

MINUTES } CITY OF PIKEVILLE

CITY OF PIKEVILLE BOARD OF COMMISSIONERS REGULAR MEETING MINUTES SEPTEMBER 9, 2002

The Board of Commissioners of the City of Pikeville met in regular session on Monday, September 9, 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 6:00 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 26, 2002 were included in each Commission Member's agenda package. There being no additions or corrections, Commissioner Layne made the motion, seconded by Commissioner Combs to approve the minutes as submitted. The motion carried 4 - 0.

AGENDA ITEM III. BUSINESS FROM THE FLOOR

A. Patriot's Day Activities: Placement of this item on the agenda was requested by Roger Ford, consultant for the John Doug Hays for District Judge campaign. Mr. Ford was not present for the meeting.

B. Hensley Development: Marvin Hensley, owner of the former Anthony Hotel Building, appeared before the Commission to request elimination of one parking space on Grace Avenue. Mr. Hensley explained his building has been renovated to house apartments and will soon be home to three businesses. To accommodate parking, the parcel located between Levi's Floral Shop and the Pike County Historic Society's office, will be used as a parking lot. Mr. Hensley proposes to eliminate the on-street parking space nearest Second Street to allow for easier ingress and egress of the parking lot and to permit emptying of the dumpster without breaking the sidewalk. The Commission supported Mr. Hensley's request. Commissioner Combs stated the loss of one parking space is worth the additional housing and economic development created through Mr. Hensley's development. Commissioner Justice requested the Main Street Board be given the opportunity to review the request to ensure its compliance with the revitalization project. Commissioner Layne made the motion, seconded by Commissioner Davis to eliminate one parking space on Grace Avenue pursuant to Mr. Hensley's request and upon the Main Street Board's concurrence. The motion carried 4 - 0.

AGENDA ITEM IV. PAYMENT OF BILLS

A. CITY BILLS: Two bills were presented on behalf of Mountain Enterprises, Inc. for paving on Marion's Branch Road and at the Island Creek transfer station. The bills were presented in the amounts of \$74,189.80 and \$4,724.54, respectively. City Manager Blackburn reported the paving is completed and recommended payment as presented. Commissioner Justice made the motion to approve payment to Mountain Enterprises, Inc. as recommended. Commissioner Layne seconded the motion. The motion carried 4 - 0.

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B. PIKEVILLE REDEVELOPMENT PROJECT: Project Director, Sue Smallwood, presented the following items for the Commission's approval:

1. Summit Engineering, Inc.: Presented for approval of payment were two invoices totaling \$9,010.00 for the Kentucky Avenue Roadway and Utility Improvement Project. Commissioner Combs made the motion, seconded by Commissioner Layne to approve payment of the invoices as submitted. The motion carried 4 - 0.

2. J & M Monitoring: Presented on behalf of J & M Monitoring, Inc. were two invoices totaling \$1,230. for asbestos inspection and abatement for structures in the Kentucky Avenue Phase IV area. Commissioner Layne made the motion to approve payment of invoices totaling \$1,230 as requested. Commissioner Davis seconded the motion. The motion carried 4 - 0.

3. Will Linder & Associates, Inc.: Invoice #3 totaling \$20,000 for Phase IV Kentucky Avenue was presented for approval of payment on behalf of Will Linder & Associates. Ms. Smallwood explained the payment is pursuant to contract and is based upon the percentage of construction completed. Commissioner Davis made the motion to approve payment as requested. Commissioner Layne seconded the motion. The motion carried 4 - 0.

4. J & M Monitoring, Inc., Contract Amendment: The following resolution authorizing an amendment to J & M Monitoring, Inc.'s contract for asbestos testing/abatement for 3 structures located within the Phase IV Kentucky Avenue area was presented for approval:

AMENDMENT #4 TO AGREEMENT FOR ASBESTOS TESTING/ABATEMENT SERVICES - PIKEVILLE, KENTUCKY (Phase V)

This amendment is an attachment to the agreement entered into on the 22nd day of July, 2002, and amended August 12, 2002 and August 26, 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, amendment #3 dated August 26, 2002 increased the contract by an additional \$2,035 to test 6 buildings, containing 11 apartments located on High Street. These buildings are identified as building #11, #12, #13, #15, #16, and #21.

WHEREAS, the City of Pikeville requires asbestos abatement services for buildings located at 183 High Street units 1 and 2; 195 High Street; 161 Kentucky Avenue; and building #2 results were not available on the Kentucky Avenue unit previously as tenants were in the units and they could not be tested.

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 asbestos in 183 High Street, 195 High Street, 161 Kentucky Avenue and Building #2 High Street.
2. The cost for this additional asbestos abatement service shall be \$9,522.

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3. The maximum contract amount shall increase by \$9,522.
4. The time of performance will extend through September 16, 2002.
5. The maximum contract shall not exceed \$21,901.

IN WITNESS WHEREOF, the City of Pikeville and J & M Monitoring Services, Inc. have executed this Amendment to the original July 22nd, 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 Davis made the motion, seconded by Commissioner Justice to adopt the resolution approving amendment #4 to the J & M Monitoring, Inc. contract. The motion carried 4 - 0.

5. Pikeville Affordable Housing: Pikeville Housing Authority Executive Director, Sean Gilbert, appeared before the Commission to request authorization to draw down \$125,764.44 against the \$2 million construction loan (first phase of townhouse project) for payment to Goggans Construction. Mr. Gilbert reported the city has not been removed as a co-guarantor of the loan at this time due to collateral questions from Community Trust Bank's legal office. Mr. Gilbert expects the matter to be resolved within the next couple of weeks. Commissioner Layne made the motion to authorize the draw down of \$125,764.44 against the \$2 million construction loan as requested. Commissioner Combs seconded the motion. The motion carried 4 - 0.

Concerning the construction of the Kentucky Avenue Townhouses, architect Chris Chrisman advised the contractor, Goggins Construction, remains behind schedule, and doubts the contractor will finish by the contract completion date (October 30, 2002). Mr. Chrisman reported the contractor is making an effort by extending the work week to six, 10 hour days. Additionally, the contractor plans to employ second and third shift finishing crews.

With regard to the demolition of structures in the Kentucky Avenue Phase IV area, Commissioner Justice questioned the bidding procedure. It was explained the project was advertised in the *News-Express*. In addition, the engineer supplied the consultant (Will Linder & Associates) with names of companies specializing in demolition. Bid packages were then mailed to the contractors. Commissioner Justice stated that he had specifically requested bid documents be mailed to construction companies owned by Ronald Reed and Mitch Potter. He explained that both firms had donated a tremendous amount of labor in the installation of lighting at Bob Amos Park and during the lake clean-up and thought it only courtesy to extend a personal invitation to bid the project. Ms. Smallwood advised the Commission that she would forward the names of the two companies to the consultant's office so they could receive notice of future projects.

6. CDBG Application: Ms. Smallwood presented a resolution for approval that authorizes the submission of a Community Development Block Grant funding application for Phase VI of the Pikeville Redevelopment Project. The resolution was presented as follows:

A RESOLUTION AUTHORIZING THE CITY OF PIKEVILLE MAYOR ON BEHALF OF THE PIKEVILLE CITY COMMISSION, PIKEVILLE, KENTUCKY TO SIGN AND SUBMIT AN APPLICATION FOR FUNDING TO THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

BE IT RESOLVED BY THE PIKEVILLE CITY COMMISSION:

SECTION 1: That the Mayor be and is hereby authorized to sign and submit any and all applications to the Community Development Block Grant (CDBG) program seeking funding to serve the City of Pikeville, Kentucky.

Specifically, the City plans to submit an application for up to \$1 million in grant funds from CDBG for the Pikeville Redevelopment Project Phase VI, which effects housing on High Street, Sycamore

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Street, and Cemetery Road.

SECTION 2: This resolution shall be signed by the Mayor Pro-Tem, attested by the City Clerk, recorded and shall be in effect at the earliest time provided by law.

Commissioner Combs made the motion, seconded by Commissioner Layne to adopt the resolution as presented. The motion carried 4 - 0.

Commissioner Justice requested a progress schedule be submitted by Big Sandy Area Development District to show the necessary work and time of completion for submittal of the CDBG application for Phase VI.

7. Parking Structure Project: Presented for approval of payment was request #2 from Elliott Contracting in the amount of \$284,863.50 for the parking garage construction project. Architect Chris Chrisman reported the majority of the invoice is for caisson installation. Approximately 60% of the caissons have been installed. Commissioner Justice made the motion, seconded by Commissioner Davis to approve payment to Elliott Contracting in the amount of \$284,863.50. The motion carried 4 - 0. Commissioner Combs requested the engineer provide a colored graph, depicting the project's progress, at each meeting. Engineer Sykes advised the contract provides for the schedule to be submitted by the contractor once a month. He told the Commission he would present the graph with the pay request.

Mr. Chrisman advised the engineers and contractor are nearing completion of the final determination of the credit for the foundation of the parking garage. According to Mr. Chrisman, 176 caissons and pile caps will be eliminated from the project at an estimated savings of \$185,000. To add the metal awning around the Hambley Boulevard and Huffman Avenue sides to the project would increase the contract by \$121,000. Brick for the west end of the building is estimated at \$24,000. Mr. Chrisman explained approximately \$20,000 from the cost savings will need to be dedicated to concrete testing, as the contract specifies this is the owner's responsibility.

Commissioner Combs made the motion to schedule a work session on Tuesday, September 17th at 2:00 p.m., for the purpose of discussing the parking garage project; the Hambley Athletic Complex improvements; the South Mayo Trail drainage; and the Marions' Branch Bridge repairs. Commissioner Justice seconded the motion. The motion carried 4 - 0.

8. Utility Relocation Project: Presented on behalf of Mountain Enterprises was a payment request totaling \$98,443.38 for Phase I of the Utility Relocation Project. Mr. Byers explained the amount is the retainage from the contract. Commissioner Combs requested the opportunity to walk through the project before releasing full payment. Mr. Byers advised there were a couple of items identified during the last walk through and suggested the Commission withhold a few thousand dollars to ensure satisfactory completion. Commissioner Justice made the motion to authorize payment of the retainage less \$10,000.00. Commissioner Layne seconded the motion. The motion carried 4 - 0. A walk through of the project area was scheduled for the conclusion of this meeting.

AGENDA ITEM V.

OLD BUSINESS

A. CITY ENGINEER'S REPORTS: Jack Sykes and Charles Byers representing Summit Engineering, Inc., city engineers, presented a verbal status report for the following projects:

1. Renaissance Phase II Update: Work is progressing on the side streets. Mr. Byers has obtained the plans for the utilities to serve the civic center. The engineers are developing a design to incorporate drop boxes on Main Street.

Presented for approval was a letter of conditions and resolution accepting the grant offer of Appalachian Regional Commission funds in the amount of \$500,000 for Phase II of the Utility

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Relocation Project. Commissioner Justice made the motion, seconded by Commissioner Layne to accept the Letter of Conditions and accept the ARC grant funds in the amount of \$500,000. The motion carried 4 - 0.

2. Kentucky Avenue Phase IV: As discussed during previous meetings, the city is in need of two easements to facilitate the retaining wall construction in the Phase IV Kentucky Avenue project area. Both easements, a temporary and a permanent easement, have been requested of A. Clark Akers on property located at 176 Poplar Street. The appraisal valued the easements at \$300.00. Mr. Akers is requesting the city purchase the entire tract of property with two houses at a cost of \$180,000. Because the city and Mr. Akers have been unable to negotiate a satisfactory agreement, the engineer has prepared a design which basically provides for the wall to be constructed with a bend. Mr. Sykes advised there is some liability associated with this alternative in the excavation for the retaining wall. The soil will be exposed without any support for approximately 2 to 3 weeks. Mr. Sykes advised that he does not think the house is in any jeopardy. The excavation will be constructed on a 1:1 slope and can be accomplished without encroaching upon Mr. Akers' property. Mr. Sykes explained the 1:1 slope will normally stand on a cut slope over a short period of time. Once the wall is in place, there will be no danger of slippage. City Attorney Davis advised that condemnation of the needed easements could be settled in as early as 90 days or as long as a couple of years, but may amount to a costly time delay of the project. Cost of condemnation is between \$5,000 - \$6,000. Mr. Sykes reported that he does not have an actual cost for the change in the retaining wall, but thinks it can be accomplished within the cost of condemnation. Commissioner Combs made the motion to authorize a change order pursuant to the change in construction design of the retaining wall. Commissioner Layne seconded the motion. The motion carried 4 - 0.

Commissioner Justice asked the status of getting the last tenant in the Phase IV area relocated. City Attorney Davis reported an eviction order can be issued in 7 days. Ms. Smallwood advised that Ms. Brown indicated she will rent a u-haul and begin moving this evening. Ms. Brown reported that she is having difficulty with ingress and egress and requested Ms. Smallwood ask the contractor to provide access when needed. Commissioner Justice advised the contractor is ready to remove the house. At the Commission's request, the Park Director agreed to assist Ms. Brown in moving her belongings.

Patriot Construction has a contract to raze 23 structures. Currently, nine houses have been removed.

3. Marions Branch Bridge: Mr. Sykes is in receipt of a report from the structural engineer concerning the inspection of the Marions' Branch Bridge. According to the report, the deck on the bridge is beyond any salvage, the guardrails need to be replaced, however the substructure of the bridge, itself, is marginally okay. They assume that 15% of the substructure is lost due to rust and corrosion. It is recommended the deck and guardrail be replaced. The deck should either be poured in place concrete or a concrete deck that ties into the steel which will provide for the steel to be reinforced. The city will have to coordinate the repairs with Lodestar as there can be no traffic across the bridge for at least seven days. Cost to replace the deck is estimated at \$25,000. Further discussion for this matter was deferred to the September 17th work session.

4. Proposed Sewer Line extensions: Mr. Sykes proposed the city submit four funding applications to the PRIDE Program in an effort to acquire funding for the extension of sewer service to Indian Hills, Sunset Lane, Island Creek and the mouth of Ratliff's Creek. Total cost of the four projects are estimated at just over \$1 million. Commissioner Combs made the motion, seconded by Commissioner Justice to authorize the submission of four funding applications to the PRIDE Program for projects outlined by the City Engineer. The motion carried 4 - 0.

B. CITY ATTORNEY'S REPORTS: Russell H. Davis, Jr., City Attorney, presented two ordinances for second reading. The ordinances were read entitled:

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

Commissioner Davis made the motion, seconded by Commissioner Layne to adopt the Ordinance as presented and given second reading. The motion carried by the following votes:

COMMISSIONER:	STEVEN D. COMBS	YES
	EUGENE W. DAVIS	YES
	FRANK JUSTICE, II	YES
	DALLAS LAYNE	YES
MAYOR:	FRANK M. MORRIS	ABSENT

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

Commissioner Layne made the motion to adopt the Ordinance as presented and given second reading. Commissioner Justice seconded the motion. The motion carried by the following votes:

COMMISSIONER:	STEVEN D. COMBS	YES
	EUGENE W. DAVIS	YES
	FRANK JUSTICE, II	YES
	DALLAS LAYNE	YES
MAYOR:	FRANK M. MORRIS	ABSENT

C. CITY MANAGER'S REPORTS: Kenny Blackburn, City Manager, presented a request from Jeff Tackett, a waste hauler working the Coal Run area, to dump about 100 tons of garbage at the city's transfer station per month. Mr. Tackett is agreeable to paying a \$30.00/ton rate to dump at the transfer station. Commissioner Combs made the motion, seconded by Commissioner Davis to approve the request. The motion carried 4 - 0.

The Commission discussed the problem of the doors coming loose on the boxes used at the transfer station and the need to purchase at least two more boxes. A.T. Hall of U.S. Filter is working with the seller and the manufacturer of the boxes to facilitate the necessary repairs. Mr. Hall is considering another supplier from whom to purchase additional boxes. Cost is estimated at \$5,800 each. Commissioner Combs made the motion, seconded by Commissioner Justice to authorize the City Manager to purchase additional boxes for use at the transfer station. The motion carried 4 - 0.

Referring to the item listed under Business from the Floor, discussion of Patriot's Day activities. Commissioner Combs explained there was a comment in the *News-Express* that said the city would probably pull its support from the memorial service. Commissioner Combs said the comment was petty and irresponsible about the city because no one on the Commission intended to pull any support from the service. Commissioner Davis attended the Patriot's Day planning meeting. He stated there was a comment from someone that stated they hoped the city would not pull its support. Commissioner Combs announced that both Police and Fire Departments would be participating in the event, despite the newspaper's allegations they would not be participating. Commissioner Combs stated the city did not want to be involved in petty political arguments. He commented the city, in the future, needs to be a little more careful when its supporting any project, making sure there is a representative from the city in attendance at the meetings, that minutes are prepared for the committee meetings, and a report is given to the Commission.

Commissioner Justice advised that mowing needs to be scheduled for the city's property located on the Bypass Road between the Layne's and Habern's house as well as for the property at the end of

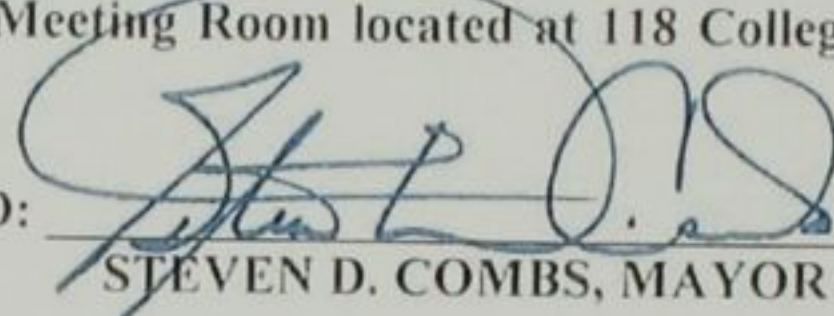
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Third Street. The Commission requested that sales representatives for mowing equipment be contacted and asked to meet with the City Manager, Parks Director, and Public Works Manager.

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

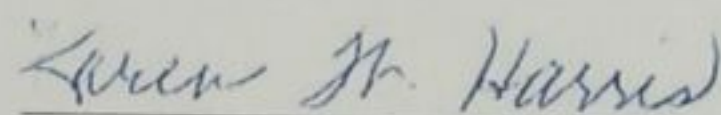
The Pikeville City Commission's next regular meeting is scheduled for September 23, 2002. The meeting will be held in the City Hall Public Meeting Room located at 118 College Street, Pikeville, Kentucky.

APPROVED:



STEVEN D. COMBS, MAYOR PRO TEM

ATTEST:



KAREN W. HARRIS, CITY CLERK