

1 OWENSBORO METROPOLITAN PLANNING COMMISSION

2 APRIL 10, 2014

3 The Owensboro Metropolitan Planning Commission
4 met in regular session at 5:30 p.m. on Thursday, April
5 10, 2014, at City Hall, Commission Chambers,
6 Owensboro, Kentucky, and the proceedings were as
7 follows:

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

19 * * * * *

20 CHAIRMAN: Call the Owensboro Metropolitan
21 Planning Commission April 10, 2014 meeting to order.
22 We will begin our meeting with a prayer and pledge of
23 allegiance to the flag. Mr. Reeves will lead us.
24 Will you stand, please.

25 (INVOCATION AND PLEDGE OF ALLEGIANCE.)

CHAIRMAN: I would like to welcome everyone.
Anyone wishing to speak on any item may do so. We ask
that you come to one of the podiums and state your
name and be sworn in. Please speak into the
microphone if you will, please.

1 With that the first item on the agenda is to
2 consider the minutes of the March 13, 2014 meeting.

3 Commissioners, you have a copy of the minutes
4 in your packet. Are there any additions or
5 corrections?

6 (NO RESPONSE)

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

9 MR. KAZLAUSKAS: So move.

10 CHAIRMAN: We have a motion by Mr. Kazlauskas
11 for approval.

12 MR. APPLEBY: Second.

13 CHAIRMAN: We have a second by Mr. Appleby.
14 All in favor of the motion raise your right hand.

15 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

16 CHAIRMAN: Motion carries.

17 Next item we also have approval of the minutes
18 of March 20, 2014 work session on the Mayor's Business
19 Development Committee. You have that copy in your
20 packet. Are there any comments or questions on it?

21 (NO RESPONSE)

22 CHAIRMAN: If not the chair is ready for a
23 motion.

24 MR. REEVES: Motion to approve.

25 CHAIRMAN: We have a motion to approve by

1 Mr. Reeves.

2 MR. TAYLOR: Second.

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

5 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

6 CHAIRMAN: Motion carries unanimous.

7 Next item, please.

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9 GENERAL BUSINESS

10 CELLULAR TELECOMMUNICATIONS FACILITIES PER KRS 100.987

11 ITEM 3

12 720 Frederica Street
13 Consider approval of a temporary wireless
14 telecommunications tower.
Applicant: New Cingular Wireless PCS, LLC

15 MS. KNIGHT: State your name for the record,
16 please.

17 MS. EVANS: Melissa Evans.

18 (MELISSA EVANS SWORN BY ATTORNEY.)

19 MS. EVANS: This is a temporary cell tower,
20 cellular tower on wheels. It's 100 feet tall. It's
21 going to be in place for a couple of months. It will
22 be removed by the end of May.

23 It's on the site while they do some work on
24 the tower that is existing so this area will not loose
25 cell service. They're going to put this tower up to

1 take place of that tower while they're making some
2 repairs to it.

3 They do meet all of the design standards and
4 the criteria in the zoning ordinance. They are asking
5 for a waiver of the required evergreen trees and
6 around the perimeter of compound since this is a
7 temporary power.

8 FINDINGS:

9 1. The application is complete with all
10 materials in accordance with the Owensboro
11 Metropolitan Zoning Ordinance;

12 2. The proposal is in compliance with all
13 design criteria of the Owensboro Metropolitan Zoning
14 Ordinance;

15 3. Temporary in nature, the proposed tower
16 will provide much needed cellular phone service while
17 modifications are made to the existing permanent tower
18 to allow heavier equipment to be installed.

19 We would like to enter the Staff Report into
20 the record as Exhibit A.

21 CHAIRMAN: Is there anyone here representing
22 the applicant?

23 MR. PAYTON: Yes, sir.

24 CHAIRMAN: Anyone have any comments or
25 questions on this application?

1 MR. KAMUF: Yes, Mr. Chairman. Charles Kamuf.

2 MS. KNIGHT: Mr. Kamuf, you're sworn as an
3 attorney.

4 MR. KAMUF: I represent Joe Hayden, a CPA
5 firm, who operates an accounting office right
6 next-door to this AT&T tower. It's right at the
7 intersection of Seventh and Frederica.

8 Mr. Hayden couldn't be here tonight. The
9 reason he couldn't be here is he's a tax accountant
10 and he had a meeting outside of Owensboro that he
11 couldn't cancel, but he asked me to represent him.

12 Joe Hayden and his dad built this office prior
13 to the construction of the AT&T tower. What I'm
14 saying is, in other words, Hayden was there first.

15 Twenty-five years ago AT&T built this
16 telecommunication tower next to the Hayden property.
17 Don Hayden was my next-door neighbor. I represented
18 him before this board 25 years ago. When they
19 requested permission to build this tower, we all told
20 them it was a bad idea. You had Brescia College right
21 across the street. Next-door was great Financial
22 Federal. You have Don Hayden right behind it. We
23 told them we thought it was a bad idea. They advised
24 us there would never be any problem with the
25 communication system, computers in the area.

1 I would like to show you, if I could.

2 What I show you is the aerial photograph of
3 the subject property. The PVA prepared it and you can
4 see exactly where all of the property is located. You
5 can see the bank, and you can see where South Central
6 Bell is, and you can see where Joe Hayden's property
7 is. Donald Hayden Building Trust, that was the
8 building we're talking about. Don owned that then and
9 he's transferred the property over to his son, Joe.
10 You can see this tower is pretty close, within feet,
11 of the Hayden property.

12 The next two exhibits that I show you show you
13 exactly how far it is, how high that tower is relative
14 to the Hayden property. It's over 100 feet tall and
15 the temporary tower that they're talking about is
16 smaller, but it's still rises over the building.

17 The Haydens have had a CPA office there and as
18 part of their operation they have many computers and
19 electrical devices which are affected as a result of
20 the AT&T tower being built. As we expected AT&T tower
21 has caused many problems. For years the Haydens have
22 been apprised by their own technical people who work
23 on them and the AT&T repairmen that the
24 telecommunication tower is the cause of a surge
25 problem that affects their computers.

1 Here is the issue: The electrical waves from
2 the AT&T tower interferes with the Hayden's internet
3 service and telephone service. The waves from the
4 AT&T tower create a surge of electrical current coming
5 into the Hayden building. The electrical current is
6 magnified by the AT&T tower and creates an electrical
7 surge that causes problems to the Hayden building.
8 The surge shuts down and destroys components in the
9 Hayden's internet system. At one time Mr. Hayden
10 pointed out to me, from here to that desk, there was
11 chips on a telephone system and it blew the chips off
12 of the system all the way over to approximately where
13 I'm standing.

14 At times the Haydens cannot communicate inside
15 or outside with their internet. The electrical waves
16 causing a surge are most frequent in the storm season
17 such as we have now. Listen to this. If there's an
18 electrical storm approaching, Mr. Hayden has to stay
19 in his office at night monitoring his system so if
20 something comes or if a storm comes he can unplug it.
21 If he does not stay in the building, he fears surges
22 will shutdown the equipment and create additional
23 damage to his system.

24 As of now, Mr. Hayden is responsible for these
25 repairs. Sometimes they're repaired by AT&T and

1 sometimes he has to pay for them. It's our position
2 that AT&T should not put Mr. Hayden in this position.

3 Think of this. Especially, Chief, if you were
4 operating say the police department, how would you
5 like it if you had to wait with an electric storm
6 coming, wait and monitor the program and unplug the
7 system because these current surges were coming in
8 times of storm.

9 No later than March 1, 2014 Mr. Hayden had a
10 problem with his office equipment resulting from these
11 surges created by the telecommunication tower. He
12 called AT&T and they sent a technician there to repair
13 the damage.

14 He doesn't work there. I think this was his
15 last month to work for AT&T, and you'll see why.

16 Mr. Hayden was told by the AT&T repairman that
17 the telecommunication tower was built too close to the
18 building. The AT&T employee says he does not think he
19 can fix the problem; however, the AT&T repairman
20 replaced the outside line with a new line. This is
21 just one of the numerous problems Mr. Hayden is having
22 with AT&T. By the fact that they sent their repairman
23 down to work on it shows you they're responsible for
24 the problems. The problem is getting worse over the
25 last 25 years and will continue to get worse due to

1 the inherent new use of technology. The more
2 complicated the technology the better chance the
3 computers are going to break down.

4 Here is what we're asking you to do. Is to
5 require AT&T to fix this problem before you approve
6 any waiver or any zoning request.

7 Require AT&T to build a shield or a surge,
8 they call it a surge protector. I know very little
9 about it. I just found out in the last two days, that
10 will protect the Haydens internet system, the
11 communication system and the telephone system from
12 surges that are created by AT&T tower.

13 I'm not familiar with surge mechanism;
14 however, my client called Kenergy concerning this
15 problem. They advised him that a surge protector can
16 be installed in the electrical line coming to his
17 building and would alleviate most of Mr. Hayden's
18 problem.

19 Mr. Hayden shouldn't have to fix this problem.
20 This problem was created 25 years ago by AT&T. They
21 promised us at that meeting there wouldn't be any
22 problems. I'm not here to cause any trouble. I
23 didn't go to Brescia College to see if their system,
24 if there was a problem. I didn't go to U.S. Bank.
25 All we want is for them to fix this problem.

1 One thing I learned in the '60s and '70s when
2 I represented this board, this board is the most
3 powerful board in Daviess County. You can stop
4 anything if you want to. The only way for -- this is
5 good that we're down here. We've been looking for
6 some venue to correct this problem.

7 The only way you're going to get AT&T's
8 attention is to deny any repairs or additional
9 construction on the AT&T tower until this problem has
10 been corrected.

11 We're asking the board one of two things. To
12 deny the approval of the waiver until such time as a
13 surge protector has been constructed to protect the
14 Hayden property from the AT&T surges or continue the
15 case until such time they come down here and say
16 they've corrected this problem.

17 At that time the cheapest way to have done
18 this was the way they did it. They could have put it
19 on top of a building. Look at those pictures. This
20 antenna or telecommunication tower is right next to
21 this building. They knew there was going to be a
22 problem. I'm just asking you -- I'm sorry he couldn't
23 be here where he could explain it himself. If you put
24 this on hold until they fix that problem, I think it's
25 going to be beneficial to everybody. Thank you.

1 CHAIRMAN: Would the applicant step up and
2 address Mr. Kamuf's concerns.

3 MS. KNIGHT: Would you state your name for the
4 record, please.

5 MR. PAYTON: My name is Mark Payton. I'm a
6 representative from AT&T.

7 (MARK PAYTON SWORN BY ATTORNEY.)

8 MR. PAYTON: Members of the board, thank you
9 for having us tonight.

10 First of all, I'm not familiar with the
11 situation that's at 720 Frederica that the gentleman
12 is referring to. AT&T is usually very good about
13 coming about coming in and looking at those things, if
14 we think we've got issues.

15 What I can tell you is that we have
16 telecommunication towers all over the country. We
17 have them on top of roof tops. We have them on top of
18 water tanks, and we don't really hear of these kind of
19 problems. They're very well-grounded. They're FCC
20 regulated. It's just not something that we hear a lot
21 about. Not to say that is not the case that we need
22 to take a look at. Typically with where we place
23 towers at and where we place antennas at we have not
24 seen any type of those type of issues.

25 Again, we would certainly want to look at the

1 gentleman's situation, but looking out what happens
2 across the entire country we just don't see these type
3 of problems. I wasn't here 25 years ago. I don't
4 know what commitments were made at that point in time.

5 We work with this technology every single day
6 within businesses. We worked on one the other day on
7 top of a medical building that had a surgical center
8 right underneath. It's not causing any problems. We
9 enhanced our equipment there and no such problems
10 there as well.

11 I don't believe that the technology we're
12 working with now is a major cause of these problems or
13 at lease it's not been in my many years of experience
14 with AT&T.

15 CHAIRMAN: Sir, have you heard of these
16 complaints before? Is this the first time you've
17 heard of this complaint?

18 MR. PAYTON: Yes, sir, it is. Yes, sir, it
19 is. Again, I'm not the person that typically
20 represents this area. It may have been directed to
21 someone else at AT&T, but I'm not familiar with it. I
22 would certainly be glad to take a look at it or have
23 someone.

24 CHAIRMAN: Commissioners, do you have any
25 comments or questions on this?

1 MR. REEVES: I've got a question of this
2 gentleman.

3 I know how important 4G service is for
4 business and physicians. Where is the next tower that
5 would serve the downtown, if this town were
6 inoperable?

7 MR. PAYTON: I don't have the answer.

8 Do you know?

9 CHAIRMAN: Sir, would you step to one of the
10 podiums.

11 MR. BOWD: My name is John Bowd. I'm with
12 WestTower Communications. We are contracted with AT&T.

13 (JOHN BOWD SWORN BY ATTORNEY.)

14 MR. BOWD: I know this cell is an important
15 part of a cluster of cells that was launched to
16 provide service in this area. I don't have specifics
17 on where the next cell would be located, but this is a
18 key part of the cluster.

19 I'm sorry to hear about the problems this
20 attorney's client is experiencing; although, I didn't
21 hear any expert testimony that would really pinpoint
22 that AT&T was the cause.

23 (LARRY BOSWELL JOINS MEETING AT THIS TIME.)

24 MR. BOWD: It may or may not be. What I heard
25 there is conjecture there. We would certainly want to

1 be a good neighbor and do our part of finding the
2 problem, especially if it's in any way related to what
3 we may be involved with. I don't think there's any
4 specific evidence to really pinpoint what is causing
5 this.

6 MR. REEVES: That's fine. That didn't quite
7 answer my question.

8 My main concern is delivery of 4G service to
9 the downtown area. Banks, everybody depends on that
10 kind of speed to do their business. If that tower
11 becomes inoperable, what impact is it going to have on
12 downtown businesses that require 4G service?

13 MR. PAYTON: I'm sorry, misunderstood the
14 initial question.

15 The tower that is going up at 720 Frederica
16 Street is part of a cluster of 21 towers that are
17 around the city. The reason that we're asking
18 permission to have the temporary tower there is
19 because we have the service, LTE service ready to go.
20 As a matter of fact, it's been launched on all those
21 other sites. The downtown site is the only one that
22 we have that needed modifications to the existing
23 tower. That's the reason we brought in the temporary
24 tower. Because what would happen is we would have a
25 huge hole of coverage in the downtown area. It's an

1 important part of this cluster that we have launched.
2 That's the reason that we had come to Mr. Howard about
3 a variance to try to get that done.

4 I hope you've seen a significant increase in
5 service since that launch happened around the end of
6 March. Taking that cluster out of service, basically
7 what will happen is customers will be driving around
8 town and when they come into that area it's just going
9 to drop them down to a lower speed. It will be
10 significantly noticeable. This is just a very
11 important site for us, Frederica Street.

12 MR. REEVES: Thank you.

13 CHAIRMAN: Any other commission have questions
14 or comments?

15 MR. APPLEBY: My concern here is Charlie has
16 talked to Kenergy and Kenergy says they need a surge
17 protector. He's talking about on the electrical
18 entrance is where he's talking about surge protection
19 there.

20 This board doesn't have any expertise in my
21 opinion to determine whether AT&T is at fault, OMU's
22 is at fault, Kenergy's is at fault. We're strictly
23 here to determine whether or not there's a need for
24 them, if their application is in compliance with our
25 ordinance regarding temporary cell towers. I don't

1 know where the problem is. I don't doubt they have a
2 problem, but I don't think we're qualified to make
3 that determination.

4 CHAIRMAN: Mr. Moore.

5 MR. MOORE: When you put the temporary tower
6 to make improvements on the permanent tower, would
7 that perhaps alleviate some of those problem with what
8 Mr. Kamuf talked about?

9 MR. PAYTON: Again, I'm not familiar with the
10 problems he's having. It's not typical for cell
11 towers to have those kind of problems. Without doing
12 some in-depth analysis I couldn't say for sure whether
13 or not it will have anything to do with that
14 particular problem.

15 What I can tell you is that we need to do some
16 modifications to the existing tower so we can keep
17 this service up and running. That's the reason the
18 temporary tower is in place at that time.

19 MR. APPLEBY: I have another question for you.

20 I'm sure there are multiple users on this
21 tower. It's not just cell tower, cell antennas; is
22 that correct? You're strictly working with the cell
23 antenna right now?

24 MR. PAYTON: Yes. We are working with AT&T.
25 I believe we're sitting at about 100 feet, but there's

1 also some carriers that are a little bit higher. The
2 work we're doing is strictly AT&T, which is about 100
3 foot level.

4 CHAIRMAN: Mr. Kazlauskas.

5 MR. KAZLAUSKAS: I would like to ask Mr. Kamuf
6 a question.

7 MR. KAMUF: I'll do my best. I don't know
8 anything about surges.

9 MR. KAZLAUSKAS: Through your presentation I
10 was led to believe that the Haydens are customers of
11 South Central Bell; is that correct?

12 MR. KAMUF: I know this: When they have it
13 repaired, they call AT&T. I know in March what the
14 AT&T repairman allegedly told them what the problem
15 was.

16 MR. KAZLAUSKAS: But you can't say that they
17 are, they their telephone service is South Central
18 Bell?

19 MR. KAMUF: I can't answer that.

20 MR. KAZLAUSKAS: Of course, you can't speak
21 for Star Bank. You're not going to represent them to
22 tell us if they're having any significant problems or
23 additional problems?

24 MR. KAMUF: I didn't come down here to cause a
25 problem with other people or I didn't -- I'm on the

1 board there at Brescia. I didn't call them. I didn't
2 want to cause any problem, but my position was we've
3 got a problem. Now is the time to fix it.

4 To continue that until they get it fixed, if
5 there's not a problem and they investigate it, okay.
6 I'm just telling you what the repairman told my
7 client. One reason that I remember well what my
8 client told me is that he said, the repairman told me
9 that and said he's going to retire right away.

10 MR. KAZLAUSKAS: I have to agree with what
11 Mr. Appleby has said. We're not experts in this. You
12 know as well as I do, that we're getting second, third
13 information here about what was said and who was said.
14 At this point we really don't know where the problem
15 originates at.

16 MR. KAMUF: All I'm telling you is that two
17 things entered my mind quickly. He showed me where
18 the telephone system was. He and Bill Hines, who used
19 to work for the telephone company, but also he did his
20 telephone work. He did the telephone work at my
21 office. He showed me where the telephone circuit was
22 and when this surge came through it blew the chips off
23 of this circuit as far as where I'm standing. That's
24 number one.

25 Number two, he told me about the repairman

1 that came to the property in March and what he told
2 him.

3 MR. KAZLAUSKAS: I think this board would like
4 to hear that from the repairman though.

5 MR. KAMUF: Exactly. And this is the question
6 I asked my client. I said, who is he? He said, well,
7 I didn't know it was coming up. Why would I ask the
8 repairman what his name with. You understand. I
9 agree. Hey, a lot of it is hearsay. I told my client
10 that when I was going to represent him. It is a big
11 issue. It's a big issue with him.

12 MR. KAZLAUSKAS: My problem is no one has told
13 this board where the problem actually originates from.
14 Nobody is for sure.

15 MR. KAMUF: Didn't have it before. I
16 understand, Chief.

17 CHAIRMAN: Any other commissioners have any
18 questions of Mr. Kamuf?

19 (NO RESPONSE)

20 CHAIRMAN: If not would the applicant step
21 back up, please.

22 What would be Mr. Kamuf's process to and who
23 would he address to get this problem resolved? What
24 direction can you give him? As Mr. Appleby state, we
25 don't have the authority to solve this problem. This

1 problem is to come from the property owner, Mr. Kamuf,
2 and AT&T, whoever it is. He needs direction and we
3 would like to hear if there is a direction to solve
4 this problem.

5 MR. PAYTON: We'll certainly entertain that.
6 I'll be happy to give him my card tonight. I'll have
7 him in touch with some of our local forces here that
8 could come in and take a look at that. We want to be
9 good neighbors obviously. These folk are probably
10 customers of our anyway. I'm sure if there are issues
11 out there, we want to take care of that. I'll be
12 happy to give him my card. We can start from there
13 and he'll have my name as a representative of AT&T and
14 we'll look to see if we can figure out what's going
15 on.

16 CHAIRMAN: We can do one of two things. We
17 can approve this or we can deny, or one of three
18 things, or we can postpone it to give Mr. Kamuf time
19 and get with the proper authority to solve this
20 problem and come back to us. Say, okay, this problem
21 is resolved.

22 It would be up to the commissioners how they
23 want to handle that.

24 I would like to hear from Mr. Howard, his
25 opinion. The application is in full compliance. Any

1 other comments you have, Mr. Howard?

2 MR. HOWARD: Yes, Mr. Pedley.

3 In the Staff's opinion, the application is in
4 compliance. I would take this opportunity to remind
5 the board that what you all are here to potentially
6 take action on tonight is the temporary tower. Not
7 the main tower structure itself, the existing tower.
8 They have submitted building plans to our office to
9 modify the existing tower, but that does not require
10 public hearing. So what you all are to take action on
11 tonight potentially is the temporary tower which is
12 the information that's in your packet.

13 CHAIRMAN: Thank you, Mr. Howard.

14 Any other comments or questions from the
15 commissioners?

16 (NO RESPONSE)

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

18 CHAIRMAN: Yes, the chair is ready for a
19 motion.

20 MR. APPLEBY: Mr. Chairman, I make a motion to
21 approve the temporary tower with the findings of fact
22 and to grant the waiver to the staggered trees be
23 planted.

24 CHAIRMAN: We have a motion by Mr. Appleby to
25 approve the application.

1 MR. REEVES: I'll second it.

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

4 MR. KAZLAUSKAS: Mr. Chairman, the last
5 sentence in the top paragraph says, "the tower will
6 not be in place beyond May of 2014, without additional
7 approval by the OMPC."

8 I wonder if we can put that in our findings to
9 make it mandatory or if that tower stays there longer,
10 that they can't leave it there longer than May 14th.
11 I believe that in this time span that's going to give
12 some time for these parties to work together to see if
13 they can come to some type of an understanding and try
14 to you figure out, you know, why this is happening.
15 With that time constraint added on there, this might
16 be a help to both parties. Does that make sense?

17 MR. PAYTON: Yes, sir.

18 CHAIRMAN: Are you making an amendment to the
19 motion?

20 MR. KAZLAUSKAS: Yes, sir, I will.

21 CHAIRMAN: Mr. Appleby, do you accept the
22 amendment?

23 MR. APPLEBY: Yes.

24 CHAIRMAN: Mr. Reeves?

25 MR. REEVES: Absolutely, yes.

1 CHAIRMAN: Any more comments or questions?

2 (NO RESPONSE)

3 CHAIRMAN: If not, all in favor of the motion
4 raise your right hand.

5 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

6 CHAIRMAN: Motion carries unanimous.

7 Next item, please.

8 ZONING CHANGES

9 ITEM 4

10 3283 Alvey Park Drive East, 3.51 acres
11 Consider zoning change: From I-1 Light Industrial to
12 B-4 General Business
Applicant: R.A.S. Enterprises; ADCO Realty, Inc.

13 SPECIFIC LAND USE CRITERIA

14 The applicant's proposal is in compliance with
15 the Comprehensive Plan. The proposed B-4 General
16 Business zoning and proposed use of a childcare
17 facility are non-residential in nature.

18 PLANNING STAFF RECOMMENDATIONS

19 The Planning Staff recommends approval subject
20 to the findings of fact that follow:

21 FINDINGS OF FACT:

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

25 2. The subject property is located in a

1 Business/Industrial Plan Area where General Business
2 uses are appropriate in general locations; and,

3 3. The proposed B-4 General Business zoning
4 and proposed use of a childcare facility are
5 non-residential in nature.

6 We would like to enter the Staff Report into
7 the record as Exhibit B.

8 CHAIRMAN: Is anyone here representing the
9 applicant?

10 (NO RESPONSE)

11 CHAIRMAN: Anyone here have any comments or
12 questions on the application?

13 (NO RESPONSE)

14 CHAIRMAN: Commissioners, do you any comments
15 or questions on the application?

16 (NO RESPONSE)

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

19 MR. APPLEBY: Motion for approval based on the
20 Staff's Recommendations with Findings of Fact 1
21 through 3.

22 CHAIRMAN: We have motion for approval by
23 Mr. Appleby.

24 MR. FREY: Second.

25 CHAIRMAN: Second by Mr. Frey. 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 Next item, please.

8 ITEM 5

9 4194, 4198 Highway 554, 27.765 acres
10 Consider zoning change: From EX-1 Coal Mining and
11 R-1A Single-Family Residential to I-2 Heavy Industrial
Applicant: Panther Motors and Auto Salvage, Inc.,
Chris Clark

12 PLANNING STAFF RECOMMENDATION

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

15 CONDITIONS:

16 1. Access to Highway 554 shall be reduced to
17 40 percent of the total road frontage or a maximum of
18 50 feet wide, whichever is greater; and,

19 2. Vehicular use areas for the driveway and
20 customer parking shall be paved.

21 FINDINGS OF FACT:

22 1. The proposed I-2 Heavy Industrial zoning
23 is more appropriate than the current zoning
24 classifications since mining activity ceased on the
25 property and the auto salvage business was opened in

1 the late 1940's;

2 2. The property has been historically used as
3 an auto salvage yard for more than 60 years;

4 3. With the industrial use already
5 established on the property the I-2 zoning should not
6 cause a burden to neighboring properties; and,

7 4. Given the ongoing use of the property, the
8 proposed zoning should not overburden the capacity of
9 roadways and other necessary urban services that are
10 available in the affected area.

11 We would like to enter the Staff Report into
12 the record as Exhibit C.

13 CHAIRMAN: Anyone here representing the
14 applicant?

15 MS. CLARK: April Clark.

16 (APRIL CLARK SWORN BY ATTORNEY.)

17 MR. CLARK: Chris Clark.

18 (CHRIS CLARK SWORN BY ATTORNEY.)

19 MR. CLARK: I would just like to ask to waive
20 the paved parking. The parking lot has been gravel
21 for 25 plus years. It's not necessarily in the budget
22 right now for us to pave the parking lot. That's my
23 only request.

24 CHAIRMAN: Commissioners, do you have any
25 comments or questions of the applicant?

1 (NO RESPONSE)

2 CHAIRMAN: Anyone in the audience have any
3 comments or questions on the application?

4 (NO RESPONSE)

5 CHAIRMAN: Mr. Howard, do you have any
6 comments on the request?

7 MR. HOWARD: They have been there for a long
8 time. It predates the zoning regulations. I think
9 they want to build a new building, if my memory serves
10 me correctly.

11 MR. CLARK: Yes. I would like to build a
12 warehouse. There's some sheds on the front property
13 that I would eventually remove, cleanup that area, and
14 build a new warehouse. That's in future plans also.
15 Zoning is first.

16 MR. HOWARD: Sure. They've talked to us about
17 it beforehand. It's one of those things that it is
18 what it is. It's existing the way it is right now.
19 It can remain that way. When I went out to the site
20 to post the zoning, I noticed that they had a large
21 driveway that was gravel. As you all have heard over
22 the years, as a site is rezoned or brought into
23 compliance, we look to bring some things into
24 compliance as well. The zoning ordinance would
25 require paving for an industrial type use. The

1 ordinance does allow provision for a sixth month grace
2 period to have the parking lot paved, but just out
3 right waiver on the pavement itself, there's really
4 not a provision of the ordinance that allow would that
5 to take place.

6 CHAIRMAN: Thank you, Mr. Howard.

7 Commissioners, do you have any further
8 comments or questions?

9 MR. APPLEBY: Brian, on this aerial, how much
10 of that parking area that you're requesting that they
11 pave? What is the vehicular use area?

12 MR. HOWARD: Basically when I was out on the
13 site, what I envision was anything forward of the
14 building, anything between the building and 554.
15 Basically there's a pretty narrow drive that goes to
16 the back. You can't see any of the back from the
17 road. We would consider the back area really to be
18 the outdoor storage portion of the property. We would
19 just envision that that front parking be brought into
20 compliance with the pavement.

21 MR. REEVES: I have a question of Mr. Howard,
22 and maybe also for the applicant.

23 They can continue on doing business as is
24 right now. Is there some particular reason they want
25 the rezoning change?

1 MR. HOWARD: With it being zoned EX-1 it's a
2 coal mining classification, in order for them to get a
3 building permit to build a new building. The building
4 department, Manuel cannot issue that permit because it
5 is not zoned appropriately.

6 So in order for them to be able to do that,
7 they need a zoning classification change. You're
8 correct. Until they come in -- that's really the
9 mechanism. Where we will look for it to be paved is
10 when they come in and submit a site plan to build that
11 new building, you know, that's the time we're going to
12 have to look at it to be paved. Even if they rezone
13 tonight, it can remain as it is until they come in to
14 get that building permit for the new structure.

15 MR. BOSWELL: I have a question for the
16 applicant.

17 He mentioned six months. Do you have any feel
18 for whether you would be in a position to do the
19 paving within this six month time frame?

20 MR. CLARK: Six months probably not.

21 MR. APPLEBY: When do you intend to build your
22 building?

23 MR. CLARK: Whenever -- I would like to start
24 within a year. We'll just see. Right now I'm working
25 two jobs anyway.

1 MR. APPLEBY: If I understand you correctly,
2 if we approve this zoning, until he comes in with that
3 building permit in a year or whenever, that's when
4 we'll look for him to --

5 MR. HOWARD: That's right. Basically we're
6 using the zoning change as an opportunity to put them
7 on notice, as far as what would be expected in the
8 future.

9 You all have seen zoning cases before where
10 someone has speculatively rezoned property on the
11 corner of two major roads to commercial, they don't
12 have to bring the site to commercial standard until
13 such time that they actually break ground to put a
14 commercial structure on the property.

15 MR. APPLEBY: Do you understand what he's
16 saying there? That until such time that you're ready
17 to build that building, we're not going to look to you
18 to pave that area?

19 MR. CLARK: Yes.

20 MR. APPLEBY: If you never build it, you never
21 have to pave it.

22 MR. CLARK: Fair enough.

23 CHAIRMAN: But the applicant is requesting
24 that we waive the paving requirements.

25 Mr. Howard, if we do that here tonight with

1 zoning change and that stands, can he come back when
2 he makes the application for the building permit and
3 require him to do the paving, if it's waived tonight
4 with the zoning change?

5 MR. HOWARD: Any waiving of pavement, in all
6 honesty, I don't think the Planning Commission has the
7 authority do that. The zoning ordinance requires
8 pavement for an industrially zoned property. There is
9 a variance process that you can go through, but based
10 on KRS statutes the variance has to be done for a
11 dimensional purpose. Pavement would not be a
12 dimensional purpose. Based on zoning ordinance
13 requirements, if you have property that's zoned
14 non-agricultural and has a business use on it, you
15 have to pave.

16 MR. APPLEBY: Mr. Chairman, if I understood
17 him correctly though, I think he is all right with the
18 paving requirement, as long as he doesn't have to do
19 it until such time as he brings that building --

20 MR. CLARK: I would prefer not.

21 CHAIRMAN: But the question still remains.
22 Can we actually waive the requirement tonight with the
23 zoning change?

24 MR. HOWARD: No, I don't think you can.

25 MR. APPLEBY: I don't think we can either.

1 MR. KAZLAUSKAS: Mr. Chairman, I just want to
2 make sure the applicant understands. That if we were
3 to go ahead and approve this tonight, that when he
4 builds his building, he does have to put that pavement
5 down.

6 MR. APPLEBY: Or you said there's possibly
7 another mechanism. He could apply for a variance,
8 though the criteria is not probably going to be there
9 for the variance.

10 MR. HOWARD: The reason I mention a variance
11 is that is the relief opportunity; however, KRS is
12 very specific. That the variance has to be for a
13 dimensional purpose. Pavement has not and does not
14 fall under that.

15 The Board of Adjustment to my knowledge has
16 never heard a variance for pavement because it doesn't
17 meet the statutory requirements for that.

18 MR. BOSWELL: So point of clarification is, it
19 could not be considered for a variance anyway?

20 MR. HOWARD: It would be my opinion that
21 pavement cannot be paved by the Board and pavement
22 cannot be waived by the Board of Adjustment through
23 the variance process. It is similar to parking
24 requirement. If a use has a parking requirement of 12
25 parking spaces, they cannot take that to the Board of

1 Adjustment and request that number be reduced. It's a
2 requirement of the zoning ordinance. It's not a
3 dimensional request. The Board couldn't take action
4 on that either. They're similar in that regard.

5 CHAIRMAN: Any further questions of Mr.
6 Howard or Mr. Clark?

7 (NO RESPONSE)

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

10 You may be seated.

11 MR. REEVES: Mr. Chairman, I make a motion for
12 approval based on Findings of Fact 1 through 4 with
13 Conditions 1 and 2.

14 CHAIRMAN: We have a motion by Mr. Reeves for
15 approval.

16 MR. APPLEBY: Second.

17 CHAIRMAN: We have a second by Mr. Appleby.
18 Comments 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 unanimously.

24 Next item, please.

25 COMBINED DEVELOPMENT PLANS/MAJOR SUBDIVISIONS

1 ITEM 6

2 Deer Valley, Section 3, 35.342 acres
3 Consider approval of combined final development
4 plan/major subdivision preliminary plat.
5 Applicant: Deer Valley Subdivision, LLC; Robert B.
6 Moorman

7 MR. HOWARD: Mr. Chairman, this application
8 comes to you in order. It's been reviewed by the
9 Planning Staff and Engineering Staff. It's found to
10 meet all the minimum requirements of the subdivision
11 regulations for the zoning ordinance and the
12 comprehensive plan. We would recommend you consider
13 it for approval.

14 CHAIRMAN: Anyone here representing the
15 applicant?

16 APPLICANT REP: Yes.

17 CHAIRMAN: Commissioners, do you have any
18 comments or questions?

19 (NO RESPONSE)

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

22 MR. BOSWELL: Make a motion for approval.

23 CHAIRMAN: Motion for approval by Mr. Boswell.

24 MR. TAYLOR: Second.

25 CHAIRMAN: Second by Mr. Taylor. Comments or
26 questions on the motion?

27 (NO RESPONSE)

1 CHAIRMAN: All in favor of the motion raise
2 your right hand.

3 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

4 CHAIRMAN: Motion carries unanimous.

5 Next item, please.

6 MINOR SUBDIVISION PLATS

7 ITEM 7

8 6733 Highway 54, 0.038 +/- acres
9 Consider approval of minor subdivision plat.
10 Applicant: Jerry D. Koller; City of Whitesville

11 MR. HOWARD: Mr. Chairman, this plat comes
12 before you as an exception to the subdivision
13 regulations and zoning ordinance requirements. They
14 are creating a small parcel with frontage on Highway
15 54 to construct a pump station. It is a non-buildable
16 lot, as noted on the plat, other than for the purpose
17 of constructing a pump station. With that we would
18 ask that you consider it for approval.

19 CHAIRMAN: Anyone here representing the
20 applicant?

21 APPLICANT REP: Yes.

22 CHAIRMAN: Any commissioners have any comments
23 or questions on the application?

24 (NO RESPONSE)

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

1 MR. APPLEBY: Motion for approval.

2 CHAIRMAN: Motion for approval by Mr. Appleby.

3 MR. FREY: Second.

4 CHAIRMAN: Second by Mr. Frey. 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 Next item, please.

12 ITEM 8

13 3301 Highway 142, 1.82 acres
14 Consider approval of minor subdivision plat.
15 Applicant: Kenson Farms, LLC

16 MR. HOWARD: Mr. Chairman, this plat comes
17 before you as an exception to the subdivision
18 regulations and zoning ordinance requirements. It is
19 creating a land-lock parcel. There is currently a
20 gravel drive that serves the property, but it does not
21 have frontage on a public road.

22 Approximately 20 years ago they created a 20
23 acres parcel on the southwest corner of the property.
24 There was quite a bit of discussion at that meeting as
25 to what would be the future of the farm. There was no
limitation at that time of further division of the

1 property. On this plat they have noted that the
2 property as it's plated tonight, including the
3 remaining acreage, will not be further subdivided
4 until such time that any of the requirements of the
5 subdivision regulation and zoning requirements are
6 met. Before this property could be further split,
7 there had to be a public street, PI specifications
8 constructed to the property and serve lots. With that
9 concession they are creating a lot around an existing
10 home.

11 So with that note on the plat and the fact
12 that they're not creating a new buildable lot, they're
13 just creating a lot around an existing home, we would
14 recommend that you consider it for approval.

15 CHAIRMAN: Anyone here representing the
16 applicant?

17 APPLICANT REP: Yes.

18 CHAIRMAN: Commissioners, do you have any
19 comments or questions on this application?

20 (NO RESPONSE)

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

23 MR. MOORE: Motion to approve.

24 CHAIRMAN: We have a motion for approval by
25 Mr. Moore.

1 MR. TAYLOR: Second.

2 CHAIRMAN: We've got a second by Mr. Taylor.

3 Comments or questions on the motion?

4 (NO RESPONSE)

5 CHAIRMAN: All in favor of the motion raise
6 your right hand.

7 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

8 CHAIRMAN: Motion carries unanimous.

9 Next item, please.

10 -----

11 NEW BUSINESS

12 ITEM 9

13 Consider approval of February 2014 financial
14 statements.

15 MR. HOWARD: Mr. Chairman, the financial
16 statements were mailed out to each of the
17 commissioners prior to the meeting. They should be
18 ready for your consideration.

19 CHAIRMAN: Any comments or questions on the
20 financial statement?

21 (NO RESPONSE)

22 CHAIRMAN: If not the chair is ready for a
23 motion.

24 MR. KAZLAUSKAS: Move that they be approved.

25 CHAIRMAN: Motion for approval by

1 Mr. Kazlauskas.

2 MR. BOSWELL: Second.

3 CHAIRMAN: Second by Mr. Boswell. Comments or
4 questions on the motion?

5 (NO RESPONSE)

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

8 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

9 CHAIRMAN: Motion carries unanimous.

10 Next item.

11 ITEM 10

12 Comments by the Chairman

13 CHAIRMAN: Commissioners, the work session
14 that we had on the two meetings has been completed.
15 In July the mayor has asked that we come before the
16 City Commission for a work session to present our
17 findings and our recommendation. At our last meeting
18 I think it was agreed that Mr. Reeves would help me to
19 put a presentation together and we would all as a
20 commission go and present that.

21 Is that correct? Is that what we agreed that
22 we would like to do?

23 We've already approved the minutes on that
24 meeting.

25 The next thing we have before us tonight is

1 appointing a committee for the search for a planning
2 director. I'm going to ask counsel to bring us up on
3 the process that we need to do here tonight.

4 Counsel, if you could bring us up on the
5 personnel policy.

6 MS. KNIGHT: As far as where we are, as far as
7 reviewing the personnel policy?

8 CHAIRMAN: Yes. My understanding that I need
9 approval from the commission for me to make that
10 appointment.

11 MS. KNIGHT: You're asking for a committee for
12 the director position?

13 CHAIRMAN: No. I'm asking you to give
14 direction of the personnel policy required for,
15 actually me as chair to actually appoint that
16 committee, it takes the commission to approve. Am I
17 correct or wrong?

18 MS. KNIGHT: To approve the change of the
19 personnel policy?

20 CHAIRMAN: Yes.

21 MS. KNIGHT: It's my understanding you've done
22 the committee to review the personnel policy, present
23 changes, making suggestions. I've got the personnel
24 policy right now to be reviewed. That was my
25 understanding, it was going to be presented at the May

1 meeting and be presented to the Board beforehand, to
2 the Commission beforehand for approval. So that's
3 where we are now.

4 CHAIRMAN: My question to you, I need approval
5 from the Commission for me to make that appointment
6 for the search committee.

7 MS. KNIGHT: For the director position, yes.
8 That's because the bylaw doesn't allow you to appoint
9 ad hoc committees unilaterally.

10 The procedure then would be to have a motion
11 to give you the authority to form a specific ad hoc
12 committee. The motion can include you appoint whoever
13 you want and however many members you want.

14 CHAIRMAN: Commissioners, we need a motion to
15 authorize the chairman to appoint a committee for the
16 planning director search.

17 MR. KAZLAUSKAS: I make a motion that we
18 direct the chairman to appoint a search committee for
19 the position of planning director for OMPC.

20 CHAIRMAN: We have motion by Mr. Kazlauskas.

21 MR. BOSWELL: Second.

22 CHAIRMAN: We have a second by Mr. Boswell.

23 Any comments or questions on that 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 Now, I will make that appointment. What I
5 would like to do, I would like -- we are selecting
6 five. I'm going to take two from the city, two from
7 the county, and then from the City of Whitesville.

8 For the city, I will start with the city. I'm
9 appointing Fred Reeves and Steve Frey from the city.

10 From the county I'm appointing Dave Appleby
11 and myself.

12 From the City of Whitesville, of course, would
13 be Irving Rogers. I'm also appointing myself as
14 chairman on that.

15 The committee will have a meeting very
16 quickly. Probably next week. We will come to an
17 agreement with a course of action how we're going to
18 do this. Probably search committee, advertise, the
19 committee is going to do this. This is not Ward
20 Pedley by himself. This is what the committee is all
21 about.

22 Once we've made that decision and got the
23 process that we're going to do, then the next meeting
24 of the Planning Commission we will bring that to you
25 and tell you what our process is. Any meeting we have

1 legal counsel will be with us.

2 MS. KNIGHT: I'd be happy to.

3 CHAIRMAN: We need to pick a place that we can
4 have that meeting and stay legal. Make sure it's
5 legal.

6 MS. KNIGHT: For public meeting notice,
7 etcetera. Same way we did with the personnel policy.

8 CHAIRMAN: I'm asking you four appointees and
9 myself, next week I would like to call a meeting. I
10 will be chairman of the committee.

11 I need to know where we can actually have that
12 meeting. If it's during the day, we can possibly have
13 it in the planning office.

14 Do you think that could be worked out, Mr.
15 Howard?

16 MR. HOWARD: Certainly.

17 CHAIRMAN: Next question would be: Would that
18 be the appropriate place to have it? I'm asking for
19 your input. Where do you think we should have these
20 meetings?

21 MR. REEVES: I think the planning office is
22 fine myself.

23 MR. KAZLAUSKAS: Mr. Chairman, in my opinion,
24 we've had several meetings over the last several
25 months there in the conference room of OMPC and it's

1 worked out very well. The Staff has been very helpful
2 in making the newspaper aware that the meetings were
3 going on, signs were posted on the front doors. The
4 public has been made aware that we're having meetings
5 up there. I think it's worked out quite well. It's
6 working. Why change it.

7 CHAIRMAN: I agree with that. That's what I
8 would like to do. We only have one thing. We can't
9 have that meeting in that office after 5:00; is that
10 correct?

11 MR. HOWARD: We actually close at 4:30.

12 CHAIRMAN: So we could not. The issue is
13 maybe Mr. Rogers might not be able to make those
14 meetings since he can't get off during the day. I
15 know I can any hour of the day. I believe Mr. Reeves
16 can, and I believe Mr. Steve Frey. I believe we all
17 can, but don't know about Mr. Rogers. I would like to
18 have that meeting during the day in the planning
19 office. I will put out a call to Mr. Rogers and see
20 if we can work that out. Okay.

21 As Mr. Kazlauskas said, we've had several
22 meeting in there. They usually start at 1:00. We can
23 always finish 3:30, 4:00. It worked really well. I
24 think that's an appropriate place.

25 MR. APPLEBY: Tuesday, Wednesday and Thursday

1 are best for me.

2 MR. FREY: Same. Any of those day.

3 CHAIRMAN: Doesn't matter to me. Any day. I
4 just need to try to get Mr. Rogers' schedule for that.
5 With that then I will get e-mail out to all of you and
6 set a date next week because we do need to get moving
7 on this. We need to decide how we're going to do
8 this. We need to advertise. I would like to bring
9 our process back to the commission. This is what the
10 committee is all about. The committee will make all
11 the decision.

12 My thought is we draw out to four or five
13 candidates. We will have a work session and bring it
14 before the full commission. I would like to see us
15 have a director approved by the August meeting. By
16 doing that then Mr. Noffsinger won't -- his last day
17 will be August 31st. Then Mr. Howard or whoever we
18 decided to do, I don't know who is going to put in
19 application on that. Don't have any idea. That
20 person would be ready to take the seat at the
21 September meeting.

22 We have a whole lot to do. We have several
23 meetings to do. Finally the full commission needs to
24 be involved.

25 MR. KAZLAUSKAS: One question, Mr. Chairman.

1 Counsel, correct me if I'm right or wrong.
2 The original meeting that the chairman is talking
3 about to set up the process is open to the public, but
4 once the applications start coming in, at that time
5 those meetings become closed because that becomes a
6 personnel matter; is that correct?

7 MS. KNIGHT: Specific personnel matter and
8 specific things, they may need closed sessions. I
9 think the appropriate way to handle it is go ahead and
10 give the notice. Then at the meeting, just like we
11 would here, make a motion to go to closed session.
12 I'll look at that more closely before the meeting to
13 make sure that is something we can go in close session
14 on. That would be the way that I would suggest we do
15 it.

16 MR. KAZLAUSKAS: I think the public has an
17 interest and a right to know the process that's going
18 to be used, but after that point everything else
19 should be closed session. Just my opinion.

20 MR. REEVES: I agree with Mr. Kazlauskas. A
21 lot of people are reluctant to make application and it
22 be noted publically, which might jeopardize their
23 current job. They might even be a credible candidate,
24 but still jeopardize them.

25 MS. KNIGHT: Yes. Some of those meetings may

1 actually be interviews.

2 MR. REEVES: Absolutely.

3 MR. HOWARD: Mr. Chairman, if I could. Staff
4 would be happy to help you out, as far as notifying
5 the newspaper and putting the signs on the door that
6 Mr. Kazlauskas referred to earlier.

7 Just remind you that based on state law we
8 have to give 24 hours notice to the paper. So if you
9 are to set up a meeting on Tuesday and you would like
10 Staff to take care of that process, please let us know
11 at least 24 hours in advance so I can get the notice
12 out to the paper.

13 CHAIRMAN: Yes, I understand that. I intend
14 to. I certainly understand we need to and I would
15 like Staff to do that.

16 MR. HOWARD: Okay.

17 CHAIRMAN: Should we not be able to make our
18 selection for a director by August, Mr. Howard can
19 serve as the interim director. I believe I'm right on
20 this. When Roger Anderson retired, then Gary Adams
21 became the interim director until the director was
22 selected. I see no reason why we can't do this by the
23 August meeting, the August commission meeting.

24 Counsel, does the commission have to vote on
25 this?

1 MS. KNIGHT: On what?

2 CHAIRMAN: On the final selection.

3 MS. KNIGHT: Yes. Final selection would be

4 approved by the full commission.

5 CHAIRMAN: Full commission has to vote on it.

6 It takes six votes.

7 MS. KNIGHT: Yes, I believe it does.

8 MR. REEVES: I think it takes six membership,

9 doesn't it?

10 MS. KNIGHT: That would be majority of the

11 full membership. Not majority of the forum. Six

12 would be the majority of the entire membership.

13 CHAIRMAN: Any other suggestions or questions?

14 (NO RESPONSE)

15 CHAIRMAN: If not the next item.

16 ITEM 11

17 Comments by the Planning commissioners.

18 CHAIRMAN: Anyone have anything they would

19 like to comment on?

20 (NO RESPONSE)

21 CHAIRMAN: If not the next item.

22 ITEM 12

23 Comments by the Director.

24 MR. HOWARD: I don't have any comments.

25 CHAIRMAN: Thank you.

1 We need a motion for adjournment.

2 MR. BOSWELL: Motion to adjourn.

3 MR. FREY: Second.

4 CHAIRMAN: We have a motion and a second to
5 adjourn. All in favor raise your right hand.

6 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

7 CHAIRMAN: We are adjourned.

8 (Meeting adjourns at 6:30 p.m.)

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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 49 typewritten pages; and that no signature
15 was requested to the foregoing transcript.

16 WITNESS my hand and notary seal on this the
17 1st day of May, 2014.

18

19

20

21

22

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

23 COMMISSION EXPIRES: DECEMBER 16, 2014

24 COUNTY OF RESIDENCE: DAVIESS COUNTY, KENTUCKY

25