

MINUTES } CITY OF PIKEVILLE

REGULAR MEETING - JANUARY 8, 1990

THE CITY OF PIKEVILLE BOARD OF COMMISSIONERS MET IN REGULAR SESSION ON MONDAY, JANUARY 8, 1990. THE MEETING WAS CONDUCTED AT THE CITY COMMISSION'S REGULAR MEETING PLACE IN THE CITY HALL PUBLIC MEETING ROOM, 260 HAMBLEY BOULEVARD.

THERE BEING A QUORUM PRESENT, MAYOR WALTER E. MAY, CALLED THE MEETING TO ORDER AT 7:30 P.M. COMMISSION MEMBERS PRESENT UPON CALL OF THE ROLL WERE AS FOLLOWS:

COMMISSIONER: WALTER BLANKENSHIP  
EUGENE W. DAVIS  
FRANK M. MORRIS  
JOHNNY D. MOUNTS  
MAYOR: WALTER E. MAY

MAYOR MAY INTRODUCED RESOLUTION R-90-001:

RESOLUTION PROCLAIMING WILLIAM CARTER HAMBLEY MAYOR EMERITUS OF THE CITY OF PIKEVILLE

WHEREAS, ON JANUARY, 1, 1960, WILLIAM CARTER HAMBLEY, JR. BEGAN HIS FIRST TERM AS MAYOR OF THE CITY OF PIKEVILLE AND ON DECEMBER 31, 1989 COMPLETED THIRTY CONSECUTIVE YEARS OF SERVICE AS MAYOR OF THE CITY;

WHEREAS, MAYOR HAMBLEY'S LEADERSHIP BROUGHT THE CITY OF PIKEVILLE TO NATIONAL PROMINENCE AS AN ALL-AMERICAN CITY, ALL-KENTUCKY CITY, AND MODEL CITY, AND ALSO RESULTED IN ESTABLISHMENT OF THE MODEL CITY AGENCY AND URBAN RENEWAL AGENCY, WHICH DIRECTED AND COORDINATED DEVELOPMENT WITHIN THE CITY OF PIKEVILLE FOR THREE DECADES;

WHEREAS, MAYOR HAMBLEY'S FORESIGHT INSPIRED AND COORDINATED NEARLY 20 STATE AND FEDERAL AGENCIES IN COMPLETION OF THE PIKEVILLE CUT-THRU PROJECT, (ONE OF THIS COUNTRY'S LARGEST ENGINEERING AND EARTH-MOVING ACHIEVEMENTS), VIRTUALLY ELIMINATING SUB-STANDARD HOUSING WITHIN THE CITY AND SECURING THE DOWNTOWN AREA FROM THE THREAT OF FLOODING;

WHEREAS, THROUGH HIS UNIQUE VISION, SELF-EFFACING PERSISTENCE, AND AMAZING DEDICATION, MAYOR HAMBLEY CREATED AN ENVIRONMENT BY WHICH PIKEVILLE EXISTS AS AN OUTSTANDING EXAMPLE OF SOPHISTICATION AND PROGRESS AMONG COMMUNITIES IN CENTRAL APPALACHIA;

WHEREAS, THROUGHOUT HIS LIFE AND YEARS OF WORK ON BEHALF OF THE CITY OF PIKEVILLE MAYOR HAMBLEY HAS ALSO SERVED AS AN INSPIRATION TO CHILDREN, YOUNG PEOPLE, AND ADULTS IN HIS CAPACITY AS A MEMBER AND LEADER OF DOZENS OF COMMUNITY BETTERMENT ORGANIZATIONS;

WHEREAS, THROUGH HIS SKILL AS A SURGEON, COMPASSIONATE DOCTOR, AN OUTSTANDING MUNICIPAL PLANNER, IDEALIST, A SINCERE HUMANITARIAN, AND A DEDICATED FAMILY MAN MAYOR HAMBLEY'S LIFE SERVES THE CITIZENS OF PIKEVILLE AS AN OUTSTANDING EXAMPLE; AND

WHEREAS, UPON HIS RETIREMENT FROM PUBLIC SERVICE, THE COMMISSION DESIRES TO RECOGNIZE AND HONOR MAYOR HAMBLEY FOR HIS ACHIEVEMENTS AND UNFAILING READINESS TO RENDER SERVICE TO THE CITY OF PIKEVILLE AND ITS CITIZENS;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF PIKEVILLE THAT MAYOR WILLIAM C. HAMBLEY BE PROCLAIMED MAYOR EMERITUS OF THE CITY OF PIKEVILLE.

PASSED THIS 8TH DAY OF JANUARY, 1990.

/S/ JOHNNY MOUNTS  
COMMISSIONER

/S/ WALTER BLANKENSHIP  
COMMISSIONER

/S/ GENE DAVIS

/S/ FRANK M. MORRIS

/S/ WALTER E. MAY

THE MAYOR DECLARED THE WITHIN RESOLUTION ADOPTED.

/S/ WALTER E. MAY  
MAYOR

ATTEST:



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/S/ KAREN HARRIS  
CITY CLERK

COMMISSIONER EUGENE DAVIS MADE THE MOTION TO ADOPT RESOLUTION R-90-001. COMMISSIONER MOUNTS SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY.

MAYOR MAY, ON BEHALF OF THE PIKEVILLE CITY COMMISSION, PRESENTED DR. HAMBLEY WITH A PLAQUE INSCRIBED WITH THE ABOVE RESOLUTION, SEAL OF THE CITY, AND PHOTOGRAPH. UPON DR. HAMBLEY'S ACCEPTANCE OF THE PLAQUE, HE DELIVERED A SHORT SPEECH THANKING THE CITIZENS FOR THEIR SUPPORT OF THE VARIOUS PROJECTS ACCOMPLISHED DURING HIS TENURE AS MAYOR AND REMARKED THAT THE PAST THIRTY YEARS HAD BEEN ENJOYABLE AND FULFILLING.

MAYOR MAY ADDED THAT THE COMMUNITY OWES A DEBT OF THANKS TO DR. HAMBLEY THAT THEY WILL NEVER BE ABLE TO REPAY.

THE THIRD ITEM ON THE AGENDA WAS TO CONSIDER THE ADOPTION OF "ROBERTS RULES OF ORDER" AS A MEANS OF CONDUCTING THE CITY COMMISSION MEETINGS. THE MAYOR REPORTED THAT THIS MATTER HAD BEEN DISCUSSED IN A WORK SESSION. COMMISSIONER MOUNTS MADE THE MOTION THAT THE MATTER BE DEFERRED TO THE NEXT CITY COMMISSION MEETING TO ALLOW ADDITIONAL TIME TO REVIEW THE MEETING PROCEDURES. COMMISSIONER BLANKENSHIP SECONDED THE MOTION. THE MOTION CARRIED 5 - 0.

IT WAS EXPLAINED BY THE MAYOR THAT UPON CHECKING WITH THE CITY ATTORNEY IT HAS BEEN DETERMINED THAT ANY OF THE COMMISSION MEMBERS CAN BE ELECTED MAYOR PRO TEM, BUT IT HAS BEEN A PAST CUSTOM TO ELECT THE MEMBER WHO RECEIVED THE MOST VOTES IN THE GENERAL ELECTION. COMMISSIONER MORRIS MADE THE MOTION TO APPOINT COMMISSIONER MOUNTS TO THE POSITION OF MAYOR PRO TEM. COMMISSIONER DAVIS SECONDED THE MOTION. THE MOTION CARRIED 4 - 0 - 1 WITH COMMISSIONER MOUNTS ABSTAINING FROM THE VOTE.

THERE WERE NO MATTERS BROUGHT BEFORE THE COMMISSION IN BUSINESS FROM THE FLOOR. THE MAYOR ANNOUNCED THAT THE COMMISSION WILL WELCOME ANY REMARKS OR CONCERNS ADDRESSED TO THEM BY CITIZENS, HOWEVER, HE EXPLAINED THAT IT WILL BE PROPER PROCEDURE TO TAKE THE MATTER TO THE DEPARTMENT HEAD OR THE CITY MANAGER FIRST. SHOULD THE CITIZEN NOT RECEIVE ASSISTANCE TO HIS SATISFACTION, THE MATTER THEN MAY BE ADDRESSED BY THE COMMISSION. MAYOR MAY REQUESTED THAT THE PRESS PUBLICIZE THE PROCEDURES TO FOLLOW TO BRING A MATTER TO THE COMMISSION FOR CONSIDERATION. ALTHOUGH THE COMMISSION DID NOT ADOPT "ROBERTS RULES OF ORDER" AS PROCEDURE FOR CONDUCTING CITY COMMISSION MEETINGS, THE MAYOR ANNOUNCED THAT THERE WILL BE ORDERLY MEETINGS. IF A MEMBER OF THE AUDIENCE WOULD LIKE TO SPEAK, HE MUST FIRST BE RECOGNIZED BY THE CHAIR. THE CHIEF OF POLICE IS THE DESIGNATED SERGEANT-AT-ARMS.

CITY BILLS WERE PRESENTED TO THE COMMISSION FOR APPROVAL OF PAYMENT TOTALING \$66,326.27. COMMISSIONER MOUNTS MADE THE MOTION, SECONDED BY COMMISSIONER BLANKENSHIP TO APPROVE PAYMENT OF THE CITY BILLS TOTALING \$66,326.27. THE MOTION CARRIED UNANIMOUSLY.

PRESENTED FOR APPROVAL WAS A REQUEST FOR FINAL PAYMENT FROM MAINTENANCE TANK COMPANY FOR THE PAINTING AND REPAIR OF SMITH HILL #2 WATER TANK IN THE AMOUNT OF \$7,146.00. CITY ENGINEER, JACK SYKES, REPORTED THAT MAINTENANCE TANK COMPANY PAINTED TWO TANKS FOR THE CITY - ONE IN QUAIL RIDGE AND ONE OF THE TANKS AT SMITH HILL. DURING THE PAINTING OF THE TANK AT SMITH HILL, ON A WINDY DAY, THEY HAD AN OVERSPRAY OF PAINT THAT DAMAGED WEBBY HUFFMAN'S CAR. THE ENGINEER CONFIRMED THE OVERSPRAY DAMAGE AND THE MATTER HAS BEEN TURNED OVER TO THE CONTRACTOR'S INSURANCE COMPANY. THE INSURANCE COMPANY WANTS TO PAY MR. HUFFMAN FOR HAVING THE PAINT BUFFED OUT, WHICH HAS BEEN DONE, BUT MR. HUFFMAN IS NOT SATISFIED WITH THE RESULTS. AN ESTIMATE WAS SUBMITTED BY MR. HUFFMAN TO HAVE THE CAR REPAINTED IN THE AMOUNT OF \$2,556.00. THE INSURANCE COMPANY HAS OFFERED TO COMPENSATE MR. HUFFMAN \$500.00. MR. SYKES RECOMMENDED THE COMMISSION APPROVE PAYMENT OF THE FINAL BILL SUBJECT TO MAINTENANCE TANK AGREEING TO DEFEND AND INDEMNIFY THE CITY FOR ANY DAMAGES. MR. SYKES ADDED THAT MAINTENANCE TANK DOES HAVE INSURANCE AND THEY DO HAVE A BOND TO TAKE CARE OF THIS MATTER. THE PROBLEM IS THAT THE INSURANCE COMPANY AND MR. HUFFMAN ARE IN DISAGREEMENT AS TO THE EXTENT OF THE DAMAGE. COMMISSIONER BLANKENSHIP MADE THE MOTION TO APPROVE FINAL PAYMENT TO MAINTENANCE TANK ON THE CONDITION THAT THEY DEFEND AND INDEMNIFY THE CITY FOR ANY DAMAGES RESULTING FROM THIS CONTRACT. COMMISSIONER MOUNTS SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY.

THE MINUTES FOR THE PREVIOUS REGULAR MEETING OF DECEMBER 27, 1989 WERE INCLUDED IN EACH COMMISSION MEMBER'S AGENDA PACKAGE. THERE BEING NO ADDITIONS OR CORRECTIONS, COMMISSIONER MOUNTS MADE THE MOTION, SECONDED BY COMMISSIONER DAVIS TO APPROVE THE MINUTES AS SUBMITTED. THE MOTION CARRIED



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5 - 0.

JACK SYKES, REPRESENTING SUMMIT ENGINEERING, CITY ENGINEERS, PRESENTED A LEASE AGREEMENT FROM CSX FOR A PORTION OF THEIR RIGHT-OF-WAY (4,925 SQ. FEET) IN FRONT OF THE WASTEWATER TREATMENT PLANT. THIS LEASE IS NECESSARY IN ORDER TO REROUTE THE ROAD THAT NOW GOES UP THE RIGHT SIDE OF THE TREATMENT PLANT SITE. THE ROAD WILL BE REROUTED IN FRONT OF THE SITE AT THE LEFT SIDE. THE CITY ATTORNEY HAS REVIEWED THE LEASE. THE LEASE AMOUNT IS \$150.00 PER YEAR. COMMISSIONER MOUNTS QUESTIONED THE AMOUNT SUGGESTED BY CSX FOR THE LIABILITY INSURANCE. MR. SYKES EXPLAINED THAT CSX HAS RECOMMENDED THAT THE CITY HAVE \$3 MILLION DOLLARS IN LIABILITY INSURANCE. IF THE CITY DOES NOT HAVE THIS AMOUNT THEN IT BECOMES THE CITY'S SOLE RISK. IT WAS REPORTED THAT THE CITY HAS \$1 MILLION IN LIABILITY INSURANCE. MR. SYKES REPORTED THAT HE HAS SPOKE WITH CSX'S ATTORNEY WHO REITERATED THAT THE AMOUNT IN THE LEASE IS ONLY A RECOMMENDATION. THE MAYOR ASKED THE CITY MANAGER TO INVESTIGATE WHAT THE PREMIUM WOULD BE ON A HIGHER LEVEL OF INSURANCE ACROSS THE BOARD. COMMISSIONER BLANKENSHIP MADE THE MOTION TO AUTHORIZE THE MAYOR TO EXECUTE THE LEASE. COMMISSIONER MORRIS SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY.

THE NEXT MATTER ADDRESSED UNDER CITY ENGINEER'S REPORTS WAS WITH REGARD TO CONSIDERING APPROVAL OF A MODIFICATION OF A FLOODWAY FOR THE CITY PROPERTY ADJACENT TO THE MALL PROJECT AND THE OLD SOFTBALL FIELD. THE CITY ENGINEER DISPLAYED A MAP WHICH INDICATED THE PROPERTY IN QUESTION. PERMISSION WAS ASKED TO MODIFY THE FLOOD PLAIN IN THE AREA OF THE SOFTBALL FIELD AND ALSO THE TRACT OF PROPERTY THAT IS JUST BELOW THE COAL RUN BRIDGE. THE STATUS OF THAT PROPERTY IS THAT IT IS UNDER OPTION TO THE INDUSTRIAL DEVELOPMENT AUTHORITY. THE IDEA BOARD HAS APPLIED TO THE DIVISION OF WATER FOR A PERMIT TO FILL THE PROPERTY. THIS PERMIT HAS BEEN ISSUED. THE NEXT STEP, IN ORDER TO KEEP THE CITY'S FLOOD INSURANCE PROGRAM INTACT, IS FOR THE CITY TO PASS A RESOLUTION ADOPTING THE PROPOSED MODIFICATION OF THE FLOODWAY AND APPROVING THE FILL. THIS RESOLUTION, ALONG WITH THE DIVISION OF WATER'S APPROVAL, IS THEN FORWARDED TO FEMA (FEDERAL EMERGENCY MANAGEMENT AGENCY) FOR A REVISION OF THE FLOOD PLAIN. ALL THE HYDRAULIC STUDIES HAVE BEEN PREPARED AND INDICATE NO ADVERSE IMPACT ON ADJACENT AREAS. THOSE STUDIES WERE PREPARED BY KENVIRONS ENGINEERING. COMMISSIONER MORRIS MADE THE MOTION TO APPROVE THE FLOOD PLAIN REVISION AS DEPICTED ON THE MAPS. COMMISSIONER BLANKENSHIP SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY.

WITH REGARD TO THE PROPOSED THOMPSON ROAD FIRE STATION, MR. SYKES REPORTED THAT BIDS FOR CONSTRUCTION WERE OPENED ON SEPTEMBER 7, 1989. THE BIDS WERE GOOD FOR A 45 DAY PERIOD. THE CONTRACTORS WERE ASKED TO EXTEND THEIR BIDS THROUGH THE FIRST OF THE YEAR TO GIVE THE CITY ADDITIONAL TIME TO CONSIDER WHETHER THEY WANTED TO AWARD THE PROJECT. IN THE MEANTIME, THE PROPERTY HAS BEEN FILLED WHICH WAS A REQUIREMENT OF THE ORIGINAL CONTRACT. THE PROPERTY WAS FILLED WITH THE MATERIAL FROM THE EXCAVATION AT THE WASTEWATER TREATMENT PLANT. BASED UPON THE FACT THAT THE TIME EXTENSION HAS EXPIRED, AND THE UNSURE DIRECTION THAT THE CITY COMMISSION HAS, MR. SYKES RECOMMENDED THAT THE COMMISSION REJECT ALL BIDS AND RETURN THE BID AND PERFORMANCE BONDS AND INDICATE THIS MATTER WILL BE TAKEN UP AT A LATER DATE. COMMISSIONER MOUNTS REPORTED THAT IT WAS HIS UNDERSTANDING THAT THE BID AWARD WAS DELAYED BY THE PRIOR COMMISSION TO WORK WITH THE MALL DEVELOPER TO SEE IF THE FIRE STATION COULD BE CONSTRUCTED ON THE MALL SITE AS WELL AS HELP THE CITY FINANCIALLY. THE MAYOR INDICATED THAT THERE IS NO QUESTION THAT THE FIRE STATION IS NEEDED, HOWEVER THERE IS A QUESTION AS TO HOW THE PROJECT WILL BE FUNDED. COMMISSIONER MOUNTS REPORTED THAT \$100,000.00 HAS BEEN SET ASIDE IN THE BUDGET FOR THIS PROJECT. THE MAYOR POINTED OUT THAT ALTHOUGH THE CITY HAS BUDGETED ITEMS, THERE ARE IMPENDING EXPENSES THAT MAY NOT HAVE BEEN BUDGETED. THE MAYOR ADDED THAT HE IS NOT AGAINST THE FIRE STATION CONSTRUCTION, BUT THAT NOW MAY NOT BE THE TIME TO PROCEED. COMMISSIONER MOUNTS MADE THE MOTION TO REJECT ALL BIDS FOR THE CONSTRUCTION OF THE THOMPSON ROAD FIRE STATION AND TO RETURN THE BID & PERFORMANCE BONDS TO THE RESPECTIVE CONTRACTORS. COMMISSIONER BLANKENSHIP SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY.

MR. SYKES REPORTED THAT BIDS HAVE BEEN ACCEPTED FOR THE CONSTRUCTION OF A POLICE STATION TO BE LOCATED AT 211 DIVISION STREET. THE BIDS ARE GOOD UNTIL JANUARY 21ST. COMMISSIONER DAVIS MADE THE MOTION TO AUTHORIZE THE ENGINEER TO REQUEST A 45 DAY EXTENSION OF THE BIDS FROM THE CONTRACTORS. COMMISSIONER MOUNTS SECONDED THE MOTION. THE MOTION CARRIED 5 - 0.

MAYOR MAY REPORTED THAT A FISCAL TASK FORCE HAS BEEN APPOINTED, WHICH CONSISTS OF THE CHAIRMAN OF THE BOARD OF THE THREE PIKEVILLE BANKS AND A LOCAL CPA - BURLIN COLEMAN, JIMMY HOBBS, C. D. ROBERTS AND DAVID COLLINS, RESPECTIVELY. A MEETING WAS HELD THIS DATE AT THE PIKEVILLE NATIONAL BANK BUILDING. THE CHARGE GIVEN TO THIS COMMITTEE WAS TO REVIEW THE LAST AUDIT OF THE CITY OF PIKEVILLE TO DECIDE WHAT TYPE OF CURRENT INFORMATION NEEDS TO



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BE REQUESTED TO LOOK AT THE CITY'S PRESENT FISCAL CONDITION AND TO LOOK AT THE CITY'S PROJECTED NEEDS OF REVENUE IN THE NEAR FUTURE (e.g. THE EXTENSION OF THE WATER LINE ON THE BYPASS, "PLAN B" OF HOW TO FINANCE THE WASTEWATER TREATMENT PLANT). THE MAYOR STRESSED THE FACT THAT THE COMMITTEE IS STRICTLY AN ADVISORY COMMITTEE SEEKING TO GIVE THE MAYOR AND COMMISSIONERS ADVICE. THE ADVISORY COMMITTEE HAS REQUESTED INFORMATION FROM THE CITY'S AUDITORS AND FROM THE FINANCIAL OFFICE. IT IS HOPED THAT BY FEBRUARY 1ST, THE INFORMATION REQUESTED WILL BE FORWARDED TO THE ADVISORY COMMITTEE AND THE COMMITTEE WILL HAVE HAD TIME TO REVIEW. A MEETING BETWEEN THE COMMITTEE AND THE COMMISSION SHOULD TAKE PLACE SHORTLY AFTER THE 1ST OF FEBRUARY. ANY CITIZEN DESIRING TO HAVE ANY INPUT IN THIS MATTER WAS INVITED TO SEND THEIR WRITTEN SUGGESTIONS TO THE MAYOR.

RUSSELL DAVIS, JR., CITY ATTORNEY, ADVISED THAT THE PREVIOUS COMMISSION DECIDED SEVERAL MONTHS AGO TO DESIGNATE 2 TRACTS OF PROPERTY ALONG THE BOULEVARD BETWEEN MILDRED STREET AND THE BOULEVARD AS SURPLUS PROPERTY. INITIALLY, THE OWNER OF THE TRAILER WHICH IS LOCATED ADJACENT TO THIS PROPERTY, GERALD ROBINSON, PARKED HIS VEHICLES ON THE VACANT TRACT 1 AND USED A SECTION AS HIS DRIVEWAY. HE MOWED AND MAINTAINED THE AREA. MR. ROBINSON HAD ASKED THE CITY TO DECLARE THE AREA AS SURPLUS PROPERTY AND TO ALLOW HIM TO PURCHASE. THE PREVIOUS COMMISSION OPTED TO HOLD AN AUCTION. MR. ROBINSON WAS NOT THE SUCCESSFUL BIDDER. CHALLEN MCCOY WAS THE HIGH BIDDER FOR THE SALE OF BOTH TRACTS OF PROPERTY IN THE AMOUNT OF \$21,800.00, WHICH WAS SUBSTANTIALLY HIGHER THAN THE APPRAISAL. MR. DAVIS EXPLAINED THAT MR. ROBINSON HAD FILED SUIT AGAINST THE CITY ASKING THE COURT TO DECLARE THAT HE HAD A LEGAL EASEMENT ACROSS THAT TRACT OF PROPERTY. ACCORDING TO MR. MCCOY'S ATTORNEY, DAVID STRATTON, MR. ROBINSON AND MR. MCCOY HAVE WORKED OUT THEIR DISAGREEMENT AND INDICATED THAT MR. MCCOY WILL PURCHASE MR. ROBINSON'S TRACT. MR. DAVIS TOLD THE COMMISSION THAT BEFORE HE DELIVERED THE DEED AND ACCEPTED THE CHECK, THAT HE WOULD ASK MR. MCCOY TO DECLARE THAT HE HAS NO OBJECTION TO THE FACT THAT THERE IS A SUIT PENDING ON THE PROPERTY AND THAT HE IS GOING TO TAKE CARE OF THIS MATTER. MR. DAVIS REPORTED THAT MR. MCCOY HAD ASKED THE CITY TO QUITCLAIM THE REMAINING PROPERTY, BUT THE CITY ENGINEER, WHEN HE SURVEYED THE AREA, INTENTIONALLY DELETED THIS SECTION TO KEEP THE SIGHT DISTANCE AT THE INTERSECTION AS IT MAY BECOME NECESSARY TO WIDEN THE ENTRANCE OFF THE BOULEVARD IN THE FUTURE. MR. MCCOY IS ALSO CONCERNED ABOUT THE AREA THAT THE CITY MAY OWN ON MR. ROBINSON'S TRACT. HE HAS ASKED THAT A QUITCLAIM DEED BE PREPARED FOR WHATEVER INTEREST THE CITY MAY HAVE IN MR. ROBINSON'S TRACT. COMMISSIONER MOUNTS MADE THE MOTION TO AUTHORIZE THE MAYOR TO EXECUTE THE DEED. COMMISSIONER MORRIS SECONDED THE MOTION. COMMISSIONER DAVIS EXPRESSED HIS CONCERNS WITH REGARD TO THIS MATTER. DUE TO COMMISSIONER DAVIS' CONCERNS, COMMISSIONER MOUNTS AND MORRIS WITHDREW THE MOTION AND SECONDED. THE CITY ATTORNEY WAS ASKED TO DISCUSS THE MATTER WITH COMMISSIONER DAVIS AFTER HE CONVERSES WITH MR. MCCOY AND/OR HIS ATTORNEY.

MR. DAVIS EXPLAINED THAT HE HAS PREPARED A CONFIDENTIAL SUMMARY OF THE LITIGATION HE IS INVOLVED IN ON BEHALF OF THE CITY OF PIKEVILLE. THE MAYOR REQUESTED THAT THESE MATTERS BE DISCUSSED IN A CLOSED EXECUTIVE SESSION. MR. DAVIS REQUESTED THAT THE COMMISSION DISCUSS THE FOLLOWING ITEMS IN AN EXECUTIVE SESSION ALSO: 1. THE JUDGEMENT RENDERED IN THE CASE OF TENNIS HAMILTON ET AL VS. CITY OF PIKEVILLE. MR. DAVIS REPORTED THAT THE PREVIOUS COMMISSION WAS ADVISED OF AN JUDGEMENT WHICH WAS ENTERED BY THE PIKE CIRCUIT COURT. THE APPEAL TIME HAS NOT YET EXPIRED. 2. JIM ELLIS ARBITRATION MATTER; 3. SUMMARY AND BREAKDOWN OF WATER PURCHASE CONTRACTS. MR. DAVIS REPORTED THAT THE SUMMARY AND BREAKDOWN HAD BEEN REQUESTED IN A WORK SESSION ALONG WITH AN OPINION OF WHETHER THE CITY OF PIKEVILLE OWNS THE WATER TREATMENT FACILITY ENTIRELY. MR. DAVIS REPORTED THAT IT IS HIS CONCLUSION THAT THE CITY OF PIKEVILLE DOES UNQUESTIONABLY OWN 100% OF THE WATER TREATMENT PLANT.

JOHN JOHNSON, CITY MANAGER, PRESENTED A LOCAL WATER DISTRICT RATE COMPARISON TO THE COMMISSION AS REQUESTED AT THE JANUARY 3, 1990 WORK SESSION. THERE HAS BEEN SOME QUESTION AS TO WHETHER THE WATER DISTRICTS CHARGE THEIR CUSTOMERS A LESSER RATE THAN THE CITY OF PIKEVILLE CHARGES ITS CUSTOMERS. AFTER THE MAYOR PUBLICLY READ SOME OF THE COMPARISONS, IT WAS SUGGESTED THAT PERHAPS THE CITY RESIDENTS ARE ADDING THEIR SEWAGE BILL TO THEIR WATER BILL, AS THE COMPARISON APPEARS TO SHOW THE CITY CHARGING LESSER RATES. THE MAYOR REQUESTED THAT THE CITY MANAGER ASK EACH WATER DISTRICT FOR SOME ACTUAL COPIES OF WATER BILLS. COMMISSIONER MOUNTS CALLED ATTENTION TO THE RATES CHARGED FOR A 20,000 GALLON CONSUMPTION, WHERE PIKEVILLE APPEARS TO BE CHARGING A GREATER FEE THAN THE WATER DISTRICTS. THE MAYOR COMMENTED THAT HE WOULD LIKE TO APPROACH THE PSC TO DETERMINE THE FEASIBILITY OF THE WATER DISTRICTS CHARGING THE SAME RATE FOR WATER PURCHASES AS THE CITY OF PIKEVILLE DOES. COMMISSIONER MORRIS REQUESTED THAT THE CITY MANAGER BE DIRECTED TO GIVE EACH COMMISSION MEMBER A COPY OF THE UMBACH STUDY.



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HAL WILLIAMS OF PROFESSIONAL SERVICES GROUP REPORTED THAT EACH COMMISSION MEMBER RECEIVED A TWO PAGE REPORT INCLUDED WITH THEIR AGENDA PACKAGE WHICH COVERS THE MONTHLY ACTIVITIES IN THE GARBAGE COLLECTION DEPARTMENT, STREET DEPARTMENT, WASTEWATER TREATMENT, WASTEWATER COLLECTION, WATER DISTRIBUTION, AND GAS DEPARTMENT. COMMISSIONER MOUNTS QUESTIONED IF THERE WERE ANY PROBLEMS ENCOUNTERED WITH THE GARBAGE COLLECTION. MR. WILLIAMS REPORTED THAT THE CREW WORKED ON THANKSGIVING, CHRISTMAS AND NEW YEARS. HE REPORTED THAT THERE WAS ONE COMPLAINT AT CHRISTMAS ABOUT THE GARBAGE NOT BEING PICKED UP.

THE MAYOR ADVISED THAT HE HAS NOTICED WATER RUNNING IN THE ROAD ON PEACH ORCHARD ABOVE THE RADIO STATION. MR. WILLIAMS REPORTED THAT THE REPAIR WAS MADE ON JANUARY 7TH.

WITH REGARD TO CALLS RECEIVED ABOUT THE CONDITION OF THOMPSON ROAD, MR. WILLIAMS ADVISED THAT THIS PROBLEM STEMS FROM EXCAVATED MATERIAL BEING HAULED FROM THE WASTEWATER TREATMENT PLANT TO THE OLD SOFTBALL FIELD. DURING THE DAYS THE CONTRACTOR HAULED, GRAVEL, SAND, AND ROCK WERE STOCKPILED. PSG HAS AN EMPLOYEE ON THE SITE AT ALL TIMES IN AN EFFORT TO KEEP THE ROAD PASSABLE.

BROUGHT BEFORE THE COMMISSION WAS A REQUEST TO APPOINT JOHN TUMMINS AND ROY ALEXANDER TO THE PIKEVILLE PUBLIC HOSPITAL CORPORATION BOARD. THE MAYOR RECOMMENDED THE APPOINTMENTS TO THE COMMISSION FOR APPROVAL. COMMISSIONER BLANKENSHIP ASKED WHAT THE DUTIES OF THE BOARD ARE. MAYOR MAY EXPLAINED THAT THIS BOARD IS A HOLDING COMPANY THAT ACTUALLY OWNS THE METHODIST HOSPITAL, BUT IS NOT THE BOARD THAT OPERATES THE HOSPITAL. COMMISSIONER MOUNTS ASKED FOR AN EXECUTIVE SESSION TO DISCUSS THIS MATTER. THE CITY ATTORNEY CONFIRMED THE FACT THAT THIS WAS A MATTER THAT COULD BE DISCUSSED IN EXECUTIVE SESSION.

PRESENTED TO THE COMMISSION WAS A RESOLUTION ENTITLED:

RESOLUTION CONFIRMING EARLIER ADOPTED RESOLUTION BY THE CITY OF PIKEVILLE FOR THE FILING OF A PROJECT APPLICATION, (C.D.B.G. GRANT) AND FURTHER, APPOINTING SUE SMALLWOOD, PROJECT DIRECTOR AND SUCCESSORS-IN-TITLE AS OFFICIAL PROJECT REPRESENTATIVE OF FEDERALLY ASSISTED WASTEWATER REVOLVING FUND (STATE REVOLVING LOAN PROGRAM) PROJECT

WHEREAS, THE CITY OF PIKEVILLE PROPOSES TO PROVIDE UPGRADED SANITARY SEWER SERVICE FOR INDUSTRIAL, INSTITUTIONAL, COMMERCIAL, AND RESIDENTIAL GROWTH IN THE CITY OF PIKEVILLE AREA AND,

WHEREAS, THE CITY OF PIKEVILLE ENDORSES SAID PROPOSED SERVICES AND,

WHEREAS, UNDER THE TERMS OF TITLE VI OF THE WATER QUALITY ACT OF 1987 (PUBLIC LAW 100-4) AND AMENDMENTS TO KRS 224A, THE STATE IS AUTHORIZED TO RENDER FINANCIAL ASSISTANCE TO ELIGIBLE PROJECT APPLICANTS BY WAY OF CAPITALIZATION GRANTS FROM THE ENVIRONMENTAL PROTECTION AGENCY AND STATE MATCH FUNDS COMPRISING THE FEDERALLY ASSISTED WASTEWATER REVOLVING FUND (STATE REVOLVING LOAN PROGRAM) ESTABLISHED TO AID IN THE CONSTRUCTION OF WASTEWATER TREATMENT FACILITIES IMPROVEMENTS AND CERTAIN RELATED FACILITIES WITH CONSIDERATION FOR APPROVAL TO BE BASED ON APPLICATION SUBMITTED THROUGH THE KENTUCKY NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION CABINET AND THE KENTUCKY INFRASTRUCTURE AUTHORITY, AND,

WHEREAS, THE IMPROVEMENTS PROPOSED FOR CONSTRUCTION BY THE CITY OF PIKEVILLE WITHIN THE CITY OF PIKEVILLE AREA ARE CONSIDERED ELIGIBLE FOR SUCH LOAN ASSISTANCE,

WHEREAS, THE CITY OF PIKEVILLE DID ON SEPTEMBER 12, 1988 ADOPT A RESOLUTION AUTHORIZING THE EXECUTION AND SUBMISSION OF AN APPLICATION THROUGH THE KENTUCKY NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION CABINET AND THE KENTUCKY INFRASTRUCTURE AUTHORITY;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF PIKEVILLE THAT MAYOR WILLIAM C. HAMBLEY WAS BY RESOLUTION DATED SEPTEMBER 12, 1988 AUTHORIZED TO EXECUTE AND SUBMIT AN APPLICATION THROUGH THE KENTUCKY NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION CABINET AND THE KENTUCKY INFRASTRUCTURE AUTHORITY WITH SUCH ASSURANCES AND REQUIRED SUPPORTING DATA AS IS NECESSARY TO OBTAIN LOAN ASSISTANCE FROM THE FEDERALLY ASSISTED WASTEWATER REVOLVING FUND (STATE REVOLVING LOAN PROGRAM) FOR THE PURPOSED WASTEWATER TREATMENT FACILITIES IMPROVEMENTS, AND FURTHER, IT IS HEREBY RESOLVED THAT SUE SMALLWOOD PROJECT DIRECTOR, IS DESIGNATED AS OFFICIAL PROJECT REPRESENTATIVE TO CARRY OUT ALL NECESSARY NEGOTIATIONS FOR AND ADMINISTER THE LOAN ASSISTANCE THE APPLICANT MAY OBTAIN FROM THE FEDERALLY ASSISTED WASTEWATER REVOLVING FUND. (STATE



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REVOLVING LOAN PROGRAM).

PASSED THIS 8TH DAY OF JANUARY, 1990.

COMMISSIONER JOHNNY MOUNTS MOVED THE ADOPTION OF THE FOREGOING RESOLUTION. COMMISSIONER EUGENE DAVIS SECONDED THE MOTION.

UPON ROLL CALL, THE VOTES WERE AS FOLLOWS:

	YES	NO
WALTER E. MAY, MAYOR	X	
JOHNNY D. MOUNTS, COMMISSIONER	X	
GENE DAVIS, COMMISSIONER	X	
WALTER BLANKENSHIP, COMMISSIONER	X	
FRANK MORRIS, COMMISSIONER	X	

THE MAYOR DECLARED THE WITHIN RESOLUTION ADOPTED.

/S/ WALTER E. MAY  
MAYOR

ATTEST:

/S/ KAREN HARRIS  
CITY CLERK

CITY ATTORNEY RUSTY DAVIS POINTED OUT THAT THE CITY HAS IN OTHER RESOLUTIONS, AGREED TO THE DETAILS OUTLINED IN THE ABOVE RESOLUTION, HOWEVER THE STATE DID NOT LIKE THE FORM IN WHICH THE INFORMATION WAS PREVIOUSLY SUBMITTED.

COMMISSIONER MORRIS QUESTIONED IF THE PROJECT DIRECTOR POSITION WAS A NEWLY CREATED POSITION. THE CITY MANAGER REPORTED THAT MS. SMALLWOOD IS A PART-TIME EMPLOYEE, CURRENTLY EMPLOYED AS A PROJECT DIRECTOR FOR THE CITY OF PIKEVILLE. HER JOB DUTIES WILL INCLUDE ADMINISTERING THE FUNDS FOR THE WASTEWATER TREATMENT PLANT AND SHE WILL BE THE CITY'S CONTACT PERSON FOR THE STATE. IT MAY BE NECESSARY IN THE FUTURE TO MAKE THIS POSITION FULL-TIME, BUT THIS MATTER WILL BE BROUGHT BEFORE THE COMMISSION AT THAT TIME.

PRESENTED TO THE COMMISSION IN THEIR AGENDA PACKAGES WERE COPIES OF THE QUARTERLY REPORT OF ACTIVITIES IN THE POLICE DEPARTMENT; THE MONTHLY COLLECTION REPORT OF THE PARKING VIOLATIONS OFFICE; AND THE YEAR END REPORT FROM THE BUILDING INSPECTOR'S OFFICE. THE REPORTS WERE ACCEPTED WITHOUT ANY DISCUSSION.

COMMISSIONER MOUNTS MADE THE MOTION, SECONDED BY COMMISSIONER BLANKENSHIP TO ADJOURN TO AN EXECUTIVE SESSION TO DISCUSS PERSONNEL MATTERS AND PENDING LITIGATION. THE MOTION CARRIED UNANIMOUSLY.

COMMISSIONER DAVIS MADE THE MOTION, SECONDED BY COMMISSIONER MOUNTS TO RECONVENE THE MEETING TO REGULAR SESSION. THE MOTION CARRIED 5 - 0.

THE CITY MANAGER PRESENTED THE NAME OF MICHAEL BURCHETT TO THE COMMISSION FOR APPROVAL OF EMPLOYMENT AS A PART-TIME DISPATCHER. COMMISSIONER MORRIS MADE THE MOTION TO HIRE MICHAEL BURCHETT AS A PART-TIME DISPATCHER. COMMISSIONER DAVIS SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY.

MAYOR MAY REPORTED THAT THE COMMISSION HAS AGREED TO HIRE A DIRECTOR OF PUBLIC RELATIONS FOR THE CITY AND ADMINISTRATIVE ASSISTANT FOR THE MAYOR AND CITY COMMISSION. THIS WOULD BE ONE PERSON WITH DUAL DUTIES. COMMISSIONER DAVIS MADE THE MOTION TO EMPLOY KITTY PAULEY IN THE POSITION OF DIRECTOR OF PUBLIC RELATIONS/ADMINISTRATIVE ASSISTANT. COMMISSIONER MORRIS SECONDED THE MOTION. COMMISSIONER BLANKENSHIP QUESTIONED IF ANY PERSON WHO HAD BEEN LAYED OFF BY THE CITY WAS INTERVIEWED FOR THIS POSITION. THE MAYOR REPORTED THAT HE HAD CONTACTED PEOPLE IN THE PUBLIC RELATIONS BUSINESS ASKING FOR REFERENCE OF PERSONS HAVING THE CAPABILITIES FOR THIS POSITION. COMMISSIONER BLANKENSHIP VOICED HIS OPINION THAT ONE LADY WHO HAD BEEN PREVIOUSLY EMPLOYED BY THE CITY SHOULD HAVE BEEN INTERVIEWED. HE REPORTED THAT THE LADY HAD BEEN EMPLOYED FOR A NUMBER OF YEARS, DID A GOOD JOB, AND THROUGH NO FAULT OF HER OWN, WAS RELEASED. BARBARA JUSTICE OF THE NEWS-EXPRESS ASKED IF ANY CONSIDERATION WAS GIVEN TO ADVERTISING THE POSITION. THE MAYOR REPORTED THAT HE DID NOT ADVERTISE PUBLICLY, BUT A NUMBER OF PEOPLE WERE INTERVIEWED. THE CITY ATTORNEY GAVE HIS OPINION THAT IT WAS THE COMMISSION'S OPTION ON WHETHER TO ADVERTISE THE POSITION. THERE BEING NO FURTHER DISCUSSION, ROLL CALL WAS TAKEN, WITH THE MOTION CARRYING 4 - 1 (COMMISSIONER BLANKENSHIP VOTING "NO").



# MINUTES } CITY OF PIKEVILLE

A RESOLUTION WAS PRESENTED TO THE COMMISSION AS FOLLOWS:

RESOLUTION APPOINTING DR. JOHN TUMMINS AND ROY ALEXANDER TO THE BOARD OF DIRECTORS OF THE PIKEVILLE, KENTUCKY PUBLIC HOSPITAL CORPORATION

WHEREAS, THE BOARD OF DIRECTORS OF THE PIKEVILLE, KENTUCKY PUBLIC HOSPITAL CORPORATION DID BY RESOLUTION ADOPTED AT A SPECIAL MEETING HELD ON NOVEMBER 14, 1989, NOMINATE DR. JOHN TUMMINS AND ROY ALEXANDER TO FILL TWO VACANCIES ON THE BOARD OF DIRECTORS OF THE PIKEVILLE, KENTUCKY PUBLIC HOSPITAL CORPORATION CREATED BY THE DEATH OF BOARD MEMBER, HENRY D. STRATTON AND RESIGNATION OF BOARD MEMBER, E. BRUCE WALTERS;

WHEREAS, THE COMMISSION DESIRES TO ACCEPT THE NOMINATION OF DR. JOHN TUMMINS AND ROY ALEXANDER TO THE BOARD OF DIRECTORS OF THE PIKEVILLE, KENTUCKY PUBLIC HOSPITAL CORPORATION;

WHEREFORE, BE IT RESOLVED BY THE CITY OF PIKEVILLE THAT DR. JOHN TUMMINS AND ROY ALEXANDER ARE HEREBY APPOINTED TO THE BOARD OF DIRECTORS OF THE PIKEVILLE, KENTUCKY PUBLIC HOSPITAL CORPORATION AND SHALL SO SERVE IN THAT CAPACITY PURSUANT TO THE ARTICLES OF CORPORATION OF THE PIKEVILLE, KENTUCKY PUBLIC HOSPITAL CORPORATION.

PASSED THIS 8TH DAY OF JANUARY, 1990.

COMMISSIONER WALTER BLANKENSHIP MOVED THE ADOPTION OF THE FOREGOING RESOLUTION. COMMISSIONER GENE DAVIS SECONDED THE MOTION.

UPON ROLL CALL, THE VOTES WERE AS FOLLOWS:

	YES	NO
WALTER E. MAY, MAYOR	X	
GENE DAVIS, COMMISSIONER	X	
FRANK MORRIS, COMMISSIONER	X	
JOHNNY MOUNTS, COMMISSIONER	X	
WALTER BLANKENSHIP, COMMISSIONER	X	

THE MAYOR DECLARED THE WITHIN RESOLUTION ADOPTED.

/S/ WALTER E. MAY  
MAYOR

ATTEST:

/S/ KAREN HARRIS  
CITY CLERK

CITY ATTORNEY, RUSTY DAVIS, REPORTED THAT THERE HAS BEEN AN ONSTANDING CLAIM BY JIM ELLIS FOR ARCHITECT FEES THAT HE BELIEVES HE IS DUE FROM THE CITY OF PIKEVILLE WITH REGARD TO THE DESIGN OF A CITY HALL FACILITY ON HUFFMAN AVENUE. THE MATTER WENT TO ARBITRATION ABOUT TWO YEARS AGO AND AN AWARD WAS RENDERED BY THE AMERICAN ARBITRATION ASSOCIATION. MR. ELLIS, SINCE THIS TIME, HAS BEEN DISSATISFIED WITH THIS AWARD, AND HAS ON NUMEROUS OCCASIONS ASKED THE COMMISSION TO RECONSIDER HIS CLAIM AGAINST THE CITY OF PIKEVILLE. THE PREVIOUS COMMISSION MADE A DECISION TO STAND BY THE ARBITERS AWARD. MR. DAVIS REPORTED THAT HE HAS ASKED THE COMMISSION TO PERMIT HIM TO FILE A SUIT AGAINST MR. ELLIS IN THE PIKE CIRCUIT COURT ASKING THEM TO DETERMINE WHETHER OR NOT THE ARBITERS AWARD IS A VALID AWARD AND IF IT IS, THEN TO ENTER JUDGEMENT AGAINST THE CITY OF PIKEVILLE IN THE AMOUNT OF THE ARBITERS AWARD. COMMISSIONER BLANKENSHIP MADE THE MOTION TO AUTHORIZE THE CITY ATTORNEY TO FILE SUIT AGAINST MR. ELLIS. COMMISSIONER DAVIS SECONDED THE MOTION. THE MOTION CARRIED 3- 1 - 1 WITH COMMISSIONER MORRIS VOTING NO, AND COMMISSIONER MOUNTS CASTING AN ABSTAINING VOTE.

IT WAS REPORTED THAT THE RETIREMENT BENEFITS FOR SOME EX CITY EMPLOYEES WAS DISCUSSED IN EXECUTIVE SESSION. MR. DAVIS, CITY ATTORNEY, REPORTED THAT THE PREVIOUS COMMISSION DECIDED NOT TO APPEAL A JUDGEMENT BY THE PIKE CIRCUIT COURT. THAT JUDGEMENT STATED IT WOULD BE LAWFUL FOR THE CITY OF PIKEVILLE TO GRANT A RETIREMENT BENEFIT TO FOUR INDIVIDUALS WHO HAD WORKED FOR THE CITY OF PIKEVILLE FOR AN AVERAGE OF 30 YEARS. THE CURRENT COMMISSION WAS ASKED IF THEY WANTED TO RECONSIDER THE DECISION OF THE PREVIOUS COMMISSION. IT WAS REPORTED THAT THE CURRENT COMMISSION WILL ABIDE BY THE PREVIOUS COMMISSION'S DECISION TO NOT APPEAL THE CASE. MR. DAVIS REPORTED THAT THE ONLY QUESTION REMAINING IS WHETHER OR NOT THE CITY CAN AFFORD TO PAY THOSE INDIVIDUALS THEIR BACK RETIREMENT BENEFITS UP TO THIS DATE. COMMISSIONER MOUNTS WILL CHECK WITH THE FINANCE DIRECTOR TO SEE HOW THIS MATTER CAN BE ARRANGED.



## MINUTES } CITY OF PIKEVILLE

CITY ENGINEER, JACK SYKES, REQUESTED THE COMMISSION TO SCHEDULE A WORK SESSION TO DISCUSS THE WATER PROBLEMS. A WORK SESSION WAS SCHEDULED FOR MONDAY, JANUARY 22, 1990, AT 4:00 P.M.

THERE BEING NO FURTHER BUSINESS TO BRING BEFORE THE COMMISSION, COMMISSIONER MOUNTS MADE THE MOTION, SECONDED BY COMMISSIONER BLANKENSHIP TO ADJOURN THE MEETING. THE MOTION CARRIED UNANIMOUSLY.

THE CITY COMMISSION'S NEXT SCHEDULED MEETING IS JANUARY 22, 1990 AT 7:30 P.M. IN THE CITY HALL PUBLIC MEETING ROOM.

APPROVED: Walter E. May  
MAYOR

ATTEST:

Loren Harris  
CITY CLERK

