

Henderson City-County  
Planning Commission  
May 3, 2016

The Henderson City-County Planning Commission held their regular meeting May 3, 2016 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, Dickie Johnson, Gary Gibson, Mac Arnold, David Dixon, Kevin Richard and Penny Hahn. Rodney Thomas, Kevin Herron and Herb Pritchett were absent.

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

*(A summary of the minutes from the meeting on May 3, 2016. A recorded audio tape is on file at the Planning Commission Office)*

**MEETING BEGAN AT 6:00PM**

Chairman McKee: I will call this May 3, 2016 meeting of the Henderson City County Planning Commission to order. Madame Clerk, will you please call the roll. The Chair will entertain a motion to go into public hearing.

***MOTION WAS MADE BY DAVID WILLIAMS, SECONDED BY GARY GIBSON TO GO INTO PUBLIC HEARING.***

***ALL IN FAVOR: AYE***

***OPPOSED: NONE***

Chairman McKee: The first item on the agenda for the public hearing is the approval of the April 5, 2016 minutes; you've had an opportunity to review those.

***MOTION WAS MADE BY KEVIN RICHARD, SECONDED BY DAVID DIXON TO APPROVE THE APRIL 5, 2016 MINUTES AS DISTRIBUTED.***

***ALL IN FAVOR: AYE***

***OPPOSED: NONE***

Chairman McKee: The only item on the public hearing agenda was the minutes. The rezoning with the development plan has been withdrawn, so the Chair will entertain a motion to go out of public hearing.

***MOTION WAS MADE BY DAVID WILLIAMS, SECONDED BY KEVIN RICHARD TO GO OUT OF PUBLIC HEARING.***

***ALL IN FAVOR: AYE***

***OPPOSED: NONE***

Chairman McKee: The first item on the non-public hearing agenda is **Lot #1 Edward Earl Book Subdivision Site Plan**, Mr. Bishop are you going to lead that discussion?

Brian Bishop: Yes sir.

Chairman McKee: Please proceed.

Brian Bishop: This site was before you at the March meeting for **Rezoning #1055**. It was approved subject to a site plan; this is the site plan for that project. As you can see, the site plan limits it to the number of cars that can be stored on site and it also describes the type of screening that will be installed and show the location of a handicap

accessible parking spot. Staff recommends approval and I will do my best to answer any questions you may have.

Chairman McKee: Questions for staff? You have questions? Ma'am could you please come, well this is, please come up to the podium. Would you please state your name and address for the record into the microphone? Thank you ma'am.

Esterlene Woodruff: Esterlene Woodruff, 1009 Center Street in the city.

Chairman McKee: Thank you ma'am, now please ask your question.

Esterlene Woodruff: I have this regarding Zoning #1056 with development, is that done, over or?

Chairman McKee: Mr. Bishop, will you please?

Brian Bishop: Ma'am that was withdrawn. The applicant decided not to go through the re-zoning process so that is why it is withdrawn.

Esterlene Woodruff: Ok.

Brian Bishop: If you are an adjacent property owner you may get a letter from the City Board of Zoning Adjustment for a variance request.

Esterlene Woodruff: Ok, thank you.

Chairman McKee: Thank you for your comment, I appreciate that. So with regard to this application are there any other questions of staff? Would you like to hear from the developer? Hearing none the Chair will entertain a motion.

***MOTION WAS MADE BY BOBBIE JARRETT, SECONDED BY MAC ARNOLD TO APPROVE LOT #1 OF THE EDWARD EARL BOOK SUBDIVISION SITE PLAN SUBMITTED FOR THE***

***PROPERTY LOCATED IN HENDERSON COUNTY AT 5995 HWY 416 W.***

***ALL IN FAVOR: AYE***

***OPPOSED: NONE***

Chairman McKee: Mr. Malave, congratulations. Next on the agenda is the Planning Commission **Finance Report for April 2016**, Mrs. Curtis are you going to help us with that?

Theresa Curtis: I sure will. We are within seventy (70%) percent of our budget with two (2) months left. Bobbie, if you don't mind would you please make a recommendation?

***MOTION WAS MADE BY BOBBIE JARRETT, SECONDED BY GARY GIBSON TO APPROVE THE PLANNING COMMISSION FINANCE REPORT FOR APRIL 2016 AS PRESENTED.***

***ALL IN FAVOR: AYE***

***OPPOSED: NONE***

Chairman McKee: Next on the agenda is the **Bond Report**, Mrs. Wayne do you plan to lead that discussion.

Claudia Wayne: Yes, this is Murphy Oil on Barret Blvd. We are releasing the erosion control.

Chairman McKee: That's the only item on the Bond Report?

Claudia Wayne: Yes.

Chairman McKee: The chair will entertain a motion.

***MOTION WAS MADE BY MAC ARNOLD, SECONDED BY DAVID WILLIAMS TO ACCEPT THE BOND REPORT AS SUBMITTED.***

***ALL IN FAVOR: AYE***

***OPPOSED: NONE***

Chairman McKee: Under *Administrative Business and Other Business* we have a Steering Committee update from Mr. Brian Bishop, please proceed.

Brian Bishop: As you know Chairman McKee appointed a Steering Committee that consists of himself, Commissioner Dixon, Commissioner Williams, Commissioner Thomas in addition to Judge/Executive Brad Schneider and the Mayor who appointed Buzzy Newman to act on his behalf. We have given you a draft RFP which basically staff worked on and then we presented to the Steering Committee for comment. So at this point I would like to open the floor for discussions and if you have any questions I will do my best to answer.

David Williams: Brian what did you use as a template for this RFP?

Brian Bishop: The RFP template came from the Tourism Commission template that they submitted for request of services to design a sports complex.

David Williams: Has that particular one been sent out and returned?

Brian Bishop: Correct, that contract has been awarded and I actually met with that consultant today at 10:30 a.m. to discuss the sports complex.

David Williams: Ok, will you please tell me what you mean by RFP because I think I have been misconstruing what it meant. RFP means?

Brian Bishop: RFP in my mind means that we are requesting the consultants provide us, basically it's an invitation for them to come and

do work. We are asking them to give us a presentation based on what we're requesting.

David Williams: So is it meaning the request for presentation or request for proposal?

Brian Bishop: Proposal.

David Williams: Request for proposal. So in your mind, does this constitute a legal contract?

Brian Bishop: In my opinion no.

David Williams: No, ok.

Brian Bishop: We are just requesting that they come in and sit down with us and discuss the work that we want done.

David Williams: Alright, thank you.

Tommy Joe Fridy: You're probably requesting that they submit a written proposal somewhere down the line. It would be my suggestion that if the Planning Commission makes a motion to allow staff to send out a request for proposal that it be general so that it could be tweaked and you're not saying, you wouldn't make, I would suggest you not make a motion to use these exact words but in general approve the sending of a request for proposal where people would make proposals back.

David Williams: Ok. When you said not these exact words, words you just spoke not the exact words in this document, right?

Tommy Joe Fridy: Yes. In general approve, making a request for proposal as opposed to exactly saying we're making a motion you send this proposal out.

Chairman McKee: Is there a need for a Planning Commission vote at this point?

Tommy Joe Fridy: I don't think so but it's not a bad idea just to...

Mac Arnold: Brian what is there...are there any other cities that you're aware of that have gone out seeking for the same type of proposal?

Brian Bishop: Not that I'm aware of. We contacted the Kentucky League of Cities to ask if they had a template or any experience with this and they said they have never addressed that. So I believe we will be plowing new ground and I have also reached out to GRADD and their planning department to seek input from them and if they have done anything. We have not made contact with one another yet, we are playing phone tag.

Chairman McKee: In my opinion at the Steering Committee meeting both the Assistant City Manager and the County Judge/Executive blessed this form and upon the advice of counsel, unless someone insists, I don't think we should move to approve it, we ought to just let the process continue to evolve until there is something that the Planning Commission needs to approve unless you want to.

Tommy Joe Fridy: Frankly, I think you have probably already done it at an earlier meeting. I'm not speaking specifically about your minutes but it's my recollection that the Planning Commission authorized getting proposals. So it seems more like a report than a request for a motion to me.

David Dixon: Would it be appropriate for us to ask that if staff alters the language in here that we have worked on in some significant way that would be made aware of that?

Brian Bishop: I have no problem doing that whatsoever. If there is, do you want significant or do you want tweaking? Are you thinking...?

Tommy Joe Fridy: He is saying whatever if you make changes, submit it back to them before you send it out. Isn't that what you're saying?

David Dixon: Yes. If we are not going to approve the specific language here that we worked on, then I would like to know if there are substantial changes, that kind of stuff. Just for my own curiosity.

Brian Bishop: I have no problem with that whatsoever.

Penny Hahn: Is that back to the Planning Commission or the Steering Committee?

David Dixon: The Steering Committee is fine with me, I would be curious as to what kind of additions or changes...

Bobbie Jarrett: That's what I want to know, what specifically needs to be changed. It seems pretty good on its face, and I don't know what needs to be changed in it.

David Dixon: I understand that we might not want to say, ok send this exactly the way we have it.

Tommy Joe Fridy: That's all I was saying.

Bobbie Jarrett: Ok.

David Dixon: Perhaps informally if you see the need for changes just let us know.

Brian Bishop: Ok.

Chairman McKee: The end result that you get back from the consultant is where all the juice is, that's what you want to be concerned about. If this document doesn't get you back what you're looking for then you

will have to make some alterations or change the communication in some way to end up with what exactly we're looking for, would you agree with that counsel?

Tommy Joe Fridy: I would, I do.

Brian Bishop: Commissioner Dixon would probably agree our intent was to open the discussion with qualified consultants so that way we could nail down a more exact process.

David Dixon: Plus we have to get a handle on whether we're prepared to pay somebody's price for what is a pretty ambitious idea and we talked about that in the committee too. We may decide we have to scale back a little bit here and we will cross that bridge when we get to it.

Brian Bishop: It was specifically written so that we could scale back if we needed to; if the funds were not available to do what we had originally intended.

Chairman McKee: Any other discussion on the Steering Committee?

Dickie Johnson: I guess my only question I've had a few, not a lot of questions why we need to hire a consultant to do this evaluation of us. How much feedback has the other Planning Commission members had from the public in regards to this, any?

Chairman McKee: Business friendly?

David Dixon: None in my case.

Chairman McKee: I have, a lot.

David Williams: No, about this proposal...

Dickie Johnson: About hiring a consultant to do an evaluation of us.

Chairman McKee: Oh yeah, I've had five (5) or six (6) people talk about that.

Brian Bishop: In my opinion the consultant would be hired so it would be unbiased. It is an outside source that is evaluating our process without bias.

Penny Hahn: I think that gives people, I think they are able to speak more freely instead of being someone they might know or...

Dickie Johnson: That wasn't...I don't think what my intent was. Just the general public, they've got this perception of we're going to be spending more taxpayer money to get a consultant to come in here and do an evaluation of the Planning Commission. I mean that is the question I've had individuals ask. So, I was just wondering if other people have had similar from the general public.

David Williams: I haven't heard anything myself but I wouldn't necessarily be in that circle anyway. I am kind of curious though as to doing this process as to how people do regard not only our methods and our staff but also this Commission right here. Whether they look at us as being a professional group capable of making these decisions; are they happy with the decisions we've been making? I'm not sure that we can get that kind of information unless we do a more focused study on it with people who know how to do that. I would not know how to go about doing this study.

David Dixon: I think our intention also is not just to focus on the Planning Commission or the Board of Zoning Adjustment but on Codes and State Regulations. Am I wrong, isn't that our intention?

Brian Bishop: You're absolutely correct. My plan would like for all departments, not all departments basically the development process to be

evaluated. If someone comes in and they feel like the process was not business friendly I would like for them to quantify that. For example if they had a bad experience with a particular utility that way it's quantified and that can be addressed later down the road, we create action items.

Penny Hahn: That's what's driving the whole thing though is the business friendly perception not a rating of each department so much as the perception of whether we are business friendly or not, if it's because of a code...

Brian Bishop: For example if someone was unhappy with a state building issue, that's not anything the planning commission can address because it's a state agency, it's a state building code. But that is something we need to be made aware of so we can explain that in the future if someone comes in for a development and it's a state level project we have to be very clear when we explain that is not our area of expertise and it's not anything we can enforce.

Penny Hahn: Right.

David Dixon: You presented this to the City Commission and to Fiscal Court about what our intentions are...

Brian Bishop: I gave them brief updates. It was not a very lengthy, detailed presentation but I believe they know what our plan is.

David Dixon: And their response?

Brian Bishop: They seemed receptive.

David Williams: Going back to when we decided to do this, proposed to do this I think all of us were kind of floored by the report that the

woman gave us about the perception of the planning commission and its duties. We were so floored we wanted to get to the root of it.

Brian Bishop: Is there any questions or anything in the language that I can try to address or anything you would like to know?

Mac Arnold: I guess I've been trying to analyze this myself and I keep wondering; the indications saying that we are not business friendly is the planning commissions process is what that is at stake? Or is it like the codes department, I mean where is this kink that people are finding is wrong is something I would be curious to find out where it really lies. If it is not with us and with another agency, is the other agency willing to reorganize their process to accommodate this.

Brian Bishop: That is hard to say. We can only bring light to the problem; we can't address it if it's another agency. But addressing the problem is the first step.

Penny Hahn: And if it's us or another agency and we don't know that it is a problem or seems like a problem to people, we can't address it.

David Dixon: I think it's entirely possible that the results are contrary to what we were just presented due to the nature of the survey and nature of the information guide.

Chairman McKee: It appears to me that both city and county government really support this effort because they want, if there is something wrong they want to know about it and they want to fix it. There exists, in my time on this Earth, problems that you can't tackle or fix today but you can make a plan to fix it three (3) months from now, a year from now or six (6) months from now if you know what it is and know how to work on it, but this one has been worked on for quite a while and I think that if there is something that really needs to be done

the people in the city and county government as well as the planning commission will jump right on it and fix it, I could be wrong we will have to see. Is it a waste of taxpayer dollars Commissioner Johnson, I have to...

Dickie Johnson: I don't think that it is. I think that we need to get to the root of the source of the problem and get it correct. Generally people ask me, why are you spending this money?

Chairman McKee: I see it too.

Kevin Richard: Just rewinding though before we even get to that far we don't even know the cost yet so that's why I applaud, at least doing this next step to get some quotes or proposals because the people that are concerned with spending taxpayer money, we don't even know what kind of money that is yet and it may automatically rule itself out because the price figures that come back.

Brian Bishop: That is the point of the RFP, if we can actually meet the consultants we're not out any money if we don't like the answers and don't like the results, we wash our hands of it and we are not out any additional funds.

Chairman McKee: Any more discussion? Next on the agenda is continuing education, Mrs. Claudia are you going to deal with that?

Claudia Wayne: In our June meeting, I contacted Brian Howard and he is the Executive Director in Owensboro so that we could get some training too and he is going to come June 7, and he will be here at 5:00 p.m. if everybody can be here. We're going to ask the board of zoning and the county board to come too because he is going to kind of give ideas on how they do a presentation plus making motions and different procedures and I think that would help us and would give some training

too. But that is June 7 and if there is anything else that any of you all would like for him to talk about, shoot me an email and I'm sure he would address it.

David Williams: 5:00?

Claudia Wayne: Yes.

David Williams: At the Peabody building?

Brian Bishop: No it will be here, before the planning commission meeting.

Theresa Curtis: I think Heather has a list of how many members need hours to meet their hours by December.

Claudia Wayne: And I've got another thing to give ya'll too. On May the 18, no 19<sup>th</sup> there is a planning commissioner workshop in Bowling Green and you can get seven (7) hours, it's an all-day deal and you can get seven (7) hours that's credit. It's \$30 that we would have to send in but I need to know pretty soon so we can get that sent in and it starts at 8:30 am till 5:30pm.

David Williams: Claudia, is one put on by David Pike?

Claudia Wayne: No, well let's see, no Tim Butler and Kevin Costello are the ones that's going to be presenting the all-day thing and there's going to be different discussion on latest trends in planning, planning and zoning to our community, the methods of effective board members discussion and ethics. It's at the APA Spring Conference.

Brian Bishop: It's the Kentucky Chapter of the American Planning Association is where it's at. On a related note, the City of Henderson and the County of Henderson will be granted an award for the Vision Plan at this conference so that is something else that will be going on

there so Henderson will have some good news to announce there but I wanted you guys to know before. So that is all going to be at the Bowling Green conference and we currently have \$1862 left in the budget for planning commission member training so we can afford it if anyone would like to go.

Chairman McKee: I am planning to drive down and back in the same day for the presentation but not for the training if anyone would like to ride.

Brian Bishop: But we have time if you guys would like to get with staff, we have the money in the budget if you would like to go and we can talk about carpooling or however you want to handle it.

David Williams: I think I've got all the hours I need, so I don't have to go to this but if there is time and space available, I'll go.

Claudia Wayne: Heather can probably; do you have how many hours they have?

Heather Lauderdale: There is one (1) absent member that...Kevin you only need two (2) hours and Penny you only need an hour and one half and you have to get that before December of this year.

Brian Bishop: We just want to make sure that we give you guys plenty of opportunity to get continuing education hours and reduce the cost of the planning commission at the same time.

David Dixon: Those are the only two (2) folks that need some?

Heather Lauderdale: Kevin Herron needs some as well; he needs seven (7) hours so that would be a good all day for him.

Claudia Wayne: If ya'll just let us know where we can...

Penny Hahn: Do you know what time the presentation is?

Claudia Wayne: Two, (2 p.m.)

Chairman McKee: Do you know what time the presentation will be made?

Brian Bishop: 2 p.m.

Claudia Wayne: 2 p.m.

Chairman McKee: 2 p.m.

David Dixon: Has anybody been to, I think his name is Pike, David Pike? He put the day long thing on in Owensboro which I thought was pretty good, but ever since I get updates on sled dog racing and...

*(Laughter)*

David Williams: I think he uses that same email broadcast for everything.

*(Laughter)*

Brian Bishop: Yes that's the only drawback.

Dickie Johnson: Alright, are we down to adjournment?

Chairman McKee: We are there...

***MOTION WAS MADE BY DICKIE JOHNSON, SECONDED BY KEVIN RICHARD TO ADJOURN.***

***ALL IN FAVOR: AYE***

***OPPOSED: NONE***

**Meeting ended at 6:30p.m.**