

**MINUTES  
CITY COMMISSION REGULAR MEETING  
SMITHS GROVE MUNICIPAL CENTER  
FEBRUARY 23, 2004 7: 00 P.M.**

**MINUTES**

Mayor Gilley called the meeting to order at 7:00 p. m. with all Commissioners present  
Commissioner Cooke, Commissioner Watt, Commissioner Martin, Commissioner Pierce

Mayor Gilley asked Commissioner Martin to led the Pledge of Allegiance

Mayor Gilley recognized all special guest everyone here is on the agenda

**READING AND APPROVAL OF THE MINUTES**

**Minutes to Regular Meeting**

Mayor Gilley moves to stand approve the January 26, 2004 minutes Commissioner Martin  
seconds Commission Cooke yes Commissioner Watt yes Mayor Gilley yes Commissioner Martin  
yes Commissioner Pierce yes

**Minutes to Special Meeting February 4, 2004** Commissioner Cooke makes a motion to accept the  
special called minutes Commissioner Watt seconds Commissioner Cooke yes Commissioner Watt yes  
Mayor Gilley yes Commissioner Martin yes Commissioner Pierce yes

**REPORTS**

**Treasurer Report-**

Commissioner Pierce asked the Clerk if she got that taken care on the pager of Chief Sneed, the Clerk  
responded yes they are going to refund the City \$76.00 Commissioner Cooke makes a motion that the  
financial report is accepted. Commissioner Watt seconds Commissioner Cooke yes Commissioner Watt  
yes Mayor Gilley yes Commissioner Martin yes Commissioner Pierce yes

**Street Report-**

Commissioner Pierce said we got the alleys done and that their where some lights down he had the  
Clerk call on those she responded she did, that's all he has. Commissioner Watt, said we approved the  
special meeting for February 4, 2004 Mayor Gilley just informed him on that BRADD in today's  
meeting, said that they had approved our application for the sidewalk grant for \$ 219,894, Not to  
exceed the amount of \$ 222,000. It will go on to its next stage nothing else to say

**Police Report-**

Commissioner Cooke read the Police Report asked Chief Sneed if he had anything else to add, said he  
had nothing else to add

**Cemetery Report-**

Commissioner Martin said that she had contacted Preston Smith about painting the inside of the building, he said that he would do so. And Pete's Total Lawn Care had removed that door out there, also they are wanting to know if we can put a trash bin out there, she needs to check into that other than that nothing else to report

### **UNFINISHED BUSINESS**

Andy Gillies Executive Director (Planning & Zoning) said he brought some exhibits along he has a copy of the Smiths Grove Focal Point Plan Future Land Use Map. Exhibit 15 which is used in your focal plan, and this exhibit 7 acre sub site HB going into LI as well as a 3 acre expansion, which is going from agricultural to LI category, in the future land use map the purple to be used as: Highway Commercial uses it has come to his review, the review of the Planning and Zoning Commission, came to the opinion that the future use of this that the truck stop is still under Highway Commercial land use which fell into the LI category instead of the old C2 category Old Smiths Grove Zoning map or the Highway Business category that the rest of the county had LI would be the 7 acre site and the 3 area site 14 different policies 8 were suitable policies 6 were compatibility policies Planning Commission voted to recommend approval to zoning change to you all tonight Mayor Gilley asked if anyone had any questions Attorney Brent Travelstead asked Andy Gillis for the propose of the record what are the numbers of the exhibits Andy Gillis said exhibit 1 , and exhibit 2 also a photo of an Ariel of the truck stop. Currie Milliken Attorney for City of Smiths Grove asked when it was made, Andy Gillis said 2000 or 2001 Mayor Gilley said that focal point you have is April 2001. Brent Travelsted for the record Wendys is not on the Ariel correct Andy Gillis said correct.

Commissioner Pierce asked Andy Gillis that in the Comprehensive Plan Policy LU-1A-2 in preparing a general development plan, surrounding property owners must be consulted prior to submitting a zone change request to the Planning Commission. The Staff recommends to all applicants that they contact adjacent neighbors prior to the public hearing or have a neighborhood meeting, if possible. No information of a public meeting was provided to the Planning Commission to Commissioner Pierce said to his knowledge there was never any thing for the public to review Andy Gillis said that it was advertised as they always advertise for every meeting even posted out in the front of the premises where Planning and Zoning have the meetings. Mayor Gilley asked if there is no more questions Gerald Brown representing City of Smiths Grove Planning & Zoning Commissioner.

Gerald Brown went on to say he would like to read Smiths Grove Rural Village General Policy Guidance (Adopted 04/19/01 SG-1 To ensure orderly development of vacant tracts and infill sites within the city of Smiths Grove, the future Land Use Map should guide all zoning and development decisions. SG-2 Infill residential development should reflect the charter of the neighborhood with regard to size, scale, setbacks, and architecture. SG-3 New single family residential development of greater than 10 units should be limited in density to no more than four units per acre. SG-4 All new residential development must have sidewalks, curb, and gutter. SG-5 New multi-family residential development shall be limited to two-family and townhouses only. SG-6 Highway commercial development should be limited to the area designated on the Smiths Grove Future Land Use Map. SG-7 Smiths Grove has a unique tourist market in its antique district and this should be encouraged to continue by allowing the mixed use of residential and antique businesses. SG-8 Commercial development in areas outside of the Highway Commercial district should be limited to a neighborhood size, scale, and type. SG-9 Only light Industrial development and uses should be allowed and should be limited to the area designated on Smiths Grove Future Land Use Map. Gerald Brown said that this does not correspond to the Comprehensive Plans if the Planning cannot go by what they write up what do you expect others to do Thank you for your time.

Mayor Gilley asked if there were any questions for Gerald Brown some questions were asked about the Ariel Commission Watt said he would like to make a motion to deny the proposed zoning map amendment, docket number 2003-49-Z-SG. My motion is based on the findings of fact as presented in the staff report and the testimony as presented in the public hearing that the zoning map amendment is not in agreement with the adopted Comprehensive Plan Policies:

The proposed zoning change will create a traffic congestion problem at the location of the truck stop. There is no proposal to construct neither new entrances nor places to put them. The additional traffic raises safety concerns, issues crossing, and re- crossing the main entrance into Smiths Grove on a 2-lane highway.

This creates a hazard for the citizens of Smiths Grove. The proposed zone change is not conformity with the zoning maps since light industrial is limited to the area in proximity to the railroad track. This is, therefore, a violation of the Future Land Use Map as developed by the Planning and Zoning. Such a zone change, as proposed, would be in violation of Planning and Zoning's Comprehensive Plan. This re-zoning would be an attempt to expand a non-conforming use in violation of all previous Comprehensive Plans. The proposed zone change does not meet Smiths Grove zone requirements LU-1-SG-1, LU-7G-SG-1, LU-7B-SG-1, and LU-7B-SG-9 and does not meet zoning for the Smiths Grove Focal Point Future Land Use Map. Further, I request the findings of fact and recommendation includes a summary of all evidence and testimony presented by the proponents and/or opponents of the proposed amendment.

Commissioner Cooke seconds the motion Roll call: Commissioner Cooke yes Commissioner Watt yes Mayor Gilley yes Commissioner Martin no Commissioner Pierce yes  
Mayor Gilley said that the motion was denied carried votes 4 to 1 adjourned.

Andy Gillis suggested that if we are to go forward with the second reading that we need to do so before March 1<sup>st</sup>, 2004 Mayor Gilley stated that the second reading will be Wednesday February 25, 2004 at 7:30 a.m.

## **NEW BUSINESS**

### Sealed bids for the Cemetery

Commissioner Martin read as follows:

- Pete' Total Lawn Care \$10,800 annually 900.00 per month,
- Elkin Lawn Care \$12,600 annual
- Mammoth Cave Lawn Care \$10,080.00 annually \$840.00 a month
- Sure Cut \$12,000 annually

Commissioner Watt makes a motion to accept Pete's Total Lawn Care Commissioner Martin seconds the motion Roll call: Commissioner Cooke yes Commissioner Watt yes Mayor Gilley yes Commissioner Martin yes Commissioner Pierce yes

### Sealed Bids for Parking Lot

Commissioner Pierce read one bid from Scotty's contracting a total amount of \$28,452.00

### Fire Department Dues-

Commissioner Pierce said this is in reference to Ordinance Regulating the Collection of Subscriber fees Membership Dues for the Fire Department. What they are saying in this ordinance is that all residents in Warren County will be paying membership dues of \$30.00 that shall be added to the property tax bills of every owner of property. Commissioner Watt had not everything is in there yet it still has to be amended

correct asking Chief Priddy yes Attorney Currie Milliken asked Commissioner Pierce that he was under the impression that they had not passed this First Reading. Commissioner Pierce said that they passed the first reading Draft 6 amended to Draft 8 now passed through the Fiscal Court. Mayor Gilley asked if Chief Priddy would like to add anything he said basically Commissioner Pierce had said everything other than Smiths Grove was already under a contract with the Fire protection if the City wanted to pick up a percent 50% or 40% what ever they wanted to match up they could. The other draft will have it better worded so everyone could understand it better. Commissioner Watt said that no action could be made until the Fiscal Court does. Ray Lewis asked if it were \$500.00 per home Chief Priddy said yes if you are not a member Commissioner Cooke asked when would we get a copy of an updated draft. Chief Priddy said as soon as they get one.

#### Web Site

The Clerk had explained this would benefit the community and how we can keep informative information to anyone as long as this Web site is kept updated Commissioner Watt said we would need to keep this Web Site updated, that was a big concern to him. Commissioner Pierce makes a motion to get the web site going Commissioner Martin seconds the motion Commissioner Watt would like to amend the motion and to make Porter Martin chairman of the committee with Ben Kirtly, Donna Looney and Terry Pierce on the committee. Commissioner Cooke seconds the motion Roll call: Commissioner Cooke yes Commissioner Watt yes Mayor Gilley yes Commissioner Martin yes Commissioner Pierce yes Roll call on Motion Commissioner Cooke yes Commissioner Watt yes Mayor Gilley yes Commissioner Martin yes Commissioner Pierce yes

#### **Presentation (Commissioner Watt)**

Commissioner Watt asked Porter Martin and Ben Kirtly to come up. Some people do great things and never really get recognized for the work that they do, but on the behalf of The Mayor and the Commission we want to thank you both for all your hard work you have done for the City of Smiths Grove and to show you our appreciation we have a certificate for you. Porter and Ben thanked everyone

Commissioner Pierce made a motion to go into a closed session regarding litigation Commissioner Watt seconds Roll call: Commissioner Cooke yes Commissioner Watt yes Mayor Gilley yes Commissioner Martin yes Commissioner Pierce yes

Mayor Gilley called the Regular Meeting back into session at 8:35 p.m.

Mayor Gilley called the meeting adjourned at 8:36 p.m.

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

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

Date: \_\_\_\_\_