

MINUTES } CITY OF PIKEVILLE

CONTINUED MEETING MINUTES - JANUARY 4, 1993

The Board of Commissioners of the City of Pikeville met in a continued session on Monday, January 4, 1993. The meeting was held 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 7:05 p.m. Commission Members present upon call of the roll were as follows:

MAYOR:	WALTER E. MAY
COMMISSIONER:	WALTER BLANKENSHIP
	SHARON CLARK

Commissioners Eugene Davis and Johnny Mounts were absent.

The Commission considered a letter of request from the Pike County Chamber of Commerce to use the river fill area between Combs Avenue and the asphalt north of the First National Parking lot for a carnival during April 14-17, 1993. Commissioner Blankenship made the motion to grant the Chamber of Commerce's request. Commissioner Clark seconded the motion. Upon call of the roll, the motion carried 3 - 0.

Second reading was given to an Ordinance entitled:

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

Commissioner Blankenship made the motion, seconded by Commissioner Clark to adopt the Ordinance as submitted. Upon call of the roll, the motion carried by the following votes:

MAYOR:	WALTER E. MAY	YES
COMMISSIONER:	WALTER BLANKENSHIP	YES
	SHARON CLARK	YES

Mayor May gave a brief summary of the history involving the establishment of E911. The Mayor reported, that after talking with county officials, it was learned that it would be approximately two years before they were ready to put E911 into effect. The Mayor commented that the citizens of Pikeville have been paying a monthly fee for sometime and thought it to be of the utmost importance to establish a separate E911 service. The following resolution was given reading:

RESOLUTION RELATING TO THE COLLECTION AND PAYMENT OF THE ENHANCED 911 EMERGENCY TELEPHONE SERVICE FEE BY THE PHONE COMPANY

WHEREAS, the City of Pikeville has determined that it is in the best interest of the citizens of the City of Pikeville that the City establish a separate Enhanced Emergency 911 Telephone Service because the City can establish 911 service much sooner than a county wide 911 system can be established;

WHEREAS, the City of Pikeville has already adopted an ordinance providing that the phone company shall collect a 911 fee from subscribers in the sum of \$.93 per month.

THEREFORE, BE IT RESOLVED BY THE CITY OF PIKEVILLE AS FOLLOWS:

1. That the City of Pikeville shall establish a separate Enhanced 911 Emergency Telephone Service within the City of Pikeville as previously authorized by Ordinance No. O-91-011.

2. That South Central Bell Telephone Company shall be notified that effective January 1, 1993, all 911 fees, less fees for billing, collected from subscribers within the corporate limits of the City of Pikeville shall be remitted to the City of Pikeville. Said sum will be deposited in a separate account with the City of Pikeville designated for the establishment of a 911 Emergency Telephone Service.

3. That the City Manager shall notify Pike County and the Kentucky State Police of the City's adoption of this resolution and shall immediately request that Pike County and the State Police cause to be reimbursed to the City of Pikeville, the 911 fee collected from subscribers by South Central Bell Telephone Company within the corporate limits of the City of Pikeville, with interest earned thereon, less any fee for billing and collecting the 911 service charge authorized by ordinance, which has been delivered by South Central Bell Telephone to Pike County/Kentucky State Police for establishment of a county-wide system.

4. That the City Commission recognizes that it will in the future assist Pike County in establishing a separate 911 system within Pike County and shall cooperate in establishing a backup system for the County 911 system.

Passed this 4th day of January, 1993.

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

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Upon roll call, the votes were as follows:

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

In discussion, the treasurer was directed to contact Pike County Fiscal Court to request that any interest which may have been earned upon the city's portion of the 911 fees be remitted.

Further discussion was had relative to naming a board to oversee 911. Mayor May suggested having the individuals who serve on the Ambulance Advisory Board to serve as Advisory Board for E911.

Upon motion by Commissioner Blankenship, and seconded by Commissioner Clark, the city manager was directed to advertise for bids for the purchase or lease of equipment necessary to implement E911 and to negotiate a contract with Big Sandy Area Development District to conduct a house-to-house survey. The motion carried 3 - 0.

City Attorney, Rusty Davis, reported that the Commission heard a recommendation from the Pikeville/Pike County/Elkhorn City Joint Planning Commission to change the zoning at the mouth of Coal Hollow during the previous meeting. Mr. Davis reported that since that time, he had reviewed the minutes from the planning commission's meeting and he found that the planning commission had not complied with KRS 100.211 in that they did not make Findings of Facts which include a summary of the evidence and testimony presented by both the proponents and opponents of the proposed amendment and that the Findings of Facts also fail to set forth the statutory basis for a zoning change as required by KRS.100.213. Mr. Davis further commented that the property owners have not complied with present zoning restrictions and recommended that the Commission reject the planning commission's recommendations which support a zoning change. The following resolution was introduced and read as follows:

RESOLUTION REJECTING THE RECOMMENDATIONS OF THE PIKEVILLE PIKE COUNTY, ELKHORN CITY JOINT PLANNING COMMISSION FOR A ZONING CHANGE AT THE MOUTH OF COAL HOLLOW

WHEREAS, the City of Pikeville received a letter dated November 11, 1992 from the Joint Planning Commission recommending that the zoning on certain property owned by Nancy Caudill Blackburn at the mouth of Coal Hollow be changed from R2 to C2;

WHEREAS, the Planning Commission was notified by letter dated December 2, 1992 from the office of City Attorney that the Joint Planning Commission's recommendation for an amendment to the zoning map does not comply with the statutory procedure set forth in KRS 100.211 in that the Planning Commission did not make Findings of Facts which included a summary of the evidence and testimony presented by both the proponents and opponents of the proposed amendment; and that the Findings of Facts also fails to set forth the statutory basis for a zoning change as required by KRS 100.213.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF PIKEVILLE that the recommendation of a zoning change for the property owned by Nancy Caudill Blackburn at the Mouth of Coal Hollow and Hambley Boulevard be changed from R2 to C2 is hereby rejected by the Pikeville City Commission because it fails to comply with Kentucky law and the currently existing comprehensive plan adopted by the City of Pikeville.

Passed this 4th day of January, 1993.

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

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WALTER E. MAY, MAYOR	X	
GENE DAVIS, COMMISSIONER		ABSENT
SHARON CLARK, COMMISSIONER	X	
JOHNNY MOUNTS, COMMISSIONER		ABSENT
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

City Attorney Davis advised the Commission that he was in receipt of a letter from the First National Bank of Pikeville with regard to the recent Ordinance which regulates parking around the new courthouse facility. Mr. Davis reported that First National Bank has advised that a portion of the parking regulated is on their property and they have requested an acknowledgment from the City of Pikeville that the city will not claim adverse possession of the property. The following resolution was introduced:

RESOLUTION RECOGNIZING THE FIRST NATIONAL BANK'S CLAIM OF OWNERSHIP OF PROPERTY ALONG DIVISION STREET AND IN THE PIKEVILLE RIVERFILL

WHEREAS, the First National Bank, through their attorney, has notified the City of Pikeville that they claim ownership to a six-foot strip of property which runs the entire length of the banks parking lot structure retaining wall adjacent to Division Street and a fifteen-foot strip of property the entire length of the parking structure which faces the riverfill.

WHEREAS, the First National Bank of Pikeville by virtue of their notice has advised the City of Pikeville that they have no objection to the City using this property for the purpose of providing public parking.

WHEREAS, the City has not undertaken to investigate any claim of property ownership adjacent to the retaining walls of the First National Bank's parking structure but does desire to recognize the Bank's claim of ownership and agrees not to claim title by adverse possession by virtue of the City's recently established parking along Division Street.

THEREFORE, BE IT RESOLVED BY THE CITY OF PIKEVILLE AS FOLLOWS:

1. That the City of Pikeville recognizes the First National Bank of Pikeville's claim of ownership of the two strips of property identified above.

2. That the City of Pikeville agrees not to claim adverse possession of either of these tracts of property by virtue of its recently established ordinance designating four parking spaces as 30 minute parking adjacent to the retaining wall of the First National Bank's parking structure or by virtue of any parking in the Riverfill along the parking structure retaining wall.

Passed this 4th day of January, 1993.

Commissioner Sharon Clark moved the adoption of the foregoing Resolution. Commissioner Walter Blankenship 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		ABSENT
SHARON CLARK, COMMISSIONER	X	
JOHNNY MOUNTS, COMMISSIONER		ABSENT
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

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Commissioner Blankenship made the motion to compensate Acting Fire Chief, Tommy Hall, at the same rate of pay as the previous Fire Chief, to be retroactive to the date the duties were assumed. Commissioner Clark seconded the motion. Upon call of the roll, the motion carried 3 - 0.

The City Manager was authorized to advertise the position of Fire Chief in the local newspapers, Fire Journals, and in adjoining states. Qualifications for applicants were discussed. Applicants should be certified or capable of being certified within a certain period of time.

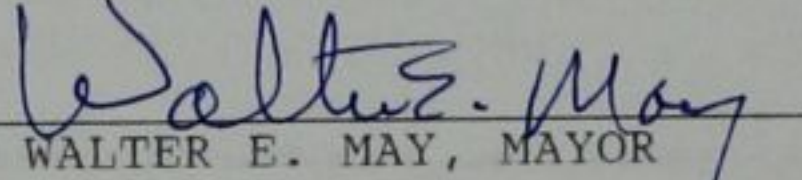
At 7:37 p.m., Commissioner Blankenship made the motion, seconded by Commissioner Clark to adjourn to a closed session pursuant to Section 3, paragraph f of the Open Meetings Law, for the purpose of discussing a personnel matter. Upon call of the roll, the motion carried 3 - 0.

At 8:00 p.m., Commissioner Clark made the motion to reconvene to regular session. Commissioner Blankenship seconded the motion. Upon call of the roll, the motion carried 3 - 0.

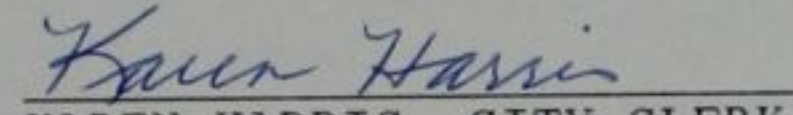
Mayor May reported that no action was required as a result of the closed meeting.

There being no further business to come before the Commission, Commissioner Blankenship made the motion, seconded by Commissioner Clark to adjourn. Upon call of the roll, the motion carried 3 - 0. (Adjournment Time: 8:01 pm)

APPROVED


WALTER E. MAY, MAYOR

ATTEST:


KAREN HARRIS, CITY CLERK

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