

MINUTES } CITY OF PIKEVILLE

Kermit Sexton Yes
W. E. Butcher Yes
Thomas Howell Yes
MAYOR: W. C. Hambley Yes

MEETING ADJOURNED.

APPROVED:

W. C. Hambley
WILLIAM C. HAMBLEY, M.D. MAYOR

ATTEST:

CHARLES L. HUFFMAN, JR.
CITY CLERK

MINUTES - SEPTEMBER 10, 1973

At a regular meeting of the Board of Commissioners of the City of Pikeville held in City Hall on September 10, 1973, at 7:30 P.M., the following members were present:

COMMISSIONERS: Robert Amos, Jr.
Kermit Sexton
W. E. Butcher
Thomas Howell
MAYOR: W. C. Hambley

The meeting began with the Opening of bids for a Garbage Chassis and Packer for the City of Pikeville. The two bids received were for the Packer Only and no bids were received on the Chassis.

The **first** bid opened was:

James Municipal, Inc.	Leach - 16 Cubic Yard Packmaster	\$6,999.00
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The **second** bid opened was:

Manning Equipment	Garwood LP-716 Load Packer	7,485.00
	Heil Mark III	7,346.00

The Commission acknowledge the bids and said a decision would be made after they had a chance to study the bids.

RESOLUTION R-73-41 was presented and read entitled:

**RESOLUTION APPROVING CONTRACT BETWEEN CITY OF
PIKEVILLE AND MAYO VILLAGE WATER WORKS, INC.**

WHEREAS, City of Pikeville agreed by Contract entered on November 19, 1964, to sell water to the Mayo Village Water Works, Inc. under certain terms and conditions, and

WHEREAS, there was a provision therein that provided for the renegotiation of the purchase price for said water, and

WHEREAS, the parties have renegotiated said purchase price in accordance with the provisions of said Contract,

NOW THEREFORE, BE IT RESOLVED, that Mayor W. C. Hambley, M.D. is hereby authorized to execute on behalf of the City of Pikeville that certain contract, a copy of which is attached hereto and made a part hereof by reference and marked Exhibit "A" for identification, providing for an increased rate to forty-five (45¢) cents per thousand gallons.

An emergency is declared to exist in regard to this Resolution and the same shall be in full force and effect immediately upon subscription and approval by this Commission.

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At Pikeville, Pike County, Kentucky, this 10th day of September, 1973.

The Mayor declared the Resolution adopted.

/s/ W. C. Hambley, M. D.
W. C. HAMBLEY, M. D., MAYOR

ATTEST:

/s/ Charles L. Huffman, Jr.
CHARLES L. HUFFMAN, JR.
CITY CLERK

* Contract on file in City Clerk's Office.

Commissioner Kermit Sexton made the motion to adopt the above resolution. Commissioner W. E. Butcher seconded the motion. Upon roll call, the vote was as follows:

COMMISSIONERS:	Robert Amos, Jr.	Yes
	Kermit Sexton	Yes
	W. E. Butcher	Yes
	Thomas Howell	Yes
MAYOR:	W. C. Hambley	Yes

RESOLUTION R-73-42 was then presented entitled:

RESOLUTION AUTHORIZING PAYMENT FOR RELOCATION
OF GAS LINE AND INTERIM FINANCING THEREOF

WHEREAS, pursuant to that certain project designated as Columbia Gas Transmission Company, Inc., Project No. 127 (55) and Kentucky Highway Department Item No. 12-322.0, Pikeville - Prestonsburg (Cut Through Project), APD 127 (55), it is necessary to relocate that certain supply line of Columbia Gas Transmission Company, Inc. extending from Stonecoal to the North Bridge of the City of Pikeville, and

WHEREAS, the City of Pikeville, Kentucky is presently being served by a four inch gas line which has proven insufficient at certain times of peak use resulting in insufficient gas pressure in certain areas of the City of Pikeville, and

WHEREAS, it has been determined that by increasing the aforementioned supply line in caliber from a four inch gas line to a six inch gas line that the gas supply can be such as to meet all capacity use and supply sufficient pressure at all times to meet the needs of the City of Pikeville, and

WHEREAS, in connection therewith there is a cost of Twenty One Thousand Four Hundred Nine and 44/100 (\$21,409.44) Dollars which must be paid to the Commonwealth of Kentucky, Credit of the Road Fund, and

WHEREAS, it is clearly to the best interest of the citizens of Pikeville, Kentucky, that this line be increased in size from a four inch gas line to a 6 inch gas line,

NOW THEREFORE, BE IT RESOLVED, that Mayor W. C. Hambley, M. D., and Charles L. Huffman, City Clerk be and they hereby are authorized to arrange for interim financing in the amount of \$21,409.44 to be deposited in the Pikeville City Gas Department and to pay that certain sum out of the said department to the Commonwealth of Kentucky for the purpose of increasing the proposed relocated gas line from a four inch line to a six inch line.

An emergency is declared to exist in regard to this Resolution and the same shall be in full force and effect immediately upon subscription and approval by this Commission.

At Pikeville, Pike County, Kentucky, this 10th day of September, 1973.

The Mayor declared the Resolution adopted.

/s/ W. C. Hambley, M.D.
W. C. HAMBLEY, M. D., MAYOR

ATTEST:

/s/ Charles L. Huffman, Jr.
CHARLES L. HUFFMAN, JR.
CITY CLERK

Commissioner W. E. Butcher made the motion to adopt the above resolution. Commissioner Thomas Howell seconded the motion. Upon roll call, the vote was as follows;

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COMMISSIONERS:	Robert Amos, Jr.	Yes
	Kermit Sexton	Yes
	W. E. Butcher	Yes
	Thomas Howell	Yes
MAYOR:	W. C. Hambley	Yes

Mayor Hambley read the following Ordinance:

73-28-0

**ORDINANCE ESTABLISHING CURFEW FOR THE CITY OF
PIKEVILLE, KENTUCKY**

* Ordinance on file in Ordinance Book No. 2 in City Clerk's Office.

Commissioner W. E. Butcher made the motion to adopt the Curfew Ordinance. Commissioner Thomas Howell seconded the motion. Upon roll call, the vote was as follows:

COMMISSIONERS:	Robert Amos, Jr.	Yes
	Kermit Sexton	Yes
	W. E. Butcher	Yes
	Thomas Howell	Yes
MAYOR:	W. C. Hambley	Yes

City Attorney Marrs Allen May advised the Commission that the Ordinance was illegal and produced a newspaper clipping in which the Attorney General's Office challenged the legality of a curfew ordinance. The Commission instructed the Chief of Police to enforce this ordinance after a motion by Kermit Sexton to change the age in the ordinance from 16 years of age to 18 years of age. Commissioner W. E. Butcher seconded the motion. Upon roll call, the vote was as follows:

COMMISSIONERS:	Robert Amos, Jr.	Yes
	Kermit Sexton	Yes
	W. E. Butcher	Yes
	Thomas Howell	Yes
MAYOR:	W. C. Hambley	Yes

Partial Pay Estimates were presented for Mays Construction Company, Philpot Welding, Inc., and Tri-State Construction Company. Commissioner Bob Amos said he thought 10% of the total contract amount should be withheld from each company to fix people's property back to the original condition. Mayor Hambley said that after this payment, Tri-State will have 10% of the total contract left, Mays will have approximately 22% remaining and Philpot Welding has approximately 52% left. The first estimate presented was from **Tri-State Construction Company, Inc.** in the amount of **\$25,735.03**. Commissioner W. E. Butcher made the motion to pay this estimate. Commissioner Kermit Sexton seconded the motion. Upon roll call, the vote was as follows:

COMMISSIONERS:	Robert Amos, Jr.	Yes
	Kermit Sexton	Yes
	W. E. Butcher	Yes
	Thomas Howell	Yes
MAYOR:	W. C. Hambley	Yes

The second estimate presented was from **Mays Construction Company, Inc.**, in the amount of **\$75,661.20**. Commissioner Kermit Sexton made the motion to pay this estimate amount. Commissioner Robert Amos, Jr., seconded the motion. Upon roll call, the vote was as follows:

COMMISSIONERS:	Robert Amos, Jr.	Yes
	Kermit Sexton	Yes
	W. E. Butcher	Yes
	Thomas Howell	Yes
MAYOR:	W. C. Hambley	Yes

The third estimate presented was from **Philpot Welding, Inc.**, in the amount of **\$47,988.00**. Commissioner Kermit Sexton made the motion to pay this estimate. Commissioner Robert Amos, Jr., seconded the motion. Upon roll call, the vote was as follows:

COMMISSIONERS:	Robert Amos, Jr.	Yes
	Kermit Sexton	Yes
	W. E. Butcher	Yes
	Thomas Howell	Yes
MAYOR:	W. C. Hambley	Yes

A bill was submitted by Charles T. Smith, Fire Chief, for **Gary Trivett** in the amount of **\$92.00**.

16 Fires @ \$5.00	=	\$80.00
4 Drills @ 3.00	=	12.00
TOTAL		\$92.00

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Commissioner Kermit Sexton made the motion to approve this bill. Commissioner Robert Amos, Jr., seconded the motion. Upon roll call, the vote was as follows:

COMMISSIONERS:	Robert Amos, Jr.	Yes
	Kermit Sexton	Yes
	W. E. Butcher	Yes
	Thomas Howell	Yes
MAYOR:	W. C. Hambley	Yes

The following **Right of Entry Agreement** was presented and given the **RESOLUTION NO. R-73-40.**

RIGHT OF ENTRY AGREEMENT

WHEREAS, the Urban Renewal and Community Development Agency of Pikeville, Kentucky proposes the construction of the Multi-Agency Open-Cut Project, located in Pike County, Kentucky, designated as APD 127 (39), and

WHEREAS, City of Pikeville, the undersigned are owners of the property in said County through which the proposed project is to be constructed and,

WHEREAS, the Urban Renewal and Community Development Agency of Pikeville is attempting to negotiate with the undersigned for the purchase of said right of way and need an immediate right of entry upon said property for the purpose of constructing said project, and

WHEREAS, if the Urban Renewal and Community Development Agency of Pikeville and the undersigned fail to agree on the negotiations, then and in that event the Urban Renewal and Community Development Agency of Pikeville will institute condemnation proceedings to acquire title to the above mentioned property known as Parcel No. 103 on said plans, within 90 days from the date of the failure of the negotiations.

NOW THEREFORE, in consideration of the above and foregoing and the benefits to be derived from the construction of said road, the undersigned owners of said land known as Parcel No. 103 hereby grant to Urban Renewal and Community Development Agency, their agents or assigns, the immediate right of entry upon said property known as Parcel No. 103.

WITNESS our signatures this the 10th day of September, 1973.

Party (Parties) of the First Part.

/s/ W. C. Hambley, M. D. _____

/s/ Thomas Howell _____

/s/ W. E. Butcher _____

/s/ Kermit Sexton _____

/s/ Robert Amos, Jr. _____

Commissioner Robert Amos, Jr., made the motion to pass the Right of Entry Agreement. Commissioner Kermit Sexton seconded the motion. Upon roll call, the vote was as follows:

COMMISSIONERS:	Robert Amos, Jr.	Yes
	Kermit Sexton	Yes
	W. E. Butcher	Yes
	Thomas Howell	Yes
MAYOR:	W. C. Hambley	Yes

Mayor Hambley presented and read the following letter from the Model City Agency:

September 10, 1973

City Commission
City of Pikeville
Pikeville, Kentucky

Gentlemen:

Some time in the past the City Commission approved a reimbursement payment program for the citizens of Pikeville.

This program entailed the payment to each person who was a member of a committee, upon attending a called meeting, the sum of \$2.00 to be used for transportation expenses. In the event the citizen had minor children at home, an additional \$2.00 was paid for the hiring of a baby sitter.

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Due to the increase in the rate charged by the local taxi companies many citizens have requested an increase in their allotment from \$2.00 to \$3.00 per called meeting to cover the transportation cost.

This request is to make the payment retroactive to all meetings held after June 15, 1973.

Upon your approval, the Model City Agency will proceed to make this decision a standing order for all citizen who participate in this program.

Sincerely,

/s/ William Turner, Jr.
William Turner, Jr.
Director

Commissioner Kermit Sexton made the motion to increase the amount paid to the citizens from \$2.00 to \$3.00 for each meeting. Commissioner Robert Amos, Jr., seconded the motion. Upon roll call, the vote was as follows:

COMMISSIONERS:	Robert Amos, Jr.	Yes
	Kermit Sexton	Yes
	W. E. Butcher	Yes
	Thomas Howell	Yes
MAYOR:	W. C. Hambley	Yes

Mayor Hambley then read the letter from Marrs Allen May in regard to the **Frank Forsyth** property.

Board of Commissioners
City of Pikeville
Pikeville, Kentucky

Re: Frank Forsyth and Georgia
D. Forsyth Property

Gentlemen:

I have examined the record title to the surface of the Frank Forsyth and Georgia D. Forsyth Property on Island Creek acquired from the United Elkhorn Coal Company, Inc., by deed dated June 20, 1967, recorded in Deed Book 486, Page 435, for a period of twenty-five years, prior to the date hereof and find that they have a good and merchantable record title to the surface thereof for the period covered by this title examination.

It might be pointed out that this property was acquired by Arthur West by deed from the heirs of Nancy West, by deed dated 11/9/24, recorded in Deed Book 135, Page 609. It is stated in this deed that these people are conveying their undivided interest in the Nancy West Property. There is no reference to an Affidavit of Descent and we are unable to determine if these were all of the heirs of Nancy West. However, this is prior to the twenty-five year period covered by this search.

Sincerely yours,

STRATTON, MAY & HAYS
/s/ Marrs Allen May
Marrs Allen May

Bruce Walters, owner of Bruce Walters' Ford Sales, complained to the Commission that his garbage was not being picked up and he was paying for the service. The City Manager said he was sorry for the inconvenience and the garbage would be picked up the following day.

Mayor Hambley presented a Revenue Sharing Report to cover the period from July 1, 1973, through June 30, 1974. The City of Pikeville is required to list its planned use of the Revenue Sharing Money. Mayor Hambley said he felt the Commission should spend the money as follows:

Transportation	36,184.00	(Sidewalks)
Environmental Conservation	140,000.00	(Landfill Site, Trash Site & Garbage Site)
Public Safety	38,000.00	(Fire Station & Mini Truck)

Commissioner Robert Amos, Jr., made the motion to accept the proposed report. Commissioner Kermit Sexton seconded the motion. Upon roll call, the vote was as follows:

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COMMISSIONERS:	Robert Amos, Jr.	Yes
	Kermit Sexton	Yes
	W. E. Butcher	Yes
	Thomas Howell	Yes
MAYOR:	W. C. Hambley	Yes

Commissioner Robert Amos, Jr., made the motion that Jeff Owens' house on the corner of **Jay** and **Garred Streets** be torn down immediately. Commissioner Thomas Howell seconded the motion. Upon roll call, the vote was as follows:

COMMISSIONERS:	Robert Amos, Jr.	Yes
	Kermit Sexton	Yes
	W. E. Butcher	Yes
	Thomas Howell	Yes
MAYOR:	W. C. Hambley	Yes

Mr. Amos said this property has been condemned for about five months.

The following ordinance was presented and read:

73-29-0

**AN ORDINANCE PROVIDING FOR ANNEXATION OF AN AREA
ADJACENT TO THE PAULEY ADDITION IN THE CITY OF
PIKEVILLE, KENTUCKY INCLUDING WHAT IS KNOWN AS THE
KEEL ADDITION**

* Ordinance on file in Ordinance Book No. 2 in City Clerk's Office.

Commissioner W. E. Butcher moved to adopt the above ordinance. Commissioner Thomas Howell seconded the motion. Upon roll call, the vote was as follows:

COMMISSIONERS:	Robert Amos, Jr.	Yes
	Kermit Sexton	Yes
	W. E. Butcher	Yes
	Thomas Howell	Yes
MAYOR:	W. C. Hambley	No

A letter was produced from the Pikeville Independent Board of Education requesting the unrestricted use of the 20' drive located on the property of the City of Pikeville. After discussing the matter, Commissioner Robert Amos, Jr., made the motion to assure Pikeville Independent Schools the unrestricted use of the 20' driveway in the strip of parking area in the athletic field immediately adjacent to their property line. Mayor Hambley said this will allow joint traffic circulation. Commissioner Kermit Sexton seconded the motion. Upon roll call, the vote was as follows:

COMMISSIONERS:	Robert Amos, Jr.	Yes
	Kermit Sexton	Yes
	W. E. Butcher	Yes
	Thomas Howell	Yes
MAYOR:	W. C. Hambley	Yes

Commissioner Robert Amos, Jr., made the motion that Burl Moore be hired temporarily as Fiscal Officer effective September 1, 1973, until we can hire one. Mr. Amos further further moved that Mr. Moore be paid a salary of \$1,000.00 per month and authorized the City Manager to advertise for a Fiscal Officer in the Pike County News. Commissioner Thomas Howell seconded the motion. Upon roll call, the vote was as follows:

COMMISSIONERS:	Robert Amos, Jr.	Yes
	Kermit Sexton	Yes
	W. E. Butcher	Yes
	Thomas Howell	Yes
MAYOR:	W. C. Hambley	Yes

Commissioner Robert Amos, Jr., made the motion that a fence or building be put in Poor Farm Hollow in order to allow the City to enforce the dog law ordinance. Commissioner Thomas Howell seconded the motion. Upon roll call, the vote was as follows:

COMMISSIONERS:	Robert Amos, Jr.	Yes
	Kermit Sexton	Yes
	W. E. Butcher	Yes
	Thomas Howell	Yes
MAYOR:	W. C. Hambley	Yes

Commissioner Robert Amos, Jr., made the motion that the new Police Judge's salary be changed from **\$250.00** per month to **\$400.00** per month effective January 1, 1974. Commissioner W. E. Butcher seconded the motion. Upon roll call, the vote was as follows:

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COMMISSIONERS:	Robert Amos, Jr.	Yes
	Kermit Sexton	Yes
	W. E. Butcher	Yes
	Thomas Howell	Yes
MAYOR:	W. C. Hambley	Yes

Mayor Hambley said he had an offer to purchase the Caudill property at the mouth of Chloe. This property is known as Cemetery Hill. Commissioner W. E. Butcher made the motion to authorize Mayor Hambley to negotiate and purchase the Steve Caudill Property at the mouth of Chloe. Commissioner Kermit Sexton seconded the motion. Upon roll call, the vote was as follows:

COMMISSIONERS:	Robert Amos, Jr.	Yes
	Kermit Sexton	Yes
	W. E. Butcher	Yes
	Thomas Howell	Yes
MAYOR:	W. C. Hambley	Yes

The Commission discussed the repaving of the Bill King Hollow. Manager Shortt said May Construction Company had advised him that they had allowed for the more expensive method of paving this area with hard top, but if the City desired, they could replace the surfacing by a method called **Penetration**. This consists of a layer of crushed stone and a layer of asphalt. These materials compact to form a fairly stable roadbed. Manager Shortt said by using this method the City would save three or four thousand dollars. Manager Shortt said the City had the machinery to do this work and would be able to do it before cold weather. The Commission discussed the matter and Mayor Hambley said he felt that by using the Penetration method the City would incur more cost in the long run by having to re-surface more often. The Commission instructed the City Manager to advise Mays to go ahead and do the more expensive method as allowed in their contract.

City Attorney informed the Commission that he needed to file a condemnation suit on Drew Justice in order that the Cut Thru could proceed, but that Mr. Justice was a client and a relative to a member of his law firm. He asked that the Commission appoint a special attorney to handle this suit. Commissioner Robert Amos, Jr., made the motion to appoint Larry Webster to handle this condemnation suit. Commissioner W. E. Butcher seconded the motion. Upon roll call, the vote was as follows:

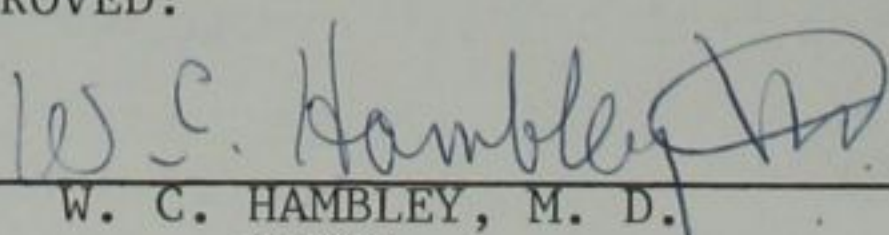
COMMISSIONERS:	Robert Amos, Jr.	Yes
	Kermit Sexton	Yes
	W. E. Butcher	Yes
	Thomas Howell	Yes
MAYOR:	W. C. Hambley	Yes

Commissioner W. E. Butcher made the motion to adjourn. Commissioner Kermit Sexton seconded the motion. Upon roll call, the vote was as follows:

COMMISSIONERS:	Robert Amos, Jr.	Yes
	Kermit Sexton	Yes
	W. E. Butcher	Yes
	Thomas Howell	Yes
MAYOR:	W. C. Hambley	Yes.

MEETING ADJOURNED.

APPROVED:


W. C. HAMBLEY, M. D.
MAYOR

ATTEST:

CHARLES L. HUFFMAN, JR.
CITY CLERK

MINUTES - SEPTEMBER 14, 1973

At a special meeting of the Board of Commissioners of the City of Pikeville held in City Hall on September 14, 1973, at 1:00 P.M., the following members were present: