

CITY COMMISSION MEETING
Smiths Grove Municipal Center
Monday, February 24, 2003

Mayor Gilley called the meeting to order at 7:05 p.m. with all commissioners present. Also in attendance were Currie Milliken, the City's attorney; Jason Dooley, reporter for the Daily News; and several interested citizens.

AGENDA

The commissioners had an opportunity prior to the meeting to review the minutes of the December 3 2002 Special Called Meeting. With no discussion, Commissioner Watt moved the minutes be approved as written. The motion was seconded by Commissioner Martin. The roll call vote was as follows: Cooke yes, Watt yes, Gilley yes, Martin yes, Pierce yes.

The commissioners also had an opportunity prior to the meeting to review the minutes of the January 27 2003 regular meeting. Commissioner Watt questioned the statement "Mayor Gilley stated that the City has spent \$40,000 in legal bills in the last six months." He asked if that should not read " .. *legal and professional* bills." The clerk explained that he was correct; however, it was recorded in the minutes as it was actually stated at the meeting. Without further discussion, Commissioner Martin moved that the minutes be approved as written and was seconded by Commissioner Cooke. The roll call vote was as follows: Cooke yes, Watt yes, Gilley yes, Martin yes, Pierce yes.

The commissioners had prior opportunity to review the minutes of the February 6 2003 Special Called Meeting. With no discussion, Commissioner Watt moved that the minutes be approved as written and was seconded by Commissioner Cooke. The roll call vote was as follows: Cooke yes, Watt yes, Gilley yes, Martin yes, Pierce yes.

The January 2003 Treasurer's Report was distributed to the commissioners prior to the meeting. With no discussion, Commissioner Cooke moved that the report be accepted as written. The roll call vote was as follows: Cooke yes, Watt yes, Gilley yes, Martin yes, Pierce yes.

The second reading of Ordinance 03-01 to rezone property on College Street and Laurel A venue was held. There was no discussion, and Commissioner Martin moved to approve the ordinance. Commissioner Watt seconded the motion. The ordinance passed by roll call vote as follows: Cooke yes, Watt yes, Gilley yes, Martin yes, Pierce yes.

In a discussion of the cemetery maintenance contract, which expires March 31, Commissioner Cooke moved that the cemetery withhold DLF Lawnscape's final check until they have cleaned up leaves, flowers and other debris as they have promised to do. The motion was seconded by Commissioner Martin, and the roll call vote was as follows: Cooke yes, Watt yes, Gilley yes, Martin yes, Pierce yes.

The commissioners had received a tentative Invitation to Bid and Bid Specifications prior to the meeting, and slight changes were suggested in the wording. The need to advertise

immediately for bids for cemetery maintenance was stressed, and Commissioner Watt moved that the City advertise for bids during the early part of March. Commissioner Martin seconded, and the roll call vote was as follows: Cooke yes, Watt yes, Gilley yes, Martin yes, Pierce yes.

A discussion of the City's Monster Account at South Central Bank ensued. Mayor Gilley asked Mr. Milliken if the process could be speeded up to get new signers on the account. Mr. Milliken stated that he would call the bank to inquire if this could be done; however, the commissioners should proceed with the bank's instructions in the meantime.

Commissioner Cooke moved that the mayor and the mayor pro tern be designated as signers on the account and was seconded by Commissioner Watt. Commissioner Pierce amended the motion to include the City Clerk as a signer and was seconded by Commissioner Martin. The roll call vote on the amended motion was as follows: Cooke yes, Watt yes, Gilley yes, Martin yes, Pierce yes. The vote on the motion was Cooke yes, Watt yes, Gilley yes, Martin yes, Pierce yes.

Department Reports:

Streets:

Commissioner Watt reported that he had driven around town checking the condition of the streets, and that the alleys are in bad shape. After the weather breaks, he will get a grader in, see how much gravel is needed, and proceed with necessary repairs.

Police:

Commissioner Cooke remarked that Chief Sneed has been busy the past month. He read the Police Report, and stated that the Chief needs a new outside speaker for the P A system in the patrol car.

Cemetery:

Commissioner Martin reported that the Cemetery's operating fund has a balance of \$1160, and that monthly expenses are at least \$1350. The last donation the City made to the cemetery was \$1500 in July 2002. Commissioner Martin feels that the City needs to give them at least five or six thousand dollars. The cemetery has no source of income except the sale of graves, which has not been brisk lately. Commissioner Martin moved that the City give the Cemetery \$6000 for operating expenses, which should take them through the end of the current fiscal year. Commissioner Cooke seconded the motion. Commissioner Pierce questioned if that amount would be sufficient. It was decided that the issue could be revisited if necessary. The roll call vote was as follows: Cooke yes, Watt yes, Gilley yes, Martin yes, Pierce yes.

Since no committees have been formed other than the Christmas Parade Committee, there were no Committee Reports.

Other Pertinent City Business and Miscellaneous:

Commissioner Pierce gave the commissioners a copy of a letter he had received from Robin Ziegler of the Bowling Green-Warren County Historic Preservation Board. The letter discusses the possibility of Smiths Grove being designated as a Local Historic District. There was some discussion of whether the City wants to pursue this, and Commissioner Cooke moved to table the issue until everyone had a chance to study it. His motion was seconded by Commissioner Watt. Commissioner Pierce asked if he should contact Ms. Ziegler and have her come to the next meeting and discuss the implications of the project. The commissioners agreed to invite her to come. The roll call vote was as follows: Cooke yes, Watt yes, Gilley yes, Martin yes, Pierce yes.

Lee Carwell, a citizen of Smiths Grove, stated that he and his family had moved to Smiths Grove ten years ago, partly because of the beauty of the City. He made a complaint about certain homes with trash in yards, carports and porches, cloaked as quasi-antique shops. He feels that this is a disgrace to the City and is tired of seeing nothing being done to address this issue. Commissioners Martin and Watt agreed with him, and Commissioner Martin asked Mr. Milliken if he could write letters to the property owners asking them to rectify the alleged conditions. Mr. Milliken stated that in order to proceed, he would need to know the ordinance that addresses this and that the resident needs to make a formal complaint.

Commissioner Pierce asked how a town with no judicial system can enforce an ordinance such as this. Mr. Milliken explained that the property owners would be given a certain number of days to remedy the situation. If not remedied by the specified time, the City will file charges and the County Attorney will be the prosecuting authority in District Court.

Commissioner Martin then brought up the extension of the contract with Monarch Environmental Inc. for trash collection. She feels that a six-month extension is too long, that the City might be able to get a cheaper contract and should get moving on it. Commissioner Martin stated that the Commission did not vote on the extension; therefore, it should not be binding. Mr. Milliken said that if it was not voted on it is not legally binding; however, since the City had sent Monarch a letter requesting the extension, and Monarch had agreed, it would be best to honor the six-month extension to prevent any possible repercussions.

Commissioner Pierce moved that the City advertise for bids now instead of waiting six months and was seconded by Commissioner Martin. Commissioner Cooke suggested that since Monarch had agreed to the six months, the City can specify that a new contract go into effect at the end of the extension, which is September 30. Commissioner Watt amended the motion to advertise for bids in March with the stipulation that any new contract would take effect October 1, 2003. Commissioner Cooke seconded the amended motion, and the roll call vote was as follows: Cooke yes, Watt yes, Gilley yes, Martin abstain, Pierce yes. The commissioners then voted on the motion as follows: Cooke yes, Watt yes, Gilley yes, Martin yes, Pierce yes. Commissioner Pierce then moved that invitations to bid both the cemetery maintenance contract and the trash collection contract be advertised for 10 days, beginning March 7 and Commissioner Martin seconded the motion. A citizen, Walt McCay, noted that the law does not require

running the ads more than one or two days, and the cost would be prohibitive to run them for 10 days. The ads must be published at least once and must be published between seven and 21 days before the deadline.

Commissioner Pierce withdrew his original motion and made a new motion that the ads be run for a minimum of two days, those being Sunday and Monday, March 9 and 10. Commissioner Martin seconded the motion, and the roll call vote was as follows: Cooke yes, Watt yes, Gilley yes, Martin yes, Pierce yes.

Mr. Milliken addressed the Commission regarding the litigation pending against the City. He summarized the progression of the case, including Whayne Priest's deposition of Ms. Alderson. He stated that the Commission must make a determination as to how to proceed from this point. He explained the Kentucky statute addressing the Open Meetings Law; Commissioner Watt then moved that the Commission go into closed session to discuss with the city attorney litigation pending against the City of Smiths Grove. Commissioner Pierce seconded the motion, and the vote was as follows: Cooke yes, Watt yes, Gilley yes, Martin yes, Pierce yes. The Commission went into closed session at 8:20 p.m.

The Commission resumed open session at 9:05 p.m. Commissioner Watt moved that Mr. Milliken contact Ms. Alderson's attorney to discuss the case. Commissioner Cooke seconded, and the roll call vote was as follows: Cooke yes, Watt yes, Gilley yes, Martin yes, Pierce yes.

With no further business, the meeting was adjourned at 9:06 p.m.

APPROVED: _____
James R. Gilley, Mayor

ATTEST: _____
Phyllis J. Bessette, City Clerk

Signed "Dorothy J. Neal – Interim Clerk"