

MINUTES } CITY OF PIKEVILLE

**CITY OF PIKEVILLE
BOARD OF COMMISSIONERS
REGULAR MEETING MINUTES
OCTOBER 26, 1998**

The Board of Commissioners of the City of Pikeville met in regular session on Monday, October 26, 1998. The meeting was held in the City Hall Public Meeting Room at 260 Hambley Boulevard, Pikeville, Kentucky.

There being a quorum present, Mayor Steven D. Combs called the meeting to order at 6:00 p.m. Commission Members present at roll call were as follows:

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

*Note: Commissioner Blackburn left the meeting at 6:15 p.m.

AGENDA ITEM II. MINUTES

The minutes for the previous regular meeting of September 28, 1998 were included in each Commission Member's agenda package. There being no additions or corrections, Commissioner Mounts made the motion, seconded by Commissioner Davis to approve the minutes as submitted. The motion carried unanimously.

AGENDA ITEM III. BUSINESS FROM THE FLOOR

A. CAR DEALERSHIPS: A representative from Bruce Walters Ford Sales had asked to address the Commission relative to the operation of car dealerships within the City Limits. The City Manager reported that he had been contacted by Bruce Walters Ford Sales and advised that a representative would be unable to attend the meeting.

B. CEDAR HILLS DRAINAGE: Dottie Strawser appeared before the Commission to request assistance to remedy a water drainage problem at Cedar Hills. Ms. Strawser contends there was not a proper drainage system installed by the developer at the time the subdivision was constructed. The properties are receiving drainage from State Route 3418 and from the Cedar Gap Subdivision. The runoff drains to the rear of the houses and the remainder is going to surface in the yards. The residents experienced mud and water damage to their property during the heavy spring rains. City Manager Blackburn reported that the under-the-roadway drain near the Strawser property was cleaned out. Both the City Manager and City Engineer believe the drain has collapsed about 1/3 of the way. Last week, gabian rock was placed and filled to within 1 ft. of the roadway near the forks of the road to control drainage from the roadway. City Manager Blackburn advised the

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Commission that the State Highway Department may participate in correcting the drainage problem. A petition from the property owners was requested by the City Manager to aid in the request to the State. Ms. Strawser presented the petition which contained the names of the majority of the Cedar Hills property owners. There is some disagreement between the State and the property owners concerning where the State right-of-way begins. Ms. Strawser explained that the property owners purchased their property using maps prepared by Summit Engineering. The State says the map incorrectly identifies the State right-of-way, and contends they do not own the property where the drainage problems are. Mayor Combs pointed out that the Cedar Hills streets have not been accepted into the City's maintenance system and advised the streets are still the responsibility of the developer. Commissioner Mounts reported that he had visited the area and found that most of the property owners had filled their property, as well as the drainage ditches. The City Engineer, who is also a partner in the Cedar Hills Development, asked that he be given the opportunity to evaluate the drainage problems. Mayor Combs told the residents that the Commission will meet with both, the developer and the State, in an attempt to resolve the matter.

AGENDA ITEM IV.

PAYMENT OF BILLS

A. CITY BILLS: A list of City Bills totaling \$449,956.81 was presented to the Commission for approval of payment. Upon City Manager Blackburn's confirmation that sufficient funds were available with which to make payment, Commissioner Davis made the motion, seconded by Commissioner Mounts to approve payment of the City Bills as requested. The motion carried 4 - 0. City Manager Blackburn reported that the winter supply of salt is in storage at the Public Works Department on Island Creek.

B. ACADEMY BUILDING RENOVATION: Presented to the Commission for approval of payment was a request from Commonwealth Building in the amount of \$40,500.00. Project Director, Sue Smallwood, reported that the bill has been approved by the Historic Preservation Board, however, the bill is to be paid from City funds. The invoice is for stored materials on site. Commissioner Mounts questioned if payment is being requested for the stone which is on the site, if the stone was purchased from Pikeville College, or if Pikeville College gave the stone to Commonwealth Building. Architect Bill Richardson advised that he did not know how the stone was acquired. He pointed out there is a \$1,500.00 amount in the pay request for masonry costs. Commissioner Mounts made the motion to authorize payment of the invoice to Commonwealth Building, less the amount included for the cost of the stone. Commissioner Clark seconded the motion. The motion carried 4 - 0.

Mayor Combs recognized Boy Scout Troup 10 from Pikeville Methodist Church. The scouts are required to attend a governmental meeting to earn their citizenship merit badges. The Mayor gave a brief summary of the duties of the City Commission along with the responsibilities of various city officials.

AGENDA ITEM V.

OLD BUSINESS

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A. MAIN STREET PROGRAM REPORT: Main Street Program Executive Director, Glendia Sawyers, reported that she had attended Renaissance KY training on October 16th. Additional training is scheduled for November 10th. Ms. Sawyers recommended that a delegation of officials plan to attend the class.

Governor Patton has allocated \$8 million for the 21 KY Renaissance Cities (TEA 21 Funds). Applications for funding are due on December 4, 1998. Funds are awarded on an 80:20 matching basis, with the 20% match coming from local funds or other in-kind services. Ms. Sawyers advised that the cost of the design for the utilities relocation could be used as part of the local match. Ms. Sawyers has scheduled a tentative meeting with Mount Sterling Mayor, Bert May, to review their process in utility relocation, on November 16th. Project Director, Sue Smallwood, questioned the funding application process. She asked if the application would be sponsored by the Main Street Program or by the City and if she and Ms. Sawyers could complete the funding application or if a consultant should be hired to complete the application. Ms. Sawyers explained that the funding application does not request detailed information and she told the Commission that she is confident that she and Ms. Smallwood could complete the application.

There has been some discussion with regard to booking a carnival for the Fourth of July festivities. Ms. Sawyers suggested a 3 day carnival to be located close to the City Park. Profits will benefit the Main Street Program and the City Park renovations. The Commission gave Ms. Sawyers permission to proceed with efforts to recruit a carnival for the Fourth of July festivities.

B. ACADEMY BUILDING RENOVATION REPORT: Architect Bill Richardson advised the Commission that Commonwealth Building has resumed work on the Academy Building renovation project. The delay in construction activities was due to the sprinkler system design having to be reviewed and approved by the appropriate State offices. Representatives from Kimbell Office Furniture Systems met with the City Hall staff to review the office design. Mr. Richardson advised that approximately \$15,000 was added to the furnishings cost as five additional storage units were added and several work stations were enlarged. Mr. Richardson presented samples of fabric wall coverings for the Commission's review. The purpose of the wallcovering is acoustical and Mr. Richardson proposed installation on the meeting room walls and on each office wall from the wainscoting to the ceiling. Cost of the wall covering is estimated at \$20,000.00. Commissioners advised Mr. Richardson that the wall covering should be installed in the meeting room only. Mr. Richardson told the Commission that the wallcovering can be added to the offices after the relocation, if they determine it is needed. The renovation budget is now estimated at \$396,000.00. Mr. Richardson advised that Commonwealth Building's contract has been reduced to \$70,000. \$22,000.00 was removed from their contract for asphalt. The City will assume the responsibility for blacktopping the parking area. An additional \$3,000.00 was removed from Commonwealth Building's contract for repair of the stairway handrails. The repair work had been approved on two different change orders.

Commissioner Clark asked if the Commission had been made aware of the Main Street Program's request to house their executive director's office in the Academy Building. Since the Main Street Program is a city agency and its director and board work closely with the Commission and City staff, the Commission consented to the request. Furnishings for the office were discussed. City Manager Blackburn advised the Commission there is furniture at the current City Hall offices which can be relocated to the Academy Building for use by the Main Street office.

C. CITY ENGINEER'S REPORTS: Jack Sykes, representing Summit Engineering, City Engineers, presented a status report of ongoing projects:

1. Lowe's Access Road: Concept Lodging, Inc. and the City employed traffic engineers, Wilbur Smith & Associates, to complete a traffic study to evaluate the feasibility of potential construction of an access road to serve Concept Lodging, Inc.'s property as well as that of adjacent property owners, in addition to providing relief for traffic congestion. The roadway would be constructed on the south side of the Lowe's property. The traffic engineers have recommended the construction of a three lane roadway (1 incoming lane and 2 outgoing lanes) at a proposed cost of \$278,883.00. City Engineer Sykes pointed out that the traffic study did project some traffic congestion during peak traffic flow, so he recommended the construction of a 4 lane road which provides two incoming and two outgoing lanes. There is an approximate cost differential of \$18,000 between the two alternates. Mayor Combs asked how much property would be required for the extra traffic lane. Mr. Sykes advised the lane is 12 ft. wide and proposed the acquisition of the necessary property from Chris Penn. Concept Lodging Inc.'s partner, Jim Harris, has agreed to donate the same amount of property back to Mr. Penn. In reviewing the map of the proposed extension, the Commission questioned the number of accesses onto city streets from Mr. Penn's property. City Engineer Sykes advised the Commission that the accesses have not been approved by the Joint Planning Commission nor the City. The Commission directed City Attorney Davis to send a letter to Chris Penn and his partner, David Brooks, advising that the City of Pikeville controls all ingress/egress onto city streets. With regard to the proposed street extension, Mayor Combs made the motion to authorize the City Manager to notify Lowe's that the Commission proposes the construction of a four lane thoroughfare and to request a response from them, within two weeks, as to whether they will approve the concept. Commissioner Clark seconded the motion. The motion carried 4 - 0.

2. Cedar Creek Water Pressure: City Engineer Sykes presented to the Commission's attention complaints with regard to low water pressure in the area located just below the Cedar Hills subdivision. Mr. Sykes told the Commission that sufficient water pressure was available when the Cedar Hills subdivision was constructed, however, due to additional development in the area and the fact that the City is selling more water to the Mountain Water District, the water pressure has dropped considerably. A possible solution is to make a tie-in to the water line that serves the Cedar Hills area and extend a six inch water line to the affected houses. Projected cost is \$7,200.00. Mr. Sykes

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reported that he had spoken with one of the property owners who stated he would rather manage with the lower water pressure than to have his yard and driveway disturbed with construction. The Commission instructed water supervisor, Duane Hamilton, to conduct a 24 hour pressure check in various locations to determine the severity of the problem. A report will be presented at the next meeting.

3. City Park Restroom/Bob Amos Park Storage Building: Three bids were received for the construction of a restroom facility in the City Park and a 40 X 60 storage building to be constructed at Bob Amos Park. The low bid was received from Patriot Construction. They bid \$53,500.00 for the restroom construction and \$79,000.00 for the storage building. City Manager Blackburn reported that \$69,000.00 had been budgeted for the storage building construction. There is about \$59,000.00 available for the restroom construction. Commission Members questioned the excessive bid amount of the storage building and asked if the City could do some of the construction work to save money. City Attorney Davis advised the Commission they could reject the bids or they could authorize negotiation with the low bidder. City Engineer Sykes recommended the Commission not award the bid for the restroom facility at this time and explained he thought a better price could be negotiated for both projects. Mayor Combs made the motion to authorize the City Manager, City Engineer and PSG Manager, Greg May, to negotiate with the low bidder for the construction of the restroom and storage building. Commissioner Mounts seconded the motion. The motion carried 4 - 0.

4. Vanover Lane: Presented to the Commission were pictures of property, located on Vanover Lane (Chloe Creek), owned by Zeb Hampton. The pictures were taken prior to the commencement of the sewer line construction. The City acquired an easement to extend the sewer line across Mr. Hampton's property, however Mr. Hampton negotiated a deal with the contractor to repair his driveway in return for an easier construction route. A letter has been received from Mr. Hampton complaining that his driveway is settling, not adequately compacted, and not adequately paved. Mr. Sykes explained that it is his opinion that the contractor has compacted the driveway as well as can be expected, as the driveway is steeper than a 2:1 slope. He reported that the condition of the driveway has been improved significantly as a result of the construction of the sewer line, however there are some ripples in the pavement. Mr. Hampton is requesting that his entire driveway be repaved. The City Manager estimated the cost at \$2,000.00. Mayor Combs commented the City would take no action with regard to the request.

5. Harold's Branch Road Improvement Project: Mr. Sykes reported that the contractor will begin work on the curb and gutter this week. He expects resurfacing of the road to begin in about two weeks. The Commission was made aware that a number of complaints have been made against the contractor concerning their failure to remit payment for materials and labor.

6. Poor Farm Hollow Configuration Study: Mr. Sykes was asked at the previous meeting to look at a configuration of Poor Farm in an effort to obtain the most amount of

developable property. He reported there are currently 7 acres of useable property. By excavating, at a projected cost of \$1.3 million, an additional 1.5 acres could be created. No action was taken.

7. Thompson Road: The City Engineer has prepared a base map identifying the property along Thompson Road. He requested a delay in his report until the next meeting to allow opportunity to discern the rights-of-way.

8. Keyser Heights Water Tank: The project is nearing completion. It was necessary to upgrade the power for operation of the newly installed pumps.

D. CITY ATTORNEY'S REPORTS: Russell H. Davis, Jr., City Attorney, presented the following items for the Commission's consideration:

1. Indoor Firing Ranges: Presented and given second reading was an ordinance entitled:

ORDINANCE PROVIDING FOR THE REGULATION OF FIRING RANGES (O-98-020)

Commissioner Mounts made the motion to adopt the ordinance as read. Mayor Combs seconded the motion. The motion carried by the following votes:

MAYOR:	STEVEN D. COMBS	YES
COMMISSIONER:	BILL BLACKBURN	ABSENT
	EUGENE DAVIS	YES
	JOHNNY MOUNTS	YES
	SHARON CLARK	YES

2. Flood Maps: Presented and given second reading was an ordinance captioned as follows:

ORDINANCE AMENDING THE CITY OF PIKEVILLE FLOOD DAMAGE PREVENTION CODE, SECTION 152.04 ENTITLED "BASIS FOR ESTABLISHING THE AREA OF SPECIAL FLOOD HAZARD" SO TO ADOPT THE SEPTEMBER 21, 1998 REVISION OF THE FEDERAL EMERGENCY MANAGEMENT AGENCY IN ITS FLOOD INSURANCE STUDY (O-98-021)

City Attorney Davis explained the ordinance amends the City's Flood Damage Prevention Ordinance which the City is required to do to maintain eligibility for flood insurance, as well as adopting the latest FIRM maps. It was further explained that adoption of the ordinance does not preclude the City from continuing its protest of the flood rating given to the property at Baird Avenue.

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Mayor Combs made the motion, seconded by Commissioner Davis to adopt the ordinance as presented and read. The motion carried by the following votes:

MAYOR:	STEVEN D. COMBS	YES
COMMISSIONER:	BILL BLACKBURN	ABSENT
	EUGENE DAVIS	YES
	JOHNNY MOUNTS	YES
	SHARON CLARK	YES

3. Budget Amendments: Presented and given first reading was an Ordinance entitled:

ORDINANCE AMENDING THE FISCAL BUDGET FOR THE 1998-1999 FISCAL YEAR

City Manager Blackburn explained the amendments include the costs for the Keyser Heights Water tank and the city's cost for the Academy Building renovations.

4. Personnel Policy: The City Attorney presented the Commission with a copy of the proposed amendment to the Personnel Policy. The changes to the policy include the deletion of the provision which prohibits the employment of family members of city employees; the addition of a provision to prohibit the use of tobacco products in city operated buildings and vehicles; and various changes to reflect changes in federal and state laws which include the American with Disabilities Act and Family Medical Leave Act. Commission members debated the issues of nepotism and the use of tobacco products at some length. City Attorney Davis advised that the latter provision had been recommended by the City's labor consultant. Commissioner Clark voiced her opposition to including the provision to prohibit the use of tobacco products stating an undue hardship on those who utilize those products. She added that employees should not be required to go outside to smoke, but that a place indoors should be designated.. Commissioners Mounts and Davis agreed that a room, in each city operated building, should be provided for employees as long as proper ventilation is installed. First reading was given to three ordinances captioned as follows:

A SUMMARY ORDINANCE AMENDING THE CITY OF PIKEVILLE PERSONNEL POLICIES AND PROCEDURES CONCERNING EMPLOYMENT OF RELATIVES

A SUMMARY ORDINANCE AMENDING THE CITY OF PIKEVILLE PERSONNEL POLICIES AND PROCEDURES CONCERNING SMOKING AND USE OF TOBACCO PRODUCTS

A SUMMARY ORDINANCE AMENDING THE CITY OF PIKEVILLE PERSONNEL POLICIES AND PROCEDURES CONCERNING PRE-EMPLOYMENT PHYSICALS; WORKING RULES; SUSPENSION; DRUG AND ALCOHOL ABUSE POLICY;

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SEXUAL HARRASSMENT; FAMILY MEDICAL LEAVE; 401 K PLAN; AND SAFETY.

The ordinances were scheduled for second reading during the next regular meeting on November 23, 1998.

E. CITY MANAGER'S REPORTS: Kenny Blackburn, City Manager, presented the following items for the Commission's consideration:

1. Landscaper/Greenhouse Operator: The Commission authorized the City Manager to advertise for the employment of an individual to fill the position of a landscaper/greenhouse operator. Purchase of a greenhouse was delayed until an operator is hired.

2. Sanitation Department: City Manager Blackburn reported that he was informed of the availability of low interest funds, through the State, for use by sanitation departments. He advised that the city is in need of a new roll-off truck and it has been suggested the transfer station should be rebuilt. Both items are estimated to cost about \$250,000.00. The funds are paid back over a period of ten years. The Commission authorized the City Manager and PSG Manager to compile a cost estimate and report back to them at the next meeting.

3. Dump Truck: Bids were accepted for the purchase of a 1 ton dump truck. The low bid was received from Fletcher & Halls in the amount of \$28,790.00, and the City Manager recommended acceptance of the low bid. Mayor Combs made the motion, seconded by Commissioner Davis to award the bid for the purchase of the dump truck to the low bidder as recommended by the City Manager. The motion carried 4 - 0.

4. Car Washing Bids: Bids were solicited for the washing of city owned vehicles. One bid was received from 23 Detail Center located on Caney Highway. Their bid was submitted in the amount of \$10.00 per vehicle. City Manager Blackburn advised that the City had been taking the vehicles to Pikeville Car Wash (owned by Commissioner Mounts), at a cost of \$5.25 per wash. The City Manager told the Commission that he could not justify awarding the bid to 23 Detail Center due to the additional cost per wash and the fact that the business is located outside the city limits. City Manager Blackburn recommended that the bid be rejected. Mayor Combs made the motion to reject the bids received for the washing of city owned vehicles. Commissioner Davis seconded the motion. The motion carried 2 - 0 - 2 with Commissioner Mounts not voting on the matter and Commissioner Clark abstaining from the vote.

City Manager Blackburn recommended the Commission negotiate with Pikeville Car Wash for a one year contract to provide the car washing service. Commissioner Mounts offered to provide the Bronze Car Wash (\$8.00 value) at the rate of \$5.25 per vehicle. Commissioner Clark made the motion to enter into a year-to-year contract with Pikeville Car Wash for the washing of City owned vehicles at a cost of \$5.25 per vehicle. Mayor

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Combs seconded the motion. The motion carried 3 - 0 - 1 with Commissioner Mounts not voting on the matter.

5. Telemetry Bids: One bid was received for the purchase of telemetry equipment for three water storage tanks (Bob Amos; Peach Orchard; and Town Mountain) from C. I. Thornburg in the amount of \$56,119.00. The bid was reviewed by PSG and recommended for approval. Mayor Combs made the motion, seconded by Commissioner Davis, to award the bid for the telemetry equipment to C. I. Thornburg. The motion carried 4 - 0.

6. Marion's Branch Road: Lodestar Energy contacted City Manager Blackburn asking if the City would like to participate in blacktopping Marion's Branch Road, a city street, which currently exists as a gravelled road. The estimated cost is \$26,000.00, to place 8" of pavement up to the first driveway. Lodestar Energy has agreed to pay half the cost. The City Manager and PSG Manager recommended the city's participation in the project. Commissioner Mounts made the motion, seconded by Commissioner Clark to participate with Lodestar Energy in blacktopping Marion's Branch Road. The motion carried 3 - 0 - 1 with Mayor Combs abstaining from the vote.

7. Public Parking: City Manager Blackburn reported that he had been in contact with the owners of the parking lot adjacent to the Watson's building on Main Street with regard to leasing the space to provide public parking. It was reported that the owners were not interested in opening the parking lot to the public.

8. Executive Session: City Manager Blackburn requested an executive session for the purpose of discussing a personnel matter concerning the Fire Department and the Park Department and to discuss a legal matter concerning a property issue.

AGENDA ITEM VI.

NEW BUSINESS

A. BOARD APPOINTMENTS: Mayor Combs presented nominations for appointments to the following Boards:

1. Library Board: Mayor Combs made the motion to appoint David Stratton to fill the unexpired term of Bill Owens on the Pikeville Public Library Advisory Board. Commissioner Clark seconded the motion. The motion carried 3 - 0 - 1 with Commissioner Davis abstaining from the vote.

2. Airport Board: Mayor Combs explained there are currently two airport boards in existence in Pike County. One of the boards operates the existing airport and the other board was created in the effort to develop an airport on Island Creek. Pike County has requested the City's concurrence in merging the two boards. The County will appoint 4 members to the new board and the City will have 3 appointees. Mayor Combs made the motion to authorize the City Attorney to prepare an agreement between the City of Pikeville and the Pike County Fiscal Court to merge the two airport boards and further,

that he, (the Mayor), be authorized to execute said agreement. Commissioner Clark seconded the motion. During discussion, the Mayor advised the terms of the board members will be for a period of 4 years, with the initial terms being staggered. The motion carried 4 - 0.

Mayor Combs made the motion to appoint Mike Francisco, Michael de Bourbon, and Frank Hatcher to serve as the City's representatives on the newly merged airport board. Commissioner Mounts seconded the motion. The motion carried 4 - 0.

3. Economic Development Council: Mayor Combs reported that he had met with County officials who have recommended the Economic Development Council be expanded from a seven member board to a nine member board. The County and City will each have two appointments to the Board. Mayor Combs made the motion to authorize the City Attorney to work in conjunction with the County to prepare the necessary paperwork to expand the number of appointments, on the Economic Development Council, by the City and County from 1 appointment, to 2 appointments, each. Commissioner Davis seconded the motion. The motion carried 4 - 0.

Mayor Combs made the motion to appoint Frank Justice, Jr., to serve as a member of the Economic Development Council. Commissioner Davis seconded the motion. Upon call of the roll, the motion carried 4 - 0.

The Commission discussed the aeration pumps in the river. PSG Manager May told the Commission that 4 pumps are currently in operation and replacement parts are ordered to repair 4 other pumps. Annual cost to maintain the pumps is estimated at \$10,000.

City Manager Blackburn advised the Commission the City had received notice, as an adjacent property owner, of a Board of Zoning Adjustments meeting to consider the renovation project by the News-Express. The News-Express is planning to construct a press room and 14 apartments. The issues before the Board of Zoning Adjustments include the News-Express' request for variances to not meet zoning requirements with respect to two apartments that fall short of total square footage required and the providing of 46 on-site parking spaces where zoning requires 51 spaces. It was the consensus of the Commission to not object to the proposed renovations.

At 9:01 p.m., Mayor Combs made the motion to adjourn to executive session for the purpose of discussing a personnel matter and a legal matter concerning a property issue. Commissioner Clark seconded the motion. The motion carried 4 - 0.

At 9:40 p.m., Mayor Combs made the motion, seconded by Commissioner Clark to reconvene to regular session. The motion carried 4 - 0.

Pursuant to the Fire Chief's recommendation, Mayor Combs made the motion, seconded by Commissioner Davis to promote fire fighters, Joe Reynolds and Danny Hamilton to the rank of lieutenant. The motion carried 4 - 0.

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As recommended by the Fire Chief, Mayor Combs made the motion to employ Kevin Miracle and Jason Keene in the position of fire fighters. Commissioner Clark seconded the motion. The motion carried 4 - 0.

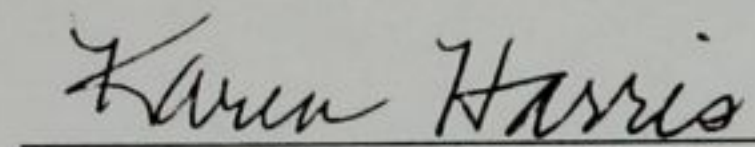
The Commission was notified that former Police Chief, Jesse Johnson, had passed away. Commissioner Mounts made the motion, seconded by Commissioner Davis to adopt a proclamation in honor of Jesse Johnson's service to the community. The motion carried 4 - 0.

There being no further business to come before the Commission, Mayor Combs made the motion, seconded by Commissioner Davis to adjourn the meeting. The motion carried 4 - 0. (Adjournment time: 9:46 p.m.)

APPROVED


STEVEN D. COMBS, MAYOR

ATTEST:


KAREN HARRIS, CITY CLERK