

MINUTES } CITY OF PIKEVILLE

CITY OF PIKEVILLE BOARD OF COMMISSIONERS REGULAR MEETING MINUTES DECEMBER 8, 2003

The Board of Commissioners for the City of Pikeville met in regular session on Monday, December 8, 2003, at 6:00 p.m. The meeting was held in the designated meeting place at the City Hall Public Meeting Room located at 118 College Street.

Mayor Franklin D. Justice, II presided. Mayor Justice 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
	SHAWN A. AMOS
	JAMES A. CARTER

AGENDA ITEM II.

MINUTES

The minutes for the previous regular meeting of November 24, 2003 were included in each Commission Member's agenda package. There being no additions or corrections, Commissioner Layne made the motion, seconded by Commissioner Carter to approve the minutes as prepared.

AGENDA ITEM III.

BUSINESS FROM THE FLOOR

There were no items of business from the floor, however Mayor Justice announced a closed session would be held at the end of the meeting for the purpose of reviewing applications received for the position of city manager.

AGENDA ITEM IV.

PAYMENT OF BILLS

A. PARKING STRUCTURE PROJECT: Presented for approval of payment was an invoice from Elliott Contracting in the amount of \$176,688.90 for construction to date of the Parking Structure. City Engineer, Charles Byers, expects 70 parking spaces on the ground floor to be released sometime during the week of December 15th. Initially, the 70 spaces were scheduled to be released on November 15th, however, the state building inspector requested installation of additional lighting and signage prior to issuing a certificate of occupancy. Commissioner Davis made the motion, seconded by Commissioner Carter to authorize payment to Elliott Contracting in the amount of \$176,688.90. The motion carried unanimously.

B. KENTUCKY AVENUE - PHASE IV: Mr. Byers advised that the Roadway and Utility Improvement Project - Kentucky Avenue Phase IV, is basically complete. Presented for approval of payment was an invoice in the amount of \$183,087.06 from Mountain Enterprises, Inc. Mr. Byers advised the amount includes \$15,000 in retainage. He recommended approval to draw down the funds as provided in the pay application, but to withhold \$15,000 until the sidewalk and other punch list items are completed. City Attorney Davis gave his opinion that it is legal for the city to request the funds, as requested from Mountain Enterprises, Inc., and to retain \$15,000 until the engineer releases the project. Mayor Justice made the motion, seconded by Commissioner Layne to authorize payment of \$168,087.06 to Mountain Enterprises and the remaining \$15,000 when the project is released by the city engineer. The motion carried unanimously.

C. HAMBLEY COMPLEX: Presented for approval of payment was an invoice on behalf of Dant/Clayton Corporation in the amount of \$47,555.80 for purchase and installation of the bleachers at Hambley Complex. City Engineer Byers requested the Commission approve payment of

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\$42,555.80, withholding \$5,000.00 until the chemical wash has been completed. Mayor Justice made the motion, seconded by Commissioner Carter to approve payment to Dant/Clayton Corporation in the amount of \$42,555.80. The motion carried unanimously.

AGENDA ITEM V.

OLD BUSINESS

No items of business were presented from the Big Sandy Area Development District and the Pikeville Main Street Program.

A. 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: Mr. Byers reported the change order work for Pike Street has been completed. Mountain Enterprises will begin work this evening on the Main Street drainage project. The Mayor requested the barrels placed in parking spaces along Main Street, adjacent to the civic center site, be removed to allow customer parking.

2. Utility Relocation Project - Phase III: Mr. Byers reported that an easement has been acquired from Robert Pinson. Negotiations are continuing for acquisition of an easement from Martha Ridenour. Mr. Byers advised the utility companies will begin pulling their wires through the conduit sometime after the first of the year. It will take approximately 4 to 6 weeks to complete this procedure. Mr. Byers told the Commission it may take as long as 3 to 4 months to connect the new service to all the properties affected.

3. Parking Garage: Presented for approval was Change Order #9 in the net amount of \$854.83 from Elliott Contracting. The change order addresses additional lighting and signage, addition of curb and gutter, revisions to curb and gutter and sidewalk, change in elevation of gable vent, additional brick to be installed between the elevator doors on all floors, and deducting the AEP charge to pull wire in conduit beneath the bridge and removal of two conduits for AEP. The change order brings the total Elliot Contracting contract amount to \$8,630,996.01. Mr. Byers advised the pedway to the park should be completed by January 15th. The pedway to the college is scheduled to be completed by February 15th. Commissioner Davis made the motion, seconded by Commissioner Amos to approve change order #9 in the amount of \$854.83 as presented. The motion carried unanimously.

4. Kentucky Avenue Project: The Kentucky Avenue Roadway and Utility Improvement Project - Phase IV- is complete with the exception of replacing sidewalks. Mountain Enterprises will perform this work in the spring.

5. Sunset Lane: As discussed previously, Mr. Byers advised he has been unable to successfully negotiate an easement with the Pikeville Old Regular Baptist Church for sewer service extension. According to Mr. Byers, the church leadership's main concern is that granting an easement may prevent any expansion of their current facility. The engineer has revised the location of the line to provide for the easement to be relocated against the hillside and around the front of the church building. Mayor Justice made the motion, seconded by Commissioner Amos to authorize the engineer to renegotiate with the church leadership, and if unsuccessful, to authorize the city attorney to begin condemnation proceedings. The motion carried unanimously.

6. South Mayo Trail Drainage Project: Mountain Enterprises, Inc. lacks a few more days to complete the drainage project. The Mayor requested the signs, located at each end of the project announcing "no thru traffic", be removed.

7. City Park Walkway: Mr. Byers presented a drawing of the proposed relocation of the train car, which houses the Pikeville/Pike County Tourism Offices, to the area between the Pike County Chamber of Commerce Offices and the Big Sandy Mountain Heritage/History Museum (773

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Hambley Boulevard). Mr. Byers explained the train car will fit in the space with 15 feet remaining on one side of the train car. There will be room for a sidewalk, however it has not been determined if sufficient space is available to construct a canopy. An estimate of \$26,350 was submitted by Crowd Pleasers Transport to move the train car. The Commission advised Mr. Byers they did not want any parking spaces removed from the area.

B. CITY ATTORNEY'S REPORTS: Russell H. Davis, Jr., City Attorney, presented the following items for the Commission's consideration:

1. **Budget Amendment:** Second reading was given to an ordinance amending the 2003-04 budget. Commissioner Layne made the motion to adopt the Ordinance as presented and read. Commissioner Amos seconded the motion. The motion carried by the following votes:

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

2. **Congratulations:** Commissioner Davis made the motion, seconded by Commissioner Layne to adopt a resolution commending the Belfry Pirates and their coach for winning the State Class AA Football Championship. The motion carried unanimously.

C. CITY MANAGER'S REPORTS: Acting City Manager, Sue Varney, presented the following items for the Commission's consideration:

1. **Police Vehicles:** Police Chief Sanders and Police Captain Adkins presented their recommendation to award the bid for the purchase of 4, police package Dodge Intrepids at the price of \$18,197.00 each. Captain Adkins advised he negotiated with Deskins Motor Company to provide all necessary wiring, equipment (lights, sirens, consoles, strobe lights, etc) and installation of equipment for an additional \$4,267.00 per vehicle. Captain Adkins recommended approval of the additional \$4,267.00, stating that it was less expensive than the city purchasing the equipment and paying for installation.

The vehicles were advertised for bid specifying the purchase of 1 police package sedan and 2 police package sport utility vehicles. Sanders and Adkins explained the Police Department is in need of sedans. Chief Sanders advised that the Police Department currently has enough 4 wheel drive vehicles for their needs. A number of the cars, specifically stated were Luminas, have high mileage and have been very costly to maintain. Captain Adkins advised that 4 Intrepids can be purchased and equipped, road ready, for less than the amount budgeted for the purchase of 1 sedan and 2 sport utility vehicles. He commended that he and Chief Sanders researched the Intrepid specifications and contacted the Hazard Police Department, who currently have Dodge Intrepids in their fleet. According to Captain Adkins, the Hazard Police Department is pleased with the Intrepid's performance.

Commission Members voiced their concern in purchasing 4 vehicles that the City has never had in its fleet. Mayor Justice made the motion, seconded by Commissioner Carter to reject all bids received for the purchase of 2 sport utility vehicles, to award the bid for the purchase of 1 Dodge Intrepid to the low bidder, Deskins Motor, in the amount of \$18,197.00, and to further authorize Deskins Motor to provide the necessary wiring, equipment and installation of equipment for an additional \$4,267.00. The motion carried unanimously. The Commission directed advertisements be placed for the purchase of 1 or more, police package Ford Crown Victorias and 1 or more, police package Dodge Intrepids.

2. **Board Appointment:** Ms. Varney advised of a vacancy on the Board of Zoning

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Adjustments. Mayor Justice made the motion to appoint Terry Anderson to serve as a member of the Board of Zoning Adjustments. Commissioner Amos seconded the motion. The motion carried unanimously.

Mayor Justice made the motion to adjourn to closed session for the purpose of discussing a personnel matter with the Police Chief and to review the applications received for the position of City Manager. Commissioner Carter seconded the motion. The motion carried unanimously.

Mayor Justice made the motion to reconvene to regular session. Commissioner Layne seconded the motion. The motion carried unanimously.

Mayor Justice announced that a personnel matter had been discussed with Police Chief Sanders. It was agreed to table any action until the first of the year.

It was announced that five applicants had been chosen for interviews for the position of City Manager. The applicants are William "Lumpy" Newsome, Greg McCown, Ralph Feltner, Donovan Blackburn, and Karen Harris. Mayor Justice made the motion to schedule a special meeting on December 15th at 5:30 p.m. to interview three applicants. Commissioner Davis seconded the motion. The motion carried unanimously.

There being no further business to come before the Commission, Commissioner Davis made the motion, seconded by Commissioner Carter to adjourn. The motion carried unanimously. (Adjournment Time: 8:30 p.m.)

The Board of Commissioners' next regular meeting is scheduled for December 22, 2003. The meeting will be held in the City Hall Public Meeting Room located at 118 College Street, Pikeville, Kentucky.

APPROVED: _____

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

ATTEST:

Karen W. Harris
KAREN W. HARRIS, CITY CLERK