

MINUTES } CITY OF PIKEVILLE

REGULAR MEETING - APRIL 25, 1988

The City of Pikeville Board of Commissioners met in a regular scheduled meeting on Monday, April 25, 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 JUSTICE
THOMAS HUFFMAN
JOHNNY MOUNTS
MAYOR: W. C. HAMBLEY, M.D. 7:45

MINUTES

Thomas Huffman made the motion to approve the minutes for the previous regular meeting of April 11, 1988 as included with the agenda package. Greg Justice seconded the motion. The motion carried 4 - 0.

POPLAR STREET

In Business from the Floor, Sharon Cox, a resident of Poplar Street, asked what action had been taken with regard to the complaint made at the April 11, 1988 meeting of a dilapidated house at 125 Poplar Street. Other vacant dwellings in the area were mentioned as being dilapidated - the Justice Property in the alley off Kentucky Avenue and the Charles Property on the other side of the McCoy property. The Building Inspector and the Fire Chief were directed to make an evaluation of the named structures. Assistant Fire Chief, Tom Hall, suggested the adoption of an ordinance modeled after one used by the City of Prestonsburg whereby the Fire Department would be authorized to inspect structures before they are rented. The Fire Chief reported that the Fire Inspector had made inspections on the named structures, found the structures uninhabitable and boarded up however the Kentucky Power Company reinstalled electric service to these structures. The Commission directed the City Attorney to request Ordinances from other cities with regard to dilapidated structures and prepare an Ordinance to be given first reading at the next regular meeting to provide for an inspection by the Building Inspector before a unit can be rented. Other concerns voiced were structures which are declared uninhabitable with regard to the accessibility by children or loiterers. The attorney was directed to include a clause in the proposed Ordinance giving a specified time for the structure to be razed.

LIABILITY
COVERAGE

Chuck Damron, Commercial Insurance Service Corporation, presented the Commission with a proposal for the renewal of the liability insurance to cover 1988-89. 1987-88 premium was \$141,000. 1988-89 would realize about a \$21,000 decrease for a total premium of \$120,638.56. Last year's general liability was written with a \$25,000 deductible - this year there is no deductible. Police Department deductible decreased from \$10,000 to \$5,000. Greg Justice made the motion to accept Commercial Insurance Service Corporation's 1988-89 Liability Insurance coverage proposal in the amount of \$120,638.56. Steve Combs seconded the motion. The motion carried unanimously.

POPLAR STREET
(P. JUSTICE)

The Cox's, residents of Poplar Street, requested permission to purchase 60 feet of the recently acquired Pauline Justice property. The City Attorney recommended dividing the tract into two parcels. The City Engineer was directed to prepare a description of the property. Steve Combs made the motion to advertise for bids for the sale of the Justice Property. Greg Justice seconded the motion. The motion carried unanimously.

JAYCEES

Rusty Chaffin, on behalf of the Pikeville Jaycees, made an annual plea for help in funding the Fourth of July Fireworks demonstration. In the past, the City has purchased \$1,500 worth of fireworks. The Jaycees will be asking public service organizations for donations in an effort to give a better Fireworks Demonstration. Greg Justice made the motion to allot \$3,000 from the Parking Fund for the purchase of Fireworks. Thomas Huffman seconded the motion. The motion carried unanimously.

MINUTES } CITY OF PIKEVILLE

FIRE HYDRANT

Tom Martin, a resident of 710 Scott Avenue, explained that the fire hydrant and utility pole located in his front yard had been damaged during an automobile accident several weeks ago. While the utility pole was replaced, the fire hydrant has not been replaced. The Fire Chief reported that a work order had been submitted to the Public Works Department for repair of the hydrant. The City Manager explained the hydrant was an older model which ties into a 4 inch line. Smokey Blankenship reported that his crew had been unable to acquire a hydrant that would fit the water line. Mr. Martin requested the hydrant be removed if it can not be repaired or replaced. The Commission directed Mr. Blankenship to replace the hydrant if possible, or remove it.

U.S. #23

Leon Huffman distributed copies of a resolution as adopted by the Big Sandy Area Development District with regard to the completion of 33 miles of U.S. #23. This resolution will be hand delivered to the Governor's office and Mr. Huffman requested the City Commission's adoption of the resolution. The resolution was read by the City Attorney. Thomas Huffman made the motion to adopt the resolution calling for the completion of U.S. #23. Greg Justice seconded the motion. The motion carried unanimously.

ECONOMIC
DEVELOPMENT
COMMITTEE

Mr. Huffman reported that he had requested assistance in funding the Economic Development Committee from the Pike County Fiscal Court. The Committee was established to attract industry to Pike County. The Fiscal Court agreed, according to Huffman, to attempt to find 2/3rd of the requested budget. Mr. Huffman asked for the City Commission's commitment to fund the remaining 1/3rd which amounts to \$38,600. Thomas Huffman made the motion, seconded by Greg Justice to include \$38,600 in the budget to fund the Economic Development Committee if a source of funding is found. The motion carried unanimously.

POOR FARM MALL

Jim Ellis, Architect for Grouse Point Development Corporation, gave a verbal status report on the proposed Poor Farm Mall. Mr. Ellis reported that representatives from Melvin Simon & Associates have inspected the proposed site. Presented were colored aerial photographs of the site. The preliminary terms of the lease have been discussed between the attorneys. The appraisal has been made on the property but the City Attorney indicated that he had not yet been contacted by the appraiser. The City Attorney voiced his concern with regard to Melvin Simon & Associates' interest in this project in that the City spent funds on the proposed mall at the airport site with the understanding that Melvin Simon would be the developer. Mr. Davis suggested that Melvin Simon be asked to reimburse the City for their cost lost on that project.

CITY BILLS

City Bills were presented to the Commission for approval of payment totaling \$88,260.99. Steve Combs made the motion, seconded by Thomas Huffman to approve payment of the City Bills totaling \$88,260.99. The motion carried 4 - 1 with Johnny Mounts voting to approve all bills with the exception of \$461.59 to Thompson & Litton.

PROJECT BILLS

Project Bills totaling \$67,970.93 were presented for approval of payment (Elliott Contracting \$27,262.60; Professional Services Group, Inc. \$40,708.33). Commissioner Huffman asked if the Building Inspector had check to see that Elliott Contracting had completed their work on the City Hall Complex as specified in the contract. Thomas Huffman made the motion to approve payment of the PSG bill totaling \$40,708.33 and hold payment of the Elliott Contracting bill until the original proposal can be reviewed. Greg Justice seconded the motion. The architect for the project, Richard Reeher, told the Commission that Elliott Contracting had satisfied the contract. Bruce Elliott, owner of Elliott Contracing, stated that there is a one year warranty on the work and any unpaid balance will be subject to interest. The architect has signed the request for payment which certifies that the work is complete. Thomas Huffman made the motion to approve payment of both bills totaling \$67,970.93 on the basis that the architect signed the certificate of completion with regard to the Elliott Contracting bill. Steve Combs seconded the motion. The motion carried unanimously.

MINUTES } CITY OF PIKEVILLE

NORTHMONTE

Jack Sykes requested the Commission to consider approving final payment to Valley Construction and Paving in the amount of \$10,520.50 for the Northmonte water/sewer line extension. Thomas Huffman made the motion to approve the \$10,520.50 final payment to Valley Construction & Paving for the Northmonte Project. Steve Combs seconded the motion. The motion carried unanimously.

SOUTH MAYO SEWER

Steve Combs made the motion to approve the request for Authorization of Payment on the South Mayo Trail Sewer Extension Project in the amount of \$16,544.76. Thomas Huffman seconded the motion. The motion carried unanimously. These funds are a reimbursement to the City of Pikeville from the ARC grant.

CITY ENGINEER'S REPORT

Julius Avenue: Jack Sykes reported that he had been directed by Commissioner Huffman to look at the drainage problem on Julius Avenue. Mountain Enterprises paved the street about a year ago under City supervision and the street was paved in such a way that they filled in the gutter. Two alternatives were presented to remedy the problem: 1. Mill the asphalt out of the gutter for a cost estimate of \$4,933.00. 2. Pour a new walk which would raise the existing walk by about 4 inches at a cost estimate of \$18,088.00. The problem with this alternative is existing water meters in the walkway. Thomas Huffman made the motion to approve the milling with Jack Sykes inspecting the project. Steve Combs seconded the motion. The motion carried 5 - 0.

Ratliff Creek Water Line Extension: The problem lies within the pump station that supplies the tank. It was reported that the City has constructed a temporary service. Mr. Sykes presented 3 alternatives to remedy this problem.

1. Replace pumps and motors in the existing station at a cost of about \$5,000.
2. Connect a 2 inch line from Mountain Water District line to the Water Tank, put manual valves, service on a daily basis - open valve and refill tank (recommended by Cecil Ray).
3. Construct an 8 inch line tying in Town Mountain Station to the water tank. The tank will be controlled by an altitude valve such that the tank would refill automatically. This alternative is estimated to cost \$30,260.00.

Sources of funding were discussed. This project could be funded through the Coal Severance Account. The City Engineer suggested putting the project out to bid. Johnny Mounts made the motion to accept alternate #3. Steve Combs seconded the motion. The motion carried unanimously.

VanHoose Retaining Wall: Mr. Sykes reported he has completed the design for the VanHoose Retaining wall and has developed the specifications. The C & O Railroad has tentatively approved the concept of putting the retaining wall beneath the bridge but will not give final approval until they review the specifications and the plans. The Railroad has made certain demands - relocation of the utility lines at a cost of about \$2,500; require a contractor to have a total of \$6 million in liability insurance; and may want an inspector (the City will have to pay the fee) to see that the contractor does not encroach. Mr. Sykes reported that he is trying to negotiate with the railroad so that an inspector will not be required. A modification has been made the the specifications in that a gabian basket wall has been substituted for the precast retaining wall. Mr. VanHoose has agreed to accept this modification. Advantages of the basket is that it has a life of 30 - 40 years, is less expensive and the backfill can be done almost immediately leaving the slope exposed for about 1 day. Cost is estimated at \$22,000 excluding the relocation of the utility lines and the inspector. The Commission authorized Mr. Sykes to present the designs to the railroad for their approval.

Trickling Filter: The Trickling filter has been emptied and the problem with the settlement near the center was primarily related to the portion of the filter near there being broken up either by recent reconstruction or perhaps the contractor did not repair. Powell Construction has accepted responsibility and absorbed the cost for removing the media. The Trickling Filter, itself, was not properly constructed in 1964. The side next to the hillside properly slopes but the side next to the drying beds is off about 1 inch. If the system is refilled

MINUTES } CITY OF PIKEVILLE

and put back into use as is, ponding of material, water, etc. back in that side of the filter will decrease the effectiveness of the filter. The estimate to reslope the bottom and construction of lateral supports to place a fiberglass filter on top is \$26,712.00. Steve Combs made the motion to pass a resolution declaring an emergency and empower Jack Sykes to make all plans and select a contractor as quickly as possible to correct this problem. Johnny Mounts seconded the motion. The motion carried unanimously.

CITY ATTORNEY'S
REPORTS

Russell Davis, Jr., City attorney, reported that Ted Herring, former City Clerk/Finance Director, filed a Civil Suit against the City of Pikeville. Discussion of a course of action should be discussed in closed session. Since the last meeting, the City has been made a party to a minor lawsuit filed by Bicie Honaker against Pike County. Ms. Honaker fell on the sidewalk in front of the Pike County Courthouse. Mr. Davis reported he had written all Congressmen and Senators with regard to the Flood Level Plan that FEMA has contracted out to be done by the Corp of Engineers. Mitch McConnell's reply said the City would be notified of a hearing whereby someone from FEMA and the Corp would explain their proposal. The City will have the right to appeal. Commissioner Huffman asked the progress made on getting the property/assets from the Urban Renewal Agency. The resolution dissolving the Agency was signed by the Mayor and Mr. Davis will be sending a letter to the Urban Renewal Agency designating the schedule. With regard to the riverfill deed in Mr. Webster's possession, Mr. Davis reported he is still working on this which results should be discussed in a closed session. Dr. Fox, Pike County Health Officer, has expressed her concern with regard to the planned Health Facility on the riverfill parcel in that she does not have a deed. A Quit-Claim deed was discussed. Mr. Davis said the City could give Dr. Fox a deed of conveyance if this would be acceptable to her.

JEFFERSON ST.

The Pikeville Housing Authority's response to the Hame's Court hillside repair request was included in the agenda package. The Housing Authority alleges the slippage was present before construction was began and the contractor of the project is no longer solvent. The letter mentions the need for a berm at the bottom of the fill. The Commission directed the City Attorney to determine whose responsibility it is for the repairs.

CLEANUP

Presented for the Commission's consideration was a request to designate the Wednesdays in May as cleanup days where City Crews will provide trash pickups for items excluding trees and brush, free of charge. Thomas Huffman made the motion to designate the Fridays in May as free pickup days. Steve Combs seconded the motion. The motion carried unanimously.

FIRE STATION

The Mayor opened bids received in response to an advertisement for bids for the design and inspection of a Fire Station. The bids were as follows:

James A. Ellis & Associates.....	Design	6%	.....	Inspection	6%
The Design Group.....	Design	6%	.....	Inspection	6%
Comprehensive Design Collaborative..	Design	\$7,300	.....	Inspection	1.20%
Thompson & Litton.....	Design	\$18,000	.....	Inspection	2%
Summit Engineering.....	Design	\$9,700	.....	Inspection	2%

The Commission set a work session for Thursday, April 28, 1988 at 4:30 p.m. to review the bids.

STP AGREED
ORDER

The City Manager reported that the Mayor and City Attorney should be authorized to initial paragraph 4 as revised in the Agreed Order. Paragraph 4 deals with the remedial program. Jack Sykes reported that the Commission has 18 months to decide whether to go with a regional sewage treatment plant or upgrade the existing plant. Interim improvements must be made during the 18 month period. The Division of Water has indicated they will release their non-approval of the hospital project when the Mayor and City Attorney initial the order. Steve Combs made the motion, seconded by Thomas Huffman to authorize the City Attorney and Mayor to initial paragraph #4 on the Agreed Order. The motion carried unanimously.

SUMMIT ENGINEERING
STP ADDENDUM

Summit Engineering and MSE had a contract including improvements on the existing Sewage Treatment Plant and extension of the utility services for the proposed mall at the airport site. Requested is approval

MINUTES } CITY OF PIKEVILLE

of a modified contract to perform the necessary interim improvements to the Sewage Treatment Plant. Commissioner Justice stated his opinion that the contract for interim improvements should be rebid. Mr. Sykes argued that the existing contract was still valid and they already have provided approximately \$20,000 in services relative to the contract. Greg Justice made the motion to advertise for bids. The motion died from lack of a second. Discussed were the fees for the contract and the funding for the interim improvements. Thomas Huffman made the motion to approve the addendum to the contract based on the fact that there is an existing contract with Summit/MSE and Mr. Sykes has indicated that he will adjust a portion of the cost of the work previously done (12%). Johnny Mounts seconded the motion. The motion carried 4 - 1 with Greg Justice voting "NO".

SMITH HILL
WATER TANK

Hal Williams of PSG reported that he has submitted a memorandum detailing all the problems supplying water to areas supplied by the Road Fork Tank since Mountain Water District has been purchasing water. In order for the plant to keep the Road Fork Tank filled to demand, the Smith Hill Tank overflows. For an installed cost of \$9,892.50, a reservoir telemetersystem can be installed at the Smith Hill tank which will control the high service pumps and stop the overflow. Phone line costs will run between \$25 - \$30/ month. Thomas Huffman made the motion to approve the telemetering system at an installed cost of \$9,892.50. Johnny Mounts seconded the motion. The motion carried unanimously.

WTP

A request was previously submitted from Powell Construction for approval of \$56,000+ in change orders for the slippage repair and a retainage reduction on the Water Treatment Plant project. Hal Williams reported that Larry Webster had toured the plan last week and was given copies of the paperwork with regard to the defects. Mr. Williams reports that he has heard no progress report from Mr. Webster. Steve Combs made the motion to obtain other legal counsel to pursue the problems at the Water Treatment Plant. Thomas Huffman seconded the motion. The City Attorney made the Commission aware that Mr. Webster has been paid a portion of the legal fees. With regard to Powell's demand for payment, Thomas Huffman made the motion not to approve payments until the punch list is satisfactorily completed. Greg Justice seconded the motion. The motion carried unanimously.

MUD CREEK

Steve Combs questioned if the arrears for the Mud Creek Water District had been paid. The City Manager reported that the current bills have been paid but they have not paid \$149,610.85 in arrears from 1986. Steve Combs made the motion to pass a resolution directing the City Attorney to demand payment and if not paid to authorize him to take legal action and cut off the water service. Greg Justice seconded the motion. The motion carried 4 - 1 with Mayor Hambley voting "NO".

STATUS CHANGES

The City Manager reported on status changes that have taken place since the last meeting. Mentioned were hirings for the seasonal operation of the swimming pool.

CARL BILLITER

Steve Combs made the motion, seconded by Greg Justice to remove the gas meters from Carl Billiter's property which are partially on Mr. Billiter's property and partially on the right of way. The motion carried unanimously.

ADJOURNMENT TO
CLOSED SESSION

Thomas Huffman made the motion, seconded by Johnny Mounts to adjourn to a closed session for the purpose of discussing legal matters and personnel matters. The motion carried unanimously.

Steve Combs made the motion, seconded by Greg Justice to resume regular session. The motion carried unanimously.

CITY CLERK/
FINANCE DIRECTOR

Thomas Huffman made the motion to appoint the Acting City Clerk and the Acting Finance Director to the positions of City Clerk and Finance Director and be placed on a monthly salary. Greg Justice seconded the motion. The motion carried unanimously.

Steve Combs made the motion to pass a resolution empowering the City Attorney, Rusty Davis, to file a complaint in the Pike Circuit Court along with a motion for a writ of possession and have the same served upon Larry Webster recommending delivery of the property of the City of Pikeville and obtain the summons forthwith. Greg Justice seconded the motion. The motion carried unanimously.

MINUTES } CITY OF PIKEVILLE

Steve Combs made the motion to pass a resolution empowering the City Attorney, Rusty Davis, to file any and all necessary incidental counter claims/ cross claims against Ted Herring with regard to the lawsuit filed by Mr. Herring against the City of Pikeville, et al, as quickly as possible. Greg Justice seconded the motion. The motion carried 4 - 1 with Mayor Hambley voting "NO".

SATURDAY
PARKING

First Reading was given to an Ordinance entitled:

AN AMENDED ORDINANCE PROVIDING FOR FREE TWO HOUR PARKING AT METERS PROHIBITING PARKING ON METERS MORE THAN TWO HOURS AND PROVIDING FOR FINES FOR VIOLATION.

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

RIVERFILL
PROPERTY

Steve Combs made the motion to direct the City Attorney to send a letter to Mary Pauline Fox, M.D. of the Pike County Health Department giving her notice that the City of Pikeville will enter into any proper deed conveying any and all interest the City has in the riverfill property and this would also apply to all other parties building on the riverfill property (the Methodist Hospital, Mountain Comprehensive Care, Pike County Jail, and others) as soon as the City obtains the deed of conveyance from the State to the City of Pikeville and in order to facilitate, file suit against Mr. Webster since he has refused to deliver the deed into the City's possession. Thomas Huffman seconded the motion. The motion carried 4 - 1 with Mayor Hambley voting "NO".

RETIREMENT

Steve Combs made the motion to discontinue any pension type payments to anyone that the City of Pikeville is not required by law to make until the City of Pikeville obtains the proper pension fund or forms its own pension board. Greg Justice seconded the motion. Discussion followed before roll call whereby the motion was amended to offer two options to the retired employee in question. The motion carried 4 - 1 with Mayor Hambley voting "NO". The City Manager was directed to have the retired employee come to the next City Commission Meeting to discuss this matter.

PAY PLAN

Johnny Mounts made the motion to pass a resolution that a pay scale is established whereby each individual employee's position will be evaluated with a starting pay scale, the dollar figure for pay increases per year and set a top step for the position. Greg Justice seconded the motion. The motion carried unanimously. The City Manager will try to schedule a work session to discuss this matter for May 12, 1988.

POLICE STATION
SIGN

The City Manager reported that he has a proposal for a sign at the new police station. Discussed was a sign for the City Hall Offices. Mr. Carlton reported that he had approached the high school shop with regard to making a sign out of redwood. For the cost of the materials, a sign can be made which says "Pikeville City Hall". The Commission indicated that they did not feel that a redwood sign was appropriate. The proposed police department sign is a lighted sign and will cost about \$1,200. The Commission stated that the police department phone number should also appear on the sign.

WATER LINE
SCOURING

At the previous City Commission meeting, the Commission approved using a pig to clean the water lines. Hal Williams brought in a proposal to scour the water lines which would be considerably less in expense. The Commission agreed that the lines should be scoured.

BUILDING
INSPECTOR

Jimmy Williamson, Building Inspector, gave the Commission notice of new construction in the downtown area.

The City Attorney presented an Ordinance for emergency adoption. The Ordinance was read entitled:

AN ORDINANCE PROHIBITING THE CONSTRUCTION OF PREFABRICATED METAL SIDED BUILDINGS WITHIN THE DOWNTOWN AREA OF THE CITY OF PIKEVILLE.

Steve Combs made the motion to adopt the Ordinance as presented with a clause allowing acceptance of a temporary structures (90 days).

MINUTES } CITY OF PIKEVILLE

Greg Justice seconded the motion. The motion carried unanimously.

Commissioner Combs stated his vote was conditional upon the City's authority to act in such a manner.

ENCROACHMENT

Mr. Carlton reported there is an encroachment on Mt. Martha Drive. A resident has built a planter in the street. The City Manager was given the authority to notify the resident giving him until the middle of May to remove the planter.

FIRE INSPECTOR

Steve Combs made the motion to accept Arnold Phillips' request to resign from Fire Inspector and return to fireman status and combine the Fire Inspector position with the Building Inspector position. Greg Justice seconded the motion. The motion carried unanimously.

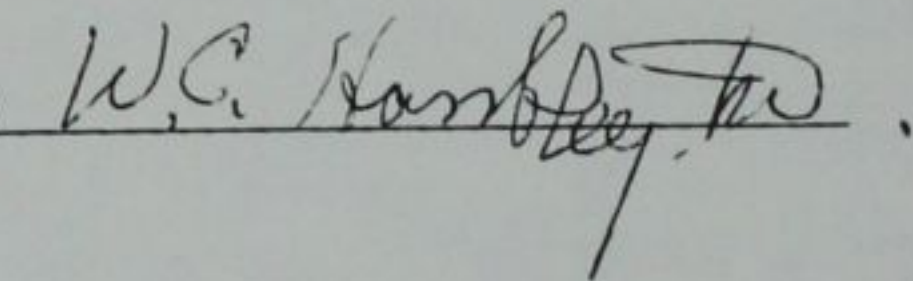
The City Attorney gave his opinion that the City Hall employees' request for rescheduled hours and staggered shifts to cover an 8 - 5 workday did not conflict with state law as long as the 15 minute breaks were worked in the schedule.

ADJOURNMENT

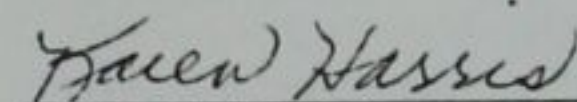
Thomas Huffman made the motion to adjourn the meeting. Greg Justice seconded the motion. The motion carried unanimously.

The next scheduled meeting will be held on May 9, 1988 at 7:30 P.M. in the Public Meeting Room at 260 Hambley Boulevard.

APPROVED



ATTEST:


CITY CLERK