

**ORDINANCE 15-2026**

**AN ORDINANCE AMENDING THE OWENSBORO ZONING ORDINANCE ADOPTED MARCH 14, 1980, SO AS TO INCLUDE WITHIN THE I-1 LIGHT INDUSTRIAL ZONE PROPERTY LOCATED IN THE 3501-4301 BLOCKS OF WEST PARRISH AVENUE CONTAINING 121.605 ACRES, MORE OR LESS.**

**WHEREAS**, the Owensboro Metropolitan Planning Commission met in regular session in Owensboro, Kentucky, on May 14, 2026, and did consider a proposal from the Applicant, the City of Owensboro, to change the zoning classification of the hereinafter described real property from its present classification of A-R Rural Agriculture and I-1 Light Industrial to I-2 Heavy Industrial; and

**WHEREAS**, by a vote of 5-4, the Owensboro Metropolitan Planning Commission has recommended that the proposal to change the zoning classification be denied. Findings of fact in support of the denial of the proposed revisions to the Owensboro Metropolitan Zoning Ordinance are as follows:

1. The application proposes problems to the environment and traffic;
2. The area is prone to flooding;
3. The proposal may generate noise and vibration for the neighbors; and
4. The sentiment of the audience is more in favor of I-1 Light Industrial than I-2 Heavy Industrial;

**WHEREAS**, an official transcript of the proceedings at said meeting, including the evidence presented, the findings of fact, and the conclusions and recommendations of the Owensboro Metropolitan Planning Commission have been filed with and considered by the Board of Commissioners and are attached hereto; and

**WHEREAS**, the Applicant, the City of Owensboro, filed a written request pursuant to KRS 100.2111(4) that the Owensboro Board of Commissioners, the appropriate legislative body, shall decide the proposed map amendment; and

**WHEREAS**, it is considered and declared that the rezoning of the property hereinafter described will be in the best interest of the health, safety, and public welfare of the citizens of Owensboro, and will promote progress of the City.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF OWENSBORO, KENTUCKY, AS FOLLOWS:**

**Section 1.** The proceedings of the May 14, 2026, meeting of the Owensboro Metropolitan Planning Commission relating to a zoning change of the property hereinafter described, including the findings of fact and the recommendation of the Planning Commission denying the zoning change are hereby overturned, and the Board of Commissioners hereby makes the following findings of fact:

1. The proposal is in compliance with the community's adopted Comprehensive Plan;
2. The subject property is located in an Industrial Plan Area, where industrial uses are appropriate in limited locations, and a portion of the subject property is presently zoned I-1 Light Industrial;
3. The proposed Industrial Park conforms to the criteria for Nonresidential Development;
4. At 121-acres in size, the subject property is large enough to ensure compliance with the criteria associated with Buffers for Outdoor Storage Yards;

5. With over 100-acres in size and located along a Minor Arterial roadway (W. Parrish Avenue), and served by sanitary sewers, the proposal conforms to the criteria for planned Industrial Parks; and,

6. Compliance with an approved Traffic Impact Study ensures that the proposal should not overburden the capacity of roadways and other necessary urban services that are available within the affected area.

**Section 2.** Based on these findings of fact, its review of the record and the transcript of the May 14, 2026, meeting of the Owensboro Planning Commission, the Board of Commissioners hereby amends the zoning ordinance of the City of Owensboro and the maps pertaining thereto adopted March 14, 1980, so that the following described property will be zoned I-1 Light Industrial, subject to the following conditions:

1. Direct access to W. Parrish Avenue shall be in compliance with the approved Traffic Impact Study and no direct access to the Wendell Ford Expressway shall be permitted;

2. Development of the subject property shall maintain compliant with the improvements as outlined within the approved Traffic Impact Study, which shall be illustrated within subdivision plats and/or final development plans as deemed necessary; and,

3. Development of the subject property shall provide connectivity to the adjoining properties to the north, west and south.

**LEGAL DESCRIPTION**

That certain tract containing 121.605 acres, more or less, as shown on the plat of record in Plat Book 54, page 123, Office of the Daviess County Clerk, to which plat reference is hereby made for a particular description of said tract.

AND BEING the same property conveyed to the City of Owensboro, Kentucky, from J.E. Massie Farm, LLC, and William M. Kuegel, Jr. and Lois Elaine Kuegel, his wife, by deed dated September 23, 2025, of record in Deed Book 1117, page 23, Office of the Daviess County Clerk.

**Section 3.** All ordinances, or parts of ordinances, in conflict herewith are, to the extent of such conflict, hereby repealed.

**INTRODUCED AND PUBLICLY READ ON FIRST READING**, this the 16th day of June, 2026.

**PUBLICLY READ AND APPROVED ON SECOND READING**, this the 14th day of July, 2026.

\_\_\_\_\_  
Thomas H. Watson, Mayor

ATTEST:


\_\_\_\_\_  
Beth Davis, City Clerk

**CERTIFICATION**

I, Beth Davis, City Clerk of the City of Owensboro, Kentucky, do hereby certify that the foregoing is a true and correct copy of Ordinance \_\_\_-2026, duly adopted by the Owensboro Board of Commissioners on July 14, 2026, the original of which is on file in the Office of the City Clerk, this the 14<sup>th</sup> day of July, 2026.

\_\_\_\_\_  
Beth Davis, City Clerk



<b>Address: 3501 – 4301 BLOCKS OF WEST PARRISH AVENUE</b>
<b>Applicant: City of Owensboro</b>
<b>Document #: 2605.2341</b>
<b>RECOMMENDATION of the Owensboro Metropolitan Planning Commission, Owensboro, Kentucky</b>
Having considered the above matter at a Public Hearing on <b>May 14, 2026</b>
and having voted <b>5-4</b>
to submit this Recommendation to the <b>City of Owensboro</b>
the Owensboro Metropolitan Planning Commission hereby recommends <b>DENIAL</b>
of this proposal, based on the following findings of fact.
<b>FINDINGS OF FACT</b>
<ol style="list-style-type: none"> <li>1. The application proposes problems to the environment and traffic;</li> <li>2. The area is prone to flooding;</li> <li>3. The proposal may generate noise and vibration for the neighbors; and,</li> <li>4. The sentiment of the audience is more in favor of I-1 Light Industrial than I-2 Heavy Industrial.</li> </ol>
<b>CONDITIONS</b>
None.
<b>DESCRIPTION</b>
A public hearing was conducted for the above referenced application at the May 14, 2026 Owensboro Metropolitan Planning Commission meeting. After hearing 2.5 hours of testimony, the Planning Commission recommended denial of the application. Representing the Greater Owensboro Economic Development Corporation, Brad Davis discussed the intent of developing and marketing an Industrial Park on the subject property. Public testimony included 2.5 hours of discussion from audience members regarding potential uses and the resulting effects of said uses. Additional discussion involved the allowances within the proposed I-2 Heavy Industrial zoning, as well as comparisons between I-2 and I-1 Light Industrial. Questions and concerns were addressed by Brad Davis and OMPC Director, Brian Howard. There was no further public comment entered into the record at the meeting. The rezoning will become final 21 days after the planning commission meeting unless an aggrieved person or the appropriate legislative body files a petition with the OMPC office.
<b>ATTEST: May 15, 2026</b>

Executive Director, Brian R. Howard, AICP
<b>ENCLOSURES</b>
Map, Staff Report

The above recommendation of the Owensboro Metropolitan Planning Commission will become final on June 4, 2026 unless the appropriate Legislative Body chooses to decide this zoning map amendment by filing notice on the attached form with the OMPC or an aggrieved person files notice for the appropriate Legislative Body to decide this application prior to the stated date. In the event a notice is filed for the appropriate Legislative Body to decide this application, a full transcript of the minutes of the OMPC meeting will be forwarded to the appropriate Legislative Body along with a copy of this recommendation when the transcript becomes available.

MAY 14, 2026

**3501 – 4301 BLOCKS OF WEST PARRISH AVE.**

**ZONE CHANGE**

<b>From:</b>	A-R Rural Agriculture & I-1 Light Industrial
<b>To:</b>	<b>I-2 Heavy Industrial</b>
<b>Proposed Use:</b>	Industrial Park
<b>Acreage:</b>	121.605
<b>Applicant:</b>	City of Owensboro (2605.2341)
<b>Surrounding Zoning Classifications:</b>	
<b>North:</b> A-R	<b>South:</b> A-R, R-1A, B-4, I-1
<b>East:</b> A-U	<b>West:</b> B-4, A-R

**Proposed Zone & Land Use Plan**

The applicant is seeking an I-2 Heavy Industrial zone. The subject property is located in an Industrial Plan Area, where heavy industrial uses are appropriate in limited locations.

**SPECIFIC LAND USE CRITERIA**

**(a) Building and lot patterns; outdoor storage areas**  
Building and lot patterns should conform to the criteria for "Nonresidential Development" (D7), and outdoor storage yards, with "Buffers for Outdoor Storage Yards" (D1). Furthermore, any building or outdoor storage, loading or working areas (except for accessory parking areas) should be located at least three-hundred (300) feet from any urban residential area and one-hundred (100) feet from any other area except those containing light industrial or agricultural/forestry uses.

**(c) Industrial Parks** – In Industrial, Future Urban and Rural Preference plan areas, new and expanded locations of Heavy Industrial use should be developed as elements of planned "Industrial Parks" (D7). These provisions also apply where existing Industrial Parks are expanded into adjoining non-industrial plan areas that contain undeveloped land. Such Industrial Parks should be "arterial-street-oriented" (D2) and planned in modules of at least one hundred (100) acres in size, unless an existing Industrial Park is being expanded. Industrial Parks should be established or expanded only where sanitary sewer systems exist or may be expanded, or where new systems may be properly established. Heavy Industrial uses should be located away from any fringes of a park that adjoin incompatible plan areas or land uses. Such incompatible fringes are recommended locations for light industrial, highway business or other appropriate uses that would serve as "buffer-uses" (D1). Otherwise, these incompatible fringes should include adequate space for necessary buffers as cited in criteria (a) above.

**Planning Staff Review**

**GENERAL LAND USE CRITERIA**

**Environment**

- It appears that the subject property is partially located in a wetlands area per the US Department of Agriculture Soil Conservation Service map dated March 6, 1990.
- The subject property is partially located in a special flood hazard area per FIRM Map 21059CO118 E.

- It appears that the subject property is designated as prime agricultural farmland per the US Department of Agriculture Soil Conservation Service map dated March 1980.
- It appears that the subject property is not located within the Owensboro Wellhead Protection area per the OMU map dated 2015.
- The developer is responsible for obtaining permits from the Division of Water, The Army Corp of Engineers, FEMA, the EPA, the OMPC building/electrical/HVAC division or other state and federal agencies as may be applicable.

**Urban Services**

All urban services, including sanitary sewers, are available to the site.

**Development Patterns**

The subject property is a 121-acre tract of land located along W. Parrish Avenue and adjoining the US HWY 60 Wendell Ford Expressway. This property, split-zoned I-1 Light Industrial and A-R Rural Agriculture, is adjoined by:

- A-U Urban Agriculture to the east (across the Wendell Ford Expressway) which includes but is not limited to, Jack C. Fisher Park;
- A-R Rural Agriculture zoning to the north, an agriculture tract with road frontage along West 5<sup>th</sup> Street Road;
- Vacant grounds to the west, zoned B-4 General Business and A-R Rural Agriculture; and,
- A mixture of uses to the south, including an undeveloped property zoned I-1 Light Industrial, as well as A-R Rural Agriculture, R-1A Single Family Residential, and B-4 General Business zoning located across W. Parrish Avenue.

W. Parrish Avenue, in this vicinity is a Minor Arterial roadway with a 500-foot access spacing standard; as well as a 75-foot building setback and a 50-foot roadway buffer, each measured from the centerline of W. Parrish Avenue. Furthermore, the adjoining Wendell Ford Expressway has a 20-foot building setback, measured from the property line.

As part of the rezoning process, a Traffic Impact Study was prepared. This study has been reviewed and approved by all necessary agencies, including the Kentucky Transportation Cabinet and the City of Owensboro Engineering Office. This study included a conceptual plan illustrating:

- Two direct access points to W. Parrish Avenue and no direct access to the Wendell Ford Expressway.
- Per the plan, the primary access to the development is expected to be along the western portion of the development at an existing driveway location.
- The second access point is shown to be in alignment with Airport Road.

- The conceptual plan does not illustrate connections to the adjoining property to the north (a large farm tract zoned A-R Rural Agriculture) or to the west (a large, undeveloped lot zoned B-4 General Business). However, discussions with the applicant indicated a willingness to provide connections. In the event that this industrial park develops with public roads, such roads shall stub at the property lines. Otherwise, connections may be provided through appropriate easements.
- As previously mentioned, there is an adjoining property to the south that is undeveloped and zoned I-1 Light Industrial. The subject property forms a U-Shape around this tract of land. As the subject property develops, an access easement shall be provided to this adjoining property.

Furthermore, the Traffic Impact Study states that:

- At the primary entrance, a westbound right turn lane and an eastbound left turn lane shall be installed. Additionally, the southbound left turn queue exiting the development shall have at least 300-feet of storage to accommodate the forecasted queue.
- A westbound right turn lane was considered at the secondary entrance across from Airport Road. However, due to the proximity of the Wendell Ford Expressway off-ramp taper (along W. Parrish Avenue), the study recommends that a turn lane not be constructed at this location.
- Additionally, the study stated that a signal warrant analysis was completed at the primary entrance and indicated that (unless a roundabout or a Continuous Green T intersection is installed) a traffic signal would benefit the development long-term, but only once traffic counts support such warrants. As such, review of Final Development Plans will be mindful of the Traffic Impact Study.

Lastly, the developer should be aware that Heavy Industrial Uses (both, principally permitted uses and conditional permitted uses) have increased setbacks and buffers from incompatible zones and uses. For example, the zoning ordinance states that (for principally permitted uses) any building or outside storage, loading or working areas, except for accessory parking areas shall be located at least three hundred (300) feet from any Residential Zone and one hundred (100) feet from any other zone except I-1 Light Industrial or A-R Rural Agriculture. The developer should be mindful of such increased setbacks and buffers.

Prior to any changes to the property the applicant shall obtain approval of all necessary applications, such as major subdivision preliminary plats and/or final development plans in order to demonstrate compliance with zoning ordinance requirements including, but not limited to, parking, landscaping, building setbacks, access management and signage. The OMPC Building, Electrical & HVAC department shall be contacted before any construction activity takes place on the property.

#### **SPECIFIC LAND USE CRITERIA**

The applicant's proposal is in compliance with the community's adopted Comprehensive Plan. The proposed Industrial Park conforms to the criteria for Nonresidential Development and, at 121-acres in size, the subject property is large enough to ensure compliance with the criteria associated with Buffers for Outdoor Storage Yards, including the additional setbacks and buffers from incompatible zones and uses. Furthermore, with over 100-acres located along a Minor Arterial roadway (W. Parrish Avenue) and served by sanitary sewers, the proposal conforms to the criteria for planned Industrial Parks.

#### **Planning Staff Recommendations**

The planning staff recommends approval subject to the conditions and findings of fact that follow:

#### **Conditions:**

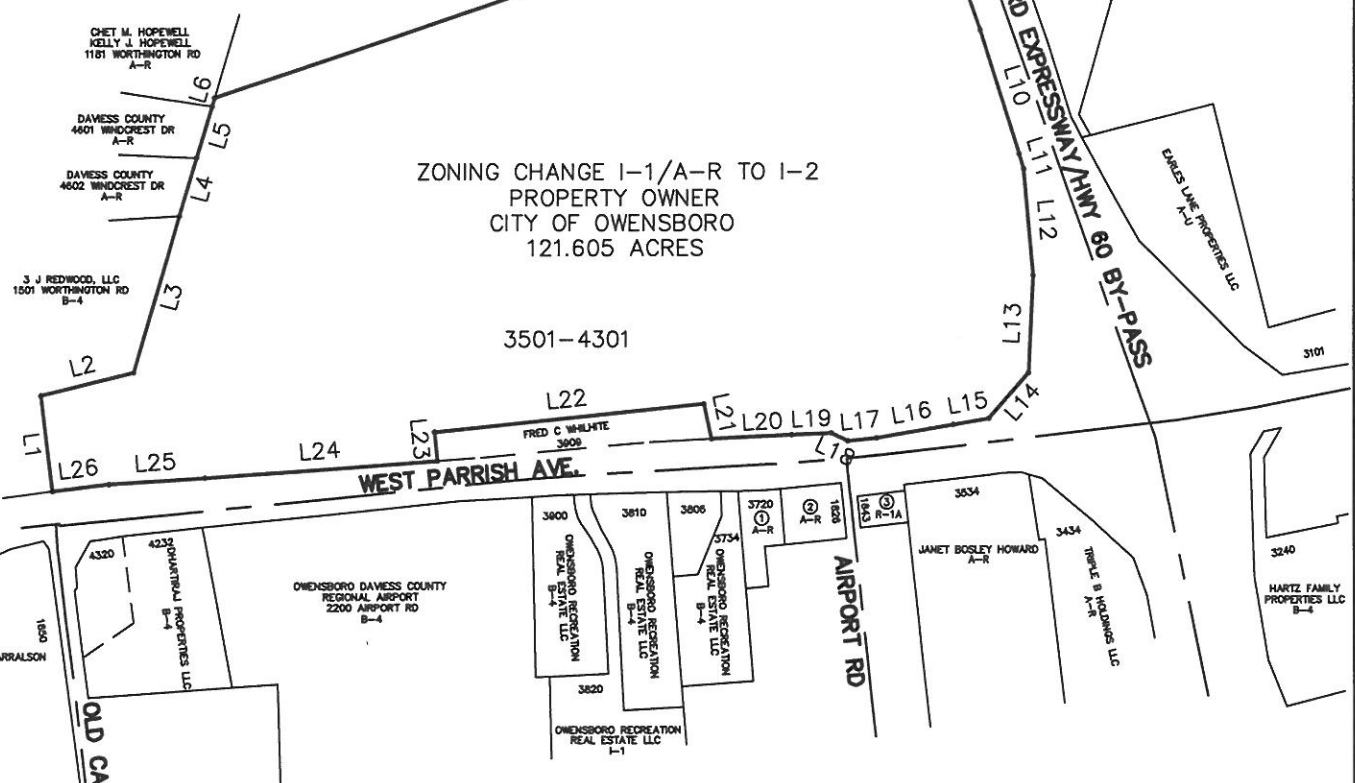
1. Direct access to W. Parrish Avenue shall be in compliance with the approved Traffic Impact Study and no direct access to the Wendell Ford Expressway shall be permitted;
2. Development of the subject property shall maintain compliance with the improvements as outlined within the approved Traffic Impact Study, which shall be illustrated within subdivision plats and/or final development plans as deemed necessary; and,
3. Development of the subject property shall provide connectivity to the adjoining properties to the north, west and south.

#### **Findings of Fact:**

1. Staff recommends approval because the proposal is in compliance with the community's adopted Comprehensive Plan;
2. The subject property is located in an Industrial Plan Area, where heavy industrial uses are appropriate in limited locations;
3. The proposed Industrial Park conforms to the criteria for Nonresidential Development;
4. At 121-acres in size, the subject property is large enough to ensure compliance with the criteria associated with Buffers for Outdoor Storage Yards, including the additional setbacks and buffers from incompatible zones and uses;
5. With over 100-acres in size and located along a Minor Arterial roadway (W. Parrish Avenue), and served by sanitary sewers, the proposal conforms to the criteria for planned Industrial Parks: and,
6. Compliance with an approved Traffic Impact Study ensures that the proposal should not overburden the capacity of roadways and other necessary urban services that are available within the affected area.



VICINITY MAP



ZONING CHANGE I-1/A-R TO I-2  
 PROPERTY OWNER  
 CITY OF OWENSBORO  
 121.605 ACRES

3501-4301

- ① LAURA B. JOHNSON
- ② DONALD YOUNG
- ③ ANTHONY G BITTEL III

LINE	BEARING	DISTANCE
L1	N 07°02'17" W	350.70'
L2	N 76°08'18" E	350.84'
L3	N 16°11'59" E	593.31'
L4	N 16°18'57" E	221.02'
L5	N 16°18'53" E	194.99'
L6	N 16°37'59" E	32.37'
L7	N 71°23'32" E	2558.95'
L8	N 77°11'19" E	162.56'
L9	S 19°35'38" E	647.99'
L10	S 17°42'21" E	474.18'
L11	S 17°10'05" E	57.62'
L12	S 05°06'46" E	389.59'
L13	S 02°41'53" W	355.68'

LINE	BEARING	DISTANCE
L14	S 41°26'26" W	220.87'
L15	S 80°23'43" W	134.36'
L16	S 80°23'43" W	285.98'
L17	S 84°19'27" W	106.69'
L18	N 64°09'04" W	66.95'
L19	S 87°37'15" W	144.63'
L20	S 87°07'03" W	292.93'
L21	N 12°07'54" W	130.18'
L22	S 84°11'06" W	994.35'
L23	S 05°36'54" E	105.54'
L24	S 85°54'02" W	846.93'
L25	S 86°24'08" W	348.18'
L26	S 82°59'03" W	208.42'

NOTIFICATION AREA & PROPERTY MAP

STATE of KENTUCKY  
 KEVIN M. SIMMONS  
 3635  
 LICENSED PROFESSIONAL LAND SURVEYOR

PROPERTY INFO. DRAWING: ZONING CHANGE FROM I-1/A-R TO I-2	
PROPERTY ADDRESS: 3501-4301 BLOCKS OF WEST PARRISH AVENUE	
APPLICANT: ECONOMIC DEVELOPMENT PROPERTIES, INC.	
ADDRESS: 123 W. 4TH STREET, STE 202, OWENSBORO KY 42303	
OWNER: CITY OF OWENSBORO	
ADDRESS: P.O. BOX 10003, OWENSBORO KY 42302	
PREPARED BY: CITY OF OWENSBORO. ENGINEERING DEPT	DATE: 4-23-2026



Address of property requested for zone 3501 – 4301 BLOCKS OF WEST PARRISH AVENUE change :	
Acreage involved : 121.605	
Zone change requested: I-2 Heavy Industrial	
Applicant: City of Owensboro	
Date of OMPC public hearing: May 14, 2026	
OMPC Recommendation:	APPROVE <input type="checkbox"/> DENY <input checked="" type="checkbox"/>

**NOTICE FOR LEGISLATIVE BODY TO DECIDE ZONING MAP AMENDMENT (Must be filed within 21 days of OMPC recommendation)**

**NOTICE FILED BY :**

<i>Please indicate by checking appropriate box for notice or request to have legislative body decide zoning application</i>	Daviess County Fiscal Court	<input type="checkbox"/>
	City of Owensboro	<input checked="" type="checkbox"/>
	City of Whitesville	<input type="checkbox"/>
	Aggrieved Person	<input type="checkbox"/>

Name (please print):	
Address:	
Phone Number:	
Email Address:	
Signature:	
Date Notice filed:	

Submittal of this notice serves as written request in accordance with KRS 100.2111 to the Owensboro Metropolitan Planning Commission (OMPC) that the final decision on the above referenced map amendment is to be made by the appropriate Legislative Body. If no written request or notice is made by the Legislative Body or any aggrieved person to the OMPC within 21 days after the final action of the OMPC then the recommendation made by the OMPC relating to the proposed amendment shall become final and if recommended for approval by the OMPC, the map amendment shall be automatically implemented subject to the provisions of KRS 100.347

RECEIVED IN OMPC OFFICE ON:

OWENSBORO METROPOLITAN PLANNING COMMISSION

MAY 14, 2026

The Owensboro Metropolitan Planning Commission met in regular session at 5:30 p.m. on Thursday, May 14, 2026, at City Hall, Commission Chambers, Owensboro, Kentucky, and the proceedings were as follows:

MEMBERS PRESENT: Skylar Stewart, Chairman  
Lewis Jean, Vice-Chairman  
Brian Howard, Director  
Terra Knight, Attorney  
Irvin Rogers  
Keith Stiff  
Kevin McClearn  
Bill Weikel  
Harry Pedigo  
Michelle Drake  
Blake Edge

\* \* \* \* \*

CHAIRMAN: It is 5:30 p.m. and we'd like to go ahead and call to order our May 14th, 2026 meeting of the Owensboro Metropolitan Planning Commission.

We always start our meetings with a prayer and a pledge, and today that honor goes to Commissioner McClearn.

(INVOCATION AND PLEDGE OF ALLEGIANCE.)

CHAIRMAN: Just a little bit about our meetings and how they work.

Anyone wishing to speak for or ask any questions regarding an item is more than welcome.

1 Please approach the podium so that you can be sworn in  
2 by our staff attorney that's here tonight. Please  
3 stay on topic and be respectful. Please make sure  
4 that you are including new information so that we are  
5 not repeating information.

6 Our first item on the agenda is the  
7 consideration of the minutes of the April 2nd, 2026  
8 meeting. All commissioners should have received a  
9 copy of this in their packet and had time to review.

10 Do we have any questions or concerns regarding  
11 the minutes?

12 (NO RESPONSE)

13 CHAIRMAN: Seeing none, the chair is ready to  
14 entertain a motion.

15 Commissioner Weikel?

16 MR. WEIKEL: Make a motion for approval.

17 CHAIRMAN: We have a motion for approval from  
18 Commissioner Weikel. Do we have a second?

19 MR. PEDIGO: I'll second.

20 CHAIRMAN: We have a second from Commissioner  
21 Pedigo. Do we have any questions or comments  
22 regarding the motion or the second?

23 (NO RESPONSE)

24 CHAIRMAN: Seeing none, the chair is ready to  
25 entertain a vote. All those in favor please -- oh, do

1 you have a question about the minutes?

2 AUDIENCE MEMBER: What are we approving from  
3 the last meeting?

4 CHAIRMAN: The minutes.

5 AUDIENCE MEMBER: Oh, just the minutes. Okay.  
6 Thank you.

7 CHAIRMAN: Do you have any other questions or  
8 comments regarding the motion for approval of the  
9 minutes?

10 (NO RESPONSE)

11 CHAIRMAN: Seeing none, the chair is ready to  
12 entertain a vote. All those in favor, please raise  
13 your right hand.

14 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

15 CHAIRMAN: The motion carries.

16 Director Howard.

17 MR. HOWARD: All right. Next, under  
18 rezonings, we have two tonight. We're going to swap  
19 the order and do Item 4 first and then do Item 3  
20 second.

21 The rezonings that are heard tonight will  
22 become final 21 days after the meeting unless an  
23 appeal is filed. If an appeal is filed, you will  
24 forward the record of this meeting along with all  
25 applicable materials to the appropriate legislative

1 body for them to take final action.

2 So, skipping Item 3 for now and go to Item 4.

3 - - (ACTION TAKEN ON ITEM 4) - -

4 ZONING CHANGES

5 ITEM 3

6 3501-4301 Blocks of West Parrish Avenue, 121.605 acres  
7 Consider zoning change: From A-R Rural Agriculture &  
8 I-1 Light Industrial to I-2 Heavy Industrial  
9 Applicant: City of Owensboro

9 PLANNING STAFF RECOMMENDATIONS

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

12 CONDITIONS:

13 1. Direct access to West Parrish Avenue shall  
14 be in compliance with the approved Traffic Impact  
15 Study and no direct access to the Wendell Ford  
16 Expressway shall be permitted;

17 2. Development of the subject property shall  
18 maintain compliance with the improvements as outlined  
19 within the approved Traffic Impact Study, which shall  
20 be illustrated within subdivision plats and/or final  
21 development plans as deemed necessary; and,

22 3. Development of the subject property shall  
23 provide connectivity to the adjoining properties to  
24 the north, west and south.

25 FINDINGS OF FACT:

1           1. Staff recommends approval because the  
2 proposal is in compliance with the community's adopted  
3 Comprehensive Plan;

4           2. The subject property is located in an  
5 Industrial Plan Area, where heavy industrial uses are  
6 appropriate in limited locations;

7           3. The proposed Industrial Park conforms to  
8 the criteria for Nonresidential Development;

9           4. At 121 acres in size, the subject property  
10 is large enough to ensure compliance with the criteria  
11 associated with Buffers for Outdoor Storage Yards,  
12 including the additional setbacks and buffers from  
13 incompatible zones and uses;

14           5. With over 100 acres in size and located  
15 along a Minor Arterial roadway (W. Parrish Avenue),  
16 and served by sanitary sewers, the proposal conforms  
17 to the criteria for planned Industrial Parks; and,

18           6. Compliance with an approved Traffic Impact  
19 Study ensures that the proposal should not overburden  
20 the capacity of roadways and other necessary urban  
21 services that are available within the affected area.

22           We'd like to enter the Staff Report into the  
23 record as Exhibit B.

24           CHAIRMAN: Thank you, Mr. Pedley.

25           Do we have anyone in the audience representing

1 the applicant?

2 Are you representing the applicant or do you  
3 just have a question?

4 MS. DANIELS: No, I don't have a question.

5 CHAIRMAN: Will you please approach the  
6 podium? Thank you.

7 MS. DANIELS: No, I don't want to approach the  
8 podium. I do, I guess I did have a question exactly.

9 MS. KNIGHT: Ma'am, so while we conduct these  
10 meetings, the reason we go to the podium is so that  
11 you can be on the mic so that our court reporter can  
12 get you and so that I can swear you in as well. So  
13 anybody that would like to speak...

14 MS. DANIELS: Then I do have a question.

15 MS. KNIGHT: So if you can go to the podium to  
16 ask the question, we'll swear you in.

17 MS. DANIELS: Thank you. I didn't understand.

18 MS. KNIGHT: State your name for the record,  
19 please.

20 MS. DANIELS: Miranda Daniels.

21 (MS. MIRANDA DANIELS SWORN IN BY ATTORNEY.)

22 A My question exactly is, is this close  
23 to residential homes? Is it close to neighborhoods,  
24 this area of land?

25 MR. HOWARD: On the screen right now, the

1 subject property is outlined in kind of a light blue.  
2 There is a lot of open space, open ground. Across the  
3 street, you have Airport Road and there are some  
4 residences along Airport Road. That's really the, I'd  
5 say that's really about all the residential that's in  
6 the immediate vicinity.

7 MS. DANIELS: Am I allowed to ask a second  
8 question?

9 CHAIRMAN: Yes, ma'am.

10 MS. DANIELS: Is this land a possible AI data  
11 center construction? That's our main concerns today.

12 MR. HOWARD: I'll go ahead and address that.  
13 So right now the way the zoning ordinance is  
14 written, which the county has an agenda item that --  
15 did anybody go over there for that before coming here?  
16 I think they started early.

17 MS. DANIELS: I don't think we could make both  
18 at the same time.

19 MR. HOWARD: Okay. I wasn't sure where the  
20 timing was on theirs.

21 So right now in the zoning ordinance, a data  
22 center that's listed in there would be allowed in a  
23 P-1 Professional Service Zone, B-2, B-3, B-4 and B-5,  
24 which are commercial zones, and then I-1 and I-2  
25 zones. So if you look at this map, you can see along

1 the frontage of West Parrish Avenue that front is a  
2 little more than half is actually zoned I-1. So right  
3 now there's about, I don't know --

4 Trey, did you, how many acres is it?

5 MR. PEDLEY: Property in entirety is 121  
6 acres. About 66 acres are currently zoned I-1.

7 MR. HOWARD: Okay. So that front 66 acres is  
8 zoned I-1. As it stands right now, the data center  
9 would be allowed in that zone. Then it would also be  
10 allowed in an I-2 zone.

11 MS. DANIELS: Thank you for answering my  
12 question.

13 MR. HOWARD: You're welcome.

14 CHAIRMAN: Mr. Collignon? State your name for  
15 the record, please.

16 MR. COLLIGNON: My name is Kevin Collignon.  
17 I'm the city engineer for the City of Owensboro.

18 (MR. KEVIN COLLIGNON SWORN BY ATTORNEY.)

19 MR. COLLIGNON: You asked if there was anyone  
20 representing the applicant. I represent the applicant  
21 in the capacity to discuss the Traffic Impact Study if  
22 needed.

23 CHAIRMAN: Thank you, Mr. Collignon.

24 Do we have anyone else in the audience?

25 Yes, ma'am. If you could approach the podium,

1 please.

2 MS. KNIGHT: Please state your name.

3 MS. SCHROEDER: My name is Kelly Schroeder.

4 (MS. KELLY SCHROEDER SWORN BY ATTORNEY.)

5 MS. SCHROEDER: So when we talk about how  
6 close these are, I know you're saying that it's 121  
7 acres, have you guys done anything, any research on  
8 the sound decibels that these put off and how far that  
9 they reach?

10 MR. HOWARD: So, and I'll preface what I'm  
11 going to say by, you know, there is not a data center  
12 on the agenda tonight. I'll just tell you what my  
13 experience is or what my knowledge is as being part of  
14 the planning department. The planning commissioners  
15 may have different experiences or different  
16 information.

17 In the conversations I've had with city  
18 leadership folks, economic development folks, I have  
19 never been told that there will be a data center here.  
20 There may be; I don't know, but I've never been told.  
21 Our office has never had a conversation with anyone  
22 about locating a data center on this property. We've  
23 not had a company approach us and say, hey, we want to  
24 do something here. Generally we find out early on  
25 with, you know, like Publix for example. We knew

1 months in advance that Publix was coming here, but we  
2 couldn't disclose it because they never submitted an  
3 application or whatever. But I'm not, I don't think  
4 I'm breaking any confidentiality or anything because  
5 we've literally not had a company come to us and say  
6 we want to locate a data center here, nor anywhere in  
7 Daviess County really at this point actually.

8 But what we know, and Trey pulled up the  
9 slide, but my knowledge of it is that the city is  
10 attempting to get some property together and marketing  
11 it through the Economic Development Corporation to  
12 have some shovel ready, pads built up to recruit  
13 businesses, to recruit industry to the community.

14 So what the planning commission's task is  
15 tonight is to hear testimony and to make a  
16 determination whether the zone is appropriate, not a  
17 specific use. Totally understand that data centers  
18 are a big issue.

19 To your question, we as the planning staff  
20 have been researching these, yes. I have a presenting  
21 partner who is a director of planning in Louisville.  
22 We actually are doing trainings this year for Kentucky  
23 League of Cities and the Kentucky Association of  
24 Counties on planning related to all these data centers  
25 is one of our topics. So very familiar with them and

1 some of the good and bad. So what my hope is, I  
2 guess, is that, you know, there certainly have been a  
3 lot of attention drawn to data centers. I think  
4 that's a good thing. I think they need to be looked  
5 at. I think that as a community we need to decide  
6 what can be done with them, where they should go, that  
7 type of a thing.

8 I'll go ahead and address -- I'm sorry if I'm  
9 monologuing. I've never actually tried to, I've never  
10 done this much talking on a topic before, but I don't  
11 know.

12 CHAIRMAN: It's okay.

13 MR. HOWARD: Thanks. The other thing I guess  
14 I would say is, and I know just from reading a lot of  
15 social media comments and things like that, there's a  
16 desire to ban data centers, and I get that. What I  
17 will say though won't make you happy. Our attorney  
18 can chime in on this if you want. I don't want to  
19 speak for you.

20 The way state law is written, our zoning  
21 ordinance is a used table and it lists out all the  
22 uses, all the zones, but principally permitted,  
23 conditionally permitted, accessory uses, what can go  
24 in which different zones. To my knowledge, and I'll  
25 let you verify this if I misspeak or whatever, but

1 state law does not allow a community to ban, to single  
2 out a specific use and say, we're going to eliminate  
3 that from the potential of being in our community.  
4 The only, to my knowledge, again the only time that  
5 I've seen that was with, and this is a recent  
6 incidence, was with the medical cannabis that passed a  
7 couple of years ago in the state legislature. They  
8 included in that bill an option that communities could  
9 opt in, opt out or hold a vote, essentially if I  
10 remember right; I didn't look it up today. I probably  
11 should have. But I think the vote thing was that you  
12 had to have enough people to sign a petition or  
13 whatever and there would be a referendum on the  
14 ballot. So that state legislation actually included a  
15 specific provision that would have allowed local opt  
16 in and opt out on that issue.

17 To my knowledge, there can't be a ban on it.  
18 What can happen, and you know, I guess I'm hopeful  
19 that the county's moratorium goes through and it gives  
20 everybody, because this is a -- they've been around  
21 for a while, but these hyper scale facilities are new,  
22 right? Or new-ish. So a lot of communities are  
23 playing catchup. The only community -- you asked  
24 about research. I'll go back to that. The only  
25 community that I know of in Kentucky that's adopted

1 specific regulations for these hyper scale type of  
2 facilities is Mason County. We've got that ordinance.  
3 It was Oldham County that I think went through the  
4 planning commission. They had a public hearing on it.  
5 Document got to Fiscal Court and they said no, we're  
6 not going to adopt those. Mercer County is working on  
7 them. Louisville is working on some. So yes, we're  
8 looking at it. So we're certainly doing research.  
9 Hopefully if the moratorium ends up passing, I know  
10 tonight was the first reading. They'll have to have a  
11 second reading. Who knows what happens. If that  
12 passes, that will give a little bit of time to really  
13 evaluate what these other communities are doing.  
14 Hopefully the city and county will have input sessions  
15 to come up with ideas, suggestions, things like that.  
16 Again, I don't think you can ban them.

17 Will you chime in on that real quick before I  
18 ramble too much?

19 MS. KNIGHT: Yes. So KRS, which governs what  
20 we do here and then we have our local ordinance. So  
21 basically any zone governed by our local ordinance, if  
22 it is a principally permitted use within that zone is  
23 going to be allowed. That's the whole basis of  
24 principally permitted. It doesn't have to come back  
25 here. It doesn't have to go to the Board of

1 Adjustment for additional consideration or conditions.  
2 There's nothing in KRS that allows us to rezone with  
3 conditions because it's not a conditional use. It is  
4 just a rezoning. So really anything that can be, as  
5 Director Howard said, permitted in that zone would be  
6 allowed just like it is now with I-1 zone being there.  
7 We've seen maybe one time where there was a condition  
8 placed on a zoning. I don't know that that's  
9 enforceable. I don't make the decisions. I just give  
10 advice. The planning commission may say something  
11 about that, but that's typically how that works.

12 MR. HOWARD: Yes. I don't know that there  
13 will be a provision to ban unless in next legislative  
14 cycle something is proposed and passes, which I guess  
15 could be an option. I don't know. I'm certainly not  
16 involved in the state politics. But in the meantime,  
17 you know, discussion, this is where the community  
18 wants to go with this idea. But it's got to be, it's  
19 got to be a community discussion. It's much larger  
20 than what this board can do, right? Because there is  
21 noise. There's water concerns. How much electricity  
22 are they going to use? What do you do with the water  
23 that's been used to cool? You know, the environmental  
24 concerns. There's a lot of stuff that goes into it  
25 that is way beyond the purview of what this board

1 could even address or what could be enforced through  
2 the zoning ordinance. So I think there's a lot of  
3 work to be done. I'm hopeful that there will be time  
4 to do that and, you know, in the meantime, you know,  
5 as this, the moratorium that has been proposed takes  
6 place. So in a sense that's my ramblings for now just  
7 kind of as an introduction for what I know and what  
8 our experience and research has been up to this point.

9 MS. SCHROEDER: Well, the reason I asked is  
10 because these data centers, on the interior of them  
11 alone, whether they may be one worker maybe, it's 75  
12 to 96 decibels. That's comparable, if you guys don't  
13 know, to a subway train. Okay? The immense amount of  
14 air required to keep them cool to create continuous  
15 roaring hum. That's only the inside. The rooftop  
16 equipment is 85 to 100 decibels. The cooling towers  
17 on tops of them blast upward and outward, making them  
18 a common source of neighborhood complaints as people  
19 cannot move away from it because no one will buy their  
20 homes. They will be considered useless homes and  
21 investments. Okay?

22 The backup generators that they're going to  
23 use as well on top of the 100 decibels is also 100  
24 decibels. That's now 200 decibels. That's deafening,  
25 in case no one knows. So unless these are 10 miles

1 away from anything, they're going to disrupt life.  
2 They're going to disrupt animals. You ask about the  
3 water that they'll put out. I say that they extend  
4 the moratorium to two years so that we can watch what  
5 unfolds in Hawesville. We need daily testing of the  
6 water output to make sure that we're not being  
7 contaminated. Okay? We also need to know that that  
8 sound creates a pressure on a diaphragm and the ears  
9 and the back of the head in human beings and animals  
10 and will make them flee from the area. That's one  
11 impact. Okay? So again, I mention the two-year  
12 moratorium so that we can watch everything and the  
13 environmental concerns. I have also compiled for each  
14 and every one of you, I have your names on them.  
15 These are a list, and it's only two pages because  
16 they're just get started, but all the lawsuits that  
17 have been presented from the west coast as they make  
18 their way to the east coast and what is happening to  
19 people. I also would like to mention that even though  
20 I'm marking a lot, and this probably doesn't have  
21 anything to do with you guys; I just want it on  
22 record. A lot of the things that I'm putting on  
23 Facebook to share and I post in public, my share  
24 button is being removed. I am unable to share links  
25 now. I feel like I'm censored by the City of

1 Owensboro and I'm not okay with it. So I have these  
2 for everyone here. So I'll drop these off at the end  
3 and you guys can pass them down; you can find your  
4 names on them.

5 So then do you have any questions for me?

6 CHAIRMAN: No. I think we are good, Ms.  
7 Shroeder. Thank you. Do you have anything else?

8 MS. SHROEDER: I have lots, but I'm sure I  
9 only have a couple of minutes. I'll be back at the  
10 next meeting.

11 CHAIRMAN: Thank you. Do we have anyone else?  
12 Yes, in the back.

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

15 MR. DAVIS: Brad Davis.

16 (MR. BRAD DAVIS SWORN BY ATTORNEY.)

17 MR. DAVIS: Just to introduce myself to  
18 everybody. My name is Brad Davis. I am the vice  
19 president of business development for Greater  
20 Owensboro Economic Development Corporation.

21 Just if it will not belabor the issue too  
22 much, I'm just going to give you all, all of you all,  
23 so you know, a couple of minutes on how we got to this  
24 point where the city is asking for this rezoning.  
25 We've been working with the city on this property.

1           So us, the EDC, we started looking, we  
2 actually took an option on this property in 2022. At  
3 that time, it was the entire, there was a northern  
4 tract. So it was an entire 184 acres. We renewed the  
5 option. Part of the reason we did this is right now  
6 basically the only publicly controlled industrial  
7 property is the MidAmerica Airpark. We have sold the  
8 majority of that. We are looking, you know, we have  
9 been looking for new property for an industrial park  
10 so that we can continue to bring new business, new  
11 industry and stuff to the city. The city and the  
12 county.

13           So 2023, we renewed the option. '24, we redid  
14 it with, there was a change in ownership. Then in  
15 2025, about this time in 2025, the city made the  
16 decision to go ahead and exercise that option and buy  
17 the property.

18           Now, what you see up there on the screen,  
19 that's a conceptual plan. It very well will not look  
20 like that in the end of the development. But the  
21 reason, you know, the state of reason behind the  
22 property, well, the rezoning to I-2 is the I-2 gives  
23 more flexibility in terms of the types of companies we  
24 can recruit and hopefully land here in the community.  
25 The goal, I think the city would, I don't really speak

1 for the city, but I think the EDC's goal and I think  
2 the city's goal is to bring as many jobs, well-paying  
3 jobs that help build the community, improve  
4 everybody's quality of life, improve the education  
5 system, the tax base and those sorts of things.

6 I can state unequivocally currently there is  
7 no project looking at this site. No data center  
8 project; there's nothing. We are just in the  
9 development stage. So this is just the beginning of  
10 that development process which would include, like  
11 Kevin was talking about, the traffic study, looking at  
12 an entrance on West Parrish and probably some site  
13 work so we can make it more site ready, but that's  
14 essentially it. There is no project being considered  
15 or anything like that.

16 I'm happy to answer any questions as well.

17 CHAIRMAN: Thank you, Mr. Davis.

18 Let's have him speak and maybe just hang out  
19 close, Mr. Davis. Thank you.

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

22 MR. TOWERY: My name is Brian Towery.

23 (MR. BRIAN TOWERY SWORN BY ATTORNEY.)

24 MR. TOWERY: Mr. Davis kind of covered some of  
25 the stuff I was going to mention. Straight from

1 agriculture right to heavy industrial. I know you  
2 were trying to bring in more businesses than that.  
3 You're wanting to leave it open to possibility of any  
4 company coming in. My understanding is, you know,  
5 we're so close to neighborhoods and different  
6 businesses out there. There's not really, I don't see  
7 why we're just going straight to heavy industrial. I  
8 guess that's my whole point. Why don't you do  
9 commercial or something that the population in that  
10 area would be more happy with? Because I'm pretty  
11 confident that data center can't set up in the  
12 commercial area. It has to be heavy industrial. Is  
13 it just so we can have both options for everything or  
14 is it just...

15 CHAIRMAN: Mr. Towery, I think I can kind of  
16 help answer that, just about the planning and zoning  
17 requirements. There's not like, for a better word,  
18 like a step stool of rezoning. Like it is more of a  
19 categorical what is appropriate for potential intended  
20 use.

21 Do you think that's acceptable? We don't have  
22 to go from agriculture to residential to I-1 like in a  
23 step format, if that makes sense.

24 MR. HOWARD: Yes. But I think if I got your  
25 question. You're asking though why I-2 instead of

1 I-1, right? Is that what it kind of boils down to?

2 A Yes.

3 MR. HOWARD: Mr. Davis, do you want to kind of  
4 address from a place of building perspective? You  
5 already kind of mentioned that.

6 MR. DAVIS: The goal was, you know, is  
7 basically to give the most flexibility. That does not  
8 mean that the site would end up to be heavy  
9 industrial. We don't know yet. I would just say, you  
10 know, I've done this, I've been in this business for a  
11 long time. The chances of heavy industry are probably  
12 lower. I mean the area that it's in, the fact that  
13 there's commercial development across the street, it  
14 would be more light industrial. Now, I'm not saying  
15 that's a fact. I'm just saying that's in terms of  
16 development. But I-2 gives us the most flexibility in  
17 terms of companies looking at the site and looking at  
18 the community, which is the goal. We want them to  
19 come to Owensboro-Daviess County and start looking and  
20 even if, for instance, that site didn't work, maybe we  
21 can find something else for them. That's really the  
22 only reason. Most of the site is already I-1.  
23 There's a lot more I-1 I think than there is  
24 agricultural. So that's strictly it.

25 CHAIRMAN: Thank you.

1 Does that answer your question, Mr. Towery?

2 MR. TOWERY: Yes, for the most part.

3 CHAIRMAN: Thank you.

4 Yes, sir. In the red.

5 Please state your name for the record.

6 MR. O'BRYAN: Yes. My name is Mike O'Bryan.

7 (MR. MIKE O'BRYAN SWORN BY ATTORNEY.)

8 MR. O'BRYAN: I live on Airport Road. I'm a  
9 building contractor and developer here in Owensboro  
10 myself. Build residential homes.

11 How many of the commission here were here in  
12 2019 on this commission? Just one of you? Two.

13 We've got two members. I don't know if you all  
14 remember. If you all remember, we were here in 2019  
15 for heavy industrial zoning. You can pass these  
16 around. They were looking at putting up rickhouses.

17 CHAIRMAN: Are these all the same pictures?

18 MR. O'BRYAN: Yes, they're the same. I want  
19 everybody to look at them and pass them around. These  
20 ended up in Ohio County. Here's a petition signed by,  
21 there's one for each one of you. There's ten of them  
22 there. People that, the petition is from people that  
23 live on Airport Road and around that area and then  
24 there is houses on the backside of this that are on  
25 West Fifth Street Road that's residential there also.

1 So it's more than just a few houses on Airport Road.  
2 But anyway, getting back to the rickhouses. I  
3 want to thank you all for turning that down in 2019,  
4 because you can see the mess that they got over in  
5 Ohio County now. If you want to get a closer vision  
6 of it, just go up on here on Old 60 East where  
7 Glenmore is out here and look at all the black that's  
8 out there. Because what happens is, if you give this  
9 I-2 zoning here, then the rickhouses, they could come  
10 back. There's no way to keep them out because once  
11 you give them this zoning, they're here. They can  
12 come there. Then we got this mess. If you look at  
13 those pictures, they built nine buildings there, I  
14 think, on the first round and they built the gray  
15 metal on them. Well, they started turning black and  
16 they had to paint them, clean them and all that. They  
17 built six more buildings and they wised up, they put  
18 black metal on them. That way you can't see it.  
19 Those barrels create a fungus, mold, whatever you want  
20 to call it and that's what it gets on them. Somebody  
21 made a comment in the last meeting. I read the  
22 minutes of the last meeting. It was a lengthy  
23 meeting. Anyway, they, with the rickhouses, like I  
24 say, they have that fungus, mold that come out of it  
25 and then it gets on houses, road signs, you can see.

1 And up on 60 East, I know people up there complain  
2 about it for years, but Glenmore has been there for,  
3 they were there before the residential was out there,  
4 I think. I'm not sure.

5 But my concern is, like I say, the I-2 zoning.  
6 Then why the first time when the rickhouses were  
7 coming here, why did staff vote against it? They  
8 didn't approve of that I-2 zoning in 2019. Staff  
9 didn't. What has changed to give this I-2 zoning  
10 approval now? I mean that's the question. Can  
11 anybody answer that?

12 MR. HOWARD: I'll be glad to. So when the  
13 property came in last time, they were proposing to  
14 rezone 35 to 40 acres to I-2. The criteria in the  
15 comprehensive plan for rezoning states that for  
16 industrial parks, that they should be sited on  
17 arterial street or end, which Parrish Avenue would be,  
18 and planned in modules of at least 100 acres in size.  
19 So they came in with an acreage that that was less  
20 than 100 acres. This allows the potential, as the  
21 city and EDC are trying to do, to set up an industrial  
22 park to attract more businesses instead of trying to,  
23 in a planned manner instead of trying to piecemeal  
24 together smaller 35, 40 acres or whatever at one time.  
25 So that's the difference.

1 MR. O'BRYAN: Well then, my question to  
2 Mr. Davis is, why do we have to go to I-2 immediately?  
3 Because everything over in Airpark is either  
4 commercial or I-1. There's no I-2 over in the  
5 Airpark.

6 MR. DAVIS: That's incorrect.

7 MR. O'BRYAN: No. I just looked. Look at the  
8 map.

9 MR. DAVIS: I thought the north part of the --  
10 I wasn't here for the first part of the development of  
11 the Airpark, so I could be wrong, but I thought the  
12 first part were like UniFirst and --

13 MR. O'BRYAN: Commercial. I just looked at it  
14 on PVA only the report. Everything over there is  
15 zoned commercial. You can look at it.

16 CHAIRMAN: We're pulling it up just to verify  
17 for everyone about that.

18 MR. O'BRYAN: That's my question.

19 MR. DAVIS: That was in like 1990.

20 MR. O'BRYAN: I understand that. There's 90  
21 acres on the other side of that park that's available  
22 for development.

23 CHAIRMAN: Do you care, Mr. O'Bryan, just for  
24 the room, could everyone direct their questions to the  
25 commission and then we can find the answer for you

1 either way? I appreciate it. Thank you.

2 MR. O'BRYAN: My question to them is, why are  
3 we going from, directly to I-2? I mean heavy  
4 industrial, I don't know how many people in this room  
5 are old enough to remember Green River Steel out  
6 there. That was a hideous sight. You drive in  
7 Owensboro and you look at that. I mean don't get me  
8 wrong, that plant brought good jobs to this city  
9 forever. I don't have nothing against that, but I  
10 don't want to look at it every day when I pull out on  
11 Airport Road, I mean on Parrish Avenue.

12 Then another \$64,000 question to the  
13 commission, if you all lived here, would you want that  
14 in your front yard? That's my question. Would you  
15 want that in your front yard, backyard or whatever you  
16 call it? If you do, then we'll bring it to your  
17 place. We'll find out where you live and then we'll  
18 try to bring it to you all.

19 MR. HOWARD: To answer the question on zoning,  
20 the Airpark is actually split zoned. The front  
21 portion is I-1. The portion that backs up next to the  
22 Airport is I-2.

23 MR. O'BRYAN: Backs up to the airport?

24 MR. HOWARD: Yes.

25 MR. O'BRYAN: Okay. I'm sorry.

1           CHAIRMAN: Then, Mr. Davis, do you care to  
2 approach the podium and just reiterate the reasoning  
3 for the I-2 instead of the I-1 request?

4           MR. DAVIS: Like I say, basically it was to,  
5 you know, to allow the most flexibility in terms of as  
6 we develop the site, you know, to market it. Because  
7 basically we're going to market it to companies, and  
8 you know, as companies come and look at the community  
9 and stuff, it gives us the most options. Doesn't mean  
10 it's going to be heavy industrial. The chances are it  
11 wouldn't be, but it just kind of gives us the most,  
12 the city and you know EDC the most flexibility.

13           CHAIRMAN: Thank you.

14           MR. O'BRYAN: I understand that, but why go to  
15 I-2 right off the bat? I know it opens more doors, a  
16 few more doors. Look at all the industry they've got  
17 over there Airpark now. There's UniFirst over there.  
18 There's TTMA. Dana was over there. I don't know who  
19 they are now. OneSource. I mean most of their  
20 zonings are commercial. I'm looking at the PVA right  
21 now. Most of their zonings are commercial. You pull  
22 up their report, you click on their building, you pull  
23 it up, it's commercials.

24           MR. HOWARD: What property were you talking  
25 about there?

1 MR. O'BRYAN: The Airpark.

2 MR. HOWARD: The entirety of the Airpark is  
3 either zoned I-1 or I-2. When you look at a PVA card,  
4 and there's a lot of, there can be confusion on this.  
5 A PVA card will show that it's a commercial card  
6 because it's not residential, but what the PVA card  
7 defines it as is not the zoning of the property is.  
8 So I'm looking at the map right now that shows the  
9 zoning of the Airpark. It's I-1 and I-2, the whole  
10 thing.

11 MR. O'BRYAN: There again, like I said, if you  
12 all lived by this property here, would you want to  
13 look at that every morning when you leave to go to  
14 work, every time you leave your house you get to see  
15 that driving off Airport Road? You know, to me, you  
16 know, I would think you'd want something that, don't  
17 get me wrong. UniFirst over there is beautiful. It's  
18 manicured what they have over there. I love seeing  
19 UniFirst right there because they do a heck of a job  
20 keeping up their property. But Green River Steel out  
21 there didn't do that.

22 Then one more thing. Of course, this is on  
23 data centers. The OMU property out there, the city  
24 still owns it. Why don't they build I-2 out there? I  
25 mean they may. I don't know, but I'm just, that's a

1 question.

2 CHAIRMAN: Thank you, Mr. O'Bryan.

3 Ma'am, you might approach. I'm going to get  
4 him over here.

5 MS. KNIGHT: State your name for the record,  
6 please.

7 MR. PAYNE: Paul Payne.

8 (MR. PAUL PAYNE SWORN BY ATTORNEY.)

9 MR. PAYNE: First of all, I have a couple of  
10 questions. You all said that you couldn't restrict  
11 what businesses go there, but I don't understand how  
12 when the casino wanted to come in the mall and you  
13 said you couldn't allow smoking and you banned that.  
14 Some counties are dry even though they actually  
15 produce alcohol in those locations. So I don't  
16 understand how you can't just create an ordinance that  
17 says this data center must have this low amount of  
18 usage of utilities or this amount of lower usage of  
19 water.

20 MR. HOWARD: So I'm speaking from the  
21 perspective of a planner and the planning commission.  
22 It's my understanding you can't limit the use of a  
23 property like that. The smoking ordinance that you  
24 referenced, that is a City of Owensboro ordinance,  
25 outside of anything that we have to do with or deal

1 with. So how they do that, don't know. That's not  
2 anything this board would have overseen or had any  
3 influence on.

4 MR. PAYNE: I've got a little bit of  
5 information that may be helpful from the data center.  
6 I'm not much of a kind of person who goes out and  
7 talks to people. I have worked in IT for 30 years so  
8 I'm usually behind the scenes. A data center, the  
9 very first computer that was actually ever created,  
10 today's price would have been 6, \$7 million. It would  
11 have been 30 tons, 1,800 square feet. It could do  
12 roughly 1,000 addition and subtraction per second.  
13 And then in 1982, a laptop that would have cost \$3,000  
14 and was able to do 3 million calculations per second.  
15 A hard drive that was first produced created, had 5  
16 million. So 5 million mega data. A USB key today is  
17 for \$31 can store 41,200 times the storage. That hard  
18 drive took up the space of two refrigerators. So  
19 technology changes so quickly. I've watched it in the  
20 last 30 years. That you could fill that data center  
21 today, they'll destroy the environment, they'll walk  
22 away and put it in a garage someplace else because it  
23 will get that small. Especially with the new  
24 technology being these -- I'm nervous about the  
25 situation. Quantum computing. Quantum computing is

1 going so fast that it outbeats the supercomputer,  
2 which has been the fastest computer, literally an  
3 equation that it could do, it would take 100,000  
4 years, it can do within an hour. So if it's  
5 processing that quickly, they'll come in, they'll use  
6 our resources, they'll raise our rates, they'll take  
7 our water, they'll destroy the environment and they'll  
8 leave us empty buildings for our children.

9           So I don't understand. I know you're saying  
10 that you don't want a data center, but I see one  
11 article in Messenger-Inquirer that some people do and  
12 then see another article that says they don't. All I  
13 care about is the kids. Because at my age, who cares.  
14 You know. But my grandchildren, I get concerned.  
15 I've never been to one of these meetings. I probably  
16 wouldn't be here today if it wasn't for that. Because  
17 that will become a giant eyesore. You won't be able  
18 to do anything with it because it will be a used-up  
19 data center. It will be another steel mill sitting  
20 out there just collecting dirt. And it could happen  
21 literally that quick. They could build it up today  
22 and three months from now they'll say, whoop, got a  
23 new technology. We're out.

24           The other thing is, you talk about having to  
25 have tech support. All that can be done remote. So

1 they may not have one person in there. If they do, it  
2 could very easily be somebody who could just walk up  
3 because everything is swappable now. So you can have  
4 four virus in the computer, one of them dies, it  
5 doesn't take a genius to do this and that. Same thing  
6 with the hard drives. Same thing with cards. They  
7 can load and buy an \$8,000 Tesla robot to do that  
8 step. So you wouldn't be able to get any employees.  
9 So I don't see any kind of a benefit other than  
10 harming our children and grandchildren.

11 MS. KNIGHT: Please state your name for the  
12 record.

13 MS. BEYKE: Christy Beyke.

14 (MS. CHRISTY BEYKE SWORN BY ATTORNEY.)

15 MS. BEYKE: Director Howard, I think that you  
16 have alluded to this. Can you please describe  
17 specific criteria that are considered when moving from  
18 an agricultural zoning to an I-2 zoning? More  
19 specifically does that criteria include environmental  
20 impacts going to heavy industry, independent AI  
21 center, and does it include community input? Thank  
22 you.

23 MR. HOWARD: So yes, I mean that's the whole  
24 point of this. This is a public hearing on rezoning.

25 As far as the criteria, there are two that are

1 applicable. This property is located in an industrial  
2 plan area. So the first criteria is building and lot  
3 patterns or storage areas. It reads: Building and  
4 lot pattern should conform to the criteria for  
5 non-residential development and outdoor storage yards  
6 with buffers for outdoor storage yards. Furthermore  
7 any building or outdoor storage, loading or working  
8 areas, except for accessory parking, should be located  
9 at least 300 feet from any urban residential area or  
10 100 feet from any other area except those containing  
11 light industrial or agriculture uses.

12 Then the second criteria is industrial parks.  
13 Says an industrial park or an industrial plan area is  
14 new and expanded locations of heavy industrial use  
15 should be developed as elements of planned vote  
16 industrial parks. These provisions also apply where  
17 existing industrial parks are expanded into adjoining  
18 non-industrial plan areas that contain undeveloped  
19 land. Such industrial parks should be an arterial  
20 street oriented and planted modules of at least 100  
21 acres in size, unless an existing industrial park has  
22 been expanded. Industrial park should be established  
23 or expanded only where sanitary sewer systems exist or  
24 may be expanded or where new systems may be properly  
25 established. Heavy industrial uses should be located

1 away from any fringes of a park that adjoining  
2 compatible plans areas or land uses. Such  
3 incompatible fringes are recommended locations for  
4 light industrial uses, highway business or appropriate  
5 other uses that would serve as buffer uses; otherwise,  
6 these incompatible fringes should include adequate  
7 space for a necessary buffers as cited in Criteria A  
8 above. So that's the criteria from the comp plan.

9 MS. BEYKE: Again, speaking specifically,  
10 other than a city park, which to me is just -  
11 (inaudible) - environmental impact, are there any  
12 environmental concerns written into your criteria? I  
13 saw there is a creek that will back up to this  
14 property. Creeks are kind of renowned for supporting  
15 wildlife. Has that been considered?

16 MR. HOWARD: There's nothing in the zoning  
17 ordinance or the comp plan criteria that would require  
18 an environmental study.

19 MS. BEYKE: We do traffic studies, but not  
20 environment studies. Right?

21 MR. HOWARD: That is correct.

22 CHAIRMAN: Please approach the podium.

23 MS. KNIGHT: Please state your name.

24 MS. NIX: Amy Nix.

25 (MS. AMY NIX SWORN BY ATTORNEY.)

1 MS. NIX: If I just could clarify. Did you  
2 state, Commissioner Howard, that at this point you  
3 believe that we cannot ban certain types of businesses  
4 from certain zones?

5 MR. HOWARD: As an attorney, would you care to  
6 answer that?

7 MS. KNIGHT: Yes. So as Director Howard  
8 stated, there was statutory provision, for example,  
9 with the cannabis dispensary thing. Statutorily said  
10 local government can choose to do that. We don't find  
11 anything else in the current zoning law that would  
12 allow local government to --

13 MR. HOWARD: State law.

14 MS. KNIGHT: Yes, KRS 100.

15 MS. NIX: That's what I was going to say. So  
16 per KRS 100, Kentucky State law does allow local  
17 government to restrict or ban specific types of  
18 businesses from certain areas through zoning  
19 ordinances, providing these regulations are part of  
20 valid comprehensive plan, serve a public purpose and  
21 are not deemed arbitrary. The way I am reading that,  
22 it is possible to make a ban in a zoning ordinance or  
23 require some type of conditional use permit.

24 MS. KNIGHT: So if you look at our Article 89  
25 in our zoning ordinance, there are several different

1 types of zones. So yes, so within a residential zone,  
2 for example, we can ban commercial use or industrial  
3 use, but you can't just ban particular use and not  
4 allow for it in any zone whatsoever is the difference.

5 MS. NIX: Really?

6 MS. KNIGHT: Yes.

7 MS. NIX: Okay.

8 CHAIRMAN: Thank you.

9 Yes, ma'am, please approach the podium.

10 MS. KNIGHT: Please state your name for the  
11 record.

12 MS. BOARMAN: Nikki Boarman.

13 (MS. NIKKI BOARMAN SWORN IN BY ATTORNEY.)

14 MS. BOARMAN: I live just west of that top  
15 left corner of that map. So in theory I could  
16 possibly, I understand the data center. My concern is  
17 that Tom Watson was quoted in the Messenger-Inquirer  
18 on May 6th saying that he was in talks, there was a  
19 possibility. He said, it's a possibility. If you  
20 designate this as heavy industrial, I think we all  
21 know what is coming and that's what we're afraid of.  
22 I'm afraid for my health, the health of my children  
23 and the health of everybody in this room. I'm sorry;  
24 I did not plan to do this tonight. When our mayor is  
25 quoted in our newspaper saying that he -- actually, I

1 do have a clarification question.

2 So he had told the officials from OMU and  
3 Brett Guthrie, is this OMU's territory? Would this be  
4 serviced by OMU is my question? Because this is  
5 designated county, correct, or is it annexed into the  
6 city?

7 MR. HOWARD: I can tell you that the  
8 property's in the city. As far as service areas of  
9 the utilities, I don't know.

10 MS. BOARMAN: That was my question. So we're  
11 now talking about designating this as an I-2. That's  
12 an OMU service area, and Tom Watson is in the  
13 Messenger-Inquirer saying it's a possibility. I'm  
14 just asking you guys to understand the optics of this.  
15 It looks bad. I know it's not on the agenda. I know  
16 we're only talking about the zoning. But I think  
17 everybody in this room is smart enough to put two and  
18 two together and know if you approve this as an I-2,  
19 that is what we're going to get.

20 CHAIRMAN: Thank you. Please approach the  
21 podium.

22 MS. WETHINGTON: My name is Lydia Wethington.  
23 My comment is only about the zoning.

24 (MS. LYDIA WETHINGTON SWORN BY ATTORNEY.)

25 MS. WETHINGTON: It's on the west side of

1 Owensboro. If it is heavy industrial, it is too close  
2 to Owensboro. There are a lot of residential  
3 properties on the east side of that property. There's  
4 a lot of light commercial, like fast food restaurants  
5 over there. A lot of homes. You know the weather is  
6 predominately moving from west to east. So if there  
7 is, and there's known to be pollution from heavy  
8 industrial regardless of whether or not it's a data  
9 center, Owensboro will be polluted. That's my only  
10 note.

11 CHAIRMAN: Thank you.

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

13 MS. JACKSON: LeRae Anita Jackson.

14 (MS. LeRAE ANITA JACKSON SWORN BY ATTORNEY.)

15 MS. JACKSON: I live on the west end of town.  
16 I was raised on the west end of town. We have already  
17 have sewer problems as it is stands now. So if you  
18 turn this into an industrial zone, it's only going to  
19 cause it to be worse because everything is going to  
20 flow down to us, whether it be by the air or by the  
21 water or by the sewer. So I don't understand how you  
22 can do a survey on traffic and not concentrate on the  
23 surroundings in the environment as well. I'm a simple  
24 individual and I know what is in the air will affect  
25 us. The neighborhood that I live in now is already

1 contaminated that you put on top of from years ago by  
2 being a dump and we are experiencing cancer throughout  
3 the neighborhood. This is going to do even worse to  
4 us.

5           You need to reconsider and move this and not  
6 accept it. I don't understand why -- you were so  
7 anxious to change it into industrial land. What  
8 industries have you already contacted to come in? Did  
9 you already have some that you were wanting to come  
10 here? So what was the point of changing it if you had  
11 no idea that you're going to have somebody come in  
12 except AI data center. We're not crazy. We're not  
13 stupid. We can see between the lines.

14           CHAIRMAN: Yes, sir.

15           MR. TOWERY: My name is Brian Towery.

16           I guess just one quick question I had, it  
17 looks like as far as I-1, I-2, light industrial and  
18 heavy industrial, I-2 looks like there's not much  
19 difference except it allows more louder noises, more  
20 smoke, more, different odor, allows odors, and there's  
21 a lot, it's not a whole lot of big difference. So why  
22 not just make it all I-1? I looked it up, and a data  
23 center cannot locate in I-1. It can only locate in  
24 I-2 in the City of Owensboro. I-1 is going to allow  
25 all industries; it's going to allow everything there.

1 I-2, it's going to bring, it's a lot of noise, air  
2 pollution, it's loud, or smell. I guess that's vague,  
3 but if it smells it's going to be pollution. So I  
4 just don't understand why the I-2. Why not just make  
5 it all I-1. The data center can't come in. It says  
6 here no data center can locate in Owensboro, Kentucky  
7 under zone I-1. It is allowed to locate in zone I-2  
8 if it is to pass. There's not a whole lot of  
9 difference between I-1 and I-2, Light industrial to  
10 heavy industrial. So I move to just make it all I-1.

11 I-1, it would be like UniFirst. It would be  
12 like these places. The I-2 would allow like power  
13 plant and stuff like that. There's not going to be a  
14 power plant or anything close to that. It's not just  
15 power plants, but it allows for other things like that  
16 that are large in this area that's full of residents.  
17 It's full of commercial properties. It's full of  
18 restaurants and stuff. It doesn't make sense to make  
19 anything in this area an I-2 where it's a possibility  
20 for something that can be loud, stink and, like the  
21 lady said, you know, it does, the air does move from  
22 west to east. So that's going to been an issue as  
23 well. The sound. If there's a loud sound, I-1, no,  
24 it's got to be a certain decibel. I-2 doesn't have to  
25 be a certain decibel. That's up to you guys and if

1 there's something that you all bring up as far as what  
2 you impose.

3 But I mean that's just looking it because I  
4 didn't know anything about this zones or the I-1, I-2  
5 and all that stuff. But after looking at everything  
6 on here and directly looking into Owensboro, Kentucky,  
7 yes, there cannot be a data center in I-1, but it can  
8 be in I-2.

9 MR. HOWARD: So if I could clarify that real  
10 quick. If you look in, I don't know what you're  
11 looking at. So I'm just going to, in the zoning  
12 ordinance, Article 8, Section D. It's under business  
13 D2. It's listed as computer data and business  
14 processing centers and in call centers. Those are  
15 permitted in B-1, B-2, C-3, B-4, B-5, I-1 and I-2. So  
16 the zoning ordinance as it sits right now, a data  
17 center is listed in D-2 would be permitted in any of  
18 those zones. Clarification on this.

19 MR. TOWERY: I can go to AI and pull it up  
20 myself and show you. It says it in both places, but  
21 in Owensboro, Kentucky as of right now, a data center  
22 is not included in an I-1.

23 CHAIRMAN: Thank you, Mr. Towery.

24 Yes, ma'am.

25 MS. MARSENGILL: My name is Mary-Ava

1 Marsengill.

2 (MS. MARY-AVA MARSENGILL SWORN BY ATTORNEY.)

3 MS. MARSENGILL: I'm born and raised here in  
4 Owensboro. I'm an elementary schoolteacher and I've  
5 got two small children. So this topic really concerns  
6 me. I know that you all probably went into public  
7 service because you all have a servant's heart for our  
8 town. I know this is not an easy job.

9 My question is: What are your desired  
10 outcomes from changing this from agricultural to I-2?  
11 What kind of businesses would you like to see? What  
12 are your hopes for the economic impact? How is this  
13 going to better our town? What is your vision for our  
14 future?

15 MR. HOWARD: It looks like the representative  
16 from Economic Development Corporation has left.

17 MR. DAVIS: No, I'm here.

18 MR. HOWARD: He is here. So Brad, would you  
19 mind to get back and answer that? Sorry, I didn't see  
20 you sitting back there.

21 MR. DAVIS: As I stated before, what we hope  
22 for everybody is that, I don't know about a specific  
23 type of industry, but, you know, the goal is something  
24 where multiple projects that would create very  
25 good-paying jobs that will help sustain families, help

1 the school system grow through the tax base, help the  
2 library grow. All those, you know, those types of  
3 things. As you said, you know, all these people, I  
4 grew up here too. You know, my parents still live  
5 here, you know. All of us want the best for the  
6 community.

7 MS. MARSENGILL: Right.

8 MR. DAVIS: Nobody is trying to sneak in  
9 something that's going like be --

10 MS. MARSENGILL: It seems that way.

11 - - (CONVERSING AMONG THE CROWD) - -

12 CHAIRMAN: Thank you. We need to keep this  
13 civil, please. Thank you.

14 If you are not approaching the podium, and  
15 please direct all comments and questions to the  
16 commission.

17 MS. MARSENGILL: You asked him to come up to  
18 answer.

19 CHAIRMAN: Yes. I have requested that you  
20 direct the questions and comments to the commission.

21 Thank you.

22 MS. MARSENGILL: Thank you so much. I  
23 appreciate it. And it does look very, very sneaky.  
24 Just letting you know.

25 CHAIRMAN: If anyone has a question that

1 hasn't spoken, we're going to have you speak first.

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

3 MR. WESTERMAN: I am Jake Westerman.

4 (MR. JAKE WESTERMAN SWORN BY ATTORNEY.)

5 MR. WESTERMAN: First of all, I do find it  
6 very convenient that the moratorium is just a year  
7 before our county commissioner is safely past the  
8 current election cycle. That does seem sneaky.

9 It appears if we were to rezone to I-1, the  
10 stated goal is high-paying jobs and things like that,  
11 it seems like we can get those high-paying jobs with  
12 the I-1 zone, but that's not why I'm up here.

13 I just have some dry facts that I've pulled  
14 from various articles. The primary article being from  
15 the Lincoln Institute of Land Policy. It states that  
16 midsize data centers consume as much water as a small  
17 town, while larger ones can consume up to 5 million  
18 gallons a day, which is as much as a city of 50,000.  
19 Traditional data centers, i.e., cloud storage, not,  
20 you know an AI data center. What you save your  
21 pictures to from your phone. They can consume as much  
22 electricity as 10 to 25,000 households, but they don't  
23 even require nearly as much land. But according to  
24 the International Energy Agency, AI data centers can  
25 consume up to 100,000 households worth of electricity.

1 So this is four times as much with way more land.

2 Meta's Hyperion data center in Louisiana, it  
3 is projected to draw more than twice the power of New  
4 Orleans once complete. In 2023, US data centers  
5 consumed 17 terawatt-hours of electricity. That's  
6 roughly the amount of the whole country of Ireland.  
7 This is expected to double or triple by 2028,  
8 according to some projections.

9 Jobs are mostly temporary. They are basically  
10 construction jobs. It's been stated. The point has  
11 been made already, but after these construction jobs  
12 dry up, you may have as little as no jobs to maybe a  
13 dozen jobs if we're lucky. That does not, the stated  
14 goal would not be met if there are just 12 jobs and  
15 that much land.

16 Let's see. Diesel generators can and do run  
17 constantly, creating air quality issues. Northern  
18 Virginia is already having issues with diesel  
19 generators the size of railcars. They've been given a  
20 special allotment to run them for longer than is  
21 legally allowed for other places. Study from the  
22 Houston Advanced Research Center or HARC and  
23 University of Houston found data centers in Texas will  
24 use 49 billion gallons of water in 2025 and as much as  
25 399 billion by 2030. This will be equal to drawing

1 down the largest reservoir in the US, the 157,000-acre  
2 Lake Mead by more than 16 feet in a year. That water  
3 is not going to return to that lake either. After  
4 this water is consumed, it is not, it is no longer fit  
5 for human consumption. A 2023 study at the University  
6 of California, Riverside has estimated an AI chat  
7 session of 20 or so questions consumes up to a bottle  
8 of fresh water. I don't know about you all, but  
9 usually those questions are pretty asinine. You know,  
10 how much blood can the Grand Canyon hold? How much --  
11 you know, that's not worth a spoonful of water.

12 But that's my time and I'll just finish by  
13 saying I, too, have had a young child. I would like  
14 her to be able to breathe clean air and drink clean  
15 water.

16 CHAIRMAN: Sir, if you wouldn't mind, we're  
17 going to ask the people that haven't had a chance to  
18 speak to speak first.

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

21 MR. CLEMENTS: Emily Clements.

22 (MS. EMILY CLEMENTS SWORN BY ATTORNEY.)

23 MS. CLEMENTS: So one of my first questions is  
24 if this is to be rezoned and something is to go in  
25 here and this property is to be redeveloped, the

1 backside of that parcel is in the floodplain. What's  
2 going to be done for the residents that are also in  
3 this existing floodplain here in the back? Are they  
4 going to experience more flooding or are they going to  
5 have that fixed?

6 MR. HOWARD: The city engineer was here. I  
7 think he has left.

8 I will say, with any type of redevelopment,  
9 either with the subdivision plats or final development  
10 plans, a civil engineer is required to be hired to  
11 prepare the plans. They prepare the drainage plans,  
12 which the city engineer reviews. He takes that into  
13 account when reviewing those plans.

14 MS. CLEMENTS: Then my next question is: One  
15 of the other things that's here in this photo is the  
16 baseball diamonds for the baseball fields. If this  
17 was to be approved for something of heavy industrial,  
18 we know that heavy industrial businesses are going to  
19 emit more pollution. Why are we putting that in an  
20 area that is even closer to children who are outside?

21 MR. HOWARD: I mean I guess the answer to that  
22 would be, you know, I think Mr. Davis has tried to  
23 address the flexibility aspect, but I mean that's what  
24 the request is before the planning commission.

25 MS. CLEMENTS: Just one last question. So

1 Mr. Davis had shared that the MidAmerica Airpark is  
2 kind of reaching capacity. So that's where this has  
3 come into consideration of being rezoned. Have we  
4 considered any adaptive reviews of the former OMU  
5 Elmer Smith Station or the now vacant Daramic  
6 building? Those were jobs that were lost here in town  
7 as well.

8 MR. HOWARD: Mr. Davis, do you know any?

9 MR. DAVIS: All I can say about that is OMU  
10 owns --

11 MR. HOWARD: Mr. Davis, if you don't mind to  
12 go up to the mic just so we can get you on record.

13 MR. DAVIS: All I can say to that is OMU owns  
14 the Elmer Smith property. So I have no idea what  
15 types of plans or anything that they have in the  
16 future. The Daramic building is still privately held.  
17 So, you know, there hasn't been any contact with the  
18 EDC about reuse of the Daramic building. So if at  
19 some point they approached us, that would be a  
20 consideration since it is an existing industrial  
21 building, but we haven't been approached about that.

22 MS. CLEMENTS: Thank you.

23 CHAIRMAN: Yes, ma'am?

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

1 MS. SPEAKS: Kali Speaks.

2 (MS. KALI SPEAKS SWORN BY ATTORNEY.)

3 MS. SPEAKS: I just have two questions. The  
4 first one is: Would you be able to tell us the  
5 geographic distribution of industrial zones in  
6 Owensboro? Are they mostly on the west side? Are  
7 they more evenly distributed?

8 MR. HOWARD: It's a good question. I think if  
9 you look at industrial zoning, you'll find the Airpark  
10 on the west side, the area around the riverport is  
11 zoned industrial, and then when you move to the east  
12 side along say Ragu Drive, some of the area out  
13 towards the hospital, you've got quite a bit of  
14 industrial zoning through that area. So really, I  
15 mean there's, I can't tell you a percentage off the  
16 top of my head, but you do have kind of industrial  
17 park type uses on both ends of town. Then you've got,  
18 say, Kimberly Clark that's out in kind of the fringe  
19 of the county that's also zoned industrial.

20 MS. SPEAKS: Is there anyone up here who could  
21 get more concrete numbers and percentages for me?

22 MR. HOWARD: Yes, we could -- Trey, you could  
23 run that calculation in GIS, I assume, couldn't you?  
24 Acreage of zoning that's industrial?

25 MR. PEDLEY: Not right now.

1 MR. HOWARD: Not at this moment. It's  
2 something we could do or get the GIS folks to do it if  
3 we don't have the expertise on that GIS data  
4 manipulation or calculation.

5 MS. SPEAKS: My second question: I know you  
6 said that you hadn't heard any plans about the data  
7 center or anything coming to this area yet, and I  
8 believe you, but as was mentioned earlier, Mayor Tom  
9 Watson said that he was in talks as per the  
10 Messenger-Inquirer. Is that like normal? I would  
11 imagine that you would be involved in some way and  
12 usually that that would be protocol.

13 MR. HOWARD: I'll say, and much of this is not  
14 normal. I mean if I'm being honest. Not that -- I  
15 mean can I --

16 MS. SPEAKS: I know it's sensitive. I'm  
17 sorry.

18 MR. HOWARD: No. It's a valid question, and  
19 one that I'm sure you all will be at the next city  
20 commission meeting, asking a lot of these questions as  
21 well. But I mean I don't, it wouldn't on the realm of  
22 possibility for this city to work on a project and  
23 then us being notified of it later in the process and,  
24 you know, or whatever. I can just tell you from my  
25 experience, my knowledge, no one has talked with us in

1 our office about doing a data center. We've not  
2 talked to a single company about it. The  
3 conversations I've had with the city manager and  
4 whatnot and Mr. Davis from EDC and Claude Bacon from  
5 EDC, no one has given me an indication that there is a  
6 data center project coming to town. Could they be,  
7 could I be misinformed? I'm sure it's possible. I  
8 can just tell you from my experience, my knowledge,  
9 that's what I know.

10 MS. SPEAKS: Okay. Thank you.

11 CHAIRMAN: Thank you, Ms. Speaks.

12 Yes, ma'am.

13 MS. HILLARD: My name is Kayla Hillard.

14 (MS. KAYLA HILLARD SWORN BY ATTORNEY.)

15 MS. HILLARD: I'm not a public speaker and I  
16 have nothing prepared, but I care a lot about this  
17 topic. I'm just piggy-backing on Mr. Towery's  
18 comment. I believe in his time, you said that an AI  
19 data center would be allowed on an I-1 but also an  
20 I-2. The only difference, according to him, would be  
21 more noise pollution would be allowed and more odor or  
22 smoke pollution would be allowed. Therefore, what is  
23 the benefit you say this is for, you know, growing the  
24 community for more jobs. We've already said if it  
25 goes I-2 with Tom Watson wanting an AI data center,

1 it's likely that an AI data center could go there.  
2 You're hearing the community that we do not want one.  
3 So I think our call to action is to please zone it  
4 I-1, not I-2. If an AI data center could still go  
5 there but at least there would be regulations on how  
6 much decibels they could put out. And regulating it  
7 I-2 would open the door to allow that, and I think  
8 you're hearing we don't want that. So the only people  
9 who would really benefit from an AI data center is  
10 very few who could maybe get rich on the backs of the  
11 rest of us.

12 MR. HOWARD: The only clarification I'll add  
13 to that just so it's on the record, and Trey, correct  
14 me if I'm wrong, but Mr. Towery is correct. The  
15 difference I-1 and I-2, I-2 would allow things with  
16 noise, vibration, light, things like that. The zoning  
17 ordinance doesn't, as it sits right now, and I think  
18 that's something that a lot of communities are looking  
19 at with data centers and other things, is setting  
20 decibel limits and things like that. And I said  
21 earlier that's something that I think would need to be  
22 evaluated but something that would be beyond what,  
23 with along the noise, the run -- or what happens to  
24 the water, how much electricity they use, all those  
25 things would be beyond the scope of what a planning

1 office would be able to enforce and that's why there's  
2 going to have to be more community conversation, more  
3 stakeholders or partners brought in. The zoning  
4 ordinance as it sits right now doesn't, there's no  
5 decibel limitations or factors in there. There's no  
6 maximum number in a zoning ordinance as is sits right  
7 now. Mr. Pedley will look. That's my remembrance of  
8 it. I think I'm right, but he'll clarify here in a  
9 minute here if I'm wrong.

10 CHAIRMAN: Thank you, Ms. Hillard and Director  
11 Howard.

12 MR. EVANS: Mac Evans.

13 (MR. MAC EVANS SWORN BY ATTORNEY.)

14 MR. EVANS: First, I just want to clarify as  
15 well on the I-1, I-2. The difference, the data  
16 center, it's an I-2. It can run the gas turbines, the  
17 additional diesel generators, the ones that are  
18 causing the most problem, even though the I-1 are  
19 still a problem.

20 But Director Howard, to you, you have stated  
21 that you have no control over what can be put here in  
22 this zone in this I-2. Can you pull up that  
23 conceptual plan you had?

24 You showed the slide with the conceptual plan,  
25 what you would like to be there, but you have no

1 control of what could be there. So under I-1, I don't  
2 see anything in this that's, maybe the retention pond  
3 sizes might be too high. I don't know. I'm not sure  
4 why this needs to be an I-2 versus I-1 to accomplish  
5 this same goal. That's a FEMA flood zone, and the  
6 fact you're zoning all that I-2. Most of that is that  
7 ag part. So again, why we need to zone that I-2 if  
8 it's a protected flood zone anyway.

9 Then has there been any studies or community  
10 polling on the impacts of utilities, the pollution?  
11 Has there been any polls done within the community to  
12 see what percentage people would actually want this  
13 zoned I-2 versus I-1 or keeping it as -- thank you.

14 MR. HOWARD: Mr. Pedley, did you look that up?

15 MR. PEDLEY: Yes, sir, you are correct.  
16 There's no magic number decibels that distinguish  
17 between I-1 and I-2. It does mention that in the  
18 definitions, but there is no set number or distinction  
19 there.

20 CHAIRMAN: Thank you, Mr. Pedley.

21 Yes, ma'am. Please state your name.

22 MS. WETHINGTON: Pat Wethington.

23 MS. KNIGHT: Did you speak earlier, ma'am?

24 MS. WETHINGTON: No.

25 (MS. PAT WETHINGTON SWORN BY ATTORNEY.)

1 MS. WETHINGTON: I just wanted to add for the  
2 guy who was mentioning the diesel fumes and stuff like  
3 that. These data centers also emit nitrogen dioxide,  
4 and the diesel fumes are not just about smell. Both  
5 the nitrogen dioxide and the diesel fumes are a lung  
6 irritant, which can cause lungs diseases and result in  
7 premature death. I would also like to mention that  
8 anybody who's been watching the news over the past  
9 year knows what Indiana is going through with their  
10 data center where people's utility bills have become  
11 unaffordable for people. There are places in this  
12 country where people are being asked to reserve their  
13 water because the computer's needed, not the people.  
14 They are being asked to -- in Tahoe, surrounding area  
15 around there, the people have been told that they will  
16 no longer have their electrical company serve them.  
17 The electrical companies. That all of their energy  
18 has to go to the data center. So these people are now  
19 trying to, before the end of the year, have to find a  
20 new electrical source. This is not the kind of  
21 community we want here. We have a good community in  
22 this town right here, and I think it behooves us to  
23 make sure that we do everything possible not to allow  
24 the data center. If that means not rezoning at all,  
25 I'm all for that.

1 CHAIRMAN: Yes, sir.

2 MR. TANNER: Jerry Tanner.

3 (MR. JERRY TANNER SWORN BY ATTORNEY.)

4 MR. TANNER: Thank you guys for your patience  
5 and your time tonight. Appreciate it.

6 I just want to get on the record I, too, live  
7 on Airport Road. I know this is a day late, probably,  
8 and a dollar short. Story of my life, but it's a  
9 terrible place for an industrial park. It's just a  
10 terrible place. It could throw a rock and hit kids  
11 playing baseball right across the road there. So I  
12 would just humbly ask you guys to say no on this  
13 proposal. The less, the better. You know, I, like  
14 Mike, I come out, and we don't need any more noise.  
15 Mike makes enough noise on our road. But I come out  
16 on Parrish Avenue and there's lots of traffic. So I'm  
17 eager to see the traffic study on that as well because  
18 there's plenty of traffic. It's just a, it's a bad  
19 place. Again, like Mike said, I believe if the  
20 economic development people were living on Airport  
21 Road they would probably not have chosen that spot  
22 either. May have went out to the airport where  
23 there's land for sale and there's empty buildings in  
24 that airpark out there right now as we speak. So I  
25 would just ask you to vote no on this and the less,

1 the better. Gosh, I wish we could -- I wish was  
2 months earlier so we could reverse this whole thing.  
3 Thank you for your time. Thank you for your patience,  
4 guys. We appreciate you.

5 MR. PAYNE: Paul Payne.

6 I'm not much in the zoning. Like I said, I'm  
7 an IT guy. So I don't know anything about zoning.  
8 Only thing I'm trying to figure out, because I'm a  
9 black and white binary type of individual. It's  
10 either a yes or a no, and that's the only way I've  
11 ever worked with things.

12 So the zoning that you're trying to change  
13 into industrial, why don't you just turn it into  
14 residential? We obviously have a shortage of homes.  
15 We hear about that on a regular basis. Everything  
16 goes out on a 54 or down downtown. That's not doing  
17 anybody any good for homes. We hear though everybody  
18 talking shortage of home, but we are not building new  
19 homes. Sell that property to somebody who's going to  
20 actually use it for homes. As far as the OMU portion  
21 and that other portion that they was talking about,  
22 they said that no one had come confronting and ask you  
23 guys to buy that property. Who you asked you to buy  
24 Gabe's Tower? Or who asked you to buy Colonial House?  
25 You can go ask them. You don't have to sit around and

1 wait for somebody to knock on your door and say, I'd  
2 like to sell this. Unless of course this person has  
3 got some sort of interest that is helping you. I mean  
4 I don't understand. I'm just trying to look for a  
5 logical reason because, again, like I said, it's  
6 about the children. Look at these children in there.  
7 I mean, like they're talking about ballparks. There's  
8 churches close by. I mean there's, it's family life.  
9 I don't understand why it has to be industrial when  
10 you've got a big spot at OMU, you level the building.  
11 It's completely empty. Go to OMU. I have a feeling  
12 they'd probably be happy to sell it. I mean it's not  
13 doing nothing just sitting there anyway. Or Daramic.  
14 Go knock on their door and ask them. If you don't  
15 want to do it, let me know; I'll knock on their door  
16 and ask them. I mean I just don't understand.

17 MR. HOWARD: So I'll answer that to say, this  
18 board is the planning commission. Your questions are  
19 geared towards the City of Owensboro. This is a board  
20 of quasi government, I guess you would say. The City  
21 of Owensboro is really, I mean they're the ones that  
22 have purchased the property, that have submitted the  
23 rezoning application, that have done Colonial House  
24 and Gabe's Tower. They've done those projects. This  
25 board has nothing to do with those. Any decision to

1 acquire properties, not acquire properties, develop,  
2 redevelopment properties. This board reviews  
3 applications that come before them for rezoning, for  
4 subdivisions, for things like that and makes decisions  
5 on those, but that's the limit of what this board  
6 does.

7 The city has submitted an application, which  
8 is what we as staff review and this board reviews.  
9 That's what they have to take action on tonight. We  
10 don't initiate the zone. The City of Owensboro  
11 initiated the rezoning. If you had property that you  
12 wanted to rezone, you would initiate that rezoning.  
13 We wouldn't. The planning commission doesn't initiate  
14 that process. They review those.

15 MR. PAYNE: Who do we need to discuss and tell  
16 them that their rezoning ain't right?

17 MR. HOWARD: I would say your questions that  
18 you just asked are geared towards questions for the  
19 City of Owensboro.

20 MR. PAYNE: That's what I needed to know.

21 MS. KNIGHT: I would just add to that too, the  
22 application before us tonight is for an I-2 zone.  
23 There's not any other zones on the table. We can't --  
24 I just want to clarify because you asked. The zoning  
25 and planning commission can't say tonight we're going

1 to make a residential instead. That's not what's  
2 before us. I just want to --

3 CHAIRMAN: Thank you.

4 Yes, ma'am?

5 MS. GARRETT: Sharon Garrett.

6 (MS. SHARON GARRETT SWORN BY ATTORNEY.)

7 MS. GARRETT: I've heard a lot about the data  
8 center. Okay? I'm kind of over hearing about the  
9 data center. Everybody knows we don't want it. If I  
10 just understood everything for a few minutes, just a  
11 couple of things. Traffic on 81, Parrish Avenue, have  
12 you all driven down that way lately? Have you driven  
13 down that way lately because the circle, people still  
14 don't know how to -- I have friends that live in that  
15 area. I drive that road almost every day to get to my  
16 house. I can get to my house two different ways, and  
17 one of them is down Carter Road where there's 90 acres  
18 there. But my thing is this, okay? You guys are here  
19 to vote, if I understand correctly, whether you are  
20 going to let this become a zone 2, is that, am I  
21 understanding that right? It's your decision. This  
22 is the voting to see whether or not you guys think  
23 that this should become a zone 2 because the city has  
24 asked, hey, can we make this a zone 2. Is that what  
25 I'm understanding?

1           MR. HOWARD: So there is an application before  
2 the planning commission tonight to go to I-2. I know  
3 what you're saying. To go to I-2. The planning  
4 commission is a recommending body on zoning changes.  
5 I've said it at the beginning. There are lot of  
6 people who've never heard the verbiage before, but the  
7 planning commission acts as -- I'll explain more. The  
8 planning commission acts as a recommending body on  
9 zoning changes. So they'll hear testimony, make a  
10 decision. And then if that decision is appealed, then  
11 it is forwarded to the legislative body for them to  
12 take final action on. Now, in this instance the  
13 legislative body is the people that have submitted the  
14 application.

15           MS. GARRETT: I'll just make this simple.  
16 Everybody knows we don't want the zone 2 or I-2. I  
17 know that the EDC guy is still here. I've seen also  
18 on Facebook and Messenger and Times or whatever they  
19 call it now, a ballpark. Since we have the little  
20 ballpark there, wouldn't that be a somewhat ideal  
21 place to put this ballpark instead of on the riverpark  
22 because you've got a lot of places down on the  
23 riverpark already? Ballpark there, would that be an  
24 option for them to, would that be a zoning, in the  
25 zoning? Does that make sense?

1           MR. HOWARD: Yes. I mean it makes sense, but  
2 again, that would be...

3           MS. GARRETT: Has nothing to do with what, you  
4 guys are going to say, hey, yes you can do a zone.  
5 We're going to do I-2 or whatever. That has nothing  
6 to do with any of that, correct?

7           MR. HOWARD: The board isn't trying to recruit  
8 a baseball stadium or anything like that. That may  
9 be, again, a question for the city as far as what  
10 they're looking to do as far as something like that  
11 goes, but, yes, the board is hearing an application  
12 tonight for a potential I-2 zone.

13           MS. GARRETT: So it's up to you guys whether  
14 or not you're going to say, no, we're not going to  
15 approve this zone and send it back to the city so that  
16 they can appeal it and send it back to you so it can  
17 go back and forth until somebody gives up?

18           MR. HOWARD: So the way the process would  
19 work, the planning will make the recommendation  
20 tonight. Then whatever that is, approval or denial,  
21 there is the opportunity for that to be appealed to  
22 the city commission for them to take final action. If  
23 whatever decisions made there is not agreeable, then  
24 it could be appealed to circuit court. So who knows  
25 where that would end up, if that would end up in the

1 court system, state or supreme court. Right.

2 The only way that, once the planning  
3 commission makes a recommendation, if it's appealed to  
4 the legislative body, they would take final action on  
5 it. There's a 90, I think it's a 90-day window that  
6 they would have to take final action on. If they  
7 don't take final action on it, then it becomes  
8 official or final based on phrases on operation of  
9 law. So they wouldn't, there wouldn't be, it goes to  
10 the city commission and then it comes back here, back  
11 to them, back to here. There's a finite process that  
12 it would go through. Let's say it were denied, then  
13 they could come back and propose an I-1 zone, you  
14 know, next time or something like that. There would  
15 be opportunities to do something else with it, but it  
16 wouldn't bounce back and forth and drag out forever.

17 MS. GARRETT: Thank you. That's what I'm  
18 trying to figure out. Hopefully you vote with your  
19 conscience.

20 CHAIRMAN: Thank you.

21 MS. SHROEDER: Kelly Shroeder again.

22 I'll be quick because I know you guys don't  
23 want to hear too much from me tonight. But we watched  
24 how quickly Hawesville went from 10,000 gallons a day  
25 to a permit put in for 2 million per day. That is

1 enough to fill a Roman coliseum. That's not a little  
2 bit of water, y'all. So what I would like to do and  
3 propose to you guys to propose to whoever your powers  
4 that be are is that legislation is put in place that  
5 the developers of this project to include the people  
6 that use our money to purchase this place to make a  
7 developmental property pass on all incurred costs to  
8 the developers and the members of the city that  
9 approve it. Okay? We're not going to pay for it. We  
10 can't. Okay? So, and I'd also like to propose that  
11 no eminent domain comes up. So in case this gets  
12 denied and they cannot have what they want, they can't  
13 just come up and take half of Lewis Jean's property if  
14 they want it because it's 10 miles away from  
15 everything where it needs to be a minimum of. I'd  
16 like, number one, so we're not all going to die  
17 because we didn't vote no. That happens in small  
18 towns.

19           So while this is conceptual, we've had a lot  
20 of perjury this week that we've been hearing. It's  
21 not conceptual. The only thing that's conceptual is  
22 the hiding of it from Owensboro Times and the  
23 Messenger-Inquirer and bouncing back and forth between  
24 what was said and what wasn't said because we already  
25 saw it. So when your all's heads hit the pillow

1 tonight, all of you, vote for your kids and your  
2 grandkids and your great grandkids and not money.

3 CHAIRMAN: Thank you.

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

6 MR. HARRIS: My name is Bill Harris.

7 (MR. BILL HARRIS SWORN BY ATTORNEY.)

8 MR. HARRIS: I have one question. How many of  
9 you live in that area? That's my question.

10 MS. KNIGHT: Somebody ask a better question.  
11 Would you want it in your own backyard?

12 AUDIENCE MEMBER: Would you want it in your  
13 own backyard?

14 AUDIENCE MEMBER: No, I wouldn't.

15 MR. HARRIS: Can I hear it from you?

16 CHAIRMAN: Thank you, sir.

17 Yes, ma'am.

18 MS. GRAY: My name is Jena Gray.

19 (MS. JENA GRAY SWORN BY ATTORNEY.)

20 MS. GRAY: So I've never spoken at a forum  
21 before and I just had a few questions that may run  
22 across, just basic common sense. Because I'm not here  
23 to, I know that your purpose is to focus on the zoning  
24 and not the AI data center, which is why most of us  
25 showed up here today. It's not that we know for a

1 fact that one's coming. It's that all the pieces have  
2 been put into place for that to be a potential.

3 So my commonsense question that I have is that  
4 Mr. Stewart, I believe, or maybe Howard, I don't see  
5 your nameplate. But a young lady got up here a while  
6 ago and asked if it was normal, and your response was  
7 that it was not. Like I would think that that would  
8 be reason enough to put this on hold and to deny the  
9 rezoning because if it's not normal, there's a reason  
10 why. So I don't understand why this is different and  
11 why you're even considering approving it knowing that.  
12 So there's something underlining that's leading up to  
13 it.

14 MR. HOWARD: I'll be glad to address why I  
15 said that. In the 20 whatever years I've been here,  
16 I've never seen a process take place like this in that  
17 an application was submitted and then, and all I can  
18 do is speak from my perspective of what I've said  
19 before. We've not been approached. We've not had any  
20 conversations with anybody. But you're right, there  
21 have been articles in the paper with some city  
22 officials saying one thing and others another. Don't  
23 know. Then there's been a ton of information on  
24 social media out there about, you know, it's a done  
25 deal and all this stuff. That's what's not normal

1 about it. This is a certainly, probably the biggest  
2 hot-button topic that is in the world of planning and  
3 cities right now. So that's why it's not normal. Not  
4 that we wouldn't have been involved in the process  
5 necessarily or something like that, but just kind of  
6 how this whole thing has shaken out over the last week  
7 is different.

8 MS. GRAY: I understand that. You all don't  
9 have a say in what could be built there. Like your  
10 ultimate goal is to determine if it gets zoned or does  
11 it not. I mean it's a simple that's turned into this  
12 big snowstorm, but why can't we do the level 1, you  
13 know, if the main purpose of the rezoning is so that  
14 they can get started on infrastructure for the land to  
15 go ahead and get it ready in case an industry chooses  
16 to come in. Why not go in at 1, and then if something  
17 is proposed that requires 2, then reevaluate it then.  
18 Why just jump, unless there's already a proposal in  
19 place? Because we can build up infrastructure, they  
20 can run electricity, whether it's Big River or the new  
21 company that supports data centers that's potentially  
22 coming into Owensboro, why can't we start level 1? I  
23 mean it would make sense to deny the application, let  
24 the City of Owensboro resubmit it at a level 1 if  
25 they're serious about bringing industry in. It

1 doesn't have to be a level 2 to bring industry in. If  
2 that's what they're running on, then they have  
3 something going on behind the scenes.

4           Our problem is like we don't trust our  
5 politicians. Right now you have a chance to kind of  
6 streamline that because if you push this through, in  
7 our minds we already know what to expect. But  
8 industry can be brought in and that ground can be  
9 prepared for potential companies that want to come in  
10 without going to a level 2. You can deny it, flat  
11 out, and if a data center wants to come, another  
12 application can come through, we can address it then.  
13 It doesn't have to be approved tonight.

14           I apologize. I've never done this. My voice  
15 is shaky. I've never done this before. I'm actually  
16 sweating and you just can't see it. But it doesn't  
17 make any sense unless there's something going on  
18 behind the scenes.

19           We're all about bringing industry in, but why  
20 even the west side? Why not out by the hospital? You  
21 know, why put all of the new infrastructure on the  
22 east side and put something like that over on Parrish  
23 Avenue? It doesn't make any sense. Big Rivers is  
24 leaving after being here for a couple of years. We've  
25 got somebody new coming in. Is that connected? These

1 are all questions we have. That's why we are voicing  
2 our concerns because we don't have to start at level 2  
3 and I-2 or whatever it's called. We can bring in  
4 industry and use level 1 to go ahead and start  
5 building that ground up, preparing the sewers, the  
6 electricity or whatever, without jumping right into a  
7 2, unless there's a proposal already on the table that  
8 we're being kept in the dark on. And that's strictly  
9 zoning related. That's not AI center. That's not for  
10 factories. I mean we want to bring in jobs. We want  
11 to bring in revenue because our tax dollars are what's  
12 going to pay for that industry. We want the  
13 occupational tax. We want the net profit tax. We  
14 want the business and the jobs, but we also want to  
15 keep our community the way that it is because that's  
16 why we're all here. We don't have to start off on a  
17 level 2. So you have the ability to say no and kind  
18 of streamline the trust that we have and choose the  
19 right way because doing it behind the shadows is not  
20 it. That is on you all. You all have that power.  
21 Once you approve this at a 2, our voices don't matter  
22 because the city is in control. We will have no say  
23 after that. Once you approve it, we're done. We  
24 can't go any further. Like our voices may not matter,  
25 but they at least deserve to be heard because once

1 this is done, you can't go back. Mayor Watson on the  
2 5-5 commission meeting, I will pull up the quote. I  
3 think Miranda has it. It's talking about how we get  
4 too old too fast and too wise too late. I believe  
5 that's what he said. We can't be wise once it becomes  
6 too late because then we have no say. He also said  
7 that your all's job was to lead, and we deserve to be  
8 led, not silenced.

9 So all you have to do is say no. Let them  
10 resubmit an application at level 1. There's nothing  
11 wrong with that. That is still going to invite  
12 industry. It just kind of, appeases everybody else  
13 that, hey, there's a chance to have no data center.  
14 Put it in a level 1. Just deny it. It's just that  
15 simple. No, no, no, no, no. Let them resubmit an  
16 application. It's the City of Owensboro. They're  
17 going to do what they're going to do. Then if a data  
18 center does do a proposal, address it then, but don't  
19 jump right into it. That's all I have.

20 MR. YOUNG: My name is Don Young.

21 (MR. DON YOUNG SWORN BY ATTORNEY.)

22 MR. YOUNG: I live at the corner of Airport  
23 Road and Parrish Avenue, directly across the road from  
24 this. I try to come out my garage door and get a  
25 breath of air at night. It's pretty hard, pretty

1 tough with all the cars going down the road. We can  
2 survive this; we've looked at it. Two lane road, four  
3 lane road, we've been there a long time. We've  
4 watched all this stuff happen. But if you watch where  
5 my house is at, it's set in several feet above across  
6 where this is going to be. People always have told me  
7 that at one time, I don't know this for 100 percent  
8 fact, but there was probably a river or something over  
9 there out where Parrish Avenue, on the other side of  
10 Parrish Avenue. The only question I have is: Have  
11 they checked to see what the flood zone is going to  
12 be? Because if you're looking at the height of  
13 Parrish Avenue, did the engineers take a good look at  
14 that? Those are the questions I have. I don't have  
15 the answers; I just have the questions. I know you  
16 all can't say anything, but it's like, who do we ask?  
17 That's what I want to know.

18 MR. HOWARD: Just to clarify. Were you asking  
19 about where the floodplain is in reference to this  
20 property?

21 MR. YOUNG: Yes. From my side of the street  
22 down, you can go down there and look. It's probably  
23 at least three feet below the street, below Highway 81  
24 and Parrish Avenue. How do they determine where they  
25 are going to be able to even put anything that would

1 be fairly safe in the water area? That was the reason  
2 why basically when they got in the, 2019 when they  
3 were looking at a center, they were discussing what  
4 was going to happen at that time when all this stuff  
5 got looked at. They really couldn't figure out how  
6 it's going to be safe.

7 MR. HOWARD: So, the map that's up on the  
8 screen, along the north property line, again, the  
9 subject property is outlined in kind of a lighter  
10 blue, what I'm looking at I'm going say is about an  
11 inch into that property, there's a blue patched area.  
12 That's the 100 year floodplain boundary. So the rest  
13 of the property forwarded to that toward Parrish is  
14 not, but that back, I don't know what the real  
15 dimension is, but back inch looking at that map is  
16 what's in the floodplain.

17 MR. YOUNG: That would be the back property  
18 they just sold a few months ago at auction.

19 MR. HOWARD: Don't know about that.

20 MR. YOUNG: Thank you.

21 CHAIRMAN: Yes, sir.

22 MR. BARNETT: My name is Troy Barnett.

23 (MR. TROY BARNETT SWORN BY ATTORNEY.)

24 MR. BARNETT: I've lived in Owensboro my whole  
25 life. Most of it anyway. I moved from apartment to

1 apartment and apartment, and my timing is pretty bad.  
2 I'm not a very lucky guy because before I made the  
3 biggest financial commitment of my entire life in  
4 December, I didn't know about this secret discussion,  
5 you know, under the table so-to-speak. Basically if  
6 you guys look at these three TVs with the map, I just  
7 moved. I'm not going to give away where I live, but  
8 my new house, my first house is only about a mile and  
9 a half away from the right side of blue outline of  
10 this map. I'm not going to ask you guys specifically  
11 where you live. I know you can't answer that. I know  
12 most of you live in Owensboro and you've got friends  
13 and family here and you care about their health and  
14 everything. But with a yes or no kind of question,  
15 you know, with raising your hands or whatever, how  
16 many of you at least live within a two or three mile  
17 radius from the edge of the blue line of this map?  
18 I'm not asking you where you live. I just need with a  
19 raise of hands, how many of you are going to be within  
20 like three miles? I get that you live in Owensboro,  
21 maybe the other side of Owensboro, but how many of you  
22 are very close by this map?

23 MS. KNIGHT: We're not going to answer on  
24 this.

25 MR. BARNETT: I'll just assume that you mostly

1 live in Owensboro but maybe it's mostly the other side  
2 of Owensboro. But basically when I used my veteran  
3 benefits to purchase my first house in late December,  
4 like I said, I didn't know all of this stuff was going  
5 on. Otherwise I would have moved somewhere else in  
6 Owensboro or probably another town entirely, to be  
7 honest. Basically, like I said, I've got bad timing.  
8 I've only lived a mile and a half away from the right  
9 side of this map, that right side blue line. I've  
10 been there for about five months, mile and a half, and  
11 without going into all my like medical problems, I'll  
12 just quickly say I've got asthma, iron deficiency,  
13 anemia, hearing, and I've already got sleeping  
14 problems. Everybody here has already been talking  
15 about the health issues related to that kind of stuff,  
16 pollution and sound. So I don't have to go over that,  
17 but a lot of people live really close to this and  
18 we're going to hear this and we're going to feel the  
19 vibrations. We're going to lose sleep. We're going  
20 to do a poor job the next day at work. Slowly but  
21 surely we're going to mess up again and again until we  
22 potentially get fired if we get that bad at our job  
23 and we're not sleeping very well. So worse case  
24 scenario, if this turns into an AI data center, God  
25 forbid if I have to immediately move from my very

1 first house, what I thought was going to be a  
2 wonderful life, milestone, if I have to move away from  
3 Owensboro within like only one or two years after  
4 starting a 30-year mortgage, I strongly doubt I can  
5 successfully sue such a powerful, wealthy AI data  
6 center of whatever company. I know I can't go up  
7 against a giant like that. I'm just a hardworking  
8 poor person.

9           So my question is, like -- and I'm sure other  
10 people live around this map too. I've already heard  
11 people say they live just around this map. Who is  
12 going to give us, you know, almost 2 or \$300,000 to  
13 immediately pay off the 30-year mortgage and so we  
14 have the financial option of moving away from the  
15 pollution to get out of Owensboro? I feel like I'm  
16 stuck and in prison in what I thought was a wonderful  
17 milestone. This is supposed to be my first house that  
18 I used my veteran benefits for. Already, it's kind of  
19 being turned into something negative instead of  
20 positive. So like if I'm only here at this house, I'm  
21 not going to give away my address, but again, I'm a  
22 mile and a half away from that right side of the blue  
23 line. If I move away a year from now, who's going to  
24 pay for it? That's the question. I've got bad  
25 timing. I'm unlucky. I didn't know about these

1 secret talks, these meetings. I didn't know about it.  
2 So I had just moved in. I already want to move out.  
3 I've already sunk a lot of money into this house.  
4 What am I going to do and who's going to help me pay  
5 to immediately leave it? Because I know none of you  
6 are going to pay for it and I know an AI data center  
7 isn't going to pay for it. I know I'm not just asking  
8 for myself, but there's probably like 50 other people  
9 in here that live very close to the sound and the  
10 pollution that it's going to make. So financially,  
11 like how do we sell our house that no one is going to  
12 want to buy when they walk into the backyard and they  
13 hear a high pitched frequency that sounds annoying and  
14 horrible? It doesn't matter if people come over and  
15 look at my house. No one is going to say yes to  
16 buying it. So I am stuck for 30 years of hearing a  
17 horrible noise and also my asthma is going to get  
18 worse. If the smog is getting worse, I can't see the  
19 sunlight very well, that's going to make anemia worse.  
20 So how do I financially get out of this? I mean who  
21 up there is going to help me with this?

22 The point I'm trying to make, just to  
23 summarize, is that like wealthier people on the other  
24 side of Owensboro, you can say that you live in  
25 Owensboro and you've got friends and family that you

1 care about, all that, yada yada, but if you're not  
2 close enough to hear the noise or to go to the  
3 additional pollution, you can't really relate to what  
4 half of us are talking about that live literally right  
5 there. Not just in Owensboro.

6 I don't expect any of to you write me a fat  
7 check or anything so that I can leave, but I just  
8 wanted to make that point so I can give you guys  
9 something to think about while you hopefully vote no  
10 on this because we can build other things than an AI  
11 data center. We can bring in jobs. Instead of hiring  
12 like 50 people for a giant building, if it's office  
13 building or something like that, that'll bring in more  
14 jobs anyway. So you might as well just vote no. It's  
15 not only the ethical thing to do, but financially it  
16 makes more sense for the city. That's all I've got to  
17 say.

18 CHAIRMAN: Thank you, sir.

19 Yes, ma'am.

20 MS. CHRISTOPHER: Hi. My name is Rachel  
21 Christopher.

22 (MS. RACHEL CHRISTOPHER SWORN BY ATTORNEY.)

23 MS. CHRISTOPHER: We've already established  
24 that you guys aren't really in the loop of what the  
25 mayor is doing and that it's really like the City of

1 Owensboro. So who specifically do we need to be  
2 talking to?

3 MR. O'BRYAN: Them right now because of the  
4 zoning.

5 MS. CHRISTOPHER: But the zoning, but the  
6 concerns with the City of Owensboro is the one that's  
7 putting out the I-2, and we want them to put a  
8 proposal of an I-1 or residential. So who in the city  
9 are we asking to put that proposal forward? Is that  
10 fiscal court? Is that circuit court? Who is it?

11 MR. HOWARD: Fiscal court would be county  
12 government. The City of Owensboro would be the mayor,  
13 the four city commissioners and then the city manager.  
14 That's, you know, collectively city government.

15 MS. CHRISTOPHER: So we need to be directly  
16 contacting the mayor to put in a new proposal for an  
17 I-1 or a residential or?

18 MR. HOWARD: The mayor, potentially the city  
19 manager's office, the city commissioners. That's the  
20 city government. Those are the people that, you know,  
21 would make the kind of decision on what route they  
22 want to go with development. Like I said, I mean this  
23 is what's been submitted for the planning commission  
24 tonight to take action on to review, but if there are  
25 other ideas, let the city know.

1 MS. CHRISTOPHER: Okay. Then will they also  
2 have some sort of meetings where we can talk about our  
3 concerns about AI data centers? Because right now it  
4 feels like you guys are getting a lot of plausible  
5 deniability because they're not telling you anything.  
6 You guys are the scapegoats, is what it seems like to  
7 me. So that's what I'm kind of gathering from this.  
8 So what meetings will they have where we can talk to  
9 them?

10 MR. HOWARD: So the city commission holds two  
11 meetings a month. They publish those. It's usually  
12 the first and third weeks of the month, I believe. I  
13 don't have the dates in front of me or anything. You  
14 can certainly find that from the city website. They  
15 do have an opportunity there at the end of their  
16 meeting for public comment to speak. So I mean that  
17 may be an avenue, you want may want to reach out. You  
18 know, earlier today we got three e-mails to our office  
19 with concerns asking that this be denied. We shared  
20 them with the planning commissioners. You know, as  
21 was asked in the e-mails. Yes, there are  
22 opportunities or avenues that you can potentially  
23 reach out to them as well. I understand your  
24 concerns. You know, I try to be as forthright and  
25 honest with everybody as I can be tonight. The board

1 is here to listen as well. That's what function is,  
2 but many of the questions that are beyond the purview  
3 of what I can answer and what this group can answer.

4 MS. CHRISTOPHER: But the commissioners might  
5 be able to; the mayor might?

6 MR. HOWARD: That may be another avenue to  
7 express your concerns and get answers to some of the  
8 questions.

9 AUDIENCE MEMBER: You should still vote no.

10 MR. HOWARD: Like I said earlier, you know, I  
11 mean the planning commission on this zoning change,  
12 whether it's for approval or denial, it will go to the  
13 city commission, or if anyone chooses to appeal,  
14 there's a one-page form. It's very simple. Fill that  
15 out. All it takes is one form and it's appealed to  
16 city commission, and then they would take final  
17 action. Certainly that would be, if this item is on  
18 the city commission agenda, that is certainly an  
19 opportunity that people may be able to speak in  
20 regards to this application. I don't know how they'll  
21 handle the appeal. They're not, honestly they're not  
22 real common. About well less than five percent of  
23 rezonings are appealed to the legislative body because  
24 they're usually pretty straightforward. This one is  
25 not.

1 CHAIRMAN: Ma'am, do you care to approach the  
2 podium, please? Thank you.

3 State your name, please.

4 MS. SHROEDER: My name is Kelly Schroeder.

5 Did you just say that their meetings are  
6 usually the third weeks, the third week?

7 MR. HOWARD: I believe the city meets on the  
8 first and third. I could be wrong.

9 MS. SHROEDER: Didn't they have a meeting  
10 tonight on the second Thursday? The same timeframe  
11 this meeting was so that we could not go to both.

12 MR. HOWARD: That's Daviess County Fiscal  
13 Court. That's county government.

14 MS. SHROEDER: Okay, I apologize. That's all  
15 I needed to know. Because I felt like that was yet  
16 another move to be deceptive.

17 MR. HOWARD: I don't always, I don't go to  
18 those meetings frequently unless there is a zoning  
19 change or a text amendment or something on the agenda.  
20 I believe the city meets first and third. The county,  
21 I think, is generally second and fourth. Could be  
22 wrong. I don't know, but they're on their websites.  
23 You can look up those meeting dates. They're readily  
24 available. Thank you.

25 MS. SHROEDER: Thank you guys so much tonight.

1 And please do not breed the deception any farther  
2 throughout our town.

3 CHAIRMAN: Thank you.

4 Yes, ma'am.

5 Sir, I'm going to grab her since she's been in  
6 line and I'll come right back to you. Okay?

7 MS. HELM: Hi. Tatum Helm.

8 (MS. TATUM HELM SWORN BY ATTORNEY.)

9 MS. HELM: Okay. So I wanted to refer to the  
10 Owensboro Metropolitan zoning ordinance. You have  
11 been referring to the differences between I-1 and I-2.  
12 And I just wanted to read those for everyone so we're  
13 all on the same page.

14 I-1 is the light industrial zone is intended  
15 for light manufacturing, warehouses, shops of special  
16 trade, heavy equipment dealers and related uses.

17 I-2 heavy industrial zone is intended for  
18 manufacturing, industrial and related uses which  
19 involve potential nuanced factors.

20 I want to pull out that word "nuance" because  
21 that is the large difference between I-1 and I-2. If  
22 we look at what the definition of "nuance" is, it is  
23 an unreasonable, unwarranted or unlawful activity that  
24 interferes with someone else's use and enjoyment of  
25 their property or the general public's rights.

1           So again, we're standing here. They are  
2 asking you all to do an F-2, which the description  
3 within the Owensboro Metropolitan -- let me pull it up  
4 one more time. Zoning ordinance is that it is a  
5 nuance for an F-2. That nuances can be present. So  
6 what we are asking you guys is to please vote no.  
7 Avoid those nuances from the people that live in those  
8 areas.

9           To me, you cannot say that you are a public  
10 servant if you don't care about people that live in  
11 areas where nuances are likely to occur from an F-2.  
12 I understand we are here, we're all talking about data  
13 centers. All that stuff, but at the end of the day it  
14 clearly shows nuances occur in F-2 zones. It says it  
15 right here, Owensboro Metropolitan zoning ordinance,  
16 that is the word of difference. Nuances. These  
17 nuances may not be in your backyard, but they're in a  
18 lot of backyards of a lot of people sitting in this  
19 room. They're in the backyards of future children and  
20 grandchildren. So I'm asking you guys to please  
21 consider when you take it, whether you deny, which I  
22 hope you do choose to deny and maybe recommend to the  
23 city, hey, we need to keep this F-1. If we care about  
24 our citizens and we care about the people here in  
25 Owensboro residing, let's keep this F-1 zoning. Let's

1 not even give it an opportunity to touch F-2. That is  
2 what is on your guys' plate right now. So if you guys  
3 are going to call yourselves public servants and  
4 really be here for the people of Owensboro, please,  
5 please, please consider before going and making this  
6 F-2 zoning, that word "nuance." Again it might not be  
7 a nuance in your backyard, but it's going to be a  
8 nuance in a lots of your neighbors' backyards. As  
9 I've always said, protect your mother and love your  
10 brother, please.

11 MR. HOWARD: I'm going to ask for  
12 clarification. Believe me, I'm not trying to be  
13 argumentative. But where did you read that?

14 MS. HELM: Article 8, schedule of zones. It  
15 is on the City of Owensboro's website in your zoning.  
16 Page --

17 MR. HOWARD: Just what page or whatever?

18 MS. HELM: Give me one second. Let me pull  
19 that back up. I'm pretty sure it was 8-2. It's up  
20 below a little bit further than that. 8-3, when it is  
21 explaining the article of amendments. A little bit  
22 below that. The page exactly says 0825.

23 MR. HOWARD: I was reading, there are  
24 definitions of light and heavy industrial.

25 Again -- not trying to be -- is the word

1 "nuisance" or "nuance"?

2 MS. HELM: I don't know. Sorry if I'm  
3 pronouncing it wrong. Just so you can correct me.  
4 When I Google that word, that's the exact definition  
5 that it gave me. So maybe I'm saying it incorrectly,  
6 nuanced. What did I say?

7 MR. HOWARD: You said nuance, which is -- but  
8 --

9 MS. HELM: Oh, okay.

10 MR. HOWARD: That's why I'm asking because  
11 heavy industrial uses do potentially create the noise  
12 vibration, things which can be considered nuisances.  
13 But I was just --

14 MS. HELM: All I know is I copy and pasted the  
15 word and read the exact Google definition where it  
16 said it is a disturbance.

17 MR. HOWARD: That is correct as far as what it  
18 is. I just wanted to make sure the -- or the --

19 MS. HELM: Yes. Sorry.

20 MR. HOWARD: Whether semantics are important  
21 or not, I don't know. Again, not trying to be  
22 argumentative. Just want to make sure I was following  
23 along.

24 CHAIRMAN: Thank you.

25 Yes, sir.

1 MR. DOTSON: My name is Benjamin Dotson.

2 (MR. BENJAMIN DOTSON SWORN BY ATTORNEY.)

3 MR. DOTSON: I have a simple ask. Please vote  
4 no and recommend residential. We have people who are  
5 struggling to live. You cannot afford an apartment on  
6 disability salary anymore. People are being forced to  
7 live in the woods. Maybe we need more houses instead  
8 industry. That's my point.

9 CHAIRMAN: Thank you. I'm going to go to her  
10 and then I'll grab you next.

11 Go ahead.

12 MS. LIKENS: Leslie Likens.

13 (MS. LESLIE LIKENS SWORN BY ATTORNEY.)

14 MS. LIKENS: I'm not from Owensboro and I am  
15 young, but like how, like when you guys vote yes or no  
16 to the I-2, like when will that be, on what day? When  
17 is the deadline and when do you vote?

18 MR. HOWARD: I mean generally the planning  
19 commission will take action on the evening of the  
20 item.

21 MS. LIKENS: I'm not from here. So I would  
22 like to know a little bit more about that. I do think  
23 it's super rich coming from like our mayor who is very  
24 old and not going to live here for a very long time,  
25 that he would want that for this community. I don't

1 mean that to be so mean. I mean that to be like super  
2 real. I would hope that me and my kids do have a long  
3 life ahead of us here. And, like I work in surgery.  
4 The amount of integrity that it takes that I would  
5 give to any of you all and any of you all and all of  
6 your families, it doesn't change from one person to  
7 the next. I hope that like with that being said that  
8 you guys could hold like that same integrity to your  
9 core when you do decide to vote. Because I -- every  
10 single patient that I have, I give my utmost integrity  
11 and the best care. I don't know if you guys, I really  
12 don't if you guys are voted in or even how you get  
13 your paychecks.

14 MR. HOWARD: It's a volunteer board.

15 MS. LIKENS: If you volunteer, even better.  
16 Like you do it because you care. If you do care about  
17 all us, I think that what this lady with the brown  
18 hair said, I hope that you would consider that. The  
19 simple fact of all of us, like our health. We only  
20 have one hospital. Our entire town and all our  
21 families possibly get sick from this, like most of us  
22 aren't going to be able to receive the care that we  
23 deserve from that. I know that for a fact.

24 CHAIRMAN: Yes.

25 MS. GILMORE: My name is Amy Gilmore.

1 (MS. AMY GILMORE SWORN BY ATTORNEY.)

2 MS. GILMORE: Speaking specifically zoning  
3 between the lighter industrial and heavy, this is my  
4 second time living in Owensboro. We came back here  
5 after the military. I am currently suffering with the  
6 impacts of heavy industry, and I think your map you're  
7 looking at is specifically inadequate. I was  
8 fortunate to live upwind of heavy industry with a  
9 refinery in Wyoming, and then about a mile from a  
10 flight line on the military base, I have unknown  
11 tumors in my thyroid because of the contamination.  
12 And even living upwind of that oil refinery, we still  
13 smelled it constantly. The noise was present. So  
14 you're looking a couple of hundred feet, maybe a  
15 quarter mile. You need to look much further because  
16 the impacts will also affect you over on the east side  
17 of the county. That's why people are so up in arms  
18 because it's insidious regardless of it being an AI  
19 data center or other heavy industry. A 100-year flood  
20 is almost every single year now. Anyone who drives by  
21 this property in the spring or late winter sees the  
22 standing water across almost the entire portion. Not  
23 just a little bit that is highlighted. So it's very  
24 obvious to people with eyeballs. There is going to be  
25 contamination getting into the groundwater if you put

1 heavy industry here. We can't rely on good feelings  
2 and hopes. We need to place very firm boundaries on  
3 what we allow near homes and that is not just the  
4 unfortunate souls directly across the street or  
5 directly down the road. It is in the interest of  
6 everybody in the county. Thank you.

7 CHAIRMAN: Thank you, ma'am.

8 MS. SPEAKS: Kalie Speaks again.

9 I know a lot of what everyone is saying to you  
10 guys tonight is something they ought to be saying to  
11 the commissioners. So I just wanted to let everybody  
12 know that according to the City of Owensboro website,  
13 that the next Owensboro Board of Commission meeting  
14 will be May 19th at 4 p.m. So I encourage everyone to  
15 bring their concerns straight to the commissioners and  
16 to the mayor. Thank you.

17 CHAIRMAN: Yes, ma'am. Please state your  
18 name.

19 MS. WALLACE: Kalie Wallace.

20 (MS. KALIE WALLACE SWORN BY ATTORNEY.)

21 MS. WALLACE: I just have a quick question,  
22 and thank you guys for listening to us and getting to  
23 know our concerns and our opinions on today, on  
24 rezoning, and to, I forget his name, with the Economic  
25 Development of Owensboro. I just have a quick

1 question for each of you, if you just go down the  
2 line. What is your opinion, yes or no, on AI data  
3 centers in our city? Yes or no.

4 MS. KNIGHT: I'm going to say I don't know if  
5 we can answer that question because it's not really  
6 before us, but also I don't, I mean...

7 MS. WALLACE: I was just curious. No one will  
8 answer me? I'll sit down. Thank you.

9 CHAIRMAN: Thank you, ma'am.

10 Yes, ma'am.

11 MS. JOHNSON: I'm Laura Johnson.

12 (MS. LAURA JOHNSON SWORN BY ATTORNEY.)

13 MS. JOHNSON: I live on Parrish Avenue  
14 directly across this property, from this property.  
15 This property is in my front yard. I look out at it  
16 every morning when I get up. I wanted to ask a  
17 question to the city. I read the traffic impact study  
18 and recommendation and they were proposing two  
19 entrances into the property. One further down from  
20 where I live and one directly across from Airport  
21 Road. If you live in that area, you know that the  
22 entrance and exit off of Airport Road onto Parrish  
23 Avenue is extremely heavy traffic at times and very  
24 dangerous. But the proposal was to not put in a  
25 street light or a turning lane into that entrance into

1 that property. I wanted to highlight that fact and to  
2 let you know my concern. My driveway is off of  
3 Airport Road, but my house faces Parrish Avenue. I  
4 see the traffic every day. I take my grandchildren,  
5 who live with me, to school in the mornings and it's  
6 very dangerous already to come off Airport Road. So  
7 if we're putting industry in there, which I'm not in  
8 favor of, but if we're putting industry in there and  
9 we're going to have traffic coming off of Wendell  
10 Ford, Wendell H. Ford Highway onto Parrish Avenue to  
11 get into that industry and not put a light in there,  
12 the traffic is just going to get worse. It's very  
13 dangerous coming off, on and off of Airport Road now.  
14 I can't imagine how much more dangerous it'll get if  
15 we have industry coming in and out of there,  
16 especially if we have the high-paying jobs that the  
17 EDC is proposing that they will find. Thank you.

18 MR. HOWARD: Just to follow up on that.

19 You are correct, the traffic impact study,  
20 which it does show two access points. The one in  
21 alignment with Airport Road is what is called a  
22 secondary access. The full, the main access point  
23 would be further west, further away from that  
24 interaction. Based on the traffic impact study, they  
25 do show at the primary access point, the one further

1 west, that they would have turn lanes in both  
2 directions. Then it does, the study does call for the  
3 potential of a traffic signal at that intersection at  
4 some point in the future when it would meet the  
5 warrants for that. The state wouldn't generally go in  
6 and put in a traffic signal until the development  
7 takes place or whatever and the need is actually  
8 there.

9 MS. JOHNSON: But the study does not show and  
10 does not recommend any turn lanes at the Airport Road  
11 intersection, nor a turn signal.

12 MR. HOWARD: Correct.

13 MS. JOHNSON: That is my concern because the  
14 Airport Road exit to Parrish Avenue is already  
15 dangerous. I drive it every day. I know. All the  
16 neighbors of mine that live on Airport Road, we know  
17 how dangerous it is. If you add traffic and anybody  
18 coming from the east side west is not going to take  
19 the secondary, what is called the primary entrance.  
20 They're going to take the secondary one off of Airport  
21 Road, or across from Airport Road. That's the one  
22 they're going to turn in to. I just wanted to make my  
23 concern known that that is going to create a major  
24 issue. We already have wrecks there because it's  
25 dangerous.

1 CHAIRMAN: Thank you, ma'am.

2 MS. KNIGHT: State your name, please.

3 MR. KNIES: Gavin Knies.

4 (MR. GAVIN KNIES SWORN BY ATTORNEY.)

5 MR. KNIES: Can we go back to the property  
6 line photo for a moment?

7 So the main question is the section above I-1  
8 that's not labeled, is that the one that's currently  
9 agricultural that's being discussed?

10 MR. HOWARD: Yes. The red lines on the map  
11 are the zoning lines. The black lines are property  
12 lines. The boundary of this property is in the blue.  
13 So, yes, you are correct.

14 MR. KNIES: So it's currently scheduled  
15 agricultural. What was the statistic or the statement  
16 about the 300-foot distance? Was that about distance  
17 from residential that was brought up?

18 MR. HOWARD: It says that any building,  
19 outdoor storage area, load or working areas except for  
20 parking should be located at least 300 feet from any  
21 urban residential area and 100 feet from any other  
22 area except those containing light industrial or  
23 agricultural forestry uses.

24 MR. KNIES: Okay. Then urban residential, is  
25 that any of the blue numbers, I presume, are

1 addresses; is that correct?

2 MR. HOWARD: Yes. I mean the addresses I  
3 think are in black with kind of white masks around  
4 them.

5 MR. KNIES: So is there a presumed distance of  
6 what the closest house is to that area? I'm assuming  
7 it's further than 300 feet?

8 MR. HOWARD: Yes. I can't, I don't have the  
9 capability to measure on that.

10 MR. KNIES: Can go further than just 300 feet,  
11 but that was kind of my just thought. Just a  
12 clarification on that.

13 Also with it being in a floodplain area, I  
14 think that we've heard that there may have not been  
15 any environmental studies that have been completed  
16 yet.

17 In terms of access, do we have the traffic  
18 study accessible online? I know it's out here as  
19 well. Is there access to that document?

20 MR. HOWARD: We can get you a copy of it. I  
21 don't know if it's on, like on the website, but it is  
22 public record. We can certainly send, if you give  
23 Trey your e-mail address, he can e-mail you a digital  
24 copy of it.

25 MR. KNIES: Then it sounds like we have a

1 potential couple of options for you all to have today,  
2 which we appreciate, which is, you know, to approve or  
3 deny. Is there potentially a third option to table  
4 until an environmental study can be produced as well  
5 as having more access to a traffic study?

6 MR. HOWARD: Anything is a possibility.

7 MR. KNIES: Okay. I was just curious. Being  
8 able to, you know, table things until the party that  
9 is requesting the zoning change could produce an  
10 environmental study of some sort because something as  
11 drastic and gradual as a floodplain can really affect  
12 any business that goes there or residential. So I  
13 didn't know if we could make a motion to possibly  
14 table that and then require environmental studies or  
15 how that process would go?

16 MR. McCLEARN: Usually when property is  
17 developed, there's a number of permits that have to be  
18 gotten with the Division of Water, federal government.  
19 Anytime you impact a stream, if you're in a  
20 floodplain, etcetera, endanger, you've got other  
21 environmental studies that will require permits. So  
22 with whatever entity it is comes in there and builds,  
23 they have to get approvals. And if they don't get the  
24 approvals, then they're not getting the permit. If  
25 they don't get the permit, then their building process

1 is delayed until they do what they're supposed to do  
2 to be in compliance. That's typically why they don't,  
3 when they don't know what's going in there, they  
4 really don't do early vigorous environmental work  
5 until they know what's going in there. Then they have  
6 to really use their engineers and get in federal  
7 government, the State of Kentucky. Brian's people  
8 will be involved, etcetera, with the floodplain. They  
9 won't get out of anything. So then there's a  
10 difference too if there's federal dollars involved or  
11 not federal dollars involved. It is quite rigorous on  
12 environmental.

13 A It just seems like such a central  
14 proponent. It's half floodplain. You know, probably  
15 further. But with it being such an area where things  
16 can be tossed up, maybe the recommendation of tabling  
17 it until there's further research put out, I think may  
18 be a consideration as well. Thank you all for your  
19 time.

20 CHAIRMAN: Do you have new questions, sir?

21 MR. PAYNE: Yes. Paul Payne.

22 It seems to be that everybody keeps talking  
23 about the traffic and how people can get in and out,  
24 and environmental doesn't seem to be anything that's  
25 been very well looked into. So with the traffic, how

1 many, do you all have any idea how many school buses  
2 the children drive by there on a regular basis during  
3 the school days? They're going to be exposed to it on  
4 a regular basis as they drive by with windows open and  
5 just have it poured in on top of them. They should  
6 help their development very well if they're being  
7 exposed to it on a regular basis. It won't just be  
8 like they're close by. The kids who have to come,  
9 Apollo from way out on the other side of the county  
10 and have to drive into Apollo, those kids are going to  
11 be exposed to it. So from elementary to middle school  
12 to high school, those children are going to have  
13 constant exposure to that. So since it's something  
14 that seems to be most specific and not have anything  
15 to do with the environment, I thought that maybe you'd  
16 have an idea how of many buses drive through there and  
17 how many children may be on those buses when they  
18 drive by.

19 MR. HOWARD: I don't know.

20 MR. PAYNE: It may be something to look into.  
21 I mean the only reason why I'm here is because...

22 CHAIRMAN: Thank you, Mr. Payne.

23 Yes, sir.

24 MR. O'BRYAN: Mike O'Bryan again.

25 I'm thinking this is on a flood zone. I think

1 isn't that a floodway on the backside of that  
2 property?

3 MR. HOWARD: It is not indicated on this map  
4 to be in the floodway. There's a different color and  
5 hatch pattern for floodway.

6 MR. O'BRYAN: Okay. Because a flood zone  
7 could be brought up, correct? The land can be brought  
8 up.

9 MR. HOWARD: There's mitigation measures that  
10 would take place.

11 MR. O'BRYAN: But a floodway cannot be...

12 MR. HOWARD: A floodway can only be disturbed  
13 under very specific circumstances.

14 MR. O'BRYAN: Because I was told that some of  
15 that property was in a floodway, but there again, I'm  
16 not 100 percent sure.

17 MR. HOWARD: Trey put the slide together, came  
18 out of GIS. But generally the maps would reflect a  
19 floodway as an orange or red hatched area. None of  
20 that is present on this image.

21 MR. O'BRYAN: When I seen the shade of blue, I  
22 thought maybe some of that was...

23 MR. HOWARD: The blue is just the 100-year  
24 flood.

25 MR. O'BRYAN: Okay. Because another, a few

1 years back, the county bought houses to the left of  
2 that property because they were flooded. The county  
3 and the federal government and state government went  
4 in and bought those houses. I think they bought six  
5 or seven houses back there and tore them down because  
6 of the flooding that occurs in that area. Because  
7 I've lived there since 1989, and I remember in '97,  
8 from about that red line to the back of that blue line  
9 there, all of that, all of there was probably four and  
10 five feet of water in that field at that time. That's  
11 why they bought those houses over there off of  
12 Worthington Road that you see to the left of that.  
13 Those people had to move because of the floodwater  
14 there. Just something for the record. Thanks.

15 CHAIRMAN: Thank you, sir.

16 Yes, ma'am.

17 MS. WETHINGTON: You've got another Wethington  
18 here. My first name is Janice.

19 (MS. JANICE WETHINGTON SWORN BY ATTORNEY.)

20 MS. WETHINGTON: I want to thank you guys to  
21 start with for volunteering for this committee that  
22 you're on, for all of the work that you do and for  
23 allowing yourselves to be raked under the coals for  
24 basically two and a half hours. You knew it was  
25 coming. The reason we're here is because we're

1 panicking because you can't put toothpaste back into  
2 the tube. That's what we're worried about. That's  
3 why everybody is begging you, begging you to say no.

4 I do want to point out one thing that I know  
5 that really made my ears perk up. Three hundred feet  
6 is exactly the length of a football field. I know  
7 everyone one of you in this room is an Owensboro Red  
8 Devils fan and has watched that football team play and  
9 knows exactly how far that is. Three hundred feet  
10 from a home to a building that's putting out  
11 pollution, putting out noise, that's not a long  
12 distance.

13 So anyway, I'm one of those people who knows  
14 about the toothpaste. I learned when I was about  
15 three years old, and I'm begging you just like  
16 everybody else in this room, please table it. Say no,  
17 do whatever you have to do. We're afraid. I've  
18 watched towns die. I've lived all over the eastern  
19 side of the United States and I've watched towns die  
20 for a whole lot less. Please say no. Thank you.

21 CHAIRMAN: Thank you, Ms. Wethington.

22 Do we have any additional questions from the  
23 audience?

24 (NO RESPONSE)

25 CHAIRMAN: Do we have any questions from the

1 commission?

2 MR. ROGERS: I'd like to ask Brian a  
3 clarification. I-1, I-2, the data center can go into  
4 either zoning, correct?

5 MR. HOWARD: That is correct.

6 MR. ROGERS: My other question is, decibel  
7 restrictions. Is there any decibel restrictions on  
8 either zoning?

9 MR. HOWARD: There is not. The zoning  
10 ordinance recognizes that I-2 zonings have the  
11 potential to create noise, vibration, all of that.  
12 There is nothing in the zoning ordinance as it stands  
13 right now that limits the number of decibels that can  
14 be generated.

15 MS. HELM: My name is Tatum Helm.

16 So then what is the nuisance difference?  
17 Explain that. Why is that within your all's documents  
18 on the city website? What makes the nuisance in an  
19 F-2 different than no nuisance at F-1? Sorry. Sorry.  
20 I-1 and I-2.

21 MR. HOWARD: We know what you meant, yes.

22 MS. HELM: Thank you.

23 MR. HOWARD: So the difference would be the  
24 potential to generate noise vibration, light...

25 MS. HELM: Noise and decimals, correct?

1 Decimals. What is decimals?

2 AUDIENCE MEMBER: Decibel.

3 MR. HOWARD: Yes.

4 MS. HELM: Decibel. Is that noise?

5 MR. HOWARD: Yes.

6 MS. HELM: Where is the...

7 MR. HOWARD: But there is no pressure.

8 MS. HELM: So why is there the discrepancy  
9 there? Does that make sense? Why is one different  
10 than the other?

11 MR. HOWARD: So that you could potentially  
12 have a category where if a dog food plant wanted to  
13 come in that you know is going to generate odors, you  
14 can put that in an I-2 zone. If you've got some kind  
15 of manufacturing facility that would generate some  
16 kind of stamping operation and it's going to create  
17 vibration, that could go in an I-2 zone. If a data  
18 center --

19 MS. HELM: I-1 and I-2 are basically the same?  
20 Do you see what I'm saying? I'm just trying to  
21 understand the difference. That word is very key, in  
22 my opinion, to your all's decision.

23 MR. HOWARD: They're both industrial zones;  
24 both industrial uses. The I-2 is, as the definition  
25 talks about nuisance uses, anything that might

1 generate noise, vibration, all of that stuff.

2 MS. HELM: Black and white for me. Small data  
3 center, F-1. Large data center, F-2. Or I -- sorry.  
4 I keep thinking of racing. I'm so sorry. I-1 and  
5 I-2. Large data center, I-2. Small data center, I-1.  
6 Is that the difference? Does that make sense?  
7 Because we're saying data centers can go on either  
8 one, either playing field. What makes the difference,  
9 what makes the nuisance is just what I was trying to  
10 clarify. So more regulations so I-2? So that's what  
11 we're asking you guys to vote against is, hey, I-1 we  
12 can have more regulations. I-2, more free-for-all,  
13 the nuisance. Can I have clarification on that?

14 AUDIENCE MEMBER: You nailed it.

15 MS. HELM: Okay. Coming forward and asking  
16 you guys, please vote against I-2. Give us the  
17 benefit of the doubt keeping I-1 or making it I-1 for  
18 the agriculture is, correct? That's just what my  
19 statement is. Making sure that it is a difference.  
20 I-1 and I-2 are two different things, no matter what  
21 the regulations. The regulations are going to be, I  
22 guess...

23 MR. HOWARD: They're similar.

24 MS. HELM: Yes. Okay. But are they similar?  
25 Like how similar? What are the large differences?

1           MR. HOWARD: So I mean it comes down to a  
2 judgment call. If somebody comes in and submits an  
3 application. The example I'll use, because I went to  
4 college at WKU. If you all have been to Bowling  
5 Green; anybody go to school down there? You smell the  
6 dog food plant, right? Some days it would stink. If  
7 the Hills dog food, Purina or whoever it is came in  
8 and said, hey, we want to do a dog food plant, we  
9 would automatically say, you need an I-2 zone for that  
10 because you are creating a potential for a nuisance.  
11 If you wanted to put in an iron smelter or something  
12 like that, that's going to go in an I-2 zone. A paper  
13 mill, that's going to go in an I-2 zone.

14           MS. HELM: Okay, so again...

15           MR. HOWARD: Whereas like a UniFirst or a  
16 CRS --

17           MS. HELM: Okay. So exactly what we've been  
18 saying. I-1 zone, okay. We'll get the benefit of the  
19 doubt. The I-2, please vote no on. Okay.

20           CHAIRMAN: Commissioner Rogers, were you  
21 finished? Does that answer your question?

22           MR. ROGERS: Well, I kind of thought it did.  
23 Still I-1, I-2, a data center can go in, correct?

24           MR. HOWARD: Yes.

25           CHAIRMAN: Thank you.

1 Yes, Mr. O'Bryan. Do you have a new question?

2 MR. O'BRYAN: Another thing. Rickhouses can't  
3 come in I-1. They can in I-2. You've seen what the  
4 rickhouses are doing in Ohio County and out here on  
5 the east side of Owensboro now. So like I said, if  
6 you do I-2, then that ultimately opens the doors for  
7 the rickhouses. Even though I know the distilleries  
8 are struggling right now because sales and stuff are  
9 down, but that's not to say it can't come back and  
10 then they make a proposal to be on this I-2 that you  
11 all passed. So I wish I had brought more picture for  
12 the audience because if you drive down Natcher Parkway  
13 and you get to that Ohio County exit, it's a mess.  
14 Those buildings are a mess. That can be right here  
15 coming into the City of Owensboro from the west.  
16 That's one of the primary entrances to the west county  
17 right there is 81 and 56. So anyway, that's all I  
18 have to say.

19 AUDIENCE MEMBER: Please vote no.

20 CHAIRMAN: Thank you, Mr. O'Bryan.

21 Yes. Do you have a new question, sir?

22 MR. TOWERY: Yes. Brian Towery.

23 Mr. Rogers, for what you was asking a while  
24 ago for data center to go in both, that is correct,  
25 but the regulations would make it easier or harder for

1 it to go in an I-1. Especially some of these data  
2 centers are huge. I don't think it could go in an  
3 I-1. If you're looking, if you're wanting to figure  
4 out the vote, I would say I-2 is definitely, would  
5 definitely let it slide in. I-1, there'd have to be a  
6 lot of stipulations for a data center to come in here,  
7 or any of them. I know you're going to bash me, but  
8 for where this is located, I mean Jack C. Fisher Park  
9 right there, I mean there's no reason for any heavy  
10 industrial. It's not very far from there and I know  
11 them people. If they actually knew what was going on.  
12 But what I was trying to say, Mr. Rogers, is it would  
13 be harder for one of these huge 100,000 square foot  
14 data centers to be able to go into an I-1 with the  
15 regulations of an I-1.

16 CHAIRMAN: Yes, sir. Your name, please?

17 MR. EVANS: Yes. Mac Evans again. I just  
18 wanted to again clarify the I-1, I-2 difference on  
19 data centers. Data centers are a broad spectrum.  
20 Right? You've got one essentially that would operate  
21 in I-1, no problem. The ones that take I-2 are the  
22 ones that require almost like a power plant to the  
23 property. They require gas turbines, diesel  
24 generators. The power consumption is so much that  
25 there's no good utility that can handle it. That's

1 why they need I-2 so they can basically build a power  
2 plant next to the data center to power. So that's the  
3 big difference there. Data center that's, you know,  
4 like five stories like somebody mentioned earlier for  
5 photos and stuff. Those operate more like a  
6 commercial office building. Noisy? Yes. Again  
7 especially because they're basically the server room  
8 of your office building in the entire warehouse. But  
9 a data center that's an AI data center is a power  
10 plant and that same data center.

11 MR. O'BRYAN: Sorry. One more comment. Mike  
12 O'Bryan.

13 Rickhouses do not have any employees in them.  
14 They've got barrels. So as far as jobs, there's no  
15 high-paying job in a rickhouse. It's just full of  
16 whiskey barrels. So some food for thought.

17 CHAIRMAN: Thank you.

18 Do we have any other questions or comments  
19 from the commission?

20 (NO RESPONSE)

21 CHAIRMAN: Seeing none, the chair is ready to  
22 entertain a motion.

23 MR. ROGERS: I have one question.

24 CHAIRMAN. Yes, Commissioner Rogers.

25 MR. ROGERS: City officials have stated in the

1 newspaper that there isn't any specific project  
2 planned for this area. A data center is not one of  
3 them, as far as I'm concerned. We've heard comments  
4 from several people here tonight. We addressed your  
5 concerns. At this time I would like to make a motion.

6 I make a motion for approval from the zoning  
7 based on three conditions in the staff report and the  
8 six findings of fact. Also, based on testimony heard  
9 tonight and comments from city officials in the  
10 newspaper, I want to add conditions that no data  
11 center go in this zoning.

12 CHAIRMAN: We have a motion for approval. Do  
13 we have a second?

14 MR. STIFF: I'll second.

15 CHAIRMAN: We have a second from Commissioner  
16 Stiff. Do we have any questions or comments regarding  
17 the motion or the second?

18 CHAIRMAN: Yes, sir? Your name please.

19 MR. O'BRYAN: Mike O'Bryan.

20 Why don't we put a condition that no  
21 rickhouses go in there.

22 AUDIENCE MEMBER: Just vote no.

23 MR. O'BRYAN: You can put conditions just like  
24 you did AI.

25 CHAIRMAN: One second please.

1 MR. HENRY: My name is Ryan Henry.

2 (MR. RYAN HENRY SWORN BY ATTORNEY.)

3 MR. HENRY: You said you can't put conditions  
4 on things. So if this passes, those conditions mean  
5 nothing. Everyone in the audience, pay attention. If  
6 it passes, this means nothing.

7 CHAIRMAN: Ms. Knight, do you have a  
8 clarification?

9 MS. KNIGHT: Yes. I was just going to say the  
10 planning commission makes decisions. I'm an attorney.  
11 I just give advice. That's what we do. So do I think  
12 it's legally binding for a condition if someone  
13 appeals it, probably not, maybe not. This is, as  
14 Director Howard said, this is a very hot-button issue.  
15 Do I know what a court would say this on this? I  
16 don't. I just know what the KRS and zoning ordinance  
17 say right now. But again, that's my advice. But I  
18 don't make the decisions.

19 CHAIRMAN: Thank you, Ms. Knight.

20 With the motion and second, chair is ready to  
21 entertain a vote. All those in favor, please raise  
22 right your right hand.

23 (BOARD MEMBERS IRVIN ROGERS, KEITH STIFF, BILL  
24 WEIKEL, SKYLAR STEWART RESPONDED AYE.)

25 CHAIRMAN: All opposed?

1           (BOARD MEMBERS KEVIN McCLEARN, LEWIS JEAN,  
2 HARRY PEDIGO, MICHELLE DRAKE AND BLAKE EDGE RESPONDED  
3 NAY.)

4           CHAIRMAN: Motion is denied.

5           MR. HOWARD: We had a motion to approve. That  
6 motion did not succeed. So I think now you need a  
7 motion for, you need another motion now. I think you  
8 need to make it official with some findings as to the  
9 denial.

10          Are there any other motions?

11          MS. KNIGHT: We're a fact-finding body. So if  
12 the motion that's made with a finding proposed doesn't  
13 pass, we're going to need another motion of finding  
14 for denial, basically. You know, those findings could  
15 be things that the proposed zoning doesn't integrate  
16 into -- it's not a logical expansion or despite it  
17 being, you know, a potential expansion, it doesn't  
18 integrate into the neighborhood. You know, there's  
19 been various concerns here tonight. I mean any of  
20 those, I think, the commissioners could adopt into a  
21 motion as facts that you all have found credible.

22          MR. O'BRYAN: So you have to have a motion to  
23 deny it?

24          MS. KNIGHT: Yes.

25          AUDIENCE MEMBER: Excuse me. You can't

1 whisper amongst themselves.

2 MS. KNIGHT: Yes, they can.

3 MR. HOWARD: I told Lewis that if, he asked if  
4 he could make the motion based on testimony heard here  
5 tonight? I said, yes, but include things that made  
6 you arrive at that decision, like testimony you've  
7 heard about noise, traffic, environmental things.

8 MS. KNIGHT: Planning commission can talk to  
9 their staff.

10 MR. JEAN: I'd like to make a motion. My  
11 motion is based on staff report, site visit.

12 MR. HOWARD: You have a motion for?

13 MR. JEAN: A motion to deny based on the site  
14 visit, several site visits, and the testimony here  
15 this evening with the findings that it poses a problem  
16 to the environment, to traffic. The area is prone to  
17 flooding and noise for the neighbors, noise and  
18 vibration.

19 MR. HOWARD: You could potentially have a  
20 finding if you would like that maybe it was a  
21 sentiment of the crowd that an I-1 zoning would be  
22 more appropriate than the I-2.

23 MR. JEAN: Yes. The sentiment of the crowd or  
24 audience is more in favor of I-1 than I-2.

25 CHAIRMAN: We have a motion for denial of this

1 application from Commissioner Jean. Do we have a  
2 second?

3 MR. PEDIGO: I second.

4 CHAIRMAN: We have a second from Commissioner  
5 Pedigo. Do we have any questions or comments  
6 regarding the motion or the second?

7 (NO RESPONSE)

8 CHAIRMAN: Seeing none, the chair is ready to  
9 --

10 MR. STIFF: I have a question.

11 CHAIRMAN: Yes. Commissioner Stiff?

12 MR. STIFF: A yes vote is supporting the  
13 denial?

14 MR. HOWARD: Correct.

15 CHAIRMAN: With no further questions or  
16 comment regarding the motion for denial or the second,  
17 the chair is ready to entertain a vote.

18 All those in favor for the motion of denial,  
19 please raise your right hand.

20 (BOARD MEMBERS KEVIN McCLEARN, LEWIS JEAN,  
21 HARRY PEDIGO, MICHELLE DRAKE AND BLAKE EDGE RESPONDED  
22 AYE.)

23 CHAIRMAN: All opposed from a motion of  
24 denial?

25 (BOARD MEMBERS IRVIN ROGERS, KEITH STIFF, BILL

1 WEIKEL, SKYLAR STEWART RESPONDED NAY.)

2 The motion for denial carries.

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1 COMMONWEALTH OF KENTUCKY)  
 ) SS:  
2 COUNTY OF DAVIESS )

3 I, Lynnette Koller Fuchs, Notary Public,  
4 State-at-Large, do hereby certify, that the foregoing  
5 hearing was taken by me at the said time, place and  
6 for said purposes as stated in the caption; that the  
7 witnesses were sworn in by the attorney; that the  
8 hearing was reported by me in stenotype and  
9 electronically recorded and foregoing is a true,  
10 correct, and complete transcript thereof.

11 I further certify I'm not a relative or  
12 employee or attorney or counsel of any of the parties  
13 hereto, nor a relative or employee of such attorney or  
14 counsel, nor do I have any interest in the outcome or  
15 events of this action.

16 I hereby certify that the appearances were as  
17 stated in the caption.

18 DATED THIS 15TH DAY OF JUNE, 2026.

19

20

*Lynnette K. Fuchs*

21

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24 COMMISSION EXPIRES: DECEMBER 16, 2026

25 COUNTY OF RESIDENCE: DAVIESS COUNTY, KY