

MINUTES } CITY OF PIKEVILLE

CITY OF PIKEVILLE BOARD OF COMMISSIONERS REGULAR MEETING MINUTES MARCH 24, 2003

The Board of Commissioners for the City of Pikeville met in regular session on Monday, March 24, 2003 at 6:00 p.m. The meeting was held in the City Hall Public Meeting Room located at 118 College Street, Pikeville, Kentucky.

There being a quorum present, Mayor Franklin D. Justice, II called the meeting to order. Commission Members present at roll call were as follows:

COMMISSIONER:	DALLAS LAYNE EUGENE DAVIS STEVEN COMBS SHAWN AMOS
MAYOR:	FRANKLIN JUSTICE, II

AGENDA ITEM II. MINUTES

The minutes for the regular meeting of February 24, 2003 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 presented. The motion carried unanimously.

AGENDA ITEM III. BUSINESS FROM THE FLOOR

A. OPERATION "IRAQI FREEDOM": Commissioner Layne addressed those present with a prepared statement as follows: "As we speak here tonight and take care of our city's business, I feel that it is incumbent upon us, as citizens of this great country, this great nation, and as citizens of Pikeville, Kentucky, to take a moment of silence for the loss of lives of our freedom fighters that have put their lives on the line for you and I. As they advance on to Baghdad to meet their destiny, we should be praying for them and our leaders, including our president. They are under an awesome burden for us and for the world". The statement was followed by a time of silence. Commissioner Layne called for a motion to adopt a resolution in support of the defenders of our freedom and freedom of the world as they march on to victory to Baghdad. Commissioner Combs made the motion, seconded by Commissioner Davis to adopt a resolution as requested. During discussion, Commissioner Davis stated that he is a firm believer that once our military personnel are deployed, the nation of people should support the decision of country's leadership as well as the efforts of military personnel. Both Commissioner Davis and Commissioner Layne are veterans of the Korean Conflict and took the time to remember members of their family that had given their lives in defense of the United States of America and of freedom. Commissioner Combs applauded Commissioner Layne for introducing the resolution. He opined the idea that the military will be engaged in battle for only 3 or 4 days is erroneous as the Iraqi people have been subjected to the Saddam Hussein regime for many years. There being no further discussion, the motion carried unanimously.

B. RIDGECLIFF APARTMENTS: Janet Johnson, manager of Ridgecliff apartments, asked if the city could assist in beautification efforts on the hillside located behind their facility. Ann Hall, representative of Franklin Management, owners of Ridecliff Apartments, displayed a number of pictures of the area behind the apartment facility (Franklin Management owns 40 ft up the hillside from the corner of the building). Ms. Hall reported that Franklin Management spent \$1,600.00 last year to cut trees, but advised there is much more work to be accomplished. Following the last City Commission Meeting, City Engineer Sykes and grant consultant, Will Linder discussed avenues and the most beneficial way to use the UDAG (Urban Development Action Grant) funds (totaling \$450,000) that were committed to the Keyser Heights II project. 5 budget items totaling \$466,000 were proposed. The proposed uses include extension of the Sycamore Street retaining wall, currently under construction, onto Ridgecliff's property. Estimated cost is \$75,000.

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Another use is to extend the guardrail along Sycamore and High Streets at a cost of \$36,000; Repayment of 65,000 AHTF (Affordable Housing Trust Fund) loan; and repayment of \$270,000 borrowed from AHTF by the non-profit housing agency for the Kentucky Avenue Housing Project. It is proposed the non-profit agency will reimburse the city these funds, giving the city the opportunity to use the money toward the Hambley Field improvements. The proposed uses are predicated on approval of an amendment by HUD agreeing to a change of project. According to Mr. Sykes, Mayor Justice is in agreement with the proposed concept. The UDAG funds will need to be expended before July 1st. Mr. Linder reported he had spoken with HUD officials concerning the proposed amendment. They are concerned about the timing sequence and added there may be a need for congressional intervention on the city's behalf. All documentation requested by HUD will be remitted by Mr. Linder's office by the end of this week. Mr. Linder requested permission to submit an amendment for the UDAG agreement to HUD for review, contingent upon review and concurrence by the Mayor and City Manager. Commissioner Layne made the motion to accept Mr. Linder's recommendation. Commissioner Amos seconded the motion. The motion carried unanimously.

AGENDA ITEM IV.

PAYMENT OF BILLS

A. CITY BILLS: Commissioner Davis made the motion, seconded by Commissioner Combs to authorize payment of the City Bills totaling \$396,318.76. Mayor Justice called attention to the invoice from J & H Enterprises in the amount of \$10,799.50. He explained the payment is for site work behind the Hall of Justice, on Ferguson Creek, and Chloe Creek. The company's original estimate was \$12,700, but they discounted the charge. A.T. Hall stated that an invoice for the purchase of two additional compactor boxes is included in the bill listing. Mr. Hall explained the additional equipment will allow for more efficient operations at the transfer station as well as reduce the number of trips to the landfill. The motion carried unanimously.

SOLID WASTE HAULER: Danco Trucking is the company that hauls the city's solid waste from the transfer station to the Green Valley Landfill. While Danco Trucking's contract for hauling is between them and Green Valley Landfill, a request was made during a previous City Commission meeting, by Danny Music of Danco Trucking that the city authorize a fuel surcharge. According to Mr. Music, when he began his contract in January, 2003, he was paying \$1.15/gallon for fuel. The cost per gallon is currently \$1.67/gallon. After consideration of Mr. Music's request, Mayor Justice recommended that Danco Trucking be reimbursed for fuel above the cost of \$1.15/gallon contingent upon presentation of receipts and verification the fuel is utilized for trucking of the City of Pikeville's solid waste. Commissioner Davis commented that should the cost for fuel drop below \$1.15/gallon, the city would be reimbursed. Commissioner Combs made the motion to adopt the Mayor's recommendation, to become effective retroactively to January 1, 2003. Commissioner Davis seconded the motion. The motion carried unanimously.

B. PIKEVILLE REDEVELOPMENT PROJECT: Will Linder of Will Linder & Associates and Melanie Stevens, representing Big Sandy Area Development District, appeared before the Commission to request approval for the following matters:

1. An invoice from Summit Engineering in the amount of \$462.67 was presented for approval of payment for engineering services related to the Kentucky Avenue/High Street demolition project. Mr. Linder advised the city has not quite met its local share on the contract and recommended the invoice be paid utilizing city funds. Commissioner Layne made the motion, seconded by Commissioner Amos to authorize payment to Summit Engineering in the amount of \$462.67. The motion carried unanimously.

2. Presented for approval of payment was an invoice from the non-profit agency, Kentucky Avenue Phase II Limited, in the amount of \$12,044.56 for the first phase of the townhouse project. Mr. Linder advised there was a \$150,000 Renaissance Direct Appropriation Grant awarded to the project. This invoice is the final draw down from this grant. Commissioner Combs made the motion, seconded by Commissioner Layne to approve payment of \$12,044.56 to Kentucky Avenue Phase II Limited from the Renaissance Direct Appropriation grant funds. The motion carried unanimously.

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3. Melanie Stevens submitted an invoice on behalf of Summit Engineering in the amount of \$192.00 for survey services in conjunction with Phase VI of the Redevelopment Project. Ms. Stevens recommended approval of the invoice as presented. Mayor Justice made the motion, seconded by Commissioner Layne to approve payment as presented. The motion carried unanimously.

4. Ms. Stevens advised the Mountain Enterprises invoice in the amount of \$134,040.56 for the Kentucky Avenue Roadway and Utility Improvement project was only submitted to her this date. She recommended approval of the invoice subject to review by the BSADD grant administrators. Commissioner Combs made the motion, seconded by Commissioner Layne to approve payment contingent upon approval from the BSADD grant administrators. The motion carried unanimously.

C. PARKING GARAGE PROJECT: Presented for approval of payment was an invoice in the amount of \$7,937.50 on behalf of Summit Engineering for engineering services in conjunction with the Pikeville Parking Garage Project. The clerk advised the payment is in accordance with Summit Engineering's contract. Commissioner Combs made the motion, seconded by Commissioner Amos to approve payment to Summit Engineering in the amount of \$7,937.50. The motion carried unanimously.

D. PAULEY BRIDGE UTILITY RELOCATION PROJECT: City Manager Blackburn recommended approval of payment of an invoice totaling \$916.39 to Summit Engineering for bidding services for the Pauley Bridge utility relocation project. Commissioner Layne made the motion, seconded by Commissioner Combs to approve payment as recommended. The motion carried unanimously.

AGENDA ITEM V.

OLD BUSINESS

A. BIG SANDY AREA DEVELOPMENT DISTRICT REPORTS:

1. **Emergency/Homeless Shelter:** The Emergency Shelter Grant application is due to be submitted on April 9, 2003. The grant application has not been completed by the Big Sandy Area Development District at this time, however the application will have to be submitted prior to the next City Commission Meeting. Commissioner Combs made the motion to authorize the submission of a grant application in the amount of \$40,000. Commissioner Amos seconded the motion. During discussion, Commissioner Combs advised that he has reviewed the former grant agreements. Acceptance of grant funds commits the City to three years of operating the shelter. He further commented the City Commission has no intention to cease operations of the shelter. The motion carried unanimously.

2. **Sunset Lane:** Presented for approval of payment was an invoice totaling \$831.30 from Summit Engineering for design services for the Sunset Lane Sewer Line Extension Project. Ms. Stevens advised the funds will be reimbursed from the PRIDE funds. Commissioner Amos made the motion to authorize payment to Summit Engineering as requested. Commissioner Layne seconded the motion. The motion carried unanimously.

3. **Sunset Lane Legal Services Agreement:** Submitted for consideration was an agreement between the City of Pikeville and city attorney, Russell H. Davis, Jr., for legal services in conjunction with the Sunset Lane Sewer Line Extension Project. Mr. Davis explained the contract is required by the Department for Rural Development in the expenditure of the PRIDE funds. The contract amount is \$831.30 as provided by the Department for Rural Development's pay scale. Commissioner Combs made the motion, seconded by Commissioner Amos to authorize the Mayor to execute the contract for legal services for the Sunset Lane Sewer Line Extension Project in the amount of \$831.30. The motion carried unanimously.

B. CITY ENGINEER'S REPORTS: Jack Sykes and Charles Byers, representing Summit Engineering, City Engineers, presented a verbal report for the following projects:

1. **Pikeville Renaissance Project:** Charles Byers advised the contractor is continuing efforts to get the curbs and sidewalks poured in the area of the second phase of the Utility Relocation Project. Once this portion is complete, the contractor will begin paving. Due to the inclement weather, Mountain

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Enterprises will not have all of the streets paved prior to the Hillbilly Days Festival. Mr. Byers advised the contractor will work toward paving Second, Grace, Caroline and Division Streets prior to Hillbilly Days. Mr. Byers reported that neither Crickett Alley nor Pike Street will be paved by Hillbilly Days. The contractor has begun installing the plastic liner in the clay sewer line.

2. **Sycamore Street Grading Project:** Patriot Contracting has completed the grading work at the top of the street and hydroseeded. The retaining wall is now underway. The project should be completed within the next couple of weeks. The Pikeville Housing Authority has committed \$17,000 for the extension of the wall to include behind Myers Towers. Mayor Justice advised Ms. Johnson and Ms. Hall, who addressed the Commission earlier on behalf of Ridgecliff Apartments, that the City is attempting to obtain approval to use UDAG funds to extend the retaining wall to include behind the Ridgecliff Apartment facility.

3. **Parking Structure:** The contractor, Elliott Contracting, is pouring concrete for the second floor slab.

4. **Hambley Field Project:** Commonwealth Building has about half of the field graded. All the perimeter drains have been installed. The contractor will be continuing with the grading and are projecting the grading will be completed within the next five days, weather permitting. After the grade is checked, the contractor will be able to begin installation of the interior drains. Installation of the turf is scheduled to begin on April 14th. It will take approximately 2 to 3 weeks to install. Discussion was had concerning the acquisition of fencing for the outfield. Two phone quotes were received - one for \$6,000+ and one for \$9,000+. Commissioner Combs made the motion to authorize the City Manager to order the fencing within the guidelines of his spending authority. Commissioner Amos seconded the motion. The motion carried unanimously.

5. **Pike Street:** Regarding Robert Pinson's discussion with the City Commission during a previous meeting, Mr. Byers reported that he had not received a quote concerning the adjustment to the intersection of Third Street and Pike Street.

6. **Bob Amos Park Drainage:** Referring to a letter received by the Mayor from the Department of Abandoned Mine Lands (AML), Mr. Sykes advised the Commission that AML agrees the damage in Bob Amos Park is mining related and will implement a design to install drainage. Mr. Sykes advised the Commission the process to accomplish the project will be slow.

7. **Kentucky Avenue Phase Roadway & Utility Improvement Project:** Mr. Sykes expressed his concerns about grading activities on any area that has a steeper slope than 2:1. There is about a 200 ft. section, where the Phase V houses were removed, that has a steeper slope than 2:1. The engineers have looked at a couple of alternatives to stabilize the slope. One option was to build a retaining wall at a cost of \$80,000. Mr. Sykes advised there are not sufficient funds in the contingency budget for this option. Mr. Sykes is recommending about 4 ft. of rip-rap on top of the 200 X 12 section which is located on the opposite side of the roadway and partially in front of the final phase of the housing project. Mr. Sykes presented a change order in the amount of \$22,106.00 for approval. He commented that this option may not be aesthetically pleasing, however it will provide the needed slope stabilization within the budget. After this change order approximately \$15,000 remains in the contingency budget. Commissioner Combs made the motion to approve the city engineer's recommendation. Commissioner Amos seconded the motion. The motion carried unanimously.

8. **Pauley Bridge Utility Relocation Project:** Commissioner Combs reported that the city engineer had met with each member of the Commission individually and explained the bids and project scope for the Pauley Bridge Utility Relocation Project. The Commission agreed that revisiting the issue would be repetitious and time consuming. Mr. Sykes requested award of contract to the low bidder, Patriot Construction in the amount of \$93,988.70 and to approve a change order for the extension of the relocation in a southerly direction down to the Collins Building parking lot. The change order is in the amount of \$13,200.80. Commissioner Combs made the motion to accept the city engineer's recommendation.

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Commissioner Davis seconded the motion. Mr. Sykes pointed out the total cost does not include paving. This will add approximately \$2,000 to the project and will be paid out of the regular city budget. The motion carried unanimously.

9. South Mayo Storm Drain Project. The Department of Transportation has approved funding for this project, however the funds will not be released until August. The contract had a 90 day bid hold which expires on April 16th. The contractor, Mountain Enterprises, has agreed to extend their bid through September 1, 2003. Commissioner Davis made the motion, seconded by Commissioner Amos to extend the bid award through September 1, 2003. The motion carried unanimously.

City Manager Blackburn advised that he has all the right-of-way easements required for the South Mayo Storm Drainage Project with the exception of two. He requested the City Attorney be authorized to file condemnation proceedings against Speedway and U.S. Bank Corporation if it becomes necessary. Mayor Justice made the motion, seconded by Commissioner Combs to authorize the City Attorney to file condemnation proceedings against the two corporations at such time as the City Manager deems it necessary. The motion carried unanimously.

C. MAIN STREET PROGRAM REPORTS: Glendia Sawyers, Pikeville Main Street Program Board Member, presented the following items for the Commission's consideration:

1. Utility Relocation Project - Phase II: Presented for approval of payment were the following three invoices:

- a. Summit Engineering - \$14,350.00 - Phase II engineering services
- b. Summit Engineering - \$18,000.00 - Phase III engineering services (payment contingent upon release of funds)
- c. Mountain Enterprises - \$395,453.66 - Phase II construction (Pay estimate #6)

Ms. Sawyers advised the payments were approved by the Main Street Board during their March 18, 2003 meeting. Commissioner Combs made the motion, seconded by Commissioner Amos to approve payment as recommended by the Main Street Board. The motion carried unanimously.

2. State Senior Games: The City will be hosting the State Senior Games in September, 2003 and 2004. 500 entries are expected for 2003 and 1000 entries are expected for 2004. The planning committee for this event will meet on April 8th at 10 a.m. in the Pikeville Senior Citizens Center. The Mayor asked Ms. Sawyers to advise the High School and College of this event.

3. VISTA Program: The Main Street Manager, Melissa Staggs, will be attending a supervisors training session during the third week of April regarding the VISTA program.

4. CDBG Training: Ms. Staggs will be attending the Department of Local Government's training session to become a certified CDBG administrator beginning March 25th.

5. Clean-up Pike County Campaign: Pike County received PRIDE funds for the annual clean-up campaign - April 14 - 25th. Bob Amos Park will be a focus of the county's clean-up efforts. Ms. Sawyers advised that the PRIDE Community Grant applications are due on May 7th. The Mayor requested that the building inspector look into acquiring a PRIDE grant to clean up the riverbank at the Wal-Mart area. The Mayor reported there are a number of tires dumped near the pumping station on Harold's Branch. Ms. Sawyers advised the county's solid waste department will haul away the tires during the clean-up campaign.

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

1. Pikeville Fire Department: City Manager Blackburn presented the Fire Department's request

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to designate all fire department facilities as "tobacco free". Commissioner Combs made the motion, seconded by Commissioner Amos to approve the Fire Department's request. The motion carried unanimously.

Mayor Justice made the motion to designate all city owned public facilities as tobacco free facilities. Commissioner Layne seconded the motion. During discussion, City Manager Blackburn commented the Commission may want to exempt the communications room located at the Police Station from this designation. He advised there are times when there is only one dispatcher working and they are not permitted to leave their post. Mayor Justice amended his motion to exempt the 911 communications room from the tobacco free status on the basis there is only one employee at certain times in the facility and they are not permitted to leave their post. Commissioner Combs seconded the amended motion. The motion carried unanimously.

2. Board Vacancies: The clerk advised the Commission of vacancies on various boards. Mayor Justice nominated Tim Campoy and John Charles to serve on the Technical Advisory Committee. Commissioner Combs made the motion, seconded by Commissioner Layne to approve the Mayor's nominations. The motion carried unanimously. Other board appointments were deferred until the next meeting.

Commissioner Combs made the motion to authorize the City Manager to draft a letter of commendation for Paul Layne, employee of U.S. Filter, for his exemplary service. Mayor Justice seconded the motion. The motion carried unanimously.

There being no further business to come before the Commission, Commissioner Davis made the motion, seconded by Commissioner Combs to adjourn the meeting. The motion carried unanimously. (Adjournment time: 7:35 p.m.)

The next regular meeting of the Pikeville City Commission is scheduled for April 14, 2003 at 6:00 p.m.

APPROVED: _____

Franklin D. Justice, II
FRANKLIN D. JUSTICE, II, MAYOR

ATTEST:

Karen W. Harris
KAREN W. HARRIS, CITY CLERK