

MINUTES } CITY OF PIKEVILLE

At a regular meeting of the Board of Commissioners of the City of Pikeville, held in City Hall on January 19, 1968 at 7:30 P.M. the following were present:

Mayor	W. C. Hambley, M.D.
Commissioners:	Orville Clark
	Harry Hobson
	Warren Keene
	Kermit Sexton

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

City Attorney, O.T. Hinton presented the following resolution:

O.T. Hinton, City Attorney, reported that he had conducted extended correspondence and negotiations with Mr. E. Gaines Davis, Jr., Attorney of Frankfort, Ky. concerning balance due C.F.W. Construction Co., Inc., on its sewer and water contracts involving the City's claim for occupational license fee based on 1/2 of 1% of the contract price, and the City's claim for penalties due for late performance. The C.F.W. denies both claims. Denial of the occupational license claim attacks the validity of the ordinance as applied to contractors. This claim amounts to \$5,343.96 plus interest. Denial of claim for damages due to delay in completion is based upon the contention that the delay was justified by bad weather and flood conditions beyond their control. This claim amounts to \$2,900.00. This involves a dispute between government engineers who claim the 29 days delay was not justified and the City's Engineers, Watkins and Associates who were of the opinion that the entire 29 days was justified.

As a result of exchange of views Mr. Davis has agreed to allow the claim for occupational tax if the City would waive the claim for damages.

It appears that the government has closed its file on the delay claim and no further consideration can be given to it.

Mr. Hinton recommended acceptance of the compromise settlement mentioned above in order to avoid prolonged and expensive litigation.

BE IT THEREFORE resolved that the above recommendation be accepted and the City Manager, City Clerk and City Attorney be authorized and directed to pay C. F. W. the balance due on its contract of \$8,057.56 plus interest less the occupational license tax of \$5,343.90 plus interest and less several undetermined claims for damage still pending in full compromise settlement of the balance due under the C.F.W. Contract.

Commissioner Kermit Sexton moved the adoption of this resolution.

Commissioner Warren Keene seconded the motion.

Upon roll call the vote was as follows:

Mayor W.C. Hambley:	yes
Commissioners:	Orville Clark yes
	Harry Hobson yes
	Warren Keene yes
	Kermit Sexton yes

The Mayor declared the resolution adopted and the City Manager, City Clerk and City Attorney are directed to act accordingly.

Ofville Clark made the motion that the City take over the responsibility for the Christmas decorations. Kermit Sexton seconded the motion and upon roll call the vote was as follows:

Mayor:	W.C. Hambley, M.D.	yes
Commissioners:	Orville Clark	yes
	Harry Hobson	yes
	Warren Keene	yes
	Kermit Sexton	yes

The motion carried.

Warren Keene made the motion to pay the following list of December invoices:

Badger Meter Manufacturing Co.	\$ 602.09
Don Bush	16.00
C.D. Jacobs	180.62
Johnson Motor Sales Co.	85.00
Kentucky Power	2,939.56
W.W. Lindsey	2,046.50
Mid States Meter and Supply	338.13
Pike Co. Collieries	414.80
Point Express, Inc.	17.41
R.E. Riley	459.83
United Fuel Gas	17,943.66
Whizz Auto Supply	63.15
R.H. Worden	4,828.25
Dan Jack Combs	3,172.77
Mayo Trail Motel and Rest.	206.25

See Lee Timeline
1968.50

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Glendale Nurseries	455.00
Star Lite Restaurant	49.22
	\$ 33,818.24

Harry Hobson seconded the motion and upon roll call the vote was as follows:

Mayor:	W. C. Hambley, M.D.	yes
Commissioner	Orville Clark	yes
	Harry Hobson	yes
	Warren Keene	yes
	Kermit Sexton	yes

The motion carried.

Upon a motion duly made, seconded and unanimously carried, the meeting was adjourned.

APPROVED

W. C. Hambley, M.D.
W. C. Hambley, M.D. Mayor

ATTEST:

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

At a regular meeting of the Board of Commissioners of the City of Pikeville held on February 2, 1968 at 7:30 P.M. in City Hall the following were present:

Mayor	:	W. C. Hambley, M.D.
Commissioners:		Orville Clark
		Harry Hobson
		Kermit Sexton

Also present were City Manager W.E. Butcher and City Attorney O. T. Hinton.
The City Clerk read the January minutes.

O. T. Hinton presented an ordinance known by its title or caption as " AN ORDINANCE FIXING TIME AND PLACE OF REGULAR MEETINGS OF THE BOARD OF COMMISSIONERS OF THE CITY OF PIKEVILLE," which was read in its entirety.

Orville Clark made the motion to adopt the foregoing ordinance.

Harry Hobson seconded the motion and upon roll call the vote was as follows:

Mayor:	W. C. Hambley, M.D.	yes
Commissioners:	Orville Clark	yes
	Harry Hobson	yes
	Warren Keene	absent
	Kermit Sexton	yes

The motion carried and the Mayor declared the ordinance adopted and the City Clerk is ordered to have the ordinance published.

The following resolution was presented to the Commission:

RESOLUTION

The City Manager is authorized to request the State Highway Department to approve a plan of traffic control over the middle bridge which will turn the traffic to one way at any time and receive traffic to come into the City up to Noon and permit traffic to go out of the City after Noon.

Orville Clark made the motion to adopt the foregoing resolution.
Kermit Sexton seconded the motion and upon roll call the vote was as follows:

Mayor:	W. C. Hambley, M.D.	yes
Commissioners:	Orville Clark	yes
	Harry Hobson	yes
	Warren Keene	absent
	Kermit Sexton	yes

The Mayor declared the motion passed and the resolution adopted.