

Sponsors:	<u>Commissioner Powell</u>
	<u>Commissioner Bennett</u>
Second Reading:	<u>March 28, 2022</u>
Publication Date:	<u>April 7, 2022</u>

ORDINANCE NO. 2022-008

AN ORDINANCE REZONING LAND LOCATED ON THE EAST SIDE OF HARDING ROAD AND THE SOUTH SIDE OF MACEDONIA ROAD AS FOLLOWS: APPROXIMATELY 36.61 ACRES FROM AG (AGRICULTURAL) TO R1-S (SINGLE FAMILY RESIDENTIAL) BASED UPON A RECOMMENDATION BY THE PLANNING AND ZONING COMMISSION FROM A PETITION FILED BY CALIBER CONTRACTING, LLC

WHEREAS, Caliber Contracting, LLC filed a petition to rezone approximately 36.61 acres from AG (Agricultural) to R1-S (Single Family Residential) being located on the east side of Harding Road and the south side of Macedonia Road in Franklin, Simpson County, Kentucky; and

WHEREAS, Caliber Contracting, LLC desires to rezone the aforementioned property to make the property more productive for the community, and these changes are appropriate and consistent with the use of this property and surrounding properties; and

WHEREAS, a public hearing was held on January 11, 2022, after due public notice, in the manner provided by law; and

WHEREAS, the Planning & Zoning Commission recommended the granting of said zone changes as they are in agreement with the community's comprehensive plan;

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of the City of Franklin, Kentucky as follows:

The approximately 36.61 acres (full description attached hereto and incorporated herein by reference) are hereby rezoned from AG (Agricultural) to R1-S (Single Family Residential) being located on the east side of Harding Road and the south side of Macedonia Road in Franklin, Simpson County, Kentucky in accordance with this paragraph.

If any section, subsection, sentence, clause, phrase, or portion of this ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holdings shall not affect the validity of the remaining portions of Ordinance.

All ordinances or parts of ordinances in conflict herewith, are, to the extent of such conflict, hereby repealed.

March 14, 2022

FIRST READING

March 28, 2022

SECOND READING

At a meeting of the City Commission of the City of Franklin, Kentucky, held on March 28, 2022, on motion made by Commissioner Powell and seconded by Commissioner Bennett, the foregoing ordinance was adopted, after full discussion, by the following vote:

Yes LARRY DIXON, MAYOR

Yes JAMIE POWELL

Yes BROWNIE BENNETT

Yes WENDELL STEWART

Yes HERBERT WILLIAMS

APPROVED BY:

Larry Dixon Mayor
Larry Dixon, Mayor

ATTEST:

Cathy Dillard
Cathy Dillard, City Clerk



The purpose of this legal description is to describe a tract of land that was rezoned to R-1S. This description shall not be used to transfer title to the property without the entire tract first being platted.

Being a tract of land with a total of 36.6761 Acres on the corner KY HWY 1008 (Harding Road) & Macedonia Road in Simpson County, KY. The property is owned by Caliber Contracting, LLC, a portion of Deed Book 359, Page 373 as recorded in the office of the Clerk of Simpson County, KY.

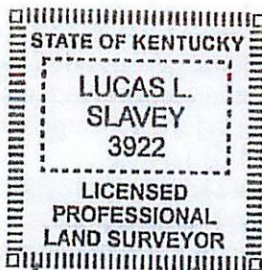
The property is more particularly described as follows:

Beginning at a set iron pin in the south-east right of way of Ky Hwy 1008 (Harding Road) (r/w varies per KYTC project sp 107-305), located approximately 658 feet from the centerline of Macedonia Road (50-ft r/w per D.B. 98, PG.15), a corner common to Mason (Deed Book 64, Page 410); thence along said right of way for the following 3 calls N 28°50'27" E a distance of 167.17' to a point; thence with a curve turning to the right with an arc length of 373.63', with a radius of 3422.20', with a chord bearing of N 31°58'06" E, with a chord length of 373.44', thence N 21°16'41" E a distance of 54.75' to a point; thence S 54°44'14" E a distance of 185.76' to a point; thence with a curve turning to the right with an arc length of 205.32', with a radius of 650.00', with a chord bearing of S 45°41'18" E, with a chord length of 204.46', to a point; thence S 36°38'22" E a distance of 63.52' to a point; thence N 53°21'38" E a distance of 16.22' to a point; thence with a curve turning to the left with an arc length of 109.11', with a radius of 350.00', with a chord bearing of N 44°25'48" E, with a chord length of 108.67', to a point; thence N 35°29'57" E a distance of 401.39' to a point; thence with a curve turning to the right with an arc length of 85.18', with a radius of 650.00', with a chord bearing of N 39°15'12" E, with a chord length of 85.12', to a point; thence N 43°00'27" E a distance of 132.65' to a point; thence with a curve turning to the right with an arc length of 496.19', with a radius of 975.00', with a chord bearing of S 41°15'46" E, with a chord length of 490.86', to a point; thence S 26°41'01" E a distance of 188.50' to a point; thence S 25°54'21" E a distance of 280.65' to a point; thence S 23°30'00" E a distance of 173.19' to a point; thence with a curve turning to the right with an arc length of 189.49', a radius of 300.00', a chord bearing of S 05°24'19" E, and a chord length of 186.35', to a point; thence S 12°41'22" W a distance of 260.26' to a point; thence with a curve turning to the left with an arc length of 229.11', a radius of 510.00', a chord bearing of S 00°10'49" E, and a chord length of 227.19', to a set iron pin, a point in the line of Dedman (Deed Book 348, page 103) and being located N 67°35'48" W 7.14' from an existing 1/2-inch iron pin "KY2142"; thence leaving the right of way of Macedonia Road and Along Dedman N 67°35'48" W a distance of 1054.96' to a stone, a common corner to Dedman and KY State Highway Dept. (Deed Book 102, Page 439); thence with KY State Highway Dept. the following two calls N 85°28'09" W a distance of 562.09' to a set iron pin; thence N 89°11'22" W a distance of 180.55' to a set iron pin a common corner to Franklin Development Association (Deed Book 98, Page 211); thence leaving Ky State Highway Dept and with Franklin Industrial Development Association, Phillips (Commissioners Deed Book 8, Page 19), and Mason N 08°14'10" E a distance of 379.98' to a set iron pin in the south-east right of way of KY Hwy 1008) Harding Road; which is the point of beginning,



having an area of 1,597,612 square feet, 36.6761 acres

(All set iron pins in this description are 5/8-inch diameter by 18-inches long rebar with yellow plastic caps stamped "L SLAVEY KY 3922")



2-24-2022

Lucas Slavey, PLS KY 3922

Date

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Based upon the application and the testimony and exhibits offered at the Public hearing, the Franklin Simpson Planning & Zoning Commission find and conclude that the request is in agreement with the Comprehensive Plan and, further, that there have been major economic, physical, and/or social changes within the area that have altered the basic character of the area thereby justifying the re-zoning request for 36.67 acres to R-1S per KRS 100.213.

This the 11 day of January, 2022.



FRANKLIN-SIMPSON JOINT PLANNING & ZONING COMMISSION

SPECIAL CALLED PUBLIC HEARING

IN RE: CALIBER CONTRACTING, LLC, TO REQUEST ZONE CHANGES AS FOLLOWS: (A) FROM AF (AGRICULTURAL) TO B1 (COMMERCIAL BUSINESS) FOR A 7.18-ACRE PARCEL, AND (B) FROM AG (AGRICULTURAL) TO R1-S (SINGLE FAMILY SMALL LOT) FOR A 36.61-ACRE PARCEL, LOCATED EAST SIDE OF HARDING ROAD AND SOUTH SIDE OF MACEDONIA ROAD

*** **

JANUARY 11, 2022

*** **

APRIL PEARSON, C.C.R.

REPORTER

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I N D E X

EXAMINATION

BY MR. DAVENPORT: 4 - 100

EXHIBITS

EXHIBIT A PAGE 8 Concept drawing
EXHIBIT B PAGE 8 Aerial photo of land

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The special called public hearing of Franklin-Simpson Planning and Zoning, taken pursuant to Notice, in the City Commission Meeting Room, City Hall, 117 West Cedar Street, Franklin, Simpson County, Kentucky, 42135, on Tuesday, January 11, 2022, at 6:31 p.m. (Central Time), upon oral examination and to be used in accordance with the Kentucky Rules of Civil Procedure.

A P P E A R A N C E S

For the Petitioners: Mr. Chris Davenport
Broderick and Thornton
Attorneys at Law
921 College Street
Bowling Green, Kentucky 42101

For the Commission: Mr. Robert Young Link
Attorney at Law
205 West Kentucky Avenue
Franklin, Kentucky 42134

Commission Members Present:
Ms. Debbie Thornton, Chairperson
Mr. John Mayeur
Mr. Chad Konow
Mr. George Weissinger
Mr. Gary Sliger
Mr. Roy Tyler
Mr. Kent Wilson

Also present: Ms. Emily Flora
Mr. Carter Munday

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MADAM CHAIRPERSON: This is a public hearing, and we are not really going over any old business or new business because this is not a regular meeting. It is simply a public hearing that we are doing this evening.

If you have your cell phones turned on, please, turn them on silence or on vibrate. We ask that there be absolutely no talking whatsoever unless it is on the record. And I ask the same of our board, as you all know, we are not to talk amongst ourselves during the public hearing. And our guests and audience is not to talk amongst themselves during the public hearing. Everything that is said, really needs to be said for the record. And I trust that you all will abide by these rules.

Also, if you are here in a positive manner, we ask that you don't have to repeat and repeat the essential data, that if we already have learned that, that is great. You can say, by the way, I second what Mr. Ladd said or something of that nature.

On the other hand, if you are here and you have certain concerns in regards to this project, we ask that you do the same. If Mr. Winkler says this concerns me because A, B, C, and D, then we ask that you

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ditto what Mr. Winkler said. We don't need to hear it all over again. This has to do with time, everybody's time, but also, we want to be respectful of just one another while we're here.

Keep in mind this is a business public hearing. We have rules and regulations that we are to go by and abide by here in Franklin and Simpson County. And we ask that you all help us do that and help us be the best we can be as servants of Franklin and Simpson County.

And having asked that of you, I trust that you will abide by these thoughts.

And I ask Mr. Weissinger to lead us in prayer. Thank you.

MR. WEISSINGER: Pray with me. Father Jesus, thank you again for this day you've given us and your grace. I pray that you'll go with us tonight as we go through this meeting and that we'll make the proper decisions. And we pray in your precious name. Amen.

INDISCERNIBLE VOICES: Amen.

MADAM CHAIRPERSON: Thank you, Mr. Weissinger.

It is now time to begin the public hearing. Also, if you are a -- if you're going to give us some information, if you are handing out, please

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approach. And the person speaking, it is absolutely fine to remove your mask so that we can hear and so that others can hear and so that Ms. April, our court reporter, can certainly hear. This is April.

Also, if you're on the board, I have been asked, also, to -- if you're going to speak, raise your hand or something so April recognizes and remove your mask so that April can hear you. Same way as, later on, if -- during the hearing if you want to be heard, you must come forward, be sworn in, give your name, your address, and then you may remove your mask and question and/or speak.

We good? Okay. Let's get started.

This evening, Caliber Contracting, L.L.C., is here to request a zone change as follows: From A.G., Agriculture, to B-1, Commercial Business, for a seven-point-eighteen-acre parcel, which is about seven -- right under -- well, about seven and an eighth or seven and a twelfth -- fifteenth, whatever. Okay. And from A.G., Agriculture, to R1-S, and that's for the small family housing lots, and that's for thirty-six and sixty-one acres -- sixty -- thirty-six point sixty-one, about thirty-six-and-a-half acres. This parcel is located the east side of Harding Road, which I believe is also Tanner Way -- is that accurate -- and the south

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side of Macedonia Road.

Do we all know where this -- this property is located?

Okay. Who would like to approach?

Hello. How are you?

MR. DAVENPORT: I'm good. Ms. Thornton, members of the commission, my name is Chris Davenport.

MADAM CHAIRPERSON: Okay. Welcome, Mr. Davenport.

MR. DAVENPORT: Thank you.

Thank you, Jace.

MR. CALDWELL: Here.

MR. DAVENPORT: This is Jace Caldwell.

MADAM CHAIRPERSON: We --

MR. DAVENPORT: And he -- he is the engineer that's worked on the project. So he's --

MADAM CHAIRPERSON: We know Jace.

MR. DAVENPORT: Okay.

MADAM CHAIRPERSON: Welcome back, Jace.

MR. CALDWELL: Hello.

MR. DAVENPORT: He is handing --

MR. CALDWELL: Good to be back.

MR. DAVENPORT: -- you all out some -- a concept plan of what the intention is --

MADAM CHAIRPERSON: Okay.

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MR. DAVENPORT: -- and also looks like an aerial, that gives you a better bird's-eye view of this intersection of 1008 and Macedonia Road.

(Whereupon Caliber Exhibit A was duly received, marked for identification, and filed herewith as part hereof.)

(Whereupon Caliber Exhibit B was duly received, marked for identification, and filed herewith as part hereof.)

MR. DAVENPORT: So like I said, my name's Chris Davenport. I represent Mr. Ladd. He is the principle of Caliber Contracting. That is your applicant tonight, also happens to be the owner of the property, that he owns the property outright. So this is not a situation where he, maybe, has another contract. I'm sure you all see that on occasion.

As you said, Ms. Thornton, the application's a little over forty-three acres. The request -- there's a little over seven acres in B-1 and thirty-six acres, the majority of the tract, in R1-S. The concept you have shows you that, essentially, the request for B1 -- let me slow up so everybody has what Jace is handing out.

MR. CALDWELL: Here you go.

MR. WILSON: Thank you.

MR. CALDWELL: Yes, sir.

MR. DAVENPORT: He's way over qualified

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1 to hand out paper. He's doing a pretty good job of it.
 2 (Off the record)
 3 MR. CALDWELL: Anybody else in the
 4 audience want one? Yeah. I've got just a few left.
 5 There you go. I've just got two left. Sorry about
 6 that.
 7 MR. DAVENPORT: So if you've got your --
 8 if you -- if you had that concept oriented -- looks like
 9 the way I do it, the B-1's going to be, basically, that
 10 top corner, at the intersection of two roads. You know,
 11 I think it goes without saying that that area would be
 12 the most sensible area for commercial development on
 13 this tract given the intersection nature of that seven
 14 acres.
 15 The remaining tract there, the thirty-six
 16 acres and change, you see a concept of how the lots are
 17 laid out consistent with your R1-S lot size, lot widths,
 18 lot depths, so forth and so on.
 19 I guess, what I would want to point out
 20 is, in this concept, the area that's shaded, you'll see
 21 that more or less right in the middle of the residential
 22 development, that is what Mr. Caldwell has typically set
 23 aside for water retention.
 24 I know -- I haven't had the pleasure of
 25 being before this board before, but in my other zoning

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1 cases in other communities, water is always an issue.
 2 No doubt about it. I'm sure you all hear that
 3 regularly. I'm sure you all are aware that state law
 4 requires developers to maintain their water.
 5 And so, in the concept phase, given the
 6 topography of the land, we believe that would be the
 7 most sensible place for the water retention. It's the
 8 lowest area on the property. Water naturally already
 9 wants to flow in that direction. So as the development
 10 is laid out, that would be, at this stage -- now, there
 11 will be more engineering work, I'm sure you all know
 12 that, before -- through the permitting stages and those
 13 things.
 14 But conceptually, we have -- I think Jace
 15 calculated a little over three acres in that area. You
 16 kind of build your church for Easter and you plan your
 17 retention areas for the -- for the wettest periods. So
 18 you -- you kind of over-engineer those sometimes, but
 19 that's a good thing to do.
 20 Really, I don't have -- I think the
 21 application more or -- more or less speaks for itself,
 22 Ms. Thornton. I think those are the high points of it.
 23 Mr. Ladd is here. I did ask Mr. Powell,
 24 the City Manager, to be present, and I do know that
 25 Mayor Dixon is here. And so at some point, when the

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1 commission wants to here from -- and I'm going to defer
 2 to the mayor because -- no offense to Mr. Powell, but
 3 the mayor is the mayor. So I would have some questions
 4 for Mr. -- for the mayor, for Mayor Dixon. He could
 5 explain to you.
 6 I will tell you that the property was
 7 annexed. I think second reading was in December, if I
 8 remember right. So the property is in the city. And
 9 not to get the cart ahead of the horse, but as a part of
 10 that process, we did work with the city on the
 11 annexation showing them what our plans were, ensuring
 12 that the infrastructure was sufficient to support this,
 13 ensuring them -- we've committed to them that we will --
 14 we've agreed to abide by -- I understand that your
 15 subdivision reg's are, basically, being reviewed and
 16 revised as we speak, so we have committed to -- to
 17 satisfying those revised reg's once they become
 18 official.
 19 So when the -- again, not having -- not
 20 being totally familiar with your all's process down
 21 here, but when the time is right, I would like to ask
 22 some questions of Mayor Dixon along those lines. And if
 23 that's best to do that now, I'm happy to do that now or
 24 whenever.
 25 MR. LINK: We normally have you to

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1 present your case.
 2 MR. DAVENPORT: Okay.
 3 MR. LINK: Call your witnesses.
 4 MR. DAVENPORT: Okay. So then I would
 5 ask Mayor Dixon if he could come up.
 6 MADAM CHAIRPERSON: Welcome, Mayor Dixon.
 7 MR. DIXON: Thank you.
 8 MADAM CHAIRPERSON: Glad to see you, as
 9 always.
 10 MR. DIXON: Thank you, Debbie.
 11 (Off the record)
 12 *** *** ***
 13 LARRY DIXON, being first duly sworn, gave
 14 the following answers in response to questions
 15 propounded to him.
 16 EXAMINATION
 17 BY MR. DAVENPORT:
 18 Q. Mayor Dixon, good evening.
 19 A. Good evening.
 20 Q. Thank you for being here.
 21 I'm guess, for the record, can you state
 22 your name for me?
 23 A. Larry -- Mayor Larry Dixon.
 24 Q. Okay. And so Mayor Dixon, I want to ask
 25

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1 you a little bit about this property and its annexation
2 to the city. So I understand it was annexed by second
3 reading in December of '21; is that correct?

4 A. That is correct.

5 Q. Okay. As a process of that annexation,
6 did Mr. Ladd present to the city what his intentions
7 were for this property?

8 A. He did. And -- and I'm familiar with --

9 Q. Okay.

10 A. -- what he presented. Yes.

11 Q. And did the city staff, including the
12 city manager and his staff -- were they able to confirm
13 to the city commission that the infrastructure was
14 sufficient for this property --

15 A. Yes.

16 Q. -- in this area?

17 A. Yes, sir.

18 Q. Okay. And as a part of the annexation,
19 was Mr. Ladd asked whether he would agree to satisfy
20 these subdivision regulations, that are kind of
21 currently in flux, as when they get revised?

22 A. He did.

23 Q. Okay.

24 A. Yes. He did.

25 Q. Was that important?

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1 A. Yes.

2 Q. It's your belief it was --

3 A. Yes, very important. Yes. Yes, it is.

4 Q. Okay. From the review that occurred
5 before the city commission, do you believe the request
6 is -- is complicit and complies with the Comprehensive
7 Plan in Simpson county?

8 A. I do. And it is within our Comprehensive
9 Plan.

10 Q. Okay.

11 A. And yes, I do.

12 Q. Do you believe the city commission
13 supports the request?

14 A. The city commission does support it and
15 they voted, too --

16 Q. Okay.

17 A. -- for second reading. Yes.

18 MR. DAVENPORT: I don't have -- Mr. Link,
19 I don't have any further questions of Mayor Dixon --

20 MR. LINK: Okay.

21 MR. DAVENPORT: -- and if there's
22 cross-examination allowed or whatever, but I don't have
23 any further questions of the Mayor.

24 MADAM CHAIRPERSON: Anyone on the board
25 have any questions of Mayor Dixon?

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1 MR. WILSON: Are you going to question
2 Mr. Powell? Is he going to be a witness, I guess?

3 MR. DAVENPORT: It sounds like he might
4 be.

5 He -- he encouraged me to ask the
6 questions of whoever. I know they're both willing to,
7 so I -- I'll do that for the sake of the commission, in
8 case you all have any questions of Mr. Powell, as well.

9 MR. WILSON: Okay.

10 MADAM CHAIRPERSON: Thanks, Mr. Dixon --

11 MR. DIXON: Thank you.

12 MADAM CHAIRPERSON: -- Mayor Dixon.

13 Thank you.

14 MR. DAVENPORT: Thank you, Mayor.

15 Mr. Powell, would you -- would you step
16 on down?

17 (Off the record)

18 *** *** ***

19 LARRY DIXON, being first duly sworn, gave
20 the following answers in response to questions
21 propounded to him.

22 EXAMINATION

23 BY MR. DAVENPORT:

24 Q. Mr. Powell, if you would, state your name

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1 and occupation, please.

2 A. Kenton Powell, City Manager of Franklin.

3 Q. Mr. Powell, did you hear the testimony of
4 Mayor Dixon?

5 A. Yes, sir.

6 Q. Do you have any reason to disagree with
7 any portion of that testimony?

8 A. No, sir.

9 Q. Okay. As city manager, did you take a
10 look at this concept and the development plans of
11 Mr. Ladd before the city commission?

12 A. Yes, sir. It was thoroughly discussed in
13 the executive session. Obviously, with the business
14 zones and the residential and having that buffer, it
15 was -- I think the commission was consensive (sic) that
16 it was a -- it was very consensive to our Comprehensive
17 Plan and to move forward.

18 Q. Okay. And from your standpoint, the
19 infrastructure here, do you believe it's -- it is
20 sufficient to meet the needs of this development?

21 A. Yes, sir.

22 MR. DAVENPORT: That's all the questions
23 I have of Mr. Powell.

24 MADAM CHAIRPERSON: I do have a question.
25 The land now, it's just not farmed,

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1 not -- nothing's going on with the land now; is that
 2 pretty fair?

3 MR. DAVENPORT: It hadn't been. I will
 4 be -- I will call Mr. Ladd.

5 MADAM CHAIRPERSON: Okay. He --

6 MR. DAVENPORT: I think he'd be the
 7 perfect person --

8 MADAM CHAIRPERSON: Okay. Yeah.

9 MR. DAVENPORT: -- to answer that for
 10 you.

11 MADAM CHAIRPERSON: Okay.

12 MR. DAVENPORT: Not to --

13 MADAM CHAIRPERSON: No. No.

14 MR. DAVENPORT: -- sidetrack anything,
 15 but --

16 MADAM CHAIRPERSON: Yes. That's fine.

17 MR. DAVENPORT: -- I'll give -- give you
 18 that opportunity, certainly.

19 MR. WILSON: I don't -- I guess,
 20 Mr. Powell, since you're the city planner, my -- we
 21 have -- I guess, citizens of the community, they're
 22 concerned on both sides; growth or nongrowth. I think
 23 you agree with that.

24 And my thing is, I'm just wondering if --
 25 we're constantly -- we're the ones getting hit here

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1 first with all these proposed subdivisions and
 2 apartments and townhomes. I mean we've got them --
 3 we've got a bunch of them already in the making that are
 4 proposed to be built here in the county. And I'm just
 5 wondering, as a city planner, do we have everything in
 6 place that we need for this massive growth that we're
 7 having in this county?

8 I mean, we have -- we've got people
 9 moving out of Nashville trying to get out of big cities.
 10 We've got people from California trying to come to a
 11 small town. And if we -- I mean, I don't know. It puts
 12 us in a position here, as a committee, to pass all these
 13 when we have -- we don't know if --

14 MR. POWELL: Are you talking
 15 infrastructure or --

16 MR. WILSON: Well, that. We've had the
 17 first responder testify here that they can't even meet
 18 the calls that they have already. I know there's
 19 traffic issues already in Franklin.

20 Just today, I was in town at one thirty.
 21 The street light -- the light at Hunt Ford back into
 22 town was backed all the way up to Frosty Freeze today.
 23 And if we continue to get all these people moved in in
 24 all these homes built, we're going to have a huge amount
 25 of traffic problems.

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1 I know for a fact -- my wife teaches
 2 school. Her classroom, before COVID, had -- she had
 3 twenty-eight kids in the third grade. She said there's
 4 no way she can handle one more kid. So I don't know
 5 what we're going to do with all these kids that are
 6 coming in, also.

7 I'm just wondering, if we've got -- my
 8 thing is, do we can have a plan to take care of all this
 9 growth before the growth hits and then we try to plan
 10 something?

11 MR. POWELL: You're asking a lot of
 12 questions, so I'm going to try to --

13 MR. WILSON: Okay.

14 MR. POWELL: -- answer one at a time.

15 Let's talk infrastructure. Currently at
 16 the sewer plant -- this is where the raw sewage hits the
 17 plant -- there is probably -- average is when it's
 18 normal flow, it's one-point-five-two-million gallons a
 19 day. The plant's built for fourteen million. So
 20 there -- there is ample growth.

21 As far as the water plant, we run one
 22 shift. And we have the capacity to -- in one day, to
 23 have up to five million gallons from Drakes Creek -- to
 24 process it. And on average, we do one-point-five to two
 25 million. So as far as the water and sewer capacity, is

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1 there.

2 Most developers, when they're extending
 3 the sewer or whatever, they -- they extend it and they
 4 connect to the major sewer capacities.

5 To go back, as far as the ambulance and
 6 what I had heard that was spoke, just read and just
 7 heard recently that they've hired five ambulance
 8 technicians. Five. And that is ramping up. I know
 9 that they had put it out for bid. They've been
 10 subrogated. The county is running as forward; you have
 11 Dale McCreary back on board, and you have five people
 12 back. They raised the -- the salaries. So that, to me,
 13 is -- is working.

14 Now, when they said they wasn't able to
 15 make runs, I don't know what numbers. Are we talking
 16 fire department? Are we talking ambulance? I don't
 17 know. I haven't seen any data. That's the first time I
 18 had -- I'd heard.

19 As far as the subdivision developers,
 20 most developers that I'm hearing, and you could probably
 21 ask Seth, the development plan is -- you see those lots
 22 and, say, it's -- it's a hundred, they don't
 23 instantaneously happen. They build the infrastructure
 24 and they build as it is -- I know on the Hall property,
 25 I think there was a hundred, maybe, sixty lots or

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whatever, they said it could be five years, at best case, to build the homes. So it's not like all of a sudden you're going to have instantaneous that many coming.

So the growth would be coming small, but incrementally, more than we've ever seen. What the growth that you've seen is mostly on the main corridors -- the 31-W exits, that we always say they're building.

A lot of it, what I would see, is, yeah, you see people coming from Nashville, even from Bowling Green, but you -- we have people moving in from California, different places. We all know that. We've all seen that -- coming to there, but -- but I think it will be a slow, steady growth, but it will be something different than we've always seen before.

Now, with growth, if it comes with the -- with the school, how do you handle that? Obviously, with -- with most communities -- you're talking about Warren County, you got south -- South Warren. I mean, that's something that we'll have to approach, but it's not going to happen tomorrow. It's -- it's part of that plan.

I have never seen that you build a school and wait for the growth. I haven't seen it. Maybe it

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happens. But the same thing that -- I think from a comprehensive plan, the growth we're seeing is kind of consistent with the exits, the main corridors into the city. That's where the majority of the growth is happening.

So yeah, I -- I hear that same thing as you, but I -- I think that it -- it's going to happen, but how are we controlling it; we are looking at infrastructure every day. We're trying to improve infrastructure, but that shouldn't be an issue for a long, long time.

I'm trying to think, did I -- did I hit anything else that I -- that I --

MR. WILSON: No.

MR. POWELL: But -- but I know we all have to be concerned and I think there's --

MR. WILSON: As far as the sewer -- I even had someone ask me -- has the sewer system been upgraded, I mean, in recent years? Has it been -- it's been several years.

MR. POWELL: It -- the sewer system will never be completely upgraded. It's -- we probably spend several hundred thousand dollars a year in upgrades and that's going with rebuild, repair, replace.

Right now, we have got -- we have got

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flow monitoring devices that -- what's that mean? We have got flow monitoring and sewer lines throughout the whole city. And what has happened, is we monitor the flow coming in. If we have a rain event, the rain is getting in the sewer line, we're -- we're measuring the flow coming in. And as we get more flow in one area, we know the problem is over here versus here. So we -- there is twenty-five sub basins that we are measuring and those -- I guess what I would call metering devices is three hundred thousand dollars. So if we're going to work on the sewer, we want to know where the leaks are. So that's why the sewer monitoring device is out there.

So we were measuring this year -- we started last year. So once we collect the data and says, okay, we should rehab basin 21. We rehab it. Then what's the next one; we rehab that. So the most interesting thing of the whole thing is we've added a lot more sewer in the last four or five years with the developments and our sewer, actually, usage is about the same. So we're repairing leaks, what I call I&I, water getting into the system, so that's improving.

I'm going to give you a little bit more. I'm telling you more than you probably want to hear. Ten years ago, there came a hard four-inch rain, that water that comes into the sewer plant -- that got into

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the sewer is water. You have to treat a gallon of water just like a gallon of sewer.

MADAM CHAIRPERSON: Oh.

MR. POWELL: So one of my first year (sic) here, is when it come a heavy four-inch rain, we were at thirteen-million gallons a day. It peaked it. Now we peak around eight or nine. So we're closing all those up. So we are doing that. Every year we budget sewer improvements. Same thing as water improvements. So unfortunately, that money is in the ground and nobody sees it, but it happens.

But I can get more correct dates of the volume, but we have spent, probably, in the last ten years several million dollars in sewer and water improvements. So --

MR. WILSON: Well, I -- I mean, I agree with you as far as these subdivisions aren't going to go in and build two hundred homes right off the bat. But I was -- I'm just sitting here -- I was counting in my head. I think there's, like, nine or ten subdivisions being in progress right now.

And the thing, you know, if they even start off with just a third of what they're going to build, it's going to be a lot of extra people in this community. So I'm -- I didn't know if we're -- I mean,

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1 it's going to be a change even in the next year or two
 2 as far as the city. So -- and I --
 3 MR. POWELL: But --
 4 MR. WILSON: -- I would say within five
 5 years, it concerns me.
 6 MR. POWELL: Well, it all started twenty
 7 years ago when we -- we really started when we said
 8 we're going to bring in manufacturing. We got three
 9 manufacturing parks, and we had a lot of people driving
 10 in. So a lot of that congestion you see is employees
 11 coming and going. They don't live here, but they're
 12 going to still use the same roads. That's a lot of
 13 congestion -- some of the congestion -- a lot of it. So
 14 there is hundreds of jobs -- a few thousand jobs in
 15 manufacturing. I think we're blessed.
 16 I'm going to go back to -- you're from
 17 Grayson County.
 18 MR. DAVENPORT: Originally, yes, sir.
 19 MR. POWELL: I'm originally from Grayson
 20 County, too. It's a dying county, because the
 21 manufacturing jobs -- you got the parkway. And they're
 22 leaving. The town is kind of -- so it's a balance.
 23 So --
 24 MR. WILSON: I agree. I think there -- I
 25 mean, I think people in this county want -- they want to

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1 it's -- they've managed it, but they still have a lot of
 2 problems. You look at the hundreds of jobs that come in
 3 with Toyota, but there's ways of doing it, but -- in my
 4 opinion. And I'm not a developer. You don't -- if you
 5 have sixty lots, you don't build sixty homes at the same
 6 time.
 7 MR. WILSON: No.
 8 MR. POWELL: And if -- if things slow
 9 down, you're not going to have sixty empty houses.
 10 It's -- it's -- you know, that's in my opinion and --
 11 but I wish I could have better answers for you, but
 12 that's kind of where we are.
 13 You -- you mentioned, like, people want
 14 better places to eat, that only comes with population.
 15 We want Kroger. We want Publix. But we also hear that
 16 they're saying we want more population before we come.
 17 So what is that number? I don't know. But we heard
 18 testimony last time that we're getting close. But --
 19 MADAM CHAIRPERSON: Yeah.
 20 MR. POWELL: But we're going to continue
 21 to get chicken places until -- until we get the
 22 population. I don't know, but I want the same sit-down
 23 restaurant, and I want the better amenities, but it
 24 comes with some population. It's a -- so --
 25 MR. WILSON: Oh, I agree. I just -- that

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1 have to where -- I mean, I know from people that have
 2 talked to me they want good places to eat.
 3 MR. POWELL: Uh-huh.
 4 MR. WILSON: They want, probably, places
 5 they can go shopping, if they need something in town.
 6 They want a nice community, but I -- I just hope we
 7 don't get it so big that we ruin the -- ruin the
 8 community here is my only -- that's my concern.
 9 MR. POWELL: Well --
 10 MR. WILSON: So I -- I don't know if
 11 we're planning for everything that's coming in right
 12 now. We continuously are getting these projects in
 13 every night we're --
 14 MADAM CHAIRPERSON: Uh-huh.
 15 MR. WILSON: -- we're here. So --
 16 MR. POWELL: As far as the planning
 17 aspect, I don't think anybody has got that magic. You
 18 look at Bowling Green, they have -- and what they've
 19 got. You look at different things.
 20 The one thing -- the example I brought up
 21 is -- and I think the good is, in 1986, '87, Toyota come
 22 to Georgetown, Kentucky, to build a plant. And if you
 23 go to Georgetown, Kentucky, you look at George -- they
 24 still have the small-town atmosphere and you got
 25 thousands of people, growth that happened. It's --

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1 number just -- you don't know -- like you say, you don't
 2 know what it is and you don't want to get it to where we
 3 ruin our community -- is all I'm concerned with, you
 4 know.
 5 MR. POWELL: I think --
 6 MR. WILSON: That's all the questions I
 7 have.
 8 MR. POWELL: No. I think --
 9 MADAM CHAIRPERSON: Am I hearing -- there
 10 was a period of time that I remember when I was looking
 11 at some population growths when -- actually, when we did
 12 the play, that I learned a lot about our history, and
 13 there was a -- like, a twenty- or thirty-year period
 14 where the growth almost stood still.
 15 MR. POWELL: Uh-huh.
 16 MADAM CHAIRPERSON: And wasn't it
 17 between, like, the '80's and the early 2000's?
 18 Am I right on that Carter?
 19 MR. MUNDAY: That is correct.
 20 MADAM CHAIRPERSON: And so around 2010,
 21 2012, it started edging back up. Are we at twenty
 22 thousand, yet, in Simpson County?
 23 MR. POWELL: Yeah.
 24 MADAM CHAIRPERSON: Right around it?
 25 MR. POWELL: We are.

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MADAM CHAIRPERSON: Is that about right?

MR. POWELL: The city is about ten thousand four hundred and I think the -- I think the -- out in the county is twelve.

MADAM CHAIRPERSON: So we are a little over twenty.

MR. POWELL: So twenty-two, something like that.

MADAM CHAIRPERSON: That's good.

Yes. So I mean, I do think for a while all we've known here in Franklin was -- I mean, for many years --

MR. POWELL: Yeah.

MADAM CHAIRPERSON: -- anyhow. But --

MR. POWELL: But that -- but also, to go back and -- and -- and the best -- the growth is also happening in the county.

MADAM CHAIRPERSON: Yeah.

MR. POWELL: We said twelve thousand, so that growth is happening in the county same as the city.

MADAM CHAIRPERSON: Uh-huh.

MR. POWELL: So it's -- it's going both ways. So --

MADAM CHAIRPERSON: Yeah.

MR. POWELL: But I get you. And we talk

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about it in the commission meetings all --

MADAM CHAIRPERSON: It's expanding together.

MR. POWELL: Yeah.

MADAM CHAIRPERSON: It's not just --

MR. POWELL: But -- but we're trying to keep everything that makes sense to kind of connect. So it's -- that's one reason why we really felt strongly on doing the subdivision reg's. Trying to create some standards in different -- different designs in look and cosmetics and curb appeals, that was something that was -- was really -- I wish we could go farther, but we -- we saw it and we said we've got to get this because we want variety.

The other things that -- that were brought up the last November, is renter regulations. That if you rent, there's a certain standard of rental, so you don't have the rental property run down. There's going to be inspections. I brought that up to the city commission. That's something they'll probably have to go into, as well, so you don't have rental property running down that looks disgusting. You'll have inspections and keep everything at high standards. You know, basically what I'm saying, you remove the slum lords.

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MADAM CHAIRPERSON: Yes.

MR. POWELL: You -- you move them out and you get -- so there's several things that's kind of moving, that we're trying to do it, but we're behind the eight ball.

I'm thankful that we have got Carter here as the administrator. I can't imagine what would have happened if we didn't have him put in place -- and our building tech and our electrical in inspector, but -- but I think that --

To speak honestly, I think we all have a concern, but also, we're trying to navigate and trying to control it the best we can. And we'll -- we'll find out how well we do, but I think we're doing the best we can with what we have. And -- and I think -- I appreciate this board. You're looking at it constantly.

But the other thing that I have found in -- in talking to developers of different -- I know Seth Ladd's here, and they do their own research before they -- they're going to dump in millions of dollars in infrastructure. They're just not going to put it there unless they feel that they can have, obviously, a return and it's going to -- because if it looks bad, people won't buy it, and they lose.

So -- but school system -- school system

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things is coming, but I think the ambulance, I think that is self-correcting. Like I said, just listening to what -- there's five people that's already been hired back. They've raised the salary. And Dale McCreary is -- is back on board.

MADAM CHAIRPERSON: Yeah.

MR. POWELL: And I think that will direct the ship.

MADAM CHAIRPERSON: That's good.

MR. WILSON: Okay. Thank you.

MADAM CHAIRPERSON: Have you guys ever heard sewer sound so interesting?

MR. POWELL: And actually -- and I --

MADAM CHAIRPERSON: We got to laugh a little here.

MR. POWELL: And actually, I'm -- I'm putting my engineering cap on. I'm an electrical engineer, and I'm doing a sewer upgrade of all the controls in the sewer plant right now. And do you know -- this is trivia.

MADAM CHAIRPERSON: Oh, great, more.

MR. POWELL: This is trivia.

MADAM CHAIRPERSON: There's more.

MR. POWELL: You know, in the summer, it kind of gets rank, they have a diffuser out there, a big

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1 diffuser, and they can diffuse bubble gum, different
2 colors, and then so people can smell colors, like bubble
3 gum. So it's a big fifty-five gallon, and we're misting
4 it in the air so we can keep the smell down when
5 humidity gets -- I didn't think you all probably knew
6 that.

7 MR. WILSON: No. I didn't know that.

8 MR. POWELL: But -- but anyway, the
9 things we do to keep the smell down.

10 MADAM CHAIRPERSON: This is just
11 fabulous.

12 MR. POWELL: Oh, yeah.

13 MADAM CHAIRPERSON: Thank you.

14 MR. POWELL: Probably more than you want
15 to know.

16 MADAM CHAIRPERSON: Anybody have any
17 other questions --

18 MR. MAYEUR: Yeah. I do.

19 MADAM CHAIRPERSON: -- for Mr. Powell?

20 MR. MAYEUR: So what is the message you
21 would have us take back to the people that approach us?
22 So the common thing that I get is we're
23 not against growth, we just want managed smart growth
24 and --

25 MR. POWELL: Uh-huh.

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1 MR. MAYEUR: -- you know, it -- it kind
2 of seems like we get behind the eight ball when the city
3 annexes property in and then what are we supposed to do;
4 right? Because it's -- it's pretty much a go at that
5 point; right?

6 MR. POWELL: Well, it's still in your --
7 your all's hands. I mean, your all the ones that are
8 looking at it. Because we look at it first from a --
9 the Comprehensive Plan, as well; is it -- is it on the
10 31-W corridor, is it on 1008, you know, does it -- does
11 it fit.

12 I'm going to speak to this and this was
13 is in -- this was in Monday's commission meeting. We
14 have a permit for a solar farm on East 100 -- East 100
15 coming in the gateway, a solar farm. Is it sixteen --
16 how many acres is that?

17 MR. MUNDAY: A hundred and fifty.

18 MADAM CHAIRPERSON: Yeah. A hundred and
19 fifty.

20 MR. POWELL: A hundred and fifty. A
21 solar farm coming right in. The commission said, no.
22 We're not having a solar farm right as you come in,
23 right where the boat ramp park is; no. So there --
24 there is a thing that they're -- they're stepping up and
25 saying, no, that's not a fit. And so what does it do,

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1 they -- they requested to write a letter. We'll send it
2 to the -- I mean, for the Board of adjustments to say
3 we're against this proposal. So -- so, yeah. It's --
4 So the takeback is, yes, they -- they
5 review it and they look at it very carefully, but
6 it's --

7 MR. MAYEUR: So is there a number? Like,
8 if there's eight-hundred lots already been approved and
9 just not developed yet, somebody comes up with another
10 five hundred or -- or three hundred, whatever, are we
11 just going to keep going, yeah, yeah, yeah? I mean, is
12 there a number or what -- what are we supposed to do?
13 How do we balance and manage this growth?

14 MR. POWELL: Well, to me -- this is my
15 opinion -- it's self managing, because a developer is
16 not going come here knowing that there's already four
17 hundred lots out there. If I'm going to -- if I -- I'm
18 not a billionaire, but if I'm going to spend there and I
19 know that there's already that much out there, I'm going
20 to wait, because it's already saturated.

21 MADAM CHAIRPERSON: Yeah.

22 MR. POWELL: Because --

23 MADAM CHAIRPERSON: They find that out.

24 MR. POWELL: -- they do their research.
25 Because I talked to a couple developers, they looked at

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1 what's already out there and they do their own study and
2 they -- they make --

3 MR. MAYEUR: You know, I'm not as
4 concerned about the developers as I am the community,
5 though. That's -- that's the problem. Yeah. The
6 developers see this as ripe for the picking. You know,
7 you see -- see, that's the -- excuse me. Yeah. That's
8 the point they're making coming to us. It's, like, you
9 know, what is the end of this? Because it, you know,
10 it -- it contributes to the school and a traffic
11 problem.

12 So we just -- I just need an answer to be
13 able to tell them. Like, I don't know what the number
14 is. I'm -- I'm new, and I'm probably one of the younger
15 members here, so I'm not real sure how -- how to manage
16 all this --

17 MR. POWELL: Well --

18 MR. MAYEUR: -- or if we even have a
19 place to manage it, because we're actually just seeing
20 if this fits the reg's, and it does, but that doesn't
21 help us manage the growth of the community. So --

22 MR. POWELL: Well, the growth of the city
23 is -- is, basically, we're going to grow. And how we're
24 going to grow, we're growing along the corridors. I
25 think there's going to be a plateau at some point. I

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can't tell you when that's going to be, because I -- but it becomes with what's already been approved and platted, because I think that's -- that's the million dollar question, because I still think, from our community, we already have X amount out there.

MR. MAYEUR: Uh-huh.

MR. POWELL: That's going to be the regulating thing, because I keep going back to the developer looking at what's already out there, that controls the growth. But where do you want it to stop? We can say we can stop it. We could all stop it, but then how do you re-start it? Twenty years later? Okay. Franklin's not going to build any more?

I'm just being -- you know, you can stop it, but then how do you re-engage and get growth back? Because then you all of a sudden -- you can set to say, well, Franklin don't want any growth and then people move onto the next place and buy.

I just know that I -- since I've been here for eighteen years, I've heard Franklin's going to grow, going to grow and grow and grow. Mayor Clark said I've heard it my whole life; Franklin is going to grow. Well, it's here.

And to me, it's -- I think it's a two-fold. I think the industrial recruiting mechanism

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that was put in place twenty years ago started it. And people now are wanting to come in and live close to where they work and, also, people wanting to move out of Nashville, Bowling Green, different cities, to a smaller community.

But I think, more county wise, it's -- only can handle so much growth, but it's -- it's what do we want. We talked about the amenities. At what point will that get here. I think we will have an understanding once we, kind of, get to that point on what to do next, but I think if anybody knew that answer, we wouldn't be here.

MR. MAYEUR: Okay. Thanks.

MR. DAVENPORT: Thank you, Mr. Powell.

Let me just say, I -- there was something I always liked about Mr. Powell and I'm -- now I know what it is. He's a native of Grayson County. I did not know that.

I will say, as a quick aside, the issue you all are discussing, there's no doubt that's an issue that your community will have to work out and continue to work out.

I will just say, when I go home to Grayson County, they don't have that problem. They've got the opposite problem. About the time I was leaving,

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they lost their industries, largely textile facilities all left. The few manufacturing sites they had left. And now, they've had a huge population decrease because there's no place for the kids when they graduate high school to work. They are being sucked to areas like Bowling Green and Franklin.

So you -- we're -- we are in an area, you're in an area, Bowling Green's in an area, that's drawing people in. As Butler County, Grayson County, Edmonson County -- I dare say probably Logan County, is losing population. So they -- they -- they've got the other side of that coin. So -- but that's enough on that.

MADAM CHAIRPERSON: Uh-huh.

MR. DAVENPORT: So let me ask a few questions of Mr. Ladd, if I might.

MADAM CHAIRPERSON: Great. Welcome Mr. Ladd. We're happy to see you. I know you've come in numerous times and seen what was going on. So welcome.

(Off the record)

*** *** ***

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SETH LADD, being first duly sworn, gave the following answers in response to questions propounded to him.

EXAMINATION

BY MR. DAVENPORT:

Q. So Seth, just a few questions for you.

First of all, you own the property in question; correct?

A. That's correct.

Q. So one part of the discussion with Commissioner Wilson was, that Mr. Powell discussed, these lots that you have that you intended to build, you're asking to develop, will these -- do you intend these to be phased in, to --

A. Yes.

Q. -- to curve over time?

A. Yes. Most likely over a couple phases.

And they kind of stole my thunder, because these are things I was going to ask you anyways, but now, you know, they -- they went over the same things.

So the other question I have for you is, in looking at your due diligence before you invest the type of money it takes to build, you know, interior street and layout lots and all the things that go with a

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1 subdivision development, what -- what was some of the
 2 information relative to the population demands in
 3 Simpson County that you were aware of and some
 4 information you gathered?

5 A. Well, I mean, it's -- it's a good place
 6 to live. You know, it's still a small -- you know, a
 7 small-town feel. You know, there's still a great need
 8 for housing. I think there's -- you know, if you -- you
 9 all saw the T.V.A. study last week, I believe. You
 10 know, it was fifty-seven hundred people are driving into
 11 Simpson County that's not paying property tax here to,
 12 you know, help maintain our emergency services and all
 13 of that.

14 I will say, you know, I already had
 15 people approach me wanting to, you know, purchase lots.
 16 You know, obviously, we haven't -- haven't even started
 17 moving dirt, yet. So --

18 Q. And you heard me mention your discussions
 19 before the city commission and the soon to be revised
 20 subdivision reg's and your acquiescence to those?

21 A. Yes.

22 Q. Did I state that correctly?

23 A. Yes.

24 Q. That you had -- you had commented to the
 25 city and it's your intention to comply with those

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1 Commissioners Konow and Wilson could
 2 probably agree to that. So --

3 MADAM CHAIRPERSON: I agree with that.
 4 Yeah.

5 MR. DAVENPORT: Commissioner Thornton,
 6 that's all the questions I have of Mr. Ladd. I'm sure
 7 you all may have some.

8 MADAM CHAIRPERSON: Yes. Well, I, for
 9 one, am happy to see a hometown, young man wanting --
 10 developing here in Simpson County.

11 MR. LADD: Thank you.

12 MADAM CHAIRPERSON: So I -- I think
 13 that -- I know you're from here. You grew up here.
 14 Your family's here. So I think that it's wonderful that
 15 you want to stay in Simpson County and develop here. I
 16 think that's a great thing.

17 Any of you all have questions for Mr.
 18 Ladd?

19 MR. TYLER: How many lots? I -- I --

20 MR. LADD: Currently, we're going have
 21 right at seventy-four.

22 MR. TYLER: Seventy-four.

23 MADAM CHAIRPERSON: And you're planning
 24 no apartments or no condo's. You're planning small --
 25 MR. LADD: Uh-huh.

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1 subdivision reg's as they come on line?

2 A. Correct.

3 Q. Okay. Why would you agree to additional
 4 subdivision regulations that will, undoubtedly, cost you
 5 some money, right, but incur a better development?

6 A. That's correct.

7 Q. Is that your intention?

8 A. Yes.

9 Q. So why would you agree to that?

10 A. Well, obviously, you want these lots to
 11 be able to sell, you know, just from a marketing
 12 standpoint, so you -- you want a nice looking
 13 development.

14 Q. So Commissioner Thornton asked me what is
 15 currently on the property. My understanding, the
 16 property is vacant; is that correct?

17 A. Currently, it is. It was in soybeans
 18 last year and, you know, a portion of it may be in
 19 soybeans or corn this coming year. So --

20 Q. Okay. And --

21 A. And I will say, just to add to that, it
 22 is not prime farmland, so it's not like we're taking
 23 prime --

24 MADAM CHAIRPERSON: Yeah. I know.

25 A. -- farmland.

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1 MADAM CHAIRPERSON: You're planning
 2 homes, homes on the smaller lots.

3 MR. LADD: Yes.

4 MADAM CHAIRPERSON: Is that accurate?

5 MR. LADD: On the R1-S.

6 MADAM CHAIRPERSON: R1-S lots, yeah.

7 MR. SLIGER: I have a two phased
 8 development going. Will you have another phase to this
 9 one or -- we have some lots on this.

10 MADAM CHAIRPERSON: Do you need this?

11 MR. SLIGER: Just along industrial
 12 ground?

13 MR. LADD: That's the -- that's the
 14 survey of the original farm.

15 MR. SLIGER: This is existing?

16 MR. LADD: That is actually so -- just
 17 some more trivia. Mr. Harding, Harding Grove, when he
 18 owned this farm, he actually started a development in --
 19 when 1008 come through. His was stopped.

20 MR. SLIGER: Okay. So this in actual
 21 lots that were platted out --

22 MR. LADD: Yes.

23 MR. SLIGER: -- at one time?

24 MR. LADD: Back -- yes.

25 MR. SLIGER: That no longer exist? I'm

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1 just wondering about groundwater that's going out onto
2 the industrial ground.

3 MR. TYLER: Could you tell us what kind
4 of houses you're going to put in, what sizes? Do I have
5 that?

6 MR. LADD: It should be in -- let me
7 see -- D.P.C. on that. Obviously, single-family
8 residences, minimum of twelve hundred and fifty of
9 heated living space. Must have a minimum of one-car
10 garage. The front facade must be at least eighty
11 percent stone, brick, or Hardio board material.

12 MADAM CHAIRPERSON: Hmm.

13 MR. LADD: Obviously, you could do all
14 four corners -- or all four sides, excuse me. And then
15 as far as fencing, you could -- your only option's
16 four-foot high black coated chain-link fence.

17 MR. TYLER: So some of them will have
18 just single-car garages?

19 MR. LADD: You could have two or -- but
20 minimum is one.

21 MR. TYLER: Yes.

22 MR. LADD: And it must be an
23 eighteen-foot driveway, so -- concrete driveway, so
24 therefore, you've got room for two cars.

25 MR. TYLER: Uh-huh.

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1 MR. SLIGER: And that's regulations that
2 will be with the subdivision?

3 MR. LADD: Yes. Yes. And there will be
4 an H.O.A.

5 MADAM CHAIRPERSON: Any more questions,
6 gentlemen?

7 I think that's good, Seth. Thank you, so
8 much --

9 MR. LADD: Thank you.

10 MADAM CHAIRPERSON: -- Mr. Ladd.

11 MR. DAVENPORT: And I appreciate the
12 patience. I have just one more witness.

13 MADAM CHAIRPERSON: Okay.

14 MR. DAVENPORT: Jace Caldwell. Just a
15 couple questions for Mr. Caldwell.

16 (Off the record)

17 *** **

18 JACE CALDWELL, being first duly sworn,
19 gave the following answers in response to questions
20 propounded to him.

21 EXAMINATION

22 BY MR. DAVENPORT:

23 Q. Mr. Caldwell, will you state your name,
24 please?
25

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1 A. Jace Caldwell, Van Meter and Slavey
2 Engineering.

3 Q. And what's your -- and what licenses or
4 certifications do you hold?

5 A. For a professional engineer.

6 Q. Okay. And did you work with Mr. Ladd on
7 this project?

8 A. I did.

9 Q. Okay. So I just want to ask you just
10 very quickly. On the concept that the commissioner's
11 have, there's a shaded area. I think it says drainage
12 or retention basin, something along those lines.

13 Can you explain why, at this stage, that
14 you would, as you're laying out lots and you're
15 engineering what would be, potentially, this
16 development -- why would you include that on your
17 concept plan?

18 A. I think it -- first off, it gives you a
19 better idea of what's going to end of happening. If I
20 go in there -- I could fit a lot more lots on this just
21 by geometry. But when you start looking at what's the
22 reality and so that we have a better idea of what are we
23 getting at the end of the day, so I manage Seth's
24 expectation -- because he wants me to put more lots on
25 there -- and I can get to give you guys a better picture

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1 of what you're going to get at the end of the day.

2 Q. Why is a -- why is a retention area even
3 necessary in a development?

4 A. It's to protect the community. You don't
5 want to come in with a development and push water off on
6 a neighbor, flood a neighbor. It's state law that I put
7 my name on to say this will work and we will take care
8 of the community.

9 Q. Okay. And when you put your name on what
10 ends up being -- not a concept plan, at this stage, but
11 you're talking about you put your name on permitted --
12 and plats later on down the road once further planning
13 is done; is that correct?

14 A. Correct.

15 Q. And when you say you put your name on
16 there and you put your stamp on that, what are you
17 certifying?

18 A. Certifying it's going to work.

19 Q. Okay.

20 A. I'm certifying that nobody is going to be
21 harmed by his development. So the state of Kentucky
22 just requires that you put your -- really, your
23 livelihood on the line for every project just for the --
24 to give it the seriousness of --

25 Q. Okay.

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1 A. -- what it is.

2 Q. And is that reviewed at the state level,

3 those plans that you submit?

4 A. Some of them are. The water and the

5 sewer will be reviewed at both the local and state

6 level. The water retention, Richard Jones is the

7 consultant that Franklin hires to review our plans. So

8 not only do I put my name on it, he puts his name on it

9 as a reviewer stating that he's looked over it and that

10 it's in everybody's best interest, hindsight.

11 Q. So knowing that the development cannot

12 create water on adjoining properties, can't push water

13 to them, knowing that you have to, even at this stage,

14 start thinking about where you're going to -- how you're

15 going to treat that water, what you're going to do with

16 it, how you're going to keep it from moving off, why the

17 area generally is depicted on the concept? What's --

18 what's significant about that area on this piece of

19 property?

20 A. So it's a regional low spot already.

21 There's water coming there now, and so it just makes

22 sense when I start to do the design and the grading that

23 we will eventually do, it's easier to work with the land

24 versus against it. So that area, being the low spot

25 that it is, I assume that is where we'll be putting the

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1 water. And I, hopefully, assumed at least what it

2 needs, if not larger.

3 Q. Okay. And what -- the area we have

4 depicted is approximately how much?

5 A. I think it's around three acres.

6 MR. DAVENPORT: Okay. Jace, thanks for

7 being here. I don't have any further questions for you,

8 sir.

9 MR. LINK: I do. I'm not a member of

10 this board, but I do have something I want to make sure.

11 I don't understand, so I doubt that they do, either.

12 In your drawing, when you go along the

13 wording here that shows it's commercial or

14 multi-family --

15 MR. CALDWELL: Uh-huh.

16 MR. LINK: -- what -- what is this line

17 that we have -- dash line? Is that the sewer line or

18 what is -- what is it?

19 MR. CALDWELL: That's an existing

20 overhead electric easement.

21 MR. LINK: That's -- okay. I don't have

22 glasses to --

23 MR. CALDWELL: Electric, one line --

24 MR. LINK: -- see anything on it.

25 MR. CALDWELL: -- with an easement

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1 surrounding it.

2 MR. LINK: All right.

3 MR. CALDWELL: That's the three lines.

4 MR. LINK: And then the other question I

5 had about the drawing is, down here, below the lots on

6 the -- I guess it would be the south side of these lots,

7 we have a -- this large lot right here, what is that?

8 MR. CALDWELL: There's an existing house.

9 I believe a barn. I think there's a house and a barn up

10 there.

11 MR. LINK: Now, is that part of the zone

12 request?

13 MR. LADD: Yes. It is included, but

14 we -- there's no plans for any of that to --

15 MR. LINK: I mean, what -- what are

16 they --

17 MADAM CHAIRPERSON: To change?

18 MR. LINK: What are they asking that that

19 be zoned as?

20 MR. LADD: R1-S.

21 MR. DAVENPORT: That's in -- yeah.

22 That's included in the R1-S portion.

23 MR. LINK: Oh, that's part of the R1-S.

24 All right. I just didn't understand what we were

25 seeing.

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1 Thank you.

2 MR. SLIGER: We have three exits?

3 MR. CALDWELL: One, two -- correct.

4 (Off the record)

5 MADAM CHAIRPERSON: Ten-o-eight?

6 MR. CALDWELL: One, two -- three, yes.

7 MR. TYLER: Is there a turning lane here

8 or something?

9 MR. LINK: You all need to speak up and

10 take your mask off so the court reporter can --

11 MR. TYLER: Ten-o-eight exit, is that --

12 so will there be a turning lane or anything here so it

13 will be something --

14 MR. CALDWELL: The state has not required

15 that we install a turning lane right there. I don't

16 believe there is one right there now.

17 MR. TYLER: Okay. Are the sight lines

18 pretty good through here that you think --

19 MR. CALDWELL: They are. It -- it's kind

20 of an -- so where the driveway is now -- I don't know if

21 you've been out there --

22 MR. TYLER: Yes.

23 MR. CALDWELL: -- pretty much, is exactly

24 where the entrance of the subdivision is. So it's very

25 flat right there, but it's next to a bank, but it's not

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1 a sight-line issue pulling out of the subdivision now.

2 MR. SLIGER: Yes, sir.

3 You got the -- I guess, all the power
4 lines as far as the --

5 MADAM CHAIRPERSON: Gary, you can take
6 off your mask, if you like.

7 MR. SLIGER: This -- is this a driveway,
8 an existing driveway, coming through on this? And this
9 is a power line easement?

10 MR. CALDWELL: That's the power line.
11 And yes, that's the existing driveway.

12 MR. SLIGER: Okay.

13 MR. CALDWELL: And there's a -- you can
14 see it right there. There's a little mark there.

15 MR. SLIGER: Uh-huh. Okay.

16 Also --

17 MR. CALDWELL: Yes, sir.

18 MR. SLIGER: Just a question. It says
19 multi-family and commercial. I don't think our current
20 regulations allow multi-family on B-1 anymore. Is
21 that --

22 MR. CALDWELL: That would be -- is it --
23 was B-1.

24 MR. DAVENPORT: It's B-1. That's what
25 we're requesting. And I -- I discussed this with

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1 Mr. Crabtree, that change has not occurred yet as -- at
2 least as of last week when I talked to Scott about this.

3 MR. SLIGER: Okay.

4 MR. DAVENPORT: So that's why it's
5 depicted that way. B-1 currently would allow either one
6 of those. And -- and frankly, the next question is
7 which one is Mr. Ladd going to do; we don't know.

8 What his intention is, is a single-family
9 development. We know that corner makes sense to be B-1.
10 Frankly, we prefer commercial, if we can find the demand
11 for it. So --

12 If the change had been made, he would
13 have had to have made a decision, B-1 or whatever the
14 appropriate multi-family zone was. So I -- I do know
15 I've been at other city commission hearings where that
16 change has been discussed.

17 I think I was at one Mr. Monday gave a
18 presentation made on the number of B-1 lots within the
19 city that are vacant versus commercial versus
20 multi-family. So that's the discussion we had with the
21 city. Like I said, if that change had been made, he --
22 he would have had to either leave it added completely or
23 made one of those two choices, that we don't see really
24 the demand for either of those being here yet, but we
25 want to go ahead and rezone that and hopefully that

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1 comes.

2 MR. SLIGER: But as today's reg's, you
3 could put --

4 MR. DAVENPORT: You could.

5 MR. SLIGER: -- four to five multi-family
6 buildings on that seven acres there -- on that.

7 MR. DAVENPORT: So I think the number --
8 if you ask me under today's zoning ordinance could you
9 put multi-family there, the answer I'm qualified to give
10 you would say yes. If your question is how many units
11 could you put there, then I'm going to start looking at
12 Mr. Caldwell, because I don't know about -- that gets
13 into specifics of setbacks, lot sizes, maximum building
14 sizes.

15 MR. SLIGER: I understand --

16 MR. DAVENPORT: Yeah.

17 MR. SLIGER: -- all that. I'm just --

18 MR. DAVENPORT: Yeah.

19 MR. SLIGER: I had some questions.

20 MR. DAVENPORT: But the ordinance would
21 allow both uses as we sit here today. That's -- that's
22 correct.

23 MR. CALDWELL: Yes, sir.

24 MR. MAYEUR: And if this passes today, he
25 would be grandfathered in if it changes later?

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1 MR. WILSON: That is correct.

2 MR. LINK: That would be my
3 understanding.

4 Carter, what do you think?

5 I don't know what the city and county are
6 doing.

7 MR. MUNDAY: Under the regulations that
8 we use -- under the regulations that we use today, all B
9 zones, with the exception of B5, allows for
10 multi-family. I do know there is some discussion -- and
11 it's a little bit different than what the county is and
12 their opinions -- on should the B zones be looked at a
13 lot closer and allowance for the B zones, the way it is
14 today -- should it be sweeping change across the board
15 with no multi-family allowances or should it not be
16 pinpointed in the hot zones.

17 Right now the hot zones are B2 and B4.
18 Those two zones have seen multiple applications for
19 multi-family. And because the community has made no
20 bones about it, it's clear to me, crystal clear, that
21 multi-family usually is better suited in a main
22 thoroughfare out from the internal cultural area of
23 Franklin.

24 So I did -- along with the G.I.S. guy
25 that we have, we did an analysis of what unused B2 area

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1 and used B2 area and the combination, and the same on
2 the B4. And the numbers are kind of staggering when you
3 consider open area that's ag within close proximity and
4 add to that it could go to B2 and B4, eventually, and
5 the magnitude -- let's say every one of them asks for
6 multi-family under our present reg's, it's conducive
7 that we suggest that a change may take place in those
8 two zones to disallow multi-family. That's the
9 suggestion that I made going forward to the city
10 commission and the fiscal court, which both bodies have
11 been very receptive to.

12 Now, B1 will be allowed, as always,
13 multi-family. B3, obviously, is listed -- it's
14 nameplate is neighborhood business. So you can, one,
15 consider that multi-family could go into B3; however,
16 when you look at the populous of the B3 zone already in
17 Simpson County, it's -- it's the smallest. It's --
18 it's, like, barely seventy-five acres.

19 Okay. Could it get larger? Everything
20 that's around a B3 would have to go through a rezone
21 application in one of the other two zones or the other
22 residential zones. The likelihood of that happening, as
23 they're already developed, I think is slim, very slim.

24 We don't have any development requests
25 whereby people want to go in and tear down a whole

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1 street or area of already erected structure to
2 re-establish a new zone and re-invigorate with a new
3 type of housing. That's just unheard of.

4 Now, I've been surprised in the past with
5 some of the things that we've seen in last three years.
6 I'm not saying it won't happen, but I don't think it
7 will happen in the next ten to twenty years. That's my
8 honest opinion.

9 There's two target zones -- to summarize,
10 there's two target zones, B2 and B4. Those seem to be
11 the attracting zones to where they want to go with
12 multi-family. And I have -- in talking with various
13 people that called the office and inquire about that, I
14 have focused them on taking their development to a
15 rezone for R4. That gets it right here, before this
16 board, like we are tonight, to decide if that particular
17 area is legitimate for an R4, because that's -- in all
18 reality, that's what's designed for multi-family. Okay?

19 MADAM CHAIRPERSON: Thank you for sharing
20 your information.

21 MR. MAYEUR: So let me get back to my
22 original question. If it's passed tonight, it will
23 be -- it will be grandfathered in no know matter what
24 changes going forward?

25 MR. MUNDAY: Yeah.

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1 MR. MAYEUR: Is that a true statement?

2 MR. MUNDAY: Because you don't have a
3 regulation change.

4 MR. MAYEUR: Okay. Thank you.

5 MR. DAVENPORT: Let me just -- and let me
6 add to that discussion real quick. I want to put a bug
7 in the commission's ear here, and I want to remind
8 them that the -- the area that we're talking about here
9 is essentially the frontage of Mr. Ladd's development.

10 And one reason why he's not entirely sure
11 what the demands going to call for and what he wants to
12 do with it is, if there's a surefire way for him to lose
13 a whole lot of money, it would be to do something unwise
14 with that frontage. It is the gateway to his
15 development. And so he would be -- he'd be very wise to
16 consider very deeply and give a lot of thought onto what
17 he allows to go in that B-1, if this zoning happens,
18 because there -- that would be the surefire way to sink
19 what is, by acreage and by cost, the vast majority of
20 his investment and development here, and that is the
21 R1-S development.

22 So sometimes -- and it's -- it's a
23 natural reaction in a planning hearing, when a developer
24 can't give you every -- every single detail of what they
25 want to do because they're not there yet, it -- it -- I

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1 know it causes concerns. But I want to leave that
2 as a parting shot.

3 He has to do wise with the B1 or his R1-S
4 will fail. His investment will fail, to his detriment.
5 And he's fully aware of that. That's a discussion he
6 and I've had, without divulging anything privileged. He
7 has to be careful with that frontage.

8 Thank you all.

9 That's all the witnesses I have. I
10 appreciate the opportunity to present that to you all.

11 MADAM CHAIRPERSON: Thank you, very much.
12 Thank you.

13 Okay. As we continue on with our public
14 hearing, is there anyone here that would like to speak
15 that -- positively and about these zone changes? If you
16 haven't spoken already, we'd love to hear from you.

17 Okay. Is there anyone here that has
18 concerns about these zone changes?

19 Okay. There are two of you that would
20 like to speak. Okay. I saw your hand first. The
21 gentleman behind you. Would you, please, stand?

22 No, sir. No. No. No. Not you, sir.
23 You sir.

24 MR. PERKINS: Me?

25 MADAM CHAIRPERSON: Yes, sir, with the

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black mask. If you would stand up and, please, approach. And we need you to be sworn in before you voice your concerns. Thank you.

(Off the record)

MR. PERKINS: My name is Steven Perkins. I live at twelve thirty-nine Macedonia Road here in Franklin.

(Off the record)

*** **

STEVEN PERKINS, 1239 Macedonia Road, Franklin, Kentucky, being first duly sworn, made the following statement:

MR. PERKINS: I've got some questions for you gentlemen.

First off, from looking at the plats, one thing I want to bring up is safety. You've got two exits on Macedonia Road. I've lived on Macedonia Road since 2001, just over twenty years.

Since I've lived there, that road has pretty much grown in occupancy. There's a lot of cars and vehicles that travel that road daily. We have two exits on Macedonia Road, one of them is right down at a curve and a hillside. That's going to be dangerous for entrances and exits from where you've got it. That's --

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that's one thing I definitely want to bring up.

The other thing is the amount of traffic that's going to be on that road -- more, and getting in and out. Okay.

So if you want, somebody can answer that one first, and I'll continue in a minute.

MR. DAVENPORT: Would it be proper, Mr. Link, for me to address that? How -- how would you like me to do that?

MR. LINK: We're not --

MADAM CHAIRPERSON: Whatever --

MR. LINK: Whatever -- whatever you prefer.

MR. DAVENPORT: Okay. Mr. -- is it Perkins?

MR. PERKINS: Yes, sir.

MR. DAVENPORT: Okay. Mr. Perkins, I wanted to confirm this with the engineer before I started talking, and I just did that. Okay?

So he mentioned earlier that the state did not require -- he -- he referred to a -- is it right in or a turn lane? I don't know if you -- if you heard that in response to one of the commissioner's questions. So what Jace has already done is talk with the transportation cabinet and the authorities about any

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improvements that they believe is necessary to the roadways in this area assuming the development is built out as it's shown on these concepts. And the answer was they didn't require any.

Now, the thing I'll add to that is we have depicted conceptually where those roads will terminate, whether it's on 1008 or Macedonia -- where those intersections will be into the development. Those are concepts. What happens when he starts to plat and put the actual lots down where they're going to be platted, he will have to get those positions approved again by the transportation authority, who look at things like sight lines, sight distances, where the curve in the road might be. So while we think those make sense, that ultimately is not Jace's decision. It's not Mr. Ladd's decision. It is the transportation cabinet at the state level, county people at the county level, so forth and so on.

MR. PERKINS: Okay.

MR. DAVENPORT: So from the discussions we've had so far, they haven't expressed any concerns. They may, when it starts to be platted, if this is successful, move those entrances, which requires him to reconfigure his plats to move the roadway to where they say they want it to be.

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So I hope that answers your questions.

That is the status of Mr. Caldwell's discussions and how the engineers work with the state and the county road engineers to try to either see if there is a traffic concern, and if so, how to mitigate it.

MR. PERKINS: I have another question.

One of them is the water retention. On the back, the housing going against the back, right there -- yes -- that is on a hill. Okay. And it's not my property, but it's one of my neighbors' property. That water's going to run down. There's also a stream right down through there.

I believe, you know, you're supposed to be careful to that. And I was wanting to know is -- has there been or is there going to be a complete environmental impact study done?

MR. DAVENPORT: I could tell you there -- there will not be what's called a complete -- you're -- so environmental impact studies can have different -- there are different levels of those. You may hear phase I. There's different levels of those.

A development of this type does not trigger or require that type of study. Now, when it comes to the question about the hydrology or the water flow, I think I need --

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1 Mr. Link, I think I need to let
 2 Mr. Caldwell answer that, because that's -- that's above
 3 my pay grade. Yeah.
 4 MR. LINK: That's an engineering
 5 question.
 6 MR. DAVENPORT: Yeah.
 7 MR. PERKINS: Well, I do know that the
 8 land that Seth is trying to do is at a higher elevation,
 9 and it goes down hill toward my neighbors and in -- in
 10 the direction of my home. So --
 11 MR. DAVENPORT: I'll let him answer how
 12 you -- how you engineer -- how he'll engineer for that
 13 when they're -- if this is passed and the parcel will be
 14 platted.
 15 MR. PERKINS: Yeah.
 16 MR. CALDWELL: So I'm going to try not to
 17 geek out on you too hard.
 18 Essentially, at this meeting, my hands
 19 are tied behind my back as far as talking with you about
 20 the exact specifics of how I'm going to handle the
 21 runoff that goes on your property.
 22 The overall strategy, from my
 23 perspective, is I try to work with the land as much as
 24 possible, and I mitigate the -- the pore effects that
 25 can be caused by the development by either sending less

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1 water to that direction -- we'll go in there and grade
 2 it so whatever impervious that he adds -- instead of
 3 adding more runoff onto your neighbor's property, I'll
 4 send it down to that big drainage area that I have.
 5 As far as the stream that you were
 6 talking about, there is a reason that it was left on one
 7 big tract like that. We, me and Seth, both, looked at
 8 it. And just walking out there you can tell there's --
 9 there's some -- there's a pond back there, and there's a
 10 stream that goes through it. And we're going to have to
 11 deal with that on the downside of it, where it goes down
 12 to that low spot.
 13 I don't know no how it was. It seems
 14 like somebody dammed that up at some point to make that
 15 pond, and then it continues down to that low spot. I
 16 can't tell you that for sure. I haven't -- wasn't
 17 there.
 18 MR. PERKINS: What I was talking about is
 19 there's a stream -- not on that property, but just down
 20 from it, on the old Vietnam veterans' property, that
 21 there's --
 22 MR. CALDWELL: Could you --
 23 MR. PERKINS: There's a cave that comes
 24 out. It's not -- you can't see it here.
 25 MR. CALDWELL: So -- so would you kind

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1 of --
 2 MR. PERKINS: Okay.
 3 MR. CALDWELL: Here's your intersection.
 4 MR. PERKINS: Right. Here's -- it's --
 5 it's right over in here.
 6 MR. CALDWELL: Got you.
 7 MR. PERKINS: Okay. And it's --
 8 MR. CALDWELL: So the hill side -- the
 9 low side is right there.
 10 MR. PERKINS: Right. And it continues --
 11 MR. CALDWELL: And then I believe --
 12 MR. POWELL: -- right down here.
 13 MR. CALDWELL: -- it wraps around like
 14 that and then it all goes that way. So that you were
 15 talking about water from here and right here.
 16 MR. PERKINS: All this water right here
 17 and all and down into that stream.
 18 MR. CALDWELL: So you're worried about
 19 the water that's coming --
 20 MR. PERKINS: I'm worried -- I'm just
 21 worried about the contamination, runoff from the homes
 22 and everything, coming down into that stream.
 23 MR. CALDWELL: I guess, I would -- what
 24 contaminants would you be referring to?
 25 MR. PERKINS: You have cars in the

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1 driveways that leak oil. They've got antifreeze.
 2 Anything like that --
 3 MR. CALDWELL: Sure.
 4 MR. PERKINS: -- will flow down through
 5 there. And, I mean, that's just -- it seems minor, but
 6 it can.
 7 MR. CALDWELL: Sure.
 8 MR. PERKINS: And that is water or --
 9 MR. CALDWELL: Sure.
 10 MR. PERKINS: -- animals, everything else
 11 in there. And it comes out -- it comes out on that side
 12 of one of their -- it comes out of the ground. So it's
 13 an underground -- partially an underground stream --
 14 MR. CALDWELL: Uh-huh.
 15 MR. PERKINS: -- and an aboveground
 16 stream over there with -- along with all the sinkhole
 17 systems that are over there.
 18 MR. CALDWELL: Right. I don't think I
 19 can address the pollutants from a house down off --
 20 offsite. I don't think that's something I could do.
 21 MR. PERKINS: It was just my asking.
 22 MR. CALDWELL: Yes.
 23 MR. PERKINS: Okay. All right.
 24 MR. CALDWELL: You know, it's all --
 25 MR. PERKINS: That's all I have for now.

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MR. CALDWELL: Yes, sir.

MR. PERKINS: Thank you.

MADAM CHAIRPERSON: Thank you, sir.

Anyone else with concerns opposite of those that --

MR. DEDMAN: Well, that he -- he hit on what I -- a lot of what I wanted to say.

MADAM CHAIRPERSON: I'm sorry. What is your name?

MR. DEDMAN: Charles Dedman.

MADAM CHAIRPERSON: Okay. And what were you wanting to talk about? The safety to drive Macedonia Road, is that what you --

MR. DEDMAN: Yeah. It's terrible. It's terrible. See, a lot of people now, they just cut through that road.

MADAM CHAIRPERSON: You have to be sworn in, sir.

(Off the record)

MADAM CHAIRPERSON: And you may remove your mask while you speak, if --

(Off the record)

*** *** ***

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CHARLES DEDMAN, 1143 Macedonia Road, Franklin, Kentucky, being first duly sworn, made the following statement:

MR. DEDMAN: Mainly, I know these guys have been out there. They know it's already a drainage nightmare out there.

From the back of my property, when it comes a hard rain, it's just a flood, all the way through there, already. And it's coming off the state, right there, off of the state property in the back. And my neighbors, they get flooded, too.

And then, water coming around the road right here, it comes down and it floods all the way across the front all the way down to my neighbor, who was just up here. I don't -- you know, it's just it's already a mess, you know. And I wondered. You know, nobody has ever done anything about it yet. So I don't know what these guys are going to be able to do about it.

But this right -- this road right here, that one right there, that's going to be very dangerous. Very dangerous. I don't care what the state said, they're full of shit --

MADAM CHAIRPERSON: Oh, sir --

MR. DEDMAN: -- because that is

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dangerous.

MADAM CHAIRPERSON: Watch your language, sir.

MR. DEDMAN: It's already dangerous. Right there in that curve, I -- I mean, I've seen people get run off the side of the road into the -- into that guy's yard, right there where the flag pole is, you know -- on the side of the road.

And the curve right up there, where you all want to put your main drive at, I've already seen two people get run off of that hill right there coming around that curve, because people drive like crazy right there, and then they cut through from -- because of the traffic on the main road, up to the red light, a lot of people go down and they cut in beside the car lot right there, you know, and come through the other end of Macedonia that don't even live on that road, but massive traffic right through there, and they drive crazy. And it's -- it's already crazy.

I imagine you got by with half-acre lots because of city sewage, right? You have the city sewage in there?

MR. LADD: It would be on sewer. Yes, sir.

MR. DEDMAN: Yeah.

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You know, I used to build houses over in Plano in Bowling Green and they had to switch to acre lots because people's sewers were running over on other people's property.

I don't really see where I got much more to say than anybody else's concerns are. It's -- that's it.

MADAM CHAIRPERSON: Thank you for sharing your concerns, sir.

Anyone else have any other concerns aside from what we've already heard?

Okay. Yes, sir.

(Off the record)

*** *** ***

JEFF BUTZKE, 1030 Macedonia Road, Franklin, Kentucky, being first duly sworn, made the following statement:

MR. BUTZKE: I have a couple questions for the committee here.

Does anybody have any -- in the city or county, have any idea of the traffic patterns on this road, how many vehicles are there? I live right here on the other side of this area, right on the southern end.

This intersection, in the morning, is

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1 impossible to get through. Traffic is backed up from
2 Minit Mart all the way down through here. And there's a
3 lot of people that take this road to get around the
4 traffic -- or by C.V.S. area.

5 I see a lot of people -- I counted
6 eighteen cars tonight when I got off Macedonia on the
7 south end to get to my property. I counted eighteen
8 cars going the other way. And I didn't know if you're
9 aware of that, that there is that much traffic on that
10 little road. I wanted to make you aware of that.
11 That's a concern of mine.

12 This intersection, at some point, is
13 probably going to need a stoplight. And it's not too
14 far from the Minit Mart one. And it is just when --
15 when something happens on I-65 and all that traffic is
16 detoured down this way, this becomes a nightmare, an
17 absolute nightmare. And now, you got all these people
18 who are going to be living here heading to Walmart and
19 Lowe's and whatnot, they're going to take that -- that
20 Macedonia Road down there. I just -- I'm concerned
21 about it, and I think you need to be, too, as well.

22 MR. KONOW: While -- while I appreciate
23 the traffic issue, not to sidestep your question one
24 bit, but this board has nothing to do with traffic. We
25 will take that into consideration, but we do not control

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1 any traffic flow or driveways or -- or any of that
2 nature. That's left up to -- to the state or the county
3 or whoever it would be on.

4 But I do appreciate your concern for the
5 traffic, because I'm on the other side of town, I don't
6 have any idea how many people come through that road
7 each --

8 MR. BUTZKE: Yeah.

9 MR. KONOW: -- and every day. However,
10 by Findings of Facts/Law, whatever, when this is done,
11 we don't have any control over it. We have to go by
12 what our book says. And we can't -- we can't control
13 traffic or -- that or make any --

14 MR. BUTZKE: So -- so that's the city
15 planner? Is it county planner? Is it --

16 MR. KONOW: This would be -- if I'm not
17 mistaken --

18 Carter, this would be a --

19 MADAM CHAIRPERSON: Yeah.

20 MR. KONOW: -- state question?

21 MR. MUNDAY: Well, Macedonia Road is a
22 county road.

23 MR. KONOW: Yeah.

24 MR. MUNDAY: Okay?

25 MR. KONOW: Yeah.

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1 MR. MUNDAY: Ten-o-eight is a state road.

2 MR. KONOW: Right.

3 MADAM CHAIRPERSON: And it was developed
4 for traffic.

5 MR. MUNDAY: You got to use them. And
6 both of them --

7 MADAM CHAIRPERSON: Not -- not --

8 MR. MUNDAY: -- have an inflow and
9 infiltration of different people in different
10 directions. So it would be a combination of the state
11 and the county. Okay.

12 MR. KONOW: And the only reason I say
13 that, we get throwed (sic) stoplights, stop signs, and
14 we don't have to deal with part.

15 MR. BUTZKE: Yes, sir.

16 MR. KONOW: That -- that would go further
17 than -- than us. But I appreciate you --

18 MR. BUTZKE: But in your planning, I
19 wanted --

20 MADAM CHAIRPERSON: Yes.

21 MR. KONOW: Right.

22 MR. BUTZKE: -- to make you aware of that
23 because there may be something further down the road --

24 MR. KONOW: Right.

25 MR. BUTZKE: -- so to speak, in the

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1 future.

2 MADAM CHAIRPERSON: And 1008 was
3 developed for traffic.

4 MR. BUTZKE: Yeah.

5 MADAM CHAIRPERSON: That --

6 MR. MUNDAY: May I add something?

7 MADAM CHAIRPERSON: That was a part of
8 the development of that road.

9 MR. MUNDAY: May I add something?

10 MADAM CHAIRPERSON: Yes, you may, Carter.

11 MR. MUNDAY: Reputably, I -- I realize
12 that a lot of folks don't know this, but in this
13 hearing, this -- this group decides only a small
14 picture, and that's the zone, the use of the land. And
15 they only got two choices, either to recommend the zone
16 change or deny the recommendation.

17 And in those choices, they've got to make
18 a decision based on testimony and exhibits, what's been
19 presented before them tonight that's prudent to the
20 facts of the present use of the land against the
21 proposed, that the proposed is -- is more conducive to
22 the Comprehensive Plan or is not, and that the present
23 use is more conducive to the Comprehensive Plan or is
24 not. Okay?

25 Roads, entry, stormwater, all these other

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1 details, if they make the recommendation tonight, it
2 goes forward into what we call a preliminary meeting.
3 Those things, such as stormwater, roads, entryways, and
4 things like that, are discussed and reviewed. It may
5 take up to ninety days, it make take up to six months,
6 to work out the kinks. Okay?

7 The state is consulted. Mr. Jace, there,
8 works extensively with the state. I'm involved. The
9 city's involved. There's -- there's -- and then the
10 final decision whether to go forward on the preliminary
11 comes before this very board here. They look at the all
12 the details I provided for them and make a decision to
13 go forward to a final review, which we tidy everything
14 up and present it back to this board in a final review.

15 So this is a just a small portion of the
16 beginning. The roads that you insisted on, that takes
17 another look under people that know about roads. Okay?

18 MR. BUTZKE: Yeah.

19 MR. MUNDAY: And -- and there may be
20 three or four alterations to this. This is just
21 conceptual.

22 MADAM CHAIRPERSON: Thank you, Carter.

23 MR. BUTZKE: Thank you.

24 MADAM CHAIRPERSON: Thank you. Yes.
25 That was well said in that we almost -- we don't get

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1 into the weeds tonight. And, you know, we're kind of
2 dipping into -- kind of digging down a little bit.

3 Okay. Do we have -- I think that we have
4 one more. Okay. You both want to --

5 MS. VANTREASE: I've just got one quick
6 question.

7 MADAM CHAIRPERSON: Okay. One quick
8 question. Please make your way.

9 And then there's one more person; is that
10 accurate? And then -- okay. Then we're good. Okay.

11 You need to be sworn in here. Thank you.

12 (Off the record)

13 *** **

14 JUDY VANTREASE, 968 Macedonia Road,
15 Franklin, Kentucky, being first duly sworn, made the
16 following statement:

17 MS. VANTREASE: I've got a quick question
18 for somebody.

19 If the transportation people is the one
20 that takes care of the roads and everything, do we have
21 anywhere -- does anybody know anybody we can
22 contract (sic) -- contract, because if you all don't
23 anything about our road, how would they know? I mean,
24 they need to know from the people that lives on that
25

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1 road.

2 MADAM CHAIRPERSON: It's a county road.

3 MS. VANTREASE: So who do we talk to?

4 MADAM CHAIRPERSON: I would recommend
5 going to the county, Mason and --

6 MR. MUNDAY: Well, the County Judge
7 Executive and Bobby Groves, County Road Supervisor --

8 MADAM CHAIRPERSON: You need to see Bobby
9 Groves, Judge Barnes.

10 MR. MUNDAY: Those -- those are the two
11 main contacts that if they make this recommendation
12 tonight, this will be in front of both of them.

13 MS. VANTREASE: Okay. That's what I'm
14 needing.

15 MADAM CHAIRPERSON: Thank you, Ms. Nurse.
16 Thank you.

17 Okay. We have one more?

18 MS. McMILLIN: I'm not very good at
19 speaking in front of people. I'm sorry.

20 MADAM CHAIRPERSON: Good evening.

21 (Off the record)

22 *** **

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1 KELLE McMILLIN, 1195 Macedonia Road,
2 Franklin, Kentucky, being first duly sworn, made the
3 following statement:

4 MS. McMILLIN: I was just -- on this map,
5 of course, Mr. Dedman is the one right here, along here,
6 he just spoke, and then it's my property, and then it's
7 Mr. Perkins. But my concern, too, is again with the
8 sinkholes on that property. There's -- I know there's
9 sinkholes on there, as well as ours and everyone else's
10 through there.

11 But mine is still in ag. And I use it as
12 ag. So I'm just concerned about the erosion that will
13 be coming from there. And, you know, where I use mine
14 to grow vegetables and that kind of thing, I'm just
15 concerned about any of that coming onto our property,
16 with the contamination or -- or whatever.

17 And I know, like, on my property, we have
18 to do a water quality plan. And I was just curious
19 if -- what the water quality plan is on that property
20 through the conservation district?

21 MR. CALDWELL: So the city of Franklin --
22 and Carter, you correct me if I am wrong -- is currently
23 not large enough that it requires a water quality plan
24 that I think you're referring to. You might give me a
25 bit -- a little bit more information about what you're

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1 talking about for your property.

2 You talked a second about erosion, and
3 that is something that we have to address. I have to do
4 a plan. And he's held to standards through the state.
5 And they're inspected and supposed to -- it requires
6 maintenance reports and that kind of thing --

7 MS. McMILLIN: Yeah.

8 MR. CALDWELL: -- to make sure that no
9 sediment's leaving his lot, and then there's fines
10 associated with it if it does.

11 MS. McMILLIN: But then, also, like, when
12 you're building, you're supposed to build at least --
13 what -- twenty-five feet from a known sinkhole. Well,
14 like, right here, I know there's one here and, of
15 course, this big one here.

16 MR. CALDWELL: Uh-huh.

17 MS. McMILLIN: And there's several in
18 here.

19 But, like, right here, on this one, the
20 proposed --

21 MR. CALDWELL: Uh-huh.

22 MS. McMILLIN: -- you said it's
23 proposed --

24 MR. CALDWELL: Uh-huh.

25 MS. McMILLIN: -- whatever, but the

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1 cul-de-sac is here, and it actually shows two homes or
2 two properties there being built. And that sinkhole is
3 right there in the middle of it.

4 MR. CALDWELL: So there is engineered
5 ways to handle existing sinkholes and mitigating them to
6 be able to build on them. And I think -- just a little
7 bit about our area, you would be shocked how many
8 people's houses are over caves and --

9 MS. McMILLIN: Uh-huh.

10 MR. CALDWELL: -- and that's just --

11 MS. McMILLIN: I do.

12 MR. CALDWELL: -- the nature of the karst
13 area that we live in. We're just -- we're sitting on
14 top of some Swiss cheese --

15 MS. McMILLIN: Right.

16 MR. CALDWELL: -- and we just have to
17 deal with it the best we can --

18 MS. McMILLIN: Yeah.

19 MR. CALDWELL: -- the same -- the same
20 for developments.

21 MS. McMILLIN: And you brought up a point
22 I was going to make, too, is this really the best use
23 for this land.

24 There's a lot of wildlife, and they live
25 right there in that property. We have a lot of deer in

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1 that community, and everything else, and I just hate to
2 see more land be developed and the wildlife lose their
3 habitat, myself. I'm done. That is just kind of what I
4 wanted to say on the list of them.

5 MADAM CHAIRPERSON: Thank you.

6 Okay. Yes.

7 MS. BUTZKE: Are you ready?

8 (Off the record)

9 *** **

10 DEBBIE BUTZKE, 1030 Macedonia Road,
11 Franklin, Kentucky, being first duly sworn, made the
12 following statement:

13 MS. BUTZKE: My husband had brought up
14 about the county road, which I know you guys -- he's
15 already been given the information who's going to do
16 that. That is a very small road. I've almost been run
17 off the road. I don't know how -- you know, they're
18 going to have to do something with that. That's going
19 to have to be widened lanes. It's going to have to be
20 something. I can't tell you how many times I've almost
21 been run over -- people in big trucks.

22 Also, at the end, though -- and I don't
23 know who I need to address this to -- 1008, you cannot
24 get out of Macedonia Road onto 1008. Like, tonight,

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1 there was an accident on 65, I guess, fifty cars down
2 through there. I mean, it's hard enough to get out as
3 it is. In the morning, at five o'clock, afternoon, you
4 can't get out.

5 MADAM CHAIRPERSON: Okay.

6 MS. BUTZKE: So there's that. So I don't
7 know who we need to contact on the city part, because
8 that is on the city part -- 1008. So is that somebody
9 back here or --

10 MR. MUNDAY: Ma'am, the recommendation on
11 for this meeting tonight, that they recommend a zone
12 change.

13 MRS. BUTZKE: Okay.

14 MR. MUNDAY: There's another step in
15 behind that before it's even solidified --

16 MS. BUTZKE: Okay.

17 MR. MUNDAY: -- into an actual change to
18 the map.

19 MRS. BUTZKE: Okay.

20 MR. MUNDAY: The next step is, is that an
21 ordinance is prepared, and it comes before the city,
22 because the city has this in their jurisdiction.

23 MRS. BUTZKE: Okay.

24 MR. MUNDAY: They take a vote whether to
25 endorse the recommendation from this board or not, at

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1 which time, this development -- if they recommend it
2 tonight, I send a heads-up warning to the county road
3 department and the state, my contacts at the state, and
4 tell them what was recommended and what the next step
5 is. And then they get back with me in an e-mail giving
6 me a time line of it. This may prompt them to come in
7 here and do a traffic study --

8 MRS. BUTZKE: Uh-huh.

9 MR. MUNDAY: -- their next move, just
10 anticipating. That's what I'll get a response on,
11 probably.

12 MRS. BUTZKE: Okay.

13 MR. MUNDAY: If it's the case, they're
14 looking at what -- what -- how many cars are going to be
15 coming from this to this intersection.

16 And -- and they'll try to be
17 proactive as much as possible. But we've gotten into
18 this in the past, and the traffic-signal decision, as I
19 understand it -- and I'm not a part of the state,
20 okay -- the -- that decision is based on flow -- is
21 what's prompts them to look at traffic signals.

22 MRS. BUTZKE: Uh-huh.

23 MR. MUNDAY: But they have to phase up to
24 what a turning lane will do as opposed to a traffic
25 signal, because a traffic signal is a significant amount

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1 of capital -- has to be put up for that. And then you
2 got long-term maintenance to consider and all those
3 other things.

4 So I'm not part of that process. I just
5 sound the signals.

6 MRS. BUTZKE: Okay.

7 MR. MUNDAY: But I do know that's where I
8 send them, if the recommendation comes forward tonight.
9 I try to get out in front it.

10 MRS. BUTZKE: Okay. I was concerned,
11 because there is, I think, from Hunt Ford to the old
12 Minit Mart on that particular road, that would be five
13 stop signs -- stoplights. So I don't know how in the
14 world they would even put another stoplight there, you
15 know, without back up and just conversing.

16 MR. MUNDAY: Yeah. And it goes back to
17 flow.

18 MRS. BUTZKE: Yeah. I mean, I don't even
19 know how that's going to be done because right now, I
20 mean, in the morning when I try to go out, I can't get
21 out. You know, you sit there ten minutes and wait, you
22 know.

23 And five o'clock, I don't even try to go
24 out that way. I know it's backed up past the factories
25 back through there by five o'clock, you know.

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1 And another thing is we were get getting
2 ready to build a new house when this started. How is
3 the property values going to go with it -- all this?
4 You know, because I don't want to put something in
5 because something that I'm going to get half of what
6 I'm -- you know, out of, when they see all this -- the
7 houses, apartments, or whatever is going up.

8 MADAM CHAIRPERSON: He's not doing
9 apartments. He's asking for homes, single --

10 MRS. BUTZKE: And --

11 MADAM CHAIRPERSON: -- family dwellings.

12 Ms. McMILLIN: He said that multi-family
13 use.

14 MRS. BUTZKE: You know, when --

15 MADAM CHAIRPERSON: Oh, on the -- yes.

16 But again, I think that --

17 MRS. BUTZKE: And did I understand that
18 there's two entrances going in or exits or whatever --

19 MADAM CHAIRPERSON: Three.

20 MRS. BUTZKE: -- on Macedonia Road? On
21 Macedonia Road.

22 MADAM CHAIRPERSON: Right now, two on
23 Macedonia Road. Right now.

24 MRS. BUTZKE: That -- that is nuts,
25 because that road is small. I mean, it is small, to try

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1 to get -- you know, converse back and forth every day
2 with another car going right beside you. That is a
3 problem. They would have to expand that road or
4 something -- you know, widen it. It's really small.

5 But that's just my concerns, you know,
6 with getting out, people needing to go to work. And I
7 mean, if you -- we all have to leave early, but my
8 goodness, you don't want to leave thirty minutes early,
9 you know, because there's traffic and -- so --

10 MADAM CHAIRPERSON: Thank you. Thank
11 you.

12 Okay. Is that all this evening?

13 Okay. We do -- I do have a note here
14 that someone had called the office. And I'm just
15 reading it on his behalf.

16 Larry Forshee, apparently -- I don't know
17 where he lives. I suppose near the Macedonia Road area.

18 UNKNOWN FEMALE: Uh-huh.

19 MADAM CHAIRPERSON: He said Macedonia
20 Road was recently blacktopped. And his concern is with
21 the road being torn up again. And he doesn't want mud
22 and things of that nature during the construction
23 process. So that was Mr. Forshee's concern to be shared
24 in the hearing.

25 Okay. If there is no more discussion,

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1 Board, are you --

2 Yes. Do you want to ask questions?

3 MR. MAYEUR: I have one more question.

4 Has any of this land been identified as

5 being in a floodplain?

6 MR. CALDWELL: No.

7 MR. MAYEUR: Okay. Thank you.

8 MADAM CHAIRPERSON: Okay. I am prepared

9 to --

10 MR. LINK: Mr. --

11 MADAM CHAIRPERSON: Oh, I'm sorry. Do

12 you want me to make --

13 MR. LINK: Mr. Davenport --

14 MADAM CHAIRPERSON: Yes.

15 MR. LINK: -- do you have any kind of

16 summary for us?

17 MR. DAVENPORT: All -- all I want to

18 state is I think Mr. Munday has been extremely helpful

19 with explaining where we are at in this and that this is

20 not the endstage, for sure. He has correctly, I think,

21 pointed you all to the issue here tonight and that is

22 your Comprehensive Plan and how this request sits within

23 that Comprehensive Plan.

24 I will point out that you heard testimony

25 that was un-controverted from, both, Mayor Dixon and

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1 Mr. Powell about that and how they -- their review of

2 this and the -- what -- how this sits in this context.

3 And that's all I have to say.

4 MADAM CHAIRPERSON: Also, you --

5 MR. LINK: Now, we have not heard any

6 testimony about any changes that have occurred in this

7 area -- I think we have heard testimony, but we've had

8 so much -- that it is in accordance with the

9 Comprehensive Plan. Okay.

10 UNKNOWN FEMALE: I've got a question.

11 You all keep mentioning about this

12 Comprehensive Plan. Where can we get a copy of the

13 Comprehensive Plan, or whatever it is, so we can read

14 and see what you all are saying, yes, it does meet all

15 these parts? Or can you explain to me --

16 MR. MUNDAY: If you --

17 UNKNOWN FEMALE: -- a little bit more

18 about that?

19 MR. MUNDAY: If you'll --

20 UNKNOWN FEMALE: I mean, I'm --

21 MR. MUNDAY: If you'll leave me an

22 e-mail --

23 UNKNOWN FEMALE: Okay.

24 MR. MUNDAY: -- address, I'll be happy to

25 have it -- send it to you electronically.

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1 UNKNOWN FEMALE: Okay.

2 MADAM CHAIRPERSON: Thank you.

3 MR. DAVENPORT: May I say one thing, Mr.

4 Link, in response to the statement you just made?

5 I would -- I would suggest you -- also,

6 you heard testimony about the Comprehensive Plan, I

7 would submit you also did hear testimony -- when you

8 talk about changes, the statute talks about changes in

9 the social, economic, or physical nature. So you did

10 hear testimony from Mr. Powell about the increased

11 demand -- increased demand for homes for people moving

12 in, you heard from Mr. Ladd about the number of folks

13 that are coming to work into Franklin and Simpson County

14 every day that are coming from outside sources.

15 So I would submit -- we didn't focus on

16 that, I -- I'll agree, but I think that is testimony of

17 the changes that have occurred and continue to occur, at

18 least of a social and economic nature, that also make

19 this a wise request.

20 Thank you.

21 MR. LINK: And then, finally --

22 MR. DAVENPORT: Yes.

23 MR. LINK: -- have you prepared

24 proposed Findings --

25 MADAM CHAIRPERSON: Findings of Fact.

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1 MR. LINK: -- of Fact and Conclusions of

2 Law for the board to consider?

3 MR. DAVENPORT: I thought we had sent

4 those in with the initial application, Mr. Link.

5 MR. LINK: Well, the board --

6 MR. DAVENPORT: So --

7 MR. LINK: -- doesn't have those.

8 MR. LADD: It's in our e-mail.

9 MADAM CHAIRPERSON: Are they there, Mr.

10 Munday?

11 MR. MUNDAY: I'm checking. Hold on.

12 MR. LADD: I'm -- I'm sure about that.

13 MADAM CHAIRPERSON: Okay. Great. He's

14 getting them.

15 MR. MUNDAY: I've got too many files on

16 this thing.

17 MR. PERKINS: Can I say one more thing?

18 UNKNOWN MALE: On page 4.

19 MADAM CHAIRPERSON: You -- yes, you may.

20 (Off the record)

21 MR. PERKINS: We're talking about people

22 coming in --

23 (Off the record)

24 MADAM CHAIRPERSON: And then -- and then

25 the floor is closed after you speak.

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MR. PERKINS: All right.

(Off the record)

MR. PERKINS: Steven Perkins.

It was just said -- talking about the upswing in our economy and everything, well, just in the past couple years, we had two major manufacturers close here; Harman Becker, Quad/Graphics.

We've got -- I know two others that are pretty close to getting to closing or shrunk down. So we're talking about an upswing, and I don't see it. I see the downswing right now. I see a flat here in Simpson County.

I was a member of the Quad/Graphic team when it closed. So we went from nine hundred employees to zero. Harman Becker had, I know, a couple hundred employees. They went to nothing. Luvata is -- is running small crews. Toyo is running smaller crews. As a matter of fact, they've shipped a lot of machines out.

What we're getting back is a few small companies here and there, but it's not replacing the jobs that we've lost here in Simpson County.

MADAM CHAIRPERSON: Thank you.

Okay. Gentlemen, I am prepared to take a motion for a zone change for Caliber Contracting, L.L.C., as follows: From A.G. to B-1, Commercial

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Business, for a seven-point-eighteen-acre parcel and from A.G., Agriculture, to R, dash, one S, Single Family Small Lot housing, for a thirty-six-point-sixty-one-acre parcel. This property is located the east side of Harding Road, which is 1008, and south side of Macedonia Road.

MR. SLIGER: Can I ask Bob a question?

MADAM CHAIRPERSON: Yes. You may.

MR. SLIGER: If we do two motions, do we have to have two separate motions or can I do it all in one.

MR. LINK: You can do it all in one.

MADAM CHAIRPERSON: It can be all in one -- and to approve the Findings of Fact and Conclusion of Law, which is before us.

MR. SLIGER: Okay. I'm going to make a motion that we approve the Agricultural to R1-S for the thirty-six-point-six-one acres located east side of Harding Road and south side of Macedonia.

I'm going to not approve a motion for the B-1 for the seven-point-eighteen-acre parcel.

MR. LINK: Well, if we're going to do it that way, I think we're going to have to break it into two motions.

MR. SLIGER: That's why I asked.

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MR. LINK: Okay. I thought you meant can you just pass it --

MR. SLIGER: I'm going to go with the first motion first, then.

MADAM CHAIRPERSON: Mr. Sliger has put on the floor that we approve the thirty-six-point-sixty-one-acre parcel from Ag to R1-S.

Is there a second on that motion?

MR. LINK: It will die without a second.

MADAM CHAIRPERSON: I'll second the motion.

Is there any discussion?

All in favor of approving the land -- the thirty-six-point-sixty-one-acre parcel located east side of Harding Road from A.G. to RS-1 say aye. Raise your right hand.

Anyone disapprove?

Okay. Five people approve. We have one abstain. And so that motion passes. So the thirty-six-point-six-one acre has been -- will be rezoned.

Now, let's discuss the B-1 for -- I am now prepared to take a motion to change the seven-point-one-acre parcel from A -- or from B -- or from A.G. to B-1.

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Do we have a motion on the floor to do that?

Is there a discussion?

MR. MUNDAY: Madam Chairman?

MADAM CHAIRPERSON: Yes.

MR. MUNDAY: You -- you may want to include the regulations have provisions in there that if the recommendation for this zone change, on this part or the latter part, any zone change, that is denied --

MADAM CHAIRPERSON: I know.

MR. MUNDAY: -- goes into moratorium for twenty-four months.

MADAM CHAIRPERSON: Oh.

MR. MUNDAY: So that may not be what you -- you may want to let that be known to the commissioners right now.

MADAM CHAIRPERSON: Yes.

MR. SLIGER: I'm aware of that. My problem is the multi-family being built out on 1008 on the corner of Macedonia. And -- and I don't think it's appropriate. I'll continue my motion from -- to deny B-1 to Commercial -- from Ag to Commercial for seven-point-one acres.

MR. WILSON: Is it -- this --

MADAM CHAIRPERSON: May I refer to

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1 counsel?

2 MR. WILSON: Is it possible, Carter, to

3 table this until we get a new zoning, may -- maybe just

4 for strictly business -- a business zone, a retail zone?

5 MR. MUNDAY: The applicant --

6 MADAM CHAIRPERSON: That is a good point.

7 MR. MUNDAY: -- can -- Bob, the applicant

8 can pull his application at this time, because it's a

9 small portion of it.

10 MR. LINK: Yes.

11 MR. WILSON: I mean, if we can table it

12 until we get a zone for just a retail business, I think

13 it -- possibly, people would be more in favor of it.

14 MR. LINK: We can't table it, but we can

15 allow him to withdraw the motion on the seven point one.

16 We've got to act one way or the other on it --

17 MADAM CHAIRPERSON: Okay.

18 MR. LINK: -- after a public hearing.

19 MADAM CHAIRPERSON: Okay.

20 MR. DAVENPORT: Would it be appropriate,

21 Mr. Link, for me to have just a couple minutes to

22 discuss it?

23 MR. LINK: That's fine.

24 MR. DAVENPORT: He -- I need to -- he

25 needs to understand.

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1 MR. LINK: Sure.

2 MADAM CHAIRPERSON: Absolutely, because

3 if something happens, there's two years.

4 MR. DAVENPORT: I understand.

5 MADAM CHAIRPERSON: And then you all --

6 MR. DAVENPORT: And is your moratorium

7 here against the same request or any rezone request?

8 MR. MUNDAY: Any rezone request.

9 MR. DAVENPORT: Any rezone?

10 MR. MUNDAY: Yes. It locks it down for

11 twenty-four months.

12 (Off the record)

13 MADAM CHAIRPERSON: We are still in a

14 public hearing.

15 MR. LINK: And the other parties are not

16 present.

17 MADAM CHAIRPERSON: Yes, and the other

18 parties are not present.

19 I would like to say, Mr. Wilson, I

20 thought that was very wise on your part.

21 MR. LINK: You don't need to comment on

22 the record.

23 MADAM CHAIRPERSON: Oh, sorry.

24 MS. VANTREASE: I'd like to say that they

25 talk among themselves before -- any time you all said

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1 we're stopped.

2 MR. LINK: That's all right. We have an

3 attorney/client privilege going on.

4 MS. VANTREASE: Oh, okay, when counsel is

5 ready.

6 MR. LINK: Well, we do.

7 (Off the record)

8 MS. VANTREASE: Judy Vantrease.

9 MR. LINK: Judy Vantrease.

10 MADAM CHAIRPERSON: A fine nurse.

11 You know, we have a full house tonight.

12 It made me think of that actor, the Full House actor

13 that passed away. Did you all ever watch Full House?

14 I know it's on the record, but that's --

15 I don't care if that's on the record.

16 Yes, Mr. Davenport.

17 MR. DAVENPORT: Ms. Thornton, after

18 talking with Mr. Ladd, we are going to request that we

19 pull the request for the B-1 rezoning at this time.

20 As I said earlier, that's kind of to be

21 determined for him, anyways. So we'd like to -- given

22 everything we've heard tonight, to withdraw that and

23 proceed with what you've already acted on.

24 MADAM CHAIRPERSON: Okay. So we have

25 voted that the larger parcel be rezoned from Ag to R1-S.

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1 And do we agree that the Findings of

2 Facts and Conclusions of Law is all good?

3 Okay. Everyone just say aye.

4 INDISCERNIBLE VOICES: Aye.

5 MADAM CHAIRPERSON: Okay.

6 Congratulations, Mr. Ladd, on that zone change for the

7 large parcel.

8 And thank you all for coming and voicing

9 your concerns and your respect to the committee and to

10 your neighbors. This hearing is now adjourned.

11 (Whereupon the public hearing concluded at 8:13 p.m.)

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1 STATE OF KENTUCKY)
2)SS
3 COUNTY OF WARREN)

4 I, April Pearson, C.C.R., a Notary Public
5 within and for the State at Large, do hereby certify
6 that the foregoing special called Franklin-Simpson
7 Planning and Zoning public hearing was taken before me
8 at the time and place and for the purpose in the caption
9 stated; that the public hearing was reduced to shorthand
10 writing by me in the presence of the individuals; that
11 the foregoing is a true and correct transcript so given
12 to the best of my ability, and the appearances were as
13 stated in the caption.

14 I further certify that I am neither of
15 counsel nor of kin to either of the parties to this
16 action, and am in no wise interested in the outcome of
17 said action.

18 WITNESS MY SIGNATURE this 4th day of
19 February, 2022. My commission expires October 28, 2022.

20 _____
21 April Pearson, CCR
22 Notary Public
23 State at Large, Kentucky
24
25