

# MINUTES } CITY OF PIKEVILLE

## CITY OF PIKEVILLE BOARD OF COMMISSIONERS REGULAR MEETING MINUTES MAY 13, 2002

The Board of Commissioners of the City of Pikeville met in regular session on Monday, May 13, 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 Pro Tem Steven D. Combs called the meeting to order at 6:10 p.m. Commission Members present at roll call were as follows:

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

Commissioner Eugene Davis and Mayor Frank Morris were absent.

### AGENDA ITEM II. MINUTES

The minutes for the previous regular meeting held on April 22, 2002 were included in each Commission Member's agenda package. There being no additions or corrections, Commissioner Layne made the motion, seconded by Commissioner Justice to approve the minutes as submitted. The motion carried 3 - 0.

### AGENDA ITEM III. BUSINESS FROM THE FLOOR

A. HAMBLEY FIELD IMPROVEMENTS: At the request of Commissioner Combs, Phyllis Hunt, Tourism Director, was present to discuss the proposed improvements of Hambley Athletic Field. The feasibility of utilizing a portion of the proceeds from the hotel/motel transient room fees to fund the annual payments for a bond issue was discussed. City Attorney Davis explained the statute is not clear on the particular uses of the transient room fee funds, however it states that with the consent of the Tourism Commission, structures and projects that would aid or promote tourism can be funded with transient room fees. Other potential sources of funding include lease payments from Pikeville College and Pikeville Independent School District and ticket sales. Ms. Hunt invited the Commission to attend the Tourism Commission meeting on May 14th at 3:00 p.m. to discuss the matter further.

### AGENDA ITEM IV. PAYMENT OF BILLS

A. PIKEVILLE REDEVELOPMENT PROJECT: Sue Smallwood, Project Director for the Pikeville Redevelopment Project, presented the following items for consideration:

1. Frank Nall: Presented for approval of payment were two invoices totaling \$600.00 from Frank Nall for closings and deed preparations for five property owners in Phases IV (Kentucky Avenue) and V (High Street). Commissioner Layne made the motion, seconded by Commissioner Justice to approve payment to Frank Nall in the amount of \$600.00. The motion carried 3 - 0.

2. Will Linder & Associates: Invoice #4 was presented to the Commission in the amount of \$5,000.00 for the first draw during construction of the Kentucky Avenue Phase II townhouses. The invoice is pursuant to contract and is payable with HOME funds. Commissioner Layne made the motion to approve payment as requested. Commissioner Justice seconded the motion. The motion carried 3 - 0.

3. Pikeville Affordable Housing Corporation: Submitted on behalf of Patriot Construction was invoice #7 in the amount of \$17,898.48 for the retaining wall in Phase II - Kentucky Avenue. Ms. Smallwood advised the invoice amount is for a reduction of retainage down to 5%. The retainage



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reduction has been approved by Pikeville Affordable Housing Corporation and Summit Engineering. The invoice is payable with ARC grant funds. Commissioner Justice made the motion, seconded by Commissioner Layne to approve the request for payment from Pikeville Affordable Housing Corporation. The motion carried 3 - 0.

4. Summit Engineering, Inc.: Presented for approval was an invoice totaling \$125.40 from Summit Engineering, Inc. in the amount of \$125.40 for Phase V and VI engineering services. Commissioner Justice made the motion, seconded by Commissioner Layne to approve payment to Summit Engineering, Inc. as requested. The motion carried 3 - 0.

5. Appraisal Associates of Kentucky (Larry Disney): Presented for approval of payment was an invoice totaling \$375.00 for review appraisals of two properties located in the Kentucky Avenue Phase IV area. Commissioner Justice made the motion to approve payment to Larry Disney in the amount of \$375.00. The motion carried 3 - 0.

6. Grant Agreement Amendments: Presented for approval were requests for contract time extensions from the Department of Local Government for grants received for Phases I and III of the redevelopment project. Ms. Smallwood reported there is approximately \$40,000 left in the Phase I contract. Staff is reviewing project expenditures to determine if the city can be reimbursed for any other expenses associated with the project. Requested is to extend the contract period for the Phases I and III through June, 2004. Commissioner Combs made the motion, seconded by Commissioner Layne to grant time extensions for the Phase I and Phase III grants as requested by the Department of Local Government. The motion carried 3 - 0.

7. Condemnation Proceedings: Ms. Smallwood advised the Commission that she has been unable to negotiate the acquisition of a Kentucky Avenue parcel owned by Paul B. & Joyce Hall. Ms. Smallwood reported that she had been contacted by Mr. Hall on this date requesting additional time to get a third party appraisal. Ms. Smallwood told the Commission that she had advised Mr. Hall on numerous occasions of his right to obtain a third party appraisal. Additionally, Ms. Smallwood requested permission to authorize the city attorney to file condemnation proceedings against the Estoll heirs for acquisition of their vacant lot located on Kentucky Avenue. Ms. Smallwood explained all heirs of the property have not been located at this time. City Engineer Sykes also recommended the Commission authorize the city attorney to proceed with condemnation proceedings in an effort to prevent any construction delays. Ms. Smallwood advised the Commission she would continue efforts to negotiate acquisition of both properties. The following resolution was presented:

### RESOLUTION OF THE CITY OF PIKEVILLE AUTHORIZING INITIATION OF CONDEMNATION PROCEEDINGS RELATIVE TO THE PIKEVILLE REDEVELOPMENT PROJECT - KENTUCKY AVENUE - PHASE IV (R-2002-010)

WHEREAS, certain real property is situated within the corporate limits of the City of Pikeville, Kentucky; and,

WHEREAS, the acquisition of such property is necessary by the City of Pikeville, Kentucky for the purpose of elimination of slum areas and blighted areas as stipulated in KRS Chapter 99.370; and,

WHEREAS, a Development Plan for the Pikeville Redevelopment Program has been prepared and adopted by the Pikeville City Commission in accordance with KRS Chapter 99, specifically identifying properties to be acquired and the public purpose for which the property scheduled for acquisition will be utilized after acquisition; and,

WHEREAS, negotiations with various owners of real property in the HOME Target Area have failed to result in the purchase of the properties as identified in the Development Plan; and,

WHEREAS, KRS 416.550 to 416.670 requires that the governing body of the municipality approve the initiation of condemnation proceedings wherein the property sought to be condemned lies;



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NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF PIKEVILLE:

- 1. That the properties located in the Pikeville Redevelopment Project - Kentucky Avenue - Phase IV HOME Investment Partnership Program Target Area, upon which condemnation proceedings will be initiated are located within the City of Pikeville and have been identified in the Development Plan prepared in accordance with KRS Chapter 99 and approved by the City Commission.
- 2. That the following described real property is needed by the City of Pikeville for purposes of elimination of slum and blighted areas and the related conditions caused by such areas, and are further identified as follows:

<u>Parcel #</u>	<u>Address</u>	<u>Owner of Record</u>
07	Kentucky Ave. Lot	Unknown Owners
08	179 KY Avenue	Paul & Joyce Hall

Commissioner Justice made the motion, seconded by Commissioner Layne to adopt the Resolution as presented. The motion carried 3 - 0.

8. Property Acquisition: The project director reported she has two signed agreements for purchase of property in the Kentucky Avenue - Phase IV area. Ms. Smallwood requested authorization to proceed with property acquisitions from Helen Potter in the amount of \$49,400 and Russell & Janet Martin in the amount of \$30,700. Commissioner Justice made the motion, seconded by Commissioner Layne to authorize Ms. Smallwood to proceed with the property acquisitions as requested. The motion carried 3 - 0.

AGENDA ITEM V. OLD BUSINESS

A. CITY ENGINEER'S REPORTS:

- 1. Kentucky Avenue Roadway Project - Phase IV: The commission was asked to consider the bids for the construction project of Kentucky Avenue Phase IV Roadway Improvement. Two bids were received and opened on May 9<sup>th</sup> 2002 at 2:00 pm. Patriot Construction placed a bid of \$1,484,309. Mountain Enterprises placed a bid for \$1,436,517.66. The Engineers estimate was \$1,413,234. The commission was requested to award the bid to Mountain Enterprises as the low bidder and to authorize the Mayor to authorize and sign a contract with contractor for the project. Commissioner Justice made the motion to award the low bid to Elliott Contracting Inc. Commissioner Layne seconded the motion. Mayor Pro Tem Combs called for discussion. There being none the motion carried 3 - 0.
- 2. Parking Structure Project: Commission was asked to consider the bids for the construction of the Pikeville Parking Garage Project. Elliott Contracting submitted a base bid for \$8,990,000.00 with addition of Alternate 1 to add an elevator of \$143,000 and the subtraction bid of deletion of the bridge of \$204,000. Commonwealth Building submitted a base bid for \$11,392,000 with addition of Alternate 1 to add an elevator of \$215,000 and the subtraction bid of deletion of the bridge of \$220,000. Elliott Contracting submitted a base bid for \$9,030,000 with addition of Alternate 1 to add an elevator of \$194,000 and the subtraction bid of deletion of the bridge of \$174,250. All bids were well over the budget allowance for the project. Jack Sykes presented a list of alternates that could be deducted from the bid package to lower the price of the project. These deductions have been prepared in the form of an addendum to the bid specs. The recommendation was given by Jack Sykes and Chris Chrisman with Summit and Russell Davis the City Attorney to have the commission reject all bids and give Summit Engineering the directive to negotiate with the three lowest bidders as the law will allow. Since there are only 3 bidders then they will all be contacted with a copy of the revised bid



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specs with the addendum attached to the bid. Each contractor will then be asked to resubmit a new sealed bid within a couple of weeks for the commission to reconsider. The purpose of following this process is due to the original bids being too high above the budgeted amount and the time frame to start the project. It is essential to the city not to delay the project any longer then can help. Due to the time frame the intent is to move the bid process along so construction will be able to start before the winter months. Commissioner Justice made the motion to accept the recommendation of Summit Engineering and the City Attorney as explained above. Commissioner Layne seconded the motion. Mayor Pro Tem Combs called for discussion. There being none the motion carried 3 – 0.

3. Pikeville Elementary School Roadway: Jack Sykes with Summit Engineer explained to the commission that Mountain Enterprises would be doing the road straightening project at the Pikeville Elementary School starting the week of June 10<sup>th</sup> 2002. The cost of the project will be \$19,200. This was previously approve no further action required.
4. Bowles Addition Sewer Project: The request was made to move forward to proceed to fix the sewer issue in Bowles addition. Jack Sykes stated they have went and knocked on all the residents door who will be impacted by the construction of this project. It was recommended the commission agree to allow Summit to hire a contractor for the project and then US Filter can come back and do the tie-ins to each resident. This will affect several residents in the area of concern. Commission Layne made to motion, Commission Justice seconded it. Mayor Pro-tem Combs called for discussion, there being non the motion passed. 3 – 0.
5. Sewer Storm Drains: Commissioner Justice mentioned that the storm water on South Mayo Trail down by Jerry's is bubbling up in the road. Jack stated this is a state road and is the issue of the state to address. Jack stated he sent 2 letters asking them to address the issue. City Attorney stated this has been an issue for a long time. Commissioner Justice stated it has gone on long enough and has impacted several businesses. Justice stated if the state won't address the city needs to look at addressing. US Filter stated they have cleaned the drain in the past but the issue needs addressed. AT Hall stated that they would go back and clean out the state drains again to see if it will fix the problem. Commission Justice stated that if it was Chloe Creek and had water running across the street the city won't just sit back it would need to be addressed. City Attorney stated in the past the city has not been allowed to work on state roads unless the state gives permission. Commissioner Justice also mentioned in front of Sears and the Barbershop going up town mountain has the same issue and the state needs to correct. There is a drain in front of this area but is clogged up and the state needs to address. Commisison Justice stated that with the flooding the area was declared a disaster area and asked the City Manger to see if the city would qualify for FEMA funds to fix the stopped up drains. City Manager was also asked to see if the City would be include in the states FEMA funds to fix these areas as well. The City would contact the state to see if the state had funds or could address the stopped up drains and if not to get permission for the city to address to clean out the stopped up drains as discussed.

### B. MAIN STREET PROGRAM

1. Derby Breakfast Booth: All Main Street organization was asked to set up a booth at the Derby Day event. Main Street did set up a booth at the event showing the downtown renaissance project. Pikeville was well represented at the event in Louisville.
2. Crosswalk Update - Phase I should be finished up this week of all the crosswalks in the downtown area. Only half of one that needs to be finished to complete this phase of the project. Once finished this will finish all work under Phase I.



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3. Underground Utility Relocation - Phase II: The commission was asked to consider the bids for the construction project of Utility Relocation Project for Phase II. Three bids were received and opened on April 29<sup>th</sup> 2002 at 11:00 am. Manuel Bros placed a bid for \$3,234,826. Mountain Enterprises placed a bid for \$3,197,996.48. Patriot Construction placed a bid for \$3,665,952.17. The commission was requested to award the bid to Mountain Enterprises as the low bidder and to authorize the Mayor to authorize and sign a contract with the contractor for the project. Commissioner Justice made the motion to award the low bid to Elliott Contracting Inc. Commissioner Layne seconded the motion. Mayor Pro Tem Combs called for discussion. There being none the motion carried 3 – 0.
4. Pikeville Pond: The issue of the Pikeville Lake was discussed. An e-mail sent by Allison Clark was discussed. The lake is an “oxbow” left after the “cut-through” was built. The lake is approximately 21 acres of surface area. The e-mail addressed interested citizens and agencies about the beginning of the Pikeville Lake improvement Project. On Monday May 6<sup>th</sup> 2002 the group met to discuss improving the water quality of the lake. Charles Byers (Summit), Frank Justice(COP), Sara George (Main Street), Glendia Sawyers(Main Street), Duane Hamilton(US Filter), Chris Slone (USDA), Clark Allison (USDA) and Ted Withrow (KY DOW) attended the meeting.
- There were four (4) priorities set to work on a plan:
- A. Sediment reduction – to look for funding through EPA 319
  - B. Trash (solid waste in lake) – Look for funding from PRIDE
  - C. Sewage/bacteria reduction – Eliminate straight pipes
  - D. Recreation and Education – PRIDE for funds and to look for Fish & Wildlife help

The group took a walk around the lake and discussed the plans to address the issues as outlined. Future meetings will take place. Updates and assistance will be asked and given to the commission.

C. CITY ATTORNEY’S REPORTS: Russell H. Davis, Jr., City Attorney, presented the following items for the Commission’s consideration:

1. Crime Stopper’s Program: Consider the second reading and passage of the following ordinance.

ORDINANCE PROVIDING FOR A GRANT TO THE CRIME STOPPERS PROGRAM IN THE SUM OF \$3,000.00 TO HELP DETER CRIME AND ASST IN TH ESOLVING OF CRIMES THROUGH A REWARD SYSTEM

Ordinance #0-2002-004

Mayor Pro-Tem Combs made the motion to adopt the ordinance. Commissioner Layne seconded the motion. Mayor Pro-Tem Combs called for discussion, there being none Combs called for a roll call vote. The ordinance was adopted by the following vote.

	YES	NO
COMMISSIONER EUGENE DAVIS	_____	_____ (Absent)
COMMISSIONER STEVE COMBS	<u>  X  </u>	_____
COMMISSIONER DALLAS LAYNE	<u>  X  </u>	_____
COMMISSIONER FRANK JUSTICE	<u>  X  </u>	_____
MAYOR FRANK MORRIS	_____	_____ (Absent)

2. City Attorney Russell Davis presented and gave the 1<sup>st</sup> reading of an ordinance entitled as follows:



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ORDINANCE FOR THE CITY OF PIKEVILLE AMENDING THE ZONING MAP FOR CEDAR CREEK SO TO CHANGE THE ZONING FOR BLOCK B OF PHASE V OF THE CEDAR CREEK DEVELOPMENT FROM PD-MU TO R-1 FOR PROPERTY LOCATED IN BLOCK 5B; FROM R-2 TO R-1 FOR PROPERTY LOCATED IN BLOCK 5B AND FROM R-2 TO R-3 FOR PROPERTY LOCATED IN BLOCK 5A

This is a 1<sup>st</sup> reading no further action is required. The 2<sup>nd</sup> and final reading is scheduled for May 29<sup>th</sup> 2002.

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

1. Meeting Cancellation: Consider a request to cancel the May 27<sup>th</sup> 2002 regular meeting due to Memorial Day and to schedule a special meeting to be held on May 29<sup>th</sup> 2002 at noon. Mayor Pro-tem Combs made a motion to approve payment. Commission Justice Seconded the motion. Mayor Pro-Tem Combs called for discussion there being none the motion carried. 3-0

2. Ford's Branch Landfill: Consider a request to authorize payment of an invoice to Ford Branch Landfill dated May 13<sup>th</sup> 2002 in the amount of \$3,224.15. Mayor Pro-tem Combs made a motion to approve payment. Commission Layne Seconded the motion. Mayor Pro-Tem Combs called for discussion there being none the motion carried. 2-1

3. Caretakers' quarters expansion: Consider the request to expand the caretaker's quarters at Bob Amos park where Kenny Samson lives and takes care of the park. He is now married with a child and another on the way and needs more room for family. Existing building is only 1 bedroom and 1 bath. City Manger suggest the add-on to expand living quarters will cost \$25,000 or under and request the commission permission to do the project. Fund will be saved by using city labor and the old bricks that will be taken off the building. Commissioner Justice made the motion to approve. Commissioner Layne seconded the motion. Mayor Pro-tem Combs called for discussion there being none the motion carried. 3-0

4. Swimming Pool Employment: Consider the request to hire the following employees to operate the city pool for the 2002 season. Jimmy Hall as pool manager, Travis Allen, Amanda Combs, Chad Anderson, Michelle Hall and Leslie Sawyers. Will be required to pass drug screen. Mayor Pro-tem Combs made the motion to approve. Commissioner Layne seconded the motion. Commission Combs made a motion to approve payment. Commission Layne Seconded the motion. Mayor Pro-Tem Combs called for discussion there being none the motion carried. 3-0

5. 2002/2003 Proposed Budget: The Commission was given a copy of the 2002-2003 proposed budget. Various questions were asked about the budget for the Pikeville Pond on keeping this area clean and enough money budget to take care of it. It was stated a later worksession would take place but the budget was ready to go.

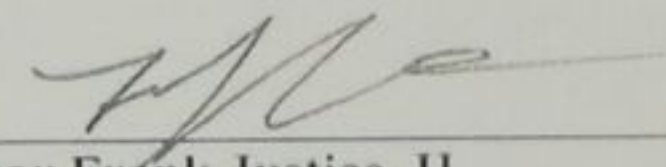
City Manager Blackburn requested a closed session for the purpose of discussing a personnel matter At 8:15 p.m., Mayor Pro-Tem Combs made the motion, seconded by Commissioner Justice to adjourn to closed session for the purpose of discussing a personnel matter and 2 pending litigation matters. Commissioner Combs called for discussion there being none the motion carried. 3-0

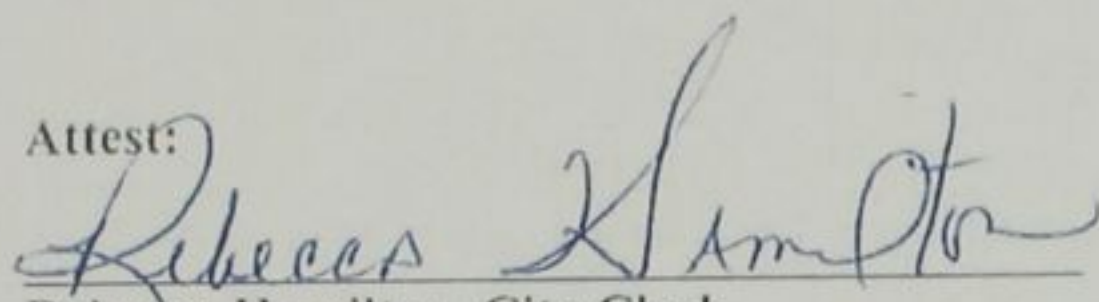
Commissioner Layne motioned for the commission to come back into regular session. Commissioner Justice seconded the motion. Mayor Pro-Tem Combs called for discussion there being none the motion carried. 3-0

There being no further business to come before the Commission, Commissioner Layne made the motion, seconded by Commissioner Justice to adjourn the meeting. The motion carried 3 - 0.



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APPROVED:   
Mayor Frank Justice, II

Attest:   
Rebecca Hamilton, City Clerk