

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

NOVEMBER 12, 2009

The regular meeting was held in the Scott County Courthouse on November 12, 2009. The meeting was called to order by Chairperson Mike Bradley at 6:00 p.m. Present were Commissioners Greg Hampton, Janet Holland, John Lacy, Jimmy Richardson, Bias Tilford (arrived late), Melissa Waite, and Steve Woodrum, Planning Director Michael Sapp, Planners Brian Shorkey and Bonnie Skinner, and Attorney Charlie Perkins. Absent were Commissioner Ralph Tackett, Planner Joe Kane, and Engineer Ben Krebs.

Those in attendance intending to speak before the Commission were sworn in by Mr. Perkins.

Motion by Holland, second by Woodrum, to approve the October invoices. Motion carried.

Motion by Richardson, second by Lacy, to approve the October 8, 2009 minutes. Motion carried.

Motion by Waite, second by Holland, to approve the November agenda. Motion carried.

Postponements/Withdrawals

There were no items for postponement or withdrawal.

Consent Agenda

There were no items on the Consent Agenda.

Separation of Group Homes – PUBLIC HEARING

Mr. Shorkey reviewed the zoning ordinance text amendment proposed by City Council, including the three new definitions (Community Living Arrangement, Group Home, and Family), the 1000' separation requirement, their being permitted as a Conditional Use, and signage.

Chairman Bradley opened the public hearing.

Arthur Crosby, Executive Director of the Fair Housing Council, expressed his concern that the proposed ordinance treats individuals with a disability in a group home environment differently than other households. He stated that the American Disabilities Act protects the disabled from discrimination, and cited sections of the Fair Housing Act that also prohibit discrimination.

Sarah Magazine, Director of Media and Public Affairs for the Mentor Network, stated that the proposed ordinance violates the Federal Fair Housing Act and the American Disabilities Act.

Rhonda Roper, the Mentor Network and CCS Kentucky, an organization that services individuals with brain/spinal cord injuries, described the types of individuals who receive their services. She offered to answer questions about the types of services provided. She added that they have no plans to purchase other homes in The Stables subdivision for additional group homes.

Rocco Pepe, The Stables resident and disabled veteran, stated that he has several problems with the group home in the neighborhood. 1) The police were called after one of the residents was throwing things out of the house. 2) One of the patients walked away from the home unsupervised, into the home of another person, uninvited, and refused to leave. 3) Employees park on the street when there are "No Parking" signs posted. 4) Excessive noise has come from the home late at night.

Art Fritz, Pavilion Courtyard resident, expressed his support for the ordinance as a way to control traffic and noise.

Martha Chandler, The Stables resident, also supported the ordinance as a way to control the number of residents in the group homes and traffic.

Brianna Legg, President of The Stables Homeowners Association, supported the ordinance. She stated that there are five group homes in her neighborhood, and they are causing stress on the infrastructure. She emphasized that they are not opposed to the disabled residents, but rather the fact that the homes are a business.

Preston Cecil, representing The Stables Homeowners Association, stated that the ordinance simply requires a distance between the homes and a conditional use permit. Those two requirements will ensure that traffic and other issues are controlled. He asked that the definition of Group Home be amended to state that more than two residents define a group home, rather than not more than three, and also asked why the separation requirement was changed from 1500' to 1000'. He also had concerns about paragraph 6 regarding platting of a group home site.

Pam Mosley, area resident, also asked why the separation distance was changed.

Pam Swinford, parent of one of the group home residents, stated that when she has visited her son, she has always parked in the driveway, while seeing cars parked on the

street in front of other homes. She wishes the organization with which her son participates to be a good neighbor, and knows that they have diligently tried to comply with the wishes of the homeowners association.

Mike Curd, The Stables resident, supported the ordinance, feeling that the separation requirement limits the negative impacts.

With no other comments from the public, Chairman Bradley closed the public hearing.

Commissioner Tilford asked Mr. Perkins if any Group Home ordinances have been tried in court. Mr. Perkins replied that they have, and results have been inconsistent, but generally they have been found discriminatory. He reviewed legalities of the situation.

Commissioner Tilford expressed concern about residents who have self-inflicted problems such as drug addicts or alcoholics. Ms. Magazine responded that residents with behavioral problems are referred to facilities in Louisville or Paducah.

Mr. Pepe cited instances of employees at the homes causing disturbances.

Commissioner Tilford asked why the separation distance was reduced to 1000'. Mr. Sapp stated that they didn't know if there was a scientific basis for the 1500', and agreed to make it less restrictive.

Commissioner Woodrum asked how the participants are placed in the homes. Ms. Magazine gave examples of the types of patients who can benefit from their services. Commissioner Woodrum tried to determine the extent to which the homes are a business. Mr. Perkins stated that it is not the business aspect that is protected by law, but rather the people living there, making it a home.

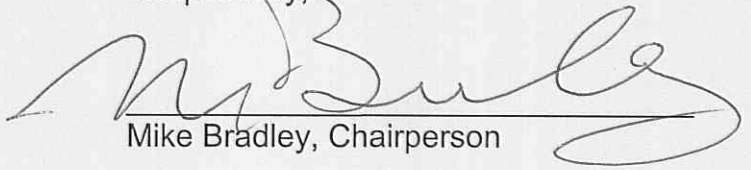
Discussion continued at length on whether a group home is a business or a home. Ms. Magazine stated that six staff members visit the house per day. The number of other trips in and out of the house per day is inconsistent, just like it is for any other home. The traffic issue was discussed.

Supporters and opponents of the ordinance summarized their cases.

Motion by Waite, second by Lacy, to recommend denial of the proposed ordinance on the basis that it is in violation of the Fair Housing Act. By roll call vote, motion carried 6-2 with Tilford and Woodrum dissenting.

The meeting was then adjourned.

Respectfully,



Mike Bradley, Chairperson

Attest:



Charlie Perkins, Secretary