

September 6, 2011

The Oldham County Fiscal Court convened at a regular meeting at 2:00 PM with Judge-Executive David Voegele, County Attorney John Carter and the following Magistrates in attendance: Brent Likins, Wayne Theiss, Steve Greenwell, Bob Leslie, JD Sparks, Bob Dye, Kevin Eldridge, and Michael Logsdon.

APPROVAL OF AGENDA:

Motion made by Magistrate Leslie and seconded by Magistrate Greenwell to approve the agenda as submitted. Motion carried unanimously.

APPROVAL OF MINUTES:

Motion made by Magistrate Leslie and seconded by Magistrate Eldridge to approve the minutes of August 16, 2011 as submitted with a word correction on page 396 regarding Ambulance Taxing District, stating "line of credit", not "loan credit" and clarifying that the acronym GLSC stands for Greater Louisville Sports Commission. Motion carried unanimously.

PUBLIC COMMENT:

Judge-Executive Voegele stated that North Oldham Little League Team will be recognized at the LaGrange City Council Meeting scheduled for 6:30pm this evening. He stated that the community is so enthused and that the team should be proud of the way they acted and conducted themselves.

Magistrate Leslie informed the court that the North Oldham Little League Team was honored during the Bats game on September 5, 2011.

Don Hall, Crestwood (spoke to the court regarding Library Board concerns).
Dewey Wotring, LaGrange (spoke to the court regarding Library Board concerns).

PROCLAMATION – SEPTEMBER NATIONAL PREPAREDNESS MONTH:

Oldham County Dispatch Director Kevin Nuss spoke to the court, requesting that September be declared as National Preparedness Month in Oldham County.

Motion made by Magistrate Greenwell and seconded by Magistrate Leslie to authorize the Judge-Executive to sign the Proclamation recognizing September as National Preparedness Month in Oldham County. Motion carried unanimously.

PROCLAMATION – SEPTEMBER 24TH HEALTHY LIVING DAY:

Deana Karem introduced herself to the court as Executive Director of the Chamber of Commerce and gave a brief overview of the Chamber's Leadership Program and its recent graduates.

Motion made by Magistrate Theiss and seconded by Magistrate Sparks to authorize the Judge-Executive to sign the Proclamation recognizing September 24, 2011 as Healthy Living Day in Oldham County. Motion carried unanimously.

COUNTY ADMINISTRATION:**Payables**

Motion made by Magistrate Sparks and seconded by Magistrate Likins to approve the payables as submitted. **Exhibit #1 9/6/11**. Motion carried unanimously.

COMMITTEE RECOMMENDATIONS:**Road Committee**

Motion made by Magistrate Leslie and seconded by Magistrate Dye to release and/or reduce the following erosion control bonds relating to the Brentwood Subdivision as submitted. **Exhibit #2 9/6/11**

Spring Hill Trace Addition: \$47,900.00 Erosion Control Irrevocable Letter of Credit
Clore Lane Improvements: \$18,000.00 Erosion Control Irrevocable Letter of Credit
Section 1: \$106,500.00 Erosion Control Irrevocable Letter of Credit to be reduced to \$32,000.00
Spring Hill Trace Addition: \$86,000.00 Performance Irrevocable Letter of Credit to be reduced to \$35,000.00

Motion carried unanimously.

Motion made by Magistrate Sparks and seconded by Magistrate Likins to release the \$26,000.00 erosion control bond relating to Cherrywood Subdivision, Section 3B as submitted. **Exhibit #3 9/6/11**. Motion carried unanimously.

Parks Committee

Motion made by Magistrate Leslie and seconded by Magistrate Greenwell to permit Calvary Baptist Church utilization of the Courthouse lawn for the purpose of garage sale on Saturday October 1st. Motion carried unanimously.

COMMUNITY BUSINESS:

1st Reading – Zoning Map Amendment Ordinance – 5895 W. Highway 146, Crestwood

Planning & Development Assistant Director Brian Davis summarized for a 1st reading the proposed Zoning Map Amendment Ordinance KOC 11-920-89 for property at 5895 W. Hwy. 146, Crestwood. **Exhibit #4 9/6/11.** The 2nd Reading/Public Hearing will be 9/20/11.

2nd Reading – Zoning Map Amendment Ordinance - 2202 Fendley Mill Road, LaGrange

Planning & Development Director Jim Urban stated that the applicant had withdrawn their request for a Zoning Map Amendment for property at 2202 Fendley Mill Road in LaGrange.

Motion made by Magistrate Likins and seconded by Magistrate Logsdon to deny the application for a Zoning Map Amendment for property at 2202 Fendley Mill Road. **Exhibit #5 9/6/11.** Motion carried unanimously.

2nd Reading – Zoning Map Amendment Ordinance - 7401 Highway 329, Crestwood

Planning & Development Director Jim Urban presented for a 2nd reading the proposed Zoning Map Amendment Ordinance KOC 11-920-077 for property at 7401 Highway 329 in Crestwood and the floor was opened for public comment.

After being sworn in, Attorney Bill Brammell, Engineer David Garber, applicant Dan DuBose, and Judy Crask presented information in support of the proposed zoning map amendment.

After being sworn in, Jerry Meier, Don Hall, Gary Keibler, Louise Allen, and Michael Weidman presented information in opposition of the proposed zoning map amendment.

Attorney Bill Brammell, Engineer David Garber, and applicant Dan DuBose presented rebuttal evidence, responded to questions from the court and presented final statements in support of the proposed ordinance.

Gary Keibler, Louise Allen, Michael Weidman, and Jerry Meier presented rebuttal evidence and final statements in opposition of the proposed zoning map amendment.

The public hearing was closed.

Motion made by Magistrate Greenwell and seconded by Magistrate Sparks to adopt Ordinance KOC 11-920-077 relating to a change in the Oldham County Zoning Map rezoning the property at 7401 Hwy 329 in Crestwood from the existing R-2A Residential District Zoning Classification to C-1 Local Business District Zoning Classification as submitted. **Exhibit #6 9/6/11.** Motion failed 7-2 on a roll call vote. Magistrates Likins, Theiss, Leslie, Eldridge, Dye, Logsdon, and Judge-Executive Voegelé voted no. Magistrates Greenwell and Sparks voted yes.

Motion made by Magistrate Likins and seconded by Magistrate Sparks to deny the development plan. Motion carried 7-2 on a roll call vote. Magistrates Likins, Theiss, Leslie, Eldridge, Dye, Logsdon and Judge-Executive Voegelé voted yes. Magistrates Greenwell and Sparks voted no.

2nd Reading – Zoning Map Amendment Ordinance - 13320 W Hwy 42, Prospect

Planning & Development Assistant Director Brian Davis presented for a 2nd reading the proposed Zoning Map Amendment Ordinance KOC 11-920-074 for property at 13320 W. Hwy 42 in Prospect and the floor was opened for public comment.

Attorney Greg Erhard presented information on behalf of the applicant in support of the proposed zoning map amendment and responded to questions from the court.

There being no opposing comment, the public hearing was closed.

Motion made by Magistrate Dye and seconded by Magistrate Likins to adopt Ordinance KOC 11-920-074 relating to a change in the Oldham County Zoning Map rezoning the property at 13320 W. Hwy 42 in Prospect from the existing C-1 Local Business District Zoning Classification to C-3 General Business District Zoning Classification as submitted. **Exhibit #7 9/6/11.** Motion carried unanimously.

Motion made by Magistrate Dye and seconded by Magistrate Theiss to approve the Development Plan for the property at 13320 W. Highway 42 as submitted by the Planning and Zoning Commission, with binding elements. Motion carried unanimously.

2nd Reading – Administrative Code Changes Ordinance

Magistrate Logsdon read proposed Ordinance KOC 11-200-084 relating to the Administrative Code Changes and the floor was opened for public comment.

Discussion followed.

There being no public comment, the public hearing was closed.

Motion made by Magistrate Logsdon and seconded by Magistrate Likins to adopt Ordinance KOC 11-200-084 relating to the Administrative Code Changes as submitted. **Exhibit #8 9/6/11**. Motion carried 7-2 on a roll call vote. Magistrates Likins, Leslie, Greenwell, Eldridge, Dye, Logsdon and Judge-Executive Voegelé voted yes. Magistrates Theiss and Sparks voted no.

APPOINTMENTS/PERSONNEL:

Motion made by Magistrate Leslie and seconded by Magistrate Logsdon to accept the resignation of Samantha Yates effective 8/21/11. Motion carried unanimously.

CONTRACTS/RESOLUTIONS:

Codification of Local Ordinances – Grant Application Request

Motion made by Magistrate Likins and seconded by Magistrate Theiss to authorize the Judge-Executive to sign the Kentucky Department for Libraries and Archives Grant Application for Codification of Local Ordinances as submitted. **Exhibit # 9 9/6/11**. Motion carried unanimously.

KY 1793 Sidewalk Project – Kentucky Transportation Cabinet Grant Agreement and Resolution

Motion made by Magistrate Likins and seconded by Magistrate Sparks to authorize the Judge-Executive to sign the Agreement with the Kentucky Transportation Cabinet and the Resolution relating to the KY 1793 Sidewalk Project as submitted. **Exhibit #10 9/6/11**. Motion carried unanimously.

2012 Litter Abatement – KY Waste Management Grant Agreement and Resolution

Motion made by Magistrate Eldridge and seconded by Magistrate Logsdon to authorize the Judge-Executive to sign the Agreement with Kentucky Waste Management and the Resolution relating to 2012 Litter Abatement as submitted. **Exhibit #11 9/6/11**. Motion carried unanimously.

PUBLIC COMMENT:

None

OTHER BUSINESS:

Solid Waste and Recycling Director Linda Fountain updated the court on the following upcoming events; Free Shredding Event, September 10th from 9am-11am at the Oldham County Fairgrounds. Household Hazardous Waste Event, October 8th from 9am-3pm at the Oldham County Fairgrounds. Tire Amnesty Event, October 13th, 14th, 15th, from 9am-3pm at the State Highway Garage. Drug Take-Back Event, October 29th from 10am-2pm at the LaGrange/Buckner Firehouse.

Magistrate Dye stated that the Crestwood Festival is this coming weekend, September 9th-10th. Friday 5pm-9pm and Saturday 11am-6pm. Admission is free and activities include a 5K Run/Walk. Go to website www.active.com for more information. In addition, Waldeck Farm is hosting Town & Country Day and Apple Patch is having a yard sale from 8am-3pm.

JUDGE-EXECUTIVE ANNOUNCEMENTS/UPDATES:

Judge-Executive Voegelé announced/presented the following:

- Received Thank You note for contribution to Westport School House. They had new windows installed with the funds.
- Presented a few pictures of the property at 1014 Harmony Landing showing dilapidated structure demolition
- Buckner Mall road project should be paved tomorrow and should be open to driving in a couple of days.

MEETING ADJOURNED:

Motion made by Magistrate Theiss and seconded by Magistrate Dye to adjourn the meeting. Motion carried unanimously.

The meeting was adjourned at 7:00 PM.

Respectfully Submitted,

Sheila Faehr
Fiscal Court Clerk
September 6, 2011