

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

Members Present: Mayor Higginbotham, Commissioner Varner, Commissioner Martin, Commissioner Pierce and Commissioner Stiffey

Also Present: City Attorney Wes Milliken

Mayor Higginbotham called the meeting to order at 7:00 pm.  
All present recited the Pledge of Allegiance

Mayor Higginbotham welcomed special guests Mr. Gerald Brown who served the city in the past as Representative for Planning & Zoning and, Keith Hogan, Special Officer with Edmonson County.

**READING AND APPROVAL OF MINUTES**

Minutes of Special Meeting April 4, 2012

Minutes of Special Meeting April 17, 2012

Minutes of Regular Meeting (March 26, 2012)

The meeting minutes were approved by acclimation.

**REPORTS**

Treasurer Report (March, 2012)

Report was approved by acclimation

**Public Works Report**

Commissioner Varner opened by thanking Commissioner Pierce for getting the sign poles delivered for the new street signs. He also stated that our new signs are finished and ready for pick up.

Commissioner Varner reported that Mayor Higginbotham had spoke with Magistrate Hunt today and would be reporting later in the meeting about their discussion. However, Commissioner Varner is still waiting for Mr. Jerry Young, with the County, to call him back about the street work we are wanting done.

Commissioner Varner reminded everyone present that our Annual Municipal Road Aid meeting would be held next month and that due to the Memorial Day holiday that meeting had been moved to May 21<sup>st</sup> instead of the 28<sup>th</sup>. He informed us that the County is also mandated to have an annual Road Aid meeting also and that he is planning on

attending that meeting as well. He is waiting for Magistrate Hunt to contact him with the date.

At this time he differed the meeting over to Mayor Higginbotham who reported that at the BRADD meeting he attended today the City was once again awarded the ADF Grant. The amount of this grant will once again be \$3076.00 and the money was approved to be used for road work in the cemetery. Mayor Higginbotham has researched the cost of installing the needed roads in the cemetery and the most feasible for the city at this time would be the road for section OO. To install the road for this section the cost would be about \$4,000.00 versus \$6000 or \$7,000 to make the connection to the new road. At this time Mayor Higginbotham made a motion that we use the grant money and get a bid from Hays to install the road for section OO. The motion was second by Commissioner Stiffey. Ayes all members, so the motion passed.

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

Commissioner Martin read the Activity Report for the Month of March 2012.

Commissioner Martin referred to our past conversation that unit 702 was not being driven enough and that was why it was having some of the mechanical problems. Commissioner Martin stated that Unit 702 is being driven approximately 800 miles a month so that is adequate.

Commissioner Martin reported that at this time we have taken possession of the new police cruiser. He also stated that the cost of the new 2011 police cruiser was in fact less than what we paid for the last one. Commissioner Martin then differed to Chief Suoy for an update on the status of placing the new cruiser into operation.

Chief Suoy reported that he had met with Kenneth Marr of Econo signs in regards to the decals for the new cruiser and he was in the process of ordering the new lights that will be needed for it. At this time he introduced Keith Hogan who has agreed to install the equipment into the new cruiser in exchange for some old equipment. Chief Suoy stated that we will spend approximately \$3,500 for all items needed for the new cruiser and it should be completed by sometime next week. .

Chief Suoy also reported that we should be hearing about the LEAP Grant he applied for some time next month. If we are approved for the grant we would be receiving \$4,500 for the purchase of ammunition, an AR15 and an H70 12 gauged shot gun.

At this time Commissioner Martin addressed what we should do with the old 702 cruiser once the new 701 is in service and the old 701 becomes 702. At this time Mayor Higginbotham stated that this was actually on the New Business Agenda but he would address at this time. Mayor Higginbotham referred everyone to the Disposition of Surplus Property paper and the e-mail he had received from the Kentucky League of Cities. Per KRS 82.083 enacted in 2004 by General Assembly "Real or personal property may be transferred with or with out compensation to another governmental entity, sold at public or electronic auction following publication pursuant to KRS 424.130(1)(b), or sold by

sealed bids in accordance with the procedures for sealed bids under KRS 45A.365(3) and (4). Real or personal property may additionally be transferred with or without compensation for economic development purposes.

With this being said, Mayor Higginbotham asked the commission if they thought we should take sealed bids or not. Commissioner Stiffey asked if we have to accept if we only received one (1) bid. Mayor Higginbotham stated that was his understanding. Commissioner Pierce asked if we could set a reserve on it and Mayor Higginbotham said we could not. However, if we were to not receive any bids we can dispose of the property however we want.

At this time Attorney Milliken suggested that we have a City auction like Bowling Green does to dispose of surplus property and add any other items we may have to dispose of. Commissioner Pierce stated that we have some bicycles, benches from the old city hall and possibility the old Library building that we could list in the sale. Mayor Higginbotham stated that the Commission needed to determine what we going to do with the old Library building. It was on the agenda in New Business but that since it had been brought up we could go ahead and discuss at this time.

Mayor Higginbotham asked all present if they were in agreement that the old Library building should be sold and all commissioners agreed. At this time Mayor Higginbotham made a motion to sell the building and to approve Resolution Number 1-12, A Resolution declaring real property known as 127 South Main Street where the Smiths Grove Public Library was located as Surplus Real Property and authorizing its transfer pursuant to KRS 82.083 and 45A.425. This motion was second by Commissioner Stiffey. Ayes all members, so the motion passed.

### **Cemetery Report**

Commissioner Pierce reported that the cemetery is looking pretty good but that we do still have a brush pile to burn. The mowers still need to come out this week and mow and he will keep in contact with them regarding this. He also stated that he has spoken to Sanders Tree Service and they are trying to get back out and cut down the last tree that was in our agreement. He has also spoken to CMS (the company that has been awarded the bid to replace the roof on the Cemetery Chapel) and they do have the color we wanted for the roof and they hope to get started in the next week and a-half. He has informed them that we would like to have the job completed by Memorial Day weekend.

At the last regular meeting we had decided to acquire more bids on the stump cleanup since all that we had was one and it was for \$2,000. We had received one (1) additional bid:

Buzzard Cave Farms \$900.00 to clean up stump and grinding material and  
Replace with dirt and level areas to prepare for seeding.

Commissioner Pierce made a motion to accept the bid from Buzzard Cave Farms and the motion was second by Mayor Higginbotham. Ayes all members, so the motion passed.

At the last regular meeting a decision was made to accept bids to scrape, caulk, and paint the chapel. The clerk was asked to contact contractors and get bids from them. At this time the clerk stated that she had indeed contacted Scott Cumming, Able & Ready, Scott Shields, Poynter Bros. Construction, and Butch's Baths for quotes. However, she had only received one quote. Commissioner Stiffey stated that he also had received a quote from Able & Ready. At this point the bids were opened.

Scott Shields Construction \$1,200 for labor, painting and materials

Able & Ready Painting \$931

- 1) \$140 to power wash exterior of chapel to remove bug nests, dirt, and loose paint
- 2) 675.00 to scrape loose paint, caulk cracks where needed, fix missing siding on south side, spackle any holes, prime raw wood where needed and repaint exterior of chapel in one color.
- 3) \$116 Materials

The clerk asked if it would not be more cost effective to install siding on the exposed wood and Commissioner Pierce said he did not believe it would be. Commissioner Martin asked if anyone knew anything about the type of work Able & Ready performed because we knew the quality of work we would receive from Scott Shields since he received the last bid for painting City Hall. For instance what kind or grade of paint they would be using. Commissioner Pierce stated that he would contact them and ask.

With all items being discussed Commissioner Pierce made a motion to accept the bid from Able & Ready based on what their answer would be to his call. The motion was second by Mayor Higginbotham. Roll was called: Commissioner Varner – No, Commissioner Martin – No, Commissioner Pierce – Aye, Commissioner Stiffey – Aye, and Mayor Higginbotham – Aye. With the vote being 3 to 2 in favor of hiring Able & Ready the motion passed.

Commissioner Pierce then reported that the new Rules and Regulation signs for the cemetery have been installed at the three (3) entry ways to the cemetery, and the garbage cans have been painted.

### **Code Enforcement Report**

Commissioner Stiffey reported that there are some properties in town that have not been mown and he is working with Paul Sexton to get taken care of.

Last week he and Mr. Sexton visited several properties in the city. Among these were:

- 152 Beeler
- 421 College
- 326 College
- 225 Higgins Alley

Commissioner Stiffey stated he was still wondering where we stood with the property at 150 Third Street. The clerk informed all that Steve Hunter was in the office today and

said that while he was out of the office the property owner had called in. Unfortunately, the person covering for him told her that she had received the notice and had 30 days to get taken care of even though the woman told him that the City of Smiths Grove had said they would be willing to take care of if she gave permission.

At this time Commissioner Stiffey asked Attorney Milliken if he would update us on the status of 510 Cave. Attorney Milliken stated that we will have to file a foreclosure suit on the property and he has started doing the research for this suit. He has gone back and looked for recent and incumbent liens on the property because everyone will have to be named along with the defendant.

Attorney Milliken stated that this is considered litigation and we could go into closed session if we wanted to but so far everything has been spoken about in open session. Mayor Higginbotham stated that he did not feel that it needed to go to closed session and ask that the conversation continue.

Attorney Milliken stated that in his investigation he has found that it looks like the two (2) mortgages have been released and that he has found six (6) defendants in addition to the property owner that will have to be named. He has tried to locate an address on each of them so that they may be served by Certified mail to save the city some money. If they pick up the mail they will have twenty (20) days to respond. At the next meeting the twenty (20) days should be past and Attorney Milliken will let us know where we stand. If they do not pick up the Certified mailings the city will have to get a Warning Order Attorney, who is appointed by the court, to locate and notify the involved parties of the action. The Warning Order Attorney will have twenty (20) days to locate and notify of action. This can cost the city anywhere from \$300 - \$500 per action. Once the suit is over the city may clean up and then sell the property. If sold at auction the city could even buy the property if it wanted to.

At this time Lawrence Stiffey spoke up and said the city may want to contact EPA because he knew that when his father-in-law owned the property there was a gas tank there and it would have to be removed. The city thanked Mr. Stiffey for this information and his concern for his community.

Attorney Milliken will inform us at next months meeting how far he has been able to progress with this matter.

Commissioner Stiffey, once again, brought up the idea of a maintenance truck for the city. He knows someone that has a 1999 pickup with 75,000 miles, 2 door, full size, V8 engine for \$7,600. Commissioner Varner stated that originally he was in favor of a maintenance vehicle but at this point he does not feel it would be in the City's best interest. He does not feel that there would be enough usage for it, and the cost of insurance, the maintenance of it, storage and other items would not warrant the purchase. Commissioner Martin stated that he was in agreement with Commissioner Varner and Mayor Higginbotham was in agreement with them. Commissioners Pierce and Stiffey stated that they felt that a maintenance vehicle would get plenty of use. Chief Suoy

agreed with them because that in the past he has had to borrow a truck and trailer from citizens of Smiths Grove when he had things that needed to be hauled.

At this point the clerk was asked to see if she could find out what the cost for insurance would be on a maintenance vehicle and Mayor Higginbotham will send out an e-mail later this week and the commission could voice their opinions on the matter.

## **COMMITTEE REPORTS**

### Cemetery Committee

Commissioner Pierce reported that the cemetery committee met on April 10<sup>th</sup> to discuss the upcoming Memorial Day weekend and a donation drive. It was decided at the meeting that we will get a group together to work in shifts all weekend to try to get donations. The clerk is supposed to make up a flyer that can be passed out to individuals. The flyer will contain information regarding the costs to maintain the cemetery and will have a place for everyone to fill out their contact information and information on the person they are there for. The clerk is also to contact Blue Moon to get a port-a-potty delivered for that weekend.

Mrs. Martha McGuirk is going to get with the ladies of the women's club to see if they are going to be able to help out on Memorial Day weekend and what their schedule is for their ceremony.

The next meeting will be one (1) week before Memorial Day weekend to work on a schedule based on how many persons we will have available to help.

## **OLD BUSINESS**

### Rural Mailboxes

With no residents being in attendance, it was decided to mail out the letter informing residents that their mail boxes must be moved by June 1, 2012 or the fines will be imposed.

## **NEW BUSINESS**

All New Business was discussed during the regular reports of each department.

With there being no further business to conduct, Mayor Higginbotham adjourned the meeting at 8:28 pm.

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

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

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