

# MINUTES } CITY OF PIKEVILLE

## PIKEVILLE CITY COMMISSION SPECIAL MEETING MINUTES MAY 24, 2001

The Board of Commissioners of the City of Pikeville met in Special Meeting on Thursday, May 24, 2001. The Special Meeting replaced the regularly scheduled meeting of May 28, 2001, which was cancelled due to the Memorial Day Holiday. The meeting was held in the City Hall Public Meeting Room located at 118 College Street, Pikeville, Kentucky.

Stated purposes of the meeting were as follows:

### ***I. CALL TO ORDER***

- II.*** Consider further the request from Greg Hall to waste fill material in Poor Farm Hollow and Thompson Road and take any necessary action.

### ***III. PAYMENT OF BILLS***

- A. CITY BILLS  
B. UDAG REIMBURSEMENT: Consider a request for payment of Draw Down #1 from the Adams Corporation for the Keyser Heights II Project - \$74,569.88

### ***IV. OLD BUSINESS***

- A. MAIN STREET REPORTS  
1. Consider approval of payment of invoices from Summit Engineering - 3,117.37; American Electric Power - 3,750.00; and Baldwin Contracting - 10,866.15  
B. CITY ENGINEER'S REPORTS  
1. Consider approval of Pay Request #2 from Mountain Enterprises for the Elm Street Improvement Project: 82,876.94  
2. Consider approval of Change Order #2 totaling \$19,966.56 to Mountain Enterprises for the Elm Street Improvement Project (Also provides for a 10 day time extension)  
3. Consider a status report for ongoing projects  
C. CITY ATTORNEY'S REPORTS  
1. Consider first reading of an Ordinance authorizing the issuance of bonds on behalf of Pikeville College.  
D. CITY MANAGER'S REPORTS  
1. Consider award of bid for sludge/grit removal at the Wastewater Treatment Plant  
2. Consider further discussion concerning the Animal Control Officer position.  
3. Consider a request from property owners for the removal of street trees on Scott Avenue between Sixth and Seventh Streets.

### ***V. NEW BUSINESS***

- A. BOARD APPOINTMENTS: Consider appointment of an individual to serve on the Pikeville/Pike County/Elkhorn City Joint Planning Commission.



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**VI. ANNOUNCEMENTS -**

- A. 2001/02 Budget Public Hearing - June 4th - 5:30 p.m.*
- B. Public Awareness Meeting with Library officials, city officials, and Dept. of Library & Archive officials - May 29th - 5 p.m. - 7 p.m.*
- C. Groundbreaking - Utility Relocation Project - June 4th - 9:45 a.m.*

**VII. ADJOURNMENT**

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

COMMISSIONER:           STEVEN D. COMBS  
                                  EUGENE DAVIS  
                                  FRANK JUSTICE, II  
                                  DALLAS LAYNE

Mayor Morris arrived at the meeting at 6:06 p.m. and left the meeting at 6:16 p.m. to attend a meeting sponsored by the Kentucky Department of Transportation concerning the proposed I 66 highway project.

The Commission heard from Kentucky Avenue property owner, Blake Robinson, concerning the city's initiation of condemnation proceedings to acquire his property and the vacant parcel owned by Sandy Valley Habitat for Humanity. Mr. Robinson voiced his opposition to the appraisal established for both properties. He reported that Sandy Valley Habitat for Humanity had purchased their .08 acre lot from Kathy McCoy for \$8,000. According to Mr. Robinson, the property description included in the appraisal listed the value of the property at \$9,000, while the actual appraised value of the property and the offer tendered to Habitat of Humanity was \$5,000. His parcel is twice as large at .16 acres and was appraised at \$10,000. Mr. Robinson argued the appraisal should have been at least \$16,000, based upon the amount that Habitat for Humanity paid for their lot. Mr. Robinson has presented Project Coordinator, Sue Smallwood, with a counter-offer to sell his property for \$20,000. Sandy Valley Habitat for Humanity made a counter-offer of \$10,000 or in lieu of money would consider a comparable property trade. The Commission advised the city could not negotiate the purchase of the property without Mr. Robinson providing documentation that an error had been made by the appraiser or without Mr. Robinson hiring a state-certified appraiser who established the value higher. Based on the discrepancy between the value stated in the property description and the appraised value, the Commission directed Ms. Smallwood to ask Ms. Walters to re-evaluate the appraisals for each of the properties scheduled for condemnation and correct any errors.

Thompson Road/Poor Farm Hollow Fill: Greg Hall, owner of the 17 acre tract adjacent



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to U.S. 23 North, appeared before the Commission during the May 11, 2001 meeting to offer fill material to the City and to haul and place the fill at no charge. The Commission had directed City Engineer Sykes to determine if the fill material would be beneficial to the City, and if so, to work with Mr. Hall to develop a suitable fill configuration plan. Mr. Sykes advised the Commission the property on Thompson Road could be filled out to the floodway and to the elevation, but not in excess of 1 ft. above the 100 year floodplain. Filling the left side of the valley in Poor Farm, about 250 to 300 feet in, generally following the configuration of the sloping road on the right, would be beneficial to the City. Mr. Hall chose to address his fill plan in a letter, which was included in the agenda package. Mr. Sykes advised the fill plan is deficient in four areas, and Mr. Hall needs to do the following:: (1) Define the fill; (2) Define the percentage of compaction (95% - 98% maximum density); (3) Provide a method of assuring the percentage of compaction (needs to have compaction tests done and a final survey at the end to show fill compaction is as required); and (4) the area filled needs to be re-vegetated.

City Attorney Davis pointed out that Mr. Hall's property is zoned for single-family residential (R-1) development. He advised that Mr. Hall had mentioned that he may use part of the property for a commercial development. The City Attorney said that by agreeing to allow Mr. Hall to waste his fill material on city property, the City was making no agreement to change the zoning. Mr. Hall would have to follow procedure for a zoning amendment if he did intend commercial development. City Attorney Davis recommended the Commission attach other stipulations to the agreement to include: (1) Submittal of a performance bond and a payment bond; (2) Submittal of copies of General Liability Policies naming the City of Pikeville as an additional insured; (3) To use no coal as fill material; (4) gravel haul roads on Mr. Hall's property and on the city's property where the fill material will be placed.

From a personal standpoint, City Attorney Davis asked that Mr. Hall's contractor have blasting insurance, if blasting is done, to cover any damage to the adjacent residential neighborhood, Northmonte Subdivision, in which he is a resident, or other structures, including, but not limited to, the city's water storage tank, Community Trust Bank; and Pikeville High School.

Future resident of the Northmonte Subdivision, Jerry Kanney, voiced his opposition to blasting in the area, sediment control, contractor reliability, and traffic safety concerns.

Commissioner Combs explained he was surprised to learn that Mr. Hall's property is zoned residential. Mr. Hall reported that he had spoken with former Building Inspector, Levy Green, and former City Manager, John Johnson, who had indicated that zoning for a commercial development on his property would pose no problem. Mr. Hall told the Commission that his main development would be commercial and there would possibly be a couple of house seats.

City Attorney Davis advised the Commission that he has informed Mr. Hall that should he develop a residential area, he will be required to follow the Subdivision Regulation



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~~Guidelines and have the approval of both the Technical Advisory Committee and Pikeville/Pike County/Elkhorn City Joint Planning Commission.~~

Mr. Hall withdrew his request to waste on the city's property and advised he would find elsewhere to waste. He advised the Commission that should they need any of the fill material for city property, they were welcome to the material.

## AGENDA ITEM III.

## PAYMENT OF BILLS

A. CITY BILLS: A list of City Bills totaling \$494,746.77 was presented to the Commission for approval of payment. There being sufficient funds with which to make payment, Commissioner Davis made the motion, seconded by Commissioner Combs to approve payment of the City Bills as presented. The motion carried 4 - 0.

B. UDAG REIMBURSEMENT: Project Director, Sue Smallwood, presented a request for reimbursement from Adams Corporation for the Keyser Heights II Project in the amount of \$57,812.60. The original requested amount was \$74,569.88, however the payment request was incorrectly calculated. The amount of UDAG funds committed to this project was \$450,000. The payment requested at this time is the first draw-down. Ms. Smallwood advised the work has been reviewed by Rick Keene and the invoice has been reviewed by the city's auditor. Commissioner Justice made the motion to authorize reimbursement to the Adams Corporation in the amount of \$57,812.60. Commissioner Layne seconded the motion. The motion carried 4 - 0.

## AGENDA ITEM IV.

## OLD BUSINESS

A. MAIN STREET REPORTS: Main Street Board Chair, Sara George, presented three invoices for approval of payment. Summit Engineering - \$3,117.37 (egr. services, utility relocation project); American Electric Power - \$3,750.00 (utility relocation design); and Baldwin Contracting - \$10,866.15 (river fill parking project). Commissioner Combs pointed out the river fill parking improvements should have been completed prior to Hillbilly Days. City Engineer Jack Sykes advised the contractor had given reasons such as inclement weather and the Hillbilly Days Festival for not completing the project within the specified contract time. Mr. Sykes reported that he had put Mr. Baldwin on notice that he would recommend the City Commission assess liquidated damages if the project was not substantially complete by May 31, 2001. Mr. Sykes advised substantial completion would not include striping and sealing, as these were items that would have to be done on weekends to prevent problems with traffic. Commissioner Combs also pointed out that an additional sidewalk had been poured without a handicapped-accessible ramp. The city engineer reported that he had brought that matter to the contractor's attention and was assured the ramps would be constructed. The city is continuing to hold a 10% retainage from Baldwin Contracting's pay estimates. Commissioner Combs made the motion, seconded by Commissioner Layne to approve payment of the three invoices as presented. The motion carried 4 - 0.



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~~Ms. George announced a ground-breaking ceremony for the underground utility relocation project for June 4, 2001, at 9:45 a.m. Governor Patton will be present for the ceremony along with representatives of all the funding agencies. The event will take place in the parking lot located at the corner of Huffman Avenue/Hambley Boulevard, and will be moved to the former city hall building in the event of rain.~~

B. CITY ENGINEER'S REPORTS: Jack Sykes, representing Summit Engineering, city engineers, gave a progress report for the following project:

1. Elm Street Road Improvement Project: Presented to the Commission for approval was Change Order #2 on behalf of Mountain Enterprises in the amount of \$19,966.56. Mr. Sykes explained that the majority of the work deals with masonry, gradework, and additional fill below President Smith's house; sidewalk improvements; and conduit underneath the parking lot. The change order also adds ten days to the contract term. Mr. Sykes explained the city received a \$500,000 grant from the Department of Transportation for the project. Pikeville College has agreed to fund any costs in excess of the grant. Mr. Sykes added that Pikeville College officials had requested the work included in this change order. Mr. Sykes reported that \$25,000 remains in contingencies and proposes to pay for the change order utilizing the contingency. Commissioner Davis made the motion to approve Change Order #2 totaling \$19,966.56. Commissioner Layne seconded the motion. The motion carried 4 - 0.

C. CITY ATTORNEY'S REPORTS: Russell H. Davis, Jr. presented first reading of an Ordinance to issue \$5.6 million in Educational Revenue Bonds on behalf of Pikeville College. The ordinance was read in summary entitled:

ORDINANCE OF THE CITY COMMISSION OF THE CITY OF PIKEVILLE, KENTUCKY AUTHORIZING AND PROVIDING FOR THE ISSUANCE OF THE CITY OF PIKEVILLE 4EDUCATIONAL DEVELOPMENT REVENUE BONDS (PIKEVILLE COLLEGE PROJECT), SERIES 2001, IN THE PRINCIPAL AMOUNT OF \$5,600,000.

Second reading of the Ordinance was scheduled on June 11, 2001.

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

1. Sludge/Grit Removal: One bid was received in answer to an advertisement for sludge and grit removal at the wastewater treatment plant. The bid was received from Onyx Industrial Services, Inc. in the amount of \$26,195.00. Due to U.S. Filter's manager, Duane Hamilton, being out of town, City Manager Blackburn recommended award based upon Mr. Hamilton's concurrence. Commissioner Combs made the motion, seconded by Commissioner Layne to award the bid for sludge/grit removal to Onyx Industrial Services, Inc., contingent upon Mr. Hamilton's review and approval. The motion carried 4 - 0.



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2. Animal Control Officer: During the previous meeting, the Commission heard a request from the Pike County Humane Society that the city assign at least one of its police officers the duties of Animal Control Officer. Mr. Blackburn reported that he had circulated a memorandum at the police department asking for volunteers. One officer had expressed interest in the position if the city would agree to a \$3,000/yr. wage increase. The City Manager commented that he did not think the program would work with only one police officer, and thought it would be best if the city continued allowing the two employees from the parks department to perform the duties of animal control officer. Mr. Blackburn advised he had also received a written proposal from a company known as "Critter Gitters". The Commission announced they would review the proposal and discuss the matter further at the next meeting.

3. Street Trees: Included in the agenda package was a request signed by four Scott Avenue property owners requesting removal of the Bradford Pear trees that are planted along the city's right-of-way fronting their properties. The trees were planted by Hi Pauley, Jimmy England, and Mike Cooley. Dr. Quentin Robinette, Mike Cooley, Jimmy England and Ed Maddox state safety as the main reason for having the trees removed, because this species of tree is prone to fall during winds and heavy precipitation. The gentlemen asked that the trees be replaced with a more suitable street tree. However, one property owner, Hi Pauley, does not want the trees along his property removed. City Manager Blackburn reported the city's insurance had paid for damages to a vehicle caused from falling limbs. Commissioner Combs made the motion to remove the trees down to Hi Pauley's property and extend a proposal that the city will leave the trees abutting his property on Scott Avenue and Seventh Street if he will sign an agreement accepting the liability if one of the trees should damage another person's property. Commissioner Justice seconded the motion. The motion carried 4 - 0. The City Manager asked if the city should remove the trees along Mr. Pauley's property if he fails to sign the agreement accepting liability. The Commission asked for the matter to be brought back before the Commission if Mr. Pauley does not sign the agreement.

## AGENDA ITEM V.

## NEW BUSINESS

BOARD APPOINTMENTS: Appointment of an individual to serve on the Pikeville/Pike County/Elkhorn City Joint Planning Commission was postponed until the next meeting.

## AGENDA ITEM VI.

## ANNOUNCEMENTS

The following announcements were made:

1. A Public Hearing will be held at 5:30 p.m. on June 4th at City Hall to accept citizen comments concerning the 2001/02 operating budget.
2. A Public Awareness Meeting with Library Officials, City Officials, and Department of Library & Archive officials will be held at the Pikeville-Pike County Library facility on



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May 29th beginning at 5:00 p.m.

3. A ground-breaking ceremony for the Underground Utility Relocation Project is scheduled for June 4th at 9:45 a.m. on the parking lot at the corner of Huffman Avenue/Hambley Boulevard.

There being no further business to come before the Commission, Commissioner Combs made the motion, seconded by Commissioner Justice to adjourn the meeting. The motion carried 4 - 0.

The next regular meeting of the Pikeville City Commission is scheduled for June 11, 2001, at 6:00 p.m.

APPROVED:

Frank M. Morris  
FRANK M. MORRIS, MAYOR

ATTEST:

Karen W. Harris  
KAREN W. HARRIS, CITY CLERK