

## MINUTES } CITY OF PIKEVILLE

CITY OF PIKEVILLE  
BOARD OF COMMISSIONERS  
REGULAR MEETING MINUTES  
OCTOBER 22, 2001

The Board of Commissioners of the City of Pikeville met in regular session on Monday, October 22, 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 6:00 p.m. Commission Members present at call of the roll were as follows:

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

Mayor Frank M. Morris was absent.

AGENDA ITEM II.

APPROVAL OF MINUTES

The minutes for the October 8, 2001 regular meeting were included in each Commission Member's agenda package. There being no additions or corrections, Commissioner Justice made the motion, seconded by Commissioner Layne to approve the minutes as prepared. The motion carried 4 - 0.

AGENDA ITEM III.

BUSINESS FROM THE FLOOR

A. BOY SCOUTS - TROOP 10: Commissioner Combs recognized members of Boy Scout Troop 10-Methodist Church- and Scout Leader, Don Combs. Mr. Combs told the Commission the scouts are attending tonight's meeting to earn their citizenship badges. The scouts asked questions concerning various city bills and learned the advantages of privatization of public utilities.

B. LANDFILL TIPPING FEES: The Commission invited Pike County Solid Waste Director, Mike Lyons, to attend tonight's meeting to explain operations and funding of Pike County's landfill. According to Mr. Lyons, the city is the landfill's second largest customer and funds about 16.5% of the landfill's \$1.3 million budget. The normal fee for dumping at the landfill is \$30.00/ton, however, the city pays a discounted rate of \$25.00/ton. Mr. Lyons reported of the county's immediate plans to improve the landfill at a cost of \$3.5 million. The Commission asked how much of the \$10.00 monthly fee charged to county residents for once weekly trash collection services are designated for operation and maintenance expenses of the landfill. Mr. Lyons advised he was not sure that any of the fee was designated for landfill operations. Commissioners Combs and Justice expressed their opinion that the tipping fee paid by the city is an unfair assessment. They pointed out the city residents are also residents of the county, however receive no benefits from the county. The Commission directed the City Manager to obtain a copy of the county's budget and determine the percentage of county residents' contribution toward the operation of the landfill. The Commission asked Public Works Manager, Duane Hamilton, to meet with the county's treasurer to determine the actual cost for each residential and business collection and the portion that is designated for landfill operation.

AGENDA ITEM IV.

PAYMENT OF BILLS

A. CITY BILLS: A list of city bills totaling \$408,143.60 was presented to the Commission for approval of payment. Commissioner Justice suggested not approving the county's landfill tipping fee invoice in the amount of \$19,069.95 until the county provides the requested information and the Commission determines the fee is due. Commissioner Layne made the motion to approve payment of the city bills as presented, less the county landfill's invoice in the amount of \$19,069.95.

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~~Commissioner Combs seconded the motion. The motion carried 3 - 1 with Commissioner Davis casting a nay vote.~~

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

1. Walters & Associates: Invoices were presented for appraisal services for Phase II - Kentucky Avenue in the amount of \$2,000, Phase IV - Kentucky Avenue in the amount of \$9,275, and Phase V - High Street in the amount of \$8,800. Commissioner Justice made the motion, seconded by Commissioner Davis to approve payment as requested. The motion carried 4 - 0.

2. Appraisal Associates of Kentucky: Presented for approval of payment was an invoice from Larry Disney, d/b/a Appraisal Associates of Kentucky, in the amount of \$500.00, for review appraisal of the Shockey property located at 411 Auxier Avenue, consisting of 772 sq. ft. tract to be acquired and a 1,995 sq. ft. temporary construction easement. The property and easement is to be used during the construction of the Kentucky Road Improvement Project. Commissioner Combs made the motion, seconded by Commissioner Layne to approve payment to Appraisal Associates of Kentucky in the amount of \$500.00. The motion carried 4 - 0.

3. Frank Nall: Presented for approval were two invoices from Frank Nall totaling \$300.00 for the closing and preparation of deeds for the Elwood & Dorothy Charles property and the Shockey property located at 411 Auxier Avenue. Commissioner Justice made the motion, seconded by Commissioner Davis to approve payment of the invoices as submitted. The motion carried 4 - 0.

4. Pikeville Affordable Housing Corporation: The Pikeville Affordable Housing Corporation submitted a request to draw down funds (from the established \$200,000 line of credit) in the amount of \$21,901.40. The invoice represents a request from Summit Engineering, Inc. for engineering fees for the Kentucky Avenue Townhouse Project. Commissioner Combs made the motion to approve payment to Pikeville Affordable Housing Corporation in the amount of \$21,901.40. Commissioner Layne seconded the motion. The motion carried 4 - 0.

5. Just Compensation: Ms. Smallwood presented for consideration a resolution establishing just compensation for the acquisition of property located in Phase IV-Kentucky Avenue and Phase V - High Street. Ms. Smallwood advised the city has received approval of funding for Phase V. Ms. Smallwood estimated that it would be about two months before funding is released on both phases. The resolution was presented as follows:

**ORDER OF THE PIKEVILLE CITY COMMISSION APPROVING THE DETERMINATION OF JUST COMPENSATION FOR ACQUISITION OF PROPERTY IN THE PIKEVILLE REDEVELOPMENT PHASE IV - KENTUCKY AVENUE AND PHASE V - HIGH STREET TARGET AREAS OF PIKEVILLE, KY (RESOLUTION R-2002-042)**

WHEREAS, the Kentucky Housing Corporation has approved HOME Investment Partnership Program funds for the acquisition of properties in the Pikeville Redevelopment Phase IV - Kentucky Avenue Revitalization Target Area; and,

WHEREAS, the Commonwealth of Kentucky, Department for Local Government, has approved Community Development Block Grant funds for acquisition of properties in the Pikeville Redevelopment Phase V - High Street Revitalization Target Area; and,

WHEREAS, in accordance with the Uniform Acquisition and Relocation Policies Act of 1974 (the Uniform Act), the City of Pikeville (hereinafter referred to as "LPA:") has obtained an appraisal and a review appraisal of properties to be acquired through the CDBG and HOME programs; and,

WHEREAS, based upon the appraisals prepared by a competent appraiser it is necessary that the

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~~LPA determine the just compensation to be offered to each property owner;~~

NOW, THEREFORE, BE IT ORDERED, by the LPA that:

1. The Determination of Just Compensation for the properties to be acquired in the CDBG Target Area are hereby approved in the following amounts:

## Phase IV

<u>Parcel #</u>	<u>Building</u>	<u>Address</u>	<u>.Amount</u>
02	58	153 (246) KY Ave	\$ 47,200.
03	Vacant Lot #1	KY Ave Lot	6,300.
04	61	161 (242) KY Ave	139,700.
05	63	165 (240) KY Ave	40,900.
06	65	169 (238) KY Ave	49,700.
07	Vacant Lot #2	KY Ave Lot	6,700.
08	66	179 (235) KY Ave	44,700.
09	67	183 (232) KY Ave	47,800.
10	68	185 (230) KY Ave	51,200.
10a	lot	KY Ave Lot	9,800.
11	lot #3	KY Ave Lot	11,500.
11a	69	176 Poplar St	84,600.
12	64	168 (239) KY Ave	30,700.
13	62	164 (241) KY Ave	76,300.
14	60	160 (243) KY Ave	67,000.
15	49	156 (245) KY Ave	60,000.
16	57	152R (247 1/2) KY Ave	54,000.
17	56	152 (247) KY Ave	29,300.

## Phase V

<u>Parcel #</u>	<u>Building</u>	<u>Address</u>	<u>.Amount</u>
02	08	175 (243) High St.	\$ 58,700.
03	09	179 (245) High St.	61,400.
04	10	181 (247) High St.	72,400.
05	11	181 R (247 1/2) High St	35,000.
06	12	183 (249) High St.	45,300.
07	13	183 R (249 1/2) High St	64,500.
08	14a	185 (251) High St	43,400.
	14b	187 (253) High St	45,900.
09	15	187 R (253 1/2) High St	23,000.
10	16	185 R (251 1/2) High St	17,900.
11	17	189 (258) High St	79,700.
12	20	191 High St	57,700.
13	21	195 High St	45,700.

2. The Grants Coordinator is directed to make Offers for Purchase (pending concurrence from the review appraiser) on properties in the Pikeville Redevelopment Project - Phase IV and Pikeville Redevelopment Project - Phase V - High Street Target area in the amount of the "Determination of Just Compensation" listed above, and to accept and sign all related acquisition documents relating to these offers on behalf of the LPA in order to eliminate slum and blight and provide for the assemblage of land.

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3. That the drawdown of funds is authorized to be made from the Commonwealth of Kentucky when signed Agreements for Sale are executed with property owners in the amounts approved above.

4. That acquisition procedures will be undertaken in accordance with all rules and regulations promulgated by the Commonwealth of Kentucky and the Uniform Act, as amended.

APPROVED this 22nd day of October, 2001.

Commissioner Davis made the motion, seconded by Commissioner Layne to adopt the resolution as presented. The motion carried 4 - 0.

6. Asbestos Testing: Ms. Smallwood reported that two bids had been received for asbestos testing for properties acquired in Phase III - High Street. The bids were as follows:

Micro-Analytics	\$3,515.00
ATEX	\$5,034.00

Ms. Smallwood advised that both companies have previously worked for the city and have completed their contracts satisfactorily. Based solely upon cost, Ms. Smallwood recommended award of the bid to Micro-Analytics in the amount of \$3,515.00. Commissioner Combs made the motion, seconded by Commissioner Justice to authorize execution of a contract with Micro-Analytics for Phase III asbestos testing. The motion carried 4 - 0.

## AGENDA ITEM V.

## OLD BUSINESS

A. CITY ENGINEER'S REPORTS: Jack Sykes and Charles Byers were present on behalf of Summit Engineering, Inc., to present a status report for the following projects:

1. Kentucky Avenue Road Improvement Project: While the entire project is slightly behind schedule, due to difficulty in locating a sewer line, Mr. Sykes reported the portion of the contract which is critical to the tax credits, the retaining wall, is on schedule. The engineer is conducting weekly meetings with the contractor, Patriot Construction, the grant consultant, a representative from Kentucky Housing Corporation, and representatives of Pikeville Affordable Housing Corporation. Mr. Sykes invited the Commission to attend the progress meetings which are held each Thursday at 10 a.m. On the November 1st meeting, Phase II of the project will be discussed.

Presented for approval of payment was an invoice on behalf of Patriot Construction in the amount of \$61,285.50. City Engineer Sykes reported that he has reviewed the bill and recommended payment. Commissioner Justice made the motion, seconded by Commissioner Davis to approve payment to Patriot Construction as requested. The motion carried 4 - 0.

2. Hambley Athletic Complex: Summit Engineering has been asked to look at alternates to improve and/or expand the Hambley Athletic Complex utilizing the additional property being acquired (former WLSI property and Adams' Real Estate property). Two potential schemes were discussed. Alternate A's concept proposes the development of 58 parking spaces in the space currently occupied by the tennis courts. There are no proposed changes for the swimming pool, lockerroom, existing softball field or practice areas. A 2500 seat grandstand is proposed with a lockerroom, concession area, restroom and pressbox, along with the construction of a regulation football and soccer field. On the property to be acquired, a baseball field will be constructed along with a new maintenance building. 156 parking spaces will be created. Landscaping and new fencing around the entire project is also proposed. Estimated cost for Alternate A is \$1,966,000. Alternate B provides for artificial turf for all areas, 56 less parking spaces, less landscaping, and eliminates the construction of Alternate A's grandstand facility. Estimate is \$1,860,000.

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Commissioner Justice made the motion to authorize the City Engineer to send a letter to Governor Patton requesting monetary assistance using scenario A, with the addition of artificial turf on the football field. Commissioner Combs seconded the motion. The motion carried 4 - 0.

Commissioner Combs made the motion, seconded by Commissioner Davis to adjourn to closed session for the purpose of discussing a proposed property acquisition and a personnel matter with the Police Chief. The motion carried 4 - 0.

At 8:06 p.m., Commissioner Combs made the motion, seconded by Commissioner Davis to reconvene to regular session. The motion carried 4 - 0.

Commissioner Combs reported that appraisals of the Adams property, located adjacent to the former WLSI property, and the city owned tract at Thompson Road were reviewed for the purpose of a possible property exchange. Commissioner Combs made the motion, seconded by Commissioner Layne to authorize the City Manager to negotiate with Adams Real Estate for the acquisition of their property. The motion carried 4 - 0.

The Police Chief and 911 Communications Supervisor recommended the employment of two dispatchers, Sara Akers and Brandon Hayton. Commissioner Combs made the motion to hire Sara Akers and Brandon Hayton for the position of dispatcher. Commissioner Layne seconded the motion. The motion carried 4 - 0.

Police Chief Justice advised the Commission of the opportunity to participate in the state's new Police Corp Program. Through this program, the police department can employ an additional officer. The state will reimburse the city at a rate of \$10,000/yr for up to 4 years for salary costs. The state will pay the cost of training and will purchase uniforms. The program is expected to begin in October, 2002. Commissioner Combs made the motion to authorize the police department's participation in the Police Corp program. Commissioner Justice seconded the motion. The motion carried 4 - 0.

**B. MAIN STREET PROGRAM:** Glendia Sawyers, executive director for the Pikeville Main Street Program, presented the following items for the Commission's consideration:

1. **Utility Project Update:** Charles Byers of Summit Engineering reported that Phase I (Main St./Huffman Ave.) of the utility relocation project is 85% complete. Some paving, striping, miscellaneous concrete work and brick work are yet to be completed. Mr. Byers expects paving activities to begin on October 30th. The intersection of Huffman/Hambley, Hambley/Main, and Main/Division are scheduled for milling prior to paving. Contract completion is scheduled for November 14th. The contractor, Mountain Enterprises, has requested to delay the brick paving of the crosswalks until spring to insure proper installation.

Mr. Byers reported there is approximately \$190,000 of uncommitted funds in the Phase I budget. The funds must be spent for Phase I or returned to the funding agency. Mr. Byers explained that the Main Street Board has approved Change Order #2 in the amount of \$65,014.92. The change order provides for nine items, which consist of the addition of several gas valves, field alignments of AEP two-way conduit; increase in the length of Bell South 12-way conduit; addition of length of Bell South service conduit; milling for Hambley, Huffman, Pike and Division Streets; removal of sidewalk and curb and gutter to provide for safe pedestrian traffic; new concrete sidewalk and curb and gutter; and seven additional curb box inlets. The first four items of the change order have been completed. Mr. Byers advised that he will present a request for a time extension at the next meeting. Commissioner Justice suggested that no time extension be granted due to the brick work being postponed until spring.

Mr. Byers proposes to spend the remaining money to begin conduit/utility work in either Crickett

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~~Alley or Theater Alley. Mr. Byers will review the work to be accomplished and will make a recommendation at the next meeting as to which alley work should proceed.~~ Mr. Byers advised the Commission that a waiver will have to be extended to the contractor to allow work to proceed during November 20 - January 1 (there is an ordinance on file which prohibits construction on any city street during the Christmas season).

Commissioner Davis made the motion to approve the change order concept and to allow the contractor to postpone the brickwork until Spring. Commissioner Combs seconded the motion. The motion carried 4 - 0.

2. Project Bills: Presented for approval of payment were invoice #3 from Mountain Enterprises in the amount of \$378,008.82 for the Utility Relocation Project, and two invoices from Summit Engineering for inspection and engineering services for the relocation project in the amount of \$12,065.05 and \$2,099.93, respectively. Commissioner Combs made the motion, seconded by Commissioner Davis to approve payment of the bills as presented. The motion carried 4 - 0.

3. Christmas Parade: Ms. Sawyers announced the Christmas Parade will be held on December 1st and 2:00 p.m. Lt. Governor and Mrs. Steve Henry will be the parade's grand marshals.

4. Seminar: Ms. Sawyers advised there will be a Main Street Program sponsored Small Business Seminar on November 13th from 1:00 - 3:30 at the Pikeville/Pike County Library.

5. Economic Development: Ms. Sawyers requested a work session with the Commission to review the information concerning a proposed hotel/motel development in the downtown area. The Commission scheduled the work session for 5:00 p.m. on November 12th.

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

1. Kentucky Avenue Zoning: Presented and given second reading was an ordinance entitled as follows:

ORDINANCE AMENDING THE CITY OF PIKEVILLE'S ZONING MAP FOR THE PROPERTY LOCATED ON BOTH SIDES OF THE ENTIRE LENGTH OF KENTUCKY AVENUE FROM R-1A TO R-3

Commissioner Combs 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

2. Street Name: Presented and given second reading was given to the following ordinance, entitled as follows:

ORDINANCE NAMING A PREVIOUSLY UNNAMED STREET CONNECTING YORK ALLEY AND SCOTT AVENUE (Primrose Lane)

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



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

3. Wholesale Water Rates: Concerning the city's request to impose a rate increase for its wholesale water customers, City Attorney Davis advised the Commission that the Public Service Commission has ruled that the city must first adopt an ordinance setting the rate before they can act on the application for a rate increase. It was explained that a rate was previously negotiated and accepted by Southern Water District (formerly Mud Creek Water District) and Sandy Valley Water District. The city was unable to negotiate a satisfactory contract with Mountain Water District, so an application for a rate increase was filed with the Public Service Commission. The city's attorney for the case, Lindsey Ingram of Stoll, Keenon & Park, has indicated that should the Commission adopt the ordinance as an emergency, the case can be resubmitted to the Public Service Commission within the next thirty days, which may alleviate the need to resubmit a rate application and conduct another hearing. The ordinance was read, captioned as follows:

**EMERGENCY ORDINANCE AMENDING SECTION 53.03(B) OF THE CODE OF ORDINANCES OF THE CITY OF PIKEVILLE SETTING A WATER SERVICE RATE AND CHARGES FOR ALL WHOLESALE USERS**

Commissioner Combs made the motion to declare an emergency and adopt the Ordinance as presented and read. Commissioner Davis 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

4. York Heirs Acquisition: City Manager Blackburn reported that he has been unable to obtain comparables from the York Heirs' appraiser. The City Attorney advised that he has retained Phil Whicker to act as legal counsel on the city's behalf in the condemnation action.

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

1. Williamson City Schools: Mr. Blackburn presented the Commission with a letter from the Williamson City School requesting to use four sets of the city's bleachers for their upcoming football playoffs. The city attorney was directed to prepare a use agreement for use of the bleachers with the provision that the school system hold the city harmless for any liability incurred through use of the bleachers. Commissioner Combs made the motion, seconded by Commissioner Justice to approve the request for use of the bleachers, contingent upon the school system's execution of a use agreement and indemnity agreement as discussed. The motion carried 4 - 0.

2. Office Employee: City Manager Blackburn advised of a new state program being administered through the Pikeville/Pike County Technical School, which will allow civilian employees to be hired on a part-time basis for up to six months at no cost to the city. Police Chief Justice has requested approval to participate in the program and hire 1 civilian employee to assist the office clerk at the Police Department.

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~~Commissioner Justice made the motion, seconded by Commissioner Combs to participate in the program. The motion carried 4 - 0.~~

3. Records request: Mr. Blackburn requested authorization to send a letter to the County Judge/Executive and the Members of the Pike County Fiscal Court requesting budget records for the landfill's operations. Commissioner Combs made the motion, seconded by Commissioner Justice to authorize the City Manager to make a written request for the landfill's budget records. The motion carried 4 - 0.

Appointment to the Housing Authority Board was deferred until the next regular meeting.

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 4 - 0. (Adjournment time: 8:45 p.m.)

The City Commission's next scheduled meeting is November 12, 2001, at 6:00 p.m. The meeting will be held in the City Hall Public Meeting Room.

APPROVED:

Frank M. Morris  
FRANK M. MORRIS, MAYOR

ATTEST:

Karen W. Harris  
KAREN W. HARRIS, CITY CLERK

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