

MINUTES
SMITHS GROVE CITY COMMISSION REGULAR MEETING
SMITHS GROVE MUNICIPAL BUILDING
MONDAY JULY 23, 2012 7:00 P.M.

All Members Present

Also Present: City Attorney Wes Milliken

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

READING AND APPROVAL OF MINUTES

Minutes of Regular Meeting (June 25, 2012)

The meeting minutes were approved by acclimation.

REPORTS

Treasurer Report (June, 2012)

Report was approved by acclimation

Public Works Report

Commissioner Varner reported that he had been in contact with Hayes Paving and Scotty's in regards to road repairs that are needed in the city and will report further during New Business section of meeting. Also, he has been informed that Ed Spears Park is going to be paved.

Commissioner Varner also reported that he had attended Fiscal Court last week where a Franchise Agreement regarding the transportation of commercial solid waste was discussed. This agreement does include Smiths Grove however; they also discussed the removal of residential waste which excludes Smiths Grove because we already have a franchise agreement with Republic (Monarch).

He has ordered the rest of the needed street signs, has already picked up the new stop signs and the County completed clearing the alley ways of limbs and brush on July the 18th and will gravel them just as soon as they get another opening in their schedule.

Police, Public Safety, Health and Welfare Report

Commissioner Martin read the Activity Report for the Month of June 2012 and Chief Suoy had no further comments on the report.

At this time Commissioner Martin informed those present that Office Hollis is no longer employed by the City of Smiths Grove. Chief Suoy stated that we will be accepting applications from certified candidates and if anyone knew of anyone that fit the requirements to please let them know about the opening.

Commissioner Stiffey asked if it wasn't about this time last year that we received money from the City of Oakland for our police patrolling their town for them. It was agreed by all that it was

around this time that they sent in a donation. Mayor Higginbotham suggested that Commissioner Martin give Oakland Commissioner Hunt a call and see if they would consider another donation this year.

Cemetery Report

Commissioner Pierce reported that Sanders Tree Service has finished cutting down the contracted trees and CSM has finished the work on the Chapel roof. He stated that everything is looking very good except for the rock wall which he is afraid a section is going to collapse soon.

Commissioner Pierce stated that Brian Gaul is going to be working on disassembling the stump that has the head stones in it and once he gets them freed we will have the stones reset in the correct placement.

Also, he has removed the water hydrant shut off so no one will be able to turn the water on and leave it running.

At this time Commissioner Stiffey stated that this past weekend he had to get a new flag and install it at the cemetery because the one that was put up just before Memorial Day had been stolen and the new light that was just installed at that same time has been damaged at the base. Commissioner Pierce suggested that we purchase the type of flag line that has lockable chains on it in place of the rope type that we already have. He also suggested that instead of repairing the flood light we attach it to a pole. Mayor Higginbotham suggested that since this was the third flag we had lost in a year and the second light we purchase a camera to catch whomever it is that is performing this act.

Commissioner Stiffey advised that he had talked to Dennis with Able and Ready about the inside of the chapel and was quoted \$650 but he will put in writing and submit. Mayor Higginbotham stated that he thought we should get bids for the job and asked the clerk to contact painters and see if they want to bid.

Code Enforcement Report

Commissioner Stiffey reported that it seems as though everything has seemed to come to an abrupt stale mate.

There is still a problem with 125 Higgins Alley. Mr. McDaniel had been in the office last month and was told that the Citation he received was from the county. Mayor Higginbotham tried to explain to him that it was his responsibility to mow his property and keep it cleared on a regular basis and not just once a year.

Commissioner Stiffey reported that he drove around town and personally trimmed some trees because the residents did/would not. He has also been in contact with Brian Gaul of Buzzard Cave in regards to the clearing of '0' Laurel which belongs to Michael Barrick and will report further on that during New Business.

At this time he differed to Attorney Milliken in regards to 510 Cave Street. Attorney Milliken stated that everyone involved has answered except for Bluegrass Cellular. He is going to make a motion to sale and hopes that he will have the motion made by the August 2012 meeting.

Mayor Higginbotham reported that he has received verbal permission from the owners of 150 Third Street to tear down the deteriorating buildings but he feels that Attorney Milliken should draw up a legal document for them to sign in order to cover the city's costs and legalities. Attorney Milliken requested that Mayor Higginbotham send him their information and he will draft a letter to them.

Commissioner Stiffey enquired if the property at 510 Cave Street would have to be sold before the city could attempt to clean up and was told that it would have to be.

COMMITTEE REPORTS

Aging Report

Commissioner Varner reported that the next meeting will be August 15th at 10:00 a.m. One (1) citizen in the community will be turning one hundred (100) years old and he and the Mayor believe that the city should send them a letter. He also asked that anyone in the community please let him know if they know of anyone else that will be turning one hundred (100) so that they could be recognized as well.

Christmas Parade

Commissioner Martin informed everyone that it is only a little over four (4) months until the Christmas Parade.

OLD BUSINESS

Results of sale of old Library and old Police Cruiser auctioned July 20th

Mayor Higginbotham reported that Leon Tarter had conducted the auction for the city and that the only cost to the city will be the advertising costs. Tarter Realty is even donating the seven percent (7%) buyer's premium to the city. Commissioner Martin asked if there wasn't something that the city could do to show their appreciation to the Tarters' for all they did. Mayor Higginbotham agreed with him and all will try to think of something that can be done.

Library Building brought \$39,000 with 7% = \$41,730, Police Cruiser brought \$1,900 with 7% = \$2,086.50 Bicycles, shelving & refrigerator brought \$1,732.50 with 7% = \$1,853.78 giving the total sales of \$45,670.20. With these proceeds Mayor Higginbotham asked Commissioner Pierce to once again contact Ms. Bessette in regards to the property on Second and Cave Streets to see if the City and her could agree on its purchase.

Report from Chief Suoy on patrol rifle acquisition

Chief Suoy stated that he is still waiting to hear back about the LEP grant because they are a little behind according to his contact person.

Water Problems on Laurel

Per mayor Higginbotham, Mac Yowell and Tommy Hunt met about three (3) weeks ago in front of the fire station. At that time it was decided that the county would repair the drywell that had been closed off preventing the control of water. The county should be back out the end of this week or next week to perform the work and they will also be working on the water problem at Second and Cave Streets. Since no one from the county was going to be in attendance the Owens's did not show up.

NEW BUSINESS

Resolution 4-12 (renaming Anderson Alley to Witherspoon Street) – Mayor Higginbotham

The Mayor and clerk have researched and there are no properties listed as having an address of Anderson Alley and the opposite end of the street, which crosses Rumsey, is named Witherspoon St. The only place Anderson Alley is listed is on the PVA map so in order to keep the street concurrent the name should be changed.

Commissioner Pierce made a motion to accept Resolution 4-12 renaming Anderson Alley to Witherspoon Street and the motion was second by Commissioner Stiffey. Ayes all members so the motion was passed.

Bids for Street improvements – Commissioner Varner

Commissioner Varner had contacted seven (7) different companies asking them to give the city a bid on doing the street work which is needed in the city. He had received only one sealed bid which was opened at this time. The bid was from Hayes Paving for \$40,000. This would cover the following:

- All of Third St., E. Sixth St. from N. Main to past College St., all of Rice Ct.

 - Mill/Edge key transitions as needed, sweep

 - Apply tack coat

 - Overlay with 1.52" asphalt surface, leveling as needed

- College St. (3 areas, 3X4, 8X8, 11X16), Witherspoon near Laurel (18X18)

 - Mill out as needed

 - Apply tack coat

 - Patch with 2" asphalt surface

- College & Laurel (Approx. 4X58)

 - Remove dirt as needed to widen radius, mill edge key along edge

 - Add 6" DGA stone

 - Pave with 3" base asphalt and 1.25" surface asphalt

Also Included: Remove and replace 4X6 section of broken concrete sidewalk at south end of Kentucky St.; additional 8X22' mill and patch on College where previously cold-patched; and easing transitions of previous two patches on College and on Kentucky St.

Commissioner Varner made a motion that we accept the bid from Hayes Paving for Forty Thousand Dollars (\$40,000) and the motion was second by Mayor Higginbotham. At this time the roll was called: Commissioner Varner – yes, Commissioner Martin – yes, Commissioner Pierce – no, Commissioner Stiffey – yes, Mayor Higginbotham - yes. Motion was passed with a 4 to 1 vote.

Commissioner Pierce asked if they had considered widening the side of the Rail Road track on College that goes towards Laurel. Commissioner Varner stated that he did not realize there was a problem but wished Commissioner Pierce would have brought this up at the Municipal Road Aid Meeting last month. However, he will put it on the list for future repairs.

Mowing of '0' Laurel – Commissioner Stiffey

This is the section of property belonging to Michael Barrick and the City and County have been trying to get him to clean up for some time. With all that has been going on with other properties owned we know the only way we will recover the cost of clearing this property will be to put a lien on the property. With this being said Commissioner Stiffey had received an estimate from Brian Gaul of Buzzard Cave for six hundred dollars (\$600) which includes the cost of renting a Brush Cutter for his Bobcat.

A motion was made by mayor Higginbotham to accept the bid from Brian Gaul to clean up '0' Laurel and was second by Commissioner Martin. Ayes all members so the motion passed.

Fireworks Ordinance – Commissioner Pierce

Commissioner Pierce stated that he would like to see the city repeal the current Ordinance banning use of fireworks, and he would like to give the city more control over calling off fireworks if drought conditions are the same next year as this. Mayor Higginbotham stated that he does not see how a Mayor can make an Executive order to break the law. Commissioner Pierce does not want to disobey the law, just give the city the option to lift a burn ban for the 4th of July like the city of Bowling Green did this year. The mayor stated that we would need to check all applicable laws concerning fireworks before the city does anything. Mayor Higginbotham also stated that what he believes is that the city could acquire Ed Spears Park for the 3rd & 4th of July each year and have all residents bring their fireworks there and shoot them off so that the whole community could enjoy each other's fireworks. He requested that Commissioner Pierce research the legalities regarding fireworks and that this be put back on the agenda after all research is completed. Commissioner Pierce agreed.

Parking on First Street

Mayor Higginbotham reported that he has not been able to get the measurements and other items done yet due to the extreme heat we have had the past several weeks.

At this time Mayor Higginbotham asked if there was any other new business.

Commissioner Pierce inquired about redefining the City boundaries and about the codifying of Ordinances. Mayor Higginbotham told him he was contacted last year by the company but we have not done the codifying as of yet this year because we are still making fundamental changes in the City's laws.

Mr. Matt Brewer took the floor and stated he would like to present the City with a proposal to rent 108 S. Main (old City Hall building). Mr. Brewer would like to rent the old City Hall building for the purpose of conducting a gun repair and restoration business and educational

classes. He stated he proposed to pay the City Three Hundred Fifty dollars (\$350) per month for rental of the property. Mr. Brewer would be responsible for any maintenance issues under Five Hundred (\$500) dollars but requested anything over Five Hundred (\$500) would be the responsibility of the City. He would need the first two months' rent free because he would have to apply for licenses and set the building up for business.

With this being said Mayor Higginbotham asked for discussion.

Commissioner Martin stated that he was concerned because of Mr. Brewer's relationship to the clerk but he would not vote against it for that reason only.

Commissioner Pierce stated that he was opposed because he still believed we needed the building for storage because he wants to remove all the benches from the cemetery that are in the incorrect place and wants to store them in it. When asked by Commissioner Martin why we would put them there he said to keep them from getting stolen. Mayor Higginbotham reminded him that Resolution Number 05-11 states "All structures to be removed will be given 90 days' notice before they are to be removed. The benches or other structures removed will be placed in the Southeast corner of the cemetery so the owner can pick them up..." therefor these items should not be stored anywhere else. Mayor Higginbotham also stated that the Three Hundred Fifty (\$350) a month was better than what we had gotten in the past which was approximately twenty cents (.20) a year. He also stated he did not believe the city should let the property just sit and the city not get any return on the asset. He feels it should be either sold or rented.

Commissioner Stiffey stated that he agreed with Commissioner Pierce that we should use the building for storage and he was also concerned about it being a conflict of interest.

Attorney Milliken asked Mr. Brewer if he planned to be doing the shooting part of the CCDW classes at this site and was told that it would not be at this site.

A motion was made by Commissioner Martin to accept Mr. Brewer's proposal to rent 108 S. Main Street and was second by Mayor Higginbotham. The roll was called: Commissioner Varner – yes, Commissioner Martin – yes, Commissioner Pierce – no, Commissioner Stiffey – no, Mayor Higginbotham – yes. Motion was passed with a 3 to 2 vote.

With there being no further business to conduct, Mayor Higginbotham adjourned the meeting at 8:34 pm.

APPROVED _____
BERT E. HIGGINBOTHAM, MAYOR

ATTEST _____
DEBORAH K. BREWER, CITY CLERK

DATE _____

Minutes were prepared by Deborah K. Brewer, City Clerk

