

# MINUTES } CITY OF PIKEVILLE

REGULAR MEETING - NOVEMBER 13, 1989

THE CITY OF PIKEVILLE BOARD OF COMMISSIONERS MET IN REGULAR SESSION ON MONDAY, NOVEMBER 13, 1989 AT THE CITY HALL PUBLIC MEETING ROOM - 260 HAMBLEY BOULEVARD.

MAYOR WILLIAM C. HAMBLEY, M.D. PRESIDED AND CALL THE MEETING TO ORDER AT 7:30 P.M. COMMISSION MEMBERS PRESENT AND FORMING A QUORUM WERE:

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

COMMISSIONER COMBS ARRIVED AT 7:35 P.M.

THE MINUTES FROM THE PREVIOUS REGULAR MEETING OF OCTOBER 23, 1989 AND SPECIAL MEETING OF OCTOBER 26, 1989 WERE INCLUDED IN EACH COMMISSION MEMBER'S AGENDA PACKAGE. COMMISSIONER JUSTICE MADE THE MOTION, SECONDED BY COMMISSIONER MOUNTS TO APPROVE THE MINUTES AS SUBMITTED. THE MOTION CARRIED 4 - 0 (COMMISSIONER COMBS NOT PRESENT AT THE TIME OF THE VOTE).

PRESENTED TO THE COMMISSION FOR APPROVAL OF PAYMENT WAS A LIST OF CITY BILLS TOTALING \$58,905.41. THOMAS HUFFMAN MADE THE MOTION TO APPROVE PAYMENT OF THE CITY BILLS TOTALING \$58,905.41 AS PRESENTED. THE MOTION CARRIED 4 - 0 (COMMISSIONER COMBS NOT PRESENT AT THE TIME OF THE VOTE).

PROJECT BILLS WERE SUBMITTED TO THE COMMISSION FOR APPROVAL OF PAYMENT TOTALING \$69,711.61. CITY ENGINEER JACK SYKES REPORTED TO THE COMMISSION THAT MAINTENANCE TANK, INC. HAS COMPLETED THE SMITH HILL WATER TANK PROJECT. A RETAINAGE IN THE AMOUNT OF \$7,146.60 IS BEING HELD UNTIL CHLORINATION OF THE TANKS AND CLEANUP. WITH REGARD TO THE M & S GENERAL CONTRACTING BILL FOR THE POPLAR STREET REPAIRS, MR. SYKES REPORTED THAT THIS PROJECT IS COMPLETE AND THE BILL PRESENTED REPRESENTS FULL PAYMENT. MR. SYKES REQUESTED THAT THE COMMISSION APPROVE PAYMENT OF THIS BILL CONTINGENT UPON M & S PERFORMING THE NECESSARY CLEANUP. THE ENGINEER TOLD THE COMMISSION THAT HE WOULD LET THE FINANCE DIRECTOR KNOW WHEN THIS CLEANUP WORK HAD BEEN ACCOMPLISHED SO PAYMENT COULD BE MADE. THOMAS HUFFMAN MADE THE MOTION TO APPROVE PAYMENT OF THE PROJECT BILLS TOTALING \$69,711.61. JOHNNY MOUNTS SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY.

PRESENTED FOR APPROVAL OF PAYMENT WAS A BILL IN THE AMOUNT OF \$36,073.50 FROM TRUJILLO CONSTRUCTION FOR THE SMITH HILL STORM SEWER PROJECT. MR. SYKES REPORTED THAT THIS PROJECT IS COMPLETE. THOMAS HUFFMAN MADE THE MOTION, SECONDED BY JOHNNY MOUNTS TO APPROVE PAYMENT TO TRUJILLO CONSTRUCTION IN THE AMOUNT OF \$36,073.50. THE MOTION CARRIED UNANIMOUSLY.

WILLIAMS HOLLOW PROJECT: MR. SYKES REPORTED THAT ALL THE UTILITY LINES HAVE BEEN INSTALLED, HOWEVER THE CONTRACTOR (FLEETWOOD JOHNSON CONSTRUCTION COMPANY) STILL NEEDS TO PRESSURE TEST THE LINE AND THEY ARE SEARCHING FOR LEAKS. THE PROJECT IS NOW 73 DAYS OVERDUE. LIQUIDATED DAMAGES HAVE REACHED THE \$14,600.00 MARK.

POLICE STATION: AT THE REQUEST OF THE CITY MANAGER, MR. SYKES ADVERTISED FOR BID FOR THE CONSTRUCTION OF THE POLICE STATION. MR. SYKES ADVISED THE COMMISSION TO NOT AWARD A BID UNTIL SUCH TIME AS THE PROPERTY EXCHANGE HAS BEEN SETTLED WITH THE URBAN RENEWAL AGENCY. BIDS ARE SCHEDULED TO BE OPENED ON DECEMBER 7, 1989 AND WILL BE PRESENTED TO THE COMMISSION AT THEIR DECEMBER 11, 1989 MEETING.

THOMPSON ROAD FIRE STATION: MR. SYKES REPORTED THAT THE TIME FRAME IN WHICH THE CITY HAS THE RIGHT TO HOLD THE BIDS HAS EXPIRED. IT WAS EXPLAINED THAT THE CITY SHOULD DELAY ANY AWARD BECAUSE THE CITY HAS AN OPPORTUNITY TO HAVE THE FILL PLACED FROM THE SEWAGE TREATMENT PLANT PROJECT. IT IS ALSO POSSIBLE THAT THE OFFSITE UTILITY COSTS COULD BE REDUCED IF THE MALL PROJECT PROCEEDS. THE CITY ENGINEER WAS DIRECTED TO CONTACT THE BIDDERS TO SEE IF THEY WILL HONOR THEIR BIDS THROUGH DECEMBER.

IN THE CITY ATTORNEY'S REPORT, RUSSELL DAVIS, JR., ADVISED THE COMMISSION THAT THEIR APPOINTMENT OF WALTER PRESTON WALTERS, JR., TO FILL THE VACANCY ON THE HOUSING AUTHORITY BOARD HAS BEEN CHALLENGED. HE REPORTED THAT KRS PROVIDES THAT HOUSING AUTHORITY BOARDS CONSIST OF TWO DEMOCRATS AND 2 REPUBLICANS PLUS THE MAYOR. THE SEAT MR. WALTERS WAS APPOINTED TO WAS THAT OF A DEMOCRAT. MR. WALTERS IS A REGISTERED REPUBLICAN. GREG JUSTICE MADE THE MOTION THAT THE MAYOR APPOINT THOMAS HUFFMAN TO FILL THE VACANCY. MR. DAVIS REPORTED THAT THE STATUTE SPECIFICALLY STATES THAT NO OFFICER OR EMPLOYEE OF THE CITY CAN BE APPOINTED TO THE HOUSING AUTHORITY BOARD. THE MAYOR DELAYED APPOINTMENT UNTIL THE NEXT REGULAR MEETING.

THE CITY CLERK ADVISED THE COMMISSION OF TERM EXPIRATIONS ON THE ZONING BOARD OF ADJUSTMENTS (JOHN STEPHENS, CHAIRMAN) AND THE INDUSTRIAL DEVELOPMENT AND ECONOMIC AUTHORITY BOARD (DAVID STRATTON).



## MINUTES } CITY OF PIKEVILLE

MR. DAVIS REPORTED THAT HE HAS PREPARED A DEED OF CONVEYANCE FOR THE CITY'S INTEREST IN A RIVERFILL PARCEL TO THE MOUNTAIN COMPREHENSIVE CARE CENTER. A ROADWAY, WHERE THE SEWAGE LINE IS LOCATED HAS BEEN RESERVED. THE URBAN RENEWAL AGENCY HAS BEEN UNABLE TO SCHEDULE A SPECIAL SESSION TO CONSIDER THE PROPERTY EXCHANGE AND IT WAS SUGGESTED THAT THE DEED'S EXECUTION BE DELAYED UNTIL SUCH TIME AS THE URBAN RENEWAL AGENCY MEETS. MR. DAVIS INDICATED THAT THE URBAN RENEWAL AGENCY WANTS TITLE TO THE RIVERFILL PROPERTY FROM ELM STREET TO THE CITY PARK. THE MATTER OF AN EASEMENT BEING RESERVED FOR A ROADWAY ON THE PROPERTY DESIGNATED FOR COLLEGE USE IS STILL UNRESOLVED.

IT WAS EXPLAINED BY THE CITY ATTORNEY THAT THE STATE WAS LATE IN CERTIFYING THE TAX ROLLS, AND THEREFORE, THE CITY IS APPROXIMATELY 60 DAYS LATE IN MAILING THE PROPERTY TAX RETURNS. AN ORDINANCE WAS PRESENTED AND READ AMENDING THE DATES FOR DISCOUNTS AND PENALTIES. THE ORDINANCE WAS ENTITLED:

ORDINANCE AMENDING ORDINANCE NO. O-89-013, 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

THE ORDINANCE WILL BE ON FILE IN THE OFFICE OF THE CITY CLERK FOR A PERIOD OF AT LEAST 10 DAYS WHERE IT MAY BE VIEWED BY THE PUBLIC.

MR. DAVIS ADVISED THE COMMISSION THAT HE ATTENDED A MEETING IN WASHINGTON, D.C. WITH HUD PERSONNEL, WHO INDICATED THAT ONE OF THE PROBLEMS WITH THE BIG SANDY MALL PROJECT WAS THAT THEY WERE GETTING SOME CONFLICTING STATEMENTS THAT THE CITY COMMISSION IS NOT SUPPORTING THE MALL PROJECT. A RESOLUTION WAS PRESENTED AND READ AS FOLLOWS:

BE IT RESOLVED BY THE PIKEVILLE CITY COMMISSION AS FOLLOWS:

THAT THE MAYOR OF THE CITY OF PIKEVILLE AND THE PIKEVILLE CITY COMMISSIONERS DESIRE TO, BY THIS RESOLUTION, CONFIRM AND ACKNOWLEDGE THEIR COMPLETE SUPPORT FOR THE COMPLETION OF THE BIG SANDY MALL PROJECT TO BE CONSTRUCTED ON THE OLD AIRPORT SITE WITHIN THE CITY OF PIKEVILLE, PIKE COUNTY, KENTUCKY.

FURTHER, THE COMMISSION DESIRE TO RECOGNIZE THE HOUSE AND URBAN DEVELOPMENT AGENCY'S COOPERATION IN MAKING THE BIG SANDY MALL A REALITY THROUGH THEIR ECONOMIC ASSISTANCE TO THE CITY OF PIKEVILLE AND PIKE COUNTY IN THE FORM OF A UDAG GRANT WHICH IS NECESSARY TO COMPLETE THE PROJECT.

PASSED THE 13TH DAY OF NOVEMBER, 1989.

COMMISSIONER JOHNNY MOUNTS MOVED THE ADOPTION OF THE FOREGOING RESOLUTION.

COMMISSIONER STEVE COMBS SECONDED THE MOTION.

UPON ROLL CALL, THE VOTES WERE AS FOLLOWS:

	<u>YES</u>	<u>NO</u>
W. C. HAMBLEY, M.D., MAYOR	X	
STEVEN COMBS, COMMISSIONER	X	
GREG JUSTICE, COMMISSIONER		X
THOMAS HUFFMAN, COMMISSIONER	X	
JOHNNY MOUNTS, COMMISSIONER	X	

THE MAYOR DECLARED THE WITHIN RESOLUTION ADOPTED.

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

ATTEST:

/S/ KAREN HARRIS  
CITY CLERK

MR. DAVIS ADVISED THE COMMISSION THAT GERALD ROBINSON HAS FILED SUIT AGAINST THE CITY OVER A BOUNDARY LINE DISPUTE BETWEEN HE AND THE CITY OF PIKEVILLE FOR THE PROPERTY ON THE BOULEVARD THAT WAS AUCTIONED ON NOVEMBER 11, 1989. THE PROPERTY WAS SOLD FOR \$21,800.00. MR. DAVIS TOLD THE COMMISSION THAT THE MATTER OF THE LAWSUIT NEEDED TO BE DISCUSSED IN AN EXECUTIVE SESSION, AS WELL AS, HOW TO RESPOND TO THE HIGH BIDDER ABOUT BEING ABLE TO CONVEY THE PROPERTY IN LIGHT OF THE LAWSUIT. COMMISSION COMBS INDICATED THAT HE HAD FILED AN ANSWER TO THE LAWSUIT. IT WAS ALSO EXPLAINED THAT THE CITY ENGINEER HAD REVISED THE MAP TO SET THE PROPERTY LINE BACK



## MINUTES } CITY OF PIKEVILLE

ABOUT SIX FEET, SO THAT NONE OF THE DISPUTED PROPERTY WAS AUCTIONED.

GREG JUSTICE MADE THE MOTION TO APPROVE SALE OF THE PROPERTY AUCTIONED (FRONTING THE BOULEVARD ACROSS FROM FARMERS FEED AND SUPPLY) TO CHALLEN P. MCCOY IN THE AMOUNT OF \$21,800.00. JOHNNY MOUNTS SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY.

RESOLUTION R-89-018 WAS PRESENTED AND READ WHICH DESIGNATES THE CITY MANAGER, JOHN B. JOHNSON, AS THE CITY'S AGENT IN OBTAINING FUNDS FROM FEMA FOR THE RECENT FLOOD DAMAGE. GREG JUSTICE MADE THE MOTION TO ADOPT THE RESOLUTION. THOMAS HUFFMAN SECONDED THE MOTION. THE MOTION CARRIED 5 - 0.

## DESIGNATION OF APPLICANT'S AGENT

BE IT RESOLVED BY: CITY COMMISSION OF: PIKEVILLE, KENTUCKY, THAT JOHN B. JOHNSON, CITY MANAGER, IS HEREBY AUTHORIZED TO EXECUTE FOR AND IN BEHALF OF THE CITY OF PIKEVILLE, KENTUCKY, A PUBLIC ENTITY ESTABLISHED UNDER THE LAWS OF THE STATE OF KENTUCKY, APPLICATIONS FOR THE PURPOSE OF OBTAINING AND ADMINISTERING CERTAIN FEDERAL FINANCIAL ASSISTANCE UNDER THE DISASTER RELIEF ACT OF 1974 (PUBLIC LAW 93-288) AND TO FILE THEM IN THE APPROPRIATE STATE OFFICE.

PASSED AND APPROVED THIS THIRTEENTH DAY OF NOVEMBER, 1989.

WILLIAM C. HAMBLEY, MAYOR STEVEN D. COMBS, COMMISSIONER

GREG B. JUSTICE, COMMISSIONER JOHNNY D. MOUNTS, COMMISSIONER

THOMAS W. HUFFMAN, COMMISSIONER

## CERTIFICATION

I, KAREN W. HARRIS, DULY APPOINTED CITY CLERK OF THE CITY OF PIKEVILLE, KENTUCKY, DO HEREBY CERTIFY THAT THE ABOVE IS A TRUE AND CORRECT COPY OF A RESOLUTION PASSED AND APPROVED BY THE CITY COMMISSION OF PIKEVILLE, KENTUCKY ON THE 13TH DAY OF NOVEMBER, 1989.  
DATE: NOVEMBER 13, 1989 /S/ KAREN W. HARRIS

JIM SPURLOCK, REPRESENTING PROFESSIONAL SERVICES GROUP, ADVISED THE COMMISSION THAT THE SWEEPER IS DUE TO BE DELIVERED ON DECEMBER 1ST AND BLACKTOPPING OF STEELE & ST. CLAIR STREETS IS SCHEDULED FOR NOVEMBER 14, 1989.

GREG JUSTICE MADE THE MOTION AT 8:10 P.M. TO ADJOURN TO AN EXECUTIVE SESSION TO DISCUSS A LAWSUIT AND A PERSONNEL MATTER. JOHNNY MOUNTS SECONDED THE MOTION. THE MOTION CARRIED 4 - 0 ( COMMISSIONER HUFFMAN NOT PRESENT AT THE TIME OF THE VOTE).

AT 8:45 P.M., GREG JUSTICE MADE THE MOTION TO RECONVENE TO REGULAR SESSION. JOHNNY MOUNTS SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY.

JOHNNY MOUNTS MADE THE MOTION, SECONDED BY THOMAS HUFFMAN TO DIRECT THE CITY MANAGER TO WRITE A LETTER TO THE SANDY VALLEY WATER DISTRICT AND THE MUD CREEK WATER DISTRICT, GIVING NOTICE THAT THERE WILL BE A WATER RATE INCREASE EFFECTIVE JANUARY 1, 1990.

STEVE COMBS MADE THE MOTION TO DIRECT THE CITY MANAGER TO INITIATE PLANS FOR THE URBAN RENEWAL AGENCY TO REDEVELOP WHATEVER AREAS THE CITY DESIGNATES, SPECIFICALLY IN THE LOCALE OF KENTUCKY AVENUE, HIGH STREET, IN THE GENERAL AREA OF THE COLLEGE. THOMAS HUFFMAN SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY.

THE CITY MANAGER, JOHN JOHNSON, REPORTED THAT HE HAS CONTACT WILL LINDER, A GRANTSMAN, TO SEND INFORMATION THAT IS NEEDED TO INITIATE THIS PROJECT, PLUS A LISTING OF ANY MONIES AVAILABLE TO ASSIST IN THE REDEVELOPMENT.

THERE BEING NO FURTHER BUSINESS, JOHNNY MOUNTS MADE THE MOTION, SECONDED BY GREG JUSTICE TO ADJOURN THE MEETING. THE MOTION CARRIED UNANIMOUSLY.

THE CITY COMMISSION'S NEXT SCHEDULED MEETING IS NOVEMBER 27, 1989 AT 7:30 P.M. IN THE CITY HALL PUBLIC MEETING ROOM.

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

ATTEST:

/S/ KAREN HARRIS  
CITY CLERK