

## MINUTES } CITY OF PIKEVILLE

## REGULAR MEETING - FEBRUARY 22, 1988

The City of Pikeville Board of Commissioners met in their regularly scheduled meeting on Monday, February 22, 1988 in their designated meeting place in the City Hall Public Meeting Room at 260 Hambley Boulevard.

## ROLL CALL

Mayor W. C. Hambley, M.D. called the meeting to order at 7:30 p.m. The following Commission Members were present and formed a quorum:

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

## MINUTES

The minutes for the previous regular meeting of February 8, 1988 were included in each Commission Member's agenda package. Thomas Huffman made the motion, seconded by Steve Combs to approve the February 8, 1988 minutes as submitted with the agenda. The motion carried unanimously.

BUSINESS FROM  
THE FLOOR

James Bentley advised the Commission that he owns a parcel located below the road between a road and the railroad tracks in the area known as the Narrows. The property's access is blocked by a gate which was erected by the City to protect the garbage transfer station. Mr. Bentley indicated that he would like to sell the property but is unable to show the parcel to a realtor due to the blocked entrance. The City Manager reported that the gate is open each day from 6 a.m. to 2 p.m. and Mr. Bentley has been offered a key to the gate for night and weekend use. Mr. Bentley was unsure of the property's actual acreage but indicated he would sell the property for \$6,500.00. Mr. Carlton reported that the Urban Renewal Agency made Mr. Bentley an offer of \$2,000 for the parcel, which was refused. The City Commission directed Rusty Davis, City Attorney, to make arrangements to have the property appraised.

Carl Billiter distributed copies of opinions from engineering firms with regard to the property dispute between Ed Isom and himself. Mr. Billiter called the Commission's attention to a letter written by Steve Haywood of Summit Engineering advising that an error had been made with regard to the distance of the sides of Mr. Isom's property. Mr. Billiter explained that the mistake caused him to endure severe hardship and questioned Summit Engineering's capability in the position of City Engineer. No action was taken.

Thomas Huffman made the motion to pass a resolution to remove John Pinson from the Office of City Treasurer due to Mr. Pinson no longer residing in the City of Pikeville. Greg Justice seconded the motion. The motion carried unanimously. The Commission announced they would recruit to fill this position and make the appointment at the next meeting.

Nancye Caudill Blackburn of Grouse Point Development asked the Commission's help in acquiring a parcel owned by the Urban Renewal Agency. Grouse Point Development has leased Lower Poor Farm Hollow from the City of Pikeville and wants to encompass the Urban Renewal tract which consists of the face of the mountain as looking toward the right side of Poor Farm in the lease. Mrs. Blackburn explained that her company has acquired the Forrest City Dillon mall design which was originally designed for the Poor Farm Hollow area and which was proposed for the Melvin Simon mall development at the Old Airport site. Mrs. Blackburn reported that Jack Sykes has reviewed the deeds in the right-of-way transfer for the Cut-Thru and has determined that Urban Renewal does have title to this tract. Mrs. Blackburn has requested Urban Renewal to extend a lease of this property to her company and they have taken no action. Mrs. Blackburn indicated that the \$4.5 million UDAG which was awarded for the Melvin Simon Mall Site could be redirected for this development. In July the grant will be gone if no action is taken. Mrs. Blackburn asked the Commission to request Urban Renewal to deed this property to the



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City so the mall development in Poor Farm can become possible. Steve Combs made the motion to pass a resolution asking The Urban Renewal Agency to deed the tract to the City. Thomas Huffman seconded the motion. The motion carried unanimously.

The Commission discussed the traffic hazard in the vicinity of the Main Street Bridge access. The City Engineer was directed to look at this hazard and report to the Commission at their next meeting.

Rob Richardson, Huffman Heir, came before the Commission at their 2/8/88 meeting to discuss letters written by the Urban Renewal Agency opposing the Postal Authority's location of a regional Post Office on the Huffman's South Mayo Trail parcel. Rusty Davis reported that he requested copies of these letters sent to Federal Officials from the Urban Renewal Agency and has received copies. Larry Webster, Urban Renewal Attorney, indicated that the directive to request the Justice Department's involvement was not carried out. Mr. Richardson asked if any progress has been made with regard to the Commission's directive to request independent legal counsel investigation into the powers and authority of Urban Renewal. Mr. Davis reported this request was rather lengthy and no response has been heard from the National Legal Research Institute. The letters written by Mr. Webster were discussed but no action was taken.

## POOR FARM GAS PROPERTY

Steve Combs made the motion to pass a resolution demanding that The Urban Renewal Agency deed the gas rights in Poor Farm Hollow to the City of Pikeville. Thomas Huffman seconded the motion. The motion carried unanimously.

## POPLAR STREET

The Commission directed the City Attorney to send a letter to the Kelly Daniels' heirs asking to purchase their Poplar Street house due to water runoff from the front of the house draining down the street and causing erosion on Smith Hill Street. Discussed was the overflow from the water storage tanks.

## CITY BILLS

Commissioner Combs stated his opposition to approving the City Bills without first reviewing the list of bills. City Bills were presented to the Commission totaling \$173,455.13 for approval of payment. Thomas Huffman made the motion, seconded by Greg Justice to approve payment as requested. The motion carried 4 - 1 with Steve Combs voting "NO".

## PROJECT BILLS

Project Bills totaling \$6,475.87 were presented for approval of payment. Both bills submitted making up this total were from Elliott Contracting for the City Hall Complex. It was questioned why these items were not advertised for bid. Thomas Huffman made the motion, seconded by Greg Justice to approve payment totaling \$6,475.87. The motion carried 4 - 1 with Steve Combs voting "NO".

## ARCHEOLOGICAL SURVEY

A bill was submitted from Calvert W. McIlhany in the amount of \$2,294.46 for the Archeological survey on the proposed Pikeville Mall site. Steve Combs made the motion to approve payment. Johnny Mounts seconded the motion. The motion carried 3 - 2 with Greg Justice and Thomas Huffman voting "NO".

## ROBERTS & HOLCOMB

KLC Enterprises submitted their bill for natural gas purchases from the Roberts & Holcomb wells during the month of January, 1988. The bill was presented in the amount of \$18,537.33. Greg Justice made the motion, seconded by Johnny Mounts to approve payment as requested. The motion carried 4 - 1 with Steve Combs voting "NO".

## GAS CONSULTANT

Steve Combs made the motion to employ a natural gas consultant to properly meter the wells so the City will no longer purchase the more expensive natural gas when not obligated to do so. Greg Justice seconded the motion. The motion carried unanimously.

## CITY ENGINEER

Jack Sykes, representing Summit Engineering, gave a verbal report of ongoing City Projects:

1. Sewage Treatment Plant: Mr. Sykes gave each Commission Member materials with regard to construction of a new sewage treatment plant on an alternate site at the 2 and 2½ MGD capacities. The



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Commission indicated they would discuss this matter in a work session.

2. Entrance Sign: Joe Anderson of the Highway Department has agreed to construct a sign at 4th Street directing traffic from the Boulevard to the downtown area. When the traffic routing becomes so improved that the Boulevard can be accessed from Pike Street or Huffman Avenue, signs would be installed at that time. With regard to the "Welcome to Pikeville" sign, KYDOT indicates the Federal Law does not allow them to construct such a sign on highway right-of-way and have indicated they will not construct such a sign.

3. Northmonte: Bids will be opened March 2, 1988 for sewage and water lines for this subdivision.

4. Signs: The City of Pikeville now has in its possession 532 signs which were obtained through a grant. The sign posts have not been delivered at this time.

CITY ATTORNEY

Rusty Davis, City Attorney, reported that the City was successful in the appeal of unemployment benefits to Gary Tackett. The City of Pikeville was determined to have just cause for this dismissal. Kevin Bartley filed a discrimination complaint with the Department of Labor. The City has been notified that the Department of Labor has found no evidence of discrimination with regard to this complaint.

LANCELOT COURT

Ordinance O-88-002 was presented and given second reading. The Ordinance was read entitled:

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

Greg Justice made the motion, seconded by Thomas Huffman to adopt the Ordinance. The motion carried unanimously.

KEYSER HEIGHTS

The Commission received a letter from Paul R. Maynard, Chairman of the Keyser Heights Home Owner's Association with regard to a sewage problem where the sewage overflows the manhole and runs across the street into an open ditch. Paul Hall, Sewage Crew Supervisor, reported that the problem stems from the 3 inch siphon line which was installed by the State being too small. A 90° elbow under the highway is a contributing factor to sewage backup. Jack Sykes reported that the Kentucky Housing Authority oversaw the Keyser Housing Project. Summit Engineering prepared an estimate for two alternatives in solving this problem several months ago which range in cost from \$11,000 to \$60,000. Mr. Sykes reported that this problem occurs about once every four months and suggested that the Commission direct Paul Hall to clean the manhole where the siphon begins once a month. Steve Combs made a motion to pass a resolution to direct the City Attorney to make a written demand on the Kentucky Housing Authority to improve or correct this problem within 30 days. Greg Justice seconded the motion. The motion carried unanimously.

JEFFERSON ST.

The Commission, by motion of Thomas Huffman and seconded by Greg Justice, directed the City Attorney to put the Pikeville Housing Authority on notice to take measures to prevent Jefferson Street from sliding over into the Hames Court Housing Project. This problem is alleged to be due to cutting the toe of the bank inappropriately.

SEWER TAP FEES

Greg Justice made the motion to change the cost of the commercial sewer tap on fees to \$300.00 and residential tap on fees to \$150.00. The Commission discussed limiting this policy to new construction areas. No agreement could be reached with regard to this discussion. Commissioner Justice's motion died from lack of a second. The Commission discussed the rate with which the new sewage customers in the South Mayo Trail area would be charged. The City Manager reported that the residents receive their water service from Chaney Water and they would be billed at 85% of their water consumption per City of Pikeville rates.

1987-88 AUDIT

Steve Combs made the motion to accept Linton & Company's proposal to audit the City's 1987-88 financial records at a price not to exceed \$15,000. Greg Justice seconded the motion. The motion carried unanimously.



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## PSG EXTENSION

Presented to the Commission for approval was an agreement between Professional Services Group and the City of Pikeville. The agreement provides for amendments to their contract in paragraphs 4.4 and 7.1 which extends the March 1, 1988 deadline for negotiations on base fees and estimated total direct cost to April 1, 1988 and allows for a 90 day notice of termination instead of the 120 day notice of termination. This extension will allow for a period of renegotiation for PSG's services in operation and maintenance of the water and sewage treatment plants. Steve Combs made the motion to accept the extension to consider a proposal. Greg Justice seconded the motion. The motion carried unanimously.

STP TRICKLING  
FILTER

The Commission questioned why the City had not sent written notice to the sewage treatment plant contractor, Powell Construction, with regard to the Trickling Filter bottom problem. It was reported that the engineer had contacted the contractor with regard to this problem. Letters were included in the agenda package from Howard K. Bell Consulting Engineers, engineer for the wastewater plant improvements and Powell Construction Company with regard to this problem. Powell Construction has agreed to furnish the labor and equipment to remove the media and stone around the center column so it can be inspected and repaired. They had agreed to do the work, and if this problem is attributable to construction, at no cost. Powell Construction indicated they wanted to be reimbursed should the cause be determined to be other than their construction. Steve Combs made the motion to authorize the City Attorney to make a demand upon Powell Construction that they have ten days to begin correcting the problem or the City will file suit and the City will not be responsible for any cost in digging out the trickling filter. Thomas Huffman seconded the motion. The motion carried unanimously.

## CLOSED SESSION

There being no other business from the floor, Steve Combs made the motion to adjourn to a closed session to discuss personnel matters. Greg Justice seconded the motion. The motion carried unanimously.

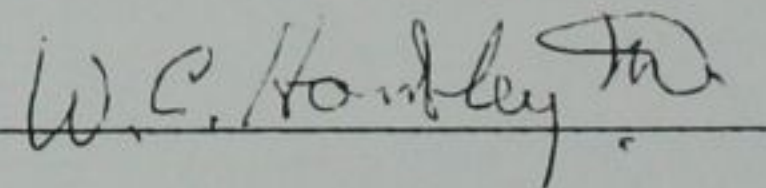
Upon reconvening to regular session, Thomas Huffman made the motion, seconded by Greg Justice to remove Ted Herring as City Clerk and directed the Chief of Police to secure the office and get the keys. The motion carried 4 - 1 with Mayor Hambley voting "NO".

## ADJOURNMENT

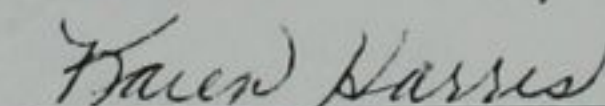
Thomas Huffman made the motion, seconded by Steve Combs to adjourn. The motion carried unanimously.

The City Commission's next regular meeting is scheduled for March 14, 1988 at 7:30 p.m. in the Public Meeting Room at 260 Hambley Boulevard.

APPROVED



ATTEST:

  
CITY CLERK