

Henderson City-County  
Planning Commission  
August 11, 2016

The Henderson City-County Planning Commission held a Special Called meeting August 11, 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, Dickie Johnson, Mac Arnold, Gary Gibson, Rodney Thomas, David Dixon, Kevin Richard, Herb Pritchett, Gray Hodge and Attorney Tommy Joe Fridy. Bobbie Jarrett and Kevin Herron were absent.

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

*(The following minutes were transcribed from an audio tape recording of the Special Called Meeting on August 11, 2016. The audio tape recording is on file at the Planning Commission office and will be retained for a reasonable time.)*

**MEETING BEGAN AT 6:00PM**

Chairman McKee: I would like to call this special called meeting of the Henderson City-County Planning Commission to order, Madame Clerk will you please call the roll? We do have a quorum. The chair will entertain a motion to go into public hearing.

***MOTION WAS MADE BY DICKIE JOHNSON, SECONDED BY RODNEY THOMAS TO GO INTO PUBLIC HEARING.***

***ALL IN FAVOR: AYE***

***OPPOSED: NONE***

Chairman McKee: First on the agenda are Revisions to **HWU Potable Water Technical Standards**, Mr. Tom Williams are you going to lead that discussion? Would you please state your name and I know you live in the city of Henderson, Kentucky, I learned that last meeting.

Tom Williams: Tom Williams, my business address is 111 Fifth Street.

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

Tom Williams: Yes sir I do.

Chairman McKee: Please proceed and thank you.

Tom Williams: We have three (3) technical standards manuals one (1) for water, one (1) for waste water and one (1) for storm water and the last time we review these was several years ago, I think 2004.

We've been in the process, along with you, over the last few years. We've done the Sub Regs., Public Improvement Specs and we've started doing our own stuff now and we have made update and revisions to this. No big changes, we've added a lot of stuff parts and those kinds of things. Specifications for parts and the things that we normally use on projects that weren't in here. I'll be happy to answer any questions.

The big thing that's probably a change that might affect cost is actually a positive thing. We used to require any pipe larger than eight (8) inches to be made of ductile iron which is now, at this point with low gas prices it's much more expensive than PVC and we're removing that requirement and allowing people to build larger lines out of PVC.

Any questions of me; I'm sure you've all read through all this and studied it and sat down with it and memorized it.

Chairman McKee: Questions for Mr. Williams?

Tom Williams: Our board has already approved this and we're bringing it to you because it is used as a standard for subdivisions and those kinds of things so we kind of share responsibility of this.

Chairman McKee: So this will become part of the Sub Regs?

Brian Bishop: Yes sir.

Chairman McKee: Understood.

Gray Hodge: I have one (1) question; there was a stipulation in there for "As-Built", the fixture locations could be set by GPS coordinates, is that right? So you keep all of that in a database somewhere or how do you keep track of that?

Tom Williams: We manage our layers of the City-County GIS, which Chris is here and any GIS questions he'll have to come up but we are slowly in the process of trying to get everything in our system in that GIS to help us with locations and it's especially easy on new facilities but it's really hard on old lines. So when we dig up any old lines and make a repair, we try to get somebody out there to spot a GPS point on it so we have a record of where those are.

Gray Hodge: Ok.

Chairman McKee: Any other questions for Mr. Williams? Thank you sir we appreciate your time, thanks for bringing it to us. Is it the desire of Staff that the Planning Commission approve this document?

Brian Bishop: Yes sir that would be our request.

Chairman McKee: The chair will entertain a motion to approve these revisions and add them to the Subdivision Regulations, correct?

Brian Bishop: Yes. They are actually referenced in the Subdivision Regulations. Once you go to our Subdivision Regulations they will direct you to Tom's document.

Chairman McKee: A motion would be in order.

***MOTION WAS MADE BY DAVID WILLIAMS, SECONDED BY HERB PRITCHETT TO APPROVE THE REVISIONS TO HWU POTABLE WATER TECHNICAL STANDARDS AND THEY BE REFERRED TO IN OUR SUBDIVISION REGULATIONS.***

***ALL IN FAVOR: AYE***

***OPPOSED: NONE***

Chairman McKee: The chair will now entertain a motion to go out of Public Hearing.

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

***ALL IN FAVOR: AYE***

***OPPOSED: NONE***

Chairman McKee: First on the non-public hearing items agenda is the **Finance Report**, Mrs. Theresa Curtis are you going to lead us with that?

Theresa Curtis: I will. We are within fourteen percent (14%) of budget and we just need a motion to accept the Finance Report as submitted.

***MOTION WAS MADE BY DICKIE JOHNSON, SECONDED BY MAC ARNOLD TO APPROVE THE FINANCE REPORT AS SUBMITTED.***

***ALL IN FAVOR: AYE***

***OPPOSED: NONE***

Chairman McKee: Next on the agenda is the **Bond Report**.

***MOTION WAS MADE BY MAC ARNOLD, SECONDED BY GARY GIBSON TO APPROVE THE BOND REPORT AS SUBMITTED.***

***ALL IN FAVOR: AYE***

***OPPOSED: NONE***

Chairman McKee: Next on the agenda is **Hydro Aluminum Subdivision, Preliminary**, Brian Bishop are you going to lead that discussion?

Brian Bishop: Yes sir. This is submitted by Hydro Aluminum Metals USA, LLC, for the property located in Henderson County (PID#39-1-18), adjacent to 1573 Hwy 136 West. Applicants are requesting Preliminary plat approval.

As you can see the property is at the convergence of Industrial Park Drive, Riverport Road and Hwy 136. The applicant is requesting approval for a ten (10) acre tract which is being separated from their current 53.25 acre tract. The applicant has been approached about selling a parcel of land off their original parent tract and they believe this division will make the property more marketable. Any development that would be proposed on this tract would come back to the Planning Commission for Site Plan approval. We have received all appropriate approvals from utilities. Staff recommends that we approve this Preliminary plat.

Chairman McKee: Questions for staff?

Kevin Richard: So are there any subject-to's required for this motion?

Brian Bishop: If you would like to make it subject-to Site Plan approval once a project is proposed, that would be acceptable.

Chairman McKee: Acceptable but not required?

Brian Bishop: But not required.

Chairman McKee: Because it is a must in the process anyway.

Brian Bishop: It is. It will be required to come back to the Planning Commission. This is a pretty simple Preliminary Subdivision and just as a point of reference this normally, probably would have been considered a Minor Subdivision but our Subdivision Regulations require that any commercial or industrial division come to the Planning Commission for approval.

Chairman McKee: Any further questions, comments? Hearing none the chair will entertain a motion.

***MOTION WAS MADE BY DICKIE JOHNSON, SECONDED BY MAC ARNOLD TO APPROVE HYDRO ALUMINUM METALS, LLC, SUBDIVISION PRELIMINARY PLAT FOR THE PROPERTY LOCATED IN HENDERSON COUNTY (PID# 39-1-18), AND IS SUBJECT TO PLANNING COMMISSION APPROVAL FOR A SITE PLAN.***

***ALL IN FAVOR: AYE***

***OPPOSED: NONE***

Chairman McKee: Mrs. Crooks good job, thank you. Next on the agenda is **Lot 1 Elliott Subdivision**, Mrs. Claudia Wayne are you going to lead that discussion?

Claudia Wayne: Yes.

Chairman McKee: Please proceed.

Claudia Wayne: This is submitted by Kenneth Elliott for the property located in Henderson County at 6667 Cairo Liles Road (PID# 49-75). Applicant is requesting to subdivide approximately 6.0559 acres from the existing parcel.

This is before you because it's what we consider a flag lot. Mr. Elliott owns the property that is surrounding that and he is doing it for estate purposes to subdivide his home off of the farm is why Mr. Elliott is doing this.

Denny Branson is here if you any questions and I'll try to answer anything that you might have but staff does recommend approval.

Chairman McKee: Mr. Branson would you care to address the commission. You don't have to, we're not in public hearing.

Dennis Branson: I'll answer any questions.

Chairman McKee: It might be helpful if you did state your name and address though.

Dennis Branson: My name is Dennis Branson and I live at 916 Kelly Court.

Chairman McKee: Thank you sir, any questions for, would you like to make a statement first?

Dennis Branson: Like Claudia said it's a flag lot and our requirements are that any flag lots come to the full commission for approval. I think our regulations are almost identical with Daviess County, I thought I'd throw that in. So it's just a formality more than anything. We try to discourage wholesale flag lot creations and limit them to situations like this; refinancing or financial problems or something so.

David Williams: Is that the principal reason for this flag lot is to refinance?

Dennis Branson: Refinancing, the applicant is working with Daniel Smith right now to get their refinancing done on this or some financial issue, I don't know if it's refinancing or not.

Brian Bishop: Daniel works for Farm Credit Services.

Chairman McKee: So this would peel this out of the mortgage piece and he would just mortgage the farm and not the house?

Dennis Branson: If that's what they're doing that's what this could do.

Claudia Wayne: I think that is.

Dennis Branson: Is that what they're doing Claudia?

Claudia Wayne: And for some estate planning to get it out of the farm.

Dennis Branson: Estate, that's a good comment, estate planning.

Claudia Wayne: That's why he's doing it.

Dennis Branson: Estate planning might be another reason we might be doing a flag lot.

David Williams: So by not doing this we would be creating an undue economic hardship on the owner?

Claudia Wayne: Well, what I think...

Dennis Branson: I couldn't, I don't know.

Claudia Wayne: Most farmers and the ones that we've had in the past, when they start doing their estate planning they have children, they have brothers they're farming with and they want their home and Kenneth, from what I understand I think is getting close to retiring too and is

wanting to cut his home off for them just to have the home and the lot that they live on away from the farm.

Dennis Branson: To be able to do that they have certain area acreage maximums or minimums...

Claudia Wayne: Right.

Dennis Branson: That they have to be under or over, I'm not familiar with the banking industry requirements and this situation they are trying to avoid including any farm related infrastructures like grain bins and things like that which is why it's irregular as it gets up around the body of the lot; we're going around those things that are still for farming purposes.

Kevin Richard: This question is not necessarily for Denny, whoever wants to answer it; what's the road frontage that's portioned out there I couldn't see on the plat here?

Dennis Branson: One hundred feet (100').

Claudia Wayne: One hundred feet (100').

Attorney Tommy Joe Fridy: One hundred five (105), it's a little over one hundred (100) its one hundred five feet (105').

Dennis Branson: That's our minimum frontage. So that strip is perpendicularly one hundred feet (100') wide.

Kevin Richard: I noticed it was one hundred (100) I just didn't know if it tapered or anything down at the actual road.

Dennis Branson: No and we keep it one hundred feet (100') all the way at its narrowest point, we can't get less than that.

David Williams: Has the County Engineer affirmed the site distances and everything?

Claudia Wayne: That's an existing driveway.

David Williams: How many flag lots have we got now? I don't remember a whole lot this year.

Claudia Wayne: The only ones that we've done lately is farmers that are doing the same situation, same thing.

Dickie Johnson: I think Bob McIndoo...

Claudia Wayne: Bob, yes I think his was the same thing.

Dickie Johnson: Bob McIndoo and this one are the only two (2) I can remember since we've changed the regs.

Brian Bishop: It's certainly less than five (5) I would say.

David Williams: Ok, so we're not getting an overabundance of these things?

Claudia Wayne: No.

Brian Bishop: David I think a lot of times it happens because on these large tracts in the county, the houses sit really far off the road and to make a lot that would be a three (3) to one (1) ratio you take a lot of that farmland out of production or it intermingles cropland like Denny was saying, there's certain things when they mortgage that they don't want to include.

Dennis Branson: The only difference between us and Daviess County is they still allow fifty foot (50') strips still like we used to. We might want to consider that possibility. I'm just saying one hundred foot (100') you're taking a lot more ground unnecessarily out of production.

Dickie Johnson: They can still farm it, they don't have to...

Dennis Branson: I said it, I'm done.

Attorney Tommy Joe Fridy: Let's discuss this individuals application then you're more than welcome...

Dennis Branson: I was just throwing that in you know, they were talking about.

Chairman McKee: Any other questions for Mr. Branson?

Herb Pritchett: Mr. Chairman I will say that as an appraiser the secondary mortgage market has a size restriction on lots and I'm not exactly for sure but it's somewhere between five (5) and ten (10) acres of Fannie Mae or Freddie Mac will not allow that additional acreage, I mean they won't buy that loan so I'm sure that's part of what happened here is they are trying to keep it at that minimum where...

Dennis Branson: It is but not being in the lending business, I didn't want to extend past my area of expertise by saying that.

Chairman McKee: Thank you Commissioner Pritchett. Any other questions for Mr. Branson, he's about to sit down? Do you want to ask something else, everybody satisfied? Hearing none the chair will entertain a motion.

***MOTION WAS MADE BY RODNEY THOMAS, SECONDED BY DICKIE JOHNSON TO APPROVE LOT 1 ELLIOTT SUBDIVISION SUBMITTED BY KENNETH ELLIOTT FOR THE PROPERTY LOCATED IN HENDERSON COUNTY AT 6667 CAIRO LILES ROAD (PID#49-75).***

Chairman McKee: Should it be mentioned that because that it's a flag lot we approved it? I'm asking.

Attorney Tommy Joe Fridy: I don't remember the sub reg's requiring findings or reasons.

Chairman McKee: Ok. So we have a motion and a second, any discussion? Madame Clerk would you please call the roll?

***ALL IN FAVOR: AYE***

***OPPOSED: NONE***

Chairman McKee: The Chair is going to alter the agenda just slightly and bring other business ahead of administrative business so we can talk through this recommendation on the consultant before we deal with Mr. Bishop. So if you don't mind Mr. Bishop, please proceed.

Brian Bishop: I'm being dealt with, I feel nervous. As you know, Chairman McKee appointed a Steering Committee that consisted of me, Mrs. Wayne, Commissioners Dixon, Thomas and David Williams in addition to the Mayor or his designee and the County Judge or his designee. The Mayor chose to appoint Buzzy Newman in his stead and Judge Schneider participated on his own behalf.

We received a total of three (3) proposals. They are from Taylor Siefker Williams Design Group, EHI Consultant and Matrix Consultant Group. We met a total of four (4) times to discuss this project and the Steering Committee also expanded the scope of the project to include a more detailed and personal interview process. The Steering Committee also requested that we take a survey of the small business environment in Henderson to see how difficult it is to start a small business. Things that will be looked at will be utility bills, registration fees and things like that. At this time I would like to propose that we go with Taylor Siefker Williams Design Group. We had been discussing cost and we believe the entire project will cost \$24,100. You may remember this as the same

firm that worked on the Vision Plan for the City of Henderson and they also helped Staff complete the update process of the Comprehensive Plan. We feel they are very knowledgeable and they have lots of experience with Henderson and our current regulations.

So what I would do is ask if you get really bored, to take a look at all the documents that I have provided. Basically what you have is the scope of work that will be completed which is the thicker, heavier packet. We have a cost proposal for the original project that we requested and then we have a second cost proposal for the additional services that the Steering Committee requested and then we have a draft version of the contract. With the contract what I would request is that you guys review this and that way we can take action at the September meeting. I know this is a thick document and I would like for you guys to have lots of time to review. Once we meet at the September meeting, I would request that you authorize myself and Mr. Fridy to negotiate the contract with TSW Design Group so that way we can rest assured that we're getting the best deal and that we are covered and the Planning Commission is protected for any legal issues that may arise.

So at this point I would like to ask if any of the Steering Committee members have any questions or comments they would like to make and I will do my best to answer any questions that you have about the process or the documents I have provided you.

David Dixon: What was the price that you mentioned?

Brian Bishop: \$24,100 is the total cost.

David Dixon: How does that compare to the other two (2)?

Brian Bishop: That is well below the other costs that we had, I believe the second lowest cost was slightly above \$30,000 and that did not include the additional services the Steering Committee requested.

David Dixon: I just wanted the rest of the Commission to have that information.

Brian Bishop: I can reach back and give you the exact cost...

David Dixon: But this is the, this was the lowest...

Brian Bishop: Yes, it was well below the other proposals.

Chairman McKee: Are you asking the Planning Commission to take any action tonight?

Brian Bishop: No sir, I'm just requesting the Planning Commission review these documents so we may take action at the September meeting.

Chairman McKee: Any questions for Mr. Bishop on what we need to be doing between now and September?

Brian Bishop: You have homework.

Kevin Richard: So I guess just a real high level question it doesn't have to be specific; so other than cost, was there a key criteria that basically led you towards this bid versus the other two?

Brian Bishop: I'll speak for myself on that, I don't want to speak for the other gentlemen. My opinion is that TSW has experience with the Vision Plan and the Comprehensive Plan. They already know the inter-workings of the City, they know who the quote, un-quote players are. We just feel very comfortable with them, we have a good working relationship and I think we will have a successful product when the project is said and done.

Chairman McKee: Other questions, comments?

Herb Pritchett: On the converse do they know too much about us? Are they too invested in us to not give a critical eye?

Brian Bishop: That's a valid point. I would argue to the contrary, I believe that they have just enough information because they have information about the Vision Plan and the Comprehensive Plan so they see Henderson from ten thousand (10,000) feet; what we're asking them to do is take a look at it, at say one thousand (1,000) to five hundred (500) feet.

Herb Pritchett: Ok.

David Williams: On the three (3) proposals, I'm sorry David.

David Dixon: I was just going to say I think the Steering Committee made clear to the applicant that we wanted objective analysis and actionable results.

Brian Bishop: And that's another point I should make; the Steering Committee met with Mrs. Amy Williams who's the Principal of TSW, she came down and we had, if I had to say probably about an hour long meeting and we discussed what we expected, we discussed what she would need from Planning Commission staff and I believe everyone is comfortable with Mrs. Williams and her group.

David Williams: It was my opinion that of the three (3) proposals this one was the most straight forward and cost effective that I saw of the (3) proposals.

Chairman McKee: Does anyone recall the charge, the charge to find out what our status is and then make recommendations on what to do about whatever they find?

Brian Bishop: Yes sir.

Chairman McKee: Correct? Any other comments or questions? So there is no action required, you're just, you just have the information before you that Staff has asked us to review before the next meeting, the September meeting and we will take it up then.

Brian Bishop: Thank you.

Chairman McKee: Now we're going to talk about **Mr. Bishop's performance and salary.** Is it your pleasure that Mr. Bishop stay or that he leave the room?

Brian Bishop: I think I would feel more comfortable for everyone's sake, I'll leave the room. I don't want to put any pressure with me staring at them so I will step out and give me shout when you're ready.

Rodney Thomas: Don't be watching t.v.

Chairman McKee: The Executive Committee met and David and Bobbie and we also invited Buzzy Newman from the city and the County Judge-Executive to participate in that meeting. We have their thoughts and their evaluations included in the analysis. Some of you but not all of you completed evaluation forms and submitted them and this evening at 5:30 p.m., Mr. Williams and I met and summarized those and are in a position to report. So I will turn it over to David Williams, Vice Chair to report to you what we have been able to do so far.

David Williams: Since the Executive Committee has reached a consensus to grant a 1.5% merit raise. If you're curious this will bring his salary up to \$78,834.34.

Chairman McKee: Are there any comments, any questions? Any questions?

David Dixon: The purpose of the evaluation was to determine whether a merit raise was in order or was there more to it? Were there not questions about improvement plans or courses of action and this kind of thing?

David Williams: There are recommendations for improvement plans, these will be turned over to Brian for his review.

David Dixon: Ok.

David Williams: I don't think anything is binding necessarily.

David Dixon: I assume the overall evaluation was a very positive one?

David Williams: It was very positive, suddenly I'm picking up on the mic; I'd say it ranged from very high like ninety-eight percent (98) or a score of ninety-eight (98) to a score of, I think I saw one in the seventies (70's), just thumbing through here trying to find ones of these recommendations that were made. Comments like; works very well with others; communicates with the public and internal staff in an excellent manner. Let's see, continue improvement objective, complete a workshop online training course or read one (1) book to learn more about leadership, communicating and program management. As far as networking; continue current activities and attend at least two (2) events/functions this year where you can either meet new city leaders or hear public comment on issues related to Henderson County; set a stretch goal for yourself in the area of fitness or money management; develop short term goals to reach the final goal in twelve (12) months from now. I was just looking at the communication on that particular one (1), he was scored at a ninety (90) so I don't think this person had problems with his communication skills I think just he/she was just stating some goals to be reached. Uses good judgement; always room

for improvement and I would agree with that, I don't think anybody gave him one hundred percent (100%) so he's fine there.

Chairman McKee: Would any of you like to put a comment in the record that you perhaps put on the evaluation form.

Kevin Richard: Has Brian seen these evaluations yet?

Chairman McKee: No.

Kevin Richard: Ok, but he will after this, basically as far as the feedback?

Chairman McKee: Yes.

Kevin Richard: My question, I mean it wouldn't do much good if he comes back in here and we ask if he agrees with all of his feedback because he hasn't seen it yet.

David Williams: Right.

Kevin Richard: Ok.

Mac Arnold: I will comment on one (1) thing that I know back in our original search for a new Director, one (1) of the things we were asking for was also that the person become involved with the community and I do feel like Brian has really stepped out and been active as far on that part of it right there, he's gotten into several organizations.

Rodney Thomas: I'll second that, I see him everywhere.

Gary Gibson: Well I like the way he runs the department, he's running it shorthanded and he's doing a good job. He's worrying about money, he likes to save money and as long as we can do the same job with less people, I'm for that one hundred percent (100%). And of course the longer he's here the more he's going to learn and the more he's going to

be involved in things. He just took it over and I think he's doing an outstanding job.

Rodney Thomas: He's always asking for feedback. He's always asking me all of the time, what could I have done better; how did that meeting go? After every meeting it's like, what could I have done better. He's always wanting to get better and I really appreciate that.

David Williams: I think it's useful also to note that we haven't lost any staff. So, no one has been fired and no one has quit so that's a good thing and what I hear from the staff and I won't point my finger at any one (1) of them but they are all very positive about him and his leadership. I would be curious to see if anybody has anything to say that might not be so good, anything you've found short. For me, I not seeing anything but I'm kind of prejudice towards Brian. I'm kind of curious if anybody I thinking of anything that he needs to improve on.

Chairman McKee: Bill Hubiak has raised his hand in the back but he can't talk because the chair is not going to recognize him.

(Laughter)

David Dixon: I think just from the scores as you shared that it's pretty clear what we think of him.

Chairman McKee: Has everyone had a chance? In summary I think the most noteworthy, positive about Brian is that when somebody comes in with a tough project, with the answer no we can't do that. He starts off with saying let's sit down and go through it and see if we can find a way to accomplish what it is you want to end up rather than saying no we can't do that. That is very commendable for the operation that we're involved in here and so does Claudia and so does everybody else so that's a share from the top all the way.

David Williams: I guess we should also note that both the Mayor stand-in and Brad Schneider both gave him recommendations, they are very happy with him.

Chairman McKee: High marks.

David Williams: They said that he has come to them to keep them informed and keep them in the loop, he comes to them for suggestions and has sought their advice and they were happy; they thought he was a good communicator.

Chairman McKee: But just like a rock star you're only as good as your last record. Alright, any other comments to add to the record? Hearing none the chair will entertain a motion on that salary.

***MOTION WAS MADE BY DAVID WILLIAMS, SECONDED BY RODNEY THOMAS THAT THE PLANNING COMMISSION GRANT BRIAN BISHOP A 1.5% MERIT RAISE.***

***ALL IN FAVOR: AYE***

***OPPOSED: NONE***

Chairman McKee: Somebody go get him. Thank you Claudia. They only deducted 1.5% of your salary.

(Laughter)

Brian Bishop: Not bad.

Chairman McKee: You escaped almost unhurt.

Brian Bishop: I think some would argue I'm overpaid anyway so that's not an issue.

Chairman McKee: We didn't hear much of that, not a lot. Congratulations.

Brian Bishop: Thank you, I still have a job, I'm happy.

Chairman McKee: I'll take my five dollars (\$5.00) later.

(Laughter)

Chairman McKee: Anything else to come before this Planning Commission meeting?

***MOTION WAS MADE BY DAVID WILLIAMS, SECONDED BY RODNEY THOMAS TO ADJOURN.***

***ALL IN FAVOR: AYE***

***OPPOSED: NONE***

**Meeting adjourned at 6:45p.m.**