

MINUTES } CITY OF PIKEVILLE

CITY OF PIKEVILLE BOARD OF COMMISSIONERS REGULAR MEETING MINUTES APRIL 14, 2003

The Board of Commissioners for the City of Pikeville met in regular session on Monday, April 14, 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 at 6:00 p.m. Commission Members present at roll call were as follows:

MAYOR:	FRANKLIN D. JUSTICE, II
COMMISSIONER:	DALLAS LAYNE
	EUGENE W. DAVIS
	STEVEN D. COMBS
	SHAWN A. AMOS

AGENDA ITEM II. MINUTES

The minutes of the previous regular meeting of March 24, 2003 were included in each Commission Member's agenda package. There being no additions or corrections, Commissioner Combs made the motion, seconded by Commissioner Amos to approve the minutes as submitted. The motion carried unanimously.

AGENDA ITEM III. BUSINESS FROM THE FLOOR

A. DOWNTOWN REVITALIZATION PROJECT: Local Attorney Sidney Trivette addressed the Commission on behalf of Ed Anderson, owner/operator of Anderson's Department Store; Paul Mitchell, owner and operator of Happy Days Diner; and Jimmy Newsome, owner and operator of Marley's Barbershop, with regard to the ongoing construction activities taking place within the downtown central business district. Mr. Trivette reported that he had filed suit against Mountain Enterprises, contractor for the second phase of the Utility Relocation Project. According to Mr. Trivette, "Mountain Enterprises has done a terrible job of dust control". He advised that since filing the lawsuit against Mountain Enterprises approximately 8 weeks ago, they have placed water on the streets sporadically. Mr. Trivette argued the dust creates an unhealthy condition and that it is unreasonable for the property owners and those working in the area to contend with the billowing dust. Mr. Trivette alleges property damage to the interiors of the buildings as well as the furnishings of the buildings. Mr. Trivette asked the City Commission to require the contractor to provide the maximum dust suppression measures as possible. Mr. Anderson commented that he did not think the leadership cares about the problems encountered by the downtown area. Commissioners responded they had received very few complaints concerning the dust or construction activities. City Manager Blackburn advised that he had received two complaints concerning dust (from the laundry and Mickey's). Those complaints had been passed along to Main Street Manager, Melissa Staggs. Ms. Staggs advised that she had personally visited all complainants and took the appropriate measures to remedy their complaints. Ms. Staggs told the Commission that she addressed the matters with Mountain Enterprises and is satisfied with their performance and the manner in which the complaints were addressed. City Engineer Sykes reported the contract documents specify dust control. He disagreed with Mr. Trivette's description of the situation. He added that most of the dust is being created when sawing through the concrete sidewalks. The contractor will be instructed to use the equipment that provides the most dust suppression. Mr. Sykes advised the contractor should be finished with sawing within a week. Paving should be completed within one month. The Commission authorized the engineer to direct the contractor to provide the highest level of dust suppression possible.

MINUTES } CITY OF PIKEVILLE

B. SYCAMORE STREET RETAINING WALL: Pikeville Housing Authority Executive Director, Sean Gilbert, appeared before the Commission to request approval of a change order to Patriot Construction Company's contract for the Sycamore Street Project. Mr. Gilbert explained the retaining wall currently being constructed stops at the end of the parking lot closest to Myers Tower. The Housing Authority Board has approved the concept to extend the wall up the hill and across to behind the building. This extension would provide aesthetics plus prevent slides to the side of the wall. Patriot Construction has agreed to perform the work for an additional \$17,200.00. Mr. Gilbert proposed that the City approve a change order for this amount to the existing contract with Patriot Construction. The Housing Authority will reimburse the cost of the change order. Commissioner Layne made the motion, seconded by Commissioner Davis to approve a change order in the amount of \$17,200 to Patriot Construction's contract for extension of a retaining wall behind Myers Tower, to be reimbursed by the Housing Authority. The motion carried unanimously.

C. SANDY VALLEY TRANSPORTATION: Greg Hamlin, Director of the Sandy Valley Transportation Authority, presented a quarterly report of the transit service provided in downtown Pikeville. Beginning at 7 a.m. each day, the shuttle makes scheduled stops at Keyser Heights, Myers Tower, Hames Court, Pikeville Methodist Hospital and Wal-Mart. These sites are revisited at 45 minute intervals until 4:00 p.m. The initial concept was to provide a shuttle service for the downtown area during the Christmas Holiday Season. The transit service was compensated by the City at a rate of \$1.00 per ride. The service was such a success, that Mr. Hamlin asked to provide shuttle service on a month to month basis. Since the streets and parking were disturbed by the utility relocation project, the Commission suggested there be no fee charged to riders. The City agreed to pay \$500.00 per month to go toward operating costs. During the past three months the number of patrons has increased steadily per month. Sandy Valley Transportation's cost per month is assessed at \$2,830.92. Grant funds have been awarded to Sandy Valley Transportation to construct shuttle stop shelters in various locations. Commissioner Combs made the motion, seconded by Commissioner Layne to continue the agreement with Sandy Valley Transportation, providing shuttle service to the downtown area, with the City paying \$500.00 per month toward the operating costs. The motion carried unanimously.

Mayor Justice announced there would be closed session at the end of the meeting regarding a personnel matter.

AGENDA ITEM IV.

PAYMENT OF BILLS

A. PARKING GARAGE PROJECT: Architect for the Parking Garage Project, Chris Chrisman, presented a payment request from Elliott Contracting in the amount of \$424,971.90 for approval of payment. With 50% of the contract time expended, the garage is 48% completed. Mr. Chrisman recommended approval to pay the invoice as presented. Mayor Justice made the motion, seconded by Commissioner Combs to approve payment to Elliott Contracting in the amount of \$424,971.90, as recommended by the architect. The motion carried unanimously.

B. HAMBLEY FIELD IMPROVEMENTS: Presented for approval of payment was a request from Commonwealth Building and Construction in the amount of \$137,430.00 for work completed in Phase I of the Hambley Field Improvements. The project is approximately 25% complete. Weather permitting, the turf is scheduled to be installed in the next 30 days. Mr. Chrisman recommended approval of the payment request. Commissioner Layne made the motion, seconded by Commissioner Combs to authorize payment to Commonwealth Building & Construction in the amount of \$137,430.00. The motion carried unanimously.

AGENDA ITEM V.

OLD BUSINESS

A. BIG SANDY AREA DEVELOPMENT DISTRICT: Melanie Stevens, representing Big Sandy Area Development District (BSADD), presented a resolution approving Amendment #5 to Appraisal Associates of Kentucky's contract. The period of time to complete the contract was the only item

MINUTES } CITY OF PIKEVILLE

affected by the amendment. Commissioner Davis made the motion to grant a time extension to the Appraisal Associates of Kentucky contract until May 15, 2003. Commissioner Amos seconded the motion. The motion carried unanimously.

Ms. Stevens reported that the Emergency Shelter Grant application was prepared by BSADD and submitted on the city's behalf prior to the application deadline.

B. CITY ENGINEER'S REPORTS: Jack Sykes and Chris Chrisman, representing Summit Engineering and Summit Architectural Services, presented a verbal report for the ongoing projects as follows:

1. **Utility Relocation Project - Phase II:** Mr. Sykes reported the project is proceeding as scheduled. As reported earlier in the meeting, the street paving should be completed within the next thirty days. The intersections will take an additional 30 days to complete. Mr. Sykes reported that the sidewalks in the project area are being cleaned nightly. Mountain Water District is following the schedule of placing water on the streets in the project area three times per day.

2. **Kentucky Avenue:** The base paving on the roadway project is scheduled to begin on April 23rd. The townhouse contractor, Goggans Construction will not meet their April 20th deadline for completion. Mr. Sykes estimated the contract to be completed by the end of May. A retainage of a couple of hundred thousand dollars is being withheld from the contract to assess liquidated damages at the end of the project. The engineer is expecting a status report during the April 17th progress meeting. With regard to the second phase of the townhouses, the contractor, Patriot Construction, has begun digging the foundation. This phase of the project has been delayed due to inclement weather.

3. **Sycamore Street Grading:** The retaining wall is about 75% complete. There is a stress crack above the wall in the side of the mountain. Mr. Sykes advised that he thinks the crack is a result of the excessive rain. The contractor will re-grade the area affected.

4. **Pike Street :** Mountain Enterprises submitted a cost estimate for replacing the sidewalk on Pike Street, from Second Street to Third Street adjacent to the Stratton, May and Maddox Law Offices in the amount of \$10,000.00. Mr. Sykes advised the cost is in line with the contract. Mr. Sykes reported that he does not think there are sufficient funds available in the Phase II contingency budget to replace the sidewalk. The Commission requested U.S. Filter to construct the sidewalk replacement.

5. **Parking Garage Project:** Presented for approval was Change Order #4 in the amount of \$32,810.47. Mr. Chrisman advised the change order includes the following additions to the contract: addition of 12 floor drains and offset drain lines from the 2nd floor; special color and finish on metal doors and window frames; utility relocation as directed by U.S. Filter; additional brick on elevator and stairs; and additional concrete curbs and curb cuts for relocation of bridge to the park. It was pointed out the change order does not provide for the widening of the sidewalk. Approximately \$250,000 remains in the contingency budget. Mr. Chrisman reported that grant funds have been awarded for the construction of the pedways to the college and to the park. The contingency funds will be used for covering for the pedways. Commissioner Combs made the motion to approve change order #4 as recommended by the architect. Commissioner Layne seconded the motion. The motion carried unanimously.

6. **Hambley Field Improvements:** One bid was received for the bleacher installation and pressbox construction for Hambley Field. The bid was received from Dant Corporation in the amount of \$458,658.00. The proposal provides for 1825 seats, removal of the existing bleachers and construction of a new pressbox. The proposal does not include removal of the existing pressbox. Alternate #2 in the amount of \$16,900 provides for relocation and re-assembly of the existing bleachers to Bob Amos Park. Commissioner Combs made the motion to award the bid with alternate

MINUTES } CITY OF PIKEVILLE

#2 to Dant Corporation. Commissioner Davis seconded the motion. The Mayor pointed out the city will be responsible to provide the concrete work needed for the bleacher placement at Bob Amos Park. U.S. Filter will provide the labor for the necessary concrete work at Bob Amos Park. The motion carried 4 - 1 with Mayor Justice casting a nay vote. The contractor and architect have assured completion of the project by August 15th.

With regard to Commonwealth Building and Construction's contract for turf replacement at Hambley Field, the architect presented Change Order #2 in the amount of \$25,375.00 for approval. The change order includes the following: addition of 400 feet of concrete curb; reworking the dugouts, removing the fence, dugout width, and reinstallation; removal of existing football goals, sleeves and concrete, dig footers at new locations, pour concrete, install sleeves, installation of 2 new goal posts; addition of conduit for future use at football home and visitor side; addition of 4 inch white sideline and 24 inch dashes for goal, end and 50 yard lines. Commissioner Combs made the motion to approve Change Order #2 as recommended by the architect. Commissioner Layne seconded the motion. The motion carried unanimously.

C. MAIN STREET PROGRAM REPORTS: Executive Director for the Pikeville Main Street Program, Melissa Staggs, presented the following items for the Commission's consideration:

1. Coal Severance Funds: Ms. Staggs requested authorization for the Mayor to execute a letter to the Department for Local Government requesting approval of a budget amendment to allow administrative use of Coal Severance Funds dedicated for the Utility Relocation Project. Ms. Staggs explained the original intent was to use CDBG funds for administrative expenses, however the Department of Local Government was not satisfied with the City's procurement procedures for administrative assistance. Verbal approval has been given by the Department of Local Government to utilize Coal Severance Funds for this purpose. Commissioner Combs made the motion, seconded by Commissioner Amos to authorize the Mayor to execute the letter as requested. The motion carried unanimously.

2. Summit Engineering: Presented for approval of payment was an invoice for Phase I of the Utility Relocation Project in the amount of \$3,185.16. Ms. Staggs advised the Main Street Board has not approved the invoice and requested the Commission authorize payment contingent upon the Main Street Board's approval. Commissioner Layne made the motion, seconded by Commissioner Davis to approve payment of an invoice to Summit Engineering in the amount of \$3,185.16 contingent upon approval by the Main Street Board. The motion carried unanimously.

D. CITY ATTORNEY'S REPORTS: Russell H. Davis, Jr., City Attorney, presented and gave first reading to an ordinance entitled as follows:

ORDINANCE OF THE CITY OF PIKEVILLE, KENTUCKY AMENDING SECTION 55.04 OF THE CODE OF ORDINANCES ESTABLISHING SEWER TREATMENT RATES FOR RESIDENTIAL, INDUSTRIAL, OR COMMERCIAL USERS LOCATED OUTSIDE OF THE CORPORATE LIMITS OF THE CITY OF PIKEVILLE.

The ordinance was scheduled for second reading at the next meeting.

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

1. Pick-up Truck Bids: Three bids were received in answer to an advertisement for the purchase of a current model 4 wheel drive pick-up truck to be used by the litter patrol. The bids were as follows:

Deskens Motor	\$19,777.00
Fletcher & Hall	\$17,998.20

MINUTES } CITY OF PIKEVILLE

Bruce Walters Ford \$18,409.00

The City Manager recommended award of the bid to the low bidder, Fletcher & Hall in the amount of \$17,998.20. Commissioner Combs made the motion to accept the City Manager's recommendations. Commissioner Amos seconded the motion. The motion carried 4 - 0 (Commissioner Davis was not present at the time of the vote).

Commissioner Combs made the motion to adjourn to a closed session for the purpose of discussing a personnel matter. Commissioner Layne seconded the motion. The motion carried unanimously.

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

The Commission heard a request from Walter Tucker, employee under the supervision of the Fire Chief, to be laid off from work. Commissioner Combs stated that he did not feel comfortable discussing the matter with Mr. Tucker due to his attorney not being present. He asked Mr. Tucker if he had discussed his decision to request to be laid off with his attorney. Mr. Tucker stated that he had discussed the matter with his attorney. According to Mr. Tucker, his attorney advised him the decision was his to make. Mr. Tucker stated that he feels he is a liability to the city due to the number of surgeries he has undergone. He told the Commission that his doctors have recommended that he speak with them concerning this matter. The City Attorney advised Mr. Tucker to obtain a doctor's excuse and give it to the City Manager, rather than not showing up for work at all. Mayor Justice told Mr. Tucker that the Commission can't approve his request to be laid off.

The City Manager requested approval to proceed with the bond issue for Hambley Athletic Field. The bond issue will be for a 15 year term. Mr. Blackburn advised he will need further numbers from the architect, however he projects the amount of the bond issue at \$1,450,000 (for phases 1 and 2). Commissioner Combs made the motion to authorize the City Manager to proceed with the bond issue for Hambley Athletic Field. Commissioner Davis seconded the motion. The motion carried unanimously.

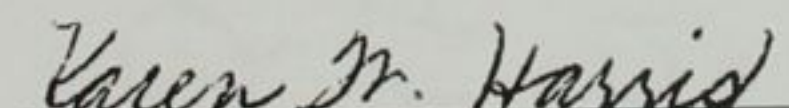
There being no further business to come before the Commission, Commissioner Combs made the motion, seconded by Commissioner Layne to adjourn the meeting. The motion carried unanimously.

The next scheduled meeting of the Pikeville City Commission is Monday, April 28th, at 6:00 p.m.

APPROVED:


FRANK JUSTICE, II, MAYOR

ATTEST:


KAREN W. HARRIS, CITY CLERK