The Owensboro Metropolitan Planning Commission met in regular session at 5:30 p.m. on Thursday, March 8, 2018, at City Hall, Commission Chambers, Owensboro, Kentucky, and the proceedings were as follows:

MEMBERS PRESENT: Larry Boswell, Chairman
Larry Moore, Vice Chairman
Lewis Jean, Secretary
Brian Howard, Director
Terra Knight, Attorney
Beverly McEnroe
Manuel Ball
Fred Reeves
John Kazlauskas

CHAIRMAN: I would like to welcome everyone to our March 8, 2018 Planning Commission meeting. We always start our meetings with a prayer and the pledge and your chair will lead that tonight. Please stand with me to pray.

(INVOCATION AND PLEDGE OF ALLEGIANCE.)

CHAIRMAN: I would like to thank everyone for attending the meeting tonight. Just a few things to get out of the way.

If you wish to speak, please approach the podium and clearly state your name and be sworn in by our counsel. It's very important that the commission hears all the information that you have to present.

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tonight so we can have a good idea of making our
decisions.

Direct all your questions to the chair when
you approach the podium, especially if there's
multiple speakers. Direct all your questions and
answers to the chair. Please be respectful of other
whose may be speaking, and please stay on topic about
your comments and questions concerning the specific
item on the agenda.

Before we get started, all of the
commissioners I think should have had the minutes of
the last meeting. Hopefully have had a chance to look
through those. Are there any questions or changes or
discussions about the minutes of the meeting?

(NO RESPONSE)

CHAIRMAN: There being none, the Chair is
ready for a motion.

Mr. Moore.

MR. MOORE: Move to approve.

CHAIRMAN: Move to approve by Mr. Moore. Is
there a second?

MS. McENROE: Second.

CHAIRMAN: Second by Ms. McEnroe. Any
discussion or comment about the motion to approve and
the second?

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(NO RESPONSE)

CHAIRMAN:  There being none all those in favor raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN:  Motion carries.

MR. HOWARD:  I will note that the rezonings heard tonight will become final in 21 days after the meeting unless an appeal is filed. If an appeal is filed, we will forward the record of the meeting along with all appropriate materials to the legislative body for them to take final action.

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GENERAL BUSINESS

ZONING CHANGES

ITEM 3

1312, 1314, 1320 Breckenridge Street, 1323 Hathaway Street, 0.647 acres

Consider zoning change:  From R-4DT Inner City Residential to P-1 Professional/Service

Applicant:  Owensboro Medical Plaza, LLC

MS. KNIGHT:  Please state your name for the record.

MS. EVANS:  Melissa Evans.

(MELISSA EVANS SWORN BY ATTORNEY.)

PLANNING STAFF RECOMMENDATIONS

The Planning Staff recommends approval subject to the conditions and findings of fact that follow:

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CONDITIONS

1. Access to Breckenridge Street shall be limited to the existing single access point at 1200 Breckenridge Street only. No additional access to Breckenridge Street shall be permitted.

2. Access to Hathaway Street shall not exceed 40 percent of the total lot frontage on Hathaway Street.

3. Approval of an amended final development plan.

FINDINGS OF FACT

1. Staff recommends approval because the proposal is in compliance with the community’s adopted Comprehensive Plan;

2. The subject properties are partially located in a Central Residential Plan Area, where professional/service uses are appropriate in limited locations and partially located in a Business Plan Area, where professional/service uses are appropriate in limited locations;

3. The proposed use will be nonresidential in nature;

4. The proposed P-1 zoning is a logical expansion of the existing P-1 zoning to the immediate north; and

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With access limited to a single access point to Breckenridge Street, the proposal should not overburden the capacity of roadways and other necessary urban services that are available in the affected area.

MS. EVANS: We would like to enter the Staff Report into the record as Exhibit A.

CHAIRMAN: Thank you, Melissa.

Is there anyone here representing the applicant?

APPLICANT REP: Yes.

CHAIRMAN: Would you like to say any words concerning the application?

APPLICANT REP: No. I'm just here to answer any questions.

CHAIRMAN: Thank you.

Do any of the commissioner have any questions concerning this application?

CHAIRMAN: Yes, Mr. Reeves.

MR. REEVES: Will the owner of this property be the Owensboro Health Systems or is it owned by another entity?

CHAIRMAN: Please approach the podium so we can hear what you're saying.

MS. KNIGHT: Sir, if you could state your name.
please for the record.

MR. SANGOI: Nilesh Sangoi.

(NILESH SANGOI SWORN BY ATTORNEY.)

MR. SANGOI: This is not owned by the hospital. Does that answer your question?

MR. REEVES: Is it going to owned by a profit entity?

MR. SANGOI: Yes.

MR. REEVES: So it will stay on the tax rolls?

MR. SANGOI: Yes.

CHAIRMAN: Any other questions from the commissioners?

(NO RESPONSE)

CHAIRMAN: Is there anyone in the audience that would have any questions concerning this application?

(NO RESPONSE)

CHAIRMAN: There being none the Chair is ready for a motion.

Mr. Ball.

MR. BALL: I would like to make a motion to approve based on Planning Staff Recommendations, Conditions 1 through 3, and Findings of Fact 1 through 5.

CHAIRMAN: A motion has been made by Mr. Ball
for approval based on the Recommendations, Conditions 1 through 3, and Findings of fact 1 through 5. Is there a second to that?

MR. KAZLAUSKAS: Second.

CHAIRMAN: Second by Mr. Kazlauskas. Any discussion about the motion or the second?

(NO RESPONSE)

CHAIRMAN: There being none all those in favor raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries.

ITEM 4

1014 East Parrish Avenue, 0.106 acres
Consider zoning change: From R-4DT Inner City Residential to P-1 Professional/Service
Applicant: Owensboro Medical Plaza, LLC

PLANNING STAFF RECOMMENDATIONS

The Planning Staff recommends approval subject to the conditions and findings of fact that follow:

CONDITIONS

1. No access to East Parrish Avenue shall be permitted.

2. Access to Breckenridge Street shall be limited to the existing single access point at 1200 Breckenridge Street only. No additional access to Breckenridge Street shall be permitted.

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3. Access to Hathaway Street shall not exceed 40 percent of the total lot frontage on Hathaway Street.

4. Approval of an amended final development plan.

FINDINGS OF FACT

1. Staff recommends approval because the proposal is in compliance with the community’s adopted Comprehensive Plan;

2. The subject property is located in a Professional/Service Plan Area, where professional/service uses are appropriate in general locations;

3. The proposed use as a medical office will be nonresidential in nature;

4. The proposed P-1 zoning is a logical expansion of the existing P-1 zoning surrounding the subject property; and

5. With access limited to a single access point on Breckenridge Street, the proposal should not overburden the capacity of roadways and other necessary urban services that are available in the affected area.

MS. EVANS: We would like to enter the Staff Report into the record as Exhibit B.
CHAIRMAN: Thank you, Melissa.

Would the applicant like to say anything concerning this application?

APPLICANT REP: No.

CHAIRMAN: Thank you.

Any commissioners have any questions concerning this application?

(NO RESPONSE)

CHAIRMAN: Anyone in the audience that would have any questions concerning this application?

(NO RESPONSE)

CHAIRMAN: There being none the Chair is ready for a motion.

Mr. Jean.

MR. JEAN: I make a motion that we approve this application bases on the Staff Report with Conditions 1 through 4 and Findings of Fact 1 through 5.

CHAIRMAN: A motion has been made by Mr. Jean for approval based on Conditions 1 through 4 and Findings of Fact 1 through 5. Is there a second?

MS. McENROE: Second.

CHAIRMAN: Second by Ms. McEnroe. Any discussion or questions about the motion and the second?
CHAIRMAN: There being none the Chair is ready for a vote. All those in favor raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries.

ITEM 5

2065 East Parrish Avenue, 3.147 acres

Consider zoning change: From A-U Urban Agriculture to B-4 General Business

Applicant: SYF Properties, LLC c/o Kent Johnson; Edward Welsh

PLANNING STAFF RECOMMENDATIONS

The Planning Staff recommends approval subject to the conditions and findings of fact that follow:

CONDITIONS

1. Access shall be limited to a full access point in alignment with the existing access at 2050 East Parrish Avenue, identified as Site Access Number 1 in the Traffic Impact Study;

2. Access in alignment with Leitchfield Road, identified as Site Access Number 2 in the Traffic Impact Study, shall be limited to right-in right-out only;

3. No additional access to East Parrish Avenue shall be permitted;

4. Internal connectivity shall be provided for the connection of the subject property to the Ohio Valley Reporting

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property to the east at 2127 East Parrish Avenue; and,

5. Approval of a final development plan.

FINDINGS OF FACT

1. Staff recommends approval because the proposal is in compliance with the community’s adopted Comprehensive Plan;

2. The subject property is located in an Industrial Plan Area where general business uses are appropriate in very limited locations;

3. The proposed use as a strip mall conforms to the criteria for nonresidential development;

4. The proposed B-4 zoning is a logical expansion of existing B-4 zoning to the east; and

5. With access limited to the proposed point in alignment with the access at 2050 East Parrish Avenue and a right-in right-out only access in alignment the Leitchfield Road, along with internal connection between the subject property and 2127 East Parrish Avenue, the expansion should not overburden the capacity of roadways and other necessary urban services that are available in the affected area.

MS. EVANS: We would like to enter the Staff Report into the record as Exhibit C.

CHAIRMAN: Thank you, Melissa.

Is there anyone here representing the Ohio Valley Reporting

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APPLICANT REP: Yes.

CHAIRMAN: Would you like to say anything on it behalf?

APPLICANT REP: I don't have anything to say. Just here to answer questions, if you have any.

CHAIRMAN: Thank you.

Any commissioners have any questions for the applicant concerning this application?

Yes, Mr. Reeves.

MR. REEVES: It's probably more for Staff or maybe for Mr. Howard than anybody else.

I know this is a highly congested area to start with. Is the only control we have over right-in and right-out just simply signage and markings on the streets?

MR. HOWARD: They will have to apply through the Kentucky Transportation Cabinet for Encroachment Permit to put their access points in. They will have to review those and approve the design of that right-in and right-out; basically through the approval process of the final development plan or whatever that will be.

MR. REEVES: Thank you.

CHAIRMAN: Thank you, Mr. Reeves.
Any other commissioners have any questions concerning this application?

(NO RESPONSE)

CHAIRMAN: Anyone in the audience have any questions concerning this application?

(NO RESPONSE)

CHAIRMAN: There being none the Chair is ready for a motion.

Mr. Kazlauskas.

MR. KAZLAUSKAS: Motion for approval based on Planning Staff Recommendations, Conditions 1 through 5, and Findings of Fact 1 through 5.

CHAIRMAN: A motion has been made by Mr. Kazlauskas for approval based on Conditions 1 through 5 and Findings of Fact 1 through 5. Is there a second?

MR. MOORE: Second.

CHAIRMAN: Second by Mr. Moore. Any question or discussion about the motion or the second?

(NO RESPONSE)

CHAIRMAN: There being none the Chair is ready for a vote. All those in favor raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries.
1 1937 Leitchfield Road, 2060 East Parrish Avenue,
2 2.237 acres
3 Consider zoning change: From A-U Urban Agriculture &
4 P-1 Professional/Service to B-4 General Business
5 Applicant: Southern Indiana Tire; Buskill Properties
6 & Edward Welsh
7
8 PLANNING STAFF RECOMMENDATIONS
9 The Planning Staff recommends approval subject
10 to the conditions and findings of fact that follow:
11 CONDITIONS
12 1. Access to East Parrish Avenue shall be
13 limited to existing shared ingress/egress easement
14 along the western edge of 2060 East Parrish Avenue.
15 No additional access to East Parrish Avenue shall be
16 permitted;
17 2. Access to Leitchfield Road shall be in
18 compliance with the access management manual; and,
19 3. Approval of a final development plan or
20 site plan.
21 FINDINGS OF FACT
22 1. Staff recommends approval because the
23 proposal is in compliance with the community’s adopted
24 Comprehensive Plan;
25 2. The subject property is located in an
26 Urban Residential Plan Area where general business
27 uses are appropriate in very limited locations;
28 3. The proposed use as a tire store conforms
to the criteria for nonresidential development;

4. At 2.237 acres, the proposed B-4 zoning meets the criteria for an expansion across an intervening street of the proposed B-4 zoning across East Parrish Avenue; and

5. With access limited to the shared ingress/egress easement along East Parrish Avenue the expansion should not overburden the capacity of roadways and other necessary urban services that are available in the affected area.

MS. EVANS: We would like to enter the Staff Report into the record as Exhibit D.

CHAIRMAN: Thank you, Melissa.

Is anyone here representing the applicant?

MR. KAMUF: Charles Kamuf. I represent the applicant.

I would like to read into an agreement, as far as screening, that the applicant has with Dr. Block who owns the adjoining property. I promised him I would read this into the record. Okay?

CHAIRMAN: Okay.

"Dr. Block, owner of SPM Properties, LLC and Scott Thomas, Representative of Southern Indiana Tire met this morning and agreed to the following screening requirements.

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"For the boundary line of his property located at 2050 East Parrish Avenue and the property to be rezoned at 2060 East Parrish Avenue and property at 1937 Leitchfield Road. Southern Indiana Tire agrees to screen the property line between the property located the 2050 East Parrish Avenue and the property at 2060 East Parrish Avenue and the property located at 1937 Leitchfield Road as follows:

1. Dr. Block prefers to have the boundary line between the properties referred to above to remain in the natural state as it is at the present time. However, Dr. Block reserves the right to request and to require Southern Indiana Tire to screen the boundary line between the properties. If requested by Dr. Block, this reservation requires Southern Indiana Tire to construct a 6-foot tall to an 8-foot tall row of Evergreen trees along the rear 50 percent of his lot, which is located near Leitchfield Road. This reservation expires 12 months from March 8, 2018."

I promised Dr. Block I would read that into the record. You know, pursuant to the ordinance we don't have to do any screening, but we want to be a good neighbors. We promised Dr. Block we would do that.

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I have representatives from Southern Indiana Tire here that will any questions along with the engineer.

MS. KNIGHT: Mr. Kamuf, just for the record, your client does agree to those conditions?

MR. KAMUF: Right. My client is here. Here's a representative if you would like for that to be in the record.

MS. KNIGHT: I think your agreement is sufficient.

MR. KAMUF: I hope so.

CHAIRMAN: Thank you, Ms. Knight. That was also one of my questions. I'm glad she clarified that.

MR. KAMUF: Right.

CHAIRMAN: Is there any questions from the commissioners for the applicant?

Yes, Mr. Kazlauskas.

MR. KAZLAUSKAS: Mr. Kamuf, only for 12 months?

MR. KAMUF: That's it. That was his request.

MR. KAZLAUSKAS: Then it's null and void?

MR. KAMUF: That's right. If I had been him, I'd probably ask for a little longer time, but that's what he said. Just between you and I, it probably won't be constructed in that period of time. We don't
know. He agreed to it. That was pursuant to his request.

CHAIRMAN: Mr. Kamuf, this may be a question for Planning and Zoning, and it may be a little bit premature. I know there's a tremendous amount of traffic in that area at certain times of the day.

If in fact this is rezoned and if in fact they proceed with building what they have anticipated to build, do we have any sense of the orientation of where that building would be?

MR. KAMUF: Yes. I have copies for you all. Let me show you this.

CHAIRMAN: My major concern is the orientation to the amount of traffic.

MR. KAMUF: Sure. There is a shared access point that's been there and it's on a recorded plat record at the courthouse. This access point is directly across, it should be an access point from the Welsh property that you all just approved. This is a shared access that comes in this way that going directly to the property. So it's already set. It's already concrete, the shared access from Highway 54.

CHAIRMAN: The orientation of the building would be such that that would be where the traffic would be ingress/egress.
MR. KAMUF: Correct. And of course they'll have access, this property also backs up to Leitchfield Road. And you'll know that by the development plan that will be filed, showing where all the access points are. The access point on 54 is established.

CHAIRMAN: Thank you. That answers my question.

Any other commissioners have any questions concerning the applicant?

(NO RESPONSE)

CHAIRMAN: Anyone in the audience have a question concerning this application?

(NO RESPONSE)

CHAIRMAN: There being none the Chair is ready for a motion.

Mr. Reeves.

MR. REEVES: Mr. Chairman, move to approve this based on Staff Recommendation with Conditions 1 through 3 and Findings of Fact 1 through 5.

MS. KNIGHT: Mr. Reeves, I would also suggest adding to the motion the conditions that were stated.

MR. REEVES: Yes. Add the condition pursuant to what Dr. Block has requested of the applicant.

MS. KNIGHT: As read into the record by the Ohio Valley Reporting

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applicant's attorney, Mr. Kamuf.

MR. REEVES: That's correct.

MR. KAMUF: Thank you.

CHAIRMAN: Thank you, Mr. Reeves.

Mr. Reeves made a motion to approve based on Conditions 1 through 3, and Findings of Fact 1 through 5, with the additional condition concerning the information that counsel had just read with the agreement of Mr. Block, Dr. Block. Any discussion about the motion?

(NO RESPONSE)

CHAIRMAN: Is there a second?

MR. JEAN: Second.

CHAIRMAN: Second by Mr. Jean. Any discussion about the motion or the second?

(NO RESPONSE)

CHAIRMAN: There being none the Chair is ready for a vote. All those in favor raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries.

ITEM 7

7650 Highway 81, 10.593 acres

Consider zoning change: From I-1 Light Industrial to A-U Urban Agriculture

Applicant: Russell E. Coomes

PLANNING STAFF RECOMMENDATIONS

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The Planning Staff recommends approval subject to the findings of fact that follow:

FINDINGS OF FACT

1. Staff recommends approval because the proposed A-U Urban Agriculture zoning is more appropriate than the current I-1 Light Industrial zone;

2. The subject property has been used as a residence for nearly 60 years;

3. The A-U zoning is an expansion of residential and agriculture use to the north, south and east; and,

4. The proposed zoning change will bring the property use that has existed on the site since 1958 into conformance with the zoning ordinance.

MS. EVANS: We would like to enter the Staff Report into the record as Exhibit E.

CHAIRMAN: Thank you, Melissa.

Is there anyone here representing the applicant?

(NO RESPONSE)

CHAIRMAN: Is there anyone in the audience that would like to make a comment about the application?

(NO RESPONSE)
CHAIRMAN: Any commissioners have any questions concerning this application?

(NO RESPONSE)

CHAIRMAN: There being none the Chair is ready for a motion.

Mr. Ball.

MR. BALL: Make a motion to approve based on Planning Staff Recommendations and Findings of Fact 1 through 4.

CHAIRMAN: Thank you, Mr. Ball.

A motion has been made for approval based on Planning Staff Recommendations and Findings of Fact 1 through 4. Is there a second?

MR. MOORE: Second.

CHAIRMAN: Second by Mr. Moore. Any discussion about the motion or the second?

(NO RESPONSE)

CHAIRMAN: There being none the Chair is ready for a vote. All those in favor raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries.

MAJOR SUBDIVISION PRELIMINARY PLAT

ITEM 8

The Summit, 19.380 acres

Consider approval of a major subdivision preliminary plat

Applicant: Summit ET Partners, LLC

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MR. HOWARD: This plat has been reviewed by the Planning Staff and Engineering Staff and it's found to be order. It's consistent with the requirements of the zoning ordinance and subdivision regulations. It's basically a continuation of the Summit development and it's ready for your consideration for approval.

CHAIRMAN: Thank you, Mr. Howard. Is there anyone here representing the applicant?

APPLICANT REP: Yes.

CHAIRMAN: Would you like to speak on its behalf?

APPLICANT REP: No.

CHAIRMAN: Thank you. Do any of the commissioners have any questions concerning this application?

(NO RESPONSE)

CHAIRMAN: Is anyone left in the audience that would have any questions concerning this application?

(NO RESPONSE)

CHAIRMAN: There being none the chair is ready for a vote.

Mr. Moore.

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MR. MOORE: Mr. Chairman, move for approval.

CHAIRMAN: Motion been made by Mr. Moore for approval. Is there a second?

MS. McENROE: Second.

CHAIRMAN: Second by Ms. McEnroe. Any discussions about the motion for approval or the second?

(NO RESPONSE)

CHAIRMAN: There being none all those in favor raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries.

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NEW BUSINESS

ITEM 9

Consider approval of January 2018 financial statements

CHAIRMAN: You have before you also tonight the financial statement, the January 18, 2018 financial statement.

The Chair is presuming that the commissioners have had a chance to look through all the data and information. Is there any questions concerning the financial statements?

(NO RESPONSE)

CHAIRMAN: There being none the chair is ready
for a vote.

MR. REEVES: Motion to approve the financial statement.

CHAIRMAN: Motion to approve the financial statement by Mr. Reeves. Is there a second?

MS. McENROE: Second.

CHAIRMAN: Second by Ms. McEnroe. All those in favor raise right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries.

ITEM 10

Comments by the Chairman

CHAIRMAN: The Chairman doesn't have any comments.

Just a couple of comments about the Planning magazine that all of the commissioners get. I don't know if you've had a chance to look through the February Planning magazine. It's a very good magazine. Has a lot of good information in it that's very useful to the commission, Planning and Zoning. I'll call your attention to couple of articles.

One on Page 36 about Regional Planning and one on 34 about the legalities of the Planning Commissions and some of the pertinent information that we must be able to capture during meetings. Would encourage you

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to read those if you have not already done so.
That's all the Chair has.

ITEM 11
Comments by the Planning Commissioners

CHAIRMAN: Any Planning Commissioners have any
comments?

Yes, Mr. Reeves.

MR. REEVES: Just a question for Mr. Howard.

When do you anticipate we get information
about the spring conference, as far as final dates and
agenda and so forth?

MR. HOWARD: Dates we know. It's May 9
through the 11th, I believe. I put in a request for
the topic sessions that have been submitted, but I
haven't gotten that yet. As soon as I do, I'll
certainly pass it along.

MR. REEVES: We're not in any rush to commit,
right?

MR. HOWARD: We've got plenty of time. They
haven't even started the registration process yet.
We've still got time.

MR. REEVES: Thank you.

CHAIRMAN: Thank you, Mr. Howard and
Mr. Reeves.

Any other commissioners have any questions or

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ITEM 12
Comments by the Director

CHAIRMAN: There being none are there any comments by the Director?

MR. HOWARD: I don't have anything tonight.

CHAIRMAN: No comments by the Director I guess the next important motion is motion for adjournment.

Mr. Jean.

MR. JEAN: Motion to adjourn.

CHAIRMAN: Motion been made to adjourn by Mr. Jean.

MR. MOORE: Second.

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: We were adjourned.

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STATE OF KENTUCKY )

)SS: REPORTER'S CERTIFICATE

COUNTY OF DAVIESS )

I, LYNETTE KOLLER FUCHS, Notary Public in and for the State of Kentucky at Large, do hereby certify that the foregoing Owensboro Metropolitan Planning Commission meeting was held at the time and place as stated in the caption to the foregoing proceedings; that each person commenting on issues under discussion were duly sworn before testifying; that the Board members present were as stated in the caption; that said proceedings were taken by me in stenotype and electronically recorded and was thereafter, by me, accurately and correctly transcribed into the foregoing 27 typewritten pages; and that no signature was requested to the foregoing transcript.

WITNESS my hand and notary seal on this the 30th day of March, 2018.

LYNETTE KOLLER FUCHS
NOTARY ID 524564
OHIO VALLEY REPORTING SERVICES
2200 E. PARRISH AVE, SUITE 106E
OWENSBORO, KENTUCKY 42303

COMMISSION EXPIRES: DECEMBER 16, 2018
COUNTY OF RESIDENCE: DAVIESS COUNTY, KENTUCKY

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