

# MINUTES } CITY OF PIKEVILLE

## CITY OF PIKEVILLE BOARD OF COMMISSIONERS REGULAR MEETING MINUTES AUGUST 26, 2002

The Board of Commissioners of the City of Pikeville conducted their regular meeting on Monday, August 26, 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 regular meeting of August 12, 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

There were no items presented during the call for business from the floor.

### AGENDA ITEM IV. PAYMENT OF BILLS

A. CITY BILLS: A list of City Bills totaling \$398,635.34 was presented to the Commission for approval of payment. Commissioner Justice made the motion, seconded by Commissioner Davis to approve payment of the city bills as requested. The motion carried 4 - 0.

B. PIKEVILLE REDEVELOPMENT PROJECT: Presented for approval of payment was an invoice on behalf of Frank Nall in the amount of \$250.00 for a title opinion and deed closing for Phase IV - Kentucky Avenue. Additionally, the Commission reviewed a request for payment from J & M Monitoring, Inc. in the amount of \$8,929.00 for asbestos abatement on 13 houses. 11 of the houses are located in the Phase IV - Kentucky Avenue Area and 2 houses are located in Phase V - High Street. Commissioner Layne made the motion, seconded by Commissioner Justice to approve payment of the invoices submitted on behalf of Frank Nall and J & M Monitoring, Inc. The motion carried 4 - 0.

Commissioner Layne made the motion, seconded by Commissioner Justice to authorize the acquisition of property owned by Russell Martin and Janet Martin in the Phase IV - Kentucky Avenue area. The motion carried 4 - 0. Purchase price is for the appraisal amount of \$30,700.00.

Presented were two resolutions to amend the contract with J & M Monitoring, Inc. for asbestos testing/abatement services to include additional structures in the Phase IV Kentucky Avenue and Phase V High Street areas. The resolutions were read as follows:

AMENDMENT #2 TO AGREEMENT FOR ASBESTOS ABATEMENT SERVICES - PIKEVILLE, KENTUCKY



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This amendment is an attachment to the agreement entered into on the 22nd day of July, 2002, and amended August 12, 2002 by and between the City of Pikeville and J & M Monitoring for asbestos abatement services for the Pikeville Redevelopment Project.

WHEREAS, the agreement entered into on the 22nd day of July, 2002, specified a maximum contract amount of \$8,929; and

WHEREAS, amendment #1 dated August 12, 2002 increased the contract by an additional \$740 to test 4 units for asbestos.

WHEREAS, the City of Pikeville requires asbestos abatement services for an additional 2 apartments for the Pikeville Redevelopment Project Phases III and IV.

NOW, THEREFORE, the City of Pikeville and J & M Monitoring amend the original agreement as follows:

1. The City of Pikeville will amend the contract for asbestos abatement services to include abatement of 2 apartments located at 161 Kentucky Avenue, units #2 and #4.
2. The cost for this additional asbestos abatement services shall be \$675.
3. The maximum contract amount shall increase by \$675.
4. The time of performance will extend through August 30, 2002.
5. The maximum contract shall not exceed \$10,344.

IN WITNESS WHEREOF, the City of Pikeville and J & M Monitoring, Inc. have executed this Amendment to the original July 22, 2002 Agreement, and the amendment dated August 12, 2002. This amendment is effective as of the date of the original agreement.

and

### AMENDMENT #3 TO AGREEMENT FOR ASBESTOS TESTING/ABATEMENT SERVICES - PIKEVILLE, KENTUCKY

This amendment is an attachment to the agreement entered into on the 22nd day of July, 2002, and amended August 12, 2002 by and between the City of Pikeville and J & M Monitoring for asbestos abatement services for the Pikeville Redevelopment Project.

WHEREAS, the agreement entered into on the 22nd day of July, 2002, specified a maximum contract amount of \$8,929; and

WHEREAS, amendment #1 dated August 12, 2002 increased the contract by an additional \$740 to test 4 units for asbestos.

WHEREAS, amendment #2 dated August 26, 2002 increased the contract by an additional \$675 to abate 2 units of asbestos.

WHEREAS, the City of Pikeville requires asbestos testing services for an addition 6 buildings containing 11 apartments for the Pikeville Redevelopment Project, Phase V. These buildings are identified as #11, #12, #13, #15, #16 and #21. Buildings #11, #13, #15, and #16 are located in the rear of buildings #10, #12, and #14 and will need to be demolished at the same time Phase III structures are demolished.

NOW, THEREFORE, the City of Pikeville and J & M Monitoring amend the original agreement as follows:



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1. The City of Pikeville will amend the contract for asbestos abatement services to include testing of 6 buildings, containing 11 apartments located on Kentucky Avenue. These buildings are identified as building #11, #12, #13, #15, #16, and #21.
2. The cost for this additional asbestos testing services shall be \$2,035 or \$185 per unit for 11 units.
3. The maximum contract amount shall increase by \$2,035.
4. The time of performance will extend through September 4, 2002.
5. The maximum contract shall not exceed \$12,379.

IN WITNESS WHEREOF, the City of Pikeville and J & M Monitoring have executed this Amendment to the original July 22, 2002 Agreement, and the amendment dated August 12, 2002, and the amendment dated August 26, 2002. This amendment is effective as of the date of the original agreement.

Commissioner Justice made the motion, seconded by Commissioner Davis to adopt both amendments for asbestos testing/abatement as presented. The motion carried 4 - 0.

Lastly, the clerk presented a request for approval of invoices totaling \$30,924.22 on behalf of Summit Engineering for design services associated with Phase IV Kentucky Avenue Roadway Improvement project. Commissioner Justice made the motion, seconded by Commissioner Layne to approve payment to Summit Engineering in the amount of \$30,924.22 as requested. The motion carried 4 - 0. A letter requesting reimbursement has been sent to the Department of Transportation. The Commission reminded that further invoices not included with the agenda package will not be considered for payment.

### AGENDA ITEM V.

### OLD BUSINESS

A. CITY ENGINEER'S REPORTS: Jack Sykes and Charles Byers representing Summit Engineering, city engineers, appeared before the Commission to present a verbal status report for the following projects:

1. Bowles Addition Sewer: The Bowles Addition sewer replacement project is complete. The contractor has some property rehabilitation work to perform, but will wait 2 to 3 weeks for settling to occur prior to completing the work.

2. Pikeville Redevelopment Project: A pre-construction meeting was held this date with the contractor, Patriot Contracting, for demolition of structures along Kentucky Avenue and High Street and re-grading in Phase I - Sycamore Street. The contract provides for the demolition and removal of 8 structures located on High Street and 14 structures located on Kentucky Avenue, as well as clearing, grubbing and reseeded of the hillside located behind the Myers Tower lower parking area. A time schedule was given to the contractor providing for the demolition of the structures to be completed by September 20, 2002. The engineers advised the contractor they wanted a walk-through of the project prior to any grading activities to allow for an agreement as to the configuration. After grading is completed, another walk-through will be scheduled prior to seeding. Mr. Sykes reported the consultant, Will Linder, assured there is sufficient money available to fund the Sycamore Street slope remediation portion of the contract.

3. Parking Garage Project: Approximately 85 of the caissons are in place. The engineers are continuing to negotiate with the contractor regarding the deduct change order in the reduction of the number of caissons. Mr. Sykes advised he should have numbers to present at the next meeting. Commissioner Combs reminded Mr. Sykes that the Commission discussed placing brick veneer on the portion of the outside wall, facing the southern end of Hambley Boulevard and the residential housing. Mr. Sykes reported that architect Chris Chrisman will be present at the next meeting. He will present cost estimates for bricking the remaining wall, which may be funded through the cost



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savings from the reduction in caissons. The Main Street director reported there may be funds available through the facade grant program for brick or awning placement. Ms. Sawyers advised notice has not been given as to the amount of this year's allotment for the facade grant program.

4. Foxcroft Utility Relocation: Commissioner Justice made the motion, seconded by Commissioner Davis to send a letter to the Department of Transportation requesting financial assistance to extend a sewer force main concurrently with the relocation of the water and gas lines in the Foxcroft area. The motion carried 4 - 0. Cost of the project is approximately \$150,000. Pursuant to the letter, the city agrees to finance 20% of the cost (\$29,720.80). Extension of the sewer force main will enable the city to offer service to approximately 40 residences that are located within the city limits.

5. Underground Utility Relocation Project - Phase I: The Main Street Board conducted a walk-through of the project. Mountain Enterprises has completed the punch list items. Mr. Byers requested the Commission schedule a walk-through of the project. The walk-through was scheduled at the conclusion of this meeting. Commissioner Combs asked that drainage problems on Main Street be addressed during Phase II of the Utility Relocation Project. Mr. Byers advised there will not be the same problems on Second Street as encountered on Main Street as there are drains located at every corner. The Commission requested a cost estimate for extending drainage along the side streets during Phase II construction. Commissioner Justice asked the feasibility of correcting some of the drainage problems on Main Street during the construction of the civic center project. Mr. Sykes advised that he will prepare a report concerning this issue for the next meeting. 10% retainage (about \$100,000) is continuing to be withheld from Mountain Enterprises' contract for Phase I.

6. Hibbard Street Gas Line Replacement Project: The gas line and tie-ins are complete. Work remaining is the installation of the curb, gutter and sidewalk. The gas line was identified for replacement through a state inspection.

The Commission was advised that gas leaks are addressed each fiscal year through the replacement of lines identified in the Capital Improvement Plan.

7. Mount Martha Drive: Mr. Byers and Commissioner Davis inspected the Mt. Martha Drive area in regard to a request for drainage remediation and street widening. With regard to street widening, Mr. Byers advised that he did not think it necessary on the lower section of Mt. Martha Drive. The upper section of the street, where widening is needed, isn't an ideal situation because of the steep grade, right-of-way issues, and the need to install a retaining wall. As far as the drainage is concerned, a couple of areas can be improved. The engineer will discuss the proposed improvements with U.S. Filter personnel, as the work can be done in-house.

8. Kentucky Avenue Townhouse Project - Phase II: The contractor, Goggans Construction, has employed an additional drywall crew. Mr. Sykes reported that despite Goggans Construction Company's efforts in employing additional personnel, he suspects the project remains behind schedule. The contractor was served with notice in July with regard to the contract being behind schedule.

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

1. Summit Engineering: Presented for approval of payment were two invoices in the amount of \$1,482.28 for services rendered in June, and \$185.38 for July services, in conjunction with Phase I of the Utility Relocation Project. Commissioner Combs made the motion, seconded by Commissioner Layne to approve payments of the invoices for June and July services as presented. The motion carried 4 - 0.

2. Utility Relocation Project - Phase II: Ms. Sawyers advised the city received a check in the



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amount of \$1 million for the portion of the project funded by Coal Severance. To date, Summit Engineering has billed \$122,500 for engineering services in conjunction with Phase II of the utility relocation project. Through an error, \$58,000 was paid from city funds. This amount will be reimbursed from the Coal Severance allocation. Commissioner Justice made the motion, seconded by Commissioner Davis to approve payment of invoices presented on behalf of Summit Engineering totaling \$122,500. The motion carried 4 - 0.

3. Patriot's Day - September 11, 2002: A service to recognize law enforcement, fire fighters, EMS and other emergency services personnel as well as a memorial service to remember the lives lost during the September 11, 2001 World Trade Center tragedy, is planned for September 11, 2002. A twenty member committee has planned an event to recognize 45 emergency services agencies and personnel throughout Pike County. In addition to the recognition of the local emergency services agencies, a survivor of the New York World Trade Center tragedy will be among the speakers. Entertainment will be provided by Darrell Mullins and the Pike County Performing Arts students. U.S. Filter will provide lunch for the expected crowd of 1,000. Ms. Sawyers requested the Commission's approval to close City Hall offices from 10:30 am. to 2:00 p.m. to allow the personnel to assist with serving lunch. Commissioner Combs made the motion, seconded by Commissioner Layne to close City Hall during the requested time. Commissioner Combs pointed out to Ms. Sawyers that city hall personnel can't be forced to "volunteer" to assist with the event. The motion carried 4 - 0. Pursuant to Ms. Sawyers' request for approval to close a portion of College Street and Huffman Avenue during the event, the Commission directed Ms. Sawyers to work with the Police and Fire Departments in this matter.

4. Area Development Funds: Ms. Sawyers reported the city was unsuccessful in its funding application requesting \$100,000 in Area Development Funds for the Pikeville Pond Project. According to Ms. Sawyers, the main reason the project wasn't funded was due to the city's lack of representation at the Big Sandy Area Development District's board meetings. Commissioner Davis made the motion, seconded by Commissioner Justice to authorize the City Manager's attendance at the BSADD board meetings, contingent upon the Mayor assigning his proxy to the City Manager. The motion carried 4 - 0. Commissioner Combs advised that should the Mayor decline to assign his proxy to the city manager, he would attend the meetings in his capacity as Mayor Pro-Tem.

The Commission was advised that Stone Heritage Group was the recipient of ADF funds totaling \$27,000. It was pointed out the amount of the grants awarded is substantially lower than those awarded in the past. This was attributed to a decrease in Coal Severance funds and an unadopted state budget.

5. Pikeville Redevelopment Project - Phase VI: Commissioner Justice gave a status report regarding Big Sandy Area Development District's progress in the submission of a \$1 million CDBG funding application for Phase VI (remainder of High Street and Sycamore Street). According to discussions with BSADD's director Sandy Runyon and administrative specialist Eric Ratliff, work can't begin until the intake surveys have been completed. While completing the intake surveys was included in BSADD's scope of services, the city agreed to conduct the surveys to assist in completing the application within the 60 day time frame. The city contracted with Housing Authority employee, Gina Caudill, to conduct the surveys. According to BSADD the surveys were requested on August 6th. The surveys have not been forwarded to the city or to BSADD by Ms. Caudill. Several attempts have been made to determine Ms. Caudill's progress in completing the surveys, however Ms. Caudill has been unavailable. The Commission instructed the City Manager to go to the Housing Authority office in the morning, obtain the surveys, and physically deliver the surveys to the BSADD office by Noon.

C. CITY ATTORNEY'S REPORTS: Russell H. Davis, Jr., City Attorney, presented two ordinances for first reading. The ordinances were read entitled as follows:

AN ORDINANCE FIXING A TAX LEVY ON REAL AND TANGIBLE PERSONAL PROPERTY,



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FRANCHISES, ALL FOR THE GENERAL OPERATING EXPENSE PURPOSES AND PROVIDING FOR A DUE DATE AND DISCOUNT ON ALL TAXES, IF PAID ON OR BEFORE NOVEMBER 1, 2002, AND A PENALTY IF NOT PAID BY DECEMBER 3, 2002.

and

ORDINANCE PROVIDING FOR 30 MINUTE PARKING ON MAIN STREET FROM CAROLINE AVENUE TO DIVISION STREET

Second reading was scheduled for the next regular meeting.

The city attorney requested a closed session for the purpose of discussing a legal dispute.

D. CITY MANAGER'S REPORTS: Kenny Blackburn, City Manager, advised the Commission that a portion of Marion's Branch Road (2/10th of a mile ) will be paved on August 30th. Commissioner Justice made the motion to purchase additional paving to be placed on the roadway from the transfer station in an effort to eliminate the dust at the Dyes' house. Commissioner Layne seconded the motion. The motion carried 4 - 0. Cost of the additional asphalt is estimated at \$2,000.

With regard to the request for paving Grayce Drive from Mike Goff, the city manager advised that Mr. Goff is working with the adjoining property owners to fund said paving.

Commissioner Combs made the motion to authorize the City Manager to write a letter to Jon Michael Johnson at the Highway Department to request the Thompson Road area be included in the state's Traffic Congestion Relief Study, as well as to make a determination if a bridge is needed in the area between the Pauley Bridge and Pikeville High School. Commissioner Layne seconded the motion. The motion carried 4 - 0.

In recognition of Valley Sports Little League (a Kentucky team) winning the Little League World Championship, Commissioner Davis made the motion, seconded by Commissioner Justice to adopt a resolution congratulating their accomplishment. The resolution was prepared as follows:

### **RESOLUTION HONORING THE VALLEY SPORTS AMERICAN LITTLE LEAGUE BASEBALL TEAM FOR WINNING THE LITTLE LEAGUE WORLD SERIES**

WHEREAS, the Valley Sports American Baseball Team did win the Little League World Series Championship by defeating Sendai, Japan, 1-0;

WHEREAS, the Valley Sports American Baseball Team is made up of eleven and twelve year old boys from the Valley Station area of Jefferson County, Kentucky;

WHEREAS, the Valley Sports American team members have brought honor and recognition to the Commonwealth of Kentucky as a result of their U.S. Championship victory and World Championship victory;

WHEREAS, the accomplishments of these young athletes who make up the Valley Sports American Baseball Team are worthy of being recognized by the City of Pikeville for the honor that they bestow upon themselves as fine young athletes and the pride and honor that they bestow upon this great Commonwealth;



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THEREFORE, BE IT HEREBY RESOLVED BY THE CITY OF PIKEVILLE that the Valley Sports American Baseball Team, its players, coaches and managers are hereby recognized and honored by the Commission for the City of Pikeville for both their U.S. Championship victory and World Championship victory.

Commissioner Combs made the motion to adjourn to closed session for the purpose of discussing two legal matters and one personnel matter. Commissioner Justice seconded the motion. The motion carried 4 - 0.

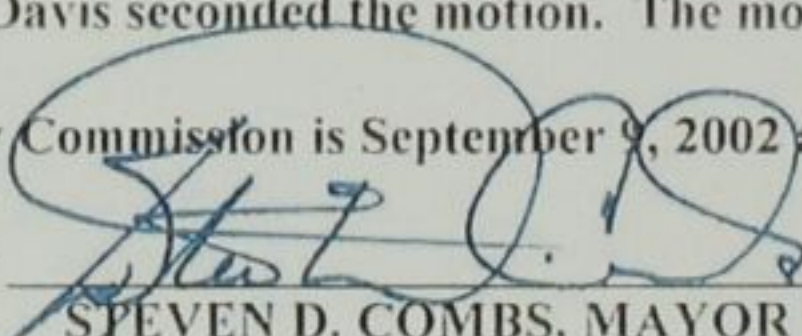
Commissioner Combs made the motion, seconded by Commissioner Layne to reconvene to regular session. The motion carried 4 - 0.

City Attorney Davis advised there is a legal dispute with Osborne Enterprises, Inc. concerning their failure to vacate the city owned WLSI building by August 1, 2002. The City Attorney recommends the Commission grant an extension to Osborne Enterprises, Inc. until October 30, 2002 to vacate the property, subject to the condition they (Osborne Enterprises, Inc.) acknowledge that they breached the previous termination agreement; that they agree all of their property is to be removed on or before October 30, 2002, regardless of whether they have received FCC approval to move and/or relocate or secure another building; and liquidated damages will accrue after October 30, 2002 at \$1,000 per day. Commissioner Justice made the motion to grant an extension to Osborne Enterprises, Inc. pursuant to the conditions recommended by the City Attorney. Commissioner Layne seconded the motion. The motion carried 4 - 0.

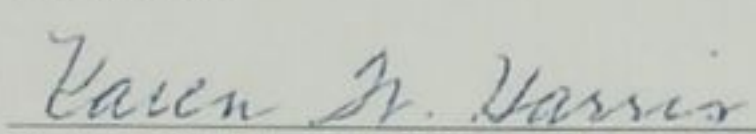
There being no further business to come before the Commission, Commissioner Justice made the motion to adjourn the meeting. Commissioner Davis seconded the motion. The motion carried 4 - 0.

The next scheduled meeting of the Pikeville City Commission is September 9, 2002 at 6:00 p.m.

APPROVED:

  
STEVEN D. COMBS, MAYOR PRO TEM

ATTEST:

  
KAREN W. HARRIS, CITY CLERK