

MINUTES } CITY OF PIKEVILLE

REGULAR MEETING - NOVEMBER 25, 1991

The City of Pikeville Board of Commissioners met in regular session on Monday, November 25, 1991. The meeting was held in the City Commission's regular meeting place in the City Hall Public Meeting Room at 260 Hambley Boulevard.

There being a quorum present, Mayor Pro Tem, Johnny Mounts called the meeting to order at 7:00 P.M. Commission Members present at call of the roll were as follows:

COMMISSIONER: JOHNNY MOUNTS
WALTER BLANKENSHIP
EUGENE DAVIS
FRANK MORRIS

City Manager, John Johnson, reported that Mayor Walter E. May was absent due to illness.

AGENDA ITEM II.

CALL OF THE AGENDA

Commissioner Blankenship requested that the Commission consider employing a Codes Enforcement Officer. The matter was added to the Agenda under New Business Item C. Commissioner Morris requested an executive session for the purpose of discussing legal matters.

AGENDA ITEM III.

MINUTES

The minutes for the previous regular meeting of October 28, 1991 and continued meeting of October 29, 1991 were included in each Commission Member's agenda package. There being no additions or corrections, Commissioner Blankenship made the motion, seconded by Commissioner Davis to approve the minutes as submitted. Upon call of the roll, the motion carried 4 -0.

AGENDA ITEM IV.

BUSINESS FROM THE FLOOR

George Williamson along with a host of residents from the Pauley Addition and Keel Addition, presented a petition to the Commission asking that the Pauley Bridge be reopened to vehicular traffic. The residents complained of the inconvenience of travelling the additional four miles since they are now forced to utilize the Buckley's Creek Bridge when accessing or exiting their subdivision. Mayor Pro Tem Mounts reported the Commission does not have any authority in this matter and deferred to the City Manager who read a portion of the August 10, 1989 agreement between the City of Pikeville and the Department of Transportation. Article II, Paragraph E states the Pauley Bridge will be barricaded upon completion of the replacement structure as to effectively exclude vehicular traffic and limit the uses to pedestrians and bicycles and thereafter adequately maintain the bridge in a barricaded and safe condition or otherwise either reimburse to the Department of Federal Funding of this project or have existing bridge physically removed. Residents were advised to contact the Department of Highways with regard to this matter. A number of the residents reported they had contacted the Highway Department and were referred back to the City Commission. City Engineer Jack Sykes reported that at the request of Mayor May, inquiries were made at the Highway Department with regard to the possibility of allowing the Pauley Bridge to remain in service. Mr. Sykes advised he was told the only way this could be done would be to reimburse the Department of Federal Funding with the monies the department had spent on the project (approximately \$611,000.00). Mr. Sykes pointed out that he has supporting correspondence dating ten years prior which classify the Pauley Bridge as a substandard structure needing replacement. The Commission directed the City Engineer to investigate the matter and told the residents they would advise them of the findings. Edith Williams, acting as spokesperson for the hospital employees, presented the following statement to the City Commission:

November 25, 1991

STATEMENT: PIKEVILLE METHODIST HOSPITAL ORGANIZING COMMITTEE-USWA TO
PIKEVILLE CITY COMMISSIONERS

"The Hospital Organizing Committee is more determined than ever to win back workers rights at the hospital.

Hospital workers do not want the city to get involved in trying to bust our union campaign.

The city government of Pikeville has forced its way into the dispute at the hospital through your resolutions. Therefore you city officials have to account for your action.

I would like to know just how much money the city has spent on lawyers, security firms, city salaries and all the rest to fight our organizing campaign?

Our committee is just getting started on our campaign to inform the public about what you and the hospital board have done to try and take away our

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rights.

We've got to see some cooperation from you. Unless we do, we are ready to step up our campaign tactics in the coming weeks.

But we are also ready to sit down like reasonable people and talk to you and the hospital board about working out a quick and peaceful settlement that will help all concerned.

We have asked Mr. May to meet with our representative from the United Steelworkers. If you agree, we can get to work on the details of what needs to be done.

We are reasonable people. The things we want to improve will make this a better hospital for the community. The hospital will be a place we are all proud of. At this time, conditions at the hospital are not as good as some people try to make it sound.

In Walter May's press conference, you said you are concerned about providing "quality health care at an affordable price." Since you haven't been directly involved with patient care -and either have the other commissioners - how do you feel you are experienced enough to be so involved?

We are hospital workers. We are in there every day. We deal with all the people who are sick or injured in the area. We know what it takes to give patients good care. We also know what it is going to take to make the hospital a place where a worker is treated fairly.

I think it is time that the workers have a voice in what goes on at the hospital. And I am not alone."

Ms. Williams asked the Commission to rescind the resolution which was adopted January 14, 1991, which she alleges took away the rights of the hospital workers. City Attorney Davis introduced special counsel, Ray Haley, who specializes in labor matters. Mr. Davis explained that Mr. Haley is the attorney the City utilizes the services of from time to time in certain labor matters. Mr. Davis made it clear that Mr. Haley does not represent the hospital. Mr. Haley advised it is up to the City Commission as to whether they want to rescind the resolution in question. It was explained by special counsel, that the resolution merely formalized rights the City has had with respect to the hospital since the late 1960's when the bonds were issued for purpose of construction of the hospital. Each of the Commission Members were individually asked to introduce a resolution rescinding the January 14, 1991 resolution. Commissioner Davis explained his position to the hospital workers. He commented his original position was that the City did not have a thing to do with the hospital - the City did not have any business running it. He further explained that he was unaware, when the matter first arose that the City actually held the deed to the hospital because of the issuance of the bonds. After the time he was made aware of the deed, the January 1991 resolution was brought before the Commission for consideration. Commissioner Davis reported he abstained from voting on the matter. He further stated he would not introduce a resolution to rescind the prior resolution due to the fact he abstained from voting on the matter. Commissioners Blankenship and Mounts voiced they would not introduce a resolution to rescind the January 1991 resolution.

Bruce Larson, Executive Director of the Pikeville Family Area YMCA was present to discuss the proposed lease agreement between the City of Pikeville and the YMCA for a portion of property on which to locate a YMCA recreation facility in the Bob Amos Park. Mr. Larson advised the YMCA Board met on this date and have requested a change in the lease agreement on page 2, paragraph 4 which states "upon failure of the Lessee to commence construction of the 30,000 square foot facility described within two years from the date of this agreement or upon failure of the party of the Lessee to substantially complete the 30,000 square foot facility within three years from the date of this agreement the Lessor shall have the right to terminate the lease". The Board would like the agreement to read "to commence with the construction of a portion of the facility described within two years and substantially complete within 5 years". Commissioner Mounts asked which portion of the facility they were going to concentrate on first. Mr. Larson reported they would be starting on the gymnasium and pool. Commissioner Blankenship made the motion to authorize the Mayor to execute the agreement between the City of Pikeville and the Pikeville Area Family YMCA to lease a certain tract of parceled land located in Bob Amos Park for the construction of a YMCA facility with the terms being changed as requested by the YMCA (2 years to begin construction of a portion of the facility as described in the agreement and substantial completion in 5 years). Upon call of the roll, the motion carried unanimously. The following resolution was presented:

RESOLUTION AUTHORIZING EXECUTION OF LEASE AGREEMENT WITH THE PIKEVILLE AREA FAMILY Y.M.C.A., INC. AND THE CITY OF PIKEVILLE

WHEREAS, the City of Pikeville desires to enter into a Lease Agreement

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with the Pikeville Area Family Y.M.C.A., Inc. for a certain tract or parcel of property located in the Bob Amos Park for the construction and operation of a Family Y.M.C.A. facility;

WHEREAS, the City of Pikeville has determined that it is in the public's best interest to enter into this lease with the Y.M.C.A. so to better provide for public recreational facilities;

NOW, THEREFORE, BE IT RESOLVED by the City of Pikeville that the Mayor of the City of Pikeville is hereby duly authorized and empowered to execute a Lease Agreement between the Pikeville Area Family Y.M.C.A. and the City of Pikeville and by doing so said agreement shall become a legally binding obligation of the City of Pikeville.

Passed this 25th day of November, 1991.

Commissioner Blankenship moved the adoption of the foregoing resolution. Commissioner Davis seconded the motion.

Upon roll call, the votes were as follows:

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

AGENDA ITEM V. CITY BILLS

A list of City Bills totaling \$500,703.66 were presented to the Commission for approval of payment. Commissioner Morris made the motion, seconded by Commissioner Blankenship to approve payment of the bills as requested. Upon call of the roll, the motion carried unanimously.

Presented to the Commission was a bill from Summit Engineering, Inc. in the amount of \$7,131.42 for inspection services at the Wastewater Treatment Plant. Commissioner Morris made the motion to approve payment of the bill. Commissioner Blankenship seconded the motion. Upon call of the roll, the motion carried 4 - 0.

\$349,619.04 was the total amount of the invoice presented to the Commission from Professional Services Group, Inc. for work completed per their construction contract at the Wastewater Treatment Plant facility (80% complete). Commissioner Blankenship made the motion, seconded by Commissioner Davis to approve payment of the bill as requested. Upon call of the roll, the motion carried 4 - 0. (80% complete)

AGENDA ITEM VI. OLD BUSINESS

A. CITY ENGINEER'S REPORTS: Jack Sykes, representing Summit Engineering, City Engineers, presented a verbal report of the status of ongoing city projects. The projects were outlined as follows:

1. Mall Access Road: The roadway is substantially complete. A small amount of ditching work remains.

2. Wastewater Treatment Plant: A meeting has been scheduled in December with the Division of Water to define the necessary requirements to meet the January 1, 1992 deadline pursuant to the agreed order. Mr. Sykes reported the roadway will not be completed, and did not think the weather would permit the painting of the second tank.

3. Water Line and Tank: This project is now complete and the 1 million gallon water tank is now in operation. A letter has been filed with the Department of Transportation requesting reimbursement for the sidewalk in the construction along Ferguson Creek. Final change orders have been agreed upon. Mr. Sykes advised the City will have an additional liability of about \$1,000.00 for the

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tie-in to serve the Health Department.

4. Perry Cline Center Renovation: Mr. Sykes advised the Commission of the one bid received for the renovation of a portion of the second floor of the Perry Cline Center. The bid was received from Paul Thacker Construction Company in the amount of \$39,162.00. Mr. Sykes indicated there would probably be a couple of changes necessary as the project proceeds. Mr. Sykes reported the City was awarded a grant in the amount of \$60,200.00 to aid in the renovation of the center into four apartments for individuals or families who have been displaced by fire, floods, etc.

5. River Chase Subdivision: Presented to the Commission was a letter from Don Batten requesting the City of Pikeville assume all maintenance of all city utilities and the street lighting system in the River Chase Subdivision (adjacent to Wastewater Treatment Plant). Mr. Sykes will review the facilities in place and will make a recommendation at the next City Commission meeting.

B. CITY ATTORNEY'S REPORTS: City Attorney, Russell Davis, Jr. presented the following items to the Commission for their approval:

1. A memorandum of agreement from the Department of Natural Resources, Division of Forestry, was presented to the Commission for approval. The City of Pikeville was awarded a grant to plant and maintain trees in accordance with the plan prepared by H. Powell & Associates. The agreement provides for reimbursement of costs associated with tree planting for 75% of the total cost of the project not to exceed \$10,000.00. A resolution was presented as follows:

RESOLUTION AUTHORIZING EXECUTION OF MEMORANDUM OF AGREEMENT WITH THE KENTUCKY NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION CABINET AND THE CITY OF PIKEVILLE

WHEREAS, the City of Pikeville, has submitted an application to the Kentucky Natural Resource and Environmental Protection cabinet to obtain a grant to plant and maintain trees in accordance with a grant application,

WHEREAS, the Division of Forestry has approved the City of Pikeville's grant subject to entering into a Memorandum of Agreement, a copy of which is attached hereto;

NOW, THEREFORE, BE IT RESOLVED by the City of Pikeville that the Mayor of the City of Pikeville is hereby duly authorized and empowered to execute the Memorandum of Agreement between the Kentucky Natural Resources and Environmental Protection Cabinet, Division of Forestry and the City of Pikeville and by doing so such an agreement shall become a legally binding obligation of the City of Pikeville.

Passed this 25th day of November, 1991.

Commissioner Morris moved the adoption of the foregoing resolution. Commissioner Blankenship seconded the motion.

Upon roll call, the votes were as follows:

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

2. J. C. Stump addressed the Commission with regard to an injury his wife suffered approximately a year ago when she fell near the sidewalk at the Hatcher Parking Lot. Mr. Stump pleaded for any assistance the Commission could offer, as he has been advised his wife will require surgery. It was reported that Mr. Stump had been advised by his attorney that the City of Pikeville is only liable for claims reported within a 90 day period. Commission Members sympathized with the Stumps, but as advised by counsel, the

City can only offer monetary assistance for which a legal claim has been made.

C. CITY MANAGER'S REPORTS: City Manager Johnson asked the Commission's approval for the purchase of hams or turkeys to be given to the city employees for Christmas. Mr. Johnson reported the vendor, Velocity Market, has quoted a price of \$1.75/lb for boneless hams and \$.89/lb for turkeys. Commissioner Blankenship made the motion, seconded by Commissioner Davis to approve purchase of the hams or turkeys for city employees. Upon call of the roll, the motion carried 4 - 0.

AGENDA ITEM VII.

NEW BUSINESS

A. PIKEVILLE PUBLIC HOSPITAL CORPORATION: The City Manager advised the Commission of two appointments Mayor May has requested be made to the Pikeville Public Hospital Corporation. Nominated were Bill Hickman (to succeed Ernest Elliott) and Dallas Layne (to succeed Dr. John Tummins). Mr. Hickman is an attorney at Pikeville National Bank and Dallas Layne is employed at the Citizens Bank of Pikeville. If approved, the three area banks will be represented on this board. Commissioner Morris made the motion, seconded by Commissioner Blankenship to approve the nominations of Bill Hickman and Dallas Layne to serve on the Pikeville Public Hospital Corporation. Upon call of the roll, the motion carried 4 - 0.

B. LORRAINE PLAZA: City Manager Johnson presented the Commission with two proposals in answer to the advertisement for the sale or lease of city owned property located at Lorraine Plaza (previously leased by YMCA). It was announced the proposals were received from T.T. Colley and Industrial Rubber Products Company. Due to the legal nature of this matter, the Commission opted to further discuss the proposals in executive session.

C. CODES ENFORCEMENT OFFICER: Commissioners Blankenship and Mounts spoke in support of advertising for the position of Codes Enforcement Officer. Discussion was very complimentary of the work performed by Summit Engineering in this capacity, however it was the general consensus that the city needed a full-time person to fill this position in an effort to enforce the dilapidated housing ordinance adopted a few years ago. The City Manager was directed, upon motion by Commissioner Blankenship, seconded by Commissioner Morris, to advertise for the position with applications to be presented at the January, 1992 meeting. It was further discussed that the successful candidate, if not possessing certification by the state at the time of employment, would be required to be certified within one year from the date of employment. Upon call of the roll, the motion carried 4 - 0.

At 8:15 p.m., Commissioner Davis made the motion to adjourn to an executive session for the purpose of discussing legal matters. Commissioner Blankenship seconded the motion. Upon call of the roll, the motion carried 4 - 0.

At 8:25 p.m. Commissioner Davis made the motion, seconded by Commissioner Blankenship to reconvene the meeting to regular session. Upon call of the roll, the motion carried 4 - 0.

It was announced the proposals for the sale/lease of the Lorraine Plaza property was discussed. Meetings will be scheduled with the Commission and those submitting the proposals to discuss the matter further.

There being no further business to come before the Commission, Commissioner Morris made the motion, seconded by Commissioner Blankenship to adjourn. Upon call of the roll, the motion carried 4 - 0. (Adjournment Time: 8:30 p.m.)

APPROVED

Walter E. May
WALTER E. MAY, MAYOR

ATTEST:

Karen Harris
KAREN HARRIS, CITY CLERK