The Owensboro Metropolitan Planning Commission

met in regular session at 6:00 p.m. on Thursday, February 9, 2006, at City Hall, Commission Chambers, Owensboro, Kentucky, and the proceedings were as follows:

MEMBERS PRESENT:  Drew Kirkland, Chairman
Gary Noffsinger
Dave Appleby
Scott Jagoe
Tim Miller
Irving Rogers
Jimmy Gilles
Nick Cambron
Judy Dixon
Martin Hayden
Stewart Elliott, Attorney
Madison Silvert, Attorney.

CHAIRMAN:  I would like to welcome everybody to our April 13th meeting of the Owensboro Metropolitan Planning Commission.  Would you please stand while I give our invocation.

(INVOCATION AND PLEDGE OF ALLEGIANCE.)

CHAIRMAN:  Our first item of business is to consider the minutes of the March 9, 2006 meeting. Are there any additions, corrections, 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.

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, please.

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

ZONING CHANGES

ITEM 2

1600, 1604, 1608 Lock Avenue, 0.342 acres
Consider zoning change: From R-4DT Inner-City Residential to R-1T Townhouse
Applicant: Homes by Benny Clark, William C. Mitchell

MR. ELLIOTT: State your name, please.

MR. HOWARD: Brian Howard.

(MR. BRIAN HOWARD SWORN BY ATTORNEY.)

PLANNING STAFF RECOMMENDATIONS

Staff recommends approval because the proposal is in compliance with the community's adopted Comprehensive Plan. The condition and findings of fact that support this recommendation include the following:

CONDITION

Widen the existing alley to the rear of the
property to 18 feet in width.

FINDINGS OF FACT

1. The subject property is located in a Central Residential Plan Area where urban mid-density residential uses are appropriate in general locations;

2. The applicant's request is consistent with the pattern of residential development in the vicinity with the majority of existing residences located on lots less than 50 feet in width with access from rear public alleyways;

3. The applicant's request is consistent with the goal of the Comprehensive Plan to provide a variety of housing types suitable to a wide range of people;

4. The applicant's request is consistent with the objective of the Comprehensive Plan to increase inner-city housing density; and,

5. The applicant's request promotes the Comprehensive Plan's housing goals to preserve neighborhoods and housing within the inner-city.

MR. HOWARD: We would like to enter the Staff Report as Exhibit A.

CHAIRMAN: Is there anybody representing the applicant?

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

(NO RESPONSE)

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

(NO RESPONSE)

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

MR. CAMBRON: Motion for approval, Mr. Chairman, based upon the condition and the Findings of Fact 1 through 5.

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.

ITEM 3

712, 716 Poindexter Street, 0.202 acres
Consider zoning change: From I-2 Heavy Industrial to R-4DT Inner-City Residential
Applicant: Phyllis West

PLANNING STAFF RECOMMENDATIONS

Staff recommends approval because the proposal is in compliance with the community's adopted
Comprehensive Plan. The findings of fact that support this recommendation include the following.

FINDINGS OF FACT

1. The subject property is located in a Central Residential Plan Area where urban low-density residential uses are appropriate in general locations;

2. The historical use of the property has been residential in nature;

3. Properties adjacent to the subject property to the east across Poindexter Street are zoned R-4DT and residential in use;

4. Properties adjacent to the subject property to the west, north and south, although zoned I-2, are residential in use; and,

5. Based on the historical use and the location within a Central Residential Plan Area, a residential zoning classification is more appropriate for the subject property.

MR. HOWARD: We would like to enter the Staff Report as Exhibit B.

CHAIRMAN: Is there anybody representing the applicant?

APPLICANT REP: I'm the applicant.

CHAIRMAN: Do you have a statement you would like to make or would you rather wait to see if we
have any questions?

APPLICANT REP: I'll just wait.

CHAIRMAN: Does anybody have any questions of the applicant?

(NO RESPONSE)

CHAIRMAN: If there are no questions of the applicant, chair is ready for a motion.

MR. GILLES: Motion to approve based on Findings of Fact 1 through 5.

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

MR. ROGERS: Second.

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

Next item, please.

ITEM 4

3100 Block Trails Way, 12.054 acres
Consider zoning change: From R-3MF Multi-Family Residential to R-1C Single-Family Residential
Applicant: Jagoe Development, LLC, National City Bank of KY

MR. JAGOE: Mr. Chairman, I need to disqualify myself on Items 4 and 4a.

CHAIRMAN: Let the record show that Mr. Jagoe is disqualifying himself on Items 4 and 4a.
PLANNING STAFF RECOMMENDATIONS

Staff recommends approval because the proposal is in compliance with the community's adopted Comprehensive Plan. The condition and findings of fact that support this recommendation include the following:

CONDITION

Installation of a 10 foot landscape easement with one tree every 40 linear feet and a continuous six foot high element where the subject property abuts the Wendell Ford Expressway.

FINDINGS OF FACT

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 plans for the subject property are consistent with urban residential developments in character, size and configuration;
3. Sanitary sewer service is available to the site and will be incorporated in the development; and,
4. The subject property is a portion of a large developing subdivision that is zoned R-1C.

MR. HOWARD: We would like to enter the Staff Report as Exhibit C.

CHAIRMAN: Is anybody here representing the
applicant?

APPLICANT REP: Yes.

CHAIRMAN: Does anybody have any questions of the applicant?

(NO RESPONSE)

CHAIRMAN: Does anybody from the commission have a question?

(NO RESPONSE).

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

MR. MILLER: Mr. Chairman, motion to approve based on Planning Staff Recommendations, the condition as stated and Findings of Fact 1 through 4.

CHAIRMAN: Motion for approval by Mr. Miller.

MR. APPLEBY: Second.

CHAIRMAN: Second by Mr. Appleby. 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, please.

RELATED ITEM:

ITEM 4A

The Trails of Heartland, Phase IV, Lots 639-675, 12.054 acres

Consider approval of major subdivision preliminary plat.
 Applicant: Jagoe Development, LLC

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 with the minimum requirements of the Owensboro Metropolitan Zoning ordinance, subdivision regulations, and its use is consistent with the adopted comprehensive plan.

CHAIRMAN: Do we have somebody 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 motion.

MR. APPLEBY: Motion for approval.

CHAIRMAN: Motion for approval by Mr. Appleby.

MR. ROGERS: Second.

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

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

CHAIRMAN: Motion carried unanimously.

Next item, please.

ITEM 5
914 Triplett Street, 0.554 acres
Consider zoning change: From B-4 General Business to
I-1 Light Industrial
Applicant: Owensboro Medical Health Systems, Inc.

PLANNING STAFF RECOMMENDATIONS

Staff recommends approval because the proposal
is in compliance with the community's adopted
Comprehensive Plan. The conditions and findings of
fact that support this recommendation include the
following:

CONDITIONS

1. Revise the approved final development plan
with the proposed change in use;

2. Maintain the existing access point as
approved on the previous final development plan. No
new access to East Ninth Street or Triplett Street
shall be permitted; and,

3. Maintain the existing roadway buffer and
landscape element.

FINDINGS OF FACT

1. The subject property is located in a
Business Plan Area where light industrial uses are
appropriate in limited locations;

2. I-1 light industrial zoning is located
immediately west of the subject property; and,

3. The applicant's proposal is a logical
expansion of the existing I-1 Light Industrial zone
that will not significantly increase the extent of the
zone in the vicinity and will not overburden roadways
or other necessary urban services in the affected
area.

MR. HOWARD: We would like to enter the Staff
Report as Exhibit D.

CHAIRMAN: Is there 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
motion.

MS. DIXON: Move to approve subject to
Conditions 1, 2 and 3 and based upon Planning Staff
Recommendations and Findings of Fact 1, 2 and 3.

CHAIRMAN: We've got a 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, please.
ITEM 6

11144 KY 662, 0.34 acres
Consider zoning change: From R-1A Single-Family Residential to A-R Rural Agriculture
Applicant: Karen Fireline

PLANNING STAFF RECOMMENDATIONS

Staff recommends approval because the proposal is in compliance with the community's adopted Comprehensive Plan. The condition and findings of fact that support this recommendation include the following:

CONDITION

Submission and approval of a division and consolidation plat by the OMPC to create a lot that is a minimum of one acre in size.

FINDINGS OF FACT

1. The subject property is located in a Rural Maintenance Plan Area where rural large-lot residential uses are appropriate in limited locations;

2. The subject property will be a well-proportioned lot over one acre in size once the consolidation plat is approved; and,

3. The existing home has frontage and access to KY 662, which is a state maintained roadway.

MR. HOWARD: We would like to enter the Staff Report as Exhibit E.
CHAIRMAN: Do we have somebody representing the applicant?

APPLICANT REP: I am the applicant.

CHAIRMAN: Would you like to make a statement or you just want to see if there are any questions?

APPLICANT REP: No. See if there's any questions.

CHAIRMAN: Thank you.

Does anybody have any questions of the applicant?

(NO RESPONSE)

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

MR. HAYDEN: Make a motion for approval on Staff Recommendations and Conditions and Findings of Fact 1, 2 and 3.

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

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. Thank you.

Next item.
ITEM 7

6100-6300 Blocks US 231, 176.902 acres
Consider zoning change: From A-R Rural Agriculture and A-U Urban Agriculture to R-1A Single-Family Residential
Applicant: Jagoe Land Corporation, Robert B. & Robin Moorman

MR. JAGOE: Mr. Chairman, I need to disqualify myself on 7 and 7A.

CHAIRMAN: Let the record show that Mr. Jagoe is disqualifying himself on Item 7 and 7A.

PLANNING STAFF RECOMMENDATIONS

Staff recommends approval because the proposal is in compliance with the community's adopted Comprehensive Plan. The conditions and findings of fact that support this recommendation include the following:

CONDITIONS

1. Install an eastbound separate right-turn decel and storage lane at the US 231 entrance; and,
2. Extend sanitary sewer to service to the subject property.

FINDINGS OF FACT

1. The subject property is partially located in a Rural Preference Plan Area where urban low-density residential uses are appropriate in very-limited locations and partially located in a
Rural Community Plan Area where urban low-density residential uses are appropriate in limited locations;

2. Sanitary sewers is proposed to be extended to the subject property;

3. The anticipated expansion of sanitary sewer in the Comprehensive Plan to Masonville and the subject property will change the character of the Rural Maintenance Plan Area adjacent to the rural community to be more appropriate for the proposed urban residential use;

4. The proposal is a logical expansion of existing R-1A zoning classification located immediately south and east of the subject property; and,

5. With the installation of a right-turn decel and storage lane at the US 231 entrance the proposal should not have a significant impact on the roadway network and other urban services that are available in the affected area.

MR. HOWARD: We would like to enter the Staff Report as Exhibit F.

CHAIRMAN: Do we have somebody representing the applicant?

MR. ELLIOTT: State your name, please.

MR. BRANCATO: My name is Frank Brancato.
MR. BRANCATO: Mr. Chairman, if it'd be appropriate, I'd like to take just a couple of minutes to get an overview of the application and the area of interest, and then would stand ready to answer any questions that might be forthcoming from the audience.

Is that an appropriate place to put that for purposes of visual?

CHAIRMAN: Maybe if we move it just a little bit. That will be much better.

MR. BRANCATO: Commissioners, this area involves what is now farmland, 176.9 acres.

As Staff noted GRADD recommended that one of the entrances, the one off of Highway 231 be constructed with a deceleration land. The applicant is agreeable to doing that and would bond the construction of the deceleration lane at the time whenever a final plat is recorded to the area northeast of the blue line stream.

The blue line stream is the area that runs through the middle of the property. I'll show you where that is.

It's the area right here in the center. So whenever final plat in any area northeast of this blue line stream is recorded where the applicant would, had
they not previously constructed it, bond the
deceleration lane on Highway 231.

Highway 231 and Hill Bridge Road will serve as
the two entrances to the property. There are other
roads that border the property. That's Westerfield
Lane, Wilson Lane, and part of Burton Road. None of
those roads will be used to access the property.

As a matter of condition, the developer will
deed restrict any home site that backs up to
Westerfield Road, Wilson, Burton and Hill Bridge so
that no access to those homes be permitted from those
other roads.

Deer Park, the subdivision, will be serviced
by RWRA and the residents in the proposed subdivision
will have sanitary sewers as one of the conditions
required as a condition of the rezoning.

We understand as typical RWRA that the
developer will need to stub out several locations for
future expansion of public sewers in that area, but
only those persons who desire to have sewers and who
would petition RWRA for sewers will have access to
that or will have some obligation to pay for sewers if
they so desire.

As we understand R-1A zoning to screen to
adjacent property owners within the zoning of A-U,
R-1A and A-R is not required. There is one property though, the property owned by Betty Baird, where a portion of her property is zoned B-4 approximately 60 linear feet and consistent with zoning requirements. We would be required and will provide a buffer zone along that 60 linear feet line that's required by the ordinance.

The subdivision plans have general lighting, but there are no plans finalized yet; obviously as this is just the zoning application itself.

I'd be happy to answer any questions from the commission at this time. If there are none, then I stand ready to answer any questions from the audience.

I will tell the commission that we met last week in a community meeting at the fire department for about two and a half hours. It was a good turn out we felt. We invited everybody who was listed as adjoining land owners and sent several more letters beyond that. I think there were about 35 people at the meeting.

CHAIRMAN: Thank you.

We have any questions of the applicant?

MR. RINGLING: Is this the appropriate time for comments?

CHAIRMAN: If you've got a question, you need
to come to the podium and we'll swear you in and then you can make your comments.

MR. RINGLING:  I've got a statement.

CHAIRMAN:  You need to go to the podium.

MR. ELLIOTT:  State your name, please.

MR. RINGLING:  Brad Ringling.

(MR. BRAD RINGLING SWORN BY ATTORNEY.)

MR. RINGLING:  My concern is the access to 231 Highway.  231 Highway is a very busy highway.  There are approximately 17 lots proposed in the subdivision.  We were told at the community meeting that for every two houses there would be a driveway coming on to 231.  So that's approximately eight more driveways.  That's in addition to the main subdivision entrance.

I would suggest that if a subdivision is approved there would be restrictions to only allow access to the subdivision at that main entrance.  That way you can put a traffic light there, deceleration lanes, whatever you need to do to control the traffic problem.

Adding more driveways there I see school bus stops, I see cars coming out.  That's a hilly area and it's hard to see already.  I cannot imagine eight more additional driveways on that stretch.

CHAIRMAN:  Thank you.
Mr. Brancato.

MR. BRANCATO: He did tell you correctly. That on the lots facing 231 there would be a shared driveway for every two lots. So if you look at the main entrance, I think that boils down to three driveways on either side of the main entrance.

The area to the north right now looks like there might be an extra driveway, but there's going to be some adjustment in the number of lots that face 231. So there would be six driveways that would come out on US Highway 231.

If you did nothing today under the current zoning, there could be 17 driveways out on 231 as that property exist right with no action by anybody in this room.

So what the subdivision will do is actually limit the access beyond what is permitted today if somebody wanted to go out there, the current owners wanted to go out there and simply divide the property along US Highway 231 and give every new lot a driveway.

CHAIRMAN: Are there any other questions?

MR. ELLIOTT: State your name, please.

MS. BOSLEY: My name is Pat Bosley.
MS. BOSLEY: One big concern that the five home owners on Westerfield Lane would like to bring before the Commission, I will tell you that at the community meeting these were addressed in a fashion. We also would like the committee to know that we are pretty much at Mr. Jagoe's mercy on this situation.

We have an incredible water problem on our road. We always have. We have just sort of taken care of ourself. We've cleaned up the debris. We've waded in when we couldn't get in. Our road is a dead end. It is our only access in and out.

This past month, the month of March 2006, we had a very typical amount of water on our road, which also goes across Mr. Moorman's property below the AT&T tower which is part of the proposed subdivision.

I would like very much to ask permission to share these photos possibly with the committee. There are just three pages.

CHAIRMAN: That will be fine.

Ms. Bosley, as you're distributing these photos you're making a statement of a water problem which is existing.

MS. BOSLEY: Yes.

CHAIRMAN: This water problem does exist. Is
that your statement?

MS. BOSLEY: It exist and it affects our lives tremendously. We cannot get into our homes. Any time there's -- this is not back water. This is head water. I know the engineer has supported why we have this. We really would like this to go on record.

We are at the mercy of the decision here tonight. It's not what we -- the type of housing across from us is not what we really thought was going to be there. We thought it was going to be larger acreage and a little bit larger homes which we didn't think would affect us quite as much.

The water situation, we're at their mercy as to whether their proposal -- they tell us they can take care of this. We're just going to pray that be correct.

We would like you all to take this into consideration for the five homeowners on Westerfield Lane, please.

CHAIRMAN: Mr. Cambron.

Mr. Brancato a quick question.

As I look at this development plan here, it looks like you have some water retention basins through out there; is that correct?
MR. BRANCATO: Yes.

MR. CAMBRON: This has been done by a certified engineer to take care of any water that was coming off that particular property?

MR. BRANCATO: As you know, the water that leaves the property might leave at a great rate post-development than it does today.

These are the proposed locations for the water basins. They have not been completely engineered yet because, again, you withhold engineering until you've secured approval.

Ms. Bosley is correct about the flooding problem. We will not make that flooding problem worse. We have an opportunity with the cooperation from the county to make it better.

What we have discovered is in the southeast corner - I'm going to show where that is. This area right here where the five homeowners live that Ms. Bosley described.

There are two tremendously under-sized pipes. That corner happens to be a location where two different water sheds come together. It sheds the water from around 290 adjoining neighbors. Nothing to do with the application here. That's the point at which it comes.
Also the five pipes from the current landowners are a little under-sized. So we have those two water sheds that then have to cross three of those pipes. So that's where the choking occurs.

We intend to widen the ditch along Hill Bridge Road and can substantially widen it beyond our specific requirements due to the depth of the lot. So if those two pipes were replaced with some help from the county, then there'd be a lot of relief for the adjoining landowners.

MR. CAMBRON: Are you widening the ditch on the north side or the south side?

MR. BRANCATO: On the subdivision side of Hill Bridge Road. We don't have any authority to --

MR. CAMBRON: I understand that.

MS. BOSLEY: We maintain those large ditches on our side ourselves.

MR. CAMBRON: And you shouldn't.

MS. BOSLEY: We've always just tried to do that. We were just trying do our part just like we clean up all the debris, residual debris from these floods.

MR. BRANCATO: Both of those water sheds do discharge in the ditch on their side of Westerfield Road. If some of that water was taken into the
subdivision side in the wider ditch, that would give
relief as well. That would require some cooperation
from county.

MS. BOSLEY: The other concern we have is my
husband and I have retired after 32 years in a
classroom and are breeding Rocky Mountain horses. We
are very concerned about the subdivision's affect on
us, on the safety of our animals and the safety of the
children that are going to be living in the
subdivision.

My question is: Is this going to incur a lot
of liable for us? Kids are kids. We love kids and we
certain don't want the blood of any child injured to
be on our hands, or your all's hands, or anybody's
hands. I don't know how much we can do.

There are probably 18 horses on our road at
this time between the Gordons and ourselves. I don't
know whether just to go on record we're really
concerned about our liability due to the number of
residential lots that are going right across from us.

CHAIRMAN: Let's give Mr. Brancato a chance to
respond to that. That really is a little bit outside
your scope.

MR. BRANCATO: It is. That would be a matter
between her and her insurance carrier. Obviously
people have some obligation to keep their children and
animals in check. I don't know that anything that's
being done here or proposed here impacts that.

One comment Ms. Bosley made was they had
understood and believed that larger homes and larger
lots were going to go in this area. That's not
anything they I don't believe we ever represented or
the landowner represented. It may have been some
correspondence.

MS. BOSLEY: Prior representation.

CHAIRMAN: Do you have any further questions?

MS. BOSLEY: No. I would like to thank you
all very much for hearing us tonight.

CHAIRMAN: Thank you.

Are there any other questions?

Yes, ma'am.

MR. ELLIOTT: State your name, please.

MS. GORDON: My name is Judy Gordon.

(MS. JUDY GORDON SWORN BY ATTORNEY.)

MS. GORDON: What I really want to explain to
you all is if -- where the ditch is going, and they
have a lake, it goes over to Wink's property and that
hits Panther Creek. You can't control Panther Creek.
When the water flows down Westerfield Lane, goes
through the ditches, it goes out on Wink's farm. It
comes out on Moorman's farm. All of this water here
goes to Panther Creek. Can you control that? You
can't. It backs up. When it backs up, that's why the
water cannot come out from our property. You can't
control that.

There is many times that when we had the flood
we would take the four-wheeler and go through the
fields on Wilson Lane. You can't control Panther
Creek. I don't care what they do there, when Panther
Creek floods it's backing up at Moorman's. I have
rode Moorman's farm for 25 years and that place is a
disaster riding. You can't because it backs up. I've
rode over by Panther Creek. You can't control it.
Who is going to control Panther Creek because that
water is going to back up. It can't go nowhere.

CHAIRMAN: Let me ask -- I think Mr. Bryant
is here. Mr. Bryant is the engineer of the project
and that's one of his responsibilities. Let me bring
Mr. Bryant to the stand let him address that.

MR. ELLIOTT: State your name, please.

MR. BRYAN: Don Bryant.

(MR. DON BRYANT SWORN BY ATTORNEY.)

MR. BRYANT: We really have two situations
here with drainage, and she is right. We have a flood
zone that extends from Panther Creek up that farm. IT
runs along Hill Bridge Road and includes the roadway
ditch and takes that large area to the north on the
adjoining properties.

The flood plain turns and comes up the channel
a short distance. We're not proposing anything that's
going to change the flow on Panther Creek. We're
going to have to accommodate our water. Basin levin
392.

There's going to be times when there's going
to be some minor flooding in that area, but you'll
note that we have located our major retention basins
in this area as opposed to trying to build residential
lots there.

The adjoining areas will be built up somewhat,
but we have to meet a one to one displacement for
anything that we fill in a flood zone. For every
cubic yard that we fill, we will put at least one
additional cubic yard in storage in that flood plain.
Probably more.

The ditch along 298 is going to be
significantly wide, if you look at those lots.
Originally we planned on frontage lots on 298. As we
got into the project and saw what was happening there,
we abandon that idea. Those lots are significantly
deeper than the other lots. We're proposing quite a
wide drainage easement there. We're going to open
that ditch up probably on the order of something with
15 foot bottom, maybe wider, depending on the actual
number when we design it.

MR. APPLEBY: That's along Hill Bridge Road?

MR. BRYANT: Yes, that's along Hill Bridge
Road. Pull in, structure under Hill Bridge all the
way to Westerfield. We're going to wrap it around and
run it up on Westerfield to where the second tributary
comes in. This is where most of the water causes a
problem on Westerfield. It's not back water. The
head water is creating a major problem there.

We're going to provide an outlet for that
water. With some cooperation, and I think we're going
to get that from fiscal court, to install two
structures of proper size.

We're going to have two outlets. We're going
to take the water across Westerfield, route it down on
our side, provided an easement for that, and into this
improved ditch. We're not proposing that we're going
to cure all the drainage problems that exist today on
Westerfield. They have major problems. They have
almost 300 acres drainage to the intersection, but we
can provide a lot of help to them. With those
structures I think we can resolve some of the drainage
problems that they're experiencing today.

MR. CAMBRON: What was the basin number? 392, is that what you said?

MR. BRYANT: Base flood is 392. That's the upper reach. That's the extreme upper reach of the designated flood zone. It's right in the area where we have the basin proposed. These basins are just estimated at this point. As we get into the actual design, these basins may become larger. We'll have to see as we get into actual design. We will have to meet the criteria.

MR. CAMBRON: In the picture they show water in them now, but, again, those are only seasonal, right?

MR. BRYANT: Well, we're proposing wet basins for purposes of esthetics and maintenance as opposed to just dry holes if we have problems. So we want to make these something that people will want to live around. They'll serve the purpose for the retention as well. Seven and a half acres of lake shown on the plan. That's significant.

MR. HAYDEN: Mr. Bryant, that basin you're putting there, won't that slow a lot of that water that they are getting on Westerfield Lane? When you have a flood, will that slow some of that water down?
MR. BRYANT: Really don't want to slow the water down.

MR. HAYDEN: I mean it holds back. I know. Holds it back so it won't all come at one time; isn't that right or not?

MR. BRYANT: The water from the Westerfield area?

MR. HAYDEN: No. Coming off the property.

MR. BRYANT: You're going to have some pass through water for drainage areas upstream of the project. That will not be retained.

We'll be retaining the water in additional and run-off that we're creating by going from an open area to street with roof-top driveways. We will mitigate that.

MR. CAMBRON: You said possibly some cooperation from fiscal court. Could you elaborate on that a little.

MR. BRYANT: We have two structures. There's an existing pipe right at this intersection. Existing pipe under Westerfield is carrying 288 acres. It's five foot equivalent of a pipe arch because there's no more cover provided.

We ran some rough numbers. It would take three pipes that size to accommodate for EXACT (CHECK)
storm. Not 100 year storm but exact storm. So that
gives you an idea of how limited their capacity is
now.

We've got two basic areas that are merging in
a very small ditch with driveway pipes anywhere from
18 to about 36 inches. They're all even more so
under-sized than the pipe under the road.

There is no structure up at the other end of
Westerfield. We're proposing the county install one
there and then we'll provide an outlet for it with a
permanent easement. We think the combination will
provide relief.

MR. CAMBRON: Have they been open to this
suggestion?

MR. BRYANT: Yes. We discussed it last week
in our meeting at Masonville.

CHAIRMAN: Mr. Noffsinger.

MR. NOFFSINGER: I have a question of Mr.
Bryant.

To your knowledge during the periods of heavy
rain or back up of Panther Creek, flooding considering
100 year storm event, would Hill Bridge Road ever in
the past has it or do you anticipate water being over
Hill Bridge Road between --

MR. BRYANT: Yes. Base flood of 392. The low
point on the highway now is about 390 or just a little over.

MR. NOFFSINGER: So it has had a history of water being over that road?

MR. BRYANT: For 100 year event. Base flood is based upon 100 year FEMA storm and that's what we go by.

MR. NOFFSINGER: In your design of this, will it improve that situation? I'm thinking about access from 231 to this development because your primary, really your only access into this development initially for this phase will be off of Hill Bridge Road.

Will there be in your design, are you making improvements to where it would alleviate that situation?

MR. BRYANT: We're providing -- their main access is 231 and that's what we're anticipating the bulk of the traffic to use once it's developed. You know, if you have an access point on Hill Bridge Road, then that will be the only access point used temporarily. We really can't do anything with Panther Creek flood plain. Anything we do here is not going to have any impact on the flood plain. We're going to mitigate our project so we don't have that, but we
can't fix Panther Creek.

MR. NOFFSINGER: But the primary access point into this development initially will be Hill Bridge Road for an indefinite period of time that does have a history of flooding. We don't know at what point in time you'll open the 231 access.

MR. BRYANT: We don't have a timetable at this point.

MR. APPLEBY: Where is the low point on Hill Bridge Road right now?

MR. BRYANT: It's at the structure there where the channel goes directly under, angles under. Right between the two basins.

Also there's an existing structure under the entrance to AT&T. This is a larger structure. It's not the bottle neck, but it is significantly under-sized. We're going to do away with that entrance. That will eliminate that bottle neck. The structure under our street access will be designed to accommodate the flow coming from this development, all the flow from Westerfield. So that no longer will be a bottle neck.

MR. NOFFSINGER: Mr. Chairman, the reason I bring that up I think in some way that needs to be realized and perspective buyers out there need to
realize that that can be an issue and should be handled by a note of some sort at least on the plat that addresses that flooding issue because we've had time and time again. When residents have drainage problems, they call their county elected officials and they call their city elected officials and complain. Rightfully so.

Here today we're creating a new situation. Many of these existing residents and existing subdivisions are unaware and we can't do anything about it.

MR. CAMBRON: I will disagree. There's a lot of things you can do to alleviate that.

MR. BRYANT: We're going to do everything that we can within reason to alleviate the drainage problems that are there. It's beneficial to us from a marketing standpoint.

MR. CAMBRON: As you pointed out, the low spot is right there.

MR. BRYANT: Got a slight dip right over the pipe. That structure is also marginal capacity wise. It's not near the bottle neck that the others we talked about. That one needs to be looked at. That's a state highway.

MR. CAMBRON: It's a state highway. Has there
been any talk about possibly raising that highway through there?

MR. BRYANT: It hasn't been discussed. We have talked to them about our improvements that are proposed on 231 and they're fine with what we're proposing.

CHAIRMAN: Does anybody else have any questions?

Yes, sir.

MR. ELLIOTT: State your name, please.

MR. MARTIN: Larry Martin.

(MR. LARRY MARTIN SWORN BY ATTORNEY.)

MR. MARTIN: Of course, my main concern I'm one of the families that lives on Westerfield Lane. We're speaking of the drainage. I didn't know if there would be a tape player visible to use this evening, but you're talking about the 100 year flood. Of course, we know the flood of '37. We know the water was up in I think it was '62 or something like that, and in 1997.

I'd just like to show you on this map, if you don't mind. When he was speaking of the flood water - - I've got on this video, you know, we were speaking earlier about the head water which is a major problem that we have here on the Westerfield Lane here.
Now, when he's speaking of -- we'll go to back water now. When the water was over this road that you asked about, Mr. Noffsinger. Currently the AT&T tower, which is located here, has a drive that runs out to Hill Bridge Road. Their proposal is to do away with the tile that's in there.

When that tile was put in there I met with state engineers and all this kind of stuff and they assured me that that culvert would not cause any back water. They said my home was three feet above where the water would be to ever do that. Within two weeks I had water in my garage and I called the state man out there. I said, you might want to get in your little white state truck and come out here and take a look at Hill Bridge Road where you said it's not going to back up and get me in water because my house looked like an island basically.

Now, this is the head water we're speaking of. I'm talking about '97. The back water, just picture the AT&T lane coming out here, which you see is actually pretty close to the corner here. The water was actually about 100 to 200 feet east of right here. So this road was completed inundated with water except for the highest part that goes up on 231. There's an incline that goes up 231.
There's a major culvert and everything that goes across Hill Bridge Road. It was completely under water. The mile marker sign on Hill Bridge Road, all you could see was the four inch reflector that's on top of the mile marker sign, which would be the water was probably 36 to 42 inches deep.

Three days I could not get out this road to go to work. Of course, the other alternative, of course, it's not on the map because it's not -- anyhow, it's to head toward Panther Creek. You used to could go out back that way. Well, there was four feet of water over this road. So in essence where we were back here for three days, unless you had a boat, you were there. You didn't get to go do anything. You couldn't come in. You couldn't go out because of this water.

When I did the video, it's dated like March 1st. The rain started on February 28th and went through March 1st. I think about 10 inches of rain. It's dated and it shows the head water you got out there.

Then it's dated four or five days later where I've got the film of Hill Bridge Road under water from where the back water came up.

I mean if you've got new homeowners that come in here, and I know I heard the question about 20 year
flood or 25 year flood or whatever you're talking about. If you come in here and you build a 150,000 to a $400,000 home, to me somebody better be telling them that if you get a rain like we had in 1997, that they could very well be having water in their $400,000 home.

Now, I spoke to Mr. Bryant at the meeting up at the fire department at Masonville. He addressed most of this stuff to me, but yet he really couldn't give me satisfaction that this is going to solve the problem.

It's just like somebody brought out awhile ago. If this is a four stage or a five stage event before they completely finish all this, what's going to exactly be entailed in the first stage that's going to solve this problem? Is it going to solve the flooding here plus the flooding back here on Westerfield Lane or is it going to just do this? Is it just going to do Westerfield Lane or is it going to do anything at all when you very first start?

We're concerned because on this video I've got my house. If I step out my door, I was in water. Front door, back door, six inches of water in my garage.

My road that I come in on Westerfield Lane was
completely under water. Then like I said, when the
back water -- the head water did not flood this part.
Now, the head water did cover Hill Bridge Road down
here by where the AT&T tower comes in. Then when the
head water come out it was gone. The back water
started coming up. It went almost to this AT&T tower.

So not only do you have head water problem
with a major storm -- the pictures that you all
looked at that were passed out, right here, which was
March of this year. This was not no 1997 rain. This
was not no '62 or '37 rain that caused this water
right here. I think this was less than two inches and
none of us could get out on that particular rain.

We're kind of worried as to what is the actual
guarantee that this is going to solve the problem.
Because pretty much Mr. Bryant when I talked to him he
said, well, there's no 100 percent guarantee. Well,
if I'm investing in that kind of money in a house, I
better have 100 percent guarantee before I go and
spend $400,000 on a house or something like that
because I'm going to want to know that in the future.

So that was the problem that I was wanting to
address with that. I brought the video. I didn't
know if it'd be available to see, but it's dated. It
shows where I filmed it. You can see the water.
Then, of course, the other problem I was going
to talk to you was about the entrance to 231 from Hill
Bridge Road at 7:00 or 8:00 in the morning.
You really don't have a lot of trouble getting
out on that road right now, but if you put the mass
amount of houses that they're talking about here with
the families that are going to get out between 6:00
and 8:00 in the morning and try to go out on 231 when
you've got a major hill that's blind side when you
come out there about where they're talking about this
right here, you're going to have accidents unless you
install a traffic light or something like that.
I've looked at this map when we were at
Masonville in every which way I could look at it to
try to figure it out. I'm not an engineer, but when
he told me, no, I can't guarantee that, then to me
that's when I thought, well, something needs to be
addressed to give somebody a guarantee. Because if
they build these houses and I get flooded, somebody
needs to be responsible for that and not just God who
brought the rain in.

CHAIRMAN: Mr Martin, let's bring Mr. Bryant
back and maybe address some of that. I think
basically you have two major questions.
Mr. Bryant, did you follow that?
MR. BRYANT: I think the discussions of the 100 year storm we're talking about statistical finding.

I would suspect on Westerfield Drive that you have flooding when you have a one to two inch rain because that's all the capacity you have out there.

Levitation. That storm water is coming from behind all those homes. Coming down, running through two ditches, and then branching off into other smaller tributaries, collecting all that water. It's all coming down from behind your homes. You're trying to make that water divert 90 degrees, route it down an extremely small road ditch. Very, very small knee bottom ditch with driveway pipes that are grossly under-sized. That's what's holding the water back and causing Westerfield Drive to flood. That is far above base flood. It's a totally separate issue from Panther Creek and FEMA.

There are no flood zones on Westerfield Drive. You have a major water problem, but you do not have a flood zone. You're not even close to one.

MR. MARTIN: No, I didn't say flood —

CHAIRMAN: Just a moment, Mr. Martin. He has to finish his statement and then you can make other questions, but you'll have to go back to the podium.
What we're proposing is something that's going to give them a great benefit, improve their situation. This situation they're talking about exist today. We're not causing this. But if we can contribute to the solution, then it's a great thing.

MR. APPLEBY: Your design will improve the head water situation.

MR. BRYANT: The head water.

MR. APPLEBY: But it's not going to cure the problem. It's going to improve the situation. The back water situation is another story completely.

Now, the homes and the lots that you have fronting along or that actually back up Hill Bridge Road, you'll deal with the flood zone problems on those lots. I assume all of those lots will be built up.

MR. BRYANT: We won't have any building pads under 393.

MR. APPLEBY: And you'll put the additional capacity back in the retention areas.

MR. BRYANT: That's right. Then the over design retention areas where you're getting additional capacities, storage capacities, plus the additional volume we're going to provide along, 298 is going to provide substantial more volume to store some of this
water as it does back up to Panther Creek. All you can do is provide a place for storage.

MR. APPLEBY: But that's not to say that 298 is not going to go under water again.

MR. BRYANT: I can't make that statement.

MR. CAMBRON: We're not comparing apples to oranges here. We're talking about a development that's going to take care of the water that it has. It's not your all's responsibility to take care of the water that's there now.

MR. BRYANT: And I can't guarantee you that all the drainage problems on Westerfield Drive is going to be okay after we're out of there.

MR. CAMBRON: But when they're finished, they're going to take care of what's on their property and the flow of it.

MR. BRYANT: You've got to understand, this is all site water that's been there probably before those homes were built. Natural water shed. I don't know on anything to change.

CHAIRMAN: Does anybody else have any questions?

MR. BRANCATO: Mr. Chairman, I wanted to add one thing to what Brian was saying.

We can't do anything about the back water on
Panther Creek, but other people are doing things about the back water on Panther Creek.

The gentleman said he had video from 1997. Well, since 1997 there's been several large retention basins developed further down Panther Creek. Where you get back water is a blockage further down the creek and then it starts working its way all the way back up. There's been several very large retention basins built since '97 along Panther Creek. One of the reasons FEMA is coming in and remapping the flood zone in this area. I can think of three large retention basins behind the Wal-Mart on 431. Some of them are dry basins. Some of them are wet basins. Some of them have pumps on them that only kick on when the water rises to a certain level.

So improvements are being made all around the county, but we can only deal with the head water issue and the water leaving the property. That's what's relevant tonight in this rezoning.

CHAIRMAN: Thank you.

Sir, I believe you have a question.

MR. ELLIOTT: State where your name, please.

MR. EMMICK: Roy Emmick.

(MR. ROY EMMICK SWORN BY ATTORNEY.)

MR. EMMICK: I'm a little concerned. I have
Some property on Westerfield Lane.

My question is: Has the main high pressure sewer line been established coming out? As I understand it, it will come from about Deer Park or the community college out to this development.

I have a two point question. Has the lines been established and will adjoining landowners be assessed for the expense of this installation even though won't hook on to it at the present time?

MR. BRANCATO: Would it be more expedient to wait until everybody is done?

CHAIRMAN: Let's see if we can sort of put these together.

MR. BRANCATO: An agreement has been reached where the developer is going to pay for the line share of the force main that's going to come out from the college area. It's going to be built along the existing right-of-way on Highway 231 and will enter the property in that northeast corner. From that point that will be laid out in the subdivision.

RWRA does require that we build several stub out areas so that adjoining landowners, if they want to petition RWRA for sewers, would be able to do so.

None of the adjoining landowners are going to be assessed any of the cost of the sewage system that's
going to serve this particular subdivision. It's only
the developer that would be bearing this.

CHAIRMAN: Mr. Hawes, would you like to make
a comment?

MR. ELLIOTT: State your name, please.

MR. HAWES: David Hawes.

(MR. DAVID HAWES SWORN BY ATTORNEY.)

MR. HAWES: Joint a point of clarification
just to be sure we understand everything that's
associated with the sewers.

He discussed a lift station. There's going to
be a lift station located at this part of the
property. The actual force main that comes to town
will pump along 231 to tie into an existing part of
the system that we have.

There will be stubs as mentioned earlier, two
other properties. We actually intend to extend sewer
service up into the Masonville area. There's three
package treatment plants that exist there today. One
is Seratoga Mobile Home Park. One at the old
Masonville School, currently Beacon School, and then
Garden Heights Subdivision. We do plan on extension
further up in the area.

It's discussed about assessment of cost. When
we provide sewer service, and I'll use Road Village as
an example. Road Village is in this area here on the map. If Road Village petitions for service, then we — it doesn't necessarily have to petition for service, but that is our general criteria as we speak today. We like to have a level of commitment from the community that they want a service and then we extend it. At that point once sewer service is available on the property, the property owners are required to go on and they pay their pro rata share cost of that extension.

When it's discussed there may be areas on Westerfield Lane, there was some discussion at the meeting about whether or not they wanted sewer service. They will have the ability to have it with this stub out. Then if they request it, then we would probably move there.

We have a lot of sewers that we're going to put in the county as requests are made, but we will probably proceed with some of this extension up into these other areas to get rid of these treatment plants as soon as this development is started. We would move forward with some of that construction.

CHAIRMAN: Thank you, Mr. Hawes.

Does anybody have any questions of Mr. Hawes while he's at the podium?
Do we have any other questions?

MR. RINGLING: Brad Ringling.

My property and Betty Baird's property just on the back side will be adjoined by approximately 14 lots. I'd like some kind of guarantee or assurance that I'm not looking out at 10 or 12 different fence designs.

What kind of recourse do I have? The builders have kind of indicated that, no, that won't be a problem. There are covenants that will cover that. Do I have any recourse that that is not the case?

CHAIRMAN: Mr. Brancato, do you or Mr. Bryant want to answer that?

MR. BRANCATO: I'm not sure I understand the question.

CHAIRMAN: The question was in regards to covenants regarding fencing, uniformity or individuality of fencing for 14 different lots.

MR. BRANCATO: The deed restrictions are going to restrict fencing to two designs. So there's the possibility of two different types of fences, but only two different types of fences.

MR. CAMBRON: Isn't there just seven lots that are going to back up to you, Mr. Ringling; is that
correct?

MR. RINGLING: Probably about seven, around that, yes.

MR. CAMBRON: I believe behind Ms. Baird — -

MR. BRANCATO: Ms. Baird's lot is right there.

MR. CAMBRON: Yes, I know that. I'm just trying to figure out if they were going to be doing some screening, where that is at.

MR. BRANCATO: Well, there's a portion dead center of her property that was for some reason zoned B-4. It's surrounded by A-R. Under the regulations her B-4 property adjoins this what would now be R-1A. So we would have to put 60 foot of screening along that continuous property line.

CHAIRMAN: Does anybody else have a different question? I know Mr. Martin has already asked a question. I was going to take somebody else if you have not been to the podium.

Yes, ma'am.

MR. ELLIOTT: State your name.

MS. BAIRD: Betty Baird.

(MS. BETTY BAIRD SWORN BY ATTORNEY.)

MS. BAIRD: According to this plat there's ten homes that back up to my acreage. As you know, that's real disturbing to me.
I moved out to the county to raise horses, have a shop. I have a tack shop out there and I board horses. I've got a vinyl fence all the way around my farm except right here below my pond.

If they move behind me and put their different kinds of fences down through there and put it right next to my fence, it's going to look pretty ugly.

I just want you all to consider our rights and why we in the county feel this way because every one of us went out in the county to be in the country.

To have my privacy and my security, because I live alone, and for my business. I have an alarm on my driveway. If anybody comes in, I know it. They can crawl through that vinyl fence and be in my shop and my house faces toward the highway. They can go through that and get into my shop. I've got $100,000 worth of stuff in there and they can take every bit of it and I wouldn't know it. They could take jewelry and boots. I don't have the saddles, but horse equipment, I've got all kinds of equipment in there.

I board horses. I can't guarantee the people that -- well, I'll just have to stop boarding horses because -- that's part of my income. About $400 a month boarding horses.

Like Pat and them said. People can go through
your fence. The kids can get in there and throw
things at the horses or dogs. Everybody has got a dog
except me. You know, packs of dogs can scare the
horses and they can go through that fence and be in
the highway. It just really, really concerns me.

We thought at first another builder was going
to put some large nice homes in there, but I
understand now, according to this, he can build up to
770 houses in there. That's a lot of houses in that
one little area there. The ones back here he said
they were going to be the smaller homes. Of course,
that's where I live. That will affect me.

I don't know what else to say except the
traffic on 231 right now, there's five driveways, five
families that go off of our lots and onto 231. Mine,
the Ringlings, the Lashbrooks up there have two, and
Judy Blandford has a rental home across there and
she's got one. When you take five homes and multiply
that times whatever to get 770 homes getting out on
that road.

I understand the traffic. They did the survey
on the traffic there and there's 8,000 vehicles that
go on 231 every day. They estimated that if this
subdivision went in there that there would be 6,000
more. That's 14,000 vehicles that go up there. Any
time of the day you can hear sirens go because emergency, fire, police, whatever, ambulances. I don't know how they can handle it.

You can go -- sometimes I leave my driveway at 5:30 in the morning and I'm always back by 8:00 to open my shop. Between 5:30 and say 8:30, it's just lined up. I mean you just can't even get out of my driveway hardly. I can't imagine.

You go around a curve here and head down toward Owensboro and there's an open stretch there. Everybody is impatient because they have to come through a blinking light up here and there's a speed zone in front my place that's 45 miles an hour. They curve up there in front of Ringlings and Brad's and take off down there. They pass and everything else. Well, if all of these homes are going to have driveways going out into 231, somebody is going to get killed and it's not going to take long to happen. It's just a dangerous place.

They're going to have a main entrance there. If they have a pull off, slow down exit or whatever they call it, that's not going to help the traffic problem or help them pulling out because they're going to pulling out all of these driveways on 231. It just can't handle it.
I'm just asking you all to consider all of us and our rights as homeowners out there and property owners and tax payers and take that all into consideration. I'm just asking you to deny it for all the people. It's just a portion of the people in that area. It would change our whole way of life. Thank you.

CHAIRMAN: Yes, ma'am.

Are there any other questions?

Yes, ma'am.

MR. ELLIOTT: State your name, please.

MS. WESTERFIELD: Joanna Westerfield.

(MS. JOANNA WESTERFIELD SWORN BY ATTORNEY.)

MS. WESTERFIELD: First of all I have a statement and then some questions.

Good evening, ladies and gentlemen. My name Joanna Westerfield and I am a citizen of Masonville. Like several here I am here to oppose the rezoning of the Moorman farm. According to a letter signed by Keith Harpole, the development is proposed to have 622 dwellings on the property.

I guess this is where I need my first question. Does the concept depict 622 homes or 770?

CHAIRMAN: If you would, would you summarize your questions, 1, 2 3, and then we'll bring them back
and try to ask each one of them rather than bring them back and forth for the benefit of everybody here.

MS. WESTERFIELD: That will be fine.

The transportation study that was conducted was a study broken down to determine semis, school buses, farm equipment and personal vehicle traffic on Highway 231.

I like many others have enjoyed the progress that our area has made over time. It has been just that. A little over time. We are proud that our children can acquire an elementary, a secondary and high school education as well as an associates degree if they so wish without leaving the vicinity.

However, we have also accepted the inconveniences that have come with the progress our community has made. We are fully aware that it takes change in order for progress to be made.

According to Mr. Harpole's study, each dwelling is proposed to produce approximately ten vehicles trips in a 24 hour period, which corresponds to an additional 6,220 vehicle trips. Currently 231 carries approximate 8,500 vehicles in a 24 hour period. These two figures combine total 14,720 vehicle trips in 24 hours on US 231. The additional traffic will almost double the volume that is
currently on US 231.

From College View Middle School the four lanes south merge into two lanes. There are drainage ditches on both sides with guard rails as well.

Now, ask yourself: Would you want to travel a two lane highway with 14,000 plus vehicles on any given day and the only protection you have is guardrails?

The citizens of Masonville know that this stretch of highway is very dangerous and congested different times of the day.

For example, Deer Park Elementary opens at 7 a.m. and a school day ends at 2:20. There are 575 students enrolled there. Of the 575 students, 200 are car riders. It is not unusual to see traffic lined un to the highway. This number does not include the staff that is employed there nor does it include College View Middle School population and staff located right next door.

It also does not include the nine buses that double back and forth transporting students to and from school each morning and each afternoon.

At 3:15 you have Daviess County High School, Beacon Central and College View Middle School releasing hundred of students at a time.
Please keep in mind this does not include others who are trying to get to and from work. Depending on what time of the year it is, you will encounter farmers hauling equipment to the field. It's a fact of life. It's a Masonville way of life. No matter what time of the day it is, you will encounter semis traveling 231 in both directions. How will Harpole's recommendation a turning lane help individuals trying to exit Hill Bridge Road, which is already an existing problem?

Residents of Masonville are fully aware that an attempt to exit Hill Bridge Road is taken at your own risk. It's as simple as that. Take it at your own risk.

Which leads to my next point. Deer Park already has 575 students. The Daviess County Board of Education attempts to keep the population blow 600 for the elementary level. From now until August 1, seven families could move in to our community and change that figure to 600.

Jagoe's proposed plan will essentially drive the student population over 600. Further taxing a school, which is having an increase in population, every year since it has been built which was 1997.

In fact, enrollment has now grown from 463 to
575 as of today.

In the summer of 2003 alone, six additional classrooms had to be added to accommodate the increasing population.

Ask yourself: Would you want your child sitting in a classroom with a 24 cap or a 30 cap, with one teacher, no assistant?

Jagoe's plan will only compound the community's existing problems.

An average home of four with 622 homes means a population increase of 2,488. In essence their plan places another community right next door to an existing one.

The sheriff's department currently has four full-time deputies per zoning. They cover west, southwest, east, and southeast Daviess County, which is roughly 400 squire miles.

With this proposal the sheriff's department will have an additional 2000 plus residents to protect.

CHAIRMAN: Excuse me, Ms. Westerfield. Could you get to your questions in case we have other people that might want to ask a question? I believe you've got one question, unless I've been --

MS. WESTERFIELD: The concept, does it depict
770 homes or does it depict 622 homes? Has the GRADD data, according to Keith Harpole, does not show or depict how many semis, or how many school buses, or any of that information that travels 231, as well as the farm equipment, personal vehicles. Those are the questions I have.

CHAIRMAN: Thank you very much.

Mr. Bryant, would you or Mr. Brancato respond to those two questions that Ms. Westerfield had.

MR. BRANCATO: Those were about the GRADD data depicting the type of vehicle?

CHAIRMAN: Why don't we take the first one first. The number of houses. Is there going to be 600 plus homes there or is there going to be 700?

MR. BRANCATO: Well, it's depicted at 622 single residences. The density under the ordinance permits one per 10,000. So if you use the ordinance density, it would be 770 plus or minus, but the depiction here is 622.

CHAIRMAN: How many homes do you all -- are you all going to stick with this or are you going to change?

MR. BRANCATO: This is a preliminary plan.

CHAIRMAN: Your preliminary plan of 622 homes.

MR. BRANCATO: Yes, sir.
One thing I think might Ms. Westerfield might not have understood. If you look at the transportation study, it's 8,000 trip. From trip in, there's a trip out too. So that's actually 16,000 vehicles, whatever type are using that road.

Also to be recognized that it's done over a 24 hour period. The peak is much higher. As some residents have described it, the peaks are in the morning and the afternoon.

If the road wasn't designed to transport or carry that capacity, then it would have been set forth in the report. Have I answered all the questions?

CHAIRMAN: Let me check with Ms. Westerfield.

MS. WESTERFIELD: This preliminary plan, does that mean that after it's approved that it can be changed and they could build 770 homes.

CHAIRMAN: Let me direct that question to Mr. Noffsinger.

MR. NOFFSINGER: Yes, ma'am. The zone allows up to one dwelling unit for every 10,000 square feet that you have. So they could come back in with a plan to maximize, if you will, the number of dwelling units per acres. They could do that. I think what they're here tonight is to show you that this is our plan.

We're generally going to stick with. They're going to
have land that they have to devote to retention basins, streets and whatnot. I think what Mr. Brancato is presenting is the plan that generally they intend to follow, but we have to be mindful they can amend that plan. They can come back to this board and ask for an amendment. They are entitled to develop that property at whatever density the zoning ordinance allows. That could be up to the 700 plus dwelling units per acre.

MR. CAMBRON: Can I make one quick comment here, Mr. Chairman?

CHAIRMAN: Yes.

MR. CAMBRON: One of the traffic studies, Ms. Westerfield, you were referring to is a traffic study that runs from 298 to 142. That's where those numbers come from. I had a long conversation with Keith Harpole about that. Again, just like Mr. Brancato explained. That are trips in and trips out.

I have to agree. There is a lot of traffic but, you know, I think that you would find that they're going to try to address this as much as possible. I'm not going to tell you there will never be a light at 298. I wish there was. This might drive a light to 298.

MS. WESTERFIELD: When you say "they're going
to address it," who are you speaking in terms of is
going to address the traffic problem?

MR. CAMBRON: Right now they're going to do
this preliminary plan and it's going to be done in
stages. I'm just saying that I would think, and
correct me if I'm wrong, Mr. Chairman or
Mr. Noffsinger, as development grows out there and
more people, which there are a tone of people that use
that road. No question about it. I'm out there every
day, twice a day even if I don't like to. As
development grows out there, I think you will see some
type of traffic light that would have to be installed.
I can't guarantee you that. I don't think anybody in
this room could, but I think you would see that
happening eventually.

MR. NOFFSINGER: Mr. Chairman, if I might
address some of Ms. Westerfield's comments, and I'll
do that very briefly.

In terms of transportation, we rely on the
Green River Area Development District for
transportation planning. We have them review this and
they make recommendations to this commission and our
staff as to what improvements are necessary.

As we go through the continued development of
this property, then it would be monitored to make sure
that it is being satisfactorily addressed.

This property is located partially and adjoining a growth area. The rural community of Masonville in which the adopted comprehensive plan recommends to grow.

If you go back to I believe it was the 1970's 201 sewer facility study, sewers have been projected to be extended to Masonville since the late 1970's with that study. It's taken many years to happen, and it may very well happen here with a public/private partnership between the public entities, RWRA, your Daviess County Fiscal Court as well as the private developer, Jagoe Homes.

In terms of schools, redistricting, I know that's been brought up on some of the neighbor's minds. The school board has to address that issue and that's not an issue we can address. All we can do is make the school board aware of where development is projected to occur, and we're doing that. Then they sit down and project where the needs are, what changes they need to make.

I would say just about, you know, I'd say about anywhere you would locate this development, whether it be here, whether it be the Sorgho community, or on the east part of the county, the
school board is going to be faced with the decision
what do we need to do to school these additional
children. It's not just affecting this area. It
could affect any area. The school board is going to
have to make those same decisions and address the same
issues regardless of where it is. It just so happens
here this development is being proposed within your
particular area. It is within an area where this
urban type growth is projected to occur.

MS. WESTERFIELD: I agree with you, Mr.
Noffsinger. I think that I speak for myself and
several others here. We do not have a problem with
this area being developed. Our concerns are 622
homes. That is our concern. We don't have a problem
with a nice residential area right there. But 622
homes figured on a 176 acres. I mean what does that
figure to be? Less than a half acre each house. That
is our concern, as well as I have another question for
the representative.

At the meeting at Masonville Fire Department,
maybe you can clarify this for me. Was there
mentioned or not the possibility of duplexes being
built within the subdivision?

MR. BRANCATO: There was a possibility
mentioned of a common roof over two single residences.
That's depicted in this area here as a possibility, yes.

MS. WESTERFIELD: Which in turn is called a duplex.

MR. BRANCATO: Well, it's called a lot of things. They're called patio homes. The development as laid out is nearly 20 percent smaller than the ordinance permits.

CHAIRMAN: Does anybody else got any further questions on things that we have not discussed? I think we've given everybody --

Mr. Bosley, if you'd like one final question.

MR. ELLIOTT: State your name.

MR. BOSLEY: My name is Mike Bosley.

(MR. MIKE BOSLEY SWORN BY ATTORNEY.)

MR. BOSLEY: I was at the meeting at the fire department. Mr. Bryant explained everything really well. We've known for a long time -- I live on Westerfield Lane. We have a real problem.

He really, I can see how the things that he suggest can really help us in the long run. I guess -- I'm usually a pretty trusting guy, but I don't know if the county will come through.

We've dealt with the county and state for a long time and they've never done as much of a study as
you've done.

The natural flow of the water is right across that little cul-de-sac. Right across from me. When the water gets up, it just shoots across there and goes down to the creek.

I heard you say that you would build areas, and there worries me. If that's the way the water flows, I guess what I'm saying is can you essentially build a dam so my water can only go -- you understand my concern?

CHAIRMAN: Mr. Bosley, let's ask Mr. Bryant.

I think there's going to be a very large drainage easement or ditch or whatever we call them now.

Mr. Bryant.

MR. BRYANT: Channel. Will have an open channel with capacity to get the water away from Westerfield.

The natural flow across the corner of that property is exactly where we're going to route the water. So we're not going to try to divert it in a direction that's not natural. We're going to come up near the end where -- I don't know who owns it. There's a little walking bridge out there, a little foot bridge over on the side of the house where the ditch comes down between the houses and makes a real
sharp 90 degree turn.

What we're thinking about is taking that channel all the way up to that point and bringing that water directly under the road instead of trying to divert it down Westerfield. That will take that water completely off, if we can get that capacity.

That's over half of your water shed. It's almost two-thirds of that 300 acres. To do that you upgrade the other pipe. Now you've got capacity.

We'll commit to doing that channel. Improvement on Westerfield have to be done by fiscal court. I can't commit for them, but I think they will.

CHAIRMAN: Did you say you previously in one of your other questions, did you say that you all have had contact with fiscal court?

MR. BRYANT: Discussed it briefly with the commission last week at the Masonville Fire Station. He was receptive. He was there at the end of the meeting. We'll have to discuss details. We'll be dealing with the county engineer on design approval. So we'll have ample opportunity.

CHAIRMAN: Thank you.

I think the issue has been well covered. I think everybody has had the opportunity to speak and
we appreciate your comments.

Does anybody on the commission have any further questions or suggestions?

Mr. Miller.

MR. MILLER: Mr. Chairman, I just have a question of Mr. Noffsinger.

Right offhand is there any plan for the state to four lane Highway 231 in the future?

MR. NOFFSINGER: No.

MR. MILLER: Not aware of?

MR. NOFFSINGER: No.

CHAIRMAN: If there are no further questions, the chair is ready for a motion.

Yes, sir.

MR. MARTIN: I had another -- remember.

CHAIRMAN: You have a very brief question?

MR. MARTIN: I'll try to make it as brief as I can.

MR. ELLIOTT: Identify yourself for the record.

MR. MARTIN: Larry Martin.

I just want to make a statement because I've heard it said twice tonight by Mr. Bryant and the attorney both. That the culverts in front of Westerfield Lane are way too small to provide what
they need to get the water out. I'd like to tell everyone here and the commission that water never backs up at the culvert at my house, the two culverts that are in front of Mike Bosley's house. The water backs up at the corner with the 50 or 60 inch pipe at the coroner. That corner floods. When it floods that's when the water comes back towards our house. It's not backing up at our culverts and then eventually getting out there. The water stops out there. It starts bringing it back to us.

The other thing, the little white bridge he's talking about is the bridge that runs across the ditch that runs beside my house and my mother-in-law's house. When he's talking about doing something here, I mean I need to know what he's talking about that too because this is my property and I don't know what he's got in mind to try to do that's going to solve in front of my house. Coming in there. What type of culvert. Where he's going to be digging or what he's going to be doing to try to solve this problem with a culvert or whatever he's wanting to do.

CHAIRMAN: Let's bring Mr. Bryant back.

Mr. Brancato, you're going to take that.

MR. BRANCATO: We're not going to do anything to his property. That would be something that the
county would do. What we would do is make a wider
flatter ditch on the subdivision side of the road that
will capture and carry the water from their side of
the road faster, but in terms of the pipe that crosses
the road, that's going to be up to the county to do.

The other thing that I maybe didn't mention
earlier is these lots also that back up to Westerfield
Road, the backside of those lots will have a 30 foot
dedicated easement in part to capture this water and
carry the water and also to provide a buffer to the
house.

One last comment. The comment was made about
gradual change. I don't think it's been mentioned
that the build out over this 12 to 16 years. It's not
going to change over night. That's a long time. It's
going to change gradually over that period of time.

CHAIRMAN: Thank you.

Does anybody else from the commission have a
question or a comment?

(NO RESPONSE)

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

MR. CAMBRON: Mr. Chairman, after hearing all
of the concerns from the citizens here, and I think a
lot of them have been addressed, I'm going to have to
make a recommendation for approval based on conditions 1 through 2. I want to read those too.

1. Install an eastbound separate right-turn decel and storage lane at the US 231 entrance; and,

2. Extend sanitary sewer to serve the subject property.

And the Findings of F 1 through 5.

CHAIRMAN: Thank you, Mr. Cambron.

A 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 - WITH THE DISQUALIFICATION OF MR. JAGOE - RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

Next item, please.

RELATED ITEM

ITEM 7A

6100-6300 Blocks US 231, 176.902 acres
Consider approval of preliminary development plan.
Applicant: Jagoe Land Corporation, Robert B & Robin Moorman

MR. NOFFSINGER: Mr. Chairman, this application has been reviewed by the Planning Staff and its found to be in order. It is consistent with the adopted comprehensive plan.
The previous item was the rezoning regarding that property. We have not given this a formal review because it is a preliminary development plan and does not include the engineering detail that would be necessary for a preliminary plan or for them to go out and start work.

Keep in mind this plan does not allow them to go out and move dirt and start work on the subdivision. They will have to come back in with a plan to be considered by this commission to do so.

Would recommend if you do approve this preliminary development plan you should consider some type of notation on this plan that would alert folks, perspective buyers, that Hill Bridge Road does occasionally flood and is under water. There may be some time that they're going to be inconvenienced, but I think it is an issue that should be addressed by a note on this plan and the future plans from then on.

MR. CAMBRON: Not on the final development plan but on the preliminary?

MR. NOFFSINGER: Well, we're only considering the preliminary.

MR. CAMBRON: I'm saying should we do it now?

MR. NOFFSINGER: We should do that now so that it will carry that forward in the future. Now, I have
not discussed that language, or this language was
mentioned earlier. The applicant certainly has not
agreed to that language at this point and they're
talking back and forth..

MR. BRANCATO: I apologize. We were talking
and I couldn't hear most of what you were saying and I
didn't want to scoot them out too fast. Could I ask
you to repeat.

MR. NOFFSINGER: Yes. The Planning Staff's
concern is that for some period of time the only
access into this development is going to be off of
Hill Bridge Road. It's been evidenced here tonight
that Hill Bridge Road does occasionally flood. I
think there should be some notation on this
preliminary development plan and future plans within
that area just to alert folks that Hill Bridge Road
does flood on occasion and is over water. Folks may
be inconvenienced for hopefully a temporary period of
time.

Some note addressing that issue so that in the
future if residents have a concern and complaints
about Hill Bridge Road flooding, at least we can point
to that note that, you know, we realize that and we've
at least attempted to put you on notice because I've
heard nothing here tonight said that we'll actual cure
that temporary inconvenience.

MR. BRANCATO: We obviously can't cure that temporary inconvenience because we don't own Hill Bridge Road and we don't own Panther Creek.

I don't think it would be -- I do think it might be appropriate to put in the flood elevation level of Hill Bridge Road, but I would hesitate to concur that a plat ought to contain language that says this entrance floods for a number of reasons.

First of all I think the flooding on Panther Creek is improving every year. Have seen a lot of improvement.

I don't know whether it's one year or five years down the road at which time Hill Bridge Road won't flood. Then we have a plat out there that is saying it does flood. So we'll have inconsistent and inaccurate information at some period of time.

Secondly I think Jagoe is pretty mindful that they're building an upscale subdivision and would have a lot of unhappy landowners if they were to come home one day after a two inch rain and find they couldn't get into the subdivision.

If you would, I think it would be appropriate to put the flood elevation level in at Hill Bridge Road. I don't think it's appropriate to put people on
notice that this is a flooding road because frankly it
might not be in just a short period of time.

CHAIRMAN: Mr. Brancato, you might want that
because this is something that you did not cause.
When this does happen, and it looks like presently for
the next few years this is going to happen. If there
is a notation this has happened prior to and before,
it really has nothing to do with any of your building.
I think the problem and the solution will be very
apparent to people buying in that subdivision. The
problem would not lie with you all or the problems is
not anything that you have done or developed or
physically have any control over.

MR. BRANCATO: Would it be appropriate to
approve this tonight and put that language in the
final plat because we haven't discussed what the
appropriate language would be. You're suggestion
might be a good one, existing Hill Bridge Road can
flood.

CHAIRMAN: At the present time.

MR. BRANCATO: At the present time. That
might be appropriate.

CHAIRMAN: Mr. Bryant, are you getting ready
to make any comment?

MR. BRYANT: May I make a suggestion. Why
can't we deal with it at the time of design and see where we've got numbers on our retention and so forth. We're going to build in some additional storage here which might help that situation.

CHAIRMAN: Mr. Noffsinger.

MR. NOFFSINGER: I have no problem with that. I just want to make sure we're all clear. They're not going to be able to transfer property. They're not going to be able to negotiate to sell lots until they have a final design prepared and approved by this commission. I want to put everyone on notice that that is an issue that we should address.

I think eventually, you know, at least Staff's concern goes away once you have the 231 entrance because you have another route other than Hill Bridge Road. Right now we recognize Hill Bridge Road as being a potential problem and conflict that you didn't cause, but you're developing along a roadway that has some flooding issue.

If we put that base flood elevation on there, no one is going to know what that means. We might as well just leave that off. Probably folks aren't going to look at the plat. They're not going to see this preliminary development plan. At least we have addressed it on that plan so that we have that to
point to in the future for whatever reason. You know, it was an issue. We brought it up, but we moved forward.

MR. BRANCATO: Are you suggesting that it be on the preliminary and not the final? All I'm suggesting is that it be on the final after we get all the engineering information and have more accurate data.

MR. NOFFSINGER: And that's fine because it's not going to mean a whole lot here tonight. Our discussion is what's meaningful. Whether it's on this preliminary development plan is really not going to matter. What's on that preliminary subdivision plat and your final plans will carry more meaning. We've had our discussion. I'm fine with however the commission wants to proceed.

CHAIRMAN: Are you okay, Mr. Brancato, that it will be addressed again?

MR. BRANCATO: Yes, sir.

CHAIRMAN: But you all may have a solution before we address it again.

MR. BRANCATO: We'll at least have more accurate engineering information to address it.

CHAIRMAN: Correct.

MR. CAMBRON: Motion for approval.
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 - WITH THE DISQUALIFICATION OF MR. JAGOE - RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

Next item.

COMBINED DEVELOPMENT PLAN/MAJOR SUBDIVISION

ITEM 8

Green Place at the Summit, 3.066 acres
Consider approval of major subdivision preliminary plat/final development plan.
Applicant: The Summit, LLC

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

It's found to be consistent with the adopted comprehensive plan, the adopted zoning ordinance and subdivision regulations.

CHAIRMAN: Do we have anybody representing the applicant?

APPLICANT REP: Yes.

CHAIRMAN: Does anybody 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. MILLER: Second.

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

Next item.

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

DEVELOPMENT PLANS

ITEM 9

925 Maple Street, 2.485 acres
Consider approval of final development plan
Applicant: River City Industrial Services, Inc.

MR. NOFFSINGER: Mr. Chairman, this plat has been reviewed by the Planning Staff, Engineering Staff. It's found to be in order. It's found to be consistent with the adopted zoning ordinance and subdivision regulation.

CHAIRMAN: Anybody here representing the applicant?

APPLICANT REP: Yes.

CHAIRMAN: Does anybody have any questions of the applicant?
CHAIRMAN: If not the chair is ready for a motion.

MS. DIXON: Move to approve.

MR. CAMBRON: Second.

CHAIRMAN: Motion for approval by Ms. Dixon.

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

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

MAJOR SUBDIVISIONS

ITEM 10

Cross Creek, Unit #6, Lots 44-50, 3.424+ acres Consider approval of major subdivision final plat. Surety (Certificate of Deposit, Certified Check) posted $19,767.50 Applicant: Pedley Developers, LLC

MR. NOFFSINGER: Mr. Chairman, this plat has been reviewed by the Planning Staff and Engineering Staff. Found to be in order. Found to be consistent with the adopted comprehensive plan, subdivision regulations, and its use is consistent with your adopted comprehensive plan.

CHAIRMAN: Is anybody 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 motion.

MR. APPLEBY: Motion for approval.

MR. ROGERS: Second.

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

ITEM 11

The Sanctuary, Section 2, Lot 1, 3.118 acres
Consider approval of major subdivision final plat.
Surety (Certified Check) posted $4,671.00
Applicant: The Summit, LLC

MR. NOFFSINGER: Mr. Chairman, this plat has been reviewed by the Planning Staff, Engineering Staff. It's found to be in order. It's found to be consistent with the adopted comprehensive plan, zoning ordinance and subdivision regulations.

CHAIRMAN: Anybody representing the applicant?

APPLICANT REP: Yes.

CHAIRMAN: Any questions of the applicant?

(NO RESPONSE)
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.

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

MINOR SUBDIVISIONS

ITEM 12

716, 718 East 20th Street, 0.352 acres
Consider approval of minor subdivision plat.
Applicant: Floyd & Rosalyn Tapp

MR. NOFFSINGER: Mr. Chairman, this plat has been reviewed by the Planning Staff and Engineering Staff. It does create a situation where we take one lot and make it more nonconforming, one lot less nonconforming.

Anyhow, there is a pattern of this type of lot development within the area. We recommend that you approve.

CHAIRMAN: Anybody 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 motion.

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

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.

Mr. Noffsinger, do you have one more item?

MR. NOFFSINGER: One item under new business.

Each commission has been familiar with and involved in the OMPC is planning a move to the Center For Commerce in the Chase building.

We are asking that the Planning Commission authorize an expenditure of up to $16,000 for office furniture, site improvements and whatnot related to that move.

CHAIRMAN: Does anybody have any questions of the furniture acquisition?

(NO RESPONSE)

MR. APPLEBY: Motion for approval.
CHAIRMAN: Motion for approval by Mr. Appleby.

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.

I think we're ready for one final motion.

MS. DIXON: Move to adjourn.

MR. HAYDEN: Second.

CHAIRMAN: Motion to adjourn by Ms. Dixon.

Second by Mr. Hayden.

All in favor raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: We are adjourned.

----------------------------------------------
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 Commission 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 Planning Commission 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 84 typewritten pages; and that no signature was requested to the foregoing transcript.

    WITNESS my hand and notary seal on this the 2nd day of May, 2006.

LYNNETTE KOLLER
OHIO VALLEY REPORTING SERVICES
202 WEST THIRD STREET, SUITE 12
OWENSBORO, KENTUCKY  42303

COMMISSION EXPIRES:  DECEMBER 19, 2006
COUNTY OF RESIDENCE:  DAVIESS COUNTY, KENTUCKY