

September 6, 2016

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

APPROVAL OF AGENDA:

Motion made by Magistrate Dye and seconded by Magistrate Likins to approve the agenda, as submitted. Motion carried unanimously.

APPROVAL OF MINUTES:

Motion made by Magistrate Leslie and seconded by Magistrate Dye to approve the minutes from August 16, 2016 as submitted, noting a clarification on the church window restoration & painting bids. Motion carried unanimously.

PUBLIC COMMENT:

Rusty Mays, 9003 Ash Avenue, Pewee Valley, spoke to the court regarding concerns relating to drainage and flooding issues along Ash Avenue.

William Stevens, 8913 Ash Avenue, Pewee Valley, spoke to the court regarding concerns relating to drainage and flooding issues along Ash Avenue, and removal of business yard signs.

Carl Parrish, Brownsboro, spoke to the court regarding concerns with limiting public access to Old Zaring Road.

John Detherage, Brownsboro, spoke to the court regarding concerns with limiting public access to Old Zaring Road.

PUBLIC COMMENT:

Fiscal Court members responded to public comment.

BID OPENING – ROAD REPAIR & RESURFACING OF YACHT CLUB ESTATES / ANNE TRESE COVE:

The following sealed bids for Yacht Club Estates Road Repair & Resurfacing Project were opened and read aloud for the record. **Exhibit #1 9/6/16.**

Hall Contracting	\$49,860.00
Louisville Paving	\$61,699.17
Ohio Valley Asphalt	\$49,683.00
Riverside Paving	\$52,717.00

The following sealed bids for Anne Trese Cove Road Repair & Resurfacing Project were opened and read aloud for the record. **Exhibit #2 9/6/16.**

Hall Contracting	\$22,020.00
Louisville Paving	\$19,750.00
Ohio Valley Asphalt	\$26,289.00
Riverside Paving	\$23,300.00

BID OPENING – HOUSE DEMOLITION AT 1733 RIVERSIDE DRIVE:

The following sealed bid for the House Demolition Project at 1733 Riverside Drive was opened and read aloud for the record. **Exhibit #3 9/6/16.**

Hedges Demolition	\$16,659.00
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COUNTY ADMINISTRATION:

Payables

Motion made by Magistrate Sparks and seconded by Magistrate Logsdon to approve the payables as submitted. **Exhibit #4 9/6/16.** Motion carried unanimously.

Motion made by Magistrate Leslie and seconded by Judge Executive Voegelé to take a five-minute recess. Motion carried unanimously.

Motion made by Magistrate Dye and seconded by Magistrate Greenwell to resume the meeting. Motion carried unanimously.

COMMUNITY BUSINESS:

Public Hearing – Old Zaring Road: Limiting access as a county road

Motion made by Magistrate Leslie and seconded by Magistrate Theiss to remove from the table, consideration of *the petition requesting a portion of Old Zaring Road to be discontinued as a County Road.* (this discussion was tabled at the 4/19/16 fiscal court meeting). Motion carried unanimously.

Judge Voegelé introduced for public hearing the application requesting to gate and limit public access to a portion of Old Zaring Road, by way of a proposed Memorandum of Agreement. **Exhibit #5 9/6/16.** Joshua Clubb, Attorney for the applicants, and applicant Dan Rector were sworn in and provided testimony in support of the application.

Discussion followed.

The following residents were sworn in and presented testimony opposing the application:

Carl Parrish, Brownsboro
John Detherage, Brownsboro

Discussion followed.

Motion made by Magistrate Sparks and seconded by Magistrate Logsdon to accept the proposed Memorandum of Understanding, to gate and limit public access to a portion of Old Zaring Road, with the county retaining ownership. Motion failed 3 to 6 on a roll call vote. Judge Voegele and the following Magistrates voted yes; JD Sparks and Michael Logsdon. The following Magistrates voted no; Brent Likins, Wayne Theiss, Bob Leslie, Steve Greenwell, Kevin Eldridge and Bob Dye.

Discussion followed.

Motion made by Magistrate Likins and seconded by Magistrate Leslie to discontinue Old Zaring Road as a county road, as presented for consideration at the 4/19/16 fiscal court meeting. Motion carried 5 to 4 on a roll call vote. Judge Voegele and the following Magistrates voted yes; Brent Likins, Wayne Theiss, Bob Leslie, and Steve Greenwell. The following Magistrates voted no; JD Sparks, Kevin Eldridge, Bob Dye and Michael Logsdon.

2ND Reading –Comprehensive Zoning Ordinance

Jim Urban, Director of Planning & Development Services, presented for second reading/public hearing proposed Ordinance No. 16-920-345 relating to repealing and replacing certain sections of the existing Oldham County Comprehensive Zoning Ordinance.

The following residents were sworn in and spoke in opposition of the proposed Ordinance:

Doreen Carlson, Barrickman Lane, Goshen
Jim Allen, Oldham View, LaGrange

Motion made by Magistrate Logsdon and seconded by Magistrate Leslie to adopt proposed Ordinance No. 19-920-345 relating to repealing and replacing certain sections of the existing Oldham County Comprehensive Zoning Ordinance. Discussion followed. The floor was opened for public comment.

The following residents were sworn in and spoke in favor of the proposed Ordinance:

Kevin Jefferies, Planning Commission Chairman
Adam Gallagher, Maddox Blvd, Prospect
Jeremy Esposito, LaGrange

The following residents were sworn in and spoke in opposition of the proposed Ordinance:

Dewey Wotring, LaGrange
Jim Allen, Oldham View, LaGrange
James Key, LaGrange
Wayland Blakely, Osage Rd, Crestwood
Richard Carlson, Barrickman Lane, Goshen

Discussion followed.

Magistrate Logsdon called to vote and the motion failed 4 to 5 on a roll call vote. The following Magistrates voted yes; Bob Leslie, Steve Greenwell, Kevin Eldridge and Michael Logsdon. Judge Voegele and the following Magistrates voted no; Brent Likins, Wayne Theiss, JD Sparks, and Bob Dye.

Discussion followed.

Motion made by Magistrate Logsdon and seconded by Magistrate Eldridge to amend the main motion to the following: to adopt proposed Ordinance No. 19-920-345 relating to repealing and replacing certain sections of the existing Oldham County Comprehensive Zoning Ordinance as presented, inserting a revision to Section 260-030 Accessory Structures, Item 1, to state "*All accessory structures over one hundred twenty square feet, after the second, on 5.01 acres or greater, may be granted a conditional use permit by the appropriate Board of Adjustments, only after a public hearing as a Conditional Use.*" **Exhibit #6 9/6/16.** Motion carried 6 to 3 on a roll call vote. Judge Voegele and the following Magistrates voted yes; Bob Leslie, Steve Greenwell, Kevin Eldridge, Bob Dye and Michael Logsdon. Magistrates Likins, Theiss and Sparks voted no.

COMMITTEE RECOMMENDATIONS / REPORTS:

Building / Maintenance & Construction Committee

Motion made by Magistrate Likins and seconded by Magistrate Sparks to award the stained glass window restoration project to Mominee Studios for \$61,620.00 as submitted. **Exhibit #7 9/6/16.** Motion carried unanimously.

Red Flag Homes

Motion made by Magistrate Eldridge and seconded by Magistrate Leslie to authorize foreclosure proceedings for property at 1820 Foxboro Road in LaGrange as presented. **Exhibit #8 9/6/16.** Motion carried unanimously.

Motion made by Magistrate Eldridge and seconded by Magistrate Logsdon to authorize foreclosure proceedings for property at 7422 Kavanaugh Road in Crestwood as presented. **Exhibit #9 9/6/16.** Motion carried unanimously.

CONTRACTS AGREEMENTS / RESOLUTIONS:

LG&E Utility Easement Request – Detention Center Project

Motion made by Judge Voegele and seconded by Magistrate Leslie to authorize the Judge Executive to sign the required utility easement agreements allowing for LG&E to install electric facilities at the Detention Center project site as submitted. **Exhibit #10 9/6/16.** Motion carried unanimously.

LG&E Utility Installation – Detention Center Project

Motion made by Magistrate Dye and seconded by Magistrate Likins to authorize the Judge Executive to sign the LG&E contract to install three-phase underground electric facilities at the Detention Center project site for \$2,097.00 as submitted. **Exhibit #11 9/6/16.** Motion carried unanimously.

PERSONNEL ACTIONS:

Road Department

Motion made by Magistrate Sparks and seconded by Magistrate Dye to approve the termination of Joseph Bricker effective 8/24/16. Motion carried unanimously.

PUBLIC COMMENT: None.

ANNOUNCEMENTS:

Judge Voegele and Magistrates Logsdon, Dye, Sparks and Likins offered follow up remarks to today's hearing on Old Zaring Road and the Comprehensive Zoning Ordinance.

Magistrate Eldridge shared a concern and information relating to ex-parte contact.

Magistrate Sparks announced a Kentucky Homeowners Association meeting 4pm, Oct 9th in the fiscal court building.

Magistrate Greenwell thanked everyone for making another smooth & safe start to the school year.

Magistrate Theiss thanked Magistrate Eldridge and John Carter for their work on foreclosure of dilapidated homes.

MEETING ADJOURNED:

Motion made by Magistrate Sparks and seconded by Magistrate Dye to adjourn the meeting. Motion carried unanimously. The meeting was adjourned at 6:30 P.M.

Respectfully Submitted,

Sheila Faehr
Fiscal Court Clerk
September 6, 2016