

MINUTES } CITY OF PIKEVILLE

PIKEVILLE CITY COMMISSION REGULAR MEETING MINUTES APRIL 22, 1996

The Board of Commissioners of the City of Pikeville held their regular monthly meeting on Monday, April 22, 1996. The meeting was conducted in the City Hall Public Meeting Room at 260 Hambley Boulevard.

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
EUGENE DAVIS

Commissioner Sharon Clark was absent.

AGENDA ITEM II.

MINUTES

The minutes for the previous regular meeting held on March 25, 1996 and special meeting minutes of March 5, March 27, and April 3, 1996 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 submitted. Upon call of the roll, the motion carried 3 - 0 - 1 with Commissioner Blackburn abstaining from the vote concerning the minutes of March 5 & 27, and April 3, 1996.

AGENDA ITEM III.

BUSINESS FROM THE FLOOR

A. TELE-MEDIA: Mayor Combs reported that he had received complaints concerning the level of service offered by Tele-Media when compared to Paul Gearheart's cable company (Tele-Com). The Mayor commented that Tele-Com offers the History Channel, Weather Channel, Travel Channel, Local Access Channel, and A & E. The Mayor said he had made a cost comparison between the two companies and found Tele-Com to be comparable, and in most cases, charging a lesser rate than Tele-Media. Mayor Combs reported that he had been told by a Tele-Com representative that Mr. Gearheart had offered to give Tele-Media access to the Local Access Channel at no cost. Present on behalf of Tele-Media were Carol Adkins, local manager, and a service technician. Ms. Adkins told the Commission that in order to offer all the channels that Tele-Com offers, fiber optic line would have to be available in all areas. While Tele-Media has upgraded, they haven't completed the fiber optic line. Ms. Adkins estimated that the upgrade should be completed within the next year. At that time, Tele-Media expects to offer up to 35 channels. With regard to the rate change, it was noted that the basic service rate increased from \$25.53 per month, including tax, to \$26.49 per month, including tax. Reasons cited for the increase were inflation and due to the satellite services raising their rates to the cable operators. Discussed was the reception for the WYMT station. The service technician advised that the problem lies with the Hazard station itself. The Commission requested that David Richardson, District Manager for Tele-Media, attend the next meeting to address their questions concerning the addition of channels, the time frame for providing the local access channel, and a breakdown of the rate increase. It was also suggested that a representative from the Hazard station be present.

AGENDA ITEM IV.

PAYMENT OF BILLS

A. CITY BILLS: A list of City Bills totaling \$472,552.79 was presented to the Commission for approval of payment. Commissioner Blankenship made the motion, seconded by Commissioner Davis to approve payment of the bills as requested. Upon call of the roll, the motion carried 3 - 0 - 1 with Mayor Combs abstaining from the vote with regard to the requests from Rogers Petroleum and Robertson Wrecker.

B. SEWAGE EXTENSION PROJECT: Presented for approval of payment on behalf of M & D General Contracting were invoices for Contract #1 (Chloe Creek) \$90,221.94; Contract #2 (Harold's Branch) \$85,117.14; Contract #3 (North Interceptor) \$78,140.70; and \$28,164.42 in retainage to be paid to the escrow account. Upon the City Engineer's confirmation that the invoices are due and payable, Commissioner Blackburn made the motion, seconded by Commissioner Blankenship to approve payment of the invoices as submitted. Upon call of the roll, the motion carried 4 - 0.

C. PIKEVILLE ACADEMY BUILDING STABILIZATION: Architect for the Pikeville Academy Building Stabilization Project, William Richardson, presented to the Commission a report detailing the proposed work for the stabilization and interior renovation. The scope of work is to be accomplished in three phases. The City has received \$500,000 in ISTEAF funds which will complete the first phase and allow work to begin on the second phase. Phase I provides for the exterior stabilization and some interior work. Phase II is estimated to cost \$225,000 and Phase III is projected at \$445,000. Mr. Richardson advised the Commission that he had spoken with David Morgan of the Kentucky Heritage Council. The agency is very much in support of the project and recommends the application for additional ISTEAF funds at the end of the summer. Several agencies within the City have expressed an interest in locating their offices in the building, and, according to Mr. Richardson, have committed funds toward the project. Those agencies were identified as Pikeville/Pike County Tourism; Main Street Program; Chamber of Commerce; Pikeville/Pike County Preservation Council; and the Big Sandy Arts Council.

Presented to the Commission was a bill from Richardson Associates in the amount of \$11,392.50 which represents 35% of the \$32,550.00 architectural/engineering fee for a \$465,000.00 construction budget. Mayor Combs made the motion to approve payment of the invoice as submitted. Commissioner Blankenship seconded the motion. Upon call of the roll, the motion carried 4 - 0.

AGENDA ITEM V. OLD BUSINESS

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

1. Osteopathic Medical School: Presented and given second reading was an Ordinance entitled:

ORDINANCE PROVIDING A GRANT TO PIKEVILLE COLLEGE FOR THE ESTABLISHMENT OF AN OSTEOPATHIC MEDICAL SCHOOL IN THE CITY OF PIKEVILLE AND SETTING FORTH THE TERMS AND CONDITIONS UPON WHICH THE GRANT SHALL BE MADE (O-96-002)

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:

STEVEN D. COMBS, MAYOR	YES
GENE DAVIS, COMMISSIONER	YES
SHARON CLARK, COMMISSIONER	ABSENT
WALTER BLANKENSHIP, COMMISSIONER	YES
KENNY BLACKBURN, COMMISSIONER	YES

2. Cable T.V.: Mr. Davis advised the Commission that he had received communication from Darrell Maynard, partner of Southeast Cablevision, advising that the company had purchased the Chaney TV Cable system and would like to transfer the non-exclusive franchise. City Attorney Davis presented and read the following resolution:

RESOLUTION APPROVING ASSIGNMENT OF NON-EXCLUSIVE FRANCHISE FROM CHANEY TV CABLE TO SOUTHEAST TELEPHONE, LP D/B/A SOUTHEAST CABLEVISION

WHEREAS, pursuant to Ordinance No. O-87-027, the City of Pikeville granted Chaney TV Cable a non-exclusive franchise to erect, construct and maintain and operate a community antenna television system as authorized by City of Pikeville Ordinance Number O-87-022,

WHEREAS, Chaney TV Cable has entered into an agreement with SouthEast Telephone, L.P., doing business as SouthEast Cablevision whereby SouthEast Cablevision will acquire a cable TV system owned and operated by Chaney TV Cable including an assignment of their non-exclusive franchise granted by the City of Pikeville;

WHEREAS, Chaney TV Cable and SouthEast Cablevision desire for the City of Pikeville to consent to said assignment.

BE IT RESOLVED BY THE CITY OF PIKEVILLE AS FOLLOWS:

SECTION 1. That the City of Pikeville hereby consents, pursuant to Section 17 of City Ordinance No. O-87-022, to an assignment by Chaney Cable TV of its non-exclusive franchise granted to it by City Ordinance No. O-87-027 to SouthEast Telephone, LP D/B/A SouthEast Cablevision of P.O. Box 1049, Pikeville, Kentucky 41502, subject, however, to the condition that SouthEast Cablevision fully comply with the terms and provisions of City Ordinance No. O-87-022 and City Ordinance O-87-027.

Passed this 22nd day of April, 1996.

Commissioner Kenny Blackburn moved the adoption of the foregoing resolution. Commissioner Walter Blankenship seconded the motion.

Upon roll call, the votes were as follows:

	<u>YES</u>	<u>NO</u>
STEVEN D. COMBS, MAYOR	X	
GENE DAVIS, COMMISSIONER	X	
SHARON CLARK, COMMISSIONER		ABSENT
WALTER BLANKENSHIP, COMMISSIONER	X	
KENNY BLACKBURN, COMMISSIONER	X	

The Mayor declared the within resolution adopted.

MINUTES } CITY OF PIKEVILLE

/s/ Steven D. Combs
STEVEN D. COMBS

ATTEST:

/s/ Karen Harris
KAREN HARRIS, CITY CLERK

B. CITY ENGINEER'S REPORTS: Mark Westfall, representing Summit Engineering, Inc., City Engineers, presented a verbal progress report for the following City projects:

1. Sewage Extension Project: The Chloe Project is 60% complete; the Harolds Branch Project is 70% complete; and the North Interceptor Project is 74% complete. Mr. Westfall advised the Commission that the Harolds Branch and North Interceptor Projects should be completed within the 90 day time extension. The contractor for the Chloe Project is now working on the area adjacent to the mouth of Fife Fork. He added that the contractor has the most difficult part of the remaining work still ahead. Mr. Westfall reported that he had met with the Chloe contractor last week and had advised them of their impending completion deadline. The Chloe contractor has two crews working - one on Fife Fork and one on Main Chloe. The Commission continued discussion with regard to the Chloe contractor's job performance. City Manager Johnson reported that he had several calls from residents of Walter's Road complaining about the clean up. The contractor had been instructed during a previous City Commission Meeting to perform the clean up work in the Walters Road area. Mr. Westfall reported that he had addressed this matter with the contractor also. Mayor Combs stated that he is of the opinion that the Chloe contractor's job performance is unsatisfactory. Mr. Westfall told the Commission that he had no problems with the contractor's quality of work, but the quantity, and the clean up work is not timely. Mayor Combs made the motion to direct the City Attorney to send the Chloe Creek contractor a letter advising that it is the City's belief that he is in default of the contract and the City Commission intends to take any necessary action during the City Commission meeting in May if the contractor doesn't cure the defaults. Specifics of the default were listed as being sporadic on the clean up; not responding in a timely fashion to the requests of the City Engineer; and it also appears that the contractor will not be able to complete his contract by the deadline. Commissioner Blankenship seconded the motion. Upon call of the roll, the motion carried 4 - 0. It was directed that both the contractor, M & D Contracting, and the sub-contractor, Hess Construction be sent the letter of default.

The Mayor advised that he had taken several calls from residents of the Harolds Branch area complaining about the dust created from the sewer line extension project. Mr. Westfall reported that he had brought this matter to the attention of the contractor. The contractor indicated he would make arrangements with PSG to provide dust control for the roadway.

Mr. Westfall advised the Commission that two underground storage tanks have been discovered at the mouth of Fife Fork. The tanks lie in the path where the sewer line was to be installed. The engineer proposes to install a manhole and go around the tanks. Mr. Westfall advised the Commission that EPA had been contacted and cautioned there may be a delay in this portion of the project should the EPA not approve the proposed route.

2. Pikeville Pond Clean up Project: This project is basically complete. The aerators have been started. The engineer reported that a punch list will be prepared this Thursday and expects final completion of the project next month. The Mayor asked the City Engineer to determine if there is a means to keep the trash out of the lake.

3. Keel Addition Storm Sewer: Mr. Westfall reported that this project was awarded to J & M Equipment on an emergency basis. The project is 100% complete. The contract amount was \$14,000.00.

4. Raw Water Intake: Mr. Sykes reported that the recommendation from Camp, Dresser & McKee had been reviewed by PSG and the engineering staff and each have agreed with the report. The recommendation was more fully discussed and explained during the meetings of March 5, and March 25, 1996. Mr. Sykes told the Commission that if 80% of the grant funds for the sewer extension project are expended by July 1st, the City will be eligible to make application for another grant. Grants person, Will Linder, is assisting with a proposed funding scheme. Estimated cost for the project is \$535,000.00. Mayor Combs made the motion to authorize the engineers to pursue the design for the Raw Water Intake improvements. Commissioner Blankenship seconded the motion. Upon call of the roll, the motion carried 4 - 0.

5. Thompson Road Fire Station/Storage Building: The storage building is under roof. Mike Templeman is performing the filling work on the Thompson Road Fire Station tract.

6. Sewer Extension Project Engineering/Inspection Contract: Mr. Sykes advised that the engineering/inspection contract for the sewage extension project is for a seven month period. Due to the 90 day time extension granted for each of the three contracts, Mr. Sykes requested approval of a change order which would provide for an increase in engineering/inspection costs amounting to \$4,500.00 per month, per contract. The City agreed to pay the engineering/inspection fees for the first 30 days and the contractor is to assume the remainder of the fee. Mr. Sykes further requested that the City pay the remaining 60 days with the provision that the fees be deducted from the contract payment. Mr. Sykes reported that KIA will allow payment of the increase in engineering fees from the contingency fund. Commissioner Blankenship made the motion, seconded by Commissioner Blackburn to authorize the City Manager to execute the change order for the

MINUTES } CITY OF PIKEVILLE

engineering/inspection fees for the final three months of the sewage extension contracts. Upon call of the roll, the motion carried 4 - 0.

C. CITY MANAGER'S REPORTS: City Manager, John B. Johnson, presented the following items for the Commission's consideration:

1. May Commission Meeting: Mr. Johnson advised the Commission that the next regular meeting falls on May 27th which is the day that the Memorial Day holiday is observed. Tuesday, May 28th, is Primary Election Day. Mr. Johnson recommended postponing the meeting until May 30th at 6:00 p.m. Commissioner Blackburn made the motion, seconded by Commissioner Blankenship to cancel the May 27, 1996 regular meeting and reschedule the meeting for May 30, 1996 at 6:00 p.m. Upon call of the roll, the motion carried 4 - 0.

2. 1995-96 Audit: Presented to the Commission for approval was a letter proposal from Wallen & Cornett, CPAs to perform the City's 1995-96 audit of the financial records. The City Manager advised that the cost for this service is \$15,300.00. Commissioner Blankenship made the motion, seconded by Commissioner Blackburn to award the 1995-96 Audit to Wallen & Cornett, CPAs. Upon call of the roll, the motion carried 3 - 0 - 1 with Mayor Combs abstaining from the vote.

Presented to the Commission was a letter from Post Office officials commending the Fire Department for their professional expertise regarding a recent call for medical assistance.

The Commission commended the Police, Fire, Parks, and PSG for their efforts during Hillbilly Days.

City Manager Johnson requested an Executive Session for the purpose of discussing a personnel matter. At 7:08 p.m., Mayor Combs made the motion, seconded by Commissioner Davis to adjourn to a closed session pursuant to KRS 61.810 Section (f) for the purpose of discussing a personnel matter. Upon call of the roll, the motion carried 4 - 0.

At 7:14 p.m., Mayor Combs made the motion, seconded by Commissioner Blankenship to reconvene to regular session. Upon call of the roll, the motion carried 4 - 0.

There was no action necessary as a result of the closed session.

Asphalt: Mr. Johnson reported that the sewage extension contract has a budget of \$100,000.00 for pavement replacement. The City Manager told the Commission that the contractor may be willing to have this item deleted from their contract. Mr. Johnson advised that the City pays a less expensive rate per ton for asphalt which would enable more pavement to be replaced. Commissioner Blankenship made the motion to authorize a change order to the sewage extension contract to delete the pavement replacement from the project. Commissioner Blackburn seconded the motion. Upon call of the roll, the motion carried 4 - 0.

Budget Amendments: First reading was given to an Ordinance entitled:

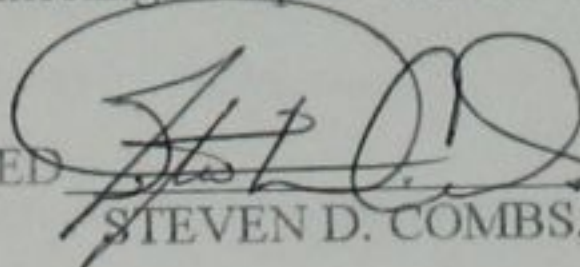
ORDINANCE AMENDING BUDGET FOR THE CITY OF PIKEVILLE

The Ordinance will be on file in the office of the City Clerk where it may be viewed by the public. Second reading of the Ordinance was scheduled for the next meeting.

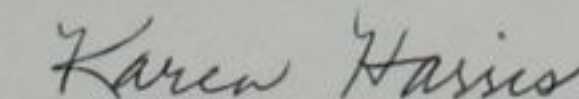
According to the City Manager, the amendments include additional revenues received from UDAG, COPS Grant, and the grant and loan funds for the Sewer Extension Project.

The Mayor announced that the Federal Emergency Management Agency would be meeting in City Hall on April 25, 1996 at 11:00 a.m. to review the revised flood maps for the City of Pikeville.

There being no further business to come before the Commission, Commissioner Blankenship made the motion, seconded by Mayor Combs to adjourn the meeting. Upon call of the roll, the motion carried 4 - 0. (Adjournment time: 7:18 p.m.)

APPROVED 
STEVEN D. COMBS, MAYOR

ATTEST:


KAREN HARRIS, CITY CLERK