

MINUTES } CITY OF PIKEVILLE

At a regular meeting of the Board of Commissioners of the City of Pikeville, Kentucky held in the Starlite Bowling Center on February 12, 1965 at 7:30 P.M., the following members of the Board were present.

Mayor:	W. C. Hambley, M.D.
Commissioners:	Frederick W. Baker
	Harry Hobson
	Kermit Sexton
	Uhlan Taylor

Also present were the City Manager, W. E. Butcher and City Attorney, O. T. Hinton.

O. T. Hinton presented and read affidavits made by the City Manager, W. E. Butcher, Policeman, Bill Clark, and Fireman Richard Picklesimer which are appended to these minutes. Whereupon Uhlan Taylor made the motion that the affidavits of Mr. W. E. Butcher, City Manager, William Clark, Policeman and Richard Picklesimer, Fireman, which were read to the commission by the city attorney, be accepted and made a part of the minutes of the City of Pikeville, and that the question of Hubert Maynard being discharged be postponed until the next regular meeting which will be held Friday February 19, 1965 at 7:30 P.M. in the Starlite Bowling Center. The motion was seconded by Harry Hobson and the vote was as follows:

Mayor:	W. C. Hambley, M.D.	Yes
Commissioners:	Frederick W. Baker	Pass
	Harry Hobson	Yes
	Kermit Sexton	Pass
	Uhlan Taylor	Yes

The motion was declared Carried and the affidavits were attached to and made a part of the minutes.

Uhlan Taylor made the motion to authorize the City Attorney, O. T. Hinton to represent the city regarding the sales tax matter with the acquisition of Consumers Natural Gas Systems and Ky. Shale Gas Systems. Kermit Sexton seconded the motion and upon roll call the vote was as follows:

Mayor:	W. C. Hambley, M. D.	Yes
Commissioners:	Frederick W. Baker	Yes
	Harry Hobson	Yes
	Kermit Sexton	Yes
	Uhlan Taylor	Yes

The Motion was declared carried.

O. T. Hinton, City Attorney was directed to prepare an ordinance on Civil Service pertaining to the Police and Fire Depts. upon a motion by Frederick W. Baker. The motion was seconded by Kermit Sexton and roll call was as follows:

Mayor:	W. C. Hambley, M. D.	Yes
Commissioners:	Frederick W. Baker	Yes
	Harry Hobson	Yes
	Kermit Sexton	Yes
	Uhlan Taylor	Yes

The Motion was declared carried.

There being no further business the meeting was properly adjourned.

APPROVED:

U. O. Taylor M.D.
MAYOR

ATTEST:

Charles L. Huffman Jr.
CITY CLERK

STATE OF KENTUCKY

COUNTY OF PIKE

AFFIDAVIT

The affiant, W. E. Butcher, states on oath that he is City Manager for the City of Pikeville and that on Tuesday, January 26, 1965, he suspended Hubert Maynard, a member of the Pikeville Police Force, from duty and that the said Hubert Maynard has not served as a Police Officer since that time and that the facts and circumstances which brought about this action were and are as follows:

On the evening of Tuesday, January 26, 1965, the affiant had attended a basketball game at the Pikeville High School Gymnasium, which was over shortly after 10:00 p.m. The affiant, as was his custom, returned to his car which he had parked at the City Hall parking lot and proceeded to the upper end of Pikeville and to his place of business, East Kentucky Machine and Electric Company, at the old planing mill just below the Pike County Hatchery building, to see that everything was in order and on the way up, the affiant saw Hubert Maynard's car to the side of Jerry's Restaurant and saw Hubert Maynard sitting at the counter in Jerry's Restaurant. The affiant then turned around and proceeded back towards Pikeville intending to go to his home but saw a fire in back of the Velocity Grocery which he observed and decided that it was someone burning trash and then proceeded on into the City and decided to check on some new street lights which were then being installed on Main Street. He then proceeded to circle over onto Second Street and came back up the river on Second Street towards his home and decided he would take another look at the fire in back of the Velocity Grocery which caused him some concern because he thought there might be a gas leak back of the premises there. In passing Jerry's Restaurant again, he still observed that

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LAWYER
PIKEVILLE, KY.

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Hubert Maynard was still there sitting at the counter inside the Restaurant. The affiant proceeded up to Childers & Venters Garage parking area and turned around and came back again and parked opposite Jerry's Restaurant in front of what is known as the Southside Shopping Center in order to observe what Hubert Maynard was doing and how long he was going to stay since the affiant had received numerous complaints and reports about Hubert Maynard's activities which were inconsistent with his duties. This was then something after 11:00 p.m. While he was parked in front of the shopping center, Hubert Maynard came out of the Restaurant and got in his car and started up the road but stopped and got out and came over to the affiant's car. The affiant partially opened the front door on the drivers side to see what Hubert Maynard wanted and when Hubert Maynard got to the affiant's car he pulled the door further open; pulled his pistol out of his holster and started upbraiding and cursing the affiant and complaining that the affiant was spying on him without cause or justification and that the affiant has no right to do this. The said Hubert Maynard used vulgar, obscene and abusive language. In the course of this conversation, Hubert Maynard told the affiant to get on home and off the street using again obscene and abusive language. Finally, the affiant, in order to avoid trouble, started on down the road and crossed the bridge at the upper end and proceeded to cross the railroad at the crossing where College Street crosses the railroad. The affiant, resides just across the railroad at this point on College Street. Instead of stopping and going home, the affiant decided that he had better get a warrant for Hubert Maynard and turned around and proceeded to the City Fire Station. On his way, he noticed Hubert Maynard pulled in at the service station on the corner of Second and Huffman Streets. The affiant proceeded around onto Main Street and down Main Street and in passing the alley extending from Second Street

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to Main Street at the Power Company property, he observed Hubert Maynard's car coming through the alley. Maynard then followed closely behind the affiant. The affiant circled back onto Second Street and turned onto Division Street and went to the City Hall where he parked in his usual place at the entrance to the Fire Department. The affiant went in to the office where the radio and telephones are and there found Bill Clark, one of the policemen on duty, and Richard Picklesimer, a fireman on duty, and was intending to call the Police Judge to get a warrant for Hubert Maynard's arrest. Hubert Maynard followed him to the door of this room and began to curse him and continue to complain about his spying on him and following him around without right and had in his hand a long-barrelled gun which the affiant later found was a high-powered rifle belonging to Hubert Maynard. The affiant told Bill Clark that Hubert Maynard had pulled a gun on him and Clark asked him if he should put him in jail. The affiant told him he probably should get a warrant and about that time Hubert Maynard continued with the cursing and arguing and the affiant told him that he was suspended. Maynard said that that wouldn't do, he would have to have it in writing. The affiant then wrote out an order suspending him, dated it and stated on the order that he was suspended for insubordination and handed it to him. Maynard threw it on the floor and told him that it was no good and that he knew more about the law than the affiant did or any other official of the City, including the City Attorney. He stated during this conversation that he did not have to take orders from the affiant or anybody else; that he was a peace officer. Finally the affiant picked up the order that he had written suspending Maynard and put it on the table. Hubert Maynard finally asked Bill Clark to hand him the order and the affiant and Bill Clark told him that if he wanted it to come and get it; it was on the table; that he had thrown it down once, but he refused to come

and get it saying that he thought Bill Clark would shoot him. Bill Clark told him that he was not going to shoot him; that if he had wanted to shoot him, he would have done so before then. The affiant then asked Picklesimer to hand Maynard the suspense order which he did and Maynard then went on away and the affiant went to his home.

The said Hubert Maynard did not return to work the next morning but he did return a shotgun which belonged to the City which he had in his possession. In the course of the argument at the Fire Department office or radioroom, the affiant asked him if that gun he had was the shotgun belonging to the City and he stated that it was not; that it was his own gun. The affiant then told him to return the City shotgun; that it was needed. Hubert Maynard did return the shotgun, the next morning.

In the course of the argument at the Fire Department, the affiant was told by both Picklesimer and Bill Clark that while he had his back towards Maynard on his way to the telephone to call the Police Judge, that Hubert Maynard pulled the safety catch on the high-powered rifle which he had and raised it pointing it towards the affiant and Picklesimer pushed the barrel down so as to prevent any shooting. Picklesimer stated to the affiant that he thought that Maynard intended to shoot him in the back and that was the reason he pushed the barrel down.

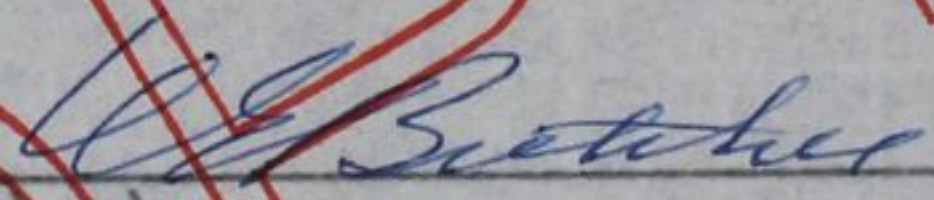
On the morning of Wednesday, January 27, the affiant was called to Lexington because of the illness of his brother and did not return until Friday, January 29, at which time he consulted with the City Attorney, who in turn prepared and caused to be served on Hubert Maynard a citation requiring him to show cause why he should not be discharged on account of the actions described in this affidavit as well as other conduct which the affiant considered to be improper and inconsistent with the duties of an officer.

O. T. HINTON
LAWYER
PIKEVILLE, KY.

This was done upon order of the Mayor and the time was set for the night of Monday, February 1. This meeting was postponed because of inclement weather and other reasons and thereafter, the City Attorney, as the result of a conference with Mr. Ervin Sanders, attorney for Hubert Maynard, advised the affiant as well as the Mayor and Commissioners that he felt assured that Hubert Maynard would immediately submit a written resignation and the City Attorney recommended that the matter be dropped and this affiant acceded to that recommendation.

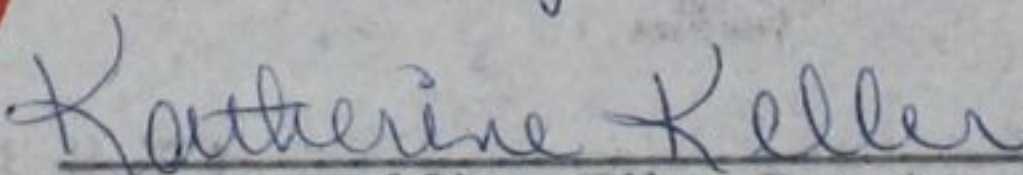
The undersigned, W. E. Butcher, states on oath that he has read the foregoing affidavit and that all the statements contained therein are true to the best of his knowledge and belief.

O. T. HINTON
LAWYER
PIKEVILLE, KY.


(W. E. Butcher)

Subscribed and sworn to before me by W. E. Butcher
this the 9th day of February, 1965.

My Commission expires July 31st, 1967.


Notary Public, Pike County, Kentucky.

STATE OF KENTUCKY

COUNTY OF PIKE

AFFIDAVIT

Billy J.
The affiant, William "Bill" Clark, states on oath that

he is a member of the Police Force of the City of Pikeville and that he has read the account contained in the affidavit of W. E. Butcher immediately preceeding this affidavit as to what occurred at the Fire Station on the night of January 26, 1965, and that all the statements contained in that account with respect to what occurred at the Fire Station are true to the best of his knowledge and belief.

O. T. HINTON
LAWYER
PIKEVILLE, KY.

Billy J. Clark
(William "Bill" Clark)

Billy J.
Subscribed and sworn to before me by William "Bill"

Clark this the 12th day of February, 1965.

My Commission expires July 31st 1967.

Katherine Keller
Notary Public, Pike County, Kentucky.

STATE OF KENTUCKY

COUNTY OF PIKE

AFFIDAVIT

The affiant, Richard Picklesimer, states on oath that he is a member of the Fire Department of the City of Pikeville and that he has read the account contained in the affidavit of W. E. Butcher immediately preceeding this affidavit as to what occurred at the Fire Station on the night of January 26, 1965, and that all the statements contained in that account with respect to what occurred at the Fire Station are true to the best of his knowledge and belief.

O. T. HINTON
LAWYER
PIKEVILLE, KY.

Richard Picklesimer
(Richard Picklesimer)

Subscribed and sworn to before me by Richard Picklesimer
this the 12th day of February, 1965.

My Commission expires July 31st 1967.

Katherine Keller
Notary Public, Pike County, Kentucky.