

CITY OF PIKEVILLE
BOARD OF COMMISSIONERS
REGULAR MEETING MINUTES
APRIL 26, 2004

The Board of Commissioners for the City of Pikeville met in regular session on Monday, April 26, 2004. The meeting was held in the City Hall Public Meeting Room located at 118 College Street, Pikeville, Kentucky.

There being a quorum present, Mayor Franklin D. Justice, II presided and called the meeting to order at 6:00 p.m. Commission Members present at roll call were as follows:

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| COMMISSIONER: | DALLAS LAYNE EUGENE W. DAVIS SHAWN A. AMOS JAMES A. CARTER |
| MAYOR: | FRANKLIN D. JUSTICE, II |

AGENDA ITEM II. MINUTES

The minutes for the previous regular meeting of March 22, 2004 were included in each Commission Member's agenda package. There being no additions or corrections to the minutes, Commissioner Amos made the motion, seconded by Commissioner Davis to approve the minutes as submitted. The motion carried unanimously.

AGENDA ITEM III. BUSINESS FROM THE FLOOR

There were no matters brought before the Commission during the call for Business from the Floor.

AGENDA ITEM IV. PAYMENT OF BILLS

A. CITY BILLS: A list of City Bills totaling \$599,221.95 was presented to the Commission for approval of payment. There being sufficient funds with which to make payment, Commissioner Davis made the motion to authorize payment of the bills as requested. Commissioner Amos seconded the motion. The motion carried unanimously.

B. PIKEVILLE REDEVELOPMENT PROJECT - PHASE III: Presented to the Commission for approval of payment was the final invoice from Will Linder & Associates in the amount of \$2,500.00 for consulting and counseling services in conjunction with Phase III (High Street) of the Pikeville Redevelopment Project. The clerk recommended payment of the invoice as presented. Commissioner Layne made the motion, seconded by Commissioner Carter to approve payment of the invoice as presented. The motion carried unanimously.

C - F: OTHER BILLS: Presented were pay requests for the following projects:

1. Patriot Construction - \$18,650.70 - Train Car Pad construction. The City Manager reported the total amount of the contract is \$50,000. The train car is scheduled to be moved during the first week of May.
2. Elliott Contracting - Pay request # 21 - \$302,605.60; Pay request #22 - \$168,080.11 - Parking Garage construction.
3. North Mayo Pump Station - Patriot Construction - \$13,996.51.
4. Mountain Enterprises, Inc. - \$12,469.11 - Cassidy Boulevard construction. The invoice reduces the amount of retainage withheld from the entire contract to 1% of the contract amount.

Upon the city engineer's recommendation, Commissioner Amos made the motion, seconded by Commissioner Layne to approve payment of the foregoing invoices as presented. The motion carried unanimously.

AGENDA ITEM V.

OLD BUSINESS

A. BIG SANDY AREA DEVELOPMENT DISTRICT: Executive Director of Big Sandy Area Development District, Sandy Runyon, requested adoption of the following resolution, approving the determination of just compensation for acquisition of properties in the Phase VI redevelopment area:

ORDER OF THE CITY OF PIKEVILLE APPROVING THE DETERMINATION OF JUST COMPENSATION FOR ACQUISITION OF PROPERTY IN THE PIKEVILLE PHASE VI TARGET AREA OF PIKEVILLE, KENTUCKY

WHEREAS, the Commonwealth of Kentucky, Department of Local Government, has approved Community Development Block Grant funds for acquisition of properties in the Pikeville Phase VI Target Area; and,

WHEREAS, in accordance with the Uniform Acquisition and Relocation Policies Act of 1974 (The Uniform Act), the Pikeville City Commission (hereinafter referred to as "LPA") has obtained an appraisal and a review appraisal of properties to be acquired through the CDBG program; and,

WHEREAS, based upon the appraisals and review appraisals prepared by competent appraisers, it is necessary that the LPA determine the just compensation to be offered to each property owner;

NOW, THEREFORE, BE IT ORDERED, by the LPA that:

1. The Determination of Just Compensation for the properties to be acquired in the CDBG Target Area are hereby approved in the following amounts:

| <u>Owner</u> | <u>Address</u> | <u>Amount</u> |
|------------------|------------------------------|---------------|
| Marvin Hensley | 182 High Street | \$150,300.00 |
| Alex Blankenship | 173 Cemetery Road | \$ 74,000.00 |
| Landmark Dev. | 106 Saad Avenue | \$ 49,300.00 |
| David Collier | 201 Sycamore Street | \$ 49,300.00 |
| Gwen Daniels | 193 Sycamore Street (garage) | \$ 5,000.00 |
| Gwen Daniels | 193 Sycamore Street | \$ 54,800.00 |
| Gwen Daniels | 191 Sycamore Street | \$ 49,300.00 |

2. The Mayor or his or her designated representative is directed to make Offers for Purchase on properties in the Pikeville Phase VI Target Area in the amount of the "Determination of Just Compensation" listed above, with the written confirmation of Fair Market Value by the Review Appraiser, and to accept and sign all related acquisition documents relating to these offers on behalf of the LPA in order to eliminate slum and blight and provide for the assemblage of land.

3. That a drawdown of funds is authorized to be made from the Commonwealth of Kentucky when signed Agreements for Sale are executed with property owners in the amounts approved above.

4. That acquisition procedures will be undertaken in accordance with all rules and regulations promulgated by the Commonwealth of Kentucky and the Uniform Act, as amended.

APPROVED this 26th day of April, 2004.

Mayor Justice made the motion to adopt the resolution. Commissioner Layne seconded the motion. The motion carried unanimously.

B. PIKEVILLE MAIN STREET PROGRAM: In the Main Street Director's absence, city engineer Charles Byers presented the following invoices and change orders for the Commission's approval:

1. Utility Relocation Project - Phase II - Change Order #8 in the amount of \$8,350.00. Mountain Enterprises, contractor. The change order provides for paving of the Masonic Lodge parking area in exchange for an easement.
2. Utility Relocation Project - Phase II - Pay Request #14 from Mountain Enterprises, Inc. in the amount of \$158,807.04. The amount represents 5% of the retainage on the contract. The city continues to hold a 5% retainage.
3. Utility Relocation Project - Phase III - Change Order #1 in the amount of \$52,339.73. American Electric Power, contractor. The change order provides for relocation of concrete pads for the transformers.
4. Utility Relocation Project - Phase IV - Change Order #1 (Contract #2) in the amount of \$132,000. American Electric Power, contractor. The change order provides for lighting at the civic center and city park as well as additional electrical outlets to be used during festivals.
5. Utility Relocation Project - Phase III - Pay request in the amount of \$17,916.00 from Anderson's Landscaping for plants.

Mr. Byers advised the Commission the change orders and invoices were approved by the Main Street Board. Mayor Justice made the motion, seconded by Commissioner Amos to authorize payment of the invoices and approve the change orders as requested. The motion carried unanimously.

The Commission called attention to the area in front of Pinson Hotel on Pike Street. Mr. Byers explained the street had been disturbed by BellSouth's contractor. Mr. Byers was authorized to direct the contractor to make the necessary repairs to the street.

C. CITY ENGINEER'S REPORTS: Jack Sykes and Charles Byers were present to deliver a verbal status report for the following projects:

1. Utility Relocation Project - Phase II: Mountain Enterprises has reached substantial completion. Remaining work includes completion of the drainage on Main Street and street re-striping. The city continues to hold 5% of the total amount of the contract, pending total completion of the project.
2. Utility Relocation Project - Phase III: Tele-Media is 35% complete. The company expects to have their service drops completed by May 27th. BellSouth has completed pulling 70% of their cable. American Electric Power has completed pulling 50% of their cable.

The Commission authorized the engineer to direct the contractor to replace the crossing area located in front of Community Trust Bank with stamped concrete, to match the other crossing and intersection areas.

3. Kentucky Avenue Projects: The remaining to apartments in the final townhouse unit should be completed within the next two days.

The guardrail on High Street is scheduled for installation in approximately two weeks.

4. Indian Hills Sewer Line Extension: Seven of the 17 easements have been acquired. The Division of Water is now reviewing the plans and specifications for the project. A matter of concern for the Division of Water is the fact that the Department of Transportation installed the force main on South Mayo Trail without a permit.

5. Parking Garage Project: Presented for approval was Change Order #13 in the net decrease amount of (\$8,077.87) from Elliott Contracting, Inc. The change order represents the negotiated liquidated damages.

Also presented was amendment #2 to Summit Architectural Services' contract in the amount of \$33,000. The amendment provides for additional compensation due to the contract period overrun by Elliott Contracting. Commissioner Amos made the motion, seconded by Mayor Justice to authorize Change Order #13 to the Elliott Contracting contract and to approve amendment #2 to Summit Architectural Services' contract. The motion carried unanimously.

6. Hotel/Motel Feasibility Study: Presented for approval was Summit Engineering's contract to conduct the hotel/motel feasibility study. The amount of the contract is the same as the amount of the grant - \$20,000. (EDA grant - \$12,000; \$8,000 city funded).

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

1. Second reading was given to an Ordinance captioned as follows:

ORDINANCE ESTABLISHING SPEED LIMIT FOR MARIONS' BRANCH ROAD AT 35 M.P.H.

Commissioner Layne made the motion, seconded by Commissioner Carter to adopt the Ordinance as presented and given second reading. The motion carried by the following votes:

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| COMMISSIONER: | DALLAS LAYNE | YES |
| | EUGENE W. DAVIS | YES |
| | SHAWN A. AMOS | YES |
| | JAMES A. CARTER | YES |
| MAYOR: | FRANKLIN D. JUSTICE, II | YES |

2 - 3. First reading was given to the following two ordinances:

ORDINANCE AMENDING THE CITY OF PIKEVILLE'S ZONING MAP FOR PROPERTY FRONTING SECOND STREET AND TRIVETTE DRIVE FROM R-1A TO R-1T

and

AN ORDINANCE ADOPTING THE CITY OF PIKEVILLE, KENTUCKY ANNUAL BUDGET FOR THE FISCAL YEAR JULY 1, 2004 THROUGH JUNE 30, 2005, BY ESTIMATING REVENUES AND RESOURCES AND APPROPRIATING FUNDS FOR THE OPERATION OF CITY GOVERNMENT

The ordinances will be on file in the city clerk's office for public inspection. Second reading was scheduled for the next regular meeting.

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

1. SWIMMING POOL MANAGEMENT: Mr. Blackburn reported that he has been negotiating with YMCA representatives concerning operation and management of the city owned swimming pool. The YMCA proposes to operate and maintain the swimming pool for a contract fee of \$25,000.00 per year. The contract is renewable on a year to year basis. The Commission postponed further discussion of the matter until the next regular meeting.

2. WAGE INCREASES: City Manager Blackburn recommended 5% salary increases for Grace Ratliff, Sue Varney, and Karen Harris. Mayor Justice made the motion, seconded by Commissioner Amos to approve the salary increases as recommended by the City Manager. The motion carried unanimously.

The City Manager recommended an increase to Fire Chief Tommy Hall's annual salary, totaling \$3,100.96. He explained the increase will bring equality to the annual salaries of the Police Chief and the Fire Chief.

Commissioner Carter made the motion, seconded by Commissioner Amos to approve the increase to the Fire Chief's salary as recommended by the City Manager. The motion carried unanimously.

Mayor Justice advised the employees that were granted salary increases will remain eligible for any cost of living increase authorized for the upcoming fiscal year.

Mayor Justice made the motion to adjourn to closed session to discuss a police department personnel matter. Commissioner Layne seconded the motion. The motion carried unanimously.

Mayor Justice made the motion, seconded by Commissioner Amos to reconvene to regular session. The motion carried unanimously.

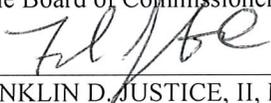
During the April 19th special meeting, the Commission authorized the employment of Beverly Compton as a police officer. Ms. Compton has declined to accept the position.

The Commission expressed their satisfaction with the job performance of City Manager Blackburn. Commissioner Layne made the motion, seconded by Commissioner Amos to grant a \$5,000/yr. salary increase to Donovan Blackburn. The motion carried unanimously.

There being no further business to come before the Commission, Commissioner Davis made the motion, seconded by Commissioner Layne to adjourn the meeting. The motion carried unanimously. (Adjournment time: 7:20 p.m.)

The next scheduled meeting of the City of Pikeville Board of Commissioners is May 10, 2004 at 6:00 p.m.

APPROVED: _____


FRANKLIN D. JUSTICE, II, MAYOR

ATTEST:


KAREN W. HARRIS, CITY CLERK