

# MINUTES } CITY OF PIKEVILLE

## REGULAR MEETING - SEPTEMBER 25, 1989

THE CITY OF PIKEVILLE BOARD OF COMMISSIONERS MET IN REGULAR SESSION ON MONDAY, SEPTEMBER 25, 1989 AT THE COMMISSION'S REGULAR MEETING PLACE IN THE CITY HALL PUBLIC MEETING ROOM, 260 HAMBLEY BOULEVARD.

MAYOR W. C. HAMBLEY, M.D. CALLED THE MEETING TO ORDER AT 7:35 P.M. COMMISSION MEMBERS PRESENT AND FORMING A QUORUM WERE:

COMMISSIONER: STEVEN COMBS  
GREG JUSTICE  
THOMAS HUFFMAN  
JOHNNY MOUNTS  
MAYOR: W. C. HAMBLEY, M.D.

THE MINUTES FOR THE PREVIOUS REGULAR MEETING OF SEPTEMBER 11, 1989 WERE INCLUDED IN EACH COMMISSION MEMBER'S AGENDA PACKAGE. GREG JUSTICE MADE THE MOTION, SECONDED BY STEVE COMBS TO APPROVE THE MINUTES AS PRESENTED. THE MOTION CARRIED 5 - 0.

JEAN ANN CORBIN, REPRESENTING THE KEEP PIKEVILLE BEAUTIFUL COMMITTEE, APPROACHED THE COMMISSION WITH REGARD TO A PLAN FOR THE BOULEVARD LANDSCAPING PROJECT. ACCORDING TO MS. CORBIN, THE COMMITTEE TOOK THE PLAN APPROVED SEVERAL YEARS PRIOR AND RESTRUCTURED THE PLAN TO MEET THE IMMEDIATE NEEDS. MOST OF THE VEGETATION PLACED, ACCORDING TO MS. CORBIN, HAS EITHER DIED OR WAS POORLY CHOSEN. THE COMMITTEE, WITH THE HELP OF MARVIN HENSLEY, PUT TOGETHER A COMPREHENSIVE PLAN USING THE ORIGINAL BLUEPRINTS WITH THE HOPE OF FINISHING WHAT WAS STARTED A FEW YEARS AGO. THE NEW PLAN PROVIDES FOR THE REPLACEMENT OF DEAD TREES AND THE PLACEMENT OF NEW VEGETATION DUE TO A NUMBER OF CHANGES MADE DURING THE BOULEVARDS CONSTRUCTION. THE COMMITTEE REQUESTED A COMMITMENT FROM THE CITY OF ABOUT \$20,000. THE COMMITTEE WILL MATCH THOSE DOLLARS WITH FUNDS RAISED IN THE COMMUNITY. IT IS PLANNED TO PLACE THE PROJECT OUT TO BID WITH THE LOCAL LANDSCAPING FIRMS. THERE WILL ALSO BE A MAINTENANCE AGREEMENT. TOTAL COST OF THE PROJECT IS ESTIMATED AT \$44,000. COMMISSIONER JUSTICE VOICED HIS OPINION THAT THE SIDEWALKS SHOULD BE COMPLETED BEFORE BEGINNING ANOTHER PROJECT. THOMAS HUFFMAN MADE THE MOTION THAT THE CITY PAY UP TO \$20,000 FOR THIS PROJECT SUBJECT TO THE KEEP PIKEVILLE BEAUTIFUL COMMITTEE RAISING \$20,000. JOHNNY MOUNTS SECONDED THE MOTION. COMMISSIONER JUSTICE COMMENTED THAT THESE FUNDS SHOULD BE COMMITTED FROM THE 1990/91 OPERATING BUDGET. UPON CALL OF THE ROLL, THE MOTION CARRIED UNANIMOUSLY.

ANDREW THACKER, A RESIDENT OF HAROLDS BRANCH, CAME BEFORE THE COMMISSION RELATIVE TO THE DRAINS AND DITCHES BEING FILLED WITH MUD AND DEBRIS. IT WAS ALLEGED THAT THE GAS DRILLING COMPANY, C D & G DEVELOPMENT'S, EXCAVATION AND ONGOING WORK CAUSED THE FILLING DURING THE RECENT HEAVY RAINS. IT WAS QUESTIONED IF THE GAS COMPANY OR COAL STRIP WAS THE CAUSE. DISCUSSION WAS HAD TO COURSE OF ACTION IF THE COAL STRIP IS RESPONSIBLE. IT WAS COMMENTED THAT AML MONIES WOULD BE AVAILABLE IF ATTRIBUTED TO THE COAL STRIP MINE. COMMISSIONER COMBS QUESTIONED THE BUILDING INSPECTOR AS TO WHETHER THE CITY IS RESPONSIBLE FOR THE MAINTENANCE ON THE ROAD. IT WAS REPORTED THAT THE ROADWAY WAS RECENTLY BLACKTOPPED. DISCUSSION CONTINUED AT SOME LENGTH WITH ITEMS SUCH AS WHO IS RESPONSIBLE TO MAKE SURE THE ROADS ARE INSPECTED BEING DISCUSSED. THE COMMISSION DIRECTED THAT THE CITY MANAGER AND CITY ENGINEER LOOK AT THE PROBLEM AND MAKE A DETERMINATION AS TO WHETHER THE GAS COMPANY IS RESPONSIBLE FOR THE DAMAGE TO THE HAROLDS BRANCH ROAD.

CITY BILLS TOTALING \$46,971.89 WERE PRESENTED TO THE COMMISSION FOR APPROVAL OF PAYMENT. COMMISSIONER HUFFMAN QUESTIONED THE KENTUCKY POWER COMPANY INVOICE WHICH SHOWED SEVERAL ACCOUNTS FOR THE NORTHMONTE SUBDIVISION. THE FINANCE DIRECTOR REPORTED THAT THE BILLS WERE FOR STREETLIGHTING FOR THE SUBDIVISION. IT WAS ASKED IF THE STREETS IN THIS SUBDIVISION HAD BEEN ACCEPTED BY THE CITY FOR MAINTENANCE. IT WAS REPORTED THAT THE STREETS HAVE NOT BEEN ACCEPTED AT THIS TIME. THE CITY ATTORNEY POINTED OUT THAT THERE IS AN ORDINANCE ON FILE WHICH PROVIDES FOR NO HILLSIDE SUBDIVISION STREETS TO BE ACCEPTED UNTIL THE STREETS HAVE EXISTED FOR FIVE YEARS. MS ONEY WAS INSTRUCTED TO CONTACT THE KENTUCKY POWER COMPANY RELATIVE TO RECEIVING CREDIT FOR PAST PAYMENTS. ALSO QUESTIONED WAS THE ELECTRICAL INSPECTOR, CHESTER SMITH'S FEE. THE BUILDING INSPECTOR EXPLAINED THE BASIS OF CALCULATION OF THE BILLS. THE COMMISSION QUESTIONED IF MR. SMITH WAS THE ONLY LICENSED INSPECTOR WITHIN THE CITY LIMITS. MS ONEY WAS DIRECTED TO PREPARE A LISTING FOR THE NEXT MEETING DETAILING MR. SMITH'S CHARGES. COMMISSIONER HUFFMAN COMMENTED THAT THE RATE SHOULD BE AMENDED AND IN ADDITION TO THAT, THAT ANYONE QUALIFIED SHOULD BE ALLOWED TO PERFORM THE INSPECTIONS ON A ROTATING BASIS. THOMAS HUFFMAN MADE THE MOTION TO APPROVE PAYMENT OF THE CITY BILLS EXCLUDING THE KENTUCKY POWER COMPANY BILL (NORTHMONTE SUBDIVISION BILLS). GREG JUSTICE SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY.

PROJECT BILLS WERE SUBMITTED TO THE COMMISSION FOR APPROVAL OF PAYMENT TOTALING \$185,782.65. GREG JUSTICE MADE THE MOTION TO APPROVE PAYMENT OF THE PROJECT BILLS IN THE AMOUNT OF \$185,782.65. THOMAS HUFFMAN SECONDED THE



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MOTION. THE MOTION CARRIED UNANIMOUSLY.

JACK SYKES, REPRESENTING SUMMIT ENGINEERING, CITY ENGINEERS, GAVE A VERBAL PROGRESS REPORT OF ONGOING CITY PROJECTS.

1. STEELE STREET PROJECT: MR. SYKES REPORTED THAT THE CONTRACTOR HAS COMPLETED THE CHECKLIST.

2. FIRE STATION: TABLED AT THE LAST REGULAR MEETING PENDING DISCUSSION WITH THE MALL DEVELOPER. THERE IS A WORK SESSION SCHEDULED WITH THE DEVELOPER FOR SEPTEMBER 28, 1989 AT 5:00 P.M.

3. WILLIAMS HOLLOW PROJECT: THE CONTRACTOR HAS WORKED NINE DAYS SINCE THE LAST REGULAR MEETING. HE LACKS ABOUT 365 FEET OF PIPE TO INSTALL. THE ENGINEER ESTIMATED THAT THE CONTRACTOR HAS ACCUMULATED \$6,000 IN LIQUIDATED DAMAGES - (\$200/DAY).

4. POLICE STATION DESIGN: FINAL FLOOR PLANS WERE PRESENTED TO THE CITY MANAGER AND CHIEF OF POLICE LAST WEEK. MR. SYKES ANTICIPATES COMPLETION OF THE SPECS, FINAL DRAWINGS- ELECTRICAL, MECHANICAL, PLUMBING, ETC., - BY OCTOBER 5TH. A WORK SESSION HAS BEEN REQUESTED FOR THIS DATE TO REVIEW THOSE PLANS.

5. SMITH HILL WATER TANKS: THE CONTRACTOR, MAINTENANCE TANK INC., IS PROCEEDING WITH ABOUT 20% OF THE LINER INSTALLED.

6. SMITH HILL STORM DRAIN: THE CONTRACTOR HAS BEEN ISSUED A WORK ORDER.

7. MOUNTAIN WATER DISTRICT: MR. SYKES WAS ASKED TO REQUEST A WORK SESSION WITH REGARD TO MOUNTAIN WATER DISTRICT'S WATER PURCHASE AGREEMENT. THE COMMISSION SCHEDULED A WORK SESSION FOR SEPTEMBER 27, 1989 AT 5:30 P.M.

CITY ATTORNEY RUSSELL DAVIS, JR., GAVE SECOND READING TO AN ORDINANCE ENTITLED:

AMENDED ORDINANCE PROVIDING THAT NO INDIVIDUAL SHALL SERVE AS A MEMBER, COMMISSIONER, OR BOARD MEMBER OF ANY AGENCY, PUBLIC CORPORATION, DISTRICT, COMMISSION OR OTHER SUBDIVISION OR BODY OF THE CITY OF PIKEVILLE TO OPERATE IN THE INTEREST OF THE PUBLIC FOR MORE THAN EIGHT YEARS OR TWO TERMS, WHICHEVER IS GREATER

COMMISSIONER HUFFMAN QUESTIONED IF THE ABOVE ORDINANCE WOULD APPLY TO THE HOSPITAL BOARD. MR. DAVIS EXPLAINED THAT THE ORDINANCE WOULD APPLY TO THE BOARD OF DIRECTORS OF THE PIKEVILLE PUBLIC HOSPITAL CORPORATION, BUT THE PIKEVILLE METHODIST HOSPITAL, INC. IS ANOTHER CORPORATION. IT WAS FURTHER EXPLAINED THAT THE BOARD OF DIRECTORS OF THE PIKEVILLE PUBLIC HOSPITAL CORPORATION ARE THE ONLY ONES THAT CAN AMEND THEIR ARTICLES OF INCORPORATION BY RESOLUTION. MR. DAVIS AFFIRMED THAT THE ABOVE ORDINANCE WOULD REGULATE THE TIME PERIOD THAT THE BOARD OF DIRECTORS COULD SERVE ON THE CORPORATION. COMMISSIONER HUFFMAN EXPLAINED THAT HE WAS QUESTIONING THIS CORPORATION IN PARTICULAR DUE TO THE VACANCIES ON THAT BOARD. MR. DAVIS POINTED OUT THAT THE BOARD MAY BE THREE MEMBERS SHORT. HE DRAFTED A LETTER FOR THE MAYOR TO SIGN TO THE BOARD MEMBERS ASKING FOR THE SUBMISSION OF NAMES TO FILL THE VACANCIES. GREG JUSTICE MADE THE MOTION TO ADOPT THE ORDINANCE AS READ. STEVE COMBS SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY.

THE CITY ATTORNEY REPORTED THAT HE HAD RECEIVED CORRESPONDENCE FROM GREG STUMBO, SANDY VALLEY WATER DISTRICT'S ATTORNEY, WITH REGARD TO THE WATER RATE INCREASE. A CHECK WAS SENT IN THE LETTER ALONG WITH AN EXPLANATION THAT THEY ARE AGREEABLE TO PAY THE OLD RATE BUT THEY CAN'T SEE WHERE THE CITY HAS THE AUTHORITY TO RAISE THE RATES. MR. DAVIS GAVE HIS OPINION THAT THE CITY DOES HAVE THE AUTHORITY. THE CITY AND SANDY VALLEY HAD A MEETING PRIOR TO THE RATE CHANGE WHEREBY THE FORMULA WAS EXPLAINED. MR. DAVIS COMMENTED THAT THE CITY HAS A COUPLE OF OPTIONS, BOTH OF WHICH SHOULD BE DISCUSSED IN AN EXECUTIVE SESSION.

MR. DAVIS REPORTED THAT HE ATTENDED THE LAST URBAN RENEWAL MEETING AND PASSED ALONG THE COMMISSION'S REQUESTS -SCHEDULING THEIR MEETINGS TWICE MONTHLY - THE URBAN RENEWAL BOARD REFUSED TO HOLD TWICE MONTHLY MEETINGS, HOWEVER, THEY DID CHANGE THEIR MEETING TIME FROM THE SECOND THURSDAY TO THE SECOND TUESDAY. THE BOARD INDICATED THAT IF THE COMMISSION NEEDED TO MEET IN SPECIAL SESSION TO ASK AND THEY WOULD TRY TO COOPERATE. THE BOARD WAS ASKED TO TAKE STEPS TO GET BACK THE MONIES DONATED FROM THE GAS ROYALTIES. THE BOARD BASICALLY SAID NO. ON THE COMMISSION'S REQUEST THAT THEY DEED THE 211 DIVISION STREET PROPERTY, THE BOARD TABLED THIS MATTER. THEIR COMMENTS WERE THAT THEY HAD A DEAL WITH THE COMMISSION THAT THE RIVERFILL PROPERTY WOULD BE DEEDED TO THE URBAN RENEWAL AGENCY IN EXCHANGE FOR THE OLD CITY HALL PROPERTY AT 211 DIVISION STREET. DISCUSSION CONTINUED AT SOME LENGTH WITH THE CITY ENGINEER ESTIMATING THE DIMENSIONS OF THE RIVERFILL PROPERTY THE CITY IS HOLDING. JOHNNY MOUNTS MADE THE MOTION TO DEED THE RIVERFILL PROPERTY TO THE URBAN RENEWAL AGENCY IN EXCHANGE FOR THE PROPERTY LOCATED AT



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211 DIVISION STREET. THOMAS HUFFMAN SECONDED THE MOTION. THE MOTION FAILED 3 - 2 WITH COMMISSIONERS COMBS AND JUSTICE ALONG WITH MAYOR HAMBLEY VOTING NO.

PSG MANAGER, HAL WILLIAMS, ADDRESSED THE COMMISSION. DUE TO THE AMOUNT OF RAINS RECENTLY, SEVERAL DITCHES IN THE CITY NEED TO BE CLEANED OUT. PSG'S AGREEMENT WITH THE CITY PROVIDES THAT ALL EXPENDITURES OVER \$2,000 MUST BE FIRST APPROVED BY THE CITY COMMISSION. MR. WILLIAMS REQUESTED THAT THE COMMISSION APPROVE RENTAL OF A GRADEALL FOR ONE MONTH IN THE AMOUNT OF \$6,500. COMMISSIONER COMBS REQUESTED THAT MR. WILLIAMS HOLD OFF ON DOING THE HAROLDS BRANCH DITCHES UNTIL IT IS LEARNED IF THE GAS DRILLING COMPANY IS RESPONSIBLE FOR THE DAMAGE. THE CITY ATTORNEY REPORTED THAT IF IT IS FOUND THAT THE GAS COMPANY IS LIABLE, THE CITY CAN RECOVER THE DAMAGES IF RECORDS ARE KEPT. GREG JUSTICE MADE THE MOTION TO APPROVE THE EXPENDITURE. STEVE COMBS SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY.

MR. WILLIAMS REQUESTED A WORK SESSION TO DISCUSS PUBLIC WORKS AND THE SEWAGE TREATMENT PLANT PROJECT.

A RESOLUTION WAS PRESENTED FROM THE HOUSING AUTHORITY TO REAPPOINT JACK PAGE TO THE BOARD. THOMAS HUFFMAN MADE THE MOTION, SECONDED BY STEVE COMBS TO TABLE THIS MATTER. THE MOTION CARRIED UNANIMOUSLY.

STEVE COMBS MADE THE MOTION TO SCHEDULE A WORK SESSION FOR THURSDAY, SEPTEMBER 28, 1989 AT 5:00 P.M. WITH B. D. & E. PIKEVILLE MALL DEVELOPERS. JOHNNY MOUNTS SECONDED THE MOTION. THE MOTION CARRIED 5 - 0.

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

THE MOTION WAS MADE BY STEVE COMBS AND SECONDED BY THOMAS HUFFMAN TO RECONVENE TO REGULAR SESSION. THE MOTION CARRIED UNANIMOUSLY.

STEVE COMBS MADE THE MOTION TO HIRE LONNIE G. MCCOY AS DISPATCHER. GREG JUSTICE SECONDED THE MOTION. THE MOTION CARRIED 5 - 0.

STEVE COMBS MADE THE MOTION TO APPROVE WALTER BLANKENSHIP TO TAKE THE CASH VALUE OF THE LIFE INSURANCE POLICY THAT THE CITY PAID ON HIS BEHALF. GREG JUSTICE SECONDED THE MOTION. THE MOTION CARRIED 4 - 1 WITH THOMAS HUFFMAN VOTING NO.

STEVE COMBS MADE THE MOTION TO AUTHORIZE THE CITY ATTORNEY TO TAKE LEGAL ACTION AGAINST SANDY VALLEY WATER DISTRICT TO ENFORCE THE CONTRACT FOR WATER PURCHASES. GREG JUSTICE SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY.

THERE BEING NO FURTHER BUSINESS TO COME BEFORE THE COMMISSION, GREG JUSTICE MADE THE MOTION, SECONDED BY STEVE COMBS TO ADJOURN THE MEETING. THE MOTION CARRIED UNANIMOUSLY.

THE CITY COMMISSION'S NEXT SCHEDULED MEETING IS OCTOBER 9, 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