

ON THURSDAY, APRIL 14, 2011, THE VERSAILLES-MIDWAY-WOODFORD COUNTY PLANNING AND ZONING COMMISSION HELD THEIR SCHEDULED MEETING IN THE 2ND FLOOR COURTROOM OF THE WOODFORD COUNTY COURTHOUSE AT 6:30 P.M.

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

MINUTES: A motion was made by Mr. Traugott, as seconded by Mr. Wells, to approve the March 10, 2011 minutes, as submitted. The motion carried with eight (8) aye votes. **VOTING IN FAVOR:** Jim Boggs, David Floyd, Ed McClees, Tim Parrott, Patty Perry, Brian Traugott, Chad Wells, J.D. Wolf.

Amended Final Development Plan – HMS Properties LLC – 103 Fieldview Dr. – I-1 District.

Mrs. Wilson stated that this is an industrial business at the corner of Fieldview and Kuhlman. They want to do an expansion at the rear of the building and also add an open area on the side with revised parking. TRC reviewed the plan and all the deficiencies have been addressed.

A motion was made by Mr. McClees, as seconded by Mr. Traugott, to approve the Amended Final Development Plan – HMS Properties – 103 Fieldview Dr. – I-1 District. The motion carried with eight (8) Aye votes. VOTING IN FAVOR: Jim Boggs, David Floyd, Ed McClees, Tim Parrott, Patty Perry, Brian Traugott, Chad Wells, J.D. Wolf.

Proposed Text Amendment – Article X – Flood Damage Prevention Ordinance, Section 1001 Definitions, Section 1002.2 Basis for Establishing the Special Flood Hazard and Section 1003.3 Duties and Responsibilities of the Local Administrator.

Mrs. Wilson explained that the office has been working with the State through there map modernization program to update our 1978 Floodplain Maps. This is through FEMMA. The State Floodplain Coordinator reviewed our Zoning Ordinance and noted these three sections that need to be updated.

The definition of Substantial Damage needs to be slightly modified. The date of the maps needs to be changed from June 1, 1978 to August 2, 2011. The third one are federal and state changes that actually came out of litigation in the past and they have asked all communities to adopt the new wording.

Mr. Traugott questioned the significance of the date change? Mrs. Wilson stated that is when FEMMA has advertised that the maps will be effective. Mrs. Wilson stated that this process has been going on for a year and a half.

Chairman Wolf declared the hearing open at 6:35 for public comments. With there being no comments Chairman Wolf closed the hearing.

Mr. McClees questioned if they need to waive the bylaws to take action? Mrs. Wilson stated that they do not, but it does need to be forwarded to all three legislative bodies.

A motion was made by Mr. McClees, as seconded by Mr. Parrott, to recommend the approval of the updated language to Article X, Sections 1001, 1002.2 and 1003.3 as recommended by the State Flood Plain Coordinator and FEMMA, as follows:

DEFINITIONS

Substantial Damage - Means any damage to a building for which the cost of repairs equals or exceeds fifty percent of the market value of the building prior to the damage occurring. This term includes structures that are categorized as repetitive loss. Means damage of any origin sustained by a structure whereby the cost of restoring the structure to it's before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

1002.2 BASIS FOR ESTABLISHING THE SPECIAL FLOOD HAZARD AREAS

The areas of special flood hazard identified by the Federal Emergency Management Agency (FEMA) in the Flood Insurance Study (FIS) for Woodford County, dated ~~June 1, 1978~~ **August 2, 2011**, with the accompanying Flood Insurance Rate Maps (FIRMS), other supporting data and any subsequent amendments thereto, are hereby adopted by reference and declared to be a part of these regulations by the Planning Commission, Councils of the City of Versailles and the City of Midway, and the Fiscal Court of Woodford County, and for those land areas acquired by them through annexation. This FIS and attendant mapping is the minimum area of applicability of this ordinance and may be supplemented by studies for other areas which allow implementation of this ordinance and which are recommended to the City Councils and Fiscal Court by the Floodplain Administrator and are enacted by City Councils and Fiscal Court pursuant to statutes governing land use management regulations. The FIS and/or FIRM are permanent records of City Councils and Fiscal Court and are on file and available for review by the public during regular business hours at the Woodford County Courthouse at 103 South Main Street, Versailles, KY.

1003.3 DUTIES AND RESPONSIBILITIES OF THE LOCAL ADMINISTRATOR

- 2) All other required state and federal permits have been obtained: ~~Advise permittee that additional federal or state permits may be required, and if specific federal or state permit requirements are known, require that copies of such permits be provided and maintained on file with the development permit.~~ **Review proposed development to assure that all necessary permits have been received from those governmental agencies from which approval is required by Federal or State law, including Section 404 of the Federal Water Pollution Control Act Amendment for 1972, 33 U.S.C. 1334.**

The motion carried with eight (8) aye votes. VOTING IN FAVOR: Jim Boggs, David Floyd, Ed McClees, Tim Parrott, Patty Perry, Brian Traugott, Chad Wells, J.D. Wolf.

Chairman Wolf stated that the Planning Commission has received a letter from the EDA making a request. The EDA would like to put their office in with the Planning Commission office. The duties would be for the staff to answer the phone and take messages and receive their mail and emails and forward them on to them. The Chairman of the EDA, Malcolm Endicott, is present to explain to the Planning Commission what they're thoughts are.

Mr. Endicott stated that the EDA has done nothing since 1998 except deal with the Midway Station property. They now have some breathing room and would like to do some reorganization and get back to economic development on a county wide basis. They need a headquarters where someone would actively answer the phone for them and do some electronic things and make sure they get their mail and

communicate with the Chairman or the Vice Chairman of the EDA when it is necessary. Based on some of the things they have heard about the Planning Commission's problems they thought that perhaps this would add some extra work for the staff. This would not be much added work, but it would be some. The EDA does not see that there is any conflict of interest with the Planning Commission and many times they do run along parallel lines. The details of the work do need to be worked out more formally. The letter that was sent to the Planning Commission was also sent to the legislative bodies that also need to be in on some of the decision making. Mr. Endicott stated that Mr. John Soper is also here on behalf of the EDA.

Mr. Soper stated that in the EDA's discussion they felt that marrying the EDA with the Planning Commission would be a proactive image. They felt it makes a lot of sense and they have a lot of confidence in the staff of the Planning Commission office. There are a lot of details to work out and they need to understand what each others roles and responsibilities are. They will not be going back to the legislative bodies and asking for an executive director because the money is not there. When the EDA does have a prospect confidentiality is a key component and they feel that could be served well in the P&Z office. They felt that they could try this out for a year and see how well it works. If the Planning Commission is interested, then they will go back to their board and to the legislative bodies and see where this can go. It could be a positive thing that would allow them to receive phone calls that could be answered by someone who has knowledge of what that caller wants to ask.

Mr. Boggs questioned how much time they think they may be asking of staff? Mr. Soper stated that they really do not know for sure. Mr. Endicott stated that he believes it would be less than one hour per day. Mr. Boggs questioned how Mrs. Wilson feels about this? Mrs. Wilson stated that she has given it a lot of thought and believes that it would be a good idea.

Mr. Traugott stated that what would make him feel better is if the EDA would lobby for some funding for the Planning Commission staff. Mr. Endicott stated that they did have that in mind but could not do so until they knew if the Planning Commission would be interested in this.

Mr. Soper stated that the other thing is if they get the nod here they will need to go back to their board and discuss it further. At the proper time they will need to sit down and discuss responsibilities in depth.

Mr. Traugott stated that there are some outside groups getting involved in economic development and as a taxpayer he would love to see the EDA fill up that void. Mr. Endicott stated that the Chairmen of some of those groups are coming to their EDA meetings. Mr. Traugott stated that they need to tread carefully because they are in about the same position as the Planning Commission. Mr. Traugott stated that they need one EDA in this county.

Mr. Wells questioned if they would need any physical space? Mr. Endicott stated that at this time they do not. Mr. Endicott stated that they are discussing many things that could be handled by the Planning Commission staff.

Chairman Wolf questioned what the members think? Mr. Traugott stated that he would like to see the legislative bodies take economic development seriously in the future and did not think that they can grow unless they have their own office and staff, but was not opposed to trying this out.

Mr. McClees stated that he believes that this is a good idea and everyone will have first hand knowledge of what is possible. This will also give the staff more to do. Mr. Endicott stated that there will not be a lot of responsibility held by the staff. It will be just passing on information to the EDA.

Mr. Floyd agreed that it is a good idea. He stated that there has been no feedback regarding the Planning Commission funding as to whether they might have to do Plan B or Plan C. If the Planning Commission does not get the funding will there be enough staff to do these extra responsibilities?

Mr. Boggs and Mr. Parrott stated that it is a good idea to try it.

Mr. Wells stated that he is not opposed to the idea, but has one concern regarding what other communities do. Could there be some possible lawsuit due to the staff receiving the EDA's mail and then things such as biased and predisposition coming into play by some group opposing a development? Mr. Endicott stated that was one of their concerns they discussed but they will just have to do the best they can to keep that from happening and he believed that they could.

Mr. Butler stated that if there is someone in the role of marketing and then they have to shift and say they are unbiased reviewing a proposal, it really can't happen. Mr. Butler stated that years ago he used to do what Mrs. Wilson does now and he was sure that she gives out the same information and takes the same calls now. This will be the same information that the staff is providing. If they are opening mail and forwarding it on, that is no big deal. As far as the confidentiality, you should look into that because there is some issue regarding open records for the Planning Commission. If there is mail that is marked confidential, the staff should receive it unopened and just forward it. There are details to be worked out, but generally speaking it should work. There are some communities where you have City Manager, Economic Development Authority, Building Dept., and the Planning Office all together. Some places encourage that for one stop shopping.

Mrs. Perry stated that she is in agreement and likes the idea and had a discussion with Mrs. Wilson about it and she felt that it would work well as long as it is kept in two separate entities.

A motion was made by Mr. McClees, as seconded by Mr. Traugott, that the Planning Commission is open to the proposed concept of working with the EDA and that the EDA proceed in pursuing the necessary approvals with the legislative bodies, subject to the details being worked out and that Mrs. Wilson and Chairman Wolf be designated to work with the EDA on the responsibilities of the staff. The motion carried with eight (8) aye votes. VOTING IN FAVOR: Jim Boggs, David Floyd, Ed McClees, Tim Parrott, Patty Perry, Brian Traugott, Chad Wells, J.D. Wolf.

Chairman Wolf stated that there are a couple of developments that need repairs to the roads and the bonds are not sufficient to cover the cost. Chairman Wolf stated that the Subdivision Regulation Committee need to get together to come up with a solution to this problem. Mr. McClees questioned if Hunters Ridge and Cedar Ridge are the ones in question? Mrs. Wilson stated that it is Rose Ridge and Cedar Ridge.

Mr. Traugott stated that he plans to have the next Comprehensive Plan meeting on the regular meeting date at 5:30 pm. Mr. McClees, Chairman of the Subdivision Regulation Committee, scheduled the meeting for 4:30 pm on May 12 prior to the Comprehensive Plan Committee meeting.

Chairman Wolf stated that the Planning Commission is not in very good shape financially and it is uncertain what the legislative bodies are going to commit to. Chairman Wolf stated that he would like for the Planning Commission members to get across to them that during the last Comprehensive Plan \$320,000 was spent and this update is going to be done for \$5,000.00. We are saving the taxpayers money and we are required to do a Comprehensive Plan.

Mrs. Wilson recognized Emily Wooster who is a high school junior and in the Leadership Program. One of their requirements is that they attend a public meeting and write a paper on it, as well as a lot of other things. Mrs. Wilson stated that she has met with them twice this year.

Mr. Floyd stated that he has a question on the Surety Report. Rose Ridge has a bond coming due on 5/17/2011. Mr. Floyd stated that the remaining portion of the subdivision is in default and was sold on the courthouse steps. He questioned what happens to this bond? Mrs. Wilson stated that the CD is made payable jointly to the legislative body and the developer and it takes both to sign it, if it were written properly. Chairman Wolf stated that the point he was trying to make is that there is not enough money held in the CD's to cover the cost of what it would cost today to do the work. Mrs. Wilson stated that the City or County holds the actual CD. Mr. Floyd questioned if on May 18 something has to be done? Mrs. Wilson stated that the way CD's are worded is that they automatically roll over after twelve months unless cashed. Mrs. Wilson stated that she is unsure if the CD is in the City's or the County's name and that would depend on if it had been annexed at the time of the development approval. Mr. Floyd stated that he has lived there for six years and it has been in the City the entire time he has lived there. Mrs. Wilson stated that on the newer subdivisions they are given a certain period of time to do the work and if they have not done it then they have to come back to the Planning Commission and ask for approval and they have to increase the amount of the CD based on inflation. Mrs. Wilson stated that the concern is on the older ones. Mr. Floyd questioned if they can go back to the property owners and have them increase it? Mr. Butler stated that they cannot if it is already in place. Mrs. Wilson stated that typically you do not want to put the final blacktop down until 80% of the housing has been built because it tears up the street. Mr. Floyd stated that he understands that, but the problem is that this road is getting so bad in Rose Ridge that they are going to end up losing the initial course of blacktop and it is going to cost three times as much to finish it up right now. Mr. Butler stated that you have to understand that the road now belongs to the City or County and it is their responsibility subject to this bond that they hold. We are administering this on their behalf. Mr. Butler stated that they need to cash the bond and do the work while they can. The problem has been helped by the new regulations that are in place, but it does nothing for these old bonds. Chairman Wolf stated that he does not believe that 80% of Rose Ridge has been completed. Mr. McClees pointed out several CD's and Letter's of Credit that are coming due. Mrs. Wilson stated that Mrs. Conley stays on top of the notifications.

FINANCIAL REPORT AND BILLS

The report was accepted administratively.

MONTHLY BUDGET REPORT

The report was accepted administratively.

REPORT TO COMMISSION

The report was accepted administratively.

Mrs. Wilson questioned if the bottom figures were what Mr. Parrott was looking for? Mr. Parrott noted that for March we are \$5578.77 in the hole and for the year we are \$19,917.05 in the hole, which is very close to what was expected.

BOND STATUS REPORT

The report was accepted administratively.

Mr. Wells stated that he knows the budgets have been forwarded to the legislative bodies. He questioned if there is any timeline where we will know about that? Mrs. Wilson stated that it is her understanding that the Judge has done a draft budget and he passed that out to the Magistrates. Mrs. Wilson stated that she has heard nothing from the City at all. Mr. Wells stated that he is assuming that by next month we will know more.

A motion was made by Mr. Traugott, as seconded by Mr. Wells, to adjourn the meeting at 7:04 p.m. The motion carried with eight (8) aye votes. VOTING IN FAVOR: Jim Boggs, David Floyd, Ed McClees, Tim Parrott, Patty Perry, Brian Traugott, Chad Wells, J.D. Wolf.

At this time the Comprehensive Plan Committee resumed their discussion in order to speak with Mr. Butler.

Chairman Traugott requested that Mr. Butler give them some guidance on market factors in order for them to make some decisions. Mr. Butler explained that the Comprehensive Plan is a short version to a very long story. The main meat of the Comprehensive Plan is a recommended future development pattern. It says where you want to grow and what you want to grow. The market factor is typically based on how much demand you have. If you think you are going to grow by 6,000 people and the average house size is 3 people per household that is 2,000 homes. You figure that each home on average is going to take an acre of land, which is an assumption, but it would mean you need 2,000 acres of land to accommodate this residential growth. The market factor comes in where it is generally accepted if you have 2,000 acres of demand and you supply 2,000 acres then the supply equals the demand so the price goes up. Some of the areas that you want to grow in will not be scattered about, but will more than likely be in a general area. Perhaps Farmer Brown does not want to sell his land, so now you only have 1600 or 1700 acres so the supply is less than the demand. In order to accommodate both of these factors you figure out a market factor. Almost without fail on Plans that he has worked on a market factor of 2 is used. If you demand 2,000 then you provide 4,000 that gives the market the ability to adjust. You can use a series of fairly simply worded questions that say do you want to do this or that and it all factors into the formula. Mr. Butler questioned if that is what they would like to see? Chairman Traugott felt that would steer them towards a decision. Mr. Butler stated that he does not want to be flip about it, but he really does not care what the decision is. Mr. Butler stated that when Franklin County did a Comprehensive Plan years ago they had an urban growth area for two thousand years. They ended up shrinking that back for about 50 years of growth and then everyone was happy. If you want a list of possible questions to consider Mr. Butler stated that he can do that.

Mrs. Wilson stated that there is a section in there about methodology and the thought that went behind that. She questioned if they want to use that same methodology or not? Mrs. Wilson stated that is in the Plan but if they don't use it do they need to explain that? Mr. Butler stated that they would have to generally explain it, but he would just explain whatever methodology they are going to use in the beginning paragraph. Mr. Butler stated that they can provide a bunch of information that factors in there, but what you'd really have is a bunch of fun facts. Some people look at the Comprehensive Plan as a snapshot of the community at that point in time and people use that as a reference or resource. Who uses that? The EDA uses it. If someone comes in and says they are thinking about putting in a Cracker Barrel,

they need to know the market factors. As Cracker Barrel did in Bardstown, they may decide to build a smaller store. Methodology should be simply explained.

Chairman Traugott questioned if Mr. Butler would be available to come to the next meeting since there will not be a regular meeting? Mr. Butler stated that he will try to be there by 5:30 pm if he can and will also try to have a list of questions ready. Mr. Butler stated that this is a simple process although some people like to make it look like you are getting \$320,000.00 worth. Chairman Traugott stated if Mr. Butler thinks of anything else they need to be looking at to let him know before the meeting.

J.D. Wolf, Chairman

JW:pc