

# MINUTES } CITY OF PIKEVILLE

## CITY OF PIKEVILLE BOARD OF COMMISSIONERS REGULAR MEETING MINUTES MARCH 26, 2001

The Board of Commissioners of the City of Pikeville met in regular monthly session on Monday, March 26, 2001. The meeting was held in the City Hall Public Meeting Room at 118 College Street, Pikeville, Kentucky.

There being a quorum present, Mayor Frank M. Morris called the meeting to order at 6:00 p.m. Commission Members present at roll call were as follows:

MAYOR:	FRANK M. MORRIS
COMMISSIONER:	STEVEN D. COMBS
	EUGENE W. DAVIS
	FRANK JUSTICE, II
	DALLAS LAYNE

### AGENDA ITEM II. MINUTES

The minutes for the previous regular meeting of March 12, 2001 were included in each Commission Member's agenda package. There being no additions or corrections, Commissioner Davis made the motion to approve the minutes as submitted. Commissioner Layne seconded the motion. The motion carried 4 - 0 - 1 with Commissioner Combs abstaining from the vote.

### AGENDA ITEM III. BUSINESS FROM THE FLOOR

There were no items presented during the call for Business from the Floor.

### AGENDA ITEM IV. PAYMENT OF BILLS

A. CITY BILLS: A list of City Bills totaling \$410,533.27 was presented to the Commission for approval of payment. Commissioner Justice made the motion, seconded by Commissioner Davis to approve payment of the city bills as requested. The motion carried unanimously.

B. WATER IMPROVEMENT PROJECT: Presented for approval of payment were invoices in conjunction with the improvements to the raw water intake and water treatment plant. The invoices were submitted on behalf of East KY. Water in the amount of \$137,027.05 and Summit Engineering in the amount of \$14,500.00. Charles Byers, representing the city engineer's office, reported the project has reached substantial completion, however due to electrical problems encountered, the contractor was unable to initiate equipment start-up. Mr. Byers told the Commission he expects the problems to be resolved sometime this week. Commissioner Combs made the motion to approve payment of the invoices from East Kentucky Water and Summit Engineering, Inc. Commissioner Justice seconded the motion. The motion carried 5 - 0.

C. PIKEVILLE REDEVELOPMENT PROJECT: Project Coordinator, Sue Smallwood, presented the following payment requests:

1. Will Linder & Associates - Invoice #11 - Administration/Sycamore Street - \$5,000.00 - Ms. Smallwood explained the invoice is in accordance with the amount of funds drawn down from the Community Development Block Grant (CDBG), and recommended approval of payment as presented. Commissioner Combs made the motion, seconded by Commissioner Davis to approve payment of invoice #11 in the amount of \$5,000.00 to Will Linder & Associates. The motion carried unanimously.

2. Walters & Associates - Appraisals - High Street-Phase III - \$5,450.00



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## 3. Frank K. Nall - Title Searches, Phase I & IA; II, and III - \$4,500.00

4. Alpha Contracting Services, Inc.- Sycamore Street Demolition Phase I - Ms. Smallwood reported this contract has been completed. Listed on the agenda was pay request #2 in the amount of \$11,855.70. An additional pay request was received, after the agenda was prepared, in the amount of \$12,294.80. A 10% retainage is being withheld on the total contract. The Commission questioned the contract obligations with regard to grading and seeding. The Commission requested a closed session to discuss the contract obligations with the City Attorney. It was decided to approve the payment request in the amount of \$11,855.70 and to delay approval of the pay request in the amount of \$12,294.80, pending the outcome of the closed session.

Commissioner Combs made the motion to approve payment of the invoices from Walters & Associates in the amount of \$5,450.00; Frank Nall in the amount of \$4,500.00; and Alpha Contracting Services in the amount of \$11,855.70. Commissioner Davis seconded the motion. The motion carried unanimously.

5. During the previous meeting, an agreement with Kentucky Housing Corporation was approved by the Commission for the use of \$230,000 in Housing Assistance Funds, for the Kentucky Avenue target area. Kentucky Housing Corporations has requested the approval be made in the form of a written resolution. Presented and read was the following Resolution, R-2001-014, to authorize the use of the Housing Assistance Funds:

WHEREAS, The City of Pikeville, in the public interest of the community, has made application for, and received approval of, financial assistance provided by Kentucky Housing Corporation through the Housing Assistance Fund; and,

WHEREAS, it is recognized that the Federal/State contract for such financial assistance pursuant to said Housing Assistance Fund will impose certain obligations and responsibilities upon the City of Pikeville and will require among other things:

- (1) approval of a satisfactory application transmitted to the Kentucky Housing Corporation;
- (2) certification by the City of Pikeville relating to activities such as civil rights, citizen participation, relocation payments, acquisition of properties, national environmental policies, and accounting practices; and,
- (3) other local obligations and responsibilities in connection with the undertaking and carrying out of the Housing Assistance Fund Program; and,

NOW, THEREFORE, be it RESOLVED by the City of Pikeville:

- (1) that the United States of America and the Commonwealth of Kentucky be, and hereby are, assured of full compliance by the City of Pikeville with certification relating to all regulations and administration of Civil Rights Act, citizen participation, relocation payments, acquisition processes, accounting procedures, the Hatch Act, minimum wage and minimum hour provisions of the Fair Labor Standards Act, and all requirements of the National Environmental Policy act of 1968.
- (2) that the Mayor is authorized and directed to prepare such certification and to assure full compliance with all certifications as outlined in (1) above, and all other pertinent regulations.
- (3) that the use of \$230,000 of said Housing Assistance Funds is hereby approved by the City of Pikeville and that the Mayor is hereby authorized to execute any necessary documentation with the Kentucky Housing Corporation, to provide such additional information, to furnish such documentation as may be required, and to act as the authorized correspondent of the City of Pikeville relating to the Housing Assistance



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Fund.

Commissioner Combs made the motion, seconded by Commissioner Layne to adopt Resolution R-2001-014, approving use of 230,000 in Housing Assistance Funds for the Kentucky Avenue Project. The motion carried unanimously.

6. Property Acquisition: Ms. Smallwood requested authorization to purchase property at 235 1/2 Sycamore Street, owned by John Michael Poulos, for the amount of the appraisal, \$21,800. Commissioner Davis made the motion, seconded by Commissioner Justice to approve the property acquisition as requested. The motion carried unanimously.

7. Emergency Shelter: Ms. Smallwood requested authorization to submit a funding application totaling \$40,000 to Kentucky Housing Corporation for the operation and maintenance of the Perry Cline Emergency Shelter. It was explained that the city applies for KHC funds for operation and maintenance purposes, annually. The city matches the funds on a 50:50 basis, with cash or in-kind services/donations. Commissioner Davis made the motion, seconded by Commissioner Justice to authorize the submission of a funding application to KHC in the amount of \$40,000. The motion carried unanimously.

AGENDA ITEM V. OLD BUSINESS

A. MAIN STREET REPORTS: Glendia Sawyers, Executive Director of the Pikeville Main Street Program, presented an invoice from Summit Engineering, Inc. in the amount of \$8,062.70 for engineering services, relating to the Utility Relocation Project, for approval of payment. Also presented for approval was a payment request in the amount of \$31,005.00 from Baldwin Contracting for the River Fill Parking Improvement Project. Ms. Sawyers reported both bills had been approved by the Pikeville Main Street Board. Commissioner Justice made the motion, seconded by Commissioner Davis to approve payment of the two invoices as requested. The motion carried unanimously.

Ms. Sawyers advised the landscaping in the river fill parking area will not be installed until after the Hillbilly Days Festival.

B. CITY ENGINEER'S REPORTS: Charles Byers, representing Summit Engineering, City Engineers, gave a verbal status report for the following projects:

Utility Relocation Project - Phase I : Mr. Byers reported that bids were opened on March 21st for the first phase of the downtown utility relocation project. The bids were as follows:

Alpha Reclamation, Inc.	\$3,376,172.20
Mountain Enterprises, Inc.	\$2,010,445.64
Patriot Construction	\$2,534,839.40

The engineer's estimate for the project, including design/administration, inspection, and contingency, was \$1,725,000.00. Mr. Byers explained that the project provides some work for the widening of Elm Street, with the city budgeting about \$104,000. With this city contribution, there is \$1,829,000 available for the project. The engineers have negotiated with the low bidder to remove the milling, utility service encasements, and concrete dye from the project, bringing the total bid down to \$1,937,082.05. The total project is about \$400,000 short of funding. The engineers, on behalf of the Main Street Board and the city, will prepare a letter requesting the additional funds from the Department of Transportation. Since the project is scheduled to begin on the Monday following the Hillbilly Days Festival, Mr. Byers requested the Commission award the contract to the low bidder, contingent upon award of the additional funding from the Department of Transportation. Commissioner Davis made the motion, seconded by Commissioner Justice to award the bid for the phase I utility relocation project to the low bidder, Mountain Enterprises, Inc., in the amount of \$1,937,082.05, contingent upon receiving the additional funding from the Department of Transportation. The motion carried unanimously.



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

1. Presented and given second reading was an Ordinance entitled as follows:

ORDINANCE AMENDING PERSONNEL POLICY AND PROCEDURES SO TO AMEND THE EMPLOYMENT POLICY AND PROCEDURES CONCERNING WORKING RULES - PART 3 SO TO ADOPT A POLICY CONCERNING PERSONAL TELEPHONE CALLS AND VISITS BY NON-EMPLOYEES IN THE WORK PLACE

Commissioner Layne made the motion to adopt the Ordinance. Commissioner Davis seconded the motion. The motion carried by the following votes:

MAYOR:	FRANK M. MORRIS	YES
COMMISSIONER:	STEVE COMBS	YES
	EUGENE DAVIS	YES
	FRANK JUSTICE, II	YES
	DALLAS LAYNE	YES

2. City Attorney Davis advised the Commission that details had been finalized to continue with the final reading and adoption of an ordinance to decrease occupational license fees paid by contractors from 1/2% down to 1/4%. Mr. Davis explained that discussion was had concerning the request made by one local contractor that the city allow any overpayment of taxes to be credited to the following year. It was the Commission's decision to allow no credit to be applied to following years. The ordinance was read entitled:

ORDINANCE TO AMEND THE OCCUPATIONAL LICENSE FEE OF THE CITY OF PIKEVILLE PASSED MAY 14, 1962, JUNE 11, 1962, DECEMBER 27, 1971, SEPTEMBER 25, 1991 AND MAY 22, 2000 SO TO DECREASE THE MINIMUM OCCUPATIONAL LICENSE FEE FOR CONTRACTORS FROM ONE HALF (1/2) OF ONE (1) PERCENT TO ONE FOURTH (1/4) OF ONE (1) PERCENT AND AMENDING THE OCCUPATIONAL FEE REGULATIONS SO TO REFLECT THE DECREASE IN THE MINIMUM OCCUPATIONAL LICENSE FEES FOR CONTRACTORS AND ESTABLISHING EFFECTIVE DATE OF SAID DECREASE FOR MARCH 1, 2001 (O-2001-010)

Commissioner Davis made the motion, seconded by Commissioner Justice to adopt the Ordinance as presented and given second reading. The motion carried by the following votes:

MAYOR:	FRANK M. MORRIS	YES
COMMISSIONER:	STEVEN D. COMBS	YES
	EUGENE DAVIS	YES
	FRANK JUSTICE, II	YES
	DALLAS LAYNE	YES

D. CITY MANAGER'S REPORTS: Kenny Blackburn, City Manager, submitted the following matters for the Commission's consideration:

1. Ambulance Billing Rates: Fire Chief Tommy Hall advised the Commission of the need to increase the rate charged for basic life support ambulance service from \$250.00 per call to \$700.00 per call. The Fire Chief reported the rates have been compared with other area services, which range in price from \$400 to \$1,200 per call. Fire Chief Hall explained it is necessary to increase the rates to maintain equipment and to hire three additional fire fighters/EMTs, in order to comply with OSHA requirements. The Commission scheduled a work session for Thursday, March 29, 2001, at Noon, to discuss the



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ambulance rates, the request to hire additional fire fighters/EMTs, and to discuss the need to relocate the Island Creek Fire Station to a location on South Mayo Trail. Commissioners explained the Island Creek location is not providing service as efficiently as it should because it is necessary to cross railroad tracks when responding to an emergency call. The Commission commented the relocation would assist in the city's effort to obtain a lower ISO rating.

2. Public Service Commission Hearing: City Manager Blackburn advised the Commission of the Public Service Commission's scheduled meeting on April 10th to hear the case between Mountain Water District and the City of Pikeville regarding the city's request for a water rate increase. Because the City Manager, City Attorney, and Finance Director will attend the hearing, and because some of the Commission Members will be out of town the week of April 9th, Commissioner Combs made the motion to cancel the April 9, 2001 regular city commission meeting. Commissioner Layne seconded the motion. The motion carried unanimously.

3. Bob Amos Park: One bid was received in answer to the request for bids to purchase and install lights on the Bob Amos Park Football and Baseball Fields. The bid was submitted by American Electric Power. The bid was as follows: Football Field: \$49,300; Baseball Field, recreational use only: \$57,500; Tournament Use: \$69,500. The Commission heard comments from Don Wallen in support of installing the lights suitable for tournament play on the baseball field. Mr. Wallen stated the upgrade would satisfy regulations for high school tournament use as well as improve field safety. City Manager Blackburn reported the city has about \$23,000 in savings that is earmarked for lighting the baseball field, \$10,000 of which was a grant from the Pike County Fiscal Court. Commissioner Combs pointed out that the motion to authorize bidding for the purchase and installation of the lighting should have included the minor league field. Commission members agreed that it was their understanding the minor league field was included. City Attorney Davis advised that the Commission could award the bid to American Electric Power as bid, and to issue a change order to upgrade the lighting for the baseball field as proposed. He advised the Commission could also award a change order to include lighting for the minor league field if the cost is less than \$20,000. Commissioner Combs made the motion to award the bid for the purchase and installation of the lights for the baseball and football fields to the low bidder, American Electric Power, to approve a change order in the amount of \$12,500 for an upgrade in lighting for the baseball field, and to authorize the City Manager to solicit bids to purchase and install lights on the minor league field, or to approve a change order to American Electric Power, if the cost is less than \$20,000. Commissioner Davis seconded the motion. The motion carried unanimously.

4. Pikeville College: City Manager Blackburn presented a request from Pikeville College Officials to conduct a parade in honor of the Pikeville College Bears Basketball Team on Thursday, March 29th, at 4:30 p.m. Also presented was a resolution in commendation and recognition of the Pikeville College Bears Basketball Team. Commissioner Combs made the motion, seconded by Commissioner Layne to allow the college to conduct a parade and to adopt the following resolution:

**RESOLUTION COMMENDING THE  
PIKEVILLE COLLEGE BEARS  
BASKETBALL TEAM AND PROCLAMATION  
DESIGNATING MARCH 29, 2001 AS  
"ORANGE AND BLACK DAY" IN THE  
CITY OF PIKEVILLE**



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WHEREAS, the Pikeville College Bears Basketball Team, by a gallant and courageous effort against Faulkner College, brought recognition and honor to the City of Pikeville, and

WHEREAS, the Pikeville College Bears demonstrated not only superb conditioning and skill, but sportsmanship and integrity, and

WHEREAS, the Pikeville City Commission deems it appropriate that the contribution of these young men and of their coach to the spirit of our community not go unrecorded.

NOW, THEREFORE, BE IT RESOLVED that the Pikeville City Commission hereby commends coach Randy McCoy and the Pikeville College Bears Basketball Team for being the Mid-South Conference Champions in 2001 and for their representation of our community in the NAIA Tournament. and further resolves that Thursday, March 29, 2001, be designated as "Orange and Black Day" in the City of Pikeville, in honor of their achievement.

At Pikeville, Kentucky, this 26th day of March, 2001.

Commissioner Combs made the motion to adopt the Resolution. Commissioner Layne seconded the motion. The motion carried by the following votes:

	<u>YES</u>	<u>NO</u>
FRANK M. MORRIS, MAYOR	<u>_x_</u>	<u>—</u>
STEVEN D. COMBS, COMMISSIONER	<u>_x_</u>	<u>—</u>



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EUGENE W. DAVIS, COMMISSIONER	<u>  x  </u>	<u>      </u>
FRANK JUSTICE, II., COMMISSIONER	<u>  x  </u>	<u>      </u>
DALLAS LAYNE, COMMISSIONER	<u>  x  </u>	<u>      </u>

The Mayor declared the within Resolution adopted.

5. Personnel Matter: Commissioner Justice made the motion to adjourn to a closed session for the purpose of discussing a personnel matter with the building inspector, a legal matter concerning a contractual obligation, and a legal matter involving one individual occupational tax matter. Commissioner Layne seconded the motion. The motion carried unanimously. (7:14 p.m.)

At 8:34 p.m., Commissioner Justice made the motion to reconvene to regular session. Commissioner Combs seconded the motion. The motion carried unanimously.

Commissioner Combs made the motion to authorize the City Attorney and City Tax Administrator to enter into a settlement with Greg Justice with regard to his rental business' 1993 occupational taxes. Commissioner Layne seconded the motion. The motion carried 4 - 0 - 1 with Commissioner Justice abstaining from the vote.

There being no further business to come before the Commission, Commissioner Combs made the motion, seconded by Commissioner Davis to adjourn the meeting. The motion carried unanimously. (Adjournment Time: 8:36 p.m.)

The City Commission's next scheduled meeting is April 23, 2001.

APPROVED: Frank M. Morris  
FRANK M. MORRIS, MAYOR

ATTEST:  
Karen W. Harris  
KAREN W. HARRIS, CITY CLERK