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OWENSBORO METROPOLITAN PLANNING COMMISSION

DECEMBER 13, 2001

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The Owensboro Metropolitan Planning Commission met in regular session at 6:00 p.m. on Thursday, December 13, 2001, at City Hall, Commission Chambers, Owensboro, Kentucky, and the proceedings were as follows:

- MEMBERS PRESENT: Drew Kirkland, Chairman
- Gary Noffsinger
- Nick Cambron
- Dave Appleby
- Scott Jagoe
- Irvin Rogers
- Sister Vivian Bowles
- Judy Dixon
- Dr. Mark Bothwell
- Martin Hayden
- Stewart Elliott,
- Attorney

* * * * *

CHAIRMAN: I would like to welcome you all and call our December 13th meeting of the Owensboro Metropolitan Planning Commission to order.

Our invocation tonight will be given by Mr. Martin Hayden. Please stand.

(INVOCATION AND PLEDGE OF ALLEGIANCE.)

CHAIRMAN: Before we get into our agenda I'd like to congratulate Dr. Bothwell on completing his orientation program of the Owensboro Metropolitan Planning Commission and thank Gary for conducting his

1 orientation. Thank you, Mr. Noffsinger.

2 Now, our first item of business is to
3 consider the minutes of the November 8th meeting.

4 Does anybody have any corrections, additions?

5 (NO RESPONSE)

6 MR. APPLEBY: Motion to approve.

7 CHAIRMAN: Motion to approve by Mr.
8 Appleby.

9 MR. JAGOE: Second.

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

12 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

13 CHAIRMAN: Motion carries unanimously.

14 Our next item of business Mr. Bob Thomas
15 with Hayden & Company will present our audit report.

16 Mr. Thomas.

17 MR. ELLIOTT: State your name, please.

18 MR. THOMAS: Bob Thomas.

19 (MR. BOB THOMAS SWORN BY ATTORNEY.)

20 MR. THOMAS: Good evening. As they said
21 I'm Bob Thomas. I'm a CPA and chairholder of Hayden &
22 Company, CPA here in Owensboro. We were engaged to
23 audit the general purpose financial statements of the
24 Owensboro Metropolitan Planning Commission for June
25 30, 2001.

1 We conducted our audit in accordance with
2 auditing standards generally accepted in the United
3 States and government auditing standards. Our
4 objective of the audit was to express an opinion on
5 whether the financial statements are fairly presented.

6 In our report we stated that in our
7 opinion the general purpose financial statements
8 present fairly and all material respects. The
9 financial position of Owensboro Metropolitan Planning
10 Commission and the results of its operations for the
11 year ending June 30, 2001, in accordance with
12 generally accepted accounting principals.

13 Now, each of you should have got a copy of
14 the report and I submit it for your approval. Would
15 be happy to answer any questions.

16 CHAIRMAN: Are there any questions from
17 anybody on the commission?

18 (NO RESPONSE)

19 CHAIRMAN: Any questions from anybody in
20 the audience?

21 (NO RESPONSE)

22 CHAIRMAN: Chair is ready for a motion.

23 MR. CAMBRON: Motion for approval.

24 CHAIRMAN: Motion for approval.

25 DR. BOTHWELL: Second.

1 CHAIRMAN: We've got a second. All in
2 favor raise your right hand.

3 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

4 CHAIRMAN: Motion carries unanimously.

5 Mr. Thomas, thank you very much.

6 Mr. Noffsinger, next item of business.

7 -----

8 PUBLIC FACILITIES PLAN
9 REVIEW FOR CONSISTENCY WITH COMPREHENSIVE PLAN

10 ITEM 3

11 Portion 325 East Third Street
12 Land Acquisition, Street Construction
13 Consider comments regarding the acquisition of
14 property for improvements to the intersection of J.R.
15 Miller Boulevard, East Third Street and US 231
16 Referred by: City of Owensboro

17 MR. NOFFSINGER: Mr. Chairman, the
18 Planning Staff has reviewed this public facilities
19 request. This request is contained within our
20 transportation plan for the community. We have
21 reviewed and find no conflicts with the plan and would
22 recommend that you send a letter to the City of
23 Owensboro in that regard.

24 CHAIRMAN: Are there any questions from
25 anybody on the commission?

(NO RESPONSE)

CHAIRMAN: Chair is ready for a motion.

MS. DIXON: Move to approve.

1 CHAIRMAN: Motion for approval.

2 MR. HAYDEN: Second.

3 CHAIRMAN: There's a second. All in favor
4 raise your right hand.

5 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

6 CHAIRMAN: Motion carries unanimously.

7 Next item, please.

8 -----

9 ZONING CHANGES - CITY

10 ITEM 4

11 4200 Airpark Drive, 8.04 acres (POSTPONED)
12 Consider zoning change: From I-1 Light Industrial to
13 I-2 Heavy Industrial
14 Applicant: Economic Development Properties, City of
15 Owensboro, C.J. Turner

16 MR. ELLIOTT: State your name for the
17 record, please.

18 MS. WATSON: Becky Watson.

19 (MS. BECKY WATSON SWORN BY ATTORNEY.)

20 PLANNING STAFF RECOMMENDATIONS

21 Staff recommends approval because the proposal is
22 in compliance with the adopted Comprehensive Plan.

23 Findings in support of this recommendation include:

24 1. The subject property is located within an
25 Industrial Plan Area, where heavy industrial uses are
appropriate in limited locations;

2. The subject property is located within a

1 planned "Industrial Park", which may contain both
2 light and heavy industrial zones and uses;

3 3. The subject property adjoins an I-2 Heavy
4 Industrial zone and use to the north; and,

5 4. The subject property is located away from the
6 fringes of the park that may adjoin incompatible plan
7 area or land uses.

8 MS. WATSON: We'd like to enter this as
9 Exhibit A, the Staff Report.

10 CHAIRMAN: Is there anybody here
11 representing the applicant?

12 (NO RESPONSE)

13 CHAIRMAN: Does anybody on the Planning
14 Commission have any questions?

15 (NO RESPONSE)

16 CHAIRMAN: Does anybody in the audience
17 have any questions?

18 (NO RESPONSE)

19 CHAIRMAN: If there are none, the Chair is
20 ready for a motion.

21 MS. DIXON: Move to approve based upon
22 Staff Recommendations and findings in support 1, 2, 3
23 and 4.

24 CHAIRMAN: Motion for approval.

25 MR. APPLEBY: Second.

1 CHAIRMAN: Second by Mr. Appleby. All in
2 favor raise your right hand.

3 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

4 CHAIRMAN: Motion carries unanimously.

5 Next item, please.

6 ITEM 5

7 Portion 1700 Breckenridge Street, 0.33+ acres
8 Consider zoning change: From I-1 Light Industrial to
9 B-4 General Business
10 Applicant: Barney Lain, J.E.D. Rentals Family
11 Partnership, LTD

12 PLANNING STAFF RECOMMENDATIONS

13 Staff recommends approval because the proposal is
14 in compliance with the adopted Comprehensive Plan.

15 This recommendation is made subject to the condition
16 and findings of fact that follow:

17 Condition:

18 1. Approval of a final development plan.

19 Findings of Fact:

20 1. The subject property is located in a
21 Business/Industrial Plan Area, where general business
22 uses are appropriate in general locations;

23 2. The existing development in the area contains
24 a mixture of industrial and general business uses; and

25 3. A development plan has been submitted in
26 conjunction with this zoning request addressing access
27 points and zoning ordinance requirements.

1 MS. WATSON: We'd like this Staff Report
2 entered into the record as Exhibit B.

3 CHAIRMAN: Is there anybody representing
4 the applicant here?

5 APPLICANT: Yes.

6 CHAIRMAN: Does anybody from the
7 Commission have any questions of the applicant?

8 (NO RESPONSE)

9 CHAIRMAN: Does anybody from the audience
10 have questions of the applicant?

11 (NO RESPONSE)

12 CHAIRMAN: If not the Chair is ready for a
13 motion.

14 MR. CAMBRON: Motion for approval based
15 upon the Findings of Fact 1 through 3 and the one
16 condition that they have on.

17 CHAIRMAN: Motion by Mr. Cambron for
18 approval.

19 MR. ROGERS: Second.

20 CHAIRMAN: We have a second by Mr. Rogers.
21 All in favor raise your right hand.

22 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

23 CHAIRMAN: Motion carries unanimously.

24 Next item, please.

25

1 Related Item:

2 ITEM 5A

3 1700 Breckenridge Street, 1.157+ acres

Consider approval of final development plan.

4 Applicant: Barney Lain's Auto Mart, J.E.D. Rentals
Family Partnership, LTD

5

6 MR. NOFFSINGER: Mr. Chairman, this
7 development plan has been reviewed by the Planning
8 Staff and the Engineering Staff. It's found to be in
9 order.

10 There is an existing building that's
11 located on the property. The property being rezoned
12 is only a portion of the parent tract. It's going to
13 be for general business so that the majority of the
14 building can continue to be used for warehouse space
15 and then a small portion of the building will be used
16 for a furniture store as well as an auction barn and
17 car lot. There are some improvements that are being
18 proposed for the site including paving of a portion of
19 the vehicle use area as well as some landscape
20 requirements along Breckenridge Street. With that
21 it's ready for your consideration.

22 CHAIRMAN: Is anybody here representing
23 the applicant?

24 APPLICANT: Yes.

25 CHAIRMAN: Does anybody have any

1 questions?

2 (NO RESPONSE)

3 CHAIRMAN: Anybody from the audience have
4 any questions?

5 (NO RESPONSE)

6 CHAIRMAN: If not the Chair is ready for a
7 motion.

8 MR. ROGERS: Mr. Chairman, motion for
9 approval.

10 CHAIRMAN: Motion for approval by Mr.
11 Rogers.

12 MR. HAYDEN: Second.

13 CHAIRMAN: Second by Mr. Hayden. All in
14 favor raise your right hand.

15 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

16 CHAIRMAN: Motion carries unanimously.

17 Next item, please.

18 ITEM 6

19 614 Poindexter Street, 0.106 acres
20 Consider zoning change: From B-4 General Business to
21 R-4DT Inner-City Residential
22 Applicant: Martha Jones-Foster

23 PLANNING STAFF RECOMMENDATIONS

24 Staff recommends approval because the proposal is
25 in compliance with the adopted Comprehensive Plan.

Findings of fact in support of this recommendation are

1 as follow:

2 1. The subject property is located in a Central
3 Residential Plan Area, where urban low-density
4 residential uses are appropriate in general locations;

5 2. The current zoning classification of B-4
6 General Business is not appropriate for the subject
7 property because the surrounding neighborhood consists
8 of residential uses;

9 3. The proposed zoning of R-4DT Inner-City
10 Residential is appropriate for the subject property
11 because it is currently in use as a single-family
12 residence and adjoining and surrounding properties are
13 residential in nature; and

14 4. All urban services are available to the
15 subject property, including sanitary sewers.

16 MS. WATSON: We'd like to enter this as
17 Exhibit C into the record.

18 CHAIRMAN: Anybody here representing the
19 applicant?

20 APPLICANT: Yes.

21 CHAIRMAN: Does anybody on the commission
22 have any questions of the applicant?

23 (NO RESPONSE)

24 CHAIRMAN: Does anybody from the audience
25 have any questions of the applicant?

1 (NO RESPONSE)

2 MR. CAMBRON: Motion for approval upon the
3 Staff's findings of fact 1 through 4.

4 CHAIRMAN: Motion for approval by Mr.
5 Cambron.

6 MS. DIXON: Second.

7 CHAIRMAN: Second by Ms. Dixon. All in
8 favor raise your right hand.

9 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

10 CHAIRMAN: Motion carries unanimously.

11 Next item, please.

12 ITEM 7

13 Portion of 400 Block West 11th Street, 0.07 acres
14 Consider zoning change: From I-1 Light Industrial to
15 B-4 General Business
Applicant: Blue Grass Real Estate Company, LLC

16 PLANNING STAFF RECOMMENDATIONS

17 Staff recommends approval because the proposal is
18 in compliance with the adopted Comprehensive Plan.

19 This recommendation is made subject to the conditions
20 and findings of fact that follow:

21 Conditions:

22 1. Submittal and approval of a revised final
23 development plan for property at 400 West 11th Street.

24 2. Submittal and approval of a final development
25 plan with notification to adjacent property owners

1 before consolidation of property to 1118 Frederica
2 Street and prior to issuance of a building permit.

3 3. The final development plan for the property
4 located at 1118 Frederica Street shall provide a joint
5 access point to be shared by 1110 Frederica Street and
6 1118 Frederica Street.

7 Findings of Fact:

8 1. The subject property is located in an
9 Industrial Plan Area, where general business uses are
10 appropriate in very-limited locations;

11 2. The subject property consists of only 0.07
12 acres of land and is proposed to be consolidated to an
13 adjacent lot fronting on Frederica Street that is
14 currently zoned B-4 General Business; and

15 3. The zoning of this small portion of property
16 to allow consolidation to an existing lot is a logical
17 expansion of existing B-4 General Business zoning that
18 will not significantly increase the extent of B-4
19 General Business zoning in the vicinity and will not
20 overburden the capacity of roadways or other necessary
21 urban services.

22 MS. WATSON: We'd like to enter this Staff
23 Report as Exhibit D.

24 CHAIRMAN: Is anybody here representing
25 the applicant?

1 APPLICANT: Yes.

2 CHAIRMAN: Does anybody on the commission
3 have a question of the applicant?

4 (NO RESPONSE)

5 CHAIRMAN: Does anybody in the audience
6 have a question of the applicant?

7 (NO RESPONSE)

8 CHAIRMAN: Chair is ready for a motion.

9 MR. HAYDEN: Make a motion we approve
10 Condition 1 through 3 and Facts of Finding 1 through
11 3.

12 MR. CAMBRON: Second.

13 CHAIRMAN: We have a motion for approval
14 by Mr. Hayden. We've got a second by Mr. Cambron.
15 All in favor raise your right hand.

16 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

17 CHAIRMAN: Motion carries unanimously.

18 Next item, please.

19 -----

20 ZONING CHANGES - COUNTY

21 ITEM 8

22 8171 Jack Hinton Road, 8234 Short Station Road, 142
23 acres (POSTPONED)

24 Consider zoning change: From A-R Rural Agriculture to
25 EX-1 Coal Mining

26 Applicant: Rust Mining, LLC, Dorothy Barnett, Monnie
27 Dawson Rev. Living Trust

1 MR. NOFFSINGER: Mr. Chairman, this
2 application has been considered by this commission in
3 November. At that time it was postponed with no other
4 action taken to give the applicants an opportunity to
5 work out an alternative coal haul route and what came
6 into question was the use of Short Station Road in the
7 mining process as well as there was some concerns from
8 residents in the area about additional mining. The
9 applicant is here tonight as well as I believe some
10 adjoining property owners and it's ready for your
11 consideration.

12 MR. HAYDEN: Mr. Chairman, I think I
13 should disqualify myself.

14 CHAIRMAN: Be noted that Mr. Hayden is
15 disqualify himself.

16 MR. ROGERS: Mr. Chairman, I also need to
17 disqualify myself.

18 CHAIRMAN: Mr. Rogers is disqualifying
19 himself.

20 Let the record show we have seven members
21 voting so we still have a quorum.

22 Why don't we start off - - I think, Mr.
23 Noffsinger, the best thing to do would be to start off
24 with maybe the report from the applicant on the
25 situation they had on postponement.

1 Is somebody here representing the
2 applicant? Would you mind stepping forward.

3 MR. ELLIOTT: State your name for the
4 record, please.

5 MR. BRANCATO: My name is Frank Brancato.

6 (MR. FRANK BRANCATO SWORN BY ATTORNEY.)

7 CHAIRMAN: Mr. Brancato, why don't you
8 just rather than to go back over things that the
9 commission and most of the people in the audience are
10 aware of, I think the sole reason for postponement was
11 the possibility of your company being able to
12 negotiate an alternate route for removal of the coal
13 to a different road through other property owners; is
14 that correct?

15 MR. BRANCATO: That's my understanding of
16 the postponement, yes, sir.

17 CHAIRMAN: Would you report and just bring
18 us an up date on that because I think there was, that
19 was basically the reason that we did the postponement.
20 So why don't you go ahead and bring us up to date on
21 that and then we can move forward.

22 MR. BRANCATO: Yes, sir. I may not have
23 made myself perfectly clear last time at this hearing.
24 What I tried to do on this map to modify it is that
25 what you see in purple has all been zoned for surface

1 mining EX-1. The one property in about the middle of
2 the map which has crossed marks in orange is zoned,
3 lease and is in the process of being permitted to use
4 that road.

5 What we are asking the commission for is
6 authority to rezone two other properties which are
7 south of the currently rezoned, currently leased and
8 in process permitting for surface mining.

9 The suggestion was made, is there another
10 route out of this property. There are two or were two
11 potential possibilities. One of which crossed four
12 different land owners. I visited the one land owner
13 where property would terminate on Aull Road and they
14 are not interested in leasing their property. I have
15 been discussing and negotiating with a land owner to
16 the east of this property in an area that is not
17 leased but is currently rezoned and we have not been
18 able to conclude any negotiations.

19 CHAIRMAN: Thank you for your update.
20 That's pretty much where we had the postponement in
21 our last meeting. Mr. Cambron made this proposal, and
22 I thought it was a very good one, to see if the
23 different parties could get together and form an
24 alternate route. So obviously this is not being able
25 to be worked out so we're at the point of the same

1 proposal which you had at the last meeting which the
2 staff reported on which they reported a favorable
3 recommendation, correct?

4 MR. BRANCATO: Yes, sir.

5 CHAIRMAN: At this point in time does
6 anybody from the commission have any questions?

7 (NO RESPONSE)

8 CHAIRMAN: Does anybody in the audience
9 have any questions?

10 Step forward, ma'am.

11 MR. ELLIOTT: State your name, please.

12 MS. GRAY: My name is Theresa Gray.

13 (MS. THERESA GRAY SWORN BY ATTORNEY.)

14 MS. GRAY: I'm here tonight with several
15 issues that I'm still concerned about. You know,
16 we've been told or what it came up in front of us was
17 that is a rural area, but there's 51 residents that
18 live down this Short Station Road that will be
19 effected one way or another between Jack Hinton Road
20 and 144. We all have concerns on damages to our homes
21 which is our life-time investment, but our major
22 concern is our safety. Short Station is narrow,
23 windy, hilly road for the coal trucks to travel.
24 Personally I'm concerned about my safety and my
25 family's safety in reference to my driveway and my

1 home.

2 Let me point out. I'm right here. Mr.
3 Brancato said, you know, there will be a short time
4 that I'll be inconvenienced. Well, I think I'll be
5 inconvenienced quite awhile considering what all the
6 acreage that's he's wanting to do and pass in front of
7 my driveway. I'm concerned about the coal, all the
8 coal traffic coming in front of my driveway because of
9 the access road will go from here and out here.

10 I have a grandchild. You know, I'm
11 concerned about her playing out in the yard.

12 Due to the coal traffic the blasting and
13 open pits that will be around my house. Mr. Brancato
14 made reference to the coal dust last time. Well, the
15 wind usually comes out of southeast which directly
16 comes where I live. It can't be healthy to breathe
17 it. Even if I don't open my windows that dust will be
18 in my house.

19 He said he would water the roads down, but
20 you can't control when the blast is in the air, when
21 the coal is blasted.

22 I'm still concerned about how am I going
23 to be notified on these blasting times. I also would
24 like to know who's responsible when I have a problem
25 when I think my safety is in danger, my health and the

1 damages to my home.

2 CHAIRMAN: Thank you. I believe in our
3 last meeting that Mr. Brancato outlined that, but I'm
4 sure he'd be happy to give you phone numbers. I think
5 he gave you several mobile numbers and a direct number
6 that you could use, but I'm sure he wouldn't mind
7 doing that again. We will call him back and ask him
8 to do that for you.

9 MS. GRAY: Yes, sir. Like I said the
10 issue that I have mainly is the safety part. This
11 driveway goes in-between Mr. Lampkin and Mr. Dawson.
12 We have our water and our phone that goes down there.
13 I'm concerned about losing my phone service and the
14 water for a time. Like I said I'm not crazy about
15 drive through a coal mine. My road goes down there.
16 If there's only one way to do it and that is to move
17 the road and like I said I will have to go past it.
18 My family will. My friends will.

19 CHAIRMAN: We're going to bring Mr.
20 Brancato back.

21 MR. APPLEBY: I've got a question for Ms.
22 Gray.

23 If I understood this right at the last
24 meeting, apparently you've got an easement or
25 right-of-way of some sort to get out there?

1 MS. GRAY: Yes. Yes, we do.

2 MR. APPLEBY: I assume when you bought
3 your property there was some understanding as to how
4 that - - this goes across someone else's property.
5 Obviously, they've got the right to move it and you
6 must be aware of that.

7 MS. GRAY: No. This was a county road.
8 We came before Planning & Zoning.

9 MR. APPLEBY: This road that goes to your
10 driveway is a county road?

11 MS. GRAY: Was an old county road.

12 MR. APPLEBY: It's not county road now
13 though that I can tell?

14 MS. GRAY: Right.

15 MR. APPLEBY: So it's just an easement
16 across these people's property?

17 MS. GRAY: Right.

18 MR. APPLEBY: You don't own that easement?

19 MS. GRAY: No, not that I'm aware of. I
20 still have to get back there and to me it's a scary
21 thought going through there and my family going
22 through there.

23 CHAIRMAN: Let's bring Mr. Brancato back
24 to answer those questions once again if you would.

25 MR. BRANCATO: Wonder if I could address

1 the question that Mr. Appleby raised and show another
2 map here.

3 I ran title on this area back to 1852. In
4 1892 this property was part of a large farm which I
5 have outlined in yellow here. The property was
6 divided among the Higdon family, two sisters and two
7 brothers. The brothers taking the southern most
8 portion of the property. The older brother granted to
9 the younger brother a right to access this farm area
10 right here for purposes of farming. That's in an 1892
11 grant. That's the only record that I could find and
12 that Jack could find concerning the access to this
13 property.

14 MR. CAMBRON: Where does she live at now?

15 MR. BRANCATO: She lives here. Now, the
16 Grays one acre lot was carved out of this
17 approximately 110 acre tract of land which does have
18 frontage to Jack Hinton Road.

19 In 1981 when this one acre tract was
20 carved out, a petition was made to Planning & Zoning
21 identifying this lane as a county road, but that lane
22 has never been in the county road system of any
23 records that I could find.

24 Now, under Kentucky property law, if a
25 parcel is carved out of a larger tract of land that

1 has access to a county road or a public road, then
2 that one acre or that carving out of that property can
3 not obtain an easement by prescription across adjacent
4 land as long as there was access to a county road. So
5 what I believe the Grays have is a license and
6 accommodation to cross this property. Not a
7 right-of-way or not an easement by description.

8 MR. JAGOE: There's not an easement of
9 record there, not a prescriptive easement but there's
10 not an easement of record?

11 MR. BRANCATO: There is no easement of
12 record. When the one Higdon brother granted to his
13 second brother the right to access this property, that
14 right terminated at this point where the second
15 brother's property began. The Grays' property is back
16 here.

17 MR. CAMBRON: So where would the easement
18 to their property originate at this point in time if
19 this easement is incorrect?

20 MR. BRANCATO: Well, under Kentucky law if
21 you take 100 acre parcel of land and carve it out, it
22 would have an easement, a prescriptive easement across
23 this property to come to Jack Hinton Road. There's no
24 disagreement among the neighbors. I mean there's an
25 existing verbal license and accommodation across that

1 property.

2 Also could not find any easement of record
3 for the water line or the phone line that was
4 installed along this driveway.

5 MR. APPLEBY: In your opinion the property
6 owner's obligation is only to provide some means of
7 access back to this Gray property?

8 MR. BRANCATO: Well, actually the people
9 who are providing that accommodation have no
10 obligation to them because the one acre wasn't carved
11 out of their property and they have access to another
12 county road from the larger tract from which it was
13 carved out.

14 Mrs. Gray mentioned coal dust and
15 unfortunately that term gets thrown around. It's not
16 coal dust. That's the challenge out there. It's
17 regular dust. Same kind of dust farms kick up when
18 they plow and when they harvest and when they
19 cultivate.

20 We do have equipment to water the roads.
21 It particularly challenged during a drought in summer
22 seasons. A number of years ago in the 1988 drought I
23 was mining in Henderson County, Kentucky. During the
24 height of the drought I was putting 120,000 gallons of
25 water on the road a day which seemed incongruous to

1 me, but that's what we were obligated to do. So I was
2 pulling water out of the Green River at the very time
3 power plants along the Green River were starving for
4 water. So we do water our roads regularly.

5 The areas we are not able to water is the
6 physical area that were mined. It's not possible to
7 water in those areas, but those are not the areas that
8 generate objectionable dust. It's the haul roads and
9 the movement of the coal and the overburden along the
10 haul roads.

11 In terms of blasting notices. Everyone
12 within a mile of the property will receive a certified
13 letter 30 days before blasting will commence. In that
14 letter there will be a proposed blasting schedule.
15 It'll also be published three times in the
16 Messenger-Inquirer 30 days before blasting will
17 commence.

18 Now, in addition the blasting operations
19 require audible alarms at five minutes, three minutes
20 and one minute before the explosives are detonated.
21 Those alarms are using an air horn which can be heard
22 for a minimum of three-quarters of a mile and there
23 are three short blasts, two long blasts and one very
24 long blast which is an all clear sign to let people
25 know about the forthcoming detonation.

1 I think I answered the questions, but I'm
2 not sure if there was another one.

3 CHAIRMAN: And then give her once again
4 the phone number. She was concerned about who to
5 call, how to locate. I believe you had given her your
6 cell phone number.

7 MR. BRANCATO: I'd be glad to do that
8 after the hearing again. All of these numbers are
9 posted on the signs at the entrance to the mine as
10 required by federal and state law.

11 CHAIRMAN: Thank you.

12 Does anybody from the commission have any
13 questions for Mr. Brancato before he leaves?

14 (NO RESPONSE)

15 CHAIRMAN: Thank you.

16 Does anybody else from the audience have
17 anything different that they would like to bring up
18 that we haven't covered?

19 Yes, ma'am, you've got something different
20 that we haven't covered?

21 MR. ELLIOTT: State your name, please.

22 MS. KUYKENDALL: Janell Kuykendall.

23 (MS. KUYKENDALL SWORN BY ATTORNEY.)

24 MS. KUYKENDALL: I know Russ Mining are
25 the ones that's going to be doing this mining. If

1 I've missed it, who will be doing the blasting? What
2 company will be doing that?

3 CHAIRMAN: Let's bring Mr. Brancato back
4 up to answer that question. Do you have any other
5 questions or is that it?

6 MS. KUYKENDALL: I think that's it.
7 Everything other than safety issues, the water, the
8 phone. The right-of-way that they have to their
9 property is straight across from mine which I know.
10 When I had my phone turned on they told me that's
11 where it lays at. Same issues. If I'm without phone
12 or without water, I guess they're going to bring me
13 phone or bring me some water to use. I don't know.

14 CHAIRMAN: Well, let's have him answer
15 that question that you have.

16 MR. BRANCATO: I think there's a
17 misunderstanding here. What Ms. Gray is concerned
18 about is that we will be crossing the lane that they
19 now use as the driveway. That is not the area where
20 the coal will be coming out which would affect, which
21 I believe she believes would affect her property.

22 Did I state that right? That's not where
23 the coal haul is going to be. What the Grays are
24 concerned about is that we're simply going to be
25 crossing in the north/south direction, the road that

1 runs east/west.

2 In terms of who would be doing the
3 blasting; well, Russ will be responsible for the
4 blasting. Currently we're using what's called Down
5 Hole Service where we hire a license blasting company
6 to come in and load the holes with ammonia nitrate and
7 fertilizer and then we detonate that mixed
8 combination. The company we're currently using is
9 called Kentext, Inc.

10 MR. APPLEBY: One question. On your use
11 of Short Station Road, is it the county and the state
12 that permit the use of Short Station to haul coal?
13 Who do you go to to get that permission?

14 MR. BRANCATO: We actually go through
15 both, but the bond and maintenance agreement that we
16 would enter into would be with the county for Short
17 Station Road. You would also ordinarily enter into a
18 similar agreement with the state for use of a Kentucky
19 highway until 50,000 tons are hauled across that
20 highway.

21 Kentucky 144 has already crossed that
22 threshold and it is in what is called the extended
23 weight program. So that by purchasing a special
24 license from the Transportation Cabinet, you're
25 authorized to haul on that road. We report that

1 tonnage every month to the state.

2 A portion of our revenue stream then is
3 paid to the state for maintenance of Kentucky 144.
4 Approximately \$200,000 a year is paid to the county
5 for the maintenance on Short Station Road or I assume
6 they would do that. Don't want to expect or predict
7 what the county would do.

8 MR. CAMBRON: Can you again show me, Mr.
9 Brancato, show me on the other map there exactly where
10 you're going to be hauling from and down which roads
11 there and give me some direction there again, please?

12 MR. BRANCATO: The lane that the Grays are
13 concerned about is right here.

14 MR. CAMBRON: Right. Then we go to a
15 county road, right?

16 MR. BRANCATO: Well, the green line shows
17 the county road, but the proposed exit point for the
18 haul road is up here.

19 MR. CAMBRON: And that county road is?

20 MR. BRANCATO: Short Station Road. Once
21 upon a time it was called Boston Road. We would
22 follow Short Station Road north to Highway 144 and
23 there are 19 homes between this point and 144.

24 MR. CAMBRON: And what's the distance
25 between the exit here onto the county road to 144?

1 MR. BRANCATO: Just under a mile and a
2 half.

3 MR. CAMBRON: Okay. That's all I need.

4 CHAIRMAN: Yes, ma'am.

5 MS. GRAY: My question is: When we bought
6 the property from my dad it was a county road and it
7 shows on our plat that it was an old county road. We
8 had to become before this Planning & Zoning and sign a
9 waiver that they would no longer maintain it.

10 CHAIRMAN: Mr. Brancato would not have the
11 answer to that question. I think Mr. Noffsinger.

12 Mr. Noffsinger, in regards to her question
13 about the status of this road whether it be a
14 right-of-way or a former county road that was turned
15 over to residents, can you answer that question?

16 MR. NOFFSINGER: No, sir. Only thing I
17 can state is that there is a plat. That plat was
18 approved. The plat makes reference I believe to an
19 old county road not maintained by the public and
20 that's the only information we have. They did not
21 survey any right-of-way for that road. The lot, the
22 lot in question was surveyed, but there's only a
23 reference made to this passageway, if you will.

24 MR. APPLEBY: If there's some question as
25 to whether or not they have legal access to a county

1 road, that's a legal question that has to be resolved.
2 That's not something that we - - it's not in our
3 proof.

4 MS. GRAY: Okay.

5 CHAIRMAN: I think everybody has had their
6 say.

7 Yes, ma'am. Would you like to say
8 something we haven't covered?

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

11 MS. BAISDEN-WADE: Cheryl Baisden-Wade.

12 (MS. BAISDEN-WADE SWORN BY ATTORNEY.)

13 MS. BAISDEN-WADE: I live at 8065 Jack
14 Hinton Road. I just have one question I guess for the
15 commission.

16 We've tried to - - we want to know if
17 anybody knows what the noise ordinance is for the
18 county? We tried to contact Reid Haire's office and
19 he told us to call Criminal Division of the County
20 Attorney's office. We've left messages for two weeks
21 and nobody will return our call. We're mainly
22 concerned about noise when dozers are running all
23 night long, which is right next to our property, and I
24 guess the blasting also.

25 CHAIRMAN: Mr. Noffsinger.

1 MR. NOFFSINGER: I'm not aware of any
2 noise ordinance. The county may have. Now, they may
3 very well have one and you would need to contact Mr.
4 Bob Kirtley. He's the county attorney.

5 MS. BAISDEN-WADE: We couldn't get a
6 response from him in two weeks.

7 MR. NOFFSINGER: I would knock on his
8 door.

9 CHAIRMAN: Does anybody else have any
10 areas or any concerns we have not covered in the last
11 two meetings?

12 Yes, sir. Please step to the podium.

13 MR. ELLIOTT: State your name, please.

14 MR. HAMILTON: James Hamilton.

15 (MR. JAMES HAMILTON SWORN BY ATTORNEY.)

16 MR. HAMILTON: I'm the land owner on Short
17 Station Road also up there. That joining where Aull
18 Road is suppose to come out onto Short Station Road.
19 It's in this 22 houses to be concerned when - - I'm
20 not against improvements or whatever, but what I would
21 like to know is why they can't make a new haul road
22 across the back of the property instead of using Short
23 Station Road because it will not hold up very long. I
24 was working with Lanham Coal, United Coal and that
25 Aull Road it was a continuous mess. They didn't haul

1 very long until the blacktop was gone and they had
2 nothing but a gravel road. They watered pretty good,
3 but you go through there you'll hate to take a white
4 car because it won't be white when you drive a mile on
5 it. And this won't be any different. But if it could
6 be possible to go through on the back side and come
7 out from Hayden, Pedley, the Aud farm, and I don't
8 know who, onto 144. It would be possible maybe. I'd
9 just like for them to think about it, and against the
10 cost of widening Short Station, rebuilding it back and
11 keeping it up against making a road back there which
12 they could when they get through with coal they could
13 eliminate it by putting the top soil back on it and
14 putting grass back on it. If that would be
15 possible. I don't know. I've worked for - - well,
16 I'm a truck driver. Not a good one, but I can get
17 there and back. Nevertheless I've hauled tons of rock
18 on Aull Road to keep it up. There's three houses
19 concerned on that road. The link from 144 back to the
20 Allen place.

21 On our road now we've got 22 of the
22 driveway where I presume they're going to come out on
23 Short Station Road.

24 In all consideration I'd just like for
25 them to, if they could, go as far as they can towards

1 figuring out an alternate route.

2 CHAIRMAN: Well, we did have a
3 postponement so they could try to work out an
4 alternate route, but I'll have Mr. Brancato address
5 that. You must have been a pretty successful truck
6 driver. You're still with us.

7 MR. HAMILTON: Well, I'm 78 years old.

8 CHAIRMAN: That's what I mean. You've
9 answered the roll call quite a few times.

10 MR. HAMILTON: Let me mention one more
11 thing. That road at one time was Boston Road, but the
12 old Bost Road is where they live. That wasn't
13 original Short Station Road where I had the farm out
14 there. Well, we've still got it. Short Station Road
15 goes here. The old road went down through a holler
16 and across the Payne place to where they live on into
17 the Jack Hinton Road. Now, that's been done away with
18 years. I know it has a long time, but it was Boston
19 Road, but the original Short Station Road was not
20 Boston Road.

21 CHAIRMAN: Well, the road system really
22 doesn't come under anything that we're ruling on here.
23 That's nothing we really control. That would be the
24 county, depends on whether it's a county road or a
25 state road. I will bring Mr. Brancato back to answer

1 your suggestion and question.

2 MR. HAMILTON: If he can it's good for all
3 people concerned.

4 CHAIRMAN: I think you've got a suggestion
5 question and we'll get him back to address it. Thank
6 you.

7 MR. BRANCATO: The road that he's talking
8 about would start in Payne's lane. It's still shown
9 on this map here. That was a public road. In
10 Kentucky public roads connect I think one county road
11 to another county road. It's one of the requirements
12 to be a public road. A road that goes to somebody's
13 house is a private road or private lane. At some
14 point in time over the last 90 years, this public road
15 fell into disuse. Once it falls into disuse it
16 reverses to the landowner. It's no longer available
17 as a public road. This is one of the landowners we
18 are talking with and that would be the approximate
19 location if we could make an agreement with him, but
20 we have not made that agreement. The other route is
21 the very route that we talked about last month which
22 brought about the postponement. Yes, it's possibly,
23 physically possible but it's not legally possible
24 without the owner's approval and permission and we
25 don't have two landowners approval.

1 CHAIRMAN: Thank you.

2 Do we have any other questions of the
3 commission?

4 (NO RESPONSE)

5 CHAIRMAN: Any other issues from the
6 audience?

7 (NO RESPONSE)

8 CHAIRMAN: The Chair is ready for a
9 motion.

10 MR. APPLEBY: Mr. Chairman, I sympathize
11 with these folks about the use of Short Station and
12 it's not a good road I don't feel like, but that's an
13 issue that's best taken up probably with the county as
14 we don't permit the use of the road. I don't see that
15 we have any grounds to deny this application as it is
16 in compliance with the Comprehensive Plan.

17 So I would make a favorable recommendation
18 based on the Staff's Recommendations and Findings of
19 Fact 1 through 6 and the condition.

20 CHAIRMAN: Mr. Appleby has made a motion
21 for proposal.

22 MR. CAMBRON: Second. I agree with what
23 Mr. Appleby said. You know, we can only do so much
24 here. It's not our place, but we'll see what happens.
25 It'll have to go before the county now.

1 CHAIRMAN: We've got a motion for approval
2 by Mr. Appleby. A second by Mr. Cambron. All in
3 favor raise your right hand.

4 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

5 CHAIRMAN: Motion carries unanimously.

6 Next item, please.

7 ITEM 9

8 Portion 2714 US 60 East, 1.106 acres
9 Consider zoning change: From B-4 General Business and
10 R-3MF Multi-Family Residential to B-4 General Business
11 Applicant: Charalambos "Harry" Pavlas, Nicholas
12 Pavlas

13 MR. NOFFSINGER: Mr. Chairman, the
14 applicant I believe is represented here tonight and
15 may agree to a postponement of this item tonight. At
16 this point the Staff is recommending that this item be
17 postponed until the next meeting so that we can deal
18 with some issues related to the future development of
19 this property.

20 CHAIRMAN: Does the applicant agree?

21 MR. ELLIOTT: State your name, please.

22 MR. PENCE: Jack Pence.

23 (MR. JACK PENCE SWORN BY ATTORNEY.)

24 MR. PENCE: The applicant, the main
25 applicant he is out of the country at this time. His
26 brother did assure me that he would be here and I see
27 that he's not. So I'm not sure that I'm in a

1 position. I prepared the application. I'm not sure
2 if I'm in a position to answer for the applicant.

3 MR. NOFFSINGER: Are you in a position to
4 speak for the applicant in terms of should we move
5 forward with this zoning change?

6 MR. PENCE: From an engineer standpoint,
7 yes. The fact that there is a question about the
8 access point, the number of access points and with
9 those access points, I personally would be favorable
10 of a postponement to discuss those and look at the
11 overall development plan prior to rezoning.

12 CHAIRMAN: So, Mr. Pence, on behalf of the
13 applicant you acting as engineer will accept or do
14 want to propose a postponement of this issue, correct?

15 MR. PENCE: Since he's not here, I think I
16 will be in a position to do that.

17 CHAIRMAN: Okay.

18 Mr. Noffsinger, I believe we have a
19 postponement.

20 MR. NOFFSINGER: We'll need to vote on a
21 postponement.

22 MS. DIXON: Move to postpone.

23 CHAIRMAN: Ms. Dixon makes a motion for
24 postponement.

25 MR. APPLEBY: Second.

1 CHAIRMAN: Second by Mr. Appleby. All in
2 favor raise your right hand.

3 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

4 CHAIRMAN: Motion carries unanimously.

5 Next item, please.

6 -----

7 COMBINED DEVELOPMENT PLAN/MAJOR SUBDIVISION

8 ITEM 10

9 Bertha Goetz Estate, 24.358 acres
10 Consider approval of amended combined major
11 subdivision preliminary plat/final development plan.
12 Applicant: Bertha Goetz Estate, c/o Jim Goetz

13 MR. NOFFSINGER: Mr. Chairman, this plan
14 is in order. Has been reviewed by the Planning Staff
15 and the Engineering Staff and ready for your approval.

16 CHAIRMAN: Is there anybody here
17 representing the applicant?

18 APPLICANT: Yes.

19 CHAIRMAN: Does anybody on the commission
20 have any questions of the applicant?

21 (NO RESPONSE)

22 CHAIRMAN: Anybody from the audience?

23 (NO RESPONSE)

24 MR. APPLEBY: Motion for approval.

25 CHAIRMAN: Motion for approval by Mr.
Appleby.

1 MR. JAGOE: Second.

2 CHAIRMAN: Second by Mr. Jagoe. All in
3 favor raise your right hand.

4 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

5 CHAIRMAN: Motion carries unanimously.

6 Next item, please.

7 DEVELOPMENT PLAN

8 ITEM 11

9 4617 Sutherland Road, 2.30 acres
10 Consider approval of amended final development plan.
11 Applicant: Sports Warehouse, Steve Aull

12 MR. NOFFSINGER: Mr. Chairman, this plan
13 is in order. Has been reviewed by the Planning Staff
14 and Engineering Staff and is ready for your
15 consideration.

16 CHAIRMAN: Is anybody - - I believe I see
17 the applicant.

18 APPLICANT: Yes.

19 CHAIRMAN: Does anybody on the commission
20 have any questions of the applicant?

21 (NO RESPONSE)

22 CHAIRMAN: Anybody from the audience?

23 (NO RESPONSE)

24 CHAIRMAN: Chair is ready for a motion.

25 MR. ROGERS: Motion for approval.

CHAIRMAN: Motion for approval by Mr.

1 Rogers.

2 MS. DIXON: Second.

3 CHAIRMAN: Ms. Dixon had a second. All in
4 favor raise your right hand.

5 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

6 CHAIRMAN: Motion carries unanimously.

7 Next item, please.

8

9 MAJOR SUBDIVISIONS

10 ITEM 12

11 Bertha Goetz Estate, Unit #4, (Lot #8-A) 1.00 acres
12 Consider approval of major subdivision final plat.
13 Surety (Certificate of Deposit) posted: \$6,375.00
14 Applicant: Bertha Goetz Estate, c/o Jim Goetz

15 MR. NOFFSINGER: Mr. Chairman, this
16 application is in order. Has been reviewed by the
17 Planning Staff and Engineering Staff and ready for
18 your consideration.

19 CHAIRMAN: Anybody here representing the
20 applicant?

21 (NO RESPONSE)

22 CHAIRMAN: Any questions from the
23 commission or audience?

24 (NO RESPONSE)

25 CHAIRMAN: Chair is ready for a motion.

MS. DIXON: Move to approve.

1 CHAIRMAN: Motion by Ms. Dixon for
2 approval.

3 DR. BOTHWELL: Second.

4 CHAIRMAN: Second by Dr. Bothwell. All in
5 favor raise your right hand.

6 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

7 CHAIRMAN: Motion carries unanimously.

8 Next item, please.

9 ITEM 13

10 Brookhill Estates, Unit #11, (Lots #107-108, 110, 111,
113-117), 3.853 acres

11 Consider approval of major subdivision final plat.

12 Surety (Certificate of Deposit) posted: \$1,000.00

13 Applicant: Brookhill Estates, Inc.

14 MR. NOFFSINGER: Mr. Chairman, this plan
15 is in order and ready for your consideration.

16 CHAIRMAN: Anybody here representing the
17 applicant?

18 (NO RESPONSE)

19 CHAIRMAN: Any questions from the
20 commission or audience?

21 (NO RESPONSE)

22 CHAIRMAN: Chair is ready for a motion.

23 MS. DIXON: Move to approve.

24 CHAIRMAN: Approval by Ms. Dixon.

25 MR. HAYDEN: Second.

CHAIRMAN: Second by Mr. Hayden. All in

1 favor raise your right hand.

2 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

3 CHAIRMAN: Motion carries unanimously.

4 Next item, please.

5 ITEM 14

6 The Landings of Heartland, Phase 2 (Lots #283-303),
4.671 acres

7 Consider approval of major subdivision final plat.
Surety (Certificate of Deposit) posted: \$10,111.60
8 Applicant: Jagoe Development Corporation

9 MR. NOFFSINGER: Mr. Chairman, this
10 application is in order and ready for your
11 consideration.

12 MR. JAGOE: Mr. Chairman, I need to
13 disqualify myself.

14 CHAIRMAN: Mr. Jagoe is disqualified.

15 Any questions from the audience or
16 commission?

17 (NO RESPONSE)

18 MR. CAMBRON: Move for approval.

19 CHAIRMAN: Approval by Mr. Cambron.

20 DR. BOTHWELL: Second.

21 CHAIRMAN: Second by Dr. Bothwell. All in
22 favor raise your right hand.

23 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

24 CHAIRMAN: Motion carries unanimously.

25 Next item, please.

1 ITEM 15

2 Plantation Pointe, Unit #1, 1.734 acres
3 Consider approval of major subdivision final plat.
4 Applicant: Steve Baker Building, LLC

5 MR. NOFFSINGER: Mr. Chairman, this plat
6 is in order and ready for your consideration.

7 CHAIRMAN: Anybody here representing the
8 applicant?

9 (NO RESPONSE)

10 CHAIRMAN: Questions from the audience or
11 commission?

12 (NO RESPONSE)

13 CHAIRMAN: Chair is ready for a motion.

14 MR. HAYDEN: Make a motion for approval.

15 CHAIRMAN: Motion for approval by Mr.
16 Hayden.

17 SISTER VIVIAN: Second.

18 CHAIRMAN: Second by Sister Vivian. All
19 if favor raise your right hand.

20 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

21 CHAIRMAN: Motion carries unanimously.

22 Next item, please.

23 -----

24 MINOR SUBDIVISION

25 ITEM 16

11757 Red Hill-Maxwell Road, 1.934 acres

1 Consider approval of minor subdivision plat.
Applicant: Jennifer Carter

2

3 MR. NOFFSINGER: Mr. Chairman, this plat
4 comes before the Planning Commission because it
5 exceeds the three to one depth to width ratio;
6 however, this lot was created in 1991 by a deed. The
7 property has been transferred several times since that
8 time and the adjoining properties and the farm that
9 this property came out of are now under different
10 ownership. Because the property was created by deed
11 in 1991 it would have met the requirements of the
12 subdivision regulations at this point. Staff would
13 recommend that you approve this plat as an exception.

14 CHAIRMAN: Anybody here representing the
15 applicant?

16 (NO RESPONSE)

17 CHAIRMAN: Does anybody on the commission
18 have any questions?

19 (NO RESPONSE)

20 CHAIRMAN: If not Chair is ready for a
21 motion.

22 MR. APPLEBY: Motion for approval.

23 CHAIRMAN: Motion for approval by Mr.
24 Appleby.

25 MR. JAGOE: Second.

1 CHAIRMAN: Second by Mr. Jagoe. All in
2 favor raise your right hand.

3 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

4 CHAIRMAN: Motion carries unanimously.

5 Next item.

6

7

SURETY RELEASES

8

ITEM 17

9

Creek Haven, Unit #1, \$8,738.80

10 Consider release of surety (Certificate of Deposit)
for streets.

Surety posted by: Creek Haven Development, Inc.

11

ITEM 18

12

Hagan's Outdoor Equipment, \$2,077.00

13 Consider release of surety (Certified Check) for
landscaping

14 Surety posted by: Hagan's Saw Shop, Inc.

15

ITEM 19

16

Mount Moriah Holdings Development, \$9,000.00

17 Consider release of surety (Performance Bond) for
landscaping

Surety posted by: Mount Moriah Holdings

18

ITEM 20

19

Office Building (1200 Breckendridge Street) \$11,402.00

20 Consider release of surety (Performance Bond) for
landscaping

21 Surety posted by: Shanti Construction Co.

22

ITEM 21

23

Bob Roberts Auto Sales, \$2,333.00

24 Consider release of surety (Certified Check) for
landscaping

Surety posted by: RKR, Inc.

25

1 ITEM 22

2 Sleep Inn, \$12,832.50
3 Consider release of surety (Performance Bond) for
4 landscaping
5 Surety posted by: D.F. Crane Construction Corp.

6 MR. NOFFSINGER: Under Surety Releases
7 Items 17 through 22 are in order and may be released
8 in toto.

9 CHAIRMAN: Chair is ready for a motion.

10 MS. DIXON: Move to approve.

11 CHAIRMAN: Motion for approval by Ms.
12 Dixon.

13 MR. APPLEBY: Second.

14 CHAIRMAN: Second by Mr. Appleby. All in
15 favor raise your right hand.

16 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

17 CHAIRMAN: Motion carries unanimously.

18 Next item, please.

19 -----

20 NEW BUSINESS

21 ITEM 23

22 Consider the filing Deadlines and Meeting Dates
23 Schedule for the OMPC and OMBA calendar year of 2002.

24 MR. NOFFSINGER: Each commissioner has
25 been mailed a copy of this calendar and Planning Staff
recommends that you approve this calendar for the next

1 year.

2 CHAIRMAN: Any questions by any of the
3 commissioners?

4 DR. BOTHWELL: I have a question. One of
5 the meetings is set on Valentine's Day.

6 MR. NOFFSINGER: Bring your sweetheart.

7 CHAIRMAN: What's the question, Dr.
8 Bothwell?

9 MR. BOTHWELL: Should we amend that
10 meeting date? I think there might be some reason to
11 do that.

12 CHAIRMAN: Does anybody else have any
13 other comments they'd like to share with us at this
14 time?

15 (NO RESPONSE)

16 DR. BOTHWELL: I can see I'm not getting
17 any support. Okay.

18 MR. APPLEBY: Motion to approve the
19 calendar.

20 MR. HAYDEN: Second.

21 CHAIRMAN: We have a motion by Mr. Appleby
22 including February 14th. Second by Mr. Hayden. All
23 in favor raise your right hand.

24 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

25 CHAIRMAN: The motion carried unanimously.

1 I believe we're at the point where we're
2 ready for one final motion.

3 SISTER VIVIAN: I move that we adjourn.

4 CHAIRMAN: Sister Vivian says motion for
5 adjournment.

6 MR. CAMBRON: Second.

7 CHAIRMAN: Second by Mr. Cambron. All in
8 favor raise your right hand.

9 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

10 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 Planning & Zoning
6 meeting was held at the time and place as stated in
7 the caption to the foregoing proceedings; that each
8 person commenting on issues under discussion were duly
9 sworn before testifying; that the Board members
10 present were as stated in the caption; that said
11 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 49 typewritten pages; and that no signature
15 was requested to the foregoing transcript.

16 WITNESS my hand and notarial seal on this
17 the 3rd day of January, 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