

**KENTON COUNTY PLANNING COMMISSION  
REGULAR MEETING**

**Minutes**

Mr. Wells, Vice Chair, called the meeting to order at 6:15 PM on Thursday, January 6, 2009, 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.

		2009											
Member	Jurisdiction	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Mark Barnett	Taylor Mill	X											
Barbara Carlin	Kenton Co	X											
Barry Coates	Covington	X											
James Cook	Kenton Co	X											
Paul Darpel	Edgewood	X											
Chuck Eilerman	Covington	X											
Tom France, Vice-Chair	Ludlow	X											
David Hilgeford	Villa Hills												
Lynn Hood	Crestview Hills	X											
Marc Hult	Covington	X											
Kent Marcum	Fort Wright	X											
Brandon Raybourne	Elsmere	X											
Mark Rogge	Crescent Springs	X											
Phil Ryan, Treasurer	Park Hills	X											
Maura Snyder	Indepen												
Paul Swanson	Erlanger	X											
Joe Tewes	Bromley	X											
John Wells, Chair	Fort Mitchell	X											
Gil Whitacre	Lakeside Park	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, Mr. Andy Videkovich, Principal Planner, Adam Kirk, Transportation Engineer, and Scott Hiles, Deputy Director, Infrastructure Engineering.

**AGENDA:**

There were no changes made to the agenda for the evening. Mr. France made the motion to accept the agenda with Mr. Eilerman seconding the motion. A roll call vote on the motion found Mr. France, Mr. Eilerman, Mr. Barnett, Ms. Carlin, Mr. Coates, Mr. Cook, Mr. Darpel, Ms. Hood, Mr. Hult, Mr. Marcum, Mr. Raybourne, Mr. Rogge, Mr. Ryan, Mr. Swanson, Mr. Tewes, Mr. Whitacre and Mr. Wells in favor. The motion carried.

**APPROVAL OF THE MINUTES:**

Mr. Coates noted on page two in the roll call vote he was listed as abstaining from the vote when he voted in favor. Mr. Raybourne noted he voted in favor as well. Mr. France stated Mr. Paul Darpel should be listed as the nominee for Vice Chair instead of Mr. Paul Swanson. There were no further changes or amendments to the minutes for December. Mr. Ryan made the motion to accept the minutes as amended. Mr. Whitacre seconded the motion. A roll call vote on the matter found Mr. Ryan, Mr. Whitacre, Mr. Barnett, Ms. Carlin, Mr. Coates, Mr. Cook, Mr. Darpel, Mr. Eilerman, Mr. France, Ms. Hood, Mr. Hult, Mr. Marcum, Mr. Raybourne, Mr. Rogge, Mr. Swanson, Mr. Tewes, Mr. Whitacre and Mr. Wells in favor. The motion carried.

**FINANCIAL REPORT:**

Mr. Swanson made the motion to accept the report. Mr. Ryan seconded the motion. All in favor, none opposed.

**AUDIT REPORT:**

Mr. John Chamberlain addressed the Commissioners for Van Gorder, Walker and Co. regarding the audit report. Mr. Chamberlain gave a presentation with regard to their findings on the audit of the Kenton County Planning Commission. He highlighted areas of interest contained in the audit report and thanked the Commission for the opportunity to serve them in this capacity.

**ACTIONS SINCE LAST MEETING:**

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

**PUBLIC HEARINGS:**

**1948R**

**APPLICANT:** City of Edgewood, per John Link, Mayor  
**REQUEST:** proposed text amendments to the Edgewood Zoning Ordinance: (1) adding Conservation Subdivision Regulations and Natural Resource Regulations to Article IX, General Regulations; (2) adding Conservation Subdivisions to the list of permitted uses in the R-1C Zone; and, (3) modifying the minimum required length and width of off-street parking spaces found in Section 11.1, A.

Staff presentation and Staff recommendations presented by Mr. Andy Videkovich.

**NKAPC STAFF RECOMMENDATION**

**RECOMMENDATION A**

To approve the proposed text amendments adding Conservation Subdivision Regulations and Natural Resource Regulations to Article IX, General Regulations; and adding Conservation Subdivisions to the list of permitted uses in the R-1C Zone.

**RECOMMENDATION B**

To approve the proposed text amendment modifying the minimum required length and width of off-street

parking spaces found in Section 11.1, A.

**Comprehensive Plan Documentation:**

Date of Adoption by the Kenton County & Municipal Planning & Zoning Commission:  
December 18, 2001

**Supporting Information/Bases For NKAPC Staff Recommendation:**

RECOMMENDATION A

1. The proposed text amendments adding Conservation Subdivision Regulations and Natural Resource Regulations to Article IX, General Regulations; and adding Conservation Subdivisions to the list of permitted uses in the R-1C Zone, are allowed to be included within the text of the zoning ordinance as authorized by Kentucky Revised Statutes (KRS) 100.203 (1).
2. The proposed text amendments adding Conservation Subdivision Regulations and Natural Resource Regulations to Article IX, General Regulations have been tailored to meet the specific land use recommendations as identified within the *Comprehensive Plan Update 2006-2026*. The Conservation Subdivision regulations were prepared in order to allow a conservation subdivision form of development while preserving the natural features present in the area such as riparian and view shed areas. In addition, the proposed text amendments are consistent with the Riparian Protection, View shed Protection and Transportation recommendations as contained within the *Comprehensive Plan Update 2006-2026*.
3. The Land Use Plan element in the *Comprehensive Plan Update 2006-2026* states that “Density is the determinant of residential development control. Concepts such as Cluster Type Development, Conservation Subdivision Design and Planned Unit Development are often encouraged given that they comply with the recommended densities in the Plan. Such concepts promote flexible and innovative design, making the best use of existing landforms, and preserve and integrate natural areas.”
4. The proposed text amendment adding Conservation Subdivisions as a permitted use in the R-1C Zone will permit all the uses as presently allowed in the current zone, but in addition permit the Conservation Subdivision form of development as an alternative style of development. The Conservation Subdivision form of development is not a requirement but rather an option for property owners if they wish to pursue this form of development.
5. The proposed text amendment adding Conservation Subdivisions as a permitted use in the R-1C Zone is reasonable and efficient by providing for a streamlined permitting process, enabling applicants to develop Conservation Subdivisions “by-right” under the proposed regulations.
6. The proposed Conservation Subdivision text amendment requires a minimum of 30 percent of the land to be preserved as open space. A yield plan will be used to determine the density that will be permitted in the conservation subdivision. The proposed text amendments permit riparian and view shed protection areas to be counted towards the required open space.
7. The proposed Conservation Subdivision text amendment, while requiring a perimeter setback, does not have requirements for lot sizes, internal setbacks or yard areas. This is to allow for flexibility in the design of conservation subdivisions in terms of lot layout.

8. The proposed Conservation Subdivision text amendment requires traffic studies when development plans are submitted. The *Comprehensive Plan Update 2006-2026* documented the need for traffic studies to ensure that infrastructure is adequate to meet the needs of the future population. In order to address these issues at the Stage II Development Plan a traffic study would be required per the proposed regulations. Two types of studies are outlined in the regulations. The type used is based on the amount of traffic generated by the development. Details of the traffic study and the determination of the study area will be discussed at the pre-application stage.
9. The proposed Natural Resource Protection text amendment covers three natural features – Hillsides, Riparian Areas, and View shed Areas. All of these were identified as key features for protection in the *Comprehensive Plan Update 2006-2026*. The proposed text amendment allows for these areas to be counted towards the required open space areas within a development.
10. The proposed view shed protection regulations only apply to areas 400 feet on either side of an arterial or a collector street. The 400 feet requirement delineates areas that will be affected by the view shed protection regulations but does not require view shed protection measures to be implemented for the entire 400 feet. Options are included for various methods including earth berms, preserving existing vegetation, landscaping and reforestation to protect view sheds along arterials and collectors.

#### RECOMMENDATION B

1. The proposed text amendment modifying the minimum required length and width of off-street parking spaces is allowed to be included within the text of the zoning ordinance as authorized by Kentucky Revised Statute (KRS) 100.203(1).
2. The proposed text amendment modifying the minimum required length and width of off-street parking spaces is consistent with the required length and width of off-street parking spaces in other jurisdictions within Kenton County.

Mr. James Kruer addressed the Commission and stated this offers another option for the developable land remaining in Edgewood. He stated it is important to note that the city is seeking something slightly different than the county is seeking. He further stated there is an opportunity to preserve more of what is left.

Mr. Roger Rolfes, City Administrator for the City of Edgewood, addressed the Commission and stated the city looks favorably on this issue. He stated they would encourage passage of amendment.

The public hearing was recessed for discussion. The public hearing was then closed. Mr. Darpel made a motion to approve the amendment for the reasons stated by Staff. Mr. Barnett seconded the motion. A roll call vote on the matter found Mr. Darpel, Mr. Barnett, Ms. Carlin, Mr. Coates, Mr. Cook, Mr. Eilerman, Mr. France, Ms. Hood, Mr. Hult, Mr. Marcum, Mr. Raybourne, Mr. Rogge, Mr. Ryan, Mr. Swanson, Mr. Tewes, Mr. Whitacre and Mr. Wells in favor. The motion carried unanimously.

#### **W-694-3**

**LOCATION:** a 7.8 acre area located at the northeast quadrant of the intersection of Houston Road and Donaldson Road in Erlanger

**REQUEST FOR ACTION:** to grant waivers to requirements of Section 4.1 of the Kenton County Subdivision Regulations; granting the request would waive the requirement that curb cuts along

Donaldson Road be located at least 600 feet away from the intersections of Houston Road/Donaldson Road and Cherry Tree Lane/Donaldson Road and would waive the requirement for intersection improvements at this new curb cut

Staff presentation and Staff recommendation by Mr. Adam Kirk.

### **NKAPC STAFF RECOMMENDATION**

That the planning commission approve the requested waivers of Subdivision Regulations Section 4.1 E. 2 and permit the proposed access point along Donaldson Road as a right-in/right-out access point only (prohibiting left turn egress), without the requirement for a right turn lane, subject to the following condition:

That the proposed access point intersecting Donaldson Road contain an ingress / egress easement to provide access to the property immediately to its north.

#### **Bases:**

1. The modification, as recommended, would provide for innovative design layout of the subdivision, further defined as follows:
  - a. The recommended configuration of a right-in/right-out access point allows for reduced spacing by eliminating safety and operational conflicts resulting from crossing maneuvers (i.e., left turn movements).
  - b. While it is possible to provide access to the development from Houston Road and Cherry Tree Lane via the existing access point, the recommended access plan will allow for improved access. Traffic circulation within the development will also be improved allowing Lot #'s 1, 2 and 3-4 to better service customers accessing the site from Donaldson Road, Houston Road and Cherry Tree Lane.
  - c. The access point may improve access to the currently occupied lot to the north by eliminating the need for access on Donaldson Road and provide left turn ingress/egress at the signalized intersections of Cherry Tree Lane or Houston Road.
  - d. Left turn egress at this movement presents the highest safety concern due to the need to cross two directions of traffic within the functional area of two adjacent intersections.
2. The traffic analysis submitted by the applicant documents that queues from Houston Road and Cherry Tree Lane will extend beyond the proposed access point location significantly increasing safety and operational impacts associated with the left turn egress movement.
3. The proposed plan does not provide adequate prohibitive measures to prohibit left turn ingress movement from Donaldson Road. The lack of proper channelization significantly increases the risk associated with the proposed design, increasing the likelihood of left turn traffic entering the access point through the egress lanes.
4. The analysis submitted as part of the Traffic Impact Study demonstrates that the existing roadway infrastructure is capable of supporting the traffic demand generated by the proposed development and full build out of the Erlanger Master Plan. Based on this analysis, the recommended configuration would eliminate the need for further capacity improvements along Donaldson

Road.

5. A dedicated right turn lane on Donaldson Road to service the proposed access point is not recommended as providing adjacent turning lanes at this location may increase driver confusion and lead to a more hazardous situation than that provided by shared use of the Cherry Tree lane northbound right turn lane.

Mr. Bill Viox addressed the Commission and stated Staff is very professional and does an excellent job. He stated the benchmark was based on the Erlanger study. He noted their traffic information was based on that study as well. He noted this was actually a very good study. He then highlighted aspects of the presentation with the visual aspects of the proposed development and layout.

Mr. Jack Pflum addressed the Commission and stated they are always concerned about safety with the development. He stated the Erlanger Master Plan has changed from what it originally was in 2003. He stated they are now stuck with a large burden as a result of the traffic study that is not going to occur until 2018 based on the current economy. He further noted they believe their traffic study has met the three basic purposes of a traffic study. He noted the transportation cabinet controls the layout of the intersection. He further stated it is their requirement to provide an appropriate layout but the transportation cabinet will determine what it will ultimately result in.

Mr. Ken Holiday addressed the Commission and submitted a letter as an exhibit to be made a part of the record. He stated they met with the city of Erlanger last month on the issue. He noted the current tenant as shown in the renderings of a gas station and restaurant have not pulled out of the development. He stated this could be due to the weakened economy as well as the issue of access. He noted if you limit access you are then limited to the type of tenant that is willing to go into that lot and purchase it. He stated the city has been waiting on the redevelopment of this site and they encourage approval.

Mr. Rich Hirth addressed the Commission and stated fortunately this development started back in the summer before everything started to go bad with the economy otherwise it probably would not get developed. He stated they are moving forward with the development. He noted they are adhering to the master plan and are donating five (5) acres down Houston Road to the city for green space. He stated they are working with the city for right of way issues ad Donaldson and Houston for their future plans. He stated part of the reason they are not doing a T-intersection is because of some major water lines and utilities involved so that is a major reason they have taken the route they have.

Mr. Dickerson, Mr. Wilcox and Mr. Verst registered to speak but had nothing to add. The public hearing was then recessed for discussion.

Mr. Darpel stated his concern is this can't be conditioned on another piece of property they don't have control of. He stated he doesn't know how this can be made safer by granting a left turn. He further stated he doesn't see how the Commission can meet any of the criteria required to grant a waiver.

Mr. Viox then stated the subdivision regulations are where the problems began. He stated the extraordinary circumstances are they tried to do this right and are now paying for it in terms of the waiver for the curb cut. He noted the city has stated they would like to see this go forward.

Mr. Raybourne stated he feels this is an innovative design to limit the number of curb cuts to the area. Ms. Carlin stated she can't see planning another left turn that may be another accident. Mr. Raybourne then stated he thinks another left needs to be provided for to create another access. He stated he doesn't think another safety issue will be created because one already exists with the current left turns. Mr. Wells then read the letter from the city into the record. It was marked and made a part of the record on the matter. Staff then clarified that they are recommending approval of the waiver with a right in right out only and

not with a left out that they feel could be problematic.

Mr. Wells then asked if there was any way to convince the other property owner to T into this development. Mr. Hiles clarified that that can already be done through what Staff is recommending with the conditions. Mr. Darpel asked if it is allowable to ask the applicant if they want the waiver denied or conditioned. Legal counsel then stated that is appropriate and the public hearing was then opened.

It was clarified that the City of Erlanger could disallow the curb onto Donaldson. Mr. Hiles stated we don't know what the city will do but if the access is provided for then the access onto Donaldson could be eliminated. The public hearing was then closed. Mr. Eilerman stated he appreciates the developers interest in having the left turn but the Commission is not a developer, they are planners. He then stated unfortunately he doesn't support it and feels it is not in the best interest of safety and planning to have the left turn. He stated he can support the right in, right out.

Mr. Tewes then stated he would to make a motion to grant the waiver to include the left turn out based on innovative design and to provide for access for the property to the north, and also to include the waiver of the intersection improvements. Mr. Raybourne seconded the motion. A roll call vote on the matter found Mr. Tewes, Mr. Raybourne, Mr. Swanson, Mr. Whitacre and Mr. Wells in favor. Mr. Barnett, Ms. Carlin, Mr. Coates, Mr. Cook, Mr. Darpel, Mr. Eilerman, Mr. France, Ms. Hood, Mr. Hult, Mr. Marcum, Mr. Rogge and Mr. Ryan voted against. The motion failed with a vote of 5-12. A motion was then made by Mr. France to grant the waiver based on Staff's recommendation in that it provides for innovative design. Mr. Marcum seconded the motion. A roll call vote on the matter found Mr. France, Mr. Marcum, Mr. Barnett, Ms. Carlin, Mr. Coates, Mr. Cook, Mr. Darpel, Mr. Eilerman, Ms. Hood, Mr. Hult, Mr. Raybourne, Mr. Rogge, Mr. Ryan, Mr. Swanson, Mr. Tewes, Mr. Whitacre and Mr. Wells in favor. The motion carried unanimously.

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

#### **W-649**

**LOCATION:** A 17.81 acre area located in the north east corner of the Centennial Boulevard / Madison Pike intersection in Independence.

**REQUEST FOR ACTION:** 1) to grant a waiver to requirements of Section 4.1 of the Kenton County Subdivision Regulations; granting the request would waive the requirement that curb cuts along Madison Pike be located at least 400 feet away from the intersection of Madison Pike and Centennial Boulevard. 2) to grant a waiver to requirements of Section 4.6 of the Kenton County Subdivision Regulations; granting the request would waive the requirement that the submitted preliminary plat be consistent with the amended approved stage I development plan. 3) to grant a waiver to requirements of Section 5.3 of the Kenton County Subdivision Regulations; granting the request would waive the requirement that the sidewalks be constructed along the private drive connecting Centennial Drive (opposite Everett Drive) with the private street east of Lot #12 (as shown on the approved amended Stage I Development Plan).

Staff presentation and Staff recommendations by Mr. Adam Kirk.

#### **STAFF RECOMMENDATION:**

That the planning commission deny the requested waivers of Subdivision Regulations Section 4.1 E. 2, Section 4.6 A. and Section 5.3 F., prohibiting the proposed access point on Madison Pike and requiring the private street be provided to interconnect Centennial Drive (opposite Everett Drive) with the private street east of Lot #12 (as shown on the approved amended Stage I development Plan) and require sidewalks along both sides of this private drive.

**Bases:**

1. The modifications, as requested, do not include the findings necessary to grant waivers to the regulations as set forth within Section 6.5 A, or B, or C, or D.
2. Subdivision Regulations Section 4.1 E. 2 requires 400 foot spacing of new intersections along Madison Pike. The proposed access point along Madison Pike, located less than 250 feet from the intersection of Centennial Drive has the potential to significantly impact the safety and efficiency of the operations of the adjacent intersection. Traffic entering and exiting the proposed access point may be required to cross queued traffic originating at Centennial Drive and introduce confusion as to the intended path of vehicles entering either of the two access points.
3. Subdivision Regulations Section 4.6 A requires that the preliminary plat be consistent with the approved amended Stage I Development plan. The approved amended Stage I Development Plan shows a private street at the back of Lot #'s 11 and 12, providing access from Centennial Drive (opposite Everett Drive) as shown in the exhibit. Providing the private drive as shown in the approved amended Stage I Development Plan as required, will provide vehicular connectivity between the commercial and residential uses in the proposed development.
4. Subdivision Regulations Section 5.3 requires sidewalk along both sides of all streets. Providing sidewalks along the private street, as required, will provide pedestrian connectivity between the commercial and residential uses in the proposed development.

Mr. Jay Bingham addressed the Commission and stated they are happy with the right in, right out. He stated they have met with KDOT and they have verbally approved their request. He stated KDOT feels the conditions of the road have changed and that is why they have allowed the proposed curb cut. He stated they consider this to be a minor change versus a major change to the plan. He noted as to waiver #2 to remove the private drive, there are no plans at the moment for residential development at the back lots and to put in a private drive would be putting in a road to nowhere. He further stated the same reasoning with the sidewalks noting that it doesn't make economic or feasible sense to put in the private drive or the sidewalks. He stated the plan may change at a later date if residential does develop down the road. He additionally stated they feel this is a minor change to the plan. He noted they are happy to provide an easement because to provide for a road does not benefit the development at this time. Mr. Schwartz clarified the issues and stated the Independence city council will have to make the final determination. He then pointed out connectivity issues for tenants within the development to traverse from the development back to Madison Pike. He noted there is no provision for pedestrian or vehicular traffic to get from the residential area to the proposed daycare center and restaurant locations. He further clarified the plan needs to be consistent and the original plan shows a private drive while the new plan does not. The applicant then stated having the access is vital to have the daycare He also stated it is not feasible to create a road that goes nowhere and it creates an expense that is uncalled for. He further stated they will be taking 90 cubic feet of fill to make this work and they are putting 1 million of infrastructure into to project. He noted to reduce the amount of money expended you eliminate roads that aren't necessary. He stated the basis for the third waiver with the sidewalks goes along with the road. He stated if they get the waiver for the private drive the sidewalks go with it because they will be in the middle of nowhere. Mr. Eilerman then noted there would be a benefit to having the sidewalks for future planning.

Mr. Darin Eyre addressed the Commission and stated they have a mass grading plan that actually extends past the property lines. Mr. Wells stated when this plan was originally submitted it was innovative and it seems like it has been reduced to developing corner lots here and there with possible residential down the road. Mr. Eilerman stated they knew what the topography was when this project was started.

The hearing was recessed for discussion. Mr. Marcum stated he has a problem with access for the daycare having to go through a parking lot to get to Centennial. He stated it just does not seem feasible. Mr. Barnett stated his concern is if the original plan is not stuck to as far as the private drive it may go away forever. He noted a concern with the daycare as far as access through the BW3 parking lot and stated that didn't seem very feasible. The public hearing was then closed.

Mr. Darpel stated he just hasn't found the criteria necessary to grant the waivers. Mr. Ryan then made the motion to deny request for a waiver of curb cuts required under Section 4.1 per Staff recommendations. Mr. Darpel seconded the motion. A roll call vote on the matter found Mr. Ryan, Mr. Darpel, Mr. Barnett, Ms. Hood, Mr. Hult, Mr. Swanson and Mr. Tewes in favor. Ms. Carlin, Mr. Coates, Mr. Cook, Mr. Eilerman, Mr. France, Mr. Marcum, Mr. Raybourne, Mr. Rogge and Mr. Wells voted against. The motion was denied with a vote of 9-7-1. Mr. Eilerman then made the motion to grant the waiver request under Section 4.1 based upon the testimony and discussion and to include the condition of the right turn in and right turn out. Mr. Rogge seconded the motion. A roll call vote on the matter found Mr. Eilerman, Mr. Rogge, Mr. Barnett, Ms. Carlin, Mr. Coates, Mr. Cook, Mr. France, Mr. Hult, Mr. Marcum, Mr. Raybourne, Mr. Swanson and Mr. Wells in favor. Mr. Darpel, Ms. Hood, Mr. Ryan and Mr. Tewes voted against. The motion passed with a vote of 12-4-1. A motion was then made by Mr. Eilerman to deny the waiver under Section 4.6 based on the fact that the criteria to grant the waiver has not been met. Mr. Ryan seconded the motion. A roll call vote on the matter found Mr. Eilerman, Mr. Ryan, Mr. Barnett, Ms. Carlin, Mr. Coates, Mr. Cook, Mr. Darpel, Mr. France, Ms. Hood, Mr. Hult, Mr. Marcum, Mr. Raybourne, Mr. Rogge, Mr. Swanson, Mr. Tewes and Mr. Wells in favor. The motion carried unanimously. A motion was then made by Mr. Darpel to deny the waive as to sidewalks along a private drive based on Staff's recommendation. Mr. Ryan seconded the motion. A roll call vote on the motion found Mr. Darpel, Mr. Ryan, Mr. Barnett, Ms. Carlin, Mr. Coates, Mr. Cook, Mr. Eilerman, Mr. France, Ms. Hood, Mr. Hult, Mr. Marcum, Mr. Raybourne, Mr. Rogge, Mr. Swanson, Mr. Tewes and Mr. Wells in favor. The motion carried unanimously.

### **Unfinished Business:**

#### **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* – Mike Schwartz asked the newly elected Commissioners to remain after the meeting adjourned.

*Correspondence* – Nothing to report.

*Establishment of Calendar Year 2009 meeting dates/deadlines:* Mr. France made a motion to accept the calendar as published. Mr. Raybourne seconded the motion. All in favor. None opposed.

### **New Business:**

#### ***Election of Officers:***

Mr. France noted the nominations for officers was as follows: Mr. Wells for Chairman, Mr. Darpel and Mr. France for Vice Chair and Mr. Ryan for Treasurer of Commission. Mr. Smith stated the unopposed positions would be done one at a time by acclamation with the vice chair position would be done by casting a vote. Mr. Wells for Chairman, all in favor, none opposed. Mr. Ryan for Treasurer, all in favor, none opposed. Mr. Smith counted the votes for the Vice Chair position with the final tally of 9 votes for

Mr. France and 8 votes for Mr. Darpel.

Mr. Wells noted a continuing education opportunity would be held at the Sanitation District No. 1 on Saturday January 10<sup>th</sup> from 8:30 – 1:00 p.m.

**Public Comments:** None.

There being nothing further to come before the Commission, Mr. France made a motion to adjourn. Ms. Hood seconded the motion. The meeting then adjourned at 10:05 p.m.

APPROVED:

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Chair

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Date