The Owensboro Metropolitan Board of Adjustment met in regular session at 6:00 p.m. on Thursday, August 1, 2002, at City Hall, Commission Chambers, Owensboro, Kentucky, and the proceedings were as follows:

MEMBERS PRESENT: C. A. Pantle, Chairman
Gary Noffsinger, Planning Director
Marty Warren
Judy Dixon
Tim Miller
Bill Williams
Ward Pedley
Stewart Elliott
Attorney

CHAIRMAN: Call the meeting of the Owensboro Metropolitan Board of Adjustment to order. Want to welcome you all this evening. Set a couple of guidelines up that we will follow in the meeting.

If you want to speak and be heard, you must come to one of the microphones and state your name, be sworn in for the record so we can have it in our minutes.

With that first item on our agenda is consider the minutes of the July 11th meeting.
They're on file in the office. I don't think there's any corrections that need to be made on them. What's the board's pleasure?

MR. WILLIAMS: Make a motion to approve.

CHAIRMAN: A motion has been made to approve. Is there a second?

MR. MILLER: Second.

CHAIRMAN: Motion made and a second. All in favor raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

Next item, please.

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CONDITIONAL USE PERMITS

ITEM 2

1501, 1647 Creek Haven Loop, in an R-1C zone (Map N-22) (POSTPONED)

Consider request for a Conditional Use Permit to construct a sign structure in a floodway.

Reference: Zoning Ordinance, Article 18, Section 18-6(b)(2)(a)

Applicant: Creek Haven Development, Inc.

MR. NOFFSINGER: Under Conditional Use Permits, Item Number 2, Mr. Chairman, the applicant has submitted a letter asking for a 60 day postponement of this item. That would put it on the October agenda of this board.

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

CHAIRMAN: So noted for the record.

MS. DIXON: Move to postpone until the October meeting.

MR. WARREN: Second.

CHAIRMAN: All in favor raise your right hand.

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

CHAIRMAN: Motion carries. Item is postponed.

Next item, please, sir.

ITEM 3

1253 Willett Road, in an A-R zone (Map N-88)
Consider request for a Conditional Use Permit to construct a 42-foot by 107-foot bunkhouse to house a maximum of 14 migrant farm workers.
Reference: Zoning Ordinance, Article 8, Section 8.2A7
Applicant: MISAS, Inc., Robert J. & Lisa C. Wimsatt

MR. NOFFSINGER: Mr. Chairman, this application has been reviewed by the Planning Staff. The application is in order. Has been advertised for public hearing at this time. All adjoining property owners have been notified.

The applicant is here tonight to speak as well as the landowner is in the audience as well.

CHAIRMAN: Thank you.
Would the applicant come forward and state your name and tell us what your plans are and then we'll listen to both sides.

SISTER LARRAINE: My name is Sister Larraine Lauter.

(SISTER LARRAINE LAUTER SWORN BY ATTORNEY.)

SISTER LARRAINE: Our project is to work in conjunction with local farmers and with local migrant help agencies to work with housing concerns for migrant housing. We were contacted by Kentucky Housing Corporation in February and asked to consider this as a project. So we formed MISAS, Incorporated as a response to their request. We have a generous grant from KHC to address this. We are currently in the process of hopefully acquiring some land.

The project itself is to provide housing which houses workers, primarily H2A workers who are definitely very much needed in the local area, in the farming community, and to provide safe, decent and sanitary housing in keeping with all the regulations of the Kentucky Housing Corporation and to do that at an affordable cost for migrants in a way that affords a good situation. Situation at least to satisfaction.
for everyone concerned.

It will not be a shelter. Those who are there will be working and will obtain rent and will be in a supervised situation. We'll have a live-in administrator who will oversee the entire property and takes care of all of that. We'll have a program as well with English as second language classes especially and with any other pertinent kinds of classes, the kind of counseling that is needed and to work with financial counseling, all of that.

I think that sums up our project.

CHAIRMAN: Any board member have any questions of the applicant?

MR. NOFFSINGER: Sister, in terms of, this is a 35 acre piece of property, I believe. How much land will be occupied by the proposed use?

SISTER LARRAINE: We've been offered a lease for three acres to be at the northwest corner of the property.

MR. NOFFSINGER: Northwest corner.

MR. ELLIOTT: State your name, please.

MR. WIMSATT: Bob Wimsatt.

(MR. BOB WIMSATT SWORN BY ATTORNEY.)

MR. WIMSATT: The reason I got up is I just wanted to clarify Sister's answer.
We've talked about the fact that they probably need about two or three acres on the front part of this 35 acre piece of property for the building and what their intended purpose is.

Gary, we're not looking to actually break off a three acre tract specifically to be leased as a three acre tract or anything like that. We're not doing any formal lot division or anything like that off this 35 acre tract. That's something we have to work through with the attorneys and making sure that we're certainly in order on the lease arrangement, but we're not necessarily tying it down to specifically two acres or three acres.

When she mentioned the three acres we were just talking in general that they probably need about two or three acres in the corner of that for the buildings and recreational purposes or whatever.

MR. NOFFSINGER: In terms of lease, is there a time arrangement on the lease? Is it a one year lease, ten years?

MR. WIMSATT: We haven't actually signed the lease. We have a basic understanding. I'm actually looking at doing this under a donation type purpose. This is a good cause. Again, we haven't --
bono basis for this group. He sees it as a good project too. We'll work something out with Louis, but we don't have the signed lease yet, Gary. Exactly how we handle that, it will depend on how Louis or however the attorneys advise us to handle it.

MR. NOFFSINGER: The reason I ask that question is, number one, the Board in considering a Condition Use Permit application can and should set limits if they wish to approve the Conditional Use Permit on the amount of land that is utilized for a particular facility. In this case that should be done. We're looking at a 35 acre site. I looked at the site plan. I see the bunkhouse and some parking areas. That's all I see that is going to be conducted at this facility.

There should be in terms of a lease, if you had a long-term lease, the statutes require a subdivision plat be approved. That subdivision plat would set out in term of limits of that lease.

Stewart, I believe I'm correct in terms of a long-term lease and the subdivision requirement.

MR. ELLIOTT: Yes.

MR. NOFFSINGER: I think we need to be considering and this board needs to know are we considering a Conditional Use Permit for a 35 acre
tract or are we considering a Conditional Use Permit for a 3 acre tract and then setting particular limits on where this type of activity will occur. That's a requirement on any Conditional Use Permit. Certainly something the statutes of this board should be mindful of and should consider if they wish to approve the application.

MR. WIMSATT: Certainly we could have tried to address this a little better if we would have known ahead of time it was going to be an issue. We weren't aware that this was going to be an issue. Again, we weren't expecting to officially break off a tract of land and do a subdivision. We know anything that we do has to comply with the laws and regulations and regarding leases and subdivisions. We know that. Like we said there's an attorney already involved in this and he'll make for sure that however the lease is drawn up it will comply. If you guys have any particular direction or some way you want us to handle it, I mean we're certainly, you know, we're willing to consider whatever you all have to say and share that with legal counsel or your alls legal counsel or what have you. We weren't aware that that was going to be an issue.

MR. NOFFSINGER: Mr. Wimsatt, I wasn't
either and when we started talking about the lease and
I heard lease and that immediately registered. We're
not talking about a 35 acre parcel. We're talking
about a Conditional Use Permit that should be limited
and scoped to the actual lease area. If we're
speaking of a long-term lease, that kicks in the
statutory requirement that subdivision plat be
approved.

MR. WIMSATT: The lease may have to be for
the 35 acres, Gary. The lease may have -- Louis
Johnson or your attorney may be telling us that the
lease has to be for the full 35 acre tract because we
didn't have any intention of doing a subdivision. I'm
not saying that it wouldn't be open for discussion.
We can look at possibly doing a subdivision, but that
wasn't our intention. We didn't come in here
expecting to have to do that. This was turned in two
or three weeks ago whenever the filing deadline was.
You know, this has been talked about quite a bit up
until tonight. We didn't expect to do that, but the
lease may very well have to be for the 35 acre tract
with them expecting their primary use just being the
two or three acres up in the corner where they've
shown the parking and the facility. We'll be totally
in compliance with however we need to handle that.
SISTER LARRAINE: We'll work with whatever has to.

MR. WIMSATT: Louis Johnson is very highly respected, I think we all know that, as an attorney

MR. NOFFSINGER: I'm not questioning that.

This board needs to know the scope of operation. If it's 3 acre or 35 acre.

SISTER LARRAINE: At this point it's 3 acres within a 35 acre tract.

MR. WIMSATT: The scope operation is primarily in that two to three acres in that corner, but if the lease needs to cover the entire 35 acres, we'll draw it up that way. There's not any proposal at this time to have any other facilities to go outside of that two or three acres up front. We'll draw it up however we need to draw it up. Like I said --

MR. NOFFSINGER: I say that for your benefit and for the benefit of the audience because if we're talking about a three acre proposal, we're talking about a much smaller proposal than we are a 35 acre proposal where you have room to full run to do whatever with this program without coming back before this board. If we're talking about a three acre site, then you're limited in operations and scope to that
three acre site and what you're proposing here, bunkhouse and parking area.

MR. WIMSATT: I think any future expansion they do whether it's within the 2 or 3 acres or the 35 acres is still going to -- won't that have to be submitted for consideration and approved?

MR. NOFFSINGER: It may very well, but what I'm getting attention at, Stewart, probably considering a Conditional Use Permit on a 35 acre tract of land or a 3 acre tract. If it's a 3 acre tract, then we need the Conditional Use Permit needs to pertain to that three acres and not the entire property for this particular use.

MR. ELLIOTT: The application is for the full 35 acres. If we grant the conditional use for that amount of property, then it could be used for that. We need to limit it in scope to the three acres.

SISTER LARRAINE: If the lease is for the 35 acres with a clause that says we are limited in construction to those three acres, --

MR. ELLIOTT: I think the Conditional Use Permit, if granted, could limit it to the -- there has been a site plan submitted, hasn't there, that designates this three acres?
MR. NOFFSINGER: No, sir.

MR. ELLIOTT: In this three acres, if it's understood, could be used for this one dormitory for these three acres and not encompass the whole 35 acres.

SISTER LARRAINE: That's what we meant to imply in the site plan.

MR. WIMSATT: I don't think there would be any problem with this board limiting the use to exactly what's drawn out here because there's no intention for it to go any further than this at this time. If it ever did in the future, I think we fully expect that she'd have to come back to the board with building plans or whatever, you know. We don't have any problem with that limitation being placed on the approval. That it simply be restricted to the proposal in this application, the building and everything exactly where it's shown because that's the intent.

MR. ELLIOTT: It could be worded to the land as set forth not to exceed three acres in area. Just so it's understood it does apply to the whole 35 acres.

Is that what you're talking about, Gary?

MR. NOFFSINGER: Yes, sir, and I'm also
getting into the lease. If it is a long-term lease, the statutes require a division and that division of property will have to occur. There would have to be a plat approved to define that. If you set out three acres, what three acres? We don't have any idea where that three acres is at this point. It could be limited in scope to three acres, but what three acres would that be? You would have to have a survey showing the lease area.

MR. WIMSATT: We kind of had that conversation --

MR. NOFFSINGER: Might have to have a plat recorded at the courthouse to create that as a lot if it meets the definitions of a subdivision by the statutes.

MR. WIMSATT: We kind of had that conversation already with Louis Johnson and with Staff, Gary, when we turned this in, exactly how to turn it in. We turned it in as 35 acres because we thought that was the direction we were getting from staff.

Like I said we haven't heard anything as if we turned this in wrong, because we certainly could have done something different.

We kind of had this conversation with Ohio Valley Reporting (270) 683-7383
Louis was, well, how do we handle this? How should we do this? We're talking about two or three acres primarily where their building is going to be, what they're proposing to use. Louis had basically told us the same thing you did, Stewart, that that could be handled in lease language. Exactly how he does the wording from the legal standpoint, I don't know. We don't care, but that can be handled in the lease with 35 acres and kind of designate an area that they would use and this Conditional Use Permit can be restricted just as its drawn on this map. The lease will reflect the same thing.

MR. NOFFSINGER: I'm not saying you've done anything wrong. I'm just saying tonight is the first I've heard you were going to have a two or three acre lease area and it's not involving the entire area.

MR. WIMSATT: We're not saying the lease area is going to be two or three acres. We're saying the primary usage would be the two or three acres up front. That could be restricted in a lease for 35 acres. We're not saying the lease area is going to be two or three acres.

SISTER LARRAINE: Lease area could be calling that a construction area?
CHAIRMAN: The intent is there, but the clarification is not.

MR. WIMSATT: Like I said that can be drawn up in the lease. The lease will be for the 35 acres.

CHAIRMAN: But what I'm saying we need to know to make our decision exactly what it's going to be in the lease, don't we, Stewart?

MR. ELLIOTT: Yes.

MR. WIMSATT: I think we know the basic elements. We've got a plat here for 35 acres, 35.10 acres. We have a drawing showing where the building would go and the parking spaces. They even have a detailed drawing of the inside layout of the buildings. I think we know all of that. That would just be reflected in the lease I guess. It would have to be for the full 35 acres. Certainly we don't have any problem committing to this with the way it's drawn up because that's the way we expect it to be.

MR. ELLIOTT: It would appear to me that if you're going to put a permanent structure that it would be to your advantage to plat this and divide it off from the other 35 acres. I don't know what I saw, someplace where you're going to be applying for a grant for construction. I don't know what they're
going to require for you as far as the grant is concerned.

SISTER LARRAINE: What we have here is completely satisfactory. We have the grant. We have the grant by Kentucky Housing Corporation.

MR. ELLIOTT: They're not requiring you to divide this property off from the 35 acres?

SISTER LARRAINE: What we've shown them is completely satisfactory. As long as we obtain a legal long-term lease.

MR. WIMSATT: Louis Johnson has advised us that there's no problem with that.

CHAIRMAN: The drawing that we have in our application, he's got the detailed drawing over there, but even the detailed drawing doesn't show the site plan and everything.

SISTER LARRAINE: Could you say that again, please?

MR. WIMSATT: One of the things that I think Sister had talked with the Staff about was whether or not there was a need to have an architect or engineer to have the exact numbers on all of this. She was advised that it didn't necessarily have to be. She meets all the requirements on here for how it has to be turned in, the distance from property line.
SISTER LARRAINE: It was reviewed very closely by Staff. Under the building -- we looked at this piece of information as to where it says how many feet from the north line, how many feet from the east line.

MR. WIMSATT: It actually is, it's pretty detailed. It may not be platted on a plot because it was done by hand.

MR. NOFFSINGER: Again, I'm not questioning that. I'm questioning what I heard you say here tonight in terms of a lease, two to three acre lease area. That's what raised my question. That's the first I've heard.

SISTER LARRAINE: So is that question laid to rest for the moment?

MR. NOFFSINGER: Not in my mind. I don't have a vote.

MR. WIMSATT: That's obviously why I got up. I wanted to make sure there wasn't a misunderstanding on that, if somebody wants to hang their hat on that. Sister has told you exactly the same thing I have. The lease, we don't even have the lease drawn up, but if you folks are telling us it has to be for the 35 acre tract because that's the way we turned it in, Louis Johnson has already told us
there's no problem with that. That's the way we'll
draw the lease up.

SISTER LARRAINE: The property owner has
agreed with that.

MR. WIMSATT: Yes. There's no problem
with that. We'll draw it up however we need to draw
it up. So if that's a concern, that shouldn't be a
cconcern.

SISTER LARRAINE: We have a concern for
being -- we'll have additional property in that lease
that protects the future of the entire arrangement.
For example we don't want to fill up the entire 35
acres because we want a buffer zone, we want an area
around. That's why we have chosen that particular
piece of location, to make use of the three acres.

CHAIRMAN: Let me interrupt here.

Does any board member have any questions
of the applicant?

MR. PEDLEY: Yes. Mr. Chairman, I have a
question for Sister.

Will there be rules and regulations to
control excessive noise, use of alcohol, curfews, late
hours?

SISTER LARRAINE: Absolutely. That's why
we'll have a live-in administrator.
MR. PEDLEY: And will they be enforced?

SISTER LARRAINE: Yes.

MR. PEDLEY: There will be someone there late night hours and such to enforce these rules and regulations?

SISTER LARRAINE: Absolutely. We'll have a live-in full-time administrator there.

CHAIRMAN: Do you want to add something?

MS. PAYNE: I'm Greta Payne. I'm secretary of the board.

(MS. GRETA PAYNE SWORN BY ATTORNEY.)

MS. PAYNE: I'm originally from South America and France. I've been working with the Latinas for the last eight years.

We have seen what the problems we have encountered in the community. We enjoy this community and we also want to keep it safe for everybody concerned.

Our concern was immigration. In order to do that, we needed to have a well-regularized and some life skill for the individuals that are moving to the country. Right now we are having 3,000 every summer of Hispanics who are coming and working in this area. In 1995 we only had 50.

For health concerns as well as for

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immigration in the community, we need to have some
safe places for them to go.

I work for the courts as an interpreter.

We have seen all the problems that comes with alcohol
and lack of understanding of our culture here. This
is our attempt to have them integrated into the
community with the less possible bad influence into
the community itself. Yes, we will have all kind of
classes. We're trying to work also with the Owensboro
Mercy Hospital of programs related to alcohol and drug
abuse. We will have someone on staff that will be
trained for that particular purpose.

So all the laws and regulations that we
are going to put in place will be strictly reinforced.

CHAIRMAN: Thank you.

Does any other board member have any
questions?

MR. MILLER: Is this a seasonal type
housing arrangement?

SISTER LARRAINE: Not necessarily. The
H2A workers are here typically eight, nine, ten months
a year, I believe. I believe the visas are limited to
ten months. We would work in partnership with farmers
to get a commitment from them for particular number of
beds they want. The intervening months if there was a
need for transitional housing that might be possible, but Kentucky Housing as part of their acceptance of our proposal emphasize that we do not have to keep it full all the time.

I'd also like to add that Kentucky Housing proposed this to us. Not this project per se, but we're looking for something that could be a state pilot for non-profits working with migrant housing in the state. They're very excited about what we've proposed. They were asked to look at doing something in the county. They are very interested in that. Had worked for a couple of years beforehand trying to find someone to work with them on this kind of project. So they are now very, very pleased at what we're proposing and are excited about this as a possibility and look to spotlight it as a pilot and as a model for other non-profit for the state and beyond.

MR. WILLIAMS: The rent they will pay, will that take care of their housing and food?

SISTER LARRAINE: We're not sure about that. Most likely. There will be arrangements there for a kitchen.

MR. WILLIAMS: Will the rent upkeep this project and the upkeep be enough revenue to keep it up?
SISTER LARRAINE: We'll have additional grants as well. We're working on those. As a start up non-profit it's a little difficult to. You have to start somewhere and then once you have something solid literally in the ground -- Kentucky Housing has been very generous with us and we're confident that given that emphasis that we'll be able to receive other funds as well.

Judge Reid Haire has given us $2,000. He believes in our project and was supportive of what we proposed to him as well.

I believe if I understood my contacts in Kentucky Housing that someone there had talked with him. The guy is down at CEO about doing something here in the county.

This is a great opportunity for this county because as Greta pointed out in 1995 just a few years ago we had an average of 50 workers. Now we have an average of 3,000 seasonal workers. We're all aware that in many parts of the country that has been going on for decades and decades and the problems are entrenched. The problems are there and they are overwhelming. They're just totally overwhelming. We have a chance to hit this kind of thing while it's still at the beginning. We have a chance to look at

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this and really deal with it up front.

CHAIRMAN: Any other board member have any questions of her at this time?

(NO RESPONSE)

CHAIRMAN: Anybody else wishing to speak in favor of the applicant?

(NO RESPONSE)

CHAIRMAN: If not let's hear from the other side and maybe more questions we have to come up with.

Those opposed or have questions of the applicant we'll start out.

CHAIRMAN: State your name for the record, please.

MRS. JACKSON: Rebecca Jackson.

(MRS. JACKSON SWORN BY ATTORNEY.)

MRS. JACKSON: I live at 811 Willett Road. I am the only resident. Mr. Richard Kurz owns all the land across the road from me at the railroad tracks. I am the one who lives there. I have a lot of concerns.

First of all, wasn't this property discussed last year, in the area that Mr. Wimsatt wants to build on, on floods? I mean I know it floods. I live there. The area that he wants to
build on, wasn't that brought up sometime last year
and ruled out for subdividing because of the flooding?
I wasn't at the meeting. This is just what I've heard
on TV and read in the paper.

MR. NOFFSINGER: I believe the issue was
fire protection and they had to put water supply and
fire protection. Did not center around the flooding.

MRS. JACKSON: The council does know that
area in particular floods?

MR. NOFFSINGER: I'm not aware if there's
any flooding on the property.

MRS. JACKSON: You've mentioned that in
the State of Kentucky now we're hosting 3,000 migrant
workers that would - -

MS. PAYNE: In Daviess County.

CHAIRMAN: State the question to the Chair
and we'll get the answer.

MRS. JACKSON: I'm sorry. So this is
going to be limited to 14 at tops?

CHAIRMAN: That's what the application is
for.

MRS. JACKSON: I have so many concerns I
don't even know where to start. I should have made a
list.

I'm opposed to it. I live there. I can't
tell you -- I go out spot lighting all the time to
break up drug deals in my driveway and over on Mr.
Kurz's property. My husband and I spot light that.
We call the police and the sheriff all the time. I
can't imagine that these people are going to be
exposed to anything but hostility. It's teenagers
that we're breaking up and they peal out of there and
tear up Mr. Kurz's property. They've tore up my
property. They've torn up Mr. Wimsatt's property.
It's well rich kids. How are they going to react to
this? Thank you.

CHAIRMAN: Anyone else? Does anybody have
a question for Mrs. Jackson?

(NO RESPONSE)

CHAIRMAN: Anyone else?

State your name.

MR. ALVEY: Bob Alvey.

(MR. ALVEY SWORN BY ATTORNEY.)

MR. ALVEY: My father and I we own the
farm ground just north of this property. Like Mrs.
Jackson said, she's absolutely right on drug deals
that are going on down through this area. She's also
absolutely right about the flooding on this property.

I have the utmost respect for you, Sister.

I'm not up here just trying to shut her down or
anything like this, but I'm just saying things like it is.

I live within a quarter of a mile of a Mexican bunkhouse now down griffith Station Road just a mile east of Stanley. If you want to see what a Mexican bunkhouse looks like, just go down right now and look at it. It's not something to look at. It really takes away the value of your property. There's already been one killing there, one stabbing there.

What can you do about it?

I farm myself and I realize that we do need immigrant trailers. I'm not real sure that a Mexican bunkhouse is the answer where you have a whole lot of people together. There's already six house trailers with Mexicans just quarter of a mile just north of this property here that's mostly immigrants in it. You're going to get a big influence of immigrants right in this same area. It's really something that you need to consider.

CHAIRMAN: Let me ask you one question. this other location, is there supervision at this location?

MR. ALVEY: No.

CHAIRMAN: There's not?

MR. ALVEY: No. It's contract labor.
CHAIRMAN: Thank you. Do you have anything else you want to add?

MR. ALVEY: No.

CHAIRMAN: Any member have any questions of Mr. Alvey?

(NO RESPONSE)

CHAIRMAN: Anyone else have anything else to add?

MR. ELLIOTT: State your name, please.

MR. SETTLES: Jim Settles.

(MR. SETTLES SWORN BY ATTORNEY.)

MR. SETTLES: My son and I lease Mr. Kurz's farm. Like he said, the first thing I can't imagine anybody wanting to build in this area because the three acres they're talking about in 1997 the water was probably eight, nine foot deep on this property.

Another thing is, you know, they're talking about 14 out of 3,000. I don't see where that will solve much of a problem for housing for migrants in the area.

I'm a member of the St. Peters Parish at Stanley. We had Latino Center down there for, I don't know, eight, nine years. It was always supervised and there was always Mexicans in there drunk. They
urinated right beside the highway. People driving
down the highway complained. They would urinate in
broad daylight. No respect for neighbors at all.
These people were supervised. Sister Larraine knew
they were supervised. They're not going to be able to
control the people that come in there. There will be
friends of friends of friends. They say 14 and at any
time there would probably be 35 or 40, you know.
Those people congregate together. I know they do a
lot of work for the community, but they couldn't
control 14 people when they've got 3,000 people in the
county looking for housing. That would be the
trouble. They would be run over. Their parking lot
would be full all the time of people trying to get in
there and get cheap housing because they're talking
about grants to help pay the rent for these people and
stuff. If it's free, they're going to be stacked up
in there. No way they can control 14.

Like Bob said if you want to see a
bunkhouse drive down on Griffith Station road now.
That bunkhouse down there is not but, what, four or
five years old. About four or five years old.

CHAIRMAN: Any board member have any
questions?

(NO RESPONSE)

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CHAIRMAN: Thank you.

Anyone else?

MRS. KURZ: Gertrude Kurz.

(MRS. KURZ SWORN BY ATTORNEY.)

MRS. KURZ: She said they're going to lease 35 acres. Why do they need 35 acres if they don't plan on doing some type of subdivision later on? They're only going to do three acres now they say. As Mr. Settles says, that 35 acres is under water many times.

I believe Mr. Alvey stated just a few tenths of a mile north of them there's six houses over there that whether they're being used now or not, I don't know, but I drove down that road Sunday, I believe Sunday it was, maybe Saturday, and the windows are broke out of all of those houses.

As Mr. Settles says, supervision is not going to stop anything as far as crime or anything else goes unless they're going to station a sheriff or state police down there 24 hours a day. There's been I don't know how many wrecks on Stanley, from that road, Willett Road, to Stanley in the last few years caused by alcoholic driving up and down the railroad tracks. There's been one death I believe he stated. Maybe more. I don't know. I don't remember.
There's no way they can house, say they're going to house 14. As Mr. Settles says, there will be 35, 40 or 50 there. On the weekend, only God only knows how many will be there. They're not working.

CHAIRMAN: Thank you.

Anyone else?

MR. ELLIOTT: State your name, please.

MR. JACKSON: Brian Jackson.

(MR. JACKSON SWORN BY ATTORNEY.)

MR. JACKSON: I believe my wife has already spoken, but since I did not get a chance to hear her words.

Our property at 811 Willett Road is adjacent to the property in question. We were fully in approval and I think applauded the movement of this commission as regarding this property several years ago when I think very good high standards were set on improvements necessary to make it habitable. We're still talking about a piece of property that floods a lot. There's just a lot of human habitation problems there. Oil wells on one end and flooding in another. I think it would ill-become of the city to differentiate to any real material degree. The difference between that area which is habitable by us and that area which is habitable by them. I don't
think that's a positive direction.

We're also quite concerned, and I'm sure others have raised the issue of crime near the park.

Any temporary structure that's empty for a portion of a year in that proximity at the edge of town is going to be a difficult thing to manage in terms of eventual abuse.

I can tell you about building on the hill in front of my property at the corner of Willett Road, at the bottom of the hill from the park. When we bought the place that was known as party farm. The empty building there was used quite extensively for underage drinking, drug abuse, and I could go on and on. It was quite well-known in the county. It was not until we purchased the property, moved in and began living there 24 hours a day, seven days a weeks and we put a gate up and a fence that we were able to actually start chasing people out who had made a haven out of that area. Unsupervised it's simply a bad idea.

There are questions that I haven't heard answered. I don't know if answers exist to them, but they have to do mostly with habitability of the property and the safety issue of the fact that the adjacent property and the hills is still well-known to
be subject to extreme subsidence due to the network of shaft, mining tunnels that exist there. I think to invite strangers in the community to work here and then give them access to whatever one knows to be quite dangerous territory is probably not a good idea. Those were my thoughts as regarding this.

CHAIRMAN: Thank you, sir.

Anyone else in opposition?

MR. MURPHY: I am Larry Murphy, St. Joseph, Kentucky.

(MR. MURPHY SWORN BY ATTORNEY.)

MR. MURPHY: I think to solve the problem let each farmer take care of his own. We don't need help. We had help at Stanley. I never used none of them.

She said in 1995 we had 50 workers. The Murphy Farm alone at St. Joseph had 12 and I know there's much more than that. I know that.

It would solve our problem -- we house ours. Maintain everything and we don't have no trouble. Drinking or nothing else. I would definitely rather see them on your farm and my farm than have them in a bunkhouse uncontrollable. They were uncontrollable at Stanley. Thank you.

CHAIRMAN: Anyone else?
MR. WIMSATT: Yes.

CHAIRMAN: Mr. Wimsatt, you're still under oath.

MR. WIMSATT: Just try to address a few issues that I can. I'm sure Sister and maybe some of the others will address it more.

As far as the elevation, of course, Gary, as you pointed out the subdivision proposal that was proposed I think a couple of years or so didn't have anything to do with flood elevations. We know there's areas around Owensboro and Daviess County and the mall, people are building in the flood zone all the time. We know that that's an issue we have to deal with and our local building inspector will make sure that everything, anything that's built out there will have to be above the flood zone. Plenty of dirt on site.

As the Jacksons have already pointed out, the hill is right there on the site too. May dig a lake and mound up. I don't know what we'll do.

The elevations aren't an issue any more than what they are in any other part of Owensboro and Daviess county where you're in the flood zone and you have to make sure you're above flood elevation.

Some of the concerns about the native
impacts of this project for that area. That was a
concern of mine as well when I was first asked by
Sister whether or not I had any property that would be
suitable for this. This 35 acres is -- I do own
another 90 or so acres around this 35 acres and just
past that have another 200 or 300 acres and I expect
some day to have my house in this area too. I live on
the west end now, but I don't live directly in what's
kind of known as Bon Harbor. I expect to have a house
out there some day too on one of those hills. I have
children and one grandchild already so I expect my
family to be running through those hills too and I'm
very concerned as to what I do with any portion of
this property.

I looked at Sister's proposal just as
Kentucky Housing Corporation has and try to review it
very critically. I heard all the same stories about
Stanley and I know those are real and existed and I'm
pretty familiar with some of the single-wide trailers
that are just down the road that are all broken out
now and the bunkhouse they've already mentioned down
Willett Road. I'm familiar with that one too. I'm
fairly familiar with some of the other things that
have gone on. I really don't think that what MISAS is
proposing will be that situation at all and neither
does Kentucky Housing Corporation. They control a lot of money and look at a lot of projects every year. They're convinced that this program very well could be a model program for around the state. There's a lot of examples of failures even in our own community. So this could be a model program or something that really could work.

Not living there now, but working in that area and driving up and down the road a lot I've also gotten the impression that some of the criminal activity that may be going on out there. I haven't actually, I have not seen people parked on the side of the road. I haven't run anyone off with spotlights or anything like that, but it doesn't surprise me that that's going on because you just get the feeling that maybe some of that stuff is going on. Hopefully by having some kind of a little center out there and having more people involved and coming out there, and that will also help keep some of those crime elements out.

One of the things also when we met with Louis Johnson and talked to him about this project, I asked Louis, I said, I've heard the stories about Stanley and some of the other projects that haven't worked. What happens if this turns into a cesspool?
Can we revoke the lease? He said we can. There's standard language that you can put in a lease. So if it turns into some crime ridden facility, you just revoke the lease and that's the end of the story. I was very concerned about that. I think about the future of my kids and grandkids maybe running up and down those hills too and driving those roads. There will be some language in that lease to protect me as an adjoining property owner. Of course, that will protect everyone else too.

I've addressed what I could, I think.

CHAIRMAN: Do you have anything else you want to add?

SISTER LARRAINE: I wanted to address the issue of fears and the issue of the previous experience with Stanley and such.

I want to make a very clear differentiation. Central Latino was set up as a shelter. Was a shelter. Anyone who came to the doors that they could fit in they tried to fit in. It was designed to be a shelter. Now, for better, for worse, however that worked out, that was exactly what that was meant to be.

This is not meant to be a shelter. This is one guy, one bed rented period. That I think is a
very important distinction to make.

I myself would be concerned about that sort of a distinction. When we began setting up the whole process that was one of the foremost concerns in my mind. You can't just take a building and start filling it up with as many people as possible. It's not even good in the long run. It's not good for anybody.

The situation at Stanley did not have a full-time supervisor dedicated — I shouldn't use the word dedicated because she was definitely personally dedicated. She had other duties as well that took her away from the shelter multiple, multiple hours and often times overnight. That again was one of our first things to decide, to talk about. Was that there would have to be a full-time person whose job description was dedicated to supervision of that.

So if there's 14 beds, there's 14 people. No more sleeping there, plus a supervisor. If it's open or closed during the year, there's a live-in supervisor there.

I also thought that the point that the whole issue of crime is obviously a concern for everyone. The crime as I've heard it described is not migrant crime, the crime that's existing there now. I
think honestly the existence of a well-established, well-maintained, well-run facility would help to deter that. I really do.

Like Bob I had concerns about what if it turns into a mess. I said I want that language in that lease. If I get hit by a car tomorrow, you know, the day after we start, I don't want the same people say, remember she's gone and look at this mess. I want that language in that lease forever. That if it becomes a problem, the lease is revoked. So no matter who is working with it, Greta and I are gone, anybody else involved in MISAS, that language is there and strong. Those are some of the elements that we are certain that will take to make this work. We are well aware of the potential. Very, very well aware. That I feel like we're really taking a big leap in fate with the idea that we can make it work.

There has to be a solution. The other solution is Time Drive. The other solutions are continued problems like that. You know, 14 beds is a drop in the bucket, but a model has to start somewhere. Has to start somewhere.

I used to teach high school and I am one tough cookie when it comes to that kind of thing. I do believe in a very strong structured environment.
Seems like I'm hesitating because seems
like there was another concern. I think these are all
fair concerns that was raised and I feel like I'm
forgetting something.

Is it okay if someone refreshes my memory
on a particular point?

CHAIRMAN: We have a couple of questions
back here.

MR. ELLIOTT: State your name.

MR. SETTLES: Jim Settles.

I want to talk about your access roads.
They're talking about building this property up to
whatever height it needs to be built up, but what do
you do about erode for half a mile? You know, in the
spring it floods. Is the county going to have to
build the road all the way up to Bon Harbor to the
same height of the property? They can't go out
Griffith Station Road because it floods both ways.
Anywhere from 16 weeks a year, in the spring of the
year you can't even travel the road much less get to
the property they're talking about, you know.

I want to refresh your memory on one
thing. The Latino Shelter was set up at Stanley as a
shelter, but everybody that was suppose to enter the
shelter was suppose to have the proper paperwork. It
didn't stick, you know. They didn't make it happen.

They were suppose to have the green card and all the
proper paperwork to be in the United States to work.

SISTER LARRAINE: I am completely unaware
of that. Greta has an answer for that.

CHAIRMAN: Thank you.

MS. PAYNE: I can answer that.

CHAIRMAN: Come forward and state your
name.

MS. PAYNE: Again, I'm Greta Payne.

I started with Sister Larraine and the
Latino the year after its inception. One of the
things I did find difficult -- first of all I want to
assure you that although we are all of us -- the
difference is also that MISAS is not connected with
any religious association. This is an independent
project. So we are not bound by the same laws in a
way. One of the problems we had with Stanley is that
it wasn't structure. I personally disassociated
myself with it because I could see the red flags from
the very inception in 1996. Sister Fran I admire
her. She's my hero. She try to fill a gap there for
a need that was there. She didn't try to ignore
them. These people will have sleep in your backyard
if there was nobody that would have taken.
The thing is that we have individuals, they will be here. The truth of the matter is they do provide a service and they are going to be -- local economy, but if they're not taken care of and we are welcoming these individuals we are going to have more than one in Stanley around if we are going to ignore the problem. We are basically just patching the tip of the iceberg. Fourteen people is not enough. I am familiar with -- we started in the bunkhouse. We had all kind of people coming when we first wanted a program to be in Daviess County. We didn't have anything. We went to -- this is something that has happened just in the last eight years. I know that Kentucky wasn't prepared for the immigrants, but for those that are familiar with immigrants in other states we are trying to make the integration of them because we have seen that red flag to make it so you guys will not have a problem. To make it in a way that you do not feel threatened by their presence here, but if we are going to ignore their needs we are going to have a problem.

Yes, you talk about the trailers on the Ellis part, right? They're still sitting there. They're in decay. They're a disgrace. They're a sore eye. I agree with you. This structure that we are
going to build is going to be similar to what Sister Larraine here has built at the Mount. It's a type of a building. It's already been approved. It's a construction that is going to be environmental family. It's also a way that is going to make people not feel threatened. The reason we are not wanting to use 35 acres because we want a buffer zone. We want to protect you. We want to protect ourselves. We want something that is structure from the get-go. You know what to expect. We know what to expect. We have to -- these people they are going to live and they're going to live in this county, but not every farmer has the opportunity to build their own bunkhouse. It's not going to be the same one that the Ellis have or in Lewisport. Not everybody has the money to do that. As a matter of fact, this gentleman was very welcome to give us some of his land, but he is the backbone of his family and he knew the opposition that was going to happen.

This is going to be a structure. We have it planned to make it so. We are going to have someone in there that is going to work full-time. We also going to have somebody there that is going to work part-time. We want to teach them their language. We want to teach them our way without telling them not
to be theirselves, but we want to protect you. They are going to be here. They are going to be coming and you know why? Somebody is hiring them which means someone needs them in this county. Thank you.

CHAIRMAN: Staff has some concerns.

MR. NOFFSINGER: I have a question of Ms. Payne, but, Sister, you may be able to answer this question. Do you have any photographs of the proposed structure or any type of rendering of what the facility will look like?

SISTER LARRAINE: No. All we were asked for was the -- we weren't even asked for the floor plan. That was for the site plan.

I would like to make the point that I have discussed this issue with a number of farmers. Kentucky Housing had met with the farmers for at least a full year before this trying do get someone to pick up any kind of similar situation. They offered low income loans.

My feeling in talking with the farmers who were - I'm not going to name names. It doesn't seem appropriate to name names in this setting - but who were very enthusiastic about the idea. We talked about the difficulty of hiring people through H2A which gives them legal Visas. The difficulty with
that is the housing you have to provide inspected housing.

I'll tell you where this first started really rising up in my heart was at those -- several years ago I was at a farm. We rode bikes down through those trailers. I lived as a little girl in Florida until I was ten years old and I think the first time that I ever became aware of the suffering of other people was going through those same pictures, those same situations around the orange groves and outside the tomato fields and looking at children in those. I personally found it very hard to accept when I rode my bike, road Guy's bike actually down that road and there was Florida 35 years ago. It will only grow. It will only grow unless people see a viable way to make a difference. I don't plan to house 3,000 people. I don't think anybody would think we are going to house 3,000 people. Our goal is to provide model so that even whether a non-profit or if a farmer looks for a way to do a viable bunkhouse setting situation that they see how it can work and where it can work.

MS. PAYNE: You know, if I may say. We are doing this as non-profit organization. We're not getting paid for this. We are taking time out of our
families and time out for other things that we could
be doing and enjoying ourself because we have the
community's and our best interest. I am a foreigner.
I was born in Argentina. I am Latina/American, but I
also have French mother so I grew up in Europe. So I
have traveled. I can see that -- the truth is we all
smile in the same language. Everybody wants the same
thing anywhere you go. Unfortunately these people
aren't having it that good in their home or they
wouldn't be here. I wouldn't be in Owensboro if it
wasn't for my husband. You have a good community.
You have a lot of good people here, but you have to
understand that they are provided a need. We can't
deny them a decent place where to live.

Sister was talking about Time Drive. We
have a lot of problems in Time Drive. As a matter of
fact, the only reason Time Drive is getting better is
because we are -- there is three people in the
community that I supervise and that I'm aware of that
too. Helping also with their electricity, their bill
and asking their landlord to do the necessary repairs
that they need to do. Sometimes it's not that. They
are taken of advantage of. That doesn't mean that
they are an accessory, you know, the foreigners. You
know, you don't have to be a foreigner for other

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people to take advantage of fine decent housing. It happens to all of us. Even here. There are legitimate concerns, but we are the first one to think about those concerns. That's one of the reason when I was approached for this project I didn't want it to have any affiliation with any organization. I wanted it so we could make our own rules according to - - to protect everyone concerned.

Bob like he said, he's going to have a house built there. He's going to have children coming around. Who knows, maybe this will solve the criminality in your area because we will not tolerate it. We are on property where we will house individuals. We might be a solution. We also talked to Kentucky Housing Corporation because the Ben Hawes Park doesn't have a hydrant. We asked them permission if we could also get a line attached so we could bring and use some of that money also to improve that within the park. That there is more than one access to the property that we want to build. We would not encourage everybody to go through the park. That's why we want the other side to use that route. We did have the architect come in also and look at the property because the planning was an issue. They have already discuss that. I think that every one of your
concerns has been answered unless you have something else.

CHAIRMAN: I think both sides have pretty well expressed those feelings.

Does the staff have any concerns you want to address at this time?

MR. NOFFSINGER: I would like to say for the record that the reason I had asked for photographs is because it was presented tonight at this hearing. You presented what the facility might look like in fitted in with the area. Residents have voiced questions concerning the appearance of the building and compatibility with the neighborhood. So that's why I asked for the photos. Not that staff would have required them.

One point I would like to make in terms of KHC money and a grant being used to extend a water line along Willett Road for future development, I would certainly have concerns about KHC money being used for development within the community with extending water lines if that's what you're speaking of.

MS. PAYNE: No. We were thinking that we are going to need to have water line come to the property because we are going to have -- there might
be some electricity -- we're talking about gas.

Everything is going to have to be electric, sewer lines and so forth. We find out that there wasn't really a line that came all the way. There is certain regulations to have hydrant. I don't know how many feet away from the property. She had talked about that, but this is something that we thought we could also contribute on it.

MR. WIMSATT: Here again I get up to try to clarify some of the issues I know about. We know we have to have water there. That's not an issue on this application, but we know from reality we have to have water. The other utilities are available on site. There is a small water line that runs down the road right now. We can extend that water line down to the site or we may try to work something out and run a six inch water line down the front of the site which would be a benefit to everybody, but that's not an issue as part of the application.

CHAIRMAN: It is an issue because we need to understand those as a board before we make a decision.

MR. WIMSATT: There will be water to the site.

CHAIRMAN: Don't want to be disagreeable,
but we need to understand.

  MR. WIMSATT: There will be water to the
  site. We know there has to be.

  CHAIRMAN: Thank you.

  MR. WIMSATT: One other point that I
  thought would be good to make is this particular
  location right now is being used basically as a dump.
  The county I believe has that on their regular pick up
  site right now where they go back there and pick up
  trash. It's close to town, but it's kind of secluded.
  The county has to go out there every week or two and
  pick up trash. We were trying to figure out could we
  make this work somehow on this property. Say, well,
  why don't we look at doing it down on the end by the
  railroad tracks. There's trees on the other side. It
  would kind of be secluded. Right now it's basically
  being used as a dump. That's not a good situation.

  CHAIRMAN: Do you have any other concerns
  from staff?

  MR. NOFFSINGER: Well, they seem to be
  escalating as we go through this hearing. I think in
  terms of my recommendation would be that we do have
  some additional information that we should obtain
  after hearing what has been said at this hearing
  regarding compatibility with the neighborhood, the
rural character of this neighborhood and what this facility, what impact it might have upon the rural character of this neighborhood. We've talked about now extending a water line, maybe a six inch water line to the property using KHC money. Extension of the water main could certainly impact that neighborhood, but we've also talked about the lease arrangement. Whether it was 35 acres or 3 acres. I think from the Staff's position we would certainly like to have more detailed information about this project before we would be comfortable in moving forward, but that's merely a recommendation. I'm not sure what your time frame is, but that would be Staff's recommendation that we acquire more information.

MS. PAYNE: That was just a thought. It wasn't anything that has been in concrete. That was something that I wanted to find out if those moneys could be used in the event that because I didn't know anything about the water. So there is nothing in there that says, yes, they already had the line going there. I knew there had to be some kind of hydrant. Those were just thoughts that I had.

MR. NOFFSINGER: Those thoughts concern me.
CHAIRMAN: Before we get any further, any board member have anything they want to ask, a question?

MR. PEDLEY: I have the same thought that Gary does. There's more information I would like to see and if time would permit maybe postpone this for 30 days.

MS. DIXON: I agree.

SISTER LARRAINE: May I respond to a couple of things?

CHAIRMAN: Yes.

SISTER LARRAINE: First of all as far as the rural character of the neighborhood we are talking about migrant laborers. Less than a mile away with no issue at all there were how many trailers? I forgot. Out in the sun I would like to point out here. About a dozen. I think that's a conservative estimate. Trailers parked out in the sun in the middle of nowhere far more than 14 people living right there. Now it's less than a mile from the site that we're discussing. So as far as the impact of the presence of migrant workers there, that's already happened there. Who knows who has torn up those trailers at this point. We've already acknowledged that there's all kinds of crime going on there and around there.
I'm sure there's trailers -- also as far as water line, anything like that, flood plain, all of those issues, Kentucky Housing Corporation is extremely strict. We have application process this thick. We have to use an architect. It has to be an esthetically pleasing building. I have been to -- recently we went to a conference that they gave and through the whole thing I was impressed by what strong watch dogs they are of tax payer money because this is basically -- it's not really tax payer money. It's money that is the profits from the other lending that they do.

Anything, any requirement you have as far as you know, it comes out of concern for it be esthetically pleasing, well-maintained, well-built, all that kind of stuff they're going to double. They're just very, very, very picky about all of that. Also the only photographs I could produce are of the building construction that I build at Mount St. Joseph. Wayne Witherspoon was very involved with it and a number of people who are here as well too. I think everyone agrees it's an esthetically pleasing building. It's going to be featured in a full paged article in the Frankfort Hearld on Sunday. I don't have any intentions of anything that's going to be a
bunch of trailers. It's the last thing I'm ready to
get involved with is a bunch of trailers or the
equivalent of that.

I am very concerned about a 30 day delay.
The terms of the grant must be used by July 1 of 2003.
I've had a lot of trouble and I will say basically due
to concerns -- we've looked at a lot of different
sites. We've met a lot of opposition. Some of that I
felt very valid because it was in areas where migrant
housing wasn't used.

Another that I thought was invalid, but
all of this I thought came out of legitimate fears. I
understand fears. This is about the sixth site that
we have tried to work with. We're looking at a clock
here quite frankly.

CHAIRMAN: I'm going to cut the discussion
off. I think we've listened to both sides pretty
well. I kind of get a feeling from sitting on the
board for a number of times and a number of years that
might be good to have a postponement for your alls
favor. I don't know. That's just me speaking right
now.

Does any board member have any major
questions you want or voice statements you want to
make at this time?
MR. WARREN: I too am in very much in favor of a postponement. I have a big issue with this lease on the way that it's written up here.

MS. DIXON: Are you ready for a motion?

CHAIRMAN: Yes, ma'am. The Chair will entertain a motion.

MS. DIXON: Mr. Chairman, because of the questions raised as far as compatibility impact, lease, so many unanswered questions, the water line, I move that we postpone for 30 days until more information can be given to us to help us make a good decision for everyone.

CHAIRMAN: Would you add into that the staff and them?

MS. DIXON: To work with the staff.

CHAIRMAN: Is there a second to this motion?

MR. WARREN: Second.

CHAIRMAN: Any other discussion?

(NO RESPONSE)

CHAIRMAN: Hearing none all in favor of the motion raise your raise hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

Bob, you and the Sister if you will work
with the Staff and probably bring Mr. Johnson in to
discuss these things. We feel as a Board obligated to
you all and to the community to have everything
possible in our hand to make a good and just vote one
way or the other.

MR. WIMSATT: I think we can get things
worked out.

CHAIRMAN: Appreciate it. Thank you. And
the neighbors you meet with them too we'd appreciate
it.

Next thing on the agenda, please.

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VARIANCE

ITEM 4

2497 Old KY 144, in an R-1A zone
Consider request for a Variance to reduce the rear
yard building setback from 20 feet to 4.65 feet in
order to construct an attached 17-foot by 20-foot
screened-in porch to the existing residence.
Reference: Zoning Ordinance, Article 8,
Section 8.5.5(e)
Applicant: Keith Conklin

MR. NOFFSINGER: Mr. Chairman, Planning
Staff has reviewed this application. It's found to be
in order. All adjoining property owners have been
notified and it has been advertised for public hearing
at this time.

I believe the applicants are in the

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Planning Staff after reviewing the application recommend that the variance be granted. I think each of you received a copy of the plat of the property which shows to the rear of the property a huge amount of right-of-way from the State of Kentucky and this property is several hundred feet from the center line of Kentucky 144 and provide adequate. I think Staff review on this and we are recommending approval and it meets the qualifications for findings per KRS 100.32.

CHAIRMAN: Has there been any objections filed in the office?

MR. NOFFSINGER: No, sir.

CHAIRMAN: Does the applicant have anything they would like to add?

APPLICANT: No, sir.

CHAIRMAN: Any board member have any questions of the applicant?

(NO RESPONSE)

CHAIRMAN: Hearing none the chair will entertain a motion to dispose of the item.

MR. PEDLEY: Mr. Chairman, make a motion for approval based on it will not adversely affect the public health, safety or welfare; will not alter
essential character of the general vicinity; will not
cause a hazard or nuisance to the public; will not
allow an unreasonable circumvention of the
requirements of the zoning regulations.

CHAIRMAN: Is there a second?

MS. DIXON: Second.

CHAIRMAN: Any other discussion from the
board?

(NO RESPONSE)

CHAIRMAN: Hearing none all in favor of
the motion raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

Any other items of business?

MR. NOFFSINGER: No, sir.

MR. WARREN: Motion to adjourn.

MS. DIXON: Second.

CHAIRMAN: All in favor raise your right
hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Meeting is adjourned.

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STATE OF KENTUCKY)  
COUNTY OF DAVIESS)  

SS: REPORTER'S CERTIFICATE

I, LYNNETTE KOLLER, Notary Public in and for the State of Kentucky at Large, do hereby certify that the foregoing Owensboro Metropolitan Board of Adjustment 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 57 typewritten pages; and that no signature was requested to the foregoing transcript.

WITNESS my hand and notarial seal on this the 22nd day of August, 2002.

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

COMMISSION EXPIRES:  
DECEMBER 19, 2002

COUNTY OF RESIDENCE:  
DAVIESS COUNTY, KENTUCKY

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