

1 OWENSBORO METROPOLITAN PLANNING COMMISSION

2 MAY 3, 2018

3 The Owensboro Metropolitan Planning Commission
4 met in regular session at 5:30 p.m. on Thursday, May
5 3, 2018, at City Hall, Commission Chambers, Owensboro,
6 Kentucky, and the proceedings were as follows:

7 MEMBERS PRESENT: Larry Boswell, Chairman
8 Larry Moore, Vice Chairman
9 Lewis Jean, Secretary
10 Brian Howard, Director
11 Terra Knight, Attorney
12 Irvin Rogers
13 Manuel Ball
14 Fred Reeves
15 Angela Hardaway
16 Mike Edge

17 * * * * *

18 CHAIRMAN: I'd like to welcome everyone to the
19 May 3, 2018 Metropolitan Planning Commission meeting.

20 We start our meeting off with a prayer and the
21 pledge. Terra Knight will lead both of those tonight.

22 (INVOCATION AND PLEDGE OF ALLEGIANCE.)

23 CHAIRMAN: I would like to thank everyone for
24 attending tonight. We always start our meetings with
25 some housekeeping rules since we're a quasi legal
meeting.

26 If you wish to speak, please approach the
27 podium and state your name and be sworn in. It's very
28 important that we hear all the information for making

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1 good decisions. Direct all your questions to the
2 chair, especially if there are multiple speakers, and
3 all your answers as well. Be respectful of all others
4 who may be speaking, and please stay on topic with all
5 discussions, comments and questions, and keeping them
6 specific to the agenda item being discussed. We
7 appreciate your cooperation in all of those areas.

8 The commission members I think have received
9 the minutes of the last meeting. Hopefully everyone
10 has had a chance to go through those and familiarize
11 yourself with them.

12 Are there any questions or comment or changes
13 concerning those minutes?

14 (NO RESPONSE)

15 CHAIRMAN: There being none the Chair is ready
16 for a motion.

17 MR. JEAN: Motion to approve.

18 CHAIRMAN: Motion to approve by Mr. Jean. Is
19 there a second?

20 MR. BALL: Second.

21 CHAIRMAN: Second by Mr. Ball. Any discussion
22 or comment about the motion or the second?

23 (NO RESPONSE)

24 CHAIRMAN: There being none all those in favor
25 raise your right hand.

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1 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

2 CHAIRMAN: Motion carries.

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

9 -----

10 GENERAL BUSINESS

11 ZONING CHANGES

12 ITEM 3

13 Portion of 537 West Byers Avenue, 0.323 acres
14 Consider zoning change: From R-3MF Multi-Family
15 Residential to B-4 General Business
Applicant: April Schartung & Bradley Schartung

16 MS. KNIGHT: Please state your name for the
17 record.

18 MS. EVANS: Melissa Evans.

19 (MELISSA EVANS SWORN BY ATTORNEY.)

20 PLANNING STAFF RECOMMENDATION

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

23 CONDITIONS

24 1. Access shall be limited to the shared
25 access point with 533 West Byers Avenue only. No
additional access to West Byers Avenue shall be

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1 permitted.

2 2. A minor subdivision plat subdividing the
3 subject property along the new zoning lines shall be
4 approved.

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 an
10 Urban Residential Plan Area where general business
11 uses are appropriate in very limited locations;

12 3. The proposed use as commercial conforms to
13 the criteria for nonresidential development;

14 4. The proposal is a logical expansion of
15 existing B-4 General Business zoning to the south and
16 west;

17 5. At 0.323 acres, the proposal does not
18 significantly increase the extent of general business
19 zoning in the vicinity; and,

20 6. With access limited to the shared access
21 point only, the proposal should not overburden the
22 capacity of roadways and other necessary urban
23 services that are available in the affected area.

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

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1 CHAIRMAN: Thank you, Melissa.

2 Is there anyone here representing the
3 applicant.

4 MR. KAMUF: Charles Kamuf. We're here to
5 answer any questions. I represent the applicants,
6 April and Brad Schartung.

7 We also have the Related Item 3-A, which is
8 the Variance along with the rezoning proposal along
9 537.

10 CHAIRMAN: Thank you, Counsel.

11 Do any of the commissioners have any questions
12 concerning this application?

13 (NO RESPONSE)

14 CHAIRMAN: Anyone in the audience have any
15 questions concerning this application?

16 (NO RESPONSE)

17 CHAIRMAN: There being none the Chair is ready
18 for a motion.

19 Mr. Ball.

20 MR. BALL: Make a motion to approve based on
21 Planning Staff Recommendations, Conditions 1 and 2 and
22 Findings of Fact 1 through 6.

23 CHAIRMAN: A motion has been made for approval
24 based on Conditions 1 and 2 and Findings of Fact 1
25 through 6. Is there a second?

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1 MR. MOORE: Second.

2 CHAIRMAN: Second by Mr. Moore. Any
3 discussion or question 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 MEMBER PRESENT RESPONDED AYE.)

8 CHAIRMAN: Motion carries.

9 RELATED ITEM

10 ITEM 3A

11 537 West Byers Avenue, zoned R-3MF Multi-Family
Residential to B-4 General Business
12 Consider a request for a Variance in order to
eliminate the perimeter screening requirement of a
13 6-foot tall continuous element and one tree every 40
linear feet where the subject property adjoins R-3MF
14 Multi-Family Residential zoning classifications; to
eliminate the vehicular use area screening requirement
15 of a 3-foot-tall continuous element and one tree every
40 linear feet where the vehicular use area adjoins
16 R-3MGF Multi-Family Residential zoning
classifications; and to allow the minimum width of a
17 two-way driveway to be reduced from 24 feet to 20 feet
at the subject property.

18 Reference: Zoning Ordinance, Article 13 and 17,
Sections 17.3114; 17.3121(a); and 13.21

19 Applicant: April Schartung & Bradley Schartung

20 MS. KNIGHT: Please state your name for the
21 record.

22 MR. PEDLEY: Trey Pedley.

23 (TREY PEDLEY SWORN BY ATTORNEY.)

24 MR. PEDLEY: The subject property has most
25 recently been utilized as a multi-family residence;

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1 however, in conjunction with the proposed rezoning,
2 the applicant has expressed the intent to utilize the
3 existing building for commercial offices.

4 The property to the immediate east is an
5 existing multi-family rental residence that's owned by
6 the applicant of the subject property. Historically,
7 each property has been allowed access to the lots by
8 use of individual driveways and shared drives located
9 along the common property line. In order to progress
10 toward compliance of the 500 foot spacing standard
11 along West Byers Avenue, the single access driveway at
12 the subject property shall be closed limiting access
13 to the shared driveway along the common property line.

14 The zoning ordinance requires buffers between
15 unlike zones; which in this case includes perimeter
16 screening consisting of a 6-foot tall continuous
17 element and one tree every 40 linear feet where the
18 subject property adjoins residential zone and
19 vehicular use area screening consisting of a 3-foot
20 tall continuous element and one tree every 40 linear
21 feet where the subject property adjoins residential
22 zones. Due to the location of the shared driveway,
23 the applicant has requested a variance to eliminate
24 the need for both screening requirement.

25 Granting this variance may not cause a

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1 nuisance to the public because although the commercial
2 activity will not have the necessary screening from
3 the adjoining residential property, placing the
4 screening to the east of the shared driveway would
5 place the continuous element on the residential
6 property, which may cause a larger nuisance; and it
7 will not alter the essential character of the general
8 vicinity or allow an unreasonable circumvention of
9 requirements of the zoning regulations because the
10 common property line will remain as they currently
11 exist; and because requiring the vehicular use area
12 screening to the rear of the property will be
13 requiring the screening of a rear yard where
14 residences are not directly located.

15 As the shared driveway continues to allow
16 access the employee parking at the rear of the
17 property, the driveway becomes narrower between the
18 two structures. With only 20 feet between the two,
19 the commercial two-way driveway cannot meet the
20 24-foot minimum driveway width as required for two-way
21 traffic. Consequently, the applicant has requested a
22 variance to allow the driveway width to be reduced to
23 20 feet.

24 Granting this variance will not adversely
25 affect the public safety nor will it cause a nuisance

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1 the public because the parking to the rear is
2 designated for employee parking, and so traffic will
3 be limited; and it will not allow an unreasonable
4 circumvention of the requirements of the zoning
5 regulations because at 20 feet wide the driveway is in
6 compliance with residential requirement which is the
7 manner that the property to the east utilizes the
8 shared drive.

9 Staff recommends approval with the conditions
10 that the existing driveway at 537 West Byers Avenue
11 shall be closed and access to the subject property
12 shall be limited to the shared access driveway.
13 Additionally, all necessary building, electrical and
14 HVAC permits, inspections and certificates of
15 occupancy and compliance shall be obtained.

16 We would like to enter the Staff Report into
17 the record as Exhibit B.

18 CHAIRMAN: Thank you, Trey.

19 MR. KAMUF: Mr. Chairman, we agree to all of
20 the conditions. We have the engineers here to answer
21 any question that you might have.

22 CHAIRMAN: Thank you, Counsel.

23 Do any of the commissioners have a question?

24 Mr. Reeves.

25 MR. REEVES: My question, I guess, is to Mr.

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1 Howard.

2 Can we act on both of these variances with one
3 vote or two motions?

4 MR. HOWARD: We should make two.

5 MR. REEVES: That's what I thought.

6 CHAIRMAN: Thank you, Mr. Reeves.

7 Any other commissioners have any questions
8 concerning this?

9 (NO RESPONSE)

10 CHAIRMAN: I've got one question. It's around
11 the reasons for variance request, there's an issue or
12 statement in there about the applicant is agreeable to
13 a condition on the variance approval if it should be
14 approved whereby the event 533 West Byers Avenue were
15 to be sold the owner of 537 West Byers Avenue shall
16 install the required 6-foot continuing element to
17 comply with the zoning requirement.

18 MR. KAMUF: That's true. We agree to that.
19 That's not a problem.

20 CHAIRMAN: The other question that I had is
21 more informational. With the statement being said
22 about, where it says east of the shared driveway would
23 place a continuous element on a residential property.

24 This is on Page 1 of 2 of the 164.

25 MR. KAMUF: Which one are you talking about?

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1 CHAIRMAN: Staff review under the
2 "Considerations - Refer to applicant's reasons,
3 attached." I was just wanting to try to find out,
4 maybe this is a question for Mr. Howard. A little
5 more detail about why it may cause a larger nuisance
6 if it were installed. This would be the issue around
7 the screening, continuous element screening. Is there
8 a reason why that may be stated that it may be a
9 larger nuisance?

10 MR. HOWARD: You're talking about --

11 CHAIRMAN: The very first Page 164 1/2, down
12 toward the bottom where it talks about granting this
13 variance may adversely affect. But then it goes on to
14 say that "may not cause a nuisance to the public
15 because although the commercial activity will not have
16 the necessary screening from the adjoining residential
17 property placing the screening to the east of the
18 shared driveway would place the continuous element on
19 the residential property, which may cause a larger
20 nuisance."

21 I guess I was just trying to understand what
22 that meant that it would cause potentially a larger
23 nuisance?

24 MR. HOWARD: The way that this property is
25 proposed for development the same people own both

1 properties with a shared driveway in the middle. If
2 you put a screening element on the east side of that
3 driveway, and basically what we've done in our Staff
4 Report is say that as this property redevelops there
5 will be one central access point that will serve both
6 properties due to access management requirements. If
7 you put a 6-foot tall continuous element along the
8 east side of that shared driveway, then it certainly
9 would limit where access could be to the property that
10 they own on the east that's still zoned multi-family
11 residential.

12 You would have to put in, I guess, a define
13 curb cut, take out a section of fence and put in a
14 define curb cut. I believe it also would cause some
15 sight distance issues with trying to pull out if you
16 had a fence and trees on either side as you're trying
17 out into that central aisle.

18 From our perspective it just didn't make sense
19 to put that element in through there.

20 CHAIRMAN: Yes. That makes sense. I just
21 wanted a little more clarification of what that was
22 stating. Thank you, Mr. Howard.

23 Any commissioners have any questions
24 concerning this?

25 (NO RESPONSE)

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1 CHAIRMAN: Anyone in the audience have a
2 question concerning this?

3 (NO RESPONSE)

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

6 Mr. Reeves.

7 MR. REEVES: Mr. Chairman, I move to approve
8 the Variance relating to the perimeter screening and
9 vehicular use area based on the Staff Recommendations
10 and Findings of Fact 1 through 4.

11 CHAIRMAN: A motion has been made for approval
12 for the Variance based on the Findings of Fact 1
13 through 4.

14 And what was the other portion of that,
15 Mr. Reeves?

16 MR. REEVES: The variance relating to the
17 perimeter screening and vehicular use area, that
18 particular Variance.

19 CHAIRMAN: Variance related to the vehicular
20 use and the screening.

21 MR. REEVES: Right. And I don't think any
22 conditions apply to that, do they, Mr. Howard?

23 MR. HOWARD: Not necessarily, but the driveway
24 condition won't -- I would include on both.

25 MR. REEVES: Then I would include Conditions 1

1 and 2 as appropriate.

2 CHAIRMAN: So that motion would include
3 Conditions 1 and 2.

4 MR. REEVES: Yes.

5 CHAIRMAN: Any discussion about that motion?

6 (NO RESPONSE)

7 CHAIRMAN: Is there a second?

8 MR. ROGERS: Second.

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

11 (NO RESPONSE)

12 CHAIRMAN: There being none all those in favor
13 raise your right hand.

14 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

15 CHAIRMAN: Motion carries.

16 MR. KAMUF: Thank you.

17 MR. HOWARD: We need a motion on the second
18 portion of the Variance on driveway reduction. We
19 have to do them separate. We need a second motion for
20 the driveway reduction.

21 CHAIRMAN: Mr. Ball.

22 MR. BALL: I'd like to make a motion to
23 approve the Variance on the driveway width based on
24 Planning Staff Recommendations 5 through 8 in the
25 Staff Report and Conditions 1 and 2.

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1 CHAIRMAN: A motion has been made for approval
2 of the Variance, hopefully I heard all of that, 5
3 through 8 with Conditions 1 and 2.

4 MR. BALL: That's correct.

5 CHAIRMAN: Is there a second to that?

6 MR. ROGERS: Second.

7 CHAIRMAN: Second by Mr. Rogers. Any
8 discussion or comment about the motion or the second?

9 (NO RESPONSE)

10 CHAIRMAN: There being none all those in favor
11 raise your right hand.

12 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

13 CHAIRMAN: Motion carries.

14 ITEM 4
15 906 West Fourth Street, 0.029 acres
16 Consider zoning change: From R-4DT Inner City
17 Residential to I-1 Light Industrial
18 Applicant: David M. & Colleen Q. Taylor & Thomas S.
19 Hayden, Jr. & Katherine Hayden
20 PLANNING STAFF RECOMMENDATION

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

23 CONDITION

24 No access shall be permitted to West 4th
25 Street.

26 FINDINGS OF FACT

27 1. Staff recommends approval because the

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1 proposal is in compliance with the community's adopted
2 Comprehensive Plan;

3 2. The subject property is located in a
4 Business/Industrial Plan Area where Light Industrial
5 uses are appropriate in general locations;

6 3. The proposed use conforms to the criteria
7 for nonresidential development; and,

8 4. The proposal is a logical expansion of I-1
9 Light Industrial zoning to the west; and

10 5. At 0.029 acres the proposal is not a
11 significant increase in I-1 zoning in the vicinity.

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

14 CHAIRMAN: Thank you, Melissa.

15 Anyone representing the applicant?

16 MR. FORMAN: Mr. Chairman, Jeff Forman for the
17 applicant. We also have engineer here if anyone has
18 any questions.

19 CHAIRMAN: Thank you.

20 Any other commissioners have any questions
21 concerning this application?

22 (NO RESPONSE)

23 CHAIRMAN: Anyone in the audience that would
24 have any question concerning this application?

25 (NO RESPONSE)

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1 CHAIRMAN: There being none the Chair is ready
2 for a motion.

3 Mr. Moore.

4 MR. MOORE: Thank you, Mr. Chairman. Make a
5 motion for approval based on Staff Recommendations
6 with the one condition and Findings of Fact 1 through
7 5.

8 CHAIRMAN: A motion has been made for approval
9 based on the Staff Recommendation with the condition
10 and Findings of Fact 1 through 5. Is there a second?

11 MR. JEAN: Second.

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

14 (NO RESPONSE)

15 CHAIRMAN: There being none all those in favor
16 raise your right hand.

17 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

18 CHAIRMAN: Motion carries.

19 ITEM 5

20 10619 Highway 764, 0.260 acres

21 Consider zoning change: From R-1B Single-Family
22 Residential to I-1 Light Industrial & B-4 General
23 Business

22 Applicant: Paul Lehecka; Wisconsin Auto Supply, Inc.
23 PLANNING STAFF RECOMMENDATION

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

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1 CONDITION

2 Approval of a minor subdivision plat dividing
3 the subject property.

4 FINDINGS OF FACT

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

8 2. The subject property is located in an
9 Urban Residential Plan Area where light industrial
10 uses and general business uses are appropriate in very
11 limited locations;

12 3. The proposed uses as light industrial and
13 general business conform to the criteria for
14 nonresidential development;

15 4. The proposal is a logical expansion of
16 existing I-1 Light Industrial zoning to the north and
17 B-2 zoning across Highway 764 to the west;

18 5. The proposal would not significantly
19 increase the extent of industrial uses or business
20 uses in the vicinity; and,

21 6. This proposal will not overburden the
22 capacity of roadways and other necessary urban
23 services that are available in the affected area.

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

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1 CHAIRMAN: Thank you, Melissa.

2 Is anyone here representing the applicant?

3 APPLICANT REP: Yes.

4 MR. ROGERS: Mr. Chairman, I need to recuse
5 myself on this item.

6 CHAIRMAN: Okay.

7 Any discussion or question from the
8 commissioners concerning this application?

9 (NO RESPONSE)

10 CHAIRMAN: Anyone in the audience have any
11 questions concerning this application?

12 (NO RESPONSE)

13 CHAIRMAN: The Chair is ready for a motion.

14 Mr. Ball.

15 MR. BALL: Motion to approve based on Planning
16 Staff Recommendations, Findings of Fact 1 through 6
17 and the one condition.

18 CHAIRMAN: A motion has been made by Mr. Ball
19 for approval based on the condition and Findings of
20 Fact 1 through 6. Is there a second to this motion?

21 MR. MOORE: Second.

22 CHAIRMAN: Second by Mr. Moore. Any
23 discussion about the motion or the second?

24 (NO RESPONSE)

25 CHAIRMAN: There being none all those in favor

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1 raise your right hand.

2 (ALL BOARD MEMBERS PRESENT - WITH IRVIN ROGERS
3 RECUSING HIMSELF - RESPONDED AYE.)

4 CHAIRMAN: Motion carries.

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6 NEW BUSINESS

7 ITEM 6

8 Consider approval of March 2018 financial statement

9 CHAIRMAN: All the commissioners hopefully
10 have received the financial statements for March and
11 have had a chance to look through those. Is there any
12 questions or comment or changes concerning the
13 financial statement?

14 (NO RESPONSE)

15 CHAIRMAN: There being none the chair is ready
16 for a motion.

17 MR. REEVES: Motion to approve.

18 CHAIRMAN: Motion to approve by Mr. Reeves.

19 Is there a second?

20 MR. BALL: Second.

21 CHAIRMAN: Second by Mr. Ball. Any discussion
22 or comment about the motion or the second?

23 (NO RESPONSE)

24 CHAIRMAN: There being none all those in favor
25 raise your right hand.

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1 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

2 CHAIRMAN: Motion carries.

3 ITEM 7

4 Comments by the Chairman

5 CHAIRMAN: Just a few comments.

6 We had a number of folks from the Board of
7 Adjustment and the Commissioners who attended the
8 conference in New Orleans. You know, in sitting in
9 those meetings, they're quite informative, but one of
10 the things that I personally noted with what I saw in
11 the sessions and presentations, that our Planning and
12 Zoning Department is well and far ahead of a lot of
13 Planning and Zoning Departments in this country. They
14 have done a great job of putting together a process
15 that people can understand, the information is there.
16 There's plenty of opportunities for the public to
17 comment. I just saw that they put together a great
18 process that many larger cities probably would
19 certainly admire. So I congratulate them on putting
20 all of that together. Just wanted to make a couple of
21 comments that we've got a great Planning and Zoning
22 Department and great Staff.

23 That's all the comments I had.

24 ITEM 8

25 Comments by the Planning Commission

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1 (NO RESPONSE)

2 ITEM 9
3 Comments by the Director

4 MR. HOWARD: I just make a quick comment.

5 We didn't ask them to come tonight. I would
6 like to recognize John Pickrell and Sheila Moore from
7 our office who will both be retiring at the end of
8 this month. They've both been with our office for a
9 long, long time. They will certainly be missed. We
10 wish them well in retirement. We'll have a little
11 something for them as a Staff here later on in the
12 month as a thank you sending off party. Just wanted
13 to also publically thank them for their job and
14 services they provided to our organization and what
15 they've done for our community.

16 CHAIRMAN: Thank you, Brian.

17 Also mirror those from the commission as well.
18 You did talk to them in terms of maybe coming back and
19 working for free at some point?

20 MR. HOWARD: Oh, sure. We'll take free labor
21 at any point. Volunteer work is great.

22 CHAIRMAN: There being no other comments we're
23 ready for the next motion for adjournment.

24 MS. HARDAWAY: Motion to adjourn.

25 CHAIRMAN: Motion to adjourn. Do we have a

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1 second?

2 MR. JEAN: Second.

3 CHAIRMAN: Second by Mr. Jean. All those in
4 in favor raise your right hand.

5 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

6 CHAIRMAN: We are adjourned.

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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 23 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 June, 2018.

18
19

LYNNETTE KOLLER FUCHS
NOTARY ID 524564
OHIO VALLEY REPORTING SERVICES
2200 E. PARRISH AVE, SUITE 106E
OWENSBORO, KENTUCKY 42303

22
23 COMMISSION EXPIRES: DECEMBER 16, 2018

24 COUNTY OF RESIDENCE: DAVIESS COUNTY, KENTUCKY

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