

MINUTES } CITY OF PIKEVILLE

SPECIAL MEETING MINUTES - DECEMBER 28, 1992

The City of Pikeville Board of Commissioners were called to meet in Special Session on Monday, December 28, 1992 at 4:30 p.m. for the following purposes:

1. TO CONDUCT A STATUTORY DISCIPLINARY HEARING FOR ROBERT COURTNEY AND TO CONSIDER TAKING ACTION IN REGARD TO THE HEARING.

Mr. Courtney, through his attorney, Steven D. Combs, requested that the hearing be conducted in open meeting. Mr. Combs requested a closed session to discuss the procedure in which the hearing will be conducted. At 4:35 p.m., Commissioner Mounts made the motion, seconded by Commissioner Blankenship to adjourn to a closed session pursuant to Section 3, Paragraph f of the Open Meetings Law, for the purpose of consulting with counsel for Robert Courtney with regard to procedural matters. Upon call of the roll, the motion carried unanimously.

At 5:00 p.m., Commissioner Blankenship made the motion, seconded by Commissioner Clark to reconvene to regular session. Upon call of the roll, the motion carried unanimously.

The City Attorney reported that several procedure matters were discussed in closed session. The Commission agreed to the request made by Robert Courtney's counsel, Steven D. Combs, to exclude witnesses from hearing actual testimony.

Mr. Combs advised the Commission that seven of his witnesses were under time constraints and asked that he be allowed to proceed with the calling of these witnesses on behalf of Mr. Courtney. The Commission granted the request and heard testimony from James Goss, Roy Alexander, Sam Mullins, Ernest Rogers, Billy Fields, Mark White and James Ellis.

At 7:21 p.m., Commissioner Davis made the motion to recess for 15 minutes. Commissioner Mounts seconded the motion. Upon call of the roll, the motion carried unanimously.

At 7:35 p.m., Commissioner Blankenship made the motion, seconded by Commissioner Mounts to reconvene. Upon call of the roll, the motion carried 5 - 0.

The hearing continued with City Attorney, Russell H. Davis, Jr. beginning the questioning of Robert Courtney. During cross-examination by Steven Combs of Robert Courtney, a line of questioning involving an alleged investigation of the Pikeville Volunteer Fire Department was made. Commissioner Mounts made the motion, seconded by Commissioner Blankenship to not hear nor consider any testimony involving the investigation regarding the Pikeville Volunteer Fire Department. Upon call of the roll, the motion carried unanimously.

At 9:45 p.m., Commissioner Mounts made the motion to recess for 5 minutes. Commissioner Clark seconded the motion. Upon call of the roll, the motion carried unanimously.

At 9:51 p.m., Commissioner Blankenship made the motion, seconded by Commissioner Davis to reconvene. Upon call of the roll, the motion carried 5 - 0.

The Commission heard testimony from the following witnesses: Karen Gibson, Treasurer/Controller; John B. Johnson, City Manager; Karen Harris, City Clerk; Richard W. Jordan; Robert Courtney; Jimmy Williamson; Commissioner Walter Blankenship; Sue Smallwood, Administrative Assistant; Commissioner Johnny Mounts; Police Chief Eugene Edmonds; Patrolman Woody Pruitt; and Mayor Walter E. May.

At 11:50 p.m., Commissioner Blankenship made the motion to adjourn to closed session for the purpose of deliberating upon the testimony heard. Commissioner Mounts seconded the motion. Upon call of the roll, the motion carried unanimously.

At 1:03 a.m., Commissioner Blankenship made the motion, seconded by Commissioner Mounts to reconvene to regular session. Upon call of the roll, the motion carried 5 - 0.

Commissioner Blankenship read the following:

I move that the Commission adopt as its findings in regard to the charges preferred against Robert Courtney, the following:

We find Robert Courtney guilty of misconduct, violations of Kentucky law and the rules and procedures of the City of Pikeville as the result of his handling of two \$20,000.00 grants received by the Pikeville Fire Department in 1990 and 1991 from the Commonwealth of Kentucky. We find that Robert Courtney concealed the receipt of the two grants; intentionally mislead the City Manager and Karen Gibson concerning the source of funds to build the fire training tower; improperly cashed the two \$20,000.00 checks in violation of Kentucky law; improperly took city money to his home without city authorization; falsely reported to the Mayor that he had not received these

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grants; spent the grant money without City authorization and in violation of City rules and procedures and in violation of several state laws (KRS 91A.060(1) & (2), KRS 91A.040, 91A.030, 91A.020). We find that each individual violation is by itself sufficient to justify punishment or dismissal.

Walter Blankenship moved for the adoption of the findings in regard to the disciplinary charges filed against Robert Courtney.

Sharon Clark seconded the motion.

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

Pursuant to the findings adopted by the Board of Commissioners of the City of Pikeville with regard to the charges preferred against Robert V. Courtney, Commissioner Blankenship made the motion to terminate Mr. Courtney's employment with the city of Pikeville. Commissioner Mounts seconded the motion. Upon call of the roll, the motion carried by the following votes:

WALTER E. MAY, MAYOR	ABSTAIN ON ADVICE FROM LEGAL COUNSEL
WALTER BLANKENSHIP, COMMISSIONER	YES
SHARON CLARK, COMMISSIONER	YES
EUGENE DAVIS, COMMISSIONER	YES
JOHNNY MOUNTS, COMMISSIONER	YES

There being no further business to come before the Commission, Commissioner Mounts made the motion, seconded by Commissioner Blankenship to adjourn. Upon call of the roll, the motion carried unanimously.
(Adjournment time: 1:06 a.m.)

APPROVED

Walter E. May
WALTER E. MAY, MAYOR

ATTEST:

Karen Harris
KAREN HARRIS, CITY CLERK

REGULAR MEETING MINUTES - DECEMBER 28, 1992

The Board of Commissioners of the City of Pikeville met in regular session on Monday, December 28, 1992. 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 7:30 p.m. Commission Members present and forming a quorum were as follows:

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

The minutes for the previous regular meeting of November 23, 1992 were included in each Commission Member's agenda package. There being no additions or corrections, Commissioner Mounts made the motion, seconded by Commissioner Blankenship to approve the minutes as submitted. Upon call of the roll, the motion carried unanimously.

Mayor May explained to citizens present that a hearing involving a personnel matter was in progress and announced that the regular meeting will be in recess until the hearing has been concluded. At 7:32 p.m., Commissioner Mounts made the motion, seconded by Commissioner Blankenship to recess the meeting until the conclusion of the personnel hearing. Upon call of the roll, the motion carried 5 - 0.

At 1:08 a.m., Commissioner Blankenship made the motion, seconded by Commissioner Mounts to reconvene the meeting. Upon call of the roll, the motion carried unanimously.

A list of City Bills totaling \$435,237.02 were included in each Commission Member's agenda package. Upon the City Manager's recommendation the bills be approved as submitted and confirmation that funds were available for payment, Commissioner Blankenship made the motion, seconded by Commissioner Davis to approve the payment of City Bills totaling \$435,237.02. Upon call of the roll, the motion carried unanimously.

Presented to the Commission was a resolution authorizing the Mayor to execute the Assistance Agreement with the Kentucky Infrastructure Authority for the South Mayo Water Distribution System Improvement Project. The resolution was presented and read as follows:

RESOLUTION OF THE CITY OF PIKEVILLE, KENTUCKY, APPROVING AND AUTHORIZING AN ASSISTANCE AGREEMENT BETWEEN THE CITY OF PIKEVILLE, KENTUCKY AND THE CITY OF PIKEVILLE, KENTUCKY AND THE KENTUCKY INFRASTRUCTURE AUTHORITY

WHEREAS, the City Council, ("governing authority") of the City of Pikeville, Kentucky, (Governmental Agency") has previously determined that it is in the public interest to acquire and construct certain water facilities and improvements to the Governmental Agency's General Water Service System (the "Project") and

WHEREAS, the Governmental Agency has made application to the Kentucky Infrastructure Authority (the "Authority") for the purpose of providing monies to construct the Project; and

WHEREAS, in order to obtain such monies, the Governmental Agency is required to enter into an Assistance Agreement with the Authority;

NOW, THEREFORE, BE IT RESOLVED by the City of Pikeville, Kentucky, as follows:

SECTION 1. That the governing authority hereby approves and authorizes the Assistance Agreement between the Governmental Agency and the Authority substantially in the form on file with the Governmental Agency for the purpose of providing the necessary financing to the Governmental Agency for the Project.

SECTION 2. That any officer of the Governmental Agency be and hereby is authorized, directed and empowered to execute necessary documents or agreements, and to otherwise act on behalf of the Governmental Agency to effect such financing.

SECTION 3. That this resolution shall take effect at the earliest time provided by law.

ADOPTED on December 28, 1992.

/s/ Walter E. May
Presiding Officer

Attest:

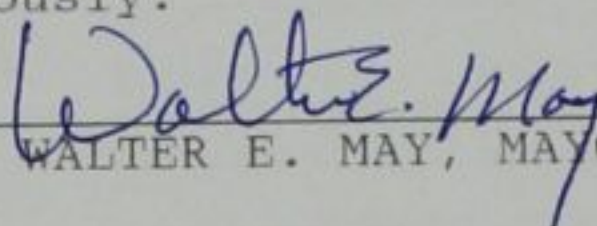
/s/ Karen Harris
City Clerk

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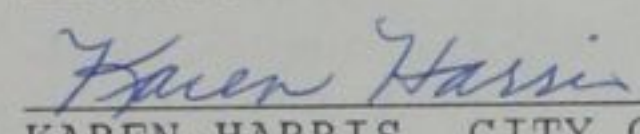
Ann Charles, Executive Director of the Pikeville/Pike County Tourism Commission, presented the Tourism Commission's proposed 1993 Operating Budget for approval. Ms. Charles explained that the City and County governments, both, must approve the budget. Ms. Charles reported that Pike County Fiscal Court has approved the proposed budget as submitted. With regard to a question posed by Commissioner Mounts, the Tourism Director reported that all operating hotels/motels throughout the county and city are remitting the room tax fee. Commissioner Clark made the motion to approve the Tourism Commission's budget as presented FY 1993. Commissioner Blankenship seconded the motion. Upon call of the roll, the motion carried unanimously.

At 1:25 a.m., Commissioner Blankenship made the motion to recess the meeting until January 4, 1993 at 7:00 p.m. Commissioner Clark seconded the motion. The motion carried unanimously.

APPROVED


WALTER E. MAY, MAYOR

ATTEST:


KAREN HARRIS, CITY CLERK