

Smiths Grove City Commission meeting - September 26, 1994-7:00 p.m.

Mayor Gilley called the meeting to order with all commissioners in attendance, as well as Currie Milliken, City Attorney, and numerous citizens.

## AGENDA

### 1. Minutes of the previous meeting

Mayor Gilley ask if anyone in attendance wanted the above mentioned minutes read. With no comments or corrections heard, Comm. Martin floored a motion to accept the minutes as written, seconded by Comm. Hardy. roll call and vote - Belcher yes, Gilley yes, Martin yes, Hardy yes, Lacy yes.

### 2. Treasurer's report

Additions or corrections to this report was called for. With none to be heard, Comm. Lacy presented a motion the report be accepted as printed, seconded by Comm. Belcher. roll call and vote - Belcher yes, Gilley yes, Martin yes, Hardy yes, Lacy yes.

### 3. First reading Ordinance #94-1 840.l-relating to keeping of livestock

Mayor Gilley informed everyone in attendance if they had a comment, they must stand and that all others would let each person have their say and not interrupt. With this said, Currie Milliken the city attorney, ask if he could give a little background as to why this ordinance came about. He said there were several old ordinances that touched on this subject, but did not address it directly. In his opinion this is a portion of the existing misunderstandings as well as interpretation of the ones that were on the books. He continued, the city commission had approached him to compile a new ordinance that would specifically address livestock and the keeping of same within the city limits. He added, his job was to please the commission on behalf of the citizens of Smiths Grove. Lawrence Stiffey took the floor and ask the attorney to read the proposed ordinance in its entirety. He did so. Comments regarding this matter were as follows:

Chris Alderson: to have this ordinance is all well and good, but what was he to do if one of his present cattle was pregnant with calf, would he have to move the calf out of the city from its mother. He added, he felt an ordinance should state what cattle can be kept within the city limits on a stated parcel size of land. He said there are Menonites that come in and out of the city all the time. Would they be kept out? Mayor Gilley said this was on a temporary basis and did not apply to the ordinance. Mr. Alderson said felt the ordinance was ridiculous as it now stands, and he still felt the commission should consider adopting Bowling Greens. He also stated that the taking of pictures of existing animals as the ordinance states would be pretty ridiculous.

Lawrence Stiffey & Martha: Mrs. Stiffey stated that she had had two ponies for over 22 years and has never had a complaint from neighbors about odor or noise. In her opinion this is a farming community and should remain as such. Mr. Stiffey said he wanted to know how moving the existing livestock out of the city would limit the odor. Mr. Stiffey said he also felt it was a big mistake for Smiths Grove to have fought so hard against Metro, because now Bowling Green could have cattle and Smiths Grove couldn't.

David Stiffey: David agreed with his parents that the proposed ordinance was ridiculous. He said if the commission was going to go this far, why not impose the burning laws and have mandatory trash pick up.

Carol Cushenberry: She said she had lived near Stiffeys ponies for 21 years and they had never been a problem. She felt the grown up lot with snakes etc. behind her residence was more of a problem.

Joe & Kenneth Lowe: Joe said when he served on the Commission in the early sixties, they agreed if he let them annex the front 200' of his property into the city, the city would allow it to remain agricultural. Mayor Gilley said there was numerous properties within the city limits that was zoned agricultural. Kenneth Lowe

said he was President of the Kentucky Cattlemen's Assoc. and he knew they would take action if people were forced to move their livestock, and being exempt from having livestock.

Connie Laws: in defense of the city commission she said this problem was brought to them and it was not definitely their idea. Now they were just trying to do what is best for all concerned.

Lucian Flora: He was the one that brought the complaint to the city commission because of the odor and noise from Alderson's cows, and he feels this is complete disregard for your neighbors. Jimmy Cline: He stated that the odor problem was not something the commission could do anything about. He said on windy days he gets odor from both cows and pigs.

Mayor Gilley ask the city attorney if he would read that portion of Bowling Greens ordinance that keeps getting referred to. Mr. Milliken did so. (copy attached)

Velta Rose Smith- She is not a resident of Smiths Grove but she has several pieces of property within the city limits. She wanted to know the procedure for enacting an ordinance. Mayor Gilley told her that the ordinance was presented to the commission for a first reading, if accepted, then there was a second reading, and after it was published in the Daily News it becomes an ordinance of record. Ms. Smith was concerned with the suggested 100'. She wondered if a small child who had a pony would have only a very small space to ride in if this ordinance was enacted. The Mayor replied yes if the area was a small one to begin with.

Mayor Gilley then ask the commission their feelings regarding these changes that had been suggested. Comm. Lacy said he felt that since the majority of citizens in attendance wanted these suggested changes implemented into a new ordinance, he agreed it should be done similar to the one Bowling Green Has. He stated he was against livestock within the city, but he was flexible and if it was the wishes of the majority, he would go along with it. Comm. Hardy stated that the morning of the meeting he was ready to vote the new ordinance in. Now he feels the commission shouldn't lose sight of some of the things that have made Smiths Grove what it is today. He now feels it is a question of rights after listening to those in attendance. He agreed that the ordinance as now written, should be altered similar to Bowling Greens, and hopefully this would be a compromise acceptable to the majority. Comm. Martin agreed with Comm. Lacy and Hardy. Comm. Belcher said everyone knows he makes his living with livestock. But he does not deny that there is an odor and had no solution for it. He felt if hogs were going to be exempt in the new, proposed ordinance, then goats should be also.

Mr. Milliken stated he felt there would be some opposition from some on any animal included or excluded in the ordinance. Mayor Gilley felt the discussion should now be closed and a vote taken from the commission as to what the attorney should do. Chris Alderson again took the floor and stated that he felt the opinions and wishes of those in attendance should be considered before a vote was taken. Mr. Alderson said he would be glad to move his fence the suggested 100' from the line if Floras wanted him to. Joan Flora said she liked that portion of the suggested Bowling Green Ordinance and would accept that. Again Mayor Gilley addressed the commission regarding their wishes. Comm. Belcher presented a motion to table the proposed ordinance prepared by the city attorney, rewrite one that excludes goats and hogs and keep other allowed animals 100' from the adjacent residences property. Also stating that two (2) head of cattle can be kept on any lot, and on a four (4) acre tract and above two (2) head of livestock per acre can be kept, seconded by Comm. Hardy. roll call and vote - Belcher yes, Gilley yes, Martin yes, Hardy yes, Lacy yes. Mr. Milliken agreed to attempt to have the ordinance for consideration at the October meeting

#### 4. Resolution #94-6-Kentucky Investment Procedures for Smiths Grove

Mayor Gilley explained that the 1994 General Assembly had enacted House Bill #199 which requires that all cities within the commonwealth have an investment procedure in place by 1/1/95. He said the clerk had compiled an investment procedure which she felt was compatible with the city and now wanted the approval of the commission. Comm. Belcher presented a motion Resolution #94-6 be accepted, seconded by Comm. Lacy. roll call and vote - Belcher yes, Gilley yes, Martin yes, Hardy yes, Lacy yes.

#### 5. Department reports

Cemetery- Comm. Lacy reported that everything was fine at the cemetery.

Streets- Comm. Hardy reported that there had been a check made as to what could be done to ease the water problem in front of 205 Cave, Jesse David Anderson's house. He said there would have to be a core drill used to change the flow of the water and that as soon as one becomes available, hopefully the problem would be taken care of. Comm. Belcher said he and Kenneth Allen of Kenway Inc. had driven the city looking at the streets. Mr. Allen advised Mr. Belcher that Jim Skaggs Inc. the firm that installed the city sewer system was under bond regarding the condition and repair of the streets that he had torn up and patched for a period of time after completion of the project. Mr. Allen advised Mr. Belcher, in his opinion, it would be wise to go through the winter to see what further damage is done before the city attempts to surface or resurface the city streets. Mr. Allen also said that if the city would present him with a letter of intent for his firm to do this resurfacing when the time comes, he would be willing to give the city the same price per ton for oil as the last contract. Mr. Belcher ask the clerk to write this letter. She agreed to do so.

Police Department - reports attached

Library - Mayor Gilley explained that there had been a complaint from one of the library patrons in a wheelchair that couldn't get through the front door. The grant that the city obtained for the sewer system requires that all city owned buildings be, according to the American Disability Act #504, be handicap accessible. The city had obtained two bids prior to this and had awarded the bid to Moulder Construction for \$4000. Mr. Moulder had informed the clerk he was not going to do the work that he had bid. The next bidder to Mr. Moulder was Norris Construction for \$4,400. Now, Murrell Johnson General Contractor has submitted a bid for \$5,345.40. Mayor Gilley said at the time the Library Board first brought this renovation up to him, he was quoted a figure of approximately \$2200 but it seems the price would be considerably more. The clerk had talked with Mr. Norris before the meeting to see if his bid of \$4400 would still be good. Mr. Norris said the door price has gone up between \$200 and \$300. After a brief discussion regarding this price, Comm. Martin presented a motion to accept Mr. Norris's bid, seconded by Comm. Hardy. roll call and vote - Belcher yes, Gilley yes, Martin yes, Hardy yes, Lacy yes.

Other

Buddy Marr ask the commission if there was anyone that could be contacted about the railroad crossing over Main Street. The railroad had worked on the crossing a few months back and it is now rougher than it was when they started. The clerk said she had the address of the people to contact and she would do so. Ray Lewis ask the commission if there wasn't something that could be done about the dogs in the city. Mayor Gilley said several months back the city had written letters to Judge/Executive Buchanon, Magistrate Carrier, Humane Society & Dog Catcher seeking assistance on this problem. It was suggested that since so many of these dogs are on the playground of the elementary school, maybe the principal would be the right one to contact. The clerk agreed to write this letter.

With no further business to be conducted, a motion to adjourn was heard.

APPROVED: \_\_\_\_\_  
JAMES R. GILLEY, MAYOR

ATTEST: \_\_\_\_\_  
DOROTHY J. NEAL, CITY CLERK