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OWENSBORO METROPOLITAN BOARD OF ADJUSTMENT

APRIL 1, 2004

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The Owensboro Metropolitan Board of Adjustment met in regular session at 6:00 p.m. on Thursday, April 1, 2004, at City Hall, Commission Chambers, Owensboro, Kentucky, and the proceedings were as follows:

MEMBERS PRESENT: C. A. Pantle, Chairman
Gary Noffsinger,
Planning Director
Marty Warren
Ruth Ann Mason
Judy Dixon
Sean Dysinger
Ward Pedley
Stewart Elliott
Attorney

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

(PRAYER AND PLEDGE OF ALLEGIANCE.)

CHAIRMAN: Want to welcome each one of you to our Board of Adjustment. Set a few guidelines at this time.

1 Reference: Zoning Ordinance, Article 8,
Section 8.2 B14
2 Applicant: Robert L. Riherd, Thomas E. Hagan

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

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

18 CHAIRMAN: Was there any objections filed
19 in the office?

20 MR. NOFFSINGER: No, sir.

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

23 (NO RESPONSE)

24 CHAIRMAN: Hearing none, the applicant, is
25 there anything you'd like to add please come forward.

1 (NO RESPONSE)

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

4 (NO RESPONSE)

5 CHAIRMAN: Staff have anything else to
6 add?

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

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

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

17 CHAIRMAN: Is there a second to the
18 motion?

19 MR. PEDLEY: Second.

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

22 (NO RESPONSE)

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

25 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

1 CHAIRMAN: Motion carries.

2 Next item, please, sir.

3 ITEM 4

4 1831 McCulloch Avenue, in an R-4DT zone
5 Consider request for a Conditional Use Permit to
6 place a 16 X 80 Class 2 manufactured home on the
7 property.

8 Reference: Zoning Ordinance, Article 8,
9 Section 8.2 10B

10 Applicant: Denise Marcum

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

1 CHAIRMAN: With that we should postpone it
2 until the next one. Entertain a motion to postpone it
3 until the next meeting.

4 MS. MASON: Move to postpone.

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

7 MS. DIXON: Second.

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

10 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

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

13 Next item, please.

14 ITEM 5

15 7900 Laketown Road, in an A-R zone
16 Consider request for a Conditional Use Permit to
17 operate a shop for resale of collectibles and antiques
18 within a 22' X 24' existing garage with a possible
19 future planned addition of 24' X 25'.
Reference: Zoning Ordinance, Article 8,
Section 8.2 E4
Applicant: Betty Wathen & Jay Wathen

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

25 The adopted comprehensive plan allows for

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

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

18 CHAIRMAN: Any objections filed in the
19 office.

20 MR. NOFFSINGER: No, sir.

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

23 (NO RESPONSE)

24 CHAIRMAN: Does the applicant have
25 anything they want to add to it?

1 (NO RESPONSE)

2 CHAIRMAN: Any board members have any
3 questions?

4 (NO RESPONSE)

5 CHAIRMAN: Entertain a motion to dispose
6 of the item.

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

11 CHAIRMAN: Is there a second?

12 MR. PEDLEY: Second.

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

16 MR. NOFFSINGER: No, sir.

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

19 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

20 CHAIRMAN: Motion carries.

21 Next item, please, sir.

22 ITEM 6

23 900 West Fourth Street, 406 Poplar Street in an
24 R-4DT zone
25 Consider request for a Conditional Use Permit to
locate a telecommunications hut on the property.
Reference: Zoning Ordinance, Article 8,

1 Section 8.2 H4
2 Applicant: Kentucky Data Link, Inc., c/o D. Scott
3 Richmond, Floyd M. Lambert, Wayne W. Lambert

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

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

19 (NO RESPONSE)

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

22 APPLICANT: Not unless there are
23 questions.

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

MR. DYSINGER: I have a question, Mr.

1 Chairman.

2 MR. ELLIOTT: State your name, please.

3 MR. RICHMOND: Scott Richmond.

4 (SCOTT RICHMOND SWORN BY ATTORNEY.)

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

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

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

16 CHAIRMAN: Any other questions?

17 (NO RESPONSE)

18 CHAIRMAN: Entertain a motion to dispose
19 with the item.

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

24 CHAIRMAN: Is there a second?

25 MS. DIXON: Is that subject to the

1 consolidation?

2 MR. PEDLEY: Subject to consolidation of
3 the properties.

4 MR. DYSINGER: Second.

5 CHAIRMAN: A motion has been made and a
6 second. Is there any other comments by the board or
7 questions?

8 (NO RESPONSE)

9 CHAIRMAN: Staff have anything else?

10 MR. NOFFSINGER: No, sir.

11 CHAIRMAN: All in favor raise your right
12 hand.

13 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

14 CHAIRMAN: Motion carries.

15 Next item, please.

16 ITEM 7

17 2130A East 19th Street in an R-4DT zone
18 Consider request for a Conditional Use Permit to
19 construct a 40' X 88' addition to operate teen
20 programming and technology training in a separate area
21 for the Cliff Hagan Boys and Girls Club. Martel
22 Wightman unit that operates on the property.
Reference: Zoning Ordinance, Article 8,
Section 8.2 B7
Applicant: Cliff Hagan Boys and Girls Club, c/o Steve
Winkler, Housing Authority of Owensboro,
c/o David Condon

23 MR. NOFFSINGER: Mr. Chairman, this
24 application has been reviewed by the Planning Staff.
25 It's found to be in order. It is an expansion of the

1 existing facility that's operated within this
2 neighborhood for many years. With that it's ready for
3 your consideration.

4 CHAIRMAN: No objections been filed in the
5 office?

6 MR. NOFFSINGER: No, sir.

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

9 (NO RESPONSE.)

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

12 (NO RESPONSE)

13 CHAIRMAN: Does the board have any
14 comments?

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

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

19 MR. ELLIOTT: State your name, please.

20 MR. CONDON: David Condon.

21 (DAVID CONDON SWORN BY ATTORNEY.)

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

1 supervising that facility?

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

8 CHAIRMAN: Any other board members have
9 any questions?

10 (NO RESPONSE)

11 CHAIRMAN: Staff have anything else?

12 MR. NOFFSINGER: No, sir.

13 CHAIRMAN: Entertain a motion to dispose
14 of the item.

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

18 CHAIRMAN: Is there a second?

19 MS. DIXON: Second.

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

23 (NO RESPONSE)

24 CHAIRMAN: With that all in favor raise
25 your right hand.

1 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

2 CHAIRMAN: Motion carries.

3 ITEM 2

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

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

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

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

28 The location of this property is at 1125

1 Allen Street, Owensboro, Kentucky.

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

10 CHAIRMAN: Did we receive any comments at
11 the office?

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

18 CHAIRMAN: Thank you.

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

21 MR. ELLIOTT: State your name please.

22 SISTER LAUTER: Sister Lorraine Lauter.

23 (SISTER LARRAINE LAUTER SWORN BY

24 ATTORNEY.)

25 SISTER LAUTER: Really I don't know that I

1 have anything to add to the description of the program
2 as it was stated. I'm ready for questions.

3 CHAIRMAN: Anybody else have anything to
4 add to it at this time? Comments from anyone?

5 (NO RESPONSE)

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

8 MR. ELLIOTT: State your name, please.

9 MR. MEYER: J.D. Meyer.

10 (J.D. MEYER SWORN BY ATTORNEY.)

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

17 Let me begin by saying that we believe,
18 the neighbors do believe that this is a very
19 worthwhile project. Migrant workers are often times
20 discriminated against. They can be housed in horrible
21 conditions and the efforts to take action to
22 immigrants into our society by providing them English
23 skills and other teaching skills we certainly applaud,
24 and as I said are worthwhile. I believe that Sister
25 Lorraine has the best intentions in undertaking this

1 project; however, this appears to be a fantastic
2 program and when looked at on paper it does, but there
3 are several questions that remain.

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

16 CHAIRMAN: Who prepared this?

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

20 If I can summarize. There are really two
21 points of concerns of the neighbors in the
22 neighborhood. They boil down to, one, is really
23 accountability and accountability for this program.
24 The other concern is the stress kind of placed upon
25 the community by operating this dormitory facility as

1 the application sets forth for six migrant workers.

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

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

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

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

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

14 On that note, there were questions asked
15 what are the policies and procedures concerning
16 training this live-in mentor? It's our understanding
17 and as presented in the information that this will be
18 someone of a Hispanic background that's fluent in
19 English. But what type of training do they receive?
20 That mentor is going to receive and be placed in some
21 very difficult situations at time, and are they
22 adequately trained to handle that situation? It seems
23 to me and appears that this is a peer monitoring
24 situation and similar to a residency hall, an RA in a
25 dorm at Kentucky Wesleyan, or Brescia College, or any

1 other university. Will such a live-in mentor go
2 through similar training? Because you have a peer
3 watching over other peers. Will they make sure that
4 the policies and procedures that the people that are
5 suppose to follow in this house, are they followed
6 through? Because that live-in mentor is the enforcer
7 of that facility.

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

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

22 There's also some questions about, as I
23 said, those residents bringing additional people in
24 maybe for a temporary period of time. Is that
25 permissible? Again, what is the policy and procedure

1 with respect to these matters? None of that has been
2 presented yet to the neighborhood. It was not
3 presented to them in the forum.

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

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

18 Additionally, what if somebody presents
19 themselves that has a substance abuse problem or
20 something like that? Drinking on the facility or use
21 of drugs on the facility, of course, it says here are
22 not to be tolerated; however, if some person comes in
23 after several nights of drinking and they continue
24 that pattern, what is the mentor to do? What is the
25 facility? How are they to react? Do they have a

1 collaborate of effort with other people in the
2 community to make sure that they get that individual
3 assistance that they need so that that person does not
4 pose a danger not only to themselves, not only to the
5 members who are living in the other residence in that
6 house, but also to the neighborhood as a whole.

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

16 Additionally, the information indicates
17 that I've handed to you that MISA plans to increase
18 the property value by adding this facility and
19 operating this house here. There's a specific
20 representation that's been made of a pledge to put
21 \$50,000 of capital improvement into the property,
22 increasing the aluminum siding on the outside of the
23 structure, new porch columns, windows, things of that
24 nature. We want to make sure that those are done.
25 Obviously if she is going to increase the value of the

1 home, that will correspondingly increase the value in
2 the neighborhood, but that's a representation that's
3 been made. We want to make sure that that's carried
4 through. We're uncertain where those funds are going
5 to come from at this point in time. That was not
6 expounded upon by where the funds and the money will
7 come from and are these pledged or like I said where
8 the source of the funds are.

9 All of this goes back to accountability.
10 We just want to make sure and protect the interest and
11 make sure that the representations that were made at
12 that prior meeting, two other individuals in the
13 neighborhood are met and carried forward and we're
14 asking tonight that the board consider those.

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

25 So we ask that the board consider some of

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

9 CHAIRMAN: We'll try to come up with these
10 answers.

11 Sister, you want to go ahead and start now
12 and answer his part.

13 SISTER LARRAINE: Yes, I would.

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

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

23 I think the Chair would back me up on
24 that. I think other people that attended the meeting
25 will back me up on that. I came to the meeting. I

1 had a presentation and I also when I sat down was
2 handed without warning two full pages of typed
3 questions which I worked my way down question by
4 question by question.

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

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

20 SISTER LARRAINE: Sorry.

21 The two points of concern: Accountability
22 and stress placed on the community. The monitoring
23 question was addressed at length. MISA center, my
24 office, the MISA headquarters, whatever is about two
25 and a half blocks away, I think. Just about right

1 around the corner. I think we made it clear that
2 Kentucky Housing Corporation is the source of the
3 funding. That monitoring would be the responsibility
4 of MISA.

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

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

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

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

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

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

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

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

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

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

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

23 The other point I tried to make clear was
24 that if I were a homeowner in the neighborhood, I
25 would be far more concerned about absentee landlord

1 issues rather than a heavily regulated publicly, you
2 know, in the public eye, very much in the public eye
3 project such as this.

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

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

23 SISTER LARRAINE: First of all there's a
24 presumption I think that, again, this particular
25 population - - first of all having friends, family

1 around, as I'm sure all of these homeowners sometimes
2 do, that that would be problematic. There's a
3 presumption that there would be no oversight of the
4 building and that our intention is to cram as many
5 people in as possible.

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

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

22 SISTER LARRAINE: No. I made this as - -
23 it's available to the public. It went out to all the
24 neighborhood alliance. I didn't write it with that in
25 mind and I would be uncertain about doing this at the

1 time. I don't feel like there's anything problematic
2 there, but it's not submitted with the application.

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

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

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

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

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

22 MR. NOFFSINGER: Right. Which is almost
23 identical.

24 SISTER LARRAINE: Right.

25 MR. NOFFSINGER: I say almost because I

1 haven't gone through it word for word. You have. You
2 prepared it. I think that's what you stated.

3 SISTER LARRAINE: I prepared this for the
4 neighborhood alliance.

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

11 SISTER LARRAINE: Let me back up to the
12 history of that. First of all, I wasn't realizing you
13 were holding up that particular letter. When we first
14 began asking questions on the third floor about what
15 we needed to do to go through this correctly a call
16 was made. It was made on my behalf by someone else to
17 Jim Mischel who said we should write a letter
18 outlining where we thought this was going to go, what
19 some of the questions might be to see what we needed
20 to do. When the question was asked, I think the
21 person who was asking the question didn't realize that
22 I personally, and the board didn't have any issue with
23 asking for a conditional use permit, I mean for
24 getting a conditional use permit, so we went ahead and
25 just applied for the conditional use permit, but then

1 the question was raised that we had been asked for
2 this letter. I don't think that letter is part of the
3 application. I said, sure, I've still got that letter
4 in my computer. I can send it to you. But it was
5 kind of a letter of inquiry. I believe it's dated
6 March 1st. It's kind of a letter of inquiry as to - -
7 it started out as a letter of inquiry as did we need
8 to have a conditional use permit. I said, yes, we do
9 and that's not an issue. It was just basically a
10 letter of courtesy.

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

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

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

20 MR. NOFFSINGER: Ms. Stone would have to
21 answer that question, but I would like for you to
22 answer that question yes or no. Is this a part of
23 your application or is it not? Because this board
24 needs to know what they are considering. You're
25 claiming that this represents the answers that you

1 gave to the neighbors during that meeting. If you
2 don't intend to abide by what you say you're going to
3 do and you're not willing to make it a part of the
4 application or have no intent, then I'm not sure that
5 there's enough information there to know exactly what
6 you intend to do. The reason for this letter that you
7 prepared March 1st was to make sure that we had a
8 clear description of what you were proposing to do so
9 that you were heading along the right track.

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

24 SISTER LARRAINE: First I want to say that
25 I think we have here an implication that myself and

1 MISA would be trying to somehow hide intentions. We
2 wrote the letter as asked, which I do not think is
3 part of the process as it's outlined on paper. I
4 don't have any problem with that. I don't have any
5 problem with that letter being part of the
6 application; however, I'm cautious due to our last
7 history with this kind of problem, this kind of thing,
8 I'm cautious as to entering extra words into the
9 application that then somehow become conditions. I'm
10 very cautious there. I'm cautious on advice from our
11 attorney. I don't have any problem because I know
12 that I considered carefully the wording on the letter.
13 The intention of this is peace for the neighbors.
14 It's very, very similar. I don't doubt that there's
15 probably, well, I probably would be happy with that,
16 but that wasn't the intention of this. As you said,
17 it's replicated in the original letter. If you want
18 to put the original letter into the application,
19 that's fine with me, but there's no intention here to
20 deceive anyone.

21 MR. NOFFSINGER: Mr. Chairman, I would
22 like to enter into the record Exhibit A, a letter to
23 Becky Stone from Sister Lorraine Lauter dated March 1,
24 2004. Do I need to read that into the record?

25 MR. ELLIOTT: Yes.

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

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

20 "Our program design may be summarized as
21 follows:

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

24 "- Residents participate in an English
25 acquisition program.

1 "- Residents receive guidance from an
2 integration mentor.

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

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

14 "We would like to point out that:

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

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

1 facings.

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

6 "- The past residential program in the
7 existing structure did not to our knowledge, ever
8 create a prolem for the nearby residential
9 neighborhood.

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

12 "Sincerely, Sister Lorraine Lauter, OSU,
13 MISAS Exeuctive Director."

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

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

19 CHAIRMAN: Wanted to be sure.

20 Any board member have any questions before
21 we proceed further?

22 MS. DIXON: In the piece that you
23 discussed with the neighbors, you talk about the
24 screening policy and you said background checks would
25 be done by OPD. When someone makes application to

1 become a resident of the MISAS property, do they apply
2 through you and then at that point you would check
3 credential as far as the legality of their immigration
4 papers and that kind of thing to make sure that they
5 are in the country legally?

6 SISTER LARRAINE: We have to be very
7 careful here. This is a housing project under
8 Kentucky Fair Housing. I can only do what Fair
9 Housing requires, allows. Kentucky Fair Housing law
10 is very clear about discriminatory practices based on -
11 -

12 MS. DIXON: Yes, I recognize that.

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

16 MS. DIXON: Right. That's correct.

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

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

23 SISTER LARRAINE: That's a difficult
24 question to answer and this is probably where somebody
25 would say this is vague. The burden of proof, and

1 this is backed up in USDA regulations for farm-worker
2 housing and in HUD, regulations for public housing,
3 the burden of proof is not on the leasor, or the
4 developer, or the owner. The burden of proof - -
5 there's a burden of collection of documentation, the
6 burden of proof. It's just as the burden of proof is
7 not truly on the employers to hire all of these people
8 and this is why they're here. The burden of
9 collection is on those employers. You want to look at
10 issues of undocumented you need to shift that whole
11 discussion over to chicken or similar kind of
12 enterprises. The only burden we have is to collect
13 documentation. We're not responsible for whether
14 people are here legally or illegally.

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

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

23 MR. DYSINGER: Sister, do I understand you
24 to say that you're not only - - the burden of proof is
25 not on your organization. You're prohibited by

1 Kentucky state law, are you not?

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

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

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

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

16 SISTER LARRAINE: Yes.

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

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

25 MR. DYSINGER: Again, I don't think that's

1 neither here nor there.

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

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

7 Next you got anything else you want to
8 add?

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

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

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

20 SISTER LARRAINE: No.

21 MR. MEYER: I think the concerns - -

22 SISTER LARRAINE: Maybe I better clarify.
23 Are you asking do our applicants have to go through
24 Section 8?

25 MR. MEYER: Yes.

1 SISTER LARRAINE: No. It's not Section 8
2 enterprise.

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

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

18 CHAIRMAN: Come forward and state your
19 name, please.

20 MS. KINCAID: Nita Kincaid.

21 (MS. NITA KINCAID SWORN BY ATTORNEY.)

22 MS. KINCAID: Sister Lorraine mentioned
23 the article in the newspaper which I have right here.
24 I would like to say that I was at that meeting and
25 that those people that are here tonight that was at

1 that meeting would you please raise your hand?

2 (AUDIENCE COMPLIES WITH REQUEST.)

3 MS. KINCAID: The person that authored
4 this article was not at the meeting so she didn't
5 interview me. She didn't interview any of the other
6 neighbors. When I read this article Sunday evening,
7 it came out on Saturday, March 27th, I was kind of
8 surprised by the tone of the article.

9 These are my notes from the meeting. I
10 read them and I've got the questions here if you all
11 would like to see them. I have a copy. I read every
12 question. I made notes. Most of the questions were
13 not answered. Would you like a copy of the questions?

14 CHAIRMAN: You wish to submit them to the
15 board?

16 MS. KINCAID: It was at that time after
17 the meeting when the questions weren't specifically
18 answered. That's when we were a little bit concerned
19 because most of the statements were very vague.

20 We asked: What is your mission statement?
21 What is your vision statement? And especially the
22 first question because it said in the project proposal
23 that the project will enhance the property values in
24 the surrounding neighborhood. I asked her
25 specifically that evening, a week ago, how is that

1 going to happen? I didn't hear an answer. That's why
2 we're here tonight. That's why we have representation
3 because we didn't get our questions answered last
4 week.

5 SISTER LARRAINE: Can I respond?

6 CHAIRMAN: Yes, ma'am.

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

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

17 Again, there seems to be a presumption
18 that we would be up to something that is intentionally
19 detrimental to society. I do remember at length the
20 question was asked about enhancing property values. I
21 answered it repeatedly and I don't know what other
22 answer to give than to say when you put \$50,000 into a
23 home that is appraised at 102,500 I believe, somewhere
24 in there, you're enhancing property values.
25 Especially when you pump most of that into exterior.

1 It's an enhancement of the neighborhood. The house
2 looks better. If I lived next door, I'd be happy to
3 see that happen. My property values would be enhanced
4 because part of property values, at least in public
5 perception and when houses are up for sale, have to do
6 with exterior appearance of the neighborhood. If by
7 the same token if the house is not rehabilitated, and
8 I doubt it will be sold to a private homeowner who
9 will rehabilitate it, but if it were not rehabilitated
10 or if it's rehabilitated for less, it will not enhance
11 the neighborhood for the same degree. I don't know
12 how to say that more clearly.

13 CHAIRMAN: Thank you.

14 Any other questions over there?

15 State your name for the record.

16 MR. WILLIAMS: Ron Williams.

17 (MR. RON WILLIAMS SWORN BY ATTORNEY.)

18 MR. WILLIAMS: I guess I'm just a little
19 lost here. I guess for the last few years I'm
20 constantly reading the papers where, you know, the
21 city, the community would like to see investments in
22 older property. Would like to see older areas rehabed
23 to increase tax rolls. I know I constantly see where
24 we talk about doing stuff downtown. Possibly putting
25 in condos and so forth.

1 When you look at the J.Z. Moore history,
2 you're talking about an area that not that many years
3 ago really that there were no property values there.
4 A lot of people put a lot of money there. I probably
5 have added in excess of 150,000 to my property.

6 I'm sitting here scratching my head
7 thinking I can't believe that there's a person on this
8 board that can say, gee, if I could get a migrant
9 house next to me or a boarding house, migrant or not,
10 it doesn't matter, that this would somehow increase my
11 property. I know Mr. Pedley here is a developer. I
12 got to believe that he'd just about have a cow if I
13 asked him about buying property in his subdivision so
14 I can build me a training center and have six or seven
15 students. I don't believe that any of the people that
16 would potentially buy in that subdivision would be
17 real excited about that. I don't think it would
18 increase the value of any of the property in Mr.
19 Pedley's developments. I don't believe that a
20 boarding house would increase the property of
21 anybody's house.

22 I heard this lady constantly telling me
23 about migrant farmers and I heard her make, I think
24 I've heard her make reference for chickens a minute
25 ago. I'm sure we can find some farm property

1 somewhere and they can work on the farm if it's such a
2 great development or maybe Tyson or somebody would
3 like to build. I don't know. I do have a problem - -
4 I don't have a problem because of their nationality.
5 That's irrelevant to me. I think they have every
6 right to be here, but I would think that - - I don't
7 want to presume to know the responsibility of this
8 board. I would think one of the responsibilities
9 would be to protect people. Not necessarily in a
10 safety manner, but in a value manner. I've invested a
11 lot of money in my property. If I could had known
12 five years ago or three years ago that, hey, look,
13 property value means nothing, hell, I'd stopped a long
14 time ago. I haven't worked and invested and worked
15 and invested just to watch my value go down.

16 Now, she's saying that they're going to do
17 some work on this property and it will increase the
18 value. I'm not going to argue that point. I think
19 any time you do work on property it helps it. It
20 makes the area more attractive. I won't argue that,
21 but I will tell you this much: I just had a couple
22 from Atlanta, Georgia in over the weekend that looked
23 at my home. Very interested in my home until they
24 read the newspaper article. They're not really
25 interested. That's all I can say. I don't have to

1 guess whether they're going to want my property. I
2 got to see it this weekend. I was contacted from the
3 people in Atlanta, Georgia. They said, look, great
4 house, but we're not sure about that. I don't see
5 that it's going to help us. They felt like I misled
6 them as far as I told them that this was an area that
7 was developing. That was being transported from
8 multi-dwellings to single-dwellings. Then they see
9 the paper and read that, gee, fixing to have a tenant
10 house there in the area. That didn't sit well.

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

17 Ten years ago my home was purchased for
18 35,000. I have a written appraisal at 215 now and
19 there's other homes. Ten years ago you could have
20 bought any house in there just about in the low 20s
21 and low 30s. Now these homes are at 100, 150. Some
22 at 200. This is because people like myself fall into
23 a lot of what the city has been saying. That they
24 want to see these areas developed. They want to see
25 tax rolls increased. They want to see them brought

1 up.

2 I won't necessarily say really a tourist
3 attraction, but there are a lot of people that do
4 enjoy coming into older cities. I know myself I enjoy
5 going to Henderson. I enjoy going to Evansville and
6 seeing some of the beautiful areas they have there. I
7 believe think we could have that eventually. That's
8 one of the reasons I've done the work I've done in my
9 area. I just hate to see it, I hate to see boards not
10 at least consider that. I think I have a right to ask
11 my value of my property to be protected.

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

19 SISTER LARRAINE: May I respond?

20 CHAIRMAN: Yes, ma'am.

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

24 MR. WILLIAMS: On St. Ann Street.

25 SISTER LARRAINE: Where on St. Ann?

1 MR. WILLIAMS: 1215.

2 SISTER LARRAINE: This is 1125 Allen.

3 MR. WILLIAMS: So you're talking probably
4 120 feet, 150 feet, somewhere in that area.

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

9 MR. WILLIAMS: There is two or three.

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

14 MR. WILLIAMS: Ron Williams.

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

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

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

1 here.

2 SISTER LARRAINE: Right, farm worker, but
3 a tenant house is like a single-family dwelling for
4 one thing. It's my understanding that of the 18
5 houses between the railroad tracks and Parrish Avenue,
6 12 are Section 8 with absentee landowners. Maybe
7 that's no longer true, but it's - -

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

10 SISTER LARRAINE: And I'm not saying that
11 - -

12 CHAIRMAN: Sister, make the comments to
13 the chair.

14 SISTER LARRAINE: I'm not saying that it's
15 a degradation. I'm just saying that I understand the
16 concerns of the neighbors to want to be aware of what
17 happens to their property and the impact on their
18 property. I don't think that there is any
19 justification, legal justification for excluding one
20 kind of program over another or a program versus
21 multi-family dwelling in the same neighborhood. I'm
22 sure there are more than one multi-family dwellings in
23 the neighborhood. I'm sure there's more than one
24 house that houses seven or more people. That being
25 said, why I can understand that people have fears, we

1 can only give our personal, and I say our for the
2 board as well, the MISAS board, our personal assurance
3 that what we've said is what we've done and that this
4 will be a well kept program just as the last program
5 in that building was.

6 MR. DYSINGER: Can I ask a question?

7 CHAIRMAN: Yes.

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

12 SISTER LARRAINE: Right next door.

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

15 MR. WILLIAMS: Same distance.

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

18 MR. WILLIAMS: No. No, I would not. It
19 is a house like a lot of houses. If it was mine,
20 would I do a few things to it? Yes. The only thing I
21 know of in disrepair is it did have a stone retaining
22 wall out front. That wall is coming down. It's my
23 understanding they're going to put another one up.
24 But as far as disrepair, that is the only thing I know
25 of on that home.

1 I would say that she is correct that there
2 are some multi-family dwelling properties in there.
3 What number that is, I really don't know. I do know
4 that in a ten year period that number has been reduced
5 significantly. Many of those homes I think once they
6 are sold do not go back to multi-dwelling from
7 single-dwelling. I do know the number of rental homes
8 have been decreasing, but I would also say that I
9 would still argue the point that there is still a very
10 big difference between say a home that has two
11 apartments in it versus whichever term she'd like to
12 use for her home, a migrant farmer workhouse or
13 learning, whatever you want to call it, six males in
14 it and a tutor. I feel like there's a big difference.

15 CHAIRMAN: Thank you.

16 Anyone else over there have anything else?

17 Step forward and state your name, please.

18 MR. ELLIOTT: State your name, please.

19 MS. CONNOR: Kristine Connor.

20 (MS. KRISTINE CONNOR SWORN BY ATTORNEY.)

21 MS. CONNOR: The property that Sister is
22 talking about is 1129 Allen. I live at 1201 which is
23 next door to it. It has two units. One unit is
24 slightly smaller than the other one. It is I believe
25 owned by Lanham, Steve Lanham and I think his mother.

1 I'm not sure what her name is.

2 MR. WILLIAMS: Steve Lambert.

3 MS. CONNOR: Lambert, excuse me.

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

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

22 So the swing of the neighborhood is
23 towards more family oriented units. The only one that
24 - - Phoebe lives at the corner of Parrish. That's a
25 privately owned. There's an apartment building next

1 to that. I'm not sure if it's Section 8 or not. The
2 one next to that is for sale, vacant right now. The
3 one next to that is Bob and Dawn's house. They've put
4 a considerable lot of money over the years in
5 rehabbing that. It's a beautiful house. The one next
6 to that was just sold. John and Vickie Combs owned
7 it. Now I think it's Mark and Sherry Hedges. They
8 just moved in. Single-family home. Then it's my
9 home. You know, the one directly across the street
10 from me is 1202 Allen, single-family home. People are
11 rehabbing it. It was a multi-family. It was vacant
12 for three years. They rehabbed it. They are
13 currently living in this property. They've put new
14 doors, windows, you know, all kinds of improvements
15 into it.

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

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

25 CHAIRMAN: Thank you.

1 Anyone else have anything else?

2 MR. MEYER: J.D. Meyer.

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

17 Thank you.

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

1 purposes only. Just make sure the applicant agrees to
2 enter that into the record without reading.

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

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

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

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

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

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

25 CHAIRMAN: Well, some of them weren't

1 there. I'm just asking you: Would that work out?

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

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

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

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

1 CHAIRMAN: Thank you.

2 With that we're going to recess for about
3 15 minutes to talk with our attorney to be sure
4 everything is correct where we need to go.

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

6 CHAIRMAN: Call the meeting to order.

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

9 (NO RESPONSE)

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

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

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

23 MR. WARREN: Second.

24 CHAIRMAN: Is there any other discussion,
25 comments from the board or the staff?

1 MR. NOFFSINGER: No, sir.

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

4 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

5 CHAIRMAN: Motion carries.

6 Any other item?

7 MR. WARREN: Motion to adjourn.

8 MS. MASON: Second.

9 CHAIRMAN: All in favor raise your right
10 hand.

11 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

12 CHAIRMAN: We are 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 61 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 April, 2004.

18

19

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

22 COMMISSION EXPIRES:
23 DECEMBER 19, 2002

24 COUNTY OF RESIDENCE:
DAVIESS COUNTY, KENTUCKY

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