

**CITY OF PIKEVILLE
BOARD OF COMMISSIONERS
REGULAR MEETING MINUTES
JUNE 13, 2005**

The Board of Commissioners for the City of Pikeville met in regular session on Monday, June 13, 2005. 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, called the meeting to order at 6:00 p.m. Commission Members present at call to order were as follows:

COMMISSIONER:	DALLAS LAYNE EUGENE W. DAVIS
MAYOR:	FRANKLIN D. JUSTICE, II

Commissioners James A. Carter and M. Shane Hall were absent.

Approval of the minutes for the previous meeting of May 23, 2005 was delayed.

There were no items presented during the call for Business from the Floor.

AGENDA ITEM IV. PAYMENT OF BILLS

Presented for approval of payment was an invoice from Big Sandy Area Development District in the amount of \$1,500.00 for the city's annual assessment fee. Mayor Justice made the motion to authorize payment of the invoice. Commissioner Layne seconded the motion. The motion carried 3 – 0.

AGENDA ITEM V. OLD BUSINESS

A. BIG SANDY AREA DEVELOPMENT DISTRICT: An amendment to request a time extension for the CDBG funds for Phase VI of the Pikeville Redevelopment Project was presented for approval. The amendment will extend the grant period to June 30, 2006. Mayor Justice made the motion, seconded by Commissioner Davis to authorize the submittal of the request for project amendment to extend the grant period from June 30, 2005 to June 30, 2006 (grant # 02-035). The motion carried 3 – 0.

B. PIKEVILLE MAIN STREET PROGRAM: Melissa Staggs, Director for the Pikeville Main Street Program, reported that the Commission discussed a proposed expansion of the renaissance boundaries. Further discussion will be considered upon the Main Street Board's recommendation.

Activities for the Fourth of July celebration were discussed. Ms. Staggs requested an allotment of \$3,500.00 to provide activities, refreshments, and entertainment, at

no charge to the public, during the hours of 6 p.m. to 8 p.m. on July 4th. Commissioner Davis made the motion, seconded by Commissioner Layne to approve the request for up to \$3,500.00 to provide activities for July 4th. The motion carried 3 – 0.

C. CITY ENGINEER'S REPORTS: Charles Byers of Summit Engineering, Inc., city engineers, presented a verbal status report for the following projects:

1. Tracks End Gas Line Replacement: The low bidder for this state-funded project was Tri-State Directional Boring at \$59,075.00. The company is unable to comply with bonding and insurance requirements. Mr. Byers recommended that the Commission reject Tri-State Directional Boring's bid, retract their Notice of Award, and award the project to the second lowest bidder, H20 Construction in the amount of \$71,800.00. Mayor Justice made the motion, seconded by Commissioner Layne to accept the city engineer's recommendation. The motion carried 3 – 0.

2. Mount Martha Water Line and Storm Drain Project: The Commission met in work session on this date prior to the regular meeting to discuss the Mount Martha Water Line and Storm Drain Project. H20 Construction Company will provide the labor for the project at a cost of \$11,700.00. The city will provide all materials to complete the project. Total cost of the project including engineering services is estimated at \$64,344.00. Mayor Justice made the motion to proceed with the project as discussed. Commissioner Layne seconded the motion. The motion carried 2 – 0 – 1 with Commissioner Davis abstaining from the vote.

3. Indian Hills Sewer Extension Project: Presented for approval of payment was pay estimate #4 from M & S General Contracting in the amount of \$116,283.60 for work completed to date. Also presented for approval was change order #1 in a net decrease amount of (-\$10,068.68). Mr. Byers explained the decrease occurred due to a reconciliation of installed material quantities versus bid quantities. Mayor Justice made the motion, seconded by Commissioner Davis to approve payment to M & S General Contracting in the amount of \$116,283.60 and to approve Change Order #1 in the amount of (-\$10,068.68). The motion carried 3 – 0.

4. Marions Branch Retaining Wall: Mr. Byers reported the retaining wall for Marions Branch was completed on June 1, 2005. The warranty for the wall will expire on June 2, 2006. Elswick Construction Inc completed the project for \$17,134.00 less than bid. Mr. Byers advised that an additional problem area has been identified, but estimated the cost to repair the slippage would be greater than the amount of remaining funds. Mr. Byers recommended payment to Elswick Construction Inc. in the amount of \$79,334.00. Commissioner Davis made the motion, seconded by Commissioner Layne to approve payment to Elswick Construction Inc. as recommended by the city engineer. The motion carried 3 – 0.

Mayor Justice recommended the city engineer research a lawsuit between the owner of the property, where the newly discovered problem is located, and the coal

company. The city engineer will prepare cost estimates for repairs to be considered at the next meeting.

5. **City Park Improvement Project:** A letter was presented from Terry Anderson of Summit Engineering, Inc. recommending the release of \$10,000.00 in retainage held from the Commonwealth Building and Construction contract for the city park improvement project. Commissioner Layne made the motion to authorize final payment as recommended by the city engineer. Mayor Justice seconded the motion. The motion carried 3 – 0.

D. CITY ATTORNEY’S REPORTS: Russell H. Davis, Jr., city attorney, presented the following items for the Commission’s consideration:

1. **Budget Amendment:** Second reading was given to an ordinance entitled as follows:

ORDINANCE AMENDING THE FISCAL BUDGET FOR THE 2004-2005 FISCAL YEAR

Commissioner Layne made the motion to adopt the ordinance as presented. Commissioner Davis seconded the motion. The motion carried by the following votes:

COMMISSIONER:	DALLAS LAYNE	YES
	EUGENE W. DAVIS	YES
	JAMES A. CARTER	ABSENT
	M. SHANE HALL	ABSENT
MAYOR:	FRANKLIN D. JUSTICE, II	YES

2. **Comprehensive Plan Update:** Presented and given second reading was the following ordinance captioned:

ORDINANCE ADOPTING THE COMPREHENSIVE PLAN UPDATE FOR THE CITY OF PIKEVILLE

Commissioner Layne made the motion, seconded by Commissioner Davis to adopt the ordinance as read. The motion carried by the following votes:

COMMISSIONER:	DALLAS LAYNE	YES
	EUGENE W. DAVIS	YES
	JAMES A. CARTER	ABSENT
	M. SHANE HALL	ABSENT
MAYOR:	FRANKLIN D. JUSTICE, II	YES

3. **Cable T.V. Franchise Fee:** Presented for first reading was an ordinance entitled as follows:

AN ORDINANCE AMENDING SECTION 6 OF ORDINANCE NO. 0-87-022 TO INCREASE THE FRANCHISE FEE FROM THREE PERCENT (3%) OF THE CABLE TELEVISION OPERATOR'S GROSS REVENUES IN PIKE COUNTY TO FIVE PERCENT (5%) OF THE CABLE TELEVISION OPERATOR'S GROSS REVENUES IN PIKEVILLE, KENTUCKY

City Attorney Davis explained that the state legislature adopted a 5.2% sales tax on cable television service. The state will rebate to cities and counties the percentage of franchise fee that is in effect on June 30, 2005. Adoption of the ordinance will ensure the City of Pikeville will receive a rebate from the state for 5% of the sales tax collected, beginning January 1, 2006. Pikeville's current franchise fee is set at 3%.

Second reading of the ordinance is scheduled for June 27, 2005.

E. FIRE DEPARTMENT UPDATE: Ronald Conn, Assistant Fire Chief, reported there were 45 fire calls and 101 EMS runs during the month of May. Inspections were conducted at the civic center, the South Mayo Trail Food City, and the Hatfield/McCoy Festival vending booths. All fire fighters attended a trench rescue class and state fire school. Personnel conducted a fire safety class for Lowe's. The department is continuing with clean up efforts at Dils Cemetery, the pond area, and the floodgates.

F. POLICE DEPARTMENT UPDATE: Sergeant Chris Edmonds with the Pikeville Police Department presented each Commission Member with a computer generated report detailing the number and types of calls received. Police Department personnel are participating in a federal overtime program targeting enforcement of child restraint guidelines and DUI statutes.

G. CITY MANAGER'S REPORTS: City Manager, Donovan Blackburn, recommended advertising for bids for the purchase of 4 new police vehicles. Funds for the purchase of the vehicles were included in the 2005-06 budget. The city manager explained that Crown Victoria would be specified in the bid announcement as the vehicle of choice. This vehicle was chosen due to maintenance issues of other models. Commissioner Davis made the motion to authorize the advertising of bids for the purchase of 4 Crown Victoria police package vehicles. Commissioner Layne seconded the motion. The motion carried 2 – 0 – 1 with Commissioner Davis abstaining from the vote.

Two Memorandums of Agreement were presented to the Commission for approval for use of Coal Severance Line Item Budget funds to prepare a study for tourism (\$25,000) and for establishment of economic development projects (\$100,000). Commissioner Layne made the motion, seconded by Commissioner Davis to authorize the mayor to execute the Memorandums of Agreement as prepared. The motion carried 3 – 0.

City Manager Blackburn requested closed session for the discussion of personnel issues. Commissioner Layne made the motion, seconded by Mayor Justice to adjourn to closed session for the purpose of discussing personnel issues. The motion carried 3 – 0.

Mayor Justice made the motion to reconvene to regular session. Commissioner Layne seconded the motion. The motion carried 3 – 0.

City Manager Blackburn recommended approval to change the City of Pikeville's Health Insurance to CHA Health from Blue Grass Family Health. Mayor Justice made the motion, seconded by Commissioner Davis to accept the city manager's recommendation. The motion carried 3 – 0.

City Manager Blackburn presented a proposed Salary Plan for 2005-06. Commissioner Layne made the motion to adopt the Salary Plan as prepared. Commissioner Davis seconded the motion. The motion carried 3 – 0.

An application has been submitted for \$500,000 in funding for upgrading the wastewater plant. The city manager recommended Summit Engineering, Inc. provide design and inspection for the project contingent upon receipt of funding. Mayor Justice made the motion, seconded by Commissioner Davis to authorize Summit Engineering, Inc. to provide the necessary engineering services in conjunction with the Pikeville Wastewater Plant 2005 Upgrade project contingent upon receipt of funding. The motion carried 3 – 0.

There being no further information to come before the Commission, Commissioner Davis made the motion, seconded by Commissioner Layne to adjourn the meeting. The motion carried 3 – 0. (Adjournment Time: 9:15 p.m.)

The next scheduled meeting of the Pikeville City Commission is June 27, 2005 at 6:00 p.m.

APPROVED: _____


FRANKLIN D. JUSTICE, II, MAYOR

ATTEST:


KAREN W. HARRIS, CITY CLERK