

MINUTES  
CITY COMMISSION REGULAR MEETING  
SMITHS GROVE MUNICIPAL CENTER  
MONDAY APRIL 25, 2005 7:00 P.M.

All members present Mayor Gilley, Commissioner Varner, Commissioner Watt,  
Commissioner Martin and Commissioner Pierce

**Also present City Attorney Wes Milliken**

All present recited the Pledge of Allegiance

***READING AND APPROVAL OF MINUTES***

Mayor Gilley said he moves to accept the March 28, 2005 minutes Commissioner Watt  
seconds Roll call: C. Varner yes, C. Watt yes, Mayor Gilley yes, C. Martin yes,  
C. Pierce yes

***REPORTS***

**TREASURE REPORT**

Mayor Gilley moves to accept the March 05 Treasurer Report Commissioner Varner  
seconds Roll call: C. Varner yes C. Watt yes, Mayor Gilley yes, C. Martin yes,  
C. Pierce yes

**STREET REPORT**

Commissioner Varner said that several citizens have brought to his attention on some  
problems, but the weather is not going to let up at least for the week. Once the weather  
gets better he will get to these issues. Commissioner Pierce does has something to say on  
North Warren School,

Commissioner Pierce said that he has been in touch with the Board of Education, and has  
showed, and told them what we actually have down on the board, and just a matter of the  
Commission approving this. Commissioner Watt said he his concerned with the hours it  
may cause more confusion being closed for those hours, it should be blocked off all the  
time.

Asked Commissioner Pierce has the residents that live across the street been notified  
Commissioner Pierce said no, Commissioner Watt said these are things the Commission  
should think about.

**POLICE REPORT**

Commissioner Watt read the Police Report and asked Chief Sneed if there is anything  
else that he would like to add Chief Sneed said no

**CEMETERY REPORT**

Commissioner Martin said this is going on there second mowing of the season they are  
suppose to be in they're again today. Where they have removed the trees, they still have  
to do some more work on the stump grinding, and some debris still needs done, other  
than that everything is going good.

## PUBLIC SAFETY, HEALTH & WELFARE REPORT

Commissioner Pierce said that all he has is that about maybe 3 years ago Judge Buchannon had mentioned about purchasing the property around ED Spear's Park to expand it, asking the citizens to give his office a call to find out what is going on. Commissioner Watt said the last time he had talked with him he said that this will come up again in June, Commissioner Watt said he also encourages everyone to call his office.

## UNFINISHED BUSINESS

### Setting Compensation (Mayor & Commission)

Mayor Gilley asked if anyone had any ideas Commissioner Watt had made it clear that this raise does not affect the present Mayor and Commission the next term that comes into office is who this affects. Mayor Gilley asked what about double the increase, Commissioner Watt moves to increase the Mayor from \$600.00 annually to \$1200.00 and increase the Commission from \$400.00 to 800.00 annually Commissioner Varner seconds Roll call: C. Varner yes, C. Watt yes, Mayor Gilley yes, C. Martin yes, C. Pierce yes

### Lapel Pins

Commissioner Varner said that for 500 pins it can get the same pin the City had before, but for only .89 cents each the total will be \$445.00 plus shipping and handling instead of over \$1000.00 that the City had paid before. Commissioner Pierce makes a motion to go ahead and order the pins Commissioner Martin seconds Roll call: C. Varner yes, C. Watt yes, Mayor Gilley yes, C. Martin yes, C. Pierce yes

## NEW BUSINESS

### Ordinance # 04-01-820.00 Rezone Change Velta Rose Smith

Mayor Gilley said that three people in the audience could speak asked Andy Gillies (planning and Zoning) would you like to go ahead and speak first. Andy Gillies said that he will just brief everyone what had taken place on March 17, 2005.

There had been a Public Hearing held to allow this Flower Shop and Antique Store to be rezoned from a RM2 (Two Family Residential) to a NB (Neighborhood Business)

Velta Rose Smith does already have a Conditional Use Permit but that does require some residing in the residence. And she wants that removed. So he asking for the Mayor and Commission to take this all under consideration

Gerald Brown asked Andy Gillies where in the Zoning Ordinance does it say that someone needs to reside in the residence. Andy Gillies had said it was located in Article 4 -100 States that use of a principal residence for any accessory commercial use permit.

Mr. Brookes Attorney for Velta Rose Smith all he has to say is just that everyone here in this room is supporting this zone change. He asked if anyone here tonight has any opposition, raise your hand, no one had raised a hand.

Wes Milliken City Attorney got up and said he has some options that the Commission can take

1. The City can take no action, and the recommendation of the Planning Commission would pass by operation of law pursuant to KRS 100.211
2. The City could summarily approve the zone change with no hearing or arguments, and pass an ordinance to reflect the recommended zone change.

3. The City could have an argument type hearing only with new witnesses and either concur with the Planning Commission recommendation or override the Planning Commission recommendation without supporting findings of fact based on the record would be arbitrary and could be violative of due process.
4. The City could have a denovo hearing and make findings of fact supporting its decision one way or the other.

He would again council the Commission to make specific reason why your findings and facts you have to over rule the decision that was recommended by the Planning & Zoning. Mayor Gilley asked for a motion to approve or disapprove this rezone change. Commissioner Pierce makes a motion to accept this Commissioner Martin seconds Roll call: C. Varner yes, C. Watt yes Mayor Gilley no, C. Martin yes, C. Pierce yes (Vote 4-1)

#### Building Permits

Andy Gillies said that the last time he was up here he had mentioned that the County is willing to take this issue on, without any cost to the City. The citizens of Smiths Grove will have to go to Planning & Zoning to apply for the permits.

Commissioner Varner asked would the revenue go to the County, Andy Gillies said yes.

Commissioner Pierce asked would a Building Inspector come up to inspect each time?

Gillies replied yes. Jack Wright with the County, had explained that all the City would have to do is just give him a call and they will come right out to inspect,

The City Clerk had suggested that the City could just raise the building permits and get building inspector come out and the city just pay them. Jack Wright said that they really do not make any money off the permits. Commissioner Varner asked the question what would it cost the city to have someone come out Jack Wright said he will check into all of this and get back with the clerk. Commissioner Watt said this is something the City should do more checking into. Mayor Gilley said we would table this until next meeting.

#### Kevin Turner

Kevin approached the Mayor and Commission said that the floors need to be waxed.

Bowling Green Consolidation With them furnishing the materials it will cost \$374.00 with Kevin purchasing the materials it will cost \$348.00.

Commissioner Vamer makes a motion to go ahead with Kevin purchasing the material and let him go ahead and have the waxing done. Commissioner Watt seconds Roll call:

C. Varner yes C.Wart yes, Mayor Gilley yes, C. Martin yes, C. Pierce yes

Mayor Gilley asked if there were any more question Commissioner Pierce said he would like to know if they can start having Work Shops held after the meetings, Mayor Gilley said that will be fine, starting next meeting.

Mayor Gilley called the meeting adjourned approximately at 8:10 p.m.

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

ATTEST: \_\_\_\_\_  
DONNA L LOONEY CITY CLERK

DATE: \_\_\_\_\_