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PIKEVILLE CITY COMMISSION SPECIAL MEETING MINUTES OCTOBER 9, 1997

The Board of Commissioners of the City of Pikeville met in Special Meeting on Thursday, October 9, 1997. The meeting was conducted in the City Hall Public Meeting Room at 260 Hambley Boulevard.

The Special Meeting was called for the following purposes:

1. Consider the appointment of an individual to fill the vacancy on the City Commission.
2. Consider a request for a release of mortgage from Mountain Comprehensive Care Center.
3. Consider authorizing the Mayor to execute an easement to allow Sandy Valley Water District to extend water service across city property.
4. Consider first reading of an Ordinance to change the name of State Street.
5. Consider establishing a speed limit for Cassady Boulevard.
6. Consider designating City Manager, Kenny Blackburn, as agent to represent the City in Disaster Emergency Services matters.

There being a quorum present, Mayor Steven D. Combs called the meeting to order at 10 a.m. Commission Members present at roll call were as follows:

MAYOR: STEVEN D. COMBS
 COMMISSIONER: EUGENE DAVIS
 JOHNNY MOUNTS
 SHARON CLARK

Item 1 was moved to the end of the agenda.

2. Mountain Comprehensive Care Center: Mona May, appearing on behalf of Mountain Comprehensive Care Center, requested the Commission's consideration in the release of a mortgage on the Wells House located on Third Street. According to Ms. May, Mountain Comprehensive Care Center acquired the house in 1972, and the City, through the Model City Agency, gave Mountain Comprehensive Care Center \$22,000.00 for a down payment. The City took a second mortgage for the \$22,000.00 which was not due or payable, nor was any interest to accrue, until, or unless Mountain Comprehensive Care no longer provided the services intended for that facility. At that time, the facility's intended use was to assist children with mental and physical disabilities. Mountain Comprehensive Care continued to provide services from the Wells House until the last eight months. With the City's donation of property in the river fill, Mountain Comprehensive Care constructed a new facility which allowed them to house their various departments in a single location. Mountain Comprehensive Care stipulates that it is still meeting the intent of the mortgage agreement and requests that the City Commission approve a release of the mortgage and forgive repayment of the \$22,000.00 and any accrued interest. Ms. May said that City Attorney Davis had some question as to whether the City could legally forgive a debt to a private non-profit organization. She stated that she had forwarded an Attorney General's opinion to Mr. Davis, which identified Mountain Comprehensive Care as a public arm of the Cabinet for Health Services.

At 10:12 a.m., Mayor Combs made the motion to adjourn to executive session for the purpose of discussing the legalities concerning Mountain Comprehensive Care's request with the City Attorney. Commissioner Clark seconded the motion. The motion carried unanimously.

At 10:50 a.m., Commissioner Mounts made the motion to reconvene to regular session. Commissioner Clark seconded the motion. The motion carried unanimously.

Mayor Combs reported that City Attorney Davis had briefed the Commission with regard to the legal aspects of the request for a release of mortgage from Mountain Comprehensive Care. The Mayor explained that it was the Commission's opinion that the \$22,000.00 should be repaid, however if Mountain Comprehensive Care's Board would authorize offering the property for sale by public auction, the Commission would forgive repayment of the approximate \$1,300.00 in accrued interest. Ms. May advised the Commission that Mountain Comprehensive Care Center Board had agreed to sell the property to an individual and feels that it would be unethical to not follow through with the verbal agreement. Ms. May suggested the City take a second mortgage on the new facility instead of asking for repayment of the \$22,000.00. Commissioner Mounts expressed his view that the 1972 Mortgage Agreement between Mountain Comprehensive Care and the City should be followed, which provides for repayment of the \$22,000.00 plus any accrued interest. He added that he would not object to forgiving the payment of the interest.

Commissioner Mounts made the motion, seconded by Commissioner Davis to authorize the Mayor to execute the Mortgage Release upon receipt of \$22,000.00. The motion carried 3 - 0 - 1 with Commissioner Clark abstaining from the vote.

3. Easement: City Manager Kenny Blackburn presented a request from Sandy Valley Water District for an easement to extend their water service to a new subdivision within their service area. The City Manager explained that Sandy Valley is proposing to tie in their existing 4" PVC line to a 1" line to be

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extended across the City's property and within 10 feet of the City's Fire Station at Thompson Road. He added that no blacktop will be disturbed. The easement provides that should the water line have to be relocated, it would be done so at Sandy Valley Water District's expense. Commissioner Mounts made the motion to authorize the Mayor to execute the easement. Commissioner Clark seconded the motion. The motion carried unanimously.

4. Street Name: City Manager Blackburn advised the Commission that he had received a request from Loren Williams that State Street be renamed Williams Drive. Mr. Blackburn reported that Dr. Williams is the only property owner on the street. First reading was given to the Ordinance entitled:

ORDINANCE RENAMING STATE STREET, "WILLIAMS DRIVE"

The Ordinance will be on file in the office of the City Clerk for public inspection. The Ordinance was scheduled for second reading on October 27, 1997.

5. Speed Limit: City Manager Blackburn reported there is no established speed limit for Cassady Boulevard. He added that he had asked City Engineer Sykes to look at the area and recommend an appropriate speed limit. The City Manager advised that he has not yet received Mr. Sykes' recommendation. It was agreed that speed limit signs would be installed upon receipt of the engineer's recommendation.

6. DES (Disaster Emergency Services) Representative: The following resolution was read:

DESIGNATION OF APPLICANT'S AGENT

BE IT RESOLVED BY: Board of Commissioners of the City of Pikeville, Kentucky, that R. Kenneth Blackburn, City Manager is hereby authorized to execute for and in behalf of the City of Pikeville, Kentucky, a public entity established under the laws of the State of Kentucky, applications for the purpose of obtaining and administering certain federal financial assistance under the Disaster Relief Act of 1974 (Public Law 93-288) and to file them in the appropriate state office.

Passed and approved this 9th day of October, 1997.

/s/ Steven D. Combs
Mayor

Mayor Combs made the motion to appoint City Manager Blackburn as the City's DES agent and to adopt the resolution. Commissioner Clark seconded the motion. The motion carried unanimously.

1. Appointment of City Commissioner: Commissioner Clark nominated Bill Blackburn to complete the unexpired term of Kenny Blackburn on the Board of Commissioners for the City of Pikeville. Commissioner Davis seconded the nomination. The motion carried unanimously.

There being no further business to come before the Commission, Mayor Combs made the motion to adjourn the meeting. Commissioner Clark seconded the motion. The motion carried unanimously. (Adjournment time: 11:10 a.m.)

APPROVED _____
STEVEN D. COMBS, MAYOR

ATTEST:

KAREN HARRIS, CITY CLERK