

# MINUTES } CITY OF PIKEVILLE

## PIKEVILLE CITY COMMISSION REGULAR MEETING MINUTES FEBRUARY 22, 1999

The Board of Commissioners of the City of Pikeville met in regular session on Monday, February 22, 1999. The meeting was held in the City Hall Public Meeting Room at 260 Hambley Boulevard in Pikeville, Kentucky.

There being a quorum present, Mayor Frank M. Morris called the meeting to order at 6:05 p.m. Commission Members present at roll call were as follows:

MAYOR: FRANK MORRIS  
COMMISSIONER: BILL BLACKBURN  
EUGENE DAVIS  
WANDA VARNEY  
SHARON CLARK

### AGENDA ITEM II. MINUTES

The minutes for the previous regular meeting of January 25, 1999, and special meeting of February 2, 1999, were included in each Commission Member's agenda package. There being no additions or corrections, Commissioner Davis made the motion, seconded by Commissioner Varney to approve the minutes as submitted. The motion carried unanimously.

### AGENDA ITEM III. BUSINESS FROM THE FLOOR

A. SAM'S HOTDOGS: Mike Norman, owner of Sam's Hotdog stand, was present to request the City's assistance in locating a suitable site in the downtown area on which to locate a restaurant that will accommodate both walk-in and drive thru customers. Should a site not be available that would provide the space needed for a drive thru, Mr. Norman said he would be interested in acquiring a building, at least 20' X 40', to remodel. The Mayor told Mr. Norman that he would try to assist him in finding an appropriate site.

B. ENVIRONMENTAL DESIGNS: Representatives from Environmental Design Consultants, Inc., a local engineering firm, presented the Commission with a resume and requested their consideration for their services to be retained for future engineering projects. The firm's president, Shawn Combs, advised the Commission that his company has been in business since 1995 and specializes in civil, mining, design and surveying. Mayor Morris thanked Mr. Combs for his presentation.

C. HILLBILLY DAYS/CITY PARK USE: Skip Gilbert, on behalf of the Shriners, renewed the plea that the craft booths be permitted to locate in the City Park during Hillbilly Days, at least for one more year. According to Mr. Gilbert, 120 vendors were stationed in 10' X 10' spaces in the park during the previous year's festival. He told the Commission that only 27 of those 120 vendors are returning this year. At this time last year, all the spaces had been completely filled. There are 140, 8' X 8' spaces under the tent. Eighty-five craft vendors have reserved space thus far, and Mr. Gilbert told the Commission that the majority of those vendors had never before attended a Hillbilly Days Festival. To fund the rental fee of the tent (\$6,000), the cost of booth space, according to Mr. Gilbert, was increased from last year's fee of \$225.00 to \$350.00. Mr. Gilbert told the Commission that commercial food vendors only pay \$350.00 for their space. The Shriners advised they are willing to pay the \$7,500.00 cleanup fee (as assessed during the previous year) and to purchase any necessary supplies (grass seed; trees, etc) that may be needed to repair any damage done to the park during the festival. Commissioner Blackburn advised that he had spoken with Shriner Tim Cecil about the possibility of locating the craft booths under the tent, with the City waiving the \$7,500.00 cleanup fee. Commissioner Blackburn reported that Mr. Cecil had told him that a number of vendors had indicated they would not be returning because of the weather. He added that he thought it would be a good idea if the Shriners would contact the previous vendors and the Kentucky Chamber of Commerce in an effort to market the booth space, which would mean more money could be given to the Shriners Hospital. During a previous City Commission Meeting, it had been reported by the Chamber of Commerce president that the tent would be located directly across the street from the park. Mr. Gilbert informed the Commission that the location of the tent is in the Pikeville College parking lot that faces Hambley Boulevard and can't be seen from the park. Commission members were not aware the tent was not going to be located in the lot directly across from the park. Larry Webster commented that no more damage is done to the park from the tents than would be by people standing and walking through the park. Park Revitalization Committee Member, Sue Smallwood, explained that the board recommended the relocation of the craft booths in light of the fact that a number of appurtenances had been added to the park, which reduced the number of available booth spaces, as well as the fact that Hillbilly Days often suffers inclement weather - not because the board was afraid the park was going to be damaged. The board thought the vendors would appreciate the benefit of a paved area and a more secure location. Mr. Gilbert proposed that the vendors be permitted to locate in the park, at least for this year, then send out a survey to the vendors to determine if they would like a location change. Mr. Cecil told the Commission that he has looked at the park and thinks there are at least 100 spaces available. Commissioner Blackburn made the motion to allow the vendors to locate in the park during this year's Hillbilly Days, on the condition that the Shriners reimburse the City for any damage to the park and that a survey is conducted at the close of the festival to determine the vendors' preference of a location. Mayor Morris seconded the motion. During discussion, Commissioner Davis pointed out that approval to use the park is for one year only. Commissioner Varney commented that as a previous member of the Chamber of Commerce Executive Committee, she had been aware of the relocation of the booth space, from the park to the tent, since May or June 1998 and was surprised this information had not been communicated to the Shriners. The motion carried 4 - 0 - 1 with Commissioner Clark abstaining from the vote.

D. EASTERN KENTUCKY EXPOSITION CENTER: Chairperson of the Eastern Kentucky Exposition Center, Charles Baird, requested an executive session with the Commission for the purpose of discussing an acquisition of city owned property.



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At 6:25 p.m., Commissioner Davis made the motion, seconded by Commissioner Blackburn to adjourn to executive session for the purpose of discussing a property matter. The motion carried unanimously.

At 6:50 p.m., Commissioner Davis made the motion to reconvene to regular session. Commissioner Blackburn seconded the motion. The motion carried unanimously.

Mr. Baird announced that Donna Damron had been hired by the Eastern Kentucky Exposition Center Board of Directors as the center's executive director.

A request was made, on behalf of the Eastern Kentucky Exposition Center, that the City of Pikeville transfer ownership of the parcel of property located between Bypass Road/Huffman Avenue and extending to the Hall of Justice Building, and including all the property on the bank adjoining the federal courthouse and post office facility, for the purpose of constructing a civic center. Mr. Baird told the Commission that he assumes the Commonwealth of Kentucky will actually hold title to the property on behalf of the civic center corporation. The possibility that it may be necessary to relocate utility lines, that may conflict with construction, was discussed. Commissioner Davis made the motion to authorize the City Attorney to prepare a deed of gift for the tract of property as described, to be used for the sole purpose of the design, construction, and operation of a civic center on said property, and subject to the right of reversion if not built within a specific period of time. Commissioner Clark seconded the motion. The motion carried unanimously.

E. ACADEMY BUILDING USE: Third Street resident, Jeanette Anderson, presented the Mayor with a petition that requests that City Hall offices not be moved from 260/261 Hambley Boulevard to the Academy Building, and that utility payments will continue to be accepted at City Hall. Commissioner Davis commented that the Commission has made no decision to contract with a Lexington bank to collect the utility bills, however the idea had been discussed. City Manager Blackburn reported there will be no drive-thru window at the new location, however an outside drop box will be available. Commissioner Davis explained the reason for the move was because more office space is needed. The current facility consists of 3700 sq. ft. while the Academy Building has 8000 sq. ft. There are 17 paved parking spaces and the adjacent parking lot will provide about 50 parking spaces. The current facility has 10 on-site parking spaces. The Commission investigated the possibility of building a new building, however, it was decided it would be more economical to move to the Academy Building. A new building was estimated to cost between \$800,000 and \$1 million, while the renovations at the Academy Building will cost the City about \$239,000. Because of the historical nature of the Academy Building, the City was able to obtain a \$1 million grant from ISTEA to stabilize and renovate the building. It was explained the current facility could be leased to the Chamber of Commerce, the Economic Development Council, and Main Street Agency. Commissioner Davis advised Ms. Anderson that the decision to move was not made in haste as evidenced by minutes of City Commission meetings from June 15, 1999 through the present. He remarked that the *News-Express* had run a front-page story when the Commission voted to relocate the City Hall offices. A work session had been conducted with the prospective tenants of the Academy Building. There were no objections from them with regard to the proposed change in use. Commissioner Davis commented that American Electric Power Company's building on Main Street was his first choice for a City Hall, however the Commission and City Manager were told repeatedly by AEP officials that they had no plans to vacate or sell the building. T. J. Litifik questioned the number of seats available in the meeting room at the Academy Building. Architect Bill Richardson advised that the current facility has about 60 seats. The Academy Building meeting room will have 85 seats. Mr. Litifik voiced his opinion that City Hall needed to remain in its current location for the sake of continuity and for easier access and convenience for the city's elderly residents. He and Ms. Anderson asked the possibility of moving only the administrative offices. It was explained that a large advantage for relocation was the idea that the offices would be located under one roof. Commissioner Blackburn explained that he supported the move to the Academy Building because the space was doubled, the offices would be under one roof, the historic character of the building would be maintained, the move would be more economical than building a building, and that City offices would no longer compete with downtown businesses for parking spaces. Ms. Anderson thanked the Commission for hearing the request.

## AGENDA ITEM IV.

### PAYMENT OF BILLS

A. CITY BILLS: A list of City bills totaling \$630,724.09 was presented to the Commission for approval of payment. Added to the bill listing were invoices from Patriot Construction in the amount of \$16,060.50 for partial payment on the City Park restroom project; Cultural Resources in the amount of \$750.00 for the archaeological survey for the three proposed water tank sites; and Stoll, Keenon & Park in the amount of \$16.90 for legal work concerning the proposed water rate increases to the wholesale suppliers. The Commission discussed the invoice from Howell Construction for the demolition work on the Pinson property located along Hambley Boulevard. The City Attorney will file a lien against the property for the cost of demolition. Commissioner Davis made the motion, seconded by Mayor Morris to approve payment of the bills as submitted. The motion carried unanimously.

B. ACADEMY BUILDING: Presented to the Commission was an invoice from Commonwealth Building & Construction for work accomplished toward the renovation of the Academy Building in the amount of \$77,851.80. Architect Bill Richardson reported that State Heritage Council personnel visited the site and concurred with the scope of work as proposed by the architects. Commissioner Blackburn made the motion, seconded by Commissioner Davis to approve payment of the invoice as presented. The motion carried 5 - 0.

## AGENDA ITEM V.

### OLD BUSINESS

A. MAIN STREET PROGRAM: Main Street Board Chairperson, Sara George, reported that executive director, Glendia Sawyers, had attended a Main Street manager's meeting this past month. Ms. Sawyers has been asked to be Eastern Kentucky's representative on the KY Main Street Committee which will plan KY Main Street's Twentieth Anniversary Celebration. Main Street will be sponsoring a grantsman training seminar during the week of March 29 - April 2, 1999. The seminar will be held in the auditorium at the Pike County Health Department. With regard to the TEA 21 funding for the KY Renaissance Program, the Main Street Board is expecting notification of award sometime in early March.



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Ms. George explained that because of the amount of debt the Main Street Program had incurred, the executive director's salary had been reduced from \$30,000/yr. down to \$13,000/yr. plus health insurance. The Pike County Fiscal Court has allowed the Main Street Program to participate in their health insurance program. Ms. George told the Commission that the Main Street Board has worked diligently to reduce the debt, and are now debt free. In an effort to offer their employees a competitive salary and benefits, Ms. George requested that individuals employed by the Main Street Program be considered City Employees and that they be eligible for city benefits, including health insurance and retirement. Ms. George also requested an amendment to the current operating budget to allocate an additional \$5,000 for the Main Street Program. In the past, \$10,000 has been allocated to the Main Street Program. Additionally, the City matched membership dues, dollar for dollar, not to exceed \$5,000. The City Manager was directed to determine if the city's health insurance carrier and retirement program would allow the addition of city agency employees on the respective policies and to determine if sufficient funds are available to approve a budget amendment. City Attorney Davis explained that for a city agency employee to be considered a city employee would require the employee to follow the city's administrative code and to be under the direct supervision of the City Manager.

B. ACADEMY BUILDING: Presented to the Commission for approval was a change order in the amount of \$44,791.00 for the Academy Building Project. Project Coordinator, Sue Smallwood, explained that Phase II of the project was subject to the state prevailing wage rate criteria, however, since the project was begun prior to the wage rate law going into effect, it was assumed the guidelines would not apply to Phase II. Ms. Smallwood advised the Commission that the contractor, Commonwealth Building, has been asked to submit payroll documentation to ensure compliance with the prevailing wage rate requirements. As of this time, the payroll information has not been received. Commissioner Blackburn made the motion, seconded by Commissioner Clark to approve the change order subject to the submission of the required payroll documentation from the contractor. The motion carried 5 - 0.

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

1. Keyser Heights Water Line Project: Mr. Sykes reported that final payment had been approved for Kentucky Glass Lined Tanks for the installation of the water tank to serve Keyser Heights and Northmonte Subdivision.

2. City Park Restroom Project: This project is approximately 50% complete.

3. Harold Branch Road Improvement Project: C & W Equipment has refused to sign the change order that proposed a settlement offer. The City Engineer recommended that a letter be sent to C & W Equipment advising them that full liquidated damages will be imposed if the proposed settlement is not accepted within 30 days. A notice was received this week from the guardrail contractor advising that he had not been paid by the contractor. The City Attorney will prepare the letter and will also notify the contractor's bonding company.

One issue outstanding for the project was the traffic signal installation. \$70,000.00 had been included in the original contract for the purchase and installation, however this item was deleted because the Department of Transportation's contractor could provide the signal at an amount significantly less than \$70,000. It was the consensus of the Commission to proceed with the traffic signal installation utilizing the services of DOT's contractor, D. H. Elliott.

4. S.E.I. & Development Corporation: A meeting was had with Chris Penn of SEI and City Engineer Sykes, City Manager Blackburn, City Attorney Davis, and Building Inspector Green concerning curb cuts along Cassidy Boulevard. As a result of that meeting, the following curb cuts were recommended:

a. Move curb cut #1 back to the original location as noted on the Development and Property Division Plan dated December 1, 1996, until such time as the City of Pikeville requests the curb cut to be relocated. City Engineer Sykes commented that the curb cut would need to be relocated should the city decide to install a traffic signal.

b. Curb cut #'s 3 and 4 will be designed, constructed and used at all times as right turn in and right turn out only so that traffic on Cassidy Boulevard and/or Wal-Mart Drive shall not be permitted to cross oncoming traffic when exiting from said curb cuts.

c. Curb cut #'s 1, 2 and 3 and the curb cut between SEI property on the east side of Cassidy Boulevard and the Wal-Mart parking lot shall permanently be connected by a street or thoroughfare of a sufficient width to allow for two lanes of traffic, one in each direction, which shall be appropriately striped so to permit travel from all of the parcels of property on the east side of Cassidy Boulevard between the bridge and Wal-Mart tract. All parcels of property within the development on the east side of Cassidy Boulevard between the bridge and Wal-Mart tract shall be served by curb cuts 1, 2 and/or 3 for entry and exit onto Cassidy Boulevard.

d. Curb cut #'s 5 and 6 will be deleted from the 2.2 acre parcel and a new curb cut designated as #7 will be installed at the midway point of the property's frontage. Should the tract be divided into two or more parcels, the curb cut will serve both parcels.

e. To approve curb cut #8 - entering from Thompson Road in a location shown on the plat but to be constructed to provide appropriate sight distance along Thompson Road.

f. All final plans for the curb cuts shall be submitted to the City Engineer to ensure proper design, construction, and drainage.

g. Curb cuts to and from private property are not subject for approval since they do not enter upon a city street or right of way. However, the curb cuts on private development are subject to the Subdivision Rules and Regulations.

Commissioner Davis made the motion to accept the recommendations for curb cuts as negotiated, subject to the restrictions that the access road connecting entrances 1, 2, and 3 be constructed, and subject to SEI submitting design



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plans for any curb cuts to the City Engineer for approval. Commissioner Clark seconded the motion. The motion carried unanimously.

5. Bowles Subdivision Storm Drainage: Summit Engineering has completed the field work and preliminary mapping. Cost estimates will be presented at the next meeting.

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

1. 1998-99 Budget Amendments: Presented and given second reading was an Ordinance entitled:

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

Commissioner Davis made the motion to adopt the Ordinance as presented. Commissioner Varney seconded the motion. The motion carried by the following votes:

MAYOR:	FRANK MORRIS	YES
COMMISSIONER:	BILL BLACKBURN	YES
	EUGENE DAVIS	YES
	WANDA VARNEY	YES
	SHARON CLARK	Not present at time of vote

2. Zoning Change: Given second reading was an Ordinance captioned as follows:

## ORDINANCE AMENDING THE CITY OF PIKEVILLE ZONING MAP FOR AN AREA LOCATED ON ISLAND CREEK ROAD OWNED BY DJIEN SO CONTAINING 1.7 ACRES, MORE OR LESS AND OWNED BY RUSH DYE CONTAINING 1.0 ACRES, MORE OR LESS, FROM R-1 TO C-2

Commissioner Davis made the motion to adopt the Ordinance as read. Commissioner Blackburn seconded the motion. The motion carried by the following votes:

MAYOR:	FRANK MORRIS	YES
COMMISSIONER:	BILL BLACKBURN	YES
	EUGENE DAVIS	YES
	WANDA VARNEY	YES
	SHARON CLARK	Not present at time of vote

3. Zoning Map: City Attorney Davis gave second reading to an Ordinance entitled as follows:

## ORDINANCE ADOPTING AN AMENDED ZONING MAP FOR THE CITY OF PIKEVILLE

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

MAYOR:	FRANK MORRIS	YES
COMMISSIONER:	BILL BLACKBURN	YES
	EUGENE DAVIS	YES
	WANDA VARNEY	YES
	SHARON CLARK	Not present at time of vote.

4. Volunteer Fire Department: Second reading was given to an Ordinance entitled as follows:

## AMENDMENT TO CITY OF PIKEVILLE CODE OF ORDINANCES SECTION 33.37 ENTITLED COMPENSATION; BENEFITS PROVIDING FOR AN INCREASE PER DIEM PAID TO \$15.00 FOR FIRE CALL AND \$12.00 FOR TRAINING SESSION

Mayor Morris made the motion to adopt the Ordinance as read. Commissioner Blackburn seconded the motion. The motion carried by the following votes:

MAYOR:	FRANK MORRIS	YES
COMMISSIONER:	BILL BLACKBURN	YES
	EUGENE DAVIS	YES
	WANDA VARNEY	YES
	SHARON CLARK	YES

5. Loading Zone: Presented for first reading was an Ordinance establishing a loading zone on Grace Avenue in the third parking space from the corner of Main Street/Grace Avenue. City Manager Blackburn advised that Levi Coleman had made the request for the loading zone. The first two parking spaces from Main Street down Grace Avenue are designated as handicapped parking spaces. The Police Department has approved the location of the loading zone.

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

1. Parking: Mr. Blackburn reported he had received a request from the Family Court Judge for a designated parking space, as well as a request from David Deskins, Circuit Court Clerk, for 17 designated parking spaces for employees in his office. The City Manager advised that approximately five years ago, at the request of the County Judge



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Executive, four parking spaces, along Division Street, had been designated for county use. The City Attorney was directed to prepare an Ordinance to designate a parking space for the Family Court Judge.

2. FBI Academy: A letter of invitation from the director of the FBI Academy has been received by Sgt. Woody Pruitt to attend the 10 week training program. The only cost to the City is the uniform cost. Police Chief Justice and City Manager Blackburn recommended that permission be granted to Sgt. Pruitt to attend the program. Mayor Morris made the motion, seconded by Commissioner Varney to grant permission to Sgt. Pruitt to attend the FBI Academy. The motion carried unanimously.

3. CDBG: A few years ago, the City made application for a Community Development Block grant for housing, however the project was not funded. Mr. Blackburn has been made aware that funds are now available for housing projects and asked the Commission to authorize him to advertise for proposals from consultants to prepare a grant application. Commissioner Davis made the motion, seconded by Commissioner Clark to authorize the City Manager to advertise for proposals for a consultant. The motion carried unanimously.

City Engineer Sykes requested a work session to review the Capital Improvement Study. The City Manager advised the Commission that the Clerk would contact each Commission Member to schedule the work session.

4. KIA Application: There are low interest loan funds available through the Kentucky Infrastructure Authority for sanitation projects. The City Manager requested permission to submit an application to KIA for the purpose of purchasing two garbage trucks. Mr. Blackburn estimated the cost of the vehicles at \$150,000.00. The term of the loan is 9 years, however Mr. Blackburn advised the city could probably retire the loan within 5 to 7 years. Commissioner Davis made the motion, seconded by Commissioner Blackburn to authorize the submittal of a loan application to KIA. The motion carried unanimously.

5. Bob Amos Park: During the previous meeting, the Commission discussed changing the fence at the Bob Amos Park ballfield to an actual baseball fence. Rays Fence Company will install a chain link fence for about \$5,500.00. This item was not budgeted, however the City Manager advised that money is available for the expenditure. According to the City Manager, the fence will have to be moved prior to any work being started at the entrance. Commissioner Blackburn made the motion, seconded by Mayor Morris to authorize the expenditure to change the fence at Bob Amos Park. The motion carried 5 - 0.

6. Computer Purchase: The City Manager advised the Commission that two computers in the Utility Office and two computers in the Tax Office are in need of replacement. He explained that it would be more economical to replace the computers rather than upgrade because of the age of the machines. The cost is about \$8,500.00. New software is also needed to bring the phone system in to Y2K compliance. Because of the nearing relocation of City Hall offices, two additional phones are needed and voice mail will be added. The cost for the upgrade, voice mail, and additional equipment is \$6,460.00. Commissioner Clark made the motion to authorize the City Manager to purchase four new computers; to upgrade the phone system; and to relocate the phone and computer lines to the new office location. Mayor Morris seconded the motion. The motion carried unanimously.

7. Employment: Mr. Blackburn recommended the employment of Kimberly Johnson in the position of Utility Clerk at the wage rate of \$6.50/hr. Commissioner Clark made the motion, seconded by Commissioner Varney to employ Kimberly Johnson as utility clerk. The motion carried unanimously. The City Manager recommended the employment of Chris Jensen in the position of landscaper at the wage rate of \$20,000.00/yr. Commissioner Clark made the motion to accept the City Manager's recommendation to employ Chris Jensen as landscaper. Commissioner Davis seconded the motion. The motion carried unanimously.

8. COPS Grant: The Police Department has been awarded a COPS grant in the amount of \$121,029.00, to employ two additional police officers. The grant is administered over a three year period. The grant pays 75% of the officers' salary. The grant agreement also specifies that the city will provide employment after the three year period. Police Chief Justice spoke in favor of increasing the police department staff to 20 full-time officers. Vacation leave, sick leave, and training were cited as reasons to increase the number of police officers, as well as the additional number of vehicle accidents occurring and complaints received. Mayor Morris made the motion to accept the COPS grant. Commissioner Clark seconded the motion. The motion carried unanimously.

9. Pick-up Truck Bids: City Manager Blackburn reported that one bid had been received for the purchase of a pick-up truck to be used by the landscaper. The bid was received from Bruce Walters Ford in the amount of \$11,965.50 for a 4 cylinder truck and \$12,375.00 for a 6 cylinder. Mayor Morris made the motion to award the bid to Bruce Walters Ford for the purchase of a 6 cylinder pick-up truck in the amount of \$12,375.00. Commissioner Varney seconded the motion. The motion carried unanimously.

## AGENDA ITEM VI.

## NEW BUSINESS

A. BOARD APPOINTMENTS: Board appointments to the Joint Planning Commission, Park Board, and Technical Advisory Committee were postponed to the next regular meeting.

B. NEWSLETTER: Commissioner Blackburn made the motion to produce a periodic newsletter to be published in the newspaper. Commissioner Clark seconded the motion. During discussion, Commissioner Blackburn explained that he thought it would be good public relations to keep the citizens informed of new projects and the reasons for doing the projects. The newsletter could be published monthly or as needed. The motion carried unanimously.

There being no further business to come before the Commission, Commissioner Davis made the motion, seconded by Commissioner Blackburn to adjourn the meeting. The motion carried unanimously. (Adjournment Time: 10:05 p.m.)

APPROVED

FRANK M. MORRIS, MAYOR



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ATTEST:

KAREN HARRIS, CITY CLERK

