

**PIKEVILLE CITY COMMISSION
REGULAR MEETING MINUTES
AUGUST 24, 1998**

The Board of Commissioners for the City of Pikeville met in regular session on Monday, August 24, 1998 at 6:00 p.m. The meeting was held in the City Hall Meeting Room at 260 Hambley Boulevard.

Mayor Steven D. Combs presided. Commission Members present at roll call were as follows:

MAYOR:	STEVEN D. COMBS
COMMISSIONER:	BILL BLACKBURN
	EUGENE DAVIS
	JOHNNY MOUNTS
	SHARON CLARK

AGENDA ITEM II.

MINUTES

The minutes for the previous regular meeting of July 27, 1998 were included in each Commission Member's agenda package. There being no additions or corrections, Commissioner Mounts made the motion, seconded by Commissioner Davis to approve the minutes as presented. The motion carried 4 - 0 - 1 with Commissioner Clark abstaining from the vote.

AGENDA ITEM III.

BUSINESS FROM THE FLOOR

A. PROPERTY MAINTENANCE: College Street resident, Minnie Sue Elliott addressed the Commission relative to an environmental nuisance on an adjacent property. Ms. Elliott reported that the property owner has construction debris, indoor furniture items, and weeds in the yard. Ms. Elliott further commented that she is of the opinion that the structure on the property is in a dilapidated condition. Commissioner Clark agreed with Ms. Elliott concerning the unkempt condition of the yard. Environmental Officer, Jeff Wood, reported that he had visited the site approximately an hour before this meeting. He informed the Commission that the property owner had a carpenter at the site who advised that he is preparing to use the construction materials for repairs to the house. A citation can be issued for failure to cut the weeds. Building Inspector, Levy Green, told the Commission that he has inspected the house and has found the house is not in a condition that warrants condemnation. City Attorney Davis told the Commission that the City does not have a property maintenance ordinance, nor can a city legislate how well someone maintains their property. The Building Inspector told the Commission that he would speak with the property owner and advise that he needs to make the repairs and clean up the yard in a more expeditious manner.

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B. ANIMAL CONTROL: Joe Dean and Peggy Anderson appeared before the Commission to request assistance in abating an animal control problem they are experiencing at their residence on Pine Street. Mr. Anderson told the Commission that his next door neighbor, Hoyt Spence, is keeping 14 dogs. The dogs bark at all hours of the day and night and the odor, at times, is unbearable. Mr. Anderson explained that he had contacted the Health Department, Humane Society, and Animal Shelter. None of the agencies have been of any assistance. The State Board of Health was contacted and Mr. Anderson was advised that they could offer no assistance unless there is rat infestation. Nancy Forsyth and Commissioner Davis reported they were also bothered by the noise from Mr. Spence's barking dogs. The Anderson's contacted the Police Department. The Police Department obtained a criminal summons and had the dogs removed on the basis of cruelty to animals. Mr. Anderson reported that the police officers had seen rats on this occasion. The Environmental Officer also issued a citation for noise pollution. According to Police Chief Justice, Mr. Spence appealed to the judge to have the dogs released. The judge ordered the dogs to be returned to Mr. Spence because of a statement from the veterinarian that Mr. Spence is treating the dogs for mange. Fire Chief Hall advised the Commission that he has instructed the Environmental Officer to visit Mr. Spence's residence every three days and to issue a citation if there is odor or noise. City Attorney Davis advised the Commission that the City does not have any ordinances which limit the number of animals in any location or any zone. While the zoning code defines a kennel as the keeping of 5 or more dogs over the age of 4 months, there is no provision to prohibit kennels in any particular area. Commissioner Mounts asked if the ordinance could be amended to limit the number of animals that can be housed at any one residence and to prohibit kennels in residential areas. City Attorney Davis told the Commission the ordinance could be amended to restrict the location of kennels in certain areas. In an effort to remedy future problems, the Attorney was asked to find out what ordinances other cities have for animal control. Commissioner Davis said he would be agreeable to meeting in a work session to discuss a possible amendment to the Ordinance. Mayor Combs said that when a work session was scheduled, the public would be notified so they could appear and have input. Mayor Combs made the motion to authorize the City Attorney to file a nuisance suit against Hoyt Spence and to seek a temporary injunction for immediate removal of dogs from the premises. Commissioner Davis seconded the motion. The motion carried unanimously.

C. INDOOR FIRING RANGE: A partner of a prospective indoor firing range appeared before the Commission to ask that the City's ordinance, concerning the discharging of a weapon within the city limits, be rescinded or revised. Mr. Stanley told the Commission that he and his partners are considering the purchase of a tract of property at 702 South Mayo Trail. The property is zoned C-2. They plan to construct an indoor firing range and arcade. Construction of the building will provide for the building to be nearly soundproof and will be constructed in accordance with OSHA and EPA regulations. Additionally, the business will be licensed through the State of Kentucky. City Attorney Davis advised the Commission that city regulations prohibit the discharging of a weapon anywhere in the city limits. The ordinance could be revised to permit firing a weapon inside an indoor firing range. Mayor Combs made the motion to authorize the City Attorney to prepare an

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amendment to the ordinance to allow discharging weapons at indoor firing ranges, subject to the facility being soundproof, and that no alcoholic beverages would be permitted on the premises. Commissioner Clark seconded the motion. The motion carried unanimously.

D. HILLBILLY DAYS, 1999: City Manager Blackburn reported that he had contacted Chamber of Commerce Executive Director, Gerry Altman, and advised him of the Commission's decision to limit the use of the City Park to pedestrian traffic and music during the Hillbilly Days festival. Mayor Combs explained that the relocation of the booths is necessary because of the work and money put into renovating the park. Mr. Altman advised the Commission that he, with the assistance of City personnel, is looking at alternate sites for the craft booths.

AGENDA ITEM IV.

PAYMENT OF BILLS

A. CITY BILLS: A list of City Bills totaling \$752,689.92 was presented to the Commission for approval of payment. Upon the City Manager's confirmation that sufficient funds were available with which to make payment, Mayor Combs made the motion, seconded by Commissioner Davis to approve payment of the bills as requested. During discussion, the Commission questioned if the City was receiving reimbursements from the Department of Transportation for the Harold's Branch Project. The City Manager advised there is one outstanding bill of \$108,000. The City should be receiving the reimbursement shortly. City Engineer Sykes advised the Commission that excavation for the project is about 95% complete. The contractor will begin next week on lowering a portion of the roadway by 5 feet. The motion carried 4 - 0 - 1 with Commissioner Mounts abstaining from the vote.

B. ACADEMY BUILDING

1. Payment of Bills: Presented for approval of payment was an invoice from Richardson & Associates, Architects, for construction oversight of the second phase of the Academy Building restoration. It was reported the invoice was approved by the Historic Preservation Board. Mayor Combs made the motion, seconded by Commissioner Davis to approve payment of the invoice as requested. The motion carried unanimously.

2. Architect's Report: Architect, Bill Richardson, reported the Commission had approved the conversion of the Academy Building into City Hall at a special meeting held on August 18, 1998. A construction budget from city funds in the amount of \$92,710 was approved and a change order was given to Commonwealth Building & Construction. Additionally, a dry system sprinkler system was added at a cost of \$38,500. Included in the \$92,710 budget is a fire escape. Project Coordinator, Sue Smallwood, advised the Commission that a \$3,000 change order had been approved by the Historic Preservation Board during their last meeting for a revision to the stairway handrail. Mr. Richardson explained that a short metal stem will be placed on top of the existing handrail and a new oak handrail will be installed on top of the metal stems. The handrail will be code

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compliant and will protect the city from any liability. It was pointed out that the \$3,000 change order is not included in the \$92,710 budget. In an effort to provide a clear paper trail for the city's auditors and for the Department of Transportation, Ms. Smallwood requested the approval of change orders to be broken down to provide for construction costs utilizing the remaining ISTEAF funds and that of city funds. There is approximately \$55,000 left in the ISTEAF funds to be used for construction. Commissioner Davis made the motion to approve change order #4 in the amount of \$3,000 for the stairwell revisions. Commissioner Clark seconded the motion. The motion carried 3 - 1 - 1 with Mayor Combs casting a no vote and Commissioner Mounts abstaining from the vote. Commissioner Clark made the motion to approve change order #5 for the amount of the remaining ISTEAF grant funds to complete the exterior work plus the installation of a fire escape. Commissioner Davis seconded the motion. The motion carried 3 - 1 - 1 with Mayor Combs casting a no vote and Commissioner Mounts abstaining from the vote. Commissioner Clark made the motion, seconded by Commissioner Davis to award a change order to Commonwealth Building and Construction in the amount of \$134,600 to complete items 1 - 12 of the interior renovations to the Academy Building as outlined in Richardson & Associate's proposed budget. Mayor Combs asked how the project was to be funded. City Manager Blackburn advised that the City does have the money in savings or the Commission can choose to finance the renovations over a ten year period. Quotes were solicited from the local financial institutions. Star Bank submitted the lowest quote of a 5.48% fixed interest rate. The motion carried 3 - 1 - 1 with Mayor Combs casting a no vote and Commissioner Mounts abstaining from the vote. With the interior and exterior renovations and the moveable partitions and furniture, the expected cost of the relocation is \$401,922.00. Mr. Richardson asked for approval of the target budget and the amendment to his professional services contract. City Manager Blackburn told the Commission that Mr. Richardson's fee is 6% of the total project, however he has agreed to waive approximately \$5,400.00 from the \$21,000.00 fee, making the total fee, based on the target budget, about 4%. Mr. Richardson also recommended that a committee be established to review the proposals from prospective furnishings vendors. Commissioner Davis made the motion, seconded by Commissioner Blackburn to establish a committee to consist of the City Manager, Commissioner Clark, and a couple of city employees to review the furnishings proposals. The motion carried 3 - 1 - 1 with Mayor Combs casting a no vote and Commissioner Mounts abstaining from the vote. Commissioner Clark made the motion, seconded by Commissioner Davis to amend Richardson & Associate's professional services contract and to approve the target budgets. The motion carried 3 - 1 - 1 with Mayor Combs casting a no vote and Commissioner Mounts abstaining from the vote.

AGENDA ITEM V.

OLD BUSINESS

A. MAIN STREET PROGRAM REPORT: Main Street Board Chair, Sarah George, reported that additional information has been submitted to the State in conjunction with the City's application to be designated as a Renaissance Kentucky City.

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During a previous meeting, the Commission indicated they may want to replace existing water and gas lines during the proposed utility relocation project. Ms. George was asked to arrange a meeting with the City Engineer and PSG Manager to determine the design costs.

The Christmas Parade was scheduled for December 5th to be held in the afternoon hours.

B. CITY ENGINEER'S REPORTS: Jack Sykes, representing Summit Engineering, city engineers, presented a verbal status report of ongoing projects as follows:

1. Harold's Branch Road Improvement Project: Mr. Sykes reported that the contractor is several weeks behind schedule. He added that the only real damage is the inconvenience suffered by the residents of Harolds Branch. The engineers are in the process of negotiating a price settlement with the contractor.

2. 911 Readdressing: The project is complete.

3. Peach Orchard Waterline: The construction project is complete. The original contract amount was \$115,170.00. Added to the contract was the replacement of five fire hydrant valves for a total cost of \$4,000. Deleted from the contract was several feet of water line casing. Mr. Sykes reminded the Commission that it is required that water line be encased if it is installed within 10 feet of a sanitary sewer line. The contractor was able to install much of the line in the ditch negating the need for the casing. Presented for approval was a net deduct change order totaling approximately \$770.00, making the total contract cost \$114,399.00. Commissioner Mounts made the motion, seconded by Commissioner Davis to approve the change order as outlined by the City Engineer. The motion carried unanimously. The street is scheduled to be paved in about 2 weeks.

4. Zoning/Street Map: The Zoning map has been completed and has been forwarded to the Joint Planning Commission for review and approval.

5. Baird Avenue/Flood Plain Issue: The work being done on the flood plain affecting Baird Avenue and the area above is about 75% complete.

6. Keyser Heights Water Tank: The water tank has been erected. The contractor still has to install the valve pit. Approximately 70% of the water line has been constructed.

7. Jefferson Street Retaining Wall: The project is complete. The contractor installed caissons and cribbing to prevent further slippage of the roadway. The slippage occurred as a result of heavy rains.

8. Utility Mapping: Summit Engineering is in the process of placing the utility maps on computer. The project is about 90% complete.

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9. Capital Improvement Project: This project is about 40% complete. Mr. Sykes advised that he will be requesting a work session to discuss the project.

10: City Park Restroom Facility: Summit Engineering has designed a restroom facility for the city park. The plan consists of a couple of bathrooms with a 12 X 15 storage facility in the middle. The engineers did not add heating to the building because the facility will not be operated during the winter months. Commissioner Davis gave his opinion that unheated buildings deteriorate more quickly. The engineer was directed to add heating and insulation to the building. Mayor Combs made the motion, seconded by Commissioner Clark to authorize the City Engineer to advertise for bids. The motion carried unanimously. The Commission discussed the stationing of a full-time employee in the City Park. It was decided that an employee would not be needed until spring.

C. CITY ATTORNEY'S REPORTS: Russell H. Davis, Jr., City Attorney, presented the following items for the Commission's consideration:

1. Street Name Ordinance: Presented and given second reading was an Ordinance entitled:

ORDINANCE ADOPTING STREET NAME CHANGES, AMENDMENT AND/OR ADDITIONS (0-98-016)

Mayor Combs made the motion to adopt the Ordinance as read. Commissioner Mounts seconded the motion. The motion carried by the following votes:

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

2. 911 Addresses: Presented and given second reading was an Ordinance entitled as follows:

ORDINANCE REQUIRING PROPERTY OWNERS, OCCUPANTS OR PERSONS IN CHARGE OF ANY HOUSE, BUILDING, RESIDENCE, MOBILE HOME OR OTHER STRUCTURE TO HAVE AN ADDRESS OR IDENTIFICATION NUMBER PERMANENTLY AND PROMINENTLY DISPLAYED; PROVIDED FOR RENUMBERING; MAINTENANCE OF NUMBERS DISPLAY; NON-COMPLIANCE AND PENALTIES (0-98-017)

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

MAYOR:	STEVE COMBS	YES
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COMMISSIONER:	BILL BLACKBURN	YES
	EUGENE DAVIS	YES
	JOHNNY MOUNTS	YES
	SHARON CLARK	YES

C. CITY MANAGER'S REPORTS: R. Kenneth Blackburn, City Manager, presented the following items for the Commission's consideration:

1. 401K Plan: City Manager Blackburn reported that about 45 % of the cities' employees had attended a meeting with a retirement representative to discuss the state administered 401 K Plan. Based on the employees who attended the meeting, the city could participate at an amount not to exceed 3% for a cost of about \$19,000 annually. The mandated retirement through CERS costs the city about \$317,500. annually. Commissioner Clark made the motion to establish a 401 K Plan for the City of Pikeville, to be contributed to by the employee only. Commissioner Davis seconded the motion. The motion carried unanimously. (Resolution R-98-008)

2. Electrical and Demolition Permits: City Manager Blackburn advised the Commission of a problem that had been encountered by a City resident who had some electrical work done, but because the designated inspector (Joe Kendrick) was out of town and could not perform an inspection, American Electric Power refused to reconnect the electricity. The homeowner is blaming the City because they are under the impression the inspector works for the City. The electric company requires an inspection by a certified inspector prior to connecting the electricity. While the current inspector does not have a contract, the City operates as a closed city, meaning that no other electrical inspectors, except the designated inspector, can perform inspections within the City Limits. Sue Smallwood reported that she had sat in on the interview with former City Manager Johnson. She advised that Mr. Kendrick was informed that he would be working under the same arrangement as negotiated by former electrical inspector, Chester Smith. Mayor Combs reported there has been more than a few complaints concerning the inspector. Electrical Permits are based on a cost. There is a \$24.00 fee for up to \$1,600 of work and then 1 1/2% thereafter. The City retains 10% of the fees collected as an administrative fee. The inspector is paid the remainder. Electrical permits add about \$10,000. per year to the budget. The Commission voiced their concern about safety if the permitting section was repealed. It was explained that the electrical contractors will still be required to take a test and be licensed by the City. The electric company will still require an inspection. The inspection could be done by any state certified electrician if the Commission chooses to repeal the ordinance. The City Manager reported that a number of cities do not require electrical permits. The City Attorney gave first reading to an ordinance to repeal section 150.30 of the City's Code of Ordinances relating to electrical permits.

City Manager Blackburn asked the Commission to consider whether they would want to repeal the ordinance requiring a permit for demolition. The current fee is \$25.00. The City Manager told the Commission that he has discussed the potential liability with the

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City Attorney and they feel it may be better to repeal the permit and fee. The City Attorney gave first reading to an ordinance to repeal the \$25.00 Demolition Permit Fee.

3. Park Truck: City Manager Blackburn advised the Commission that two bids were received for the purchase of a 4 wheel drive 3/4 ton full size truck for the Park Department. The bids were received from Fletcher & Hall in the amount of \$22,900 and from Bruce Walters Ford in the amount of \$21,416.50. The City Manager advised that a budget amendment will be necessary. The purchase of a 1/2ton 2 wheel drive truck was originally budgeted for a cost of \$15,000, but the Commission decided during a budget session that a 4 wheel drive truck should be purchased so it could be equipped with a snow plow if needed. Mayor Combs made the motion to award the bid for the purchase of a 4 wheel drive truck to the low bidder, Bruce Walters Ford in the amount of \$21,416.50. Commissioner Clark seconded the motion. The motion carried unanimously.

4. Use Agreement: Presented for approval was an agreement with Community Trust Bank for use of the Hambley Athletic Complex for the Pike County Bowl. The provisions of the agreement remain the same as for the previous year with the exception that Community Trust Bank will reimburse the City for all overtime incurred by the Police Department for this event. Mayor Combs made the motion to approve the Use Agreement with Community Trust Bank. Commissioner Mounts seconded the motion. The motion carried unanimously.

AGENDA ITEM VI.

NEW BUSINESS

A. BOARD APPOINTMENTS: The City Clerk was directed to arrange a special meeting of the Commission to consider the Board Appointments. The clerk was further directed to send a list of the needed appointments along with the term limits to each Commission Member.

AGENDA ITEM VII.

CONSENT ITEMS

A. Pikeville Independent School: Included in the agenda package was a letter of support from the Pikeville Independent School District for the Police Department's acquisition of a canine unit. The Mayor clarified that the Police Department has asked for the letter. The school did not initiate the request.

B. Ambulance Bills: Included in the agenda was a report of collections of ambulance bills. The City Manager proposed turning over all collectable bills, over 120 days old, to the Pikeville Credit Bureau. Pikeville Credit Bureau charges \$3.00 per bill. Mayor Combs made the motion to accept the City Manager's recommendations. Commissioner Mounts seconded the motion. The motion carried unanimously.

C. Letter of Appreciation: Mayor Combs advised that he had received a letter from the Pike County Fiscal Court in appreciation of the use of the Fire Department Training Classrooms for CPR certification for their employees. Commissioner Mounts

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made the motion to offer the classes to all of the city employees. Commissioner Davis seconded the motion. During discussion, the Commission clarified that the classes would be voluntary and the employee would be allowed to take the class on City time. The motion carried unanimously.

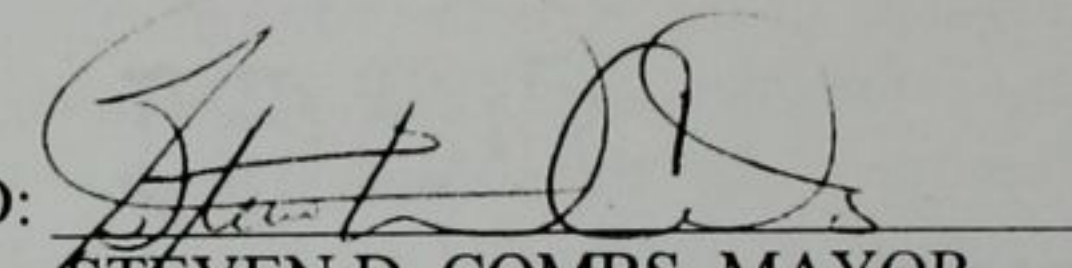
At 8:40 p.m. Mayor Combs made the motion to adjourn to executive session for the purpose of discussing a personnel matter, a property matter, and a pending legal matter. Commissioner Davis seconded the motion. The motion carried unanimously.

At 9:35 p.m., Mayor Combs made the motion to reconvene to regular session. Commissioner Clark seconded the motion. The motion carried unanimously.

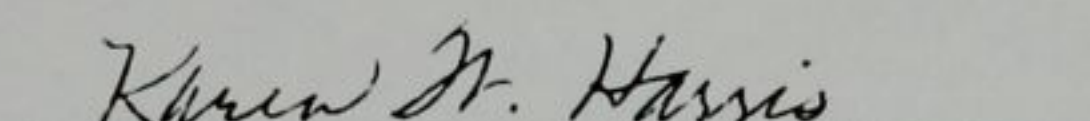
Upon motion by Mayor Combs, and seconded by Commissioner Clark, the meeting was adjourned at 9:36 p.m.

The next regular scheduled meeting of the City Commission is Monday, September 28, 1998, at 6:00 p.m.

APPROVED:


STEVEN D. COMBS, MAYOR

ATTEST:


KAREN W. HARRIS, CITY CLERK