The Owensboro Metropolitan Planning Commission met in regular session at 5:30 p.m. on Thursday, September 14, 2006, at City Hall, Commission Chambers, Owensboro, Kentucky, and the proceedings were as follows:

MEMBERS PRESENT: Drew Kirkland, Chairman
Gary Noffsinger
Tim Miller
Irvin Rogers
Dave Appleby
Nick Cambron
Judy Dixon
Dr. Mark Bothwell
Martin Hayden
Stewart Elliott, Attorney
Madison Silvert, Attorney

CHAIRMAN: Everybody please rise. Our invocation will be given by Mr. Nick Cambron.

(INVOCATION AND PLEDGE OF ALLEGIANCE.)

CHAIRMAN: Our first order of business is to consider the minutes of the August 10, 2006 meeting. Are there any questions, corrections, additions?

MR. NOFFSINGER: No.

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

MS. DIXON: Move to approve.

CHAIRMAN: Motion for approval by Ms. Dixon.
DR. BOTHWELL: Second.

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

Next item, Mr. Noffsinger.

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PUBLIC HEARING

ITEM 2

Consider text amendments to the Owensboro Metropolitan Zoning Ordinance, Article 13, Article 13.8E Mercantile to reduce the parking requirement for retail sales establishments and home improvement centers.

MR. ELLIOTT: State your name, please.

MR. HOWARD: Brian Howard.

(MR. BRIAN HOWARD SWORN BY ATTORNEY.)

MR. HOWARD: I'll give you all a brief overview of what this amendment is about.

We were approached to evaluate our parking requirements, as Mr. Noffsinger said, for retail uses and home improvement centers.

We contacted several communities in the area to see what their parking requirements were to compare. Based upon our findings, we are proposing that the parking requirement be changed to allow one parking space for every 300 square feet for buildings
that are over 5,000 square feet and one space per 400
square feet for buildings under 5,000 square feet. 
The requirements would be the same. It would be
buildings over 5,000 square feet that are home
improvement centers would be required one space for
300 as well. We would recommend that you approve
these changes to the zoning ordinance based on the
following findings:

1. The proposed parking requirements would be
similar to the ratios in effect for many years before
the 2004 Owensboro Metropolitan Zoning Ordinance
update;

2. Communities contacted by the Planning
Staff with less restrictive parking requirements
indicated no adverse impacts have resulted due to
lower parking requirements;

3. The proposed parking requirements will
assist in the development of smaller commercial lots
throughout the community; and,

4. The proposed parking requirement will use
less of the communities valuable land resources and
reduce the amount of impervious land to help reduce
drainage and water run-off from commercial sites.

We would like to enter the Staff Report as
Exhibit A.
MR. NOFFSINGER: Mr. Chairman, if I may. The Planning Commission tonight would consider approval of these amendments. Should they approve these amendments tonight then they would go to the City of Owensboro, the Daviess County Fiscal Court, and the City of Whitesville for final action. You are merely a recommending body for the zoning ordinance and the legislative bodies, which would be the city commission and fiscal court would be the bodies that actually adopt the amendments. Again, you are only recommending that they be approved or not approved.

CHAIRMAN: Thank you, Mr. Noffsinger. Are there any questions?

(NO RESPONSE)

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

MR. CAMBRON: Would that be a recommendation motion?

MR. NOFFSINGER: It would be a motion for approval, but you're only recommending they do not go into effect until --

MR. CAMBRON: My motion is for approval, but only recommended, on Findings of Fact 1 through 4.

CHAIRMAN: We have a motion for approval by Mr. Cambron.
MR. APPLEBY: Second.

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

Next item, please.

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CELLULAR TELECOMMUNICATIONS FACILITIES
PER KRS 100.987

ITEM 3

9511 KY 54
Consider approval of a wireless telecommunication tower.
Applicant: Daniel Kinney, Reggie, Lisa and Kevin Grimmett; Gulf States Towers II, LLC

MR. HOWARD: The applicant is proposing to construct a 195 foot tall monopole cellular tower just outside the City of Whitesville. The proposed location is on top of a hill. There are two existing water tanks in the vicinity and Kenergy has a microwave tower in the vicinity as well.

No lighting would be required of the tower based on the height and it meets all of the applicable zoning regulations.

I would like to note that we have been contacted and heard concern from Kenergy in regards to interference that may occur between the new proposed...
tower and the existing microwave tower that they have.

I know the applicant is here. We received
written confirmation from that applicant that Altel
would be responsible for mitigating any type of
interference that would occur due to their FCC
licensing requirements and their investment and
infrastructure and willingness to make this site work.
Just like to bring that before you with that one
condition or further recommendation.

CHAIRMAN: Are there any questions?
(NO RESPONSE)

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

MR. ROGERS: Motion for approval.

CHAIRMAN: Motion for approval by Mr. Rogers.

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.

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ZONING CHANGES

ITEM 4

309 East 16th Street, 0.147 acres
Consider zoning change: From I-1 Light Industrial to B-5 Business/Industrial
Applicant: AMJ Properties, LLC

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 within a Business/Industrial Plan Area, where general business and light industrial uses are appropriate in general locations;

2. The subject property lies within an existing area of mixed general business and light industrial uses;

3. The Comprehensive Plan provides for the continuance of mixed use areas; and,

4. The proposed land use for the subject property is in compliance with the criteria for a Business/Industrial Plan Area and a B-5 Business/Industrial zoning classification.

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

CHAIRMAN: Are there any questions?

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

MS. DIXON: Move to approved based upon Planning Staff Recommendations and Findings of Fact 1 through 4.

CHAIRMAN: Motion for approval by Ms. Dixon.

MR. CAMBRON: Second.

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

Next item, please.

COMBINED DEVELOPMENT PLAN/MAJOR SUBDIVISIONS

ITEM 5

Deer Valley, Section 1, Lots 1-87, 48.832 acres Consider approval of major subdivision preliminary plat/final development plan.

Applicant: Deer Valley Subdivision, LLC; Robert B and Robin Moorman

MR. NOFFSINGER: Mr. Chairman, this application has been reviewed by the Planning Staff and the Engineering Staff. It's found to meet the minimum requirements of the zoning ordinance and subdivision regulations.

I would add that not only does it meet the minimum requirements, in many areas this development
exceeds the requirements. There's been a lot of concessions made on the part of the developer in this case and many cases where we would not have achieved some of these provisions had they not been willing to do so.

Again, it does exceed the minimum requirements of the ordinance and is ready for consideration.

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

CHAIRMAN: Mr. Jagoe is on the record as disqualifying himself.

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.

MR. CAMBRON: Second, Mr. Chairman.

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

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

CHAIRMAN: Motion carries unanimously.

Thank you.

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DEVELOPMENT PLANS

ITEM 6

3175 Fairview Drive, 0.610 acres (POSTPONED FROM JULY 13, 2006 MEETING)
Consider approval of amended final development plan
Applicant: B.C.E. Properties, LLC

MR. NOFFSINGER: Mr. Chairman, this plan has
been reviewed by the Planning Staff and the
Engineering Staff. It is found to be in order. It's
found to meet the minimum requirements contained
within the zoning ordinance and subdivision
regulations.

This commission approved the development plan
back a few years ago. I don't have the exact date.
This matter was subject to litigation. In fact, it
went all the way to the appeals court. The appeals
court sent this development plan back to the Planning
Commission for reconsideration as well as to consider
a zoning change for the property because there were
certain conditions placed upon the zoning at that time
that the courts felt should be amended before this
Planning Commission could technically approve the
development plan.

So the applicant has gone back through the
zoning change process. This commission recommended it
be approved. The Daviess County Fiscal Court
forwarded the rezoning to the City of Owensboro since
the property had been annexed into the city. The City
of Owensboro has taken the necessary steps to
officially rezone the property and remove any
conditions that would limit the access to the
property.

Before you tonight is the same plan that you
considered back some time ago that was part of the
challenge. At that time or at the time of the zoning
change on July 13, 2006, the Planning Commission did
find that the development plan was based on, the
access was based on the potentially unsafe and
inefficient flow of traffic at the site without the
approval of the access point in question.

The willingness of the applicant to provide an
access easement to the property to the south for
future interconnection and the commitment to extend
the pedestrian sidewalk curb and gutter is a part of
the new access point.

These same findings came from the February 12,
2004 OMPC meeting where this Planning Commission
approved the development plan, which is in question.

So the Planning Staff comes before you tonight
recommending that the plan be approved, that it does
meet the minimum requirements of the zoning ordinance
and subdivision regulations. However, you are considering an exception to the Access Management Manual. You have already technically considered the exception to the Access Management Manual of this driveway because you recommended approval of the rezoning, and the rezoning was also approved by the City Commission. However, to make it legitimate, you must consider this development plan and base your findings based upon previous testimony and the previous rezoning.

CHAIRMAN: Thank you.
Are there any questions?
MR. ELLIOTT: State your name, please.
MR. BAYLOUS: Edward A. Baylous, II.
(MR. EDWARD BAYLOUS, II SWORN BY ATTORNEY.)
MR. BAYLOUS: Mr. Chairman, Members of the Planning Commission, my name is Edward Baylous. I represent the Clarks.
The Clarks own an adjacent piece of property. They have asked me to speak on their behalf objecting to the approval of this final development plan. They did not appear at the prior meeting approving the plan because the notice requirements don't require any notice as with the zoning change and some of the other items that the board considers, but
they object.

The major basis of their objection is they own a piece of property adjacent to this. They have had access from their property on Fairview Drive or onto Fairview Drive since before any development or before the prior zoning change was approved that allowed the development of essentially the property owned by the applicant here.

You're approving an exception to the zoning or the access manual. Their concern is that by approving this their understanding is that any further development of their property will require them to lose their access onto Fairview Drive because of the proximity with the access or in the modified development.

Based on that, they feel that this constitutes -- granting them this right essentially removed is going to end up adversely impacting the right that already exist to their property.

CHAIRMAN: At this point in time let us pursue that question and I'll ask Mr. Noffsinger.

Mr. Noffsinger, would that be the case?

MR. NOFFSINGER: Well, of course, I cannot speak to what the future will hold with this particular piece of property that's in question with
the Clarks.

Right now it is correct to say that the property does have access to Fairview Drive and that's been well documented. However, the property is zoned A-U Urban Agricultural and is used for residential activities, according to my research, is located entirely within the floodway. So before the property could have a change in use, there would have to be a considerable amount of work performed to remove the property from the floodway and then access would be addressed at that time.

What we're doing here in terms of a shared access point, which Mr. Baylous has brought up in other meetings, for example, the city commission back when they had the second reading was issued a shared access point. Yes, we are requiring an easement through the Wyndall's Fuel Center to provide access over to the Clarks' property, if at some point in time the Clarks' property should redevelop to a non-residential use. That's not to say that they will have to use that. We are merely setting up the opportunity, if you will, for that to occur. The applicant is willing to provide the Clarks with an access easement across their property.

The access point to the Clarks' property does
not meet the spacing standard that's contained in the
Access Management Manual, which I believe is a 500
foot spacing standard. The Clarks' access point is
approximately from Villa Point is approximately 431
feet from the center line of Villa Point to the center
line of their access point. Therefore, it does not
meet the 500 foot spacing standard.

Now, if we were looking at the development of
Clarks' property now and the development of this
particular property, the Wyndall's Fuel Center, we
would certainly be looking at shared access point to
those two properties today.

What we would look at in the future is no
different than what we're looking at now. Because if
the Clarks were to have access, we would want to make
sure that it would be shared with their neighbor, the
adjoining neighbor, which just so happens the
Wyndall's Fuel Center is coming in first.

If the Clarks were in and the Wyndall's Fuel
Center wasn't up for discussion, we would be asking
the Clarks to provide a shared access point or a
shared access easement over to the Wyndall's Fuel
Center for future development. Now, that's not saying
that the Planning Staff or the Planning Commission
will require the use of that shared access easement by
the Clarks should their property develop. We don't
know that. We don't know who will be sitting on this
commision. We don't know who will be on staff. So
it's a question we can't answer today. However, what
we can say is that access to the Clarks' property will
not change so long as there is not a change in use.
If there is a change in use, the same consideration
would be applied to that change in use in the future
we would apply today.

We're looking at an opportunity here for both
properties to have access and perhaps share access in
the future. It could be a situation where the Clarks
have a separate access point.

CHAIRMAN: So at this point in time, Wyndall's
Fuel Center has provided for a joined access?

MR. NOFFSINGER: They have provided the access
totally on their property and they are granting an
access easement through their property for the use of
the Clarks in the future. That's not saying they have
to do that.

CHAIRMAN: Thank you.

DR. BOTHWELL: I'm looking on this map, and of
course we're not really able to tell the length from
Wyndall's Fuel Center down to Green River Drive. Does
that length offer them the opportunity to have another
access point along that space of land at a later time?

MR. APPLEBY: The existing access point. They wouldn't get an additional. Is that what you're asking?

DR. BOTHWELL: Well, I'm not sure what's there now.

MR. NOFFSINGER: There's a major ditch there on the other side of the Clarks' property which would pretty much preclude a ---

DR. BOTHWELL: Unless they want to build bridges.

MR. NOFFSINGER: Exactly. It would be rather costly.

DR. BOTHWELL: Thank you very much.

MR. CAMBRON: I'm sure all the way, from there all the way up to Green River Drive is still in the floodway?

MR. NOFFSINGER: I can't answer that for certain. Perhaps a portion of it is. Distance from the center of that ditch, but probably not all of it.

CHAIRMAN: Do you have another question?

MR. BAYLOUS: Well, I think the other point that I'd like to make in the record is when you're also talking about measurement from Villa Point Drive entrance onto Fairview Drive. I just want it clear in
the record that the Clarks' access onto Villa Point
Drive predates or access onto Fairview Drive also
predates the Villa Point Drive access. So if there's
a problem with the access, from the access manual,
then the situation is Villa Point Drive has already
been an exception, if I'm understanding Mr. Noffsinger
correctly.

MR. NOFFSINGER: Yes, sir. When Villa Point
was approved, it was approved with an exception. Had
they have met the spacing standards, that would have
pushed it further down on Fairview Drive and it would
have made it closer to the Clarks' access point.
Certainly you would have had even less than, much less
than 500 feet, which I think I said now you have about
431 feet. If they hadn't met the spacing standard for
that street, then the distance would have been about —
— well, I don't want to say about, but the distance
would have been much less between Villa Point and the
Clarks' driveway.

CHAIRMAN: Do we have any other questions?
(NO RESPONSE)

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

MR. CAMBRON: Mr. Chairman, I'd like to make a
motion for approval based upon the previous testimony
and the past approval of the original development plan back in, and I'm going to have to use a date here. It's on this one here, Mr. Noffsinger, 2003, December of 2003, maybe January, February. I hate to be vague, but I'm not sure exactly.

DR. BOTHWELL: I think he said February '04.

MR. NOFFSINGER: And would like to introduce the transcript of that meeting into the record.

MR. CAMBRON: Yes, the transcript into the record. Of course, that's previous testimony. That's my motion, Mr. Chairman.

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

DR. BOTHWELL: Second.

CHAIRMAN: Second by Dr. Bothwell.

Do we have discussion?

MR. NOFFSINGER: One question I have. We're asking to enter the transcript of the February 2004 transcript into the record, February 12, 2004, into the record. I just have a question of legal counsel. Is that acceptable and then we'd like to do that without reading?

MR. ELLIOTT: Yes.

MR. CAMBRON: Do I need to restate that then or are we okay with that?
MR. NOFFSINGER: So we are entering --

MR. CAMBRON: The previous testimony of the February 12, 2004 meeting into the record.

MR. NOFFSINGER: Into the record without reading it.

MR. ELLIOTT: As an exhibit.

MR. NOFFSINGER: Yes. As an exhibit.

CHAIRMAN: On the floor right now we have a motion for approval by Mr. Cambron. We had a second by Dr. Bothwell. All in favor of the motion raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

Next item, please.

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MAJOR SUBDIVISIONS

ITEM 7

Deer Valley, 176.01 acres
Consider approval of major subdivision final plat.
For development transfer only, no surety required
Applicant: Deer Valley Subdivision, LLC

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

I will state for the record that phase 1 will be coming off of 231 and there will only be a single
access point to 231 and that will be the main street coming in. There will not be individual driveways onto 231. The developer has also dedicated additional right-of-way for future development widening of 231 as well as adding a right turn decel and storage lane into the facility. We're certainly appreciative of what they've done in that case for future roadway improvements.

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

CHAIRMAN: Let the record show that Mr. Jagoe is disqualifying himself.

Do we have any questions?

MR. CAMBRON: I have a quick question, Mr. Chairman.

Mr. Noffsinger, will the decel lane be put in here pretty quick before they start the big development or is that something that comes later? I'm just curious.

MR. NOFFSINGER: Mr. Howard, I'll ask him to address that.

MR. HOWARD: Whenever they come in with a final plat for that they would have to post surety for that improvement.

MR. CAMBRON: I don't think that answered my
question. That's fine. I was just asking, will that
be one of the first things that happens out there,
they'll go on and work on that decel lane to get into
the development?

MR. HOWARD: I don't know.

CHAIRMAN: Ms. Stone, do you have a comment?

MR. ELLIOTT: State your name, please.

MS. STONE: Becky Stone.

(MS. BECKY STONE SWORN BY ATTORNEY.)

MS. STONE: I was just going to comment that
it would be up to their engineering policy what
improvements would be done first; however, there would
be surety posted for all of those improvements to
assure that that would be completed.

MR. CAMBRON: I just had some questions. I've
had some neighbors ask me if that would be one of the
very first things they'd do.

MS. STONE: We don't have any way of knowing
that, but Mr. Bryant may be able to answer that.

MR. ELLIOTT: State your name, please.

MR. BRYANT: Don Bryant.

(MR. DON BRYANT SWORN BY ATTORNEY.)

MR. BRYANT: I don't think the turn lane will
be the very first thing that will be installed. They
will be doing excavation work on the site and will be
creating that major basin down at the lower corner. We'll start with that and then will be doing bulk excavation. At the exact point in time when the turn lane will be put in, I think that will be coordinated with the street construction and I can't really tell you when that will be finished. A lot of that work is scheduled, tentatively scheduled to be done this year; hopefully, you know, weather permitting. We will be expecting at least a portion of that construction to take place by the end of the year.

MR. CAMBRON: That's all I needed.

CHAIRMAN: Thank you.

Are there any other questions?

(NO RESPONSE)

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

MR. APPLEBY: Motion for approval.

CHAIRMAN: Motion for approval by Mr. Appleby.

MR. MILLER: Second.

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

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

CHAIRMAN: Motion carries unanimously.

Next item.
ITEM 8

3175 Fairview Drive, 0.610 acres (POSTPONED FROM JULY 13, 2006 MEETING)
Consider approval of major subdivision final plat.
Surety Previously Posted
Applicant: B.C.E. Properties, LLC

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

CHAIRMAN: Do we have any questions?

(NO RESPONSE)

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

MR. CAMBRON: Motion for approval,

Mr. Chairman.

CHAIRMAN: Motion for approval by Mr. Cambron.

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.

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MINOR SUBDIVISIONS

ITEM 9

9059, 9103 Sacra Drive, 0.960 acres
Consider approval of minor subdivision plat.
Applicant: George L. Wiles, Jr.; Michael L. Green

MR. NOFFSINGER: Mr. Chairman, this plat has been reviewed by the Planning Staff. It comes before you as a plat that I could not sign in-house because it is asking for an exception to the requirements.

Back some time ago the two lots involved in this development were separate lots and they were consolidated into a single piece of property. Now they're putting that division line back in place. Although it doesn't meet the minimum requirements of the subdivision regulations, it is putting it back the way it existed prior to the consolidation. It does appear to have two homes on the property so it makes sense that you do that.

CHAIRMAN: 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 10

9511 KY 54, 0.23 acres
Consider approval of minor subdivision plat.
Applicant: Dave Kinney; Reggie, Lisa and Kevin Grimmett

MR. NOFFSINGER: Mr. Chairman, this plat has been reviewed by the Planning Staff. It is a lot for the location of the cellular tower that we considered in Item 3. Because it is an undersized lot, I cannot sign that plat, but we do recommend that this commission approve it for the location of that tower.

I would like to add that this tower will provide what we hope will be much needed service within the Whitesville area.

At one of our plan meetings that we had with the City of Whitesville, one of their particular concerns was cellular coverage within the Whitesville area. A lot of drop calls. We feel like the location of this tower this will add the ability for better coverage in that Whitesville area.

Again, it was one of the concerns that the folks in Whitesville had. We certainly hope that with this we can take care of some of their coverage needs.

CHAIRMAN: Are there any questions?
MR. HOWARD: I would just like to add one point of clarification.

As Mr. Noffsinger said, the plat is in order; however, the engineering and surveying company that did the plat is out of town. They were not able to get the owner's signature on the plat before the meeting this evening. They were on the original that was submitted, but when we sent it back for corrections, they were not able to get their signatures prior to this meeting; however, it is in order and we would recommend that you go on and approve it based upon the owners signing the plat.

CHAIRMAN: Mr. Elliott, is there any problem with that?

MR. ELLIOTT: No.

CHAIRMAN: With that the chair is ready for a motion.

DR. BOTHWELL: Motion for approval based on the condition stated by Mr. Howard, that the signatures be obtained as a final act to move forward.

CHAIRMAN: Motion by Dr. Bothwell for approval with conditions.

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.

At this point in time I wanted to announce that we will not be on TV in October. They will be remodeling, extensive remodeling done to this room so the commission meeting will not be televised in October, but according to Mr. Noffsinger we will be back on in November. So anybody that wants to comes down here we will be having our regular meeting here at City Hall on the fourth floor at 5:30. There will be no TV.

If there are no further comments, the chair is ready for one more motion.

MR. APPLEBY: Move to adjourn.

MS. DIXON: Second.

CHAIRMAN: Motion for adjournment by Mr. Appleby. Second by Ms. Dixon. 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 FUCHS, 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 28 typewritten pages; and that no signature
was requested to the foregoing transcript.

WITNESS my hand and notary seal on this the
6th 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