

MINUTES } CITY OF PIKEVILLE

CITY OF PIKEVILLE BOARD OF COMMISSIONERS REGULAR MEETING OCTOBER 23, 1995

The Board of Commissioners of the City of Pikeville met in regular session on Monday, October 23, 1995. The meeting was held in the City Hall Public Meeting Room at 260 Hambley Boulevard, Pikeville, Kentucky.

There being a quorum present, Mayor Steven D. Combs called the meeting to order at 6:00 p.m. Commission Members present upon call of the roll were as follows:

MAYOR: STEVEN D. COMBS
COMMISSIONER: KENNY BLACKBURN
WALTER BLANKENSHIP
SHARON CLARK
EUGENE DAVIS

AGENDA ITEM II.

MINUTES

The minutes for the previous regular meeting held on September 25, 1995 were included in each Commission Member's agenda package. There being no additions or corrections, Commissioner Blankenship made the motion, seconded by Commissioner Blackburn to approve the minutes as presented. Upon call of the roll, the motion carried unanimously.

AGENDA ITEM III.

BUSINESS FROM THE FLOOR

A. TELECOMMUNICATIONS COMMITTEE: Telecommunications Board Member, J. Donald Wallen, appeared before the Commission to apprise the Commission of the Telecommunications Board's activities. Mr. Wallen reported that the Telecommunications Board has submitted numerous applications for grant funds. Several grants have been approved, and a number of the grant applications are pending. Mr. Wallen gave notice that a private foundation, the name of which can not be disclosed at this time, has awarded a \$200,000.00 grant to the Telecommunications Center. Those funds have been earmarked as matching money for grant proceeds. Mr. Wallen told the Commission that the Telecommunications Center is currently awaiting a decision from the Pikeville Public Library Board as to whether they plan to construct a facility adjacent to that of the Telecommunications Center. Mr. Wallen reported that it has been indicated that the Library Board has made the decision that the proposed location is unsuitable for their needs. At the time that the City of Pikeville granted an option to the Telecommunications Board for the parcel behind the City Park, members of the Pikeville Library Board expressed their interest in locating adjacent to the Telecommunications Center. Mr. Wallen advised the Commission that he did not want the Telecommunications Center architect to begin drawings until they had been advised that the Library Board did not want to construct a facility on the site. He also reported that the architect has recommended that the Telecommunications facility be constructed at a different angle due to the location of the recently constructed basketball court. The different layout would make the facility more aesthetically pleasing. As answer to a question posed by Commissioner Clark, Mr. Wallen told the Commission that the facility would be more spacious, however would not encompass the entire site. Mr. Wallen told the Commission that the architect's drawings would be presented to them for review prior to any construction activity. Since the Telecommunications Center has only an option on the property at this time, discussion concerning reversionary rights was delayed until a more appropriate time. Commissioner Blankenship made the motion to authorize the Telecommunications Board to proceed with their project and to authorize them to give their architect a notice to proceed with the construction drawings for the Telecommunications Center. Commissioner Clark seconded the motion. During discussion, Commissioner Davis disclosed that his wife is the Librarian for the City of Pikeville Public Library. Commissioner Davis expressed his concern that the Library could not locate a facility because of insufficient space. Mr. Wallen told Commissioner Davis this was not the case. Both facilities could locate on the site, albeit cramped, however he had been advised that the Library Board was considering other options. Mr. Wallen told the Commission that he had asked the Library Board to advise him of their decision but has not heard from them. He commented that the Telecommunications Board has no other choice but to proceed with their project. There being no further comments, the motion carried 4 - 0 - 1 with Commissioner Davis abstaining from the vote.

AGENDA ITEM IV.

PAYMENT OF BILLS

A. CITY BILLS/FINANCIAL STATEMENTS: A list of City Bills totaling \$336,985.41 was included in each Commission Member's agenda package for review. Upon the City Manager's confirmation that sufficient funds were available for payment of the invoices, Commissioner Blankenship made the motion to approve the bills for payment as requested. Commissioner Blackburn seconded the motion. Upon call of the roll, the motion carried 5 - 0.

B. U.D.A.G.: The Commission reviewed two requests for reimbursement from the Y.M.C.A. in connection with their Bob Amos Park facility construction. Presented was a request in the amount of \$15,880.00 which represents the amount to be reimbursed for construction to-date. A reimbursement request in the amount of \$50,506.80 was presented which pertains to in-kind contributions. Mayor Combs asked who is responsible for collecting the cash donations. Project Coordinator, Sue Smallwood, reported that the in-kind contributions for which the Y.M.C.A. is requesting reimbursement is for equipment use, construction material and labor. The Mayor questioned who is inspecting the project and verifying the reimbursement requests. Ms. Smallwood explained that Bruce Elliott is the general contractor for the project and provides certification for the payment reimbursements. City Attorney Davis advised the Commission that HUD regulations provide for the engineer or construction manager to sign the payment requests. Discussion continued at some length with the City Attorney

and Mayor expressing their concerns that sufficient documentation to verify the requests for in-kind reimbursements had not been presented and also discussed the possibility that the City could have to pay back funds to HUD if the City does not have the proper documentation to verify the payments. Mayor Combs made the motion to authorize payment of both payment requests subject to City Auditor, Don Wallen's approval of the documentation, and further conditioned upon the October 20, 1995 request being signed by general contractor, Bruce Elliott. Commissioner Clark seconded the motion. Upon call of the roll, the motion carried 5 - 0.

C. SEWER EXTENSION PROJECT: Presented for approval of payment from Sewage Extension Project contractor, M & D Contracting, were bills as follows:

Contract #1 (Chloe Creek Sewer).....\$19,237.50
Contract #2 (Harolds Branch Sewer).....\$34,852.50
Contract #3 (North Interceptor Sewer).....\$30,825.00

Commissioner Blankenship made the motion to authorize payment of the requests for Contracts 1, 2, and 3 as submitted. Commissioner Blackburn seconded the motion. Upon call of the roll, the motion carried unanimously. City Manager Johnson advised the Commission that payment would not be made until the loan proceeds are received from KIA.

AGENDA ITEM V.

OLD BUSINESS

A. CITY ENGINEER'S REPORTS: Jack Sykes, representing Summit Engineering, City Engineers, presented a verbal report of ongoing projects as follows:

1. Sewer Extension Project: Approximately 4% of the project has been completed while 22% of the contract time has elapsed. Work on the Harold's Branch extension and the North Interceptor replacement have been halted due to labor union protests. Mr. Sykes told the Commission that the contractor, M & D Contracting, has signed a contract with the Teamsters Union, however the job is still being protested by the Steel Workers Union. A meeting between representatives of the two labor unions in an effort to resolve the matter has been scheduled, with a decision expected by this coming Wednesday. The Chloe extension is proceeding. M & D Contracting sub-contracted this phase of the sewer extension project to Hess Contracting, who entered into a labor contract with the Steel Workers Union. M & D's Supervisor, Ed Gaunt, was present. The Commission asked if the contracts could be completed by the deadline if the labor protests are settled this week. Mr. Gaunt told the Commission that valuable time has been lost and thinks the project is currently three to four weeks behind schedule. With inclement weather approaching, Mr. Gaunt told the Commission that he did not think the contracts could be completed within the specified contract time. City Engineer Sykes stated his opinion that labor protests would not fall within the guidelines of an excusable reason for not completing the contracts within the specified time period, and commented that the City could probably assess liquidated damages. City Attorney Davis suggested that he be given the authority to contact a labor attorney to see if the City could provide any legal assistance to get the contractor back to work. The Commission decided to wait until the outcome of the meeting with the two labor unions. The Mayor suggested that the City Manager call a Special Meeting should the contractor not receive a favorable response.

2. Pikeville Pond: McPeck General Contractors is currently working on the project and has about 50% of the clean-up activities completed.

3. Raw Water Intake/Wastewater Treatment Plant: City Engineer Sykes reported that National Painting and Sandblasting Company has completed the painting and miscellaneous repairs at the Raw Water Intake structure. The Wastewater Treatment Plant painting and repairs should be completed within the next two weeks.

4. Dark Hollow: It was reported that Mr. Adams has employed a new bore contractor. The new contractor is scheduled to begin work on October 24, 1995.

5. Executive Session: Mr. Sykes requested an executive session to discuss an issue concerning negotiations between the contractor and work which needs to be done on the floodway adjacent to the shopping center project.

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

1. Zoning Variances: Presented and given second reading was an Ordinance entitled:

ORDINANCE AMENDING THE CITY OF PIKEVILLE, KENTUCKY ZONING CODE PROVIDING FOR THE BOARD OF ZONING ADJUSTMENTS TO HAVE THE POWER TO HEAR AND DECIDE "OFF-STREET PARKING AND LOADING" VARIANCES

Commissioner Blackburn made the motion to adopt the Ordinance as presented. Commissioner Blankenship seconded the motion. Upon call of the roll, the motion carried by the following votes:

MAYOR:	STEVEN D. COMBS	YES
COMMISSIONER:	KENNY BLACKBURN	YES
	WALTER BLANKENSHIP	YES
	SHARON CLARK	YES
	EUGENE DAVIS	YES

2. TECHNICAL ADVISORY COMMITTEE: City Attorney Davis presented a letter from Reed Potter, Jr. and Rick Keene, members of the Technical Advisory Committee, concerning a proposed fee for reviewing

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Subdivision Plat applications. They suggested that each member of the board be compensated at a rate of \$25.00 per hour for providing the following professional services:

Review of the subdivision proposals - not to exceed 2 hours
On site inspection - not to exceed 4 hours
Committee meetings - not to exceed 1 hour.

City Attorney Davis advised the Commission that the cost would not exceed a total of \$525.00 for each proposal. Mayor Combs stated that a provision should be included in the Ordinance to provide for the fee to be collected in advance. Commissioner Blankenship made the motion, seconded by Commissioner Clark to approve the fee schedule as suggested by the Technical Advisory Committee and to authorize the City Attorney to prepare an Ordinance to establish said fees. Upon call of the roll, the motion carried unanimously.

3. U.D.A.G. : Presented for approval was an agreement between the City of Pikeville and Will Linder & Associates for the preparation of the various U.D.A.G. grant applications and for the preparation of the Environmental Assessment for the Keyser Heights Phase II and Y.M.C.A. projects. City Attorney Davis reported the contract to be in order. Commissioner Blankenship made the motion to approve the contract and to authorize the Mayor to execute said contract. Commissioner Blackburn seconded the motion. Upon call of the roll, the motion carried unanimously.

In conjunction with the contract, a request for payment was submitted on behalf of Will Linder & Associates in the amount of \$30,000.00. \$20,000.00 is for the preparation of the various U.D.A.G. applications and \$10,000.00 was charged for the Environmental Assessment documents for the Keyser Heights Phase II and Y.M.C.A. projects. Commissioner Blankenship made the motion, seconded by Commissioner Blackburn to approve payment of the invoice totaling \$30,000.00. Upon call of the roll, the motion carried 5 - 0. The payment will be funded through U.D.A.G. proceeds.

4. STREET DEDICATION: City Attorney Davis presented to the Commission the dedication of the street and bridge located between the Mountain Comprehensive and Health Department tracts. It was explained that the Health Department constructed the bridge on a portion of the Mountain Comprehensive Care Center tract. Pikeville College, in an effort to see Mountain Comprehensive's project proceed, donated property to them. Both, Mountain Comprehensive Care and the Pike County Health Department have signed the dedication. With the acceptance of the dedication, the roadway and bridge will become public and the City will be accepting both into the street maintenance system. City Engineer Sykes advised that he did not think the roadway or bridge would require any major repairs in the next ten years. Mayor Combs made the motion to accept the road and bridge dedication pursuant to the April 12, 1994 map prepared by Summit Engineering. Commissioner Blankenship seconded the motion. Upon call of the roll, the motion carried 5 - 0.

C. CITY MANAGER'S REPORTS: City Manager John B. Johnson requested an executive session with the Commission to discuss a personnel matter and to hear an audit report from J. Donald Wallen.

AGENDA ITEM VI.

NEW BUSINESS

A. BOARD APPOINTMENTS:

1. Library Board: Mayor Combs nominated Jerry Waddell to complete the unexpired term of Tinker Page on the City of Pikeville Library Board. Commissioner Blackburn seconded the motion. Upon call of the roll, the motion carried 4 - 0 - 1 with Commissioner Davis abstaining from the vote.

2. Housing Authority Board: Mayor Combs nominated Mike Castle to complete the unexpired term of Johnny Cornett on the City of Pikeville Housing Authority Board. The Mayor reported that Mr. Castle had changed his political designation to Independent in an effort to satisfy the political requirements imposed by KRS. Commissioner Blankenship seconded the motion. Upon call of the roll, the motion carried unanimously. Mayor Combs announced that the Board still has one vacancy, however he is in the process of discussing the matter with current Board Member, Velma Childers, to determine if she is still interested in serving on this Board.

3. Main Street Program: Presented for approval was an Appalachian Regional Commission grant agreement. The Main Street Program has again been awarded this \$10,000.00 matching grant. Commissioner Blankenship made the motion, seconded by Commissioner Clark to authorize the Mayor and the City Attorney to execute the grant agreement. Upon call of the roll, the motion carried unanimously.

It was announced that an auction has been scheduled for November 2, 1995 beginning at 10:00 a.m. to dispose of the properties known as the Old Water Plant property; the Lorraine Street property; and the Lake Joann Industrial property.

At 7:18 p.m., Mayor Combs made the motion to adjourn to executive session for the purpose of discussing a personnel matter, discussing an audit report, and to discuss a contract negotiation matter with the City Engineer concerning the floodway adjacent to the shopping center project. Commissioner Davis seconded the motion. Upon call of the roll, the motion carried unanimously.

At 8:20 p.m., Mayor Combs made the motion, seconded by Commissioner Blankenship to reconvene to regular session. Upon call of the roll, the motion carried unanimously.

It was announced that no action was necessary as a result of the executive session.

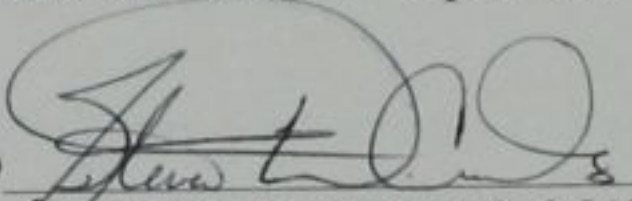
Fire Chief Hall recommended the employment of Jeanette Griffith as a Fire fighter/EMT. Chief Hall advised the Commission that he had reviewed and tested 20 applicants and had found Ms. Griffith to be the best qualified

applicant. Commissioner Clark made the motion, seconded by Commissioner Blackburn to employ Jeanette Griffith as a Fire fighter/EMT as recommended by Fire Chief Hall. Upon call of the roll, the motion carried 5 - 0.

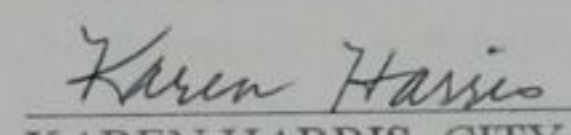
Emergency Shelter: Mayor Combs advised the Commission that effective on November 1, 1995, the Ministerial Association will no longer be operating the Emergency Shelter. He explained that the decision of whether to keep the facility open needs to be made. The Mayor reported that he had attended a meeting of the Pikeville Housing Authority Board on this date. The Housing Authority Board granted approval for their "Not-for-Profit" corporate arm to assume operation of the shelter if the City so desires, however reminded that the City would be responsible for operational costs. The City has been awarded a \$46,400.00 grant - \$20,000.00 of which can be designated for payment of salaries, however it was pointed out that the grant must be matched dollar for dollar with City funds or in-kind contributions. The City has until December, 1996 to expend these funds. Project Coordinator Sue Smallwood told the Commission that the project has been awarded several grants. Some of the grants have the stipulation that the shelter must be maintained for a certain number of years or the City could have to repay a portion of the grant proceeds. She further commented that the original grant provided that the shelter be operated for 10 years. Commissioners Blankenship and Clark expressed their opinions that they would like for the City to assume operation of the facility. Mayor Combs told the Commission that the previous resident director, Jerri Meade, has agreed to return to operate the shelter. Ms. Meade is currently employed and has asked for some assurance that she would be allowed to continue in the position. City Manager Johnson suggested that should the City lease the operations of the facility to another agency, that Ms. Meade's continued employment be a condition of the lease. Mayor Combs asked that a list, of the grants for the emergency shelter use, be prepared showing what portion would have to be repaid should the facility no longer be operated. Commissioner Clark made the motion, seconded by Commissioner Blankenship for the City to assume operation of the emergency shelter and to employ sufficient personnel to oversee its operation. Upon call of the roll, the motion carried unanimously.

There being no further business to come before the Commission, Commissioner Blankenship made the motion to adjourn the meeting. Commissioner Clark seconded the motion. Upon call of the roll, the motion carried unanimously. (Adjournment Time: 8:35 p.m.)

APPROVED


STEVEN D. COMBS, MAYOR

ATTEST:


KAREN HARRIS, CITY CLERK

