

MINUTES } CITY OF PIKEVILLE

CITY OF PIKEVILLE BOARD OF COMMISSIONERS SPECIAL MEETING MINUTES MAY 30, 1996

The Board of Commissioners of the City of Pikeville met in a special called meeting on May 30, 1996. The purpose of the Special Meeting was to consider the following items:

CITY OF PIKEVILLE CITY COMMISSION SPECIAL MEETING AGENDA MAY 30, 1996, 6:00 P.M. CITY HALL PUBLIC MEETING ROOM

I. CALL TO ORDER

II. MINUTES: Consider approval of the minutes of the April 22, 1996 regular meeting.

III. BUSINESS FROM THE FLOOR

- A. Consider a proposal to construct a boat dock at the pond.
- B. Consider discussion concerning the Keyser Heights drainage problem.
- C. Consider a report from Paula Spradlin concerning the Main Street Program.
- D. Consider a request from Pikeville College to use the property behind the Post Office for amusement rides during the Fourth of July celebration.
- E. Consider a request from the Chamber of Commerce to use the river fill basketball court for rollerblading demonstrations during the Fourth of July celebration.
- F. Grievance hearing - Manuel Adams

IV. 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	\$ 128,807.82
(Contract #2) Harolds Branch Sewer	\$ 118,725.48
(Contract #3) North Interceptor Sewer	\$ 40,480.20
Retainage to be paid to escrow	\$ 32,001.50
- C. ACADEMY BUILDING STABILIZATION PROJECT
 1. Pay request from Richardson & Associates \$13,020.00
 2. Progress report from Bill Richardson

V. OLD BUSINESS

- A. CITY ENGINEER'S REPORTS
 1. Sewer Project Progress Report
 2. Pond Clean up Progress Report
 3. Thompson Road Fire Station/Storage Building Project Report.
 4. Other ongoing engineering projects status report
- B. CITY ATTORNEY'S REPORTS
 1. Consider adoption of an emergency ordinance to establish the 1995 tax rates.
 2. Consider second reading and adoption of an ordinance amending the 1995-96 operating budget.
 3. Consider discussion and any necessary action regarding advertising for bids for wrecker service.
 4. Consider discussion and any necessary action concerning the library project.
 5. Consider adoption of a resolution approving the transfer of the non-exclusive franchise from Mountain Cable to Inter-Mountain Cable.
- C. CITY MANAGER'S REPORTS
 1. Consider recommendation and approval for the employment of a Building Inspector.
 2. Consider the bids received for the purchase of a pick up truck for the Parks Department.
 3. Consider bids for the acquisition of a mower/tractor.

VI. NEW BUSINESS

- A. HOUSING AUTHORITY
 1. Consider appointment of an individual to complete an unexpired term on the Housing Authority Board.
 2. Consider memorandum from Pam Robinette concerning attendance of meetings by Board Members.

- B. DOMESTIC VIOLENCE SHELTER: Consider a request from Dr. Baretta Casey to have an appropriation for the operation of the Domestic Violence Shelter included in the City's annual budget.
- C. YMCA: Consider YMCA's request for a three month time extension to complete their facility.
- D. HOMELESS SHELTER: Consider approval for the submission of a grant application in the amount of \$43,700.00.

VII. CONSENT ITEMS

- A. PSG Monthly Activities Report
- B. Letter from Methodist Church regarding Hillbilly Days clean up.

VIII. ADJOURNMENT

The meeting was held in the City Hall Public Meeting Room located 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 at roll call 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 held on April 22, 1996 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 submitted. Commissioner Blackburn seconded the motion. Upon call of the roll, the motion carried unanimously.

AGENDA ITEM III.

BUSINESS FROM THE FLOOR

A. Pond Access: Katie Deskins appeared before the Commission to discuss an easement which was granted to Walters & Associates, Inc. In a prepared statement, Mrs. Deskins voiced an opinion that "a committee should be created to insure adequate public access to the scenic and recreational opportunities intended for the end of the Pikeville Pond adjacent to Third Street and May Avenue. This should include a launch ramp for small man powered boats, adequate parking, and a historical marker showing the significance of the cut-through project." Continuing with the prepared statement, Mrs. Deskins read, "We have discovered that the May Avenue entrance to the Pikeville Pond may not be available to the public for which it was originally intended. We understand that there was an easement or license agreement executed on May 20, 1996 that gives exclusive possession of the 0.16 acres (7,100 square feet) of land that forms the upper boundary of the pond. It appears that the term of this agreement is perpetual as long as a housing unit, to be constructed there, remains on the property. It is not the size of this property that we are concerned with but the significant location and value of this property as it pertains to the ultimate plans of the Pikeville Pond. As a citizen and taxpayer of the City of Pikeville, I represent a number of people who are at this time asking the commission to reconsider this license/easement agreement and how it drastically restricts the use of our Pond area.

We feel that it is important that all the citizens and taxpayers of Pikeville be able to access the trail on the bypass side around the Pond and the Pond itself from both ends. We also feel that it is extremely important that the visible south end piece of property (the land in question) be kept available for public access which would include not only the scenic and recreational facilities sited in the encroachment permit dated July 1991, but also a footbridge connecting the path around the lake, a small launch ramp and most importantly a historical marker showing the significance and magnitude of the cut-through project and how the Pikeville Pond is a direct by product of it.

We feel that if this project is done properly, the community as well as the property owners will benefit for generations to come. We also feel that having plenty of public access to the Pond will help keep people off the private property surrounding the Pond.

We are requesting that the Commission appoint a committee to revitalize and continue the efforts begun by the original 1989 Lake Committee comprised of Blake Robinson, Hugh B. Hall Jr., and Stafford Damron. This committees' report, submitted and signed by all three in June of 1990, stated in part that the Pikeville Lake area could become one of the greatest assets of the City of Pikeville.

We feel the Pikeville Pond should be viewed as a unique opportunity to enhance Mayor Hambley's cut-through vision that did indeed become a reality."

Mrs. Deskins, summarizing her prepared statement, said she was asking the Commission to consider two requests - 1. to appoint a committee consisting of the City Manager, City Engineer, City Attorney, three property owners from both sides of the pond, and four concerned citizens who are interested in the pond; and 2. to urge the Commission to meet with all persons involved, get a copy of the license agreement between the City of Pikeville and Walters and Associates, Inc., to review the minutes of the January and February 1996 City Commission

Meetings, and reconsider their decision with regard to the granting of the license agreement. Mrs. Deskins reported that she had been unable to find anything in the newspaper to advise the public of the actions of the City Commission with regard to their consideration and approval of a permanent easement for the property in question.

Mrs. Deskins advised the Commission that she would return at the Commission's next meeting to hear their response concerning the request for the appointment of a committee and any proposed action.

Mayor Combs pointed out that a provision was included in the license agreement to reserve a 25 ft. wide roadway extending from the end of May Avenue to the Pikeville Pond. Mrs. Deskins told the Commission that she has a copy of Mrs. Walters' map which depicts the roadway being open to pedestrian traffic only. City Attorney Davis advised that the roadway was not limited to foot traffic. Mrs. Deskins told the Commission that she was present at the meeting when Mrs. Walters explained the purpose for the easement, which was, in part, to prevent vehicular traffic from using the area as a turning spot.

Mayor Combs made the motion to authorize the City Engineer to stake the easement. Commissioner Blankenship seconded the motion. During discussion, the Mayor announced that he would send a letter to Mrs. Walters to ask her to appear at the next City Commission Meeting. The City Engineer was asked to add the private property owners' names (who own property around the pond area) to the plat map. Upon call of the roll, the motion carried 5 - 0.

B. Keyser Heights: PSG Public Works Director, Greg May, reported that he had been called to the Keyser Heights subdivision on June 24, 1996, after a significant rainfall. Mr. May advised that he had found that a drain, located between the Ratliff and Damron houses and underneath the roadway, was filled with loose silt, sand and gravel. Due to the drain being clogged, the water was diverted from its usual course and flowed down the roadway, almost onto U.S. 23. Mr. May told the Commission that public works crews had spent all day Saturday trying to remove the debris from the drain. The public works crew spent an additional two days this week cleaning out drains in the Keyser Subdivision. He stated that he is of the opinion that the debris came from the Adams' project. Mayor Combs introduced Rick Keene, consulting engineer, to the audience. City Attorney Davis explained that Mr. Keene was retained pursuant to an agreement between the City and Stewart Adams, whereby Mr. Adams agreed to pay the cost of having Mr. Keene to inspect the Keyser Heights construction project, and to make recommendations on the course of action necessary for his company to remain in compliance with the construction of the subdivision as approved by the Planning Commission. Mr. Keene reported that he visited the construction site on the Tuesday prior to the rainfall and had encountered no problems. In an effort to explain how the washout occurred, Mr. Keene elucidated that behind the Ratliff's house is an old strip bench located in the head of the hollow. Back on the solid of the bench is a very small sedimentation basin that catches any silt washing down into the area before it goes into the hollow. The water coming out of the small catch basin goes over the edge of the old strip bench and comes down the hollow and through the drain that was clogged. During the rain, the outer edge of the strip bench became saturated. The outer ten feet slipped down, allowing water to flow through the slip, and causing silt, gravel and stone to fill the drain. Mr. Keene told the Commission, that prior to his arrival to Keyser Heights on Saturday, June 25th, an employee of Mr. Adams had taken an excavator and diverted the water around the slip. Since the time of the occurrence, the City, through the Technical Advisory Committee, has inspected the project and has requested that Summit Engineering (Mr. Adams' engineers) revise the drainage control system to prevent any future occurrences. The Technical Advisory Board anticipates that approximately 80% of the water that is currently coming through the area and down the drain can be diverted around the Keyser III area and down into the next drainage area. The Technical Advisory Board has recommended that Mr. Adams "shot treat" the ditch to prevent any water, coming out of the area and into the ditch, to seep into the slippage area and causing any future slides. It is anticipated the work should be accomplished within the next 10 to 14 days. After the area is seeded and vegetated, the sedimentation pond can be removed. The area can then be contoured to prevent water being retained on the bench. The slippage is about 10 to 15 feet wide, about 4 feet thick, and is spread out over 50 to 60 feet. The trees have been removed from the slippage and will be hydroseeded within the next couple of days. The Mayor asked if the plan calls for the removal of the slip. Mr. Keene reported that it was the consensus of the Technical Advisory Board that more damage will be caused in trying to remove the slip. It is their opinion that the slip is fairly stable in its present condition and feel the "shot treatment" will be adequate. Mr. Keene clarified that the act of maneuvering heavy equipment into the area to remove the slip would cause more damage than allowing the slip to remain.

Keyser resident, Linda Ratliff, told the Commission that she wanted assurances that Mr. Adams' project would be completed and completed correctly. She asked if fines or penalties could be imposed for failure to complete the project or for an incorrectly completed project. City Attorney Davis explained that the fines that could be imposed are minimal. Mayor Combs told those present that the City's control over the project is the UDAG and feels that the possible loss of those funds would pose a greater threat to Mr. Adams. City Attorney Davis voiced his opinion that he has seen improvement in the quality of Mr. Adams' construction activity and attributes that improvement to the involvement of the Technical Advisory Board. Mayor Combs told the residents that they have a right to pursue legal action against Mr. Adams for any personal damage his construction activities may have caused.

Steve Ratliff voiced his complaint concerning large boulders being stored on the hill behind his house. Mark Westfall of Summit Engineering reported that the boulders will be removed and placed in the head of Keyser. Mr. Ratliff argued that the boulders were placed on the edge of the hill and fears they may fall. Mr. Westfall advised the Commission that the boulders are at least 8 to 10 feet from the edge. Mr. Ratliff discussed the dam that is behind the houses. He contends it should have been approved by State and Federal officials. The Mayor pointed out that the dam is fabricated of gabian baskets. The Ratliffs reported, that on the date of the heavy

rainfall, they thought the dam had broken, due to the amount of water and debris that was washing down the hollow. Mr. Keene advised that he had inspected the sedimentation pond and assured that the dam had not ruptured or failed. Mr. Adams told the Commission that he would use a bulldozer and push the rocks back further from the edge.

Mr. Keene advised that the area will be in better condition than it was before construction began, once the sedimentation pond is removed and the water is diverted into the next hollow. He estimates that the work can be accomplished within the next six weeks.

Mayor Combs asked Mr. Adams if he was going to reimburse the City for the cost of the clean up. Mr. Adams said he did not think so. Mayor Combs reminded Mr. Adams of the agreement between his company and the City that he will not build any houses behind the existing houses on the right side. Mr. Adams disagreed with the interpretation.

The Commission heard a complaint from Keyser resident, Sharon Justice, concerning the increase in the size of the creek, located behind her house, since Mr. Adams began construction activities. She also expressed her fear that the slide material will slip down the hill.

The Mayor told Mr. Adams that if he did not see a radical change within the next 30 days, the Commission will consider taking whatever action it can. The Mayor also told Mr. Adams that he expected him to pay all the cost for clean up.

Mayor Combs made the motion, seconded by Commissioner Blackburn to send a bill to Adams & Adams Limited Partnership for the entire cost of clean up and the costs associated with the fire fighters who visited the site on a special call, and further moved to direct the consulting engineer and Technical Advisory Committee to provide specific deadlines for the completion of the remedial work, including moving the rocks back from the bench.

During discussion, Commissioner Davis commented that Mr. Adams should be performing the project in accordance with construction guidelines and regulations. He pointed out that the City Commission is limited by law what they can force Mr. Adams to do. If the engineers recommend that Mr. Adams perform certain remedial action and he doesn't do it, then the Commission can take some action. The Mayor again advised the residents that they could band together and file a class action suit for the devaluation of their property.

Upon call of the roll, the motion carried unanimously.

C. Main Street Program: Executive Director, Paula Spradlin, advised the Commission that Summer Fest is scheduled for July 2, 3, and 4, 1996. With regard to the fireworks demonstration for July 4th, Ms. Spradlin told the Commission that she had expected the Jaycees to be present to ask for assistance in funding the display. She reported that she had discovered that it costs approximately \$12,000 per minute (including insurance, etc.), to provide a fireworks demonstration, and urged the Commission to act favorably on their request for assistance. Mayor Combs told Ms. Spradlin that the Commission didn't have a particular problem in providing an allotment for the purchase of the fireworks, but thought the Jaycees should also seek assistance from the county and area businesses. Ms. Spradlin advised that the Jaycees are in the process of soliciting funds from area businesses and county representatives.

In discussing the activities of the Main Street Program, Ms. Spradlin advised the Commission that the agency had received its 501C-3 designation from the IRS. There have been three \$500.00 grants given to area businesses for facade improvements - Hospice of Pike County, First Baptist Church (marquee repair at Weddington Theater), and Methodist Hospital/Printing by George. The Downtown Revitalization Plan is about 38% complete. A public hearing will be held in the near future to discuss the plan.

D. Pikeville College: Leslie Combs was present on behalf of Pikeville College to request permission to use the property located behind the Main Street Post Office during June 27 - July 6, 1996 for a small carnival. Pikeville College will provide the necessary liability insurance. Commissioner Blackburn made the motion, seconded by Commissioner Blankenship to allow the College to use the City's property located behind the Main Street Post Office during June 27 - July 6, 1996 for the purpose of locating a carnival. Upon call of the roll, the motion carried unanimously.

E. Chamber of Commerce: Gerald Altman, Chamber of Commerce Executive Director, asked permission to use the City's river fill basketball court for the purpose of having a roller blade exhibition during the SummerFest Celebration. Mr. Altman advised that YMCA will be responsible for any damages to the City's property as a result of the event. Commissioner Blankenship made the motion, seconded by Commissioner Clark to allow the use of the basketball court for a roller blade exhibition during SummerFest. Upon call of the roll, the motion carried unanimously.

F. Grievance Hearing: City Manager Johnson advised that Manual Adams had requested a grievance hearing before the City Commission with regard to his eviction from the City's Emergency Shelter. Mr. Adams failed to appear before the Commission, and the hearing was not conducted.

G. Domestic Violence Board: Dr. Baretta Casey, along with a representative from Kentucky Department of Social Services and from the Kentucky State Police, came before the Commission to ask them to consider allotting between \$25,000.00 and \$50,000.00, annually, toward the operation of a domestic violence shelter. Dr. Casey told the Commission there are currently 7 shelters in operation in the State of Kentucky. Domestic violence has become the largest problem in the state. The closest facility is located in Martin County. Dr. Casey

explained that a facility needs to be established to serve Pike County residents. Commissioner Blackburn asked if the domestic violence shelter could co-exist with the City's homeless shelter. Dr. Casey advised that the shelter's location needs to be secret for security reasons. Dr. Casey told the Commission that assistance from the local governments is necessary because state and federal assistance is not available until the shelter has been established and in operation. It was also reported that the State will only fund one shelter per area development district. City Attorney Davis asked where the remainder of the funds will be obtained. Dr. Casey said that a number of private individuals have pledged funds. Mayor Combs advised that budget hearings would be scheduled in the near future and told Dr. Casey that she would be notified of the date of the hearing. It was suggested that a representative of the Department of Human Resources also attend the budget hearing.

H. YMCA: Marty Backus and Bruce Elliott appeared before the Commission to request a three month time extension for the completion of the YMCA facility. Mr. Backus referenced the development agreement which provides that an extension may be granted due to inclement weather. The City Attorney advised that the City can grant a 30 day time extension, but any request for a longer extension needs to be approved by HUD. Mr. Elliott told the Commission that he thought the provisions in the agreement were sufficient to allow the City to grant the time extension. He cited reasons for requesting the extension were the inclement weather experienced in January and February and the difficulty in getting equipment. The deadline for completion and use of the UDAG funds was May 1st. Mayor Combs made the motion to approve the three month time extension subject to HUD's final approval, and further moved that a detailed statement be provided stating the reasons that necessitated the extension. Commissioner Blankenship seconded the motion. Upon call of the roll, the motion carried unanimously.

I. Library: Mayor Combs reported that he had reviewed a proposed agreement for the consolidation of the City and County Libraries, as prepared by Bill Baird and Joe Justice. Commissioner Blankenship asked if the City and County Libraries and the Telecommunications Board met to discuss the proposed merge. Mr. Justice told the Commission that he and Mr. Baird had considered which way would be best to present the agreement. They decided to present the agreement to the County Library Board during their meeting next Tuesday. Upon approval of the County Library Board, the matter will then be taken before the City Library Board, then brought back before the City Commission. Mr. Justice explained that the ad-hoc committee had discussed the possibility of having a joint meeting of the City and County Library Board, but Mr. Baird had thought it best to first take the agreement before the County Library Board.

Mr. Justice reported that he had received a phone call from Delarna Breetz with the State Library and Archives Department who relayed that Mr. Nelson, State Librarian, had been in contact with the Attorney General's office concerning the legality of making a grant to the city/county proposed library project with the telecommunication center. Ms. Breetz conveyed that Mr. Nelson is very enthusiastic about the impact the joint project could have on the community, and has received affirmation that state grant funds could be used to fund the project. It was mentioned that private funds may be available to assist in promotion and funding the project. Mr. Justice said that Mr. Nelson told him that the Library and Archives Department had \$255,000 for a joint project's immediate use and anticipates that from \$200,000 to \$300,000 will be available during the next fiscal year.

The Mayor advised that he was dissatisfied with the proposed agreement and stated the following items needed to be revised or included in the agreement:

1. There needs to be a much shorter time period for beginning construction.
2. The property and monetary assets will not leave the City's hands until project completion.
3. There needs to be a specific reversion provision if the project is not begun within the required time frame.
4. A written expressed dedication of a large portion of the county's reserve to the project is required.

Commissioner Blankenship asked the date the prevailing wage law becomes effective. Charles Snook advised that the law becomes effective on July 13th. Mr. Snook said the Pikeville Public Library Board will be receiving bids for the project on June 4th.

Mr. Justice told the Commission that the County Library District has several hundred thousand dollars to commit to the project. The Mayor said he wanted a revised agreement and wanted the Commission to review the agreement before it is presented to the County Library Board. He commented that he does not want the members to be misled, because the City doesn't find this agreement comfortable.

Commissioner Blankenship added that the City will be providing about \$1 million in assets and the agreement does not provide for a contribution by the County. Mr. Justice said the County could probably commit \$500,000.

Commissioner Blackburn asked if the City Library Board could continue with its plans to construct the first phase of the project and allow the County to come in on the second phase once the agreements are finalized. Mr. Justice told the Commission that the Governor and the State Libraries & Archives Department are interested only in a joint facility which will house the regional libraries and a telecommunications center. Mr. Justice suggested that the City Library Board call a special meeting for Wednesday to consider a revised agreement.

Pikeville student, Phillip Wheeler, commented that the County is not fiscally responsible. He reported that in the 1960s the County had a budget of \$600,000 and operated with a surplus. Today, the budget is \$26 million and it operates with a deficit.

Pikeville Public Librarian, Billie Sue Davis, told the Commission that the City Library Board had attempted to meet with the County Library Board, as instructed by the City Commission, at their regular April meeting. She said they were told that it was too soon to meet with the City's Library Board. Mrs. Davis advised that she had talked with Art Willett concerning sharing a facility with telecommunications.

The Mayor reported that a revised agreement will be drafted and will be brought before the Commission in a special meeting.

At 8:23 p.m., Mayor Combs made the motion to recess the meeting for 10 minutes. Commissioner Blankenship seconded the motion. Upon call of the roll, the motion carried unanimously.

At 8:40 p.m., Commissioner Blankenship made the motion, seconded by Commissioner Blackburn to reconvene the meeting. Upon call of the roll, the motion carried unanimously.

AGENDA ITEM IV.

PAYMENT OF BILLS

A. CITY BILLS: A list of City Bills totaling \$447,881.58 was presented to the Commission for approval of payment. Commissioner Blackburn questioned PSG's Repair and Replacement Account reimbursement. The City Manager explained that the City will be required to pay the reimbursement and thought it better to pay it now, than in a lump sum at the end of the year. There being no further questions, Commissioner Blankenship made the motion, seconded by Commissioner Clark to approve payment of the bills as presented. Upon call of the roll, the motion carried 5 - 0.

City Manager Johnson advised that the City of Pikeville has negotiated a \$300,000 Letter of Credit with the Pikeville National Bank & Trust Company. The Line of Credit was secured to fund the pond clean up. Mr. Johnson reported that the Line of Credit expired in April and is requesting that it be extended through June 30, 1996. The City Manager told the Commission that property tax bills are scheduled to be mailed within the week. He anticipates retiring the line of credit with the proceeds from the property taxes. Commissioner Blackburn made the motion, seconded by Commissioner Blankenship to approve the renewing of the \$300,000 Line of Credit with the Pikeville National Bank & Trust Company. 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

The Mayor commented that the City had to pay for the pond clean up, because the State would not assist in that venture.

B. SEWER EXTENSION PROJECT: Presented for approval of payment were invoices from M & D General Contracting, Inc. for the sewer line extensions on Chloe Creek, Harolds Branch and the North Interceptor, as well as a retainage to be paid to escrow. Requests for payment were as follows:

Contract 1	Chloe Creek	\$128,807.82
Contract 2	Harolds Branch	118,725.48
Contract 3	North Interceptor	40,480.20
Retainage		32,001.50

City Engineer Sykes recommended approval to pay the bills as requested. Commissioner Blackburn made the motion, seconded by Commissioner Blankenship to approve payment as recommended. Upon call of the roll, the motion carried 5 - 0.

Mayor Combs reported that he had been told that the City crews did quite a bit of hauling from Chloe Creek last Saturday and asked if the Chloe contractor was going to be sent a bill. City Engineer Sykes advised that the crews hauled sediment from the creek and told the Commission that it is debatable as to what portion actually is attributed to the sewer project. Negotiating with the City Manager and Public Works Manager, it was agreed that the contractor would load the sediment into the City trucks. Mr. Sykes told the Commission that he thought it a fair arrangement and doesn't think the contractor should be billed. Public Works Manager, Greg May, reported that the gravel is stored at Island Creek and can be used in various jobs.

C. ACADEMY STABILIZATION PROJECT: Presented for approval of payment was a request from Richardson Associates Architects for engineering/architectural fees for the Academy Building Stabilization Project in the amount of \$13,020.00. 75% of the total design contract has been completed, to date. Mayor Combs made the motion to approve payment as requested. Commissioner Davis seconded the motion. Upon call of the roll, the motion carried unanimously. Representing Richardson Associates, Charles Snook advised the Commission that he will be advertising for bids for a general contractor and asbestos removal on June 7th, with bids to be opened on June 25th. He anticipates a meeting of the Historic Preservation Board on the morning of June 27th, and a noon meeting of the City Commission to award the bids. Historic Preservation Board Chairman, Jack Sykes, told the Commission that Mr. Richardson has designed the entire facility renovation. The stabilization project is funded with ISTEAF funds and Mr. Sykes anticipates more of those funds being available later this year.

AGENDA ITEM V.

OLD BUSINESS

MINUTES } CITY OF PIKEVILLE

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

1. Sewer Extension Project: The Chloe Project is approximately 81% complete; Harolds Branch is 93% complete and the North Interceptor contract is 74.7% complete. Mr. Sykes advised that the North Interceptor contractor is currently working in the Layne Hollow area. The river height over the past month has impeded progress on this extension. When the pond goes down, the lift station can be installed. Mr. Westfall estimated the lift station and Layne Hollow could be completed within two weeks.

Commissioner Blackburn asked if the boulders stored on the Bypass across from Dorsey's are going to be removed. Mr. Westfall said they are going to be removed.

Questioned was the progress made in connecting the Keene Garage building into the sewage system. Mr. Westfall advised that the tie-in can't be completed until Stewart Adams completes the bore at the mouth of Keyser Heights. It was reported that the bore contractor's machine broke down, and under pressure from the City Commission, the hole was filled in. It was reported that it will take about three weeks to repair the bore machine. Mr. Sykes advised the Commission that he will ask Mr. Adams for a copy of his schedule and present it at the next City Commission meeting.

City Manager Johnson advised that he has had a few calls complaining that the sewer line will not be extended the total length of Johnson Hollow. It was reported there are two houses in the last 1000 feet of the roadway. That portion of the extension was estimated to cost \$20,000.00 and it was decided that it was not economically feasible to extend the line.

Commissioner Blackburn asked the progress of removing the fuel tanks on Chloe. Mr. Westfall advised that EPA has determined it the property owner's responsibility to remove the tanks.

As directed at the previous meeting, Summit Engineering gave Hess Construction a directive to clean up Walter's Road. He says there has been significant progress.

David Adams, property owner of several lots on Chloe and particularly the property on which the Mines and Minerals Building is located, complained about the Chloe contractor's lack of responsibility in cleaning the debris from the parking lot. He advised the Commission that one tenant has refused to pay rent and the Mines and Minerals Office had to close its office for two weeks. Mr. Hess assured the Commission that he would take whatever measures needed to restore Mr. Adams' property to the original condition.

2. Pond Clean-up: This project is complete. All aerators are working. The City Manager reported that the contractor had purchased a used pontoon boat to install the aerators and has offered to sell it to the City. The City Manager recommended the purchase because the boat would allow the Public Works Department to perform maintenance on the aerators. Commissioner Davis made the motion to authorize the City Manager to purchase a pontoon boat in the amount of \$2,500.00. Commissioner Blackburn seconded the motion. Upon call of the roll, the motion carried unanimously.

Commissioner Clark asked if the engineers had a opportunity to check into getting strainers to keep the trash out of the lake. Public Works Manager, Greg May, reported that he had cut a road down to the pond and will prepare a schedule to provide regular maintenance cleaning of the screens.

Mr. Westfall told the Commission that a great deal of debris is being thrown on the pond river bank by the Fairview residents. The Mayor said this issue had been discussed by the Housing Authority Board, but he would again bring it to their attention.

3. Thompson Road Fire Station/Storage Building: The storage building is approximately 74% complete. The Fire Station is about 8% complete, with the footers and plumbing installed. Presented for approval was a change order in the amount of \$1,281.02 which replaces the storage building's wood siding with a vinyl siding to match the Fire Station. Commissioner Blackburn made the motion, seconded by Commissioner Blankenship to approve the change order in the amount of \$1,281.02. Upon call of the roll, the motion carried unanimously.

Mr. Sykes reported that other projects his firm is working on include a culvert problem on Vanover Lane, a proposal to paint a couple of water tanks this fall, and inspecting four dilapidated housing situations at the request of the Fire Department. With regard to the culvert problem, Mr. Sykes reported that the problem is being corrected on an emergency basis. The City is paying the labor cost and the Highway Department is funding the equipment cost.

Mr. Sykes told the Commission that he had send Mr. Linder the proposal for upgrade to the Raw Water Intake and asked his assistance in locating funding for the project. The City Manager asked that the engineer include the addition of telemetry to all the water tanks and the addition of the fifth filter gallery to the project. Mr. Sykes told the Commission he would present a cost estimate for the additions at the next meeting. Public Works Manager May advised the Commission that the City has not experienced any water production problems.

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

1. 1995 Tax Rate: Presented and given first reading was an ordinance entitled:

AN ORDINANCE FIXING A TAX LEVY ON REAL AND TANGIBLE PERSONAL PROPERTY, FRANCHISES, BANK SHARES, ALL FOR THE GENERAL OPERATING EXPENSE PURPOSES AND PROVIDING FOR A DISCOUNT ON ALL TAXES, IF PAID ON OR BEFORE JUNE 28, 1996 AND A PENALTY AND INTEREST IF NOT PAID BY JULY 29, 1996.

The real and tangible property and franchise rate was set at \$0.175 per \$100.00 of assessed value. The bank shares rate was set at 21.02 cents per \$100.00 of assessed value, less the value of any tangible property.

Commissioner Blackburn made the motion to declare an emergency and adopt the Ordinance. Commissioner Blankenship seconded the motion. The stated purpose of the emergency is to allow the property tax bills to be mailed out to taxpayers as soon as the ordinance goes into effect so to allow the City to timely receive tax revenues for the fiscal year. 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. Budget Amendments: Presented to the Commission was a list of budget amendments to the 1995-96 operating budget. It was explained that the majority of the amendments are due to additional revenues received in the form of grants and loans. Given second reading was an Ordinance entitled:

ORDINANCE AMENDING BUDGET FOR THE CITY OF PIKEVILLE

Commissioner Blackburn made the motion to adopt the Ordinance. 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. Wrecker Service: City Attorney Davis reported that he had been advised by the Chief of Police and Chief Dispatcher of the difficulty in securing towing services, and, especially at night. Chief Dispatcher Justice had also expressed his concerns with regard to utilizing the rotation schedule to contact a towing service, in light of the recent court decision against the City. The City Attorney requested permission to prepare a proposal, for wrecker services, for advertisement. Commissioner Davis made the motion, seconded by Commissioner Blankenship to authorize the preparation of an advertisement and specifications to obtain a towing service. Upon call of the roll, the motion carried unanimously.

4. Cable Franchise Transfer: Presented to the Commission for consideration was the following resolution approving the transfer of the cable franchise from Mountain Cable System, Inc. to Inter-Mountain Cable:

RESOLUTION APPROVING ASSIGNMENT OF NON-EXCLUSIVE FRANCHISE FROM MOUNTAIN CABLE SYSTEM, INC. TO INTER-MOUNTAIN CABLE

WHEREAS, pursuant to Ordinance No. O-87-030, the City of Pikeville granted Mountain Cable System, Inc., a non-exclusive franchise, to erect, construct and maintain and operate a community antenna television system as authorized by City of Pikeville Ordinance Number O-87-022,

WHEREAS, Mountain Cable System, Inc., has entered into an agreement with Inter-Mountain Cable whereby Inter-Mountain Cable will acquire a cable TV system owned and operated by Mountain Cable System, Inc., including an assignment of their non-exclusive franchise granted by the City of Pikeville;

WHEREAS, Mountain Cable System, Inc. and Inter-Mountain Cable desire for the City of Pikeville to consent to said assignment.

BE IT RESOLVED BY THE CITY OF PIKEVILLE AS FOLLOWS:

SECTION 1. That the City of Pikeville hereby consents, pursuant to Section 17 of City Ordinance No. O-87-022, to an assignment by Mountain Cable System, Inc., of its non-exclusive franchise granted to it by City Ordinance to Inter-Mountain Cable of P. O. Box 159, Harold, KY 41635 subject, however, to the condition that Inter-Mountain Cable fully comply with the terms and provisions of City Ordinance No. O-87-022.

Passed this 30th day of May, 1996.

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

Upon roll call, the votes were as follows:

MINUTES } CITY OF PIKEVILLE

	<u>YES</u>	<u>NO</u>
STEVEN D. COMBS, MAYOR	X	
GENE DAVIS, COMMISSIONER	X	
SHARON CLARK, COMMISSIONER	X	
WALTER BLANKENSHIP, COMMISSIONER	X	
KENNY BLACKBURN, COMMISSIONER	X	

The Mayor declared the within resolution adopted.

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

ATTEST:

/s/ Karen Harris
KAREN HARRIS, CITY CLERK

Mr. Davis advised that he, the City Manager, and the Mayor had met with Tele-Media representatives and had discussed their progress in upgrading the cable service. Mr. Davis said he would report more fully on the matter at the next regular meeting.

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

1. Building Inspector: City Manager Johnson recommended that the Commission approve the employment of Levy C. Green in the position of Building Inspector/Codes Enforcement Officer. Commissioner Davis made the motion, seconded by Commissioner Blankenship to employ Levy C. Green as the Building Inspector/Codes Enforcement Officer. Upon call of the roll, the motion carried 5 - 0.

2. Truck Bids: The City Manager advised that he had received one bid for the purchase of a pick-up for the Parks Department. The bid was submitted from Fletcher & Hall in the amount of \$14,289.32. Mr. Johnson advised that \$13,600 was included in the budget for this purchase. He advised the Commission that if the truck can be purchased before July 16th, the City can receive a \$600.00 rebate. Commissioner Blackburn made the motion, seconded by Commissioner Blankenship to approve purchase of the truck from Fletcher & Hall. Upon call of the roll, the motion carried unanimously.

3. Mower/Tractor Bids: Mr. Johnson reported that he had received two bids for the purchase of a mower/tractor. The bids were as follows: Gress Equipment: \$55,832 and Cherokee Equipment: \$55,400. The City Manager advised that \$21,000 had been budgeted last year, however \$8,000 was spent on rental of the equipment. The City is currently renting a mower from Gress Equipment to do right-of-way mowing. Mr. Johnson advised that Gress Equipment has indicated that if the City agrees to purchase the mower from them, they will stop the rental on the current equipment and will allow the City to use it, free of charge, until the new equipment is delivered. It was reported that approximately \$4,000.00 has been paid. Mr. Johnson said he will try to get Gress Equipment to give the City credit for the total amount of rental payments toward the purchase of the new mower. It was reported that Gress is prompt with service and they are a local vendor. Commissioner Blackburn made the motion, seconded by Commissioner Clark to purchase the mower/tractor from Gress Equipment. Upon call of the roll, the motion carried unanimously.

AGENDA ITEM VI.

NEW BUSINESS

A. BOARD APPOINTMENTS: Mayor Combs called the Commission's attention to a letter of resignation from Carolyn Collins. Ms. Collins was serving as a member of the Housing Authority Board of Directors. Mayor Combs nominated Paul Sowards to complete the unexpired term. Commissioner Blankenship seconded the motion. Upon call of the roll, the motion carried unanimously.

Mayor Combs explained the memorandum from Housing Authority Board Attorney Pam Robinette, concerning poor attendance at the meetings by the members. The Mayor advised that he anticipates the problem has been remedied and told the Commission that the members are now making a good effort to attend the meetings. He told the Commission he would like to wait to see if the problem persists before considering any action.

C. HOMELESS SHELTER: Commissioner Blankenship made the motion to authorize the submission of a grant application in the amount of \$43,700.00, for the emergency shelter. Commissioner Clark seconded the motion. Upon call of the roll, the motion carried unanimously. Commissioner Blackburn asked if the grant funds were subject to reimbursement if the shelter was closed. Sue Smallwood, Project Director, indicated the funds would be subject to reimbursement.

In consent items, the Commission reviewed PSG's monthly activities report. It was asked if someone has been designated to look at the streets to determine if there are any problems and if the streets are going to be striped.

The City Manager advised they will be using the striping services of a company approved through state price contract.

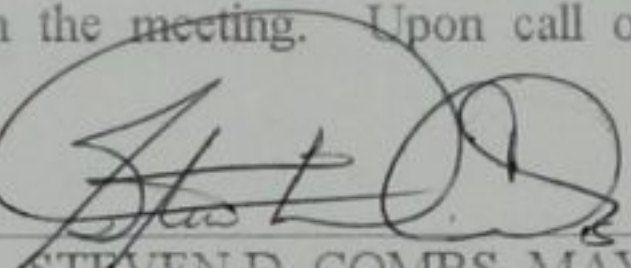
The Commission received a complimentary letter from Reverend Stratton concerning the prompt and efficient clean up activities during Hillbilly Days.

Katie Deskins asked the Commission how she could be assured that the public will be informed as to what will be discussed at the next City Commission Meeting. The Commission explained that during a regular meeting, any item can be discussed. An agenda is sent to the news media on the Friday before the meetings, but the City does not pay to have an announcement included in the newspaper.

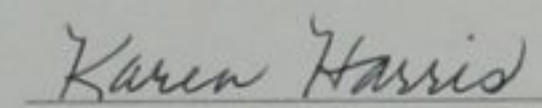
Mrs. Deskins thanked the Commission for their consideration of forming a pond committee. The Commission gave permission for Mrs. Deskins to gather names of people who would be interested in serving on that committee.

There being no further business to come before the Commission, Commissioner Davis made the motion, seconded by Commissioner Blackburn to adjourn the meeting. Upon call of the roll, the motion carried unanimously. (Adjournment Time: 10:03 p.m.)

APPROVED


STEVEN D. COMBS, MAYOR

ATTEST:


KAREN HARRIS, CITY CLERK

