

COUNCIL CHAMBER CITY OF BELLEVUE, CAMPBELL COUNTY, KENTUCKY

MINUTES OF THE SPECIAL MEETING OF COUNCIL MAY 26, 2010

Board of Council met in special session on Wednesday May 26, 2010 at 7:00 p.m. with the following members present:

MEMBERS: Riehl, Camm, Brun, Olliges, Ratterman and Guidugli. Mayor John D. Meyer presiding.

The meeting was opened with a prayer and pledge to the flag.

FOR THE RECORD: A Special Meeting of Council was called by Mayor Meyer for the purpose of Council consideration of a proposed zoning text amendment adding a new section 4.2 of article IV (exempting the Commonwealth of Kentucky and its departments), and amending Article XV, section 15.1 (to exempt the Commonwealth of Kentucky and its departments) of the City of Bellevue's Official Zoning Ordinance and to consider action thereon.

FOR THE RECORD: Bellevue School Superintendent, Wayne Starnes addressed Council on the proposed text amendment. Mr. Starnes stated that due to a decline in enrollment and an increase in property values the Bellevue School System is receiving less State funding due to the State SEEK "Support Education Excellence in Kentucky" formula. Mr. Starnes requested Council consideration and approval of a text amendment to allow for a billboard to be placed on school property in the area of I-471 and the Bellevue football stadium. Mr. Starnes stated that the lease payment for the billboard would generate \$16,000.00 per year with an upfront three year payment to the school system of \$48,000.00. The money would be used for technology improvements to the school such as "smart boards" and additional student work stations.

FOR THE RECORD: Venessa Groneck Vice-Chair for the Bellevue Board of Education addressed Council to seek support for the text amendment, stating costs to educate students and the need for additional funding to the schools.

FOR THE RECORD: Additional comments to seek support for Bellevue Independent Schools were made by: Grandview Elementary Principal, Candace Simpkins, Bellevue High School Principal Col. Mike Wills, five senior students from Bellevue High School, resident Mary Ann Swope, resident Shannon Swope, resident Kathy Almoslechner, resident Ed Ulsas, resident Ben Wilson and resident Dan Ruck.

FOR THE RECORD: Mike Norton representing Norton Outdoor Advertising and partner with the Bellevue School System for the issue of billboard placement addressed Council to provide an understanding of his company values as well as traffic and safety studies related to billboards on highways.

FOR THE RECORD: Attorney for the Bellevue School System Bob Winter addressed Council to request the following:

Adopt a Resolution of Council to reject action taken by Bellevue Planning and Zoning May 4, 2010 to disapprove a text amendment which would allow the exemption needed by the school to erect the billboard.

Adopt the sixteen "Findings of Fact" provided to Council.

Adopt Ordinance which would add a new section amending Article XV, section 15.1 (to exempt the Commonwealth of Kentucky and its departments) of the City of Bellevue's Official Zoning Ordinance.

FOR THE RECORD: John Yung, Zoning Administrator provided to Council a historical background of the request from the Board of Education to Planning and Zoning for the installation of a Billboard sign which began in 2007. Planning and Zoning acted in compliance with KRS 100.324 and made comment on the application. Planning and Zoning recognized that since the application was made by a state entity that a decision regarding the application could either be accepted or not accepted on grounds of compliance with the City's Zoning Ordinance and Comprehensive Plan. Afterwards, the Board of Education made application to the Kentucky Transportation Cabinet, the governing body that approves signage visible within five-hundred fifty (550) feet of Interstate Highways Systems in Kentucky. The KTC denied the application on the grounds that even though the application was made by a state entity, it still had to comply with local zoning under the Billboard regulations and because the leasing of the land to a commercial entity for a commercial purpose could be regulated under the City's Zoning Ordinance.

Mr. Yung, Zoning Administrator summarized the new decision and recommendation of the Planning Commission and its findings including references to the comprehensive plan, the statements at the public hearing, the KRS, and the Commission's other evidence, Planning Commission recommended disapproval of the proposed text amendment.

FOR THE RECORD: Mayor Meyer opened the floor for additional public comments for Council consideration:

Frank Warnock, former City Attorney and Bellevue resident appealed to Council stating concerns for the proposed text amendment as too broad and opens the door for issues and urged Council to use vision of the future of Bellevue when making there decision.

Bellevue resident Paul Gruenwald gave a brief history of the State Highways Beautification Program, support for the Bellevue Zoning Commission, Comprehensive Plan and proposed Form Based Zoning.

Police Chief Cole urged Council to uphold the current laws in place regulating zoning and to not exempt a certain group (Bellevue School System) from the zoning laws.

FOR THE RECORD: Bob Winter, Attorney for the Bellevue School System provided additional comment on the points raised by the prior speakers.

MOTION: By Ratterman to reject the recommendation from Bellevue Planning and Zoning to approve a text amendment FOR THE RECORD MOTION DIES FOR LACK OF SECOND.

MOTION: By Camm second by Guidugli to accept the recommendation from Planning and Zoning to disapprove a text amendment. VOTE: Yes 5 No 1 FOR THE RECORD THE DISENTING VOTE WAS CAST BY MEMBER RATTERMAN.

MOTION: By Camm seconded by Guidugli to adjourn at 9:30 pm. Motion carried.

Mayor John D. Meyer

ATTEST:

Mary H. Scott, City Clerk

I hereby certify that the foregoing meeting was held in compliance with the requirements of the appropriate provision of H.B. 100 effective 6-21-74 also referred to as KRS Ch 61 on this 26th day of May 2010.
Mary H. Scott, City Clerk