

MINUTES } CITY OF PIKEVILLE

CITY OF PIKEVILLE BOARD OF COMMISSIONERS REGULAR MEETING MINUTES APRIL 28, 1997

The Board of Commissioners of the City of Pikeville conducted their regular monthly meeting on Monday, April 28, 1997. The meeting was held in the City Hall Public Meeting Room at 260 Hambley Boulevard.

In the absence of Mayor Steven Combs, City Manager John B. Johnson called the meeting to order at 6:00 p.m. Commission Members present at call of the roll were as follows:

COMMISSIONER:	KENNY BLACKBURN
	EUGENE DAVIS
	JOHNNY MOUNTS
	SHARON CLARK

Commissioner Blackburn made the motion to appoint Commissioner Davis to the position of Mayor Pro Tem. Commissioner Mounts seconded the motion. The motion carried 3 - 0 - 1 with Commissioner Davis abstaining from the vote.

AGENDA ITEM II. MINUTES

The minutes for the previous regular meeting held on March 24, 1997 were included in each Commission Member's agenda package. There being no additions nor corrections, Commissioner Mounts made the motion, seconded by Commissioner Blackburn to approve the minutes as presented. The motion carried 4 - 0.

AGENDA ITEM III. BUSINESS FROM THE FLOOR

A. FIREWORKS: Pikeville Jaycees President, Tivis Newsome, renewed the club's request for the City to purchase \$3,000.00 in fireworks for the Fourth of July Celebration. Mr. Newsome informed the Commission that the Pike County Fiscal Court has approved a donation of \$1,500.00 for the purchase of fireworks. Commissioner Blackburn made the motion to authorize the purchase of \$1,500.00 in fireworks for the Fourth of July. Commissioner Clark seconded the motion. During discussion, Mr. Newsome told the Commission that a location from which to launch the fireworks has yet to be identified. Commissioner Mounts expressed his views that the location from which to launch the fireworks should be based upon which area would provide for the greatest number of people who will be able to view the fireworks. Co-owner of the Lover's Leap Subdivision, Jack Sykes, advised the Commission that he thought he and his partners could negotiate a suitable arrangement with the Jaycees to allow the fireworks to be shot from that area. Upon call of the roll, the motion carried 4 - 0.

B. SOFTBALL FIELD: YMCA Chair person Jerry Kanney appeared before the Commission to request approval of a lease arrangement between the City and YMCA for the horse ring property in Bob Amos Park. Referring to a letter sent to the Commission from the YMCA Board of Directors, Mr. Kanney told the Commission that the economic benefits realized by the City from reclaiming the Thompson Road property and taking advantage of the fill material offered by the Wal-Mart contractors, are understood by the YMCA Board of Directors, however, the YMCA is in need of a field for its softball program. Mr. Kanney told the Commission that approximately 1200 adults and 480 children utilized the field each week during the previous softball season. For this reason, the YMCA is now requesting that the Commission consider entering into a 10 year lease agreement, with renewals, for the horse ring property. Mr. Kanney expressed his opinion that the Horse Association does not make full use of the property. While the YMCA has immediate plans to construct a softball field on the horse ring property, Mr. Kanney told the Commission that YMCA may consider other future uses such as a water park, kiddie park, volleyball court or croquet. Board Member, Dennis Rohrer, advised the Commission that a decision is needed urgently, because the Wal-Mart site contractor, has agreed to fill the current horse ring tract as soon as weather permits.

The Commission heard an objection to the dedication of the horse ring property to the YMCA from Billy Akers who was present on behalf of the Horse Association. Mr. Akers told the Commission that the City currently has 7 dedicated fields on which to play ball which are used about three months out of the year. Mr. Kanney advised the Commission that YMCA would be agreeable to working with the Horse Association to schedule their events. Mr. Akers stated that the Horse Association would like to have a dedicated area. City Engineer Sykes reported that the City's Thompson Road property fill should be completed within the month. Commission Members discussed the possibility of allowing the Horse Association to use the Thompson Road property. Mr. Sykes suggested that the City dedicate the area on the back side of the property, near the river, since this area would be less likely to be developed.

At 6:32 p.m., Commissioner Blackburn made the motion to adjourn to executive session for the purpose of discussing the existing YMCA lease agreement and the City's obligations regarding said lease. Commissioner Mounts seconded the motion. The motion carried 4 - 0.

At 6:55 p.m., Commissioner Blackburn made the motion, seconded by Commissioner Mounts to reconvene to regular session. The motion carried 4 - 0.

Mayor Pro Tem Davis announced that the Commission had discussed in executive session the long-term (10 year) lease proposal made by the YMCA. Commissioner Davis advised that the Commission is not in favor of a long-term lease arrangement, but would agree to an annual lease agreement. Should the YMCA develop a permanent use plan for the existing horse ring tract, a longer lease term would be considered.

MINUTES } CITY OF PIKEVILLE

With regard to satisfying the terms of the existing agreement with YMCA for the Thompson Road Property, City Attorney Davis advised the Commission they could provide the YMCA with a certain sum of money to allow the replacement of improvements from the Thompson Road Property to the new tract. Commissioner Blackburn made the motion to enter into an annual lease agreement with the YMCA for the area known as the horse ring property, under the same terms and conditions as the Thompson Road ball field lease; to reimburse the YMCA the sum of \$9,000 to re-establish the lighting and fencing to the new field; and to help to relocate the horse ring to the Thompson Road Property. Commissioner Mounts seconded the motion. During discussion, the Commission clarified there will be no lease between the Horse Association and the City of Pikeville for the Thompson Road property. The Horse Association will be allowed to occupy the property, in a location to be established by the City Engineer, on a month - to - month basis. The motion carried 4 - 0. Horse Association representative, Billy Akers, told the Commission that he would prefer that the YMCA have control of the Thompson Road Property, so they could take care of all the scheduling and provide the necessary insurance coverages.

C. GRAFFITI: Hillard Howard came before the Commission requesting the implementation of a plan to provide that private property owners, as well as the local governments, be required to remove graffiti on public buildings and property as quickly as possible. Mr. Howard told the Commission that statistics show that removing graffiti in a timely manner deters further placement. Chief of Police Edmonds advised the Commission that the Police Department is enforcing the curfew as best they can. Commissioner Mounts stated his opinion that the City should denounce graffiti and should make every effort to see that the persons responsible are caught and are subjected to the highest penalties legally allowed. The Commission also stated that every effort should be made to immediately remove or paint over graffiti on City buildings and property. Police Chief Edmonds suggested that a letter of request be sent to officials to request the reopening of the Pike County Juvenile Detention Center.

D. PRESENTATION: On behalf of the Pikeville City Commission, Mayor Pro Tem Davis presented former City Commissioner, Walter "Smokey" Blankenship, with an inscribed plaque commemorating his public service to the City of Pikeville and its citizens through various positions, including 5 years as a Pikeville City Commissioner. In accepting the plaque, Mr. Blankenship stated that "it was an honor to serve with the people that I served with during this time".

E. OVERLOOK: News-Express Publisher, Marty Backus, addressed the Commission on behalf of the Pikeville Rotary Club concerning the Overlook. Mr. Backus told the Commission that it had been a desire of one of their members, Ed Elder, now deceased, to have camera lens slots cut into the fence encasing the Overlook platform. The Commission authorized the City Manager to have this work accomplished.

AGENDA ITEM IV.

PAYMENT OF BILLS

A. CITY BILLS: A list of City Bills totaling \$424,779.45 was presented to the Commission for approval of payment. Discussed at some length was the pay request for the Library Building first phase construction. Architect Bill Richardson was present and advised the Commission that he would propose withholding \$2,000.00 from the payment request to allow the contractor to realign a couple of windowsills. Mr. Richardson told the Commission that Commonwealth Building & Construction's payment request includes the contract retainage. Mr. Richardson was asked if he had inspected the project. Mr. Richardson indicated that he had visited the site on this date and has certified the pay request with the stipulation that the windowsills be straightened. The Commission asked the City Engineer and City Building Inspector to inspect the building. Commissioner Blackburn made the motion, seconded by Commissioner Mounts to approve payment of the City Bills as requested with the exception that the invoice from Commonwealth Building and Construction be reduced by 5% plus \$2,000.00 (approximately \$5,000). The motion carried 4 - 0.

B. ACADEMY BUILDING STABILIZATION PROJECT: Presented to the Commission for approval of payment was a request from Commonwealth Building & Construction in the amount of \$27,900.00 for the Academy Building Stabilization Project. Historic Preservation Board Chair, Jack Sykes, advised the Commission that the Board once again failed to have a quorum at their scheduled meeting. City Manager Johnson advised that he had contacted the current members of the Historic Preservation Board in an effort to determine if they desired to continue to serve on the Board. He reported that Myra Miller had tendered her resignation; Susie McGhee has requested to remain on the Board; and no response has been received from Betsy Venters. Commissioner Blackburn made the motion to appoint Levy Green to the seat vacated by Myra Miller. Commissioner Mounts seconded the motion. The motion carried 4 - 0.

With regard to the request for approval of Change Order #4, in the amount of \$59,687.00, Commissioner Mounts questioned the amount of change orders that had been added to the Academy Building Stabilization Project. Project Coordinator, Sue Smallwood, explained that the City obtained an ISTE grant in the initial sum of \$500,000. Bids for the project were much lower than anticipated, so additional work was added to the contract in an effort to utilize the entire grant. Mr. Sykes explained there is additional work that can be accomplished now, that was originally part of Phase 2. Mr. Sykes advised that the City was successful in obtaining an additional \$500,000 ISTE grant for Phase 2.

Academy Building restoration architect, Bill Richardson, presented the Commission with a written report detailing the restoration project, both for work in progress and work remaining.

Commissioner Mounts asked who decided the change order. Mr. Sykes advised that the Historic Preservation Board had, in an earlier meeting, established priorities. Mr. Richardson stated that the proposed additions have been reviewed by his staff.

Commissioner Blackburn made the motion, seconded by Commissioner Clark to authorize payment of Commonwealth Building & Construction's invoice in the amount of \$27,900.00; and, to approve Change Order #4, subject to review and approval by the Historic Preservation Board. The motion carried 4 - 0.

MINUTES } CITY OF PIKEVILLE

AGENDA ITEM V.

OLD BUSINESS

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

1. Thompson Road Utilities: Summit Engineering has designed a water line to extend from Thompson Road down to the Coal Run Bridge. The project has design and specifications have been completed and have been forwarded to PSG for their review.

2. Harolds Branch Road Improvements: Mr. Sykes advised that his firm has been contracted by the hospital to redesign the entrance at Harolds Branch to facilitate the hospital expansion. The project is Department of Transportation funded. A meeting has been scheduled for May 6, 1997 at 1 p.m. at the hospital to review the plans. Mr. Sykes advised that he had been authorized by Denton Bilitier of the Highway Department to include cutting the road down 5 feet, however, the Department of Transportation has not yet agreed to pay for that portion of the improvement.

3. City Hall: Mr. Sykes reported that his firm has completed a space needs study for a new City Hall facility and requested a work session to review the information.

4. Overbank Improvement Project: It was reported this project is proceeding as scheduled.

5. North Mayo Sewer Project: A change order was approved at the previous City Commission meeting in the amount of \$14,300.00 to Alpha Reclamation to allow a 120 ft. water line extension from Keyser Heights to Dark Hollow. PSG was to make the tap beneath the roadway and install additional fire hydrants and taps. Mr. Sykes reported that PSG had encountered rock while trying to install the line beneath the roadway and they have requested that Alpha Reclamation assume the work. Mr. Sykes presented an amended change order in the amount of \$20,317.00 for approval. Commissioner Blackburn made the motion, seconded by Commissioner Clark to approve the amended change order to Alpha Reclamation (to replace the earlier change order of \$14,300.00) in the amount of \$20,317.00. The motion carried 4 - 0.

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

1. Property Tax: Presented for adoption was an emergency Ordinance establishing the property tax rates and payment dates for 1997. The City Attorney advised the Commission that the property tax rates have not changed from the previous year.

AN ORDINANCE FIXING A TAX LEVY ON REAL AND TANGIBLE PERSONAL PROPERTY AND FRANCHISES, ALL FOR THE GENERAL OPERATING EXPENSE PURPOSES AND PROVIDING FOR A DISCOUNT ON ALL TAXES, IF PAID ON OR BEFORE MAY 30, 1997, AND A PENALTY IF NOT PAID BY JUNE 30, 1997.

Commissioner Clark made the motion, seconded by Commissioner Blackburn to declare an emergency and adopt the Ordinance as presented. The motion carried by the following votes:

COMMISSIONER:	KENNY BLACKBURN	YES
	EUGENE DAVIS	YES
	JOHNNY MOUNTS	YES
	SHARON CLARK	YES

2. Model City Day Care Center Lease: City Attorney Davis advised the Commission that the Lease between the Model City Day Care and the City of Pikeville has expired. Mr. Davis told the Commission that the lease included a mechanism for rate changes, upkeep and maintenance, and appointment of members to the Board. According to the City Manager and City Attorney, the City has been making needed improvements to the building and equipment as well as paying the insurance premiums, because the agency does not have the necessary funds. The Commission directed the City Engineer to make an inspection of the building to determine the current condition. The Commission discussed scheduling a work session with the Model City Day Care Center Board, but decided they would delay the meeting until the report from the City Engineer is reviewed.

3. Street Closing: First Reading was given to an Ordinance entitled:

ORDINANCE CLOSING A PORTION OF OVERLOOK CIRCLE, A STREET LOCATED IN THE LOVERS LEAP SUBDIVISION OF THE CITY OF PIKEVILLE

City Attorney Davis explained that Gary and Anita Johnson have purchased 4 lots in the Lovers Leap Subdivision which circle a cul-de-sac. Because the streets have been approved on a dedicated plat, the City is required to adopt an Ordinance to officially close the street. The Commission was assured that no other property owner is denied access to their property by the proposed street closure.

Second reading of the Ordinance was scheduled for May 29, 1997.

4. Library: Mr. Davis told the Commission that the City sold the library annex tract in public auction. The purchaser, who also owned the adjacent library structure, served an eviction notice on the Pike County Public Library Board District the day after the auction. While the sales agreement for the tract that was sold in public auction had a provision that the Library could remain on the premises for 18 months, the City had no way of protecting the existing facility. Mr. Davis told the Commission that the

MINUTES } CITY OF PIKEVILLE

Pike County Public Library Board District is not going to contest the eviction notice and recommended no action by the City Commission. The City Commission concurred with the recommendation.

AGENDA ITEM VI.

NEW BUSINESS

A. MAY COMMISSION MEETING: Due to the Memorial Day Holiday, Commissioner Mounts made the motion, seconded by Commissioner Blackburn to cancel the May 26, 1997 regular meeting and reschedule the meeting for May 29, 1997 at 6:00 p.m. The motion carried unanimously.

B. EMERGENCY SHELTER: Project Director Sue Smallwood requested permission to authorize grants writer, Will Linder, to prepare and submit an application for an Emergency Shelter grant for a sum not to exceed \$50,000.00. The proceeds will be designated for salaries and operational costs. Commissioner Mounts made the motion to authorize the submission of an application for an Emergency Shelter grant for an amount not to exceed \$50,000.00. Commissioner Clark seconded the motion. The motion carried unanimously.

C. HILLBILLY DAYS: Mayor Pro-Tem Davis advised the Commission that Mayor Combs had placed this item on the agenda and asked that discussion be delayed until the next meeting.

There being no further business to come before the Commission, Commissioner Mounts made the motion, seconded by Commissioner Clark to adjourn the meeting. The motion carried 4 - 0. (Adjournment Time: 8:55 p.m.)

APPROVED

STEVEN D. COMBS, MAYOR

ATTEST:

KAREN HARRIS, CITY CLERK