M & D General Contracting for:
 

(Contract #1) Chloe Creek Sewer	\$ 72,455.58
(Contract #2) Harolds Branch Sewer	\$ 62,234.19
(Contract #3) North Interceptor Sewer	\$112,297.50
Retainage to be paid to escrow	\$ 27,443.03
- C. EMERGENCY SHELTER -Will Linder & Associates for preparation of grant application: \$1,000.00

### IV. OLD BUSINESS

- A. TOURISM: Consider approval of the 1996 Budget for the Pikeville/Pike County Tourism Commission.
- B. CITY ENGINEER'S REPORTS
  - 1. Sewer Project/Pond Clean up Status Report
  - 2. Thompson Road Fire Station Project
- C. CITY ATTORNEY'S REPORTS
  - 1. Zoning: Consider second reading of three Ordinances to amend the Zoning map for property located on the corner of Third Street & Scott Avenue; the Old Water Plant property; and property located at 198 Thompson Road.
  - 2. Technical Advisory Committee: Consider second reading of an Ordinance establishing fees for the review of subdivision plat applications.
  - 3. Consider approval of developmental and loan agreement for U.D.A.G. Funds with Adams, Adams, & Adams Limited Partnership and the City of Pikeville.

### V. CONSENT ITEMS

- A. PSG Monthly Activities Report
- B. Police Department Quarterly Report

### VI. ADJOURNMENT

#### AGENDA ITEM II

#### MINUTES

The minutes for the previous regular meeting held on November 27, 1995 were included in each Commission Member's agenda package. There being no additions or corrections, Commissioner Blackburn made the motion, seconded by Commissioner Clark to approve the minutes as submitted. Upon call of the roll, the motion carried unanimously.

At the request of the City Attorney, Item C under Old Business was relocated to be heard first.

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

- 1. Presented and given second reading was given to an Ordinance entitled:



ORDINANCE AMENDING THE CITY OF PIKEVILLE'S ZONING MAP FOR A 10.74 ACRE LOT  
LOCATED AT 198 THOMPSON ROAD FROM R1 TO C2

Commissioner Davis made the motion to adopt the Ordinance as read. 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

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

ORDINANCE AMENDING THE CITY OF PIKEVILLE'S ZONING MAP FOR A .67 ACRE LOT ON  
THE CORNER OF JULIUS AND SOUTH HELLIER STREET CURRENTLY OWNED BY THE  
CITY OF PIKEVILLE FROM R1A TO C1

Commissioner Blackburn made the motion to adopt the Ordinance as read. Commissioner Blankenship 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

3. Scott Ave./Third Street Zoning: City Attorney Davis gave second reading to an Ordinance which proposes a change in zoning for one tract of property located at the corner of Third Street and Scott Avenue, presently owned by Randall Roberts, from R1A to C-3. The City Attorney advised the Commission that they had the option of adopting the Ordinance; to take no action, with the change in zoning becoming effective in 90 days; or to reject the recommendation of the Joint Planning Commission, which requires a majority vote of the entire Commission.

Speaking in support of the zoning change was Howard Roberts. Mr. Roberts, in a prepared statement which is on file in the City Clerk's office, presented the following arguments for the zoning change:

1. Allow an established business, currently located in the City, to expand and to remain in the City.
2. Provide clarity to the City map which currently depicts the section of Scott Avenue from Second Street to Third Street as commercial, with the exception of this property.
3. The proposed zoning change would have no effect on Third Street or its residents - this proposal seeks use of the Scott Avenue entrance as commercial.
4. Entire area affected is filled with other businesses (across the street, next door, up and down the street).
5. The City currently depicts this property as Scott Avenue (not Third Street) for the service address for City Utilities.
6. Adjacent Property owners (both on Scott Avenue and Third Street, specifically Todd & Smith Law Offices and Lloyd and Louise Childers, have no opposition to this change.

In opposition to the proposed zoning change, Cherry Lynn Pinson a resident of Third Street, expressed that she, along with a number of other residents of Third Street, were concerned that their neighborhood would lose its residential integrity if the proposed zoning change were approved. A major concern of the residents was that the zoning change would set a precedent thus allowing any property owner the ability to change their residential zone to commercial. The Commission heard comments opposing the proposed zoning change from Dr. Orville Clark. Dr. Clark presented a lengthy written statement, which is on file in the office of the City Clerk. Some of the points stressed by Dr. Clark were:

1. A petition was signed by 56 people that live on Scott Avenue and on Fourth, Fifth and Sixth Streets, and in signing that petition they expressed their desire that they did not wish to have a zoning change. Also, another petition - of the people living only on the river side of Scott Avenue on Third Street - was given to the Planning Commission and these are the people whose lives would be directly affected by a zoning change. This list has disappeared and cannot be found. There is no record that this list was ever presented to the Planning Commission.
2. The Planning and Zoning Commission had incomplete information and also misinformation on which to make their judgment.
3. The Attorney for Mr. Roberts said that he had letters from 7 people on Third Street that did not object to a zoning change. It is true that he has letters, but he failed to tell you that 4 of the 7 letters were signed by people that already live in the commercial area of Scott Avenue and Third Street. Only 3 of their letters were signed by people that would be affected by a change in the zoning.
4. They tell you that they will have off-street parking, but off-street parking must come at the expense of on-street parking that is used by everyone.



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5. We have signatures from the families of 6 residents. They own their own homes and they do not wish to have our street become commercial. The majority of the residents of this street do not wish or desire a change. There has to be a demarcation between commercial and residential and that demarcation is the river side of Scott Avenue.

6. The Planning Commission was told there were 38 businesses located on Scott Avenue. We challenge anyone to find these 38 businesses. There are 3 business locations on the river side of Scott Avenue.

7. We have an excellent example of what might happen to our corner. All we have to do is to look at Fourth and Scott.

8. The Supreme Court has said that if one place is made commercial, it would then be discriminatory to block anyone else. Do not open our street to commercial development.

Dr. Clark concluded by adding there is ample space in the Central Business District and in other commercial areas of the City. The majority of the residents who would be affected do not want the change.

Sabrina Weddington, who applied to the Joint Planning Commission for the Zoning Change, advised the Commission that she had visited the residents prior to requesting the change. She stated that only two residents were opposed to her proposed commercial use. She further commented that the Joint Planning Commission was made aware of the petition referenced by Dr. Clark.

Commissioners Clark, Blackburn and Blankenship expressed their views in opposition to the proposed Ordinance - the main concern being that the majority of the residents were opposed to the change in zoning and the effect that the commercial use could have upon the neighborhood. Commissioner Davis voiced his support for the procedure established for zoning amendments. Mayor Combs advised that he had a conflict of interest with regard to this matter as he has provided legal counsel for the Roberts Family.

Commissioner Blankenship made the motion, seconded by Commissioner Clark to reject the recommendation of the Pikeville/Pike County/Elkhorn City Joint Planning Commission to change the zoning of the Roberts Property at the corner of Scott and Third from R1A to C3. Upon call of the roll, the motion carried 3 - 1 - 1 with Commissioner Davis casting a nay vote and Mayor Combs abstaining from the vote.

4. Technical Advisory Committee: Second reading was given to an Ordinance with the following caption:

## ORDINANCE SETTING FEES FOR SUBDIVISION REVIEW BY THE TECHNICAL ADVISORY COMMITTEE

Mayor Combs made the motion to adopt the Ordinance as presented. Commissioner Blankenship 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. U.D.A.G. Loan Agreement: Presented for approval was the final development and loan agreement between the City of Pikeville and the Adams Corporation for the Keyser Heights Phase II U.D.A.G. Project. The agreement form has been approved by HUD. Commissioner Blankenship made the motion to approve the agreement and to authorize the Mayor to execute said agreement. Commissioner Clark seconded the motion. Upon call of the roll, the motion carried unanimously.

### AGENDA ITEM IV.

### PAYMENT OF BILLS

A. CITY BILLS: A list of City Bills totaling \$402,268.73 was presented to the Commission for approval of payment. Commissioner Blankenship made the motion to approve payment of the City Bills as requested. Commissioner Blackburn seconded the motion. Upon call of the roll, the motion carried unanimously.

B. SEWER EXTENSION: City Engineer Sykes recommended that the Commission authorize payment of request #3 for the Chloe Creek/Harolds Branch sewer extension project. Commissioner Blankenship made the motion, seconded by Commissioner Clark to approve payment to M & D Contracting in the amount of \$274,430.30 which represents payment request #3 for each of the three contracts and provides for retainage payment to an escrow fund. Upon call of the roll, the motion carried unanimously.

C. EMERGENCY SHELTER: Presented for approval of payment was a request in the amount of \$1,000.00 from Will Linder & Associates for preparation of an Emergency Shelter grant application. City Manager Johnson recommended approval of the request as submitted. Commissioner Blankenship made the motion, seconded by Commissioner Clark to approve payment of \$1,000.00 to Will Linder & Associates for preparation of the Emergency Shelter grant application. Upon call of the roll, the motion carried 5 - 0.

D. LEGAL FEES: Presented to the Commission was a request for payment from the law firm of Stoll, Keenon & Park in the amount of \$6,465.04. It was explained that the law firm is representing the City in the PSC hearings with Mountain Water District. A letter recommending payment was submitted by City Attorney Davis. Commissioner Blackburn made the motion, seconded by Commissioner Clark to approve payment as requested. Upon call of the roll, the motion carried 4 - 0 - 1 with Mayor Combs abstaining from the vote. City Engineer Sykes advised that a hearing has been scheduled before the PSC in mid January.

### AGENDA ITEM V.

### OLD BUSINESS



A. TOURISM: Executive Director of Pikeville/Pike County Tourism, Suzanne Rasnick, presented the 1996 proposed Tourism Budget for approval. Total budget is \$105,400.00. Commissioner Blankenship made the motion, seconded by Commissioner Blackburn to adopt the budget as submitted. Upon call of the roll, the motion carried 5 - 0. Ms. Rasnick advised the Commission that the Fiscal Court is considering the possibility of including Tourism as part of their annual audit.

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

1. Sewer Extension Project: Mr. Sykes reported that all three of the contracts are still behind schedule with 20.9% of the work completed and 48.1% of the contract time elapsed. The contractor has improved with work production from November to December. Mr. Sykes requested a brief executive session to discuss the contract.

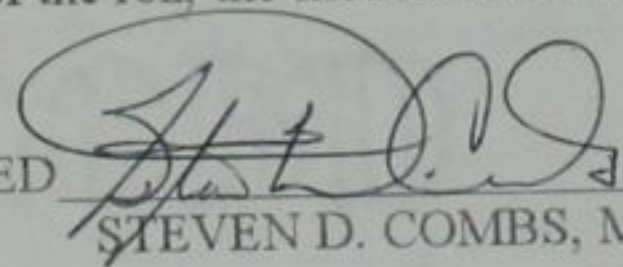
2. Thompson Road Fire Station: Presented was a floor plan of the proposed Thompson Road Fire Station. The 70 X 50 building will require a minimum lot size of 100 X 100 at a cost estimated at \$160,000.00. Mr. Sykes requested the Commission consider making a decision on the location of the fire station. The City Engineer reported that he has identified three possible locations. One alternative would be to locate the building on the City's property near the pumping station on Thompson Road. The negative issues are that the building would be extremely close to the ballfield, there would be a great deal of wasted space, and if the City ever widens Thompson Road, there is less than 40 feet frontage. Reversing the building and positioning it behind the pump station may increase the response time to a fire call since the trucks would require more time to maneuver the truck onto the roadway. Mr. Sykes pointed out that the City has a little more than 20 acres on this site. The location of the fire station may cause the remainder of the property to be less attractive to a commercial or industrial developer. Two vacant tracts of property in the Lake Joann area, located on Oak Street, are for sale. It was reported that the lots, each 100 X 100, could be purchased for \$20,000.00 each. Mr. Sykes reported that he had not surveyed the elevations, but estimated the lot could be filled for about \$12,000.00. The engineer reported that he had discussed the possibility of a property trade with Bob Billips. Mr. Sykes advised that Mr. Billips and J.W. Kinzer had obtained the Lake Joann property through auction and had approached the City Manager with regard to obtaining additional right-of-way property. City Manager Johnson told the Commission that he had discussed the matter with Mr. Kinzer, however he did not think Mr. Kinzer receptive to the concept. The Commission authorized the City Manager and City Engineer to discuss the matter with the owner and report back at the next meeting.

At 7:35 p.m., Mayor Combs made the motion to adjourn to executive session for the purpose of discussing a matter concerning the Sewer Extension contracts. Commissioner Blankenship seconded the motion. Upon call of the roll, the motion carried 5 - 0.

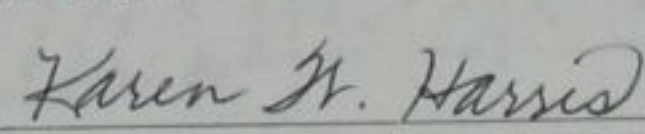
At 8:05 p.m., Mayor Combs made the motion, seconded by Commissioner Blankenship to reconvene to regular session. Upon call of the roll, the motion carried unanimously.

It was announced that no action was necessary as a result of the executive session.

There being no further business to discuss, Mayor Combs made the motion, seconded by Commissioner Blankenship to adjourn the meeting. Upon call of the roll, the motion carried unanimously. (Adjournment Time: 8:08 p.m.)

APPROVED   
STEVEN D. COMBS, MAYOR

ATTEST:

  
KAREN W. HARRIS, CITY CLERK