

MINUTES } CITY OF PIKEVILLE

Regular Meeting Minutes - April 9, 1990

The City of Pikeville Board of Commissioners met in regular session on Monday, April 9, 1990. 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 at 7:15 p.m. Commission Members present upon call of the roll were as follows:

MAYOR:	WALTER E. MAY
COMMISSIONERS:	WALTER BLANKENSHIP
	EUGENE DAVIS
	FRANK MORRIS

Commissioner Mounts arrived at approximately 7:35 p.m.

Under Agenda Item II., CALL OF THE AGENDA, there were no additions or deletions to the prepared agenda.

AGENDA ITEM III. MINUTES

The minutes for the previous regular meeting of March 26, 1990 were included with each Commission Member's agenda package. There being no additions or corrections, Commissioner Blankenship made the motion, seconded by Commissioner Morris to approve the minutes as circulated. Upon call of the roll, the motion carried 4 - 0 (Commissioner Mounts not present at the time of the vote).

AGENDA ITEM IV. BUSINESS FROM THE FLOOR

Jack May, a resident of Third Street, reported to the Commission that he owns a house on Second Street which is in need of a front porch replacement. Mr. May asked if he would need a permit to repair the porch. The City Attorney reported a permit would be necessary and explained that if any contractor does work within the City Limits, he is required to obtain a permit. Mr. May advised that he would be doing the work himself. The City Attorney advised Mr. May to contact the Building Inspector. Mayor May was unsatisfied with the answer the City Attorney gave to Mr. May and indicated to Mr. May that he would get an answer to him on whether he would have to purchase a permit. Mr. May spoke with regard to the recently adopted Tree Ordinance. Mr. May indicated that he had planted trees on the area in front of his house and the street. He told the Commission that if the trees are removed that he would no longer mow that strip. The City Attorney reported that areas where trees are currently planted would conform (grandfather rule) to the plan. Mayor May explained that the Tree Ordinance was adopted for the purpose of qualifying for aid and assistance from the Urban Forestry Division for beautifying the City, but in order to receive the monetary assistance and other aid, an ordinance had to be adopted to create a Tree Board providing for the care and maintenance of those trees. The Ordinance has effect only on public property. Mr. May's third point was with reference to the intent of the Commission to adopt a Parking Citation Enforcement Ordinance which would create the position of a hearing officer. Mr. May asked if the hearing officer would be compensated by the taxpayers. Mayor May reported that the taxpayers pay for everything. Mayor May explained that the City of Pikeville has an ordinance which regulates the parking. It was reported that the City has no real way to collect tickets issued for improper parking. One reason is that there is a crowded District Court docket. A position of hearing officer can be created whereby the City can establish a "court" and compensate the officer with the fees collected from the people who pay the fines. Mr. May answered by saying his real complaint was that he had received a parking ticket for parking in a "loading zone" while he had delivered a piece of equipment to be repaired. The City Attorney explained that the concept of a loading zone is for delivery trucks whose companies have purchased loading permits. Commissioner Morris advised the Commission that Mr. May's ticket was not processed.

Jack Page addressed the Commission on behalf of W. W. Lindsey and W. E. Elliott, Jr. Mr. Page asked if the agenda included the settlement matter. Mayor May reported that since the matter involves a legal contract for settlement of a lawsuit, the matter will be discussed in closed executive session at the end of the meeting.

AGENDA ITEM V. PAYMENT OF CITY BILLS

A listing of City Bills totaling \$241,107.01 was presented to the Commission for approval of payment. Upon the City Manager's review and recommendation that the bills be approved as presented, Commissioner Morris made the motion, seconded by Commissioner Blankenship to approve payment of the City Bills totaling \$241,107.01. Upon call of the roll, the motion carried 4 - 0 (Commissioner Mounts not present at the time of the vote).

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AGENDA ITEM VI.

OLD BUSINESS

A. CITY ENGINEER'S REPORTS: Jack Sykes, representing Summit Engineering, gave a progress report of ongoing City Projects:

1. 16 inch Water Line and Storage Tank: Mr. Sykes reported that the design is proceeding on the 16 inch water transmission line. It is estimated that the design phase is approximately 85% complete. The design on the water tank is about 60% complete.

2. Offsite Utilities: Mr. Sykes advised the Commission that he is working on the offsite utilities to support the mall project. They are approaching the point where a work session will be needed to discuss the alternatives relative to the road and water line, as well as other matters. Mr. Sykes reported that he would like to arrange the work session to allow input from the developer. Correspondence has been sent to the Sandy Valley Water District requesting their participation in the construction of a larger water tank adjacent to the mall site. No response has been received.

3. Reeddale Road Speed Bumps: The Commission requested Mr. Sykes, at the last regular meeting, to look at Reeddale Road in relation to the installation of speed bumps. Mr. Sykes presented each Commission Member with a map depicting the five proposed speed bumps. The Mayor requested that the City Manager and City Engineer work together on future speed bump requests and take the appropriate action.

4. Wastewater Treatment Plant: After a survey done over the weekend, it was decided the contractor still needed to do more earthwork on the site. The contractor is presently waiting on the chlorine contact basins which are on rail somewhere between here and Texas. Mr. Sykes presented two letters relative to the release of funding for the Wastewater Treatment Plant. The first letter was from Bill Gatewood, Construction Grant Branch of the Division of Water, to Don Morse of KIA. The next to the last paragraph says that the City must pass some type of rate increase ordinance or must provide alternate means of financing for the Wastewater Plant before funds can be released. The other letter is from Ramona Newman of the Division of Community Programs to Don Morse. Ms. Newman's recommendation to Mr. Morse is that he work with the City to release the funds.

5. Thompson Road Project: It was reported there was a walk through of this project last week with the contractor, Commissioner Blankenship and City Manager, John Johnson. A check list of remaining items to complete was compiled. There is a portion near the ballfield that could use some more fill, however the road is passable. Mr. Sykes advised that he thinks there is enough material available for the fill with the additional cut the contractor needs to make at the Wastewater Treatment Plant site.

B. CITY ATTORNEY'S REPORTS: City Attorney, Russell Davis, Jr., presented two Ordinances for second reading.

Ordinance O-90-007 was given second reading in summarized form. The Ordinance was 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

Commissioner Blankenship made the motion to adopt Ordinance O-90-007 as read. Commissioner Davis seconded the motion. Upon call of the roll, the motion carried by the following votes:

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

Ordinance O-90-008 was presented and read in summarized form. The Ordinance was captioned as follows:

PARKING CITATION ENFORCEMENT ORDINANCE

Commissioner Morris reported that he has spoken with a few of the merchants who have expressed their opposition with regard to the proposed ordinance. Commissioner Morris requested that adoption be postponed until the merchants can discuss this ordinance among themselves and with the City Commission. Mayor May called attention to the fact that no representatives of the Merchants Association were present to address this matter. Commissioner Morris advised that the merchants contend that the provisions of the Ordinance will deter business. Commissioner Morris further expressed his view that the Ordinance was necessary, however he felt the merchants should

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be given the opportunity to discuss their views with the Commission. Commissioner Blankenship made the motion to adopt Ordinance O-90-008 as presented and read. Commissioner Mounts seconded the motion. In discussing the merchants opposition to the ordinance further, Commissioner Morris reported that the merchants fear that the immobilizer device will frighten away business. City Attorney, Rusty Davis, reported that the Ordinance provides that the immobilizer device will only be used when parking tickets total over ten dollars and are outstanding for more than 30 days. There being no further discussion, the motion carried by the following votes:

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

The City Clerk was directed to not publish Ordinance O-90-007 and O-90-008 until such time as the hearing process is implemented and the tickets and notices are prepared to reflect the change in procedure.

The City Attorney requested to discuss an impending legal matter in closed executive session.

C. CITY MANAGER'S REPORTS: City Manager, John Johnson, brought several items before the Commission for consideration:

1. Wastewater Plant Construction Contract: Presented for approval was amendment #2 to PSG's Construction Contract for the Wastewater Plant Project. Mr. Johnson explained that since the State has not released the funds, PSG proposes to finance the project as it proceeds. It is expected that the City will receive the first invoice around May 1st. Payment will be due within 30 days. The amendment provides that the balance due will accrue interest at the prime rate plus 1 1/2%. Commissioner Morris made the motion to approve Amendment #2 to the Wastewater Plant Construction Contract. Commissioner Blankenship seconded the motion. Upon call of the roll, the motion carried unanimously.

2. Notice to Proceed: The City Manager presented for approval a Notice to Proceed to PSG for phase II of the Wastewater Construction Contract which is the actual construction of the Wastewater Treatment Plant. The site work is expected to be completed around May 1st. The plant is in transient and PSG is ready to implement the actual construction. Commissioner Morris made the motion to issue the Notice to Proceed to PSG for the Wastewater Plant Construction. Commissioner Davis seconded the motion. Upon call of the roll, the motion carried by a unanimous vote.

3. Right-of-Way: Mr. Johnson reported that he has conversed with Joe Justice, Chairman of the Library Board, who indicated that the Library Board has not met to consider the City's request for conveyance of right-of-way for the purpose of widening Elm Street. It is expected that the Library Board will meet within the next few weeks.

4. 911 System: The City Manager announced that a meeting was had last week with "911" representatives where the need was discussed for the City to adopt a resolution asking the Postal Service to revise the street addresses in the City to make sure there are no duplicate numbers and that they are properly spaced according to "911" specifications. It was also discussed that the City needs to adopt an Ordinance making it mandatory that all houses have street numbers that are visible. Fire Chief, Robert Courtney, advised the Commission that Paintsville has an Ordinance of this type in effect, however he has not yet had the opportunity to review the Ordinance. Commissioner Mounts made the motion to adopt a resolution directing the Fire Chief and Police Chief to continue with their efforts in trying to secure the "911" emergency service for the City of Pikeville and further authorized the Mayor to send a letter to the Postal Service for the purpose of making sure that the street addresses in the City meet the standards as required. Commissioner Blankenship seconded the motion. Upon call of the roll, the motion carried unanimously. The City Attorney was directed to determine if an Ordinance is needed with regard to setting a size on the street address numbers and placement on the houses.

5. Surplus Equipment: Mr. Johnson told the Commission that he has a report from Clifford Collins of Professional Services Group relative to surplus equipment at the Public Works Headquarters. The equipment consists of a 1980 Chevrolet 3/4 ton truck plus old cabs and chassis. Mr. Johnson requested that the Commission make a determination of the method for disposal of this surplus equipment. The City Attorney reported that the City should advertise for bids. Commissioner Davis made the motion to advertise for bids the disposal of the surplus equipment as defined and to instruct the City Manager to accept the highest bids. Commissioner Mounts

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seconded the motion. Upon call of the roll, the motion carried unanimously.

AGENDA ITEM VI

NEW BUSINESS

A. EARTH DAY: Presented to the Commission was a resolution designating and proclaiming April 22, 1990 as Earth Day. Commissioner Blankenship made the motion to adopt the Resolution. Commissioner Morris seconded the motion. During discussion, the Mayor was given authority to sign all proclamations without bringing the matter before the Commission for approval. Upon call of the roll, the motion to adopt the Earth Day, 1990 Resolution, carried by a unanimous vote.

B. TREE BOARD: The Mayor announced that he does not have five names to recommend to the Commission for appointment to this Board at this time.

AGENDA ITEM VII.

PERSONNEL ACTIONS

The City Manager requested a closed executive session to discuss a personnel matter.

At 8:05 p.m., Commissioner Davis made the motion to adjourn to a closed executive session for the purpose of discussing a personnel matter and an impending legal matter. Commissioner Blankenship seconded the motion. Upon call of the roll, the motion carried unanimously.

At 10:20 p.m., Commissioner Morris made the motion, seconded by Commissioner Blankenship to reconvene to regular session. Upon call of the roll, the motion carried by a unanimous vote.

City Attorney Russell Davis recommended that the City Commission enter into an agreed order of judgement whereby the dispute between W. W. Lindsey and successors and City of Pikeville, concerning gas purchases would be settled. Commissioner Morris made the motion to accept the City Attorney's recommendation. Commissioner Blankenship seconded the motion. Upon call of the roll, the motion carried unanimously. The City Attorney pointed out that a date needs to be set that the gas wells will be hooked back up to for the City to begin purchasing gas. The Mayor advised that the meters have been removed and a date will be set after discussing the matter with the Public Works Manager.

ANNOUNCEMENTS (10:25 p.m.)

The Mayor announced that there will be a dedication of the "Charles T. Smith" Fire Station on April 22, 1990 at 2:00 p.m. The public is invited to attend.

There will be an Earth Day observance following the Fire Station Dedication. The activities will take place in the City Park on April 22, 1990 at 3:00 p.m.

A progress report was given on the Clean-up Campaign.

ADJOURNMENT

There being no further business to come before the Commission, Commissioner Blankenship made the motion, seconded by Commissioner Davis to adjourn the meeting. The motion carried unanimously.

The City Commission's next scheduled meeting is April 23, 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