

**MINUTES**  
**SMITHS GROVE CITY COMMISSION REGULAR MEETING**  
**SMITHS GROVE MUNICIPAL BUILDING**  
**MONDAY FEBRUARY 23, 2015 7:00 P.M.**

All Members Present:

Also Present: City Attorney Wes Milliken

Mayor Stiffey called the meeting to order at 6:59 pm.

Invocation was led by Mr. Earl Coker

All present recited the Pledge of Allegiance

Recognition of Special Guests – Mayor Stiffey thanked everyone for coming out and said they were all special guests.

**READING AND APPROVAL OF MINUTES**

Minutes of Regular Meeting (January 26, 2015)

The meeting minutes were approved by acclimation.

Minutes of Special Called Meeting (January 30, 2015)

The meeting minutes were approved by acclimation.

Minutes of Special Called Meeting (February 3, 2015)

The meeting minutes were approved by acclimation.

**REPORTS**

Treasurer Report (January, 2014)

Report was approved by acclimation.

**Public Works Report**

Commissioner Teresa Stidham reported that there are five (5) street lights out and she is going to report them to Warren Rural Electric to be repaired. She also reported that there is no street light on Ridgecrest and it is quite dark. She would like to get a light put up there.

Mr. Don Laws stated that it would cost at least three hundred (\$300) to have a pole set by Warren Rural Electric.

Commissioner Stidham stated that no work has been done on the street signs at this time due to the weather. Once the weather clears she will get started on repairing the signs.

At this time Commissioner Stidham said she would like to thank the community, Commissioner Cannon, Mayor Stiffey Kenny James Sr. and all others that were out helping residents and the city with snow removal.

Mayor Stiffey said he would also like to thank Magistrate Rex McWhorter for the county coming and helping with the snow removal and salting.

Mayor Stiffey stated to Commissioner Stidham that when the budget is done they need to look at getting rock for some of the alleys.

Magistrate McWhorter stated that the county is going to pave the street in front of the library.

Commissioner Vincent stated that he thought the residents were more concerned with their driveways than they were the streets during the snow. He wanted to know if we could get the names of some people that do snow removal to refer residents to.

Commissioner Stidham stated that Clerk Brewer had given the names on Facebook of some people to contact, but that maybe we could post the list on the bulletin board in the lobby.

### **Police, Public Safety, Health and Welfare Report**

Commissioner Lawrence Stiffey stated he had nothing to report at this time.

### **Cemetery Report**

Commissioner Jeff Cannon stated he had nothing to report at this time as well however, he has tried to find Mr. Bishop and has decided it is a waste of his time.

Mayor Stiffey reported that the new flood lights have been installed at the entrances to the cemetery.

### **Code Enforcement Report**

Commissioner Gary Vincent reported that he thought the county has sent out one (1) Notice of Violation to a resident. He asked Clerk Brewer if the city had received anything in regards to a violation which she replied "no". She stated that if she had she would have put a copy of it in his box on his desk.

Commissioner Vincent stated that he knew the city had an Inter Local Agreement with Warren County Code Enforcement but that the ordinance also stated we could get out of it by giving them a thirty (30) day notice. He stated that he is very unsatisfied with the job that Warren County is doing and he feels that if the city took back this responsibility there would be better control of the situation.

### **Committee Reports**

#### **Aging Committee**

Nothing at this time.

## **OLD BUSINESS**

### **Assistant City Clerk Position Revision**

Mayor Stiffey stated that at this point in time he would like to hold off on the hiring of an Assistant City Clerk. One of the reasons he had felt one was needed was to cover for clerk Brewer while she was on vacation and to cover Fridays. However, when Clerk Brewer was on vacation he was able to handle things by himself. She had taken care of things before she left and had left him good instructions about how to do other things. She was also available to contact by phone at any time while on vacation. Also, as it is he is able to come in on Fridays and while here do the cleaning.

A motion was made by Commissioner Vincent to reconsider the hiring of an Assistant City Clerk at a future date and was seconded by Commissioner Stidham and then discussion was called for.

Commissioner Stiffey asked how many applications we had received for the position to which Commissioner Stidham stated we had not advertised the position yet. Mayor Stiffey stated he had personally received two applications.

Commissioner Stidham stated that she thought the city might be able to find someone that would volunteer their time as a community service to help out when needed.

The motion was made by Commissioner Vincent to table the hiring of an Assistant City Clerk at this time. The motion was seconded by Commissioner Cannon and roll was called for.

Commissioner Stiffey – NO, Commissioner Stidham – YES, Commissioner Vincent – YES, Commissioner Cannon – YES, Mayor Stiffey – YES. The motion was passed with a vote of 4 - 1.

### **Police Chief Position**

Mayor Stiffey reported that there have been two (2) special meetings called regarding this matter and an offer was made to Assistant Chief Stidham for the position. Assistant Chief Stidham has come back with a counter offer.

At this time Commissioner Stiffey made a motion to go into closed session to discuss this matter and the motion was seconded by Mayor Stiffey. Roll was called - Ayes all members so the motion passed with a vote of 5 – 0 and the session was closed at 7:32 pm.

The motion to go back into open session was made by Commissioner Stiffey and seconded by Commissioner Vincent. Roll was called – Ayes all members so motion passed with a 5 – 0 vote and session was re-opened at 7:55 pm.

### **Update on striping First Street, City Hall & Jim Burrell Lane**

Mayor Stiffey stated that at our last meeting the commission had approved the striping of First Street and City Hall and K&B, who is part of Southern Sealing & Striping, has come out and given some suggestions on how it should be done. They suggested that instead of doing parallel parking spaces as you come into the City Hall Parking lot to take them the opposite direction

from what they are now. This way there would be no parking spaces lost. If it is done the other way we would lose at least four (4) spaces.

Mayor Stiffey stated that it was not mentioned in the last meeting but he would also like to get Jim Burrell Lane restriped/arrowed as well. The lines and arrows are so worn that people do not realize where the turn lanes actually are.

Mr. Don Laws stated that the road is actually too narrow for three lanes and asked if it couldn't be made two lanes only, one lane coming in and one lane going out. Commissioner Vincent agreed with Mr. Laws and thought it would be best to only be two lanes.

A motion was made by Commissioner Stidham to have Jim Burrell Lane restriped and to make it only one lane in and one lane out. The motion was seconded by Commissioner Stiffey and roll was called. Ayes all members so the motion passed with a 5 – 0 vote.

## **NEW BUSINESS**

### **Termination of Interlocal Agreement with Warren County Code Enforcement**

Commissioner Vincent reported that currently Warren County has one person working Code Enforcement on a part-time basis for the whole county. The city has to call Mr. Joe Manning if there are any problems and then wait until he can get out to us.

The city has been in an Interlocal Agreement for Code Enforcement with Warren County since 1999 and commissioner Vincent does not feel that we are getting the responses from them that we would like to have. He believes that if the city could do a better job if they had control of the Code Enforcement.

Mr. Anthony Stidham asked how it would be handled if the city took back control.

Commissioner Vincent stated that there would have to be forms made up that the Ordinance and Violation Code could be put on and then a certain amount of time given to clean up and if not they would be fined. If the fine was not paid and the violator was a business their Occupational License would be revoked and their doors locked. If it is a land owner then the fine could be added to their individual tax bill.

Magistrate McWhorter asked if the city couldn't keep what they have and work with the county to which Commissioner Vincent replied "NO!"

Mr. Buddy Marr stated that when the city entered into the agreement the then commission thought it was a good idea. However, he doesn't think it has worked out as well as they thought it would. He stated that "no one wants to be responsible to enforce and if they don't enforce they just make more people mad."

Attorney Milliken stated that the city can withdraw from the agreement at any time. However, there must be an Ordinance, two readings and then the Ordinance must be published before the city would be able to do anything. The commission could not decide and make effective tonight.

He also stated that there is an argument that the agreement hasn't worked well however, he knows that the Code Enforcement is complaint driven. Maybe what the city needs to do is wear them out with complaints. One option would be to paper them to death with complaints and maybe the squeaky wheel would get oiled.

He also reminded the commission that if they do not have the Interlocal Agreement with the county then the commission is responsible for the enforcement. All that the city would be able to do legally would be to issue a citation and fine and if the fine is not paid the city could put a lien on the property. He stated that the city could be giving up something to get nothing.

Attorney Milliken informed all present that these would be civil charges and could not be taken to court and fined. The city would have to change to criminal charges and he did not believe the city would want to send a resident to jail or have on their criminal record just for a code violation.

At this time Commissioner Vincent asked Attorney Milliken if the city took back control could the city add the fine to the tax bill. Attorney Milliken replied that they could, but that what the city seems to be running into is that most of the property owners for the blighted properties are absentee land owners. These are people that are most likely not paying their taxes any way. The city would be expending funds that they may not get back for years before the property is sold.

Mr. Buddy Marr stated that a few years ago the county had an ad in the paper to call them if you knew of anyone that was in violation. He stated that he had called and his efforts were futile because nothing ever happened.

Commissioner Vincent stated that he felt that code enforcement was valuable to the residents of the city and that it is a big issue with him. He wants the residents to all keep their property up and keep the city looking good. He requested that Attorney Milliken look at what would need to be in an Ordinance to terminate the agreement with the county.

At this time commissioner Vincent made a motion to have Attorney Milliken to write up an ordinance to terminate the Interlocal Agreement with Warren County Code Enforcement. The motion was second by Mayor Stiffey and with their being no discussion roll was called for. Ayes all members so the motion passed 5 -0.

### **Approval of pay grade ranges for employees**

Mayor Stiffey explained that while at COA (City Officials Academy) he was informed that there should be a pay grade range in the Policy & Procedures for all employees and the city does not have one. This would be to bring us in compliance with what he was told and could be changed when/if needed. He explained to all present that the way he had come up with these ranges was from the Kentucky League of Cities Wage and Salary survey of 2014. He also stated that there was no listing in the survey for a Cemetery Sexton so this was not included in the pay grade for Clerk brewer. The following are what he suggests the city accept:

POLICE CHIEF

Minimum \$3,770/YR

Maximum \$54,350/YR

ASSISTANT POLICE CHIEF	Minimum \$\$3,770/YR	Maximum \$ \$7,072/YR
CITY CLERK/TREASURER	Minimum \$600/YR	Maximum \$40,934/YR
ASSISTANT CITY CLERK	Minimum \$3,213/YR	Maximum \$33,280/YR

Mayor Stiffey stated that at the July, 2014 meeting previous Mayor Higginbotham reported the Financial Standing of Smiths Grove and the employees' salaries were as follows:

CITY CLERK/TREASURER/CEMETERY SEXTON  
 \$32,942/YR with no benefits except retirement which is required by the state.

ASSISTANT SEXTON  
 \$1,800/YR

POLICE CHIEF  
 \$15.30/HR or \$31,824/YR  
 Plus retirement, health insurance & KLEFPF money paid by the state.

ASSISTANT POLICE CHIEF  
 \$10.15/HR or \$8,445/YR with no benefits.

Based on the KLC Wage and Salary Survey the city is within the parameters set by other cities with a population of less than one thousand (1,000).

Mayor Stiffey made a motion to accept the pay grade scale set out by the Kentucky League of Cities and the motion was seconded by Commissioner Cannon. With there being no further discussion roll was called. Ayes all members so the motion passed 5 – 0.

**Approval of Identifier (CJIS) General Police Policy for Police Department**

Mayor Stiffey asked if Assistant Chief Stidham would explain to the Commission what this policy was for.

Assistant Chief Stidham stated that at this time Warren County can do background checks and such and they work with the Commonwealth Attorney's office. Our police is considered a satellite office of the Warren County Sheriff's Office so therefor we need to adopt the same policy that they have to comply with a KSP audit. He stated that basically, all the policy was saying is that we will not misuse the system or information.

Mayor Stiffey made a motion to accept the Smiths Grove Police Department Criminal Justice Information Systems policy as written. The motion was seconded by Commissioner Cannon. With there being no further discussion roll was called for. Ayes all members so the motion passed 5 – 0.

**Cutting of trees running from Main Street to Sunset Ave. on right side of Mill St. (5 total)**

Mayor Stiffey stated that this issue has come up in the past and there was some difference of opinion as to if the trees were on city easement or on personal property. These trees are an issue because they are in poor condition and when/if they fall someone could be injured. If they fall the city will probably have to clean up anyway. The reason he is bringing this back up at this time is because right now the city can get a good deal on cutting the trees because tree companies can't work in individuals yards due to the weather.

Mayor Stiffey has received two bids to have the trees removed. One bid from Sanders Tree Service and one from Brady & Madison Tree Service.

**SANDERS TREE SERVICE**

Remove 5 hard maple trees and haul off all debris \$2,500

Grind 5 stumps \$300

**BRADY & MADISON TREE SERVICE**

Removing 5 large Maple trees, haul off all wood, debris, and clean rake work area \$ 3,575

Grind 5 stumps and haul off shavings \$1,250

A motion was made by Mayor Stiffey to accept the bid from Sanders Tree Service to only cut down the trees and was second by Commissioner Stiffey. Discussion was called for.

The commission was asked how they were going to explain to other residents their reason for cutting these trees down that were on personal property. What if a resident thought their tree was dangerous and might fall where the city would have to clean up anyway?

Mayor Stiffey replied that this is a gray area but if the commission considered it a hazard and would fall in the street the city would have to consider cutting down. He also stated that he would like to have funds put in next year's budget to cut down more trees like these.

Chris Hayes asked the commission why they didn't go ahead and have the stumps ground at the same time. He stated that if the stumps were left someone would probably run over them.

A motion was made by Commissioner Vincent to go ahead and have Sanders to grind the stumps at the same time they cut down the trees and was second by Commissioner Stiffey. With their being no further discussion roll was called for. Ayes all members so the motion passed 5 – 0.

At this time Mayor Stiffey stated that while Brady & Madison was here they informed him that they also do snow removal. He requested that they give him an estimate incase this service may be needed in the future. This estimate will be kept on file in the clerk's office.

Commissioner Stidham asked that if anyone was interested in helping with the Christmas parade or if they knew of anyone that was to please let her know. She reported that so far no one has stepped up to help continue this event and she would hate to see it come to an end.

With there being no further business to conduct, Commissioner Vincent made a motion to adjourn the meeting and the motion was seconded by Commissioner Stidham. Ayes all members so the motion passed 5 – 0 and Mayor Stiffey adjourned the meeting at 9:04 pm.

APPROVED \_\_\_\_\_  
DAVID L. STIFFEY, MAYOR

ATTEST \_\_\_\_\_  
DEBORAH K. BREWER, CITY CLERK

DATE \_\_\_\_\_  
Minutes were prepared by Deborah K. Brewer, City Clerk