

**CITY OF PIKEVILLE
BOARD OF COMMISSIONERS
REGULAR MEETING MINUTES
JULY 12, 2004**

The Board of Commissioners for the City of Pikeville met in regular meeting on Monday, July 12, 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 called the meeting to order at 6:00 p.m. Commission Members present at roll call were as follows:

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 special meetings held on June 24, 2004 and July 7, 2004 were included in each Commission Member's agenda package. There being no additions or corrections, Commissioner Amos made the motion seconded by Commissioner Carter to approve the minutes as prepared. The motion carried unanimously.

AGENDA ITEM III. BUSINESS FROM THE FLOOR

Myers Tower resident, Larry Tipton, appeared before the Commission to request enforcement of the noise ordinance. Mr. Tipton reported the city's residents are forced to endure loud music, vehicle horns and mufflers, and firecrackers from 8 a.m. until 1 or 2 a.m. Mr. Tipton told the Commission that he requested the police department's assistance on various occasions, however the problem continues to exist. Police Sergeant Eddie Sword reported that very few citations have been written for violation of the noise ordinance. Discussion was had with regard to the definition of loud or unreasonable noise as well as possible methods to measure decibel levels. The Commission directed the Police Department to give due diligence in enforcing the noise ordinance.

AGENDA ITEM IV. OLD BUSINESS

A. BIG SANDY AREA DEVELOPMENT DISTRICT: Denise Thomas, representing the Big Sandy Area Development District (BSADD), presented an agreement between the City of Pikeville and BSADD for administration of the Economic Development Grant which was awarded for the preparation of a hotel/motel feasibility study. BSADD's fee for administering the \$20,000 project is \$400.00. Mayor Justice made the motion, seconded by Commissioner Carter to enter into an agreement with BSADD for the administration of EDA funds awarded for the hotel/motel feasibility study. The motion carried unanimously.

B. PIKEVILLE MAIN STREET PROGRAM: Melissa Staggs, Director for the Pikeville Main Street Program, presented the following items for consideration:

1. Environmental Protection Agency Grant: Ms. Staggs reported that city staff is investigating the feasibility of submitting a grant application to the Environmental Protection Agency for funding totaling \$150,000 over a three year period. While a specific project is yet to be determined, the grant is to be used to promote economic development. Ms. Staggs requested permission to submit a grant application (filing deadline is July 19, 2004) subject to the definition of a viable project. Mayor Justice made the motion, seconded by Commissioner Davis to authorize the

submission of a grant application to the Environmental Protection Agency pending a qualified project. The motion carried unanimously.

2. Pauley Bridge Rehabilitation: Ms. Staggs requested permission to advertise for proposals for engineering services for the Pauley Bridge Rehabilitation Project. Mayor Justice made the motion, seconded by Commissioner Amos to authorize the Pikeville Main Street Program to advertise for engineering services for the Pauley Bridge Rehabilitation Project. The motion carried unanimously.

3. Payment of Invoices: The Pikeville Main Street Board recommended the Commission authorize payment of the following invoices for Phases II and III of the Utility Relocation Project:

a.	American Electric Power	Phase III, Contract 4	\$103,973.65
b.	American Electric Power	Phase III, Contract 2	\$ 57,225.80
c.	American Electric Power	Phase III, Contract 1	\$ 88,641.24
d.	Mountain Enterprises, Inc.	Phase II	\$ 22,294.89

Commissioner Layne made the motion to authorize payment of the aforementioned invoices as reviewed and recommended by the Pikeville Main Street Board. Commissioner Amos seconded the motion. The motion carried unanimously.

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

1. Utility Relocation Project - Phase II: Mountain Enterprises, Inc. is scheduled to complete the sidewalk located behind Thacker Funeral Home and asphalt repairs in various locations prior to the next meeting. Several drainage problem areas located within the Phase II area were discussed.

The engineer was directed to contact Elliott Contracting to request repair to the Hambley Boulevard turning lane which was damaged during the parking garage construction.

2. Utility Relocation Project - Phase III: Tele-Media has completed their contract for Phase III. Bell South and American Electric Power are approximately 70% complete with their respective contracts. Tie-ins for electrical service will be coordinated between AEP and their customers.

3. Indian Hills Sewer Extension Project: Mr. Byers advised that the necessary easements have been negotiated. Division of Water approval has been secured. Advertisement for bids for construction of the project are pending Corp of Engineer's approval.

4. Sunset Lane Sewer Extension Project: The City Attorney advised he will check the progress of the condemnation suit against the Pikeville Old Regular Baptist Church. The bid for the sewer extension has been extended by the contractor. Mr. Byers advised the deadline for completion of the project is June, 2005.

5. Parking Garage Project: Presented for approval was change order #14 in the amount of \$3,848.54 from Elliott Contracting, Inc. for the Parking Garage Project. Mr. Byers explained the change order provides for additional electrical work to accommodate the transit center and emergency monitors. Commissioner Davis made the motion, seconded by Commissioner Layne to approve change order #14 in the amount of \$3,848.54 as recommended by the city engineer. The motion carried unanimously.

6. Tourism Office Relocation: Mr. Byers presented Change Orders 1 and 2 from Patriot Construction in the amounts of \$6,577.50 and \$3,492.80 respectively, for additional materials used in construction of the pad foundation and construction of the canopy and porch in the relocation of the train car (Pikeville/Pike County Tourism Office) from Huffman Avenue to Hambley Boulevard.

Additionally, an invoice in the amount of \$18,222.60 which includes payment for both change orders was presented on behalf of Patriot Construction for approval of payment. City Engineer Byers recommended approval of Change Orders 1 and 2 and payment of the invoice as presented. Commissioner Amos made the motion to approve Change Orders 1 and 2 in the amounts of \$6,577.50 and \$3,492.80 and to approve payment to Patriot Construction in the amount of \$18,222.60. Commissioner Carter seconded the motion. The motion carried unanimously.

7. **Shelbiana Utility Relocation:** The Kentucky Department of Transportation is in the process of constructing improvements to the bridge located at the Shelbiana train yard. The city owns gas lines in this area. The Department of Transportation has requested permission to relocate the lines at state expense. Commissioner Amos made the motion, seconded by Commissioner Carter to allow the utility line relocation subject to the City Attorney's approval of the relocation agreement. The motion carried unanimously.

D. CITY ATTORNEY'S REPORTS: Russell H. Davis, Jr., City Attorney, presented the following two Ordinances for second reading and adoption:

ORDINANCE AMENDING THE CITY OF PIKEVILLE'S ZONING MAP FOR AN AREA LOCATED AT 113 AND 115 BANK STREET, OWNED BY JAMES HUFFMAN FROM INSTITUTIONAL TO C-1 (ORDINANCE O-2004-009)

Mayor Justice made the motion to adopt the Ordinance. Commissioner Amos seconded the motion. The motion carried by the following votes:

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

and

ORDINANCE AMENDING THE FISCAL BUDGET FOR THE 2003-2004 FISCAL YEAR (ORDINANCE O-2004-010)

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

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

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

1. **Speed Limit for Bob Amos Drive:** City Attorney Davis presented and gave first reading to an ordinance reducing the speed limit for the entire length of Bob Amos Drive from 35 m.p.h. to 25 m.p.h. The ordinance will be on file in the office of the City Clerk for public inspection. Second reading of the ordinance was scheduled for July 26, 2004.

2. **Comprehensive Development Plan:** As a requirement of Kentucky Revised Statutes, the City Manager presented a recommendation to proceed with the preparation of the Comprehensive Plan Update. State statute provides for the document to be updated every five years. Pikeville's last

update was completed in August, 1993. City Manager Blackburn advised the document is a vital tool in planning for the city's growth. Summit Engineering will prepare the Comprehensive Plan Update at a cost not to exceed \$25,000.00. Commissioner Amos made the motion, seconded by Commissioner Davis to authorize the City Manager to proceed with the preparation of the Comprehensive Plan Update as requested. The motion carried unanimously.

3. Electrical Permits: The City Manager reported that he recently became aware of legislation that requires cities to issue electrical permits separate from building permits. Pikeville stopped this practice a few years ago to simplify the permitting process. In most cases, the additional permit will produce additional revenue for the city only for jobs dealing solely with electrical work. The City Manager's intention is to assess the same rate for electrical permits that were in effect at the time the ordinance was rescinded. The City Attorney was directed to prepare an ordinance to be read at the next regular meeting.

4. Closed Session: City Manager Blackburn requested a closed session for the purpose of discussing a personnel matter and a property acquisition matter.

At 7:20 p.m., Commissioner Davis made the motion to adjourn to closed session for the purpose of discussing a personnel matter and a property acquisition matter as requested by the City Manager. Commissioner Carter seconded the motion. The motion carried unanimously.

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

Presented for approval was an amended job description for the position of Building Inspector/Codes Enforcement Officer which provides for additional duties to include that of the Environmental Officer. Commissioner Carter made the motion, seconded by Commissioner Layne to approve the job description as presented. 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.

The next scheduled meeting of the Board of Commissioners for the City of Pikeville is July 26, 2004 at 6:00 p.m.

APPROVED: 
FRANKLIN D. JUSTICE, II, MAYOR

ATTEST:


KAREN W. HARRIS, CITY CLERK