

**MINUTES**  
**SMITHS GROVE CITY COMMISSION REGULAR MEETING**  
**SMITHS GROVE MUNICIPAL BUILDING**  
**MONDAY OCTOBER 27, 2014 7:00 P.M.**

Members Present: Commissioner Lawrence Stiffey, Mayor Higginbotham, Commissioner Pierce, and Commissioner David Stiffey

Members Absent: Commissioner Varner

Also Absent: City Attorney Wes Milliken

Mayor Higginbotham called the meeting to order at 7:00 pm.

Prior to the Pledge of Allegiance Mayor Higginbotham passed out to all Commissioners and the City Clerk a copy of an agreement signed by Commissioner David Stiffey agreeing to a remedy allowing David Stiffey to continue as a member of the City Commission to avoid ethics violations while continuing to own part of W. R. Wurst Burial Services. Copy of the October 27, 2014 and the October 9, 2014 cover letter and Minutes of the September 23, 2014 meeting of the Barren River Regional Board of Ethics are at the end of the minutes as a requirement of the ethics board.

All present recited the Pledge of Allegiance

**READING AND APPROVAL OF MINUTES**

Minutes of Regular Meeting (September 22, 2014)

The meeting minutes were approved by acclimation.

**REPORTS**

Treasurer Report (3<sup>rd</sup> Quarter FY15 and September, 2014)

Report was approved by acclimation.

**Public Works Report**

Commissioner Lawrence Stiffey reported that the work we had commissioned done on the alleys has been completed. He had nothing else to report.

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

In Commissioner Varner's absence Mayor Higginbotham read the Activity Report for the Month of September 2014. He inquired if Chief Suoy had anything to add to which the chief replied "no".

**Cemetery Report**

Commissioner Pierce reported That Brian Gaul is doing a good job and the cemetery is looking good. Other than that he had nothing else to report.

Mayor Higginbotham reported that we have received our preliminary maps from Anderson Engineering and they are a tremendous help to the city. He also reported that we have received funds from Charlotte Dorsey Beckner to pay for the survey and maps.

Commissioner David Stiffey asked if there should be a vote on this. Mayor Higginbotham stated that there wasn't actually a reason to do so since the issue was discussed earlier and all members were in agreement and that the funds were received as a donation. Mayor Higginbotham once again explained that since March of 2011 the city has received over thirty five thousand dollars (\$35,000) in cemetery improvement donations and these donations were restricted funds that could only be spent on the cemetery.

At this time Mayor Higginbotham stated that he and the clerk had found in the notes for the April 28, 2014 meeting where all members were in agreement but for some reason when the clerk typed the minutes she omitted this (All notes from the meetings since clerk Brewer started are still available if anyone wishes to look at them). However, if it would make everyone feel better the commission would vote on again.

Mayor Higginbotham made a motion to approve the maps for which Charlotte Dorsey Beckner has donated about 88% or more of the funds. The motion was second by Commissioner Pierce.

At this time roll call vote was called for: Commissioner Lawrence Stiffey – Yes, Commissioner Pierce – Yes, Commissioner David Stiffey – Yes, Mayor Higginbotham – Yes and the motion passed with a 4 – 0 vote.

### **Code Enforcement Report**

Commissioner David Stiffey reported that he is still working on issues with some of the abandoned properties in town.

At this time Mayor Higginbotham reported there is a Master Commissioners Auction on October 29, 2014 and 150 W. Third is not on it. Right now we are just waiting for them to set a sale date. He asked the commission once the date was set what did they think we should do. Should there be a special called meeting to decide? All members present agreed that that would be best.

### **Committee Reports**

#### **Christmas Parade**

Mayor Higginbotham started off stating that Porter Martin, John Wayne Smith and a few others want to discontinue their work with the Christmas Parade. At this time he turned the floor over to Mr. Martin.

Mr. Martin stated that they are still going to do the 2014 Christmas parade but not the 205 parade. He explained that he was not mad at anyone but that his daughter has ball games on Friday nights and he would not have the time to dedicate to it.

He also stated that he hoped that someone else would take it over because he would hate to see the parade come to an end after sixteen (16) years. He stated he would be willing to continue the work on the website if the city wanted him too.

## **NEW BUSINESS**

### **First reading of Ordinance 14-006 210.10 An Ordinance Reestablishing a Code of Ethical Conduct Applicable to the Officers and Employees of the City and City Agencies of Smiths Grove, Kentucky**

At this time Mayor Higginbotham explained that in 1994 the state mandated that all cities have the same Code of Ethics and there were errors and things omitted in the one the city passed at that time. What he has done was to clean up the typos and add the KRS citations that should have in the original ordinance. He informed all present that in order to save time he would only be reading the corrections.

Once Mayor Higginbotham was finished reading the Ordinance he made a motion to accept the corrected ordinance in its entirety. The motion was second by Commissioner Pierce.

At this time roll call vote was called for: Commissioner Lawrence Stiffey – Yes, Commissioner Pierce – Yes, Commissioner David Stiffey – Yes, Mayor Higginbotham – Yes and the motion passed with a 4 – 0 vote.

Mayor Higginbotham stated that this was the last of the agenda items and asked if there were any walk in business items to address.

Commissioner Lawrence Stiffey asked who held a yard sale at the brick park back in September. Commissioner Pierce stated that it was him. Commissioner Lawrence Stiffey asked if he had gotten approval and Commissioner Pierce replied that he did from Mayor Higginbotham and the clerk.

At this time Mayor Higginbotham stated that there was a miscommunication because he and the clerk thought Commissioner Pierce was talking about the park in front of the Fire Department. We do permits quite often for that park and that was what the permit given to Commissioner Pierce was for. Yard sales are not permitted in the brick park.

Commissioner Pierce stated that at this time he would like to go back and address the street signs that are in need of repair/ resetting. He has been asking about this for about three months now and nothing has been done. Commissioner Lawrence Stiffey asked him if he had a contractor that could do it to which Commissioner Pierce replied no and stated it wasn't his department.

At this time Commissioner David Stiffey replied that Brian Gaul has some of the signs on his tuck because he has been working on them when he could.

Mayor Higginbotham stated that we would work on sign problems and now that mowing season is nearly over Mr. Gaul will have more time to be able to work.

Commissioner David Stiffey stated that he had an item to address as well. He stated that he did not believe that political signs were allowed on city property. Mayor Higginbotham replied that that was correct.

Commissioner Stiffey asked about the old City Hall building, which is being rented by Top Quality Gun Repair (Matt Brewer), and if signs were supposed to be there.

Mayor Higginbotham informed all present that, as they all knew, the property is being rented to Mr. Brewer and therefor as a renter he has the right to put whatever political sign he wants in the yard.

At this time Mayor Higginbotham informed all present that even though his name appeared on the ballot in Sunday's newspaper he has pulled out of the Mayoral race. He has already received his letter from the state stating they have received his paperwork. Several in the audience applauded.

With there being no further business to conduct, Mayor Higginbotham adjourned the meeting at 7:34 pm.

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

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

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

## ***Attachments***

October 27, 2014

To the City of Smiths Grove Commission;

The Barren River Regional Board Of Ethics in a letter dated October 9 from Chairman Jesse Riley ruled that Commissioner David Stiffey violated Section 5(C)4 of the City of Smiths Grove Ordinance No. 94-1 210.1.

Section 5(C) says "no officer or employee shall intentionally take or refrain from taking any discretionary action, or agree to take or attempt to induce any other officer or employee to take or refrain from taking any discretionary action, on any matter before the



Dear Mayor Higginbotham:

Attached is a copy of the minutes of the ethics hearing held on Tuesday, September 23, 2014 here at the BRADD Office.

Please let me know if you have any questions.

Sincerely,

\_\_\_\_\_*Signed*\_\_\_\_\_

Jesse Riley

Chairman

Barren River Regional Ethics Board

## **MINUTES BARREN RIVER REGIONAL BOARD OF ETHICS**

**Time & Place**      The Regional Board of Ethics met Tuesday, September 23, 2014 at the Barren River ADD Offices, Bowling Green, Kentucky. The meeting was called to order by Chairman Jesse Riley.

**Others Present**      Tony High, Christina Flener, Darrell Cassady, Herb Sparks and Buddie Leach. Staff present: Rodney Kirtley, Executive Director, and Jo Lynn Vincent, Records Administrator.

**Guest present**      Mayor Bert Higginbotham, City of Smiths Grove, Mr. David Stiffey, Ms. Lanna Kilgore and Mr. Fred Wurst.

Jo Lynn Vincent called the roll, noting the absence of, Grace Dunagan, Woody Gardner and Jim Secrest. Chairman Riley determined, after roll call, a quorum was present.

Chairman Riley presented the minutes of the August 7, 2013 meeting for approval.

**A motion was made by Mr. Herb Sparks, seconded by Mr. Buddy Leach, to approve the minutes of the**

**August 7, 2013 meeting. Motion carried.**

Chairman Riley reported that Mr. Joe Madison resigned from the Barren River Regional Ethics Board. Mr. Madison served faithfully for many years on the board and suggested that a thank you letter and resolution be sent to him on behalf of the Board.

**A motion was made by Mr. Buddy Leach, seconded by Mr. Tony High that a thank you letter be mailed Mr. Madison on behalf of the Board. Motion carried.**

**New Business**

**Complaint by the Mayor Bert Higginbotham, City of Smiths Grove**

Mayor Bert E. Higginbotham had filed a complaint with the Barren River Regional Board of Ethics stating that David Stiffey, a Smiths Grove City Commissioner, is part owner of R. W. Wurst Burial Services, LLC., which has an exclusive agreement with the City of Smiths Grove to dig graves, provide graveside service and prepare all monument foundations in the city-owned Smiths Grove Cemetery in violation of Ordinance No. 94-1 201.1 relating to ethical conduct of officers of the City.

Mayor Higginbotham was not represented by counsel and Mr. Stiffey was represented by Honorable Lanna Kilgore.

Mayor Higginbotham, Mr. Stiffey and Mr. Fred Wurst, the owner of one-half interest in R. W. Wurst Burial Services, LLC, under oath testified, were cross examined and questioned by the member of the Ethics Board.

After each made their presentation, Chairman Riley dismissed the guest and indicated they would be notified of the actions taken by the Barren River Regional Ethics Board. Chairman Riley called the Barren River Regional Ethics Board to consider the testimony of the witnesses.

After much deliberation and consideration of the testimony of witnesses, the exhibits, resolutions and ordinances, the Board finds:

1. The R. W. Wurst Burial Services, LLC., has an exclusive agreement with the City of Smiths Grove to provide burial service, etc., at the city-owned Smiths Grove Cemetery.
2. That Commissioner Stiffey admitted he owns one-half interest in R. W. Wurst Burial Services, LLC,
3. The testimony would appear to be uncontroverted that Commissioner Stiffey voted for Smiths Grove Resolution No. 05-11 and Ordinance No. 11-007-630.00 relating to said cemetery.

**The Barren River Regional Board of Ethics after due deliberation, upon motion by Mr. Herb Sparks, seconded by Mr. Tony High, finds that the respondent, David Stiffey, violated Section 5(C)4 of the City of Smiths Grove's Ordinance No. 94-1-210.1. Further, with specificity 5(C) says, "no officer or employee shall intentionally take or refrain from taking any discretionary action, or agree to take or attempt to induce any other officer or employee to take or refrain from taking any discretionary action, on any matter before the city in order to obtain a financial benefit for any of the following: any business in which the officer or employee, or any immediate family member has a financial interest."**

**Further, after due deliberation and consideration, the Barren River Regional Ethics Board does not recommend a penalty of any nature, under Section 21 of Ordinance No. 94-1-210.1.**

**The Barren River Regional Ethics Board would further point out to the City of Smiths Grove that corrective action could be taken under Section 5(E)**

**of the City of Smiths Grove Ordinance 94-1-21)0.1.  
Motion was unanimous.**

*[Section 5(E) is added at the end of this document]*

**Adjourn**

There being no further business,

**A motion was made by Ms. Christina Flener,  
seconded by Mr. Buddy Leach to adjourn. Motion  
carried.**

Respectfully Submitted:

Records Administrator

Section 5 paragraph (E)

Every officer or employee who has a prohibited financial interest which the officer or employee believes or has reason to believe may be affected by his or her participation, vote, decision or other action taken within the scope of his or her public duties shall disclose the precise nature and value of interest, in writing, to the governing body of the city or city agency served by the officer or employee, and the disclosure shall be entered on the official record of the proceedings of the governing body. The officer or employee shall refrain from taking any action with respect to the matter that is the subject of disclosure.