

MINUTES } CITY OF PIKEVILLE

MINUTES of an adjourned meeting of the Board of Commissioners held on December 18, 1962, at which the Mayor and all Commissioners were present and participating.

O. T. Hinton, City Attorney, reported that Judge Stephenson of the First Division of the Pike Circuit Court has overruled the pending motion to dismiss the case of W. B. and Anna Lida Call vs Greer, et al, involving the extension of College Street and that this would necessitate further procedure. Mr. Hinton also reported that before accepting appointment as City Attorney he had advised the Board that he represented the plaintiffs in this case and that there was some possible conflict of interest between the plaintiffs and the City of Pikeville and that if this arose he would be unable to represent the interests of the City. W. E. Venters moved that O. T. Hinton be authorized to confer with and employ either E. R. Hays or Henry D. Stratton to represent the City as special counsel in this matter on such reasonable terms as could be agreed upon. The motion was seconded by B. P. Bogardus. Upon roll call the vote was as follows:

Commissioners:	B. P. Bogardus	Aye
	W. E. Venters	Aye
	E. Bruce Walters	Aye
	Richard Wells, Jr.	Aye
Mayor:	W. C. Hambley	Aye

The motion was declared unanimously carried and it is so ordered.

O. T. Hinton reported that he had obtained an abstract of title prepared by E. N. Venters, Attorney, covering the property owned by A. E. Sowards and Edna Marie Sowards, adjoining Eighth Street and Scott Avenue as extended, and recommended that he be authorized to proceed with a former suit instituted by the City against A. E. Sowards and Edna Marie Sowards in the Pike Circuit Court and prosecute that suit to a determination and insist that the obstructions to and encroachments upon Scott Avenue as extended be removed. B. P. Bogardus moved that the City Attorney be so authorized. Motion was seconded by W. E. Venters. The vote was as follows:

Commissioners:	B. P. Bogardus	Aye
	W. E. Venters	Aye
	E. Bruce Walters	Aye
	Richard Wells, Jr.	Aye
Mayor:	W. C. Hambley	Aye

Motion was declared unanimously carried and it is so ordered.

E. Bruce Walters moved that the recommendation of the City Attorney with respect to the suit of David Authenrieth vs City of Pikeville be adopted and that W. E. Butcher, City Manager, and the City Clerk be directed to pay to the said David Authenrieth the sum of \$1,085.00 and the costs of the action. Motion was seconded by B. P. Bogardus. Upon roll call the vote was as follows:

Commissioners:	B. P. Bogardus	Aye
	W. E. Venters	Aye
	E. Bruce Walters	Aye
	Richard Wells, Jr.	Aye
Mayor:	W. C. Hambley	Aye

Motion was declared unanimously carried and it is so ordered.

O. T. Hinton, City Attorney, reported that in the case of Lee Howell, et al, vs City of Pikeville, involving the picketing ordinance, Judge James B. Stephenson, Judge of the First Division of the Pike Circuit Court, had held the ordinance to be unconstitutional and Mr. Hinton recommended an appeal. W. E. Venters moved that O. T. Hinton, City Attorney, be authorized to proceed with an appeal from the judgment mentioned and take all steps necessary to protect the validity of the ordinance. Motion was seconded by Richard Wells, Jr. Upon roll call the vote was as follows:

Commissioners:	B. P. Bogardus	Aye
	W. E. Venters	Aye
	E. Bruce Walters	Aye
	Richard Wells, Jr.	Aye
Mayor:	W. C. Hambley	Aye

Motion was declared unanimously carried and it is so ordered.

O. T. Hinton, City Attorney, reported that Judge James B. Stephenson, Judge of the First Division of the Pike Circuit Court had overruled the motion of Pike County to dismiss the case of City of Pikeville vs Pike County involving the control of the area between the Court house and the First National Bank and that it would be necessary to introduce evidence in support of the allegations of the complaint to show the extent and duration of use by the public of the area and asked for suggestions as to the names of citizens familiar with this issue who might be called as witnesses.

The following witnesses were suggested:

Richard Wells, Sr.	Robert Williams
John M. Yost	T. M. Riddle
Elmer Blackburn	
J. B. Deskins	

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Richard Wells, Jr. moved that O. T. Hinton, City Attorney, be authorized to proceed with the case and arrange to obtain the evidence of the witnesses mentioned. W. E. Venters seconded the motion. Upon roll call the vote was as follows:

Commissioners: B. P. Bogardus	Aye
W. E. Venters	Aye
E. Bruce Walters	Aye
Richard Wells, Jr.	Aye
Mayor: W. C. Hambley	Aye

Motion was declared unanimously carried and it is so ordered.

O. T. Hinton, City Attorney, reported that an appeal has been taken from the judgment of the Circuit Court in the case of O. S. Batten, et al, vs. W. C. Hambley, et al, in volving the Occupational Tax Ordinance case and presented a copy of his written report to the Mayor and Commissioners and City Manager, dated November 13, which report is as follows:

Gentlemen:

I have today been served with notice of appeal in this case, by F. M. Burke, Dan Jack Combs, and Francis Dale Burke. This means the case will have to be briefed and possibly argued in the Court of Appeals. I estimated that the out of pocket expense incident to defending the case in the Court of Appeals will be about \$200.00 plus travel expense if it is orally argued. This includes cost of printing brief, and copy of Transcript of Record. It does not include anything for services.

I feel that if I am to represent the appellees I should not be required to do so without compensation in addition to the \$220.00 per month regular salary.

Minimum fee for handling a case in the Court of Appeals is \$250.00. I would be willing to handle this on a contingent basis of \$500.00 for services if successful, or nothing if unsuccessful.

(O. T. Hinton)

After some discussion, W. E. Venters moved that O. T. Hinton, City Attorney, be authorized to proceed with the representation of the City on this appeal and that he be paid the sum of \$450.00 to cover the expenses and extra services regardless of outcome. Motion was seconded by E. Bruce Walters. Upon roll call the vote was as follows:

Commissioners: B. P. Bogardus	Aye
W. E. Venters	Aye
E. Bruce Walters	Aye
Richard Wells, Jr.	Aye
Mayor: W. C. Hambley	Aye

Motion was declared unanimously carried and it is so ordered.

O. T. Hinton, City Attorney, reported on his trip to Washington, D.C. concerning the Federal Grant. (Report inserted)

Disbursements from the proper funds for the month of November, 1962, are as follows:

GENERAL FUND

Kentucky Power Co.	\$ 933.78	Two-Way Radio, Inc.	\$ 30.00
Dr. W. C. Hambley	150.00	Thermo-Fax Sales, Inc.	110.06
Addressograph-Multigraph Corp.	1,820.39	United Tailors	43.83
" " "	27.61	Payroll & S.S. Account	3,711.88
Armour & Company	256.41	Volunteer Firemen	1,604.00
Blue & Gray Service Sta.	3.09	David Authenrieth	1,085.00
Chrisman Insurance Agency	196.57	Payroll & S.S. Account	3,278.47
Comet Manufacturing Corp.	49.11	Grant Phillips, Postmaster	50.00
Katherine L. Hinton	20.30	Pikeville Nat'l Bank	260.00
Johnson Bros. Limestone Co.	193.65	The Citizens Bank	260.00
Pauley Lumber Company	18.00	Pikeville Public Library	1,166.66
Royal Printing & Specialty	12.36	Lula Justice	97.50
Roberts Printing Co.	57.13	A. & P. Food Store	218.40
Southern Bell Telephone Co.	38.93		
Standard Overall Service	36.00		
T. E. Rogers & Son	18.97		
		TOTALS	\$ 15,748.10

UTILITIES OPERATING FUND

Payroll & S.S. Account	\$ 1,086.03	Arthur Wolford	\$ 17.00
Grant Phillips, Postmaster	14.34	Payroll & S.S. Acct.	554.42
W. E. Butcher	33.34	Roberts & Holcomb	5,766.25
W. W. Lindsey	2,437.42	George Cox	3.50
Ben Williamson & Co.	116.62	Big Sandy Electric & Supply	4.41

December 17, 1962

W. C. Hambley, Mayor
Pikeville, Kentucky

B. P. Bogardus, Commissioner
Pikeville, Kentucky

W. E. Venters, Commissioner
Pikeville, Kentucky

E. Bruce Walters, Commissioner
Pikeville, Kentucky

Richard Wells, Jr., Commissioner
Pikeville, Kentucky

W. E. Butcher, City Manager
Pikeville, Kentucky

Gentlemen:

I submit the following report on the conference in Washington, D. C. on December 11 upon the application of the City for Federal Grants.

The conference was arranged by Congressman Carl Perkins at the office of Mr. Sydney H. Woolner, Administrator of Community Facilities Administration on December 11 at 10:00 a. m. Those in attendance at this conference were as follows:

Mr. Carl D. Perkins, Congressman
Mr. Reed, Assistant to Congressman Perkins
Mr. Henry Brooks, with the Community Facilities Administration
Mr. Bill Davis, with the Area Redevelopment Administration
Mr. Thomas Ferry, representing David Howells of the Health, Education and Welfare Department
Mr. W. E. Butcher, City Manager
Mr. G. R. Watkins, of Watkins & Associates, Inc. --Engineers for the City of Pikeville
Mr. O. T. Hinton, City Attorney

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Mr. Perkins and his assistant, Mr. Reed, were fully conversant with the problems involved and Mr. Perkins opened the conference with a very comprehensive outline of the situation.

In the course of the conference, it developed that all of the governmental agencies involved had reached substantial agreement that the City was entitled to the status of a 66 percent grant rather than 50 percent suggested by the Health, Education and Welfare Department and could not qualify for the 75 percent status because of rulings made by the Labor Department.

Mr. Henry Brooks then introduced a new question which had arisen. He said that it appeared likely that grants of applications of this nature would have to be allocated on the basis of the number of unemployed in the area affected by the applicant as shown by the statistics of the Department of Labor and that in this case the number of unemployed in the City of Pikeville area was only 2,900 which would limit the grant to something like \$300.00 for each unemployed person and thus limit any grant that could be made to \$87,000.00, which was far less than the amount required for the project under the pending applications. However, in the discussion which followed, it developed that the grant for about \$500,000.00, previously approved and accepted under 33 U.S.C. 466 for the Sewage Treatment plant, would not be subject to this factor and that by eliminating this amount and applying the formula to the balance of the grant applied for, it would be possible to grant the application upon the basis of 66 percent and thus enable the City to proceed with the joint projects as amended.

In answer to a question as to the approximate date when final determination could be expected, we were assured that this would be within the next few days.

We were assured by Congressman Perkins that the grant would be approved. To use the Congressman's own words, he said, "I will guarantee it."

Mr. Watkins was able to supply satisfactory answers to all questions asked at the conference of a technical nature with respect to the cut-backs made on the applications in order to come within the 66 percent bracket.

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Mr. Watkins, Mr. Butcher, and the writer agreed that the conference was helpful and that without it, we would probably have gotten nowhere with our applications and that the chances of a favorable determination were very good. We also felt that unless we had obtained and attended the conference, our chances of favorable action would have been very poor.

Respectfully submitted,

(O. T. Hinton)
City Attorney

OTH:kk

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Chrisman Insurance Agency	\$ 76.27	Mid- State Meter & Supply	\$ 93.25
R. T. Greer & Co.	134.82	Riley & Scott Gas Co.	1,756.30
Southern Bell Telephone	20.61	United Fuel Gas Co.	6,159.85
Ward Supply	2.24	Grant Phillips, Jr.	3.17
		TOTAL	\$18,279.84

WATER & SEWER REVENUE FUND

Payroll & S.S. Account	\$ 1,704.49	Grant Phillips, Jr.	\$ 14.34
Pikeville Nat'l Bank	3,783.18	R. E. A. Express	4.22
Payroll & S.S. Account	1,624.22	Grant Phillips, Jr.	3.17
W. E. Butcher	33.32	Kentucky Power Co.	714.83
Boone Deskens	14.64	Banks-Miller Supply	293.03
Big Sandy Electric & Supply	13.47	Chrisman Insurance Agency	58.39
W. B. Call Co.	11.55	The Calvert Chemical Co.	117.00
The C. I. Thornburg Co.	600.32	East Ky. Machine & Electric	22.00
Christine J. Hall	10.80	Mid-States Meter & Supply	32.10
Pikeville Hardware	22.73	Point Express, Inc.	17.94
Pauley Lumber Co	25.20	Southern Bell Telephone	58.94
Sanfax Corp.	142.03	Wastes Engineering	5.00
Standard Overall Service	30.00	Womwell Automotive Parts	49.36
Dr. W. C. Hambley	72.76		
		TOTAL	\$ 9,479.03

GARBAGE FUND

Payroll & S.S. Account	\$ 1,018.68	Grant Phillips, Jr.	\$ 14.34
Payroll & S.S. Account	1,082.35	Grant Phillips, Jr.	3.17
W. E. Butcher	33.34	Chrisman Insurance Agency	19.95
East Ky. Machine & Electric	112.00	Maynards Used Auto Parts	28.00
Pikeville Oil & Tire Co.	15.16		
		TOTAL	\$ 2,326.99

TOTAL ALL FUNDS \$ 45,833.96

There being no further business the meeting was adjourned.

APPROVED:

W. C. Hambley
Mayor, (Dr. W. C. Hambley)

ATTEST:

Charles L. Huffman, Jr.
City Clerk, (Charles L. Huffman, Jr.)

At a special meeting of the Board of Commissioners, held on Dec 4, 1962, at which the Mayor and all of the Commissioners were present and participating.

City Manager, W.E. Butcher, submitted a request from City Patrolman, Woodrow Young, asking for a six months leave of absence due to illness, effective Dec 5, 1963.

Request was unanimously approved by the Board of Commissioners.

There being no futher business, the meeting was adjourned.

Roll Call: Mayor: W. C. Hambley Aye
Commissioners: Bruce Walters Aye
R. G. Wells, Jr. Aye
W. E. Venters Aye

APPROVED

Mayor

ATTEST

Charles L. Huffman, Jr.
City Clerk