

REGULAR MEETING - OCTOBER 8, 1990

The City of Pikeville Board of Commissioners met in regular session on Monday, October 8, 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 Pro Tem Johnny D. Mounts called the meeting to order at 7:00 p.m. Commission Members present upon call of the roll were as follows:

MAYOR PRO TEM:	JOHNNY D. MOUNTS
COMMISSIONER:	WALTER BLANKENSHIP
	EUGENE DAVIS
	FRANK MORRIS

Mayor Walter E. May arrived at 7:30 p.m.

AGENDA ITEM II. CALL OF THE AGENDA

Agenda Item V. A., City Bills, were moved on the agenda to be discussed as Agenda Item VIII. after Personnel Actions.

AGENDA ITEM III. MINUTES

The minutes for the previous regular meeting of September 24, 1990 were included in each Commission Member's agenda package. There being no additions or corrections, Commissioner Morris made the motion, seconded by Commissioner Blankenship to approve the minutes as submitted. Upon call of the roll, the motion carried 4 - 0 (Mayor May not present at the time of the vote).

AGENDA ITEM IV. BUSINESS FROM THE FLOOR

There were no items of business presented to the Commission during the call for Business from the Floor.

AGENDA ITEM VI. OLD BUSINESS

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

1. 16" Water Line and Water Storage Tank: Mr. Sykes advised the Commission of a meeting scheduled at the Department of Local Government on October 9, 1990 at 1:30 p.m. relative to the funding request on the 16" water line and water storage tank project. Mr. Sykes reported that the CDBG committee met and prepared questions for the staff to answer. Mr. Sykes told the Commission that the CDBG committee indicated they would meet next week.

2. Wastewater Treatment Plant: This project is proceeding somewhat ahead of schedule. A progress report of work accomplished was given to the Commission. Mr. Sykes reported that a letter has been sent to PSG asking for an updated construction schedule.

3. Water Tank Painting: The contracts were signed by the contractor for the painting of the Peach Orchard Tank. Work is scheduled to begin October 15th.

4. Building Inspections: Presented to the Commission as information was a report of Building Inspections made since the last meeting.

5. Williams Hollow Road: Mr. Sykes reported that the City has somewhat of an obligation to pave the Williams Hollow Road. The engineers are concerned about the lack of drainage through certain portions of the area and advised that work to upgrade the drainage needs to be done prior to paving. Mr. Sykes displayed pictures and a map depicting areas where drainage is needed and areas where ditching is not feasible. A cost estimate of \$16,604.00 was submitted for the construction or reshaping of the ditching and needed repairs (excludes paving). Mr. Sykes advised that a gas line runs up the hollow and the majority of the line is located in the ditchline. There are several retaining walls and Mr. Sykes cautioned that extreme care should be taken when constructing drainage in these areas as it may cause instability. The Commission was also advised that problems may be encountered due to the fact that there is no defined right-of-way. Mr.

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Sykes recommended the Commission authorize the cleaning of the existing culverts and the pulling of ditches, where feasible, and then pave the road. Commissioner Blankenship made the motion to direct Professional Services Group, Inc. to clean the existing ditches and culverts. Commissioner Davis seconded the motion. Upon call of the roll, the motion carried by a 4 - 0 vote (Mayor May not present at the time of the vote).

B. CITY ATTORNEY'S REPORTS: City Attorney, Russell Davis, Jr. presented and gave first reading to two ordinances to amend the City of Pikeville's official zoning map and the zoning code text. The ordinances are based upon recommendations made by the Pikeville/Pike County/Elkhorn City Joint Planning Commission after the required public hearings.

The ordinances were presented and read entitled:

ORDINANCE AMENDING SECTION 636.2 OF THE CITY OF PIKEVILLE ZONING ORDINANCE

and

ORDINANCE AMENDING THE CITY OF PIKEVILLE'S OFFICIAL ZONING MAP.

The Ordinances will be in the office of the City Clerk for a period of at least ten days where they may be viewed by the public.

Commissioner Morris relayed that the City of Pikeville is a member of a Joint Planning Commission, and by being so, serve with members representing Pike County and Elkhorn City. Commissioner Morris voiced that the City of Pikeville should have their own Zoning and Planning Commission since the City has achieved a Certified Cities status. The City Attorney advised that he has researched this matter. The law stipulates that the only way the City can have their own Zoning and Planning Commission is in the event Pike County communicates they do not want to participate in the Joint Planning Commission.

Second Reading was given to an Ordinance entitled:

ORDINANCE FINALLY ANNEXING TO THE CITY OF PIKEVILLE THE TERRITORY LYING ADJACENT TO THE PRESENT CITY CORPORATE LIMITS AND COMPRISING OF APPROXIMATELY 950 ACRES WHICH WOULD EXTEND THE CITY CORPORATE LIMITS SOUTHWARD ON THE NORTH SIDE OF THE LEVISA FORK OF THE BIG SANDY RIVER TO A POINT APPROXIMATELY OPPOSITE FROM FORDS BRANCH (ORDINANCE # O-90-031)

Commissioner Morris requested an update on the letter of protest received from the law firm of Combs & Combs. City Attorney Davis explained that a letter had been presented by Attorney Steven Combs on behalf of Dr. O. W. Thompson, Jr.; Dr. Ballard Cassady; Mrs. Edith VanHoose; Charlie VanHoose; and Joe Ballard Ramsey, et al. saying that the City of Pikeville improperly disqualified the petition in opposition of annexation with regard to Tract #5. The information submitted by Mr. Combs was rechecked and inaccuracies were found which still leads to the disqualification of the petition. One example cited was with regard to the name of Virgie S. Edwards who signed an affidavit that she was a resident of the area. City representatives talked with neighbors in the area who confirmed that Ms. Edwards owns property in the area, however she had not lived in the area in some time. The neighbors told City representatives where Ms. Edwards resides and they verified the information. Mayor May directed the City Attorney to respond to the letter submitted by Combs & Combs Law Firm. Commissioner Morris voiced he would have liked to have seen this section's voters have the opportunity to decide on the matter by placing the issue on the ballot, however due to the petition being declared invalid, Commissioner Morris made the motion to adopt Ordinance O-90-031. 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
	EUGENE DAVIS	YES
	FRANK MORRIS	YES
	JOHNNY MOUNTS	YES

Mayor May directed the City Manager to see that the proper City Limit signs are placed in accordance with the boundary line descriptions of Ordinance O-90-031.

A written request was presented to the Commission from Judy Walters, owner of the Flat Iron Building, and the Manager of the Heilig-Meyers Furniture Store petitioning that the alleyway located between the two buildings be designated as one way from Hambley Boulevard to Auxier Avenue. The argument cited supporting this request was additional parking spaces on the Boulevard without compromising the safety of drivers accessing the Boulevard from the alleyway. Steven Combs, attorney, was present on behalf of the owner of the property which currently houses Heilig-Meyers. Mr. Combs stated that his client objects to the request as the designation of the alleyway may interfere with future development plans of this property. Mr. Combs advised the Commission that area businessmen have purchased the East Kentucky Beverage property located adjacent to the property. Although the use of the property has not been disclosed, Mr. Combs explained that the designation of a one way alley may encumber the use of the premises. The Commission deferred any action on this request until such time City representatives conduct a survey to determine the needs of the general public of the area.

C. CITY MANAGER'S REPORTS: City Manager, John Johnson, reported that he has been negotiating with Mountain Enterprises for the purpose of blacktopping Williams Hollow, Herman West Hollow, Phyllis Lane, a section of Bank Street and Bob Amos Road to the Overlook. Cost for these sections is \$108,000.00. The arrangement negotiated with Mountain Enterprises provides for payment for the blacktopping before April, 1991. Commissioner Blankenship made the motion to authorize the blacktopping of Williams Hollow, Herman West Hollow, Phyllis Lane, a section of bank street and the Bob Amos Road to the Overlook. Commissioner Mounts seconded the motion. Upon call of the roll, the motion carried unanimously.

Mr. Johnson requested an executive session to discuss a personnel matter.

D. HOTEL/MOTEL TAX: Commissioner Mounts reported that he had notified that all the motels/hotels located within the County were not paying the hotel/motel room tax. David Stratton, Chairman of the Pikeville/Pike County Tourism & Recreation Commission, reported that all the county motels/hotels have remitted the fees with the exception of the Colley Motel, whose owners now are in the process of making arrangements to pay all fees owed since the time of inception of the hotel/motel room tax. Commissioner Mounts requested a list of the motels/hotels located within the County. A financial statement of the Tourism & Recreation Commission was presented to the Commission. Chairman Stratton indicated the Commission would receive quarterly financial statements for their review.

AGENDA ITEM VII.

NEW BUSINESS

A. HOUSING AUTHORITY BOARD: The City Attorney advised the Commission of two vacancies on the Housing Authority Board. The vacancies are the term expirations of Jeff Owens and Glenn McDowell effective September 16, 1990. The Commission authorized the Mayor to write a letter to Mr. Owens and Mr. McDowell thanking them for their service on the Housing Authority Board. Mayor May nominated John Cornett and Judy Walters to fill the vacancies on the Housing Authority Board. Commissioner Mounts made the motion, seconded by Commissioner Blankenship to postpone this matter until such time as a legal report can be heard in executive session with regard to the investigation into the denial of the grant by the Housing and Urban Development. Upon call of the roll, the motion carried unanimously.

Commissioner Blankenship made the motion, seconded by Commissioner Mounts to adjourn to a closed, executive session for the purpose of discussing a personnel matter and a legal matter. Upon call of the roll, the motion carried unanimously. (Adjournment time: 8:05 p.m.)

At 9:10 p.m., Commissioner Blankenship made the motion to reconvene to regular session. Commissioner Morris seconded the motion. Upon call of the roll, the motion carried by a unanimous vote.

City Manager, John Johnson, recommended the hiring of Della M. Dotson as a Tax Clerk for the City of Pikeville, with a six month probationary period. Commissioner Blankenship made the motion, seconded by Commissioner Morris to accept the City Manager's recommendation to hire Della M. Dotson as Tax Clerk with a six month probationary period.

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Upon call of the roll, the motion carried 5-0.

City Bills totaling \$147,823.94 were presented to the Commission for approval of payment. Commissioner Blankenship questioned an invoice from Mountain Comprehensive Care and a bill for the repair of the scoreboard at the athletic field. The City Manager reported that the party involved with regard to the Mountain Comprehensive Care bill will reimburse the City for the charges. Park Director, Doug Justice, will submit a bill to the Pikeville Independent School District for the repair of the scoreboard. Commissioner Morris made the motion to approve payment of the City Bills totaling \$147,823.94. Commissioner Blankenship seconded the motion. Upon call of the roll, the motion carried unanimously. The City Manager advised the Commission of a cash shortfall with regard to expending payment of the approved list of City Bills. The Commission was advised that the property tax bills will be sent out later than usual. Commissioner Blankenship made the motion to authorize a certificate of deposit to be cashed in, if matured, and if the certificate of deposit has not matured, authorize the Mayor to execute the proper loan documents for the purpose of paying the bills. Commissioner Morris seconded the motion. Upon call of the roll, the motion carried unanimously.

The City Manager reported that he had delivered a verbal report with regard to retirement benefits for past employees to the Commission and had been directed to prepare a written report by the next meeting.

Mayor May nominated Judy Walters to fill the vacancy created by Glenn McDowell's term expiration and John Cornett to fill the vacancy created by Jeff Owen's term expiration on the Housing Authority Board. Johnny Mounts made the motion to approve the Mayor's nomination. Commissioner Blankenship seconded the motion. Upon call of the roll, the motion carried unanimously.

The Commission discussed the problem of weeds not being cut along the highway, specifically in the vicinity of Williams Hollow. The Commission was advised that problems had been encountered with property owners not allowing city crews to cut the weeds. The Mayor advised that the property owners would be contacted asking that they cut the weeds and if they do not, they would be asked if the city could cut the weeds.

Fire Chief, Robert Courtney, gave each Commission Member a copy of a report of fire hydrants needing repair. The Fire Chief briefly explained the report. A list of the needed repairs was given to Bill Harless of PSG. Mr. Harless was directed to prepare a report for the next City Commission advising how many hydrants have been repaired and a timetable for repairing the remainder.

There being no further business to come before the Commission, Commissioner Davis made the motion, seconded by Commissioner Morris to adjourn the meeting. Upon call of the roll, the motion carried unanimously. (Adjournment Time: 9:25 p.m.)

The City Commission's next scheduled meeting is October 22, 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