

**CITY OF PIKEVILLE  
BOARD OF COMMISSIONERS  
REGULAR MEETING MINUTES  
APRIL 11, 2005**

The Board of Commissioners for the City of Pikeville met in regular session on Monday, April 11, 2005. The meeting was held in the City Hall Public Meeting Room located at 118 College Street, Pikeville, Kentucky.

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

<b>COMMISSIONER:</b>	<b>DALLAS LAYNE EUGENE W. DAVIS JAMES A. CARTER M. SHANE HALL</b>
<b>MAYOR:</b>	<b>FRANKLIN D. JUSTICE, II</b>

**AGENDA ITEM II. MINUTES**

The minutes for the previous regular meeting of March 28, 2005 were included in each Commission Member's agenda package. There being no additions or corrections, Commissioner Layne made the motion, seconded by Commissioner Hall to approve the minutes as prepared. The motion carried unanimously.

**AGENDA ITEM III. BUSINESS FROM THE FLOOR**

**PIKEVILLE REDEVELOPMENT PROJECT:** Will Linder, consultant for the first five phases of the Pikeville Redevelopment Project, presented the following items for the Commission's consideration:

1. **Retaining Wall:** Presented for approval was an easement agreement with Kentucky Avenue Phase II, Ltd., granting the City of Pikeville a perpetual easement and right-of-way for the purposes of constructing, operating and maintaining retaining walls within the Kentucky Avenue project. The Commission tabled any action with regard to the easement agreement.

2. **Program Budget Amendment:** Mr. Linder advised there is \$61,691 remaining in the Phase V project. He recommended approval of a program budget amendment to shift the remaining funds to Phase VI for the purpose of acquiring an additional property. Commissioner Davis made the motion, seconded by Commissioner Hall to authorize submission of the program budget amendment as presented. The motion carried unanimously.

**3. Invoice:** Mr. Linder presented Invoice #8 for Phase V administration and consulting services in the amount of \$7,000 for approval of payment. Mayor Justice made the motion to authorize payment of Invoice #8 in the amount of \$7,000. Commissioner Carter seconded the motion. The motion carried unanimously.

**AGENDA ITEM IV.**

**PAYMENT OF BILLS**

**A. INDIAN HILLS SEWER EXTENSION PROJECT:** Presented for approval was pay estimate #2 from M & S General Contracting, Inc. in the amount of \$109,447.20, for construction to date on the Indian Hills Sewer Extension Project. City engineer, Charles Byers, estimated the project to be at 40% completion. Mr. Byers recommended approval of the invoice as presented. Commissioner Layne made the motion, seconded by Commissioner Carter to approve payment of pay estimate #2 from M & S General Contracting, Inc. in the amount of \$109,447.20. The motion carried unanimously.

**B. PIKEVILLE REDEVELOPMENT PROJECT:** Presented on behalf of Big Sandy Area Development District was an invoice in the amount of \$435.00 for administration of the CDBG funds in the Phase VI Redevelopment Project. The clerk recommended payment of the invoice as presented. Commissioner Hall made the motion to authorize payment to Big Sandy Area Development District in the amount of \$435.00 for Phase VI administration services. The motion carried unanimously.

**AGENDA ITEM V.**

**OLD BUSINESS**

**A. BIG SANDY AREA DEVELOPMENT DISTRICT:** In the absence of BSADD representation, Mayor Justice opened bids received for demolition of seven structures acquired in Phase VI of the Pikeville Redevelopment Project. The bids were as follows:

RAD Contracting.....\$75,000.00 (no bid bond)  
Chippewa Hazardous Waste.....\$180,000.00 (5% bid bond)

Comparing the bids received to demolition costs in prior phases, the bids were considered excessive. Commissioner Carter made the motion, seconded by Commissioner Davis to reject all bids and re-advertise. The motion carried unanimously.

**B. RENAISSANCE ON MAIN:** Melissa Staggs, director for the Renaissance on Main Program, requested approval of the annual community letter of commitment. Ms. Staggs explained the letter commits the city to maintaining the Renaissance on Main Program for the calendar year, January 1, 2005 through December 31, 2005. Commissioner Layne made the motion to approve the annual letter of commitment and authorized the Mayor to execute the same. Commissioner Hall seconded the motion. The motion carried unanimously.

**C. CITY ENGINEER’S REPORTS:** Charles Byers representing Summit Engineering, city engineers, presented a verbal status report for the following projects:

1. **Utility Relocation Project – Phase III:** The City Commission, engineer, and Renaissance on Main representatives conducted a walkthrough of the Utility Relocation Project prior to the meeting. Mr. Byers advised the paving and drainage issues identified during the walkthrough would be addressed with the contractor.

2. **Indian Hills Sewer Extension Project:** As reported during “Payment of Bills”, the project is approximately 40% complete. Mr. Byers expects the project to be completed by the contract deadline, June 27, 2005.

3. **Tracks End Gas Line Replacement Project:** Two bids were received for the state-funded, gas line relocation project. The bids were as follows:

Tri-State Directional Boring.....\$58,950.00\*  
H2O Construction Co.....\$71,800.00

\*Math errors were found in the Tri-State Directional Boring bid. The actual bid is \$59,075.00.

Commissioner Carter made the motion to declare Tri-State Directional Boring as the low bidder and to recommend to the Department of Transportation the award of the project to the low bidder, Tri-State Directional Boring. Commissioner Layne seconded the motion. The motion carried unanimously.

**D. CITY ATTORNEY’S REPORTS:** Russell H. Davis, Jr., presented the following ordinances for first reading:

1. **AN ORDINANCE RELATED TO THE AMENDMENT OF SECTION 92.04 RELATING TO THE DEFINITION OF ENVIRONMENTAL NUISANCE OR NUISANCE AND THE AMENDMENT OF SECTIONS 92.99 AND 92.98 RELATING TO THE PENALTY FOR VIOLATION OF THE DILAPIDATED HOUSING AND NUISANCE ORDINANCE**

City Attorney Davis explained the definition of excess plant or weed growth was clarified to “yard grass greater than 6 inches or hillside weeds greater than 12 inches. In addition, the penalties for first, second, and third offenses are proposed to be increased. Second reading was scheduled for the April 25, 2005 meeting.

2. First reading was given to a proposed ordinance captioned as follows:

**ORDINANCE RELATING TO THE CLASSIFICATION OF ABANDONED URBAN PROPERTY AS REAL PROPERTY; DEFINING “ABANDONED**

**URBAN PROPERTY” AN ASSESSMENT OF A RATE OF TAXATION FOR ABANDONED URBAN PROPERTY**

Second reading was scheduled for the April 25, 2005 meeting.

3. First reading was given to a proposed ordinance entitled as follows:

**ORDINANCE CREATING A VACANT PROPERTY REVIEW COMMISSION, SPECIFYING THE DUTIES OF THE COMMISSION AND NUMBER OF MEMBERS THERETO**

The ordinance provides for a five member commission appointed by the Mayor and approved by the City Commission. The members shall consist of one real estate agent or appraiser, one representative of local lending institutions with residential loan knowledge, and three members from the City of Pikeville. Second reading of the ordinance was scheduled for April 25, 2005.

4. First reading was given to the following ordinance proposing an increase in building permit fees, etc. The ordinance was captioned as follows:

**AN ORDINANCE RELATED TO THE AMENDMENT OF SECTION 150.15(A) INCREASING PERMIT FEES AND SECTION 150.15 (B) OF THE SCHEDULE OF BUILDING PERMIT FEES TO PROVIDE FOR AN INCREASED FEE IN THE SUM OF ONE HUNDRED DOLLARS (\$100.00) OR DOUBLE THE FEE PROVIDED FOR IN SECTION 150.15 (A), WHICHEVER FEE IS GREATER WHEN CONSTRUCTION IS STARTED WITHOUT A BUILDING PERMIT; PROVIDING FOR A HABITUAL VIOLATOR FEE OF FIVE HUNDRED DOLLARS (\$500.00) AND PROVIDING FOR A LIEN UPON THE REAL ESTATE UPON WHICH THE CONSTRUCTION OCCURS FOR UNPAID BUILDING PERMIT FEES**

Second reading of the ordinance is scheduled for April 25, 2005.

5. **City Tax Deadline Extension:** City Hall Offices are scheduled to be closed on April 15<sup>th</sup> to allow for employees to assist with the Hillbilly Days Festival. Commissioner Layne made the motion to adopt a resolution extending the city tax deadline from April 15, 2005 to April 18, 2005. Commissioner Hall seconded the motion. The motion carried unanimously.

6. **Municipal Road Aid:** An annual resolution approving a Municipal Aid Coop Program Contract with the Transportation Cabinet was presented for consideration. Pikeville’s allocation for fiscal year 2005-06 is \$58,708.00. The apportionment is to be used for maintenance, reconstruction or construction of city streets. Commissioner Layne made the motion to adopt the resolution as presented. Commissioner Carter seconded the motion. The motion carried unanimously.

**E. FIRE DEPARTMENT UPDATE:** Assistant Fire Chief Ronald Conn presented the Commission with a written report detailing the activities of the Pikeville Fire Department during the period of January 2005 through April 11, 2005. The department responded to 366 ambulance calls and 175 fire calls. Fire Department personnel maintain the facilities at three locations as well as keep the equipment in condition. Other tasks performed included cleaning the Dils Cemetery and pond area; maintaining the flood gates; maintenance and carpentry work at various city facilities; installation and/or inspection of over 100 child safety seats; and install and remove Christmas decorations and banners. Mayor Justice commented that several individuals have questioned the operation of the flood gates. He asked that a presentation explaining the emergency plan for operating the flood gates be presented during the next meeting.

**F. POLICE DEPARTMENT UPDATE:** Larry Sanders, Pikeville Police Chief, reported the Police Department has responded to 3,523 calls for service during the period of January 1, 2005 through April 11, 2005. The police department is in the process of hiring two officers. A foot-patrol program has been established. The Pikeville Police Department has three certified firearms instructors and 2 vehicle collision reconstructionists on staff. Chief Sanders advised that a precise schedule has been developed for the Hillbilly Days Festival.

Mayor Justice commended the Fire Chief and Police Chief for their department's professional services in the community.

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

1. **Pike County Jail Expansion:** The city manager recommended the conveyance of a narrow strip of property to Pike County for the expansion of the jail facility. He explained the site is a grassy area and will not be built upon. County employees maintain the area at present. Commissioner Carter made the motion to authorize the Mayor to execute the deed of conveyance. Commissioner Layne seconded the motion. The motion carried unanimously.

2. **Sewer Discharge Fee:** Veolia Water Project Manager, Greg May, recommended an increase in the fee charged to septic waste haulers to discharge into the city's waste system. Mr. May explained that he noticed increased electrical costs during certain periods throughout the month. After conducting a study, he found the increase in electrical costs were attributed to discharges by septic waste haulers. He recommended the discharge fee be increased from \$.05/gallon to \$.07/gallon and to charge for full capacity loads, regardless of whether the haulers are discharging full loads into the city's waste system, to cover the additional electrical costs and sludge disposal. Mr. May advised the Commission there is no way to meter the amount of waste discharged into the system. Veolia Water does have plans to install a metering station in the near future. Commissioner Hall made the motion, seconded by Commissioner Carter to approve Mr. May's

recommendation to increase the sewer discharge fee and to base the fee on full capacity loads. The motion carried unanimously.

Mr. May announced he has resigned his position with Veolia Water. He introduced Roger Recktenwald, who will be the interim project manager until a new project manager is appointed.

3. **Mower/Truck Bids:** The City Manager requested authorization to advertise for bids for the purchase of a mower and a 4 X 4 truck for the sewage department, as well as to re-advertise for the purchase of a dump truck. Mr. Blackburn reported only one bid was received for the purchase of the dump truck. Commissioner Carter made the motion to reject all bids received for the purchase of the dump truck, and to advertise for bids for the purchase of a mower and truck and to re-advertise for the purchase of a dump truck. Commissioner Layne seconded the motion. The motion carried unanimously.

4. **Hambley Complex Scoreboard:** Community Trust Bank announced they will reimburse the city for the full cost of an electrical digital football scoreboard for Howard Field. Cost of the scoreboard is estimated at \$13,000. Mayor Justice made the motion to purchase the scoreboard and further moved that no additional commercial advertising be permitted on the sign. Commissioner Layne seconded the motion. The motion carried unanimously. The Commission voiced their appreciation to Community Trust Bank officials for their generous donation to the community.

5. **Proclamations:** The Mayor issued the following three proclamations:

a. **PROCLAMATION OF MAYOR FRANK JUSTICE, II AND THE PIKEVILLE CITY COMMISSION DESIGNATING APRIL 12, 2005 AS "LUCILLE SMITH DAY" IN THE CITY OF PIKEVILLE**

Mrs. Smith was awarded the Lifetime Achievement Award from the Kentucky Broadcaster's Association on April 12, 2005 to honor her achievement of 41 years in the broadcasting field.

b. **PROCLAMATION OF THE 2005 CITY OF PIKEVILLE PRIDE SPRING CLEANUP BY MAYOR FRANK JUSTICE, II – CITY OF PIKEVILLE, KENTUCKY.**

PRIDE Spring Cleanup in Pikeville was designated for April 9 – 23, 2005.

c. **PROCLAMATION OF THE CITY OF PIKEVILLE, KENTUCKY REGARDING FAIR HOUSING MONTH.**

The month of April, 2005 was proclaimed "Fair Housing Month" in the City of Pikeville, Kentucky.

6. “Preserve America”: City Manager Blackburn read a letter from First Lady, Laura Bush, congratulating the City of Pikeville for achieving the “Preserve America” designation.

7. Closed Session: Commissioner Hall made the motion to adjourn to closed session for the purpose of discussing a personnel matter. Commissioner Carter seconded the motion. The motion carried unanimously.

Mayor Justice made the motion to reconvene to regular session. Commissioner Layne seconded the motion. The motion carried unanimously.

Upon the recommendation of the City Manager, Commissioner Carter made the motion to employ Ricky Branham in the part-time position of relief manager of the Pikeville Emergency Shelter, at the wage rate of \$6.50/hr. Commissioner Layne seconded the motion. The motion carried unanimously.

With regard to the easement agreement for the Kentucky Avenue retaining wall discussed earlier in the meeting, Commissioner Hall stated that his questions and concerns had been addressed to his satisfaction, and made the motion to authorize the Mayor to execute said easement agreement. Commissioner Davis seconded the motion. 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: 9:05 p.m.)

The next scheduled meeting of the Pikeville City Commission is April 25, 2005 at 6:00 p.m.

APPROVED: \_\_\_\_\_  
FRANKLIN D. JUSTICE, II, MAYOR

ATTEST:

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KAREN W. HARRIS, CITY CLERK