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OWENSBORO METROPOLITAN BOARD OF ADJUSTMENT

AUGUST 1, 2002

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

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

* * * * *

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

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

With that first item on our agenda is consider the minutes of the July 11th meeting.

1 They're on file in the office. I don't think there's
2 any corrections that need to be made on them. What's
3 the board's pleasure?

4 MR. WILLIAMS: Make a motion to approve.

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

7 MR. MILLER: Second.

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

10 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

11 CHAIRMAN: Motion carries unanimously.

12 Next item, please.

13

14 CONDITIONAL USE PERMITS

15 ITEM 2

16 1501, 1647 Creek Haven Loop, in an R-1C zone
(Map N-22) (POSTPONED)

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

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

19 Applicant: Creek Haven Development, Inc.

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

25 MR. PEDLEY: Mr. Chairman, I need to

1 disqualify myself.

2 CHAIRMAN: So noted for the record.

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

5 MR. WARREN: Second.

6 CHAIRMAN: All in favor raise your right
7 hand.

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

10 CHAIRMAN: Motion carries. Item is
11 postponed.

12 Next item, please, sir.

13 ITEM 3

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

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

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

CHAIRMAN: Thank you.

1 Would the applicant come forward and state
2 your name and tell us what your plans are and then
3 we'll listen to both sides.

4 SISTER LARRAINE: My name is Sister
5 Lorraine Lauter.

6 (SISTER LARRAINE LAUTER SWORN BY
7 ATTORNEY.)

8 SISTER LARRAINE: Our project is to work
9 in conjunction with local farmers and with local
10 migrant help agencies to work with housing concerns
11 for migrant housing. We were contacted by Kentucky
12 Housing Corporation in February and asked to consider
13 this as a project. So we formed MISAS, Incorporated
14 as a response to their request.

15 We have a generous grant from KHC to
16 address this. We are currently in the process of
17 hopefully acquiring some land.

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

1 for everyone concerned.

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

11 I think that sums up our project.

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

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

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

20 MR. NOFFSINGER: Northwest corner.

21 MR. ELLIOTT: State your name, please.

22 MR. WIMSATT: Bob Wimsatt.

23 (MR. BOB WIMSATT SWORN BY ATTORNEY.)

24 MR. WIMSATT: The reason I got up is I
25 just wanted to clarify Sister's answer.

1 We've talked about the fact that they
2 probably need about two or three acres on the front
3 part of this 35 acre piece of property for the
4 building and what their intended purpose is.

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

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

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

21 MR. WIMSATT: We haven't actually signed
22 the lease. We have a basic understanding. I'm
23 actually looking at doing this under a donation type
24 purpose. This is a good cause. Again, we haven't - -
25 Louis Johnson has been doing the legal work on a pro

1 bono basis for this group. He sees it as a good
2 project too. We'll work something out with Louis, but
3 we don't have the signed lease yet, Gary. Exactly how
4 we handle that, it will depend on how Louis or however
5 the attorneys advise us to handle it.

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

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

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

22 MR. ELLIOTT: Yes.

23 MR. NOFFSINGER: I think we need to be
24 considering and this board needs to know are we
25 considering a Conditional Use Permit for a 35 acre

1 tract or are we considering a Conditional Use Permit
2 for a 3 acre tract and then setting particular limits
3 on where this type of activity will occur. That's a
4 requirement on any Conditional Use Permit. Certainly
5 something the statutes of this board should be mindful
6 of and should consider if they wish to approve the
7 application.

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

25 MR. NOFFSINGER: Mr. Wimsatt, I wasn't

1 either and when we started talking about the lease and
2 I heard lease and that immediately registered. We're
3 not talking about a 35 acre parcel. We're talking
4 about a Conditional Use Permit that should be limited
5 and scoped to the actual lease area. If we're
6 speaking of a long-term lease, that kicks in the
7 statutory requirement that subdivision plat be
8 approved.

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

1 SISTER LARRAINE: We'll work with whatever
2 has to.

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

5 MR. NOFFSINGER: I'm not questioning that.
6 This board needs to know the scope of operation. If
7 it's 3 acre or 35 acre.

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

10 MR. WIMSATT: The scope operation is
11 primarily in that two to three acres in that corner,
12 but if the lease needs to cover the entire 35 acres,
13 we'll draw it up that way. There's not any proposal
14 at this time to have any other facilities to go
15 outside of that two or three acres up front. We'll
16 draw it up however we need to draw it up. Like I said
17 - -

18 MR. NOFFSINGER: I say that for your
19 benefit and for the benefit of the audience because if
20 we're talking about a three acre proposal, we're
21 talking about a much smaller proposal than we are a 35
22 acre proposal where you have room to full run to do
23 whatever with this program without coming back before
24 this board. If we're talking about a three acre site,
25 then you're limited in operations and scope to that

1 three acre site and what you're proposing here,
2 bunkhouse and parking area.

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

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

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

19 SISTER LARRAINE: If the lease is for the
20 35 acres with a clause that says we are limited in
21 construction to those three acres, - -

22 MR. ELLIOTT: I think the Conditional Use
23 Permit, if granted, could limit it to the - - there
24 has been a site plan submitted, hasn't there, that
25 designates this three acres?

1 MR. NOFFSINGER: No, sir.

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

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

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

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

24 Is that what you're talking about, Gary?

25 MR. NOFFSINGER: Yes, sir, and I'm also

1 getting into the lease. If it is a long-term lease,
2 the statutes require a division and that division of
3 property will have to occur. There would have to be a
4 plat approved to define that. If you set out three
5 acres, what three acres? We don't have any idea where
6 that three acres is at this point. It could be
7 limited in scope to three acres, but what three acres
8 would that be? You would have to have a survey
9 showing the lease area.

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

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

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

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

25 We kind of had this conversation with

1 Louis was, well, how do we handle this? How should we
2 do this? We're talking about two or three acres
3 primarily where their building is going to be, what
4 they're proposing to use. Louis had basically told us
5 the same thing you did, Stewart, that that could be
6 handled in lease language. Exactly how he does the
7 wording from the legal standpoint, I don't know. We
8 don't care, but that can be handled in the lease with
9 35 acres and kind of designate an area that they would
10 use and this Conditional Use Permit can be restricted
11 just as its drawn on this map. The lease will reflect
12 the same thing.

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

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

24 SISTER LARRAINE: Lease area could be
25 calling that a construction area?

1 CHAIRMAN: The intent is there, but the
2 clarification is not.

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

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

9 MR. ELLIOTT: Yes.

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

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

1 going to require for you as far as the grant is
2 concerned.

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

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

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

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

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

17 SISTER LARRAINE: Could you say that
18 again, please?

19 MR. WIMSATT: One of the things that I
20 think Sister had talked with the Staff about was
21 whether or not there was a need to have an architect
22 or engineer to have the exact numbers on all of this.
23 She was advised that it didn't necessarily have to be.
24 She meets all the requirements on here for how it has
25 to be turned in, the distance from property line.

1 SISTER LARRAINE: It was reviewed very
2 closely by Staff. Under the building - - we looked at
3 this piece of information as to where it says how many
4 feet from the north line, how many feet from the east
5 line.

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

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

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

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

18 MR. WIMSATT: That's obviously why I got
19 up. I wanted to make sure there wasn't a
20 misunderstanding on that, if somebody wants to hang
21 their hat on that. Sister has told you exactly the
22 same thing I have. The lease, we don't even have the
23 lease drawn up, but if you folks are telling us it has
24 to be for the 35 acre tract because that's the way we
25 turned it in, Louis Johnson has already told us

1 there's no problem with that. That's the way we'll
2 draw the lease up.

3 SISTER LARRAINE: The property owner has
4 agreed with that.

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

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

16 CHAIRMAN: Let me interrupt here.

17 Does any board member have any questions
18 of the applicant?

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

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

24 SISTER LARRAINE: Absolutely. That's why
25 we'll have a live-in administrator.

1 MR. PEDLEY: And will they be enforced?

2 SISTER LARRAINE: Yes.

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

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

8 CHAIRMAN: Do you want to add something?

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

11 (MS. GRETA PAYNE SWORN BY ATTORNEY.)

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

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

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

25 For health concerns as well as for

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

3 I work for the courts as an interpreter.
4 We have seen all the problems that comes with alcohol
5 and lack of understanding of our culture here. This
6 is our attempt to have them integrated into the
7 community with the less possible bad influence into
8 the community itself. Yes, we will have all kind of
9 classes. We're trying to work also with the Owensboro
10 Mercy Hospital of programs related to alcohol and drug
11 abuse. We will have someone on staff that will be
12 trained for that particular purpose.

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

15 CHAIRMAN: Thank you.

16 Does any other board member have any
17 questions?

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

20 SISTER LARRAINE: Not necessarily. The
21 H2A workers are here typically eight, nine, ten months
22 a year, I believe. I believe the visas are limited to
23 ten months. We would work in partnership with farmers
24 to get a commitment from them for particular number of
25 beds they want. The intervening months if there was a

1 need for transitional housing that might be possible,
2 but Kentucky Housing as part of their acceptance of
3 our proposal emphasize that we do not have to keep it
4 full all the time.

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

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

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

23 MR. WILLIAMS: Will the rent upkeep this
24 project and the upkeep be enough revenue to keep it
25 up?

1 SISTER LARRAINE: We'll have additional
2 grants as well. We're working on those. As a start
3 up non-profit it's a little difficult to. You have to
4 start somewhere and then once you have something solid
5 literally in the ground - - Kentucky Housing has been
6 very generous with us and we're confident that given
7 that emphasis that we'll be able to receive other
8 funds as well.

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

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

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

1 this and really deal with it up front.

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

4 (NO RESPONSE)

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

7 (NO RESPONSE)

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

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

13 CHAIRMAN: State your name for the record,
14 please.

15 MRS. JACKSON: Rebecca Jackson.

16 (MRS. JACKSON SWORN BY ATTORNEY.)

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

22 First of all, wasn't this property
23 discussed last year, in the area that Mr. Wimsatt
24 wants to build on, on floods? I mean I know it
25 floods. I live there. The area that he wants to

1 build on, wasn't that brought up sometime last year
2 and ruled out for subdividing because of the flooding?
3 I wasn't at the meeting. This is just what I've heard
4 on TV and read in the paper.

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

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

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

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

15 MS. PAYNE: In Daviess County.

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

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

20 CHAIRMAN: That's what the application is
21 for.

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

25 I'm opposed to it. I live there. I can't

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

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

14 (NO RESPONSE)

15 CHAIRMAN: Anyone else?

16 State your name.

17 MR. ALVEY: Bob Alvey.

18 (MR. ALVEY SWORN BY ATTORNEY.)

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

24 I have the utmost respect for you, Sister.
25 I'm not up here just trying to shut her down or

1 anything like this, but I'm just saying things like it
2 is.

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

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

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

23 MR. ALVEY: No.

24 CHAIRMAN: There's not?

25 MR. ALVEY: No. It's contract labor.

1 CHAIRMAN: Thank you. Do you have
2 anything else you want to add?

3 MR. ALVEY: No.

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

6 (NO RESPONSE)

7 CHAIRMAN: Anyone else have anything else
8 to add?

9 MR. ELLIOTT: State your name, please.

10 MR. SETTLES: Jim Settles.

11 (MR. SETTLES SWORN BY ATTORNEY.)

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

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

22 I'm a member of the St. Peters Parish at
23 Stanley. We had Latino Center down there for, I don't
24 know, eight, nine years. It was always supervised and
25 there was always Mexicans in there drunk. They

1 urinated right beside the highway. People driving
2 down the highway complained. They would urinate in
3 broad daylight. No respect for neighbors at all.
4 These people were supervised. Sister Larraine know
5 they were supervised. They're not going to be able to
6 control the people that come in there. There will be
7 friends of friends of friends. They say 14 and at any
8 time there would probably be 35 or 40, you know.
9 Those people congregate together. I know they do a
10 lot of work for the community, but they couldn't
11 control 14 people when they've got 3,000 people in the
12 county looking for housing. That would be the
13 trouble. They would be run over. Their parking lot
14 would be full all the time of people trying to get in
15 there and get cheap housing because they're talking
16 about grants to help pay the rent for these people and
17 stuff. If it's free, they're going to be stacked up
18 in there. No way they can control 14.

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

23 CHAIRMAN: Any board member have any
24 questions?

25 (NO RESPONSE)

1 CHAIRMAN: Thank you.

2 Anyone else?

3 MRS. KURZ: Gertrude Kurz.

4 (MRS. KURZ SWORN BY ATTORNEY.)

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

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

17 As Mr. Settles says, supervision is not
18 going to stop anything as far as crime or anything
19 else goes unless they're going to station a sheriff or
20 state police down there 24 hours a day. There's been
21 I don't know how many wrecks on Stanley, from that
22 road, Willett Road, to Stanley in the last few years
23 caused by alcoholic driving up and down the railroad
24 tracks. There's been one death I believe he stated.
25 Maybe more. I don't know. I don't remember.

1 There's no way they can house, say they're
2 going to house 14. As Mr. Settles says, there will be
3 35, 40 or 50 there. On the weekend, only God only
4 knows how many will be there. They're not working.

5 CHAIRMAN: Thank you.

6 Anyone else?

7 MR. ELLIOTT: State your name, please.

8 MR. JACKSON: Brian Jackson.

9 (MR. JACKSON SWORN BY ATTORNEY.)

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

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

1 think that's a positive direction.

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

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

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

21 There are questions that I haven't heard
22 answered. I don't know if answers exist to them, but
23 they have to do mostly with habitability of the
24 property and the safety issue of the fact that the
25 adjacent property and the hills is still well-known to

1 be subject to extreme subsidence due to the network of
2 shaft, mining tunnels that exist there. I think to
3 invite strangers in the community to work here and
4 then give them access to whatever one knows to be
5 quite dangerous territory is probably not a good idea.
6 Those were my thoughts as regarding this.

7 CHAIRMAN: Thank you, sir.

8 Anyone else in opposition?

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

11 (MR. MURPHY SWORN BY ATTORNEY.)

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

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

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

25 CHAIRMAN: Anyone else?

1 MR. WIMSATT: Yes.

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

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

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

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

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

25 Some of the concerns about the native

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

15 I looked at Sister's proposal just as
16 Kentucky Housing Corporation has and try to review it
17 very critically. I heard all the same stories about
18 Stanley and I know those are real and existed and I'm
19 pretty familiar with some of the single-wide trailers
20 that are just down the road that are all broken out
21 now and the bunkhouse they've already mentioned down
22 Willett Road. I'm familiar with that one too. I'm
23 fairly familiar with some of the other things that
24 have gone on. I really don't think that what MISAS is
25 proposing will be that situation at all and neither

1 does Kentucky Housing Corporation. They control a lot
2 of money and look at a lot of projects every year.
3 They're convinced that this program very well could be
4 a model program for around the state. There's a lot
5 of examples of failures even in our own community. So
6 this could be a model program or something that really
7 could work.

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

21 One of the things also when we met with
22 Louis Johnson and talked to him about this project, I
23 asked Louis, I said, I've heard the stories about
24 Stanley and some of the other projects that haven't
25 worked. What happens if this turns into a cesspool?

1 Can we revoke the lease? He said we can. There's
2 standard language that you can put in a lease. So if
3 it turns into some crime ridden facility, you just
4 revoke the lease and that's the end of the story. I
5 was very concerned about that. I think about the
6 future of my kids and grandkids maybe running up and
7 down those hills too and driving those roads. There
8 will be some language in that lease to protect me as
9 an adjoining property owner. Of course, that will
10 protect everyone else too.

11 I've addressed what I could, I think.

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

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

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

24 This is not meant to be a shelter. This
25 is one guy, one bed rented period. That I think is a

1 very important distinction to make.

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

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

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

22 I also thought that the point that the
23 whole issue of crime is obviously a concern for
24 everyone. The crime as I've heard it described is not
25 migrant crime, the crime that's existing there now. I

1 think honestly the existence of a well-established,
2 well-maintained, well-run facility would help to deter
3 that. I really do.

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

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

23 I used to teach high school and I am one
24 tough cookie when it comes to that kind of thing. I
25 do believe in a very strong structured environment.

1 Seems like I'm hesitating because seems
2 like there was another concern. I think these are all
3 fair concerns that was raised and I feel like I'm
4 forgetting something.

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

7 CHAIRMAN: We have a couple of questions
8 back here.

9 MR. ELLIOTT: State your name.

10 MR. SETTLES: Jim Settles.

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

22 I want to refresh your memory on one
23 thing. The Latino Shelter was set up at Stanley as a
24 shelter, but everybody that was suppose to enter the
25 shelter was suppose to have the proper paperwork. It

1 didn't stick, you know. They didn't make it happen.
2 They were suppose to have the green card and all the
3 proper paperwork to be in the United States to work.

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

6 CHAIRMAN: Thank you.

7 MS. PAYNE: I can answer that.

8 CHAIRMAN: Come forward and state your
9 name.

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

11 I started with Sister Lorraine and the
12 Latino the year after its inception. One of the
13 things I did find difficult - - first of all I want to
14 assure you that although we are all of us - - the
15 difference is also that MISAS is not connected with
16 any religious association. This is an independent
17 project. So we are not bound by the same laws in a
18 way. One of the problems we had with Stanley is that
19 it wasn't structure. I personally disassociated
20 myself with it because I could see the red flags from
21 the very inception in 1996. Sister Fran I admire
22 her. She's my hero. She try to fill a gap there for
23 a need that was there. She didn't try to ignore
24 them. These people will have sleep in your backyard
25 if there was nobody that would have taken.

1 The thing is that we have individuals,
2 they will be here. The truth of the matter is they do
3 provide a service and they are going to be - - local
4 economy, but if they're not taken care of and we are
5 welcoming these individuals we are going to have more
6 than one in Stanley around if we are going to ignore
7 the problem. We are basically just patching the tip
8 of the iceberg. Fourteen people is not enough. I am
9 familiar with - - we started in the bunkhouse. We had
10 all kind of people coming when we first wanted a
11 program to be in Daviess County. We didn't have
12 anything. We went to - - this is something that has
13 happened just in the last eight years. I know that
14 Kentucky wasn't prepared for the immigrants, but for
15 those that are familiar with immigrants in other
16 states we are trying to make the integration of them
17 because we have seen that red flag to make it so you
18 guys will not have a problem. To make it in a way
19 that you do not feel threatened by their presence
20 here, but if we are going to ignore their needs we are
21 going to have a problem.

22 Yes, you talk about the trailers on the
23 Ellis part, right? They're still sitting there.
24 They're in decay. They're a disgrace. They're a sore
25 eye. I agree with you. This structure that we are

1 going to build is going to be similar to what Sister
2 Larraine here has built at the Mount. It's a type of
3 a building. It's already been approved. It's a
4 construction that is going to be environmental
5 family. It's also a way that is going to make people
6 not feel threaten. The reason we are not wanting to
7 use 35 acres because we want a buffer zone. We want
8 to protect you. We want to protect ourselves. We
9 want something that is structure from the get-go. You
10 know what to expect. We know what to expect. We have
11 to - - these people they are going to live and they're
12 going to live in this county, but not every farmer has
13 the opportunity to build their own bunkhouse. It's
14 not going to be the same one that the Ellis have or in
15 Lewisport. Not everybody has the money to do that.
16 As a matter of fact, this gentleman was very welcome
17 to give us some of his land, but he is the backbone of
18 his family and he knew the opposition that was going
19 to happen.

20 This is going to be a structure. We have
21 it planned to make it so. We are going to have
22 someone in there that is going to work full-time. We
23 also going to have somebody there that is going to
24 work part-time. We want to teach them their language.
25 We want to teach them our way without telling them not

1 to be themselves, but we want to protect you. They
2 are going to be here. They are going to be coming and
3 you know why? Somebody is hiring them which means
4 someone needs them in this county. Thank you.

5 CHAIRMAN: Staff has some concerns.

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

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

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

20 My feeling in talking with the farmers who
21 were - I'm not going to name names. It doesn't seem
22 appropriate to name names in this setting - but who
23 were very enthusiastic about the idea. We talked
24 about the difficulty of hiring people through H2A
25 which gives them legal Visas. The difficulty with

1 that is the housing you have to provide inspected
2 housing.

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

23 MS. PAYNE: You know, if I may say. We
24 are doing this as non-profit organization. We're not
25 getting paid for this. We are taking time out of our

1 families and time out for other things that we could
2 be doing and enjoying ourself because we have the
3 community's and our best interest. I am a foreigner.
4 I was born in Argentina. I am Latina/American, but I
5 also have French mother so I grew up in Europe. So I
6 have traveled. I can see that - - the truth is we all
7 smile in the same language. Everybody wants the same
8 thing anywhere you go. Unfortunately these people
9 aren't having it that good in their home or they
10 wouldn't be here. I wouldn't be in Owensboro if it
11 wasn't for my husband. You have a good community.
12 You have a lot of good people here, but you have to
13 understand that they are provided a need. We can't
14 deny them a decent place where to live.

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

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

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

1 concerns has been answered unless you have something
2 else.

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

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

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

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

23 MS. PAYNE: No. We were thinking that we
24 are going to need to have water line come to the
25 property because we are going to have - - there might

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

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

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

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

25 CHAIRMAN: Don't want to be disagreeable,

1 but we need to understand.

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

4 CHAIRMAN: Thank you.

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

18 CHAIRMAN: Do you have any other concerns
19 from staff?

20 MR. NOFFSINGER: Well, they seem to be
21 escalating as we go through this hearing. I think in
22 terms of my recommendation would be that we do have
23 some additional information that we should obtain
24 after hearing what has been said at this hearing
25 regarding compatibility with the neighborhood, the

1 rural character of this neighborhood and what this
2 facility, what impact it might have upon the rural
3 character of this neighborhood. We've talked about
4 now extending a water line, maybe a six inch water
5 line to the property using KHC money. Extension of
6 the water main could certainly impact that
7 neighborhood, but we've also talked about the lease
8 arrangement. Whether it was 35 acres or 3 acres. I
9 think from the Staff's position we would certainly
10 like to have more detailed information about this
11 project before we would be comfortable in moving
12 forward, but that's merely a recommendation. I'm not
13 sure what your time frame is, but that would be
14 Staff's recommendation that we acquire more
15 information.

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

24 MR. NOFFSINGER: Those thoughts concern
25 me.

1 CHAIRMAN: Before we get any further, any
2 board member have anything they want to ask, a
3 question?

4 MR. PEDLEY: I have the same thought that
5 Gary does. There's more information I would like to
6 see and if time would permit maybe postpone this for
7 30 days.

8 MS. DIXON: I agree.

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

11 CHAIRMAN: Yes.

12 SISTER LARRAINE: First of all as far as
13 the rural character of the neighborhood we are talking
14 about migrant laborers. Less than a mile away with no
15 issue at all there were how many trailers? I forgot.
16 Out in the sun I would like to point out here. About
17 a dozen. I think that's a conservative estimate.
18 Trailers parked out in the sun in the middle of
19 nowhere far more than 14 people living right there.
20 Now it's less than a mile from the site that we're
21 discussing. So as far as the impact of the presence
22 of migrant workers there, that's already happened
23 there. Who knows who has torn up those trailers at
24 this point. We've already acknowledged that there's
25 all kinds of crime going on there and around there.

1 I'm sure there's trailers - - also as far as water
2 line, anything like that, flood plain, all of those
3 issues, Kentucky Housing Corporation is extremely
4 strict. We have application process this thick. We
5 have to use an architect. It has to be an
6 esthetically pleasing building. I have been to -
7 -recently we went to a conference that they gave and
8 through the whole thing I was impressed by what strong
9 watch dogs they are of tax payer money because this is
10 basically - - it's not really tax payer money. It's
11 money that is the profits from the other lending that
12 they do.

13 Anything, any requirement you have as far
14 as - - you know, it comes out of concern for it be
15 esthetically pleasing, well-maintained, well-built,
16 all that kind of stuff they're going to double.
17 They're just very, very, very picky about all of that.

18 Also the only photographs I could produce
19 are of the building construction that I build at Mount
20 St. Joseph. Wayne Witherspoon was very involved with
21 it and a number of people who are here as well too. I
22 think everyone agrees it's an esthetically pleasing
23 building. It's going to be featured in a full paged
24 article in the Frankfort Hearld on Sunday. I don't
25 have any intentions of anything that's going to be a

1 bunch of trailers. It's the last thing I'm ready to
2 get involved with is a bunch of trailers or the
3 equivalent of that.

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

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

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

23 Does any board member have any major
24 questions you want or voice statements you want to
25 make at this time?

1 MR. WARREN: I too am in very much in
2 favor of a postponement. I have a big issue with this
3 lease on the way that it's written up here.

4 MS. DIXON: Are you ready for a motion?

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

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

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

15 MS. DIXON: To work with the staff.

16 CHAIRMAN: Is there a second to this
17 motion?

18 MR. WARREN: Second.

19 CHAIRMAN: Any other discussion?

20 (NO RESPONSE)

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

23 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

24 CHAIRMAN: Motion carries unanimously.

25 Bob, you and the Sister if you will work

1 with the Staff and probably bring Mr. Johnson in to
2 discuss these things. We feel as a Board obligated to
3 you all and to the community to have everything
4 possible in our hand to make a good and just vote one
5 way or the other.

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

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

11 Next thing on the agenda, please.

12 -----

13 VARIANCE

14 ITEM 4

15 2497 Old KY 144, in an R-1A zone
16 Consider request for a Variance to reduce the rear
17 yard building setback from 20 feet to 4.65 feet in
18 order to construct an attached 17-foot by 20-foot
19 screened-in porch to the existing residence.
Reference: Zoning Ordinance, Article 8,
Section 8.5.5(e)
Applicant: Keith Conklin

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

25 I believe the applicants are in the

1 audience tonight.

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

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

14 MR. NOFFSINGER: No, sir.

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

17 APPLICANT: No, sir.

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

20 (NO RESPONSE)

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

23 MR. PEDLEY: Mr. Chairman, make a motion
24 for approval based on it will not adversely affect the
25 public health, safety or welfare; will not alter

1 essential character of the general vicinity; will not
2 cause a hazard or nuisance to the public; will not
3 allow an unreasonable circumvention of the
4 requirements of the zoning regulations.

5 CHAIRMAN: Is there a second?

6 MS. DIXON: Second.

7 CHAIRMAN: Any other discussion from the
8 board?

9 (NO RESPONSE)

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

12 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

13 CHAIRMAN: Motion carries unanimously.

14 Any other items of business?

15 MR. NOFFSINGER: No, sir.

16 MR. WARREN: Motion to adjourn.

17 MS. DIXON: Second.

18 CHAIRMAN: All in favor raise your right
19 hand.

20 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

21 CHAIRMAN: Meeting is adjourned.

22 -----

23

24

25

1 STATE OF KENTUCKY)
) SS: REPORTER'S CERTIFICATE
2 COUNTY OF DAVIESS)

3 I, LYNNETTE KOLLER, Notary Public in and for
4 the State of Kentucky at Large, do hereby certify that
5 the foregoing Owensboro Metropolitan Board of
6 Adjustment meeting was held at the time and place as
7 stated in the caption to the foregoing proceedings;
8 that each person commenting on issues under discussion
9 were duly sworn before testifying; that the Board
10 members present were as stated in the caption; that
11 said proceedings were taken by me in stenotype and
12 electronically recorded and was thereafter, by me,
13 accurately and correctly transcribed into the
14 foregoing 57 typewritten pages; and that no signature
15 was requested to the foregoing transcript.

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

18

19

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

22 COMMISSION EXPIRES:
DECEMBER 19, 2002

23

24 COUNTY OF RESIDENCE:
DAVIESS COUNTY, KENTUCKY

25