

1 OWENSBORO METROPOLITAN PLANNING COMMISSION

2 DECEMBER 13, 2012

3 The Owensboro Metropolitan Planning Commission
4 met in regular session at 5:30 p.m. on Thursday,
5 December 13, 2012, at City Hall, Commission Chambers,
6 Owensboro, Kentucky, and the proceedings were as
7 follows:

8 MEMBERS PRESENT: Drew Kirkland, Chairman
9 Ward Pedley, Vice Chairman
10 David Appleby, Secretary
11 Gary Noffsinger, Director
12 Madison Silvert, Attorney
13 Margaret Cambron
14 Tim Allen
15 Wally Taylor
16 John Kazlauskas
17 Fred Reeves

18 * * * * *

19 CHAIRMAN: I would like to welcome you to the
20 Owensboro Metropolitan Planning Commission meeting.
21 Please stand while Margaret Cambron will have our
22 invocation and pledge of allegiance.

23 (INVOCATION AND PLEDGE OF ALLEGIANCE.)

24 CHAIRMAN: Our first item of business is to
25 consider the minutes of the November 8, 2012 meeting.
Are there any additions, corrections?

(NO RESPONSE)

CHAIRMAN: If not the chair is ready for a
motion.

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1 MR. PEDLEY: Motion for approval.

2 CHAIRMAN: Motion for approval by Mr. Pedley.

3 MR. REEVES: Second.

4 CHAIRMAN: Second by Mr. Reeves. All in favor
5 raise your right hand.

6 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

7 CHAIRMAN: Motion carries unanimously.

8 Next item, please.

9 -----

10 ZONING CHANGE

11 ITEM 2

12 3259 Alvey Park Drive East, 0.885 acres

Consider zoning change: From B-3 Highway Business

13 Commercial to I-1 Light Industrial

Applicant: William E. Cameron

14

15 MR. SILVERT: Would you state your name,
16 please?

17 MS. EVANS: Melissa Evans.

18 (MELISSA EVANS SWORN BY ATTORNEY.)

19 MS. EVANS: First of all, I would like to
20 state that the rezonings heard tonight will become
21 final 21 days after the meeting unless an appeal is
22 filed. If an appeal is filed, the application will be
23 forwarded to the appropriate legislative body for
24 final action. The appeal forms are located on the
25 back table here in this room, on our website and in

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1 the office.

2 PLANNING STAFF RECOMMENDATIONS

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

5 FINDINGS OF FACT:

6 1. Staff recommends approval because the
7 proposal is in compliance with the community's adopted
8 Comprehensive Plan;

9 2. The subject property is located in a
10 Business Industrial Plan Area where light industrial
11 uses are appropriate in general locations;

12 3. The proposal conforms to the criteria for
13 nonresidential development; and,

14 4. The proposal will bring the subject
15 property into compliance with zoning ordinance.

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

18 CHAIRMAN: Is the applicant here?

19 (NO RESPONSE)

20 CHAIRMAN: Have any questions?

21 (NO RESPONSE)

22 CHAIRMAN: Questions by the commission?

23 (NO RESPONSE)

24 CHAIRMAN: If not the chair is ready for a
25 motion.

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1 MR. APPLEBY: Motion for approval based on
2 Staff Recommendations and Findings of Fact 1 through
3 4.

4 CHAIRMAN: Motion for approval by Mr. Appleby.

5 MR. ALLEN: Second.

6 CHAIRMAN: Second by Mr. Allen. All in favor
7 raise your right hand.

8 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

9 CHAIRMAN: Motion carries unanimously.

10 Next item, please.

11 ITEM 3

12 4460, 4470, 4540 Springhill Drive, 3.628 +/- acres

(Applicant requesting postponement until 12/13/12
13 meeting)

Consider zoning change: From B-4 General Business and
14 R-1C Single-Family Residential to R-3MF Multi-Family
Residential

15 Applicant: Lake Forest Community, LLC

16 MR. PEDLEY: Mr. Chairman, I need to
17 disqualify myself on Items 3 and 4.

18 (MR. PEDLEY LEAVES ROOM AT THIS TIME.)

19 MR. APPLEBY: Do we need a motion to postpone?

20 CHAIRMAN: Yes.

21 MR. APPLEBY: Move to postpone.

22 MS. EVANS: Excuse me. That said to postpone
23 until the December 13th meeting.

24 CHAIRMAN: Oh, December 13th.

25 MS. EVANS: It was postponed last month.

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1 CHAIRMAN: Let the record show that Mr. Pedley
2 removed himself. Thank you.

3 PLANNING STAFF RECOMMENDATIONS

4 The Planning Staff recommends approval subject
5 to the Condition and Findings of Fact that follow:

6 CONDITION

7 Approval of a final development plan for the
8 subject property.

9 FINDINGS OF FACT

10 1. Staff recommends approval because the
11 proposal is in compliance with the community's adopted
12 Comprehensive Plan;

13 2. The subject property is partially located
14 in an Urban Residential Plan Area where urban
15 mid-density residential uses are appropriate in
16 limited locations and partially located in a Business
17 Plan Area where urban mid-density residential uses are
18 appropriate in limited locations;

19 3. The proposed multi-family residential use
20 is consistent with the criteria for urban residential
21 development;

22 4. Sanitary sewer service is currently
23 available to the subject property;

24 5. The proposal is a logical expansion of
25 existing R-3MF zoning to the northwest; and,

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1 6. The proposal will serve as a buffer
2 between the established residential subdivisions and
3 the commercial property on the northeast side of
4 Springhill Drive.

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

7 CHAIRMAN: Is there somebody here for the
8 applicant?

9 APPLICANT REP: Yes.

10 CHAIRMAN: Does anybody in the audience have a
11 question of the applicant?

12 (NO RESPONSE)

13 CHAIRMAN: Does anybody on the commission have
14 a question of the applicant?

15 (NO RESPONSE)

16 CHAIRMAN: If not the chair is ready for a
17 motion.

18 MR. APPLEBY: Motion for approval based on the
19 Staff Recommendations with the single Condition and
20 Findings of Fact 1 through 6.

21 CHAIRMAN: Motion for approval by Mr. Appleby
22 with the one condition.

23 MR. KAZLAUSKAS: Second.

24 CHAIRMAN: Second by Mr. Kazlauskas. All in
25 favor raise your right hand.

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1 (ALL BOARD MEMBERS PRESENT - WITH THE
2 DISQUALIFICATION OF WARD PEDLEY - RESPONDED AYE.)

3 CHAIRMAN: Motion carries unanimously.

4 Next item, please.

5 ITEM 4

6 4560 Springhill Drive, 0.685 +/- acres

Consider zoning change: From B-4 General Business to
7 R-3MF Multi-Family Residential

Applicant: Lake Forest Community, LLC

8

9 PLANNING STAFF RECOMMENDATIONS

10 The Planning Staff recommends approval subject
11 to the condition and findings of fact that follow:

12 CONDITION

13 Approval of a final development plan for the
14 subject property.

15 FINDINGS OF FACT

16 1. Staff recommends approval because the
17 proposal is in compliance with the community's adopted
18 Comprehensive Plan;

19 2. The subject property is located in a
20 Business Plan Area where urban mid-density residential
21 uses are appropriate in limited locations;

22 3. The proposed multi-family residential use
23 is consistent with the criteria for urban residential
24 development;

25 4. Sanitary sewer service is currently

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1 available to the subject property;

2 5. The subject property is located near major
3 streets with indirect access to Highway 54 via
4 Springhill Drive, Springview Drive and Lake Forest
5 Drive, and,

6 6. The proposal will serve as a buffer
7 between the established residential subdivisions and
8 the commercial property on the northeast side of
9 Springhill Drive.

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

12 CHAIRMAN: We have somebody here for the
13 applicant. Do we have any questions of the applicant
14 from the audience?

15 (NO RESPONSE)

16 CHAIRMAN: Have any questions from the
17 commission?

18 (NO RESPONSE)

19 MR. SILVERT: Mr. Chairman, we need the record
20 to reflect that Mr. Pedley is still recused on this
21 item as well.

22 CHAIRMAN: Thank you, Mr. Silvert.

23 If there are no questions from the commission
24 or from the audience, chair is ready for a motion.

25 MR. ALLEN: Motion for approval subject to the

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1 Planning Staff Recommendations, the Condition that the
2 approval of a final development plan for the subject
3 property be done, and Findings of Fact 1 through 6.

4 CHAIRMAN: We've got a motion for approval
5 with the condition by Mr. Allen.

6 MRS. CAMBRON: Second.

7 CHAIRMAN: Mrs. Cambron has a second. All in
8 favor raise your right hand.

9 (ALL BOARD MEMBERS PRESENT - WITH THE
10 DISQUALIFICATION OF WARD PEDLEY - RESPONDED AYE.)

11 CHAIRMAN: Motion carries unanimously.

12 Thank you.

13 (WARD PEDLEY REJOINS MEETING AT THIS TIME.)

14 ITEM 5

15 3750 Ralph Avenue, 17.297 acres (applicant requesting
postponement until 1/10/13)

16 Consider zoning change: From A-U Urban Agriculture to
R-3MF Multi-Family Residential

17 Applicant: Chandler Property Management, Invision,
LLC

18

19 MR. NOFFSINGER: Mr. Chairman, the applicant
20 has requested this item be postponed until the January
21 10, 2013 meeting. You would need to take a vote on
22 that to postpone.

23 CHAIRMAN: Let the record show Mr. Pedley has
24 joined us.

25 Are there any questions from the audience?

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1 (NO RESPONSE)

2 CHAIRMAN: From the commission?

3 (NO RESPONSE)

4 CHAIRMAN: If not the chair is ready for a
5 recommendation.

6 MR. APPLEBY: Move to postpone until the
7 January meeting.

8 CHAIRMAN: A motion for postponement by Mr.
9 Appleby.

10 MR. REEVES: Second.

11 CHAIRMAN: We've got a second by Mr. Reeves.
12 All in favor raise your right hand.

13 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

14 CHAIRMAN: Motion carries unanimously.

15 Next item.

16 Related Item:

17 ITEM 5A

18 Chandler Park Apartments, 17.10 acres (applicant
requesting postponement until 1/10/13)

19 Consider approval of a preliminary development plan.

Applicant: Chandler Property Management

20

21 MR. NOFFSINGER: Mr. Chairman, this too will
22 need a vote to postpone until the January 10th
23 meeting.

24 CHAIRMAN: Are there any questions?

25 (NO RESPONSE)

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1 CHAIRMAN: If not the chair is ready for a
2 motion.

3 MR. PEDLEY: Motion to postpone.

4 CHAIRMAN: Motion to postpone by Mr. Pedley.

5 MR. KAZLAUSKAS: Second.

6 CHAIRMAN: Second by Mr. Kazlauskas. All in
7 favor raise your right hand.

8 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

9 CHAIRMAN: Motion carries unanimously.

10 Next item, please.

11 ITEM 6

12 9024 Short Station Road, 3.633 acres

Consider zoning change: From A-R Rural Agriculture

13 and EX-1 Coal Mining to A-R Rural Agriculture

Applicant: Ralph Scott, Donna Scott

14

15 PLANNING STAFF RECOMMENDATIONS

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

18 FINDINGS OF FACT

19 1. Staff recommends approval because the
20 proposal is in compliance with the community's adopted
21 Comprehensive Plan;

22 2. The subject property is located in a Rural
23 Maintenance Plan Area, where rural large-lot
24 residential uses are appropriate in limited locations;

25 3. The subject property has access to Short

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1 Station Road with no new roads proposed;

2 4. Strip-mining activity has not and will not
3 take place on the subject property; and,

4 5. The Owensboro Metropolitan Zoning
5 Ordinance Article 12a.31 requires that property shall
6 revert to its original zoning classification after
7 mining.

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

10 CHAIRMAN: Do we have somebody here for the
11 applicant?

12 (NO RESPONSE)

13 CHAIRMAN: Do we have any questions from the
14 audience?

15 (NO RESPONSE)

16 CHAIRMAN: Any questions from the commission?

17 (NO RESPONSE)

18 CHAIRMAN: If not the chair is ready for a
19 motion.

20 MR. APPLEBY: Motion for approval based on
21 Findings of Fact 1 through 5.

22 CHAIRMAN: Motion for approval with findings
23 of fact by Mr. Appleby.

24 MR. TAYLOR: Second.

25 CHAIRMAN: Second by Mr. Taylor. All in favor

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1 raise your right hand.

2 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

3 CHAIRMAN: Motion carries unanimously.

4 Next item, please.

5 -----

6 DEVELOPMENT PLAN

7 ITEM 7

8 322, 324, 326 Clay Street, 400 East Fourth Street,
0.24 +/- acres

9 Consider approval of final development plan

Applicant: Victory Properties, LLC, Friends of
10 Sinners

11 MR. NOFFSINGER: Mr. Chairman, this plan has
12 been reviewed by the Planning Staff and Engineering
13 Staff. It's found to be in order. It comes to you
14 because the church for all is designating a number, a
15 certain number of their parking spaces to be used for
16 the Friends of Sinners Transitional Living facility.
17 Because that facility cannot meet their on-site
18 parking requirements on their site, they can find
19 their parking on adjoining property within a certain
20 distance. I believe in this case for residential it's
21 within 300 feet. So this property's parking spaces
22 are within that distance to the use and are being
23 designated on this development plan specifically for
24 the use of the transitional living facility. We would
25 recommend this development plan be approved.

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1 CHAIRMAN: Do we have anybody here
2 representing the applicant?

3 APPLICANT REP: Yes.

4 CHAIRMAN: Are there any questions of the
5 applicant from the audience?

6 (NO RESPONSE)

7 CHAIRMAN: From the commission?

8 (NO RESPONSE)

9 CHAIRMAN: If not the chair is ready for a
10 motion.

11 MR. REEVES: Move for approval.

12 CHAIRMAN: Motion for approval by Mr. Reeves.

13 MR. TAYLOR: Second.

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

16 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

17 CHAIRMAN: Motion carries unanimously.

18 Next item, please.

19 -----

20 MINOR SUBDIVISIONS

21 ITEM 8

22 6131, 6135 Masonville-Habit Road, 2.433 acres

Consider approval of minor subdivision plat.

23 Applicant: Frank & Nancy Yaun; Earl D. & Virginia P.
Williams

24

25 MR. NOFFSINGER: Mr. Chairman, this plat has

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1 been reviewed by the Planning Staff and Engineering
2 Staff. It's found to be in order.

3 This takes an existing lot of record and makes
4 it more conforming in terms of its size to expand an
5 area, and then it also creates a lot around an
6 existing residence that's nonconforming in that it
7 does not meet the 3 to 1 ratio for depth to width. It
8 has, I believe, the lot being created has about 50
9 feet of frontage as best I can tell. Typically we
10 would have more road frontage than that. However,
11 that's all of the road frontage that this larger farm
12 has on that side of the existing lot and it is
13 creating a traditional-shaped lot in the rear for an
14 existing home. So the Planning Staff because of what
15 I've just stated here, Planning Staff would recommend
16 that you grant this plat approval.

17 CHAIRMAN: Is there anybody here for the
18 applicant?

19 (NO RESPONSE)

20 CHAIRMAN: Does anybody in the audience have a
21 question?

22 (NO RESPONSE)

23 CHAIRMAN: Does anybody on the commission have
24 a question?

25 (NO RESPONSE)

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1 CHAIRMAN: If not the chair is ready for a
2 motion.

3 MR. APPLEBY: Motion for approval.

4 CHAIRMAN: Motion for approval by Mr. Appleby.

5 MR. TAYLOR: Second.

6 CHAIRMAN: Second by Mr. Taylor. All in favor
7 raise your right hand.

8 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

9 CHAIRMAN: Motion carries unanimously.

10 Next item, please.

11 ITEM 9

12 5115 Highway 56, 2.108 acres

Consider approval of minor subdivision plat

13 Applicant: K-Win Generations, LLC

14 MR. NOFFSINGER: Mr. Chairman, this plat has
15 been reviewed by the Planning Staff and Engineering
16 Staff. It's found to be in order.

17 This creates a lot around an existing home
18 that's located on a large farm that does not have road
19 frontage; however, there is an access easement to the
20 existing farm and they have noted that easement on
21 this plat to serve as access to the newly created lot
22 around the home as well as the remaining tract.
23 They've also stipulated there would be no further
24 building development or divisions on this property
25 unless the minimum standards of the subdivision

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1 regulations are met.

2 So with that we would recommend it for
3 approval given that it's for an existing home on a
4 large farm.

5 CHAIRMAN: Do we have anybody here for the
6 applicant?

7 (NO RESPONSE)

8 CHAIRMAN: Does anybody in the audience have a
9 question?

10 (NO RESPONSE)

11 CHAIRMAN: Does anybody on the commission have
12 a question?

13 (NO RESPONSE)

14 CHAIRMAN: If not the chair is ready for a
15 motion.

16 MRS. CAMBRON: Make a motion to approve.

17 CHAIRMAN: We have a motion for approval by
18 Mrs. Cambron.

19 MR. KAZLAUSKAS: Second.

20 CHAIRMAN: Second by Mr. Kazlauskas. All in
21 favor raise your right hand.

22 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

23 CHAIRMAN: Motion carries unanimously.

24 Mr. Noffsinger.

25 -----

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1 NEW BUSINESS

2 ITEM 10

3 Consider approval of the October 2012 financial
statements.

4

5 CHAIRMAN: Are there any questions?

6 (NO RESPONSE)

7 CHAIRMAN: Any questions from the commission?

8 (NO RESPONSE)

9 CHAIRMAN: If not the chair is ready for a
10 motion.

11 MR. PEDLEY: Motion to approve the financial
12 statement.

13 CHAIRMAN: We've got a motion for approval by
14 Mr. Pedley.

15 MR. APPLEBY: Second.

16 CHAIRMAN: We've got a second by Mr. Appleby.
17 All in favor raise your right hand.

18 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

19 CHAIRMAN: Motion carries unanimously.

20 Next item, please.

21 ITEM 11

22 Consider extension of the OMPC office lease.

23 MR. NOFFSINGER: Mr. Chairman, last month the
24 Planning Commission authorized the director, as well
25 as the chair, to sign an extension to our office lease

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1 in the Center of Commerce.

2 Since that time a lease extension has not been
3 signed. We have been in discussion with our landlord,
4 which is the Malcolm-Bryant Corporation, and they have
5 extended us three additional offers on top of what we
6 had before.

7 One is a 15-year lease, the other is a 10-year
8 lease, and a 5-year lease.

9 Each member has been mailed a copy of what the
10 leases are. They're certainly better than the one
11 that was approved and recommended by the commission
12 last month. The Planning Staff would recommend that
13 we enter into a 15-year lease with the landlord, but
14 it's up for your consideration and discussion.

15 CHAIRMAN: Are there any questions from the
16 audience?

17 (NO RESPONSE)

18 CHAIRMAN: Does anybody on the commission have
19 questions or comments?

20 MRS. CAMBRON: I have a question. The 15-year
21 locks in our lease. Are there any penalties if for
22 some reason we want to break that lease? I mean
23 15-years, when I think about the development of
24 downtown and the opportunities, is there any type of
25 penalty if we lock it in for 15?

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1 MR. NOFFSINGER: There is a penalty and that
2 would be we would be responsible for the entire 15
3 years of that lease.

4 MRS. CAMBRON: But if we sign a lease for 10,
5 then the end of 10 we have the option to renew for
6 another 5 at the same lease?

7 MR. NOFFSINGER: No. The rate does go up.
8 The longer we renew this lease the better the rate
9 would be. That would be the advantage of the 15 year
10 over the 10 year. The disadvantage on the 15 year
11 obviously is we're going to be there for 15 years or
12 we're liable for the 15 year.

13 MR. ALLEN: Gary, just to be clear though. I
14 don't think there is an advantage to 10 versus 15. I
15 think it's the same rate.

16 MR. NOFFSINGER: In the 10-year rate, we can
17 extend for another 5 years, but it goes up at the cost
18 of the CPI, 3 percent. So the rate is the same for
19 the 10 years.

20 MR. ALLEN: But the extra five year, sure.

21 MR. NOFFSINGER: That's what I meant to say.

22 CHAIRMAN: Do you have any further questions,
23 Mrs. Cambron?

24 MRS. CAMBRON: No.

25 CHAIRMAN: Are there any other questions from

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1 anybody else on the commission, any other comments?

2 (NO RESPONSE)

3 CHAIRMAN: Mr. Noffsinger, I think you've done
4 a good job with the lease. I personally think with
5 the development of downtown, the direction in which
6 downtown is going, I personally like the 15 year
7 lease, but I think everybody has to weigh in on what
8 the commission thinks.

9 Anybody else have any other comments?

10 MR. APPLEBY: I tend to agree with Drew. I
11 don't feel like that rates are going to get any
12 cheaper downtown. I kind of like the idea of locking
13 it in 15 years at this rate. That's my gut feeling.

14 CHAIRMAN: Mr. Allen.

15 MR. ALLEN: I agree.

16 Number one, the rate itself we're looking at
17 right now is cheap relative to the current rental
18 environment downtown.

19 Number two, I think everybody or at least the
20 expectation I have is that this body will still be
21 located down here 10, 15 years in the future because
22 it just makes sense. If you're locking in kind of a
23 below market rate for an extended period in an area
24 that's improving, and all probability will have much
25 higher rates down the road, it would seem to be more

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1 prudent to lock in a longer term rate.

2 CHAIRMAN: Mr. Pedley.

3 MR. PEDLEY: I certainly agree with OMPC Staff
4 here.

5 Mr. Noffsinger, that 15-year lease without an
6 increase is no doubt the best deal. When you go to
7 other route, you know, based on consumer price index,
8 things like that, we don't know where it's going to.
9 This locks it in for 15 years. I kind of agree with
10 the 15 year period.

11 CHAIRMAN: Mr. Taylor.

12 MR. TAYLOR: I agree with the 15 year. I
13 believe if something came up and the office Staff
14 wasn't where they are in 15 years, it will probably be
15 because somebody bigger and better came along and paid
16 the rent for them.

17 CHAIRMAN: Mr. Kazlauskas.

18 MR. KAZLAUSKAS: I think where it's located
19 and time span certainly will meet our needs to the
20 future.

21 I have one question about the lease
22 improvements. You know, it talks about new carpet,
23 painting and miscellaneous cosmetic improvements. Is
24 that one time during that 15 years?

25 MR. NOFFSINGER: Yes, sir.

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1 MR. KAZLAUSKAS: What kind of shape do you
2 think it's in right now?

3 MR. NOFFSINGER: It needs improvements. We've
4 been there for six years and those improvements, we
5 did not make any improvements other than I think we
6 put down some carpet in the main lobby area, if you
7 will, the common area, but that's about it. We did
8 not paint or anything. Currently in the lease there
9 are no improvements.

10 MR. SILVERT: Mr. Kazlauskas, I can tell you
11 that there are other tenants in that same building
12 that have made improvements on their own dime. This
13 would be something to my knowledge that's extended to
14 a tenant in this building that has not otherwise been
15 extended.

16 CHAIRMAN: Previously, in the previous lease
17 the responsibility was ours and it's been shifted.

18 MR. KAZLAUSKAS: Very good.

19 CHAIRMAN: Mr. Reeves.

20 MR. REEVES: I agree with everyone else. The
21 fact that there's a bank there I think makes it a very
22 stable building. I think it will continue to be a
23 bank there. I think the quality of the landlord is
24 important and Mr. Bryant is certainly a good landlord
25 over there.

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1 CHAIRMAN: Does anybody have any problem with
2 it being right across from First Baptist? What do you
3 think the long-term situation is going to be there?

4 MR. REEVES: That's hard to say. They could
5 go out of business any day.

6 CHAIRMAN: If there are no further comments or
7 questions from anybody, the chair is ready for a
8 motion.

9 MR. REEVES: I make a motion to approve the
10 lease as specified in the document we have.

11 CHAIRMAN: We have a motion by Mr. Reeves to
12 accept the lease, the 15-year lease, Mr. Reeves.

13 MR. REEVES: Fifteen year lease, yes.

14 CHAIRMAN: Fifteen year lease. Do we have a
15 second?

16 MRS. CAMBRON: Second.

17 CHAIRMAN: Second by Mrs. Cambron. All in
18 favor raise your right hand.

19 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

20 CHAIRMAN: Motion carries unanimously.

21 ITEM 12

22 Consider entering into contract with OMU for fiber
23 optic service.

23

24 MR. NOFFSINGER: Mr. Chairman, at this point
25 in time the Staff is not prepared to make a

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1 recommendation. We continue to have fiber optic
2 service to the office. We feel that we need to table
3 this for at least another month to take a look at our
4 opportunities before we go into a long-term contract.
5 So I would recommend that no action be taken and we
6 move on to Item 13.

7 CHAIRMAN: Are there any questions?

8 (NO RESPONSE)

9 CHAIRMAN: If there are no question, we'll
10 just move right on to Item 13 since no action will be
11 taken.

12 ITEM 13

13 Enter into closed session to discuss personnel per
KRS 61.810(1)(f)

14

15 MR. NOFFSINGER: Mr. Chairman, we need to stay
16 out here. Manuel Ball, our chief building inspector
17 and associate director for the building, electrical
18 and HVAC, will give a presentation on the need to add
19 an additional staff member to the building department.
20 He's going to hand you a handout. At the end of his
21 presentation he'll entertain and I'll entertain any
22 questions you may have. Then we will certainly be
23 asking that you authorize us to move forward in terms
24 of advertising for the position and to come forward
25 with a budget amendment in January for this board so

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1 that we can fund that decision.

2 MR. SILVERT: State your name, please.

3 MR. BALL: Manuel Ball.

4 (MANUEL BALL SWORN BY ATTORNEY.)

5 MR. BALL: The Owensboro Metropolitan Planning
6 Commission (OMPC) has completed a review of the
7 current staff in an effort to prepare for growth and
8 expected attrition over the next five years.
9 Currently the OMPC has three full-time Certified
10 Building, Electrical, and HVAC field inspectors.
11 Background:

12 Currently, the OMPC Building Department is
13 comprised of the following employees:

14 • John Pickrell, Chief Electrical Inspector,
15 16 years of experience with the OMPC. John is
16 eligible for retirement in 2017.

17 • Alan King, Certified Building, Electrical,
18 and HVAC Inspector, 23 years of experience with the
19 OMPC. Alan is currently eligible for retirement.

20 • Dennis Thurman, Certified Building,
21 Electrical, and HVAC Inspector, 8 years of experience
22 with the OMPC. Dennis is eligible for retirement
23 in 2015.

24 • Matt Warren, Plan Reviewer/Certified
25 Building, Electrical, and HVAC Inspector/office staff,

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1 5 years of experience with the OMPC. To my knowledge
2 he's nowhere near retirement at this point in time.

3 The OMPC has completed 3,500 inspections this
4 year. This number is on track to exceed the last two
5 fiscal years of 6,202 and 6,249. In this time,
6 actually in 2011 we actually added the HVAC to our
7 inspections. We did not add another inspector at that
8 time.

9 Currently Daviess County is experiencing
10 record construction projects in the city and county
11 which require the OMPC staff to complete additional
12 inspections.

13 Currently it's set up that Matt Warren spends
14 most of his days in the office aiding customers with
15 building and zoning questions. He also devotes time
16 to building and zoning enforcement and inspections
17 when needed. We'd really like to have Matt in the
18 office to try to keep our customers happy and answer
19 any questions that they have. It's amazing how many
20 people just come in to ask a question about the zoning
21 or building or need help actually filling out the
22 application for a building permit.

23 Currently John Pickrell is dedicated to the
24 Owensboro Medical Health System, the new project
25 there, and the medical office building. He spends

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1 approximately 4.5 hours of his day at the hospital and
2 the remaining time, the remaining 3 hours he spends in
3 the office answering electrical questions as the chief
4 electrical inspector.

5 In addition to the hospital, Owensboro is
6 currently, because they have many more large projects.
7 We're seeing a lot of things here right now that are
8 unprecedented here in Owensboro. We have the new
9 hospital, we have the Convention Center, the new
10 Hampton Inn, and Texas Gas. There's talk of another
11 large hotel in the downtown area. It really takes a
12 lot of the time. Currently I believe even without
13 that we have an extremely lean staff.

14 The OMPC works diligently to complete timely
15 inspections and plan reviews as well as staffing the
16 office to insure appropriate personnel is available to
17 answer building and zoning questions for the public.

18 I have done some research and Daviess County
19 actually has something that to my knowledge no one
20 else in the State of Kentucky has. We have
21 cross-trained inspectors who actually look at
22 building, electric and HVAC. So instead of having
23 three separate inspectors for each one of those, we're
24 able to do it all with one inspector, which obviously
25 keeps down on our vehicles and other items like that.

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1 To compare us to another city I looked at
2 Bowling Green. Bowling Green and Warren County, their
3 population is 113,792, which is comparable to ours.
4 It's about 16,000 larger than what we are. Currently
5 they have seven inspectors to do what we have three
6 full-time and basically one part-time. We pull Matt
7 in and out of the office.

8 In addition to that, they have seven to do
9 building and electric only. The state actually comes
10 in to do the HVAC. So we actually have three
11 full-time to do what Bowling Green does with seven.

12 What I would like to recommend for you all
13 tonight is that we actually hire a new building,
14 electrical and HVAC inspector. I think it's going to
15 be difficult to find someone who has the experience
16 that is actually trained to do so. We would look for
17 someone who actually has their electrical
18 certification already. The electrical certification
19 takes five years of experience working under a master
20 to achieve. So we really have to look in that
21 direction in order to find someone who has the
22 electrical. Then if they do not have it, we would
23 train them on the building and the HVAC.

24 So my recommendation from the OMPC Staff
25 tonight is that we hire a new inspector.

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1 CHAIRMAN: Mr. Ball, with doing that will that
2 be a requirement of the job? Obviously you will want
3 to hire an electrical inspector so he's ready to go
4 almost immediately.

5 MR. BALL: That's correct.

6 CHAIRMAN: Now, will it be a requirement of
7 the job that he complete these other tasks also, other
8 certifications?

9 MR. BALL: I believe the structure of Daviess
10 County apparently of OMPC, I believe it allows us to
11 keep our staff much leaner than any other communities.
12 So, yes, that would be a requirement.

13 CHAIRMAN: And with each new certification he
14 gets he also gets an increase in his pay rate also,
15 doesn't he?

16 MR. BALL: I think currently what we're
17 looking for is someone who has that experience. We
18 would have to look at what we currently have set, but
19 I believe that is with the building and HVAC also is
20 what we're looking at.

21 CHAIRMAN: So that would be required that he
22 get that within a certain period of time?

23 MR. BALL: Correct. He may actually start at
24 a lower amount and get to the --

25 CHAIRMAN: There will be financial incentives.

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1 MR. APPLEBY: To budget that amount.

2 MR. BALL: To the budget amount. Thank you,
3 David. That's correct.

4 Also, if you look on the back there, there's a
5 survey which is just a survey we received here in
6 recent past. It basically talks about the need and
7 the workload and the schedule here at OMPC.

8 I think in order to take care of our
9 customers, we're very fortunate here in Daviess
10 County. If you call within maybe a two or three day
11 time frame, we're able to get to you very quickly.
12 Our plan reviews are extremely fast also. We turn
13 around a plan review in about a week and a half,
14 possibly less. So we really would like to keep that
15 up to take care of our customers properly.

16 CHAIRMAN: Mr. Pedley, I know you're closely
17 involved with that. What's your overview on this?

18 MR. PEDLEY: Well, as a builder and also a
19 developer, I realize how important it is for timely
20 inspections. Sometimes you get pushed back a little
21 bit or forward.

22 I had two final inspections today. To show
23 you how important it is, I had two final inspections
24 on two homes. To close my loan with these people so
25 they could move, I had to have CEO to try to get these

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1 people moved in Saturday. It's very, very important.
2 You can see just a one or two or three day delay is
3 kind of sometimes devastating to a builder, and
4 especially the homeowner. The homeowner doesn't
5 understand why the delay happens.

6 Same way with putting in footers. It's very,
7 very important on footers on account of bad weather to
8 get a footer dug. We can't wait two or three days for
9 an inspection. If you do, you're going to get it full
10 of water and mud. You take the steel out and you
11 start all over. So the footer inspection is very
12 important.

13 Also the next thing that comes up in
14 inspections is the rough-in inspection. You get a
15 building framed, there's nothing else you can do until
16 the inspector gets there and gives you approval to
17 cover. If you fail to get that within two or three
18 days, then what you've got to start doing is working
19 with your subcontractors and moving them. So you
20 might loose your place with a subcontractor for as
21 much as ten days. So timely inspections is very, very
22 important.

23 We have had it good here in Owensboro/Daviess
24 County. It's been excellent. Very, very seldom that
25 we have to wait more than one day, two days at the

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1 max. I've worked in Henderson. I've worked in
2 Madisonville, several other cities, and we're very
3 fortunate to have it. Our inspectors are very
4 efficient. The building codes is very efficient.
5 It's very well run. I watch the inspectors. They
6 lose very little time. They drive these small pickup
7 trucks very economical. The inspectors are overworked
8 many times. Many times I've had an inspector on my
9 job at 3 and 4 in the afternoon. I say, well, is this
10 your last stop? He said, no. I've got two or three
11 more. They are overworked. Especially since we've
12 had the hospital issue and all the downtown done.

13 We've got a growth coming, but more than
14 anything else you've got to prepare somebody to take
15 these people that will be retiring. Very, very
16 important to have someone prepared.

17 CHAIRMAN: Mr. Pedley, obviously you are in
18 favor of the proposal?

19 MR. PEDLEY: Absolutely. No doubt I'm in
20 favor of the proposal to hire an inspector to get him
21 trained, get him up to where he can do the job. We
22 are going to have growth. We're going to need another
23 inspector. We are going to have retirement. So
24 absolutely. I am in favor of hiring an inspector.

25 CHAIRMAN: Let me see if there's any questions

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1 from the audience.

2 Anybody else on the commission have a question
3 or a statement?

4 MR. KAZLAUSKAS: Just a couple of things.

5 You mentioned Warren County has the state come
6 in and do their HVAC.

7 MR. BALL: Yes, sir. We actually here in
8 Daviess County we have an expanded jurisdiction which
9 has allowed us to take over commercial projects from
10 the state. In addition to that, there are a lot of
11 counties that still require the state to come in and
12 do their HVAC inspections. We have entered an
13 agreement with the State to where we actually do those
14 here in-house which is much better for our customers.

15 MR. KAZLAUSKAS: Does the state charge the
16 same fee that we do?

17 MR. BALL: Yes, I believe so. I believe we
18 are on the same fee schedule as the state.

19 MR. KAZLAUSKAS: What's our turn around time
20 as far as our inspections versus the state inspections
21 over in Warren County? Do you have that?

22 MR. BALL: I do not have that information. I
23 apologize.

24 MR. KAZLAUSKAS: I would think that ours would
25 be faster, wouldn't it?

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1 CHAIRMAN: I'm sure it is.

2 MR. BALL: I feel confident. If you're
3 looking at the state, the state would normally have
4 one inspector.

5 As far as HVAC go, they would have one
6 inspector for a large area whereas we actually
7 incorporate that into our electrical and our building.
8 For instance, in the event that you have a rough-in
9 inspection in Bowling Green, before you could actually
10 cover the walls with the dry wall on a residential
11 structure, you would come in and you would have one
12 electrical inspection. You would have one for the
13 building, and then you would have to wait on the state
14 to come in and do the HVAC inspection before you could
15 cover up the dry wall.

16 I don't know what their time frame is, Mr.
17 Kazlauskas, but I feel confident just the fact that it
18 takes three inspectors instead of one, I feel
19 confident that their time frame is more than ours.

20 MR. KAZLAUSKAS: It makes sense that ours
21 would be faster than waiting and relying on the state
22 inspector to come in.

23 The other question is for Mr. Noffsinger.

24 This is recurring cost with salary and
25 benefits?

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1 MR. NOFFSINGER: Yes, sir.

2 MR. KAZLAUSKAS: I guess that person would
3 start out at Step 1, Grade 1 or whatever the grades
4 are?

5 MR. NOFFSINGER: That's correct. We have
6 salary chart for all positions. It would be based
7 upon whatever is in the salary chart. You're looking
8 at a range with benefits that's probably going to add
9 40 to \$60,000 to the budget by the time you fill that
10 one position.

11 MR. KAZLAUSKAS: 60,000 tops you think?

12 MR. NOFFSINGER: Yes. I'm looking at that's a
13 range of salary, retirement, health insurance. That's
14 unemployment insurance. That's about what it takes to
15 fill a position because this is a position that's
16 highly skilled, highly technical. Each member has
17 been mailed a copy of the proposed ad and job
18 qualifications. It will take someone with, as Manuel
19 said, five years of electrical experience and they
20 must be a certified electrical inspector. So we'll be
21 looking throughout the state in our advertising and
22 trying to find someone. It is a highly skilled
23 position and these folks are not that easy to find.

24 MR. KAZLAUSKAS: This will take a budget
25 amendment?

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1 MR. NOFFSINGER: Yes. What we would like to
2 happen tonight will be for the Planning Commission to
3 vote to authorize the Staff to advertise for the
4 position and move forward with filling that position
5 and authorize the Staff to come forward with a budget
6 amendment to fund that position at our meeting in
7 January. Then immediately if we have a person that's
8 qualified, Staff feels comfortable with, we would move
9 forward with hiring that person after the budget
10 amendment is approved. If the budget amendment is not
11 approved, then we've met some nice folks, but then we
12 wouldn't be able to move forward.

13 MR. KAZLAUSKAS: I feel comfortable in moving
14 forward with this proposal.

15 CHAIRMAN: Mr. Pedley, would you like to make
16 that motion?

17 MR. PEDLEY: I have one other statement to
18 make.

19 The building code department, planning zoning
20 itself is sufficient. Their salaries and expenses
21 come from the due permits, the permits, electrical
22 buildings, whatever, from the builders, contractors,
23 electricians, so on. It is basically not funded by
24 the two governments.

25 Mr. Noffsinger, correct me if I'm wrong on

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1 that.

2 They're very, very efficient. So if there's
3 any complaints from anyone, it should be from the
4 builders and contractors and so on. I haven't heard
5 any. We haven't had a raise in our rates or permits
6 in several years. As the Home Builders Association
7 and home builders and the contractors and so on, we're
8 very pleased with what we have. Again, I've been in
9 Henderson, Madisonville and other places and I can
10 tell you we have it very, very good here.

11 Yes, I'm ready whenever you are, Mr. Chairman.

12 MR. NOFFSINGER: Mr. Chairman, if I may say.
13 Mr. Pedley is absolutely right. The building
14 department is funded strictly by permit fees. So if
15 you come in for a building permit, electrical permit
16 or an HVAC permit, you fund that operation. That
17 operation is not funded by the city and county
18 government. Because you're a tax payer in this
19 community, that doesn't mean you're funding that
20 department. If you're building in this community,
21 getting a permit, which if you're a building something
22 you should, then you're funding for this position.

23 It's not a situation where we're just trying
24 to raise rates to fund the position. This position is
25 funded through the operations of that department

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1 that's funded through permits. We have not raised
2 costs or rates since 1984. The rates have been
3 maintained at the same rate. What has changed is the
4 cost of projects. So we've been able to continue the
5 program forward without raising the rates because the
6 cost of development has gone up. Our revenue stream
7 does go up as costs go up. We have not raised the
8 rates since 1984 and it's been a very efficient
9 program with the cross-training of our inspectors,
10 which we've been doing for years and that was started
11 under Roger Anderson's term here. He saw the need to
12 cross-train inspectors and really put this program in
13 a position to continue to grow and flourish and
14 represent this community well for many, many years.

15 CHAIRMAN: Thank you.

16 Mr. Pedley, make a motion.

17 MR. PEDLEY: I make a motion that we hire an
18 additional certified inspector.

19 CHAIRMAN: We've got a motion to hire a new
20 inspector by Mr. Pedley.

21 MR. APPLEBY: Second.

22 CHAIRMAN: We've got a second by Mr. Appleby.
23 All in favor raise your right hand.

24 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

25 CHAIRMAN: Motion carries unanimously.

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1 I believe the chair is ready for one last
2 motion.

3 MR. ALLEN: Move to adjourn.

4 CHAIRMAN: Motion for adjournment by Mr.
5 Allen.

6 MRS. CAMBRON: Second.

7 CHAIRMAN: Mrs. Cambron has a second. All in
8 favor raise your right hand.

9 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

10 CHAIRMAN: We are adjourned.

11 Merry Christmas.

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1 STATE OF KENTUCKY)

)SS: REPORTER'S CERTIFICATE

2 COUNTY OF DAVIESS)

3 I, LYNNETTE KOLLER FUCHS, Notary Public in and
4 for the State of Kentucky at Large, do hereby certify
5 that the foregoing Owensboro Metropolitan Planning
6 Commission 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 40 typewritten pages; and that no signature
15 was requested to the foregoing transcript.

16 WITNESS my hand and notary seal on this the
17 2nd day of January, 2013.

18

19

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24 COUNTY OF RESIDENCE: DAVIESS COUNTY, KENTUCKY

25

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