

# MINUTES } CITY OF PIKEVILLE

On a motion made by W. E. Venters and seconded by Bruce Walters, the Commissioners voted unanimously to adjourn the meeting.

APPROVED:

*Bruce Walters*  
MAYOR *Pro Tem*

ATTEST:

*Charles L. Huffman, Jr.*  
CLERK

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A regular monthly meeting of the Board of Commissioners of the City of Pikeville, Kentucky, convened and held in the city hall on Monday, August 13, 1962 at 7:30 p.m. The following officials were present as indicated:

Mayor:	Dr. W. C. Hambley	Absent
Commissioners :	Bruce Walters	Present
	R. G. Wells, Jr.	Present
	W. E. Venters	Present
	B. P. Bogardus	Present

Due to the absence of the Mayor; Mayor Protem, Bruce Walters, acted as presiding officer.

The City Clerk read the minutes of the previous meeting. Upon completion the Mayor Protem asked if there be any corrections or additions. The Commissioners having voiced no objections, the Mayor Protem declared the minutes approved as read.

City Clerk, Charles Huffman, Jr., read the following statement of revenues collected and deposited in the General Fund for the month of July 1962:

## REPORT ON PARKING METERS-----FINES AND PENALTIES.

Parking Meters	\$2,132.16	
Fines and Penalties	477.70	
		\$2,609.86
PROPERTY TAX	\$ 238.95	
MINIMUM LICENSE FEES	1,437.75	
ESTIMATED LICENSE FEES	1,970.14	
REGULATED LICENSE FEES	693.00	
POLICE COURT FINES	805.40	
		5,145.24
TOTAL		\$7,755.10

City Manager, W. E. Butcher, introduced to the Mayor Protem and Commissioners, guest, Toney J. Magariello and Paul Richards, sales representatives of Johns-Manville, pipe division. Mr. Butcher stated that Mr. Magariello and Mr. Richards had a film presentation exhibiting the company's transite pipe, which they wished to show to the Commissioners and anyone else who wished to view the film.

Subsequent from this announcement, Mayor Protem stated that immediately following the adjournment of meeting, the film would be presented.

Bills and disbursements paid from the proper funds for the month of July 1962, are as follows:

## GENERAL FUND:

First National Bank	\$2,910.60	Payroll & Social Sec. Ac.	\$3,210.98
First National Bank	90.96	Payroll & Social Sec. Ac.	100.35
Grant Phillips, Jr.	8.00	Pikeville National Bank	260.00
Kentucky Power Co.	1,009.26	Lula Justice	161.50



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## GENERAL FUND: (Cont'd)

Citizens Bank	\$ 260.00	C. & R. Office Supply	\$ 2.32
W. E. Butcher	30.29	Cumberland Publishing Co.	296.55
Blue & Gray Ser. Sta.	3.09	Campbell Oil Tool, Inc.	20.09
Burroughs Corp.	99.93	Kentucky Wholesale Co.	7.95
Burroughs Corp.	71.50	O. T. Hinton	52.48
O. T. Hinton	29.70	Pikeville Clean Towel Ser.	14.86
Hall's Wrecker Serv.	5.00	Southern Bell Tele. Co.	121.56
Silvex Company, Inc.	48.68	Standard Overall Ser.	47.55
Whizz Auto Parts Co.	32.69	Texaco, Inc.	1.80
Addressograph-Multigraph Corp.	78.18	Two-Way Radio, Inc.	30.00
Pikeville Public Library	583.33	Chrisman Insurance Agency	594.12
		TOTAL	\$10,183.32

## UTILITIES OPERATING FUND:

G. H. Cox	\$ 11.50	Campbell Oil & Tool Co.	\$ 51.84
First National Bank	868.88	Call Bros Hardware Co.	3.50
First National Bank	27.16	Keene	15.80
Grant Phillips, Jr.	6.00	Riley & Scott Gas Co.	188.98
Grant Phillips, Jr.	16.17	R. T. Greer & Co.	114.87
Payroll & Social Sec. Ac.	548.32	Southern Meter & Supply	70.00
Payroll & Social Sec. Ac.	17.13	Southern Bell Telephone Co.	47.44
Addressograph-Multigraph Corp.	13.54	United Fuel Gas Co.	156.02
Burroughs Corp.	92.25	W. W. Lindsey	1,522.74
Cumberland Pub. Co.	7.12	Chrisman Insurance Agenct	150.89
The C. & O. Railway Co.	10.00		
		TOTAL	\$ 3,940.15

## WATER AND SEWER REV. FUND:

First National Bank	\$ 1,100.37	Puritan Chemical Co.	\$ 167.46
First National Bank	34.38	Southern Meter & Supply	275.81
Grant Phillips, Jr.	6.00	Campbell Oil & Tool Co.	502.60
Pikeville National Bank	3,783.18	East Ky. Machine & Elec.	102.00
Grant Phillips, Jr.	16.17	O. T. Hinton	4.10
Payroll & Social Sec. Ac.	1,487.15	Pikeville Clean Towell	7.40
Payroll & Social Sec. Ac.	46.47	Pikeville Hardware	17.57
Addressograph-Multigraph Corp.	13.55	Sherwin-Williams Co.	3.24
Big Sandy Electric & Supply	10.49	Standard Overall Ser.	37.50
Burroughs Corp.	92.25	Southern Bell Telephone Co.	74.00
Cumberland Publishing Co.	7.13	Womwell Automotive Parts	55.51
The Calvert Chemical Co.	117.00	Ward Supply Co.	5.40
The C. I. Thornburg Co.	10.30	Zep Manufacturing Corp.	167.84
Chas. Sowards Hardware Co.	8.75	Chrisman Insurance Agency	210.52
Kentucky Power Co.	642.50		
		TOTAL	\$ 9,006.64

## GARBAGE DEPARTMENT:

First National Bank	\$ 1,104.35	Standard Oil Co.	\$ 6.00
First National Bank	34.51	Whizz Auto Parts, Co.	50.91
Grant Phillips, Jr.	16.17	East Kentucky Machine	99.00
Payroll & Social Sec. Ac.	1,169.35	Whizz Auto Parts.	74.77
Payroll & Social Sec. Ac.	36.54	Chrisman Insurance Agency	181.08
		TOTAL	\$ 2,772.68

TOTAL FUNDS/ Gen. \$25,902.79  
Water  
Utilities  
Garbage

## BONDED DEBT AND SINKING FUND:

Pikeville National Bank	\$ 937.50	Pikeville National Bank	\$10,000.00
		TOTAL BONDED DEBT AND SINKING FUND	\$10,937.50
		GRAND TOTAL	\$36,840.29



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There being no further business, on a motion made by R. G. Wells, Jr. and seconded by W. E. Venters, the Commissioners voted unanimously to adjourn the meeting.

APPROVED:

W.C. Hambley MD.  
Mayor

ATTEST:

Charles L. Huffman Jr.  
Clerk

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A regular monthly meeting of the Board of Commissioners of the City of Pikeville, convened and held in the city hall on Monday, Sept., 10, 1962 at 7:30 P.M. The following officials were present as indicated:

MAYOR:	Dr. Hambley	Aye
COMMISSIONERS:	Bruce Walters	Aye
	B.P. Bogardus	Aye
	Richard Wells, Jr.	Aye
	W. E. Venters	Aye

The City Clerk read the minutes of the previous meeting. Upon completion, the Mayor asked if there be any corrections or additions. The Commissioners having voiced no objection, the Mayor declared the minutes approved as read.

Commissioner, R. G. Wells requested that City Attorney, O. T. Hinton, give a report on the Occupational Tax Suit and the results of that suit. O. T. Hinton stated that he filed a motion to dismiss the suit on the grounds that the petition presented an ordinance to repeal an ordinance and not new legislation as is required by the initiative statute and that it could not come under the referendum statute because that statute relates to public improvement and the Court of Appeals has specifically held that it does not apply to a revenue measure. Another reason was that the initiative statute provides that the requested ordinance must be one which the board can lawfully pass. In this case, if the ordinance repealing the occupational tax ordinance were enacted it would impair the obligations of existing contracts and would therefore be unconstitutional. The City Attorney explained that the city incurred obligations in anticipation of the revenue to be derived from the ordinance that they could not meet if the ordinance were repealed.

City Attorney, O. T. Hinton, discussed the question of whether it was an administrative or legislative act. He stated that if it was an administrative act, neither initiative or referendum apply since they apply only to legislative enactments, but the court did not think it necessary to base his decision on this point. The City Attorney proclaimed that they have the right to appeal, and that he was not advised whether they intend to appeal or not. But in any case no action could be taken requiring a vote on this question in the Nov. 1962 election. However, the attorney for the petitioners indicated that they might file an amendment attacking the validity of the ordinance, but so far they had not done so. O.T. Hinton stated that he knew of no grounds upon which it could be successfully attacked since the ordinance in question was drawn in the light of several decisions of the Court of Appeals upholding similar ordinances. The City Attorney stated that the motion was sustained by the Court.

City Manager, W. E. Butcher, made statement that the previous Federal public works grant of 50% participation had now been raised to 75%.

Dr. Edward I. Rustin, Pike County Health Officer, presented to the Board the great need for a rat control program and the importance of the cooperation of the citizens in complying with regulations concerning garbage containers. City Manager stated there was an ordinance recorded in City Ordinance Book pertaining to such regulations on good sanitary practice. Dr. Rustin confirmed that he had knowledge of this ordinance and had in his possession a copy of such ordinance. (Ordinance recorded in Penal Ordinance Book #1, Page 98, AN ORDINANCE REQUIRING ALL HOUSEHOLDERS TO HAVE GARBAGE CANS AND CONTAINERS, MAKING IT UNLAWFUL FOR ANY PERSON TO ALLOW GARBAGE, SWEEPING, DEBRIS, AND RUBBISH TO ACCUMULATE ON PREMISES, OCCUPIED BY THEM, PROHIBITING DUMPING OF GARBAGE, DEBRIS, TIN CANS, RUBBISH AND TRASH OVER THE RIVER BANK IN THE CITY OF PIKEVILLE OR ON ANY VACANT OR ANY OTHER LOT, OR ON ANY PUBLIC OR PRIVATE WAY, IN THE CITY OF PIKEVILLE. REQUIRING PRIVATE SCAVENGERS TO