

MINUTES } CITY OF PIKEVILLE

REGULAR MEETING - NOVEMBER 27, 1989

THE PIKEVILLE CITY COMMISSION MET IN A REGULAR SESSION ON MONDAY, NOVEMBER 27, 1989, IN THE COMMISSION'S REGULAR MEETING PLACE IN THE CITY HALL PUBLIC MEETING ROOM AT 260 HAMBLEY BOULEVARD.

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
GREG B. JUSTICE
THOMAS W. HUFFMAN
JOHNNY D. MOUNTS

MAYOR W. C. HAMBLEY, M.D. ARRIVED AT 7:45 P.M.

THE MINUTES FOR THE PREVIOUS REGULAR MEETING OF NOVEMBER 13, 1989 WERE INCLUDED IN EACH COMMISSION MEMBER'S AGENDA PACKAGE. THOMAS HUFFMAN MADE THE MOTION, SECONDED BY GREG JUSTICE TO APPROVE THE MINUTES AS PRESENTED. THE MOTION CARRIED 4 - 0 (MAYOR HAMBLEY NOT PRESENT AT THE TIME OF THE VOTE).

IN BUSINESS FROM THE FLOOR, JUDY WALTERS APPEARED BEFORE THE COMMISSION WITH REGARD TO HER PURCHASE OF A PARCEL OF PROPERTY AT 920 CLINE STREET, FRONTING HAMBLEY BOULEVARD. SHE REPORTED THAT THERE IS NO PARKING AREA IN THIS LOCATION. THE COMMISSION WILL LOOK AT THIS LOCATION TO DETERMINE THE FEASIBILITY OF REMOVING THE CURB.

MS. WALTERS REPORTED THAT THERE HAVE BEEN SEVERAL COMPLAINTS ABOUT THE CONDITION OF THE OLD HERB HOUSE ADJACENT TO THE BOULEVARD AND AUXIER AVENUE. IN AN EFFORT TO UPGRADE THE BUILDING, MS. WALTERS EXPLAINED THAT SHE HAS SOLICITED PRICES FOR A NEW ROOF AND WINDOWS. PERMISSION WAS REQUESTED TO PLACE STEPS AT THE OLD LOADING DOOR FACING HAMBLEY BOULEVARD. GREG JUSTICE MADE THE MOTION TO GRANT A CONDITIONAL EASEMENT FOR THE PLACEMENT OF ACCESS STEPS. THOMAS HUFFMAN SECONDED THE MOTION. THE MOTION CARRIED 4 - 0 (MAYOR HAMBLEY NOT PRESENT AT THE TIME OF THE VOTE).

A LIST OF CITY BILLS TOTALING \$54,102.92 WERE PRESENTED TO THE COMMISSION FOR APPROVAL OF PAYMENT. GREG JUSTICE MADE THE MOTION, SECONDED BY THOMAS HUFFMAN TO APPROVE PAYMENT OF THE CITY BILLS AS PRESENTED. THE MOTION CARRIED 4 - 0 (MAYOR HAMBLEY NOT PRESENT AT THE TIME OF THE VOTE).

PROJECT BILLS WERE SUBMITTED FOR APPROVAL OF PAYMENT TOTALING \$162,888.00. THE BILL PRESENTED WAS FROM PROFESSIONAL SERVICES GROUP, INC. FOR THE OPERATION OF THE PUBLIC WORKS DEPARTMENT. THOMAS HUFFMAN MADE THE MOTION, SECONDED BY GREG JUSTICE TO APPROVE PAYMENT OF THE PROJECT BILL TOTALING \$162,888.00. THE MOTION CARRIED UNANIMOUSLY.

PRESENTED FOR APPROVAL OF PAYMENT UNDER THE TITLE OF SPECIAL BILLS WAS THE VOLUNTEER FIRE DEPARTMENT PAYROLL IN THE AMOUNT OF \$7,780.00. THOMAS HUFFMAN MADE THE MOTION TO APPROVE PAYMENT OF THE VOLUNTEER FIRE DEPARTMENT PAYROLL TOTALING \$7,780.00. GREG JUSTICE SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY.

DANL HALL OF SUMMIT ENGINEERING PRESENTED A VERBAL CITY ENGINEER'S REPORT OF VARIOUS CITY PROJECTS:

1. WILLIAMS HOLLOW SANITARY SEWER PROJECT

A PUNCHLIST WAS GIVEN TO THE CONTRACTOR WHICH BASICALLY CONSISTS OF MINOR CLEANUP. MR. HALL REPORTED THAT HE HAS MET WITH THE CONTRACTOR, FLEETWOOD JOHNSON, AND HE HAS VERBALLY AGREED TO ALL THE ITEMS ON THE LIST. MR. JOHNSON TOLD MR. HALL THAT HE EXPECTS COMPLETION OF THE PUNCHLIST ITEMS BY THE END OF THE WEEK.

2. THOMPSON ROAD FIRE STATION

ALL THE BIDDERS HAVE BEEN CONTACTED AND THEY HAVE AGREED TO EXTEND THEIR BIDS TO THE END OF THE YEAR.

3. POLICE STATION

MR. HALL REPORTED THAT THEY HAVE ADVERTISED FOR BIDS. THE BIDS ARE SCHEDULED TO BE OPENED ON DECEMBER 7TH.

RUSSELL DAVIS, JR., CITY ATTORNEY, GAVE A REPORT OF THE ACTIVITIES IN HIS OFFICE.

MR. DAVIS REPORTED THAT DURING THE CITY COMMISSION MEETING OF NOVEMBER 13, 1989, FIRST READING WAS GIVEN TO AN ORDINANCE WHICH WOULD EXTEND THE TIME PERIOD FOR TAXPAYERS TO PAY THEIR PROPERTY TAXES. MR. DAVIS EXPLAINED THAT HE ERRONEOUSLY TOLD THEM THAT THE REASON THE ORDINANCE AMENDMENT WAS NECESSARY WAS THAT THE STATE HAD INDICATED THAT A MATTER WAS NOT CORRECTLY DONE IN REO JOHNS', PVA, OFFICE. SINCE THAT TIME IT HAS BEEN LEARNED THAT THE DELAY WAS NOT CAUSED BY ANYTHING IN MR. JOHNS' OFFICE. THE STATE OF

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KENTUCKY IS THE REASON THAT THE TAX ROLLS HAVE NOT BEEN CERTIFIED. MR. DAVIS APOLOGIZED FOR THE ERROR. MR. DAVIS ADVISED THE COMMISSION THAT THE STATE HAS ONCE AGAIN SENT THE WRONG CERTIFICATION AND THEY ARE GOING TO HAVE TO SEND A CORRECTED ROLE OF TAXES WHICH WILL CAUSE THE PROPERTY TAXES TO BE MAILED LATER THAN FIRST ANTICIPATED. TAX ADMINISTRATOR, GRACE RATLIFF, HAS RECOMMENDED THAT A NEW FIRST READING BE GIVEN TO PROVIDE FOR EXTENDED DATES TO RECEIVE DISCOUNTS AND BEFORE TAXPAYERS ARE PENALIZED. FIRST READING WAS GIVEN TO AN ORDINANCE 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 PROVIDING FOR A DISCOUNT IF PAID ON OR BEFORE NOVEMBER 1ST, AND A PENALTY IF NOT PAID BY DECEMBER 31ST.

MR. DAVIS POINTED OUT THAT THE DATE TO RECEIVE A 2% DISCOUNT AS PROPOSED IN THIS ORDINANCE IS JANUARY 31, 1990. A 10% PENALTY WILL BE IMPOSED FOR TAXES PAID AFTER MARCH 5, 1990. MR. DAVIS FURTHER EXPLAINED THAT THIS ORDINANCE DOES NOT RAISE OR LOWER THE TAX RATE, ONLY EXTENDS THE TIME FOR DISCOUNTS AND PENALTIES.

THE CITY ATTORNEY REPORTED THAT COMMISSIONER HUFFMAN REQUESTED THAT HE PREPARE AN ORDINANCE TO RESCIND THE TOURISM TAX.

COMMISSIONER HUFFMAN REPORTED THAT THE REASON HE REQUESTED THE TOURISM FEE ORDINANCE, WHICH IMPOSES A 1% FEE ON HOTEL/MOTEL ROOM RENTALS, IS THAT EVERYWHERE ELSE IN KENTUCKY THE TAX APPLIES TO MOTELS, HOTELS, AND RESTAURANTS. IN PIKE COUNTY, THE TAX WAS ONLY LEVIED ON HOTELS AND MOTELS. MR. HUFFMAN REPORTED THAT SO FAR, ONLY HE (D/B/A LANDMARK MOTEL) AND THE PINSON HOTEL ARE THE ONLY PROPRIETORS PAYING THE FEE. ACCORDING TO COMMISSIONER HUFFMAN THE FEE HAS CREATED ADVERSITY AND A BURDEN ON HOTEL/MOTEL OWNERS.

FIRST READING WAS GIVEN TO AN ORDINANCE CAPTIONED AS FOLLOWS:

ORDINANCE ABOLISHING AN ORDINANCE ADOPTING A 1% ROOM TAX FOR FUNDING OF TOURISM & RECREATION COMMISSION.

MR. DAVIS REPORTED THAT HE HAS RECEIVED A COPY OF A RESOLUTION AND SPECIAL MEETING MINUTES FOR THE PIKEVILLE PUBLIC HOSPITAL CORPORATION NOMINATING DR. JOHN TUMMINS AND ROY ALEXANDER TO FILL THE VACANCIES ON THAT BOARD. COMMISSIONER HUFFMAN ASKED THAT THE MATTER BE DISCUSSED IN EXECUTIVE SESSION.

IT WAS REPORTED THAT THE CITY MANAGER, JOHN JOHNSON, AND COMMISSIONER MOUNTS ATTENDED THE URBAN RENEWAL AGENCY'S SPECIAL MEETING HELD THIS AFTERNOON. THE URBAN RENEWAL AGENCY BOARD HAS AGREED TO DEED THE OLD CITY HALL PROPERTY AT 211 DIVISION STREET FOR A POLICE STATION IN EXCHANGE FOR THE CITY'S PROPERTY IN THE RIVERFILL. THE CITY WILL RETAIN THE PROPERTY IN THE RIVERFILL AT PIKE STREET, THE OLD WATER PLANT PROPERTY AT ELM STREET AND THE CITY PARK. MR. DAVIS REQUESTED THAT THE COMMISSION AUTHORIZE THE MAYOR TO EXECUTE THE DEEDS TO MOUNTAIN COMPREHENSIVE CARE CENTER & PIKEVILLE COLLEGE. MR. DAVIS POINTED OUT THAT IN THE DEED TO PIKEVILLE COLLEGE THAT A ROADWAY WILL NOT BE RESERVED. COMMISSIONER HUFFMAN REQUESTED THAT ACTION BE DELAYED UNTIL ONE PORTION OF THE DEED CAN BE DISCUSSED IN EXECUTIVE SESSION.

COMMISSIONER HUFFMAN REPORTED THAT HE HAD ASKED THE FINANCE DIRECTOR TO DO A STUDY OF THE NATURAL GAS RATES DUE TO THE FACT THAT THE CITY IS PAYING LESS FOR ITS GAS PURCHASES. MS. ONEY REPORTED THAT WHILE IT APPEARED THAT IT MAY BE POSSIBLE THAT THE RATES CHARGED TO CUSTOMERS COULD BE LOWERED, SHE HAS LATER LEARNED THAT HAL WILLIAMS OF PROFESSIONAL SERVICES GROUP AND DOUG KITCHEN OF NATIONAL ENERGY SERVICE HAVE INSPECTED THE SYSTEM AND HAVE DETERMINED THAT EXTENSIVE REPAIRS ARE IMMINENT. IF THE CUSTOMER RATES ARE DECREASED THE CITY MAY NOT BE ABLE TO AFFORD THE REPAIRS. A WORK SESSION WAS SCHEDULED FOR THURSDAY, NOVEMBER 30, 1989 AT 5:00 P.M. TO DISCUSS THIS MATTER.

CITY ATTORNEY, RUSSELL DAVIS, INFORMED THE COMMISSION THAT C D & G DEVELOPMENT COMPANY HAS RETURNED THE NATURAL GAS PURCHASE AGREEMENT WITH SOME MODIFICATIONS. C D & G HAS ASKED FOR A ONE YEAR AGREEMENT WHILE THE AGREEMENT SUBMITTED TO THEM PROVIDES FOR A FIVE YEAR TERM. C D & G WILL AGREE TO MAKE A VOLUME AVAILABLE IF NOT PREVIOUSLY COMMITTED. THE CITY'S TERMS PROVIDE FOR A CERTAIN AMOUNT OF NATURAL GAS TO BE SUPPLIED. COMMISSIONER HUFFMAN SUGGESTED CHANGING THE AGREEMENT TERMINATION CLAUSE TO ALLOW FOR A 30 DAY NOTICE INSTEAD OF A 90 DAY NOTICE. IT WAS AGREED THAT THIS MATTER WOULD ALSO BE DISCUSSED IN THE WORK SESSION SCHEDULED FOR THURSDAY.

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

STEVE COMBS MADE THE MOTION TO RECONVENE TO REGULAR SESSION. THOMAS

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HUFFMAN SECONDED THE MOTION. THE MOTION CARRIED 5 - 0.

THOMAS HUFFMAN MADE THE MOTION TO PROCLAIM FRIDAY, DECEMBER 1, 1989, AS PIKEVILLE PANTHER DAY AND TO ALLOW ALL NON-ESSENTIAL CITY PERSONNEL A HOLIDAY FOR THIS DATE. STEVE COMBS SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY.

GREG JUSTICE MADE THE MOTION TO HIRE KAREN SUE VARNEY AS ACCOUNTS CLERK. JOHNNY MOUNTS SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY.

GREG JUSTICE MADE THE MOTION, SECONDED BY JOHNNY MOUNTS TO PURCHASE HAMS AND TURKEYS FOR THE CITY EMPLOYEE CHRISTMAS BENEFIT FROM VELOCITY MARKET. THE MOTION CARRIED UNANIMOUSLY.

CITY MANAGER, JOHN JOHNSON, REPORTED THAT THE CITY'S 1988-89 AUDIT HAS BEEN SUBMITTED. HE ASKED THE COMMISSION IF THEY WANTED TO SCHEDULE A WORK SESSION TO REVIEW THE AUDIT. NO ACTION WAS TAKEN.

THOMAS HUFFMAN MADE THE MOTION TO DIRECT JOHN JOHNSON AND RUSTY DAVIS TO MEET WITH JIM ELLIS TO TRY TO NEGOTIATE A SETTLEMENT ON THE DISPUTED INVOICE WITH REGARD TO THE 1985 CONTRACT FOR THE CITY HALL/LIBRARY DESIGN. JOHNNY MOUNTS SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY.

STEVE COMBS MADE THE MOTION TO DIRECT THE CITY ATTORNEY TO PREPARE APPROPRIATE DEEDS OF CONVEYANCE OF CITY OWNED PROPERTY IN THE RIVERFILL TO THE URBAN RENEWAL AGENCY EXCLUDING RIVERFILL PARCELS 360 (OLD MIDDLE BRIDGE PROPERTY), 361 (PROPERTY BEHIND OLD WATER PLANT ON ELM STREET), AND PARCEL 362 (CITY PARK) AND EXCLUDING THE RIVERFILL PROPERTY DEEDED TO THE HIGHWAY DEPARTMENT, PIKE COUNTY HEALTH DEPARTMENT, MOUNTAIN COMPREHENSIVE CARE CENTER, AND PIKEVILLE COLLEGE, INC. THOMAS HUFFMAN SECONDED THE MOTION. THE MOTION CARRIED 4 - 1 WITH COMMISSIONER JUSTICE VOTING NO. COMMISSIONER HUFFMAN ASKED THAT THE CITY RETAIN THE RIGHT OF REVERSION FOR THE PARCELS DEDICATED TO THE VARIOUS AGENCIES SHOULD THEIR PROJECTS NOT PROCEED.

GREG JUSTICE MADE THE MOTION TO DISSOLVE THE URBAN RENEWAL AND COMMUNITY DEVELOPMENT AGENCY. THIS MOTION DIED FROM LACK OF A SECOND.

THOMAS HUFFMAN MADE THE MOTION TO AUTHORIZE THE MAYOR TO EXECUTE THE DEEDS OF CONVEYANCE TO PIKEVILLE COLLEGE AND MOUNTAIN COMPREHENSIVE CARE CENTER. JOHNNY MOUNTS SECONDED THE MOTION. THE MOTION CARRIED 4 - 1 WITH COMMISSIONER JUSTICE VOTING NO. COMMISSIONER HUFFMAN ASKED THE CITY ATTORNEY TO MAKE SURE THAT THE RIGHT OF REVERSION WAS INCLUDED IN EACH OF THOSE DEEDS. THE CITY ATTORNEY REPORTED THAT IT WAS HIS UNDERSTANDING THAT URBAN RENEWAL WANTED THE MOUNTAIN COMPREHENSIVE CARE TRACT TO GO TO THE PIKE COUNTY HEALTH DEPARTMENT SHOULD THEIR PROJECT NOT PROCEED. THE URBAN RENEWAL AGENCY DID NOT WANT A REVERSION CLAUSE INCLUDED IN THE PIKEVILLE COLLEGE DEED. THE CITY ATTORNEY POINTED OUT THAT REVERSION CLAUSES ARE ONLY GOOD FOR A THIRTY YEAR PERIOD. MR. DAVIS FURTHER EXPLAINED THAT IT ALSO HINDERS THE AGENCIES WHEN APPLYING FOR OUTSIDE FINANCING. COMMISSIONER HUFFMAN WITHDREW HIS REQUEST FOR REVERSION CLAUSES TO BE ADDED TO THE DEEDS OF CONVEYANCE.

IT WAS EXPLAINED THAT THE CITY'S POLICY ON SICK LEAVE IS THAT EACH EMPLOYEE CAN ACCUMULATE UP TO 15 DAYS. THERE ARE ABOUT 8 TO 10 EMPLOYEES WHO MAINTAIN ALL OF THEIR SICK LEAVE AND ON THE LAST PAY DATE OF THE YEAR ALL SICK LEAVE ACCUMULATED ABOVE THE 15 DAYS IS PAID. IT HAS BEEN REQUESTED THAT THE LEAVE BE PAID BEFORE CHRISTMAS RATHER THAN THE LAST PAY DATE OF THE YEAR. JOHNNY MOUNTS MADE THE MOTION, SECONDED BY STEVE COMBS TO AUTHORIZE THE PAYMENT OF THE SICK HOURS IN EXCESS OF 15 DAYS BEFORE THE CHRISTMAS HOLIDAY. THE MOTION CARRIED UNANIMOUSLY.

THERE BEING NO FURTHER BUSINESS TO DISCUSS, THOMAS HUFFMAN MADE THE MOTION, SECONDED BY JOHNNY MOUNTS TO ADJOURN. THE MOTION CARRIED 4 - 1 WITH GREG JUSTICE VOTING NO.

THE CITY COMMISSION'S NEXT REGULAR SCHEDULED MEETING IS DECEMBER 11, 1989 AT 7:30 P.M. AND WILL BE HELD IN THE CITY HALL PUBLIC MEETING ROOM AT 260 HAMBLEY BOULEVARD.

APPROVED: /s/ Steven D. Combs

ATTEST:

/s/ Karen W. Harris
KAREN HARRIS, CITY CLERK

