

MINUTES } CITY OF PIKEVILLE

CITY OF PIKEVILLE BOARD OF COMMISSIONERS REGULAR MEETING MINUTES JULY 26, 1999

The Board of Commissioners of the City of Pikeville met in regular session on Monday, July 26, 1999, in the second floor City Hall Public Meeting Room located at 117 College Street, Pikeville, Kentucky.

There being a quorum present, Mayor Frank M. Morris called the meeting to order at 5:15 p.m. Commission Members present at roll call were as follows:

MAYOR: FRANK M. MORRIS
COMMISSIONER: BILL BLACKBURN
EUGENE DAVIS
WANDA WILSON
SHARON CLARK

AGENDA ITEM II. MINUTES

The minutes for the previous regular meeting of June 28, 1999 and special meeting of July 1, 1999 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 unanimously.

AGENDA ITEM III. BUSINESS FROM THE FLOOR

A. ACCESS ROAD/PIKEVILLE ELEMENTARY: Pikeville Independent School District Superintendent, Howard Wallen, along with Jerry Waddell, Pikeville Elementary School Principal, came before the Commission to request the construction of an alternate access to the school. Mr. Wallen advised the Commission that the elementary school will be undergoing renovation beginning in September. During the construction activities, the area roadway known as the "circle" will not be open to vehicular traffic. Mr. Wallen estimated that approximately 300 vehicles access the school property twice daily. In addition to gaining access to the school during construction, the proposed roadway will alleviate traffic congestion on Chloe Road. Mr. Wallen advised the Commission that school begins on August 12th. He added that it would be ideal to have the roadway constructed prior to beginning the renovation activities, so to acclimate everyone only once to a new traffic flow plan. Mr. Wallen reported that he and Mr. Waddell had met with a representative from Mountain Enterprises, who recommended the placement of the street in the area where a graveled roadway exists (along the hill side of the property at the back side of the bus lot). Placement of the street in this area would be the most economical. Charles Byers, representing Summit Engineering, reported that he had measured the graveled road and found it not to meet the minimum street width requirements provided, for a two lane access, in the Subdivision Regulations. In addition some grade work (a ditch exists which provides drainage for the hillside) and utility pole relocation would have to be done, which would add about \$10,000 to the cost. Commissioner Davis expressed his concern for the layout of the street in that it will have a couple of sharp curves. Commissioners Davis and Clark opined that the roadway should be constructed for permanent use. Mr. Byers advised that further study would be required if the roadway is to be constructed as a permanent access. The Commission pointed out that it would be necessary for the School District to dedicate the street right-of-way prior to the city participating in the cost of construction. Commissioner Blackburn made the motion to authorize the City Engineer to work with Mr. Wallen and Mr. Waddell to study the traffic flow and offer recommendations for the roadway's construction. Commissioner Davis seconded the motion, with the amendment that as much input as possible from others be incorporated into the recommendations. The motion carried unanimously. It was noted that a traffic study is now being conducted by Wilbur Smith & Associates. The Chloe/Pikeville Elementary access is one of the areas being studied. While the traffic study is not scheduled for completion until October, the engineers hope to utilize some of the company's findings. Davis made the motion, seconded by Commissioner Blackburn to call a special meeting to consider the matter further at such time as the engineer has completed the study. The motion carried unanimously.

B. HAMBLEY ATHLETIC COMPLEX LOCKER ROOM: Pikeville High School Athletic Director, Ken Trivette, and Football Boosters President, Paul Sowards, appeared before the Commission to request the City's participation in building an addition onto the Athletic Center. The addition will house a locker room facility, and will be used by about 250 children daily. While the facility will be used primarily by the football and baseball teams, during their respective seasons, Mr. Trivette pointed out that anyone in the community will be allowed to use it for meeting space, aerobic classes, etc. Since the property is city owned, the school is prohibited from using school funds to pay for construction, however Mr. Trivette added that an increase in their lease payment, fund raisers, or private donations, could reimburse the city. Mr. Trivette added that Pikeville High School would like to manage the use of the facility. The plans for the facility were donated by architect, Chris Chrisman. Cost of the building is estimated at \$75,000. Commissioner Davis made the motion to proceed with the project. Commissioner Blackburn seconded the motion. The motion carried 5 - 0.

Mayor Morris commented that the school district's Blue Goose Gym, located along Hambley Boulevard, is in need of painting. He advised there is a citizen who is willing to donate the paint if the school district would agree to provide the labor.

C. BIG SANDY TELECOMMUNICATIONS CENTER: Leon Huffman was present and requested the Commission consider leasing the city owned buildings located at 260/261 Hambley Boulevard (former City Hall location) to the Big Sandy Telecommunications Center. Mr. Huffman told the Commission their current office space rental (4th Floor at Firstar Bank) has been increased and they are looking for alternate office space for a period of about nine months or until the new library/telecommunications center is completed. Main Street Board Member, Sara George, was present and advised the Commission of the agency's interest in locating their offices in the old city hall facility. The Commission

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explained they would need more information to consider the matter further. The possibility of further discussion on the matter was suggested for the special meeting.

AGENDA ITEM IV. PAYMENT OF BILLS

A. CITY BILLS: A list of City Bills totaling \$559,999.74 was presented to the Commission for approval of payment. City Manager Blackburn added one bill from Mountain Enterprises to the list. The bill was for blacktop at the little league parking lot in the amount of \$20,045.55. Commissioner Wilson made the motion, seconded by Commissioner Davis to approve payment of the bills as presented. The motion carried unanimously.

B. ACADEMY BUILDING/CITY HALL IMPROVEMENTS: Architect Bill Richardson presented the final payment request from Commonwealth Building & Construction in the amount of \$14,325.00 for the City Hall renovation project. Also presented for consideration of payment were two requests from Richardson & Associates, Architects, totaling \$1638.47 for architectural services rendered in conjunction with the City Hall renovation project (ISTEA Funds: \$1,000); (City Funded: \$638.47). A punch list has yet to be compiled. Pursuant to the Historic Preservation Board's recommendations, Commissioner Davis made the motion, seconded by Commissioner Clark to approve the invoices with payment to be withheld until the project is completed and approved by the City Manager. The motion carried unanimously.

AGENDA ITEM V. OLD BUSINESS

A. MAIN STREET PROGRAM: Peggy Justice with Summit Engineering presented the completed downtown survey and market analysis. The analysis will be forwarded with the City's Renaissance KY application for upgrade from a silver city status to a gold ranking.

Ms. Justice explained that surveys were conducted with customers and business owners. Parking and traffic flow were identified as the major problems in the downtown area (for purposes of this study, downtown is defined as the area between Lorraine Street and Baird Avenue). Buildings in the downtown area have a 12% street level, vacancy rate. Other items highlighted in the analysis were shopping trends, traffic counts and patterns, impact of ongoing and future development, and demographics.

Ms. George told the Commission that the market study was the key ingredient needed to apply for a change from a silver to a gold ranking. The application will be filed on July 30th. If approved, the change in renaissance status, will increase the amount of funding the City will be eligible to receive. Ms. George explained that the Main Street Agency sees their mission, after the infrastructure portion of the project is completed, as an economic development recruitment agency for the City. The need to market the community was addressed as well as the need to develop an incentive package to offer to prospective businesses. Ms. George again advised the Commission of the agency's desire to relocate to the old city hall facility. She explained that Main Street could coordinate the use of the building for community purposes. Main Street will also need meeting space during the revitalization project process to conduct meetings with consumers and business owners.

Glendia Sawyers, Main Street Program Executive Director, reported on the previous month's activities. The Fourth of July activities in the city park were a success and Ms. Sawyers indicated she would be willing to coordinate any future Fourth of July celebrations. Ms. Sawyers reported that she had attended a streetscape training seminar. She advised the Commission that the Heritage Council will need to be included in all design phases for all facets of the renaissance project.

City Engineer, Jack Sykes, reported that he has had three meetings with the utility companies. The next meeting has been scheduled for August 3rd. AEP has identified where transformer sites are needed and talked with property owners to acquire the necessary rights-of-way. The telephone company is not as far along but have identified some of the costs associated with relocation. The cable company has not prepared a design and Mr. Sykes indicated the cable company may negotiate with the telephone company to locate their cables with the telephone cables. Mr. Sykes expects a final design from AEP to be presented at the August 3rd meeting, with cost estimates by August 15th. Plans and specifications should be completed by Thanksgiving. A primary contract will be executed for the installation of the conduits and manholes. Any needed replacements of city utilities will be done in conjunction with this project. AEP, BellSouth and Tele-Media will be responsible for pulling their cables through the conduit.

Jenny Wiley Theater Camp will be performing a re-enactment of the Hatfield/McCoy Feud in the city park on July 30th. Ms. Sawyers asked the Commission to pay for advertising the event. Tourism has run public service announcements on the radio. The Commission took no action on this request.

B. CITY ENGINEER'S REPORTS: Charles Byers, representing Summit Engineering, City Engineers, presented a verbal status report for ongoing projects:

1. Ivy Court Storm Drainage: J & H Enterprises has completed the Ivy Court Project which entailed cleaning out ditches and culverts, the resetting of a culvert and the installation of a concrete weir upstream of the Ivy Court culvert, and rip-rapping a side ditch. Final payment request was submitted in the amount of \$7,575.00. Mr. Byers reported the project is 100% complete. Commissioner Davis made the motion, seconded by Commissioner Clark to approve payment as presented. The motion carried unanimously.

2. Bob Amos Park Storage Building: Presented with the City bills was a request for payment from Patriot Construction in the amount of \$25,290.00 for work completed on the Bob Amos Park storage building. Mr. Byers advised that he had received an amended pay request in the amount of \$31,299.43. The additional \$6,000 was for extra block work completed since the time the first pay request was submitted. Commissioner Clark made the motion to

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approve payment of the amended bill as requested by Patriot Construction. Commissioner Wilson seconded the motion. The motion carried unanimously.

3. Water Tank Painting: Bids were accepted for the scheduled painting/maintenance of the Peach Orchard and Smith Hill water storage tanks plus the sandblasting and painting of the Overlook structure. W & O Construction submitted the only bid in the amount of \$53,364.00. \$60,000.00 had been budgeted for the work. Commissioner Clark made the motion, to award the contract for the scheduled maintenance of the water storage tanks and painting/sandblasting the overlook structure to W & O Construction in the amount of \$53,364.00. Commissioner Davis seconded the motion. The motion carried unanimously.

4. Traffic Study: Jack Sykes reported the traffic and transportation study is underway. Representatives from Wilbur Smith & Associates have been in town over the past three weeks conducting traffic counts, parking studies, and interviews.

5. Bowles Addition Storm Sewer: The contractor, J & H Enterprises, is scheduled to begin work on this project on July 27, 1999.

C. CITY ATTORNEY'S REPORTS: In the absence of the City Attorney, the City Clerk gave first reading to an Ordinance entitled as follows:

ORDINANCE AMENDING THE FISCAL BUDGET FOR THE 1998-99 FISCAL YEAR

The ordinance will be on file in the office of the City Clerk for public inspection. Second reading was scheduled for August 23, 1999.

D. CITY MANAGER'S REPORTS: City Manager Kenny Blackburn requested an executive session for the purpose of discussing a personnel matter.

At 7:30 p.m., Commissioner Davis made the motion, seconded by Commissioner Clark to adjourn to executive session for the purpose of discussing a personnel matter. The motion carried unanimously.

At 7:50 p.m., Commissioner Blackburn made the motion to reconvene to regular session. Commissioner Wilson seconded the motion. The motion carried unanimously.

Police Chief Justice advised of three patrol officer position vacancies in his department as well as the possibility of a resignation from one of the current officers. Chief Justice recommended the employment of Wesley Thompson, Virgil Ray and Chris Edmonds to fill the current vacancies and the employment of Mike Blackburn at the next vacancy. Commissioner Clark made the motion to approve the employment of Wesley Thompson, Virgil Ray, Chris Edmonds and Mike Blackburn, subject to satisfactorily completing the necessary physical exams. Commissioner Wilson seconded the motion. The motion carried unanimously.

City Manager Blackburn presented a resolution, authorizing the approval of a lease agreement with Firststar Bank, N.A., for financing of the storm drainage improvements in the Bowles Addition Subdivision. The resolution was read as follows:

CITY OF PIKEVILLE, KENTUCKY RESOLUTION NO. R-99-006

A RESOLUTION APPROVING A LEASE FOR THE FINANCING OF DRAINAGE IMPROVEMENTS IN THE BOWLES SUBDIVISION OF THE CITY OF PIKEVILLE, KENTUCKY; AUTHORIZING THE EXECUTION OF VARIOUS DOCUMENTS RELATED TO SUCH LEASE; AND MAKING CERTAIN DESIGNATIONS REGARDING SUCH LEASE.

WHEREAS, the City of Pikeville, Kentucky (the "City"), has heretofore determined to construct certain drainage improvements in the Bowles Subdivision located within the City (the "Project");

WHEREAS, the City has followed the procedures prescribed by law for the construction of the Project; and

WHEREAS, the City desires to finance the costs of the Project through a Lease Agreement (the "Lease") with Firststar Bank, N.A. (the "Lessor") pursuant to Section 65.940 et. seq. of the Kentucky Revised Statutes (the "Act");

NOW THEREFORE, BE IT ORDERED AND RESOLVED BY THE BOARD OF COMMISSIONERS, CITY OF PIKEVILLE, KENTUCKY:

Section 1. Recitals and Authorization. The City, as lessee, hereby approves the Lease Agreement (the "Lease"), in substantially the form presented to this Board of Commissioners (the "Governing Body"). It is hereby found and determined that the Project identified in the Lease is public property to be used for public purposes. It is further determined that it is necessary and desirable and in the best interest of the City to enter into the Lease for the purposes therein specified, and the execution and delivery of the Lease and all representations, certifications and other matters contained in the Closing Memorandum with respect to the Lease, or as may be required by Peck, Shaffer & Williams LLP, as Bond Counsel for the City, prior to delivery of the Lease, are hereby approved, ratified and confirmed. The Mayor and City Clerk of the City are hereby authorized to execute the Lease, together with such other agreements or certifications which may be necessary to accomplish the transaction contemplated by the Lease.

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Section 2. Designation as Qualified Tax-Exempt Obligation. Pursuant to Section 265(b)(3)(B)(ii) of the Internal Revenue Code of 1986 (the "Code"), the City hereby specifically designates the Lease as a "qualified tax-exempt obligation" for purposes of Section 265(b)(3) of the Code. In compliance with Section 265(b)(3)(D) of the Code, the City hereby represents that the City (including all "subordinate entities" of the City within the meaning of Section 265(b)(3)(E) of the Code) reasonably anticipates that it will not issue in calendar year 1999, "qualified tax-exempt obligations" in an amount greater than \$10,000,000.

Section 3. Expectation Regarding the Lease. The City, by the adoption of this Resolution, certifies that it does not reasonably anticipate that less than 95% of the proceeds of the Lease will be used for "local government activities" of the City or that the aggregate face amount of all tax-exempt bonds issued by the City during calendar year 1999 will exceed \$5,000,000.

Section 4. Severability. If any section, paragraph or provision of this Resolution shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph or provision shall not affect any of the remaining provisions of this Resolution.

Section 5. Open Meetings Laws. This Board of Commissioners hereby finds and determines that all formal actions relative to the adoption of this Resolution were taken in an open meeting of this Board of Commissioners and that all deliberations of this Board of Commissioners and of its committees, if any, which resulted in formal action, were in meetings open to the public, in full compliance with applicable legal requirements.

Section 6. Effective Date. This Resolution shall take effect from and after its passage, as provided by law.

/s/ Frank M. Morris
Mayor

Attest:

/s/ Karen W. Harris
City Clerk

Commissioner Blackburn made the motion to adopt the Resolution and to authorize the Mayor to execute the Lease Agreement with Firststar upon review by the City Attorney. Commissioner Clark seconded the motion. The motion carried by the following votes:

MAYOR:	FRANK M. MORRIS	YES
COMMISSIONER:	BILL BLACKBURN	YES
	EUGENE DAVIS	YES
	WANDA WILSON	YES
	SHARON CLARK	YES

Mayor Morris explained that Habitat for Humanity has requested the City send four representatives to play in their charity Golf Tournament at a cost of \$300.00. The Commission took no action.

The Mayor advised that the *News-Express* will be publishing a 5 page progress edition in the last newspaper issue in August. He reported there would be a cost if the City wanted to advertise, but was unsure of the amount. The Commission asked for more information before deciding the matter.

There being no further business to come before the Commission, Commissioner Davis made the motion, seconded by Commissioner Wilson to adjourn the meeting. The motion carried unanimously. (Adjournment Time: 8:00 p.m.)

APPROVED _____
FRANK M. MORRIS, MAYOR

ATTEST:

KAREN W. HARRIS, CITY CLERK