The Owensboro Metropolitan Planning Commission met in regular session at 6:00 p.m. on Thursday, June 10, 2004, at City Hall, Commission Chambers, Owensboro, Kentucky, and the proceedings were as follows:

MEMBERS PRESENT:  Drew Kirkland, Chairman
Gary Noffsinger
Dave Appleby
Scott Jagoe
Sister Vivian Bowles
Judy Dixon
Dr. Mark Bothwell
Martin Hayden
Stewart Elliott, Attorney

CHAIRMAN:  I'd like to welcome everybody to the June 10th meeting of the Owensboro Metropolitan Planning Commission.  I'd like everybody to stand and our invocation will be given by Sister Vivian Bowles.

(INVOCATION AND PLEDGE OF ALLEGIANCE.)

CHAIRMAN:  Our first order of business is to consider the minutes of the May 13th meeting.  Are there any additions, corrections or questions?

(NO RESPONSE)

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

MS. DIXON: Move to approve.

CHAIRMAN: Motion for approval by Ms. Dixon.

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, Mr. Noffsinger.

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PUBLIC HEARING

ITEM 2

Consider adoption of revised text amendments to the Owensboro Metropolitan Subdivision Regulations for Owensboro, Whitesville and Daviess County.

MR. NOFFSINGER: Mr. Chairman, these revised text amendments have been advertised for public hearing at this time. Becky Stone at this time will read in a brief summary of the proposed changes.

MR. ELLIOTT: State your name, please.

MS. STONE: Becky Stone.

(MS. BECKY STONE SWORN BY ATTORNEY.)

MS. STONE: We reviewed these last month so I will just go through and do a summary of the changes that we discussed.

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Section 1.6 is changing to be consistent with KRS Section 100.2773.

We are altering the subregs to allow minor amendments to major subdivisions. The specific criteria that would be met to define minor amendment.

We're eliminating the sections regarding percolation test results and relying on the Health Department regulations governing those approvals.

This has not been required for some time. We're just making the changes to make it consistent with the policy.

Again, allowing changes for minor amendments in the preliminary plat section.

Staff and other agency review, we are adding language to clarify the utility review occurring prior to submittal to the OMPC.

Section 3.311 we've added a letter of credit as an acceptable sureties.

Timely completion of improvements has been edited to clarify the public improvement surety will be a two year bond. Sidewalk surety will be three years. We've also edited that section to allow OMPC director to administratively release or transfer surety as appropriate.

Deleted the section on forfeiture of

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surety because that will be governed by the
legislative body policy.

Again, under formal application and
submission for minor amendments to final plats.

Owner's certification, have added language
to allow for an authorized agent to sign the plat.

Sections 4.164 through 4.167, added
sections to provide for utility signatures on
preliminary plats.

Also have added sections to provide for
utility signatures on final plats.

Section 5.35, we've changed the lot depth
to width ratio from 2 1/2 to 1 to 3 to 1 to be
consistent with the Comprehensive Plan.

Section 5.38, we've changed lot sizes to
reflect 3/4 acre minimum as set in the Zoning
Ordinance.

Section 5.641, we've changed the minimum
lot size for septic systems from 1/2 acres to 3/4
acre.

CHAIRMAN: Are there any questions?

(NO RESPONSE)

CHAIRMAN: If there are no questions, the
chair will be ready for a motion.

MR. NOFFSINGER: Mr. Chairman, I have a
motion I'd like to add for the record. If Planning Commission approves these changes here tonight, that will be a final action and these changes will not go to legislative bodies for final action that are to taken here tonight.

CHAIRMAN: Thank you, Mr. Noffsinger. Anybody else have any questions or comments?

(NO RESPONSE)

CHAIRMAN: If not 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.

Next item.

ZONING CHANGE - CITY

ITEM 3

Portion of 400 Salem Drive, 0.32+ acres Consider zoning change: From I-1 Light Industrial to B-5 Business/Industrial Applicant: Back Bay, LLC

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PLANNING STAFF RECOMMENDATIONS

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

Findings of Fact:

1. The subject property is located within a Business/Industrial Plan Area, where general business uses and light industrial uses are appropriate in general locations;
2. The subject property lies within an existing area of mixed general business and light industrial uses; and,
3. The B-5 Business/Industrial zoning classification will bring the subject property into conformance with the zoning ordinance because there are existing mixed business and light industrial uses within the existing building located on the subject property.

MS. STONE: We would like to enter this as Exhibit A.

CHAIRMAN: Are there any questions?
(NO RESPONSE)

CHAIRMAN: Any questions from the commission?

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

DR. BOTHWELL: Motion for approval, Mr.
Chairman, based on Findings of Fact 1 through 3.

CHAIRMAN: We have a motion for approval
by Dr. Bothwell.

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.

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ZONING CHANGE - COUNTY

ITEM 4

101 Block Booth Field Road, 27.103 acres
(POSTPONED from May Meeting)
Consider zoning change: From A-U Urban Agriculture
to R-1C Single-Family Residential.
Applicant: Robert Wimsatt

PLANNING STAFF RECOMMENDATIONS

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

Findings of Fact:

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

2. The subject property is adjacent to existing R-1C Single-Family Residential zoning and the existing Harbor Trace Subdivision;

3. A preliminary subdivision plat has been submitted for the subject property; and,

4. Sanitary sewer is proposed to be expanded to serve the subject property.

    MS. STONE: We would like this Staff Report entered as Exhibit B.

    CHAIRMAN: Do we have anybody here representing the applicant?

    APPLICANT REP: Yes.

    CHAIRMAN: Do we have any questions of anybody of the applicant?

    (NO RESPONSE)

    CHAIRMAN: Do we have any questions from the commission of the applicant?

    (NO RESPONSE)

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

    DR. BOTHWELL: Motion for approval based upon Findings of Fact 1 through 4.
CHAIRMAN: Motion for approval by Dr. Bothwell.

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.

Related Item:

ITEM 4A

Harbor Hills, Section 1, Lots 1-48, 27.103 acres Consider approval of major subdivision preliminary plat. Applicant: Robert J. Wimsatt

MR. NOFFSINGER: Mr. Chairman, this application has been reviewed by the Planning Staff. It's found to be in order. It's found to meet the Comprehensive Plan as well as to meet the minimum regulations contained in the zoning ordinance and the subdivision regulations.

CHAIRMAN: Somebody here representing the applicant?

APPLICANT REP: Yes.

CHAIRMAN: Does anybody have any questions of the applicant?

(NO RESPONSE)

CHAIRMAN: If not the chair is ready for a
SISTER VIVIAN: I move for approval.

CHAIRMAN: Motion for approval by Sister Vivian.

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 CHANGE - WHITESVILLE

ITEM 5

9907 West Street (Whitesville) 1.02 acres
Consider zoning change: From R-1A Single-Family Residential to I-1 Light Industrial
Applicant: Joseph D. & Donna C. Howard

PROPOSED ZONE & LAND USE PLAN

The applicant is seeking an I-1 Light Industrial zone. The subject property is located in an Urban Residential Plan Area where light industrial uses are appropriate in very limited locations.

SPECIFIC LAND USE CRITERIA

(a) Building and lot patterns; outdoor storage areas Building and lot patterns should conform to the criteria for "Nonresidential Development" (D7) and Ohio Valley Reporting (270) 683-7383
outdoor storage yards with "Buffers for Outdoor Storage Yards" (D1).

(b) Logical expansions outside of Industrial Parks Existing areas of Light Industrial use that are located outside of planned Industrial Parks may be expanded onto contiguous land that generally abuts the same street(s). Such an expansion should not significantly increase the extent of industrial uses that are located in the vicinity and outside of Industrial Parks. Also, such an expansion should not overburden the capacity of roadways and other necessary urban services that are available in the affected area.

APPLICANT'S FINDINGS

Type 2 Findings

A.

1. Zoning classifications is inappropriate due to the recent changes in adjoiner properties.

2. The rezoning of 9923 West Street (Dollar Store) updated drainage and widened and improved West Street. Several residences have been removed leaving only two homes facing West Street. West Street is a dead end street and the two homes are located at the end of this dead end street. Rezoning should have been completed at the time of the earlier rezoning for

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the Dollar Store.

B.

1. Increased traffic on West Street due to
the recent rezoning of 9923 West Street (Dollar Store, zoned B-4)

2. Neighboring property changed landscaping
and updated engineering with improved drainage.

3. The adjoining City of Whitesville parcel
is a sewer lift station (#3) and is in a low lying
area which is prone to flooding. Therefore, 9907 West
Second Street is a less desirable area for a residence
(R-1A zoning).

PLANNING STAFF REVIEW

The subject property is located in the 9901 block
of West Street in the City of Whitesville. Land use
criteria applicable to this proposal are reviewed
below.

GENERAL LAND USE CRITERIA

Environment

No important environmental criteria apply to the subject property.

Urban Services

All urban services are available to the site.

Development Patterns

The subject property is located on a dead end

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street, West Street. The property to the north of the
subject property was zoned to B-4 General Business in
May of 2002 and a retail store (the Dollar Store) has
been constructed and is operating on the site. West
Street has been improved with a curb along the west
side to the entrance of the Dollar Store. No
improvement has occurred beyond the entrance to the
south. Properties to the west, east and south of the
subject property are zoned R-1A Single-Family
Residential. The subject property is vacant. No
light industrial zones are contiguous to the subject
property. The current zoning is appropriate and in
keeping with residential uses and zonings along West
Street. A zoning change to B-4 General Business for
the subject property could be appropriate as an
expansion of the existing B-4 General Business zone
located at the intersection of Main Street (KY 54) and
West Street. The change of the adjoining property to
B-4 General Business in 2002 does not support the
change in the subject property to I-1 Light
Industrial.

SPECIFIC LAND USE CRITERIA

The request is not a logical expansion of
existing I-1 Light Industrial zones and uses as there
is no I-1 Light Industrial zoning in the immediate

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vicinity.

PLANNING STAFF RECOMMENDATIONS

Staff recommends denial because the proposal is not in compliance with the community's Comprehensive Plan. This recommendation is made subject to the findings of fact that follow:

Findings of Fact:

1. The subject property is located in an Urban Residential Plan Area, where light industrial uses are appropriate in very-limited locations;

2. The subject property is not contiguous to I-1 Light Industrial zoning;

3. A zoning change to I-1 Light Industrial for the subject property would not be a logical expansion of existing Light Industrial uses in the area because no light industrial uses are present in the vicinity; and,

4. The current zoning of R-1A Single-Family Residential is appropriate because adjoining property in the vicinity is zoned R-1A Single-Family Residential.

MS. STONE: We'd like the Staff Report entered as Exhibit C.

CHAIRMAN: Is there anybody here representing the applicant?

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APPLICANT REP: Yes.

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

(NO RESPONSE)

CHAIRMAN: Would the applicant like to make a statement?

APPLICANT REP: No.

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

MS. DIXON: Move for denial because the proposal is not in compliance with the Comprehensive Plan and based upon Findings of Fact 1 through 4.

CHAIRMAN: We have a motion for denial by Ms. Dixon.

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.

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MAJOR SUBDIVISION

ITEM 6

Lake Forest, Phase IV, Lots 239-347, 52.122 acres
Consider approval of amended major subdivision preliminary plat.
Applicant: Lake Forest Community, LLC
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MR. NOFFSINGER: Mr. Chairman, the Planning has reviewed this application and Engineering Staff. It's found to be in order. It's found to be in compliance with the adopted Comprehensive Plan. It's in conformance with the existing zoning on the property. It also meets the minimum requirements of the public improvement specification, zoning ordinance and subdivision regulations.

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

(NO RESPONSE)

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

MR. APPLEBY: Motion for approval.

CHAIRMAN: Motion for approval by Mr. Appleby.

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, please.

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MINOR SUBDIVISION

ITEM 7

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7414 Knottsville-Mount Zion Road, 1.757+ acres
Consider approval of minor subdivision plat.
Applicant: Paul R. & Connie D. Winkler

MR. NOFFSINGER: Mr. Chairman, this application has been reviewed by the Planning Staff and Engineering Staff. It is found that the lot that is proposed to be created exceeds the three to one depth to width ratio. The lot does have the minimum frontage that's required at the building setback line of 100 feet; however, it goes back for a distance of 623 feet which significantly exceeds the three to one depth to width ratio.

The Planning Staff in review and talking with the surveyor had recommended that there was adequate frontage on the remaining property for the lot to meet the depth to width ratios by extending the property line over. The applicant chose to submit the plat as you see it tonight and is here to address the issue.

CHAIRMAN: I assume the applicant is here?

MS. WINKLER: That would be me.

MR. ELLIOTT: State your name, please.

MS. WINKLER: Connie Winkler.

(MS. CONNIE WINKLER SWORN BY ATTORNEY.)

MS. WINKLER: I'm not exactly sure what I'm suppose to say other than the reason why we want

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the smaller road frontage is because we farm. It's a family farm. It's been in our family since 1882. Her lot that we're looking at giving her is at the very edge of the farm. We have cattle that will roam in front of her farm or in front of her house lot. We don't want to have to move the fence line. So that was the reason why we wanted to keep it as small as possible over to that side.

CHAIRMAN: Mr. Noffsinger, the staff's recommendation was to extent across there?

MR. NOFFSINGER: This way in front of the home and then go toward the road. You would increase the width of the property. By increasing the width of the property you then bring into conformance the depth to width ratio.

CHAIRMAN: Could this be moved up here?

MR. NOFFSINGER: Yes. The home could be moved, but I think the home is already in place.

MS. CONNIE WINKLER: She currently has a mobile home that sitting to the back. We've already got the septic system and all that. At one time we were going to build a house there. That was the reason why we had the 15 acre plat originally set off from the farm, but things changed over time. She's moved there with a trailer, but what she's wanting to
do is build. So we need to get it into her name and
all if we can do that.

CHAIRMAN: You need to step to the podium.

MR. ELLIOTT: State your name, please.

MS. WINKLER: Ashley Winkler.

(MS. ASHLEY WINKLER SWORN BY ATTORNEY.)

MS. ASHLEY WINKLER: Another reason why we
really don't want to go over a lot I'm going to build
my house through Kentucky Housing. If you have over
so many acreage, they may not let me use it. If you
go over that many more feet plus back, it would add
quite a bit more.

MR. NOFFSINGER: It will be about 2 1/2
acres.

MS. ASHLEY WINKLER: And I'm not sure
exactly what Kentucky Housing's cut off is. It might
be 2 or 2 1/2 acres. Right now I'm barely under that.
So if I had to add that, I might be over and wouldn't
be able to use that land.

CHAIRMAN: Mr. Appleby, I know flag lots
are somewhat of your specialty. Do you have any
comments?

MR. APPLEBY: Insofar as they meet the
minimum road frontage, I'm inclined I move we approve
it.
MR. NOFFSINGER: I do have a question of the applicant.

Do you have any intentions on subdividing any additional property?

MS. CONNIE WINKLER: Absolutely not.

CHAIRMAN: Would you be willing to put that condition to this approval, that the remaining frontage would not be subdivided unless this lot was brought into compliance with the subdivision regulations?

MS. CONNIE WINKLER: Am I willing to do that, sure.

CHAIRMAN: What we're faced with, Mrs. Winkler, is this is what we typically refer to as a flag lot. Obviously some of our surveyors and our engineers over there are familiar with that term. We have tried to limit that because if you end up with flag lot after flag lot you have a very, very difficult landscape. That's the reason Mr. Noffsinger is requesting that you get -- if something in the future would take place, that we would square this lot up.

MS. CONNIE WINKLER: I can just about sure you not in my husband's lifetime.

CHAIRMAN: Well, if this is put in the

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deed and part of the deal, it will not be done, if they try to subdivide.

MS. CONNIE WINKLER: What you're saying is just say if we wanted to give our son a lot that came that way, hers would have to move over and then his would have to take on over further, if that was something we did. Do I understand you?

MR. NOFFSINGER: That is correct. You would bring this lot into conformance with the depth to width ratio adding another 100 feet of road frontage to it. Then you would be able to create the next lot.

MRS. CONNIE WINKLER: That's fine. I just wanted to be sure I understood.

MR. NOFFSINGER: I would give you directions, but there's not a north arrow on this plat so without that north arrow I'm lost.

CHAIRMAN: I think Mr. Riney, Mr. Riney is in attendance and he's probably just waiting to step to the podium and square that up for us.

MS. STONE: One more possibility. If she's planning on building a new home, if that home is going to be forward of where the mobile home is setting, there's a possibility of reducing the length of that lot and leaving the manufactured home on the
remaining property and creating more regular lot for
your building lot. I didn't know where you were
planning to build that house. You might could get a
regular lot for your house. You're going to live in
your manufactured home while you're building it?

MS. ASHLEY WINKLER: No.

MS. STONE: You're not. You're going to
remove it.

CHAIRMAN: Well, if we're in agreement
with Mr. Noffsinger, Mr. Noffsinger, can you tell us
exactly so the applicant will know or come pretty
close with the aid of Mr. Riney of where this line
should be from.

MR. NOFFSINGER: As noted in the record
and on this plat, the remaining property could not be
further subdivided so as to create additional tracts
without adding additional width to this particular
1.757 acres to bring it into compliance with the
current depth to width ratio of three to one. That
would mean adding about 100 feet of road frontage to
the lot and bringing that straight back to meet up
with the existing corner of the fence.

CHAIRMAN: At this point somebody could
make a proposal and including that in your proposal.
The applicant is aware of it.
MR. APPLEBY: I make a motion for approval with the terminology that Gary just used. With the notation to be put on the plat that indicates the condition.

CHAIRMAN: If subdividing was done that the depth to width ratio would be brought into line; is that correct, Mr. Noffsinger?

MR. NOFFSINGER: Yes, sir.

CHAIRMAN: Does the applicant understand that?

MS. CONNIE WINKLER: Yes.

MR. HAYDEN: Second.

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: The proposal passes unanimously.

Thank you. Next item.

ITEM 8

6620 Luther Taylor Road, 3.331 acres
Consider approval of minor subdivision plat.
Applicant: John W. & Kerry Jean Hall

MR. NOFFSINGER: Mr. Chairman, this plat has been reviewed by the Planning Staff. It is an existing lot of record that does not currently meet the three to one depth to width ratio. This will
expand the depth of the lot; however in looking at it on paper it would appear Planning Commission should approve this division that it would not make the existing situation any worse than what it is today. Actually create a better lot in terms of front yard verus rear yard, but it's a situation where the director could not sign the plat because it'd further increase that depth to width ratio.

CHAIRMAN: Somebody here representing the applicant?

(NO RESPONSE)

CHAIRMAN: Does anybody on the commission have any questions?

DR. BOTHWELL: Mr. Chairman, if I understand Mr. Noffsinger. It doesn't make it any better, but it doesn't make it any worse.

MR. NOFFSINGER: Yes, sir. Simply put.

CHAIRMAN: Do you have a further comment, Dr. Bothwell?

DR. BOTHWELL: No. That answers my question.

MR. JAGOE: Is chair ready for a motion?

CHAIRMAN: I think the chair is more than ready for a motion.

MR. JAGOE: Move to approve.
CHAIRMAN: Motion for approval by Mr. Jagoe.

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, please.

ITEM 9

116, 120 East 20th Street, 0.302 acres
Consider approval of minor subdivision plat.
Applicant: Jeremy B. Smith, Lexie Hicks

MR. NOFFSINGER: Mr. Chairman, the Planning Staff has reviewed this application. We find that the Planning Commission were to approve this plat it would not make the situation any better and it wouldn't make it any worse.

CHAIRMAN: Surely we have an applicant here that would like to speak and address that matter.

(NO RESPONSE)

CHAIRMAN: Apparently we do not. Does anybody on the commission have a question or need clarification from Mr. Noffsinger on this?

MR. NOFFSINGER: This will shift an existing lot line approximately three feet from an existing home. Would not make the situation worse.
SISTER VIVIAN: Motion for approval.

CHAIRMAN: Motion for approval by Sister Vivian.

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, please.

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SURETY TRANSFERS

ITEM 10

The Brooks, Unit #1, $50,921.60
Transfer of surety (Irrevocable Letter of Credit) for streets, sidewalks and storm sewers to the City of Owensboro.
Surety posted by: Owensboro Master Builders, Inc.

ITEM 11

Covington Ridge, Section 2, $11,055.20
Transfer of surety (Certificate of Deposit) for street and storm sewers to the Daviess County Fiscal Court.
Surety posted by: Ballard Development, LLF

MR. NOFFSINGER: Surety Transfers Item 10 and 11 are in order and may be transferred in toto.

I will add, Mr. Chairman, that in the future Surety Releases and Surety Transfers will not be on the agenda for the Planning Commission unless there is a problem. That is due to the Planning Ohio Valley Reporting (270) 683-7383
Commission approving the amendments to the subdivision regulations which will allow the planning director to approve these releases and transfers administratively.

CHAIRMAN: Are there any questions?

(NO RESPONSE)

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

MS. DIXON: Move to approve Items 10 and 11.

CHAIRMAN: Motion for approval by Ms. Dixon.

SISTER VIVIAN: Second.

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

Next item, please.

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NEW BUSINESS

ITEM 12

Consider approval of OMPC salary chart for FY 2005.

MR. NOFFSINGER: Mr. Chairman, Planning Staff has prepared the salary chart. Mailed it to each of the planning commission members. It's ready for approval. Be glad to answer any questions that
you might have.

CHAIRMAN: Everybody has had a chance to review that. Are there any questions, suggestions?

(NO RESPONSE)

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

MR. APPLEBY: Move 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.

ITEM 13

Consider approval of FY 2005 budget.

MR. NOFFSINGER: Mr. Chairman, the Planning Staff prepared the budget. Mailed members a copy of the budget. The funding request for the OMPC has been approved for the city, from the City of Owensboro. As I understand it, it's near approval through the Daviess County Fiscal Court. We will wait approval from the City of Whitesville.

CHAIRMAN: Any questions?
(NO RESPONSE)

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

MS. DIXON: Move to approve.

CHAIRMAN: Motion for approval by Ms. Dixon.

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, please.

ITEM 14

Consider approval of revised surety posting amounts.

MR. NOFFSINGER: Mr. Chairman, what comes before you is somewhat out of the ordinary in terms of we haven't done this for several years.

Surety amounts for public improvements and infrastructure related to developments such as street construction, sanitary sewers, storm water drainage, sidewalks, those surety amounts are set. Then as a development comes through there's a certain amount the developers are required to post to guarantee those improvements will be installed. We have not looked at the surety amounts in quite awhile. The

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recommendations you have before you come to you after
being prepared and reviewed by the City and County
Engineer, by the Planning Staff as well as
representatives from the development community and the
private engineering community. The bond amounts,
there's some give and take. I think everyone that
attended and participated in this feel that the bond
amounts you have before you are a fair representation
of the cost to provide the infrastructure and install
the infrastructure. These rates should be in affect
until January 1 of 2006. At that time we will bring
to you a revised surety posting amount. These
sureties will be good effective immediately and be
good for about a year and a half. Then at the first
or the second Thursday in January, or whenever the
Planning Commission meets in January, we will bring
new numbers to you for consideration and adoption.

Again, these numbers are used by your city
and county engineers to actually come up with bond
estimates to install infrastructure within our
community.

So with that we would recommend that they
be approved.

CHAIRMAN: Are there any questions?

(NO RESPONSE)

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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.

ITEM 15

Consider authorization of Director to sell Principal Financial Group, Inc. stock

MR. NOFFSINGER: Mr. Chairman, I'd like to turn this over to Stewart Elliott.

MR. ELLIOTT: Mr. Chairman, as a result of some life insurance policy, the Planning Commission has been issued some shares of stock from Principal Financial Group and we are not allowed to own shares of stock so they have to be sold. They need authorization for the chairman or the director to sell these shares of stock. So that's what needs to be done. We need to get resolution or authorization by the Planning Commission to sell.

CHAIRMAN: Should I abstain from voting
since I will be signing this action or not?

MR. ELLIOTT: Yes, probably so.

CHAIRMAN: Based on the recommendation of
counsel, I will accept the motions but I will
disqualify myself from voting.

The chair will be ready for a motion.

DR. BOTHWELL: Mr. Chairman, I make a
motion that we authorize you to sell those shares of
the insurance stock.

CHAIRMAN: We have a motion by Dr.
Bothwell.

MR. APPLEBY: Second.

CHAIRMAN: We have a second by Mr.
Appleby. All in favor raise your right hand.

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

CHAIRMAN: Motion carries unanimously. I
disqualified myself from voting.

Mr. Noffsinger, you have an announcement
of an award that you'd like to make the public aware
of.

MR. NOFFSINGER: Yes. Thank you, Mr.
Chairman.

Would just like to make the public aware
that the Owensboro Metropolitan Planning Commission

Ohio Valley Reporting
(270) 683-7383
received an award from the Kentucky Chapter of the
American Planning Association. It goes to the
Owensboro Metropolitan Planning Commission, special
merit award for outstanding use of technology. This
was received in May of 2004.

This goes back to the past two or three
years where we've been developing the OMPC website as
well as upgrading our computer systems, our data base
and the use of these handheld PDA devices that the
building and electrical inspectors use when they're
out in the field to communicate with our data base
in-house as well as to communicate with the
contractors and the building community. So we're
certainly very appreciative of the Kentucky Chapter of
American Planning Association recognizing the
inference of the OMPC. I can tell you that it would
only have been possible with the support of this
commission, the City of Owensboro, the Daviess County
Fiscal Court and the City of Whitesville.

CHAIRMAN: Thank you, Mr. Noffsinger. A
tremendous effort on the part of our staff to
implement this and to put our Owensboro Metropolitan
Commission and the Planning Staff on the cutting edge.
Thank you. You all are doing a great job. The
public, and the citizens of Owensboro, and Daviess,

Ohio Valley Reporting
(270) 683-7383
and Whitesville, we really appreciate what you all are doing. Thank you very much.

The chair is ready for one final motion.

MS. DIXON: Move to adjourn.

CHAIRMAN: Motion for adjournment by Ms. Dixon.

SISTER VIVIAN: Second.

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: We are adjourned.

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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 34 typewritten pages; and that no signature was requested to the foregoing transcript.

WITNESS my hand and notarial seal on this the 21st day of June, 2004

LYNNETTE KOLLER, NOTARY PUBLIC
OHIO VALLEY REPORTING SERVICE
202 WEST THIRD STREET, SUITE 12
OWENSBORO, KENTUCKY 42303

COMMISSION EXPIRES:
DECEMBER 19, 2006

COUNTY OF RESIDENCE:
DAVIESS COUNTY, KENTUCKY

Ohio Valley Reporting
(270) 683-7383