

# MINUTES } CITY OF PIKEVILLE

## REGULAR MEETING - NOVEMBER 23, 1992

The Board of Commissioners of the City of Pikeville met in regular session on Monday, November 23, 1992. The meeting was conducted in the City Hall Public Meeting Room at 260 Hambley Boulevard.

There being a quorum present, Mayor Walter E. May called the meeting to order at 7:10 p.m. Commission Members present upon call of the roll were as follows:

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

### AGENDA ITEM II. CALL OF THE AGENDA

Added to the agenda as item VII. B, 4 (c), was the presentation of the annual budget for the Pikeville United Methodist Hospital of Kentucky, Inc.

### AGENDA ITEM III. MINUTES

The minutes for the previous regular meeting of October 26, 1992 and special meeting of November 11, 1992 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. APPOINTMENT OF COMMISSIONER

Mayor May nominated Sharon Clark to complete the unexpired term of Frank Morris as City Commissioner. Commissioner Blankenship seconded the motion. Mayor May commented that he has known Ms. Clark for a number of years and added that her skills as a businesswoman and civic leader would be an asset to the city of Pikeville. Upon call of the roll, the motion carried by the following votes:

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

Mayor May administered the Oath of Office to Ms. Clark.

### AGENDA ITEM V. BUSINESS FROM THE FLOOR

A. PIKEVILLE SWIM TEAM: Robin Wells presented a verbal proposal to the Commission for forming a swim team for Pikeville. Ms. Wells advised she would be offering her coaching services voluntarily and requested use of the city pool during the evening hours after the pool has closed. The children will be charged a \$40.00 fee which will be split 50:50 with the city. Ms. Wells asked that persons working with the team be classified as temporary employees so they could be covered under the City's liability insurance. Special provisions will be made for indigent children who want to participate. Shanna Elliott will head the parent's organization. Mayor May commented that the Commission looks favorably upon this proposal and want to support the project for the good of the community with the understanding that when it comes to obligating the city for liability insurance, training expenses, long distance calls, and travel expenses that these items be presented in the form of a budget to be approved by the City Commission. Commissioner Blankenship made the motion to grant permission to form a swim team using the name of Pikeville to form an appropriate organization and asked Ms. Wells to work with the City Attorney on the details for the formation of this city agency which should be brought back before the City Commission for approval. Commissioner Mounts seconded the motion. Upon call of the roll, the motion carried 5 - 0.

B. NUISANCE: Libby Carty, a resident of Myra Barnes, came before the Commission with a complaint on a local garage owner who she alleges is burning motor oil or other substances in addition to coal. Ms. Carty displayed pictures she had taken showing the extent of the smoke. The City Attorney reported that there is no Ordinance which prohibits the burning of coal, wood or any type of combustible material for heat, however there is a provision in the ordinance which prohibits the creation of a nuisance. The Commission authorized the City Engineer to contact a representative of the state's Environmental Protection Agency Division of Air Quality Control to do an investigation. The City Attorney advised Ms. Carty that she could, as an individual, file a civil action against the garage owner.

### AGENDA ITEM VI. PAYMENT OF BILLS

A. CITY BILLS: A list of City Bills totaling \$413,373.77 were presented to the Commission for approval of payment. Upon the city manager's recommendation the bills be approved as submitted and his confirmation that monies are available for payment, Commissioner Blankenship made the motion, seconded by Commissioner Davis to approve the bills for payment as requested. Upon call of the roll, the motion carried 5 - 0.

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B. WASTEWATER TREATMENT PLANT: Presented to the Commission for approval of payment was a bill from Professional Services Group, Inc. in the amount of \$33,981.73 for interest on construction invoices for the wastewater treatment facility which were approved prior to receiving the proceeds from the Kentucky Infrastructure Authority loan. Commissioner Mounts made the motion, seconded by Commissioner Davis to approve the request in the amount of \$33,981.73. Upon call of the roll, the motion carried unanimously.

## AGENDA ITEM VII.

## OLD BUSINESS

A. CITY ENGINEER'S REPORT: Jack Sykes, representing Summit Engineering city engineers, gave a verbal update on the following projects:

1. Fire Station Addition: This project is approximately 70% complete. The project is a week or so behind schedule.

2. Road Fork Water Tank: The project is complete with PSG performing the final flushing. The tank should be in operation by the end of this week.

3. Huffman Avenue Deceleration Lane: Project is complete.

4. River Fill: This project is complete with the exception of some remaining clean up and the installation of a fire hydrant. The Commission discussed the potential tie-in of Second Street. Mr. Sykes was asked to bring cost estimates for this roadway extension to the next meeting.

5. South Mayo Water Improvements: Mr. Sykes reported that the contractor received notice of award on November 16, 1992. The contractor has requested a delay in the notice of the proceed to work order due to weather conditions. It is projected the notice to proceed on Contracts 10, 12 and 13 will be issued on March 1, 1993. Contract #11 - River Crossing will be issued an order to proceed sometime around the middle of January since the water is low at that time of year. Mr. Sykes reported that grantsman, Will Linder, has indicated there will be no problem in delaying the remaining contracts. Commissioner Mounts made the motion, seconded by Commissioner Blankenship to grant the delay as requested. Upon call of the roll, the motion carried unanimously.

6. Historic Preservation: Mr. Sykes advised the Commission that a public hearing has been scheduled on December 14, 1992 at 7:00 p.m. for the purpose of obtaining comments from residents of College Street, Third Street, and Scott Avenue relative to designating portions of these areas as Historic Districts. Mr. Sykes commented that certain portions of these areas are currently listed on the National Register of Historic Places.

B. CITY ATTORNEY'S REPORTS: City Attorney, Russell Davis, Jr. presented the following items before the Commission:

1. Loading Zone: First reading was given to an Ordinance captioned as follows:

ORDINANCE DESIGNATING LOADING ZONE ON THE CORNER OF HAMBLEY BOULEVARD AND ELM STREET

The ordinance will be on file in the office of the City Clerk for public inspection. Second reading was scheduled for the next regular meeting.

2. Zoning Map Amendment request: Mr. Davis presented the Commission with the Pikeville/Pike County/Elkhorn City Joint Planning Commission's recommendation to change the zoning of a parcel of property owned by Phillip and Nancy Caudill Blackburn at the mouth of Coal Hollow and Hambley Boulevard fronting Hambley Boulevard and from the mouth of Coal Hollow and Robert Bentley's property line approximately 200 feet and extending up Coal Hollow approximately 500 feet from R-2 to C-2. The City Attorney reported this matter came about after the Building Inspector gave notice to the property owner that the storing of construction materials in a residential zone was a violation of the City of Pikeville's Zoning Ordinance. Mr. Davis reported this violation currently exists. Phillip Blackburn, property owner, advised the Commission that the materials were stored on the sites for the purpose of constructing a metal building. No plans for use of the structure were presented the Joint Planning Commission. Mrs. Blackburn commented there were no objections to the proposed zoning change voiced during the Public Hearing. Mr. Davis advised the Commission that Kentucky Law prohibits "spot zoning" and commented this proposed amendment to the zoning map fits most all characteristics of discretionary zoning as the side of the Boulevard on which the property in question is located is zoned R-2. The City Attorney recommended that the Commission direct the property owner to comply with the present zoning requirements before considering the requested zoning change. Commissioner Mounts made the motion that the property owner comply with the present zoning requirements and prepare a conceptual plan for the proposed use of the property. Commissioner Blankenship seconded the motion. Upon call of the roll, the motion carried unanimously.

3. South Mayo Water Improvements: Presented to the Commission was the Conditional Loan Commitment Letter from the Kentucky Infrastructure Authority for the Mayor's signature. City Engineer, Jack Sykes, reported that this

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commitment is for the Fund C Loan which represents the remaining funds needed to complete the South Mayo Water Improvements project. Commissioner Davis made the motion to authorize the Mayor to execute the Conditional Loan Commitment. Commissioner Mounts seconded the motion. Upon call of the roll, the motion carried unanimously.

4.a. Pikeville Public Hospital Corporation: The City Attorney presented and gave reading to a resolution as follows:

RESOLUTION APPROVING AND AUTHORIZING THE PIKEVILLE PUBLIC HOSPITAL CORPORATION TO INCUR INDEBTEDNESS IN THE TOTAL SUM OF \$165,000.00 FOR THE PURCHASE OF THREE CONDOMINIUM UNITS

WHEREAS, the Pikeville, Kentucky Public Hospital Corporation desires to purchase Harolds Branch Town House Units B, C & D for the total sum of \$165,000.00.

WHEREAS, the Pikeville, Kentucky, Public Hospital Corporation shall enter into a Lease Agreement with the Pikeville Methodist Hospital for the rental of said Town House Units for a sum which equals the loan payment which will be required to be made by the Public Hospital Corporation for repayment of the loan for the purchase price of said units.

WHEREAS, the Article of Incorporation of Pikeville, Kentucky, Public Hospital Corporation, require that said incorporation incur no indebtedness or liability without the approval of the Commission of the City of Pikeville and a majority vote of the members of the Board of Directors of said Corporation.

WHEREAS, a majority of the Board of Directors of said Corporation did at a meeting held on November 18, 1992 approve the purchase of the three town house units for the herein stated purchase price and authorize the Chairman to borrow the purchase price upon such terms and conditions which shall in the discretion of the Chairman be deemed advisable, subject, however, to final approval of the transaction by the Commission of the City of Pikeville.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF PIKEVILLE that the Commission of the City of Pikeville does hereby approve and authorize the Pikeville, Kentucky, Public Hospital Corporation to incur indebtedness or liability for the purchase of Harolds Branch Townhouse Units B, C, and D for the total sum of \$165,000.00 on such terms and conditions which shall in the discretion of the Chairman be deemed advisable.

Passed this 23rd day of November, 1992.

Commissioner Walter Blankenship moved the adoption of the foregoing resolution. Commissioner Sharon Clark seconded the motion.

Upon roll call, the votes were as follows:

	YES	NO
WALTER E. MAY, MAYOR	X	
GENE DAVIS, COMMISSIONER	X	
SHARON CLARK, 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

4.b. Pikeville Public Hospital Corporation: City Attorney Davis presented the following resolution for the Commission's consideration:

RESOLUTION APPROVING AND AUTHORIZING THE PIKEVILLE PUBLIC HOSPITAL CORPORATION TO INCUR A DEBT FOR THE PURCHASE OF DOVER ELEVATORS IN THE SUM OF \$481,966.00

WHEREAS, the Pikeville, Kentucky Public Hospital Corporation desires to purchase and install Dover Elevators within the Pikeville Methodist Hospital for the total sum of \$481,966.00;

WHEREAS, the Pikeville, Kentucky Public Hospital Corporation shall enter into an agreement with the Pikeville Methodist Hospital for the rental of said elevators for a sum which equals the loan payments which will be required to be made by the Public Hospital Corporation for repayment of the loan for the purchase price of said elevators.

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WHEREAS, the Article of Incorporation of Pikeville, Kentucky, Public Hospital Corporation, require that said corporation incur no indebtedness or liability without the approval of the Commission of the City of Pikeville and a majority vote of the members of the Board of directors of said corporation.

WHEREAS, a majority of the Board of Directors of said corporation did at a meeting held on November 18, 1992 approve the purchase of the elevators for the herein stated purchase price and authorize the chairman to borrow the purchase price upon such terms and conditions which shall in the discretion of the chairman be advisable.

NOW, THEREFORE, BE IT HEREBY RESOLVED BY THE CITY OF PIKEVILLE that the Commission of the City of Pikeville does hereby approve and authorize the Pikeville, Kentucky, Hospital Corporation to incur indebtedness or liability for the purchase of the herein described property for the sum of \$481,966.00 with interest thereon, upon such terms and conditions which shall in the discretion of the Chairman be deemed advisable.

Passed this 23rd day of November, 1992.

Commissioner Walter Blankenship moved the adoption of the foregoing resolution. Commissioner Sharon Clark, seconded the motion.

Upon roll call, the votes were as follows:

	<u>YES</u>	<u>NO</u>
WALTER E. MAY, MAYOR	X	
GENE DAVIS, COMMISSIONER	X	
SHARON CLARK, 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

5. Parking Changes: The Commission reviewed a letter from Pike County Judge/Executive, Wayne T. Rutherford, requesting several changes in parking. It was asked that the two hour parking on Main Street directly in front of the Courthouse be changed to thirty minute parking for citizens conducting courthouse business, which would include parking from the telephone booths to the corner of Main and Division Streets; to eliminate the parking in front of the Courthouse on the south side of Division Street from the corner to the main walkway at the new entrance; to designate the first four parking spaces on the north side of Division Street as 30 minute parking for citizens conducting business in the Hall of Justice; to designate the first two parking spaces on the south side of Division Street located just past the walkway of the new entrance to the Courthouse as handicap parking; and to designate parking for Courthouse officials on the opposite curb from the designated Sheriff's parking on the riverfill.

An Ordinance was presented and read entitled:

ORDINANCE DESIGNATING PARKING ZONES ON MAIN STREET AND DIVISION STREET  
ADJACENT TO THE PIKE COUNTY COURTHOUSE AND HALL OF JUSTICE (ORDINANCE NO.  
0-92-015)

An emergency was declared to exist with regard to the adoption of this ordinance in that the newly remodeled Courthouse is now reopened and parking needs to be controlled around the Courthouse immediately.

Commissioner Blankenship made the motion to declare the emergency and adopt the Ordinance as read. Commissioner Mounts seconded the motion.

Upon roll call, the motion carried as follows:

WALTER E. MAY, MAYOR	YES
GENE DAVIS, COMMISSIONER	YES
SHARON CLARK, COMMISSIONER	YES
JOHNNY MOUNTS, COMMISSIONER	YES
WALTER BLANKENSHIP, COMMISSIONER	YES

4.c. Pikeville United Methodist Hospital 1992-93 Operating Budget:  
Hospital Financial Officer, Terry Foster presented the Pikeville United Methodist Hospital's operating budget for 1993. The \$60,000,000.00 budget includes a 16% price increase; a 7% salary increase for hospital employees; a 9% increase in equipment purchases and a 8.45% operating margin.

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Commissioner Blankenship made the motion to approve the budget and ordered the document to be sealed due to the potential competitive disadvantage the hospital may face if such financial information were disclosed. Commissioner Mounts seconded the motion. Upon call of the roll, the motion carried 5 - 0.

C. CITY MANAGER'S REPORTS: City Manager, John Johnson, presented the following items to the Commission:

1. 4 X 4 Vehicle Bids: Mr. Johnson advised that five bids were received in answer to an advertisement for the purchase of a 4 X 4 vehicle to be used by the Police Department. The two lowest bids were Owen Chevrolet of Danville, KY. at \$16,424.60 and Deskins Motor of Pikeville at \$17,198.85. The city manager reported he had checked with each bidder on servicing, the use of a loaner vehicle, etc. and recommended the bid be awarded to Deskins Motor of Pikeville. Mr. Johnson further advised that the vehicle from Deskins Motor was police package equipped while the vehicle from Owen Chevrolet was not. The City Attorney confirmed that these points can be used when determining the lowest, best bid. Commissioner Mounts made the motion to award the bid to the lowest, best bidder, Deskins Motor Company in the amount of \$17,198.85. Commissioner Blankenship seconded the motion. Upon call of the roll, the motion carried 5 - 0.

2. Thanksgiving Holiday: Commissioner Blankenship made the motion to designate the Friday following Thanksgiving as a holiday for all non essential city employees. Commissioner Clark seconded the motion. Upon call of the roll, the motion carried unanimously.

3. Hams and Turkeys: Mr. Johnson reported he had solicited quotes for the purchase of hams and turkeys for city employees for Christmas. The City Manager recommended the Commission approve purchase of the items from Velocity Market at \$1.85/lb for hams and \$.85/lb for turkeys. Commissioner Blankenship made the motion, seconded by Commissioner Clark to approve the purchase of the food items. Upon call of the roll, the motion carried unanimously.

D. FINANCIAL STATEMENTS: Financial Director, Jan Hunt, delivered a verbal financial report for the month of November, 1992.

E. TOT-LOT: Presented was the preapplication for funding for the development of a children's playground at Bob Amos Park. The following resolution was presented:

## RESOLUTION AUTHORIZING SUBMISSION OF PREAPPLICATION TO DEPARTMENT OF LOCAL GOVERNMENT FOR ASSISTANCE UNDER THE LAND AND WATER CONSERVATION FUND ACT

WHEREAS, the City of Pikeville proposed to develop recreational resources to provide for the health and well being of the general public, and

WHEREAS, the City of Pikeville intends to make preapplication to the Department of Local Government for assistance under the Land and Water Conservation Fund Act of 1965, and

WHEREAS, the Land and Water Conservation Fund is limited to funding a maximum of fifty percent (50%) of proposed project costs estimated at \$40,000.00.

NOW, THEREFORE BE IT RESOLVED, that the City of Pikeville hold in reserve fifty percent (50%) of the proposed project costs for the purpose of matching the Land and Water Conservation Fund assistance, and

BE IT FURTHER RESOLVED, that in the event a grant is awarded, the City of Pikeville understands that it will sign assurances to comply with all applicable Federal and State laws, rules and regulations, especially Title VI of the Civil Rights Act and Section 504 of the 1973 Rehabilitation Act.

This 23rd day of November, 1992 at Pikeville, Pike County, Kentucky.

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

ATTEST:

/s/ Karen W. Harris  
KAREN W. HARRIS, CITY CLERK

Commissioner Mounts made the motion to adopt the resolution. Commissioner Davis seconded the motion. Upon call of the roll, the motion carried unanimously.

At 9:00 p.m., Commissioner Mounts made the motion to adjourn to a closed session for the purpose of discussing a legal matter involving the sale and/or development of the old airport site pursuant to the Open Meetings Law, Section 3, paragraph d. Commissioner Davis seconded the motion. Upon

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call of the roll, the motion carried unanimously.

At 10:40 p.m., Commissioner Blankenship made the motion, seconded by Commissioner Davis to reconvene to regular session. Upon call of the roll, the motion carried 5 - 0.

The City Attorney reported that while in closed session, the Commission discussed the proposed development at the airport site. Commissioner Blankenship made the motion to adopt a resolution reaffirming the Commission's prior action to authorize Johnny Rasnick and Mayor Walter E. May as the City's representatives in negotiations with potential developers for the Pikeville Mall site to the extent that the city's cooperation would be needed for development. Commissioner Mounts seconded the motion. Upon call of the roll, the motion carried unanimously.

The Commission heard a report from Fire Chief Courtney relative to the commencement of the Emergency Ambulance Service. Chief Courtney reported since the starting date of November 14, 1992, 15 runs had been made for an average of three calls per day. The Commission discussed that after the ambulance service has been in operation for 30 days a meeting should be held by the ambulance committee to prepare written guidelines for the operation of the emergency service. It was directed that the proposed guidelines be presented to the City Commission for their review and approval. It was reported to the Commission that an unscheduled drill was had to monitor the response time to close and secure both flood gates. Mayor May advised it took the Fire Department approximately one hour to perform the task. Mayor May complimented the Fire Department on the professional manner in which the task was accomplished. Mayor May added that the drill proved beneficial and techniques to improve the closing of the gates were learned.

## AGENDA ITEM VIII.

## NEW BUSINESS

### A. BOARD APPOINTMENTS

1. MODEL CITY DAY CARE CENTER NOMINATING COMMITTEE: Mayor May nominated Brenda Hicks Maynard and Kim Robinson to serve as the city's representatives on the Model City Day Care Center Nominating Committee. Commissioner Mounts seconded the motion. Upon call of the roll, the motion carried unanimously.

2. Historic Preservation Board: Mayor May advised that the terms of two members have expired. Mayor May made the motion to reappoint Pam Robinette and Judy Walters to serve as members of the Historic Preservation Board. Commissioner Blankenship seconded the motion. Upon call of the roll, the motion carried 5 - 0.

3. Pikeville/Pike County/Elkhorn City Joint Planning Commission: Mayor May reported that due to the resignation of Frank Morris a vacancy has been created on the Pikeville/Pike County/Elkhorn City Joint Planning Commission. Mr. Morris served as the Mayor's representative on this Board. Mayor May made the motion to appoint Richard Elswick to serve as his representative on the Joint Planning Commission. Commissioner Blankenship seconded the motion. Upon call of the roll, the motion carried unanimously.

4. Zoning Board of Adjustments: The Commission was advised that this board currently has two vacancies which were created by the resignations of Frank Morris and Stafford Damron. Mayor May made the motion to appoint Buford Rose and Frank Dawahare to complete the unexpired terms. Commissioner Blankenship seconded the motion. Upon call of the roll, the motion carried unanimously.

5. Parks & Recreation Advisory Board: Mayor May made the motion to appoint Ruth Chrisman, Judy Schueneman and June Johnson to fill vacancies on the Parks & Recreation Advisory Board. Commissioner Blankenship seconded the motion. Upon call of the roll, the motion carried unanimously.

B. MAIN STREET PROGRAM: The City Clerk advised the Commission that Pikeville has been awarded a Downtown Development and Revitalization grant. The grant is in the sum of \$10,000 which must be matched on a 50% basis, with \$10,000 in local contributions. The local contribution is derived from dues from Pikeville Main Street Members and other donations. Presented was the Memorandum of Agreement for the Mayor's signature. Commissioner Mounts made the motion, seconded by Commissioner Davis to authorize the Mayor to execute the Memorandum of Agreement. Upon call of the roll, the motion carried unanimously.

Commissioner Mounts asked the status of the amended Personnel Policies and Procedures for city employees. The city manager reported that copies were given to each Commission Member at the previous meeting for their review and comments. Mayor May requested the document be reviewed by the labor attorney prior to approval by the City Commission.

There being no further business to come before the Commission, Commissioner Blankenship made the motion, seconded by Commissioner Davis to adjourn the meeting. Upon call of the roll, the motion carried unanimously.

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(Adjournment Time: 11:10 p.m.)

APPROVED

WALTER E. MAY, MAYOR

*Walter E. May*

ATTEST:

*Karen W. Harris*  
KAREN W. HARRIS, CITY CLERK

