

Henderson City-County
Planning Commission
September 1, 2015 Minutes

The Henderson City-County Planning Commission held their regular meeting September 1, 2015 at 6:00 p.m., at the Henderson Municipal Center, 222 First Street, 3rd floor assembly room. Members present: Chairman Herb McKee, Vice-Chair David Williams, Bobbie Jarrett, Gary Gibson, Kevin Richard, Rodney Thomas, David Dixon, Kevin Herron and Penny Hahn. Mac Arnold, Dickie Johnson and Taunya Eyre were absent.

Staff present: Director Brian Bishop, Theresa Curtis, Heather Lauderdale and Chris Raymer. Assistant Director Claudia Wayne was absent.

(A summary of the minutes from the meeting on September 1, 2015. A recorded audio tape is on file at the Planning Commission Office)

MEETING BEGAN AT 6:00PM

Chairman McKee: The Chair will entertain a motion to go into public hearing.

MOTION WAS MADE BY RODNEY THOMAS, SECONDED BY KEVIN RICHARD TO GO INTO PUBLIC HEARING.

ALL IN FAVOR: AYE

OPPOSED: NONE

Chairman McKee: Have you had the opportunity to review the August 4, 2015 minutes?

MOTION WAS MADE BY DAVID WILLIAMS, SECONDED BY KEVIN RICHARD TO APPROVE THE AUGUST 4, 2015 MINUTES.

ALL IN FAVOR: AYE

OPPOSED: NONE

Chairman McKee: Next on the agenda is **Revised Lot #2, Phillip Trigg Minor Subdivision Tracts 1 & 2 Agricultural Division Consolidation**, Mrs. Theresa are you going to lead that conversation?

Theresa Curtis: Yes I am.

Chairman McKee: Please proceed.

Theresa Curtis: This is the Revised Lot #2, Phillip Trigg Minor Subdivision Tracts 1 & 2 Agricultural Division Consolidation submitted by Barbara Tripp and Jeffrey and Leah King for the property located in Henderson County at 4729 Hwy 266 (PID#33-4), and adjacent parcel #33-4.2. Applicants are requesting approval of an Agricultural Division. You all are probably aware of Agriculture Divisions are not subject to the Subdivision Regulations but must be approved by the full Planning Commission. Staff recommends approval.

Chairman McKee: Any questions of staff? Is there anyone here to speak on behalf of the application? Is there anyone here that would like to speak for or against this application? Hearing none, the Chair will entertain a motion.

MOTION WAS MADE BY BOBBIE JARRETT, SECONDED BY DAVID DIXON TO APPROVE REVISED LOT 2 PHILLIP TRIGG MINOR SUBDIVISION AND TRACTS 1 & 2 AGRICULTURE CONSOLIDATION.

ALL IN FAVOR: AYE

OPPOSED: NONE

Chairman McKee: Next on the agenda is the adoption to the *Henderson City-County Comprehensive Plan* following chapters Healthy Neighborhoods and Increasing Mobility. Mr. Bishop are you going to lead the conversation?

Brian Bishop: Yes sir.

Chairman McKee: Please proceed.

Brian Bishop: On Chapter Six (6) we obtained information from numerous individuals, mainly Miss Bobbie Jarrett was kind enough to help us with this chapter. We also obtained information from the City and County Codes Departments regarding permit information and housing stats. The most notable change you are going to see is probably the mixed use development portion of this chapter, which we try to incorporate the City's new zoning ordinance amendments that would allow for more development in the East End, which we hope will spur development which will be good for the community as a whole.

Chapter Seven (7) which is Increasing Mobility, we obtained input from the County Engineer, the Assistant City Manager Mr. Newman, in the audience, we received information from the MPO and we also received information from the Kentucky Department of Transportation. The most notable changes you're going to see in that chapter are the references to the Highway 41 traffic study and the Metropolitan Plan which updates the region's transportation system plan for the next twenty (20) years. Basically it's trying to envision where we need to go from a transportation standpoint, that will be maintained by the Evansville Metropolitan Planning Unit and we made a link to that because that is going to be changed a lot and it would be easier for us just to constantly go to that link instead of trying to keep the Comprehensive Plan updated

at all times. So, we thought the chapters are streamlined and more useful and at this time we request that you adopt them.

Chairman McKee: Questions of staff?

David Dixon: Mr. Chairman.

Chairman McKee: Yes sir.

David Dixon: I don't have a question directed towards staff but I do want to call our attention to Page 10 of Increasing Mobility that would be chapter seven (7). Under Water Based Transportation, second paragraph starting off; we are claiming on the two public river ports, Henderson County Riverport and the Port of Indiana-Mt. Vernon. The Port of Evansville is out of business. There are currently three river ports in the area to facilitate water based transportation. Two of these are in Indiana and one is in Henderson County. I think that paragraph is unclear to me.

Brian Bishop: Mr. Chairman I spoke to Mr. Dixon about that and it is my recommendation we strike that entire paragraph.

David Dixon: **I move to strike that paragraph.**

MOTION WAS MADE BY DAVID DIXON AND SECONDED BY GARY GIBSON TO STRIKE PARAGRAPH TWO (2) REGARDING WATER BASED TRANSPORTATION BEING ON PAGE TEN (10) OF CHAPTER SEVEN, INCREASING MOBILITY OF THE HENDERSON CITY- COUNTY COMPREHENSIVE PLAN.

ALL IN FAVOR: AYE

OPPOSED: NONE

Chairman McKee: Any conversation about the rest of it?

David Williams: Would you give me just a moment?

Chairman McKee: Give you a moment, yes sir. Mr. Bishop would you please tell us a little bit about the 41 Traffic Study as it applies to this chapter?

Brian Bishop: Yes sir. Several weeks ago Mr. Newman and I and various other officials from the City and County attended a workshop, for lack of a better phrase, that the Kentucky Transportation Cabinet held and they have asked Stantec Engineering to do a study on Hwy 41 and its corridor and they are proposing several changes. One change would be the alignment at Watson Lane and Hwy 41; they are proposing backage roads that would run parallel to Hwy 41 to help ease some of the pressure that is on Hwy 41 N. They are also looking at limiting access to Hwy 41, they proposed to decrease the number of access points to Hwy 41. In the next fifteen (15) years or so we will probably see a lot of changes to the Hwy 41 Corridor.

Chairman McKee: Is there a guiding thought in here that we should give our attention to?

Brian Bishop: Not at this point. The study is not complete; they are still working on it. I believe it will be completed in December, at that point we will bring that back and use that study to update the Comprehensive Plan but we feel like it needs to be in the chapter to address it and to start the thought process of it.

Chairman McKee: Thank you.

David Williams: On page four (4) of the housing, on page four (4) on the cost, second paragraph under Current Housing Trends, I'm sorry I'm getting to this late but the paragraph about the average cost to build a single-family residence, for some reason it says \$115 a square foot and

then it turns around and says \$122 per square foot and the cost ranges from \$64 to \$122 per square foot. Am I missing something there, it just seems confusing that's why I waited; I wanted to read it again.

Brian Bishop: I think we have two different numbers. The \$115 per square foot is what was obtained from the building permits. The \$122 per square foot comes from an outside source and then the \$64-\$122 is the range of cost from the building permits themselves.

David Williams: Ok, so this is a comparison of numbers not stating what the actual cost is?

Brian Bishop: Correct.

David Williams: Alright, sorry, I'm fine with it then.

Chairman McKee: Are there any other comments or questions? I would just like to offer a word of reminder that this document, this Comprehensive Plan and any chapter of it is not in stone, it can be amended whenever this body feels it's appropriate to do so.

Brian Bishop: Herb, may I add something while you bring that up?

Chairman McKee: Please do.

Brian Bishop: We have referenced I-69 and we've all had lengthy conversations about I-69, which we plan to bring back a separate chapter which will be titled Enabling I-69 once the route is established. We didn't think it was wise to put too much effort into that chapter or that portion of the Comprehensive Plan when that route is not established. So, sometime in the new year of 2016 we will bring that chapter back which is a prime example of what you were stating.

Chairman McKee: However in the future land use map the Planning Commission could express itself in terms of a preferred corridor correct?

Brian Bishop: We can.

Chairman McKee: If we so desire.

Brian Bishop: We can.

Chairman McKee: We just aren't at that point yet?

Brian Bishop: Correct.

Chairman McKee: We have been made aware that the group that is working on the I-69 corridor, Bridge-Link, etc. have a preferred route that they have sat down on paper; I don't know if you have gotten shape files yet to delineate that yet, I know you have requested them.

Brian Bishop: My understanding is there are no shape files, they have not committed that, and they have ball parked it, but they are not ready to confirm the location that they would have a shape file for. I have been told that we should expect an answer sometime late Fall of this year. So, we will know more towards the end of this year, early next year.

David Williams: Just for point of order, would you clarify what a shape file is for the record please?

Brian Bishop: A shape file is the file the GIS System actually reads. It's what is displayed on the screen. For example; a shape file of the road centerline would give you x, y, z data of the road centerline and the attributes of the centerline. For example, Green Street if you were to click a portion of Green Street in GIS it would give you the coordinates, the name of the street, the type of street if it's asphalt, things like that.

Chairman McKee: So the questions are about Chapter Seven (7), Chapter Six (6), I'm sorry, Healthy Neighborhoods and Increasing Mobility, we have had one paragraph struck. We have no other

comments, no other questions? Is there anybody in the audience that would like to speak to these chapters? Hearing none, the Chair will entertain a motion.

MOTION WAS MADE BY RODNEY THOMAS AND SECONDED BY DAVID DIXON TO APPROVE CHAPTER SIX (6) HEALTHLY NEIGHBORHOODS AND CHAPTER SEVEN (7) INCREASING MOBILITY OF THE COMPREHENSIVE PLAN, STRIKING THE ONE PARAGRAPH WE COMMENTED ON.

ALL IN FAVOR: AYE

OPPOSED: NONE

Chairman McKee: Next on the agenda the **Planning Commission will consider the following zoning text amendment to the City of Corydon Zoning Ordinance: Article XI, Section 11.03(k) Conditional Uses by adding the following paragraph.** Mr. Bishop, are you going to lead that conversation?

Brian Bishop: I can.

Chairman McKee: Please do.

Brian Bishop: The City of Corydon, the Council of the City of Corydon originated this text amendment. They are requesting that their ordinance be changed to allow some of their residences with fairly large tracts to have farm animals. The Board of Zoning Adjustment that the City of Corydon appoints will have oversight of the number of animals allowed. Once it leaves here, the City Council will have two readings from which they will approve it and Mr. Self is here. He is the Mayor of the City of Corydon, if you have any questions he can answer them as well.

Chairman McKee: Any questions of staff first?

David Williams: What is the minimum lot size you can have a farm animal?

Brian Bishop: Five acres I believe is what we put in the ordinance.

David Dixon: That is total including the dwelling?

Brian Bishop: At least five acres...

David Williams: It says at least five acres and the staff sees no problem with this?

Brian Bishop: Not at this time. When I was looking at the language of this text amendment, I looked at several other communities and it's not uncommon. So, we're ok with it.

David Williams: Should there be any restrictions as to what animals? I mean, right now if you have five plus acres you have an elephant on your property, is that correct? Would that be considered a farm animal?

Brian Bishop: I don't believe so because it specifically says horses and cattle and the Board of Zoning Adjustment will still have oversight of what is allowed.

David Williams: Keep horses and cattle, ok. I was just doing this for clarification.

Brian Bishop: That's fine.

David Dixon: Well, we have had recent discussion about farm animals.

David Williams: Yes, that's what worries me on this and can we get the City of Corydon to come on up?

Brian Bishop: David, can I add something? The City of Corydon does not have any properties zoned Agriculture in the city limits of Corydon.

Chairman McKee: Mayor, will you please give your name and address?

Mayor James Self: James T. Self, 336 Third Street, Corydon, Ky.

Chairman McKee: Do you swear the statements you are about to make are the truth to the best of your knowledge?

Mayor James Self: I do.

Chairman McKee: Thank you sir.

David Williams: I would be inclined to let the City of Corydon do what the City of Corydon wishes to do but there are, when I read this, I thought we just did the thing with the mouse house and it brings up a question to me as, my feeling on the mouse house is it was in an Agricultural zone and if you live in an Agricultural zone then you have to expect to have Agricultural processes going on around you. If you live in what you consider to be a urban setting or a city setting, then you have moved there with a certain set of conditions in mind, nobody is going to be having farm animals next to you. So, have you gotten a good read on the people of Corydon as to how they feel about this?

Mayor James Self: There are examples of some farm animals throughout the town that probably with no conditional use permits, I will express that. Our intent, with this, is to restrict what animal is used in the particular cases that they are applied for. So, to say carte blanche all farm animals are included, they are not. Mice, in particular are one of them that comes to mind and...

Penny Hahn: What about chickens?

Mayor James Self: Chickens? Unfortunately there are some already, I'm not sure how we're going to deal with past transgressions, for lack of a better word, I don't know if I'm saying the right thing but this

conditional use permit this person owns seventeen (17) acres of ground and it is on the outside edge of the City Limits. In fact just half of that, I think, is in the City Limits. The location of it allows us to approve, at least the council, we feel like it would be alright for cattle is what we are talking about here, what the council is talking about.

David Williams: So this one land owner could avoid it by just applying for a re-zoning dividing his land off, the agricultural part of his property off and re-zoning that as Agricultural.

Mayor James Self: I think it's not big enough to; we're talking seventeen (17) acres I don't think he could do it.

Gary Gibson: Yes, we're talking seventeen (17) acres; over half is in the county and half in the city. He is planning on coming in and tearing down his grandmother's home and building a new home. The area he is working on is grown up and this gives the city an opportunity to get a new home, probably a couple of hundred thousand dollars and also get the opportunity to clean that up. If we combined county plus city we would put a hardship on the owner and that is what we are trying to eliminate. We are trying to get it legal, for a change, to have farm animals. The old City Ordinance didn't have anything there within a year's time, and then you were not allowed to bring animals back. The old Grandfather Clause stated if you had an animal there and you kept them there you couldn't do anything about it. But I would bet every piece of land in Corydon has been without animals for over a year so the Grandfather Clause is gone. We are just trying to clean up seventeen (17) acres and with this Conditional Use we have control of what he allowed to put on there and the amount of stuff he can put on there. That is all we are trying to do, get a toe-hold on what he can put and help take the hardship off of him so he can use that seventeen (17) acres.

Chairman McKee: Just for clarity Mr. Bishop, if I understood you correctly, if the Planning Commission approves this then Mayor Self and the Corydon City Council will also approve it?

Brian Bishop: Yes sir.

Tommy Joe Fridy: When a government body originates a proposed amendment to their zoning ordinance, they are required to send it to the Planning Commission for the Planning Commission to hold a public hearing and to make a recommendation if they choose to before the City or County can proceed. So, the Planning Commission is not approving, it is making a recommendation if it chooses to as a condition, that's a requirement, that the City send it up to the Planning Commission, the Planning Commission advertises it, holds a public hearing a makes a recommendation.

Chairman McKee: Then if the Planning Commission makes a recommendation the City then has to vote on passing the ordinance, is that correct?

Tommy Joe Fridy: The City can either accept or reject the recommendation that the Planning Commission makes and adopt the amendment. They cannot adopt a different amendment than they send up for public hearing other than to address the comments that were made by the Planning Commission. I'm getting far more technical than we need to.

Chairman McKee: I'm glad you are I think we need to hear it.

Gary Gibson: After the City adopts it do they have to go back before the Board of Adjustments in the City of Corydon?

Tommy Joe Fridy: No, no.

Gary Gibson: The City Council has to adopt this...

Tommy Joe Fridy: There has to be two readings and advertised.

Chairman McKee: But then this particular individual that you are addressing would have to go to the Board of Zoning Adjustments and ask for a variance?

Tommy Joe Fridy: Absolutely but...

Brian Bishop: Herb, not a variance but a Conditional Use.

Chairman McKee: A Conditional Use, I mean.

Tommy Joe Fridy: Correct.

Chairman McKee: So then, the City of Corydon is out of it. Once they pass it they are out of it, it's the Board of Zoning Adjustments then. Correct?

Tommy Joe Fridy: Correct.

David Williams: So you guys will have your own hearings on this ordinance down there?

Mayor James Self: It's my understanding, yes.

David Williams: The only thing that concerns me is that we see how many people are out in the chairs...

Tommy Joe Fridy: They may but they do not have to have another public hearing. This is the public hearing.

Brian Bishop: Dave the best way to say it is they will have two (2) readings.

David Williams: The only I reason I say this is that nobody pays attention to the ballgame until your child is up to bat and nobody is

going to pay attention to these proceedings really until someone puts a farm animal next door to them.

Brian Bishop: To that, when they apply for a Conditional Use all adjoining property owners and any property owners across the road will get written notification from the City, the Corydon Board of Adjustments.

Tommy Joe Fridy: Don't forget...

Chairman McKee: Do they also get a notice from us?

Brian Bishop: No.

Chairman McKee: They do not?

Tommy Joe Fridy: Because it's a Corydon issue. But don't forget you are bound; the Board of Zoning Adjustments can act within this language.

David Dixon: Does this restrict the Conditional Use to horses and cattle? Does this language restrict the Conditional Use?

Tommy Joe Fridy: I fear it might not. The amendment to the ordinance could have some inconsistencies. We weren't asked to opine about the language they proposed for us to have a public hearing about but we do have the ability to make suggestions back.

Gary Gibson: Really that gives the Board of Adjustments something to go by then their Conditional Use, at that meeting, we will find out exactly how many cows or how many horses he's planning on having there and that is when we can talk to him and decide. If he tries to have too many, we can turn him down.

Chairman McKee: Mayor may I ask you a question? Was it your intent to limit animals on these parcels to horses and cows?

Mayor James Self: Actually cattle was our intent.

Chairman McKee: Not horses?

Mayor James Self: Horses were just kind of added in there, I think that was from a carte blanche. But he has me worried that we can't, you know, I'm not wanting to be faced with future of other animals for lack of a better word. I'm not interested in pigs being there, mice, elephants any of that so he has me a little worried. I thought this language would cover it, I wasn't so sure you know the horse, I didn't mind horses, there are horses and I can live with that, those two. But the rest of them, I don't want to be facing that.

David Dixon: Could this not be relatively easily amended and just in the first reference there, second paragraph instead of saying livestock say horses and cattle and every other reference is to horses and cattle?

David Williams: You may want to consider the chickens too if you've already got them there.

Mayor James Self: Unfortunately, yes I think we do.

David Williams: And ducks.

Mayor James Self: And ducks...

David Williams: So you see where this is going don't you.

Mayor James Self: I actually heard a turkey the other day so I know there is a turkey.

Chairman McKee: I'm reluctant to do this but I feel I owe it to you Mayor, if you are concerned about the language do you want to do anything about it?

Mayor James Self: Well that is my, the way he brought it up, I thought the legal part of it was covered where our Board of Adjustments have control. When he comes and applies, we allow what we're willing to allow on the Conditional Use permit, that's the way I wanted it.

Tommy Joe Fridy: But Mayor don't...

Mayor James Self: I don't want choices of...

Tommy Joe Fridy: But don't forget there's an appeal from your Board of Zoning Adjustments. There is a right of appeal and...

Mayor James Self: To it, isn't it to the Board of Adjustments and then it comes back to the council. Doesn't the appeal come to us from the Board of Adjustments?

Brian Bishop: No that goes to Circuit.

Tommy Joe Fridy: No that goes to Circuit Court.

Mayor James Self: Circuit Court?

Tommy Joe Fridy: I don't represent the Board of Zoning Adjustments and even though I'm fairly conversant with that law I'm not nearly as conversant as I am the Planning Commission. It's easy enough to look up, it's a simple, it's simple to look it up and give you a concrete answer but it's my memory that the appeal is directly to Circuit Court.

Mayor James Self: Ok.

Tommy Joe Fridy: And Circuit Court will look at the language of the ordinance you've passed and the statute.

Chairman McKee: Is it your understanding Mayor that the term noncommercial purposes, what does that mean?

Mayor James Self: That means they are not for sale. They are not to be raised for sale. They are not to be, in a sense, selling eggs, or anything commercial about it. They are there for their eating because, I know the guy is going to eat the cattle and I'm sure they're eating eggs.

Brian Bishop: Mr. Dixon, would you like to propose a change in the text?

David Dixon: I don't know if we want to start listing all the permissible livestock. We could easily change it to horses and cattle but goats, chickens and on down the road we probably need to step back a little bit.

Tommy Joe Fridy: And we may want to, rather than re-write the ordinance they've proposed, make a general kind of recommendation that they consider.

David Dixon: I would be happy to recommend that if their intention is to limit this ordinance to effect only certain types of livestock that it needs to be re-visited and re-submitted based on our own experience here with newly defined livestock.

Mayor James Self: Sure.

Tommy Joe Fridy: I think you could make a recommendation and they could make the changes in conformance in those and go forward. I haven't looked at the statute thinking about what we're talking about but they may not have to bring it back here.

Mayor James Self: So we take this and re-write an ordinance, it doesn't come back up here if we change that?

Tommy Joe Fridy: You need to ask your City Attorney for advice and if you want to consult back with us we will give you some input but we are not providing you with legal advice.

Mayor James Self: Well, one thing I don't want to be is crossed with this Commission.

Tommy Joe Fridy: Oh you won't be, you're not. The Commission is trying to help you and trying to make it easier on down the line. We're trying to call your attention to possible ambiguities.

Mayor James Self: Ok, that's good.

Brian Bishop: If it helps at all, I forwarded the language to Chris Wischer who is their attorney for the City of Corydon and he did not have any comments or questions about it.

Tommy Joe Fridy: That's not your role.

Brian Bishop: I understand but he asked, we drafted the language and he asked for me to forward it to him before we advertised it.

Chairman McKee: Did you say we drafted the language?

Tommy Joe Fridy: We drafted the language?

Brian Bishop: Correct.

Tommy Joe Fridy: When I saw it, I was skeptical of the language but I thought it came from Corydon and I didn't think it was our business, I now think it's our business. We recommended this language, I'm uncomfortable with it.

Brian Bishop: Would it be best for their attorney to recommend the language.

Tommy Joe Fridy: Sure and I'll be glad to take a look at it. Is there some urgency about this?

Mayor James Self: I'm not sure, I don't think so. We haven't talked to the individual in question here that wants to do this; I haven't talked to

him in several weeks. I think we can, I'm alright with re-visiting it and doing it properly. I understood it had to come here first and then back to us.

Tommy Joe Fridy: It does.

Mayor James Self: I thought this was done properly.

Tommy Joe Fridy: I'm not saying it's improper but it might, could be better.

Mayor James Self: Alright, well I want it better that is for sure.

Chairman McKee: If somebody is feeding a couple of calves for human consumption and they load one up and take it to the stockyards, how are you going to regulate that?

Mayor Self: I'm not.

Tommy Joe Fridy: But someone could, someone could make a complaint and then you would be in the process of going through the regulatory process.

Gary Gibson: What the City is really trying to do with a person with that many acres, you know, we didn't want to tie his hands where he could not use what acreage he has in town. If you're going to use that eight (8) acres in the county and you have eight (8) more acres in town right there with it, adjoining it... We don't have an ordinance in keeping that stuff out. The ordinance down there is so old and outdated, we need a new ordinance. We are trying to help this person, the way I took it, now it could be hearsay. I haven't talked to them but he just wants to keep something in there to keep the grass and weeds down and that would be one way he could do it and also have something for his

kids maybe where they could ride them that way he could use the whole seventeen (17) acres.

Tommy Joe Fridy: What if you consider a motion to make a recommendation to Corydon that they consider more carefully, I don't like those words. Consider limiting their proposed ordinance to the type of animals that they wish to allow.

Mayor James Self: Ok, what about the noncommercial? That is an issue that might need to be scratched you think?

Tommy Joe Fridy: Well, it might need to be defined.

Mayor James Self: Alright.

David Williams: So define what amounts to commercial use?

David Dixon: Or what is not a commercial use.

Tommy Joe Fridy: You may want to consider defining what you mean by noncommercial in your ordinance.

David Williams: What is noncommercial, okay?

Chairman McKee: I think the first order of business might be to decide if that is what you really intended.

Mayor James Self: Correct.

Chairman McKee: If you intended for this individual and individuals after this individual to not be able to load that calf up in a truck and take it to the market then that's what you intend.

Mayor James Self: Yes, maybe that's not we intend. Maybe that's the way it states, but I would be remised to ask someone to keep them until they're dead or they are too old to eat. When you brought that up, it hadn't come to my mind.

Tommy Joe Fridy: That's why you have a public hearing; it's why the statute suggests you bring it to the Planning Commission; one for public input and two for the input from the Planning Commission.

Mayor James Self: Certainly, I agree.

David Dixon: So our recommendation that we are discussing is basically asking them to reconsider limitations on the type of animal and reconsider the term noncommercial or the definition of noncommercial. It's a recommendation with two prongs as I understand what we're talking about.

Tommy Joe Fridy: Consider or reconsider.

David Dixon: Yes.

Tommy Joe Fridy: I would say consider.

David Dixon: We're not telling them what they should do we're telling them to think about this.

Tommy Joe Fridy: You could, in a different situation, could recommend that you think the ordinance is inappropriate. That's not the case here but just for broad discussion purposes as to what your role is.

Chairman McKee: Mr. Mayor, please don't go away but Mr. King would like to come up and speak to us a moment. We would like for you to stay and listen to what he has to say and y'all leave together. Would you please state your name and address Mr. King?

Jeff King: Jeff King, 4729 Hwy 266, Corydon, Ky.

Chairman McKee: Do you swear the statements you are about to make are the truths to the best of your knowledge?

Jeff King: Yes sir.

Chairman McKee: Thank you sir, you may proceed.

Jeff King: In the noncommercial, I'm just kind of sitting there, how agriculture is based it's based on income whether your agriculture or not and it could be and I don't know it's just a question that popped in my head, on the noncommercial use but if you have that one cow or something could it not, kind of somewhat clarify if you put an annual income you cannot receive but "x" number of income per year off the sale of livestock off this property. Would that not help satisfy some, clarifying a commercial, I mean, in a sense they could raise fruits and vegetables and take it to the Farmers Market on that agricultural part and that would be considered and income. But if they had a cow or two that they did take to the livestock market just to whether its age or for whatever reason they could no longer care for that, that leaves them an out. It leaves the City an out that "x" number of dollars per year can only be gained from that property for the sale of those animals.

Tommy Joe Fridy: Would you allow me to ask you a question?

Jeff King: Yes.

Tommy Joe Fridy: Are you, are you heading in the direction of being able to sell so many cows a year as opposed to how much you get for them because the market changes.

Jeff King: There is going to be some varying but if you look at the long-term market, with variation, but it's kind of like the grain market it varies. You're going to get some spikes here and there but for the most part it stays and is fairly consistent. I don't know what that value is that would be something the City, they would have to come up with that number but to me that would kind of satisfy some of the issues there that if you have to get rid of it you can't just let die or just let it stay and die on the property. But it was just kind of a suggestion. I don't know if it

makes things worse or not but to me it would look like a potential solution for that part of the problem.

Tommy Joe Fridy: This is why we have a public hearing and your comments, even though they are made here are to Corydon.

Jeff King: Yes sir.

Tommy Joe Fridy: That is a statement.

Jeff King: I live just outside the City Limits and have been in agriculture all of my life. I feel if you have a piece of property, to some extent you have the right to do what you want with your piece of property with respect to others but that would just and I may have not put enough thought to it. I was just sitting there and thought if there was some type of limit on the amount of income may help.

David Williams: I would address that, you know when we start trying to make these kinds of comparisons the amount of income you get off of five cows, how does that compare to the amount of income you get off of selling eggs you might could have a whole chicken house full of egg laying hens which would be a real nuisance where as five (5) cows would not.

Jeff King: To me that goes back in with what the Board would allow what is going on, what would be permissible. To me, that is two separate, if they okay the use of cattle and he has maybe two, three or four, whatever and they want to sell two or say I wanted to buy one just to put in my freezer that is the same thing as taking it to a livestock market it is still the sale of an animal even though it's going to go to my freezer instead of just on the floor.

Chairman McKee: That brings a thought to my mind, how you would regulate that? How are you going to know how much income an individual is deriving off of a sale of animals?

Jeff King: That sir I do not know. I don't know you could probably cheat the system any how you want to.

Rodney Thomas: But it would stop someone from doing it every day.

Chairman McKee: Mr. Bishop, do you have a comment?

Brian Bishop: Mr. King's comments are completely valid but I think we're getting in over our heads in an area we really don't want to go to. We're getting into an enforcement portion of this which would be Randy's job, can we kind of sway it back to what action we need to do.

David Williams: What I was fixing to comment...

Tommy Joe Fridy: Mr. King is more than, has every right to say anything he chooses to within reason...

Brian Bishop: Absolutely! I agree, I completely understand but I'm wondering if we're getting outside of the scope of the intent.

Gary Gibson: Well what I was looking at, that Conditional Use, haven't we got the right, does the Board of Zoning Adjustments have the right to put that on them and require a certain amount of cattle or horses and to specify horses or cows? If we could talk the person into it, wouldn't that be legal? And agree upon what he is going to put on the seventeen (17) acres and use it as a Conditional Use on the amount of animals he could have not if he could sell them, that's different, no need to bring that into the picture but just the amount of animals that he could have at one time and use the Conditional Use as a way of controlling it. Would the Board of Adjustments be legal to do that?

David Williams: Mr. Moderator I'm concerned that the direction we're going with this thing, we are more or less (inaudible) what the elected officials of Corydon are to do and that is to write this ordinance. So, I think we should go with the recommendation Mr. Fridy here, motion a recommendation to the City of Corydon to revisit these things, this issue.

Chairman McKee: Any other comments, Mayor? Please come up to the microphone sir, thank you sir.

Mayor James Self: Our main intent was to allow this one individual to put some cattle, however we set the number per acre and that is really it. The horses got in there, I think, because of a carte blanche or something that was written and I didn't give a thought about the noncommercial because that's really, I wouldn't want to be in that position to be stuck with cattle that I can't get rid of. So, I'm alright with us revisiting it, we'll try to get it re-written. Now, we re-visit it, bring it back here for the same situation or is that the way it is?

David Dixon: So they do bring it back?

Chairman McKee: Question for counsel, it appears that you have asked the Planning Commission to originate this text amendment so we have to take some action on it tonight?

Tommy Joe Fridy: Well, we do have to take some action but it's not... Did the City Council address this language and pass some kind of motion.

Mayor James Self: I think that's the language we addressed.

Gary Gibson: Yes. We asked the board to write something up for the City and they had brought it down there and then the City Council had already had the first and second reading on it and that is the reason they came back up here wasn't it?

Mayor James Self: No, we have only had one reading. It's more of a vote to bring it up here for your...

Tommy Joe Fridy: They originated it no matter who drafted it.

Mayor James Self: We did originate it; we asked for this, we asked for this. Yes sir, we did.

Tommy Joe Fridy: And so it's our task to make a recommendation and after we make a recommendation, no matter what we recommend then the City of Corydon can go forward. Now, if they change it so drastically that it doesn't look like the same thing, then they should send it back for another public hearing.

Chairman McKee: Who makes the decision on how drastic the changes are.

Tommy Joe Fridy: I would say the City Attorney of the City of Corydon.

Chairman McKee: Mayor, do you agree with that?

Mayor James Self: I can live with that and I don't have any problems with sending it back up here for your review period, ever how we write it.

Brian Bishop: But you don't have to do that.

Mayor James Self: I don't have to do that, okay. But what we have to do is...

Tommy Joe Fridy: You need to be careful and not give the City of Corydon legal advice when they have their own attorney and to say they don't have to until you know what the ordinance looks like is; you can't do that. Nobody can do it. You're attorney couldn't do it, I couldn't do it and Brian can't do it.

Mayor James Self: I understand.

Tommy Joe Fridy: What he is saying is the same thing I've said is if you don't make too many material changes you would not have to bring it back. But...

Mayor James Self: Ok, that's fine. But it will be written in, it's going to come back and be put in the plan or stay with us?

Tommy Joe Fridy: You can bring it back, that's probably the best thing to do and have another public hearing.

Mayor James Self: Oh, ok. All I want to do is work however it's supposed to be done to do it correctly.

Chairman McKee: So Mayor it appears, if I may summarize, it appears that you will go back to your City Attorney, ask him to review the language in keeping with your intent.

Mayor James Self: Definitely.

Chairman McKee: And then you will bring it back to us to hold another public hearing on that language. Is that the way the...

Tommy Joe Fridy: We need to make some kind of motion and take some kind of action. It has been sent to us, unless he withdraws it, we're going to have to make a recommendation of some sorts. Approve it, disapprove it, and reconsider the language. I'm not putting words in your mouth but we are going to have to take some kind of action unless Corydon withdraws. And I don't know the Mayor can do that because the City Council has originated it and sent it to us.

Mayor James Self: I wouldn't think so, personally, that I could.

David Dixon: I'm prepared to make that motion, I think. I move to recommend the City of Corydon reconsider this proposed text

amendment with special attention to the specific kinds of animals intended to be covered and the term noncommercial purpose.

MOTION WAS MADE BY DAVID DIXON AND SECONDED BY RODNEY THOMAS TO RECOMMEND TO THE CITY OF CORYDON TO RECONSIDER THIS PROPOSED TEXT AMENDMENT WITH SPECIAL ATTENTION TO THE SPECIFIC KINDS OF ANIMALS INTENDED TO BE COVERED AND THE TERM NONCOMMERCIAL PURPOSE.

Chairman McKee: One of the things that I believe I heard counsel say is if that happens and the language in this proposal is not substantially different from what we've got now, they don't have to bring it back?

Tommy Joe Fridy: I believe that but I didn't come here prepared to answer that question. It's a question...

Chairman McKee: That's a question for their City Attorney.

Tommy Joe Fridy: It is and as I've said, I'm glad to talk to him and I'm glad to open the book while I'm talking to him and give him my thoughts if he wants some help. We're not trying to be tough; we're trying to help you.

David Dixon: And they can bring it back if they wish to?

Tommy Joe Fridy: True.

Chairman McKee: So all we're doing at this point is making a recommendation to the City of Corydon.

Tommy Joe Fridy: Yes, this is our task.

Chairman McKee: Period.

Tommy Joe Fridy: Period?

Chairman McKee: We're not proving, disapproving or making a recommendation?

Tommy Joe Fridy: We never approve. We recommend.

Chairman McKee: Does that need to be restated or is that motion in order? Do you believe that...?

Tommy Joe Fridy: It's in order unless someone asked that it be restated.

Chairman McKee: We have a motion.

David Williams: And we have a second.

Chairman McKee: And we have a second. Now it's time for discussion. Mayor, are you ok with it?

Mayor James Self: Yes, I believe I understand what my job is and we have a meeting this week so we will address it Thursday night.

Gary Gibson: The main thing was we were just trying to figure out what Corydon needs to do in order for that person to do that on his property being he has seventeen (17) acres. Now it would have been different if a person had one (1) acre or two (2) acres, for sure no deal. But being he has seventeen (17) acres we were trying to figure out some way, being all of the City of Corydon ordinances are so old, to update them and make it so when the Board of Adjustments gets it then they would not be out on a limb by themselves, that's why we asked for the advice from the members up here to help see what the city really needed. They have been working on this for what, several months?

James Self: It started in February, when we visited it and that's when we started looking at it.

Gary Gibson: That's the main thing. What the city was trying to do was to get it to whatever they did do would be legal and the correct way to go.

Chairman McKee: Thank you Commissioner, any other discussion? We have a motion and a second, Madame Clerk would you please call the roll.

ALL IN FAVOR: DAVID DIXON, DAVID WILLIAMS, BOBBIE JARRETT, PENNY HAHN, RODNEY THOMAS, KEVIN RICHARD AND KEVIN HERRON

OPPOSED: GARY GIBSON

Chairman McKee: Mayor we hope we're doing the best job we can for you and so we look forward to hearing back from you.

Tommy Joe Fridy: Mayor would you wait until after the, could you stay until after the meeting?

Mayor James Self: Sure.

Chairman McKee: Since that concludes the public hearing items, the Chair will entertain a motion to go out of public hearing.

MOTION WAS MADE BY KEVIN RICHARD AND SECONDED BY GARY GIBSON TO CLOSE THE PUBLIC HEARING.

ALL IN FAVOR: AYE

OPPOSED: NONE

Chairman McKee: Next on the agenda is the Planning Commission Finance Report for August, Mrs. Theresa are you going to lead that conversation?

Theresa Curtis: Yes and I believe Bobbie has a recommendation for the Finance Report for August. We're within the nineteen (19) percent of budget; everyone should have a copy of it. If you have any questions, I can answer them.

Chairman McKee: Chair will entertain a motion to approve the finance reports.

MOTION WAS MADE BY BOBBIE JARRETT AND SECONDED BY DAVID WILLIAMS TO APPROVE THE PLANNING COMMISSION FINANCE REPORT FOR AUGUST 2015 AS PRESENTED.

ALL IN FAVOR: AYE

OPPOSED: NONE

Chairman McKee: Next on the agenda we have is the Bond Report, Mrs. Theresa do you have comments?

Theresa Curtis: We need the acceptance of the Braxton Park Subdivision, Section 2-B, Lot #100 sidewalks for \$2620.00 that is ready to be released.

MOTION WAS MADE BY DAVID WILLIAMS AND SECONDED BY GARY GIBSON TO APPROVE THE BOND REPORT AS SUBMITTED.

ALL IN FAVOR: AYE

OPPOSED: NONE

Chairman McKee: Next on the agenda is other business, Mr. Bishop.

Brian Bishop: Yes sir. We have the future land use workshop in this room on September 14 at 5p.m. At that time TSW Design Group, which

is the consultant that the City has hire to work on the vision plan and the comp plan will be here to help us collect input from the public. We would like to invite all the Planning Commission members to be there and I am also going to be on WSON Speak Up on September 9 at 8:10a.m. to speak about it and try to encourage public involvement.

Gary Gibson: What time is September 14?

Theresa Curtis: 5 p.m.

Chairman McKee: Will you send us an email reminding us tomorrow Theresa?

Theresa Curtis: I sure will.

Chairman McKee: Thank you. We've had a discussion about the future land use map and part of that discussion that I believe is worthy of conversation is that we don't try to eat that whole elephant in one bite, that we break it up into multiple bites so we can take a closer look about how we feel about the future use of parcels of land to be referenced. I wish you all would give that some thought and hopefully you will be willing to, at some point, sit down more than once to look at it. After we have gotten comments from the consultant and the general public.

David Dixon: Would staff be in a position to start thinking about these bite-size chunks?

Brian Bishop: In fact we already have. We, Claudia and I, have broken down the county into seven (7) chunks. We have the Urban Service area which is the main chunk, obviously. We used the major corridors to make sections out of the county and we were going it section by section and looking at each individual section as far as the rough draft of the future land use maps. So yes, that's not a problem it's already done.

Chairman McKee: Any comments about Mr. Bishops' report? Are there any administrative issues to come before us?

Brian Bishop: No sir.

Chairman McKee: Hearing none, the Chair will entertain a motion to adjourn.

MOTION WAS MADE BY DAVID WILLIAMS AND SECONDED BY KEVIN RICHARD TO ADJOURN.

ALL IN FAVOR: AYE

OPPOSED: NONE

MEETING ADJOURNED AT 7P.M.