The Owensboro Metropolitan Planning Commission met in regular session at 5:30 p.m. on Thursday, January 9, 2020, at City Hall, Commission Chambers, Owensboro, Kentucky, and the proceedings were as follows:

MEMBERS PRESENT:  Larry Moore, Chairman
                   Lewis Jean, Vice Chairman
                   Mike Edge, Secretary
                   Brian Howard, Director
                   Terra Knight, Attorney
                   Larry Boswell
                   Irvin Rogers
                   Skyler Stewart
                   Manuel Ball
                   Fred Reeves
                   Angela Hardaway
                   Jay Velotta

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CHAIRMAN:  I would like to call the January 2020 Owensboro Metropolitan Planning Commission to order.

The first business is the election of officers. In doing so, I would like to turn the microphone to our attorney, Terra Knight.

MS. KNIGHT:  Thank you, Mr. Chair.

For those of you who don't know, KRS 100 requires that we elect officers annually; a chairman and any other officers that we deem necessary. Our
bylaws state that we will have a chairman, a vice
chair and secretary/treasurer. We always hold our
elections pursuant to our bylaws the first meeting of
the year, which is tonight.

Typically we open the floor for nominations
for each office, and then we will take nominations and
have a vote by show of hands. So that's what we'll do	onight. We do those nominations and election in the
order that they're listed in the bylaws, which will be
chairman, vice chair and secretary/treasurer.

So at this time I'll open the floor for
nominations of chairperson.

MR. REEVES: I nominate Larry Moore.

MS. KNIGHT: Is there a second to that
nomination?

MR. BOSWELL: Second.

MS. KNIGHT: Mr. Moore, do you accept that
nomination?

MR. MOORE: Yes, I do.

MS. KNIGHT: Are there any other nominations
for chair?

(NO RESPONSE)

CHAIRMAN: Hearing none I'll close the floor
and we will vote. All in favor of Mr. Moore
continuing to serve as chair please raise your right

Ohio Valley Reporting
(270) 683-7383
hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

MS. KNIGHT: Congratulations, Mr. Moore.

MR. MOORE: Thank you.

MS. KNIGHT: On to vice chair. I'll open the

floor for nominations.

MR. BOSWELL: I nominate Lewis Jean for

co-chair.

MS. KNIGHT: All right. Is there a second to

that nomination?

MR. REEVES: Second.

MS. KNIGHT: Mr. Jean, do you accept that

nomination?

MR. JEAN: I will.

MS. KNIGHT: Any other nominations for vice

chair?

(NO RESPONSE)

MS. KNIGHT: Hearing none I will close the

floor and we will vote. All in favor of Mr. Jean as

vice chair please raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

MS. KNIGHT: Congratulations, Mr. Jean.

MR. JEAN: Thank you.

MS. KNIGHT: Now on to secretary/treasurer.

I'll open the floor for nominations.
MR. BOSWELL: I nominate Mr. Mike Edge.

MS. KNIGHT: Is there a second to that nomination?

MR. JEAN: Second.

MS. KNIGHT: Mr. Edge, do you accept that nomination?

MR. EDGE: I do.

MS. KNIGHT: Any other nominations for secretary/treasurer?

(NO RESPONSE)

MS. KNIGHT: Hearing none I'll close the floor and we'll take a vote. All in favor of Mr. Edge for secretary/treasurer please raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

MS. KNIGHT: Back to you, Mr. Chair.

CHAIRMAN: Thank you.

Before we get started, I would like to introduce, we have a new member, a commissioner, Skylar Stewart. Welcome.

MS. STEWART: Thank you.

ITEM 3

Presentation of FY '19 Audit by Jack Summerfield, CPA

CHAIRMAN: We have a presentation of the audit.

MR. Thank you, Mr. Chairman. I'm here to
replace Jack Summerfield. I'm Mac Neel with Alexander
Thompson Arnold. Mr. Summerfield had an issue he had
to attend to tonight.

I'll pull the report up. Technology is
wonderful.

You'll find in your audit report, if you'll
turn to Page 8 of the Independent Auditor's Report.
Basically all those two pages say is that everything
was in good order. It's what's known as a clean audit
opinion.

Your financial statements start on Page 10.
You ended the year with 1.6 million in cash and with
your other assets, a deferred outflow of resources,
you had a total assets of about 2 million. There's
also liabilities. I think we're all aware of the
situation with the CERS and the pension plan and all
of that. You have about $1.8 million liability; for
that bring your net position or net worth to a deficit
of $110,000. Those moneys that are open and that
pension liabilities, that's going to be paid over a
period of time. That's not something that you have to
come up with instantaneously.

Page 14 is probably the most important
statement in the whole audit. It shows your revenues
and expenditures. You can see for the fiscal year
ended June 30, 2019 you had total revenues of 1,376,000. Total expenditures of $1,123,000. So you had a change in fund balance of a positive $253,623. So you ended the year very strong.

There's footnotes and other reports in the back. I could keep you here for an inordinate amount of time and bore you to tears. We test compliance with Kentucky laws and regulations and everything is in good order with that. There's footnotes in here that explain the numbers on the financial statements. If there's any questions, I'll be glad to answer them.

CHAIRMAN: Any other commissioners have any questions?

(NO RESPONSE)

CHAIRMAN: Seeing none, thank you, sir.

MR. NEEL: Thank you.

CHAIRMAN: I also forgot to say we always start our meetings, except for this one, we always start our meetings with a prayer and pledge. That honor this month goes to Commissioner Velotta.

(INVOCATION AND PLEDGE OF ALLEGIANCE.)

CHAIRMAN: Thank you, Commissioner.

I also forgot to explain how we operate around here.
If any of the items are up and you need to speak to or ask question, please come to one of the microphones and be sworn in by our attorney. We ask that you direct your questions to the chair. I will in turn try to find the answers for you and head you in the right direction.

We ask that you stay on topic. Probably the most important is to be respectful. If you follow those, we'll have a nice smooth meeting.

Next item is the minutes from December's meeting. All the commissioners should have received a copy of those. Any of the commissioners have any questions or concerns or changes?

(NO RESPONSE)

CHAIRMAN: Seeing none the chair is ready for a motion.

MR. VELOTTA: Motion to approve.

CHAIRMAN: Do we have a second?

MS. HARDAWAY: Second.

CHAIRMAN: Second by Ms. Hardaway. We have a motion and a second. All those in favor please indicate by raising your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries.

Next is general business.
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 this meeting along with all applicable materials to the appropriate legislative body for them to take final action. Those appeal forms can be found in our office, on our website, and I believe we have some here as well.

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GENERAL BUSINESS

ZONING CHANGES

ITEM 5

3801, 3815, 3816 Legacy Run, 2.825 acres
Consider zoning change: From P-1 Professional/Service to R-3MF Multi-Family Residential
Applicant: Don Young; O'Bryan Heirs & Franklin & Susan Dockery

MS. KNIGHT: Mr. Chair, just for the record, Mr. Velotta did need to recuse himself on this particular item.

CHAIRMAN: Thank you.

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

MS. EVANS: Melissa Evans.

(MELISSA EVANS SWORN BY ATTORNEY.)

PLANNING STAFF RECOMMENDATIONS

Ohio Valley Reporting
(270) 683-7383
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 properties are located in a Professional/Service Plan Area, where urban mid density residential uses are appropriate in limited locations;

3. Sanitary sewer service is available in the area; and,

4. The subject properties are situated at the fringe of the larger development where they would serve as a buffer between the commercial and industrial uses to the north and west and the residential uses to the south and east.

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

CHAIRMAN: Anyone in the audience representing the application?

APPLICANT REP: Yes.

CHAIRMAN: Any comments?

APPLICANT REP: No. Thank you.

CHAIRMAN: Any of the commission have any
questions concerning the application?

(NO RESPONSE)

CHAIRMAN: Seeing none the chair is ready for a motion.

Excuse me. Anyone in the audience have any questions concerning this application?

(NO RESPONSE)

CHAIRMAN: Any commissioners have any questions concerning this application?

(NO RESPONSE)

CHAIRMAN: Seeing none the chair is ready for a motion.

Commissioner Ball.

MR. BALL: I would like to make a motion for approval based on the Planning Staff Recommendation and Findings of Fact 1 through 4.

CHAIRMAN: Do we have a second?

MR. BOSWELL: Second.

CHAIRMAN: Second by Commissioner Boswell.

Any questions concerning the motion or the second?

(NO RESPONSE)

CHAIRMAN: Seeing none the chair is ready for a vote. All those in favor please indicate by raising your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)
CHAIRMAN: Motion carries.

ITEM 6

8696 Sawmill Road, 3.84 acres
Consider zoning change: From I-2 Heavy Industrial to A-R Rural Agriculture
Applicant: Ryan Carmon; Rex & Laura Carmon

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

MS. PEDLEY: Trey Pedley.

(TREY PEDLEY SWORN BY ATTORNEY.)

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 large-lot residential uses are appropriate in limited locations;

3. The subject property is a 3.84-acre tract and the applicant proposes a residential use on the property; and,

4. The subject property has road frontage on Sawmill Road, a public road.

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

CHAIRMAN: Thank you, sir.

Anybody in the audience representing the applicant?

APPLICANT REP: Yes.

CHAIRMAN: Anyone in the audience have any questions concerning the application?

(NO RESPONSE)

CHAIRMAN: Any of the commissioners have any questions or concerns?

Commissioner Reeves.

MR. REEVES: I'm not sure if it's for Mr. Howard.

Under "(d) Coal Mining Advisory," it says "Prospective lot owners should be advised of the potential for coal mining activity in rural area."

How has that changed?

MR. HOWARD: Through the Staff Report. They did get a copy of it.

Basically in some portions of the county, say in this instance where you're in a rural maintenance plan area, since we do have coal mining, that's just same language that's in the comp plan. There's nothing, we don't send them anything or whatever.

It's just part of the Staff Report. Hey, rezoning
some property in the vicinity. Coal mining may or may
not be in your area, kind of thing.

          MR. REEVES: Thank you.
          CHAIRMAN: Any other questions?
          (NO RESPONSE)
          CHAIRMAN: Seeing none the chair is ready for
          a motion.

          Commissioner Boswell.
          MR. BOSWELL: Thank you, Mr. Chairman. I'd
          like to make a motion for approval based on Findings
          of Fact 1 through 4.

          CHAIRMAN: We have a motion. Do we have a
          second?
          MR. JEAN: Second.

          CHAIRMAN: Second by Commissioner Jean. Any
          question concerning the motion or the second?
          (NO RESPONSE)

          CHAIRMAN: Seeing none the chair is ready for
          a vote. All those in favor please indicate by raising
          your right hand.

          (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)
          CHAIRMAN: Motion carries.

ITEM 7

5971, 5975, 5985, 5987 Highway 54, 5.05 +/- acres
Consider zoning change: From B-4 General Business,
R-1A Single-Family Residential & A-U Urban Agriculture
to R-1A Single-Family Residential

Ohio Valley Reporting
(270) 683-7383
Applicant: Michael L. Ward, Executor & Kimberly L. Dant; Dorothy B. Ward & Edith Hays (deceased)

PLANNING STAFF RECOMMENDATIONS

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

CONDITION:

Direct access to Highway 54 shall be limited to the passway which serves as the existing single access point for the subject properties.

FINDINGS OF FACT:

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

2. The subject properties are located in a Rural Community Plan Area where Rural Small-lot Residential Uses are appropriate in general locations;

3. Two of the subject properties have existing road frontage along a public road, Highway 54; and although the two remaining subject properties do not have road frontage along a public road, they are existing lots of record with an existing access point along Highway 54;

4. Two of the subject properties are large enough in size to assure satisfactory operation of a conventional septic system; and although the two
remaining subject properties are smaller than the
typical size for a septic system, they are existing
lots of record;

5. The proposed R-1A Single Family
Residential zoning is a logical expansion of the R-1A
zoning in the area, including on each of the four
subject properties; and

6. The elimination of split zoning throughout
the four subject properties creates the potential for
a future minor subdivision plat which may enhance the
layout of the subject properties.

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

CHAIRMAN: Anyone in the audience representing
the applicant?

APPLICANT REP: Yes.

CHAIRMAN: Would you like to make any
comments?

APPLICANT REP: No. Thank you.

CHAIRMAN: Anybody else in the audience
wishing to speak on this application?

(NO RESPONSE)

CHAIRMAN: Any of the commissioners have any
concerns or questions concerning this application?

Mr. Boswell.
MR. BOSWELL: Thank you, Mr. Chairman. I guess this is maybe more of a clarification question for Mr. Howard probably.

The Finding of Fact 6, I went out there and looked around a little bit. I guess I'm trying to get a better feel for what is meant by "the subject properties create a potential for a future miner subdivision plate which may enhance the layout." How would that be enhanced? In what way would that be enhanced?

MR. HOWARD: You know, they have 5 acres. They have two parcels with road frontage. One with access through, the passway. One is land locked. So enhancing that would be getting it closer to compliance with zoning and subdivision regulations by say providing frontage for each parcel or things like that. Maybe as Mr. Pedley stated in the findings, that a couple of parcels are smaller than what would typically be excepted today for septic system lot size with what the health department requires. They could get all four lots over the three quarters of an acre minimum. You know, there might be ways to -- then we believe that the intent for getting the zoning unified is so that they can do some redivision and then reconfiguring of property.
MR. BOSWELL: Give options to be able to utilize the lots?

MR. HOWARD: Bring them more into compliance, yes.

MR. BOSWELL: Thank you.

CHAIRMAN: Any other questions from the commissioners?

(NO RESPONSE)

CHAIRMAN: Seeing none the chair is ready for a motion.

Commissioner Reeves.

MR. REEVES: Motion to approve this application based on Planning Staff Recommendations and Findings of Fact 1 through 6 with the one condition.

CHAIRMAN: Thank you. Do we have a second?

MR. VELOTTA: Second.

CHAIRMAN: Second by Commissioner Velotta.

All those in favor of the motion and the second please indicate by raising your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries.

MINOR SUBDIVISION PLATS

ITEM 8

12429 US Highway 60 E, 1.903 acres
Consider approval of a minor subdivision plat
Applicant: Jennifer L. Vogel

MR. HOWARD: This plat comes before you as an exception to the 3 to 1 requirement. As you can see, both on the screen and on the plat included in your packet, it does create quite an irregular-shaped lot. This lot configuration provides a minimum amount of road frontage required by the zoning ordinance, but it goes back to encompass an existing home.

We do have notations on this plat that would limit any future subdivision of the property to meeting the requirements of the subdivision regulations, meeting minimum road frontage, 3 to 1 requirement. So considering they're creating this around an existing home and that note is on the plat, we would recommend that you consider it for approval.

CHAIRMAN: Anyone in the audience representing the application?

APPLICANT REP: Yes.

CHAIRMAN: Would you like to make any comments?

APPLICANT REP: Only if someone has a question.

CHAIRMAN: Thank you, sir.

Any commissioners have any questions?

(NO RESPONSE)
CHAIRMAN: Seeing none the chair is ready for a motion.

Mr. Jean.

MR. JEAN: Motion to approve.

CHAIRMAN: Thank you, Commissioner Jean. We have a motion to approve. Do we have a second?

MR. REEVES: Second.

CHAIRMAN: Second by Commissioner Reeves. All those in favor please indicate by raising your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries.

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NEW BUSINESS

ITEM 9

Consider approval of November 2019 financial statement

CHAIRMAN: All the commissioners should have received a copy of the financial statement and have had an opportunity to look them over. Anybody have any questions or concerns?

(NO RESPONSE)

CHAIRMAN: Seeing none the chair is ready for a motion.

MS. HARDAY: Motion to approve.

CHAIRMAN: Motion to approve by Ms. Hardaway.
Do we have a second?

MR. BOSWELL: Second.

CHAIRMAN: Second by Commissioner Boswell.

All those in favor please indicate by raising your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: The financial statement passes.

ITEM 10

Comments by the Chairman

CHAIRMAN: The chairman doesn't have any comments.

ITEM 11

Comments by the Planning Commissioners

CHAIRMAN: Any comments by any of the commissioners?

MR. BOSWELL: The only comment is the Chair is really excited about this new nomination for the next year.

CHAIRMAN: Any other commissioners?

(NO RESPONSE)

ITEM 12

Comments by the Director

CHAIRMAN: Comments by the Director.

MR. HOWARD: I'm good. Thank you.

CHAIRMAN: We have one last motion.
MR. BALL: Motion to adjourn.

CHAIRMAN: Do we have a second?

MR. EDGE: Second.

CHAIRMAN: All those in favor indicate by raising your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: We are adjourned.

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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 foregoing 21 typewritten pages; and that no signature was requested to the foregoing transcript.

WITNESS my hand and notary seal on this the 3rd day of February, 2020.

LYNNETTE KOLLER FUCHS
NOTARY ID 613522
OHIO VALLEY REPORTING SERVICES
2200 E. PARRISH AVE, SUITE 106E
OWENSBORO, KY  42303

COMMISSION EXPIRES:    DECEMBER 16, 2022
COUNTY OF RESIDENCE:   DAVIESS COUNTY, KY

Ohio Valley Reporting
(270) 683-7383