

MINUTES } CITY OF PIKEVILLE

CITY OF PIKEVILLE BOARD OF COMMISSIONERS REGULAR MEETING MINUTES July 14, 2003 AT 6:00 P.M.

The Board of Commissioners for the City of Pikeville met in a regular called session on Monday, July 14, 2003. The meeting was held in the City Hall Conference Meeting Room located at 118 College Street, Pikeville, Kentucky.

There being a quorum present, Mayor Franklin D. Justice called the meeting to order at: 6:00 p.m. Commission Members present at roll call were a follows:

COMMISSIONER:	GENE DAVIS
	SHAWN AMOS
	DALLAS LAYNE
	STEVE COMBS ABSENT

MAYOR: FRANKLIN D. JUSTICE, II

MINUTES

The minutes for the previous regular meeting held on June 23, 2003 were in each Commission Member's agenda package. There being no additions or corrections, Commissioner Davis made the motion to approve the minutes as prepared. Commissioner Layne seconded the motion. Mayor Frank Justice called for discussion, there being none the motion carried unanimously.

BUSINESS FROM FLOOR

A. Consider letter from Steve Combs resigning from the Pikeville City Commission to accept a position as Circuit Judge. Commissioner Layne made the motion to approve. Commissioner Davis seconded the motion. Mayor Frank Justice called for discussion, there being none the motion carried unanimously.

B. Consider appointment of a Mayor Pro Tem. The commission discusses the fact that it is usually the person who has received the next highest number of votes in the general election. In this instance, that person would be Commissioner Eugene Davis. Therefore the motion is made by Mayor Justice that Gene Davis fills the position of Mayor Pro Tem. It is seconded by Commissioner Layne. Mayor Frank Justice called for discussion, there being none the motion carried unanimously.

C. Consider appointment of an individual to fill the vacancy on the Pikeville City Commissioner. Mayor Justice makes the motion that James "Jimmy" Carter fills the vacancy. Commissioner Amos seconded the motion. Mayor Frank Justice

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called for discussion, there being none the motion carried unanimously. Mr. Carter comes forward and is sworn in by Mayor Frank Justice.

D. Consider discussion with Tourism Commission Chair, Reed Potter, concerning a proposed improvement to the lookout. He recommends a gazebo with information regarding Pikeville and Pike County be placed inside. Mayor Justice made the motion to approve. Commissioner Davis seconded the motion. Mayor Frank Justice called for discussion, there being none the motion carried unanimously.

E. Consider discussion with Kim Zane of the local gardening club concerning landscaping improvements around the pond area. Garden club will get with City Manager and come up with a plan.

F. Consider a progress report from Ken Trivette regarding the Pikeville Community Action Committee. Mr. Trivette discusses the drug problem in the city and county. He says that this committee came together and wants to help address the situation and communicate with the other agencies to have a united front for the area. The commission is behind the organization and wants Mr. Trivette to come back with an update and some numbers on what the cost will be.

G. Consider a request from the Pikeville High School Band parents for monetary assistance to purchase a stove for the Hambley Park concession stand. City Manager says that it has already been addressed.

H. Consider a question about zoning codes. Mary Ramsey's son-in-law comes forward to say that there is concern with the new Social Security building's dumpster. He says that they have poured the pad for the dumpster within 2.5 feet of her driveway and therefore impedes her ability to see well enough to turn out onto street. He spoke with Richard Huffman, who told him to come to the Commission meeting. Rusty Davis addresses the legal issue. He thinks that there is nothing legally that the city can do. They suggest that the city manager go talk with the Social Security Dept. and ask them to work with the concerns of Mrs. Ramsey.

I. Mrs. Davis comes before the commission to address the issue of Mount Martha Drive. She says that she came before the commission a year earlier to ask for the street to be widened. It was never done. Now she has gone to the people that signed the petition for the speed bumps and they all want them removed. There is also a drainage problem. The street is dangerous and ugly. People are putting fences up and storage buildings close to the street to make it unattractive and harder to drive. She also points out that there is no signage posted on the street. Mr. Davis says that he and his wife don't always agree, he signed the petition, but she didn't. However, there is a problem on the street. The drainage is really bad. He concurs that a few of the speed bumps need to be removed. The Mayor addresses the issues. The city attorney will look into the legal issues about speed bumps and the ordinances. He also addresses the problem with widening the road because of the inability to get a

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proper survey of the properties on the street. All issues will be looked at and addressed later with the residents.

PAYMENT OF CITY BILLS

A. Hambley Park Improvements

1. Consider approval of payment to Commonwealth Building in the amount of \$133,973.00. Mayor Justice made the motion to approve. Commissioner Layne seconded the motion. Mayor Frank Justice called for discussion, there being none the motion carried unanimously.

2. Consider approval of payment to Dant/Clayon Corporation in the amount of \$67,364.64 for bleachers. Commissioner David made the motion to approve. Mayor Justice seconded the motion. Mayor Frank Justice called for discussion, there being none the motion carried unanimously.

B. Parking Garage Project

1. Consider approval of payment to Summit Engineering in the amount of \$6,350.00. Commissioner Layne made the motion to approve. Mayor Justice seconded the motion. Mayor Frank Justice called for discussion, there being none the motion carried unanimously.

2. Consider approval of payment to Elliott Contracting in the amount of \$433,567.80. Mayor Justice made the motion to approve. Commissioner Davis seconded the motion. Mayor Frank Justice called for discussion, there being none the motion carried unanimously.

OLD BUSINESS

A. Pikeville Redevelopment Project Reports: asks the commission to consider the following requests:

1. Consider status report through Phase V from Will Lender. Phases I and II are complete. Phases III through V are progressing.

There is \$170,000 left over from the project. Mayor Justice makes a motion for the City Attorney to contact Adams Cont. for the return of the money to the city. Commissioner Layne seconded the motion. Mayor Frank Justice called for discussion, there being none the motion carried unanimously.

2. Phase VI status report from Big Sandy Area Development District.

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a. Consider adoption of Affirmative Action Plan. No action required.

b. Consider adoption of Procurement Policy for CDBG expenditures for Phase VI. Mayor Justice made the motion to approve. Commissioner Carter seconded the motion. Mayor Frank Justice called for discussion, there being none the motion carried unanimously.

B. Pikeville Main Street Program Reports: asks the commission to consider the following request:

1. Consider updates on VISTA Program and Senior Games; Success of 4th of July celebration. There will be a CDBG monitoring visit for Phase II conducted by DLG staff and a Phase III Grant Agreement Meeting on July 16th beginning at 1 pm.
2. Consider authorizing Mayor Pro-tem to execute Grant Agreement for Phase III. Authorization not necessary, as the Mayor will be in town to sign.

C. City's Engineer's Reports: Engineers informs the commission on the following:

1. Renaissance Area Utility Project – Phase II & III update; Walk through completed.
 - a. Consider a change order for Third Street design in the amount of \$77,063.63. A citizen comes forward with a complaint about the new design. It is decided that there be some changes made before a change order is approved.
 - b. Consider a change order for side walks on Hambley Blvd behind Thacker funeral home. Mayor Justice made the motion to approve. Commissioner Davis seconded the motion. Mayor Frank Justice called for discussion, there being none the motion carried unanimously.
 - c. Consider a special called meeting on July 18, 2003 at 4:00 pm for the purpose of reviewing changes in street designs. Mayor Justice made the motion to approve. Commissioner Layne seconded the motion. Mayor Frank Justice called for discussion, there being none the motion carried unanimously.
 - d. Consider contract updates for completion of projects dates and work from the utility companies. Mayor Justice made the motion to approve. Commissioner Layne seconded the motion. Mayor Frank Justice called for discussion, there being none the motion carried unanimously.
2. Parking Structure updates; Consider a change order request from Elliott to get the additional steel needed in the amount of \$6468.00. Commissioner Layne made the motion to approve. Mayor Justice

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seconded the motion. Mayor Frank Justice called for discussion, there being none the motion carried unanimously.

3. Hambley Athletic Field Project update; turf project proceeding. The scheduled completion is definitely obtainable. Fencing should be arriving week. It is explained that there are some wires underground that need to be moved. To move them there is a cost to Commonwealth in the amount of \$9,312. Mayor Justice made the motion to approve. Commissioner Carter seconded the motion. Mayor Frank Justice called for discussion, there being none the motion carried unanimously.
4. Sunset Sewer Project updates; Consider proposal to advertise for bids on project. Mayor Justice made the motion to approve. Commissioner Layne seconded the motion. Mayor Frank Justice called for discussion, there being none the motion carried unanimously.
5. Consider bid on the Cassidy Blvd & Super 8 projects. The low bid was in the amount of \$157,645.00 from AC Construction Corp. However, this is a new company, though the owner has worked for his own company under a different number. City Attorney advises that the bid specs asks for experience. Jack Sykes says that the commission has the right to wave requirements. Attorney recommends re-bidding and removing that requirement. Mayor Justice made the motion to reject all bid and re-bid. Commissioner Layne seconded the motion. Mayor Frank Justice called for discussion, there being none the motion carried unanimously.

D. City Attorney's Reports

1. City Attorney Russell Dave gave second reading and request passage of an ordinance amending the 2002-03 operating budget.

ORDINANCE AMENDING THE FISCAL BUDGET FOR THE 2002-2003 FISCAL YEAR

ORDINANCE NO. 0-2003-009

Upon roll call, the votes were as follows:

	YES	NO
COMMISSIONER EUGENE DAVIS	<u>X</u>	—
COMMISSIONER SHAWN AMOS	<u>X</u>	—
COMMISSIONER DALLAS LAYNE	<u>X</u>	—
COMMISSIONER JIMMY CARTER	<u>X</u>	—
MAYOR FRANK JUSTICE II	<u>X</u>	—

E. City Manager's Reports: City Manager Kenny Blackburn asks the commission to consider the follow request:

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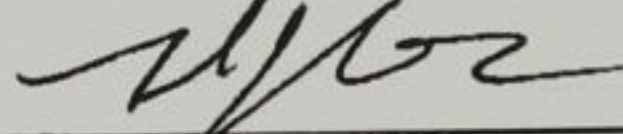
1. Consider authorizing the Mayor to execute a contract with Alliance Energy as submitted and to authorize the mayor to sign said contract. Commissioner Layne made the motion to approve. Mayor Justice seconded the motion. Mayor Frank Justice called for discussion, there being none the motion carried unanimously.
2. Consider discussion concerning the scoreboard for Hambley Complex. No action required
3. Consider a request from the County Judge/Executive for monetary assistance to repair the Court House tower clock. There is a fund raising program that is on going. Commissioner Layne says that the remaining cost after the fund-raising should be split between the county and the city. Commissioner Layne made the motion to approve. Commissioner Davis seconded the motion. Mayor Frank Justice called for discussion, there being none the motion carried unanimously.
4. Consider award of bid for the annual supply of concrete to Well's and the asphalt and stone to Mountain Enterprise at the submitted bid price. Commissioner Layne made the motion to approve. Mayor Justice seconded the motion. Mayor Frank Justice called for discussion, there being none the motion carried unanimously.
5. Consider FEMA report of declaring various streets in the city as a disaster area due to hard weather. Mayor Justice made the motion to approve. Commissioner Layne seconded the motion. Mayor Frank Justice called for discussion, there being none the motion carried unanimously.
6. Consider employment of Kenny Sampson for the Fire Department at the starting rate for the position as outlined in the city personnel policy. Mayor Justice made the motion to approve. Commissioner Layne seconded the motion. Mayor Frank Justice called for discussion, there being none the motion carried unanimously.
7. Consider employment of Wanda Fraiser who left and now wants to come back to the Finance Director for employment of personnel for each of their respective departments. Commissioner Layne made the motion to approve. Commissioner Davis seconded the motion. Mayor Frank Justice called for discussion, there being none the motion carried unanimously.

There being no further business to come before the Commission, Commissioner David made the motion to adjourn the meeting. Commissioner Layne seconded the motion. Mayor Frank Justice called for discussion, there being none the meeting was adjourned.

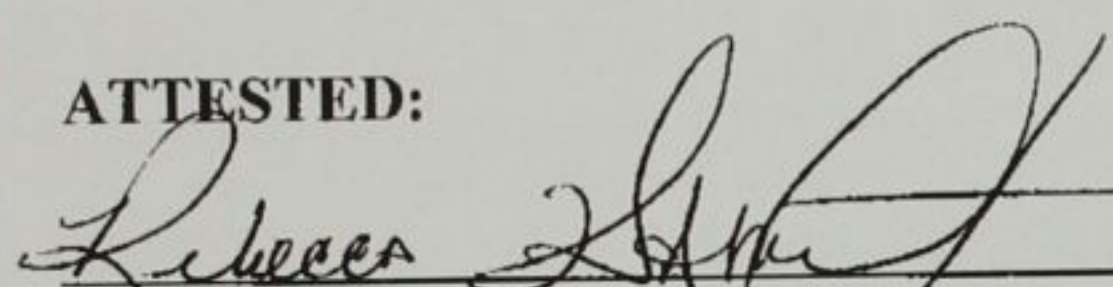
The next scheduled Regular Meeting of the City of Pikeville Board of Commissioners is July 28, 2003 at 6:00 p.m.

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APPROVED:


FRANKLIN D. JUSTICE, II, MAYOR

ATTESTED:


REBECCA HAMILTON, CITY CLERK