

MINUTES } CITY OF PIKEVILLE

CITY OF PIKEVILLE BOARD OF COMMISSIONERS REGULAR MEETING MINUTES AUGUST 27, 2001

The Board of Commissioners of the City of Pikeville met in regular session on Monday, August 27, 2001. The meeting was held in the City Hall Public Meeting Room located at 118 College Street, Pikeville, Kentucky.

There being a quorum present, Mayor Pro Tem Steven D. Combs called the meeting to order at 6:05 p.m. Commission Members present at call of the roll were as follows:

COMMISSIONER: STEVE COMBS
EUGENE DAVIS
FRANK JUSTICE, II
DALLAS LAYNE

Mayor Frank M. Morris was absent.

AGENDA ITEM II. MINUTES

The minutes for the regular meeting held on August 13, 2001 and special meeting of August 15, 2001 were included in each Commission Member's agenda package. Commissioner Davis made the motion, seconded by Commissioner Justice to approve the minutes as submitted. The motion carried 4 - 0.

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 \$396,354.57 was presented to the Commission for approval of payment. Commissioner Justice made the motion to approve payment of the bills as requested. Commissioner Layne seconded the motion. The motion carried 4 - 0.

B. PIKEVILLE REDEVELOPMENT PROJECT: Sue Smallwood, Project Director, presented the following invoices for approval of payment:

1. Asbestos Survey: Presented for approval of payment was an invoice on behalf of Micro-Analytics, Inc. in the amount of \$4,170.00, for asbestos testing on 8 structures in the Sycamore Street Project area. Ms. Smallwood reported the contract has been completed. Commissioner Davis made the motion, seconded by Commissioner Layne to approve payment as requested. The motion carried 4 - 0.

2. Asbestos Survey: Presented for approval was a payment request totaling \$3,696.00 from ATEX for asbestos testing on Phase II, Kentucky Avenue structures. Commissioner Justice made the motion to approve payment as requested. Commissioner Davis seconded the motion. The motion carried 4 - 0.

3. Linder & Associates: Presented were three invoices on behalf of Will Linder & Associates. Invoice #14 in the amount of \$6,000.00 takes the Phase I, Sycamore Street contract with Mr. Linder to 90% completion and is payable with Community Development Block Grant funds. Phase II, Kentucky Avenue Invoice #1 in the amount of \$16,800.00 is payable from HOME funds and is for home counseling services. Invoice #3 totaling \$6,000.00 for Phase III, High Street is payable

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from Community Development Block Grant Funds and is for project administration. Commissioner Justice made the motion, seconded by Commissioner Davis to approve payment of the three invoices as requested. The motion carried 4 - 0.

4. Title Searches/Deed Preparation: Presented to the Commission for approval of payment were three invoices totaling \$500.00 for title searches and deed preparation and closings for Kentucky Avenue properties. Commissioner Davis made the motion, seconded by Commissioner Layne to approve payment of the invoices as submitted. The motion carried 4 - 0.

5. Review Appraisal Services: Larry Disney, d/b/a Appraisal Associates of Kentucky, presented a request for payment in the amount of \$1,000.00 for review appraisals of Kentucky Avenue, Phase II properties. Commissioner Justice made the motion, seconded by Commissioner Davis to approve payment to Appraisal Associates of Kentucky as requested. The motion carried 4 - 0.

6. Pikeville Affordable Housing: Presented to the Commission for approval was a request from the Pikeville Affordable Housing Corporation for a draw down of funds, from the city established \$200,000 line of credit, in the amount of \$22,677.95. The invoice is from Fuller, Mossbarger, Scott and May for geotechnical services on Kentucky Avenue. Commissioner Davis made the motion, seconded by Commissioner Layne to approve Pikeville Affordable Housing Corporation's request to draw down funds in the amount of \$22,677.95. The motion carried 4 - 0.

7. Appraisal Fee: Presented to the Commission for approval of payment was an invoice on behalf of Redd, Brown, Williams Company in the amount of \$300.00. Ms. Smallwood advised the invoice stems from a suggestion of Kentucky Housing Corporation representatives that the city acquire a third appraisal for the Betty White property located on Kentucky Avenue. Commissioner Justice made the motion, seconded by Commissioner Davis to approve payment of the \$300.00 invoice from Redd, Brown, Williams Company. The motion carried 4 - 0.

8. Pinson Property: Ms. Smallwood presented a request for payment in the amount of \$600.00 on behalf of David Deskins, Circuit Court Clerk, for the Court Commissioners' appraisal fees of the two parcels on Kentucky Avenue owned by Robert Pinson. It was recalled that the City Commission had authorized the city attorney to institute condemnation proceedings for both tracts. Ms. Smallwood reported that Mr. Pinson's vacant lot has been acquired. Commissioner Davis made the motion, seconded by Commissioner Layne to approve payment of the Commissioners' appraisal fees in the amount of \$600.00. The motion carried 4 - 0.

AGENDA ITEM V.

OLD BUSINESS

A. PIKEVILLE REDEVELOPMENT PROJECT: Ms. Smallwood presented a written progress report for the Pikeville Redevelopment Project for the Commission's review.

2. Presented for approval was a resolution to amend the ATEX contract for asbestos testing for Kentucky Avenue to include the Carolyn Roberts estate property. The resolution was presented and read as follows:

AMENDMENT #1 TO AGREEMENT FOR HAZARD TESTING SERVICES PIKEVILLE, KENTUCKY (R-2001-035)

This amendment is an attachment to the agreement entered into on the 9th day of August, 2001, by and between the City of Pikeville and American Technical Experts, Inc. for hazard testing services for the Pikeville Redevelopment Project, Phase II - Kentucky Avenue.

WHEREAS, the agreement entered into on the 9th day of August, 2001, specified a maximum contract amount of \$4,217 for up to 20 buildings containing 31 units for a unit cost of \$132; and

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WHEREAS, the City of Pikeville requires hazard testing services for an additional 1 building containing 1 unit for the Pikeville Redevelopment Project Phase II - Kentucky Avenue Project.

NOW, THEREFORE, the City of Pikeville and American Technical Experts, Inc. amend the original agreement as follows:

1. The City of Pikeville will amend the contract for hazard testing services to include 1 additional building containing 1 unit.
2. The cost for these additional hazard testing services shall be \$132 per unit.
3. The maximum contract amount shall increase by \$132.
4. The time of performance will extend through September 1, 2001.
5. The maximum contract shall not exceed \$4,349.

IN WITNESS WHEREOF, the City of Pikeville and American Technical Experts, Inc. have executed this Amendment to the original August 9, 2001 Agreement. This amendment is effective as of the date of the original agreement.

Commissioner Combs made the motion to adopt the resolution. Commissioner Layne seconded the motion. The motion carried 4 - 0.

3. Kentucky Avenue Phase II - Ms. Smallwood advised the Commission that bids are due on August 31, 2001, for asbestos abatement. In order for the demolition and road project to proceed on schedule, Ms. Smallwood requested that she and City Manager Blackburn be authorized to review the bids and award a contract, based not only on the lowest price, but the contractor who can provide the services in the most time efficient manner. Commissioner Justice made the motion, seconded by Commissioner Davis to authorize the Project Director and City Manager to award a contract for asbestos abatement under the terms described by Ms. Smallwood. The motion carried 4 - 0.

B. MAIN STREET PROGRAM REPORT: Main Street Board Chairman, Jerry Smith, reported that he and director, Glendia Sawyers, attended a meeting in Danville, where Pikeville was awarded \$450,000 in Renaissance KY grant funds. \$300,000 is to be used for the civic center project and \$150,000 is dedicated to the Kentucky Avenue Townhouse project.

1. Gateway Element: Charles Byers with Summit Engineering reported the Main Street Board had expressed concern relative to the salt deposits on the marble portion of the gateway elements. Mr. Byers presented the Commission with a cleaning method to eradicate the salt deposits.

2. Utility Project Update: Mr. Byers reported that work is proceeding on Huffman Avenue and Main Street. Main Street director, Glendia Sawyers, advised the Commission of Mountain Enterprises' request to work from 5 p.m. to 5 a.m. She reported the change in working hours will probably speed up the utility relocation, as well as being less inconvenient to motorists and downtown business owners. Because there is a current ordinance prohibiting construction work in the downtown area from 9 p.m. to 7 a.m., the Building Inspector will have to issue a special permit to allow Mountain Enterprises to continue with the project during the evening and early morning hours. Commissioner Justice made the motion to deem the completion of the project as an emergency and to authorize the Building Inspector to issue a permit to allow Mountain Enterprises to work from 5 p.m. to 5 a.m. Commissioner Davis seconded the motion. The motion carried 4 - 0.

3. Utility Relocation Project Invoices: Presented for approval of payment were Invoice #1 from Mountain Enterprises, Inc. for the Phase I utility relocation project, in the amount of \$180,954.45, and pay requests from Summit Engineering, Inc. totaling \$14,784.67 for inspection and engineering services. Main Street Board Chair, Jerry Smith, advised the invoices had been approved by the Main Street Board. Commissioner Davis made the motion, seconded by Commissioner Layne

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to approve payment of the bills as requested. The motion carried 4 - 0.

C. CITY ENGINEER'S REPORTS: Jack Sykes, representing Summit Engineering, Inc., city engineers, presented a verbal status report for the following projects:

1. Kentucky Avenue Demolition & Road Improvement Project: Mr. Sykes advised that three bids were received for the Kentucky Avenue Roadway & Utilities Project. The bids were submitted as follows:

Patriot Construction:	Contract 1A	\$ 689,714.
	Contract 1B (retaining wall)	\$ 299,575
Mountain Enterprises	Contract 1A	\$ 805,855.80
	Contract 1B	\$ 353,568.75
Commonwealth Building	Contract 1A	\$ 782,440.
	Contract 1B	\$ 496,360.

The engineer's estimate for the total project was \$883,455., however through a miscommunication, there was only \$30,000. budgeted for demolition and disposal of the existing structures. The allowable figure should have been \$130,000. higher.

Mr. Sykes explained that because of the small area in which to work, contracts 1A and 1B were to be bid separately, but the project award would be based on the summation of total base bids for contracts 1A and 1B. With this in mind, the low bidder was determined to be Patriot Construction. Mr. Sykes advised that the city is responsible for awarding the bid for contract 1A, while the Pikeville Affordable Housing Corporation is responsible for award of contract 1B - construction of the retaining walls). It is a funding requirement that \$200,000 of the bid amount of contract 1B be invoiced by November 1, 2001. Failure to meet this requirement will result in a critical loss of funding for the project - tax credits. In speaking with Darius Sullivan, President of Patriot Construction, Mr. Sykes advised that Mr. Sullivan is requesting an additional \$123,000, in order to meet the time frame requirements. Mr. Sullivan reports that he will need to operate a second shift and will have to handle the excavated materials twice. Mr. Sykes told the Commission that he feels this matter can be considered at a later time, pending discussion with grant consultant, Will Linder. The City Engineer recommended award of Contract 1A to Patriot Construction Company in the amount of \$689,714. Commissioner Combs made the motion, seconded by Commissioner Layne to award the bid for contract 1A to Patriot Construction in the amount of \$689,714. as recommended by the City Engineer. The motion carried 4 - 0.

2. Property Acquisition: Mr. Sykes advised of the necessity in acquiring additional property for the Kentucky Avenue road improvement project from Dr. Shockey and the Carters. The tract needed from Dr. Shockey will take about three parking spaces from his office property (772 sq. ft.) Judy Walters has submitted an appraisal for the property in the amount of \$5,900 - \$5,200 for the acquisition and \$700.00 for a temporary easement. Mr. Sykes requested permission to extend an offer to purchase to Dr. Shockey. Commissioner Davis made the motion to authorize the City Manager and City Engineer to extend an offer to purchase to Dr. Shockey for said property. Commissioner Layne seconded the motion. The motion failed, with Commissioner Davis casting the only yes vote. The City Engineer and City Manager were authorized to continue negotiations with Dr. Shockey.

3. Parking Structure Project: The city is in receipt of two invoices from J & M Monitoring relative to the clean-up of the petroleum contamination on the parking structure site. Invoice #1 in the amount of \$13,805 for Phase II testing and Invoice #2 in the amount of \$25,000 for Phase III clean-up and remediation were reviewed. Mr. Sykes advised that both invoices are in line with the

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quotes submitted by J & M Monitoring. Mr. Sykes requested approval of payment of Invoice #1, but asked to delay payment of Invoice #2 pending the submission of the certification of clean-up and remediation. Mr. Sykes also requested authorization to draw down the necessary grant funds to pay both invoices. Commissioner Justice made the motion, seconded by Commissioner Combs to approve payment of Invoice #1 and to authorize the City Engineer to draw down funds to pay invoices #1 and #2. The motion carried 4 - 0.

4. Hambley Complex Expansion: During the previous meeting the Commission discussed the preparation of a conceptual plan for expansion of the Hambley Athletic Complex, to include the recently purchased WLSI property. For a lump sum of \$2,500.00, Mr. Sykes will prepare a master plan, drawings and cost estimates. The Commission referred the contractual matter to closed session.

D. CITY ATTORNEY'S REPORTS: Russell H. Davis, Jr., City Attorney, presented the following ordinances for second reading and adoption.:

1. Property Tax: An ordinance establishing the property tax rate for the 2001-2002 fiscal year was given second reading, captioned as follows:

AN ORDINANCE FIXING A TAX LEVY ON REAL AND TANGIBLE PERSONAL PROPERTY, FRANCHISES, ALL FOR THE GENERAL OPERATING EXPENSE PURPOSES AND PROVIDING FOR A DUE DATE AND DISCOUNT ON ALL TAXES, IF PAID ON OR BEFORE NOVEMBER 1, 2001, AND A PENALTY IF NOT PAID BY DECEMBER 3, 2001. (ORDINANCE O-2001-022)

Commissioner Combs 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	ABSENT
COMMISSIONER:	STEVEN D. COMBS	YES
	EUGENE W. DAVIS	YES
	FRANK JUSTICE, II	YES
	DALLAS LAYNE	YES

2. Park Board: Second reading was given to an ordinance entitled as follows:

ORDINANCE DISSOLVING THE PARK BOARD (ORDINANCE O-2001-023)

Commissioner Layne made the motion to adopt the ordinance as presented. Commissioner Justice seconded the motion. The motion carried by the following votes:

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

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

1. Loading Zone: Mr. Blackburn presented a request for a pick-up and delivery zone designation from the Garden Cafe'. Mr. Blackburn suggested the pick-up and delivery zone be established in the first parking space in the city's parking lot on Division Street across from the Police Station. The Commission directed the city attorney to prepare an ordinance to establish the parking and delivery zone.

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2. Bob Amos Cross Country Trail: The city manager presented a request from Pikeville High School track coach, Libby White, to use the cross country trail on a daily basis from 4:30 p.m. to 6:00 p.m. and to use the trail for regular season meets on September 6, 15, 18, 25, and 27 and October 9 and 11. Commissioner Justice made the motion to allow the use of the trail, with the Park Director coordinating the use of the facility. Commissioner Davis seconded the motion. The motion carried 4 - 0.

The City Manager requested a closed session to discuss a personnel matter with the Police and Fire Chiefs.

Commissioner Combs made the motion, seconded by Commissioner Justice to adjourn to closed session for the purpose of discussing a contractual matter with the City Engineer and a personnel matter with the Police and Fire Chiefs. The motion carried 4 - 0.

Commissioner Justice made the motion to reconvene the meeting to regular session. Commissioner Layne seconded the motion. The motion carried 4 - 0.

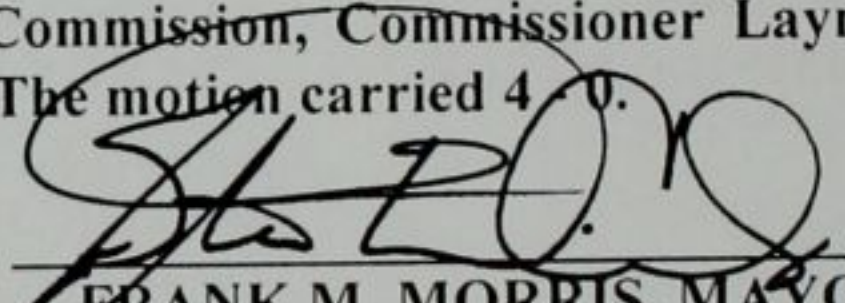
Pursuant to a request from Commissioner Justice, the Commission changed the meeting time for the September 10, 2001 meeting to 10 a.m.

Commissioner Combs made the motion, seconded by Commissioner Justice to request the Board Members of the Housing Authority of Pikeville, along with their executive director, to appear at the next meeting. The motion carried 4 - 0.

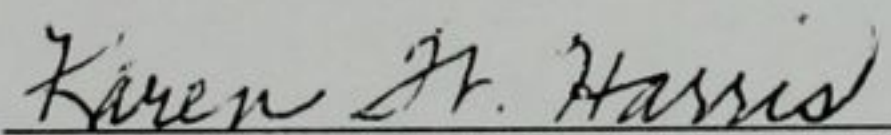
Action concerning the discussion with the Police and Fire Chiefs was delayed until the next meeting, pending a report from the labor consultant.

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

APPROVED:


FRANK M. MORRIS, MAYOR PRO TEM

ATTEST:


KAREN W. HARRIS, CITY CLERK