

SPECIAL MEETING - JANUARY 14, 1991

The City of Pikeville Board of Commissioners met in Special Session on Monday, January 14, 1991. The meeting was held in the City Hall Public Meeting Room at 260 Hambley Boulevard.

Mayor Walter E. May presided and called the meeting to order at 10:03 a.m. Commission Members present and forming a quorum were as follows:

MAYOR: WALTER E. MAY
COMMISSIONER: WALTER BLANKENSHIP
FRANK MORRIS

Commissioners Johnny Mounts and Eugene Davis were absent.

The special meeting was called for the following purpose:

TO MEET WITH THE CITY'S SPECIAL COUNSEL, RAYMOND HALEY, AND TO CONSIDER ACTION IN REGARD TO THE SUBLEASE AGREEMENT BETWEEN THE CITY OF PIKEVILLE AND THE METHODIST HOSPITAL OF KY., INC

At 10:05 a.m., Commissioner Blankenship made the motion to adjourn to an executive session for the purpose of hearing the report from special counsel. Commissioner Morris seconded the motion. Upon call of the roll, the motion carried 3 - 0.

At 10:30 a.m., Commissioner Blankenship made the motion, seconded by Commissioner Morris to reconvene to regular session. Upon call of the roll, the motion carried 3 - 0.

City Attorney Russell Davis, Jr. explained the Commission considered a report from special counsel, Raymond Haley, who has been representing the City of Pikeville in ongoing labor proceedings involving the Methodist Hospital of Kentucky, Inc. The Commission also considered the City's lease agreement with the Methodist Hospital of Kentucky, Inc. The Commission was asked to consider adoption of the following resolution:

RESOLUTION

WHEREAS, the City of Pikeville, Kentucky, a Third Class City, created Pikeville Kentucky Public Hospital Corporation, a non-profit corporation of the City of Pikeville, Kentucky to hold title to all real estate and improvements located on the By Pass Road in Pikeville pursuant to the issuance of Revenue Bonds in 1969, upon which real estate is located a hospital facility; and,

WHEREAS, the City of Pikeville, Kentucky and its creation, Pikeville Kentucky Public Hospital Corporation, own the hospital facility; and,

WHEREAS, the City of Pikeville, Kentucky, the Pikeville Kentucky Public Hospital corporation and Methodist Hospital of Kentucky, Inc., a non-profit corporation, entered into a Sublease Agreement dated January 1, 1969, recorded in Deed Book 503, Page 134, which specifically sets forth that the City of Pikeville, Kentucky shall lease said real estate and hospital facility to Methodist Hospital of Kentucky, Inc., on an annual basis; and,

WHEREAS, pursuant to said Sublease Agreement Methodist Hospital of Kentucky, Inc., is authorized to manage and operate the hospital facility pursuant to the directions of the City of Pikeville, Kentucky; and,

WHEREAS, the City of Pikeville, Kentucky has vital interests in the financial condition of the hospital facility including, but not limited to, the ongoing availability of affordable quality hospital services to citizens of the City and the surrounding area and the retirement of Revenue Bonds on which the City of Pikeville, Kentucky is indebted through the year 2009; and,

WHEREAS, the terms and conditions of employment, as well as the number of employees by category or classification of said hospital facility could critically affect said interests;

BE IT HEREBY RESOLVED, that the City of Pikeville, Kentucky by and through its authority retained in the Sublease Agreement, directs that its sublessor, Methodist Hospital of Kentucky, Inc., shall not enter into any contract of employment, whether individually extended or

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collectively bargained, nor shall it modify wage rates, hours of work or any employee benefit, whether pursuant to a written plan or practice, without the express written consent of the City of Pikeville, Kentucky or its designated representative.

BE IT FURTHER RESOLVED that this Resolution shall immediately be transmitted to the appropriate representative of Methodist Hospital of Kentucky, Inc., and shall be effective upon receipt.

Adopted this 14th day of January, 1991.

/s/ Walter E. May
WALTER E. MAY, MAYOR FOR THE CITY OF
PIKEVILLE, KENTUCKY

ATTESTED: /s/ Karen W. Harris
CITY CLERK

Commissioner Blankenship made the motion, seconded by Commissioner Morris to adopt the resolution as presented. Upon call of the roll, the motion carried 3 - 0.

There being no further business, Commissioner Blankenship made the motion to adjourn. Commissioner Morris seconded the motion. Upon call of the roll, the motion carried 3 - 0. (Adjournment Time: 10:35 a.m.)

APPROVED

Walter E. May
WALTER E. MAY, MAYOR

ATTEST:

Karen Harris
KAREN HARRIS, CITY CLERK



REGULAR MEETING - JANUARY 14, 1991

The City of Pikeville Board of Commissioners met in regular session on Monday, January 14, 1991. The meeting was held in the City Commission's regular meeting place in the City Hall Public Meeting Room at 260 Hambley Boulevard in Pikeville, Kentucky.

Mayor Walter E. May presided. There being a quorum present, the meeting was called to order at 7:05 p.m. Commission Members present upon call of the roll were as follows:

MAYOR:	WALTER E. MAY
COMMISSIONER:	WALTER BLANKENSHIP
	EUGENE DAVIS
	FRANK MORRIS
	JOHNNY MOUNTS

AGENDA ITEM II. CALL OF THE AGENDA

There were no additions or deletions to the prepared agenda.

AGENDA ITEM III. MINUTES

The minutes for the previous regular meeting of December 10, 1990 and special meeting minutes of December 27, 1990 were included with each Commission Member's agenda package. There being no additions or corrections, Commissioner Morris made the motion, seconded by Commissioner Davis to approve the minutes of December 10 and 27, 1990 as presented. Upon call of the roll, the motion carried unanimously.

AGENDA ITEM IV. BUSINESS FROM THE FLOOR

Virginia Robinson, representing the Pike County Senior Citizens Program, presented the Commission with a drawing of a structure to house a senior citizens community center proposed to be located in Pikeville. The purpose of the center is to offer day care and other services to aid senior citizens. Mrs. Robinson explained that implementation of this project depends upon finding property on which to locate the center. Mrs. Robinson defined the proposal to include building a new center that would serve Pikeville, Johns Creek, Shelby, Chloe, Mullins, and other areas lying outside of Pikeville. Mayor May reported he has met with representatives from the center and has indicated he would try to cooperate with them in every way possible and would make recommendations to the City Commission up to and including, if possible, to donate the property if there is City property available which would be suitable to build the center. Mrs. Robinson added they would be mailing out the solicitations for proposals the following day. The deadline for the application to be submitted to the Big Sandy Area Development District is March 21, 1991. Mayor May reported he has asked the City Engineer to review properties owned by the City for potential sites. The Mayor asked Mrs. Robinson to schedule a time to review the maps of potential sites with the City Engineer, then come back to the Commission.

AGENDA ITEM V. PAYMENT OF BILLS

City Bills totaling \$377,741.00 were presented to the Commission for approval of payment. Upon the City Manager's recommendation the bills be approved and confirming that funds are available to make payment, Commissioner Morris made the motion, seconded by Commissioner Blankenship to approve payment of the City Bills totaling \$377,741.00. Upon call of the roll, the motion carried unanimously.

AGENDA ITEM VI. OLD BUSINESS

A. CITY ENGINEER'S REPORT: Jack Sykes, representing Summit Engineering, City Engineers, gave a verbal update of ongoing City Projects.

1. Marion Branch Water Line: Plans are complete on this project. Estimate for the project including material, labor and 10% contingency is \$95,830.00. PSG has come up with two estimates for doing the project in-house. Materials only for the installation using 6 inch ductile pipe: \$47,375.00. Materials only for the installation of 6 inch PVC pipe is \$32,311.00. The rental fee for the trencher for six days has been included in the materials estimate. The City Manager reported he had not had the opportunity to review the estimates. The Commission delayed any action until the next meeting.

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2. Wastewater Treatment Plant: Mr. Sykes presented the Commission with PSG's updated construction schedule. It was reported the #1 tank is somewhat behind schedule. The construction schedule reflects the tank being in operation January 31st. Mr. Sykes projected the end of March before the tank is in operation, depending upon weather conditions.

3. National Flood Insurance Protection Program: Mr. Sykes reported he and City Manager, John Johnson, prepared an application to FEMA for a community rating system. The National Flood Insurance Protection Program has set up a scenario whereby they give each community an insurance ranking similar to the ranking for fire insurance as specified by ISO. Mr. Sykes advised he and Mr. Johnson were able to put together an application with sufficient documentation to support the necessary requirements for a 5% reduction. If the City is successful in obtaining the reduction, the decrease would not become effective on premiums until after October 1, 1991. The document indicates Sue Smallwood would be the coordinator of the program; The city will maintain flood insurance on any building for which federal funding was used; the city will begin maintaining elevation certificates for any new construction within the flood plain; the city has to develop a small brochure to advise of the flooding season with instructions of how to flood-proof their home and how to secure flood insurance; and the city is required to provide a service to the community in which any person would be advised if their property is located in the flood prone area. Commissioner Morris made the motion to approve the submittal of the application. Commissioner Mounts seconded the motion. Upon call of the roll, the motion carried unanimously.

4. Building Inspection: A copy of building inspection activities were presented to each Commission Member.

5. 16" water line: A conditional approval letter has been received for the funding of the 16" water line. Mr. Sykes estimated construction to begin around the end of March.

B. CITY ATTORNEY'S REPORTS: City Attorney, Russell Davis, Jr. gave second reading to the following Ordinances:

O-91-001 ORDINANCE DEDICATING AND NAMING HANDICAP TRAIL "PEGGY & SMOKEY BLANKENSHIP HANDICAP TRAIL"

Commissioner Morris made the motion to adopt Ordinance O-91-001. Commissioner Davis seconded the motion. Upon call of the roll, the motion carried by the following votes:

MAYOR:	WALTER E. MAY	YES
COMMISSIONER:	WALTER BLANKENSHIP	ABSTAIN
	EUGENE DAVIS	YES
	FRANK MORRIS	YES
	JOHNNY MOUNTS	YES

O-91-002 ORDINANCE NAMING STREET WITHIN BOB AMOS PARK LEADING TO THE OVERLOOK, "OVERLOOK DRIVE"

Commissioner Mounts made the motion, seconded by Commissioner Blankenship to adopt ordinance O-91-002. Upon call of the roll, the motion carried by the following votes:

MAYOR:	WALTER E. MAY	YES
COMMISSIONER:	WALTER BLANKENSHIP	YES
	EUGENE DAVIS	YES
	FRANK MORRIS	YES
	JOHNNY MOUNTS	YES

O-91-003 AMENDED ORDINANCE FIXING TIME AND PLACE OF REGULAR MEETINGS OF THE BOARD OF COMMISSIONERS OF THE CITY OF PIKEVILLE, PIKEVILLE, KENTUCKY

Commissioner Blankenship made the motion, seconded by Commissioner Morris to adopt Ordinance O-91-003 as read. Upon call of the roll, the motion carried by the following votes:

MAYOR:	WALTER E. MAY	YES
COMMISSIONER:	WALTER BLANKENSHIP	YES
	EUGENE DAVIS	YES

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FRANK MORRIS YES
JOHNNY MOUNTS YES

Presented to the Commission for consideration was an ordinance which would authorize the City to advertise for a franchise for the purpose of allowing an individual or company to maintain electric lines along city streets and thoroughfares. Mr. Davis reported that Kentucky Power Company currently has a franchise agreement with the City of Pikeville which is due to expire in April, 1991. Amil Mayer of Kentucky Power Company presented the Commission with a completion schedule for granting the franchise. The City Attorney gave first reading to the Ordinance as entitled:

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF PIKEVILLE, KENTUCKY, PROVIDING FOR THE ADVERTISEMENT AND SALE OF A FRANCHISE AUTHORIZING THE OWNER THEREOF TO OWN, MAINTAIN, CONSTRUCT AND OPERATE ELECTRIC POWER TRANSMISSION AND DISTRIBUTION LINES UPON, ALONG, OVER AND UNDER THE STREETS, THOROUGHFARES, ALLEYS, SIDEWALKS, BRIDGES, PUBLIC WAYS AND OTHER PUBLIC PLACES OF SAID CITY

The Ordinance will be on file in the office of the City Clerk for a period of at least ten days for public inspection.

The City Attorney brought a lease agreement and option between Mountain Water District and the City of Pikeville before the Commission for consideration. Mr. Davis explained the agreements are necessary to facilitate the financing for the construction of the 16 inch water line and the storage tank. The City of Pikeville owns the property on which the tank would be constructed, however Mountain Water District is borrowing the funds to make the improvements. The agreement provides for the City to deed the property to Mountain Water District, retaining the right to purchase the tank and property for \$1.00 after the financing has been paid. The City in turn will lease the tank from Mountain Water District and will be responsible for its operation and maintenance. There are no provisions in the agreement granting Mountain Water District the authority to install a telemetry device, however Mayor May advised he had talked with the City Engineer and PSG and neither had any problems with the installation of the device as long as the City had access to override in case of emergency. Commissioner Blankenship made the motion to authorize the Mayor to execute the lease and option between Mountain Water District and the City of Pikeville. Commissioner Morris seconded the motion. Upon call of the roll, the motion carried unanimously.

Commissioner Morris questioned the City Manager if he had made any arrangements with regard to the installation of street lights in the newly annexed area and Marions Branch. Mr. Johnson reported he and a representative from Kentucky Power Company are scheduled to view the sites later on this week.

The City Attorney explained that the City of Pikeville owns the old Perry Cline School building. A previous Commission granted a long-term lease to the Housing Authority. Provisions of the lease gave the City of Pikeville the responsibility of maintenance. The Housing Authority was not required to remit a monthly rental fee. A letter was presented to the Commission offering to surrender the lease. Commissioner Morris made the motion to accept the Housing Authority's surrender of the lease for the Perry Cline School building. Commissioner Blankenship seconded the motion. Upon call of the roll, the motion carried unanimously.

Mr. Davis requested an executive session with the Commission to discuss a pending litigation matter.

C. CITY MANAGER'S REPORTS: City Manager, John Johnson, requested an executive session with the Commission to discuss a personnel matter.

AGENDA ITEM VII.

NEW BUSINESS

A. HILLBILLY DAYS: The Commission reviewed a request from the Chamber of Commerce to hold a carnival in the riverfill and to use the city parking lot on Huffman Avenue during Hillbilly Days on April 18 - 20, 1991. Commissioner Davis requested to discuss this matter with Chamber of Commerce representatives before making a decision. The Commission consented to this request.

B. TOURISM COMMISSION: Mayor May nominated Sophia Hays to serve another three year term on the Pikeville/Pike County Tourism &

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Recreation Commission. Commissioner Davis made the motion to accept the Mayor's nomination. Commissioner Mounts seconded the motion. Upon call of the roll, the motion carried 3 - 2 (Commissioners Blankenship and Morris cast "NO" votes).

At 8:03 p.m., Commissioner Morris made the motion, seconded by Commissioner Blankenship to adjourn to an executive session for the purpose of discussing a personnel matter and a pending litigation matter. Upon call of the roll, the motion carried unanimously.

Upon motion by Commissioner Blankenship, seconded by Commissioner Davis and a unanimous vote, the meeting was reconvened to regular session at 10:10 p.m.

City Attorney Russell Davis reported the Commission discussed the pending legal matter and heard a further report from special counsel, Ray Haley, dealing with the ongoing labor board hearings with the Methodist Hospital. Mr. Haley and the City Attorney recommended the Commission adopt the following resolution:

WHEREAS, the Board of Commissioners of the City of Pikeville, Kentucky, is authorized to designate a representative to oversee certain personnel policies and practices of the Methodist Hospital of Kentucky, Inc.

BE IT HEREBY RESOLVED, that the Mayor of the City of Pikeville is in his official capacity, designated as the representative of the City of Pikeville for the above described purpose.

At Pikeville, Kentucky, this 14th day of January, 1991.

Commissioner FRANK MORRIS made the motion to adopt the foregoing Resolution. Commissioner WALTER BLANKENSHIP seconded the motion.

Upon call of the roll, the motion carried by the following votes:

	<u>YES</u>	<u>NO</u>
WALTER E. MAY, MAYOR	X	
WALTER BLANKENSHIP, COMMISSIONER	X	
EUGENE DAVIS, COMMISSIONER	X	
FRANK MORRIS, COMMISSIONER	X	
JOHNNY MOUNTS, COMMISSIONER	X	

The Mayor declared the within Resolution adopted.

/s/ Walter E. May
WALTER E. MAY, MAYOR

ATTEST:

/s/ Karen Harris
KAREN HARRIS, CITY CLERK

A work session was scheduled for February 20, 1991 at 5:30 p.m. to set the next meeting's agenda.

There being no further business to come before the Commission, Commissioner Blankenship made the motion to adjourn. Commissioner Morris seconded the motion. Upon call of the roll, the motion carried unanimously. (Adjournment Time: 10:15 p.m.)

The City Commission's next scheduled meeting is Monday, February 25, 1991 at 7:00 p.m. in the City Hall Public Meeting Room at 260 Hambley Boulevard.

APPROVED

Walter E. May
WALTER E. MAY, MAYOR

ATTEST:

Karen Harris
KAREN HARRIS, CITY CLERK