

Henderson City-County  
Planning Commission  
October 2, 2018

The Henderson City-County Planning Commission held their regular meeting October 2, 2018 at 6:00 p.m., at the Henderson Municipal Center, 222 First Street, 3rd floor assembly room. Members present: Chairman Herb McKee, David Williams, Mac Arnold, David Dixon, Gary Gibson, Bobbie Jarrett, Dickie Johnson, Kevin Richard, Kevin Herron and Attorney Tommy Joe Fridy. Gray Hodge, Rodney Thomas, and Doug Bell were absent.

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

*(The following minutes were transcribed from an audio recording of the meeting on October 2, 2018. The audio recording is on file at the Planning Commission office and will be retained)*

**MEETING BEGAN AT 6:00PM**

Chairman McKee: Let's call this October 2, 2018 meeting of the Henderson City-County Planning Commission to order. Madame Clerk, will you please call the roll?

We have a quorum?

Heather Lauderdale: Yes, we do.

Chairman McKee: Thank you Madame Clerk.

Before we get started, I would like to offer up congratulations for our Vice-Chairman on his recent retirement. I think today was his first day to be officially retired.

Mac Arnold: We should also mention Bobbie Jarrett for her honor she has received.

Chairman McKee: I was getting ready to say that Bobbie Jarrett has been inducted into the Kentucky Housing Association Hall of Fame.

What an unbelievable honor!

Would anyone like to say anything?

Mac Arnold: Speech! (laughter)

Tommy Jo Fridy: Well deserved.

Chairman McKee: Well deserved.

Bobbie Jarrett: Thank you.

Heather Lauderdale: Both of you.

David Dixon: You have done a great job for a long time.

Bobbie Jarrett: Thank you.

Chairman McKee: Next on the agenda is the **minutes of September 4, 2018**. You've had an opportunity to review those; the Chair will entertain additions or corrections.

***MOTION WAS MADE BY KEVIN RICHARD, SECONDED BY GARY GIBSON TO APPROVE THE MINUTES OF THE SEPTEMBER 4, 2018 MEETING AS DISTRIBUTED.***

Chairman McKee: We have a motion and a second, any discussion? All in favor, signify by saying aye.

***ALL IN FAVOR: AYE***

Chairman McKee: Are there any opposed?

***OPPOSED: NONE***

Chairman McKee: Minutes are approved as presented.

Next on the agenda is the **Bent Creek Estates Sidewalk Waiver**.

Mr. Bishop, are you going to lead that conversation?

Brian Bishop: Yes sir.

Chairman McKee: Please proceed.

Brian Bishop: On behalf of Bent Creek Estates Subdivision & BLD Development LLC, Jeremy Dixon does hereby request a sidewalk waiver for lots 2-12 and being portions of Sections 1, 2, & 4 of said subdivision. The sidewalk waiver request is intended for lots that have road frontage along and parallel to KY Hwy 812 also known as Airline Road. Sidewalk Waivers may be granted by the Henderson City-County Planning Commission as outlined in Section 5.7 of the Henderson City-County Subdivision Regulations. The applicant was previously denied a sidewalk waiver for the aforementioned lots on November 6, 2012 Planning Commission meeting.

Just to get you re-oriented to where we are and what we'll be looking at; this is Airline Road, this is the entrance into Bent Creek Subdivision. (Referring to the GIS map projected on the large screens)

The yellow line represents the sidewalk easement that was dedicated on the various subdivision plats. There were three (3) sections involved, so that's why we thought it would be best to have one (1) yellow line showing all these subdivisions that would be affected.

As you know, we updated the language in the Subdivision Regulations last year, exactly on June 7, 2017, and the point of that update was to

provide more descriptive language when we were to grant sidewalk waivers.

I'm sorry, it was 2016.

Basically, the Planning Commission had the ability to grant waivers, but we had no descriptive language that would give us justification or a reason to approve waivers. So, that's why we updated the language.

The staff believes that the previous waiver should be upheld and the reasons are the following;

The topography has not changed.

The utility locations have not changed.

The proposed sidewalks would actually enhance pedestrian safety.

Staff also believes that the drainage patterns would be not drastically altered and that the drainage of the area would still be directed to the existing drainage ditch that you'll see on the map here.

Sidewalks are required by the Subdivision Regulations are encouraged by the Comprehensive Plan.

The proposed sidewalks would be nineteen feet (19') off the existing edge of pavement.

There has only been one (1) residence constructed since the previous subdivision's approval.

With that, I'll do my best to answer any questions you may have. I believe Mr. Dixon is here to discuss the waiver as well.

Chairman McKee: Let's begin with questions for staff.

Mac Arnold: Brian?

Brian Bishop: Yes sir?

Mac Arnold: Since this has already gone through and we denied it, why do we have to re-address it?

Brian Bishop: That's a great question. Mr. Dixon approached the Planning Commission staff about a waiver because we had never seen this before, and I think everyone on the Planning Commission knows this would be a first for us.

So, I consulted with Mr. Fridy, and we thought it would be best to allow Mr. Dixon to make his case again since there had been change of language in the Subdivision Regulations.

So, that's the short answer of why we're doing it again.

Mac Arnold: Ok.

Chairman McKee: Other questions for staff?

David Dixon: Doing Lots 2-12? I'm missing one (1) somewhere. Are we talking about where the yellow line is, where the easement is indicated exactly?

Brian Bishop: Yes sir, it begins here. This lot was part of the original Bent Creek Subdivision, Section 1. So, the lots in question begin here and run northwest to this property line.

***Jeremy Dixon spoke from the crowd.***

Chairman McKee: You cannot be on the record, Mr. Dixon, until I swear you in but thank you.

David Dixon: Ok, so the lots we're talking about are indicated on this map?

Brian Bishop: Correct. They are the lots that are connected to the yellow line that is parallel to Airline Road.

David Dixon: Ok, thank you.

Chairman McKee: Any other questions for staff?

Mr. Dixon, would you like to address the Planning Commission.

If you will, when you reach the podium, would you raise your right hand and answer the following; do you swear the statements you are about to make are the truths to the best of your knowledge?

Jeremy Dixon: It is.

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

Jeremy Dixon: Jeremy Dixon, 536 Blue Heron Lane, Henderson, Kentucky 42420.

Chairman McKee: Thank you sir, please proceed.

Jeremy Dixon: So, a couple of things I would like to just point out to your question, what's changed since 2012.

First of all, the subdivision has progressed. As we look at finalizing these sections and these sections were just recently finalized within the last couple of years as far as a final plat; or at least portions of them were.

When we looked at the Subdivision Regulations in 2012, there was not any clear verbiage as to when Sidewalk Waivers could be granted by you guys. Through transition of that to not granting any sidewalk waivers to now having, what I would agree are clearly defined reasons

why you can grant Sidewalk Waivers, that's what I'm sort of representing today.

If we go to those Subdivision Regulations, if I may.

Brian Bishop: Chairman McKee, we have passed out the existing Subdivision Regulations, you should have that in front of you. You will have the current text and then the text as it previously existed.

David Dixon: Current?

Brian Bishop: Current and when the text was updated is in your right hand.

Jeremy Dixon: So, the newest one is in your right hand, correct?

Brian Bishop: Newest is in his left hand.

Chairman McKee: Does anyone not have the Subdivision Regulations that address sidewalks?

Brian Bishop: Would it help if everyone saw it on the screen instead?

David Dixon: This is the newest with the chart at the bottom?

Brian Bishop: Correct.

Heather Lauderdale: They're dated at the bottom.

David Dixon: Oh, very good.

Chairman McKee: Revision date is on the bottom.

Tommy Joe Fridy: Heather, make that part of the record.

(SUBDIVISION REGULATIONS REGARDING SIDEWALK WAIVERS FROM 5-21-14 AND 6-7-2016 REVISED ARE INCLUDED IN THE RECORD; SEE ATTACHED)

Chairman McKee: Did everyone have a copy of these? Ok, please proceed Mr. Dixon.

Jeremy Dixon: Thank you.

I won't waste your time reading these, but I want to highlight there are several reasons why you don't have to meet all these different reasons but I feel like we do have justification to meet all these different site conditions to allow you guys to grant a sidewalk waiver.

For starters, it has to be an exterior sidewalk along an arterial roadway, which is Airline Road. So, this meets that for you guys to even consider that.

Then, when we walk through the different issues whether it's topography, pedestrian safety, drainage conditions and utility location as to why you would have a potential waiver request.

When we look at the first one, we'll touch on the utility location. The utilities have changed since the Preliminary Plat and even the Final Plats as we were approaching those. When we got ready to finalize our sewer main along Airline Road, when we called in to locate we found AT&T failed to locate a fiberoptic line when they located back in 2011 and 2012. So, when we went to State approval for that we had to move the location of the sewer main.

So, what you have now, do you see that yellow line which is the easement for the sidewalks, you've got utilities on either side and underneath where those sidewalks are going to be.

Let me get a little more specific here; you have a sewer main on the inside, you have a water main and a gas line on the outside, you have three (3) telephone, copper lines and a fiberoptic line that are located,

like I said, on either side and underneath where the sidewalks would be located. So, that's utility location.

Pedestrian safety, to speak to Brian...I respectfully disagree a little bit. You've got pedestrian safety that would be encourage to walk within nineteen feet (19') of a State Highway. We went to the State Highway Department to request the speed limit get reduced, it's currently 55mph, they said it did not meet the regulatory requirements to reduce that speed limit so, it will maintain a 55mph speed limit through there and you're walking within nineteen feet (19') of that.

I've got some pictures. Brian, were you able to pull those up?

Brian Bishop: We have those.

While I'm doing that, I would just like to remind the Planning Commission, Highway 60 East and West, when it was upgraded; which has much more traffic and much more higher velocities, had sidewalks on it.

Claudia Wayne: Plus, the easement, the sidewalk easement...there was a relocation easement done August 30, 2016, where the easement was moved for the sidewalks. Just so ya'll know that.

Brian Bishop: Mr. Dixon, there is a laser pointer there.

Chairman McKee: May I ask a question, Mrs. Wayne?

Claudia Wayne: Sure.

Chairman McKee: Where was that easement prior to the moving, and where is it now?

Claudia Wayne: Just a second. It was further away and they had to relocate it because of that fiberoptic.

Chairman McKee: Closer to Airline Road?

Claudia Wayne: Yes, so they had to move it.

Chairman McKee: How far was it away before, can you tell?

Claudia Wayne: Let me find that.

Jeremy Dixon: I can tell you originally, we were trying to get the sidewalks where it wasn't over top of any utilities because of the fiberoptic line that was located, we had to move the sewer main. So, we didn't have a choice but to move it away from the sewer main because we felt like it would be the most likely for someone to get into so we moved it, actually closer to Airline Road but that's the only choice we had to get it away from the sewer main.

Claudia Wayne: It was right...

Jeremy Dixon: I can probably look and tell you too.

Claudia Wayne: It was right...it was right along that property line.

Brian Bishop: It appears to be parallel to the property line of Lot 5.

Claudia Wayne: Uh huh.

Brian Bishop: Directly parallel.

Claudia Wayne: Pass this around.

Chairman McKee: Do you think it's ten feet (10') closer, five feet (5') closer?

Jeremy Dixon: I think ten (10) is correct, let me double check.

Chairman McKee: You think ten (10) is correct?

Claudia Wayne: It is...it was closer and it's further away now.

Chairman McKee: From Airline?

Claudia Wayne: Yes.

Chairman McKee: Ah.

Claudia Wayne: Isn't that what you see? I can the two (2), we can pass these around.

Jeremy Dixon: So, according to what I'm looking at we actually moved it twenty feet (20') closer to Airline Road because of the sewer main.

Chairman McKee: That's in contrast to what Mrs. Wayne just said.

Jeremy Dixon: That's right.

Brian Bishop: Mr. Chairman, just so everyone knows, the linework that we're looking at, this yellow line, came from Branson Survey's. I requested that they give us just one (1) simplified drawing to show the location of the easement instead of us digging through all this.

So, this should be an accurate location.

Chairman McKee: Of the sidewalk easement?

Jeremy Dixon: That is where it is currently. I believe it was twenty feet (20') further away from Airline before we had to relocate the sewer main.

Chairman McKee: Can you recall the circumstances under which we created, the sidewalk easement was created?

Brian Bishop: I'm sorry?

Chairman McKee: Can you recall the circumstances under which the sidewalk easement was created? Was that in conjunction with a re-zoning?

Brian Bishop: It was in conjunction with approval of Preliminary Plats I believe.

Chairman McKee: Of the plat, ok.

Claudia Wayne: Yes.

Jeremy Dixon: And the waiver was requested at that point in time but there wasn't clear language at that point for you guys to make a decision there.

Claudia, I'm not sure what you have, but if you've got...

Claudia Wayne: I've got the Final Plat.

Jeremy Dixon: So, the Final Plat of Section 2 is the one that shows the original location. There was a later recorded Easement Plat for part of Section 2 which shows the re-located sidewalk. So, that's where I'm saying there is the difference.

Chairman McKee: One more question. Was the sidewalk easement there when the sewer line and the fiberoptic line were installed?

Brian Bishop: I would have to double check everything, but I believe so.

Chairman McKee: I believe so too.

Jeremy Dixon: Yes, we had to move the sidewalk in order to install the sewer. So, basically, we had two (2) sections that were not final platted so, when we went to put in the sewer main, that's when we determined that the Final Plat for Section 2, which was recorded back in 2013 that had the location of the sidewalk waiver, it had to be moved because, otherwise it was going to be right on top of the sewer main.

Chairman McKee: Did the Planning Commission have to approve that?

Brian Bishop: Yes.

Chairman McKee: And we did approve it?

Brian Bishop: Yes.

Jeremy Dixon: That was the relocation, to be clear?

Chairman McKee: Was that an in-house approval?

Brian Bishop: No, I believe it actually came to the full Planning Commission. I believe that's what Mrs. Wayne has.

Claudia Wayne: Do what?

Chairman McKee: Ok.

Claudia Wayne: The relocation?

Brian Bishop: Yes.

Mac Arnold: Brian, if I'm not mistaken, Bent Creek has all city utilities, correct?

Jeremy Dixon: Not electric, but water, sewer, and gas.

Mac Arnold: Which says to me, if they've got them then sooner or later they're going to end up being annexed into part of the City, so.

Jeremy Dixon: There's a potential and we've agreed to that, obviously, prior to me owning the property. So, that's there and we'll talk a little bit about connectivity and how far away it is a little bit later if that's ok.

Gary Gibson: We've got to really consider... this is a subdivision we're talking about, it's not out here in the county. It's a subdivision with all types out there side by side. So, we need to keep that in consideration too. What we do here is going to affect that whole subdivision and tie it together.

Jeremy Dixon: I will comment on that. The interior of the subdivision all have one hundred percent (100%) sidewalks. These are exterior sidewalks which we can discuss (inaudible), but then also when we look at connectivity they don't connect on either end, and they won't connect in the middle. So, we'll touch on that and maybe that will provide a little more (inaudible) for you guys to consider.

Chairman McKee: Just by way of comment Mr. Dixon, the plat does not reveal what you said. So, one of us is looking at the wrong document.

Jeremy Dixon: That's ok. So, there was a final plat recorded for Section 2 dated approximately 8-8-13. Ok, that was the Final Plat. After that, there was an Easement Plat for Lots 8-12 of Section 2, and that date was 8-9-16. So, approximately three (3) years later when we went to put the sewer main in, that's when the sidewalk easement got re-located; was with that later, recorded Easement Plat.

Chairman McKee: Closer to the...

Jeremy Dixon: Closer to it because of the fiberoptic line that moved the sewer main location.

So, we had to grant all the way across there, we granted an extra Public Utility Easement to re-locate the sewer main; we re-engineering that, got state and local approval and then moved the sidewalk after that.

Chairman McKee: Please proceed.

Tommy Joe Fridy: Do you want to see the recorded plat? He has it.

Jeremy Dixon: I've got a copy of whatever you want to see, I can pass it around if you want.

Kevin Herron: What are we looking at here?

Jeremy Dixon: She's probably looking at the original final plat for Section 2...

Brian Bishop: Claudia, would you mind telling everybody what you're showing? Because they don't know what's...

Claudia Wayne: Ok, this is the relocation plat of the easement showing where they had to move the easement, and this was dated in 2016.

Chairman McKee: Move it?

Claudia Wayne: They moved the easement for the sidewalks.

Chairman McKee: Further away from Airline Road.

Claudia Wayne: That's where it's showing, and then the Section 5 that shows...

Jeremy Dixon: You're probably talking Lot 5, there is no Section 5. It's Section 4, which is Lot 5.

Claudia Wayne: It's Lot 5, Section 4. This was approved in 2017.

Jeremy Dixon: That's right, yes.

Claudia Wayne: It shows the existing, six-foot (6') sidewalk easement, and where it's at.

Jeremy Dixon: Just to be clear, where the sidewalk easement is located right now, is in the first six feet (6') of the property. So, you get on the property and it's the first six feet (6'). Yes sir?

Tommy Joe Fridy: How many feet is it from the edge of the pavement?

Jeremy Dixon: Nineteen (19), approximately. Thirty feet (30') from the centerline.

Tommy Joe Fridy: What staff said in their original presentation where they recommended your request be denied, is that accurate?

Jeremy Dixon: Yes. What he said, as far as where it is currently located, that's correct. I think we're trying to determine is where was it before.

Chairman McKee: Would anyone else like to see this? Are you done?

Jeremy Dixon: Claudia, do you have the Easement Plat and the Final Plat?

Claudia Wayne: Yes.

Mac Arnold: Normally, sidewalks are in the right of way, correct?

Brian Bishop: Correct.

Mac Arnold: In this case here, the sidewalks are actually on the property.

Jeremy Dixon: You are correct, they are not in the right of way.

Chairman McKee: Would anyone like to see this document? While they're looking at it, would you please proceed Mr. Dixon? Do you have other comments you would like to make?

Jeremy Dixon: Sure, I have a number, I just want to make sure everyone hears. I may be able to provide some guidance there if I may. Is it ok for me to look at that together, and show them where I'm talking about?

Chairman McKee: If you can do it on the screen and stay at the podium.

Jeremy Dixon: Ok. Can I use her copy to make sure?

Chairman McKee: If she'll let you. She guards those with her life.

Claudia Wayne: Oh, I don't care. Here you go.

David Dixon: So, the current easement begins nineteen feet (19') from the pavement, is that what I've heard?

Brian Bishop: Correct.

David Dixon: Then it extends six (6) more feet inside.

Brian Bishop: Into the property, yes.

Jeremy Dixon: What you don't have is the Section 2 original Final Plat that showed the original location of the Sidewalk Easement. So, you've got Lot 5, Section 4, which was recorded after the easement plat of Section 2. Prior to that you had the original Final Plat of Section 2 that was done in 2013, that shows the original location of the sidewalk which is twenty feet (20') further from Airline Road. Do you happen to have a copy of that?

I have an eleven by seventeen (11"x17") if you would like to see it.

Claudia Wayne: Let me look, just a second.

Tommy Joe Fridy: Does it matter to your presentation? We know where it is now, and so the sidewalk is either going to be built on that dedicated easement, or you're going to get a waiver as a result of your request.

Jeremy Dixon: I agree completely. The only point I want to make there is there was a comment that no utilities have changed, nothing has changed when, in fact, utilities did clearly change, we had to move the sidewalk closer because of utilities; which in my opinion, further escalates the safety issue of having sidewalks that much closer than what was originally approved.

Tommy Joe Fridy: Moving the utilities escalates the safety?

Jeremy Dixon: No, moving the utilities required us to move the Sidewalk Easement closer to Airline Road, which makes it further a safety issue, in my opinion.

Tommy Joe Fridy: You've made that point.

Jeremy Dixon: So, we continue on about the utilities. I've got some pictures here, if we can toggle back to the pictures just to kind of help the lay of the land here.

So, this is sort of on Lot 5, if you guys remember that, right in the middle of where we're at, looking towards what I would call west, but towards Henderson. You can see you've got a drainage swell here, you can see Airline Road to your right here, and it steps down quite a bit. What you're going to create there, and I'll talk through both sides of this and the drainage ditch, just to provide that comprehensive lay of the land; where the sidewalk will fall, because of where it's required because of utilities, it will create a damming effect between the edge of the road and the edge of the sidewalk.

Now, you can channel that water towards the drainage ditch but the problem you're going to have is that you're not able to cross that drainage ditch or if you try to cross that drainage ditch, you're going to have an issue with where does that surface water run into that drainage ditch.

So, this is right in the middle of the property, down further east looking west if that helps you at all.

That's a different picture. It's hard to show just how much the topography changes from the edge of Airline Road, stepping down. But if you look kind of in this general area, is about where the sidewalk will be. So, as water runs off here, it's got to channel that way to get into

that drainage ditch or obviously you're going to have a damming effect where if you had a sidewalk here it would dam it up; if that makes any sense.

This is from the other side looking back. It shows a little better edge of Airline Road. This is, again, closer to Henderson City Limits looking east. So, as water comes through here, your sidewalks will be here somewhere in this general vicinity here, and as water runs off here it's got to get into that drainage swell and go down to the drainage ditch and then the water flows this way. So, this is an example of that.

You have surface run off from across the street, the adjacent farm; it's a very large culvert they just replaced. All that water comes this way as you can see here. This is basically where you're talking about a sidewalk trying to cross over this. So, this is as if we look at the entire sidewalk, the yellow line from the original thing that Brian put up, this is right in the heart, right in the middle of it. You have to either try to cross this or stop on either side of it and not cross it.

This shows a little bit more. Right now, everything drains really nicely. It comes off the road, gets down through here and gets into this drainage swell here, and runs out that way. If you put sidewalks in here, you're basically just going to create a damming effect there that water doesn't have anywhere to go.

I asked Bill Hubiak, who I know is not a decision maker here, but he looked at it from his standpoint as a County Engineer, he fully supports our waiver request for the reasons documented here. We looked at the topography of it, the grade elevation changes, and also where is water going to go?

His only comment to was if we were able to, basically dig a ditch out here along Airline Road, you would have a place for the water to go but,

you've got a number of utilities that are right there underneath where you're talking about digging; some of those are fairly shallow especially the copper lines, and then there's a fiberoptic line in there as well. The problem you run into is you don't have a way, right now the water drains just fine, when you put the sidewalks there you're going to have potentially an issue there.

Dickie Johnson: I thought you testified that the fiberoptic was going to be underneath the sidewalk.

Jeremy Dixon: I can try to pull that information...

Tommy Joe Fridy: Just answer the question.

Jeremy Dixon: There are several utilities located, I don't know exactly where the fiberoptic line is without double checking some information. But, it's very close to where the sidewalks are.

Gary Gibson: The only question I have is have any of those houses been built so far along the highway?

Jeremy Dixon: I built a speculative house along the highway, but several of the lots have been sold.

Gary Gibson: Ok, each house is going to have a driveway to the highway, right?

Jeremy Dixon: No, we were approved for joint drives. So, we'll have a total of, I believe, five (5) entrances along Airline Road.

Gary Gibson: Well, how are you going to get from the house to the...

Jeremy Dixon: This is a good picture, I appreciate Brian getting that because I didn't have that. This is the drive, right, for a single house. We've got two (2) single entrances, and then three (3) joint entrances for a total of five (5) entrances.

Gary Gibson: Every time you add a driveway, you're going to be blocking that ditch all the way down through there...

Jeremy Dixon: So, that's why, if you back up here, on either side of the drive you have the culvert there.

Brian Bishop: Hang on, let me get back to...

Jeremy Dixon: My pictures? Yes. So, we culvert every one of those, and as the developer I'm putting in the first nineteen feet (19') of the entrance so we ensure we have State approved culverts and all that passes, and those are bonded with the State as well. So, I'll put that first nineteen feet (19') in ensure that you have this culvert here, which was sized by the State Engineering group, and we put those in. So, we'll put each one of those in...

Gary Gibson: So, you're going to have that problem every time you put in a driveway out to the driveway.

Jeremy Dixon: Can you explain why?

Gary Gibson: Well, it's got to go somewhere.

Dickie Johnson: That pipe is lower right now than the ground. So, where is the storm water going to leave that pipe...

Brian Bishop: I'm going to try to shed some light on this.

Dickie Johnson: Ok.

Brian Bishop: What I'm going to show you is a DTM that we obtained from...

Tommy Joe Fridy: What's a DTM?

Brian Bishop: Digital Terrain Model. Which was provided to us by the State of Kentucky, their GIS department. So, that way you'll see a little better of where water is going.

I believe what Mr. Dixon is referring to is, this is the drainage swell that the water is ultimately going to go to, and it will ultimately make its way over to the lakes. So, the water drains this way. High to low here, high to low here. So, that way we can kind of have a better idea of where the water is going.

Mac Arnold: Ok, so the darker green is the drainage flow?

Brian Bishop: Correct. The darker green indicates depth, more depth. So, for example we can get pretty close approximate elevations. The bottom of that ditch is 395.67. Over here, closer to the road where the sidewalk will be, 399.7. So, it would have positive drainage towards the ditch.

Jeremy Dixon: But in order to have the sidewalks, which will likely stop short of the drainage ditch...

Mac Arnold: Wouldn't there be a culvert underneath that and the sidewalk continue on?

Jeremy Dixon: Because if you do that then you don't have any way for that water to run in. So, if you can jump back to my pictures and hopefully I can try to explain that.

Chairman McKee: Yes sir, Mr. Fridy?

Tommy Joe Fridy: May I address the Planning Commission in your presence?

Chairman McKee: Would you please?

Tommy Joe Fridy: Unless you, the Planning Commission grant a waiver for him not to go over that ditch, and it's his responsibility how he gets over that ditch. The sidewalk is required right now to go across the ditch. He can't stop it either side of the ditch, the developer cannot stop at either side of the ditch.

So, you could grant that waiver. You can grant the entire waiver, or you can grant no waiver. But, I don't want you to be confused that he only has to build a sidewalk to the edge of the ditch. Do you agree with that?

Jeremy Dixon: I do agree currently, yes.

Tommy Joe Fridy: Ok, thank you.

Jeremy Dixon: The issue it creates is the drainage issue. So, to your point, do you see all that green running towards that center drainage ditch...right now there is a culvert, let me fast forward here a little bit.

This culvert here, you would have to likely extend that culvert in order for the sidewalks to cross over, ok? When you do that, that water that is in between Airline Road and the sidewalks will be draining this way, it has not way to get into that drainage ditch because it's culverted all the way through. Does that make any sense at all?

Dickie Johnson: They put grading in all the time to allow for stormwater drainage, so it can be done. It will be your responsibility.

Jeremy Dixon: Yes.

Brian Bishop: I would make the suggestion that if there is nineteen feet (19') of difference between the edge of the pavement and then where this would be, you would not extend this pipe you will install a separate pipe which would allow an entry point for the surface water.

Mac Arnold: If you did extend it you would either have a grate on either side of it where water could enter into the pipes from the runoff down the right of way, the road, right?

Brian Bishop: That's a possibility.

Mac Arnold: If you tied it into it you would have to do that to get the water into it.

Brian Bishop: That's an option. Personally, if it were me, I would off set a culvert and then have the sidewalk over top of that.

Jeremy Dixon: To my point, you still have the damming effect. You've got to get water from the far ends down, and the terrain is currently not set up to allow it drain completely that way. There is some that runs in between homes, or where homes will be because there's another drainage ditch on the backside of all these lots that ties in as well. So, if you're building a house, for example, on a neighboring lot you can have water run this way and have water running on either side of your property as you guys well understand, to get to that back drainage ditch.

So, right now, it's not conducive to run from the highest points straight down to the drainage ditch. It runs in different places which, obviously, it's been set up this way. But, as we build houses through there, that will be a consideration we will have to give.

And then you've got things like this brush, and things like that that can one, be cleaned out but it will re-grow over time. I won't always own every property here, obviously I don't own the one on this side of that drainage ditch. I've got a speculative house built on the other side so, at some point, you'll have two (2) property owners but once this is installed it becomes the taxpayers, and the counties responsibility to sort

of maintain that which Bill Hubiak expressed concerns about that for a couple of reasons that we've documented here.

Chairman McKee: Mr. Fridy?

Tommy Joe Fridy: May I ask you not to say what somebody else said in this Public Hearing?

Jeremy Dixon: Sure.

Tommy Joe Fridy: That's hearsay.

Jeremy Dixon: I apologize.

Brian Bishop: Mr. Dixon, can I ask a question real fast?

Jeremy Dixon: Sure.

Brian Bishop: If the sidewalk waiver request was granted, would you propose that the easement be extinguished?

Jeremy Dixon: I would not.

Brian Bishop: How come?

Jeremy Dixon: First of all, the easement is in place. A number of these properties have changed hands, so you have individual property owners. They've taken that property, deeded with the easement in place. If ever there's a reason to have sidewalks there, I can concur that it's great to have an easement in place.

I talk a little bit about one (1), the practicality of that as well as the potential expense that has to be incurred in order for that to ever tie into anything.

Maybe I can go into that right now. But, I would not extinguish that easement because it's there, frankly and you're talking about dealing with five (5) different property owners at this point.

Gary Gibson: You say we've already got one (1) house built.

Jeremy Gibson: Yes, I've built a speculative house on one of the lots.

Gary Gibson: Where is the sidewalk?

Jeremy Dixon: There is not a sidewalk currently.

Gary Gibson: The law, the way we've got it, there should be a sidewalk there now.

David Dixon: Could you show us back to the map where...

Jeremy Dixon: It has not been sold yet, it's for sale.

Gary Gibson: The requirement is that the sidewalk be on each location down through there.

Jeremy Dixon: Yes, once the home is constructed. We have not obtained a Certificate of Occupancy until we figure out what we're doing with the sidewalks; we'll get the sidewalks put in and then get the Certificate of Occupancy.

Gary Gibson: The way I look at it, the sidewalks should already be there.

Brian Bishop: Jeremy, would you mind pointing out which lot you built the spec house on?

Jeremy Dixon: Right here, this lot here, which is right at one (1) acre, there's a home that sits right here, ok. Let me go further. As you enter the subdivision, this interior lot if I may, does not currently have a sidewalk easement. Yes, it may be able to get obtained but it has to be,

unless you offset our sidewalk, our sidewalks run into the back side of that lot, and then it would almost either have to jog over, at least six feet (6') in order to run in the right of way right near the entrance of the subdivision and golf course or you would have to get an easement from that property owner to grant you an easement in order to try to tie in; that's a good picture. So, right here, you don't have an easement to tie in.

As you can see, across the street, the sidewalks do in fact stop here, and I've got a picture of looking down Airline Road; continuing down Airline Road there are currently no sidewalks.

David Dixon: Could we go back to the lot with the existing brand-new home? How far is the front of that house to the pavement of Airline Road?

Jeremy Dixon: I believe it's about nineteen feet (') plus about fifty-two feet (52') back off the property. To answer your question, it's about seventy-one (71') or seventy-two (72') feet.

Kevin Herron: Would the sidewalk be about where the sign is in the yard?

Jeremy Dixon: It's a little bit further away, but not too terribly far.

Dickie Johnson: It would be in behind the culvert pipe?

Jeremy Dixon: It has to be in behind the culvert pipe, yes.

Dickie Johnson: Well, it will be to the left of that sign then.

Jeremy Dixon: That's right, yeah.

So, yeah that sign is fairly close to that culvert pipe. So, to your point Mr. Johnson, it's on the left side of that.

So, if I can continue, I don't want to linger on this point too long here, if I may.

So, as you can see you've got to cross this drainage ditch or figure out what you're going to do. Culvert part of it, or not cross it. That's right in the middle obviously, there's drainage. There's a tremendous amount of water that flows through that ditch from the property across the street as well as surface run off. So, we would want to look at, if we prohibit that from running in whether we have a culvert or what-not that we can accommodate that excess water. Like I said, there's quite a bit that runs there, comes into the subdivision, then runs under Mallard Lane, and then goes to a lake behind my home; to give you an idea.

So, I think it's a good point here to talk about the likelihood of connectivity, and that's one of the considerations we look at. Let me jump forward to the very last picture here.

So, this is the opposite side. So, as you turn into the subdivision, everything to the right or closer to town or west; this is looking east. You can clearly see the sidewalk stop, there's nothing continuing past this subdivision. There are a number of homes that access off of Airline Road there, no sidewalks all the way down through there. More specifically, if we come back towards town, this is an overpass of Audubon Parkway that in order to connect these sidewalks to anything existing today, there would have to be sidewalks crossing this overpass. As you can clearly see, there is no way to cross that. So, you're talking about a pretty large expenditure for the State or whoever to build across this overpass with sidewalks or connectivity. As a matter of fact, if you come down away from where the sidewalks where we're talking about, hopefully granting a waiver, to where they tie into the closest existing sidewalks, it's over a mile and a half. You basically come all the way down Airline Road, you turn north on Adams Land and go all the way to

351 or Second Street, and that's the closest available sidewalks, currently.

So, you're at least a mile and a half away from existing sidewalks, you have an overpass of Audubon Parkway here, and so you really don't have a feasible way to connect two (2) existing sidewalks in my opinion.

There are other reasons. Maybe there's other development; commercial, residential, etc., that may be put past this overpass, but you're talking hundreds of thousands, if not millions of dollars that will have to be invested in a piece of property that is currently farmland or a church in order to have any reason to connect. So, when we look at that connectivity or the lack there of, in my opinion, it's one of the reasons in the Subdivision Regulations for you guys to grant a waiver. So, I wanted to speak to that as well.

Does everyone kind of understand where we are here on the map?

David Williams: Yes. There are people that cross this bridge all the time on foot.

Jeremy Dixon: Yes, but there's not sidewalks so I'm going to say that's a clear safety issue. There's also quite a bit, since the development of W&W Seeds or Beck's Seeds. W&W Seeds is down close to the subdivision; Beck's, as you know, is on the other side of this overpass. There's a tremendous amount of semi and farm traffic between those two (2) locations that crosses this overpass, and also runs basically right along this area we're talking about for the Sidewalk Waiver.

David Williams: So, you're saying it would be safer to cross that bridge if there were sidewalks on that bridge?

Jeremy Dixon: I clearly think so but I don't think it can accommodate them unless you build on the backside of the guardrail. It's not wide

enough to accommodate a clear sidewalk on either side and maintain your State Highway traffic.

Gary Gibson: My major concern right now is for those nine (9) houses out here on that highway, and where they would be connected together so they don't have to walk out on the highway. You can walk from this end house up here to this end house on the sidewalk.

Brian Bishop: Commissioner Gibson, may I jump in there for one (1) second?

Gary Gibson: Yes.

Brian Bishop: I understand Mr. Dixon's argument and there is logic to be had there but, from a Planning Commission Staff standpoint, our concerns with these sidewalks are not the connectivity to the city itself. Our concern would be the connectivity from the proposed structures that would be built on these existing lots to the existing sidewalks. Because we believe these folks would be more likely to walk to the interior portion of the subdivision than they ever would be back to town.

If these sidewalks were constructed today, this sidewalk must be constructed when the house is built. The only gap, as far as connectivity would be right here. Which would be far less expensive to build for the county than coming back later and building all these in the future.

Kevin Herron: Is the County going to be willing to build a sidewalk on the east side?

Brian Bishop: East side?

Kevin Herron: If this is such a big issue? Those lots right there.

Brian Bishop: I cannot speak to that, and one (1) thing that I think we're forgetting in this is; these were all created as a Minor Subdivision. Had

they been created as a Major Subdivision, they would have been required to have sidewalks as well.

Kevin Herron: But, is the County going to be willing to do that if this is such a big issue today on that side as it is on this side.

Brian Bishop: I cannot answer that.

Kevin Herron: That's a big issue for me.

Dickie Johnson: It is an issue, and I agree. We've had this discussion numerous meetings on sidewalk waivers, and just for instance down on Sand Lane the City went in there and decided to put sidewalks down through there. I mean it was a cost to the taxpayers of the City of Henderson, but they finally decided that it was in the best interest and safety of people that are walking up and down that road to put them in. I'm sure the County would probably do the same thing if it ever materialized out there and got bigger, and more people walking. I mean, that's one of the things that we have to look at as the future development in this area.

Jeremy Dixon: If we can stay on this picture right here, to your point, I agree. That's why I would say not extinguish the easement, leave it in place but I don't know that it makes sense obviously today to put them in unless something happens for connectivity. Yes, you could tie in...what you have though is you're talking about walking within nineteen feet (19') of a major State Highway, you also have the single entrance for the entire subdivision which has several homes, and there's a nine (9) hole golf course in there as you guys understand. So, all that traffic comes in right here on Teal Lane, and if you see the gravel entrance right across the entrance there, is an entrance to W&W Seeds. So, all that semi traffic comes in, and as a matter of fact right here, they

swing a little wide here, and when they do they basically clip that corner off.

Kevin Herron: What's the likelihood of a future development and the widening of this road, and what happens to the sidewalk that he expenses if we decide to deny this waiver.

Brian Bishop: I don't think we can say.

Gary Gibson: We can't predict that.

Kevin Herron: So, we can't predict future development either, is that correct?

Brian Bishop: Not as far as State widening projects, no I don't feel comfortable making that...

Kevin Herron: But, you can say for certain that that farm land is going to turn into a commercial or industrial or any other type of development.

Claudia Wayne: Well, if they widen the road Kevin, and the State widens the road and they destroy his sidewalks, they have to put those sidewalks back.

David Dixon: Is this picture we have here, the large lot on the left side of the screen, I believe that's for sale right now.

Jeremy Dixon: I don't believe it is. That's news to me if it is. One (1) of these lots right here, this lot right here, there's a sign right here because this Lot 12 here is for sale.

David Dixon: Oh, that's what I'm seeing.

Jeremy Dixon: That's an individual residential lot, but it's not the farmland that is this large tract here. That's actually been in a family for over one hundred (100) years so, it's been farmland for a long time.

David Dixon: I had seen the sign out there, thought that was it. Sorry.

Jeremy Dixon: You've got agricultural land here but, you guys understand what the cost of agricultural land is. I'm not going to speculate, but if somebody did develop this residentially, commercially or whatever, and we wanted to have sidewalks come from our subdivision to a residential or commercial development, you're talking about millions of dollars of an investment from investors somewhere along the way in order to make that happen. So, we're talking about the potential of sidewalks either going to those or coming back into the subdivision, and the issues you run into with the drainage, the utility location, as well as encouraging pedestrian traffic within nineteen feet (19') of that State Highway, and it also gets a little closer; if we can back up to that one (1) picture. You've got something to add?

Brian Bishop: Yes. To that point I agree completely, except for one (1) thing. Highway 60, east and west, again has pedestrian traffic much closer to the highway with much higher traffic volumes with semi's as well.

Jeremy Dixon: Can I ask where you're talking about just so I can understand?

Gary Gibbs: In front of Gibbs, and all the way down through there.

Brian Bishop: Community College to Canoe Creek.

Gary Gibson: Sidewalks on both sides, right there by the highway. So far, there hasn't been any problems.

Jeremy Dixon: I believe that speed limit is 35.

Chairman McKee: 45.

Gary Gibson: 45.

Jeremy Dixon: It's 45 down that section, right? This is 55, and we requested the State to reduce it, and they said it didn't meet the regulations so it will always remain 55 mph. I didn't think that 10 mph would...

Gary Gibson: You've got 45, and it's right there touching Sand Lane; that sidewalk is touching Sand Lane. You don't have two feet (2') from the sidewalk to the highway.

Jeremy Dixon: And it's 45 as well?

Gary Gibson: 45.

Jeremy Dixon: Again, I think 10 mph makes a big difference when you're talking about pedestrian safety. That's my opinion, I'm sure there's some statistical data. But, then you also have, well we're encouraging all that pedestrian traffic not only to walk close to Airline, but to come in the subdivision; a single entrance for the subdivision, a single entrance for the golf course directly across from W&W Seeds which is all that semi traffic that comes off, it will basically come within, in my opinion of the sidewalk at the primary entrance. So, you've got cars trying to exit, somebody trying to come in and turn left and coming out of W&W Seeds.

David Dixon: Without a sidewalk, where are the pedestrians going?

Jeremy Dixon: Well, a couple of things. First of all, this house here will likely walk between these two (2). They don't own the property but, if I lived there, that's the way I'm going to go. I'm going to have gentlemen's agreement with my neighbor to walk across there. If we can go this way a little bit, Brian. (Referring to the overhead map on large screen).

I've heard the comment made that if Little Johnny wants to go to his neighbor's house that's three (3) houses down, is he going to walk all the way out to Airline Road, get on the sidewalk and walk down or is he going to run across people's front yards? Frankly, he's going to run across people's front yards. But, if we go down here, we've got a sidewalk here; I own this lot currently. It's not buildable because this power line runs across here, so I have verbally told every one of these property owners that they can come through to get into the subdivision that way, across that lot. I'm willing to even dedicate that lot to the County if it makes logical sense, to guarantee that it's never built upon and it won't be because of the easement that he's showing there. But, that's an access point, that's how they're going to come into the subdivision.

So, here's your drainage swell here that we showed. Here's more than half of your lots here, and they're going to come across this lot right here to come into Blue Heron Lane on the north side to come into the subdivision.

Even if there are sidewalks out here, they're not going to walk out to those sidewalks; and I've talked to the property owners, how would you like to access the subdivision? They said if we can come out our back door and come into the subdivision inside, that's absolutely what we want to do.

So, even if they had sidewalks here, the likelihood they're going to walk out to Airline to walk all the way down the main entrance, they've told me its not likely.

David Williams: Mr. Dixon, why do you think it would be less safe for there to be a sidewalk along Airline Road if you have pedestrians, if you

don't have that sidewalk, where are they going to walk? They are most likely going to walk on the pavement of Airline Road.

Jeremy Dixon: I personally don't think, and I've talked with the property owners that have purchased property as well as just using my opinion and that's all it is, I would not walk out to Airline Road to walk along or even on Airline Road. There's enough traffic at 55mph that I would not walk close to that road. I would come the back way or walk across the backyard is what I would do.

Gary Gibson: But you think the person that builds a house there, are you saying that the person would not have a sidewalk in front of their house in a subdivision?

Jeremy Dixon: I'm saying if there is a sidewalk there it likely would not be utilized.

Gary Gibson: I believe it would.

Kevin Herron: How many people that live in these houses have called the County for a sidewalk to get to the neighborhood? How many people are requesting a sidewalk there, and how do they get to the entrance? Obviously, they can't speak because they're not here.

The difference between the Highway 60 sidewalk is the fact that the State funded that. We've got an individual here that is funding this, and that's the biggest difference in my opinion, and if he didn't step up to the plate on this subdivision, who would have? Then we would have... this gentleman here has bent over backwards to make this a nice development and you talk about speculative, future development well, we can talk about that all over the county. LaRue Road and all those houses do not have a sidewalk walking to County High. I think it's Adams Lane that goes to East Heights, all those houses do not have

sidewalks walking to East Heights Elementary School nor does the neighborhood across the street.

So, you know if this was to bust loose in the future, which could be five (5), ten (10), fifteen (15), twenty (20) years down the road, and with commercial development in the history of Henderson County continues at the pace it has, it would be a snails crawl; then I don't think we need to put the burden on this gentleman as an individual investor, I think we need to pat him on the back for what he's done already.

David Williams: Mr. Herron, I would say that is a good thought and there are inclinations to do that but, I'm looking at seven (7) families and I think you... what market are you heading for with these homes?

Jeremy Dixon: Anywhere from \$250,000 to \$350,000. The speculative house is \$320,000, if that gives you an idea.

David Williams: So, there are going to be kids in those homes more than likely, where are they going to ride their bike?

Kevin Herron: I would tell my child to walk through the backyard to get to the neighborhood, and if I'm spending \$300,000 on a home, I'm going to spend \$500 on pavers from Lowe's to have a paved step-stone path to the interior, versus sending my child ten feet (10') from a 55mph highway that corn and grain trucks are coming down at 55 mph.

David Williams: I'm walking on Green Street all the time. I've got semi's passing within five feet (5') of me there.

Kevin Herron: I'm just saying, personally if it was my child.

Gary Gibson: But we are not talking about a single house out there in the county on a State Highway, we're talking about a subdivision and we've got Subdivision Regulations we have to go by.

Kevin Herron: You're talking about six (6) individuals that this is going to benefit. And, if there's future development the likelihood of this being widened is tremendous. Then they're going to rip out the sidewalk, and they are going to re-do it with State money like they did on Highway 60. Then, all of a sudden, his ten-thousand (\$10,000) upwards to seventy-five thousand dollars (\$75,000) on this expense is going to be for nil or nothing. If we want this to be a "business friendly" community, then I think we grant this man a waiver.

David Williams: I'm thinking in the overall safety aspects, you have those seven (7) houses there, you need a sidewalk.

Kevin Herron: What has the people said that you've sold the lots to, to the effects of the sidewalks.

Jeremy Dixon: Every one of them have said they are going to go through the back, just like you're speaking of, just like I would do.

Because I own that lot right here, and I've told them that I will always own it or I'll dedicate it to the County. They have an access point into the subdivision so every one of these homes here, are coming right through here. They said they will absolutely not go out to Airline Road to utilize the sidewalk.

You've got another entrance point coming through here or even to Gadwall. Yes, these homes are cata-cornered here so, there are a hundred (100) to one hundred-fifty feet (150') between the homes that they would literally walk right down this property line to come into the subdivision. That's how everybody that I've shown lots to have said they would access this subdivision.

Gary Gibson: Are they allowed to put up a fence around their property line?

Jeremy Dixon: They are if they choose but there's easements that preclude them from putting it within twenty feet (20') of the rear of their property because of the public utility easements. There's matching twenty-foot (20') easements so, there's basically forty feet (40') of easements that run through here if I'm not mistaken. There's at least twenty-feet (20'), at least forty feet (40') there where there will not be any sidewalks that would also allow pedestrian traffic to walk through there within an easement.

Gary Gibson: Most places in the City of Henderson, you can't walk around because they have fences; you can't go through the backyard of people's houses.

Jeremy Dixon: You've got at least twenty feet (20'), and in some areas you have forty feet (40') to walk through there.

To your point as well, you said you've got Subdivision Regulations that you're adhering to. I agree completely, I'm not asking you to do that. But, in the Subdivision Regulations that were most recently adopted, it allows for a waiver to be granted for just these sidewalks. If you look at a textbook example of, in my opinion, why the verbiage was created, it speaks to utility locations, it speaks to drainage and site conditions, and topography, and pedestrian safety, and connectivity. Those are the primary reasons.

We've touched on each one of those. Whether you say I don't agree with the drainage, or I don't agree with the connectivity, you still have the utility that nobody can dispute; there's utilities everywhere on either side of this. There are a number of reasons, those are just some of the reasons. You don't have to meet all of them but, we do, in my opinion, meet all of them.

Chairman McKee: Do you have anything else for us Mr. Dixon?

Jeremy Dixon: I do not, sir.

Chairman McKee: Are there any questions for Mr. Dixon?

Would any Planning Commissioner like to make another statement?

Mr. Dixon, we thank you for your presentation.

Jeremy Dixon: Thank you guys for your time.

Chairman McKee: Any further questions for staff? I'm not rushing if you need time.

Hearing none, the Chair will entertain a motion.

David Williams: Mr. Chairman, I move that we deny this waiver because I don't think things have changed out there much since the first time we've gone through this issue. I think the overall safety concerns for people that will be living out there whether they have access through their backyard or not is such that I'm going to say that sidewalks are required. That's what we should stick with.

***MOTION WAS MADE BY DAVID WILLIAMS, SECONDED BY BOBBIE JARRETT TO DENY THE BENT CREEK ESTATES SIDEWALK WAIVER.***

Chairman McKee: We have a motion and a second, any discussion? Commissioner Williams, will you entertain further findings of facts to support your motion?

David Williams: Yes, I will.

Chairman McKee: Would any Planning Commissioner like to offer any further findings of facts to support the motion?

Hearing none, Madame Clerk will you please call the roll?

**DAVID WILLIAMS: AYE**

**BOBBIE JARRETT: AYE**

**MAC ARNOLD: AYE**

**KEVIN RICHARD: AYE**

**DICKIE JOHNSON: AYE**

**GARY GIBSON: AYE**

**DAVID DIXON: AYE**

**KEVIN HERRON: NO**

Chairman McKee: I'm sorry Mr. Dixon, but your application for a waiver has not passed.

Jeremy Dixon: I appreciate your consideration.

Chairman McKee: Yes sir.

Next on the agenda...well, we've got to out of Public Hearing. The Chair will entertain a motion to go **out of Public Hearing**.

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

Chairman McKee: All those in favor signify by saying aye.

**ALL IN FAVOR: AYE**

Chairman McKee: Any opposed?

**OPPOSED: NONE**

Chairman McKee: We are out of Public Hearing.

Next on the agenda is the **September Finance Report**, Mrs. Curtis do you plan to lead that discussion?

Theresa Curtis: I sure do.

We're at thirty percent (30%) of budget. If you have any questions I'm here to answer them. We just need a recommendation.

***MOTION WAS MADE BY BOBBIE JARRETT, SECONDED BY GARY GIBSON TO APPROVE THE SEPTEMBER FINANCE REPORT AS PRESENTED.***

Chairman McKee: Let the record show the Hall of Famer has made a motion.

All in favor signify by saying aye.

***ALL IN FAVOR: AYE***

Chairman McKee: Any opposed?

***OPPOSED: NONE***

Chairman McKee: Motion passes. Next on the agenda is the **Bond Report**, Mrs. Wayne.

Claudia Wayne: We have the Dollar Store in Robards, we need a recommendation to release.

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

Chairman McKee: We have a motion and a second, any discussion?

All in favor signify by saying aye.

***ALL IN FAVOR: AYE***

Chairman McKee: Are there any opposed?

***OPPOSED: NONE***

Chairman McKee: Bond Report is approved.

Next on the agenda is Administrative Business. Mrs. Heather is going to tell us about the continuing education hours that we need in order to remain in good standing.

Heather Lauderdale: We have some education available coming up in November. You're required to reach the required amount of education hours before December 31.

We have an upcoming David Pike seminar on November 14, which is a Wednesday that is an all-day class.

Kevin Richard: Heather, what's the location of that one?

Heather Lauderdale: Owensboro, sorry.

Mac Arnold: That's the 19<sup>th</sup> you said, right?

Heather Lauderdale: That's the 14<sup>th</sup>.

Mac Arnold: The 14<sup>th</sup>, I'm sorry, ok.

Chairman McKee: That's all day?

Heather Lauderdale: That's an all day.

Chairman McKee: That's eight (8) hours?

Heather Lauderdale: Correct.

Dickie Johnson: Do our educational hours start over in January?

Heather Lauderdale: They do.

Dickie Johnson: Alright. Now, if an individual has met his requirement under KRS, and he goes to this seminar will that carry him over for the next?

Heather Lauderdale: No.

David Dixon: You have to get the training in the calendar year it applies to?

Heather Lauderdale: Correct.

Tommy Joe Fridy: We need to check on that. I'm not sure that you're not right, but it's different than what I remember.

Heather Lauderdale: Ok.

Brian Bishop: We'll verify that.

Tommy Joe Fridy: I'm betting she's right.

Dickie Johnson: I like to get mine to make sure that it's completed for the time period that we're handling business.

Chairman McKee: Can you tell us, for the record, who is lacking in hours?

Heather Lauderdale: Everyone except Dickie.

Brian Bishop: Mr. Johnson is looking for a cushion as well up there. (Laughter)

Heather Lauderdale: He's trying to get one (1) up on everybody, so you all better get busy! (Laughter)

Dickie Johnson: I'm required under the County Adjustment Board too so, I try to get mine in right of the bat.

Brian Bishop: Commissioner Dixon had requested some continuing education training by staff. I anticipate us being really busy next month, so next month is probably not going to be good. But, possibly the December meeting after we have exhausted any other avenues for continuing education if you would like. Staff will be more than happy to do that if you would prefer.

Chairman McKee: Let me ask a question before we proceed with that. Is there anyone who eight (8) hours would not take care of?

Heather Lauderdale: No.

Chairman McKee: Everybody could be taken care of with this one (1) class?

Heather Lauderdale: Sure. Then there is a member that would benefit from a half day that's going to be free in Madisonville on the 30<sup>th</sup> of November.

Mac Arnold: That's November 30, right?

Heather Lauderdale: Correct.

David Williams: Is that member me?

Heather Lauderdale: That member is not you.

Chairman McKee: So, if we put on a staff education, would that qualify for a half day, four (4) hours?

Brian Bishop: I don't believe so.

Heather Lauderdale: No.

Brian Bishop: I don't think I can talk that long.

Chairman McKee: So, unless you're already in a position to benefit from a half day, there's not much reason to have staff training.

Tommy Joe Fridy: Aren't there some video's?

Brian Bishop: There are.

David Dixon: These out of town events, for example the presentation prepared by Mr. Branson having to do with easements, is that correct?

Brian Bishop: That's correct.

David Dixon: That we can watch on our own? Is there a test?

Brian Bishop: No test.

David Dixon: Ok.

Claudia Wayne: I can make one up.

David Dixon: And then the kind of training that staff can provide; those are the three (3) options as I understand. Whatever you all think is best.

Heather Lauderdale: I just ask that you don't wait until December 15. That makes it hard.

Claudia Wayne: I think the one in Owensboro would really be good because it's going to be about Ag Divisions, and...

Heather Lauderdale: User Friendly Planning and Zoning, Streamlining the Process, Agricultural Exemptions in Kentucky Subdivision Regulations...

Claudia Wayne: I think it will be good.

Heather Lauderdale: Sign Regulations, and Planning Ethics will be the November 14 class held in Owensboro.

Claudia Wayne: I think it will be at the GRADD office.

I think that one would really be good for the Planning Commission.

David Dixon: What are the topics for the one in Madisonville on the 30<sup>th</sup>?

Heather Lauderdale: We don't have that information yet.

Brian Bishop: TBD, Commissioner Dixon.

Tommy Joe Fridy: When you get it, can you email that to everybody?

Heather Lauderdale: Yes.

Chairman McKee: Mr. Fridy, do you concur with Mr. Pike's assessment that if any of us have not fulfilled our continuing education hours, we're at risk as a Planning Commission?

Tommy Joe Fridy: Yes. There are some opinions that your vote wouldn't be counted. There's no case law that says that. The safe and best thing to do is get the education.

If someone challenges it, and there is an individual that doesn't have it, we'll deal with it.

Chairman McKee: So, there's only one of us that can benefit from the Madisonville half day.

Heather Lauderdale: Correct.

Chairman McKee: And what Mr. Bishop might put on wouldn't even be a half day, it would be an hour or two or whatever?

So, essentially everyone except for Dickie needs to go to Owensboro.

Brian Bishop: Staff will be more than happy, we can try to orchestrate transportation. We can take the Planning Commission vehicle so you're not using gas.

Claudia Wayne: Yeah.

David Dixon: Could you not do the half day in Madisonville and do the Branson Easement study at home course?

Brian Bishop: That's possible.

David Dixon: And get the hours you need?

Chairman McKee: How many hours is that?

Brian Bishop: Branson's is two (2).

David Dixon: We all have different levels of need, right?

Heather Lauderdale: I can read them now or you can come to me after the meeting regarding how many hours are required; whatever your preference.

Chairman McKee: Does anyone have a problem hearing them out loud? Anyone nervous about that? Please do that.

Heather Lauderdale:

Mac Arnold: 5 hours

Bobbie Jarrett: 5 hours

Rodney Thomas: 7 hours

Chairman McKee: This is what they have or what they need?

Heather Lauderdale: What they need.

David Dixon: 5 hours

Kevin Richard: 5 hours

David Williams: 5 hours

Gary Gibson: 5 hours

Doug Bell: 4 hours

Herb McKee: 5 hours

Gray Hodge: 5 hours

Kevin Herron: 6 hours

Chairman McKee: So, is the staff training one (1) hour?

Brian Bishop: We normally would do two (2) hours I believe.

Chairman McKee: Two (2) hours? So, that plus Madisonville half day would cover a lot of us?

Heather Lauderdale: The one (1) in Madisonville for the half day is free.

Chairman McKee: It is November 30, Friday.

Kevin Richard: I remember seeing an email, has anything went out yet on the one on the 14<sup>th</sup> other than discussing it tonight? I don't remember.

Heather Lauderdale: I send those as they come.

Kevin Richard: I may not have recalled that, ok.

Heather Lauderdale: Because they update them periodically.

For example, the April 10, 2019, which does not apply here I'm only using it as an example only because it's noted that the agenda has yet to be set. So, when they set that agenda, they will re-send everything. So, I get these periodically.

David Dixon: I guess the Madisonville thing would be 4 hours or half a day?

Heather Lauderdale: "4.5 hours of training will be provided meeting HB 55 and CM credit requirements. The agenda will be sent out once it is finalized. The conference is open to all planners and board members at no cost, lunch will be provided."

David Dixon: Free food?

Heather Lauderdale: Free food. That will be held at the Madisonville Community College in the community room of the Beshear Education Center, 2000 College Drive in Madisonville; for 4.5 hours credit.

Again, that is on Friday, November 30.

Chairman McKee: What time does the November 14 session start, 8 o'clock?

Heather Lauderdale: November 14 will be an all day. David Pike, that will be an all day.

Gary Gibson: Beginning at what time, 8?

Heather Lauderdale: I would say 8 a.m. based on the history.

Chairman McKee: Do you know where?

Heather Lauderdale: I do not know where. It does not state a location it just generalizes Owensboro but, usually they're at GRADD.

Mac Arnold: More than likely it's at GRADD.

Kevin Richard: Once we had it at like a realtor association or something at one time.

Chairman McKee: How will we find that out?

Heather Lauderdale: I can call them and ask them where it will be.

Chairman McKee: You can blast out an email to everybody when you find out, right?

Heather Lauderdale: Absolutely.

Chairman McKee: Go ahead and sign me up for that one.

Heather Lauderdale: For the full day?

Chairman McKee: For the 14<sup>th</sup>, yes.

Kevin Herron: Me too.

Heather Lauderdale: Kevin Herron?

Kevin Richard: Put the other Kevin on there too.

Chairman McKee: If anyone else wants to go to Owensboro, I believe we can go in one car.

Heather Lauderdale: Can I do you guys one by one? You were going to say something?

Mac Arnold: Earlier I talked with you about the November 30, I think I would just assume do the 14<sup>th</sup>, that day works out better for me I think.

Chairman McKee: Now we're talking about taking the company bus.

Heather Lauderdale: Well that bus only holds five (5) people.

Claudia Wayne: Well, I can drive and Brian can drive. We can fit everyone in our vehicles.

Brian Bishop: We'll get you there.

Heather Lauderdale: So, Mac you are for the full day in Owensboro on the 14<sup>th</sup>.

Dickie, you are safe.

Tommy Joe Fridy: Well, get him an answer because he might want to bank some.

Dickie Johnson: Yeah.

Tommy Joe Fridy: Heather help me remember that.

Heather Lauderdale: I'm sorry?

David Williams: Since I can get to the second one myself and it's free, I'll go.

Heather Lauderdale: Ok, so I have you for both the 14<sup>th</sup> and the 30<sup>th</sup>.

Herb, I have you for the full day on November 14<sup>th</sup>.

Chairman McKee: Correct.

Heather Lauderdale: Bobbie, I have you for the full day on the 14<sup>th</sup>.

Bobbie Jarrett: Yes ma'am.

Heather Lauderdale: Kevin Richard, full day.

Kevin Richard: Yes.

Heather Lauderdale: David Dixon, to be determined?

Kevin Herron, I've got you down for a full day as well.

Gary Gibson: And you've got me too, right?

Heather Lauderdale: Did I forget you Gary?

Gary Gibson: Yes, you forgot me.

Heather Lauderdale: I sure did. I've got you down.

Dickie Johnson: And you're going to check and see...

Heather Lauderdale: I'm going to verify if the hours carry over and I'll let you know.

Tommy Joe Fridy: I'm probably going to join everyone on the 14<sup>th</sup>.

David Dixon: If the hours carry over...

Heather Lauderdale: If they carry over, I'm going to be really upset because I get really nasty around December 15.

Tommy Joe Fridy: I hope they do, it will be a good thing.

David Dixon: Go ahead and put me down for the 14<sup>th</sup> too, and I'll try to get off that day.

Did you get that Heather, I changed my mind?

Heather Lauderdale: For the 14<sup>th</sup>.

David Dixon: Yes.

Chairman McKee: Is there anything else to come before this body?

Hearing none, the Chair will entertain a motion to adjourn.

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

Chairman McKee: We have a motion and a second. All in favor signify by saying aye.

***ALL IN FAVOR: AYE***

Chairman McKee: Are there any opposed?

***OPPOSED: NONE***

Chairman McKee: Meeting is adjourned.

***MEETING ADJOURNED AT 7:13 P.M.***

I, HEATHER LAUDERDALE, hereby certify that the foregoing is a true and accurate transcription of the Henderson City-County Planning Commission Meeting of, October 2, 2018, to the best of my ability.

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Heather Lauderdale, HCCPC Clerk

X

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Herb McKee, HCCPC Chairman