The Owensboro Metropolitan Planning Commission met in regular session at 5:30 p.m. on Thursday, February 11, 2010, at City Hall, Commission Chambers, Owensboro, Kentucky, and the proceedings were as follows:

MEMBERS PRESENT:  Drew Kirkland, Chairman
Ward Pedley, Vice Chairman
David Appleby, Secretary
Gary Noffsinger, Director
Madison Silvert, Attorney
Rev. Larry Hostetter
Tim Allen
Irvin Rogers
Wally Taylor
Keith Evans
Martin Hayden
Rita Moorman

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CHAIRMAN:  I would like to welcome everybody to the February 11th meeting of the Owensboro Metropolitan Planning Commission. Please rise. I'll have our invocation and pledge of allegiance.

(INVOCATION AND PLEDGE OF ALLEGIANCE.)

CHAIRMAN:  Our first order of business is to consider the minutes of the January 14, 2010 meeting. Are there additions, corrections, questions?

(NO RESPONSE)

CHAIRMAN:  If not, the Chair is ready for a
motion.

MR. PEDLEY:  Motion to approve.

CHAIRMAN:  Motion for approval by Mr. Pedley.

MR. EVANS:  Second.

CHAIRMAN:  Second by Mr. Evans.  All in favor

raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN:  Motion carries unanimously.

Next item, please.

ITEM 2

2010 Census Complete Count Committee update.

MR. SILVERT:  State your name, please.

MR. HOWARD:  Brian Howard.

(BRIAN HOWARD SWORN BY ATTORNEY.)

MR. HOWARD:  Just as a reminder the census

forms will be coming out in March.  Census Day is

April 1, 2010.  That's the target deadline to have

your forms returned to the Census Bureau.

Our office has also been contacted, the Census

Bureau is interested in acquiring some office space

within the community.  Run basically mid March through

mid April where they could have a person stationed 15
to 20 hours a week to help people fill out their
forms.  If anyone is interested, please contact our
office and we can forward that to the Census Bureau.
That's all for the update unless anyone has any questions.

(NO RESPONSE)

CHAIRMAN: Thank you.

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ZONING CHANGES

ITEM 3

8206, 8212 Monarch Road; 8727, Portion of 8801 Blk, Portion of 9035 Short Station Road, 160.473 acres

Consider zoning change: From A-R Rural Agriculture to EX-1 Coal Mining

Applicant: Western Kentucky Minerals, Inc.; Norman Fitzgerald; I.G. Mattingly, Jeff Mills; Anthony V. Lanham

MR. HOWARD: I'll note that the rezoning heard tonight will become final 21 days after the Planning Commission meeting unless an appeal is filed. The appeal forms are available on the back table, in our office and on our website. If that is filed, then we will forward the rezoning application to the appropriate legislative body for the final consideration of the rezoning.

PLANNING STAFF RECOMMENDATIONS

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

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FINDINGS OF FACT

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

2. The subject property is located in a Rural Maintenance Plan Area where coal mining uses are appropriate in general locations;

3. The subject property is located in the Rural Service Area outside of a Rural Community Plan Area;

4. The subject property adjoins existing areas of EX-1 Coal Mining zoning;

5. The Philpot-Maceo Quadrangle Map indicates the presence of coal deposits on the site; and,

6. State and county roads proposed to be used for the transportation of coal have been approved by the appropriate officials.

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

CHAIRMAN: Is there anybody representing the applicant?

MR. SILVERT: Could you state your name, please?

MR. HAYNES: Brian Haynes.

MR. SILVERT: Mr. Haynes, I recognize the oath

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you took as an attorney.

    MR. HAYNES: Thank you.

I'm Brian Haynes here on behalf of Western Kentucky Minerals. I'm just here if any questions come up. Tony Lanham, the owner of the company, is also here for your questions.

    CHAIRMAN: Are there any questions?

    (NO RESPONSE)

    CHAIRMAN: If there are no questions, the Chair is ready for a motion.

    MR. HAYDEN: Make a motion to approve with Planning Staff Recommendations and Findings of Fact 1 through 6.

    CHAIRMAN: Motion for approval by Mr. Hayden.

    MR. EVANS: Second.

    CHAIRMAN: Second by Mr. Evans. All in favor raise your right hand.

    (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

    CHAIRMAN: Motion carries unanimously.

Next item, please.

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MINOR SUBDIVISION

ITEM 4

9915, 9935 Highway 54

Consider approval of minor subdivision plat.

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(270) 683-7383
Applicant: Joseph D. & Donna H. Howard; Joyce L. Merritt & James Logsdon; City of Whitesville

MR. NOFFSINGER: Mr. Chairman, this plat comes before you as an exception to the subdivision regulations in that the lot that's being created does not have frontage on public right-of-way. However, the property that's being created is a one-acre lot for a home that is or has recently been constructed. This home will be served by an access easement from Kentucky 54.

Now, this lot is part of a larger farm tract. There is a notation on this plat that's signed by all property owners that states that there will be no further subdivision of this property or any other further lot creations of the remaining property unless and until a street is built to meet the public improvement specifications, via this access easement that's created by the plat.

Planning Staff has reviewed this plat with the applicant's engineer as well as the engineering office, and we do recommend that you approve the exception as stated on the plat with all notes and conditions.

CHAIRMAN: Is there anybody representing the Ohio Valley Reporting (270) 683-7383
applicant?

MR. RINEY: Yes.

MR. ROGERS: Mr. Chairman, I need to disqualify myself.

CHAIRMAN: Let the record note that Mr. Rogers is disqualifying himself.

Are there any questions?

(NO RESPONSE)

CHAIRMAN: If not, the Chair is ready for a motion.

MR. PEDLEY: Motion for approval.

CHAIRMAN: Motion for approval by Mr. Pedley.

MR. APPLEBY: Second.

CHAIRMAN: Second by Mr. Appleby. All in favor raise your right hand.

(ALL BOARD MEMBERS PRESENT - WITH THE DISQUALIFICATION OF MR. ROGERS - RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously. The Chair is ready for one final motion.

MR. SILVERT: Mr. Chairman, if I may.

Before we have that final motion, I would like to recognize the Greater Owensboro Merge class is here in attendance learning a little bit about our process today. Just wanted to recognize them and thank them for being here.
CHAIRMAN: Thank you, Mr. Silvert. Very good for you to recognize the young people of Owensboro that come out to view our meeting.

Now the Chair is ready for that final motion.

MR. HAYDEN: Make a motion to adjourn.

CHAIRMAN: Motion to adjourn by Mr. Hayden.

MR. ALLEN: Second.

CHAIRMAN: Second by Mr. Allen. All in favor raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: We are adjourned.

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Ohio Valley Reporting
(270) 683-7383
STATE OF KENTUCKY )

) SS: REPORTER'S CERTIFICATE

COUNTY OF DAVIESS )

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

WITNESS my hand and notary seal on this the 12th day of February, 2010.

______________________________________________
LYNNETTE KOLLER FUCHS
OHIO VALLEY REPORTING SERVICES
202 WEST THIRD STREET, SUITE 12
OWENSBORO, KENTUCKY  42303

COMMISSION EXPIRES:  DECEMBER 19, 2010
COUNTY OF RESIDENCE:  DAVIESS COUNTY, KENTUCKY
Ohio Valley Reporting
(270) 683-7383