

**CITY OF PIKEVILLE
BOARD OF COMMISSIONERS
REGULAR MEETING MINUTES
OCTOBER 25, 2004**

The Board of Commissioners for the City of Pikeville conducted a regularly scheduled meeting on Monday, October 25, 2004. The meeting was held in the City Hall Public Meeting Room located at 118 College Street, Pikeville, Kentucky.

It being established that a quorum was present, Mayor Franklin D. Justice, II called the meeting to order at 6:05 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 previous regular meeting of October 11, 2004 were included in each Commission Member's agenda package. There being no additions or corrections, Commissioner Amos made the motion, seconded by Commissioner Layne to approve the minutes as prepared. The motion carried unanimously.

AGENDA ITEM III. BUSINESS FROM THE FLOOR

Mayor Justice and the Commission welcomed Howard Cornett, Kentucky's 94th District Representative to the meeting. Representative Cornett presented an agreement on behalf of the Kentucky Transportation Cabinet to reimburse the City of Pikeville up to \$202,500 for paving costs of 25 streets located within the city limits. Presented was the following resolution authorizing said agreement:

**RESOLUTION AUTHORIZING AGREEMENT BETWEEN THE
CITY OF PIKEVILLE AND THE KENTUCKY TRANSPORTATION
CABINET, DEPARTMENT OF HIGHWAYS FOR RESURFACING
OF VARIOUS ROADS WITHIN THE CITY OF PIKEVILLE**

WHEREAS, the City of Pikeville, requested funding through the Kentucky Transportation Cabinet, Department of Highways for resurfacing of various streets and roads within the City of Pikeville;

WHEREAS, the Kentucky Department for Local Government approved the funding for an amount not to exceed \$202,500 to resurface the following streets: Quail Walk, Hickory Knoll, Poplar Grove, Meadowview, Fox Furrow, Grouse Ridge, Doe Run, Marie Kendrick Lane, Redale Road, Phyllis Lane, Cedar Gap/Jay Street, Amba Street, Fourth Street, Cumberland Court, Mt. Martha Parking Area; Mt. Martha Drive/Crayce, Elkins Road, Mildred Street, S. Auxier Avenue, Poplar Street/Jay Street, Sixth Street, Smith Hill, Harolds Branch and Northmonte, and;

WHEREAS, the Kentucky Transportation Cabinet, Department of Highways, has forwarded a Funding Agreement (FD-39) for the street and roads resurfacing project for approval by the City of Pikeville.

NOW, THEREFORE, BE IT HEREBY RESOLVED BY the Pikeville City Commission that the Kentucky Transportation Cabinet, Department of Highways Funding Agreement for the Street Resurfacing Project is hereby approved and the Mayor is authorized to execute the agreement on behalf of the City of Pikeville.

At Pikeville, Kentucky, this 25th day of October, 2004.

Commissioner Layne made the motion to adopt the foregoing resolution. Commissioner Amos seconded the motion.

The motion carried by the following votes:

	YES	NO
FRANK JUSTICE, II, MAYOR	<u> X </u>	___
DALLAS LAYNE, COMMISSIONER	<u> X </u>	___
EUGENE DAVIS, COMMISSIONER	<u> X </u>	___
SHAWN AMOS, COMMISSIONER	<u> X </u>	___
JAMES CARTER, COMMISSIONER	<u> X </u>	___

The Mayor declared the within Resolution adopted.

Representative Cornett advised the Commission that TE-21 Funding, for repairs to the Pauley Bridge, should be released within a few weeks.

AGENDA ITEM IV.

PAYMENT OF BILLS

A list of City Bills totaling 496,617.10 was included in each Commission Member's agenda package. Mayor Justice made the motion, seconded by Commissioner Davis to approve payment of the invoices as requested. The motion carried unanimously.

AGENDA ITEM V.

OLD BUSINESS

A. BIG SANDY AREA DEVELOPMENT DISTRICT: Sandy Runyon, Executive Director for the Big Sandy Area Development District, reported that all properties in the Phase VI Redevelopment Area have been acquired. She advised that three tenants remain to be relocated. Ms. Runyon reported bids are being solicited for asbestos testing. She expects bids for demolition to be accepted in mid-November.

B. PIKEVILLE MAIN STREET PROGRAM: Melissa Staggs, Director for the Pikeville Main

Street Program, requested to delay consideration of an agreement, with the Pike County Fiscal Court for UNITE Pike funding, until the next meeting.

Ms. Staggs announced the Christmas Parade will be held on December 4th (Saturday) at 5:30 p.m.

UNITE Pike Substance Abuse Coordinator, Debbie Trusty, reported that approximately 100 citizens attended the Substance Abuse Forum on October 21st at East Ridge High School. Approximately 22 vendors, representing the law enforcement, treatment, and educational professions, as well as two ministers attended the forum. Thirty individuals volunteered to become members of UNITE Pike. Discussed was the possibility of forming a satellite agency in the Elkhorn City area. Ms. Trusty summarized the forum provided for a good networking event for the City of Pikeville and Pike County.

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

1. **Utility Relocation Project - Phase III:** Mr. Sykes advised that American Electric Power has 7 service hook ups to complete their contract. BellSouth lacks 30 service hook ups. Mountain Enterprises is scheduled to re-pave a few areas and address the drainage on Second Street.

2. **City Park Walkway Project:** The contractor, Commonwealth Building and Construction, should complete their contract by mid-November. The engineer anticipates no change orders.

3. **Foxcroft Water Tank Painting:** W & O Construction is 100% complete with the maintenance and painting of the Foxcroft Water Tank. The city engineer recommended the entire contract amount be paid to the contractor - \$33,000.00. Commissioner Layne made the motion, seconded by Commissioner Carter to authorize payment to W & O Construction in the amount of \$33,000.00 for the Foxcroft Water Tank Painting project. The motion carried unanimously.

4. **Indian Hills Sewer Extension Project:** City Engineer Sykes advised that three bids had been received for the construction of sanitary sewer lines to serve the Indian Hills area. The low bid was submitted by M & S Construction in the amount of \$622,680.00. Bids were also submitted from H2O Construction in the amount of \$750,832 and from K Kerrigen in the amount of \$991,052.50. Funding is available on a 75:25 ratio from the U.S. Army Corp of Engineers for a dollar amount of \$512,682 for construction and \$51,368.20 for 10% contingency. Based on the low bid, an additional \$66,572.85 is required, which provides for a reduction in the contingency budget to 5%. Mr. Sykes advised the City's cost for the project has risen to \$249,095. Through conversations with the U.S. Army Corp of Engineers, it was learned the funding agency may contribute an additional \$10,000 to \$15,000 toward the project. Commissioner Layne made the motion to award the project to the low bidder, M & S Construction in the amount of \$622,680.00 and to authorize the city engineer to seek additional funding for the cost overrun. Commissioner Amos seconded the motion. The motion carried unanimously.

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

1. **Amended Budget:** Presented and given second reading was an Ordinance entitled:

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

Commissioner Carter made the motion to adopt the Ordinance as presented. Commissioner Layne 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

2. **Tele-Media Cable T.V. Service:** City Attorney Davis reported that several phone calls had been received by Commission Members, City Hall, and the City Attorney's office regarding poor cable t.v. reception from provider, Tele-Media (Cequell). The City Attorney reported that he had contacted Cequell representatives who advised the poor reception is due to the weather conditions. After consulting with Linda Ain, cable t.v. legal consultant, the City Attorney sent a letter to Cequell giving them 90 days to cure the default. Ms. Ain suggested retaining the services of an engineer that specializes in evaluation of cable television systems. Mayor Justice made the motion to retain the services of William F. Pohts to evaluate the Cequell system for an amount not to exceed \$5,000.00. Commissioner Amos seconded the motion. The motion carried unanimously.

3. **Drug Testing Policy:** City Manager Blackburn presented an agreement to provide for random drug testing of city employees. He requested permission to enter into a contract for the services with SAMI or Premiere, depending upon which company provided the lowest and best price. Mayor Justice made the motion, seconded by Commissioner Carter to authorize the City Manager to negotiate with the aforesaid companies for random drug testing services and to authorize the Mayor to execute a contract with the company that can provide the best service for the lowest price. The motion carried unanimously.

4. **Jay Street:** The city attorney advised the Fire Chief reported that emergency vehicles are unable to negotiate the curve located at 124 Jay Street due to vehicles parking along the street. The city attorney recommended designating a "no parking zone" for this area. First reading was given to an ordinance entitled:

ORDINANCE DESIGNATING AS NO PARKING A PORTION OF THE NORTH SIDE OF JAY STREET LOCATED IN THE CURVE AT 124 JAY STREET

Second reading of the ordinance was scheduled for the next regular meeting.

Discussion concerning the proposed ambulance service rates was postponed to the next regular meeting.

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

1. **Street Banner Program:** During work session the Commission reviewed a recommendation from the City Manager concerning the acquisition of street banners for the downtown area. CGI will supply at least 25 banners to the city at no cost. CGI will recoup their money through advertising on the banners which will be offered to businesses within the city limits. Mayor Justice made the motion, seconded by Commissioner Layne to authorize the City Manager to proceed with the street banner program. The motion carried unanimously.

2. **Natural Gas Service:** Veolia Water Manager, A.T. Hall, recommended abandoning a gas service line located near the Shelby Bridge. Mr. Hall advised the line is approximately 1000 ft in length and crosses the river. The line serves one customer, Elmo Allen, who has agreed to discontinue service in exchange for the cost to purchase a heat pump. Mr. Hall received quotes from Elliott's in the amount of \$5,150.00 and from Delta Supply in the amount of \$5243.64. Mr. Hall reported the buyout would far outweigh the potential cost for gas lost during a line breakage, as well as for general maintenance. Commissioner Layne made the motion, seconded by Commissioner Amos to authorize payment to Elmo Allen in the amount of \$5,150.00 and to abandon the gas service line serving her property. The motion carried unanimously.

3. Garbage Truck: Online bids were accepted for the purchase of a garbage truck. Mr. Hall advised the low bid did not meet the specifications. He and Greg May, Regional Project Manager for Veolia Water, recommended purchasing the vehicle from Mid State Equipment in the amount of \$92,800.00. Commissioner Carter made the motion to award the bid for the purchase of the garbage truck to the lowest qualified bidder, Mid State Equipment. Commissioner Layne seconded the motion. The motion carried unanimously.

4. Property Acquisition: Commissioner Layne made the motion, seconded by Commissioner Davis to extend an offer to purchase property located at 266 Sycamore Street. The motion carried unanimously.

Mayor Justice made the motion to adjourn to closed session for the purpose of discussing a personnel matter. Commissioner Amos seconded the motion. The motion carried unanimously.

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

As recommended by the City Manager, Commissioner Carter made the motion, seconded by Commissioner Layne to create the position of Economic Development Director. The motion carried unanimously.

There being no further business to come before the Commission, Commissioner Davis made the motion, seconded by Commissioner Carter to adjourn the meeting. The motion carried unanimously.

The next regular meeting of the Board of Commissioners is scheduled for November 8, 2004 at 6:00 p.m.

APPROVED: 
FRANKLIN D. JUSTICE, II, MAYOR

ATTEST:


KAREN HARRIS, CITY CLERK
City Mgr