

**KENTON COUNTY PLANNING COMMISSION
REGULAR MEETING**

Minutes

Mr. Wells, Vice Chair, called the meeting to order at 6:15 PM on Tuesday, July 8, 2008, and opened the proceedings with the Pledge of Allegiance and an invocation by Mr. Eilerman. The meeting was held in the Commission Chambers of the NKAPC Building in Fort Mitchell. Attendance of members (for this meeting as well as those during the year to date) was as follows.

		2008											
Member	Jurisdiction	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Mark Barnett	Taylor Mill	X	X	X	Xx	X		X					
Barbara Carlin	Kenton Co	X	X	X	Xx	X	X	X					
Barry Coates	Covington	X	X	X	Xx	X	X	X					
James Cook	Kenton Co	X	X		Xx	X		X					
Paul Darpel	Edgewood	X		X	Xx		X	X					
Chuck Eilerman	Covington	X	X	X	Xx	X	X	X					
Tom France	Ludlow	X	X	X	Xx	X	X	X					
David Hilgeford	Villa Hills	X	X	X	x	X							
Lynn Hood	Crestview Hills	X	X	X	Xx	X							
Kent Marcum	Fort Wright	X			Xx	X							
Brandon Raybourne	Elsmere	X	X	X	Xx	X	X						
Mark Rogge	Crescent Springs	-	-	X	x	X	X	X					
Phil Ryan	Park Hills		X	X	X	X	X	X					
Maura Snyder	Indepen	X	X	X	X	X	X						
Paul Swanson, Treasurer	Erlanger	X		X	Xx	X							
Joe Tewes	Bromley	X	X	X	Xx	X	X	X					
John Wells, Vice Chair	Fort Mitchell	X	X		Xx		X	X					
Alex Weldon, Chair	Covington		X	X	Xx	X		X					
Bernie Wessels	Crescent Springs	X	-	-	-	-	-	-	-	-	-	-	-
Gil Whitacre	Lakeside Park	X	X		X	X	X						

“X” denotes attendance at the regular meeting and “x” denotes attendance at the continuation meeting.

“*” denotes arrival after roll call was taken.

“-“ denotes not on the planning commission.

Also present were Mr. Matt Smith, Legal Counsel, and the following NKAPC staff: Michael Schwartz, AICP, Deputy Director for Current Planning.

AGENDA: There were no changes noted to the agenda for the evening. Mr. Eilerman made a motion to accept the agenda. Mr. Barnett seconded. A roll call vote on the matter found Mr. Eilerman, Mr. Barnett,

Ms. Carlin, Mr. Coates, Mr. Cook, Mr. Darpel, Mr. France, Mr. Ryan, Mr. Tewes, Mr. Rogge, Mr. Wells and Ms. Weldon in favor. The motion carried.

APPROVAL OF THE MINUTES:

Mr. Darpel noted on page five, second paragraph, fourth line the minutes should read that he would rather see “alternatives” to a prohibition by the legislative body. Mr. France noted on page five, second paragraph, fifth line down the minutes should read “city officials” instead of business owners. There being no further changes or corrections to the minutes, Mr. Wells then made the motion to accept the minutes as amended. Mr. Darpel seconded the motion. A roll call vote on the matter found Mr. Wells, Mr. Darpel, Ms. Carlin, Mr. Coates, Mr. Tewes, Mr. Rogge and Mr. Wells in favor. Mr. Barnett, Mr. Cook, Mr. Eilerman, Mr. France, Mr. Ryan, and Ms. Weldon abstained. The motion carried.

FINANCIAL REPORT:

There were no questions or comments with regard to the financial report.

ACTIONS SINCE LAST MEETING:

The memorandum regarding the actions taken by Staff over the past month was distributed for informational purposes only. There were no questions or comments.

PUBLIC HEARINGS:

1926R

FILE NUMBER: Z-08-06-02/1926R

APPLICANT: BF Development, Inc., per Henry Fischer

LOCATION: Area A: An approximate 2.4 acre area located along the east side of Braid Way, approximately 500 feet south of Tuscanview Drive, Covington.
Area B: An approximate 11.5 acre area located along the Covington/Taylor Mill city boundary line, approximately 800 feet south of Holdsbranch Road, Covington.
Area C: An approximate 6.7 acre area located along the Covington/Taylor Mill city boundary line, approximately 3,000 feet south of Holdsbranch Road, Covington.
Area D: An approximate 16.3 acre area located along the Covington/Taylor Mill city boundary line, approximately 800 feet south of Holdsbranch Road, Taylor Mill.
Area E: An approximate 37.2 acre area located along the Covington/Taylor Mill city boundary line, approximately 3,000 feet south of Holdsbranch Road, Taylor Mill.

REQUEST: Review of a proposed amended Stage I Development Plan for the described areas, which are currently zoned RS-7.5 and R-1D (PUD).

Staff presentation and Staff recommendations presented by Mr. Michael Schwartz.

NKAPC STAFF RECOMMENDATION

RECOMMENDATION A: To approve the proposed amended Stage I Development Plan for Areas A, B, and C, located within the City of Covington, but only subject to compliance with the following conditions:

1. That the proposed amended Stage I Development Plan be conditioned on the approval of the

- proposed amended Stage I Development Plan by the City of Taylor Mill.
2. That secondary access be provided to the detached single-family residential area.
 3. That a subsurface geotechnical investigation be performed and submitted with subsequent Stage II Development Plans.
 4. That the height, yard, and setbacks for accessory structures on the detached single-family residential lots be in conformity with the requirements of the Covington Zoning Ordinance for the RS-7.5 Zone.
 5. That each detached single-family residential dwelling be provided with a minimum of two-off-street parking spaces.
 6. That the location, height, and type of all fences and walls on the detached single-family residential lots be in conformity with the requirements of the Covington Zoning Ordinance for the RS-7.5 Zone.

RECOMMENDATION B: To approve the proposed amended Stage I Development Plan for Areas D and E, located within the City of Taylor Mill, but only subject to compliance with the following conditions:

1. That the proposed amended Stage I Development Plan be conditioned on the approval of the proposed amended Stage I Development Plan by the City of Covington.
2. That secondary access be provided to the detached single-family residential area.
3. That a subsurface geotechnical investigation be performed and submitted with subsequent Stage II Development Plans.
4. That the height, yard, and setbacks for accessory structures on the detached single-family residential lots be in conformity with the requirements of the underlying residential zone.
5. That each detached single-family residential dwelling be provided with a minimum of two-off-street parking spaces.
6. That the location, height, and type of all fences and walls on the detached single-family residential lots be in conformity with the underlying residential zone.
7. That development be performed in accord with the Development Agreement between Taylor Mill and the applicants.

Comprehensive Plan Documentation:

- Date of Adoption by the Kenton County Planning Commission: December 13, 2006

Supporting Information/Bases For NKAPC Staff Recommendation:

RECOMMENDATION A:

1. The proposed amended Stage I Development Plan, as conditioned, is consistent with the intent and principles of Covington Ordinance Number O-66-05.
2. The proposed amended Stage I Development Plan shifts the location between the attached and detached residential building types. This shift does not increase or decrease the density of the development, as identified on the existing approved Stage I Development Plan.
3. The proposed signage plan provides for signage that is consistent in size, location, and materials to what has been previously approved.

RECOMMENDATION B:

1. The proposed amended Stage I Development Plan, as conditioned, is consistent with the intent and principles of Taylor Mill Ordinance Number 230.

2. The proposed amended Stage I Development Plan shifts the location between the attached and detached residential building types. This shift does not increase or decrease the density of the development, as identified on the existing approved Stage I Development Plan.
3. The proposed signage plan provides for signage that is consistent in size, location, and materials to what has been previously approved.

Mr. Berling addressed the Commission in favor of the issue and stated area B was originally proposed as apartments with no garages. He stated they have now agreed to convert those into condos. Mr. Berling stated the road system and intersection stays the same and that certain aspects were just changed around to make it more conducive. He noted there are some site distance problems with the second interconnection and noted this is the only condition they have a problem with.

Mr. Sprague addressed the Commission and stated he is available to answer any questions. Mr. Todd Doss stated he was available to answer any questions. He noted the two cul de sacs are very challenging in terms of topography so that is another reason why the condition is not practical with regard to that.

Ms. Bonnie Dobson addressed the Commission and asked about going to an “s” curve from a straight street. She additionally stated she doesn’t have a problem with what the applicant has done with the proposed project.

Mr. Gerry Schneider addressed the Commission and stated he has serious concerns with the shift in high density toward his property in area E. He stated there is a concern with lower income residents moving into the area and possibly trespassing onto his property. He noted they run a farm there and have concerns with the high density near his property. He stated he does not want a road running into his property.

Ms. Maureen Maxfield addressed the Commission and stated her property adjoins area E. She stated she was unable to get any information online when she attempted to.

Ms. Ann Maxfield addressed had nothing to add.

Mr. William Eubank addressed the Commission representing members of his family and their property. He stated they have no objections to the new proposals. He noted they continue to ask for a second access to be placed at the buildable ridge on their property to allow for development later.

Mr. Berling addressed the Commission in rebuttal and stated there is an outstanding development agreement with Covington and Taylor Mill as to condos being defined as owner occupied and there is a limit to how many units that can be owned. He additionally stated there is going to be a homeowner association. Mr. Ryan asked about pricing of the units. Mr. Berling stated the patio homes would price in the range of \$200-300,000 while the condos would be priced at \$110,000-300,000 throughout the development.

Following a brief discussion on the matter Mr. Cook made the motion to approve both parts of 1926R with the conditions set by Staff. Mr. Rogge seconded the motion. A roll call vote found Mr. Cook, Mr. Rogge, Mr. Barnett, Ms. Carlin, Mr. Coates, Mr. Darpel, Mr. Eilerman, Mr. Ryan, Mr. Tewes, Mr. Wells and Ms. Weldon in favor. Mr. France voted against. The motion carried with a vote of 11-1.

*Mr. Darpel recused himself from the following issue due to a conflict of interest.

1927R

FILE NUMBER: Z-08-06-03/1927R

APPLICANT: Richard Dickman

LOCATION: an approximate 1.9-acre area located along the south side of Orphanage Road,

REQUEST: approximately 900 feet west of Valleyplaza Parkway, in Fort Wright Review of a proposed amended Stage I Development Plan for the described area, which is currently zoned HOC (a highway oriented commercial zone).

Staff presentation and Staff recommendations presented by Mr. Michael Schwartz.

NKAPC STAFF RECOMMENDATION

To approve the proposed amended Stage I Development Plan, but only subject to compliance with the following conditions:

1. That the setback between the proposed off-street parking area and the right-of-way line of Old Orphanage Road be a minimum of ten (10) feet.
2. That the setback between the proposed off-street parking area and the right-of-way of Interstate 275 be a minimum of ten (10) feet.
3. That there be no more than fifty (50) square feet of freestanding sign area on the site in question.
4. That the proposed curb cut onto Old Orphanage Road be prohibited.

Comprehensive Plan Documentation:

- Date of Adoption by the Kenton County Planning Commission: December 13, 2006

Supporting Information/Bases For NKAPC Staff Recommendation:

1. The proposed amended Stage I Development Plan meets the minimum requirements of the Fort Wright Zoning, except for the following:
 - a. Section 9.17, D. requires a minimum perimeter screening easement of ten (10) feet where any vehicular use area is adjacent to a public or private street. The submitted amended Stage I Development Plan indicates a minimum eight (8) foot setback between the proposed off-street parking area and the right-of-way line of Old Orphanage Road.
 - b. Section 9.17, D. requires a minimum perimeter screening easement of ten (10) feet where any vehicular use area is adjacent to a public or private street. The submitted amended Stage I Development Plan indicates a minimum zero (0) foot setback between the proposed off-street parking area and the right-of-way line of Interstate 275.
 - c. Section 14.13, F., 6., b. states that there shall be no more than fifty (50) square feet of freestanding sign area per lot or building site within the HOC Zone. The submitted amended Stage I Development Plan indicates the installation of two freestanding signs, each having a sign area of fifty (50) square feet.
2. The submitted amended Stage I Development Plan indicates the provision for right-turn, exit only curb cut onto Old Orphanage Road. This street is a local street presently serving as the only access to three detached single-family residential dwellings. It would be inappropriate to place commercial traffic onto such a street. Therefore, it is recommended that the proposed curb cut onto Old Orphanage Road be prohibited.

Mr. Barry Burke addressed the Commission and stated they are the engineering firm that acquired Estes Engineering in 2003. He stated Dickman's has enjoyed increased business and would like to expand. He stated the parking would be increased affording 55 more parking spaces. He noted they are in agreement with the first three conditions. He stated this is a preliminary agreement. He further noted they will ensure that they do comply with all regulations. He noted on the issue of signage it is their understanding they

can provide for two signs not to exceed 50 square feet. He noted their only concern is the exit only access. He stated the concern is that there is a sole access point across Horsebranch Creek. He noted they would like the opportunity for an option as to access. He then suggested a gate with a key which would provide for access for emergency purposes. He additionally stated the basic need is to increase the parking which is the reason for the request.

Ms. Bower addressed the Commission against the issue and stated she is representing her three sons that own homes across from Dickman's since the '60's. She stated the creek is about 25 feet wide and there is enough water that it has gone up three feet above the road. She noted Dickman's closes at 2:30 a.m. and if there is a right turn out the lights will still hit their property. She asked where the water will go if the culvert is built. She further noted she has not been contacted by Dickman's either this time or in the past. She additionally stated she does not want to begrudge Mr. Dickman his business but he knew what the restrictions were when he purchased the property.

Mr. Burke addressed the Commission in rebuttal and stated the applicant needs to go through a process in order to be able to do a culvert. He noted they are complying with standards to ensure the storm water is contained. He further noted the headwall will be removed and new ones installed in accordance with state standards. He additionally stated it is Mr. Dickman's desire to do something for his customers and provide for the additional parking.

Mr. Eilerman stated there should be another way that people can get out in an emergency. Staff noted a primary concern was they did not want to see commercial traffic on a very residential road. Following further discussion Mr. France made the motion to approve with the conditions of Staff and amending condition number 4 that emergency egress be built for emergency use only and to prevent pedestrian and vehicular access at all times. Mr. Schwartz added that the gate and/or lock must be acceptable to both the Fort Wright police and fire departments. Mr. Coates seconded the motion. A roll call vote on the matter found Mr. France, Mr. Coates, Mr. Barnett, Ms. Carlin, Mr. Cook, Mr. Eilerman and Mr. Wells in favor. Mr. Ryan, Mr. Tewes, Mr. Rogge and Ms. Weldon voted against. Mr. Darpel recused himself from the issue. The motion passed with a vote of 7-4.

At this time (8:12 p.m.) a ten minute break was taken.

***The following two issues were combined for purposes of the meeting.**

1928R

FILE NUMBER: Z-08-06-04/1928R

APPLICANT: City of Erlanger, per Mark Stewart

REQUEST: Proposed text amendments to the Erlanger Zoning Ordinance: (1) adding used automobile sales, with certain restrictions, to the list of permitted uses within the HC-3 Zone (a highway commercial three zone); and (2) adding nursing home to the list of permitted uses within the HC-2 Zone (a highway commercial two zone)

Staff presentation and Staff recommendations presented by Mr. Michael Schwartz.

NKAPC STAFF RECOMMENDATION

RECOMMENDATION A: To disapprove the proposed text amendment adding nursing home to the list of permitted uses within the HC-2 Zone.

RECOMMENDATION B: To disapprove the proposed text amendment adding used automobile sales, with certain restrictions, to the list of permitted uses within the HC-3 Zone.

Comprehensive Plan Documentation:

- Date of Adoption by the Kenton County Planning Commission: December 13, 2006

Supporting Information/Bases For NKAPC Staff Recommendation:

RECOMMENDATION A:

1. The proposed text amendment adding nursing home to the list of permitted uses within the HC-2 Zone is not appropriate. The HC-2 Zone provides for a limited number of retail and service businesses. A nursing home, being an institutional use, would not be consistent with other uses currently allowed in the HC-2 Zone. A nursing home would be more appropriate in an Institutional Zone.

RECOMMENDATION B:

1. While the proposed use of used car sales would be appropriate in the HC-3 Zone, the proposed restrictions will be administratively cumbersome and difficult to enforce. Additionally, the restrictions on the use of loudspeakers, automobiles displayed with open hoods, and promotional displays is not being enforced consistently within the zoning district. If approved, these restrictions would only apply to used car sales. New car sales, which is allowed in the HC-3 Zone, would be allowed to have each of these items.

1929R

FILE NUMBER: Z-08-06-05/1929R

APPLICANT: B & Z Development, per James Berling and SGA Enterprises, Inc.

LOCATION: an approximate 9-acre area located at the terminus of Viox Drive, in Erlanger

REQUEST: Review of a proposed amended Stage I Development Plan for the described area, which is currently zoned HC-3 (a highway commercial three zone).

NKAPC STAFF RECOMMENDATION

To disapprove the proposed amended Stage I Development Plan.

Comprehensive Plan Documentation:

- Date of Adoption by the Kenton County Planning Commission: December 13, 2006

Supporting Information/Bases For NKAPC Staff Recommendation:

1. The proposed amended Stage I Development Plan does not meet the following requirements of the Erlanger Zoning Ordinance:
 - a. Section 9.17, H., 1. requires a minimum of five (5) percent of vehicular use areas to be provided with interior landscaping. The submitted amended Stage I Development Plan indicates the construction of approximately 222,000 square feet of vehicular use area. Based on this number, approximately 11,100 square feet of interior landscaping is required. The submitted amended Stage I Development Plan indicates the provision of approximately 4,000 square feet of interior landscaping.
 - b. Section 10.20, A. does not identify used car sales as a permitted use within the HC-3 Zone. Section 10.20, B., 7. specifically identifies used car sales as an accessory use

within the HC-3 Zone. The submitted amended Stage I Development Plan indicates the construction of a used car sales facility.

While the City of Erlanger, per Mark Stewart, has submitted a proposed text amendment application to add used automobile sales, with certain restrictions, to the list of permitted uses within the HC-3 Zone (Z-08-06-04/1928R) (to be heard at the same meeting as this application), the NKAPC staff has recommended disapproval of that text amendment application.

- c. Section 14.5, L. specifically prohibits the construction/installation of billboards. Section 7.0 defines a billboard as a sign that is more than sixteen (16) square feet in area and advertises a business, commodity, service, or entertainment or attraction sold, offered or existing elsewhere than upon the lot or parcel of real estate where the sign is displayed; and is intended for view from a street or highway. The submitted amended Stage I Development Plan indicates the construction/installation of a 27.9 square foot sign at the corner of Houston Road with Viox Drive (sign type B).
2. The submitted amended Stage I Development Plan does not meet the following requirements of the previously agreed to Development Plan Agreement:
- a. Section 1.1.3, a. provides for a flag plaza along I-71/75 to include a serpentine wall, signage indicating the City of Erlanger, and three flag poles (one United States flag, one Commonwealth of Kentucky flag, and one City of Erlanger flag). The submitted amended Stage I Development Plan does not provide for a flag plaza along I-71/75.
 - b. Section 1.1.3, d. restricts the location of an enclosure of containers for the storage of solid waste to the northeast side of the proposed building. The amended Stage I Development Plan indicates a dumpster enclosure to the southwest side of the proposed building.
 - c. Section 1.1.3, h. restricts the outside storage of vehicles for body repairs to the northeast side of the proposed building. Insufficient information has been submitted to determine compliance with this requirement.
 - d. Section 2.0 restricts development of the site in question to that allowed and described in the Development Plan Agreement. It would be inappropriate to recommend approval of amended Stage I Development Plan until such time as the Development Plan Agreement was modified.

Ms. Schaeffer addressed the Commission representing Carmax. She noted Carmax is a Fortune 500 company which is not your usual car sales company.

Ms. Dixon addressed the Commission and gave background information on Carmax. She stated the closest Carmax is in Louisville with new locations being developed in Cincinnati and Dayton. She stated they currently operate 94 stores throughout the U.S. and have sold over 2 million cars since starting in 1993. She noted they would expect to employ 60 full time employees and 15 part time employees with an annual salary of \$40,000. She additionally stated Carmax can draw from about a 40 mile radius so that benefits the local economy as well.

Ms. Sarah Yates addressed the Commission and gave a PowerPoint presentation on Carmax depicting the outside and inside facilities. Ms. Yates additionally reviewed the proposal via the overhead presentation.

Ms. Schaeffer stated in reference to the text amendment she stated this is the only site and it is adjacent to the expressway. She further noted the site was approved for Tom Gill Chevrolet but that did not go forward. She stated this site it appropriate for new cars sales so they feel it is appropriate for used car

sales and only for this use, which was a concern of the city. She stated they will provide for landscaping and noted they respectfully disagree that the sign is a billboard and will be a single sign. She noted the flag plaza was part of the Tom Gill site plan and was not a part of their plan.

Mr. Berling addressed the Commission and stated he and a partner purchased the property ten years ago. He noted the city wanted commercial there so it was graded and filled in. He stated the city gave him a highway commercial 2 zone which has been difficult to market. He then stated as far as the nursing home use he was contacted by the owner of Villa Springs and the Highlands in Ft. Thomas for an expansion of the Villa Spring site in Erlanger. He stated he has the only highway commercial 2 zone and noted it would only be in that location. He stated if the Commission permits him to do this it would only be on his property and not anywhere else in the city. He further noted they really need the sign more so people can find their way and not get turned around.

Mr. Joseph addressed the Commission and stated he was available to answer any questions.
Mr. Wickmann addressed the Commission and stated he was available to answer any questions.
Mr. Stewart addressed the Commission and stated he was the zoning administrator for the city and was available to answer any questions. He noted the city will meet with Carmax to address any issues.

Following a brief discussion amongst the Commissioners, Mr. Darpel made the motion to approve both text amendments based on the evidence presented and that they are reasonable and appropriate based on the testimony and KRS 100. Mr. Eilerman seconded the motion. A roll call vote on the motion found Mr. Darpel, Mr. Eilerman, Mr. Barnett, Ms. Carlin, Mr. Coates, Mr. Cook, Mr. France, Mr. Ryan, Mr. Tewes, Mr. Rogge and Mr. Wells in favor. Ms. Weldon voted against. The motion passed with a vote of 11-1.

Mr. Darpel made the motion to approve the amended stage I development plan based on the fact that it is reasonable and appropriate and added a condition that the text amendment adding car sales must be approved concurrent with the development plan. It was further noted the city is the one asking for the amendment so they would be the ones to enforce it. A roll call vote on the motion found Mr. Darpel, Mr. Barnett, Ms. Carlin, Mr. Coates, Mr. Cook, Mr. Darpel, Mr. Eilerman, Mr. France, Mr. Ryan, Mr. Tewes, Mr. Rogge, Mr. Wells and Ms. Weldon in favor. The motion passed with a vote of 12-0.

Old and Unfinished Business:

With regard to the tabled text amendment Ms. Weldon read two letters into the record regarding the text amendment as to signs. Mr. Barnett added that he was also contacted with regard to the issue. Ms. Weldon stated a discussion was necessary regarding this issue since the cities were requesting this be handled expeditiously. Mr. Ryan stated he spoke with the mayor of Park Hills also. It was noted the goal was to submit questions via email and obtain answers. He stated if it is being changed he would like the cities to have the opportunity to review those changes. He stated Mr. Gordon stated he felt he could have the new language written in time for getting it on the August agenda. Mr. Ryan stated he felt this time frame was tight. Mr. Darpel stated he felt it should still be put on the agenda for July and work on the wording and language on it. He further stated the language could then be decided at the August meeting and if not it could be turned down to look into further. Mr. Barnett then made the motion to schedule a public hearing for the next meeting on the issue. Mr. Darpel seconded the motion. All in favor. None opposed.

Reports from Committees:

Subdivision Regulations Review – No meeting held.

By-Laws – Nothing to report.

Model Zoning Ordinance – No meeting held.

Executive- Nothing to report.

Report from legal counsel – Nothing to report.

Announcements from Staff –

Correspondence – Nothing to report.

New Business:

Ms. Weldon noted receipt of a letter from Mr. Theissen regarding the amendment to the By Laws and administrative policies. She noted Mr. Theissen stated he felt the wording regarding the 30 day requirement on a tie vote was too lengthy. Ms. Weldon suggested a motion by the By Laws committee with regard to the issue. Mr. Schwartz stated he would like to bring to attention Article 10 which gives 21 days notice and moves it to 28 days. He suggested moving that change to the November meeting to not interfere with developers schedules. A motion was made by Mr. Wells and seconded by Mr. Tewes to have the issue placed on the agenda for November. A roll call vote on the motion found Mr. Wells, Mr. Tewes, Mr. Barnett, Ms. Carlin, Mr. Coates, Mr. Cook, Mr. Darpel, Mr. Eilerman, Mr. France, Mr. Rogge and Ms. Weldon in favor. Mr. Ryan abstained. The motion carried.

Ms. Weldon made a motion to approve the budget for FY09. Mr. Eilerman seconded the motion. A roll call vote on the matter found Ms. Weldon, Mr. Eilerman, Mr. Carlin, Mr. Coates, Mr. Cook, Mr. France, Mr. Tewes, Mr. Rogge and Mr. Wells in favor. Mr. Barnett, Mr. Darpel and Mr. Ryan abstained. The motion carried with a vote of 9-3.

Public Comments: None.

There being nothing further to come before the Commission, Mr. Ryan made a motion to adjourn seconded by Mr. Darpel. All in favor. None opposed. The meeting adjourned at 9:45 p.m.

APPROVED:

Chair

Date