

1 OWENSBORO METROPOLITAN PLANNING COMMISSION

2 JANUARY 9, 2014

3 The Owensboro Metropolitan Planning Commission
4 met in regular session at 5:30 p.m. on Thursday,
5 January 9, 2014, at City Hall, Commission Chambers,
6 Owensboro, Kentucky, and the proceedings were as
7 follows:

8 MEMBERS PRESENT: Ward Pedley, Chairman
9 Irvin Rogers, Vice Chairman
10 David Appleby, Secretary
11 Gary Noffsinger, Director
12 Terra Knight, Attorney
13 Wally Taylor
14 John Kazlauskas
15 Beverly McEnroe
16 Fred Reeves
17 Larry Boswell
18 Larry Moore

19 * * * * *

20 CHAIRMAN: Call the Owensboro Metropolitan
21 Planning Commission January 9, 2014 meeting to order.
22 We will begin our meeting with a prayer and pledge of
23 allegiance to the flag. Mr. Noffsinger will lead us.

24 (INVOCATION AND PLEDGE OF ALLEGIANCE.)

25 CHAIRMAN: The first item tonight is always in
January we elect officers and I'll turn that over to
counsel.

MS. KNIGHT: Thank you, Mr. Chairman.

KRS 100.161 requires that each Planning
Commission annually elects a chairman and any other

1 officers deemed necessary.

2 Article 2 of our bylaws state that the
3 Planning Commission will consist of a Chairman, Vice
4 Chairman and Secretary/Treasurer.

5 Article 3 of the bylaws provide that
6 nominations and election of officers be held on the
7 second Thursday in Thursday of each year, which is
8 what we're doing tonight.

9 Voting for officers shall be either by voice,
10 show of hands, balloting, role call or general
11 consent.

12 I believe traditionally we have begun with the
13 voting by show of hands which is the way we'll start
14 tonight.

15 Article 3 of the bylaws provide that a
16 candidate must receive a majority vote of the entire
17 membership of the Planning Commission in order to be
18 declared elected. Therefore any person nominated must
19 receive six votes to be elected.

20 The bylaws also provide that any officer shall
21 serve for a term of one year or until the successor
22 shall take office.

23 We elect officers in the order which they're
24 listed in the bylaws so the nominations of elections
25 will be first for chairman, then vice chairman, then

1 secretary/treasurer.

2 So at this time I will open the floor for
3 nominations for our chair.

4 MR. APPLEBY: I'd like to nominate Ward Pedley
5 for chairman.

6 MS. KNIGHT: Mr. Pedley, do you accept the
7 nomination?

8 Well, let me ask is there a second for the
9 nomination?

10 MR. BOSWELL: Second.

11 MS. KNIGHT: Mr. Pedley, do you accept the
12 nomination?

13 MR. PEDLEY: Yes, I accept the nomination.

14 MS. KNIGHT: Any other nominations for chair?

15 MR. REEVES: I nominate John Kazlauskas.

16 MS. KNIGHT: Is there a second for that
17 nomination?

18 MR. FREY: Second.

19 MS. KNIGHT: Mr. Kazlauskas, do you accept the
20 nomination?

21 MR. KAZLAUSKAS: I do.

22 MS. KNIGHT: Any others?

23 (NO RESPONSE)

24 MS. KNIGHT: Entertain a motion that the
25 nomination cease.

1 MR. APPLEBY: So moved.

2 MS. KNIGHT: Is there a second?

3 MR. BOSWELL: Second.

4 MS. KNIGHT: So our two nominees for chair are

5 Mr. Ward Pedley and Mr. John Kazlauskas.

6 Let's start by show of hands. All in favor of

7 Mr. Ward Pedley as chair raise your right hand.

8 (BOARD MEMBERS DAVE APPLEBY, WARD PEDLEY,

9 IRVIN ROGERS, WALLY TAYLOR AND LARRY BOSWELL RESPONDED

10 AYE.)

11 MS. KNIGHT: I count five votes for

12 Mr. Pedley.

13 All in favor of Mr. Kazlauskas raise your

14 right hand.

15 (BOARD MEMBERS LARRY MOORE, BEVERLY McENROE,

16 STEVE FREY, JOHN KAZLAUSKAS AND FRED REEVES RESPONDED

17 AYE.)

18 MS. KNIGHT: That's five votes for Mr.

19 Kazlauskas.

20 The bylaws require a majority of the entire

21 membership six votes to be elected. Let's do the

22 voting by show of hands one more time.

23 Again, our nominees are Mr. Ward Pedley and

24 Mr. John Kazlauskas.

25 All in favor of Mr. Pedley for chair please

1 raise your right hand.

2 (BOARD MEMBERS DAVE APPLEBY, WARD PEDLEY,
3 IRVIN ROGERS, WALLY TAYLOR AND LARRY BOSWELL RESPONDED
4 AYE.)

5 MS. KNIGHT: Again, five votes.

6 All in favor of John Kazlauskas please raise
7 your right hand.

8 (BOARD MEMBERS LARRY MOORE, BEVERLY McENROE,
9 STEVE FREY, JOHN KAZLAUSKAS AND FRED REEVES RESPONDED
10 AYE.)

11 MS. KNIGHT: Five votes.

12 What I think I would like to do at this time
13 is, of course, the bylaws did state that the voting
14 can also be done by ballot. I have asked that a
15 ballot be prepared.

16 Ms. Evans, would you mind to --

17 MR. NOFFSINGER: Let me prepare it first.

18 MS. KNIGHT: What I would suggest that we
19 prepare a ballot. Our director will be happy to do
20 that and I would be happy for him to do that.

21 It has the names of the two nominees on it
22 with a box beside their name. We will just pass those
23 ballots out and check the box for the nominee that you
24 vote for.

25 Does everybody understand what I mean by that

1 you? Do you all have any questions about that?

2 (NO RESPONSE)

3 MR. NOFFSINGER: I created ten. The first box
4 would be Ward P. and the second box would be John K.

5 MS. KNIGHT: Ms. Evans, if you would please
6 hand those out to the commission members.

7 Again, if you would please check the box
8 beside the name of the nominee that you select. Once
9 you have done that, please fold your ballot. Ms.
10 Evans will come back around and pick those up.

11 (MS. EVANS COLLECTING BALLOTS.)

12 MS. KNIGHT: Mr. Director, would you please
13 read the results.

14 MR. NOFFSINGER: First vote Ward Pedley.

15 Second vote John Kazlauskas.

16 Third vote Ward Pedley.

17 Fourth vote John Kazlauskas.

18 Fifth vote John Kazlauskas.

19 Sixth vote John Kazlauskas.

20 Seventh vote Ward Pedley.

21 Eighth vote Ward Pedley.

22 Ninth vote John Kazlauskas.

23 Tenth vote Ward Pedley.

24 MS. KNIGHT: So we are again at a tie.

25 MR. NOFFSINGER: Will you collect these?

1 MS. KNIGHT: Yes.

2 At this point I would advise the commission.
3 Neither the statutes nor our bylaws provide for a
4 tiebreaker. Our bylaws do provide that meetings will
5 be conducted under proper parliamentary procedure, and
6 that means Roberts Rules of Order.

7 Chapter 14 of Roberts Rules is Nominations and
8 Elections. It provides that voting or balloting
9 should be repeated for office as many times as
10 necessary to obtain a majority vote for a single
11 candidate.

12 I know there are several things on the agenda
13 tonight. That's why I'm addressing this now, to see
14 how the commission wants to handle it.

15 Roberts Rules also provides that to ensure the
16 continued services of officers in the event of this
17 type of situation, difficulty of obtaining a nominee
18 or a winning nominee for an office, it is well to
19 provide in the bylaws that officers shall hold office
20 for a term of specified years or until their
21 successors are elected.

22 Article 3 of our bylaws do make this provision
23 so that our current chair can continue in office and
24 business can be conducted until such time as a
25 successor is elected.

1 So at this time I'd be happy to entertain a
2 motion for a different method of voting, if anybody
3 has an alternative solution or a voting at the table
4 or to table the voting on chair so other business can
5 be conducted and then we would proceed with tonight's
6 business with the current chair in place and then vote
7 for the vice chair and secretary. Are there any such
8 motion?

9 MR. APPLEBY: Move we postpone, table this
10 vote to take care of business on the agenda.

11 MS. KNIGHT: Is there a second?

12 MR. TAYLOR: Second.

13 MS. KNIGHT: All in favor raise your right
14 hand.

15 (BOARD MEMBERS IRVIN ROGERS, BEVERLY McENROE,
16 DAVE APPLEBY, WARD PEDLEY, STEVE FREY, WALLY TAYLOR
17 AND LARRY BOSWELL RESPONDED AYE.)

18 MS. KNIGHT: Seven.

19 All opposed raise your right hand.

20 (BOARD MEMBERS LARRY MOORE, JOHN KAZLAUSKAS
21 AND FRED REEVES RESPONDED NAY.)

22 MS. KNIGHT: Three opposed.

23 So we will table the election of chair at this
24 time and put it on the agenda for the next meeting.

25 At this time we will move on to the nomination

1 for vice chair. I will open the floor for nomination
2 of vice chair.

3 MR. BOSWELL: I'd like to nominate Irvin
4 Rogers for vice chair.

5 MS. KNIGHT: Is there a second?

6 MR. APPLEBY: Second.

7 MS. KNIGHT: Mr. Rogers, do you accept the
8 nomination?

9 MR. ROGERS: Yes.

10 MS. KNIGHT: Are there any other nominations?

11 MR. KAZLAUSKAS: I nominate Fred Reeves.

12 MS. KNIGHT: Is there a second for the
13 nomination?

14 MR. FREY: Second.

15 MS. KNIGHT: Mr. Reeves, do you accept the
16 nomination?

17 MR. REEVES: Yes.

18 MS. KNIGHT: Are there any other nominations?

19 (NO RESPONSE)

20 MS. KNIGHT: I'll entertain a motion that
21 nomination cease.

22 MR. APPLEBY: So move.

23 MR. BOSWELL: Second.

24 MS. KNIGHT: Nominations are closed.

25 We will start with show of hands.

1 Our first nominee is Irvin Rogers. All voting
2 for Irvin Rogers please raise your right hand.

3 (BOARD MEMBERS IRVIN ROGERS, DAVE APPLEBY,
4 WARD PEDLEY, WALLY TAYLOR AND LARRY BOSWELL RESPONDED
5 AYE.)

6 MS. KNIGHT: Five votes for Irvin Rogers.
7 All in vote for Fred Reeves raise your right
8 hand.

9 (BOARD MEMBERS LARRY MOORE, BEVERLY McENROE,
10 STEVE FREY, JOHN KAZLAUSKAS AND FRED REEVES RESPONDED
11 AYE.)

12 MS. KNIGHT: Five votes for Fred Reeves.
13 Just to make sure I counted correctly let's
14 try that again.

15 By show of hands all voting for Irvin Rogers
16 please raise your right hand.

17 (BOARD MEMBERS IRVIN ROGERS, DAVE APPLEBY,
18 WARD PEDLEY, WALLY TAYLOR AND LARRY BOSWELL RESPONDED
19 AYE.)

20 MS. KNIGHT: Five votes again for Irvin
21 Rogers.

22 All voting for Fred Reeves please raise your
23 right hand.

24 (BOARD MEMBERS LARRY MOORE, BEVERLY McENROE,
25 STEVE FREY, JOHN KAZLAUSKAS AND FRED REEVES RESPONDED

1 AYE.)

2 MS. KNIGHT: Five votes again.

3 So we will do the same ballot procedure.

4 Mr. Director, I believe you're already
5 creating that.

6 MR. NOFFSINGER: Yes, ma'am.

7 MR. FREY: Do we have the potential this
8 evening to move it to the bottom this evening?

9 MS. KNIGHT: I would be willing to entertain a
10 motion to that effect, yes.

11 MR. FREY: I can make a motion that we would
12 go ahead and do this tonight after we conduct
13 business?

14 MS. KNIGHT: I believe there's already been a
15 motion and a second of approval for tabling the
16 chair's vote for the next meeting.

17 MR. FREY: Understood. I may have
18 misunderstood the first one.

19 I would like to make a motion that we --

20 MS. KNIGHT: We'll go through the process and
21 then if we need to pass it, if we get a tie for the
22 written ballot, as far as voting for vice chair.

23 MR. NOFFSINGER: I prepared ten ballots.
24 First name is Irvin Rogers. Second name Fred Reeves
25 for vice chair.

1 MS. KNIGHT: Again, check the box beside the
2 name of the individual you've selected. Fold in half
3 once you've made your selection and Ms. Evans will
4 pick them back up.

5 (MS. EVANS COLLECTS BALLOTS.)

6 MS. KNIGHT: Mr. Director, if you will count
7 the votes, please.

8 MR. NOFFSINGER: First vote Irvin Rogers.

9 Second vote Fred Reeves.

10 Third vote Fred Reeves.

11 Fourth vote Irvin Rogers.

12 Fifth vote Fred Reeves.

13 Sixth vote Fred Reeves.

14 Seventh vote Irvin Rogers.

15 Eighth vote Irvin Rogers.

16 Ninth vote Fred Reeves.

17 Tenth vote Irvin Rogers.

18 MS. KNIGHT: Again, we have a tie.

19 Now I will open floor for a motion to either
20 table this until the end of the meeting or until next
21 month.

22 MR. FREY: I would like to make a motion that
23 we table this until later this evening so we can
24 conduct business and then come back to it.

25 MS. KNIGHT: To clarify. The current vice

1 chair would remain the vice chair through this meeting
2 in order to conduct business and then we can revisit
3 this issue again.

4 Is there a second for that motion?

5 MR. BOSWELL: I have a question associated
6 with that.

7 MS. KNIGHT: Sure.

8 MR. BOSWELL: When we took the first vote, did
9 we not table it until the next meeting?

10 MS. KNIGHT: We did.

11 MR. BOSWELL: Then how are we going to be able
12 to change that?

13 MS. KNIGHT: We're not changing the vote on
14 the chair. Only the vice chair.

15 MR. BOSWELL: Doesn't that operate under the
16 same requirements?

17 MS. KNIGHT: We have to vote on both of them,
18 yes, which is what we're doing tonight. If we table
19 the chair vote until the next meeting, our chair will
20 serve this entire meeting and will end this meeting
21 still as the chair. We may have a new vice chair at
22 the end of the night, but that vote will be taken the
23 next meeting. It may be in the best procedure if
24 we're tabling one until the next meeting that we may
25 want to table all until the next meeting.

1 MR. BOSWELL: That's my point.

2 MS. KNIGHT: Any other comments?

3 Yes, Mr. Kazlauskas.

4 MR. KAZLAUSKAS: If I can go back and revisit
5 the 100.161 of KRS, which is the law that you voted
6 earlier. The law is very clear where it states each
7 Planning Commission annually shall elect a chairman
8 and any other officers which deem necessary.

9 It also says where you quoted that we will
10 follow all procedures.

11 My concern is that even though you stated the
12 parliamentary procedures in our bylaws, the bylaws do
13 not in fact take the place of 100.161. Consequently,
14 if we were to continue to table this month after month
15 after month, why have elections. Roberts Rules of
16 Order also states that elections will continue until a
17 chair or a presiding person of a commission is
18 elected. My concern is that when we table something
19 like this, is that all we are, all we're doing is
20 putting this off until the next meeting. It doesn't
21 solve the problem that we are facing here tonight.
22 Because I would suggest that the vote is going to be
23 the same.

24 Now, this is very unfair to our community.
25 It's very unfair and doesn't treat the members of the

1 commission with dignity and respect.

2 I have to disagree with counsel by saying that
3 we're going to follow parliamentary procedure and
4 table this election which is actually KRS -- an
5 incumbent could continue to serve a year, a year, a
6 year. That's why we have elections.

7 So I would put forth that we need to continue,
8 we need to go back and revisit this because I don't
9 think it's actually legal in what we're doing because
10 our bylaws do not take precedence over KRS 100.161.

11 MS. KNIGHT: If I may respond. We are holding
12 elections in accordance and in compliance with the
13 statute. That's what we're doing here and that's what
14 the statute requires. Is that we annually elect.
15 Once that is all the statute, there is no
16 interpretation of how that works, then we look to our
17 bylaws, the parliamentary procedure under our bylaws
18 as to how we are to give that application, how we are
19 to elect our chairman, etcetera. That's what I stated
20 at the beginning. Our bylaws provide that a chairman
21 shall be elected by a majority of the membership or
22 until there's a successor, and they will serve until
23 their successor is elected. That's how Roberts Rules
24 sets that forth as well. That's why that provision is
25 in there in just such an event. That we are not able

1 to elect a successor. The current elected officer can
2 continue to serve. That is not in violation of the
3 statute.

4 MR. KAZLAUSKAS: Well, let the record show
5 that I disagree with counsel on this. I think it's a
6 disservice to our community that we don't continue to
7 hold this election until chairman is elected.

8 MS. KNIGHT: I will again be happy to
9 entertain any other suggestions from the commissioners
10 about how we could conduct elections differently to
11 see that there is a majority selected. Those are the
12 provisions of our bylaws we have conducted, two of the
13 different types and still not gotten a majority vote.
14 So if anybody does have any alternative, suggestions,
15 I'm more than open to motions to hear that.

16 MR. REEVES: Question, please. Does the
17 Roberts provide for any alternative way to resolve the
18 ties such as drawing straws, flipping a coin?

19 MS. KNIGHT: It does not. It states that
20 elections will continue to be held until a majority is
21 met. Then it also provides for the event that there
22 is no -- if there's difficulty getting a winning
23 nominee, that if the bylaws provide -- it basically
24 advises that bylaws should provide that an officer can
25 serve for a specific term or until a successor is

1 elected, and that's the reason given. Does that
2 answer your question?

3 MR. REEVES: Yes.

4 MR. KAZLAUSKAS: Well, Counsel, what you're
5 telling us, if we come back next month and we have
6 five to five, that the incumbent continues to serve.

7 MS. KNIGHT: That's correct.

8 MR. KAZLAUSKAS: That defeats the purpose of
9 an open election.

10 MS. KNIGHT: Well, we don't have a majority
11 vote to attain a successor. The statute doesn't
12 require that a new officer be elected. Just that an
13 election be held, and that's what we're doing. That's
14 all we can do.

15 Any other questions, Commissioners?

16 MR. BOSWELL: Just a point I want to make.
17 Based on what you're saying, we have to operate under
18 what our current bylaws state and the KRS 100 states.
19 We have no other options.

20 MS. KNIGHT: That's correct. We're not here
21 to amend bylaws tonight. So we operate under what we
22 have. The bylaws do refer to parliamentary procedure
23 as well. That's our source of information.

24 MR. REEVES: We're the in process of looking
25 at our bylaws. So my assumption would be, if you look

1 at grandfathering as a concept, any new change we made
2 in the bylaws regarding the election of officers could
3 not impact this current election because it's being
4 held under our current bylaws. Is that the case?

5 MS. KNIGHT: I would agree with that.

6 MR. REEVES: Is it within the commission's
7 power to authorize an alternative way to resolve the
8 election such as the drawing of straws or flipping of
9 a coin?

10 MS. KNIGHT: Not at this point, no, because it
11 is not under our current bylaws.

12 I believe that there was a motion on the table
13 to pass this election of vice chair until the end of
14 the meeting. If that motion is still made, is there a
15 second or if not then we just discussed maybe be
16 better to table it until the next month hearing, but
17 again there's currently a motion now to pass this
18 until the end of the meeting. Is there a second for
19 that motion?

20 (NO RESPONSE)

21 MS. KNIGHT: So if there's no second then I
22 would entertain a new motion. Is there a motion to
23 table until the next meeting?

24 MR. APPLEBY: So moved.

25 MR. BOSWELL: Second.

1 MS. KNIGHT: All in favor of that motion
2 please raise your right hand.

3 (BOARD MEMBERS IRVIN ROGERS, BEVERLY McENROE,
4 DAVE APPLEBY, WARD PEDLEY, WALLY TAYLOR AND LARRY
5 BOSWELL RESPONDED AYE.)

6 MS. KNIGHT: Five to six. So there are six
7 votes. That's the majority. Election for vice chair
8 will also be tabled until next month's meeting.

9 So we will move on to the election of
10 secretary/treasurer. At this time I will open the
11 floor for the nomination of secretary/treasurer.

12 MR. PEDLEY: I nominate Dave Appleby.

13 MS. KNIGHT: Is there a second for that
14 nomination?

15 MR. ROGERS: Second.

16 MS. KNIGHT: Mr. Appleby, do you accept the
17 nomination?

18 MR. APPLEBY: Yes.

19 MS. KNIGHT: Are there other nominations?

20 (NO RESPONSE)

21 MR. PEDLEY: Make a motion that nomination
22 cease.

23 MS. KNIGHT: Is there a second?

24 MR. ROGERS: Second.

25 MS. KNIGHT: All in favor of Mr. Appleby

1 serving as secretary/treasurer please raise your right
2 hand.

3 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

4 MS. KNIGHT: Motion carries unanimously.

5 Mr. Appleby is our secretary/treasurer.

6 That concludes the election of officers. I
7 will turn the floor back over to our chairman,
8 Mr. Pedley.

9 CHAIRMAN: We're ready to move forward.

10 First, I would like to recognize a new member
11 we have. Mr. Larry Moore down on the end.

12 Welcome, Larry. Glad to have you. Thank you
13 for stepping up and serving this community.

14 MR. MOORE: Thank you very much.

15 CHAIRMAN: Anything I can do for you, give me
16 a call.

17 With that the next item on the agenda is to
18 consider the minutes of the December 12, 2013 meeting.
19 Are there any additions or correction on that?

20 (NO RESPONSE)

21 CHAIRMAN: If not chair is ready for a motion.

22 MR. APPLEBY: Motion to approve.

23 CHAIRMAN: Motion for approval by Mr. Appleby.

24 Do we have a second?

25 MR. TAYLOR: Second.

1 CHAIRMAN: Second by Mr. Taylor. All in favor
2 of the motion raise your right hand.

3 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

4 CHAIRMAN: Motion carries unanimous. The
5 minutes are approved.

6 Next item, please.

7 -----

8 PUBLIC HEARING

9 ITEM 3

10 Consider adoption of text and exhibit revisions and
11 additions involving Chapters 2, 5 and 14 of the
12 Owensboro Metropolitan Public Improvement
13 Specifications.

14 MR. NOFFSINGER: Mr. Chairman, this is a
15 document that this community has been working on for
16 actually several years.

17 Chapter 14 of the Public Improvement
18 Specifications pretty much being mandated to us by the
19 EPA. That we address our storm water discharge and we
20 address many facets of that in our community.

21 As many of the Planning Commissioners have
22 witnessed, this is not going to be an easy pill to
23 swallow. The items that are being considered here for
24 adoption are going to effect this community, as well
25 as other communities across this great country in a
26 pretty major way. It's going to come at a cost to the

1 development community throughout this country.

2 As I have found and learned over the years,
3 that when the developers' cost increase so do our cost
4 increase as consumers of their product. Many of the
5 changes in this article that are added to this Chapter
6 14 to the Public Improvement Specifications are going
7 to be difficult at best to be complied with. However,
8 I can tell you the Staff of this community, and I'm
9 looking out and I see the city engineer's office
10 represented by Joe Shepers and Bailey Bennett. The
11 county engineering department, that would be Mark
12 Brasher, and Dean Benke with Regional Water Resource
13 Agency has provided countless hours in trying to put
14 this document together.

15 Planning Staff Brian Howard has worked in
16 conjunction with them. There is a committee that
17 assisted this group and it's know as the Public
18 Improvement Specification Review Committee that's made
19 up of private engineers in this community, as well as
20 some developers, your city and county engineering
21 staff. Really they have a big hand in this. I won't
22 go through all the names, but I can tell you that they
23 waive the consequences of what we were doing compared
24 to what we're required to do. I can tell you they
25 really took the interest of this community to heart

1 and tried to make it easy and as adaptable as
2 possible.

3 What we're considering tonight I understand
4 has been reviewed by the Owensboro City Commission and
5 their staff. It has been reviewed by the Daviess
6 County Fiscal Court and their staff. I do have a
7 letter from the city manager, Bill Parrish, stating
8 that they have reviewed it. They presented it to the
9 city commission and they're asking that you move
10 forward with the adoption of Chapter 14 and what Brian
11 is going to discuss tonight, as well as from the
12 Daviess County Judge Al Mattingly. That they too have
13 reviewed and are recommending that it be moved
14 forward.

15 So with that I'd just like to thank all of
16 those that have been involved and know that if these
17 documents are approved here tonight, that it doesn't
18 end there. We are going to have to work through these
19 changes and through what's being proposed here tonight
20 and probably be back before this commission tweaking
21 this article and what's going to be involved because
22 it's not a perfect document. It's a document that
23 we're going to have to live with and work through,
24 come back before this body and probably make some
25 changes, but we don't know what those are going to be

1 until we have time to work through it.

2 I've said enough. I'll turn it over to Brian
3 to give you a brief description of what's being
4 proposed.

5 MS. KNIGHT: Would you state your name,
6 please?

7 MR. HOWARD: Brian Howard.

8 (BRIAN HOWARD SWORN BY ATTORNEY.)

9 MR. HOWARD: As Mr. Noffsinger stated, this
10 has been a rather long process, especially in dealing
11 with Chapter 14 which pertains to storm water quality
12 management.

13 The other two items that are also part of the
14 public hearing tonight are some changes and additions
15 to Chapter 2 which deals with the materials, and then
16 Chapter 5 that deals with sanitary sewer.

17 Basically what the Public Improvement
18 Specification document is, is a guide as to all public
19 improvement, whether it's waterlines, fire hydrants,
20 sidewalk, street, curb, anything that would be a
21 public improvement, how that's constructed and
22 installed. It's a document that developers use and
23 the city and county engineers, and RWRA use greatly to
24 ensure that the infrastructure that's put in is
25 adequate and will be long lasting.

1 As Mr. Noffsinger stated, Chapter 14 was
2 really something that the city and county engineer's
3 office both worked on extensively over the last two
4 plus years. There have been numerous meetings through
5 the Green River Area Development District, Water
6 Quality Advisory Committee. They've had some meetings
7 with the Home Builders Association. They've met with
8 our staff. We met twice in December with the Public
9 Improvement Specifications Committee at which time
10 both the changes to Chapters 2 and 5 and then the
11 addition of Chapter 14 was discussed.

12 As the end result, what comes to you tonight
13 comes with the support of the Public Improvement
14 Specification Committee. They serve a great role in
15 providing assistance to the engineering offices, both
16 city and county, to RWRA, to the Planning Staff, to
17 help generate the final product that you have for
18 consideration tonight.

19 That's my brief overview. As Mr. Noffsinger
20 stated, we do have a representative from the city
21 engineer's office and RWRA here tonight if you all
22 have some specific questions about what that entails.

23 CHAIRMAN: Thank you, Mr. Noffsinger and
24 Mr. Howard. I don't have anything to add to that.

25 I would like to thank the engineers, Joe

1 Shepers and Dean Benke, and the county engineer, Mark
2 Brasher, and their hard work and they also work very
3 well with the PI Committee. This has been ongoing for
4 four or five years. I think they have done an
5 excellent job putting this together. It is quite
6 lengthy. It's well done. I've read some in other
7 communities.

8 Joe, and Dean, and Mark, thank you very much
9 for working with us on this issue.

10 If you have anything you like to state, any
11 comments, come to the podium. We'd like to hear it.

12 MR. SHEPERS: Here to answer questions.

13 CHAIRMAN: Thank you very much.

14 Commissioners, do you have any comments or
15 questions?

16 Mr. Kazlauskas.

17 MR. KAZLAUSKAS: Thank you, Mr. Chairman.

18 I had the opportunity to talk with Mr. Dean
19 Benke today because one of the elements that are
20 included, is included in the 5-1 Sanitary Sewers was
21 an article that also appeared in our local newspaper.
22 When I read that, it jumped to my attention about some
23 of our homes and our older residential neighborhood
24 that continue to be hooked up to our dual sewer
25 system. The sanitary and the storm water system that

1 runs together. We had quite a lengthy conversation
2 about that this morning because there are still homes
3 in Owensboro that when we have a large downfall that
4 water still backs up in the basement. The sanitary
5 problems that develop.

6 Also, what he was able to explain to me was
7 that some of the discharge from washing machines, if
8 the homeowners have a way to get those into the
9 sanitary system, that that would be all right, but EPA
10 is more concerned with ground water, the ground water
11 going into the system than they are the sanitary
12 problems.

13 I'm glad to here Staff say that this is going
14 to be tweaked in the future because I don't think this
15 is a cure all. Because, like I said, there are
16 several homes that are experiencing problems now and
17 will continue to experience problems because their
18 basement is hooked up to that single dual sewer line
19 that we have in the older part of Owensboro.

20 I do want to thank all the engineers and
21 everyone that spent a lot of time on this. Of course,
22 I think everyone knows that this is being driven by
23 the EPA to begin with. A lot of work went into this,
24 but there are some problems that homeowners are going
25 to face in the future. I don't think that we want to

1 try to pull the wool over their eyes because there are
2 some problems there that will have to be addressed.

3 CHAIRMAN: Thank you, Mr. Kazlauskas. Are you
4 asking Mr. Benke to address this now?

5 MR. KAZLAUSKAS: No. I had time to speak with
6 him today and he was very, very thorough. I
7 appreciated his answers.

8 CHAIRMAN: Thank you very much.

9 Any other comments or questions?

10 MR. APPLEBY: I have one comment.

11 I think probably the public ought to be made
12 aware of and they probably are of this. The city and
13 county have already adopted a storm water ordinance
14 which refers to our ordinance. So this is a
15 continuation of the process, but I think it might be
16 good to have either Joe or Dean come to the podium and
17 explain a little bit more about who has mandated this
18 and what the consequences of not enacting some form of
19 ordinance would be.

20 CHAIRMAN: Joe, would you like to address
21 those questions and issues?

22 MS. KNIGHT: Would you state your name,
23 please?

24 MR. SHEPERS: Joe Shepers.

25 (JOE SHEPERS SWORN BY ATTORNEY.)

1 MR. SHEPERS: Basically, as you said, this was
2 mandated by the EPA. This is still part of the Clean
3 Water Act. We have an NPDES permit which basically
4 the permit that allows us to discharge our storm water
5 into the creeks into the Ohio River. As part of that
6 permit, we're required to pass a storm water ordinance
7 and we're required to put, we're required to capture
8 what's called the first flush. That is, for example,
9 the example I gave the city commission when we voted
10 on the ordinance was, the easiest example to try to
11 grasp is take like a large parking lot in front of a
12 place like Wal-Mart or Kroger's where we're trying to
13 capture the first flush. That's where a car is
14 sitting on a parking lot. It's dripping out your
15 antifreeze and fluids onto the parking lot. Your
16 first flush is, the first bit of rain to hit that
17 parking lot is taking all that antifreeze, all that
18 oil, washing it off the parking lot and it's getting
19 out into the creeks and the ditches.

20 After that first flush and the parking lot is
21 a little bit cleaner, from there on the water is
22 coming off of the parking lot is a little bit cleaner.

23 So EPA has mandated that we pick up the first
24 five-eighths of an inch roughly of water that comes on
25 that parking lot, capture it, treat it, and then put

1 it back out into the creeks and the ditches.

2 That's the way to oversimplified example, but
3 that is what is required of us to do. That's what
4 both storm water ordinance and what this PI Spec is
5 forcing the developers to do. Whether it be
6 residential, commercial, any other type of
7 development.

8 That's what we're doing here. Failure to
9 comply with this, the EPA does have some pretty
10 stringent fines. We're actually noncompliant as we
11 speak. We have worked with the Division of Water on a
12 basically monthly basis. You understand that we're
13 here tonight. You understand that both us and the
14 county passed our ordinances that refer to this, the
15 understanding that we're here tonight.

16 As we stand right now, we are noncompliant,
17 but we are getting a little bit of leeway with the
18 Division of Water, contingent upon us passing it.

19 CHAIRMAN: Thank you.

20 Any other commissioners have questions?

21 MR. BOSWELL: Not really a question. In
22 reviewing this I just wanted to commend all the folks
23 that worked on this because my former background of
24 being a subcontractor many years ago where I dealt
25 with architectural, structural, some civil work many

1 years ago, this type of work brings tremendous clarity
2 to anyone that's going to be putting together a bid
3 that might include any of these type of items.

4 From my perspective, it would seem that --
5 Mr. Noffsinger mentioned something about potential for
6 cost increases, but that's bringing clarity also
7 allows for you to be able to put together a more
8 accurate bid as a result of having very good detailed
9 information that leads you in that direction so you
10 know what you have to do. It's not interpreted as
11 some of these issues used to be many years ago.

12 Just wanted to commend you folks. This is
13 some really great information.

14 CHAIRMAN: Any other commissioners, comments
15 or questions?

16 MR. TAYLOR: I have one.

17 I know you mentioned, and I think you all did
18 a great job on this, but you've mentioned that you're
19 going to take this storm water and put it in ditches
20 and creeks. Beforehand it went towards the sewage
21 plant and then in the river; is this right?

22 MR. SHEPERS: No, sir, that's incorrect. This
23 only covers the section of town -- not to be confused
24 with what John K. said a little bit ago.

25 Chapter 14 only deals with the section of the

1 city and the county where the storm and sanitary are
2 separate.

3 Now, what he was referring to, I believe, was
4 Chapter 2 and 5 which is dealing with the combined.
5 Chapter 14 that I'm referring to only deals with the
6 part that's separated for storm and sanitary are the
7 two separate systems.

8 MR. TAYLOR: My question would be, you know,
9 you mentioned going in ditches and creeks. Are you
10 going to do anything to the ditches and creeks to help
11 handle more water?

12 MR. SHEPERS: That's not the purview of any of
13 this. This has nothing to do with the quantity of
14 water. Only the quality of water. We can talk about
15 the quantity of water if you would like, but Chapter
16 14 only deals with the water quality. This is not
17 putting any more water into the creeks and ditches.
18 If anything, this takes water out of the creeks and
19 ditches because part of this would be trying to get
20 water to soak into the ground. A good part of this is
21 getting like infiltration where water is soaking into
22 the ground and not being put into it. Really this is
23 about water quality; however, it kind of does have
24 affected on quantity by getting some water out of the
25 creeks and ditches and putting it into the ground

1 water table.

2 MR. TAYLOR: Thank you.

3 CHAIRMAN: Any other comments or questions for
4 Mr. Shepers while he was up?

5 MR. NOFFSINGER: I do, Mr. Chairman.

6 I would like to state that, Joe, since you're
7 standing there, I want to talk just a little bit about
8 the cut and fill and cut and fill permit process.

9 I want folks to understand that the Planning
10 Commission is in charge of issuing building permits.
11 We want to make sure that building permits are issued
12 just as quickly as possible. This process we're about
13 to go through with the storm water requirements, as
14 well as the cut and fill permit, as the city
15 engineering office will be requiring is going to
16 affect pretty much every application of our permits
17 that we get in. In the planning office, we strive
18 very hard to get the permit out the same day, if it's
19 residential. If not the same day, the next day. If
20 we're going to have to hold up building permits for
21 residential structures until that cut and fill permit
22 is issued, there may be a delay. I say that only, I
23 want everyone to know that up front and realize that
24 because the city engineering department, the county
25 engineering department, they only have so many people.

1 Today they are overloaded. They have a full plate.
2 They're going to be pushed to get these cut and fill
3 permits out even on the simplest of applications the
4 same day.

5 Joe, if you'd just like to comment on that.
6 That is a concern I have. That we don't slow down the
7 permitting process. I know you'll work hard not to do
8 that, but it may be unavoidable.

9 MR. SHEPERS: Yes. Another part of the EPA
10 requirement that is pushed on us in addition to what I
11 have stated earlier is they are requiring us to have a
12 permitting process for all construction activities
13 that go on. They required a separate permitting
14 process. Cut and fill permit is what Gary is talking
15 about. That is an unfortunate byproduct of this, but
16 again, it is not something that any one of us picked
17 up voluntarily and said we wanted. It's part of the
18 permitting that's coming from the fed's to the state,
19 the state to the city, and that's what we have
20 created.

21 Now, we worked with the developers to try to
22 make our cut and fill permit as a single step process
23 to help speed this up so we don't slow up any dirt
24 work, so we don't slow up any construction of streets.
25 We're going to do a multiple step, a three step at

1 least, if not more step process in doing our cut and
2 fill. That way when the developer is ready to do the
3 work we can keep moving with them, but it is, as Gary
4 said, it's an unfortunate but unavoidable product.
5 That there may be some permits that gets slowed up a
6 little bit. You know, we'll do our due diligence and
7 I'm sure Mark back here will also do to keep things
8 moving as quickly a pace as we can.

9 We are not adding additional staff to do this.
10 We're not hiring an additional people. We'll be doing
11 it with our current staff.

12 CHAIRMAN: Any other questions or comments for
13 Joe?

14 (NO RESPONSE)

15 CHAIRMAN: If not, Joe, thank you very much.
16 Again, I would like to thank you and your staff for
17 all your hard work.

18 Dean, you and your staff.

19 Mark, you and your staff. You've done an
20 excellent job. You've worked very hard. Our
21 community realizes that.

22 With that, Commissioners, do you have any more
23 comments or questions?

24 (NO RESPONSE)

25 MR. NOFFSINGER: See if the public has any

1 comments.

2 CHAIRMAN: Any comments or questions from the
3 public.

4 (NO RESPONSE)

5 CHAIRMAN: If not --

6 MR. APPLEBY: Is the chair ready for a motion?

7 CHAIRMAN: -- the chair is ready for a motion.

8 Mr. APPLEBY: I'd like to make a motion that
9 we adopt text and exhibit revisions and additions
10 involving Chapters 2, 5, 14 of the Owensboro
11 Metropolitan Public Improvement Specifications.

12 CHAIRMAN: We have a motion by Mr. Appleby for
13 approval.

14 MR. REEVES: Second.

15 CHAIRMAN: We have a second by Mr. Reeves.
16 Comments or questions on the motion?

17 (NO RESPONSE)

18 CHAIRMAN: All in favor of the motion raise
19 your right hand.

20 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

21 CHAIRMAN: Motion carries unanimous.

22 -----

23 ZONING CHANGES

24 ITEM 4

25 242 Church Street, Portion of 7481 US Highway 60 West,
 2.279+/- acres

1 Consider zoning change: From R-1A Single-Family
2 Residential to I-1 Light Industrial
3 Applicant: John Phillip Fogle; Stanley AG Service,
4 LLC

5 MR. HOWARD: I will note that the rezoning
6 heard here tonight will become final 21 days after the
7 meeting unless an appeal is filed. If an appeal is
8 filed, we will forward the final record of the meeting
9 along with the application to the appropriate
10 legislative body for them to take final action. The
11 appeal forms are available on the back table, in our
12 office and on our website.

13 PLANNING STAFF RECOMMENDATION

14 The Planning Staff recommends approval subject
15 to the condition and findings of fact that follow:

16 CONDITIONS:

17 Submission of a division/consolidation plat to
18 consolidate 242 Church Street with the portion of 7481
19 US Highway 60 West.

20 FINDINGS OF FACT:

21 1. Staff recommends approval because the
22 proposal is in compliance with the community's adopted
23 Comprehensive Plan;

24 2. The subject property is located in a Rural
25 Community Plan Area, where light industrial uses are
appropriate in limited locations;

1 3. Use of the property as an agricultural
2 services business meets the criteria for
3 nonresidential use;

4 4. The proposal is an expansion of existing
5 industrial zoning to the north of the subject
6 property; and,

7 5. The proposal satisfies the criteria for a
8 new location with frontage on US Highway 60 West which
9 is classified as an arterial roadway and it is located
10 at the corner of US Highway 60 West and a public
11 alley.

12 We would like to enter the Staff Report into
13 the record as Exhibit A

14 CHAIRMAN: Is there anyone here representing
15 the applicant?

16 APPLICANT REP: Yes.

17 CHAIRMAN: Does anyone have any questions of
18 the application?

19 If so, would you step to one of the podiums.
20 Are you representing the applicant?

21 APPLICANT REP: Yes.

22 CHAIRMAN: Does anyone have any comments or
23 questions for the applicant?

24 (NO RESPONSE)

25 CHAIRMAN: Do you have anything you would like

1 to tell us?

2 APPLICANT REP: I wouldn't know what to tell
3 you. You've said it all.

4 CHAIRMAN: That's good.

5 Commissioners, do you have any comments or
6 questions?

7 (NO RESPONSE)

8 CHAIRMAN: If not the chair is ready for a
9 motion.

10 MR. ROGERS: Motion for approval based on
11 Planning Staff Recommendations with the one condition
12 and the Findings of Facts 1 through 5.

13 CHAIRMAN: We have a motion by Mr. Rogers for
14 approval.

15 MR. FREY: Second.

16 CHAIRMAN: Second by Mr. Frey. Comments or
17 questions on the motion?

18 (NO RESPONSE)

19 CHAIRMAN: All in favor of the motion raise
20 your right hand.

21 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

22 CHAIRMAN: Motion carries unanimously.

23 Next item, please.

24 ITEM 5

25 131 Ewing Road, 2.35 acres
Consider zoning change: From R-4DT Inner-City

1 Residential and B-4 General Business and R-4DT
Inner-City Residential
2 Applicant: Presley A. & Doris M. Bullington

3 MS. KNIGHT: State your name, please.

4 MS. EVANS: Melissa Evans.

5 (MELISSA EVANS SWORN BY ATTORNEY.)

6 PLANNING STAFF RECOMMENDATION

7 The Planning Staff recommends approval subject
8 to the findings of fact that follow:

9 FINDINGS OF FACT:

10 1. Staff recommends approval because the
11 proposal is in compliance with the community's adopted
12 Comprehensive Plan;

13 2. The subject property is partially located
14 in a Central Residential Plan Area where Urban
15 Low-Density Residential uses are appropriate in
16 general locations and partially located in a
17 Business/Industrial Plan Area where Urban Low-density
18 Residential uses are not generally recommended;

19 3. The proposal is a logical expansion of
20 existing R-4DT Inner City Residential zoning existing
21 on a portion of the subject property and on the
22 properties to the north and east; and

23 4. With the business located on the subject
24 property no longer in operation, rezoning the property
25 to a single zoning classification of R-4DT Inner City

1 Residential zoning is more appropriate than the split
2 zoning that currently exists.

3 We would like to enter the Staff Report into
4 the record as Exhibit B.

5 CHAIRMAN: Anyone here representing the
6 applicant?

7 APPLICANT REP: Yes.

8 CHAIRMAN: Does anyone have any comments or
9 questions on the application?

10 Step to the podium, please.

11 MS. KNIGHT: Please state your name for the
12 record.

13 MS. CAINE: Beverly Caine.

14 (BEVERLY CAINE SWORN BY ATTORNEY.)

15 MS. CAINE: I just had a question about the
16 zoning itself. I mean is it going to be a houses? My
17 property is right next to the field. We've seen a lot
18 of surveyors down there. They've been surveying.
19 This is my brother-in-law and my sister. They own the
20 houses next to me. They've been surveying the street,
21 the alley. We just didn't know what was going on.
22 Are they going to open the alley, the street or is it
23 just going to be the houses there? How is it going to
24 affect us? The house that I own, it was my parents'
25 home. We've owned that home for 40 years.

1 CHAIRMAN: Let's see if I can get some answers
2 for you.

3 Melissa, would you address her concerns?

4 MS. EVANS: To our knowledge the applicant
5 purchased this property at auction and does intend to
6 divide the property into several lots that will have
7 frontage on Ewing Road and possibly on Nelson Avenue
8 and Pardon Avenue, the streets that stub into the
9 property. We were in contact with the city engineer's
10 office. They would recommend or support a
11 recommendation to extend either Nelson Avenue or
12 Pardon Avenue over to Ewing Road, but we don't know
13 whether or not that will happen or not happen. As far
14 as we know, they're going to divide the property for
15 residential purposes.

16 MS. CAINE: I was just wondering, like you
17 said, if they're proposing maybe to open the road; is
18 that correct? I'm trying to understand.

19 MS. EVANS: Right. The applicant is not
20 proposing to do that. The city engineer's office may
21 ask them to do that to one of those two stub streets
22 there. The applicant -- we haven't received a
23 proposal yet from the applicant on what exactly
24 they're going to do with the property. What we have
25 been told is that they're going to divide it to sell

1 for residential purposes. In an R-4DT zoning, they
2 could only do residential purposes. It couldn't be a
3 business.

4 MS. CAINE: Anybody could buy a house or buy
5 land and put a house on it?

6 MS. EVANS: Yes. Yes.

7 MS. CAINE: So if something were to happen, I
8 could, if they're going to open the road would I hear
9 that they're going to open the road or they'd just go
10 ahead and do it? I'd like to know, you know, as far
11 as my property is the way it's sitting, you know, here
12 is the field here.

13 MS. EVANS: Which property are you?

14 MS. CAINE: I'm on Pardon Avenue.

15 MS. EVANS: This one?

16 MS. CAINE: Yes. I'm right there. I just
17 want to know if they're going to open that road, you
18 know, would I hear about it or are they just going to
19 go ahead and do it? Can I appeal it whenever they do
20 it? I don't understand.

21 CHAIRMAN: I think Ms. Evans will have to
22 address that. She's been working with the applicant.

23 MS. EVANS: Actually the applicant is here and
24 I think to address what they intend to do with the
25 property.

1 CHAIRMAN: Okay. Would you step up to the
2 podium, please.

3 MS. KNIGHT: If you would state your name,
4 please?

5 MS. BULLINGTON: My name is Doris Bullington.

6 (DORIS BULLINGTON SWORN BY ATTORNEY.)

7 MS. BULLINGTON: We are working with Joe
8 Simmons, the surveyor. When we bought the property at
9 auction, our intention was residential and divide it
10 out into half acre lots. Of course, where the old
11 house is, our intention is to tear the house down and
12 probably build possibly. We don't have an appraisal
13 and all of that yet. Keep the old building and
14 refurbish it and also sell the other two lots off
15 there as residential lot. There is no intention, our
16 intention, no intention of opening Nelson or Pardon,
17 our intention. So I don't know if there is anything
18 else. Joe just hasn't finished the survey. That's
19 why you're seeing flags. You're also seeing OMU
20 putting flags in so they know where the water and
21 sewer all that of that is.

22 CHAIRMAN: Thank you very much.

23 Ma'am, does that answer your questions?

24 MS. CAINE: Yes.

25 CHAIRMAN: Thank you very much.

1 Anyone else? If so step to the podium,
2 please.

3 MS. KNIGHT: State your name, please.

4 MR. SCOUT: Will Scout.

5 (WILL SCOUT SWORN BY ATTORNEY.)

6 MR. SCOUT: My only thing just about the road
7 because I have grandkids. As long as -- I have no
8 problem with them building the houses or anything like
9 that. That's not a problem. It's just this road is a
10 dead end and our grandkids go out there and they play
11 on that road. All we're wanting to know is if they
12 are going to do this if we can address the city at a
13 later time about it to keep this road from opening
14 just to make thoroughfare. The houses is not a
15 problem. It's just the road.

16 MR. NOFFSINGER: Mr. Chairman, if I might
17 address that question.

18 As stated tonight, we do not know whether or
19 not the road will be extended. They are dead-end
20 stub-streets. They do have the opportunity to be
21 extended. They may be extended in the future. Your
22 contact should be with the city engineer's office,
23 Mr. Joe Shepers. Certainly Brian Howard that's here
24 tonight in the planning office can take down your
25 information and let you know if and when they do

1 propose to develop that property, how they intend to
2 do it. This board here tonight cannot give you any
3 satisfaction as to whether or not those streets are
4 going to be extended. They may or may not. This is a
5 zoning change to change the property from residential
6 and commercial to residential. So it's a down-zoning,
7 if you will, in terms of the uses that can be on the
8 property. It's more compatibility with the uses that
9 you enjoy on your adjoining property.

10 So I'd advise that you talk to the city
11 engineer, Mr. Joe Shepers, or Brian Howard who is here
12 tonight about contacting you in the future.

13 CHAIRMAN: Thank you, Mr. Noffsinger.

14 Are there any other questions on the
15 application?

16 MR. REEVES: I have a question, Mr. Chairman.

17 Mr. Noffsinger, being as they're going to
18 subdivide this, they're going to consolidate these
19 lots, subdivide them into several lots. Will they
20 have to bring back a development plan to us for
21 approval?

22 MR. NOFFSINGER: Not necessarily. If there
23 are no new streets involved, that would be a plat that
24 I would sign in-house. If there are new streets
25 involved, new public infrastructure, then it would

1 have to come back before this body; however, there is
2 no required notification of adjoining property owners.

3 MR. REEVES: But it would have to come back to
4 our office?

5 MR. NOFFSINGER: Anything they do on the
6 property is going to be dealt with our office.

7 MR. REEVES: Will they have to put easements
8 on the property to allow for the extension of Nelson
9 and Pardon Avenue? Would they have to do that as they
10 divide the lot?

11 MR. NOFFSINGER: They would extend the
12 right-of-way of Nelson and Pardon across this property
13 to connect to Ewing Road or potentially have to finish
14 those dead-end streets into a cul-de-sac. That needs
15 to be determined as to how the streets will terminate
16 and what easements or right-of-ways there would be
17 across the subject property. These individual's
18 property should not be burdened by any such easements.

19 MR. REEVES: I understand. But it would be a
20 burden by it becoming a thoroughfare, if their concern
21 is additional traffic in here. That's the question
22 I'm getting at. Who would make the decision about
23 extending those streets and who would have the
24 approval and authority to extend those streets?

25 MR. NOFFSINGER: Streets are extended it's

1 going to be this body because you would have to bring
2 a preliminary subdivision plat to extend the street to
3 Ewing Road.

4 MR. REEVES: Will these folks ever see this
5 coming? Will they know in advance that it's proposed
6 to extend those streets?

7 MR. NOFFSINGER: No, not unless they inquire.

8 MS. KNIGHT: State your name for the record,
9 please.

10 MR. SUMNER: Aaron Sumner.

11 (AARON SUMNER SWORN BY ATTORNEY.)

12 MR. SUMNER: I just have some questions based
13 on what he's asking.

14 The building that's existing that is the
15 commercial building, I'm her son. My intentions are
16 to remodel that and turn that into a residence with a
17 garage in the rear. Not sure what they decide with
18 the house.

19 That property being right on the Nelson
20 Street, I would not want it to be passed through
21 either. I don't want that road opened.

22 I don't know. Mr. Reeves part of it is, yes,
23 I would want to know if that's going to be processed
24 through either on that one or the other street. I
25 think our intentions are if we do sell the other two

1 properties, if somebody wants to build a 1500 square
2 foot home or something like that, like what's across
3 the street, down the street and similar.

4 MR. REEVES: That's my only concern. Would
5 the owners of the property in fact have an option to
6 know it's going to be extend as well as the neighbors
7 so if they can make a justifiable reason why that it
8 shouldn't be extended, they would have sort of I guess
9 forum to express their concerns.

10 MR. NOFFSINGER: Well, the owners of the
11 property would definitely be involved. It's not going
12 to happen unless they're involved. The neighbors
13 would not receive official notification because none
14 is required.

15 MR. REEVES: So the city could not arbitrarily
16 extend the street and take it as an easement or
17 eminent domain, I guess?

18 MR. NOFFSINGER: They could do that, but
19 that's highly unlikely.

20 MR. REEVES: Okay. Thank you very much.

21 CHAIRMAN: Are there any other questions?

22 (NO RESPONSE)

23 CHAIRMAN: Commissioners have any other
24 questions?

25 (NO RESPONSE)

1 MR. APPLEBY: Is chair ready for a motion?

2 CHAIRMAN: Chair is ready for a motion.

3 MR. APPLEBY: Motion for approval based on the
4 Staff Recommendations with Findings of Fact 1 through
5 4.

6 CHAIRMAN: We have a motion for approval by
7 Mr. Appleby.

8 MR. FREY: Second.

9 CHAIRMAN: Second by Mr. Frey. Comments or
10 questions on the motion?

11 (NO RESPONSE)

12 CHAIRMAN: All in favor of the motion raise
13 your right hand.

14 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

15 CHAIRMAN: Motion carries unanimous.

16 ITEM 6

17 4200 Old Hartford Road, 9.561 acres
18 Consider zoning change: From P-1 Professional/Service
19 to R-1B Single-Family Residential
Applicant: Jagoe Land Corporation; Jagoe Homes, Inc.

20 PLANNING STAFF RECOMMENDATION

21 Planning Staff recommends approval subject to
22 the Condition and Findings of Fact that follow:

23 CONDITION:

24 Access to Old Hartford Road shall be limited
25 to a single access point in alignment with Liberty

1 Point.

2 FINDINGS OF FACT:

3 1. Staff recommends approval because the
4 proposal is in compliance with the community's adopted
5 Comprehensive Plan;

6 2. The subject property is located in a
7 Professional/Service Plan Area where Urban Mid Density
8 Residential uses are appropriate in limited locations;

9 3. The proposal is a logical expansion of
10 existing R-1B Single Family Residential zoning to the
11 northwest and northeast;

12 4. Sanitary sewer service is available to be
13 extended to the subject property;

14 5. The subject property has road frontage on
15 Old Hartford Road, a major street; and

16 6. At less than 10 acres, the subject
17 property should not overburden the capacity of
18 roadways and other necessary urban services that are
19 available in the affected area.

20 We would like to enter the Staff Report into
21 the record as Exhibit C.

22 CHAIRMAN: Anyone here representing the
23 applicant?

24 APPLICANT REP: Yes.

25 CHAIRMAN: Anyone have any comments other

1 questions on the application?

2 (NO RESPONSE)

3 CHAIRMAN: Commissioners have any comments or
4 questions?

5 Yes, sir. Step up, please.

6 MR. DeWITT: My name is Timothy DeWitt.

7 (TIMOTHY DeWITT SWORN BY ATTORNEY.)

8 MR. DeWITT: We have talked tonight about
9 storm water, EPA regulations and different things.
10 This is a major water shed. I live just on Mount
11 Vernon Drive which overlooks this - to use a redneck
12 term - hollar. I have seen water standing three foot
13 deep at the bottom of this valley. That water stays
14 there for weeks on end and then it eventually seeps
15 into the ground.

16 The other concern I have with a subdivision
17 being put in this area, Old Hartford Road is a very
18 highly travelled avenue, as we all know. By putting
19 more homes in there, you're going to be doubling the
20 traffic volume on Old Hartford Road that is congested
21 at best at times when the high school lets out or the
22 college lets out, and you're going to have residential
23 traffic in and out of this area that's just going to
24 complicate everything.

25 I would ask that we take these things into

1 consideration to look at the zoning. Like I said,
2 I've lived on that hill for a long time. I've seen
3 wrecks in that area. Old Hartford Road jobs to the
4 right just a little bit. As an EMT with the county,
5 I'm hanging laundry in the backyard and heard a wreck
6 in this area. This is a very dangerous place to be
7 putting a residential neighborhood and to have egress
8 off of Old Hartford into this area. It would be a
9 very haphazard thing to do to put houses down there.
10 That's my opinion. Thank you.

11 CHAIRMAN: Thank you. I'll see if I get you
12 some answers.

13 Mr. Jagoe's engineer, would you address the
14 storm water issue.

15 MS. KNIGHT: State your name for the record.

16 MR. BAKER: Jason Baker.

17 (JASON BAKER SWORN BY ATTORNEY.)

18 MR. BAKER: I'll start with storm water. Of
19 course, we're rezoning the property. This will be
20 followed with a design plan. We will design the
21 system such that -- I know what he's talking about.
22 The long drainage channel that extends through this
23 area, it's really flat, which would be supportive of
24 the evidence he's saying it stays there a while. We
25 will be designing the storm system to carry that water

1 through. There will be retention basins that will
2 control the amount of discharge to the conditions. We
3 will be accepting the water from off site as well. So
4 we're charged with designing that to handle the storm
5 water.

6 With regards to the access point, we are
7 limited to the access point that is directly across
8 the street from another residential neighborhood. We
9 will be aligning with that intersection which is
10 typically the best practice for locating those.

11 I think there was three comments. What was
12 the third?

13 CHAIRMAN: We had storm water and basically
14 the traffic. I didn't catch the third one.

15 MR. NOFFSINGER: You might want to address
16 sight distance at that intersection, proposed
17 intersection, as well as the comment was made this
18 development would double the amount of traffic on Old
19 Hartford Road, I believe.

20 MR. BAKER: As far as sight distance goes, in
21 both directions the roadway is, you're in the outside
22 of the curve so you can see further in both
23 directions. I don't have the exact distances for
24 sight distance that has been measured. This is a
25 state route. We will be required to get a state

1 encroachment permit. All of those things are looked
2 at as part of that state encroachment permit.

3 With regard to doubling traffic, I can't
4 really speak to that. It's a residential development
5 with 40 homes. I dare say it wouldn't double any
6 traffic on that roadway given that there are
7 residential subdivisions all around much larger than
8 that. Does that answer the question?

9 CHAIRMAN: I think right now, yes, it does.
10 The fact is it's a zoning change. It's not a
11 development plan. The development plan has to come
12 back before this commission; is that right, Mr.
13 Noffsinger?

14 MR. NOFFSINGER: Yes, sir, that is correct. I
15 will say that in terms of the amount of traffic on Old
16 Hartford Road, there is a considerable amount of
17 traffic. That's coming from a much broader area than
18 just this residentially developed area. We have
19 people that are using Millers Mill Road, Settles Road
20 to get over to the New Hartford Road to get to the
21 high school. So we have a lot of traffic coming from
22 different directions.

23 I cannot speak specifically as to the
24 transportation improvement plan for the community, but
25 I do know this area of Old Hartford Road is within the

1 transportation plan to be upgraded in the future;
2 however, it is not a funded project. Any development
3 that occurs on this property will be reviewed by the
4 Planning Staff, by the GRADD office, as well as the
5 state, and if transportation improvements are
6 warranted based upon this development to make it safe
7 regarding their impact, then they'll be required to
8 make improvements. We don't know what those are at
9 this time.

10 This is a down-zoning from professional office
11 which you could have professional offices here. It's
12 a down-zoning to residential which is more compatible
13 with the adjoining residential uses in the area.

14 CHAIRMAN: Mr. Noffsinger, will this be
15 required when they present a development plan for
16 state highway review on this?

17 MR. NOFFSINGER: Yes, sir.

18 MR. BOSWELL: Mr. Chairman, I do have a
19 question associated with the issue about the
20 transportation.

21 This there is a comment that Kentucky
22 Transportation Cabinet does not anticipate this
23 development will overburden capacity roadways in the
24 area, will not require a Traffic Impact Study or any
25 roadway.

1 Is that being said because they have already
2 previously looked at this?

3 MR. NOFFSINGER: They have looked at it, but I
4 don't know to the degree that they will eventually be
5 involved in it. Brian Howard might be able to add to
6 that, but we have not seen detailed plans on how
7 they're going to develop this.

8 MR. HOWARD: You're correct. We contacted the
9 Kentucky Transportation Cabinet. Talked with Kenny
10 Potts. He's the chief engineer over permitting with
11 the Madisonville office.

12 The area that they're rezoning the proposed
13 for indicated that we thought it would be around 40
14 residential lots that would be part of the
15 development. The comments that are in the Staff
16 Report are a result of that contact with the
17 Transportation Cabinet.

18 Again, as Mr. Baker stated, before they would
19 be allowed to put another street cut in, they will
20 have to receive an encroachment permit from the state.
21 At that time they would look at sight distance and the
22 more detailed plan. Again, we just want to get some
23 conceptual feedback based on what we anticipated
24 taking place on that site from the Transportation
25 Cabinet at this point.

1 MR. BOSWELL: When that would occur, would the
2 gentleman or anyone out there be made aware of any of
3 this at some point in time to try to rest their
4 concerns about this?

5 MR. HOWARD: As Mr. Noffsinger said with the
6 previous item, a preliminary plat, a development plan
7 doesn't require adjoining property owners to be
8 notified. Certainly if we get some contact
9 information here with me tonight, I'll be glad to talk
10 with Mr. DeWitt after the meeting as well. Get
11 contact information and be glad to let him know
12 whenever that is submitted.

13 MR. BOSWELL: Thank you.

14 CHAIRMAN: Thank you, Mr. Howard.

15 Are there any more questions from the
16 commissioners or the public?

17 (NO RESPONSE)

18 CHAIRMAN: If not the chair is ready for a
19 motion.

20 MR. REEVES: Mr. Chairman, I move for approval
21 of this rezoning with the condition as specified by
22 Staff and Findings of Fact 1 through 6, plus one
23 additional finding; Number 7, that this is in fact a
24 downgrading rezoning and should be much less densely
25 used than if it were developed commercial.

1 CHAIRMAN: We have a motion for approval by
2 Mr. Reeves. Do we have a second?

3 MR. APPLEBY: Second.

4 CHAIRMAN: Second by Mr. Appleby. Comments or
5 questions on the motion?

6 (NO RESPONSE)

7 CHAIRMAN: All in favor of the motion raise
8 your right hand.

9 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

10 CHAIRMAN: Motion carries unanimous.

11 ITEM 7

12 927 East 18th Street, 1.44 acres
13 Consider zoning change: From I-1 Light Industrial to
14 B-5 Business/Industrial
Applicant: MW Parrish, LLC; Thekla's Rentals, LLC

15 PLANNING STAFF RECOMMENDATIONS

16 The Planning Staff recommends approval subject
17 to the conditions and findings of fact that follow:

18 CONDITION:

19 1. Submission of a site plan to be approved
20 by the City Engineer's office and OMPC prior to
21 building occupancy; and,

22 2. The roadway buffer shall be maintained on
23 site which will require the establishment of a green
24 strip and sidewalk within the road right-of-way
25 meeting the requirements of the City Engineer's office

1 and the removal of the first parking spaces on the
2 east and west side of the building. The parking
3 spaces shall be removed, returned to grass and
4 appropriate vehicular use area landscaping installed.

5 FINDINGS OF FACT:

6 1. Staff recommends approval because the
7 proposal is in compliance with the community's adopted
8 Comprehensive Plan;

9 2. The subject property is located within a
10 Business/Industrial Plan Area, where general
11 business and light industrial uses are appropriate in
12 general locations;

13 3. The subject property lies within an
14 existing area of mixed general business and light
15 industrial uses;

16 4. The Comprehensive Plan provides for the
17 continuance of mixed use areas; and,

18 5. The proposed land use for the subject
19 property is in compliance with the criteria for a
20 Business/Industrial Plan Area and a B-5
21 Business/Industrial zoning classification.

22 MR. HOWARD: We would like to enter the Staff
23 Report into the record as Exhibit D.

24 CHAIRMAN: Is there anyone here representing
25 the applicant?

1 APPLICANT REP: Yes.

2 CHAIRMAN: Does anyone have any comments or
3 questions on the application?

4 (NO RESPONSE)

5 CHAIRMAN: Commissioners have any comments or
6 questions?

7 (NO RESPONSE)

8 CHAIRMAN: If not the chair is ready for a
9 motion.

10 MR. BOSWELL: Mr. Chairman, I make a motion
11 that we approve the rezoning based on Findings of Fact
12 and also include the condition that Staff recommends
13 to be met.

14 CHAIRMAN: We have a motion for approval by
15 Mr. Boswell. Do I have a second?

16 MR. KAZLAUSKAS: Second.

17 CHAIRMAN: Second by Mr. Kazlauskas. Comments
18 or questions on the motion?

19 (NO RESPONSE)

20 CHAIRMAN: All in favor of the motion raise
21 your right hand.

22 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

23 CHAIRMAN: Motion carries unanimous.

24 -----

25 MINOR SUBDIVISION

1 ITEM 8

2 2200 Christie Place, 2060 Lewis Lane, 8.032 acres
3 Consider approval of minor subdivision plat.
4 Applicant: Owensboro Board of Education

5 MR. NOFFSINGER: Mr. Chairman, this plat has
6 been reviewed by the Planning Staff and Engineering
7 Staff. It's found to be in order. It does come to
8 this commission as an exception to the subdivision
9 regulations in that it does not have frontage on a
10 public right-of-way. However, this is for a utility
11 substation that's been in existence for a number of
12 years. I believe OMU currently has a lease on this
13 lot. They plan to own the lot with this division.
14 With that being an existing utility and it's noted
15 that it's for utility purposes only, we recommend this
16 plat be approved.

17 CHAIRMAN: Anyone have any comments or
18 questions on the application?

19 (NO RESPONSE)

20 CHAIRMAN: If not the chair is ready for a
21 motion.

22 MR. APPLEBY: Motion for approval.

23 CHAIRMAN: We've got a motion for approval by
24 Mr. Appleby.

25 MR. BOSWELL: Second.

 CHAIRMAN: Second by Mr. Boswell. Comments or

1 questions on the motion?

2 (NO RESPONSE)

3 CHAIRMAN: All in favor of the motion raise

4 your right hand.

5 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

6 CHAIRMAN: Motion carries unanimous.

7 -----

8 NEW BUSINESS

9 ITEM 9

10 Consider approval of November 2013 financial

11 statements

12 MR. NOFFSINGER: Mr. Chairman, each member has

13 been mailed a copy of the financial statements that

14 were prepared by our outside accounting firm. They

15 are ready for your consideration.

16 CHAIRMAN: Commissioners, comments or

17 questions?

18 (NO RESPONSE)

19 CHAIRMAN: Chair is ready for a motion.

20 MR. KAZLAUSKAS: So move.

21 MR. FREY: Second.

22 CHAIRMAN: We have a motion and a second.

23 Comments or questions on the motion?

24 (NO RESPONSE)

25 CHAIRMAN: All in favor of the motion raise

1 your right hand.

2 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

3 CHAIRMAN: Motion carries unanimous.

4 ITEM 10

5 Consider approval of the amended Public Improvement
6 Specifications surety unit cost.

7 CHAIRMAN: Commissioners, comments or
8 questions on the application?

9 MR. NOFFSINGER: Mr. Chairman, this item comes
10 to you as recommended by the city and county
11 engineers. It is for the maintenance bond for the
12 storm water that we talked about, storm water quality.
13 It's based upon the acreage of the site. This was
14 reviewed by the PI Speck Review Committee. We don't
15 know if -- we may need to tweak this number as well,
16 but this is the number everyone agreed to go with for
17 bonding purposes and we'll revisit this at a later
18 date once we have some projects coming through and we
19 see these bonds and we see how they're work.

20 We review and recommend changes to this
21 document every December, January of each year. It
22 will be back before you within a year anyway, but we
23 do recommend you move forward with the adoption of
24 these new bonding surety amounts.

25 CHAIRMAN: Commissioners have any questions

1 on this?

2 (NO RESPONSE)

3 CHAIRMAN: If not the chair is ready for a

4 motion.

5 MR. APPLEBY: Motion to approve.

6 MR. BOSWELL: Second.

7 CHAIRMAN: We have a motion to approve by Mr.

8 Appleby and a second by Mr. Boswell. Comments or

9 questions on the motion?

10 (NO RESPONSE)

11 CHAIRMAN: All in favor raise your right hand.

12 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

13 CHAIRMAN: Motion carries unanimous.

14 Next item.

15 ITEM 11

16 Comments by the Chairman.

17 CHAIRMAN: It's been a long night. I don't

18 have any more comments except I would like to set a

19 work session on the mayor's committee recommendation.

20 Have a work session on that sometime maybe in

21 February. I believe, Counsel, if I'm right, we need a

22 motion.

23 MS. KNIGHT: You're referring to the committee

24 that was formed at the last meeting?

25 MR. NOFFSINGER: No. That would be the

1 mayor's committee Business Friendly Committee.

2 Did you want to set that for at the end of our
3 meeting in February or do you want to set it for
4 another date? That's what you need to determine.

5 Mayor Ron Payne has asked that this commission
6 forward recommendations or their opinions in terms of
7 that committee's recommendation. Each one of you
8 received a letter. I think that's what you're trying
9 to address. See if this commission would like to
10 establish a time for a work session to go over that.

11 CHAIRMAN: Yes, that's it. I think the
12 commission needs to vote on approval.

13 MS. KNIGHT: Not for a work session, if that's
14 what you're asking. You're not establishing a
15 separate committee to review that committee's
16 recommendation. That's not what you're doing,
17 correct?

18 CHAIRMAN: I'm looking for a work session to
19 review the mayor's committee's suggestions.

20 MS. KNIGHT: By the entire commission?

21 CHAIRMAN: Yes.

22 MS. KNIGHT: You do not need a motion for
23 that.

24 CHAIRMAN: I would like to, Mr. Howard is
25 gone, but someone from the Planning Commission to set

1 that. We have to give a seven day notice; is that
2 correct?

3 MR. NOFFSINGER: No, sir. If you would like
4 to establish a time for a work session after our
5 regularly scheduled meeting, certainly we can notify
6 the media to that. Now, do you want to schedule it
7 for then or do you want to schedule it for another
8 time?

9 CHAIRMAN: No, sir, I do not want to schedule
10 it for after our regular meeting. I want to set a
11 meeting date for a work session. It could be later in
12 February or it could be whatever the commission would
13 like to do. The issue is we have a lot of people that
14 work and is not available. What would be the best
15 time? That's what I'm asking the commission for.

16 What would be your desired time to have a work
17 session? Four in the afternoon, five in the
18 afternoon? We could do it after a regular meeting,
19 but these meetings sometimes carries on and on and on.
20 We don't need to get into a longer meeting. I'm
21 asking the commission what you would prefer to have a
22 work session to address the mayor's committee
23 recommendation.

24 MS. KNIGHT: I will address your issue of
25 publishing, giving notice of it. Yes, if we do a

1 separate work session at different times, yes, we
2 would.

3 CHAIRMAN: We have to give seven days notice.

4 MS. KNIGHT: We will have to notify the media.

5 CHAIRMAN: Commissioners, do you have any
6 comments on that?

7 MR. APPLEBY: After 5:00.

8 CHAIRMAN: After 5. Week date, do you have
9 any preference on that?

10 MR. KAZLAUSKAS: Tuesday. I'm just throwing
11 it out.

12 MR. APPLEBY: When does Kentucky play?

13 MR. NOFFSINGER: The city commission meets the
14 first and third Tuesday of each month. Shouldn't be
15 the first and third.

16 MR. REEVES: UK plays on Tuesdays and
17 Saturdays or Wednesdays and Saturdays. So if you want
18 to avoid conflict with the games.

19 MR. APPLEBY: Thursdays after five.

20 CHAIRMAN: Want to do it on Thursday after 5?

21 MR. FREY: Thursdays in February are the 6th,
22 13th, 20th and 27th.

23 CHAIRMAN: We meet the second. The Board of
24 Adjustment meets the first Thursday and the second
25 Thursday. We've got the third and fourth Thursday.

1 MR. FREY: The 20th is a Thursday.

2 CHAIRMAN: After 5?

3 MR. KAZLAUSKAS: 5:30.

4 MR. APPLEBY: That's good.

5 CHAIRMAN: You will be sent a notice seven

6 days prior to that.

7 Am I correct on that?

8 MS. KNIGHT: Twenty-four hours on a special

9 meeting. That's what we're calling this.

10 CHAIRMAN: We'll have Staff to get that out to

11 you. I think that's something we need to do.

12 Mr. Reeves, is that something you want to move

13 forward on?

14 MR. REEVES: Oh, absolutely, yes. The mayor

15 has asked us to do that and I appreciate you moving it

16 forward.

17 CHAIRMAN: I would like to do that. You will

18 be notified. Okay.

19 That's all the comments I have.

20 ITEM 12

21 Comments by the Planning Commissioners

22 CHAIRMAN: Do you have any comments you would

23 like to make?

24 MR. FREY: Mr. Chairman, the only thing I

25 would like to make, I guess I incorrectly voted on the

1 first one. I was hoping that we would get the
2 election done tonight. I thought when Mr. Appleby
3 made the motion to table we were going to do at the
4 end of the meeting. Just want to state for the record
5 I incorrectly voted. I was hoping that we could get
6 that done tonight one way or the other. It wasn't my
7 concern, but it was just getting it done. I didn't
8 know we were tabling it until the next meeting. Just
9 want to get on the record I voted incorrectly. It
10 would have been 6 to 4 vote.

11 CHAIRMAN: Mr. Kazlauskas.

12 MR. KAZLAUSKAS: I just want to bring to
13 everyone's attention that the subcommittee to review
14 the bylaws and personnel policy will be meeting on
15 Wednesday, January 15th at 2:00 p.m. at OMPC in the
16 conference room up there.

17 CHAIRMAN: That's good. Thank you.

18 Anyone else have comments?

19 MR. MOORE: So next month when we have our
20 meeting and we vote again for the chair, say it's five
21 and five. We raise our hands and we vote, and we
22 vote, then we go in to March?

23 MR. APPLEBY: If that's the motion.

24 MS. KNIGHT: If that's the motion. If there
25 is a motion to make to table to next month's meeting,

1 there's a second and it's approved by a majority
2 decision. The only other option, again, is to keep
3 voting and keep voting until we get a majority. I
4 understand frustration if someone that has accepted
5 the nomination -- if someone willing to decline the
6 nomination or change their vote, that's the only way
7 we're going to get a majority.

8 CHAIRMAN: Anyone else?

9 MR. FREY: Can we get that on the agenda to
10 where it's not first so we don't have to make a motion
11 to move it? I'd rather do it at the end. Does it
12 have to be on there first?

13 MR. NOFFSINGER: Yes.

14 MR. FREY: Okay. Fine. I would prefer it to
15 be later so we don't --

16 MS. KNIGHT: That is the order of business of
17 the bylaws. It is --

18 MR. FREY: Understood.

19 MR. APPLEBY: We can make a motion at that
20 meeting to move it to the end of the meeting?

21 MR. REEVES: We could do that, couldn't we?
22 Surely. We could make a motion then.

23 Is that true or not, Terra?

24 MS. KNIGHT: You mean before we even go
25 through the process to make a motion?

1 MR. REEVES: Yes. Make a motion to move that
2 item to the end of the agenda?

3 MS. KNIGHT: I'll consider that.

4 MR. FREY: If it's easier to go through the
5 process.

6 MS. KNIGHT: First and then move it.

7 MR. FREY: That's okay.

8 MR. KAZLAUSKAS: But that would be in
9 violation of the bylaws, wouldn't it?

10 MS. KNIGHT: That would be my concern.

11 MR. FREY: So go through the steps first?

12 MS. KNIGHT: At this point, yes. If I come up
13 with something different before the next meeting,
14 we'll address it then. I think we have to go through
15 the motions first. Motions first of trying the
16 election, trying to get a majority vote, and then
17 having a motion to table it to the end.

18 CHAIRMAN: But that would be at the next
19 meeting?

20 MS. KNIGHT: Yes.

21 CHAIRMAN: If that's all, Commissioners.

22 ITEM 13

23 Comments by the Director.

24 CHAIRMAN: Mr. Noffsinger.

25 MR. NOFFSINGER: Thank you, Mr. Chairman.

1 I would like to remind everyone that at 4:30
2 before our next Planning Commission meeting we're
3 going to have a work session on Findings of Fact.
4 That will be presented by Brian Howard and Terra
5 Knight. So please make every effort to attend that.
6 I think you'll find it very useful and helpful in
7 adopting Findings of Fact.

8 The second item I'd just like to share with
9 the commissioners and the general public. Mr. Malcolm
10 Bryant came into my office this morning and requested
11 to meet with Manuel Ball who is our associate director
12 of building, electrical and housing, as well as Dennis
13 Thurman. Dennis Thurman has been the primary
14 inspector for the new hotel that Mr. Bryant is
15 developing. He wanted to share with me how
16 appreciative he was for their efforts on that hotel.

17 He shared with me words such as partnership,
18 cooperation. He shared with me how Manuel and Dennis
19 have been very easy to work with. They have been very
20 conscientious of the code, but also they have been
21 very helpful in terms of working with their people and
22 the designers.

23 Certainly I wanted to share that with each one
24 of you because that's a gentleman in this community
25 that has done a lot of development. Not just in

1 Owensboro, but in other places. He shared with me his
2 appreciation of our Staff members.

3 I'd just like to thank him for doing that.

4 I'd also like to thank Manuel Ball, as well as Dennis
5 Thurman for their outstanding efforts and just ask
6 that you continue that.

7 The last item I have, I have gifts. It would
8 be the revised KRS Chapter 100 which is the Planning
9 Enabling Legislation for the State of Kentucky. The
10 document most of you have is probably dated 2002.
11 It's probably 98 percent correct and probably contains
12 everything you need to know, but there has been a few
13 changes over the years. This takes you up to I
14 believe the current date. So happy reading. Just
15 wanted to make sure you have the most current and
16 up-to-date version. Thank you.

17 CHAIRMAN: Need one more motion.

18 MR. APPLEBY: Move to adjourn.

19 MR. FREY: Second.

20 CHAIRMAN: We have a motion and a second. All
21 in favor raise your right hand.

22 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

23 CHAIRMAN: We are adjourned.

24 -----

25

1 STATE OF KENTUCKY)
)SS: REPORTER'S CERTIFICATE
2 COUNTY OF DAVIESS)

3 I, LYNNETTE KOLLER FUCHS, Notary Public in and
4 for the State of Kentucky at Large, do hereby certify
5 that the foregoing Owensboro Metropolitan Planning
6 Commission meeting was held at the time and place as
7 stated in the caption to the foregoing proceedings;
8 that each person commenting on issues under discussion
9 were duly sworn before testifying; that the Board
10 members present were as stated in the caption; that
11 said proceedings were taken by me in stenotype and
12 electronically recorded and was thereafter, by me,
13 accurately and correctly transcribed into the
14 foregoing 74 typewritten pages; and that no signature
15 was requested to the foregoing transcript.

16 WITNESS my hand and notary seal on this the
17 20th day of January, 2014.

18

19

LYNNETTE KOLLER FUCHS
NOTARY ID 433397
OHIO VALLEY REPORTING SERVICES
2200 E. PARRISH AVE, SUITE 106E
OWENSBORO, KENTUCKY 42303

22

23 COMMISSION EXPIRES: DECEMBER 16, 2014

24 COUNTY OF RESIDENCE: DAVIESS COUNTY, KENTUCKY

25