

MINUTES } CITY OF PIKEVILLE

CITY OF PIKEVILLE BOARD OF COMMISSIONERS REGULAR MEETING MINUTES JANUARY 22, 1996

The Board of Commissioners of the City of Pikeville met in regular session on Monday, January 22, 1996. 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 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
COMMISSIONERS: KENNY BLACKBURN
WALTER BLANKENSHIP
SHARON CLARK
EUGENE DAVIS

AGENDA ITEM II.

MINUTES

The minutes for Special Meetings held on December 21, 1995 and January 3, 1996 were included in each Commission Member's agenda package. There being no additions or corrections, Commissioner Blankenship made the motion, seconded by Commissioner Blackburn to approve the minutes as submitted. Upon call of the roll, the motion carried 5 - 0.

AGENDA ITEM III.

BUSINESS FROM THE FLOOR

1. RIVER FILL PROPERTY: Judy Walters, owner of River Fill Lots 5, 6, and 7, advised the Commission of her plans to construct an apartment facility and a professional office building. She asked the Commission to consider granting a permanent easement of a section of property adjacent to the pond in exchange for her agreement to maintain and landscape said easement. Ms. Walters explained that she felt it her responsibility to provide an added measure of security for the tenants. The street that leads to the pond is a dead-end street. With the easement, Ms. Walters hopes to eliminate the use of the property as a turning area for vehicles. She told the Commission that she plans to construct a brick fence around the development and would like to extend the fence to the top of the slope on both sides. Ms. Walters told the Commission that she would have no objections to placing a gate to allow pedestrian traffic to access the pond. The extension of the fence would not limit the use of the roadway. Mayor Combs asked Ms. Walters to prepare a conceptual drawing of the proposal. He encouraged the City Commission, City Manager and City Engineer to view the site prior to the next meeting. Ms. Walters was asked to bring the drawing before the Commission at the next regular meeting.

2. CHLOE CREEK SEWER EXTENSION: Walter Preston Walters, Jr., advised the Commission that the contractor performing the sewage line extension on Peter Fork of Chloe Creek has encroached upon his mother's property for which no easement has been obtained. City Engineer Sykes told the Commission that he was under the impression that all the necessary easements had been obtained and would have to inspect the property in order to determine if there is an encroachment. He assured the Commission that any encroachment is unintentional. Mr. Walters asked the Commission to authorize the City Manager to have the line removed from his mother's property if an encroachment is determined. City Attorney Davis explained that if an encroachment is found, there are two legal options - to negotiate an agreed compensation or the filing of a condemnation suit. City Manager Johnson asked Mr. Walters when he became aware that the contractor had encroached upon his mother's property and if he had alerted the City Engineer to that fact. Mr. Walters stated that he had become aware of the encroachment "a few days ago" and had not notified the City Engineer. Mr. Walters told the Commission that he owns property farther up the road and commented that dirt is being piled on the property. Mayor Combs asked the project inspector, Mark Westfall of Summit Engineering, if the contractor is placing excavated material on private property. Mr. Westfall explained that the easements allow 20 feet, on either side of the permanent easement, for construction. City Engineer Sykes asked Mr. Walters to meet him on the site to show him where the contractor is encroaching. Mr. Walters said he would not be available, but gave the deed references to Mr. Sykes. Mr. Sykes told the Commission that he would advise the Mayor and City Manager of his findings. Mayor Combs told Mr. Walters that a Special Meeting would be called, if needed, to determine a course of action should an encroachment be determined.

AGENDA ITEM IV.

PAYMENT OF BILLS

A. CITY BILLS: A list of City Bills totaling \$325,770.49 were included in each Commission Member's agenda package. Commissioner Blankenship made the motion, seconded by Commissioner Clark to approve payment of the bills as submitted. Upon call of the roll, the motion carried unanimously.

B. SEWAGE EXTENSION PROJECT: Presented for approval was payment request #4 from M & D General Contracting for the Harolds Branch/Chloe Creek Sewer Extension Project. The submitted invoices are as follows:

Chloe Creek.....	\$ 44,608.50
Harolds Branch.....	\$ 81,075.51
North Interceptor.....	\$103,860.00
Retainage.....	\$ 25,504.89

City Engineer Sykes advised that the bills are due and payable.

Commissioner Clark made the motion, seconded by Commissioner Blankenship to authorize payment of the invoices as presented. Upon call of the roll, the motion carried 5 - 0.

3. U.D.A.G.: Presented for approval of payment was a reimbursement request from Y.M.C.A. in the amount of \$55,951.90. Project Coordinator, Sue Smallwood, reported the request represents the U.D.A.G. portion of the expenses to-date incurred by Y.M.C.A. for the construction of their facility. She reported that the required documentation (invoices and checks) along with the appropriate signatures have been submitted. Commissioner Blankenship made the motion to approve payment as requested. Commissioner Clark seconded the motion. Upon call of the roll, the motion carried unanimously.

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:

1. Sewer Extension Project: Presented to the Commission for review was a chart depicting the work completed and contract time elapsed for each of the three contracts. With 63.8% of the contract time used, the Chloe Creek job is 26.7% complete; the Harolds Branch project is 30.9% complete; and the North Interceptor project is 32.5% complete. Mayor Combs asked why the Chloe Creek project has not progressed as well as the other two projects since that project was not delayed by the labor union protests. The City Engineer responded only by saying that the contractor was trying. The Mayor asked if the Chloe contractor has started a second shift. Mr. Sykes reported that the contractor had indicated that, with the receipt of the December payment, he would start a second shift. Sue Smallwood advised that the contractor received the December payment on this date. The Lake Cleanup project, according to the City Engineer, should be complete well before the contract time expires.

2. Thompson Road Fire Station: During the previous meeting, the City Engineer was directed to determine other possible locations for a Fire Station in the Coal Run vicinity. The Lake Joann Tract has been determined infeasible due to deed restrictions. Three other locations have been flagged and the majority of the Commission has inspected the proposed tracts. City Manager Johnson indicated a preference for the section located at the lower end of the ball field tract. The fire station will not interfere with the use of the ball field. Commissioner Blackburn made the motion, seconded by Commissioner Blankenship to designate a portion of the ball field tract to construct a fire station and to authorize the City Engineer to advertise for bids for the construction of the fire station. Upon call of the roll, the motion carried unanimously. The property will need a minimal amount of fill material and the City Manager was authorized to proceed with having this site preparation done.

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

1. Law Suit Settlement: During an executive session at the previous meeting, City Attorney Davis advised the Commission of a proposed offer to settle a lawsuit involving Melco-Greer and the City of Pikeville. The City Attorney reported that he has negotiated a proposed settlement whereby Melco-Greer will pay the City of Pikeville the sum of \$40,000.00 in exchange for full liability that they may have with regard to their filling activities in Poor Farm Hollow. During a Special Meeting held on January 3, 1996, approval was given to settle with the other party in the lawsuit, Grouse Point Development. Commissioner Blankenship made the motion, seconded by Commissioner Davis to authorize the settlement of the lawsuit with Melco-Greer for the sum of \$40,000.00 and to authorize the Mayor to execute a release of liability to Melco-Greer. Upon call of the roll, the motion carried 4 - 0 - 1 with Mayor Combs abstaining from the vote. Mayor Combs advised the Commission that he had, prior to becoming Mayor, provided legal representation to Melco-Greer.

C. CITY MANAGER'S REPORTS: City Manager, John B. Johnson, requested an executive session to discuss a personnel matter.

Mayor Combs made the motion, seconded by Commissioner Blackburn to adjourn to executive session for the purpose of discussing a personnel matter. Upon call of the roll, the motion carried unanimously.

At 7:15 p.m., Mayor Combs made the motion to reconvene to regular session. Commissioner Blackburn seconded the motion. Upon call of the roll, the motion carried unanimously.

ELECTRICAL INSPECTOR: The City Manager reported that, due to the death of Chester Smith, the City is without a designated electrical inspector. Mr. Johnson recommended that Building Inspector, Mike Honaker, be appointed the interim electrical inspector at an additional \$250.00 per month salary increase during the interim period. The City Manager advised that he would advertise during a 30 to 45 day period for a certified electrical inspector. Commissioner Blackburn made the motion, seconded by Commissioner Blankenship to accept the City Manager's recommendation. Upon call of the roll, the motion carried unanimously.

TRUCK PURCHASE: City Manager Johnson told the Commission that mechanical problems had been experienced with one of the trucks during the recent snowfall. An emergency was declared and purchased was a 1995, one ton Chevrolet Dump Truck from Fletcher & Hall in the amount of \$25,302.97. Mr. Johnson asked the Commission to officially approve the purchase. Commissioner Blackburn made the motion, seconded by Commissioner Blankenship to purchase the dump truck from Fletcher & Hall for the sum of \$25,302.97. Upon call of the roll, the motion carried unanimously.

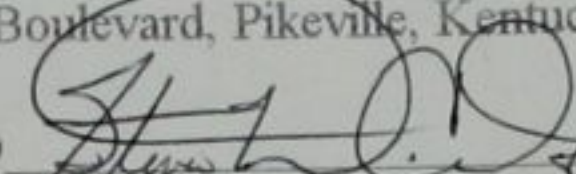
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CIRCUS: Presented to the Commission was a request from the Chamber of Commerce to use the horse rink level of Bob Amos Park on May 26, 1996 for a circus. Mayor Combs made the motion to approve the Chamber of Commerce request. Commissioner Blankenship seconded the motion. Upon call of the roll, the motion carried unanimously.

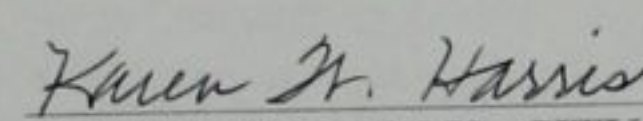
There being no further business to discuss, Commissioner Davis made the motion to adjourn. Mayor Combs seconded the motion. Upon call of the roll, the motion carried unanimously. (Adjournment Time: 7:25 p.m.)

The City Commission's next regular meeting is scheduled for February 26, 1996 at 6:00 p.m., and will be held in the City Hall Public Meeting Room, 260 Hambley Boulevard, Pikeville, Kentucky.

APPROVED


STEVEN D. COMBS, MAYOR

ATTEST:


KAREN W. HARRIS, CITY CLERK