

MINUTES } CITY OF PIKEVILLE

CITY OF PIKEVILLE BOARD OF COMMISSIONERS REGULAR MEETING MINUTES AUGUST 25, 1997

The Board of Commissioners of the City of Pikeville conducted their regular monthly meeting on Monday, August 25, 1997, in the City Hall Public Meeting Room at 260 Hambley Boulevard.

There being a quorum present, Mayor Steven D. Combs called the meeting to order at 6:00 p.m. Commission Members present at roll call were as follows:

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

Commissioners Sharon Clark and Johnny Mounts were absent.

Sam Carter was present and acting as City Attorney in Russell Davis, Jr.'s absence.

AGENDA ITEM II. MINUTES

The minutes for the previous regular meeting held on July 28, 1997 were included in each Commission Member's agenda package. There being no additions or corrections, Commissioner Davis made the motion, seconded by Commissioner Blackburn to approve the minutes as presented. The motion carried 3 - 0.

AGENDA ITEM III. BUSINESS FROM THE FLOOR

A. WRECKER SERVICE: Attorney Rick Bartley appeared before the Commission, on behalf of Ronnie Robertson, to discuss the City's current wrecker service supplier, Village Wrecker Service. In a brief summary, Mr. Bartley explained to those present that the City, at one time, utilized a system whereby all wrecker services located within the city limits were placed on a list. If a vehicle owner did not have a towing service preference, the police instructed dispatch to contact the next service on the list. In an effort to better serve the citizens, the Commission advertised for bids for a wrecker service. Two bids were received, Robertson's Wrecker Service and Village Wrecker Service. The low bidder was Village Wrecker Service. Mr. Bartley advised that he had reviewed City Commission meeting minutes and various court documents and found that the City Attorney had been instructed to file a lawsuit against Village Wrecker Service to enforce the contract. The action was initiated in response to citizen complaints. Mr. Bartley told the Commission that the lawsuit is set for trial in February, 1998. Mr. Bartley presented his client's concerns and requested the Commission to take action over and above the suit that has been filed. Mr. Bartley presented a partial list of Mr. Robertson's concerns as follows:

1. On October 23 and 29, 1996, City Attorney Davis wrote a letter to Abner Justice of Village Wrecker Service, advising of complaints - one being that he was not cleaning up after accidents - and also that he was charging a rate greater than allowed by the contract.
2. Documentation from City Dispatch, dated November 26, and 29, 1996, when Village Wrecker contacted to respond to the scene of an accident. The dispatcher was told that no wreckers were available. Branham's Wrecker Service was called. Village Wrecker called back to complain that they were not contacted.
3. Village Wrecker refused a City Police request to clear the roadway at the scene of an accident. This resulted in the City Police taking a criminal charge against Mr. Justice for refusing to clear the roadway.
4. On the occasions that individuals have requested Robertson Wrecker Service to provide the towing service, Abner Justice has showed up at the scene and video-taped Mr. Robertson hooking onto the vehicle. Mr. Bartley stated that Mr. Justice has also spoken with the vehicle owners demanding to know why Mr. Robertson is on the scene. Mr. Robertson feels that Mr. Justice is harassing him and his customers.
5. There is serious concern about the lack of equipment used by Village Wrecker Service. The contract specified certain equipment the towing service was to have. Mr. Bartley says that Mr. Justice does not have the necessary equipment to prevent transmission damage when loading vehicles on a roll-back truck.
6. Village Wrecker Service has refused to tow to locations outside the city limits.

Mr. Bartley requested that the City Commission investigate the matter more thoroughly and take specific action to provide better towing service for the citizens. Mr. Bartley suggested that the contract with Village Wrecker Service be voided. Provisions in the contract allow it to be voided for cause, at any time. If the contract is voided, the City can contract with the second bidder, Robertson's Wrecker Service, rebid the service, or go back to the previous "list" system. Mr. Bartley reported that Village Wrecker Service has filed a counter-claim against the City.

Police Chief Edmonds told the Commission there is constant bickering on every wrecker call to which Mr. Justice responds.

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Mayor Combs advised that the Commission would discuss the matter in executive session since it involves litigation.

AGENDA ITEM IV. PAYMENT OF BILLS

A. CITY BILLS: A list of City Bills totaling \$349,289.47 was presented to the Commission for approval of payment. Commissioner Blackburn made the motion, seconded by Commissioner Davis to approve payment of the City Bills as requested. The motion carried 3 - 0.

B. CASSADY BOULEVARD UTILITY EXTENSION: Presented for payment was M & S General Contracting's final pay estimate in the amount of \$15,784.00 for the water, sewer, and gas line extensions on Cassady Boulevard. Commissioner Blackburn made the motion, seconded by Commissioner Davis to approve payment of the pay estimate as recommended by the City Engineer. The motion carried 2 - 0 - 1 with Mayor Combs abstaining from the vote.

AGENDA ITEM V. OLD BUSINESS

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

1. Day Care Center: Mr. Sykes reported that no bids were submitted for the Day Care Center exterior painting and repairs project. Two local contractors, Meade Construction and Patriot Construction, submitted quotes for the proposed work in the amounts of \$21,658.00 and \$35,033.00, respectively. City Manager Johnson advised that \$21,000.00 had been placed in the budget for this project. Mr. Sykes told the Commission that he had received two excellent references with regard to the work quality of Meade Construction. Mayor Combs made the motion to contract with Meade Construction for the painting and repairs to the exterior of the Model City Day Care Building. Commissioner Blackburn seconded the motion. During discussion, Mr. Sykes advised the Commission that Summit Engineering would be responsible for inspecting the work. The motion carried 3 - 0.

2. Harolds Branch Road Project: The City Engineer advised that two bids had been received for this Department of Transportation reimbursed project. The engineer's estimate for the project was \$877,350.67. The low bid received was in the amount of \$1,177,131.31. One of the major cost overruns was the contractor's bid of \$8.25/yard for hauling excess fill material to Poor Farm. The engineer has estimated \$2.00/yard. Mr. Sykes advised that he had asked the low bidder to reconsider the bid. The contractor said they would if an alternate waste site was designated. It was noted that the Poor Farm site is the closest, available waste site. Mr. Sykes reported that he had discussed the bids with officials at the Department of Transportation. Due to the bids being substantially over the engineer's estimate, it was recommended that the Commission reject all bids. Mayor Combs made the motion, seconded by Commissioner Davis to reject all bids received for the Harolds Branch Road Project. The motion carried 3 - 0.

3. Heilig Myers Building/Auxier Avenue: The City Engineer advised the Commission of a new development, at the old Heilig-Myers building, being undertaken by Gary Justice of J. W. Call & Son Funeral Home. Mr. Justice has requested consideration of three issues:

a. Approval of a permanent easement along Hambley Boulevard. Mr. Justice plans to construct a porch, ramp and steps which will encroach about 4 feet on the City's right-of-way.

b. Mr. Justice, at his expense, requests permission to widen Wolford Street to 24 feet to allow for vehicular access. The current width of the street is 15 feet.

c. It is requested that Auxier Avenue be designated a two-way street from Wolford Street down to Third Street.

The Commission was advised that the sidewalk will not be disturbed, however Mr. Justice has asked that he be allowed to remove the Bradford pear trees and replace with landscaping that would provide visibility from the boulevard. The trees will be transplanted on alternate city property locations. With regard to the widening of Wolford Street, Mr. Justice agreed to dedicate a street easement to the City.

Commissioner Blackburn made the motion to authorize the City Attorney to prepare an agreement with J. W. Call & Son Funeral Home to allow for a permanent easement along Hambley Boulevard for the purpose of constructing a porch, ramp and steps; to authorize the Mayor to execute the agreement, and to further allow the widening of Wolford Street under the supervision of the City Engineer with the widened street easement being dedicated to the City. Commissioner Davis seconded the motion. During discussion, the Mayor announced that first reading of an Ordinance to amend the traffic flow, to allow for two-way traffic on Auxier Avenue from Wolford Street to Third Street, would be presented at the next regular meeting. Commissioner Davis commented that this action is evidence of the City encouraging business in town. The motion carried 3 - 0.

B. CITY ATTORNEY'S REPORTS: Sam Carter, acting City Attorney, presented the following items for the Commission's consideration:

1. Parking Fines: Second Reading was given to an Ordinance entitled:

ORDINANCE AMENDING SECTION 72.999 OF THE CODE OF ORDINANCE TO INCREASE CERTAIN PARKING VIOLATION FINES

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Mayor Combs made the motion to adopt the Ordinance. Commissioner Davis seconded the motion. The motion carried with the following votes:

MAYOR:	STEVEN D. COMBS	YES
COMMISSIONER:	KENNY BLACKBURN	YES
	EUGENE DAVIS	YES
	SHARON CLARK	ABSENT
	JOHNNY MOUNTS	ABSENT

The Commission again pointed out that action to increase parking fines is not to raise revenues for the City, but to assist downtown businesses by providing on-street parking for their customers. Commissioner Davis pointed out, that for the ordinance to be effective, it must be enforced. The Police Chief reported that most parking tickets are paid. The Commission discussed the possibility of improving those collections with the purchase of a "boot" or through the court system. Police Chief Edmonds reported due to the number of cases on the court docket, it is not prudent to bring a case for a \$4.00 ticket. He advised the Commission that he has the most difficulty in enforcement of the loading zone parking. Due to the language of the ordinance, Chief Edmonds says it is practically impossible for large trucks to utilize the spaces because of use by persons picking up small packages or making deliveries.

2. Zoning Change: Presented and given first reading was an Ordinance to amend the Zoning map for two tracts of property in the Cedar Creek Development. The Ordinance was read as follows:

AN ORDINANCE AMENDING THE CITY OF PIKEVILLE ZONING MAP FOR THE AREA OF CEDAR CREEK FOR THE 20.3 ACRE TRACT FROM PD-MU TO R-1 AND R-3 AND A 2.3 ACRE FROM R-1 TO R-3.

The Ordinance will be on file in the office of the City Clerk for public inspection. Second Reading was scheduled for September 22, 1997.

The Mayor asked the City Engineer to provide a color-coded map of the areas in question and an explanation of the difference in the zoning characteristics at the next meeting.

C. CITY MANAGER'S REPORTS: John B. Johnson, City Manager, presented the following items for the Commission's consideration:

1. Auction: Mr. Johnson reported that River Fill Lots 5, 6 & 7 were sold, by public auction, to the Pike County District Cooperative Extension Board in the amount of \$155,000.00. The lot at the end of Main Street/Scott Avenue was sold to South East Telephone, Inc. in the amount of \$59,000.00. It was pointed out that both sales brought more than the appraised value. Commissioner Blackburn made the motion, seconded by Commissioner Davis to authorize the Mayor to execute the deeds of conveyance. The motion carried 3 - 0.

2. ARC Grant: Presented was the ARC grant pre-application (prepared by PDR Engineers) for the Raw Water Intake Improvement Project for approval and signature. Project Coordinator, Sue Smallwood, advised that the Raw Water Intake Project is estimated to cost \$2.1 million. The ARC grant, if successful, will provide \$350,000.00. Commissioner Blackburn made the motion, seconded by Commissioner Davis to authorize the Mayor to execute the ARC grant pre-application. The motion carried 3 - 0.

3. Vocational/Technical Center: Commissioner Blackburn made the motion, seconded by Commissioner Davis to authorize the Mayor to execute the deed of conveyance for the tract of property in the river fill behind the City Park to the State of Kentucky Cabinet for Workforce Development for the purpose of constructing a Vocational/Technical School. The motion carried 3 - 0.

4. Emergency Shelter: With regard to the previous meeting's announcement that the City did not receive funding for the operation/maintenance of the Emergency Shelter, City Manager Johnson informed the Commission that he had consulted with Natalie Hutchinson of the Kentucky Housing Corporation. Ms. Hutchinson explained that she expected that her office would recoup between \$50,000.00 to \$80,000.00 in December. Said funds are recouped from agencies not utilizing their funds for the specified year. According to Ms. Hutchinson, the City could get 50% of the returned funds for use at the Emergency Shelter. Mayor Combs clarified that the City has no plans to close the shelter. The City Manager advised that about \$30,000.00 had been placed in this fiscal year's budget for operation needs at the Emergency Shelter. He said that these funds should provide for the needs of the shelter through December when it will be learned if the City will receive any grant funds or if it will be necessary to amend the budget.

5. Main Street Program Update: Mayor Combs reported that the City has taken possession of the Main Street Program records. He asked that someone from the City be authorized to hold the records, get the mail, and deal with the receipts until the Main Street Board appoints a director. The Mayor stated that Main Street Program has no expenses at this time. Eddie Jackson, a member of the Main Street Board, was appointed treasurer at Main Street Board's last meeting. Mayor Combs made the motion to authorize Jan Hunt to sign the Main Street Program bank account signature card and to be authorized to execute checks on behalf of the Main Street Program until a director has been appointed. Commissioner Davis seconded the motion. The motion carried 3 - 0.

6. Academy/Training School Class Reunion: Mr. Johnson advised that he had received a request for use of the Academy Building on October 24, 1997 for the purpose of providing a registration area for a reunion of the graduates of the Pikeville College Academy Training School. City Engineer Sykes advised that the building will still be undergoing renovation at that time. City Manager Johnson said he

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made the applicants aware of the ongoing construction. Mayor Combs made the motion to allow the use as requested. Commissioner Davis seconded the motion. During discussion, the engineer was asked to barricade any areas that may be unsafe. The motion carried 3 - 0.

7. Pike County Bowl: City Manager commended Parks Director, Doug Justice, and his staff's preparatory work to the Hambley Athletic football field for the Pike County Bowl.

At 6:55 p.m. Mayor Combs made the motion, seconded by Commissioner Davis to adjourn to executive session for the purpose of discussing a pending legal matter concerning the wrecker service. The motion carried 3 - 0.

At 7:07 p.m., Mayor Combs made the motion, seconded by Commissioner Blackburn to reconvene to regular session. The motion carried 3 - 0.

The Mayor announced the Commission had no action to take as a result of the executive session.

It was brought to the Commission's attention there are three vacancies on the Pikeville Public Library Board. Mayor Combs made the motion to appoint Pam Robinette May, Pam Collier, and Bill Owens to serve as members of the Pikeville Public Library Board. Commissioner Blackburn seconded the motion. The motion carried 2 - 0 - 1 with Commissioner Davis abstaining from the vote.

There being no further business to come before the Commission, Mayor Combs made the motion, seconded by Commissioner Blackburn to adjourn the meeting. The motion carried 3 - 0. (Adjournment Time: 7:10 p.m.)

The City Commission's next regularly scheduled meeting is September 22, 1997 at 6:00 p.m.

APPROVED: STEVEN D. COMBS, MAYOR

ATTEST:

KAREN HARRIS, CITY CLERK