

# MINUTES } CITY OF PIKEVILLE September 16, 1997 - Page 2

## CITY OF PIKEVILLE BOARD OF COMMISSIONERS REGULAR MEETING MINUTES SEPTEMBER 22, 1997

The Board of Commissioners of the City of Pikeville met in regular session on Monday, September 22, 1997. The meeting was held in the City Hall Public Meeting Room at 260 Hambley Boulevard in Pikeville, Kentucky.

There being a quorum present, Mayor Steven D. Combs called the meeting to order at 6:00 p.m. Commission Members present at roll call were as follows:

MAYOR:	STEVEN D. COMBS
COMMISSIONERS:	EUGENE DAVIS
	JOHNNY MOUNTS
	SHARON CLARK

There is currently one vacancy on the Board of Commissioners.

### AGENDA ITEM II. MINUTES

The minutes for the previous regular meeting held on August 25, 1997 and the minutes from the September 11 and 16, 1997 special meetings were included in each Commission Member's agenda package. There being no additions or corrections, Commissioner Davis made the motion, seconded by Mayor Combs to approve the minutes as presented. The motion carried 2 - 0 - 2 with Commissioners Clark and Mounts abstaining from the vote.

### AGENDA ITEM III. BUSINESS FROM THE FLOOR

A. CASSADY BOULEVARD/THOMPSON ROAD: A number of residents from areas utilizing Thompson Road/Cassady Boulevard were present to discuss the hazardous traffic situation created by the new Wal-Mart Development. Anna Lou Shurtleff voiced her opposition to the impression that Cassady Boulevard appears to be a private driveway to Wal-Mart and, that those exiting the Wal-Mart parking lot, have right-of-way precedence over the vehicular traffic on the main thoroughfare. Mayor Combs reported that he had visited the area with resident John Paul Runyon and finds the traffic scheme unacceptable. City Engineer Sykes advised that he has inspected the site and recommends restriping, as well as requiring traffic exiting the Wal-Mart parking lot to yield right-of-way to travelers on Cassady Boulevard. Mr. Sykes also recommended painting another turn arrow closer to the intersection for added visibility. It was announced that City Manager Blackburn had authorized the installation of street lights. In accordance with the City's agreement with Wal-Mart, the corporation will conduct a traffic count study after they have been in operation 90 days to determine if a traffic control device is needed. The City Engineer presented other alternatives for the Commission's consideration to relieve the anticipated traffic congestion. Suggested was the addition of an entrance to be constructed parallel to the Super 8 Motel property and improvements to Thompson Road.

Commissioner Mounts made the motion to establish and post a 3-way stop on Thompson Road and to erect a stop sign for traffic exiting the Wal-Mart property. Commissioner Clark seconded the motion. The motion carried 4 - 0.

### AGENDA ITEM IV. PAYMENT OF BILLS

A. CITY BILLS: A list of City Bills totaling \$344,720.48 was presented to the Commission for approval of payment. Presented with the bill listing was a memorandum from former City Manager Johnson advising that he had reviewed the requests for payment, recommended their payment, and affirmed that sufficient funds were available to make payment. Commissioner Mounts made the motion, seconded by Commissioner Davis to approve payment of the City Bills as requested. The motion carried unanimously.

### B. ACADEMY BUILDING

1. Commonwealth Building & Construction: Presented for approval was Commonwealth Building & Construction's invoice in the amount of \$20,841.70 for contract activities on Phase I of the Academy Building Stabilization Project. Historic Preservation Board Chair, Jack Sykes, advised the Commission that the Board had reviewed the invoice and recommended approval of payment as requested. Commissioner Davis made the motion, seconded by Commissioner Mounts to approve payment of the invoice totaling \$20,841.70. The motion carried unanimously.

2. Richardson & Associates: Presented for payment were two requests from Richardson & Associates. An invoice totaling \$1,709.64 for services on Phase I of the Academy Building Stabilization Project, along with an invoice totaling \$15,000.00, which represents 60% of the \$25,000.00 architectural fee for Phase II were reviewed by the Historic Preservation Board. Mr. Sykes advised that the Historic Preservation Board concurred and recommended approval of the two invoices as presented. Commissioner Davis made the motion, seconded by Commissioner Mounts to approve payment of the two bills as requested. The motion carried unanimously.

3. & 4. Phase II Construction/Floor Plan Allocation: Architect Bill Richardson displayed the design plans for the interior renovation of the Academy Building, along with the floor plan allocation as proposed by the Historic Preservation Board and their advisory committee. Mr.



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Richardson told the Commission that much of the interior will be replaced with materials to match the building's original interior design. A new electrical system will be installed. Additionally, there will be built-in work stations. After three meetings with the 10 member advisory committee (made up of proposed tenants), a floor space plan was conceived. Detailed on the plan was office space for Tourism, Chamber of Commerce, IDEA, Main Street, Pike County Preservation Council, Pikeville Alumni Association, Small Business Administration, Big Sandy Arts Council, as well as space for a gift shop and storage vault. The second floor has classroom facilities and assembly space.

Mr. Richardson told the Commission that once the design plans have been reviewed and approved by the appropriate officials (State Historic Preservation, Department of Transportation), the City can advertise for bids for a contractor. He estimated the building renovation would be completed by June, 1998.

Commissioner Mounts made the motion to authorize advertising for bids for a contractor for Phase II of the renovation of the Academy Building and to approve the floor plan allocation as developed by the Historic Preservation Board's sub-committee. Commissioner Clark seconded the motion. The motion carried unanimously.

5. Tenant Lease Agreement: Historic Preservation Board Chair, Jack Sykes, advised the Commission that the Board had asked Judy Walters, real estate appraiser, consultant, and member of the Historic Preservation Board, to prepare a proposed rental fee for office space in the Academy Building. Ms. Walters said it had been conveyed to her that the City was not interested in deriving revenue from the building, but to provide for payment of the utilities and maintenance. The rates for each of the proposed tenants included common areas (hallways, basement, auditorium, restrooms). Submitted to the Commission was a suggested lease rate computed at \$8.00 per square ft. (does not include cleaning) for each proposed tenant as identified on the floor allocation plan. Based upon the market rents, the potential gross income for the Academy Building is \$47,267.00 with utilities and maintenance (figured at 30% to 45% of the income) to be paid from this amount and the remaining placed in an interest bearing account for the purpose of replacing short-lived items such as paint, light fixtures, etc., and long-term items such as the roof, air conditioners, etc. Ms. Walters' figured that \$28,000.00 would be in the reserve account after the first year. She suggested that in the second year and years to follow, a \$1.25 per square foot base rent could be established, which would go into a reserve account for utilities and maintenance and allocate the prior years expenses as the tenant rent based upon the tenants percentage of occupancy. Ms. Walters also suggested a 3 to 5 year lease period for each tenant.

The Commission authorized City Manager Blackburn and City Attorney Davis to enter into negotiations with prospective tenants.

6. Survey & Planning Grant Application: The City had a historic survey completed about 6 to 7 years ago which encompassed various structures within the City. Mr. Sykes asked for permission to submit an application for grant funds to update the survey. Grant amounts do not exceed \$10,000.00. The City will be responsible for providing a 40% match, a portion of which can be in-kind services. Mr. Sykes estimated a cash outlay of \$2,000.00. Mr. Sykes advised that during the survey, a historic preservation specialist would physically inspect various structures within the City to determine if any are eligible for inclusion on the National Register for Historic Places.

Commissioner Mounts made the motion, seconded by Commissioner Davis to authorize the submittal of a grant application for a Planning & Survey Grant. The motion carried 4 - 0.

7. City Hall Canopy: Mr. Sykes advised the Commission that a canopy had once existed on the City Hall Buildings, but was removed during the Boulevard construction. He reported that he had been asked by the Historic Preservation Board to determine the Commission's interest in having the canopy replaced. Mr. Sykes stated that he is under the impression that the poles are stored at the Public Works Headquarters on Island Creek. The City could apply for a grant which would pay 80% of the cost for replacement of the canopy. The Commission asked that it be determined if the poles are available and asked for a cost estimate prior to making a decision of whether to apply for funds to replace the canopy.

### 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. Raw Water Intake: Mr. Sykes called attention to a letter submitted by Holly Nicholas of PDR Engineers, grants writer, advising that the City could proceed with the project if the City wanted to take the risk that Rural Development Grant funds would be awarded. Mr. Sykes recommended not to proceed with the project at this time (river levels are lower in August to October), but to wait until Spring to advertise for bids. Mr. Sykes told the Commission that the entire project, which includes repairs to the intake, telemetry installation, water storage improvements and grit removal in the flocculation basins, will take between 6 and 9 months to complete. Improvements to the intake itself are estimated to be completed in two months.

2. Harolds Branch Road: Presented was a summary of bids received for the construction of the Department of Transportation reimbursed Harolds Branch Road Improvements Project. Mr. Sykes advised that this is the second time that bids had been accepted for the project, as the original bids were rejected by D.O.T. and the City because of the excessive dollar amount over the



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engineer's estimate. Two bids were again submitted. Reviewed were bids from C & W Equipment and Mountain Enterprises. The low bid was once again from C & W Equipment in the amount of \$1,049,491.51 (a little over \$100,000. less than their previous bid). The engineer's estimate was approximately \$869,000.00. The bid results have been forwarded to D.O.T. in Frankfort, however no correspondence has been received at this time.

The City Engineer recommended the City delay any action until D.O.T. decides whether they will concur with the low bid.

3. Cedar Creek Water Tank: During a previous meeting, the Commission approved funding up to \$175,000.00 for the installation of a water tank on Cedar Creek which will serve a project being developed by the Bowles Heirs. The developer has approved a contract for the acquisition and installation of the tank in the amount of \$176,628.19. The tank will be installed within the next 90 days. Summit Engineering will inspect the project. It was noted that the expenditure had not been placed in the City's budget, however the Commission confirmed they would amend the budget and honor the commitment.

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

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

**ORDINANCE AMENDING THE CITY OF PIKEVILLE'S ZONING MAP FOR THE AREA OF CEDAR CREEK FOR A 20.3 ACRE TRACT FROM PD-MU TO R-1 AND R-3 AND A 2.3 ACRE TRACT FROM R-1 TO R-3 (O-97-007)**

Mayor Combs made the motion to adopt the Ordinance as presented. Commissioner Clark seconded the motion. The motion carried with the following votes:

MAYOR:	STEVEN D. COMBS	YES
COMMISSIONER:	EUGENE DAVIS	YES
	JOHNNY MOUNTS	ABSTAIN
	SHARON CLARK	YES

2. Retirement: Attorneys Larry Webster and Mike Lucas were present to again petition the Commission, on behalf of Glen Snodgrass, Ballard Adkins, and the estate of James Tucker, for retirement benefits. During a previous meeting, the Commission and Mr. Webster agreed to ask local attorney Richard Elswick to give an opinion as to whether the City could legally continue the practice of deciding, on a case-by-case basis, the allotment of retirement benefits to employees with 25 or more years of service, or if changes in the Kentucky Revised Statutes prohibited such payments. A letter of opinion from Richard Elswick was submitted to the Commission which basically states there is no legal impediment to granting pensions, however the City is not required to do so. It was learned during discussion with Mr. Webster that both Mr. Snodgrass and Mr. Adkins had transferred to PSG in June, 1989. Mr. Snodgrass became disabled during 1996. Mr. Adkins retired in August, 1997. Attorney Lucas advised the Commission that Mr. Tucker's estate is only requesting benefits until the date of his death (\$25,730. - \$500.00 per month for 4 years, 3 months). Mr. Lucas reported that his client not not meet the 25 years employment specification, but contended that an individual with only 15 years service is currently receiving benefits from the City. Mr. Webster advised the Commission that his clients are drawing a very small pension amount from PSG, because of the fact they did not have enough service time with that company. He advised that his clients would agree to accept the \$500.00 customary stipend to be lessened by any pension benefits they are currently receiving.

At 7:10 p.m., Mayor Combs made the motion to adjourn to executive session for the purpose of discussing a legal matter concerning the petition for retirement benefits. Commissioner Davis seconded the motion. The motion carried unanimously.

Prior to adjourning to executive session, City Manager Blackburn made the Commission aware that Sandy Valley Water District had requested an easement, across City property in the vicinity of the Thompson Road Fire Station, to extend water service to Frederick Jones' residence. Mr. Blackburn reported that City Engineer Sykes had not reviewed the request and asked that any decision be delayed until Mr. Sykes considers the matter. Mayor Combs announced that he anticipated a Special Meeting of the Commission within the next two weeks and advised the Jones that the Commission would consider the matter at that time.

At 7:40 p.m., Mayor Combs made the motion to reconvene to regular session. Commissioner Mounts seconded the motion. The motion carried unanimously.

The Mayor told the petitioners and their attorneys that no member of the Commission wanted to deny benefits, however it is not known how many more employees the City may have that could qualify for retirement benefits. He added that it was his understanding that employees who transferred to PSG would no longer have been eligible to receive any type of retirement benefits from the City. At Commissioner Mounts' suggestion, City Manager Blackburn was directed to prepare a list of the employees who would be eligible to receive pension benefits using the requirement that they were employed in August, 1975 and have 25 years of service time.

\*Mayor Combs left the meeting at this time. Mayor Pro Tem Davis assumed the duties of chairman.



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3. Traffic Flow Change: First reading was given to an Ordinance entitled:

ORDINANCE ESTABLISHING TWO WAY TRAFFIC ON AUXIER AVENUE BETWEEN THIRD STREET AND WOLFORD ALLEY AND PROHIBITING PARKING THEREON

Second reading of the Ordinance was scheduled to be heard at the October 27, 1997 regular meeting.

4. Raw Water Intake Funding: Presented was the following resolution:

CITY OF PIKEVILLE  
RESOLUTION NO. R-97-005

The City of Pikeville desires to undertake improvements to the water system. The improvements proposed are:

- Raw Water Intake Improvements
- Telemetry Installation
- Water Storage Improvements
- Raw Water Supply Grit Removal Installation

In order for the City to undertake this project, applications must be filed with federal agencies. The agencies that the City will apply to are the Rural Development and the Appalachian Regional Commission.

The City Commission hereby resolves to authorize the Mayor to sign the applications to the above agencies and work on behalf of the City in securing funding assistance for the water system improvements.

Adopted this 22nd day of September, 1997.

/s/ Steven D. Combs  
Steven D. Combs  
Mayor

Commissioner Mounts made the motion to adopt the resolution. Commissioner Clark seconded the motion. The motion carried 3 - 0.

5. Bank Account Signators: City Attorney Davis presented and gave reading to the following resolution:

RESOLUTION DESIGNATING KENNY BLACKBURN,  
CITY MANAGER, AS AUTHORIZED TO SIGN  
CHECKS ON BEHALF OF THE CITY OF PIKEVILLE

R-97-006

WHEREAS, the Pikeville City Commission desires to authorize its City Manager, Kenny Blackburn, to replace former City Manager, John B. Johnson, as a signatory for checks drawn on the City of Pikeville's numerous checking accounts with Community Trust Bank, Trans Financial Bank, Matewan National Bank, Kentucky National Bank of Pikeville and Family Bank.

BE IT RESOLVED BY THE CITY OF PIKEVILLE AS FOLLOWS:

1. That the City Manager, Kenny Blackburn, is hereby authorized to sign checks on all accounts of the City of Pikeville. In every instance, all checks drawn on accounts of the City of Pikeville are to be signed by two persons, being the Finance Director, City Clerk or City Manager.

2. That all prior resolutions granting Jan Hunt as Finance Director and Karen Harris as City Clerk, authority to withdraw and sign checks on the accounts of the City of Pikeville are hereby reaffirmed, and; the City Manager, Kenny Blackburn, is hereby authorized to sign checks on all of the accounts of the City of Pikeville in the absence of the Finance Director or the City Clerk.

3. Community Trust Bank, Matewan National Bank, Trans Financial Bank, Kentucky National Bank of Pikeville and Family Bank are each authorized to pay and charge to the accounts of the City of Pikeville checks signed by Jan Hunt as Finance Director and Karen Harris as City Clerk; or Jan Hunt as Finance Director and Kenny Blackburn as City Manager; or Karen Harris as City Clerk or Kenny Blackburn as City Manager.

4. The City Clerk is authorized and directed to deliver for and on behalf of the City of Pikeville a certification of this resolution to Community Trust Bank, Trans Financial Bank, Matewan National Bank, Kentucky National Bank of Pikeville, and Family Bank. The City Manager, Kenny Blackburn, is authorized to execute any documents necessary to enforce this resolution which are consistent with the authority granted herein.

5. That Community Trust Bank, Trans Financial Bank, Matewan National Bank, Kentucky National Bank of Pikeville and Family Bank are authorized to rely upon this resolution until they have received written notice of any amendments or revisions of this resolution.



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6. That signature stamps shall not be used for signing checks drawn on accounts of the City of Pikeville.

Passed this 22nd day of September, 1997.

Commissioner Mounts 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>
STEVEN D. COMBS, MAYOR		ABSENT
GENE DAVIS, COMMISSIONER	<u>X</u>	
SHARON CLARK, COMMISSIONER	<u>X</u>	
JOHNNY MOUNTS, COMMISSIONER	<u>X</u>	

The Mayor declared the within resolution adopted.

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

ATTEST:

/s/ Karen Harris  
KAREN HARRIS, CITY CLERK

6. Division Street: City Attorney Davis advised that former City Manager, John Johnson, had asked him to prepare a resolution to designate parts of Division Street open for two-way traffic. He added that he had been told that it was possible that state funds could be available to construct a ramp to connect the river fill area with Bypass Road thus making it prudent to change the traffic flow for certain portions of Division Street. Commissioner Mounts suggested that a determination be made as to how many parking spaces would be lost through the change in traffic flow. Action on the matter was delayed until the next meeting.

7. Proclamation: Presented was a proclamation recognizing John B. Johnson for his accomplishments during his tenure as City Manager. The proclamation was read as follows:

## PROCLAMATION

WHEREAS, John Johnson has faithfully served the City of Pikeville and its citizens as City Manager from February 27, 1989 to September 19, 1997.

WHEREAS, under the leadership of City Manager John Johnson, the City of Pikeville established one of the first E911 Systems in Kentucky; constructed a new police station and E 911 dispatching center; constructed a new downtown fire station; established and constructed a new fire station to serve the north end of the City; constructed a regional serving fire training tower and classroom center; established an ambulance service; constructed a new sanitary waste treatment plant; completed the establishment of a new commercial development site on the old airport site; adopted a comprehensive subdivision development regulations for the orderly and safe development of new subdivision; began a consolidated project with the Pike County Library Board to construct a new library for the City of Pikeville; renovated the City Park and Pikeville Academy Building; establishment of a regional Y.M.C.A. facility in the Bob Amos Park; completion of sanitary waste treatment collection line to all areas with the City; renovation and cleanup of the Pikeville pond.

WHEREAS, John Johnson's tireless devotion to his duties as City Manager along with his outstanding leadership abilities have been instrumental to the establishment and completion of these heretofore named projects.

NOW, BE IT HEREBY PROCLAIMED by the Commission for the City of Pikeville that John Johnson shall be honored and recognized for his achievements and accomplishments as City Manager for the City of Pikeville under whose leadership the City has grown to become a regional cultural, business, medical and educational center.

Passed this 22nd day of September, 1997.

Commissioner Johnny Mounts moved for the adoption of the foregoing proclamation.

Commissioner Sharon Clark seconded the motion.

Upon roll call, the votes were as follows:

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



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STEVEN D. COMBS, MAYOR	ABSENT
GENE DAVIS, COMMISSIONER	X
SHARON CLARK, COMMISSIONER	X
JOHNNY MOUNTS, COMMISSIONER	X

The Mayor declared the within proclamation adopted.

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

ATTESTED:

/s/ Karen Harris  
KAREN HARRIS, CITY CLERK

C. CITY MANAGER'S REPORTS: Kenny Blackburn, City Manager, presented the following items:

1. Air Compressor/Dump Truck Bids: The Commission was advised that three bids had been received for the purchase of an air compressor and two bids had been submitted for the purchase of a dump truck for the Public Works Department. The bids were as follows:

Air Compressor:	Whayne Supply	\$11,195.00
	Wilson Equipment	\$11,760.00
	Phelps Equipment	\$11,495.00
Dump Truck:	Hazard Truck Sales	\$46,619.00
	optional snow plow	4,296.44
	optional spreader	3,650.00
	Yearly Truck Sales	\$46,948.00

PSG Manager, Greg May, advised the Commission that he had reviewed the bids and recommends award of the bids to each of the respective low bidders. Commissioner Mounts made the motion, seconded by Commissioner Clark to award the bid for the purchase of the air compressor to the low bidder, Whayne Supply, in the amount of \$11,195.00 and the purchase of the dump truck from the low bidder, Hazard Truck Sales in the amount of \$46,619.00. The motion carried 3 - 0.

2. Sweeper Truck: Commissioner Mounts requested that PSG Manager May make a presentation at the next meeting with regard to the acquisition of a new street sweeper.

3. Halloween Trick-or-Treat: It was the consensus of the Commission to designate the same date and hours for the observance of Halloween Trick-or-Treat as designated by the Pike County Fiscal Court.

4. Executive Session: Pursuant to the City Manager's request, Commissioner Clark made the motion to adjourn to executive session for the purpose of discussing a personnel matter. Commissioner Mounts seconded the motion. The motion carried 3 - 0. (Adjournment Time: 8:20 p.m.)

At 8:55 p.m., Commissioner Mounts made the motion, seconded by Commissioner Clark to reconvene to regular session. The motion carried 3 - 0.

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

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 3 - 0. (Adjournment Time: 9:00 p.m.)

APPROVED: \_\_\_\_\_  
STEVEN D. COMBS, MAYOR

ATTEST:

\_\_\_\_\_  
KAREN HARRIS, CITY CLERK