

REGULAR MEETING - NOVEMBER 26, 1990

The City of Pikeville Board of Commissioners met in regular session on Monday, November 26, 1990. The meeting was conducted in the City Hall Public Meeting Room at 260 Hambley Boulevard.

Mayor Walter E. May presided and called the meeting to order at 7:00 p.m. Commission Members present and forming a quorum were:

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

AGENDA ITEM II. CALL OF THE AGENDA

There were no additions or deletions to the prepared agenda.

AGENDA ITEM III. MINUTES

Copies of the minutes from the previous regular meeting of October 22, 1990, and special meeting of November 5, 1990 were included in each Commission Members agenda package. There being no additions or corrections, Commissioner Mounts made the motion, seconded by Commissioner Davis to approve the meeting minutes of October 22, 1990 and November 5, 1990 as prepared. Upon call of the roll, the motion carried unanimously.

AGENDA ITEM IV. BUSINESS FROM THE FLOOR

1. Thompson Road: Jeffrey Hensley, representing the residents of Thompson Road, presented a petition requesting the placement of speed bumps from the beginning of Keel Addition and to continue periodically to the entrance to Quail Ridge. Mr. Hensley advised that speed limit signs have been placed by the City, however the limit is not being observed. Mayor May explained the City has a policy with regard to speed bump placements in that the City Engineer and Chief of Police will determine if speed bumps are necessary, where placement should be and make the recommendation to the City Manager. Mr. Hensley was advised that he could come back before the Commission if he felt his request was not given fair consideration by the City Manager.

2. Walters Road Extension: Walter Preston Walters, Jr. came before the Commission to request an extension on Walters Road of Chloe Creek of an approximate length of 800 feet. Mr. Walters told the Commission that the proposed extension has been blacktopped. City Engineer, Jack Sykes, presented a map depicting the location of the proposed extension, to the City Manager. Walters Road currently exists as a city maintained street in the approximate length of 1.06 miles which ends at a culvert. Mr. Sykes told the Commission that he had prepared a list of specifications and supplied them to Mr. Walters as to what would be required if the Commission considered accepting the proposed extension into the City's street system. The City Engineer advised that he had measured the width of the pavement in four places and it averaged better than twelve feet. The depth was checked in several locations and measured in excess of 4 inches. Mr. Sykes indicated the drainage is adequate. There is one section that Mr. Walters was unable to put a ditch in due to a yard, however there is a culvert approximately 60 feet away. Mr. Sykes told the Commission that the road, in his opinion, is in as good or better condition than the rest of Walters Road. Commissioner Blankenship asked the primary purpose of the roadway in question. Mr. Sykes said, beyond the last house, the main user is the mining operation. Commissioner Blankenship advised certain improvements, including a guardrail, would have to be placed to meet the criteria for coal haulage. Mr. Walters reported that the guardrail was necessary only on inclines. Commissioner Blankenship questioned if the maintenance agreement now in effect would also apply to the extension. City Attorney Russell Davis, Jr., advised the Commission that the City is in litigation over the maintenance of Walters Road. Mr. Davis gave his opinion that the problem with the agreement was the monies were required to be paid to the City and then the City would do the blacktopping. Instead of procedure being followed, the coal company blacktopped the extension. Mr. Davis suggested renewing the escrow agreement whereby a portion would be paid into an escrow account for future maintenance. Mayor May asked Mr. Walters if he would be willing to sign a new escrow agreement and to see that the agreement is followed. Mr. Walters indicated he would. Mr. Davis added that he has had another request for another branch to come off of blacktop and he has talked to the operators of that coal company. It was Mr. Davis' suggestion to have each coal company to pay .05 cents per ton while both

coal companies operate and when only one company operates .10 cents per ton will be deposited in the escrow account. Commissioner Morris made the motion to direct the City Attorney to give first reading to an Ordinance accepting the blacktopped extension into the City's street system and authorized the City Attorney to negotiate a new road maintenance contract with the coal company; second reading will be scheduled for the next regular meeting should a new maintenance contract be executed. Commissioner Davis seconded the motion. Upon call of the roll, the motion carried unanimously. Commissioner Blankenship asked the City Attorney to prepare the agreement in such a manner to provide for the coal operators to be responsible for any mining violations, whether there is a fine attached or not. The City Attorney advised the City would not be obligated. The Ordinance was given first reading entitled:

AN ORDINANCE ACCEPTING PORTION OF ROAD ON THE PETER FORK OF CHLOE CREEK AS A CITY STREET

Discussion was had relative to a roadway which had previously been dedicated to the City of Pikeville by HJD Development Company. Said dedication had been acknowledged, however the roadway was not accepted as a city maintained roadway. The City Attorney advised the Commission that Jesse Salyers has agreed that if the City accepts the roadway into the city's street system, HJD Development would agree that during the mining process, they would maintain the road. While there are no residences in the area, the manner in which the road is maintained will be at the company's discretion. Once there are residences built, the City would have the authority to designate how the road is maintained. The City Attorney read a contract providing for the city's acceptance of this roadway. The Commission, along with Steve Walters, discussed the amount to be deposited into an escrow account for hauling - ie .05 cents per ton for two or more mining operations or .10 cents per ton for one operation. Mayor May asked Walter P. Walters, Jr. if he had any objections to leaving the amount to be deposited in escrow at .10 cents per ton regardless of the number of mining operations. Mr. Walters answered he did not object to paying .10 cents per ton into escrow for road maintenance. Mayor May added that he would be in favor of reducing the per tonnage cost, should more monies be deposited than could be used in maintaining Walters Road. Mr. Salyers was asked if he would object to paving 50 feet of the roadway extension from the roadway which is currently paved and if he would object to paying .10 cents per ton for maintenance. Mr. Salyers indicated he did not object. The City Attorney was directed to make the changes to the contract. First Reading was given to an Ordinance entitled as follows:

ORDINANCE ACCEPTING PORTION OF ROAD ON PETER FORK OF CHLOE CREEK AS A CITY STREET

Commissioner Mounts asked what recourse the City would have if mining operations should cease. The City Attorney reported that with regard to HJD Development, Harry Jones and Jesse Salyers have signed personally. Commissioner Mounts suggested placing a portion of the per tonnage assessment into a special fund set aside especially for blacktopping.

Kenny Tackett, a resident of Marion's Branch Road approached the Commission on behalf of the 10 residents of this area to ask that the City's water line be extended to serve these homes. After the City Engineer's confirmation that the area is located within the City Limits, Mayor May directed Mr. Sykes to prepare a cost estimate to extend the water line.

Gary Hamilton, who resides in the area across from the Best Western Motel, asked if this area is in the City Limits, and if it is, asked that water service lines be extended. The City Engineer was directed to make a determination exactly how far the City Limits comes in this area, and to prepare a cost estimate for water line extension, if the area is determined to be within the City Limits.

It was directed that City Limit signs should be placed when the boundaries have been determined.

AGENDA ITEM V.

PAYMENT OF CITY BILLS

A listing of City Bills totaling \$157,633.13 were presented to the Commission for approval of payment. Commissioner Blankenship made the motion to approve payment of the City Bills totaling \$157,633.13. Commissioner Morris seconded the motion. The City Manager confirmed that there are sufficient funds available for payment as requested. Commissioner Mounts questioned if the water tanks painting/repair projects were complete. The City Engineer reported the project is complete. Upon call of the roll, the motion carried by a 5 -0 vote.

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AGENDA ITEM VI.

OLD BUSINESS

A. CITY ENGINEER'S REPORTS: City Engineer Jack Sykes gave a progress report of ongoing City Projects.

1. Water Tank Painting/Repair: Mr. Sykes reported the project is complete. There was a \$200.00 change order issued. The contractor has indicated they will paint the other two tanks in the spring at the bid price should the Commission decide to award the bid.

2. Wastewater Plant: Mr. Sykes gave each Commission Member a status report on the progress of construction at the Wastewater Treatment Plant. Commissioner Mounts asked if an onsite inspector had been employed. Bill Harless of PSG reported that he is presently acting as inspector and visits the site approximately 3 days per week. Mayor May reported that he has had complaints that this means of inspection is not satisfactory for a project of this size. Mayor May added that he had contacted Richard Bryant of PSG with regard to these complaints who indicated he was in the process of hiring an inspection supervisor. Mr. Harless reported that an effort has been made to hire a full-time employee to provide inspection services, however two prospective employees have refused to accept the position. The City Engineer was asked to assist PSG in finding a qualified individual for the position of inspector.

3. 16 inch Water Line/Storage Tank Project: A bid summary was given to the Commission. The engineer's estimate for the project was \$699,767.50. The total low bid for the project came to \$702,982.00. Mr. Sykes included with the bid summary, letters of recommendation to Mountain Water District, checking the references of the two contractors. Environmental Construction Corporation of Lexington was the low bidder on the water line. Kentucky Glass Line Tank System, Inc. was the low bidder on the water tank. The loan to the Mountain Water District for this project has been approved. Mountain Water District has requested a meeting with the City Commission to discuss this project. The work session was scheduled for Thursday, November 29, 1990 at 4:00 p.m.

Mr. Sykes requested an executive session to discuss a property dispute relative to Urban Renewal.

B. CITY ATTORNEY'S REPORTS: Russell Davis, Jr. presented the City Attorney's reports as follows:

1. Dilapidated Housing: Mr. Davis presented an Ordinance for first reading which would adopt guidelines in performing housing inspections. Marvin Hensley questioned the ordinance's intent. Mayor May explained that once the determination has been made that a structure is dilapidated, the property owner will have a choice of whether they want to bring the structure up to standard or not. The Ordinance was given first reading captioned as follows:

A SUMMARY ORDINANCE ADOPTING REGULATIONS FOR THE HOUSING INSPECTION PROCESSES TO BE USED IN CONJUNCTION WITH PIKEVILLE'S DILAPIDATED HOUSING ORDINANCE #0-90-007

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

City Engineer, Jack Sykes, spoke in reference to the above read ordinance. Mr. Sykes advised that a fair-market value must be established. Mr. Sykes recommended the City acquire the services of an appraiser to establish the value. Commissioner Blankenship made the motion to authorize the City Manager to retain the services of an appraiser in conjunction with enforcement of the dilapidated housing ordinance. Commissioner Morris seconded the motion. Upon call of the roll, the motion carried unanimously.

2. Sewage System Hook-Up: First reading was given to an ordinance as follows:

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

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

3. Garbage Bill Collection: First reading was given to an Ordinance entitled:

ORDINANCE AMENDING GARBAGE AND TRASH ORDINANCE PROVIDING FOR DISCONNECTION OF UTILITY SERVICES TO PROPERTY FOR NONPAYMENT OF GARBAGE BILLS; MAKING THE OWNER OF THE PROPERTY LIABLE FOR GARBAGE AND TRASH BILL; PROVIDING FOR A LIEN UPON THE PROPERTY FOR GARBAGE AND TRASH BILL

The Ordinance will remain on file in the office of the City Clerk for at least ten days for public inspection.

4. Water Storage Tank: Mr. Davis advised the Commission that in correspondence with Will Linder, grantsman, it was learned that Mountain Water District's bond counsel has indicated that it may be a problem in borrowing the funds needed for the water line/storage tank project since they will not own the improvements. The City of Pikeville owns the site on which the tank will be constructed and would own any improvements upon the site. An agreement has been tentatively negotiated to provide for the City of Pikeville to convey the tank site to Mountain Water District to allow them to own and mortgage the property. Mountain Water District will be responsible for the mortgage. Mountain Water District would lease the site back to the City of Pikeville for \$1.00 per year. The City of Pikeville will be responsible for maintenance. After the debt is discharged, the property will revert to the City of Pikeville. Commissioner Morris made the motion to authorize the agreement as specified by the City Attorney. Commissioner Blankenship seconded the motion. Upon call of the roll, the motion carried unanimously.

C. CITY MANAGER'S REPORTS: John Johnson, City Manager, presented a request from Engineering Design & Construction to close the entrance to the old hospital during renovation. Renovation is expected to last ten months. Keys would be provided to police and fire department for safety measures. Commissioner Blankenship made the motion to grant the request. Commissioner Morris seconded the motion. Upon call of the roll, the motion carried by a 5 - 0 vote.

Mr. Johnson advised he has two items to discuss with the Commission in executive session concerning personnel and property acquisition.

AGENDA ITEM VII. NEW BUSINESS

A. SPEED LIMIT: Commissioner Blankenship advised that a speed limit needs to be posted on the road leading to the overlook and also recommended the placement of a guardrail in the vicinity of the picnic areas. A suggested limit was 15 m.p.h. The City Attorney advised an ordinance will need to be adopted to set the speed limit. First reading was given to an ordinance entitled:

ORDINANCE SETTING SPEED LIMIT FOR ACCESS ROAD TO THE LOOKOUT

Commissioner Mounts made the motion to table the matter of naming the access road to the overlook until the next meeting. Commissioner Blankenship seconded the motion. Upon call of the roll, the motion carried 4 - 0 - 1 (Commissioner Morris not present at the time of the vote).

City Engineer, Jack Sykes, advised the access road has not been accepted as a City Street. First reading was given to an ordinance entitled as follows:

AN ORDINANCE ACCEPTING ACCESS ROAD TO THE LOOKOUT AS A CITY STREET

B. Parking: The City Commission heard a request from Walter Petot, on behalf of the Pike County Sheriff's Department, asking that two parking spaces in the vicinity of the Combs Building (located beside Kaminski Robinson's car lot) be dedicated to the Sheriff's Department for the purpose of conducting vehicle inspections. Mr. Petot explained that the spaces would be needed approximately 18 months, while the County Courthouse is being renovated. The City Manager will decide which two parking spaces will be designated for this purpose. An Ordinance dedicating two parking spaces for the cited purpose will be presented at the next regular meeting.

C. Board Appointments: It was requested this item be discussed after reconvening from executive session.

At 8:55 p.m., Commissioner Blankenship made the motion to adjourn to executive session to discuss personnel and legal matters. Commissioner Morris seconded the motion. Upon call of the roll, the motion carried unanimously.

At 11:00 p.m., Commissioner Morris made the motion to reconvene to

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regular session. Commissioner Blankenship seconded the motion. Upon call of the roll, the motion carried by a unanimous vote.

City Attorney Russell Davis, Jr. requested the City Commission to authorize him to file an election contest petition in the Pike Circuit Court contesting the vote of Franklin Maynard, Sr. in annexation tract 1990-2 and ask the Court to declare Mr. Maynard's vote improper and invalid and that the City of Pikeville has the right to adopt an ordinance to finally annex this section to the City Limits of Pikeville. Commissioner Blankenship made the motion to authorize the City Attorney to file an election contest petition in the Pike Circuit Court. Commissioner Mounts seconded the motion. Upon call of the roll, the motion carried unanimously.

Mayor May nominated Anita Johnson and Velma Childers to serve on the Housing Authority Board of Directors. Mayor May explained he had to withdraw an earlier nomination due to the individual not meeting the residency requirements. One member resigned. (Mrs. Childers will fill the vacancy created by the resignation of Cheryl Webster and Mrs. Johnson will be appointed in place of Judy Walters.) Commissioner Morris made the motion to accept the Mayor's nominations of Anita Johnson and Velma Childers to serve on the Housing Authority Board of Directors. Commissioner Blankenship seconded the motion. Upon call of the roll, the motion carried unanimously.

Mayor May advised that two appointments needed to be made to the Industrial Development and Economic Authority Board. Mayor May recommended the Commission reappoint Dan Stratton and Burlin Coleman. Commissioner Blankenship made the motion, seconded by Commissioner Mounts to approve the appointments of Dan Stratton and Burlin Coleman to the Industrial Development and Economic Authority Board (IDEA). Upon call of the roll, the motion carried unanimously.

Nominated to the newly created Pikeville Historic Preservation Board by the Mayor were: Betsy Venters, Jack Sykes, Susie McGhee, Judy Walters, and Pam Robinette. Commissioner Blankenship made the motion to accept the Mayor's nominations. Commissioner Morris seconded the motion. Upon call of the roll, the motion carried 4 - 0 - 1 (Commissioner Mounts abstained). The terms were scheduled as follows:

Betsy Venters.....	1 year
Susie McGhee.....	1 year
Judy Walters.....	2 years
Pam Robinette.....	2 years
Jack Sykes.....	3 years

Mayor May announced that copies of the proposed Model City Day Care Center lease were presented to the Commission late this afternoon. The Commission has not had the opportunity to review the changes and deferred any action until the next regular meeting.

Mayor May announced the "Capitol to the Counties" schedule and the dedication of Mountaintop Baking.

In reviewing the PSG monthly report, Mayor May reported he had one complaint with regard to the garbage pick-up schedule on Thanksgiving in that the trucks ran earlier than usual. Mr. Harless advised he was not aware of this problem and indicated he would check the schedule.

At 11:06 p.m., Commissioner Mounts made the motion to adjourn to executive session to discuss a personnel matter. Commissioner Davis seconded the motion. Upon call of the roll, the motion carried 4 - 1 (Commissioner Morris voted no).

At 11:15 p.m., Commissioner Blankenship made the motion, seconded by Commissioner Morris to reconvene to regular session. Upon call of the roll, the motion carried unanimously.

Mayor May reported no action taken with regard to the executive session.

City Manager, John Johnson, displayed an award received at the Certified Cities luncheon. Mr. Johnson reported this was the third year Pikeville had received such distinction. An award was also received in the beautification category. The Main Street Program presented the City with an "Impact Award".

There being no further business to come before the Commission, Commissioner Davis made the motion, seconded by Commissioner Blankenship to adjourn. The motion carried unanimously. (Adjournment Time: 11:20 p.m.)

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The City Commission's next scheduled meeting is December 10, 1990 at 7:00 p.m. and will be held 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