

MINUTES } CITY OF PIKEVILLE

At a regular meeting of the Common Council of the City of Pikeville, Kentucky, convened and held at the City Hall in said city on the 7th day of June, 1927, the following were present, Mayor, J.P. Marrs, Councilman A.J. Akers, Millard Burke, S.M. Hereford, Ed Wells and Richard Thompson:

The minutes of the Council at all former meetings not heretofore read and approved, are now read and approved by the Council.

Thomas E. Newton, Supt. of Water Dept. presents bond with the Maryland Casualty Company, in the sum of Three Thousand (\$3000.00) Dollars, and Councilman S.M. Hereford moved that said bond be accepted and approved, and said motion being duly seconded, upon a roll call of the Council, the vote was as follows:

A.J. Akers,	Yes	S.M. Hereford	Yes
Millard Burke,	Yes	Richard Thompson	Yes
Ed Wells,	Yes		

The result of the vote being announced, the Mayor declared said motion carried, and said bond accepted, and orders same spread at large on the Minute Book of the Council.

MARYLAND CASUALTY COMPANY
BALTIMORE.

Amount \$3000.00

No.

KNOW ALL MEN BY THESE PRESENTS, That Thomas Newton as Principal (Hereinafter called Principal), and the Maryland Casualty Company, a corporation of the State of Maryland, having its Principal office in the City of Baltimore, Maryland, as Surety (hereinafter called Surety), are held and firmly bound unto the City of Pikeville, Pike County, Kentucky, in the penalty of Three Thousand Dollars (\$3000.00) to the payment whereof, well and truly to be made and done, the said Principal binds himself, his heirs, executors and administrators, and the said Surety binds itself its successors and assigns, jointly and severally, firmly by these presents:

THE CONDITION OF THE AFOREGOING OBLIGATION IS SUCH, that WHEREAS, the said principal was elected or appointed as Superintendent of the Pikeville Water Department, Pikeville, Kentucky, for the term beginning on the 4th day of May 1927, and ending on the 4th day of May 1928.

NOW, THEREFORE, if the said Principal shall, during the term of this bond, well and faithfully perform all and singular the duties incumbent upon him by reason of his election or appointment as said Superintendent of Pikeville Water Department, except as hereinafter limited, and honestly account for all moneys coming into his hands as said Superintendent of Pikeville Water Department, according to law then this obligation shall be null and void; it is otherwise to be and remain in full force and virtue.

THIS BOND is executed by the Surety upon the following express conditions, which shall be a condition precedent to the right of recovery hereunder.

IT IS MUTUALLY UNDERSTOOD AND AGREED BETWEEN ALL PARTIES HERETO, that if the Surety shall so elect, this bond may be cancelled by giving thirty (30) days' notice in writing to the said Thomas Newton and this bond shall be deemed cancelled at the expiration of said thirty (30) days, the said Surety remaining liable for all or any act or acts covered by this bond, which may have been committed by the Principal up to the date of such cancellation, under the terms, conditions and provisions of this bond, and the Surety shall, upon surrender of this bond and its release from all liability thereunder, refund the premium paid, less a prorata part thereof, for the time this bond shall have been in force.

SIGNED, SEALED AND DATED THIS 9th day of May 1927.

Witness: Rosa G. Crutchfield.

THOMAS E. NEWTON, principal

MARYLAND CASUALTY COMPANY
Francis, Francis & Trivette Agents.
By J.S. Miller, Atty. in fact.
Countersigned at Pikeville, Ky. this 9th day of May 1927,
J.F. Hudson. "

Councilman, Richard Thompson, moved that Ferrell Johnson be employed as Assistant Supt. of the Water Department at a Salary of \$100.00 per month, and said motion being duly seconded, upon a roll call of the Council, the vote was as follows:

A.J. Akers,	Yes	Ed Wells	Yes
Millard Burke	Yes	Richard Thompson	Yes
S.M. Hereford,	No		

The result of the vote being announced by the Clerk, the Mayor declared said motion carried and said Ferrell Johnson elected.

Councilman, Richard Thompson, presented a contract between T.E. Newton, Supt. of the Water Department, and the City of Pikeville, Ky., which contract was

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read by the City Clerk, and thereupon Richard Thompson, moved the acceptance of same by the City Council, which motion was duly seconded, and upon a roll call of the Council, the vote was as follows:

A.J. Akers,	Yes	Ed Wells,	Yes
Millard Burke,	Yes	Richard Thompson,	Yes
S.M. Hereford,	Absent		

The result of the vote being announced by the Clerk, the Mayor declared said motion carried and said Contract accepted by the City of Pikeville.

Said contract is in words and figures as follows, To-wit:

"This Contract made and entered into by and between the City of Pikeville, party of the first part and Thos Newton, party of the second part, witnesseth, that the party of the first part hereby employs party of the second part as Superintendent of the City Water Department, for the period of one month, and to continue from month to month, until the contract is terminated by action if the council, or a resignation by second party.

The Contract price for said service is \$150.00 per month.

The second party's duties as Superintendent, is to look over and keep in proper order the machinery, and appurtenances; to see that all water users are properly charged, and the charges collected for water; to keep proper and correct books of accounts and to carry out and into effect all rules, and regulations and ordinances enacted by the City Council for the water department, that may have heretofore been enacted or that may hereafter be enacted; to account for and pay over to the Treasurer of the City of Pikeville, all sums collected, taking his receipt therefor. The settlements to be made on the second meeting of the Council of each calendar month, for the collections, made to that date.

All rules and regulations, prescribed by the council, for the regulation, of the water department is made part hereof the same as if written out in full herein.

The party of the second part is required to execute a bond in the sum of \$3000.00 for the faithful performance of his duties including the accounting of all moneys that comes into his hands by reason of this contract.

This 7th day of June, 1927.

Approved by the City Council.

This 7th day of June, 1927,

J.E. Sanders,
City Clerk. "

City of Pikeville, Ky.
By J.P. Marrs, Mayor.
Thos. E. Newton.

Councilman, Richard Thompson, moved that the Veto of the Mayor, of the motion to declare A.M. Phipps ineligible as Councilman, and the orders of the Pike Circuit Court in the case of A.M. Phipps vs. City of Pikeville, be entered of record on the minute books of the City of Pikeville, and said motion being duly seconded, upon a roll call of the Council, the vote was as follows:

A.J. Akers,	Yes	Ed Wells	Yes
Millard Burke,	Yes	Richard Thompson,	Yes
S.M. Hereford,	Absent,		

The result of the vote being announced, the Mayor declared said motion carried, and it is so ordered.

"In the matter of the removal of A.M. Phipps, Councilman.

Three members of the City Council, out of six, at its regular meeting on April 19th, on motion of S.M. Hereford, voted to expel and remove from office, A.M. Phipps, Councilman, for the alleged reason, that Mr. Phipps had not been a resident of the City for six months, and it appearing that there was no notice given of the intention to remove or expel Mr. Phipps; that Mr. Phipps had been regularly elected and qualified as a member; that the law requires at least three fourths of the votes of all the members to remove or expel a member, I am of the opinion that the vote taken on the question of removal, in so far as it removed Mr. Phipps, is null and void; that while I am of the opinion that it is null and void, I do also hereby veto the said bill and motion to remove said councilman; the clerk is directed to record this veto, on the minutes of the council.

Given under my hand this April 18th, 1927.

J.P. Marrs,
Mayor of the City of Pikeville, Ky.

PIKE CIRCUIT COURT.

Order in Vacation Term ___ day 3rd day of March, 1927.

A.M. PHIPPS

Vs. Order of Injuntion.

CITY OF PIKEVILLE, KY. &C.

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The defendants, City of Pikeville, J.P. Marrs, Mayor, S.M. Hereford, A.J. Akers, Richard Thompson, Millard Burke, Ed Wells, are hereby enjoined and restrained from in any way interfering with the plaintiff in exercising the office of Councilman for the City of Pikeville, and is enjoined and restrained from doing any thing by word or act, that interfere with said plaintiff's right to perform his duties as councilman, for the City of Pikeville, Kentucky, until further orders of the court.

This Order of injunction shall be in full force and effect from and after the plaintiff shall execute bond in the sum of \$500.00 as required in such cases.
J.E. Childers Judge.

COPY ATTEST:

D.C. Moore, Clerk,
By L.A. Runyon, D.C.

PIKE CIRCUIT COURT
In Vacation, May 16th, 1927.

A.M. Phipps, Plaintiff,
VS: Order of Injunction.
City of Pikeville, Ky. Defendant.

If there was any question about plaintiff's eligibility to hold the office of councilman, that question was waived, when defendants elected him. After he was elected, he could not be removed, except upon charges preferred, and upon notice if such charges and time and place of hearing. It is fundamental that no person can be deprived of personal pr property rights without a day in court, and an opportunity to meet his adversaries face to face.

It requires a 2/3 majority to remove him.

Not pretence having been made to comply with these constitutional and Statutory requirements, the temporary restraining order is may permanent.

J.E. Childers, Judge Pike Circuit Court.

An Ordinance entitled " AN ORDINANCE FIXING CLOSING TIME FOR RESTAURANTS AND SOFT DRINK STANDS, AND FIXING A PENALTY FOR VIOLATION THEREOF." is presented and read to the Council, and Councilman, Richard Thompson, moved the adoption of same by the City Council, and said motion being duly seconded, upon a roll call of the Council, the vote was as follows:

A.J. Akers,	Yes	Ed Wells,	Yes
Millard Burke,	Yes	A.M. Phipps,	Yes
S.M. Hereford,	Absent,	S.M. Hereford	
		R. Thompson	Yes.

The result of the vote being announced by the clerk, the Mayor declared said motion carried and said Ordinance adopted.

An Ordinance entitled " AN ORDINANCE FIXING CLOSING TIME FOR OPERATION OF AUTOMOBILES AND ALL MOTOR VEHICLES UPON THE STREETS, ALLEYS OR OTHER PUBLIC PASSWAYS OF THE CITY OF PIKEVILLE, AND PROVIDING A PENALTY FOR THE VIOLATION OF SAME." is presented and read to the Council, and Councilman Richard Thompson, moved the adoption of same by the City Council, and said motion being duly seconded, upon a roll call of the Council, the vote was as follows:

A.J. Akers,	No	S.M. Hereford,	Absent
Millard Burke,	Yes	Ed Wells,	Yes
A.M. Phipps,	Yes	Richard Thompson,	Yes

The result of the vote being announced by the Clerk, the Mayor thereupon declared said motion carried and said Ordinance adopted.

An Ordinance entitled "AN ORDINANCE REQUIRING ALL PUBLIC DANCE HALLS AND ALL DANCES GIVEN FOR A CONSIDERATION TO CLOSE AT THE HOUR OF 11:00 o'CLOCK night and providing A PENALTY FOR VIOLATION OF SAME." Is presented and read to the Council, and Councilman A.M. Phipps, moved the adoption of same by the City Council, and said motion being duly seconded, upon a roll call of the Council, the vote was as follows:

A.J. Akers,	Not voting.	A.M. Phipps,	Yes
Millard Burke,	Yes	Richard Thompson	Yes
Ed Wells,	Not voting.	S.M. Hereford,	Absent.

The result of the vote being announced, the Mayor declared said motion carried, and said Ordinance adopted.

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An Ordinance, entitled "AN ORDINANCE ESTABLISHING RATES FOR WATER FURNISHED BY THE CITY WATER SYSTEM IN THE CITY OF PIKEVILLE, KENTUCKY", is presented and read to the Council, and Councilman Richard Thompson, moved the adoption of same, and said motion being duly seconded, upon a roll call of the Council, the vote is as follows:

A.J. Akers,	Yes	A.M. Phipps,	Yes
Millard Burke,	Yes	Richard Thompson,	Yes
Ed Wells,	Yes	S.M. Hereford,	Absent.

The result of the vote being announced by the Clerk, the Mayor declared said motion carried, and said Ordinance adopted.

An Ordinance, entitled "AN ORDINANCE REQUIRING TENANTS AND LESSORS TO MAKE A DEPOSIT WITH SUPERINTENDENT OF WATER WORKS SYSTEM OF ESTIMATED WATER RENTAL FOR ONE MONTH BEFORE WATER IS CONNECTED." is presented and read to the Council, and Councilman, Richard Thompson, moves the adoption of said Ordinance by the City Council, and said motion being duly seconded, upon a roll call of the Council the vote was as follows:

A.J. Akers,	Yes	S.M. Hereford,	Absent
Millard Burke,	Yes	Ed Wells,	Yes
A.M. Phipps,	Yes	Richard Thompson	Yes.

The result of the vote being announced by the Clerk, the Mayor declared said motion carried, and said Ordinance adopted.

Councilman, Ed Wells, moves that whereas the Audit of Capt. A.D. Roberts, has lain over 30 days, that same be accepted and approved by the City Council, and spread at large on the Minute Books of said Council, and said motion being duly seconded, upon a roll call of the Council, the vote was as follows:

A.J. Akers,	Yes	S.M. Hereford,	Absent.
Millard Burke,	Yes	Ed Wells,	Yes
A.M. Phipps,	Yes	Richard Thompson,	Yes

The result of the vote being announced by the Clerk, the Mayor declared said motion carried.

~~The City Attorney, upon motion duly made, moved~~
Councilman, Richard Thompson, moves that the City Attorney be instructed to institute suit on behalf of the City of Pikeville, Ky., against all persons who defaulted in the payment of their Street Paving Assessments, for work done by Kelley Brothers in 1913, and collect said past due payments, and said motion being duly second, upon a roll call of the Council, the vote was as follows:

A.J. Akers,	Yes	A.M. Phipps,	Yes
Millard Burke,	Yes	S.M. Hereford,	Absent.
Ed Wells,	Yes	Richard Thompson,	Yes

The result of the vote being announced by the Clerk, the Mayor declared said motion carried.

The City Attorney is directed to prepare and Ordinance and have read for consideration by the City Council at its next regular meeting, prohibiting the parking of motor vehicles on Division Street for a longer period than 15 minutes at one time.

The Settlement made by the City Clerk, with the Police Judge for the month of May, 1927, is presented, and read to the Council, and on motion made, seconded and carried, same is accepted, approved and ordered filed.

The Settlement made by the City Clerk, with the Chief of Police for the month of May, 1927, is presented and read to the Council, and on motion made, seconded and carried, same is accepted, approved and ordered filed.

The Settlement and Report of the Supt. of the Water Department for the month of March, 1927, is presented and read to the Council, and upon made, seconded and Carried, same is accepted and approved and ordered filed.

WHEREAS, Jno. A. McCowan, A.S. Corbin and C.C. Little, who were selected as members of the Board of Supervisors of the City of Pikeville, Ky. for the year 1927, at a former meeting of the Council, and they having failed to and declined to act, thereupon G.S. Thornbury, T.C. Buskirk, and Roland Maynard, were selected and appointed as members of the Board of the Supervisors of the City of Pikeville, Ky., for the year 1927, and each of said members appeared in person and took the oath of office as required by law, said oath being administered by Judge Kendrick, and entered upon their duties as such, on the 27th day of May, 1927.

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ORDERED THAT:

T.E. Newton, be allowed the sum of \$12.00, being for premium paid on bond as Supt. of Water Dept. for \$3000.00, payable out of the water fund.

ORDERED THAT:

J.S. Cline be allowed the sum of Three Hundred (\$300.00) Dollars, as rental on City Hall, for the year 1927. As per contract.

ORDERED THAT:

J.S. Cline be allowed the sum of One Hundred (\$100.00) Dollars, as rental on Fire Station, for year 1927, as per contract.

ORDERED THAT:

L.Nora Thornbury, be allowed the sum of Two Hundred (\$200.00) Dollars, as Salary as City Assessor, for the year 1927.

ORDERED THAT:

Cumberland Publishing Company be allowed the sum of Thirty Seven (\$37.00) Dollars, being for work done for city up to April 21st, 1927, as per bill of 5-1-1927.

ORDERED THAT:

J.W. Menzies, Clerk of the U.S. District Court be allowed the sum of One and 45/100 (\$1.45) Dollars, being for cost in case of Kiley Bros. vs. City of Pikeville, Ky.,

ORDERED THAT:

Earl & John Scott, be allowed the sum of One and 24/100 (\$1.24) Dollars, for freight on broom, for sweeper, as per bill of 5-6-1927.

ORDERED THAT:

W.T. Griffith be allowed the sum of Fifteen (\$15.00) Dollars, for services as Engineer in the case of Eldon Robinson vs. City of Pikeville. as per bill of 5-2-1927?

Councilman, A.M. Phipps, moves that Whereas, W.T. Griffith, has been allowed the sum of Fifteen (\$15.00) Dollars, and Whereas, he is due the city the sum of ~~Twenty~~ Eighty and 40/100 (\$28.40) Dollars, as water rent, that said amount of Fifteen Dollars be held by the City as a payment of City Water Bill, and said motion being duly seconded, upon a roll call of the Council, the vote was as follows:

A.J. Akers,	Yes	Ed Wells	Yes
Millard Burke,	Yes	S.M. Hereford,	Yes
A.M. Phipps,	Yes	Richard Thompson	Not voting.

The result of the vote being announced by the City Clerk, the Mayor declared said motion carried.

ORDERED THAT:

The Bradley & Gilbert Company be allowed the sum of Eighteen and 72/100 (\$18.72) Dollars, being for 1000 assessment blanks as per bill of 6-1-1927.

ORDERED THAT:

James Carnes be allowed the sum of Five (\$5.00) Dollars, for hauling away dead dogs and cats as per bill June 7th, 1927.

ORDERED THAT:

Dick Ratliff be allowed the sum of Thirty Six and 40/100 (\$36.40) Dollars, being for atd. 13 fires @ \$2.00 each and \$10.40 Salary.

ORDERED THAT:

Drew England be allowed the sum of Thirty Six and 40/100 (\$36.40) Dollars, being for atd. 13 fires @ \$2.00 each and \$10.40, Salary.

ORDERED THAT:

R.T. A. Moffet be allowed the sum of Thirty Six and 40/100 (\$36.40) Dollars, being for atd. 13 fires @ \$2.00 each and \$10.40, Salary.

ORDERED THAT:

J2C. Williamson, be allowed the sum of Thirty Six and 40/100 (\$36.40) Dollars, being for atd. 13 fires @ \$2.00 each and \$10.40, Salary.

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error 10¢*

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- ORDERED THAT:
Walter Robinson be allowed the sum of One Hundred and Thirty Five (\$135.00) Dollars, Salary as Chief of Police for the month of May, 1927.
- ORDERED THAT:
Lon Robinson, be allowed the sum of One Hundred and Twenty Five (\$125.00) Dollars, Salary as Deputy Chief of Police for the month of May, 1927.
- ORDERED THAT:
Will Young, be allowed the sum of One Hundred and Twenty Five (\$125.00) Dollars, Salary as Policeman for the month of May, 1927.
- ORDERED THAT:
T.J. Kendrick, be allowed the sum of Sixty (\$60.00) Dollars, Salary as Police Judge for the month of May, 1927.
- ORDERED THAT:
T.J. Kendrick, be allowed the sum of Forty (\$40.00) Dollars, Salry as Clerk hire for Police Judge for the month of May, 1927.
- ORDERED THAT:
J.M. Hatcher, be allowed the sum of Fifty (\$50.00) Dollars, Salary as City Attorney for the month of May, 1927. which he accepted as half of salary due him.
- ORDERED THAT:
Walter Hatcher, be allowed the sum of Twelve and 50/100 (\$12.50) Dollars, Salary as City Treasurer, for the month of May, 1927.
- ORDERED THAT:
W.T. Griffith, be allowed the sum of Two and 50/100 (\$2.50) Dollars, Salary as City Engineer for the month of May, 1927.
- ORDERED THAT:
Earl & John Scott be allowed the sum of Two Hundred Dollars, Salary for Street Cleaning, as per contract, for month of May, 1927.
- ORDERED THAT:
Kentucky & W.Va. Power Company, be allowed the sum of Three Hundred and Nine and 38/100 (\$309.38) Dollars, For power furnished for Street lights, as per contract, for month of May, 1927.
- ORDERED THAT:
J.E. Sanders, be allowed the sum of One Hundred Sixty Five and 40/100 (\$165.40) Dollars, being for Salary and Services as City Clerk for the month of May, 1927.
- ORDERED THAT:
THOS. E. Newton, be allowed the sum of One Hundred Fifty (\$150.00) Dollars, Salary as Supt. of Water Department, for month of May, 1927. Payable out of water fund.
- ORDERED THAT:
Ferrell Johnson be allowed the sum of One Hundred (\$100.00) Dollars, Salary, as ~~Supt. of Water Dept.~~ Pump Operater for Water Dept. for month of May, 1927, payable out of the water Fund.
- ORDERED THAT:
Ky. & W.Va. Power Co. be allowed the sum of Three Hundred Seventy and 40/100 (\$370.40) Dollars, For power for water Dept. for month of May, 1927, payable out of the water fund.

On motion made, seconded and carried, Council is adjourned until the next regular meeting time.

APPROVED:

ATTEST:

J. E. Sanders
City Clerk.

JO Newton Mayor