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OWENSBORO METROPOLITAN PLANNING COMMISSION

NOVEMBER 8, 2012

The Owensboro Metropolitan Planning Commission met in regular session at 5:30 p.m. on Thursday, November 8, 2012, at City Hall, Commission Chambers, Owensboro, Kentucky, and the proceedings were as follows:

- MEMBERS PRESENT: Drew Kirkland, Chairman
- Ward Pedley, Vice Chairman
- David Appleby, Secretary
- Gary Noffsinger, Director
- Madison Silvert, Attorney
- Margaret Cambron
- Tim Allen
- Irvin Rogers
- Wally Taylor
- John Kazlauskas
- Jason Strode
- Fred Reeves

* * * * *

CHAIRMAN: I would like to welcome everybody to the Owensboro Metropolitan Planning Commission meeting. Our invocation will be given by Mr. John Kazlauskas. Please stand.

(INVOCATION AND PLEDGE OF ALLEGIANCE.)

CHAIRMAN: Our first item of business is to consider the minutes of the October 11th meeting. Are there any additions, correction?

(NO RESPONSE)

CHAIRMAN: Questions from the audience?

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1 (NO RESPONSE)

2 CHAIRMAN: From the commission?

3 (NO RESPONSE)

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

6 MR. PEDLEY: Motion for approval.

7 CHAIRMAN: Motion for approval by Mr. Pedley.

8 MR. STRODE: Second.

9 CHAIRMAN: Second by Mr. Strode. All in favor
10 raise your right hand.

11 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

12 CHAIRMAN: Motion carries unanimously.

13 Next item, please, Mr. Noffsinger.

14 MR. NOFFSINGER: Mr. Chairman, on Item Number
15 2, the auditor's presentation needs to be postponed at
16 this time. The auditor is not here. Should he arrive
17 towards the end, we'll put him back on the end. If
18 not, we'll have to postpone it until next month.

19 -----

20 ZONING CHANGE

21 ITEM 3

22 2945 Highway 54, 12.867 acres (Applicant requesting
postponement until 12/13/12 Meeting)

23 Consider zoning change: From P-1 Professional/Service
to B-4 General Business

24 Applicant: Industrial Leasing of Florida, Inc.

25 MR. NOFFSINGER: Mr. Chairman, you will need

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1 to vote on this item. The applicant has asked for a
2 postponement. It will take a vote in favor of
3 postponement to postpone until the December meeting.

4 CHAIRMAN: Okay.

5 MR. APPLEBY: Move to postpone.

6 MRS. CAMBRON: Second.

7 CHAIRMAN: We've got a motion for postponement
8 by Mr. Appleby. We've got a second by Mrs. Cambron.
9 All in favor raise your right hand.

10 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

11 CHAIRMAN: Motion carries unanimously.

12 Next item, please.

13 ITEM 4

14 4460, 4470, 4540 Springhill Drive, 3.628+/- acres

(Applicant requesting postponement until 12/13/12
15 Meeting)

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

17 Applicant: Lake Forest Community, LLC

18 MR. NOFFSINGER: Mr. Chairman, this will
19 require a vote to postpone this item at the
20 applicant's request.

21 MR. PEDLEY: Mr. Chairman, I disqualify myself
22 from this item.

23 CHAIRMAN: Let the minutes note Mr. Pedley is
24 disqualifying himself.

25 MR. ROGERS: Motion for postponement.

1 CHAIRMAN: We've got a motion by Mr. Rogers.

2 MR. ALLEN: Second.

3 CHAIRMAN: We've got a second by Mr. Allen.

4 All in favor raise your right hand.

5 (ALL BOARD MEMBERS PRESENT - WITH WARD PEDLEY
6 DISQUALIFYING HIMSELF - RESPONDED AYE.)

7 CHAIRMAN: Motion carries unanimously.

8 Next item, please.

9 -----

10 MAJOR/MINOR SUBDIVISIONS

11 ITEM 5

12 4060, 4100 Medley Road, 1.284 acres

Consider approval of major/minor subdivision plat

13 Applicant: Jerry M. Ashley Trust

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

16 MR. HOWARD: Brian Howard.

17 (BRIAN HOWARD SWORN BY ATTORNEY.)

18 MR. HOWARD: This plan comes before you for a
19 request of an access point to Medley Road.

20 If you recall back at the September Planning
21 Commission meeting, a plat that was prepared by Bob
22 Wimsatt back years ago was revoked by the Planning
23 Commission which led to the possibility that the
24 property could be split into two lots.

25 The property shown here was split, was

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1 approved September 28, 2012. It is one of the two
2 lots.

3 On that original plat that was approved, we
4 had notation that the access to the property should be
5 limited to Deer Haven Drive only. No access should be
6 permitted to Medley Drive; however, the applicant had
7 proposed to split the property and include an access
8 point to Medley Road.

9 Staff could not support the access point to
10 Medley Road at this location. We would recommend that
11 the plat be approved with an access point to Deer
12 Haven Drive only, with an access easement maybe
13 towards the rear of the property being extended over
14 to the second lot. It's not an issue of the lot being
15 approved. It's an issue with the access point on
16 Medley Road.

17 Typically we'll send the plats to the city or
18 county engineer for their review as well. We sent it
19 to both in this instance because the property is
20 actually, the property itself is in the county;
21 however, both Deer Haven Drive and Medley are city
22 streets. We got no comment from the county engineer.
23 He said he would defer to the city since they are city
24 roads.

25 I did get an e-mail from Mike Hamilton with

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1 the city engineers department which said they would
2 support no access to Medley Road either.

3 They're in agreement with the Planning Staff,
4 that we should not have access at this location. They
5 cited in a phone conversation I had with Mike, you
6 know, he said there is some topography issues and
7 elevations and things and they would just prefer since
8 we had it on the original plat no access to Medley
9 Road to keep it there with no access to Medley Road.

10 So with that we would recommend that you
11 consider the plat for approval with easement only to
12 Deer Haven Drive for access. No access to Medley
13 Road.

14 MR. APPLEBY: It's a site issue you're saying?

15 MR. HOWARD: Yes. The city engineer's office
16 didn't go out and do any site distance calculations,
17 but Mike, in my conversation with him, noted the fact
18 that there are some topography issues. He said drive
19 access really from either street would be somewhat of
20 a concern on this property just because of the
21 elevation change. They just thought it would be best
22 not to have access there as well.

23 CHAIRMAN: Is there anybody here representing
24 the applicant?

25 MR. ASHLEY: Yes.

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1 MR. SILVERT: Could you state your name,
2 please?

3 MR. ASHLEY: My name is Jerry Ashley.

4 (JERRY ASHLEY SWORN BY ATTORNEY.)

5 MR. ASHLEY: What I'm trying to accomplish out
6 there, this was previously approved with five lots on
7 it with access to Medley Road. There are no
8 topography problem with that access because it's
9 already in.

10 Mr. Wimsatt divided this property, this
11 particular piece, into five lots, five 60-foot lots,
12 which I think what I'm asking for is much more
13 appropriate. Two nice lots rather than five.

14 When this was previously approved, there was
15 three accesses approved for Medley Road. He went
16 ahead and put these in. It's my understanding that
17 they were inspected when he put them in.

18 All I'm asking for is you give back what you
19 already approved. I don't see that -- there's no
20 topography problems at all. I've been out there for
21 the last three days with a grader and there's no
22 problems at all. The access is already in. Was put
23 in years ago. I see no problem with it. To cut an
24 access in all the way from Deer Haven across the back
25 of that, all the way back, that's not even reasonable.

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1 I feel like what I'm asking for is very, very
2 reasonable since it's already been approved once. My
3 plans hinge on my house, hinge on having that access.

4 CHAIRMAN: Let us hear about, what is the
5 topography problems, Mr. Howard?

6 MR. HOWARD: Again, I'm just going off the
7 conversation I had with Mike Hamilton from the city
8 engineer's office.

9 He said that he felt like that there were some
10 elevation change issue out there that led to them
11 saying that they would prefer not to have an access
12 point on Medley Road.

13 MR. APPLEBY: It's in the plat plan we revoked
14 or the plat we revoked out there, this was actually
15 five different lots?

16 MR. HOWARD: The plat that you all revoked was
17 a preliminary plat. There were 12 total lots across
18 these two. There were two properties that resulted
19 from a minor subdivision plat. There were 12 lots.
20 He's correct, there were three access points proposed
21 at that time. But when the plat was revoked, the
22 minor subdivision plat came in. You know, Medley Road
23 is a major road. There are access standards, of 250
24 foot spacing standard. The fact that we were looking
25 at one lot, the adjoining property that was created,

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1 we limited it to a single access point to Medley Road
2 whereas it had two proposed on the original
3 preliminary plat.

4 The goal is when you're going from 12 lots to
5 two to consolidate access so that it is more, you
6 know, the more access points you have the more
7 conflict points you have. What we try to do is try to
8 reduce the number of access points, especially on a
9 major road like Medley Road. So we limited the other
10 lot to a single access point to Medley and this to
11 Deer Haven only.

12 MR. APPLEBY: If I understanding this, he's
13 proposing a single access point to be shared by the
14 two lots?

15 MR. HOWARD: It is a shared ingress/egress
16 easement, that's correct.

17 CHAIRMAN: Mr. Howard, did we originally
18 approve and then rescind the previous application?
19 Was it approved?

20 MR. HOWARD: The preliminary plat that was
21 approved years ago --

22 CHAIRMAN: By Mr. Wimsatt.

23 MR. HOWARD: -- by Mr. Wimsatt, it had three
24 access points to Medley Road. They were all shared
25 ingress/egress easements. Some of them serve maybe

1 two or three lots.

2 CHAIRMAN: And the Good Lord hasn't changed
3 the topography of this area since then, has it?

4 MR. HOWARD: Probably not, no.

5 CHAIRMAN: We had three accesses that were
6 approved and he's asking for one?

7 MR. HOWARD: He's proposing one on this lot
8 and there would be one on the adjoining property, yes.

9 CHAIRMAN: I think Mr. Noffsinger wants to set
10 us straight.

11 MR. APPLEBY: One on this lot and one on --

12 MR. HOWARD: Which was Lot 2. You're looking
13 at Lots 1A and 1B which was a redivision. It's a
14 redivision. Lot 2 would have separate.

15 MR. APPLEBY: I understand.

16 CHAIRMAN: Over the previous application, am I
17 following you right, there would be two now as opposed
18 to when we did have three; is that correct?

19 MR. HOWARD: That's correct.

20 CHAIRMAN: Okay. Thank you.

21 Mr. Noffsinger.

22 MR. NOFFSINGER: Yes. I do want to make sure
23 that it's clear. That when the preliminary plat was
24 revoked by this commission a couple of months ago,
25 that was at the request of the property owner, Bob

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1 Wimsatt. So we didn't take anything away from someone
2 that they didn't want taken away.

3 Mr. Wimsatt submitted the plat with no direct
4 access to this property to Medley Road and
5 specifically limited access to Deer Haven Drive.

6 My concern, the reason I did not sign this
7 plat, even though the proposed access point meets the
8 spacing standards, is that the adjoining property
9 owner, Bob Wimsatt, would be effected by my action to
10 approve the plat. Because if we approve this access
11 point, it effects where his access point can be on his
12 adjoining property. He owns the adjoining property
13 that only has access to Medley Road. So I felt it was
14 very important to bring that plat back before this
15 commission so that we could have a time where this
16 issue could be raised and Mr. Wimsatt would have an
17 opportunity to speak.

18 Now, I do know Mr. Howard called Mr. Wimsatt
19 today and he did have a conversation with him. I
20 would like to get that on the record as to what he
21 said, and state that this access point, I didn't
22 realize had already been constructed. I thought it
23 was just a proposed access point.

24 I want to hear from you in terms of your
25 conversation with Bob Wimsatt, and then has this

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1 access point been constructed and was it constructed
2 to the standards that were previously approved on the
3 preliminary plat.

4 MR. HOWARD: I did have a conversation with
5 Mr. Wimsatt. He did not express any major concern
6 about an access point to Medley Road at this location.
7 I think with the amount of frontage he has on the
8 other property I think he felt that he would be able
9 to meet the access management requirements.

10 As far as it being an existing access point,
11 it's shown on here as an existing point. In my
12 conversation with the city engineer, he didn't say the
13 culvert is already in. I haven't been out to the
14 site. I didn't go out and look at it specifically.
15 He did not give me that information, but if Mr. Ashley
16 is saying that, I have no reason to doubt him.

17 MR. ASHLEY: All three of them are in.

18 CHAIRMAN: Mr. Howard, are you finished?

19 MR. HOWARD: Yes.

20 CHAIRMAN: Would you respond to that for the
21 record, Mr. Ashley.

22 MR. ASHLEY: All three of the access culverts
23 have been put in by Mr. Wimsatt some time ago.

24 The one that I'm asking for is 282 feet from
25 the intersection of Deer Haven Drive, which I'm sure

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1 that's within the required specifications. I don't
2 know. Medley Road really doesn't seem like a very
3 high traffic road to me. I don't see where this would
4 harm anybody. I talked to Mr. Wimsatt about 3:30 and
5 he had no problem with it at all.

6 CHAIRMAN: Could you live with one access to
7 those two pieces of property?

8 MR. NOFFSINGER: That's all he's proposing.

9 CHAIRMAN: I thought there was two. We were
10 going for three.

11 MR. APPLEBY: The other two were on the other
12 property.

13 CHAIRMAN: I'm sorry.

14 MR. ASHLEY: It would be a shared access for
15 the two that I want to put in. Mr. Wimsatt will have
16 two that are already in for the parcel he retained.
17 So there's three all together.

18 MR. NOFFSINGER: Mr. Chairman, because the
19 adjoining landowner, Mr. Wimsatt, did not raise an
20 issue with the proposal to the Staff, and he is
21 certainly not here tonight, and the fact that the
22 access point is already in, Staff would recommend that
23 the plat be approved as proposed; however, with the
24 condition that the access point, the culvert that has
25 been installed was properly installed as per the

1 original preliminary plat, because as I recall we had
2 some specific standards as to how that access point
3 was to be designed and there would have been surety
4 posted at some point when the final plat for those
5 access points. There was also sidewalk that was to be
6 installed along Medley Road. I just want to make sure
7 that we have a properly designed shared access point
8 that was as per the original preliminary plat.

9 CHAIRMAN: Thank you, Mr. Noffsinger, for your
10 advice.

11 Yes, sir.

12 MR. ASHLEY: Mr. Wimsatt tells me that they
13 were properly installed and inspected. That's only
14 what I can tell you about it. It looks to me like a
15 great job.

16 CHAIRMAN: All right, sir.

17 At this time unless there's any further
18 comment from the audience.

19 Anybody else from the commission have any
20 comments?

21 (NO RESPONSE)

22 CHAIRMAN: Mr. Appleby, I know you're sitting
23 there ready to make a motion. Hopefully I didn't stop
24 you.

25 MR. APPLEBY: I just want Mr. Ashley to

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1 understand what Gary is asking. The condition that
2 we're going to have is that it was installed per the
3 specifications in the original drawing. If it's not,
4 it will be up to you to see that it is, if we pass
5 this with this access point with this condition.

6 MR. ASHLEY: That's entirely fair.

7 CHAIRMAN: You understand the specifications
8 and the requirements that Mr. Noffsinger has
9 suggested? Mr. Appleby will include those comments
10 and requirements in his motion.

11 MR. ASHLEY: Okay. Will it be inspected then
12 and I be informed as to whether it's okay or not?

13 MR. NOFFSINGER: Yes, sir. We will not sign
14 the plat until we're certain that it has been
15 installed as per the original preliminary plat. Brian
16 Howard from our office, as well as someone from the
17 city engineer's office, will take a look at that.

18 MR. ASHLEY: Yes, sir.

19 CHAIRMAN: Mr. Appleby.

20 MR. APPLEBY: Make a motion for approval with
21 a single shared accession point on Medley Road with a
22 further condition that the access point was installed
23 per the original specifications as set out in the
24 original preliminary plat.

25 CHAIRMAN: We have a motion for approval with

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1 conditions by Mr. Appleby.

2 MR. ALLEN: Second.

3 CHAIRMAN: We've got a second by Mr. Allen.

4 All in favor raise your right hand.

5 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

6 CHAIRMAN: That motion carries unanimously.

7 Next item, please.

8 -----

9 MINOR SUBDIVISIONS

10 ITEM 6

11 11310, 11324 Gore Road, 8.836 acres

Consider approval of minor subdivision plat

12 Applicant: Mabel M. Worthington

13 MR. HOWARD: This plat comes before you as an
14 exception. The 6.475 acre lot exceeds the three to
15 one length to width ratio requirement. They are
16 creating a smaller tract around an existing house.
17 This would allow for the construction of another home
18 on the property.

19 As identified, an eight acre parcel. This is
20 a descent division of the property, in creating a lot
21 around an existing home. They have a note on the plat
22 that there will not be any further division of the
23 property unless it meets subdivision regulations,
24 which in this instance would likely include a
25 construction of a street due to limited amount of road

1 frontage.

2 With that we would recommend that you consider
3 it for approval.

4 CHAIRMAN: Any comments from the audience?

5 (NO RESPONSE)

6 CHAIRMAN: Any questions from the commission?

7 (NO RESPONSE)

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

10 MR. APPLEBY: Motion for approval.

11 CHAIRMAN: Motion for approval by Mr. Appleby.

12 MR. REEVES: Second.

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

15 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

16 CHAIRMAN: Motion carries unanimously.

17 Next item, please.

18 ITEM 7

19 5925, 5935 Highway 144, 4.078 acres

Consider approval of minor subdivision plat

20 Applicant: John A. Strobel Estate; Joseph G. & Candy
W. Strobel

21

22 MR. HOWARD: This plat comes before you again
23 for an exception on the length to width ratio
24 requirement. Tract 1 is already a lot that's longer
25 than the depth would allow. Tract 2 was in

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1 conformance; however, they're adding some additional
2 property to the rear squaring up the lot.

3 So with that we would recommend that you
4 consider for approval. They're not trying to maximize
5 lots or get any additional building area out of this.

6 CHAIRMAN: Any comments from the audience?

7 (NO RESPONSE)

8 CHAIRMAN: The commission?

9 (NO RESPONSE)

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

12 MR. STRODE: Motion for approval.

13 CHAIRMAN: Motion for approval by Mr. Strode.

14 MRS. CAMBRON: Second.

15 CHAIRMAN: We've got a second by Mrs. Cambron.
16 All in favor raise your right hand.

17 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

18 CHAIRMAN: Motion carries unanimously.

19 Next item, please.

20 -----

21 NEW BUSINESS

22 ITEM 8

23 Consider approval of the August and September 2012
24 financial statements.

25 MR. NOFFSINGER: Mr. Chairman, each member has

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1 been mailed a copy of the financial statements and
2 they're ready for your consideration.

3 CHAIRMAN: Any questions from the audience?

4 (NO RESPONSE)

5 CHAIRMAN: Any questions from the commission?

6 (NO RESPONSE)

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

9 MR. KAZLAUSKAS: So moved.

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

12 MR. ALLEN: Second.

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

15 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

16 CHAIRMAN: Motion carries unanimously.

17 Next item, please.

18 ITEM 9

19 Consider approval of 2013 Filing Dates and Deadlines

20 MR. NOFFSINGER: Mr. Chairman, each member has
21 been mailed a copy of the dates for the Owensboro
22 Metropolitan Planning Commission meetings, as well as
23 the Board of Adjustment meetings. It's ready for your
24 consideration.

25 CHAIRMAN: Any questions?

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1 (NO RESPONSE)

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

4 MR. REEVES: So move.

5 CHAIRMAN: Mr. Reeves has a motion for
6 approval.

7 MR. TAYLOR: Second.

8 CHAIRMAN: Mr. Taylor has a second. All in
9 favor raise your right hand.

10 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

11 CHAIRMAN: Motion carries unanimously.

12 Next item, please.

13 ITEM 10

14 Consider extension of the OMPC office lease.

15 MR. NOFFSINGER: Mr. Chairman, each member has
16 been mailed a copy of the original lease and the
17 amendment to the lease agreement. It's hard to
18 believe that we've been in the Commerce Center now for
19 six years and it's time for our lease renewal. We're
20 required to give our landlord a minimum of 120 day
21 notice if we intend to stay in those offices.

22 I will tell you that we lease from the
23 Malcolm-Bryant Corporation in the Chase Bank Building,
24 Commerce Center building, 4,792 square feet. The
25 current rate for that office space is \$7 per square

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1 foot. That rate will increase on May 31st of 2013 to
2 \$7.84 per square foot.

3 The Staff has taken a look at our lease.
4 There are no changes to the lease. These are renewal
5 periods of five years. If you authorize the chair, as
6 well as the director, to sign the lease agreement it
7 will take us to May 31st of 2018.

8 The Staff, our customers are very happy with
9 our location. We feel it's been very beneficial for
10 our customers in terms of the space we have, parking.
11 We have not heard any negatives.

12 The rates we've looked at in the downtown area
13 range from a low of \$8 per square foot to \$13 per
14 square foot on a high. If you get towards new
15 Smothers Park you're looking at professional office
16 rates that range from 13 to \$15 per square foot. So
17 we feel really good about the rate. It was
18 pre-negotiated back six years ago when we made the
19 decision to move into Chase Bank.

20 Staff would recommend that you authorize the
21 director and chair to sign the lease extension. I'll
22 be glad to answer any questions that you might have.

23 CHAIRMAN: Does anybody from the audience have
24 any questions?

25 (NO RESPONSE)

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1 CHAIRMAN: Does anybody on the commission have
2 any questions?

3 MR. REEVES: Just one question.

4 Mr. Noffsinger, we don't have to pay any
5 rental for any of the shared space we use like
6 upstairs and so forth? We have requirement for that;
7 is that correct?

8 MR. NOFFSINGER: We do not pay any utilities
9 or fees for the use of the common areas. For example,
10 the upstairs area, the board room, the training area,
11 we have use of that and we do not pay any additional
12 fees for that area. We do own a third of the chairs,
13 tables, equipment that's in there, but we own that
14 outright and we do not pay any rental. We do pay
15 utilities. Our portion of that building usage is 17.2
16 percent, I believe. So we pay our share of 17.2
17 percent of the cost of all utilities in that building.

18 MR. REEVES: Thank you.

19 CHAIRMAN: Mr. Noffsinger, with the
20 outstanding development of downtown, with all this
21 going on downtown, I think the location of the office
22 is absolutely outstanding. The lease going forward at
23 the rate that we're going to be able to pay versus
24 what's going on downtown is a real advantage. Also,
25 having the common areas that we're able to use with

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1 really no additional cost to our commission or to the
2 OMPC is a very good asset.

3 With that being said the chair is ready for a
4 motion.

5 MR. ALLEN: Motion to approve.

6 CHAIRMAN: Motion for approval by Mr. Allen.

7 MR. ROGERS: Second.

8 CHAIRMAN: Second by Mr. Rogers. All in favor
9 raise your right hand.

10 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

11 CHAIRMAN: Motion carries unanimously.

12 One second, Mr. Noffsinger, before we get to
13 the next item.

14 All of you all should have noticed that our
15 meeting day in February is February 14th. I remember
16 one of our members made quite an issue of that in
17 years gone by.

18 Next item.

19 ITEM 11

20 Consider entering into contract with OMU for fiber
21 optic service.

22 MR. NOFFSINGER: Mr. Chairman, this is an
23 issue that I would like to postpone until the next
24 meeting. Currently we're receiving fiber optic
25 service from OMU. That provides our pipeline into the

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1 City of Owensboro, their network and connects us with
2 their server, the geographic information system for
3 the community. We have been with OMU for a number of
4 years. I need to do some further research into this
5 contract to make sure that what we're going to enter
6 into moving forward is absolutely necessary and the
7 right thing to do.

8 So at this point in time I will be glad to
9 answer any questions you might have, but Staff is not
10 ready to move forward on this item at this time.

11 CHAIRMAN: Do we need a motion to postpone?

12 MR. NOFFSINGER: Yes. That would be Staff's
13 recommendation.

14 CHAIRMAN: Chair is ready for a motion.

15 MR. REEVES: So move.

16 CHAIRMAN: Motion to postpone by Mr. Reeves.

17 MR. KAZLAUSKAS: Second.

18 CHAIRMAN: Second by Mr. Kazlauskas. All in
19 favor raise your right hand.

20 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

21 CHAIRMAN: Motion carries unanimously.

22 Next item, please.

23 ITEM 2

24 Presentation of Fiscal Year 2012 Audit by Gene Boaz,
CPA.

25

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1 MR. SILVERT: Could you state your name,
2 please.

3 MR. BOAZ: My name is Gene Boaz, CPA.
4 (GENE BOAZ SWORN BY ATTORNEY.)

5 MR. BOAZ: First of all, I apologize for being
6 a few minutes late. We got here as fast as we could.

7 Good evening, Ladies and Gentlemen. I was
8 retained to audit the financial statements of the
9 Owensboro Metropolitan Planning Commission as of and
10 for the years ending June 30, 2011 and 2012.

11 These statements included the organization
12 statement of net assets and related statements to
13 revenues, expenses and changes in net assets and the
14 statement of cash flows.

15 I conducted my audit in accordance with the US
16 generally accepted auditing standards and the
17 standards applicable to financial audits contained in
18 governmental auditing standards issued by the
19 Comptroller General of the United States.

20 Those standards require that I plan and
21 perform the audit to obtain reasonable assurance about
22 whether the financial statements are free of material
23 misstatement.

24 In my work, I examined on a test basis
25 evidence supporting the amounts and disclosures in the

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1 financial statements. I also made inquiries of
2 management and assess the accounting principals used
3 and significant estimates that were made by management
4 as well as evaluating the overall financial statement
5 presentation.

6 Accordingly, I believe that my audit provides
7 a reasonable basis for my opinion. In my opinion, the
8 financial statements, which I refer to above, present
9 fairly in all material respects the net assets of the
10 Owensboro Metropolitan Planning Commission as of June
11 30, 2011 and 2012, and its revenues, expenses and
12 changes in net assets and cash flows for the years
13 then ended in conformity with accounting principles
14 generally accepted in the United States of America.

15 As part of my audit and in accordance with
16 government auditing standards, I was already retained
17 to consider the OMPC's internal control over financial
18 reporting and its compliance with certain provisions
19 of laws, regulations, contracts, grants and other
20 matters. The purpose of the aforementioned work was
21 to aid me in determining the scope of my testing
22 relating to the financial statements that I previously
23 mentioned and not for the purpose of rendering an
24 opinion on the organization's control or financial
25 reporting or its compliance with the items that

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1 iterated. However, I can report that I found no
2 exceptions that warranted any deficiencies.

3 In closing, let me take this opportunity to
4 thank the Board and the Board's personnel for all the
5 courtesies that have been extended to me during the
6 conduct of my audit.

7 I can now answer any questions that the
8 members of the Board may have.

9 CHAIRMAN: Mr. Boaz, you've done this before.
10 You've been over the books, the records, seen the
11 operation. You've also seen how the accounts are
12 handled in public with the board and through the
13 Staff, providing us information of financial
14 statements, etcetera.

15 From your opinion, based on the way we do this
16 in open, in public, is there anything that you as an
17 auditor would recommend to this board that you think
18 we should change, we should do differently? Anything
19 that you would make a recommendation to this
20 commission?

21 MR. BOAZ: I really genuinely think that you
22 all have a great system. You have a lady CPA that
23 keeps your records very, very immaculate.

24 CHAIRMAN: Just for the record, would you
25 state through your audit, the lady that does our

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1 records is an outside CPA.

2 MR. BOAZ: That is correct.

3 CHAIRMAN: Not in-house, but outside.

4 MR. BOAZ: That's correct. That allows for a
5 much better internal control system. I guess the
6 classic fraud is the overlapping duties where the same
7 person handles the cash that keeps the records, you
8 know, so things can be hidden. In this particular
9 instance, with the division duties as they are, it
10 prevents that type of thing from happening.

11 The fact is that the individual that does the
12 work is a very well qualified excellent CPA. She does
13 a very fine job.

14 CHAIRMAN: Basically from your standpoint
15 after reviewing the audit, after going through the
16 records, our check and balance system of the outside
17 accountant, you know, didn't have of the financial
18 records in doing it, you know, you can't have any more
19 open records than what we have.

20 MR. BOAZ: That's right.

21 CHAIRMAN: It's literally on TV. Is there any
22 stone that we or you could possibly have not turned
23 over?

24 MR. BOAZ: Well, I really don't think so
25 because, again, if I might add, the audit is another

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1 layer of redundancy in terms of double check and
2 correction, this type of thing. I think you've got a
3 very tight system. I would say just keep it going.

4 CHAIRMAN: You like the idea of the outside
5 CPA overseeing and recordkeeping off site out of
6 house?

7 MR. BOAZ: I think that is not a bad idea at
8 all. Obviously it's up to the board to choose how
9 they want to do things, but it does add a layer of
10 internal control that is very difficult to match with
11 an internal system. If you have an internal system,
12 much easier, not that it would happen, but it's much
13 easier for incidents with collusion to occur. If it's
14 an internal set of books, you know, if they gain
15 access to a password or something they can tinker with
16 things. By having outside independent, in this case
17 very excellent CPA to do the work, it just adds that
18 layer of internal control of safety to the board's
19 records and its operation.

20 CHAIRMAN: Even in our instance they're even
21 using credit cards.

22 MR. BOAZ: Yes.

23 CHAIRMAN: It's one step even further where
24 the control is, records, records, records.

25 MR. BOAZ: That's correct, yes.

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1 CHAIRMAN: All right, sir.

2 Does anybody else -- I just had a few things
3 on my mind that I wanted to ask.

4 MR. KAZLAUSKAS: I did have one question, and
5 I don't know whether maybe Mr. Noffsinger would have
6 information about this.

7 On Page 3 under the financial highlights, the
8 second check mark, "Operating expenses increased by
9 7.1 percent," which equated out to \$77,258. The line
10 says, "increased in personnel and requirement cost."

11 How much of that is retirement? How much of
12 that went to the retirement system and how much of
13 that was personnel cost per se and what were those
14 personnel costs?

15 MR. NOFFSINGER: I do not recall that
16 breakdown, but I can tell you we did get hit with a
17 significant increase in retirement cost. It was
18 about, I think it was about four percent.

19 MR. BOAZ: It was. Somebody jumped from 12
20 fraction to like 16.

21 MR. NOFFSINGER: Yes. I mean it was a
22 significant increase in terms of retirement cost.

23 MR. KAZLAUSKAS: Is that the majority of that
24 77,000?

25 MR. NOFFSINGER: I believe that -- well, that

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1 would be a portion of it and then you also had salary
2 increases, as well as we brought on a part-time
3 customer service specialist.

4 MR. KAZLAUSKAS: That's what those stand for.

5 MR. NOFFSINGER: So that's going to factor
6 into that as well. There was some savings in terms of
7 the salary when we replaced the associate director of
8 billing, but then we brought on the customer service
9 specialist and that was an increase in personnel cost.

10 MR. KAZLAUSKAS: Now, what about the future
11 for our retirement funds? Is that going to bump up
12 again this coming year?

13 MR. NOFFSINGER: I would think that, yes.
14 Yes, it will and years to come.

15 MR. KAZLAUSKAS: That's what I was afraid of.

16 MR. NOFFSINGER: We do participate in CERS
17 Accounting Employees Retirement System. That's the
18 same system that Daviess County Fiscal Court is under
19 and the City of Owensboro. When you hear talk about
20 retirement cost affecting them, it affects the OMPC as
21 well at the same percentage, but because we're such a
22 much smaller staff the dollar amount is not as great
23 but percentage is the same. We don't have hazardous
24 duty employees. Hazardous duty you're looking at the
25 higher retirement cost.

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1 CHAIRMAN: With our retirement cost though
2 isn't a lot of this due with our retention of our
3 staff? Where we have our staff, we retain our staff,
4 they're still with us. So as they stay with us longer
5 their years of service go up, their pay rate goes up,
6 and then obviously our retirement goes up also.

7 MR. NOFFSINGER: That would be correct.

8 CHAIRMAN: The credit to the staff, as you
9 look at the rest of our financial statements about the
10 income that we've had and the cost in there, and in
11 that cost also we have not raised our co-fees since
12 1984 which is attributed to the internal management of
13 the control of the money and control of the budget and
14 the control of our expenses. So although our staff,
15 we are able to retain them, which turnover cost is
16 tremendous in the line of work that this commission
17 does, it's good that we're retaining them, but the
18 cost of retaining them is the increase of retirement,
19 as these darn people get older. We can't do anything
20 about it.

21 MR. BOAZ: That's it.

22 CHAIRMAN: Does anybody else got anything else
23 they would like to say or questions or comments?

24 MR. NOFFSINGER: I would like to add that in
25 terms of internal controls, I do not sign any checks.

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1 I review. I open all the mail. I review all the
2 bills and I okay or authorize those bills to be paid.
3 We have a lady in the office, Sheila Moore, that
4 actually prepares the check, writes the check and gets
5 the coding information to our outside accountant.
6 Now, once that check is written, the check goes to me,
7 but I do not sign those checks. It goes to our
8 officers. One of our officers actually reviews and
9 signs those checks. I do not sign any of those. I do
10 not accept any cash money or any payments. We have
11 someone that if someone is takings in a permit, before
12 they can issue the permit they have to be able to
13 approve that they have the fee and we provide
14 receipts, but generally the money is going through
15 more than just one person and there's checks and
16 balances.

17 MR. BOAZ: That's right.

18 MR. NOFFSINGER: I think for a small staff in
19 the operation that we have I think we do a very good
20 job of making sure that one person is not doing it
21 all. I think that's what Gene was referring to.

22 MR. BOAZ: Exactly.

23 MR. NOFFSINGER: There's check and balances in
24 our system. We've been doing yearly audits now since
25 we were created in 1970. We've learned a great deal

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1 from those audits in terms of how to improve the
2 system.

3 CHAIRMAN: Are there any further comments or
4 questions?

5 (NO RESPONSE)

6 CHAIRMAN: Thank you for your report. Thanks.
7 We always look forward to your work. You've done a
8 nice job. Thanks for answering our questions.

9 If there are no further questions the chair --

10 MR. NOFFSINGER: You need to approve the
11 audit.

12 CHAIRMAN: The chair is ready for a motion.

13 MR. APPLEBY: Motion to approve the audit.

14 CHAIRMAN: Motion to approve by Mr. Appleby.

15 MRS. CAMBRON: Second.

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

18 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

19 CHAIRMAN: The motion carries unanimously.

20 Chair is ready for one final motion.

21 MR. STRODE: Motion to adjourn.

22 CHAIRMAN: Motion to adjourn by Mr. Strode.

23 MR. ALLEN: Second.

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

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(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: We are adjourned.

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 35 typewritten pages; and that no signature
15 was requested to the foregoing transcript.

16 WITNESS my hand and notary seal on this the
17 1st day of December, 2012.

18

19

LYNNETTE KOLLER FUCHS
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23 COMMISSION EXPIRES: DECEMBER 16, 2014

24 COUNTY OF RESIDENCE: DAVIESS COUNTY, KENTUCKY

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