The Owensboro Metropolitan Board of Adjustment met in regular session at 6:00 p.m. on Thursday, April 1, 2004, 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
Ruth Ann Mason
Judy Dixon
Sean Dysinger
Ward Pedley
Stewart Elliott
Attorney

**CHAIRMAN:** Call the Owensboro Metropolitan Board of Adjustment to order. Want to welcome you. We open the meeting now with a prayer and the pledge of allegiance. We invite you, if you so desire, to join with us. The prayer will be given by Gary Noffsinger.

(PRAYER AND PLEDGE OF ALLEGIANCE.)

**CHAIRMAN:** Want to welcome each one of you to our Board of Adjustment. Set a few guidelines at this time.
Anyone wishing to speak, come before the microphone, one or the other so we can hear you clearly so the lady can put all the information down for us.

With that the first item is the minutes of the last meeting. They're on record in the office. There are no problems with it that we know of. With that entertain a motion to approve them.

MS. DIXON: Move to approve.
MR. DYSINGER: Second.
CHAIRMAN: Motion been made and a second.

All in favor raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)
CHAIRMAN: Motion carries.

Hopefully you all don't object. The first item, Number 2, which probably will be a few more people involved with it than the others so we've asked them to put theirs on last. We'll will start with Item Number 3 instead of Number 2 at this time. First one will be Item 3, please, sir.

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CONDITIONAL USE PERMIT

ITEM 3

2600 Fairview Spur, in an R-1A zone
Consider request for a Conditional Use Permit to operate a photography studio within an existing home.

Ohio Valley Reporting
(270) 683-7383
Reference: Zoning Ordinance, Article 8, Section 8.2 B14
Applicant: Robert L. Riherd, Thomas E. Hagan

MR. NOFFSINGER: Mr. Chairman, Planning Staff has reviewed this application and found to be in order. This is for a photography studio within an existing residential area. They are conditionally permitted uses.

The Staff has reviewed this application. We find no conflict with the comprehensive plan. We have found no conflict in terms of the application as submitted having a detrimental affect to the neighborhood. We would reserve a recommendation and would not make a recommendation on a Conditional Use Permit, but would use this public hearing as an information gathering situation so that the board can make a recommendation and findings of fact. With that it's ready for your consideration.

CHAIRMAN: Was there any objections filed in the office?

MR. NOFFSINGER: No, sir.

CHAIRMAN: First, anyone wishing to speak against this application?

(NO RESPONSE)

CHAIRMAN: Hearing none, the applicant, is there anything you'd like to add please come forward.
(NO RESPONSE)

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

(NO RESPONSE)

CHAIRMAN: Staff have anything else to add?

MR. NOFFSINGER: No, sir, other than the absence of no testimony we find that the use as proposed by the applicant and the application would be compatible with the neighborhood.

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

MR. DYSINGER: Move we approve the Conditional Use Permit given the findings that it will not negatively impact the neighborhood and it is not in conflict with the master plan.

CHAIRMAN: Is there a second to the motion?

MR. PEDLEY: Second.

CHAIRMAN: A second has been made. Any other questions or discussions on the item?

(NO RESPONSE)

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

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(270) 683-7383
CHAIRMAN: Motion carries.

Next item, please, sir.

ITEM 4

1831 McCulloch Avenue, in an R-4DT zone
Consider request for a Conditional Use Permit to
place a 16 X 80 Class 2 manufactured home on the
property.
Reference: Zoning Ordinance, Article 8,
Section 8.2 10B
Applicant: Denise Marcum

MR. NOFFSINGER: Mr. Chairman, I have a
letter from a Shelia Phillips that claims to own the
property across the street from the subject property.
The applicant in notifying adjoining property owners
mistakenly listed the tenant of the home as the
property owner. In fact, she's not the property
owner. She's the tenant. It is a rental unit. This
Ms. Shelia Phillips would ask that the board postpone
taking action on this item or hearing any information
until our next board meeting in May which would be on
the first Thursday of the month so that they will have
an opportunity to make a determination on how it might
affect their property value or the area. They have
another commitment tonight. They just found out about
the meeting last night. Would like for the board to
postpone taking action. The staff has notified the
applicant of this issue. I believe the applicant is
here tonight to answer any questions you might have.
CHAIRMAN: With that we should postpone it until the next one. Entertain a motion to postpone it until the next meeting.

MS. MASON: Move to postpone.

CHAIRMAN: A motion is made. Is there a second?

MS. DIXON: Second.

CHAIRMAN: A second has been made. All in favor raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries to be postponed to the next meeting.

Next item, please.

ITEM 5

7900 Laketown Road, in an A-R zone
Consider request for a Conditional Use Permit to operate a shop for resale of collectibles and antiques within a 22' X 24' existing garage with a possible future planned addition of 24' X 25'.
Reference: Zoning Ordinance, Article 8, Section 8.2 E4
Applicant: Betty Wathen & Jay Wathen

MR. NOFFSINGER: Mr. Chairman, this application has been reviewed by the Planning Staff. It's found to be in order. It is for the operation of an antique shop in an A-R zone within an existing garage. They do plan an addition of 24 by 25.

The adopted comprehensive plan allows for
these types of activities to occur in rural areas so that you wouldn't have areas rezoned to a more urban type zone like a B-4 general business zone. The Comprehensive Plan supports these type of uses in an A-R zone provided that it's found that the use would not change the character of the area, would actually help somewhat to preserve the real character of the area.

Given the fact that the applicant is using the existing driveway, using an existing garage with an addition not to exceed the structures that are already on the premises, Staff determines it appears that there would not be a conflict with the neighborhood or would not impact the integrity or change the character of the area. Of course, that is baring any evidence that might be submitted here tonight during this public hearing.

CHAIRMAN: Any objections filed in the office.

MR. NOFFSINGER: No, sir.

CHAIRMAN: Is there anyone wishing to speak in opposition to this item?

(NO RESPONSE)

CHAIRMAN: Does the applicant have anything they want to add to it?
(NO RESPONSE)

CHAIRMAN: Any board members have any questions?

(NO RESPONSE)

CHAIRMAN: Entertain a motion to dispose of the item.

MS. DIXON: Move to approve because the use is compatible with the comprehensive plan and such use would not change or negatively impact the character of the area.

CHAIRMAN: Is there a second?

MR. PEDLEY: Second.

CHAIRMAN: A motion has been made and a second. Any other questions or comments from the board or staff?

MR. NOFFSINGER: No, sir.

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries.

Next item, please, sir.

ITEM 6

900 West Fourth Street, 406 Poplar Street in an R-4DT zone
Consider request for a Conditional Use Permit to locate a telecommunications hut on the property.

Reference: Zoning Ordinance, Article 8,

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(270) 683-7383
Section 8.2 H4
Applicant: Kentucky Data Link, Inc., c/o D. Scott Richmond, Floyd M. Lambert, Wayne W. Lambert

MR. NOFFSINGER: Mr. Chairman, the Planning Staff has reviewed this application. The application is found to be in order. It is for a communications hut on actually two vacant pieces of property. If this is approved, it should be approved subject to consolidation of the two properties. Staff has not received any comment in the office. We have reviewed the adopted comprehensive plan. Makes provisions for telecommunications and technology upgrades. This is allowable in the zone with the Conditional Use Permit and we find no reason why it could not be integrated in the neighbor baring any information to the contrary you might hear tonight.

CHAIRMAN: Again, is there anyone here objecting to this applicant?

(NO RESPONSE)

CHAIRMAN: Hearing none does the applicant have anything they want to add to it?

APPLICANT: Not unless there are questions.

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

MR. DYSINGER: I have a question, Mr.
Chairman.

MR. ELLIOTT: State your name, please.

MR. RICHMOND: Scott Richmond.

(SCOTT RICHMOND SWORN BY ATTORNEY.)

MR. DYSINGER: In the interest of clarity, the application says the proposed building will be approximately 12 by 24 or 12 by 30. Do we know what those dimensions are yet?

MR. RICHMOND: Not exactly, but it will not exceed those dimensions.

Let me just add one further thing. A question arose in my mind whether or not this involved a tower and it does not. There is no tower involved. It will strictly be fiberoptic lines so it's not going to be an intrusive kind of installation at all.

CHAIRMAN: Any other questions?

(NO RESPONSE)

CHAIRMAN: Entertain a motion to dispose with the item.

MR. PEDLEY: Mr. Chairman, I make a motion for approval that it meets the requirement of the zoning ordinance and it will not have adverse influence on the neighborhood.

CHAIRMAN: Is there a second?

MS. DIXON: Is that subject to the Ohio Valley Reporting (270) 683-7383
consolidation?
MR. PEDLEY: Subject to consolidation of the properties.
MR. DYSINGER: Second.
CHAIRMAN: A motion has been made and a second. Is there any other comments by the board or questions?
(NO RESPONSE)
CHAIRMAN: Staff have anything else?
MR. NOFFSINGER: No, sir.
CHAIRMAN: All in favor raise your right hand.
(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)
CHAIRMAN: Motion carries.
Next item, please.

ITEM 7
2130A East 19th Street in an R-4DT zone
Consider request for a Conditional Use Permit to construct a 40' X 88' addition to operate teen programming and technology training in a separate area for the Cliff Hagan Boys and Girls Club. Martel Wightman unit that operates on the property.
Reference: Zoning Ordinance, Article 8, Section 8.2 B7
Applicant: Cliff Hagan Boys and Girls Club, c/o Steve Winkler, Housing Authority of Owensboro, c/o David Condon

MR. NOFFSINGER: Mr. Chairman, this application has been reviewed by the Planning Staff. It's found to be in order. It is an expansion of the
existing facility that's operated within this
neighborhood for many years. With that it's ready for
your consideration.

CHAIRMAN: No objections been filed in the
office?

MR. NOFFSINGER: No, sir.

CHAIRMAN: Is there anyone wishing to
speak in opposition on this?

(NO RESPONSE.

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

(NO RESPONSE)

CHAIRMAN: Does the board have any
comments?

MR. DYSINGER: Mr. Chairman, I have a
question of the applicant.

CHAIRMAN: Anyone here representing? Come
and state your name, please.

MR. ELLIOTT: State your name, please.

MR. CONDON: David Condon.

(DAVID CONDON SWORN BY ATTORNEY.)

MR. DYSINGER: You provided a drawing
which is good, but will it be adjoining enough that it
will have supervision from the existing building or
will it have people there who are dedicated to
supervising that facility?

MR. CONDON: Will be adjoining. The units will be adjoining with common entrance. From the existing center there's a hallway that will go into the new center. The existing computer room will also access the new building. So they walk in one facility under one roof.

CHAIRMAN: Any other board members have any questions?

(NO RESPONSE)

CHAIRMAN: Staff have anything else?

MR. NOFFSINGER: No, sir.

CHAIRMAN: Entertain a motion to dispose of the item.

MS. MASON: I move to approve based on that it will not have a negative impact on the neighborhood and it is part of the comprehensive plan.

CHAIRMAN: Is there a second?

MS. DIXON: Second.

CHAIRMAN: A motion has been made and a second. Any other questions or comments from the board or staff?

(NO RESPONSE)

CHAIRMAN: With that all in favor raise your right hand.
ITEM 2

1125 Allen Street in an R-4DT zone
Consider request for a Conditional Use Permit in
order to operate a dormitory housing facility for 6
immigrant men/farm workers with one live-in mentor
Reference: Zoning Ordinance, Article 8,
Section 8.2 A7
Applicant: MISAS, Inc., c/o Sr. Larraine Lauter,
Jennifer House, Inc., c/o Jenne Owes, Chairman

MR. NOFFSINGER: Mr. Chairman, Planning
Staff has reviewed this application. It's found to be
in order.

The application comes before this board
for housing for six single immigrant men farm-workers
with one live-in mentor. Fee includes room and
board. Support programming for successful
integration, emphasis on English acquisition.
Coordinated through the Plaza Community Center.

Available services: English as a second
language (partnership with Owensboro Technical
College). English immersion for all residents;
special program developed in partnership with the
Plaza Community Center. Successful integration
counseling and education; Plaza Community Center,
various agencies.

The location of this property is at 1125
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Allen Street, Owensboro, Kentucky.

Mr. Chairman, the applicant is represented here tonight. I think they've held at least one meeting with folks that live within the neighborhood. I think some of those folks are here tonight. I think there was probably one article, at least one article in the Messenger-Inquirer that summarized that meeting. With that it's ready for your consideration.

CHAIRMAN: Did we receive any comments at the office?

MR. NOFFSINGER: We have received comments that come in asking questions about the application. Asking questions that most likely will be asked here tonight. We haven't had anyone that has registered a comment with us that they wanted us to make here tonight.

CHAIRMAN: Thank you.

Being the applicant is here, you want to come forward and present your program, please?

MR. ELLIOTT: State your name please.

SISTER LAUTER: Sister Larraine Lauter.

(SISTER LARRAINE LAUTER SWORN BY ATTORNEY.)

SISTER LAUTER: Really I don't know that I
have anything to add to the description of the program as it was stated. I'm ready for questions.

CHAIRMAN: Anybody else have anything to add to it at this time? Comments from anyone?
(NO RESPONSE)

CHAIRMAN: Anyone have objections and questions you want to come forward.

MR. ELLIOTT: State your name, please.

MR. MEYER: J.D. Meyer.
(J.D. MEYER SWORN BY ATTORNEY.)

MR. MEYER: Mr. Chairman, Ladies and Gentleman of the Board, my name is J.D. Meyer. I represent the neighbors in the J.Z. Moore Historic District which is the area and neighborhood in which Sister Larraine proposes to operate this migrant worker house.

Let me begin by saying that we believe, the neighbors do believe that this is a very worthwhile project. Migrant workers are often times discriminated against. They can be housed in horrible conditions and the efforts to take action to immigrants into our society by providing them English skills and other teaching skills we certainly applaud, and as I said are worthwhile. I believe that Sister Larraine has the best intentions in undertaking this
project; however, this appears to be a fantastic program and when looked at on paper it does, but there are several questions that remain.

Mr. Noffsinger pointed out that there was a public forum held and a meeting held with the neighborhood. At that hearing or at that meeting a lot of questions were not answered. I don't know that the Messenger-Inquirer painted a truly accurate picture of what transpired there, but the neighbors had several questions. As I mentioned, they were not answered. If I may approach the members of the commission, I'd like to provide a handout that was given at that meeting which is a repeat, a lot of the information in the application, but also expounds on it a little bit more.

CHAIRMAN: Who prepared this?

MR. MEYER: I believe it was prepared by Sister Larraine and I will provide her a copy of the same.

If I can summarize. There are really two points of concerns of the neighbors in the neighborhood. They boil down to, one, is really accountability and accountability for this program. The other concern is the stress kind of placed upon the community by operating this dormitory facility as
the application sets forth for six migrant workers.

On the notion of accountability, the handout that I provided to you that was made and presented to the neighborhood during that meeting states that this is going to be a well-regulated program with lived-in mentors monitoring these six migrant immigrants and the residents in the facility.

We have questions and concerns about who is regulating them and what is meant by regulation. Is that someone -- when you say, well-regulated, is that the live-in mentor regulating and monitoring these people or who is going in to make sure that the conditions of this house remain in habitable and worthwhile condition? There were questions posed during the meeting as to who and what entity controls and would do that regulating? Is it the Kentucky Housing Corporation? Unfortunately I believe their attorney may have just left. Is it their entity that will come in and operate and look at and make sure that there are only six people in this facility. If there are inspections of the facility, how often are they made? Is it yearly? Is it quarterly? There are a lot of states that have adopted regulations and other laws and procedures for surveying migrant farmhouses and workers and places of this nature.

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Kentucky is not one of those. We do not have such regulations.

Going back, the concern also back with the regulations and the accountability is who do they answer to?

As I said before, this is a worthwhile program as presented, but the concern of the neighborhood is making sure that it stays within the parameters as presented. This is a neighborhood. It's a community. They all want to get along; however, they want to make sure that they continue and operate and work under the guidelines that you all presented here today.

On that note, there were questions asked what are the policies and procedures concerning training this live-in mentor? It's our understanding and as presented in the information that this will be someone of a Hispanic background that's fluent in English. But what type of training do they receive? That mentor is going to receive and be placed in some very difficult situations at time, and are they adequately trained to handle that situation? It seems to me and appears that this is a peer monitoring situation and similar to a residency hall, an RA in a dorm at Kentucky Wesleyan, or Brescia College, or any
other university. Will such a live-in mentor go through similar training? Because you have a peer watching over other peers. Will they make sure that the policies and procedures that the people that are suppose to follow in this house, are they followed through? Because that live-in mentor is the enforcer of that facility.

What policies and procedure are in place concerning the occupancy of the home? It's been presented here today that this will house six migrant workers. Who's to say, what's to say it's someone else that just needs a temporary housing. They house seven, or eight, or a few more than that.

Additionally, what is the policy and procedure with respect to housing of visitors or relatives of these individuals? Are they going to be allowed to stay there? Such will place an increased burden as I mentioned on point Number 2 upon kind of the infrastructure and the number of people, vehicles and other nature in the community that I'll talk about in just a moment.

There's also some questions about, as I said, those residents bringing additional people in maybe for a temporary period of time. Is that permissible? Again, what is the policy and procedure
with respect to these matters? None of that has been
presented yet to the neighborhood. It was not
presented to them in the forum.

Lastly, it states that alcohol use and
criminal activity on the premises will not be
tolerated. Sister Larraine represented that all of
these migrant workers will have background checks.
Little information was provided as to who actually
performs these background checks. Is this simply a
United States background check? Is it also checking
their backgrounds in Mexico? Some of those questions
were not answered during the prior discussions and we
posed them here tonight.

Additional, what happens if someone gets
in trouble while they're living in the facility?
Again, what are the policies and procedures for
handling such a situation?

Additionally, what if somebody presents
themself that has a substance abuse problem or
something like that? Drinking on the facility or use
of drugs on the facility, of course, it says here are
not to be tolerated; however, if some person comes in
after several nights of drinking and they continue
that pattern, what is the mentor to do? What is the
facility? How are they to react? Do they have a
collaborate of effort with other people in the community to make sure that they get that individual assistance that they need so that that person does not pose a danger not only to themselves, not only to the members who are living in the other residence in that house, but also to the neighborhood as a whole.

As I said, I think that all of this boils down to the neighbors have not seen any formal concrete policies and procedures how this home is going to be operated, how she plans to carry out the activities within the house. A lot of the answers that were given during the prior public forum were vague and ambiguous to that nature and that they have not been answered. That's why we are posing them here tonight.

Additionally, the information indicates that I've handed to you that MISA plans to increase the property value by adding this facility and operating this house here. There's a specific representation that's been made of a pledge to put $50,000 of capital improvement into the property, increasing the aluminum siding on the outside of the structure, new porch columns, windows, things of that nature. We want to make sure that those are done. Obviously if she is going to increase the value of the
home, that will correspondingly increase the value in
the neighborhood, but that's a representation that's
been made. We want to make sure that that's carried
through. We're uncertain where those funds are going
to come from at this point in time. That was not
expounded upon by where the funds and the money will
come from and are these pledged or like I said where
the source of the funds are.

All of this goes back to accountability.

We just want to make sure and protect the interest and
make sure that the representations that were made at
that prior meeting, two other individuals in the
neighborhood are met and carried forward and we're
asking tonight that the board consider those.

Lastly as I indicated there is some
concern about the stress placed upon, as I call it,
the infrastructure of the home. Do these migrant
workers, if they all possess vehicles, there are seven
of them living in the house including the live-in
mentor. That's seven vehicles on Allen Street. The
house doesn't have any parking available to it. That
would increase the congestion in the community.
Possibly pose a dangerous situation and that is a
concern.

So we ask that the board consider some of

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these things, ask questions of the applicant, and
actually hold off rendering a decision in this matter
and tabling this discussion until more information can
be provided and that the neighbors can see a set form
policy and procedure as to actually how this is going
to be operated. Not simply someone standing here
saying that this is what I'm going to do. Thank you
very much.

CHAIRMAN: We'll try to come up with these
answers.
Sister, you want to go ahead and start now
and answer his part.

SISTER LARRAINE: Yes, I would.

First of all, Mr. Meyer, since you are
under oath to tell the whole truth and nothing but the
truth, you weren't at the meeting, I take issue with
your characterization of the meeting.

I'm quoting here things look fantastic on
paper, but questions were not answered. If you had
been at the meeting, you would have heard me say, are
there any more questions? It was concluded that we
were finished with the meeting.

I think the Chair would back me up on
that. I think other people that attended the meeting
will back me up on that. I came to the meeting.
had a presentation and I also when I sat down was
downed without warning two full pages of typed
questions which I worked my way down question by
question by question.

I'd also take issue with the sort of
presumption of problem on the part of the residents.
There seems to be a presumption that these kinds of
residents, these kinds of people would automatically
present possible problems. I want to be very careful
with that. While there was a lot of nice talk about
my good intentions, there also seems to be a
presumption that I'd be willing to misrepresent what I
intended to do or what MISA intended to do. I would
have to take issue with that as well. We have no
reason to misrepresent what we intend to do and that
would be wise.

CHAIRMAN: Sister, excuse me for
interrupting you. We weren't at that so please answer
those to the board, please.

SISTER LARRAINE: Sorry.

The two points of concern: Accountability
and stress placed on the community. The monitoring
question was addressed at length. MISA center, my
office, the MISA headquarters, whatever is about two
and a half blocks away, I think. Just about right
around the corner. I think we made it clear that
Kentucky Housing Corporation is the source of the
funding. That monitoring would be the responsibility
of MISA.

The whole thing of inspections, regulations, I looked for the word monitoring and,
again, it seems to imply that these are people that
need some kind of special oversight. You know, if
this were -- there is no special population
identified here other than migrant farm-workers. So
there's nothing inherently problematic identified as a
need for monitoring migrant farm-workers.

Kentucky does have law for inspection,
which as I understand there are laws in other states
for inspection of housing of migrant farm-workers and
that would be for safety and affordable housing. Not
for some sort of criminal checking kind of thing going
on. That would be a violation of constitutional
rights.

Regulations for surveying the
neighborhood. I'm not sure whether I wrote that down.

The policies and procedures for the
mentor. The mentor, and I am currently -- he's
basically in training. To say that he's necessarily a
peer is presuming a lot, I think.

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Again, to -- there is just a lot of discussion in that that seems to point to the idea that this particular population by reason of being migrant farm-workers is going to be problematic.

We have talked at length at the meeting about the issue of background checks. I believe I made it entirely clear that that will be through Owensboro Police Department.

We talked at length at the meeting as to what would happen if someone gets in trouble. Again, we have a presumption there that these are problematic people.

We had also talked about there being an application process. This is going to be fairly competitive. We talked at length about how if a resident were to become obviously in violation of the house, that that resident would no longer be able to stay there. Again, there seems to be a presumption that there would be a substance abuse problem and we have in no way, while other than personally against working with people of substance abuse, it's not the intention of the program and it's not stated there as being the intention of the program. Again, we had sort of a presumption that somebody would "pose a danger."

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As far as stress placed on infrastructure in the neighborhood, the planning and zoning regulations pretty well speak to that. I tried to make that very clear at the meeting.

For example, there's a certain number of parking spaces required in the back and that we have to meet that, and that's on the map that was presented to yourself. We did that. Worked with all the planning and zoning issues in conjunction with planning and zoning staff. I don't see a particular cause, my cause for concern there.

My concluding remarks at the neighborhood alliance were that -- actually the remarks I began with were that people always have a right to be concerned in terms of the physical appearance of the property and the impact on their property values and all of that. It says here that we'll spend $50,000 or around there, around $50,000 in funding, which I've already made clear was from the Kentucky Housing Corporation as well and my name is on that paper. Our board has signed off on that so all their names are on that paper as well.

The other point I tried to make clear was that if I were a homeowner in the neighborhood, I would be far more concerned about absentee landlord
issues rather than a heavily regulated publicly, you
know, in the public eye, very much in the public eye
project such as this.

If you're not familiar with the house
itself, the house sits on a block which is just
outside the line of the historic district. It's
across the street from a warehouse. There is one
empty lot with the house and it's next to a lot that,
as I understand, the county built on. The next lot
over built on. I think that has something to do with
gas lines and the railroad track is there. The house
to the left is not in very good shape at all, the only
other house on the block. The houses behind on the
other side of the alley does not really present a very
up kept appearance either. Just want to kind of paint
that picture there. As far as what we say we will do,
what I'm representing here. Again, has our name on
it.

CHAIRMAN: I think you've touched most of
them. One other question they brought up about if
more than six were there visiting or family or
something like that came.

SISTER LARRAINE: First of all there's a
presumption I think that, again, this particular
population -- first of all having friends, family
around, as I'm sure all of these homeowners sometimes
do, that that would be problematic. There's a
presumption that there would be no oversight of the
building and that our intention is to cram as many
people in as possible.

MISA states, safety and affordable
housing. That safety and affordable housing does not
have people sleeping on the floor crammed in. There
will be seven beds and it will be a tightly regulated
program. It will be open for whoever wants to come in
and inspect people within reason for privacy
obviously, but it will be a transparent operation. I
hope I did not answer that vaguely, but no, there will
not be extra people sleeping around all the time.

MR. NOFFSINGER: I have a question,
Sister. You prepared this La Academia A MISAS Project
description and it has Project Description, Program
Design, Points for Consideration. You submitted a
very similar document to Becky Stone as a part of the
application that's contained in the application. Do
you make this a part of your application?

SISTER LARRAINE: No. I made this as --
it's available to the public. It went out to all the
neighborhood alliance. I didn't write it with that in
mind and I would be uncertain about doing this at the
time. I don't feel like there's anything problematic there, but it's not submitted with the application.

MR. NOFFSINGER: You understand you represented to the planning staff as well as our attorney almost everything that's contained in this document you prepared.

SISTER LARRAINE: Yes. I feel like that is probably true, but I would want to carefully make sure about that. I'd want to make sure the wording was the same.

MR. NOFFSINGER: Mr. Chairman, I'm not sure what application you're dealing with here tonight then, what's actually contained in the application.

If what you presented to the Planning Staff and to our attorney is not a part of your application and you didn't intend to make it a part of the application, then why did you represent that to them?

SISTER LARRAINE: I'm sorry. I'm confused. Are we talking here about what Mr. Meyer just gave you?

MR. NOFFSINGER: Right. Which is almost identical.

SISTER LARRAINE: Right.

MR. NOFFSINGER: I say almost because I
haven't gone through it word for word. You have. You
prepared it. I think that's what you stated.

SISTER LARRAINE: I prepared this for the
neighborhood alliance.

MR. NOFFSINGER: Right. Then what you
presented to the Planning Staff, Becky Stone, and our
attorney, Stewart Elliott, is almost identical to
this. My question is: If you did not intend to make
this a part of your application or did you? Did you
intend to make it a part of your application?

SISTER LARRAINE: Let me back up to the
history of that. First of all, I wasn't realizing you
were holding up that particular letter. When we first
began asking questions on the third floor about what
we needed to do to go through this correctly a call
was made. It was made on my behalf by someone else to
Jim Mischel who said we should write a letter
outlining where we thought this was going to go, what
some of the questions might be to see what we needed
to do. When the question was asked, I think the
person who was asking the question didn't realize that
I personally, and the board didn't have any issue with
asking for a conditional use permit, I mean for
getting a conditional use permit, so we went ahead and
just applied for the conditional use permit, but then
the question was raised that we had been asked for
this letter. I don't think that letter is part of the
application. I said, sure, I've still got that letter
in my computer. I can send it to you. But it was
kind of a letter of inquiry. I believe it's dated
March 1st. It's kind of a letter of inquiry as to --
it started out as a letter of inquiry as did we need
to have a conditional use permit. I said, yes, we do
and that's not an issue. It was just basically a
letter of courtesy.

There's no two applications there. I
don't believe there's contradictory --

MR. NOFFSINGER: Right. So what you're
saying is what you prepared for the neighbors and what
has been presented here tonight is not a part of your
application?

SISTER LARRAINE: Everything that was
required of the application is in the application,
correct?

MR. NOFFSINGER: Ms. Stone would have to
answer that question, but I would like for you to
answer that question yes or no. Is this a part of
your application or is it not? Because this board
needs to know what they are considering. You're
claiming that this represents the answers that you
gave to the neighbors during that meeting. If you
don't intend to abide by what you say you're going to
do and you're not willing to make it a part of the
application or have no intent, then I'm not sure that
there's enough information there to know exactly what
you intend to do. The reason for this letter that you
prepared March 1st was to make sure that we had a
clear description of what you were proposing to do so
that you were heading along the right track.

We've been in that situation before where
folks felt like they were sent down the wrong track.
We want to make sure you go down the right track. I
think you owe it to this board and your neighbors,
future neighbors to tell them what you're intending to
do. If this is not part of your application, then the
only thing that you have is stating that you're going
to have housing for six single immigrant men farm-
workers which you put in your application. I don't
think the staff or this board had you do that. You
talk about the fee and you talk about successful
immigration, but you do not go on to speak to the
things that you've told these neighbors that you're
willing to do and will do.

SISTER LARRAINE: First I want to say that
I think we have here an implication that myself and
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MISA would be trying to somehow hide intentions. We wrote the letter as asked, which I do not think is part of the process as it's outlined on paper. I don't have any problem with that. I don't have any problem with that letter being part of the application; however, I'm cautious due to our last history with this kind of problem, this kind of thing, I'm cautious as to entering extra words into the application that then somehow become conditions. I'm very cautious there. I'm cautious on advice from our attorney. I don't have any problem because I know that I considered carefully the wording on the letter. The intention of this is peace for the neighbors. It's very, very similar. I don't doubt that there's probably, well, I probably would be happy with that, but that wasn't the intention of this. As you said, it's replicated in the original letter. If you want to put the original letter into the application, that's fine with me, but there's no intention here to deceive anyone.

MR. NOFFSINGER: Mr. Chairman, I would like to enter into the record Exhibit A, a letter to Becky Stone from Sister Larraine Lauter dated March 1, 2004. Do I need to read that into the record?

MR. ELLIOTT: Yes.
MR. NOFFSINGER: "Dear Ms. Stone, The Board of Directors of MISAS has agreed to purchase property at 1125 Allen Street for use in a housing and successful integration program. The purchase is contingent on permission from your office for use of this property according to our special needs. We understand that a conditional use permit is required, since our program targets a particular clientele, and is not simply a boarding house. In fact, we understand such a permit to be desirable for the good of our own program, and are eager to work with your office in order to obtain such a permit.

"We also understand what the conditional use permit process requires, and we are ready to begin that process. This letter is being sent to your office as suggested by Jim Mischel, simply to give notice of our intention to move forward, and to lay out the general intentions of the program for your consideration.

"Our program design may be summarized as follows:

"- Residents pay a modest weekly fee for room and board.

"- Residents participate in an English acquisition program.
"- Residents receive guidance from an integration mentor.

"- An integration mentor lives at the site for the purpose of coordinating the program.

"The property would sleep six residents and one integration mentor, and will require some rehabilitation. Rehabilitation plans may include construction of an additional bathroom (within existing footprint,) vinyl siding, new porch appointments and window facings, new HVAC. Our intention is to elevate the exterior appearance of the building in such a way that it enhances the neighborhood.

"We would like to point out that:

"- The property is unlikely to sell at full value as desirable residential property, surrounded as it is by light industrial property and rental property. It may be more likely to become rental property with minimal upkeep and oversight.

"- We can bring generous funding to create a well-rehabilitated/expanded structure that will be an enhancement to the neighborhood and its property values. We have a plan and funding for around $50,000 worth of rehabilitation of the existing structure, including new siding, porch columns and window

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facings.

"- We are committed to a well-regulated program with live-in mentors; residents will be required to make application for the program, and will be screened as to criminal history.

"- The past residential program in the existing structure did not to our knowledge, ever create a problem for the nearby residential neighborhood.

"Thank you for your time and attention to this matter.

"Sincerely, Sister Larraine Lauter, OSU, MISAS Executive Director."

CHAIRMAN: You understand this will be filed with the application, correct?

SISTER LARRAINE: That letter is already submitted to the office. I consider it already a part of the process.

CHAIRMAN: Wanted to be sure.

Any board member have any questions before we proceed further?

MS. DIXON: In the piece that you discussed with the neighbors, you talk about the screening policy and you said background checks would be done by OPD. When someone makes application to
become a resident of the MISAS property, do they apply
through you and then at that point you would check
credential as far as the legality of their immigration
papers and that kind of thing to make sure that they
are in the country legally?

SISTER LARRAINE: We have to be very
careful here. This is a housing project under
Kentucky Fair Housing. I can only do what Fair
Housing requires, allows. Kentucky Fair Housing law
is very clear about discriminatory practices based on -
-

MS. DIXON: Yes, I recognize that.

SISTER LARRAINE: Kind of a presumption on
the part of -- anybody can rent anywhere in the city
by going through an application process.

MS. DIXON: Right. That's correct.

SISTER LARRAINE: Beyond any kind of
special, special community situation, I can't require
anything more than any other landlord could require by
law.

MS. MASON: Who checks to make sure that
they are in the United States legally?

SISTER LARRAINE: That's a difficult
question to answer and this is probably where somebody
would say this is vague. The burden of proof, and
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this is backed up in USDA regulations for farm-worker
housing and in HUD, regulations for public housing,
the burden of proof is not on the leasor, or the
developer, or the owner. The burden of proof --
there's a burden of collection of documentation, the
burden of proof. It's just as the burden of proof is
not truly on the employers to hire all of these people
and this is why they're here. The burden of
collection is on those employers. You want to look at
issues of undocumented you need to shift that whole
discussion over to chicken or similar kind of
enterprises. The only burden we have is to collect
documentation. We're not responsible for whether
people are here legally or illegally.

MS. MASON: So you're saying the person
that employs them is responsible for checking them
out?

SISTER LARRAINE: No. Actually the U.S.
government is responsible for that when the employer
puts that Social Security Number or work permit number
on to documents and files taxes and such. The burden
of proof is on the U.S. government.

MR. DYSINGER: Sister, do I understand you
to say that you're not only -- the burden of proof is
not on your organization. You're prohibited by
Kentucky state law, are you not?

SISTER LARRAINE: Yes. Burden of proof really can't be on us.

MR. DYSINGER: You're prohibited by law from inquiring as to status?

SISTER LARRAINE: From making an issue of that. If we were built under certain USDA projects funded, then there's a congressional mandate to do that. Even then the burden of proof is on collection. The U.S. government wants to step in and inspect that.

MR. DYSINGER: I guess just to follow up on my question. For me in your situation, Sister, it's not so much whose responsibility is it. I think it's more important for these proceedings that you're prohibited by law from doing it?

SISTER LARRAINE: Yes.

MR. DYSINGER: I think that's the important aspect.

SISTER LARRAINE: I think we also have the presumption and perhaps the fear and the presumption that if people's documents did prove to be unverifiable, then there will be an immediate implication that those people were of danger to the neighborhood.

MR. DYSINGER: Again, I don't think that's
neither here nor there.

SISTER LARRAINE: The concern of document
versus undocumented I think that's a discussion for
employers.

CHAIRMAN: I think we've faced this
further enough now. Let's proceed on.

Next you got anything else you want to
add?

MR. MEYER: I do want to say a couple of
things.

I didn't mean to be presumptuous in
anything that I said. I asked the pointed questions
based upon the information that was provided. I did
not attend the prior meeting, but the information was
supplied to me by those that did.

I do have one question and that is:
Sister, will you be receiving support from the
Kentucky Housing Corporation under the Section 8
Housing laws?

SISTER LARRAINE: No.

MR. MEYER: I think the concerns – –
SISTER LARRAINE: Maybe I better clarify.

Are you asking do our applicants have to go through
Section 8?

MR. MEYER: Yes.
SISTER LARRAINE: No. It's not Section 8 enterprise.

MR. MEYER: I posed several questions to the board. I don't really at this point feel that any of those questions have been talked about but answered to a specific, yes, here a policies and procedures manual. It's not going to help us guide through -- you can't predict everything. There's can't be a manual for everything, but there has to be some guidelines to something. I haven't heard that. She mentioned that someone was in training. I would like to pose who was training the live-in mentor and who was providing that training and what were they going through. She did represent that fact.

I do have Nita Kincaid who is a neighbor in the J.Z. Moore district that did attend the meeting and would like to address the board.

CHAIRMAN: Come forward and state your name, please.

MS. KINCAID: Nita Kincaid.

(MS. NITA KINCAID SWORN BY ATTORNEY.)

MS. KINCAID: Sister Larraine mentioned the article in the newspaper which I have right here. I would like to say that I was at that meeting and that those people that are here tonight that was at
that meeting would you please raise your hand?

(AUDIENCE COMPLIES WITH REQUEST.)

MS. KINCAID: The person that authored

this article was not at the meeting so she didn't

interview me. She didn't interview any of the other

neighbors. When I read this article Sunday evening,

it came out on Saturday, March 27th, I was kind of

surprised by the tone of the article.

These are my notes from the meeting. I

read them and I've got the questions here if you all

would like to see them. I have a copy. I read every

question. I made notes. Most of the questions were

not answered. Would you like a copy of the questions?

CHAIRMAN: You wish to submit them to the

board?

MS. KINCAID: It was at that time after

the meeting when the questions weren't specifically

answered. That's when we were a little bit concerned

because most of the statements were very vague.

We asked: What is your mission statement?

What is your vision statement? And especially the

first question because it said in the project proposal

that the project will enhance the property values in

the surrounding neighborhood. I asked her

specifically that evening, a week ago, how is that
going to happen? I didn't hear an answer. That's why we're here tonight. That's why we have representation because we didn't get our questions answered last week.

SISTER LARRAINE: Can I respond?

CHAIRMAN: Yes, ma'am.

SISTER LARRAINE: I am not sure when I quoted the article earlier tonight "The questions were not specifically answered," and I will say again at the meeting I asked, "Are there any more questions?" and there were no more questions.

The question was asked about mission and vision. As everyone around me can attest to their whatever, I can roll out the mission and vision statement of MISAS at the drop of a hat and I did so that night.

Again, there seems to be a presumption that we would be up to something that is intentionally detrimental to society. I do remember at length the question was asked about enhancing property values. I answered it repeatedly and I don't know what other answer to give than to say when you put $50,000 into a home that is appraised at 102,500 I believe, somewhere in there, you're enhancing property values. Especially when you pump most of that into exterior.
It's an enhancement of the neighborhood. The house looks better. If I lived next door, I'd be happy to see that happen. My property values would be enhanced because part of property values, at least in public perception and when houses are up for sale, have to do with exterior appearance of the neighborhood. If by the same token if the house is not rehabilitated, and I doubt it will be sold to a private homeowner who will rehabilitate it, but if it were not rehabilitated or if it's rehabilitated for less, it will not enhance the neighborhood for the same degree. I don't know how to say that more clearly.

CHAIRMAN: Thank you.

Any other questions over there?

State your name for the record.

MR. WILLIAMS: Ron Williams.

(MR. RON WILLIAMS SWORN BY ATTORNEY.)

MR. WILLIAMS: I guess I'm just a little lost here. I guess for the last few years I'm constantly reading the papers where, you know, the city, the community would like to see investments in older property. Would like to see older areas rehabed to increase tax rolls. I know I constantly see where we talk about doing stuff downtown. Possibly putting in condos and so forth.
When you look at the J.Z. Moore history, you're talking about an area that not that many years ago really that there were no property values there. A lot of people put a lot of money there. I probably have added in excess of 150,000 to my property. I'm sitting here scratching my head thinking I can't believe that there's a person on this board that can say, gee, if I could get a migrant house next to me or a boarding house, migrant or not, it doesn't matter, that this would somehow increase my property. I know Mr. Pedley here is a developer. I got to believe that he'd just about have a cow if I asked him about buying property in his subdivision so I can build me a training center and have six or seven students. I don't believe that any of the people that would potentially buy in that subdivision would be real excited about that. I don't think it would increase the value of any of the property in Mr. Pedley's developments. I don't believe that a boarding house would increase the property of anybody's house.

I heard this lady constantly telling me about migrant farmers and I heard her make, I think I've heard her make reference for chickens a minute ago. I'm sure we can find some farm property
somewhere and they can work on the farm if it's such a
great development or maybe Tyson or somebody would
like to build. I don't know. I do have a problem --
I don't have a problem because of their nationality.
That's irrelevant to me. I think they have every
right to be here, but I would think that -- I don't
want to presume to know the responsibility of this
board. I would think one of the responsibilities
would be to protect people. Not necessarily in a
safety manner, but in a value manner. I've invested a
lot of money in my property. If I could had known
five years ago or three years ago that, hey, look,
property value means nothing, hell, I'd stopped a long
time ago. I haven't worked and invested and worked
and invested just to watch my value go down.

Now, she's saying that they're going to do
some work on this property and it will increase the
value. I'm not going to argue that point. I think
any time you do work on property it helps it. It
makes the area more attractive. I won't argue that,
but I will tell you this much: I just had a couple
from Atlanta, Georgia in over the weekend that looked
at my home. Very interested in my home until they
read the newspaper article. They're not really
interested. That's all I can say. I don't have to
guess whether they're going to want my property. I
got to see it this weekend. I was contacted from the
people in Atlanta, Georgia. They said, look, great
house, but we're not sure about that. I don't see
that it's going to help us. They felt like I misled
them as far as I told them that this was an area that
was developing. That was being transported from
multi-dwellings to single-dwellings. Then they see
the paper and read that, gee, fixing to have a tenant
house there in the area. That didn't sit well.

I don't want to see this turn into an
ethnicity issue because to me it's not. It's about
property value. I can't believe that when you put a
boarding house in an area that's trying, not only is
trying but has dramatically increased their property
values.

Ten years ago my home was purchased for
35,000. I have a written appraisal at 215 now and
there's other homes. Ten years ago you could have
bought any house in there just about in the low 20s
and low 30s. Now these homes are at 100, 150. Some
at 200. This is because people like myself fall into
a lot of what the city has been saying. That they
want to see these areas developed. They want to see
tax rolls increased. They want to see them brought
I won't necessarily say really a tourist attraction, but there are a lot of people that do enjoy coming into older cities. I know myself I enjoy going to Henderson. I enjoy going to Evansville and seeing some of the beautiful areas they have there. I believe think we could have that eventually. That's one of the reasons I've done the work I've done in my area. I just hate to see it, I hate to see boards not at least consider that. I think I have a right to ask my value of my property to be protected.

Sister can say anything she wants to say, but you're not going to convince me that a single person sitting out here that wants a tenant house right across the street from them. They can sit there and say, I think it's going to really increase the value of my home because it's not. I can assure you of that. Thank you.

SISTER LARRAINE: May I respond?

CHAIRMAN: Yes, ma'am.

SISTER LARRAINE: First of all I'm interested to knowing, Mr. Williams, exactly where your house is?

MR. WILLIAMS: On St. Ann Street.

SISTER LARRAINE: Where on St. Ann?
MR. WILLIAMS: 1215.

SISTER LARRAINE: This is 1125 Allen.

MR. WILLIAMS: So you're talking probably 120 feet, 150 feet, somewhere in that area.

SISTER LARRAINE: Secondly, this house is next door to a house that I believe from the kind of entrances it looks like there are three separate dwellings within the house.

MR. WILLIAMS: There is two or three.

SISTER LARRAINE: It's two or three. It is in increasing disrepair and I understand that it's been the subject of at least one drug raid. I only make this point to say that --

MR. WILLIAMS: Ron Williams.

You are correct. The house next door to it is a multi-family dwelling. Whether there's two or three, I don't know. I will still say that a multi-dwelling is not a tenant house. That's not a migrant workers house. It's not a farm house.

SISTER LARRAINE: We have not used the word tenant house first of all. Tenant house in my mind refers to a house that is rented or that is allotted to a farm worker on a farm.

MR. WILLIAMS: I think I've heard you say farmers work about a dozen times since I've been in Ohio Valley Reporting

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SISTER LARRAINE: Right, farm worker, but a tenant house is like a single-family dwelling for one thing. It's my understanding that of the 18 houses between the railroad tracks and Parrish Avenue, 12 are Section 8 with absentee landowners. Maybe that's no longer true, but it's --

MR. WILLIAMS: I don't have information to agree or not agree with that.

SISTER LARRAINE: And I'm not saying that --

CHAIRMAN: Sister, make the comments to the chair.

SISTER LARRAINE: I'm not saying that it's a degradation. I'm just saying that I understand the concerns of the neighbors to want to be aware of what happens to their property and the impact on their property. I don't think that there is any justification, legal justification for excluding one kind of program over another or a program versus multi-family dwelling in the same neighborhood. I'm sure there are more than one multi-family dwellings in the neighborhood. I'm sure there's more than one house that houses seven or more people. That being said, why I can understand that people have fears, we
can only give our personal, and I say our for the board as well, the MISAS board, our personal assurance that what we've said is what we've done and that this will be a well kept program just as the last program in that building was.

MR. DYSINGER: Can I ask a question?

CHAIRMAN: Yes.

MR. DYSINGER: Sister, the house that you're speaking of, the two to three families that you characterized as being in disrepair, where is that in relation to the home that you --

SISTER LARRAINE: Right next door.

MR. DYSINGER: And where is that in relation to your home, sir?

MR. WILLIAMS: Same distance.

MR. DYSINGER: Would you characterize the house as being in disrepair?

MR. WILLIAMS: No. No, I would not. It is a house like a lot of houses. If it was mine, would I do a few things to it? Yes. The only thing I know of in disrepair is it did have a stone retaining wall out front. That wall is coming down. It's my understanding they're going to put another one up. But as far as disrepair, that is the only thing I know of on that home.
I would say that she is correct that there are some multi-family dwelling properties in there. What number that is, I really don't know. I do know that in a ten year period that number has been reduced significantly. Many of those homes I think once they are sold do not go back to multi-dwelling from single-dwelling. I do know the number of rental homes have been decreasing, but I would also say that I would still argue the point that there is still a very big difference between say a home that has two apartments in it versus whichever term she'd like to use for her home, a migrant farmer workhouse or learning, whatever you want to call it, six males in it and a tutor. I feel like there's a big difference.

CHAIRMAN: Thank you.

Anyone else over there have anything else? Step forward and state your name, please.

MR. ELLIOTT: State your name, please.

MS. CONNOR: Kristine Connor.

(MS. KRISTINE CONNOR SWORN BY ATTORNEY.)

MS. CONNOR: The property that Sister is talking about is 1129 Allen. I live at 1201 which is next door to it. It has two units. One unit is slightly smaller than the other one. It is I believe owned by Lanham, Steve Lanham and I think his mother.
I'm not sure what her name is.

MR. WILLIAMS: Steve Lambert.

MS. CONNOR: Lambert, excuse me.

Whenever there is a problem she -- over the two years I've lived there the only problems we've had so far is from one family that's currently living there. They have teenage sons. When there is a problem we promptly call the police. I also have their phone numbers. I do call the landlady and tell her. There is a problem with your tenant. You know, the people that lived there before them were quiet. Never had any problems.

As far as Sister's assumption that all the properties are all tenants, you know, landlord owned, I do know Kimberly Miller owns 1206 Allen and she's a very nice lady. I met her. Talked with her. Voiced the concerns that I had. There was a lady that was living there. She left or was evicted. There's two families that live in there now. No problems at all. They try to improve the property, the people that lived downstairs. You know, really nice couple.

So the swing of the neighborhood is towards more family oriented units. The only one that -- Phoebe lives at the corner of Parrish. That's a privately owned. There's an apartment building next
to that. I'm not sure if it's Section 8 or not. The one next to that is for sale, vacant right now. The one next to that is Bob and Dawn's house. They've put a considerable lot of money over the years in rehabbing that. It's a beautiful house. The one next to that was just sold. John and Vickie Combs owned it. Now I think it's Mark and Sherry Hedges. They just moved in. Single-family home. Then it's my home. You know, the one directly across the street from me is 1202 Allen, single-family home. People are rehabbing it. It was a multi-family. It was vacant for three years. They rehabbed it. They are currently living in this property. They've put new doors, windows, you know, all kinds of improvements into it.

So the neighborhood definitely is evolving and changing into more of trying to take these homes and rehab them because they do have historical value in them.

Although I think the program is a good one, one of my concerns is is it going to be historic neighborhood or is it going to be other things too. I don't know how that's going to affect the property values. That's all I have to say.

CHAIRMAN: Thank you.

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Anyone else have anything else?

MR. MEYER:  J.D. Meyer.

One final thing. In my initial presentation, I did ask the board to hold rendering a decision on this matter until some more information could be provided. Again, as I mentioned earlier, I don't know that all the questions that I had were specifically answered, but in the event that the board decides to go ahead tonight and approve the motion or vote on the conditional use permit, I would ask that you place as a condition to the approval some type of requirement that MISAS report back to the board within three months of its progress and what its done and some of the policies and procedures and other points that we brought out tonight. Again, that's plan B as an alternative that I pose for the board as well.

Thank you.

MR. NOFFSINGER: You want to make sure that we properly enter into the record as Exhibit B this La Academia A MISAS Project, Project Description, Program Design, Points of Consideration. Enter that into the record without reading. The date on that, the only date I have at the bottom of the pages is April 1st of '04 at 12:41 p.m. So that would be the time in which this was faxed. For descriptive
purposes only. Just make sure the applicant agrees to enter that into the record without reading.

SISTER LARRAINE: I agree to that; however, I didn't fax this. I don't think the date is relevant.

MR. NOFFSINGER: Only as a descriptor so that we know that that's what we're entering into the record. That's the only thing.

SISTER LARRAINE: Again, this is not part of the application. I have no problem with this being on the record.

MR. NOFFSINGER: You may not wish to submit it as a part of the application, but it is a part of the record and it will be made a part of what this board will be acting on tonight without reading Exhibit B.

CHAIRMAN: Sister, let me ask you one question and you can answer it however you desire. Do you feel meeting with the people in that area one more time to work things out a little better for you and them before we decide we need to vote or not would be beneficial?

SISTER LARRAINE: One of the last things I said at the meeting was --

CHAIRMAN: Well, some of them weren't
there. I'm just asking you: Would that work out?

SISTER LARRAINE: It would. One of the last things I said at the meeting was that we would invite those who were interested in being in the neighborhood advisory counsel for the project. I have not had a call. I also made it clear, I think this has been over and over characterized as being vague about what the program was. The program was a development and that that was a transparent process and an advisory counsel could be part of that.

So I think the next step would be for persons who are interested in that call me. Gave out cards and made that invitation.

CHAIRMAN: Be sure I understand what you're saying. You're saying you think it might be good to postpone it and meet again with them or not?

SISTER LARRAINE: I really would prefer it not be postponed obviously. I think we gave a full accepted application. We are once again trying to move something forward on a timely manner. I don't think that there is any kind of legal justification for denying it. I'm happy. I hereby make the invitation again for anyone to not only to meet with us, but also to serve as a member on a neighborhood advisory counsel.

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CHAIRMAN: Thank you.

With that we're going to recess for about 15 minutes to talk with our attorney to be sure everything is correct where we need to go.

- - - - (OFF THE RECORD) - - - -

CHAIRMAN: Call the meeting to order.

Does any other member on the board have any other questions or comments?

(NO RESPONSE)

CHAIRMAN: I think we have discussed this for and against from both the people out front expressing their interest at this time. With that we'll proceed and entertain a motion from the board one way or the other at this time.

MR. DYSINGER: Mr. Chairman, I move that we grant the conditional use permit given the findings based on the information presented tonight and the application and Exhibits A and B. That it will not negatively impact the neighborhood and it is not contrary to the master plan.

CHAIRMAN: You've heard the motion. Is there a second?

MR. WARREN: Second.

CHAIRMAN: Is there any other discussion, comments from the board or the staff?
MR. NOFFSINGER: No, sir.

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries.

Any other item?

MR. WARREN: Motion to adjourn.

MS. MASON: Second.

CHAIRMAN: All in favor raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: We are adjourned.

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STATE OF KENTUCKY)  
County of Daviess)  

I, LYNETTE 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 61 typewritten pages; and that no signature  
was requested to the foregoing transcript.  

WITNESS my hand and notarial seal on this  
the 25th day of April, 2004.  

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

COMMISSION EXPIRES:  
DECEMBER 19, 2002  

COUNTY OF RESIDENCE:  
DAVIESS COUNTY, KENTUCKY  

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