

**MINUTES**  
**SMITHS GROVE CITY COMMISSION REGULAR MEETING**  
**SMITHS GROVE MUNICIPAL BUILDING**  
**MONDAY FEBRUARY 27, 2017 6:00 PM**

All Members Present

Also Present: City Attorney Hampton Moore

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

Mayor Stiffey recognized special guests Ben Peterson & Rachel Hunt from Warren County Planning & Zoning, Bruce Gadansky with the Better Business Bureau, and Linda Love from Barren River Long Term Care.

In order to keep our guests from having to stay for the whole meeting Mayor Stiffey turned the floor over to Jessie Varner with the Aging Committee to introduce his guests.

Mr. Varner stated that his first guest was Bruce Gadansky Vice President/Operations with the Better Business Bureau.

Mr. Gadansky stated that the Better Business Bureau looks for ethical businesses, can give out information on most businesses, and that if consumers have a problem with a business they should report it to the Better Business Bureau for help.

He also stated that the Better Business Bureau provides consumer education, contacts law enforcement about dishonest businesses, and notifies consumers of current scams.

At this time Mr. Varner introduced his second guest Mrs. Lynda Love District Ombudsman for Barren River Long Term Care.

Mrs. Love reported that they are employed by Kentucky Legal Aid and are over the 29 nursing facilities in the Barren River Area Development District (BRADD). There are two employees in their office and they handle all concerns or complaints.

Mrs. Love passed out a booklet that lists all 29 facilities as well as the rates for each facility and has resource information.

At this time Mayor Stiffey introduced Ben Peterson & Rachel Hurt with the Warren County Planning & Zoning. The Mayor stated that they were here to discuss the Travel Center renovations and what options the city has now. He also stated that Vic, the owner of the Travel Center, John Williams of Williams Architect, and David Elliot of Builder by Design were in attendance as well.

Mayor Stiffey turned the floor over to Mr. Peterson at this time to discuss the Travel Center zoning changes originally approved in 2014.

Mr. Peterson presented the commission with a time line of everything that has occurred with Planning & Zoning since their recommendation on July 17, 2014 that the city approve the rezoning of the property to Light Industrial, to today February 27, 2017. He stated that the deadline for this project expired on August 25, 2016 with no progress being made.

Mr. Peterson provided the commission with the time line and actions, a list of Future Compliance Options, The Statement of Binding Elements, and a letter dated August 9, 2016 to Jay Shree Dada, LLC.

At this time Mayor Stiffey asked Vic of Jay Shree Dada LLC, Mr. Williams & Mr. Elliot if they wished to address the commission to which they said yes.

Mr. Williams reported that they do now have the design plans completed and can now start construction whenever Vic was ready to proceed.

Mr. Elliot reported that he, Vic of Jay Shree Dada LLC, Mr. Arnold, and Mr. Williams had met and that there had been an issue with Houchens, and with the oil distributor (Key Oil), and with a food franchiser. Key Oil has committed to doing their part and the matter with Houchens has been resolved. However, the food franchise that Vic was working with pulled out on him at the last minute. Mr. Elliot has connections with the Rogers family who owns some Taco Bell franchises and they are interested in space in the new building.

Mr. Elliot stated that he had been working with Jeff Arnold for the last ten (10) days on parking and trying to cut to budget. In the next sixty (60) to ninety (90) days they will have the design and permits put together and plan to start construction on June 1, 2017. The project will take eleven (11) to twelve (12) months to complete.

Mayor Stiffey asked Mr. Peterson if he had any comments/suggestions in regards to Mr. Elliot's comments.

Mr. Peterson stated that the Travel Center has already been out of compliance for six (6) months and he did not feel that a couple more would matter as long as the Travel Center and their contractors get started on the project. He suggested that the city take option C on his list of "Future Compliance Options" list. That a courtesy Notice of Violation is given and they are given thirty (30) to get their permits. If the permits are not pulled in thirty (30) days they should be cited, and if construction is not started in ninety (90) days they should be cited.

A motion was made by Commissioner Vincent to go with Option C and the motion was seconded by Commissioner Stidham. Ayes all members so the motion passed 5 – 0.

At this time Commissioner Vincent stated that he would like to ask Mr. Peterson about another matter they had previously discussed. Commissioner Vincent had contacted him in regards to a certain residential property being used as a part-time car lot.

Mr. Peterson stated that he had contacted the person in question and informed them they were in violation due to zoning as well as the fact that they were parking in the grass and they stated they will not do it again.

Commissioner Stiffey reported that there has been a problem with residents having trailers/RV on their property and people living in them. Mrs. Rachel Hurt with Planning & Zoning stated that this was not permitted per Warren County Zoning Ordinance.

Commissioner Vincent recommended that Commissioner Stiffey give the addresses to Planning & Zoning and have them to check out.

Commissioner Stidham asked Mr. Peterson for clarification on being able to sell your vehicle on your own property. If Commissioner Stidham had a personal vehicle he wanted to sell could he not pull it in his yard and sell it?

Mr. Peterson stated that technically no he could not do so, because the Planning & Zoning Ordinance states the vehicle has to be on a hard surface, gravel, or on the street.

Mr. Peterson was notified by Clerk Brewer that the city has an Ordinance preventing vehicles that are for sale from being parked on the street.

## **READING AND APPROVAL OF MINUTES**

Minutes of Regular Meeting (January 23, 2017)

The minutes were approved by acclamation

## **REPORTS**

Treasurers Report (January 2017)

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

### **Administrative Report**

Mayor Stiffey reported that Brian Gaul has been doing some spring cleaning and mulching here at the City Hall building and improving the beautification of the property.

### **Public Works Report**

Commissioner Stidham stated that there was not much to report at this time. We are waiting for Scotty's to start the work on the streets and he has looked at some of the sidewalks in the last week and is going to get bids to repair/replace some of them.

He also stated that he appreciated the turnout of residents for the meeting.

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

Commissioner Stiffey stated that the only thing she had to report at this time was that the new computer program is up and running.

Chief Vance stated that new tires have been put on unit 702, and that at this time Millstone Labs has given us a laptop computer to use because our computer is not fast enough to run the program.

### **Cemetery Report**

Commissioner Buehl reported that he and his son Robby have repaired the stone for Malcom Daughtry which the family had removed from the cemetery several years ago, and has been here at the office for about four (4) years. They have put Angle Iron on the sides of it to help support it and to hold it in the ground. He has picked out his next project to work on.

Commissioner Buehl stated that his goal is to keep the cemetery cleaned up, to maintain the beauty of the cemetery, and to maintain the historical quality of it as well.

At this time Mayor Stiffey reported that Brian Gaul has also been doing some cleaning and mulching at the cemetery, and that he has had Dennis Crabtree re-doing the pews for the chapel. Mr. Crabtree has completed about half of them and is now working on the other half as well as the podium and the chairs.

### **Code Enforcement Report**

Commissioner Vincent reported that he and Chief Vance will be going out to look at a couple of places including the one Commissioner Stiffey had received a complaint on.

Chief Vance stated that they may also want to look at the swimming pools not in use. He knows of at least two (2) that have not been used in the last year.

## **COMMITTEE REPORTS**

### **Aging Committee**

Guest Presentations were given at beginning of meeting.

## **OLD BUSINESS**

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

At this time Mayor Stiffey asked Attorney Moore if he could give a status update on this matter. Attorney Moore stated that there is another hearing scheduled with Judge Wilson for Monday March 20, 2017 at 9:00 am. Attorney Moore hopes that the Judge will approve the past sale of the property and direct Master Commission to sign the deed over to Mr. Jimmy Pillow.

At this time Commissioner Vincent stated that the city should/would reimburse Mr. Pillow for his legal fees regarding this matter.

**Attorney Moore's review of Fritz Law Firm and their services for blighted property**

Attorney Moore stated that John Fritz is an Attorney from Providence, KY that is offering to help the city collect delinquent property taxes and states that the funds could then be used to rehab blighted property.

Attorney Moore has not contacted him because the city actually does not have that much in delinquent taxes per the information given to him by Clerk Brewer. Also, what Mr. Fritz is offering to do is buy the delinquent taxes.

10 years ago the Kentucky General Assembly changed the ordinance and now the law allows lawyers to collect attorney fees from the tax payers. Judges around the country have gotten tired of this because a tax bill for one hundred dollars (\$100) could have a three thousand dollar (\$3,000) attorney fee added to it.

Attorney Moore stated he would be happy to call Mr. Fritz if the commission still wanted to proceed but he wanted him to have the full story before he did call however, he does not feel it would benefit the city to follow through with.

Commissioner Vincent stated that he did not believe he was interested in pursuing the matter any further.

**New Website Service**

Mayor Stiffey stated that the proposal we had received was too costly.

**NEW BUSINESS**

**Attorney Moore's review of possibility to get court permission to use Perpetual Care Funds for upkeep of cemetery**

Attorney Moore stated that in 1984 KRS 367.952 required cemetery owners including local governments to have an irrevocable trust fund referred to as a perpetual care fund. Twenty percent (20%) of each grave sold would be deposited into this fund.

In 2014 KRS 367.952 was amended to not apply to cemeteries that are owned by local governments. Therefore, if the city wished to receive these funds they would need to petition the Warren Circuit Court and ask to receive the funds and that they would be set aside for cemetery maintenance.

A motion was made by Mayor Stiffey to go ahead and get the process started for the city to receive the funds. The motion was seconded by Commissioner Vincent.

Attorney Moore stated that by the next meeting the commission should have limitations set as to what the funds would be used for.

With there being no further discussion roll was called for. Ayes all members so the motion passed 5 – 0.

**Approval of pay increased for cemetery mowing contract (per mowing)**

Mayor Stiffey stated that at this time the city pays Brian Gaul six hundred twenty five dollars (\$625) per mow to mow the cemetery four (4) to five (5) times a month depending on the weather and the need. This also includes weed eating and picking up debris in the cemetery. Mr. Gaul has asked to have the fee increased to seven hundred dollars (\$700) per mow.

Mayor Stiffey stated that Brian does a good job and the city has had no problems or complaints with his services. Therefore he made a motion to increase the price for mowing the cemetery from six hundred twenty five dollars (\$625) per mow to seven hundred dollars (\$700) per mow. The motion was seconded by Commissioner Buehl. Ayes all members so the motion passed 5 – 0.

**Clerk Brewer evaluation and discussion on consideration for cost of living pay increase**

Mayor Stiffey stated that he had completed the job evaluation on Clerk Brewer and that even though they had had their disagreements in the past he felt everything was good now.

Commissioner Stidham stated that he appreciated the good job that the clerk does and that he knew the commission didn't realize half of what she does.

Commissioner Stidham stated that the last raise Clerk Brewer received was back in 2013 and it was a one and one half percent (1 ½%) raise. He reported that by paying Chief Vance's insurance for him and his children he basically received a raise that was an over six percent increase, Chief Claywell was given a raise of one dollar and fifty cents (\$1.50) per hour which was a ten percent (10%) raise, and Assistant Clerk Joyner was given a raise of one dollar (\$1.00) per hour which was also a ten percent (10%) raise and therefore he wanted to make a motion to give Clerk Brewer a five percent (5%) raise effective tonight.

Mayor Stiffey gave a breakdown of what the increase would be. If Clerk Brewer were to receive a three percent (3%) raise it would be sixty three cents (.63) per hour, a four percent (4%) increase would be eighty four cents per hour, and a five percent (5%) increase would be one dollar and five cents (\$1.05) per hour.

The motion was seconded by Commissioner Vincent. Ayes all members present so the motion passed 5 – 0.

With there being no further business to conduct, Mayor Stiffey adjourned the meeting at 8:30 PM.

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

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

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