The Owensboro Metropolitan Planning Commission met in regular session at 5:30 p.m. on Thursday, January 13, 2011, at City Hall, Commission Chambers, Owensboro, Kentucky, and the proceedings were as follows:

MEMBERS PRESENT:  Drew Kirkland, Chairman  
Ward Pedley, Vice Chairman  
Gary Noffsinger, Director  
Madison Silvert, Attorney  
Father Larry Hostetter  
Tim Allen  
Wally Taylor  
John Kazlauskas  
Rita Moorman  

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CHAIRMAN:  I'd like to welcome everybody to our January 13, 2011 Owensboro Metropolitan Planning Commission meeting. Will you please rise. Our invocation will be given by Mr. Gary Noffsinger.

(INVOCATION AND PLEDGE OF ALLEGIANCE.)

CHAIRMAN:  I believe our first order of business will be the swearing in of a new member.

Mr. Silvert.

MR. SILVERT:  We would like to welcome from the city John Kazlauskas who is a new commissioner tonight.

(SWARING IN AS NEW COMMISSIONER MR. JOHN
CHAIRMAN: Our next order of business will be the election of officers.

Mr. Silvert, will you handle that for the commission, please.

MR. SILVERT: Thank you, Mr. Chair.

Every January we do have election of officers for the Owensboro Metropolitan Planning Commission. We will be electing a Chair, a Vice Chair and a Secretary.

I will now open the floor for nominations for chair.

MR. PEDLEY: I nominate Drew Kirkland.

FATHER HOSTETTER: Second.

MR. SILVERT: Are there any other nominations for Chair?

(NO RESPONSE)

MR. PEDLEY: Make a motion that nomination cease and he be elected by acclamation.

MR. SILVERT: Is there a second on that motion?

FATHER HOSTETTER: Second.

CHAIRMAN: All in favor of Drew Kirkland remaining as Chair please signify by raising your hand.
MR. SILVERT:  Congratulations, Mr. Pedley.

Finally the office of secretary.

CHAIRMAN:  Nominate Mr. Dave Appleby.

MR. PEDLEY:  Second.

MR. SILVERT:  Are there any other nominations for secretary?

(NO RESPONSE)

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MR. SILVERT: All in favor of David Appleby as secretary please raise your hand.

(BOARD MEMBERS TIM ALLEN, FATHER HOSTETTER, WARD PEDLEY, DREW KIRKLAND, WALLY TAYLOR, JOHN KAZLAUSKAS AND RITA MOORMAN RESPONDED AYE.)

MR. SILVERT: Mr. Appleby will remain secretary.

Mr. Chairman.

CHAIRMAN: Thank you, Mr. Silvert.

Our next order of business is consider the minutes of the December 9, 2010, meeting. Are there any additions, corrections?

(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. ALLEN: Second.

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

Mr. Noffsinger.

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ZONING CHANGES

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ITEM 3

6345 Aull Road, 23.29 acres

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

Applicant: Western Kentucky Minerals, Inc.; Tom and Rhonda Smith

MR. SILVERT: State your name, please.

MR. HOWARD: Brian Howard.

(BRIAN HOWARD SWORN BY ATTORNEY.)

MR. HOWARD: I will note that all rezonings heard here tonight will become final 21 days after the meeting unless an appeal is filed. The appeal forms are available on the back table, in our office and on-line. If an appeal is filed, then we will forward the transcript from the meeting and all applicable documents to the appropriate legislative body for their final consideration.

PLANNING STAFF RECOMMENDATIONS

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

FINDINGS OF FACT:

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

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

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3. The subject property adjoins existing areas of EX-1 Coal Mining zoning and activity;
4. The Philpot-Maceo Quadrangle Map indicates the presence of coal deposits on the site; and,
5. State and county roads proposed to be used for the transportation of coal have been approved by the appropriate officials.

I would like to enter the Staff Report into the record as Exhibit A.

CHAIRMAN: Is there anybody here representing the applicant?

MR. HAYNES: Brian Haynes here on behalf of the applicant. If you have any questions, I'm glad to answer them.

CHAIRMAN: Hold up just a minute, Mr. Haynes. Are there any questions of the applicant?

(NO RESPONSE)

CHAIRMAN: Any questions from the Commission?

(NO RESPONSE)

CHAIRMAN: Mr. Haynes, be seated.

MR. HAYNES: Thank you.

CHAIRMAN: If there's no further questions or comments from the Commission, the Chair is ready for a motion.

MR. PEDLEY: Mr. Chairman, I make a motion for Ohio Valley Reporting

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approval based on Staff Recommendations with Findings of Fact 1 through 5.

CHAIRMAN: We've got a motion for approval by Mr. Pedley.

MR. TAYLOR: Second.

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

All in favor raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

Next item, please.

ITEM 4

3167, 3175 Highway 140 East, 75.509 acres
Consider zoning change: From EX-1 Coal Mining to A-R Rural Agriculture
Applicant: Timber Time, LLC

PLANNING STAFF RECOMMENDATIONS

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

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 rural farm residential uses are appropriate in general locations;

3. The subject property is a large tract with

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agricultural and forestry potential;

4. The subject property has access to KY 140
East via a private drive with no new roads proposed;
5. All strip-mining activity has ceased on
the subject property; and,

6. The Owensboro Metropolitan Zoning
Ordinance Article 12a.31 requires that the property
shall revert to its original zoning classification
after mining.

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

CHAIRMAN: Do we have anybody representing the
applicant?

APPLICANT REP: Yes.

CHAIRMAN: Do you need to make a statement?

APPLICANT REP: No.

CHAIRMAN: Let's see if we've got any
questions first.

Does anybody from the Commission have any
questions?

MR. TAYLOR: Mr. Chairman, I would like to
excuse myself from this item.

CHAIRMAN: Let the record show Mr. Taylor has
excused himself.

Are there any questions from the audience?

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(NO RESPONSE)

CHAIRMAN: Any questions from the Commission?

(NO RESPONSE)

CHAIRMAN: If there is no further action,
Chair is ready for a motion.

MR. ALLEN: Make a motion for approval subject
to the Planning Staff Recommendations and Findings of
Fact 1 through 6.

CHAIRMAN: Motion for approval by Mr. Allen.

MS. MOORMAN: Second.

CHAIRMAN: Second by Ms. Moorman. All in
favor raise your right hand.

(BOARD MEMBERS TIM ALLEN, FATHER HOSTETTER,
DREW KIRKLAND, WARD PEDLEY, JOHN KAZLAUSKAS AND RITA
MOORMAN RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

Next item, please.

ITEM 5

802, 822 Ridgeway Drive; 289 Williamsburg Square,
3.982 acres

Consider zoning change: From B-4 General Business to
R-1C Single-Family Residential

Applicant: City of Owensboro

PLANNING STAFF RECOMMENDATIONS

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

FINDINGS OF FACT:

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

2. The subject property is partially located in a Business Plan Area, where single-family residential uses are appropriate in very-limited locations and partially located in an Urban Residential Plan Area, where single-family residential uses are appropriate in limited locations;

3. Sanitary sewer service is available to the subject property;

4. The proposal is a logical expansion of existing R-1C Single-Family Residential zoning located north of the subject property;

5. The city's detention basin on the subject property benefits the community by reducing flooding along Harsh Ditch and is part of the storm water master plan; and,

6. The zoning change is needed to allow the consolidation of all tracts that comprise the detention basin.

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

CHAIRMAN: Is there anybody representing the applicant?

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APPLICANT REP: Yes.

MR. HAMILTON: Mark Hamilton, City of Owensboro. Here to answer any question anybody might have.

CHAIRMAN: Mr. Hamilton, let's see if we have any questions. If we do, we'll swear you in.

Are there any questions from the audience?

(NO RESPONSE)

CHAIRMAN: Any questions from the Commission?

(NO RESPONSE)

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

MR. ALLEN: Motion for approval subject to the Planning Staff Recommendation and Findings of Fact 1 through 6.

CHAIRMAN: Motion for approval by Mr. Allen.

MR. PEDLEY: Second.

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

Next item, please.

ITEM 6

200 Williamsburg Square, 1.686 acres
Consider zoning change: From B-4 General Business to R-1A Single-Family Residential
Applicant: City of Owensboro

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PLANNING STAFF RECOMMENDATIONS

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

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 Business Plan Area, where single-family residential uses are appropriate in very-limited locations;

3. Sanitary sewer service is available to the subject property;

4. The proposal is a logical expansion of existing R-1A Single-Family Residential zoning located south of the subject property;

5. The city's detention basin on the subject property benefits the community by reducing flooding along Harsh Ditch and is part of the storm water master plan; and,

6. The zoning change is needed to allow the consolidation of all tracts that comprise the detention basin.

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

CHAIRMAN: We have someone here representing Ohio Valley Reporting

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the City. Are there any questions from the audience?

(NO RESPONSE)

CHAIRMAN: Any questions from the Commission?

(NO RESPONSE)

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

MS. MOORMAN: I make a motion for approval on the Staff Recommendations and the Findings of Facts 1 through 6.

CHAIRMAN: Ms. Moorman has a recommendation for approval.

MR. TAYLOR: Second.

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

Next item, please.

MAJOR SUBDIVISIONS

ITEM 7

Locust Grove Estates, 68.789 acres (Postponed at December 9, 2010 meeting)

Consider approval of amended major subdivision preliminary plat.

APPLICANT: Eric Avery

MR. NOFFSINGER: Mr. Chairman, the Planning Commission authorized the director, which would be me,
to sign the plat once all of the property owners in
the development signed off on the plat.

It was conveyed to this commission that the
applicant believed that they could get all the
signatures and that would happen prior to the meeting
tonight.

The applicant is here tonight to talk about
why they do not have all of the property owners
signing the plat. I think there's one remaining.
They are here. So at this point in time this plat is
not in order and would not be recommended for
approval.

CHAIRMAN: Obviously we have somebody
representing the applicant.

Would you like to address the Commission?

MR. SILVERT: State your name, please.

MR. REYNOLDS: David Reynolds.

MR. SILVERT: You're dually sworn.

MR. REYNOLDS: What has happened since the
last meeting is we contacted and met with all of the
owners and we were able to get all of the signatures
on the revised deed restrictions, as well as the plat.
What we have been thrown back by was an individual who
became cooperative and for some reason won't talk to
us now. I have spoken with this individual twice in
the past two weeks approximately and essentially get
a, I can't talk to you about that today, response. I
can't get him to engage in any reason why he won't
sign it.

I would like to point out to the Commission
that this lot, this lot owner, be Lot 31 I believe
under the current plat, there is a plat of record of
this subdivision about ten years ago. This lot, as I
understand it subject to the engineers telling me
differently, this lot under the current Locust Grove
plat, which is designated as Lot 31, is not in any way
negatively affected by this current amended plat. In
fact, as I understand it, the lot actually is enlarged
slightly. So nothing of this lot owner who is under
an existing plat that we're asking to amend.

That's all I have to say on it. There is that
little nuance here where we have a ten year old plat.
This lot owner is under a plat versus just not having
this lot under signature. The lot itself is under
plat right now.

CHAIRMAN: Mr. Noffsinger.

MR. NOFFSINGER: Thank you, Mr. Chairman.

Mr. Reynolds, I understand that you believe
that this lot has not been affected in any way;
however, when I look at the preliminary plat, what's
currently proposed, the lot is slightly smaller in
acreage compared to what was originally approved. It
was supposed to be originally 1.05 acres maybe and now
it's 1.044 acres. I know it's a very, very minimal
amount difference there, but I did notice that when I
reviewed the plat.

MR. REYNOLDS: Are you referring to the ten
years old plat that's in existence or the preliminary
approval for this current plat? I was referring to
the original plat going back about ten years.

MR. NOFFSINGER: I'll have to defer to Staff
on that. When we looked at it, I thought we were
looking at the original plat versus what the
preliminary plat is showing.

MR. REYNOLDS: If it is off a minute, I may be
incorrect on that. It's my understanding that I've
been given just very briefly that it was actually an
increase was the information I was given before the
meeting tonight, from the original plat. Not
referring to maybe a preliminary that might have been
filed with this amendment.

MR. NOFFSINGER: Ms. Stone is here and I think
she can address it.

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

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MS. STONE: Becky Stone.

(BECKY STONE SWORN BY ATTORNEY.)

MS. STONE: We compared the current proposed preliminary plat that's before you tonight with what we assume is the recorded final plat, the final plat that was approved by this commission, and there was that slight change. Now, at that time the Planning Commission did not record those plats in the courthouse, but we assume that that is the plat of record in the courthouse. It would have had to been signed by this commission for recording.

MR. NOFFSINGER: Mr. Chairman, that is correct. The final plat that we have in the office that we believe is the plat of record shows the lot to be 1.05 acres. This plat shows the lot to be 1.044 acres.

CHAIRMAN: Mr. Reynolds, obviously you've worked pretty hard to try to put all of this together. We understand that.

MR. REYNOLDS: For a couple of years.

CHAIRMAN: The division surely is not over this .05 to .44, is it?

MR. REYNOLDS: I have no way to know for sure because I asked the man on the phone two separate occasions, will you tell me if you have a problem.

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Will you tell me what the problem is. It's my understanding that he just comes and goes.

CHAIRMAN: Would you define exactly what you meant by that statement?

MR. REYNOLDS: Some days he's extremely cooperative. Some days you couldn't get him to agree that it's dark outside right now. That's been my experience.

I met with this man I want to say approximately two years ago. I met him in his living room. We drank coffee for two hours. We got everything in the world that we thought we would need resolved, resolved. He asked us to do ten things. We've done the ten things. Those are for his lot. Not the subdivision. We made improvements to his lot.

We were very set back when the response that we got is, I can't talk to you about this right now.

CHAIRMAN: Well, we're wanting to work this out obviously from our standpoint. You realize we thought we had a pretty easy working situation for all parties. I sympathize obviously with you all because it appeared to be something pretty easy. Now it's not.

The Commission will have to rule on this. I'm sorry we're in the situation we're in. I know
obviously you are too.

Mr. Noffsinger.

MR. NOFFSINGER: Well, at this point in time the plat is not in order. All property owners have not signed and it will be recommended that you not approve the plat and that we move forward from that point down the road trying to work with the landowners out there as well as the developer.

This is going to have to be resolved. The Planning Commission cannot resolve it tonight. I think your only choice is to deny this plat and then we go from there.

CHAIRMAN: Mr. Silvert, do you have a comment?

MR. SILVERT: To remind the applicant that it could be remitted if it were in order. This would not keep you from doing that again.

CHAIRMAN: Mr. Reynolds, I'm sure you understand our situation.

MR. REYNOLDS: I do. We're just in a situation where unfortunately -- this individual was told of the meeting tonight. Of course, not here to voice his concerns to make it even more difficult to understand. You know, when a man tells you that he'll do if you do that, then two years later he won't tell you why he won't do it, we got stuck.

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CHAIRMAN: We've had no complaints from that party. We've had we thought -- it's a situation that the Commission cannot do anything with.

MR. REYNOLDS: But the complaining parties are satisfied. To be honest and candid, I felt when we were here last month that we would have a good chance of getting all the signatures. I got one that may be up with thought, been a difficult one, and didn't get one didn't think it would be a problem.

CHAIRMAN: All you can do is report to us of what your personal feelings are until you've got them all signed.

Unless there's any other comments from the audience or from the commission the Chair has --

MR. REYNOLDS: May I have one moment?

CHAIRMAN: Yes, sir.

MR. REYNOLDS: Would it be appropriate for the Commission to consider a one month postponement to address this issue, the .05?

CHAIRMAN: Mr. Silvert.

MR. REYNOLDS: And I guess arguably to have another shot at this individual as well while we're at it. We go down two roads at one time obviously.

MR. SILVERT: It is this Commission's prerogative to make a motion to postpone and to accept
the request to do so. It's been postponed once
already. Frankly, the Staff has waited a couple of
years to get to the point where we are right now.
I'll just leave it at that.

CHAIRMAN: Mr. Noffsinger.

MR. NOFFSINGER: The thing is we're not just
going to deny this plat and that's the end of it.
That's not what we're recommending. We will further
pursue this matter and be working with the Daviess
County Fiscal Court and with the county attorney. We
need to move forward. I think it's going to take more
than the negotiations between the developer and the
landowners to make this thing happen. We want nothing
more than this plat to be approved tonight and it to
move forward. The Planning Staff is convinced that
the applicant has done all they can. They brought
this plat before us. They tried to get these
signatures and it's not working. I think now it's
time for Planning Commission to move forward with what
they need to do to push this plat toward approval.
That's what we'll be looking for.

CHAIRMAN: Mr. Reynolds, I'm sure that you are
very aware, I'm sure you've made all the property
owners very aware, I mean the next step would have to
be toward litigation.
MR. REYNOLDS: I've mentioned that to this individual in a phone conversation and again encouraged him to allow me to come out and talk with him regarding any issues or concerns he may have. There is actually pending litigation with, it's an estate settlement, but it's still pending. This individual was not even a complaining party in the litigation.

CHAIRMAN: It seems like a matter that could have been handled behind closed doors with all the people, but obviously I know you've tried to do that. It's something that we don't want to pursue in that manner, but it looks like we're to the point we have no other choice or option at this point in time. We'll see what the rest of the commission thinks. You've tried. We've tried. It's something that I wish we didn't have to pursue in this matter.

Does anybody on the Commission have any other ideas or thoughts? Ward?

MR. PEDLEY: It's my understanding the plat is not in order?

MR. NOFFSINGER: That is correct.

MR. PEDLEY: That's the only question.

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

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MR. PEDLEY: Mr. Chairman, I make a motion to deny this application.

CHAIRMAN: We've got a motion for denial by Mr. Pedley.

MR. TAYLOR: Second.

MR. KAZLAUSKAS: Mr. Chairman, because I haven't had the opportunity to review all of this information, I'm going to abstain from this vote.

CHAIRMAN: Okay.

MR. SILVERT: Mr. Chairman, would the vice chairman like to state their reasons for his denial?

CHAIRMAN: Just a moment, Mr. Silvert.

Let the record show Mr. Kazlauskas is going to abstain from the voting.

Mr. Pedley, he asked about your findings for your denial.

MR. PEDLEY: My findings for denial has been before us before. There's certain issues that haven't been resolved such as signatures and also the plat is not in order. That's my basis for denial.

CHAIRMAN: Thank you.

MR. REYNOLDS: May I respond briefly?

CHAIRMAN: Yes.

MR. REYNOLDS: If I'm understanding, the only and sole basis for the plat not being in order is the
failure to have the one signature though, correct?

MR. NOFFSINGER: That is correct.

CHAIRMAN: We've got a motion by Mr. Pedley with his finding of fact. Now the Chair is ready for a second.

MR. TAYLOR: Second.

CHAIRMAN: Second by Mr. Taylor. All in favor of denial raise your right hand.

(ALL BOARD MEMBERS PRESENT - WITH JOHN KAZLAUSKAS ABSTAINING FROM VOTING - RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously with Mr. Kazlauskas's abstaining.

Next item, please.

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MINOR SUBDIVISIONS

ITEM 8

6080 Jack Hinton Road, 7061 Highway 54, 6.821 acres
Consider approval of minor subdivision plat.

Applicant: Kenneth R. & Rebecca B. Onstott; K. Chad & Khristina Onstott

MR. NOFFSINGER: Mr. Chairman, this plat has been reviewed by the Planning Staff and Engineering Staff. It's found to be in order. It comes before you as an exception here tonight because it has two lots. It involves two existing lots that are unusually shaped in that they have very little width.
and quite a bit of length to them.

I could not sign the plat because it takes one lot and makes it more non-conforming; in other words, it decreases the actual depth to width ratio that's required by the ordinance, but it actually would improve one of the others. We are recommending it for approval because it's just a trade off of the properties and we're not creating any additional tracts, but it's one that I could not sign and would need your approval.

CHAIRMAN: Is anybody representing the applicant?

APPLICANT REP: Yes.

CHAIRMAN: Are there any questions of the applicant from the audience?

(NO RESPONSE)

CHAIRMAN: Any questions from the Commission?

(NO RESPONSE)

CHAIRMAN: If not the Chair would be ready for a motion.

MR. PEDLEY: Motion for approval,

Mr. Chairman.

CHAIRMAN: Motion for approval by Mr. Pedley.

FATHER HOSTETTER: Second.

CHAIRMAN: Second by Father Larry. All in
favor raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

Next item, please.

NEW BUSINESS

ITEM 9

Consider approval of the Public Improvement Specifications surety unit cost annual revision.

MR. NOFFSINGER: Mr. Chairman, the Public Improvement Spec Committee met I believe last week and went over these numbers. Those in attendance were Planning Staff as well as the City and County Engineering Staff, the private engineers, some of the developers. They went over each and every one of these costs that the developers are required to post when an infrastructure is proposed in a new development. The items in red are the ones that they have recommended changes to. As I understand, we had complete support from the group and they are sending these units costs to you as a recommendation for approval and we would hope that you would approve these new unit costs tonight.

CHAIRMAN: Is there anybody in the audience that would like to make a comment?
(NO RESPONSE)

CHAIRMAN: Anybody on the Commission?

(NO RESPONSE)

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

MR. PEDLEY: Mr. Chairman, I make a motion for approval.

CHAIRMAN: Motion for approval about Mr. Pedley.

MR. ALLEN: Second.

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

Next item.

ITEM 10

Consider a motion to go into closed session to discuss pending or potential litigation.

MR. NOFFSINGER: Mr. Chairman, we anticipate that there will be no official action taken in that closed session. We will not come back out here after the meeting. We will adjourn in closed session.

MR. SILVERT: You need a motion to go into closed session.

FATHER HOSTETTER: Move to go into closed
CHAIRMAN: We have a motion by Father Larry to go into closed session.

MR. KAZLAUSKAS: Second.

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

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

WITNESS my hand and notary seal on this the 30st day of January, 2011.

LYNNETTE KOLLER FUCHS
NOTARY ID 433397
OHIO VALLEY REPORTING SERVICES
202 WEST THIRD STREET, SUITE 12
OWENSBORO, KENTUCKY 42303

COMMISSION EXPIRES: DECEMBER 16, 2014
COUNTY OF RESIDENCE: DAVIESS COUNTY, KENTUCKY

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