

MINUTES } CITY OF PIKEVILLE

Regular Meeting - March 26, 1990

The City of Pikeville Board of Commissioners met in regular session on Monday, March 26, 1990. The meeting was held in the City Commission's regular meeting place 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 at 7:00 p.m. Commission Members present upon call of the roll were as follows:

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

Under Agenda Item II, Call of the Agenda, the Mayor reported that he had a nomination to the Park Board to bring before the Commission. This item was labeled Agenda Item IV, B.

MINUTES - AGENDA ITEM III.

The minutes for the previous regular meeting of March 12, 1990, were included in each Commission Member's agenda package. There being no additions or corrections to make to the minutes, Commissioner Blankenship made the motion, seconded by Commissioner Mounts to approve the minutes as circulated. Upon call of the roll, the motion carried unanimously.

BUSINESS FROM THE FLOOR - AGENDA ITEM IV.

IV. A. NORTHGATE APARTMENTS: Executive Director of the Housing Authority, Pat Wagner, was not present to discuss this item. The matter was deferred to later in the Agenda when Ms. Wagner arrived.

IV. B. PARKS BOARD: Mayor May nominated Hugh B. Hall, Jr. as an appointment to the Parks Board. Commissioner Davis made the motion, seconded by Commissioner Blankenship to approve the Mayor's nomination of Hugh B. Hall, Jr. to serve as a member of the Parks Board. Upon call of the roll, the motion carried unanimously.

PAYMENT OF CITY BILLS - AGENDA ITEM V.

A list of City Bills totaling \$114,668.34 was presented to the Commission for approval of payment. Upon the City Manager's recommendation that the bills be approved for payment, Commissioner Morris made the motion, seconded by Commissioner Mounts to approve payment of the City Bills as submitted, totaling \$114,668.34. Commissioner Mounts questioned if the City is paying for the street lighting at the Northmonte Subdivision. City Manager, John Johnson, reported that this matter had been taken care of. The City is paying only for the first six street lights to this subdivision. The Mayor reported that he has asked the City Manager to talk to the Kentucky Power Company about bringing uniformity to the street lights. It was explained there are areas in the City Limits where the street lights do not match, along with some areas on the Bypass where additional street lights are needed. Upon call of the roll, the motion to approve payment of the City Bills carried by a unanimous vote.

OLD BUSINESS - AGENDA ITEM VI.

VI. A. CITY ENGINEER'S REPORTS: Jack Sykes, representing Summit Engineering, City Engineers, gave each Commission Member a status report on the projects currently under construction.

1. Wastewater Treatment Facilities: It was reported that there is a second sub-contractor, Polley & Trent Company, on the site. Polley & Trent will be doing all the yard piping. The Thompson Road contractor is still removing some fill materials from the site.

2. Thompson Road Repair Project: Mr. Sykes reported that the contractor is moving slowly with this project. Attached to the status report were two notices where the engineers have called Mr. Templeman's attention to the fact that calls are being received with regard to the delays on the project and requesting that he complete the project. The Commission authorized the Mayor to write a letter to Mr. Templeman bringing to his attention the Commission's concern for the delay in completing this project in a timely manner.

3. Downspouts: Mr. Sykes prepared a report which was distributed to the Commission with regard to downspout connections to the Pikeville Sewer System. Basic calculations estimate an average of \$273.05 per year per roof to transport and treat the run-off. There are approximately 163 roof drains

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attached to the sanitary system which would result in an approximate cost of \$44,507.15 per year to treat. It was reported that there is an ordinance on file which prohibits any new buildings from connecting roof drains into the sanitary system. The Mayor instructed that the Building Inspector be directed to enforce the ordinance.

4. Water Tank & Transmission Line: The design on the 16" water line and 1 million gallon water tank is proceeding. The City's grantsman has indicated that the City is about 30 days away from receiving approval of funding for this project. Mr. Sykes assured the Commission that the design would be complete by the time funding is approved.

VI.B. CITY ATTORNEY'S REPORTS: City Attorney Russell Davis, Jr. gave second reading to a summary of a TREE ORDINANCE. Commissioner Morris made the motion, seconded by Commissioner Blankenship to adopt the Ordinance as presented. Prompted by a question from Commissioner Davis, the Mayor explained that the Ordinance was requested by the Main Street Program Director. According to Ms. Williams, the adoption of the Ordinance qualifies Pikeville to receive grant funds for the purchase of trees or will enable the City to obtain free trees from the Urban Forestry Department. Upon call of the roll, the motion to adopt the TREE ORDINANCE carried by the following votes:

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| COMMISSIONER: | WALTER BLANKENSHIP | YES |
| | EUGENE DAVIS | YES |
| | FRANK MORRIS | YES |
| | JOHNNY MOUNTS | YES |
| MAYOR: | WALTER E. MAY | YES |

First Reading was given to two ordinances captioned as follows:

ORDINANCE PROVIDING FOR THE REGULATION AND ABATEMENT OF UNSAFE OR UNFIT HOUSING AND RENTAL DWELLINGS, DILAPIDATED HOUSING PUBLIC AND ENVIRONMENTAL NUISANCES INJURIOUS TO THE PUBLIC AND ABATEMENT THEREOF

The City Attorney explained that the above captioned Ordinance is an amendment to an existing Ordinance. The amendment consists of a provision to allow specific fines for violations and provides for a hearing before a hearing officer if the property owner desires to contest the existence of a violation. The Commission discussed the fines to be established by the amended ordinance. Mr. Davis reported that the basic fine is \$25.00 for every violation with the exception of dilapidated housing which carries a \$50.00 fine. Discussion continued concerning the enforcement of the Ordinance.

and

PARKING CITATION ENFORCEMENT ORDINANCE

Mr. Davis reported that the Ordinance is derived from a Kentucky Statute which allows the City to establish a hearing process for violations of the parking ordinances. By this statute deadlines are set for time frames to appeal notices of parking violations. It was further explained by the City Attorney that in addition to the establishment of a hearing process, a provision has been added for the use of an immobilizing device used primarily to collect overdue parking tickets. Mr. Davis indicated that once an individual owes more than ten dollars, outstanding for more than 30 days, that the traffic control officer can attach an immobilizing device on the drivers' side, front tire of the vehicle. Mr. Davis pointed out that the City is not limited to restricting movement of the vehicle by an immobilizing apparatus, but also has the option of towing the vehicle.

The City Attorney advised that a work session is needed to discuss pending litigation concerning the Lindsey Case.

Judy Walters approached the Commission seeking approval of a development plan for the property located at Hambley Blvd. and Fourth Street (Greer Herb House). The City Attorney reported that the City's agreement with the Walters' provides that an easement would be conveyed for the grass strip in front of the building, but when the plans were finalized, she should get Commission approval of the permanent improvements she proposes. Ms. Walters displayed a plan of a 6' X 9' platform which comes out the center door of the building, steps going down both sides, awnings on the front windows and over the door. There are two light fixtures on brick columns proposed for each side of the steps. It was requested that the Commission allow the placement of a sidewalk from the steps. The sidewalk would come within the 4 foot easement retained by the City. Ms. Walters reported that she would be responsible for keeping the area mowed and landscaped. The City Engineer advised that a record should be kept depicting the location of where the underground utilities are buried should the storm drain need to be serviced. The Mayor instructed Ms. Walters to place this record on file with the City Engineer. Commissioner Blankenship

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made the motion to accept the development plan as proposed by Ms. Walters. Commissioner Morris seconded the motion. Upon call of the roll, the motion carried unanimously.

Water Purchase Contract: The City Attorney presented an amendment to the water purchase contract and memorandum of agreement providing for the sale of water to the Mountain Water District. The City Engineer reported that the only deviation in the terms the City had previously agreed to was the word "equal" was changed to "equitable". The City Attorney confirmed that the Umbaugh formula is incorporated in this amended agreement. The initial term of the agreement was for a 40 year period commencing January 12, 1987. The amended agreement extends the initial term an additional seven years. Commissioner Morris made the motion to approve the amendment as presented. Commissioner Blankenship seconded the motion. Upon call of the roll, the motion carried unanimously.

NORTHGATE APARTMENTS Agenda Item IV.A.

Pat Wagner, Executive Director of the Housing Authority, advised the Commission that several months ago the Housing Authority submitted plans for Phase II Housing at the Northgate Complex. The plans depicted 25 water meters and 7 taps. Based on the plans, the budget for the project was submitted to HUD for approval. Ms. Wagner reported that she has been advised by City personnel that 25 meters and 25 taps must be installed, which would cost additional funds that were not included in the project's budget. Ms. Wagner also voiced her objections to having the meters installed in "gang" boxes in front of the apartment complex. Jim Spurlock, representing PSG, commented that the meter installation is approximately 90% complete at this time. It was further explained that the water meters are located at the property line to eliminate searching for and repairing water leaks on private property. With regard to the boxes being installed in front of the complexes, Mr. Spurlock explained to Ms. Wagner that the boxes would be finished to conform to the final contour of the ground, thus making the top of the box even with the ground. This method of installation was satisfactory with Ms. Wagner. With regard to the additional taps, Ms. Wagner was advised that the City has an Ordinance which provides that each dwelling must have a separate water tap. There being no further discussion on this matter, Ms. Wagner presented a check to the City for payment in lieu of taxes (PILOT) for fiscal year 1989 in the amount of \$21,510.66.

VI.C. CITY MANAGER'S REPORTS

City Manager, John B. Johnson, presented a request to the Commission from Jerry Vaughn, Director of the Industrial Development and Economic Authority. It was requested that the City remit their allocation on a monthly basis instead of quarterly. It was further requested that the Commission pass a resolution allowing the monies to be paid monthly without City Commission approval since it is budgeted and a fixed amount. Mr. Johnson reported that the City has allocated approximately \$36,000.00 per year to IDEA. Commissioner Morris made the motion to allow the allotment to be paid on a monthly basis. Commissioner Blankenship seconded the motion. Upon call of the roll, the motion carried unanimously. Commissioner Mounts made the motion to pass a resolution to authorize payment be made to the IDEA Board on the first of each month. Commissioner Morris seconded the motion. The Mayor requested that the resolution be amended to provide that the expenditure be reported to the Commission. Commissioners Mounts and Morris agreed to the amendment. Upon call of the roll, the motion carried unanimously.

Mr. Johnson reported that he has received a request for the placement of a traffic control device (speed bumps) for Reedale Road in the Fairview Addition. The City Manager advised the Commission that he had directed the Chief of Police to talk with the residents of the area in an effort to determine if the majority wanted the traffic control device. A petition was presented to the Chief of Police bearing 86 names out of the 116 residents in favor of the speed bumps. Mr. Johnson reported that the previous Commission had directed that the Chief of Police be responsible for determining the need and causing the placement of speed bumps. It was requested that the Commission give an indication if the present legislative body was of the same philosophy. It was the consensus of the Commission that once the Chief of Police receives a request for speed bumps, that the City Engineer be advised, with both the Chief of Police and City Engineer jointly bringing the request to the City Commission with a recommendation. The City Engineer was asked to review the request for a speed bump at Reedale Road with the Chief of Police and bring a recommendation to the Commission at the next meeting.

Mr. Johnson advised the Commission that he has obtained two quotes for the repair of the roof on the two City Hall buildings. A local firm has quoted \$40,000.00 to replace the roof. A company from Huntington, W.VA. was contacted who have agreed to repair the roof for \$6,400.00 and extend a one year warranty on all workmanship. References on this company were checked with favorable results. Commissioner Mounts requested that the repairs be

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inspected. The City Engineer was designated as the inspector. Mr. Johnson was given the authority to contract for the repairs since the amount falls within the \$7,500.00 limit.

The Mayor announced the following scheduled meetings:

Clean Up Campaign Captains on Wednesday, 7:30 pm, March 28, 1990 at City Hall.

Pikeville Lake Clean up will begin on Saturday, March 31st. Volunteers are needed to meet at the Department of Transportation at 9:00 a.m.

March 27th, 4:30 p.m. a work session has been scheduled between the City Commission, Tourism & Recreation Commission and Park Board. The meeting will be held at City Hall.

March 28th, 4:30 p.m. a work session has been scheduled with the City Engineer and the City Commission to discuss the Capital Improvements Plan.

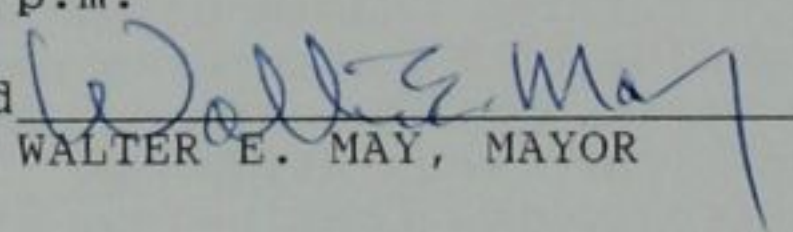
At 8:25 p.m., Commissioner Davis made the motion, seconded by Commissioner Blankenship to adjourn to a closed executive session for the purpose of discussing a personnel matter and an impending legal matter. Upon call of the roll, the motion carried unanimously.

The motion to reconvene to regular session was made by Commissioner Davis and seconded by Commissioner Blankenship at 9:30 p.m. Upon call of the roll, the motion carried unanimously.

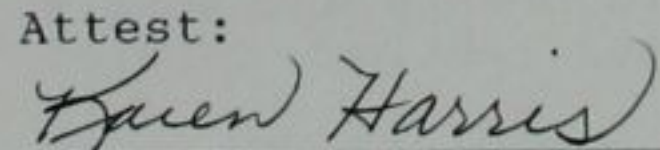
The Mayor announced that the Commission agreed to a settlement of an impending lawsuit. The City Attorney reported that the Lindsey & Elliott Company has agreed to sell natural gas to the City of Pikeville at a rate 20% lower per MCF than the City purchases natural gas from Columbia Transmission per MCF. The City will honor the previous pecking order for gas purchases that was established by a 1955 lawsuit. Lindsey & Elliott have agreed to release the City of Pikeville from all claims for damages for violation of the pecking order up to the date of the agreed order that will be signed confirming the deal. The City of Pikeville will agree to permit Lindsey & Elliott to drill additional gas wells on the tracts that they currently have existing gas wells on, but the purchase from those gas wells will be at the bottom of the pecking order. The Mayor announced that the Commission will take under consideration a request from Lindsey & Elliott to transport gas to the Methodist Hospital. The City Attorney reported that this decision will be reduced to writing and will be brought back to the Commission for approval.

There being no further business to come before the Commission, Commissioner Morris made the motion, seconded by Commissioner Blankenship to adjourn the meeting at 9:36 p.m. Upon call of the roll, the motion carried unanimously. The City Commission's next scheduled meeting is April 9, 1990, in the City Hall Public Meeting Room at 7:00 p.m.

Approved


WALTER E. MAY, MAYOR

Attest:



KAREN HARRIS, CITY CLERK