

# MINUTES } CITY OF PIKEVILLE

## CITY OF PIKEVILLE BOARD OF COMMISSIONERS REGULAR MEETING MINUTES NOVEMBER 12, 2001

The Board of Commissioners of the City of Pikeville met in regular session on Monday, November 12, 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 Frank M. Morris called the meeting to order at 6:15 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 October 22, 2001 were included in each Commission Member's agenda package. There being no additions or corrections, Commissioner Justice made the motion, seconded by Commissioner Combs to approve the minutes as presented. The motion carried unanimously.

### AGENDA ITEM III. BUSINESS FROM THE FLOOR

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

### AGENDA ITEM IV. OLD BUSINESS

A. CITY ENGINEER'S REPORTS: Jack Sykes and Charles Byers appeared before the Commission on behalf of Summit Engineering, Inc., city engineers, to discuss the following ongoing projects:

1. Proposed widening of access road at Myers Tower: Housing Authority Executive Director, Sean Gilbert, presented two scenarios for the proposed widening of the access road at Myers Tower. During a previous meeting, the Fire Chief had alerted the Commission of the problems encountered by the Fire and EMS crews while responding to emergency calls at Myers Tower. Due to parking of vehicles along the access road in front of Myers Tower, by housing staff and residents, it is difficult to get a fire truck or ambulance through the congestion. Fire Marshal John Cole advised the Commission there have been several instances when emergency vehicles have caused minor damage to vehicles while trying to respond to a call. Either scenario provides about 10 feet of space. The first alternate widens the access road from the entrance off Hambley Boulevard to the existing handicap ramp. It involves the relocation of a utility box located at the entrance to Myers Tower as well as the removal of the existing ramp and placement of a new ramp. Construction cost for the first scenario is estimated at \$391,601.49. Scenario 2 widens the access road from one end of the building to the other end. This alternate will avoid relocation of the utility box and removal and replacement of the handicap ramp. This alternate would leave two short sections of the access road at the existing width at either end of the building. Total construction cost for scenario 2 is \$244,679.10. Mr. Gilbert reported that he has placed signs prohibiting the parking of vehicles along the access road. The Commission discussed the Fire Chief's previous concerns for the need of additional space in which to properly set-up the aerial ladder truck. It was reported that should the access road be widened, the building's 7th floor is as high as the ladder can reach. Mr. Gilbert reported that he has contacted the Housing and Urban Development to request funding



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assistance for the needed improvements. While HUD has an emergency fund, officials are of the opinion the widening of the access road does not constitute an emergency. Mr. Gilbert advised that he has not received notification concerning the Housing Authority's 2002 funding allotment. Mr. Gilbert will send a written request for funding to HUD along with cost estimates and supporting letters from the Fire Chief and Fire Marshal.

2. Renaissance Kentucky - Underground Utility Project - Phase I: As discussed in the previous meeting, Mr. Byers advised the Commission there is \$238,000 uncommitted in the Phase I budget. With these funds, Mr. Byers advised the Commission that both, Crickett Alley and Theater Alley can be completed. He estimated the time for completion at 4 to 6 weeks. It was decided to concrete the section of roadway at the Second Street entrance to Family Bank. Commissioner Combs made the motion to grant a waiver to Mountain Enterprises to allow for street construction on Crickett Alley and Theater Alley, during November 20 - January 1. Commissioner Davis seconded the motion. The motion carried unanimously.

Due to the extra work, Mr. Byers requested the Commission's consideration in approving an amendment to Summit Engineering's contract providing an increase of \$14,220 for additional inspection services. Commissioner Justice made the motion, seconded by Commissioner Davis to approve the amendment to Summit Engineering's contract for additional inspection services in conjunction with the Utility Relocation Project - Phase I. The motion carried unanimously.

3. Proposed Flood Wall: Mr. Sykes reported that a previous Commission had requested that he contact the Corp of Engineers to request the construction of a floodwall to protect the north end of Pikeville. Mr. Sykes reported that a geotechnical team from the Corp of Engineers is in the process of core drilling. The Corp of Engineers' plan is to construct a floodwall from its present location to the Pauley Bridge. No flood protection is being considered for the area between the Pauley Bridge and Coal Run. The following resolution in support of the floodwall extension was presented and read entitled: R-8001-044

## RESOLUTION SUPPORTING THE DESIGN AND CONSTRUCTION OF THE FLOODWALL OR OTHER FLOOD PROTECTION ON THE NORTH SIDE OF THE CITY OF PIKEVILLE ALONG THE LEVISA FORK OF THE BIG SANDY RIVER

WHEREAS, it has come to the attention of the Commission for the City of Pikeville that the Corp of Engineers is currently studying a floodwall for the Levisa Fork of the Big Sandy River on the north side of the City of Pikeville; and

WHEREAS, devastating flooding along the Levisa Fork of the Big Sandy River over the years has resulted in substantial property damage for the citizens of the City of Pikeville and Pike County.

NOW, THEREFORE, BE IT RESOLVED by the Commission for



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the City of Pikeville that the Commission does fully support the design and construction of a floodwall or other flood protection on the north side of the City of Pikeville along the Levisa Fork of the Big Sandy River and strongly encourages the Corp of Engineers to continue with this project which could prevent millions of dollars in property damage which would result from flooding along the Levisa Fork of the Big Sandy River and further prevent injury and loss of life which typically accompanied flooding.

Commissioner Layne made the motion to adopt the resolution as presented and read. Commissioner Combs seconded the motion. The motion carried unanimously.

4. Kentucky Avenue Road Improvement Project: Mr. Sykes reported that as of November 8th, the contractor, Patriot Construction, has reached 48% completion of his contract obligations, with 65% of the contract time expended. Mr. Sykes told the Commission that he is confident that the city will have expended the required \$200,000 amount for contract 1B by November 15th, as required by the Kentucky Housing Corporation. Mr. Sykes explained that he has permitted the contractor for the townhouse construction, Goggins Construction, to purchase the heating/cooling units and to store the equipment in a bonded warehouse, in order to meet the expenditure requirements. Mr. Sullivan of Patriot Construction will attend the next meeting to discuss the possibility of postponing the replacement of curb & gutter and paving until spring, to allow for the townhouse development project to be completed.

5. Parking Structure: Presented to the Commission was the architectural narrative of the schematic design phase for the parking structure project. Proposed at this time is a four story structure and spaces for about 650 vehicles. About 6500 sq. ft. is designated for a transit center for the Sandy Valley Transportation Service. Provisions will be made to allow future commercial/retail space to be utilized on the ground floor along Huffman Avenue. The proposed retail space would eliminate about 30 parking spaces. Covered and partially enclosed pedestrian walkways providing access from the garage across Hambley Boulevard to Pikeville College and across College Street to the city park are proposed. The first floor can be accessed from Huffman Avenue only. All other levels can be accessed from Hambley Boulevard. There are approximately 185 parking spaces per level. The foundation and structure is designed to accommodate an additional two levels of parking to be added at a later date. Cost for each additional level is \$1.7 million. The construction cost of the project is as follows and is based on the project being bid in the summer of 2002 and completed by the summer of 2003:

Parking garage	\$5,988,000
Transit Operations	\$ 195,000
Two Pedestrian Bridges	\$ 392,000
Schematic Level Contingency	\$ 789,000
Total Construction Cost	\$7,364,000



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~~The architect will be requesting a work session in 3 to 4 weeks to review the conceptual phase of the project.~~

**B. MAIN STREET PROGRAM:** Donna Damron, executive director for the East Kentucky Exposition Center, appeared before the Commission to request approval of the following items:

1. **Grant Agreement:** Ms. Damron advised the Commission of the city's success in obtaining a \$300,000 grant from Renaissance Kentucky to be used for property acquisition for the civic center project. Ms. Damron reported the East Kentucky Exposition Center Board has successfully negotiated and acquired the Trimble Heirs property located on Main Street (formerly Robinette-May Law Offices). The property has been conveyed to the Commonwealth of Kentucky. Commissioner Combs made the motion, seconded by Commissioner Layne to authorize the Mayor to execute the 2001 Renaissance Kentucky Funding Agreement (Grant # RK9832-II-MR01). The motion carried 4 - 0 (Commissioner Justice not present at the time of the vote).

2. **Agreement with East Kentucky Exposition Center:** Prior to the release of the grant funds, the city is required to enter into a written agreement with the East Kentucky Exposition Center Corporation to ensure its compliance with all Kentucky Housing Corporation, state, and local regulations and the requirements of the Renaissance Kentucky Program. Commissioner Combs made the motion, seconded by Commissioner Davis to authorize the City Attorney to prepare the agreement and to authorize the Mayor to execute the agreement. The motion carried unanimously.

3. **Deed Covenant:** The grant agreement directs the city to require the East Kentucky Exposition Corporation to execute and record a restrictive covenant incorporating a 20 year public purpose requirement, which is enforceable by the city and the Kentucky Housing Corporation. Ms. Damron explained that the Trimble Heirs property purchased with the funds must remain public property for a minimum of 20 years from the date the Renaissance Funds are utilized for the project. Commissioner Combs made the motion, seconded by Commissioner Layne to restrict the use of the Trimble Heirs property to public use for a minimum of 20 years. The motion carried unanimously.

4. **Request for Funds:** Commissioner Combs made the motion to authorize the Mayor to execute a request to draw down grant funds in the amount of \$282,500, and transfer to the East Kentucky Exposition Center for reimbursement of funds used to purchase the Trimble Heirs property. Commissioner Layne seconded the motion. The motion carried unanimously.

Ms. Damron invited the Commission to a pre-bid conference on November 14th at 1:30 at the technical school. The bids will be opened on December 6th. The state is responsible for award of the bid.

**C. CITY ATTORNEY'S REPORTS:** Russell H. Davis, Jr., city attorney, presented a revised preservation and conservation easement between the Kentucky Heritage Council and the City for approval. Mr. Davis explained that in exchange for state funding of the renovations of the Academy Building, the city had to agree, among other things, to the perpetual maintenance of the building, whether it is used for a public use or not and not to make any improvements or changes to the building without the Kentucky Heritage Council's written approval. Commissioner Combs made the motion, seconded by Commissioner Davis to authorize the Mayor to execute the easement as presented. The motion carried 3 - 2 with Commissioner Justice and Mayor Morris casting "nay" votes.

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

1. **Abandoned road:** Mr. Blackburn presented a letter from the Department of Transportation requesting the city's acceptance of a small section of old KY 3495 (near Adam Estep's Used Car Sales) into the City Street System. The length of the roadway is estimated at 100



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yards and currently serves two residences and two businesses. The Commission took no action.

2. **Pikeville Elementary School Access:** The City Manager reported that the Pikeville Independent School Board has discussed the proposed re-alignment of the "s" curve for the recently constructed access road at the elementary school. Superintendent Wallen advised the City Manager that the school board wants to postpone any improvements to the roadway until spring. Police Chief Justice reported that he had met with Superintendent Wallen concerning the proposed improvements to help alleviate traffic congestion for parents dropping off and picking up their children. It was reported that the school board feels that improvements to straighten the curve will decrease student safety due largely to drivers' opportunity to speed. The Police Chief was directed to schedule a work session with Superintendent Wallen and the Commission to discuss the matter further.

3. **Property Acquisition:** The City Manager advised that David Adams is continuing to consider a proposed property exchange with the city. Mr. Adams does not have all his computations at this time and has requested to postpone further discussion until the November 26th City Commission Meeting.

4. **Parking Structure:** Commissioner Combs made the motion, seconded by Mayor Morris to authorize special legal counsel, Phil Whicker, to file condemnation proceedings against the York Heirs for the College Street property. The motion carried 4 - 0 - 1 with Commissioner Davis abstaining from the vote.

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

1. **Baird & Baird:** Presented for approval of payment were three invoices from Baird & Baird totaling \$1,692.02 for legal fees associated with property acquisitions in Phase II - Kentucky Avenue. Ms. Smallwood advised the Commission the total amount due will be reduced somewhat due to a billing error. The City Attorney's time was calculated at \$120.00/hr. instead of the contract amount of \$90.00/hr. Commissioner Combs made the motion, seconded by Commissioner Layne to approve payment of the corrected invoices. The motion carried unanimously.

2. **Frank Nall:** Presented to the Commission for approval were two invoices from Frank Nall totaling \$250.00 for title searches and deed preparation for Phase II and Phase IV properties. Commissioner Combs made the motion, seconded by Commissioner Justice to approve payment as requested. The motion carried unanimously.

3. **Pikeville Affordable Housing:** Presented for approval was a request from Pikeville Affordable Housing in the amount of \$121,500.00. The request represents Pay Estimates 1 and 2 from Patriot Construction for the Kentucky Avenue retaining wall construction. Ms. Smallwood explained the invoices will be paid by Pikeville Affordable Housing Corporation with funds awarded to the city from ARC. Commissioner Combs made the motion, seconded by Commissioner Justice to approve payment of \$121,500.00 to Pikeville Affordable Housing Corporation. The motion carried unanimously.

5. **Loan Closing/Property Transfer:** Ms. Smallwood advised the Commission of the Kentucky Housing Corporation's scheduled loan closing with the city on November 19th. Additionally, KHC has requested the city to have the necessary paperwork completed to allow transfer of the Kentucky Avenue property, where the housing development is to be constructed, to the Kentucky Avenue Phase II Limited Corporation. Commissioner Combs made the motion, seconded by Commissioner Davis to authorize preparation of the deed and execution by the Mayor, subject to Kentucky Housing Corporation's approval of the language of the deed of conveyance. The motion carried unanimously.

**F. PARKING STRUCTURE PROJECT:** Ms. Smallwood presented an invoice for approval



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of payment from Summit Engineering, Inc. in the amount of \$97,250.00 for design and other fees associated with the Parking Structure Project. Jack Sykes explained the majority of the invoice is for geo-technical services and technical assistance from Wilbur Smith & Associates. Ms. Smallwood advised that grant funds have not currently been released, but she expects the funds to be released in the very near future. Commissioner Combs made the motion to approve payment to Summit Engineering, Inc. in the amount of \$97,250.00. Commissioner Justice seconded the motion. The motion carried unanimously.

## NEW BUSINESS

## AGENDA ITEM V.

A. BOARD APPOINTMENTS: The City Clerk advised the Commission of term expirations for members serving on the Housing Authority Board, Cross-Country Trail Board, IDEA Board, Historic Preservation Board, and Tourism Board.

Mayor Morris made the motion to appoint Ben Cassidy to serve as a member of the Housing Authority Board. Commissioner Combs seconded the motion. The motion carried unanimously.

Commissioner Combs made the motion, seconded by Commissioner Justice to re-appoint John Rasnick and Bill VanHoose to serve as members of the Cross-Country Trail Board and the IDEA Board, respectively. The motion carried unanimously.

Commissioner Combs made the motion, seconded by Commissioner Justice to confirm the Hotel/Motel/Restaurant Association's appointment of Debbie Smith to serve as their representative on the Pikeville/Pike County Tourism Commission. The motion carried unanimously.

There being no further business to come before the Commission, Commissioner Davis made the motion, seconded by Commissioner Combs to adjourn. The motion carried unanimously. (Adjournment Time: 8:10 p.m.)

APPROVED: \_\_\_\_\_

*Frank M. Morris*  
FRANK M. MORRIS, MAYOR

ATTEST:

*Karen W. Harris*  
KAREN W. HARRIS, CITY CLERK