

## MINUTES } CITY OF PIKEVILLE

**CITY OF PIKEVILLE  
BOARD OF COMMISSIONERS  
REGULAR MEETING MINUTES  
JANUARY 25, 1999**

The Board of Commissioners of the City of Pikeville met in regular session on Monday, January 25, 1999. The meeting was held in the City Hall Public Meeting Room located at 260 Hambley Boulevard.

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

MAYOR: FRANK MORRIS  
COMMISSIONER: BILL BLACKBURN  
EUGENE DAVIS  
WANDA VARNEY  
SHARON CLARK

Mayor Morris made the motion to appoint Eugene Davis to serve as Mayor Pro-Tem. Commissioner Clark seconded the motion. The motion carried 4 - 0 - 1 with Commissioner Davis abstaining from the vote.

**AGENDA ITEM II.****MINUTES**

The minutes from the December 28, 1998 regular meeting were included in each Commission Member's agenda package. One correction to the minutes was made on Page 6, to reflect Commissioner Clark's absence from the meeting. Commissioner Davis made the motion, seconded by Commissioner Varney to approve the minutes as corrected. The motion carried 4 - 0 - 1 with Commissioner Clark abstaining from the vote.

**AGENDA ITEM III.****BUSINESS FROM THE FLOOR**

1. **HILLBILLY DAYS:** Chamber of Commerce President, John Coffey appeared before the Commission to request use of the streets and river fill parking area during Hillbilly Days, 1999. A map depicting the location of the booth and carnival locations was presented to the Commission. Mr. Coffey explained that the layout remains the same as in previous years with the exception of the craft booths. The craft booths have been moved from the city park to the Pikeville College parking lot located directly across the street from the city park. With this relocation, the number of craft booth spaces have been increased from the previous year's 120 spaces to 140 spaces. The Chamber of Commerce has arranged for the craft booths to be located under a large tent. City Manager Blackburn explained that often inclement weather is experienced during the celebration. The Park Revitalization Committee's recommendation for the relocation was two-fold in that the vendors would be located in a dry location and the city park would not have the damage it had experienced in years past. According to Mr. Coffey there are just under



300 vendors with several hundred on a waiting list. Commissioner Clark asked if Main Street would be closed to incoming traffic during the entire festival. The City Manager advised that Main Street would be accessible during the business hours on Thursday and Friday. Police Chief Justice reported that the hillbilly cars were a traffic problem during previous years celebrations. This year, the Shriners will be required to obtain a decal prior to being permitted to drive around town. Having insurance will be a prerequisite to obtaining a decal.

Larry Webster was present and expressed his opposition to the relocation of the craft booths. The park setting, according to Mr. Webster, separates Hillbilly Days from all the other festivals. He added that he felt that moving the booths from the park would compromise the entire event's integrity. Mr. Webster told the Commission that the park is resilient and the craft booths keep pedestrian traffic confined to the sidewalks. According to Mr. Webster, some of the repeat vendors will not be returning if their booth location is not in the city park and asked the Commission to reconsider the decision.

Shriner, Skip Gilbert, presented statistics regarding Hillbilly Days. According to Mr. Gilbert, Hillbilly Days is the single largest fundraising event across the state of Kentucky for the Shriners Hospital. He estimated that between \$30,000 and \$50,000 is raised annually during this event. Pike County ranks in the top five of counties in Kentucky that send children to receive medical care at Shriners Hospital. Approximately \$1.7 million is added to the economy during the three day event. According to *Southern Living* magazine, Hillbilly Days is one of the top 10 festivals in the nation. Mr. Coffey pointed out that both Black Gold Festival in Hazard and Apple Days Festival in Paintsville have their craft booths located under a tent. Mr. Gilbert countered by saying that neither of the festivals were included in the top ten list. By having the craft booths in the park, Mr. Gilbert said the flea market type of atmosphere is eliminated. Damage to the park could be reduced to a minimum by placing fill material in the low places, and added there will be a worse mudhole without the booths in the park. The cost of the tent is \$5,000.00. Mr. Gilbert says that the Chamber of Commerce splits the proceeds with the Shriners, which means that at least \$2,500.00 less will be donated to the Shriners Hospital.

The Commission questioned if any of the craft vendors are not coming back because of the relocation. The Chamber of Commerce's interim director reported that only one vendor has indicated he may not return. Commissioner Clark explained that the Park Revitalization Committee carefully considered the matter and thought the vendors would be happier underneath a tent on concrete, out of the weather. She reminded everyone of last year's inclement weather and that vendors and festival goers were up to their ankles in mud. Mr. Gilbert told the Commission that craft vendors prefer a park setting as most of the successful festivals are located in parks. He added there would be no repeat vendors if they were dissatisfied with the arrangements. Commissioner Clark pointed out that the number of vendor spaces available in the park would have been significantly reduced from last year because of the installation of benches, picnic tables, and the restroom facility.



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~~Mr. Coffey told the Commission that the Chamber of Commerce has offset the cost of the~~ tent through an increase in the rental fee for booth space. He pointed out that craft vendors are still reserving space in spite of the additional cost. One of the selling points has been the fact the spaces will be covered, being located in one area, and security. Mr. Gilbert suggested that vendors be permitted to use the park this year. After this year's celebration, the Chamber of Commerce could send out questionnaires to the vendors to get their opinion about location.

Mike McCoy, representing Star Bank, was present to request a space in the river fill to offer hot air balloon rides to children free of charge. The Commission directed the Chamber of Commerce to work with Mr. McCoy to find a suitable location for the balloon. Mr. Webster asked that the balloon not be located near the park gazebo because the noise would interfere with the music.

Because of the added appurtenances in the park, Mr. Webster asked if the vendors who had been coming to Hillbilly Days the longest, could locate in the park. Commissioner Clark pointed out that the park entrance along Huffman Avenue had been closed and it would be difficult for vendors to transport their wares to the park. Mr. Webster voiced his opinion that park improvements shouldn't be made without considering how Hillbilly Days will be affected. He inferred that the Park Committee had been trying to have the activities during Hillbilly Days banned from the park for some time. Commissioner Clark disagreed with Mr. Webster and advised that he had misinterpreted the intent. Mr. Gilbert commented that the flower bed that was placed in the Huffman Avenue entrance to the park was constructed in that location for spite. Commissioner Davis told Mr. Gilbert the flower bed was placed in that location to keep cars and trucks out of the park and from destroying the property all year long - not just during Hillbilly Days. Mr. Webster asked the Commission to allow the vendor that sells the official Hillbilly Days shirt to locate in his usual space beside the Tourism office in the park, and allow the Park Committee and Chamber of Commerce to decide the optimum number of booths that can go in the park without disturbing the area and improvements.

Mr. Coffey told the Commission that the letters to the vendors were sent out the first week of December. The letters have been sent out under the assumption that the craft spaces will be located in the tent and at an increased rate. He added that it would be very difficult to try to discern which vendors could locate in the park.

Commissioner Blackburn expressed that everyone is on the same team as far as trying to do a good work for the children and commended the Shriners for their involvement in the festival. He suggested that a committee consisting of Commissioner Clark, John Coffey, Larry Webster, and representatives from the Shriners conduct a study to see how many spaces are available in the park and empower them to make a decision based upon that study. Commissioner Clark reiterated that part of the reason behind relocating the booth space is the tremendous damage incurred by the park. "Last year is a good example because it rained the entire time". She commented that it will be less likely to have the



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same amount of damage from pedestrian traffic and added that Hillbilly Days is a three day event- the citizens of Pikeville have the park for the remaining 362 days of the year.

Commissioner Davis expressed his hesitance in overruling the recommendation of the Park Committee. He suggested that the Park Revitalization Committee meet with the Shriners, Mr. Coffey and Mr. Webster to discuss the matter further, with the Park Revitalization Committee presenting their recommendation to the Commission after that meeting.

Mr. Gilbert suggested that the Hillbilly Days planning committee be reactivated which could help alleviate future problems. In prior years, the committee had two representatives each from the City, the County, the Chamber of Commerce, and the Shriners. City Manager Blackburn advised that the Police Chief and Fire Chief had attended those meetings in the past.

Commissioner Blackburn made the motion to approve the request from the Chamber of Commerce for use of the river fill parking and streets during Hillbilly Days and to defer the decision concerning the location of the crafts booth until a report is presented from the Park Revitalization Committee. Commissioner Davis seconded the motion. The motion carried unanimously.

2. BOWLES ADDITION: Frank Justice, resident of Cedar Lane in the Bowles Addition, advised the Commission of drainage problems at his residence. He reported that it was not surface drainage, but ground water. Mayor Morris told the Commission that every house from Mr. Justice's house down to the high school is experiencing the same problem. City Engineer Sykes reported that City Manager Blackburn had asked him to review the problem and try to determine a remedy that would benefit the entire subdivision. Mr. Sykes presented a detailed map showing the proposed route for the installation of storm drainage lines for the entire Upper Bowles Subdivision block. The cost estimate for the project is \$350,000. The project could be accomplished in two phases. He added that it could be possible to reduce the cost utilizing the existing drainage system, but he would not know until a detailed study is conducted. The cost estimate does not include engineering fees nor fees to acquire the necessary rights-of-way. Mr. Sykes told the Commission that some ditch work could be done which could improve Mr. Justice's problem in the interim. If the Commission would rather solve the more immediate problems, a trunk system could be designed and installed for between \$50,000 to \$60,000. The City Manager recommended that Mr. Sykes be permitted to proceed with preparing the necessary plans to install storm drainage for the entire block, to be accomplished in two phases. He explained that the City could borrow the money for a three year period to do the first phase and when that loan is paid off, renew the loan to complete the project. The design fee is 5% of the construction cost. Commissioner Davis made the motion to authorize Summit Engineering to prepare the design and construction specifications for the project. Mayor Morris seconded the motion. The motion carried 5 - 0. Commissioner Davis pointed out that the motion did not include approval to begin construction.



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3. **KEYSER HEIGHTS:** ~~Bennie Bartley reminded the Commission that a landscaped~~ area, located at the foot of Keyser Heights, had been disturbed during a utility construction project approximately 1 1/2 years ago. The landscaping has not been replaced and people are using the area as a turning space. Mr. Bartley commented that the area is becoming a mudhole and is very unsightly. He asked that the area be restored to its original condition. The Commission discussed the fact that Stuart Adams had been directed to replace the landscaping. The City Manager was asked to investigate the matter.

## AGENDA ITEM IV.

## OLD BUSINESS

A. **CITY BILLS:** A list of City Bills totaling \$372,916.27 was presented to the Commission for approval of payment. Commissioner Blackburn made the motion to approve payment of the invoices as requested. Commissioner Davis seconded the motion. The motion carried unanimously.

B. **ACADEMY BUILDING:** Presented for approval of payment was an invoice from Commonwealth Building and Construction for work on the new City Hall building in the amount of \$51,030.00. It was reported that the bill had not been approved by the Historic Preservation Board because they did not have a properly signed invoice. Historic Preservation Board Chair, Jack Sykes, indicated that approval would be granted with a signed invoice. Commissioner Davis made the motion, seconded by Commissioner Blackburn to approve payment of the invoice as requested. The motion carried unanimously. Architect, Bill Richardson, invited the Commission to an 11 a.m. meeting on Tuesday with the partition installation company.

C. **HAROLD'S BRANCH ROAD IMPROVEMENT PROJECT:** At the previous meeting, the Commission agreed to offer to settle with the contractor, C & W Equipment, for an amount of \$51,500.00 in liquidated damages. The contract time was exceeded by just over 150 days with liquidated damages assessed at around \$79,000. Additionally, the Commission, subject to the approval of C & W Equipment, agreed to issue checks payable to 15 subcontractors and C & W Equipment jointly for a total amount of \$69,215.89. C & W Equipment had signed an affidavit affirming that the subcontractors listed were the only companies that they owed. Since that time, it has been learned that C & W Equipment owes Mountain Enterprises \$65,837.12. The City still owes C & W Equipment \$94,411.81 for pay request 11 and \$98,991.42 for pay request 12. After the local vendors are paid, there will be \$58,349.42 owed to C & W Equipment. With the \$51,500.00 in liquidated damages, a check could be issued to C & W Equipment in the amount of \$6,849.42. Mr. Sykes reported that he has had no correspondence with C & W representatives in the last 30 days. The City Attorney advised that the City can't pay the local vendors without C & W Equipment's acceptance of the settlement offer. C & W has a performance bond. If they do not pay their subcontractors, the subcontractors can notify the bonding company that C & W has defaulted on their contract. The City can release the checks upon C & W Equipment signing the co-checks and submitting the proper waivers. Commissioner Clark made the motion to approve payment subject to C & W



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Equipment's acceptance of the settlement offer and a release of liens by the subcontractors. Commissioner Davis seconded the motion. The motion carried 5 - 0.

## AGENDA ITEM IV.

## OLD BUSINESS

A. MAIN STREET REPORT: Glendia Sawyers, executive director of the Pikeville Main Street Program, reported that TEA 21 funding announcements are expected in early March. Pikeville, through the Main Street Program, has applied for \$415,228.00. Nineteen of the twenty-one Renaissance cities have applied for funding. \$5 million is available. The program has received funding requests totaling \$11 million.

The Christmas Parade was a success despite the weather. Ms. Sawyers reported there will be an evaluation meeting to discuss whether the parade participants should compete for prizes. She reported that many of the high school band directors had requested the parade be non-competitive.

Mayor Morris asked which agency is in charge of the City Park's restroom construction. The City Manager explained the construction is overseen by the Park Department. The Mayor asked to see the restroom design. City Engineer Sykes was directed to forward a copy of the design for the Mayor's review.

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

1. Storm Drain Regulations: During a previous meeting, the City Engineer was asked to prepare regulations to protect the existing channels and drainways from being restricted by too small culverts. He presented the Commission with a draft copy of the Storm Drain Regulations, which are patterned after the City of Lexington's guidelines. Adoption of the regulations was deferred until the Commission has sufficient opportunity to review the draft.

2. Archaeological Survey: In conjunction with the City's proposed Raw Water Intake Improvement project, which includes the installation of three additional water storage tanks, the funding agencies have requested an archaeological survey on the three water tank sites. While the sites have not been exactly identified, one of the tanks will be located in the vicinity of the Yorkwood Forest Development, one in the vicinity of Quail Ridge, and one in the vicinity of Cedar Gap. Three quotes were received, with the low quote being from Cultural Resources in the amount of \$800.00 for all three sites. It was the consensus of the Commission to allow Cultural Resources to proceed with the survey at a total cost of \$800.00.

3. Capital Improvement Study: The Capital Improvement Study, which is to be made part of the Comprehensive Plan Update, has been completed pursuant to the input received from the Commission during a December work session. The study addresses all



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of the utilities, road improvements and infrastructure. Copies were given to each Commissioner for review. A work session will be scheduled at a later date.

4. Bob Amos Park: During a work session held earlier this month, discussion was had relative to constructing a separate entrance and exit at the upper level of Bob Amos Park. Charles Byers with Summit Engineering evaluated the area and determined the best plan would be for a one-way traffic flow since there are several places which would prevent the construction of a two-lane access. Commissioner Davis suggested rounding off the field like a true baseball field. By doing that, several more parking spaces could be created. Commissioner Davis will work with Mr. Byers on the design.

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

First Reading was given to five ordinances entitled as follows:

1. Budget Amendments

ORDINANCE AMENDING THE FISCAL BUDGET FOR THE 1998-1999 FISCAL YEAR

The City Manager pointed out that budget amendments are presented every quarter. Part of this amendment includes the revenue received from the Pike County Fiscal Court in the amount of \$15,000.00 for lighting at Bob Amos Park. Mr. Blackburn advised that he had budgeted an additional \$13,000.00 as the City's contribution for this project. Don Wallen, with the Pikeville Little League Program, has indicated the club will try to raise the remainder of the funds. The lights are scheduled to be installed in April.

2. Zoning Change

ORDINANCE AMENDING THE CITY OF PIKEVILLE ZONING MAP FOR AN AREA LOCATED ON ISLAND CREEK ROAD OWNED BY DJIEN SO CONTAINING 1.7 ACRES, MORE OR LESS AND OWNED BY RUSH DYE CONTAINING 1.0 ACRES, MORE OR LESS FROM R-1 TO C-2

3. Zoning Change

ORDINANCE AMENDING THE CITY OF PIKEVILLE ZONING MAP FOR AN AREA LOCATED ON SOUTH MAYO TRAIL AT GRESS EQUIPMENT CONTAINING 1.9 ACRES MORE OR LESS FROM R-2 TO C-2

4. Zoning Map



~~ORDINANCE ADOPTING AMENDED ZONING MAPS FOR THE CITY OF PIKEVILLE~~

With regard to the three proposed ordinances related to zoning, the City Attorney advised that the amendments have been approved and recommended by the Pikeville/Pike County/Elkhorn City Joint Planning Commission. There were no objections to the proposed amendments during the public hearing.

and

5. Volunteer Fire Department

ORDINANCE AMENDING SECTION 33.37 ENTITLED COMPENSATION AND BENEFITS FOR VOLUNTEER FIRE DEPARTMENT

Fire Chief Hall spoke in support of increasing the compensation given to volunteers to attend training sessions and to respond to fire calls. He recommended the Training Sessions be increased from \$5.00 to \$12.00 and that the fire calls be increased from \$10.00 to \$15.00. The Fire Chief added that he has 14 volunteer fire fighters.

The Ordinances will be on file in the office of the City Clerk for public inspection. Second reading was scheduled for the next regular meeting.

6. Housing Authority: Presented to the Commission was an agreement between the Housing Authority of Pikeville and the City of Pikeville for providing law enforcement services in the housing projects over an 18 month period. The Housing Authority will reimburse the City an amount not to exceed \$33,696 for these services. Mayor Morris made the motion to authorize approval and execution of the agreement. Commissioner Blackburn seconded the motion. The motion carried unanimously.

D. CITY MANAGER'S REPORTS: Kenny Blackburn, City Manager, presented the following items for the Commission's consideration:

1. Highway Department Agreement: City Manager Blackburn reported that he and Mayor Morris had met with representatives from the State Highway Department to discuss a variety of issues including right-of-way mowing and traffic light maintenance. The Highway Department was to forward a proposed agreement to replace the 1991 agreement for the Commission's review, however, Mr. Blackburn reported that the agreement has not been received.

2. Ambulance Service Fee Collections: Danny Hamilton and Susie Childers of the Pikeville Fire Department alerted the Commission to the fact that only 47% of the ambulance bills are being collected. They attributed this to the current billing company's, Software Development, improper insurance billing and lack of follow-up. East KY. Medical, a local billing company, has proposed to take over the ambulance billing for a 7%



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fee. This company thinks the collections can be improved to 80%. City Manager Blackburn reported there is no contract with Software Development, but recommended a 30 day notice of cancellation be given. Mayor Morris made the motion to authorize the execution of an agreement with East KY. Medical. Commissioner Clark seconded the motion. The motion carried 4 - 0 - 1 with Commissioner Blackburn abstaining from the vote.

At 8:50 p.m., Commissioner Davis made the motion, seconded by Commissioner Clark to adjourn to an executive session for the purpose of discussing a legal matter and a personnel matter. The motion carried unanimously.

At 9:58 p.m., Commissioner Davis made the motion to reconvene to regular session. Mayor Morris seconded the motion. The motion carried unanimously.

Wholesale Water Rate Increases: City Manager Blackburn asked the Commission to authorize the Prime Group and Stoll, Keenon & Park, Attorneys-at-Law, to file wholesale water rate increases before the Public Service Commission against Mud Creek Water District and Sandy Valley Water District. Commissioner Clark made the motion, seconded by Commissioner Davis to authorize the filing of the water rate increases. The motion carried unanimously.

Raw Water Intake: During executive session, the City Engineer and PSG Manager informed the Commission of a serious condition at the Raw Water Intake. The City Manager recommended that the Commission declare an emergency and hire the firm of Liquid Engineering Corporation at the rate of \$6,300/day to dive and make the necessary repairs. Commissioner Davis made the motion, seconded by Mayor Morris to declare an emergency and award the contract to Liquid Engineering Corporation. The motion carried 5 - 0.

Utility Clerk: The City Manager announced that two job openings had become available at city hall. One in the utility office and the other in the tax office. The positions were advertised, and potential candidates have been interviewed. The Tax Administrator is not ready to make a recommendation for the tax clerk, however, City Manager Blackburn recommended the employment of Glendia Sawyers in the position of Utility Clerk at the wage rate of \$6.50/hr. Commissioner Clark made the motion, seconded by Commissioner Varney to approve the City Manager's recommendation to employ Glendia Sawyers as a utility clerk at the rate of \$6.50/hr. The motion carried unanimously.

Landscaper: City Manager Blackburn reported that the new position of Landscaper had been created. The successful candidate will be responsible landscaping all city property, ballparks and rights-of-way. The landscaper will work with the Parks Department but will be under the supervision of the City Manager. Mr. Blackburn recommended the employment of Tim McNamee to fill this position at the wage rate of \$26,000/yr. Commissioner Clark made the motion to approve the hiring of Tim McNamee as a



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landscaper for the City of Pikeville. Mayor Morris seconded the motion. The motion carried unanimously.

Joint Planning Commission: The Commission was advised of Roland Case's resignation as a member of the Pikeville/Pike County/Elkhorn City Joint Planning Commission. Mayor Morris suggested the appointment of Allen Keathley or Tivis Branham to fill the vacancy on the board. The appointment was deferred until the next meeting to allow the Commission sufficient opportunity to consider the matter.

Commission Members welcomed Mayor Morris and Commissioner Varney to the City Commission.

There being no further business to come before the Commission, Commissioner Davis made the motion, seconded by Commissioner Blackburn to adjourn the meeting. The motion carried unanimously. (Adjournment Time: 10:20 p.m.)

APPROVED: Frank M. Morris  
FRANK M. MORRIS, MAYOR

ATTEST:

Karen Harris  
KAREN HARRIS, CITY CLERK