

MINUTES } CITY OF PIKEVILLE

CITY OF PIKEVILLE
BOARD OF COMMISSIONERS
REGULAR MEETING MINUTES
SEPTEMBER 24, 2001

The Board of Commissioners of the City of Pikeville met in regular session on Monday, September 24, 2001. The meeting was held in the City Hall Public Meeting Room located at 118 College Street, Pikeville, Kentucky.

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

COMMISSIONER: STEVEN D. COMBS
EUGENE W. DAVIS
FRANK JUSTICE, II

Mayor Frank M. Morris and Commissioner Dallas Layne were absent.

AGENDA ITEM II. MINUTES

The minutes for the previous special meeting of September 11, 2001 were included in each Commission Member's agenda package. There being no additions or corrections, Commissioner Justice made the motion, seconded by Commissioner Davis to approve the minutes as prepared. The motion carried 3 - 0.

AGENDA ITEM III. BUSINESS FROM THE FLOOR

The Commission heard a plea from Third Street resident, Carolyn Childers, that the leash law be strictly enforced. Ms. Childers explained that her neighborhood has become a haven for cats, which she feels is a nuisance and a potential health hazard. The Commission heard from acting city attorney Scott Kreutzer that the city has an ordinance which prohibits an owner of any animal to allow it to run at large. He explained the owner is responsible for any damage their animal may cause to another's property. City Manager Blackburn reported the city has two Park Department employees who perform the duties of animal control officer during the day, and one police officer who performs these duties during the evening hours. Ms. Childers told the Commission the Park Department has placed several animal cage traps in her neighborhood. While the traps have been successful, the action isn't permanent, in that owners are permitted to retrieve their pets from the animal shelter for the nominal fee of \$1.00. Issuing citations to pet owners was discussed. Police Chief Justice and Animal Control Officer Kimberlain were to meet with Ms. Childers in an attempt to rectify the problem. As an additional measure, Ms. Childers requested that the newspaper publish the city's ordinance pertaining to the keeping of animals.

AGENDA ITEM IV. PAYMENT OF BILLS

A list of City Bills totaling \$395,293.88 was presented to the Commission for approval of payment. Commissioner Justice made the motion, seconded by Commissioner Davis to approve payment of the bills as requested. The motion carried 3 - 0.

City Manager Blackburn presented an invoice totaling \$1,800.00 on behalf of Dixon Nunnery Appraisal Service for approval of payment. Mr. Blackburn advised the payment request covers the appraisals of the Adams' property (located adjacent to the former WLSI property) and the city's Thompson Road property. Commissioner Combs made the motion, seconded by Commissioner Justice to approve payment to Dixon Nunnery Appraisal Service in the amount of \$1,800.00. The motion carried 3 - 0.

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AGENDA ITEM V.

OLD BUSINESS

A. PIKEVILLE REDEVELOPMENT PROJECT

1. Asbestos Abatement: Presented for approval of payment was an invoice from HCL, Inc. in the amount of \$12,945.00 for removal of asbestos from properties located in the Phase II, Kentucky Avenue target area. Commissioner Combs made the motion to approve payment of the HCL, Inc. invoice as submitted. Commissioner Davis seconded the motion. The motion carried 3 - 0.

2. Kentucky Avenue Townhouse Bids: City Engineer Jack Sykes was present and reported that three bids had been received for the construction of a 40 unit townhouse development on Kentucky Avenue. The construction budget is \$2.6 million. The bids were submitted as follows: Goggins Construction....\$2,332,000; Howard Construction...\$2,890,000; and Commonwealth Building & Construction...\$3,645,000.

Mr. Sykes advised the Commission the bids will be reviewed and awarded by the Pikeville Affordable Housing Corporation.

3. Shockey Property Acquisition: Project consultant and grant writer, Will Linder, advised the Commission of the need to acquire .018 acres of property and a temporary construction easement from Dr. Steven Shockey for the Kentucky Avenue Road Improvement Project. Based upon the appraisal by Walters & Associates and review appraisal by Appraisal Associates of Kentucky (Larry Disney), the value established for the acquisition and easement is \$5,900.00. Dr. Shockey has agreed to sell the needed property and temporary easement for \$7,500.00. Mr. Linder advised that he has received permission from the Kentucky Housing Corporation to fund the acquisition's entire cost with HOME funds. Mr. Linder requested approval of a resolution establishing just compensation. He also requested authorization to settle with Dr. Shockey for the amount of \$7,500.00. Mr. Linder explained the Kentucky Housing Corporation will generally allow up to an additional \$5,000.00, in compensation, to avoid legal action. Commissioner Combs pointed out that he did not feel the appraisal established just compensation, as the property, at the appraised rate, would be valued at \$400,000/acre. The resolution was read as follows:

RESOLUTION OF THE PIKEVILLE CITY COMMISSION APPROVING THE DETERMINATION OF JUST COMPENSATION FOR ACQUISITION OF PROPERTY IN THE PIKEVILLE REDEVELOPMENT PHASE II - KENTUCKY AVENUE TARGET AREA OF PIKEVILLE, KENTUCKY

WHEREAS, the Kentucky Housing Corporation has approved HOME Investment Partnership Program funds for acquisition of properties in the Pikeville Redevelopment Phase II - Kentucky Avenue Target Area; and,

WHEREAS, in accordance with the Uniform Acquisition and Relocation Policies Act of 1974 (the Uniform Act), the Pikeville City Commission (hereinafter referred to as "LPA") has obtained an appraisal of properties to be acquired through the HOME program; and,

WHEREAS, based upon the appraisals prepared by competent appraisers, it is necessary that the City of Pikeville determine the just compensation to be offered to each property owner.

NOW, THEREFORE, BE IT ORDERED, by the Pikeville City Commission that:

1. The Determination of Just Compensation for the properties to be acquired in the Kentucky Avenue Target Areas are hereby approved in the following amounts, subject to verification by the Review Appraiser:

Parcel #	Address	Amount
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.02 acres	KY Avenue acquisition	\$ 5,900
.05 acres	Temporary Easement	

2. Pending concurrence from an independent Review Appraiser, the Grants Coordinator is directed to make Offers for Purchase on properties in the Pikeville Redevelopment Project - Phase II Kentucky Avenue Target area in the amount of the "Determination of Just Compensation" listed above, and to accept and sign all related acquisition documents relating to these offers on behalf of the City in order to eliminate slum and blight and provide for the assemblage of land.
3. That the draw down of funds is authorized to be made from the Kentucky Housing Corporation when signed Agreements for Sale are executed with property owners in the amounts approved above.
4. That acquisition procedures will be undertaken in accordance with all rules and regulations promulgated by the Commonwealth of Kentucky and the Uniform Act, as amended.

Commissioner Justice made the motion, seconded by Commissioner Davis to adopt the resolution, and to authorize acquisition in the amount of \$7,500. The motion carried 3 - 0.

3. Use of Rental Income Funds: The following resolution was presented, as a requirement from Kentucky Housing Corporation, that any rental income received as a result of the purchase of the redevelopment project area properties, be used firstly for maintenance, with any remaining income being directed back to the project for use in low to moderate income housing. According to project coordinator, Sue Smallwood, the rental income received has been applied toward payment of the utilities.

RESOLUTION OF THE PIKEVILLE CITY COMMISSION STIPULATING USE OF PROGRAM INCOME FUNDS RECEIVED AS PART OF THE PIKEVILLE SYCAMORE STREET, HIGH STREET, KENTUCKY AVENUE, SADD STREET, AND AUXIER AVENUE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAMS (PHASES I - VII)

WHEREAS, the City of Pikeville has and will continue to receive Community Development Block Grant funds for acquisition and relocation of households residing in the acquired structures and demolition of said structures located on Sycamore Street, High Street, Kentucky Avenue, Sadd Avenue, and Auxier Avenue; and,

WHEREAS, as part of the CDBG Program, program income will be received for rents paid by households living in acquired structures prior to their displacement; and,

WHEREAS, the Commonwealth of Kentucky, Department for Local Government has requested that the Pikeville City Commission designate the use of this program income.

NOW, THEREFORE, be it ordered by the Pikeville City Commission that:

- 1) Any program income received by the City for rent prior to displacement of the household be utilized as follows:
 - a) For property management uses, such as utilities paid by the landlord and minimum repairs needed to maintain the property as decent, safe, and sanitary.
 - b) For any eligible CDBG expenditures in an open CDBG grant.
- 2) Any Program Income received by the City after close out of all CDBG Programs will be utilized for eligible CDBG expenditures, which address the needs of low- and moderate-

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income households with first priority for those households displaced or to be displaced in the Sycamore Street, High Street, Kentucky Avenue, Sadd Avenue, and Auxier Avenue Target Areas.

- 3) That the Mayor is authorized to sign this Order and to provide any and/or all additional documentation regarding Program Income to the Commonwealth of Kentucky, Department for Local Government.

Commissioner Justice made the motion, seconded by Commissioner Davis to adopt the resolution as presented and read. The motion carried 3 - 0.

4. Sycamore Street Acquisition: Mr. Linder advised the Commission the city has yet to acquire two vacant parcels in the Sycamore Street, Phase I target area. One tract is owned by Canada Coal and the other tract is owned by Diane and Roy Canada. The lot owned by Canada Coal is appraised at \$10,000.00. They have agreed to sell for \$17,000.00. Mr. Linder recommended extending an offer to purchase for \$15,000.00. The city can't offer more than \$5,000.00 above the appraisal without legal action. The lot owned by Diane and Roy Canada is appraised at \$8,000.00. The Canada's have agreed to sell for \$10,000.00. Mr. Linder recommended the Commission extend an offer to purchase for \$10,000.00. Mr. Linder reported the properties will be acquired entirely with Community Development Block Grant (CDBG) funds. Commissioner Combs made the motion, seconded by Commissioner Justice to extend an offer to purchase the property owned by Canada Coal in the amount of \$15,000.00, and to offer to purchase property owned by Diane & Roy Canada for the amount of \$10,000.00. The motion carried 3 - 0.

5. Linder & Associates: Presented to the Commission for approval of payment was invoice #3 on behalf of Will Linder & Associates totaling \$26,823. Project Coordinator, Sue Smallwood, explained the invoice is payable with HOME funds. The agreement with Mr. Linder, for Phase II - Kentucky Avenue, provides for the payment upon completion of acquisition, relocation, and demolition. Commissioner Davis made the motion, seconded by Commissioner Justice to approve payment as submitted. The motion carried 3 - 0.

6. ATEX, Inc.: Presented for approval of payment was an invoice on behalf of ATEX, Inc. in the amount of \$653.00 for asbestos inspections for the Pinson and White properties located on Kentucky Avenue. Commissioner Combs made the motion to approve payment to ATEX, Inc. as requested. Commissioner Justice seconded the motion. The motion carried 3 - 0.

7. Status report: A written status report concerning the redevelopment project was given to each Commission Member for review.

B. MAIN STREET PROGRAM REPORTS:

1. Utility Relocation - Phase II: In working to finalize the financing of Phase II of the downtown relocation project, Mr. Linder reported it is necessary for the city to acquire a \$1 million letter of credit, to allow the project to proceed in a timely manner and to ensure that Phase III funding will not be in jeopardy. Mr. Linder explained that he has a commitment from the state that Coal Severance funds totaling \$1 million will be awarded to the city for Phase II of the utility relocation project, however, these funds will not be released until after the Legislature meets in 2002. Appalachian Regional Commission (ARC) funds have also been committed, however the funds can't be released until after all of the other funding is in place, which will delay the beginning of Phase II construction until October, 2002. In order to get the ARC funds released immediately, the state has requested the city pledge a \$1 million letter of credit until the Coal Severance Tax is released by the Legislature. The city engineer assured the Commission that a contract for Phase II construction will not be signed until after the Legislature has released the Coal Severance Funds. City Manager Blackburn advised that he is negotiating with local financial institutions to obtain a letter of credit. He expects the cost to obtain the letter of credit to be about \$10,000. Commissioner Justice made the

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~~motion, seconded by Commissioner Davis to authorize the Mayor Pro Tem to execute the necessary loan agreement to obtain the letter of credit. The motion carried 3 - 0. Phase II construction activities are expected to begin after Hillbilly Days, in April, 2002.~~

Main Street executive director, Glendia Sawyers, presented a funding agreement from the Kentucky Transportation Cabinet for approval. Ms. Sawyers explained that Kentucky Transportation Cabinet has approved to fund \$1 million of the \$3.7 million cost for Phase II of the utility relocation project. Ms. Sawyers reported that CDBG will fund \$1 million; Coal Severance Taxes will fund \$1 million; and ARC will fund \$500,000. A resolution was presented as follows:

A RESOLUTION TO ACCEPT FEDERAL TRANSPORTATION ENHANCEMENT FUNDS FROM THE KENTUCKY TRANSPORTATION CABINET AND AUTHORIZATION OF MAYOR TO EXECUTE ALL DOCUMENTS NECESSARY BETWEEN THE CITY AND KENTUCKY TRANSPORTATION CABINET

WHEREAS, the City of Pikeville has applied for and received an allocation of Renaissance Kentucky Transportation Enhancement Funds; and

WHEREAS, the City of Pikeville has determined that the project will proceed based on a revised scope of work and revised budget; and

WHEREAS, the City of Pikeville in partnership with the local Renaissance/Main Street Committee has coordinated this joint effort and agreed upon the terms and conditions of a commitment letter dated September 7, 2001 from Renaissance Kentucky.

NOW, THEREFORE, BE IT RESOLVED that the City of Pikeville does hereby accept this allocation of federal transportation funds in the amount of \$1,000,000 and does hereby agree to be bound to all applicable statutory rules governing its dispersal. Further, the mayor is hereby authorized and directed to execute all documents necessary with the Kentucky Transportation Cabinet for these funds.

Commissioner Davis made the motion, seconded by Commissioner Justice to adopt the resolution as presented and read. The motion carried 3 - 0.

2. Utility Relocation - Phase I: Charles Byers of Summit Engineering presented the following items for the Commission's consideration:

a. Change Order: Presented to the Commission on behalf of Mountain Enterprises was change order #1 in the amount of \$45,161.36. Mr. Byers explained the change order was issued mainly to improve existing field conditions. According to Mr. Byers, the change order includes all anticipated changes for the Huffman Avenue/Main Street Area. The change order also includes a time extension of 14 days. The time extension and change order has been approved by the Main Street Board. With approval of the change order, the contract completion is November 14, 2001, and the contract amount has been increased to \$1,982,243.41. Mr. Byers advised the contract is proceeding on schedule. Commissioner Combs made the motion, seconded by Commissioner Davis to approve the change order as presented. The motion carried 3 - 0.

b. Payment Request: Invoice #2 totaling \$654,924.52 was presented to the Commission for approval of payment on behalf of Mountain Enterprises, Inc. for work completed to date for the downtown Utility Relocation Project - Phase I. With this payment, the project is 45% complete. A 10% retainage is being withheld. The City Manager advised that savings accounts will have to be depleted to pay the bill. It will be between 30 - 60 days before a reimbursement will be received from the state. The money will be placed back in savings upon receipt. Commissioner Combs made the motion, seconded by Commissioner Justice to approve payment to Mountain Enterprises in the amount of \$654,924.52. The motion carried 3 - 0.

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c. Summit Engineering: Presented for approval was an invoice from Summit Engineering for utility design services in the amount of \$3,971.21 and utility inspection services in the amount of \$13,395.28. Ms. Sawyers reported both bills had been approved by the Main Street Board. Commissioner Justice made the motion, seconded by Commissioner Davis to approve payment of the utility design services in the amount of \$3,971.21. The motion carried 3 - 0. Commissioner Davis made the motion to approve payment of the utility inspection services in the amount of \$13,395.28. Commissioner Justice seconded the motion. The motion carried 3 - 0.

3. Status Report: Main Street executive director, Glendia Sawyers, announced the Christmas Parade has been scheduled for December 1st at 2 p.m.

Ms. Sawyers requested a work session with the Commission to discuss the possible location of a motel in the downtown area. The Commission directed the clerk to schedule a work session with the Main Street Board.

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

1. Kentucky Avenue Roadway: Mr. Sykes presented a proposed amendment to modify Summit Engineering's contract to provide design and bidding services for Phase I of the Kentucky Avenue Road Improvement Project. Mr. Sykes explained that the roadway improvements are split into two phases. The first phase begins at Dr. Shockey's property and ends with the property where the townhouses are to be built. The second phase begins where the first phase ends and extends to tie into Elm Street. The net increase of the contract of \$186,026.00, provides for inspection and contract administration services for Phase I and design, bidding, contract and administration services for Phase II. Mr. Sykes explained that funds were included in the award from the Kentucky Transportation Cabinet for the services in Phase I, however there have been no funds approved for Phase II. Mr. Sykes told the Commission that he had been asked by Governor Patton to prepare the design and bidding documents for Phase II. It was agreed that Summit Engineering would bill for all Phase I services and the city would pre-fund the design and bidding services for Phase II. The remainder of the engineering fees for Phase II will be paid, pending award of necessary funding. Commissioner Justice made the motion, seconded by Commissioner Davis to approve the contract amendment with Summit Engineering for the Kentucky Avenue roadway and utility improvement project. The motion carried 3 - 0.

2. Department of Transportation Agreement: Presented for approval was an agreement with the Kentucky Transportation Cabinet for reimbursement of \$765,600 for Contracts 1A and 1B of the Kentucky Avenue Roadway Improvement Project. A resolution authorizing approval of the contract was presented as follows:

RESOLUTION AUTHORIZING APPROVAL AND EXECUTION OF AN AGREEMENT BETWEEN THE CITY OF PIKEVILLE AND THE KENTUCKY TRANSPORTATION CABINET FOR FUNDS TOTALING \$765,600 FOR THE KENTUCKY AVENUE ROAD IMPROVEMENT PROJECT

RESOLUTION # R-2001-038

WHEREAS, an agreement has been presented to the Pikeville City Commission between the City of Pikeville and the Kentucky Transportation Cabinet, and;

WHEREAS, said Agreement concerns the reimbursement of funds by the Kentucky Transportation Cabinet in the amount of \$765,600 for the reconstruction of Kentucky Avenue.

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~~NOW, THEREFORE, BE IT RESOLVED that said Agreement is approved and the Mayor~~

Pro-Tem is authorized to execute the same and to bind the City to the terms thereof.

Commissioner Justice moved the adoption of the foregoing Resolution. Commissioner Davis seconded the motion. The motion carried 3 - 0.

3. North Elm Street: Presented for approval was a request from Mountain Enterprises in the amount of \$120,728.97 for the North Elm Street Project. Mr. Byers advised the project is substantially complete, however a \$10,000 retainage is being withheld until the contractor performs seeding and any final work in the spring. Commissioner Justice made the motion, seconded by Commissioner Davis to approve payment to Mountain Enterprises as requested. The motion carried 3 - 0.

4. Kentucky Avenue: Submitted for approval of payment was a request on behalf of Patriot Construction in the amount of \$155,475.00 for work completed on the Kentucky Avenue Roadway Project. It was reported the contractor has chosen to use an alternate waste site. Commissioner Justice made the motion, seconded by Commissioner Davis to approve payment to Patriot Construction in the amount of \$155,475.00. The motion carried 3 - 0.

D. CITY ATTORNEY'S REPORTS: Scott Kreutzer was present and acting as city attorney due to Russell Davis' absence.

1. Pick-up/Delivery Zone: Presented and given second reading was an ordinance entitled:

ORDINANCE DESIGNATING A FIVE-MINUTE PICKUP PARKING ZONE IN THE OLD FIRE STATION/CITY HALL PARKING LOT ADJACENT TO DIVISION STREET

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

MAYOR:	FRANK M. MORRIS	ABSENT
COMMISSIONER:	STEVEN D. COMBS	YES
	EUGENE W. DAVIS	YES
	FRANK JUSTICE, II	YES
	DALLAS LAYNE	ABSENT

2. Condemnation of property: Presented to the Commission for consideration was a resolution authorizing the filing of condemnation proceedings against the York Heirs to acquire their College Street property for the purpose of constructing and operating a public parking garage. The City Manager advised that he has not received the comparables used by the York Heirs' appraiser. The Commission deferred action concerning the adoption of the resolution pending discussion in closed session.

Mr. Kreutzer reported City Attorney Davis' conflict of interest in the afore-mentioned legal proceedings in that one of the York Heirs is the wife of Commissioner Davis. It is the city attorney's recommendation that outside legal counsel be sought for this acquisition.

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

1. Adams Property and Thompson Road Property Appraisals: City Manager Blackburn advised the Commission that he has received the appraisals for the Adams' and the city's Thompson Road properties. The Commission requested to review the appraisals during closed session.

2. Finance Department Employment: City Manager Blackburn presented the Finance

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~~Director's recommendations to hire Brenda Taylor as accounting clerk at the wage rate of \$9.00/hr., and James Chafin as payroll/billing clerk at the wage rate of \$10.00/hr. The Commission deferred action concerning the employment of the individuals pending discussion, concerning their qualifications and suggested wage rate, in closed session.~~

3. Benefit Car Wash: City Manager Blackburn presented Fire Chief Hall's request for permission to conduct a benefit car wash on Saturday, September 29th, with the proceeds being forwarded to the New York City victims' fund. Approval was also requested for an alternate day in the event of bad weather on September 29th. Commissioner Combs made the motion, seconded by Commissioner Justice to approve the Fire Department's request to conduct a benefit car wash. The motion carried 3 - 0.

4. Pikeville Elementary School Access Road: Mr. Blackburn reported he met with Superintendent Howard Wallen, following the September 11th Commission Meeting, to discuss the proposed improvements to the access road that serves the elementary school. Mr. Blackburn advised the school board has approved the improvement project and has granted the necessary easements, however the Board hasn't authorized funding. Mountain Enterprises submitted a quote in the amount of just over \$20,000 to construct the necessary improvements. The city engineer is working with Mountain Enterprises to reduce the quote to under \$20,000. Commissioner Combs made the motion to offer to split the cost of the access road improvements with the Pikeville Independent School District. Commissioner Justice seconded the motion. The motion carried 3 - 0.

5. Halloween Trick-or-Treat: Commissioner Justice made the motion, seconded by Commissioner Davis to set the observance of Halloween Trick-or-Treat in the city limits for October 30, 2001 from 6 - 8 p.m. The motion carried 3 - 0.

At 7:11 p.m., Commissioner Combs made the motion, seconded by Commissioner Justice to adjourn to a closed session for the purpose of discussing a legal matter dealing with property acquisition and personnel matters. The motion carried 3 - 0.

At 9:20 p.m., Commissioner Justice made the motion to reconvene to regular session. Commissioner Combs seconded the motion. The motion carried 3 - 0.

Commissioner Combs announced the City Manager and Finance Director will review the personnel employment issue and make a recommendation to the Commission at a special called meeting scheduled for September 27, 2001 at 6:00 p.m.

With regard to the resolution to initiate condemnation proceedings against the York Heirs to acquire property to construct and operate a public parking garage, Commissioner Combs made the motion to adopt the resolution with the caveat that no action be taken until the city employs independent counsel and the property owner's appraisal is completed. Commissioner Justice seconded the motion. The motion carried 2 - 0 - 1 with Commissioner Davis abstaining from the vote.

Commissioner Combs complimented the city's service held on September 14th, in memory of the victims of the September 11th terrorist attack on New York City. He also thanked the City Manager for displaying the American Flag on utility poles throughout the downtown area.

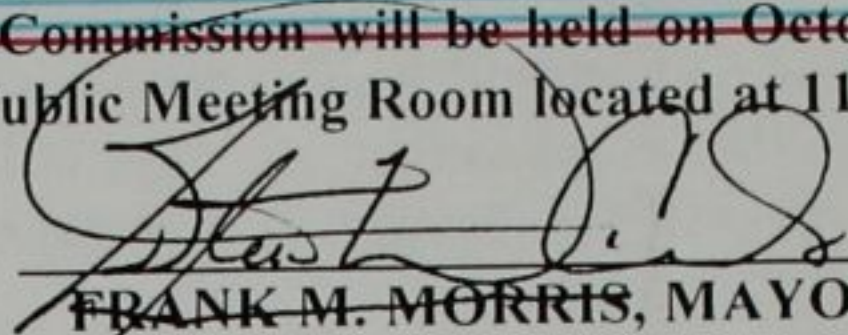
Commissioner Justice voiced his gratitude to American Electric Power, Summit Engineering, the Park Department, Mitch Potter, and others for their donation of labor and materials for the lighting of the fields at Bob Amos Park. City Manager Blackburn advised that plaques of appreciation are available for presentation during the October 8, 2001 meeting.

There being no further business to come before the Commission, Commissioner Combs made the motion, seconded by Commissioner Justice to adjourn the meeting. The motion carried 3 - 0. (Adjournment Time: 9:25 p.m.)

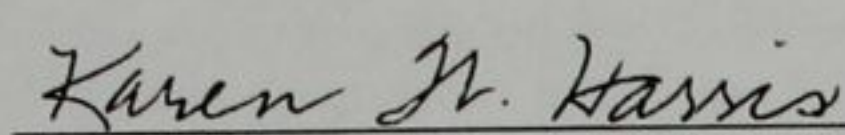
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~~The next regular meeting of the Pikeville City Commission will be held on October 8, 2001 at 6:00 p.m. The meeting will be held in the City Hall Public Meeting Room located at 118 College Street.~~

APPROVED:


FRANK M. MORRIS, MAYOR PRO TEM

ATTEST:


KAREN W. HARRIS, CITY CLERK