

**GEORGETOWN-SCOTT COUNTY PLANNING COMMISSION
REGULAR MEETING
MINUTES**

FEBRUARY 11, 2010

The regular meeting was held in the Scott County Courthouse on February 11, 2010. The meeting was called to order by Chairperson Mike Bradley at 6:00 p.m. Present were Commissioners Janet Holland, John Lacy, Jimmy Richardson, Ralph Tackett, Bias Tilford, Melissa Waite, and Steve Woodrum, Planning Director Michael Sapp, Engineer Ben Krebs, Planners Brian Shorkey, Joe Kane, and Bonnie Skinner, and Attorney Charlie Perkins. Absent was Commissioner Greg Hampton.

Motion by Holland, second by Tackett, to approve the January invoices. Motion carried.

Motion by Waite, second by Holland, to approve the January 14, 2010 minutes. Motion carried.

Motion by Tackett, second by Waite, to approve the January 28, 2010 minutes. Motion carried.

Motion by Richardson, second by Lacy, to approve the February agenda. Motion carried.

Postponements/Withdrawals

Chairman Bradley stated that the Amerson Orchard Zone Change application has been postponed. Motion by Waite, second by Lacy, to accept the one item for postponement. Motion carried.

Consent Agenda

Representatives of the Kelly Property and Longview Telecommunication Tower applications, agreed to their respective conditions of approval and there were no concerns expressed by the Commission or public. Mr. Richardson recused himself from voting on the Longview Telecommunication Tower application. Motion by Lacy, second by Holland, to approve the two items on the Consent Agenda. Motion carried.

Those in attendance who intended to speak before the Commission were sworn in by Attorney Perkins.

PSP-2010-02 Crestwood Ironworks, LLC – Amended Cluster Subdivision for future lots and open space on a previously-approved cluster Subdivision Plan, located on the south side of Ironworks Road near the terminus of Etter Lane.

Mr. Shorkey reviewed the staff report, explaining that the number of lots previously approved for future development is being lowered due to the sale of an 81-acre tract to the neighboring farmowner. Staff recommended approval subject to all previous applicable requirements, plus six additional conditions.

Commissioner Lacy noted that any new text amendments to the cluster regulations would apply to the new subdivision plat.

Requiring a configuration that leaves a greenbelt along the I-64 corridor, as suggested in a letter from Jim Murphy, neighboring property owner, was discussed. Mr. Perkins stated that since it is not a requirement of the regulations, it can only be suggested at the time the Preliminary Subdivision Plat is submitted. Mr. Shorkey stated that because it is possible some of the lots will be located within the newly revised floodplain that the lots will need to be reconfigured anyway.

Chairman Bradley suggested adding a condition of approval that suggests reconfiguring the lots to leave a greenbelt along I-64. Mr. Perkins agreed that a condition could state that the configuration of the residential lots will be reviewed at the time the subdivision plat is submitted.

Bruce Lankford, representing the applicant, agreed with the conditions of approval.

Jim Murphy encouraged the Commission to do what they can to the residences away from the I-64 corridor.

Bob Vance, adjacent property owner, expressed concern about additional lots. He asked what the future process will be. Mr. Shorkey explained the process to him. Mr. Vance expressed concern about septic systems, additional traffic, fencing, and trespassing.

Commissioner Woodrum asked about the topography of the site, potentially causing problems for re-configuration.

Doug Byars, neighboring property owner, stated for the record that the proposed development has left the neighbors with a feeling of “angst” toward the applicant and their intentions regarding farmland preservation.

Chairman Bradley asked Commissioner Lacy if creating a viewshed corridor along I-64 is feasible. Commissioner Lacy responded that the Commission could direct the Rural Land Use Committee to investigate the matter. It was agreed they should proceed with such an investigation.

Motion by Lacy, second by Tackett, to approve the amended cluster subdivision master plan, subject to the seven (7) conditions of approval, plus the eighth condition that configuration of the residential lots will be reviewed at the final subdivision plat review. Motion carried.

FY 08-09 Audit

Mr. Sapp reported that the FY 08-09 audit was completed and no negative findings were reported. He stated that copies will be available if anyone is interested.

The budget was briefly discussed.

Open House

Mr. Sapp reported that there will be an open house for City Council members and Fiscal Court Magistrates on March 12 which will be similar to the retreat held for the Planning Commission last fall. The Planning Commissioners were also invited.

Appointment of representative to Bluegrass ADD

Mr. Sapp requested that he be appointed as the voting representative to the Bluegrass ADD. **Motion by Richardson, second by Lacy, to appoint Mr. Sapp or his appointed representative as the voting representative to the Bluegrass ADD. Motion carried.**

Outside legal counsel to review temporary RV park decision

Mr. Perkins stated that the attorney for the temporary RV park applicant contacted him after receiving the stop work order, and indicated that they may look at other options.

Commissioner Richardson felt that it is not necessary to obtain outside legal counsel at this point. Commissioner Tifford felt that there may be a conflict of interest in the matter and another attorney may be needed to find out what happened so that it can be prevented from happening again.

Chairman Bradley recommended Skip Watson, an attorney with whom he has already spoken, to review the matter.

Commissioner Richardson felt that the Commission can find out what happened by questioning the parties involved. Commissioner Woodrum felt that all decision-making is the responsibility of the Commission, not the attorney, and that the legal advice of Mr. Perkins seems sound; therefore, any conclusions reached by outside legal

counsel are not needed and will cause an expense which the Commission cannot afford. He made a motion to not hire independent counsel for those reasons.

Commissioner Tilford felt that since a lawsuit over the matter is possible and a stop work order was issued, that independent counsel might be helpful.

Chairman Bradley felt that since Mr. Perkins' actions are part of what needs to be investigated, that the legal counsel should be independent.

Commissioner Woodrum felt that personnel issues are now separate from the temporary RV park matter, and re-iterated his feeling that outside legal counsel should not be obtained. If the Commission wishes to pursue the personnel issue, then it should be done so in Executive Session.

Chairman Bradley disagreed.

Motion by Woodrum to close the issue of outside counsel for the temporary RV park, and move into Executive Session to discuss the potential personnel issue.

Chairman Bradley felt that since contractors are involved in the temporary RV park matter, that outside legal counsel may be necessary. Mr. Perkins stated that the RV park matter is only appropriate for Executive Session if the motion is based upon threatened litigation. Commissioner Richardson felt that the threat is minor from litigation and outside legal counsel will serve no purpose.

Motion by Woodrum to not hire outside legal counsel for the matter of the RV park and potential litigation.

Discussion continued

Motion by Woodrum, second by Lacy, to withdraw the motion passed at the previous meeting to hire outside counsel to advise the Commission on the temporary RV park application and potential litigation. By roll call vote, motion carried 5-3 with Tilford, Tackett, and Bradley dissenting.

Motion by Bradley to hire outside legal counsel to investigate how this situation came about and how to proceed from here.

Discussion continued. Commissioner Woodrum felt that it would be unlikely that one attorney would accuse another attorney of malfeasance. Legal advice is based upon experience which is not always black or white. Commissioner Richardson agreed, stating that it would be another opinion which would be need weighed by the Commission.

Chairman Bradley stated that since the Commission Attorney is on contract, the matter cannot be discussed in Executive Session. He felt that outside counsel should advise the Commission through an investigation of this incident involving the RV park.

Mr. Sapp stated that the proposal from Mr. Watson is for a minimum of \$1500 and the total cost may be much more. Mr. Sapp suggested conducting an internal review, and if there are specific legal questions, then pay for the advice of Mr. Watson. When the Commission voted to hire outside counsel, they were looking for a way to proceed in the RV park matter, and that has been established.

Commissioner Tilford was more concerned about preventing problematic temporary use applications such as the RV park from occurring again.

Discussion continued on appointing a committee to conduct a preliminary investigation.

Commissioner Waite felt that the Commission should move forward keeping in mind that all boards and personnel should work together so that a situation like the temporary RV park does not happen again.

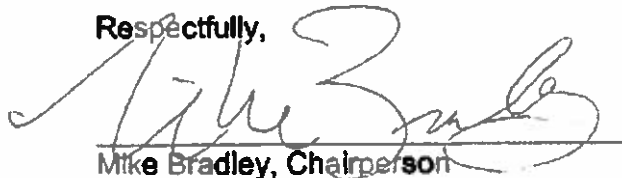
The motion by Bradley to hire outside legal counsel to investigate how this situation came about and how to proceed from here, was seconded by Tilford. Chairman Bradley added that his motion does not include agreeing to the \$1500 retainer requested by Mr. Watson. Motion denied 2-6, with Tackett, Woodrum, Richardson, Holland, Lacy, and Waite dissenting.

It was agreed that policies need to be examined to prevent the RV park situation from happening again.

It was agreed to hold a special meeting on March 1, 2010 at 6:30 p.m. to investigate the matter. Commissioner Tilford requested that the Board of Adjustment members be invited.

The meeting was then adjourned.

Respectfully,



Mike Bradley, Chairperson

Attest:



Charlie Perkins, Secretary