

ON THURSDAY, FEBRUARY 11, 2010, THE VERSAILLES-MIDWAY-WOODFORD COUNTY PLANNING AND ZONING COMMISSION HELD THEIR SCHEDULED MEETING IN THE 2ND FLOOR COURTROOM AT 6:30 P.M.

MEMBERS PRESENT: Jim Boggs, Jim Hume, Ed McClees, Tim Parrott, Patty Perry, Richard Schein, Brian Traugott, Chad Wells, J.D. Wolf.

MINUTES: A motion was made by Mr. Traugott, as seconded by Mr. McClees, to approve the January 14, 2010 minutes, with a correction on the last page to remove Mr. Hume's name in the motion to adjourn. The motion carried with nine (9) aye votes. **VOTING IN FAVOR:** Jim Boggs, Jim Hume, Ed McClees, Tim Parrott, Patty Perry, Richard Schein, Brian Traugott, Chad Wells, J.D. Wolf.

Final Plat – Dorothy Jones Property – 130, 150, 180, 210 Jones Lane – 4 lots – Rural Residential District.

Chairman Wolf called upon Mrs. Wilson for her comments. Mrs. Wilson stated that this was originally a zone change that was approved. Mrs. Jones would like to move forward and record four of the lots on existing Jones Lane. It requires that public infrastructure be put in, which is a 10' wide pull off area and she has not been able to do that with the asphalt plants being closed for the winter. When this was reviewed at TRC they requested Planning Commission approval contingent upon it being confirmed by Buan Smith, when the asphalt is laid. That way if there is a warm spell and she can get it put in, the Chairman could then sign the plat.

A motion was made by Mr. McClees, as seconded by Mr. Wells, to approve the Final Plat – Dorothy Jones Property – 130, 150, 180, 210 Jones Lane – 4 lots – Rural Residential, contingent upon receiving a letter from Buan Smith confirming that the asphalt has been laid before the Chairman signs the plat. The motion carried with nine (9) aye votes. VOTING IN FAVOR: Jim Boggs, Jim Hume, Ed McClees, Tim Parrott, Patty Perry, Richard Schein, Brian Traugott, Chad Wells, J.D. Wolf.

1st Amended Final – Aachen Estates – 2195 Tyrone Pike – Rural Residential District.

Chairman Wolf called upon Mrs. Wilson for her comments. Mrs. Wilson stated that this is a Rural Residential neighborhood that was approved and built and at that time the developer built the road to county standards but did not dedicate it to the County. Now that several of the lots have been sold and built on, those property owners would like it to be a County road to be maintained by the County. Mr. Smith wrote a letter stating that the plat would have to be amended showing that there is a dedicated 15' right of way and a bond would have to be posted for the final surface course of blacktop that has not been put down yet. Mr. Smith has written a letter recommending that a bond be posted for \$26,650.00.

A motion was made by Mr. McCleese, as seconded by Mrs. Perry, to approved the 1st Amended Final Plat – Aachen Estates – 2195 Tyrone Pike – Rural Residential District, and that a bond be posted in the amount of \$26,650.00 for final surface course and cleanup. The motion carried with nine (9) aye votes. VOTING IN FAVOR: Jim Boggs, Jim Hume, Ed McClees, Tim Parrott, Patty Perry, Richard Schein, Brian Traugott, Chad Wells, J.D. Wolf.

Final Development Plan – Highland Park Assisted Living Facility – R-3 District.

Chairman Wolf called upon Mrs. Wilson for her comments. Mrs. Wilson stated that this was a zone change that has been approved and originally they had asked for more units than they are asking for now. The prior layout was "H" shaped and after working with a site engineer and developer, they felt an "L"

shaped building was more appropriate and it enables them to have an access road around the perimeter of the property which is really good for emergency access. The back of the building will have a walk out so they will have spaces in the back for entering the lower level. This was reviewed by the TRC and the deficiencies have been addressed.

Mr. Hume stated that on the left side of the property there is a real steep slope along the drive and he felt that there needs to be a guardrail or something there for protection. He questioned if that was a concern to anyone? Mrs. Wilson stated that if it is, they probably would be amenable to putting up some type of a guardrail.

A motion was made by Mr. McClees, as seconded by Mr. Wells, to approve the Final Development Plan – Highland Park Assisted living Facility – R-3 District, contingent upon them adding a guardrail on the left side where there is a steep slope along the driveway. The motion carried with nine (9) aye votes. VOTING IN FAVOR: Jim Boggs, Jim Hume, Ed McClees, Tim Parrott, Patty Perry, Richard Schein, Brian Traugott, Chad Wells, J.D. Wolf.

4th Amended Final Development Plan – Phase One New Office Building – 210 Frankfort St. – B-4 District.

Chairman Wolf called upon Mrs. Wilson for her comments. Mrs. Wilson stated that this piece of property is on Frankfort Street just north of Dairy Queen. Most recently there was a used car lot located there. The owner actually had this plan approved before the car lot was done. He is amending the plan to go back to the office building. The entrance is an agreement with Mr. Matthews to use an existing entrance and the Frankfort side will be an exit only. Mr. Butler questioned if there is a reference to that agreed easement? Mrs. Wilson stated that they are supposed to bring her a copy of it, but they could also put a note on the plan referencing that. Mr. Butler felt that needs to be done.

Mr. Hume questioned if there is a problem with a detention basin being that close to the right of way? Mrs. Wilson did not think there should be a problem. There will be a retaining wall.

A motion was made by Mr. Hume, as seconded by Mr. Wells, to approve the 4th Amended Final Development Plan – Phase One New Office Building – 210 Frankfort St. – B-4 District, contingent upon adding a note regarding the access easement agreement. The motion carried with nine (9) aye votes. VOTING IN FAVOR: Jim Boggs, Jim Hume, Ed McClees, Tim Parrott, Patty Perry, Richard Schein, Brian Traugott, Chad Wells, J.D. Wolf.

COMMUNICATIONS:

1. Ball Homes – Bond Reduction Request – Gleneagles Unit 1A & 1B

Mrs. Wilson stated that Brian Stephens contacted her on behalf of Ball Homes regarding getting their CD's reduced. She explained that the Subdivision Regulations say that you cannot have reductions; however, there is a provision for granting waivers. They contacted Mr. Smith and he went out and took a look at the two sections of Unit 1A and Unit 1B and he has written a letters on each of those.

Mr. Smith recommends reducing the CD for Unit 1A (Section 1) from \$154,733.00 to \$103,670.00, Unit 1A (Section 2) from \$10,258.00 to \$4802.00, and Unit 1B from \$147,522.00 to \$113,185.00.

A motion was made by Mr. McClees, as seconded by Mrs. Perry, , to grant the waiver per Article IX, 920, A & B of the Subdivision Regulations that would allow the bond reduction for Gleneagles Unit 1A Section 1 from \$154,733.00 to \$103,670.00, Gleneagles Unit 1A, Section 2, from \$10,258.00

to \$4,802.00 and Gleneagles Unit 1B from \$147522.00 to \$113185.00. The motion carried with nine (9) aye votes. VOTING IN FAVOR: Jim Boggs, Jim Hume, Ed McClees, Tim Parrott, Patty Perry, Richard Schein, Brian Traugott, Chad Wells, J.D. Wolf.

2. Versailles Development Company - Tax Increment Financial (TIF) Development Plan

Mr. Bruce Simpson appeared before the Planning Commission on behalf of Rubloff regarding the Versailles Center. Mr. Simpson stated that there was some communication mailed out to the Planning Commission in their packets. Mr. Simpson stated that Rubloff has filed an application for Tax Increment Financing. This is found in the Kentucky Revised Statutes. This is a statutory scheme that the General Assembly enacted several years ago that could be made available for certain properties, such as the one we are talking about in Versailles and like the one Rubloff owns at Turfland Mall which for economic reasons have not been successful and have generated no jobs or taxes that would normally be generated. The law requires that the first requirement is that the applicant first has to go to the Planning Commission where the property is located and demonstrate that the property that they are seeking to develop is in conformity with the latest Comprehensive Plan. This is not a zone change or approval of any Preliminary or Final Development Plan or a Final Record Plat. There is nothing before the Planning Commission tonight that Rubloff will construct off of. This is not for anything other than to indicate that they do intend to develop the property as it was previously approved by the Planning Commission in August of 2008. They are no changes to the use or to the zone. The basic principle is to be able to indicate to the City of Versailles the conformity with the Comprehensive Plan and they will appear before them on Tuesday. There will then need to be a public hearing by the City of Versailles and if successful, it will then go to the State level. That is then reviewed by a number of State agencies and would go through several processes to make sure everything is in compliance and to determine how it would be paid for. This evening they are asking for the Planning Commission to certify that this property is still in compliance with the Comprehensive Plan as it was determined to be during the zone change. This is just the first step. Mr. Simpson presented the development plan that was approved with the zone change in 2008. The area outlined in blue is the district that is the development they are talking about and would be the beneficiary of the Tax Increment Financing Fund that would help with the infrastructure. The TIF can only be used to improve public infrastructure. This particular project is a 47 million dollar project and this level of the study is for getting the site prepared with infrastructure. The area in blue is the whole property and the area in red is the site on the property that would generate the revenues that would help to pay for the 9 million dollars that they are estimating for the infrastructure. The TIF is very complicated and the real meat of that matter will be addressed by the City Council. They will have an economic study to be addressed by the City Council and they will review that study to determine what the tax implications are. As a general rule they do look at this as a twenty year plan. As the property stands, it would generate about 1 million dollars over a twenty year period. If it is developed as proposed, it would generate about 64 million dollars in twenty years. TIF is designed to capture the money and hold it to put in the infrastructure. Again the only reason they are before the Planning Commission is for a recertification that the property is in compliance with the Comprehensive Plan as approved in 2008. It may be necessary to shift some properties around to get this done, but if anything like that is needed it would first have to go to the TRC and then to the Planning Commission for approval for any changes. Tonight they simply need recertification of the compliance with the Comprehensive Plan. Mr. Simpson stated that he has tendered a motion with Findings if the Planning Commission would like to use that. There will be more detailed information regarding how the TIF works at the public hearing at the City and the Planning Commission is certainly invited to attend. It will then go to the State and will go through several agencies and of course they have the final say as to whether it is approved or not.

Chairman Wolf questioned how long they think it will take to get all this approved? A gentleman representing the Versailles Development Company stated that generally it takes about seven to nine

months for approval and a lot of it depends on the State's timing and how long it takes for their independent study to be done. Generally, it should be under a year.

Mr. Hume questioned why the entire site is not included? Mr. Simpson stated that there are certain criteria that they have to meet in order to qualify for a TIF. One of those criteria is that no commercial building can be in excess of 20,000 square feet. They have left the site where the Lowes was going to locate which could end up being a Tractor Supply or something else and that has always been in excess of 20,000 square feet.

Mr. McClees stated that since the infrastructure is already in place on this site, what would the 9.7 million dollars be used for? Mr. Simpson stated that some of the infrastructure is not up to code now and a lot of it needs to be replaced entirely, due to deterioration. It gets fine tuned and the State will want more hard numbers as time goes on and they will have to come up with a forecast at some point. Mr. McClees stated that he is happy to hear that something may start moving now.

Mrs. Wilson stated that she noticed they have included the highway right of way and questioned if that is unusual, since it is not their property? Mr. Simpson stated that is correct that it is not their property, but they need to make it as broad as they can in case there is something that needs to be done in the right of way that would be a benefit to the public. Again, the State reviews this and they have the final say. It is better to make the district as broad as you can.

Mr. Parrott stated that Mr. Simpson is asking that the Planning Commission certify that the property is in compliance. Since that was already done a couple of years ago, does this mean that their application has expired? Mrs. Wilson stated that the Planning Commission approved a development plan after the zone change was approved. This is a process that the Planning Commission has never done before as a TIF and it is something that the full Planning Commission needs to do. It also shows support to the City Council. They could have revised their development plan, but they have not done that. Mrs. Wilson stated that the one point she wanted to stress was that the Planning Commission approved a Preliminary Development Plan in 2008 and as Mr. Simpson explained they are not approving a development plan. The Planning Commission is only saying that the plan is in compliance with the Comprehensive Plan. The Planning Commission will see this in the future as the project moves forward.

Mr. Schein stated that this is no different than what was approved back in 2008. Mrs. Wilson stated that she did not know that until today. Mr. Butler stated that in 2008 there was a finding as part of the approval of the zone change that the property is in compliance with the Comprehensive Plan. They submitted a development plan in the preliminary fashion and there was a finding made by the Planning Commission that it was in agreement with the zoning regulations. That original finding was part of KRS 100.213 which is a justification for rezoning. When Mr. Parrott was asking has it expired, no it really has not, but that was for one purpose and they are asking for the same finding for a different purpose under a different section of State law. They need a specific finding from the Planning Commission to move forward with the process. The Planning Commission is not voting positively or negatively on anything financial. In 2008 the finding was made and that may be the reason to make it tonight.

A motion was made by Mrs. Perry, as seconded by Mr. Traugott, to certify The Paddocks of Woodford County Property for the proposed TIF District is in compliance with the 2005 Comprehensive Plan based on the following Findings of Fact submitted by the applicant: The Versailles-Midway-Woodford County Planning and Zoning Commission finds that the Versailles Development Company proposal to redevelop a B-4 zoned site in the Urban Service Area on Lexington Road for a mixed use project is in compliance with the Comprehensive Plan. The project will include 83,160 square feet of restaurant and retail space, a 65 room hotel and 32,200 square feet of leasable office space. The improvements will be a major economic benefit for the community by creating new jobs, attracting new businesses and by providing additional facilities to

support local tourism. The project complies with the Land Use Map Element and numerous Goals and related Objectives of the Comprehensive Plan: 1. The project is consistent with the Versailles Urban Area Land Use District map on page 364 of the 2005 Comprehensive Plan, which includes the property within a Regional Commercial Center District. This is consistent with Maps 82A and 82B on pages 385-386 of the Plan, MPA Area 4, Versailles Center Environs, and with the accompanying text on pp.383-384. 2. The project meets the following applicable Goals and relevant Objectives of the Comprehensive Plan: A. COMMERCIAL DEVELOPMENT: Goal LU/CFS 1: To understand and accommodate the various levels of commercial needs of the cities of the county. 3. Objective: Enhance the expansion and revitalization of commercial needs within the central business districts of Versailles and Midway. 4. Objectives: To permit commercial and workplace uses within new neighborhoods and in appropriate locations within the undeveloped urban service /growth areas. B. PUBLIC USE FACILITIES: Goal LU/CFS 4: Determine if existing developments as well as all proposed new developments will be provided the necessary, desirable and advantageous community services and facilities in an orderly and efficient manner. These services and facilities shall include, but not be limited to, solid waste disposal, sewer and water systems, fire and police protection, health services, parks and recreation, schools, historical and cultural activities. 1. Objective: Continue to encourage the improvement and upgrading of sewer treatment facilities and the extension of sewer trunk lines in a logical and cost-effective manner. 4. Objective: Promote an adequate level of public services and facilities through the continued use of the Urban Service/Growth Area concept. C. GENERAL LAND DEVELOPMENT: Goal LU/CFS 5: Provide for the proper organization of land use and physical relationship thereof that will provide for an increasingly safe, healthy and convenient environment for the residents of the County to live and work in. 1. Objective: future land development should be encouraged to be located in centralized compacted patterns rather than decentralized sprawled patterns. 5. Objective: Develop standards for landscaping and buffering that will utilize techniques for the purpose of improving the aesthetic and functional quality of new development and minimize the friction between incompatible land uses. 6. Objective: preserve the compact urban forms of Versailles and Midway. 8. Objective: Evaluate Land Use Districts that provide recommendations for the creation, expansion, restoration or redevelopment of: Neighborhoods, Regional Commerce Centers and Corridors, Rural Areas, Small Communities, Workplace/Campus areas, town Centers/Downtowns; and Interchange Commerce Areas. D. TOURISM: Goal PJH-1: to promote the growth of the tourist industry in Woodford County as another means of broadening the county's economic base and to provide a linkage between the various segments of the community that offer goods and services to visitors. 1. Objective: to encourage the increase of Woodford County's share of the Bluegrass area's tourist dollars. E. EMPLOYMENT: Goal PJH-2: To accommodate diverse workplace opportunities that would be most advantageous for Woodford Countians seeking employment. 1. Objective: To improve the availability of jobs for residents of Woodford County and attract workplace uses that can provide the types of jobs that will provide Woodford Countians with a viable alternative to out-migration for employment. The motion carried with nine (9) aye votes. VOTING IN FAVOR: Jim Boggs, Jim Hume, Ed McClees, Tim Parrott, Patty Perry, Richard Schein, Brian Traugott, Chad Wells, J.D. Wolf.

Chairman Wolf stated that there have been some committee meetings held and there may be some reports to be made. Chairman Wolf called upon Mr. McClees to report on the Subdivision Committee meeting.

Mr. McClees stated that the Subdivision Regulations Committee met and have come up with some recommendations for changes. In the R-1A, R-1B, and R-1C Districts they are proposing reducing the rear yard setbacks. They recommend reducing the setback in the R-1A District from 50' to 35'. The members felt that this will reduce the number of Board of Adjustment requests for variances because it will give the builder more room to add on without a variance. In the R-1B, R-1C and the R-2 Districts they want to reduce the rear yard setback from 35' to 25'.

Chairman Wolf stated that the Committee is recommending that the Planning Commission hold a public hearing on this Section of the Zoning Ordinance. Chairman Wolf questioned if anyone wants to make a motion?

Mr. Boggs questioned why they need to have a hearing on each document, rather than just one hearing on all of it? Chairman Wolf stated that the public hearing on the Comprehensive Plan will be a separate hearing. Mrs. Wilson also pointed out that a public hearing on a text amendment to the Zoning Ordinance requires a recommendation to all three Legislative Bodies.

A motion was made by Mr. Parrott, as seconded by Mr. Traugott, to have a public hearing on Article VII, Section 705.6 (R-1A District) Lot, Yard and Height Requirements to recommend changing the rear yard setback from 50' to 35', Article VII, Sections 706.6 (R-1B District), 707.6 (R-1C District), 708.6 (R-2 District) Lot, Yard and Height Requirements to recommend changing the rear yard setbacks from 35' to 25', as suggested by the Subdivision Regulations/Zoning Ordinance Committee.

Mr. Butler clarified that the Planning Commission is only voting to have a hearing, not whether you agree or disagree with the suggested changes. Mrs. Wilson stated that she will also do a report and provide the Planning Commission with more information. Mr. Schein stated that he would also like to know what the standards are for other areas as well.

The motion carried with nine (9) aye votes. VOTING IN FAVOR: Jim Boggs, Jim Hume, Ed McClees, Tim Parrott, Patty Perry, Richard Schein, Brian Traugott, Chad Wells, J.D. Wolf.

Mr. McClees reported that the Committee also elected to hold a hearing to remove the requirement for street trees that are either placed in the utility strip or within a 5' strip parallel to the right of way. Mr. McClees stated that they did not feel comfortable telling someone how many trees has to be planted and what type in the fronts of their homes.

Mrs. Wilson stated that if this section is removed, it will be up to the City or the County to regulate street trees in their right of way.

Mr. McClees stated that so many people have complained about the trees and the homeowners would prefer to have the option of where the trees go in their yard, rather than from the curb and the street.

Mr. Hume questioned what brought this change about? Mr. McClees stated that it is from complaints. Mr. Hume questioned how many complaints there have been? Mr. McClees stated that he has had quite a few. Mr. Traugott stated that he does not like them in his subdivision. Mr. Wells questioned if they are talking about the trees between the street and the sidewalk? Mr. Hume stated that those trees are the responsibility of the developer. Mr. Wells stated that he lives in the same subdivision as Mr. Traugott and when walking and using a baby stroller the trees are a problem.

Mr. Parrott questioned if that strip is where the public utilities are also located? Mrs. Wilson stated that they have the choice to put them there or 5' behind the sidewalk. Mr. Parrott stated that right now his neighbor's yard is dug up because of tree problems and the sewer line.

Mrs. Wilson stated that at this time they are only making a motion to hold a public hearing. Mr. Butler agreed and stated that they should not be getting into detailed discussion at this time, but is appropriate at the time of the public hearing. Mrs. Wilson stated that the recommendation on this change would affect

other areas in the regulations so there would need to be a comprehensive removal done at the same time, if this change is adopted.

A motion was made by Mr. Wells, as seconded by Mr. Traugott, that the Planning Commission hold a public hearing regarding the proposed changes to Article VI, Section 680 of the Subdivision Regulations regarding street tree requirements and other sections of the Subdivision Regulations such as Article III, Section 330, 340 & 350.

Mr. Butler questioned if the partial release of the bonds is separate from the trees? Mrs. Wilson stated that the committee discussed allowing a one time reduction of the bonds, rather than having to grant a waiver. Mr. McClees agreed and stated that they were also going to include penalty clause. Mr. Butler suggested adding that to the previous motion.

A motion was made by Mr. Wells, as seconded by Mr. Traugott, that the Planning Commission hold a public hearing regarding the proposed changes to Article VI, Section 680 of the Subdivision Regulations regarding street tree requirements and other sections of the Subdivision Regulations such as Article III, Section 330, 340 and to add a new Section 180 to Article I to add a penalty clause for violations and to all language to Article III, Section 350 regarding the procedures for a one time reduction or partial release of a bond. The motion carried with nine (9) aye votes. VOTING IN FAVOR: Jim Boggs, Jim Hume, Ed McClees, Tim Parrott, Patty Perry, Richard Schein, Brian Traugott, Chad Wells, J.D. Wolf.

Chairman Wolf called upon Mr. Parrott for a report from the Budget & Personnel Committee.

Mr. Parrott stated that at their meeting they discussed recommendations that were made by the Auditor in the Letter to Management. The Committee made the following recommendations:

1. **Stale Outstanding Checks**

- Next time checks are ordered add "Void after 6 months" on the checks.
- Commission will investigate any checks outstanding for more than six months, putting a stop payment on the checks and restoring the check back to cash.
- Send a message out to all Board and Committee members reminding them to cash their checks in a timely manner.

2. **Capital Assets**

- Commission will obtain the pending list of Capital Assets from the Auditor and keep it up to date with a schedule containing the following: description of the asset; cost, voucher number, and vendor name; date placed into service; useful life; and, date asset retired and selling price, if applicable.

3. **Recording of Available Resources**

- Cash Box fund shall be included on its books and in its financial report. Cash Box shall be kept only up to \$150.00.

4. **Receipts Not Deposited Daily**

- Deposits shall be made daily when receipts are greater than one hundred (\$100).

5. **Restrictive Endorsement Placed on Checks**

-Restrictive endorsement shall be placed on incoming checks as soon as they are received.

6. **Segregation of Duties**

-Leave duties as currently set forth in Commission Policy and Procedures (March 2009) due to small amount of cash received.

7. **Adequacy of Bonding Insurance Coverage**

-Staff will be investigating cost of coverage for bonding. A recommendation on this will be made at a later date.

A motion was made by Mr. McClees, as seconded by Mr. Traugott, to approve the recommendations made by the Auditor as stated above. The motion carried with nine (9) aye votes. VOTING IN FAVOR: Jim Boggs, Jim Hume, Ed McClees, Tim Parrott, Patty Perry, Richard Schein, Brian Traugott, Chad Wells, J.D. Wolf.

Mr. Traugott stated that Mr. Butler has agreed to do a Comprehensive Plan 101 training class for all members of the Planning Commission and that will be March 11th at 5:00 p.m. before the regular meeting. Mrs. Wilson stated that they will also invite the elected officials.

Mr. Butler reported that last month the members were talking about swearing in witnesses. Mr. Butler stated that he made a couple of attempts to contact David Pike and he is licensed to practice in two or three states, one being Alaska where he has a home. Mr. Butler stated that he thinks he must be in Alaska right now. Mr. Butler stated that he did do some research regarding the issue and there are some cases that are referred to. Mr. Butler stated that he does not have a problem with the swearing in and does not think it will affect the quality or quantity of the testimony. Mr. Butler stated that if the Planning Commission wants to try it for a while and see what happens that is fine. If they don't want to try it that is fine as well and he will still make an attempt to talk to David and see what his concerns are.

Mr. McClees stated that Mr. Pike does stress that. Mrs. Wilson stated that he is the only one she has heard stress that.

Mr. Wells stated that he does not know if it will matter either way and is willing to try it. Mr. Boggs stated that he is still opposed to it and felt it is an attempt to quiet the masses. He felt that Mr. Pike wants to discourage people from speaking. Mr. Traugott stated that he likes the idea.

Mr. Tim Thompson stated that he agrees that it could intimidate some of the people who would testify and it becomes a nuisance. Mrs. Wilson stated that everyone can be sworn in at one time. Mr. Butler stated that from his experience you have a blanket swearing in and then you can ask someone testifying if they were sworn in at the beginning of the hearing. Mr. Butler felt that if you single them out and swear in each person, it could be intimidating. Mr. Thompson stated that he thinks it will be intimidating regardless.

Mr. Butler stated that they do not have to make a decision tonight. He questioned if there is a hearing coming up? Mrs. Wilson stated that they do not have a zone change, but the text amendments are coming up.

Mr. Wells stated that is someone feels passionately about the text amendment regarding trees, there is no issue regarding perjury. Mrs. Wilson stated that it might be more pertinent on zone changes.

Mr. Parrott questioned the language regarding cross examination. If someone is giving their opinion do they have the right to cross examine them? Mr. Butler stated that if someone gives testimony anyone has the right to ask them a question. Mr. Butler referred to past hearings where Mr. Graddy has questioned the applicants or their expert witnesses. Mr. Parrott stated that if someone gets up and says that they are for or against something, do they have the right to ask them why? Mr. Butler stated that they can. Mr. Parrott stated that he just feels that everyone has a right to their own opinion. Mr. Butler stated that is correct and if the Chairman feels that someone is being harassed he can have them move on.

Chairman Wolf stated that if someone has a strong opinion they are going to testify regardless of being sworn in.

FINANCIAL REPORTS AND BILLS & BILLS, MONTHLY BUDGET REPORT, REPORT TO COMMISSION, BOND STATUS.

The above reports were accepted.

Mr. McClees questioned the Hunters Ridge 6A & 6B? Mrs. Wilson stated that the Fiscal Court chose to not cash those CD's and have the work done themselves, but to work with Barlow Homes and Mr. Smith is overseeing that work.

A motion was made by Mr. Traugott, as seconded by Mr. Wells, to adjourn the meeting at 7:30 p.m. The motion carried with nine (9) aye votes. VOTING IN FAVOR: Jim Boggs, Jim Hume, Ed McClees, Tim Parrott, Patty Perry, Richard Schein, Brian Traugott, Chad Wells, J.D. Wolf.

J.D. Wolf, Chairman
JW:pc