

REGULAR SESSION
of the Daviess County Fiscal Court
held at the Courthouse in the City of Owensboro,
County of Daviess, Commonwealth of Kentucky
on this 31st day of July 2014
Present were Judge/Executive Al Mattingly and
County Commissioners Jim Lambert,
George Wathen and Charlie Castlen

DOCUMENTS RELATED TO TODAY'S DISCUSSION
ARE FILED IN JULY 31, 2014 FISCAL COURT FILE

Commissioner Lambert opened the meeting in prayer and led the court in the Pledge of Allegiance to the flag.

By a motion of Commissioner Castlen, seconded by Commissioner Wathen, the court considered for approval to Amend today's agenda and move the Hiring of Cody Evans as a seasonal Grounds Maintenance employee at Yellow Creek Park commencing July 28, 2014, to the front of the agenda, following the approval of the minutes.

Without further discussion, Judge/Executive Mattingly called for a vote on the motion. All members of the court voted in favor; motion passed.

Minutes of the July 17, 2014 meeting were submitted to fiscal court members for review prior to today's meeting and on a motion of Commissioner Castlen, seconded by Commissioner Wathen, with all the Court concurring said Minutes were approved and signed.

By a motion of Commissioner Lambert, seconded by Commissioner Castlen, the court considered for approval to Hire Cody Evans as a seasonal Grounds Maintenance employee at Yellow Creek Park commencing July 28, 2014.

Without further discussion, Judge/Executive Mattingly called for a vote on the motion. All members of the court voted in favor; motion passed.

Due to a possible conflict of interest relating to the next agenda item, Commissioner Lambert left the courtroom.

By a motion of Commissioner Castlen, seconded by Commissioner Wathen, the court considered for approval the **Second Reading of KOC 921.669 (2014)** - An ordinance Amending the Zoning Classification of a 3.811 acre tract located at 4342, 4370, 4442 Springhill Drive from R-3MF Multi-Family Residential to B-4 General Business, application filed by Owensboro Master Builder, Inc.; M&P Properties, Inc.

Comments:

Judge Mattingly stated, "Two weeks ago, we heard arguments from Ms. Willcox and Mr. Jones. In the interim, I have had conversations with Ms. Willcox and Mr. Jones and they have reached

an agreement as to what they would like to see and have happen out there. Mr. Jones presented me with a list of items that he thought that the owners of that property could live with. Ms. Willcox reviewed those items and I think she could live with them. While neither side got everything they wanted, I think both sides are satisfied. What we have done is that we have an ordinance that incorporates the things that Mr. Jones said that he was willing to live with.

County Attorney Porter stated, "Judge, with your permission, I will read just the portion of the ordinance effecting the zoning change. We have had the transcript - we have had the meeting. That was on May 19, 2014, where the request was filed to change it, and this would be the one where we considered it. So, the proceedings before the May 8, 2014 of the planning commission relating to a the zoning change of the property described in exhibit A, which is attached to the ordinance including the findings of fact and recommendations of the planning commission are confirmed and approved. The zoning classification of the subject property as described in the attachment and incorporated by reference is amended and changed so that the property will be zoned B-4 General Business subject to the following agreed conditions restricting use of the property:

1. The required perimeter landscape easement shall contain a minimum of one tree per ten feet of linear boundary;
2. Applicant shall install and maintain lighting in a manner to ensure it will not adversely impact the adjoining neighborhood;
3. Applicant shall include covenants in deeds or leases which require future property owners to maintain landscaping as initially installed; and,
4. Applicant shall notify adjoining property owners in the same manner as required for a zoning map amendment when applicant submits a final development plan for approval by the planning commission;
5. Applicant shall restrict the use of the subject property to uses principally permitted in a P-1 Professional/Service zone and only the following uses principally permitted in B-4 General Business zone: Child day-care centers, child nurseries, adult day-care centers, churches, Sunday schools, parish houses, public community centers, schools, colleges, studios, sidewalk café, home appliance and computer repair, shoe repair, farmers market, retail sale of food products and merchandise, printing, publishing, lithographing or blueprinting.

Judge, just so I know, I think the applicant agreed and put in the numbers that were permitted in each of the zones for uses within the zones. The only things that I think I changed or did not include were under schools, colleges, and studios. I did not specify vocational and technical schools and private secondary and elementary schools just because I considered those as part of schools, colleges, and studios."

Judge Mattingly stated, "You heard the county attorney list the items that you had agreed to. Are you in agreement with those?"

Bill Jones stated, "Yes."

Judge Mattingly stated, "I did have a call as well from the other property owners and they said they were in agreement, too."

Mr. Jones stated, "Thanked the court and Mr. and Mrs. Willcox. They are new to the community."

Judge Mattingly stated, "I want to thank Mr. Jones and Mr. and Mrs. Willcox for the cooperation, the work, and the effort that you put in to trying to reach an agreement."

Commissioner Castlen commended Ms. Willcox for her presentations. He stated, "Any citizen, in the future, that finds themselves where you found yourself would serve them well to watch those meetings where you presented at both the planning and zoning meeting and here."

Commissioner Wathen stated, "This is a good example of people cooperating and communicating with each other and finding out that there is middle ground."

Without further discussion, Judge/Executive Mattingly called for a vote on the motion. All present members of the court voted in favor; motion passed 3-0.

Comments:

Steve Moreland expressed his displeasure with the court voting in favor of last meeting's distillery project. He said the court would only be contributing to this world's substance abuse problem and he stated, "I am ashamed of this court".

By a motion of Commissioner Wathen, seconded by Commissioner Castlen, the court considered for approval to enter into a Closed Session per 61.8101 (f) - Discussions or hearings which might lead to the appointment, discipline, or dismissal of an individual employee, member, or student without restricting that employee's, member's, or student's right to a public hearing if requested. This exception shall not be interpreted to permit discussion of general personnel matters in secret. (No action was taken.)

Without further discussion, Judge/Executive Mattingly called for a vote on the motion. All members of the court voted in favor; motion passed.

**Without objection, Judge/Executive Mattingly adjourned the meeting.
SO ORDERED THAT COURT STAND ADJOURNED.**

Al Mattingly
Daviness County Judge/Executive