The Owensboro Metropolitan Planning Commission met in regular session at 6:00 p.m. on Thursday, June 13, 2002, at City Hall, Commission Chambers, Owensboro, Kentucky, and the proceedings were as follows:

MEMBERS PRESENT: Drew Kirkland, Chairman
Gary Noffsinger
Nick Cambron
Dave Appleby
Jimmy Gilles
Scott Jagoe
Irvin Rogers
Judy Dixon
Dr. Mark Bothwell
Martin Hayden
Stewart Elliott, Attorney

CHAIRMAN: I'd like to call our June 13th Planning & Zoning Commission meeting to order. Our invocation and pledge of allegiance will be given by Mr. Gary Noffsinger.

(INVOCATION AND PLEDGE OF ALLEGIANCE.)

CHAIRMAN: Our first item of order will be to consider the minutes of our May 9th meeting. Are there any additions, corrections or questions regarding that meeting?
CHAIRMAN: If not the chair is ready for a motion.

MS. DIXON: Move to approve.

CHAIRMAN: Motion for approval by Ms. Dixon.

MR. HAYDEN: Second.

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

Mr. Noffsinger.

PUBLIC FACILITIES PLANS
REVIEW FOR CONSISTENCY WITH COMPREHENSIVE PLAN

ITEM 2

247 Hill Bridge Road
Land Acquisition
Consider comments regarding the acquisition of property located at 247 Hill Bridge Road, Utica, in order to improve the intersection.
Referred by: Daviess County Fiscal Court

MR. NOFFSINGER: Mr. Chairman, the Daviess County Fiscal Court will be acquiring this property I believe to remove a structure that is on the property that will improve sight distance for the motoring public in this area. Planning Staff has reviewed this application. We find no conflict with the
Comprehensive Plan and recommend a letter of that affect to be forwarded to the Daviess County Fiscal Court.

CHAIRMAN: Does anybody have any questions?

(NO RESPONSE)

CHAIRMAN: Anybody from the audience have any questions?

(NO RESPONSE)

CHAIRMAN: If not the chair is ready for a motion.

MR. APPLEBY: Motion for approval.

CHAIRMAN: Motion for approval by Mr. Appleby.

MR. JAGOE: Second.

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

Next item, please.

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CELLULAR TELECOMMUNICATIONS FACILITIES
PER KRS 100.987

ITEM 3

4747 Winkler Road
Consider approval of a wireless telecommunications Ohio Valley Reporting (270) 683-7383
Applicant: Nextel WIP Lease Corp., d/b/a Nextel Partners, Kenergy Corp.

MR. NOFFSINGER: Mr. Chairman, back in I guess it was April the Kentucky Legislature gave the authority for the review of cellular communication towers to jurisdictions that have local planning units. We happen to be one of those so we have the opportunity, if you will, to take a look at cellular telecommunication sites. The final action to approving or disapproving these sites rest with this commission.

Now, at the present time this community does not have zoning regulations in place for cell towers; however, we do have an element in our Comprehensive Plan that addresses these types of towers.

The application that has been filed is to replace an existing Kenergy tower. I'm not sure on the height of it, but it is shorter at the present time than what's being proposed. I believe they're proposing a tower that will be 250 feet in height. It will be lighted. The applicant is here tonight to discuss that if anyone has any questions.

The fact is there's already an existing tower in this location and this will be simply making
the tower taller, but it would result in no new towers
or no additional towers within the area.

The Owensboro Metropolitan Planning
Commission has established a cell tower review
commitee to take a look at what we're doing in this
community, what direction we should be going in in
terms of reviewing cell towers and either recommending
we put zoning regulations in place or not. That
commitee will be holding a public forum, I'm using
this for advertisement, on July 8th at 6 p.m. in this
building on this floor. We would certainly encourage
the public to attend that forum as well as the
industry. By the way there is an industry
representative on that commitee, but to gather input
from the public, from the community to see and give
that commitee direction on how to proceed.

With that, Mr. Chairman, this application
appears to be in order and Planning Staff is making a
favorable recommendation in terms of we're not
creating a new tower location. We're simply replacing
an existing tower.

CHAIRMAN: Are there any questions from
the audience?

(NO RESPONSE)

CHAIRMAN: Any questions from the
Chair is ready for a motion.

DR. BOTHWELL: Motion for approval.

CHAIRMAN: Motion for approval by Dr. Bothwell.

MR. HAYDEN: Second.

MR. CHAIRMAN: Second by Mr. Hayden. All in favor raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

Next item, please.

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ZONING CHANGES - CITY

ITEM 4

2425 Frederica Street, 1.963+ acres
Consider zoning change: From B-4 General Business, R-1C Single-Family Residential to P-1 Professional/Service

MR. ELLIOTT: State your name, please.

MS. WATSON: Becky Watson.

(MS. BECKY WATSON SWORN BY ATTORNEY.)

MR. JAGOE: Mr. Chairman, I need to disqualify myself.
CHAIRMAN: So noted.

(MR. JAGOE LEAVES ROOM AT THIS TIME.)

PLANNING STAFF RECOMMENDATIONS

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

Conditions:

1. Access shall be limited to one access point on Frederica Street, one access point on West 24th Street and one access point on West 25th Street as shown on the final development plan submitted in conjunction with this rezoning application;

2. Closure of the public alley right-of-way bisecting the property; and,

3. Consolidation of all the properties into one lot.

Findings of Fact:

1. The subject property is partially located within an Urban Residential Plan Area, where professional/service uses are appropriate in limited locations;

2. The subject property is partially located within a Business Plan Area, where professional/service uses are considered a subset of
business uses;

3. The Comprehensive Plan did not anticipate a request to a zoning classification (P-1) that permits uses that also are included in a more intense zoning classification (B-4);

4. The majority of the property is currently zoned B-4 General Business, which would permit all uses allowed in a P-1 Professional/Service zone;

5. The P-1 Professional/Service zone would serve as a buffer between the established residential neighborhood to the east and the general business uses to the west;

6. The subject property is major-street-oriented

7. The subject property is over one acre in size; and

8. A development plan has been submitted restricting access points to the subject property.

MS. WATSON: The staff would like to enter the Staff Report as Exhibit A into the record.

CHAIRMAN: Is there someone here representing the applicant?

MR. ELLIOTT: State your name, please.

MR. THACKER: John Thacker.

(MR. JOHN THACKER SWORN BY ATTORNEY.)

MR. THACKER: My name is John Thacker. I
represent Independence Bank on this application. We would just concur with the Staff Report, the conditions that they have submitted together with the Staff's findings of fact and we're prepared to answer any questions anyone might have.

CHAIRMAN: Thank you.

Does anybody from the audience have any questions of the applicant?

(NO RESPONSE)

CHAIRMAN: Does anybody from the commission have any questions of the applicant?

(NO RESPONSE)

CHAIRMAN: If not the chair is ready for a motion.

MR. CAMBRON: Motion for approval, Mr. Chairman, based upon Conditions 1 through 3 and Findings of Fact 1 through 8.

CHAIRMAN: We have a motion for approval by Mr. Cambron. Do we have a second?

MR. APPLEBY: Second.

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

Next item.
Related Item:

ITEM 4A

2425 Frederica Street, 1.963 acres
Consider approval of final development plan.

MR. NOFFSINGER: Mr. Chairman, this application has been reviewed by the Planning Staff and Engineering Staff. It's found to be in order and recommended for approval at this time.

CHAIRMAN: Does anybody from the audience have any question?

(NO RESPONSE)

CHAIRMAN: Anybody from the commission?

(NO RESPONSE)

CHAIRMAN: If not the chair is ready for a motion.

DR. BOTHWELL: Motion for approval.

CHAIRMAN: Dr. Bothwell motion for approval.

MR. HAYDEN: Second.

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

Ohio Valley Reporting
(270) 683-7383
Next item, please.

ITEM 5

515 East 22nd Street, 0.49 acres
Consider zoning change: From P-1 Professional/Service to R-4DT Inner-City Residential
Applicant: Blessed Mother Parish, Inc., Diocese of Owensboro

PLANNING STAFF RECOMMENDATIONS

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

This recommendation is made subject to findings of fact that follow:

1. The subject property is located in a Professional/Service Plan Area, where urban low-density uses are appropriate in very-limited locations;

2. The subject property adjoins R-4DT zoning to the west, east and north;

3. The applicant's proposal is a logical expansion of the existing adjoining R-4DT zone and uses; and,

4. Sanitary sewers serve the subject property.

MS. WATSON: We would like the Staff Report as Exhibit B.

CHAIRMAN: Is there anybody here representing the applicant?

MR. ELLIOTT: State your name, please.
MR. MEYER: J.D. Meyer.

(MR. J.D. MEYER SWORN BY ATTORNEY.)

MR. MEYER: Mr. Commissioners, Ladies and Gentlemen of the Commission, my name is J.D. Meyer and I represent Blessed Mother Parish in this matter.

We'd just state that we concur with the Staff recommendations and offer that as evidence and we're here to answer any questions that you all may have.

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

(NO RESPONSE)

CHAIRMAN: Does anybody from the commission have a question of the applicant?

(NO RESPONSE)

CHAIRMAN: Thank you, Mr. Meyer.

The chair is ready for a motion.

MR. HAYDEN: I make a motion for approval based upon Staff Recommendations 1 through 4.

CHAIRMAN: Motion for approval by Mr. Hayden.

MS. DIXON: Second.

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.
Next item, please.

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ZONING CHANGES - COUNTY

ITEM 6

4300 Block Eagle Crest Drive, 5.513 acres
Consider zoning change: From A-U Urban Agriculture
to R-1A Single-Family Residential
Applicant: Hayden Park Developers, c/o Ron Jones

PLANNING STAFF RECOMMENDATIONS

Staff recommends approval because the proposal is
in substantial compliance with the adopted
Comprehensive Plan. This recommendation is made
subject to the findings of fact that follow:

1. The subject property is located in an Urban
Residential Plan Area, where low-density residential
uses are appropriate in limited locations;

2. The subject property is located in an area
where there is a planned expansion of sanitary sewers;

3. The preliminary plan submitted in conjunction
with this request provides for construction of a
sanitary sewer collection system to be connected to a
trunk sewer when RWRA's sewer expansion is completed
to Reid Road at Yellow Creek Park;

4. Adjacent property is zoned R-1A Single-Family
Residential; and

5. The applicant's proposal is a logical
extension of R-1A zoning and would not overburden
existing roadways or other urban services.

MS. WATSON: We would like to enter the
Staff Report as Exhibit C.

CHAIRMAN: Is there anybody here
representing the applicant?

APPLICANT: Yes.

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

(NO RESPONSE)

CHAIRMAN: Does anybody from the
commission have any questions of the applicant?

(NO RESPONSE)

CHAIRMAN: Chair is ready for a motion.

MR. ROGERS: Motion for approval based
upon Planning Staff Recommendations and Findings of
Fact 1 through 5.

MR. CAMBRON: Second.

MR. CHAIRMAN: Motion for approval by Mr.
Rogers. Second by Mr. Cambron. All in favor raise
your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

Next item.
Related Item:

ITEM 6A

The Falcons at Eagle Crest Estates, Section 3, 5.513 acres
Consider approval of major subdivision preliminary plat.
Applicant: Hayden Park Developers, c/o Ron Jones

MR. NOFFSINGER: Mr. Chairman, this preliminary plat has been reviewed by the Engineering Staff and Planning Staff. It's found to be in order and recommended for approval at this time.

CHAIRMAN: Does anybody from the audience have any questions on this part of it?

(NO RESPONSE)

CHAIRMAN: Anybody from the commission?

(NO RESPONSE)

CHAIRMAN: Chair is ready for a motion.

MR. JAGOE: Move to approve.

CHAIRMAN: Motion for approval by Mr. Jagoe.

MR. GILLES: Second.

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

Next item.

Ohio Valley Reporting
(270) 683-7383
ITEM 7

8220 KY 81, 10.119 acres
Consider zoning change: From I-1 Light Industrial, A-R Rural Agricultural to I-2 Heavy Industrial
Applicant: Kenneth Frazier; Winn Leasing Corp

PLANNING STAFF RECOMMENDATIONS

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

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

Conditions:

1. All vehicular use areas shall be paved;

2. All outdoor storage areas shall be screened with an 8-foot high solid element with the storage of materials not to exceed the height of the 8-foot element; and

3. A final development plan shall be submitted and approved by OMPC.

Findings of Fact:

1. The subject property is located in a Rural Community Plan Area, where heavy industrial uses are appropriate in very-limited locations;

2. The subject property is contiguous to existing heavy industrial uses; and

3. The applicant's proposal is a logical expansion of heavy industrial use that will not

Ohio Valley Reporting
(270) 683-7383
significantly increase the extent of industrial uses in the vicinity and will not overburden the capacity of the roadway.

MS. WATSON: We would like to enter the Staff Report as Exhibit D.

CHAIRMAN: Is anybody here representing the applicant?

MR. KUEGEL: Yes.

MR. ELLIOTT: State your name, please.

MR. KUEGEL: Bruce Kuegel.

(MR. BRUCE KUEGEL SWORN BY ATTORNEY.)

MR. KUEGEL: My name is Bruce Kuegel. I would ask that everyone concur with the report of the staff and I'm here to answer any questions related to the zoning change.

CHAIRMAN: Thank you, Mr. Kuegel.

Are there any questions of the applicant from the audience?

(NO RESPONSE)

CHAIRMAN: Does anybody from the commission have any questions of the applicant?

(NO RESPONSE)

CHAIRMAN: Thank you.

If not the chair is ready for a motion.

MR. CAMBRON: Motion for approval, Mr.
Chairman, based upon Conditions 1 through 3 and Findings of Fact 1 through 3.

CHAIRMAN: Motion for approval by Mr. Cambron.

MR. APPLEBY: Second.

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

Next item, please.

Related Item:

ITEM 7A

8220 KY 81, 10.119 acres
Consider approval of preliminary development plan.
Applicant: Kenneth Frazier, Winn Leasing Corp.

MR. NOFFSINGER: Mr. Chairman, the Planning Staff and Engineering Staff has reviewed this application. It's found to be in order and recommended for approval at this time.

CHAIRMAN: Anybody from the audience have any questions?

(NO RESPONSE)

CHAIRMAN: Does anybody from the commission have any questions?

(NO RESPONSE)

MR. HAYDEN: Make a motion for approval.

Ohio Valley Reporting
(270) 683-7383
CHAIRMAN: Motion for approval by Mr. Hayden.

MS. DIXON: Second.

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

Next item.

ITEM 8

3901 Block Old Hartford Road, 22.121+ acres
Consider zoning change: From A-U Urban Agriculture
to R-1C Single-Family Residential
Applicant: Pedley Developers, LLC, Jerry & Betty Yeiser

PLANNING STAFF RECOMMENDATIONS

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

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

Conditions:

1. Access to Old Hartford Road shall be limited to one intersection access point aligned with Gunston Place. No additional driveway access will be permitted to Old Hartford Road; and

2. Access to East Byers Avenue will be limited to a single street intersection spaced a minimum of 1000 feet from the centerline of Old Hartford Road.
Findings of Fact:

1. The subject property is located within an Urban Residential Plan Area, where urban low-density residential uses are appropriate in limited locations;
2. The subject property is contiguous to residentially zoned and developed property; and,
3. Sanitary sewers will serve the subject property.

MS. WATSON: The Staff Report will be entered as Exhibit E.

CHAIRMAN: Is there someone here representing the applicant?

APPLICANT: Yes.

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

(NO RESPONSE)

CHAIRMAN: Does anybody from the commission have a question of the applicant?

(NO RESPONSE)

CHAIRMAN: If not the chair is ready for a motion.

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

MR. JAGOE: Second.
CHAIRMAN: We have motion for approval by Ms. Dixon. We have a second by Mr. Jagoe. All in favor raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

Next item.

Related Item:

ITEM 8A

Cross Creek, 22.121 acres
Consider approval of major subdivision preliminary plat.
Applicant: Pedley Developers, LLC, Jerry & Betty Yeiser

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

CHAIRMAN: Does anybody in the audience have any questions in regards to this?

(NO RESPONSE)

CHAIRMAN: Anybody from the commission?

(NO RESPONSE)

CHAIRMAN: Ready for a motion.

MR. ROGERS: Move to approve.

CHAIRMAN: Motion for approval by Mr. Rogers.

MR. CAMBRON: Second.
CHAIRMAN: Second by Mr. Cambron. All in favor raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

Next item.

MR. NOFFSINGER: Mr. Chairman, under Development Plans Item Number 9 I need to disqualify myself from participation.

MR. CHAIRMAN: So noted.

(MR. NOFFSINGER LEAVES ROOM AT THIS TIME.)

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DEVELOPMENT PLANS

ITEM 9

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

MS. WATSON: The application has been reviewed by Planning Staff and County Engineer and it's found to be in order and ready for your consideration.

CHAIRMAN: Is there anybody here representing the applicant?

APPLICANT: Yes.

CHAIRMAN: Does anybody in the audience have a question of the applicant?

(NO RESPONSE)
CHAIRMAN: does anybody from the commission have a question of the applicant?

(NO RESPONSE)

CHAIRMAN: Chair is ready for a motion.

MR. CAMBRON: Motion for approval, Mr. Chairman.

CHAIRMAN: Motion for approval by Mr. Cambron.

MR. HAYDEN: Second.

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

Next item.

ITEM 10

3232 Villa Point, 6.007 acres
Consider approval of final development plan.
Applicant: Wyndalls Foodland, Ibok, LLC c/o Terry Roark

MR. NOFFSINGER: Mr. Chairman, this plan has been reviewed by the Planning Staff and Engineering Staff. It's found to be in order and recommended for approval at this time.

CHAIRMAN: Is there anybody representing the applicant?

APPLICANT: Yes.

CHAIRMAN: Does anybody in the audience
have a question of the applicant?

(NO RESPONSE)

CHAIRMAN: Anybody from the commission?

(NO RESPONSE)

CHAIRMAN: Chair is ready for a motion.

DR. BOTHWELL: Motion to approve.

CHAIRMAN: Motion for approval by Dr. Bothwell.

MR. CAMBRON: Second.

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

Next item, please.

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MAJOR SUBDIVISIONS

ITEM 11

2600 Block Avenue of The Parks, 1901 Block East 26th Street, 123.235 acres
Consider approval of major subdivision final plat.
Applicant: National City Bank, Kentucky, Jagoe Development Corporation

MR. NOFFSINGER: Mr. Chairman, Planning Staff, Engineering Staff has reviewed this application. It's found to be in order. The reason for the division is for transfer of property to the developer. With that it's ready for your
MR. JAGOE: Mr. Chairman, I need to disqualify myself.

CHAIRMAN: Mr. Jagoe, so noted.

Is there somebody here representing the applicant?

(NO RESPONSE)

CHAIRMAN: If not the chair is ready for a motion.

MR. APPLEBY: Motion for approval.

MR. ROGERS: Second.

CHAIRMAN: Got a motion for approval and a second. All in favor raise your right hand.

(ALL BOARD MEMBERS PRESENT WITH THE DISQUALIFICATION OF MR. JAGOE RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

Next item.

ITEM 12

Carlsbad East, 14 acres
Consider approval of major subdivision final plat
Applicant: Carl Westerfield

MR. NOFFSINGER: Mr. Chairman, this application has been reviewed by the Planning Staff, Engineer Staff. Found to be in order and ready for your consideration at this time.

CHAIRMAN: Is there anybody here
representing the applicant?

APPLICANT: Yes.

CHAIRMAN: Are there any questions of the applicant in the audience?

(NO RESPONSE)

CHAIRMAN: Any questions from the commission?

(NO RESPONSE)

MR. CAMBRON: Motion for approval.

CHAIRMAN: Motion for approval by Mr. Cambron.

MS. DIXON: Second.

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

Next item, please.

ITEM 13

Doe Ridge, Section 4, 2.139 acres
Consider approval of major subdivision final plat.

Applicant: Robert J. Wimsatt

MR. NOFFSINGER: Mr. Chairman, this application has been reviewed by the Planning Staff and Engineering Staff. Found to be in order and ready for approval at this time.

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

(NO RESPONSE)

CHAIRMAN: Anybody from the commission?

(NO RESPONSE)

CHAIRMAN: Chair is ready for a motion.

MS. DIXON: Move to approve.

CHAIRMAN: Motion for approval by Ms. Dixon.

MR. JAGOE: Second.

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

Next item.

ITEM 14

Harbor Trace, Section 1, 3.223 acres
Consider approval of major subdivision final plat.
Applicant: Robert J. Wimsatt

MR. NOFFSINGER: Mr. Chairman, this application has been reviewed by the Planning Staff and Engineering Staff. Found to be in order and ready for approval at this time.

CHAIRMAN: Does anybody in the audience have a question of the applicant?

(NO RESPONSE)

CHAIRMAN: Anybody from the commission?
CHAIRMAN: Chair is ready for a motion.

MR. CAMBRON: Motion for approval.

CHAIRMAN: Motion for approval by Mr. Cambron.

MR. HAYDEN: Second.

MR. CHAIRMAN: Second by Mr. Hayden. All in favor raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

Next item.

ITEM 15

Lake Forest, Phase I, Unit 1, Lots 1 & 2, Lots 236-238, 3.174 acres

Consider approval of revised major subdivision preliminary plat.

Applicant: JMP/Lake Forest, Inc.

MR. NOFFSINGER: Mr. Chairman, this application has been reviewed by Planning Staff and Engineering Staff. Found to be in order and ready for approval at this time.

CHAIRMAN: Does anybody have any questions of the applicant?

(NO RESPONSE)

CHAIRMAN: Anybody from the commission have any questions?

(NO RESPONSE)
CHAIRMAN: Chair is ready for a motion.

MR. HAYDEN: Make a motion for approval.

CHAIRMAN: Motion for approval by Mr. Hayden.

MS. DIXON: Second.

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

Next item, please.

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MINOR SUBDIVISIONS

ITEM 16

4500 Block Lake Forest Drive, 3100 Block Spring Ridge Parkway, 25.935 acres

Consider approval of minor subdivision plat.

Applicant: George Thacker, Mary Thacker Silvert, George Wallace Thacker Trust "B", JMP/Lake Forest, Inc.

MR. NOFFSINGER: Mr. Chairman, this plat comes before the Planning Commission to actually convey to the developer for development purposes.

It's been review by Planning and Engineering Staff.

Found to be in order and ready for approval at this time.

CHAIRMAN: Does anybody from the audience have any questions for the applicant?
CHAIRMAN: Does anybody from the commission?

CHAIRMAN: If not the chair is ready for a motion.

MR. JAGOE: Motion for approval.

MR. CAMBRON: Second.

CHAIRMAN: Mr. Jagoe gave a motion for approval. Mr. Cambron gave a second. All in favor raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

Next item.

ITEM 17

10387 Parks Road, 1.50 acres
Consider approval of minor subdivision plat.
Applicant: James E. & Edna D. Goodall

MR. NOFFSINGER: Mr. Chairman, this application has been reviewed by the Planning Staff and Engineer Staff.

This plat does not conform with the minimum requirements of the subdivision regulations in that fire protection is not being provided as required. On April 26th of this year, the Planning Staff approved the creation the a 1 1/2 acre lot on
this parent tract. This application before you is to create another tract of land that's an 1 1/2 acre off the same tract; however, they are not providing fire protection. The regulations require that any time you create more than one new tract or one additional tract within a 12 month time period, that you provide for fire protection. The property owner is not proposing to provide fire protection at this time and will ask this commission to approve the plat without fire protection due to these issues relating to not meeting the subdivision regulation. The Planning Staff do not recommend that this item be approved.

CHAIRMAN: Is anybody here representing the applicant?

MR. ELLIOTT: State your name, please.

MR. MARKSBERRY: Warren Marksberry.

(MR. MARKSBERRY SWORN BY ATTORNEY.)

MR. MARKSBERRY: What we have here is a situation where it's 80 plus acre family farm. The one subdivision that came before was done by the son of James E. Goodall. He also had another son, Herb Goodall, that is also wanting to split off 1 1/2 acres. The question I have first I guess to you would be why has this been added as part of the provision or part of the subdivision in the first place as far as
fire protection?

MR. NOFFSINGER: You want me to answer, Mr. Chairman?

CHAIRMAN: Yes.

MR. NOFFSINGER: The subdivision regulations give you a definition of subdivision. There's a minor subdivision and a major subdivision. Minor subdivision is when you create one lot within a 12 month time period or you consolidate a piece of property, maybe add to it or make it smaller.

A major subdivision plat is defined as a creation of two or more lots within 12 month time period. Anywhere within Daviess County county-wide if you create more than one new lot within a 12 month time period, you have to provide fire protection for not only the lot you're currently proposing, but for a lot that was created previously. That's the reason for the requirement in terms of it meets the definition of a major subdivision. It's listed on this agenda as minor subdivision plat and it was filed as a minor subdivision plat, but it should have been filed as a major subdivision plat.

MR. MARKSBERRY: I understand that. So the reason for the fire protection or providing that
is because you're considered major because of the 1
1/2 acres, one that we had, and now we've got the
second 1 1/2 acres on a 85 plus acre farm that's
considered major subdivision; am I correct?

MR. NOFFSINGER: Major subdivision is
defined as creation of two or more tracts. It doesn't
have anything to do with the acreage. It has to do
with the number of lots you're creating.

MR. MARKSBERRY: Maybe you can help me
with this, Gary. As we stand right now, they can put
the home there if they don't split off the 1 1/2 acres
because I think it's a 10 acre per home rule there.

Does your father own 80 acres? Is there
another home?

There's no other homes on the 80 acre
tract right now. There will be his brother's home,
then his home.

I don't believe your father is planning on
putting a home there, right?

Correct me if I'm wrong. He can go ahead
and put this home there and get a permit to place it
by not subdividing off the 1 1/2 half; is this
correct?

MR. NOFFSINGER: That is correct.

MR. MARKSBERRY: I understand probably why
you have this situation where you're trying to keep
maybe farmer from selling off their land to people
going in and develop in areas in multiple lots and
whatnot, and I think that's what it was for. I might
be wrong about that.

As far as the fire protection right now,
he can put the home out there right now. There is no
Daviess County water out there. In fact, there's no
Ohio County water. In fact, if I could approach and
lay out for everybody the area we're talking about
this might help you understand about the rural area
and everything. Could I please do that?

CHAIRMAN: You can give us the handouts,
but for the record we need you at the podium so we can
record.

MR. MARKSBERRY: I'm sorry.

CHAIRMAN: We need you at the podium. You
can hand out any kind of hand out.

MR. MARKSBERRY: I'd like to hand you
something just so you guys can have a copy of the map
or whatever we're talking about because there's not
many areas in Daviess County where you don't have
Daviess County water.

CHAIRMAN: Is this any different than the
map that we already have?
MR. MARKSBERRY: I don't know if you have the county map. Do you all understand where the property is?

CHAIRMAN: Yes.

MR. MARKSBERRY: In this area right now, Ohio County water does service some of the roads out there, but to my understanding from Herb Ohio County has in there five year plan to provide water to the area where he's going, but at this time his brother they must bring water from across the back neighbor to supply water to this area.

I'm trying to work with you here. I guess the point I'm trying to make there's no way that his brother can have fire protection now and there's way that he can have fire protection under the rule of one home per ten acres. So for allowing him to go ahead and place the home, the only differences here is we're not allowing him to subdivide the lot for at least another 8 months to 12 months because that's the time that will pass when his brother has since filed for this subdivision I guess you call it. What I'm trying to say is right now if they go ahead and have this subdivided, they can use the equity that their father gave them in the land to secure a lower interest rate loan. If we don't do that, most banks will not even
give you a loan unless the land is provided where the
home is going on.

In turn if we have to do that, just to
kind of give you an example, I'll give you some
numbers. If you need me to verify it, I can provide
that.

At $72,000 if we subdivided this lot off
right now, assuming I get 7.25 percent rate, their
payment is 435. But by not allowing them to subdivide
it this year because of the 12 month rule, we would be
in about about 12.25 conventional loan. They won't
allow us to use the land. That increases the monthly
payment to 716. I feel it's an unfair thing because
of some subdivisional thing that happened months or
years ago that we're penalizing families that own farm
that all they're trying to do is maybe put one or two
of their sons or daughters back on the family farm. I
think the rules and the guidelines that you're going
by, it really harms a lot of the families that made
Daviess County farming what it is today.

Getting back to it. We do know that they
can put the home in now. I know that. I hope that
you understand what Gary is saying. They're not
stopping us by putting the home there. They're
stopping us by subdividing the 1 1/2 acre off, but
that penalizes them on a loan.

Now, next year we probably could go back to a bank and get another loan with the land, but during that time they're paying such a higher payment because as you all know interest rates are probably not going to be where they are next year that they are today.

The point I'm trying to make is this is undue hardship on them financially when we can go ahead and put the home there, but because going to subdivide it we can't do that unless we provide fire protection and there's not even a plan for five years for Ohio County water to bring any water to that property. So it's a losing proposition for them to even consider fire protection.

If you would I'd like to submit an Affidavit from J.D. Goodall. Mr. Goodall I believe is in Alabama and couldn't attend the meeting tonight.

We have an Affidavit statement. "I hereby certify that as legal owner of an 87 acre farm as recorded in Book 0748 Page 87-917, Daviess County Courthouse. By reason for purchasing this property was to keep it from being cut up into many subdivisions and overdevelopment as other farms around me have been. However, the only limited subdivision
that would take place on this farm will be 1 1/2 acre
to my son, Mike Goodall, and another 1 1/2 acre to my
other son, Herbert Goodall. I plan to keep the rest
of the 84 acres intact and no more division or any
type of development other than farming. I hereby
certify this will be the only subdivision request made
on this property and there will be no more request or
subdivision made during my lifetime as owner of this
property." I have that signed by James.

I guess what we're trying to say here is
common sense tells us, yes, they can come back in here
to get the subdivision, but common sense also says,
listen, we can go ahead and put the home there now,
but if James has given me a signed Affidavit saying he
will have no more subdivision off of this, I think
that alleviates your responsibility or your fears of
providing fire protection or any other reason why you
wouldn't do that.

They're a good family. I think if you
could think about what we're saying here. We know we
can put the home there. We're just trying to help
them save some money financially so they can proceed
with this.

If you have any questions about anything,
I'll be glad to answer them.

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CHAIRMAN: Let's see if we have any questions. Does anybody in the audience have any questions? (NO RESPONSE) CHAIRMAN: Does anybody from the commission have any questions or suggestions? MR. ROGERS: Mr. Chairman, I'd like a motion for approval being it's a family owned farm. It's not up for auction. I'd make a motion for approval.

CHAIRMAN: We've got a motion for approval by Mr. Rogers.

DR. BOTHWELL: I second. I believe they can put the home now. I understand their predicament financially. I agree.

CHAIRMAN: We have a motion for approval by Mr. Rogers. We've got a second by Dr. Bothwell. All in favor raise your right hand.

(MR. APPLEBY, MR. GILLES, MR. JAGOE, MR. ROGERS, MR. KIRKLAND, DR. BOTHWELL AND MR. HAYDEN RESPONDED AYE.)

CHAIRMAN: All opposed.

(MR. CAMBRON AND MS. DIXON RESPONDED NAY.)

CHAIRMAN: We have a seven to two motion.
The motion carries seven to two.

Next item.

ITEM 18

4300, 4382 Poplar Log Bridge Road, 9344, 9380 Johnson Road, 22.55 acres
Consider approval of minor subdivision plat.
Applicant: Tony M. & Theresa G. Curtis, Christopher & Mary Schartung, Duane Taylor, Matthew & Lisa McCoy, Eric M. & Anne M. Davis

MR. NOFFSINGER: Mr. Chairman, this application has been reviewed by the Planning Staff and Engineer Staff. It is in order. It comes before this commission because it creates a tract that's going to be 11 acres in size that has a 75-foot leg going out to Poplar Log Bridge Road; however, the property also has adequate frontage on Johnson Road. It's a double frontage lot. It also creates a lot that slightly exceeds the depth to width ratio, but that is due to the way the property has been subdivided in the past.

Planning Staff is recommending that it be approved and get it on record that the 75 foot strip is not to be used in the future for future subdivision of this 11 acre tract.

CHAIRMAN: Is anybody here representing the applicant?

APPLICANT: Yes.
CHAIRMAN: Does anybody from the audience have any questions of the applicant?

(NO RESPONSE)

CHAIRMAN: Does anybody from the commission have any questions of the applicant?

(NO RESPONSE)

CHAIRMAN: Chair is ready for a motion.

MR. CAMBRON: Motion for approval, Mr. Chairman.

CHAIRMAN: Mr. Cambron makes a motion for approval.

DR. BOTHWELL: Second.

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

Next item.

ITEM 19

9035, 9045, 9055, 9101 Todd Bridge Road, 1.11, 1.11, 1.10, 1.09 acres

Consider approval of minor subdivision plat.

Applicant: Sarah Wells

MR. NOFFSINGER: Mr. Chairman, this plat was on the agenda last month. It was considered by this commission and was denied at that time. It creates four lots that would exceed to depth to width ratio. With that it's ready for your reconsideration.
CHAIRMAN: Is there anybody here representing the applicant?

MR. CECIL: Yes.

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

(NO RESPONSE)

CHAIRMAN: Would the applicant like to make a statement?

MR. ELLIOTT: State your name, please.

MR. CECIL: Paul Cecil.

(MR. PAUL CECIL SWORN BY ATTORNEY.)

MR. CECIL: The three to one ratio it's less than one-tenth out of line. We go ahead conforming lots. I think it should be approved. If we wait and just create -- it'd just work better if we go ahead and get the four lots in. I don't know what other questions you may have. You might have a plat there in front of you.

CHAIRMAN: Let's see if anybody from the commission has a question of applicant.

MR. APPLEBY: I was in favor of it last week, but we didn't have anybody here.

Just for purposes of creating four lots is for development purposes?

MR. CECIL: Right. They were nicely
shaped lots and it worked out well to go ahead and do it at this time and make it a nice subdivision there. I thought it looked pretty good that way. If you try to go ahead and do the three lots now or something like that, then you're going to have a little bit of a different shape lot. It's almost in conformance.

MR. APPLEBY: It exceeds the ratio by how much?

MR. NOFFSINGER: Ten feet.

MR. APPLEBY: I make a motion for approval.

CHAIRMAN: Hold on. We've got a comment by Mr. Noffsinger.

MR. NOFFSINGER: Mr. Cecil, I talked with the landowner, Sarah Wells. I think at one point she mentioned that she could buy some land adjoining this and would not exceed the depth to width ratio.

MR. CECIL: She wanted to try to get this approved. She was willing to do whatever it took to achieve her goal, I guess. With such a small difference it would seem that it would be -- I'm not much on words. It seems like if we go ahead and be just as well to do it this way. If she were to require more land go back out and do another survey it'd cost her more money. I didn't think that she --
cause a little bit more of a cut out of the back of the property of the parent tract instead of keeping it straight across the back of the other lots.

CHAIRMAN: Mr. Appleby.

MR. APPLEBY: I think as close as it is to meeting the ratio that I can't see a point of putting people through acquiring another piece of property and going through the undue expense of resurvey. I still make a motion for approval.

CHAIRMAN: We have a motion for approval by Mr. Appleby.

MR. CAMBRON: Second.

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

Next item.

Thank you, Mr. Cecil.

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AGRICULTURAL DIVISION

ITEM 20

4137 Poplar Log Bridge Road, 9251 Poplar Spur Road
Consider approval of agricultural division.
Applicant: Hurbert Hust

MR. NOFFSINGER: Mr. Chairman, this application comes before the Planning Commission in Ohio Valley Reporting
(270) 683-7383
that it creates two agricultural tracts.

Ms. Watson, would you explain this, please.

MS. WATSON: There's about 110 acre total on this property. There's an 18-foot strip that goes to Poplar Spur Road and a small strip that -- one to Poplar Spur Road and one to Poplar Log Bridge Road. Neither of the tracts that they're proposing to create have 50 feet of frontage, but they're proposing to create two agricultural tracts. One of 20 acres and one of 90 acres and use the existing frontage on each roadway to create those tracts. That's all that they have available accessing on a public road and they would keep the acreage over ten acres.

MR. NOFFSINGER: Is there a notation on the plat of no other subdivision of this property unless additional frontage was supplied?

MS. WATSON: We will get that on the plat. I think I've got it on the big copies. They only submitted two because it's an agricultural division, but I'll check that.

MR. NOFFSINGER: With that Staff would recommend that it be approved.

MR. APPLEBY: Gary, is it not possible even for them to cut another ten acre agricultural
tract out of it in the future?

MR. NOFFSINGER: There's no additional frontage.

MS. WATSON: There is not any other frontage available.

MR. APPLEBY: That's it?

MR. NOFFSINGER: They would have to obtain additional frontage to create another tract.

Staff would recommend that it be approve since it is an agricultural division but with that notation that it not be further subdivided unless additional frontage is acquired.

CHAIRMAN: Is there anybody here representing the applicant?

(NO RESPONSE)

CHAIRMAN: Does anybody in the audience have a question of the applicant?

(NO RESPONSE)

CHAIRMAN: Does anybody on the commission have a question?

Mr. Jagoe.

MR. JAGOE: Mr. Noffsinger just said unless there's other frontage is acquired. Does that not go on the plat also?

MR. NOFFSINGER: It should go on the plat.
MR. JAGOE: No further division unless there's other frontage acquired?

MR. NOFFSINGER: Unless they obtain additional frontage to meet the minimum requirements, subdivisions regulations or minimum of 50 feet for each agricultural tract.

MR. JAGOE: Okay.

CHAIRMAN: Ms. Watson, did you find whether that --

MS. WATSON: We're not sure, but that will be a requirement if the Planning Commission decides to approve it. We'll make sure it's on there before it's signed.

MR. APPLEBY: I make a motion for approval with that addition.

MR. CAMBRON: Second.

CHAIRMAN: With the addition recommended by Mr. Noffsinger and Ms. Watson?

MR. APPLEBY: Yes.

CHAIRMAN: We've got a motion for approval by Mr. Appleby. We've got a second by Mr. Cambron. All in favor raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: This motion carries unanimously.
Next item, please.

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SURETY RELEASES

ITEM 21

Action Pest Control, $1,102
Consider release of surety (Certified Check) for landscaping
Surety posted by: Action Pest Control

ITEM 22

Bertha Goetz Estate, Unit #4, $500
Consider release of surety (Certificate of Deposit) for sewer tap
Surety posted by: Bertha Goetz Estate, c/o Jim Goetz

ITEM 23

Eagle Crest Estates, Unit #1, $34,076
Consider partial release of surety (Certificate of Deposit) for storm and sanitary sewers.
Surety retained (Certificate of Deposit) $5,514
Surety posted by: Hayden Park Developers, c/o Ron Jones

ITEM 24

Spectrum Logistics, LLC, $10,095
Consider release of surety (Performance Bond) for landscaping
Surety posted by: Hayden Construction Co., Inc.

ITEM 25

Turtle Creek, Unit #2, $33,663.15
Consider partial release of surety (Performance Bond) for streets, sidewalks and storm sewers.
Surety retained (Performance Bond) $37,557.20
Surety posted by: Robert J. Wimsatt

MR. NOFFSINGER: Under Surety Releases,

Mr. Chairman, Items 21 through 25 are in order and may be released in toto.
CHAIRMAN: Chair is ready for a motion.

MR. APPLEBY: Motion for approval.

CHAIRMAN: Motion for approval by Mr. Appleby.

MR. JAGOE: Second.

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

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SURETY TRANSFERS

ITEM 26

Bertha Goetz Estate, Unit #4, $5,875
Transfer of surety (Certificate of Deposit) for water mains and fire hydrants to the City of Owensboro.
Surety posted by: Bertha Goetz Estate, c/o Jim Goetz

ITEM 27

Brookhill Heritage, Unit #13, $3,836
Transfer of surety (Certificate of Deposit) for 1" bitum conc. surface to the City of Owensboro
Surety posted by: JMJ Construction

ITEM 28

Brookhill Heritage, Unit #13, $7,672
Transfer of surety (Certificate of Deposit) for 2" bitum conc. base to the City of Owensboro
Surety posted by: JMJ Construction

ITEM 29

Brookhill Heritage, Unit #13, $8,334
Transfer of surety (Certificate of Deposit) for sidewalks to the City of Owensboro
Surety posted by: JMJ Construction

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ITEM 30
Cinderella Drive, $28,478.50
Transfer of surety (Performance Bond) for public improvements to the Daviess County Fiscal Court
Surety posted by: James Glenn Causey

ITEM 31
Lake Forest, Unit #12, $2,923.20
Transfer of surety (Certificate of Deposit) for 1" bitum conc. surface to the Daviess County Fiscal Court
Surety posted by: Lake Forest Community, LLC

ITEM 32
Lake Forest, Unit #12, $5,846.40
Transfer of surety (Certificate of Deposit) for 2" bitum conc. base to the Daviess County Fiscal Court
Surety posted by: Lake Forest Community, LLC

ITEM 33
Lake Forest, Unit #12, $8,562
Transfer of surety (Certificate of Deposit) for sidewalks to the Daviess County Fiscal Court
Surety posted by: Lake Forest Community, LLC

ITEM 34
Lake Forest, Unit #12, $4,650
Transfer of surety (Certificate of Deposit) for storm sewers and drainage to the Daviess County Fiscal Court
Surety posted by: Lake Forest Community, LLC

MR. NOFFSINGER: Under Surety Transfers, Mr. Chairman, Items 26 through 34 are in order and may be transferred in toto.

CHAIRMAN: Chair is ready for a motion.

MS. DIXON: Move to approve.

CHAIRMAN: Motion for approval by Ms. Dixon.

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MR. HAYDEN: Second.

MR. CHAIRMAN: Second by Mr. Hayden. All in favor raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

NEW BUSINESS

ITEM 35

Consider approval of FY 2003 budget

MR. NOFFSINGER: Mr. Chairman, I mailed a copy of the budget out to each one of the commissioners back about three weeks ago. I'll be glad to answer any questions you may have.

CHAIRMAN: Do we have any questions from any of the commissioners?

(NO RESPONSE)

CHAIRMAN: One comment that I just want to make. I want to congratulate again Mr. Adams and Mr. Noffsinger for their certification and that they also got an increase in their salary because of this. I appreciate your hard work and your certification.

With that the chair is ready for a motion.

MR. JAGOE: Move to approve.

CHAIRMAN: Motion for approval by Mr. Jagoe.
MR. HAYDEN: Second.

MR. CHAIRMAN: Second by Mr. Hayden. All if favor raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

Chair is ready for one final motion.

DR. BOTHWELL: Motion to adjourn.

CHAIRMAN: Motion to adjourn by Dr. Bothwell.

MS. DIXON: Second.

CHAIRMAN: Second by Ms. Dixon.

MR. NOFFSINGER: I would like to announce the upcoming cell tower forum that will be on July 8th at 6 p.m. on the fourth floor of city hall here in Owensboro. The public is invited to attend and we hope the public will turn out to give the committee cell tower some guidance and direction. Thank you.

CHAIRMAN: All in favor of the adjournment raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Meeting is adjourned.

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Ohio Valley Reporting
(270) 683-7383
STATE OF KENTUCKY)
) SS: REPORTER'S CERTIFICATE
COUNTY OF DAVIESS)

I, LYNNETTE KOLLER, Notary Public in and for the State of Kentucky at Large, do hereby certify that the foregoing Owensboro Metropolitan Planning & Zoning meeting was held at the time and place as stated in the caption to the foregoing proceedings; that each person commenting on issues under discussion were duly sworn before testifying; that the Board members present were as stated in the caption; that said proceedings were taken by me in stenotype and electronically recorded and was thereafter, by me, accurately and correctly transcribed into the foregoing 52 typewritten pages; and that no signature was requested to the foregoing transcript.

WITNESS my hand and notarial seal on this the 20th day of June, 2002.

LYNNETTE KOLLER, NOTARY PUBLIC
OHIO VALLEY REPORTING SERVICE
202 WEST THIRD STREET, SUITE 2
OWENSBORO, KENTUCKY 42303

COMMISSION EXPIRES:
DECEMBER 19, 2002

COUNTY OF RESIDENCE:
DAVIESS COUNTY, KENTUCKY

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