

Henderson City-County  
Planning Commission  
January 6, 2026

The Henderson City-County Planning Commission held a meeting January 6, 2026, at 6:00 p.m., at the Henderson Municipal Center, 222 First Street, Third Floor Assembly Room, Henderson, Kentucky.

Members present: Chairman David Dixon, Kevin Richard, Bobbie Jarrett, Mac Arnold, Dickie Johnson, Kevin Herron, Gary Gibson, Gray Hodge, Stacy Denton, Frank Boyett, Curt Hamilton, and Tommy Joe Fridy, Attorney. Heather Toews was absent. Staff present: Director Brian Bishop, Jennifer Allen, Rhonda Thompson, Heather Lauderdale and Chris Raymer.

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

Chairman Dixon: I would like to call this January 6, 2026, meeting of the Henderson City-County Planning Commission to order. I want to welcome everybody and thank you for coming. We appreciate everybody's help. Madame Secretary, please call the roll. Very good, do we have a quorum?

Heather Lauderdale: We do.

Chairman Dixon: Thank you, excellent. We have several public items to deal with here. I'll entertain a motion to go into public hearing.

***MOTION WAS MADE BY MAC ARNOLD, SECONDED BY KEVIN RICHARD TO ENTER PUBLIC HEARING.***

Chairman Dixon: We have a motion and a second, any discussion? All in favor of entering public hearing say yes.

***YES: ALL***

Chairman Dixon: Any opposed? We are in public hearing. I've had a request and would like to make a recommendation that we re-order the agenda slightly and maybe smooth things out a little bit tonight. I'm going to recommend and ask for a motion to move items four (4) and five (5) forward to come after item number two (2).

So, we would do the audit, we would do the right of way closure, the rezoning, and then the zoning text amendment discussion. Can I get a motion to make that change?

***MOTION WAS MADE BY MAC ARNOLD, SECONDED BY KEVIN HERRON TO REARRANGE THE ORDER OF THE AGENDA.***

Chairman Dixon: We have a motion and a second, any discussion? All improving that motion say yes.

***YES: ALL***

Chairman Dixon: Any opposed? Very good, the first item of business is the **December 2, 2025, minutes**. I'll entertain a motion to approve as presented.

***MOTION AS MADE BY BOBBIE JARRETT, SECONDED BY KEVIN RICHARD TO APPROVE THE DECEMBER 2, 2025, MINUTES AS PRESENTED***

Chairman Dixon: We have a motion and a second, any discussion? All in favor of approving the minutes say yes.

***YES: ALL***

Chairman Dixon: Any opposed? The minutes are approved. The next item is our **Annual Audit**. I think we have the gentleman here to present this for us. Thank you, sir, for coming.

Malcolm Neel III: Thank you. It's good to be perpendicular and present.

Chairman Dixon: I'll need your name, sir.

Malcolm Neel III: Malcolm Neel III, partner with ATA.

Chairman Dixon: Your address?

Malcolm Neel III: 2004 Stepping Stone, 42420.

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

Malcolm Neel III: Yes sir.

Chairman Dixon: Very good, thank you.

***(Malcolm Neel III reviewed the 2024-2025 Audit Report for the Henderson City-County Planning Commission. Audit is available in the office of the Henderson City-County Planning Commission. \*SEE ATTACHED)***

Chairman Dixon: Does the commission have any questions for this gentleman regarding the audit? Anyone else here this evening have any questions regarding the audit or comment? I'm seeing none and hearing none. Thank you, sir.

Kevin Richard: Yes, thank you for preparation, that was easy.

Chairman Dixon: I assume we need to vote to accept the audit. Is that the proper procedure here?

Brian Bishop: Yes sir.

Chairman Dixon: If there are no questions from anyone, I will entertain a motion to accept the audit as presented.

***MOTION WAS MADE BY FRANK BOYETT, SECONDED BY KEVIN HERRON TO APPROVE THE HENDERSON CITY-COUNTY PLANNING COMMISSION 2024-2025 FY AUDIT AS PRESENTED.***

Chairman Dixon: We have a motion and a second, any discussion? All in favor of acceptance say yes.

**YES: ALL**

Chairman Dixon: Any opposed. The audit is accepted, thank you very much sir.

Malcolm Neel III: Thank you all.

Chairman Dixon: We're moving on to what was once item number four (4); **Right of Way Closure request**. Mr. Bishop, are you going to help us with this?

Brian Bishop: Yes sir.

Right of way closure request submitted by Justin and Abby Johnston to close an unimproved public right of way being an alley between 216 Highland Drive and 220 Turner Avenue, containing approximately 3,051 total square feet.

The applicant has made this request so that they can enlarge a garage that is currently on the property line. This is an unimproved alley the city has never built. The alley, if closed will be separated and halved between the two (2) property owners, north and south.

The city utilities have not objected, there is no issue with utilities in this right of way. We have received all the required consent documents from the adjoining property owners. Staff would recommend approval, and one thing to remember is the Planning Commission makes a recommendation to the Board of Commissioners, and they have final say on the alley closure.

With that, I'll do my best to answer any questions.

Mac Arnold: Did that alley extend on past this area?

Brian Bishop: It did. It was never developed. Are you talking about the next property over?

Mac Arnold: Yes.

Brian Bishop: I don't believe so. From what we've seen on the plats its just this area here.

Mac Arnold: Okay.

Chairman Dixon: Any other questions for staff from the commission?

Anyone here this evening that would like to speak to this proposal? No one in favor or in opposition or have a question perhaps?

Justin Johnston: Yes sir.

Chairman Dixon: I need your name.

Justin Johnston: Justin Johnston.

Chairman Dixon: Address?

Justin Johnston: 216 Highland Drive.

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

Justin Johnston: Yes sir.

Chairman Dixon: Thank you.

Justin Johnston: I just wanted to say thank you for taking a look and possibly granting the opportunity to turn this property to myself and my neighbors to allow us to use it.

Chairman Dixon: Thank you, sir. Any questions for this gentleman?

Kevin Richard: Thank you.

Justin Johnston: Thank you.

Chairman Dixon: If there are no further questions or comments regarding this matter I'll entertain a motion regarding the right of way closure request.

Kevin Richard: Just to clarify, this is a Board of Commissioners who we're recommending this to?

Brian Bishop: Correct.

Chairman Dixon: We need a motion to recommend one way or the other, right?

Tommy Joe Fridy: Right.

***MOTION WAS MADE BY KEVIN RICHARD, SECONDED BY DICKIE JOHNSON TO RECOMMEND APPROVAL OF THE RIGHT OF WAY CLOSURE REQUEST TO THE BOARD OF COMMISSIONERS SUBMITTED BY JUSTIN AND ABBY JOHNSTON TO CLOSE AN UNIMPROVED PUBLIC RIGHT OF WAY BEING AN ALLEY AT 216 HIGHLAND DRIVE AND 220 TURNER AVENUE.***

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

Heather Lauderdale: Thank you. Dickie, was that a second?

Dickie Johnson: Yes.

Heather Lauderdale: Thank you.

***YES: ALL***

Chairman Dixon: Very good, the motion passes.

We are now looking at **Rezoning #1181**. Mr. Bishop, that is yours too.

Brian Bishop: Yes sir. Rezoning #1181, submitted by Johnston Family Holdings, Jesse L. Johnston, for a portion of the property located in the City of Henderson at 1500 Madison Street (PID# 56E-55 and 56E-56) containing approximately .296 acres. The applicants have requested a zoning change/map amendment to rezone from General Business (GB) to Agricultural (AG).

The applicant intends to exchange properties with HMP&L. If you will notice on the aerial map, the property northwest is HMP&L's current sub-station. HMP&L would like to acquire the property that is currently being discussed. We cannot consolidate parcels of different zones, and the HMP&L's parcel has been zoned agricultural for decades and it's had a historical use of a substation.

So, with that, staff would recommend approval, and we have provided a proposed motion and findings of fact when it is appropriate.

Chairman Dixon: What parcel are we talking about? I see three (3), different shades.

Brian Bishop: Mr. Chairman, you'll see this portion here, this elongated rectangle. So, that is the portion to the northwest of the gravel road. Yes, right there, if you are south. That is the portion of the parcel that would be consolidated into the substation.

Chairman Dixon: What are we considering for the rezoning, that?

Brian Bishop: Yes. We are considering that portion which is currently zoned general business and would be making a recommendation for agricultural for the purpose of consolidation.

Chairman Dixon: Okay. Any other questions for staff regarding rezoning #1181? Anyone else here this evening that would like to speak in favor of this rezoning? Thank you, sir. Your name, sir?

Ben Johnston: Ben Johnston, 7732 Baskett Cemetery Road.

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

Ben Johnston: I do.

Chairman Dixon: Thank you, sir.

Ben Johnston: I received a call a few months ago from Brad Bickett at HMP&L. They had planned eventually to expand that substation and

we've been working with them on some additional property off of outer 5<sup>th</sup> Street. So, the conversation brought up was would we consider selling that to them ultimately in exchange for a piece of property on 5<sup>th</sup> Street when its all said and done. We want to continue to be good corporate neighbors and absolutely would encourage the approval of the agricultural rezoning so they could consolidate into their needs for further electric.

Chairman Dixon: Okay. Thank you, any questions for this gentleman from the commission? The issue is in order to consolidate we have to have matching zones.

Brian Bishop: Correct.

Ben Johnston: Yes.

Chairman Dixon: Thank you, sir.

Ben Johnston: Thank you for your consideration.

Chairman Dixon: Anybody else here this evening that would like to speak in favor of this proposal? Does anyone here have any questions about it? Perhaps a different opinion? I'm hearing none and I'm seeing none.

Gray Hodge: Mr. Chairman, may I ask a quick question?

Chairman Dixon: Of course.

Gray Hodge: On page thirty-two (32), and I'm getting confused here where it says proposed zone and land use plan and it says zoning a portion to City, Light Industrial but that's not what it says in the (inaudible).

Brian Bishop: It's a type-o in the staff report.

Chairman Dixon: Thank you, commissioner. Staff, you said you had a proposed motion and findings of fact?

Brian Bishop: I do, sir.

Rezoning 1181, submitted by Johnston Family Holdings, LLC, Jesse L. Johnston, for a portion of the property located in the City of Henderson at 1500 Madison Street (PID# 56E-55 and 56E-56) containing approximately .296 acre. The applicants have requested a zoning change/map amendment to rezone from General Business (GB) to Agricultural (AG).

I move that the Planning Commission recommend that the City of Henderson Board of Commissioners (the "City") APPROVE Rezoning Application #1181, changing the zoning classification from General Business to Agricultural. I leave the motion open for other members of the Planning Commission to add findings of fact in support of this motion because;

The proposed rezoning is not in agreement with the future land use map of the comprehensive plan, however the existing GB zoning classification is inappropriate, and the proposed AG zoning classification is appropriate, because:

The parcel to which consolidation is proposed is zoned Agricultural.

This rezoning and consolidation will provide space for HMPL's substation expansion when needed.

The parcel is served by adequate infrastructure for the development.

Chairman Dixon: Thank you. Any further discussion, questions, comments? If not, I'll entertain a motion in regard to Rezoning #1181. The staff has provided a proposed motion and finding of fact.

Motion was made by curt Hamilton, seconded by mac Arnold to adopt the motion as read by Mr. Bishop.

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

**YES: ALL**

Chairman Dixon: Very good, the motion passes.

The next item is the **Henderson County Zoning Text Amendment**. I think Mrs. Allen is going to lead that discussion.

Jennifer Allen: Yes, thank you Mr. Chairman.

Henderson County Zoning Text Amendment, the Henderson Fiscal Court hereby proposes and originates the amendment Appendix A of the Henderson County Zoning Ordinance in the Henderson County Code of Ordinances to include small farm winery farmstays as a conditional use Agricultural zones.

You will see in your packet the language and there have been a few requests for changes. As you know, everything kind of builds upon each other in the zoning ordinance so, when we change something in one area certain smaller changes have to be done.

We are adding small farm winery farmstays to agritourism activities. So, the definition of agritourism you'll see down here, we're adding that as a qualifying activity under agritourism.

We are adding the definition of a small farm winery farmstay. You can see that there. A small farm winery is licensed under KRS 243.155 that include up to nine (9) guest rooms provided for rent to transients but otherwise satisfy the conditions of both a bed and breakfast and an agritourism set forth in this section and in Section 22.03 of this ordinance.

You've got in front of you those conditions that have to be met to be agritourism as well as a bed and breakfast when they do apply for that conditional use permit. If you have any questions on those, I can entertain those, but you do have those there in front of you.

Another change that would be added to this is make small winery farmstays a conditional use in the agricultural zone. Being that it is a

conditional use, as part of the definition of small farm winery farmstays they will have to meet those conditions that you have in front of you for agritourism and bed and breakfast. Those conditions are what you can see there, again, if you have questions on those but those are the changes that Fiscal Court has asked us to make a recommendation on.

Chairman Dixon: Okay, the conditions that I have in front of me say they must not have more than four (4) guest rooms for rent.

Jennifer Allen: Yes. So, if you will refer back to the definition here, so, it is to include up to nine (9) guest rooms provided for rent but otherwise satisfy. So, that is the language that the County Attorney and staff chose to kind of remedy that condition there.

Chairman Dixon: So, we're adding more possible guest rooms, right?

Jennifer Allen: Yes. So, if it does meet the conditions and definitions of a small farm winery farmstay it can have up to nine (9) rooms.

Chairman Dixon: Okay. Not ten (10). Nine (9).

Jennifer Allen: Nine (9).

Chairman Dixon: Okay. Any other questions from the commission from staff?

Frank Boyett: The language on number four (4) seems little confusing. Maybe I'm just old.

Jennifer Allen: Are you talking about on the conditions or are we talking about...

Frank Boyett: When they're talking about the bed and breakfast.

Jennifer Allen: Bed and breakfast, okay. Each room shall be rented for no longer than seven (7) consecutive days to the same person shall be regulated as a boarding house.

So, that is just a standard definition that they decided to put in there. You know how short-term rentals have a, I believe its not more than thirty (30) days, for the county that's what they chose to put in there.

So, these were passed in 2017 I think, the original conditions for agritourism and bed and breakfast so, that is how this has to meet those, but you just can't have an occupant of the same for more than seven (7), consecutive days.

Frank Boyett: Okay, that's how I took it.

Kevin Richard: I think maybe there is an and missing in front of the shell, it would make it feel better.

Jennifer Allen: Maybe its just not typed; I will check that in the zoning ordinance.

Curt Hamilton: Following up on Franks question, why only seven (7) days, again, specifically? Can we not, with it coming to us could we say, look thirty (30) days would be appropriate thereby falling in line with the county's STR ordinance.

Jennifer Allen: At this point, we're not looking at this language. This is what is currently in the zoning ordinance for bed and breakfast and for agritourism.

Curt Hamilton: Okay.

Jennifer Allen: I just wanted you guys to understand the conditions that would need to be met.

Curt Hamilton: Okay.

Jennifer Allen: The county always can but that's not what we're; that portion isn't what we're making changes to right now.

Curt Hamilton: Okay. I do have another question as well.

So, why have this a conditional use? Why not just have it as a permitted use that way applicants don't have to go through all the paperwork to have, you know, to make sure all the conditions are met. Why not just fix the statute or the ordinance to say, hey, this is permissible, period.

Jennifer Allen: I don't know that I can fully speak on that as the County Attorney's office did write this language, we weren't too included in the language on that. Typically, when a conditional use is considered instead of a permitted use, it give that opportunity of a public hearing and as you see, there are other simple things. Things like the building permit and the site plans and things like that that would be reviewed under the conditional use as opposed to just being a permitted use. That's me making an almost assumption on what we would typically do because, like I said, we weren't involved too much on the language.

Curt Hamilton: Could the Planning Commission, if we chose to do so, suggest an ordinance that has this just be a permitted use so that someone that wants to promote agritourism and build this sort of property out in the county that otherwise qualifies under the state regulations as an agritourism space, doesn't have to go through you know, the conditional use permitting process which can be tedious and slow down construction? I'm just asking. Is that something that we could do? And I don't know the answer to that Mr. Chairman at all as I'm relatively new on this.

Chairman Dixon: Counselor?

Tommy Joe Fridy: Yes.

Curt Hamilton: Okay.

Tommy Joe Fridy: The Planning Commission can make recommendations. That's why it's here.

Curt Hamilton: Okay, okay.

Gary Gibson: But if we change this then the county will have to re-do their...they have already approved this.

Tommy Joe Fridy: Well, they have originated it and sent it here for a public hearing and for the Planning Commission to consider it and make a recommendations back.

Gary Gibson: But if we change a bunch of this, then it will have to go back to them and then they have to decide what they want to do.

Tommy Joe Fridy: Correct. But, if that's what the Planning Commission chooses, you can make a recommendation.

Curt Hamilton: Okay.

Chairman Dixon: Any other questions or comments from the commission before we hear from others?

Okay, do we have anyone here this evening that would like to speak in favor of this zoning text amendment?

Hi. I need your name.

Abby Dixon: My name is Abby Dixon.

Chairman Dixon: Your address?

Abby Dixon: 733 North Main Street.

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

Abby Dixon: I do.

Chairman Dixon: Very good, thank you.

Abby Dixon: Good evening, everyone, my name is Abby Dixon, again, and I'm the Executive Director of the Henderson Tourist Commission.

I'm here to support the proposed ordinance amendment. At its core, this amendment provides clear framework for farmstays at our small farm

wineries both current and future, hopefully, right? Something increasingly expected in today's agritourism landscape which is a growing segment of tourism in Kentucky. We know that our travelers are seeking immersive, place-based experiences. They want to stay where the story is. We've all been on vacations where we get to meet the locals, we get to experience authentic culture, get out of the hotel room and this is what a farmstay does. Whether its on a farm or the vineyard, we're connecting with the land and with the people that make a place so special. We have a lot of land and a lot of people in Henderson County that do just that for our destination.

I believe that this amendment offers clarity and consistency. It allows small farm wineries to plan, invest, and diversify thoughtfully while reducing the risk of the investments are delayed, discouraged or unfortunately lost all together.

From a broader perspective, and of course as tourism director, farmstays help fill a gap in our lodging mix, and that is something that we desperately need to do here. They attract a different type of visitor, oftentimes couples or friend getaways, small groups, corporate retreats. People who are staying in our community longer, they are spending more dollars in our community and ultimately, they are supporting multiple, local businesses. These experiences complement our existing hotels, they do not compete with them, and it expands our overall visitor economy.

We have a ninety-five-million-dollar visitor economy here in Henderson County. So, I think its really clear that this is a segment of our economy that we need to keep propping up and keep boosting so that we can continue to have a thriving community.

Also, we appreciate that this amendment is forward looking. It acknowledges how agritourism has evolved and continues to evolve. Ultimately, it supports our local entrepreneurs. Again, both present and

future. It strengthens our small businesses, and it aligns with our long-term economic development goals through tourism.

So, with all of that being said, I respectfully encourage you all to recommend this ordinance for approval. Thank you all so much.

Chairman Dixon: Thank you. Any questions?

Curt Hamilton: Yeah, I have a question. Mrs. Dixon, are you in favor of all the conditions that are placed on like the question I just asked earlier versus having an ordinance that permits this sort of use without people who are interested in investing in agritourism businesses like this having to come to the government to make sure that all of the conditions are met. Would you be in favor of a more liberal ordinance versus this one which definitely changes the law but has conditions?

Abby Dixon: I understand your point.

Curt Hamilton: Just a question.

Abby Dixon: Yes. Yes, to your question. I agree that again, as putting my tourism director hat on the clearest and easiest path forward in my opinion, is best. But I also understand that I'm one piece of the pie of our community, definitely not an attorney, although I do like to play one sometimes and I want to make sure everyone this affects feels comfortable as we move forward. I think to have a thriving tourism economy, we need to have our whole community on board. We can't just be welcoming to visitors whenever our residents don't feel comfortable or if local governments don't feel comfortable in the path that we're taking.

So, I think that this is a clear path forward so that those small farm wineries who are interested in farmstays know exactly what the steps are, and they can take it from there.

Curt Hamilton: Okay.

Chairman Dixon: Thank you, ma'am. Other questions?

Curt Hamilton: Thank you.

Chairman Dixon: Thank you very much.

Abby Dixon: Yes, thank you.

Chairman Dixon: Anyone else here this evening that would like to speak in favor of this text amendment? I believe we have you on record, sir.

Ben Johnston: Thank you. I just want to applaud the conversation Mr. Hamilton. You know spending many years with economic development, anything and everything we can do to ease the process for growth in this community. And we understand we have to be respectful of the process and make sure it's the right kind of growth; Farmer and Frenchman have certainly been good for this community. We need additional space for people to stay. Our auditors were in last month or so ago; where did you stay? Evansville. We ask that question in economic development on a regular basis. Having some additional capacity for people to stay in this community and on a lesser note, if somebody goes out and they have a drink or two and stay there, we would much rather them stay there than driving down the road too. So, all those things are important. Thank you all for what you do and your consideration.

Chairman Dixon: Thank you, sir. Any questions? Okay, anyone else like to speak in favor of this text amendment?

Clay Gillham: Good evening. Clay Gillham, Director of the Chamber.

Chairman Dixon: Okay.

Clay Gillham: 724 North Main Street.

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

Clay Gillham: I do.

Chairman Dixon: Very good.

Clay Gillham: I'll be very brief. I just want to voice additional support from a chamber perspective for updating the language in this ordinance. The way that we see it, this is just really about clarity, it's not necessarily opening a wide door for anything to come through but it really is about making sure that any business that is looking to invest and expand in Henderson has a clear path and a very understandable way to move forward and make that investment and have that growth while making sure the community is protected and you know, the integrity of the existing ordinance and permit process is in place.

I think this language clarification will support local tourism in this instance but in many instances in the future as well. It supports economic growth, it supports our agricultural businesses diversifying if they so choose but still maintains a protective mechanism for the community as it relates to any future, possible developments.

So, just grateful to you all for taking some time to look at the language and thinking about you know, how this allows our community to continue to grow.

Chairman Dixon: Thank you. Any questions? Thank you, ma'am.

Curt Hamilton: I have a question. What do you think about the conditions? You know, seriously, why have conditions? Why not just allow this to be permitted so that we don't have the reputation of not being business friendly when people want to come and develop property in our town? We set up things to do, and they apply, and they build something, and we go from there.

Clay Gillham: I think my answer is going to sound very similar to our tourism directors in that I do think its important that there is some amount of protection for the community. When we're looking at allowing things to grow, I think it's important that there is an agreement among the community on what that looks like.

Curt Hamilton: Does the regulatory scheme already have those protections in place if we make this a permitted use versus a conditional use?

Clay Gillham: That's not a question I know a full answer to right here.

Curt Hamilton: Okay.

Clay Gillham: But, to your point I will echo, anything that we can do city level, county level, planning level to create a very clear path for anyone who wants to come and open a business. I would agree that that is not always the case and that sometimes our entrepreneurs and our businesses are ahead of what our ordinances are written for. So, we run into these issues where its not necessarily that anything has completely out of the category of the ordinance but there's not clear enough language to say if it's in either. So, we end up in, you know, kind of a gray zone. So, I agree that anywhere that we can make things clear, simple, anybody could come in and invest. I think that's important.

Curt Hamilton: Thank you.

Chairman Dixon: Other questions? Thank you, ma'am.

Clay Gillham: Thanks.

Chairman Dixon: Would anyone else like to speak in favor of this amendment? Anyone here this evening who would like to speak in opposition?

Missy Vanderpool: Oh, I'm not in opposition, I was just slow getting up.

Chairman Dixon: Okay. Your name ma'am?

Missy Vanderpool: I'm Missy Vanderpool. My address 8018 Martin Martin Road, Henderson, Kentucky.

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

Missy Vanderpool: I do.

Chairman Dixon: Very good.

Missy Vanderpool: I really can't add anything additional to what Abby and Clay have added. Just that as economic development director, we are in support of this change. It gives a clear path forward for future development.

We've, over the past year really taken a look at hotel and retail commercial development in Henderson and the community and I think this fits that need. So, I'm just here to speak in favor of it and I appreciate y'all taking that consideration and the language set forth will give us a clear path forward.

Chairman Dixon: Okay. Thank you. Any questions?

Missy Vanderpool: You gonna ask?

Curt Hamilton: You have an answer?

Missy Vanderpool: I'll try to give you an answer. I agree with what they have said. I also agree and appreciate your asking that question because I do think any time, we can make that clear for development is very important. I do think in this one specifically, they already meet the criteria of a small farm winery so, I do think there is some protection there as far as conditions and they still would have to get...its still a permitted use so still they would have to get a permit. I would not be opposed if it didn't have to be conditioned on.

Curt Hamilton: I apologize to my fellow commissioners for asking these questions but one of the things that gets me is we have, I happen to know we have billboards out in the county, right? Which are taller than five feet (5') tall in height and thirty-two (32) square feet in sign face.

So, if someone was going to build an agritourism building, they couldn't have a sign as big as the billboard that's hanging over the building in the same spot. It just doesn't make sense that we would require that sort of

condition by the government if somebody wants to come in and invest in this. So, that's why I'm asking is wouldn't we rather propose that it's a permitted use under the zoning regulations versus having to come to a governmental agency and make sure ten (10) boxes are checked.

Missy Vanderpool: And I agree.

Curt Hamilton: If that makes sense.

Missy Vanderpool: Personally, as the economic development director, yes but I also appreciate staff and legal...

Brian Bishop: Can you move up to the mic?

Missy Vanderpool: I'm so sorry.

Curt Hamilton: Agreed.

Missy Vanderpool: I appreciate staff's work on this and their expertise on it because I am not the expert on zoning.

Curt Hamilton: Yeah, I'm not either. Thank you.

Chairman Dixon: Other questions? Thank you very much. Would anyone else like to speak in favor of this proposed text amendment? We are being asked, again, to make a recommendation one way or the other in this case, right?

Jennifer Allen: Right.

Chairman Dixon: Okay. No one else wanting to speak in favor? Is there anyone here who has a different take on the matter? Yes ma'am?

Lisa Meyer: Hi, my name is Lisa Meyer. My address is 13341 State Route 136 East.

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

Lisa Meyer: Yes, always.

Chairman Dixon: Thank you.

Lisa Meyer: I am very adamantly opposed because it appears to me, they are trying to run two (2), different business on less than a fifteen (15) acre plot, okay. I have property close by and for instance, I inherited my parents farm which is forty-six (46) acres okay, but whenever I inherited it, the house had to be separate from the farm even though it had been there since 1970, okay. So, I am paying full taxes on the house but I'm paying farm taxes on the farm, okay.

So, if you're going to approve something like this, I think it should apply to everyone. You know, a lot of people in Henderson are my age and they've inherited their parent's farms and their properties and stuff.

So, here have a bar and a winery and an eating establishment and you have these...hotel, basically, their bed and breakfast. But you know, you've got these three (3) units, and then you've got this one (1) that's going to be two-story, with three (3) on each floor, okay. I don't see the correlation here. I mean, they are two, separate businesses even though they're going to be ran by the same person, okay. Whereas I have a farm and a house on it but yet I pay two, different tax rates for it.

So, you know, my question is why are they getting the break on the, on the bed and breakfast, you know as an agritourism? You know? I can do that too, you know. I'm sure everybody wants to come to a farm in Niagara and see what goes on behind the scenes and take tours of the barns and stuff, but I just don't agree with that.

Chairman Dixon: Okay. Anything else ma'am?

Lisa Meyer: No.

Chairman Dixon: Any questions from the commission? Would anyone else like to speak to this issue tonight? One way or the other I'm not hearing any kind or seeing any kind of reaction. Okay, if we have

nothing further to say then I will entertain a motion in regard to the Henderson County Zoning Text Amendment as presented this evening.

***MOTION WAS MADE BY BOBBIE JARRETT, SECONDED BY MAC ARNOLD TO RECOMMEND A MOTION TO APPROVE HENDERSON COUNTY ZONING TEXT AMENDMENT APPENDIX A AS PRESENTED.***

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

Curt Hamilton: Mr. Dixon?

Chairman Dixon: Yes?

Curt Hamilton: Can I...are we, um, this is just a yes or no; we are not permitted to suggest any amendments. Do I understand that correctly? Is that right, Mr. Chairman?

Tommy Joe Fridy: You're here to make a recommendation.

Curt Hamilton: Okay.

Tommy Joe Fridy: You can recommend for, against, or changes.

Curt Hamilton: Okay, okay. Mr. Chairman, I would just say that I think our regulatory scheme should be less restrictive. Just like Mrs. Meyers was saying, it needs to be less restrictive so that you can do things and not have two, different zones in your property. I think we ought to encourage people to come and invest and do these sort of new age things in our community by suggesting to the Fiscal Court a less restrictive ordinance and make this a permitted use.

I just returned from one of the most agritourism places in the world. There are small farms close together and people go from one place to another, really enjoying them, spending money and making that community thrive, quite honestly. Henderson could do this but the red

tape that people have to go through to get there, even under this scheme, just too much and its discouraging for investment in our county.

So, I would recommend that we just make it a permitted use and leave it at that. And the rest of the codes and zones, you know, that would be...

Jennifer Marks: Mr. Chairman, I would need more clarification on that. The current suggestion that we have received from Fiscal Court does make this a qualifying use in agritourism, which is currently a conditional use as well.

So, we would need to kind of clarify if we're wanting to pull that specific use from agritourism or if we want it to maintain.... there are a lot of things there because bed and breakfast and agritourism are both conditional use permits required, right now in the zoning ordinance.

So, if we are specific to the small farm winery farmstay, and wanting to pull that out, we would need to look at that further because I believe the definition of a farmstay is that it is a bed and breakfast. I think to quote Mrs. Vanderpool, not all farmstays are bed and breakfast but not all bed and breakfast are farmstays. So, we would need to clarify that further if you wanted to move forward with that motion because right now, those two things this would go under are both conditional use permits in the zoning ordinance in an agricultural zone.

Chairman Dixon: Okay.

Curt Hamilton: That's what I'm asking Mr. Chairman. How do we make this less complicated, less egregious, less red tape for people?

Chairman Dixon: Okay, at the moment we have a motion and a second before us which we need to vote on.

Tommy Joe Fridy: Not unless he makes a motion to amend the motion. Now, I'm not taking sides, but he's got to doing that, so.

Chairman Dixon: Okay, and then the original person who made the motion would have to agree to amend it.

Tommy Joe Fridy: No. You vote on the amendment first, then you vote on the motion with or without the amendment.

Chairman Dixon: Okay, okay. We do require two (2) votes?

Tommy Joe Fridy: Yes sir.

Chairman Dixon: Okay.

Curt Hamilton: I move to amend the current motion to make this a permitted use under the zone if that adequately states it. Versus, instead of having it be a conditional use.

Chairman Dixon: Okay, is that clear enough for us....

Mac Arnold: I've got...as far as Mr. Tasa back here, which is the county codes administrator, maybe we could clarify it. I've always been aware that farm ag basically, doesn't have to building permits and inspections for plumbing and everything else in themselves unless they've gotten a conditional use where they are required...

Randy Tasa: That is not entirely true.

Chairman Dixon: Okay.

Randy Tasa: Randy Tasa, Henderson County Codes Department, 1990 Barret Court, Suite H.

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

Randy Tasa: I do.

Chairman Dixon: Can you shed any light on this?

Randy Tasa: So, some of the things he's referring to, there are some ag exemptions for like plumbing but there is not an ag exemption for electrical, HVAC and other things. Then, there are only certain things that qualify as agricultural. This being more of a commercial nature does not as being ag exempt from building permits and plumbing.

Mac Arnold: So, they have permits...

Randy Tasa: Ag exemption is specifically for like, say a barn for livestock and for farm equipment and stuff like. One of the things that have been discussed, permitted use versus conditional use.

A conditional use gives protection for adjacent property owners and gives them a voice to voice concerns they may have and how this may impact their property rights. So, a conditional use is what a lot of things have and there are reasons why there are different zones and conditional uses that help give adjacent property owners their voice and helping protect their property rights and how it can affect them.

Versus a permitted use would just be getting a building permit and submitting the proper documents for it. A conditional use goes through a zoning board.

Chairman Dixon: Any other questions for this gentleman?

Curt Hamilton: Thank you.

Chairman Dixon: Thank you, sir, thank you for your help.

Okay, I believe we have a.... yes ma'am?

Lisa Meyer: I just wanted to say that destroyed what I said because I said...

Chairman Dixon: Excuse me, I need you at the microphone.

Lisa Meyer: I'm sorry. Mr. Hamilton actually destroyed what I said because I, you know, about the separation. What is said was, the bed and breakfast part should be under a regular business type, okay. And the bar and the restaurant should be under something else. It's really not agritourism, okay. I mean, this was just all kind of made up for them and like I said, I have farms, and I have houses on them and they are actually zoned separate so I have to pay higher taxes on the houses.

So, I don't see what the difference is. I have a farm and a house on it, okay, but only one person is going to be living there or staying there and they are wanting to have the farm, you know, and the farm is less than fifteen (15) acres too, okay. Mine is forty-six (46) and then I have another one that's fifty (50), and then one that's like thirty-five, okay. But they're all, you know, I'm paying separate rates on the buildings on there than I am paying for the actual farm. It's not considered all farmland because it has a house on it. So, those are actually separated out in my tax assessment.

Dickie Johnson: Brian, can you answer that lady's question about the separation...

Jennifer Allen: I think what she is referring to, and I think it is important to know, we talk about this all the time. Your zoning, your use for that is not the same as what you are taxed.

So, the PVA comes up with what title they put it under whether its agricultural, residential and things like that. That and zoning don't go together if that makes sense. So, just because you're zoned something, just because you're zoned ag doesn't mean that you're going to be taxed at ag, that is specific to the PVA. We have nothing to do with the...

Lisa Meyer: Right, I understand that. But I'm paying the higher tax on a house on the farm than what it was while my parents were alive.

Jennifer Allen: Maybe yes, but homestead exemptions and things like that but we don't have...zoning use doesn't have anything to do with what you're taxed. PVA is specific to that. We get those questions a lot based on what it says on the PVA website versus what your actual zone is.

Lisa Meyer: Well, when they passed away, it all changed, okay. From what it had been. So, I don't see what the different is whereas I have a farm and a rental, okay, and it could be agritourism because I can rent it to people that are just coming in.

Jennifer Allen: And you are more than welcome to apply for a conditional use permit as well to do the agritourism and meet those conditions. Anyone in the county that is in the ag zone...

Lisa Meyer: There's a fat chance that would be approved.

Jennifer Allen: You are allowed to apply for it.

Lisa Meyer: Again, that's a fat chance, we all know that. So, why waste my time. But you know, they're basically going to be operating two, separate business here. They are going to have an overnight stay and they're going to have a restaurant/bar. So, the two (2) aren't the same and I just think they should be taxed differently. Thank you.

Chairman Dixon: Thank you.

Gary Gibson: Well, what we're doing right here, we're just recommending to the county and what they should do. The county has already dug into it, and we are looking at the business that is already there and has been there for a long time, and they have had hotel rooms out there for a long time. The county is trying to get something straight and on paper and if we dig in this too much, then they just might as well throw their paperwork away and begin all over again. We're just trying to make their business the correct way. The business is already there. They've already gone through the paperwork about ten (10) years ago to become a business and we don't...

Lisa Meyer: Yeah, that's a whole, different story.

Gary Gibson: I know it but...

Lisa Meyer: It's not all above board.

Chairman Dixon: Okay, I think we have a motion to amend the original motion on the floor, do we not?

Kevin Herron: Yes.

Chairman Dixon: Right now, we have a motion to amend. Is there a second to that amendment?

Gray Hodge: May I ask a quick question?

Chairman Dixon: Of course.

Gray Hodge: So, are we recommending to the county commission that they revise what they have proposed and then it will come back to us at another meeting as not as a special condition but as a permitted use; not a special condition but a permitted use, is that...

Tommy Joe Fridy: If the amendment to the motion passes, yes.

Gray Hodge: Okay, so, no zoning is changed as a result. It will go back to the county commission, and they can either decide to stick with what they have or they can decide to make it a...

Chairman Dixon: And they can decide if...

Tommy Joe Fridy: You're only making, the Planning Commission is only making a recommendation.

Gray Hodge: I'll second the amendment.

***MOTION WAS MADE BY CURT HAMILTON, SECONDED BY GRAY HODGE TO MOVE TO AMEND THE CURRENT MOTION TO MAKE THIS A PERMITTED USE UNDER THE ZONE IF THAT ADEQUATELY STATES IT, VERSUS, INSTEAD OF HAVING IT BE A CONDITIONAL USE.***

Chairman Dixon: Okay. So, we now have a motion and a second to amend....

Shannon Hill: Can I ask a question?

Chairman Dixon: Okay. Your name please?

Shannon Hill: My name is Shannon Hill. 16751 Bluff City Road.

So, my question is...

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

Shannon Hill: I do sir.

Chairman Dixon: Counselor, is this, is this...are we okay with this?

Tommy Joe Fridy: It's your prerogative.

Chairman Dixon: Okay, go ahead ma'am.

Shannon Hill: Well, I guess, the audience was not prepared for this amendment. We were just thinking it was going to be what Fiscal Court set forth for the Planning Commission to vote on.

So, my question is, what Mr. Hamilton has proposed, does that affect all bed and breakfast or just farmstay bed and breakfast?

Chairman Dixon: What does your motion include commissioner?

Curt Hamilton: Well, on the proposal there are....its proposed as a conditional use permit, okay. That someone who wants to come and have this sort of business would have to go through all the paperwork and check all these boxes. My proposal is that it becomes a permitted use on Mrs. Meyers property, on your property, or anyone that has this.

So, that was my motion as I understood it.

Shannon Hill: So, how does it affect bed and breakfast that are already...

Chairman Dixon: Counselor, can you help please?

Tommy Joe Fridy: Your motion to amend has to be limited to farmstay because that's what we're dealing with.

Curt Hamilton: Correct. Correct.

Tommy Joe Fridy: Does that answer her question?

Shannon Hill: I'm asking was it bed and breakfast in general or only farmstay bed and breakfast.

Curt Hamilton: Sorry.

Tommy Joe Fridy: What we're dealing with only deals with farmstay, and if the Planning Commission wants to make a general recommendation it would have to be done in a different setting, in a different public hearing probably but be that as it may, we are only dealing with farmstays. That's all that is in front of you.

Curt Hamilton: Yes sir.

Tommy Joe Fridy: You made a motion to amend as it pertains to farmstays.

Curt Hamilton: Yes sir.

Tommy Joe Fridy: That's all you can do.

Curt Hamilton: Correct.

Shannon Hill: No, that's fine, that answers my question. I didn't know if it was farmstay only bed and breakfast or bed and breakfast in general. So, that was it. Thank you.

Chairman Dixon: Thank you, ma'am.

So, we do have a motion and a second...

Lisa Meyer: I'm still confused, one more thing. Is it supposed to be a farmstay now or is it an agri-stay, 'cause they've used both.

Dickie Johnson: You need to move to the mic.

Lisa Meyer: Oh, I'm sorry. Is it a farmstay now or is an agri-stay, 'cause I've heard both there that they were going to change it to an agri-stay from a farmstay and you keep going back and forth on what its going to be called.

Jennifer Allen: Mr. Chairman, the current discussion that we are having is a small farm winery farmstay, is what we are looking to add to the zoning ordinance whether it be for a permitted use or a conditional use.

Lisa Meyer: So, what was the agri-stay you were talking about earlier?

Jennifer Allen: Agritourism?

Lisa Meyer: Yea, agritourism.

Jennifer Allen: So, underneath the current definitions in our county zoning ordinance, there is a term agritourism which meets several different activities that take place on those specific ag zoned properties. Whether, as you can see here it can be a farm...

Lisa Meyer: That's new too, right?

Jennifer Allen: That is not new, no. That has been in there at least since I've been here, if not before. I don't have the exact change there on that.

But, one question I have to also ask to clarify the amendment that Commissioner Hamilton is proposing, so, underneath the current proposed definition, it still requires, regardless of whether it would be permitted or conditional that it would meet those conditions set out in agritourism and bed and breakfast.

So, you would have to clarify how you want that to also be worded or if we want to change the definition all together that's been submitted. We would need that clarification as well.

Chairman Dixon: Okay, could you direct us to the page number, please? Its page number seven (7) in my packet.

Jennifer Allen: I apologize, let's see here. Page 7, yes, the definition that that county did send over to us does include that...and if you don't want to change that definition of course that is perfectly fine but my understanding of what you're describing here is that you don't want

there to be those conditions and the current definition as presented from Fiscal Court does require those conditions set out as it says there in that.

Chairman Dixon: Okay, can we make this...

Shannon Hill: Sorry.

Chairman Dixon: Yes ma'am?

Shannon Hill: Shannon Henson Hill again. So, the one piece of information that I heard from Mr. Tasa was that the conditional use permit, the reason that was to help protect the adjoining or the property owners around the business. So, what's in place or what would be there to protect those property owners if it's just an automatic permitted and they don't have to go through the conditional use permit.

And does Mr. Tasa, I mean, is he in favor? Can we ask him? Would he be in favor of that permitted or would he prefer for accountability for protection of everyone, so it has to go through conditional use.

Chairman Dixon: We'll give it a try.

Shannon Hill: Okay, thanks.

Chairman Dixon: Mr. Tasa, would you like to address this?

Randy Tasa: What was the question again?

Chairman Dixon: The question is the proposed amendment to the proposed amendment removes all these conditions, to remove the conditional use requirement.

Randy Tasa: I think conditional use permits do help protect adjacent property owners whether it would be for this particular project in question or for any other future ones that could spring up in the county. It helps, at least protect anybody in the surrounding area and let them voice their concerns.

So, as a permitted use that does not happen. A person would file an application through my office and then the adjacent property owners get no say so in that as a permitted use. So, a conditional use does give the opportunity for neighbors to voice any kind of concerns or even speak for or against it at a public hearing.

Chairman Dixon: So, without those conditional use sections, those protections would disappear?

Randy Tasa: Yes.

Curt Hamilton: So, every, single time someone wants to open one of these businesses, it's going to have to come to a public hearing and go through the same exercise every time, if we have it as a conditional use?

Randy Tasa: Generally speaking, like if it was a commercial in nature project, it would automatically come to the Planning Commission for site plan approval and development plans.

Curt Hamilton: Right.

Randy Tasa: So, this is kind of a different process but maybe not as stringent as what it would be if it were a typical, commercial project. They go to the Planning Commission for site plan approval, development plans and all that.

Curt Hamilton: I understand. Thank you.

Chairman Dixon: Okay, thank you sir. Yes sir?

Ben Johnston: If I may ask one consideration Mr. Hamilton. They've been waiting a long time to get this project done.

Curt Hamilton: Yes sir.

Ben Johnston: If this amendment causes it go this way and come back and that way it delays another few months, is there a consideration that could be done in a separate issue and go ahead and get this so they can move forward with their project? Thank you.

Chairman Dixon: Thank you. Any other questions or comments? Do we have a specific enough amendment in order to vote on this?

Kevin Herron: Not now, that he said. Not now what Mr. Johnston said. He wants to address a particular reason why we're here. Mr. Hamilton wants to address future concerns. So, how do we separate three (3) parts of the program now?

Chairman Dixon: I'm trying to get to a point where we can vote on the proposed amendment.

Dickie Johnson: You can vote on it.

Kevin Herron: You don't want to address Mr. Johnston's concern about it?

Dickie Johnson: No, I mean, I agree. I mean but...

Kevin Herron: Well, let's go ahead and vote then. How about that?

Frank Boyett: Yeah, call for the question.

Chairman Dixon: Okay. So, the amendment before us is to remove this type of project as a conditional use. Okay? Madame Secretary, please call the roll.

Mac Arnold: Clarification about the vote.

Chairman Dixon: Excuse me?

Mac Arnold: Does that mean they will have to come back again?

Dickie Johnson: If his amendment doesn't pass, then we go back to the original.

Mac Arnold: Right. But if it did pass, are they allowed to go on now or does it end up being a process where we have to wait another month for that part?

Gary Gibson: If it doesn't pass, the county has to hold another hearing themselves.

Tommy Joe Fridy: Who are you addressing?

Chairman Dixon: I'm looking at you.

Tommy Joe Fridy: I'll answer your question, but I first have a proposed solution that might satisfy both camps, and that would be that you withdraw the motion this second. You make a motion that this ordinance pass as presented but that Fiscal Court consider further amendments to the ordinance that would make it a permitted use and not a conditional use.

Curt Hamilton: Thank you.

Tommy Joe Fridy: Now, do you want me to answer the question specifically?

Chairman Dixon: Yes.

Tommy Joe Fridy: If you pass the amendment as made, the Fiscal Court can recognize that you made a recommendation, but they can go ahead and pass the ordinance as it is if they choose. Or, they could delay it and consider re-doing the ordinance with no conditional use.

So, there is no clear-cut answer to the question.

Curt Hamilton: And I'm thinking like Mr. Herron, I'm thinking in terms of policy, I mean, you know, I know the applicants here want this to happen today but in terms of policy, the second person comes to town, the third person comes to town and they have to deal with all the conditional use. As a matter of policy, I think it ought to be a permitted use and that was the purpose of my motion but, if its going to go through a whole bunch more circles just like you were saying then, you know, I'm happy to amend.

Kevin Herron: Well, that's what you're trying to mitigate in the first place, right?

Curt Hamilton: Correct. That's absolutely right. It's far to complicated.

Kevin Herron: Right, and it shouldn't be.

Curt Hamilton: It shouldn't be this complicated for people to do business in our county.

Kevin Herron: I agree.

Chairman Dixon: What is the status of the motion to amend?

Curt Hamilton: I would like to withdraw my motion and ask the, you know, I'm going to withdraw my motion, but I would like to encourage...I'm sorry.

Tommy Joe Fridy: Then withdraw your motion first.

Curt Hamilton: Okay. I withdraw the motion.

Tommy Joe Fridy: And the second if he's in agreement. Then if you have a new motion, make it.

Curt Hamilton: I can't remember what you said before Mr. Fridy but what he said earlier is what I want to do.

Chairman Dixon: Okay, so you're withdrawing your motion. Is the second withdrawn?

Gray Hodge: Yes.

Chairman Dixon: Are there any further motions? I'm hearing no further motion to amend.

Tommy Joe Fridy: Do you want me to answer his question?

Chairman Dixon: I mean, this is his opportunity propose another amendment, correct?

Tommy Joe Fridy: Correct.

Curt Hamilton: I move that we...

Tommy Joe Fridy: And he asked what I said might be a solution.

Curt Hamilton: Right. Right. The solution that he recommended is that we recommend...

Tommy Joe Fridy: When I recommended it, I was saying that there might be a possibility. I'm not taking sides.

Curt Hamilton: No, I understand that.

Kevin Herron: Fiscal Court, Fiscal Court asked that...

Tommy Joe Fridy: Here it is, here it is. You would make a motion to amend that would say that you recommend that Fiscal Court pass this ordinance as it was presented to us but, that they consider amending that ordinance going forward to make it a permitted use and not a conditional use.

In other words, you don't have to...it's permitted with all the stipulations that go with anything in the zoning ordinance, but you don't have to go to the Board of Zoning adjustments to get a conditional use permit.

Curt Hamilton: Correct and if I could adopt his previous statement when we read the transcript, that's what I want to do. I move to amend that the Fiscal Court pass as presented but consider making this a permitted use versus a conditional use.

Chairman Dixon: Okay, all we're asking Fiscal Court to do is consider, consider.

Tommy Joe Fridy: Consider. That's all you can do.

Curt Hamilton: Correct, and I apologize for the confusion and the time this has taken.

Bobbie Jarrett: But we're actually voting on conditional use, right?

Tommy Joe Fridy: Yes. Well....

Gray Hodge: No, we're voting on a recommendation.

Tommy Joe Fridy: Well, you first have to vote on his amendment; it needs a second but his amendment is recommended that this ordinance be passed as it is but that Fiscal Court consider amend the ordinance going forward in the future not if this will stand if amended if it ever is to drop the conditional use. That's his motion.

Curt Hamilton: Correct.

Dickie Johnson: Before we go any further, let me ask a question.

Now, Fiscal Court asked us to do something, alright.

Tommy Joe Fridy: And here's what they asked you to do.... go ahead.

Dickie Johnson: They initiated the change, okay. We can initiate the change also.

Tommy Joe Fridy: Correct.

Dickie Johnson: So, if we pass what they're recommending, then he makes a motion that we initiate a change to this zoning reg and go forward.

Tommy Joe Fridy: You're right.

Dickie Johnson: I mean, that would be the simplest way of doing it instead of sitting here...

Curt Hamilton: Simple is good. I agree.

Dickie Johnson: Understanding what you're wanting to try to accomplish.

Chairman Dixon: Okay.

Curt Hamilton: Thank you, Mr. Johnson.

Tommy Joe Fridy: I totally agree with him. Just withdraw your.... there is a reason why I said it the way I did but...

Curt Hamilton: Understood.

Tommy Joe Fridy: But I'll take all that back and you can withdraw your motion and your amendment; motion to amend.

Curt Hamilton: As recommended, I withdraw the motion and the motion to amend.

Chairman Dixon: Was there a second?

Heather Lauderdale: No.

Kevin Richard: I don't think we got that far.

Chairman Dixon: So, we're looking for a new motion?

Heather Lauderdale: No. Bobbie Jarrett made a recommendation to Fiscal Court.

Chairman Dixon: Okay, thank you.

Heather Lauderdale: You're welcome.

Chairman Dixon: I misspoke.

Heather Lauderdale: To approve.

Chairman Dixon: Motion to recommend to Fiscal Court that they adopt this amendment. We do have a second to that.

Heather Lauderdale: Yes.

***MOTION WAS MADE BY BOBBIE JARRETT, SECONDED BY  
MAC ARNOLD TO RECOMMEND A MOTION TO APPROVE  
HENDERSON COUNTY ZONING TEXT AMENDMENT  
APPENDIX A AS PRESENTED.***

Chairman Dixon: Okay, Madame Secretary, please call the roll.

Heather Lauderdale: Just to verify, before I call the roll, Bobbie Jarrett made the motion, Mac Arnold seconded the motion to recommend to Fiscal Court approval. Correct?

Mac Arnold: Correct.

Heather Lauderdale: Thank you.

**YES: ALL**

Chairman Dixon: Very good, the motion passes.

Do we have another motion that might want to be made in this regard somehow?

***MOTION WAS MADE BY CURT HAMILTON, SECONDED BY GRAY HODGE TO MOVE TO RECOMMEND TO THE FISCAL COURT THAT THIS SMALL FARM WINERY FARMSTAY AND FARMSTAYS IN GENERAL BE PERMITTED USES VERSUS CONDITIONAL USES UNDER OUR ZONING ORDINANCES.***

Chairman Dixon: Okay.

Jennifer Allen: Mr. Chairman?

Chairman Dixon: Yes?

Jennifer Allen: In a way that motion would contradict some things that currently exist in the zoning ordinance. So, making that motion is perfectly fine but it would need to also include reviewing, you know, other parts of the zoning ordinance that this would currently be in conflict of. Like I discussed, agritourism as well as bed and breakfast are a conditional use permits and this falls underneath those so, it would need to trigger more of a review than just simply moving farmstay to that if we want to stay, you know, not have contradicting parts of our zoning ordinance.

So, I understand the request, but it would take a little bit more than just doing that if you want to (inaudible) as well.

Chairman Dixon: Okay. What exactly was the motion again? Are we asking Fiscal Court to consider something or to do something?

Curt Hamilton: To consider making...rather than having this issue be a conditional use making it a conditional use under our zoning regulations, under our zoning ordinances.

Chairman Dixon: I would think as part of that consideration they could look into the various angles...

Tommy Joe Fridy: They're going to have to look at everything.

Jennifer Allen: Yes.

Chairman Dixon: So, we have a motion that asks Fiscal Court to consider, and we have a second in place for that?

Gray Hodge: Second.

Chairman Dixon: Any further discussion? Okay, Madame Secretary, please call the roll.

***NO: KEVIN RICHARD, BOBBIE JARRETT, MAC ARNOLD, DICKIE JOHNSON, GARY GIBSON, STACY DENTON, FRANK BOYETT***

***AYE: KEVIN HERRON, GRAY HODGE, CURT HAMILTON***

Chairman Dixon: Very good, the motion does not pass. I've got seven (7) to three (3).

Frank Boyett: I'm sure this portion of the minutes will be read with great interest by members of Fiscal Court.

Chairman Dixon: Undoubtably so. Undoubtably so.

I don't think I have anything left under the public hearing portion of this meeting's agenda so, I'll entertain a motion to leave public hearing.

***MOTION WAS MADE BY DICKIE JOHNSON, SECONDED BY KEVIN RICHARD TO LEAVE PUBLIC HEARING.***

Chairman Dixon: Okay, we have a motion and a second, any discussion? All in favor of leaving the public hearing say yes.

**YES: ALL**

Chairman Dixon: Any opposed? We are out of public hearing.

The next item is the **December Finance Report**. Ms. Thompson?

Rhonda Thompson: Yes, thank you Mr. Chairman. In front of you are the financial statements for the month of December. We are six (6) months into our fiscal year and we're at fifty-three percent (53%) of our budget, and I'm here to answer any questions you may have.

Chairman Dixon: Any questions for staff concerning the finance report as presented? No questions? I'll entertain a motion to approve the finance report as presented.

***MOTION WAS MADE BY DICKIE JOHNSON, SECONDED BY GARY GIBSON TO APPROVE THE FINANCE REPORT AS PRESENTED.***

Chairman Dixon: We have a motion and a second, all in favor of approval say yes.

**YES: ALL**

Chairman Dixon: Any opposed? The finance report is approved.

The next item is the Bond Report. Mrs. Allen, I think this time, right?

Jennifer Allen: Yes, thank you Mr. Chairman. We have one item on the bond report and that is Graystone Subdivision, The J.M. Development portion.

You probably won't remember, honestly about two (2) years ago I believe the Hazelwood portion was completed on the sidewalks. So, now J.M. Development has also completed their sidewalks. So, with your approval, we will move forward with submitting this subdivision into the City for maintenance of those sidewalks as they are all complete now.

Chairman Dixon: Any questions for staff regarding the bond committee report? I'll entertain a motion to approve the bond report as presented.

***MOTION WAS MADE BY MAC ARNOLD, SECONDED BY GARY GIBSON TO APPROVE THE BOND REPORT AS PRESENTED.***

Chairman Dixon: We have a motion and a second, any discussion? All in favor of approval say yes.

***YES: ALL***

Chairman Dixon: Any opposed? The bond report is approved.

The next item is some administrative business, election of officers.

I'll accept nominations for Chairman.

Frank Boyett: I would like to nominate our illustrious Chairman, David Dixon. He has maintained... he's got more patience than I have, I'll tell you that.

***MOTION WAS MADE BY FRANK BOYETT, SECONDED BY KEVIN RICHARD TO NOMINATE DAVID DIXON AS CHAIRMAN.***

Chairman Dixon: Thank you. Any other nominations? Madame Secretary, please call the roll.

***YES: ALL***

Chairman Dixon: Very good. Thank you all. Thank you for your support as always and all the hard work we all put in, especially you all.

We have Vice-Chairman; I'll accept nominations for that.

***MOTION WAS MADE BY BOBBIE JARRETT, SECONDED BY GARY GIBSON TO NOMINATE KEVIN RICHARD FOR VICE-CHAIRMAN.***

Chairman Dixon: We have any other nominations? Any other nominations? Madame Secretary, please call the roll.

***YES: ALL***

Chairman Dixon: Thank you.

Kevin Richard: Thank you all for your support and I enjoy working with the team here.

Gary Gibson: Thank you for taking it.

Chairman Dixon: Yes, thank you for your service.

And we need a nomination for treasurer.

***MOTION WAS MADE BY DICKIE JOHNSON, SECONDED BY KEVIN HERRON TO NOMINATE BOBBIE JARRETT.***

Chairman Dixon: We have a nomination. Any other nominations?  
Madame Secretary, please call the roll.

***YES: ALL***

Chairman Dixon: Very good. Thank you, Bobbie, for all that you do for us.

Bobbie Jarrett: Thank you, guys, I appreciate it.

Chairman Dixon: The next item is the appointment of committees, and I think there was a handout. I believe this is our current, standing committees. Unless someone tells me different, I'm going to reappoint these folks to these committees. If you would like to join one, please let us know. I think there has been some interest in the land development committee. Any questions about this? Let staff know if you would like to know when these committees meet, and we can go forward from there. Thank you.

The next item is other business. Does the commission have any other business they would like to bring forward?

Heather Lauderdale: I would like to remind the members that you have an educational form in front of you. Will you please sign that and return

it to me before you leave the meeting. Gray, I don't believe you have one for this one.

Chairman Dixon: Does the commission have any other...

Frank Boyett: We have a question out here, I think.

Chairman Dixon: I see that, I'm asking the commission.

Frank Boyett: Oh, okay.

Chairman Dixon: Does the staff have anything they would like to bring forward?

Brian Bishop: No sir.

Chairman Dixon: Is there anyone else here this evening have something they would like to bring forward? Please, sir.

Steve Roehm: I feel like I'm grossly out of time here so, thank you for allowing me to approach.

Chairman Dixon: Your name, please?

Steve Roehm: Steve Roehm.

Chairman Dixon: Address?

Steve Roehm: 13430 Middle Delaware Road, Henderson. I promise I'll tell you the truth.

Chairman Dixon: Okay, thank you.

Steve Roehm: I've got a big ask. I came a couple of meetings ago and presented some data on the adverse mental health effects of industrial wind turbines.

Since then, I have put together a ninety (90) question stress questionnaire that I would like to administer in Henderson County. I would like to get you all some homegrown data that does not include

data from other cities or other states at other times. This would be data that would come over the next six (6) months.

Now, that puts us in a bit of predicament because if you would allow me to do this, it will take about six (6) months of data collection and about a month or so to summarize. But the adverse health effects public hearing for these issues is scheduled for March.

So, what I'm very humbly asking you to consider, if it's possible is to switch the adverse health effects meeting with another meeting later in the fall so that I would have time to gather, potentially gather some clinical data that would give you some indicators of the stress level of Henderson County residents as it pertains to BESS, solar panel farms and industrial wind turbines. So, I'm not asking for a postponement of any kind, I don't want a delay of any kind, honestly, I'm itching to start writing some ordinances if we can get there. But, in terms of the discussion for the mental health information that I would plan on speaking to, I would ask that you consider flip-flopping the adverse health effect meeting, which is again scheduled in March with another meeting that would be scheduled for later in the year.

Chairman Dixon: Okay, according to this working schedule that we discussed, the schedule of these public hearings, I've got health and annoyance impact review on May 20. Is that correct Mr. Bishop?

Brian Bishop: I'm getting to that now, sir.

Chairman Dixon: The March hearing has to do with noise, vibration, and shadow flicker.

Steve Roehm: I would be able to contribute some to the that meeting as well, I apologize that I don't have the dates in front of me, the documents I have don't contain those dates. So, I may have misspoken but even if it is May, particularly that one, I would ask it to be moved back. The infrasound and shadow flicker are minor points in my bigger presentation on the adverse mental health effects so, I could address

those here in the next couple of months. That wouldn't be affected as much by the data. There might be some overlap there, but this would be better presented in the fall than it would be in the spring. I feel like it would be more appropriate.

Dickie Johnson: I'm interested in what you're saying and what you're trying to accomplish. I know we've got some solar panels out in the Robards area. How are you going to collect data on people from Henderson County on BESS or windmills when we don't have any?

Steve Roehm: So, it's the public perception at this point. So, it would be the perception of the expectation that would come towards what they know about the potential projects but it would also cover data that would be based upon the present experience's that they are having, including the fine folks over there on Highway 41 and 425 who just received notifications in their mailbox on, I think it was the day before Christmas Eve, might have been Christmas Eve but there is another project that is getting ready to start and they are going to start installation really soon.

So, what my plan is on administering this and sharing this on social media and asking different businesses around town if I can put it up as a flyer in their window. It's not a solicitation of services by any means. As a matter of fact, there is a flyer that I created that I submitted to staff earlier today, I wasn't sure I was going to be here because I'm a little bit under the weather. So, I was able to make it and so, again, it's not a clinical tool. If it would lead to the discovery of mental health services that would be medically necessary for the recipients or participants to receive, then I would be the person that would refer them to a different agency other than my own. I've already acknowledged before you that I own Stability Counseling and Associates. On the flyer, it says very specifically if there is a need for mental health services, Steve Roehm will not provide those services.

So, this has been and should be in public record if its not already and so you all will have access to it. I did not submit the questionnaire yet, I

have about two (2) paragraphs that I need to create on the answer key because it does need to be interpreted in a certain way because of both the weight of the answers but also of the quality and quantity of some of the answers as well.

Brian Bishop: Mr. Chairman, you're correct. Health and Annoyance Impact review is tentatively scheduled for Wednesday, May 20, 2026.

Steve Roehm: I'm asking for something to be like after July. Give me about six (6) months or so, I would at least be able to put a good faith effort into seeing what there is in the community that I could gather.

Brian Bishop: Mr. Chairman, the tentative schedule has Environmental and Ecological Impacts is July 15, 2026, roughly. Then, Land Use Citing Criteria is roughly Wednesday, September 16, 2026. Those are the two (2) that kind of seem like it fits Mr. Roehm's timeline.

Steve Roehm: I believe that I can have it ready by the 15<sup>th</sup>. Now, if we're still going off of the briefing idea and you would want that to be presented in advance, I wouldn't be able to do that. But I could have this whole project done and summarized by July 15 if we could move that discussion or public hearing pertaining to this information if I do gather it, then I would ask for it maybe at the September meeting. That would be more than enough time for me to gather the data, synthesize the data, and then submit it to you all hopefully in a format that's not too technical. I want it to be easily understood.

Chairman Dixon: Any other commissioners have any thoughts on this request?

Gary Gibson: Well, when do they quit, you know? If we allow you then the next person is going to come up and say the same thing. We ourselves set up our meetings for us, what we're going to be here for, and we work through them. We represent them. Now, with this wind turbine coming up, they've got a certain time to get that stuff in and we've got a certain time to look at stuff; we go through them. We don't

go through an outside person. You won't be the only one doing what you're doing. There will be other people doing the same thing. Well, if you do that, then its going to mess the whole routine up.

Steve Roehm: So, but I do understand I agree with the sentiment of keeping the timeframe in line. I'm in agreement with maintaining that. I'm not asking for...

Gary Gibson: We're looking at something new ourselves and we are trying to get information ourselves on how we look at it.

Steve Roehm: Sure.

Gary Gibson: The rules, the guidelines, this is new. I doubt very seriously that there is a wind turbine in Kentucky, period.

Kevin Richard: Real quick, we're going to be collecting data the entire time, we're not writing.... So, if we continue to get new data, we could still review it at other junctures, not just on that one date we were going to review that type of data.

Brian Bishop: Well, for the Planning Commission's consideration, if you guys were inclined, we could switch number two (2) Health and Annoyance Impact to meet Mr. Roehm's request with Land Use Siting Criteria, we would just switch two (2) and four (4) and keep the same schedule. If the Planning Commission would like, that is your decision and not staff's.

Mac Arnold: I don't have a problem with that.

Dickie Johnson: I don't either.

Gray Hodge: I think Gary's point is that somebody from the land use discussion is going to come along and say I was counting on doing it at the date you assigned and now its two (2) months earlier and I don't have time to get it done.

Brian Bishop: Mr. Chairman, I just wanted to be sure I reiterate, the staff recommendation was for the planning commission's decision, and we will go with whatever timeline you tell us.

Steve Roehm: Can I ask a clarifying question? I think it was to Mr. Hodge's point, but it might have been Mr. Gibson. If it's not approved and the schedule remains as is, are you saying that I would potentially be able to bring clinical information to a hearing that has nothing to do with the health effects of these projects? Would you allow me? Because then, it seems like if you said yes to that but no to just flip flopping the dates, then you're opening yourselves up to a serious spiderweb of possibilities that there's not going to be a single meeting that is going to be streamlined, potentially speaking. If you walk that all the way out to the end, y'all I have conversations on a regular basis professionally, I don't want to even imagine what that meeting would be like with forty (40) voices. Good night! It would be completely irrational. I mean, there's no reason to think that there would be any order. It would, in my opinion, be simpler and it would cause zero problems potentially, to just flip flop the meeting dates. So far, I don't believe that anybody from land and title if that was the date, I don't believe that anybody has been to any of the Planning Commission meetings, at least I know that they haven't been to any that I've been to where they gave any kind of presentation or any kind of discourse with you all.

So, I've been to several meetings. I can assure you that no one else is going to bring clinical data to the table that would be fresh from Henderson. Honestly, the way that I look at it and I'm very biased is there is no better data than data right now. There is no better data than the data that we can get from the citizens of Henderson County which is why all the people behind me come to your meetings on Tuesdays. We're here to protect people and to protect land. I'm here clinically with an ethical mandate to advocate when I see the potential for harm

and I stand before you publicly and I advocate, please, let me present at a later date.

Brian Bishop: Mr. Chairman, um, item four (4) of the land use citing criteria from a staff's prospective, I think that would be something we would largely be involved in. There wouldn't be the necessity of outside testimony there because we already have the most intricate knowledge of zoning and how that affects Henderson County. From a staffs standpoint, if agreeable, switching two (2) and four (4) is not an issue.

Stacy Denton: I feel like when the schedule was first presented to us, the commission as far as the dates for those meetings on the wind turbines, it was stated that it had potential to change and I feel like this is a valid reason to change that. It's been presented to us professionally, and it has...

Steve Roehm: I strive for validity.

Dickie Johnson: I agree 100%.

Mac Arnold: What you're bringing to the March meeting I was going to have a conflict and not be here but I would rather get into that, it would a very interesting piece. So, swapping them out would be with me. It works better for my schedule.

Frank Boyett: We don't have wind turbines now, and you say you want to ask Henderson County citizens what they think about wind turbines.

Steve Roehm: Uh huh.

Frank Boyett: This seems like its going to be fairly subjective.

Steve Roehm: So, perception is subjective but perception is also the largest accumulator of stress in the human experience. So, the subjective testimony of somebody that would go to court, that's counted as evidence.

Curt Hamilton: It's not subjective though, that's incorrect.

Steve Roehm: Experience isn't? Your testimony of experience...

Curt Hamilton: You're supposed to testify to facts.

Steve Roehm: But we're talking about perspective.

Curt Hamilton: It's an opinion.

Steve Roehm: Do you experience life objectively or do experience it through the lens of prospective?

Curt Hamilton: I don't even know what even has to do with the discussion of your doing a survey and asking for a...

Steve Roehm: It has everything to do with the answer to his question. So, there are some questions that would be perceptual answers. Each question is geared towards finding out the level of stress that a person is experiencing at the thought of these things. The reason why that is relevant is because in psychopathology, the way that our brains work is are if we think about something clearly enough, it activates the same neuropathways as if we actually experienced that thing. Which is why, to give you an example, people can consume pornography and still be sexually stimulated. And so there not actually experiencing what they're watching but, in their mind, it's clear enough and elicits the same response to where sometimes people follow through on those actions.

So, perception indeed shapes reality. For anyone to imply that's not the truth and its not just a widely accepted scientific fact, I don't know what to tell you. But that is what it is. So, as we perceive these things, our central nervous systems respond accordingly. When our central nervous systems respond accordingly to something that we view as a stressor, then cortisol is released. If you had read the notes that I submitted and the study that I submitted, that's very clearly spelled out. Very clearly.

Chairman Dixon: Okay, without proceeding down this path, would you repeat the idea again about switching?

Brian Bishop: Currently, the tentative schedule is for Health and Annoyance Impact review is scheduled for Wednesday, May 20, 2026 and I believe Mr. Roehm is requesting that that be moved back. If we were to switch that with item four (4), Land Use Siting Material on Wednesday, September 16, 2026, it would not disrupt the schedule that we currently have. But as Commissioner Denton said, that is up to the Planning Commission to change at will.

Chairman Dixon: Right. Would anyone like to make a motion to make this change?

***MOTION WAS MADE BY STACY DENTON, SECONDED BY DICKIE JOHNSON TO SWAP THE DATES FOR MEETINGS TWO (2) AND FOUR (4) AND IT HELPS TO GET SOME NEW INFORMATION FOR THAT MEETING.***

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

***YES: KEVIN RICHARD, BOBBIE JARRETT, MAC ARNOLD, DICKIE JOHNSON, KEVIN HERRON, STACY DENTON, FRANK BOYETT, CURT HAMILTON***

***NO: GARY GIBSON, GRAY HODGE***

Chairman Dixon: Very good, the motion passes.

Steve Roehm: Thank you all, thank you all.

Chairman Dixon: Alright, I'm almost afraid to say it, does anyone have any other business they would like to bring forward this evening? We haven't done too bad, its not even eight o'clock. Anyone have anything else they want to bring forward? If not, I'll entertain a motion to adjourn.

***MOTION WAS MADE BY CURT HAMILTON, SECONDED BY KEVIN RICHARD TO ADJOURN.***

Chairman Dixon: We have a motion and a second, any further discussion? All in favor of adjournment say yes.

**YES: ALL**

Chairman Dixon: Any opposed? We stand adjourned, I thank you all very much.

**MEETING ENDED AT 7:38 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 January 6, 2025, to the best of my ability.**

Heather L. Lauderdale, HCCPC Clerk  
**Heather Lauderdale, HCCPC Clerk**

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