

## 1 OWENSBORO METROPOLITAN PLANNING COMMISSION

2 APRIL 11, 2002

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4 The Owensboro Metropolitan Planning  
5 Commission met in regular session at 6:00 p.m. on  
6 Thursday, April 11, 2002, at City Hall, Commission  
7 Chambers, Owensboro, Kentucky, and the proceedings  
8 were as follows:

9 MEMBERS PRESENT: Drew Kirkland, Chairman  
Gary Noffsinger  
10 Dave Appleby  
Jimmy Gilles  
11 Sister Vivian Bowles  
Judy Dixon  
12 Dr. Mark Bothwell  
Stewart Elliott,  
13 Attorney

14 \* \* \* \* \*

15 CHAIRMAN: I want to call our meeting, our  
16 April 11th meeting to order. Everybody please stand.

17 (INVOCATION AND PLEDGE OF ALLEGIANCE.)

18 CHAIRMAN: Our first item of the business  
19 is to consider the minutes of our March 14th meeting.  
20 Are there any corrections, additions?

21 MR. NOFFSINGER: No.

22 CHAIRMAN: The Chair is ready for a  
23 motion.

24 DR. BOTHWELL: Make a motion to approve.

25 MS. DIXON: Second.

1 CHAIRMAN: Motion for approval by Dr.  
2 Bothwell. Second by Ms. Dixon. All in favor raise  
3 your right hand.

4 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

5 CHAIRMAN: Motion carries unanimously.

6 Mr. Noffsinger.

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8 PUBLIC FACILITIES PLANS  
9 REVIEW FOR CONSISTENCY WITH COMPREHENSIVE PLAN

10 ITEM 2

11 101 Daviess Street  
12 Building Construction  
13 Consider comments regarding a proposal to construct an  
14 expansion of the River Park Center Patio.  
15 Referred by: City of Owensboro

16 MR. NOFFSINGER: Mr. Chairman, this plan  
17 has been reviewed by Planning Staff. We find no  
18 conflict with the Comprehensive Plan. The property is  
19 located within the floodway area along the banks of  
20 the Ohio River and there will be a need for a  
21 Conditional Use Permit to be granted by the Board of  
22 Adjustment for the construction; however, we find no  
23 conflict with the Comprehensive Plan and we do  
24 recommended you forward a letter to that effect to the  
25 City of Owensboro.

26 CHAIRMAN: Do we have any questions or  
27 comments about that?

1 (NO RESPONSE)

2 CHAIRMAN: Chair is ready for a motion.

3 MS. DIXON: Motion for approval.

4 MR. GILLES: Second.

5 CHAIRMAN: Motion for approval by Judy.

6 We've got a second by Mr. Gilles. All in favor raise  
7 your right hand.

8 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

9 CHAIRMAN: Motion carries unanimously.

10 Next item.

11 ITEM 3

12 2101 Grimes Avenue

Building Construction

13 Consider comments regarding the proposed construction  
of an addition to an existing storage building.

14 Referred by: Regional Water Resource Agency

15 MR. NOFFSINGER: Mr. Chairman, this plat

16 or this plan has been reviewed by the Planning Staff.

17 We find no conflict with the Comprehensive Plan.

18 Recommend we forward a letter to that effect to RWRA

19 (sic).

20 CHAIRMAN: Does anybody from the audience

21 have any questions or comments?

22 (NO RESPONSE)

23 CHAIRMAN: Chair is ready for a motion.

24 MR. APPLEBY: Motion for approval.

25 CHAIRMAN: Motion for approval by Mr.

1 Appleby.

2 SISTER VIVIAN: Second.

3 CHAIRMAN: Second by Sister Vivian. All  
4 in favor raise your right hand.

5 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

6 CHAIRMAN: Motion carries unanimously.

7 Next item, please.

8 ITEM 4

9 2400 Block J.R. Miller Boulevard  
Land Disposition

10 Consider comments regarding a proposal to close a  
11 10-foot wide alley.

Referred by: City of Owensboro

12 MR. NOFFSINGER: Mr. Chairman, we've  
13 reviewed this proposal. Find no conflict with the  
14 Comprehensive Plan and make a recommendation that you  
15 send a letter to that effect to the City of Owensboro.

16 CHAIRMAN: Anybody from the audience have  
17 any questions?

18 (NO RESPONSE)

19 CHAIRMAN: Anybody from the commission?

20 (NO RESPONSE)

21 CHAIRMAN: Chair is ready for a motion.

22 MS. DIXON: Move to approve.

23 CHAIRMAN: Motion for approval by Ms.

24 Dixon.

25 DR. BOTHWELL: Second.

1 CHAIRMAN: Second by Dr. Bothwell. All in  
2 favor raise your right hand.

3 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

4 CHAIRMAN: Motion carries unanimously.

5 Next item, please.

6 ITEM 5

7 731 Jackson Street, 1313, 1319 East 8th Street  
Land Disposition  
8 Consider comments regarding the transfer of property  
to The Arc of Owensboro  
9 Referred by: City of Owensboro.

10 MR. NOFFSINGER: Mr. Chairman, we have  
11 reviewed this proposal. Find no conflict with the  
12 Comprehensive Plan and make a recommendation that you  
13 forward a letter to that effect to the City of  
14 Owensboro.

15 CHAIRMAN: Any questions from anybody in  
16 the audience?

17 (NO RESPONSE)

18 CHAIRMAN: Commission?

19 (NO RESPONSE)

20 CHAIRMAN: Chair is ready for a motion.

21 SISTER VIVIAN: Move for approval.

22 CHAIRMAN: Motion for approval by Sister  
23 Vivian.

24 MR. GILLES: Second.

25 CHAIRMAN: Second by Mr. Gilles. All in

1 favor raise right hand.

2 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

3 CHAIRMAN: Motion carries unanimously.

4 Next item, please.

5 ITEM 6

6 700 Block East Seventh Street

Land Disposition

7 Consider comments regarding a proposal to close  
approximately 281 feet of East Seventh Street

8 Referred by: City of Owensboro

9 MR. NOFFSINGER: Mr. Chairman, Planning

10 Staff has reviewed this proposal. We find no conflict

11 with the Comprehensive Plan and pending no comment at

12 this public hearing recommend you forward a letter to

13 that effect to the City of Owensboro.

14 CHAIRMAN: Any comments or questions from

15 the audience?

16 (NO RESPONSE)

17 CHAIRMAN: The commission?

18 (NO RESPONSE)

19 CHAIRMAN: Chair is ready for a motion

20 MR. APPLEBY: Motion for approval.

21 CHAIRMAN: Motion for approval by Mr.

22 Appleby.

23 MR. GILLES: Second.

24 CHAIRMAN: Second by Mr. Gilles. All in

25 favor raise your right hand.

1 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

2 CHAIRMAN: Motion carries unanimously.

3 Next item, please.

4 -----

5 ZONING CHANGES - CITY

6 ITEM 7

7 527, 531 Breckenridge Street, 0.190 acres  
8 Consider zoning change: From B-4 General Business to  
9 R-4DT Inner-City Residential  
Applicant: A&K Properties, LLC

10 MR. ELLIOTT: State your name for the  
11 record, please.

12 MS. WATSON: Becky Watson.

13 (MS. BECKY WATSON SWORN BY ATTORNEY.)

14 PLANNING STAFF RECOMMENDATIONS

15 Staff recommends approval because the current  
16 zoning classification is inappropriate and the  
17 proposed zoning classification is more appropriate.  
18 This recommendation is made subject to the conditions  
19 and findings of fact that follow:

20 Conditions:

21 1. The two subject lots shall be consolidated  
22 and redivided and reoriented so that each lot has  
23 frontage on East Sixth Street;

24 2. The single-family dwellings proposed for  
25 construction shall be faced toward East Sixth Street;

1 and,

2 3. No driveway access points to Breckenridge  
3 Street shall be permitted.

4 Findings of Fact:

5 1. The subject property is located within a  
6 Business/Industrial Plan Area, where low-density  
7 residential uses are not generally appropriate;

8 2. 531 Breckenridge Street is currently in use  
9 as a residence.

10 3. Adjoining property along Breckenridge Street  
11 is still in residential use;

12 4. The property adjacent to the subject property  
13 along East Sixth Street is zoned R-4DT Inner-City  
14 Residential with lots of substandard size, and the  
15 applicant's proposal would continue recent  
16 redevelopment along East Sixth Street, but at a lower  
17 density; and,

18 5. The R-4DT Inner-City Residential zone is a  
19 more appropriate zoning classification for the subject  
20 property than the current zoning classification of B-4  
21 General Business, if the new development faces East  
22 Sixth Street, continuing the development pattern in  
23 the existing residential neighborhood.

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



1 CHAIRMAN: Is there anybody in the  
2 audience representing the applicant?

3 (NO RESPONSE)

4 CHAIRMAN: Does anybody in the audience  
5 have any questions or comments?

6 (NO RESPONSE)

7 CHAIRMAN: Does anybody from the  
8 commission have any questions or comments?

9 (NO RESPONSE)

10 CHAIRMAN: Chair is ready for a motion.

11 DR. BOTHWELL: Motion to approve based on  
12 Conditions 1 through 3 and Findings of Fact 1 through  
13 5.

14 CHAIRMAN: We've got a motion for approval  
15 by Dr. Bothwell.

16 MS. DIXON: Second.

17 CHAIRMAN: Second by Ms. Dixon. All in  
18 favor raise your right hand.

19 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

20 CHAIRMAN: Motion carries unanimously.

21 Next item, please.

22 ITEM 8

23 715, 717, 719, 721, 801 East Ninth Street, 1.342 acres  
24 Consider zoning change: From B-4 General Business to  
25 P-1 Professional/Service  
Applicant: Wendell Foster Center

1 PLANNING STAFF RECOMMENDATIONS

2 Staff recommends approval because the proposal is  
3 in compliance with the adopted Comprehensive Plan.  
4 This recommendation is made subject to the conditions  
5 and findings of fact that follow:

6 Conditions:

- 7 1. The subject property shall be consolidated to  
8 the existing Wendell Foster property; and,  
9 2. Access points shall be limited to one access  
10 point along the East Ninth Street frontage.

11 Findings of Fact:

- 12 1. The subject property is located within a  
13 Professional/Service Plan Area, where  
14 professional/service uses are appropriate in general  
15 locations;

- 16 2. The subject property adjoins,  
17 P-1 Professional/Service zones and uses to the north,  
18 east, south and west; and,

- 19 3. Additional parking for the Wendell Foster  
20 Center is a logical expansion of the existing P-1  
21 Professional/Service zone and use.

22 We would like to enter the Staff Report as  
23 Exhibit B.

24 CHAIRMAN: Is there anybody here in the  
25 audience representing the applicant?

1 MR. KAMUF: Yes.

2 MR. ELLIOTT: State your name, please.

3 MR. KAMUF: Charles Kamuf.

4 (MR. CHARLES KAMUF SWORN BY ATTORNEY.)

5 MR. KAMUF: Gary, just a point of  
6 clarification. They have agreed as Becky stated as to  
7 the one access point on the amended development plan,  
8 but we'd just like to go on record to say if there's  
9 any traffic problem as a result of that, we would like  
10 for you all to reconsider it at a later time if there  
11 is a problem. Just want to make a point. If there is  
12 a traffic problem having only one access point, we  
13 might be back at a later date to ask for a second. We  
14 have no disagreement with the one access point; in  
15 other words, there could be a traffic problem and we  
16 just wanted to point out that we might be back asking  
17 for that second access point. Thank you.

18 CHAIRMAN: Mr. Noffsinger, do you have a  
19 comment based on Mr. Kamuf's request?

20 MR. NOFFSINGER: Only to say that we  
21 acknowledge that at any time in the future the  
22 applicant can have that right to make that request.

23 MR. KAMUF: Thank you.

24 CHAIRMAN: Are there any questions from  
25 anybody in the audience of the applicant?

1 (NO RESPONSE)

2 CHAIRMAN: Any questions from the  
3 commission?

4 (NO RESPONSE)

5 CHAIRMAN: Chair is ready for a motion.

6 MS. DIXON: Move to approve subject to  
7 Conditions 1 and 2 and based upon Findings of Fact 1  
8 through 3.

9 CHAIRMAN: Got a motion for approval by  
10 Ms. Dixon.

11 SISTER VIVIAN: Second.

12 CHAIRMAN: Second by Sister Vivian. All  
13 in favor raise your right hand.

14 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

15 CHAIRMAN: Motion carries unanimously.

16 Next item, please.

17 -----

18 ZONING CHANGES - COUNTY

19 ITEM 9

20 5430 KY 144, 1.76+ acres  
21 Consider zoning change: From R-1A Single-Family  
22 Residential A-U Urban Agriculture to B-4 General  
Business  
23 Applicant: Martin Hayden

24 PLANNING STAFF RECOMMENDATIONS

25 Staff recommends approval because there have been  
major changes of a physical and economic nature that

1       were not anticipated in the adopted Comprehensive Plan  
2       that have substantially altered the basic character of  
3       the area involved. This recommendation is made  
4       subject to the conditions and findings of fact that  
5       follow:

6       Conditions:

- 7           1. Provide a minimum 6-foot high continuous  
8       solid wall, fence, or planting within a minimum  
9       10-foot landscape easement between the subject  
10      property and the R-1A Single-Family Residential  
11      properties to the east and west of the subject  
12      property; and,  
13           2. Driveway access shall be limited to one  
14      access point located where the existing driveway  
15      access exists and an access easement must be provided  
16      for future shared access with 5444 KY 144.

17      Findings of Fact:

- 18           1. The subject property is located in a Future  
19      Urban Plan Area, where general business uses are  
20      appropriate in very-limited locations;  
21           2. The character of the vicinity has been  
22      substantially altered by two rezoning changes on  
23      nearby properties that were not anticipated by the  
24      Comprehensive Plan;  
25           3. The subject property is now contiguous to B-4

1 General Business zones; and,

2 4. The applicant's proposal is a logical  
3 expansion of the existing B-4 General Business zones  
4 and use established in the vicinity and would not  
5 significantly increase the extent of the B-4 General  
6 Business zone in the vicinity of the expansion and  
7 would not overburden the capacity of roadways and  
8 other necessary urban services that are available in  
9 the affected area.

10 We would like to enter Staff Report as  
11 Exhibit C.

12 CHAIRMAN: Is there anybody here  
13 representing the applicant?

14 MS. HAYDEN: Yes.

15 MR. ELLIOTT: State your name, please.

16 MR. HAYDEN: Carol Hayden.

17 (MS. HAYDEN SWORN BY ATTORNEY.)

18 MS. HAYDEN: That's all I know. We wanted  
19 to get this rezoned for general business and we hope  
20 to build a small building.

21 CHAIRMAN: Ms. Hayden, be seated unless  
22 you want to make another comment. We'll see if  
23 anybody has any questions.

24 Does anybody in the audience have any  
25 questions?

1 Yes, ma'am, please step to the mike.

2 MR. ELLIOTT: State your name, please.

3 MS. MORRIS: Bonny Morris.

4 (MS. BONNY MORRIS SWORN BY ATTORNEY.)

5 MS. MORRIS: The main thing I was  
6 wondering we just bought the house from my mother in  
7 January and we plan on living there for years and  
8 years. Just neighbors. Not businesses. We're having  
9 a problem with accepting that we're going to have a  
10 business right next to us is the only problem we were  
11 having. We was just wondering what they were going to  
12 do and how they were going to - - I was reading here  
13 where it says provide minimum 6-foot high continuous  
14 solid wall fence or planting. Does that mean they can  
15 put up bushes between our house and their business to  
16 where we don't have to see the traffic and the  
17 business or do they have to put up a fence?

18 CHAIRMAN: Does that complete your  
19 questions?

20 MS. MORRIS: That and that driveway access  
21 I didn't understand either. This is first time I've  
22 ever been through this. I didn't understand any of  
23 it.

24 CHAIRMAN: Let me have Mr. Noffsinger  
25 answer the last two of your questions about the

1 screening and the driveway and then we'll bring Ms.  
2 Hayden back to answer the first part of your question.  
3 Is that satisfactory.

4 MS. MORRIS: Yes.

5 MR. NOFFSINGER: First I'll answer the  
6 screening requirement. The zoning ordinance requires  
7 that they screen between your property and the  
8 subjects property with a 6-foot high continuous shrub  
9 row or tree. They have an option. Now, unless this  
10 board sets a specific condition that it's to be a  
11 fence or it's to be shrubs, then they have an option.  
12 So understand it could be a fence, it could be shrubs  
13 and Ms. Hayden might be able to better answer what  
14 they might put there to the buffer between the two  
15 properties.

16 In terms of the access, I believe right  
17 now the access to the property is located along that  
18 eastern boundary of the property near your property.  
19 They are going to retain that driveway and we  
20 requested that there be an access easement set up so  
21 that in the future should your property be used for  
22 commercial use, that the two properties share a  
23 driveway.

24 We're basing these recommendations on the  
25 pattern of development and change that we've seen



1 occur within the area. We had a hardware store which  
2 is now being converted I think to a convenient store,  
3 maybe a hardware store, was the first change in that  
4 area. Then we had a rezoning on the Taylor property  
5 which adjoins the property they're asking to rezone  
6 tonight. That was a change in the area from  
7 residential to commercial. It hasn't been developed  
8 yet, but it is zoned for commercial. So our  
9 recommendation is based upon the trends and the  
10 changes within that area. We did make the  
11 recommendation on the share access to benefit you as a  
12 property owner should your property go commercial in  
13 the future as well as to the motoring public. You  
14 don't have to change right now. You'll still have  
15 separate access points, but should your property be  
16 changed at a later date then we would look at a shared  
17 driveway.

18 CHAIRMAN: The first part of your  
19 question, let us bring Ms. Hayden back to the mike and  
20 have her answer that if we could.

21 MS. HAYDEN: Our plans were to put up a  
22 row of shrubs and trees for the buffer between the two  
23 pieces of property. Is that the question?

24 CHAIRMAN: Yes, ma'am. Does that - -

25 MS. MORRIS: This is my first time doing

1 all this. What if we don't agree with that? Like I  
2 say we just bought the house. We plan on living  
3 there, you know, until we die probably. I'm just not  
4 crazy because I know about the convenient store on the  
5 other side. They're trying to buy the other side of  
6 us so we're going to have businesses on both sides of  
7 our house. Mainly I don't want it, but if I have to  
8 deal with it then I want to know that there's going to  
9 be a fence up there. That I'm not going to have to  
10 look at their business comings and goings day in and  
11 day out.

12 CHAIRMAN: Mrs. Morris, based on the  
13 regulations that Mr. Noffsinger just stated and the  
14 application that the Haydens made, they're very aware  
15 of the stipulations and the applications that they  
16 have to put in. There will either be a 6-foot high  
17 fence or as Ms. Hayden stated they're going to put  
18 shrubbery up to screen your property from there's. We  
19 as the commission are governed by the regulations and  
20 statutes that handed down to us which we must go by.  
21 As stated in the application, they are contiguous with  
22 the property right next-door to them that is similar  
23 in their zoning and properties around them that are  
24 also similar in their zoning. The screening and the  
25 other parts of the application are to protect you as a

1 homeowner.

2 MR. APPLEBY: There's required to be a  
3 6-foot continuous element. Do you realize that?

4 MRS. MORRIS: Well, that's what I was  
5 reading. It says solid wall, fence or planting. I  
6 just don't think shrubs are - -

7 MR. APPLEBY: If it's going to be  
8 shrubbery or trees or pines or something, it will be  
9 something that will grow together and be a 6-foot  
10 continuous. It's not going to be small shrubs.

11 MRS. MORRIS: Then another thing my  
12 husband talking about because he's got a bad back and  
13 everything. He said, you know, if they put up trees  
14 to divide our property, you know, we're going to have  
15 half the leaves that are going to fall and he's not  
16 able to do it and I'm not going to be able to do it  
17 either. That means we're going to have to hire  
18 somebody, you know, to do the yard work and stuff just  
19 because they put up trees and stuff that we're going  
20 to have to deal with later on. You know what I'm  
21 saying?

22 CHAIRMAN: Yes, ma'am. In Ms. Hayden's  
23 statement, she said they were going to put up bushes  
24 which would be low maintenance. You got to remember  
25 they're also responsible for taking care of it

1 themselves.

2 MRS. MORRIS: On their property.

3 CHAIRMAN: Right. The bushes would be the  
4 best thing as far as maintenance would be concerned on  
5 the long-term. The bushes is what she said they were  
6 going to put up.

7 MR. NOFFSINGER: And trees will be  
8 required.

9 MRS. MORRIS: What if we don't want the  
10 bushes and we want a fence? Do we have any rights to  
11 say about that?

12 CHAIRMAN: Her question was if they did  
13 not like the bushes and would request a fence. I  
14 think at this point in time we'll ask Ms. Hayden what  
15 her opinion is on that since it is her money that  
16 she'll be spending.

17 Ms. Hayden.

18 MS. HAYDEN: We'd be happy whatever - - if  
19 you'd be happier with a fence, we - -

20 MRS. MORRIS: I think if we have to deal  
21 with the business we'd rather have like a wooden  
22 privacy fence or something.

23 MS. HAYDEN: I think we would put up a  
24 fence that would make you all happy. We will be more  
25 than happy to put a fence if they would feel more at

1 ease with a business next-door. We don't have any  
2 problem with that.

3 CHAIRMAN: Thank you.

4 Mrs. Morris, do you need to make another  
5 comment to that or does that satisfy you?

6 MRS. MORRIS: Fine.

7 CHAIRMAN: Does anybody from the audience  
8 have any other comments or questions?

9 (NO RESPONSE)

10 CHAIRMAN: Does anybody from the  
11 commission have any questions or comments?

12 (NO RESPONSE)

13 MR. APPLEBY: Is Chair ready for a motion?

14 CHAIRMAN: Chair is ready for a motion,  
15 Mr. Appleby.

16 MR. APPLEBY: I make a motion for approval  
17 based on Staff's Recommendations the Conditions 1 and  
18 2 and the Findings 1 through 6 with the stipulation  
19 that the property owner is going to put a fence in  
20 lieu of shrubbery.

21 CHAIRMAN: Mr. Appleby has a motion for  
22 approval.

23 MR. GILLES: Second.

24 MR. CHAIRMAN: Second by Mr. Gilles. All  
25 in favor raise your right hand.

1 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

2 CHAIRMAN: Motion carries unanimously.

3 Next item, please.

4 ITEM 10

5 2307 Reid Road, Portion 2311 Reid Road, 31.743 acres  
6 Consider zoning change: From A-U Urban Agriculture to  
7 R-1C Single-Family Residential.

8 Applicant: Jerry & Donna Butler, John & Pam Vanover,  
9 Norma Belcher

10 PLANNING STAFF RECOMMENDATIONS

11 Staff recommends approval because the proposal is  
12 in compliance with the adopted Comprehensive Plan.

13 This recommendation is made subject to the conditions  
14 and findings of fact that follow:

15 Conditions:

16 1. Access to Reid Road shall be limited to one  
17 access point;

18 2. Location of the access point is subject to  
19 state highway department approval; and,

20 3. Sanitary sewers shall be constructed and  
21 connected to the public sanitary sewer system in  
22 accordance with RWRA specifications and approval.

23 Findings of Fact:

24 1. The subject property is located in a Future  
25 Urban Plan Area, where urban low-density residential  
26 uses are appropriate in very-limited locations;

27 2. The subject property is contiguous to R-1A

1 Single-Family Residential zoning and MHP Manufactured  
2 Housing Park zoning;

3 3. The subject property is adjacent to  
4 residential uses;

5 4. Residential uses are prevalent in the  
6 immediate vicinity;

7 5. The applicant's proposal is a logical  
8 expansion of existing low-density residential use;  
9 and,

10 6. The subject property will be served by  
11 sanitary sewers.

12 We would like to enter Staff Report as  
13 Exhibit D into the record.

14 CHAIRMAN: Anybody here representing the  
15 applicant?

16 MR. BRYANT: Yes.

17 CHAIRMAN: Mr. Bryant, do you want to make  
18 a comment?

19 MR. BRYANT: Just to answer any questions  
20 that anyone might have.

21 CHAIRMAN: Does anybody from the audience  
22 have any questions of the applicant?

23 Yes, ma'am.

24 MR. ELLIOTT: State your name, please.

25 MS. BOEHMANN: Carla Boehmann.

1 (MS. CARLA BOEHMANN SWORN BY ATTORNEY.)

2 MS. BOEHMANN: I thought more of us had  
3 some questions, but I'm concerned about the traffic.  
4 Reid Road is a terrible place. People have died  
5 there. It's very narrow. There's going to be, I  
6 think, 116 homes. Two probably people drive in each  
7 one. That's so much more traffic on Reid Road. I'm  
8 sure that's been addressed, but I'm concerned about  
9 that.

10 I was wondering, I know it's residential  
11 and it's beings changed from agricultural to  
12 residential, but is there any plan for a fence  
13 dividing it because that's a concern for us because we  
14 back right up to it. We were thinking there was going  
15 to be a corn field behind us all this time. It was a  
16 family home and we thought that is how it would stay.  
17 I guess those are the two main concerns.

18 CHAIRMAN: Let me bring the representative  
19 of the applicant to the mike.

20 MR. ELLIOTT: State your name, please.

21 MR. BRYANT: Don Bryant.

22 (MR. DON BRYANT SWORN BY ATTORNEY.)

23 MR. BRYANT: Traffic is something that has  
24 been looked at since probably the pre-ap meeting on  
25 this project, as on most major subdivisions any more.



1 I think the GRADD office was asked to do a study to  
2 the traffic situation, level capacity on Reid Road,  
3 the impact of this project, the need for turn lanes  
4 and things of this nature.

5 Gary, is that something at this time we  
6 need to enter into the record?

7 MR. NOFFSINGER: Yes, if I might, Mr.  
8 Chairman.

9 As part of the Staff Report that each  
10 commission member received as well as the applicant  
11 has been made available to the public, we have stated  
12 that the Green River Area Development District did  
13 conduct a traffic study within this area pertaining to  
14 the actual traffic demands on Reid Road at this time  
15 of recent traffic counts as well as future  
16 projections. Took a look at this development and  
17 projected on how many dwelling units would be there,  
18 how many trips would be generated. As a result given  
19 figures of the current capacity of Reid Road seemed  
20 more than adequate to support this development without  
21 improvement. So the Transportation Planning Agency  
22 for this area has reviewed the proposed developed and  
23 has recommended that no improvements be made.

24 However during the course of review of  
25 this development, there is some question as to the

1 sight distance pertaining to the intersection of this  
2 street of Reid Road. The county engineer has given a  
3 conditional approval for the street; however, he has  
4 deferred the approval to the state because this is a  
5 state route. The next item up, Number 10, which will  
6 be the subdivision plat, if it's considered for  
7 approval it should be considered with the condition  
8 that the state approve the site plan as well as an  
9 encroachment permit condition upon our approval.

10 MR. BRYANT: With that I can answer any  
11 other questions or if you want to talk about sight  
12 distance we can do that as well.

13 CHAIRMAN: Mr. Bryant, I think the second  
14 part of her question had to do with screening.

15 MR. BRYANT: There's no screening  
16 requirements for residential adjoining agricultural or  
17 other residential properties or zone classifications.  
18 We didn't anticipate or I hadn't anticipated any  
19 screening between the properties. That's not to say  
20 it couldn't be done, but it would be a voluntary  
21 effort on the part of the developer.

22 CHAIRMAN: Mr. Noffsinger, do you concur  
23 with that?

24 MR. NOFFSINGER: I'm sorry, I was not  
25 paying attention; however, I will say there are no

1 screening requirements between residential and  
2 agricultural zones by ordinance.

3 CHAIRMAN: Very good.

4 To my knowledge those are her two  
5 questions and we've covered both of them.

6 Do you have any other questions you would  
7 like to ask or did we adequately cover the questions  
8 you did have?

9 MS. BOEHMANN: So the state has to approve  
10 it though before this - - they have the final say?

11 MR. NOFFSINGER: The state has the final  
12 say in terms of the encroachment to allow the street  
13 to intersect with Reid Road. In terms of the  
14 residential development and lots, they really don't  
15 have a say and that would not be a concern. It would  
16 only be the intersection encroachment.

17 MS. BOEHMANN: Concerning the entrance to  
18 the neighborhood; is that right?

19 MR. NOFFSINGER: Yes.

20 MS. BOEHMANN: Thank you.

21 CHAIRMAN: Anybody from the commission  
22 have a question of the applicant?

23 (NO RESPONSE)

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

1 MR. APPLEBY: Motion for approval, Mr.  
2 Chairman, based on the Staff Recommendations,  
3 Conditions 1 and 2, and Findings of Fact 1 through 6.

4 CHAIRMAN: Motion for approval by Mr.  
5 Appleby.

6 DR. BOTHWELL: Second.

7 CHAIRMAN: Second by Dr. Bothwell. All in  
8 favor raise your right hand.

9 MR. NOFFSINGER: Excuse me. Mr. Appleby,  
10 we had to amend the Staff Recommendation and the  
11 provisions that put three conditions to the site.

12 MR. APPLEBY: Conditions 1 through 3 and  
13 Findings of Fact 1 through 6.

14 CHAIRMAN: Why don't you restate your  
15 motion in its entirety, Mr. Appleby.

16 MR. APPLEBY: Sure. Make a motion for  
17 approval based on Planning Staff Recommendations,  
18 Conditions 1 through 3, and Findings of Fact 1 through  
19 6.

20 CHAIRMAN: Dr. Bothwell, does your second  
21 still stand?

22 DR. BOTHWELL: Second.

23 CHAIRMAN: All in favor raise your right  
24 hand.

25 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

1 CHAIRMAN: Motion carries unanimously.

2 Next item, please.

3 Related Item:

4 ITEM 10A

5 Sterling Park, 31.743 acres

6 Consider approval of major subdivision preliminary  
plat.

7 Applicant: Jerry & Donna Butler, John & Pam Vanover,  
Norma Belcher

8 MR. NOFFSINGER: Mr. Chairman, this plan  
9 has been reviewed by the Planning Staff and the  
10 Engineering Staff. The Engineering Staff has made one  
11 recommendation. That should this be approved it be  
12 approved with the condition that the developer provide  
13 approved sight distance and encroachment for the State  
14 of Kentucky.

15 CHAIRMAN: Is there anybody here  
16 representing the applicant?

17 MR. BRYANT: Yes.

18 CHAIRMAN: Are there any questions of the  
19 applicant from anybody in the audience?

20 (NO RESPONSE)

21 CHAIRMAN: Does anybody from the  
22 commission have any questions of this part of the  
23 application?

24 (NO RESPONSE)

25 CHAIRMAN: Chair is ready for a motion.

1 DR. BOTHWELL: Motion for approval.

2 CHAIRMAN: Motion for approval by Dr.

3 Bothwell.

4 SISTER VIVIAN: Second.

5 CHAIRMAN: Second by Sister Vivian. All

6 in favor raise your right hand.

7 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

8 CHAIRMAN: Motion carries unanimously.

9 Next item, please.

10 -----

11 COMBINED DEVELOPMENT PLAN/  
12 MAJOR SUBDIVISION

13 ITEM 11

14 Lake Forest, Lots 182-235, 28.57 acres  
15 Consider approval of amended combined major  
16 subdivision preliminary plat/final development plan.  
17 Applicant: Lake Forest Community, LLC

18 MR. NOFFSINGER: Mr. Chairman, this plat  
19 has been reviewed by the Planning Sstaff and  
20 Engineering Staff. It's found to be in order and  
21 ready for your consideration.

22 CHAIRMAN: Does anybody from the audience  
23 have any questions?

24 (NO RESPONSE)

25 CHAIRMAN: Does anybody from the  
commission have any questions?

(NO RESPONSE)

1 CHAIRMAN: Chair is ready for a motion.

2 MS. DIXON: Move for approval.

3 CHAIRMAN: Motion for approval by Ms.

4 Dixon.

5 DR. BOTHWELL: Second.

6 CHAIRMAN: Second by Dr. Bothwell. All in  
7 favor raise your right hand.

8 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

9 CHAIRMAN: Motion carries unanimously.

10 Next item, please.

11 -----

12 PLANS DEVELOPMENT

13 ITEM 12

14 3415 Buckland Square, 5.9 acres  
15 Consider approval of final development plan.  
16 Applicant: Cliff Hagan Boys & Girls Clubs, Inc.,  
O'Bryan Heirs

17 MR. NOFFSINGER: Mr. Chairman, the  
18 applicant has submitted a letter asking the Planning  
19 Commission consider postponing this item until the May  
20 9th Planning Commission meeting.

21 MR. APPLEBY: Does this require a motion?

22 MR. NOFFSINGER: Yes, sir.

23 MR. APPLEBY: Move to postpone.

24 CHAIRMAN: Motion for postponement by Mr.  
25 Appleby.

1 MR. GILLES: Second.

2 CHAIRMAN: Second by Mr. Gilles. All in  
3 favor raise your right hand.

4 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

5 CHAIRMAN: Postponement carries  
6 unanimously.

7 Next item.

8 ITEM 13

9 4612, 4700, 4800, 4950 KY 56, 94.575 acres  
10 Consider approval of final development plan.  
Applicant: Bellevue Baptist Church

11 MR. NOFFSINGER: Mr. Chairman, we have a  
12 letter from the applicant, it's my understanding we  
13 have a letter from the applicant stating they would  
14 like a postponement until the May 9th Planning  
15 Commission meeting.

16 CHAIRMAN: Ms. Watson, do we have a  
17 letter?

18 MS. WATSON: Yes, we do.

19 CHAIRMAN: For the record we do have a  
20 letter from the applicant requesting postponement. Do  
21 we have a motion.

22 MS. DIXON: Motion to postpone.

23 CHAIRMAN: Motion to postpone by Ms.  
24 Dixon.

25 MR. APPLEBY: Second.



1 MR. CHAIRMAN: Second by Mr. Appleby. All  
2 in favor raise your right hand.

3 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

4 CHAIRMAN: Postponement carries  
5 unanimously.

6 Next item.

7 ITEM 14

8 815 Triplett Street, 6.042 acres  
9 Consider approval of amended final development plan.  
Applicant: Wendell Foster Center

10 MR. NOFFSINGER: Mr. Chairman, this plan  
11 has been reviewed by the Planning Staff, the  
12 Engineering Staff. Found to be in order and ready for  
13 your consideration.

14 CHAIRMAN: Do we have anybody here  
15 representing the applicant?

16 MR. KAMUF: Yes.

17 CHAIRMAN: Does anybody from the audience  
18 have a question of the applicant?

19 (NO RESPONSE)

20 CHAIRMAN: Does anybody from the  
21 Commission have any questions?

22 (NO RESPONSE)

23 CHAIRMAN: Chair is ready for a motion.

24 DR. BOTHWELL: Motion to approve.

25 CHAIRMAN: Motion to approve by Dr.

1 Bothwell.

2 SISTER VIVIAN: Second.

3 CHAIRMAN: Second by Sister Vivian. All  
4 in favor raise your right hand.

5 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

6 CHAIRMAN: Motion carries unanimously.

7 Next item, please.

8 -----

9 MAJOR SUBDIVISIONS

10 ITEM 15

11 The Brooks, 31.84 acres  
12 Consider approval of major subdivision preliminary  
13 plat (revised street name)  
14 Applicant: Owensboro Master Builders, Inc.

15 MR. NOFFSINGER: Mr. Chairman, this plat  
16 has been reviewed by the Engineer Staff, the Planning  
17 Staff. It's found to be in order and ready for your  
18 consideration.

19 CHAIRMAN: Is anybody here representing  
20 the applicant?

21 (NO RESPONSE)

22 CHAIRMAN: Does anybody from the audience  
23 or commission have any questions?

24 (NO RESPONSE)

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

1 MS. DIXON: Move to approve.

2 CHAIRMAN: Motion for approval by Ms.  
3 Dixon.

4 DR. BOTHWELL: Second.

5 CHAIRMAN: Second by Dr. Bothwell. All in  
6 favor raise your right hand.

7 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

8 CHAIRMAN: Motion carries unanimously.

9 Next item, please.

10 ITEM 16

11 Southgate Centre, Phase I, 49.078 acres  
12 Consider approval of major subdivision final plat.  
13 Surety (Irrevocable Letter of Credit) posted:  
\$1,433,026.50  
14 Applicant: Rodney Burns

15 MR. NOFFSINGER: Mr. Chairman, this plat  
16 is for the Home Depo Development that has been in plan  
17 for some time now. It creates a lot for the Home Depo  
18 as well as about five other out lots, I believe, for  
19 development along Frederica Street.

20 Mr. Chairman, the Planning Staff and the  
21 Engineering Staff have reviewed this plan and it's  
22 determined that adequate easements to get sanitary  
23 sewers as well as to loop a water main to this  
24 development have not been acquired at this time by the  
25 developer. We have Mr. Dean Behnke representing  
Regional Water Resource Agency here tonight that will

1 tell you about the sewer issue.

2 In this circumstance in order to move this  
3 development along, we had asked that the property  
4 owner give us a hold harmless clause that would hold  
5 harmless the Planning Commission as well as the other  
6 legislative bodies in the event that the necessary  
7 easements were not able to be acquired. I'm certainly  
8 concerned about it from a liability standpoint and  
9 what liability the Planning Commission and our  
10 legislative bodies might have by approving the plat  
11 without adequate easements.

12 The applicant, Mr. Burns, is my  
13 understanding was not willing to sign that clause so  
14 we are recommending tonight after we hear from Mr.  
15 Dean Behnke give us some satisfaction on the sewers  
16 that this plat be given a conditional approval. It be  
17 conditioned upon the property owner signing this hold  
18 harmless clause. In such time that the property owner  
19 signs that clause, then the plat may be signed by this  
20 commission and recorded. It's my understanding the  
21 current owner is not willing to sign that; however,  
22 the new owners that will be taking title to the  
23 property will be in a position to sign that clause and  
24 we can move forward with this development.

25 On another note should this development be

1 approved, I have committed to Home Depo that I would  
2 state into the record that at any time MRD Owesnboro,  
3 LLC may replace surety posted by Home Depo, USA, Inc.  
4 as long as replacement surety is submitted to the OMPC  
5 consistent with OMPC requirements. Home Depo has  
6 posted the surety for this development and the surety  
7 may be replaced by another company. That's certainly  
8 fine. We just want to make sure we have adequate  
9 surety on hand by someone to guarantee that  
10 improvements will be installed.

11 The second point is should MRD Owensboro,  
12 LLC or Home Depo, USA, Inc. not take title to the  
13 property on or before June 1, 2002, the OMPC will  
14 release surety posted for the final plat provided that  
15 a consolidation plat be submitted to the OMPC approved  
16 and recorded that would essentially revoke the  
17 approved final plat.

18 So with that I turn it over to you for  
19 consideration and I would like to hear from Mr. Behnke  
20 in terms of sewers.

21 CHAIRMAN: First I'd like to ask Mr.  
22 Elliott, our attorney, Mr. Elliott, have you reviewed  
23 and are aware of these documents?

24 MR. ELLIOTT: Yes, I am. I've talked to  
25 Gary about both of them, the hold harmless clause and

1       also the other items he mentioned and I agree with  
2       them.

3                   CHAIRMAN: I'd say at this point in time  
4       is there anybody representing the applicant?

5                   MR. KAMUF: I represent the applicant, but  
6       I will allow Dean to go ahead in front of me if  
7       there's any questions. I met with Gary today and we  
8       agree on those terms about the applicant executing as  
9       the new property owner once they get title. We've  
10      agreed to that.

11                  CHAIRMAN: Thank you, Mr. Kamuf.

12                  Mr. Behnke, would you step forward and bet  
13      sworn in, please.

14                  MR. ELLIOTT: State your name, please.

15                  MR. BEHNKE: Dean Behnke.

16                  (MR. DEAN BEHNKE SWORN BY ATTORNEY.)

17                  MR. BEHNKE: I'm not sure of the complete  
18      status of the whole thing as far as the easement that  
19      exist that we're going through and exact rights that  
20      we have to do it. As a developer typically they would  
21      go in and get easements or whatever to put something  
22      in.

23                  This particular line is going to serve the  
24      public. The lift station is going to serve more than  
25      this development. That line is figured to serve

1       pretty much that whole general area to the south as it  
2       continues to grow or if it continues to grow.

3                 It's RWRA's position that if the easement  
4       that's defined is not adequate to cover the sanitary  
5       sewer, that we as a sewer agency would go in and  
6       acquire the easement to the point if condemnation is  
7       necessary we would do that because this is a public  
8       facility.

9                 I don't know what else I can add to that.  
10       There's been a lot of work that's gone into the  
11       proposal as far as looking at options for sewer.  
12       Several options were considered. This we feel is the  
13       best path, the best long range project to do.

14                CHAIRMAN: Does anybody on the commission  
15       have any questions of Mr. Behnke?

16                (NO RESPONSE)

17                CHAIRMAN: Does anybody in the audience  
18       have any questions?

19                (NO RESPONSE)

20                CHAIRMAN: Mr. Elliott, are you satisfied  
21       with his statement in regards to acquiring right of  
22       way and providing service of the property?

23                MR. ELLIOTT: Yes.

24                CHAIRMAN: If there are no questions from  
25       the audience, do you have further comments you would

1       like to make?

2                   MR. BEHNKE:  No.

3                   CHAIRMAN:  If there are no questions from  
4       the commission, the Chair is ready for a motion.

5                   MR. APPLEBY:  Mr. Chairman, I make a  
6       motion for approval with the condition that the new  
7       property owner, some property owner sign this plat  
8       with this notation regarding the easements.

9                   CHAIRMAN:  We have a motion with the  
10      conditions by Mr. Appleby.  Do we have a second?

11                  DR. BOTHWELL:  That included all the  
12      conditions that Gary said?

13                  MR. APPLEBY:  There's really just one.  
14      That notation on the plat.

15                  DR. BOTHWELL:  Second.

16                  CHAIRMAN:  Second by Dr. Bothwell.  All in  
17      favor raise your right hand.

18                  (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

19                  CHAIRMAN:  Motion carries unanimously.

20                  Next item, please.

21      ITEM 17

22      Thorobred Crossing, Unit 1, Lots 1-6, Lot 54, Lots  
23      56-66, 4.126+ acres  
24      Consider approval of major subdivision final plat.  
25      Surety (Irrevocable Letter of Credit) posted:  
\$19,980.40  
Applicant:  Thompson Homes, Inc.



1                   MR. NOFFSINGER: Mr. Chairman, this plat  
2                   has been reviewed by the Planning Staff and the  
3                   Engineering Staff. It's found to be in order and  
4                   ready for your consideration.

5                   CHAIRMAN: Is anybody here representing  
6                   the applicant?

7                   (NO RESPONSE)

8                   CHAIRMAN: Does anybody have any  
9                   questions?

10                  (NO RESPONSE)

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

13                  MS. DIXON: Move to approve.

14                  CHAIRMAN: Motion for approval by Ms.  
15                  Dixon.

16                  SISTER VIVIAN: Second.

17                  CHAIRMAN: Second by Sister Vivian. All  
18                  in favor raise your right hand.

19                  (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

20                  CHAIRMAN: Motion carries.

21                  Next item.

22                  ITEM 18

23                  Timber Trails, 16.795 acres  
24                  Consider approval of major subdivision final plat (for  
25                  pre-development purposes.)  
                  Applicant: Scott Baird, Jr., Arthur W. Baird

1                   MR. NOFFSINGER: Mr. Chairman, this plat  
2                   has been reviewed by the Planning and Engineering  
3                   Staff. It's found to be in order. It is a plat  
4                   coming before this commission for basically the  
5                   transfer of property, but it is not a plat that  
6                   actually puts this subdivision into lots that can be  
7                   transferred individually. It's merely a matter of  
8                   exercising an option on the property. With that it's  
9                   ready for your consideration.

10                  CHAIRMAN: Any questions or comments from  
11                  anybody on the commission?

12                  (NO RESPONSE)

13                  CHAIRMAN: Chair is ready for a motion.

14                  MR. APPLEBY: Motion for approval.

15                  CHAIRMAN: Motion for approval by Mr.  
16                  Appleby.

17                  DR. BOTHWELL: Second.

18                  CHAIRMAN: Second by Dr. Bothwell. All in  
19                  in favor raise your right hand.

20                  (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

21                  CHAIRMAN: Motion carries unanimously.

22                  Next item, please.

23                  SURETY RELEASES

24                  ITEM 19

25                  Automotive Machine & Performance, \$840.00

1 Consider release of surety (Certified Check) for  
landscaping  
2 Surety posted by: Automotive Machine & Performance

3 ITEM 20

4 Maurice Pools and Spas, \$1,245.00  
Consider release of surety (Certified Check) for  
5 landscaping  
Surety posted by: John Maurice  
6

7 MR. NOFFSINGER: Mr. Chairman, under  
8 Surety Releases Items 19 and 20 are in order and may  
9 be released in toto.

10 CHAIRMAN: Chair is ready for a motion.

11 SISTER VIVIAN: So moved.

12 CHAIRMAN: Motion for approval by Sister  
13 Vivian.

14 MS. DIXON: Second.

15 CHAIRMAN: Second by Ms. Dixon. All in  
16 favor raise your right hand.

17 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

18 CHAIRMAN: Motion carries unanimously.

19 Next items.

20 SURETY TRANSFERS

21 ITEM 21

22 Arbor Gate, Unit #1, \$6,912.00  
Transfer of surety (Certificate of Deposit) for  
23 sidewalks to the City of Owensboro.  
Surety posted by: Wells & Wells Builders, Inc.  
24

25

## 1       ITEM 22

2       Belmont Park West Of Preakness Place At The Downs,  
Unit #2, \$18,474.00  
3       Transfer of surety (Irrevocable Letter of Credit) for  
streets, sidewalks, storm sewers to the Daviess County  
4       Fiscal Court.  
Surety posted by: Thompson Homes, Inc.

5

## ITEM 23

6

Brookhill Heritage, Unit #12, \$3,054.00  
7       Transfer of surety (Certificate of Deposit) for  
sidewalks to the City of Owensboro.  
8       Surety posted by: Yewell's Heritage Developers, Inc.

## 9       ITEM 24

10      Brookhill Heritage, Unit #12, \$1,332.80  
Transfer of surety (Certificate of Deposit) for  
11      streets to the City of Owensboro  
Surety posted by: Yewell's Heritage Developers, Inc.

12

## ITEM 25

13

Dutch Banks, Unit #4, \$8,248.00  
14      Transfer of surety (Irrevocable Letter of Credit) for  
fire hydrants and water mains to the City of  
15      Owensboro.  
Surety posted by: Dutch Banks

16

## ITEM 26

17

The Parks Of Heartland, Phase 2, \$9,827.40  
18      Transfer of surety (Certificate of Deposit) for  
sidewalks to the city of Owensboro  
19      Surety posted by: Jagoe Development Corporation

## 20      ITEM 27

21      Salem Drive Development, \$78,756.90  
Transfer of surety (Irrevocable Letter of Credit) for  
22      streets, storm sewers, sanitary sewers to the City of  
Owensboro.  
23      Surety posted by: John D. & Ione Miller Jones

24

MR. NOFFSINGER: Mr. Chairman, under

25      Surety Transfers Items 21 through 27, these are in

1 order and may be transferred in toto.

2 CHAIRMAN: Do I hear a motion.

3 MR. APPLEBY: Motion for approval.

4 CHAIRMAN: Motion for approval by Mr.  
5 Appleby.

6 DR. BOTHWELL: Second.

7 CHAIRMAN: Second by Dr. Bothwell. All in  
8 favor raise your right hand.

9 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

10 CHAIRMAN: Motion carries unanimously.

11 Next item.

12 -----

13 NEW BUSINESS

14 ITEM 28

15 Consider approval of procurement determination for  
16 noncompetitive negotiation of contract for office  
17 automation and authorization for OMPC Chairman and  
Director to negotiate and sign related contracts.

18 MR. NOFFSINGER: Mr. Chairman, prior to  
19 this meeting each of you attended a work session in  
20 which a presentation was given regarding office  
21 automation and working through our permitting process  
22 to up-date that process as well as our land use file  
23 process. For about the past two years the Staff along  
24 with this commission and the legislative body has been  
25 looking at alternative ways to move from the outdated

1 land use file system we have to a land use file that's  
2 more modern and up-to-date and is readily usable by  
3 the staff.

4 "Under KRS 45A.380 a local public agency  
5 may contract or purchase through noncompetitive  
6 negotiations only when a written determination is made  
7 that competition is not feasible and it is further  
8 determined in writing by a designee of the local  
9 public agency that one or more specified conditions  
10 exist."

11 This document that we would like to enter  
12 into the record tonight contends that Number 1) An  
13 emergency exists which will cause public harm as a  
14 result of the delay in competitive procedures.

15 This is given by the fact that we cannot  
16 wait for delays that will accompany competitive  
17 procedures because we have a concern as well as the  
18 city information system has a concern that our  
19 information may reach a point where it's no longer  
20 backed up and stored and we would run the risk of  
21 losing that information.

22 The second item is that there is a single  
23 source within a reasonable geographical area of the  
24 product or service to be procured.

25 We have for the past two years been

1 looking for products out on the market that would meet  
2 the needs of the Planning Commission which would be a  
3 preformatted and flexible product. A product that  
4 will allow for automative field inspections as well as  
5 additional modules for the future expansion.  
6 Especially with GIS. We're looking for a national  
7 vendor. The land use file we have right now we don't  
8 have - - the vendor is gone. We have no support  
9 whatsoever with that program and it's not easily  
10 usable. So we need a national vendor that will be  
11 there and be there to provide support when we need it.

12 So we conclude that Accela Corporation is  
13 the single source of national products and support  
14 services that fully match OMPC's criteria for office  
15 automation. Each system we found when we thought we  
16 were getting close to having a system that we would  
17 like to recommend, Accela bought that company up. So  
18 we're back to Acela.

19 We would ask that this commission approve  
20 the procurement to allow for noncompetitive  
21 negotiations and to authorize the Chairman and  
22 Director to sign all contracts. We're looking to try  
23 to move on this project and get it under way by May  
24 15th of this year.

25 I'll be happy to answer any questions you

1       might have.

2                   CHAIRMAN: Does anybody on the commission  
3       have any other questions? All of you were present for  
4       the opening presentation that we had. Is there any  
5       other questions?

6                   (NO RESPONSE)

7                   MR. ELLIOTT: Gary, do you intend to make  
8       this document a part of the record?

9                   MR. NOFFSINGER: Yes, sir. We do want to  
10      enter this document.

11                  MR. ELLIOTT: Findings and emergency does  
12      exist to allow this negotiation, right?

13                  MR. NOFFSINGER: Yes, sir. The two  
14      findings that Number 1) emergency exist and Number 2)  
15      we have a single source within a reasonable  
16      geographical area of the product or service to be  
17      procured.

18                  MR. ELLIOTT: Okay.

19                  MR. NOFFSINGER: This has been signed by  
20      Mr. Gary Adams, OMPC Associate Director.

21                  MR. ELLIOTT: It needs to be signed by the  
22      chairman.

23                  MR. NOFFSINGER: It needs to be signed by  
24      the chairman.

25                  CHAIRMAN: Are there any other questions?



1 (NO RESPONSE)

2 CHAIRMAN: Chair is ready for a motion.

3 MS. DIXON: Move to approve.

4 CHAIRMAN: Motion for approval by Ms.

5 Dixon.

6 DR. BOTHWELL: Second.

7 CHAIRMAN: Second by Dr. Bothwell. All in  
8 favor raise your right hand.

9 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

10 CHAIRMAN: Motion carries unanimously.

11 The Chair is ready for one last motion.

12 MS. DIXON: Move to adjourn.

13 CHAIRMAN: Motion for adjournment by Ms.

14 Dixon.

15 DR. BOTHWELL: Second.

16 CHAIRMAN: Second by Dr. Bothwell. All in  
17 favor raise your right hand.

18 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

19 CHAIRMAN: Meeting is adjourned.

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16                   WITNESS my hand and notarial seal on this  
17       the 27th day of April, 2002.

22 COMMISSION EXPIRES:  
DECEMBER 19, 2002

23

24 COUNTY OF RESIDENCE:  
DAVIESS COUNTY, KENTUCKY