

## MINUTES } CITY OF PIKEVILLE

## REGULAR MEETING - JULY 10, 1989

THE CITY OF PIKEVILLE BOARD OF COMMISSIONERS MET IN A REGULAR SESSION ON MONDAY, JULY 10, 1989. THE MEETING WAS HELD IN THE REGULAR MEETING PLACE IN THE CITY HALL MEETING ROOM AT 260 HAMBLEY BOULEVARD.

THERE BEING A QUORUM PRESENT, MAYOR PRO TEM, STEVEN D. COMBS CALLED THE MEETING TO ORDER AT 7:30 P.M. COMMISSION MEMBERS PRESENT UPON CALL OF THE ROLL WERE:

COMMISSIONER:	STEVEN D. COMBS	
	GREG B. JUSTICE	
	THOMAS W. HUFFMAN	
	JOHNNY D. MOUNTS	7:35

MAYOR W. C. HAMBLEY, M.D. WAS ABSENT.

THE MINUTES FOR THE PREVIOUS REGULAR MEETING OF JUNE 26, 1989 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 3 - 0 (COMMISSIONER MOUNTS NOT PRESENT AT THE TIME OF THE VOTE).

DAVID STRATTON, REPRESENTING THE PIKEVILLE LITTLE LEAGUE, REPORTED THAT THE LEASE AGREEMENT BETWEEN THE LITTLE LEAGUE AND THE CITY OF PIKEVILLE HAS BEEN SIGNED BY THE LITTLE LEAGUE AND IS BEING PRESENTED FOR EXECUTION BY THE MAYOR. THE LEASE AGREEMENT PROVIDES FOR A YEAR TO YEAR LEASE, NOT TO EXCEED TEN YEARS, OF A TRACT ON THE THIRD LEVEL OF BOB AMOS PARK. THE LITTLE LEAGUE WILL BE RESPONSIBLE FOR THE MAINTENANCE OF THE PROPERTY. THOMAS HUFFMAN MADE THE MOTION TO APPROVE EXECUTION OF THE LEASE DOCUMENT SUBJECT TO THE ADDITION OF A CLAUSE PROVIDING FOR THE LESSEE TO MAINTAIN LIABILITY INSURANCE AND INDEMNIFY AND HOLD THE CITY HARMLESS FOR ANY AND ALL CLAIMS ARISING FROM THE LITTLE LEAGUE'S USE OF THE PREMISES. GREG JUSTICE SECONDED THE MOTION. THE MOTION CARRIED 4 - 0.

GERALD ROBINSON, A RESIDENT OF 1104 MILDRED STREET APPROACHED THE COMMISSION RELATIVE TO PURCHASING THE EXCESS PROPERTY ADJACENT TO HIS TRACT. CITY ATTORNEY RUSTY DAVIS INDICATED THE CITY DID HAVE OWNERSHIP OF THE PROPERTY. DISCUSSION OF THIS MATTER CONTINUED AT SOME LENGTH. THE COMMISSION INSTRUCTED THE CITY MANAGER AND CITY ATTORNEY TO MAKE A LISTING OF ALL CITY SURPLUS PROPERTY WHICH HAD BEEN CONDEMNED OR FOR WHICH THERE HAS BEEN A LIEN IMPOSED. STEVE COMBS MADE THE MOTION TO AUTHORIZE AN APPRAISAL OF THE TWO SEPARATE TRACTS - THE ONE FRONTING MR. ROBINSON'S PROPERTY AND THE ONE BESIDE OF HIS PROPERTY - AND ADVERTISE FOR SEALED BIDS. JOHNNY MOUNTS SECONDED THE MOTION. DISCUSSION FOLLOWED THE MOTION. COMMISSIONER COMBS AMENDED THE MOTION TO PROVIDE THAT TRACT II BE AUCTIONED; THE SMALLER TRACT'S PURCHASE PRICE (FRONTING MR. ROBINSON'S PROPERTY) WILL BE NEGOTIATED WITH MR. ROBINSON AFTER THE APPRAISAL. THE MOTION CARRIED UNANIMOUSLY.

JACK MAY POSED THREE QUESTIONS TO THE COMMISSION:

1. WHY DID THE COMMISSION ALLOW A RIVERFILL ACCESS IN THE AREA OF NORTON FLORAL?
2. WHY WERE LOCAL CONTRACTORS NOT CONSIDERED FOR THE SIDEWALK PROJECT?
3. WHY SHOULD HE (MR. MAY) PAY HIS TAXES IF THE LESSEE OF THE RIVERFILL DOES NOT PAY THE TAXES ON THIS TRACT?

COMMISSIONER JUSTICE COMMENTED ON QUESTION 1, THAT THE COMMISSION HAD ORDERED THAT BARRELS BE PLACED BLOCKING THE ACCESS, BUT THE BARRELS WERE REMOVED WITHOUT THE COMMISSION'S PERMISSION.

WITH REGARD TO QUESTION 2, COMMISSIONER MOUNTS REPORTED THAT THE LOW BIDDER WAS AWARDED THE SIDEWALK PROJECT. MR. MAY ARGUED THAT LOCAL CONTRACTOR, ROY HAMILTON, SUBMITTED THE LOW BID. COMMISSIONER JUSTICE EXPLAINED THAT HE HAD LEARNED THAT MR. HAMILTON HAD SUBMITTED HIS BID TO THE CITY HALL CUSTODIAN, BUT THE BID HAD NOT BEEN TURNED OVER TO THE CITY MANAGER.

COMMISSIONER COMBS REPORTED, WITH REFERENCE TO QUESTION 3, THAT THE CITY COMMISSION HAS TAKEN ACTION TO REQUIRE THE RIVERFILL LESSEE TO PAY TAXES. CITY ATTORNEY, RUSTY DAVIS, REPORTED THAT PHILLIP BLACKBURN HAS BEEN ASKED TO APPRAISE THE RIVERFILL PROPERTY. AFTER THE APPRAISAL IS SUBMITTED, THE CITY WILL SEND A TAX BILL TO THE LESSEE BASED ON THAT APPRAISAL.

A LIST OF CITY BILLS TOTALING \$89,500.41 WAS PRESENTED TO THE COMMISSION FOR APPROVAL OF PAYMENT. THOMAS HUFFMAN MADE THE MOTION, SECONDED BY GREG JUSTICE TO APPROVE PAYMENT OF THE CITY BILLS AS REQUESTED. THE MOTION CARRIED 4 - 0.

PRESENTED FOR APPROVAL OF PAYMENT WAS A BILL FROM MENTOR SYSTEMS IN THE



# MINUTES } CITY OF PIKEVILLE

AMOUNT OF \$3,600.00. THE CITY MANAGER REPORTED THAT THE BILL WAS FOR THE PURCHASE OF A NEW PAYROLL PACKAGE PROGRAM TO ALLOW THE COMPLIANCE WITH THE 125 PLAN GUIDELINES. GREG JUSTICE MADE THE MOTION, SECONDED BY STEVE COMBS TO APPROVE PAYMENT OF THE BILL FROM MENTOR SYSTEMS IN THE AMOUNT OF \$3,600.00. THE MOTION CARRIED 3 - 1 WITH THOMAS HUFFMAN VOTING "NO".

CITY ENGINEER, JACK SYKES, GAVE A VERBAL UPDATE ON VARIOUS CITY PROJECTS:

1. WATER TREATMENT PLANT: MR. SYKES REPORTED THAT A LIST OF ITEMS WAS COMPILED FOR POWELL CONSTRUCTION COMPANY TO COMPLETE THE WATER TREATMENT PLANT. AT THAT TIME, POWELL CONSTRUCTION AGREED TO DO A PORTION OF THOSE ITEMS. A WORK SESSION WAS HELD ON JUNE 1, 1989 WITH POWELL CONSTRUCTION COMPANY, R. D. ZANDE, LTD, AND THE CITY COMMISSION. THE CITY ADDED TWO ITEMS TO THE LIST - THE REPLACEMENT OR REPAIR OF THE PUMP AND REPAIR OF THE ROOF. POWELL CONSTRUCTION SUBMITTED A LETTER DATED JUNE 30, 1989, ACCEPTING THE CITY'S LETTER OF JUNE 14, 1989, INDICATING THAT THE COMPANY WILL PROCEED WITH CORRECTIONS FOR THIS PROJECT. COMMISSIONER HUFFMAN EXPRESSED HIS VIEW THAT THE CONTRACTOR SHOULD BE PAID WHEN THE PUNCH LIST IS COMPLETED. THE CITY ATTORNEY EXPLAINED THE OPTIONS TO THE CITY. 1. THE CITY ATTORNEY REPORTED THAT THE CONTRACTOR ACKNOWLEDGES BY HIS LETTER THAT THE CONTRACT IS TO COMPLETE AND INDICATED THAT THE CONTRACTOR MAY NOT BE ABLE TO ENTER ARBITRATION. 2. MR. DAVIS SUGGESTED INFORMING THE CONTRACTOR THAT THE CITY SUSPECTS THAT IT COULD COST MORE TO REPAIR THE ITEMS THAN THE FUNDS THE CITY IS HOLDING SHOULD POWELL FAIL TO COMPLETE THE PROJECT, BUT TO SHOW GOOD FAITH, THE CITY WILL AGREE TO RELEASE \$10,000 IMMEDIATELY. COMMISSIONER COMBS COMMENTED THAT 1/3RD SHOULD BE RELEASED NOW, 1/3RD WHEN HALF THE WORK IS COMPLETED AND THE FINAL 1/3RD WHEN THE PROJECT IS COMPLETED. COMMISSIONER MOUNTS AGREED WITH COMMISSIONER COMBS' SUGGESTION. THOMAS HUFFMAN MADE THE MOTION TO RELEASE THE FUNDS TO THE CONTRACTOR WHEN THE WATER TREATMENT PLANT PROJECT IS COMPLETED. GREG JUSTICE SECONDED THE MOTION. THE MOTION FAILED 2 - 2 (COMMISSIONER COMBS AND MOUNTS VOTING "NO"). THE MATTER WAS TABLED.

2. WILLIAMS HOLLOW W/S LINE: THE CONTRACTOR HAS INSTALLED MANHOLES AND LAID ABOUT 30 - 40 FEET OF LINE IN THE PAST TWO WEEKS.

3. TRAFFIC LIGHT - HAMBLEY BLVD. & DIVISION: THE CONTRACTOR, SHELBY CONSTRUCTION, INDICATES THEY WILL START THE PROJECT BY THE END OF THE WEEK. THE CONTRACTOR HAS AGREED TO STAIN THE POLES TO MATCH THE EXISTING POLES ON THE LOWER END OF THE BOULEVARD.

4. STEELE STREET: THE CONTRACTOR, TRUJILLO CONSTRUCTION, HAS SIGNED CONTRACTS AND THE ENGINEER IS READY TO ISSUE THE WORK ORDER. THE COMMISSION DISCUSSED THE MERITS OF EITHER AMENDING THE CONTRACT TO ALLOW THE PROJECT TO START IN THE ALLEY OR BY NEGOTIATING A CHANGE ORDER FOR AN EXTENSION LINE. THE CITY ENGINEER EXPLAINED THAT THE COST WOULD BE SUBSTANTIAL IF THE CONTRACT WAS AMENDED DUE TO THE UTILITY LINES THAT RUN DOWN THE ALLEY. STEVE COMBS MADE THE MOTION TO PROCEED WITH THE PROJECT AS ORIGINALLY BID AND AUTHORIZED THE ENGINEER TO TRY TO NEGOTIATE A CHANGE ORDER TO PICK UP THE BUILDINGS ALONG THE ALLEY WITH AN EXTENSION LINE. THOMAS HUFFMAN SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY.

5. JOHNSON MOTORS/BOWLES ADDITION LINE: THE COMMISSION HAS PREVIOUSLY DISCUSSED THE CONDITION OF A SEWAGE LINE RUNNING FROM JOHNSON MOTORS TO THE BOWLES ADDITION WHICH WAS ORIGINALLY CONSTRUCTED IN 1959. MR. SYKES REPORTED THAT HE HAS LOCATED A CONTRACTOR WHO HAS AGREED TO DO A VIDEO INSPECTION OF THE LINE FOR .75 CENTS PER FOOT PLUS A \$2,000 START UP COST. PICTURES HAVE BEEN VIEWED BY THE COMMISSION WHICH INDICATED CORROSION IN THE LINE. THE CITY ENGINEER WAS QUESTIONED IF HE HAD ANY DOUBTS THAT THE MAIN TRUNK LINE NEEDED TO BE REPLACED. MR. SYKES ANSWERED THAT HE HAD CONTACTED THE CONTRACTOR IN CASE THE COMMISSION HAD ANY DOUBTS AS TO WHETHER THE LINE NEEDED TO BE REPLACED.

PRESENTED AND GIVEN SECOND READING WAS AN ORDINANCE ENTITLED:

O-89-008 ORDINANCE PROHIBITING PARKING FOR LONGER THAN 10 MINUTES IN FRONT OF THE POST OFFICE ON MAIN STREET

THOMAS HUFFMAN MADE THE MOTION, SECONDED BY GREG JUSTICE TO ADOPT THE ORDINANCE AS READ. THE MOTION CARRIED BY THE FOLLOWING VOTES:

COMMISSIONER:	STEVE COMBS	YES
	GREG JUSTICE	YES
	THOMAS HUFFMAN	YES
	JOHNNY MOUNTS	YES

ORDINANCE O-89-009 WAS PRESENTED AND GIVEN SECOND READING. THE ORDINANCE IS CAPTIONED:

ORDINANCE SETTING SPEED LIMIT ON AIRPORT ROAD AT 30 M.P.H.



# MINUTES } CITY OF PIKEVILLE

GREG JUSTICE MADE THE MOTION, SECONDED BY THOMAS HUFFMAN TO ADOPT THE ORDINANCE O-89-009 AS PRESENTED. THE MOTION CARRIED BY THE FOLLOWING VOTES:

COMMISSIONER:	STEVE COMBS	YES
	GREG JUSTICE	YES
	THOMAS HUFFMAN	YES
	JOHNNY MOUNTS	YES

PRESENTED AND GIVEN SECOND READING WAS ORDINANCE O-89-010 ENTITLED:

ORDINANCE DEDICATING AND NAMING RIGHT FORK OF HAROLDS BRANCH "CARTER DRIVE" IN HONOR OF ELSTER F. CARTER

GREG JUSTICE MADE THE MOTION, SECONDED BY STEVE COMBS TO ADOPT ORDINANCE O-89-010. THE MOTION CARRIED BY THE FOLLOWING VOTES:

COMMISSIONER:	STEVE COMBS	YES
	GREG JUSTICE	YES
	THOMAS HUFFMAN	YES
	JOHNNY MOUNTS	YES

MR. DAVIS REPORTED THAT IT HAD BEEN LEARNED THAT THE STATE OF KENTUCKY WAS ABOUT TO WITHDRAW THE FUNDS FOR THE BRIDGE AT THE MALL SITE. IT WAS REPORTED THAT THE STATE HAD ASKED FOR THE AGREEMENTS TO BE EXECUTED AFTER IT WAS THOUGHT THE MALL PROJECT WAS DEAD. THEY HAD ALSO ASKED FOR A CHECK TO BE SUBMITTED FOR THE CITY'S PORTION TO BUILDING THE BRIDGE. THE AGREEMENT BETWEEN THE DEPARTMENT OF HIGHWAYS AND THE CITY FOR THE BRIDGE PROJECT, ALONG WITH ESCROW AGREEMENTS WERE PRESENTED TO THE COMMISSION FOR EXECUTION. MR. DAVIS EXPLAINED THAT ESSENTIALLY ALL THE MONEY COMES FROM THE DEVELOPER FOR THE BRIDGE CONSTRUCTION. MR. DAVIS WENT ON TO EXPLAIN THAT THE CITY IS RESPONSIBLE FOR 80% OF THE BRIDGE CONSTRUCTION OVER TWO LANES. IT IS ESTIMATED THAT THE PROJECT WILL COST \$1,650,000. THE DEVELOPER WILL BE RESPONSIBLE FOR 1.12 MILLION - \$740,000 FROM A CDBG AND FUND "B" REVOLVING LOAN OF \$611,000. EVENTUALLY THE CITY WILL HAVE TO INVEST \$300,000. IT WAS EXPLAINED THAT THE STATE HAS AGREED TO GIVE THE CITY CREDIT FOR THE PREVIOUS \$140,000 INVESTED BY W & G ASSOCIATES. DISCUSSION WAS HAD RELATIVE TO THE CITY'S RESPONSIBILITY TO FIRST NATIONAL BANK WITH REGARD TO THE \$140,000 BORROWED BY W & G ASSOCIATES. STEVE COMBS MADE THE MOTION, SECONDED BY THOMAS HUFFMAN TO APPROVE THE AGREEMENT WITH THE DEPARTMENT OF HIGHWAYS AND THE ESCROW AGREEMENT. THE MOTION CARRIED 3 - 1 WITH COMMISSIONER JUSTICE VOTING "NO".

THE COMMISSION DISCUSSED THE POSSIBILITY OF PURCHASING THE CHANEY WATER SYSTEM. THE COMMISSION DIRECTED HAL WILLIAMS OF PSG TO INVESTIGATE THE SYSTEM TO DETERMINE THE WATER LOSS AND THE CONDITION OF THE SYSTEM. IT WAS MENTIONED THAT RESIDENTS IN THE AREA COMPLAINED OF LOSS OF WATER PRESSURE WHEN THE CITY BEGAN PUMPING 10 GAL. PER MINUTE AT THE SEWAGE PUMPING STATION.

STEVE COMBS MADE THE MOTION, SECONDED BY GREG JUSTICE TO DIRECT THE CITY MANAGER TO ASK THE OWNERS OF THE CHANEY WATER SYSTEM TO SUBMIT A WRITTEN PROPOSAL FOR THE SALE OF THE WATER SYSTEM. THE MOTION CARRIED UNANIMOUSLY.

FIRE CHIEF, ROBERT COURTNEY, GAVE A REPORT OF FALSE FIRE ALARMS OVER A THREE YEAR PERIOD. IN 1986, 25 FALSE ALARMS WERE RESPONDED TO BY THE FIRE AND VOLUNTEER FIRE DEPARTMENT; THERE WERE 49 FALSE ALARMS IN 1987; AND 97 FALSE ALARMS IN 1988. CHIEF COURTNEY COMMENTED THAT THE MAJORITY OF THE FALSE ALARMS STEM FROM EQUIPMENT FAILURE. HE ALSO MENTIONED THAT THE EQUIPMENT SHOULD HAVE BATTERY PACK BACK-UP. IT WAS ESTIMATED THAT EACH FALSE FIRE ALARM COSTS ABOUT \$500.00 PER RUN. THOMAS HUFFMAN MADE THE MOTION TO ALLOW EACH BUSINESS THREE FALSE FIRE ALARMS PER YEAR, AFTER THEY HAVE BEEN NOTIFIED BY THE FIRE DEPARTMENT THAT THEIR EQUIPMENT IS FAULTY, AND AFTER THE THIRD ALARM CHARGE THE ACTUAL COST FOR THE FIRE RUN FOR EACH FALSE ALARM THEREAFTER. GREG JUSTICE SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY.

CITY ENGINEER, JACK SYKES, PRESENTED A MAP SHOWING A SITUATION ON POPLAR STREET WHERE ALL WATER DRAINING FROM THE SMITH HILL WATER TANK AND THAT VICINITY, COMES DOWN, GOES INTO A CULVERT JUST ABOVE SMITH STREET AND THEN DISCHARGES INTO THE SANITARY SEWER SYSTEM. IN ADDITION TO THAT, THERE IS SOME DRAINAGE PROBLEMS ON POPLAR STREET WHERE THE DRAINAGE DOES NOT GO TO ANY CATCH BASIN AND IS CAUSING SOME NUISANCES TO SOME OF THE RESIDENTS. THE PROPOSED SOLUTION WAS TO INSTALL A CATCH BASIN ON POPLAR STREET, PICKING UP THE DRAINAGE THAT IS IN THE STORM CULVERT ABOVE THERE, COMING DOWN THE ALLEYWAY ADDING TWO MORE CATCH BASINS ALONG THE WAY, AND THEN TYING INTO A STORM DRAIN ON SMITH HILL. THE PROJECT WOULD CALL FOR 165 FEET OF 18 INCH STORM DRAIN; 220 FEET OF 24 INCH; 4 CATCH BASINS; RECONSTRUCT ONE CATCH BASIN AT POPLAR STREET. A COST ESTIMATE OF \$28,615.00 WAS GIVEN. THE COMMISSION DISCUSSED THE DRAINAGE PROBLEM AT THE KELLY DANIELS HOUSE. MR. SYKES REPORTED THAT THROUGH MAINTENANCE BY PSG, THE CULVERTS WILL BE UNSTOPPED AND PUT A CURB ALONG POPLAR STREET. GREG JUSTICE MADE THE MOTION, SECONDED BY THOMAS HUFFMAN TO ADVERTISE THE PROJECT FOR BIDS. THE MOTION



## MINUTES } CITY OF PIKEVILLE

CARRIED 4 - 0.

IT WAS ANNOUNCED THAT THE CITY COMMISSION WILL HOLD A WORK SESSION WITH THE BOARD OF DIRECTORS OF THE URBAN RENEWAL AGENCY ON JULY 13, 1989 AT 4:00 P.M. AT THE AGENCY OFFICES.

THE COMMISSION DISCUSSED THE NEED FOR A WORK SESSION WITH THE CITY ENGINEER AND THE POLICE CHIEF TO BEGIN WORK ON THE DESIGN OF A POLICE STATION. COMMISSIONER JUSTICE COMMENTED THAT A PRICE FOR THE CONSTRUCTION SHOULD BE ESTABLISHED.

STEVE COMBS MADE THE MOTION, SECONDED BY GREG JUSTICE TO ADJOURN TO AN EXECUTIVE SESSION TO DISCUSS PERSONNEL MATTERS. THE MOTION CARRIED UNANIMOUSLY.

GREG JUSTICE MADE THE MOTION TO RECONVENE TO REGULAR SESSION. JOHNNY MOUNTS SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY.

GREG JUSTICE MADE THE MOTION, SECONDED BY THOMAS HUFFMAN TO EMPLOY TOM CAMPBELL AS FIRE CAPTAIN. THE MOTION CARRIED UNANIMOUSLY.

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 CITY COMMISSION'S NEXT SCHEDULED MEETING IS JULY 24, 1989 AT 7:30 P.M. AND WILL BE HELD IN THE CITY HALL PUBLIC MEETING ROOM AT 260 HAMBLEY BOULEVARD.

APPROVED: /S/ W. C. HAMBLEY, M.D.  
MAYOR

ATTEST:

/S/ KAREN HARRIS  
CITY CLERK

