

**SPECIAL MEETING MINUTES - APRIL 11, 1994**

The Board of Commissioners of the City of Pikeville were called to meet in Special Meeting on Monday, April 11, 1994 at Noon. The meeting was conducted in the City Hall Public Meeting Room at 260 Hambley Boulevard.

Pursuant to the laws governing Special Meetings, notice was delivered to each Commission Member and members of the news media at least 24 hours prior to the meeting. The Special Meeting was called for the following purposes:

1. TO REVIEW AND MAKE ANY NECESSARY MODIFICATIONS TO THE CURRENT DILAPIDATED HOUSING AND NUISANCE ORDINANCE.
2. TO FURTHER CONSIDER THE DISPOSAL OF THE WASTEWATER PLANT LOCATED AT COAL RUN
3. TO RECONSIDER THE REQUEST FOR A ZONING CHANGE FOR THE PROPERTY AT THE MOUTH OF COAL HOLLOW.

At 12:10 p.m., Mayor Steven D. Combs called the meeting to order. Commission Members present upon call of the roll were as follows:

MAYOR:	STEVEN D. COMBS
COMMISSIONER:	KENNY BLACKBURN
	SHARON CLARK
	EUGENE DAVIS

Commissioner Walter Blankenship was absent.

1. Dilapidated Housing/Nuisance Ordinance: Mayor Combs told the audience that he and Commissioner Clark had called the meeting in order to address the recent upscaled efforts to clean up certain properties and areas within the City. Mayor Combs reported that the Fire Chief and Building Inspector have indicated there has been some difficulty in interpreting the ordinance with regard to enforcement. City Attorney, Russell H. Davis, Jr., reported he has reviewed the ordinance and has some suggested modifications which he feels will alleviate the Fire Chief's and Building Inspector's concerns. Mr. Davis reported that the Ordinance breaks down into several categories for various problems. The Environmental Nuisance section of the Ordinance addresses trash, litter, weeds and is even broad enough to cover penalties for allowing mud and debris, such as the incident at Keyser Heights, to wash out on other people's property. This Ordinance provided for the developer to be cited for allowing mud or other debris to be washed out in Keyser Heights on public or private property. In an effort to deter environmental nuisances, a clause has been added to allow for additional violations to be assessed after each 10 day period



passes with no abatement. The reason for allowing ten days is that a person is afforded the right to request a hearing to contest the violation prior to levying the fine. To aid in the enforcement of the Ordinance, the Commission instructed the City Attorney to amend the Ordinance to increase the fine as follows:

1st Violation:	\$50.00
2nd Violation:	\$100.00
3rd Violation:	\$500.00
Failure to Abate:	\$300.00

Additionally, persons named as authorized to issue citations were: the building inspector, police chief, fire chief, fire inspector, the City Manager or his designee.

The Fire Chief was also given authority to have the utilities disconnected or halt the utility hookup to dwellings that he considers to be fire hazards or unsafe.

The Building Inspector advised of a conflict in the Notices of Violation and the Ordinance. The City Attorney was directed to make the necessary changes in the Violation Notice. City Attorney Davis pointed out that a violator does not have 10 days to abate the notice, but 10 days in which to request a hearing.

The Building Inspector also advised that the section relating to dilapidated housing does not specify a code of standards in which to determine violations. He suggested the use of the BOCA standards, as the KBC regulations only apply to new construction.

The Commission also directed that the provision allowing for discontinuance of utilities for failure to pay fines remain in the Ordinance.

Commissioner Clark asked the City Attorney to give the Commission copies of the draft Ordinance for their review. She also expressed her opinion that the City needs to purchase trash cans similar to those serving Lexington and Morehead customers. The receptacles are large and covered and can not be turned over by dogs. She suggested that the trash cans be issued to everyone who has utilities and to assess a monthly charge. The City Manager was directed to obtain information on the cost and present his findings at the next City Commission Meeting.

The Commission discussed PSG's Wednesdays trash pickup of large items. According to Tom Bacon, PSG Manager, no items over 75 pounds are accepted. In addition, no construction items, hazardous or medical waste, batteries or tires are accepted for pickup. The Commission was concerned that the public does not seem to know the guidelines for this free



trash pickup service. Mr. Bacon indicated that he would publish the guidelines governing the Wednesday pickup twice annually. The Commission asked Mr. Bacon to consider changing the day of the pickup to Saturday.

The Commission asked the progress of hiring an environmental officer. City Manager Johnson told the Commission that this position had not been budgeted, however he would include it in the 1994-95 budget proposal. The Commission directed the City Manager to advertise for the position.

2. ZONING AMENDMENT: Nancye Blackburn appeared before the Commission to request an amendment to the zoning maps to allow a .95 acre tract at the mouth of Coal Hollow to be zoned as C-2. Adjacent property owner, Gretchen Bogan, advised the Commission that she plans to appear before the Joint Planning Commission to have the Cline property rezoned as C-2, as they feel a commercial designation is the best use for the property. Commissioner Blackburn pointed out that all the parcels on that side of the Boulevard carry a R-2 zone. Mrs. Blackburn pointed out that no other residences are located in this vicinity. Joint Planning Commission secretary, Leon Huffman told the Commission that the City owns the property down to the Cline property. He told the Commission that from Jim Hefner's property down to the Interchange will be zoned commercial. Commissioner Blackburn disagreed with the concept and asked if the request could be deemed as "spot" zoning. City Attorney Davis agreed that one property owner on a one acre lot in the middle of a residential area could be deemed as spot zoning. Mrs. Blackburn contended that her property is not located in the middle of a residential area. She told the Commission that she plans to relocate the Thompson house located on Tollage Creek to the tract at the mouth of Coal Hollow and wants to rent/lease space to a business. Commissioner Blackburn contended that Mrs. Blackburn could move the building as she already has a permit. He pointed out that she could change her mind if the zoning amendment was approved and put something else on the site. Mrs. Blackburn told the Commission that her development would bring in additional taxes if zoned commercial.

Leon Huffman stated his opinion that Mrs. Blackburn's parcel should be zoned commercial. In addition, he stated that all the property down to Kentucky Avenue should be zoned commercial.

City Attorney Davis advised the Commission that although the change is close to spot zoning, they could change the zoning taking into consideration that the Cline property owners are going to request the same zoning for their property. He added there was enough justification for either decision they wanted to make.



Mrs. Blackburn told the Commission that a traffic light will be installed at Lorraine Street and the Department of Transportation has approved an encroachment permit. In defense of the proposed zoning change, she told the Commission that her development will add to the City's payroll taxes. In addition, she reported that the Comprehensive Plan provides for the entire neighborhood to be zoned commercial. Further, she stated, there have been no objections voiced from adjacent property owners.

First reading was given to an Ordinance to amend the zoning for the tract at the mouth of Coal Hollow. The Ordinance was read entitled:

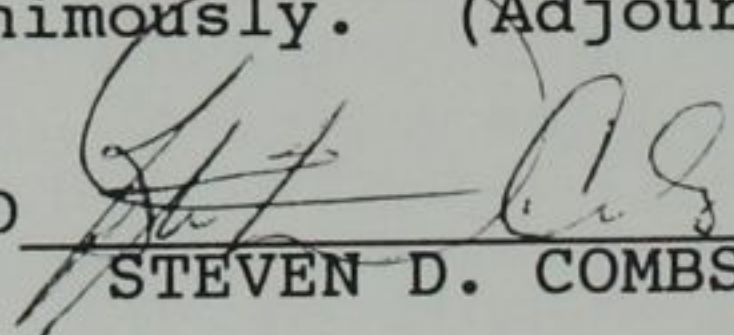
ORDINANCE AMENDING THE CITY OF PIKEVILLE ZONING MAP FOR COAL HOLLOW AT THE INTERSECTION OF HAMBLEY BOULEVARD FROM R-2 TO C-2.

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

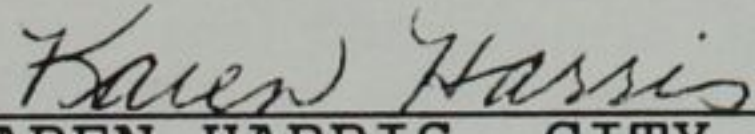
\*It is noted that discussion, relative to the Dilapidated Housing/Nuisance Ordinance, was interrupted to allow Mrs. Blackburn to present her request for a zoning change in order to allow Commissioner Davis the opportunity to consider the matter prior to returning to work. Commissioner Davis did leave prior to the conclusion of the meeting.

3. WASTEWATER TREATMENT PLANT: A meeting was scheduled at 10 a.m. Wednesday morning with Ernie Chaney and Leon Huffman of Mountain Water District and Mayor Combs and City Manager Johnson to negotiate for the disposal of the city owned wastewater treatment plant located at Coal Run.

There being no further business to come before the Commission, Commissioner Clark made the motion, seconded by Commissioner Blackburn to adjourn the meeting. Upon call of the roll, the motion carried unanimously. (Adjournment Time: 1:45 p.m.)

APPROVED   
STEVEN D. COMBS, MAYOR

ATTEST:

  
KAREN HARRIS, CITY CLERK