

## MINUTES } CITY OF PIKEVILLE

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in anticipation of the revenue to be derived from the ordinance that they could not meet if the ordinance were repealed.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



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REGISTER WITH THE CITY CLERK, AND PROHIBITING THE THROWING OR DEPOSITING OF GARBAGE, RUBBISH, TRASH AND DEBRIS UPON ANY PUBLIC OR PRIVATE WAY, IN THE CITY OF PIKEVILLE.

Bob Tramel of the U. S. Fish and Wildlife Service at the University of Kentucky, was introduced to the Board. Mr. Tramel discussed procedures to follow in the Rat Control Program and introduced desirable baits used and instructions as to their use. Mr. Tramel gave a rough estimate of cost of bait and labor used in the fight against rodents.

City Manager, W. E. Butcher, reported that the need for the rat control program had been anticipated by the Board and the current budget appropriated One Thousand Dollars (\$1,000) in funds for the use of said campaign. Dr. Rustin said the amount \$1,000 should be sufficient for the remainder of this year and all of 1963. He further stated that the Health Department would assist the City in a joint campaign as soon as colder weather permits, that warmer seasons were impractical to tempt rodents to bait, as food was more abundant during the warm weather. City Manager and R. F. Gibson, health department sanitarian, were appointed by Mayor to act as a committee to expedite the campaign and to meet at their convenience.

City Commissioner, R. G. Wells, Jr. made the motion to advertise and accept bids on two miles of blacktopping for repairs to various street within the city. (Jefferson, Derby, Stratton, South College, part of Park St., Poplar, Marion, Jay, Amba, Shirley and part of Bowles Addition.) B. P. Bogardus seconded the motion and the vote on the motion was as follows:

COMMISSIONERS:	Bruce Walters	Yes
	B. P. Bogardus	Yes
	Richard Wells, Jr.	Yes
	W. E. Venters	Yes

Mayor declared the motion carried.

R. G. Wells, Jr. made the motion to advertise for bids on paving streets in the Pauley Addition. B. P. Bogardus seconded the motion and the vote was as follows:

COMMISSIONERS:	Bruce Walters	Yes
	B. P. Bogardus	Yes
	Richard Wells, Jr.	Yes
	W. E. Venters	Yes

Mayor declared the motion carried.

The following resolution was presented by City Manager, W. E. Butcher, and read in its entirety by Mayor, W. C. Hambley:

## RESOLUTION

At a special meeting of the Board of Commissioners of the City of Pikeville held on August 28, 1962 at 12 O'clock noon, at which the Mayor and all four Commissioners, the City Manager and the City Attorney were present. The following resolution was adopted. Be it resolved that W. E. Butcher, City Manager be authorized to purchase one (1) 1900 Addressograph Machine from Addressograph-Multigraph Corporation of Cleveland, Ohio described in pamphlet attached to this resolution from its Huntington office at the price of \$1,811.10 and that this resolution be posted in the office of the Clerk at the City Hall and keep in a conspicuous place until the next regular meeting of the Board to be held on Monday, September 10, 1962. Upon motion duly made, seconded and unanimously carried the above resolution was adopted.

R. G. Wells, Jr. made the motion that the resolution be approved as read. B. P. Bogardus seconded the motion. The vote was as follows:

COMMISSIONERS:	Bruce Walters	Yes
	B. P. Bogardus	Yes
	Richard Wells, Jr.	Yes
	W. E. Venters	Yes

Mayor declared the motion carried.

The Mayor reported on his trip to Atlanta, Ga, reporting that he presented to the Housing and Home Finance Agency, Atlanta, Ga. an application for feasibility and workable program study for various projects. He stated that the Agency accepted his conference material and stated that after the material was submitted to the various departments for processing, they would determine what was needed beyond the material presented to complete the feasibility application.

## REPORT ON GENERAL FUND REVENUES FOR MONTH OF AUGUST, 1962

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

Parking Meters -----	\$2,218.17
Fines & Penalties	450.37

\$2,668.54



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## GENERAL FUND: (CONT'D)

ESTIMATED LICENSE FEES	-----	\$ 607.50
MINIMUM LICENSE FEES	-----	1,233.23
REGULATED LICENSE FEES	-----	761.00
POLICE COURT FINES	-----	765.60
		<u>\$3,367.33</u>
		<u>\$6,035.87</u>

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

## GENERAL FUND:

Payroll & Social Security Acct.	\$3,498.03	Department of Commerce	\$ .594.00
John P. Young, Tax. Comm	500.00	Halls Texaco	18.25
Grant Phillips, Jr.	24.00	Pikeville Clean Towel	5.95
Payroll & Social Sec. Acct.	3,229.28	Pikeville Hardware	5.16
Pikeville National Bank	260.00	Pikeville Automotive Trans	132.56
Citizens Bank	260.00	Pikeville Commandery #45	250.00
Lula Justice	108.50	Sportlite Grill & Camera	26.65
Kentucky Power Co.	1,023.66	Standard Overall	36.00
Big Sandy Electric & Supply	4.41	Southern Bell Telephone	90.21
Bishops Sunoco Station	1.25	Trasco Supply Corp.	12.90
Chrisman Agency	131.75	T.D. Sporting Goods	5.78
Call Bros Hardware Co.	21.66	Two-Way Radio	30.00
C & R Office Supply	1.50	Ward Supply Co.	15.61
Cumberland Publishing Co.	76.00	Womwell Automotive	39.09
Duncan Parking Meter Co.	191.61	Whizz Auto Parts	69.86
East Ky. Beverage Co.	33.75		

WATER AND SEWER REV. FUND: Total \$ 10,697.42

Payroll & Social Security Acct.	\$1,121.80	Pikeville National Bank	\$3,783.18
Grant Phillips, Jr.	17.14	Payroll & Social Sec.	1,595.60
Kentucky Power Co.	294.58	W. E. Butcher	33.32
Chrisman Agency	56.09	Call Bros Hardware	9.25
Burroughs Corp.	24.08	The Calvert Chemical Co.	117.00
Cumberland Publishing Co.	36.20	Chas Sowards Hardware	5.26
Campbell Oil & Tool, Inc.	4.70	Elliott Glass & Electric	14.37
East Ky. Machine & Electric	176.00	Joseph G. Pollard Co.	417.73
Pauley Lumber & Real Estate	85.06	Pikeville Clean Towel	7.40
Standard Overall Ser.	30.00	Southern Bell Telephone	29.94
The Sherwin-Williams Co.	24.00		

Total \$7,882.70

## UTILITIES OPERATING FUND:

Payroll & Social Sec. Acct.	\$ 522.86	Grant Phillips, Jr.	\$ 17.14
Payroll & Social Sec. Acct.	531.37	W. E. Butcher	33.34
Chrisman Agency	66.50	Call Bros Hardware	1.08
Burroughs Corp.	24.08	Cumberland Publishing	36.20
Collingsworth Grocery	2.85	The Chesapeake & Ohio	10.00
Pikeville Hardware	12.54	R. T. Greer & Co.	148.44
Riley & Scott Gas Co.	214.01	Southern Bell Telephone	5.41
United Fuel Gas Co.	105.54	W. W. Lindsey	1,873.80

Total \$3,605.16

## GARBAGE DEPARTMENT:

Payroll & Social Sec. Acct.	\$1,165.99	Grant Phillips, Jr.	\$ 17.14
Payroll & Social Sec. Account	1,233.96	W. E. Butcher	33.34
Chrisman Agency	19.95	East Ky. Machine	42.00
Keene	16.60	Sportsman Service Sta.	5.50
T. E. Roger & Sons	73.51	Whizz Auto Parts Co.	78.38

Total \$2,686.37

TOTAL gas, water \$24,871.65  
Gen, Util.

## BONDED DEBT & SINKING FUND:

Pikeville National Bank	\$ 393.75
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TOTAL ALL FUNDS \$25,265.40



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APPROVED:

100 C. Hambley Jr.  
Mayor

ATTEST:

Charles L. Huffman Jr.  
Clerk

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