

MINUTES } CITY OF PIKEVILLE

CITY OF PIKEVILLE BOARD OF COMMISSIONERS REGULAR MEETING MINUTES JULY 28, 2003

The City of Pikeville Board of Commissioners met in regular session on Monday, July 28, 2003, at 6:00 p.m. The meeting was held in the City Hall Public Meeting Room located at 118 College Street, Pikeville, Kentucky.

Mayor Franklin D. Justice, II presided. There being a quorum present, Mayor Justice called the meeting to order. The following Commission Members were present:

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

AGENDA ITEM II.

BUSINESS FROM THE FLOOR

A. PIKE COUNTY HUMANE SOCIETY: Attorney David Stratton appeared before the Commission on behalf of the Pike County Humane Society. Approved during a previous meeting, the Pikeville City Commission agreed to allow the Pike County Humane Society to use its property, adjacent to the water treatment facility, for the purpose of constructing a building to house the animal shelter. During a subsequent meeting, Mr. Stratton advised the Commission that the city does not own all the property needed for the animal shelter's operation at this location. He proposed the city acquire the 4 acre tract adjacent to the city owned property from the Sword Heirs. The Commission asked for an appraisal of the property and directed the City Manager to contact the property owners to determine if they are interested in selling their property. Authorization was also granted to proceed with condemnation if necessary. During this date's meeting, Mr. Stratton presented the Commission with the appraisal of the property in two, 2 acre tracts. Due to the higher than anticipated value established for the property by the appraisal, Mr. Stratton requested the City Commission consider filing condemnation proceedings to acquire one acre of the said property. Funding for the entire project was discussed. Mr. Stratton explained that the Pike County Humane Society will provide the funding to construct the building. The City of Pikeville is being asked to fund the property acquisition. Pike County Fiscal Court will fund the animal shelter's annual operation and maintenance. Commissioner Layne made the motion to allow the Pike County Humane Society to proceed with the identification of the one acre tract of property, have an appraisal conducted, and further to authorize the City Manager to begin negotiations with the property owners. Mayor Justice seconded the motion. The motion carried unanimously.

City Manager presented an invoice from Walters & Associates in the amount of \$1,800.00 for the appraisal of the entire Sword Heirs tract. Commissioner Layne made the motion to authorize payment. The motion died from lack of a second.

B. HAMBLEY ATHLETIC COMPLEX: Commissioner Davis spoke to the appropriateness of naming the newly renovated field at Hambley Complex in honor of Pikeville High School's former Football Coach, Hillard Howard. Commissioner Davis made the motion, seconded by Commissioner Carter to name the field the "Hillard Howard Field". The motion carried unanimously.

AGENDA ITEM III.

PAYMENT OF BILLS

A. CITY BILLS: A list of City Bills totaling \$457,483.27 was presented to the Commission for approval of payment. Commissioner Davis made the motion, seconded by Mayor Justice to approve payment of the City Bills as requested. The motion carried unanimously.

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The Commission briefly discussed the status of negotiations with Green Valley Landfill concerning their request to be paid \$1.75 for each ton of garbage the City sends to the landfill. The Mayor complimented the City Attorney's preparation of the contract documents. The City is protected from any additional costs incurred for the term of the contract through the clause that provides for the landfill operator to pay all fees and taxes. The Mayor commented that he would be willing to consider terminating Green Valley Landfill's contract should they request such an action.

B. HAMBLEY PARK IMPROVEMENTS: Presented for approval of payment was an invoice in the amount of \$3,750.00 on behalf of Summit Engineering for inspection services in conjunction with the turf installation and other improvements to Hambley Athletic Complex. The clerk advised the invoice is submitted pursuant to contract. Mayor Justice made the motion, seconded by Commissioner Amos to approve payment to Summit Engineering in the amount of \$3,750.00. The motion carried unanimously.

C. KENTUCKY AVENUE PROJECT: The following three invoices were presented to the Commission for approval of payment:

1. Pay Estimate #10 from Mountain Enterprises, Inc. in the amount of \$10,561.05 for Phase IV of the Kentucky Avenue Roadway and Utility Improvement Project;
2. Summit Engineering, Inc. request in the amount of \$3,000 for construction administration and inspection services for Phase IV of the Kentucky Avenue Roadway and Utility Improvement Project; and
3. An invoice in the amount of \$94.26 on behalf of Summit Engineering, Inc. for engineering services for the Kentucky Avenue/High Street Demolition Project.

Commissioner Layne made the motion to authorize payment of the three invoices as requested. Commissioner Davis seconded the motion. The motion carried unanimously.

AGENDA ITEM IV.

OLD BUSINESS

A. BIG SANDY AREA DEVELOPMENT DISTRICT: Sandy Runyon, Executive Director of the Big Sandy Area Development District, reported that proposals had been solicited and received from engineering firms to provide design and construction inspection services for the Indian Hills Sewer Line Extension. City Manager Blackburn along with Commissioners Amos and Carter reviewed and scored the proposals. Based upon the scoring sheets, Ms. Runyon recommended award of the project to Summit Engineering, Inc. Mayor Justice made the motion, seconded by Commissioner Davis to award the engineering contract for the Indian Hills Sewer Line Extension Project to Summit Engineering, Inc. The motion carried unanimously.

B. PIKEVILLE MAIN STREET PROGRAM: Melissa Staggs, Pikeville Main Street Project Manager, presented the following items for the Commission's consideration:

1. **State Senior Games:** The City of Pikeville has been selected as the 2003 and 2004 host of the State and National Senior Games. It is estimated that 700 to 900 senior citizens will be participating in the recreational events. Ms. Staggs requested the Commission allot \$2,000 for this year's opening night celebration. She added that the Pike County Fiscal Court has donated about \$5,000 thus far to the event. Mayor Justice made the motion to authorize the expenditure of up to \$2,000 for the opening night ceremony. Commissioner Amos seconded the motion. The motion carried unanimously.
2. Presented for approval of payment were the following three invoices. Ms. Staggs advised that each of the invoices had been approved for payment by the Pikeville Main Street Board.

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a. Summit Engineering, Inc.: Engineering services for Phase II of the utility relocation project - \$7,175.00;

b. Mountain Enterprises, Inc.: Construction services to date for Phase II of the utility relocation project - \$83,811.67; and

c. Summit Engineering, Inc.: Utility Relocation Project - Phase III design services - \$7,200.00.

Mayor Justice made the motion to authorize payment of the Summit Engineering and Mountain Enterprises invoices for Phase II and further moved the Summit Engineering invoice for Phase III be paid contingent upon receipt of funding. Commissioner Layne seconded the motion. The motion carried unanimously.

C. CITY ENGINEER'S REPORTS: Charles Byers and Chris Chrisman were present on behalf of Summit Engineering, Inc., city engineers, and delivered a verbal status report for the following projects:

1. **Utility Relocation Project - Phase II:** This phase of the utility relocation project has reached substantial completion. This status does not include the work for recent change orders approved for the Pike Street intersection and the area behind Thacker Funeral Home. The engineer will notify the Commission when a walkthrough of the project is scheduled.

2. **Utility Relocation Project - Phase III, IIIa, and IV:** Mr. Byers advised that bids had been received for the streetscaping (landscaping, benches, trash receptacles, etc.) in Phase III, however, the bids have not been presented to the Main Street Board for review and recommendation.

The engineers are continuing contract negotiations with American Electric Power and Bell South for the actual underground relocation of their respective utility services. Mr. Byers reported that he expects a signed contract with American Electric Power within a week, however Bell South representatives continue to insist upon use of their company produced contract. Mr. Byers explained the city's funding agency generated the proposed contract documents. Failure by Bell South to execute the approved contract documents may result in loss of funding to complete the project. City Attorney Davis opined that the city could contract with another telephone service provider should Bell South continue to refuse to execute a contract. Local Bell South Manager, Morgan Coleman, was present. He assured the Commission that he would see to it that the contract was signed by the appropriate Bell South official.

While the television cable is not scheduled to be relocated during this phase, the Mayor instructed the engineer to finalize the contract documents with Tele-Media to ensure there would be no further delays.

3. **Hambley Athletic Complex Improvements:** Architect Chris Chrisman reported that he has been advised by the contractors that improvements to Hambley Complex will be completed prior to the August 23rd Pike County Bowl. According to the schedule, the steel structure for the bleachers started going up this date. Installation of the bleachers and rails is scheduled for July 31st. The ornamental fencing is due to be delivered on August 1st and the Pressbox should be delivered on August 11th.

Mr. Chrisman reported the turf installation project has reached substantial completion. A few punch list items remain to be completed. The contractor has been given 15 days to complete the punch list items. Items included on the punch list were the repair of low spots around the bases and to repair the areas where too much pellet material has been installed.

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Mayor Justice made the motion, seconded by Commissioner Layne to execute the letter of substantial completion. The motion carried unanimously.

4. Kentucky Avenue Project: With regard to Phase II of the Townhouse construction, Mr. Byers advised there will be a project closeout meeting on July 31st at 10 a.m.

Mayor Justice commended the staff at the Pikeville Housing Authority for their efficient manner in renting the townhouse apartments.

Mr. Byers advised that Patriot Construction, contractor for Phase IV Townhouses, issued a letter to the engineers requesting a nine day extension for the project. Mr. Byers reported the contractor has incurred delays due to inclement weather and due to the site not being completed. Mr. Byers advises there has been a problem in getting the wires pulled for the underground utilities.

5. Cassidy Boulevard Extension: Two bids were received for the construction of a roadway to connect Cassidy Boulevard and Thompson Road. The bids were submitted by Mountain Enterprises, Inc. in the amount of \$151,835.50 and H & C Construction in the amount of \$165,000+. The engineer recommended award of the bid to the low bidder. Mayor Justice made the motion, seconded by Commissioner Davis to award the bid for the construction of the Cassidy Boulevard Extension to Mountain Enterprises, Inc. in the amount of \$151,835.50. The motion carried unanimously.

6. Mt. Martha Drive: Billie Sue Davis, resident of Mt. Martha Drive, appeared before the Commission to request the widening of Mt. Martha Drive, installation of drainage, as well as the removal of the speed bumps on Mt. Martha Drive. City Attorney Davis reported that he had looked at a few of the deeds for property along Mt. Martha Drive. The initial plat calls for a 30 ft. road right-of-way. The City Attorney explained that it is difficult to read the deed and determine exactly where the right-of-way exists. It was pointed out that a number of residents have built fences, drainage ditches, mailboxes, etc. over the right-of-way. Mr. Byers estimated a cost of \$6,500 for Summit Engineering to determine the right-of-way. The Commission directed the building inspector to talk with the property owners and determine where they think their front property line is located.

With regard to the speed bumps, City Attorney Davis advised that he had reviewed the Federal Highway Safety Manual. The manual sets forth approved traffic control devices. According to the manual, speed bumps are not approved traffic control devices. Commissioner Layne made the motion to remove all speed bumps on city streets within the city limits of Pikeville. Commissioner Amos seconded the motion. The motion carried unanimously.

D. CITY ATTORNEY'S REPORTS: Russell H. Davis, Jr., city attorney, presented the following ordinance for second reading. The ordinance was read entitled:

ORDINANCE AMENDING THE FISCAL BUDGET FOR THE 2002-03 FISCAL YEAR

Mayor Justice made the motion to adopt the Ordinance as presented and given second reading. Commissioner Layne seconded the motion. The motion carried by the following votes:

MAYOR:	FRANKLIN D. JUSTICE, II	YES
COMMISSIONER:	DALLAS LAYNE	YES
	EUGENE W. DAVIS	YES
	SHAWN A. AMOS	YES
	JAMES A. CARTER	YES

Billboard: In the settlement with Tri-Cities Sign Company, the City of Pikeville received use of a billboard located along US 23 North. City Attorney Davis presented a mock-up of a proposed sign for Hambley Athletic Complex advertising it as the home of the Pikeville Panthers and Pikeville

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College Bears. The Commission asked that the words "City of Pikeville" be included at the top of the sign.

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

1. Melvina Drive: The City Manager advised he awarded a contract to M & S General Contractors in the amount of \$14,525.00 to install a 30" culvert on Melvina Drive.

2. K-9 Unit: Several meetings ago, the Commission was advised that Perdue had offered a grant to the City of Pikeville to purchase a drug dog and to train the dog and handler. Detective Mike Blackburn was present and explained to the Commission that Pikeville's main drug problem is with prescription medication. Without very extensive and expensive training, a dog can't detect pills. Even with the training, the dog can't detect pills unless there is a very large quantity. Detective Blackburn offered his opinion that it would be more beneficial for the city to use the grant to send an officer to advanced drug detection training. Commissioner Layne voiced his opinion that he would like the city to continue in its efforts to purchase a dog. Detective Blackburn advised that school officials have not permitted the department's current K-9 unit on the premises due to its aggressive behavior. The Commission directed Detective Blackburn to contact school officials to determine if a new drug dog would be permitted in their facilities.

3. Bridge Name: City Manager Blackburn advised that the Department of Transportation has agreed to the City's request to name the Island Creek Bridge the "Paul "Doodle" Hall Bridge in honor of Paul Hall, long time employee of the City of Pikeville and U.S. Filter, now deceased. A ceremony to officially name the bridge is scheduled for August 25th at 10 a.m.

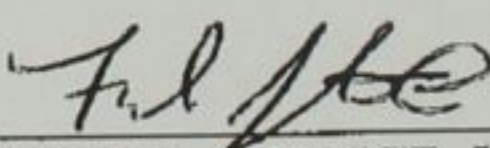
At 7:45 p.m., Mayor Justice made the motion, seconded by Commissioner Layne to adjourn to closed session for the purpose of discussing a personnel matter with the Finance Director. The motion carried unanimously.

At 7:55 p.m., Mayor Justice made the motion, seconded by Commissioner Davis to reconvene to regular session. The motion carried unanimously.

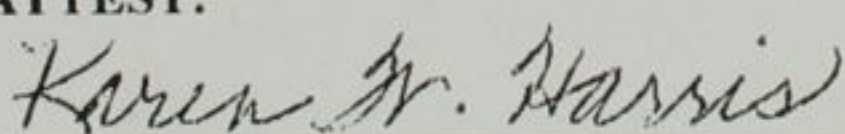
City Manager Blackburn announced, that while in closed session, the Finance Director advised the Commission of the need to hire an additional employee, possessing accounting experience and computer skills, for the Finance Department.

There being no further business to come before the Commission, Commissioner Davis made the motion, seconded by Commissioner Layne to adjourn the meeting. The motion carried unanimously. (Adjournment time: 8:00 p.m.)

The next scheduled meeting of the Pikeville City Commission is scheduled on August 11, 2003 at 6:00 p.m.

APPROVED: 
FRANKLIN D. JUSTICE, II, MAYOR

ATTEST:


KAREN W. HARRIS, CITY CLERK