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Regular Meeting - March 12, 1990

The City of Pikeville Board of Commissioners met in regular session on Monday, March 12, 1990 at 7:00 p.m. The meeting was conducted in the City Hall Public Meeting Room at 260 Hambley Boulevard.

There being a quorum present, Mayor Walter E. May called the meeting to order. Commission Members present upon call of the roll were as follows:

Commissioner: Walter Blankenship
Frank Morris
Johnny Mounts
Mayor: Walter E. May

Commissioner Eugene Davis was absent.

Under Agenda Item "Call of the Agenda", Item VIII, the request for executive session from the Building Inspector has been withdrawn. It was requested that a work session be scheduled for a future date.

The minutes for the previous regular meeting of February 26, 1990 and Continued Meeting of February 27, 1990 were included in each Commission Member's agenda package. There being no additions or corrections, Commissioner Morris made the motion to approve the minutes as circulated. Commissioner Blankenship seconded the motion. The motion carried by a 4 - 0 vote.

In Business from the Floor, Tommy Friend reported that there is a loitering problem on Friday and Saturday nights on the parking lot across from the Pinson Hotel, along with a continuous flow of traffic through the downtown area. Mr. Friend gave his opinion that there apparently is not enough police protection to prevent this type of problem. Mr. Friend was asked to wait until the Chief of Police arrived at the meeting to continue this discussion.

Mr. Friend posed a question to the City Commission with regard to Alcoholic Beverages. He asked that when the City Commission is faced with the new law about selling alcoholic beverages on Sunday, will this matter be advertised before the City Commission makes a decision. The Mayor reported that before the Commission considers the matter, it will be advertised in an effort to give each citizen an opportunity to voice his opinion on the matter.

A list of City Bills totaling \$245,426.91 was presented to the Commission for approval of payment. The Mayor reported that he had contacted each Commission Member over the weekend advising that there may be a possible cash flow problem due to the City having to deposit an additional \$141,000.00 towards the Pauley Bridge Replacement Project. The Mayor reported that the City is able to make payment of the bills as presented without having to secure a loan. Upon the City Manager's recommendation, Commissioner Morris made the motion, seconded by Commissioner Blankenship to approve payment of the City Bills as presented, totaling \$245,426.91. Upon call of the roll, the motion carried unanimously.

In City Engineer's reports, Jack Sykes, representing Summit Engineering, Inc, reported that the Commission, at the previous regular meeting on February 26, 1990, directed him to obtain a proposal from a consulting engineer who has expertise in Water Plant design to evaluate the design and construction of the Pikeville Water Plant facilities. Mr. Sykes reported that he has that proposal. Since the matter involves a potential lawsuit, it was determined that it would be more appropriate to discuss this matter in an executive session.

A written status report was presented to each Commission Member of ongoing projects.

1. Sewage Treatment Plant: Mr. Sykes reported that the Sewage Treatment Plant design has been approved. The City is now authorized to begin construction on the other aspects of the treatment plant. About 95% of the earth removal has been completed. The contractor is ready to start the storm drain installation. A change order has been presented and approved by the City Manager. The change order deals with changing the elevation and approval of the type of materials that the contractor wants to use for the storm drain.

2. Thompson Road Reconstruction: The contractor did not work on this project for one week due to inclement weather conditions. Approximately 500 feet of road has been reconstructed since the last City Commission meeting.

3. 16" Water Line: The engineers are about 60% complete with the design of this project. The engineers anticipate a work session will be needed in about two weeks. The 1 million gallon water tank design is about

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20% complete primarily due to trying to evaluate alternate types of tanks and materials in an effort to obtain the best product. The application for the funding for those 2 projects, according to Will Linder, will be sent to Frankfort within a week. Mr. Sykes assured the Commission that the design will be complete and ready for bid before or by the time the funding is approved.

4. Capital Improvements Plan: Mr. Sykes told the Commission that his office is ready to discuss the Capital Improvements Plan in a work session scheduled for Wednesday, March, 14, 1990 at 4:30 p.m.

Commissioner Mounts referred to the City Engineer's report with regard to the 1 million gallon water tank. The City owns 1/4 acre and it is the City Engineer's estimate that the City will need to purchase an additional 1/4 acre on which to locate the tank. Mr. Sykes estimated that it would cost less than \$5,000.00 to acquire the additional property.

5. Mall Project: Mr. Sykes reported that he has received a request from Barry Dotson & Associates relative to the on-site utility work. The developer has requested to use PVC pipe for on-site water and sewer utilities. The City Engineer recommended that he be allowed to respond to this request by approving the use of PVC for sewer, but anything on the City's side of the meter, relative to water, needs to be ductile. The Mayor commented that the developer meet whatever City Codes specify on their side of the meter. Mr. Sykes reported that he has sent the developer a copy of those codes.

Upon the Chief of Police's arrival at the meeting, the Mayor advised that during Business from the Floor, a complaint was heard which relates to the Police Department. Mayor May questioned Chief Edmonds if the law is being broke when people congregate in the parking lot, spread litter, and cause any kind of disturbance. Chief Edmonds reported that on Friday and Saturday evenings the loiters are asked to disburse six to seven times nightly. Discussed was whether the problem is caused by adults or teenagers. The Mayor directed that the Chief of Police not allow people to congregate in such manner as to cause a public nuisance in any location in Pikeville. The City Attorney reported that there isn't much the police can do with regard to people congregating on public property, however they can not commit any criminal activity. Owners of private lots can post no trespassing signs. The Chief of Police was directed to increase patrol in these areas and to keep the areas under close surveillance.

Russell Davis, City Attorney, advised the Commission that he is working on a couple of ordinances, at the Commission's request, with regard to changing the building code to allow citations and also an ordinance with regard to parking tickets and enforcement.

With regard to the Mall Project, Mr. Davis informed the Commission that there was some concern about getting the easements for the bridge replacement prepared and recorded. Mr. Davis reported this matter was the developer's responsibility, but was taken care of by the City Manager and himself. The easements have been filed with the Pike County Court Clerk's Office.

Mr. Davis requested an executive session to discuss a pending lawsuit. John B. Johnson, City Manager, presented a request from Barry E. Dotson, & Associates, mall developer. According to the request, the developer feels the time constraint for the mall is of a critical nature and they have requested that the City Engineer be authorized to proceed with the design work for the off site utilities (water lines and tank, and sewer line) and road improvements (widening and improving Thompson Road). Commissioner Morris made the motion to authorize the City Engineer to proceed with the design work for the off site utilities and road improvements at the mall site. Commissioner Blankenship seconded the motion. In discussion, Commissioner Mounts expressed his concern should the mall project not proceed - ie the expenditure of City Funds thus far. There being no further discussion, the roll was called, and the motion carried unanimously.

It was recommended by the City Manager that the Commission consider purchase of a vehicle to be used by the Administration Department and himself while conducting City business. Mr. Johnson reported that a 1990 Ford, four door sedan could be purchased under state contract for \$12,890.00 and a delivery charge of \$200.00. Mayor May reported that he has discussed this matter with the local Ford dealer with regard to purchasing the vehicle through the state purchase plan. The city can purchase the car for less than the Ford Dealer can buy it from the Ford Motor Company. Commissioner Blankenship made the motion to purchase the vehicle under the state purchase plan. Commissioner Morris seconded the motion. Upon call of the roll, the motion carried unanimously.

An Ordinance to increase the room tax rate from 1% to 3% was presented to the Commission for second reading. Mayor May reported that he has had

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discussions with the individual City Commissioners and with at least one of the largest hotel owners in Pikeville. The Mayor explained that the hotel owners concerns were some of the same as some of the Commissioners had with regard to the increase. In reading the ordinance that creates the Tourism Commission, the purpose of the Tourism Commission would be promoting the recreational, convention, and Tourist activities in the County and City. The Ordinance creating the Park Board sets out this Board's duties as being responsible for the care, management and control of the parks and playgrounds within the City and within the limit of their funds shall have control of all improvements and maintenance under the authority of KRS Chapter 97. The Mayor explained to Tourism Commission Chairman, David Stratton, that the concern is the room tax monies be used to promote tourism, not to construct. With reference to the Tourism Commission's proposed budget presented at the last City Commission Meeting, the Mayor agreed that the Overlook did require work, however, this construction needs to come under the purview of the Parks Board. Secondly, the Commission would like to review the Tourism & Recreation Commission budget. Mr. Stratton reported that he did not have a problem with the proposed promotion as discussed. He explained that the Tourism Commission had taken the philosophy that one of the goals they try to achieve is to develop projects for people to tour. The Mayor directed that any time that Mr. Stratton feels there are more monies than necessary being spent on the type of advertising than is beneficial and the Tourism Commission has a contribution to make to a City Project, to bring it to the Commission for their approval. It would be accepted in the form of a donation to the Parks Board and would be utilized under their supervision. Another concern heard from a Commissioner was that the County adopt a similar ordinance. The Mayor reported that he had discussed this matter with Judge Patton, who indicated the Fiscal Court would adopt the exact ordinance and all restrictions and penalties that apply in the City will apply in the County. Mr. Stratton advised the Commission that while no vote has been taken, the County has agreed with the concept of the Ordinance as presented to the City Commission. Sophia Hays, a member of the Tourism and Recreation Commission, agreed that promotion is needed, but asked if the City will be working toward any specific time in which to make the repairs to the Overlook. The Mayor reported this will be a top priority item, but the monies need to be found to do this project. Ms. Hays explained that she felt it would be taking from the City funds to do this type project when the Tourism Commission is willing to contribute their funds for this project. Ms. Hays reported that her main concern is the project not being done in a timely fashion. The Mayor reiterated the Commission's desire to see the room tax funds be used for promotion and advertising. Ms. Hays requested that a work session be scheduled between the Parks Board, Tourism & Recreation Commission and the City Commission. Commissioner Blankenship commented that the Overlook construction had been held up for over a year - it was under development, but was stopped. The Mayor called for second reading of the Ordinance. Commissioner Blankenship stated he wanted to make an amendment to the Ordinance to provide that section one of Resolution R-88-001 be added to the Ordinance and if this section is not adhered to, the Commission shall have the right to rescind the Ordinance. The Mayor commented that the City Commission has the right to rescind any ordinance. The City Attorney explained to the Commission that the Tourism Commission is not supposed to spend any money until their budget has been approved by the City Commission. Mr. Davis further explained that if the Tourism Commission does not comply with the Ordinance and Resolution, the Finance Director can be instructed to not forward any funds collected by the City. Any deviations from the budget, require approval by the City Commission. Mr. Davis told the Commission that the same idea cited by Mr. Blankenship can be taken care of through current resolutions, without having to make an amendment to the Ordinance. Mr. Stratton asked for direction on how to structure the budget for presentation to the Commission. The Commission stated they would discuss this matter when they met in work session with the Park Board and Tourism Commission. There being no further discussion, the City Attorney gave second reading to an Ordinance entitled:

AMENDMENT TO ORDINANCE ADOPTING 3% ROOM TAX FOR FUNDING OF TOURISM AND RECREATION COMMISSION

Commissioner Morris made the motion to adopt the Ordinance. Commissioner Mounts seconded the motion. There being no further discussion, roll call was taken with the motion carrying by the following votes:

Commissioner	Walter Blankenship	Yes
	Eugene Davis	Absent
	Frank Morris	Yes
	Johnny Mounts	Yes
Mayor:	Walter E. May	Yes

The Mayor reported that the City will have some money coming in that may be directed to pay for Overlook improvements. City Manager Johnson Johnson explained that the City takes part in a pool through the Kentucky League of Cities for Unemployment Insurance. There being a surplus in that fund, the

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City is scheduled to receive \$20,416.00 via a declared dividend.

The Mayor announced that Commissioners Davis and Mounts have resigned from the Parks & Recreation Board. Commissioner Davis was appointed as an ex-officio member of that Board to act as a liaison between the City Commission and the Parks Board. Mayor May commented that the Commission may also want to appoint an ex-officio member to serve on the Tourism & Recreation Commission.

Jenny Williams, Main Street Manager, advised the Commission that an ordinance needs to be adopted to establish species of street trees and creation of a board to oversee the project. Ms. Williams reported that she anticipates assistance from the Urban Forestry Division in street tree planting, planning and monetary assistance, however they will not assist unless the City has an adopted "tree ordinance". A booklet was distributed to each Commission Member explaining the Urban Forestry program. City Attorney Russell Davis, gave first reading to a tree ordinance in summarized form.

A resolution was presented to the Commission for consideration as follows:

ORDER OF THE CITY OF PIKEVILLE, KENTUCKY AUTHORIZING THE FILING OF A 1989 COMMUNITY DEVELOPMENT BLOCK GRANT ECONOMIC DEVELOPMENT JOINT APPLICATION WITH PIKE COUNTY FOR WATERLINE INSTALLATION TO MOUNTAINTOP BAKERY

WHEREAS, it is necessary and in the public interest that the City avail itself of the financial assistance provided by Title I of the Housing and Community Development Act of 1974, and the 1981 Amendments permitting the Kentucky Department of Local Government, Division of Community Programs, to commence a Community Development Program within the community; and

WHEREAS, it is recognized that the Federal/State contract for such financial assistance pursuant to said Title I will impose certain obligations and responsibilities upon the City and will require among other things:

(1) approval of a satisfactory application transmitted to the Kentucky Department of Local Government, Division of Community Programs;

(2) certification by the City relating to activities such as civil rights, citizen participation, relocation payments, acquisition of properties, national environmental policies, and accounting practices; and

(3) other local obligations and responsibilities in connection with the undertaking and carrying out of the Kentucky Community Development Block Grant Economic Development Program; and

WHEREAS, in those areas where acquisition and clearance is proposed, the objectives of the program cannot be achieved through more extensive rehabilitation, and a displacement strategy has been formulated;

NOW, THEREFORE, be it ordered by the City of Pikeville:

(1) that the United States of America and the Commonwealth of Kentucky be, and hereby are, assured of full compliance by the City with certification relating to all regulations and administration of Civil Rights Act, citizen participation, relocation payments, acquisition processes, accounting procedures, the Hatch Act, minimum wage and minimum hour provisions of the Fair Labor Standards Act, and all requirements of the National Environmental Policy Act of 1968.

(2) that the Mayor is authorized and directed to prepare such certification and to assure full compliance with all certifications as outlined in (1) above, and all other pertinent regulations.

(3) that an application on behalf of the City for a grant of up to \$1,000,000 of said Title I funds is hereby approved and that the Mayor is hereby authorized to execute and file such application with the State Department of Local Government, to provide such additional information and to furnish such documentation as may be required, and to act as the authorized correspondent of the City relating to the Kentucky Community Development Block Grant Economic Development Program.

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/s/ Walter E. May
Mayor

/s/ Karen W. Harris
Attest

City Engineer Jack Sykes explained that this resolution provides for filing the application for funding for the proposed 16" waterline installation.

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Commissioner Morris made the motion to adopt the Resolution. Commissioner Blankenship seconded the motion. Upon call of the roll, the motion carried unanimously.

It was announced that the City Commission will meet in work session on March 14, 1990 at 4:30 p.m. in the City Hall Public Meeting Room to discuss the Capital Improvements Plan with the City Engineer.

The Mayor announced that there will be a ribbon cutting ceremony at 11:00 a.m. on March 13, 1990 at the T-Shirt Factory on the South Mayo Trail.

Reports from the Parking Violations Office and from Professional Services Group, Inc. were presented to the Commission. There being no questions or discussion, the reports were accepted as presented.

Leon Huffman addressed the Commission relative to three state meetings scheduled in Pikeville on May 12th, May 24th & 25th, and August 12th. According to Mr. Huffman there will be about 400 visitors at the meeting on May 12th. He asked for designation of parking on this date. The Mayor assured Mr. Huffman every effort would be made to designate an area to accomodate the group.

Commissioner Morris made the motion, seconded by Commissioner Blankenship to adjourn to an executive session for the purpose of discussing a contract negotiation matter with the City Engineer and a pending legal matter with the City Attorney. Upon call of the roll, the motion carried unanimously.

Commissioner Blankenship made the motion, seconded by Commissioner Morris to reconvene to regular session. Upon call of the roll, the motion carried unanimously.

The Mayor announced the Commission had a recommendation in closed, executive session that the City hire the firm of Camp, Dresser, & McKee, Inc. to make the determination to see if the City has grounds for legal action with regard to the design and construction of the Water Treatment Plant facilities. Cost estimate is \$8,000.00. Commissioner Mounts made the motion to hire the firm of Camp, Dresser, & McKee, Inc. for the purpose of evaluating the Water Treatment Plant facilities. Commissioner Blankenship seconded the motion. Upon call of the roll, the motion carried unanimously.

There being no further business to come before the Commission, Commissioner Blankenship made the motion, seconded by Commissioner Morris to adjourn the meeting. Upon call of the roll, the motion carried by a unanimous vote.

The City Commission's next scheduled meeting is March 26, 1990 at 7:00 p.m. in the City Hall Public Meeting Room at 260 Hambley Boulevard.

APPROVED

Walter E. May
WALTER E. MAY, MAYOR

ATTEST:

Karen Harris
KAREN HARRIS, CITY CLERK