



MINUTES

1. CALL TO ORDER

Council Member Frank Stevenson

2. PLEDGE OF ALLEGIANCE

3. INVOCATION

Council Member Tony Space

4. ROLL CALL

Present: Council Member Misty Cavanaugh, Council Member Tony Space, Council Member Adam Townsend, City Council Member Larry Noffsinger, Council Member Frank Stevenson, Council Member Chad Menser

Absent: Mayor Kevin Cotton - Mayor Cotton was not permitted by law to vote on the issue.

5. NEW BUSINESS

- A. Public Hearing to hear the zoning map amendment request for Parcel #M-21-3-3 located on Browning Street

Discussion concerning the appeal filed by Cutting Edge Landscaping, LLC d/b/a Cutting Edge Enterprises of the decision of the Hopkins County Joint Planning Commission which denied the applicant's request for a zoning map amendment pertaining to 10.776 acres identified as Parcel M-21-3-3 from Medium Density Residential to High Density Residential.

Kim Blue, Madisonville City Clerk, confirmed that notice of the special called meeting of the City Council had been given as required by law; Zoning Administrator Mandy Todd testified that notice of the hearing was given in accordance with KRS Chapter 424, KRS 100.207 and KRS 100.211(4).

All witnesses who testified before the City Council were administered an oath swearing that they would testify truthfully. Zoning Administrator Mandy Todd was the first person to testify. She testified concerning the procedures before the Planning and Zoning Commission; the appeal of the decision, and the facts relating to the application. She testified that in her opinion the map amendment should be approved because the proposed map amendment was in agreement with the adopted Comprehensive Plan and the Land Use Map.

Joe Hall testified on behalf of the applicant explaining the nature of the proposed development. No other member of the public testified on behalf of the applicant.

William Hayes Kington, 601 Browning Street; Allen Davis, University Circle Drive, and Charles Kington, 631 Stone Lane, all spoke in opposition to the proposed map amendment expressing concerns about the impact of the proposed development on adjoining properties, traffic congestion, problems of ingress and egress off of Browning Street, and drainage concerns. After the testimony of those opposing the proposed map amendment was given, Lincoln Fugal, City Engineer for the city of Madisonville, addressed various concerns raised by the opponents of the proposed map amendment. Jason McKnight of the Madisonville Police Department testified concerning the potential impact of the development on traffic flow on Browning Street.

Motion by Councilmember Frank Stevenson that the Madisonville City Council retire into closed session pursuant to KRS 61.810(1)(J) as a quasi-judicial body and pursuant to Attorney General Opinion OAG 83-446 to deliberate on the application filed with the Planning Commission for the purpose of making findings of fact, conclusions of law and recommendations thereon. Councilmember Larry Noffsinger seconded the motion, after which time all members of the City Council voted in favor of the motion to deliberate in closed session. Following deliberations, Councilmember Larry Noffsinger made a motion to return to open session, second by Councilmember Tony Space with all members of the City Council voting in favor of returning to open session.

After returning to open session Councilmember Stevenson made the following motion:

I move that the Madisonville City Council find that Zoning Map Amendment Request No. MAD-2024-01 filed by Joe Hall on behalf of Cutting Edge Landscaping, LLC d/b/a Cutting Edge Enterprises for a change in the zoning classification for a 10.776 acre tract identified as PVA parcel M-21-3-3 from Medium Density Residential to High Density Residential be approved on the grounds that the proposed map amendment is in agreement with the adopted Comprehensive Plan and the Future Land Use Map which lists the property as multi-family, and that the Madisonville City Attorney be authorized and directed to prepare proposed Findings of Fact and Conclusions of Law in support of the foregoing based upon the evidence presented at the hearing for consideration and adoption by the City Council at the next City Council meeting.

The motion was seconded by Councilmember Larry Noffsinger. Upon a roll call vote Councilmembers Stevenson, Space and Noffsinger voted in favor of the motion; Councilmembers Menser, Cavanaugh and Townsend voted against the motion. Since the motion was not approved by a majority of the Council, the motion did not pass.

Councilmember Chad Menser then made the following motion:

Although the Comprehensive Plan and the Future Land Use Map identify the property as multi-family, neither designates whether the property is Medium Density Residential or High Density Residential. Given this ambiguity, I move

that the Council find that it is unable to determine whether the proposed map amendment is in agreement with the adopted Comprehensive Plan and the Future Land Use Map.

I further move that the Council find that the evidence presented at the hearing failed to establish that the existing zoning classification for the property is inappropriate and that the proposed zoning classification is appropriate; and there have not been major changes of an economic, physical, or social nature within the area involved which were not anticipated in the adoptive Comprehensive Plan and which have substantially altered the basic character of such area; and that the Madisonville City Attorney be directed to prepare proposed Findings of Fact and Conclusions of Law in support of the foregoing based upon the evidence presented at the hearing for consideration and adoption by the City Council at the next City Council meeting.

The motion was seconded by Councilmember Cavanaugh. Upon a roll call vote Councilmembers Menser, Cavanaugh and Townsend voted in favor of the motion; Councilmembers Stevenson, Space and Noffsinger voted against the motion. Since the motion was not approved by a majority of the Council, the motion did not pass.

City Attorney Joe A. Evans III advised the Council that a majority of the entire legislative body is required to override the recommendation of the Planning Commission pursuant to KRS 100.211(2). Since a majority of the Madisonville City Council did not vote to override the recommendation of the Planning Commission, the decision of the Planning Commission stands.

6. ADJOURNMENT

RESULT:	Adjourn
MOVER:	Council Member Adam Townsend
SECONDER:	Council Member Chad Menser
AYES:	Misty Cavanaugh, Tony Space, Adam Townsend, Larry Noffsinger, Frank Stevenson, Chad Menser
NOES:	None
ABSTAIN:	None