

# MINUTES } CITY OF PIKEVILLE

11

## REGULAR MEETING - AUGUST 13, 1990

The City of Pikeville Board of Commissioners met in regular session on Monday, August 13, 1990. The meeting was conducted in the City Commission's regular meeting place in the City Hall Public Meeting Room at 260 Hambley Boulevard.

Mayor Walter E. May presided. There being a quorum present, the meeting was called to order at 7:10 p.m. Commission Members present upon call of the roll were as follows:

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

Commissioner Eugene Davis was absent.

### AGENDA ITEM II.

### CALL OF THE AGENDA

Commissioner Blankenship requested that the Commission discuss a roadway which has been established off Lorraine Street. The item was added to Agenda Item V. - City Engineer's Reports. Added to the City Attorney's Report as item 7, was discussion for a possible extension of Hambley Boulevard.

### AGENDA ITEM III.

### MINUTES

The previous regular meeting minutes of July 23, 1990 were included in each Commission Member's agenda package for consideration. There being no additions or corrections, Commissioner Blankenship made the motion, seconded by Commissioner Mounts to approve the minutes as submitted. Upon call of the roll, the motion carried 4 - 0.

### AGENDA ITEM IV.

### BUSINESS FROM THE FLOOR

No matters were brought before the Commission for discussion.

### AGENDA ITEM V.

### PAYMENT OF BILLS

A. CITY BILLS: Presented to the Commission was a list of City Bills totaling \$65,043.18 for approval of payment. City Manager, John Johnson, requested that an invoice from Superior Paving in the amount of \$120.12 for paving in Ivy Court be added to the list of bills. Commissioner Blankenship commented that he has been advised that there is a bill from Professional Services Group for approximately \$120,000 for cost overruns in the maintenance and operation of the public works systems. The City Manager reported that the Finance Department is in the process of reviewing the bill to verify the charges. Commissioner Blankenship commented that the bills should be paid on a monthly basis instead of allowing the bills to accrue. Mr. Johnson reported that since Bill Harless has assumed the position of public works manager, the invoices have been submitted on a monthly basis. Upon the City Manager's verification that monies were available to make payment of the bills, Commissioner Blankenship made the motion to approve payment of the City Bills totaling \$65,163.30. Commissioner Mounts seconded the motion. Upon call of the roll, the motion carried 4 - 0.

### AGENDA ITEM VI.

### OLD BUSINESS

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

1. Industrial Rubber Sewer Line Extension: The project design is complete. Applications have been submitted to the Department of Transportation for an encroachment permit and to the Division of Water for project approval. The Department of Transportation has granted an encroachment permit, however the Division of Water has not responded. Mr. Sykes reported that an easement agreement has been negotiated with the property owner. City Manager, John Johnson, requested an executive session to discuss the easement negotiation.

2. 16 inch Water Line: Mr. Sykes advised that he has spoken with the funding agents. It was indicated that the committee has not met for the last sixty days, but advised that when the committee meets they will consider the project. It is expected that the funding committee will meet within the next 30 days. The project is ready to be



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advertised for bid.

3. Wastewater Plant: Mr. Sykes gave each Commission Member a written status report relative to the construction at the Wastewater Treatment Plant. Mr. Sykes advised the Commission that the project is proceeding on schedule.

4. Housing Rehabilitation Handbook: This handbook was developed in an effort to make consistent decisions with regard to enforcement of the dilapidated housing ordinance and to establish procedures that would stand up in court. Each Commission Member received a copy of the handbook for review. Mr. Sykes suggested that the Commission meet in work session for further discussion. City Attorney, Rusty Davis, advised that he had reviewed the handbook and indicated that the procedure established is satisfactory. Mr. Davis recommended the Commission to adopt the handbook by Ordinance. Mayor May recommended that each Commission Member review the handbook and if they had any questions a work session would be scheduled, otherwise, an ordinance would be presented adopting the handbook.

5. Water Tank Painting: Mr. Sykes advised the Commission that bids were opened for the painting of three water tanks. A written summary was presented to each Commission Member. The low bid for all three tanks was submitted by W & O Construction Company. The low bid for painting the Poor Farm Tank inside and outside was \$15,860.00- which includes stripping the paint, doing the necessary welding repairs, and repainting. The same type of work is planned for the Foxcroft Tank which received a low bid of \$16,360.00. The Peach Orchard Tank was bid to receive a wax treatment to the interior at \$9,500.00. Total bid is \$41,720.00. The amount budgeted for the water tank maintenance is \$23,000.00. Mr. Sykes advised that approximately \$5,500.00 of the total bid is to supply a 10,000 gallon alternate water supply during tank painting. Mr. Sykes informed the Commission that he is researching the possibility of purchasing a 10,000 gallon skid tank for alternate water supplies during future water tank maintenance. The bid is in effect for 95 days, however Mr. Sykes advised that the maintenance be done before the beginning of cold weather. The City Manager requested the Commission delay awarding the bid until he has sufficient opportunity to review the finances to determine if monies are available to do all three tanks. Mr. Sykes indicated he would check with Willie Brown of PSG to see if he has a priority listing for the water tank painting.

6. Harolds Branch Road: The problem stems from a 10 inch drain in the road which will not carry all the surface runoff thus causing erosion. Mr. Sykes indicated that the majority of the runoff is coming from surface mining that has occurred in the past. Mr. Sykes reported that he has done a drainage calculation and reported that a minimum of a 24 inch drain is required to handle all the drainage coming out of the hollow. The engineer's estimate for the project was \$7,080.00. The City Manager has talked with Clyde McCain of M & S General Contracting, who has agreed to do the project for \$5,612.00 if the City purchases the pipe. The City Manager reported that by the City purchasing the pipe, an approximate savings of \$1,500 would be realized. The Mayor questioned if there was any possibility that the damage was coming from an abandoned mine site. Mr. Sykes reported that the damage probably came from Tim Johnson's mining activity. The mine is not abandoned, there is still a bond with the State. The Mayor asked if Mr. Johnson had any responsibility in controlling the drainage on the road. Mr. Sykes reported that he did not think that reclamation was an avenue, however there could be a legal claim. The City Attorney reported that ground water would probably not be a permit violation. The Mayor directed Mr. Davis and Mr. Sykes to determine if the City has been damaged as a result of the mining activity, if the City has any claim for damages and report the findings to the Commission. Commissioner Morris expressed his concerns over the pipe having an angle in it. Mr. Sykes explained that the pipe will not be buried which will allow easy access to the angle in the event debris is lodged in the pipe. The City Manager verified that monies were available in the Coal Severance Fund to make the necessary repair. Commissioner Blankenship made the motion to authorize the City Manager to proceed with the project. Commissioner Morris seconded the motion. Upon call of the roll, the motion carried 4 - 0. Estimated project total cost is \$7,344.50.

Mayor May reported that he has had several complaints from the residents of Cumberland Court with regard to the amount of dust generated from vehicles travelling the riverfill. The City Engineer



was directed to prepare a cost estimate to blacktop a roadway and join it into Elm Street. Commissioner Morris mentioned that he had received complaints with regard to the dust generated from helicopters transporting to and from the hospital.

In answer to a question posed by Commissioner Morris with regard to Phyllis Lane in the Fairview Addition area, City Manager, John Johnson, reported that he has contacted Mountain Enterprise to prepare a cost estimate for blacktop. Mr. Johnson reported that he has also contacted another firm for a cost estimate and hopes to be able to bring this matter to the Commission at their next meeting. Mr. Johnson advised that he will take Bill Harless and Clifford Collins of PSG to this area to discuss placement of sidewalks.

The Commission discussed the need for maintenance on the Teen Center Building which is located adjacent to the swimming pool. The City Manager reported that the steps on the athletic field side have been replaced. Commissioner Morris questioned whether the steps should be covered. Commissioner Mounts discussed the need to establish a maintenance schedule for the park system. The City Attorney reported that he did not think the City was necessarily obligated to cover the steps, however the City does have an obligation to keep all sidewalks and steps free of ice and snow. The City Engineer was directed to inspect the steps at the Teen Center Building and advise the Commission if the City needs to do any other preventative maintenance. The Mayor called the Park Director's attention to the condition of the restrooms at the Teen Center Building and directed him to work with the school to bring the restrooms up to standard.

Commissioner Blankenship reported that while cleaning up the lake, a piece of equipment was taken down to the lake from the Lorraine Street area. He reported that the trail has now become an "established" roadway. Commissioner Blankenship recommended that the roadway be blocked. Clifford Collins of PSG was directed to look for guardrail to block the roadway to the lake.

The City Manager reported that the City plans to blacktop the Williams Hollow roadway and the Herman West Hollow sometime around September and October.

B. CITY ATTORNEY'S REPORTS: City Attorney, Russell Davis, Jr., presented and gave second reading to Ordinance O-90-025 captioned as follows:

AN ORDINANCE FIXING A TAX LEVY ON REAL AND TANGIBLE PERSONAL PROPERTY, FRANCHISES, BANK SHARES, ALL FOR THE GENERAL OPERATING EXPENSE PURPOSES AND PROVIDING FOR A DISCOUNT ON ALL TAXES, IF PAID ON OR BEFORE NOVEMBER 1ST, AND A PENALTY IF NOT BY DECEMBER 31ST

Mr. Davis advised that the ordinance does not change any amount of taxes that are paid in the City of Pikeville. The ordinance only reconfirms for the upcoming year the existing tax.

Commissioner Blankenship made the motion to adopt Ordinance O-90-025 as read. Commissioner Morris seconded the motion. Upon call of the roll, the motion carried by the following votes:

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

Second reading was given to Ordinance O-90-026 entitled:

AN ORDINANCE RELATING TO THE ESTABLISHMENT OF AN ENHANCED 911 EMERGENCY TELEPHONE SERVICE WITH PIKEVILLE, KENTUCKY

Commissioner Morris made the motion to adopt Ordinance O-90-026 as presented and read. Commissioner Blankenship seconded the motion. Upon call of the roll, the motion carried by the following votes:

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

Second Reading of an Ordinance declaring the City's intent to annex an area known as "Barn Hollow" was delayed pending a zoning recommendation



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from the Joint Planning Commission.

The City Attorney presented an ordinance for first reading. The ordinance was read in summarized form and captioned as follows:

**SUMMARY ORDINANCE ESTABLISHING A PIKEVILLE HISTORICAL PRESERVATION BOARD AND PROVIDING FOR A DESIGNATION OF LANDMARKS AND HISTORICAL DISTRICTS, THE REGULATION OF CHANGES TO LANDMARKS AND PROPERTY IN HISTORIC DISTRICT, THE REGULATION OF CHANGES TO LANDMARKS AND PROPERTY IN HISTORIC DISTRICTS AND THE ADMINISTRATION, ENFORCEMENT AND AMENDMENT OF THIS ORDINANCE**

The Ordinance will remain on file for a period of at least ten days for public inspection.

Mr. Davis reported that he has been working on Articles of Incorporation for a non-profit corporation which was defined as a type of "steering" committee for the Hillbilly Days Festival. Mr. Davis explained that the corporation would have representation from four groups - The City of Pikeville, Pike County, Pikeville Hillbilly Clan #1, Outhouse 2, and the Pikeville Chamber of Commerce. Each one of the groups will appoint two members to the Board of Directors of this non-profit corporation. Commissioner Morris made the motion to authorize the Mayor to sign the Articles of Incorporation. Commissioner Blankenship seconded the motion. Upon call of the roll, the motion carried 4 - 0.

The City Attorney gave a synopsis of activities with regard to the United States Post Office's efforts to acquire a portion of riverfill property behind the existing Post Office. Mr. Davis explained that Commission Members met with representatives of the Post Office and expressed the City's concerns that the existing options which were signed by the Urban Renewal Agency and the City of Pikeville didn't require the Post Office to use the property for a Post Office. The previous Commission had requested that a provision be made part of the agreement that would cause the property to revert to the City of Pikeville in the event that a Post Office was not built on the riverfill property. Representatives of the Post Office were unwilling to agree to those terms. The Post Office has requested that the City sign a new option which does not have a reversion clause, but does have a provision that if the Postal Authority decides it necessary to condemn any outstanding interest in the property, that the City would have to pay the Post Office the amount of the award. The Postal Authority has also requested that the deed be free from any encumbrances. Mr. Davis advised that there are easements which cross the property. The Mayor commented that the City wants to see a regional postal facility built in Pikeville, however does not think that the Commission would be fulfilling their duty to the citizens of Pikeville if the property was deeded to the Post Office without any assurance that there would be a post office built. The Commission gave their consent to the Mayor to allow him to contact Senator Ford's office asking that he look into this matter and intercede on the City's behalf.

First Reading was given to an Ordinance entitled:

**ORDINANCE RENAMING CLINE STREET HAMBLEY BOULEVARD IN HONOR MAYOR WILLIAM C. HAMBLEY**

The Mayor asked the press to publicize this Ordinance to give the public opportunity to make response and comments before second reading scheduled for August 27, 1990.

C. CITY MANAGER'S REPORTS: City Manager, John Johnson, reported that he has received a proposal to purchase golf driving range equipment from Maximum Range, Inc. Mr. Johnson advised that he and Commissioner Blankenship have looked at the equipment. Through the purchase agreement, \$4,500.00 would be paid upon approval of the agreement, \$4,500.00 in thirty days and the remaining \$4,500.00 in sixty days. Mr. Johnson recommended purchase of the equipment for the Parks Department. Mr. Johnson advised that the expenditure would be funded from the Community Development Capital Fund and the money is available. Commissioner Blankenship made the motion to approve purchase of the golf equipment. Commissioner Mounts seconded the motion. Upon call of the roll, the motion carried 4 - 0. Park Director, Doug Justice, advised the Commission that the golf driving range has an average weekly income between \$500 to \$600.



Per directive of the Commission at the previous regular meeting, Mr. Johnson solicited bids for the demolition of the old city hall structure on Division Street, the Mountain Insurance Agency building on Main Street, and old foundations adjacent to the Myers Tower Parking lot and the boulevard. Mr. Johnson submitted a proposal from Young's Wrecker and Salvage Company in the amount of \$10,840.00 to remove the structures as cited above. Mr. Johnson reported that he had solicited a bid from M & S General Contracting. That bid was in the amount of \$19,000.00. The Mayor expressed that the expenditure should be funded from the Urban Renewal Agency funds. The City Manager confirmed that the account has sufficient funds for this expenditure. Commissioner Blankenship made the motion to award a contract for the demolition of the city hall structure on Division Street, the Mountain Insurance Agency building on Main Street, and the two foundations to Young's Wrecker and Salvage Company in the amount of \$10,840.00. Commissioner Morris seconded the motion. Upon call of the roll, the motion carried 4 - 0.

Commissioner Blankenship asked if a financial report had been received from the Tourism Commission. Mr. Johnson reported he had contacted the Tourism Commission Chairman and requested the report, however had not received the report.

Mayor May reported that the City has been contacted by one of the local hotel owners who explained that the Tourism Commission wanted to do an audit to determine if the hotel operator was remitting the correct amount of Motel/Hotel Tax. According to the Ordinance, the City of Pikeville collects those funds, and according to the City Attorney, the City would be responsible for auditing the books. The City Attorney was asked to explain the procedure. Mr. Davis explained that the Commission should authorize Tax Administrator, Grace Ratliff, to employ a CPA firm to conduct an audit. The decision would be Ms. Ratliff's on which motel was selected for the audit. The Mayor asked if the audit could be charged to the motel owner or the Tourism Commission. Mr. Davis reported that the audit could not be charged to the motel, however a certain percentage is retained from Hotel/Motel Tax collections for administrative fees. The City Attorney was directed to develop a plan with the Tax Administrator establishing a procedure on how the Hotel/Motel Tax funds should be audited, how the audit should be funded, and make a recommendation to the Commission at the next meeting.

Mayor May reported that he had requested information with regard to the collection of Utility Bills. City Manager John Johnson presented the Commission with a listing of delinquent customers prior to 1983. The total delinquency is \$66,493.96 for 476 customers. Mr. Johnson reported that the list may not depict a collectable total in that some of the customers are deceased or no longer residents of the area. Mr. Johnson reported that efforts to collect the delinquent account balances through small claims court have been successful, but the city was limited to 25 cases per year. Recent legislation has allowed cities to file unlimited cases in small claims court, and Mr. Johnson indicated that the Utilities Department would use this avenue in an effort to further reduce the delinquent utility accounts. The City Attorney was authorized to review and make a recommendation to the Commission at their next meeting on how the delinquent account balances could be collected. The City Attorney commented that the City can only go back six years in their efforts to collect delinquent utility bills. Commissioner Mounts voiced his opinion that the account balances which were determined uncollectible should be stricken from the listing.

## AGENDA ITEM VII.

## NEW BUSINESS

Presented to the Commission for consideration was a Resolution of Notice of Intent to participate in the Pike County Solid Waste Management Plan. The City Manager reported that the document was presented to the City from Gary Anderson who is the Commissioner of Solid Waste. The resolution is a request from Frankfort and must be passed in order for the City to participate in Pike County's landfill. Commissioner Morris requested delay in approving the resolution until after the Commission meets in executive session.

## AGENDA ITEM IX.

## ANNOUNCEMENTS

The Mayor announced that the Joint Planning Commission has scheduled a Public Hearing to establish a zoning classification for the Barn Hollow area on August 23, 1990 at 7:00 p.m. in the Kentucky Power Company Auditorium.



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## AGENDA ITEM X.

## INFORMATION

In discussing the Professional Services Group monthly operating report for the public works department, Mayor May advised Clifford Collins of PSG that the handrail at the end of Pike Street needs to be repaired.

The Commission discussed asking the courts to direct persons arrested or cited by the Pikeville Police Department to be worked in clean-up projects as part of their sentence. The City Attorney reported that the County, at one time, participated in a prisoner work program, and had someone willing to supervise the program. The judges would allow those persons who could not pay fines to participate in a work program. Mr. Davis further explained that the judge can not sentence someone to pick up trash, however they can fine them or put them on probation with a condition of the probation is that they pick up the trash, but this is contingent upon the violator agreeing to the terms of the probation. The Mayor directed the City Manager to research this program and make a determination if the City can administer such a program, and if so, was directed to initiate such a program.

Commissioner Blankenship gave a brief report on the newly purchased wood chipper.

At 8:25 p.m., Commissioner Morris made the motion, seconded by Commissioner Blankenship to adjourn to an executive session for the purpose of discussing pending legal action. Upon call of the roll, the motion carried 4 - 0.

The motion to reconvene to regular session was made at 9:45 p.m. by Commissioner Blankenship and seconded by Commissioner Mounts. Upon call of the roll, the motion carried 4 - 0.

Commissioner Blankenship made the motion to authorize the City Attorney to file a civil suit against East Kentucky Collieries and Dan Walters to enforce provisions of an agreement between the City of Pikeville and East Kentucky Collieries and Dan Walters whereby it was agreed that East Kentucky Collieries and Dan Walters would maintain Walters Road that resulted from the damage from coal trucks. Commissioner Mounts seconded the motion. Upon call of the roll, the motion carried 4 - 0. Resolution R-90-020 was presented and read as follows:

### NOTICE OF INTENT TO APPLY SINGLE COUNTY AREA

A Resolution affirming notification of intent to apply for solid waste management area designation.

WHEREAS, the City of Pikeville desires to actively participate in the Pike County solid waste management area;

WHEREAS, the City of Pikeville realizes that development of a solid waste management plan is prerequisite to receiving designation as a solid waste management area;

WHEREAS, the City of Pikeville finds it in the best interest to participate in the development of a solid waste management plan for Pike County; and

WHEREAS, this resolution is part of the application process for solid waste management area designation;

NOW, THEREFORE BE IT RESOLVED that the Notification of Intent to Apply for Area Designation is hereby approved by this legal body.

Signed:

/s/ Walter E. May  
WALTER E. MAY, MAYOR

CITY OF PIKEVILLE

AUGUST 13, 1990

ATTEST:

/s/ Karen Harris  
KAREN HARRIS, CITY CLERK



Commissioner Morris made the motion to adopt the Resolution. Commissioner Blankenship seconded the motion. Upon call of the roll, the motion carried 4 - 0.

City Manager, John Johnson, recommended that Sandra Davis be employed as a dispatcher for a probationary period of six months, as recommended by Director of Communications, Zella Epling. Commissioner Blankenship made the motion to accept the City Manager's recommendation. Commissioner Mounts seconded the motion. Upon call of the roll, the motion carried 3 - 1 with Commissioner Morris casting a "NO" vote.

The City Manager reported that an easement agreement has been negotiated with Pike Host & Associates for the purpose of extending a sewage line to the Industrial Rubber property. The owners of the property are willing to convey an easement for the amount of \$4,545.44. Commissioner Blankenship made the motion to approve payment of the easement. Commissioner Morris seconded the motion. Upon call of the roll, the motion carried 4 - 0.

Commissioner Morris made the motion to authorize the City Engineer to advertise for bids for the Industrial Rubber sewer line extension project. Commissioner Blankenship seconded the motion. Upon call of the roll, the motion carried 4 - 0.

There being no further business to bring before the Commission, Commissioner Blankenship made the motion, seconded by Commissioner Mounts to adjourn the meeting. The motion carried 4 - 0. (Adjournment Time: 9:55 p.m.)

The City Commission's next scheduled meeting is August 27, 1990 in the City Hall Public Meeting Room at 7:00 p.m.

APPROVED:

*Walter E. May*  
WALTER E. MAY, MAYOR

ATTEST:

*Karen Harris*  
KAREN HARRIS, CITY CLERK