

HENDERSON CITY-COUNTY PLANNING
COMMISSION

March 3, 2015

The Henderson City-County Planning Commission held a regular monthly meeting March 3, 2015, 6:00 p.m., at the Henderson Municipal Center, third floor assembly room. Members present: Chairman Herb McKee, Vice-Chair David Williams, Bobbie Jarrett, Gary Gibson, Taunya Eyre, Kevin Richard, David Dixon, Rodney Thomas and Kevin Herron, Mac Arnold and Dickie Johnson. Thad McCormic was absent.

Staff present: Director Curt Freese, Theresa Curtis, Brian Bishop, Heather Lauderdale and Claudia Wayne

(A summary of the minutes from the meeting on March 3, 2015. A recorded audio tape is on file at the Planning Commission Office)

MEETING BEGAN AT 6:00PM

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

MOTION WAS MADE BY TAUNYA EYRE, SECONDED BY KEVIN RICHARD TO GO INTO A PUBLIC HEARING.

ALL IN FAVOR: AYE

OPPOSED: NONE

Chairman McKee: Next on the agenda is the consideration of the *minutes of the February 3, 2015 meeting.*

MOTION WAS MADE BY KEVIN RICHARD, SECONDED BY MAC ARNOLD TO APPROVE THE FEBRUARY 3, 2015 MINUTES AS DISTRIBUTED.

ALL IN FAVOR: AYE

OPPOSED: NONE

Chairman McKee: Next on the agenda is *Revised Lot #2 & Lot #4 of the Woodring Fryer Subdivision & Consolidation,* Mr. Freese are you going to handle that?

Curt Freese: Actually Brian is.

Chairman McKee: Mr. Bishop, please proceed.

Brian Bishop: This is submitted by Royster's Machine Shop, LLC for the property located in the City of Henderson at 11 Lincoln Avenue (Parcel #2-25-2-30.1 & 2-25.2-30.2).

Applicant is requesting approval of a minor subdivision and consolidation, a portion of which is located in the Special Flood Hazard Area.

This is actually before you for two reasons, the first being it is in a Special Flood Hazard Area and the second is that they are going to extinguish an existing flood easement which you'll see in the shaded area here. The reason why this easement was required on the previous plat is that the City's Flood Damage

Prevention Ordinance required that all land that was in a Special Flood Hazard Area be dedicated as flood easement. That requirement is no longer in the new Flood Damage Prevention Ordinance so it benefits Mr. Royster to have his easement extinguished.

Other than that, it's a pretty simple plat and minor sub and I will do my best answer any questions that you may have.

Chairman McKee: Any questions for Mr. Bishop?

David Dixon: Could you go back to the aerial please? I thought there was...

Brian Bishop: Also, you guys, it will help you to know that this building has actually had a LOMA done on the building that Mr. Krahwinkle has done. So that building is technically not in the flood plain anymore.

Chairman McKee: Mr. Stroud, did you want to get on the record with that? Mr. Stroud, do you swear to tell the whole truth to the best of your ability?

John Stroud: I do. There is a second building on that lot that's not showing up on the aerial photograph because the photograph pre-dated the building being built. I think that one also has a LOMA doesn't it Brian?

Brian Bishop: I believe so, Cliff have you done a LOMA on that one?

Chairman McKee: Please state your name and address.

Clifton Krahwinkle: Clifton Krahwinkle, 505 Canoe Creek Drive, Henderson, Ky.

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

Clifton Krahwinkle: Yes sir.

Chairman McKee: Thank you sir, you may proceed.

Clifton Krahwinkle: Mike Royster has built a new building, storage building, it's on the very North end of the lot right there where Curt's pointing. We did a LOMA on that structure that basically removed that structure from the flood zone prior to the new flood maps coming out we filled that whole area. It wasn't in a flood zone in preparations for doing the structure and getting (inaudible)

Chairman McKee: Any questions for Mr. Krahwinkle or Mr. Stroud? Any other questions for staff or the applicant? Hearing none the Chair will entertain a motion.

MOTION WAS MADE BY DICKIE JOHNSON, SECONDED BY DAVID DIXON TO APPROVE THE REVISED LOT #2 & LOT #4 OF THE WOODRING FRYER SUBDIVISION AND CONSOLIDATION.

ALL IN FAVOR: AYE

OPPOSED: NONE

Chairman McKee: Next on the agenda is Rezoning #1047. Who's going to handle that one Mr. Freese?

Curt Freese: I am.

Chairman McKee: Will you please proceed?

Curt Freese: The applicant is John Logan IV; the site is 1725 North Green Street (PIDN #55H-29) containing 0.31 acres. The applicant proposes rezoning an existing interior design shop from Residential Office (R-O) to Henderson Innovative Planning District (HIP) for the purposes of adding retail sales. The existing Residential Office district does not permit retail sales as a permitted use. The existing interior design shop had begun selling retail items that grew out of the interior design business, and were warned by Code Enforcement to either cease the retail sales, or apply for a rezoning to bring the property into compliance.

The *existing* Residential Office (R-O) District, allows a limited range of residential and office development. Permitted uses allowed include single family residential, townhouses, multifamily dwellings, pharmacies, professional and medical offices, beauty and barber shops, day cares and museums. Retail sales uses are prohibited. The district is intended as a buffer or transition area between residential and commercial uses.

The *proposed* Henderson Innovative Planning zoning district (HIP) permitted uses include: single family residences, townhouses, apartments, assisted living, mixed use buildings,

retail and services, banks, pharmacies, day cares, grocery stores, offices, interior design and related uses, churches, and theatres.

The Henderson Innovative Planning District is intended to allow a compatible mix of mixed-use, commercial, and residential uses in dense pedestrian-friendly urban areas suitable for infill redevelopment. The Henderson Innovative Planning District is intended for properties located along major streets and bus routes, with sidewalk/bike lane connectivity, located outside of existing single family neighborhoods, and infill development shall also take into consideration the existing density, built-form and uses of the surrounding neighborhood. It is the goal of this district to:

1. To promote sustainable urban development, to better the environment and the aesthetic quality of Henderson for the future.
2. To provide infill opportunities for businesses and development.
3. To complete bicycle and pedestrian connections to surrounding sites and neighborhoods.
4. To promote originality, flexibility and innovation in development including the architecture, signage, placement, and redevelopment of existing sites and buildings.
5. To encourage resource and energy efficiency.
6. To enhance property values.
7. To minimize blight, and poorly designed and unattractive development.

Future Land Use:

The future land use map depicts this area developing as *Medium Density Residential*. The Future Land Use element of the Comprehensive Plan is *consistent on a limited basis* with the proposed zoning of Henderson Innovative Properties (HIP).

Comprehensive Plan Goals and Objectives:

Designate adequate land uses in appropriate locations while encouraging quality design and minimizing the adverse impacts of development (Land Use Goal);

View development issues in terms of promoting overall quality of life. Mixing or residential and other land uses shall be encouraged, but only in appropriately planned and designed neighborhood developments (Land Use Objective 4);

Balance developmental needs with the preservation and protection of Henderson's existing assets and character (Land Use Objective 5);

Allow mixed use and density developments while prohibiting incompatible land uses from locating directly adjacent to residential areas (Housing Goal 12);

Staff finds this request is *in agreement on a limited basis* with the Comprehensive Plan for the following reasons:

- The future land use of the property depicts medium density residential development, which is not consistent with the commercial nature of this rezoning.

- Land Use Objective 4, and Housing Goal 12, both support mixed use (mixing of commercial and residential uses) development similar to this request.

The intent of the HIP district is to promote infill opportunities in urban areas with mixed development patterns; allow infill for businesses; promote property values and discourage blight. This request is located in such a mixed development urban area on North Green Street, and the granting of the rezoning would promote property values and discourage blight by permitting additional commercial uses.

IN THE ABSENCE OF FINDINGS THAT THE PROJECT IS IN AGREEMENT WITH THE COMPREHENSIVE PLAN.

- A. That the existing zoning classification given to the property is inappropriate, and that the proposed zoning classification is appropriate;

Staff finds that the zoning classification given to the property was inappropriate for the following reasons:

- ✓ The new Henderson Innovative Properties zoning district was recently created (adopted in October 2014) specifically for infill development in urbanized areas. The intent of the HIP district is to support and allow traditional development patterns with mixed uses; to allow neighborhood commercial and residential uses to locate in close proximity of one another. This property is located in a mixed use urban area, adjacent to high density apartments and

the Fraternal Order of Police Hall, and therefore the HIP district is the most appropriate zoning classification.

- ✓ The site and building were developed in a commercial nature, not suited to the existing residential based development pattern of the R-O district. The HIP district would permit limited commercial use more appropriate to the existing development pattern, while also requiring much stronger restrictions should this property ever be redeveloped.

B. That 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.

Staff finds that no major changes have occurred to alter the basic character of the area to support this request: N/A

Staff recommends *approval*. This request is in agreement with the Comprehensive Plan and the proposed Henderson Innovative Properties (HIP) district is more appropriate than the existing district of R-2, satisfying the findings of KRS 100.213.

Chairman McKee: Is this our first HIP application?

Curt Freese: This would be our first HIP application, well, besides the property that we re-zoned on South Main Street. The purpose of the HIP District was not only for South Main

Street but really to provide an infill district within the city and this is within that urbanized area of the city. It's not on a major pedestrian path and we are trying to promote good infill in places that already...

Chairman McKee: Excuse me, is this the first time you've given us a Staff Report like this?

Curt Freese: It is.

Chairman McKee: I thought so; I want to compliment you on it.

Curt Freese: Theresa and I worked on it.

Chairman McKee: Very well, any questions for Mr. Freese?

Kevin Richard: So, looking at this zoning map obviously at some point it has the look of a spot zone, do you know how long it's been a residential office?

Curt Freese: It's been a long, long time.

Kevin Richard: This is where I'm going with this, if we change this from residential office to HIP we're not necessarily setting some precedence of spot zoning this area because it's been zoned something other than residential for a length of time is the information I was trying to get.

Curt Freese: That's the opinion because residential uses are allowed in the HIP District. Single family, townhouses all of those types of things and the HIP District was specifically

created to exist in urbanized areas where you see the mix use of neighborhood where you see commercial next to residential. We built in the separation height restrictions, the parking, the aesthetic standards so if you're going to put a commercial use or there is a commercial use next to a residential use it would have those safe-guards and somewhat fit. So, what we're looking at here is something that's already there, it's already a commercial design. I guess the thought is in the future should it re-develop it would be better that it be in the HIP District than say Neighborhood Business.

David Williams: Curt, I guess I have a question for John. Have there been any complaints on this property to Codes Department?

John Stroud: No. In our course of review we go around roughly once a year, hopefully we do it once a year, and check all conditional uses that were granted and when this one came up, it came up that they were doing retail sales that's when we contacted John, have him come in and sit down with Curt and I and work out what they could do. What they could do under the zoning ordinance is quit doing retail sales the only other alternative was to change the zoning to a, and it just so happened the HIP District came in the most appropriate one, that would allow them to do what they're doing. He actually has half the building for his construction business, his wife was doing interior design out of the other half and I think it just kind of evolved beyond that but this zoning would allow them to do that. It was 1993 when it was re-zoned R-O.

David Williams: We allow commercial business to set up here, for them to continue with the commercial aspects, do you foresee in your opinion do you foresee any complaints coming in about it.

John Stroud: Not in the manner that they've been operating, no.

David Williams: Thank you.

Chairman McKee: Thank you Mr. Stroud, any further questions of staff? The applicant is here; would you like to speak to the applicant? Hearing none, the Chair will entertain a motion.

Taunya Eyre: Mr. Chairman did you ask if anyone is for or against?

Chairman McKee: I did not. Is there anyone here that would like to speak for or against this zoning change? Seeing none, thank you Taunya, the Chair will entertain a motion.

MOTION WAS MADE BY DICKIE JOHNSON, SECONDED BY TAUNYA EYRE TO APPROVE THE REZONING OF #1047 SUBMITTED BY JOHN A. LOGAN IV, FOR THE PROPERTY LOCATED IN THE CITY OF HENDERSON AT 1725 NORTH GREEN STREET FROM RESIDENTIAL/OFFICE DISTRICT (R-O) TO HENDERSON INNOVATIVE PLANNING DISTRICT (HIP) AND MOVE TO ADOPT THE RECOMMENDED FINDINGS OF FACTS AS PRESENTED.

ALL IN FAVOR: AYE

OPPOSED: NONE

Chairman McKee: What is next on this one, is it a recommendation to the City?

Curt Freese: This is a text amendment; you would recommend this text amendment to the City for approval.

Chairman McKee: If they don't object nothing happens?

Curt Freese: Oh, you mean the rezoning. I thought you were on the next one. Yes, they have a twenty-one (21) day period, the City or any member of the public who wishes to have the City hear this request has twenty-one (21) days to file for a request for the City to hear it and if they do not in that twenty-one (21) day period it is legal, it's been approved.

Chairman McKee: Any questions Mr. Logan, thank you sir. Next on the agenda is ***The Planning Commission to consider text amendments to Article ii, Section 2.01 by adding a definition of "craft distillery" and "microbrewery", and amendments to Article XX, Section 20.03(d) (h), by including "craft distillery" and "microbrewery" as conditional uses to the Central Business District of the City of Henderson Zoning Ordinance.*** Are you going to lead that discussion Mr. Freese?

Curt Freese: Yes, as you can see I presented a memo on this. The City of Henderson and KYNDLE were approached by a prospective business owner who is exploration phase of gauging the possibility of opening a craft distillery in downtown Henderson. The City contacted PC staff, and was informed

under the current zoning ordinance, distilleries are only allowed in the M-2 Heavy Industrial zone, and after discussion, City and PC staff came to the conclusion that allowing craft distilleries and microbreweries as conditional uses in the Central Business District was most appropriate. KYNDLE brought this issue to City Commission at their Jan. 27th meeting. The City Commission passed a resolution to originate a text amendment to allow Craft Distilleries and Microbreweries as a conditional use in the Central Business District.

The proposed text amendments add craft distilleries and microbreweries as conditional uses in the Central Business District, and add definitions of each use in the definition section. Conditional uses were chosen, as there are externalities produced by craft distilleries and microbreweries which may impact property owners in the immediate vicinity. These externalities may include odors, increased fire risk, mold, additional traffic, and other concerns. All adjoining property owners will receive notice, and is thus empowered to petition the City Board of Adjustment for or against any proposed distillery or microbrewery. In addition, by requiring conditional uses, the City Board of Adjustment may place conditions to mitigate any negative impacts as part of approval, and these conditions will remain with the land (no matter if the owner changes hands or not). The definitions have been crafted based on KRS statutes, which set production amounts for each type of facility, and even sales (currently an issue with distilleries) on

premise. Finally, both uses have become popular in recent years; microbreweries especially have successful as a catalyst for downtown revitalization.

Recommendation: Motion to approve attached text amendments to Article II, Section 2.01 and Article XX, Section 20.03 of the City of Henderson Zoning Ordinance.

ARTICLE II.

Sec. 2.01. - Definitions.

For the purpose of these regulations, certain terms and words shall be used and interpreted as defined hereinafter. Words used in the present tense include the future. The singular number includes the plural, and the plural the singular. The word "shall" is mandatory, not merely directive; the word "may" is permissive.

Craft Distillery. A facility as defined by KRS 243.120 (2) b, which produces in quantities not to exceed 50,000 gallons of distilled spirits per calendar year.

Microbrewery. A facility as defined by KRS 243.157, which or produces in quantities not to exceed 25,000 gallons of malt beverages per calendar year, including the sale of malt beverages produced on premises to licensed distributors and general public.

ARTICLE XX. CBD, CENTRAL BUSINESS DISTRICT

Sec. 20.01. Statement of purpose.

The purpose of this district shall be to enhance and protect convenient areas for shopping in the central business district of the city.

Sec. 20.02. Permitted uses.

- (a) Any use permitted in a general business district, except consumer fireworks, and those prohibited uses listed below.
- (b) Parking garages and other similar structures.
- (c) Apartments.

Sec. 20.03. Conditional Uses

- a. Auto sales lots.
- b. Auto and body repair shops and/or any type of motor vehicle service.
- c. Car Wash establishments.
- d. Craft distilleries as defined in Section 2.01.
- e. Convenient stores with gas pumps
- f. First Floor Dwelling units: Residential dwelling units may be located on the ground floor of structures originally constructed as mixed use or commercial buildings, or new mixed use buildings, when the following conditions are met:
 - i. Each ground floor dwelling unit is located at the rear of the building, behind a commercial or office use.
- g. Gas Stations.
- h. Microbreweries as defined in Section 2.01.
- i. Moving or Storage Offices.
- j. Pawn shops and Payday Lending Services.

- k. Public Auction Houses.
- l. Tattoo Parlors.
- m. Used car lots.

Sec. 20.04. General regulations.

- (a) There shall be no outdoor storage of merchandise or materials and no outdoor processing in any commercial district unless authorized as a conditional use. All aboveground structures accessory to any outdoor use shall be located a minimum of twenty-five (25) feet from any front lot lines.
- (b) All signs must meet the provisions of the sign regulations in Article X.
- (c) All uses shall exhibit performance standard characteristics equal to or greater than those which define light industry.

Sec. 20.05. Area, height, bulk and placement requirements.

(See attached Schedule of Regulations, Article XXVII.)

(Ord. No. 22-11, Exh. A, 8-13-11)

I will say that this is a very popular thing right now in Planning. This is the cover of this month's Planning Magazine and as you can see it has bottles of beer on it. So, microbreweries are becoming very popular around the country and are seen as an economic development tool. Craft distilleries are a little different but they are also becoming popular around the country as well.

Chairman McKee: Just out of curiosity, who makes sure they don't make over 50,000 and 25,000?

Curt Freese: That would be the State.

Taunya Eyre: Is that where these definitions, I mean, limitations came from?

Curt Freese: That's correct, word for word.

Kevin Richard: I'm assuming the way it's worded it's mutually exclusive so if you only get conditional approval for a craft distillery you can't dabble in microbrewery without coming for a new conditional use.

Curt Freese: That's correct. It's really double regulated because the state is going to require you to get a permit under each one of these and they are also going to check up on you for each one of these. You get a conditional use you will also be regulated to meet both of these definitions and whatever other conditions they put on it.

David Williams: What has been the experience of neighbors to these microbreweries? Can you enlighten us on that?

Curt Freese: Since there is actually a large article in the Planning magazine about that I think the concern is about the smells and with distilleries it's about potential mold. If you produce enough ethanol you it creates a certain kind of mold and sticks on buildings. I don't know if a craft distillery here that produces less than 50,000 gallons and just one would produce enough of those compounds to produce that mold but that is a concern. Fire obviously is a concern. I think that's why a conditional use is most appropriate, issues with fire or separation

can be considered, I don't know if I was John and I heard an applicant before that board I would probably make sure that they are separated and fire rated and no openings and make sure as many high standards as possible on their building.

Mac Arnold: Does anyone know, like in the other communities where these are located, what type of regulations they have placed on them building wise?

Curt Freese: I can tell you they've done conditional uses in the places they've regulated this and they are very similar they just use the State's statutes terminology for the amount but I think it's basically on a case by case basis. They are going to have to meet the building code on this. I've discussed this with the prospective client; just putting the barrels in there for the craft distillery they are going to have to meet the highest level of the building code. The building will be covered by the building code but the conditional use nature is going to really be put on the City's Board of Adjustment.

David Williams: This could possibly be put in the old Soaper Hotel right?

Curt Freese: It could be.

David Williams: With the conditional use we're having far better control of this than we do, say, other uses that have become before the board.

Curt Freese: That's correct; they would have to get approval.

Chairman McKee: Are there model procedures that you, as the Codes Administrator would go through John?

John Stroud: These are fairly new, the micro distilleries and things like that but the State does regulate. Now Paducah is the

world according to Paducah, they have their own people that do their own building codes things like that and the State argues with them a lot. But storage, there's only so much storage within (inaudible) fire rated vaults basically and like Curt was saying the doors and things like that. I think the biggest problem is probably the emissions and the smells the bi-products of some of them but as far as the fire containment, safety issues and things like that those are all going to be handled by the building codes. Now the microbreweries, the beers the things like that those have been more prevalent and the State will also look at that but they're not as stringent as a distillery.

Distilleries are a whole different process, they can explode easily like a bomb being made but microbreweries aren't that much. Something like that you could see in the Soaper Hotel relatively quick I would say. Rodney could put one up in two days probably and be brewing beer and selling it in three.

Those are the things that we've talked about when they first came up and I started checking with the State and there is really not a great deal of these out there yet, the one in Paducah was brought up and there is also one in Louisville downtown.

Mac Arnold: Louisville, Lexington both of them.

Curt Freese: Craft distilleries they just opened one in Newport and they are also about to open one in Louisville and they opened one in Lexington.

Mac Arnold: I can see this as being considered more business friendly because these tend to be more popular and you are seeing them in a lot of places...

Rodney Thomas: It's moving us into the Twenty-First Century too.

Mac Arnold: Isn't there one in Evansville?

Curt Freese: Yes, the Tin Man, Turoni's.

Mac Arnold: As far as those I've never noticed any odors around...

Kevin Richard: Those are all breweries and I don't remember what day it was last month but I read an article on MSNBC that said the Millennial Generation, the surveys they've given, is they are more likely to drink bourbon than to drink beer. So, I could see a trend where you see more craft distilleries and less microbrewery.

Rodney Thomas: Oh yeah, the Bourbon Trail gets bigger and bigger every year.

Brian Bishop: Mac if I could add on to what you're saying it also brings people downtown.

Mac Arnold: That's what I'm saying; they are almost like an attraction. Usually they are set up like a glass storefront with people can see the things going on and...

John Stroud: I think what this does is give the opportunity for them to be there. There's a lot of little caveats that have to happen for them to be there thru the Board of Zoning Adjustments, I think the board is going to ask for their architecture engineer to show us this is a two hour fire rated wall, give us information on this. Your Board of Zoning Adjustments will protect the business end of it but the vapors, the smells things like that, maybe there's something on that out there, and some new data I don't know.

David Williams: I have question for you on that John, will their emissions be subject to any EPA regulations?

Johns Stroud: Curt has probably read the article more than I have. All emissions are subject to the EPA.

Chairman McKee: If you are going to speak Mr. Hubiak may I swear you in? Your name and address please.

Bill Hubiak: Bill Hubiak, County Engineer 4079 Shady Hollow Drive.

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

Bill Hubiak: I do.

Chairman McKee: Please proceed.

Bill Hubiak: Kentuckians for Better Transportation formed this past January, they had a special session on the Kentucky Bourbon Trail and the micro distilleries came up in this thing. The Kentucky Bourbon Trail is vastly gaining on horseracing as the number one tourism in our state right now and they are encouraging the micro distilleries, the trend right now in the market is for high-end bourbons in the United States and abroad. The revenue is generated by the products coming out of our state is grown phenomenally in the past several years and continues to grow. This is another avenue to bring tourism and commerce and revenue into our state just like our wineries. If you have ever been to a microbrewery, a lot of them are in the same building where they have the restaurant and the facilities for people. As far as the rules and regulations for the building codes they are all enforced for the safety of the public. It will be controlled by the Alcohol Beverage Commission they are limited to, depending on the size of the area, no more than twenty (20) barrels per month to be manufactured and I know that's what the one in Louisville that's coming on board is going

to be limited to. So, these things are highly regulated by the Alcohol Beverage Commission and our State and will be under scrutiny of all those plus the auspice of all the building and code regulations for the public.

Chairman McKee: Any questions for Mr. Hubiak?

David Williams: Mr. Hubiak, did you get close to any of the micro distilleries to smell it?

Bill Hubiak: No sir. I have not been to one yet, in fact I don't think the one in Louisville is online quiet yet. But I'm sure the type of distilleries that we're talking about with these small areas, I've been to some of the larger ones, I hadn't noticed any foul smells. They will be regulated, like I said, to do those things. With the microbreweries that have already been installed, I've been to several of those inside the building itself where you can see all the workings. I have not noticed any foul odors from them. There are no open flames; they're not running a still so I'm sure these things have been looked at dramatically by the Alcohol Beverage Commission and Tourism Commission also.

Chairman McKee: Thank you sir, any further questions? Is there anyone here that would like to speak for or against this text amendment? Seeing none, the Chair will entertain a motion.

***MOTION WAS MADE BY TAUNYA EYRE, SECONDED BY
RODNEY THOMAS TO APPROVE THE TEXT
AMENDMENTS TO ARTICLE II, SECTION 2.01 BY
ADDING A DEFINITION OF "CRAFT DISTILLERY" AND***

“MICROBREWERY”, AND AMENDMENTS TO ARTICLE XX, SECTION 20.03(D) (H), BY INCLUDING “CRAFT DISTILLERY” AND “MICROBREWERY” AS CONDITIONAL USES TO THE CENTRAL BUSINESS DISTRICT OF THE CITY OF HENDERSON ZONING ORDINANCE AND SEND AS A RECOMMENDATION TO THE HENDERSON CITY COMMISSION.

ALL IN FAVOR: AYE

OPPOSED: NONE

Chairman McKee: The Chair will entertain a motion to close the public hearing.

MOTION WAS MADE BY KEVIN RICHARD, SECONDED BY DICKIE JOHNSON TO CLOSE THE PUBLIC HEARING.

ALL IN FAVOR: AYE

OPPOSED: NONE

Chairman McKee: Next on the agenda is the Planning Commission Finance Report for February 2015, we have had an opportunity to review it. Chair will entertain a motion.

MOTION WAS MADE BY BOBBIE JARRETT, SECONDED BY DAVID DIXON TO APPROVE THE PLANNING COMMISSION FINANCE REPORT FOR FEBRUARY 2015.

ALL IN FAVOR: AYE

OPPOSED: NONE

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

MOTION WAS MADE BY MAC ARNOLD, SECONDED BY BOBBIE JARRETT TO APPROVE THE BOND REPORT AS SUBMITTED.

ALL IN FAVOR: AYE

OPPOSED: NONE

Chairman McKee: Next on the agenda is other business and administrative business. Change the bylaw's and add a regular P.C. meeting Mr. Freese, would you like to...

Curt Freese: If you remember last month there was the discussion about adding a regular January meeting. Staff proposed eliminating the annual meeting and turning that into a regular P.C. meeting and the Planning Commission had thought there were some concerns about limiting that annual meeting there were concerns it was done too quickly in January and that justified a full meeting. So, I made the simple change to add a regular meeting to the bylaw's that you'll see in red and so should that date fall on New Year's Day like the Fourth of July; essentially we'll have to move that to a Monday or Wednesday instead of a Tuesday. The election of officers would have to occur at the beginning of that meeting because right now we do it at the annual meeting and we don't have a regular meeting

until February so before we start business I think the election of officers, just as a general rule.

The other option is to proceed without changes and not to go forward with the bylaw change and essentially if there's pressing business in January we set up a special meeting as we did this year and the year before separate from that annual meeting and during a different week. So that's another option is that we just call a special meeting in a different week to hear those things so that's something we have to discuss.

Chairman McKee: Refresh my memory but the election of officers by itself didn't seem to be as troubling as going through the plan of work. So, do both of those have to happen at the annual meeting or at the same time?

Curt Freese: No, that's why I suggested if we're going to have a regular meeting in January then we need to do the election of officers at the start of that meeting.

Chairman McKee: Which would occur before the work session on the annual meeting?

Curt Freese: That's correct.

Chairman McKee: Is everyone understanding all that? Anybody have questions about that? Do you have preference? It would require an amendment to the bylaws.

Curt Freese: I prepared the amendment to the bylaw's which would just add January instead of February and says the

nomination of the officers shall be made at the start of the business at the first meeting of the year instead of the annual meeting. Those are the changes that were required if we're going to go forward with this.

Taunya Eyre: I think I do have a question. Isn't our fiscal year January, I mean, July?

Curt Freese: It's July first.

Taunya Eyre: Then why is the annual meeting in the middle of the fiscal year?

Curt Freese: That's a good; you'd probably have to ask Peggy that question.

Taunya Eyre: I'm just wondering why we have to do it at the very beginning of the very first meeting of January if that's not even really our, the beginning of our year. Tommy Jo?

Tommy Jo Fridy: Your fiscal year is a financial year, it's a budget year. Typically, we're not governed by Statute on this issue but your City and County are. They take office the first of the year so officers typically, on a Planning Commission, typically follow what you're...

Taunya Eyre: Ok, that makes sense.

Tommy Jo Fridy: There's another consideration. Think about having an election of officers at the end of your meeting and here's why I would ask you to think about that. If I came on as

Chairman and you, and you'll let me Chairman at the beginning of the meeting and I'm not experienced at chairing a meeting, I might like to have until the next month to get myself mentally prepared to chair. You could have a "Wal-Mart" that you have to chair. The Chairman will still and the Secretary, Treasurer will still serve for twelve (12) meetings it's just a question of whether you start in February and you end up in January you could do it so the officers take effect the next month. I'm not suggesting that you do it, it's just a consideration.

Mac Arnold: So we're talking about changing that from starting at the first of the meeting to the end of the meeting?

Tommy Jo Fridy: It's your choice.

Curt Freese: Or we could just call a special meeting in a different week than the annual meeting, that's the other option and that wouldn't require (inaudible).

Chairman McKee: So you could leave the annual meeting as it is and then call a special meeting if we have anything to consider. Is that what you're saying?

Taunya Eyre: Which we have done.

Curt Freese: I think the concern this time is that they were combined so if we call a special meeting and that's what we did last year too, it was combined the annual meeting and the special meeting so it sounds like everyone would prefer the special

meeting to be one week and the annual to be the other week. So, that would be what we propose to do.

David Dixon: A special meeting would be new public business, applications, etc...

Curt Freese: The draw-back to that is if you wouldn't have a regular meeting to come to and we would have to call a special meeting. Tell a developer, we'll have to contact the Planning Commission and find out if we can do a special meeting and see if everyone is available for that day and tell them a day later, "Yes we can."

David Williams: We've had to have a special meeting twice now in a row?

Curt Freese: It hasn't been a problem so far.

Tommy Jo Fridy: And you put people off more than twice, the system has.

Curt Freese: We would have to amend the budget too because we would have to pay you for an extra meeting.

Tommy Jo Fridy: Do you want to think about it more before the next meeting or do you want to do it?

David Williams: What does everyone think? Are you happy with having just a regular meeting and...

Taunya Eyre: The only issue comes to light if it's a long meeting and then trying to have the annual meeting follow it, it's rushed enough.

Curt Freese: We would want to call the special meeting a different week than the annual meeting.

David Dixon: Maybe we should have a regular meeting to do the officers, conduct the public business and have a special meeting to deal with our internal plan of work, accomplishments and etc. Make that the special meeting; because only we would be the ones to come I doubt if that would be an audience pleaser.

Taunya Eyre: And Frank.

David Williams: I guess if there was nothing for a regular meeting there would be nothing stopping us from going ahead and declaring our annual meeting at that time and going ahead with it.

Rodney Thomas: Sounds like a good idea.

Taunya Eyre: Unless it has to be publicized.

Curt Freese: The annual meeting just needs a media notice.

David Dixon: If it would help builders, developers and citizens interested in business that we do to have a set meeting, a regular meeting they can count on and plan on then I'm all for that.

Kevin Richard: I agree.

David Dixon: If we need to look at our plan of work or whatever we can do that at another meeting.

Chairman McKee: So then the question becomes will you elect the officers at that meeting or do elect officers at the annual meeting with the plan of work?

David Dixon: I say we would elect it at the end of the regular meeting as we've been advised.

Chairman McKee: That requires a change in the bylaws.

Curt Freese: We could just keep Section I the same and do it at the Annual Organizational meeting and we wouldn't have to change that, might be easier.

Tommy Jo Friday: The Organizational Meeting is now the second something, Monday?

Theresa Curtis: Second Monday of January.

Tommy Jo Friday: And if you're going to change, make a regular meeting on the first Tuesday unless it's a holiday.

Curt Freese: If we do add an extra meeting we will have to add in the budget extra monies to pay the members. That's the only...

Chairman McKee: How much is it? Seven hundred fifty bucks?

Curt Freese: Fifty dollars times twelve, so six hundred dollars.

Chairman McKee: I'm not in favor of throwing away money but I wouldn't let six hundred dollars make my decision for me it would be whatever works best for the public and for the Planning Commission.

MOTION WAS MADE BY DAVID DIXON, SECONDED BY RODNEY THOMAS TO AMEND ARTICLE III, SECTION I TO SAY NOMINATIONS OF OFFICERS SHALL BE MADE FROM CITIZEN MEMBERS AT THE END OF BUSINESS AT THE FIRST MEETING OF THE YEAR AND THAT WE WILL AMEND ARTICLE V, SECTION I, TO SAY WE WILL MEET THE FIRST TUESDAY OF EACH MONTH JANUARY THROUGH DECEMBER.

ALL IN FAVOR: AYE

OPPOSED: NONE

Tommy Jo Fridy: Is there another bylaw section that says what happens when the meeting falls on a holiday? That you meet on the next Tuesday or the next business day or the next something?

Curt Freese: Surprisingly there's not.

Tommy Jo Fridy: Do you think we ought to have that?

David Dixon: In other words, incorporate what Curt has in his memo here.

Mac Arnold: If any of the Holidays, the Fourth or whatever if it falls on that second Tuesday, we've always just rescheduled it for another time.

Tommy Jo Fridy: But it would keep you from having to call a meeting, if you think that's good idea, staff could make you another proposal for the next meeting, another bylaw amendment. Bylaw amendments do not need to be advertised they just need to be on your agenda.

Taunya Eyre: Can we not just in Article V Section I state after the Amended Jan, 1999 your sentence should the date fall on a holiday the meeting will be moved to a Monday or Wednesday of that week instead?

Tommy Jo Fridy: You need to say when. If it's a regular meeting you need to say when it is. It will be moved to Wednesday of that week or whatever. You need to be specific about when, you can't have discretion.

Taunya Eyre: We do it now without anything in the bylaws.

Tommy Jo Fridy: Not actually, you do but you have to call a special meeting. You have discretion about when you call a special meeting. If it falls on a holiday then the meeting that you replace it with is not a regular meeting but a special meeting.

Mac Arnold: The following Tuesday you get into the conflict then with that the City Commission is that necessarily a

problem? Do we just say meetings at Peabody Building or what?

Curt Freese: Well, we would rather not. Because this is televised and we have no capacity to televise it and we really don't have a really good recording system, it's very archaic and to do the minutes would be very difficult there. I'd really rather not do it there.

David Dixon: Can I amend my motion at this point before the vote?

David Williams: It's been voted on.

Tommy Jo Fridy: You can if the person that seconded it, have you voted?

Chairman McKee: We have.

David Dixon: We have not voted.

Chairman McKee: We have.

David Dixon: Ok, sorry.

Tommy Jo Fridy: Then you make a new motion.

David Williams: I would make a motion that when any of our stated regular meetings falls on a holiday that we automatically move the regular stated meeting to the next Tuesday.

Taunya Eyre: That won't work because of the City Commission meeting.

David Williams: Alright then, Wednesday?

MOTION WAS MADE BY DAVID WILLIAMS, SECONDED BY DAVID DIXON TO AMEND ARTICLE V, SECTION I, TO STATE SHOULD THE DATE FALL ON A HOLIDAY, THE MEETING WILL BE MOVED TO A WEDNESDAY OF THAT WEEK.

ALL IN FAVOR: AYE

OPPOSED: NONE

Chairman McKee: Is this Personnel Rules and Regulations or a text amendment to the bylaws?

Curt Freese: It's the Personnel Regs and that's Article II, C-5. Well we discussed this before and it's just something that we all discussed because, I feel a little nervous saying it because we have noticed the last number of New Year's Eve there hasn't been a single person come in or call and I think it's because the County is closed and the State is off but the City is open. So, that's just something we've been discussing and we should add this. It's not a requirement and we don't want to be asking for too much obviously we have very good benefits and we're not mad or ...

David Williams: Maybe we should declare that the second part of New Year's Eve belongs to the County and since the County is closed we'll just let you guys have that off.

(Laughter)

Brian Bishop: You work the first half and not the second half, is that what you're saying?

David Williams: Yeah.

David Dixon: It would be better than the other way around.

Curt Freese: But if not, it's not the end of the world.

MOTION WAS MADE BY KEVIN RICHARD, SECONDED BY TAUNYA EYRE TO APPROVE THE TEXT AMENDMENT TO THE PERSONNEL REGULATIONS ARTICLE II-RULES AND POLICIES BENEFITS 5-A TO ADD THE WORD NEW YEAR'S EVE TO THE LIST OF HOLIDAYS.

ALL IN FAVOR: AYE

OPPOSED: NONE

Chairman McKee: Is there any further business to come before the Planning Commission?

Curt Freese: We have a scheduled public open-house, Thursday at 5:30 pm right here, March 12. Anybody that would like to see what we're looking to do for the Comprehensive Plan feel free to come.

Chairman McKee: Theresa will you send an email to remind us of that too?

Theresa Curtis: I sure will.

Taunya Eyre: On that day.

Theresa Curtis: Remind you on that day too? Ok.

***MOTION WAS MADE BY DAVID WILILAMS, SECONDED
BY KEVIN RICHARD TO ADJOURN.***

ALL IN FAVOR: AYE

OPPOSED: NONE

MEETING ADJOURNED AT 7:05 P.M.