

MINUTES
SMITHS GROVE CITY COMMISSION REGULAR MEETING
SMITHS GROVE MUNICIPAL BUILDING
MONDAY AUGUST 27, 2012 7:00 P.M.

Members Present: Commissioner Varner, Commissioner Pierce, Commissioner Stiffey, & Mayor Higginbotham

Members Absent: Commissioner Martin
Also Present: City Attorney Wes Milliken

Mayor Higginbotham called the meeting to order at 7:03 pm.
All present recited the Pledge of Allegiance

Recognition of Special Guests

Mayor Higginbotham welcomed Mr. & Mrs. Lawrence Stiffey, Mr. Gerald Brown, Mr. Harold Moore, Ms. Peggy Jordan, Mr. Jimmy Jackson, Mr. Sam Renfro, and Ms. Velta Rose Smith

READING AND APPROVAL OF MINUTES

Minutes of Regular Meeting (July 23, 2012)

The meeting minutes were approved by acclimation.

Minutes of Special Meeting (Aug. 14, 2012)

The meeting minutes were approved by acclimation.

REPORTS

Treasurer Report (July, 2012)

Report was approved by acclimation

Public Works Report

Commissioner Varner reported that the work on Rice Court and Third Street has been completed at this time.

Commissioner Varner stated that he would like to recommend to the commission that one street per year be completed until every street in the city is paved. This would help improve not only the attractiveness of the city, but it would help keep the cost of maintenance at a minimum and ensure we were able to keep receive Road Aide funds. If we have more funds or bad weather causing damage to streets we could do more as needed. Commissioners Pierce and Stiffey were in agreement; however, Commissioner Pierce said he would also like for the sidewalks to be included. Mayor Higginbotham will draft a Resolution for consideration for the next meeting.

Commissioner Varner attended the August 10, 2012 session of Fiscal Court. During this session it was stated that two shelters at Ed Spears Park will be replaced.

Commissioner Varner reported that all street lights are operational and none need to be replaced. Also, Jerry Young of Warren County Public Works will be getting in touch with us about replacing the rest of our street signs.

At this time Commissioner Pierce informed him that the speed limit sign at Sixth and College is leaning and needs to be corrected.

Commissioner Varner is also looking into ordering four (4) no parking signs to be installed in places Chief Suoy has concerns about. Commissioner Pierce asked about painting the curbs instead of signs.

At this time Commissioner Stiffey inquired about the post for the railroad crossing sign on College Street. He was informed that the county had put up the sign and the railroad informed us that it could not be placed where it was because it blocked their signal and they removed it and brought it to the office. They did say it could be moved farther out or farther back but could not stay where it was. They also informed the clerk that they had sprayed the bracket with fluorescent paint so that it could be easily seen. Commissioner Stiffey volunteered to help replace the railroad sign.

Police, Public Safety, Health and Welfare Report

In Commissioner Martin's absence Mayor Higginbotham read the Police Report for the Month of July. Once finished he inquired of Chief Suoy if he had any further business.

Chief Suoy reported that he has received the two (2) AR-15 rifles that were ordered on our LEAP grant. Now all we are waiting for is the ammunition to go with it and we can close out the paperwork.

Commissioner Stiffey inquired as to if anyone had been in contact with the City of Oakland. Mayor Higginbotham stated that he was not sure if Commissioner Martin had been in contact with anyone or not.

At this time Commissioner Pierce asked if Commissioner Varner or the clerk could contact someone at the Health Department and see if there was a way we could get the city sprayed to prevent West Nile Virus. He reported that there have now been two confirmed cases in the state of Kentucky.

Cemetery Report

Commissioner Pierce reported that he has had several compliments on the way that the cemetery is looking. However, he has been in contact with the mowers and told them to make sure the cemetery is mown every 7 days and they have assured him they will do so.

Commissioner Pierce stated that he has received a single bid to condition and seal the interior of the chapel and asked the clerk to contact past contractors and see if we can get more bids.

Code Enforcement Report

Commissioner Stiffey reported that the properties on Hedge Street and 0 Laurel have been mown. Commissioner Stiffey will attempt to keep property mown and the city will bill the property owner for the cost. Commissioner Stiffey also reported that Mr. McDaniel's has paid the fine for the property on Higgins but has still not done anything towards cleaning the property

up. Fines will continue to be applied until the property is cleared. Ricky Boards is working on cleaning out the old buildings on his property, the old barn has been removed on the L.D. Rasdall property, the property on Highland belonging to Mahmoud R. Sadeghi is in violation of code that requires growth of not more than 10 inches where his is at least 50 inches, he has contacted Mr. Michael Boone regarding the property at 127 Sunset Avenue, and he two more pieces of property to get with Paul Sexton on.

At this time complaints regarding grass clippings being mown into the street was discussed. Mayor Higginbotham advised that there was no Ordinance, Resolution or law against doing so. He does realize that it is a hazard to motorists but by law he cannot find anything against doing so, not even littering. He suggested that if you see your neighbor doing so kindly ask them not to do so and inform them of the hazards they could be causing.

COMMITTEE REPORTS

Aging Report

Commissioner Varner reported that at the August 15, 2012 meeting of the Aging counsel he was informed that the first flu vaccines would not arrive until early October. He will contact the Health Department and keep updating on when they do arrive.

He also reported that Sunday September 2, 2012 will be Carrie Lee Jordan's 100th Birthday. Magistrate Hunt, Magistrate Rudloff, Mayor Higginbotham, Commissioner Varner, WBKO, and others will meet at the Municipal Building Sunday at 1:30 pm and proceed on to the home of Mrs. Jordan. Once there she will be presented with a proclamation declaring September 2, 2012 Carrie Lee English Jordan day and will be presented with a key to the city. Everyone is invited to join in the celebration.

OLD BUSINESS

Results of sale of old Library

There has not been a closing on the old library building due to new financial laws. The loan has been approved however with the new financial laws an appraisal must be made through a pool of appraisers and that has caused a long delay in the closing.

Status of 510 Cave Suit

Attorney Milliken stated that he has filed a motion for judgment and order of Sale. The hearing is set for Sept. 24, 2012. At this time the owner of the property has not filed an answer with the court but has sent a letter to the city of Smiths Grove. Before the 24th attorney Milliken will need a total of the past due property tax amount and a copy of the letter that was sent to the city. The sell will have to bring enough to pay off all liens on the property in order to be sold. The city is foreclosing based on the past due property tax but is also doing so because the property is a blight on the city.

Commissioner Stiffey asked at this time what would happen if the property does not sell or does not bring enough to cover the liens. Attorney Milliken stated that he was not sure how it would be handled. The Master Commissioner usually starts off the bids at an amount he has preset but attorney Milliken does not know what that may be. Commissioner Pierce asked if the city would get their money before anyone else an attorney Milliken informed that whoever filed the first lien

was the first to get paid. We were not the first to file a lien on the property so we would not be paid first. Attorney Milliken also stated that whoever buys the property will be buying it in violation of code and will be subject to notice.

150 Third Street

Attorney Milliken has already sent them a letter but has not heard from them at this time.

NEW BUSINESS

First Reading of Ordinance Number 12-003 230.10

An Ordinance assessing and levying the 2013 Annual Property Tax on Motor Vehicles and Watercraft having a situs in the City of Smiths Grove, Kentucky.

A motion was made by Commissioner Varner to accept Ordinance Number 12-003 230.10 and was second by Mayor Higginbotham. The mayor Asked for discussion and there was none so roll was called. Ayes: All members present. Motion passed.

First Reading of Ordinance Number 12-004 230.00

An Ordinance assessing and levying the 2011 Annual Property Tax on Real Property and Tangible Personal Property within the City of Smiths Grove, Kentucky.

A motion was made by Commissioner Varner to accept and seconded by Commissioner Pierce. Mayor Higginbotham asked for discussion and at this time the clerk stated as per an e-mail she received right before the meeting the numbers are subject to change. With this being said Commissioner Pierce withdrew his second and Commissioner requested to resend his motion and make a motion that Ordinance Number 12-004 230.00 be accepted subject to corrections and certification of the numbers. Motion was second by Commissioner Stiffey. Ayes: All members present. Motion passed

Stop signs at Lawson & Witherspoon

Commissioner Varner reported that as per KRS 189-00.330 item number 7 the city has the right to change the direction of an intersection. He also stated that there are at least 30 houses that use the Lawson side of the intersection and each home has at least two (2) cars which may use the intersection two times a day. Witherspoon only has 5 houses on it. He stated that by changing the stop signs he was keeping the traffic flowing in the same direction.

At this time Mr. Gerald Brown asked to take the floor. Mr. Brown stated that he is not in favor of the change due to the fact that Witherspoon is supposed to be a through street and the only stop signs on a through way street should be a 4 way stop, a 3 way stop or a traffic signal. Mr. Brown also stated he did not believe the city had the right to change that only the Kentucky Transportation Department could do. Commissioner Varner and Mayor Higginbotham informed him they had each checked with Planning & Zoning and were told the city does have the authority to do so.

Mr. Harold Moore took the floor and stated his concerns regarding motorist not stopping at the intersection and not paying attention.

Mayor Higginbotham ask Mr. Brown for the authority of the law restricting the city for changing the stop signs. He could not produce any references. Mayor Higginbotham advised Mr. Brown that the Commission was a law making entity with the authority to place stop signs where we felt it necessary. Mr. Brown advised the Commission he still felt we did not have the authority. Commissioner Varner advised he will again contact someone from the State Highway Department and this matter will be revisited. He also stated that it might be best to just make it a 4 way stop.

Bids for repaving E. Sixth Street and Jim Burrell

Mayor Higginbotham stated that Hayes had rebid the job and has now given us a bid of \$3,475 to do the work on East Sixth Street & Jim Burrell.

A motion was made by Commissioner Varner to accept the bid of \$3,475 for Hayes to repave E. Sixth Street and Jim Burrell. The motion was second by Mayor Higginbotham and then he asked for discussion. Commissioner Pierce stated that he did not agree with the paving of the east end of sixth street because there are only two (2) houses on that part of Sixth Street that use it and they use it as a personal drive way. Mayor Higginbotham stated that he agreed with Commissioner Pierce but that that section of the street had been accepted by the city when it was annexed. With no further discussion the roll was called. Ayes all members present. Motion passed.

Bids for new road in cemetery

Mayor Higginbotham explained to everyone in attendance that this road would begin at the Highway 101 entrance to the cemetery and will follow the circular path around section OO and rejoin the main road. This section measures out at 9’X60’ and 9’X590’. Mayor Higginbotham reminded everyone that \$3,070 of this would be paid for by the grant we are receiving from the BRADD office if the new road was built.

Commissioner Pierce stated that there were two bids which he would be reading. The first bid was from Hayes Paving in the amount of \$4,450. This would be for removing sod/dirt, adding 3” DEA stone, and to grade/shape/roll as needed. The second bid was from R. W. Wurst in the amount of \$5,500. This would be for removing 4” of topsoil, 610 feet of new roadway, 4” DES stone, and to grade and pack aggregate in new road.

Commissioner Pierce made a motion to accept the bid from Hayes Paving for \$4,450 and the motion was second by Mayor Higginbotham. With there being no discussion the roll was called, Commissioner Varner – yes, Commissioner Pierce – yes, Commissioner Stiffey – abstain, Mayor Higginbotham yes. Motion passed.

With there being no further business to conduct, Mayor Higginbotham adjourned the meeting at 8:33 pm.

APPROVED _____
BERT E. HIGGINBOTHAM, MAYOR

ATTEST

DEBORAH K. BREWER, CITY CLERK

DATE

Minutes were prepared by Deborah K. Brewer, City Clerk