

# MINUTES } CITY OF PIKEVILLE

## REGULAR MEETING - OCTOBER 24, 1988

The City of Pikeville Board of Commissioners met in a regularly scheduled meeting on Monday, October 24, 1988, in the City Hall Public Meeting Room.

### ROLL CALL

Mayor Pro Tem, Steve Combs, called the meeting to order at 7:30 p.m. Commission Members present and forming a quorum at the time of roll call were:

COMMISSIONER	STEVE COMBS
	GREG JUSTICE
	THOMAS HUFFMAN
	JOHNNY MOUNTS

Mayor W. C. Hambley arrived at 7:40 p.m.

### MINUTES

The minutes for the previous regular meeting of October 10, 1988 were included in each Commission Member's agenda package. Greg Justice made the motion, seconded by Thomas Huffman to approve the minutes as submitted. The motion carried 4 - 0 with Mayor Hambley not present at the time of the vote.

### BUSINESS FROM THE FLOOR

#### Tourism

David Stratton, Chairman of the Tourism Commission, asked that a work session be scheduled to discuss the Overlook Project. Thomas Huffman made the motion, seconded by Greg Justice to schedule a work session for Thursday, October 27, 1988, at 5:00 p.m. The motion carried 4 - 0 with Mayor Hambley not present at the time of the vote.

#### Phillips Apartments

The building inspector reported that an agreement has been reached between the Phillips Apartments owner and the building inspector's office. Mr. Williamson explained that the owner has complied with his written request. Bids were accepted about a month ago for the demolition of this building. It was requested that the Commission release these bids as 10% bid bonds were required with the bids. Steve Combs made the motion to release the bids with regard to the Phillips Apartments. Greg Justice seconded the motion. The motion carried unanimously.

#### Water Plant

Hal Williams of PSG, operators of the Water & Wastewater Plants, addressed the Commission with regard to the Water Treatment Plant deficiencies. Mr. Williams recommended that the Commission authorize the City Attorney to write the engineering firm (R. D. Zande) and Powell Construction Company giving them 30 days to complete the project and if they fail to comply, the City will repair the items and pay the costs. If there is an overrun, the engineers and Powell Construction Company will be held liable. Thomas Huffman made the motion to authorize the City Attorney to write the letters to the engineering firm and Powell Construction Company. Johnny Mounts seconded the motion. The motion carried unanimously.

#### Saturday Banking

Nancye Blackburn requested that the City Commission make a request to the Banks in downtown Pikeville to open on Saturdays during the Christmas season in an effort to promote business in the downtown area. Johnny Mounts made the motion to contact all the downtown banks to meet in a work session to discuss this matter. Steve Combs seconded the motion. The motion carried 5 - 0.

#### Sirens

Boot Hall came before the Commission to request a ban on sirens during the early morning hours. The Commission was unable to act favorably on Mr. Hall's request due to state regulations with regard to public safety vehicles. The City Attorney was directed to research these regulations.

#### Newspaper

Commissioners Combs and Justice discussed an article in the October 17 and 18 edition of the Appalachian News-Express. The article charged that the Commission had transferred a Police Officer to the Public Works Department. Commissioner Combs reported this allegation was totally false. The transfer was that of a parking ticket writer to the Public Works Department to which the employee agreed. Another



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allegation reported was that the Police Patrols had been cut back. Police Chief Eugene Edmonds stated that the Commission had ordered no such cuts. With regard to the termination of Frank Carlton, Walter Blankenship, Acting City Manager, reported that the Commission had directed him to terminate Mr. Carlton's part time employment and was empowered by the Commission to carry forth this directive. It was further stated that no official action was taken outside this personnel action. Other charges named by the newspaper against the Commission were allowing a trailer to be parked in front of the East Kentucky Beverage Building (Old City Hall) on Auxier Avenue and Executive Sessions. Commissioner Justice reported that the Police Department had been instructed to have the storage trailer removed. Commissioner Justice voiced his objection to the newspaper's definition of Executive Session as "Secret Session". Commissioner Combs stated that it was his recollection that Mr. Carlton was not terminated by the Commission. City Attorney, Rusty Davis, reported that Mr. Carlton resigned and then, subject to his resignation, the Commission had spoken with Mr. Carlton, who agreed to stay on to assist the City. The last status changed provided for Mr. Carlton's part-time employment to be compensated at an agreed hourly rate for as long as Mr. Blankenship felt his services were needed. Commissioner Mounts read an excerpt from the minutes of the meeting of August 22, 1988, whereby Mr. Carlton was retained on a part-time basis at an hourly rate to assist Mr. Blankenship with paperwork until a new City Manager was employed. It was Commissioner Mounts' opinion that this agreement should be honored. At this point, Walter Blankenship resigned as Acting City Manager stating that the City offices could not operate effectively with two City Managers. Steve Combs made the motion to terminate Mr. Carlton's part-time employment and to rescind the motion cited from the August 22, 1988 minutes. Greg Justice seconded the motion. The motion carried 3 - 2 with Mayor Hambley and Commissioner Mounts voting "NO". Mr. Blankenship indicated that he would remain as City Manager until a permanent manager was employed on the condition that he would be permitted to enforce all ordinances. Johnny Mounts introduced a resolution which establishes the chain of authority, prohibits the Commissioners and Mayor from directing a City employee or City Manager to perform tasks contrary to Ordinance, resolution, or adopted policy; prohibits the employee from performing such task which conflict with a recognized policy; and establishes procedures for entering an executive session. Commissioner Mounts made the motion, seconded by Commissioner Combs to adopt the resolution as read. The motion carried unanimously. *D/S*

## Parking

The City Attorney was instructed to prepare an Ordinance for the Commission's next meeting, to rescind Ordinance 0-87-025 which designated a no parking zone on Main Street (In front of the car sales).

## Newspaper

Commissioner Combs referred to the September 28, 1988 unsigned editorial in the Appalachian News-Express with regard to open meetings. The Commission contended that they are not required to hold fully open meetings per KRS. Commissioner Combs added that the newspaper has been condemning the City Commission since the time the Commission enacted an Ordinance not allowing prefabricated metal buildings in the Central Business District.

## Sidewalk

The Commission discussed the sidewalk replacement on Huffman Avenue. Ownership was questioned. John Dye, reported for the Appalachian News-Express, told the Commission that LaJeune Waggoner, Publisher of the paper, owns this property. Johnny Mounts made the motion to authorize Walter Blankenship to contact Mr. Waggoner in an effort to work out an agreement to install a sidewalk on Huffman Avenue. Thomas Huffman seconded the motion. The motion carried unanimously.

## Signs

Commissioner Combs asked who approved the banner across Second Street. Commissioners Huffman and Justice stated that they were asked if they had any objections to the banner. The newspaper stated there was approval granted by three Commissioners. Commissioners Combs and Mounts stated they were not contacted relative to this request. Questioned was whether the 1986 Ordinance prohibiting signs in the public right-of-way pertained to this matter as the banner extends from power pole to power pole.

## Resignation

Commissioner Mounts announced that Mr. Carlton had given him a resignation to become effective October 28, 1988. Mr. Carlton stated in the resignation that his wages had been stopped as of October 11, 1988. Johnny Mounts made the motion to pay Mr. Carlton through October 24, 1988. Thomas Huffman seconded the motion. The motion carried



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unanimously.

## CITY BILLS

City Bills were presented to the Commission for approval of payment totaling \$55,761.08. Greg Justice made the motion, seconded by Thomas Huffman to approve payment of the bills totaling \$55,761.08. The motion carried unanimously.

Johnny Mounts made the motion, seconded by Steve Combs to go to bid for the cleaning supplies and gasoline. The motion carried unanimously.

## PROJECT BILLS

Project Bills totaling \$21,475.00 were presented to the Commission for approval of payment. The \$21,475.00 request was made by Fleetwood Johnson Construction Company for the completion of the Coal Run retaining wall. Thomas Huffman made the motion, seconded by Greg Justice to approve payment of the Project Bills as requested. The motion carried unanimously.

A letter was presented to the Commission from Fleetwood Johnson Construction Company with regard to the Coal Run retaining wall. Mr. Johnson stated in his letter that 89 tons of material at \$20.00 per ton had to be placed on this project as the unstable material excavated under the bridge did not compact. Dan Hall of Summit Engineering, reported that he was of the understanding that the contractor was going to put the rip rap in at his expense as a good faith gesture. Mr. Hall reported that the contractor did not use the construction method as advised by the engineers. Mr. Hall added that had the contractor proceeded with the advised construction method, the slope slippage could have been avoided. The contractor contends that the material was too fine and, regardless of construction technique, could not be compacted. Mr. Hall reported that the construction was completed satisfactorily. The bill presented totaled \$1,780.00 for materials and labor. Steve Combs made the motion to approve the change order of \$2,167.00 for the addition of Gabion Baskets (included in the pay request of \$21,475.00) and payment of \$1,780.00. Greg Justice seconded the motion. The motion carried 4 - 1 with Johnny Mounts voting "NO".

## CITY ATTORNEY REPORTS

Mr. Davis reported that he had received a petition from residents of Cedar Gap requesting an investigation of Telecom Inc., a Harold, Kentucky, company that provides cable t.v. service to their area, due to poor or no reception. Commissioner Huffman reported that he had received numerous complaints about TeleMedia's poor reception. The building inspector mentioned poor reception in his area with service being provided by Mountain Cable Systems. The Commission authorized the City Attorney to contact all cable franchise operators with regard to these problems.

Nancye Caudill Blackburn has requested that the City trade monies with regard to monies owed her on another party's obligation. Mr. Davis explained that when the City condemned the 9 houses in Coal Hollow and had them torn down, the cost was \$11,000+. A lien has been filed on the Cline property. The court has judged that John Cline is to pay half the lien and Scott Cline has to pay the other half. John Cline has sold or leased his portion to Mrs. Blackburn and she wants to satisfy his half of the obligation. Mrs. Blackburn has acquired property located on Myra Barnes previously owned by Alva Phillips. The City entered into an easement with Mr. Phillips in 1983 for the storm sewer project. The easement provided for the City to fill the area behind the house and replace the fence. This work has not been done by the City. Mr. Davis referred to Summit Engineering's cost estimate made in 1986 to comply with the easement. The estimate was \$5,495.00 which included \$600.00 for fencing. Mr. Blackburn's share of the Cline lien would be \$5,750.00. Mrs. Blackburn proposes to pay the \$255.00 difference. Mr. Blankenship reported that he had a cost estimate of \$600.00 to fill the area, but the Blackburn's had already filled the property. Mr. Blackburn reported that he had told Mr. Blankenship on two occasions to allow the contractor to fill the parcel. Thomas Huffman made the motion to accept the proposal with Mrs. Blackburn writing a check to the City for \$5,750.00 and the City writing a check to Mrs. Blackburn for \$5,495.00. Johnny Mounts seconded the motion. The motion carried unanimously.



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EXECUTIVE  
SESSION

Mr. Davis requested an executive session to discuss a legal matter. Thomas Huffman made the motion, seconded by Greg Justice to adjourn to executive session to discuss impending litigation with regard to the South Mayo Trail Sewer Project as four cases are going to trial and they need to give direction to the City Attorney relative to possible settlements. The motion carried unanimously.

RECONVENE

Thomas Huffman made the motion, seconded by Greg Justice to reconvene to regular session. The motion carried unanimously.

CITY ENGINEER  
REPORTS

Dan Hall of Summit Engineer gave a verbal report of ongoing City Projects. Mr. Hall gave a progress report on the Fire Station. With regard to the recent bids taken for the repair and painting of four water tanks, the Commission had agreed during a work session to allow the low bidder to proceed with the repairs and painting of the Smith Hill tank. The contractor has requested to wait until spring to begin this project due to needing heaters for painting. The contractor has agreed to hold the price quoted if the City will extend a letter of intent. Greg Justice made the motion to authorize Mr. Blankenship to write the letter of intent to the contractor. Johnny Mounts seconded the motion. The motion carried unanimously.

Sue Smallwood, Projects Coordinator, reported that she had spoken with Will Linder with regard to the letter received from the Department of Natural Resources. Mr. Linder suggested that the Commission authorize the City Engineer to proceed with the 201 Facilities Plan Update, which is required to be done for the loan applications for the Sewage Treatment Plant expansion/mall project. Mr. Hall was not familiar with the cost estimate to complete the update. The Commission directed Mr. Blankenship to contact Mr. Sykes to get more information.

TOURISM

Second Reading was given to an Ordinance entitled:

AMENDMENT TO ORDINANCE ADOPTING ONE (1%) PERCENT ROOM TAX FOR FUNDING OF TOURISM AND RECREATION COMMISSION..

This Ordinance provides for the City to retain an amount equal to 5% of the transient room tax collected by the City of Pikeville to cover administrative costs of billing and collecting the tax.

Steve Combs made the motion to adopt the Ordinance. Greg Justice seconded the motion. The votes were as follows:

COMMISSIONER:	STEVE COMBS	YES
	GREG JUSTICE	YES
	THOMAS HUFFMAN	ABSTAIN
	JOHNNY MOUNTS	YES
MAYOR:	W. C. HAMBLEY	YES

The motion carried.

BOARDS &  
COMMISSIONS

Second Reading was scheduled for an Ordinance to regulate terms of service on city created Boards and Commissions. The City Attorney was directed to forward copies of the Ordinance to each Commission Member. The Commission indicated they would discuss this matter in a work session.

RIVERFILL

The City Attorney was directed to redo this Ordinance which would require elevation of riverfill construction above the Scott Avenue Bridge to provide for parking under all buildings. This Ordinance will be presented to the Commission at the next regular meeting for first reading.

WATER CONTRACTS

The Commission discussed the various water contracts for area water districts. The Commission directed that they be given copies of all contracts for their review.

COMPENSATORY  
TIME

Mr. Blankenship was directed to prepare a proposal to pay off the back compensatory time for various employees that was accumulated prior to the Commission's decision to suspend the practice of compensatory time in lieu of overtime compensation.



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## VOTING LEAVE

Steve Combs made the motion to establish a voting leave policy whereby the employee would leave at his/her lunch break without loss of pay. Greg Justice seconded the motion. The motion carried unanimously.

This policy will not apply to shift employees (Police & Fire) who should have ample time to vote before reporting to work.

## WORK SESSION

The Commission set a work session for 5:00 p.m. on Wednesday, November 2, 1988 to discuss the proposed pay plan and retirement proposal.

EXECUTIVE  
SESSION

Thomas Huffman made the motion, seconded by Greg Justice to adjourn to an executive session to discuss a personnel matter. The motion carried unanimously.

## RECONVENE

Greg Justice made the motion to reconvene to regular session. Thomas Huffman seconded the motion. The motion carried unanimously.

## DISPATCHER

Steve Combs made the motion to employ Charlotte Coleman as a dispatcher for the Police Department. Johnny Mounts seconded the motion. The motion carried unanimously.

## 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 November 14, 1988 at 7:30 p.m. at the City Hall Public Meeting Room.

APPROVED

W. E. Huffman Jr.

ATTEST

Kevin Harris