

MINUTES } CITY OF PIKEVILLE

CITY OF PIKEVILLE
BOARD OF COMMISSIONERS
REGULAR MEETING MINUTES
OCTOBER 28, 1996

The Board of Commissioners of the City of Pikeville met in regular session on Monday, October 28, 1996. The meeting was conducted in the City Hall Meeting Room at 260 Hambley Boulevard.

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 September 23, 1996 were included in each Commission Member's agenda package. There being no additions or corrections, Commissioner Blankenship made the motion, seconded by Commissioner Davis to approve the minutes as submitted. Upon call of the roll, the motion carried unanimously.

AGENDA ITEM III.

BUSINESS FROM THE FLOOR

A. LIBRARY: Presented to the Commission for approval was a proposed Interparties Agreement between the Pikeville Public Library Board, the Pike County Public Library District and the City of Pikeville, for the merge of the two libraries and the inclusion of a telecommunication center in the library facility. Roger Recktenwald, Executive Director for the Big Sandy Area Development District, advised the Commission that both entities had approved the agreement subject to final approval by the Pikeville City Commission. Commissioner Blankenship presented two proposed changes to the agreement: 1. That paragraph 7 be amended to reflect that the City's current funding of the library is about \$42,000.00 annually, and then increase the allotment to \$50,000.00 beginning July 1, 1997. 2. That paragraph 11 (iii) be amended to provide that the present staff of the Pikeville Public Library shall be offered "comparable" employment. Jerry Waddell, Chair of the Pikeville Public Library Board, and Jackie Casey, Chair of the Pike County Public Library District, agreed to the proposed changes. Commissioner Blankenship made the motion, seconded by Commissioner Clark to approve the Interparties Agreement subject to the agreement being amended to reflect the stated changes. Upon call of the roll, the motion carried 4 - 0 - 1 with Commissioner Davis abstaining from the vote.

B. POND COMMITTEE: Beverly Williams reported that the Pond Committee had conducted a public hearing to receive input from citizens for the potential development of a river fill park adjacent to Combs Avenue. Ms. Williams advised that general conversation focused on the amount of property to be developed and the consensus that private property should not be included in the project. Ms. Williams told the Commission that the committee feels the next step is to engage the services of a landscape architect and asked the procedure. City Manager Johnson asked Ms. Williams to meet with him later in the week, when they would make a conference call to Helen Powell, landscape architect, to discuss the project.

C. YORKWOOD FOREST DRIVE: Bill Staggs, along with a number of residents from Yorkwood Forest Drive, formerly known as Tater Hollow, appeared before the Commission to enlist assistance for roadway repairs. City Engineer Sykes reported that while the roadway has been dedicated to the City, the City has not officially accepted the street into its maintenance system. Mr. Staggs explained that the nearly 3/4 mile roadway is not paved the full length, and estimated pavement extends for approximately 1/2 mile. Due to the severity of several rain storms, the hollow experienced a great deal of drainage which exposed rocks in the road. Mr. Staggs told the Commission that the rocks jutting from the roadbed present a hazard for the residents' vehicles. He pointed out there are about 38 persons residing in Yorkwood Forest, 11 of which are children. City Engineer Sykes reported he had looked at the road. He advised the road has a good sub-grade but is steep. City Manager Johnson commented that the roadway did not conform to the standards for acceptance of maintenance responsibilities by the City due to the fact that a part of the roadway is paved and a portion is not. Once a hillside street is accepted into the City's street system, maintenance is limited to snow and ice removal for a period of five years. Historically, the City has installed paving on dedicated streets via assessment districts - ie, the property owner is assessed a pro-rated share for the cost of pavement based on the amount of property fronting the roadway. Mayor Combs expressed his concern for the safety of the children riding the school bus. City Attorney Davis told the Commission that the roadway is probably a public street. He advised the City could clean the ditchlines and make the roadway safer. PSG Manager, Greg May, advised the Commission that he would look at the roadway and report to the City Manager the findings. Mayor Combs made the motion to authorize City Manager Johnson to take the necessary action to make the roadway safe. Commissioner Blankenship seconded the motion. Upon call of the roll, the motion carried 4 - 0 - 1 with Commissioner Davis abstaining from the vote. Mayor Combs advised Mr. Staggs that he may want to contact his neighbors to determine if they would be willing to pay for the pavement installation. City Manager Johnson pointed out that the roadway could not be paved until the next paving season due to asphalt requirements on Bent Mountain and the fact that the asphalt plants close sometime around the Thanksgiving holiday.

AGENDA ITEM IV.

PAYMENT OF BILLS

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A. CITY BILLS: A list of City Bills totaling \$406,939.20 was presented to the Commission for approval of payment. Commissioner Davis made the motion, seconded by Commissioner Blankenship to approve payment of the bills as presented. Upon call of the roll, the motion carried 4 - 0 - 1 with Commissioner Blackburn abstaining from the vote concerning the approval of payment of the Robertson's Wrecker Service invoice and voting yes on the remainder of the invoices.

B. SEWAGE EXTENSION PROJECT: Final payment invoices were presented from M & D General Contracting for the Chloe, Harolds Branch and North Interceptor sewage extension projects. The invoices were as follows:

Contract #1	Chloe	\$39,485.06
Contract #2	Harold's Branch	5,000.00
Contract #3	North Interceptor	38,376.62

City Engineer Sykes reported that he has received a few minor complaints on Chloe. The only outstanding issue is paving, which was deleted from the contractor's project, and is being completed by the City via Mountain Enterprises. Mr. Sykes advised he is unaware of any problems on Harolds Branch. With regard to the North Interceptor project, Mr. Sykes reported that the contractor has replaced the sidewalk, drains and handrails at the Mini Park. Parks Director Doug Justice has inspected and is content with the work. The contractor has seeded the river bank. Mr. Sykes told the Commission that the contractor has yet to clear the storage area behind Stewart Adams' property and to clean the river fill storage area. Mr. Sykes recommended the Commission approve payment with payment not being released until the contractor has cleaned the two storage areas and upon the contractor furnishing affidavits from all vendors that payment has been made for all materials. Stewart Adams was present and advised the Commission that he is not satisfied with the clean up of his property. Mr. Sykes explained that Mr. Adams fell a number of trees, prior to the beginning of construction, and thinks the contractor should remove the trees. Mr. Sykes told the Commission that he feels that the contractor has met his obligations and doesn't see any evidence to require the contractor to perform additional clean up activities for the area in question. Mr. Adams contends that the trees were pushed either side and thinks they should be removed. Ed Gaunt with M & D Construction told the Commission that he wrote a letter to the sub-contractor asking that the trees be removed. The sub-contractor has refused. Commissioner Clark asked if the trees could be placed back in the same location that Mr. Adams had them. The City Engineer advised the trees would be located over the sewer line. Commissioner Blackburn made the motion, seconded by Commissioner Blankenship to approve the City Engineer's recommendation for payment. Upon call of the roll, the motion carried unanimously.

AGENDA ITEM V.

OLD BUSINESS

A. CITY ENGINEER'S REPORTS: Jack Sykes representing Summit Engineering, City Engineer's presented a verbal report of ongoing projects:

1. Keyser Sewer Line: City Engineer Sykes advised the Commission that bids had been received for the installation of a sewer line to serve Keyser Heights and the Pleasant Building. Bid as an alternate was the bore under U.S. 23 initially begun by Stewart Adams. The low bidder was Alpha Reclamation at \$42,860. Mr. Sykes requested an executive session to determine how to proceed with the alternate bid as it relates to Mr. Adams' contract with the City.

At 6:45 p.m., Commissioner Blackburn made the motion to adjourn to an executive session for the purpose of discussing a legal matter concerning the Keyser Sewer Line Project. Commissioner Clark seconded the motion. Upon call of the roll, the motion carried unanimously.

At 7:20 p.m., Commissioner Blackburn made the motion, seconded by Commissioner Blankenship to reconvene to regular session. Upon call of the roll, the motion carried unanimously. Mayor Combs asked for the minutes to reflect that he did not attend the executive session due to a potential conflict of interest.

City Engineer Sykes recommended the Commission award to Alpha Reclamation the bid for the base project at \$42,860.00. Commissioner Blankenship made the motion, seconded by Commissioner Clark to award the bid for the Keyser Sewer Line to Alpha Reclamation in the amount of \$42,860.00. Upon call of the roll, the motion carried 4 - 0 - 1 with Mayor Combs abstaining from the vote.

Alternate Change Order: Mr. Sykes recommended that the alternate bid for the bore and encasement not be awarded due to the City's existing contract with Stewart Adams. The City Engineer advised that Mr. Adams has contracted with a vendor who, he feels, is capable of completing the project. Commissioner Blankenship made the motion, seconded by Commissioner Clark to accept the City Engineer's recommendation. Upon call of the roll, the motion carried unanimously.

2. Thompson Road Fire Station: Mr. Sykes reported the Fire Station is substantially complete. With the approval of this meeting's invoices, Patriot Construction has been paid 90% of the contract to date. The engineer advised that a punch list of 10 to 12 items has been compiled.

3. Parking Garage: The City Engineer reported that he had bid a garage storage building for the city maintenance facility on Island Creek. No bids were received. PSG Manager May solicited a written quote from local contractor, M & S General Contracting, on this date. The bid is approximately \$1,000 over the \$25,000 amount budgeted for the project. City Engineer Sykes advised the quote does not include a floor and he thinks it is excessive. City Manager Johnson reported that public works has been trying to get contractors to bid for about three months to no avail. He recommended the Commission contract with M & S General Contracting for the installation of the building in the amount of \$26,290.00. Commissioner Clark made the motion, seconded by Commissioner Blackburn to award the contract to M

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& S General Contracting in the amount of \$26,290.00 as recommended by the City Manager. Upon call of the roll, the motion carried unanimously.

4. Walters Road: During a previous City Commission meeting, the City Engineer was asked to look at a roadway on Walters Road that serves as an access to Melissa Lester's home to determine what is necessary to have the roadway accepted into the City's street maintenance system. Mr. Sykes reported that the street is on a platted subdivision so it has already been dedicated as a public right-of-way. The dedication has not been accepted by the City, nor are there any prescribed easements. Mr. Sykes advised that his crew looked at the road and estimated \$6,000.00 for the placement of 4 inches stone and 3 inches of pavement, as well as the installation of two drain pipes. City Manager Johnson reminded the Commission that, due to Mountain Enterprises' blacktopping schedule, it may not be possible to get the road paved before the asphalt plants close for the winter. He advised that he would contact Mountain Enterprises and ask they look at the project to determine if it can be done before the spring season. Mrs. Lester told the Commission that all the property owners had signed the petition in support of having the roadway blacktopped and indicated the residents were of the understanding they would be required to pay a pro-rated share of the fee. The Commission authorized the City Manager to enter into an agreement with each of the property owners for the blacktopping of the roadway. A signed agreement and a deposit will be required before the project is begun. The Commission authorized that the residents would be charged for material only.

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

1. Wal-Mart: Mr. Davis reported that Wal-Mart representatives have requested an amendment to the resolution adopted at the October 21, 1996 Special Meeting, to provide that the City will fully indemnify Wal-Mart and absolve them on any liability concerning the Over-Bank Project. The amended resolution was presented as follows:

**AMENDED RESOLUTION AUTHORIZING OFFER OF PARTICIPATION IN THE
OVERBANK/IMPROVEMENT PROJECT AS PART OF AN ECONOMIC INCENTIVE PLAN FOR
WAL-MART/BIG SANDY PROPOSED WAL-MART SUPERCENTER**

WHEREAS, the Commission for the City of Pikeville has previously passed a Resolution authorizing an offer of participation in the Overbank Improvement Project as part of an economic incentive plan for the proposed Wal-Mart Supercenter;

WHEREAS, a portion of that Resolution needs to be amended so to more accurately and more specifically reflect the obligations of the City of Pikeville and Wal-Mart;

THEREFORE, BE IT RESOLVED BY THE CITY OF PIKEVILLE as follows:

SECTION 1. That the City of Pikeville will fully indemnify and hold Wal-Mart harmless for any claim for damages to person or property arising out of the design and construction of the Overbank Improvement Project and shall fully defend Wal-Mart from such claims.

SECTION 2. That the City of Pikeville shall be directly responsible for payments to the contractor for the Overbank Improvement Project when requests for draws are properly submitted to the City of Pikeville pursuant to the terms and conditions of the contract for the Overbank Improvement Project. Upon the receipt of a proper request for payment, Big Sandy shall pay to the City of Pikeville its proportionate share of the request for payment.

SECTION 3. That this amended offer of participation is contingent upon acceptance by Wal-Mart and Big Sandy.

Passed this 28th day of October, 1996.

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

Upon roll call, the votes were as follows:

<u>YES</u>	<u>NO</u>
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ABSTAIN

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

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2. Zoning Changes: City Attorney Davis advised that the Pikeville/Pike County/Elkhorn City Joint Planning Commission conducted a Public Hearing and Special Meeting concerning the change in zoning classifications of five tracts of property on Cedar Creek owned by the Bowles Heirs and a 5.2 acre tract on Thompson Road at the Coal Run Bridge. The City Attorney presented and gave first reading to both Ordinances. Second reading was scheduled for the next regular meeting.

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

1. Gas Odorization Bids: City Manager Johnson advised that he had received one bid for the gas odorization of the Columbia transmission line. The bid was received from GPM Equipment Sales in the amount of \$11,285.00. It was explained that the procedure is mandated by the Public Service Commission and allows for a property owner to detect natural gas leaks by smell. PSG Manager Greg May advised that GPM Equipment Sales does most of the gas odorization work for local governmental entities in eastern Kentucky. City Manager Johnson recommended acceptance of the bid. Commissioner Blackburn made the motion, seconded by Commissioner Blankenship to award the gas odorization bid to GPM Equipment Sales in the amount of \$11,285.00. Upon call of the roll, the motion carried unanimously.

2. Law Enforcement Block Grant: City Manager Johnson advised the Commission that the Pikeville Police Department has been awarded a \$14,050 Law Enforcement Block Grant. Provisions for utilization of the grant are the local match of \$1,050.00 and the appointment of an Advisory Board. According to the City Manager, the Advisory Board is appointed for a one-time meeting to recommend how the Block Grant monies will be spent. Five individuals were recommended for appointment to the Advisory Board as follows:

Woody Runyon, Pikeville Independent School System
Joe Turner, Assistant Pike County Attorney
Charlotte Daniels, Pike County Pre-Trial Release
Jean Hall, Pike County M.A.D.D.
James G. Justice, Pikeville Police Department

Commissioner Davis made the motion to accept the Law Enforcement Block Grant and to appoint the Advisory Board as recommended. Commissioner Blankenship seconded the motion. Upon call of the roll, the motion carried unanimously.

It was announced that the Advisory Board will hold a public meeting on November 20, 1996 at 5:00 p.m., in the City Hall Public Meeting Room.

3. Dispatcher: The City Manager presented the Chief Dispatcher's recommendation for the employment of Eric S. Cochran in the position of dispatcher. Commissioner Blackburn made the motion, seconded by Commissioner Clark to approve the hiring of Eric S. Cochran as dispatcher. Upon call of the roll, the motion carried unanimously.

4. Fire Rating: City Manager Johnson congratulated Fire Chief Hall and the Pikeville Fire Department for achieving a lower ISO Fire Class Rating. With the decrease in the rating from a Class 6 to a Class 4, City officials are hopeful that residents will see a marked decrease in their fire insurance premiums. The Commission expressed their gratitude to PSG Water Crew Supervisor, Duane Hamilton, for his and his crew's assistance to the ISO inspection team.

AGENDA ITEM VI.

NEW BUSINESS

A. PARKS BOARD: Commissioner Clark expressed her concern over the Park Board's inactivity and the fact the Board has not been having regular meetings. After a brief discussion, Mayor Combs made the motion, seconded by Commissioner Clark to authorize the City Manager to send a letter to each of the current members of the Parks Board asking for correspondence as to whether they wish to continue to serve. Commissioner Clark seconded the motion. Upon call of the roll, the motion carried unanimously.

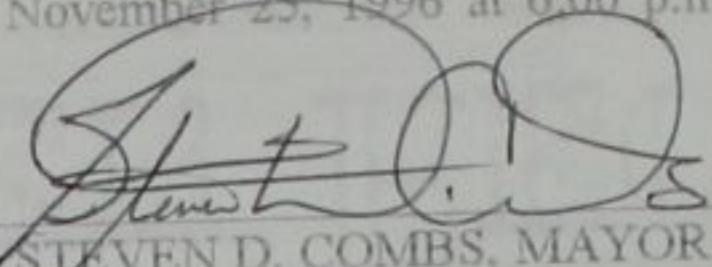
B. COLLEGE STREET: Mayor Combs asked the Commission to consider the closing of College Street, from the traffic control device to the intersection of Hibbard and Hambley, in the effort to give the Library Project a larger tract of property. City Attorney Davis advised that KRS provides for specific steps to close a street which may cause suits by affected property owners. Mayor Combs made the motion to authorize the City Manager and City Attorney to determine the feasibility of closing the street and having the property added to the library tract. Commissioner Clark seconded the motion. Upon call of the roll, the motion carried unanimously.

City Manager Johnson advised the Commission that the Department of Transportation has offered to remove the traffic control device, located on College Street, at no cost. Mr. Johnson reported that he has been told by D.O.T. representatives that repairs to the light will not be made in the future because of the light's age and the unavailability of replacement parts. According to the City Manager, approximately \$15.00 per month can be saved in electrical costs if the traffic device is removed. Commissioner Blackburn made the motion, seconded by Commissioner Blankenship to authorize the Department of Transportation to remove the traffic control device located on College Street. Upon call of the roll, the motion carried unanimously.

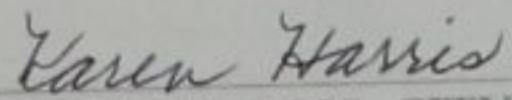
There being no further business to come before the Commission, Commissioner Clark made the motion, seconded by Commissioner Blankenship to adjourn the meeting. Upon call of the roll, the motion carried 5 - 0. (Adjournment Time: 8:00 p.m.)

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The City Commission's next scheduled meeting is November 25, 1996 at 6:00 p.m., in the City Hall Public Meeting Room.

APPROVED 
STEVEN D. COMBS, MAYOR

ATTEST:


KAREN HARRIS, CITY CLERK

