

MINUTES } CITY OF PIKEVILLE

CITY OF PIKEVILLE BOARD OF COMMISSIONERS REGULAR MEETING MINUTES FEBRUARY 11, 2002

The Board of Commissioners of the City of Pikeville met in regular session on Monday, February 11, 2002. 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 January 28, 2002 were included in each Commission Member's agenda package. There being no additions or corrections, Commissioner Justice made the motion to approve the minutes as prepared. Commissioner Layne seconded the motion. The motion carried unanimously.

AGENDA ITEM III.

BUSINESS FROM THE FLOOR

A. THOMPSON ROAD PROPOSALS: Jerry Kidd and Jerry Flannery both submitted proposals for the purchase/development of the city's Thompson Road property. Mr. Kidd advised his proposal was self-explanatory, however reported he plans to develop a small shopping center on the front portion of the property. Depending on what type of construction is allowed in the floodplain or floodway will govern what is placed on the back portion of the property. At this time, Mr. Kidd is planning possible single family homes or apartments. Mr. Kidd asked if the city would grant a permit to remove the trees. The city engineer advised a developer wishing to remove the trees would need a permit from the Division of Water. He indicated it would be necessary to provide erosion control and the placement of some type of vegetation cover. An area in the floodway can be used for parking, but can not be built upon.

Mr. Flannery of Four J Development, Inc. did not make a verbal presentation.

B. HILLBILLY DAYS: Kitty White, Pike County Chamber of Commerce Executive Director, appeared before the Commission to request use of the streets during April 18-20, 2002, for the Hillbilly Days Festival. A map depicting vendor location was presented to the Commission for review. Ms. White reported that the possibility of allowing the vendors to remain open until 8-9 p.m. on the 20th, weather permitting, had been discussed during the Hillbilly Days Committee meeting. U.S. Filter Manager, Duane Hamilton, explained the booths need to be shut down no later than 9 p.m. to allow for clean-up to be completed prior to Sunday morning church services. Commissioner Combs made the motion, seconded by Commissioner Layne to allow the Chamber of Commerce to use the streets during Hillbilly Days in accordance with Fire and Police Department guidelines. The motion carried unanimously.

AGENDA ITEM IV.

PAYMENT OF BILLS

A. PIKEVILLE REDEVELOPMENT PROJECT: Presented for approval of payment were the following invoices in conjunction with the Kentucky Avenue Roadway/Utility Project:

MINUTES } CITY OF PIKEVILLE

1. Patriot Construction: Project Director, Sue Smallwood, presented pay request #6 on behalf of Patriot Construction for approval of payment in the amount of \$61,619.21. Payment was recommended by both the Project Director and City Engineer. Commissioner Combs made the motion, seconded by Commissioner Justice to approve payment of the pay request as submitted. The motion carried unanimously.

2. Summit Engineering: Presented were two invoices on behalf of Summit Engineering for inspection services for the Kentucky Avenue Roadway & Utility Improvement Project in the amount of \$14,506.75, and an invoice totaling \$3,018.75 for housing surveys for High Street. The Project Director advised that the invoice for the Kentucky Avenue work will be paid from Department of Transportation funds and the invoice for the housing surveys will be paid with CDBG proceeds. Ms. Smallwood recommended both bills be approved for payment. Commissioner Combs made the motion to approve payment of the Summit Engineering invoices as presented. Commissioner Davis seconded the motion. The motion carried unanimously.

3. Pikeville Affordable Housing Corporation: Presented for approval was a request from Pikeville Affordable Housing Corporation to draw down ARC funds in the amount of \$23,013.00 for the purpose of paying Patriot Construction for the Kentucky Avenue Retaining Wall project. Commissioner Justice made the motion, seconded by Commissioner Layne to approve payment as requested. The motion carried unanimously.

B. PARKING STRUCTURE PROJECT: Presented on behalf of Summit Engineering was an invoice totaling \$10,300.00 for design services for the parking structure. Ms. Smallwood advised the bill is payable through the HUD Special Projects Grant. Commissioner Combs made the motion to approve payment of the invoice to Summit Engineering as requested. Commissioner Davis seconded the motion. The motion carried unanimously.

AGENDA ITEM V.

OLD BUSINESS

A. CITY ENGINEER'S REPORTS: Jack Sykes, representing Summit Engineering, the city's engineering firm, presented a verbal report concerning the Kentucky Avenue Roadway and Utility Improvement Project. As discussed during previous meetings, Mr. Sykes presented for approval Change Order #3 on behalf of Patriot Construction in the amount of \$57,870.00. The total contract amount for contract 1A is now at \$803,771.48. It was explained that substandard soils were detected on townhouse pad "E" on January 17th. A geo-technical firm, Fuller Mossbarger Scott & May (FMSM) was contacted to make an evaluation and provide an acceptable remedy. FMSM recommended that all substandard soil (incapable of properly supporting the proposed townhouse) should be removed from the building site and replaced with crushed stone. The change order provides for the excavation of the soil and replacing with crushed stone. The initial quote submitted by the contractor for the work was \$70,870.00. Mr. Sykes reminded the Commission the project was divided into 2 parts. By December 29, 2001, the contractor was to have had 5 building pads completed to allow the townhouse contractor to begin construction. The building pads were not accepted by Summit Engineering until January 24, 2002. This placed Patriot Contracting into 26 days of liquidated damages assessed at \$500/day. The change order was negotiated to reduce the amount of the change order by \$13,000 (26 days X \$500) and to extend the contract by 26 days. Mr. Sykes advised the contractor had listed the crushed stone at a cost of \$18/ton. While he feels the cost per ton a little high, the city engineer thought the negotiated arrangement fair to the contractor and to the city. As far as funding the change order, the city engineer reported there are no contingency funds left in the budget. In a meeting with KHC officials, it was indicated the city could fund the change order out of the \$1.5 million KHC loan for Phase IV of the Redevelopment Project, and be reimbursed either with remaining funds from Phase I or Phase IV. Mr. Sykes advised the Commission that the contractor will be hauling at least 500 loads of material to the city's Poor Farm property. Commissioner Justice directed the City Engineer to limit the dumping of material to the confines of the area in Poor Farm which has been previously disturbed. Mayor Morris made the

MINUTES } CITY OF PIKEVILLE

~~motion to approve change order #3 in the amount of \$57,870.00 and to extend the contract by 26 days. Commissioner Justice seconded the motion. The motion carried unanimously.~~

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

1. Demolition: Fire Chief Hall advised the Commission that condemnation procedures were begun for the structure located at 129 Poplar Street. He reported the owner of the property, Brian Charles, has waived his right to appeal the condemnation order. Bids have been accepted for demolition, however the Fire Chief requested action be postponed until the next meeting, due to the absence of the city attorney.

2. Ford's Branch Landfill: City Manager Blackburn explained that he is in the process of reviewing the tickets for dumping at the Ford's Branch Landfill. He advised he has completed his review of the fees incurred during the months of June - September and recommended payment in the amount of \$2,308.15. Commissioner Davis made the motion, seconded by Commissioner Layne to approve payment to the Ford's Branch Landfill as recommended by the City Manager. The motion carried 4 - 0 - 1 with Commissioner Justice abstaining from the vote.

3. Sanitation Service: Currently, the sanitation department is hauling between 50 - 60 tons of trash to Waste Management, Inc. in Martin at a tipping fee of \$40/ton. Apple Valley Sanitation, located in Paintsville, has offered to accept 20 tons/day at a tipping fee of \$35/ton. The haul is about 6 miles further, however the lower tipping fee will provide an overall savings.

Mr. Blackburn reported that the state has issued a permit for the installation of the transfer station. The compactor equipment has been advertised for bid, the results of which will be presented during the February 25th meeting. It is expected the transfer station will be operational in May, 2002.

Requests for bids for hauling from the transfer station to a permitted landfill and bids for landfill tipping fees will be advertised within the next month. The City Manager hopes to have the bid awarded and a contract signed to begin this phase of the operation by July 1, 2002.

Commissioner Justice made the motion, seconded by Commissioner Combs to enter into an agreement with Apple Valley Sanitation for landfill services. The motion carried 4 - 1 with Mayor Morris casting a nay vote.

4. Police Department: The Commission reviewed a report of drug arrests made by the police department. Questioned were two dismissals of charges. The Police Chief advised he would check into the reason for the dismissals and report back to the Commission.

There being no further business to come before the Commission, Commissioner Davis made the motion, seconded by Commissioner Combs to adjourn the meeting. The motion carried unanimously.

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

ATTEST:

Karen Harris
KAREN HARRIS, CITY CLERK