

MINUTES } CITY OF PIKEVILLE

GARBAGE DEPARTMENT:

Cedar Mining Company	\$ 360.00	East Ky. Machine Co.	\$ 36.00
Keene Garage	6.30	Standard Oil Co.	20.25
Whizz Auto Parts	50.73	Payroll & S.S. Acct.	1,166.97
Payroll and Social Sec. Acct.	1,019.82	W. E. Butcher	16.67
Grant Phillips, Jr.	19.87		

\$ 2,696.61

GRANT TOTAL

\$87,024.71

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

APPROVED:

W. C. Hambley
Mayor

ATTEST:

Charles L. Huffman Jr.
City Clerk

At a regular monthly meeting of the Board of Commissioners of the City of Pikeville, Kentucky, convened and held in the city hall on Monday, March 11, 1963, at 7:30 P.M., the following were present as indicated:

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

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

GENERAL FUND REVENUES FOR THE MONTH OF FEBRUARY, 1963:

Parking Meter Fines and Penalties

Parking Meters	\$ 1,476.75	
Fines and Penalties	<u>351.66</u>	
Total Parking Meters		\$ 1,828.41

Property Tax, License Fees and Police Court Fines

Property Tax	\$ 1,284.33	
Minimum License Fees	261.61	
Net Profit License Fees	23.52	
Regulated License Fees	159.85	
Employees Quarterly Fees	668.62	
Individual License Fees	155.32	
Police Court Fines	<u>387.40</u>	
Total Property Tax, License Fees & Police Court Fines		\$ 2,940.65
Total General Fund Revenues		<u>\$ 4,769.06</u>

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Commissioner, Ed Venters, made a motion to execute a disbursement from the proper funds to the order of the Pikeville-Pike County Airport Board to be used solely for the purpose of the new Island Creek Airport project. B. P. Bogardus seconded the motion and the vote was as follows:

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

Upon the recommendation of the City Attorney, in the following letter, a motion was made and seconded to pay the refund claims of the First National Bank for \$548.26 and the Pikeville National Bank for \$1,125.00. The letter from the city attorney is as follows:

March 8, 1963

Dr. W. C. Hambley
Mayor
Pikeville, Kentucky

Re: Occupational Tax against First National Bank of Pikeville and
Pikeville National Bank and Trust Company

Dear Dr. Hambley:

I have before me copies of letters from the attorneys for each of these banks claiming refund of \$548.26 in the case of the First National Bank and \$1,125.00 in the case of the Pikeville National Bank.

I recently wrote you advising that I had researched this question before the Occupational Tax Ordinance was passed and found that the City was without authority to levy or collect Occupational Tax from a national bank although it could do so in the case of a state bank and so advised the Board at that time.

I stated that there was a question in my mind as to whether or not the banks in this case were entitled to a refund.

There are some cases holding that a City is not liable for refund of tax voluntarily paid even though it be later determined that the tax was invalid.

However, I consider these cases to be unsound and without application to the present cases and that, at least, the City is morally obligated to refund the taxes in these cases.

I am therefore recommending that these taxes be refunded so as to avoid any unnecessary litigation.

Yours truly,

O. T. Hinton

The vote on the above motion was as follows:

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

O. T. Hinton reported that the Federal Grant the city applied for had been approved, by the proper federal agencies as follows:

10-5-62	Public Health Service	\$505,800.00
2-19-63	Public Health Service	626,544.00
3-8-63	Home Finance Agency	379,300.00
		<u>\$1,511,644.00</u>

Mr. Hinton recommended that the City Clerk should see that the news agencies be informed about the grant being approved. He said to stress the fact that this is an outright grant and not a loan.

City Attorney, O. T. Hinton, stated that he was sure some of the occupational license taxes due to be paid in 1962 are delinquent. He recommended that the City Clerk submit a list of such delinquents to the Commissioners.

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Disbursements from the proper funds for the month of February, 1963,
are as follows:

GENERAL FUND:

Big Sandy Electric Co.	\$ 4.60	Chrisman Ins. Agency, Inc.	\$ 68.00
Chas Sowards Hardware	28.06	L. B. Coleman & Son	24.00
C. & R. Office Supply Co.	45.49	Duncan Parking Meter	199.39
Dawahares	21.63	Keene Garage	210.76
Scott Motor Co.	256.02	Southern Bell Telephone	92.39
Standard Oil	21.53	Standard Overall Ser.	36.00
T. & D. Sporting Goods	101.25	T. E. Rogers & Son	5.40
Whizz Auto Parts Co.	38.96	Ashland Oil & Ref. Co.	164.60
East Ky. Machine & Elec.	112.00	Pikeville Clean Towel Ser.	24.20
Sportsman Service Station	6.00	Standard Oil Co.	510.02
Thompsons Supply House	102.50	Whizz Auto Parts	28.50
Kentucky Power Co.	1,067.81	Payroll & S.S. Acct.	3,389.46
Pikeville Public Library	683.33	Citizens Bank	260.00
Pikeville National Bank	260.00	Pikeville-Pike Co. Airport Bd.	500.00
Payroll & S. S. Acct.	3,382.10	Grant Phillips, Jr.	50.00
			\$ 11,694.00

WATER & SEWER:

Addressograph Corp.	\$ 6.80	Chas. Sowards Hardware	\$ 1.22
Campbell Oil Tool, Inc.	15.80	The C. I. Thornburg Co.	56.64
O. T. Hinton	2.60	Johns-Manville	75.30
Keene Garage	60.00	Southern Bell Tele.	31.63
Standard Oil Co.	10.96	Standard Overall Ser.	30.00
T. E. Rogers & Son	8.98	Water Works & Indus. Supply	245.22
East Ky. Machine & Elec.	15.00	Pikeville Clean Towel Ser.	37.20
Point Express	3.00	Sportlite Grill	4.93
Standard Oil Co.	85.00	Ward Supply Co.	23.20
Ky. Power Co.	593.71	Payroll & S. S. Acct.	1,408.12
Grant Phillips, Jr.	8.00	Pikeville National Bank	3,783.18
Payroll & S. S. Acct.	1,238.08	Grant Phillips	22.91
			\$ 7,767.48

UTILITIES OPERATING:

Addressograph Corp.	\$ 6.80	Boone Deskins	\$ 14.42
Campbell Oil Tool, Inc.	112.81	Gulf Oil Corp.	3.46
Mid-States Meter & Supply	49.48	Riley & Scott Gas Co.	877.86
Riley & Scott Gas Co.	168.71	Roberts & Holcomb	2,629.00
R. T. Greer & Co.	118.51	Southern Bell Telephone	11.59
T. E. Rogers & Son	8.99	United Fuel Gas Co.	14,466.06
W. W. Lindsey	2,099.01	J. J. Berliner & Staff	34.00
T. E. Rogers & Son	36.20	Sportlite Grill	4.92
Standard Oil Co.	91.00	Howard J. Vickers	51.36
Ward Supply Co.	23.20	Grant Phillips, Jr.	22.91
Payroll & S. S. Acct.	540.51	Grant Phillips, Jr.	8.00
Payroll & S. S. Acct.	646.53		
			\$ 22,025.33

GARBAGE:

Standard Oil Co.	\$ 20.40	East Ky. Mach. & Elec.	\$ 140.00
T. E. Rogers & Sons	73.64	Standard Oil Co.	224.00
Payroll & S. S. Acct.	1,011.95	Grant Phillips, Jr.	22.90
Payroll & S. S. Acct.	811.33		
			\$ 2,304.22

TOTAL ALL FUNDS

\$ 43,791.03

Commissioner, B. P. Bogardus, made the motion to adjourn the meeting.
Commissioner, W. E. Venters, seconded the motion. The vote was as follows:

B. P. Bogardus	Aye
R. G. Wells, Jr.	Aye
W. E. Venters	Aye
E. Bruce Walters	Nay

Meeting was adjourned.

APPROVED:

W. C. Hamblin
MAYOR

ATTEST:

Charles L. Huffman Jr.
CITY CLERK