

MINUTES } CITY OF PIKEVILLE

PIKEVILLE CITY COMMISSION REGULAR MEETING MINUTES JULY 28, 1997

The Board of Commissioners of the City of Pikeville met in regular session on Monday, July 28, 1997. The meeting was held in the City Hall Public Meeting Room at 260 Hambley Boulevard.

There being a quorum present, Mayor Pro Tem Eugene Davis called the meeting to order at 6:00 p.m. Commission Members present at roll call were as follows:

COMMISSIONER: KENNY BLACKBURN
EUGENE DAVIS
JOHNNY MOUNTS
SHARON CLARK

Mayor Steven D. Combs arrived at the meeting at 6:15 p.m.

AGENDA ITEM II. MINUTES

The minutes for the special meeting of June 20, 1997 and regular meeting of June 23, 1997 were included in each Commission Member's agenda package. There being no additions or corrections, Commissioner Mounts made the motion, seconded by Commissioner Clark to approve the minutes as presented. The motion carried 4 - 0 (Mayor Combs not present at the time of the vote).

AGENDA ITEM III. BUSINESS FROM THE FLOOR

A. RIVER FILL PARK: Katie Deskins displayed a development plan for the proposed river fill park as prepared by Helen Powell, landscape architect. Ms. Deskins advised that the plan encompasses an area of 70 ft. X 120 ft., but can be scaled down should the Commission decide to not allocate any more space other than the easement previously designated. The Commission advised that the City's remaining property in the river fill will be sold at public auction, exempting only the previously designated area.

AGENDA ITEM IV. PAYMENT OF BILLS

A. CITY BILLS: A list of City Bills totaling \$406,410.32 was presented to the Commission for approval of payment. Commissioner Mounts made the motion, seconded by Commissioner Blackburn to authorize payment of the City Bills as submitted. The motion carried 4 - 0 (Mayor Combs not present at the time of the vote).

B. ACADEMY BUILDING STABILIZATION PROJECT: Presented for approval of payment was Commonwealth Building & Construction's invoice in the amount of \$42,755.00. Historic Preservation Board Chair, Jack Sykes, reported that the Historic Preservation Board had met and concurred with the request. Mr. Sykes estimated that the stabilization portion of the project would be completed by mid to late August. Commissioner Blackburn made the motion to approve payment to Commonwealth Building & Construction in the amount of \$42,755.00. Commissioner Davis seconded the motion. The motion carried unanimously.

AGENDA ITEM V. OLD BUSINESS

A. CITY ENGINEER'S REPORTS: Jack Sykes, representing Summit Engineering, Inc., City Engineers, gave a verbal progress report for the following projects:

1. Harolds Branch Road Improvements: This project, reimbursed through Department of Highways dollars, has been advertised for bids.
2. Raw Water Intake: Possible funding sources continue to be investigated. PDR Engineers will be preparing a funding application to the Rural Water Development Fund for grant and loan monies.
3. Cassidy Boulevard Utilities: M & S General Contracting has the utility extensions essentially completed. Testing of the lines remain.
4. North Mayo Sewer Extension: Alpha Reclamation has completed the contract. An invoice was submitted by Stuart Adams in the amount of \$84,116.73 for reimbursement. The original agreement between Mr. Adams and the City provided that Mr. Adams would construct an 8 inch waterline from the mouth of Keyser Heights to the mouth of Dark Hollow; would construct an 8 inch sanitary sewerline from the manhole behind B & B customs to Dark Hollow which included a road bore under US 23; and would excavate for an 8 inch sewer line from the mouth of Keyser Heights to the mouth of Dark Hollow. The City was to provide labor and materials for an 8 inch sanitary sewer line from the mouth of Keyser Heights to the mouth of Dark Hollow and would pay Mr. Adams a lump sum amount of \$50,000.00 upon completion of the work. Mr. Sykes summarized that Mr. Adams had constructed the road bore at a revised location and provided the sewerline within the encasement and had constructed an 8 inch sanitary sewer from the mouth of Keyser Heights to the mouth of Dark Hollow. The City constructed the 8 inch sanitary sewer from the existing manhole behind B & B Customs to the existing manhole at the mouth of Keyser Hollow and constructed the 8 inch waterline from the mouth of Keyser Hollow to the mouth of Dark Hollow. Due to some questions with regard to the contractual provisions, City Engineer Sykes asked for an executive session to discuss the request.

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At 6:20 p.m., Mayor Combs made the motion to adjourn to an executive session for the purpose of discussing a contractual matter. Commissioner Mounts seconded the motion. The motion carried unanimously.

At 7:30 p.m., Mayor Combs made the motion, seconded by Commissioner Mounts to reconvene to regular session. The motion carried unanimously.

City Attorney Davis announced that the Commission discussed a compromise with Stuart Adams concerning his request for reimbursement in the amount of \$84,116.73. The City Attorney advised that the Commission had agreed to reimburse Mr. Adams in the sum of \$50,000.00 now and to settle for an additional \$18,000.00 once the roadway and landscaping at Keyser Hollow has been satisfactorily replaced/repared. Commissioner Davis made the motion, seconded by Commissioner Clark to approve the compromise as summarized by the City Attorney. The motion carried 4 - 0 with Commissioner Blackburn not present at the time of the vote.

Property Auction: It was announced that an auction had been scheduled for August 12th at 10 a.m. for the purpose of selling the remaining river fill lots and the property located at the end of Scott/Main. The Commission established the minimum bids and disclosed those amounts to the City Manager while in executive session.

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

1. ISTEAGrant: Presented to the Commission for approval was an amendment to the original ISTEAGrant (Department of Transportation administered funds) to provide an additional \$500,000.00 in funds for the completion of the Academy Building. Acceptance of the grant funds necessitates a 20% (\$100,000.) match with City Funds. City Manager Johnson explained that the City is paying Pikeville College the sum of \$100,000. over a two year period for the parking area adjacent to the Academy Building which will represent the City's monetary match. The actual cost of the parking lot is \$115,000.00. The remaining \$15,000.00 will be paid from the grant proceeds. Commissioner Mounts made the motion, seconded by Commissioner Blackburn to authorize the Mayor to execute the amendment to the original ISTEAGreement. The motion carried unanimously.

In his position as Chair for the Historic Preservation Board, Jack Sykes advised the Commission that the Historic Preservation Board has recommended the retention of Richardson & Associates as architects for Phase II of the Academy Building restoration project. According to Department of Transportation officials and State Historic Preservation officials, the City can negotiate with the current architect for extension of services for the remaining phase of the project. Mr. Sykes reported that it was the consensus of the Board that the project would proceed more expeditiously if Richardson & Associates were retained. Commissioner Blackburn made the motion, seconded by Commissioner Davis to accept the Historic Preservation Board's recommendation to retain the architectural services of Richardson & Associates for the remaining phase of the Academy Building restoration project. The motion carried unanimously.

2. Parking Fines: At the previous meeting, Commissioner Davis volunteered to conduct a survey of downtown businesses to determine if they would be in favor of prohibiting on street parking (with the exception of Division Street) until 9 a.m. Mr. Davis advised that he had not completed the survey but had encountered several businesses that opened their offices at 8 a.m., thus rendering the proposal infeasible.

As directed at the previous meeting, City Attorney Davis presented an Ordinance to increase fees for violation of parking regulations. During the June 23, 1997 meeting, the Commission reviewed fees charged by other cities and suggested a proposed fee increase. The proposed fee for overtime parking was discussed. The current rate is \$2.00 with the suggested rate at \$5.00. The Commission debated whether the suggested rate was enough of a deterrent to discourage all day parking on the street by those who work in the downtown area. The City Attorney was directed to increase the rate cited in the ordinance for overtime parking from the current \$2.00 to \$10.00. The other increases of violations will remain the same as reported at the previous meeting. The Commission wanted to clarify that increasing the fines for overtime parking and other infractions is not to increase revenues for the City, but to assist downtown businesses by providing on-street parking for their customers. City Attorney Davis gave first reading to the Ordinance as follows:

ORDINANCE AMENDING SECTION 72.999 OF THE CODE OF ORDINANCES TO INCREASE CERTAIN PARKING VIOLATION FINES

Second reading was scheduled for the next regular meeting.

3. A.F. Childers Gas Well: Jerry Kanney and Dennis Rohrer were present on behalf of Interstate Gas Company to discuss their bid for the acquisition of the A.F. Childers Well located on Ferguson Creek. As discussed at the previous meeting, the Commission explained their concerns relating to the proposal to exchange the Poor Farm gas well for the A. F. Childers Well submitted by Kinzer Drilling. Kinzer Drilling alleges that since the City has given the hospital permission to waste fill material from the Harolds Branch Road Improvement Project in the Poor Farm area, that well is now rendered useless since it is their opinion that it can not be raised. City Attorney Davis suggested that an expert in the field of gas well drilling should be retained to investigate Mr. Kinzer's concerns. Jerry Kanney told the Commission that he would be willing to revise his proposal whereby Interstate would bear all the cost of refurbishing the Ferguson Creek Gas well if the City would agree that all the proceeds from the gas production would be donated to the YMCA. The Commission dismissed the latter proposal due to the fact that public agencies can not make donations to private entities. The Commission opted to discuss the Kinzer claim in executive session.

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

1. Perry Cline Emergency Shelter: Project Coordinator, Sue Smallwood, advised the Commission that the City was unsuccessful in its application to the Kentucky Housing Corporation for \$45,000 in grant funds with which to operate the Emergency Shelter. Ms. Smallwood explained that the lack of funding stemmed from the Big Sandy Continuum of Care not recommending the City of Pikeville to receive funds. Ms. Smallwood told the Commission that she had contacted the Big Sandy Area Development District to learn why an endorsement was not received. The reason was given that the City did not provide representation at their meetings. Ms. Smallwood told the Commission that she had not received notice of the meetings, although she had volunteered to serve on their board, nor had the notices been received by the emergency shelter. Ms. Smallwood reported that the Kentucky Housing Corporation has indicated there may be about \$20,000 in funds that could be designated for Pikeville's use at the emergency shelter. Until it is learned whether the City will receive any funding, the City Manager advised that operating funds could be diverted from another department.

2. Pike County Bowl: Presented for approval was a Use Agreement from the Pike County Bowl, Inc., c/o Community Trust Bank, for use of the Hambley Athletic Field for the purpose of conducting two high school football bowl games on August 23, 1997. The Pike County Bowl, Inc. will be responsible for providing adequate security, clean up and reimbursement for any damages, as well as providing public liability insurance. Pike County Bowl, Inc. will pay the City of Pikeville \$350.00 for use of the field and lighting. Commissioner Blackburn made the motion, seconded by Commissioner Mounts to approve the agreement. The motion carried unanimously.

The Commission reviewed a letter of commendation for the Fire Department from Roger Ratliff with regard to a fire at his South Mayo Trail property.

It was announced there would be a work session with the Pikeville Main Street Board of Directors and the City Commission on Wednesday, July 30th at 5 p.m.

Mayor Combs stated the need to schedule a meeting with the Model City Day Care Center Board of Directors to discuss the lease renewal for the Day Care Center facilities. Commissioner Blackburn asked the Commission to consider authorizing the City Engineer to advertise for bids for painting the Day Care Center Building. The Commission agreed. The Clerk was directed to schedule the meeting with the Day Care Center Board of Directors and the City Commission.

City Attorney Davis, in referring back to the Architect's agreement for the Academy Building project, advised the Commission that Jack Sykes had reminded him of the Historic Preservation Board's approval to extend the agreement subject to Mr. Richardson's fee for services being renegotiated. The current agreement with Richardson & Associates provides a fee of 7% of the contract for Phase I. The Board contends the fee should be reduced since the architect will only be responsible for providing construction monitoring and oversight with regard to the building's interior. Mr. Sykes stated that a fee of 5% would be reasonable.

At 8:14 p.m., Mayor Combs made the motion to adjourn to executive session for the purpose of discussing the gas lease bids/Poor Farm Hollow issue and the architect's fee for the Academy Building Project.

At 8:35 p.m., Mayor Combs made the motion to reconvene to regular session. Commissioner Blackburn seconded the motion. The motion carried unanimously.

Commissioner Blackburn made the motion to authorize the City Attorney to renegotiate the architect's fee with Richardson & Associates and to further authorize the Mayor to execute the agreement. Commissioner Clark seconded the motion. The motion carried unanimously.

With regard to the bids received for the sale of the A. F. Childers Well on Ferguson Creek as it relates to the gas well in Poor Farm Hollow, the Mayor explained that a third party, that being the Methodist Hospital, is involved. He stated that the City can not delay the Harold's Branch Road project and for that reason, made the motion to reject all bids received for the sale of the gas well, and authorized the City Manager and City Attorney to explore further the proposals received from Interstate Natural Gas Company and Kinzer Drilling. Commissioner Mounts seconded the motion. During discussion, Commissioner Mounts stated that the property in Poor Farm Hollow will increase significantly in value with the fill material added. Interstate Gas Company's, Jerry Kanney, suggested that the hospital pay for drilling a new well in Poor Farm Hollow to accommodate Kinzer Drilling's claim. There being no further discussion, the motion carried unanimously.

There being no further business to come before the Commission, Commissioner Davis made the motion, seconded by Commissioner Blackburn to adjourn the meeting. The motion carried unanimously. (Adjournment time: 8:50 p.m.)

APPROVED _____
STEVEN D. COMBS, MAYOR

ATTEST:

KAREN HARRIS, CITY CLERK