

**MINUTES
CITY COMMISSION SPECIAL MEETING
SMITHS GROVE MUNICIPAL CENTER
TUESDAY MAY 10, 2005 7:30 A.M.**

All members present Mayor Gilley, Commissioner Varner, Commissioner Watt, Commissioner Martin and Commissioner Pierce
Also present Wes Milliken City Attorney

Mayor Gilley called the meeting to order at 7:30 a.m.
Final Reading Ordinance # 05-01 820.00 Rezoning a Tract of Land (Velta Rose Smith)

Mayor Gilley asked Andy Gillies Director of Planning and Zoning if he would like to have the floor. Mr. Gillies went on to say that this is the final reading of Ordinance # 05-01 820.00 that was given on Friday May 6, 2005 died for lack of second. That the City was going to have to take some action because after 90 days it becomes matter of law.

Gerald Brown asked Andy Gillies where it shows in the Zoning Ordinance that Ms Smith has to live in the Flower Shop. Mr. Gillies said in Article 4 pg. 100 it states that a Use of a principal residence for any accessory commercial use is allowed only by first obtaining a CUP.

In Article 8 Section 8.2 D. it states is located on the same lot as the principal building or use served. Bart Darrel, Ms Smith's Attorney went on to agree that yes she would have to eat, sleep and live there. City Attorney Wes Milliken was asked the question by a citizen, if this was true, he went on to say that he is there to advise the Mayor and City Commission if she was asking if that is what the binding elements are, he is saying yes. although he advised the Mayor and City Commission to make sure once again to make sure that they give a fact and finding on their vote.

He had sent out a letter pertaining to this to each City Commission and Mayor.

Mayor Gilley said there is no Ordinance saying that she has to live there, Mr. Gillies said that this might not be black and white, but that is what these articles are meaning.

The citizens started getting loud, Mayor Gilley called the meeting adjourned at 8: 17 a.m. Commissioner Martin asked the Mayor if they could get this over, he his missing a lot of work.

Mayor Gilley reconvenes the meeting back into session at 8:20 a.m.

Commissioner Pierce makes a motion to approve Ordinance # 05-01 820.00 to approve the proposed zoning map amendment, together with and conditioned upon the General Development Plan, docket number, 05-01 820.00

My motion is based on the findings of fact as presented in the staff report, and testimony presented in this public hearing, that the zoning map amendment is in agreement with the adopted comprehensive Plan as demonstrated by its compliance with the Comprehensive Plan's following Policies: Commissioner Varner seconds

Roll call C. Varner yes C. Watt sustain Mayor Gilley no C. Martin yes C. Pierce yes

Mayor Gilley called the meeting adjourned approximately 8:25 a.m.

APPROVED: _____
JAMES R GILLEY, MAYOR

ATTEST: _____
DONNA L LOONEY CITY CLERK

DATE: _____