The Owensboro Metropolitan Planning Commission met in regular session at 5:30 p.m. on Thursday, August 10, 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
Irving Rogers
Jimmy Gilles
Nick Cambron
Judy Dixon
Dr. Mark Bothwell
Martin Hayden
Stewart Elliott, Attorney
Madison Silvert, Attorney

CHAIRMAN:  I would like to welcome everybody to our Planning & Zoning meeting.  Would everybody please rise for our invocation which will be given by Mr. Madison Silvert.

(INVOCATION AND PLEDGE OF ALLEGIANCE.)

CHAIRMAN:  Our first order of business is to consider the minutes from our last meeting which was July 13th.  Are there any additions, corrections?

(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, Mr. Noffsinger.

CELLULAR TELECOMMUNICATIONS FACILITIES
PER KRS 100.987

ITEM 2

3790 Earls Lane
Consider approval of a wireless telecommunications tower.
Applicant: Crown Communications, Inc.

MR. NOFFSINGER: We are reviewing this application for consistency with the adopted comprehensive plan.

MR. ELLIOTT: State your name, please.

MR. LANE: Doug Lane.

(MR. DOUG LANE SWORN BY ATTORNEY.)

MR. LANE: The applicant is extending an existing cell tower from 140 feet in height to 153 feet to allow co-location of another antenna and it's conforming with the zoning ordinance requirements for cell towers.
CHAIRMAN: Are there any questions of the applicant?

(NO RESPONSE)

CHAIRMAN: Does anybody on the commission have any questions?

(NO RESPONSE)

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

DR. BOTHWELL: Motion for approval.

CHAIRMAN: Motion for approval by Dr. Bothwell.

MS. DIXON: Second.

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

Next item, please.

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ZONING CHANGES

ITEM 3

3800 Block Crane Pond Road, 49.8 acres
Consider zoning change: From EX-1 Coal Mining to A-R Rural Agriculture
Applicant: Montie Edwards

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 Rural Maintenance Plan Area, where rural farm residential uses are appropriate in limited locations;

2. The subject property is a separate, large tract of land;

3. The subject property has frontage on Crane Pond Road which is an existing street with no new street proposed;

4. Mining activities have ceased and reclamation has been completed; and,

5. The Owensboro Metropolitan Zoning Ordinance Article 12a.31 requires that property shall revert to its original zoning classification after mining.

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

CHAIRMAN: Is anybody here representing the applicant?

(NO RESPONSE)

CHAIRMAN: Does anybody have any questions?

(NO RESPONSE)
CHAIRMAN: If not the Chair is ready for a motion.

MR. CAMBRON: Motion for approval, Mr. Chairman, based upon the Staff's Findings of Fact 1 through 5.

CHAIRMAN: Motion for approval by Mr. Cambron.

MS. DIXON: Second.

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

ITEM 4

5300 Lee Rudy Road, 20.14 acres
Consider zoning change: From P-1 Professional/Service to A-U Urban Agriculture
Applicant: Brent A. Ballard; Saltzman Heirs, c/o Carl Saltzman

PLANNING STAFF RECOMMENDATIONS

Staff recommends approval because the proposed zoning for the subject property is more appropriate than the current zoning classification. The findings of fact that support this recommendation include the following:

FINDINGS OF FACT:

1. The subject property is located in a Professional/Service Plan Area where rural farm residential uses are generally not recommended;
2. Although zoned professional/service, the site has historically maintained agricultural production; and,

3. Based on the historical agricultural use of the property and rural, agricultural uses in the vicinity of the subject property, an agricultural zoning is more appropriate than the current professional/service zoning classification.

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

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.

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

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.

ITEM 5

8600 Block Short Station Road, 67.00 acres
Consider zoning change: From A-R Rural Agriculture to EX-1 Coal Mining
Applicant: Western Kentucky Minerals, Inc.; Harry J. And Becky J. Pedley

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 Rural Maintenance Plan Area where coal mining uses are appropriate in general locations;

2. The subject property is located in the Rural Service Area outside of a Rural Community Plan Area;

3. The subject property adjoins existing areas of EX-1 Coal Mining zoning;

4. The Philpot-Maceo Quadrangle Map indicates the presence of coal deposits on the site; and,

5. State and county roads proposed to be used
for the transportation of coal have been approved by the appropriate officials.

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

CHAIRMAN: Is anybody representing the applicant?

MR. HAYNES: Yes.

MR. ELLIOTT: State your name, please.

MR. HAYNES: Brian Haynes.

(MR. BRIAN HAYNES SWORN BY ATTORNEY.)

MR. HAYNES: I'm Brian Haynes. I'm attorney for Western Kentucky Minerals. I have Tony Lanham here who is the president and Jeff Arnold who is a professional engineer. We're just here if you all have any questions.

CHAIRMAN: Thank you very much. Does anybody have any questions of the applicant?

(NO RESPONSE)

CHAIRMAN: If nobody has any questions the Chair is ready for a motion.

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

CHAIRMAN: Motion for approval by Mr. Cambron.

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

Next item, please.

ITEM 6

Portion of 8851 Short Station Road, 22.853 acres
Consider zoning change: From A-R Rural Agriculture to
EX-1 Coal Mining
Applicant: Western Kentucky Minerals, Inc.; Anthony V. And Sandra K. Lanham

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 Rural Maintenance Plan Area where coal mining uses are appropriate in general locations;

2. The subject property is located in the Rural Service Area outside of a Rural Community Plan Area;

3. The subject property adjoins existing areas of EX-1 Coal Mining zoning;

4. The Philpot-Maceo Quadrangle Map indicates the presence of coal deposits on the site; and,
5. State and county roads proposed to be used for the transportation of coal have been approved by the appropriate officials.

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

CHAIRMAN: Is somebody representing the applicant?

MR. HAYNES: Yes.

MR. ELLIOTT: State your name, please.

MR. HAYNES: Brian Haynes.

Make the same comments as I made before. We're here to answer questions if you have any.

CHAIRMAN: 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 based on Findings of Fact 1 through 5.

MR. CAMBRON: Second.

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.
Next item, please.

ITEM 7

5150 Todd Bridge Road, 114.70 +/- acres (Postponed from July 13, 2006 meeting)
Consider zoning change: From A-R Rural Agriculture to R-1C Single-Family Residential
Applicant: Thompson Homes, 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. Widen Todd Bridge Road to include two 11 foot travel lanes. The widening shall begin where the city project to widen Todd Bridge Road terminates and taper back to the existing road width beyond the access point for the development;

2. Install a separate southbound right-turn deceleration and storage lane on Todd Bridge Road at the subdivision access point;

3. Install a separate southbound left-turn deceleration and storage lane on Carter Road at the subdivision access point; and,

4. Submit a traffic impact study to the Kentucky Transportation Cabinet prior to or in
conjunction with application for ingress/egress permits from the state and complete any additional roadway improvements as required by the transportation cabinet. Any additional required improvements above and beyond the previously stated conditions will require the preliminary plat/final development plan to be amended.

FINDINGS OF FACT:

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

2. Sanitary sewer service is currently available to the site and will be incorporated into the subdivision design;

3. The proposal is a logical expansion of existing R-1C zoning located immediately north of the subject property; and,

4. The proposed development is proportional in scope to the existing Twin Lakes subdivision and should not overburden roadway capacity and other necessary urban services that are available in the affect area once required roadway improvements have been completed.

MR. LANE: We would like to enter the Staff
Report as Exhibit E.

CHAIRMAN: Anybody representing the applicant?

MR. ELLIOTT: State your name, please.

MR. RINEY: Jim Riney.

(MR. JIM RINEY SWORN BY ATTORNEY.)

MR. RINEY: I'm here tonight. We prepared the application for the rezoning request. We've read the Staff Recommendations and obviously agree with that. Also we agree with the findings of fact as identified by the Staff. The Staff has identified four items of conditions. We agree with those conditions as evidenced by the information we've put on the plan that comes later in the agenda that's addressed by these four items, including the traffic impact study which has been submitted to the state highway department district office as well as to the local engineers and to the Planning Commission Staff.

We're here to answer any questions.

CHAIRMAN: Thank you, Mr. Riney.

Does anybody have any questions of the applicant?

MS. FULKERSON: I do.

MR. ELLIOTT: State your name, please.

MS. FULKERSON: My name is Mary Charlotte Fulkerson.
MS. FULKERSON: I want to share with you some observations of living on Todd Bridge Road across from the proposed subdivision for the last 30 years. I want to submit to the zoning official records four items that any perspective home buyer needs to be aware of.

Snow storm Christmas of 2004 saw Todd Bridge Road blocked by both drifted snow and by cars that blocked the road by being stuck in the ditch. Carter Road was also drifted over and neighbors took in stranded people to spend Christmas Eve.

My question then: Will the state put these two highways, Carter Road and Todd Bridge Road, on a higher priority for snow removal?

Second point: Will each home purchaser be aware before the purchase that they will be required by their mortgage lender to keep flood insurance in force for the life of the loan?

FEMA dictates that any building in a zone designated for a 100 year floodplain must have this insurance in place before a person can receive a loan or other financial assistance. This is spelled out in
the flood insurance purchase requirement, Section 0606021 of the Owensboro Metropolitan Planning Commission.

Do I need to submit this, Mr. Chairman?

CHAIRMAN: Yes, go ahead. You can submit that.

MS. FULKERSON: All right, sir.

Will the average buyer know the meaning of 100 a year flood? Who will explain the impact to them?

This may be of help. I would like to show you a picture. This picture was taken where people in the subdivision will live. I also have --

CHAIRMAN: Do you want to also submit that?

MS. FULKERSON: Yes, sir, I do have a copy that will be submitted in the record.

CHAIRMAN: When you finish with your presentation, just give it to Lynnette here.

MS. FULKERSON: All right, sir.

The elevation of the water is 388.3 feet. If this flood happens to this depth again, the house located will have ten inches to spare before the water gets on their carpet and furniture.

Does a 100 year flood happen just once every 100 years? Nobody in this room should be fooled by that.
We have been out of our houses five times in the last 30 years, not to mention the other floods that we have not had to evacuate for.

CHAIRMAN: Ma'am, if you've got questions in regards to the flood or the 100 year, I think that's what we have engineer here, Mr. Riney, would address those questions.

MS. FULKERSON: That's my question to him. Who will tell the homeowner before they buy that this is what it looked like?

MR. CAMBRON: Can we see the picture up here, please?

MS. FULKERSON: Yes, sir, you sure can.

This is a picture of the Zogleman home. This was taken -- I took that picture in 1997. There's no point in getting into the 1997 flood except to say the calculations that I have that I've taken from the plat supplied by Planning & Zoning, adding what the height of the water was, which was 44 inches --

CHAIRMAN: Let me ask you to stop for just a moment and let's bring Mr. Riney forward to address because that's part of what their application has to deal with.

MS. FULKERSON: Are you surprised at the ten inches?
CHAIRMAN: I'm not surprised at anything from up here. Would you be seated for just a moment and let's bring Mr. Riney forward and let him answer that question, please.

Mr. Riney, do you understand the question?

MR. RINEY: Why don't you repeat that.

CHAIRMAN: She's quite concerned about the 100 year flood level in your area of your subdivision. This picture was taken in '97, which I'm sure that everybody lived here is very aware of the water during that year. So if you would address what the subdivision has done, what levels will be seeking and your retention and to deal with the flood.

MR. RINEY: As Planning Commission knows and the Planning Staff, as well as local Engineer Staff, you can build in a flood hazard area. That's something that's allowed by the Comprehensive Plan. That's something that's allowed by FEMA.

There is a process to go through in FEMA to get the permit to construct in a floodplain that's done routinely and that's what will have to be done at this location.

Ms. Fulkerson mentioned the 388 elevation. The farm that we're looking at it varies in elevation from probably 388, 387, 388 up to 391, 392. The base
flood elevation for this location is 392.2. All of
the lots will have to be elevated to that point which
may mean three or four feet of fill on the site.
They're aware of that.

As you mention, Mr. Kirkland, there are
retention basins that will be required as you're
familiar with on any other project.

The retention basins will provide the fill in
order to elevate those lots to meet FEMA's standards.

As far as the public notice, the final plats
will have to show that the area is in a flood hazard
area, which has been removed. There is a mechanism
within the FEMA regulations and criteria. Once an
area has been filled and it be whatever property is in
the floodplain, as long as it's in a floodplain. If
it's fill, then there's a letter of map revision, a
lomar based on fill. Those lomars are something that
I know that the Planning Staff is familiar with. The
building inspector reviews those because that's
another mechanism of which Daviess County could build
in a floodplain. That's within Article 18 of the
Zoning Ordinance is to --

CHAIRMAN: Mr. Riney, in other words, when
your plan is totally complete, that a) you'll have a
retention basin, which you'll extract the dirt to
raise the level.

MR. RINEY: Right.

CHAIRMAN: Then you'll meet FEMA's requirements to have a map revision to take this from the floodplain, out of that floodplain. Then the flood insurance, what effect will that have on the homeowner at that point in time?

MR. RINEY: Once the letter of map revision is issued by FEMA, once the fill is placed and the home slab is constructed so that it can be documented, the slab is to the appropriate elevation, then that exempts that property from the requirement for flood insurance and that's a permanent issue.

CHAIRMAN: So they will no longer be required or they will no longer have that flood stigma that causes the highly increased homeowner insurance,

MR. RINEY: That's correct. It will be removed.

MR. CAMBRON: Mr. Riney, a quick question. Of course, we're going forward here. On this development plan it looks like there's, what, five different retention basins or six.

MR. RINEY: Yes. Mr. Kirkland mentioned retention basins, but there's multiple basins.

MR. CAMBRON: Right. There's six at least.
MR. RINEY: I think you're correct.

MR. CAMBRON: Again, the county engineer signed off on all of this or will be.

MR. RINEY: Yes. The city engineer and the county engineer have both reviewed this because today it's in the county. It is anticipated to be annexed to the city. So both jurisdictions have reviewed that and have signed the plat for approval and there's a note on there to that effect.

CHAIRMAN: Thank you.

Ms. Fulkerson, do you have any further questions?

MS. FULKERSON: I want to clarify what Mr. Riney said. Number one, he is going to stay that if you buy property in this subdivision you will not be flooded; therefore you do not need flood insurance. Is that the way you understood it?

CHAIRMAN: I don't belief that's what he said. I think you would not be required by your homeowners insurance to carry additional flood insurance. Which people that are in that area know how costly that is.

MS. FULKERSON: So what you're saying is this is now going to be taken out of the 100 year flood area, which I do realize can be done.

CHAIRMAN: That's what Mr. Riney is saying,
but that's what FEMA will certify by virtue of the fill versus the dirt coming out of the retention basin. That they will raise the level of this area.

MS. FULKERSON: So my point still stands. What I did I went and --

CHAIRMAN: A point, if you've got a question we'll answer a question. He is an engineer and that's what he does for a living is figure this stuff out.

MS. FULKERSON: Let me ask Mr. Riney a question then.

I took a point. I went 1200 foot in from Todd Bridge Road, 200 foot from a football field. I want to get an average house off the plat. I know what the current elevation is, which was 388.3. I know the flood water during the '97 flood was 46 inches. So that made it 390 to 1. Minimum first floor height for the houses will be 393 even. That's ten inches if we have another '97 flood. What he is saying, and my question is: If we have another '97 flood, will the water not get into the subdivision and it won't impact these houses?

MR. CAMBRON: I just make a comment here too. A lot of the things you're bringing up would be covered more than likely by a mortgage carrier and the insurance carrier to make sure none of this is done.
They're not going to insure these houses if they're going to flood. A lot of that will be taken care of, even though your little preliminary here on what they're going to fill, but that will be taken care of in a later date and that's something we can't be concerned with as far as that's concerned.

CHAIRMAN: Let me ask Mr. Riney if he'll address that question.

MR. RINEY: The base flood elevation is 393.2. Based on Ms. Fulkerson's numbers, it was less than that. I don't have any data that tells me what it was in '97 for that area. The data I have is from the OMPC web page, but it dealt with the Ohio River flooding.

The principal of the flood insurance is that if you build at or above the regulatory level that FEMA has established, and they're the ones who spends the money in the community to establish that. If you build at that, you can exempt yourself out. You don't have to carry insurance. You can if you want to. So that is the criteria that's required locally to build at a floodplain is to meet or exceed that base flood elevation.

We look at it in terms that the minimum lot grade around the house, the lowest adjacent grade,
which people refers to, would be the base flood
elevation. We recommend that the house be at least a
foot above that base flood elevation.

    CHAIRMAN: So the base elevation of the home
will be --

    MR. RINEY: Probably around 393.2.

    CHAIRMAN: Thank you very much.

Do you have any other questions?

    MS. FULKERSON: Yes, sir. If there is another
'97 flood, who will signal the evacuation?

    DR. BOTHWELL: That comes from office of
emergency management. That's not us.

    CHAIRMAN: That's not anything that we --

    MS. FULKERSON: My question to you is: Would
it be the developer's responsibility to put some type
of warning system up?

    MR. CAMBRON: Only if the county require it or
the city require them to, but I don't see that
happening.

    MS. FULKERSON: The reason I ask is that in
'97 at 12 noon on a Saturday we saw the water a mile
away to the east. By 9:00 Sunday it was over 431 and
it was in our house. So it does move that fast.

    CHAIRMAN: What you're saying is your home is
below the flood?
MS. FULKERSON: Yes. It was at that time.

CHAIRMAN: Well, these homes, due to FEMA requirements, are going to have to be above that.

That's what FEMA requires.

MS. FULKERSON: We're talking 392.2 is the base flood. That's what they require. And these house are going to be 393.

CHAIRMAN: Okay. What is your next question?

MS. FULKERSON: That is my last question. I just wanted to also show this is what in '97 the area where the houses will be look like. It was completely under water. As you see, there is a line for Todd Bridge Road. There is a line for Keller Road. Everything to the north of Keller Road to Southtown was under water. Water does not flow to the creek at this point, which is something a lot of people think does happen. I do have a copy to be submitted into the record.

I guess my last question was: Who is going to tell people that it's time to get out? Because we don't want cars to get, you know, we don't want people to be stranded. Of course, with only two exits.

CHAIRMAN: Thank you.

Mr. Riney, would you like to address that.

MR. RINEY: As I heard someone from the table
say, the public notice comes from the civil defense and civil disaster folks. They're the ones that are in charge in this community with dealing with catastrophes like tornados and floods, any type of natural event. I think I heard a siren go off tonight. Those are the people we trust to warn us as a community.

CHAIRMAN: Thank you, Mr. Riney. Are there any other questions or comments?

Yes, sir.

MR. ELLIOTT: State your name, please.

MR. LAMBERT: Kenneth Blandford.

(MR. KENNETH BLANDFORD SWORN BY ATTORNEY.)

MR. BLANDFORD: I'm an adjoining property owner. We are very concerned with the drainage issue out there. The closing of a Blue Line ditch that runs through that Zogleman farm and Thompson Development. They're rerouting our water over to the big ditch. I'm very concerned that we do not have -- we are very concerned with the drainage issue.

If they're closing the Blue Line Ditch that has drained our water for the last 100 years and wanting to reroute it over to the big ditch, we want something that will guarantee that our water will get off at the same time and speed that it gets off now.
CHAIRMAN: Let me bring Mr. Riney back to the mike to address that question.

MR. RINEY: The rezoning issue was also related to the item for the development plan. Do we deal with this now or later? It doesn't make any difference. If there's more of a specific item on the development plan. I just bring that up.

CHAIRMAN: To satisfy his questions, let's go ahead and address it.

MR. RINEY: The drainage, and I met with the Blandford family, I think a representative of the family, four different times even out at the site this week. I'm aware of their concerns and they're aware of what we've looked at.

The drainage goes through a tributary of Goetz Ditch through the Zogleman Farm and onto the south and southeast. It actually goes upstream towards Panther Creek. So it's not upstream from the flowness. It's flowing upstream the way Panther Creek flows.

What we propose to do is the big ditch will be wide. It won't be the same ditch that neighborhood sees today. When you look on the plan, you'll see that the basin is going to be widen almost 200 feet. 190 feet most places. That water will be rerouted through an open ditch. One of the things we looked at
with the Blandfords initially, the Blandford family, was a pipe. They were concerned about the pipe, about the clogging of the pipe and who would clean the pipe. We talked with the developers and they agreed, even though paved ditches are something they try to avoid, that we would go ahead and include a paved ditch to bring the water from the area of the Blandford farm on over to the basin by the big ditch. Big ditch will be as I say widened. I will say that when we met with the Corp of Engineer, we met with them back in April to look at this site, they looked at it and looked at the agricultural ditch and said they didn't see any impact, any problems. They thought that diverting the water through the big ditch would be something we could do. That the widening of the big ditch would be something they could permit. We still need to submit the information, but they told us they didn't see any type of mitigation or any issue at this point in time that we would have to deal with. It would be just submitting the plan for them to review and permitting on that basis.

So we have looked at the ditch situation. The farm ditch versus the big ditch and the relocation of the ditch.

CHAIRMAN: Thank you, Mr. Riney.
Yes, sir.

MR. BLANDFORD: We want the water moved at the same rate of speed and at the same amount of time that it is moving through the Zogleman farm now. The figures that we're seeing or what he shows me, what he tells me, I cannot see that it can be done.

If they route our ditch over to the big ditch, the water will back up in that basin to where our water going into the basin will be flooded at that time when that water is at its highest peak in a big rain.

CHAIRMAN: Mr. Riney, are you familiar with the area that he is talking about where we would have the water back up?

MR. RINEY: Yes. I've talked to Mr. Zogleman about this.

We looked at the calculations. We deal with the facts of the site. We looked at it the 100 year storm event. The flood of record would be the 100 year. And what it would do in the ditch. The best part of the ditch run south of the Zogleman farm. That flow velocity is about one cubic foot per second.

We looked at what the FEMA document show that the flow in the big ditch is. The flow in the big ditch velocity, and that's public information, is 2.2
feet per second. So it's at a higher velocity. The ditch that we propose to make the connecter between the two is a concrete base ditch. It's a section and the velocities in it are over 60 feet per second. So we have looked at the rate of flow to make sure that we've got the right facts. We've shown those to Mr. Blandford. Maybe it doesn't make sense, but that's what the facts are.

CHAIRMAN: Just so I would understand it. The rate of flow that you're projecting, the new rate of flow of the water off of this property compared to the old rate of flood off of his property is?

MR. RINEY: It will be equal to or better than what the flow rate is now. That's what the numbers show.

CHAIRMAN: Equal to or better than?

MR. RINEY: Almost one foot per second versus over 6 feet per second or 2.2 feet the big ditch has current, in the current condition it is. It's going to be widen to where it has more capacity along the frontage of the development.

CHAIRMAN: Apparently you do have concern about this.

MR. BLANDFORD: Very much concern. I'm asking when the big ditch fills up and it backs up into his
basin where our water is going into that basin, that water is not going to be moving at that rate of speed at that basin. That water backs up and gets into our inlet, the water that we're letting out.

Ask Jim. Is he guaranteeing that that water won't back up and block our water while that ditch is full and backed up in that basin.

CHAIRMAN: Wait just a minute. So I understand this. At the present time does this happen?

MR. BLANDFORD: No.

CHAIRMAN: So it does not happen?

MR. BLANDFORD: No. We do not go to that ditch.

CHAIRMAN: So if his figures are correct, that the water is moving equal to or greater than, then it should not happen.

MR. BLANDFORD: Ask Mr. Riney if he will go on record and state that it will not back up and block our water while the big ditch is going down.

CHAIRMAN: That's a fair observation.

Mr. Riney.

MR. RINEY: Again, we've talked to Mr. Blandford. What we see is that Mr. Blandford's farm is in the higher elevation than what the water
has been in the big ditch. That's evidenced by, we've
got elevations all along the southern line there of
Twin Lakes. There was a ditch in there, and I
understand that part of that was filled in by the
previous farmers, Zogleman farm.

We've looked at the elevations and the
elevations there are lower than the lowest area on the
Zogleman farm. I'll use some numbers roughly. 391 is
the elevation on the Zogleman farm. Somewhere around
elevation 389 to 390, I don't remember the exact
number, is the elevation that the water would have to
get to from the big ditch to reach back and come back
toward the Blandford farm. I understand from the
Blandford family that that has not happened. So that
tells me mother nature has not put enough water in the
big ditch to get above that 389 to 390 elevation.

The Blandford farm is 391 so it's still higher
where the water will flow down hill. So that's what
we've looked at are those elevations at the site.

CHAIRMAN: Is the volume of the big ditch
greater than the previous volume; is that correct?

MR. RINEY: Absolutely. Absolutely.

CHAIRMAN: I can understand. His total
concern is, as I basically see it, I'm just
rephrasing. He doesn't want to be any worse off than
he is now in your water situation.

Would that be a fair assumption?

MR. BLANDFORD: Certainly.

CHAIRMAN: Are you able to tell him that he will be no worse off than what he is presently?

MR. RINEY: Based on our information, our numbers, and we've used this same principal on retention basins --

CHAIRMAN: If for some reason, Mr. Riney, that your calculations may be slightly off, what effort would you have to put him in a position where he would be no worse off than he currently is?

MR. RINEY: Well, Mr. Blandford has asked the question several times for us to guarantee. Well, we're professional services. We don't issue guarantees. We certify our documents. We have certified those documents to the city engineer, to the county engineer, to the planning office. That's what we do. He's asking us to do something that professionally we can't do. What we've done is we've looked at every method that we can to evaluate the form water runoff. As I started to say, it's the same method that evidently was success on.

CHAIRMAN: Is there somewhat built in a margin of error so-to-speak?
MR. RINEY: With calculations, but I don't want to say what that is. I want to say what the numbers are. I don't want to hedge my bet. I want to say what the numbers are. We would error on the side of safety. That's always what we try to do.

The retention basins that we design always have additional capacity. We want it that way. It's for the good of the public.

The storm water events, they do have rainfall intensity. They do have a large of error, but we deal with those numbers as presented by the local officials. We take those at face value.

DR. BOTHWELL: Mr. Riney, if you are or say or even suggesting that you are, inner error by slight or some event happens, what is his remedy as far as he feels and can prove that this project has caused him harm?

MR. RINEY: Mr. Blandford has asked that before and the obvious remedy is some sort of legal action, but in addition to that he has talked to the city and county engineer. I think they're both here, representatives of those offices are here tonight. They have asked that an extra-ordinary step be done. We have used the usual and customary calculations for subdivision drainage design. They've asked that an
extra-ordinary step be done. Hydraulic analysis that
implements floodplain analysis FEMA might use or the
Corp of Engineers. We've agreed to that. There's a
notation on the plat that says that that will be done
and that if that analysis shows that other steps needs
to be taken, that they will be implemented prior to
the final plat. I think Mr. Noffsinger knows where
that note is on the plat.

MR. CAMBRON: Is that unusual though, Mr. Riney?

MR. RINEY: That is very unusual. That's
something that we've never had in our 30 something
years of experience. We've never had something like
that as far as drainage design. It is an
extra-ordinary step for the benefit of the adjacent
property owner.

CHAIRMAN: Thank you.

MR. BLANDFORD: It's very unusual because it's
a very unusual situation. Mr. Riney the other day
when I was out there and asked him about this berm,
would our water be going at that level or blow that
berm. He had to finally tell me it would have to be a
little lower than the berm. If you take the berm down
a foot, it's going to back up. That's what we're
going to be going into. That's my question that I
wanted answered. We can't drain with water sitting in
that basin. Now, they can give you all the figures
they want, but they have to prove that and I don't
think it's there. That's why that ditch was banked.
The Zogleman family, the Keller family, the
Fishers, they can all tell you what that ditch does.
It's got a lot more load on it now than it had before
they put this new drainage in up north on Carter Road.

CHAIRMAN: Did Mr. Riney, did you say our city
and county engineers are both here?

MR. RINEY: I believe they're in the audience,
representatives of both offices.

CHAIRMAN: We are currently in the county?

MR. RINEY: That's correct.

CHAIRMAN: Let me ask the county engineer
representative to step forward.

MR. ELLIOTT: State your name, please.

MR. RAYAN: Senan Rayan.

(MR. RAYAN SWORN BY ATTORNEY.)

CHAIRMAN: Obviously you're sitting there and
knowing technically what both sides are speaking of.
One was questioning. The other was answering in a
technical term. You sitting in your situation as
county engineer are reviewing these facts, obviously
as a third party removed. Obviously, you want to
protect the homeowner and obviously you need to be fair to the developer. With that statement made, would you address the homeowner's question and the developer's remedy?

MR. RAYAN: What we asked the engineer, the developer engineer add warn information, give us more information about the hydraulics of the big ditch. We needed to know more information about it.

His concern is our concern. We took his concern and after doing a review we came to the conclusion that additional information is needed to make a final determination.

CHAIRMAN: So at this point in time the final determination has not been made?

MR. RAYAN: That is true. Our approval is based upon the condition to the note that's added in there.

MR. CAMBRON: About the addition of the hydraulics test?

MR. RAYAN: Correct.

CHAIRMAN: So in your professional position, and back to his original question which seems very simple to me, will he be as well off in the future as he was in the past with his drainage situation?

MR. RAYAN: Well, when we get that
information, we will have a better understanding. So the condition that we put on there is for the developer to go ahead and just move dirt. So nothing is going to be developed into anything. Until we have that information, it has to be to our satisfaction. We will sit with them and we'll put everything on the table and we'll discuss this issue. If there is an issue, we'll bring it up. Then the developer would have to do something about it. Review to revising the plan, to satisfy me, satisfy the condition that it's in.

DR. BOTHWELL: Mr. Chairman, should we postpone this issue? I mean there's a lot of questions not to be answered. Just table it until all the final information is in.

CHAIRMAN: I think based on what he was saying that the only thing we could give them conditions at this time where they would have to meet the future conditions placed on them by the county engineer to go forward with total development.

Is that correct with your conditions?

MR. RAYAN: That's what we understood talking to the director of planning. To add that note on there, we have that back to do.

CHAIRMAN: Mr. Noffsinger, would you
completely sum up our position on this situation.

MR. NOFFSINGER: The Planning Staff has had no involvement in the review of this plan for drainage with that understood first.

Secondly, there is a notation that's placed on this preliminary plat, but the Planning Staff had no involvement in it.

What the Planning Staff is looking for in a development would be for the city and/or county, in this case both, to sign off on the plan so that we can present that plan to this commission. That's where we are.

Generally you do not have notations such as what I'm getting ready to read into to the record on the plan; however, it's been described as this is an unusual situation.

Here is the note: "Plan approval is being granted based upon the information provided. Further hydraulic analysis shall be provided by the developer to the satisfaction of the city and county engineer to model the impact to the big ditch. Any changes required to be made as a result of this analysis shall be implemented prior to the final plat. No water can be diverted from the tributary of Goetz Ditch into big ditch until this analysis is completed and further
approval of the rerouting has been granted by both the
city and county engineers. The signing off of this
preliminary subdivision plat does not grant the
developer permission to perform the rerouting."

I think the reason this note is here as
conveyed to me from the city engineering department is
that they do not want to hold this project up. They
feel that this is a viable project; however, this
analysis is necessary to make sure that what is being
proposed will not harm adjoining property owners.
Therefore, we have the plan in proper form for you to
consider, but it is a conditional use permit or it is
a conditional approval by the city and county
engineer. However, they have signed off on it. The
Planning Staff, we're not qualified to do a drainage
review and we are relying on the city and county
engineer to perform those services.

CHAIRMAN: Thank you, Mr. Noffsinger.

MR. JAGOE: Mr. Chairman, do we consider
drainage issue in zoning or do we consider those on a
preliminary or final development plan?

CHAIRMAN: Mr. Noffsinger.

MR. NOFFSINGER: I think we have made the
decision here or the chairman has allowed testimony
toward the preliminary plan and we are discussing the
drainage, which can come into play with the zoning change. I think the decision was made by the chairman to allow that discussion to occur. So we can do that. I think it's at the Chairman's pleasure.

CHAIRMAN: Mr. Riney, would you like to say something, some comments to the county engineer?

MR. RINEY: I was going to amplify what Mr. Noffsinger said. I'm glad he read that into the record because I think it's important to have that. The planning rule is granted based on the information provided. That's the first sentence.

Then we understood that this extra-ordinary step that we talked about earlier is there for the protection and to help assure the adjoining property owner that the scenario that we've described will function properly. We have confidence because we happen to know that area. We've seen it work.

The developer, we agreed to this. In order to give the adjoiners an additional level of comfort, the city and county engineer wanted to do that so we agreed to do it. The approval, as Mr. Noffsinger says, has been granted. So the plat is in order for consideration tonight. Be sure we understand that.

CHAIRMAN: Okay. So you have built in, as the county engineer, an extra level of protection for the
adjoining property owners until you receive further information.

MR. RAYAN: To my satisfaction.

CHAIRMAN: To your satisfaction.

MR. RAYAN: Correct.

CHAIRMAN: Of which time you will certify this as?

MR. RAYAN: Correct.

DR. BOTHWELL: Or not.

CHAIRMAN: If it doesn't meet your specifications, back to the digging stage.

MR. RAYAN: Correct or they have to do a revision.

CHAIRMAN: Yes.

MR. RAYAN: To accommodate for the problems that we have, if there is any.

CHAIRMAN: Okay. All right.

Does anybody have any questions while we have the county engineer, does anybody in the audience have any questions of the county engineer?

MR. BLANDFORD: I have one question. If though start this development and that ditch, they decide they cannot, if they don't prove that they can drain our property at the same time it drains now, they start this development and they start moving dirt
and say that ditch had to be left open to get our
water off at the same time level, I understand that
they start the development and start moving dirt, that
ditch could be a major concern with the way the
development is designed right now.

CHAIRMAN: I don't think really that would be
a question for the county engineer unless maybe --

MR. RAYAN: According to the construction
stage that they're going to go through, moving the
dirt, they're going to start with the basins along the
big ditch. This is not going to harm anything.
Actually it's official.

They're also going to move in to a third
basin, which in the area where the ditch that he's
talking about that drains his property, we would want
to see that basin also help in that area too. So
actually it's going to benefit the drainage of your
property not touching that ditch and not providing a
condition where it makes it worse. So we will be
watching what they're doing and we will keep on it.

MR. BLANDFORD: I understand. But what if
eye decide that that ditch has to be left open? I
understood the other day that we were talking about
that if that ditch had to be left open it would make a
major change in their plan now. Do you follow me?
CHAIRMAN: Yes, sir. I don't think it would really effect the county engineer. He's just going to certify what it takes to make it right. I think that would be a question for Mr. Riney. It would just be a development change.

MR. BLANDFORD: We get all the figures in and we see that they cannot move the water as fast as it gets off of our property now. They've started these basins. If that ditch had to be left open, would this cause a problem with the dirt they have moved? Because I understood that the development was designed for that ditch to be closed.

DR. BOTHWELL: Mr. Chairman, may I interject something?

CHAIRMAN: Yes, sir.

DR. BOTHWELL: We are not approving the final plan of the subdivision tonight. If the changes come back that your ditch has to stay open, they will have to revise that plat to reflect that for us to approve later. Not tonight. So all we're approving tonight is the zoning change to allow them to proceed.

MR. APPLEBY: And we're looking at a preliminary plat.

DR. BOTHWELL: And a preliminary at that.

MR. NOFFSINGER: Which is the construction
drawing for that development.

DR. BOTHWELL: That can change if it has to.

MR. BLANDFORD: Thank you.

MR. RAYAN: Just to state on record. Now, when we review their analysis, we're going to be looking at what happens upstream and what happens downstream. We want to make sure that no adverse impact will happen. So that's our focus. We want to make sure it does not cause problems. It's not adding to the already existing problem. We already have problems exist down below such as Fisher Road. There's already backing up water going to the farms. So I'm looking at that close to making sure that we're not going to make any more.

MR. CAMBRON: Are you working with the city engineer too in conjunction with this?

MR. RAYAN: That's correct.

CHAIRMAN: So basically his original question that I sort of simplified, your total review is to make sure that he is no worse off than what he is currently?

MR. RAYAN: That is correct.

CHAIRMAN: Thank you.

Does anybody else have any other questions?

Yes, sir.
MR. ELLIOTT: State your name, please.

MR. FISHER: Joe Fisher.

(MR. JOE FISHER SWORN BY ATTORNEY.)

MR. FISHER: My family has a farm on the corner of Carter Road and Fisher Road.
Several times this year Fisher Road has gone under water because Carter Road cannot take the water. A ditch gets full from all the development that's happened over the past several years. This aggravates the flooding on Fisher Road and our farm. This year I had to do something for the first time I've ever done. Bush hog tobacco due to the drowning.

My question to Mr. Riney: You made the comment earlier that you would widen Carter Road twice as wide, the ditch. If you're going to do that, have you contact the landowners, the homeowners and the businesses? And how far are you going to make that ditch wide? All the way to the creek?

CHAIRMAN: Let's have Mr. Riney address that.

MR. RINEY: My statement was it was going to be widen along the frontage of this property. That's all that they have control over. So whatever that is, I don't remember, 1,000 feet, probably almost 2,000. That distance along the frontage will be widen. The ditch now maybe got a six foot bottom, but the bottom
we're going to have in there it will be a wet basin
will be somewhere around 190 feet wider than what it
is now. It will be a substantial increase in width
along the frontage of this particular piece of
property that we're discussing tonight.

MR. APPLEBY: But you're really adding
retention there more than --

MR. RINEY: That's correct. That's part of
the retention. All the basins are interconnected so
you get much more storage.

Just for the record, the numbers show that
there's over 6 million cubic feet, 6.2 million cubic
feet of storage in these basins up to elevation 390.
So that's a substantial increase in the storage that's
out there for retention.

Now, if it's in a backwater situation, then
that's a different deal. But I think the Blandfords
understand backwater is different than the headwater
situation.

MR. FISHER: The ditch cannot handle any more
water than it is right now. That's why Fisher Road is
flooding and that's why I'm losing crops.

CHAIRMAN: Mr. Fisher, let me call the county
engineer, because the last part of the statement is he
made reference to he was looking at the development
plan in regards to the water behind the development
and the water in advance of the development which he
did mention Fisher Road.

MR. FISHER: Correct. I am downstream.

CHAIRMAN: Let me ask him to what detail
because actually this development may, with the
retention basins, may be improving your situation. I
will not make that statement, but I'll pose the
question to the county engineer and ask that.

MR. RAYAN: According to the calculation that
they submitted to us --

CHAIRMAN: That Mr. Riney submitted.

MR. RAYAN: Yes, the developer's engineer. It
shows that there is an improvement to the downstream.
They've slowed the amount of flow. We believe
additional analysis that they're going to do is going
to give us better numbers.

CHAIRMAN: When you say improvement, if I was
in Mr. Fisher's situation myself, I would want to know
what actually determines improvement because obviously
he's getting flooded at the present time because of
increased development or other situations above him
that have brought more water into his property.

MR. RAYAN: The additional runoff that is
coming from the development, and if the property of
Blandfords coming toward the ditch too and with the basin built, the basin is going to act as a hold for that water and it's going to let go an amount less than the existing condition per cubic foot per second value, which is a flow of water. It's going to be less than the existing condition. That's the number I look for. I review those numbers. I will make sure that as a result leaving the subdivision at the tip of that subdivision downstream is less than the existing condition.

MR. CAMBRON: And that's done by a retention basin?

MR. RAYAN: According to their numbers the basin is doing that.

MR. CAMBRON: I'm asking you. Is that done with holding that water back? Is that how you do that?

MR. RAYAN: Yes. You keep water for some time and then let it go slow.

CHAIRMAN: Mr. Fisher, do you have another question or did he adequately answer your concern?

MR. FISHER: I don't believe the basins will help my situation. I believe it will hold the water back more and drainage on Fisher Road will be slower because the ditch is still going to be full. He's
talking about 1,000 feet. That's not going to reach
down to where Fisher Road is I don't believe.

CHAIRMAN: Let's bring our engineer back.

MR. RAYAN: Again, the additional information
that I'm requiring from the developer's engineer it's
going to show me a better, it's going to give me a
better understanding to the condition given the
development. I'm still looking at that. I have not
made that determination.

DR. BOTHWELL: You're not in a position to
answer that question yet?

MR. RAYAN: No, not yet. If it's not, then
they're going to have to do a revision to make that
happen. We're allowing them to go ahead and move
dirt. That's all it is.

MR. CAMBRON: But you feel comfortable with
the developer standing by what you're asking him to
do?

MR. RAYAN: They are confident that they will
provide that information.

MR. CAMBRON: But I'm asking you. Do you feel
comfortable with the developers taking care of this
problem?

MR. RAYAN: That's the engineer information
that they're going to go by.
MR. CAMBRON: Whatever the problem is with the runoff. You said that you're going to allow them to do this, but apparently you feel comfortable enough for the developer to go forward; is that correct?

MR. RAYAN: Correct. What they're doing right now is not going to have an impact because they're not adding surfaces. All they're doing is moving dirt. But when we get to the next stage when they're saying we want to add, we want to put streets and build, that we're going to say, stop here. That information is not good. They're aware of that.

MR. GILLES: Mr. Riney, you said you're looking upstream and downstream, especially on the Carter Road ditch. If you see that it's going to add more water to that ditch than it currently can handle, what's the next step?

MR. RAYAN: Then I will go back to the engineer and tell them I'm not going to accept this. So you need to revise your plan to help it downstream. Then if he does that, then I want to see how it impacted the upstream. So it's a complicated issue here. You might do something to help downstream and you might affect the upstream. I look at the upstream. If it has an impact, then I'm going to tell him he has to do something.
MR. CAMBRON: It could be more of a retention basin or maybe a larger retention basin?

MR. RAYAN: Maybe put a retention.

MR. CAMBRON: Right.

MR. RAYAN: Or a different design.

MR. CAMBRON: Yes. But they want to go ahead and move dirt so it's okay. It's not going to have an adverse impact in the existing condition. It's not going to add more water to Fisher Road area what they're going to be doing.

MR. GILLES: According to Mr. Fisher, Carter Road ditch can't handle any more water now. Is there anything in the future to widen that Carter Road ditch or anything?

MR. RAYAN: Not that I'm aware of. I know they're working the retention basins. What they're going to be doing is a retention basin that it could have a positive impact on the drainage.

CHAIRMAN: Do we have any further questions of our county engineer or Mr. Riney?

Yes, sir.

MR. ELLIOTT: State your name, please.

MR. KELLER: My name is Don Keller.

(MR. DON KELLER SWORN BY ATTORNEY.)

MR. KELLER: I'm likewise concerned on the
south part of the property. I'd like to ask Mr. Riney about the Keller farm and the Henry O'Bryan property they were concerned about run off to the south. I haven't seen any plans to know what you are going to do.

MR. RINEY: The plan is the Keller farm is a long big ditch. We plan to continue the berm at the long big ditch on our side of the property line. To me that berm on where it ties back into higher ground so that the water can't reach over.

The Kellers are concerned. Years ago the water had reached over. The ditch was in different condition. So we're going to have a berm there just to assure that that won't happen.

The balance of the property where the common boundary is, where water sheds back in on the developed property, where water shed back in to the basins on the development. Only right at the edge or the back slope behind the adjoining streets or whatever where the water fall and grass, that small strip go onto the adjoining property. The whole area out there almost from Southtown Boulevard south naturally flows to the south. The water off of this project site is going to stay, at least the water that falls on the pervious area and improved areas is going
to stay within the basin system to be detained. The basins act as a buffer as you're aware. So that water will not be discharged directly onto the site other than what might fall right at the slope where you have to fill base flood elevations and it goes down to the existing ground. That will be grass. That water will fall off a slope. That's what's coming off the farm right now as it goes on south onto the adjoining property.

MR. KELLER: Do you have any plans that we can see how that is going -- I know you took some aerial photographs.

MR. RINEY: We have a plan on record here that we can share with you all to see what that is.

MR. KELLER: Okay.

MR. RINEY: We've got those elevations.

CHAIRMAN: Do you have a copy of the plan with you, Jim, by chance?

MR. RINEY: I didn't bring the whole plan. We can get a plan to him. That's the plan that's filed with the commission.

MR. KELLER: We just want to be assured that there's not going to be any more runoff to the south of us than there already is from Zogleman's farm.

MR. RINEY: It will be less because it's going
to be going back toward the basins.

MR. KELLER: See, I don't know what basins are. I'm just now getting in on this.

CHAIRMAN: We can give you a copy of this plot that we have.

MR. RINEY: He can't read that. We can get him a copy or he can get a copy from the planning office.

CHAIRMAN: You can look at this one right now. If you have any other questions, why don't you contact Mr. Riney. You can go by his office and you can get a bigger plan that might give you a better idea of what's going on.

MR. KELLER: Okay. Thank you.

CHAIRMAN: At this point in time, are there any further questions?

MR. THOMPSON: One comment, Mr. Chairman.

MR. ELLIOTT: State your name, please.

MR. THOMPSON: Tommy Thompson.

(MR. TOMMY THOMPSON SWORN BY ATTORNEY.)

MR. THOMPSON: Mr. Chairman, Members of the Commission, I appreciate this opportunity to speak very briefly. I just want to mention I don't think there's probably a plan that comes before this good body that doesn't have drainage issues and traffic
issues raised.

With that being said I just want to go on record that we are incredibly and sincerely sensitive about the concerns of our good neighbors out there.

That's why, as Mr. Riney stated, that he has met with the Blandfords at least four times to discuss the issues that we've heard yet again tonight and tried not only to be sensitive to those issues, but to listen and learn and address our remedy to those concerns.

I have personally met with Mr. Blandford one time to hear his good concerns because I am concerned about it. We're going to be his neighbor. We want to be a good neighbor like we've been since 1994 since we've been in business here.

Let me just assure you that the people that are more concerned about having an adverse impact without being able to properly deal with the drainage is this company because we're going to make an incredible investment, we already have, in this property. We'll be making a bigger investment.

We certainly do not want to do anything that's going to provide injury or deprivation to the people that are going to be living out there, and we certainly don't want to do it to our neighbors. So
that's why we've made sure that we're using the best
engineers available, using the best design criteria
available.

Even when you look at that design criteria,
every part of it is equal to or in excess of their
requirements. We've exceeded the FEMA requirements.
FEMA doesn't even require one to one anymore anywhere
in the country, but it's being required in Owensboro
and Daviess County and we were meeting or exceeding
one to one.

CHAIRMAN: Mr. Thompson, would you clarify
your statement "one to one"?

MR. THOMPSON: Well, one to one ratio on fill
and floodplain is not required by FEMA. You simply
have to elevate out of the base flood elevation.

We've met -- the Comprehensive Plan
contemplates development in floodplains, which
unfortunately we have a lot of time in Daviess County.
If we didn't develop in floodplains in Daviess County,
we wouldn't have any development at all.

We have met with the Corp of Engineers. We've
satisfied their concerns. Even with Mr. Blandford's
good comments, which all of his comments are good, he
talked to us about his concern about a ditch that was
on our northern property lines with the Jagoe
Development, Twin Lakes, and then coming back to his property. We originally had a design to tile. He thought it might be better and provide more storage, even though we didn't really feel that way, but he thought it would provide more storage if it were to be an open ditch. So we now have agreed and reflected that on our plan to be an open ditch.

Finally, I just want to emphasize about this additional hydraulic study that's being required. I want to make a point. This is extra-ordinary. In my 30 plus years of development, we have never had to do that. I don't think Mr. Riney has ever had to do it for one of his clients. I don't know of another developer colleague that's had to do this. But as a means of providing that extra method and that extra level of comfort to the neighbors, we have greed to do that at some expense.

Let me just say that when those numbers come back, we're very confident because of the professionals we have that it will support what we're designing because everything we've designed in the past has worked and we want it to condition to do that. We're confident it's going to work in this situation because what's at risk for us and our neighbors.
If by some stretch it comes back and it says, you need more storage, we have gone on record to say, we will do that. We'll provide what additional storage or remedy is necessary. I don't know how we could be any more fair to our neighbors about our desire to develop this.

Let me just say, Mr. Riney mentioned that there was about 6.2 million cubic feet of storage on this property. I mean we recognize that it has held water. Mr. Blandford's farm has spilled over and flooded this farm for years. We've got to deal with that and we're going to deal with that.

Over 20 percent of this site is going to be dedicated to storage. So of the 114 acres that we've got, we're dedicating over 20 percent of it is going to be in storage so that we can make sure that we can meet the drainage requirements and we don't provide any adverse impact to our homeowners or to our neighbors.

So we're prepared to stand by that and we would ask for your positive consideration.

CHAIRMAN: Thank you, Mr. Thompson.

I want to thank our county engineer for being here. I believe we have a representative from the city engineer's department. We appreciate you all
being here to help us with these very technical situations that the commission faces.

If there are no further questions, I think at this point in time the Chair is ready --

Yes, sir.

MR. BLANDFORD: I didn't agree to the ditch going over to the big ditch. I only said that a ditch would carry more water than a tile. I want that on record.

I still would like to see the Blue Line ditch kept open. Because I do not feel that the ditch will carry water off of our farm as fast and as it does through the Zogleman farm.

Mr. Thompson just said that I agreed to a ditch. I don't remember doing that.

CHAIRMAN: There is some question.

Before the Chair ask for a motion, Mr. Thompson, do you want to clear up that contention?

MR. THOMPSON: I didn't say he agreed. He made a suggestion and commented that a particular ditch that's on our northern common property line with Twin Lakes would probably have more capacity if it were open as opposed to tile. We were originally planning on tiling it. So we agreed to keep that open. We thought he made a good point.
CHAIRMAN: Thank you, Mr. Thompson.

MR. BLANDFORD: The Question we have out there on that ditch, if that ditch is opened up, to open a ditch for our outlet, it will back flood right now. Are they telling us that that retention basin is going to take care of all of that problem?

CHAIRMAN: That's something that this commission is not technically capable.

MR. BLANDFORD: That's what I understand.

CHAIRMAN: We have to rely upon the county engineer. We have the greatest deal of faith in him because he has reviewed every plan that this commission has passed. There's been a lot of questions raised, but his scrutiny on each and every plan has been correct. His records at this point has been impeccable and he has flood water, drain water to deal with in every plan that he reviews. That's the decision we have to go by.

MR. BLANDFORD: Thank you.

CHAIRMAN: Thank you. Now - -

MS. FULKERSON: Mr. Kirkland, may I ask one more question to Mr. Thompson?

CHAIRMAN: You can ask a question.

MS. FULKERSON: Mr. Thompson, my question to you is: We live past the Zogleman farm. In other
words, it floods us at the intersection of Todd Bridge and Keller before it floods the Zogleman farm. When the water comes out of Panther Creek, comes out of Goetz ditch and comes toward the south, toward the Zogleman farm, it spreads out. What Mr. Riney was saying earlier is that everything is going to be built up. The Zogleman farm will be built up to get all of the houses out of the floodplain. Therefore, it won't flood there. Therefore, when the water comes out of Panther Creek, it's going to be deeper on me because it won't be able to spread onto what was the Zogleman farm. Do you understand?

CHAIRMAN: Is that your question, Ms. Fulkerson?

MR. FULKERSON: Well, that's the preempt of my question.

CHAIRMAN: In due respect to Mr. Thompson, I think I will call Mr. Riney to address that with your permission, Mr. Thompson.

MR. THOMPSON: I agree with that.

CHAIRMAN: Mr. Riney, did you understand the question?

MR. RINEY: Yes. And Ms. Fulkerson brings up a good point. That point is the point that's addressed. We said earlier, Mr. Thompson did say
earlier that it's one to one ratio, which the local
officials have adopted. This policy requires that for
every cubic foot of water that you displace by fill,
that you create another opening over here, another
void for that water to go into. So that's why
Mr. Thompson said 20 percent of this farm will be
dedicated to storage. That's the reason. So that it
can provide that one to one ratio. We actually exceed
that ratio by two percent or whatever, but we're over.
Again, we try to error on the side of safety.
That water will not be displaced. The farm is going
to be fill, but it's not the entire farm. So that
displacement will be taken care of on the site of the
development.

CHAIRMAN: With your retention basins.
MR. RINEY: Yes.
CHAIRMAN: Thank you, Mr. Riney.
MR. CAMBRON: At this point in time, Mr.
Riney, it looks like we're talking about 20 plus acres
of retention on that particular farm and maybe more
depending on how the hydraulics tests comes back?
MR. RINEY: That's right.
MS. FULKERSON: So my point is, what he's
talking about on the retention basins is for the
water, for example, rain water. I'm talking about
water backing up out at Panther Creek. This water will not be able to go into the retention basins because they're built so high.

CHAIRMAN: Well, there's head water and there's back water. The back water coming back from Panther Creek is something I'll refer to him on, but that's something different than the water that he is creating off of his property.

MS. FULKERSON: What my question is --

CHAIRMAN: I'll ask him to address that and then we will move on. Thank you.

Yes, sir, Mr. Riney.

MR. RINEY: This project will not take care of Panther Creek floodplain flooding. That is an immense issue. This probably won't take care of that.

The storage will be available though for the Panther Creek. If you don't get a drop of rain out there in that neighborhood and you get a rain on up the water shed and that massive water starts coming downstream, the neighborhood will still benefit because the basins will be there. They're interconnected into the drainage system.

So as Ms. Fulkerson said, as it backs up coming up Carter ditch or whatever, it will be able to back into these basins through the pipes that we have
that interconnect the basins into all the basins that are out there. So they still get a benefit, even if they don't get a drop of rain on the site and they do have a flood.

It will not serve to buffer the 100 year floodplain from Panther Creek. That's beyond the scope of that whole neighborhood out there to do that.

CHAIRMAN: Thank you, Mr. Riney.

MS. FULKERSON: Mr. Kirkland, first off water does not come from Panther -- that comes out of Panther Creek up Goetz ditch. We're not talking about going into Carter Road ditch. The water comes from the southeast going toward town. So the way it was in '97, as you saw in my photos, it spread out over the Zogleman farm.

CHAIRMAN: That's exactly why we brought the county engineer in. That's what we will be reviewing in a professional manner. That is what the whole scope of our review is based on. That's what our county engineer will determine.

MS. FULKERSON: Also, I think Mr. Riney was trying to make fun of me thinking that we're going to take cure all the ills of the 100 year flood without Panther Creek.

CHAIRMAN: I did not interpret that. I did
not interpret that at all. I think he was making a professional statement.

MS. FULKERSON: Nobody can take care of the flooding of Panther Creek. I do realize with Mr. Riney. That's not the problem. What my problem is is that the water that's coming out of Panther Creek, not going go on what was the Zogleman farm, because it's built up.

MR. APPLEBY: But the basins are not. All the basins are interconnected with all the ditch system out there. So the water is going into the ditches first. It's going to back up to these basins before it goes anywhere else.

DR. BOTHWELL: So it still goes onto the farm. It hasn't changed.

MR. APPLEBY: It still goes back onto this farm just like it always did. There's 6 million cubic feet of storage on this farm connected to this ditch system around it. So regardless it's going to hold as much water as it holds now no matter where it comes from.

MS. FULKERSON: The '97 flood water did not back up out of the Carter Road ditch.

MR. APPLEBY: It backed out of some ditch somewhere.
MS. FULKERSON: It did not cross Carter Road.

DR. BOTHWELL: Mr. Chairman, we're discussing engineering issues.

CHAIRMAN: If you have a specific question, we'll answer it. At this point in time in courtesy to the rest of our people, I think we need to move on and the Chair will call for a motion. Thank you.

MS. FULKERSON: Thank you.

CHAIRMAN: The Chair has heard diligent testimony from all sides and we appreciate your patience of you that are out there. We appreciate both professional engineering staffs and the people that has participated. The property owners, we have we've answered your questions. Obviously the commission can't answer, but we did have a professional staff that could. I encourage you if you have any future questions that I think Mr. Riney is very open and I know our county engineer is open. They would be glad to assist you in a future date.

Now, with that being said the Chair is now ready for a motion.

MR. CAMBRON: Mr. Chairman, can I ask you one question?

CHAIRMAN: Yes, sir, Mr. Cambron.

MR. CAMBRON: If a motion is made to the
affirmative and Conditions 1 through 4 are submitted
and the Findings of Fact 1 through 4, would it be
appropriate or okay for Mr. Noffsinger to read in that
hydraulics, whatever it was on that plat there into
the record too again?

MR. APPLEBY: It's on the next item on the
agenda.

CHAIRMAN: That will move very quickly.

MR. CAMBRON: On this one too?

MR. NOFFSINGER: I will do whatever.

CHAIRMAN: Is it necessary?

MR. APPLEBY: I don't think it's pertinent
until --

MR. NOFFSINGER: You do have it on the next
item as a notation on the plan. I do whatever the
commission.

MR. JAGOE: Probably not necessary for the
zoning, but it will be necessary for the plan.

MR. CAMBRON: I understand. I just thought
maybe it might be a good clarification for the other
people out there to understand that they are going to
be working on that, but that's fine.

My motion is for the affirmative based on
Conditions 1 through 4 and Findings of Fact 1 through
4, Mr. Chairman.
MR. APPLEBY: Second.

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

Next item, please.

RELATED ITEM:

ITEM 7A

Keeneland Trace, 114.70 +/- acres (Postponed from July 13, 2006 meeting)
Consider approval of major subdivision preliminary plat/final development plan.
Applicant: Thompson Homes, Inc.

MR. NOFFSINGER: Mr. Chairman, the Planning Staff and Engineering Staff has reviewed this plan. The plan is found to be in order. We do have the notation regarding the hydraulic analysis on this plan that I read into the record previously.

There is also a notation on this plan that states this subdivision is located within an area that contains a variety of agricultural activities. Under Kentucky law, agricultural and civil-cultural operations will have certain protections from non-agricultural uses. That notation should be carried over to all final plats on the property.

We have reviewed for consistency with the
Comprehensive Plan and based upon the prior zoning recommendation it would be consistent with the Comprehensive Plan as well as meet the requirements of the subdivision regulations and zoning regulations and pending further review by city and county engineer on this hydraulic analysis.

Should thereby any changes to this plan, this plan will have to be amended; however, at the current time it would be approved by the director of the office and would not come before this commission of the public hearing unless you so choose.

CHAIRMAN: Thank you, Mr. Noffsinger.

Are there 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.

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 8
Consider zoning change: From B-4 General Business and R-1A Single-Family Residential to B-4 General Business
Applicant: Richard W. And Mary Rose Howard

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. Close the existing access at the intersection of KY 144 and Knottsville-Mt. Zion Road and upgrade the existing drive on KY 144 to a standard drive;

2. Provide landscaping as required by the zoning ordinance adjacent to 9229 KY 144; and,

3. Pave all drives and vehicular use areas as required in the Owensboro Metropolitan Zoning Ordinance.

FINDINGS OF FACT:

1. The subject property is located in a Rural Community Plan Area where general business uses are appropriate in limited locations;

2. The proposal is a logical expansion of existing B-4 General Business zoning that currently
exists on the subject property; and,

3. The expansion of a General Business zone
will not significantly increase the extent of the zone
in the vicinity of the expansion and should not
overburden the capacity of roadways and other
necessary urban services that are available in the
affected area.

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

CHAIRMAN: Thank you.

Are there any questions?

(NO RESPONSE).

CHAIRMAN: Anybody representing the applicant?

(NO RESPONSE).

CHAIRMAN: Does anybody have any questions?

(NO RESPONSE)

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

DR. BOTHWELL: Motion for approval,
Mr. Chairman, based on Conditions 1, 2 and 3, and
Findings of Fact 1, 2 and 3.

CHAIRMAN: Motion for approval by Dr.
Bothwell.

MS. DIXON: Second.

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

Next item, please.

ITEM 9

12400 Block US 431, 100 Block East Harmons Ferry Road, 31.027 acres
Consider zoning change: From A-R Rural Agriculture and I-1 Light Industrial to A-R Rural Agriculture
Applicant: Ann G. Wilson

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 Rural Maintenance Plan Area where rural farm residential uses are appropriate in general locations;
2. The subject property has historically been used for agricultural purposes;
3. Based on the historical use of the subject property, an agricultural use is more appropriate than the current split zoning;
4. The subject property has sufficient road frontage to allow any further lot divisions to have separate driveways on a public roadway; and,
5. The subject property has sufficient road
frontage and acreage to allow for several dwellings to
be located on large separate tracts having potential
for agricultural use.

MR. LANE: We would like to enter the Staff
Report into the record as Exhibit G.

CHAIRMAN: Is anybody representing the
applicant?

APPLICANT REP: Yes.

CHAIRMAN: Do we have any questions for the
applicant?

(NO RESPONSE).

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

MS. DIXON: Move for approval based upon
Planning Staff Recommendations and Findings of Fact 1,
2, 3, 4 and 5.

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.

ITEM 10
Portion of 9500-9600 Blocks Sauer Lane, 20.50 acres
Consider zoning change: From A-R Rural Agriculture to
I-1 Light Industrial
Applicant: Buskill Properties, a Kentucky partnership

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. Widen Sauer Lane to 22 feet from where roadway improvement end at the Kimberly Clark site to the access point of the subject property. The transition taper back to 18 feet shall begin beyond the access point;

2. All vehicular use areas shall be paved;

3. Outdoor storage areas shall be screened per zoning ordinance requirements; and,

4. Submission and approval of a final development plan prior to the issuance of any building permits.

FINDINGS OF FACT:

1. The subject property is located in a Rural Maintenance Plan Area where light industrial uses are appropriate in limited locations;
2. The proposed zoning change is a logical expansion of an existing industrial zoning classification located immediately south of the subject property;

3. With the commitment by the developer to widen Sauer Lane, the proposed zoning change should not overburden roadways or other necessary urban services that are available in the affected area; and,

4. With the preliminary development plan submitted in conjunction with the rezoning application provides screening to adjoining properties which should help reduce the impact of the development on the rural character of the surrounding properties.

MR. LANE: We would like to enter the Staff Report into the record as Exhibit H.

MR. ROGERS: Mr. Chairman, I need to disqualify myself on this item.

CHAIRMAN: Okay. Let the record show Mr. Rogers is disqualifying himself.

Is there anybody representing the applicant?

MR. ELLIOTT: State your name, please.

MR. KAMUF: Charles Kamuf.

(MR. CHARLES KAMUF SWORN BY ATTORNEY.)

MR. KAMUF: We represent Buskill Properties. They now own approximately 39 acres that's on Sauer
As you recall the last time there was 39 acres that was requested to be rezoned. There has been a major change in our application since that time. Now we have dedicated half of that property.

As you see this is where the property is located. This is the existing industry that we have out there. This is the site as I showed you at the last hearing in February.

This property is 39 acres. Now we have changed that original application. Where the application, of course, is 39 acres, but we have dedicated over 20 acres of that to buffer so that it will retain somewhat of the rural characteristics of the neighborhood.

I'll have about ten exhibits. We'll go ahead and introduce them so we won't have to bother the board.

This rezoning is adjacent to the existing industry that we have there. The proposed rezoning is an expansion of the industrial site. That's the one that we have here. It's over 600, 700 acres. Where the industrial plan is zoned I-2. We did not ask for I-2 rezoning. We have asked for I1 rezoning.

The industrial plant is a new state of the art
plant which was received overwhelming support here in Daviess County on this particular site. It's one of the largest and most innovative plants in the United States.

We have filed herewith a preliminary development plan. Of course, this preliminary development plan, this is a copy for each member of the board.

CHAIRMAN: Mr. Kamuf, why don't you hand that to me and I will do your hand-outs and you can continue to move along with your program.

MR. KAMUF: That's just a replica for each member of the board to have.

CHAIRMAN: And those of you in the audience, this is just an exact copy of what Mr. Kamuf handed outside to us.

DR. BOTHWELL: It's just colored.

MR. KAMUF: So we have filed herewith a development plan, which you can ask your director what a development plan is. It is something that we are bound by.

The purpose of filing this development plan is to make the project more compatible with the rural character of the neighborhood. We create different buffer zone.
This is Tract 1. The remainder of Tract 1 shown on this preliminary development plan will not be rezoned and will remain agriculture. So the area you see right through here, none of that property -- it's approximately a 20 acre tract. It will not be rezoned. It will be a buffer between the area.

There is a gentleman that lives over here. It's a Mr. Greenwell, I think. He will have a 20 acre buffer zone buffering him from this project.

The yellow that you see here is the proposed building site. It is approximately -- the maximum that we can build on this property would be 2,008 square foot building.

The established tree line to the west, and that's along this property that you see here. It's an established tree line to the west of the subject property is to remain as it exist. You can see that the tree line makes up over 10 acres. This is the tree line that I'm talking about right in through this area.

The green area that we have is colored, but those as it exist right now, and I'll show you another map in just a few minutes, it is existing.

The building that we have construct will be approximately 500 feet from Sauer Lane. The building
will be approximately 65 by 320 or 2,008 square feet.

The operation that we have there will be approximately from 7 a.m. to 4 p.m. There will be approximately eight to ten trips per day.

To the rear, and I'll show you another map in just a second. To the rear is the Neal Rudy property. Mr. Rudy is not here, but he has no objection to the rezoning.

The ingress, and this is a critical area because, I'll show you on the map, the big map in just a second. As you can see, the ingress and egress to this rezoning area is controlled along the frontage on Sauer Road and it makes it near impossible for a truck to turn and go in an eastwardly distribution. The traffic will go from here back to Kimberly Clark or to the existing industry.

Along this side, this is along the east side, there is a double roll of pine trees along the eastern boundary line which is above and beyond the requirements of the zoning ordinance. You'll find that in your Staff Report.

Also on the Staff Report it says the overall acreage of the proposed industrial ground has been reduced by nearly 50 percent of the original zoning application.
We also have a letter, this was at the last meeting. Let me change maps here. Just a second.

Before I show you this particular map, this is the property by Mr. Lamar. He is Number 6. He has written this letter:

"Dear Members of the Commission: I received notice of the request of the zoning change of the property across Sauer Lane from my farm. I understand the property will be used for warehouse storage. I am very pleased to see a private investment being made to serve and encourage our existing industry and promote job growth and economy in Daviess County. I'm sure that the storage in the neighborhood will save money not only for highways but for the industry. I appreciate you providing a copy of this letter to the members of the commission."

I have copy for everybody if you'd like to see it.

Approximately, and you see from Mr. Greenwell's house to this subject property as you see this right here, what this is is that we've taken the aerial photograph and made a transpose with the development plan on it.

The Number 1 property, Number 2 property, Number 3 is Mr. Rudy. As you can see there's a
natural, and I'll show some photographs of this in just a minute. There is a natural boundary between Mr. Rudy and, of course, this is Mr. Lamar.

Number 4 is approximately a 20 acre tract. I think it's about 700 feet from the building over to this tract.

CHAIRMAN: Mr. Kamuf, at this point in time I know there are probably questions that maybe people in the audience may have. I think you've made a very good overview presentation. I know I've gotten with your handout to us a pretty good idea of what this property will be. I obviously recognize the changes. Would you object if I would turn this over for questions because people may have questions about things that you haven't covered and they may have questions about things that you've already covered.

MR. KAMUF: However you want to handle it, Mr. Chairman. I have no objection.

CHAIRMAN: I think we have people in the audience that may have questions. Are you near the conclusion?

MR. KAMUF: No, I'm not near.

CHAIRMAN: Well, let us sort of stop at this point and turn it over to the other people and ask if they may have questions.
MR. KAMUF: I'm sure they have some. We have witnesses and expert witnesses here tonight that will testify concerning that.

The major drift of the case tonight is there was some questions by some members of the board, what have you done to try to assist these people to remain some type of let's just say consideration to their proposals and to their concerns? We have filed herewith this development plan, which binds us and where we have dedicated over half of the property to a buffer. It has a buffer on the east and on the west and a natural buffer the other way. I'll be through in just a second so you can go ahead.

CHAIRMAN: Very briefly.

MR. KAMUF: Let me point this out to you.

Several issues the last time. One of the main issues the last time was a traffic issue. This is from Gate D. We have agreed to widen the road to the subject property.

The important thing here is is that there's not a traffic problem for anybody because there won't be any increase in traffic except from this point to this point. So that gentleman would be affected. That gentleman would be affected. Because the traffic comes from here to
here and there will be eight to nine trips a day where the traffic would go back this way.

MR. CAMBRON: What's the distance between — —

MR. KAMUF: It's about 900 feet.

That is a key issue. Traffic was a big issue the last time. We don't think that traffic is an issue. As far as the rural characteristics, we've tried to do everything. I don't know that we can do any more than to give away and dedicate over half of the property to allow for the buffers that we requested out there.

CHAIRMAN: Thank you, Mr. Kamuf.

At this present time, let me ask the people that may have questions to be sure, and we want to address your questions, but please make your statements in the form of a question so we can get your question answered and somebody else's questions answered also. I will call upon Mr. Kamuf and whatever other people that he has to answer your questions.

With that being said let me ask if there are any questions of anybody in the audience.

MR. ELLIOTT: State your name, please.

MR. GREENWELL: Dan Greenwell.

(MR. DAN GREENWELL SWORN BY ATTORNEY.)
MR. GREENWELL: This is not a question, but I will be very short.

We do not consider this a traffic issue because we do not live on Sauer Lane. You all turned this down in February. That was good. We still have basically the same problem here. We would like for you to turn it down again.

In February he said there was no known connection with the existing industry, no contract with them. That makes it a whole separate thing. The project is suppose to create six to eight new jobs. You cannot justify that with a negative impact on the community. The way it's going to change our lives, the lifestyles, the homes, everything. It's right in the middle.

He says "buffer zone." I would like to show a picture of this buffer zone. May I?

CHAIRMAN: Absolutely. I assume you're moving towards a question.

MR. GREENWELL: Yes.

This picture is a picture from my north deck to Carl and Brenda Millay's property. Clean across this. This is the tree line six or eight months out of the year when the leaves are not on. This is the way it is all along the country right there. It's
wide open.

The only way to build this thing and make it where it's going to please the neighbors is to build it in a box and put a lid on it or not build it at all. That's all I need to say.

CHAIRMAN: So you do not have a question?

MR. GREENWELL: Would you not build it?

That's the question.

CHAIRMAN: I don't think that's something that Mr. Kamuf can answer.

Do we have anybody else with a question?

Did you want this to go into the record, your picture?

MR. GREENWELL: Yes. Could I say one more thing, please?

CHAIRMAN: Yes, sir.

MR. GREENWELL: The last time we had a petition signed by 60 people that were against this. Now we have a petition signed by over 200 people who are against this. I'd like to enter that in the record too.

CHAIRMAN: Thank you.

MR. KAMUF: Mr. Chairman, I just have one issue, if I can.

In other words, we have this plat here.
Mainly one reason we had the plat is to show the people that get up where they live. So this next gentleman that gets up, if he could show us where he lives on this plat.

CHAIRMAN: I think this gentleman, Mr. Greenwell - -

MR. KAMUF: Yes. There's no question about Mr. Greenwell. In other words, as they get up here, this shows - -

CHAIRMAN: Mr. Kamuf, I will take care of that. Thank you.

Yes, sir.

MR. ELLIOTT: State your name, please.

MR. PEDLEY: Gale Pedley.

(MR. GALE PEDLEY SWORN BY ATTORNEY.)

MR. PEDLEY: I'm here representing my daughter that lives within a quarter of a mile of this site that you're thinking about rezoning. She's been there 21 years.

My first question is: As I understand it, to rezone this, this property needs to be connected across the road or somewhere it needs to be connected with the Kimberly-Clark property.

Now, tract Number 1 is the only connection - -

DR. BOTHWELL: Is that a question, sir?
Should we answer that, Mr. Chairman?

CHAIRMAN: Sir, if you've got a question, we would be glad to answer the question, but in fairness to the number of people we have, we're asking people to ask a question and not make long statements.

MR. PEDLEY: We can't be limited to some form of question because we're talking about 21 families within a quarter of mile of this site. They have the equal right to their quaintness and everything that a subdivision in Owensboro has. Restrictions are in place and every subdivision in Owensboro and every subdivision in the county to protect the integrity of the houses that are built.

My question is: Can you rezone this property since it doesn't connect to the Kimberly-Clark? Tract Number 1 is their only connection point. You're not asking for rezoning of that property.

CHAIRMAN: Let me answer your question.

Mr. Noffsinger.

MR. NOFFSINGER: Across Sauer Lane there is the Kimberly-Clark property that is zoned I-2 Heavy Industrial. When we look at contiguous, contiguous is defined in the adopted Comprehensive Plan as in close proximity.

In this particular case, Staff is recommending
approval because it's in compliance with the adopted Comprehensive Plan and they found it to be a logical expansion.

Now, Mr. Kamuf did state that they are asking for I-1 Light-Industrial, not I-2. So the question would be, can they ask for I-1 and not be located next to I-2. Sure they can. They can do that. The I-1 would certainly be less intense than what the I-2 zone would allow in terms of uses allowed. So, yes, in terms of a logical expansion, Staff has determined that it would qualify as that.

MR. PEDLEY: It doesn't have to connect in any way to the Kimberly-Clark property?

CHAIRMAN: Ms. Stone --

MR. KAMUF: Mr. Chairman, may I answer that?

CHAIRMAN: Just a moment, Mr. Kamuf.

Ms. Stone.

MR. ELLIOTT: State your name, please.

MS. STONE: Becky Stone.

(MS. STONE SWORN BY ATTORNEY.)

MS. STONE: I think that this gentleman is thinking that none of Tract 1 would be rezoned to I-1 and thereby it would be separated from the contiguous nature of the I-1, I-2 zoning across, but the frontage of a portion of that Tract 1 is also in this zoning
request and that connects into the I-2 across Sauer Lane. This line right here is the requested zoning line. So that goes across that property frontage.

MR. PEDLEY: We knew he couldn't build in that area of Tract 1 because that's floodway. From what I understood, they weren't going to build -- can't move dirt or anything.

Doing all of this, moving all of this, doesn't alleviate any of the issue that we had the first time with the people, 21 families living in a quarter mile of this that have an equal right, to every subdivision in Owensboro to have their property increase in value at the same rate as any other subdivision in Owensboro or Daviess County. We know when this plant goes in that the value of their property is going down and that deals directly with the welfare of these people.

We've got three issues that we have to deal with. Health, safety and welfare.

I know we've got a little bit of health issue there. We've got a little bit of safety issue.

CHAIRMAN: Would you mind stating what the health issue would be?

MR. PEDLEY: Huh?

CHAIRMAN: Would you mind stating what the health --
MR. PEDLEY: We don't know what he's going to store in there. I know he's not --

CHAIRMAN: Okay, one. Two, what is the safety issue?

MR. PEDLEY: If he's storing any of these chemicals or bleaches that it takes to use in this plant over here.

CHAIRMAN: That is used in the plant across the street.

MR. PEDLEY: In the plant.

CHAIRMAN: Across the street.

MR. PEDLEY: Then is a health situation, a safety situation.

CHAIRMAN: You've got health, safety, and what's the third one?

MR. PEDLEY: Welfare.

CHAIRMAN: Welfare. What is the welfare?

MR. PEDLEY: Welfare is the biggest. The loss of value of 21 properties.

CHAIRMAN: If you'll be seated, I'll bring Mr. Kamuf to the podium and let him address that.

MR. KAMUF: I'd be glad to.

CHAIRMAN: Mr. Kamuf, just to review. Safety, health and welfare.

MR. KAMUF: We thought this would be an issue
so we have brought a certified real estate appraiser, Bob Grimsley, who has a Kentucky Real Estate Appraiser Certificate. He's made approximately 8,000 appraisals in his life. He has visited the property. He has reviewed all of these exhibits. He is a certified appraiser with Kurtz Auction & Realty Company. He is a Certified Residential Real Property Appraiser. He has made numerous appraisals for nearly all the financial institutions.

CHAIRMAN: Mr. Kamuf, that's very good.

Thanks for your background, but I think let's do it in the order of his questions.

He had a safety, a health, and a welfare. What about the safety issue? What about the chemicals that are going to be stored there that are also going to be used at the plant across the street?

MR. KAMUF: He'll have to answer that.

MR. ELLIOTT: State your name, please.

MR. BUSKILL: Dale Buskill.

(MR. DALE BUSKILL SWORN BY ATTORNEY.)

MR. BUSKILL: As far as the safety, I'm not real sure exactly what he's asking, other than he mentioned chemicals.

Mr. Pedley, what else did you mention?

MR. PEDLEY: I mentioned the chemicals. If we
have a fire, what's going to be released into the atmosphere that we're going to have to worry about?

MR. BUSKILL: Number one --

CHAIRMAN: Mr. Buskill, let's keep it going this way because we don't want to cross.

MR. BUSKILL: We warehouse for the existing industry now. I have never been asked to warehouse anything in any chemical form or anything of that nature so I really couldn't answer that.

CHAIRMAN: In other words, you would be storing on your location the exact same products that are going to be used?

MR. BUSKILL: To the best of knowledge.

That's correct.

CHAIRMAN: So whatever is used in the plant will be stored on your premises; is that correct? I mean chemicals that are used in the plant could and may be stored in your facility?

MR. BUSKILL: I've never been asked to. I guess it could.

CHAIRMAN: Will you be storing chemicals also or just the raw product?

MR. BUSKILL: Well, the raw product is the only thing it's ever been. Of course, the building will be sprinkled. I don't particularly want
chemicals in my facility anyway.

DR. BOTHWELL: What question I think is: What will be stored? Would that be's an easier way to get to it?

MR. BUSKILL: Currently we store for the industry in that area now. We store their finished tissue products. We store bales of scrape paper.

CHAIRMAN: That was the safety. What about the health issue? He said the calamity of a fire. In other words, we've got paper and we've got tissue that could possibly burn; is that correct?

MR. BUSKILL: That's correct. Like I said the building -- you guys require anything over a certain square footage has to be sprinkled.

CHAIRMAN: I think at this point in time we'll get to the welfare issue that he was talking about the property values.

I think, Mr. Kamuf, you had adequately introduced your real estate appraiser who can now take the stand.

MR. KAMUF: I'd like to show you on this plat that as far as the retention basin there is a retention basin to the rear and there also will be a lake over there in case that they need water for any type of activity there.
The witness that I have, here is a copy of his qualifications for him.

I've asked Mr. Grimsley to address two very important points after reviewing the documents, after going to the site. The two questions that I will ask him will be thus:

Do you have an opinion based upon a reasonable degree of probability as to the rezoning of the agriculture to I-2 of the Buskill property for construction of a storage warehouse would have an adverse affect on the surrounding property value?

We're talking about the surrounding. I don't think anybody in the right imagination is going to say it has any affect on half a mile or a mile away. We're talking about the immediate area.

The second question is: If the neighbor in that area placed a for sale sign on their property, would the sale price be affected by this construction project? So that's Mr. Grimsley's questions.

CHAIRMAN: Thank you.

MR. ELLIOTT: State your name, please.

MR. GRIMSLEY: Bob Grimsley.

(MR. BOB GRIMSLEY SWORN BY ATTORNEY.)

MR. GRIMSLEY: Based on the scope of work that I performed for Mr. Kamuf, it is my opinion that the
property values based on this proposed addition in that neighborhood would not have an adverse or negative affect on the properties in the area.

Number two, the other question he asked was if a for sale sign were placed in the yards of one of these properties in that immediate area. It's also my opinion that it would not adversely affect the sale price of these properties.

With that I'll open the floor for questions from the board.

CHAIRMAN: Do we have any questions in regards to the real estate appraiser?

Yes, ma'am.

CHAIRMAN: Would you please be seated so she can take the podium, please.

MR. PEDLEY: I'm not finished with my questions?

CHAIRMAN: Well, I called upon her. Please be seated. Thank you.

MR. ELLIOTT: State your name, please.

MS. GREENWELL: Beth Greenwell.

(MS. BETH GREENWELL SWORN BY ATTORNEY.)

MS. GREENWELL: I have pictures of all of the surrounding homes in the area. You may look at these pictures. We have nice homes in our area. We don't
have mansions. We live in the county. We have nice comfortable homes.

This is Mr. Brown's home. I've got several you can look at.

CHAIRMAN: Are we heading toward a question?

MS. GREENWELL: Yes.

CHAIRMAN: In fairness with his qualifications, do you have a home in question that you'd like him to just look at? I think also the Owensboro market, and these fellows who deal in real estate might make the comment.

Do we have an excessive amount of homes in the Owensboro market, on the market today, Mr. Grimsley?

MR. GRIMSLEY: I think there's an increase of homes on the market.

CHAIRMAN: Would you take a look.

Do you have a specific home that you have a question about?

MS. GREENWELL: I'm just stating that I don't think that anybody that has a home in our area, if they put it up for sale with this construction going on that anybody would want to buy a home. I wouldn't want to buy a home, any of these homes, I don't care how nice they are, with construction going on. Like a storage with traffic going in front of my house eight
to ten times a day. I don't know how fast they're
tucks travel.

If they've ever been in the area, when
Kimberly-Clark lets out, if their trucks don't go very
fast they'll be run over because when they let out,
it's like Daytona 500.

CHAIRMAN: That's Kimberly-Clark?

MS. GREENWELL: Correct. Correct. When they
do their shift change --

CHAIRMAN: I would think that probably
Mr. Buskill's trucks go at a much slower rate.

MS. GREENWELL: Right. And how is that going
to affect the traffic on Sauer Lane when Mr. Buskill's
trucks do not go very fast? Will that not back up the
traffic?

CHAIRMAN: I think we'll let Mr. Grimsley sit
down and I think we'll ask Mr. Buskill that question.
Unless you have a specific real estate question while
we have Mr. Grimsley on the stand we will address that
to him.

MS. GREENWELL: What does he think the
property values in that area are and does he think
that -- if somebody put their house up for sale, they
would get what they ask?

CHAIRMAN: There you go, Mr. Grimsley.
MR. GRIMSLEY: Mr. Chairman, I don't have a crystal ball so I can't answer all the questions. However I can state that the market reacts differently in different situations. It's my opinion that this is a good external use of property of the neighbors. It appears to be non-offensive. There are many other uses in my opinion that the property could be used for that would affect value. The area is basically farm community with residents built along the road frontages. I think you're going to have farm traffic, combines. You're going to have grain dryers. I don't think this facility would be any more offensive than the current use in that neighborhood.

Quite frankly I think if a sign were placed on a property where good planned development is occurring, it would actually have a positive affect.

MR. APPLEBY: Mr. Grimsley, what in your opinion, how does light industrial property compare to agricultural ground value-wise?

MR. GRIMSLEY: Well, my understanding of I-1 zoning is that the property could be used for this kind of a warehouse, maybe some small warehouses, storage buildings. Agricultural zoning to light industrial, in my opinion, is not that much different.

CHAIRMAN: Did he answer what --
MS. GREENWELL: No, not really because he didn't -- no, he didn't really answer my question. Can I enter these pictures of our homes?

CHAIRMAN: Absolutely.

MS. GREENWELL: This really doesn't have anything to do with property value, but there's no buffer zones. Right now in place between Carl and Brenda Millay's house, which is east of the site. To ours you can see directly across the property. See our house from theirs. I don't see where he thinks that there's going to be a buffer zone. Even 20 acres of grass is not -- there's no woods there.

MR. CAMBRON: Do you understand they're going to put pine trees ten foot on center? Am I reading that right?

MS. GREENWELL: That's what it looks like on the east side, but on the west side there's a line of trees between our property and his, which Mr. Noffsinger right now has that picture. That's it. That's it. You can see clear across to Carl and Brenda Millay's. Thank you.

CHAIRMAN: Thank you very much.

Does anybody else have a question?

Yes, ma'am.

MR. ELLIOTT: State your name, please.
MS. CHANDLER: Debbie Chandler.

MS. CHANDLER: I do live on Sauer Lane. I just have one simple question about his certificate. I'm sure he's an appraiser. I understand from both living in the country and a rural area there's different mine sets. What percentage of his experience has been with rural property? Because when you live in a rural area you have different expectation of what is acceptable than in the city. That's what my question is.

CHAIRMAN: Mr. Grimsley.

MR. GRIMSLEY: I've got quite an extensive experience in rural properties. I live on a farm and have for the past 23 years. I would be honored to have such a facility next-door to me. My next-door neighbor is Bob Carper so if you know Bob you what I have to put up with.

In dealing with the real estate business for the past 20 years and Kurtz Auction Realty Company, most of my experience has been agri-related and rural in nature.

CHAIRMAN: Thank you.

Does that adequately answer it?

MS. CHANDLER: Yes.

CHAIRMAN: He lives on a farm.
Do we have another question?

Yes, sir.

MR. ELLIOTT: State your name, please.

MR. RANDY PEDLEY: Randy Pedley.

(MR. RANDY PEDLEY SWORN BY ATTORNEY.)

MR. RANDY PEDLEY: Mr. Kirkland, I have a question for you. Just a minute ago Mrs. Greenwell was talking about a traffic issue and she mentioned Kimberly-Clark and you said, but that's Kimberly-Clark like that has nothing to do with this. My question to you is: If Kimberly-Clark has nothing to do with this, how can that be a logical expansion of Kimberly-Clark?

MR. KIRKLAND: I think I referred to the question, I referred to the statement about the traffic at Kimberly-Clark.

MR. RANDY PEDLEY: As to separate from this issue.

CHAIRMAN: I really meant to be making no comment in regards to what Kimberly-Clark had to do with this property as far as the traffic flow. I think the traffic flow of Kimberly-Clark, the traffic flow of Kimberly-Clark has nothing to do with this development. Whether this development goes in or not, the traffic at Kimberly-Clark will be the same.
MR. RANDY PEDLEY: I understand that.

CHAIRMAN: That was my statement. That was just a statement in regards to how Kimberly-Clark, you know, she made a comment about the traffic at Kimberly-Clark was extremely fast and was extremely dense. I said, that had no reference to this property. You know, whether they go in or don't go in, the Kimberly-Clark traffic will not change.

MR. RANDY PEDLEY: Right. It still kind of brings up the point that Kimberly-Clark is a totally separate operation than what we're talking about here with this.

CHAIRMAN: That's exactly what I was referring to also.

MR. RANDY PEDLEY: Thank you.

CHAIRMAN: Yes, sir.

MR. BROWN: Donald Brown.

(MR. DONALD BROWN SWORN BY ATTORNEY.)

MR. BROWN: On Mr. Kamuf's map over there, where did you say that Gate B is for Kimberly-Clark?

MR. KAMUF: Right here, sir. That last gate right there.

MR. BROWN: That's my house. That's the driveway that comes out from my house where you're pointing.
MR. KAMUF: Is this where you live right here, sir?

MR. BROWN: Yes, sir, it is.

CHAIRMAN: Mr. Kamuf, if you could, could you stay close to the mike and use your pointer so it's easier to record what you're saying or comments, if you could. That way you can answer Mr. Brown's question and we can record what you're saying.

MR. BROWN: The driveway that you pointed to that goes back to my house, the road across from that goes to B.J. Foster's grain bin.

MR. KAMUF: We're talking about right here?

MR. BROWN: Yes, sir. I'm just an ole country boy. I usually try to walk 36 inches at a step. To get to the gate you're talking about, you're talking about 1800 feet or better.

MR. KAMUF: From here to right here?

MR. BROWN: Is 900 feet, yes, sir.

MR. KAMUF: I can ask the engineer. I have a ruler and we'll find out real quick.

MR. BROWN: Great. Let's do it.

CHAIRMAN: Is that drawing to scale, Mr. Kamuf?

MR. KAMUF: Yes, it is. It's one inch equals 90 feet.
CHAIRMAN: Mr. Riney, are we bringing you back.

Mr. Brown, while they're doing the measuring, by chance do you have another question?

MR. BROWN: Well, two or three. About the 900 feet. Then the 20 foot buffer zone. That's a ditch is all it is. It slows down. Mr. Strode couldn't farm it. I guess you could walk over it, but you couldn't farm it.

CHAIRMAN: Excuse me. Mr. Brown, is that when we're referring to the dense wooded area?

MR. BROWN: Yes, sir, I am. So if a buffer zone is a ditch, which isn't any good to him or anybody else, other than it does drain across. I'm not saying it's not any good. It does take care of the thing.

Another thing, is the school buses. There's four school buses of a morning that runs Sauer Lane. So that's eight trips they make down there every day. If Mr. Buskill is connected with Kimberly-Clark, they work 24/7. They don't shut that plant down. If he is connected with them, I'd say he'd be working 24/7 too. I don't know that, but I do know the plant runs 24/7. Avid Truck Line two drivers coming down there, I don't know how many trips they make. I'm guessing maybe
four apiece in a run of a day or they might be making
eight trips. I don't know. That's their business.
The traffic is going to be unreal on that narrow road.
Whatever you take out of that warehouse, if you pull
eight loads out, you have to put eight loads back.
Now, these loads will most likely, I have no idea
where they come from, but in the United States. So
these trucks are all going to be out of town.

Let's say they're coming out of Memphis. They
come on up 55 to Dowersburg, cuts over through by
Paducah and they'll catch the Pennyrile and come on up
the Pennyrile. Well, they see that Audubon and say,
hey, man, look here. I can cut off time plus I've got
a four lane road. Well, they run down through here
and look at that map and say, hey, partner, I can get
off here at Sorgho/Stanley exit on 1554, which is a
state road. I don't have to go all the way to
Owensboro back over to 60 and then back down again and
then back up Sauer Lane. I can take that state road
and get over there.

Mr. Kamuf said they would only come out of
there and turn west. These fellows out of town don't
know that. They're going to be turning any way they
can to save a nickel on this fuel at $3 a gallon. If
they can cut 20 miles off of that, they're going to do
CHAIRMAN: Let's ask him to address that question. We don't know where they are coming from and which direction.

MR. BROWN: Right. It's just a hypothetical.

CHAIRMAN: I think that would be a question for Mr. Buskill.

DR. BOTHWELL: Mr. Chairman, he had about three or four questions.

MR. KAMUF: Let me answer the first one.

Mr. Riney tells you it's approximately 1100 feet from the point that we talked about right there to the ditch. You can ask him, if you may.

DR. BOTHWELL: That's one question.

MR. BUSKILL: Well, in Charlie's defense, when I took the roller out there I only went to the ditch when I rolled it because we weren't sure at the time where the driveway was going to be. So we're off 180 feet.

MR. BROWN: Sure. I understand that.

MR. BUSKILL: To answer the -- could I have the question one more time.

CHAIRMAN: He was concerned about which direction the trucks would be coming in. The way you've got your driveway designed you've got them
pretty well headed, you know, from the left side coming in. He was concerned about what would prevent them from coming the other way. I think the concern where the products are coming from.

MR. BUSKILL: I have no idea which way the trucks come into that facility now. I'm assuming that they'd come in 60. Most trucks these days they're GPS controlled. A computer gives them the directions. I'm sure there are some guys that still look at a map and say, hey, I can cut through here. I think that the gentleman would agree that once they ever did cut through that they would never do it again because it's really not suitable. That's why it's so important on that drive. That's why I choose to design it that way. Nobody needs to make an error and come this direction. They should not do that. They should go right back out the same way they came in. On a road that's going to be widen up to the gate. From that gate on, it's already been widen at whoever expense that was.

MR. CAMBRON: Will you have proper signage there to educate them as to which way they need to go?

MR. BUSKILL: I don't know that I can put a, "Do not turn," but I know I can put a "Please do not turn left."
I'm being redundant, but when they come up to the way that this drive is designed, they're not going to turn left unless they want to drag their trailer through the ditch and end up having to call a wrecker. It's designed blatantly to where they cannot turn left.

I'll give you guys his. I think Mr. Brown made a comment at the last meeting. It's what we refer to as a yard dogs, fire truck, drainage truck. There's a lot of different little terms for that type of equipment, but that is most likely the type of truck that will be used in this operation. They only run about 30 to 35 miles an hour, depending on which brand you buy.

Earlier someone mentioned about they only run 35 mile an hour or they'll get run over. That's the speed limit on the road, I think. Well, it's 45. In 1,000 feet, I don't know that you can even get over 45 or over 35 mile an hour in a semi, if it would run 45 mile an hour. I just wanted to comment on the question from earlier.

DR. BOTHWELL: Is your traffic primarily going to be from the plant to this warehouse, warehouse to the plant, or is it going to be from the warehouse then out to points unknown.
MR. BUSKILL: Both.

DR. BOTHWELL: So you're going to have both kinds of traffic?

MR. BUSKILL: Both. This is a picture, an aerial picture of the side that we colored in to kind of highlight. We highlighted in green the existing buffer zone that is going to be left. The reason that I turned this around is so that you guys can see. This is an actual aerial photo.

A comment was made earlier, and I'm not sure by whom, that it's wide open. That there is no trees. There's approximately 15 to 20 acres of trees in this buffer zone. That's why I turned the map around.

MR. BROWN: Could I approach the map? Could I go to the map?

CHAIRMAN: Absolutely, but you need to speak from the podium so we can record your testimony.

MR. BROWN: Right here is where I live. Here is the entrance to Kimberly-Clark.

MR. BUSKILL: That's correct.

MR. BROWN: You haven't measured from here to here. You only measured from here to here.

MR. BUSKILL: Mr. Riney just measured it. He measured from this point here because I pointed it out to him.
MR. BROWN: Is that where you measured it from?

MR. RINEY: Yes.

MR. BROWN: I'm sorry. I'm sorry. I didn't understand it.

CHAIRMAN: Thank you.

MR. BROWN: Since I've said that I'm about done.

CHAIRMAN: Thank you.

Do we have anybody else that has a question?

Yes, sir.

MR. ELLIOTT: State your name, please.

MR. HARDESTY: Will Hardesty.

(MR. WILL HARDESTY SWORN BY ATTORNEY.)

MR. HARDESTY: I do have a question for Mr. Buskill.

Do you at this time have a contractual agreement with Kimberly-Clark for the plans of this warehouse that you're proposing?

MR. BUSKILL: As I stated the last time that I was asked that question, and I don't mean this in a mean way or anything, but I don't feel that I have the obligation to discuss my business relationships in a public forum.

MR. HARDESTY: Well, I disagree because your
business plans affect all these people around here.

MR. BUSKILL: What I'll say is I do business
with them today, yes. I do business with them today,
yes.

MR. HARDESTY: No, that's not my question.

This proposed warehouse that you are planning, do you
have a contractual agreement with Kimberly-Clark?

MR. ELLIOTT: You understand --

CHAIRMAN: Mr. Kamuf, just a moment.

Mr. Elliott, is this commission entitled to
that question?

MR. ELLIOTT: I think we're only concerned
with what the use is going to be. Not his business.
I mean it's industrial use.

CHAIRMAN: If this commission cannot ask that
question, then I could not require him to answer that
question for you.

MR. HARDESTY: Even though he is insinuating
that Kimberly-Clark will be using this warehouse?
He's insinuating that and he's leveraging
Kimberly-Clark's name in order to get his warehouse
built.

CHAIRMAN: I just consulted legal counsel to
ask if we could ask that question of Mr. Buskill and
they told me that we could not.
MR. HARDESTY: Okay. Could I enter this into the record? This is an e-mail from the plan manager at Kimberly-Clark to myself. Could I read this into the record?

CHAIRMAN: Can he?

MR. ELLIOTT: He can read it, yes.

CHAIRMAN: Do you understand the reason I ask that question? I have your rights to think about, but also we have to protect Mr. Buskill's. He said go ahead.

MR. HARDESTY: This is addressed to William Hardesty, myself, from Todd Visscher, plant manager. Subject is Warehouse discussion. "Steve Vandergeeten said he received a call from the person who wants to build the warehouse nearby, that he wants to come by and meet with us. I said to Steve that we are not interested and have what we need from Riverport. Thanks, Todd." I would like to enter this into the record.

CHAIRMAN: Okay.

Does anybody else have a question?

I'm going to recognize anybody else that has a question and we'll be glad for you to go again.

Yes, ma'am.

MR. ELLIOTT: State your name, please.
MS. WARREN: Sharon Warren.

(MS. SHARON WARREN SWORN BY ATTORNEY.)

MS. WARREN: First I'll start with a statement from the land development policy that this board wrote and then I'll address my question.

It says, "Urban growth location policy. The major policy of our community is to encourage urban type growth to be concentrated in and the existing urbanized area of Owensboro within the urban service area. The remainder of Daviess County is designated as the rural service area where emphasis is placed on protecting agricultural lands and discouraging urban type activities beyond areas where they currently exist."

My understanding is that urban service area is Owensboro; is that right?.

CHAIRMAN: Mr. Noffsinger.

MR. NOFFSINGER: No, ma'am. In my opinion that is incorrect. The urban service area is a portion of Daviess County which includes the City of Owensboro as well as outline areas of the City of Owensboro, but the urban service area is not the City of Owensboro.

MS. WARREN: There's a map on the land development policy that shows an arrow pointing to the
area that is considered urban service area and then another area pointing to rural service area. We are definitely talking about the rural service area in this situation.

MR. NOFFSINGER: Yes, ma'am. This property is located in the rural service area, but I thought your question was or your statement was that the urban service area was the City of Owensboro. That is not correct. However, this property is located in the rural service area. Not the urban service area.

MS. WARREN: Right. Correct. Thank you.

How is this board going to ensure this policy if they approve the building of this warehouse?

CHAIRMAN: Mr. Noffsinger.

MR. NOFFSINGER: I will just briefly attempt to address that. It is just that. It is a policy. That policy goes a little further. There are other policies that are contained within the adopted comprehensive plan. One of which is contained in the land use plan, text of the land use plan, which talks about logical expansions. Logical expansions of existing non-residential uses. I think that's what this board is considering here tonight. Is this a logical expansion of an existing non-residential use. If it is, which Staff we are of the opinion that it
is, then they may formulate that into their findings. If they find evidence that it is not, then they may make a motion and have findings to the contrary. So the Comprehensive Plan is not to be incorporated as a straitjacket that this commission and your Daviess County Fiscal Court has to follow word for word. It is a flexible document that is a guideline that sets policies. However, those policies go beyond just what you may read in one particular area of the Comprehensive Plan.

MS. WARREN: Thank you.

CHAIRMAN: Yes, ma'am.

MR. ELLIOTT: State your name, please.

MS. BROWN: Mary Ellen Brown.

(MS. MARY ELLEN BROWN SWORN BY ATTORNEY.)

MS. BROWN: I have a statement about Kimberly-Clark and I have a question for Mr. Buskill. We live on Sauer Lane. We didn't live there when Kimberly-Clark built their place, but they built a highway from 60 to the plant which was suppose to take care of all their semis going to and from the company.

Since we have lived there, they have apparently built what they call a drop lot, which they come up in Innovative Way, get on Sauer Lane, which is
practically destroyed at Sauer Lane, and then they go
to I think Gate B and go back to the drop lot. We get
like seven, eight, nine trucks a day. Even at night
they go through there like 10, 11, 12:00. You could
be watching TV or something and see all these trucks
pass your window.

What my question is: When he’s building this
road, what about from Innovative Way all the way to
where he is going to build his warehouse? They've
mentioned a ditch, but nobody said anything about that
little bridge that's there. That bridge will not hold
any semis. It will be one lane traffic unless they do
something with the bridge.

CHAIRMAN: Did you understand her question?

MR. KAMUF: I think I did.

CHAIRMAN: Thank you, Mrs. Brown.

MR. KAMUF: I would like to introduce this
into the record.

This is a letter from Senan Rayan that you
just heard a few minutes ago.

"In reference to the rezoning request for Dale
Buskill for the 39 acres at 9501, 9601 Block Sauer
Lane. I was informed that the storage facilities
would be on the above mentioned property on the north
side of Sauer Lane and Kimberly-Clark. This facility
will accommodate several trucks and will be traveling
a section of Sauer Lane and the bridge across the
ditch. I have discussed with Mr. Buskill and Attorney
Charlie Kamuf with the presence of Mike Riney, County
Commissioner, the need to widen a section of Sauer
Lane to the width that matches the existing width and
then tapers down to the entrance of the proposed
facility. The existing bridge will remain the same
with no improvement. We also discussed the
possibility of issuing an excess weight limit permit
to ensure the road structural workability."

We have that if you'd like to see a copy. I
have copies for all of you if you want to see them.

CHAIRMAN: Mr. Kamuf, you want to enter that
into the record?

MR. KAMUF: Yes.

CHAIRMAN: Hopefully we've allowed everybody.
Okay, we'll let you ask one question.

MR. ELLIOTT: State your name, please.

MS. HARDESTY: Kathy Hardesty.

(MS. KATHY HARDESTY SWORN BY ATTORNEY.)

MS. HARDESTY: If the warehouse is approved,
that's just one warehouse. The farm across belongs to
Mr. Lamar, who obviously probably will never live
there. There's lots of farmland on Sauer Lane. Would
it set a precedent that in the future if that
warehouse is approved, then another warehouse, and
another warehouse, or some other type of building.
Would it set that precedent is my question to the
zoning committee.

    CHAIRMAN: Mr. Noffsinger.

    MR. NOFFSINGER: I think if you read the Staff
Report, I think the Staff Report would tend to support
that the precedent, if there is a precedent that's
been set, was set when Kimberly-Clark moved into the
area because that changed the character of the area.
You had a non-residential use come into that area.

    Certainly if you have this particular use,
that area is growing. Does it make it easier? Well,
I think each case has to be taken upon its own merit;
however, this would be just one more case that you
would have to point to in terms of non-residential
activities in the area.

    CHAIRMAN: Yes, sir.

    MR. ELLIOTT: State your name, please.

    MR. CHANDLER: Scott Chandler.

    (MR. SCOTT CHANDLER SWORN BY ATTORNEY.)

    MR. CHANDLER: Good evening. Appreciate your
time and allowing us to speak.

    Back in March after our first meeting, I went
to our county clerk's office and sat there and pulled out Map 11, which looks very much like this map here.

Are you aware of the sales and exchanges of property that have happened post-Kimberly-Clark and pre-Kimberly-Clark?

CHAIRMAN: Mr. Chandler, that has no bearing on this commission.

MR. CHANDLER: But it does, sir, in that if this is the logical expansion, then trends of what has happened prior to and afterward should dictate what continues to happen. Am I making sense?

CHAIRMAN: Well, it may be an issue for you and an issue that you are bringing to the attention of the commission, but it's not something that the commission would seek out because it would have no bearing on us. You have the right as a citizen and as a participant to bring that to our attention. But as you phrased the question, you said, were we aware of it? We're not and we would not be, but you're getting ready to make use aware of it.

MR. CHANDLER: Would you like to be made aware of it?

CHAIRMAN: Absolutely. You've got that right. The way you phrased that you're almost saying it was an oversight on our part that we were not. We would
not and should not. Yes, you have the privilege and
honor to present that to us.

MR. CHANDLER: There are about 102 properties
on Map 11 in the county office, recording office. Of
that are 24 farms and 75 are residential. There's a
franchise, and exception and one commercial and, of
course, the one industry.

Pre-'93, which is when Kimberly-Clark was
built, seven farms were sold and 35 residential
properties were sold in a 20 year period from '93
back. From '93 forward there have been 18 farms sold,
56 residential properties for a total of 74 properties
or 74 exchanges. That's almost twice what has
happened before. To me the trend it isn't a logical
progression to go from a residential farm to an
industry when this trend shows that the trend has been
from farm to residential.

I have one more question I'd like to ask.

Would you allow, if everything was pretty much the
same, would you allow this to be built on the site of
the library on Griffith Avenue? Because to me that's
residential. That's more than just a residential
area. It's a neighborhood. Sauer Lane for us is a
neighbored. These are my neighbors.

I see this as the camel's nose. It's only
2800 square feet now. He's only going to operate between seven and four now. What proof, what protections do we have from him expanding both his operation hours and his facilities? What protection do we have if the trees that he plants on the east side die off? Because once he's planted them, he's met the requirement, but afterwards what protection do we have? Those are my questions to you and I ask that you not allow this to go. Thank you very much.

CHAIRMAN: I think the questions are actually more to the board than they are to Mr. Buskill.

MR. CHANDLER: Yes, sir.

CHAIRMAN: I'll answer the simple one and then I'll have Mr. Noffsinger answer the big one.

As far as his trees, he's actually exceeding our requirement. He's planting pines and that's in this area pretty much a no fail deal. I mean once the pines go in, you have a pretty good likelihood that they will survive, unless some highly unusual situation occurs.

In regards to your other questions, I will let Mr. Noffsinger address those.

MR. CHANDLER: Thank you.

MR. NOFFSINGER: Sorry, Mr. Chairman, I'm not sure what the questions are and I'm not sure that I
have any answers. Certainly I'm not going to go into
the number of properties that have sold or types that
have sold, the values.

    CHAIRMAN: Mr. Noffsinger, I think his key
point of his question, if I'm incorrect, Mr. Chandler,
please correct me. I believe the crux of one of his
questions was, if this proposed warehouse was where
the library is on Griffith Avenue, would it be
approved by this commission?

    MR. NOFFSINGER: I do not have an answer for
that. That is not an issue here tonight and I would
not attempt to address that issue.

    CHAIRMAN: Thank you.

    Would you like to conclude? You had started
off and you had been making a statement so I let the
people go ahead with questions. Now you may ask any
question you so desire.

    MR. ELLIOTT: Identify yourself.

    MR. GALE PEDLEY: Gale Pedley.

    As I understand it, a truck terminal is in the
same classification as this warehouse; is that right?

    MR. NOFFSINGER: Yes, sir. It's allowed in a
light-industrial zone.

    MR. GALE PEDLEY: What guidelines, what have
you got to keep this from becoming a truck terminal?
This is centrally located between Owensboro, Henderson and I-69. What have you got, what has anybody got to keep Mr. Buskill from saying, I've got this 20 acre zoned light-industrial. I can put my truck terminal here. I can save all this running up and down the road. Then we have to put up with it. My daughter and my neighbors have to put up with 40 or 50 trucks making this transit. Nothing to stop them because you've approved an industrial zoning that will permit a truck terminal.

Now, you can say, he won't do that. Tell me five years from now, well, he wasn't suppose to do that. He did, but he wasn't suppose to. That won't help these people at all. It won't help their welfare. I'm talking about their money that they put in this thing. It's their life earnings, if you will. That this house is being built. The only thing they've got -- by the way, this house they built, I know most of you live in a subdivision in Owensboro or someplace. You're in a sanctuary. You've got all these things in place that keeps anybody from trafficking on you. They can't come in there and build anything you don't like. They can't put a potbelly pig in their backyard or something. These people have exactly the same right. That's what has
got to be stopped because you can trust him if you
want to, but when we're talking about dollars, and
that's what started all of this is dollars. Then tell
me a truck terminal won't go in there. I don't go for
it.

Another thing. How is he going to get
products -- forget it.

That's as good as most subdivision. I did the
work on that. Hundred trees out there. So I've got
something invested.

I want to know if you're going to run 35 miles
an hour, you're going to go from this building to
Kimberly-Clark. You're going to come from
Kimberly-Clark back to this building. Is that all
he's going to do? Is he just going to take material
from Kimberly-Clark to here and from there back to
Kimberly-Clark. Somebody has got to take this
material either from here to other points or they've
got to bring this material from other points to this
warehouse; otherwise, how is it going to get there?
They just don't just take it to Kimberly-Clark. He's
going to pick it up and take it right over to
Kimberly-Clark. That's double-handling.

MR. CAMBRON: He already stated that it's
going to dealt from other trucks.
MR. GALE PEDLEY: That came out a little bit late because he was leaving us to believe that it was 35 mile an hour trucks that was going to do all of this. We know it's going to be 50 foot trailers running in and out of here. I guess I'm done.

CHAIRMAN: Thank you, Mr. Pedley.

Yes, ma'am. You want to ask another question?

MR. ELLIOTT: Give your name, please.

MS. WARREN: Sharon Warren.

This is my home. This is a picture of the home I live in now. I'm 45 years old, almost 45 years old. For the first 25, 30 --- how many years was I in a mobile home? Well, all my life. All my live I've lived in a mobile home. I worked hard. My husband and I have worked hard to build this home and make it our home. This is not what we want in our front yard. I'm sorry. That's my statement.

CHAIRMAN: Thank you.

MR. BEALS: I have one question.

MR. ELLIOTT: State your name, please.

MR. BEALS: My name is Scott Beals.

(MR. SCOTT BEALS SWORN BY ATTORNEY.)

MR. BEALS: Beth, do you have the picture I just gave you?

My question would be to anybody in the room
that can answer this.

CHAIRMAN: While you're waiting for the picture you can go ahead and ask your question.

MR. BEALS: The picture that you're looking at here, this is my home right here. This is the proposed site right here. Along with the picture you're looking at there, how is putting a trucking terminal right here not detrimental to the rural environment that we are used to living in?

I've lived in this community within two miles off and on my whole life. I choose this place because I wanted to be in the country.

This is the view from my front porch. You set a trucking terminal in there, I don't have my rural environment any more.

This is the way I was raised. This is the way I choose to live my life. I built this house. Like I stated the last time. It's not a mansion, but we built this house with our own hands. We choose this spot. We built a house the way we wanted it. We want to stay here. We don't want a trucking terminal in our front yard. Call it what you will. Warehouse, trucking terminal, whatever. It all looks the same. You have the sounds of the trucks, the forklifts. You can plant trees around it. It don't change it. That
one right there, the picture in front of you. That
warehouse is going to be right in the middle of that
picture. There's no way to hide it. You can't hide a
building like that in the country. It doesn't make
sense to us. The people that have chosen to live like
we've chosen to live forever. There's no way that
that's not detrimental to the rural environment that
we've all chosen and that we all wish to maintain.

CHAIRMAN: Thank you.

MR. BEALS: So if anybody can answer how
that's not detrimental, that's my question.

CHAIRMAN: I respect your efforts in building
the home that you did with your own hands, and many of
you have done that. Mr. Pedley has helped his
daughter build her home. I solely appreciate that.
Anybody's home, regardless of what size or how many
square foot, you know, your home is your castle
regardless of where you live, how big that castle may
be. It's in your heart and it is your home.

The thing that each one of you and each one of
us have to remember, there are certain things that
govern how we have to respond. That is based on the
facts, findings of fact that we are given by the Staff
and certain rights that you all have and certain
rights that also the applicant has.
We have to vote and each one of us will vote according to how we see that. The development of this and the development of Kimberly-Clark in your area has an affect on what is done in your area. I want each one of you to realize what this commission faces. You all are not just neighbors of each other. You all are neighbors because we all live in Owensboro and Daviess County. I want to present that to you.

We're at the point now where it's time for the Chair to ask a motion.

Do you have something you'd like to say?

MR. BEALS: Yes, I do. The last time we were here this was denied and the findings of fact were that it was detrimental to the rural environment. That's my question. How is it not detrimental to our rural environment?

CHAIRMAN: I don't remember it. Was the recommendation for denial the last time that this came before us, Mrs. Stone?

DR. BOTHWELL: We had actually come up with a new motion.

CHAIRMAN: No. I meant the Staff's recommendation.

MS. STONE: No. Our recommendation was for approval of the Planning Commission.
DR. BOTHWELL: Mr. Miller made a motion.

CHAIRMAN: The vote of the commission was denial.

MR. BEALS: Right. Based on it being detrimental to the rural environment.

CHAIRMAN: Based on whatever it was at that time.

MR. BEALS: Right. So how has that changed?

CHAIRMAN: We're getting ready to find out when we vote or if it has changed.

MR. BEALS: So my question, I don't mean to be hard: How is putting a warehouse in that field not detrimental? That's to anybody, anybody that wants to answer it.

MR. JAGOE: I can probably answer it somewhat.

CHAIRMAN: Mr. Jagoe.

MR. JAGOE: By just what the Staff wrote in this report. That would be one answer to you.

CHAIRMAN: Would you just state that, Mr. Jagoe.

MR. JAGOE: The conditions and findings of fact that the Staff found favorable for an approval of this would just be one answer.

MR. BEALS: That still doesn't answer how a warehouse sitting in the middle of that picture is not
You build a trucking terminal in that field, in my front yard, in her backyard and everybody's yard, it's detrimental regardless of how you sugar coat it.

MR. CAMBRON: We're not here to sugar coat anything. We're here to make a decision.

MR. BEALS: I understand. I didn't mean to be sarcastic.

MR. CAMBRON: I understand that. We do this with heavy hearts sometimes, but we try to make the right decisions. We don't sugar coat anything and you all don't either. We appreciate all your comments, but we're bound by law on certain things that we can and cannot do.

MR. BEALS: And part of the law, as I understand from what was read at the last meeting and that the findings of fact that was denied on were because it was detrimental to the rural environment.

DR. BOTHWELL: That's what four out of three thought.

MR. BEALS: Yes, sir.

DR. BOTHWELL: We're going to find out if that still holds true.

CHAIRMAN: Thank you all for your comments, but the Chair is at this point in time ask for a
MR. CAMBRON: Mr. Chairman, after lengthy testimony from all these landowners, and appreciate every one of you all. This applicant has met and/or exceeded what he would need to do to comply to rezone this property.

Mr. Jagoe stated very eloquently there, you know, we have the answers here that allow him to do that.

I'm going to recommend a motion for approval based on Conditions 1 through 4 and the Findings of Fact 1 through 4, but also would like for, and he'll need to agree with this one way or the other, because this will hinge upon whether or not will work for me. I would like to see him go on and apply his screening all the way across the front to the entrance. From the east side all the way to the west. It looks like it's about 480 acres.

DR. BOTHWELL: You talking about down Sauer Lane?.

MR. CAMBRON: Down Sauer Lane. I don't know what the distance is there. I'm going to require him to do that.

Also I'm going to require him to maintain those trees for at least, guarantee them to be living
for at least five years. Once their down for five
years, they're going to go, but that's my
recommendation.

CHAIRMAN: Mr. Kamuf.

MR. CAMBRON: Did you understand that?

MR. KAMUF: I understand the question.

CHAIRMAN: It wasn't actually a question, Mr.

Kamuf. It was actually a proposal.

MR. BUSKILL: I want to make sure that I'm
clear so that I can comply in the manner which you
stated.

MR. CAMBRON: Let me state it again.

That you would take your double row of pine
trees from the point where it stops there on Sauer
Lane, on the south section, and run it all the way to
the west to your entrance there where it's not
detrimental to making sure that they can see coming in
and out of the entrance there. I don't want to hinder
anybody there.

MR. BUSKILL: Right. I agree. I have no
problem with that.

MR. CAMBRON: Also you're going to be required
to make these trees. If one of them dies, you need to
replace them. I'm talking about in the next five
years. You're going to go on record here agreeing to
that.

MR. BUSKILL: I understand.

MR. CAMBRON: In that five year time, most of the time if those trees live five years they're going to make it.

MR. BUSKILL: Yes, sir.

MR. CAMBRON: That's my motion.

MR. BUSKILL: I am in agreement.

CHAIRMAN: Mr. Buskill, would you step back to the podium.

You understand Mr. Cambron's proposal?

MR. BUSKILL: Yes, I do.

CHAIRMAN: With the added condition?

MR. BUSKILL: Yes, I do.

CHAIRMAN: And you do agree to that?

MR. BUSKILL: Yes, I do.

CHAIRMAN: Thank you very much.

We have a proposal by Mr. Cambron with an added condition on the floor at this time.

DR. BOTHWELL: Mr. Chairman, I second.

CHAIRMAN: We have a second by Dr. Bothwell.

All in favor of Mr. Cambron's motion raise your right hand.

(ALL BOARD MEMBERS PRESENT - WITH THE DISQUALIFICATION OF MR. ROGERS - RESPONDED AYE.)
CHAIRMAN: Motion is unanimous. The motion carries.
Next item, please.

RELATED ITEM:

ITEM 10A

9613 Sauer Lane, 39.37 acres
Consider approval of preliminary development plan
Applicant: Buskill Properties, a Kentucky partnership

MR. NOFFSINGER: Mr. Chairman, this plan has been reviewed by the Planning Staff. It's found to be in order. It's found to be consistent with the adopted Comprehensive Plan as per the rezoning that you have just recommended. There's also meets the requirements of subregs in the zoning ordinance. However before the applicant can move dirt on this site, he will have to follow this up with a final development plan that will be approved in-house by the staff unless this commission chooses otherwise.

CHAIRMAN: Any questions of the applicant?
(NO RESPONSE).

CHAIRMAN: Chair is ready for a motion.

MR. JAGOE: I've got a question to the plan. It's two tracts and is it dissected right through the center?

MR. NOFFSINGER: Yes, sir, but they will not be separate tracts of land. I think they're just
shown for informational. They're just to show where
the zoning will be.

MR. JAGOE: Thank you..

CHAIRMAN: Mr. Jagoe.

MR. JAGOE: I understand.

CHAIRMAN: The Chair is now 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.

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MAJOR SUBDIVISIONS

ITEM 11

Brownwood Oaks, Section 1, Lots 1-8, 13.154 acres
Consider approval of major subdivision final plat.
Surety (Certificate of Deposit) posted: $43,451.00
Applicant: Wells and Wells Builders, Inc.

MR. NOFFSINGER: Mr. Chairman, this plan has
been reviewed by the Planning Staff and Engineering
Staff. It's found to be in order. It's found to be
consistent with the adopted Comprehensive Plan as well
as the zoning ordinance and subdivision regulations.
CHAIRMAN: Are there any questions?
(NO RESPONSE).
CHAIRMAN: If there are no questions, 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.
Ready for one final motion.
MS. DIXON: Move to adjourn.
CHAIRMAN: Motion for adjournment 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: 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
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 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 30 typewritten pages; and that no signature
was requested to the foregoing transcript.

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

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

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