



Lexington-Fayette Urban County Government
FAYETTE COUNTY RURAL LAND MANAGEMENT BOARD, INCORPORATED

Jim Gray
Mayor

Derek J. Paulsen, Ph.D.
Commissioner

Minutes

Monday, December 14, 2015

Call to Order: 3:30 p.m.

Location: 3rd Floor Conference Room of Phoenix Building

Voting Members: Greg Bibb – Chair, Commerce Lexington
Mariana Marye – Vice-Chair, Fayette County Neighborhood Council
Don Robinson – Treasurer, Fayette County Farm Bureau
Mary Ann Delaney, Land Conservation Group
Frank Penn, Kentucky Thoroughbred Association
Debbie Long, Historic Preservation Group
Headley Bell, Kentucky Thoroughbred Association
Kristin Clark, Fayette County Farm Bureau
Joe Clabes, Lexington-Bluegrass Association of Realtors

Absent: Nathan Billings, Lexington Convention & Visitors Bureau

Non-Voting Members: Charlie Farmer, Natural Resource Conservation Service
Nick Carter, Fayette County Extension Agent

LFUCG: Beth Overman, PDR Director
Tracy Jones, Law Department Counsel
Della Horton, Commissioner's Office

I. Attendance

Chair Bibb asked the board members, staff and members of the public to sign the attendance sheet.

II. Approval of the September 28, 2015, and November 4, 2015, Meeting Minutes

BOARD ACTION

On a motion made by Ms. Clark, seconded by Vice-Chair Marye, the board voted unanimously (9-0) to approve the September 28, and November 4, 2015 minutes.

III. Old Business

A. Supplemental Appraisals

- Appraisals for last fiscal year were performed November 3, 2014–January 13, 2015.
- Ms. Overman confirmed with NRCS and Paul Moore that supplemental appraisals do not have to be performed before the 12-month expiration date, they only have to be performed within 12 months of the closing date.
- Ms. Long asked if we would have to pay additional fees for the supplemental appraisals and Ms. Overman said yes, and she has negotiated a price of \$900.00 per appraisal.
- Ms. Overman said that Board authorization is needed today in order for her to proceed with supplemental appraisals for the seven farms under contract as soon as the deed template is ready.

BOARD ACTION

On a motion made by Vice-Chair Marye, seconded by Debbie Long, the board voted unanimously (9-0) to authorize Ms. Overman to proceed with supplemental appraisals for the seven farms under contract, as soon as the deed template is ready.

B. Farm 2-2015, Cell Tower Issue

- The application was denied at the 9/10/15 Planning Commission Hearing and Verizon has filed an appeal. Ms. Jones stated that the applicant could pursue either the Cell Tower or PDR, but not both.
- Ms. Overman said that we will continue to monitor the issue and keep the application on the back burner until it is resolved.

C. Letter of Intent

- Ms. Overman discussed the draft Letter of Intent, edited by Attorney John Watz and provided in the packet.

- Ms. Overman said John was asked to add protective language to all easement acquisition documents in case the federal funding fell through.
- This is a required document with our federal application, so Board approval of this draft is needed today.

BOARD ACTION

On a motion made by Ms. Clark, seconded by Ms. Long, the board voted unanimously (9-0) to approve the draft letter of intent.

D. Farm 2-2012, Nancy Polk

- The board briefly discussed the letter from NRCS to the Board and Ms. Polk, regarding their determination that she was ineligible for benefits specified at 7CFR 1400.1 for 2013. Chair Bibb pointed out that NRCS would not be seeking reimbursement for the payment made to Ms. Polk.

IV. Closed Session

BOARD ACTION

On a motion made by Vice-Chair Marye, seconded by Ms. Clark, to go into closed session to discuss the initial rankings for new applicants, the Board voted unanimously (9-0) to approve the motion. The board returned to open session.

BOARD ACTION

On a motion made by Ms. Long, seconded by Ms. Clark, the board voted unanimously (9-0) to approve the initial rankings of the farms.

V. New Business

A. Easement Acquisition Budget

- Ms. Overman discussed the multi-year budget of approximately \$2.6 million in available bond funds. Nearly \$1.3 million of those funds are allocated to LFUCG FY-2015 farms under contract and are expected to be matched by federal funds from the 2014 Cooperative Agreement.
- She reported that we are supposed to receive \$1.7 million from the 2015 Cooperative Agreement announced in September to match our FY-2016 LFUCG funds. Due to our unexpected payment to Ball Realty, we will need to request \$350,000 from LFUCG in our

FY-2017 budget request to meet that grant. She stated this is not a problem because we will not start appraising farms and making offers until our deed template is approved, so closings will not take place until long after the additional local funds become available on July 1, 2016.

B. 2016 Federal Application

- Ms. Overman reported the Federal Application is due January 15th.
- There are 15 farms potentially eligible for the federal application.
- Six of those farms are firm applicants.
- Six others are farms sized 20-39 acres and the Board will need to decide today whether to include farms less than 40 acres.
- One of the applicant farms operates an annual corn maze that includes some permanent structures. This would be a new commercial use for our program, so the Board will need to decide whether to allow this farm to participate in PDR and continue the corn maze.
- One of the applicant farms is historical rather than agricultural and would apply for federal funding as such, so the Board needs to decide whether to include this non-ag farm. The farm needs to be eligible for the National Register to qualify for federal funding, and they are pursuing that status. The farm is located beside the Mary Wharton Sanctuary, and was once the home of the Trail's End Camp for Girls.
- One farm declined to participate in the federal application last year due to the paperwork required and their busy schedule, but asked to remain in the rankings. Ms. Overman stated she is trying to contact them to see if they wish to participate this year.
- For the farms 20-39 acres, Ms. Overman presented her research, listed below, to aid the Board in its decision.
 - o In the last 8 years, we've acquired approximately 106 farms including our 7 under contract.
 - o Of those 100+ farms, 17 have been less than 40 acres.
 - o Of those 17, 6 were purchased and 11 were donated.
 - o Of the 6 purchased, 3 were submitted by landowners who had multiple adjacent properties they were submitting to PDR but not consolidating. Of the 3 remaining purchased easements, 2 were PDR adjacent and one was not.
- Discussion followed by the Board.

BOARD ACTION

On a motion made by Mr. Penn, seconded by Vice-Chair Marye, the Board voted (7-2) to allow Farm 5-2016 to operate a seasonal corn maze with lighting, with the condition that the permanent structures be removed (goat tower and slide). Chair Bibb, Vice-Chair Marye, Mr. Penn, Ms. Long, Mr. Bell, Mr. Clabes and Ms. Clark voted yes. Ms. Delaney and Treasurer Robinson were the dissenting votes.

BOARD ACTION

On a motion made by Ms. Clark, seconded by Vice-Chair Marye, the Board voted (7-2) to include farms less than 40 acres on the federal application. Chair Bibb, Vice-Chair Marye, Ms. Delaney, Ms. Long, Mr. Bell, Mr. Clabes and Ms. Clark voted yes. The two dissenting votes were Mr. Penn and Treasurer Robinson.

BOARD ACTION

On a motion made by Ms. Clark, seconded by Mr. Penn, the Board voted (7-2) not to include the potentially historical farm with non-qualifying soils on the federal application. Chair Bibb, Treasurer Robinson, Ms. Delaney, Mr. Penn, Mr. Bell, Mr. Clabes and Ms. Clark voted against including the farm. The two dissenting votes were Ms. Long and Vice-Chair Marye.

C. LFUCG Budget Request for FY2017

Ms. Overman reported on the budget requests for FY2017. She said the initial request submitted to Commissioner Paulsen in late November was \$2 million, and this amount should cover the extra \$350,000 needed to match the 2015 federal funding, and leave \$1.65 million for the 2016 federal match. She suggested that the Board authorize her, in consultation with Chair Bibb, to request up to \$2 million based on the federal match needs.

BOARD ACTION

On a motion made by Vice-Chair Marye, seconded by Ms. Long, the Board voted unanimously (9-0) to authorize Ms. Overman to request up to \$2 million based on the federal match needs.

D. 2016 Meeting Schedule

- The first meeting of 2016 will be a work session to discuss the deed template, followed by a regular meeting. Due to the early January horse sales, MLK Jr. Day, then Tracy and Dede both being out of town, we will not meet until February 1st.
- The proposed calendar is as follows: February 1, March 14, May 2, June 6, July 18, August 29, October 17, and December 5.
- The dates were set after consulting the calendars of the Fayette County schools, and the Keeneland and Fasig-Tipton sales.

BOARD ACTION

On a motion made by Debbie Long, seconded by Vice-Chair Marye, the board voted unanimously (9-0) to approve the schedule for 2016.

E. Nomination of Member to serve on the Committee updating the Rural Land Management Plan

- Ms. Overman asked for a volunteer to serve on the committee and described what it would entail. She reported that Charlie Farmer has agreed to serve on the committee but since he will be retiring from NRCS and no longer a member of the Board, a RLMB representative is still needed.
- Vice-Chair Marye volunteered to serve as the Board representative to the committee.

F. Farm 23-2006, Danny and Ann White

- Farm 23-2006 on Briar Hill Road was placed in PDR by the Asbury's. They retained their right to subdivide and did so by dividing it into two 40+ acre tracts. The White's purchased the other tract and wish to build a 2,000 square foot ranch-style residence with a two car garage.
- Ms. Jones reviewed the deed and stated they do have the right to build a primary residence since the farm is now two tracts. The deed contains no impervious surface limit.
- Mr. Farmer reviewed the proposed location and recommended approval.

BOARD ACTION

On a motion by Mr. Bell, seconded by Mr. Penn, the Board voted unanimously (9-0) to approve the request by Mr. and Mrs. White to construct a primary residence.

VI. Announcements and Public Comment

Mr. Penn discussed the 2% hotel/motel tax being pursued for the Convention Center renovation, and said he would like to see the board advocate for a portion of the tax to be used for the PDR Program. Several members joined the discussion and noted the Council has already approved a resolution supporting legislation in the 2016 Kentucky Legislative Session that would allow an additional 2% tax for Convention Center renovation. Ms. Overman noted the creators of PDR obtained permission from the Legislature in the late 1990's to pursue a 1% hotel/motel tax, but it was her understanding it requires a referendum. Mr. Penn said he believes it is possible to obtain the tax without a referendum. Ms. Jones said she would research the issue and report back to the Board. Mr. Bell suggested the Board consult Commissioner Paulsen before proceeding.

VII. Adjournment**BOARD ACTION**

On a motion made by Ms. Long, seconded by Vice-Chair Marye, the Board voted unanimously (9-0) to adjourn at 5:20 PM.