

Henderson City-County  
Planning Commission  
October 6, 2020

The Henderson City-County Planning Commission held a meeting October 7, 2020 at 6:00 p.m., at the Peabody Building, 1990 Barret Ct, Suite F, *via teleconference*. Members present via teleconference: Chairman David Dixon, Vice-Chairman David Williams, Bobbie Jarrett, Gary Gibson, Rodney Thomas, Dickie Johnson, Gray Hodge, Kevin Richard, Mac Arnold, Kevin Herron, and Tommy Joe Fridy. Stacy Denton and Doug Bell were absent. Staff present: Director Brian Bishop, Jennifer Marks, Heather Lauderdale and Chris Raymer. Theresa Curtis was absent.

***MEETING BEGAN AT 6:00 PM***

Chairman Dixon: I'd like to call this Tuesday, October 6, 2020 meeting of this Henderson City-County Planning Commission to order.

***“Due to the emergency resulting from the Coronavirus (COVID19), and to help protect the community from the spread of COVID19 by limiting in person contact, this regular October 6, 2020 meeting of the Henderson City-County Planning Commission is being held by video teleconference.***

***This meeting is being telecast live on Facebook by the Henderson County Kentucky government page for the media and the public to view.”***

Madame Secretary, can you call the roll?

Chairman Dixon: Very good Madame Secretary, do we have a quorum?

Heather Lauderdale: We do.

Chairman Dixon: Excellent, thank you.

The first order of business is several public hearing items, I need a motion to go into **public hearing**.

***MOTION WAS MADE BY GRAY HODGE, SECONDED BY KEVIN RICHARD TO GO INTO PUBLIC HEARING.***

Chairman Dixon: Good, we've got a motion and second. All in favor say aye.

***AYE: ALL***

Chairman Dixon: Any opposed?

***NAY: NONE***

Chairman Dixon: Very good, we're in public hearing.

The first item to consider is approval of the **minutes from September 1, 2020** teleconference meeting.

***MOTION WAS MADE BY KEVIN RICHARD, SECONDED BY MAC ARNOLD TO APPROVE THE MINUTES FROM SEPTEMBER 1, 2020 AS DISTRIBUTED.***

Chairman Dixon: We have a second at hand, all in favor say aye.

***AYE: ALL***

Chairman Dixon: Any opposed?

***NAY: NONE***

Chairman Dixon: The minutes are approved.

Next item is the **Agricultural Division of the HenderSun Energy, LLC**. I think Jennifer is going to lead that discussion.

Jennifer Marks: Thank you, Mr. Chairman.

This was submitted by Hendersun Energy, LLC submitted by Hendersun Energy, for the property located in Henderson County at (PID# 115-0.2), bounded by the Green River to the east, bounded by Upper Delaware

Road to the south; bounded by Freeman-Pearcy Road to the west; and bounded by PID# 109-4, #109-2, #109-1.1 to the north, at the termination of Lower Delaware Road, containing approximately 2,054.47 acres in a Special Flood Hazard area. Applicants are requesting an agricultural division for fourteen (14) lots to be used for AG purposes, non-residential.

If you all will notice in your packet, this plat was originally submitted in June of 2020 for us to do a rezoning on that property. We did rezone from Heavy Industrial to AG. This AG division roughly contains 2,052 acres to be divided into fourteen tracts.

As you will recall, an AG Division does not have to meet the Subdivision Regs but they do come to Planning Commission for approval. In order to meet the requirements of an Ag Division for this one, the property owners did have to do a dedication of the right of way along the haul road; you guys will see that along there creating a public road per KRS 178. The road will not be considered a county road or receive county maintenance per the road dedication certificate. You'll see on the plat we did have it reviewed by the County Engineer as well as the County Attorney for proper language there.

The staff does recommend approval for this AG Division, and if you have any questions, I will try to help you.

Chairman Dixon: Any questions for staff?

David Williams: Who will do maintenance on the road if it's not going to be a county road?

Jennifer Marks: The road will not be... it's just a public road. It will not be maintained by anyone until someday further on down the line the County was to decide to take it in as an approved county road.

Chairman Dixon: Other questions for staff?

Brian Bishop: Commissioner Williams, can I jump in there for a second?

David Williams: Yes.

Brian Bishop: That is the old haul road that was used to access the property before, the county has no interest in maintaining that but the public right of way is dedicated so that the folks that own the property can travel that so that way they have access to an actual road; it's just not a county maintained road.

Clear as mud?

David Williams: Kind of strange but I guess it will go.

Chairman Dixon: Any other questions for staff?

Do we have anyone available that would like to speak in favor of or against this division? Be it Facebook or otherwise?

Brian Bishop: We are seeing no one on Facebook LIVE at this time.

Chairman Dixon: Very good. No other questions folks?

Dickie Johnson: Mr. Chairman, if a motion is in order I will make the motion.

Chairman Dixon: I will consider a motion in order.

***MOTION WAS MADE BY DICKIE JOHNSON, SECONDED BY MAC ARNOLD TO APPROVE THE AGRICULTURAL DIVISION OF THE HENDERSUN ENERGY, LLC SUBMITTED BY HENDERSUN ENERGY, FOR THE PROPERTY LOCATED IN HENDERSON COUNTY AT (PID# 115-0.2), BOUNDED BY THE GREEN RIVER TO THE EAST, BOUNDED BY UPPER DELAWARE ROAD TO THE SOUTH; BOUNDED BY FREEMAN-PEARCY ROAD TO THE WEST; AND BOUNDED BY PID# 109-4, #109-2, #109-1.1 TO THE NORTH, AT THE TERMINATION OF LOWER DELAWARE ROAD, CONTAINING APPROXIMATELY***

***2,054.47 ACRES IN A SPECIAL FLOOD HAZARD AREA.  
APPLICANTS ARE REQUESTING AN AGRICULTURAL  
DIVISION OF FOURTEEN (14) LOTS.***

Chairman Dixon: We have a motion and a second, Madame Secretary please call the roll.

***AYE: ALL***

***NAY: NONE***

Chairman Dixon: Very good, motion passes.

The next item is an **Assignment of a Zoning Classification in Conjunction with Annexation.**

Mr. Bishop is going to take that one.

Brian Bishop: Yes sir, thank you.

This is #1104 Assignment of a Zoning Classification in Conjunction with Annexation. This is submitted by the City of Henderson for a certain tract or parcel located at the southeast intersection of the Audubon Parkway and Highway 812 (Airline Rd PID #67-77), located in Henderson County, containing approximately 58.1 acres, and portions of Audubon Parkway, Right of Ways for a total of 78.074 acres. The applicant Hillview Enterprises, LLC is seeking annexation of this parcel from County Agricultural (AG) to City Agricultural (AG).

I need to give a little bit of background on this one. This piece of property is currently being purchased by the City from the applicant. That property is expected to be closed upon in the first week of January.

The City has chosen this spot as a potential sports park. So, at that point they will own it and they will seek to develop it for that use. But until then, it's going to be continued to be used as an agricultural piece of property, basically farmland, and there is not a clear cut answer on when

the sports park will be developed. I anticipate it being farmland for quite a bit longer.

We also have two (2) folks to address that on here if they would like to. Mr. Lambert who is one of the property owners who is with us, and then Mrs. Donna Stinnett with the City is with us as well.

The Planning Commission's role in this process is that we recommend zoning classifications. So, for example this is currently zoned County Agricultural, staff and the Planning Commission's recommendation would be to go from County Agricultural to City Agricultural. The uses are very similar, the permitted uses are nearly identical, it's a fit for the property because that's what the proposed and future use will be until the proposed sports park is built.

With that, I will do my best to answer any questions about the annexation and the assignment of zoning.

Chairman Dixon: Just to clarify, we are being asked to assign a zone, we are not being asked to approve an annexation; is that correct?

Brian Bishop: That is correct. We are certainly not being asked to approve a sports park.

David Williams: So, if we approve the zoning change, will the sports park automatically be ok in that? Is that a permitted use in an Agricultural zone in the city?

Brian Bishop: Commissioner Williams, that's probably something better suited to address later down the road. That would be something that would be considered a permitted use or non-permitted use by the City Zoning Ordinance.

At the time the City could make the argument that they're exempt, I believe, but I think Mr. Fridy is wanting to say something...Mr. Fridy, if you would, I think you're still on mute.

Tommy Joe Fridy: Am I still on mute?

Brian Bishop: We can hear you.

Chairman Dixon: You're good.

Tommy Joe Fridy: We are recommending a City Zoning Classification. We've been asked to hold a public hearing and the Planning Commission recommend a zoning classification. Staff has recommended City Agricultural.

Chairman Dixon: Very good. That is the topic before us today. Any other questions for staff or Mr. Fridy?

I need you to state your name and address.

David Lambert: David Lambert, I own the property.

Chairman Dixon: Ok, I need you to promise to tell the truth and nothing but the truth.

David Lambert: Yes I do.

Chairman Dixon: Thank you sir.

David Lambert: I'm a managing member of Hillview Enterprises, LLC, and I wanted to know where you're getting the twenty (20) acres right of way for Audubon Parkway? Isn't that behind a fence?

Brian Bishop: Mr. Lambert that is included in the legal description provided by the surveyor as the portion that would be used as... it's defined in the annexation.

It's not necessarily ownership, it's the annexation portion of it.

David Lambert: Ok, so is all that south of the parkway or take the right of way on both sides of the parkway?

Brian Bishop: Let me see if I can give you a better answer via drawings, just one second.

Chairman Dixon: Can we put these drawings up?

Tommy Joe Fridy: Mr. Lambert, it doesn't change your ownership, it's just the City is annexing a portion of the right of way, as well as annexing your property that's going to be sold to the city.

David Lambert: I have other property north of the parkway, and I just wanted to make sure this isn't infringing on that property, it's just the right of way south of the parkway.

Tommy Joe Fridy: Well, even if it isn't, but even if it were the right of way north of the parkway, it still wouldn't infringe upon or change your property north of the parkway.

We're only speaking about right of way.

David Lambert: I just thought it was odd you could annex that being a parkway....anyway.

Tommy Joe Fridy: You can. The public body would have the state or federal government, whoever has title to it could object to it but they not only haven't objected, they're in agreement with it.

David Lambert: Huh? Ok.

Tommy Joe Fridy: They don't pay any taxes so they don't care.

David Lambert: Ok. I just wanted a clarification.

Chairman Dixon: We're trying to get a better illustration here for us folks.

Brian Bishop: Give me one second, guys.

Can everyone see the drawing of the plat of the property itself?

Gray Hodge: Yes.

Brian Bishop: So, basically to answer Mr. Lambert's question, this is the body of his property; you'll see this line here. Then, this refers to the right of way here; I'm assuming to the right of way and property line of Mr. Lambert's other property that he asked about.

Chairman Dixon: So, it does include the north side easement?

Brian Bishop: The northernmost right of way, yes.

Mr. Lambert, does that take care of your questions?

David Lambert: Yes, and I wasn't aware that you were going to maybe farm this awhile longer. I thought you already had the bond issued to start on this. If you intend to continue farming it, Billy Ray is the one that farms that for me too and he would like to put his name in the pot to continue farming that for you if you would like him to do that.

Brian Bishop: Mr. Lambert, I'm going to defer to Mrs. Stinnett on that. It is my understanding that the property was not going to be immediately used for a sports complex, and that the farming would be the continued use. But, let me refer to Donna please.

Donna Stinnett: That is my understanding....

Chairman Dixon: Excuse me, I'm sorry... I need your name and address, stranger.

Donna Stinnett: Donna Stinnett, I work for the City of Henderson. My address is 820 Center Street.

Chairman Dixon: Do you promise to tell the truth and nothing but the truth this evening.

Donna Stinnett: Yes sir, I do.

Chairman Dixon: Thank you very much, please proceed.

Donna Stinnett: That is my understanding as well; that it will take some time in order to develop this into a sports complex as we have envisioned it.

I will be happy to pass along that information from Mr. Lambert in regards to his farmer tenant.

David Lambert: He's familiar with the ground, he's done a lot of upgrades on it for water control so he would be really helpful in farming that if you want.

Donna Stinnett: Sure, thank you very much.

Chairman Dixon: Very good. Do we have anyone else who would like to speak in favor or not in favor of this zoning designation; on Facebook or otherwise?

David Lambert: What was Donna's last name?

Donna Stinnett: Stinnett.

David Lambert: Bennett, with a B?

Donna Stinnett: Stinnett.

David Lambert: Stinnett, ok.

Brian Bishop: Mr. Chairman, I am not seeing anyone asking questions via Facebook LIVE.

Chairman Dixon: We have no Facebook questions. Is there anyone else on the ZOOM meeting that has any questions or has a comment?

Charlie McCollum: I've got a comment. Charlie McCollum, 2829 Tippecanoe. I promise to say the truth, the whole truth and nothing but the truth?

Chairman Dixon: Thank you.

Charlie McCollum: First I would like to thank you and your family for what you all have done. I know you've done it for the betterment of Henderson County, and I really do appreciate that. I didn't know if you all had reserved the minerals under that or not but I thought you all might need to think about that.

David Lambert: No we haven't. It's been in the agreement that you get those too.

Charlie McCollum: Ok, fantastic. I appreciate what you all have done and I'm sorry about the loss of your two (2) brothers too.

David Lambert: We appreciate it, we miss them.

I wanted them to see this happen.

Charlie McCollum: My mother passed away in April, and your brother was really nice to her and I appreciate that too. I'm sorry, thank you all.

David Lambert: Thank you.

Chairman Dixon: Thank you Mr. McCollum, and we extend our condolences as well.

Anybody else that would like to speak to this matter?

David Lambert: Yes, there's nobody that would have been more excited about this happening than Poncho Lambert.

Chairman Dixon: I would think so.

David Lambert: We would like to continue helping to make this happen; keep us informed.

Chairman Dixon: Thank you sir, the community appreciates it.

Anything else for staff or otherwise?

I'll entertain a motion in regard to the assignment of zoning. What's the pleasure of the commission?

Brian Bishop: Commissioner Williams, you're on mute.

David Williams: I'm sorry, David, this is a recommendation, right?

Brian Bishop: Correct.

**MOTION WAS MADE BY DAVID WILLIAMS, AND  
SECONDED BY MAC ARNOLD TO SEND TO THE CITY  
COMMISSION FOR APPROVAL OF THE ASSIGNMENT OF  
ZONING CLASSIFICATION IN CONJUNCTION WITH THE**

**ANNEXATION AS SUBMITTED BY THE CITY OF HENDERSON FOR A CERTAIN TRACT OR PARCEL LOCATED AT THE SOUTHEAST INTERSECTION OF THE AUDUBON PARKWAY AND HIGHWAY 812 (AIRLINE RD. #67-77) LOCATED IN HENDERSON COUNTY, CONTAINING APPROXIMATELY 58.1 ACRES, AND PORTIONS OF THE AUDUBON PARKWAY RIGHT OF WAYS FOR A TOTAL OF 78.074 ACRES. THE APPLICANT, HILLVIEW ENTERPRISES IS SEEKING ANNEXATION OF THIS PARCEL FROM COUNTY AGRICULTURAL (AG) TO CITY AGRICULTURAL (AG).**

Chairman Dixon: We have a motion and a second. Madame Secretary, please call the roll.

***AYE: ALL***

Chairman Dixon: Any opposed?

***NAY: NONE***

Chairman Dixon: The motion passes. I would like to thank Mr. Lambert and others who have spoken to this issue and helped us understand it.

David Lambert: Before I go, could I ask Brian to get a copy of that one picture of the farm that's being annexed?

Brian Bishop: Mr. Lambert, would you like the survey plat or would you like the aerial photograph.

David Lambert: Both of them will be fine.

Brian Bishop: Not a problem. We will reach out to you tomorrow and get your email address.

David Lambert: Ok, thank you all. Bye-bye.

Chairman Dixon: The next items are some **amendments to the Henderson City Zoning Ordinance.**

I think Mr. Ray Nix is going to lead that discussion.

Ray Nix: Yes. The first amendments relate to manufactured housing. Currently, manufactured housing is permitted in R-3 and ARD, the Audubon Residential District. Just for your information, R-3 has a segment roughly from Fifth Street north to Twelfth, and east of Green Street to just east of North Adams Street; for a geographical area.

Another geographical area of R-3 is from Sand Lane north to Pringle, and from the cemetery east to Atkinson Street.

The ARD zone covers an area from Pringle north to Clay, and Ingram east to Atkinson Street. So, that gives you a geographical area of what we're discussing here.

The nature of the sizes of some of the lots in some of those districts end up actually preventing the placement of a manufactured home because the ordinance states that the home shall meet all requirements for lot, yard, building and other requirements for the district.

In essence, no variances.

Regular stick built constructed homes are allowed variances but not to manufactured homes as described. With current manufactured home designs and our current ordinance definition and requirement standards, manufactured homes should have the variance opportunities to help meet a long-term goal of the City of providing affordable housing.

So, the amendments for manufactured housing are as follows;

Section 2.01, in definitions of manufactured housing the following is added; variances may be granted for yard setbacks when the manufactured home is approved as a conditional use in R-3 or ARD districts.

Going into the actual zoning segment itself; Section 13.02, R-3 Zoning District; the permitted use of Class A manufactured homes has been deleted but in 13.03, R-3 Zoning district conditional uses, Class A manufactured homes has been added to include it's definition in addition to the just stated section I just mentioned about Section 2.01.

As well as the additional limitations that are described in the definitions of Class A manufactured homes.

Some of those additional limitations relate to acceptable installation and appearances as well as set-back limitations. There's a contextual set back requirements that are similar to what is described in our HIP and also our Gateway Zoning District. So, we utilize those for reference.

In Section 31.03 is the ARD Zoning District permitted use of Class A manufactured homes, that has been deleted from that segment.

However, again, in Section 31.03 ARD Zoning District, conditional uses of Class A manufactured homes has been added similar to what we did in the R-3 zoning segment.

We have also added in both the R-3 and ARD zoning district language, the statement that in the granting of the variance, in no instance shall any permanent structure be permitted to be placed in a public utility or drainage easement.

This is the same statement language that has been added as an amendment to Section 5.01, 7(q) to the powers and duties of the Board of Zoning Adjustment regarding to the hearing and decisions of the board on applications for variances. That pretty much covers the amendments that are regarding the manufactured housing.

The final amendment is regarding signage in the Gateway Zoning District. When the Gateway zone was instituted back in 2014, there was flashing, traveling, animated signs were prohibited.

We have observed the following over the past several years; 1.) The signage industry has evolved and animated signs are becoming the method of choice to provide a method of messages on one sign board. 2.) The improvement of technology has been significant which has allowed for the dialing in of electronics to meet motion and light sensitivity and requirements. Animated signs are currently permitted in Highway Commercial, and by Conditional Use in General Business, Central Business District, as well as Light and Heavy Industrial.

Some recent examples of Conditional Use permits for these animated signs in the General Business zone which is typically up and down Green Street are the; convenient care, Independence Bank, German American Bank, Cancun Restaurant, and more recently the Beverage Barn and just last month the Race Creek Baptist Church, which is across from Jefferson Elementary School.

The City is requesting the addition of animated signs as a Conditional Use permit for the Gateway Zone, which includes all the definitions and specifications requirements currently listed for the signs.

It also includes limitations that the sign be a part of a monument-type sign with the monument part to be no taller than eight (8) feet in height and width with the actual site itself limited to four (4) feet in height and six (6) feet in width. The materials used shall be consistent with the current permitted materials list for said signs in the Gateway Zone district and that landscaping is to be established and maintained as part of the sign location.

That was a lot to cover, but that pretty much concludes the presentation and explanations as best as I can give them. If you have any questions, I'll be glad to answer them.

Chairman Dixon: Let's make sure we understand. In this case, we would be asked to make a recommendation again?

Brian Bishop: Correct. This text was originated by the City Commission, the board of Commissioners so they sent that to us with the proposed language. We hold the public hearing and recommend back to the board of Commissioners.

Kevin Richard: Mr. Nix?

Ray Nix: Yes?

Kevin Richard: Being that the verbiage still prohibits a back lit sign, what would be an example of a back lit sign?

Ray Nix: It would basically be a sign case with the light source behind the sign face.

Brian Bishop: Mr. Richards, would you like an example, perhaps?

Kevin Richard: Just for clarity...an LED flashing sign versus a back lit sign; what makes a back lit sign different from the LED sign?

Ray Nix: Quite often, LED is on the front face of the sign, and they can have simple messages as well like open, or closed. I think that's probably an example of that but a back lit sign is basically the old type signs that are still hanging on some of the business up and down Second Street where they're basically a plastic sign front and back, and inside is a light source that illuminates it.

Brian Bishop: Those are normally fluorescent bulbs, correct?

Ray Nix: Yes.

Brian Bishop: Does that help Commissioner Richard?

Kevin Richard: Yes, I thought that's what it meant, I just wanted to clarify it so everyone would make sure what that was, including myself.

Chairman Dixon: Thank you, thank you. Any other questions?

As far as the public hearing, do we have anybody who would like to speak for or against these amendments?

Brian Bishop: We have eight (8) folks watching on Facebook, and no questions at this time.

Chairman Dixon: Anybody watching on Facebook want to ask a question or make a point?

Brian Bishop: We scared one person off, we're down to seven; still no questions.

Chairman Dixon: Any other questions from the Commission?

I'll entertain a motion in regards to these amendments to the Henderson City Zoning Ordinance.

***MOTION WAS MADE BY DAVID WILLIAMS, SECONDED BY MAC ARNOLD TO PROPOSE A RECOMMENDATION TO THE CITY COMMISSION THE APPROVAL OF THE AMENDMENTS TO THE HENDERSON CITY ZONING ORDINANCE, APPENDIX A ZONING. THE PLANNING COMMISSION HAVE CONSIDERED ADDING CHANGES TO THE FOLLOWING ARTICLES;***

***ARTICLE II, SECTION 2.01, DEFINITIONS- (1) CLASS A MANUFACTURED HOUSING (A) (4);***

***ARTICLE V, SECTION 5.01- POWERS AND DUTIES; (Q)***

***ARTICLE XIII- R-3, MEDIUM TO HIGH DENSITY RESIDENTIAL DISTRICT, SECTION 13.02, PERMITTED USES;***

***ARTICLE XIII- R-3, MEDIUM TO HIGH DENSITY RESIDENTIAL DISTRICT, SECTION 13.02, CONDITIONAL USES;***

***ARTICLE XXXI, AUDUBON RESIDENTIAL DISTRICT, SECTION 31.03-PERMITTED USES;***

**ARTICLE XXXI, AUDUBON RESIDENTIAL DISTRICT, SECTION 31.03-CONDITIONAL USES;**

**ARTICLE XXXIII, GATEWAY ZONE DISTRICT #1, SECTION 33.14-SIGNAGE.**

Chairman Dixon: We have a motion and a second. Madame Secretary, please call the roll.

**AYE: ALL**

**NAY: NONE**

Chairman Dixon: The motion passes, thank you folks.

Now I need a motion to leave public hearing.

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

Chairman Dixon: Good, we've got a motion and second. All in favor say aye.

**AYE: ALL**

Chairman Dixon: Any opposed?

**NAY: NONE**

Chairman Dixon: We are out of public hearing.

The first non-public hearing item is the **September Finance Report**, Ms. Marks will lead that this month.

Jennifer Marks: I believe you all did receive a copy of the Finance Report. Right now, we are currently at 34% of our annual budget. If you have any questions I can try to answer and/or we can get Theresa.

Chairman Dixon: Any questions about the Finance Report? I'll entertain a motion in regard to it.

***MOTION WAS MADE BY BOBBIE JARRETT, SECONDED BY DAVID WILLIAMS TO ACCEPT THE SEPTEMBER FINANCE REPORT AS PRESENTED.***

Chairman Dixon: Good, we've got a motion and second. All in favor say aye.

***AYE: ALL***

Chairman Dixon: Any opposed?

***NAY: NONE***

Chairman Dixon: Very good, the Finance Report is approved.

Next item is Administrative Business, regarding the November Planning Commission meeting. Brian?

Brian Bishop: Yes sir. As luck would have it, our next meeting is scheduled for November 3 which just happens to be a big date for us as Americans, that is Election Day.

I think a lot of people would like to be around and watch the results for that. So, staff's recommendation would be to have our next meeting the Monday before which would be the 2<sup>nd</sup>, or the Wednesday after which would be the 4<sup>th</sup>.

We would like to stay within that week if at all possible because we have some items that will be coming from the City that will probably be big ticket items; it's another annexation quite near the one we just did...without saying too much.

So, that is something staff is recommending and we would greatly appreciate if you guys would do that.

Chairman Dixon: Does anyone have any thoughts about Monday, November.....first of all, does anyone have any thoughts about whether we should meet on election night.

Rodney Thomas: I don't believe I will be able to meet on that night.

David Williams: Come on Rodney. (Laughter)

Rodney Thomas: Hopefully, I'll have bigger things going on.  
(Laughter)

David Williams: Mr. Chairman, I will recommend we meet on Wednesday night.

Chairman Dixon: Will you put that in the form of a motion, please?

***MOTION WAS MADE BY DAVID WILLIAMS, SECONDED BY KEVIN RICHARD TO MOVE THE REGULAR NOVEMBER MEETING OF THE HENDERSON CITY COUNTY PLANNING COMMISSION TO BE HELD ON WEDNESDAY, NOVEMBER 4, 2020.***

Chairman Dixon: We have a motion and a second to move the meeting to Wednesday, November 4. All in favor say aye.

***AYE: ALL***

Chairman Dixon: Any opposed?

***NAY: NONE***

Chairman Dixon: So be it, we'll move our meeting.

Other business is concerning a Special Called meeting on October 13. Brian?

Brian Bishop: We're getting a lot of work out of you guys lately.

This is going to be the next step in the review of the County Zoning Ordinance update. As you guys know, we had a work session with Fiscal Court. We sent those recommendations to the Fiscal Court, they agreed with those recommendations. They have originated the text amendment so, from there it goes back to us to hold a public hearing as we did with the zoning text amendment for the City.

This is a rather large text amendment, not as concise as the one Ray just presented to us. So, we would like to have a Special Called meeting so that all of our attention is solely focused on that item.

You guys have heard the presentation before, so I won't bore you with that tonight. But staff would like to request October 13 as that, and I will do my best to answer any questions, and I believe Magistrate McCollum is still around if he would like to add anything to this as well.

Chairman Dixon: I will say I have asked...

Dickie Johnson: Is this going to be a ZOOM meeting?

Chairman Dixon: Brian and I discussed that briefly, I see no alternative, I see no way we can do anything but a ZOOM meeting.

That's my personal opinion. The Commission can definitely out-vote me but considering how this pandemic is going, I find it hard to think of a venue where we could safely conduct a public hearing. I'm sorry but that's my view. I'm open to other ideas.

I have asked Brian to do everything possible to make sure that those who want to speak to this matter, to these amendments in the public, have every possible way to do so. Join in our ZOOM meeting, Facebook, write a letter, email...whatever it takes to make sure we're getting all the input we can.

Brian Bishop: Commissioner Dixon, may I jump in?

Chairman Dixon: Yes.

Brian Bishop: As Chairman Dixon requested, we have done that. The document is on our webpage. We have made two (2) Facebook posts regarding the location of it and we had put our email address, our phone number, Jennifer and I have shared that on our personal Facebook pages so, we are reaching out. My intention is to roughly make a Facebook post every day or every day and a half so, that way we put it out there for as many people out there to see it.

Dickie Johnson: Are we going to set a time limit on this or are we going to just try to do it all in one night if there is a lot of conversation and questions in regards to this? Hopefully, it won't be from the general public but it could be.

Brian Bishop: That is what we would like to leave to you guys. We have not set a time limit, we have not recommended a time limit. This is up to you at this point.

The October 13 date was picked so that we could kind of stay with the schedule we had talked about previously. That would be the date that we could have that and if it was recommended at that meeting, then it would proceed to the County's next meeting.

David Williams: Brian, I would suggest that we, you know, like we have in the past with these meetings that could be contentious, that we set up some rules as we have in the past as to how long the person can speak, and sign in, and procedures as such.

Do we still have those around, like the ones for the golf course meeting?

Brian Bishop: We do, and I would probably defer to Mr. Fridy on that one. We still have those, those are something we still have on file. Mr. Fridy, is that something we could adjust?

Tommy Joe Fridy: Sure it is. Yes.

Brian Bishop: If the Planning Commission is agreeable to it, Jennifer and I will email those to Mr. Fridy, and then will make the necessary revisions with his help.

Dickie Johnson: Ok, that's all I was worried about. Hopefully there won't be that much input or questions regarding proposed changes but there is a possibility of it happening and I'd hate to see us be in a position where we're on a ZOOM meeting five (5) or six (6) hours that night.

Brian Bishop: Mr. Fridy, would it be a good idea for us to reserve the next night to be safe?

Tommy Joe Fridy: Yes.

Chairman Dixon: I would agree. I'm not disposed to limit anyone's contribution to our efforts but I do understand that we need to move things along the best we can. My inclination is to make sure everyone gets ample opportunity to offer their input. I think we can do that.

Tommy Joe Fridy: I suspect that we will advertise it so it's continued from night to night until we've heard all the comments, not just one night. It's highly unlikely we will need even two (2) nights but so we don't have to put it off for another advertisement period.

Brian Bishop: Which is how we did the golf course, if I'm not mistaken Mr. Fridy.

Tommy Joe Fridy: Correct.

Brian Bishop: That's a good go-to for us.

Tommy Joe Fridy: Correct. It won't be word for word but it will be very similar.

David Williams: Mr. Fridy, is there anything in this procedure that might open us up for challenge down the road?

Tommy Joe Fridy: Are you speaking of the ZOOM procedure?

David Williams: Yes.

Tommy Joe Fridy: No. This procedure has been passed by the Legislature, there is a Governor's Order, and it's being done all over the state. Even State meetings themselves.

Chairman Dixon: From what I understand, it's going to transpire...staff is going to dig out these guidelines, revise them, send them to our

attorney for his approval, and then it will go out to all Commission members, correct?

Brian Bishop: Correct. And then we will also share that via the website and via social media.

Chairman Dixon: Anyone else have any other comments? It's all good stuff.

David Williams: We need a proposal, correct?

Chairman Dixon: We need a motion to hold this Special Called meeting at the time and date; and advertise.

Brian Bishop: October 13, 6 p.m. in the evening.

Chairman Dixon: I'll entertain such a motion.

Tommy Joe Fridy: And from night to night thereafter as needed.

Chairman Dixon: Right.

***MOTION WAS MADE BY DAVID WILLIAMS, SECONDED BY BOBBIE JARRETT TO HAVE A SPECIAL CALLED MEETING OF THE HENDERSON CITY-COUNTY PLANNING COMMISSION ON OCTOBER 13, 2020, TUESDAY, STARTING AT 6 P.M. AND CONTINUING NIGHT TO NIGHT AS NEEDED FOR THE DISCUSSION OF THE COUNTY ZONING ORDINANCE AMENDMENTS.***

Chairman Dixon: A week from tonight. We have a motion, do we have a second?

Dickie Johnson: Did we approve that from night to night? I'm sorry, I didn't hear that.

Brian Bishop: Yes Commissioner Johnson.

Mr. Fridy added that in.

Dickie Johnson: Ok.

Chairman Dixon: Very good, Madame Secretary call the roll please.

***AYE: ALL***

***NAY: NONE***

Chairman Dixon: Ok, motion passes.

Do we have any other business from anyone for the good of the cause?

Brian Bishop: Chairman Dixon, can I ask if Mr. McCollum has anything else he would like to add to that?

Charlie McCollum: No, I'm good. That sounds good to me, thank you all very much.

Chairman Dixon: Thank you, sir.

Any other business? I'll entertain a motion to adjourn.

***MOTION WAS MADE BY DAVID WILLIAMS AND SECONDED BY MAC ARNOLD TO ADJOURN.***

***AYE: ALL***

***NAY: NONE***

Chairman Dixon: Very good, we stand adjourned.

**MEETING ENDED AT 6:47 PM**

**I, HEATHER LAUDERDALE, hereby certify that the foregoing is a true and accurate transcription of the Henderson City-County**

**Planning Commission Meeting of, October 6, 2020 to the best of my ability.**

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**Heather Lauderdale, HCCPC Clerk**

X

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