

MINUTES } CITY OF PIKEVILLE

CITY OF PIKEVILLE BOARD OF COMMISSIONERS REGULAR MEETING MINUTES JUNE 10, 2002

The Board of Commissioners of the City of Pikeville met in regular meeting on Monday, June 10, 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 6:05 p.m. Commission Members present at roll call were as follows:

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

Mayor Frank M. Morris was absent.

AGENDA ITEM II.

MINUTES

The minutes for the previous special meeting held on May 29, 2002 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. AUTOMOBILE DEALERSHIP: City Attorney Davis advised that he had spoken with Eddie Venters concerning the adoption of an ordinance regulating automobile dealership business conducted within the city limits. Mr. Davis reported that the Pike County Fiscal Court has adopted an ordinance pertaining to this matter. Since the ordinance is enforceable county-wide, the city attorney recommended the city take no action.

B. YMCA: City Manager Blackburn advised that Calvin Wheat, Director of the YMCA, was unable to attend this evening's meeting.

C. CONDITIONAL USE PERMIT: Building Inspector, Richard Huffman, reported that a request had been made by Harold's Branch resident, Angela Chaney, to address the Commission regarding a conditional use permit that was approved by the Board of Zoning Adjustments. Ms. Chaney was not present to address the Commission.

D. COLLECTIBLES MUSEUM: Third Street resident, Carolyn Childers, appeared before the Commission to renew her request for the Commission to designate city-owned property for use as a collectibles museum. During today's meeting, Ms. Childers expanded her request to provide for the development of a memorial village on the city's property located at Poor Farm Hollow. Based upon a Pigeon Forge style theme, Ms. Childers explained that several individuals have agreed to donate items of interest including log cabins and storage cribs to house a country store, wedding chapel, and various collectibles. Ms. Childers proposed creations of horticulture and water features as tributes to previous Mayors. She suggested landscaping could be accomplished through memorial gifts. Ms. Childers reported she had spoken briefly with Congressman Rogers concerning funding for the project. Ms. Childers will advise the city manager of individuals to contact regarding possible funding sources. The Commission asked the matter be included on the following meeting's agenda.

E. HAMBLEY ATHLETIC FIELD IMPROVEMENTS FUNDING: Discussion concerning this

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matter was deferred to the budget work session.

F. OTHER BUSINESS FROM THE FLOOR: Commissioner Justice advised the Police Chief of the need to enforce the leash law. He reported that about a dozen dogs are running at large on Poplar and Jay Streets.

AGENDA ITEM IV.

PAYMENT OF BILLS

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

1. Wilbur J. Linder & Associates: Presented for approval was invoice #2 in the amount of \$20,000 for project administration of Phase IV - Kentucky Avenue. Ms. Smallwood explained the fee is due pursuant to contract. Commissioner Justice made the motion, seconded by Commissioner Layne to approve payment of invoice #2 to Wilbur J. Linder & Associates in the amount of \$20,000. The motion carried 4 - 0.

2. Summit Engineering, Inc.: Presented on behalf of Summit Engineering, Inc. was an invoice in the amount of \$5,805.00 for Phase IV - Kentucky Avenue. Ms. Smallwood explained the fee is for the bidding phase of the Kentucky Avenue Phase IV roadway improvements. Commissioner Justice made the motion to authorize payment to Summit Engineering as requested. Commissioner Davis seconded the motion. The motion carried 4 - 0.

3. Asbestos Testing - Phases III and IV: Quotes were solicited for asbestos testing of 16 structures in the High Street - Phase III area and Kentucky Avenue - Phase IV area. Consultant, Wilbur J. Linder recommended employing Micro-Analytics to perform the asbestos testing services for a total amount of \$5,920.00. A Resolution approving the contract was presented as follows:

RESOLUTION OF THE CITY OF PIKEVILLE APPROVING THE ASBESTOS TESTING CONTRACT WITH MICRO-ANALYTICS, INC. IN CONNECTION WITH THE PIKEVILLE REDEVELOPMENT PROGRAM PHASE III AND IV

WHEREAS, the City of Pikeville is undertaking the Pikeville Redevelopment Program; and

WHEREAS, Phase III of this redevelopment program involves the demolition of 2 (additional) structures located on High Street; and

WHEREAS, Phase IV of this redevelopment program involves the demolition of 14 structures located on Kentucky Avenue and Poplar Street; and

WHEREAS, it has been determined that the services of a professional asbestos inspection contractor are required for implementation of this redevelopment program;

NOW, THEREFORE, BE IT RESOLVED by the City of Pikeville (hereafter referred to as "City") that:

1. The contract between the City and Micro Analytics, Inc. for asbestos testing services relative to the Pikeville Redevelopment Program - Phase III and IV has been approved in the amount not to exceed \$5,920. For Phase III the contract amount is \$740 and for Phase IV the contract amount is \$5,180.

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

4. Phase VI Grant Writing Services: During the previous meeting Commissioner Combs

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and City Engineer Sykes agreed to serve on a committee with Ms. Smallwood to review the two proposals submitted to provide grant writing and technical services in conjunction with Community Development Grant application for Phase VI of the redevelopment project. The grant application is due in July, 2002. The grant, if successful, will fund the acquisition, relocation and demolition of the right side of High Street and the left side of Sycamore Street.

Ms. Smallwood and Mr. Sykes met to review the proposals submitted by Wilbur J. Linder & Associates and Kris Lowry. Based upon price, qualifications, and experience, Mr. Sykes and Ms. Smallwood recommended awarding the contract to Wilbur J. Linder & Associates.

The Commission discussed the cost of the services. Mr. Linder's fee is 10% of the project cost which includes preparation of the funding application and the environmental assessment. Ms. Lowry's fee is 10% of the project cost plus \$10,000 for application preparation and \$5,000 for preparing the environmental assessment. Project cost is estimated at \$1 million. It was explained the funds for payment of the fees associated with grant preparation and administration are provided in the grant agreement. The Department of Local Government allows for 10% of the grant to be used for grant administration. The Commission questioned if the necessary grant documentation and administrative services could be accomplished in-house. Ms. Smallwood explained that while she has been administering grants for 30 years, she does not feel she has the expertise to administer the project without the assistance of a consultant. Commissioner Combs stated that he didn't agree with the need to hire a consultant to apply and administer a grant and pay \$100,000 in fees for a grant the city knows it is going to receive. Commissioner Combs made the motion, seconded by Commissioner Justice to reject all proposals received for grant writing and administrative services for Phase VI of the Pikeville Redevelopment Project. The motion carried 3 - 1 with Commissioner Davis casting a nay vote. The City Manager was directed to request a proposal for grant writing and administration services from the Big Sandy Area Development District.

AGENDA ITEM V.

OLD BUSINESS

A. CITY ENGINEER'S REPORTS: Charles Byers appeared before the Commission on behalf of Summit Engineering, city engineers to deliver a verbal status report for the following projects:

1. 911 Update Proposal: Presented for consideration was a proposal from Summit Engineering to update the 911 database. Mr. Byers explained the database has not been updated since it went into service about 4 years ago. While most homeowners contact the office for new construction addresses, most people who move into existing homes contact the office only if it is required by a utility company. Cost of the update is \$5,498.00. Police Chief Justice commented that the 911 coordinator did not request the update, however he does think the update would be helpful. The Commission took no action with regard to the proposal.

2. Gas line replacement: Two bids were received for the replacement of a gas line located on Hibbard Street, from the library to Clark Insurance Agency Office. The bids were submitted by M & S General Contractors in the amount of \$58,785.00 and Patriot Construction Company in the amount of \$76,976.75. Mr. Byers reported the replacement had been budgeted and recommended award of the contract to the low bidder, M & S General Contractors in the amount of \$58,785.00. City Manager Blackburn advised the Commission that this gas line had been identified by PSC as a dangerous line due to a number of leaks being detected in the gas line. Commissioner Combs made the motion, seconded by Commissioner Davis to award the bid for the Hibbard Street gas line replacement to the low bidder, M & S General Contractors in the amount of \$58,785.00. The motion carried 4 - 0.

Commissioner Justice complimented Patriot Construction for the site work performed in Poor Farm Hollow.

3. Bob Amos Park Drainage: Mr. Byers presented two options to provide a remedy for the

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drainage problems for Bob Amos Park. One alternate provides for the construction of a concrete ditch from the YMCA around the road that goes from the walking trail to the maintenance shed, site grading and raising the picnic shelter. Estimated cost for this alternate is \$81,000. The second option includes the installation of a reinforced concrete pipe through the mini-park plus items in the first alternate. Estimated cost for this option is \$99,600. The Commission will discuss funding for the project during the budget work session.

4. Sycamore Street: Mr. Byers advised that he had received a quote from J & H Enterprises in the amount of \$14,915 for site remediation on the hillside behind the Myers Tower lower parking area (includes gradework, seeding, and tying in the storm drain). An additional \$25,000 is estimated for construction of a landscape retaining wall. Mr. Byers explained that the contractor's quote is based on a per hour rate, so the actual cost may be higher or lower. Additionally, the contractor can't begin work until July 15th.

Ms. Smallwood advised the Commission there is approximately \$40,000 remaining in Phase I that could be used toward the project, however the project will have to be advertised for bid. Commissioner Justice advised the project should be completed by September 15th.

The Commission directed Mr. Byers to prepare a cost estimate by the next meeting, with the project being completed in phases, including prices with different grades of grass matting and an estimate without the grass matting.

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

1. TEA-21 Funds: Ms. Sawyers presented the following resolution approving the acceptance of \$1,000,000 in TEA-21 Funds for Phase II of the Utility Relocation Project as follows:

RESOLUTION AUTHORIZING APPROVAL AND EXECUTION OF AN AGREEMENT BETWEEN THE CITY OF PIKEVILLE AND THE KENTUCKY TRANSPORTATION CABINET FOR USE OF TEA-21 FUNDS FOR THE PIKEVILLE UTILITY RELOCATION PROJECT PHASE II

WHEREAS, an agreement has been presented to the Pikeville City Commission between the City of Pikeville and the Kentucky Transportation Cabinet, and;

WHEREAS, the said Agreement concerns the allotment of TEA-21 funds for improvement of the sidewalks and other streetscape improvements in conjunction with Utility Relocation Project.

NOW, THEREFORE, BE IT RESOLVED that the said Agreement is approved and Mayor is authorized to execute the same and to bind the City to the terms thereof.

Commissioner Davis made the motion to adopt the resolution. Commissioner Justice seconded the motion. The motion carried 4 - 0.

2. Underground Utility Project - Phase III: Ms. Sawyers requested permission to file a CDBG application for funding in the amount of \$1,000,000 for Phase III of the Utility Relocation Project. The resolution was presented as follows:

ORDER OF PIKEVILLE, KENTUCKY AUTHORIZING THE FILING OF A 2002 KENTUCKY COMMUNITY DEVELOPMENT BLOCK GRANT RENAISSANCE APPLICATION

WHEREAS, it is necessary and in the public interest that the City avail itself of the financial assistance provided by Title I of the Housing and Community Development Act of 1974, and the 1981 Amendments permitting the Kentucky Department for Local Government, Division of Community

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Development, to commence a Community Development Program within the community; and,

WHEREAS, it is recognized that the Federal/State contract for such financial assistance pursuant to said Title I will impose certain obligations and responsibilities upon the City and will require among other things:

- (1) Approval of satisfactory application transmitted to the Kentucky Department for Local Government, Division of Community Development.
- (2) Certification by the City relating to activities such as civil rights, citizen participation, relocation payments, acquisition of properties, national environmental policies, and accounting practices; and,
- (3) Other local obligations and responsibilities in connection with the undertaking and carrying out of the Kentucky Community Development Block Grant Program; and,

WHEREAS, in those areas where acquisition and clearance is proposed, the objectives of the program cannot be achieved through more extensive rehabilitation, and a displacement strategy has been formulated;

NOW, THEREFORE, BE IT ORDERED by the City of Pikeville:

- (1) That the United States of America and the Commonwealth of Kentucky be, and hereby are, assured of full compliance by the City with certification relating to all regulations and administration of Civil Rights Act, citizen participation, relocation payments, acquisition processes, accounting procedures, the Hatch Act, minimum wage and minimum hour provisions of the Fair Labor Standards Act, and all the requirements of the National Environmental Policy Act of 1968.
- (2) That the Mayor is authorized and directed to prepare such certification and to assure full compliance with all certifications as outlined in (1) above, and all other pertinent regulations.
- (3) That an application on behalf of the City for a grant of up to \$1,000,000 of said Title I funds for Renaissance activities is hereby approved (pending favorable response as determined through input provided at a public hearing) and the Mayor is hereby authorized to execute and file such application with the State Department for Local Government, to provide such additional information and to furnish such documentation as may be required, and to act as the authorized correspondent of the City relating to the Kentucky Community Development Block Grant Program

Commissioner Justice made the motion to adopt the resolution authorizing the filing of a CDBG application for Phase III of the Underground Utility Relocation Project. Commissioner Davis seconded the motion. The motion carried 4 - 0.

3. Fourth of July Celebration: During the previous year's Fourth of July celebration, the Main Street Program arranged for a local business to provide free hotdogs and soft drinks and the city funded \$1,500 of the cost of a mini carnival offering free rides for children. Commissioner Justice made the motion, seconded by Commissioner Layne to authorize Ms. Sawyers to plan the 2002 Fourth of July celebration. The motion carried 4 - 0.

C. CITY ATTORNEY'S REPORTS: Russell H. Davis, Jr., City Attorney, presented for first reading an ordinance closing a portion of Bryan Street that crosses St. Francis Catholic Church's property. While there is a dedicated easement for a street, there is no roadway in this location. The City Attorney reported that attorney for the church, Scott Kreutzer, advises he has contacted adjacent property owner, 1st Quarter Holdings. He has verbal confirmation that 1st Quarter Holdings will execute a waiver, however, the city attorney advised that he will not request second reading of the ordinance until the executed waiver has been received.

D. CITY MANAGER'S REPORTS: Kenny Blackburn, City Manager, presented the following

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matters for the Commission's consideration and approval:

1. Cab, Chassis & Utility Bed Bids: Two bids were received in answer to an advertisement for the purchase of a cab, chassis and utility bed for the Water Department. The bids were as follows:

Fletcher & Halls	\$29,991.00
Bruce Walters Ford	\$26,236.24

U.S. Filter Manager Hamilton advised the low bidder, Bruce Walters Ford, met the required specifications and recommended award of the bid in the amount of \$26,236.24. Commissioner Justice made the motion, seconded by Commissioner Combs to award the bid for the purchase of the cab, chassis and utility bed to the low bidder, Bruce Walters Ford in the amount of \$26,236.24. The motion carried 3 - 0 - 1 with Commissioner Davis abstaining from the vote.

2. Storm Drains: City Manager Blackburn advised that he and Commissioners Justice and Layne met with officials at the Highway Department concerning the storm drainage along South Mayo Trail, Chloe Creek, and Williamson Road. Commissioner Combs made the motion, seconded by Commissioner Davis to authorize the City Manager to send a letter to Transportation Secretary Codell requesting the funding of a storm drainage study for the area from Baird Avenue to the floodwall. The motion carried 4 - 0. Summit Engineering presented a proposal to conduct the study for a cost of \$7,500.00. The proposal will be forwarded to the Transportation Secretary along with the letter.

The Highway Department officials advised of the availability of funding through the local office's Hazard Elimination Program for the installation of traffic control devices along roadways deemed as high traffic accident sites. Commissioner Combs made the motion to authorize the City Manager to send a letter to Charles Neeley at the local highway department office requesting the installation of a traffic control device at the intersection of Julius Avenue/College Street/Hambley Boulevard. Commissioner Layne seconded the motion. The motion carried 4 - 0.

3. American Electric Power: Presented for consideration was a letter from Joyce Leachman on behalf of American Electric Power advising of their intention to offer the building that housed their former offices for sale. Since the city had previously expressed interest in acquiring the building, Ms. Leachman was offering the city the first right of refusal. The Commission requested an opportunity to tour the building before sending a letter of reply.

4. Amended Work Session Schedule: Included in the agenda package was a schedule for budget work sessions. The schedule had been previously mailed to the Commission and media, however it was necessary to switch the June 12th schedule with that of June 17th. Commissioner Combs advised that he will be unable to attend the June 17th work session and made the motion to cancel the June 17th work session and reschedule for June 20th at 8:30 a.m. Commissioner Justice seconded the motion. The motion carried 4 - 0.

5. Employee Health Insurance: The city manager reported that he is in receipt of the 2002-2003 premium statement from the Kentucky League of Cities for the city employees' medical insurance coverage with Anthem. Mr. Blackburn advised the premium will increase by approximately 26%. He reported that he has requested quotes from local insurance firms as well as the previous medical insurance carrier, Willis Corroon.

6. Jim Bogardus: City Manager Blackburn advised that a former City Commissioner and civic leader, B.P. "Jim" Bogardus, had passed away. Commissioner Davis made the motion, seconded by Commissioner Layne to direct the City Attorney prepare a resolution in honor of Mr. Bogardus and to authorize the Mayor or Mayor Pro Tem to execute the resolution. The motion carried 4 - 0.

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7. Meeting Cancellation: Commissioner Layne advised he would be out of town on June 24th and requested to cancel the City Commission's regular meeting and reschedule for another time. Commissioner Combs made the motion, seconded by Commissioner Justice to cancel the June 24th regular meeting and call a special meeting for June 20th at Noon. The motion carried 4 - 0.

Commissioner Combs made the motion, seconded by Commissioner Layne to adjourn to closed session for the purpose of discussing a proposed settlement of the Tri-State Media lawsuit, an occupational license fee collection issue, and a property matter. The motion carried 4 - 0.

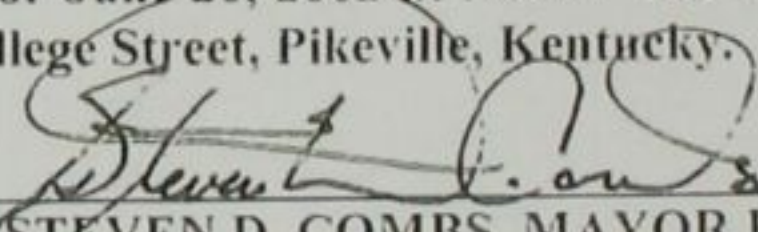
Commissioner Justice made the motion, seconded by Commissioner Combs to reconvene to regular session. The motion carried 4 - 0.

Commissioner Combs announced no action was required as a result of the closed session.

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

The next meeting of the City Commission is scheduled for June 20, 2002 at Noon. The meeting will be held in the City Hall Meeting Room located at 118 College Street, Pikeville, Kentucky.

APPROVED:


STEVEN D. COMBS, MAYOR PRO TEM

ATTEST:


KAREN W. HARRIS, CITY CLERK