

Henderson City-County
Planning Commission
November 3, 2015

The Henderson City-County Planning Commission held their regular meeting November 3, 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, Rodney Thomas, David Dixon, Kevin Herron and Penny Hahn, Mac Arnold, Dickie Johnson and Taunya Eyre. Kevin Richard was 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 November 3, 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 DAVID WILLIAMS, SECONDED BY TAUNYA EYRE TO GO INTO PUBLIC HEARING.

ALL IN FAVOR: AYE

OPPOSED: NONE

Chairman McKee: Have you had an opportunity to review the minutes from the October 6, 2015 meeting?

MOTION WAS MADE BY DAVID WILLIAMS, SECONDED BY BOBBIE JARRETT TO APPROVE THE MINUTES FROM THE OCTOBER 6, 2015 PLANNING COMMISSION MEETING.

ALL IN FAVOR: AYE

OPPOSED: NONE

Chairman McKee: Next on the agenda is **Re-Zoning #1053** submitted by Old Fox Inc., for the property located in the City of Corydon at 317 Hwy 266 (also known as Second Street)(PID #34A-1-95), containing 4,410 sq. ft. The applicant is requesting a zoning change from General Business (GB), to Residential, Single-Family (R-S). Mr. Bishop are you going to lead this conversation?

Brian Bishop: Yes sir.

Chairman McKee: Please do.

Brian Bishop: This is submitted by Old Fox Inc., for the property located in the City of Corydon at 317 Hwy 266 (also known as Second Street)(PID #34A-1-95), containing 4,410 sq. ft. The applicant is requesting a zoning change from General Business (GB), to Residential, Single-Family(R-S). You may remember that this was tabled last meeting the applicant requested it be tabled so they could amend their re-zoning request. They had previously requested a zoning change from General Business to Residential Multi-Family in order to convert the existing structure into a duplex, the applicant wished to amend that re-zoning request to change the zoning from General Business to Residential, Single-family. At this point the only use allowed in that structure will be a one family residence and I believe the applicant is here to discuss any questions or suggestions you may have for her.

Chairman McKee: Questions for staff?

Dickie Johnson: Did we table this last month?

(A collective yes from staff and other board members)

Dickie Johnson: Then we need a motion to take it off the table then don't we?

Tommy Joe Fridy: I'm not sure we actually tabled this.

Rodney Thomas: I don't think we did. I think she withdrew...

Claudia Wayne: No, it was tabled by the minutes I read them today.

Chairman McKee: Are there any questions for staff before we vote to take it off the table? The Chair will entertain a motion to bring this application off the table, back into session.

MOTION WAS MADE BY DAVID DIXON, SECONDED BY RODNEY THOMAS TO TAKE RE-ZONING #1053 OFF THE TABLE AND BACK INTO SESSION.

ALL IN FAVOR: AYE

OPPOSED: NONE

Chairman McKee: Do you think that takes care of it Mr. Fridy? Anything to add Mr. Bishop at this point?

Brian Bishop: No sir.

Chairman McKee: Any questions for staff? Yes sir.

Tommy Joe Fridy: You wouldn't be required to re-hear all of the testimony, you've heard testimony about this parcel and some of the testimony also involved the applicant's desire that it be single family. So, you can consider the evidence at the last meeting as well as any that's presented tonight in making the motion for or against.

Brian Bishop: Mr. Chairman this is probably an appropriate time to mention this piece of paper that you guys have before you. Tommy Joe and I prepared this, it is a proposed motion. We thought this would be a good time to see if the Planning Commission would like a proposed motion. This is a fairly simple re-zoning and shouldn't be real complicated so we would like to submit this for your, we would like to solicit input later on in the meeting if you like this or you do not like this.

Chairman McKee: Before we do that would anybody like to hear from the applicant? Hearing none, any further questions? Hearing none the Chair will entertain a motion.

MOTION WAS MADE BY DAVID DIXON, SECONDED BY DICKIE JOHNSON TO RECOMMEND THAT THE PLANNING COMMISSION RECOMMENDS THE ASSIGNMENT OF A RESIDENTIAL, SINGLE-FAMILY (R-S) ZONING CLASSIFICATION/ZONE MAP AMENDMENT TO THE ABOVE PARCEL (PID# 34A-1-95)), AND I LEAVE THE MOTION OPEN FOR OTHER MEMBERS OF THE PLANNING COMMISSION TO ADD FINDINGS OF FACT IN SUPPORT OF THIS MOTION, BECAUSE:

THE EXISTING GENERAL BUSINESS ZONING CLASSIFICATION IS INAPPROPRIATE AND THE PROPOSED RESIDENTIAL, SINGLE-FAMILY (R-S) ZONING CLASSIFICATION IS APPROPRIATE; AND, THERE HAVE BEEN CHANGES OF AN ECONOMIC, PHYSICAL, OR SOCIAL NATURE WITHIN THE AREA INVOLVED WHICH WERE NOT ANTICIPATED IN THE ADOPTED COMPREHENSIVE PLAN AND WHICH HAVE SUBSTANTIALLY ALTERED THE BASIC CHARACTER OF THE AREA, BECAUSE:

- ***BOTH THE COMPREHENSIVE PLAN AND FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN SHOWS THIS PARCEL AS GENERAL BUSINESS (GB).***
- ***THIS PROPERTY HAD A GENERAL BUSINESS USE WHEN THE COMPREHENSIVE PLAN WAS ADOPTED.***
- ***THE STRUCTURE IS CURRENTLY VACANT AND IS DETERIORATING AND CANNOT ECONOMICALLY BE USED FOR A BUSINESS PURPOSE. THE MAJOR ECONOMIC CHANGES IN THE CITY OF CORYDON DO NOT ALLOW FOR THE VIABILITY OF RESTAURANT OR OTHER BUSINESS USE AT THIS LOCATION.***
- ***THE COMMERCIAL TYPE DEVELOPMENT ANTICIPATED BY THE COMPREHENSIVE PLAN HAS NOT OCCURRED WITHIN THE GENERAL AREA.***
- ***THIS PROPERTY IS ON A SIDE STREET AND NOT ON U. S. HIGHWAY 60, WHICH IS THE MAJOR THOROUGHFARE IN THE CITY OF CORYDON.***
- ***THIS REZONING WILL NOT ADVERSELY AFFECT THE OTHER PROPERTIES IN THE AREA.***

THE PROPOSED MAP AMENDMENT (REZONING) IS IN AGREEMENT WITH THE GOALS AND OBJECTIVES OF THE COMPREHENSIVES PLAN, IN THAT:

- ***IT WILL ENCOURAGE REDEVELOPMENT WITHIN HENDERSON COUNTY'S RURAL COMMUNITIES. (HENDERSON COUNTY'S RURAL COMMUNITIES OBJECTIVE #15)***
- ***ENCOURAGE PROPERTY OWNERS TO MAINTAIN AND REHABILITATE, WHEN NECESSARY, THE COMMUNITY'S EXISTING HOUSING STOCK AND NEIGHBORHOODS***

WHILE PRESERVING STRUCTURES OF ARCHITECTURAL SIGNIFICANCE AND PROMOTING APPROPRIATE INFILL DEVELOPMENT. (HOUSING OBJECTIVE #1)

- ***ENCOURAGE AND SUPPORT EFFORTS TO CONSTRUCT AND MAINTAIN AFFORDABLE HOUSING FOR ELDERLY, HANDICAPPED AND OTHER DISADVANTAGED PERSONS IN AREAS WHERE THERE IS CONVENIENT ACCESS TO RECREATION, COMMERCIAL ACTIVITY AND OTHER SERVICES. (HOUSING OBJECTIVE #2)***

- ***ENCOURAGE DIVERSITY IN NEIGHBORHOODS RATHER THAN SEPARATING INDIVIDUAL GROUPS. (HOUSING OBJECTIVE # 9)***

Chairman McKee: You did allow for further findings of facts in your motion?

David Dixon: I did sir.

Chairman McKee: Are there any to be added? This recommendation goes to the Corydon City Council, correct?

Tommy Joe Fridy: Correct.

Chairman McKee: Any other findings of facts to be added? We have a motion and a second, Madame Clerk will you please call the roll?

ALL IN FAVOR: AYE

OPPOSED: NONE

Chairman McKee: We wish you the best, good luck.

Elena Bassett: I do have one more question. It goes to the City of Corydon now?

Chairman McKee: Yes.

Elena Bassett: Is there a time frame when they meet, have a meeting, do I need to attend?

Gary Gibson: They meet Thursday night.

Elena Bassett: They meet every Thursday night?

Gary Gibson: The first and third Thursday.

Chairman McKee: Question. Do the same rules apply with the City of Corydon that does with the City and the County in that if they don't...

Brian Bishop: The expedited zoning?

Chairman McKee: Yes.

Brian Bishop: Yes sir.

Chairman McKee: What is that time frame?

Theresa Curtis: It will be twenty-one (21) days. Once we send it to Corydon, it will be twenty-one (21) days.

Elena Bassett: So it will be next month when they do that hearing?

Theresa Curtis: It should be, depending on when their meeting is.

Elena Bassett: Is that something I need to attend also.

Tommy Joe Fridy: Would you check with the Clerk and ask them. It will become final and approved after twenty (20) days, twenty-one (21) days if no one objects to it or if Corydon doesn't choose on their own to hear it, either of those could happen. So, stay in contact with the City Clerk.

Elena Bassett: Ok, great. Thank you guys so much.

Chairman McKee: Thank you. Next on the agenda is the adoption of the Henderson City-County Comprehensive Plan the following chapters, Mr. Bishop will you lead us in that discussion?

Brian Bishop: Yes sir, we would like to request that the Balancing Land Use chapter be tabled until the December meeting. The reason for that is the Planning Commission members would like to have one more workshop to discuss the Future Land Use map. We met last week and made a lot of headway on the County portion of the Future Land Use map but we still have to look at the City portion. I would like to suggest we meet at the Planning Commission next Thursday which is November 12 at 5:30p.m. That way we can finish discussing the Future Land Use map and that will put us on track to adopt this chapter at the December meeting.

Chairman McKee: You're going to invite some other folks?

Brian Bishop: We are, we are going to invite the City staff which would consist of the City Manager's office, the City Codes Department so that they would have input in this as well.

Gary Gibson: That will be at the Peabody Building?

Brian Bishop: Correct.

Chairman McKee: Does that date and time suit everybody? Anybody who can't make that?

Bobbie Jarrett: I can't make it.

Taunya Eyre: I cannot make it.

Penny Hahn: I can't make it either.

Chairman McKee: November 12, Thursday.

Brian Bishop: Is there a better time for the commission?

Taunya Eyre: It's basketball season so no, sorry.

Chairman McKee: If there are only two that can't make it, is there a possibility you could sit down with staff between now and then and look at it and make your comments? Would that be acceptable?

Taunya Eyre: Absolutely.

Chairman McKee: Ok. So we don't need to put that as a formality do we? November 12, Thursday at 5:30p.m. in the war room at the Planning Commission.

Theresa Curtis: I'll send out a memo to remind everybody.

Chairman McKee: Thank you Theresa.

Brian Bishop: The second chapter we would like to discuss is **Engaging the Riverfront and Downtown**. You all have a copy of this with your packet, we have solicited input from the City, I sent it to Buzzy's office for him to distribute to the parties that he felt would be necessary to have input. We also solicited input from KYNDLE and we have also sent it to the Downtown Henderson Project. Buzzy notified me that they had no problems with the chapter and I spoke to Brad Schneider and he said that they were happy with the chapter as well. So I will do my best to answer any questions you have about that chapter at this time.

Chairman McKee: Questions for staff?

David Dixon: I need to suggest some changes.

Chairman McKee: Please do.

David Dixon: These are minor points. Page six (6), I propose that we use the correct name of the Handy Festival which is WC Handy Blues

and BBQ Festival, this would be in the first leg where it's called the WC Handy Fest Blues. The second leg of type halfway down in the last paragraph we need to, it should say these districts, plural instead of singular. I have marked these changes and can pass them along. And then on page twelve (12), we have a sentence stating the Station One Power Plant is currently scheduled for demolition, I propose that we say the Station One has been demolished and I move to approve including those changes.

MOTION WAS MADE BY DAVID DIXON, SECONDED BY TAUNYA EYRE TO APPROVE THE CHAPTER ENGAGING THE RIVERFRONT AND DOWNTOWN WITH THE APPROVED CHANGES.

ALL IN FAVOR: AYE

OPPOSED: NONE

Chairman McKee: Next is **Implementation?**

Brian Bishop: Correct. This is going to be Chapter 11, we are going to leave the chapter that's going to deal with I-69 open we will come back and address that once a route is defined. The Implementation chapter basically discusses how the Comprehensive Plan is used. It discusses subjects like the Zoning Ordinance, Subdivision Regulations and how we go about Preliminary Conference. This is really similar to what we had in the previous Comprehensive Plan. Staff felt it was very relevant still and that it was not really appropriate to change this because it's still how the City and County goes about its land development and I will do my best to answer any questions about this chapter.

Chairman McKee: Commissioner Dixon do you have any...

David Dixon: As a matter of fact...

Brian Bishop: It pays to have an editor on the Commission.

David Dixon: Page six (6), paragraph eighteen (18), the last sentence. There is something missing there. I propose that we change that to say, “All roadside foot paths should connect with off-road trails which in turn should link with potential other, insert the words footpaths/sidewalks. and then start a new sentence with, “Measures shall be taken.”

Chairman McKee: We are blessed to have one who catches those kinds of things.

David Dixon: Sorry I don't...

Taunya Eyre: Shouldn't it be other potential?

Chairman McKee: With other what?

Taunya Eyre: I know, but I'm just saying, I mean what he said.

David Dixon: “Footpaths/sidewalks.” “With other footpaths/sidewalks. Measures should be taken to mitigate etc....”

Bobbie Jarrett: You want other to go before potential?

Taunya Eyre: Before potential. Other is describing potential.

David Dixon: Yeah. Potential, other...

Bobbie Jarrett: I think: other potential.

Chairman McKee: Are we settled on the language?

Heather Lauderdale: So, is it other potential?

David Dixon: With potential, other (insert footpaths/sidewalks.)

Taunya Eyre: Should it not be other, potential footpaths/sidewalks?

David Dixon: Sounds good to me.

Taunya Eyre: It just sounds better.

David Dixon: With other, potential footpaths/sidewalks. End the sentence after sidewalks and start the new sentence with what we have here, “Measures shall be taken.”

Chairman McKee: That’s clearly the intent in the beginning wasn’t it?

David Dixon: I assume so.

Chairman McKee: Any other corrections, edits? Is that all you had Commissioner Dixon?

David Dixon: Yes.

Chairman McKee: Does anybody else have any? Are you making a motion then?

David Dixon: I move to approve.

MOTION WAS MADE BY DAVID DIXON, SECONDED BY TAUNYA EYRE TO APPROVE THE CHAPTER IMPLEMENTATION WITH THE APPROVED CHANGES.

ALL IN FAVOR: AYE

OPPOSED: NONE

Chairman McKee: Next on the agenda is the ***update to the City-County Planning Commission Personnel Regulations.***

Claudia Wayne: You will see that in the red are the changes that were made. Most of it is directing toward the Executive Director and the Assistant Director if they resign that they have to give forty-five (45) days besides the two (2) weeks that was on there. Now the other personnel is still two (2) weeks.

Chairman McKee: Now that is to remain in good standing, to get the vacation and all the other?

Claudia Wayne: Yes, to remain in good standing.

Taunya Eyre: Forty-five (45) days?

Claudia Wayne: Forty-five (45) days. Well, two weeks really isn't long enough.

Taunya Eyre: I don't disagree with that but typically it's like thirty (30) days, that forty-five (45) seems a little long.

Claudia Wayne: I think that would cover if there was another Planning Commission meeting that's gonna come up and it's at the first of the month that would take care of it.

Brian Bishop: We met with the Executive Committee and the HR Representatives from the City and the County and that's kind of a consensus we all came up with so that's how we came about forty-five (45) and we think that both of those positions...

Taunya Eyre: Is that what like the City Manager and Assistant Manager are required...

Brian Bishop: Well they're, they have a contract. It's kind of a different scenario for example if they are to resign or be fired, you give them the compensation packages and things like that, we just thought it would be more simple. It's not to say that someone couldn't resign as Herb said they just wouldn't resign in good standing which means they're going to lose whatever vacation days they have left and things like that.

Claudia Wayne: And it also states that any accrued vacation that you cannot take it during the last two (2) weeks of your employment.

Chairman McKee: Would you please go back again and say what you said about the resignation could occur the day after a Planning Commission meeting.

Claudia Wayne: No, I meant the forty-five (45) days like if it was to make sure that's taken care of.

Chairman McKee: That's what I mean, that's what I mean. So in order for you to have a Commission meeting while they're still here, forty-five (45) is necessary don't you think? Correct, close?

Brian Bishop: That would more than cover it.

Claudia Wayne: Yeah, that would more than cover it.

Brian Bishop: If it were thirty (30) days that would be basically the next Planning Commission meeting, if it's forty-five (45) you get the next meeting covered and it gives the Planning Commission some lead-way and some time to address how staff is going to operate. For example, it would allow you guys to authorize the Assistant Director to sign checks and plats and things like that.

Chairman McKee: Commissioner Eyre did you want to make further comments about thirty (30) days?

Taunya Eyre: No I was just curious.

Chairman McKee: Ok, anyone else have comments?

David Dixon: My understanding is the changes on a different issue that the Executive Director and the Assistant Director are not eligible for overtime pay?

Claudia Wayne: Correct, we're exempt.

David Dixon: Right and you're not eligible for comp time?

Brian Bishop: Correct.

Claudia Wayne: No.

David Dixon: Ok that's what I thought it said.

Chairman McKee: Commissioner Johnson do you have any questions about comp time?

Dickie Johnson: No.

Chairman McKee: Does anyone else have questions about the amendments, additions to the Personnel Regs?

Claudia Wayne: There was a change or add-to on page sixteen (16) where we added under the emergency bereavement leave and this came from the city and the county that we add son-in-law and daughter-in-law to it.

Brian Bishop: To immediate family.

Claudia Wayne: Right, to immediate family and under the credit card policy and procedures GIS was taken out, to control the Planning Director and Assistant Director and then there are some changes, that's on page twenty-three (23) where we just made a few changes, put the Assistant Director/Account Technician which is Theresa. Then under the wage and salary administration, that's page twenty-six (26) that's where it says that we're non-exempt or eligible to receive the time and also under number two (2) it said that in Federal and State regulations payment of overtime hours shall be computed as one and one-half the prescribed hourly rate as allowed in KRS 33.285 for non-exempt HCCPC staff will be granted compensatory time in lieu of overtime pay at the rate of not less than one and one half hours for each hour worked in excess of forty (40) hours in a work week. Then number three (3)

states that the Executive Director and the Assistant Director are exempt and thus not eligible and number four (4) was added that the time should be scheduled in the pay period in which it is earned unless authorized by the Executive Director or the Assistant Director in the Executive Directors absence it can be done at a later date, they can take it at a later date if Brian would approve it and in his absence I could approve it. Non-exempt employees shall receive the compensatory time in an hour for hour basis for drive time that occurs outside of the regularly scheduled work hours to and from out of town work related events. That's kind of the major changes don't you think Brian?

Brian Bishop: That's a pretty good run down.

Claudia Wayne: Yeah, do ya'll have any questions on any of that?

Chairman McKee: I would recommend that the Executive Committee and staff meet with the HR Directors of the City and the County annually just to see if anything has happened on a wage an hour basis in the last twelve months that you need to consider to update the Personnel Regs and then bring them to the full Commission.

Claudia Wayne: Ok.

Chairman McKee: Any questions for Mrs. Wayne or Mr. Bishop? Hearing none, the Chair will entertain a motion to approve.

MOTION WAS MADE BY BOBBIE JARRETT, SECONDED BY GARY GIBSON TO APPROVE THE CHANGES MADE IN THE PERSONNEL REGULATIONS AS PRESENTED.

ALL IN FAVOR: AYE

OPPOSED: NONE

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

MOTION WAS MADE BY TAUNYA EYRE, SECONDED BY RODNEY THOMAS TO CLOSE THE PUBLIC HEARING.

ALL IN FAVOR: AYE

OPPOSED: NONE

Chairman McKee: First item on the non-public hearing items agenda is the **Planning Commission and GIS Finance Report for June 30, 2015**, Mrs. Wayne are you going to lead?

Claudia Wayne: Yes. The Planning Commission after audit was finished and adjustments made, we ended up at eighty-three (83) percent of budget. The GIS after the audit and adjustments made ended up at seventy-nine (79) percent which gave a total of surplus of \$143,205. The City would be eligible, will half and half would be the \$71,602.50. The City and the County both wanted us to keep some reserve which would total \$25,000; \$12,500 from the County and \$12,500 from the City. The Comp Plan is to be paid I have three (3) checks that Theresa's done. The County will get \$33,150.50. The City of Henderson will get \$42,905.50 because there was a shortage of \$9,752 that the County had shorted that's why their checks are different. The Comp Plan money to pay the Comp Plan, money from the City and the County and the check is to be made to the City so that they can pay it is \$32,400. Do ya'll have any questions?

David Williams: Everyone with the City and County are good with it?

Claudia Wayne: Yes, Brian talked to I think the Judge and the Mayor.

Brian Bishop: I did, I spoke with the Mayor and the Judge and they were both ok with how we were going to re-distribute the excess revenues. We are scheduled to go to the City Commission next Tuesday to give their check, to basically reimburse their funds and then we are scheduled to go to Fiscal Court two (2) weeks from today to reimburse them. Everyone is in agreement.

Chairman McKee: Questions? Ms. Jarrett?

MOTION WAS MADE BY BOBBIE JARRETT, SECONDED BY RODNEY THOMAS TO ACCEPT THE PLANNING COMMISSION AND GIS FINANCE REPORT FOR JUNE 30, 2015 FISCAL YEAR AS PRESENTED.

ALL IN FAVOR: AYE

OPPOSED: NONE

Chairman McKee: Next on the agenda is the **PC Finance Report for October 2015.**

Theresa Curtis: I have passed out the financial reports to all of you for October 2015 and if anyone has any questions I'll be glad to answer them. We are within thirty-three (33) percent of budget, we're on track.

MOTION WAS MADE BY BOBBIE JARRETT, SECONDED BY MAC ARNOLD TO ACCEPT THE PLANNING COMMISSION FINANCE REPORT FOR OCTOBER 2015 AS PRESENTED.

ALL IN FAVOR: AYE

OPPOSED: NONE

Chairman McKee: Your other business note has already been taken care of do you have any other, other business?

Brian Bishop: No sir.

Chairman McKee: Any administrative business? Does anyone have anything for the good of the Planning Commission?

MOTION WAS MADE BY DAVID WILLIAMS, SECONDED BY TAUNYA EYRE TO ADJOURN.

ALL IN FAVOR: AYE

OPPOSED: NONE

MEETING ADJOURNED AT 6:30pm.