The Owensboro Metropolitan Planning Commission met in regular session at 5:30 p.m. on Thursday, December 14, 2017, at City Hall, Commission Chambers, Owensboro, Kentucky, and the proceedings were as follows:

MEMBERS PRESENT: Larry Boswell, Chairman
Steve Frey, Vice Chairman
Larry Moore, Secretary
Brian Howard, Director
Terra Knight, Attorney
Irvin Rogers
Manuel Ball
Fred Reeves
John Kazlauskas
Lewis Jean
Angela Hardaway

* * * * * * * * * * * * * * * * * *

CHAIRMAN: I would like to welcome everyone to the Owensboro Metropolitan Planning Commission meeting for December 14, 2017. We always start our meetings with a prayer and the pledge. Commissioner Irvin Rogers has the honors of doing that tonight. Please join us.

(INVOCATION AND PLEDGE OF ALLEGIANCE.)

CHAIRMAN: Before we get started tonight, just some housekeeping rules since we are a quasi legal meeting. If you wish to speak, please approach the podium, clearly state your name and be sworn in by
counsel. Also, it's very important that we do hear all of the information so we can make good valid decisions. Please direct all your questions to the chair as we have multiple speakers. Direct all your questions and answers to the chair. Be respectful of others who will speak. Please stay on topic on the items that will be discuss here tonight on our agenda.

I would like to start the meeting with considering our minutes that we had for our November 9th meeting. All of the commissioners have had a chance to look through those.

Are there any questions, discussion or changes?

(NO RESPONSE)

CHAIRMAN: There being none the Chair is ready for a motion.

MS. HARDAWAY: Motion to approve.

CHAIRMAN: Motion to approve by Ms. Hardaway.

Is there a second?

MR. FREY: Second.

CHAIRMAN: Second by Mr. Frey. Any discussion about the motion or the second?

(NO RESPONSE)

CHAIRMAN: There being none, all those in favor raise your right hand.
(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries.

----------------------------------------------

GENERAL BUSINESS

CELLULAR TELECOMMUNICATIONS FACILITIES PER KRS 100.987

ITEM 3

11650 Coleman Road
Consider approval of a wireless telecommunications tower.
Applicant: New Cingular Wireless PCS, LLC d/b/a AT&T Mobility; Martha J. & David Lashbrook

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

MS. EVANS: Melissa Evans.

(MELISSA EVANS SWORN BY ATTORNEY.)

MS. EVANS: The proposal for this cell tower is a lattice tower, approximately 255 feet tall with a 5 foot lightning rod making the tower 260 feet tall. All of the surrounding properties are also zoned A-R Rural Agriculture.

The residential structures in the area, the cell tower is required to be at least 250 feet from any residential structures in the area. The nearest residential structure to the cell tower is approximately 405 feet from the proposed tower.

Building setbacks for a lattice tower are required to be at least half of the height of the
tower from the property lines. So in this case I would make that 130 feet from the property or the proposed leased area is only 100 feet by 100 feet. So meeting that required setback is impossible; however, the tower would be approximately 220 feet from the nearest property line of the parent parcel, and at least 236 feet from the Coleman Road.

The tower has received approval from all of the regulating bodies as far as the height is required.

At 255 feet with a 5 foot lightning rod, the proposed tower is over the maximum allowed by ordinance; however, again, the tower has received approval for their height and location from the FAA and the KABC.

Section 20-5(i) of the Zoning Ordinance requires a staggered row of double pines around the compound, around the leased area of the cell tower along with an 8 foot tall chain-link fence. Those are both shown on the applicant's site plan.

There are no signs proposed on this site.

The tower can accommodate up to three co-locations, which is a requirement of the zoning ordinance as well.

They're asking for a waiver on the height and
on the setbacks on this single application.

FINDINGS:

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

2. The site is in compliance with all design criteria of the Owensboro Metropolitan Zoning Ordinance;

3. The permanent tower will improve service for users within the community; and,

4. By providing the opportunity for multiple service providers on this tower, we are promoting the goal of the Comprehensive Plan to encourage collocation in order to minimize the number of towers in the area.

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

CHAIRMAN: Thank you, Melissa.

Is anyone here representing the applicant?

MR. GRANT: Good evening. My name is Robert Grant. I'm attorney with Pike Legal Group, and I'm filling in for David Pike. I think most of you probably know that David, he teaches many of the CFE's for your guys.

You know, I worked with Melissa on this. I
want to thank her for the great work she's done on
this. Her advice and since we agree with the Staff
Report, there is much I could say. I've got a very,
very long presentation, a power-point I brought with
me. I know you've got a long agenda, we're coming up
on the holidays. I'm not going to do that to you and
all of these folks here. So what I'm going to do is
make myself available for any questions you may have;
otherwise, I'm going to do what a lawyer does as very
rare, I'm going to shut up and sit down.

CHAIRMAN: Thank you.

Do any of the commissioners have any questions
for the applicant?

Yes, sir.

MR. REEVES: I have a question of Mr. Howard.
If we were to make a motion to approve this,
should we cite the waivers approval in the motion?

MR. HOWARD: Yes.

CHAIRMAN: Thank you, Mr. Reeves.

Any other commissioners have any questions
concerning this for the applicant?

(NO RESPONSE)

CHAIRMAN: There being none, is there anyone
in the audience that would have a question concerning
this application?
CHAIRMAN: There being none the Chair is ready for a motion.

Mr. Reeves.

MR. REEVES: Motion to approve this application based on Staff's Findings of Fact 1 through 4 and Waivers 1 and 2.

CHAIRMAN: A motion been made for approval based on Findings of Fact 1 through 4 and Waivers 1 and 2. Is there a second?

MR. JEAN: Second.

CHAIRMAN: Second by Mr. Jean. Any discussion about the motion or the second?

(NO RESPONSE)

CHAIRMAN: There being none all those in favor raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries.

RELATED ITEM

ITEM 3A

11650 Coleman Road, 0.23 Acres
Consider approval of a minor subdivision plat
Applicant: New Cingular Wireless PCS, LLC d/b/a AT&T Mobility; Martha J. & David Lashbrook

MR. HOWARD: This is a related item. This is a subdivision plat that creates a lot division for the
leased area that the cell tower will go on. It is a
land-lock parcel which means I cannot sign it at the
Staff level, but we would certainly recommend that you
consider it for approval here tonight.

CHAIRMAN: Thank you, Mr. Howard.

Would the applicant like to say anything
concerning this portion of it?

MR. GRANT: Once again, Robert Grant for the
applicant.

We have no comments. I'm here for questions,
if you have any.

CHAIRMAN: We'll try not to get you
communicating too much.

MR. GRANT: Don't get me started because I
will talk for hours.

CHAIRMAN: Thank you.

Any commissioners have any questions
concerning this part of the application?

(NO RESPONSE)

CHAIRMAN: There being none the Chair is ready
for a motion.

Mr. Ball.

MR. BALL: Motion for approval.

CHAIRMAN: Motion for approval from Mr. Ball.

Is there a second?
MR. FREY: Second.

CHAIRMAN: Second by Mr. Frey. Any discussion about the motion or the second?

(NO RESPONSE)

CHAIRMAN: All those in favor raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries.

MR. HOWARD: I will note that the zoning changes heard tonight will become final in 21 days after the meeting unless an appeal is filed. If an appeal is filed, we will forward the record of the meeting along with all applicable materials to the appropriate legislative body for them to take final action.

ZONING CHANGES

ITEM 4

2771 McMahan Road, 2.285 acres
Consider zoning change: From EX-1 Coal Mining to A-R Rural Agriculture
Applicant: Steven & Nina Thompson

PLANNING STAFF RECOMMENDATION

The Planning Staff recommends approval subject to the Findings of Fact that follow:

FINDINGS OF FACT

1. Staff recommends approval because the
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 large-lot residential uses are appropriate in limited locations;

3. The subject property is a large tract at 2.285 acres;

4. The subject property has access to McMahan Road with no new roads proposed;

5. Strip-mining activity has ceased on the property; and,

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

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

CHAIRMAN: Thank you, Melissa.

Is there anyone here representing the applicant?

Yes, would you like to speak?

MS. KNIGHT: If you could state your name for the record, please.

MR. THOMPSON: Scott Thompson.

(SCOTT THOMPSON SWORN BY ATTORNEY.)
CHAIRMAN: Would you like to speak on the application?

MR. THOMPSON: I have nothing to say. We're planning to construct a single-family home on the property.

CHAIRMAN: Thank you.

Any commissioners have any questions from the applicant concerning this application?

(NO RESPONSE)

CHAIRMAN: Is there anyone in the audience that would have any questions concerning this application?

Yes, please.

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

MR. McCORMICK: Gene McCormick.

(GENE McCORMICK SWORN BY ATTORNEY.)

MR. McCORMICK: I own the surrounding property around this 2.85 acres. I have for a long period of time. I recommend that the zoning board approve this application.

CHAIRMAN: Thank you for your time.

Anyone else like to speak about this application?

(NO RESPONSE)
CHAIRMAN: There being none the Chair is ready for a motion.

Mr. Rogers.

MR. ROGERS: Mr. Chairman, I'd like to make a motion for approval based on Planning Staff Recommendation and the Findings of Facts 1 through 6.

CHAIRMAN: A motion has been made for approval based on Findings of Fact 1 through 6. Is there a second?

MR. MOORE: Second.

CHAIRMAN: Second by Mr. Moore. Any discussion about the motion or the second?

(NO RESPONSE)

CHAIRMAN: There being none all those in favor raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries.

ITEM 5

4555 Ridge Road, 20+/- acres
Consider zoning change: From EX-1 Coal Mining to A-R Rural Agriculture
Applicant: Anthony V. Lanham; Richard & Agnes Johnson

PLANNING STAFF RECOMMENDATION

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 large-lot residential uses are appropriate in limited locations;

3. The subject property is a large tract at 20+/- acres;

4. The subject property has access to Ridge Road with no new roads proposed;

5. Strip-mining activity on the property has ceased; and,

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

MS. EVANS: We would like to enter the Staff Report into the record as Exhibit C.

CHAIRMAN: Thank you, Melissa.

Is there anyone here representing the applicant?

(NO RESPONSE)

CHAIRMAN: Is there anyone in the audience that would like to speak concerning this application?

(NO RESPONSE)
CHAIRMAN: Do the commissioners have any questions concerning this application?

(NO RESPONSE)

CHAIRMAN: There being none the Chair is ready for a motion.

Mr. Moore.

MR. MOORE: Mr. Chairman, I move for approval based on Staff's Recommendation and Findings of Fact 1 through 6.

CHAIRMAN: A motion has been made for approval based on Findings of Fact 1 through 6. Is there a second?

MR. BALL: Second.

CHAIRMAN: Second by Mr. Ball. Is there any discussion concerning the motion or second?

(NO RESPONSE)

CHAIRMAN: There being none the Chair is ready for a vote. All those in favor raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carriers.

ITEM 6

5228 Highway 144, 28.4 acres
Consider zoning change: From R-1A Single Family Residential & A-U Urban Agriculture to R-1A Single Family Residential
Applicant: David W. Smith Jr.

MR. HOWARD: You all have a copy of a request
for postponement in your file. They're pondering changes, potentially going to an A-U zone instead of an R-1A zone which would require us to renotify, send new letters and repost the property. It's not ready to be heard tonight so we recommend that you consider it for postponement.

CHAIRMAN: Thank you, Mr. Howard.

MR. REEVES: Can I ask a question?

CHAIRMAN: Sure.

MR. REEVES: Is it appropriate for the surveyor to make this request as opposed to the landowner or an attorney?

MR. HOWARD: We had talked with the applicant and the surveyor put it together for them. We felt comfortable that it came from the right source even though the surveyor is the one that did it.

MR. REEVES: That's fine. I just wondered.

CHAIRMAN: I do have a question, Mr. Howard. Do we have any sense about when they may bring this back before the commission?

MR. HOWARD: I expect it will be on the January agenda, which it should be the 11th of January, the second Thursday in January.

CHAIRMAN: Thank you.

What we need is a motion to approve the
MR. HOWARD: A motion for postponement.

CHAIRMAN: Mr. Jean.

MR. JEAN: I make a motion we postpone to the January meeting.

CHAIRMAN: Motion has been made to postpone it to the next meeting by Mr. Jean. Is there a second?

MR. MOORE: Second.

CHAIRMAN: Second by Mr. Moore. Any discussion about the motion or the second?

(NO RESPONSE)

CHAIRMAN: There being none, all those in favor raise your right hand.

(ALLE BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries.

MAJOR SUBDIVISION PLATS

ITEM 7

Shoppes At 3800 Frederica, 29.71 acres
Consider approval of a major subdivision preliminary plat
Applicant: Shoppes at 3800 Frederica, LLC; Owensboro Board of Education

MR. HOWARD: This plat comes before you, the property was rezoned a the meeting last month and they have prepared a preliminary plat with the internal transportation network, lot layout, all of that information. We did receive approval as was one of
the conditions on the zoning from the Kentucky Transportation Cabinet on the roadway improvements that will be required based on the Traffic Impact Study. It's been reviewed by all of the utilities and the city engineer's office and it is ready for your alls consideration for approval.

CHAIRMAN: Thank you, Mr. Howard.

Is anyone representing the applicant?

APPLICANT REP: Yes.

CHAIRMAN: Would you like to say anything on its behalf?

APPLICANT REP: No.

CHAIRMAN: Any commissioners have any questions concerning the application?

(NO RESPONSE)

CHAIRMAN: Is there anyone in the audience that would like to speak concerning this application?

(NO RESPONSE)

CHAIRMAN: The chair is ready for a motion.

Mr. Kazlauskas.

MR. KAZLAUSKAS: I make a motion for approval.

CHAIRMAN: A motion for approval has been made by Mr. Kazlauskas. Is there a second?

MR. FREY: Second.

CHAIRMAN: Second by Mr. Frey. Any discussion
about the motion or the second?

(NO RESPONSE)

CHAIRMAN: There being none all those in favor raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries.

MINOR SUBDIVISION PLATS

ITEM 8

9680 Highway 764, 14.5 acres
Consider approval of a minor subdivision plat
Applicant: Charles R. And Anne M. Hagan

MR. HOWARD: This many plat comes before you as an except to the 3 to 1 requirement of the subdivision regulations.

There was a plat approved in May of 2014 that included this 14 1/2 acre parcel. There's a notation on that plat that says that the subject property shall not be further subdivided without meeting the requirements of the subdivision regulations. Since this plat is coming forward with a previous plat that says that it could be further subdivided without meeting the requirements, Staff cannot recommend approval of this plat for division.

I'll be glad to answer any questions that you all may have.

CHAIRMAN: Thank you, Mr. Howard.
Is there anyone here representing the application?

MS. KNIGHT: State your name for the record.

MS. BENNETT: Jessica Bennett. I'm the daughter of Anne and Charles.

(JESSICA BENNETT SWORN BY ATTORNEY.)

MS. BENNETT: I'm confused. You will not approve? I'm sorry, I'm confused. You're saying you cannot approve them selling us an acre of their property; did I understand that correctly?

MR. HOWARD: I will pull the plat out that was approved. What I'm saying is when this 14 1/2 acres was created on May 14, 2014, there was a note on that plat that says "The properties platted hereon shall not be further subdivided so as to create additional irregularly shaped lots not meeting the requirements of the subdivision regulations."

So the lot that's being proposed tonight does not meet those subdivision regulations. So we as Staff cannot recommend that that lot be created since it was noted on a previously recorded document that no further division should take place if they don't meet those requirements.

MS. BENNETT: Is there anything that we can do to appeal that?
CHAIRMAN: That's why you're here tonight.

That's what this board does. Normally a minor subdivision plat we approve it, I sign it at Staff level. Since it doesn't mean that requirement, I can't sign it at Staff level. That's what this board is here for tonight, to listen to what you have to say and then they'll make a decision yes or no.

MS. BENNETT: The reason that we -- we had originally went we to purchase the property, purchase an acre from it. They have a shed, they've marked it as a shed at the bottom of the property, but it's not a shed. It's a barn that they actually house their animals in. They wanted to keep that barn on their property and that's why we had to go with an irregularly-shaped plat. If the only way to make it in accordance with the Planning and Zoning, it would have included the barn on the property they would be selling us. That was the reasoning behind having an irregular plat.

CHAIRMAN: Do any of the commissioners have any questions concerning this application?

Yes, Mr. Ball.

MR. BALL: I guess I've got a question for Staff or legal.

In doing so, if we approve this plat, do we
not set a precedence that it could then be difficult
to deal with in the future?

MS. KNIGHT: I think I've said this before:
That every application stands on its own merits.
There is a question of, there would be a question of,
well, you did it this time, why don't you do it for me
in the future, whatever the case may be. If what you
guys hear tonight that persuades you that this is a
unique circumstance or something of that nature, then
perhaps that's circumstance wouldn't apply to the next
one.

CHAIRMAN: I also have a question concerning
this too. That's sort of leads into what you were
mentioning earlier.

If it were approved, what happens with that
precedence set if a few months down the road the
applicant or someone else wants to subdivide it even
further and you've already set that precedence to
allow that to happen, what kind of problematic issue
is that?

MR. HOWARD: I'll address that part. As
Staff, we would -- you know, I don't know what their
future plans are. Maybe she can address it tonight,
Jessica can address it tonight. If you were to
recommend approval of this, having approved this plat
that says that it can't be further subdivided without meeting the requirements, as Terra was alluding to, if the barn was the limiting factor that wouldn't allow them to create a regular-shaped lot, you use that as a finding, as a reason to approve this irregular-shape lot, we would certainly look then for a note on this plat to be added that would say something to the effect of the 13.455 acre parcel land, this 1.045 acre parcel can't be further subdivided. I don't know. Or some kind of assurance that they're not going to, you know, there's a limit. You only have 96.38 feet of frontage on that parent parcel. There's not a way to maintain the 50 foot frontage that's required for an agricultural parcel that's over 10 acres and take anything else out of that property. If you do consider it, it's a one time exception, but we would certainly look for the rest of this, unless they put a street in there and meet subdivision regulations for public improvement specifics for a new street and some type of residential subdivision, that nothing further is going to happen on this property. That's a long-winded answer to your question.

CHAIRMAN: Mr. Rogers, I think you had a question.

MR. ROGERS: Just for some of your all's
information: This is the Old Hagan farm. It's all in the family on Morgantown Road. 764 is the farm. All of the family lives on this farm all over it, and this is a granddaughter. I don't have a problem if we put a note on the plat for that consideration. It's still in the family.

MR. HOWARD: I don't want to speak for them.

If this moves forward towards a recommendation for to approve it, are you willing to put a note on the plat that would say that these properties won't be further subdivided?

MS. BENNETT: Right. As far as I know, our understanding was that they know, my parents know that if they sell it to us, no one else can purchase any property on the family land. We have no intention of -- the front half is under the floodplain anyway so nobody can build on it other than us. We have no intent of trying to further subdivide it or to have others build on it. So there's an understanding in the family. I don't want to presume or speak for my parents, but I would assume that no one would have a problem with you putting something on there saying they couldn't subdivide it further.

CHAIRMAN: Is the intent with this to be able to build a home on this?
MS. BENNETT: Yes. The front half is under the floodplain, but where we're planning to build is not. We would be building on the back half of the property and it would be a single-family home.

CHAIRMAN: Thank you.

Yes, Mr. Reeves.

MR. REEVES: Two questions.

Have you already purchased the property?

MS. BENNETT: We have not. This was our step -- we were trying to figure out if we even could. This is our stepping.

MR. REEVES: So your parents or whoever you're purchasing it from were aware that it had a note that it couldn't be further subdivided; did you understand that when you those discussions?

MS. BENNETT: I don't know if my parents -- I'm purchasing it from my mom and dad. I don't know if they understood that it couldn't be further subdivided. I don't think they did because they were surprised to hear that we couldn't purchase an acre from them. When we were going through this process we found out a lot about what we can and can't do. They were not aware of that. I don't know if he knew that that notation was on the plat.

MR. REEVES: When they got this plat, were
they represented by legal counsel?

MR. HOWARD: I'm sure they weren't. We didn't go back through and look at anything in that much detail. Joe Simmons, the same guy that did this plat did the original. There's rarely legal counsel on a subdivision plat.

MR. REEVES: I guess one of the concerns I have is we've already had one notation on there that it couldn't be further subdivided.

MR. HOWARD: Right.

MR. REEVES: Which it would make an exception, that really didn't really have much stock. If we put another note on there, will it continue?

MR. HOWARD: That's why I'm saying if you all -- as Staff we would recommend that if you move forward with it, and this would involve I guess her talking with her folks to make sure this note is acceptable. We would highly encourage you all to add a note that would say neither of these properties can be further subdivided. This is their one shot to get another lot out of this, but they just don't have enough road frontage to split that. Now, that being said, if someone 50 years from now they went to put in a public street and do all of that, sure, that's fine. As far as going in and cutting out anything else with
road frontage, there's no more lots that can come out
of this thing.

MR. REEVES: Currently is it your parents that
own the property or your grandparents?

MS. BENNETT: My parents.

MR. REEVES: Okay.

CHAIRMAN: Mr. Ball.

MR. BALL: I guess I've got another question.

My concern is very similar to Fred's; in how
this precedence is set in the future and doesn't
really hold any stock if we continue to take it off
down road doing the same thing. Is it possible to
utilize the property just as it is and actually
include the barn?

MS. BENNETT: What do you mean?

MR. BALL: Can they include the barn and it
met the regulation?

MS. BENNETT: You're asking if we met the
standards and the barn was included?

MR. BALL: Correct.

MS. BENNETT: It could, but he doesn't want
the barn on our property because it's their barn and
that's where their animals are housed. If we decided
to move in 5 years and sold it to someone else that
wasn't family, now his barn is on their property.
That's probably not going to happen. We plan to stay there until the day that we die, but you just can't account for life. He wants to try to keep that barn on his property.

MR. BALL: I understand that, and that's kind of part of my question. It kind of goes back to what Irvin had said about it all being a family farm. I'm kind of trying to think outside of the box on it.

That answers my question. Thank you.

MR. HOWARD: Right now they're proposing 103.61 feet of frontage for this lot. In order to meet the three to one, because they're back 442 feet, they would need 147 feet of road frontage. And I don't know that you want to go down this road either.

The way that they could have in theory submitted a plat that would have worked is they could have included 147 feet of road frontage and then tapered it back to basically this line parallel to the property boundary and had the road frontage, but then the width of the lot really wouldn't, it wouldn't be any different than what it is. You're just attaching the road frontage on the front and keeping the barn separated. I don't know if that makes sense. Does that make sense? You can do it, but then it doesn't -- adding more road frontage I don't know that it
would really accomplish much other than meeting the
regulation in this instance since you do have a
limiting factor of the barn on the property.

CHAIRMAN: Still yet that wouldn't really
reconcile the notation that was on the other.

MR. HOWARD: Yes, that's correct.

MR. REEVES: Mr. Howard, if this lot were not
created, could they build a home where they're
proposing to do it?

MR. HOWARD: Is there another home on the
property?

MS. BENNETT: Yes.

MR. HOWARD: No. They only have 14 1/2 acres.
If this parcel were over 20 acres, one could acquire a
building permit for a second dwelling, but at 14 1/2
it's limited to one residence.

CHAIRMAN: Any other questions from the
commissioners?

(NO RESPONSE)

CHAIRMAN: Any questions from the audience?

(NO RESPONSE)

CHAIRMAN: There being none the Chair is ready
for a motion.

Mr. Ball.

MR. BALL: Motion for denial.

Ohio Valley Reporting
(270) 683-7383
CHAIRMAN: Motion for denial has been made by Mr. Ball. Is there a second?

MR. REEVES: Second.

CHAIRMAN: Second by Mr. Reeves. Any discussion about the motion for denial and the second?

(NO RESPONSE)

CHAIRMAN: There being none the Chair is ready for a vote. All those in favor raise your right hand.

(BOARD MEMBERS MANUEL BALL AND FRED REEVES RESPONDED AYE.)

CHAIRMAN: All opposed.

(BOARD MEMBERS LARRY BOSWELL, LARRY MOORE, IRVIN ROGERS, JOHN KAZLAUSKAS, STEVE FREY, ANGELA HARDAY, LEWIS JEAN RESPONDED NAY.)

CHAIRMAN: Seven to two. The Motion failed.

We need a new motion.

MR. KAZLAUSKAS: Let me ask a question here to our attorney.

CHAIRMAN: Yes, Mr. Kazlauskas.

MR. KAZLAUSKAS: Can this be written, we've talked about it not being subdivided again, but can this be written where it's ironclad that it will not be subdivided again?

MS. KNIGHT: The same thing would happen again. Any type of plat for this property it would
come back to the Staff and it wouldn't be able to be
approved at the Staff level. So it would back to this
commission for approval or denial, whatever the case
may be.

MR. KAZLAUSKAS: Okay.

CHAIRMAN: Any other questions from the
commissioners?

(NO RESPONSE)

CHAIRMAN: Any further discussion?

(NO RESPONSE)

MR. ROGERS: Mr. Chairman, I make a motion for
approval with the note put on the plat there be no
further division.

MR. FREY: Second.

CHAIRMAN: Second by Mr. Frey.

A motion has been made for approval with
nation for no further subdivision, and seconded by
Mr. Frey. All those in favor raise your right hand.

(BOARD MEMBERS LARRY BOSWELL, LARRY MOORE,
IRVIN ROGERS, JOHN KAZLAUSKAS, STEVE FREY, ANGELA
HARDAWAY AND LEWIS JEAN RESPONDED AYE.)

CHAIRMAN: All opposed.

(BOARD MEMBERS MANUEL BALL AND FRED REEVES
RESPONDED NAY.)

CHAIRMAN: Motion carries.
MR. HOWARD: We will have to have Mr. Simmons add that note to the plat. So you all cannot sign it tonight and it won't be recorded tomorrow, but we'll get with Joe to get that added.

MR. BENNETT: Thank you so much.

NEW BUSINESS

ITEM 9

Consider approval of October 2017 financial statements

CHAIRMAN: We have before us tonight our financial statements. Hope all of the commissioners have had a chance to go through that. Is there any questions or discussion about the financial statements?

(NO RESPONSE)

CHAIRMAN: There being none the Chair is ready for a motion.

MR. KAZLAUSKAS: Motion for approval.

CHAIRMAN: Motion for approval by Mr. Kazlauskas. Is there a second?

MR. MOORE: Second.

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries.
ITEM 10

Consider approval of the amended Public Improvement Specifications surety unit costs

MR. HOWARD: The Public Improvement Specifications Committee which consist of members of our Planning Staff, the city and county engineer, various utility and agencies like RWRA and so forth, private developers represented by Trey Pedley. We had Mike O'Bryan there and Manual Ball, Jim Riney, a private engineer; that group got together on November 29th. We do this annually to look at the costs that are posted by the developer, in the process of submitting a final plat for any infrastructure that's not completed at the time of submission and approval so that money is in place in case whatever happens, that the city or county could in theory come in and finish the development and have money to do so.

You were mailed a copy of the Public Improvement Unit Surety Cost Changes. They increased, you know, maybe a third of the items, and many of them stayed the same. This is different than last year where we had maybe two or three items that increased and the balance remained the same. So they are ready for your consideration tonight for approval. Be glad to answer any questions that you all might have.

Ohio Valley Reporting  
(270) 683-7383
relating to any of these figures.

CHAIRMAN: Commissioners have any questions concerning this improvement cost?

(NO RESPONSE)

CHAIRMAN: I've got one question. How long of a period of time was this reviewed or did it take to arrive at this?

MR. HOWARD: In what regard; what do you mean?

CHAIRMAN: In other words, did the group work on this for an entire year?

MR. HOWARD: What happens is this group gets together before we meet a few weeks out. We'll send a copy of what the current numbers are. Then often the developers come up with what their numbers are out in the field. For a manhole, you know, that went up from 1,650 to 2,000. Well, manholes are more expensive to put in now. The cost of asphalt or concrete has gone up, and that kind of thing. It's a consensus based upon the data that the developers and the city and county engineer, RWRA, that they're seeing out in the field, as far as where these come from. We get together and take a couple of hours and go over it and come up with these totals.

CHAIRMAN: Thank you, Mr. Howard.

MR. KAZLAUSKAS: When reviewing these items
under pipes, I notice that on the small pipe, 8 to 18
inches, was just a couple of dollar raise. 36 to 48,
you know, was just a couple dollar raise, but you go
between 24 to 30, there was a big jump of $9 just for
that specific --

MR. HOWARD: Size of pipe.

MR. KAZLAUSKAS: Yes.

MR. HOWARD: Manuel, can you address that? Is
it a rare size? I'm new with this stuff out in the
field.

MR. BALL: Any time you get a larger pipe
size, whether it's PVC or concrete, you've got
additional material. It takes larger equipment in
certain cases. You also have additional backfill as
well. From my perspective, I think these numbers are
in line. I think they're very reasonable to protect
the public and I think the development world is okay
with these numbers too. These numbers are, they're
very reasonable considering what we're currently
paying.

MR. KAZLAUSKAS: I had just noticed that the
36 inch pipe to 48 inch just went up $3, but the
smaller pipe went up $9.

MR. BALL: I said that backwards then. I read
that wrong, and I apologize. I don't know that I have
a good answer for you. It may very well be the
opposite of that. There is more of the smaller size
actually used. I don't know if that's more of a
marketing thing. We did look at these numbers. I did
from our own organization standpoint look at these
numbers and agreed with these numbers, but I did not
catch that or look at it from that perspective. We
did look at the smaller size pipe in reference to what
we're paying for the larger size, and these numbers do
jive even though my message to you originally did not.

MR. HOWARD: Manuel, correct me if I'm wrong.
I think that 24 to 30 is a more common size and I
think that the people there had more data on that size
pipe. It's used more often so they had better data;
whereas that larger pipe, 36 to 48, not used all that
often. Jim Riney had some data. It's unlimited basis
on short runs. Just based on the good data, that one
was a little bit more expensive. The smaller pipe
didn't go up as much.

MR. KAZLAUSKAS: Over the years the piping
material has changed also. That one just jumped out
at me. Thank you.

CHAIRMAN: Any further questions concerning
these costs?

(NO RESPONSE)
CHAIRMAN: Mr. Jean, I think you had a motion.

MR. JEAN: I'd like to make a motion that we approve the new Public Improvements Surety Unit Costs.

CHAIRMAN: A motion has been made by Mr. Jean to approve the Public Improvements Surety Unit Cost. Is there a second?

MR. BALL: Second.

CHAIRMAN: Second by Mr. Ball. Any discussion about the motion or the second?

(NO RESPONSE)

CHAIRMAN: Being none the Chair is ready for a vote. All those in favor raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries.

ITEM 11

Comments by the Chairman

CHAIRMAN: I just wanted to make just a few comments concerning all of our commissioners. I've had the pleasure of working with all of the commissioners this year. I think we've got an extremely good commission. Everyone does their due diligence and comes to the meetings prepared. I want to thank everyone for that.

I also wanted to thank all of the Planning Staff; directly, Mr. Howard. I think you guys and
gals to a tremendous job, shorthanded as you are. Sometimes have some very trying times trying to get through some of these projects and applications. I wanted to thank you for that.

Also wanted to remind our commissioners of the importance of attending our January meeting; we do have an election at that meeting. Remind everyone to try your best to be there for that important meeting.

Other than that, I think Melissa mentioned earlier that there may be a few folks here from Leadership of Owensboro. Wanted to recognize you all for being here and thank you for being here. It's a pleasure to have you. Hope you come back and visit us again.

I have no further comments.

ITEM 12
Comments by the Planning Commissioners

CHAIRMAN: Any of the commissioners have any comments?

Mr. Kazlauskas.

MR. KAZLAUSKAS: I don't know where she ran off to, but I wanted to congratulate Melissa on her new appointment. The director can address that.

MR. HOWARD: Yes, I've got it under my comments. I was going to mention that.
CHAIRMAN: Any other comments by the commissioners?

(NO RESPONSE)

ITEM 13

Comments by the Director

* Matt Warren - Regular, full-time appointment to the position of Associate Director, Building, Electrical, HVAC

* Trey Pedley - Regular, full-time appointment to the position of Planner 1

* Troy Mills - Regular, full-time appointment to the position of Inspector

MR. HOWARD: We have three employee items; for Matt Warren, Trey Pedley and Troy Mills, recommending that they be moved from a probationary role to the full-time appointment for the positions of Associate Director of Building, Trey Pedley as our Planner 1, and then Troy Mills as an Inspector. They were all hired around the same time. They've been on probation. All doing great work and feel that they're ready to move in those roles in a full-time capacity. I would recommend that you all do that. We do need a vote from you all to do so.

CHAIRMAN: Thank you, Mr. Howard.

Any questions from the commissioners concerning the positions that Mr. Howard just discussed?
CHAIRMAN: There being none the Chair is ready for a motion.

Mr. Frey.

MR. FREY: Motion to approve.

CHAIRMAN: Motion to approve by Mr. Frey. Do we have a second?

MS. HARDAWAY: Second.

CHAIRMAN: Second by Ms. Hardaway. Any discussion about the motion or the second?

(NO RESPONSE)

CHAIRMAN: There being none all those in favor raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries.

MR. HOWARD: The other thing I was going to mention was that, as Commission Kazlauskas referenced, Mike Hill was our Associate Director of Planning. He left us the Wednesday before Thanksgiving. He was the American Planning Association Kentucky Chapter, Western Kentucky Regional Representative. Lot of words. He was actually just elected in this past year to begin a second term, which would begin January 1. He has moved back to Louisville which is outside of that region so he has vacated that position. At our
most recent board meeting for APA Kentucky, Melissa was selected to fulfill that role for the next two years, after which if she would like to continue in that capacity she'll have to run for that office, but she will be our new Western Kentucky Regional Representative for the APA Kentucky Board. Want to congratulate her on that.

The other thing is we are hosting, Trey has been working diligently on a training opportunity that we're hosting here in the community. He's been doing great work. You know, we're trying to work toward bigger and better things here. We'll have people from all over the western portion of the state coming in tomorrow as part of that training.

That's all I have, as far as updates. Be glad to answer any questions that you all might have of me.

CHAIRMAN: Any questions from the commission for Mr. Howard?

(NO RESPONSE)

CHAIRMAN: Thank you, Brian.

Then the next most important motion, Ms. Hardaway.

MS. HARDAWAY: Motion to adjourn.

CHAIRMAN: A motion has been made to adjourn.

Do we have a second?
MR. BALL: Second.

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: We are adjourned.

----------------------------------------------
STATE OF KENTUCKY )
) SS: REPORTER’S CERTIFICATE
COUNTY OF DAVIESS )

I, LYNETTE 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 41 typewritten pages; and that no signature was requested to the foregoing transcript.

WITNESS my hand and notary seal on this the 4th day of January, 2018.

LYNETTE KOLLER FUCHS
NOTARY ID 524564
OHIO VALLEY REPORTING SERVICES
2200 E. PARRISH AVE, SUITE 106E
OWENSBORO, KENTUCKY 42303

COMMISSION EXPIRES: DECEMBER 16, 2018
COUNTY OF RESIDENCE: DAVIESS COUNTY, KENTUCKY

Ohio Valley Reporting
(270) 683-7383