

# MINUTES } CITY OF PIKEVILLE

## CITY OF PIKEVILLE BOARD OF COMMISSIONERS REGULAR MEETING MINUTES SEPTEMBER 28, 1998

The Board of Commissioners of the City of Pikeville conducted their regular monthly meeting on Monday, September 28, 1998. The meeting was held in the City Hall Public Meeting Room at 260 Hambley Boulevard in Pikeville, Kentucky.

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: BILL BLACKBURN  
EUGENE DAVIS  
SHARON CLARK

Commissioner Mounts arrived at the meeting at 6:05 p.m.  
Mayor Combs left the meeting at 7:30 p.m.

\*Note: The minutes are in the order as the items appear on the agenda, not in the order the items were discussed.

### AGENDA ITEM II. MINUTES

The minutes for the previous regular meeting of August 24, 1998 and special meeting of August 18, 1998 were included in each Commission Member's agenda package. There being no additions or corrections, Commissioner Davis made the motion, seconded by Commissioner Clark to approve the minutes as presented. The motion carried 4 - 0 (Commissioner Mounts not present at the time of the vote).

### AGENDA ITEM III. BUSINESS FROM THE FLOOR

A. UDAG - KEYSER HEIGHTS: Due to Stuart Adams' absence, discussion concerning the Keyser Heights UDAG funds was postponed.

B. LOADING ZONES: A request had been made by a United Parcel Service employee to address the Commission relative to the loading zone parking. There was no representative present to discuss the matter.

C. LIBRARY/TELECOMMUNICATIONS PROJECT: Big Sandy Area Development representative, Sandra Saad, was present to request the Commission's consideration in deeding the city owned parcel, located on Elm Street and adjacent to the Academy Building, to the Pike County Public Library District for the purpose of a parking lot construction for the Library/Telecommunications Center. Ms. Saad advised the Commission that before grant funds can be released for the parking lot construction, Pike County Public Library District will have to have proof of ownership. Commissioner Blackburn indicated his interest in preserving the stone wall and asked if the wall could remain intact. Ms. Saad reported that the architect's drawings provide for the removal of the wall and the lowering of the site to provide access and 27 parking spaces, and use of said spaces could be shared by the library/telecommunications facility and the Academy Building. By keeping the wall, the number of parking spaces would be seriously limited. The lot will also house underground geo-thermal well units which will heat and cool the library/telecommunications facility. Ms. Saad commented that the material from the stone wall could be donated back to the City to be used in extending the wall in another area. Mayor Combs explained the parcel was purchased for the purpose of including it in the library/telecommunications project. Mayor Combs made the motion to authorize the City Attorney to prepare a deed of conveyance to the Pike County Public Library Board District for the parcel with the restrictions that the parking lot would be shared by the library/telecommunications facility and the Academy Building, and to further authorize the execution of the deed subject to the proper restrictions and covenants. Commissioner Mounts seconded the motion. The motion carried 4 - 0 - 1 with Commissioner Davis abstaining from the vote.

4. Nepotism: Mr. Taylor addressed the Commission to request a clarification of the provisions of the Ethics Ordinance and the City of Pikeville's personnel policy as they relate to Nepotism. Mr. Taylor explained that he is currently employed as a law enforcement officer and is interested in seeking employment with the Pikeville Police Department. His brother is a fire fighter employed with the Pikeville Fire Department. Mr. Taylor contends that he is prohibited from working for the Police Department through the guidelines established in the personnel policy, however he would be able to pursue employment as defined in the Ethics Ordinance. City Attorney Davis read the excerpt from the Ethics Ordinance to which Mr. Taylor was referring. "...This provision shall not apply to the agencies, boards, or commissions so long as the official or employee of the family member has no authority to make any decisions regarding the employment, appointment, promotion, transfer, discipline or dismissal of any officer, board member or employee of said agency, board or commission...." City Attorney Davis explained there is no conflict between the personnel policy and the code of ethics, as the provisions specify there can be no hiring of family members within city departments, however employment within different city agencies would be permitted. The Commission directed the City Attorney to prepare a revision to the policies which would permit employment of family members in separate city departments. The Mayor explained that the proposed amendment would be considered by the Commission during their next regular meeting and advised the change can not go into effect until adopted by Ordinance.



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## AGENDA ITEM IV.

## PAYMENT OF BILLS

A. CITY BILLS: A list of City Bills totaling \$496,010.13 was presented to the Commission for approval of payment. Mayor Combs made the motion, seconded by Commissioner Davis to approve payment of the bills as requested. The motion carried unanimously.

## AGENDA ITEM V.

## OLD BUSINESS

A. MAIN STREET PROGRAM: Main Street Board Chair, Sara George, announced that Pikeville had been designated as a Renaissance City and was awarded the silver city distinction. As a silver city, Pikeville will be eligible to apply for infrastructure grants for a period of up to 10 years, with the first of the projects being the now proposed utility relocation project. Building Inspector, Levy Green, has been asked to schedule a meeting with a state certified electrical inspector to determine if each property owner in the project area will be required to bring their building into code compliance or if it will be sufficient just to relocate the appropriate utility connections. Ms. George told the Commission that the utility companies are delaying the submission of design fees until it is learned the cost to connect each building in the project area. The fees for connecting the buildings will be included in the grant application so there will be no cost to the property owners.

In evaluating Pikeville's application to be named a Renaissance City, two findings were made. It was suggested that the remainder of the Renaissance area be surveyed to include the properties listed on the National Register of Historic Places. This survey would include the area from Pike Street to Grace Avenue. Project Director, Sue Smallwood, reported that the Historic Preservation Board has been awarded a grant to update the survey. Historic Preservation Board Chair, Jack Sykes, suggested that Main Street apply for another grant, as the grant received by the Historic Preservation Board is not sufficient to fund the proposal from the consultant (\$14,000). Ms. George told the Commission that property owners benefit from having their property in a historic area, as when renovations are made, the owner qualifies for tax credits up to 20%. It was also suggested the City conduct a formal Market Study of the Renaissance area.

Main Street Director, Glendia Sawyers, announced the Christmas Parade will be held on December 5th at 2:00 p.m. City and County officials are involved in the planning process.

B. ACADEMY BUILDING RENOVATION: Architect Bill Richardson reported that City officials and staff had met with representatives from three companies proposing to furnish the Academy Building. Mr. Richardson advised that Correctional Industries could not provide the complete systems requested and were not competitive in a number of ways. Kimbell Furniture is an all wood product. A quote of just over \$216,000 was submitted by Kimbell Furniture. Cardinal Office Systems is a steelcase product. Their quote was submitted at \$108,000. Mr. Richardson stated his opinion that the Kimbell product was of better quality and would be conducive to the time period of the building. Commissioners Blackburn, Clark and Davis agreed. The budget for the furnishings was established at \$245,000. Mr. Richardson estimated an additional expenditure of \$13,000 for wood shades (window treatments) and \$25,000 for carpeting. With these expenditures, Mr. Richardson estimated exceeding the budget by about \$10,000. Commissioner Clark asked about the fabric wall covering for the meeting room. Mr. Richardson advised that he estimates the cost at \$25,000 to treat the exterior walls. He reported that he had petitioned the Heritage Council to determine if the wall treatment would be permitted. Commissioner Davis made the motion, seconded by Commissioner Clark to approve the purchase of the furnishings, window treatments and floor carpeting from Kimbell Furniture. The motion carried 3 - 1 - 1 with Mayor Combs casting a no vote and Commissioner Mounts abstaining from the vote.

C. CITY ENGINEER'S REPORTS: Jack Sykes, representing Summit Engineering, City Engineers, presented a verbal status report of ongoing projects:

1. Keyser Heights Water Project: The tank is constructed and the water line has been installed. The contractor is in the process of refurbishing the pump station.

2. City Park Restroom/Bob Amos Park Storage Building: Floor plans were submitted for the proposed restroom facilities for the City Park and a 40 X 60 storage building to be constructed at Bob Amos Park. The City Engineer advised that he thinks the City will receive a more reasonable bid if the projects are bid together as one contract. The Commission authorized the City Engineer to advertise for bids. The bids will be presented at the next regular meeting.

3. Flood Maps: A few meetings ago, the Commission authorized Summit Engineering to investigate the flood plain designation established by FEMA for the property in the vicinity of Baird Avenue. FEMA designated all the property from the river fill to the hillside as being in the flood way. The Engineers have prepared a map for submittal to FEMA that proposes to remove all the properties with the exception of the Landmark Inn and Mark III and a portion of the new building being constructed by C.D. Roberts out of the flood way. Mayor Combs made the motion to authorize the submittal of the proposed flood map amendments to FEMA. Commissioner Mounts seconded the motion. During discussion it was noted there is a \$280.00 filing fee to submit the documents. The motion carried unanimously.

4. Harolds Branch Road Improvement Project: Mr. Sykes reported that the contractor has approximately 98% of the earthwork completed. It is expected the contract will be completed by November 7, 1998. The contract was originally executed in March, 1998 with a scheduled completion



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date of May 28, 1998. Due to the excessive amount of rainfall in April and May, the contractor was given a 30 day time extension (until June 28, 1998). The contractor is now 79 days beyond the contract term. Summit Engineering has provided inspection services through July under the original contract. Mr. Sykes requested a change order to the engineering contract to provide for inspection services until the contract is completed. The change order was presented in the amount of \$15,000.00. Commissioner Mounts stated that the contractor should be required to pay for the additional inspection. Mr. Sykes told the Commission that Summit Engineering's contract is with the City. The City could fund the additional expenditure through liquidated damages which can be assessed at a rate of \$500.00 per day. Mr. Sykes reported that at the beginning of the contract, a request had been made of D.O.T. to approve contingency funds. While the contingency funds were not intended to fund costs associated with contract overruns, Mr. Sykes indicated the City may be able to use the funds for this purpose, if they are approved by D.O.T. After considerable discussion, the Commission assured Mr. Sykes that Summit Engineering would be compensated for the additional inspection fees, but decided to wait until contract completion to negotiate with the contractor (C & W Equipment).

5. Capital Improvement Plan: Mr. Sykes requested a work session with the Commission to review the Capital Improvement Plan update.

6. Poor Farm Feasibility Study: During the past 6 to 8 months, the City has allowed the filling of their property in Poor Farm Hollow. There has been some discussion on the need to perform a study to ensure the maximum developable property and to determine the best use for the property. Mr. Sykes proposes to look at the property ownership and a concept for use at this time. Projected cost is \$2,000.00. The Commission authorized the City Engineer to proceed.

7. Thompson Road: With the property developments along Cassady Boulevard and impending construction of the Post Office on Thompson Road, Mr. Sykes suggested that Summit Engineering be authorized to determine the property ownership and the amount of right-of-way retained by the City, in the area between Cassady Boulevard and the Coal Run Bridge, in the event there should be a need to add a third traffic lane. Summit Engineering will not provide certified title researches, but will identify the property owners. Projected cost is between \$3,000 to \$5,000. Mayor Combs made the motion to allow Summit Engineering to proceed with the property ownership identification. Commissioner Mounts seconded the motion. The motion carried unanimously.

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

1. Electrical Permits: Presented and given second reading was an ordinance entitled:

## ORDINANCE AMENDING SECTION 150.30 OF THE CITY OF PIKEVILLE CODE OF ORDINANCES REQUIRING ELECTRICAL PERMIT AND FEES

City Attorney Davis explained that the City will no longer require electrical permits nor will the City have a designated electrical inspector. Additionally, electricians working within the city limits will not be required to take a test to be certified to work in Pikeville. It was pointed out that American Electric Power Company still requires that each electrical hook-up be inspected by a state certified electrical inspector.

Commissioner Clark made the motion, seconded by Commissioner Mounts to adopt the Ordinance as presented. The motion carried by the following votes:

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

2. Demolition Permits: City Attorney Davis presented and gave second reading to an Ordinance captioned as follows:

## ORDINANCE AMENDING SECTION 150.15 OF THE CITY OF PIKEVILLE CODE OF ORDINANCES CONCERNING SCHEDULE OF PERMIT FEES TO DELETE A 25.00 CHARGE FOR THE DEMOLITION OF BUILDING OR STRUCTURES

Commissioner Mounts made the motion to adopt the ordinance as presented and read. Commissioner Clark seconded the motion. The motion carried by the following votes:

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

3. Indoor Firing Range: Presented and given first reading was an ordinance to establish the guidelines for the operation of indoor firing ranges. The Ordinance was entitled as follows:

## ORDINANCE PROVIDING FOR THE REGULATION OF FIRING RANGES



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

4. Flood Map: City Attorney Davis advised the Commission that the revised Flood Insurance Maps will go into effect on September 21, 1998. Presented for first reading was an ordinance to adopt the revised flood maps and any subsequent modifications that could be made to the maps. The Ordinance was read entitled:

ORDINANCE AMENDING THE CITY OF PIKEVILLE FLOOD DAMAGE PREVENTION CODE, SECTION 152.04 ENTITLED "BASIS FOR ESTABLISHING THE AREA OF SPECIAL FLOOD HAZARD" SO TO ADOPT THE SEPTEMBER 6, 1998 REVISION OF THE FEDERAL EMERGENCY MANAGEMENT AGENCY IN ITS FLOOD INSURANCE STUDY

The Ordinance will be on file in the office of the City Clerk for public inspection. Second reading of the ordinance was scheduled for October 26, 1998.

5. Retirement Benefits: City Manager Blackburn advised the Commission that he had discontinued retirement benefits to Glen Snodgrass due to being unable to prove that he had 25 years of service time with the City of Pikeville. Mr. Snodgrass has provided Social Security records which depict service time in 1965 and in 1979. Additionally, records have been located which prove that Mr. Snodgrass worked as caretaker at Bob Amos Park for a period of two years. While Mr. Snodgrass received no monetary benefit from performing duties at Bob Amos Park, he did receive shelter. The City Attorney advised the performance of those duties could be considered service time. While Mr. Snodgrass did not work the entire year in 1965 and 1979, City Attorney Davis concluded that the City's Ordinance does not identify the number of days per year required to constitute a year of service. The City Manager advised the Commission that with Mr. Snodgrass' 18 years of employment with the City, 2 years as caretaker of Bob Amos Park, and the partial years of employment, Mr. Snodgrass has 25 years of employment with the City of Pikeville. Mayor Combs pointed out that Mr. Snodgrass also meets the provision of the ordinance which specifies that eligibility is contingent upon being employed as of August, 1975. Commissioner Mounts made the motion, seconded by Mayor Combs to resume paying retirement benefits to Mr. Snodgrass. The motion carried unanimously.

6. Zoning: City Attorney Davis advised that a parcel of property, located at the mouth of Island Creek, is currently zoned R-1, however the use of the property has been commercial for a number of years, and, in fact was being used commercially prior to the adoption of the official zoning map in 1987. The City Attorney explained that Rush Dye is requesting to operate a automobile dealership at this location. In order to secure his license from the state, the codes enforcement official is required to submit documentation certifying that the proposed use is in compliance with the zoning code. Commissioner Mounts pointed out that a similar problem exists on the opposite side of the road, in that the building that houses the Asthma and Allergy Clinic is actually located in two zones. City Attorney Davis told the Commission that he had advised the Codes Enforcement Officer to issue the permit based on pre-existing uses. Mayor Combs made the motion to authorize the Codes Enforcement Officer to send a letter of request to the Joint Planning Commission for an amendment to the official zoning map to correct the zoning on said parcel from a R-1 designation to C-2. Commissioner Mounts seconded the motion. The motion carried unanimously. During discussion, the Commission decided to only request the change on the parcel located at the mouth of Island Creek which was the former location of an automobile parts store.

7. Mobile Home Application: The City Attorney advised that the Building Inspector had received notification from the Department of Transportation of their intention to place three single wide trailers in the city limits. Two of the trailers have been placed on the site behind the D.O.T. offices and the third is located on their parking lot adjacent to Pikeville High School. D.O.T. officials have stated the use of the trailers is temporary storage. Building Inspector Green advised the Commission that the site behind the D.O.T. office is located within the horseshoe area and the placement of trailers are prohibited in this area, however the Commonwealth of Kentucky is exempt from following the city's zoning restrictions. Commissioner Mounts made the motion to notify the D.O.T. of their objections to the placement of the trailers in the horseshoe area, and to ask for a written assurance that the trailers will be used only temporarily. Commissioner Blackburn seconded the motion. The motion carried 4 - 0 (Mayor Combs not present at the time of the vote).

8. Car Washing: Prior to Commissioner Mounts being elected to the City Commission, his business, Pikeville Car Wash, was providing car washing services to the City of Pikeville. City Attorney Davis advised that, as far as he knows, Pikeville Car Wash is the only automated car wash within the city limits. He explained that Commissioner Mounts had asked him to determine if there are any procedures he would need to follow to continue providing the services to the City since he is an elected official. City Attorney Davis advised there are statutory prohibitions restricting elected officials from entering into contracts with the governing bodies unless certain procedures are followed. The requirements include competitive bidding and a written contract. However, the requirements are not binding if the effective date of the contract is before the candidate files for public office. City Attorney Davis advised there is no written contract with Pikeville Car Wash. Commissioner Mounts stated that he was offering the service as a favor to the City and his fee is the same that it costs him to provide the service. Commissioners Clark, Blackburn and Davis spoke in support of the service provided by Pikeville Car Wash and pointed out there are no other automated car washing services within the city limits. City Attorney Davis reported he would prepare a contract with Pikeville Car Wash to be presented at the next meeting. Commissioner Mounts told the City Attorney to include the fee to be charged the city at a rate one half that charged to other customers.



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E. CITY MANAGER'S REPORTS: Kenny Blackburn, City Manager, presented the following items for the Commission's consideration:

1. Pet Show: City Manager Blackburn reported that the Parks Department had been considering the reseeding of the downtown City Park, so when the Humane Society asked to reserve the Park for the annual Pet Show, the request was denied. Since that time, the reseeding was delayed until next year. Mayor Combs made the motion to allow the Humane Society to conduct their annual Pet Show on October 17th, with a rain date of October 18th. Commissioner Clark seconded the motion. During discussion, Commissioner Mounts explained that it is intended to reseed the park around September 15, 1999. He advised it would be necessary for the Humane Society to select another date or to select an alternate site for next year's Pet Show. Upon call of the roll, the motion carried unanimously.

2. Halloween Trick-or-Treat: Mr. Blackburn advised the Commission that Pike County had scheduled the observance of Halloween Trick-or-Treat for Thursday, October 29, 1998, between the hours of 6:00 p.m. and 8:00 p.m. Commissioner Mounts made the motion, seconded by Commissioner Clark to schedule the observance for Halloween Trick-or-Treat, within the city limits, for October 29th during the hours of 6:00 p.m. to 8:00 p.m. The motion carried 4 - 0 (Mayor Combs not present at the time of the vote).

3. Dump Truck Bids: City Manager Blackburn reported that only one bid had been received in answer to the advertisement for the proposed purchase of a 4 wheel drive, 15,000 GPW dump truck. He explained that Fletcher & Hall had submitted a bid for a 12,000 GPW dump truck as Chevrolet does not manufacture a 15,000 GPW dump truck. A bid was received from Bruce Walters Ford, however the bid did not arrive prior to the close of bids. Mr. Blackburn told the Commission that he had talked with another vendor and had learned that the differences between the 12,000 and 15,000 GPW trucks did not justify the increased cost and recommended that all bids be rejected and rebid using the lower GPW specifications. Commissioner Mounts made the motion, seconded by Commissioner Clark to reject all bids and authorize the City Manager to readvertise for bids using the lower GPW. The motion carried 4 - 0.

4. Service Awards: Presented were samples of service award pins proposed for employees and elected officials. Commissioner Davis stated that the Mayor and City Commission should not be included in the awards program. Further discussion was delayed until the next regular meeting.

5. Columbia Gas: Representatives from Columbia Gas have contacted the City with regard to donating the service line at Walters Toyota to the City. The city currently has lines running parallel to the said service lines. PSG staff have inspected the line and have determined the line to be constructed of steel. They recommended the line be not accepted into the City's system.

## AGENDA ITEM VII

## NEW BUSINESS

### A. BOARD APPOINTMENTS

1. Board of Zoning Adjustments: Mayor Combs made the motion to appoint Jim Hobbs, Joe Dean Anderson, and Jack Burchett to serve as members of the Board of Zoning Adjustments. Commissioner Mounts seconded the motion. The motion carried unanimously.

2. Parks Board: Mayor Combs made the motion to reappoint Andrew Joyce to serve as a member of the Parks Board. Commissioner Clark seconded the motion. The motion carried 5 - 0.

3. Industrial Development & Economic Authority: Mayor Combs made the motion to appoint Mike McCoy to serve a 4 year term; Bill VanHoose to serve a 3 year term; and Burlin Coleman to serve a 2 year term on the IDEA Board. Commissioner Clark seconded the motion. The motion carried unanimously.

4. Technical Advisory Committee: Mayor Combs made the motion to reappoint Johnny Green Charles and Reed Potter, Jr. to serve as members of the Technical Advisory Committee (TAC). Commissioner Blackburn seconded the motion. The motion carried unanimously.

5. Ethics Board: Mayor Combs made the motion to appoint Stephen Hogg, Frank Nall, Scott Kreutzer and Johnny Sanders to serve as members of the Board of Ethics. Commissioner Mounts seconded the motion. The motion carried unanimously.

6. Housing Authority Board: Mayor Combs made the motion to appoint Mike Castle and Max Thompson to serve as members of the Housing Authority Board of Pikeville. Commissioner Clark seconded the motion. The motion carried unanimously.

There being no further business to come before the Commission, Commissioner Mounts made the motion, seconded by Commissioner Clark to adjourn the meeting. The motion carried 4 - 0 (Mayor Combs not present at the time of the vote). Adjournment Time: 8:15 p.m.

The Board of Commissioners next scheduled meeting is October 26, 1998 at 6:00 p.m. The meeting will be held in the City Hall Public Meeting Room at 260 Hambley Boulevard.

APPROVED: \_\_\_\_\_  
STEVEN D. COMBS, MAYOR



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ATTEST:

KAREN W. HARRIS, CITY CLERK