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OWENSBORO METROPOLITAN BOARD OF ADJUSTMENT

NOVEMBER 7, 2002

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The Owensboro Metropolitan Board of Adjustment met in regular session at 6:00 p.m. on Thursday, November 7, 2001, at City Hall, Commission Chambers, Owensboro, Kentucky, and the proceedings were as follows:

- MEMBERS PRESENT: C. A. Pantle, Chairman
- Becky Stone
- Marty Warren
- Ruth Ann Mason
- Judy Dixon
- Tim Miller
- Bill Williams
- Ward Pedley
- Stewart Elliott
- Attorney

\* \* \* \* \*

CHAIRMAN: Call the Owensboro Metropolitan Board of Adjustment to order. I welcome you all this evening.

First item on the agenda is the minutes of the last meeting. They're on record in the office. We haven't found any mistakes or additions.

Anybody need to add anything to them?

(NO RESPONSE)

CHAIRMAN: Entertain a motion to dispose of it.

1 MS. DIXON: Move to approve.

2 MR. WILLIAMS: Second.

3 CHAIRMAN: A motion has been made and a  
4 second to approve. All in favor raise your right  
5 hand.

6 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

7 CHAIRMAN: Motion carries.

8 Next item on the agenda.

9 The first thing I want to welcome all of  
10 you. I know this may be a controversial meeting, but  
11 we're going to set some guidelines to start with.

12 We'll listen to all the testimony from  
13 both sides until it gets to be repetitive,  
14 repetitious. Then we're going to cut you off and vote  
15 on it one way or the other. Address all of your  
16 comments to the Chair. Come to the microphone.  
17 You'll be sworn in by counsel because we'll have it on  
18 record in case there's legal action or something and  
19 all of this will be on record.

20 With that we'll go ahead with the first  
21 item. Becky, would you state it, please.

22 -----

23 CONDITIONAL USE PERMIT

24 ITEM 2

25 1117 Daviess Street, 201, 205, 211 East 12th Street,  
in an I-1 zone (Map N-4)(POSTPONED)  
Ohio Valley Reporting  
(270) 683-7383

1 Consider request for a Conditional Use Permit to  
2 construct and operate an indoor shooting range with a  
3 maximum of 16 shooting lanes and an accessory sales  
4 area and office.

5 Reference: Zoning Ordinance, Article 8, Section  
6 8.2BC/13

7 Applicant: Ron Sanders, Smith Machine & Supply  
8 Company, Inc.

9 MS. STONE: Section 8.2BC/13, that's the

10 section that allows as a Conditional Use Permit an

11 indoor recreation center. Section 8.2J5 Note 37.

12 That allows a retail area accessory to a permitted use

13 in an I-1 zone. That's limited to retail sales and

14 personal services including facilities for serving

15 food only for employees or visitors to any permitted

16 use and having no display space or signs visible from

17 the exterior of the building.

18 This item has been advertised for public

19 hearing. It was postponed from last month's board

20 agenda. Adjoining property owners have been notified

21 and it's ready for your consideration.

22 We do have several letters of support and

23 opposition that we need to address to be placed into

24 the record. What I'll do is read the name of the

25 letter and whether it's in support or opposition.

We have Gregory C. Franzman in support.

Myron McLain in support.

John R. Combs and Vicki Combs in

opposition. Erik Benner opposed. Gary and Trudi

1       Dillon opposed. Janice M. Brizendine opposed. Larry  
2       and Sue Hastings opposed. Susan Free opposed. Susan  
3       Lindsey opposed. Nita Kincaid opposed.

4                       Eight in opposition and two in support.

5                       CHAIRMAN: Let the record show that,  
6       please.

7                       The applicant, can you come forward and be  
8       sworn in.

9                       MR. ELLIOTT: State your name for the  
10       record, please.

11                      MR. SANDERS: Ron Sanders.

12                      (MR. RON SANDERS SWORN BY ATTORNEY.)

13                      MR. SANDERS: Mr. Chairman, Members of the  
14       Board, thank you for your service to the Daviess  
15       County Board of Adjustments.

16                      I served on the Hopkins County Joint  
17       Planning Commission and I can certainly appreciate  
18       your service to this board.

19                      I also appreciate the interest of the area  
20       of the neighbors and their diligence in protecting  
21       their community. They have brought forth issues that  
22       should concern the public based on problems that have  
23       plagued other indoor and outdoor ranges. Let me  
24       assure you and the public that we have no intentions  
25       of repeating the past mistakes of others.

1                   Regardless of where we propose to locate  
2                   our indoor range in Daviess County, we are required to  
3                   obtain a Conditional Use Permit. The standard for  
4                   meeting the criteria for promoting health, safety and  
5                   welfare would be the same regardless of location.

6                   By using the latest technology, new indoor  
7                   ranges can safely be located almost anywhere. Ranges  
8                   can be found in shopping malls and basements of office  
9                   buildings. In fact, the Navy has two ranges using the  
10                  same technology that we propose on a nuclear aircraft  
11                  carrier.

12                  Your approval of this location will allow  
13                  transformation of an industrial property, which has  
14                  been an eyesore for decades, into an attractive  
15                  community resource. Our facility will have adequate  
16                  parking, landscaping beyond requirements, and  
17                  attractive, neighbor-friendly outside lighting.

18                  Sport Shooters will provide gun safety and  
19                  will in fact provide 2,000 gun safety courses for  
20                  free. This is a \$100,000 value to the community that  
21                  will improve public safety. We will promote  
22                  responsible ownership of firearms through youth  
23                  programs such as Boy Scouts merit badge programs.  
24                  These programs will also be provided at no cost to the  
25                  participants.

1                   Sports Shooters will provide law  
2 enforcement and the public with a convenient, safe  
3 facility to maintain proficiency. We will offer law  
4 enforcement agencies with a facility for training or  
5 certification, day or night, regardless of the  
6 weather. We have held preliminary discussions with  
7 several law enforcement agencies on the local, state  
8 and federal levels. The response has been excellent  
9 from the majority of these agencies contacted. If  
10 this permit is approved, we will conduct further  
11 discussions on their specific needs.

12                   Sport Shooters will provide law  
13 enforcement and the public with an environmentally  
14 safe alternative to outdoor ranges. Lead will be  
15 recycled in accordance with the EPA regulations as  
16 opposed to outdoor ranges where 100 percent of the  
17 lead is released into the environment.

18                   Sport Shooters will be a good neighbor.  
19 We will have fund raisers for area charitable  
20 organizations. We will sponsor several tournaments  
21 each year that will support tourism and retail  
22 activities.

23                   Sport Shooters will provide jobs to the  
24 area. Our employees will be highly trained and  
25 experienced. They will be well paid and receive a

1 full benefit package.

2 The issues of lead, noise and safety are  
3 of concern to Sport Shooters and will be addressed by  
4 design, construction and operation.

5 Let's first talk about lead. The largest  
6 source of lead contamination is bullet impact on steel  
7 plate in the range. The bullet fragments and dust is  
8 created. The lead dust can be transported by air  
9 circulation and settle on floors and walls.  
10 Furthermore, ventilation systems can recirculate lead  
11 dust or vent lead dust outside the facility. We will  
12 use a wet trap system.

13 If you would, I would like to show a video  
14 of the exact precise system that we're going to be  
15 using. We're going to show that. You can get  
16 rearranged and we'll show that.

17 (VIDEOTAPE SHOWING)

18 MR. SANDERS: I will show you, this is  
19 what they were shooting. That's the size of the last  
20 demonstration that they were - - obviously, you're not  
21 going to be shooting anything like that.

22 Additionally, Sport Shooters will utilize  
23 a three-stage air filtration system for air  
24 recirculated or vented outside. The second stage  
25 filter is a HEPA filter that will be replaced every

1 six months.

2 Cleanup of the facility will be  
3 accomplished on a weekly basis using a central vacuum  
4 system, which will also use a HEPA filter. Discharge  
5 air from the vacuum system will be further filtered by  
6 the exhaust air system.

7 A third party on a semi-annual basis will  
8 accomplish air monitoring. Vented air will be  
9 included in this monitoring. A baseline soil test  
10 will be taken prior to opening and will be conducted  
11 on an annual basis thereafter. Results of these tests  
12 will be posted in a prominent place within our  
13 facility.

14 Employees will be base line tested upon  
15 employment and will be checked on a semi-annual basis  
16 or as required by OSHA, whichever is more frequent.  
17 Employee medical records are confidential and cannot  
18 be made public.

19 On the issue of noise. Sport Shooters  
20 will meet the Owensboro Noise Ordinance.

21 All exterior walls will be 8 inches  
22 concrete walls. Ballistic rubber will reduce noise at  
23 the firing line. Acoustic materials will line  
24 exterior walls and be utilized in ceilings.

25 HVAC systems will utilize baffles and use

1 barriers to prevent sound from escaping through the  
2 ventilation system.

3 All access to the range will be through a  
4 double door airlock system with the two doors set at  
5 90 degrees.

6 Range hours will be limited from 9 a.m. to  
7 10 p.m. Monday through Saturday and 12 noon to 8 p.m.  
8 on Sunday.

9 All service doors will be treated with  
10 acoustic materials.

11 On the issues of safety. Employees will  
12 be experienced and trained.

13 Weapons brought in or taken out of the  
14 facility must be unloaded and in a carry bag or case.  
15 Law enforcement officers with badge displayed are  
16 exempt from this requirement.

17 State-of-the-art-security systems and  
18 security cameras will be in continuous use.

19 Attractive, neighbor-friendly security  
20 lighting will be used.

21 Eight inch steel reinforced concrete walls  
22 11 feet high and ceiling baffles will prevent errant  
23 shots from escaping the range.

24 Ballistic rubber and lexan panels will  
25 stop any accidental discharge within the range and

1 reduce injury potential from a resulting ricochet.

2                   Responsibility of gun ownership will be  
3 our number one objective. We will accomplish our  
4 objective through comprehensive training courses with  
5 gun safety the prime focus.

6                   Sport shooting is fun, it's safe, and it's  
7 a great recreational value.

8                   We therefore ask that you approve our  
9 request for a Conditional Use Permit to operate a  
10 state-of-the-art indoor firing range on property we  
11 own. We will transform an industrial eyesore into a  
12 community resource. We will operate in compliance  
13 with EPA and OSHA regulations. Our 10,000 square foot  
14 facility will improve area health by preventing the  
15 discharge of lead into the environment as compared to  
16 outdoor ranges. Sport Shooters will improve public  
17 safety through gun safety courses and proficiency  
18 training. We will improve public safety by providing  
19 local, state and federal law enforcement officers with  
20 a practice and training facility. Our facility will  
21 improve the welfare of the community by providing  
22 quality jobs and supporting area charities.

23                   Thank you for your consideration.

24                   I do have some schematics I'll let you  
25 look at.

1 Do you want to ask questions now?

2 CHAIRMAN: Does any board member have any  
3 questions of the applicant at this time?

4 MR. PEDLEY: Yes, Mr. Chairman. I have  
5 two questions.

6 Question 1, how many employees will you  
7 have on duty and will any of those employees be  
8 outside the building?

9 Question 2, what control you have over  
10 customers and other people outside the building in the  
11 parking lot such as unloading, loading and unloading  
12 the gun before they enter your building? How will you  
13 know when they arrive in your parking lot in their  
14 automobile, get out of their automobile, unload their  
15 gun and put it in a carrying case? How will you know  
16 when they go back out of your building and get back in  
17 their car will they reload their gun and put it in  
18 their car?

19 There are a lot of accidents that happen  
20 when loading and unloading guns. You have a  
21 residential neighborhood immediately across the street  
22 from your parking lot. If someone accidentally  
23 discharges that gun, it could go into one of those  
24 homes. It could go most anywhere. What control do  
25 you have over that?

1                   MR. SANDERS: To answer your first  
2 question about employees. Employees will only be  
3 outside the facility for maintenance, lawn care,  
4 security camera adjustment, that sort of thing. They  
5 will not have any duties outside the range other than  
6 those functions.

7                   To answer your second question. We don't  
8 have any control over anybody outside our facility.  
9 It's just like any other business or in the parking  
10 lot here at city hall. You don't have any control  
11 over that either. I mean if somebody does something  
12 wrong, then you have control. They have to break the  
13 law before you can do something about it.

14                   We have a lot of people that have a  
15 concealed to carry permits. They walk around in a lot  
16 of places with a loaded firearm. We would hope that  
17 they would have some proficiency in working with that  
18 firearm. Right now there's not a facility where  
19 people can be trained adequately and gain proficiency  
20 in use of that firearm. That's one of the things that  
21 we hope to do. Is that the training that we're going  
22 to have available is going to reduce the incidence of  
23 an accidental discharge. Not only in our parking lot,  
24 but any other parking lot or anyone else's home.  
25 That's one of the things that we're going to be

1 evocating is gun safety and responsibility in gun  
2 ownership and firearm ownership.

3 MR. PEDLEY: Thank you.

4 CHAIRMAN: Any other questions of the  
5 applicant?

6 (NO RESPONSE)

7 MR. SANDERS: Any time you're ready for  
8 another question, let me know.

9 CHAIRMAN: Does anyone else wanting to  
10 speak in favor of this item at present?

11 (NO RESPONSE)

12 CHAIRMAN: Thank you.

13 Ones in opposition, who wants to start  
14 first?

15 State your name for the record, please.

16 MR. GLENN: My name is Robert Glenn. I'm  
17 with the Seven Hills Neighborhood Alliance. I apologize  
18 in advance. I'm going to speak and leave.

19 (MR. ROBERT GLENN SWORN BY ATTORNEY.)

20 MR. GLENN: I spoke briefly before the  
21 city commission a couple of weeks ago. Our position,  
22 the Seven Hills Neighborhood Alliance, even though  
23 this will not go in our neighborhood, our feeling is  
24 the way I feel about an incident that has occurred in  
25 my home state Nevada.

1                   For 30 years the nation struggled with  
2                   what to do with its nuclear waste. For 30 years the  
3                   State of Nevada fought a very lonely battle much as  
4                   the Owensboro Alliance is fighting tonight. They  
5                   didn't want all of our nuclear waste dumped in its  
6                   state.

7                   Well, finally something called the Screw  
8                   Nevada Bill was passed. A lot of money changed hands  
9                   and guess where that nuclear waste is headed. My home  
10                  state.

11                  Why? Because they said it was an ugly,  
12                  insidious place called the nuclear test site and that  
13                  that was a good place to put it because it was  
14                  decrepit and a proper place to put it.

15                  There were lots of alternatives, lots of  
16                  good arguments, lots of environmental impact studies  
17                  that indicated if an earthquake occurred that nuclear  
18                  waste could splinter, destroy the water table and  
19                  possibly threaten the cities of Reno and Las Vegas.

20                  The point is why would we want the same  
21                  logic to build an environmentally possibly  
22                  catastrophic industry just a few feet away from a  
23                  neighborhood that the city, quoting Waymond Morris,  
24                  has clearly indicated a slated for redevelopment.  
25                  They're going to spend a lot money in the old

1 Owensboro neighborhood, and they already have, some of  
2 the neighbors in this area, to make this a better  
3 neighborhood. Make it a safer more attractive place  
4 to live. We're basically gutting all of that if your  
5 decision tonight, and I'll respect your decision. I'm  
6 sure it'll be a difficult one, I appreciate your  
7 public service to this city and our community, is to  
8 allow these people to use this property in this way.

9 There are 20 or 30 other uses that the  
10 people that own this property could put it to besides  
11 a gun range.

12 There are a couple of other very quick  
13 arguments I want to make.

14 The biggest one is I don't think this  
15 particular business is going to succeed. I've talked  
16 to a number of law enforcement people who indicate  
17 they have other places to go and practice firearms  
18 use. When the regional training center is built that  
19 Chief Kazlauskas wants, they'll go else where.

20 There's not a market for this.

21 Secondly, I would also suggest that the  
22 potential for an accident, the potential for just one  
23 person in a parking lot to make an error in judgment  
24 or an error in loading or unloading a weapon, much as  
25 your question was posed, is too great a risk.

1                   One accident would be too many, one  
2                   accidental death. As other people will point out,  
3                   there's a propane tank, there's a hospital nearby.  
4                   There's a lot of potential hazards. If this business  
5                   goes bye-bye, it doesn't exist after six months, or a  
6                   year, or a year and a half, I will suggest to you then  
7                   we've got a massive cleanup. Possibly a cleanup that  
8                   not only the citizens of this community would have to  
9                   bare, but we might have to go to that federal  
10                  government and ask for this to be treated as a  
11                  superfund site for this particular site to be cleaned  
12                  up. That cost, as you know, thousands of dollars,  
13                  hundreds of thousands, maybe even millions of dollars,  
14                  and you have to wait to be on a list for that to  
15                  occur. Sometimes it can take a decade or more for  
16                  superfund toxic waste site to be cleaned up. That's  
17                  the kind of lead contamination with or without this  
18                  system.

19                  I'm a debate coach. I tell my debaters  
20                  always look at who is saying what. Who is the source  
21                  of the evidence. This gentleman just showed you a  
22                  very slickly produced infomercial. A company  
23                  promoting a product telling you the product works.  
24                  You're all very intelligent people. I would suggest  
25                  where is the EPA? Where is there an objective third

1 party source that says this system where the top of  
2 the line quality filter system put in. We don't know  
3 that they put that system in. They might go for a  
4 lesser version that doesn't work as well. You have  
5 nobody but the company that sells this particular  
6 product telling you it works.

7 We've all seen the Nordic tracks. We've  
8 all seen more than enough particular products hocked  
9 on television through infomercials. You get home and  
10 you find out that you've got to have properly trained  
11 employees to make it work. You've got to have people  
12 with high degrees of skill, training and knowledge to  
13 make sure the systems are maintained. There's no such  
14 assurance being given here. You only have the  
15 proprietor of that product telling you that product is  
16 great. I don't think that's enough assurance for this  
17 neighborhood. I don't think it's enough assurance for  
18 this community.

19 I respectfully ask you to reject this  
20 waiver, this special use permit, and encourage these  
21 individuals to find some other valuable use. Some  
22 other type of business that is not environmental and a  
23 safety hazard to the old Owensboro area. I wouldn't  
24 want it in my neighborhood. I know nobody else would.  
25 I hope you reject their application. Thank you.

1                   CHAIRMAN: We'll stick to the testimony.  
2 We're not going to have applause, please.

3                   Next speaker.

4                   MR. ELLIOTT: State your name, please.

5                   MR. DARLING: Bob Darling.

6                   (MR. BOB DARLING SWORN BY ATTORNEY.)

7                   MR. DARLING: Mr. Chairman, Board Members,  
8 Counsel, Professional Staff, Citizens, tonight the  
9 Owensboro Neighborhood Alliance would like to take a  
10 few minutes to oppose the granting of this Conditional  
11 Use Permit for an indoor gun range and retail gun shop  
12 at 12th and J.R. Miller.

13                   Our neighborhood alliances encompasses  
14 neighborhood and businesses east of Frederica Street  
15 and north of Parrish Avenue including the friends of  
16 neighbors surrounding this proposed range.

17                   Just over 50 days ago when this indoor  
18 range was proposed, most of us gathered here tonight  
19 would learn more about this type of business than we  
20 ever wanted to. We hope you will join us in our  
21 concern.

22                   The three most important words in real  
23 estate are, location, location, location. In this we  
24 find the problems with this business it will entail.

25                   First let me start with the business

1       itself. This indoor range will allow a person with a  
2       gun to fire a weapon inside a building. Seem simple,  
3       but the range brings up all the problems. A bullet  
4       would seem to be number one, but with the use of  
5       traps, such as this nail used here, we believe the  
6       bullet will be trapped.

7                   Our problems with the gas the discharge  
8       produces. In discharge the material of great concern,  
9       and that's lead. Remember that material? It's stuff  
10      we took out of gasoline, pencils, paint. Remember  
11      why? It's poisonous. The human body doesn't like it  
12      and high levels in the body it kills which brings us  
13      to our concern to the environment in and around this  
14      range.

15                   The Sanders have asked us tonight to put  
16      all of our faith in their plan to protect our  
17      neighborhood from this hazard.

18                   When a shooter discharges their weapon,  
19      the lead in the air from the explosion either settles  
20      on a surface of the range, on the shooter, or is  
21      pulled through the air system into the HEPA filters.

22                   The best HEPA filters remove 99.97 percent  
23      of whatever enters the filter, but .03 still is  
24      expelled. Because of this several state EP agencies  
25      have produced manuals on lead on indoor ranges.

1                   The first one I'll discuss will be  
2 Florida, Pinellas County, Florida. I had a long  
3 conversation with them. This manual is produced for  
4 indoor ranges on how they operate a great indoor  
5 range, St. Petersburg, Florida.

6                   If you go through here and read almost any  
7 section of it, you find that it discusses lead is a  
8 problem.

9                   I talked to the gentleman down there and  
10 he said they just had a problem with a range down  
11 there. That the employees were not being monitored.  
12 They were mopping the floors at night. They were  
13 taking their water from the mop water, throwing it out  
14 the back door. They had to seal the parking lot  
15 because the land that the water had been put on was  
16 contaminated.

17                   We found almost every large state has some  
18 type of manual produced for gun ranges. Some of these  
19 manuals are for police ranges. Some of these are just  
20 for the regular gun range.

21                   I'd like to call your attention to the one  
22 from Washington called "Lead hazards at indoor firing  
23 ranges." I'll read just a paragraph or two here. It  
24 says, "Most firing ranges in Washington State are  
25 relatively small operations offering instruction and

1 target practice to competitive and recreational  
2 shooters. Most cities and counties also run firing  
3 ranges for law enforcement officers. Exposure to  
4 airborne and settled lead dust at firing ranges put  
5 employees, instructors and customers at risk for lead  
6 poisoning. Take-home exposure is especially dangerous  
7 to children age six and younger because lead is toxic  
8 to the brain and can cause permanent damage." At the  
9 bottom, that's the main point that they stress.

10 You have to be very careful when you're in  
11 a gun range to wash your hands. They even recommend  
12 that employees take showers before they leave. They  
13 recommend that you leave their clothes in the range.  
14 That you do not take them home because taking clothes  
15 home that you've used in the range, putting them in  
16 the family washing machine and then washing clothes  
17 from the family machine will transfer the lead,  
18 whatever amount is there, from the adult's clothes to  
19 the kid's clothes. Most states have very strict  
20 manuals on how to do this.

21 Even the professionals can have problems  
22 handling this lead hazard. As reported in the Courier  
23 Journal this Monday, the Louisville Police Department  
24 spent \$200,000 on cleanup on their indoor range in  
25 2000 and had two instructors tested positive for lead

1       poison.

2                       Gun users, instructors, even employees  
3       must follow lead safety rules at the range or they run  
4       the risk of carrying this hazard home to their family  
5       or out into the neighborhood. Without complete test  
6       in a timely manner, this hazard can escape the  
7       building undetected and cause problems outside.

8                       Without any oversight required by law,  
9       this neighborhood will have to depend on whomever the  
10      current owner of any of this business for any  
11      protection from this hazard.

12                      Bob Dunn mentioned the case in Nevada.  
13      There was also in the Courier Journal the same  
14      article. They discussed that in Sparks, Nevada, an  
15      indoor gun range was closed this year after lead  
16      contamination was found in the building and nearby  
17      businesses. One of those business was a cheerleading  
18      practice facility used by children. The Nevada range  
19      was also found to have contaminated settlement in a  
20      storm drain catch basin outside the building and minor  
21      surface lead contamination was found on the pavement.  
22      That's a current ongoing investigation.

23                      Should any unsolvable problems with lead  
24      contamination occur on the Owensboro site, all the  
25      corporation would have to do is declare bankruptcy and

1 allow others to pay for the cleanup cost.

2 This is 60-feet, property line to property  
3 line, from homes in the neighborhood. It's also  
4 located right next-door to a wholesale food  
5 distributor.

6 Let's move to outside the building. By  
7 the way, while we have plans for the building, how  
8 will this 11-foot concrete block building look? How  
9 will that add to the character of this historic  
10 neighborhood.

11 Let's discuss Germantown. The City of  
12 Owensboro announced about two weeks ago that between  
13 private and public investment they're going to be  
14 spending within about a four block area \$5 million on  
15 redevelopment. This property sits right catty-corner  
16 across from the police station, which the gun range  
17 proposed will be right behind.

18 If the city believes in this neighborhood,  
19 they wouldn't be spending \$5 million if they didn't  
20 think that we'd get a return from this neighborhood.  
21 You know, the neighbors there, a lot of them are here  
22 tonight, they believe in the neighborhood and they've  
23 put a lot of time and money in their houses and  
24 property. That's one thing I can say about the  
25 citizens of this neighborhood is they believe in that.

1 A lot of other places in a lot of other communities  
2 citizens will just flee or go to different  
3 neighborhoods or move out of town. These citizens  
4 believe in our neighborhood.

5 Next thing. How is everyone going to  
6 arrive at Mr. Sanders front door? They only have  
7 access on 12th Street right here through the narrow  
8 streets of the neighborhood. This business does not  
9 have access from J.R. Miller. The present plan calls  
10 for 36 parking spots.

11 Mr. Sanders has said, and he did it  
12 tonight, that he will give away 2000 free training  
13 courses and expects to have tournaments there. Mr.  
14 Sanders when asked during the Owensboro City  
15 Commission meeting how many people will use his range  
16 said, I hope a lot. Where will everybody park? Of  
17 course, in the surrounding neighborhood. Nothing like  
18 having the Daviess County Fair in your backyard  
19 several times every year.

20 During any tournament anyone not being  
21 able to park on the lot will have to park somewhere in  
22 the area and carry their guns through the  
23 neighborhood.

24 We're also concerned with all of these  
25 guns being carried through the area because it will

1 increase the chances of criminals doing hold-ups to  
2 secure guns. Remember you're not suppose to be  
3 carrying a loaded weapon. Well, OPD is close. The  
4 officers are out on patrol. They're not stationed  
5 next door.

6 Let's skip to one of our greatest  
7 concerns, all of these people carrying weapons in and  
8 out of the range. Mr. Sanders has stated that no one  
9 will be allowed to carry a loaded weapon in the range.  
10 Human nature what it is people forget whether their  
11 weapon is loaded or not. Human nature being what it  
12 is, people drop or accidentally discharge their guns  
13 at times even in cases.

14 Directly across from J.R. Miller from this  
15 property are two tanks. One with 36,000 gallon  
16 capacity of propane and another with 11,000 gallons  
17 capacity of hydro, but they can be pierced by the  
18 caliber of bullet that would be allowed to be shot on  
19 its range. I think he just showed you one. Any of  
20 these tanks hit in the right spot would be a death  
21 blow for much of Owensboro. When these tanks were  
22 installed on J.R. Miller this was just a set of  
23 railroad tracks.

24 Let's talk about the property being zoned  
25 industrial. The reason for this zoning is not that

1 any industry has ever set on this site, but because  
2 starting in the 1800s railroad tracks ran next to this  
3 property.

4 Some of the houses in this neighborhood,  
5 in fact, also have the same industrial zoning. As to  
6 the railroad area not being fit for homes, all one has  
7 to do is cross Frederica Street to the west and for  
8 almost a mile houses are next to the tracks.

9 We have heard and read that this range  
10 would be used for law enforcement use, but to date no  
11 law enforcement agency of Daviess County has come out  
12 in support of this range. The new OPD Chief  
13 Kazlauskas said that the neighbors have a right for  
14 concern over the lead issues. We have a letter from  
15 the newly re-elected Sheriff Cain that states he would  
16 support the new OPD Regional Training Center.

17 This new training center by the way would  
18 be built on 27 acres in Daviess County. Not 60 feet  
19 from homes.

20 Let's clear up one other misconception  
21 that the proponents of this range have been saying.  
22 While they are impressed with the facilities at the  
23 FBI range in Quantico, that site is on 5200 acres,  
24 which is bigger than the entire City of Evansville.

25 While I mention Evansville let's talk

1 about their indoor range. It's located behind the  
2 mall in an industrial park 1200 feet from any house or  
3 apartment.

4 Let's talk about the indoor range  
5 discussed in the Courier Journal, an article Monday.  
6 It is even located in an old brick yard not 60 feet  
7 away from homes. Sixty-feet, that's approximately the  
8 distance from Mr. Pedley to Kate standing in the back  
9 of the room. Sixty-feet from homes, churches, school  
10 buses, everything in a normal neighborhood.

11 In my internet search of 2,720 cites  
12 returned on indoor gun range, I did not find one  
13 located in a neighborhood. I looked at every hit that  
14 had an address that was a business. If it had a map,  
15 I looked at it to see what it was close to.

16 What I've have tried to say in a short  
17 time as I could, if this business was being located in  
18 the county next to the new skeet range or away from  
19 homes or neighborhoods, you would only have two people  
20 here tonight. Mr. Ron Sanders and Mr. Lee Sanders.  
21 None of the rest of us would be here.

22 Our point is location, location location.

23 Tonight we are here and we have over 500  
24 signature for this Conditional Use Permit to be  
25 denied. As one concerned neighbor of this range said

1 to me last night, is the convenience of a gun range  
2 more important than the safety of our citizens.

3 Thank you.

4 CHAIRMAN: Any questions of the speaker?

5 (NO RESPONSE)

6 MR. ELLIOTT: State your name, please.

7 MS. HIGDON: Kate Higdon.

8 (MS. KATE HIGDON SWORN BY ATTORNEY.)

9 MS. HIGDON: My name is Kate Higdon. I  
10 know a lot of people to hear from so I'll try to be  
11 brief and try not to repeat anything anybody has said.

12 I'd like to speak before you from three  
13 different points of view tonight. Number 1) I come  
14 from a family of five in which three of my brothers  
15 make their living due to guns. They own their own  
16 hunting guide businesses. Taking people into Mexico,  
17 New Mexico on hunting guides. Now, I myself would be  
18 a great customer of Mr. Sanders if this was not in a  
19 residential area.

20 The point I'm trying to make is that I am  
21 by no means an anti-gun activist at all; however, I  
22 feel that it is just preposterous that we would even  
23 think about placing an in-door gun range in this  
24 neighborhood. I can't even believe I'm here.

25 My second point of view is a professional

1 point of view. I am the executive director of CRY, a  
2 non-profit organization that seeks to enhance the  
3 appearance of Owensboro/Daviess County. CRY's  
4 concerns here deal with the esthetics of placing a  
5 business like this in the middle of a neighborhood  
6 that is trying so desperately to revitalize itself.

7 What will the building look like? What  
8 landscaping buffers will be used, if any? What kind  
9 of signage? These are the issues that CRY has concern  
10 with.

11 My last point of view is that my little  
12 girl lives at 1302 Allen Street which is about three  
13 blocks from where this gun range is going to be  
14 placed. That's where she's going to be growing up,  
15 we hope the rest of her life.

16 Now, according to the manual, which I  
17 believe you have, for an in-door gun range is written  
18 by the Pinellas County Government, Department of  
19 Environmental Management, states that children are at  
20 a higher risk for lead poisoning. Exposure to very  
21 low levels of lead can adversely affect the  
22 development of a child's brain, nervous system and  
23 bone. In addition, the lead can be absorbed and  
24 stored in their bones all through their development.  
25 So if they're exposed to it now, it will be stored

1 there forever. It doesn't go away.

2 Now, God blessed my husband and I with a  
3 very healthy child and we feel it is our  
4 responsibility to keep her safe, but right now at this  
5 moment I want you to understand that part of my  
6 responsibility lays in your hands. I'm begging you,  
7 please don't fall short of her.

8 Please notice also that you have never  
9 seen me here before even though several zoning issues  
10 from my neighborhood come before this board. I don't  
11 typically get too excited about these things, but now  
12 we're talking about safety matters and to me this is  
13 different.

14 I'd also like to state that if in-door gun  
15 ranges are apparently so safe, according to Mr.  
16 Sanders in his research, then why was it so easy for  
17 all of us to find documentation stating the opposite;  
18 about lead poisoning, other items that come about  
19 resulting from these facilities. They mention the  
20 Reno, Nevada, an in-door gun range with a  
21 state-of-the-art ventilation system. I called and  
22 talked to the reporter that wrote that article. He  
23 said that that gun range was new, meaning it had a new  
24 ventilation system. It wasn't 15 years old. It was a  
25 new gun range. Still, they had such bad contamination

1 that the general manager said the walls could not be  
2 cleaned. They have to be torn down.

3 Also there was a local cheer gym where  
4 children attend that was next-door and it had to be  
5 closed because of lead contamination. The general  
6 manager at the gun range urged the parents of those  
7 children to take them and have them tested. Now, me  
8 being a parent and living in that neighborhood, that  
9 causes extreme alert in my mind.

10 The reason for the problems with the lead  
11 contamination here is that when they investigated they  
12 found that the ventilation filters were disposed of  
13 improperly and also that the ventilation system itself  
14 wasn't working right and no one knew for how long.  
15 Now, no one knows for how long because like Mr.  
16 Sanders doesn't tell you is that even though he  
17 promises he'll do all these things, there is no agency  
18 out there to make sure that those steps are taken.  
19 There is no agency. OSHA only comes in when they feel  
20 that someone has reported a problem; otherwise,  
21 there's no one that's going to check and make sure  
22 he's doing all of those things to assure our safety.

23 Now, this business does not belong near my  
24 children and it doesn't belong near your children.  
25 I'd like to point out that Mr. Sanders has stated that

1 his employees will be given blood tests every six  
2 months to test for lead. Am I the only one here that  
3 finds that odd that where you work you go to work and  
4 every six months you have blood taken to test for lead  
5 poisoning? As far as I know, they don't even do that  
6 in nuclear power plants where you think that you have  
7 increased chance for all sorts of pollution. So to me  
8 he's stating there in his own words that this is a  
9 dangerous place.

10 I'm begging you, I'm begging you, and I'm  
11 a proud woman so for me to be here and stand here and  
12 beg you, I'm begging you do not approve this  
13 Conditional Use Permit. This is not a proper facility  
14 to be placed in this neighborhood. Thank you.

15 CHAIRMAN: Any other speakers?

16 Come forward and state your name for the  
17 record, please.

18 MR. MORRIS: Laura Robinson Morris.

19 (MS. MORRIS SWORN BY ATTORNEY.)

20 MS. MORRIS: Board of Adjustment and Mr.  
21 Sanders, I'm here to speak as just an ordinary citizen  
22 who lives in a similar - - not a similar neighborhood,  
23 but in a neighborhood here in Owensboro. I haven't  
24 been here very long, but I've met a couple of the  
25 families that live in the J.Z. Moore neighborhood.

1 They have invested a lot of time, energy, money to  
2 stabilize a neighborhood that had begun to spiral  
3 down. We're proud of their efforts and our city has  
4 supported that. We brag about our J.Z. Moore Historic  
5 neighborhood. I think that we all have to look after  
6 each other and that's why I am here tonight. I  
7 certainly wouldn't want this in my neighborhood or  
8 next to my house; however, I also shoot and fish and  
9 hunt and I'm familiar with guns. I have several of my  
10 own.

11 There are a lot of inappropriate uses I  
12 think for anything in particular areas. That location  
13 is not a good place for a sewer processing plant.  
14 It's not a good place for a gun range. Although, I do  
15 commend Mr. Sanders for finding the latest technology  
16 and that's really wonderful. There are a lot of empty  
17 lots in our downtown area that don't have homes near  
18 them and where large amounts of common energy and  
19 money haven't been invested. I would recommend to him  
20 if he would like to be a good neighbor that he check  
21 out some of those places and retract his request which  
22 would put him in a neighborhood where all the  
23 neighbors would be upset, and that is not being a good  
24 neighbor. Thank you.

25 Oh, one other thing. I notice in your

1 brochure, which I picked up on the table, it talks  
2 about conditional use. A use that is essential to or  
3 would promote the public health, safety or welfare,  
4 but which would impair the integrity and character of  
5 the zoning which it's located. I suggest that this is  
6 not one of those things. Thank you.

7 CHAIRMAN: Thank you.

8 Any board member have any questions of the  
9 speaker?

10 (NO RESPONSE)

11 CHAIRMAN: Next.

12 MR. ELLIOTT: State your name, please.

13 MR. COMBS: John Combs.

14 (MR. JOHN COMBS SWORN BY ATTORNEY.)

15 MR. COMBS: My wife and I live at 1205  
16 Allen Street. The back of our property is  
17 approximately one block from this. I'm not going to  
18 take much of your time, but I wanted to read you an  
19 e-mail which I received from my middle son when this  
20 issue first came up. My middle son was a member of  
21 the Army Reserve here in Owensboro back during the  
22 time of Desert Storm. He was a tank commander. He  
23 was a member of the rifle team of the Army Reserve.  
24 He is a gun enthusiast and this is what he sent to us  
25 by e-mail.

1                   "John and Vicki, please feel free to quote  
2           a gun enthusiast, me, that gun ranges belong outside  
3           city limits. I own a rifle and a pistol and would  
4           never under any circumstances fire either one inside  
5           of city limits. Besides I would love to have a local  
6           range with both in-door and out-door facilities. I am  
7           willing to drive 15 or 20 miles for a few good hours  
8           of practice in a relatively safe environment."

9                   I know this is an emotional issue, but it  
10          seems to me even if he is my ownson that that makes  
11          imminent rationale sense. We don't need a gun range  
12          in or near any residential neighborhood. There's a  
13          lot of space outside the city limits. I'm not  
14          speaking just for the J.Z. Moore neighborhood. I  
15          don't want to see this in any residential neighborhood  
16          in Owensboro. Thank you.

17                   MR. ELLIOTT: State your name, please.

18                   MS. CONDER: Christine Conder.

19                   (MS. CHRISTINE CONDER SWORN BY ATTORNEY.)

20                   MS. CONDER: I'm here to address you all  
21          as a new neighbor to this neighborhood. My husband  
22          and I have always loved the architectural and style of  
23          older homes.

24                   In April we purchased one in the 1200  
25          block of Allen. We absolutely love it. It's a

1 beautiful home, but we have spent a lot of money so  
2 far trying to maintain it and keep it up. We feel our  
3 investment is important to us. We have four children.  
4 My oldest son is pictured at the school bus stop which  
5 is right across the street from this property. Of  
6 course, my main concerns are safety for my four  
7 children. We have a fenced back yard, but our front  
8 and side doors do not have a fence around the yard so  
9 our kids have to go down to the cars, we park on the  
10 street. We do not have off street parking. My  
11 concern is if Ron Sanders has a lot of traffic coming  
12 and going from this range that my children will get  
13 hit. Like was brought up before about people are  
14 going to be carrying weapons even if they are in  
15 cases. I don't want them walking by my house. That  
16 really concerns me.

17 The neighbors in this neighborhood are so  
18 wonderful. The neighborhood that we came from last  
19 time they didn't care what was going on in that  
20 neighborhood. We had people that sold drugs a couple  
21 of doors down. Nobody did anything or said anything.  
22 I think that's really important that there are some  
23 people that really care enough about where they live  
24 to stand up and say this is not the right location.

25 As a mother I just ask anyone who has

1 children or grandchildren, you know, would you want  
2 this in your neighborhood. You just have to ask  
3 yourself that question. I hope that you will decline  
4 this Conditional Use Permit. Thank you.

5 CHAIRMAN: Any other speakers?

6 State your name for the record, please.

7 MR. LINDSEY: Ron Lindsey.

8 (MR. RON LINDSEY SWORN BY ATTORNEY.)

9 MR. LINDSEY: I just want to put a little  
10 bit of a different spin on things.

11 I think what we're asking is that a  
12 business man really won't be granted the opportunity  
13 to pursue his business. Well, we just came from a  
14 meeting down there at the Daviess County Courthouse  
15 and I think everybody seen or at least think everybody  
16 seen the article in today's paper that said Daviess  
17 County was considering or entertaining the idea of  
18 opening up the skeet trapshoot out there on Highway 60  
19 East. Well, after attending this meeting actually  
20 what they did is they went ahead said that, yes, it is  
21 open for discussion. Yes, there is revenue to develop  
22 this. They're talking anywhere from 50,000 to  
23 \$150,000 for the tax payer dollars to help develop  
24 this facility into a shotgun type shooting area.

25 What I presented to them and before them

1 was wouldn't the 72 acres out there, wouldn't this be  
2 a great facility for someone to enter into a  
3 partnership and have an in-door shooting range out  
4 there. Have it protected with a berm. You'd already  
5 have the parking out there. You would have the people  
6 that were trained out there. It would be an area that  
7 was for shooters. What they went, and it will be in  
8 tomorrow's paper, what they went ahead and decided is  
9 that they are going to open up discussion for, and  
10 I'll quote it exactly, "Public private type  
11 partnership." What they're saying is that, yes, they  
12 will help develop it and they are looking at private  
13 citizens that want to start a business of that nature  
14 and they would help them to get it going. I just  
15 thought that should be brought up. Wouldn't that be a  
16 great idea or a great way out for a different  
17 location. Thank you.

18 CHAIRMAN: Thank you. Any other speakers?

19 MS. LINDSEY: My name is Susan Lindsey.

20 (MS. SUSAN LINDSEY SWORN BY ATTORNEY.)

21 MS. LINDSEY: Good evening, Mr. Chairman  
22 and Members of the Board. Again, my name is Susan  
23 Lindsey. I live at the 700 block of Allen which is a  
24 couple of blocks away from the proposed site. I'm not  
25 going to take a whole lot of your time.

1                   I sat down over the last few days - - my  
2                   dad always told me if you have a hard decision to make  
3                   and you're not sure which way to go, to do the Ben  
4                   Franklin test. That is drawing a line down the center  
5                   of a page. Put the good aspects and the bad aspects  
6                   and making a decision from that. If you all will take  
7                   a few minutes, I know you all know how to read. I  
8                   hope I've printed this large enough.

9                   The benefits to the community of Owensboro  
10                  what I could come up with were four. This is not for  
11                  the benefits of the Sanders. The benefits of our  
12                  community. The risks that I came up with: Increased  
13                  traffic accidents, because we're going to have more  
14                  traffic to that area than what we have now.  
15                  Accidental discharge increase. I know where I live  
16                  that there are probably people who walk down the  
17                  street every day with a gun in their pocket, but I  
18                  don't see it. I would hate to live somewhere where  
19                  people were walking up and down the street with guns  
20                  out, even though they were bagged, knowing that those  
21                  guns were visible even if they're unloaded. I mean  
22                  that's just not a very comforting feeling. There  
23                  would be an accidental discharge increase because  
24                  there will be an increase of concentration of firearms  
25                  in the area.

1                   There would be increase crime, as Mr.  
2 Darling said. It has been well stated that these  
3 weapons when they are brought onto the premises are to  
4 be unloaded. Can you imagine how many people out  
5 there - - we have a fairly low crime rate. I lived in  
6 Dallas, Texas for 13 years so compared to that it's  
7 fairly low. Thinking that these guns will be unloaded  
8 would come up and try to take those guns and use them  
9 in a crime.

10                   Another one is, of course, the increase  
11 lead exposure, contamination, lead poisoning, decrease  
12 in public parking, which has been covered.

13                   Again, there is no monitoring by the EPA  
14 or OSHA. I spoke with Pat Bartlett with Clean Air  
15 Quality Control, which is our state's EPA, and he said  
16 that, he told me that I could quote him. I spoke with  
17 him on Monday. He said, when there are no  
18 regulations, there is nothing for me to enforce. He  
19 said, the only way that I would be called in or would  
20 have any way to do anything about any problem there is  
21 if there were actual lead emissions or some type of  
22 hazardous emissions being brought out into the air  
23 that we could actually see. That's a scary thought to  
24 me.

25                   The cost of cleanup to the city and the

1 tax payers if there were a lead problem and they close  
2 down.

3 Close proximity to homes. We've got food  
4 service establishments. We not only have Davis  
5 Distributors right next to it, about a block and a  
6 half away is Jack & Jenny's Restaurant. They have  
7 window air conditioners. Any lead that goes into the  
8 air is going to be pulled in through those air  
9 conditioners. It's going to go right on the food and  
10 be given to the customer. That scares me. Really  
11 frightens me a lot.

12 The school bus stop. There's also a  
13 church which I think Bob put up here. The New Life  
14 Worship Center is right behind it. People do play  
15 basketball. They have youth activities at that area.

16 There is a child care facility also which  
17 I don't think we have a picture of, that abuts the New  
18 Life Worship Center. It's right, I think, next-door  
19 and in front of it.

20 Also on this picture right here, this blue  
21 thing, that's a child's pool. Okay. That's where  
22 they play out in the pool, right across the street.  
23 This is the lot. That's how close that is. It's just  
24 a real frightening thing.

25 In the benefits I've got it's a convenient

1 location. It is a source of tax income for the city.  
2 There is some job opportunity there. There would be a  
3 benefit to the shooter, as Mr. Sanders says, for  
4 bettering their skill. Okay. Making them a better  
5 target shooter.

6 I also put that particular point in the  
7 risks because of the sniper incident that we've just  
8 gone through as a country. That's something we need  
9 to think about. It's going to make better shooters  
10 out there. The intent is good to make them safer  
11 shooters, but you're also training them. They are  
12 involved in training.

13 I'm asking just as - - like I say I'm a  
14 couple of blocks away from this, but as a citizen of  
15 Owensboro, I'm asking that you please deny this  
16 Conditional Use Permit. I think there's a better  
17 place for it. Not in the middle of downtown next to a  
18 neighborhood and all of these different businesses.  
19 Thank you very much for your time.

20 CHAIRMAN: Thank you, ma'am.

21 Any other speakers?

22 (NO RESPONSE)

23 CHAIRMAN: Any board member have any  
24 questions at this time?

25 MS. DIXON: Did we say that we have

1 somebody here from the health department?

2 MS. STONE: There is someone from the  
3 health department. Mark Sears is from the health  
4 department.

5 CHAIRMAN: Would you come forward. State  
6 your name for the record, please.

7 MR. SEARS: Mark Sears. I'm the  
8 Environmental Health Director for the Green River  
9 District Health Department.

10 CHAIRMAN: Appreciate you being here. We  
11 have a couple of questions.

12 (MR. MARK SEARS SWORN BY ATTORNEY.)

13 MS. DIXON: Do we at present have any  
14 mechanism which you would routinely check for lead in  
15 a facility or the surrounding area?

16 MR. SEARS: No. There is currently no  
17 regulatory over this type of operation. The lead  
18 prevention program in the Department of Public Health  
19 is geared towards identifying children with elevated  
20 blood levels due primarily to lead base paint.  
21 There's not a current mechanism for doing routine on  
22 this type of facility.

23 CHAIRMAN: Are you qualified to do ground  
24 testing?

25 MR. SEARS: Personally I am not.

1                   CHAIRMAN: Does the health department do  
2 that?

3                   MR. SEARS: Yes. The health department  
4 does have one inspector that has a state certification  
5 for doing lead sampling. We don't actually do  
6 analysis.

7                   CHAIRMAN: In other words, you take it and  
8 send it off?

9                   MR. SEARS: Right. I would have to get  
10 some clearance through the state as to whether or not  
11 that could be done on a routine basis or spot check  
12 basis.

13                  CHAIRMAN: Any other questions?

14                  MR. WILLIAMS: Has this neighborhood been  
15 checked for lead?

16                  MR. SEARS: Not that I'm aware of.

17                  MR. MILLER: In your opinion would the  
18 proximity of this location to say J.R. Miller  
19 Boulevard, would that have some affect on the lead  
20 content maybe in the soil from the exhaust or whatever  
21 from cars?

22                  MR. SEARS: That type of question probably  
23 would need to be addressed to the Division of Air  
24 Quality because we don't deal with air quality issues.

25                  MS. MASON: What do you do when you test a

1 home for lead poisoning?

2 MR. SEARS: Our standard protocol, if  
3 through one of our clinics a child is identified as  
4 having an elevated lead blood level, we send an  
5 inspector out to do an initial assessment on the  
6 property, look for peeling paint or possible sources  
7 of contamination. Based on that assessment, we send a  
8 certified sampler in to collect samples and send them  
9 to the laboratory department of health for analysis.

10 CHAIRMAN: Any other questions of this  
11 gentleman?

12 (NO RESPONSE)

13 CHAIRMAN: Thank you at this time.

14 Any other comments from the objectors?

15 (NO RESPONSE)

16 CHAIRMAN: Does the applicant have  
17 anything you want to add at this time?

18 MR. SANDERS: Yes, Mr. Chairman. I'd like  
19 to respond to some of the questions that have been  
20 brought forth.

21 On the issue of law enforcement, that's  
22 entirely up to those agencies who they use, but we've  
23 also talked to state and federal agencies that would  
24 be using our facility and they have expressed interest  
25 in it.

1                   The other part is that this facility can  
2                   save the city a great deal of money on duplication of  
3                   that type of service.

4                   As far as cleaning up the site of  
5                   superfund, the only place that we'll have any kind of  
6                   toxic material is in the fluids. When we put the  
7                   fluid in, it's not toxic, but over a period of time  
8                   when the bullets strike it's going to become toxic and  
9                   you have to have that removed by hazard material team.  
10                  Our estimate on that to remove that fluid and the  
11                  toxic material, that's really the dust, lead dust  
12                  that's collected. It's about \$2,000. That's not a  
13                  million dollar thing. That's all that toxic materials  
14                  contained right there.

15                  As far as other services that use this  
16                  type of facility, the FBI uses it, the secret services  
17                  uses it, the military uses it. In fact, we've got a  
18                  whole list of agencies that use this exact same  
19                  technology.

20                  As far as children six and under, we're  
21                  not going to allow children in the range. Children  
22                  under ten have no business in there. That's just not  
23                  going to be allowed.

24                  The discussion of the Louisville range,  
25                  that range used the old smash plate technology. Not

1 this new technology.

2 We will not be using concrete blocks. We  
3 are using poured concrete, steel reinforced concrete  
4 walls that were solid concrete, poured concrete 11  
5 feet high.

6 A lot has been made by propane tanks.  
7 Propane tanks is on the opposite side of our parking  
8 lot. Our range is between our parking lot and those  
9 tanks. That's not an issue. You're not going to have  
10 any kind of round from our parking lot that would ever  
11 go over there.

12 As far as industrial site, that's the old  
13 ice house. That does have historical use as an  
14 industrial site. Machine works and all sorts of  
15 things that have been there over a number of years.  
16 It is and it has continued to be over the last 100  
17 years that we can determine used for industrial  
18 purposes. We can't really speak to other ranges that  
19 have problems. We're just not going to do the same  
20 thing that they did and repeat those issues. You can  
21 do all kind of things wrong. We don't intend to  
22 follow in their foot steps. Really that's all I had.

23 CHAIRMAN: While you're at the mike, does  
24 any board members have any other questions of the  
25 applicant?

1 MS. DIXON: You mentioned the clean up  
2 with taking a liquid out, \$2,000. How often is that  
3 done?

4 MR. SANDERS: Every two years.

5 CHAIRMAN: Any other questions?

6 (NO RESPONSE)

7 CHAIRMAN: Thank you for this time.

8 The opposition, do you have anything else  
9 you all want to add?

10 MR. DARLING: Bob Darling. I'd like to  
11 answer one or two of the things he's talking about.

12 Of course, if you were standing right in  
13 front of the building, you'd definitely hit the  
14 propane tank. That's not our concern. Our concern is  
15 guns are going to be carried all over the  
16 neighborhood. They will be parking down 12th Street  
17 which is beside the building which has an absolute  
18 direct view of that propane tank. Lot of place  
19 bullets could go, but in the wrong direction,  
20 Owensboro would be facing something it could not  
21 survive.

22 As far as other federal agencies and  
23 everything else, I've talked to several federal  
24 agencies. I haven't had a one say that they need the  
25 range here in Owensboro. That's what we tried to see,

1 if there was by chance an honesty for this range by  
2 either the police department or federal agencies or  
3 anything else, that we wouldn't be blocking something  
4 that's truly needed. I think the police department  
5 really wants their own training facility where they  
6 will have out-door training and in-door training and  
7 it will be by themselves on 27 acres. Not in the  
8 middle of the city. That's part of that. Thank you.

9 CHAIRMAN: You have something else you  
10 wanted to add?

11 MR. SANDERS: I just give the name of the  
12 person that said that the FBI is interested his name  
13 is Ron Crosman. He is the range master of the FBI in  
14 Quanico.

15 Also the 12th Street issue. We have told  
16 the city that we'll either petition to open 12th  
17 Street or petition to close it. Mr. Darling is aware  
18 of that. Right now it's in limbo. You can't get in  
19 there. You don't have access off J.R. Miller. We'll  
20 either request that depending on what the city wants  
21 to do. We'll petition to open it or close it. We  
22 will certainly support 12th Street opening for access.

23 CHAIRMAN: Come forward and state your  
24 name.

25 MR. SANDERS: My name is Lee Sanders.

1 (MR. LEE SANDERS SWORN BY ATTORNEY.)

2 MR. LEE SANDERS: There was some  
3 statements made a little while ago about lead and that  
4 it enters your body and doesn't go away. That's not  
5 exactly true.

6 Although it does stay in your body for a  
7 period of time, it does leave your system. There are  
8 some EPA standards that's called Resource Conservation  
9 Recovery Act. There's a very clear standard that you  
10 have to follow when you deal with lead. The EPA deals  
11 with resource. Not a business. So if you deal with  
12 lead, you have to follow their guidelines as far as  
13 lead. Not business. So if you're looking for a gun  
14 range, you're not going to find regulations on gun  
15 range. If you're looking for regulations on lead,  
16 you're going to find regulations on lead. You have  
17 very specific set of steps that you have to follow  
18 when you use that specific material and it goes along  
19 with anything, any type of chemical that you use.  
20 That's how the EPA regulates.

21 As far as the ranges and the problems, the  
22 range in Nevada, thought they had one of the very  
23 state-of-the-art back stop, very state-of-the-art  
24 ventilation system, they did not have a very state-of-  
25 the-art back stop. It's considered old style smash

1 plate back stop. Bullet flies into it and explodes on  
2 impact. You've got a lot of dust. Even with state-  
3 of-the-art back stop, you're going to have a lot of  
4 extra dust. It's a lot of extra material for  
5 ventilation system to have to try to recover. That  
6 caused a lot of problems for them. There's not been a  
7 lot of information given out about that. We're using  
8 the wet trap system that traps the dust in the  
9 water. Fluid that circulates inside the trap so you  
10 don't have the dust immediately coming off the  
11 range. Next bullet flies in and dust is being picked  
12 up from the previous. It takes a lot of dust and is  
13 kicked up in the air. There's always smash plate  
14 designs you don't have that problem. Thank you.

15 CHAIRMAN: Thank you, sir.

16 Sir, you want to comment.

17 MR. TOOLEY: Isaac Tooley, 1213 Daviess  
18 Street.

19 (MR. ISAAC TOOLEY SWORN BY ATTORNEY.)

20 MR. TOOLEY: He's talking about getting a  
21 petition to close off 12th Street. He's going to  
22 close off my driveway. I'm not going to appreciate  
23 that. I use it every day four or five times. I go in  
24 12th Street and go up the alley to my backyard. I  
25 don't think that will be very nice. Thank you.

1 CHAIRMAN: State your name again.

2 MS. HIGDON: Kate Higdon.

3 I just wanted to comment on the article on  
4 Reno, Nevada again that Lee Sanders brought up. Yes,  
5 they have a state-of-the-art ventilation system. They  
6 have the steel plated traps, but their problem was not  
7 so much - - of course, the ventilation system didn't  
8 work, but it was also that they disposed of the  
9 filters improperly just the regular employees. What  
10 guarantee can they give us that their employees aren't  
11 going to make a mistake. The point is is it worth the  
12 risk that they're taking putting all of our families  
13 lives at stake? Is it really worth the risk? That's  
14 just the point that we're trying to make.

15 CHAIRMAN: Thank you.

16 Does any board member have any questions  
17 of the applicant or the ones opposed to the  
18 application?

19 (NO RESPONSE)

20 CHAIRMAN: Hearing none before I ask for a  
21 motion I want to thank you all, both sides, for your  
22 orderly manner in the way you presented yourself this  
23 evening. That's kind of nice to have for a change.  
24 We appreciate it. Thank you.

25 Now I'll entertain a motion to dispose of

1 the item, please.

2 MR. PEDLEY: Mr. Chairman, I have a few  
3 comments I'd like to make and then I'm ready to make a  
4 motion.

5 First thing we have to consider is public  
6 health, safety and welfare.

7 Health, certainly a concern for lead.  
8 It's no known fact whether it will be or will not be.  
9 It is an issue.

10 Safety, as I stated before, I'm concerned  
11 about discharging firearms outside of the building. I  
12 visited that job site this afternoon and stood on the  
13 lot, proposed parking lot. I could clearly see if a  
14 firearm was discharged it would probably, could  
15 possibly enter in a building or anywhere else.

16 Welfare, I think it would have an adverse  
17 influence on the neighborhood. It would discourage  
18 the homeowners from updating their property probably.  
19 It could devalue their property.

20 Let me read the purpose of the Conditional  
21 Use Permit out of the Zoning Ordinance. The purpose  
22 is to allow the proper integration into the planning  
23 area of uses which are specifically named in the  
24 Zoning Ordinance which may be suitable only in  
25 specific locations and be zoned only if certain

1 conditions are met and which would not have adverse  
2 influence on existing or future development of the  
3 subject property or its surrounding neighborhood.

4 I believe it would have an adverse  
5 influence for reasons stated here tonight in my  
6 findings and I make a motion for denial.

7 MS. DIXON: Second.

8 CHAIRMAN: Do you want those statements  
9 you started with entered into?

10 MR. PEDLEY: The original statements, yes.

11 CHAIRMAN: Is there any questions or  
12 comments on the motion?

13 (NO RESPONSE)

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

16 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

17 CHAIRMAN: Motion carries unanimously.

18 Any other items on the agenda?

19 MS. STONE: No, sir.

20 CHAIRMAN: Need one final motion.

21 MS. DIXON: Motion to adjourn.

22 MR. MILLER: Second.

23 CHAIRMAN: All in favor of the motion  
24 raise your right hand.

25 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

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CHAIRMAN: Meeting is adjourned.

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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 55 typewritten pages; and that no signature  
15 was requested to the foregoing transcript.

16 WITNESS my hand and notarial seal on this  
17 the 25th day of November, 2002.

18

19

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

22 COMMISSION EXPIRES:  
23 DECEMBER 19, 2002

24 COUNTY OF RESIDENCE:  
25 DAVIESS COUNTY, KENTUCKY