

MINUTES } CITY OF PIKEVILLE

CITY OF PIKEVILLE BOARD OF COMMISSIONERS REGULAR MEETING MINUTES AUGUST 25, 2003

The Board of Commissioners for the City of Pikeville met in regular session on Monday, August 25, 2003. The meeting was held in the City Hall Public Meeting Room, 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:

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

AGENDA ITEM II. MINUTES

The minutes for the previous regular meeting of August 11, 2003 were included in each Commission Member's agenda package. There being no additions or corrections, Commissioner Layne made the motion, seconded by Commissioner Amos to approve the minutes as prepared. The motion carried unanimously.

AGENDA ITEM III. BUSINESS FROM THE FLOOR

A. BIG SANDY MOUNTAIN HERITAGE/HISTORY CENTER: Heritage/History Center Board Chairman, David Deskins, advised the Commission that the opening date of the Heritage/History Center is scheduled for Saturday, September 20, 2003 at 11 a.m. Governor Paul Patton will be on site for the ribbon-cutting ceremony. The curator is in the process of acquiring historic photographs and various historical memorabilia. Mr. Deskins reported that area citizens have been very generous in donating items for exhibition. The Board is in the process of establishing membership fees and raising funds. A Civil War symposium is scheduled during November and December.

The Heritage/History Center Board is expecting a large majority of their patrons to be bused to the facility. Mr. Deskins requested the Commission consider designating parking for buses as well as 4 or 5 spaces for the curator and volunteers. Discussed were the possibilities of reserving parking spaces between the Heritage/History Center and the Chamber of Commerce building; at the parking garage; or along Hambley Boulevard. No action was taken.

B. HOMELAND SECURITY ACT: Doug Tackett, Emergency Services Coordinator for Pike County, appeared before the Commission requesting the adoption of several documents as follows: A resolution providing for the continuity of government in an emergency situation; a resolution adopting the Pike County Emergency Operations Plan; an Ordinance providing for cost recovery in the abatement of a disaster or hazardous materials; and a state-wide emergency management visual aid agreement. All documents were referred to the City Attorney for review.

Pike County will be receiving \$35,000 through the Homeland Security Act for the purchase of equipment used by emergency personnel. Mr. Tackett advised he has met with the police and fire chiefs and developed an equipment list.

C. DOWNTOWN PARKING: Employees from a local law office in the downtown area requested the Commission consider halting the issuance of overtime parking tickets in the downtown area until the revitalization project is completed. Speaking on behalf of the employees, Vicki Ridgway

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complained that non-regulated parking is difficult to find, and oftentimes is inconvenient for employees. The Mayor explained that business owners had requested the issuance of parking tickets in an effort to attract customers to the downtown area by providing on-street parking. The Commission advised that free shuttle service is available for those utilizing parking along Hambley Boulevard and the river fill area. Additionally, a trolley service will be initiated in the very near future. Mayor Justice requested the Main Street Agency provide a trolley service schedule to each downtown business.

City Engineer Sykes reported the parking garage should be completed around the first part of 2004. A portion of the structure may be useable by the end of November.

D. CATHOLIC SCHOOL TRAFFIC: Keel Street resident, Donnie Max May, appeared before the Commission to discuss a new street constructed by the St. Francis School. According to Mr. May, the school constructed the roadway on their property, but connected to Keel Street via a privately constructed and maintained roadway. Mr. May estimated that between 140 to 160 vehicles flood Keel Street at least twice daily, upsetting the routine of the street's nine residents. City Attorney Davis advised that he had looked at the plat map for the subdivision and interpreted that Keel, Bryan, Phillips and Thompson Streets extend to the subdivision's boundary lines. The City Engineer was asked to verify whether the city owns the portion of the street past the Goebel Newsome house. Commissioners Layne and Carter agreed to meet with Catholic Church officials along with City Engineer Sykes and City Attorney Davis in an attempt to resolve the matter.

AGENDA ITEM IV.

PAYMENT OF BILLS

A. CITY BILLS: A list of City Bills totaling \$638,566.75 was presented to the Commission for approval of payment. Mayor Justice made the motion, seconded by Commissioner Davis to approve payment of the bills as requested. The motion carried unanimously. City Manager Blackburn advised the Hambley Park Improvements expenditures are currently \$40,000.00 over budget.

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 construction inspection services provided in conjunction with the turf installation and bleachers replacement. Commissioner Davis made the motion, seconded by Commissioner Layne to approve payment of the invoice as presented. The motion carried unanimously.

C. PIKEVILLE REDEVELOPMENT PROJECT - PHASE IV: An invoice was presented on behalf of Mountain Enterprises in the amount of \$26,608.50 for work completed on the Kentucky Avenue Roadway and Utility Improvement Project. Commissioner Davis made the motion to authorize payment to Mountain Enterprises in the amount of \$26,608.50 as requested. Commissioner Layne seconded the motion. The motion carried unanimously.

Summit Engineering, Inc. presented an invoice totaling \$1.72 for engineering/inspection services for the Kentucky Avenue/High Street Demolition Project. Commissioner Davis made the motion, seconded by Commissioner Layne to approve payment of the invoice as presented. The motion carried unanimously.

D. PARKING GARAGE PROJECT: Presented on behalf of Summit Engineering was a request for payment for construction administration and inspection services for the Parking Garage Project in the amount of \$11,936.16. The clerk advised the invoice was submitted in accordance with the contract and recommended payment as requested. Commissioner Amos made the motion, seconded by Commissioner Carter to approve payment to Summit Engineering in the amount of \$11,936.16. The motion carried unanimously.

E. NORTH MAYO TRAIL WATER LINE: An invoice totaling \$4,511.46 was presented on behalf of Summit Engineering for bidding, administration and inspection services for the Pauley Bridge

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Water Line Relocation Project. The City Manager recommended payment of the invoice as submitted. Mayor Justice made the motion, seconded by Commissioner Carter to approve payment of the invoice as requested. The motion carried unanimously. The Mayor requested that the pile of gravel currently on site be removed.

AGENDA ITEM V.

OLD BUSINESS

A. BIG SANDY AREA DEVELOPMENT DISTRICT: Sandy Runyon, Executive Director for the Big Sandy Area Development District requested approval of an agreement between the City and BSADD for technical assistance and administration of FEMA funds. BSADD's fee for the service is 1% of the project costs. Funds are expected to be released in October. Mayor Justice made the motion, seconded by Commissioner Layne to approve the agreement as presented. The motion carried unanimously.

Ms. Runyon announced that the Martin County Federal Prison dedication is scheduled for October 6th at 10:00 a.m.

B. PIKEVILLE MAIN STREET PROGRAM: Executive Director for the Pikeville Main Street Program, Melissa Staggs, requested approval of the following items:

1. Utility Relocation Project Phase II: Presented for approval were change orders #5 and #6 to the Mountain Enterprises Contract for Phase II of the Utility Relocation Project totaling \$108,366.08 and \$40,447.41, respectively. City Engineer Sykes advised the Commission had previously authorized the additional work, however had not formally approved change orders. Commissioner Davis made the motion, seconded by Commissioner Layne to authorize the Mayor to execute change orders 5 and 6 as requested. The motion carried unanimously.

2. Utility Relocation Project Phase II: Pay Request #11 from Mountain Enterprises in the amount of \$91,302.67 was presented to the Commission for approval of payment. Ms. Staggs advised the Main Street Board approved the invoice as presented. Mayor Justice made the motion, seconded by Commissioner Amos to approve payment to Mountain Enterprises in the amount of \$91,302.67. The motion carried unanimously.

3. Summit Engineering, Inc.: The Main Street Board recommended approval of payment of two invoices to Summit Engineering, Inc. in the amounts of \$4,305.00 for Phase II of the Utility Relocation Project and \$9,500.00 for Phase III of the Utility Relocation Project. Mayor Justice made the motion to approve payment of invoices for Phase II and Phase III as presented and recommended by the Main Street Board. Commissioner Amos seconded the motion. The motion carried unanimously.

4. Utility Relocation Project - Phase IV: Ms. Staggs requested permission to submit a funding application to Renaissance Kentucky for a \$250,000, 2003 Downtown Revitalization Grant for Phase IV. Ms. Staggs explained the funds will be dedicated to pay for Tele-Media Cable Company's contract for underground relocation of their utility's equipment. Mayor Justice made the motion to authorize the submission of the Renaissance Kentucky 2003 Downtown Revitalization grant application and to authorize the Mayor to execute said funding application. Commissioner Carter seconded the motion. The motion carried unanimously.

5. Phase III Grant Agreement: Pending the acceptance of the TE-21 Phase III grant agreement in the amount of \$500,000, Ms. Staggs reported that all funding is in place for Phase III of the Utility Relocation Project. Commissioner Layne made the motion to accept the agreement and to authorize the Mayor to execute said agreement. Commissioner Davis seconded the motion. The motion carried unanimously.

6. Pauley Bridge Rehabilitation: Ms. Staggs reported she has received no correspondence

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from the funding agency relative to the grant application submitted for the repair of the Pauley Bridge.

C. CITY ENGINEER'S REPORTS: Jack Sykes, representing Summit Engineering, Inc., city engineers, presented a verbal status report for the following projects:

1. **Utility Relocation Project - Phase II:** Mr. Sykes reported that Mountain Enterprises is continuing to wait for the installation of the civic center storm drainage to tie in the drainage on Main Street. Mountain Enterprises is scheduled to begin work on Third Street within the next couple of weeks.

2. **Utility Relocation Project - Phase III:** A contract has now been successfully negotiated with BellSouth for the relocation of their utility equipment. The BellSouth contract, totaling \$425,000 was presented to the Commission for approval and execution by the Mayor. Commissioner Carter made the motion, seconded by Commissioner Layne to approve the contract and authorize the Mayor to execute said contract. The motion carried unanimously.

The contract with American Electric Power is being reviewed by the attorneys.

3. **Hambley Complex Improvements:** Three items are remaining for completion of the improvements at Hambley Complex - bleachers, handicapped ramps, and relocation of old bleachers to Bob Amos Park.

4. **Parking Garage Project:** At the time the contract was issued for construction of the pedways, the engineers realized there would be additional costs for relocation of the American Electric Power lines, Bell South cables and City of Pikeville gas and water lines. The cost to relocate all lines underground is \$35,078.45 versus \$18,821.00 to continue with overhead service. Mr. Sykes advised there is money in the contingency budget to fund the underground relocation. Commissioner Davis made the motion, seconded by Commissioner Layne to approve the change order and to authorize the Mayor to execute said change order. The motion carried unanimously.

The city engineer has negotiated an easement with Pikeville College to tie the pedway in to the college campus.

The parking garage is 68% complete with 83% of the time expended.

5. **Kentucky Avenue Projects.** Mr. Sykes reported the townhouse project in Phase II is complete and in the process of being closed out. A settlement agreement has been negotiated with the contractor, Goggans Construction. With regard to Phase IV Roadway and Utility Improvement Project, Mountain Enterprises can't complete their contract until the utility companies tie in their underground services. The Phase IV townhouse project is approximately 40% complete with 50% of the contract time expended. The contractor, Patriot Construction, has requested a time extension due to weather conditions. The engineers will be recommending approval of a time extension to the non-profit board.

6. **Bowles Addition Sewer Rehabilitation Project:** This project was completed about 6 to 8 months ago, however, the contractor, BOCA, had a property damage claim to settle. The City continued to withhold a \$6,188.00 retainer pending settlement of the claim. Mr. Sykes reported the claim has been settled and recommended release of the retainer. Mayor Justice made the motion, seconded by Commissioner Davis to approve payment to BOCA in the amount of \$6,188.00. The motion carried unanimously.

D. CITY MANAGER'S REPORTS: City Manager, Kenny Blackburn, advised of a request from Mt. Martha residents to establish a speed limit of 15 mph on their street. Commissioner Carter recommended that other streets not having posted speed limits be included in the ordinance. The city

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attorney was directed to prepare an ordinance for reading at the next meeting.

2. Drainage: Correspondence has been received from the Department of Abandoned Mine Lands that the city's request for assistance in remedying a storm drainage issue in Bob Amos Park has been approved. Mayor Justice made the motion, seconded by Commissioner Carter to authorize the execution of a right-of-entry agreement with Abandoned Mine Lands for this project. The motion carried unanimously.

Police Chief Sanders requested the Commission's approval to present former Police Chief James Justice with his duty weapon. He explained it is tradition to present officers, serving 20 years with the department, with their duty weapon. Mayor Justice made the motion, seconded by Commissioner Layne to approve Chief Sanders' recommendation. The motion carried unanimously.

In a letter to the Mayor, the Department for Housing and Urban Development advised the Commission that the remaining funds in the UDAG account have been recaptured.

City Manager Blackburn advised that he will be on vacation September 29 - October 3, 2003.

There being no further business to come before the Commission, Mayor Justice made the motion to adjourn the meeting. Commissioner Davis seconded the motion. The motion carried unanimously.

The next scheduled meeting of the Pikeville City Commission is September 8, 2003 at 6:00 p.m. The meeting will be held in the City Hall Public Meeting Room.

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

ATTEST:

Karen W. Harris
KAREN W. HARRIS, CITY CLERK