

MINUTES
SMITHS GROVE CITY COMMISSION REGULAR MEETING
SMITHS GROVE MUNICIPAL BUILDING
MONDAY FEBRUARY 27, 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 7:01 pm.
All present recited the Pledge of Allegiance

READING AND APPROVAL OF MINUTES

Minutes of Regular Meeting (January 23, 2012)
Meeting minutes were approved by acclimation

REPORTS

Treasurer Report (January, 2012)
Report was approved by acclimation

Public Works Report

Commissioner Varner reported that at this time we have no issues. However, he is still trying to contact Mr. Marr with Econo Signs regarding our street signs. Commissioner Pierce asked if on Main Street we could have signs that designate East or West for the intersecting streets because EMS and the Fire Department have problems finding homes due to this not being marked at this time. Commissioner Pierce also brought up the fact that Main Street has four (4) different names from the time you enter the city limits until you leave the city limits (North Main, South Main, Sixth Street and Hedge Street). Commissioner Varner stated that he would look into the issue and would try to have something to report back at the next meeting.

Police, Public Safety, Health and Welfare Report

Commissioner Martin read the Police Activity Report for the Month of January 2012. Chief Suoy was then asked if he had anything to report or to update the Commission about. Chief Suoy reported that the wearable video cameras had been received at his office that day and described how they worked. He also stated that the original cost for the cameras had gone down since we had applied for the grant so we were going to have close to one hundred (\$100) left on the grant. However, that money could only be used for either another camera as backup or related equipment for the video camera. He is trying to see if there is anything else he could get but suggested if not we would go ahead and purchase another camera as a backup.

Cemetery Report

Commissioner Pierce reported that Sanders Tree Service is down to the last tree to be cut down. Unfortunately, the ground is too soft at this time for them to cut it but as soon as it is dry enough they should be able to get the job done in one (1) day. Commissioner Pierce also inquired about the BRADD grant that was awarded last fall to help pay for the new road to be cut on the north side of the cemetery. Mayor Higginbotham said he had met with Hayes Paving last week and was awaiting a written bid from them. He had received a verbal bid for Five Thousand Four Hundred Dollars (\$5,400.00) regrettably, the grant is only for Three Thousand (\$3,900.00). At this time the Mayor asked if the Commissioners thought we should accept bids for the job or if they felt that Hayes would be the best bid considering they were the lowest for the previous street work. Commissioner Stiffey moved that the quote from Hayes be accepted, the motion was seconded by Mayor Higginbotham. Ayes all members present. Motion passed.

Code Enforcement Report

Commissioner Stiffey reported that he has been in contact with Paul Sexton of Warren County Code Enforcement and that the trailer on Sixth Street is being stripped out to be torn down. He also reported that Herbert Pearson's house on Fourth & Cave has been torn down by a member of Pearson's family. Commissioner Stiffey has asked Mr. Sexton to contact Ken & Teresa Lowe in regards to the property located on 419 College Street because the roof has now started to collapse on the home. Commissioner Stiffey stated that he would like to move on the cleanup of 510 Cave Street and wanted to know what the status of this was. At this time Attorney Milliken took the floor and reported that he had contacted the Warren County Clerk's Office and there are no mortgages showing on the property per their computer system. The Bank of Edmonson County was the last bank shown holding a mortgage on the property and they released it in 1994. There have been no Warren County Property Taxes paid on the property at least as far back as 2007.

At this time Attorney Milliken has not done a title search on the property but the County Clerk's Office does not show any liens against the property in their computer system. The property is valued at Thirty Thousand Dollars (\$30,000.00). Attorney Milliken stated that he does not believe that the taxes for the property have been bought and suggested that the City foreclose on the property and get a summary judgment. Once that was accomplished the property would be ordered to be sold at Master Commissioner's auction and the City would be able to collect monies due them from the sale. According to City Attorney Milliken the only other action he would suggest would be to get the property condemned but that action would take much longer than the foreclosure would.

Mayor Higginbotham inquired as to how much the action to foreclose would cost the City and Attorney Milliken said around Three to Four Thousand Dollars (\$3,000 – \$4,000) Mayor Higginbotham said that he would need to check with Mr. Sexton regarding his conversation with Select Portfolio Servicing, Inc. before we took any action. Select Portfolio Servicing, Inc. are the ones that Mr. Foushee, the home owner, claims holds the mortgage on the property and supposedly have foreclosed on; however, they claim they have no interest in the property and have not foreclosed on it.

With this being said, Mayor Higginbotham moved that subject to discovering a mortgage on the home the City would authorize Attorney Milliken to sue for the taxes owed. Motion was seconded by Commissioner Pierce. In discussion Attorney Milliken stated that if a mortgage holder was found they would just be added to the suite. Ayes all members present, motion passed.

COMMITTEE REPORTS

Aging Report

Commissioner Varner reported that he had nothing to report at this time but that the next meeting was fast approaching.

OLD BUSINESS

Second reading of **Ordinance Number 12-001 530.00** An Ordinance Establishing A Tax for Occupational Licensing of Occupations, Trades and Professions.

Motion was made by Mayor Higginbotham to accept the ordinance as is and was seconded by Commissioner Stiffey. Ayes all members present, motion passed.

Rural Mailboxes

Mayor Higginbotham once again discussed the problem with rural mail boxes on Main and College streets. He stated that the letters have not been mailed out yet because they will be very inflammatory and he feels there will be a lot of backlash due to them. One of the mail carriers has already threatened to file a protest against this with the postal union because she feels it may possibly lead to the cutting of her job. Mayor Higginbotham stated that he did not see how having the mail boxes put in the alley ways would harm her job at all. Commissioner Pierce stated that the mail boxes are in violation of Federal laws and that Federal law supersedes State, County and local laws and therefore he believed we should proceed with mailing out the letters. Mayor Higginbotham asked the Commissioners if they were willing to proceed and have a hearing in March and the consensus of all Commissioners was to proceed.

NEW BUSINESS

Street Signs

This had already been discussed during Commissioner Varner's Public Works Report. The only other thing he had to add was that a concerned citizen had brought up the suggestion to move the stop sign at the intersection of Lawson & Witherspoon due to the fact that the traffic on Lawson is heavier than that on Witherspoon. Commissioner Varner stated that he will get with Chief Suoy and they will investigate this matter before a decision is made.

Cemetery Sign

Mayor Higginbotham asked that each Commissioner closely review the proposed sign that he e-mailed them a copy of and make any suggestions or comments that they may have on it. Mayor Higginbotham's goal is to have the signs printed and posted at the cemetery before Memorial Day.

Bids for Janitorial & City Grounds

Mayor Higginbotham and the Clerk informed the Commission that they would like to notify the current contract holders that the City would be re-bidding these contracts due to the fact that the jobs are not being done adequately or to the contract specifications. Commissioners agreed that these contracts should be re-bid.

Commissioner Pierce asked to revisit the issues with streets in the City. He stated that there are holes in the streets in some areas near the sidewalk and requested that we contact the County to see if they would side-dress the streets. Commissioner Varner agreed to contact Magistrate Hunt.

With there being no further business to conduct, Mayor Higginbotham adjourned the meeting at 8:12 pm.

APPROVED _____
BERT E. HIGGINBOTHAM, MAYOR

ATTEST _____
DEBORAH K. BREWER, CITY CLERK

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