

MINUTES } CITY OF PIKEVILLE

REGULAR MEETING - MARCH 28, 1988

The Pikeville City Commission met in a regularly scheduled meeting on Monday, March 28, 1988 at 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. The following Commission Members were present and formed a quorum:

COMMISSIONER:	STEVE COMBS	
	GREG JSUTICE	
	THOMAS HUFFMAN	
	JOHNNY MOUNTS	
MAYOR:	W. C. HAMBLEY, M.D.	7:40

MINUTES

The minutes for the previous regular meeting of March 14, 1988 were included in each Commission Member's agenda package. Thomas Huffman made the motion, seconded by Greg Justice to approve the minutes as submitted. The motion carried 4 - 0.

BUSINESS
FROM THE
FLOOR

Betsy Venters, President of the Preservation Council, presented the Commission with two Historic Site stickers to be put in the City Hall Buildings which were listed on the National Register. Mrs. Venters indicated that a bronze plaque would be presented upon the restoration of the shed.

Masten Childers on behalf of the Mayo Village Water Company addressed the Commission relative to the City's installation of water lines in areas which have been serviced by the Mayo Village Water Company. The City Manager reported that there is a gas leak in the area where about 300 feet of gas line located under cement will have to be replaced. The Public Works Director requested permission to install a section of 10 inch water line at this time to serve future fire hydrants. This 10 inch line parallel a 6 inch line. Mr. Childers asked, that in the event that plans are developed in the future to install water lines which will interrupt Mayo Village Water Company's services or be in competition with their services, that the City submit notice to Mayo Village Water Company. The Commission indicated a ninety day to a six month notice would be given in the event that the City decided to extend services to the areas now being serviced by Mayo Village Water Company.

James Bentley asked the Commission if a decision had been made relative to the Narrows tract owned by his family. City Attorney Rusty Davis reported that appraisals had been made and the Commission had been advised of the appraisals in an executive session. It was a general consensus of the Commission to send a letter to the Urban Renewal Agency recommending that they purchase the Bentley property since Urban Renewal owns the surrounding tracts.

CITY ENGIN-
EERS REPORT

Jack Sykes reported that Kentucky-Virginia Stone has installed all the pipe as specified in the change order to the South Mayo Sewer contract for a section of line behind the Pike County Board of Education. The contractor is now in the process of making a tie in for the services along this section of line. Mr. Sykes recommended placing an ad in the newspaper asking any property owner along the line to notify the

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engineers if they have any problems relative to the final reclamation of the line to make sure they identify all claims before the contractor finalizes the project.

The contractor, Valley Construction and Paving, is underway on the Northmonte water and sewer extension. The project should be completed in approximately one week.

All material for the street signs are available and awaiting installation.

Powell Construction Company worked at the Sewage Treatment Plant for 1½ days last week. They bagged 6 bags of plastic media and Mr. Sykes reports that he has had no report from Powell Construction Company. The Commission directed the City Attorney to contact Powell Construction giving them ten days to begin correcting the trickling filter bottom problem and if they do not, authorized the City Attorney to file suit.

CITY ATTORNEY
REPORT

Mr. Davis presented each Commission Member with a memorandum he prepared with regard to the legality of executing a long-term lease agreement with Grouse Point Development Corporation for 19 acres in Poor Farm Hollow for the purpose of developing a shopping mall. According to Mr. Davis, the only part of Kentucky Law which may present a problem is under the Kentucky Constitution with regard to granting franchises, however there are several Kentucky cases to interpret. A city can operate in two capacities - governmental and proprietary - which Mr. Davis explained. Mr. Davis pointed out that a prior City Commission has extended an option to lease (60 years with two 20 year renewals) and an option to purchase the property. This agreement presents a problem if the present City Commission feels it is not the public's best interest and wants to advertise the property for competitive bid. The City Commission can not offer the same terms and conditions to prospective bidders that the City Commission has already agreed to extend to Grouse Point Development Corporation. Another question to look at is the title to the 6 acres owned by the Urban Renewal Agency and 5 acres owned by the State Highway Department. The developer has indicated that there is no problem with the Highway Department deeding their 5 acres. Mr. Davis did a title search and determined the Bowles Heirs originally had title to the property. The Highway Department has deeded back riverfill property to the City of Pikeville. Mr. Davis reported that the deed is not in the City's possession. He contacted the State and they report the deed was transported by County Judge/Executive Paul Patton and that the deed is now in the possession of Larry Webster. Mr. Webster was present and did indicate that he had the deed but contended that the deed should not have given title to the City of Pikeville but to the Urban Renewal Agency. Thomas Huffman made the motion to authorize the City Attorney to enter into negotiations with Grouse Point Development Corporation for the preparation of a lease agreement granting consideration for the 19 acres in Poor Farm Hollow and directed the City Attorney to have two appraisals made of the property. Steve Combs seconded the motion. The motion carried 4 - 1 with Mayor Hambley voting "NO".

Steve Combs made the motion to pass a resolution that if the deed from the Highway Department is not in the City's possession by March 29, 1988, that the City Attorney make arrangements to get a copy from Milo Bryant's office and have the deed recorded and further moved that if the State Highway Department wants this property deeded to the Urban Renewal Agency, the City will do so immediately. Thomas Huffman seconded

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the motion. The motion carried unanimously.

CITY BILLS

City Bills were presented for approval of payment totaling \$107,813.91. Greg Justice made the motion, seconded by Thomas Huffman to approve payment of the bills as submitted. The motion carried unanimously.

SOUTH MAYO
TRAIL SEWER
PROJECT

A request for authorization of reimbursement was submitted to the Commission for approval in the amount of \$29,997.92. This amount was paid from City funds to Kentucky-Virginia Stone for payment estimate #9. ARC funds have been received and the request allows the City of Pikeville to be reimbursed for this payment. Greg Justice made the motion to approve the reimbursement. Thomas Huffman seconded the motion. Before roll call was taken, the City Engineer indicated to the Commission that a vote was not necessary for this item.

ABC AMENDED
ORDINANCE

Scheduled for second reading was an Ordinance amending opening and closing times for establishments selling alcoholic beverages. Steve Combs made the motion, seconded by Greg Justice to table second reading until the next meeting. The motion carried unanimously.

TAXES

A request was submitted to authorize the Tax Collector to file a lien on 1986 and 1987 Delinquent Property taxes that total over \$100.00 for the two years. Each Commission Member received a computer printout showing the taxpayer and amount owed. The Commission made a directive that the Tax Collector should make every effort to clear up the list and delete those names who are deceased. Steve Combs made the motion to authorize the filing of liens through tax year 1986 after the tax collector verifies property ownership and the amount owed is over \$100.00. Johnny Mounts seconded the motion. The motion carried unanimously.

FEMA

In each Commission Member's agenda package, correspondence was submitted from the Federal Emergency Management Agency regarding the revision of the Floodway map in the vicinity of the Pikeville Mall (Old Airport site). The City Manager explained that this action goes back to a 1985 request for a revision in the Floodway map to accommodate the mall project. Steve Combs made the motion to pass a resolution to direct the City Attorney to write to congressmen, senators, the governor, and FEMA urging that the flood plain level not be raised in that a raise of the flood plain level would cause a loss to Pikeville in the form of a mall. Thomas Huffman seconded the motion. The motion carried unanimously.

POST OFFICE

The Commission has been made aware that there is a problem with patron parking at the Main Street Post Office. The Commission suggested providing parking for Post Office employees in back of the Post Office in exchange for 5 minute parking at the side.

DEMOLITION

Fire Chief, Charles T. Smith, reported that the John Cummings fire damaged house on Harolds Branch has been condemned and if a petition is not filed, the property owner has 30 days to clean up the property. The City can advertise for bids for demoliton and file a lien on the property to recoup the demoliton costs. The Commission directed that a search should be done to determine if there is a mortgage on the property as a mortgage would have priority over the lien.

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MALL

The Commission directed the City Manager to write a letter of request to the State for a 30 day extension of the April 15th deadline imposed by the State with regard to the \$750,000 CDBG grant. Mr. Carlton was directed to advise that the airport site property owners are trying to find a developer and that the City is refusing to relinquish their priority rating on these funds.

CERTIFIED
CITIES

A resolution was presented to the Commission and read entitled:

A RESOLUTION OF THE PIKEVILLE CITY COMMISSION SUPPORTING THE CERTIFIED CITIES PROGRAM AND THE PIKEVILLE/PIKE COUNTY CHAMBER OF COMMERCE TO HAVE THE CITY OF PIKEVILLE APPLY FOR CERTIFIED CITY STATUS

Greg Justice made the motion to adopt the Resolution. Thomas Huffman seconded the motion. The motion carried unanimously.

AGREED ORDER

Presented to the Commission was an Agreed Order on the expansion of the City's Sewage Treatment Plant. This agreement was predicated on the idea that the City would plan to expand the present Sewage Treatment Plant. Since that time the City and County have been discussing the possibility of a Regional Sewage Treatment Plant. Jack Sykes reported that he is unsure if Mr. Hurst with the Division of Water will accept the agreed order unless the City takes some "stop gap" measures due to the timetable of 5 - 10 years for a regional sewage plant coming on line. Mr. Sykes explained that necessary improvements to bring the existing plant in to EPA compliance are estimated to cost \$452,000. The improvements should accomodate development for 3 - 4 years and the plant can be expanded at a future time. The City will have an eighteen month time frame to initiate activities for the renovation of the existing plant if the regional STP is not funded. Thomas Huffman made the motion to approve the Agreed Order. Johnny Mounts seconded the motion. The motion carried unanimously. Jack Sykes explained that Summit/MSE has an outstanding contract for the expansion of the STP and asked that the Commission approve Summit Engineering to proceed with preliminary plans for the design of the STP improvements at a standard FmHA percentage and at the next meeting will present a modified contract. Johnny Mounts made the motion to allow the City Engineer to proceed with preliminary plans for design of the sewage treatment plant improvements under the retainer. The motion died from lack of a second. The Commission told Mr. Sykes they would discuss this matter in a work session and would have the City attorney to prepare a contract.

VANHOOSE

A 3 page settlement Agreement with Charlie VanHoose with regard to access to his Coal Run property was presented to the Commission as information. The previous Commission approved a City funded retaining wall and improvements estimated at \$30,000. Commissioner Mounts voiced his opposition to spending taxpayers dollars for this project.

PSG

The Commission was presented with Professional Service's Group, Inc. budget for the operation of the City's Water and Sewage Treatment Plants for 1988-89 for approval. Asa Foster with PSG reported that the City's overall budget for 1987-88 is \$5,000 in the black but maintenance costs have overrun the budget by \$22,000. Mr. Foster indicated that PSG would waive the \$22,000 request for payment if their contract was approved. The Commission had reservations about approving the contract due to the \$25,000 penalty clause if the contract was terminated in April 1989. The Commission asked that the contract period be submitted on a yearly basis with no penalty amount. Discussion continued at some length. Thomas Huffman made the motion, seconded by Greg Justice to

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adjourn to an executive session to discuss the contract. The motion carried unanimously.

Upon reconvening to regular session, Thomas Huffman made the motion to approve the Professional Services Group, Inc. 1988-89 operating budget for the operation and maintenance of the Water and Sewage Treatment Plants based on a one year contract period and that the penalty amount be reduced to \$12,500 and the penalty will be removed after one year. Greg Justice seconded the motion. The motion carried unanimously.

REZONING

The Commission was given notice that a Rezoning Hearing would be held on Thursday, March 31st at 7:00 p.m. for the purpose of considering a request to rezone 6th Street from R-1 to R-3.

EXECUTIVE
SESSION

Thomas Huffman made the motion, seconded by Greg Justice to adjourn to an executive session for the purpose of discussing personnel matters. The motion carried unanimously.

Upon reconvening to regular session, Thomas Huffman made the motion to confirm the Commission's prior decision to remove Ted Herring from office. Greg Justice seconded the motion. The motion carried 4 - 1 with Mayor Hambley voting "NO".

Thomas Huffman made the motion, seconded by Greg Justice to direct the City Manager to have the Main Street/Scott Avenue access to the riverfill closed and to advise the developer of the requirements for accesses onto City streets. The motion carried 4 - 1 with Steve Combs voting "NO".

Steve Combs made the motion to authorize the Police Chief to employ dispatchers. Greg Justice seconded the motion. The motion carried unanimously.

Thomas Huffman made the motion, seconded by Greg Justice to authorize that planning begin for a Fire Station construction at the mouth of Chloe and directed the City Manager to find a source of funding. The motion carried unanimously. The Commission did discuss the possibility of using Urban Renewal Funds for this project.

The Commission directed the City Manager to send a memorandum to Island Creek advising that the supervisor will be responsible for the crew's vehicle.

The Commission discussed the need to regulate the size of garbage receptacles.

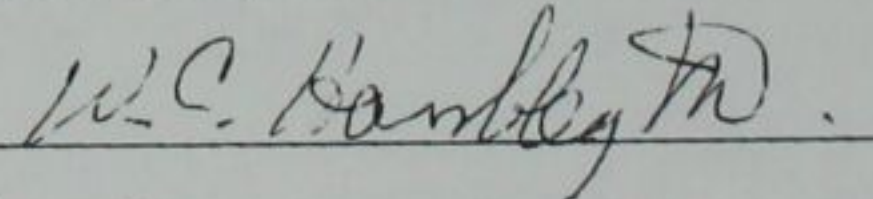
The Commission made a public apology for language used by Larry Webster during their discussion of the Highway Department deed.

ADJOURNMENT

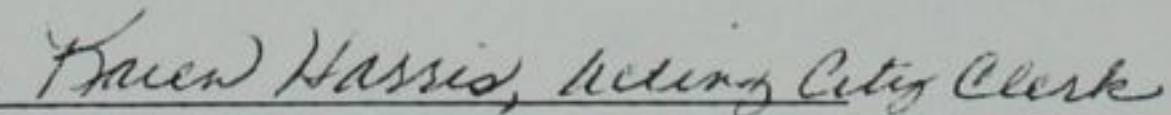
There being no further business to come before the Commission, Thomas Huffman made the motion, seconded by Greg Justice to adjourn the meeting. The motion carried unanimously.

The Commission's next scheduled meeting is April 11, 1988 at 7:30 p.m. at the City Hall Public Meeting Room at 260 Hambley Boulevard.

APPROVED



ATTEST:


Karen Hassis, Acting City Clerk