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Regular Meeting Minutes - April 23, 1990

The City of Pikeville Board of Commissioners met in regular session on Monday, April 23, 1990. The meeting was held in the City Commission's designated meeting place in the City Hall Public Meeting Room at 260 Hambley Boulevard in Pikeville, Kentucky.

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
COMMISSIONER:	EUGENE W. DAVIS
	FRANK MORRIS
	JOHNNY MOUNTS

Commissioner Walter Blankenship was absent.

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 April 9, 1990, were included in each Commission Member's agenda package. Commissioner Morris made the motion, seconded by Commissioner Mounts to approve the minutes as circulated. Upon call of the roll, the motion carried 4 - 0.

AGENDA ITEM IV BUSINESS FROM THE FLOOR

There were no items of business presented to the Commission for consideration from the citizenry of Pikeville.

AGENDA ITEM V PAYMENT OF CITY BILLS

A list of City Bills totaling \$110,099.25 was presented to the Commission for approval of payment. City Manager John Johnson confirmed that he had reviewed the bills and indicated the City has sufficient funds to make payment. Commissioner Mounts questioned the stone cost on Thompson Road. City Engineer Jack Sykes reported that the stone placed after the City took over the project was according to budget. \$75,000 was the budgeted amount for the entire project which included the contractor and the stone. Mr. Sykes advised that the contractor still has work to do on the project, however, there should be no additional stone to purchase. Commissioner Mounts made the motion to approve payment of the City Bills as presented totaling \$110,099.25. Commissioner Davis seconded the motion. Upon call of the roll, the motion carried unanimously.

AGENDA ITEM VI OLD BUSINESS

A. City Engineer's Reports: City Engineer, Jack Sykes, presented a verbal report of ongoing City Projects.

1. 16" Water Line & Water Storage Tank: The plans for the 16" water line and water storage tank are in presentable form. Mr. Sykes requested that a work session be scheduled with the City Commission and Mountain Water District to review the plans. The Commission scheduled the work session for Thursday, May 3, 1990 at 4:30 p.m.

2. Information Items: Mr. Sykes presented each Commission Member with a report of ongoing construction projects - Wastewater Treatment Plant and Thompson Road reconstruction. Commissioner Mounts expressed his opinion that the Wastewater Treatment Plant Project is not progressing as quickly as it should. Hal Williams of PSG reported to Commissioner Mounts that he was unable to address this observation, but would have Harold Hopkins, Project Manager, to explain the project's schedule. The Mayor directed Mr. Sykes to review the contract to determine if the schedule is being followed. Mr. Sykes commented that the contract only lists a final completion date, however during negotiation of the contract, PSG offered two to three schedules all dependent upon plan approval. Mr. Sykes indicated that during the Work Session held on the Public Utilities, a new schedule for the Wastewater Plant Project was asked for. Mr. Sykes advised that the Commission ask for an updated schedule of construction activities. The Mayor directed the City Engineer to write a letter to PSG to express the Commission's concern with regard to the work schedule and ask for a revised schedule.

a. Annual Water Tank Maintenance Plan: The documentation presented with the handout was actually a page taken from the Capital Improvements Plan. There are four water tanks that have been scheduled for repair/maintenance during the upcoming budget year. Two of the tanks are scheduled for interior wax - Peach Orchard and Road Fork -and the other two-

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Poor Farm and Foxcroft - exterior painting. Mr. Sykes advised that the Poor Farm and Foxcroft tanks have not been painted since their construction in 1979 and 1981, respectively. Mr. Sykes asked for Commission approval to advertise for bids for the maintenance/repair on the four tanks. It was explained that work would not begin on the tanks until the middle of June. The estimated total for repair/maintenance of the four tanks is \$23,000.00. Commissioner Morris made the motion, seconded by Commissioner Mounts to authorize the City Engineer to advertise for bids for the repair/maintenance of the four water storage tanks as specified. The City Manager advised the Commission that the monies for this project would be funded from the 1990-91 Budget. Upon call of the roll, the motion carried 4 - 0.

b. Water Treatment Plant Facility: Mr. Sykes advised the Commission that he has a letter from Camp, Dresser, & McKee with regard to the City's request for an evaluation of the Water Treatment Plant. Mr. Sykes requested that the Commission schedule a meeting where the Engineers (Camp, Dresser, & McKee) could meet in executive session with the Commission to discuss their findings.

B. CITY ATTORNEY'S REPORTS: City Attorney, Russell H. Davis, Jr. presented the following matters for consideration:

1. Main Post Office - Acquisition: Mr. Davis informed the Commission that he had received a phone call from the real estate division of the Post Office. Mr. Davis explained that the previous Commission signed an option agreement with the Post Office whereby the City agreed to give the Post Office a section of property behind the existing Post Office for development of a new facility. The City's property line runs from the center of the old river back toward the Highway Right-of-Way. The City obtained title to that property from the Highway Department. By a letter to the City Manager from Post Office, the City has been notified that the Post Office has done a title search and have come to the conclusion that the Highway Department only acquired a highway easement and if the property obtained was not used for a highway then it would revert to the previous owner (Huffman estate). Mr. Davis told the Commission that the Post Office has sent him a copy of the title opinion and he subsequently checked the opinion and also obtained a copy of the original deed of conveyance to the Highway Department. The deed specifies at the top of the page that the use is for highway purposes. The body of the deed reads as any other deed of conveyance. Mr. Davis reported that he has showed this deed to an attorney who works with the local title research firm. It was the opinion of this attorney as well as the other attorneys Mr. Davis showed the deed to that the City has title to the property. The Post Office, since they questioned the title, has asked that the City file a condemnation suit against the Huffman heirs, pay the cost of condemnation, and give the property to the Post Office. Mr. Davis explained another aspect of this matter is that the City has actually deeded this property to the Urban Renewal Agency after the present City Commission took office in an effort to settle a dispute. Mr. Davis mentioned that the Urban Renewal Agency should file the condemnation suit, should there not be a clear title to the property. Mr. Davis did not recommend this course of action. Instead, he recommended that the Commission authorize him to notify the Post Office stating that the City believes the title to be good. The Commission authorized Mr. Davis to send a letter to the Post Office to this effect.

2. Taxi Stand: The City Attorney presented an Ordinance providing that it is unlawful to park in Taxi Stands. Mr. Davis reported this Ordinance was to clarify the City's existing Ordinances, whereby the City Manager had the authority to establish Taxi Stands, however there is not an Ordinance saying it was a violation for any other vehicle to park in the designated spaces. Mayor May expressed that an agreement had been made with the Taxi operators whereby an area would be designated for them to wait on fares if they agreed to allow trucks to park and unload. The proposed Ordinance would prohibit the trucks to unload. The City Attorney suggested preparing an Ordinance making the designated area a combined Taxi Stand and Loading Zone with the Loading Zone use taking precedence over the Taxi Stand.

3. Parking Against Flow of Traffic: The City Attorney presented and gave first reading to an Ordinance as captioned:

ORDINANCE PROVIDING THAT IT SHALL BE UNLAWFUL FOR THE OPERATOR OF ANY VEHICLE TO STOP OR PARK A VEHICLE AGAINST THE FLOW OF TRAFFIC

The Ordinance will be on file in the Office of the City Clerk for public inspection.

4. Wastewater Disposal System: First Reading was given to an Ordinance entitled:

ORDINANCE PROVIDING FOR THE DISCONNECTION OF WATER SERVICES TO ANY PROPERTY WHICH IS REQUIRED TO BE CONNECTED TO THE PUBLIC WASTEWATER DISPOSAL SYSTEM

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The Ordinance will be on file in the Office of the City Clerk for a period of at least ten days for public inspection.

5. Parking Violation Fines: The City Attorney presented and gave first reading to an Ordinance which would establish the Parking Violation Fines for different offenses. The Ordinance was entitled:

ORDINANCE ESTABLISHING FINES AND PENALTIES FOR PARKING VIOLATIONS

The penalty fee of \$2.00 for tickets remaining unpaid after seven days of the issuance date was discussed at length. The City Attorney reread Section 3 of the Ordinance to provide that "any failure to pay the fine for each violation when due will result in an additional penalty of \$1.00 per day for each and every day for which the violation remains unpaid".

Commissioner Morris asked the Commission to consider offering amnesty for outstanding parking tickets which are issued prior to instituting the hearing officer process. It is proposed that anyone possessing a ticket for which a penalty is due, can pay the face amount of the ticket with no penalty. The amnesty does not apply to persons who the City has instituted legal action against for failure to pay parking tickets. The City Attorney was directed to prepare an Ordinance for the Commission's consideration later in the Agenda which would offer amnesty for a thirty day period.

Mr. Davis explained that he has prepared an Ordinance for consideration with regard to the Parking in an attempt to clarify an earlier Ordinance. He indicated the original ordinance was written to provide that once a designated two-hour parking space has been occupied, that if the vehicle left that parking space, the operator could not park in another space until an additional two hours had elapsed. Mr. Davis explained that the Ordinance was prepared in this manner to prevent business owners and their employees from monopolizing the parking spaces. It was the consensus of the Commission to develop a questionnaire and survey the downtown merchants, managers, or owners what they prefer ie-unlimited parking without tickets for overtime and other violations or patrolled parking. The business owners to be polled include those businesses located on Second Street, Main Street, and connecting streets in the downtown area. The Mayor indicated to the City Attorney that the survey would be done, then he would be authorized to draft an Ordinance accordingly. The Mayor advised the Commission that the questionnaire would be developed through his office thus affording each Commission Member the opportunity to view the survey sheet before it is taken to the business owners.

6. Loan Agreements: The agreements between the Kentucky Infrastructure Authority and the City of Pikeville for the loan monies for the Wastewater Treatment Plant Construction were presented for execution. Mr. Davis indicated to the Commission that he has reviewed the loan agreement and deems the agreement to be satisfactory. Mr. Davis explained that one of the hitches to the extensive time it has taken to get the loan proceeds released from the State is the mall project hasn't been definitely committed and the City's user fees aren't sufficient to pay the loan back. Mr. Davis indicated that a compromise has been reached in Frankfort through negotiations whereby the agreement has been changed to state that the City of Pikeville, for a limited period of time (about 1 1/2 years), can pay the bonds from General Fund proceeds. Commissioner Davis made the motion to approve the Kentucky Infrastructure Authority Loan Agreement and to authorize the Mayor to execute the loan agreement. Commissioner Mounts seconded the motion. Upon call of the roll, the motion carried by the following votes:

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

C. CITY MANAGER'S REPORTS: City Manager, John Johnson, explained to the Commission that Dr. Steven Shockey, a resident of the Cedar Creek Subdivision, has been experiencing a drainage and water pooling problem near his property. Mr. Johnson reported that he requested the City Engineer to look at the situation. Dr. Shockey explained that initially, all surface water was to drain into a large ditch. The Shockeys asked the Urban Renewal Agency for permission to fill their lot. Permission was granted with certain stipulations as to the size of the drain, which Dr. Shockey indicates were complied with. The lot was filled level with the street. The problem now is that the surface water drains to the side of the lot and pools in the street. Dr. Shockey commented that there is a culvert that runs under the street. It was requested that the City install a drain. City Engineer Jack Sykes reported that Dr. Shockey's description of the situation is basically accurate. Mr. Sykes explained that the earth fill placed over the culvert is higher than the street causing the ponding of water. A remedy to the problem would be to install a drop box catch basin

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in the edge of the street and tie in to the culvert. It is estimated that this method will cost \$2,000.00. Dr. Shockey indicated to the Commission that he has discussed this problem with the Urban Renewal Agency Board and they have advised that the Agency does not have the funds to correct the problem. Commissioner Mounts made the motion to ask the Chairman of the Urban Renewal Board to commit Urban Renewal funds in the approximate amount of \$2,000.00 to pay the expense of installing a catch basin for drainage in the Cedar Creek Subdivision. Commissioner Morris seconded the motion. Upon call of the roll, the motion carried by a 4 - 0 vote.

2. Hillbilly Days: The City Manager commended the Police Department, Fire Department, Parks Department and Public Works Department for a job well done during Hillbilly Days.

The City Manager was directed to compile a listing of expenditures for the Hillbilly Days event - ie - overtime costs and damages to City Property. The Commission discussed the condition the City Park was left in after the booths and stands were removed.

D. TREE BOARD: Mayor May offered the names of Marvin Hensley, Dawn Hutchinson, Kim Robinson, Kenny Blackburn, and Jeanine Owens to serve on the newly created Tree Board. Commissioner Morris made the motion, seconded by Commissioner Davis to approve the Mayor's nominations of the individuals to serve on the Tree Board. Upon call of the roll, the motion carried unanimously.

E. PARK BOARD: Mayor May recommended the name of Sharon Clark to fill the vacancy on the Park Board. Commissioner Morris made the motion, seconded by Commissioner Davis to accept the Mayor's recommendation of Sharon Clark to serve on the Park Board. Upon call of the roll, the motion carried unanimously.

AMNESTY: The City Attorney gave reading to an emergency Ordinance as entitled: (ORDINANCE # 0-90-009)

AN ORDINANCE GRANTING AMNESTY TO ALL PERSONS, FIRMS, OR CORPORATIONS OWING PARKING VIOLATION PENALTIES FOR A PERIOD OF THIRTY DAYS

An emergency was declared to exist with regard to the Ordinance in that a new Parking Citation Enforcement Ordinance has been adopted and the Commission is in the process of establishing that system and desires to extend amnesty to delinquent violators in an effort to encourage said violators to pay parking violation fines.

Commissioner Morris made the motion to declare the emergency with regard to Ordinance 0-90-009 and adopt said Ordinance. Commissioner Mounts seconded the motion. Upon call of the roll, the motion carried by the following votes:

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

At 8:25 p.m., Commissioner Mounts made the motion, seconded by Commissioner Morris to adjourn to a closed executive session for the purpose of discussing legal matters. Said legal matters were to hear an explanation from the City Engineer with regard to the analysis report prepared by Camp, Dresser, & McKee on the Water Treatment Plant Facility and a potential lawsuit. Upon call of the roll, the motion carried unanimously.

At 9:25 p.m., the motion was made by Commissioner Morris and seconded by Commissioner Mounts to reconvene to regular session. Upon call of the roll, the motion carried 4 - 0.

Mayor May announced that no action was taken in the executive session, however the Commission heard a lengthy report on possible legal action.

Mayor May read and signed a document proclaiming April 28, 1990 as Arbor Day.

There being no further business to come before the Commission, the motion to adjourn was made by Commissioner Morris and seconded by Commissioner Davis at 9:27 p.m. The motion carried by a unanimous vote.

APPROVED Walter E. May
WALTER E. MAY, MAYOR

ATTEST:

Karen Harris
KAREN HARRIS, CITY CLERK