The Owensboro Metropolitan Planning Commission met in regular session at 6:00 p.m. on Thursday, January 9, 2003, 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
Martin Hayden
Stewart Elliott, Attorney

CHAIRMAN: Would like to call our Owensboro Metropolitan Planning Commission meeting of January 9th to order.
First we want to have our pledge of allegiance and invocation which will be given by Mr. Gary Noffsinger. Everybody please stand.

(INVOCATION AND PLEDGE OF ALLEGIANCE.)

CHAIRMAN: Thank you, Gary.

Our first order of business is to consider the minutes of the December 12, 2002, meeting. Are
there any corrections or additions to the minutes?

(NO RESPONSE)

CHAIRMAN: If there are none, the Chair is ready for a motion.

MR. JAGOE: Move to approve.

CHAIRMAN: Motion for approval by Mr. Jagoe.

MS. DIXON: Second.

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: The motion carries unanimously.

Next item of business is the election of officers for the year 2003. I'll turn this part of the meeting over to our attorney, Mr. Stewart Elliott.

Mr. Elliott, would you take charge of the meeting please at this point.

MR. ELLIOTT: In accordance with our bylaws, the first meeting in January for the coming year of 2003 we have to have election of officers. I'll now open the floor for the nomination for the office of chairman.

MR. CAMBRON: I'd like to make a motion for Mr. Kirkland.

MR. ELLIOTT: We have a motion for Mr.
Kirkland.

MR. JAGOE: Second.

MR. ELLIOTT: Any other nominations?

(NO RESPONSE)

MS. DIXON: Move the nomination cease.

MR. ELLIOTT: Motion nomination cease. Do I have a second?

MR. HAYDEN: Second.

MR. ELLIOTT: All in favor of Mr. Kirkland for chairman signify by raising your hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

MR. ELLIOTT: Mr. Kirkland is now chairman.

The floor is now open for the nomination for the office of vice chairman.

MR. KIRKLAND: I'd like to nominate Mr. Cambron.

MR. ELLIOTT: Nomination for Mr. Cambron.

Do I have a second?

MR. HAYDEN: Second.

MR. ELLIOTT: Any other nominations?

(NO RESPONSE)

MS. DIXON: Move the nomination cease.

MR. ELLIOTT: Motion nomination cease. Do I have a second?
MR. KIRKLAND: Second.

MR. ELLIOTT: All in favor of Mr. Cambron for vice chairman signify by raising your hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

MR. ELLIOTT: The floor is now open for the nomination for office of secretary.

MR. KIRKLAND: I'd like to nominate Mr. Appleby.

MR. ELLIOTT: Mr. Appleby. Do I have a second?

MR. CAMBRON: Second.

MR. ELLIOTT: Any other nominations?

(NO RESPONSE)

MR. GILLES: Make a motion nomination cease.

MR. ELLIOTT: Motion nomination cease. Is there a second?

MR. CAMBRON: Second.

MR. ELLIOTT: All in favor of Mr. Appleby for secretary signify by raising your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

MR. ELLIOTT: Mr. Appleby is now the secretary.

That concludes the election, Mr. Chairman.

CHAIRMAN: Thank you, Mr. Elliott.

Ohio Valley Reporting
(270) 683-7383
The next order of business, Mr. Noffsinger, our first item.

PUBLIC FACILITIES PLANS REVIEW FOR CONSISTENCY WITH COMPREHENSIVE PLAN

ITEM 2

1817 Leitchfield Road
Land Acquisition
Consider comments regarding the acquisition of property located at 1817 Leitchfield Road. Referred by: Owensboro Public Schools.

MR. NOFFSINGER: Mr. Chairman, this property is located east of the Estes Elementary School. Planning Staff has reviewed the Comprehensive Plan and find no conflict with this acquisition.

CHAIRMAN: Is anybody here representing the Owensboro Public Schools?

(NO RESPONSE)

CHAIRMAN: Any questions by anybody on the commission?

(NO RESPONSE)

CHAIRMAN: If not the 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.

COMBINED DEVELOPMENT PLAN/MAJOR SUBDIVISION

ITEM 3

3230-3288 Buckland Square, Jamestown Apartments, 7.942 acres
Consider approval of combined major subdivision preliminary plat/final development plan.
Applicant: Jim Hawkins

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

CHAIRMAN: Is there any questions from the audience?

(NO RESPONSE)

CHAIRMAN: Any questions by the commission?

(NO RESPONSE)

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

MR. ROGERS: Motion for approval.

CHAIRMAN: Motion for approval. Do we
have a second?

     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.

-----------------------------------------

DEVELOPMENT PLAN

ITEM 4

3000 Frederica Street, 59.927 acres
Consider approval of amended final development plan.
Applicant: Kentucky Wesleyan College

     MR. NOFFSINGER: Mr. Chairman, this
application has been review by the Planning Staff,
Engineering Staff. It's found to be in order. It is
for the construction of a football stadium and science
center at the Kentucky Wesleyan Campus.

     CHAIRMAN: Are there any questions?

     (NO RESPONSE)

     CHAIRMAN: Any comments by the commission?

     (NO RESPONSE)

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

     MS. DIXON: Move to approve.

     CHAIRMAN: Motion for approval by Ms. Dixon.

Ohio Valley Reporting
(270) 683-7383
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.

-----------------------------------------

MAJOR SUBDIVISIONS

ITEM 5

3230-3288 Buckland Square, 7.942 acres
Consider approval of major subdivision final plat.
Surety (Irrevocable Letter of Credit) $42,360.00
Applicant: Jim Hawkins

MR. NOFFSINGER: Mr. Chairman, this is the final plat related to Item 3. This plan has been reviewed by the Planning Staff, Engineering Staff.

Found to be in order and ready for consideration.

CHAIRMAN: Are there any questions?

(NO RESPONSE)

CHAIRMAN: Any comments 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. HAYDEN: Second.

Ohio Valley Reporting
(270) 683-7383
CHAIRMAN: Second. All in favor raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

ITEM 6

The Greens of Heartland, Phase 5, Lots 105-120, 4.224 acres
Consider approval of major subdivision final plat.
Surety (Certificate of Deposit) $8,683.80
Applicant: Jagoe Development Corporation

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

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

CHAIRMAN: Mr. Jagoe will be disqualified on this vote.

Are there any comments or questions?

(NO RESPONSE)

CHAIRMAN: Chair is ready for a motion.

MR. CAMBRON: Motion for approval.

MS. DIXON: Second.

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

(ALL BOARD MEMBERS PRESENT WITH THE Ohio Valley Reporting
(270) 683-7383)
CHAIRMAN: Motion carries unanimously.

ITEM 7

The North Landings of Heartland, Phase 1, Lots 241-276, 9.688 acres
Consider approval of major subdivision final plat. Surety (Certificate of Deposit) $57,648.60
Applicant: Jagoe Development Corporation

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

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

CHAIRMAN: Mr. Jagoe will be disqualified on this vote.

Are there any comments or questions?

(NO RESPONSE)

CHAIRMAN: Chair is ready for a motion.

MS. DIXON: Move to approve.

CHAIRMAN: Motion for approval by Ms. Dixon.

MR. ROGERS: Second.

CHAIRMAN: Mr. Rogers has a second. All in favor raise your right hand.

(ALL BOARD MEMBERS PRESENT WITH THE DISQUALIFICATION OF MR. JAGOE RESPONDED AYE.)
ITEM 8
3225, 3260, 3290, 3291, 3320 Warehouse Road,
23.629+ acres
Consider approval of major subdivision revised
preliminary plat.
Applicant: Commercial Warehousing, Inc.

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

CHAIRMAN: Any questions or comments?
(NO RESPONSE)

CHAIRMAN: Chair is ready for a motion.
MR. HAYDEN: Make a motion to approve.
CHAIRMAN: We've got a motion for
approval.
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.

ITEM 9
3225, 3260, 3290, 3291, 3320 Warehouse Road,
11.429+ acres
Consider approval of major subdivision final plat.
Surety (Certified Check) $1,073.80
Applicant: Commercial Warehousing, Inc.

MR. NOFFSINGER: Mr. Chairman, this plat
has been reviewed by the Planning Staff, Engineering
Staff. The plat is not in order. It includes
property that will be or is proposed to be annexed in
the City of Owensboro; however, it's my understanding
that that application has not been submitted to the
city engineer's office. Therefore, Planning Staff
would recommend you postpone consideration of this
item until the next meeting of the Planning Commission
in February.

CHAIRMAN: Do we have a comment from the
audience?

MR. ELLIOTT: State your name, please.

MR. RINEY: Jim Riney.

(MR. JIM RINEY SWORN BY ATTORNEY.)

MR. RINEY: It was late this afternoon,
Mr. Noffsinger, but I was able to get the signature
from the secretary of the corporation. The annexation
application has been filed. I don't know that you are
aware of that. I don't have a copy with me, I don't
believe.

MR. NOFFSINGER: That's fine, but I would
not anticipate that action occurring before the next
Planning Commission meeting. We would not be able to
sign it. I still would recommend that we postpone
until the February meeting.
MR. RINEY: Well, with all do respect, if
the Planning Commission could approve it subject to
the City Commission having that first reading, then
you could hold, the Staff could hold the plat in
advance, the final plat, and when it was approved by
the City Commission for first reading, if that was the
condition and that was satisfied, then that would not
delay. Timing was an important issue for Commercial
Warehousing.

MR. NOFFSINGER: I understand the timing
was an important issue and that's why we made it an
issue at the preliminary meeting we had with the
applicant. Again, we would not be able to get a
signature on that plat until such time as the
application has received final second reading through
the City of Owensboro. I don't think that's going to
occur until probably after the next Planning
Commission meeting.

MR. RINEY: I thought we were talking
about the first reading, Mr. Noffsinger.

MR. NOFFSINGER: No, sir, I'm sorry.

MR. RINEY: You're talking about the final
plat at this point in time and that's the only issue
at this point?

MR. NOFFSINGER: Yes, sir. The
preliminary plat was approved, the previous item.

This would only be the final plat.

MR. RINEY: Well, if that's your
condition, I can't argue with that timing.

MR. CAMBRON: Can I ask Mr. Noffsinger a
question?

CHAIRMAN: Go ahead.

MR. CAMBRON: Mr. Noffsinger, if we
postpone this, it won't come back until next month; is
that right?

MR. NOFFSINGER: Yes, sir.

MR. CAMBRON: Possibility if we determine
we'd like to go on and vote on it tonight with the
stipulation, correct?

MR. NOFFSINGER: You can do that as well.

CHAIRMAN: I think Mr. Riney though is
aware of the situation. I think he's in agreement
with the postponement.

MR. RINEY: On behalf of the applicant, we
prefer to go ahead and streamline it if we could. I
was under the impression we were talking about one
reading from the City Commission. If we can get the
approval and still know that the plat would not be
signed until the second reading, if we could get that
authorization tonight, then that actually would be
fine. If that would pleasure the commission, we'd
like to go ahead and do that.

CHAIRMAN: Mr. Noffsinger.

MR. NOFFSINGER: Staff would recommend
that you postpone taking action on it because the plat
will not be signed until after the next meeting of the
Planning Commission; however, if the commission would
like to approve it with a condition, that annexation
occur, that's certainly doable. We like to have these
plans in order.

MR. APPLEBY: The second reading is not
going to occur before our next meeting anyway, is it?
MR. NOFFSINGER: It may not.
MR. APPLEBY: Probably won't. We will
have the first reading by the next meeting most
likely. Still will be passed with a condition at the
next meeting. Would that not be right? Would be not
be well off just to postpone it until at least that
reading?

CHAIRMAN: Are you heading toward the form
of a motion, Mr. Appleby?

MR. APPLEBY: I'm going to move to
postpone.

CHAIRMAN: We've got a motion on the floor
for postponement.
MS. DIXON: Second.

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

(MR. APPLEBY, MR. GILLES, MR. ROGERS, MR. KIRKLAND & MS. DIXON RESPONDED AYE.)

CHAIRMAN: All opposed.

(MR. JAGOE, MR. CAMBRON & MR. HAYDEN RESPONDED NAY.)

CHAIRMAN: The motion is postponed.

Next item, please.

-----------------------------------------
SURETY RELEASES

ITEM 10

The Greens of Heartland, Unit #4, $11,890.00
Consider release of surety (Certificate of Deposit) for water mains and fire hydrants.
Surety posted by: Jagoe Homes & Construction Co., Inc.

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

CHAIRMAN: Mr. Jagoe will be disqualified on this voting.

MR. NOFFSINGER: It is in order.

CHAIRMAN: Are there any questions?

(NO RESPONSE)

MR. CAMBRON: Motion for approval.

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

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

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

CHAIRMAN: Motion carries unanimously.

ITEM 11

Owensboro Manufacturing, Phase II, $933.00
Consider release of surety (Certified Check) for landscaping.
Surety posted by: Owensboro Manufacturing, LLC

ITEM 12

Sterling Park, Unit #1, $5,000.00
Consider release of surety (Certified Check) for fire hydrants.
Surety posted by: Jerry Butler

ITEM 13

Timber Trails, Unit #1, $17,535.00
Consider release of surety (Certified Check) for 6" DGA.
Surety posted by: Timber Trails, LLC

ITEM 14

Timber Trails, Unit #1, $1,000.00
Consider release of surety (Certified Check) for spillways (emergency).
Surety posted by: Timber Trails, LLC

ITEM 15

Timber Trails, Unit #1, $1,000.00
Consider release of surety (Certified Check) for storm sewers.
Surety posted by: Timber Trails, LLC
ITEM 16
Timber Trails, Unit #1, $750.00
Consider release of surety (Certified Check) for water mains.
Surety posted by: Timber Trails, LLC

MR. NOFFSINGER: Mr. Chairman, Surety Releases Items 11 through 16 are in order and may be released in toto.

CHAIRMAN: Chair is ready for a motion.

MS. DIXON: Move to approve Items 11 through 16 in toto.

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.

Chair is ready for one final motion.

MS. DIXON: Move to adjourn.

CHAIRMAN: Motion for adjournment by Ms. Dixon.

MR. HAYDEN: Second.

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

Ohio Valley Reporting
(270) 683-7383
CHAIRMAN: Motion carries. We are adjourned.
STATE OF KENTUCKY)
)
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 19 typewritten pages; and that no signature was requested to the foregoing transcript.

WITNESS my hand and notarial seal on this the 17th day of January, 2003.

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

COMMISSION EXPIRES:
DECEMBER 19, 2006

COUNTY OF RESIDENCE:
DAVIESS COUNTY, KENTUCKY

Ohio Valley Reporting
(270) 683-7383