

MINUTES } CITY OF PIKEVILLE

original

NOTICE OF SPECIAL MEETING

TO: MAYOR  
COMMISSIONERS

FRANK MORRIS  
STEVE COMBS *Served by City Mgr.*  
EUGENE W. DAVIS  
FRANK JUSTICE, II  
DALLAS LAYNE

YOU ARE HEREBY NOTIFIED THAT THE BOARD OF COMMISSIONERS OF THE CITY OF PIKEVILLE, IS CALLED TO MEET IN A SPECIAL SESSION AT NOON ON OCTOBER 9, 2002, IN THE CITY HALL PUBLIC MEETING ROOM, CITY OF PIKEVILLE, KENTUCKY, FOR THE FOLLOWING PURPOSES:

1. SEE ATTACHED AGENDA

\_\_\_\_\_  
MAYOR PRO TEM

I, JAMES JUSTICE, CHIEF OF POLICE OF THE CITY OF PIKEVILLE, KENTUCKY, DO HEREBY CERTIFY THAT ON \_\_\_\_\_, I SERVED IN THE MANNER PROVIDED BY LAW UPON SPECIAL MEETING A TRUE AND CORRECT COPY OF THE FOREGOING NOTICE.

THIS 9th DAY OF OCT., 2002.

*James M. Justice*  
\_\_\_\_\_  
JAMES JUSTICE, POLICE CHIEF

I HEREBY ACKNOWLEDGE RECEIPT OF COPY OF THE FOREGOING NOTICE OF SPECIAL MEETING OF THE BOARD OF COMMISSIONERS OF THE CITY OF PIKEVILLE, KENTUCKY, TO BE HELD AT NOON ON OCTOBER 9, 2002, AT THE CITY HALL PUBLIC MEETING ROOM, 118 COLLEGE STREET, IN THE CITY OF PIKEVILLE, KENTUCKY.

\_\_\_\_\_  
STEVEN D. COMBS

\_\_\_\_\_  
EUGENE W. DAVIS

*Frank Justice II*  
\_\_\_\_\_  
FRANK JUSTICE, II

*Dallas Layne*  
\_\_\_\_\_  
DALLAS LAYNE

*Frank Morris*  
\_\_\_\_\_  
FRANK MORRIS



# MINUTES } CITY OF PIKEVILLE

PIKEVILLE CITY COMMISSION SPECIAL MEETING AGENDA  
OCTOBER 9, 2002; NOON  
CITY HALL PUBLIC MEETING ROOM-118 COLLEGE STREET

## *I. CALL TO ORDER*

*II. MINUTES:* Consider approval of the minutes from the September 23, 2002 meeting.

*III.* Consider a request from First Baptist Church to waste fill material at the city's Island Creek property.

## *IV. PAYMENT OF BILLS*

### A. PIKEVILLE REDEVELOPMENT PROJECT

1. Pikeville Affordable Housing: Consider a request from Pikeville Affordable Housing to draw down \$7,969.00 for Phase I of the Townhouse Project.
2. Consider a request to draw down \$181,260.71 against the construction loan to pay Goggans Construction Company (Townhouse Project).
3. Baird & Baird: Consider approval of three legal services invoices totaling \$974.43
4. Mountain Enterprises: Kentucky Avenue Roadway & Utility Improvement - Phase IV \$27,128.57
5. J & M Monitoring: Consider approval of amendment #6 to asbestos testing/abatement services contract

B. PARKING STRUCTURE: Elliott Contracting, Inc.: \$386,789.40

## *V. OLD BUSINESS*

### A. CITY ENGINEER'S REPORTS

1. South Mayo Trail Drainage: Consider approval of design of South Mayo Trail drainage to be reimbursed by the Highway Department
2. Marions' Branch Bridge: Consider additional provisions to Bush & Burchett's contract for repairs to the Marions' Branch Bridge.
3. Consider a request from Pikeville College officials for the city to remove a house on Willow Street and cut trees on the property as a part of the Redevelopment Project.
4. Hibbard Street Gas Line - Consider approval of pay request totaling \$19,471.86 and approval of change order #1 in the amount of \$7,435.40.
5. Renaissance Area Utility Project Phase II Update
6. Bowles Addition Sewer Rehabilitation
7. Update of engineering projects

### B. CITY ATTORNEY'S REPORTS

### C. CITY MANAGER'S REPORTS

1. Consider award of bid for the purchase of a truck for the fire department and a police cruiser for the police department.
2. Consider a request from Rick Branham, Homeless Coordinator for Pike County Board of Education, for use of the city's homeless shelter.

D. CONSENT ITEMS - Consider a request from Alliance Energy for a work session with the Commission on October 28th at 5:00 p.m.

## *VI. ADJOURNMENT*



# MINUTES } CITY OF PIKEVILLE

## CITY OF PIKEVILLE BOARD OF COMMISSIONERS SPECIAL MEETING MINUTES OCTOBER 9, 2002

The Board of Commissioners of the City of Pikeville met in Special Session on Wednesday, October 9, 2002, at Noon. The meeting was held in the City Hall Public Meeting Room located at 118 College Street, Pikeville, Kentucky.

The meeting replaces the October 14, 2002, regular meeting which was cancelled during the September 23, 2002 Commission Meeting.

The Special Meeting Agenda is as follows:

- I. CALL TO ORDER**
- II. MINUTES:** Consider approval of the minutes from the September 23, 2002 meeting.
- III.** Consider a request from First Baptist Church to waste fill material at the city's Island Creek property.
- IV. PAYMENT OF BILLS**
  - A. PIKEVILLE REDEVELOPMENT PROJECT**
    1. Pikeville Affordable Housing: Consider a request from Pikeville Affordable Housing to draw down \$7,969.00 for Phase I of the Townhouse Project.
    2. Consider a request to draw down \$181,260.71 against the construction loan to pay Goggans Construction Company (Townhouse Project).
    3. Baird & Baird: Consider approval of three legal services invoices totaling \$974.43
    4. Mountain Enterprises: Kentucky Avenue Roadway & Utility Improvement - Phase IV \$27,128.57
    5. J & M Monitoring: Consider approval of amendment #6 to asbestos testing/abatement services contract
  - B. PARKING STRUCTURE:** Elliott Contracting, Inc.: \$386,789.40
- V. OLD BUSINESS**
  - A. CITY ENGINEER'S REPORTS**
    1. South Mayo Trail Drainage: Consider approval of design of South Mayo Trail drainage to be reimbursed by the Highway Department
    2. Marions' Branch Bridge: Consider additional provisions to Bush & Burchett's contract for repairs to the Marions' Branch Bridge.
    3. Consider a request from Pikeville College officials for the city to remove a house on Willow Street and cut trees on the property as a part of the Redevelopment Project.
    4. Hibbard Street Gas Line - Consider approval of pay request totaling \$19,471.86 and approval of change order #1 in the amount of \$7,435.40.
    5. Renaissance Area Utility Project Phase II Update
    6. Bowles Addition Sewer Rehabilitation
    7. Update of engineering projects
  - B. CITY ATTORNEY'S REPORTS**



## MINUTES } CITY OF PIKEVILLE

### C. CITY MANAGER'S REPORTS

1. Consider award of bid for the purchase of a truck for the fire department and a police cruiser for the police department.
2. Consider a request from Rick Branham, Homeless Coordinator for Pike County Board of Education, for use of the city's homeless shelter.

D. CONSENT ITEMS - Consider a request from Alliance Energy for a work session with the Commission on October 28th at 5:00 p.m.

### VI. ADJOURNMENT

There being a quorum present, Mayor Pro Tem Steven D. Combs called the meeting to order. Commission Members present at call of the roll were as follows:

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

Commissioner Eugene Davis and Mayor Frank M. Morris were absent.

#### AGENDA ITEM II.

#### MINUTES

The minutes for the previous regular meeting held on September 23, 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 submitted. The motion carried 3 - 0.

#### AGENDA ITEM III.

#### REQUEST FROM THE FLOOR

Joe Childers, was present on behalf of the First Baptist Church, to request permission to waste fill material in Poor Farm Hollow. It was explained that the First Baptist Church has acquired the Johnson house located on Fourth Street. The church will be tearing down the house and have requested to waste the material in Poor Farm Hollow. Commissioner Layne made the motion, seconded by Commissioner Combs to allow the First Baptist Church to waste fill material in Poor Farm Hollow as requested. The motion carried 3 - 0.

#### AGENDA ITEM IV.

#### PAYMENT OF BILLS

A. PIKEVILLE REDEVELOPMENT PROJECT: Presented for approval of payment were the following invoices in conjunction with the Pikeville Redevelopment Project:

1. Pikeville Affordable Housing Corporation: Sean Gilbert, Executive Director for the Housing Authority of Pikeville, presented a request to draw down funds from the City's \$200,000 line of credit in the amount of \$7,969.00. Mr. Gilbert explained the invoice represents the tax credit reservation fee for the next twenty units of the Kentucky Avenue Project (Phase IV). Commissioner Combs made the motion, seconded by Commissioner Layne to approve payment of the draw down request. The motion carried 3 - 0.

2. Goggans Construction Company: Presented for approval of payment was an invoice totaling \$181,260.71 from Goggans Construction Company for the first phase of the Kentucky Avenue Townhouse construction project. Mr. Gilbert advised the invoice is to be paid from the \$1.7 million construction loan. While the city was scheduled to be removed as a guarantor of the loan at the time the tax credits were sold, the city remains listed as a guarantor of the construction loan. Mr. Gilbert reported that he has been trying to get the necessary documentation from Community Trust



## MINUTES } CITY OF PIKEVILLE

Bank in an effort to get the city released as a guarantor, however their attorney has yet to execute the necessary documentation. The Commission directed the City Manager to contact the loan officer at Community Trust Bank to secure the city's release from the loan pursuant to the agreement. With regard to the pay request, Commissioner Combs expressed his reservation in approving payment because the contract time expired on October 1, 2002. Mr. Gilbert reported he had spoken with the city attorney who advised that any liquidated damages should be withheld from the last payment. Architect Chris Chrisman reported the construction schedule provides for the first 13 apartments to be completed by October 30th. The next 17 apartments are to be completed by November 30th and the remaining apartments by December 30th. The delay in completion of the townhouse units could result in as much as a \$55,000 loss in tax credits, while only recovering \$30,000 through liquidated damages. Mr. Gilbert advised that he does not expect a funding shortfall. The difference in the tax credits can be paid with the project's contingency funds. City Engineer Sykes reported he will try to arrange for paving of Smith Street and around the first four buildings prior to the closing of the asphalt plant. He reminded the Commission that paving costs had been deleted from Patriot Construction's contract as the city's contract with Mountain Enterprises provides a less expensive asphalt per unit cost. Upon Mr. Gilbert's recommendation, Commissioner Justice made the motion, seconded by Commissioner Layne to authorize payment in the amount of \$181,260.71 from the \$1.7 million construction loan. The motion carried 3 - 0. Mr. Gilbert advised he would speak with the city attorney prior to the next pay estimate to determine if liquidated damages should be withheld from further payments.

3. Baird & Baird: Presented for approval of payment on behalf of Baird and Baird were three invoices totaling \$974.43 for legal services in conjunction with the Pikeville Redevelopment Project. Ms. Smallwood explained the services involved condemnation and eviction proceedings for the Akers, Brown, and Robinson properties. Commissioner Layne made the motion, seconded by Commissioner Combs to approve payment of the invoices to Baird & Baird as requested. The motion carried 3 - 0.

4. Mountain Enterprises: Presented for approval was the first payment request from Mountain Enterprises for the Phase IV - Kentucky Avenue Roadway and Utility Improvement Project. The payment estimate, in the amount of \$27,128.57, represents fees mainly for mobilization. Commissioner Justice made the motion, seconded by Commissioner Layne to approve payment to Mountain Enterprises as submitted. The motion carried 3 - 0.

5. J & M Monitoring: Ms. Smallwood presented a resolution approving amendment #6 to J & M Monitoring's contract for asbestos testing and abatement. She explained the amendment includes additional buildings to be tested on High Street and abatement on buildings that have previously been tested. The additional fees are computed on the initial contract's cost per unit.

### AMENDMENT #6 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, August 26, 2002, September 9, 2002, and September 23, 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.



## MINUTES } CITY OF PIKEVILLE

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, amendment #4 dated September 9, 2002 increased the contract by an additional \$9,522 for 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.

WHEREAS, amendment #5 dated September 23, 2002 increased the contract by an additional \$15,886 to remove asbestos from 175, 179, 181 and 183R High Street and by an additional \$3,330 to test asbestos for building #9 10, 14, 17, and 20.

WHEREAS, the city of Pikeville requires asbestos abatement for building #10 and #20 and testing of 194 Kentucky Avenue.

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 buildings #10 and #20.
2. The cost for this additional asbestos abatement service shall be \$14,982.
3. The City of Pikeville will amend the contract for asbestos testing service to include testing of building located at 194 Kentucky Avenue containing 1 unit.
4. The cost for this additional asbestos testing service shall be \$185 per unit.
5. The maximum contract amount shall increase by \$15,167.
6. The time of performance for asbestos abatement will extend through October 16, 2002.
7. The time of performance for asbestos testing will not change.
8. The maximum contract shall not exceed \$56,284.

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, the amendment dated August 26, 2002, the amendment dated September 9, 2002, and the amendment dated September 23, 2002. The amendment is effective as of the date of the original agreement.

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

B. PARKING STRUCTURE PROJECT: Architect Chris Chrisman presented payment request #3 from Elliott Contracting, Inc. in the amount of \$386,789.40 for work and materials to date for the parking garage project. Pursuant to the Commission's request, a bar chart work schedule was submitted by the contractor for review. It was reported the contractor is approximately one week ahead of schedule. Mr. Chrisman reported he is preparing a change order to finalize the credit for the reduction in the number of pilings and caps. The change order will provide a net decrease to the contract for approximately \$180,000. The majority of the savings will be used to add back to the contract the awnings and the brick on the west end of the building. There will be a small credit left, however Mr. Chrisman recommended holding this amount in reserve to pay for concrete testing (owner's responsibility). Commissioner Justice asked if the funds for the awnings could be obtained through the Main Street Agency's facade grant program. Mr. Chrisman explained there is adequate funding in the project for the awnings, and thinks the Main Street Agency could better use its money in the community. He also commented the only items that have not been added back to the contract are the pedways. Mr. Sykes advised that he only has verbal indications the pedways will be funded. Commissioner Combs pointed out that some type of safety barricade is needed around the piling



## MINUTES } CITY OF PIKEVILLE

holes. The architect advised he would see the area is secured. He further commented the holes should be filled in this week. Commissioner Layne made the motion, seconded by Commissioner Justice to approve payment of the invoice as presented. The motion carried 3 - 0.

### AGENDA ITEM V.

### OLD BUSINESS

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

1. South Mayo Trail Drainage: Mr. Sykes reported that he had been contacted by officials in Frankfort requesting that Summit Engineering provide them with estimates for design and inspection services for the alternate selected by the city to remedy the drainage problem on South Mayo Trail. Mr. Sykes was authorized by the Department of Transportation to proceed with the design and bidding of the project. They will review the bids prior to authorizing any funds for construction. Summit Engineering's fees for design is \$30,000; bidding is \$4,000; construction administration is \$7,000; and construction inspection is \$29,000. Mr. Sykes advised the contract for the services will actually be with the city. The Department of Transportation will reimburse the city for the engineering fees. Mr. Sykes asked the Commission to authorize approval of the contract pending receipt of the agreement with the Department of Transportation. Commissioner Justice made the motion, seconded by Commissioner Layne to approve entering into a contract with Summit Engineering for design/bidding of the South Mayo Trail Drainage project, pending receipt of a reimbursement agreement from the Department of Transportation. The motion carried 3 - 0. The city manager is to issue a notice to proceed to Summit Engineering upon receipt of the agreement.

2. Marion's Branch Bridge: During the special meeting held on October 1, 2002, the Commission authorized approval to proceed with repairs to the Marion's Branch Bridge on the premise that Lodestar, the Department of Transportation, and the City would equally share in the cost of repairs. Mr. Sykes advised he has a letter from Lodestar Energy agreeing to fund \$31,267 of the repairs. He has a verbal approval from the Department of Transportation they will fund \$32,000. A written agreement has been drafted and forthcoming. Because the engineers proceeded with the project on an emergency basis, no liquidated damages nor payment/performance bonds were required. The city attorney, after reviewing the contract with the bridge contractor, Bush & Burchett, directed this be brought to the Commission's attention. The contractor has requested an additional \$3,000 to add liquidated damages and a payment/performance bond. Lodestar Energy is comfortable with Bush & Burchett's working reputation and have indicated they will not participate in these costs. The Commission agreed to not require liquidated damages or a payment/performance bond.

3. Pikeville College: Mr. Sykes presented Pikeville College's request for the city's contractor to remove their building located at the corner of Willow Street/Poplar Street and five large trees. Because the house and trees are outside the project boundary the removal of the structure and trees can't be funded with project proceeds. The engineer has an estimate from Patriot Construction in the amount of \$5,500 for demolition of the house and \$7,000 from Mountain Enterprises for removal of the trees. Commissioner Combs suggested the city engineer and city manager negotiate with Pikeville College to discuss the request as well as Commissioner Justice's proposal for modifications to the Kentucky Avenue Project.

4. Hibbard Street Gas Line Replacement: Presented for approval were a change order and pay request from M & S General Contracting for the Hibbard Street Gas Line Replacement. The initial contract amount was \$28,245.00. Change Order #1 was presented for approval in the amount of \$7,435.40. Mr. Sykes explained the change order was necessary due to the gas line not being in the location as shown on the maps. As a result, the contractor had to increase the amount of gas line installed as well as replace 55 square yards of sidewalk. Pay Request #2 was presented for approval of payment in the amount of \$19,471.86 for the project. The engineer advised a 10% retainage is being withheld and recommended approval of both the change order and pay request. Commissioner



## MINUTES } CITY OF PIKEVILLE

Layne made the motion, seconded by Commissioner Justice to approve Change Order #1 and approve payment of estimate #2 to M & S General Contracting as presented. The motion carried 3 - 0.

5. Utility Relocation Project - Phase II: Mountain Enterprises is proceeding with Phase II of the Utility Relocation Project (Second Street and side streets), with an emphasis on completing the work on Hambley Boulevard. The contractor has ordered the manhole covers for the Boulevard and they are expected to be delivered next week. The engineer reported that the contract expects to begin paving Hambley Boulevard in approximately two weeks.

6. Bowles Addition Sewer: Mr. Sykes reported that BOCA Enterprises, contractor for the Bowles Addition Sewer Line Rehabilitation Project, will be back on the site to complete any necessary fill work due to settling.

7. Sycamore Street Retaining Wall: Included with the demolition contract with Patriot Construction is a provision to regrade the area between Sycamore Street and the Myers Tower lower parking lot. Mr. Sykes requested an estimate from Patriot Construction for installation of a retaining wall and storm drainage. To construct 270 feet of retaining wall, fill behind it with either soil or stone (whichever is more appropriate), and to install about 500 feet of storm drain (to pick up the catch basins on Sycamore Street) and drain to the parking lot will cost \$56,556.00. The wall is a 9ft. high, solid, keystone wall and buff in color. The material is manufactured and sold locally so the wall can be easily matched. Mr. Sykes advised the Commission there is \$14,000 remaining in the Phase I budget. He intends to present a change order at the next meeting for tying the drain into the Boulevard drains. Mr. Sykes recommended a contract be awarded to Patriot Construction in the amount of \$56,556.00 for construction of the retaining wall and storm drains. Commissioner Justice made the motion to award a contract to Patriot Construction in the amount of \$56,556.00 for construction of the Sycamore Street retaining wall and storm drains, contingent upon notice from the funding agency the money has been released. Commissioner Layne seconded the motion. The motion carried 3 - 0.

8. Work Session: Mr. Sykes requested a work session to discuss and review plans for the North Mayo pumping station that supplies water to the storage tank located behind Wal-Mart. Proposed location of the pumping station is adjacent to the flood gates. The Commission directed a work session be scheduled on October 22, 2002, at Noon, to discuss this issue and to meet with Pikeville College officials to discuss modifications to the Kentucky Avenue project.

9. Yorkwood Forest: Commissioner Justice asked the feasibility of the Department of Transportation constructing a turning lane off U.S. 23 South for the residents of Yorkwood Forest. Mr. Sykes reported that he had spoken with officials at the Department of Transportation concerning this matter. He explained there is the ability to turn, in the center lane, but due to the close proximity of the businesses in the area, there is no room to construct a separate dedicated turning lane. Mr. Sykes advised that he will again contact the Department of Transportation to request they reconsider this issue.

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

1. Vehicles: Mr. Blackburn advised the Commission had budgeted for the purchase of a pick-up truck (4-wheel drive) for the Fire Department and a cruiser for the Police Department. Bids for the purchase of the two vehicles were advertised. Two bids were received for the police cruiser, with the low bid being from Fletcher & Hall in the amount of \$17,893.83. Three bids were received for the pick-up truck. The low bid was submitted by Walters Ford in the amount of \$25,028.60. The City Manager recommended award for the purchase of the vehicles to the low bidders. Commissioner Combs suggested advertising for 4-wheel drive vehicles for the Police Department in the future. Commissioner Combs made the motion, seconded by Commissioner Layne to award the



## MINUTES } CITY OF PIKEVILLE

bids to the low bidders as recommended by the City Manager. The motion carried 3 - 0.

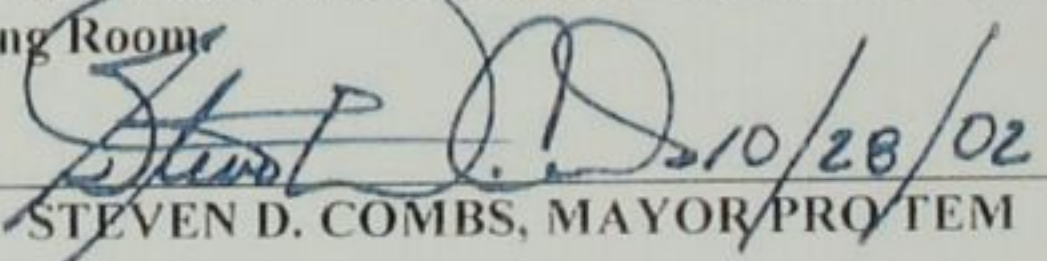
2. Homeless Shelter: Mr. Blackburn reported he received a request from Rick Branham of the Pike County Board of Education for permission to allow eight students to live at the city's Homeless Shelter for one week. It was explained that the Board of Education has enacted a new program to teach high school seniors about being homeless. Several local businesses are promoting the activity. Pikeville's shelter will receive a television and couch courtesy of East Kentucky Broadcasting. The event will take place the week before Thanksgiving. Contingent upon the shelter not being at capacity, Commissioner Layne made the motion, seconded by Commissioner Combs to allow the request. The motion carried 3 - 0.

3. A work session was scheduled for October 28th at 5 p.m. to discuss the natural gas supply with Alliance Energy.

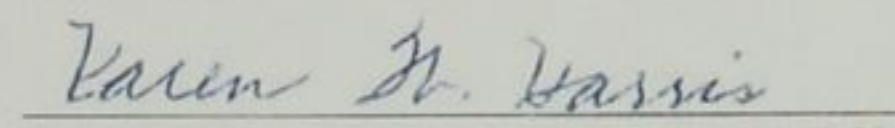
There being no further business to come before the Commission, Commissioner Combs made the motion, seconded by Commissioner Justice to adjourn the meeting. The motion carried 3 - 0.

The next scheduled meeting of the Pikeville City Commission is October 28, 2002, at 6:00 p.m. The meeting will be held in the City Hall Public Meeting Room.

APPROVED:

 10/28/02  
STEVEN D. COMBS, MAYOR PRO TEM

ATTEST:

  
KAREN W. HARRIS, CITY CLERK