

MINUTES } CITY OF PIKEVILLE

~~1997 Regular Meeting was held on Monday, November 24, 1997 at 6:00 p.m. in the City Council Chamber. The following members were present: Mayor Steven D. Combs, Commissioner Eugene Davis, Commissioner Sharon Clark, Commissioner Bill Blackburn, and City Engineer Jack Sykes. The following members were absent: Commissioner Mounts. The following items were discussed: 1. Minutes of the November 11, 1997 Regular Meeting. 2. Keyser II Subdivision. 3. Payment of Bills. 4. Old Business. 5. New Business. The meeting adjourned at 7:00 p.m.~~

MAYOR: STEVEN D. COMBS
COMMISSIONER: BILL BLACKBURN
EUGENE DAVIS
SHARON CLARK

Commissioner Mounts arrived at the meeting at 6:15 p.m.

AGENDA ITEM II. MINUTES

The minutes for the Special Meeting held on November 11, 1997 and Regular Meeting held on November 24, 1997 were included in each Commission Member's agenda package. There being no additions or corrections, Commissioner Davis made the motion, seconded by Commissioner Clark to approve the minutes as submitted. The motion carried 4 - 0 (Commissioner Mounts not present at the time of the vote).

AGENDA ITEM III. BUSINESS FROM THE FLOOR

KEYSER II SUBDIVISION: Appearing before the Commission was Stuart Adams and his engineer, Mark Westfall, to address the Commission concerning the proposed installation of a 200,000 gallon water storage tank to serve both, the Keyser II and Northmonte Subdivisions. Mr. Westfall presented two options. Option 1 provides for the installation of a 200,000 gallon storage tank on Mr. Adams' property and extending the service line 2800 feet to the Keyser Subdivision. Option 2 provides for the installation of a 100,000 gallon storage tank, funded totally by Mr. Adams, to serve his development only. There is an estimated \$105,000 difference in cost between the two options, which includes an estimated \$55,000 for the water line extension. The Commission had reviewed the advantages of combining the water storage facilities serving the Northmonte and Keyser Subdivisions at the previous meeting, and determined that operating costs, as well as the increase in reservoir supply, would be more beneficial to the City rather than operating two smaller water tanks. City Engineer Sykes advised the Commission, that Northmonte owner, Bob Billips, has verbally agreed to grant the City an easement to install the larger storage tank on his property. He added that the Commission may want to consider whether they would be willing to fund the installation of the additional water line needed to serve Mr. Adams' property. Mr. Sykes gave his opinion that it would be necessary for Mr. Adams to install additional line to serve his other property if the 100,000 gallon tank were installed. Mr. Adams told the Commission that he had no plans of developing that property and stated that he would proceed with the submission of the necessary documentation to Frankfort to obtain a permit to install the 100,000 gallon tank. He added that should the City decide it would participate in funding the upgrade, he would resubmit his permit application accordingly. Mayor Combs said that he had no problem with funding the difference in the cost of the tanks, however the line extension would be solely for Mr. Adams' benefit. Mr. Adams argued that Northmonte's need for adequate fire protection should be justification enough to fund the additional water service line. City Manager Blackburn pointed out that Northmonte is not without fire protection. Further discussion was had with regard to the fact that Mr. Adams would need to install a pump station to supply water to Dark Hollow should the 100,000 gallon tank be installed, as well as, installing telemetry. It was also pointed out that Dark Hollow would have no fire protection unless an additional water tank was installed. Mr. Adams agreed to delay his permit application until the next meeting to allow the City Manager and the City Engineer sufficient opportunity to review the options and visit the site. The City Commission authorized the City Manager to negotiate with Mr. Adams concerning this issue.

AGENDA ITEM IV. PAYMENT OF BILLS

A. CITY BILLS: A list of City Bills totaling \$347,412.06 was presented to the Commission for approval of payment. Upon confirmation from the City Manager that sufficient funds were available to make payment, Mayor Combs made the motion, seconded by Commissioner Davis to approve payment of the bills as requested. The motion carried unanimously. The Finance Director reported that the City is within its overall budget.

B. WATER TANK PAINTING: City Engineer, Jack Sykes, presented a request for payment from W & O Contracting in the amount of \$14,500.00 for the painting and repairs of the Quail Ridge Water Storage Tank. Mr. Sykes advised the Commission that the project is complete and the tank has been placed back into service. Commissioner Mounts made the motion to approve the payment request totaling \$14,500.00 to W & O Contracting. Commissioner Davis seconded the motion. The motion carried 5 - 0.

AGENDA ITEM V. OLD BUSINESS

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

1. Harolds Branch Road Improvements: Mr. Sykes advised the Commission that the contractor for the Harolds Branch Road Improvement Project will begin work on March 1st, with the completion date targeted for May, 1998. In conjunction with this project, the Commission was advised that the

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were receiving revenue from the well). Mr. Kinzer has also signed the agreement. Commissioner Mounts asked if there will be sufficient fill materials from the Harolds Branch project to justify the agreement with Mr. Kinzer. Mr. Sykes advised there will be about 20,000 cubic yards of material which will be wasted in Poor Farm, which in his opinion, will drastically improve the site. He added that with some reshaping, the City will have a nice piece of property. Mr. Sykes told the Commission that he is in the process of negotiating a credit with the contractor for the fill material being wasted in the river fill. He reported that the City may get enough which could be applied to the redressing of the Poor Farm property. The City Engineer advised that Lauffer Well Services had quoted a price around \$16,500.00 to seal the well on Ferguson Creek. He asked that the City Manager be authorized to enter into an emergency agreement with Lauffer Well Services to seal the Poor Farm Well so long as the cost did not exceed \$16,500.00. It was reported that the City will be reimbursed for the cost of sealing the Poor Farm Well. Commissioner Mounts made the motion to authorize the City Manager to negotiate an emergency contract with Lauffer Well Services for the sealing of the Poor Farm Gas Well. Commissioner Davis seconded the motion. The motion carried 4 - 0 - 1 with Mayor Combs abstaining from the vote. Mayor Combs made the motion that he be authorized to execute the agreement with Kinzer Drilling. Commissioner Mounts seconded the motion. The motion carried unanimously.

2. Quail Ridge Water Tank: As reported during the payment of bills, Mr. Sykes told the Commission that the water storage tank at Quail Ridge had undergone repairs and painting and has been placed back in service.

3. The engineers are in the process of designing a replacement section of water line for an area on Peach Orchard.

4. Raw Water Intake Project: Mr. Sykes advised the Commission that he is still proposing to bid this project in the spring. He reported that a letter had been received from the Department of Rural Development advising that the project had not been funded. Mr. Sykes reported he investigated and learned that all applicants had received a similar letter and thinks that Rural Development may be waiting for the governor's recommendations.

5. Lift Station #7: The City Engineer reported that he had met with PSG and the pump manufacturers concerning the needed repairs at Lift Station #7. PSG is completing additional tests. Mr. Sykes told the Commission that he hopes to present a report at the next meeting.

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

1. Retirement: During a previous meeting of the Commission, Attorney Larry Webster was asked to prepare an ordinance establishing guidelines for retirement benefits. The three parameters cited by Mr. Webster were:

1. Employed by the City of Pikeville on August 25, 1975.
2. Completed at least 25 years of service to the City of Pikeville.
3. Retire from service for the City of Pikeville.

Additionally, a provision was included to provide for a \$500.00 per month allotment with a dollar for dollar offset for any other private pension received from any other source other than social security or SSI by the employee and is only payable to the employee for and during his natural life.

In both sections 2 and 3 of the proposed ordinance, Mr. Davis reported that he had changed the word "service" to "employment". In addition, he included a fourth section which requires the retiree to be at least 65 years in age. The Commission had considerable debate as to whether to include an age requirement. City Attorney Davis told the Commission that he had inserted this provision so the employee could work as long as possible instead of encouraging retirement once the service time had been met, which would allow the employee to seek employment elsewhere. Commissioner Blackburn suggested omitting the age requirement and inserting the provision for a dollar for dollar offset for any private pension (other than social security or SSI) and from any earned income. The Commission agreed with the suggestion. First reading of the Ordinance was given with the proposed changes. Second reading was scheduled for the next regular meeting.

2. Street Names: Presented and given second reading was an Ordinance entitled:

ORDINANCE NAMING A PREVIOUSLY UNNAMED STREET IN THE RIVERFILL NEAR THE EXTENSION OFFICE TRIVETTE DRIVE IN HONOR OF JOHN BILL TRIVETTE

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

MAYOR:	STEVEN D. COMBS	YES
COMMISSIONER:	BILL BLACKBURN	YES
	EUGENE DAVIS	YES
	JOHNNY MOUNTS	YES

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SHARON CLARK

YES

Second reading of an Ordinance was given to name a previously unnamed street on Walters Road "Preston Drive" in honor of Walter Preston Walters.

Residents Jim & Melissa Lester were present and objected to the proposed street name. Mr. Lester told the Commission that the road would not have existed without the time and effort expended by Mrs. Lester. He suggested the road be named "Melissa Lane". Mrs. Lester told the Commission that Mr. Walters did not own the property where the roadway is located and pointed out that the Walters family had already been honored, as the main thoroughfare is named "Walters Road". Commissioner Mounts expressed his concurrence with the Lester's objections, and thought the roadway's proposed name should be changed.

Commissioner Clark made the motion to adopt the Ordinance naming the street "Preston Drive". Commissioner Davis seconded the motion. The motion failed with Commissioners Clark and Davis voting yes; Commissioners Blackburn and Mounts voting no; and Mayor Combs abstaining from the vote.

The City Attorney prepared an Ordinance to name the street "Melissa Lane" and gave the Ordinance first reading. The Ordinance was scheduled for second reading during the next meeting.

3. Pikeville Little League: City Attorney Davis advised that he had sent both, the current lease agreement and the proposed lease agreement between the City and the Pikeville Little League for the field at Bob Amos Park, to the Commission for their review. The difference in the lease is the term. The current lease was for a 10 year period. The proposed lease term is 25 years with an option to renew for one 25 year term. There is no provision for cancellation. The City Attorney was directed to prepare an amendment to the lease to provide for cancellation by either party, with the provision if the City should cancel, the Little League would be reimbursed for any improvements and the City would find another location for the Little League field. Commissioner Mounts made the motion to approve the agreement as amended and authorized the Mayor to execute the agreement. Commissioner Davis seconded the motion. The motion carried unanimously.

4. Escort/Dating Service: During the previous meeting, the Commission adopted an emergency ordinance to place a 90 day moratorium on the issuance of business licenses for escort/dating services. Since that time, the City Attorney has prepared a proposed ordinance to establish the guidelines for the issuance of a business license and parameters under which the business is to be operated. Mr. Davis pointed out that larger cities have reported problems with this type of business being a "front" for criminal and other illegal activities. The intent of the ordinance is to regulate the conduct of the business as strictly as possible to ensure that illegal activity won't happen under the guise of a legal business. The ordinance provides for a \$3,500 fee for a business license. Should the applicant be unable to meet all the criteria and the application is not approved, \$3,000 will be refunded, with \$500.00 being retained for administrative fees. The fee was established in what, some may term as large, because of the anticipated amount of time that would be required to monitor the business' activities. The ordinance provides for the City Attorney to review the application with final approval resting with the City Commission. The City Attorney gave reading to the summary ordinance declaring an emergency and adopting the ordinance to establish a business license and regulations for escort/dating services. Commissioner Blackburn pointed out that in the preface of the ordinance, statistics are cited which have linked escort/dating services to sexual misconduct and organized crime. He added that it may be in the best interest of the populace for the Commission to deny the request for a business license. The City Attorney advised the Commission that the City is obliged to give a license to anyone to conduct any legal business. He added that the Commission can not adopt an ordinance to prohibit the business, but can adopt enforceable regulations. The Commission declined to declare an emergency to adopt the ordinance and scheduled second reading for the next meeting.

5. Deadly Weapons: The City Attorney presented an Ordinance for first reading which was submitted by the Housing Authority concerning the banning of deadly weapons upon the public portions of the housing projects. Mayor Combs reported that the Housing Authority Board had been advised by HUD to adopt the Ordinance. City Attorney Davis explained there is no penalty clause in the ordinance and, at the suggestion of the Commission, delayed first reading until the ordinance can be amended to include a ban on carrying concealed weapons on the City's property and a penalty clause.

6. Sign Ordinance: First reading of the Ordinance was deferred until the next regular meeting.

7. Park Street Zoning: Presented for first reading was an Ordinance to amend the zoning map to provide for a change in zoning from R-1 to R-3 for certain property owned by Judy Walters on Park Street. Attorney Davis reported the matter had been approved by the Joint Planning Commission. The purpose of the change is to allow the construction of an apartment complex. The Commission questioned the amount of property to be affected by the proposed change. The minutes from the Planning Commission meeting indicated a tract consisting of 3.46 acres. The City Attorney advised that he had placed no property dimensions in the ordinance. Commissioner Mounts asked if the proposed change had been posted and if there were any objections to the proposed change. The City Attorney advised it is the responsibility of the secretary of the Planning Commission to ensure compliance with the zoning ordinance. Building Inspector, Levy Green, reported there had been concerns voiced about the probable increase in traffic flow. During the Planning Commission Meeting, Mrs. Walters had advised the Board and the residents that she would make an effort to divert the traffic to the river fill and not use Park Street as the primary entrance. Second reading of the Ordinance was scheduled for the next regular meeting.

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The Commission directed that a transcript of the Planning Commission Meeting be submitted for their review.

8. Proclamation: As directed at the previous meeting, City Attorney Davis presented and read the following proclamation honoring Robert Johnson:

WHEREAS, Robert Johnson did depart from life on the 22nd day of November, 1997 and had during his life faithfully served his community and the City of Pikeville as the director of the Pikeville Urban Renewal and Community Development Agency which under his leadership oversaw one of the most significant development periods in the history of the City of Pikeville as a result of the construction of the Pikeville Cut-Through Project and various Urban Renewal projects related to the Cut-Through Project. As executive director of the Urban Renewal and Community Development Agency, Robert Johnson, was responsible for all property acquisitions necessary for the Cut-Through Project, relocation of those displaced by acquisitions, relocation of the C & O Railroad Right-of-Way and facilities and administration of Urban Renewal funds. Robert Johnson was also the first director of the Pikeville Housing Authority and was instrumental in applying for funding which eventually resulted in grants for the construction of the various housing projects within the City.

WHEREAS, the City of Pikeville desires to recognize and honor Robert Johnson for his many achievements on behalf of both his community and the City of Pikeville which resulted in the significant growth and prosperity of our community.

NOW, BE IT HEREBY PROCLAIMED BY THE CITY OF PIKEVILLE that Robert Johnson shall be honored and recognized for his achievements and accomplishments on behalf of his community and the City of Pikeville.

Passed this 24th day of November, 1997.

Mayor Steven D. Combs moved for the adoption of the foregoing proclamation. Commissioner Eugene Davis seconded the motion.

Upon roll call, the votes were as follows:

STEVEN D. COMBS, MAYOR	YES
GENE DAVIS, COMMISSIONER	YES
SHARON CLARK, COMMISSIONER	YES
JOHNNY MOUNTS, COMMISSIONER	YES
BILL BLACKBURN, COMMISSIONER	YES

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 for the Commission's consideration:

1. Surplus Property Auction: The City Manager advised that the surplus property auction, consisting of over 100 items, will be held on January 6th at 10 a.m. The Commission agreed to offer the 1974 mini pumper for sale, with a reserve of \$6,000.00.

2. Paving Report: Paving activities exceeded the budgeted amount by \$18,000.00. Mr. Blackburn advised the Commission that the residents of the roadway off Walter's Road had paid in advance for the paving and drainage installation. The actual paving cost came in at \$2,100.00 less than originally quoted. The Commission approved a refund to the property owners.

3. Natural Gas Transportation: PSG Manager, Greg May, advised the Commission of a request from John Elliott for the City to provide natural gas transportation service for three of their wells. According to Mr. May, the Elliotts have a well located behind Pikeville Elementary School, and have been notified that they have to remove the transportation line. It was explained that the Elliotts give the income from the well to the hospital, and the hospital, in turn, gives the income to the Pikeville College Nursing Program. The City realizes no income from the well and will have no expense, except for reading the meter and minimal bookkeeping. Mr. May advised that he had no problem with the request and recommended the Commission consider a year-to-year agreement with the Elliotts. Additionally, the Elliotts have two gas wells located behind Food City for which they want the City to transport the gas. They intend to give the revenue from these two wells to the hospital also. Mr. May told the Commission that the City will lose about \$6,800.00 per year in gas fund profits, as the City purchases the gas from these two wells and puts it into the system for resale. The Mayor pointed out that measures need to be taken to ensure the quality of gas as well as determining the administrative cost. The Commission indicated they would not have any objection to providing the transportation service for the gas well behind the elementary school, however objected to the request to transport the natural gas from the two wells

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behind Food City. Commissioner Mounts advised that he had spoken with John Elliott, who could not be present at this evening's meeting. Mr. Elliott had requested that he be given the opportunity to address the Commission with the issue should they have any objections to the request. The Commission agreed to delay action with regard to the request. They directed the City Manager and PSG Manager to determine the administrative fees associated with assuming the transportation of the natural gas.

AGENDA ITEM VI.

NEW BUSINESS

A. BOARD APPOINTMENTS: The Commission was advised that Paul Sowards' term, as a member of the Housing Authority Board, had expired. Mayor Combs nominated Mr. Sowards to serve another term on the Housing Authority Board. Commissioner Mounts made the motion, seconded by Commissioner Clark to re-appoint Paul Sowards to serve as a member of the Housing Authority Board. The motion carried unanimously.

Executive Session: At 8:10 p.m., Mayor Combs made the motion to adjourn to executive session for the purpose of discussing a property matter, a personnel matter and a contractual matter. Commissioner Mounts seconded the motion. The motion carried unanimously.

Reconvene: At 9:11 p.m., Mayor Combs made the motion to reconvene to regular session. Commissioner Mounts seconded the motion. The motion carried 5 - 0.

Wal-Mart Escrow Agreement: City Attorney Davis reminded the Commission of an agreement between Wal-Mart and the City, in January 1997, whereby the Wal-Mart contractor would excavate the river bank as part of the Wal-Mart project, and the City would reimburse Wal-Mart in the amount of \$205,000.00. The project is complete and Wal-Mart has asked for reimbursement. City Engineer Sykes recommended that 75% of the money be released at this time, with the remaining funds to be released when Wal-Mart submits the as-built plans; affidavits that all contractors and subcontractors have been paid; and assurances that all utilities have been properly relocated. Mayor Combs made the motion to approve the reimbursement upon final approval by the City Manager and the City Attorney. Commissioner Davis seconded the motion. The motion carried unanimously.

Police Chief: Mayor Combs made the motion to appoint James Justice as Acting Chief of Police. Commissioner Mounts seconded the motion. The motion carried unanimously.

There being no further business to come before the Commission, Commissioner Clark made the motion, seconded by Commissioner Mounts to adjourn the meeting. The motion carried unanimously. (Adjournment Time: 9:15 p.m.)

APPROVED

STEVEN D. COMBS, MAYOR

ATTEST:

KAREN HARRIS, CITY CLERK