

# MINUTES } CITY OF PIKEVILLE

Commissioner, B. P. Bogardus, moved that the resolution be adopted as read. Commissioners, E. Bruce Walters, seconded the motion. The vote was as follows:

MAYOR: W. C. Hambley Aye

COMMISSIONERS: Bruce Walters Aye  
B. P. Bogardus Aye

Mayor and Commissioners, consulting with Claude Lessig, filled out application forms for the funds.

There being no further business, on a motion made by B. P. Bogardus and seconded by Bruce Walters, the Commissioners voted unanimously to adjourn the meeting.

APPROVED:

W. C. Hambley  
Mayor

ATTEST:

Charles L. Huffman  
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 the 12th day of November, 1962 at 7:30 P. M. The following Officials were present as indicated:

MAYOR:	W. C. Hambley, M.D.	Aye
COMMISSIONERS:	B. P. Bogardus	Aye
	R. G. Wells, Jr.	Aye
	Bruce Walters	Aye
	W. E. Venters	Absent

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 objections, the Mayor declared the minutes approved as read.

The City Clerk read the following statement of revenues collected and deposited in the General Fund for the month of October, 1962:

## PARKING METER FINES AND PENALTIES:

Parking Meters -----	\$ 1,499.28
Fines and Penalties -----	516.18

\$ 2,015.46

## OTHER REVENUES:

Employees License Fees -----	\$12,720.27
Estimated License Fees -----	2,103.05
Regulated License Fees -----	562.00
Minimum License Fees -----	618.87
Property Tax, Poll Tax, -----	36,027.44
Bank Shares and Franchise	
1961 Property Tax -----	265.82
Police Court Fines -----	339.00

\$52,636.45

\$54,651.91



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The City Clerk read the following report on Occupational License Fees:

November 12, 1962

## OCCUPATIONAL LICENSE REPORT:

### EMPLOYEES LICENSE

Number of Forms Sent	510	
Number of Forms Returned	352	
Outstanding Forms	158	
Total Employees License Fees Received		\$12,720.27

### ESTIMATED LICENSE

Number of Forms Sent	565	
Number Returned	176	
Outstanding Forms	389	
Total Estimated License Fees Received		\$ 4,950.67

MINIMUM FEES RECEIVED		3,545.27
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Number of License Payers	124	
REGULATED FEES RECEIVED		3,178.00

Number of License Payers	93	
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Total License Fees Received		\$24,394.21
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City Manager, W. E. Butcher, reported on progress made on the City's application for Federal Grants to aid in improving the City of Pikeville's water and sewer system and that the application was filed with Community Facilities, Regional Office, Atlanta, Ga. He stated that in the Federal grant application, the city filed for a 75% grant, but the City of Pikeville was in a 66% zone, and would receive a 66% grant instead of the desired 75% grant. Therefore, a requirement to cut back some of the proposed projects would be forced in order to adjust to the 66% grant. But that decision would be made in the future after the city is notified that the 66% Federal Grant is definite. Mr. Butcher stated he has been in contact almost everyday by telephone with the various government agencies, pertaining to the filed application.

City Manager stated that the city was in the process of laying a 10 inch water main on North Mayo Trail. That this construction would not be included in Public Works Grant. He stated there was no outside contractor involved and that all of the labor required was local. Project is to be financed by city funds.

Mr. Butcher introduced to the Mayor and Board of Commissioners, Mr. George Bowles, of Watkins Engineer's. Mr. Bowles stated that he was surveying the city for a feasibility study pertaining to water and sewer lines. He stated that his firm had made a similar survey in 1958 and that this would be an addition to that survey. Commissioner, R. G. Wells, Jr., inquired of Mr. Bowles how long his survey of the City of Pikeville would take. Mr. Bowles informed Mr. Wells that there were too many factors involved, such as weather and other contingencies, to state a definite answer; but at this time, he was way ahead of schedule.

Mayor, Dr. W. C. Hambley, commented that he understood petitions were being circulated in certain areas adjacent to the city, to prevent annexation. Dr. Hambley stated that the city had no intentions of assuming any addition annexation responsibilities at this time or until such areas could be serviced by the cities facilities.

City Attorney, O. T. Hinton, submitted a written report of Court Ruling on Occupational License Ordinance to the Board and requested that it be made a part of the minutes. B. P. Bogardus made the motion that the City Attorney's report be included in the minutes. R. G. Wells, Jr. seconded the motion. The Vote was as follows:

COMMISSIONERS:	R. G. Wells, Jr.	Aye
	Bruce Walters	Aye
	B. P. Bogardus	Aye
	W. E. Venters	Absent

The report is as follows:

November 8, 1962

Mayor W. C. Hambley  
Pikeville, Kentucky

Commissioner B. P. Bogardus  
Pikeville, Kentucky



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Commissioner W. E. Venters  
Pikeville, Kentucky

Commissioner, E. Bruce Walters  
Pikeville, Kentucky

Commissioner, Richard Wells  
Pikeville, Kentucky

Mr. W. E. Butcher  
City Manager  
Pikeville, Kentucky

Re: Occupational License Ordinance

Gentlemen:

I make the following report on developments in this case.

Originally, this was a suit to compel the city to submit the question of the Occupation Tax Ordinance to a vote of the citizens under the initiative Statute. The court held that the Board properly refused the petition of John Ward and others and could not be compelled to submit the question to a vote either under the initiative or Referendum Statutes.

Thereupon, the plaintiff filed an amended complaint attacking the validity of the ordinance on various grounds. The principle grounds of attack were (1) that the ordinance was, in fact, an income tax and therefore unconstitutional because a municipality lacked the power to impose an income tax, (2) because the ordinance was so vague and indefinite that it was unconstitutional for this reason and, (3) that the power to make rules and regulations to administer the ordinance would not be delegated to the administrator. These were based upon the complaint that no method of determining the amount of the tax due from a person of concern whose income was derived from activities both within and without the city, was prescribed.

The case was argued upon the defendants motion to dismiss this amended complaint today.

The court sustained the defendants motion to dismiss and held that the ordinance was valid in each respect.

This ruling was based upon the decisions of the Court of Appeal in three cases involving Occupational License Tax imposed by the ordinance of City of Louisville, City of Lexington, and others, which were the basis of the ordinance which I drafted.

This ruling finally disposes of this case in the Circuit Court.

A printed copy of the rules and regulations promulgated by the administrator were filed in this case and constitute a part of the record. In my opinion, such rules and regulations are within the province of the administrator and does not come under the head of wrongful Delegation of Authority, which was one of the points argued on behalf of the plaintiffs.

I am not advised as to whether or not the plaintiffs will appeal from this decision. They will have thirty days from this date within which to file and perfect an appeal to the Court of Appeal of Kentucky.

This report is made in order to enable the clerk to make it a part of the record of proceedings of the Board.

Yours truly,

/s/

O. T. Hinton  
O.T. Hinton  
Attorney for Defendants

OTH:kk

City Attorney, O. T. Hinton, presented to the Board of Commissioners and Mayor, a resolution on the rules and regulations of the Occupational License Ordinance and suggested it be adopted. He stated regulations would be published in the form of a booklet and could be processed in the amount of \$175.00 for 1,000 or \$250.00 for 2,000.



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Commissioner, B. P. Bogardus, inquired of the City Attorney whether this booklet of regulations would repeal the fees set out in the license ordinance booklet published in 1958. Mr. Hinton stated that the rules and regulations in the occupational license ordinance referred to the license fees in the 1958 edition to be used as a minimum fee as is required by the occupational license ordinance of 1962; therefore, both booklets would be in use.

Mayor Hambley read the following resolution:

## RESOLUTION

Resolved that the Rules and Regulations promulgated by the administrator of the Occupational License Ordinance, printed copy of which is attached to this resolution, be approved and adopted and that they be copied upon the Penal Ordinance Book of this municipality.

Upon roll call the vote upon this resolution was as follows:

Commissioner B. P. Bogardus	Aye
Commissioner W. E. Venters	Absent
Commissioner E. Bruce Walters	Aye
Commissioner Richard Wells	Aye
Mayor W. C. Hambley	Aye

The resolution is declared adopted.

(Resolution and attached rules and regulations have been recorded in Penal Ordinance Book #1, pages 245 to 251.)

Commissioner, E. Bruce Walters, asked the city attorney if contacts with the Souther Bell Telephone Company had been made concerning uniform rates for the newly annexed areas of this city. O. T. Hinton replied that as of this date, adjustment had not been made. Mayor, Dr. W. C. Hambley, instructed city attorney to make proper contacts with the telephone company and take action concerning the above discussed matter.

City Manager, W. E. Butcher, announced to the Board that Adams Construction Co. was starting the "blacktopping program" the following morning.

Commissioner, B. P. Bogardus, reported on and recommended adoption of the Kentucky Standards of Safety. Mayor read the ordinance entitled-----AN ORDINANCE ADOPTING THE 1955 KENTUCKY STANDARDS OF SAFETY AS PROMULGATED BY THE DIVISION OF FIRE PREVENTION OF THE DEPARTMENT OF PUBLIC SAFETY OF THE COMMONWEALTH OF KENTUCKY.

B. P. Bogardus, Commissioner, moved to adopt the ordinance as read. Richard Wells, Jr. seconded the motion. The vote was as follows:

COMMISSIONERS:	B. P. Bogardus	Aye
	Bruce Walters	Pass
	R. G. Wells, Jr.	Aye
	W. E. Venters	Absent
MAYOR:	W. C. Hambley, M.D.	Aye

Motion was carried.

(The above mentioned ordinance has been duly recorded in Civil Ordinance Book No. 1 at Page 538.)

Mayor Hambley presented and read in its entirety the following resolution:

## RESOLUTION OF THE CITY OF PIKEVILLE AUTHORIZING FILING OF FEASIBILITY SURVEY APPLICATION.

WHEREAS, under Title 1 of the Housing Act of 1949, as amended, the Housing and Home Finance Administrator is authorized to extend financial assistance to local public agencies for surveys of urban areas to determine whether the undertaking of urban renewal projects therein may be feasible; and

WHEREAS, it is desirable and in the public interest that the City of Pikeville conduct such a survey in the urban area situated in the City of Pikeville, County of Pike, and the State of Kentucky, and generally described as follows:

Auxier Ave, Third St, and Pike Ave. on the North; Second St., Caroline Ave., the alley between Second St., and the C. & O. R. R. Station, Huffman Ave., the alley between College St., and the C. & O. R. R., Elm St., College St., and Hibbard St. on the East; a line projected from the South Bridge on the South; South College St., south of the Municipal Water Plant, and the back property line of properties fronting on the West Side of North Hellier St. north of the Municipal Water Plant, on the West.

WHEREAS, the City of Pikeville intends to initiate the planning of an urban renewal project in the said urban area after the aforementioned survey, provided that the undertaking of an urban renewal project therein is deemed feasible.

NOW THEREFORE BE IT RESOLVED BY THE BOARD OF COMMISSIONERS of the City of Pikeville:

Section 1. That the undertaking by the City of Pikeville of a survey in said urban area to determine whether the undertaking of an urban renewal project therein may be feasible is hereby approved; and



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Section 2. That the Financial assistance provided under Section 102 of the said Housing Act of 1949, as amended, is necessary to enable the City of Pikeville to finance such a survey; and

Section 3. That the filing of an application by the City of Pikeville for an Advance of funds from the United States of America in a amount not to exceed \$48,000.00 for conducting such a survey in said urban area is hereby approved and that the Mayor is hereby authorized and directed to execute and file such Application with the Housing and Home Finance Administrator, and to provide such additional information and to furnish such documents as may be required by said Administrator, and to act as the authorized representative of the City of Pikeville.

/s/ Charles L. Huffman, Jr.  
Recording Officer

Commissioner, B. P. Bogardus, moved that the resolution be adopted as read. E. Bruce Walters seconded the motion. The vote was as follows:

COMMISSIONERS:	B. P. Bogardus	Aye
	E. Bruce Walters	Aye
	R. G. Wells, Jr.	Aye
	W. E. Venters	Absent

Motion was carried.

City Attorney, O. T. Hinton, made a report on Civil Service. Hinton stated that Sgt. Jack Roberts of the Kentucky State Police had made a survey to see if civil service would be of advantage to the City. He stated that Roberts had talked to a good many of the city's employees and that they were all for it. Hinton declared that civil service would be an advantageous thing for the city to adopt. He stated that Roberts had taken a leave of absence from the state police to make this survey. Hinton recommended due consideration on this matter.

Mayor, W. C. Hambley, M.D., commented that Mr. Roberts was due a letter of appreciation for said service and instructed the City Clerk to write a letter of thanks to Sgt. Roberts.

City Manager, W. E. Butcher, reported on street lighting and that certain city areas have been approved and will be installed.

Citizen, William E. Justice, requested street lighting installed at entrance of Ferguson Creek, U.S. 119-23. City Manager replied request has already been passed and lights would be installed.

Bills paid from the proper funds for the month of October, 1962, are as follows:

## GENERAL FUND:

Grant Phillips, Jr.	\$ 8.00	Duncan Parking Meter Co.	\$ 35.35
Grant Phillips, Jr.	20.00	W. E. Huffman	1.81
First National Bank	3,499.64	O. T. Hinton	49.25
First National Bank	3,189.18	Kentucky Power Co.	1,019.42
Pikeville National Bank	260.00	Pike Sand Co.	102.00
The Citizens Bank	260.00	John S. Petot and Co.	110.00
Lula Justice	60.00	The Pike County News	42.50
Ashland Oil Co.	235.90	Royal Printing & Speciality	299.73
Chrisman Insurance Agency	109.76	Standard Overall Co.	45.00
C. & R. Office Supply	45.38	Standard Oil Co.	148.37
Two-Way Radio, Inc.	30.00	Thompsons Sanitary Supply	39.90
Howard J. Vickers	177.21	Wells Motor Co.	14.01
Zep Manufacturing Co.	160.68		
		Total	\$9,963.09

## UTILITIES OPERATING FUND:

Grant Phillips, Jr.	\$ 6.00	Chrisman Insurance Co.	\$ 32.10
First National Bank	602.07	Campbell Oil Tool	45.29
Faulkner Super Market	325.00	Pikeville Hardware	12.05
Grant Phillips, Jr.	17.45	Riley & Scott Gas Co.	179.81
The First National Bank	623.87	Standard Oil Co.	28.00
Ashland Oil Co.	48.00	Southern Bell	20.44
United Fuel Gas Co.	2,047.66	Womwell Auto Parts Co.	22.95

## WATER AND SEWER REV. FUND:

Grant Phillips, Jr.	\$ 6.00	C. I. Thornburg Co.	\$ 820.38
First National Bank	1,238.93	East Ky. Machine & Elec.	122.00
E.K.W.S.O. Association	25.00	Kentucky Power Co.	505.93
Grant Phillips, Jr.	17.45	The Reuben H. Donnelley Corp.	7.00
The First National Bank	1,765.23	Mullins Garage	6.67
Pikeville National Bank	3,783.18	Pikeville Hardware	12.05
Ashland Oil Co.	43.40	Pauley Lumber Co.	20.40
Chrisman Ins. Agency	21.68	Sanfax Corp.	154.19
Comet Manufacturing Corp.	174.96	Standard Overall Ser.	37.50
Chas Sowards Hardware	35.65	Standard Oil Co.	49.18
Campbell Oil Tool	50.72		



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## WATER AND SEWER REVENUE FUND: (CONT'D)

Southern Bell	\$ 25.16	Womwell Auto Parts Co.	\$ 22.96
		Total	\$ 8,945.62

## GARBAGE DEPT FUND:

Home Furniture Company	\$ 49.00	Ashland Oil Co.	\$ 109.00
First National Bank	1,069.46	Chrisman Ins. Co.	19.95
Grant Phillips, Jr.	17.45	East Kentucky Machine	56.00
First National Bank Of Pikeville	1,106.68	Standard Oil Co.	93.24
		Total	\$2,520.78
		GRAND TOTAL	\$25,440.18

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

APPROVED:

W. C. Hambley  
Mayor

ATTEST:

Charles L. Huffman  
Clerk

## \*\*\*\*\* RESOLUTION (SICK LEAVE)

At a special meeting of the Board of Commissioners, held on Nov. 20, 1962, at which the Mayor and all of the Commissioners were present, the following resolution was offered.

Be it resolved that as a matter of policy affecting all salaried employees of the City of Pikeville the following provision with respect to sick leave be adopted and observed from and after this date.

Salaried employees who are disabled and prevented from performing their duties because of sickness or accident, and so certified to the City Manager by a licensed physician, shall be entitled to sick leave with pay beginning on the fourth day after such disability begins and continuing for one week thereafter, same to continue after one week at the rate of one additional day for each full year that the employee has been in the continuous service of the city immediately prior to disability not to exceed, however, thirty days in all including the first week.

The sick leave above provided shall be independent of and in addition to the two weeks vacation with pay allowed under present policy.

W. E. Venters moved the adoption of the resolution seconded by B. P. Bogardus.

The vote upon the motion was as follows:

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

The resolution is declared adopted and entered upon the minutes of the proceedings of this body.

APPROVED W. C. Hambley Mayor

ATTEST Charles L. Huffman Clerk