

MINUTES } CITY OF PIKEVILLE

REGULAR MEETING - AUGUST 28, 1989

THE CITY OF PIKEVILLE BOARD OF COMMISSIONERS MET IN REGULAR SESSION ON MONDAY, AUGUST 28, 1989. THE MEETING WAS HELD IN THE CITY COMMISSION'S REGULAR MEETING PLACE AT THE CITY HALL PUBLIC MEETING ROOM.

MAYOR PRO TEM STEVEN D. COMBS CALLED THE MEETING TO ORDER AT 7:30 P.M. THE FOLLOWING COMMISSION MEMBERS WERE PRESENT AND FORMED A QUORUM:

COMMISSIONER: STEVEN D. COMBS
THOMAS W. HUFFMAN
JOHNNY D. MOUNTS

COMMISSIONER GREG JUSTICE ARRIVED AT 7:35 P.M.
MAYOR W. C. HAMBLEY, M.D. WAS ABSENT.

THE AUGUST 14, 1989 REGULAR MEETING MINUTES WERE INCLUDED IN EACH COMMISSION MEMBER'S AGENDA PACKAGE. THOMAS HUFFMAN MADE THE MOTION TO APPROVE THE MINUTES AS TYPED AND SUBMITTED.

COMMISSIONER COMBS MENTIONED THAT THE COMMISSION HAD PASSED A RESOLUTION TWO WEEKS AGO TO ISSUE A REVOCABLE PERMIT TO MOUNTAIN CABLE TO GO ACROSS THE RIVERBED. HE QUESTIONED WHY THIS MOTION HAD NOT BEEN ACTED ON. CITY ENGINEER JACK SYKES REPORTED THAT THE PERMIT MUST BE ISSUED BY THE DEPARTMENT OF TRANSPORTATION. THE LINE CROSSES CITY OF PIKEVILLE PROPERTY, CROSSES URBAN RENEWAL PROPERTY, BUT 90% OF THE CROSSING IS ON HIGHWAY RIGHT-OF-WAY. THE APPLICATION WAS FILED WITH THE HIGHWAY DEPARTMENT FOR A PERMIT. BEFORE THE PERMIT WAS ISSUED BY DEPARTMENT OF TRANSPORTATION, THE CITY AND URBAN RENEWAL WILL BE APPROACHED TO SEE IF THEY AGREE TO THE PROJECT. CITY ATTORNEY RUSTY DAVIS STATED THAT HE HAD SENT MOUNTAIN CABLE A LETTER ADVISING THAT THE COMMISSION CONSENTED TO GRANTING A REVOCABLE PERMIT.

JOHNNY MOUNTS SECONDED THE MOTION TO APPROVE THE MINUTES. THE MOTION CARRIED 4 - 0.

A REQUEST WAS PRESENTED FROM THE AMERICAN CANCER SOCIETY TO USE THE CITY PARK ON SEPTEMBER 21 AND 22, 1989 FOR THE ANNUAL JAIL & BAIL FUNDRAISER. GREG JUSTICE MADE THE MOTION, SECONDED BY THOMAS HUFFMAN TO APPROVE THE REQUEST. THE MOTION CARRIED UNANIMOUSLY.

A LIST OF CITY BILLS TOTALING \$65,765.84 WAS PRESENTED TO THE COMMISSION FOR APPROVAL OF PAYMENT. GREG JUSTICE MADE THE MOTION TO APPROVE PAYMENT OF THE CITY BILLS TOTALING \$65,765.84. JOHNNY MOUNTS SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY.

PROJECT BILLS WERE PRESENTED FOR APPROVAL OF PAYMENT AS FOLLOWS:

MAINTENANCE TANK, INC.	\$14,819.40
SHELY CONSTRUCTION	11,995.80
GEORGE STONE COMPANY	1,043.52
MAIN STREET	10,000.00
PSG	162,888.00
HAMILTON CONSTRUCTION	4,169.00
	<u>\$204,915.72</u>

COMMISSIONER HUFFMAN ADDRESSED CITY ENGINEER JACK SYKES WITH REGARD TO THE HAMBLEY/DIVISION STREET TRAFFIC LIGHT. COMMISSIONER HUFFMAN EXPLAINED THAT THE PURPOSE OF THE TRAFFIC LIGHT WAS TO ASSIST THE RESIDENTS OF MYERS TOWER TO CROSS HAMBLEY BOULEVARD. VEHICULAR TRAFFIC COMING OUT OF DIVISION STREET SETS THE TRAFFIC LIGHT OFF. CITY ENGINEER JACK SYKES REPORTED THAT THE LIGHT IS STILL NOT FUNCTIONING PROPERLY. THE CONTROLLER IS MALFUNCTIONING CAUSING A SIGNAL TO BE SENT TO THE TRAFFIC LIGHT THAT A PEDESTRIAN IS PUSHING THE BUTTON CONTINUOUSLY. MR. SYKES EXPLAINED THAT THE LIGHT IS TO FUNCTION IN SUCH MANNER AS TO STAY GREEN ON THE BOULEVARD UNTIL THERE IS A DEMAND, EITHER PEDESTRIAN OR VEHICULAR, ON DIVISION STREET. IT WAS REPORTED THAT A PEDESTRIAN HAS A TOTAL OF 40 SECONDS TO CROSS THE BOULEVARD, HOWEVER THE TIME ALLOTTED CAN BE LENGTHENED OR SHORTENED. MR. SYKES REPORTED THAT THE PAY REQUEST TO SHELY CONSTRUCTION REPRESENTS THE FIRST 50% OF THE CONTRACT.

COMMISSIONER MOUNTS ADDRESSED MR. SYKES WITH REGARD TO THE SMITH HILL WATER TANK. HE STATED THAT IT WAS HIS UNDERSTANDING THAT THIS TANK IS BADLY PITTED. MR. SYKES STATED HE WOULD ADDRESS THIS PROBLEM DURING HIS PROGRESS REPORT.

JOHNNY MOUNTS MADE THE MOTION TO APPROVE PAYMENT OF THE PROJECT BILLS AS SUBMITTED.

COMMISSIONER JUSTICE REFERRED BACK TO THE DISCUSSION OF THE TRAFFIC LIGHTS. HE COMMENTED THAT THE COMMISSION DID NOT WANT ANYTHING PUT INTO THE STREET THAT WOULD SWITCH THE LIGHTS. MR. SYKES REPORTED THAT HE DID NOT RECALL THAT DIRECTIVE. COMMISSIONER JUSTICE STATED THAT IT WAS DIRECTED THAT THE

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DESIRED ELEMENTS WERE TO BE THE SAME AS THE LIGHTS ON COLLEGE STREET WITHOUT THE PLATES IN THE STREET. MR. SYKES COMMENTED THAT IF A GREEN LIGHT SHOWN ONLY AND SOMETHING IS NOT INSTALLED TO CONTROL THE TRAFFIC, THEN THE TRAFFIC FROM DIVISION STREET IS GOING TO BE UNABLE TO ENTER THE BOULEVARD. COMMISSIONER JUSTICE REPORTED THAT THE DAY THE LIGHT WAS IN OPERATION THERE WAS A TRAFFIC JAM ON THE BOULEVARD. DISCUSSION CONTINUED WITH THE COMMISSION AND THE ENGINEER DISCUSSING THE INTENDED FUNCTION OF THE TRAFFIC LIGHT. MR. SYKES GAVE HIS OPINION THAT IF SOMETHING OTHER THAN A UNIFORM TRAFFIC LIGHT WAS INSTALLED, ANY FATALITY OR INJURY OCCURRED MAY IMPOSE A LIABILITY UPON THE CITY.

THOMAS HUFFMAN SECONDED THE MOTION TO APPROVE PAYMENT OF THE PROJECT BILLS.

THE CITY ENGINEER WILL INVESTIGATE WAYS TO ARTICULATE BETWEEN PEDESTRIAN AND VEHICULAR TRAFFIC IE THE VEHICULAR TRAFFIC ON DIVISION BE GIVEN A SHORT PERIOD OF GREEN LIGHT. THE CITY MANAGER REPORTED THAT PREVIOUS TRAFFIC PROBLEMS ON HUFFMAN AVENUE AND PIKE STREET HAVE BEEN ALLEVIATED DUE TO THE TRAFFIC LIGHT INSTALLATION.

ROLL CALL WAS TAKEN ON PAYMENT OF THE PROJECT BILLS. THE MOTION CARRIED 4 - 0 TO APPROVE PAYMENT.

JACK SYKES, CITY ENGINEER, GAVE A VERBAL PROGRESS REPORT.

1. THOMPSON ROAD FIRE STATION: THIS PROJECT HAS BEEN ADVERTISED FOR BID WITH THOSE BIDS TO BE OPENED ON SEPTEMBER 7TH AND PRESENTED TO THE COMMISSION AT THE NEXT REGULAR MEETING.

2. POLICE STATION: THE DESIGN IS PROCEEDING AND THE CITY MANAGER HAS A COPY OF THE LATEST FLOOR PLAN.

3. WILLIAMS HOLLOW SEWER/WATER LINE REPLACEMENT: THIS PROJECT IS PROCEEDING SLOWLY. THE CONTRACT TIME IS UP AT THE END OF THE MONTH. ALL WATER LINE IS INSTALLED; ALL WATER LINE TAPS HAVE BEEN MADE; 12 OF 14 MANHOLES ON THE SEWERLINE HAVE BEEN SET AND ABOUT 1520 FEET OF SEWERLINE HAS BEEN INSTALLED WITH ABOUT 980 FEET REMAINING TO BE INSTALLED. MR. SYKES ESTIMATES AN ADDITIONAL 30 DAYS FOR COMPLETION.

4. STEELE STREET: ALL THE LINES HAVE BEEN INSTALLED AND CONNECTIONS HAVE BEEN MADE. THE CONTRACTOR STILL NEEDS TO REPAVE THE STREET WHERE THE DITCH WAS DUG AND CONSTRUCT AN OUTLET TO THE CHANNEL FROM THE END OF THE PIPE DOWN TO THE LAKE. THE CONTRACTOR HAS ASKED TO POUR THE PAVEMENT REPLACEMENT WITH CONCRETE AND MR. SYKES CONCURS WITH THE REQUEST ASSUMING THAT THOSE STREETS ARE GOING TO BE PAVED IN THE NEAR FUTURE. THERE ARE TWO OTHER ISSUES WITH REGARD TO THIS PROJECT. THERE IS AN EASEMENT AGREEMENT FOR CROSSING BILL HICKMAN'S PROPERTY. THERE WAS AN UNDERSTANDING WITH MR. HICKMAN THAT WAS NEGOTIATED BY WALTER BLANKENSHIP, THAT THE CITY WOULD PAVE A DRIVEWAY IN RETURN FOR THE EASEMENT. THE CONTRACTOR FOR THE STEELE STREET PROJECT HAS SUBMITTED A PROPOSAL FOR CONSTRUCTION OF THE DRIVEWAY IN THE AMOUNT OF \$5,562.00 IF HE IS ALLOWED TO PROCEED AT THIS TIME. IT WILL BE AN EXTRA \$1,000 IF HE IS ASKED TO DO THE CONSTRUCTION AT A LATER DATE. THE COMMISSION QUESTIONED THE METHOD OF NEGOTIATION. THE CITY ATTORNEY REPORTED THAT THE CITY ENGINEER GAVE AN ESTIMATE NEAR THE ABOVE QUOTED PRICE FOR PAVING. THE \$5,500 ESTIMATE WAS LESS THAN THE AVERAGE AMOUNT PAID FOR OTHER EASEMENTS THAT HAVE BEEN CONDEMNED. COMMISSIONER JUSTICE ASKED IF IT WOULD BE BEST TO BLACKTOP THE DRIVEWAY AT THE SAME TIME AS THE STREET IS BLACKTOPPED. MR. DAVIS REPORTED THAT MR. HICKMAN DID NOT WANT BLACKTOP FOR HIS DRIVEWAY. JOHNNY MOUNTS MADE THE MOTION TO ALLOW THE CONTRACTOR TO PROCEED WITH POURING A CONCRETE DRIVEWAY FOR BILL HICKMAN AS PREVIOUSLY NEGOTIATED. THOMAS HUFFMAN SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY.

THE CITY COMMISSION TOOK NO ACTION ON A REQUEST PROPOSED BY THE CITY MAINTENANCE CREW TO EXTEND THE SERVICE LINE ABOUT 200 FEET TOWARD LORRAINE STREET FOR THE AMOUNT OF \$12,000.00.

5. WATER STORAGE TANKS: THE QUAIL RIDGE TANK IS COMPLETE AND WATER WILL BE PUMPED BACK TO THIS TANK SOME TIME THIS WEEK. THE SMITH HILL TANK REPAIRS HAVE BEEN INITIATED. WHEN THE TANK WAS DRAINED, SEVERAL PITS AND CORROSION WERE OBSERVED. IT WAS DECIDED BY THE ENGINEER TO ALLOW THE CONTRACTOR TO PROCEED WITH WELDING THE PITS AND SEAMS, SANDBLASTING AND PAINTING. PSG MANAGER HAL WILLIAMS HAS LOOKED AT THIS TANK AND WOULD LIKE TO HAVE A NEW TANK INSTALLED. MR. SYKES REPORTED THAT THE CURRENT TANK HAS A 300,000 GALLON CAPACITY AND SUGGESTED REPLACEMENT WITH A MILLION GALLON CAPACITY TANK. THERE IS NOT A LOCATION FOR THIS LARGE OF A TANK AND DUE TO THE COST OF THE TANK (\$250,000) IT WAS SUGGESTED TO CONTINUE WITH THE REPAIRS OF THE EXISTING TANK AND BUDGET FOR A NEW TANK OVER THE NEXT 2 TO 3 YEARS.

6. SMITH HILL STORM DRAIN: ONE BID WAS RECEIVED. TRUJILLO CONSTRUCTION COMPANY BID \$39,000 WHICH IS \$10,000 ABOVE THE ENGINEER'S ESTIMATE. MR. SYKES REPORTED THAT THE CONTRACTOR HAS VERBALLY AGREED TO

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LOWER HIS BID BY \$5,000 DUE TO A MISUNDERSTANDING ABOUT AN EASEMENT. THOMAS HUFFMAN MADE THE MOTION TO AWARD THE BID TO TRUJILLO CONSTRUCTION IN THE AMOUNT OF \$34,000 FOR THE SMITH HILL STORM DRAIN PROJECT. JOHNNY MOUNTS SECONDED THE MOTION. THE MOTION CARRIED 3 - 1 WITH STEVE COMBS VOTING "NO".

THE CITY ATTORNEY GAVE SECOND READING TO AN ORDINANCE ENTITLED:

ORDINANCE PROVIDING FOR FINES FOR FAULTY FIRE ALARMS 0-89-011

GREG JUSTICE MADE THE MOTION, SECONDED BY JOHNNY MOUNTS TO ADOPT THE ORDINANCE. THE MOTION CARRIED 3 - 1 WITH THOMAS HUFFMAN VOTING "NO".

THE FIRE CHIEF COMMENTED THAT THE AVERAGE FIRERUN COSTS BETWEEN \$500 AND \$600.

SECOND READING WAS GIVEN TO AN ORDINANCE ENTITLED:

ORDINANCE SETTING SPEED LIMIT ON MAYS BRANCH AT 15 M.P.H.

CHIEF EDMONDS REPORTED THAT THERE HAD BEEN SEVERAL COMPLAINTS BY ONE PERSON WITH REGARD TO THE EXCESSIVE VEHICULAR SPEED ON THE ROAD AND RECOMMENDS THE 15 M.P.H. SPEED LIMIT. THE COMMISSION DISCUSSED THIS MATTER TO SOME EXTENT WITH REGARD TO THE NUMBER OF COMPLAINTS AND THE SPEED LIMIT AMOUNT. JOHNNY MOUNTS MADE THE MOTION TO ADOPT THE ORDINANCE. THOMAS HUFFMAN SECONDED THE MOTION. THE MOTION FAILED WITH ALL COMMISSION MEMBERS "ABSTAINING".

SECOND READING WAS GIVEN TO AN ORDINANCE ENTITLED:

ORDINANCE SETTING SPEED LIMIT IN BOWLES ADDITION AT 15 M.P.H. 0-89-012

JOHNNY MOUNTS MADE THE MOTION, SECONDED BY GREG JUSTICE TO ADOPT THE ORDINANCE. THE MOTION CARRIED 3 - 1 WITH THOMAS HUFFMAN VOTING "NO".

ORDINANCE 0-89-013 WAS PRESENTED AND GIVEN SECOND READING.

AN ORDINANCE FIXING A TAX LEVY ON REAL AND TANGIBLE PERSONAL PROPERTY, FRANCHISES, BANK SHARES, ALL FOR THE GENERAL OPERATING EXPENSE PURPOSES AND PROVIDING FOR A DISCOUNT ON ALL TAXES, IF PAID ON OR BEFORE NOVEMBER 1ST, AND A PENALTY IF NOT PAID BY DECEMBER 31ST

JOHNNY MOUNTS MADE THE MOTION, SECONDED BY GREG JUSTICE TO ADOPT THE ORDINANCE. THE MOTION CARRIED UNANIMOUSLY.

THE CITY MANAGER, JOHN JOHNSON, REPORTED THAT THE POLICE CHIEF HAS ADVISED THAT HIS DEPARTMENT HAS A POLICE CRUISER WITH OVER 100,000 MILES AND HAS ASKED IF THE VEHICLE CAN BE SOLD. THERE IS ALSO AN 8 - 10 YEAR OLD GRAVELY RIDING LAWMOWER FROM THE PARKS DEPARTMENT THAT HAS A SALVAGE VALUE OF ABOUT \$150.00. MR. JOHNSON REPORTED THAT IT WOULD COST MORE TO REPAIR THE MOWER THAN IT IS WORTH. THOMAS HUFFMAN MADE THE MOTION, SECONDED BY JOHNNY MOUNTS TO ACCEPT BIDS FOR THIS SURPLUS PROPERTY. THE MOTION CARRIED UNANIMOUSLY. METHOD OF BID ACCEPTANCE WAS DISCUSSED. IT WAS SUGGESTED THAT NOTICES BE POSTED ADVERTISING A ONE DAY AUCTION AND IT WAS ALSO DISCUSSED ACCEPTING SEALED BIDS.

MR. JOHNSON REPORTED THAT REQUESTS HAD BEEN MADE BY CHURCH MEMBERS FROM THE METHODIST AND PRESBYTERIAN CHURCHES TO REPLACE THE SIDEWALK AT CRICKETT ALLEY AND AROUND TO THE PARKING LOT. CONTRACTOR FOR THE CURRENT SIDEWALK REPLACEMENT PROJECT, HAMILTON CONSTRUCTION, PRESENTED A COST OF \$9,618.60 FOR THIS SIDEWALK ADDITION. COMMISSIONER COMBS ASKED IF THE CHURCHES WOULD CONTRIBUTE TO THE PROJECT. MR. JOHNSON INDICATED HE WOULD CHECK INTO THIS POSSIBILITY. THOMAS HUFFMAN MADE THE MOTION, SECONDED BY JOHNNY MOUNTS TO ALLOW HAMILTON CONSTRUCTION TO REPLACE THE ABOVE NAMED SECTION OF SIDEWALKS FOR THE PRICE OF \$9,618.60. THE MOTION CARRIED UNANIMOUSLY.

GREG JUSTICE MADE THE MOTION TO FINISH THE REMAINING SECTIONS OF SIDEWALKS IN THE DOWNTOWN AREA - MAIN STREET, SECOND STREET, DIVISION STREET AND PIKE AVENUE. THOMAS HUFFMAN SECONDED THE MOTION. THE MOTION FAILED 2 - 2 WITH COMMISSIONERS COMBS AND MOUNTS VOTING "NO".

PSG MANAGER HAL WILLIAMS REQUESTED AN EXECUTIVE SESSION TO DISCUSS THE POSSIBLE PURCHASE OF THE CHANEY WATER SYSTEM.

PRESENTED FOR APPROVAL WAS A LEGALLY BINDING AGREEMENT FOR THE PIKEVILLE MALL PROJECT COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM. JOHNNY MOUNTS MADE THE MOTION TO APPROVE THE AGREEMENT. STEVE COMBS SECONDED THE MOTION. THE MOTION CARRIED 3 - 1 WITH GREG JUSTICE VOTING "NO".

THOMAS HUFFMAN MADE THE MOTION TO PAY CECIL RAY AND ALL OTHER CITY EMPLOYEES THE COMPENSATORY TIME BALANCES OWED. JOHNNY MOUNTS SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY.

JOHNNY MOUNTS MADE THE MOTION, SECONDED BY GREG JUSTICE TO ADJOURN TO

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AN EXECUTIVE SESSION FOR THE PURPOSE OF DISCUSSING RETIREMENT WITH TENNIS HAMILTON, ELMER RAY, AND LUNDY GOFF AND A LEGAL MATTER WITH HAL WILLIAMS. THE MOTION CARRIED UNANIMOUSLY.

THOMAS HUFFMAN MADE THE MOTION, SECONDED BY GREG JUSTICE TO RECONVENE TO REGULAR SESSION. THE MOTION CARRIED UNANIMOUSLY.

THOMAS HUFFMAN MADE THE MOTION TO DIRECT RUSTY DAVIS TO PROCEED TO MAKE ARRANGEMENTS TO GET AN AUDIT DONE OF RIDGECLIFF BECAUSE THE DEVELOPER SECURED A HODAG GRANT THAT WAS BACKED BY THE CITY THAT MUST BE PAID BACK WHEN THEY REACH A 10% OR MORE PROFIT. COMMISSIONER COMBS REQUESTED THE MOTION BE AMENDED TO PROVIDE FOR AN INVESTIGATION INTO RIDGECLIFF'S TAX RATE. GREG JUSTICE SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY. THE CITY ATTORNEY ASKED IF IT WAS THE COMMISSION'S DESIRE TO HAVE LINTON & COMPANY TO CONDUCT THE AUDIT AS PART OF THEIR AUDITING SERVICE WITH THE CITY. THE COMMISSION SO AGREED. MR. DAVIS ALSO REPORTED THAT HE HAD PREVIOUSLY CHECKED WITH PVA REO JOHNS WHO INDICATED THAT RIDGECLIFF APPEALED TO THE REVENUE CABINET TO GET THEIR TAX VALUATION LOWERED TO THE AMOUNT THAT IT IS NOW.

STEVE COMBS MADE THE MOTION TO DIRECT THE CITY ATTORNEY TO CONTACT HUD & FEDERAL INVESTIGATORS IN WASHINGTON WITH REGARD TO THE TWO HUD PROJECTS IN PIKEVILLE - PIKEVILLA AND RIDGECLIFF - IN AN EFFORT TO RETRIEVE ANY INFORMATION ON OWNERSHIP CONTROL AND HOW THE STRUCTURES WERE BUILT. THOMAS HUFFMAN SECONDED THE MOTION. THE MOTION CARRIED 4 - 0.

STEVE COMBS MADE THE MOTION TO DIRECT THE CITY ATTORNEY TO DRAFT A NEW ORDINANCE TO AMEND THE ORIGINAL ORDINANCE WITH REGARD TO TERMS OF BOARD MEMBERS OF CITY APPOINTED BOARDS AND MAKE THE EFFECTIVE DATE RETROACTIVE. GREG JUSTICE SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY.

THOMAS HUFFMAN MADE THE MOTION, SECONDED BY GREG JUSTICE TO ADJOURN. THE MOTION CARRIED UNANIMOUSLY.

THE CITY COMMISSION'S NEXT REGULAR MEETING IS SCHEDULED FOR SEPTEMBER 11, 1989 AT 7:30 P.M. 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