

1 OWENSBORO METROPOLITAN PLANNING COMMISSION

2 SEPTEMBER 14, 2017

3 The Owensboro Metropolitan Planning Commission
4 met in regular session at 5:30 p.m. on Thursday,
5 September 14, 2017, at City Hall, Commission Chambers,
6 Owensboro, Kentucky, and the proceedings were as
7 follows:

8 MEMBERS PRESENT: Larry Boswell, Chairman
9 Steve Frey, Vice Chairman
Larry Moore, Secretary
10 Brian Howard, Director
Terra Knight, Attorney
11 Irvin Rogers
Beverly McEnroe
12 Manuel Ball
Fred Reeves
Angela Hardaway

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14
15 CHAIRMAN: I would like to call the September
16 14, 2017 Metropolitan Planning Commission meeting to
17 order. We always start our meeting with a prayer and
18 pledge. Commissioner Beverly McEnroe will lead us
19 tonight. Please join us.

20 (INVOCATION AND PLEDGE OF ALLEGIANCE.)

21 CHAIRMAN: I would like to welcome everyone to
22 our meeting tonight. We appreciate the large crowd.
23 Hopefully your folks will have some things to say to
24 help us on our decision making.

25 I saw Judge Executive Al Mattingly here. We

1 thank you for attending tonight. I don't think I
2 missed anybody else.

3 Before we get started, I wanted to just lay
4 some ground rules down before the meeting,
5 housekeeping type things. If you wish to speak, we
6 ask that you please approach to podium, speak clearly,
7 state your name and be sworn in. It's very important
8 that our commissioners hear all the information so we
9 can make good informed decisions on the information
10 that we hear. Please direct all your questions to the
11 chair. If there are multiple speakers at the podium,
12 please direct those questions and answers to the Chair
13 as well. Be respect and positive to others that
14 speak. Allow them time to be able to speak as well.

15 Also, if you would, please refrain from
16 talking whenever a speaker is up there so we're able
17 to hear and Lynnette is able to make sure she records
18 everything being said.

19 Also, we ask that you please stay on topic and
20 on tract so that we are able to get through all of the
21 information that's being presented.

22 Commissioners, you were given the minutes of
23 the last meeting, the August 10, 2017 meeting. I hope
24 you all have had a chance to look at those. Are there
25 any questions or comments or changes to those minutes?

1 (NO RESPONSE)

2 CHAIRMAN: There being none the chair is ready
3 for a motion.

4 MR. BALL: Motion to approve the minutes.

5 CHAIRMAN: Motion to approve by Commissioner
6 Ball. Is there a second?

7 MR. MOORE: Second.

8 CHAIRMAN: Second by Mr. Moore. Any
9 discussion or questions about the motion or the
10 second?

11 (NO RESPONSE)

12 CHAIRMAN: There being none the Chair is ready
13 for a vote. All those in favor raise of approval
14 raise your right hand.

15 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

16 CHAIRMAN: The minutes are approved.

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18 PUBLIC HEARING

19 ITEM 3

20 Consider revisions to the Goals and Objectives of the
21 Comprehensive Plan for Owensboro, Whitesville and
22 Daviess County, Kentucky

23 MS. KNIGHT: Please state your name for the
24 record.

25 MR. HILL: Mike Hill.

(MIKE HILL SWORN BY ATTORNEY)

1 MR. HILL: KRS 100 requires our Community
2 Comprehensive Plan to be reviewed and updated every
3 five years. That's the process we're undergoing this
4 year.

5 Our current Goals and Objective element of the
6 Comprehensive Plan was approved by the Planning
7 Commission in September of 2012, and then by the three
8 legislative bodies in November and December of 2012.
9 The remaining elements of the Comprehensive Plan were
10 approved in February of 2013.

11 At tonight's meeting the only portion of the
12 Comprehensive Plan we're considering is the Goals and
13 Objective section, which is Chapter 1 of the
14 Comprehensive Plan document.

15 The commissions recommendations after tonight
16 will then be forwarded to the three legislative
17 bodies, Owensboro, Whitesville and Daviess County for
18 their consideration. Then once they're adopted by the
19 legislative bodies, the Goals and Objectives, that
20 will give Staff guidance to update the remainder of
21 the Comprehensive Plan document which we plan to bring
22 back to you, the Planning Commission, for
23 consideration probably early next year.

24 Our OMPC Staff has spent a lot of time over
25 the last couple of months soliciting feedback from the

1 community. We've talked to elected officials, various
2 utility agencies, other governmental departments and
3 citizens to try to get feedback from them on ideas for
4 improving the Goals and Objective section of our
5 Comprehensive Plan.

6 We had an ad published in the
7 Messenger-Inquirer last month to publicize records.
8 We had a citizen input meeting last month also to get
9 feedback. We've met with elected officials and we've
10 just had some random comments from some other
11 individuals in the community that we've compiled
12 together and created our proposals that we're putting
13 before you tonight.

14 I'm just going to summarize the revisions that
15 you have.

16 The Staff Report packet, the first page of the
17 Staff Report proceedings, 17 pages, are the Goals and
18 Objectives. Within it the red text are the changes
19 that are proposed.

20 So within the changes, within the Economy &
21 Employment section we've added language to promote
22 tourism and technology industries; language to promote
23 multi-modal economic development opportunities,
24 language regarding keeping local regulations and
25 policies the least burdensome as reasonably possible.

1 Within the Land Use element of the Goals and
2 Objective we've rephrased some language regarding
3 annexation of properties. We've added language
4 encouraging in-fill development. We've added language
5 regarding conflicts between historic preservation and
6 local, state and federal regulations. We've added a
7 reference regarding review of rural community
8 boundaries. We've added language making new rural
9 residential residents aware of impacts of living in
10 agricultural areas.

11 Within our Transportation section we've added
12 a statement encouraging commercial and industrial use
13 of the airport.

14 Within the Community Facilities section we've
15 added a statement regarding the coordination of
16 intergovernmental emergency services. We've added a
17 statement encouraging shared-use public facilities.
18 We've added a statement concerning that our local
19 telecommunications regulations are updated to keep up
20 with changing technology. We've removed an
21 unnecessary statement regarding the Daviess County
22 Landfill.

23 Within our Environment section of the Goals
24 and Objective we've added a statement encouraging the
25 use of alternative energy sources.

1 So with the adoption of the Goals and
2 Objectives the remaining elements of the Comprehensive
3 Plan will then be completed by Staff.

4 STAFF RECOMMENDATION

5 Planning Staff recommends adoption of the
6 proposed Goals and Objective as attached based on the
7 following findings:

8 1. Public and official input indicates that
9 the currently adopted Goals and Objectives are still
10 valid and will continue to work well to guide in
11 future decision making and should be adopted with
12 changes and revisions that have been included during
13 review;

14 2. Revisions of Economic objectives to
15 promote our tourism and technology industries, to
16 promote multi-modal economic development opportunities
17 will promote enhanced competition in a changing
18 environment of rapid technological changes and
19 out-sourcing of jobs and opportunities;

20 3. Revision of Land Use objectives to
21 encourage appropriate annexation of properties, to
22 encourage in-fill development, to resolve historic
23 preservation/regulation conflicts, to educate rural
24 residential residents of impacts and importance of
25 agricultural activities will discourage urban sprawl

1 and reduce demand for services provided outside of
2 existing or reasonably extended infrastructure;

3 4. Addition of a Transportation objective to
4 promote commercial and industrial use of the airport
5 will broaden the appeal of our community for existing
6 local businesses and industry and also for those
7 wishing to relocate here;

8 5. Revisions to Community Facilities
9 objectives to promote coordinated intergovernmental
10 emergency service efforts, to encourage shared-use
11 public facilities, to ensure local telecommunications
12 regulations can accommodate rapidly changing
13 technology will provide for well-organized and
14 cost-effective public facility and services within our
15 community; and,

16 6. Addition of an Environment objective to
17 encourage the use of alternative energy sources will
18 help to preserve existing natural features and
19 resources and will encourage sound environmental
20 design and best management practices.

21 Staff request that this report be entered into
22 the record as Exhibit A.

23 CHAIRMAN: Thank you, Mr. Mill.

24 Do any of the commissioners have any questions
25 concerning this Comprehensive Plan Goals and

1 Objectives review?

2 (NO RESPONSE)

3 CHAIRMAN: There being none does anyone in the
4 audience have any questions concerning or comments
5 concerning this particular Goals and Objectives
6 review?

7 JUDGE MATTINGLY: Yes.

8 MS. KNIGHT: Judge Executive, you're sworn.
9 Thank you.

10 JUDGE MATTINGLY: Mr. Chairman, thank you for
11 the opportunity to comment on what has been and
12 continues to be a long process for our community.

13 Just a couple of comments. Under 4.4.5,
14 "Continue exploring new ways to encourage and
15 incentivize in-fill," I think if you look at 4.9.5,
16 "Strive to resolve conflicts to preservation efforts
17 presented by local, state and federal regulation," if
18 we can figure a way to do that, that's going to go a
19 long way in getting developers to come back and
20 in-fill those spaces within the city as opposed to
21 going out in the county and developing new lands. We
22 all know sometimes in order to comply with state and
23 federal regulations, it's cheaper to buy a farm,
24 extend our services out to that farm and develop it.
25 I really like those two.

1 On 4.15.6, "Increase new rural residential
2 residents' awareness of the impacts of common
3 agricultural purposes," I can tell you that probably
4 is the single most complaint that Daviess County
5 Fiscal Court gets, because there's a tension between
6 residential and farming practices. They don't like it
7 when you spread pig poop or cow manure or chicken
8 litter out in your fields, but that's a common
9 practice that's been going on for years and years and
10 I don't know how you resolve that issue. I don't know
11 how you inform those folks who buy into rural
12 subdivisions that that's going to continue and there's
13 really not anything that Fiscal Court can do. There's
14 really not anything that you folks on the Planning and
15 Zoning Commission can do.

16 Lastly, I would ask that you turn your
17 attention to what used to be 6.10.4, "Encourage use of
18 the Daviess County Landfill." While it is true that a
19 case has gone all the way up to Kentucky Supreme Court
20 that says that waste generated within the confines of
21 Daviess County must be taken to that landfill, it
22 doesn't necessarily mean that commercial waste or
23 industrial waste would have to be taken there.

24 I think that we need to continue to encourage
25 all sectors, residential waste as well as commercial

1 and industrial waste, so I would encourage you to
2 reconsider taking that out.

3 Thank you for the ability to comment on this.

4 CHAIRMAN: Thank you, Judge.

5 Just a side bar comment too.

6 I think this is really a Comprehensive Plan
7 that's been adopted by our government bodies for quite
8 some time and this is essentially a review of that to
9 try to update it to today essentially, and the changes
10 that have happened over the last few years. This is
11 my understanding.

12 Yes, please. Step forward and state your
13 name.

14 MS. KNIGHT: Please state your name for the
15 record.

16 MR. O'BRYAN: My name is Jerry O'Bryan.

17 (JERRY O'BRYAN SWORN BY ATTORNEY.)

18 MR. O'BRYAN: I don't normally start talking,
19 and I apologize. I apologize because I got behind and
20 I didn't get a written recommendation to the board
21 there before they could submit this thing. When I
22 called yesterday and talked to Mr. Hill there, he said
23 that I might come up here and say a few words.

24 I also want to say that if I offend anybody
25 here tonight, that's not the way I operate. I do want

1 you to know that I appreciate the job you folks do,
2 and all the public servants.

3 I really appreciate Al Mattingly standing up
4 and saying what he just said because it relates
5 exactly to what I'm saying; although, his last comment
6 on the ag problem, which I don't know how you can fix
7 it. May I can pull out a couple of suggestions.

8 I operate a grain and livestock operation in
9 West Daviess County. We have about 120 employees. We
10 have about a \$4 million a year payroll. I'm not
11 telling you that to make you think that I think I'm
12 important, because I'm just a fracture of what
13 agricultural is in this county. I don't think that
14 agricultural is getting as much protection by the
15 Planning and Zoning and implemented through Fiscal
16 Court as what it probably deserves.

17 I wrote a lot things down here and all of this
18 is kind of random, but if I don't read it I'll really
19 get confused.

20 I think that agricultural is the most
21 important industry in Daviess County; not just in the
22 county, but in the state and also in the nation. I
23 can go on with a lot of numbers there about what it
24 does in terms of the national debt, the exchange of
25 trade without agricultural we would be in big trouble.

1 A lot of people don't realize, because a lot of people
2 know what I'm getting ready to say and some people
3 don't because they don't think about it.

4 Most people don't realize why we have such a
5 standard of living in this country, and one of the
6 number one reasons is agricultural and the most
7 efficient agricultural in the world. As compared to
8 other industrialized countries, we are nearly 20
9 percent less in food cost than these other countries.

10 Now, if all of you just think real quick, if
11 we went in and jerked out 20 percent of your disposal
12 income out of your pocket, disposable, not pre-tax but
13 disposable income, many of us would not live as high
14 as what we do today in terms of cars and houses and
15 vacations. So we really, really need to respect
16 agricultural. And why is agricultural so productive
17 is because of the ag land. That's what we've got to
18 talk about, protecting.

19 The minds of the country starts in the grass
20 roots. So we've got to have some strong leadership to
21 protect. This is where it starts. This sounds like a
22 -- I'm not going to say that.

23 Agricultural is suffering in Daviess County.
24 Housing development in the ag community is inhibiting
25 all aspects of agriculture, grain, vegetable and

1 livestock production. Most people would think it's a
2 ridiculous idea to build a house in the middle of the
3 Owensboro Riverport, but it's no more ridiculous than
4 building a house in the middle of an agricultural
5 industrial park.

6 The point I'm trying to make is agricultural
7 is the most important industry in the country and why
8 we should make concerted efforts to protect it. The
9 fact that there are more complaint cost to regulatory
10 agencies from residents in Daviess County about
11 agricultural practices than any other county in the
12 state points to deficiency in the zoning laws.
13 Allowing people to build houses in agricultural
14 industrial area is as ludicrous as building a chicken
15 house on Griffith Avenue. People move into the
16 agricultural areas with no knowledge or understanding
17 of agricultural and then are appalled and grossly
18 intolerant to agricultural things that happens around
19 them. They then call and complain to the different
20 agencies and these different agencies, government
21 agencies, have to respond, EPA, the Division of Water
22 and so on. This ends up causing a lot of time for the
23 agency employees and the farmers that have been
24 complained about. For the most part the agency
25 employees are respectful and understanding to the

1 farmers, but occasionally encounter agency employee
2 can and often do force stringent and ridiculous
3 interpretations to the regulations. Displays the
4 final burden on the farmer. Some of these people who
5 build or buy a house in an agricultural communities
6 are blind-sided by the agricultural practices that
7 happen around them, along with the increase of cost of
8 living in the county versus the metropolitan area.
9 These people need to be protected from themselves.

10 The existing laws in the county allow for one
11 to buy an acre and build a house anywhere. This makes
12 it possible for real estate agents to section off the
13 road frontage from farms. When someone wants to buy
14 just one acre, he or she can pay a hugely greater
15 dollar amount than the farmer can afford to pay for
16 agricultural purposes.

17 If the zoning laws were enacted that required
18 to purchase, and this is just an example of what can
19 be done. If the zoning law were enacted that required
20 the purchase of a minimum of ten acres for the
21 construction of new home and agricultural areas in
22 Daviess County, the farmer could be more competitive
23 in bidding for that land with the home builder,
24 against the home builders. The ten acre requirement
25 would give farmers the ability to sell or give lots to

1 their children or anyone else they wanted to sell to.

2 Also, the person buying property will achieve
3 farm status which would open the door for them to
4 participate in agricultural programs.

5 For example, around Lexington, Kentucky people
6 are now required to purchase a minimum of 40 acres to
7 build a house. In 1999 Fayette County elected
8 officials decided to change the minimum of subdividing
9 plots from 10 acres to 40 acres. They decided that 10
10 acre lots would destroy too much of the county's
11 farmland.

12 In many counties in Iowa there is a 640 acre
13 minimum acreage requirement for home construction, if
14 you want to know how far you could go.

15 As a side note, I do not have another
16 matter -- this is the side note.

17 I have not read your plan for Daviess County
18 and the City of Owensboro. I'm going to assume your
19 emphasis is for economic development. I will tell you
20 if you don't address our runaway electric costs, your
21 chance of attracting industry in this area is a
22 thousand to one.

23 In 2009, we were paying 6 cents a kilowatt for
24 electricity, and today we're paying 12 1/2.

25 CHAIRMAN: Mr. O'Bryan, I think maybe that's a

1 little off the topic of what we're talking about here.

2 MR. O'BRYAN: I thought it might be. That's
3 all I have to say.

4 CHAIRMAN: We want to hear what you have to
5 say.

6 MR. O'BRYAN: -- you're going to run out a lot
7 that's already here. That's why some of them located
8 here.

9 CHAIRMAN: I think you're talking in terms of
10 things, if I'm hearing this correctly, and Mr. Howard
11 maybe can add to it. It sounds like some of the
12 things you're talking about or referring to are
13 associated to our zoning ordinances rather than our
14 Comprehensive Plan necessarily. Would that be a fair
15 statement?

16 MR. O'BRYAN: I know nothing about how you all
17 operate. I don't know where I need to be.

18 CHAIRMAN: You mentioned something about
19 suggestions and I didn't know if you've mentioned
20 those suggestions yet or you were talking about --

21 MR. O'BRYAN: I gave that ten acres is a
22 suggestion. I will tell you Pete Goodman, the head of
23 the Division of Water in Frankfort, said he would be
24 glad to come down here and talk to you anyone that
25 wanted to talk about this. He wasn't going to tell

1 anybody what they should do. He would just tell them
2 what people in the other counties in the state that
3 have less problems have done it. That's really all
4 I've got to say.

5 CHAIRMAN: Thank you.

6 MR. O'BRYAN: Thank you.

7 CHAIRMAN: Is there anyone else that would
8 like to speak concerning these Goals and Objectives?

9 (NO RESPONSE)

10 CHAIRMAN: There being none the Chair is ready
11 for a motion.

12 Mr. Frey.

13 MR. FREY: I'll make a motion to approve.

14 CHAIRMAN: A motion to approve by Mr. Frey.

15 MR. HOWARD: Could I may interject real quick,
16 please?

17 CHAIRMAN: Yes, please.

18 MR. HOWARD: Judge Mattingly requested that
19 6.10.4 be kept in as part of the Goals and Objectives.
20 We have it shown as being removed. I believe the
21 information, when Mike was gathering information
22 that -- I think we understood that that wasn't an
23 issue anymore, but as Judge Mattingly as explained
24 tonight, we really need to keep it in there, I think.

25 MR. FREY: So in turn we are making a motion

1 to approve these finalized; is that true?

2 MR. HOWARD: Yes.

3 MR. FREY: Then I will withdraw my motion
4 made.

5 MS. KNIGHT: Or you can amend your motion to
6 approve --

7 MR. HOWARD: Keeping 6.10.4.

8 MR. FREY: Let me get to it so I make the
9 correction.

10 I would like to amend and add back in 6.10.4.

11 MR. HOWARD: Perfect. Thank you.

12 CHAIRMAN: So you're making a motion for the
13 approval of the Goals and Objectives and adding back
14 in the 6.10.4?

15 MR. FREY: Yes.

16 CHAIRMAN: A motion has been made to add that
17 in. Do I hear a second?

18 MR. BALL: Second.

19 CHAIRMAN: Second by Mr. Ball. Is there any
20 motion about the motion and the second?

21 (NO RESPONSE)

22 CHAIRMAN: There being none then the Chair is
23 ready for a vote. All those in favor raise your right
24 hand.

25 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

1 CHAIRMAN: Motion carries.

2 MR. HOWARD: Under Zoning Changes I will note
3 that all items under Zoning Changes tonight will
4 become final 21 days after the meeting unless an
5 appeal is filed. If an appeal is filed, we will
6 forward the record of this meeting along with all
7 other applicable materials to the appropriate
8 legislative body for them to take final action.

9 -----

10 GENERAL BUSINESS

11 ZONING CHANGES

12 ITEM 4

13 2401-2501 Blocks Barron Drive, 81.7 acres
14 Consider zoning change: From B-4 General Business,
15 R-1C Single-Family Residential & R-3MF Multi-Family
16 Residential to R-1C Single Family Residential
17 Applicant: Deer Valley Subdivision, LLC; James C.
18 Ellis Estate

17 CHAIRMAN: I think Mr. Ball has to recuse
18 himself.

19 MR. BALL: Yes. I need to recuse myself
20 actually from Items 4, 4A and 4B.

21 (MR. BALL LEAVES ROOM AT THIS TIME.)

22 MS. KNIGHT: Please state your name for the
23 record.

24 MS. EVANS: Melissa Evans.

25 (MELISSA EVANS SWORN BY ATTORNEY.)

1 PLANNING STAFF RECOMMENDATION

2 The Planning Staff recommends approval subject
3 to the conditions and findings of fact that follow:

4 CONDITIONS:

5 1. Access to Barron Drive shall be limited to
6 a single access point as shown on the Final
7 Development Plan/Major Subdivision Preliminary Plat.

8 2. No individual lots shall have access to
9 Barron Drive.

10 3. Installation of a left turn lane on Barron
11 Drive onto the development.

12 FINDINGS OF FACT

13 1. Staff recommends approval because the
14 proposal is in compliance with the community's adopted
15 Comprehensive Plan;

16 2. The subject property is located in an
17 Urban Residential Plan Area where Urban Low-Density
18 Residential uses are appropriate in limited locations;

19 3. The proposal complies with the criteria
20 for urban residential development;

21 4. With access to Barron Drive limited to a
22 single access point and the installation of a left
23 turn lane from Barron Drive into the development the
24 proposal should not overburden the capacity of
25 roadways and other necessary urban services that

1 available in the affected area; and

2 5. Sanitary sewer service is available to be
3 extended to the subject property.

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

6 CHAIRMAN: Thank you, Ms. Evans.

7 Is there any questions or comments by the
8 commissioners?

9 Mr. Reeves.

10 MR. REEVES: Well, I'm waiting for --

11 CHAIRMAN: I'm sorry.

12 MS. KNIGHT: Mr. Kamuf, you're sworn as an
13 attorney. Thank you.

14 MR. KAMUF: I represent Deer Valley
15 Subdivision which is part of the Jagoe Development
16 Company. The area is known as the Bluegrass Commons.
17 We'll be discussing three issues tonight and some of
18 it might overlap.

19 First of all, we have the rezoning and the
20 rezoning is from multi-family commercial, which is a
21 downgrade to single-family residential. Then we have
22 the variance, and also we have approval of the
23 development plan.

24 Number One, previously the representatives of
25 Deer Valley, which is Jagoe and them, Bill Jagoe,

1 Scott Jagoe, and Jason Baker with Bryant Engineering
2 met with the neighbors. All the adjoining neighbors
3 on Middleground were notified. Approximately 33
4 neighbors attended this meeting. As stated
5 previously, the purpose of the meeting was to address
6 the concerns of the people in the subdivision.

7 After the meeting, the representatives of Deer
8 Valley, the Jagoes, we took all the comments and took
9 questions and tried to design this subdivision around
10 their concerns. We feel that there will be a negative
11 affect on the existing draining issues and bottom
12 line, we're not necessarily fixing any problems, but
13 we're not adding to any of their problems.

14 Now, Scott Jagoe is here to give his opinion
15 and we also -- the issue probably that you'll want to
16 hear from will be drainage, and we have Jason Baker
17 from Bryant Engineering. We're here to answer any of
18 the question that you all might have.

19 I think before the questions you might want to
20 hear some of the drainage issues as prepared by Jason
21 Baker.

22 MS. KNIGHT: Please state your name for the
23 record.

24 MR. BAKER: Jason Baker.

25 (JASON BAKER SWORN BY ATTORNEY.)

1 MR. BAKER: As Charlie mentioned, I
2 participated in the neighborhood meeting that was
3 conducted. At that meeting the primary issue was
4 drainage issues related to existing drainage issues
5 that are within the adjacent subdivisions.

6 Felt it was good to go ahead and present kind
7 of what our design approach was on that, which might
8 ease some of the neighbors concerns up front and
9 hopefully help our discussion here.

10 Our design approach was based on three key
11 concepts; to eliminate the possibility of impacting
12 existing flooding issues of the adjacent property.

13 First thing we did, we researched the flooding
14 problems that occurred there for many years. From
15 that research found that the area experiences flooding
16 within the streets and overflow of these areas rely on
17 three existing stub streets that stub off Middleground
18 into the subject property.

19 The first concept that we did to address that
20 is, our intent is to maintain those flow paths. We
21 are extending those stub streets. The water that
22 comes down those stub streets will still go where it
23 does today.

24 Secondly, drainage from the project itself is
25 designed to divert water away from the subdivision

1 through two new proposed retention basins that are
2 essentially located within the subdivision. The
3 proposed design diverts just over 12 acres of water
4 that currently drains towards the subdivision and it
5 diverts that inward and away from the subdivision
6 itself.

7 In addition, the proposed design provides
8 additional drainage infrastructure in key areas that
9 doesn't existed today that will allow water along
10 those properties to convey water more efficiently.

11 Thirdly, construction of excess storage volume
12 within the project will add to the total amount of
13 storm water storage within the watershed. Again, the
14 addition of the proposed basins adds a considerable
15 amount more than is required by ordinance to this
16 watershed.

17 As Charlie mentioned, unfortunately there's
18 not a whole lot we can do as an adjacent property
19 owner to affect change in the existing subdivision;
20 however, we have done everything possible to ensure
21 that the proposed development does not have negative
22 impacts on an already existing problem.

23 So we believe the design approach will prevent
24 the proposed development from having any impact on the
25 existing flooding in this subdivision.

1 Like I said, I'll be glad to answer any
2 questions anybody might have.

3 CHAIRMAN: Mr. Jagoe, would you like to say
4 anything on behalf of the application?

5 MS. KNIGHT: Please state your name for the
6 record?

7 MR. JAGOE: Scott Jagoe.

8 (SCOTT JAGOE SWORN BY ATTORNEY.)

9 MR. JAGOE: At the meeting there was a further
10 comment from one of the residents that are adjacent to
11 us that, I believe, during the construction of the
12 detention basin, that there was four inches or so that
13 inundated Middleground with more, I guess, retention
14 of their storm issue or water retention. Flooded
15 those streets, maybe higher. We spoke with the past
16 city engineer this morning to get more facts about
17 that. It was requested as, would we do the same
18 thing, and the answer will be, no. As we're
19 developing a community that's going to be phrased,
20 from Barron Drive back towards the existing
21 neighborhoods that are there now, we would keep those
22 channel-ways open. I think they got caught in a
23 perfect storm. It is something that could have been
24 litigated. I just wanted to get that on record as
25 well.

1 CHAIRMAN: Thank you, Mr. Jagoe.

2 Do any of the commissioners have any questions
3 of either Mr. Jagoe, or Mr. Baker, or Mr. Kamuf?

4 Mr. Reeves.

5 MR. REEVES: This is for Mr. Kamuf, I assume.

6 Will any of the units that are being proposed
7 be constructed be rental units?

8 MR. KAMUF: I can't answer that.

9 MR. JAGOE: I'll answer it.

10 Our intent is to sell everything. Once we
11 sell that property there's no restriction. Probably
12 like the resident that you live in now or the
13 residence that you live in now, if you want to rent it
14 down the road you can.

15 MR. REEVES: So there won't be any covenants
16 that would prevent that in the future; is that what
17 you're saying?

18 MR. JAGOE: There's no covenants that prevent
19 it. There is a portion of the property that is
20 multi-family. We're going to do those as a townhome.
21 Not a condominium regime. Then we will put those up
22 for sale. Whether or not a family member, an heir or
23 somebody just decides that they want it as an
24 investment or so forth, we would do that, but there's
25 no restriction for rental.

1 MR. REEVES: When you look at this plot, Mr.
2 Jagoe, have you kind of decided where those units
3 might be generally this plot or not?

4 MR. JAGOE: That's already been determined.
5 They are on the -- if I get my direction correct.

6 MR. REEVES: That's helpful. I should have
7 looked there myself.

8 MR. JAGOE: Barron Drive is here. It's this
9 area. Through the entrance, Monroe Avenue come
10 through and extends back towards Carter Road. Those
11 are all single-family. I'm not sure if any
12 multi-family in existing residential, and the answer
13 is, no.

14 MR. REEVES: That answers my question, Mr.
15 Chairman.

16 Thank you very much.

17 MR. JAGOE: Thank you.

18 CHAIRMAN: Do any of the other commissioners
19 have any questions of Mr. Jagoe, or Mr. Baker, or
20 Mr. Kamuf?

21 (NO RESPONSE)

22 CHAIRMAN: Mr. Jagoe, I do have a couple of
23 questions.

24 In looking at, and maybe Mr. Kamuf can answer
25 this. At looking at the site development plan, I know

1 there was a mention made that there would be one
2 entrance from Barron Drive, but essentially there's
3 actually going to be four other entrances from
4 Middleground; is that correct?

5 MR. KAMUF: I think that's correct.

6 MR. JAGOE: No. There's two.

7 CHAIRMAN: Those would be Johnstown Place and
8 Count Turf Drive I assume.

9 MR. JAGOE: Chippewa is an extension of
10 Ottawa. I think it's up on the screen now. I don't
11 know if you have that exhibit in front of you, Mr.
12 Chairman. There's two on Middleground, and then
13 there's two over here where Ottawa will come through
14 and Chippewa.

15 Currently there's a center stub street that
16 comes off of Middleground and it basically dies into
17 the ditch that will stay existing. So that particular
18 stub will not be extended.

19 CHAIRMAN: So in essence if you start
20 development on Barron, you'll be working toward
21 Middleground over a period of time. Those streets,
22 the streets being opened up, it will be quite a while
23 before that will occur; is that correct, the site?

24 MR. JAGOE: Before the streets would be opened
25 up, we would still do site work up front. There would

1 be some utility extension that would be required up
2 front to be able to get those streets out.

3 CHAIRMAN: Thank you. That's all the
4 questions that I have.

5 Any of the other commissioners have any other
6 questions?

7 (NO RESPONSE)

8 CHAIRMAN: Is there anyone in the audience
9 that would have a question or would like to make a
10 comment?

11 MS. KNIGHT: State your name for the record.

12 MR. STEWART: John Stewart, Sr.

13 (JOHN STEWART, SR. SWORN BY ATTORNEY.)

14 MR. STEWART: I live on Chant Court. My
15 property is the last one on the north side of the
16 Ellis Estate. In other words, I live where Ottawa
17 comes into the Ellis Estate. My property is one house
18 below that.

19 We have a problem with the ditch going from
20 Chant Court, all the families on Chant Court have a
21 ditch coming out to Carter Road. When the last
22 property owners tried to get in to build in there,
23 they raised the bank of the fill there by my house up
24 to about 6 or 7 feet. I want to know if the ditch
25 coming from Scherm Road down the east end of the field

1 will go into this retention pond or will it come onto
2 us?

3 CHAIRMAN: Please direct your questions to the
4 Chair.

5 Mr. Baker.

6 MR. BAKER: Make sure I understand the
7 question.

8 So Chippewa is here, the back lot line of
9 Chippewa is here, Ellis Estate property here. You're
10 talking about this ditch; is that correct?

11 MR. STEWART: Our property is, that lot -- I
12 can't read. 845 I believe there on the very end.

13 MR. BAKER: So you're up here, you're right
14 here?

15 MR. STEWART: No. I'm right here. Right
16 here, Chant Court. There's a ditch that goes all the
17 way down through here. It always still stays full,
18 not full of water, but when it rains it doesn't drain.
19 It drains out but leaves water in the bottom. It's a
20 mosquito trap.

21 CHAIRMAN: Please stay back at the microphone
22 so we can hear. Thank you.

23 MR. STEWART: The ditch doesn't drain
24 properly. There's a mosquito trap right down, it's in
25 where the two ditches converge. They've tried to trim

1 this ditch along the north end or the east end. It
2 would be along Chippewa there. Now there's 6 foot
3 trees, all kinds of bushes, everything in there, and
4 it doesn't drain. Supposed to drain into the
5 retention pond on Barron Drive. It drains, but it
6 takes about a week after a big rain to drain. Like I
7 say, there's mud down at the bottom of that all the
8 time. When they come out to mow, they usually wait
9 until after a day of rain to bring a tractor with a
10 mower on and they can't get back there because the
11 tractor and the mower both get hung up. I mow behind
12 my fence and my neighbor with a riding mower just to
13 keep the grass down, but there at the corner it's just
14 grown up to -- I've tried once to control that, but I
15 got tired of trying to control it. I've called City
16 Action. I've called OMU. I've called RWRA. Nobody
17 wants to do anything about it.

18 CHAIRMAN: If I'm understanding you, is your
19 question what they're going to do, how will it affect
20 the drainage on your property?

21 MR. STEWART: Right.

22 CHAIRMAN: Are you able to answer at this time
23 that question?

24 MR. BAKER: As far as what we're planning to
25 do to that ditch, we have no plans to impact that

1 ditch; again, positively or negatively. The only
2 thing that we would be doing is constructing culverts
3 at Ottawa Drive and Reno Way, which is, I'm not sure
4 people in the neighborhood are aware what the name of
5 those are. I know Ottawa is a named street, but Reno
6 is not. It's an existing stub street south of Ottawa.
7 That is the only proposed improvements or impact that
8 we plan on having in those areas.

9 MR. FREY: Jason, is it fair to say though
10 you're going to be building a lot there so obviously
11 it's not going to be a mosquito trap because there's
12 going to be a lot there, true?

13 MR. BAKER: Yes. Backing up to his lot there
14 will be one and a half of these new lots here.

15 MR. FREY: That homeowner is going to want
16 everything graded properly. So it should help his
17 problem I would hope.

18 MR. BAKER: You do have some restriction of,
19 you know, these type of ditches are jurisdictional and
20 there's certain things you can and can't do. Quite
21 frankly, both of our design is to design around those
22 sort of features because they're kind of held sacred
23 in the water quality world and Division of Water and
24 things like that. As it stands, there is no plans to
25 do anything in that area.

1 CHAIRMAN: But you will be doing some grade
2 work and some site work there which --

3 MR. BAKER: We will be doing site work and
4 grade work within the development. We will not be
5 doing site work and grade work within that ditch.

6 MR. STEWART: I have another question, sir.

7 CHAIRMAN: Yes.

8 MR. STEWART: It mentions fencing in here.
9 That end of the property that ends on Chant Court, in
10 other words, along Ottawa Drive there, is there going
11 to be a fence between Chant Court on Thoroughbred
12 Acres and the new subdivision?

13 MR. JAGOE: Currently there are a couple of
14 places along Middleground that holds water also, the
15 grass ditch that the city is mowing, and there's a
16 couple of low spots. Those we would come through,
17 level those out. That area is not holding water
18 because it's in the backyard. Actually all of that
19 property along Middleground where the city put the
20 ditch in and they've been mowing will be part of the
21 backyards for this new community. There's a 50 foot
22 easement for that ditch. It will be a utility and
23 drainage easement. We will restrict any fencing going
24 in there. We will not restrict any fencing in the
25 backyards up to that easement. So in essence there is

1 going to be a grass strip down through there. Our
2 intent is basically from where -- I can't think of
3 what the name of the stub street is, where this ditch
4 is, the existing ditch with the large trees that's the
5 center of the property, that we don't disturb that at
6 all. Other than a few areas that are holding water
7 that we would level those out and regrass it and no
8 structures should go in there other than a ditch
9 utility.

10 MR. STEWART: I have a chain-link fence around
11 my property there. Like I say, there's a high bank on
12 the Ellis Estate that comes down and it goes up to my
13 fence. I have a fence on my property. It's been
14 there since I've been there. I was just wondering if
15 there was going to a fence on the backside of these
16 lots to separate our community?

17 MR. JAGOE: It would be up to resident that
18 would purchase the home site whether or not they would
19 put a fence up or not. We're not putting up any type
20 of a buffer or a fence that goes all the way down
21 through there. Again, our property and your property
22 will adjoin each other. If somebody does, they can't
23 -- we're going to restrict them from putting a fence
24 up against yours or on the property line. That fence
25 would be pulled back 50 foot from the property line.

1 MR. STEWART: That answers my question. Thank
2 you.

3 CHAIRMAN: Thank you, Mr. Stewart.

4 Is there anyone else in the audience that
5 would like to step forward with questions or comments
6 concerning this development?

7 Yes, please.

8 MS. KNIGHT: Please state your name for the
9 record.

10 MR. HEMPEN: Tony Hempen.

11 (TONY HEMPEN SWORN BY ATTORNEY.)

12 MR. HEMPEN: Just a few questions.

13 Is this going to be adding to drainage into
14 that retention pond? That's one question. Because
15 the neighborhood I live in it floods pretty bad. I
16 guess you might call it upstream, up Scherm Road.

17 You have the big rainstorm in '97 and some
18 houses did get flooded up that way up near Scherm
19 Road. The city spent a lot of money putting out
20 drainage culvert or retention pond, and it has helped
21 a lot. Don't get me wrong. It's helped a lot, but
22 even with that there's been times when I know houses
23 came within a foot of flooding since then. My main
24 concern is we don't needed added going into that
25 retention ponds or the ditch that retention ponds

1 drains into or it's going to back upstream and flood
2 neighborhood in Royal Drive area.

3 CHAIRMAN: Mr. Hempen, what is your address?

4 MR. HEMPEN: 2817 Royal Drive.

5 CHAIRMAN: Thank you.

6 MR. HEMPEN: In fact, in '97 my house had six
7 inches of water in it from the flood. Again, I want
8 to be sure.

9 Like they have these retention lakes, and I
10 understand. That's great. But say we have a big
11 rainstorm. Where does the excess water to those lakes
12 go? If it goes in the same ditch or where the
13 retention pond drains into, it's going to back up and
14 somebody is going to get flooded.

15 CHAIRMAN: Mr. Baker, are you able to address
16 that question?

17 MR. BAKER: Yes, sir.

18 As I mentioned before, the overall concept
19 has, -- I think this shows it best. You see this area
20 right here. That is around 3.6 acres. This area
21 right here that I'm going around right there, that's 9
22 acres. That area that I just kind of traced around
23 here is area that naturally is going to these outer
24 ditches that we're talking about. That now is going
25 into these internal basins.

1 The question he asked is are we having impact
2 on the Scherm ditch basin. The answer is, no. We're
3 required per normal basin design to mitigate the
4 impact of the development. So we look at reducing the
5 runoff down to below pre-existing conditions.

6 We're looking at that at a point at the basin.
7 That's the design used. In addition to that, these
8 basins are designed with a lot of excess storage
9 volume, 23.2 excess acre feed storage are being
10 provide here, which is, again, above and beyond the
11 requirement. The answer should not, it will not have
12 an impact on the Scherm ditch basin, should not have
13 any impact at all on that.

14 CHAIRMAN: Would that have any impact on his
15 address? I think that's maybe what his concern is.

16 MR. BAKER: Explain to me where you're at
17 again.

18 MR. HEMPEN: I live up Royal Drive which is up
19 Scherm Road. If this backs up due to runoff from the
20 development, it's going to fill this ditch up, and
21 whoever is upstream, me and my neighbors, we're going
22 to be swimming.

23 MR. BAKER: What I said I think does kind of
24 answer the question. The water from this subject
25 property here, the property we're looking at, is all

1 getting to this basin now. In the future, it will be
2 getting there at a much slower rate and portions of
3 that water will be held in these basins by design. We
4 are having, we should be having a positive impact.
5 The overall size of this watershed I'm not sure this
6 development will make a noticeable difference in the
7 Scherm basin, as far as positive impact, but I'm
8 certain it won't make any negative impact. I don't
9 think it will be noticeably -- I don't think it will
10 have a negative impact at all.

11 CHAIRMAN: Does that answer your question,
12 Mr. Hempen?

13 MR. HEMPEN: Yes. I do have one other
14 question.

15 This development is, about 80 percent of it is
16 floodplain. Is there any plans on elevating it out of
17 the floodplain so we don't pay flood insurance? If it
18 is, that could have an affect on ratings also.

19 MR. BAKER: As part of the Scherm ditch basin
20 construction project, the City of Owensboro took dirt
21 from the Scherm ditch basin and placed it on this
22 entire site. The site was raised above base level
23 elevation as part of that process and that was
24 certainly permitted through normal channels. They did
25 not go through the process of remapping the floodplain

1 in this particular area. We will be doing that as
2 part of future effort. Basically want it to be
3 reflective of the actual final design so that the maps
4 are accurate. We will be look to do that after
5 construction.

6 CHAIRMAN: Did I read somewhere that that was
7 actually raised above the 100 year floodplain?

8 MR. BAKER: That is correct.

9 CHAIRMAN: That's what I thought I read.

10 MR. HEMPEN: So there will be no elevation of
11 existing ground?

12 MR. BAKER: So his question was, will there be
13 any elevation of the existing ground?

14 We will be reshaping what's out there, but
15 there will be no additional dirt brought in to raise
16 beyond that. Everything is already at or above base
17 flood so there will be no reason to. So we will
18 basically be reshaping. There are some hills and
19 stuff out there. It will be reshaped. It will be
20 flatter, as the most general way of saying it.

21 CHAIRMAN: Does that answer your question?

22 MR. HEMPEN: Yes.

23 CHAIRMAN: Thank you.

24 MR. STEWART: Can I ask another question?

25 CHAIRMAN: Yes, Mr. Stewart.

1 MR. STEWART: You talk about floodplain. I
2 pay flood insurance on my property. The Ellis
3 property is up above mine. Will that have anything to
4 do with the floodplain that I'm in?

5 MR. BAKER: No. The elevation of this
6 property would not have any impact on flood insurance
7 for your property. It's based on just a map, and what
8 is below the documented elevation. So any areas that
9 are below that documented elevation would be
10 considered in the floodplain. Like I say, currently
11 this property is already above based flood. The only
12 thing that has not been done is updated the map.

13 CHAIRMAN: Thank you.

14 MR. STEWART: See, the water that comes down
15 around the corner on Middleground backs up into Chant
16 Court. Not all the way to my house. I'm all the way
17 to the end of the property, but it fills Middleground
18 at the intersection of Chant Court and Middleground.
19 It doesn't stay very long, but still for the people on
20 Chant Court and Middleground, there in that area the
21 street is under water. So will this impact or stop
22 the flooding on Middleground or won't have anything to
23 do with it?

24 MR. BAKER: No. Our design actually does not
25 put any additional water on those upstream areas. We

1 unfortunately can't do much to help alleviate that.
2 In looking at this problem after we went to the
3 neighborhood meeting, we actually had several
4 discussions with a lot of people. I believe most of
5 the issues that exist over in the existing subdivision
6 are related to the storm system sizes being too small.
7 So what happens in a major storm event the water will
8 accumulate once the pipes are over or -- once there's
9 more water than the pipe can take, then the water kind
10 of starts flowing over top through the streets.

11 As I mentioned, the relief point for that is
12 the stub street on Middleground. Our intention is to
13 leave those relief points in place for that reason, so
14 that we're not having any impact on that. Again, it's
15 unfortunate we can't make it better. We certainly
16 would have tried, but we're certainly not making it
17 any worse and we are maintaining those, all those
18 relief points that exist today.

19 So it's a bad situation, but we can't really
20 do anything as being a downstream property to really
21 impact it.

22 CHAIRMAN: So you're not adding to what is
23 already occurring there?

24 MR. BAKER: No, sir. In fact, we are making
25 some reductions, but again, I can't say it will make

1 much of an impact.

2 MR. STEWART: Thank you.

3 CHAIRMAN: Thank you, Mr. Stewart.

4 Anyone else that would like to make a comment
5 or have a question from the audience?

6 Yes, please step forward.

7 MS. KNIGHT: Please state your name for the
8 record.

9 MR. DECKER: Richard Decker.

10 (RICHARD DECKER SWORN BY ATTORNEY.)

11 MR. DECKER: I live at 2508 Middleground
12 Drive, which is the northwest corner to the adjacent
13 property there. My concerns are, I live down in here,
14 in this corner right here. When the basin was
15 constructed here, here is a little history lesson, all
16 this dirt was taken out of the basin and, of course,
17 raised to level of this field. So when that was done,
18 that created a much higher elevation and the
19 contractor didn't account for that extra water that
20 was going to run off that field. So that wound up
21 flooding all of this. We had a rain event, a couple
22 of events, it flood all of this area in Thoroughbred
23 Acres. It wound up flooding backyards streets and
24 some houses at that time. There was a couple of
25 designs, redesigns on the ditching. Finally the city

1 got involved and said, let's fix this. So when they
2 fixed this, the easement, 20 foot drainage easement
3 along this area right here. They widen and
4 reconstructed those ditches down there to retain this
5 water that would come out of that field. Now that
6 that water runs down this way and goes down Barron
7 Drive and it works right now.

8 I guess my concern would be, looking from the
9 plans with these basins here, that's going to help a
10 lot, and it looks like they're grading this where it's
11 going to take some of the sheet flow off of our
12 property. They're going to pave this 2 foot ditch
13 that runs between the new development and existing
14 Thoroughbred Acres.

15 So right now the City mows that. The property
16 owners maintain it, and it works right now, like I
17 said. So when they pave this ditch, within that 20
18 foot easement, it would be nice to know that that's
19 going to be maintained and I guess keep it from being
20 restricted and obstructed down the road.

21 As you all know, what happens in a
22 subdivision, people put up a fence and they look at
23 their backyard and they say, you know, that's too low
24 back there. I'm going to bring in some dirt to fill
25 that in. That's happened in Thoroughbred Acres. It

1 happens on Mayfair. I know it's happened on Mayfair.
2 What happens is they don't understand they're
3 disrupting the whole drainage situation. I'm looking,
4 you guys look at the future. I'm looking at the
5 future. What I would like to see is, can we get this
6 specified that that ditch needs to be left alone and
7 not obstructed, restricted in any way so that it can
8 be got back in there and maintained in case there is a
9 problem? That is my main concern with all of this.
10 The whole neighborhood is concerned with that.

11 CHAIRMAN: Thank you. Maybe Mr. Jagoe or
12 Mr. Baker will be able to address that.

13 MR. BAKER: So the area he's describing here,
14 we recognize, again, after the neighborhood meeting,
15 that this area was an area that was really flat and
16 needed some attention. So when you put in a paved
17 ditch, a lot of people think that's just to convey the
18 water. In this particular case, the ditch is so flat.
19 The main reason for this ditch is to be able to
20 restore that flowline and maintain that flowline
21 long-term. So, in other words, it silts up because
22 it's so flat. It can easily be excavated back and
23 restore that original flowline. That's the main
24 intent for us having put that in there.

25 So as far as, Jagoe has general restrictions

1 for putting fences and easements, as Mr. Jagoe
2 previously mentioned, and that would be the case here
3 as well.

4 The homeowners there on these lots we're
5 talking about in this area, as well as I believe
6 there's drainage features all the way down through
7 here, there would be restriction of putting a fence in
8 there.

9 Again, we've addressed the sustainability of
10 the ditch by putting in a paved ditch, which we
11 believe was an improvement, and then also as far as
12 the fences, they will be restricted from that area.
13 Any type of structure; would include out-buildings,
14 those sort of things as well.

15 CHAIRMAN: Mister, I'm sorry, I didn't get
16 your last name, does that address your question at
17 this point?

18 MR. DECKER: Yes, it does. I do have one
19 comment.

20 Jason stated that the outflow would be
21 maintained like in all of these stub streets they
22 connect to. Right now the way -- the flooding was in
23 that situation, we were getting lot of water out of
24 this field that was coming down this stub street,
25 which is now right in this area right here. Okay. So

1 we were getting a lot of water there. Right now we
2 had to come in and they put a curb at the end of that
3 stub. So we get zero water out of that field now
4 because that was just overwhelming that end of the
5 subdivision. So I don't know how if they have looked
6 at that drainage hard enough to say that any of that
7 water is going to be coming out of this and going down
8 that sub to Middleground or if that's going to be
9 maintained like it is now. We have no water at all
10 coming out of that field. Do you understand that?

11 CHAIRMAN: Yes.

12 MR. BAKER: Obviously this area has some
13 unique stuff going on, right. We are extending that
14 stub street. We were required to make that connection
15 per planning and engineering. This street will end up
16 being a high point. Water going back toward Barron
17 Drive will continue to flow the way it does today.
18 Water that is east of Johnstown going this way, it's
19 hard to imagine with what's out there right now
20 because there's actually a hill in the way. There
21 will be a -- the hill is going to be removed and there
22 will be a new drainage feature which will channel
23 water through here. So water from the east side of
24 Johnstown place will in the future flow to the big
25 ditch in the middle of the property through a system

1 that is a combination of paved ditches, pipe and inlet
2 structures. So in the future, as of right now, these
3 properties right here cannot drain into our site
4 because our site sits higher than their property. In
5 the future, we will have a drainage feature on this
6 property that will allow water from these backyards to
7 actually come into that swell and then it will then
8 flow in this direction and out the main ditch through
9 the middle.

10 CHAIRMAN: So essentially what you're saying
11 is that he is not seeing water now. When this
12 develops out, he will not see?

13 MR. BAKER: Correct. What he is referring to
14 is they put in a fix which involved adding a curb at
15 the end of the street, which is an objection at this
16 point. That will be taken out and the street
17 extended, but we are making a major change to the way
18 the water flows in that area and providing new
19 infrastructure to channel water from this side of the
20 street all the way down to the little ditch and out.

21 So it's going a little bit different
22 direction. In the past, it went here and all the way
23 around. Now it's going to go straight to the big
24 ditch and down.

25 CHAIRMAN: Does that address your question?

1 MR. DECKER: As Jason stated, this is some
2 weird stuff going on here.

3 What I was wondering also, the way this drains
4 now it comes down this way and goes to the Barron
5 Drive ditch. What I understand is going to happen is,
6 I guess that is state maintained now, Barron Drive
7 ditch maybe; is that correct?

8 CHAIRMAN: Not sure.

9 MR. DECKER: I think Jason verified that. So
10 I think the plan is, is to get in and regrade the
11 ditch, clean it out so it flows better than it does
12 now, so this water can come where it is now and get
13 around that corner down Barron Drive like it should be
14 going. They're going to paved this 2 foot ditch that
15 is presently there. It's just grass high behind the
16 property.

17 What I'm asking, I don't know how this is
18 going to be phased, constructed or anything else, and
19 I'm not sure if they've got an idea either. I was
20 wondering if they could get that Barron Drive ditch
21 cleaned out would it be advantageous to us to go ahead
22 and get that ditch paved initially rather than waiting
23 for more construction to happen? It's going to start
24 at Barren and work it's way back. Would that be
25 something that we could go ahead and get done, to go

1 ahead and address that drainage and make it better
2 right now rather than waiting three or four years down
3 the road? Does that make sense?

4 MR. BAKER: As far as extending a paved ditch
5 down Barron Drive, we extend a paved ditch over to the
6 state right-of-way. In addition, if you look at --
7 again, this is important to mention. We have made a
8 major change to the drainage pattern in this area to
9 address the specific concerns being brought up. Right
10 now this water all goes this direction. There's a
11 total of about six acres in this area that naturally
12 is draining down this direction on down Barron. In
13 the future, that will be 2.5 acres. We're taking 3.6
14 acres off of that area that currently goes that way.
15 As far as building a paved ditch out here, that is
16 state right-of-way. We're not just allowed to do
17 anything we want there. The ditch is flat. I
18 acknowledge that. The road is actually very flat as
19 it runs down through there. We believe that the
20 improvements we're making in this area and taking over
21 half -- taking over half of the water off of that
22 roadside ditch that is coming from our property and
23 diverting from the other direction, we believe that is
24 going to have a far greater impact than would a paved
25 ditch. Again, we're not certain that the state would

1 even allow it.

2 CHAIRMAN: So essentially there's no way you
3 could guarantee what he's asking at this point in
4 time?

5 MR. BAKER: No. No. There would be no way we
6 could commit to that.

7 CHAIRMAN: Thank you.

8 MR. DECKER: As I look at the plans, I was
9 under the impression that existing ditch behind
10 Middleground right now was going to be paved 2 foot of
11 original concrete; is that not correct?

12 MR. BAKER: So this area from right here over
13 to and a little into the state right-of-way, basically
14 making a turn there, then from here back to about
15 right here will be a paved ditch. So this is flowing
16 this direction and flowing this direction. In the
17 future, water from here will flow this direction. It
18 will go underground into a pipe system about right
19 here and then it will continue underground and go into
20 the big ditch here. So, yes, we have a whole new
21 drainage feature that doesn't exist today along this
22 boundary line. That was primarily done to address a
23 known issue that we had and trying to do the best we
24 could to address everyone's concern.

25 CHAIRMAN: Does that answer your question

1 concerning that area?

2 MR. DECKER: This is going to be paved here
3 also; is that right?

4 CHAIRMAN: Use the microphone, please.

5 MR. DECKER: So this is going to be paved
6 also, from here to the ditch; is that what you said?

7 MR. BAKER: Yes, that is correct. It will be
8 paved from Johnstown Place out to the Barron Drive
9 right-of-way.

10 MR. DECKER: That's what I was asking. That
11 was my question, would it be advantageous for us to go
12 ahead and get that paved during the grading and
13 construction and get that over with rather than
14 waiting on some, who knows when they're going to get
15 that done?

16 CHAIRMAN: I don't know that the developer
17 would want to do that at this point. That would be up
18 to them.

19 MR. BAKER: Again, anything along Barron Drive
20 we don't own that property. We don't have a right to
21 do it. We don't know if they would allow it or not.

22 CHAIRMAN: There's no way to be able to do it
23 at this point?

24 MR. BAKER: Right. No way.

25 CHAIRMAN: Richard, does that satisfy your

1 questions, presumably?

2 MR. DECKER: I think so. I'm not worried
3 about Barron Drive. I understand they can't do
4 anything about that. I was just asking about phase
5 construction on their property behind the Middleground
6 houses there, if they could, when they were going to
7 paved that ditch, I guess. That's my question.

8 CHAIRMAN: Thank you.

9 MR. BAKER: Again, that ditch construction
10 will happen early on in the process. They will be
11 phasing the project from Barron Drive in. This will
12 be a latter phase, though the dirt work and excavation
13 in that area will be done up front. Again, I don't
14 have a construction schedule as to when this
15 particular feature will be built, but the drainage
16 patterns will either remain the same as they are today
17 and not get any worse or we will be constructing the
18 feature that actually makes it better.

19 CHAIRMAN: I think essentially what we're
20 doing tonight with this particular application is
21 approving the rezoning.

22 MR. BAKER: Yes.

23 CHAIRMAN: The property so this can move
24 forward and it's rezoned as requested.

25 MR. BAKER: Correct.

1 CHAIRMAN: Thank you.

2 Is there anyone else in the audience that
3 would like to address a question or have a comment?

4 (NO RESPONSE)

5 CHAIRMAN: There being none are there any
6 commissioners that have any questions at this point?

7 (NO RESPONSE)

8 CHAIRMAN: The Chair is ready for a motion.

9 Mr. Reeves.

10 MR. REEVES: Mr. Chairman, I move to approve
11 this application based on Staff's Findings of Fact 1
12 through 5 and Conditions 1 through 3.

13 MS. McENROE: Second.

14 CHAIRMAN: A motion has been made based by Mr.
15 Reeves for approval based on Conditions 1 through 3
16 and Findings of Fact 1 through 5. Seconded by Ms.
17 McEnroe. Any discussion about the motion and the
18 second?

19 (NO RESPONSE)

20 CHAIRMAN: All those in favor raise your right
21 hand.

22 (ALL BOARD MEMBERS PRESENT RESPONDED AYE -
23 WITH MANUAL BALL RECUSING HIMSELF.)

24 CHAIRMAN: Motion carries.

25 Next item.

1 RELATED ITEM

2 ITEM 4A

3 2401-2501 Blocks Barron Drive, 81.7 acres
4 Consider approval of a Variance in order to increase
5 the height of fences along all double frontage lots
6 along Barron Drive from 4 feet tall to 6 feet tall.
7 Applicant: Deer Valley Subdivision, LLC; James C.
8 Ellis Estate

9 MS. EVANS: The lots seeking relief are all
10 double frontage lots within the proposed new
11 subdivision development. The zoning ordinance defines
12 double frontage lot of that lot as having frontage on
13 two parallel or approximately parallel streets. The
14 subdivision regulations prohibit those frontage lots
15 except where employed to prevent excessive vehicular
16 use access or to separate residential areas from areas
17 of conflicting land use or traffic use. There are
18 approximately 20 of the proposed 306 lot development
19 will have frontage on an interior street of the
20 proposed subdivision and along Barron Drive. The
21 frontage along Barron Drive will be the rear yard of
22 these affected lots.

23 In the vicinity of the development, Barron
24 Drive is classified as a major collector roadway. So
25 the lots that have frontage along Barron Drive and
also along the interior street are prohibited from the
approval of the zoning map amendment to have you

1 access along Barron Drive. So all of those lots that
2 we're referring to will only have access on an
3 interior street within the subdivision and no access
4 to Barron Drive.

5 Since the orientation of these lots has
6 already been determined by note, it is reasonable to
7 allow the height of a 6 foot fence in the rear yard of
8 each proposed home, which is comparable to a rear yard
9 fence height that fronts on only one street.

10 Granting this variance will not alter the
11 essential character of the general vicinity or cause a
12 safety or hazard or nuisance to the public since the
13 orientation of the lots is determined by the final
14 development plan/major subdivision plat, and the
15 developer is establishing the variance prior to the
16 development of the subdivision; therefore, it will be
17 in character with the neighborhood as well. Similar
18 variance requests have been approved in instances of
19 double frontage lots in 2007 and January of 2017 and
20 in September of 2017. With the variances addressed at
21 this stage, prior to the subdivision build out, the
22 intent of the residential development relative to rear
23 yard fencing is established and numerous variance
24 requests will be avoided in the future.

25 Staff would recommend approval of the variance

1 request and we would like to enter the Staff Report
2 into the record as Exhibit C.

3 CHAIRMAN: Thank you, Ms. Evans.

4 Mr. Kamuf.

5 MR. KAMUF: This is just a simple case that
6 we've asked for an increase from 4 to 6 foot. As such
7 stated in the Staff Report, you all have strong
8 precedence for it. Last year you all approved several
9 of these. One was on Thruston-Dermont Road and Fields
10 and it was an increase from 3 foot to 8 foot. We're
11 here to answer any questions that you have. Strong
12 precedence for this, as stated in the Staff Report.

13 CHAIRMAN: Thank you, Mr. Kamuf.

14 Do any commissioners have any questions of the
15 applicant concerning this variance?

16 (NO RESPONSE)

17 CHAIRMAN: Anyone in the audience have a
18 question concerning this variance?

19 (NO RESPONSE)

20 CHAIRMAN: There being none the Chair is ready
21 for a motion.

22 Mr. Reeves.

23 MR. REEVES: I will make this since these
24 typically come before the Board of Adjustment and
25 these folks may not be used to it.

1 Move to approve this request for a variance
2 based on the fact it will not adversely affect the
3 public health, safety or welfare; it will not alter
4 the essentially character of the general vicinity; it
5 will not cause a hazard or nuisance to the public; and
6 it will not allow an unreasonable circumvention of the
7 requirements of the zoning ordinance.

8 CHAIRMAN: A motion has been made by
9 Mr. Reeves to approve based on the Findings for
10 granting the Variance. Is there a second?

11 MR. FREY: Second.

12 CHAIRMAN: Second by Mr. Frey. Any discussion
13 about the motion or the second?

14 (NO RESPONSE)

15 CHAIRMAN: There being none the Chair is ready
16 for a vote. All those in favor raise your right hand.

17 (ALL BOARD MEMBERS PRESENT RESPONDED AYE -
18 WITH MANUAL BALL RECUSING HIMSELF.)

19 CHAIRMAN: Motion carries.

20 ITEM 4B

21 Bluegrass Commons Subdivision, 81.7 acres
22 Consider approval of a combined final development
23 plan/major subdivision preliminary plat.
24 Applicant: Deer Valley Subdivision, LLC; James C.
25 Ellis Estate

26 MR. HOWARD: This plat has been reviewed by
27 the Planning Staff and Engineering Staff, both at the

1 city and county level engineers. It's also been
2 reviewed the State Transportation Cabinet as part of
3 the Traffic Impact Study and roadway improvements that
4 will be needed. It's found to be in order with the
5 rezoning that was approved just a few minutes ago.
6 It's in compliance with the requirements of the Zoning
7 Ordinance and the subdivision regulations and it is
8 ready for your consideration for approval.

9 CHAIRMAN: Thank you, Mr. Howard.

10 Would the applicant like to speak concerning
11 this?

12 MR. KAMUF: No, sir.

13 CHAIRMAN: Thank you.

14 Is there any question from the commissioners
15 concerning this application?

16 (NO RESPONSE)

17 CHAIRMAN: Is there any questions from the
18 audience concerning this application?

19 (NO RESPONSE)

20 CHAIRMAN: There being none the Chair is ready
21 for a motion.

22 Mr. Rogers.

23 MR. ROGERS: Mr. Chairman, I make a motion for
24 approval.

25 CHAIRMAN: A motion has been by Mr. Rogers for

1 approval. Is there a second?

2 MS. McENROE: Second.

3 CHAIRMAN: Second by Ms. McEnroe. Any
4 discussion about the motion or the second?

5 (NO RESPONSE)

6 CHAIRMAN: The chair ready for a vote. All
7 those in favor raise your right hand.

8 (ALL BOARD MEMBERS PRESENT RESPONDED AYE -
9 WITH MANUEL BALL RECUSING HIMSELF.)

10 CHAIRMAN: Motion carries.

11 MR. KAMUF: Mr. Chairman, may I put a copy of
12 the plat as an exhibit that we talked about, may I put
13 a copy of that in the record just to preserve the
14 record?

15 CHAIRMAN: Yes.

16 ITEM 5

17 6300-6400 Blocks Highway 54, 71.368 acres
18 Consider zoning change: From R-1A Single-Family
19 Residential & A-R Rural Agriculture to A-R Rural
20 Agriculture
21 Applicant: Mary E. Bryant

22 PLANNING STAFF RECOMMENDATION

23 The Planning Staff recommends approval subject
24 to the findings of fact that follow:

25 FINDINGS OF FACT:

1. Staff recommends approval because the
proposal is in compliance with the community's adopted

1 Comprehensive Plan;

2 2. The subject property is partially located
3 in a Rural Maintenance Plan Area, where rural
4 large-lot residential uses are appropriate in limited
5 locations and partially located in a Rural Preference
6 Plan Area, where Rural Large-Lot Residential uses are
7 appropriate in general locations;

8 3. The subject property has frontage on three
9 public roads, Highway 54, Jack Hinton Road and Old
10 Highway 54;

11 4. The expansion of the existing A-R zone is
12 not a significant increase of the zone in the vicinity
13 and it should not overburden the capacity of roadways
14 and other necessary urban services that are available
15 in the affected area; and,

16 5. At 71.368 acres the tract is large enough
17 to ensure satisfactory operation of a conventional
18 septic system.

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

21 CHAIRMAN: Thank you, Ms. Evans.

22 Is there anyone here representing the
23 applicant?

24 Mr. Riney, would you like to say anything on
25 his behalf?

1 MR. RINEY: No, sir.

2 CHAIRMAN: Is there any questions from the
3 commissioners for this application?

4 (NO RESPONSE)

5 CHAIRMAN: Are there any questions or comments
6 from the audience concerning this application?

7 (NO RESPONSE)

8 CHAIRMAN: Then the Chair is ready for a
9 motion.

10 Mr. Rogers.

11 MR. ROGERS: Mr. Chairman, I make a motion for
12 approval based on Planning Staff's Recommendation and
13 Findings of Fact 1 through 5.

14 CHAIRMAN: A motion has made by Mr. Rogers for
15 approval based on Findings of Fact 1 through 5 and
16 recommendation. Is there a second?

17 MR. MOORE: Second.

18 CHAIRMAN: Second by Mr. Moore. Any
19 discussion about the motion or the second?

20 (NO RESPONSE)

21 CHAIRMAN: Chair is ready for a vote. All
22 those in favor raise your right hand.

23 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

24 CHAIRMAN: Motion carries.

25 ITEM 6

1 1801 Highway 1207, 44.23 acres
2 Consider zoning change: From EX-1 Coal Mining to A-R
3 Rural Agriculture
4 Applicant: Ronald E. Long

5 PLANNING STAFF RECOMMENDATION

6 The Planning Staff recommends approval subject
7 to the findings of fact that follow:

8 FINDINGS OF FACT

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

12 2. The subject property is located in a Rural
13 Maintenance Plan Area where rural farm residential
14 land uses are appropriate in general locations;

15 3. The subject property is a single tract of
16 44.23 acres;

17 4. The subject property has access to Highway
18 1207;

19 5. Mining activity ceased approximately 15
20 years ago on the property and it is ready to revert
21 back to its original zoning classification; and

22 6. The Owensboro Metropolitan Zoning
23 Ordinance Article 12a.31 requires that property shall
24 revert to its original zoning classification after
25 mining.

MS. EVANS: We would like to enter the Staff

1 Report into the record as Exhibit E.

2 CHAIRMAN: Thank you, Ms. Evans.

3 Is there anyone here representing the
4 applicant?

5 APPLICANT REP: Yes. We have no comments.

6 CHAIRMAN: Thank you.

7 Do any commissioners have any questions
8 concerning this application?

9 Mr. Reeves.

10 MR. REEVES: I just have one question for Mr.
11 Howard for my own knowledge.

12 Typically how long does mining have to cease
13 before we routinely put this back to agriculture or is
14 that dependent upon the property owner asking for
15 that?

16 MR. HOWARD: It depends on a couple of things.
17 One is how quickly is the property reclaimed once the
18 mining is complete. Then after that it's up to either
19 the mining company that did the mining initially to
20 bring that back to request it or revert or up to the
21 individual property owner. So it's really dependent
22 upon them. There's no set time that KRS mandates it,
23 it has to be back within X number of days or months or
24 years.

25 MR. REEVES: The other question, based on

1 something you said.

2 So does the miner or the mine owner determine
3 when mining has ceased, and if so does the state
4 require them to do the reclamation within a certain
5 period of time? You may not know that.

6 MR. HOWARD: I don't know. I know that they
7 have to post bond and do other things and preserve the
8 soil and do all that as part of the reclamation, but I
9 don't know if the state requires that that be done
10 within a certain time frame.

11 MR. REEVES: But a bond would ensure that it
12 would be reclaimed?

13 MR. HOWARD: Yes.

14 MR. REEVES: Thank you.

15 CHAIRMAN: Thank you, Mr. Reeves.

16 Any other commissioners have any questions
17 concerning this?

18 (NO RESPONSE)

19 CHAIRMAN: There being none the Chair is ready
20 for a motion.

21 Mr. Ball.

22 MR. BALL: I'd like to make a motion for
23 approval based on Planning Staff Recommendations and
24 Findings of Fact 1 through 6.

25 CHAIRMAN: A motion has been made by Mr. Ball

1 for approval based on Findings of Fact 1 through 6.

2 Do we have a second?

3 MR. FREY: Second.

4 CHAIRMAN: Second by Mr. Frey. Any discussion
5 about the motion or the second?

6 (NO RESPONSE)

7 CHAIRMAN: There being none the Chair is ready
8 for a vote. All those in favor raise your right hand.

9 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

10 CHAIRMAN: Motion carries.

11 MINOR SUBDIVISION PLATS

12 ITEM 7

13 12412, 12450 Vertrees Road, 10.159 acres
14 Consider approval of a minor subdivision plat.
15 Applicant: Jackie Deno

16 MR. HOWARD: This plat comes before you as an
17 exception to the 3 to 1 requirement. They have a
18 little over 10 acres right now and are proposing to
19 split the property into a 5.7 and a 4.4 acre parcel.
20 The 4.4 acre parcel exceeds the 3 to 1 requirement.
21 They have put a note on the plat that would state that
22 no further subdivision will take place without meeting
23 the requirements of the subdivision regulations. So
24 with it being such a large parcel and they're not
25 really trying to maximum anything, we would recommend
that you consider it for approval.

1 CHAIRMAN: Thank you, Mr. Howard.

2 Is anyone here representing the applicant?

3 MS. DENO: Yes.

4 CHAIRMAN: Would you like to say anything on
5 their behalf?

6 MS. DENO: Yes.

7 MS. KNIGHT: Please state your name for the
8 record.

9 MS. DENO: Jackie Deno.

10 (JACKIE DENO SWORN BY ATTORNEY.)

11 MS. DENO: On here I just wanted to, on the
12 address here, 12412, my address is 12416. I just
13 wanted to clarify that. I didn't know if maybe it was
14 just a typo.

15 MR. HOWARD: It is, yes.

16 MR. DENO: Then it's Vertrees Road. It's
17 V-e-r-t-r-e-e-s instead of Vertress.

18 MS. EVANS: Another typo. That's all.

19 CHAIRMAN: Thank you very much. We appreciate
20 those clarifications.

21 MR. DENO: Thank you.

22 CHAIRMAN: Do the commissioners have any
23 questions concerning this application?

24 (NO RESPONSE)

25 CHAIRMAN: Anyone else in the audience like to

1 speak or have a question on this application?

2 (NO RESPONSE)

3 CHAIRMAN: There being none the Chair is ready
4 for a motion.

5 Mr. Moore.

6 MR. MOORE: Move for approval.

7 CHAIRMAN: Move for approval by Mr. Moore. Is
8 there a second?

9 MS. McENROE: Second.

10 CHAIRMAN: Second by Ms. McEnroe. Any
11 discussion about the motion and the second?

12 (NO RESPONSE)

13 CHAIRMAN: There being none the Chair is ready
14 for a vote. All those in favor raise your right hand.

15 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

16 CHAIRMAN: Motion carries.

17 ITEM 8

18 3820 West Fifth Street Road, 13.368 acres
19 Consider approval of a minor subdivision plat.
Applicant: Earl's Lane Properties, LLC

20 MR. HOWARD: This plat comes before you
21 requesting the creation of a 0.229 acre parcel that's
22 land-lock. That property will be used by RWRA for
23 infrastructure and there are notations on the plat
24 that state this is non-buildable lot other than
25 anything that may be required by RWRA to install the

1 needed infrastructure on that property. We typically
2 don't create a land-lock parcel unless it's an
3 instance like this where it's for a utility or a
4 public purpose. So we would recommend that you
5 consider it for approval.

6 CHAIRMAN: Thank you, Mr. Howard.

7 Is anyone here representing the applicant?

8 APPLICANT REP: Yes, sir.

9 CHAIRMAN: Would you like to say anything on
10 it's behalf?

11 APPLICANT REP: No, sir. I'm here for
12 questions.

13 CHAIRMAN: Thank you.

14 Is there any commissioners that have any
15 questions concerning this application?

16 (NO RESPONSE)

17 CHAIRMAN: Anyone else in the audience have
18 questions concerning this application?

19 (NO RESPONSE)

20 CHAIRMAN: There being none the Chair is ready
21 for a motion.

22 Mr. Ball.

23 MR. BALL: Motion to approve.

24 CHAIRMAN: Motion to approve by Mr. Ball. Is
25 there a second?

1 MR. FREY: Second.

2 CHAIRMAN: Second by Mr. Frey. Any discussion
3 or questions about the motion or the second?

4 (NO RESPONSE)

5 CHAIRMAN: There being none all those in favor
6 raise your right hand.

7 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

8 CHAIRMAN: Motion carries.

9 Before we get into the consideration of the
10 approval of the financial statements, I would be
11 premiss if I didn't mention to Mr. O'Bryan they I
12 wanted to let you know I wasn't trying to cut you
13 short earlier. Some of the questions that you had I
14 think more seemed to be associated to what's actually
15 in our current ordinance. So I would encourage you to
16 maybe talk with Mr. Howard or Mr. Hill or the folks at
17 Planning and Zoning associated to some of those things
18 that you brought up about lot sizes and some of the
19 restrictions and things that are already in place.
20 They would probably better serve to help you work
21 through some of those questions or some of those
22 issues.

23 If you have a question, please approach the
24 podium. State your name and be sworn in.

25 MR. HIGDON: My name is Robert Higdon.

1 (ROBERT HIGDON SWORN BY ATTORNEY.)

2 MR. HIGDON: You know, facts and facts. I
3 just want to know about a parking down here on Fourth
4 Street across from Gipe Automotive. What's the
5 purpose of that parking lot that's just been paved?

6 MR. HOWARD: I'm not sure what parking lot
7 you're talking about.

8 MR. HIGDON: Well, it's on the north side of
9 Fourth Street there across from Gipe Automotive.

10 MR. HOWARD: I don't know. It looks like
11 Ms. Evans may know.

12 MS. EVANS: It's a city developed parking lot.
13 I think the property is still owned by Gipe
14 Automotive, as far as the plat and the site plan
15 that's been approved, but it's where the city is. Not
16 anything that we have anything to do with.

17 MR. HIGDON: What I want to know is why there
18 isn't any curbs, gutters or shrubbery out there? You
19 know, we all have got to do it. Why don't the city
20 have to?

21 MR. HOWARD: Again, I'm not familiar with what
22 lot you're talking about.

23 MR. HIGDON: They didn't have to get a permit?

24 MR. HOWARD: Was it an existing lot or is it a
25 new parking lot?

1 MR. HIGDON: It's a paved parking lot now. It
2 was gravel.

3 MR. HOWARD: We can look into it. I don't
4 know. I don't have an answer for you off the top of
5 my head. I'm not familiar with it necessarily, but
6 they would be required to put in anything, you know,
7 the landscaping and curbing and all that stuff too.
8 They done got it finished to the blacktop that's the
9 reason I wanted to know why.

10 MR. HOWARD: I'll tell you, we'll look at it.
11 We can contact the city engineer's office and if it's
12 a city project then they should be aware of what it
13 is. We can certainly look at it.

14 MR. HIGDON: Your Mr. Warren don't recall the
15 permit that you issued to do it?

16 MR. HOWARD: Mr. Warren is not in here right
17 now so I don't know.

18 MR. HIGDON: That was my question.

19 CHAIRMAN: Thank you.

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21 NEW BUSINESS

22 ITEM 9

23 Consider approval of July 2017 financial statements

24 CHAIRMAN: Let's consider the financial
25 statements that was presented to everyone. Presumably

1 everyone has had a chance to look through them. Are
2 there any questions on comments about the financial
3 statement?

4 (NO RESPONSE)

5 CHAIRMAN: There being none the Chair is ready
6 for a motion.

7 Mr. Moore.

8 MR. MOORE: Move for approval, please.

9 CHAIRMAN: A motion has been made by Mr. Moore
10 for approval. Is there a second?

11 MS. McENROE: Second.

12 CHAIRMAN: Second by Ms. McEnroe. Any
13 discussion about the motion to approve or the second?

14 (NO RESPONSE)

15 CHAIRMAN: There being none the Chair is ready
16 for a vote. All those in favor raise your right hand.

17 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

18 CHAIRMAN: Motion carries.

19 ITEM 10

20 Comments by the Chairman

21 CHAIRMAN: I would like to make a couple of
22 comments. One concerning Melissa Evans being selected
23 as a member of the Leadership Owensboro Class of 2018.
24 I think that's a great accomplishment and I'm sure
25 you'll do an excellent job on that. So we certainly

1 appreciate you being there representing the Planning
2 Commission and doing a lot of good work there. Thank
3 you.

4 The only other thing I want to mention is
5 concerning the Goals and Objectives tonight. I know
6 the Planning Commission has worked hard on this. They
7 have kept the commissioners appraised of everything
8 that's going on. Asked for recommendation and have
9 public meetings. Wanted to commend them on working,
10 doing the hard work and trying to move our community
11 forward.

12 ITEM 11

13 Comments by the Planning Commissioners

14 CHAIRMAN: Any comments by the Planning
15 Commissioners?

16 (NO RESPONSE)

17 ITEM 12

18 Comments by the Director

19 MR. HOWARD: No, sir.

20 CHAIRMAN: The most important motion is the
21 last one.

22 MR. BALL: Motion to adjourn.

23 MS. McENROE: Second.

24 CHAIRMAN: Motion to adjourn by Mr. Ball. All
25 those in favor raise your right hand.

1 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

2 CHAIRMAN: We are adjourned.

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