

**SMITHS GROVE CITY COMMISSION REGULAR MEETING  
SMITHS GROVE MUNICIPAL BUILDING  
MONDAY FEBRUARY 25, 2013 7:00 P.M.**

All Members Present: Mayor Higginbotham, Commissioner Lawrence Stiffey Commissioner Varner, Commissioner Pierce, Commissioner David Stiffey

Absent: City Attorney Wes Milliken

Mayor Higginbotham called the meeting to order at 7:03 pm.

All present recited the Pledge to Allegiance

Mayor Higginbotham welcomed all of the special guests in attendance at the meeting.

**READING AND APPROVAL OF MINUTES**

Minutes of Regular Meeting (January 28, 2012)

The meeting minutes were approved by acclimation.

**REPORTS**

Treasurer Report (January 2012)

Report was approved by acclimation

**Public Works Report**

Commissioner Lawrence Stiffey reported that two new street lights have been installed on Webb Ave.; however, there was a slight mix up on the cost. There will be no charge for installation but instead of ten dollars (\$10) per month the cost will be twenty dollars and twenty-four cents (\$20.24) per month. Commissioner Lawrence Stiffey also stated that he would like to have another light installed on Webb Ave. because there is a dark section that runs from Laurel to about Commissioner Pierce's house. This light will involve the installation of a new pole because he does not believe there is one there they can use. Commissioner will seek to determine where the new light should be placed and check with the property owners to get their permission to place a light in their lot.

Commissioner Lawrence Stiffey also reported that on Highland Ave, where the two trees were cut down and stumps ground, he and Commissioner David Stiffey have cleared the left over debris. Also, he and Commissioner David Stiffey have filled the hole beside the curb, in front of Billy Webb's house on Laurel, with gravel they got from over by the Fire Department. Commissioner Lawrence Stiffey would like to get a load of rock and have it stored over by the rail road track to be used whenever there is something such as this to be handled. Commissioner David Stiffey stated he believes a big load is now running between three and four hundred dollars (\$300 - \$400). Mayor Higginbotham advised Commissioner Lawrence Stiffey that he should go ahead and purchase the gravel.

Commissioner Varner informed those present that at Main Street, where the Telephone Company is located, rock and or dirt is needed to fill a large drop off there. Commissioner Lawrence Stiffey stated he would look into getting that done.

At this time Mayor Higginbotham informed all present that Commissioner Varner met with the County Road Department last week to repair and replace some of the new signs that had been damaged recently.

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

Commissioner Varner read the Police Report for the Month and then asked Chief Suoy if he had anything to add, the Chief stated that he did not.

### **Cemetery Report**

Commissioner Pierce reported that he has been meeting with contractors to get bids to repair the rock wall and to grade the slope behind the wall to help prevent future damage. Out of the six (6) contractors he talked to he has only received three (3) bids. Two (2) bids to repair the wall and one (1) to do the grade work. However, the one he has received for the grade work has decided he is not interested in doing the work because it did not involve enough man hours.

The bids he has received for the repair to the wall are:

Randy Coles – \$8,350.00 to remove approximately 30 foot of stone wall that is falling out and rebuild wall with existing stone.

Ricky Coles - \$7,300.00 to tear out stone and replace it

At this time Commissioner Pierce made a motion to award the contract to Ricky Coles and the motion was second by Mayor Higginbotham. Discussion was called for and the question was asked if there were any utilities or roots that would cause a problem. Commissioner Pierce stated that the only utilities that may be a concern was the electric line and possibly the tree roots. However, as per each contractor he met with the wall needs to be repaired soon. He is concerned that it could collapse and fall on KY 101/Smiths Grove Scottsville Road/Hedge Street.

Commissioner Lawrence Stiffey stated that he did not feel that the wall should be repaired until the grade work was done otherwise the dirt would keep pushing the wall out.

Roll call vote: Commissioner Varner – no, Commissioner Lawrence Stiffey – no, Commissioner Pierce – yes, Commissioner David Stiffey – no, Mayor Higginbotham – yes. Motion was denied with a 3 to 2 vote.

Commissioner Pierce stated that the contractors that he met with stated that it was not the dirt that was causing the problem but water. Each contractor recommended that a “Curtain Drain” consisting of about a one (1) foot trench with gravel and pipe be installed. This would cause the water to be forced away from the wall and out the end of the pipe. Commissioner David Stiffey stated that he believes this should be done before the wall is repaired. Commissioner Lawrence Stiffey stated that if the grade problems were addressed he would then support the repair of the stone wall.

Commissioner Pierce also reported that the bid he had received to do the grade work was from Doug Magers Construction in the amount of \$2,800.00 however as he stated previously Mr.

Magers is no longer interested in the job. Commissioner Lawrence Stiffey inquired of Commissioner David Stiffey if he thought R. W. Wurst would want to put in a bid on the grade work. Commissioner David Stiffey stated he felt it would be a conflict of interest for him but he would see if Mr. Wurst wanted to bid the job. Mayor Higginbotham stated we needed to get more bids so the matter is tabled until we can get more bids.

Commissioner Pierce also stated that he would like to remove the old gas lights and clean them and then he would like to see about having them converted to electric. Mayor Higginbotham suggested that the lights would be a good improvement.

Commissioner Pierce is still looking for someone to work on the pews in the chapel.

### **Public Grounds**

Commissioner Pierce stated that he has been working with Mr. Coles to get rocks to complete the rock wall in front of City Hall. He wants to finish the wall from the corner of Main and Laurel to the Day Care.

### **Code Enforcement Report**

Commissioner David Stiffey reported that the house at 510 Cave Street has been torn down and the old store is in the process of being torn down. He also stated that he will have to get Sanders Tree Service to come back and grind the stumps and brush because it would fill up a dumpster by its self. He hopes to work out a deal with them so it will not cost the City much but any charges would come out of the six thousand dollars (\$6,000) that was approved at the last meeting.

Commissioner David Stiffey stated that he would also like to talk about getting bids to mow the area in front of the Car Wash on Main Street and the area on 101/Smiths Grove Scottsville Rd./Hedge Street in front of the cemetery on a regular basis. Commissioner Pierce stated that he was concerned about the danger to whoever was doing the mowing across from the cemetery due to persons speeding over the hill there. Mayor Higginbotham suggested that this be included in the new bids we are going to have to get for the cemetery.

### **COMMITTEE REPORTS**

None.

### **OLD BUSINESS**

#### **Disposition of 510 Cave Street**

Commissioner David Stiffey had already addressed this in his Code Enforcement Report

### **NEW BUSINESS**

#### **Smiths Grove Gun Laws**

Mayor Higginbotham stated that since his surgery he has had plenty of time to study the Smiths Grove Code of Ordinances. This book originated in the 1960's and has been regularly updated by American Legal Publishing. Mayor Higginbotham advised there were no reference to the words

gun/s or firearm/s mentioned and there has not been an ordinance against the discharge of one in the city limits. The only laws that would apply would be Kentucky State law.

Mr. Jimmy Cline and his family want an ordinance imposed on the city because Bowling Green, Glasgow and he believes, Oakland have one. Someone from his group supplied copies of the ordinances for Bowling Green and Glasgow to the commission.

Commissioner Pierce informed Mr. Cline that, as per our last meeting, he has requested and received ordinances from other cities and did not get one from Oakland, Park City, Brownsville and other cities similar to our size in the area. However, with some of the ones he received there were several variances. For example, the City of Princeton does not allow “air rifles, air guns” or “anything that may throw stones, gravel, metallic pellets or things of like nature”. The City of Bardstown does not allow use of “firearms, bow and arrow, slingshots... or other instruments that may be hurtful”. The city of Oak Grove claims it unlawful to “discharge within the City Limit any firearm, or air-gun, bee bee gun, or any toy gun...”

With there being so many variances and the commission just receiving the ordinances from Bowling Green and Glasgow, Commissioner Varner made a motion to table this item to give the commission time to study the items they had been given. Commissioner Pierce second the motion. It was asked of Chief Suoy to speak on this matter and he stated that if such an ordinance was passed he could not do anything unless he himself was able to directly witness the violation and it would not be very effective.

With no more discussion a roll call vote was taken. Commissioner Varner – yes, Commissioner Lawrence Stiffey – yes, Commissioner Pierce – yes, Commissioner David Stiffey – yes, Mayor Higginbotham – no. The motion passed to table and discuss at next meeting with a vote of 4 to 1.

There will be a Special Called Meeting on March 11, 2013 at 6:00 PM to discuss this matter.

With there being no further business to conduct, Mayor Higginbotham made a motion to adjourn the meeting at 7:53 pm. and the motion was second by Commissioner Varner. Ayes all members so the motion passed

APPROVED \_\_\_\_\_  
BERT E. HIGGINBOTHAM, MAYOR

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

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