

Henderson City-County
Planning Commission
May 4, 2021

The Henderson City-County Planning Commission held a meeting May 4, 2021 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, Dickie Johnson, Gray Hodge, Gary Gibson, Mac Arnold, Stacy Denton, Doug Bell and Tommy Joe Fridy. Kevin Herron and Kevin Richard were absent. Staff present: Director Brian Bishop, Jennifer Marks and Theresa Curtis. Chris Raymer and Heather Lauderdale were absent.

MEETING BEGAN AT 6:00 PM

Chairman Dixon: I would like to call this Tuesday, May 4, 2021 regular meeting of the Henderson City-County Planning Commission to order, and read this familiar statement;

“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 April 6, 2021 meeting of the Henderson City-County Planning Commission is being held by video teleconference.

This video teleconference meeting is being telecast live on Facebook at www.facebook.com/HendersonPlanning/live/ page and elsewhere for the media and the public to view. During the public hearing segments of the meeting, the public may offer evidence, comments, positions, suggestions and questions in accordance with the meeting rules.

Madame Secretary could you please call the roll?

Theresa Curtis: We have a quorum.

Chairman Dixon: Thank you very much, thanks everyone for participating we have some visitors via ZOOM, we also have some special guests in person.

The next step is to go into Public Hearing, I'll entertain a motion to enter public hearing.

MOTION WAS MADE BY MAC ARNOLD, SECONDED BY GARY GIBSON TO GO INTO PUBLIC HEARING.

Chairman Dixon: Any discussion? All in favor say aye.

AYE: ALL

Chairman Dixon: Any opposed?

NAY: NONE

Chairman Dixon: Very good, we are now in public hearing.

The first item is the approval of the minutes from the April 6, 2021 meeting.

Do I have a motion to approve the minutes as presented?

MOTION WAS MADE BY X.R. ROYSTER, SECONDED BY MAC ARNOLD TO APPROVE THE MINUTES FROM THE APRIL 6, 2021 MEETING AS PRESENTED.

Chairman Dixon: We have a motion and a second, any discussion? Any corrections or changes necessary to the minutes?

All in favor of approval of the minutes from April 6 say aye.

AYE: ALL

Chairman Dixon: Any opposed?

NAY: NONE

Chairman Dixon: Very good, the minutes are approved.

The first item on the public hearing agenda is the proposed **budget for the Henderson City-County Planning Commission**, Mr. Bishop?

Brian Bishop: We have given everyone a copy of the budget, Jennifer and myself have made a presentation to the City-County Co-Op Board which is a mixture of the City Board of Commissioners and the County Fiscal Court. We have made a direct presentation to the Fiscal Court as well. We received affirmation from both bodies but we have to give you guys a presentation as well.

The budget is requested to increase by roughly 1.5% which is an increase from \$727,000 to \$737,881.

If you have any questions, please stop me. What we'll do is go down section by section so that way we can give you guys a brief, condensed version of every section.

Personal Services was increased by \$15,148, roughly 4.4%; we are an expensive group, apparently. That is largely due to the contribution of the retirement fund and we were able to offset this by cutting other sections which we'll briefly talk about as we proceed through.

Supplies are up \$626. Maintenance and repairs, a decrease of \$1,500. Then from there we will move onto services which covers numerous things such as telephone, travel and things of that nature, you will see a decrease of \$2,393. Liability Insurance is a flat fee, so that did not change. You will see a reduction of \$1,000 in Capital Outlay. Auto expense is flat as well. Telephone, an increase of \$1,500, and then from there Associates Dues and Meetings is an increase of \$555.

Next GIS Dues and Meetings you see a decrease of \$350. Travel, a decrease of \$1,000. GIS travel, a decrease of \$250. A flat, stay, hold the line on educational costs, the same for GIS Contractual services. Professional Services stays flat as well. Insurance liability, insurance specifically stays flat at \$16,000. Again, Capital Outlay is a decrease of \$1,000.

That is a very brief version of the budget, I will do my best to answer any questions that you guys have.

The budget does allow for merit and cost of living increases.

Chairman Dixon: Can you share with us what that total is for that line?

Brian Bishop: That line item, assuming all increases are met, Cost of Living is standard and then Merit Increases would be determined based on individual evaluations by the employees.

So in that number you will see an increase from \$523,183 to \$538,331. The 1.68 increase in salaries goes from \$343,997 to \$349,770.

Doug Bell: I've got one question, I'm just trying to be sure; are you comfortable with the decrease in the travel expense given that it appears things are going to start opening back up and you may be able to go to different venues for additional training?

Brian Bishop: I think so Commissioner Bell because we have a running average of the last 3-5 years with what we actually spent pre-COVID, so I think we can make that work.

Doug Bell: Ok, perfect. Thanks.

Chairman Dixon: Do any of the commission have any other questions for staff concerning the proposed budget?

Anyone else on the ZOOM call have any comments or questions in this public hearing?

We have no Facebook participants, am I correct?

Brian Bishop: There are no questions at this time.

Chairman Dixon: Ok, any other comments on the budget? I'll entertain a motion to approve the budget as presented.

MOTION WAS MADE BY DOUG BELL, SECONDED BY MAC ARNOLD TO APPROVE THE 2021-2022 HENDERSON CITY-COUNTY PLANNING COMMISSION BUDGET AS PRESENTED.

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

AYE: ALL

NAY: NONE

Chairman Dixon: Very good, the budget is approved.

The next item on the Public Hearing agenda is **Rezoning #1118**, Mr. Bishop?

Brian Bishop: Yes sir, give me one second so I can share the map so everyone can see.

Doug Bell: Mr. Chairman, real quick before we go into the presentation, I need to abstain from these next two presentations.

Chairman Dixon: Thank you Commissioner Bell, I understand.

Brian Bishop: Can everyone see the screen that shows multiple parcels outlined in blue?

Theresa Curtis: Yes.

Brian Bishop: Rezoning #1118, Submitted by Unbridled Solar, LLC, a wholly owned subsidiary of National Grid Renewables Development, LLC (“NG Renewables”), for properties located in the area of Knoblick Road and Pedler-McDonald Road (and being on the Henderson and Webster County line) for multiple parcels (PID# 72-20.1; #72-18; #72-24.1; #72-15; and #72-16, containing approximately 230 acres.

Applicants are requesting a zoning change/Map Amendment from Heavy Industrial District (M-2) to Agricultural District (AG) for a project design Level 3 Solar Energy System.

The applicant is requesting the change so they can create a solar farm generating 168 megawatts of electricity. The rezoning application for 230 acres but is part of a site plan that will cover 1,680 acres; the majority being in Henderson County though a small portion of that is in Webster County.

Staff has given you proposed motions and findings of fact, and I would like to enter that into the record as part of my testimony.

So, Chairman Dixon if it's ok I will read that into the record now.

Chairman Dixon: Please proceed.

Brian Bishop: **Rezoning #1118** is submitted by Unbridled Solar, LLC, a wholly owned subsidiary of National Grid Renewables Development, LLC (“NG Renewables”), for properties located in the area of Knoblick Road and Pedler-McDonald Road (and being on the Henderson and Webster County line) for multiple parcels (PID# 72-20.1; #72-18; #72-24.1; #72-15; and #72-16, containing approximately 230 acres.

Applicants are requesting a zoning change/Map Amendment from Heavy Industrial District (M-2) to Agricultural District (AG) for a project design Level 3 Solar Energy System.

I move that the Planning Commission recommend that the Henderson County Fiscal Court (the “County”) APPROVE Rezoning Application #1118 changing the zoning classification from Heavy Industrial District (M-2) to Agricultural District (AG) for the subject properties. I leave the motion open for other members of the Planning Commission to add findings of fact in support of this motion because;

The existing (M-2) zoning classification is inappropriate and the proposed (AG) Agricultural District zoning classification is appropriate, because:

- The property was included in a previous rezoning (#780 in 1999), which was for the creation Four Star Industrial Park. This property (230 acres) has not developed in the manner which was anticipated in the 1999 rezoning.
- The parcel is relatively large with uneven terrain.
- The property has historically been used for cropland.
- The property is adjacent to other parcels currently zoned Agricultural and is conducive to the construction of a solar farm.
- The relatively large acreage (230 acres), being reasonably remote and being surrounded by other agricultural tracks, makes the property more conducive to agricultural uses, which would include a Level 3 Solar Energy System (solar farm).

Chairman Dixon, I have no other comments and I will do my best to answer any questions the Commission may have.

Chairman Dixon: Very good, does the Commission have any questions for staff?

We do have representatives here with us from the developer if any member of the commission has any questions for them.

You'll note on your agenda the next item is the Solar Site Plan for this project and I think they will be speaking to that.

No questions for staff? No questions for the developer from the Commission? Does anyone else on the ZOOM call have any questions or comments? Any interest indicated via Facebook? I see none.

Mr. Bishop has shared with us a prepared motion that includes findings of facts we have entered into the record, if there are no more questions or comments, I'll entertain a motion in regard to Rezoning #1118....the one that has been proposed or whatever the Commissioners pleasure is.

MOTION WAS MADE BY DICKIE JOHNSON, SECONDED BY MAC ARNOLD TO APPROVE REZONING #1118 AS READ INTO THE RECORD BY BRIAN BISHOP.

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

AYE: ALL

NAY: NONE

ABSTAIN: DOUG BELL

Chairman Dixon: Very good, the motion passes. Rezoning #1118 is approved and shall be recommended for approval to Fiscal Court.

The next item on the public hearing agenda is the **Unbridled Solar Site Plan**. Mr. Bishop, would you like to introduce that discussion?

Brian Bishop: Yes sir.

Can everyone see the site plan now?

Theresa Curtis: Yes.

Mac Arnold: Yes.

Brian Bishop: Unbridled Solar Site Plan is submitted by Unbridled Solar, LLC, a wholly owned subsidiary of National Grid Renewables Development, LLC ("NG Renewables"), for properties located in the

area of HWY 283 and Knoblick Road (and being on the Henderson and Webster County line). The project will consist of one, up to 160 Megawatt (MW) Alternate Current (AC) solar farm on approximately 1,680 acres (1,140 acres in Henderson County and 540 acres in Webster County). The Project plans to interconnect to Big River's Electric Corporation existing transmission system. The Project Area lies in Agricultural (AG) District of Henderson County. Under the Henderson County Zoning Ordinance, Level 3 Solar Energy Systems are a permitted use in the Agricultural District, subject to a site plan review.

Does anyone have any questions before I give a brief overview, and then allow the applicant to give a presentation?

Just to give you guys kind of a heads up or reminder of what we did; as you'll recall, the zoning ordinance requires a seven foot (7') tall fence which surrounds the project where applicable and where feasible and that is shown on the site plan. Equipment shall not be taller than twenty-five feet (25') which is addressed on the site plan. Equipment must be a minimum of one-hundred feet (100') of an existing residence, which appears to be addressed on the site plan as well . Buffering is required where there is not natural screening which appears to be shown on the site plan as well, and I would also defer to Mr. Randy Tasa to make sure that all the requirements of the zoning ordinance have been met. So I would ask Mr. Randy Tasa to address that.

Chairman Dixon: Mr. Tasa are you on board?

Randy Tasa: Yes.

Chairman Dixon: I would like to have your name.

Randy Tasa: Randy Tasa.

Chairman Dixon: Address?

Randy Tasa: 1990 Barret Court, Suite C.

Chairman Dixon: Do you promise to tell the truth, the whole truth and nothing but the truth?

Randy Tasa: Yes.

Chairman Dixon: Thank you sir, please proceed.

Randy Tasa: The applicant, looking at their site plan, appears to have met all the zoning regulations that Henderson County has passed.

I see no issue with the site plan submitted.

Chairman Dixon: Thank you sir. My question, the dark grey area is the one we're discussing, correct?

Brian Bishop: Those are the proposed solar panels themselves.

Chairman Dixon: Ok, so what is being fenced?

Brian Bishop: I would probably, I would like the applicant to address that so they can give greater detail.

Chairman Dixon: Very good. Any other questions for staff from the Commission? Or anyone on the ZOOM call, or anyone on Facebook?

Very good, perhaps it would be appropriate for the developers to speak. Who's going first?

Courtney Pelissero: I'll go first.

Chairman Dixon: Your name?

Courtney Pelissero: Courtney Pelissero.

Chairman Dixon: Address?

Courtney Pelissero: 8400 Normanville Lake Blvd, Suite 1200, Bloomington, Minnesota.

Chairman Dixon: Do you promise to tell the truth, the whole truth and nothing but the truth?

Courtney Pelissero: Yes I do.

Chairman Dixon: Did you get that information Madame Secretary?

Theresa Curtis: Yes I did.

Chairman Dixon: Thank you. Please proceed, thank you.

Courtney Pelissero: Is possible to both be sworn in at the same time and present together?

Chairman Dixon: I think that's possible as long as you identify yourselves so we can attach your testimony to your name.

Courtney Pelissero: Yes, we can do that.

Chairman Dixon: We have another presenter as well. Your name?

Elle DeBlieck: Elle DeBlieck.

Chairman Dixon: Your address?

Elle DeBlieck: 8400 Normandale Lake Blvd, Suite 1200, Bloomington, Minnesota.

Chairman Dixon: Do you promise to tell the truth, the whole truth and nothing but the truth?

Elle DeBlieck: I do, yes.

Chairman Dixon: Thank you very much.

Theresa Curtis: Can she repeat her name one more time?

Elle DeBlieck: My name is Elle DeBlieck.

Theresa Curtis: Thank you.

Chairman Dixon: Do you have the spelling?

Brian Bishop: I have her card.

Chairman Dixon: Very good.

Courtney Pelissero: This is Courtney Pelissero speaking from NationalGrid Renewables on behalf of Unbridled Solar.

We have a short presentation on the project and the proposed site plan.

Elle DeBlieck: This is Elle DeBlieck and I will be speaking only on the first couple of slides here and then I'll pass it over to Courtney.

Just a little bit about our company, NationalGrid Renewables, we're one of the top renewable energy companies in the U.S. We develop and operate projects across the country. We started about fifteen (15) years ago and have grown very significantly.

We've successfully developed over 2,800 megawatts across the U.S. and that includes both wind and solar energy projects that are either in operation or currently under construction.

You may formally have known us as Geranimo Energy and we just re-branded to our new name which is NationalGrid Renewables within the last year.

We are based out of Minneapolis, Minnesota and we've got satellite offices across the country where we operate and have projects and development. We also have a few folks based out of Lexington which is probably the closest area to here where we have other folks located.

Like Courtney mentioned, we're here to speak on behalf of our Unbridled Solar project so just a few key items here. The project, like Brian Bishop mentioned, is 160 megawatts. You can very faintly see the County Line on the map on the right of the screen, so the North portion of that is what is in Henderson County, approximately just over 1,100 acres, and then the remaining project is in Webster County.

We are targeting the operation date for this project to be the end of 2023, and we would start construction at the end of 2022. We are currently in a contract with Big Rivers Electric Corporation who is the off-taker of

this project, to be purchasing the full output of what the project produces.

I'll pass it over to Courtney here to get into some more details on the permitting side.

Courtney Pelissero: This is Courtney Pelissero, before we walk through the site plan I wanted to highlight the key components that go into a Level 3 Solar Energy System.

First, there are panels and tracking and we intend to use a tracking system so the panels will track the sun. This project will also be inverters that will be responsible for inverting the direct current to alternate current. Throughout the project there will also be access roads and a project substation.

The project substation will be in the middle of the project and have a transmission line that runs from the project substation to the (inaudible) substation which is the point of interconnect into the electric grid.

Here is the site plan, the simplified version for the purpose of this hearing. The blue are the solar panels that you can see throughout the project. You can see a white outline surrounding them and that is the fence. For example you can see it through here, around here; that's a good place to see it, a fence will be around all of the solar panels as well as the substation.

Chairman Dixon: Excuse me, so there seems to be areas in the central part of this that are not included in this site plan, correct? The green?

Courtney Pelissero: The yellow is the project boundary, the green is the vegetative proper, and the blue are the panels...

Chairman Dixon: So the natural aerial green that we're seeing is outside the project? Like the middle section, the "L" shaped?

Courtney Pelissero: This is not participating in the project. The project is within this yellow project boundary.

Chairman Dixon: Ok, so the fence follows the yellow boundary?

Courtney Pelissero: It follows around the panels. So yes, it will be inside the yellow boundary.

Chairman Dixon: Ok, the fence is there irregularly shaped as the...we're not dealing with a rectangle here, right?

Courtney Pelissero: Correct, yes.

Chairman Dixon: A lot of fence.

Courtney Pelissero: A lot of fence, yes.

On components, here is where the substation is going to be located, this orange area, and we will have an operation and maintenance building next to the substation. So, during operation this will be the main point the operation team is located.

On the next part I'll walk through our proposed screening plan. In the site plan we show pink where there is existing screening, existing vegetation that we tend to keep in place if possible, and the green is where we will be adding screening. Per the ordinance requirements there will be vegetative screening from all adjacent homes.

Next I'll talk about setbacks. We will be meeting the requirements of being at least twenty-five feet (25') from property lines, at least one hundred feet (100') from homes, and then the inverters will be at least two-hundred feet (200') from homes.

Other Level 3 Solar Energy System requirements that are part of our plan is to submit a decommission plan and we'll have a financial surety established with the County at the time of obtaining a building permit.

The last thing I wanted to walk through was our screening plan. We are proposing a vegetative buffer that is made up of deciduous and evergreen trees and shrubs from all adjacent homes and in this diagram you can see where the trees will grow over time. They will be planted at

a younger age for a healthy establishment and survival rate. At maturity the trees will be between 15' and 25' depending on the species and the shrubs will be about 10'-12'. I did include some pictures of the example species that could be used in the screening plan.

That is the end of the presentation, and I'm happy to answer any questions and I'm sure Elle would like to answer any questions as well. Thank you.

Chairman Dixon: Thank you.

How many adjacent homes are we talking about?

Courtney Pelissero: I don't know the exact number of adjacent homes off the top of my head.

Chairman Dixon: Mr. Bishop, do you have any idea?

Brian Bishop: I do not. We can do some analysis on GIS if you would like for us too.

Elle DeBlieck: This is Elle, and I can add to that. We are outside the City Limits of Robards so we're away from most homes. Through the State process that we're going through right now we have to identify the homes so we can probably supply a map as well that we have already created that would identify the homes as well.

Jennifer Marks: We should have the list, Theresa would have it from where we sent the letters out to.

Chairman Dixon: That was my next question. Adjacent landowners and home owners have all been notified of this project, they've been notified that this meeting is taking place tonight.

Theresa Curtis: Yes, they sure have.

Brian Bishop: Chairman Dixon, can I jump in there real fast?

Chairman Dixon: Yes.

Brian Bishop: A site plan is not required to... the property adjoiners are not required to be notified for a site plan but since this is a new type of site plan that we're not used to really seeing, we went ahead and went the extra step and notified all property adjoiners even though we were not required to.

Chairman Dixon: They are notified for a rezoning, right?

Brian Bishop: Correct. They were notified twice in this case.

Chairman Dixon: Very good. What we are consider tonight is a portion of this site plan, and only the portion of this site plan that is in Henderson County.

What happens, just out of curiosity with the part in Webster County? Do you go through this process in Webster County?

Jennifer Marks: They don't actually have Planning and Zoning in Webster County.

Chairman Dixon: Very good. Any other questions from the Commission from the applicants? Any other questions from anyone joining via ZOOM?

Holly Vincent: Brian, this is Holly Vincent do you have us as in attendance in the meeting?

Brian Bishop: Holly, can you hear me? We were trading seats.

Holly Vincent: I just wanted to know if we were listed as in attendance on the meeting, we're actually part of the project.

Brian Bishop: You are, you are on record.

Holly Vincent: Ok, thank you.

Brian Bishop: You're welcome.

Chairman Dixon: Do I need to swear her in?

Brian Bishop: Holly would you like to be sworn in so it's in the minutes that you're here?

Holly Vincent: You can swear both of us in, Holly and Jim Vincent.

Chairman Dixon: Very good, I need your names, Holly and Jim Vincent, your address.

Holly Vincent: 1920 Busby Station Road, Robards, Kentucky.

Jim Vincent: This is Jim Vincent.

Chairman Dixon: Thank you sir, than you ma'am. Do you promise to tell the truth, the whole truth and nothing but the truth?

Holly Vincent: Always.

Jim Vincent: We do.

Chairman Dixon: Thank you very much and thank you for joining us as well.

Any further comments or questions from anyone listening in by any means?

Jim Vincent: What was the scheduled start of the construction project?

Elle DeBlieck: This is Elle DeBlieck, what's the question? What's the estimated time frame for construction?

Brian Bishop: Yes.

Elle DeBlieck: We are scheduling to probably start construction towards the end of the summer in 2022 or the fall of 2022 and that keeps us in schedule to become operational at the end of 2023.

Chairman Dixon: Did you hear that response?

Jim Vincent: Very good, thank you.

Chairman Dixon: Good, thank you.

Any other questions or comments?

David Williams: Mr. Chairman I just have one, on the screening the way you're planning the shrubbery and other screening plants, at what point will they be sufficient maturity to actually screen the solar panels? Are you planning to have those up before they put the panels in or will that be something that will take a while?

Courtney Pelissero: The trees will be planted at the time of construction at three feet (3') and the shrubs at two feet (2'). Year five is when the trees are above the fence height, above seven feet (7'), so at that point they're at the fence height, that's good threshold that in a couple of years they will be at the fence height.

Chairman Dixon: Very good, any other questions?

Is that someone new joining us?

Brian Bishop: I do not see that.

Chairman Dixon: Do we have anybody participating via Facebook?

Very well, I'm hearing no further comments or questions from any source, I'll entertain a motion in regard to the Unbridled Solar Site Plan.

David Williams: Mr. Moderator, point of order, are there any subject to's that we will have to this site plan?

Brian Bishop: Commissioner Williams not at this time. The building permit itself will be subject to the bonding for the decommissioning plan.

David Williams: Ok, thank you, very good.

MOTION WAS MADE BY DAVID WILLIAMS, SECONDED BY MAC ARNOLD TO APPROVE THE SITE PLAN FOR UNBRIDLED SOLAR SITE PLAN AS SUBMITTED.

Chairman Dixon: We have a motion and a second, any discussion? An opportunity for further questions or comments.

Madame Secretary, please call the roll.

AYE: ALL

NAY: NONE

ABSTAIN: DOUG BELL

Chairman Dixon: Very good, the Unbridled Site Plan is approved. Thank you all for your presentation, thank you all for your questions and your interest.

We will move on in the Public Hearing to **Rezoning #1119**, Ms. Marks?

Jennifer Marks: Yes, thank you.

Rezoning #1119, submitted by Hugh Stone, D/B/A HCM, LLC for the properties located in the City of Henderson at 1422 Fairground Lane (PID# 56C-21) and 1456 Fairground Lane (PID# 56-4), containing approximately 0.43 acres. The applicant is requesting a zoning change/Map Amendment from Medium Destiny Residential District (R-2) to Urban Single Family Residential District (R-5) for Single-Family Dwellings.

As everyone can see, the exhibit on the screen, the properties that we are rezoning are in connection with the current Canoe Creek Subdivision. Just so you can kind of get your bearings, that is Arrow Way, and this will be an addition to that; those two (2) parcels there. The rezoning that they have requested is so that the zones will match the current zoning with the other parcels located down Arrow Way.

I do have some findings to read into the record as my testimony. If you want me to go ahead and do that now or if you have any questions.

I do believe the applicants son is on if you all have any questions for them.

Chairman Dixon: Does everyone know where we're at here? Where we're talking about?

Do you have something that you can show us with this?

Brian Bishop: Yes, we can definitely do that.

Chairman Dixon: I think we're off of Sand Lane, Fair Street goes out and hits Green...

Brian Bishop: Is everyone familiar with the area? This is Fair Acres apartments, and then this street, Arrow Way, connects to Canoe Creek Subdivision.

As Chairman Dixon was saying, this road itself extends to Sand Lane; Fairground Lane, here.

Chairman Dixon: So Green Street would be off to the...

Brian Bishop: North West. Green Street is this direction here if everyone would follow Fair Street out, you would run into the intersection of Fair Street and S. Green Street.

Chairman Dixon: Ok, thank you.

Ms. Marks, can you go ahead and read the proposed motion?

Jennifer Marks: I can.

Rezoning #1119- Submitted by Hugh Stone, D/B/A HCM, LLC for the properties located in the City of Henderson at 1422 Fairground Lane (PID# 56C-21) and 1456 Fairground Lane (PID# 56-4), containing approximately 0.43 acres. The applicant is requesting a zoning change/Map Amendment from Medium Destiny Residential District (R-2) to Urban Single Family Residential District (R-5) for Single-Family Dwellings.

I move that the Planning Commission recommend that the Henderson Board of Commissioners (the "City") APPROVE Rezoning Application

1119 changing the zoning classification from Medium Density Residential (R-2) to Urban Single Family Residential (R-5) for the subject properties, I leave the motion open for other members of the Planning Commission to add findings of fact in support of this motion, because;

The existing R-2 zoning classification is inappropriate and the proposed R-5 zoning classification is appropriate, because:

The property currently adjoins the developing Canoe Creek Subdivision. This request will allow for the expansion of this established neighborhood.

The adjoining property (Canoe Creek Subdivision) is currently zoned R-5 and the area has developed with single family residences, not R-2.

The development of this property will create a connection between Arrow Way and Fairground Ln. This will allow for better traffic circulation in the area.

The property is served by adequate infrastructure/utilities.

The proposed zoning classification is in agreement with the Future Land Use Map of the Comprehensive Plan, which shows the area developing as medium – high density residential; and, R-5 is medium density residential.

Chairman Dixon: Very good, thank you. These findings of fact are entered into the record. Any questions folks? Do any Commissioners have any questions for staff in this regard?

I'm told that the applicant is with us, or a representative of the applicant.

Jennifer Marks: Yes.

Brian Bishop: Mr. Mark Stone is with us and then Mr. Dennis Branson who did prepare the exhibit as well.

Chairman Dixon: Does the Commission have any questions for the applicant or his representative?

Does anyone else in the meeting have questions for staff or for the applicant or his representative?

I see no questions or comments via Facebook.

Ok, I assume we're ready to proceed. I'll entertain a motion on Rezoning #1119.

MOTION WAS MADE BY DICKIE JOHNSON, SECONDED BY BOBBIE JARRETT TO APPROVE REZONING #1119 AS READ INTO THE RECORD BY JENNIFER MARKS.

Chairman Dixon: Thank you, we have a motion and second, any discussion? Any further comments?

Madame Secretary, please call the roll.

AYE: ALL

NAY: NONE

Chairman Dixon: Very good, Rezoning #1119 is approved.

That concludes the public hearing portion of the meeting, I'll entertain a motion to go out of public hearing.

MOTION WAS MADE BY BOBBIE JARRETT, SECONDED BY MAC ARNOLD TO GO OUT OF PUBLIC HEARING.

Chairman Dixon: We have a motion and a second, all in favor say aye.

AYE: ALL

Chairman Dixon: Any opposed?

NAY: NONE

Chairman Dixon: Very good, we are out of public hearing.

The next item would be the **April Finance Report**. I think Mrs. Curtis is going to help us with that one.

Theresa Curtis: Yes I will.

We are at 81% of budget, and we only have two months left to go. I can answer any questions that you might have, we just need approval.

MOTION WAS MADE BY BOBBIE JARRETT, SECONDED BY DICKIE JOHNSON TO APPROVE THE APRIL FINANCE REPORT AS SUBMITTED.

Chairman Dixon: We have a motion and a second, all those in favor of approving the April Finance Report say aye.

AYE: ALL

Chairman Dixon: Any opposed?

NAY: NONE

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

Next item is the Bond Report, Ms. Marks?

Jennifer Marks: Thank you. This month we only have one bond up for review. It is the Home Place bonding for erosion control. The total amount was \$54,170. Henderson Water Utility has informed me that we do need to extend that bond for one year.

If you guys have any questions I can entertain those or I just need a motion for approval on that.

Chairman Dixon: Any questions for Jennifer?

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

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

All in favor say aye.

AYE: ALL

Chairman Dixon: Any opposed?

NAY: NONE

Chairman Dixon: Very good, the Bond Report is approved as presented.

The next item is **Revised Lots 6 and Lot 8 of the Alexander Farm Preliminary.**

Jennifer Marks: Thank you.

This Preliminary Plat has been submitted by Brad and Donna Alexander for property located in Henderson County at 4378 Brisco Benton Rd (PID #107-54.7). The applicants are requesting Preliminary approval to subdivide the parcel into two lots. You all will notice this is not the typical Major that we see, this is done Preliminary and Final because they are creating Lot 8 which would obviously go over that five lot threshold and creating Lot 8 they will need to place a fire hydrant so that it is within 500 ft. of the new lot. That fire hydrant will either need to be bonded or paid for to be built by the County Water.

If you all have any questions on this one I will answer them.

I do believe Denny is still on and he can answer any questions that you all might have regarding this one.

Chairman Dixon: So, we're creating a Lot 6 and a Lot 8?

Jennifer Marks: It's a revised Lot 6 so Lot 8 is a new lot; it's a Revised Lot 6 so we're taking a portion of the current Lot 6 and creating Lot 8.

Chairman Dixon: Ok. Does the Commission have any questions for the staff or the applicant?

MOTION WAS MADE BY DAVID WILLIAMS, SECONDED BY BOBBIE JARRETT TO APPROVE REVISED LOT 6 AND LOT 8 OF THE ALEXANDER FARM SUBDIVISION AS SUBMITTED.

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

Madame Secretary, please call the roll.

AYE: ALL

NAY: NONE

Chairman Dixon: Very good, the Revised Lot 6 and Lot 8 of the Alexander Farm Subdivision Preliminary has been approved.

The next item is **Lot 5 The Termo Company Subdivision and Consolidation Preliminary**, Mr. Bishop?

Brian Bishop: Yes sir.

Lot 5 of The Termo Company Subdivision Consolidation Preliminary submitted by Termo Company, (Renaë Mehan) for the property located in Henderson County at 5700 Riverport Rd (PID #39-1-16). The applicant is requesting preliminary approval.

Can everyone see the drawing on the screen?

Theresa Curtis: Yes.

Brian Bishop: The applicant is requesting preliminary approval for the land shown. The property shown on the plat, or the exhibit plat is zoned Heavy Industrial. Any land that is zoned Commercial or Industrial has to come to the Planning Commission as a Major Subdivision which is why this is before you.

We have received all necessary approvals from the technical advisors; the water department, County Codes, etc. and just as a note so this does not surprise everyone next month; we will most likely see a further division of this property and if that is the case each, individual lot will

come back to the Planning Commission with Site Plans for the proposed uses.

So, we will see this property several times within the next few months.

With that, I will do my best to answer any questions, and staff recommends approval.

Chairman Dixon: So what's being created here is Lot 5?

Brian Bishop: That is correct.

Chairman Dixon: And Lot 5 is both of those portions that are outlined?

Brian Bishop: Correct. You have a portion on Riverport Road here, and then you have a portion of Highway 136 here. They are joined by this small connection here; eventually they will be divided into smaller lots as well.

I believe the applicant and his representative, his surveyor are on if you have any questions of them.

Chairman Dixon: Do any commissioners have any questions for staff? Any questions for the applicant or his representative?

Hearing no questions, I'll entertain a motion regarding Lot 5 The Termo Company Subdivision and Consolidation Preliminary.

MOTION WAS MADE BY DICKIE JOHNSON, SECONDED BY MAC ARNOLD TO APPROVE LOT 5 THE TERMO COMPANY SUBDIVISION AND CONSOLIDATION PRELIMINARY.

Chairman Dixon: We've got a motion and a second, any discussion?

Madame Secretary, please call the roll.

AYE: ALL

NAY: NONE

Chairman Dixon: Very good, thank you. Lot 5 of The Termo Company Subdivision and Consolidation Preliminary is approved.

Next on the agenda is Administrative Business, do we have anything here, Mr. Bishop?

Brian Bishop: We do, we have a very popular topic as of late; in person meetings.

You may remember the last time we met we were going to do a little homework to see what the options were and as of today we have three (3) options;

1. Continue to meet via ZOOM as we're doing tonight and as we have the last several months.
2. To meet at the MSC, the City's building where they currently have Public Works, they have a very large meeting space. The area is very large and can accommodate 100+ people even with social distancing. The issue we would have there is we would need to find a way to broadcast the meeting. It's not insurmountable but it's an issue to deal with.
3. A hybrid meeting for the 3rd floor of the City Building where we would do a combination of ZOOM and in person meeting. The exact number of people in that room would probably be determined by the space and how we would arrange the chairs.

So, we have a few options as far as future meetings.

With that, I will get out of the way and let you guys discuss what you would like to do.

Chairman Dixon: In case of City Hall, our regular meeting space, how many of the Commission could attend?

Brian Bishop: If I'm not mistaken, I think we figured up roughly seven (7) based on the measurements of where we would be able to still have applicants in the audience.

Chairman Dixon: So, we could fit seven (7) Commissioners, staff and some, few applicants?

Brian Bishop: I believe so, I would have to double check my notes but I believe that is the case.

Chairman Dixon: Some of us would have to continue to participate via ZOOM?

Brian Bishop: Correct.

David Williams: Chairman, that actually works out well for me being I will be out of town the first Tuesday in June.

Dickie Johnson: Mr. Chairman, this is Dickie Johnson, I know it's a convenience and an inconvenience, these ZOOM meetings but unfortunately, I think that until we get some kind of release unless we can use this bigger building that Brian was talking about and limiting our appointed Commissioners from being present at the meeting and allowing the public to be at our public hearings... I think we just need to continue with ZOOM.

I think our only option would be a big building, if we can get something worked out to where we can televise it, it would be great.

Chairman Dixon: Thank you, good points.

I don't know how many people are familiar with that building, it is mammoth. I would say you could get 4 basketball courts in that space.

Dickie Johnson: That would be great, I'm all for an in person meetings, I particularly don't like ZOOM I think it's a convenience and an inconvenience but unless we can have everyone who is wanting to participate in the room I just don't feel comfortable with it.

Chairman Dixon: I think your point is you're not comfortable with the hybrid situation where some are in attendance and some are not and that kind of thing?

Dickie Johnson: Yes.

Gary Gibson: Mr. Chairman I would like to ask a question. How many people on the board have already had both shots?

Dickie Johnson: I have.

Chairman Dixon: I have.

X.R. Royster: I have.

Gray Hodge: I have.

David Williams: So have I.

Stacy Denton: I have.

Bobbie Jarrett: (Raised her hand)

Doug Bell: I have.

Gary Gibson: So in other words, the board is safe enough to hold a meeting if they've already had two shots. Someday we've got to get back to normal.

Mac Arnold: Mr. Chairman, I have a question on the hybrid situation. You said there would be allowed possibly seven (7) members.

Brian Bishop: Mac I believe that's the case but I would need to verify that.

Mac Arnold: How would we determine who wants to show up, is it voluntary? How would that work?

Brian Bishop: Jennifer and I talked about that and feel free to jump in.

I think that was what we had envisioned. The folks that were comfortable meeting in person would be able to come and if there was anyone who was not comfortable, then they would still have the ZOOM option.

Then I also need to verify it's not more than seven (7) Mac, so let me look into that.

Mac Arnold: I want to double check that. I mean, I personally think that's a good way to handle it, it gives someone that is interested in attending the meeting in person they can, and if you don't feel safe or if you have other commitments where ZOOM at least allows you to be mobile to that point where you don't have to be in one spot every time for the meeting.

Chairman Dixon: I think it would be appropriate for me to say that if anybody is really uncomfortable with the ZOOM meeting and is sick of it completely and wants to be together, we could fit a couple of people in this room, could we not?

Brian Bishop: We could get more people here.

Chairman Dixon: A couple of the Commissioners could join us here at the Planning office and we've got some space that we could use in that way if someone really wants to do that, maybe it's more convenient for them or whatever.

I'm hearing a lot of good points and I don't know that we have a solution.

Gary Gibson: My concern is when are we going to allow the public to show back up?

Chairman Dixon: I agree, I think even if we went back to City Hall we wouldn't be able to do that unlimited, would we?

Brian Bishop: It would be limited, yes.

Jennifer Marks: One of the things we did discuss in doing that was the public would be outside of the main room, obviously wear masks and things and based on which item they're there for on the agenda they would come in to speak to that and then they would leave. So that way we don't have a crowd.

Chairman Dixon: Might have a crowd in the lobby though, in the hallway, waiting.

Jennifer Marks: I guess it would depend on the items.

Chairman Dixon: True.

X.R. Royster: I don't see the problem meeting here if we had presenters like we did tonight.

Chairman Dixon: That's true.

Dickie Johnson: Brian, what is and how much trouble would it be to make available to broadcast at the building that you were talking about?

Brian Bishop: I'm not really sure. That is something we would have to address with the I.T. folks at the city. Honestly, I'm not sure what technology they would have available there.

I can find out and report.

Dickie Johnson: If it would work for us then it would work for County Government, and City Government so it may be more beneficial to more government entities as just us because they're doing the ZOOM meetings too.

Chairman Dixon: That's a good point. So, if we use the Public Works building, basically the broadcast needs to be the same broadcast we need at City Hall, right? Just to record the meeting because the public would have access to that building.

Brian Bishop: Correct. We would need to find a way to broadcast via Facebook which I believe is how we're broadcasting, probably most likely forever at this point because it's working out well and in the past we've only broadcasted on the local cable channel. So, one good thing out of this is I think it gives us greater access to the public via Facebook.

The only thing is I don't want to speak for the City when we're going to ask them to purchase the equipment necessary.

Dickie Johnson: I understand that, but I mean it may be beneficial for more than just our organization to utilize.

Chairman Dixon: Right.

You have said something about the purchase of equipment?

Brian Bishop: Uh huh.

And that could be my lack of understanding of how they would do it. For example, with us, we're broadcasting via the camera that was purchase by the Emergency Management folks which if you've been in this room, we're looking directly at it; that's an option.

Another option would be broadcast via like an i-Pad or something like that which is not going to be adequate because we have to see whose speaking, we would have to see whose voting so there are challenges there.

Again, I don't think it's insurmountable but there are challenges.

Chairman Dixon: If we had that bigger space, then we would just have to broadcast the meeting, we don't have to show people's faces and things like that...it's more like we did at City Hall in just a bigger setting.

Brian Bishop: That's a good point.

Chairman Dixon: At City Hall we were recording the meetings correct?

Brian Bishop: Correct.

Chairman Dixon: And they were broadcasted live as well?

Brian Bishop: Correct. The difference in City Hall, I'm trying to think through because it's been so long since we've been there is we had multiple camera angles.

So, for example if someone was at the podium speaking, the camera would go to them or if one of the Commissioners were speaking the

camera would go them or to staff; so I'm trying to think what we would need to make it work.

Chairman Dixon: It sounds like it would not be a small amount of equipment we would need I'm afraid.

Dickie Johnson: But we don't know what's available out there?

Brian Bishop: At this point, the last time we spoke with Sam Lingerfelt, there is no equipment for that there.

Dickie Johnson: Ok.

Brian Bishop: And that was just two or three weeks ago but we can follow up.

Bobbie Jarrett: Let's do our regular meeting by ZOOM in June and that will give you a month to work out all the bugs that are needed for wherever we're going to meet in July.

Dickie Johnson: Sounds good to me Bobbie.

Gary Gibson: I'm ok with that.

Chairman Dixon: So, my understanding is that we're going to ask staff to investigate in some detail what it would take to hold a socially distanced Planning Commission meeting at the Public Works building and meet all of our desires to make sure the public can be involved in whatever way they want to be involved.

Is that fair enough folks?

Dickie Johnson: Yes.

Chairman Dixon: Do you have any other administrative business Brian?

Brian Bishop: No sir.

Dickie Johnson: I've got a, and I'm just not saying it for me because I've always tried to make sure that I got my training hours in adequate time but with COVID and not being to sit down and go to a training

seminar is there any additional ZOOM training meetings planned in the near future to get your required training hours?

Theresa Curtis: If there is then it should be, I know the Kentucky League of Cities always offers a lot of webinars so you can do it online since nobody's opening up but the last that they sent, I think is when you all went but we can double check that and see if there...

Dickie Johnson: I wasn't able to attend that one so I need to look at something in the future.

Theresa Curtis: I'll have Heather check into that tomorrow if she's back, if not, I'll look into it for you.

Chairman Dixon: If you could Theresa, maybe get a rundown of what every Commissioner needs to accomplish; you know what I mean?

Brian Bishop: Heather will have that handy.

Theresa Curtis: Heather has a chart...

Chairman Dixon: So everybody knows what's expected of them and then give us the options they can pursue.

Mac Arnold: The last one, the one we did from Warren County or Bowling Green that was done by ZOOM, I thought that was also kind of available and recorded for them so all you had to do is pull it up online and watch it yourself whether you were there at the meeting or not.

Brian Bishop: I believe that's accurate, I believe they have put that on their You Tube channel and since that was approved we can record it as well.

Chairman Dixon: So You Tube record it and present it to us?

Brian Bishop: It's already recorded, we could provide the link under You Tube channel and we can provide the link to everyone that way.

Chairman Dixon: And then just take their word for it that they watched the thing?

Brian Bishop: There may be a quiz involved.

Chairman Dixon: That's a really good point. Let everyone know how much training they still are required to get and how they go about getting it.

Brian Bishop: That's another reason we asked for the I-69 meetings, the flood meetings, you know where we did that, as another way for us to try to keep everyone as active and engaged and up to date as possible. So, those hours will be counting as well.

Chairman Dixon: Maybe there will be some other opportunities like that?

Brian Bishop: We're always on the lookout for that.

Chairman Dixon: I think that is really valuable, that's actually training we can put to use.

Brian Bishop: I agree.

David Williams: I really recommend that program that Bowling Green put on, it was an excellent presentation.

Chairman Dixon: Good, good. Let's make sure we can have access to that and make it count. I like that idea.

Brian Bishop: That's four hours, that's a good chunk of time.

Chairman Dixon: Yeah, that will about shoot a day.

Brian Bishop: As long as no one is fast forwarding.

Chairman Dixon: Very good, good stuff. Anything else? Any other administrative business or other business?

MOTION WAS MADE BY DAVID WILLIAMS, SECONDED BY DICKIE JOHNSON TO ADJOURN.

Chairman Dixon: We have a motion to adjourn, do we have a second?

All in favor signify by saying aye.

AYE: ALL

Chairman Dixon: Any opposed?

NAY: NONE

Chairman Dixon: We stand adjourned. Thank you all so much for your attention, your effort and your good questions.

Meeting adjourned at 7:10 pm