

MINUTES } CITY OF PIKEVILLE

REGULAR MEETING - FEBRUARY 8, 1988

The Pikeville City Commission held their regularly scheduled meeting on Monday, February 8, 1988 in the City Hall Public Meeting Room at 260 Hambley Boulevard.

Mayor Pro Tem Steve Combs called the meeting to order at 7:30 p.m. It was noted there was a quorum with the following Commission Members present:

- COMMISSIONER:
- STEVE COMBS  
GREG JUSTICE  
THOMAS HUFFMAN  
JOHNNY MOUNTS
- MAYOR:
- W. C. HAMBLEY, M.D. 7:45

MINUTES

The minutes were included with each Commission Member's agenda package for the regular meeting of January 25, 1988. Greg Justice made the motion to approve the minutes as included with the agenda. Thomas Huffman seconded the motion. The motion carried 4 - 0.

BUSINESS FROM THE FLOOR

Rob Richardson, grandson of the late Charles Huffman, Sr., distributed copies of the July 9, 1987 and September 10, 1987 minutes of the City of Pikeville Urban Renewal and Community Development Agency. Mr. Richardson called the Commission's attention to paragraphs highlighted in each set of minutes which pertained to the U.S. Postal Authority's negotiations with the Huffman Heirs for a South Mayo Trail parcel on which to locate a Regional Post Office. The July 9, 1987 minutes instructed Larry Webster, Urban Renewal Agency Attorney, to write letters to senators, congressmen, representatives, and postal authorities objecting to the location of the Post Office in this area due to Urban Renewal property being available in the riverfill at no cost. This location in the Urban Renewal Board's opinion would better serve the community. The September 10, 1987 minutes directed Mr. Webster to contact the Justice Department to investigate the proposed relocation of the Post Office on the Huffman property. Mr. Richardson asked the Commission to investigate and take appropriate action per KRS 99 (for inefficiency or neglect of duty or misconduct in office a member of an agency may be removed by the Council...) on the grounds of misconduct. Mr. Richardson felt that involving the Justice Department implicated an impropriety on part of the Huffman Heirs. Commissioner Huffman suggested seeking independent counsel to review the actions of the Urban Renewal Agency and to determine if the Board has exceeded its authority. Mr. Richardson was advised to take this matter before the Urban Renewal Board. Steve Combs made the motion to direct the City Attorney, Rusty Davis, to send the appropriate letter to the Urban Renewal Agency requesting all letters with regard to the Post Office negotiations in order for the Commission to investigate this matter more fully before the Commission takes any action. Thomas Huffman seconded the motion. The motion carried unanimously.

POLICE DEPT. QUARTERS

Marsha Rosato, an interior decorator, presented her recommendation to the Commission that the Old Water Treatment Plant would be the most suitable location for the Police Department Headquarters. Ms. Rosato was assured she would have an opportunity to bid on the refurbishing if the Commission approves the proposed move. The Commission announced that there would be a work session with the Police and Fire Chiefs on February 18, 1988 at 4:30 p.m.

HOUSING AUTHORITY

Pat Wagner, Executive Director of the Pikeville Housing Authority, submitted the Housing Authority's audit report for fiscal year 1985-86 in an effort to cooperate with the Commission's resolution regarding reporting procedures. Mrs. Wagner advised the Commission that the Housing Authority reports run a month behind.

EQUIPMENT

Bruce Hopkins of Commonwealth Equipment presented the Commission with information relative to equipment purchases and lease purchases. No action was taken.

BUDDY FORSYTH

Dils Heir, Buddy Forsyth, advised the Commission that he has submitted letters to the Urban Renewal Board disputing the Board's ownership of the property at the Mouth of Harold's Branch to the Mouth of Chloe. Mr. Forsyth explained that he was present to advise the Commission of this property dispute. Mr. Forsyth presented the Commission



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with a document which indicated that the Dils Heirs own the property, however the cocument has a paragraph which states that it is not to be relied upon as a certification of title.

## SEWER TAPS

Eugene Howell, a South Mayo Trail resident, asked the Commission if they had reached a decision with regard to the sewer tap fee for this area. The existing tap on fee is \$300.00 for a residence and \$500.00 for a business. Mr. Howell advised that the ditches have been dug and the taps have been made. Commissioner Combs suggested adoption of a policy whereby property owners in areas under sewerline construction would be offered sewer tap ons at a substantiall reduced rate. City Engineer Jack Sykes reported that the contractor is making the taps and extending the sewerlines to the property line. This work is a portion of the contract obligations. There is a \$28,000 revenue in the financing package of the project that is to come from tap on fees. Mr. Sykes added that if the Commission wants to waive the tap on fee, it is their decision, but the \$28,000 cost will have to come from another source. Mr. Sykes reported that he has analyzed the fee charged for each tap relative to the City's tap on fee. The construction cost runs about \$700 which actually exceeds the prescribed tap on fee. The Commission told Mr. Howell that this item will be discussed in a February 11, 1988 work session.

## GAS LINE

Commissioner Huffman expressed his concern for the natural gas line located outside the City Limits toward Garden Village, in that it has become a financial burden on the City and suggested that the natural gas line be advertised for sale. Commissioner Combs asked if research had been done relative to the contractual liability to provide natural gas service to the 64 customers. There apparently is no obligation on the City's part to supply the gas since the customers are furnished natural gas through meters. Thomas Huffman made the motion to advertise the aforementioned gas line for sale with the understanding that whoever purchases the line will continue supplying natural gas to the customers. Greg Justice seconded the motion. The motion was amended to include a search into the title of Consumer Gas Co(the City of Pikeville purchased this portion of the gas system from Consumer Gas a some thirty years ago) to determine any contractual liabilities. The motion carried unanimously.

## GARBAGE SERVICE

It was questioned if garbage service is mandatory for all businesses within the City. The City Manager reported that there are some businesses that can not be served due to them having dumpsters that are not compatable with the service trucks. The manager of Long John Silvers has requested a four time per week garbage pickup. Mr. Carlton reported that Long John Silvers has a 3 yard dumpster that can't be dumped by the city's trucks. Discussed was the possiblity of the City purchasing standard dumpsters and renting them to businesses. Mr. Carlton was directed to write a letter to the manager of Long John Silvers explaining why the City is unable to provide garbage service.

## AGENCY REPORTS

Mr. Carlton reported that he has received a monthly report from the Joint Planning Commission and the Pikeville/Pike County Economic Development Authority based on the request for information regarding their actions and their finances.

## PSG

The Commission discussed sending notice to Professional Services Group, Inc., terminating their contract for the operation and maintenance of the water and sewage treatment plants. Per the contract document, the City must give PSG a 120 day notice of termination or the contract will continue for a two year period. The Commission discussed renegotiation of the contract within this four month period. There is a \$25,000 penalty payable to PSG if the contract is terminated prior to 1990 without just cause. Jack Sykes reported that a water leak survey had been prepared in December, 1987 which shows about an 18% loss, which he feels is attributable to unmetered usage - ie fire hydrants, street washing, etc. and not by the operation. Steve Combs made the motion to put this item on the 2/22/88 agenda. He voiced his opinion that the proper agents of the City should investigate to determine if there exist and causes to justify termination of the Contract. There was no second to Commissioner Combs' motion, however, the Commission's consensus was to table the matter until the February 22, 1988 meeting. Mr. Carlton was directed to prepare a cost analysis of City operated plants vs. the PSG operations.

## BOWLES ADDN. SEWER

Dwain Anderson, a resident of the Bowles Addition, asked for a progress report on the City's effort to correct the sewage odor and backup problem in this residential area. The City Engineer reported



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that he has observed six houses, there may be more, with downspouts in the sewer system and has also observed a catch basin which drains directly in the sanitary system. There is also a potential problem in that there are trees planted over the top of the six inch clay pipe. The roots from the trees may cause a blockage. It was reported that the manhole below Mr. Anderson's house is open and flowing. Paul Hall, Sewage Crew supervisor, will be conducting a smoke test to determine if the entire sewerline is open. Mr. Sykes went on to explain that he did not think that the washout on the Billips Subdivision last spring contributed to the sewage problem. It is his opinion that the line is being overloaded with all the storm drainage. Mr. Carlton was directed to see that Paul Hall conducts the smoke test this week. The City Engineer was asked to direct the residents with roof drains in the best way to remove the drains from the sewer system.

Mr. Anderson asked the procedure to extend the City Limits to include ANPAT. Mr. Anderson desire to connect his business to the South Mayo Sewage line. The Commission advised that this requested annexation would be economically unfeasible at this time.

## ARCHEOLOGICAL STUDY

Mr. Carlton reported that included with the agenda there is a request from the City of Pikeville to Melvin & Simon Associates to pay for bills incurred on the mall project. One bill was presented for the Commission's consideration. Calvert McIlhaney completed the archeological study of the site in November. A bill has been submitted in the amount of \$2,294.46 and the contract provides for payment upon completion of the study. The Commission took no action.

## CITY BILLS

City Bills totaling \$82,017.05 were presented to the Commission for approval of payment. Several bills were questioned by the Commission. Thomas Huffman made the motion, seconded by Johnny Mounts to approve payment of city bills totaling \$82,017.05. The motion carried unanimously. The Commission discussed the need for a work session relative to the pecking order of natural gas purchases.

## PROJECT BILLS

Project Bills in the amount of \$3,337.80 were presented to the Commission for approval of payment. Questioned was the Elliott Bill. The Commission was told that the payment requested was not the final bill. The Building Inspector was directed to review the contract step by step to make sure all work provided for in the contract has been completed before the final bill is approved. Johnny Mounts made the motion to approve payment of the Project Bills totaling \$3,337.80. Steve Combs seconded the motion. The motion carried unanimously.

## SOUTH MAYO TRAIL SEWER

City Engineer, Jack Sykes, reported that the South Mayo Sewer Project is about 94% complete. The bill presented in the amount of \$70,347 is broken down into payments of \$66,235.20 to Kentucky-Virginia Stone and \$4,112.56 for the engineering fee to Summit Engineering. All of the main trunk line is in place. Two of the three pump stations included in the contract are operating. Lateral line completion, paving and cleanup are basically the only items needing to be completed. The bond will cover the contractor's work for a one year period. Thomas Huffman made the motion to approve payment of the South Mayo Trail sewer project bills totaling \$70,347.76. Johnny Mounts seconded the motion. The motion carried unanimously.

## POLLEY & TRENT

Presented at the prior meeting was a final bill for Polley & Trent (less 10% of the contract) for the Smith Hill Water Line in the amount of \$14,568.10. The Commission deferred payment until the debris was cleaned and the City reimbursed for gas line breakages. The contractor has sent a check for \$329.51 to cover the cost of the gas line break. Half of the \$14,568.10 has been paid, the other half represents the 10% retainage. The contractor is requesting payment of the 10% retainage. Steve Combs made the motion to approve the final pay out of this project. Greg Justice seconded the motion. The motion carried unanimously.

## PSG

Presented for approval was the Professional Services Group, Inc. bill in the amount of \$40,708.33 for the operation and maintenance of the water and sewage treatment plants. The Commission had requested a breakdown of the bill. The City Manager reported that withheld from this payment is the electric bill which varies from month to month. Thomas Huffman made the motion, seconded by Greg Justice to approve payment to PSG in the amount of \$40,708.33. The motion carried unanimously.



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## KYDOT

Two bills were presented to the Commission for their consideration. Per an agreement with the Kentucky Department of Transportation dated September 6, 1979, the City is to reimburse the KYDOT 50% of the relocation cost for the Cut-Thru utilities. Ted Herring, Finance Director, asked the Commission to delay approval of this \$96,153.07 bill until he can verify the costs. The other bill was presented in the amount of \$52,102.67 which represents 60.69% of the total charges on the water, sewer, and gas lines associated with the Cut-Thru Project. Mr. Herring has verified that this amount is due to the KYDOT, but indicated that payment of this bill will be delayed until April, 1988, when a Certificate of Deposit matures.

CITY ENGINEER  
REPORT

Brought before the Commission was a proposed change order for the South Mayo Trail sewage line. This change order involves a reconstruction of a section of line behind the Pike County Board of Education. The change order provides for the reconstruction of about 1150 feet of line, 3 connectors, and two manholes. Mr. Sykes reported that the cost has exceeded the original estimate due to suppliers material cost to the contractor. Mr. Sykes has verified the increase. The contractor has asked that an addition be made to the contract to provide for pumping costs in the event that live sewage is encountered. This cost is estimated at \$6,085 and will be incurred only at the engineer's discretion. The total change order is \$48,315.00. There is approximately \$90,000 left for the South Mayo Trail Sewage Project contingencies. Thomas Huffman made the motion to approve the change order to the South Mayo Trail sewage project in the amount of \$48,315.00. Johnny Mounts seconded the motion. The motion carried 4 - 0 with Greg Justice not present at the time of the vote.

## CITY ATTORNEY

Second Reading was given to an Ordinance entitled:

O-88-001 ORDINANCE PROVIDING FOR FREE TWO (2) HOUR PARKING AT METERS, PROHIBITING PARKING AT METERS FOR MORE THAN TWO (2) HOURS, AND PROVIDING FINES FOR VIOLATION

Greg Justice made the motion, seconded by Steve Combs to adopt the Ordinance. The motion carried unanimously.

First Reading was given to an Ordinance entitled:

ORDINANCE ACCEPTING ROSE STREET AND LANCELOT VILLAGE ON CHLOE CREEK AS A PUBLIC STREET

The Ordinance will be in the office of the City Clerk for a period of at least ten days for public inspection.

## LEGAL RESEARCH

Commissioner Combs explained that it has been suggested that all legal questions regarding the Urban Renewal Agency to the National Legal Research Institute in Lexington. The charge for the service is \$25.00 per hour. The Commission discussed the merits of acquiring independent counsel with regard to the Urban Renewal Agency. Thomas Huffman made the motion to direct the City Attorney to compile a list of issues that the Commission wants researched as to the Kentucky Law and regard thereto; a \$1,000 ceiling on the work the National Legal Research Institute does and a 14 day time period in which to complete the work. Greg Justice seconded the motion. The motion carried unanimously.

## TOURISM

Greg Justice made the motion, seconded by Johnny Mounts, to appoint David Stratton as the City's Representative; Sophia Hayes as the Chamber of Commerce's representative; and Thomas Huffman as the Pikeville Motel/Hotel/Restaurant Association's representative on the Tourism Board. The motion carried 4 - 0 - 1 with Thomas Huffman abstaining.

INDUSTRIAL  
DEVELOPMENT  
BOARD

Thomas Huffman made the motion to appoint Greg Justice as a non-voting liason member of the Pikeville/Pike County Industrial Development and Economic Authority. Steve Combs seconded the motion. The motion carried 4-0-1 with Greg Justice abstaining.

## ENTRY SIGN

Enclosed with the Commission's agenda was a rough draft on a "Welcome to Pikeville" sign. The Commission expressed that this draft was unacceptable and proposed a sign on the same basis as Louisville and Western's entry signs. The City Manager commented that if the sign is to be located on the highway that the city will have to make this request. Commissioner Combs suggested making this request to



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Frankfort that a sign be provided commemorating the State Football Championship. Thomas Huffman seconded this motion. The motion carried unanimously.

## LOUVER DRAPES

A proposal was made to the Commission for the installation of Louver Drapes on the two large windows in the Public Meeting Room by Elliott Contracting. The Commission indicated they did not wish to accept this proposal.

## CURBING MACHINE

The Commission was asked to consider the purchase of a used curbing machine with three molds for \$3,500. The Commission directed that this item be placed on the February 22, 1988 agenda.

## STP EXPANSION PROJECT

Commissioner Combs expressed that he is opposed to the sewage treatment plant expansion unless the engineer can show him that the expansion will allow Harolds Branch, Chloe Creek and Ferguson Creek to hook on to the system and reduce the odor problem at the plant. Jack Sykes explained that if the program is continued to remove the storm water from the sanitary system, it is his opinion that the city will be allowed to extend sewage service to Harolds Branch, Chloe Creek and Ferguson Creek. Mr. Sykes stated that if the plant is expanded to 1.5 MGD, it should provide for a 10 year growth. MSE's representative explained that the odor should be dramatically reduced if the pumping stations efficiently treat the septage and the storm drainage is taken out of the sanitary system. Discussed was methods to reduce the odor. It was also explained that the sewage treatment plant could be expanded at a later date to 2. MGD in the same location if the City approved the expansion of 1.5 MGD. It was explained to the Commission that Wil Linder, grantsman, if authorized to apply for funds to finance the proposed sewage treatment plant expansion, is granted a contract on the basis that his fee will be applicable only if a grant is awarded. It is the Commission's understanding that the City is not obligated to pay Mr. Linder if he is unable to obtain a financing package for this project. Thomas Huffman made the motion to allow Wil Linder to apply for funds to finance the proposed Sewage Treatment Plant expansion. Steve Combs seconded the motion. The motion carried unanimously.

## MUNICIPAL ROAD AID

Thomas Huffman made the motion, seconded by Greg Justice to authorize the Mayor to sign an agreement with the State of Kentucky for the award of \$54,875 in gas tax monies for street maintenance and repairs. The motion carried unanimously. These funds are for the 1988-89 operations.

## PARADE PERMITS

The Commission received requests for parade permits for the 4/9/88 Citizens Bank 5 and 10K runs and the 4/30/88 March of Dimes Walkathon. Steve Combs made the motion to empower the Chief of Police to take action on such requests. Thomas Huffman seconded the motion. The motion carried unanimously.

## ADJOURNMENT TO EXECUTIVE SESSION

Steve Combs made the motion, seconded by Johnny Mounts to adjourn to Executive Session for the purpose of discussing personnel matters. The motion carried unanimously.

Upon reconvening to regular session, Thomas Huffman made the motion, seconded by Steve Combs to appoint Grace Ratliff to the position of Tax Administrator and instructed Ted Herring to turn over all keys to Mrs. Ratliff. The motion carried unanimously.

Thomas Huffman made the motion to make it a policy of the City of Pikeville that no more compensatory time will be awarded to City Employees; Working hours are amended to 8:00 A.M. to 5 P.M. with one hour for lunch. This policy applies to everyone with the exception of the Police and Fire Departments. Greg Justice seconded the motion. The motion carried unanimously.

## ADJOURNMENT

There being no further business to come before the Commission, Greg Justice made the motion, seconded by Thomas Huffman to adjourn the meeting. The motion carried unanimously.

The Commission's next regularly scheduled meeting will be held on February 22, 1988 in the City Hall Public Meeting Room at 260 Hambley Boulevard.

ATTEST:

TED HERRING, CITY CLERK

APPROVED

*Let. G. Hambley Jr.*