

1 OWENSBORO METROPOLITAN PLANNING COMMISSION
2 NOVEMBER 14, 2013
3 THE OWENSBORO METROPOLITAN PLANNING COMMISSION
4 MET IN REGULAR SESSION AT 5:30 P.M. ON THURSDAY,
5 NOVEMBER 14, 2013, AT CITY HALL, COMMISSION CHAMBERS,
6 OWENSBORO, KENTUCKY, AND THE PROCEEDINGS WERE AS
7 FOLLOWS:

8 MEMBERS PRESENT: WARD PEDLEY, CHAIRMAN
9 DAVID APPLEBY, SECRETARY
10 GARY NOFFSINGER, DIRECTOR
11 TERRA KNIGHT, ATTORNEY
12 TIM ALLEN
13 STEVE FRY
14 JOHN KAZLAUSKAS
15 GREG BLACK
16 FRED REEVES

17 * * * * *

18 CHAIRMAN: CALL THE OWENSBORO METROPOLITAN
19 PLANNING COMMISSION MEETING OF NOVEMBER 14, 2013 TO
20 ORDER. WE BEGIN OUR MEETING WITH A PRAYER AND PLEDGE
21 OF ALLEGIANCE TO THE FLAG. MR. FRY WILL LEAD US.
22 WOULD YOU STAND, PLEASE.

23 (INVOCATION AND PLEDGE OF ALLEGIANCE.)

24 CHAIRMAN: I WOULD LIKE TO WELCOME EVERYONE.
25 ANYONE WISHING TO SPEAK ON ANY ITEM MAY DO SO. WE
WELCOME YOUR COMMENTS. WE ASK THAT YOU STEP TO ONE OF
THE PODIUMS AND STATE YOUR NAME AND BE SWORN IN.
PLEASE SPEAK INTO THE MICROPHONES.

FIRST, I'D LIKE TO WELCOME OUR NEW ATTORNEY,

1 TERRA KNIGHT. SHE WAS SELECTED OUT OF A COMMITTEE OF
2 FIVE ATTORNEYS BY A COMMITTEE. MR. NOFFSINGER
3 SELECTED MYSELF, AND FRED REEVES, AND AUDIE PANTLE AND
4 BRIAN HOWARD. TERRA WAS OUR SELECTION.

5 WELCOME.

6 MS. KNIGHT: THANK YOU.

7 MR. KAMUF: MR. CHAIRMAN, MAY I MAKE A
8 STATEMENT ABOUT YOUR NEW ATTORNEY. SHE DROVE FROM
9 OWENSBORO EVERY DAY TO GO TO LAW SCHOOL AT THE
10 UNIVERSITY OF LOUISVILLE. SHE DROVE FROM WHITESVILLE
11 TO LOUISVILLE EVERY DAY. YOU MADE A WISE CHOICE.

12 MS. KNIGHT: THANK YOU, MR. KAMUF.

13 CHAIRMAN: THE FIRST ITEM ON THE AGENDA WOULD
14 BE TO CONSIDER THE MINUTES OF THE OCTOBER 10, 2013
15 MEETING. ARE THERE ANY ADDITIONS OR CORRECTIONS?

16 (NO RESPONSE)

17 CHAIRMAN: IF NOT THE CHAIR IS READY FOR A
18 MOTION.

19 MR. APPLEBY: MOTION TO APPROVE.

20 CHAIRMAN: WE HAVE A MOTION FOR APPROVAL.

21 MR. ALLEN: SECOND.

22 CHAIRMAN: WE HAVE A SECOND BY MR. ALLEN. ALL
23 IN FAVOR RAISE YOUR RIGHT HAND.

24 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

25 CHAIRMAN: MOTION CARRIES UNANIMOUS.

1 NEXT ITEM.

2 -----

3 ZONING CHANGES

4 ITEM 2

5 2945 HIGHWAY 54, 12.867 ACRES
6 CONSIDER ZONING CHANGE: FROM P-1 PROFESSIONAL/SERVICE
7 TO B-4 GENERAL BUSINESS
8 APPLICANT: GATEWAY LAND, LLC

8 MS. KNIGHT: STATE YOUR NAME FOR THE RECORD.

9 MR. HOWARD: BRIAN HOWARD.

10 (BRIAN HOWARD SWORN BY ATTORNEY.)

11 MR. HOWARD: I SHOULD NOTE THAT ALL THE
12 REZONINGS HEARD TONIGHT WILL BECOME FINAL 21 DAYS
13 AFTER THE MEETING UNLESS AN APPEAL IS FILED. IF AN
14 APPEAL IS FILED, WE WILL REPORT A RECORD OF THE
15 MEETING TO THE APPROPRIATE LEGISLATIVE BODY FOR THEIR
16 FINAL ACTION. THE APPEAL FORMS ARE AVAILABLE ON THE
17 BACK TABLE, IN OUR OFFICE AND ON OUR WEBSITE.

18 PLANNING STAFF RECOMMENDATIONS:

19 THE PLANNING STAFF RECOMMENDS APPROVAL SUBJECT
20 TO THE CONDITIONS AND FINDINGS OF FACT THAT FOLLOW:

21 CONDITIONS:

22 1. SUBMISSION OF PRELIMINARY AND FINAL PLATS
23 AND A FINAL DEVELOPMENT PLAN AS PART OF THE
24 DEVELOPMENT PROCESS; AND,

25 2. ACCESS TO HIGHWAY 54 SHALL BE LIMITED TO A

1 SINGLE ACCESS POINT WHICH WILL BE THE
2 DRIVEWAY/CONNECTOR ROADWAY BETWEEN HIGHWAY 54 AND
3 PLEASANT VALLEY ROAD. ALL OTHER ACCESS POINTS WILL BE
4 CLOSED AS PART OF PHASE 2 OF THE DEVELOPMENT OR AS
5 KYTC IMPLEMENTS HIGHWAY 54 CORRIDOR IMPROVEMENTS.

6 FINDINGS OF FACT:

7 1. STAFF RECOMMENDS APPROVAL BECAUSE THE
8 PROPOSAL IS IN COMPLIANCE WITH THE COMMUNITY'S ADOPTED
9 COMPREHENSIVE PLAN;

10 2. THE SUBJECT PROPERTY IS LOCATED IN A
11 BUSINESS PLAN AREA WHERE GENERAL BUSINESS USES ARE
12 APPROPRIATE IN LIMITED LOCATIONS;

13 3. THE PROPOSED USE AND ZONING MEET THE LAND
14 USE CRITERIA FOR NONRESIDENTIAL DEVELOPMENT;

15 4. THE PROPOSAL IS A LOGICAL EXPANSION OF
16 EXISTING B-4 GENERAL BUSINESS ZONING LOCATED SOUTH OF
17 THE SUBJECT PROPERTY; AND,

18 5. WITH THE ROADWAY IMPROVEMENTS TO KENTUCKY
19 54 IN THE VICINITY AND THE FUTURE CONNECTOR ROADWAY
20 DESIGNED TO KYTC SPECIFICATIONS, THE PROPOSAL SHOULD
21 NOT OVERBURDEN THE CAPACITY OF ROADWAYS AND OTHER
22 NECESSARY URBAN SERVICES THAT ARE AVAILABLE IN THE
23 VICINITY.

24 MR. HOWARD: WE WOULD LIKE TO ENTER THE STAFF
25 REPORT INTO THE RECORD AS EXHIBIT A.

1 CHAIRMAN: ANYONE HERE REPRESENTING THE
2 APPLICANT?

3 MR. KAMUF: WE'RE HERE, MR. CHAIRMAN, TO
4 ANSWER ANY QUESTIONS, IF YOU HAVE THEM. WE HAVE THE
5 ENGINEER, AND ALSO THE OWNER, AS WELL AS THE ATTORNEY.

6 CHAIRMAN: THANK YOU, SIR. WE'LL SEE IF WE
7 HAVE ANY QUESTIONS FOR YOU.

8 ANYONE HERE LIKE TO SPEAK IN OPPOSITION OR
9 HAVE ANY COMMENTS OR QUESTIONS?

10 (NO RESPONSE)

11 CHAIRMAN: ANY COMMISSION MEMBERS HAVE ANY
12 COMMENTS OR QUESTIONS?

13 (NO RESPONSE)

14 CHAIRMAN: IF NOT THE CHAIR IS READY FOR A
15 MOTION.

16 MR. APPLEBY: MOTION FOR APPROVAL, MR.
17 CHAIRMAN, BASED ON STAFF'S RECOMMENDATIONS WITH THE
18 TWO CONDITIONS AND FINDINGS OF FACT 1 THROUGH 5.

19 CHAIRMAN: WE HAVE A MOTION FOR APPROVAL BY
20 MR. APPLEBY.

21 MR. REEVES: SECOND.

22 CHAIRMAN: SECOND BY MR. REEVES. COMMENTS OR
23 QUESTIONS ON THE MOTION?

24 (NO RESPONSE)

25 CHAIRMAN: ALL IN FAVOR RAISE YOUR RIGHT HAND.

1 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

2 CHAIRMAN: MOTION CARRIES UNANIMOUS.

3 NEXT ITEM, PLEASE.

4 -----

5 MINOR SUBDIVISIONS

6 ITEM 3

7 765, 775 MCFARLAND ROAD, 5.302 ACRES
8 CONSIDER APPROVAL OF MINOR SUBDIVISION PLAT.
9 APPLICANT: FAYE KRAHWINKEL

10 MR. NOFFSINGER: MR. CHAIRMAN, THIS
11 APPLICATION COMES TO US AS AN EXCEPTION TO THE
12 SUBDIVISION REGULATIONS AND BRIAN HOWARD IS HERE TO
13 EXPLAIN THE DETAILS.

14 MR. HOWARD: THERE ARE TWO EXISTING LOTS. THE
15 APPLICANT PROPOSED TO MOVE A PROPERTY LINE WHICH WILL
16 RESULT IN THE REAR LOT NOT MEETING THE 3 TO 1
17 REQUIREMENT. IT HAD SUFFICIENT FRONTAGE UNTIL THE
18 PROPERTY LINE MOVED. THERE WILL BE TWO LOTS AFTER
19 THIS ADDITION AND CONSOLIDATION TAKES PLACE. THEY'RE
20 NOT TRYING TO CREATE AN ADDITIONAL LOT. SO WITH THAT
21 THEY NOTED THAT THERE WON'T BE ANY FURTHER SUBDIVISION
22 AND WOULD MEET THE SUBDIVISION REGULATIONS ON THE
23 PLAT. WE WOULD RECOMMEND YOU CONSIDER IT FOR
24 APPROVAL.

25 CHAIRMAN: ANYBODY HERE REPRESENTING THE
APPLICANT?

1 (NO RESPONSE)

2 CHAIRMAN: COMMISSIONERS HAVE ANY COMMENTS OR
3 QUESTIONS ON THE APPLICATION?

4 (NO RESPONSE)

5 CHAIRMAN: IF NOT THE CHAIR IS READY FOR A
6 MOTION.

7 MR. APPLEBY: MOTION FOR APPROVAL.

8 CHAIRMAN: MOTION FOR APPROVAL BY MR. APPLEBY.

9 MR. ALLEN: SECOND.

10 CHAIRMAN: SECOND BY MR. ALLEN. COMMENTS OR
11 QUESTIONS ON THE MOTION?

12 (NO RESPONSE)

13 CHAIRMAN: ALL IN FAVOR OF THE MOTION RAISE
14 YOUR RIGHT HAND.

15 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

16 CHAIRMAN: MOTION CARRIES UNANIMOUS.

17 NEXT ITEM.

18 ITEM 4

19 5876, 5898 ROBY ROAD, 25.117+/- ACRES
20 CONSIDER APPROVAL OF MINOR SUBDIVISION PLAT.
21 APPLICANT: DANIEL & MARIAN TURLEY; DANETTE R. &
22 JASON N. MATTINGLY

23 MR. NOFFSINGER: MR. CHAIRMAN, THIS
24 APPLICATION COMES TO YOU AS AN EXCEPTION TO THE
25 SUBDIVISION REGULATION AND BRIAN HOWARD IS HERE TO
DESCRIBE THE DETAILS.

1 MR. HOWARD: THIS PLAT HAS TWO THINGS GOING
2 ON. ONE IS THERE'S A DIVISION CONSOLIDATION. TAKE A
3 LITTLE BIT OF PROPERTY THAT WAS CREATED A FEW MONTHS
4 BACK AND BASICALLY DIVIDING IT OFF AND PUTTING IT BACK
5 WITH THE ORIGINAL PARCEL.

6 THE SECOND IS CREATING A NEW PARCEL THAT'S
7 ABOUT 15 ACRES. THEY NOTE ON HERE THAT IT IS FOR
8 MORTGAGE PURPOSES. IT'S AT THE END OF ROBY ROAD. THE
9 COUNTY MAINTENANCE ENDS A LITTLE BIT BEFORE THIS
10 PROPERTY, BUT THERE IS THE FORMER RIGHT-OF-WAY THAT'S
11 IN EXISTENCE. THEY NOTE ON THE PLAT THAT IT CANNOT BE
12 BLOCKED. IT IS STILL OPEN AND USED BY THE PUBLIC. SO
13 THERE'S A 15 ACRE PARCEL THAT MEETS FROM AN
14 AGRICULTURAL STANDARD ESTABLISHED IN A TEST.

15 SO WITH THAT WE WOULD RECOMMEND THAT YOU
16 CONSIDER IT FOR APPROVAL.

17 CHAIRMAN: ANYONE HERE REPRESENTING THE
18 APPLICANT?

19 MR. RINEY: YES.

20 CHAIRMAN: ANY COMMISSIONERS HAVE ANY
21 QUESTIONS OF THE APPLICATION?

22 (NO RESPONSE)

23 CHAIRMAN: IF NOT THE CHAIR IS READY FOR A
24 MOTION.

25 MR. KAZLAUSKAS: SO MOVED.

1 CHAIRMAN: WE HAVE A MOTION BY MR. KAZLAUSKAS.

2 MR. FRY: SECOND.

3 CHAIRMAN: WE HAVE A SECOND BY MR. FRY.

4 COMMENTS OR QUESTIONS ON THE MOTION?

5 (NO RESPONSE)

6 CHAIRMAN: ALL IN FAVOR OF THE MOTION RAISE

7 YOUR RIGHT HAND.

8 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

9 CHAIRMAN: MOTION CARRIES UNANIMOUS.

10

11

NEW BUSINESS

12 ITEM 5

13 CONSIDER APPROVAL OF THE AUGUST AND SEPTEMBER 2013
14 FINANCIAL STATEMENTS

15 MR. NOFFSINGER: MR. CHAIRMAN, EACH MEMBER HAS
16 BEEN MAILED A COPY OF THE FINANCIAL STATEMENT AND
17 THEY'RE READY FOR YOUR CONSIDERATION.

18 CHAIRMAN: ANYONE HAVE ANY COMMENTS OR
19 QUESTIONS ON THE FINANCIAL STATEMENT?

20 (NO RESPONSE)

21 CHAIRMAN: IF NOT THE CHAIR IS READY FOR A
22 MOTION.

23 MR. APPLEBY: MOTION FOR APPROVAL.

24 CHAIRMAN: MOTION FOR APPROVAL BY MR. APPLEBY.

25 MR. REEVES: SECOND.

1 CHAIRMAN: SECOND BY MR. REEVES. COMMENTS OR
2 QUESTIONS?

3 (NO RESPONSE)

4 CHAIRMAN: ALL IN FAVOR RAISE YOUR RIGHT HAND.
5 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

6 CHAIRMAN: MOTION CARRIES UNANIMOUS.

7 ITEM 6

8 CONSIDER APPROVAL OF 2014 FILING DATES AND DEADLINES.

9 MR. NOFFSINGER: MR. CHAIRMAN, EACH MEMBER HAS
10 BEEN MAILED A COPY OF THE PROPOSED CALENDAR FOR 2014
11 WHICH WE DO EACH YEAR. IT DOES DEPICT THE FILING
12 DEADLINES THAT MUST BE MET FOR ADVERTISING AND
13 PROPERTY OWNER NOTIFICATION IN ORDER FOR US TO CONDUCT
14 OUR MEETING.

15 THE BOARD OF ADJUSTMENT WILL CONTINUE TO MEET
16 THE FIRST THURSDAY OF EACH MONTH. THE PLANNING
17 COMMISSION SECOND THURSDAY OF EACH MONTH. THE ONLY
18 CHANGE WOULD BE THE JANUARY MEETING OF 2015. WE'LL
19 HAVE TO DOUBLE UP BECAUSE OF THE NEW YEAR'S HOLIDAY.
20 WE'LL NEED TO HAVE THE BOARD OF ADJUSTMENT MEETING
21 JUST PRIOR TO THE PLANNING COMMISSION MEETING, BUT
22 EVERYTHING ELSE STICKS WITH THAT SCHEDULE. SO IT'S
23 READY FOR YOUR CONSIDERATION.

24 CHAIRMAN: COMMISSIONERS HAVE ANY COMMENTS OR
25 QUESTIONS ON THE FILING DATE?

1 MR. REEVES: JUST A QUESTION. IT RELATES TO
2 THE COMMITTEE THAT JOHN AND I ARE ON THAT THE MAYOR
3 APPOINTED.

4 GARY, I THINK YOU'VE EXPLAINED THIS BEFORE,
5 BUT THE 21 DAYS IS BECAUSE SO MANY OF THIS HAS TO MOVE
6 THROUGH OTHER AGENCIES AND PROPERTY NOTIFICATION,
7 THAT'S THE REASON FOR THE 21 DAYS THAT IS REQUIRED?

8 MR. NOFFSINGER: YES, SIR. THAT'S ONE OF THE
9 REASONS. WE ALSO ARE REQUIRED BY LAW, KRS 100, IN
10 TERMS OF NOTIFICATION ON ZONING CHANGES, AS WELL AS
11 CONDITIONAL USE PERMITS, TO MEET CERTAIN NOTIFICATION
12 DEADLINES. THAT WOULD BE THROUGH THE
13 MESSENGER-INQUIRER, AS WELL AS NOTIFYING ADJOINING
14 PROPERTY OWNERS. WE CAN'T JUST SCHEDULE A MEETING AND
15 SAY, HEY, LET'S HAVE A MEETING TOMORROW TO CONSIDER A
16 ZONING CHANGE.

17 OVER THE PAST FEW YEARS, THE PLANNING
18 COMMISSION'S AGENDA HAS BEEN SEVERELY LESSENERED IN
19 TERMS OF THE LENGTH. IT USED TO BE THAT BEFORE THE
20 DEVELOPER COULD HAVE THEIR SURETY RELEASE FOR SAY
21 STREETS OR LANDSCAPING, THIS BOARD HAD TO MAKE THAT
22 DETERMINATION. THE PLANNING COMMISSION APPROVED A
23 PROCESS BY WHICH THE PLANNING DIRECTOR REVIEWS AND
24 APPROVES THOSE. THAT IS A WAY THAT WE HAVE
25 STREAMLINED THIS AGENDA.

1 ALSO, DEVELOPMENT PLANS. PRETTY MUCH ALL OF
2 THOSE ARE APPROVED IN-HOUSE BY THE DIRECTOR NOW. THEY
3 DO NOT HAVE TO GO TO THE PLANNING COMMISSION.

4 PRETTY MUCH WHAT YOU ARE CONSIDERING AS A BODY
5 WILL BE ZONING CHANGES, WHICH ARE SEVERELY LIMITED IN
6 TERMS OF THE TIME IT TAKES FOR ADVERTISING AND
7 NOTIFICATION OF PROPERTY OWNERS THAT YOU HAVE TO
8 ADHERE TO, AS WELL AS WHEN A PLAT, MINOR PLAT COMES
9 BEFORE YOU AS AN EXCEPTION, AS WE HAD TWO TONIGHT, AS
10 WELL AS NEW SUBDIVISIONS, MAJOR SUBDIVISIONS COMING
11 IN, THEN THAT GOES BEFORE YOU.

12 THERE ARE OTHER AGENCIES THAT ARE INVOLVED.
13 IT'S NOT JUST THE PLANNING COMMISSION REVIEWING. YOU
14 ARE CORRECT, WE HAVE TO HAVE RWRA, THE SEWER AGENCY
15 REVIEW, THE CITY OR COUNTY ENGINEER, THE STATE HIGHWAY
16 DEPARTMENT, AND IT TAKES CONSIDERABLE AMOUNT OF TIME
17 TO PROCESS THOSE REVIEWS AND GET IT TO THE POINT WHERE
18 WHEN IT COMES TO YOU, TYPICALLY THESE PLANS ARE IN
19 ORDER AND WE'RE READY TO MOVE FORWARD ON THEM.

20 MR. REEVES: I JUST WANTED TO CLARIFY THAT FOR
21 THE PUBLIC. I WANT TO MAKE SURE IF PUBLIC IS WATCHING
22 UNDERSTANDS IT.

23 MY OTHER THING IS, IS THIS PRETTY MUCH THE
24 SAME OF PLANNING COMMISSIONS ACROSS THE STATE, SAME
25 KIND OF CRITERIA?

1 MR. NOFFSINGER: THAT IS CORRECT. FOR
2 EXAMPLE, HERE IN OWENSBORO AND DAVIESS COUNTY, IF YOU
3 WANT TO HAVE YOUR PROPERTY ZONED, YOU APPEAR BEFORE
4 THE PLANNING COMMISSION WITH YOUR 21 DAY FILING
5 DEADLINE. WE NOTIFY ADJOINING PROPERTY OWNERS AND
6 NOTIFY THE MEDIA, AND WE HAVE THIS PUBLIC HEARING. AS
7 BRIAN ADDRESSED TO YOU, AFTER THIS MEETING IN 21 DAYS
8 IF THERE'S NOT AN APPEAL FILED, THAT ZONING BECOMES
9 FINAL. THAT IS RARE IN THE STATE OF KENTUCKY. IN
10 FACT, WE WERE THE SECOND COMMUNITY THAT I KNOW OF THAT
11 ADOPTED THAT STREAMLINE PROCESS WHERE YOU DIDN'T HAVE
12 TO TAKE THE EXTRA STEP AND GO TO THE LEGISLATIVE BODY
13 FOR TWO READINGS. OTHER COMMUNITIES SUCH AS THE CITY
14 OF HENDERSON AND HENDERSON COUNTY HAVE MODELED THEIR
15 ZONING CHANGE PROCESS AFTER US.

16 BRIAN HOWARD IN OUR OFFICE WHO IS A REGIONAL
17 REPRESENTATIVE OF THE KENTUCKY CHAPTER OF THE AMERICAN
18 PLANNING ASSOCIATION HAS TAUGHT A SEMINAR AND IS
19 GETTING READY TO PREPARE ANOTHER ONE FOR THIS REGIONAL
20 AREA. ONE OF THE ITEMS HE'S TALKED ABOUT IS THAT
21 STREAMLINE ZONING CHANGE PROCESS. MANY COMMUNITIES
22 WERE UNAWARE THAT THEY COULD DO THAT. HE'S SHARING
23 THAT WITH THEM AND SOME COMMUNITIES ARE LOOKING TO
24 MOVE IN THAT DIRECTION.

25 TYPICALLY THE ZONING CHANGE PROCESS YOU WILL

1 FIND IN THE STATE OF KENTUCKY TAKES THE LONG ROUTE.
2 WE TAKE THE SHORT ROUTE.

3 MR. REEVES: THANK YOU. I JUST WANTED TO
4 CLARIFY THAT FOR THE AUDIENCE.

5 CHAIRMAN: ARE THERE ANY OTHER QUESTIONS OR
6 COMMENTS?

7 (NO RESPONSE)

8 CHAIRMAN: IF NOT THE CHAIR IS READY FOR A
9 MOTION.

10 MR. FRY: MOTION TO APPROVE.

11 CHAIRMAN: WE'VE GOT A MOTION TO APPROVE BY
12 MR. FRY.

13 MR. ALLEN: SECOND.

14 CHAIRMAN: SECOND BY MR. ALLEN. COMMENTS OR
15 QUESTIONS ON THE MOTION?

16 (NO RESPONSE)

17 CHAIRMAN: ALL IN FAVOR OF THE MOTION RAISE
18 YOUR RIGHT HAND.

19 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

20 CHAIRMAN: MOTION CARRIES UNANIMOUS.

21 ITEM 7

22 COMMENTS BY THE CHAIRMAN

23 CHAIRMAN: COMMISSIONERS, THIS IS SOMETHING
24 THAT I WANTED TO START TO GIVE THE CHAIRMAN AND THE
25 COMMISSIONERS AND OUR DIRECTOR TO MAKE COMMENTS,

1 SUGGESTIONS AND IDEAS THAT YOU MIGHT BRING TO THE
2 COMMISSION.

3 ONE OF THE THINGS -- I HAVE TWO THINGS TONIGHT
4 I WANT TO BRING TO YOU.

5 ONE, IS OUR BYLAWS, THE OWENSBORO METROPOLITAN
6 PLANNING COMMISSION'S BYLAWS AND ALSO THE OWENSBORO
7 METROPOLITAN PLANNING COMMISSION PERSONNEL POLICY AND
8 BENEFITS MANUAL. WHAT I WOULD LIKE TO DO IS REVIEW
9 THIS AND SEE IF THERE ARE ANY CHANGES THAT NEEDS TO BE
10 MADE.

11 I WOULD LIKE FOR MELISSA TO HANDOUT A COPY OF
12 THE BYLAWS AND THE PERSONNEL POLICY. YOU MAY ALREADY
13 HAVE THEM, BUT WE WANT TO MAKE SURE THAT EVERYONE HAS
14 A COPY.

15 WHAT I WOULD LIKE FOR YOU TO DO IS REVIEW
16 THESE AND NEXT MONTH ANY THOUGHTS, IDEA OR CHANGES
17 THAT YOU THINK THAT WE MAY NEED TO DO. WE WILL HAVE
18 TO GET COUNSEL'S GUIDANCE TO MAKE SURE THAT WE ARE IN
19 PROPER ORDER ON THIS. I THINK ANY CHANGE, THE WAY I
20 READ IT, IT MUST BE PUT ON THE AGENDA AND IT MUST BE
21 VOTED ON.

22 SO ANYTHING THAT YOU MIGHT BRING TO THIS
23 COMMISSION, IDEAS. WE CAN'T JUST VOTE ON IT THAT
24 NIGHT. THEN WE WILL PUT IT ON THE AGENDA FOR THE NEXT
25 MEETING.

1 SO ANY THOUGHTS, ANY IDEAS, IF YOU REVIEW THE
2 BYLAWS AND THINGS, SOME OF THE THINGS WE'RE NOT DOING.
3 IT SAYS THERE WILL BE A ROLL CALL. WE'RE NOT DOING
4 THAT. IT SAYS THAT THE MINUTES OF THE PAST MONTH
5 MEETING WOULD BE READ. WE'RE NOT DOING THAT. WE WILL
6 LOOK AT THAT, DISCUSS THAT. IF YOU WANT TO CHANGE
7 THAT OR LEAVE IT AS IT IS, THEN I THINK IT NEEDS TO BE
8 PUT ON THE AGENDA AND BE VOTED ON.

9 WANT TO ASK MS. KNIGHT TO KEEP US IN ORDER ON
10 THIS AND FOLLOW CORRECT PROCEDURES.

11 MR. REEVES: MR. CHAIRMAN, I THINK THIS IS A
12 WONDERFUL IDEA. I WONDER COULD WE CONSIDER MAYBE
13 HAVING THIS DISCUSSION A WORK SESSION. YOU KNOW, A
14 CALL MEETING, BUT A CALL MEETING THAT'S A WORK SESSION
15 WHERE WE HAVE PRETTY GOOD BACK AND FORTH DISCUSSION
16 AND NOT HAVE TO WORRY ABOUT KEEPING PEOPLE IN THE
17 AUDIENCE WAITING FOR THEIR ITEMS OR WHATEVER. THE
18 PUBLIC IS CERTAINLY INVITED. EITHER PUT THIS AT THE
19 END OF A MEETING WHERE WE'RE NOT HOLDING UP PEOPLE OR
20 BEFORE OUR REGULAR MEETING SO FOLKS CAN COME FOR
21 BUSINESS.

22 CHAIRMAN: WE CAN CERTAINLY DO THAT, BUT YOU
23 MUST MAKE RECOMMENDATION TO THE CHAIRMAN AND THE
24 CHAIRMAN MUST CALL THAT MEETING.

25 MR. REEVES: I UNDERSTAND THAT.

1 CHAIRMAN: THEN IT MUST BE NOTIFIED TO ALL
2 MEMBERS TEN DAYS BEFORE THE MEETING.

3 MR. REEVES: MR. CHAIRMAN, I WAS SPEAKING AT
4 ONE OF OUR REGULAR MEETINGS. IN OTHER WORDS, MAYBE
5 WHEN WE HAVE OUR 4:30 LUNCH MEAL MEETING, MAYBE HAVE
6 THAT AS A WORK SESSION TO HAVE DISCUSSION OR JUST
7 AFTER THE REGULAR MEETING, THE LAST ITEM ON THE AGENDA
8 SO WE WOULDN'T HOLD UP THE PUBLIC AND HAVE BUSINESS TO
9 DISCUSS AND MAYBE HAVE A LITTLE BIT MORE GIVE AND TAKE
10 THAN WE WOULD IN A FORMAL SETTING LIKE WHERE WE ARE
11 RIGHT HERE. IT WOULD BE OPEN TO THE PUBLIC. I
12 CERTAINLY WANT THE PUBLIC TO BE INVITED TO ATTEND.

13 CHAIRMAN: ANY MEETING HAS TO BE OPEN TO THE
14 PUBLIC.

15 MR. REEVES: I UNDERSTAND.

16 CHAIRMAN: WE CAN'T HAVE A PRIVATE MEETING.

17 AGAIN, THE CHAIRMAN MUST CALL THE MEETING.
18 WHAT YOU'RE SAYING IS THAT WE DO IT ON OUR REGULAR
19 MEETING AFTER.

20 MR. REEVES: EITHER BEFORE OR AFTER THE
21 REGULAR SCHEDULED TIME, REGULAR MEETING.

22 CHAIRMAN: SO ANYONE WANTS TO LEAVE. I DON'T
23 HAVE A PROBLEM WITH THAT. I THINK WE NEED -- THIS
24 HASN'T BEEN UPDATED SINCE '96. I THINK WE NEED TO
25 LOOK AT IT, UPDATE IT.

1 I'M WANTING YOU TO COME BACK NEXT MONTH AND
2 MAKE SUGGESTIONS WHAT WE DO. IF YOU WANT TO APPOINT A
3 COMMITTEE TO REVIEW THE PERSONNEL POLICY AND THEN ALSO
4 THE BYLAWS AND THEN MAKE A RECOMMENDATION WE GET IT ON
5 THE AGENDA. I THINK THAT'S THE ONLY WAY WE CAN
6 PROPERLY DO IT.

7 MR. REEVES: I AGREE WITH YOU ON THAT.

8 MR. KAZLAUSKAS: MR. CHAIRMAN, IF I CAN
9 INTERJECT. OUR ATTORNEY CAN ADVISE ME, IF I'M OUT OF
10 ORDER.

11 I WOULD LIKE TO SUGGEST THAT MAYBE THE CHAIR
12 APPOINT A COMMITTEE OF THREE TO FOUR PEOPLE THAT COULD
13 MEET TO REVIEW. I'VE HAD THE OPPORTUNITY TO GO
14 THROUGH BOTH OF THE ITEMS THAT YOU'RE ADDRESSING
15 TONIGHT. I HAVE SOME QUESTIONS THAT I WOULD LIKE TO
16 BOUNCE OFF ONE OR TWO PEOPLE. I'M SUGGESTING THAT
17 MAYBE WE HAVE A SUBCOMMITTEE APPOINTED BY THE CHAIRMAN
18 OF THREE TO FOUR MEMBERS TO BE ABLE TO MEET IN
19 PLANNING ZONING IN THE CONFERENCE ROOM THERE. REVIEW
20 THINGS AND MAYBE BRING IT BACK TO THE BOARD AS A WHOLE
21 NEXT MONTH. WOULD WE BE LEGALLY, CAN WE DO THAT
22 LEGALLY IF WE DON'T HAVE A QUORUM?

23 MS. KNIGHT: WELL, WE HAVE TO GIVE THE CORRECT
24 REQUIRED NOTIFICATION, IF THERE'S ANY ACTION TAKEN.

25 MR. KAZLAUSKAS: THERE WON'T BE ANY ACTION

1 TAKEN. ALL IT IS, IS JUST A REVIEW, THE OPPORTUNITY
2 FOR A SUBCOMMITTEE TO GET TOGETHER, REVIEW. THEN ONCE
3 THAT SUBCOMMITTEE FELT THAT THEY HAD ANSWERED THE
4 QUESTIONS. LIKE I HAVE SOME QUESTIONS THAT I WOULD
5 LIKE TO BOUNCE OFF ONE OR TWO MEMBERS. THERE MIGHT BE
6 SOMEBODY THAT'S BEEN ON THE COMMISSION LONGER THAN I
7 HAVE THAT COULD ANSWER. MIGHT SAVE US SOME TIME.
8 THAT'S ALL I'M SAYING. IF WE HELD OUR MEETINGS AT
9 OMPC IN THE CONFERENCE ROOM OVER THERE, YOU KNOW, IF
10 WE HAD A QUESTION, THE DIRECTOR WOULD BE RIGHT THERE
11 WHERE WE COULD MAYBE GET SOME INSIGHT FROM HIM.
12 CERTAINLY WE'RE NOT TRYING TO EXCLUDE THE PUBLIC. ALL
13 I'M SAYING IS AN OPPORTUNITY TO GET TOGETHER AND
14 BOUNCE SOME THINGS AROUND AND THEN MAKE A REPORT BACK
15 TO THE COMMITTEE.

16 MS. KNIGHT: SURE.

17 MR. KAZLAUSKAS: WE WOULD BE ALL RIGHT IN
18 DOING THAT?

19 MS. KNIGHT: I DON'T SEE ANY PROBLEM WITH
20 THAT. I'LL LOOK AT IT AND WE HAVE A PROBLEM, I'LL
21 BRING THAT TO THE CHAIRMAN'S ATTENTION.

22 CHAIRMAN: DOES THAT NEED TO BE ON NEXT
23 MONTH'S AGENDA FOR ME TO APPOINT?

24 MS. KNIGHT: I THINK A MOTION WOULD NEED TO BE
25 MADE, YES, AND WE'LL NEED TO TAKE THAT UP.

1 CHAIRMAN: ACTUALLY NEEDS TO BE ON THE AGENDA?

2 MS. KNIGHT: IT DOES.

3 MR. KAZLAUSKAS: SO WE NEED TO PUT THAT ON THE
4 AGENDA?

5 MS. KNIGHT: ON THE AGENDA FOR NEXT MONTH,
6 YES.

7 MR. KAZLAUSKAS: APPOINT A SUBCOMMITTEE TO
8 STUDY THIS AND BRING IT BACK TO THE COMMITTEE?

9 MS. KNIGHT: YES.

10 MR. KAZLAUSKAS: OKAY. THAT WOULD BE GREAT.

11 CHAIRMAN: ANY OTHER COMMENTS OR QUESTIONS ON
12 IT?

13 (NO RESPONSE)

14 CHAIRMAN: IF NOT, THAT'S ALL I HAVE ON THAT.
15 I'M GOING TO MOVE ON TO THE NEXT ITEM.

16 ITEM 8

17 COMMENTS BY THE PLANNING COMMISSIONERS

18 CHAIRMAN: THE NEXT ITEM THE PUBLIC
19 IMPROVEMENT SPECIFICATIONS IS ADOPTED BY THE PLANNING
20 COMMISSION. THIS PUBLIC IMPROVEMENT SPECIFICATION HAS
21 13 CHAPTERS. IT'S BEEN ONGOING FOR MANY YEARS. WE
22 HAVE A COMMITTEE THAT SERVES ON THIS PUBLIC
23 IMPROVEMENT SPECIFICATIONS. I'M ONE, DAVE APPLEBY,
24 MIKE O'BRYAN, GEORGE BALLARD, AND ALL OUR DESIGN
25 ENGINEERS, CITY AND COUNTY ENGINEERS SERVES ON THIS

1 COMMITTEE. ANYTHING THAT'S SUBMITTED TO THE PUBLIC
2 IMPROVEMENT SPECIFICATIONS HAS GOT TO BE APPROVED,
3 WHETHER IT BE THE CITY ENGINEER, THE COUNTY ENGINEER.
4 IT HAS TO GO TO THE COMMITTEE AND BE APPROVED. THEN
5 THIS COMMISSION HAS TO VOTE ON IT AND ADOPT IT.

6 BRIAN HOWARD HAS SET A MEETING, OUR ANNUAL
7 MEETING FOR DECEMBER 4TH AT 9:30 IN THE HOME BUILDER'S
8 OFFICE ON WATHENS CROSSING. WE'RE GOING TO BE
9 UPDATING OUR SURETY COST ON ALL OF OUR PUBLIC
10 IMPROVEMENTS THAT MIGHT NOT BE DONE. IF WE GO FOR
11 FINAL PLAT, ANYTHING THAT'S NOT DONE, WE CAN BOND IT,
12 WE CAN APPROVE ON FINAL PLAT. WE WILL BE UPDATING
13 THAT AS WE DO EVERY YEAR.

14 NOW, THERE'S ONE VERY, VERY, VERY IMPORTANT
15 THING COMING UP ON THIS AND THIS IS PROBABLY GOING TO
16 BE A TWO OR THREE HOUR MEETING. THIS IS CHAPTER 14.
17 THERE IS NO CHAPTER 14 IN THE PI SPECS. THIS IS
18 CHAPTER 14. IT'S ON THE FEDERAL CLEAN WATER ACT.
19 THIS HAS BEEN PUT TOGETHER BY THE CITY AND COUNTY
20 ENGINEERS AND COMMITTEES THAT HAVE BEEN WORKING ON
21 THIS FOR ABOUT FIVE YEARS.

22 THIS IS GOING TO BE THE MOST TROUBLESOME
23 THINGS FOR BUILDERS, DEVELOPERS, CONTRACTORS THAT THIS
24 COMMUNITY HAS EVER SEEN. THE PROCESS OF GETTING
25 PERMITS AND GETTING FILLS A WAY THAT IT HAS BEEN

1 DESIGNED AND PRESENTED BY THE CITY AND COUNTY
2 ENGINEER. KEEP IN MIND, THERE IS NO CHAPTER 14 TODAY,
3 BUT THE CITY AND COUNTY BOTH HAVE ADOPTED AN
4 ORDINANCE. THROUGHOUT THAT ORDINANCE THEY HAVE
5 REFERENCED CHAPTER 14. THERE IS NO CHAPTER 14 TODAY.
6 THERE WON'T BE A CHAPTER 14 UNTIL THE PI COMMITTEE
7 MEETS AND WE COME TO AN AGREEMENT ON ALL OF THE
8 DESIGNS AND STANDARD DRAWINGS. THAT'S THE THINGS
9 WE'RE GOING TO BE GOING THROUGH IN THE DECEMBER
10 MEETING. SO IT'S GOING TO BE QUITE LONG.

11 THEN IT WILL COME TO THIS COMMISSION PROBABLY
12 IN JANUARY. WE APPROVE IT IN DECEMBER. IT WILL COME
13 TO THIS COMMISSION IN JANUARY. ONLY THEN DO YOU HAVE
14 A CHAPTER 14 OF THE PI SPECS, EVEN THOUGH THE CITY AND
15 COUNTY HAS ALREADY ADOPTED AN ORDINANCE REFERENCING
16 MANY THINGS IN CHAPTER 14 OF THE PI SPECS.

17 I DON'T KNOW WHAT'S GOING TO BE A FACT. I
18 DON'T KNOW ANYTHING. I'M ONLY TELLING YOU THAT THIS
19 MEETING IS COMING.

20 I ENCOURAGE ANY OF YOU THAT CAN TO COME TO THE
21 HOME BUILDERS DECEMBER 4TH AT 9:30 AND JUST SIT AND
22 LISTEN TO THIS.

23 MR. APPLEBY: WARD, COULD I COMMENT ON THAT?
24 I'VE MADE THIS COMMENT AT THE MEETINGS ON THE WATER
25 QUALITY COMMITTEE THAT WE'VE BEEN ON.

1 I'VE REPEATEDLY ASKED THAT EITHER THE CITY
2 ENGINEER OR THE CONSULTANTS THAT HELPED DRAFT THIS NEW
3 CHAPTER COME AND ADDRESS OUR BOARD AND TELL THEM FIRST
4 OF ALL, WHY THIS IS TAKING PLACE, WHO HAS REQUIRED IT,
5 AND BASICALLY WHAT THE EFFECT OF IT WILL BE SO IT WILL
6 GET INTO THE PUBLIC RECORD.

7 I WOULD LIKE TO SUGGEST THAT WE INVITE ONE OF
8 THEM TO THE DECEMBER MEETING TO GIVE AN EXPLANATION TO
9 THIS BOARD AND TO THE PUBLIC. I DON'T THINK THAT WAS
10 EVER DONE. I SUGGESTED THEY GO TO THE CITY, THE
11 COUNTY AND THIS BOARD AND MAKE A PRESENTATION AS TO
12 WHY THIS IS TAKING PLACE IN THE FIRST PLACE. BECAUSE
13 THE PLANNING COMMISSION IS NOT THE ONE THAT REQUIRED
14 THIS.

15 CHAIRMAN: RIGHT.

16 MR. APPLEBY: DO YOU THINK IT WOULD BE
17 POSSIBLE WE INVITE ONE OF THEM TO COME AND GIVE US A
18 PRESENTATION AT THE DECEMBER MEETING?

19 CHAIRMAN: WELL, THE DECEMBER MEETING THAT
20 WILL BE DONE. THE CITY ENGINEER, THE COUNTY ENGINEER,
21 RWRA WILL BE GIVING A PRESENTATION ON THIS. THEY WILL
22 BE GIVING PRESENTATION ON THE PROPOSED PUBLIC
23 IMPROVEMENT SPECIFICATIONS CHAPTER 14.

24 NOW, THEY ALSO HAVE A STORM WATER MANAGEMENT
25 OPERATION MAINTENANCE AGREEMENT. THIS IS A VERY SCARY

1 THING. I'VE BEEN IN THIS FOR 50 YEARS. I'VE WORKED
2 UNDER THIS ALMOST DAILY FOR 50 SOME YEARS. THIS THING
3 TROUBLES ME MORE THAN ANYTHING I'VE RUN ACROSS. THE
4 WAY THEY HAVE STRUCTURED IT AND THE PROCESS THAT THEY
5 ARE GOING TO GO THROUGH, YOU CAN'T EVEN GET A CUT AND
6 FILL PERMIT AND CUT THE GRASS OFF A LOT UNTIL YOU MEET
7 ALL OF THIS. THIS IS 13 CHAPTERS. THIS IS CHAPTER
8 14.

9 NOW, WHAT I'M SAYING IS, I AGREE, DAVE, THAT
10 WE WANT ALL OF THE ENGINEERS THERE. WE WANT ALL OF
11 OUR COMMITTEE THERE, BUT I WOULD LIKE FOR JOHN K.,
12 FRED, ANYBODY THAT CAN COME AND SIT. I WANT YOU TO
13 LISTEN TO THIS. BECAUSE WITH THE MAYOR'S COMMITTEE
14 AND WORKING ON BEING MORE FRIENDLY AND WORKING ON A
15 SHORTER TIME FRAME TO GET PERMITS AND THINGS, WHAT
16 THIS CITY ORDINANCE IS PROPOSING, WHAT THIS STORM
17 WATER MAINTENANCE AGREEMENT IS PROPOSING, WHAT THIS
18 CHAPTER 14 IS PROPOSING, IT COULD TAKE AS MUCH AS
19 THREE TO FOUR MONTHS TO EVEN GET A CUT AND FILL
20 PERMIT. THIS IS GOING TO BE THE ONE TROUBLING THING
21 FOR ANYBODY, ESPECIALLY SOMEBODY COMING INTO THIS
22 COMMUNITY AND WANTING TO DO A PROJECT. IT MIGHT TAKE
23 THEM TWO OR THREE, FOUR MONTHS. THE ENGINEER SAYS,
24 NO, IT WON'T TAKE THAT LONG. WELL, WHEN YOU READ THE
25 DESIGN STANDARDS AND THE STANDARD DRAWING AND WHAT YOU

1 MUST DO TO MEET ONE OF THESE, IT'S GOING TO TAKE TIME.

2 THIS STORM WATER MAINTENANCE AGREEMENT IS
3 GOING TO BE A RECORDED COVENANT. IT MUST BE DONE.
4 HERE IT IS RIGHT HERE. IT'S BEEN PREPARED BY THE CITY
5 ENGINEER, COUNTY ENGINEER. IT MUST BE DONE. IT MUST
6 BE RECORDED. IT'S A RECORDED COVENANT AND IT'S FOR
7 LIFE.

8 YOU'RE GOING TO HAVE TO BOND IT UP FRONT AND
9 THEN YOU'RE GOING TO HAVE TO DO YOUR B&P PLAN. HERE
10 IT IS, PUBLIC IMPROVEMENT SPECIFICATION, ALL THIS
11 STUFF. YOUR B&P PLAN AND APPROVE BY THE CITY OR
12 COUNTY ENGINEER BEFORE YOU GET A CUT AND FILL PERMIT.
13 IT DOESN'T HAVE TO BE THAT WAY.

14 NOW, THE FEDERAL CLEAN WATER ACT HAS PUT THIS
15 ON EVERY CITY IN THE UNITED STATES. EVERY COMMUNITY
16 IN THE UNITED STATES. BUT THE PROCESS THAT YOU DO IT
17 AND REQUIRES TO BE DONE DOESN'T HAVE TO BE DONE THAT
18 WAY. I'M SAYING YOU'RE GOING TO HAVE AN OUTCRY AT A
19 TIME WHEN YOU'RE TRYING TO BE BUSINESS FRIENDLY AND
20 SHORTEN THE TIME TO GET PERMITS. I WANT THE MAYOR'S
21 WORK SESSION ON THIS TO MERELY GET UP AND SAY,
22 POSTPONE THIS UNTIL WE GET CHAPTER 14 APPROVED. UNTIL
23 WE WORK THROUGH THIS.

24 IT'S LIKE DAVE SAID, WE HAVE NOT BEEN ABLE TO
25 GET THE ENGINEERS TO OUR COMMITTEES AND OUR GROUPS AND

1 WORK THROUGH THIS FOR A SHORTER PERIOD. THE CUT AND
2 FILL PERMIT, THE FIRST THING YOU DO ON ANY COMMERCIAL,
3 ANY SUBDIVISION, ANYTHING THAT YOU DO, THE FIRST THING
4 YOU DO IS PREPARE THE JOB SITE. YOU HAVE TO HAVE A
5 CUT AND FILL PERMIT. IF IT'S OVER ONE ACRE, YOU'VE
6 GOT TO HAVE A CUT AND FILL PERMIT. PUT THIS IN, YOU
7 CAN'T TOUCH IT UNTIL ALL OF THIS IS DONE.

8 NOW, SOME OF THESE DESIGN STANDARDS YOU MIGHT
9 HAVE CORP DRILL THAT SITE. IT GOES THROUGH KENTUCKY
10 DIVISION OF WATER. YOU MIGHT BE IN THE FLOODPLAIN.
11 YOU MIGHT BE SEVERAL THINGS. IT COULD TAKE THREE OR
12 FOUR MONTHS. THIS IS THE MOST TROUBLESOME THING OF MY
13 50 YEARS. I'VE BEEN ON THIS COMMITTEE 13 YEARS.

14 WE JUST NEED TO WORK THROUGH THIS. I DON'T
15 SEE HOW THE CITY ADOPTED AN ORDINANCE OR THE COUNTY
16 ADOPT AN ORDINANCE AND REFERENCE THAT INTO OUR
17 ORDINANCE TO CHAPTER 14 OF THE PUBLIC IMPROVEMENT
18 SPECIFICATIONS WHEN THERE IS NO CHAPTER 14 TO THE
19 PUBLIC IMPROVEMENT SPECIFICATIONS. HOW DO YOU DO
20 THAT?

21 MR. KAZLAUSKAS: MR. CHAIRMAN, OF COURSE
22 YOU'RE MORE FAMILIAR WITH THIS THAN PROBABLY ANYONE
23 SITTING ON THE BOARD. YOU'VE RAISED SOME QUESTIONS
24 THAT CERTAINLY CONCERN ME AT THIS POINT. WE'VE GOT A
25 BRAND NEW ATTORNEY, BOARD ATTORNEY SITTING OVER THERE.

1 I WOULD LIKE FOR HER TO STUDY THIS AND WALK THIS
2 COMMISSION THROUGH THE LEGAL PROCESS OF WHY THIS HAS
3 HAPPENED THIS WAY. BECAUSE IF THIS IS ALREADY ADOPTED
4 AND CHAPTER 14 DOESN'T EXIST YET, I'VE GOT SOME
5 QUESTIONS ABOUT THE REFERENCES. I THINK IT'S GOING TO
6 BE IMPORTANT THAT OUR ATTORNEY WALK THIS COMMISSION
7 THROUGH A LEGAL PROCESS SO WE ACTUALLY KNOW WHAT'S
8 GOING ON BECAUSE RIGHT NOW I'VE GOT SOME QUESTIONS I
9 THINK NEED SOME ANSWERS. YES, I'LL BE THERE AT THAT
10 DECEMBER 4TH MEETING. BECAUSE IF WE'RE TALKING ABOUT
11 LENGTHENING THE PROCESS, THIS WAS ONE OF THE THINGS
12 THAT THE MAYOR'S COMMITTEE ON BETTER BUSINESS BUREAU
13 WORKED ON FOR THE LAST TEN AND A HALF MONTHS WAS THE
14 STREAMLINE OF THE PROCESS TO MAKE OUR COMMUNITY MORE
15 BUSINESS FRIENDLY. SO, YES, I HAVE CONCERNS ABOUT
16 THIS ALSO.

17 CHAIRMAN: I'M ONLY TELLING YOU THE VERY, VERY
18 SMALL PART OF THIS. IT'S A VERY SCARY THING TO ME.
19 IT CONCERNS ME VERY MUCH BECAUSE WHAT THEY'RE SAYING
20 IS THIS IS A RECORDED COVENANT. THE ORDINANCE HERE --
21 WELL, I DIDN'T INTEND TO TAKE THIS AS FAR, BUT I THINK
22 YOU NEED TO HEAR IT. I THINK YOU NEED TO BE THERE.

23 THE CITY OF OWENSBORO HAS CHARGED
24 SPECIFICATION STANDARDS FOR THE PROPER LIMITATION
25 REQUIREMENTS FOR THIS ORDINANCE IN THE FORM OF THE

1 OMPC PUBLIC IMPROVEMENT SPECIFICATION CHAPTER 14.

2 THERE IS NO CHAPTER 14. THERE IS NO CHAPTER 14.

3 THIS CHAPTER INCLUDES A LIST OF ACCEPTABLE
4 STORM WATER TREATMENT PRACTICES INCLUDING SPECIFIC
5 LICENSE AND DESIGN CRITERIA, OPERATION OF MAINTENANCE
6 PROBLEM FOR EACH STORM WATER PRACTICE. STORM WATER
7 TREATMENT PRACTICES ARE DESIGNED AND CONSTRUCTED IN
8 ACCORDANCE WITH THESE STATUTES. DESIGN CRITERIA WILL
9 BE PURSUANT TO MEET THE MINIMUM FOR STORM WATER
10 QUALITY. ALTERNATIVE PRACTICE MAY BE PROPOSED AND
11 SUBMITTED BY A REVIEW COMMITTEE.

12 HERE'S THE BAD PART. WHAT THEY JUST SAID,
13 THEY GIVE US DESIGN STANDARDS. THEY HAVE GIVE US
14 STANDARD DRAWINGS. OUR DESIGN ENGINEER WILL DESIGN
15 ACCORDING TO THAT. THEY WILL SUBMIT THAT TO THE CITY
16 OR COUNTY ENGINEER FOR APPROVAL. THEN YOU MUST
17 DEVELOP YOUR STORM WATER MANAGEMENT TO FILL THIS
18 OPERATION AND MAINTENANCE AND RECORD IT, AND RECORD
19 IT. THEN YOU MUST BOND UP FRONT BEFORE YOU GET A FILL
20 PERMIT.

21 THE VERY LAST THING THEY SAID IN THAT
22 ORDINANCE, THE CITY AND COUNTY DOES NOT, EVEN THOUGH
23 THEY DESIGNED IT, THEY APPROVED IT, AND WHEN YOU'RE
24 DONE THEY INSPECT IT AND APPROVE IT, BUT IF IT FAILS,
25 THEY ACCEPT ABSOLUTELY NO RESPONSIBILITY. IT SAYS

1 THAT IN THIS ORDINANCE. IT SAYS IT IN THE PI SPEC.
2 IT SAYS THAT. HOW AS A DEVELOPER, CONTRACTOR OR
3 SOMEONE THAT'S DEVELOPING MAYBE A COMMERCIAL SITE,
4 EVER GET AWAY FROM THIS BECAUSE IT'S A RECORDED
5 COVENANT. THERE IS NO GUARANTEE THAT ANY OF THESE
6 WILL WORK. IT'S ALL TRIAL AND ERROR. EVERY BIT OF IT
7 IS TRIAL AND ERROR. EVERY BIT OF IT. WE DON'T KNOW
8 IF IT'S GOING TO WORK.

9 SOME OF THESE STANDARDS IF YOU GO OUT ON
10 HIGHWAY 54, YOU'VE GOT A CORP DRILL THAT SOIL TO SEE
11 IF IT WORKS. YOU'RE TALKING ABOUT MORE THAN TWO
12 MONTHS BEFORE YOU CAN EVEN SUBMIT IT TO THE CITY OR
13 COUNTY ENGINEER. ALSO SAYS THE COUNTY ENGINEER HAS 20
14 DAYS TO APPROVE IT OR DENY IT. IF HE DENIES IT,
15 EVERYTHING STARTS ALL OVER. YOU COULD GO THREE, FOUR,
16 FIVE, SIX MONTHS AND COULDN'T EVEN TOUCH THAT SITE, IF
17 IT FAILS. IT DOES NOT NEED TO BE THAT WAY. THE
18 PROCESS IS GETTING THROUGH.

19 I'VE BEEN WORKING WITH OUR ATTORNEY FOR QUITE
20 SOME TIME AS TO HOW WE TURN OVER ONE OF THESE
21 PROJECTS, AND THE CITY AND COUNTY ACCEPTS NO
22 RESPONSIBILITY, EVEN THOUGH THEY APPROVED IT. WE'VE
23 DONE IT. NOW IT FAILS. FIVE, SIX, EIGHT, TEN YEARS
24 DOWN THE ROAD I'VE DEVELOPED THAT. I'VE SOLD IT OR
25 I'VE TRANSFERRED IT TO THE HOMEOWNERS'S ASSOCIATION.

1 IT'S ALMOST IMPOSSIBLE. IT'S ALMOST IMPOSSIBLE TO GET
2 AWAY FROM IT. HOW DO YOU DO THAT? I DON'T KNOW.
3 WE'VE DONE EVERYTHING WITH OUR ATTORNEYS WE CAN TO TRY
4 TO PROTECT OURSELVES. THIS IS SCARY.

5 THEN SOMEONE COMES TO THIS COMMUNITY AND WANTS
6 TO BUILD AND THEY WANT TO START WORK IMMEDIATELY, BUT
7 THEY CAN'T EVEN CUT THE GRASS OFF THAT LOT UNTIL ALL
8 OF THIS IS APPROVED. IT'S COMING.

9 I JUST WANTED TO BRING THIS TO YOUR ATTENTION
10 TONIGHT. I WANT YOU TO BE THERE DECEMBER 4TH AT 9:30.
11 YOU WILL NOT BE ABLE TO MAKE STATEMENTS. YOU WILL NOT
12 BE ABLE TO VOTE, BUT YOU'RE GOING TO HEAR NOT ARGUMENT
13 WITH THE CITY AND COUNTY ENGINEERS. I'VE MADE THIS
14 ARGUMENT BEFORE. DAVE WILL TELL YOU WE'VE MADE THIS
15 ARGUMENT.

16 MR. REEVES: MR. CHAIRMAN, COULD I REQUEST
17 THAT STAFF MAYBE E-MAIL US AND REMIND US OF THIS
18 MEETING? I ASSUME THERE'S NO PROBLEM WITH A QUORUM
19 BEING THERE FOR THIS OBSERVING?

20 MS. KNIGHT: NO PROBLEM.

21 CHAIRMAN: I'M ASSUMING, BRIAN, ARE YOU GOING
22 TO CHAIR THIS MEETING?

23 MR. HOWARD: YES.

24 CHAIRMAN: IT WILL BE UP TO YOU, IF YOU CHAIR
25 THE MEETING, WHETHER YOU TAKE COMMENTS FROM ANYONE

1 SITTING IN. I'VE ASKED A COUPLE OF BUILDERS,
2 DEVELOPERS, I'VE ASKED THE JAGOE AND THOMPSON TO SIT
3 IN ON THIS AND LISTEN. IN REALITY ONLY THE COMMITTEE
4 IS SUPPOSED TO MAKE COMMENTS, ASK QUESTIONS AND VOTE.

5 IF YOU'RE CHAIRMAN AND SOMEBODY WANTED TO ASK
6 QUESTIONS OR MAKE COMMENTS --

7 MR. NOFFSINGER: I WOULD LIKE TO CHIME IN, MR.
8 CHAIRMAN.

9 IT IS MY BELIEF THAT ANYONE WISHING THE
10 OPPORTUNITY TO SPEAK SHOULD BE GIVEN THE OPPORTUNITY
11 TO SPEAK. WE SHOULD NOT LIMIT A PERSON'S OPPORTUNITY
12 TO SPEAK. YOU ARE CORRECT IN TERMS OF MAKING A
13 RECOMMENDATION OF THIS BODY. THAT'S FINE. IF SOMEONE
14 WANTS TO SPEAK TO IT, I SAY YOU LET THEM SPEAK TO IT.
15 I THINK THAT'S THE COURTESY YOU EXTEND TO THE
16 COMMUNITY BECAUSE I'M MOST PROUD OF THE WORK THAT THE
17 PUBLIC IMPROVEMENT SPECIFICATIONS COMMITTEE DOES AS A
18 GROUP EFFORT TO COME UP WITH, FOR EXAMPLE, THE SURETY
19 BOND PRICES. IT'S NOT THE CITY ENGINEER AND THE
20 COUNTY ENGINEER SAYING, THIS IS THE WAY IT'S GOING TO
21 BE. THE PUBLIC NEEDS TO KNOW THAT THE PRICES THAT THE
22 DEVELOPERS POST FOR SURETY ARE DETERMINED BY THE CITY
23 ENGINEER, THE COUNTY ENGINEER, BY THE PRIVATE
24 CONTRACTORS OF THIS COMMUNITY, AND BY THE DESIGN
25 ENGINEERS OF THIS COMMUNITY. IF WE RECEIVE CONSENSUS

1 AND WE BRING THAT RECOMMENDATION TO THIS BODY.
2 THEY'RE DOING THAT WORK FOR THIS BODY TO MAKE IT EASY
3 FOR YOU AND THEY'RE ALSO DOING IT TOGETHER AND NOT
4 JUST RAMMING IT DOWN THE PUBLIC'S THROAT.

5 CHAIRMAN: I WOULD LIKE TO READ ONE OTHER
6 THING IN THE CITY ORDINANCE.

7 I BRING THIS TO YOU TONIGHT BECAUSE I WOULD
8 LIKE FOR YOU TO ATTEND THAT MEETING AND LISTEN. WE
9 WILL BE VOTING ON THIS IN JANUARY. I THINK YOU NEED
10 TO HEAR IT.

11 IT SAYS -- NOT ACCEPT RESPONSIBILITY FOR
12 DESIGN INSTALLATION, OPERATION AND MAINTENANCE OF
13 STORM WATER. ACCEPT NO RESPONSIBILITY. THEY DESIGNED
14 IT FOR US. THE DESIGN ENGINEER DESIGNS IT. THEY
15 APPROVE IT. THEY SIGN OFF. WE GET IT DONE. THEY
16 APPROVE THAT. IF IT FAILS, WE HAVE NO RESPONSIBILITY.

17 MR. KAZLAUSKAS: MR. CHAIRMAN, MIGHT WE ASK
18 OUR COUNSEL ON THIS DECEMBER 4TH MEETING, IF WE DO
19 HAVE A QUORUM THERE, WILL WE BE OKAY TO ASK QUESTIONS
20 AND/OR GIVE COMMENTS?

21 MS. KNIGHT: YOU'LL BE ABLE TO ASK QUESTIONS
22 AND COMMENTS. WE'RE NOT TAKING ACTION AS A BOARD AT
23 THAT MEETING.

24 MR. KAZLAUSKAS: I JUST WANT TO BE SURE. I
25 WANT IT ON THE RECORD WHERE WE'LL BE ABLE TO ASK

1 QUESTIONS AND MAKE COMMENTS.

2 MS. KNIGHT: YES. IT IS A PUBLIC MEETING.
3 EVERYBODY WILL BE NOTIFIED, AS WELL AS EVERYBODY
4 RECEIVES THE CORRECT NOTIFICATION, PROPER
5 NOTIFICATION, YOU'RE FINE.

6 CHAIRMAN: IT HAS NOT BEEN ADVERTISED AS A
7 PUBLIC MEETING.

8 MS. KNIGHT: IS IT JUST FOR THE HOME BUILDER'S
9 ASSOCIATION?

10 CHAIRMAN: NO. IT'S FOR THE PUBLIC
11 IMPROVEMENT SPECIFICATION COMMITTEE. THE PUBLIC IS
12 ADOPTED BY THE PLANNING COMMISSION. WE HAVE AN ANNUAL
13 MEETING. MR. HOWARD, THIS IS THE E-MAIL I GOT. HE
14 SET DECEMBER 4TH FOR THIS MEETING. IT'S SOMETHING WE
15 DO EVERY DECEMBER. WE BRING IT TO THIS COMMISSION TO
16 APPROVE THAT, WHAT WE DO AT THAT MEETING, BUT WE'RE
17 NOT -- THE COMMITTEE WILL VOTE ON THESE DESIGN
18 STANDARDS AND THE THINGS THAT THE ENGINEERS ARE GOING
19 TO PRESENT. THIS HAS NOT BEEN AN ADVERTISED MEETING.

20 MS. KNIGHT: SO YOU'RE ASKING OUR MEMBERS TO
21 ATTEND SIMPLY FOR INFORMATIONAL PURPOSES?

22 CHAIRMAN: NO. I'M BRINGING IT TO YOU AND
23 ADVISING YOU AND TELLING YOU WHAT'S GOING TO TAKE
24 PLACE. IT'S UP TO EVERYONE WHETHER YOU ATTEND OR
25 DON'T ATTEND. THE FACT IS, THIS COMMISSION WILL BE

1 VOTING ON THIS PROBABLY IN JANUARY. THIS MIGHT NOT
2 GET APPROVED IN DECEMBER. I REALLY DON'T BELIEVE IT
3 WILL.

4 MR. NOFFSINGER: TO ADD TO THAT. THE PLANNING
5 COMMISSION, THE ENTIRE PUBLIC, THE MEDIA IS INVITED TO
6 ATTEND THIS. THIS IS NOT A PLANNING COMMISSION
7 SCHEDULED MEETING WHERE ANY ACTION BY THE COMMISSION
8 WILL BE TAKEN. THIS COMMITTEE HOLDS NO POWERS. THIS
9 COMMITTEE IS A GROUP OF COMMITTEE OR A GROUP OF
10 INDIVIDUALS THAT WORK IN THIS COMMUNITY AND QUITE
11 FRANKLY WERE GETTING THEIR EXPERTISE FREE OF CHARGE.
12 THEY ARE WORKING TOGETHER TO CREATE A DOCUMENT TO
13 ASSIST THE PLANNING STAFF AND CITY AND COUNTY ENGINEER
14 TO CREATE DOCUMENTS THAT WILL FACILITATE THE REVIEW
15 AND APPROVAL BY THIS BODY. THEIR ACTIONS ARE NOTHING
16 MORE THAN PURELY THEY ARE RECOMMENDING A GROUP THAT
17 HAS NO FORMAL AUTHORITY.

18 MS. KNIGHT: AND THEN IT'S PRESENTED TO THIS
19 BOARD AT THE JANUARY MEETING FOR A MOTION?

20 MR. NOFFSINGER: YES.

21 MR. REEVES: WHO CONSTITUTED THIS GROUP? WHO
22 IS THE AUTHORITY THAT PULLED THIS GROUP TOGETHER?

23 MR. NOFFSINGER: THIS GOES BACK TO 1999. MY
24 MEMORY GOING BACK TO 1999 UNFORTUNATELY IS NOT VERY
25 GOOD.

1 I BELIEVE THAT I PUT THIS GROUP TOGETHER AS A
2 SENIOR PLANNER ON THE STAFF LOOKING TO INVOLVE ALL OF
3 THOSE THAT HAD A STAKE OR HAD SOME AUTHORITY IN
4 PUTTING THE PI SPECS TOGETHER. IT WASN'T APPOINTED BY
5 THE PLANNING COMMISSION. IT WAS NOT APPOINTED BY THE
6 MAYOR OR THE JUDGE. IT'S JUST A GROUP OF INDIVIDUALS.
7 WE WERE LOOKING TO GO OUTSIDE AND HIRE A CONSULTANT TO
8 PUT THE PI SPECS TOGETHER. WE DIDN'T HAVE TO DO THAT.
9 WE PUT THE PUBLIC IMPROVEMENT SPECIFICATIONS TOGETHER
10 VIRTUALLY FREE OF CHARGE USING THE EXPERTISE OF THE
11 STAKEHOLDERS IN THIS COMMUNITY. THAT'S KIND OF HOW IT
12 FORMED.

13 MR. REEVES: I GUESS YOUR EXPLANATION WOULD
14 LEAD ME TO SAY THAT THIS COMMITTEE WAS BASICALLY
15 ESTABLISHED BY OMPC BECAUSE YOU ARE AN EMPLOYEE.
16 WOULD IT NOT BE WITHIN OUR PURVIEW TO REQUEST MR.
17 HOWARD TO ADVERTISE IT AS A MEETING TO WHICH THE
18 PUBLIC IS INVITED? IS THERE A DOWNSIDE TO DOING THAT?
19 I DON'T THINK WE'LL BE OVERWHELMED.

20 MR. NOFFSINGER: I DON'T KNOW THAT WE HAVE TO
21 ADVERTISE IT AS A PUBLIC HEARING. IT'S NOT A PUBLIC
22 HEARING.

23 MR. REEVES: IT'S JUST A MEETING. A PRESS
24 RELEASE, I GUESS, IS WHAT I WAS THINKING.

25 MR. NOFFSINGER: RIGHT. AND WE'RE GOING TO DO

1 THAT. WE WILL DO THAT.

2 MR. REEVES: I'M SATISFIED.

3 MR. NOFFSINGER: WE WILL DO THAT PRESS
4 RELEASE. I'VE BEEN MAKING EYE CONTACT TO BRIAN. YES,
5 THE MEDIA WILL BE INVITED TO ATTEND THAT IN ADVANCE.
6 IT'S NOT A PUBLIC HEARING SO WE WOULDN'T ADVERTISE IT
7 AS A PUBLIC HEARING.

8 MR. REEVES: THAT SATISFIES MY CONCERN.

9 CHAIRMAN: LET ME READ YOU THE FACTS.

10 IT SAYS, ACKNOWLEDGMENT: SPECIAL THANKS ARE
11 GIVEN TO MEMBERS -- THIS WAS DONE, GARY, IN 2002.

12 PUBLIC IMPROVEMENT SPECIFICATION REVIEW
13 COMMITTEE. EACH MEMBER DONATED A SIGNIFICANT AMOUNT
14 OF TIME, ENERGY AND RESOURCES IN PREPARATION OF THIS
15 DOCUMENT. WITH THE EXCEPTION OF LOCAL GOVERNMENTAL
16 AGENCIES, MEMBERS OF THE COMMITTEE DID NOT RECEIVE
17 COMPENSATION FOR THEIR EFFORTS.

18 WE UPDATED THIS IN 2002 AND IT TOOK TWO YEARS.
19 WE MET EVERY MONTH FOR TWO YEARS AND WE WOULD MEET FOR
20 FOUR TO FIVE HOURS. THAT'S HOW LONG WE BROUGHT THESE
21 13 CHAPTERS UP. ON THAT WAS TOM ALLEN WITH JOHNSON
22 DEPP & QUISENBERRY, GEORGE BALLARD WITH THE HOME
23 BUILDER'S ASSOCIATION, DEAN BEHNKE, REGIONAL WATER
24 RESOURCE AGENCY, DON BRYANT WITH BRYANT ENGINEERING.
25 GARY NOFFSINGER CHAIRED THE MEETING THROUGHOUT THE

1 ENTIRE THING. MIKE O'BRYAN WITH THE HOME BUILDERS AND
2 WARD PEDLEY AS A CONTRACTOR AND HOME BUILDERS. MAWAN
3 RAYAN, CITY OF OWENSBORO ENGINEER. SINAN RAYAN,
4 DAVIESS COUNTY ENGINEER. JIM RINEY, HRG, PLC
5 SURVEYING & ENGINEERING. THERE WAS A LOT OF TIME PUT
6 INTO THIS THING, LIKE I SAY. NO DOUBT IN MY MIND I
7 HAD 3 OR 400 HOURS IN THIS. BECAUSE I RESEARCHED IT
8 TO LOUISVILLE, TO LEXINGTON, THEIR SPECIFICATIONS,
9 JEFFERSON COUNTY METROPOLITAN SEWER DISTRICT,
10 EVERYTHING, THIS 13 CHAPTERS. I RESEARCHED IT
11 THOROUGHLY. CONCRETE INSTITUTE, EVERYTHING WE DO.
12 THIS IS WHAT I'VE BEEN DOING FOR 50 YEARS. SO I KNOW
13 AND UNDERSTAND IT. OVER HALF THE STANDARD DRAWINGS IN
14 HERE IS WHAT I DID. GARY CAN TELL YOU, I REWROTE 9 OF
15 THE 13 CHAPTERS.

16 MR. NOFFSINGER: YES, SIR.

17 CHAIRMAN: I PUT MY HEART AND SOUL IN IT
18 BECAUSE I WANTED SOMETHING THAT THIS COMMUNITY WOULD
19 BE DONE RIGHT. BUT AS A BUILDER, A CONTRACTOR AND A
20 DEVELOPER, SOMETHING THAT WE COULD DO AND LIVE WITH
21 AND BE ABLE TO AFFORD AND NOT CHASE HOME PRICES AND
22 THE COST OF BUILDING.

23 THE REASON WE REALLY GOT INTO THIS, I HEARD
24 THROUGH THE GRAPEVINE THAT MARWAN RAYAN WAS GOING TO
25 ADOPT THE KENTUCKY TRANSPORTATION SPECIFICATIONS

1 THROUGHOUT, EVERYTHING WE DO. WE CAN'T BUILD OUR
2 SUBDIVISION STREETS AND OUR LOCAL STATE INTERSTATE
3 ROADS AND HIGHWAYS OUT THERE. TOTALLY IMPOSSIBLE. WE
4 GOT INVOLVED. WE WORKED WITH ALL OUR ENGINEERS. WE
5 WORKED WITH EVERYBODY. I MEAN THERE WAS A LOT OF
6 EFFORT PUT INTO THIS. I SPENT OVER \$1,000 OUT OF MY
7 POCKET GETTING A DRAFTSMAN TO DO THESE STANDARD
8 DRAWINGS. I'M NOT WILLING TO LET THIS THING -- THIS
9 BLOWS MY MIND. BUT IT IS FEDERAL. IT IS THE CLEAN
10 WATER ACT. WE'RE GOING TO DO IT. I DON'T HAVE A
11 PROBLEM WITH THE DESIGN STANDARDS. I DON'T HAVE A
12 PROBLEM WITH THE STANDARD DRAWINGS. THE PROCESS THE
13 CITY ORDINANCE, COUNTY ORDINANCE AND THE STORM WATER
14 MANAGEMENT AGREEMENT AND THE PROCESS OF ALL OF THE
15 THINGS WE MUST DO BEFORE WE GET A CUT AND FILL PERMIT.

16 IF I WAS STARTING A SUBDIVISION IN SEPTEMBER
17 AND I HAD TO START FRESH AND TAKE THIS THROUGH, THAT
18 WOULD MEAN I COULDN'T START THAT SUBDIVISION BECAUSE
19 THAT WOULD MEAN I HAVE TO WAIT UNTIL NEXT MARCH,
20 APRIL, MAY BECAUSE THE GROUND WOULD BE SO WET YOU
21 CAN'T DO IT. THIS COULD COST SOMEBODY A YEAR. IT
22 DOESN'T NEED TO BE THAT WAY. THAT'S ALL I HAVE GOT TO
23 SAY. I'VE SAID TOO MUCH.

24 ITEM 8

25 COMMENTS BY THE PLANNING COMMISSIONERS

1 (NO RESPONSE)

2 ITEM 9

3 COMMENTS BY THE DIRECTOR

4 MR. NOFFSINGER: MR. CHAIRMAN AND PLANNING
5 COMMISSIONERS, WE'VE TALKED SEVERAL TIMES, SOME WAS
6 BROUGHT UP IN BUSINESS FRIENDLY COMMITTEE. THIS
7 REPORT CAME OUT THIS WEEK AND CERTAINLY WAS IN THE
8 M&I. THERE WAS SOME COVERAGE ON IT.

9 YOU KNOW, I REALLY FEEL THAT THE PLANNING
10 OFFICE TOOK A PRETTY BIG HIT, AT LEAST WHAT WAS IN THE
11 PAPER, IN SOME OF THE COMMENTS THAT HAVE BEEN MADE. I
12 HAVE TALKED WITH MY STAFF ABOUT SOME OF THE ITEMS AND
13 SOME AREAS THAT CERTAINLY WE COULD WORK ON.

14 I ALSO WANT TO MAKE SURE THAT THE PLANNING
15 STAFF UNDERSTOOD THAT THEY HAVE A VERY IMPORTANT JOB
16 IN THIS COMMUNITY. IT'S A THANKLESS JOB. IT'S A JOB
17 WHICH THEY MUST UPHOLD THE CODES THAT ARE HANDED DOWN
18 TO THEM FROM THE NATIONAL LEVEL, TO THE STATE LEVEL,
19 TO THE LOCAL LEVEL.

20 MY STAFF, YOUR STAFF, THEY'RE NOT CHARGED WITH
21 WRITING THE NATIONAL BUILDING CODE, THE NATIONAL
22 ELECTRICAL CODE. THEY'RE NOT CHARGED WITH WRITING THE
23 LOCAL ORDINANCES THAT THEY MUST ENFORCE, BUT THEY HAVE
24 TO ENFORCE EACH OF THOSE AND THAT'S THEIR JOB. I'VE
25 SHARED WITH THEM OVER THE YEARS THAT I'VE BEEN MOST

1 PROUD OF THE JOB THEY'VE DONE. I'M IN THAT OFFICE ON
2 A DAILY BASIS. I HEAR THE STAFF. I HEAR HOW THEY
3 TALK TO OUR CUSTOMERS. I HEAR THE INFORMATION THEY
4 RELAY TO CUSTOMERS. I CAN TELL YOU THAT THEIR HEARTS
5 ARE IN THE RIGHT PLACE AND THEY'RE DOING IT FOR THE
6 RIGHT REASONS.

7 I WANT TO GIVE YOU A LITTLE EXAMPLE. HERE IS
8 ONE LETTER THAT WAS SENT TO THE OFFICE FROM TURNER
9 CONSTRUCTION. IF YOU DON'T KNOW WHO TURNER
10 CONSTRUCTION IS, THAT'S THE CONSTRUCTION COMPANY THAT
11 WAS IN CHARGE OF THE NEW HOSPITAL PROJECT. PRETTY BIG
12 PROJECT. ONE OF THE BIGGEST PROJECTS THAT THIS
13 COMMUNITY HAS SEEN AND PERHAPS WILL EVER SEE.

14 "RESPECTIVE OMPC REPRESENTATIVE: AS EMPLOYEES
15 OF TURNER CONSTRUCTION, TOMMY COX AND I WORK CLOSELY
16 WITH JOHN PICKRELL ON THE OWENSBORO MEDICAL HEALTH
17 SYSTEM MEDICAL OFFICE BUILDING PROJECT. OUR MAJOR
18 RESPONSIBILITIES INCLUDE QUALITY ASSURANCE AND PROMPT
19 DELIVERY OF SERVICE. MR. PICKRELL SERVES AS AN
20 ELECTRICAL INSPECTOR. AS SUCH OUR RELATIONSHIP WITH
21 JOHN IS HELD IN HIGH REGARD. WE HAVE FOUND THIS
22 SENTIMENT TO BE RECIPROCATED. JOHN FOCUSED ON
23 EDUCATING US IN ELECTRICAL CODE AND STRUGGLED TO
24 ACCOMMODATE THE DEMANDS OF LARGE, FAST PACE
25 CONSTRUCTION PROJECT MAINTAINING A POSITIVE ATTITUDE

1 THROUGHOUT.

2 "JOHN EMPHASIZED HIS EXPECTATIONS AND
3 CRAFTSMANSHIP DURING OUR FIRST ELECTRICAL INSPECTION.
4 THROUGHOUT THE COURSE OF THE PROJECT, HE HAS BEEN
5 CONSISTENT IN UPHOLDING THESE STANDARDS. AT TIMES
6 JOHN'S INTERPRETATION OF ELECTRICAL CODE IS
7 CHALLENGED. IN RESPONSE, JOHN WOULD EITHER CITE A
8 SPECIFIC SECTION OF CODE OR RESEARCH THE MATTER
9 DILIGENTLY WHEN UNCLEAR. BEFORE FINALIZING A
10 DECISION, HE WOULD CONSULT SEVERAL EXPERTS AND CITE
11 NUMEROUS SOURCES. HE MADE GREAT EFFORTS TO EDUCATE
12 OUR SUBCONTRACTORS, AS WELL AS TOMMY AND I. WE ALWAYS
13 FOUND HIS RULINGS TO BE FAIR. OUR CONFIDENCE WAS
14 DRIVEN BY JOHN'S DILIGENCE AND INVESTIGATION.

15 "TURNER CONSTRUCTION AND SUBCONTRACTORS OWE
16 MR. PICKRELL A DEBT AND GRATITUDE. TOMMY AND I ARE
17 MORE INTELLIGENT MANAGERS HAVING WORKED WITH HIM.

18 "ANY CONSTRUCTION PROJECT IS BROUGHT WITH
19 OPPORTUNITY AND CHALLENGE. ONE OF WHICH IS MEETING
20 SCHEDULE. AS EMPLOYEES OF TURNER CONSTRUCTION, OUR
21 EXPECTATION IS ALWAYS TO MEET OR SURPASS DEADLINES.
22 JOHN WAS ACCOMMODATING IN THIS REGARD. RATHER THAN
23 WAIT FOR A SUITE TO BE COMPLETED BEFORE INSPECTION, HE
24 MADE EVERY EFFORT TO BE AVAILABLE. HE WOULD INSPECT
25 PREESTABLISHED PORTIONS OF THE BUILDING OFTEN ON

1 NUMEROUS FLOORS. IN DOING SO, OUR NOTION IS SUCH THAT
2 JOHN WAS MORE THAN A THIRD PARTY ASSISTING IN QUALITY
3 MANAGEMENT. HE IS A PART OF A TEAM THAT DROVE THE
4 OMHS MEDICAL OFFICE BUILDING TO SUCCESS. UNDER
5 PRESSURE JOHN WAS STEADY IN HIS PROFESSIONALISM WITH
6 AN AIR OF ADMIRABILITY AND GOODWILL. HIS PERSONALITY,
7 AS WELL AS HIS KNOWLEDGE AND EFFORT, WAS A POSITIVE
8 INFLUENCE ON THE JOB SITE. HE MADE IT EASY FOR THE
9 WORKERS TO RELATE TO HIM. IT WAS COMMON TO FIND JOHN
10 MENTORING AN EXPERIENCED WORKER OR DISCUSSING AN ISSUE
11 WITH SUPERVISION. THIS STRENGTHENED OUR WORK FORCE IN
12 WAYS THAT PROVE DIFFICULT FOR A GENERAL CONTRACTOR AND
13 LED TO AN ENRICHED FINISHED PROJECT. IN THESE WAYS
14 JOHN PICKRELL PROVED A TREMENDOUS VALUE TO TURNER
15 CONSTRUCTION, OUR SUBCONTRACTORS, OMHS, AND ULTIMATELY
16 THE CITY OF OWENSBORO AND SURROUNDING COMMUNITY.
17 RESPECTFULLY, ALEX NASH AND TOMMY COX."

18 I JUST WANT TO TAKE THIS OPPORTUNITY TO THANK
19 JOHN FOR HIS WORK. I DON'T THINK THIS WAS JUST AN
20 ACCIDENT. I CAN TELL YOU THAT THIS WAS UNSOLICITED.
21 IT APPEARED ON MY DESK. IT WAS GIVEN TO ME AND I AM
22 MOST PROUD OF THIS. I CAN TELL YOU IT'S BEEN MY
23 EXPERIENCE THAT THAT'S THE WAY OUR OFFICE OPERATES.

24 UNFORTUNATELY, THERE ARE TIMES THAT WE CAN'T
25 SAY YES. WE HAVE TO SAY NO. IT'S THE NATURE OF THE

1 JOB THAT WE DEAL WITH. WE ARE CONSTANTLY LOOKING FOR
2 WAYS TO IMPROVE. WE'LL CERTAINLY TAKE THE COMMITTEE'S
3 RECOMMENDATIONS AND SEE HOW WE CAN MAKE IMPROVEMENTS.

4 I DO WANT TO LET THE PUBLIC KNOW THAT IT'S NOT
5 ALL BAD. THERE ARE SOME GOOD COMMENTS OUT THERE. I
6 JUST THINK YOU SHOULD HEAR THEM.

7 ANOTHER THING I WOULD LIKE TO READ TO YOU IS
8 THE OFFICE POLICY AND HOW WE HANDLE SCHEDULING A
9 REQUEST FOR INSPECTION.

10 WHEN AN INSPECTION REQUEST IS RECEIVED BY
11 PHONE, THE FOLLOWING QUESTIONS ARE ASKED BY OUR
12 RECEPTIONIST AFTER BEING GREETED.

13 WHAT IS THE ADDRESS WHERE YOU WOULD LIKE THE
14 INSPECTION?

15 WHAT TYPE OF INSPECTION WOULD YOU LIKE?

16 FOUNDATION INSPECTIONS TAKE PRECEDENCE AND ARE
17 ALWAYS COMPLETED THE SAME DAY.

18 WARD, I THINK YOUR GROUP, THE HOME BUILDERS,
19 WOULD ATTEST TO THAT.

20 CHAIRMAN: YES. ABSOLUTELY.

21 MR. NOFFSINGER: WE MAKE EVERY EFFORT TO GET
22 FOOTERS ON THE SAME DAY YOU CALL BECAUSE WE REALIZE
23 WHEN IT COMES TIME TO FILL THAT HOLE IN CONCRETE AND
24 BAD WEATHER IS COMING, YOU NEED THAT HOLE FILLED.

25 IF WE CANNOT COMPLETE AN INSPECTION ON THE

1 SAME DAY, SOME TYPE OF ARRANGEMENT IS MADE TO ENSURE
2 PRODUCTION IS NOT LOST. PICTURES, LETTERS FROM A
3 DESIGN PROFESSIONAL, ETCETERA, DEPENDING ON THE
4 SITUATION.

5 THIRD, WOULD YOU LIKE YOUR INSPECTION IN THE
6 MORNING OR AFTERNOON?

7 WE EXPLAIN FOOTINGS HOLD PRECEDENCE AND WE ARE
8 UNABLE TO GIVE AN EXACT TIME, BUT WE NOTE THE SYSTEM
9 WITH THE CUSTOMER'S CONTACT INFORMATION. IF THEY
10 WOULD LIKE A CALL PRIOR TO INSPECTION UPON CUSTOMER'S
11 REQUEST.

12 FINALLY: ARE THERE ANY OTHER SPECIAL
13 INSTRUCTIONS?

14 NOW, WE WOULD LOVE TO BE ABLE TO GIVE EVERYONE
15 A TIME AS TO WHEN WE'RE GOING TO BE AT THEIR LOCATION.
16 WE SIMPLY CAN'T DO IT. WHEN WE GO OUT ON AN
17 INSPECTION, WE SHOW UP AT 9:00. WE DON'T KNOW IF
18 WE'RE GOING TO BE THERE FIVE MINUTES OR TWO HOURS. IF
19 THE CONTRACTOR IS ON THE JOB, THAT MAY RESULT IN A
20 LONGER PERIOD OF TIME THAT INSPECTOR IS THERE. WE'RE
21 NOT GOING TO BE ABLE TO BE THERE AT THE NEXT
22 APPOINTMENT AT 9:30 OR 10:00.

23 I'M IN THE PROCESS OF REVIEWING OUR INSPECTION
24 RECORDS AND I CAN TELL YOU THAT FROM THE TIME AN
25 INSPECTION IS CALLED IN, IT IS SCHEDULED IMMEDIATELY

1 AND IT IS SCHEDULED AT THE DESIRE OF THE PERSON
2 CALLING IN. WE MAKE EVERY EFFORT TO GET THAT
3 INSPECTION COMPLETED WITHIN A 24 HOUR TIME PERIOD.

4 THERE ARE TIMES THAT WE SIMPLY CAN'T DO IT.
5 WE HAD A SITUATION I BELIEVE LAST MONTH OR IN AUGUST
6 THAT WE HAD SEVERAL INSPECTORS OUT. THEY WERE ON
7 MANDATORY TRAINING. IT'S STATE REQUIRED. THEY HAD TO
8 RECEIVE CERTAIN TRAINING. WE ONLY HAD TWO INSPECTORS
9 THERE AT THAT TIME. WE COULDN'T FULFILL THE DAILY
10 OBLIGATIONS SO SOME INSPECTIONS WERE CARRIED OVER TO
11 THE NEXT DAY.

12 I BELIEVE WHAT I'VE JUST READ TO YOU, AND I'M
13 GOING TO HAND THIS INFORMATION OUT TO EACH OF YOU, I
14 BELIEVE IS WHAT THE STAFF IS DOING. IF THE STAFF IS
15 NOT SCHEDULING INSPECTIONS AND THEY'RE NOT MAKING
16 THESE DEADLINES, PLEASE LET ME KNOW BECAUSE I WILL SEE
17 TO IT THAT INSPECTIONS ARE MADE ON A TIMELY BASIS.

18 NEXT, I ALSO WANT TO MENTION TO EACH OF THE
19 COMMISSIONERS THAT WE'RE GOING TO HAVE, AGAIN, I
20 OFFERED THIS ABOUT A YEAR AGO AND I HAD THREE TAKERS
21 ON IT. A RIDE AROUND WITH THE INSPECTORS. I THINK
22 YOU'LL FIND IT VERY BENEFICIAL. IF YOU'LL SPEND HALF
23 A DAY, SPEND ALL DAY, SPEND A WEEK IF YOU WOULD LIKE
24 WITH THE INSPECTORS TO GO OUT AND SEE WHAT THEY DO.
25 SEE HOW THEY CONDUCT THEMSELVES AND SEE HOW THE

1 INSPECTION PROCESS GOES. JUST LET ME KNOW. ANY DAY
2 MONDAY THROUGH FRIDAY AND WE'LL GET YOU SET UP WITH AN
3 INSPECTOR.

4 JANUARY 9TH AT 4:00, THAT'S BEFORE OUR JANUARY
5 PLANNING COMMISSION MEETING, WE'RE GOING TO MEET IN
6 ROOM 406. WE'RE GOING TO HAVE A TRAINING SEMINAR ON
7 THE FAIR HOUSING ACT. YOU DON'T WANT TO MISS THAT.
8 IT WILL BE PUT ON BY DARLENE CONKRIGHT. SHE IS A
9 PROFESSIONAL IN THE INDUSTRY WITH THE FAIR HOUSING ACT
10 AND SHE'LL BE PUTTING THAT ON, AS SHE DID A FEW YEARS
11 AGO. IT'S INFORMATION YOU NEED TO KNOW AS A
12 COMMISSIONER IN TERMS OF FAIR HOUSING ACT.

13 FEBRUARY 13TH WE'RE GOING TO HAVE A SESSION
14 THAT WILL START AT 4:30. IT'S GOING TO BE CALLED
15 FINDINGS OF FACT. WE HAVE SOME NEW COMMISSIONERS
16 HERE. YOU NEED TO HEAR HOW TO PROPERLY MAKE FINDINGS
17 OF FACT AND HOW TO MAKE A PROPER MOTION.

18 MR. APPLEBY: WHAT'S THE DATE ON THAT, GARY?

19 MR. NOFFSINGER: THAT WILL BE FEBRUARY 13TH
20 AND THAT WILL BE BEFORE YOUR FEBRUARY MEETING.

21 THE JANUARY FAIR HOUSING SEMINAR WILL BE IN
22 CONJUNCTION WITH THE BOARD OF ADJUSTMENT. WE WILL
23 INVITE THEM TO COME IN AND SIT IN AS WELL.

24 MR. CHAIRMAN, I BELIEVE THAT'S ALL I HAVE, BUT
25 I DO WANT TO, AGAIN, THANK THE PLANNING STAFF FOR THE

1 JOB THEY DO. I DO WANT YOU TO KNOW THAT THEIR HEARTS
2 ARE IN THE RIGHT PLACE AND THEY'RE LOOKING OUT FOR THE
3 BEST INTEREST OF THIS COMMUNITY.

4 CHAIRMAN: WE'VE HEARD FROM THE COMMISSIONERS
5 AND THE CHAIRMAN AND MR. NOFFSINGER.

6 I AGREE WITH EVERYTHING THAT MR. NOFFSINGER
7 PRESENTED BECAUSE I AM A USER. I USE THE BUILDING
8 CODES REGULAR. I HAVE FOR YEARS AND YEARS AND YEARS.
9 I'M A FOUNDATION CONTRACTOR AND AS HE STATED IT'S A
10 VERY IMPORTANT THING IS TIME INSPECTIONS ON FOOTERS
11 BECAUSE OF THE RAIN AND OVERNIGHT. I HAVE CALLED AND
12 SAID, I NEEDED, AND THEY GET ME. MY REGULAR
13 INSPECTIONS, I DON'T HAVE A PROBLEM WITH THEM. I
14 THINK THEY DO A GREAT JOB. LIKE MR. NOFFSINGER SAID,
15 SOMETIMES THEY GET TIED UP ON A JOB. THEY GET IN THE
16 HOUSE AND THE BUILDER IS THERE AND HE PUTS UP A BUNCH
17 OF ARGUMENTS AND THINGS. SOMETIMES IT TIES UP THEIR
18 TIME. THAT DELAYS THEIR NEXT APPOINTMENT. I MIGHT BE
19 ONE OF THOSE BUILDERS THAT PUTS UP AN ARGUMENT, BUT I
20 DON'T INTEND TO. THAT'S ALL I HAVE.

21 COMMISSIONERS HAVE HAD THEIR OPPORTUNITIES.
22 EVERYBODY HAS HAD THEIR OPPORTUNITIES.

23 WITH THAT WE NEED ONE MORE MOTION.

24 MR. APPLEBY: MOVE TO ADJOURN.

25 MR. REEVES: SECOND.

1 CHAIRMAN: ALL IN FAVOR RAISE YOUR RIGHT HAND.

2 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

3 CHAIRMAN: WE ARE ADJOURNED.

4 -----

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

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 STENOGRAPHY AND
12 ELECTRONICALLY RECORDED AND WAS THEREAFTER, BY ME,
13 ACCURATELY AND CORRECTLY TRANSCRIBED INTO THE
14 FOREGOING 48 TYPEWRITTEN PAGES; AND THAT NO SIGNATURE
15 WAS REQUESTED TO THE FOREGOING TRANSCRIPT.

16 WITNESS MY HAND AND NOTARY SEAL ON THIS THE
17 9TH DAY OF DECEMBER, 2013.

18

19

LYNNETTE KOLLER FUCHS
NOTARY ID 433397
OHIO VALLEY REPORTING SERVICES
202 WEST THIRD STREET, SUITE 12
OWENSBORO, KENTUCKY 42303

20

21

22

23 COMMISSION EXPIRES: DECEMBER 16, 2014

24 COUNTY OF RESIDENCE: DAVIESS COUNTY, KENTUCKY

25