

# MINUTES } CITY OF PIKEVILLE

## CITY OF PIKEVILLE BOARD OF COMMISSIONERS SPECIAL MEETING MINUTES APRIL 29, 2003

The Board of Commissioners for the City of Pikeville met in special meeting on Tuesday, April 29, 2003, at 5:00 p.m. The meeting was held in the City Hall Public Meeting Room located at 118 College Street, Pikeville, Kentucky.

This date's special meeting takes the place of the regular meeting scheduled for April 28th, which was cancelled.

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

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

Commissioner Eugene Davis was absent.

The meeting was called for the following purposes:

### ***I. CALL TO ORDER***

***II. MINUTES:*** Consider approval of the minutes from the April 14, 2003 regular meeting.

- III. A.*** Consider discussion with Kitty White regarding the Domestic Violence Shelter.
- B.*** Consider discussion with Donna Damron regarding a proposed tourism event.

### ***IV. PAYMENT OF BILLS***

#### ***A. CITY BILLS***

#### ***B. PARKING GARAGE PROJECT***

1. Consider approval of payment to Summit Engineering in the amount of \$22,152.96 for engineering services for the parking structure project.

#### ***C.. HAMBLEY FIELD IMPROVEMENTS:***

1. Consider approval of payment to Summit Engineering in the amount of \$5,700.00 for engineering services for phase 1.

#### ***D. PIKEVILLE REDEVELOPMENT PROJECT***

1. Consider approval of payment to Walters & Associates in the amount of \$1,500 for two appraisals in Phase V (High Street).(Linder)
2. Consider approval of payment to Summit Engineering in the amount of \$8.62 for the Kentucky Avenue/High Street Demolition Project.(Linder)
3. Consider approval of payment to Mountain Enterprises in the amount of \$283,734.45 for Phase IV of the roadway and utility improvement project. (Linder)



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4. Project Status Report (Linder)

### **V. OLD BUSINESS**

#### **A. BIG SANDY AREA DEVELOPMENT DISTRICT**

1. Consider approval of an invoice from BSADD in the amount of \$420.00 for preparation of the Emergency Shelter Grant application.
2. Consider approval of payment to Summit Engineering in the amount of \$1,561.23 for engineering services for the Sunset Lane Sewer Project.
3. Consider approval of payment to Summit Engineering in the amount of \$18,000 for engineering services for the Phase IV roadway and utility improvement project.

#### **B. CITY ENGINEER'S REPORTS**

1. **Pikeville Renaissance Project - Phase II**
2. **Kentucky Avenue Phase IV**
3. **Sycamore Street Grading Project**
4. **Pikeville Parking Structure Project**
5. **Hambley Athletic Field Project**
6. **Status Report of other projects**

#### **C. MAIN STREET PROGRAM**

1. Consider approval of a deduct Change Order #3 from Mountain Enterprises for the amount of \$(58,029.99).
2. Consider approval of payment to Mountain Enterprises in the amount of \$318,106.96 for Phase II Utility Relocation Project.
3. Consider approval of payment to Summit Engineering in the amount of \$14,350 for the Utility Relocation Project - Phase II services.
4. Consider approval of payment to Summit Engineering in the amount of \$20,000 for Phase III services - utility relocation project.

#### **D. CITY ATTORNEY'S REPORTS**

1. Consider second reading of an ordinance establishing sewer user rates for outside city limits customers.
2. Consider first reading of an Ordinance naming an alley on Third Street.

#### **E. CITY MANAGER'S REPORTS**

1. Consider discussion with the Park Director regarding the bleachers at Bob Amos Park.
2. Consider discussion concerning the condition of Thompson Road.
3. Consider approval to place an ad in the Chamber of Commerce's Marketing Directory.
4. Consider approval to employ Frankie Edenfield and David Ramey as seasonal employees for the Park Department.
5. Consider discussion and any necessary action with regard to the bond issue for Hambley Athletic Field.
6. Consider acceptance of a Coal Development Fund (CDF) grant for improvements at the Water Treatment Plant (\$174,000)
7. Consider discussion with Duane Hamilton concerning a water notice.

### **VI. CONSENT ITEMS**



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A. Fuel and Utility Reports

## VII. ADJOURNMENT

### AGENDA ITEM II.

#### MINUTES

The minutes for the previous regular meeting of April 14, 2003, were included in each Commission Member's agenda package. There being no additions or corrections, Commissioner Amos made the motion, seconded by Commissioner Layne to approve the minutes as submitted. The motion carried 4 - 0.

### AGENDA ITEM III.

#### BUSINESS FROM THE FLOOR

A. Domestic Violence Shelter: Kitty White, Chair of the Domestic Violence Board of Pike County, appeared before the Commission to request the City to act as a "pass through" agency for the receipt of grant funds to operate the shelter. The Christian Appalachian Project withdrew as the shelter's pass through agency at the end of 2002. In order to receive any further funds, the Kentucky Justice Cabinet requires the shelter to designate an agency to serve to handle the funding provided. Justice Cabinet officials assure there will be no liability assumed by the city. A grant check will be issued once quarterly and the City will then write a check for the same amount to the Board. Commissioner Combs made the motion, seconded by Commissioner Layne to authorize the city to act as a pass through agency for the Pike County Domestic Violence Shelter concerning the receipt and distribution of grant funds from the Kentucky Justice Cabinet. The motion carried 4 - 0.

B. Tourism Opportunity: East Kentucky Exposition Center Executive Director, Donna Damron, appeared before the Commission regarding the hosting of a convention in Pikeville. Due to the convention being a competitively bid project, the Commission deferred discussion to closed session to be held at the end of the meeting.

### AGENDA ITEM IV.

#### PAYMENT OF BILLS

A. CITY BILLS: A list of City Bills totaling \$443,302.37 was presented to the Commission for approval of payment. Commissioner Combs made the motion, seconded by Commissioner Amos to approve payment of the bills as requested. The motion carried 4 - 0.

B. PARKING GARAGE: Presented for approval of payment was an invoice from Summit Engineering, Inc. totaling \$22,152.96 for engineering services for the parking garage project. The City Clerk advised the invoice is in accordance with the contract and recommended payment as presented. Mayor Justice made the motion, seconded by Commissioner Combs to approve payment to Summit Engineering, Inc. in the amount of \$22,152.96. The motion carried 4 - 0.

C. HAMBLEY FIELD IMPROVEMENTS: City Manager Blackburn recommended approval of payment of an invoice in the amount of \$5,700.00 on behalf of Summit Engineering for engineering services for the Hambley Athletic Complex Improvement Project. Mayor Justice made the motion, seconded by Commissioner Amos to approve payment as recommended by the City Manager. The motion carried 4 - 0.

D. PIKEVILLE REDEVELOPMENT PROJECT: Grant writer and consultant, Will Linder of Will Linder & Associates, presented the following requests for payment:

1. Walters & Associates: Presented for approval of payment was an invoice in the amount of \$1,500.00 on behalf of Walters & Associates for appraisals of the Keathley and Landmark Development Property located in the Phase V target area. Mr. Linder recommended approval of the invoice as presented. Commissioner Combs made the motion to authorize payment to Walters &



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Associates in the amount of \$1,500.00 as recommended. Commissioner Amos seconded the motion. The motion carried 4 - 0.

2. Kentucky Avenue/High Street Demolition: An invoice totaling \$8.62 was presented on behalf of Summit Engineering, Inc. for engineering services in conjunction with the Kentucky Avenue/High Street Demolition Project. Mr. Linder recommended approval as submitted. Commissioner Combs made the motion, seconded by Commissioner Layne to approve payment as requested. The motion carried 4 - 0.

3. Mountain Enterprises: Presented for approval of payment was an invoice on behalf of Mountain Enterprises in the amount of \$283,734.45 for work completed on the Kentucky Avenue Phase IV Roadway and Utility Improvement Project. Mr. Linder explained that \$114,871.08 of the invoice is attributed to the retaining wall and will be paid utilizing ARC grant funds. Pikeville College will fund \$9,750.00 of the invoice and the remainder of the funds will be reimbursed by the Department of Transportation. Mr. Linder recommended approval of payment of the invoice as presented. Commissioner Layne made the motion, seconded by Commissioner Amos to authorize payment of \$283,734.45 to Mountain Enterprises as recommended. The motion carried 4 - 0.

4. Project Status Report: Mr. Linder reported that Department for Local Government officials have not responded to the request for a budget amendment to transfer \$50,000 from Phase III to Phase I of the Redevelopment Project.

Offers to purchase the remaining two properties in the Phase V area should be mailed to the property owners later this week.

While approval has been given to issue change orders to Patriot Contracting for drainage tie-in to Hambley Boulevard from Sycamore Street and extension of the retaining wall to behind Myers Tower, Mr. Linder requested the Mayor execute formal change orders for these items.

Mr. Linder advised that Phases I and III of the Redevelopment Project should be formally closed out within the next 30 days.

### AGENDA ITEM V.

### OLD BUSINESS

A. BIG SANDY AREA DEVELOPMENT DISTRICT: Executive Director of the Big Sandy Area Development District, Sandy Runyon, presented the following invoices for approval of payment:

1. Emergency Shelter Grant: Presented for approval of payment was an invoice in the amount of \$420.00 on behalf of the Big Sandy Area Development District for preparation and submission of a \$40,000 grant application for a portion of operation and maintenance costs at the Pikeville Homeless Shelter. Commissioner Combs made the motion, seconded by Commissioner Amos to approve payment as requested. The motion carried 4 - 0.

2. Sunset Lane Sewer Service Extension: Presented on behalf of Summit Engineering was an invoice totaling \$1,494.00 for engineering services in conjunction with this PRIDE funded project. Ms. Runyon recommended approval to pay the invoice. Commissioner Combs made the motion to approve payment to Summit Engineering, Inc. in the amount of \$1,494.00. Commissioner Amos seconded the motion. The motion carried 4 - 0.

3. Kentucky Avenue Phase IV: Ms. Runyon recommended approval of payment of an invoice from Summit Engineering, Inc. in the amount of \$18,000 for engineering services for the Kentucky Avenue Phase IV Roadway and Utility Improvement Project. Commissioner Combs made the motion, seconded by Commissioner Amos to approve payment as recommended. The motion carried 4 - 0.



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

1. **Utility Relocation Project - Phase II:** The contractor is scheduled to have the base coat of asphalt on all streets within the Phase II area by May 2nd. Phase II should be at substantial completion by June 1st.

2. **Kentucky Avenue Phase IV Roadway and Utility Improvement Project:** Most of the sewer lines and manholes have been installed. The base coat of asphalt has been installed. The contractor broke a telephone line. Mr. Byers advised the line was not installed as shown on the location map. He reported he is unsure at this time whether the city will be responsible for the repair costs.

Goggans Construction, contractor for Phase II of the Kentucky Avenue Townhouse Project, did not meet their April 17th completion date. The firm has accrued \$40,000 in liquidated damages to date. There is approximately \$200,000 held in retainage for this project.

Patriot Construction, contractor for Phase IV of the housing project, has poured the first building pad. Mr. Byers was directed to determine if the contractor has been given release to pour footers for the remaining building pads and report the findings to the City Manager.

3. **Sycamore Street Grading Project:** Patriot Construction has completed the original scope of the contract. It was reported during the previous meeting that stress cracks had occurred on the slope, just above the top of the retaining wall. The contractor has regraded the area and seeded. The contractor is continuing the wall construction in back of Myers Tower, as approved in a change order and to be reimbursed by the Pikeville Housing Authority.

4. **Parking Structure Project:** The project is approximately 50% complete with 50% of the time expended.

5. **Hambley Field Improvements:** The contractor, Commonwealth Building & Construction, has installed the geo-tech fabric and j-drains. June 1st is the scheduled completion date for the project.

6. **Other Reports:** Mr. Byers invited the Commission to attend a progress meeting for the Utility Relocation Project on Monday, May 5th, at Summit Engineering.

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

1. **Utility Relocation Project - Phase II:** Change Order #3 was presented in the deduct amount of \$58,029.99. Mr. Byers advised there were no additions to the contract. The change order merely reconciles the quantities of materials used with the contract. Commissioner Combs made the motion to approve Change Order #3 in the deduct amount of \$58,029.99. Commissioner Layne seconded the motion. The motion carried 4 - 0. Mr. Byers reported that he thinks there will be sufficient funds to install the storm drains along Main Street.

2. **Mountain Enterprises:** Presented for approval of payment was an invoice on behalf of Mountain Enterprises in the amount of \$318,106.96 for work completed on Phase II of the Utility Relocation Project. Commissioner Combs made the motion, seconded by Commissioner Amos to approve payment of the invoice as requested. The motion carried 4 - 0.

3. **Summit Engineering, Inc.:** Presented for approval of payment was an invoice from Summit Engineering in the amount of \$14,350 for engineering services for Phase II of the Utility Relocation Project. Ms. Staggs advised the invoice has been approved for payment by the Main



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Street Board. Commissioner Combs made the motion to approve payment of \$14,350 to Summit Engineering as approved by the Main Street Board. Commissioner Layne seconded the motion. The motion carried 4 - 0.

4. Utility Relocation Project - Phase III: Ms. Staggs requested approval of payment of an invoice from Summit Engineering in the amount of \$20,000 for engineering services for Phase III of the Utility Relocation Project, contingent upon release of grant funds. Commissioner Layne made the motion to approve payment to Summit Engineering in the amount of \$20,000 contingent upon release of funds. Commissioner Amos seconded the motion. The motion carried 4 - 0.

D. CITY ATTORNEY'S REPORTS: Russell H. Davis, Jr. presented and gave second reading to an ordinance entitled:

**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 USER LOCATED OUTSIDE OF THE CORPORATE LIMITS OF THE CITY OF PIKEVILLE**

Commissioner Combs made the motion to adopt the ordinance as read. Commissioner Amos seconded the motion. The motion carried by the following votes:

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

The ordinance will become effective on June 30, 2003.

City Attorney Davis presented and gave first reading to an Ordinance naming the last alley off Third Street. The Ordinance was read entitled:

**ORDINANCE NAMING AN ALLEY OFF THIRD STREET "SUNFLOWER ALLEY"**

The ordinance will be on file in the office of the City Clerk for public inspection. Second reading was scheduled for May 12, 2003.

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

1. Bob Amos Park Bleachers: Park Director Doug Justice advised the Commission that the bleachers located at Hambley Field are too large to move to Bob Amos Park. He recommended raising two existing bleacher sections to the same level as the walking track to provide an adequate view of the field. The Commission scheduled a walk-through of the Bob Amos area with the Parks Director on May 2nd at 4 p.m.

2. Thompson Road: With Thompson Road being one of the three most widely traveled roadways in the city limits, the City Manager reported the need to resurface the roadway from Interstate Natural Gas offices to the Lake Joann Bridge. Mountain Enterprises' quote is \$45,000. Mr. Blackburn advised funds are available through Coal Severance. The Commission discussed the need for the road to be widened. The estimated cost for this project is \$900,000. Mayor Justice commented that he had been told the widening project had been included in the Department of Transportation's Six Year Plan, however he discovered this was not the case. Sandy Runyon advised the project may be included in next year's state plan. She stated the Big Sandy ADD could look for funding for the project and volunteered to facilitate a meeting with the appropriate officials.



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However, she commented, the earliest funding could be arranged would be October, 2004. The Commission commented that asphalt would not have a long lasting effect unless drainage could be provided. U.S. Filter agreed to pull the ditch lines. Commissioner Combs made the motion to authorize the City Manager to proceed with the paving of Thompson Road from Interstate Natural Gas offices to the Lake Joann Bridge. Commissioner Layne seconded the motion. The motion carried 4 - 0.

3. Marketing Directory: The Chamber of Commerce creates a Marketing Directory for Pikeville and Pike County every two years. The city has been invited to place an advertisement in the marketing directory. A full page color ad will cost \$1,500 and a half-page ad will cost \$800.00. Commissioner Layne made the motion to purchase a full page color ad at the cost of \$1,500. Commissioner Combs seconded the motion. The motion carried 4 - 0.

4. Park Department Employees: City Manager Blackburn recommended the employment of Frankie Edenfield and David Ramey as seasonal employees for the Park Department. Commissioner Combs made the motion, seconded by Commissioner Amos to accept the City Manager's recommendation. The motion carried 4 - 0.

5. Hambley Complex Bond Issue: Included with the agenda package was the payment schedule, prepared by Hilliard Lyons, for the \$1.45 million bond issue for the Hambley Complex Improvements. First reading of the bond ordinance is scheduled for May 12th. During the last meeting of the month, the ordinance will be given second reading, then, while the Commission discusses the remainder of its business, the broker will sell the bonds. The City Manager advised there is a pre-payment penalty if the bond is retired within 10 years. He reported the city would not get a good rate if there was a no penalty clause in the agreement.

6. Coal Development Fund (CDF) Grant: The city applied for a grant approximately 3 to 4 years ago to purchase a back-up generator for the Water Treatment Plant and two portable generators for the pumping stations. The city received notice of an award of grant funds from the Coal Development Fund in the amount of \$174,000. Commissioner Layne made the motion to accept the grant and to name the Big Sandy Area Development District as the Project Administrator. Commissioner Amos seconded the motion. The motion carried 4 - 0.

7. Water Notice: Included in the agenda package was a notice to be distributed to all city water customers. U.S. Filter Manager, Duane Hamilton reported the water system exceeded the standard for total trihalomethanes (TTHM). He explained the standard was lowered from 0.100 mg/l to 0.080 mg/l. Mr. Hamilton advised there is no immediate health risk. U.S. Filter will be maintaining a tighter control on the amount of chlorine added in an attempt to lower the amount of TTHM.

At 6:05 p.m., Mayor Justice made the motion to adjourn to closed session for the purpose of discussing an economic development opportunity with East Kentucky Exposition Center Director, Donna Damron. Commissioner Layne seconded the motion. The motion carried 4 - 0.

At 6:50 p.m. Commissioner Combs made the motion, seconded by Commissioner Amos to reconvene to regular session. The motion carried 4 - 0.

Commissioner Amos made the motion to act as host agency for the convention proposed by Ms. Damron and to authorize Ms. Damron to negotiate with the organization concerning unit fees. Commissioner Combs seconded the motion. The motion carried 4 - 0.

Commissioner Layne made the motion to authorize the City Attorney to prepare a resolution in honor and memory of Brandon Rowe, a soldier who lost his life in Iraq, and further to send a copy of the resolution to Mr. Rowe's father. Commissioner Combs seconded the motion. The motion carried 4 - 0.



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

The next regular scheduled meeting of the Pikeville City Commission is May 12, 2003 at 6:00 p.m.

APPROVED: *Frank D. Justice II*  
FRANKLIN D. JUSTICE, II, MAYOR

APPROVED:  
*Karen W. Harris*  
KAREN W. HARRIS, CITY CLERK