

MINUTES } CITY OF PIKEVILLE

city engineer to fill the unexpired term of Stoney Amick, deceased. Mack Matney seconded said nomination.

There being no other nominations the vote was taken upon the nomination of W. J. Ward, as follows:

Uhlan Taylor,	Yes
C. D. Jacobs,	Yes
T. E. Rogers,	Absent
R. G. Wells	Absent
Mack Matney,	Yes
Stafford Sowards,	Absent.

Pursuant to above vote W. J. Ward was elected to fill the unexpired term of Stoney Amick, deceased, for the office of City Engineer of the City of Pikeville, Kentucky.

Upon motion made, duly seconded and carried Council is adjourned until its next regular meeting.

APPROVED:

ATTEST:

J. M. Hatcher
City Clerk.

At a regular meeting of the Common Council of the City of Pikeville, Kentucky, convened and held in the city hall in the City of Pikeville, Kentucky, on the 3rd day of January, 1933, the following were present:

Mayor, F. A. Connolly, and
Councilmen, Uhlan Taylor, T. E. Rogers,
Stafford Sowards and R. G. Wells.
The following councilmen were absent:
C. D. Jacobs and Mack Matney.

A. J. Cox, representing Nora Cox, appeared before the council and asked that certain license fees be refunded to Nora Cox, and said matter was referred to the City Attorney who shall report to the council his recommendation at its next regular meeting.

ORDERED THAT:

Lundy Morris be, and he is hereby allowed the sum of \$93.00 for salary as care taker of fire station for month of December, 1932, payable out of Officers Salary Budget Fund.

ORDERED THAT:

J. E. Sanders be, and he is hereby allowed the sum of \$50.00 for serving one-half month as police judge protem, per order of A. L. Ratliff, Police Judge, for month of December, 1932, payable out of Officers Salary Budget Fund.

ORDERED THAT:

Garfield Sowards be, and he is hereby allowed the sum of \$67.50 for 27 days' work for use of team &c for month of December, 1932, payable out of Street Cleaning Budget Fund.

ORDERED THAT:

Hen Helvey be, and he is hereby allowed the sum of \$54.00 for 27 days work cleaning streets, @ \$2.00 per day, during month of December, 1932, payable out of Street Cleaning Budget Fund.

ORDERED THAT:

W. B. Pinson be, and he is hereby allowed the sum of \$112.50 for salary as policeman for month of December, 1932, payable out of Officers Salary Budget Fund.

ORDERED THAT:

Floyd E. Bevins be, and he is hereby allowed the sum of \$112.50 for salary as policeman for the month of December, 1932, payable out of Officers Salary Budget Fund.

ORDERED THAT:

J. C. Williamson be, and he is hereby allowed the sum of \$112.50 for salary as policeman for the month of December, 1932, payable out of Officers Salary Budget Fund.

ORDERED THAT:

O. O. Graham be, and he is hereby allowed the sum of \$70.00 for premiums on bonds of Floyd E. Bevins, J. C. Williamson and V. E. Bevins for year 1933, payable out of General Expenditure Budget Fund.

MINUTES } CITY OF PIKEVILLE

ORDERED THAT:

V. E. Bevins be, and he is hereby allowed the sum of \$18.75 for salary as city treasurer for the month of December, 1932, payable out of Officers Salary Budget Fund.

ORDERED THAT:

Stoney Amick be, and he is hereby allowed the sum of \$4.50 for salary as city engineer for the month of December, 1932, payable out of Officers Salary Budget Fund.

ORDERED THAT:

First National Bank be, and it is hereby allowed the sum of \$50.00 for rent for city hall for the month of January, 1933, payable out of Rents Budget Fund.

ORDERED THAT:

Kentucky and West Virginia Power Company be, and it is hereby allowed the sum of \$314.99 for power for street lights for the month of December, 1932, payable out of Street Lighting Budget Fund.

ORDERED THAT:

F. A. Connolly be, and he is hereby allowed the sum of \$20.83 for salary as mayor of the City of Pikeville for the month of December, 1932, payable out of Officers Salary Budget Fund.

T. M. Stratton, Chief of Police, presented and filed bill for \$150.00 for services as chief of police for the month of December, 1932, and upon motion made, duly seconded and carried said Stratton was allowed the sum of \$135.00. To the disallowance of the sum of \$15.00 said Stratton excepts and accepts said \$135.00 as a credit only.

THEREFORE, ORDERED THAT:

T. M. Stratton be, and he is hereby allowed the sum of \$135.00 for salary as chief of police for the month of December, 1932, payable out of Officers Salary Budget Fund.

A. S. Ratliff, City Attorney, presented and filed bill for \$100.00 for salary as city attorney for the month of December, 1932, and upon motion, duly seconded and carried said Ratliff was allowed the sum of \$90.00. To the disallowance of the sum of \$10.00 said Ratliff excepts and accepts said \$90.00 as a credit only.

THEREFORE, ORDERED THAT:

A. S. Ratliff be, and he is hereby allowed the sum of \$90.00 for salary as city attorney for the month of December, 1932, payable out of Officers Salary Budget Fund.

J. M. Hatcher, City Clerk, presented and filed bill for \$107.05 for salary and services as city clerk for the month of December, 1932, and upon motion made, duly seconded and carried said Hatcher was allowed the sum of \$96.35. To the disallowance of the sum of \$10.70 said Hatcher excepts and accepts said \$96.35 as a credit only.

THEREFORE, ORDERED THAT:

J. M. Hatcher be, and he is hereby allowed the sum of \$96.35 for salary and services as city clerk for the month of December, 1932, payable out of Officers Salary Budget Fund.

ORDERED THAT:

Call Brothers Hardware Company be, and it is hereby allowed the sum of \$4.35 for account for month of December, 1932, as per invoice of December 31, 1932, payable out of Fire Department Budget Fund.

ORDERED THAT:

General Service Garage be, and it is hereby allowed the sum of \$27.01 for account for months of November and December, 1932, as per statements filed, payable out of General Expenditure Budget Fund.

ORDERED THAT:

General Service Garage be, and it is hereby allowed the sum of \$2.75 for account for month of December, 1932, as per statement filed, payable out of Fire Department Budget Fund.

ORDERED THAT:

Cumberland Insurance Agency be, and it is hereby allowed the sum of \$32.50 for premiums on bonds of J. M. Hatcher, T. M. Stratton and W. B. Pinson for year 1933, payable out of General Expenditure Budget Fund.

ORDERED THAT:

Kentucky and West Virginia Power Company be, and it is hereby allowed the sum of \$3.40 for light for city hall for the month of December, 1932, payable out of General Expenditure Budget Fund.

ORDERED THAT:

Dr. M. D. Flanary be, and he is hereby allowed the sum of \$50.00 for medical services rendered Babe McCoy, as per statement of November 25, 1932, payable out of General Expenditure Budget Fund.

ORDERED THAT:

Blue & Gray Service be, and it is hereby allowed the sum of

MINUTES } CITY OF PIKEVILLE

\$5.25 for account for police car, as per statement of December 31, 1932, payable out of General Expenditure Budget Fund.

ORDERED THAT:

The Selig Company be, and it is hereby allowed the sum of \$10.29 for street marking paint as per statement of December 21, 1932, payable out of General Expenditure Budget Fund.

ORDERED THAT:

J. M. Young, Jailer, be, and he is hereby allowed the sum of \$133.70 for dieting and keeping city prisoners for month of December, 1932, payable out of Criminal Prosecution Budget Fund.

ORDERED THAT:

Anna Hawkins be, and she is hereby allowed the sum of \$12.50 for floral wreath for Stoney Amick, as per statement of January 3, 1933, payable out of General Expenditure Budget Fund.

ORDERED THAT:

T. L. Creekmore be, and he is hereby allowed the sum of \$50.00 for serving one-half month of December, 1932, as police judge protem, per order of A. L. Ratliff, Police Judge, payable out of Officers Salary Budget Fund.

The City Clerk read to the Council the minutes of the meeting of December 30, 1932.

The City Clerk presented and read to the Council the Veto Message of the Mayor, which vetoed all matters and business transacted at the meeting of the Council of date December 30, 1932, which is in words and figures as follows:

"CITY OF PIKEVILLE
Pikeville, Kentucky.

Pikeville, Ky.
Dec. 31st, 1932.

VETO MESSAGE

To Mr. John M. Hatcher, Clerk
of the City of Pikeville, Ky.
Dear Sir:

I respectfully and hereby veto the resolution of the Board of Council of the City of Pikeville, Ky., passed at the meeting held on Dec. 30th, 1932, appointing Geo. W. Pinson, Jr. to the office of Police Judge for said city to fill an anticipated vacancy of said office by reason of the tendered resignation of the Hon. Alex L. Ratliff, and for these reasons, to-wit:

FIRST: Because there was not a quorum of said Board legally qualified, present and voting at said meeting, as prescribed by law.

SECOND: Because no vacancy in said office existed at that time.

THIRD: Because I hesitate to approve any act of such importance attempting, as it does, to designate an official with such broad powers and discretion as those possessed and exercised by such an official, without the benefit and counsel of an unquestionable quorum.

FOURTH: And lastly, and of great weight with me, because I do not wish to see the City embroiled in litigation which I advisedly anticipate would ensue, were said attempted action of the Board not curtailed.

I also hereby veto each and every other ordinance and resolution of said Board at said meeting for the reasons above stated and applicable thereto.

In as much as you have just advised me that the minutes of the entire meeting above mentioned have not been transcribed, I attach hereto a copy of so much of the minutes as pertains to the appointment of a Police Judge above referred to, and make the same a part of this message as tho fully copied herein, adopting the same by reference and identifying the same as Exhibit "A", and hereby request that you attach hereto a copy of the minutes of all other proceedings of said meeting, and make them in like manner a part of this message.

F. A. Connolly,
Mayor."

"Filed Dec. 31, 1932.
J.M.Hatcher,
City Clerk."

At this juncture the Mayor asked for a vote on his Veto Message and asked that the roll call be made, whether or not the Veto message shall be sustained, and stated that a motion would be in order.

MINUTES } CITY OF PIKEVILLE

T. E. Rogers moved that the Mayor's veto be sustained. Stafford Sowards seconded said motion.

Upon roll call the vote was as follows:

T. E. Rogers,	Yes
Uhlman Taylor,	Not voting,
Stafford Sowards,	Yes
R. G. Wells -----	

Before the vote is completed T. E. Rogers withdrew his motion, and Stafford Sowards withdrew his second of said motion.

The Mayor rules that the Veto is before the house, and in the absence of a motion to reject, the veto is in effect.

The City Attorney made the following statement:
"Before the matter was submitted to the council on the question of sustaining or rejecting the mayor's veto, the city attorney advised the mayor and the council that he had no power under the laws of the Commonwealth of Kentucky to veto an election of a city official, for the reason that the election of an official is an act of administration and not of legislation, and that the mayor has no right to nullify an act of administration of the city government."

The Mayor made the following statement:
"In the same statement the city attorney causing much confusion to the members of the board advised that the veto either to stand effective or rejected must receive four votes for or four votes against."

Upon motion of R. G. Wells, seconded by T. E. Rogers and carried IT IS ORDERED THAT:

American La France and Foamite Industries, Inc., be, and it is hereby allowed the sum of \$28.73 for wheel &c for fire truck, as per statement of November 15, 1932, (this minute confirming order heretofore entered paying this claim by warrant No. 875, of date December 30, 1932), payable out of General Expenditure Budget Fund.

Upon motion of R. G. Wells, duly seconded by T. E. Rogers and carried the check of Great American Indemnity Company for \$31.42 was accepted by the city in payment of claim for damage to fire truck by L. M. Bacon, which said check was ordered turned over to the city treasurer, and which was turned over to said city treasurer.

Renewals of bonds of J. M. Hatcher, City Clerk, T. M. Stratton, Chief of police, and W. B. Pinson, Policeman, were presented, filed and accepted.

The Mayor announced that there was a vacancy in the office of City Engineer by reason of the death of Stoney Amick and that nominations were now in order to fill said vacancy.

R. G. Wells nominated W. J. Ward for the office of City Engineer of the City of Pikeville, Kentucky, to fill the unexpired term of Stoney Amick, deceased. T. E. Rogers seconded said nomination.

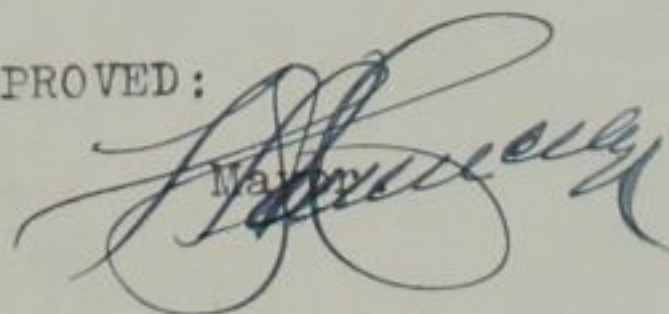
There being no further nominations for said office of City Engineer, roll call was had and said vote was as follows:

R. G. Wells,	Yes
T. E. Rogers,	Yes
Stafford Sowards,	Yes
Uhlman Taylor,	Yes
C. D. Jacobs,	Absent
Mack Matney,	Absent.

Pursuant to above vote W. J. Ward was duly elected to fill the unexpired term of Stoney Amick, deceased, as city engineer of the City of Pikeville, Kentucky, and the mayor thereupon declared said Ward elected to said office for said term.

Upon motion made, duly seconded and carried Council is adjourned until the 6th day of January, 1933.

APPROVED:



ATTEST:

J. M. Hatcher
City Clerk.