

**MINUTES**  
**SMITHS GROVE CITY COMMISSION REGULAR MEETING**  
**SMITHS GROVE MUNICIPAL BUILDING**  
**MONDAY JUNE 27, 2016 7:00 P.M.**

All Members Present

Also Present: City Attorney Frank Hampton Moore

Mayor Stiffey called the meeting to order at 6:59 pm.  
Invocation was given by Chaplain Coker  
All present recited the Pledge of Allegiance

**READING AND APPROVAL OF MINUTES**

Minutes of Regular Meeting (May 23, 2016)

The minutes were approved by acclimation

**REPORTS**

Treasurers Report (May 2016)

A motion was made by Commissioner Stidham to accept the Treasurers Reports as read and was seconded by Commissioner Cannon. Ayes all members present so the motion passed 5 – 0.

**Administrative Report**

Mayor Stiffey stated that he would like to discuss some personnel matters that were not on the agenda.

The Mayor reported that Chief Vance has completed his first year back with the city and as a bonus or raise he would like for the commission to consider combining the chiefs past years of service from 2005 to 2009 with his current year of service and give him fifteen (15) days of vacation time. He would also like for the commission to consider covering more of Chief Vance's portion of the insurance that the Chief pays to cover his family in place of a raise.

Commissioner Stidham made a motion to table this item until the next meeting in order to do some research on the matter. The motion was seconded by Commissioner Vincent. Ayes all members so the motion passed 5 – 0.

At this time Commissioner Vincent asked Clerk Brewer to calculate what percentage of increase this would be for the chief.

Mayor Stiffey stated that the next personnel matter he would like to address was that he would like to change Clerk Brewer back to an hourly wage instead of being paid salaried as approved by he and the commission in July of 2011. He stated that the reason Clerk Brewer was made

salaried at that time was due to the fact they combined the City Clerk/Treasurer position with the Sexton and Cemetery Treasurer position to make one position in order to save the city on payroll expenses.

The Mayor also stated that this would make all employees hourly except for the Assistant Sexton, Mr. Fred Wurst, who would remain salaried at one hundred fifty dollars (\$150) per month stating it would be too hard to figure his hourly salary.

At this time Commissioner Vincent asked what the advantage would be to making the clerk hourly versus salaried.

Mayor Stiffey stated that he felt it would be easier to track the clerk's hours than how currently tracked. The past agreement with the clerk was that any time worked over thirty (30) hours per week was to be comp time. Mayor Stiffey stated that comp time should only be allowed after forty (40) hours to which Attorney Moore stated he was under the understanding that this was true. Clerk Brewer stated that according to the Kentucky Labor Cabinet that since the agreement was anything over thirty (30) hours was comp time the agreement was a legal agreement.

Commissioner Stidham reminded the commission that Clerk Brewer did have special events that she attended to such as the Smiths Grove Days Festival and it is an all-day event. Mayor Stiffey stated that with Deb Joyner being hired it makes it more flexible for the city and he could have her work part of the time.

Attorney Moore stated that he thought it would be to the city's advantage to change Clerk Brewer back to an hourly wage.

A motion was made by Commissioner Vincent to change Clerk Brewer from a salaried position to an hourly position and was seconded by Commissioner Stiffey. Ayes all members so the motion passed 5 – 0.

Commissioner Stidhan asked what would be done about the time Clerk Brewer had already accumulated and Mayor Stiffey said they will have to discuss and decide what to do.

Mayor Stiffey stated that the next item he would like to discuss was the upcoming audit. For the three (3) years our audit has been performed by Diane Moats C.P.A. a local auditor. However, Mayor Stiffey believes it is a good idea to change up auditors so he contacted a few C.P.A. firms and they were all too busy except Gilbert & Gilbert who did our audit prior to Mrs. Moats. The reason we had changed from Gilbert & Gilbert to Mrs. Moats was due to the fact that their price was three thousand dollars (\$3,000) higher than Mrs. Moats and that was three years ago so it will probably be even higher than the last quote we received from them.

Mayor Stiffey also stated that he had asked the C.P.A. firm that his sister works for if they would do the audit and they told him no because of the fact that she was his sister which got him to thinking about the fact that Clerk Brewer works for Mrs. Moats during tax season. He went and talked to Mrs. Moats who reminded him that this was discussed prior to her agreeing to do the audit and at the time he did not have a problem with it however, if he still wanted her to do the

audit she would try to find someone else that could use Debbie Brewer during tax season and not allow Mrs. Brewer to work for her. Mayor Stiffey stated that he told Mrs. Moats that he did not want that to happen.

Commissioner Vincent asked why the commission should consider paying more money for a different auditor if the city was satisfied with the job that Mrs. Moats has been doing. He also stated that he felt the city should stay with Mrs. Moats because she is local and it is more cost effective for the city.

Anthony Stidham reminded everyone that Clerk Brewer was not an elected official and from what Attorney Moore had read about conflict of interest it would not apply to the clerk. Therefore, there was no law keeping her from working for Mrs. Moats.

Commissioner Stiffey asked if it was a good idea to use the same person and Mayor Stiffey replied “no”.

Commissioner Stidham stated that she believes there has been too much money going out and she feels that we should always try to use local people for our business and stay cost effective as well.

Attorney Moore stated that he was concerned about Clerk Brewer working for Mrs. Moats.

Commissioner Vincent stated the city should keep Mrs. Moats and if needed, to do more research on the matter of the clerk working for her. He did ask Clerk Brewer if she had anything to do with preparing the audit at Mrs. Moats office to which the clerk replied “no”.

### **Public Works Report**

Commissioner Stidham stated that after the storm last Thursday night there was a tree down on Fourth and Cave streets. She has contacted Sanders Tree Service and they will remove the tree for one thousand dollars (\$1,000) and have it done tomorrow. She stated that it is a public safety issue due to the fact the only thing holding it up is a power line.

A resident in attendance stated that the tree has already fallen as of today.

Commissioner Stidham also reported that there has been a load of gravel placed on Floral Ave.

Commissioner Vincent stated that at the last meeting his concern involved parking at the corner of West Second Street and Main Street. He stated that when leaving the Library you could not see due to cars parked at the body shop. He would like for the city to put up signs stating no parking on this side of street and to stripe off and allow no parking in that area. He also stated that Chief Vance thought that the area in front of the Library sign on Main Street should be done as well.

With this being said he made a motion for the city to order the signs, and do the striping and for it to be paid out of his budget. The motion was seconded by Commissioner Stidham.

Anthony Stidham reminded the commission that Main Street is a state highway and that they should check with them before proceeding with this matter.

Commissioner Vincent stated that he would like to amend the motion to state that if approved by the state the city would order the signs, and do the striping and for it to be paid out of his budget. The motion was seconded by Commissioner Stidham.

Anthony Stidham stated that he would gladly contact the state on the matter.

Buddy Marr stated that it should be a city official that contacts the state to which Commissioner Stidham stated she would do.

With there being no further discussion the Mayor asked that the roll be called. Ayes all members so the motion passed 5 – 0.

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

Commissioner Stiffey stated that she has the easiest job, and that Chief Vance and Assistant Chief Claywell had made 52 traffic stops in the month of May. She asked Chief Vance if he had anything else to add.

Chief Vance stated that he is trying to come up with a better way for collecting her fines/fees. Some people have not paid and he has sent letters to them however, some did not have current/correct address on their license.

Also, Chief Vance attended the BAD (Blighted, Abandoned, and Dilapidated) Property Conference last week. He stated that it was geared more towards larger cities but there were a few things that our city might be able to use.

Chief Vance reported that the new door has been installed for his office.

### **Cemetery Report**

Commissioner Cannon reported that the cemetery is looking good. There was a tree limb that fell after the storm last week but Mayor Stiffey had already cleaned it up.

Bob Buehl stated that he has contacted several persons for help with finding any information on if the grave that Taylor's Structural Imaging found is a Civil War soldier or not. So far he has not found anything definite. He was told they could also be slave graves. He will continue to research.

### **Code Enforcement Report**

Commissioner Vincent stated that he has six (6) notices of violation pending and three (3) have already been corrected. Also, he had received a complaint in regards to a house on Broadway where there were Cabinets sitting on a porch. He spoke to the home owner and they are trying to find someone to install them. He does not consider them to be in violation.

Chief Vance stated that he had had four (4) vehicle complaints and that two (2) of the four (4) have been taken care of and the other two had current tags, were licensed, and were also insured. At this time he asked the commission for clarification on what was to be considered abandoned.

Mayor Stiffey stated that he thought the vehicles had to be operable.

Chief Vance stated that technically both of the vehicles that had current tags, license, and insurance could be operable. One just needs a new battery and the other needs some transmission work.

Attorney Moore stated that the Ordinance does have a gray area to it. Such as the statement that Antique cars and cars for hobbies are exempt. He stated that he felt the only real solution to that problem would be to re-write the Ordinance.

Commissioner Vincent stated that he was of the opinion that if taxes were paid, and the vehicle was licensed and insured it should not be considered abandoned. Commissioner Stidham stated that she agreed with Commissioner Vincent.

At this time Commissioner Stidham stated that she had researched the right-of-way for 101/Main Street on the internet and this is what she found per KRS 178.040:

“All county roads and all public roads that are being adopted into a county road system after July 13, 2004, shall occupy a minimum right-of-way width of thirty (30) feet, fifteen (15) feet in each direction as measured from the centerline of the road...”

Commissioner Stiffey reported that there is a trailer/mobile home setting on the property of the old Flav-O-Rich plant on Vincent Street and reminder the commission that there is an ordinance against it.

Mayor Stiffey stated that he was aware of it and that it was being used as an office while they are doing construction there. He believes we should allow it because they are doing so much work out there and he believes it is only temporary.

Commissioner Stiffey asked if they had asked for permission to place it there and if the commission was going to start making allowances for everyone. She feels the company should build themselves an office.

At this time Mayor Stiffey asked if Attorney Moore would research the Ordinance and see if only for permanent homes or not.

## **COMMITTEE REPORTS**

### **Aging Committee**

Jessie Varner was unable to make the meeting but did have a guest speaker, Ms. Amy Krul, from the Alzheimer's Association come and give a presentation on what the association does and what it offers to the community.

## **OLD BUSINESS**

### **Update on 150 W. Third Street property**

At this time Mayor Stiffey turned the floor over to Attorney Moore.

Attorney Moore stated that he has talked to the Master Commissioners Office and they could not give him the names of all of the parties involved in this action. He asked if the city had received a Title Opinion for the property and if he could get a copy of it he would be able to research better and get back with the commission on the matter.

Commissioner Cannon stated he had a copy of the Title Opinion and would give it to Attorney Moore after the meeting.

Mayor Stiffey asked if under the new changes to KRS 65 the city could tear the structure down or not?

Attorney Moore stated that once torn down you could get into an argument about the value of the property and that he did not think it was a good idea for the city to consider doing so.

### **Approve Resolution for Mayor to rotate on wrecker roster that is being kept by the Smiths Grove Police Department**

At this time the Mayor turned the floor over to Commissioner Vincent to present and read the Resolution to Permit Mayor David Stiffey to participate in the City's Wrecker/Towing Rotation

Commissioner Vincent stated that this was discussed at the last meeting however there was no voting quorum present to vote on it and then proceeded to read the resolution.

Commissioner Stidham asked why the city needed this resolution and was informed by Attorney Moore that it was due to the Ethics Code. The resolution would show that it was not a conflict and it would be there for record keeping.

At this time a motion was made by Commissioner Stiffey to pass the resolution and the motion was seconded by Commissioner Cannon. Roll was called – Commissioner Stiffey – Yes, Commissioner Stidham – Yes, Commissioner Vincent – Yes, Commissioner Cannon – Yes, and Mayor Stiffey abstained from voting. The motion passed 4 – 0.

At this time Commissioner Stidham asked him what the difference was between Clerk Brewer working for Mrs. Moats and Mayor Stiffey owning a wrecker service on the city's wrecker rotation. Attorney Moore did not have an answer for this question

### **Possibility of Deeding Lion's Club property out of any city connection to the Lion's Club. All fees to be paid by the Lion's Club.**

Mayor Stiffey explained that this matter had come up back in July of 2013 but at that time the Lion's Club wanted the city to take control of the property and the city did not want to have to pay upkeep and insurance on another building.

At this time the Lion's Club would like for the city to relinquish any future ownership of the property to the Lion's Club. Right now if the Lion's Club should stop function for any reason the

property would revert back to the City of Smiths Grove. Also, the Lion's Club could not sell any or all of the properties due to the way things are currently. The Lion's Club would pay any costs in order to change the deed to transfer ownership soely to them over to them. Mr. Buddy Marr spoke up and stated that he felt that if the city did so it would be circumventing the donor of the property's wishes and asked the City Attorney what he thought.

Attorney Moore stated that it was his understanding that the gift was made by will and that it is different than if deeded out right. He asked if the city had a copy of the deed to the property to which the clerk replied "no". Attorney Moore stated that he would need to get a copy of the deed and research but he does believe the city could relinquish with no problem.

Mr. Deon Benson with the Lion's Club stated that the reason this has come up again is that there are new IRS regulations stating that the only way the Lions Club can make payments is through member dues and that all monies raised through benefits must go back out. He also stated that if this is not done the officers of the club would be liable and no one would want to be an officer which would cause the club to cease.

Commissioner Vincent asked if Attorney Moore would research the matter and the commission could discuss it again at next month's meeting.

## **NEW BUSINESS**

### **Discussion of whether or not the city will pay annual dues to BRADD (Barren River Area Development District)**

Mayor Stiffey stated that in his opinion, and from what he had seen on the news lately, he is not sure the city should pay their upcoming annual dues to the BRADD office. He stated that the amount for BRADD and the Aging Council the total was only around six hundred dollars (\$600) but he was not sure if it benefited the city or not.

Commissioner Vincent stated that he knows the BRADD office has done a lot for communities in helping with grants and such items.

Commissioner Stidham asked if Jessie Varner could be contacted and asked to research what the funds go for and present to the commission at the next meeting. Mrs. Diana Varner stated she would ask him to do so.

### **Discussion of proposals for ISTT Inc. of Bowling Green to have a yearly contract to manage the city's IT services.**

Mayor Stiffey reported that at this time the city did not have an IT service and that our system is not properly protected. If we have an IT problem that the clerk cannot fix we contact a local service person to come and fix.

We have received two quotes for IT service. One is a local provider and the other is for a company through KLC.

ISTT Inc. has given the city the following quote for IT service:

Workstation Management support for 3 computers:

Unlimited Remote Control Support  
Microsoft Application Support Maintenance  
Online Asset Management  
Online Trouble Ticket Management  
Online License Management  
Desktop Optimization & Management  
Spyware and Adware Removal  
VPN Client Management Security:  
Windows Patch Management  
Antivirus Software Management & Update  
Managed Anti-Virus for 3 computers  
Cloud Storage for 3 users  
1 Small Business Firewall Appliance  
Includes up to 1 hour labor monthly. Overages billed at a special rate of \$85 per hour

MONTHLY TOTAL    \$206.85

The city did receive three quotes from KLC's IT in a Box the first was for only two (2) computers at four hundred seventy two dollars (\$472) per month, the second was for two (2) computers with full service and one (1) with only offsite backup & storage for five hundred eighty seven dollars (\$587) per month, and the last one for five (5) full users for the amount of nine hundred forty six dollars (\$946) per month.

At this time a motion was made by Mayor Stiffey to accept the quote from ISTT Inc. and have them to manage the city's IT service. The motion was seconded by commissioner Stidham. Ayes all members so the motion passed 5 - 0.

**Possibility of annexing property at the far end of Vincent Street into the city for revenue to maintain the street.**

Mayor Stiffey reported that he has been told that a transport trucking company has purchased land on Vincent Street just past the new steel plant. The only way to access this property will be by way of Vincent Street and there is concern as to the weight of the trucks and the damage that may be caused to the city street. The idea of putting a weight limit on the street was mentioned to the mayor but he believes that would restrict access to their property and cause a land lock. However, if the city was to annex this property as well as the property across the street the city would get a little more revenue and would help with the upkeep of the street.

Attorney Moore stated that he would have to draw up the needed documents and that he would have them for the next meeting.

Buddy Marr asked Attorney Moore what would be involved in annexing the property and Attorney Moore stated that would depend on if property owners gave their consent or not.

At this time Mayor Stiffey asked Attorney Moore if he would look into this matter and report back to the commission at next month's meeting.

With there being no further business to discuss the meeting was adjourned at 9:16 pm by Mayor Stiffey.

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

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

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