

## MINUTES } CITY OF PIKEVILLE

**CITY OF PIKEVILLE  
BOARD OF COMMISSIONERS  
REGULAR MEETING MINUTES  
FEBRUARY 28, 2000**

The Board of Commissioners of the City of Pikeville met in regular session on Monday, February 28, 2000. The meeting was held in the City Hall Public Meeting Room 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:

COMMISSIONER:	EUGENE DAVIS
	WANDA WILSON
	SHARON CLARK
MAYOR:	FRANK MORRIS

Commissioner Bill Blackburn arrived at the meeting at 5:17 p.m.

\*Note: Commissioner Eugene Davis left the meeting at 6:50 p.m. and returned at 8:20 p.m.

**AGENDA ITEM II. MINUTES**

The minutes for the previous regular meeting of January 24, 2000, 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 prepared. The motion carried 4 - 0 (Commissioner Blackburn not present at the time of the vote).

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

A. PROPERTY DEVELOPMENT: Bill VanHoose appeared before the Commission to request that two city streets, located adjacent to South Mayo Trail, near Pike Automotive, be blacktopped. Mr. VanHoose explained that he is in the process of constructing a 15,000 sq. ft. building at an estimated cost of between \$700,000 to \$800,000. The new building will house a Harley-Davidson sales and show room and will initially employ ten to twelve people. City Manager Blackburn advised that the streets are dedicated rights-of-way. One of the streets, named Walnut Street, is partially blacktopped. Mountain Enterprises has estimated a cost of \$30,000 to put down gravel, base, and surface on both streets. Mr. Blackburn told the Commission there are funds available to blacktop the streets. Mr. VanHoose advised there is an adjacent vacant lot that is expected to be commercially developed in the near future. Blacktopping the streets will benefit a number of properties in addition to Mr. VanHoose's property. Commissioner Davis made the motion to blacktop the two streets as requested. Commissioner Clark



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seconded the motion. The motion carried 4 - 0 - 1 with Commissioner Blackburn abstaining from the vote. Mr. VanHoose advised the Commission that he will be constructing his parking lot in about three to four months and requested the street paving be done in conjunction with his parking lot, to ensure proper drainage. City Manager Blackburn advised of the need to rename the street known as Walnut Street, due to a conflicting street name. Mr. VanHoose suggested Harley Drive. No action was taken.

B. PIKEVILLE COLLEGE: Community Trust Bank official, Steve Belcher, along with Pikeville College President, Harold Smith, and Pikeville College Finance Officer, Leslie Combs, announced Pikeville College's plans to institute a football program beginning with the 2000 Fall Semester. With the addition of football and other programs, enrollment is expected to increase significantly, which demands the refurbishment of a number of college properties. To accomplish the needed improvements, Pikeville College is requesting that the City endorse \$2.5 million in low interest Educational Revenue Bonds, for phase one improvements. While the entire project is estimated to cost between \$9 million to \$10 million and will renovate dormitories, create additional space for dormitories, renovate classroom and faculty offices, the first phase of the project only involves renovation of Condit Resident Hall and retires approximately \$1.4 million in term debt. Pikeville College President Smith explained that the football program is being funded separately, however additional housing is needed. It is hoped that through the football program, enrollment can be built up to 850 to 900 full-time undergraduate students and 240 medical students. The entire renovation project is expected to take about 4 years. Mr. Smith advised that if enrollment grows as expected, Pikeville College may be requesting the city to back the additional monies needed to complete the entire renovation project by the end of the year or early in 2001. City Attorney Davis told the Commission that the city can issue the bonds with no financial obligation to the city. However, a city can issue no more than \$10 million in bonds each year. Commissioners expressed support for the project. First reading of an ordinance providing for the issuance of the bonds, along with an inducement resolution, will be presented at the next regular meeting for consideration. Mr. Smith expressed his desire to discuss future improvement plans for Pikeville College with the Commission in an informal work session.

Leslie Combs, on behalf of Pikeville College, requested the use of Hambley Athletic Field for Pikeville College Football games for a maximum of 6 times per year. Pikeville College has worked out a schedule with Pikeville High School. A letter from Pikeville Independent School Superintendent, Howard Wallen, was submitted in support of the request. Pikeville High School Athletic Director, Ken Trivette, suggested the Commission appoint a committee, such as was created to construct, operate, and maintain the Cross-Country Trail, to oversee scheduling and field maintenance. The Commission directed that, a committee made up of the Athletic Directors and Football Coaches of Pikeville College and Pikeville High School, work out the scheduling for the use of Hambley Field. Mr. Trivette was asked to initiate the meeting between the college and high school. Any disagreements between the college and high school should be resolved



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by the Park Board. Should the Park Board be unable to settle the disputes, the matter would then come before the City Commission.

## AGENDA ITEM IV.

## PAYMENT OF BILLS

A. CITY BILLS: Presented for approval of payment was a list of City Bills totaling \$394,818.36. Commissioner Wilson made the motion, seconded by Commissioner Davis to approve payment of the City Bills totaling \$394,818.36 as requested. The motion carried unanimously.

## AGENDA ITEM V.

## OLD BUSINESS

A. MAIN STREET PROGRAM: Jack Sykes reported that bids were opened for the gateway elements. The Main Street Board has not met since the bids were opened. Mr. Sykes reported that the bids came in considerably higher than funding available. The low bid was received from Commonwealth Building in the amount of \$119,000. The budget for the two gateway elements was \$75,000. During the previous meeting, the Commission was advised that the Department of Transportation would be providing two signs in honor of Pikeville's designation as a gold level Renaissance City. The Department of Transportation is now considering the idea of incorporating information on the Renaissance signs with the gateway elements and to participate in the funding of the gateway elements. Commissioner Blackburn made the motion to authorize the City Manager and City Engineer to negotiate with the low bidder in an effort to reduce the bid in accordance with allotted funds. Commissioner Clark seconded the motion. The motion carried unanimously. Action to accept or reject the bid was delayed pending correspondence from the Department of Transportation concerning their proposed participation in the project.

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

1. Locker Room Addition: The city has negotiated with the low bidder, Baldwin Contracting, for the construction of the locker room addition at Hambley Athletic Field. The negotiated price is \$100,000.00. According to City Engineer Sykes, the City and Independent School District have worked out a funding arrangement. City Manager Blackburn advised that the city will fund \$20,000.00 of the cost. The city will borrow the remaining \$80,000.00, with the Independent School District making monthly lease payments until the loan is repaid. An amendment to the Use Agreement was presented, however it was not acted upon pending soliciting proposals for interest rates from various local financial institutions. Discussion was had concerning whether to secure a loan with a mortgage of the property or to pay a higher interest rate and obtain an unsecured loan. The City Manager was directed to advertise for proposals for both a secured and an unsecured loan. Commissioner Clark asked the possibility of changing the outside building material from block to brick. Mr. Trivette and Mr. Sykes advised that the current facility is constructed of block and that bricking the one section would be too



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obvious. Commissioner Clark asked what the cost would be to brick the entire facility.

City Engineer Sykes told the Commission that the footer could be constructed to accommodate brick as well as block, which would allow the contractor to begin construction on the new addition. Summit will prepare a cost estimate to brick the entire facility and present it at the next meeting. Commissioner Clark made the motion, seconded by Commissioner Blackburn to award the project to Baldwin Contracting in the amount of \$100,000.00. The motion carried unanimously.

2. Water Improvement Project: Two bids were received in answer to the advertisement for proposals to install telemetry on all water storage tanks - Micro-Comm: 222,797.00 and C.I. Thornburg: \$339,581.00. This project is actually a part of the overall water improvement project and is labeled as contract #3, with a budgeted amount of \$221,900.00. Currently, there are ten telemetry units installed which were provided by C.I. Thornburg. Micro-Comm has proposed to modify the ten units to operate with their software at no additional cost, however the base bid does not provide any warranty for the ten units being modified. Micro-Comm presented two alternatives. One option is to warranty the ten units for five years at an additional cost of \$15,512.00. The second option is to deduct \$10,500.00 if Micro-Comm is allowed to use their standard in-house software. Micro-Comm has agreed to install both software systems and allow PSG to evaluate before making a decision. City Engineer Sykes recommended that the Commission award the base bid to Micro-Comm in the amount of \$222,797.00 and to authorize PSG to negotiate the options. It is proposed to fund the project with the funds committed to the project (\$500,000.00) by PSG. Commissioner Davis made the motion, seconded by Commissioner Wilson to award the telemetry project to the low bidder, Micro-Comm, for the base bid of \$222,797.00, and to authorize PSG to evaluate and negotiate the two alternatives. The motion carried unanimously.

3. Water Storage Tanks: The City Engineer advised that he does not think there is enough money in the water improvement project funds to construct three water storage tanks as originally planned. One reason attributed to the lack of funds is the cost of easements from the railroad - two easements totaling \$27,350.00. It was explained that it is necessary to cross the railroad's property in order to extend a sludge discharge line from the Water Treatment Plant to the river and to extend the water and sewer lines to the Kanney property, as negotiated during the water storage tank site easement acquisition. Mr. Sykes advised that it may be possible to reduce the easement fee by negotiating with adjacent property owners, as the railroad charges per foot of property crossed. Mr. Sykes told the Commission that the city has thirty days to act upon the railroad's proposed easement agreement. He recommended the Commission authorize the Mayor to execute the easement agreements contingent upon the City Manager and City Engineer trying to negotiate with adjacent property owners in an effort to reduce the easement cost. Commissioner Blackburn made the motion, seconded by Commissioner Wilson to authorize the Mayor to execute the easements with the railroad contingent upon negotiation with adjacent property owners. The motion carried 4 - 0 (Commissioner Davis left the meeting at 6:50 p.m.) City Engineer Sykes reported that he will advertise for bids for the construction of two water storage tanks within 30 to 60 days.



4. 911 Re-addressing Project: Summit Engineering has completed the notification process. Pursuant to a request at the previous meeting, Mr. Sykes reported that South Central Bell has indicated there are 68 communities that have a 911 system in operation and 4 communities, including Pikeville, that are completing the process.

5. High Street Redevelopment Project: The surveys for the High Street Development Project have been completed and submitted to the city.

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

1. Street Name: Presented and given second reading was an Ordinance entitled as follows:

**ORDINANCE CHANGING THE NAME OF ELLIS MOREL LANE TO RANSOM DRIVE (ORDINANCE NO. O-00-003)**

Commissioner Clark made the motion to adopt the Ordinance as presented. Commissioner Wilson seconded the motion. The motion carried by the following votes:

MAYOR:	FRANK MORRIS	YES
COMMISSIONER:	GENE DAVIS	ABSENT
	SHARON CLARK	YES
	BILL BLACKBURN	YES
	WANDA WILSON	YES

2. City Commission Meeting Time: Second reading was given to an Ordinance captioned as follows:

**ORDINANCE AMENDING SECTION 38.21(A) OF THE CODE OF ORDINANCES CHANGING THE TIME OF THE MEETING OF THE CITY OF PIKEVILLE BOARD OF COMMISSIONERS TO 1:00 P.M. (ORDINANCE NO. O-00-004)**

Commissioner Wilson made the motion, seconded by Commissioner Clark to adopt the Ordinance as presented. The motion carried by the following votes:

MAYOR:	FRANK MORRIS	YES
COMMISSIONER:	GENE DAVIS	ABSENT
	SHARON CLARK	YES
	WANDA WILSON	YES
	BILL BLACKBURN	YES



3. Cross Country Trail: City Attorney Davis presented a Use Agreement between the City of Pikeville and the Bowles Family Partnership, Ltd., for approval. He explained that a portion of the newly developed cross-country trail is owned by the Bowles Heirs, and they have requested the city enter into an agreement for use of the property. Provisions of the agreement include for the city to hold the Bowles Family Partnership harmless from any liability from the city's, college's, or high school's use as a cross-country trail; allow no use of motorized vehicles on the property except in maintenance of the trail; and provide litter clean-up. The Bowles Heirs have given a coal company and gas company the right to disturb the property, however the city will incur no liability from this use. The use agreement can be canceled by either party with a 90 day notice. Commissioner Blackburn made the motion, seconded by Commissioner Clark to authorize the Mayor to execute the use agreement. The motion carried 4 - 0.

4. Kentucky Infrastructure Authority: City Attorney Davis presented a resolution and assistance agreement from the Kentucky Infrastructure Authority (KIA) for the Commission's consideration. The City Attorney explained that the city had applied for, and received a low interest loan in the amount of \$159,416.00 to be used for the purchase of a garbage packer and roll-off truck. The loan term is five years. The interest rate is 2%. City Attorney Davis advised that he had reviewed the assistance agreement and found it to be satisfactory. The following resolution was presented and read entitled:

RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE CITY OF PIKEVILLE, KENTUCKY APPROVING AND AUTHORIZING AN ASSISTANCE AGREEMENT BETWEEN THE CITY OF PIKEVILLE, KENTUCKY AND THE KENTUCKY INFRASTRUCTURE AUTHORITY.

RESOLUTION NO. R-00-002

WHEREAS, the Board of Commissioners (the "Governing Authority") of the City of Pikeville, Kentucky (the "Governmental Agency") has previously determined that it is in the public interest to construct improvements to the Governmental Agency's solid waste system (the "Project") and

WHEREAS, the Governmental Agency has made application to the Kentucky Infrastructure Authority (the "Authority") for the purpose of providing monies to construct the Project; and

WHEREAS, in order to obtain such monies, the Governmental Agency is required to enter into an Assistance Agreement with the Authority;

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the City of Pikeville, Kentucky, as follows:

SECTION 1. That the Governing Authority hereby approves and authorizes the Assistance Agreement between the Governmental Agency and the Authority substantially



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in the form on file with the Governmental Agency for the purpose of providing the necessary financing to the Governmental Agency for the Project.

SECTION 2. That the Mayor and City Clerk of the Governmental Agency be and hereby are authorized, directed and empowered to execute necessary documents or agreements, and to otherwise act on behalf of the Governmental Agency to effect such financing.

SECTION 3. That this resolution shall take effect at the earliest time provided by law.

ADOPTED on February 28, 2000.

/s/ Frank M. Morris  
Mayor

Attest:

/s/ Karen Harris  
City Clerk

Commissioner Clark made the motion, seconded by Commissioner Blackburn to adopt Resolution R-00-002, and to authorize the Mayor to execute the Assistance Agreement between the City of Pikeville and the Kentucky Infrastructure Authority. The motion carried by the following votes:

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

5. High Street Redevelopment Project: Presented for approval was a resolution and contract for the hiring of Wilbur J. Linder & Associates to negotiate and coordinate the acquisition of properties in the High Street Redevelopment Project. Contract fee is \$88,000.00. City Manager Blackburn reported that three proposals were received for this project. Mr. Linder was chosen because of his experience with these type of projects and he submitted the lowest bid. The Resolution was presented and read entitled:

RESOLUTION OF THE CITY OF PIKEVILLE APPROVING THE TECHNICAL ASSISTANCE AND PROGRAM IMPLEMENTATION CONTRACT WITH WILL LINDER & ASSOCIATES IN CONNECTION WITH THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM FOR THE HIGH STREET REDEVELOPMENT PROJECT (RESOLUTION R-00-002)



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WHEREAS, the Commonwealth of Kentucky approved a Community Development Block Grant (CDBG) for the City of Pikeville, Kentucky; and,

WHEREAS, the City of Pikeville has entered into a Grant Agreement with the Commonwealth of Kentucky for implementation of the Kentucky Avenue - Phase I of the High Street Redevelopment Project; and,

WHEREAS, it has been determined that the services of a professional consultant are required for technical assistance and implementation of the CDBG Program;

NOW, THEREFORE, BE IT RESOLVED by the City of Pikeville that:

The contract between the City of Pikeville and Will Linder & Associates for technical assistance and program implementation services relative to the CDBG Program is approved in the amount of \$88,000.00.

All fees paid will come from grants obtained on behalf of the City of Pikeville and would be adjusted to that approved in the Grant Agreement by the Kentucky Department of Local Government.

The obligations of the parties are totally contingent upon the obtaining of a Release of Funds from the Kentucky Department of Local Government and no project activities other than environmentally exempt activities may occur until the release is achieved.

Approved this 28th day of February, 2000.

Commissioner Wilson made the motion to adopt the Resolution. Commissioner Clark seconded the motion. The motion carried 4 - 0.

6. Fair Housing Policy: In conjunction with the High Street Redevelopment Project, the following resolution, Resolution R-00-003, was presented and read entitled:

FAIR HOUSING RESOLUTION

LET IT BE KNOWN TO ALL PERSONS OF THE CITY OF PIKEVILLE that the Pikeville City Commission hereby declares that discrimination in the sale, rental, leasing, financing of housing or land to be used for construction of housing or in the provision of brokerage services because of race, color, religion, sex or national origin is prohibited by Title VIII of the 1968 Civil Rights Act (Federal Fair Housing Law).

It is the policy of the Pikeville City Commission to implement programs to ensure equal opportunity in housing for all persons regardless of race, color, religion, sex or national origin. The Fair Housing Amendments Act of 1988 expands coverage to include disabled person and families with children. Therefore, the Pikeville City Commission does hereby pass the following Resolution.



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BE IT RESOLVED that, within available resources, the Pikeville City Commission will assist all persons who feel they have been discriminated against because of race, color, religion, sex, national origin, disability or familial status to seek equity under federal and state laws by filing a complaint with the U.S. Department of Housing and Urban Development, Office of Fair Housing and Equal Opportunity, Compliance Division.

BE IT FURTHER RESOLVED that the Pikeville City Commission shall publicize this Resolution and through this publicity shall encourage owners of real estate, developers and builders to become aware of their respective responsibilities and rights under the Federal Fair Housing law and amendments and any applicable state or local laws or ordinances.

SAID PROGRAM will at a minimum include: 1) printing and publicizing this policy and other applicable fair housing information through local media and community contacts; 2) distribution of posters, flyers, and any other means that will bring to the attention of those affected, the knowledge of their respective responsibilities and rights concerning equal opportunity in housing; and 3) adopting the Kentucky Analysis of Impediments to Fair Housing Choice, 1996, and mitigate the following recommendations as identified therein:

Provide education on Fair Housing law to property owners and managers.

Provide consumer education regarding rights under the law and remedies available to victims of discrimination.

File commission-initiated complaints as warranted

Enforce property building codes, which include handicap accessibility where warranted as a function of new housing construction.

This resolution shall take effect February 28, 2000.

Commissioner Clark made the motion to adopt the resolution and presented and read. Commissioner Wilson seconded the motion. The motion carried 4 - 0.

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

1. Pikeville High School Track Team: The Commission received a written request from the Pikeville High School Track Team coach concerning use of the track at Bob Amos Park. Ms. White requested use of the track beginning on February 26, 2000, from 4:30 p.m. to 6:00 p.m. daily, weather permitting. For safety purposes, it was requested that the track be closed to the public during the practice times. Also presented was a list of dates that Pikeville would be hosting track meets, which also requires the closing of the track to the public. Commissioner Blackburn made the motion to grant the request and to direct the track coach to schedule the use and closings with the Park Director. Commissioner Clark seconded the motion. The motion carried 4 - 0.



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2. Audit: City Manager Blackburn recommended the Commission schedule a work session to review the city's audit for year ending June 30, 1999. The clerk was directed to schedule the work session.

3. Surplus Fire Equipment: City Manager Blackburn reported that the Fire Department has 60 sections of fire hose that they would like to declare as surplus and offer for sale. Subject to legality, the fire hose will be offered to the area volunteer fire departments for \$50.00 per section. Should the attorney advise that the hose must be advertised publically, the city manager will prepare a bid notice. Fire Chief Hall advised that the Fire Department still has 86 sections of hose in reserve. Commissioner Clark made the motion, seconded by Commissioner Wilson to declare 60 sections of fire hose as surplus property and to offer the hose for sale, under the terms recommended by the city manager. The motion carried 4 - 0.

At 7:14 p.m. Commissioner Clark made the motion to adjourn to executive session for the purpose of discussing two personnel matters. Commissioner Wilson seconded the motion. The motion carried 4 - 0 (Commissioner Davis not present at the time of the vote).

At 9:05 p.m. Commissioner Wilson made the motion, seconded by Commissioner Clark to reconvene the meeting to regular session. The motion carried 4 - 0. (Mayor Morris left the meeting at 9 p.m.)

City Manager Blackburn reported that the Commission had discussed two personnel matters while in executive session.

Commissioner Clark made the motion, seconded by Commissioner Wilson to employ Eva M. Maynard in the position of utility clerk at a wage rate of \$6.50 per hour. The motion carried 4 - 0.

City Manager Blackburn explained that Community Trust Bank offers a service to accept mail-in payments for utilities. By utilizing this service, bank personnel would open and process the mail-in utility payments and deposit the funds into the city's account on the same day. There is a \$6,000 startup cost, of which the city will have to pay half. The fee is \$50.00 per month, plus \$0.25 per payment. By entering into an agreement with the bank, Mr. Blackburn advised that one utility office employee will be free to assist the Finance Office and it will not be necessary to hire an additional employee. The Utility Office will still accept payments from walk-in customers and from the drop-box. Mr. Blackburn reported that the city will also have to do some upgrades on the computer/printer system. City Manager Blackburn recommended entering into an agreement with Community Trust Bank for the collection of utility mail-in payments. Commissioner Clark made the motion to enter into an agreement with Community Trust Bank for the collection of mail-in utility payments as recommended by the City Manager. Commissioner Blackburn seconded the motion. The motion carried 4 - 0.



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There being no further business to come before the Commission, Commissioner Clark made the motion, seconded by Commissioner Wilson to adjourn the meeting. The motion carried 4 - 0. (Adjournment Time: 9:11 p.m.)

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

ATTEST:

Karen W. Harris  
KAREN W. HARRIS, CITY CLERK