

Henderson City-County
Planning Commission
November 1, 2016

The Henderson City-County Planning Commission held their regular meeting November 1, 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, David Dixon, Kevin Richard, Kevin Herron, Herb Pritchett, Mac Arnold, Gray Hodge and Attorney Tommy Joe Fridy. Rodney Thomas was 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 meeting on November 1, 2016. The audio tape recording is on file at the Planning Commission office and will be retained for 30 days after the minutes are approved)

MEETING BEGAN AT 7:00PM

Chairman McKee: I would like to call this November meeting of the Henderson City-County Planning Commission to order. Madame Clerk would you please call the roll?

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

MOTION WAS MADE BY DAVID WILLIAMS, SECONDED BY MAC ARNOLD TO GO INTO PUBLIC HEARING.

ALL IN FAVOR: AYE

OPPOSED: NONE

Chairman McKee: So made it be. Have you have the opportunity to review the minutes of the October meeting?

MOTION WAS MADE BY DAVID WILLIAMS, SECONDED BY BOBBY JARRETT TO APPROVE THE OCTOBER 4, 2016 MINUTES AS SUBMITTED.

ALL IN FAVOR: AYE

OPPOSED: NONE

Chairman McKee: The minutes are approved. Next on the agenda is **Rezoning #1063**, Mr. Bishop are you going to lead this discussion?

Brian Bishop: Yes sir.

Chairman McKee: Please proceed.

Brian Bishop: This is submitted by Palmer Oil Company for the property located in Henderson County at 2120 South Green Street (Parcel ID# 46-89), containing 1.28 acres. Applicants are requesting applicants from the County Agricultural zone to City Highway Commercial zone.

This is not a traditional rezoning that we would typically hear; the Planning Commissions responsibility is to recommend a zoning classification when a property is to be annexed from the county into the city. This property has historically been used as a gas station, and is currently being used as a gas station, and is currently zoned agricultural as I mentioned before. I have met with Mr. Stroud from City Codes, and we both believe that Highway Commercial is the best zoning

classification for this. So my recommendation is that we recommend to the City Commission a zone of Highway Commercial.

If you would, please take note of a proposed motion that Mr. Fridy was kind enough to help prepare, it looks like this in your agenda. You will see a proposed motion in red, and then proposed findings of fact at the bottom of the page. Mr. Fridy was very helpful in this, and is something we will try to do a better job of when we have other rezoning's in the near future.

If you have any questions, I will do my best to answer them.

Chairman McKee: Questions for staff?

David Dixon: What are the other surrounding zones other than agriculture?

Brian Bishop: The dark blue is going to be Heavy Industrial, the lighter blue is Light Industrial, the purple is commercial as well, and the white is all agricultural.

David Dixon: Thank you.

Chairman McKee: Any other questions for staff? Is there anyone here that would like to speak for or against this zoning classification change in conjunction with annexation? Seeing none, any comments from Commissioners?

David Williams: This area is already commercially developed?

Brian Bishop: Yes sir.

David Williams: The Comprehensive Plan says that it's going to continue to develop commercially?

Brian Bishop: That is correct.

David Williams: The existing business fits within the use of land around it?

Brian Bishop: Yes sir.

Chairman McKee: Any other comments?

Mac Arnold: Does this place any extra burden on the land owner and the fact of like say screening since now it's going to become Highway Commercial instead of it being Ag?

Brian Bishop: No sir. This is all existing, this is not going through a rezoning hearing, the short answer is no.

Mac Arnold: Ok.

Chairman McKee: Comments?

David Williams: Mr. Moderator, will you entertain a motion?

Chairman McKee: The Chair will entertain a motion.

MOTION WAS MADE BY DAVID WILLIAMS, SECONDED BY DICKIE JOHNSON THAT THE PLANNING COMMISSION RECOMMEND THE ASSIGNMENT OF A H-C (HIGHWAY COMMERCIAL), ZONING CLASSIFICATION TO THE ABOVE DESCRIBED PARCEL AND THAT THE COMPREHENSIVE PLAN BE AMENDED TO INCLUDE THIS PARCEL IN THE CITY ZONING MAP, IF AND WHEN IT IS ANNEXED AND A ZONING CLASSIFICATION ASSIGNED BY THE CITY, AND I LEAVE THE MOTION OPEN FOR OTHER MEMBERS OF THE PLANNING COMMISSION TO ADD FINDINGS OF FACT IN SUPPORT OF THIS MOTION, BECAUSE: H-C (HIGHWAY COMMERCIAL) ZONING CLASSIFICATION IS IN AGREEMENT

WITH THE COMPREHENSIVE PLAN BECAUSE THE FUTURE LAND USE ELEMENT (FUTURE LAND USE MAP) SHOWS THIS PARCEL AND THIS AREA AS COMMERCIAL. THE H-C (HIGHWAY COMMERCIAL) ZONING CLASSIFICATION IS IN AGREEMENT WITH THE GOALS AND OBJECTIVES OF THE COMPREHENSIVES PLAN, IN THAT: GUIDE DEVELOPMENT TO EXISTING CENTRALIZED AREAS SERVED BY ADEQUATE INFRASTRUCTURE TO AVOID DECENTRALIZED AND SCATTERED DEVELOPMENT. (BALANCING LAND USE OBJECTIVE B)

- **ENCOURAGE INNOVATIVE, SAFE, AND SUSTAINABLE DESIGN FOR NEW DEVELOPMENT AND/OR INFRASTRUCTURE. (LAND USE OBJECTIVE F)**
- **PROMOTE AESTHETICALLY PLEASING COMMERCIAL DEVELOPMENT WITH APPROPRIATE ACCESS, SIGNAGE AND LANDSCAPING WHILE DISCOURAGING STRIP COMMERCIAL DEVELOPMENT. (LAND USE OBJECTIVE H)**
- **PROMOTE THE CONTINUED OPERATION AND EXPANSION OF COMMERCIAL FACILITIES. (GROWING THE ECONOMY OBJECTIVE A)**

H-C (HIGHWAY COMMERCIAL) ZONING CLASSIFICATION IS APPROPRIATE, BECAUSE:

- **HWY 60 W/S GREEN STREET, HAS BEEN WIDENED TO ALLOW FOR A GREATER VOLUME OF VEHICULAR TRAFFIC IN ADDITION TO THE CONSTRUCTION OF BIKE LANES AND SIDEWALKS. THIS ALLOWS FOR MULTI-MODAL FORMS OF TRANSPORTATION.**
- **THE HISTORICAL USE OF THE PARCEL HAS BEEN HIGHWAY COMMERCIAL – IT HAS BEEN AND IS NOW A CONVENIENCE STORE/AUTOMOBILE SERVICE STATION, WHICH IS MAINLY**

ORIENTED TO VEHICULAR TRAFFIC.

- ***THE PARCEL IS SERVED BY ADEQUATE UTILITIES.***
- ***THE PARCELS IN THE GENERAL AREA HAVE MIXED USES, NONE ARE INCONSISTENT WITH THE RECOMMENDATION.***
- ***THIS RECOMMENDED HIGHWAY COMMERCIAL ZONING CLASSIFICATION OF THE SUBJECT PARCEL WILL NOT ADVERSELY AFFECT THE OTHER PROPERTIES IN THE AREA.***

Chairman McKee: We have a motion and a second, Madame Clerk will you please call the roll?

ALL IN FAVOR: AYE

OPPOSED: NONE

Chairman McKee: So mote it be. That is all the public hearing items so I will entertain a motion to go out of public hearing.

MOTION WAS MADE BY DAVID WILLIAMS, SECONDED BY GARY GIBSON TO GO OUT OF PUBLIC HEARING.

ALL IN FAVOR: AYE

OPPOSED: NONE

Chairman McKee: First in the non-public hearing items is the Finance Report, Mrs. Curtis are you going to lead us in that conversation?

Theresa Curtis: Yes I will. As of October we are forty percent (40%) of budget, if you have any questions I will answer them for you.

Chairman McKee: Any questions?

MOTION WAS MADE BY BOBBIE JARRETT, SECONDED BY DAVID WILLIAMS TO APPROVE THE PLANNING COMMISSION FINANCE REPORT FOR OCTOBER 2016.

ALL IN FAVOR: AYE

OPPOSED: NONE

Chairman McKee: Next on the agenda is the Bond Report. Mrs. Wayne are you going to lead that conversation?

Claudia Wayne: Yes. Balmoral II, Section 2, Brian has talked to everyone on the Planning Commission about going ahead and extending it one (1) year. Everyone was understanding that what we have is \$3800...

Brian Bishop: This is an odd situation for the Planning Commission to deal with in that this portion of the subdivision was developed in 1997, and at that time \$3800 was what was bonded for the sidewalks. This subdivision has not developed, except for one (1) lot; thirteen (13) out of fourteen (14) lots are still undeveloped. At this point, there is not enough funds to construct these sidewalks as proposed so Staff feels, at this point, it would be the most prudent move to extend the bond for one (1) more year and hope the subdivision will develop at a more brisk pace.

Chairman McKee: Obviously this is an exception to policy.

Brian Bishop: It is. The subdivision regulations allow for this in Section 4.1 Item G, the Planning Commission has the sole discretions to extend bonds on a yearly basis if there are adverse market conditions.

Chairman McKee: So it would be advisable for whoever makes the motion to include that analysis in their motion?

Brian Bishop: Yes sir.

Chairman McKee: Anything else to add? Any questions for staff, any comments? Hearing none, the Chair will entertain a motion.

MOTION WAS MADE BY MAC ARNOLD, SECONDED BY DAVID DIXON TO EXTEND THE FOR ONE (1) YEAR AS ALLOWED BY THE HENDERSON COUNTY SUBDIVISION REGULATIONS IN SECTION 4.1, ITEM G, IN THAT MARKET CONDITIONS ARE NOT CONDUSIVE TO DEVELOP THE PROPERTY AT THE PRESENT TIME.

ALL IN FAVOR: AYE

OPPOSED: NONE

Attorney Tommy Joe Fridy: Mr. Chairman.

Chairman McKee: Yes sir.

Attorney Tommy Joe Fridy: For those on the Planning Commission that haven't been here so long, a few years ago, I would say three (3) but it's not important, the Planning Commission amended the Subdivision Regulations to make an attempt to keep this from happening in the future. This was way, way, way before that was done, but they're reviewed and Subdivision Regulations have mechanisms in them to increase the bonds incrementally, a little bit at a time as costs increase, and remedies if the developer doesn't agree with it.

Chairman McKee: Do all Commissioners have copies of the Subdivision Regulations, the latest version?

Brian Bishop: When they come onto the Commission, we provide them a book with the most up to date documents. If someone does not have the most up to date version, we can certainly get them a copy.

Theresa Curtis: It's also on our website. Any time we have a change I will send out just that section to add to your Subdivision Regulations.

Chairman McKee: If anybody requested it, we could also include a review of the Subdivision Regulations before the meeting starts.

Brian Bishop: We could also do that as a continuing education training session.

Chairman McKee: Frankly, as broad and deep and complex as they are it wouldn't hurt us to do it. Does anyone disagree?

Kevin Richard: No, I don't disagree.

Chairman McKee: So you can put that on the agenda then Mr. Bishop. Let's see, are we at number three (3), **Burger King Property Site Plan**? Mrs. Wayne are you going to lead that conversation?

Claudia Wayne: Yes.

Chairman McKee: Please proceed.

Claudia Wayne: This was submitted by Carrols Corporation for the property located in the city of Henderson at 2230 U.S. Hwy 41 North (Parcel #65B-49). Applicants are requesting Site Plan approval for a proposed 2,831 square foot building.

The site plan that is before you tonight is for the Burger King property which is located at 2230 U.S. Hwy 41 North. They are going to demolish the current building and rebuild a new 2,831 square foot Burger King in

the same location. We have approvals from the engineering department, and local utilities. I will try and answer any questions you might have tonight, also Mr. Gary Rouse with GBC Design, Inc. is here to also answer any questions. There will be bonding for erosion control for \$8,090, and the staff does recommend approval.

Chairman McKee: Questions for staff?

David Williams: Will you repeat the thing about the subject to?

Claudia Wayne: It's subject to the bonding for erosion control for \$8,090.

Chairman McKee: Questions for staff? Would you like to hear from Mr. Rouse? When was this building built originally?

Claudia Wayne: That I don't know for sure.

Chairman McKee: It was one of the first on the strip wasn't it?

Gary Rouse: If I had to guess, maybe about thirty-five (35) or forty (40) years ago.

David Williams: (To Gary Rouse) I want to compliment you on the way you came prepared.

Chairman McKee: (To Gary Rouse) Would you please come up? Just state your name, address and corporate affiliation please.

Gary Rouse: My name is Gary Rouse, I'm with GBC Design. We are at 565 White Pond Drive in Akron, Ohio. I'm the site engineer for Carrols Corporation; they own seven hundred thirty-five (735) Burger Kings nationwide. They are the largest franchisee of Burger King. They have

looked at many of their Burger Kings and made a decision whether they should remodel or demolish and rebuild, fortunately for me because that's what I do, that's what they have decided to do on this one.

Basically it's going to be a brand new building in pretty much the same spot. It's a little bit smaller building; the seating is going to be sixty-one (61) seats. I don't know what they have now, probably close to one hundred (100). There's just not that many people that dine in anymore, about sixty-five (65) or seventy (70) percent do the drive thru so that's really important to them.

The site layout functions very, very well it's just the building has seen better days.

Mac Arnold: What is the timeline between when they cease operations until they have it back in operation?

Gary Rouse: I believe they are about ninety (90) days from when they tear down to re-open, somewhere in that neighborhood.

Kevin Richard: So is your group associated or affiliated with the one on Covert Avenue in Evansville?

Gary Rouse: Yes.

Kevin Richard: My question was, because they did basically the same thing there, is the exterior of this building going to be comparable to that building or a little different? I couldn't really tell from the drawings what the exterior was going to look like.

Gary Rouse: It's pretty much comparable. They are going to open a new one at 2501 Menards Drive where Meijer and Menards is, and that's just opening Thursday of this week I think so those are going to be very, very similar.

Chairman McKee: Does the current site plan allow traffic in the back to go out in front of Sureway; does it go back that far?

Claudia Wayne: It comes out by the theatre on Walker Drive.

Chairman McKee: So you can't get over to...

Gary Rouse: No, you can't go directly over to the theatre.

Claudia Wayne: No.

Chairman McKee: I meant towards Sureway, towards Watson Lane, out the back?

Claudia Wayne: No, no.

David Williams: Mr. Rouse the reason I had asked you to come up is I just wanted to compliment you on the way you came to the Preliminary meetings and everything so prepared. You knew what you wanted to do, you knew what questions you needed to ask, and it was obvious you had done it before but I was really impressed by your presentation.

Claudia Wayne: He was very easy to work with.

Gary Rouse: Thank you very much, and you all as well. I do quite a few of these and the city here was just fabulous. The pre-meeting we had, I did have a lot of questions and tried to do my homework in advance but any questions I had were cleared up very well and you guys have been great to guide me through all of this and I wanted to thank you as well.

David Williams: Thank you.

Attorney Tommy Joe Fridy: Did you find Henderson business friendly?

Gary Rouse: Absolutely, extremely.

Chairman McKee: Can we quote you on that?

Gary Rouse: Absolutely, you certainly can.

Chairman McKee: Thank you sir. Any other comments or questions? So what we are doing is approving the site plan that's in the packet?

Claudia Wayne: Subject to...

Chairman McKee: Subject to, we have a list.

MOTION WAS MADE BY DAVID DIXON, SECONDED BY MAC ARNOLD TO APPROVE BURGER KING SITE PLAN SUBMITTED BY CARROLS CORPORATION FOR THE PROPERTY LOCATED IN THE CITY OF HENDERSON AT 2230 US HWY 41 N (PARCEL #65B-49). SUBJECT TO BONDING FOR EROSION CONTROL IN THE AMOUNT OF \$8,090.

ALL IN FAVOR: AYE

OPPOSED: NONE

Chairman McKee: So mote it be. We thank you sir. Next on the agenda, in order to make it official that the Active Shooter Training counts as continuing education, we need to make it an official part of our process and I have asked Commissioner Williams if he would do that.

MOTION WAS MADE BY COMMISSIONER DAVID WILLIAMS, SECONDED BY COMMISSIONER GARY GIBSON AND THE SAME DID UNANIMOUSLY PASS, THAT (1.5) HOUR(S) OF CONTINUING EDUCATIONAL TRAINING CREDIT BE AND HEREBY IS APPROVED AS MEETING THE REQUIREMENTS OF KRS 147A. 027 (4), FOR THOSE ATTENDING SUCH TRAINING AT THE REGULAR PLANNING COMMISSION MEETING PLACE; ASSEMBLY ROOM ON THE THIRD (3RD) FLOOR OF THE HENDERSON CITY BUILDING, ON TUESDAY, NOVEMBER 1, 2016, WHICH TRAINING WAS DELIVERED BY SGT. JEFF WELCH ON THE SUBJECT OF ACTIVE SHOOTER TRAINING. THE PERSON DELIVERING SUCH TRAINING HOLDS THE POSITION OF SERGEANT, WITH THE HENDERSON POLICE DEPARTMENT. SUCH TRAINING WAS IMMEDIATELY PRECEDING THE REGULAR MEETING ON SUCH DATE. THE FOLLOWING PLANNING COMMISSIONERS AND STAFF ATTENDED SUCH TRAINING: MAC ARNOLD, DICKIE JOHNSON, DAVID WILLIAMS, CHAIRMAN HERB MCKEE, BOBBIE JARRETT, KEVIN RICHARD, GARY GIBSON, DAVID DIXON, KEVIN HERRON, GRAY HODGE, EXECUTIVE DIRECTOR BRIAN BISHOP, CLAUDIA WAYNE, THERESA CURTIS, HEATHER LAUDERDALE, AND CHRIS RAYMER.

ALL IN FAVOR: AYE

OPPOSED: NONE

Chairman McKee: Is there anything else for the good of the Planning Commission?

David Williams: I would like to add that Sgt. Jeff Welch did a very good job, and we should be proud of his service.

Chairman McKee: Yes he did. Commissioner?

Dickie Johnson: You've got an individual in the audience that is wanting to ask some questions.

Chairman McKee: Would you like to ask questions sir? Will you please approach? Are you wanting this question to be on the record, are you wanting to be on the record?

Robert Mays: It doesn't matter, I just have a question.

Chairman McKee: Would you please state your name and address please?

Robert Mays: Robert Mays, 7388 Hwy 1078 N.

Chairman McKee: Thank you sir, please proceed.

Robert Mays: I don't know how this applies to the Planning Commission but I have been dealing with Fiscal Court for quite some time on a county road that they have dropped maintenance on. They are telling me now, by the advice of the Planning Commission before they will take the maintenance back on that road that it has to be a hard surfaced road. I'm at a loss for a question answered.

Chairman McKee: When you say they are telling you...

Robert Mays: Fiscal Court.

Chairman McKee: The judge?

Robert Mays: Yes.

Chairman McKee: The County Judge-Executive told you that?

Robert Mays: Yes.

Brian Bishop: What road are you referring to sir?

Robert Mays: Wallenmeyer Road.

Brian Bishop: That is a complicated situation.

Robert Mays: Absolutely.

Brian Bishop: A lot of Planning Commission members may not remember this but some time ago there was a coal company who requested a surface mine rezoning in that area, and if I'm not mistaken, the owners of that property requested the road be closed because they were going to mine through the road. At some point the coal company was supposed to rebuild the road to county specifications, and that never has happened.

Robert Mays: It has happened, it has happened. Unless you're saying it's got to be a hard surface. The road is there, probably as good as any county road in this county.

Brian Bishop: It does not meet the Subdivision Regulations, let me rephrase it that way. The Subdivision Regulations require a certain width, a certain slope, a certain hard surface which is what the county requires to take in for new roads that are constructed.

Robert Mays: This is not a subdivision, this is a farm.

Brian Bishop: I understand but it says it has to meet the Subdivision Regulations.

Robert Mays: Why does a farm have to meet Subdivision Regulations when this farm has been in this family since 1914?

Brian Bishop: Ok hang on one (1) second, this is not a normal subdivision situation is what I'm telling you. Normally when a road

comes into the county's road system, it has to meet certain requirements. This is not related to what the Planning Commission does when it accepts or approves the county to accept roads. This is an entirely different situation that dealt with a coal mining company that went bankrupt in the eighties. The Planning Commission does not have anything to do with that at this point.

David Williams: What coal company was that?

Robert Mays: Green Coal.

Herb Pritchett: Was the road bonded and then rebuilt in accordance with the bonds?

Brian Bishop: I do not know, that was so far ago that we do not know.

Chairman McKee: Let me ask a question. The county ordinance, is there a county ordinance that says it cannot accept a road unless it meets certain specifications?

Brian Bishop: Yes sir.

Chairman McKee: So it's by ordinance?

Brian Bishop: Yes sir.

Chairman McKee: How did the Planning Commission get involved?

Robert Mays: That's my question, that's what I'm asking.

Brian Bishop: At this point the Planning Commission has no involvement, in my opinion.

Robert Mays: Well, that's not what I've been told.

Attorney Tommy Joe Fridy: By whom?

Robert Mays: Brad Schneider, Dickie overheard the conversation.

Gary Gibson: Shouldn't that be the magistrate in charge of that area?

Robert Mays: He has done everything under his power to get this road back onto the county roster.

Brian Bishop: There is a lot of background here that we don't have time to get into. The owners have petitioned the Fiscal Court to accept this road, for lack of a better phrase, and the Fiscal Court in its entirety has decided not to accept the road, it's not just one person on the Fiscal Court, it's not just the judge or the magistrate, the entire Fiscal Court. Numerous versions of the Fiscal Court have decided not to accept this road, this is not an isolated incident, this has been going on since before I came to the Planning Commission and when I was with the Codes Department, so this has been going on for a ten (10) year period. This is between the property owner and the Fiscal Court, it is not a Planning Commission issue to deal with.

David Williams: So the thing...

Dickie Johnson: I think what Robert is...

David Williams: Mr. Mays I guess the thing for you is that there is no maintenance on the road, right?

Robert Mays: Excuse me?

David Williams: The problem for you is that there is no maintenance being done on the road by the county?

Robert Mays: I'm maintaining the road.

David Williams: Ok.

Robert Mays: I farm the farm. I came, I wasn't involved in this in the beginning but whenever it came out of bankruptcy, the land owner asked me if I would farm it, and I have been farming it. These people have been shafted like you wouldn't believe, and I don't stand to lose or gain anything from this, I just don't like the way these people have been treated.

Dickie Johnson: I think Robert's question to us is how did the county accept our Subdivision Regulations on roads?

Brian Bishop: The County adopted...

Dickie Johnson: I think that's what your question is.

Robert Mays: My question is how did the County Engineer and the Judge come to me and tell me, why did they tell me that was under the Planning Commission's recommendation?

Brian Bishop: Newly constructed roads are. If you were to develop a subdivision, the newly constructed roads are what the Planning Commission would handle. We help coordinate the inspection and the acceptance of the roads into the city or the county. This instance pre-dates anyone here, anyone on the Fiscal Court, it happened in the early eighties if I'm not mistaken. The Planning Commission has no role in this other than when the property was re-zoned to Surface Mine.

Herb Pritchett: Mr. Mays I might say also we have a novice County Judge-Executive that is not experienced in county government, and that may well be part of the problem.

Robert Mays: No, I don't think it is.

Herb Pritchett: Ok.

Robert Mays: Because this problem has been there before...

Herb Pritchett: No, I'm talking about the communication with you as to it's the Planning Commissions problem. I mean, our dog is not in this fight really.

Robert Mays: Well that's what I thought but that's wasn't what I was lead to believe.

Chairman McKee: May I ask a question? Is this part of a road or is this all of a road that you are addressing?

Robert Mays: Well, it's a dead end road.

Chairman McKee: Dead end.

Robert Mays: But it's the entire road.

Chairman McKee: So from a highway to the dead end is what we're talking about?

Brian Bishop: It's not a highway, it's a county road.

Chairman McKee: From a county road to a dead end, and at some point it was closed?

Brian Bishop: It was closed, the owner petitioned that the road be closed.

Chairman McKee: The property owner?

Brian Bishop: The property owner.

Chairman McKee: Not the coal miner?

Brian Bishop: Correct, in conjunction with the coal mine.

Herb Pritchett: Wait a minute, he didn't own the road. If it's a county road, the county owned the road not the property owner on either side of the road.

Brian Bishop: He and the coal company petitioned the road be closed so they could mine his property.

Herb Pritchett: Ok.

Brian Bishop: He received financial compensation for the road being closed.

Robert Mays: No.

Brian Bishop: He was an applicant of the, did he not recoup financial gain from the coal mine?

Robert Mays: No.

Brian Bishop: So he went through the whole process for what reason?

Robert Mays: He was hoodwinked.

Brian Bishop: That may be the case but the Planning Commission, in this version, has no business in this. As Commissioner Pritchett said, we have no dog in this fight.

David Williams: Was there a bonding on this, on the permit.

Brian Bishop: I cannot speak to that, I'm sorry.

Dickie Johnson: Well I can because I do know some. It was bonded. The coal mine company went out of business, the bonding company went bankrupt, and the county was basically held liable for all of the

reclamation and stuff on all of this property out there without any bonding.

Robert Mays: No, no. The county didn't reclaim it.

Dickie Johnson: No, I ain't saying that but the county was held responsible because bonding companies went bankrupt.

Robert Mays: Kentucky Mine Reclamation is the one that reclaimed it.

Dickie Johnson: I understand. There was no bonding, the bonding company went bankrupt.

Robert Mays: Absolutely, yes.

Dickie Johnson: Ok. So there was no money to really fall back on and they...

Chairman McKee: Go ahead Dickie.

Dickie Johnson: No, I'm fine.

Chairman McKee: I was going to say technically, technically if this were a new road being built and you were going to ask the county to take it in as a new road, by the Subdivision Regulations you would have to meet all the technical requirements that are in the book, if it were a new road. Since it's not a new road, it is up to the county to decide if they want to take it in or not.

Robert Mays: Thank you that answered my question. I appreciate it.

Chairman McKee: Does anyone disagree with me on that.

Dickie Johnson: No.

Robert Mays: That was the answer that I wanted. You are responsible or they are responsible, that's all I want to know. Thank you.

Chairman McKee: We appreciate you coming to the table.

Robert Mays: You're welcome.

Chairman McKee: Good luck to you. Is there any other business to come before us, does anybody have anything to add?

Theresa Curtis: Wait, we still have other business.

Brian Bishop: Under other business, the online survey.

Chairman McKee: We have other business.

Brian Bishop: I'm sorry, I'll make it quick I know you guys are ready to go.

As you know the Planning Commission has been undergoing a development process analysis and community perception survey, AKA business friendly. Staff has been working with our consultant, TSW Design Group to create an online survey which you see in front you and you also have a hard copy we printed out for you to review. This survey is live, we are going to allow it to stay open for the entire month of November. The Planning Commission staff is going to reach out to the public via our website, via social media, and I'm going to tell anyone that I can personally get to listen about it, and I'm going to request that everyone take it because the input is invaluable. I am also going to request that the city and the county put this on their website as well so we can garner more input. I am going to reach out to organizations such as KYNDLE, and the Audubon Area Homebuilders to seek their input as well. We just want to let you guys know this is where we are in

the process and there is also a tentative schedule that we've handed out and we are proceeding very well. This will go on for the entire month of November. In December we are going to hold twenty-five (25) face to face interviews, the consultant will actually conduct those interviews. I have reached out to Dr. Williams at the Community College so we can use space at the Community College so the interviews can be there and away from the Peabody Building, the City Building and the courthouse. We do not want anyone accidentally tainting the process, and we want the folks that are interviewed to feel comfortable and give honest input that we can use in our study. We are shooting for December 12 and 13 for those dates, as I said, staff will be nowhere near the interviews. So that's where we are in the process and if you have any questions I will do my best to answer them. We wanted to make sure you guys know what's going on just because we have spent a lot of money and we feel you guys should know what is going on.

Chairman McKee: When is our next meeting?

Brian Bishop: December 6, I believe.

David Dixon: Do you think having this survey up for a month is going to be sufficient?

Brian Bishop: I hope so. There is really not a template to use here, we felt that if someone was not able to take the survey, there are thirty-six (36) questions on the survey; when you see it, the ones with asterisks are questions they are required to take. For example; Were deadlines and time frames regarding application and process explained to you? We feel that a month is an appropriate amount of time.

David Dixon: Ok, if people are aware of it. This whole process grew out of what, a ten (10) minute presentation at a previous meeting that raised this business friendly question?

Brian Bishop: Yes that portion, Mrs. Arnett actually did one (1) small portion of that at my request. It had actually came up several times at other meetings that was really just a condensed version of it.

David Dixon: I assume you're asking the local media, the news media to follow up on their previous coverage then?

Brian Bishop: I certainly am.

David Dixon: Very good. It should be interesting, I don't think anything like this has ever been attempted that I know of around here or maybe from what we've learned, not in the State of Kentucky.

Brian Bishop: Any other questions I can try to answer?

Chairman McKee: Does that cover the agenda?

Brian Bishop: I think we're good.

MOTION WAS MADE BY DAVID WILLIAMS, SECONDED BY BOBBIE JARRETT TO ADJOURN THE NOVEMBER 1, 2016 PLANNING COMMISSION MEETING.

ALL IN FAVOR: AYE

OPPOSED: NONE

MEETING ADJOURNED AT 7:45 P.M.