

MINUTES } CITY OF PIKEVILLE

CITY OF PIKEVILLE
BOARD OF COMMISSIONERS
REGULAR MEETING MINUTES
SEPTEMBER 23, 1996

The Board of Commissioners of the City of Pikeville conducted their regular monthly meeting on Monday, September 23, 1996. The meeting was held 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 at roll call were as follows:

MAYOR: STEVEN D. COMBS
COMMISSIONER: WALTER BLANKENSHIP
EUGENE DAVIS

Commissioners Kenny Blackburn and Sharon Clark were absent.

AGENDA ITEM II. MINUTES

The minutes for the previous regular meeting of August 26, 1996 were included in each Commission Member's agenda package. There being no additions or corrections, Commissioner Blankenship made the motion seconded by Commissioner Davis to approve the minutes as submitted. Upon call of the roll, the motion carried 3 - 0.

AGENDA ITEM III. BUSINESS FROM THE FLOOR

A. PAVING: Danny Stratton, a resident of the Bowles Addition, requested the Commission consider milling Chestnut Street prior to paving. City Manager Johnson reported that he had advised Mr. Stratton that he would ask the City Engineer, Public Works Manager, and a representative from Mountain Enterprises to inspect the street prior to paving to determine if milling is necessary. He advised that some funds have been budgeted to perform the milling if needed. City Engineer Sykes explained that milling allows for the drainage pattern to be maintained. He further stated that milling is advantageous if the City can afford the additional expenditure. Mr. Sykes estimated a cost of \$6,000.00 to mill and \$7,100.00 to pave. The Commission voiced they had no problem with performing the milling if the City had sufficient funds.

B. KEYSER HEIGHTS: Bennie and Lorraine Bartley of Keyser Heights appeared before the Commission to ask the progress of having the entrance to Keyser Heights repaired. City Manager Johnson advised that the hole had been filled for safety purposes. While the entrance has been cleaned, it has not been done to perfection, due to the advertisement for bids to complete the bore. Public Works Manager, Greg May, advised the concrete had not been poured in the entrance because it would have to be removed to complete the bore. City Engineer Sykes advised the Commission it would take no more than one week for the contractor to complete the bore, once the contract is awarded and the contractor locates his equipment on the site. Mayor Combs stated that he thought that Stewart Adams has had sufficient time to complete the bore and made the motion to give Mr. Adams 10 days to proceed with the boring, and further moved that, if the bore has not begun within the time frame, the City Engineer be authorized to advertise for bids for a bore contractor. Commissioner Blankenship seconded the motion. During discussion, the Mayor stated the bid should include concrete replacement. City Engineer Sykes explained that bore contractors generally perform bore work only. He stated that he thought a better bid would be obtained if the bore was bid alone. Mr. Sykes anticipated that the concrete could be replaced for less than \$7,500.00 which would allow for the City Manager to award the bid. Mayor Combs amended his motion to authorize the City Manager to award a contract for the entrance repair once the bore is complete and the manhole is installed. Commissioner Blankenship agreed to second the amendment to the motion. Upon call of the roll, the motion carried 3 - 0. The Bartleys asked about the replacement of the landscaping. The City Engineer was directed to request the replacement of the landscaping in the notice to Mr. Adams.

AGENDA ITEM IV. PAYMENT OF BILLS

A. CITY BILLS: A list of City Bills totaling \$356,531.30 was presented to the Commission for approval of payment. Upon the City Manager's confirmation that sufficient funds were available for the payment of the bills, Commissioner Blankenship made the motion, seconded by Commissioner Davis to approve payment of the City Bills as requested. Upon call of the roll, the motion carried 3 - 0.

B. SEWAGE EXTENSION PROJECT:

1. Payment Requests: Presented for approval was the following requests for payment from M & D General Contracting:

Contract #1	Chloe Creek	\$ 2,400.00
Contract #2	Harolds Branch	\$35,400.37
Contract #3	North Interceptor	\$ 3,950.00

Mr. Sykes advised that a retainage amount of \$39,485.06 is being withheld from the Chloe Creek Contract. Mr. Sykes reported that a few issues remain to be cleared prior to the release of the retainage funds.

With regard to the Harolds Branch Contract, Mr. Sykes recommended approval of the remaining amount of the contract, including the retainage. Mr. Sykes advised that his office is unaware of any outstanding

MINUTES } CITY OF PIKEVILLE

issues on the project as this time. Mayor Combs expressed his opinion that a nominal amount should be retained until it is determined there are no problems associated with the sewer project on Harolds Branch. Mr. Sykes explained that the contractor's bond will take care of any problems for one year from the date of final completion of the contract. After further discussion, it was decided to retain \$5,000.00.

The engineer recommended to withhold a \$38,376.62 retainage on the North Interceptor Project. The requested payment amount of \$3,950.00 represents demobilization fees. Mr. Sykes advised that remaining work on the contract includes sidewalk replacement and headwalls at Pikeville High School. Mr. Sykes informed the Commission the contractor has advised that a local concrete contractor had been contacted, however the concrete contractor has been unable to include the work in his schedule at this time.

Commissioner Blankenship made the motion to approve payment to M & D General Contracting in the following amounts:

Contract #1	Chloe Creek	\$ 2,400.00
Contract #2	Harolds Branch	\$30,400.37
Contract #3	North Interceptor	\$ 3,950.00

Commissioner Davis seconded the motion. Upon call of the roll, the motion carried 3 - 0.

2. Change order requests: City Engineer Sykes reported that Division of Water inspected the sewer project last week. Division of Water has requested final change orders to reconcile the final quantities of materials used in construction with those cited in the contract documents. The increases and/or decreases to the contracts were previously approved by the Commission. The change orders were presented as follows:

Contract #1	Chloe Creek	\$13,906.29
Contract #2	Harolds Branch	\$32,847.08
Contract #3	North Interceptor	\$21,507.68

City Engineer Sykes recommended the approval of the change orders as presented. Commissioner Blankenship made the motion, seconded by Commissioner Davis to approve the change orders to the Sewage Extension Project as presented and recommended by the City Engineer. Upon call of the roll, the motion carried 3 - 0.

3. Engineering contract addendum: Presented to the Commission was Addendum #3, which represents an amendment to the engineering contract for the Sewage Extension Project, to provide for inspection fees for an additional two month period. Mr. Sykes reported that the Commission had authorized a two month time extension, at the previous meeting, to M & D General Contracting's contract (Contracts 1, 2, & 3), under the condition that the City pay half and the contractor pays half of the \$22,240.00 in engineering fees. Mr. Sykes advised that a change order had been executed for the time extension and requested approval of Addendum #3 to the Sewer Extension Project Engineering Contract. Mayor Combs made the motion, seconded by Commissioner Blankenship to approve Addendum #3. Upon call of the roll, the motion carried 3 - 0.

C. FIRE STATION PROJECT: Presented for approval was an invoice from Patriot Construction in the amount of \$37,170.00 for work completed on the Thompson Road Fire Station. City Engineer Sykes advised the project is approximately 86% complete. He anticipates completion prior to the next City Commission meeting. Commissioner Davis made the motion, seconded by Commissioner Blankenship to approve payment as requested. Upon call of the roll, the motion carried 3 - 0.

D. MAY AVENUE INTERSECTION: Presented to the Commission were the bid results for the May Avenue Intersection project which would tie Main Street, Scott Avenue, and the River Fill together. Low bidder for the project was McPeek General Contractors in the amount of \$43,367. The bid includes all work with the exception of paving. Mr. Sykes recommended the bid be awarded to McPeek General Contractors in the amount of \$43,367. It was reported that the City Manager has had conversation with American Electric Power representatives concerning the potential savings of \$5,000 on the utility relocation. Mr. Sykes indicated that McPeek General Contractors has agreed to delete the item from their contract. Commissioner Davis made the motion, seconded by Commissioner Blankenship to award the bid for the May Avenue Intersection project to the low bidder, McPeek General Contractors in the amount of \$38,367. Upon call of the roll, the motion carried unanimously.

City Engineer Sykes requested an executive session to discuss a contractual negotiation.

AGENDA ITEM V.

OLD BUSINESS

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

- Curfew: Second reading was given to an Ordinance entitled:

AN ORDINANCE REPEALING SECTION 130.01 OF THE CITY OF PIKEVILLE CODE OF
ORDINANCES AND CREATING A NEW ORDINANCE ESTABLISHING A CURFEW FOR
MINORS; CREATING OFFENSES FOR MINORS, PARENTS AND GUARDIANS OF
MINORS, AND BUSINESS ESTABLISHMENTS VIOLATING CURFEW REGULATIONS;
AND IMPOSING A PENALTY FOR THE VIOLATION THEREOF

MINUTES } CITY OF PIKEVILLE

Commissioner Blankenship made the motion to adopt the Ordinance. Commissioner Davis seconded the motion. During discussion, Commissioner Davis expressed his views that the exceptions to the curfew ordinance should be publicized. The motion carried with the following votes:

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

2. Bank Deposit Tax: Second reading was given to an Ordinance entitled:

AN ORDINANCE IMPOSING A BANK FRANCHISE AND LOCAL DEPOSIT TAX; SETTING FORTH TIMETABLES FOR THE COLLECTION OF SUCH TAX FOR THE YEAR 1996 AND ALL SUBSEQUENT YEARS; AND SETTING FORTH ENFORCEMENT PROCEDURES, INCLUDING PENALTIES, FOR THE COLLECTION OF DELINQUENT TAXES

Commissioner Davis made the motion, seconded by Commissioner Blankenship to adopt the Ordinance as presented and read. The motion carried with the following votes:

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

3. Parking: Second reading was given to an Ordinance entitled:

ORDINANCE DESIGNATING RESIDENTS AND VISITOR PARKING FOR THE PIKEVILLE HOUSING AUTHORITY MYERS TOWERS COMPLEX AND AUTHORIZING CERTAIN HOUSING AUTHORITY PERSONNEL TO ISSUE PARKING CITATIONS ON HOUSING AUTHORITY PROPERTY AND SETTING A PENALTY FOR VIOLATION OF CERTAIN PARKING VIOLATIONS

Commissioner Blankenship made the motion to adopt the Ordinance. Commissioner Davis seconded the motion. Myers Tower resident Marie Fields told the Commission that she had a petition signed by a number of residents of Myers Tower objecting to the proposed parking ordinance. Mayor Combs explained it was necessary to have a parking plan due to having 200 dwelling units and only 52 parking spaces. Upon call of the roll, the motion carried with the following votes:

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

4. Cable TV Franchise: Presented for approval was a Resolution as follows:

RESOLUTION APPROVING ASSIGNMENT OF NON-EXCLUSIVE FRANCHISE FROM INTERMOUNTAIN CABLE TO SOUTH EAST TELEPHONE, D/B/A SOUTH EAST CABLEVISION

WHEREAS, pursuant to Ordinance Number O-87-022, and by virtue of a resolution approving assignment of a nonexclusive franchise from Mountain Cable System, Inc. to Inter Mountain Cable, the City of Pikeville has granted to Mountain Cable System, Inc. a nonexclusive franchise to erect, construct and maintain and operate a community antenna television system as authorized by the City of Pikeville Ordinance No. O-87-022.

WHEREAS, InterMountain Cable has entered into an agreement with South East Telephone d/b/a South East Cablevision whereby South East Telephone will acquire a portion of the cable TV system owned and operated by Mountain Cable System, Inc. in the Foxcroft Subdivision including an assignment of their nonexclusive franchise granted by the City of Pikeville;

WHEREAS, InterMountain Cable and South East Telephone, d/b/a South East Cablevision desires 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 a partial assignment by InterMountain Cable of its non-exclusive franchise granted to it by the City of Pikeville for the Foxcroft Subdivision to South East Telephone, d/b/a South East Cablevision, P.O. Box 1001, Pikeville, Kentucky 41502. Subject, however, to the condition that South East Telephone full comply with the terms and provisions of City Ordinance Number O-87-022.

Passed this 23rd day of September, 1996.

Commissioner Blankenship moved the adoption of the foregoing resolution. Mayor Combs seconded the motion.

MINUTES } CITY OF PIKEVILLE

Upon roll call, the votes were as follows:

Steven D. Combs, Mayor	YES
Gene Davis, Commissioner	YES
Walter Blankenship, Commissioner	YES
Kenny Blackburn, Commissioner	ABSENT
Sharon Clark, Commissioner	ABSENT

The Mayor declared the within Resolution adopted.

/s/ Steven D. Combs
STEVEN D. COMBS, MAYOR

ATTEST:

/s/ Karen Harris
KAREN HARRIS, CITY CLERK

Commissioner Davis asked if Tele-Media was making any progress toward adding additional channels. Mayor Combs said he was told by Tele-Media representatives that additional channels would be added to the system before the end of the year. City Attorney Davis told the Commission he would request a written progress report from Tele-Media.

HISTORIC PRESERVATION BOARD:

1. Academy Building Stabilization: Jack Sykes, in his capacity as Chairman of the Historic Preservation Board, presented for approval, a change order from Commonwealth Building & Construction in the amount of \$14,200.00. Mr. Sykes explained the change order reflected the additions and deletions recommended by the State Historic Preservation Board. The change order is payable through the ISTEA grant funds. Commissioner Davis made the motion, seconded by Commissioner Blankenship to approve the change order as requested. Upon call of the roll, the motion carried 3 - 0.

2. Asbestos Abatement: Presented was an estimate from Quality Assurance Specialist, Inc. to provide inspections in conjunction with the asbestos removal from the Academy Building. Mr. Sykes explained that it is a requirement to provide on-going monitoring while the asbestos is being removed and then a final inspection when completed. Quality Assurance Specialist, Inc. will provide the inspection services for a fee of \$250.00 per day and \$35.00 per hour overtime rate. Project Architect, Bill Richardson, estimates the total inspection services at \$1,250.00. The City will be required to pay the fee since the cost for the asbestos removal is not an eligible expense of the ISTEA grant. Commissioner Blankenship made the motion, seconded by Mayor Combs to approve the execution of a contract with Quality Assurance Specialist, Inc. for the asbestos air sample analysis. Upon call of the roll, the motion carried 3 - 0.

Mr. Sykes advised the Commission that the City should receive notice in November regarding the application for additional ISTEA funding to complete the Academy Building. He stated the City would be required to match the grant with an estimated \$125,000., if the Commission chooses to accept the grant.

CITY MANAGER'S REPORTS

1. Pikeville College: City Manager Johnson advised that a payment request had been made for the first of five installments of the \$250,000 allotment to the Pikeville College Medical School. Mr. Johnson reported that Pikeville College has announced that a dean for the medical school has been retained. Commissioner Blankenship made the motion, seconded by Commissioner Davis to authorize payment of the first installment to Pikeville College (\$50,000.) as defined by Ordinance O-96-002. Upon call of the roll, the motion carried 3 - 0.

2. Backhoe/Loader Bids: City Manager Johnson advised that he had budgeted \$46,000. for the purchase of a new four-wheel drive backhoe/loader. Three bids were received, with the low bid from Wilson Equipment in the amount of \$51,039.00. Mr. Johnson advised that the City has the money to fund the difference between the money budgeted and the amount of the bid. Commissioner Blankenship made the motion to award the bid to the low bidder, Wilson Equipment in the amount of \$51,039.00. Mayor Combs seconded the motion. Upon call of the roll, the motion carried 3 - 0.

3. Executive Session: City Manager Johnson requested an executive session to discuss a contract negotiation.

AGENDA ITEM VI.

NEW BUSINESS

A. BOARD APPOINTMENTS:

1. Zoning Board of Adjustments: Mayor Combs nominated Ertil Whitt, Jr. to complete Bill Hickman's unexpired term as a member of the Board of Zoning Adjustments. Commissioner Blankenship made the motion, seconded by Commissioner Davis to appoint Ertil Whitt, Jr. to serve as member of the Board of Zoning Adjustments. Upon call of the roll, the motion carried 3 - 0. Mr. Whitt's term is scheduled to expire in May, 1999.

2. Housing Authority Board: Mayor Combs advised that two members had resigned from the Housing Authority Board of Pikeville. He nominated Mary Ann Smith to replace Velma Childers and

MINUTES } CITY OF PIKEVILLE

Johnny Cecil to replace Homer Tucker. Commissioner Blankenship made the motion, seconded by Commissioner Davis to appoint Mary Ann Smith and Johnny Cecil to serve as members of the Housing Authority Board of Pikeville. Upon call of the roll, the motion carried 3 - 0. Mrs. Smith's term is scheduled to expire on September 16, 1999. Mr. Cecil's term will expire on September 16, 2000.

3. Historic Preservation Board: Mayor Combs nominated William Davidson to complete Pam Robinette's unexpired term as a member of the Historic Preservation Board. Commissioner Davis made the motion, seconded by Commissioner Blankenship to appoint William Davidson as a member of the Historic Preservation Board. Upon call of the roll, the motion carried 3 - 0. Mr. Davidson's term is scheduled to expire in November, 1998.

At 6:51 p.m., Mayor Combs made the motion to adjourn to an executive session for the purpose of discussing a contract negotiation matter with the City Manager and City Engineer. Commissioner Blankenship seconded the motion. Upon call of the roll, the motion carried 3 - 0.

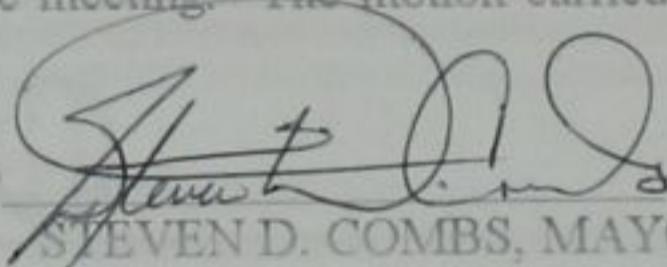
At 7:35 p.m., Mayor Combs made the motion, seconded by Commissioner Blankenship to reconvene to regular session. Upon call of the roll, the motion carried 3 - 0.

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

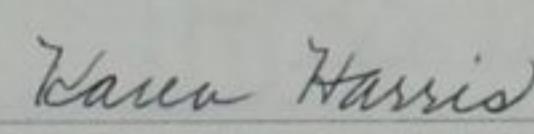
Katie Deskins and Beverly Williams, members of the Pikeville Pond Committee, appeared before the Commission to discuss the series of steps necessary to proceed with the development of the proposed river fill park. Mrs. Deskins specifically questioned the amount of space allotted for the proposed development. Mayor Combs suggested that the group solicit proposals from local landscaping contractors, obtain a cost estimate, and prepare a rough sketch of the proposed development prior to the Commission designating the boundaries of the development. Mrs. Deskins advised the Commission that the Rotary Club has expressed an interest in becoming involved with the project, but they want to know how much property is available. After discussion with the City Attorney, City Manager and the Commission, the Mayor suggested that the Pikeville Pond Committee schedule a Public Hearing to obtain comments on the type of development the citizens would like to see in the proposed park. By having the Public Hearing, the Commission thought the project would be eligible to obtain grant funds if the Pikeville Pond Committee chooses to make applications. The Commission also advised Mrs. Deskins and Ms. Williams that they wanted the Pond Committee to involve the Parks Board with the project. The Commission asked that a written record be provided of the discussion at the Public Hearing. City Attorney Davis suggested advertising for qualifications for a landscape contractor after the Public Hearing is held.

Mayor Combs presented a letter from Pikeville Area Family Y.M.C.A. The letter gives notice that Y.M.C.A. is interested in applying for any uncommitted funds available in the U.D.A.G. program.

There being no further business to come before the Commission, Commissioner Blankenship made the motion, seconded by Mayor Combs to adjourn the meeting. The motion carried 3 - 0. (Adjournment Time: 8:20 p.m.)

APPROVED

STEVEN D. COMBS, MAYOR

ATTEST:


KAREN HARRIS, CITY CLERK