

City of Henderson, Kentucky  
Board of Commissioners Meeting  
Tuesday, March 8, 2016

Municipal Center  
Third Floor Assembly Room  
222 First Street  
5:30 P.M.

AGENDA

1. Invocation: Brother David Salisbury, Henderson Church of Christ
2. Roll Call:
3. Recognition of Visitors:
4. Appearance of Citizens:
5. Proclamations:
6. Presentations:
7. Public Hearings:
8. Consent Agenda:
  - Minutes: February 23, 2016 Regular Meeting
9. Ordinances & Resolutions:
  - Second Readings: Ordinance Regarding Annexation, Merrill/O'Sullivan Property, Kimsey Lane/Barret Boulevard/US 60 East
  - First Readings: Ordinance Amending Budget and Appropriation Ordinance – FY 16  
Ordinance Amending Job and Classification Plan and FY16 Budgeted Positions
  - Resolutions: Resolution Declaring The Official Intent Of The City With Respect To Reimbursement Of Temporary Advances Made For Capital Expenditures To Be Made From Subsequent Borrowings
10. Bids & Contracts:

*Please mute or turn off all cell phones for the duration of this meeting.*

11. Municipal Orders
- Municipal Order Authorizing Lease Between the City and the Housing Authority of Henderson for the Dixon Hall Facility located at 341 South Adams Street
- Municipal Order Awarding Bid for Purchase of Asphalt Paving and Related Street Maintenance Services to Rogers Group, Inc. of Hopkinsville, Kentucky
- Municipal Order Authorizing Purchase of a 1997 Ford Rescue Truck for the Fire Department from the Board of Fire Commissioners, Freehold Township Fire District #2, Freehold, New Jersey in the Amount of \$44,000.00
12. Unfinished Business:
13. Report:
14. City Manager's Report:
15. Commissioner's Reports:
16. Appointments:
17. Executive Session:
18. Miscellaneous:
19. Adjournment

*Please mute or turn off all cell phones for the duration of this meeting.*

**City Commission Memorandum  
16-47**

March 3, 2016

TO: Mayor Steve Austin and the Board of Commissioners  
FROM: Russell R. Sights, City Manager *RS*  
SUBJECT: Consent Agenda

The Consent Agenda for the meeting of March 8, 2016, contains the following:

Minutes: February 23, 2016, Regular Meeting

# CITY OF HENDERSON – RECORD BOOK

Record of Minutes of           A Regular           Meeting on February 23, 2016

Annexation - Barret Blvd

A regular meeting of the Board of Commissioners of the City of Henderson, Kentucky, was held on Tuesday, February 23, 2016, at 5:30 p.m., prevailing time, in the third floor Assembly Room located in the Municipal Center at 222 First Street, Henderson, Kentucky.

INVOCATION was given by Mr. Russell Sights, followed by Mayor Austin leading the assemblage in the recitation of the Pledge of Allegiance to our American Flag.

There were present Mayor Steve Austin presiding:

PRESENT:

Commissioner X R. Royster, III  
Commissioner Robert M. (Robby) Mills  
Commissioner Jesse L. Johnston, IV

ABSENT:

Commissioner Jan M. Hite

ALSO PRESENT:

Mr. Russell R. Sights, City Manager  
Mr. William L. (Buzzy) Newman, Jr., Assistant City Manager  
Mrs. Dawn Kelsey, City Attorney  
Ms. Maree Collins, City Clerk  
Mr. Tom Williams, HWU General Manager  
Mr. Leason Neel, HWU Chief Financial Officer  
Mr. Brian Bishop, City-County Planning Director  
Mrs. Donna Stinnett, Public Information Officer  
Mr. Robert Gunter, Finance Director  
Mr. Trace Stevens, Parks and Recreation Director  
Mr. Scott Foreman, Fire Chief  
Mr. Brian Williams, Public Works Director  
Mr. David Pillar, Police Major  
Mr. Paul Titzer, Assistant Finance Director  
Mr. Dylan Ward, Engineering Assistant  
Mr. Mike Richardson, Police Reserve Officer  
Ms. Erin Schmitt, *the Gleaner*

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APPROVAL OF CONSENT AGENDA:

MAYOR AUSTIN asked the City Clerk to read the items on the Consent Agenda.

Minutes:       January 26, 2016, Regular Meeting  
                  February 16, 2016, Called Meeting  
                  February 16, 2016, Work Session

RESOLUTION 05-16:

Resolution Authorizing The Submission Of Grant Application To Transportation Cabinet, Kentucky Office Of Highway Safety, In The Amount Of \$30,497.00 For The Police Department, And Acceptance Of Grant If Awarded

RESOLUTION 06-16:

Resolution Authorizing The Submission Of The 2016highway Safety Traffic Enforcement And Incentive Application To Transportation Cabinet, Kentucky Office Of Highway Safety, In The Amount Of \$50,000.00 For The Police Department, And Acceptance Of Grant If Awarded

Motion by Commissioner X R. Royster, seconded by Commissioner Jesse Johnston, to approve the items on the Consent Agenda.

# CITY OF HENDERSON – RECORD BOOK

Record of Minutes of A Regular Meeting on February 23, 2016

The vote was called. On roll call, the vote stood:

Commissioner Hite ----- Absent:  
 Commissioner Royster ---- Aye:  
 Commissioner Mills ----- Aye:  
 Commissioner Johnston --- Aye:  
 Mayor Austin ----- Aye:

WHEREUPON, Mayor Austin declared the minutes approved and the resolutions adopted, affixed his signature and the date thereto and ordered that the same be recorded.

/s/ Steve Austin  
 Steve Austin, Mayor  
 February 23, 2016

ATTEST:

Maree Collins, City Clerk \_\_\_\_\_

ORDINANCE 04-16: SECOND READ  
 ORDINANCE AMENDING SEWER USE ORDINANCE

AN ORDINANCE AMENDING ARTICLE II, *WATER AND SEWER SERVICE*, OF CHAPTER 23, *UTILITIES*, SEC. 23-27.4, SEC. 23-27.5, AND ARTICLE V, *RATES AND CHARGES*, SEC. 23-98, OF THE CODE OF ORDINANCES OF THE CITY OF HENDERSON

MOTION by Commissioner Robert Mills, seconded by Commissioner X R. Royster, that the ordinance be adopted.

The vote was called. On roll call, the vote stood:

Commissioner Hite ----- Absent:  
 Commissioner Royster ---- Aye:  
 Commissioner Mills ----- Aye:  
 Commissioner Johnston --- Aye:  
 Mayor Austin ----- Aye:

WHEREUPON, Mayor Austin declared the ordinance adopted, affixed his signature and the date thereto and ordered that the same be recorded.

/s/ Steve Austin  
 Steve Austin, Mayor  
 February 23, 2016

ATTEST:

Maree Collins, City Clerk \_\_\_\_\_

ORDINANCE 05-16: SECOND READ  
 ORDINANCE REGARDING CONTINUITY OF HENDERSON WATER UTILITY  
 DURING STATE OF EMERGENCY

ORDINANCE PROVIDING FOR THE ORDERLY SUCCESSION OF THE OFFICE  
 OF HENDERSON WATER UTILITY

MOTION by Commissioner Robert Mills, seconded by Commissioner Jesse Johnston, that the ordinance be adopted.

The vote was called. On roll call, the vote stood:

Commissioner Hite ----- Absent:  
 Commissioner Royster ---- Aye:  
 Commissioner Mills ----- Aye:  
 Commissioner Johnston --- Aye:  
 Mayor Austin ----- Aye:

## CITY OF HENDERSON – RECORD BOOK

Record of Minutes of           A Regular           Meeting on           February 23, 2016          

WHEREUPON, Mayor Austin declared the ordinance adopted, affixed his signature and the date thereto and ordered that the same be recorded.

/s/ Steve Austin  
Steve Austin, Mayor  
February 23, 2016

ATTEST:

Maree Collins, City Clerk \_\_\_\_\_

ORDINANCE 06-16: SECOND READ  
ORDINANCE AMENDING HOUSE NUMBERING PLAN

AN ORDINANCE AMENDING CHAPTER 20, *STREETS, SIDEWALKS AND OTHER PUBLIC PLACES*, ARTICLE 1, *IN GENERAL*, BY ADDING SUB-SECTION (H) TO SEC. 20-8, *HOUSE NUMBERING PLAN*, OF THE CODE OF ORDINANCES OF THE CITY OF HENDERSON

MOTION by Commissioner Robert Mills, seconded by Commissioner X R. Royster, that the ordinance be adopted.

The vote was called. On roll call, the vote stood:

Commissioner Hite ----- Absent:  
Commissioner Royster ---- Aye:  
Commissioner Mills ----- Aye:  
Commissioner Johnston --- Aye:  
Mayor Austin ----- Aye:

WHEREUPON, Mayor Austin declared the ordinance adopted, affixed his signature and the date thereto and ordered that the same be recorded.

/s/ Steve Austin  
Steve Austin, Mayor  
February 23, 2016

ATTEST:

Maree Collins, City Clerk \_\_\_\_\_

ORDINANCE 07-16: FIRST READ

MRS. DAWN KELSEY, City Attorney, explained that this was a 'friendly' annexation requested by the owners of 61.343 acres off US Highway 60 East near the Wal-Mart. The Planning Commission conducted a public hearing and has designated the property City Highway Commercial.

ORDINANCE 07-16: AN ORDINANCE REGARDING ANNEXATION

AN ORDINANCE ANNEXING CERTAIN UNINCORPORATED TERRITORY TO THE CITY OF HENDERSON, KENTUCKY, BEING LOCATED ON US HIGHWAY 60 EAST, IN HENDERSON COUNTY, CONTAINING 61.343 ACRES, MORE OR LESS, OWNED BY CLARK A. MERRILL AND CYNTHIA MERRILL, AND FRANCES O'SULLIVAN

MOTION by Commissioner Robert Mills, seconded by Commissioner Jesse Johnston, that the ordinance be adopted.

The vote was called. On roll call, the vote stood:

Commissioner Hite ----- Absent:  
Commissioner Royster ---- Aye:  
Commissioner Mills ----- Aye:  
Commissioner Johnston --- Aye:  
Mayor Austin ----- Aye:

WHEREUPON, Mayor Austin declared the ordinance adopted on its first reading and ordered that it be presented for a second reading at a meeting of the Board of Commissioners.

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# CITY OF HENDERSON – RECORD BOOK

Record of Minutes of     A Regular     Meeting on     February 23, 2016    

**RESOLUTION 07-16:**

MR. TOM WILLIAMS, HWU General Manager, explained that when Green River Road was widened, the sewer line was extended across the property on the corner of Green River Road and Morningside Drive. Recently that property owner has had problems with their septic system. They asked to be connected to city sewer and have filed the appropriate paperwork along with the consent not to oppose future annexation. Because of the timing of tax assessment, the plan is to annex that property later this year. Once annexed the water and sewer rates will go down; however, that would be somewhat offset by the city taxes.

MRS. DAWN KELSEY stated that we are currently looking at contacting adjoining property owners to gauge interest in adding others to the annexation process at one time.

**RESOLUTION 07-16: A RESOLUTION AUTHORIZING EXTENSION OF SEWER SERVICE OUTSIDE CITY LIMITS TO ROBERT L. AND MARY F. WILLIAMS FOR PROPERTY LOCATED AT 890 MORNINGSID DRIVE**

MOTION by Commissioner Robert Mills, seconded by Commissioner Jesse Johnston, to adopt the resolution authorizing extension of sewer service outside city limits to Robert L. and Mary F. Williams for their property located at 890 Morningside Drive.

COMMISSIONER MILLS asked if there have been any recent ideas of incentives that might be offered in order to get the property owners along Green River Road to come into the city.

MR. TOM WILLIAMS stated that there are only nine houses left past Osage Drive that are in the county, everything else up to Grantwood is already in the city.

COMMISSIONER MILLS suggested meeting with those nine individuals to show them the advantages of being in the city.

The vote was called. On roll call, the vote stood:

Commissioner Hite ----- Absent:  
Commissioner Royster ---- Aye:  
Commissioner Mills ----- Aye:  
Commissioner Johnston --- Aye:  
Mayor Austin ----- Aye:

WHEREUPON, Mayor Austin declared the resolution adopted, affixed his signature and the date thereto, and ordered that the same be recorded.

/s/ Steve Austin  
Steve Austin, Mayor  
February 23, 2016

ATTEST:

Maree Collins, City Clerk \_\_\_\_\_

**RESOLUTION 08-16:**

MR. TOM WILLIAMS explained that Henderson Water Utility is working on a project to help with some of the pressure problems in the area along North Main Street and Craig Drive, from 8<sup>th</sup> Street to 12<sup>th</sup> Street by moving those water lines into a different pressure zone. The lines will be run off of the Frontier Drive pressure zone, which is a slightly higher pressure zone. As part of the project a line will be run from the corner of 12<sup>th</sup> Street and Merritt Drive down toward the entrance to the north tower of the hospital. The line will run up the driveway to the tank causing most all of the driveway to be torn up. The hospital has agreed to grant an easement to the tank, which we do not currently have. HWU will spend approximately \$12,000 to repair the driveway and put the final coat of surface on it.

**RESOLUTION 08-16: RESOLUTION AUTHORIZING MAYOR TO EXECUTE DEED OF EASEMENT AND PAVING AGREEMENT ON BEHALF OF THE CITY OF HENDERSON, HENDERSON WATER UTILITY AND COMMUNITY UNITED METHODIST HOSPITAL, INC.**

## CITY OF HENDERSON – RECORD BOOK

Record of Minutes of           A Regular           Meeting on           February 23, 2016          

MOTION by Commissioner X R. Royster, seconded by Commissioner Robert Mills, to adopt the resolution authorizing the Mayor to execute a Deed of Easement and a Paving Agreement on behalf of the City and Henderson Water Utility with Community United Methodist Hospital, Inc.

The vote was called. On roll call, the vote stood:

Commissioner Hite ----- Absent:  
 Commissioner Royster ---- Aye:  
 Commissioner Mills ----- Aye:  
 Commissioner Johnston --- Aye:  
 Mayor Austin ----- Aye:

WHEREUPON, Mayor Austin declared the resolution adopted, affixed his signature and the date thereto, and ordered that the same be recorded.

/s/ Steve Austin  
 Steve Austin, Mayor  
 February 23, 2016

ATTEST:  
 Maree Collins, City Clerk \_\_\_\_\_

## RESOLUTION 09-16:

MR. RUSSELL SIGHTS, City Manager, explained that the proposed changes to the fee schedule for the Denton Shelter include: increasing the cleaning deposit from \$50.00 to a \$100.00 cleaning/security deposit, which is refundable provided that the building has been cleaned after use, there is no damage to the facility, and the property was vacated at the appropriate time; incomplete, inaccurate, or false information provided on the application for use of the facility could result in cancellation of the Facility Use Agreement and forfeiture of the deposit; and establishing the closing time as 9:00 p.m. instead of the current 11:00 p.m., which is currently set administratively. Unfortunately, during the past six to nine months, some inaccurate information has been provided in order to gain access to the facility for uses that were not acceptable for the facility.

RESOLUTION 09-16: RESOLUTION AMENDING RESOLUTION 77-05  
 PERTAINING TO THE FEE SCHEDULE OF THE LOUIS WILLIAM DENTON SHELTER

MOTION by Commissioner X R. Royster, seconded by Commissioner Robert Mills, to adopt a resolution amending Resolution 77-05 pertaining to the Fee Schedule of the Louis William Denton Shelter.

The vote was called. On roll call, the vote stood:

Commissioner Hite ----- Absent:  
 Commissioner Royster ---- Aye:  
 Commissioner Mills ----- Aye:  
 Commissioner Johnston --- Aye:  
 Mayor Austin ----- Aye:

WHEREUPON, Mayor Austin declared the resolution adopted, affixed his signature and the date thereto, and ordered that the same be recorded.

/s/ Steve Austin  
 Steve Austin, Mayor  
 February 23, 2016

ATTEST:  
 Maree Collins, City Clerk \_\_\_\_\_

## RESOLUTION 10-16:

MRS. DAWN KELSEY reported that in April of 2015 the Board of Commissioners granted Dr. Logan a tax moratorium for property located at 801 South Main Street for the purpose of an assisted living facility or adult apartments. Since that time, he has changed the proposed use to an apartment complex, which still fits within our ordinance.

# CITY OF HENDERSON – RECORD BOOK

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RESOLUTION 10-16: A RESOLUTION AMENDING THE STATED PROPOSED USE OF THE PROPERTY REASSESSMENT MORATORIUM FOR THOMAS B. LOGAN FOR PROPERTY LOCATED AT 801 SOUTH MAIN STREET, HENDERSON KY

COMMISSIONER MILLS asked who found the need to amend this. Mrs. Kelsey responded that Dr. Logan brought the request to us.

MOTION by Commissioner Jesse Johnston, seconded by Commissioner X R. Royster, to adopt the resolution amending the stated proposed use of the Property Reassessment Moratorium for Thomas B. Logan for property located at 801 South Main Street.

The vote was called. On roll call, the vote stood:

Commissioner Hite ----- Absent:  
 Commissioner Royster ---- Aye:  
 Commissioner Mills ----- Aye:  
 Commissioner Johnston --- Aye:  
 Mayor Austin ----- Aye:

WHEREUPON, Mayor Austin declared the resolution adopted, affixed his signature and the date thereto, and ordered that the same be recorded.

/s/ Steve Austin  
 Steve Austin, Mayor  
 February 23, 2016

ATTEST:

Maree Collins, City Clerk \_\_\_\_\_

MUNICIPAL ORDER 05-16:

MR. RUSSELL SIGHTS explained that the cemetery mowing contract was for Fairmont, Fernwood and Mt. Zion cemeteries. He recommended that the low bid of \$99,885.00 from Knight's Landscaping, LLC be accepted and awarded accordingly. Knight's currently holds the contract for this service; they provide excellent work and know the parameters of the contract. The final amount of the contract depends on the number of times they mow and is based on their per item bid price. The contract will be for one year with the option to renew, if agreeable to both parties.

MUNICIPAL ORDER 05-16: MUNICIPAL ORDER AWARDING BID FOR MOWING OF CITY CEMETERIES TO KNIGHT'S LANDSCAPING, LLC OF HENDERSON, KENTUCKY

MOTION by Commissioner Robert Mills, seconded by Commissioner Jesse Johnston, to adopt this municipal order awarding bid for mowing of City cemeteries to Knight's Landscaping, LLC of Henderson.

COMMISSIONER JOHNSON asked the number of bids normally received for cemetery mowing. Mr. Sights responded that to his knowledge there are usually about four that bid.

COMMISSIONER ROYSTER asked how this price compared with last year.

MR. TRACE STEVENS, Parks and Recreation Director, estimated this to be an approximate five percent increase over the previous bid.

The vote was called. On roll call, the vote stood:

Commissioner Hite ----- Absent:  
 Commissioner Royster ---- Aye:  
 Commissioner Mills ----- Aye:  
 Commissioner Johnston --- Aye:  
 Mayor Austin ----- Aye:

## CITY OF HENDERSON – RECORD BOOK

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WHEREUPON, Mayor Austin declared the municipal order adopted, affixed his signature and the date thereto, and ordered that the same be recorded.

/s/ Steve Austin  
Steve Austin, Mayor  
February 23, 2016

ATTEST:

Maree Collins, City Clerk \_\_\_\_\_

MUNICIPAL ORDER 06-16

MR. PAUL TITZER, Assistant Finance Director, reported that the vehicles are nearly identical with a laundry list of equipment on each, only about three or four items are different that deal with the configuration of the back seat for the K9 unit. Accommodation for the police dog adds approximately \$1,500 to the cost of the vehicle.

MUNICIPAL ORDER 06-16: MUNICIPAL ORDER AWARDING BID FOR PURCHASE OF TWO (2) POLICE PATROL SUV VEHICLES ONE WITH INSTALLED VEHICLE EQUIPMENT AND ONE WITH INSTALLED K9 EQUIPMENT TO TOWN AND COUNTRY FORD, EVANSVILLE, IN, IN THE TOTAL AMOUNT OF \$79,075.00.

MOTION by Commissioner Jesse Johnston, seconded by Commissioner X R. Royster, to adopt this municipal order awarding the bid for the purchase of two police patrol SUV vehicles, one with installed vehicle equipment and one with installed K9 equipment to Town and Country Ford, in the total amount of \$79,075.00.

The vote was called. On roll call, the vote stood:

Commissioner Hite ----- Absent:  
Commissioner Royster ---- Aye:  
Commissioner Mills ----- Aye:  
Commissioner Johnston --- Aye:  
Mayor Austin ----- Aye:

WHEREUPON, Mayor Austin declared the municipal order adopted, affixed his signature and the date thereto, and ordered that the same be recorded.

/s/ Steve Austin  
Steve Austin, Mayor  
February 23, 2016

ATTEST:

Maree Collins, City Clerk \_\_\_\_\_

MUNICIPAL ORDER 07-16

MR. RUSSELL SIGHTS recommended that Irving Materials, Inc. be awarded the bid for the purchase of cement concrete. He explained that usually we are reluctant to recommend a vendor when only one bid is received, but they are a reliable contractor that we have used in the past and award is recommended accordingly. Mr. Sights asked Mr. Ward if he had anything further to add.

MR. DYLAN WARD, Engineering Assistant, explained that typically a three year average of usage is used to estimate the projected quantities for the bid. The bid specifically states that we don't guarantee any minimum or maximum amounts, and they give us unit prices to determine the cost. This contract serves as an open requirement order and is a method to acquire commodities of an indeterminate amount at the lowest price.

MUNICIPAL ORDER 07-16: MUNICIPAL ORDER AWARDING BID FOR PURCHASE OF CEMENT CONCRETE TO IRVING MATERIALS, INC., (IMI SOUTH) OF HENDERSON, KENTUCKY IN THE TOTAL BID AMOUNT OF \$178,500

MOTION by Commissioner X R. Royster, seconded by Commissioner Jesse Johnston, to adopt this municipal order awarding the bid for the purchase of cement concrete to Irving Materials, Inc. (IMI South) in the total bid amount of \$178,500.00.

# CITY OF HENDERSON – RECORD BOOK

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MAYOR AUSTIN added that overall there was an approximate six percent increase from the previous bid.

The vote was called. On roll call, the vote stood:

Commissioner Hite ----- Absent:  
 Commissioner Royster ---- Aye:  
 Commissioner Mills ----- Aye:  
 Commissioner Johnston --- Aye:  
 Mayor Austin ----- Aye:

WHEREUPON, Mayor Austin declared the municipal order adopted, affixed his signature and the date thereto, and ordered that the same be recorded.

/s/ Steve Austin  
 Steve Austin, Mayor  
 February 23, 2016

ATTEST:

Maree Collins, City Clerk \_\_\_\_\_

## MUNICIPAL ORDER 08-16

MR. RUSSELL SIGHTS reported that there was competition on this bid from four vendors and award is recommended to the lowest bidder, River Town Construction. They have done quality work for us in the past.

MUNICIPAL ORDER 08-16: MUNICIPAL ORDER AWARDING BID FOR PURCHASE OF CONCRETE LABOR TO RIVERTOWN CONSTRUCTION, LLC, OF NEWBURGH, INDIANA

MOTION by Commissioner X R. Royster, seconded by Commissioner Robert Mills, to adopt this municipal order awarding the bid for the purchase of concrete labor to River Town Construction, LLC, of Newburgh, Indiana.

MAYOR AUSTIN noted that there is savings with this bid compared with last year for concrete labor.

MR. DYLAN WARD commented that there were a couple new items added to acquire better pricing by separating out various types of curb work.

The vote was called. On roll call, the vote stood:

Commissioner Hite ----- Absent:  
 Commissioner Royster ---- Aye:  
 Commissioner Mills ----- Aye:  
 Commissioner Johnston --- Aye:  
 Mayor Austin ----- Aye:

WHEREUPON, Mayor Austin declared the municipal order adopted, affixed his signature and the date thereto, and ordered that the same be recorded.

/s/ Steve Austin  
 Steve Austin, Mayor  
 February 23, 2016

ATTEST:

Maree Collins, City Clerk \_\_\_\_\_

## MUNICIPAL ORDER 09-16

MR. RUSSELL SIGHTS explained that this bid contains Group A, limestone rock and sand, with Mulzer Crushed Stone submitting the low bid and Group B, recycled concrete, with Hazex Construction Company submitting the low bid. The bids from the two other vendors were deemed non-responsive as they did not submit pricing for each item in the group as required.

MUNICIPAL ORDER 09-16: MUNICIPAL ORDER AWARDING BIDS FOR PURCHASE OF LIMESTONE ROCK AND SAND, GROUP A TO MULZER CRUSHED

CITY OF HENDERSON – RECORD BOOK

Record of Minutes of A Regular Meeting on February 23, 2016

STONE, INC., TELL CITY, INDIANA, AND RECYCLED CONCRETE, GROUP B TO HAZEX CONSTRUCTION COMPANY, HENDERSON, KY

MOTION by Commissioner Robert Mills, seconded by Commissioner Jesse Johnston, to adopt this municipal order awarding the bids for the purchase of limestone rock and sand, Group A to Mulzer Crushed Stone, and recycled concrete, Group B to Hazex Construction Company.

COMMISSIONER MILLS asked Dylan Ward to estimate the City’s use of yard price versus delivery price and if concrete was delivered more often than picked up?

MR. DYLAN WARD responded that it would depend on the type of work that was being done and that for the most part, if we are doing the work we pick it up. He went on to explain that in his experience on most projects it is typically picked up; he has rarely had it delivered to the site.

The vote was called. On roll call, the vote stood:

- Commissioner Hite ----- Absent:
- Commissioner Royster ---- Aye:
- Commissioner Mills ----- Aye:
- Commissioner Johnston --- Aye:
- Mayor Austin ----- Aye:

WHEREUPON, Mayor Austin declared the municipal order adopted, affixed his signature and the date thereto, and ordered that the same be recorded.

/s/ Steve Austin  
Steve Austin, Mayor  
February 23, 2016

ATTEST:  
Maree Collins, City Clerk \_\_\_\_\_

MUNICIPAL ORDER 10-16

MR. WILLIAM NEWMAN, Assistant City Manager, explained that this is the first year the recently purchased farm ground known as the Dannlin Farm at the end of Borax Drive has been bid for farm lease. Bids ranged from \$168 per acre to as high as \$310 per acre, which is a good number for us. Mr. Newman indicated that he spoke with the bidder to be certain the bid was correct with no reservations. Mr. Newman further indicated that references were checked, and vendors were contacted, all gave positive feedback. The bidder is from Webster County and does not farm in our county. In conversation with Mr. Lesley he offered to pay the annual lease amount in full by May 1<sup>st</sup> if we would offer a discount. The bid specifications require X amount to be paid by May 1<sup>st</sup> and the balance before December 31<sup>st</sup>, which is after the harvest. Upon further discussion a pre-payment discount of two percent was agreeable to Mr. Leslie. It is our recommendation to accept the two percent prepayment discount if the full annual payment is made by May 1<sup>st</sup>. This is a three year contract for 2017, 2018 and 2019 crop years.

MRS. DAWN KELSEY noted that even with the two percent prepayment discount this is still the highest bid.

MUNICIPAL ORDER 10-16: MUNICIPAL ORDER AUTHORIZING FARM LEASE OF 86.59 ACRES ON BORAX DRIVE (FORMERLY KNOWN AS THE DANNLIN FARM) TO LESLIE FARMS, OF CLAY, KENTUCKY AT \$310.00.00 PER ACRE, LESS A PRE-PAYMENT DISCOUNT OF 2% PER ANNUM FOR A PERIOD OF THREE (3) YEARS (2016, 2017, AND 2018 CROP YEARS)

MOTION by Commissioner X R. Royster, seconded by Commissioner Jesse Johnston, to adopt this municipal order authorizing a farm lease for 86.59 acres on Borax Drive (formerly known as the Dannlin Farm) to Leslie Farms, of Clay, Kentucky at \$310.00 per acre, less a pre-payment discount of 2% per annum for a period of three years (2016, 2017, and 2018 crop years).

# CITY OF HENDERSON – RECORD BOOK

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The vote was called. On roll call, the vote stood:

Commissioner Hite ----- Absent:  
 Commissioner Royster ---- Aye:  
 Commissioner Mills ----- Aye:  
 Commissioner Johnston --- Aye:  
 Mayor Austin ----- Aye:

WHEREUPON, Mayor Austin declared the municipal order adopted, affixed his signature and the date thereto, and ordered that the same be recorded.

/s/ Steve Austin  
 Steve Austin, Mayor  
 February 23, 2016

ATTEST:

Maree Collins, City Clerk \_\_\_\_\_

## MUNICIPAL ORDER 11-16

MUNICIPAL ORDER GIVING NOTICE OF TERMINATION/NONRENEWAL OF THE CITY MANAGER'S CURRENT EMPLOYMENT CONTRACT AND APPROVING NEW EMPLOYMENT CONTRACT FOR RUSSELL R. SIGHTS AS CITY MANAGER FOR A TERM BEGINNING MAY 29, 2016 AND ENDING NOVEMBER 28, 2017.

MOTION by Commissioner X R. Royster, seconded by Commissioner Jesse Johnston, to adopt this municipal order giving notice of termination/nonrenewal of the City Manager's current Employment Contract and approving a new Employment Contract for Russell R. Sights as City Manager for a term beginning May 29, 2016 and ending November 28, 2017.

The vote was called. On roll call, the vote stood:

Commissioner Hite ----- Absent:  
 Commissioner Royster ---- Aye:  
 Commissioner Mills ----- Aye:  
 Commissioner Johnston --- Aye:  
 Mayor Austin ----- Aye:

WHEREUPON, Mayor Austin declared the municipal order adopted, affixed his signature and the date thereto, and ordered that the same be recorded.

/s/ Steve Austin  
 Steve Austin, Mayor  
 February 23, 2016

ATTEST:

Maree Collins, City Clerk \_\_\_\_\_

MR. RUSSELL SIGHTS thanked the Board for their support and confidence. He further indicated that negotiations were done in good faith and that he appreciated the way the contents of the agreement were finalized. He then shook the hand of each Board member.

## CITY MANAGER'S REPORT:

MR. RUSSELL SIGHTS indicated that there are two items to report on tonight. The first is not on the agenda, which is a presentation by Fire Chief Scott Foreman, on the possible acquisition of a piece of equipment.

MR. SCOTT FOREMAN, Fire Chief, handed out a flyer with information on a fire rescue truck and requested permission to travel from his Baltimore Fire Chief's seminar to New Jersey to inquire about the truck that could replace a bus and Fire Rescue Truck #2. Rescue Truck #2 was purchased in 1996 and no longer meets the needs of the Fire department. This truck has a light tower, rescue reels, electric reel, a 20kw generator, and a cascade system which would enable it to function more effectively at fires than our current truck. It is a year newer and has 30,000 less miles on it.

# CITY OF HENDERSON – RECORD BOOK

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COMMISSIONER MILLS asked if there was any value in what we would be replacing.

MR. FOREMAN replied that he was unsure of the value of the bus, but there was still value in the rescue truck because smaller communities and Volunteer Fire Departments were always looking for this type equipment.

VERBATIM DISCUSSION OF THE REPORT IS ON TAPE OF THIS MEETING

MOTION by Commissioner Jesse Johnston, seconded by Commissioner X R. Royster, to approve Fire Chief Scott Foreman to travel to New Jersey to inquire about the used fire rescue truck advertised for sale and further that Chief Foreman is authorized to negotiate the purchase price up to the advertised price of \$49,500.00, if it is determined that the vehicle is in the community's best interest.

The vote was called. On roll call, the vote stood:

Commissioner Hite ----- Absent:  
 Commissioner Royster ---- Aye:  
 Commissioner Mills ----- Aye:  
 Commissioner Johnston --- Aye:  
 Mayor Austin ----- Aye:

MR. SIGHTS explained that the second item is a request to review the zoning regulations. During one of the weekly Site Plan Review meetings a request was received to allow two or more uses or businesses within the same building on a property in the new Gateway Zone. In order for the Planning Commission to review, and make recommendation, on any proposed changes to the zoning regulations, the Board of Commissioners must officially send the request to the Planning Commission.

MRS. DAWN KELSEY explained that the Planning Commission would draft the proposed changes and then conduct a public hearing before voting on them. After the public hearing and vote, if they approve the changes, their recommendation will be returned to this Board for action.

MR. BRIAN BISHOP, Planning Director, indicated that the Planning Commission staff will gladly work with the City Commission on this to benefit the residents and business owners of the City of Henderson.

MOTION by Commissioner Jesse Johnston, seconded by X R. Royster, to submit this request to the Planning Commission for further review and possible action.

The vote was called. On roll call, the vote stood:

Commissioner Hite ----- Absent:  
 Commissioner Royster ---- Aye:  
 Commissioner Mills ----- Aye:  
 Commissioner Johnston --- Aye:  
 Mayor Austin ----- Aye:

REAPPOINTMENT: ETHICS BOARD

MOTION by Commissioner X R. Royster, seconded by Commissioner Jesse Johnston, upon recommendation of Mayor Austin, to reappoint Becky Hudson Brown to a two-year term. Said term to expire February 14, 2018.

# CITY OF HENDERSON – RECORD BOOK

*Record of Minutes of*  A Regular  *Meeting on*  February 23, 2016

The vote was called. On roll call, the vote stood:

Commissioner Hite ----- Absent:  
 Commissioner Royster ---- Aye:  
 Commissioner Mills ----- Aye:  
 Commissioner Johnston --- Aye:  
 Mayor Austin ----- Aye:

---

## REAPPOINTMENT: BOARD OF ZONING ADJUSTMENT - CITY

MOTION by Commissioner Robert Mills, seconded by Commissioner Jesse Johnston, upon recommendation of Mayor Austin, to reappoint Mac Arnold to a four-year term. Said term to expire February 24, 2020.

The vote was called. On roll call, the vote stood:

Commissioner Hite ----- Absent:  
 Commissioner Royster ---- Aye:  
 Commissioner Mills ----- Aye:  
 Commissioner Johnston --- Aye:  
 Mayor Austin ----- Aye:

---

## MEETING ADJOURN:

MOTION by Commissioner Robert M. Mills, seconded by Commissioner Jesse Johnston, to adjourn the meeting.

The vote was called. On roll call, the vote stood:

Commissioner Hite ----- Absent:  
 Commissioner Royster ---- Aye:  
 Commissioner Mills ----- Aye:  
 Commissioner Johnston --- Aye:  
 Mayor Austin ----- Aye:

---

WITHOUT OBJECTION, Mayor Austin declared the Meeting adjourned at approximately 6:25 p.m.

ATTEST:

\_\_\_\_\_  
 Steve Austin, Mayor  
 March 8, 2016

\_\_\_\_\_  
 Maree Collins, City Clerk

**City Commission Memorandum  
16-45**

March 2, 2016

TO: Mayor Steve Austin and the Board of Commissioners  
FROM: Russell R. Sights, City Manager *RS*  
SUBJECT: Annexation and Zoning of Property – US 60 East, Merrill/O’Sullivan Property

An item for the agenda of Tuesday, March 8, 2016, is final reading of an ordinance annexing property located in Henderson County on US 60 East, Barret Boulevard and Kimsey Lane, owned by Clark and Cynthia Merrill and Frances O’Sullivan.

The parcel is approximately 61.343 acres in size. It is recommended the property be zoned City Highway Commercial from County Agricultural.

The property owners have requested this “friendly” annexation.

The Henderson-Henderson County Planning Commission, at its meeting of January 5, 2016, recommended approval of the zoning as presented. Staff concurs in this recommendation and annexation of property.

c: Brian Bishop  
Doug Boom  
Tom Williams  
Owen Reeves  
Robert Gunter



Planning the Future

Henderson City-County Planning Commission  
1990 Barret Ct. Suite C  
Henderson, KY 42420

Brian Bishop, Executive Director  
[bbishop@hendersonplanning.org](mailto:bbishop@hendersonplanning.org)  
270-831-1289

January 6, 2016

Mayor Steve Austin  
City Commissioners  
Henderson Municipal Center  
Henderson, KY 42420

ATTN: Russell Sights, City Manager

Re: **REZONING #1054 - ASSIGNMENT OF ZONING CLASSIFICATION IN CONJUNCTION WITH ANNEXATION**

Please be advised on Tuesday, January 5, 2016 the Henderson City-County Planning Commission held a Public Hearing to consider the following:

**REZONING #1054 ASSIGNMENT OF ZONING CLASSIFICATION IN CONJUNCTION WITH ANNEXATION** - Following action of the Henderson City Commission to begin annexation proceedings, the Planning Commission held a public hearing in order to assign zoning classifications to the area under consideration for annexation.

*The following property is currently zoned County Agricultural. The proposal is to assign a City Highway Commercial zoning classification:*

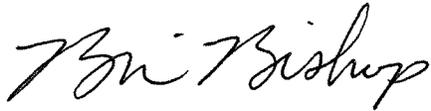
Property owned by Clark & Cynthia Merrill and Frances O'Sullivan behind Wal-Mart on Barret Blvd., & Kimsey Lane, containing 61.343 acres.

**PLANNING COMMISSION RECOMMENDATION** – MOTION WAS MADE BY DAVID WILLIAMS, SECONDED BY DAVID DIXON TO APPROVE REZONING #1054 ASSIGNMENT OF ZONING CLASSIFICATION IN CONJUNCTION WITH ANNEXATION, THAT THE FUTURE LAND USE ELEMENT OF THE COMPREHENSIVE PLAN IS CONSISTENT WITH THE PROPOSED ZONING OF H-C (HIGHWAY COMMERCIAL), AND THAT IT WILL PROMOTE THE EXPANSION OF EXISTING COMMERCIAL FACILITIES IN THAT THE IMMEDIATE AREA IS DEVELOPING IN A COMMERCIAL FASHION DUE TO RECENT LAND DEVELOPMENT IN THE GENERAL AREA AND THE CONSTRUCTION OF RELIABLE INFRASTRUCTURE.

**VOTE: UNANIMOUS  
MOTION CARRIED**

Attached is a copy of the transcript of the public hearing, and documents related to the annexation.

Respectfully submitted,

A handwritten signature in black ink that reads "Brian Bishop". The signature is written in a cursive, flowing style.

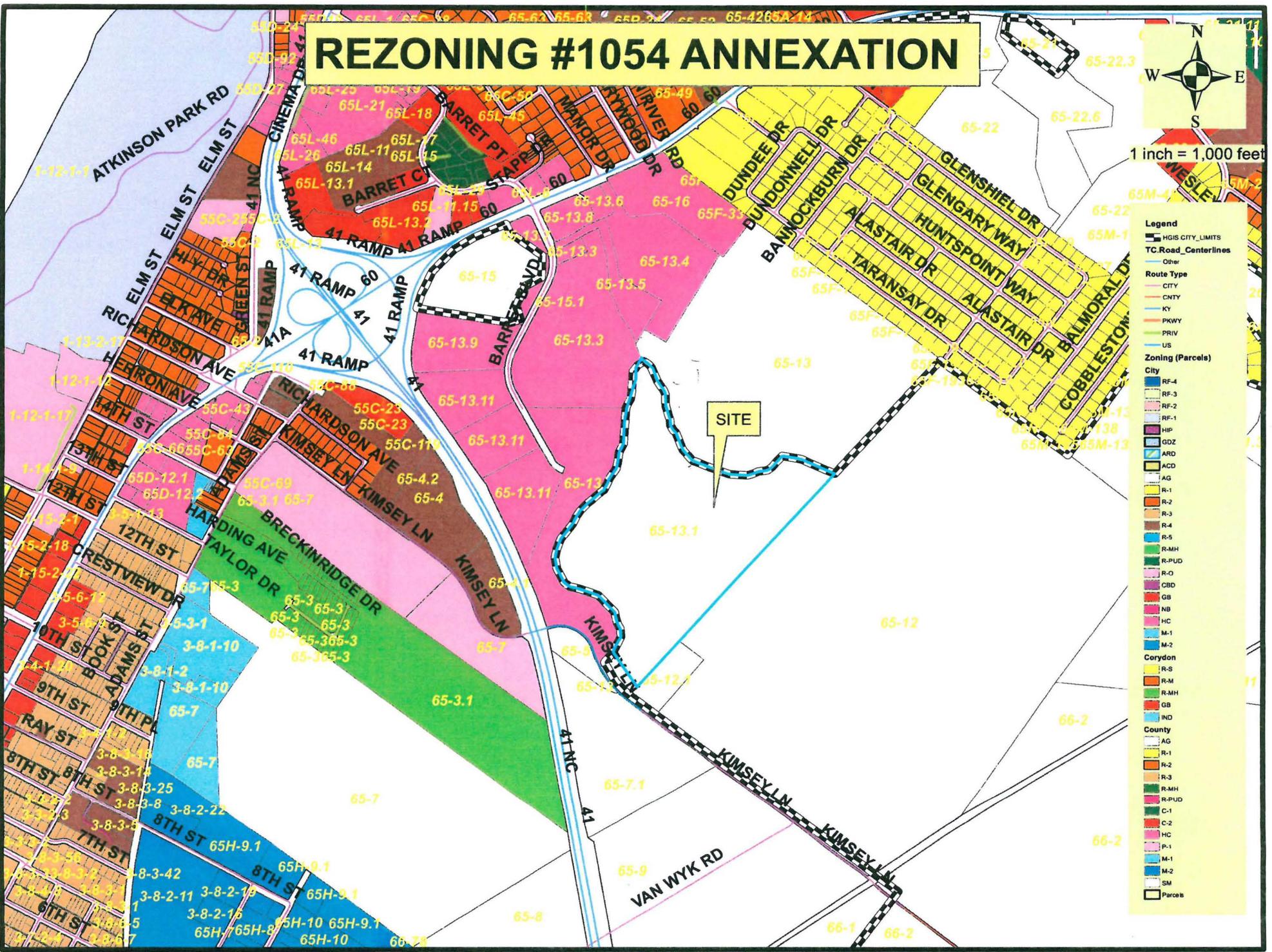
Brian Bishop  
Executive Director, AICP  
Henderson City-County Planning Commission

BB/tgc  
Cc: Dawn Kelsey

# REZONING #1054 ANNEXATION

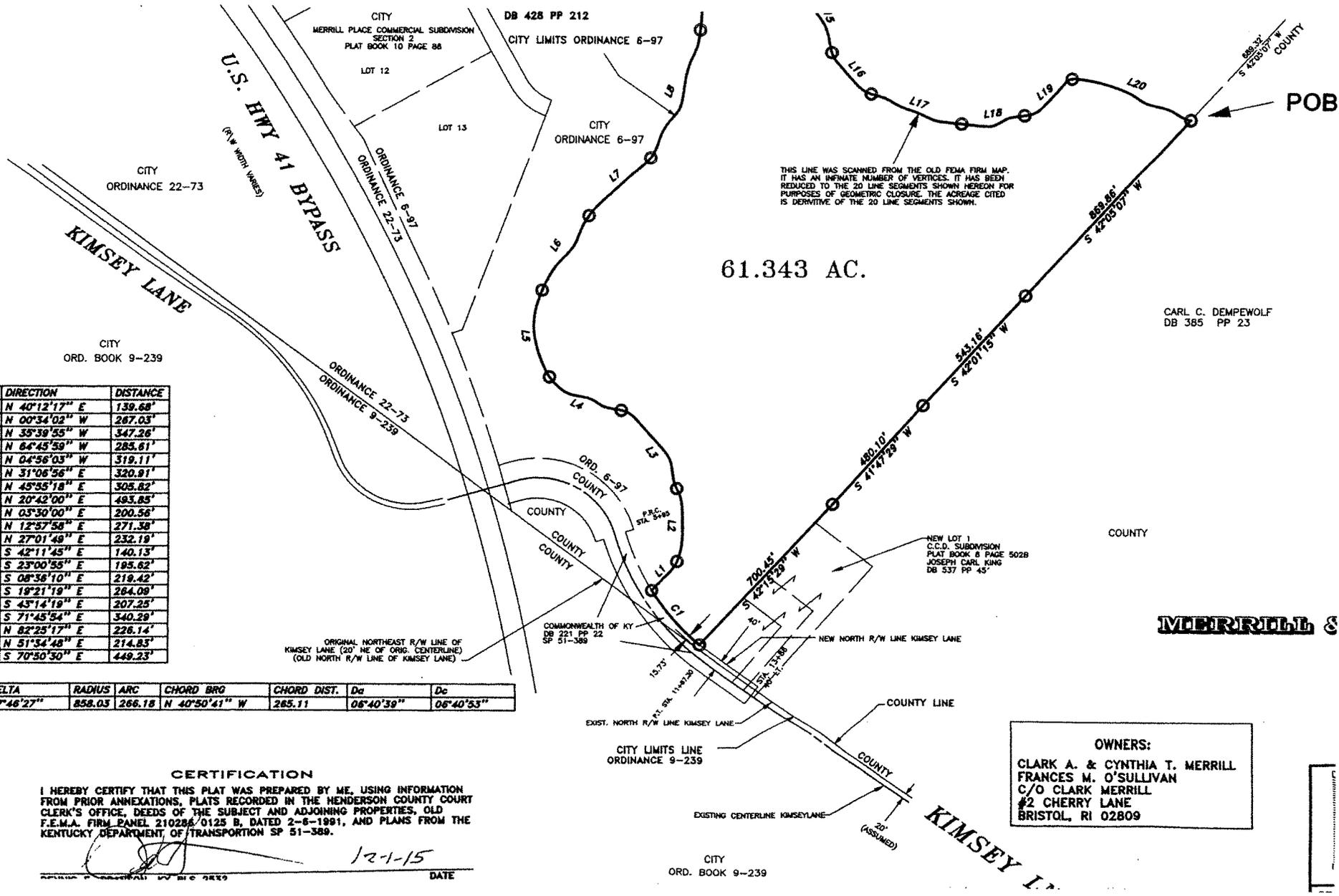


1 inch = 1,000 feet



Legend	
	HGIS CITY LIMITS
	TC.Road_Centerlines
	Other
Route Type	
	CITY
	CNTY
	KY
	PKWY
	PRIV
	US
Zoning (Parcels)	
City	
	RF-4
	RF-3
	RF-2
	RF-1
	HP
	GDZ
	ARD
	ACD
	AG
	R-1
	R-2
	R-3
	R-4
	R-5
	R-MH
	R-PUD
	R-O
	CBD
	GB
	AB
	HC
	M-1
	M-2
Corydon	
	R-S
	R-M
	R-MH
	GB
	IND
County	
	AG
	R-1
	R-2
	R-3
	R-MH
	R-PUD
	C-1
	C-2
	HC
	P-1
	M-1
	M-2
	SM
	Parcels





61.343 AC.

CARL C. DEMPEWOLF  
DB 385 PP 23

NUMBER	DIRECTION	DISTANCE
L1	N 40°12'17" E	139.68'
L2	N 00°34'02" W	267.03'
L3	N 35°39'55" W	347.26'
L4	N 64°45'59" W	285.61'
L5	N 04°58'03" W	319.11'
L6	N 31°06'56" E	320.91'
L7	N 45°55'18" E	305.82'
L8	N 20°42'00" E	493.85'
L9	N 03°30'00" E	200.56'
L10	N 12°57'58" E	271.38'
L11	N 27°01'49" E	232.19'
L12	S 42°11'45" E	140.13'
L13	S 23°00'55" E	195.62'
L14	S 08°36'10" E	219.42'
L15	S 19°21'19" E	284.09'
L16	S 45°14'19" E	207.25'
L17	S 71°45'54" E	340.29'
L18	N 82°25'17" E	226.14'
L19	N 51°34'48" E	214.83'
L20	S 70°50'30" E	449.23'

NUMBER	DELTA	RADIUS	ARC	CHORD BRO	CHORD DIST.	Da	Dc
C1	17°46'27"	858.03	266.18	N 40°50'41" W	285.11	06°40'39"	06°40'53"

**CERTIFICATION**

I HEREBY CERTIFY THAT THIS PLAT WAS PREPARED BY ME, USING INFORMATION FROM PRIOR ANNEXATIONS, PLATS RECORDED IN THE HENDERSON COUNTY COURT CLERK'S OFFICE, DEEDS OF THE SUBJECT AND ADJOINING PROPERTIES, OLD F.E.M.A. FIRM PANEL 210286/0125 B, DATED 2-6-1981, AND PLANS FROM THE KENTUCKY DEPARTMENT OF TRANSPORTATION SP 51-389.

*[Signature]* 12-1-15  
DATE

**OWNERS:**  
CLARK A. & CYNTHIA T. MERRILL  
FRANCES M. O'SULLIVAN  
C/O CLARK MERRILL  
#2 CHERRY LANE  
BRISTOL, RI 02809



Steve Austin, Mayor

Commissioners:

Jan M. Hite  
Jesse L. Johnston IV  
Robert M. Mills  
X Robert Royster, III

## The City of Henderson

P.O. Box 716  
Henderson, Kentucky 42419-0716



Russell R. Sights, City Manager  
William L. Newman, Jr., Assistant City Manager  
Dawn S. Kelsey, City Attorney  
Maree Collins, City Clerk

December 9, 2015

Mr. Brian Bishop  
Executive Director  
Henderson-Henderson County Planning Commission  
1990 Barrett Court, Suite C  
Henderson, Kentucky 42420

Dear Mr. Bishop:

As you know, the City has been requested to annex a tract of land containing approximately 61.343 acres located on Kimsey Lane by the property owners, Clark Merrill, his wife Cynthia and his sister, Frances M. O'Sullivan. Enclosed is a copy of the letter of request, with attachments.

At its meeting on December 8, 2015, the Board of Commissioners directed that the request be forwarded to the Planning Commission for the assignment of a zoning classification for the properties into the corporate limits of the City. Consequently, please proceed with bringing the matter before the Planning Commission for formal action at your earliest convenience.

Thank you for your cooperation and assistance.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Russell R. Sights".

Russell R. Sights  
City Manager

Attachments

c: William L. Newman, Jr.  
Doug Boom





# STAFF REPORT - REZONING #1054 ANNEXATION

*DATE: 1/05/2016*

<b>GENERAL INFORMATION</b>		
Applicant:	Clark & Cynthia Merrill	<u>Infrastructure</u>
Site Location:	Barret Blvd., & Kimsey Lane	Water: 8" (proposed)
PID#	#34A-1-95	Sewer: 8"
Applicant's Request:	City Highway Commercial	Flood and Drainage: Small portion near the southern border touches SFHA
City/County limits:	County	
Current Zoning:	County Agricultural	
Proposed Zoning:	City Highway Commercial	
Size (in acres):	61.343 acres	
<b>ZONING DISTRICT INFORMATION</b>		
	<u>Current (County AG)</u>	<u>Proposed District (City H-C)</u>
Min. Lot Size	1.0 acre	N/A
Min. Lot Width	100 ft.	50
Front Setback	25 ft.	30
Side Setback	10 ft.	10
Rear Setback	25 ft.	20
Building Height:	N/A	30
<b>SURROUNDING ZONING, LAND USE AND REQUIRED BUFFERS</b>		
<u>Adjacent Zoning / Adjacent Land Uses</u>	<u>Setbacks for Adjacent Zoning</u>	<u>Buffer required if rezoned</u>
North: H-C (City)	Front: 30 ft. Side: 20 ft. Rear: 10 ft.	N/A
South: Ag (County)	Front: 25 ft. Side: 10 ft. Rear: 25 ft.	N/A
East: Ag (City)	Front: 25 ft. Side: 15 ft. Rear: 25 ft.	N/A
West: H-C (City)	Front: 30 ft. Side: 20 ft. Rear: 10 ft.	N/A
<b>PROPOSAL</b>		
<p>The applicant proposes annexation of 61.43 acres from the County of Henderson to the City of Henderson. The current zoning is Agricultural (County) and the proposed zoning is Highway Commercial (City). It is the role of the Planning Commission to assign the new zoning classification based on current use, likely use, and potential growth patterns of the subject property and surrounding properties.</p>		



# STAFF REPORT - REZONING #1054 ANNEXATION

## ZONING

The existing Agricultural Zone (Ag) allows a number of permitted uses. Such permitted uses include single family residential units, green houses, stables, farms, including livestock, pork and poultry raising, dairying, horticulture and other similar bona fide agriculture endeavors or use of land

The proposed Highway Commercial zoning district (H-C) permitted uses includes any use permitted in the general business district such as banks, grocery stores, in addition to other uses such as automobile service stations, and restaurants.

## FUTURE LAND USE

### Future Land Use:

The future land use map depicts this area developing as Commercial. The Future Land Use element of the Comprehensive Plan is consistent with the proposed zoning of H-C (Highway Commercial).

### Comprehensive Plan Goals and Objectives:

- Guide development to existing centralized areas served by adequate infrastructure to avoid decentralized and scattered development. (Balancing Land Use Objective B)
- Encourage innovative, safe, and sustainable design for new development and/or infrastructure. (Land Use Objective F)
- Promote aesthetically pleasing commercial development with appropriate access, signage and landscaping while discouraging strip commercial development. (Land Use Objective H)
- Promote the continued operation and expansion of commercial facilities. (Growing the Economy Objective A)
- Promote a business friendly environment and collaborative approaches to create a broad range of incentives which promote the region and draw talent and employers from outside the region. (Growing the Economy Objective D)
- Plan and coordinate development with transportation improvements, by encouraging connectivity between developments, extension of dead-end streets, loop streets, and widening of existing substandard thoroughfares to better facilitate proper traffic circulation. (Increasing Mobility Objective F)

## STAFF FINDINGS ON COMPREHENSIVE PLAN

Staff finds this request is in agreement with the Comprehensive Plan for the following reasons:

- The request meets the Balancing Land Use goal by guiding development to areas served by adequate infrastructure to avoid scattered development.
- The request will promote the expansion of existing commercial facilities in that the immediate area is developing in a commercial fashion due to recent land development in the general area and the construction of reliable infrastructure.



# STAFF REPORT - REZONING #1054 ANNEXATION

- The request will promote aesthetically pleasing development with appropriate access, signage and landscaping while discouraging strip development.
- The request will coordinate development that encourages connectivity between developments by allowing the continued extension of Barret Blvd. to intersect existing streets located nearby. By doing so, streets will be able to be looped and facilitate better traffic circulation.

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

Staff finds that major changes have occurred to alter the basic character of the area to support this request:

- The area has experienced development of a commercial nature in that numerous large commercial uses have been developed in recent years.
- The infrastructure upgrades along Barrett Blvd. have substantially changed the physical and social nature of the area to facilitate development of this parcel.

### STAFF RECOMMENDATION

Staff recommends approval. This request is in agreement with the Comprehensive Plan, and that major changes to the economic, physical and social nature of the area have occurred as described above to satisfy the required findings of KRS 100.213/Section 7.05

**Reminder:** When making a motion for or against a map amendment, please provide clear findings in support of the proposed motion utilizing either the Comprehensive Plan/Future Land Use, or clear findings in support of Factors 1 or 2 (or both) of KRS 100.213/Section 7.05.

Date Advertised: 12/22/15

Date Posted: 12/22/15

# REZONING #1054 ANNEXATION



**SITE - FACING EAST**



**ADJACENT PROPERTY TO THE NORTH**



**ADJACENT PROPERTY TO THE WEST**



**ADJACENT PROPERTY TO THE SOUTH**

Henderson City-County  
Planning Commission  
January 5, 2016

The Henderson City-County Planning Commission held their regular meeting January 5, 2016 at 6:00 p.m., at the Henderson Municipal Center, 222 First Street, 3rd floor assembly room. Members present: Chairman Herb McKee, Vice-Chair David Williams, Bobbie Jarrett, Gary Gibson, David Dixon, Kevin Herron, Mac Arnold, Dickie Johnson Kevin Richard, Rodney Thomas and Penny Hahn.

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

*(A summary of the minutes from the meeting on January 5, 2016. A recorded audio tape is on file at the Planning Commission Office)*

**MEETING BEGAN AT 6:00PM**

Chairman McKee: Next on the agenda, **Re-zoning #1054, Assignment of Zoning Classification in Conjunction with Annexation**, Mr. Bishop, are you going to lead that discussion?

Brian Bishop: This is submitted by Clark and Cynthia Merrill and Frances O'Sullivan for the property behind Wal-Mart on Barret Blvd., and Kimsey Lane, containing 61.343 acres. Applicants are requesting a zoning change from County Agricultural to City Highway Commercial. Staff recommends approval in that the rezoning request is in agreement with the Comprehensive Plan and Future Land Use map also shows this developing in a commercial nature. You may remember that we specifically discussed this property during the Future Land Use map adoption process. We looked at this area because we knew that the road

was going to continue to develop out in this fashion. We also considered this area here; we thought that may develop Residential. So, at this point it's working as we thought it would so at this point we would like to request that you approve this rezoning. This is required by State statute and that the Planning Commission has to assign zoning before the City can officially accept it. You should also know any subdivisions or site plans for the lots developed from here on will also come back to the Planning Commission for approval.

Chairman McKee: Questions for staff? Would you like to hear from a representative of the developer? No questions, hearing none the Chair will entertain a motion. Do we need more time?

David Williams: Mr. Moderator on this motion, do we have to say that it's a motion to approve the Rezoning #1054 assignment of zoning classification in conjunction with the annexation, say that?

Tommy Joe Fridy: You should and the finding which should be in agreement with the Comprehensive Plan.

Chairman McKee: Is this a recommendation?

Tommy Joe Fridy: I think we, do we assign or we recommend assigning or recommend like we would a normal rezoning?

Brian Bishop: My understanding is that we assign zoning.

David Williams: Counselor, do we need to, (**inaudible**) findings of facts?

Tommy Joe Fridy: Yes.

David Williams: Ok, have we had sufficient testimony to establish those facts?

Tommy Joe Fridy: The testimony is in agreement with the Future Land Use map and the Comprehensive Plan by staff if adequate.

***MOTION WAS MADE BY DAVID WILLIAMS, SECONDED BY DAVID DIXON TO APPROVE REZONING #1054, ASSIGNMENT OF ZONING CLASSIFICATION IN CONJUNCTION WITH ANNEXATION, SUBMITTED BY CLARK AND CYNTHIA MERRILL AND FRANCES O’SULLIVAN FOR THE PROPERTY BEHIND WAL-MART ON BARRET BLVD AND KIMSEY LANE CONTAINING 61.343 ACRES AND APPROVE THE REQUEST FOR ZONING CHANGE FROM COUNTY AGRICULTURAL TO CITY HIGHWAY COMMERCIAL AND GIVE AS FINDINGS OF FACTS THE REPORT GIVEN BY THE STAFF THAT RECOMMENDS APPROVAL OF THIS ZONING.***

***ALL IN FAVOR: AYE***

***OPPOSED: NONE***

Chairman McKee: Will you entertain further findings of facts?

David Williams: Yes I will.

Chairman McKee: Are there any additional findings of facts? Any discussion? Madame Clerk, please call the roll. Thank you gentlemen, have a good evening.

ORDINANCE REGARDING ANNEXATION

**SUMMARY:** AN ORDINANCE ANNEXING CERTAIN UNINCORPORATED TERRITORY TO THE CITY OF HENDERSON, KENTUCKY, BEING LOCATED ON US HIGHWAY 60 EAST, IN HENDERSON COUNTY, CONTAINING 61.343 ACRES, MORE OR LESS, OWNED BY CLARK A. MERRILL AND CYNTHIA MERRILL, AND FRANCES O’SULLIVAN

WHEREAS, pursuant to the provisions of KRS 81A.412, the City of Henderson, Kentucky, desires to annex within the corporate limits of the City of Henderson that certain unincorporated area, which is located on US Highway 60 East in Henderson County, containing approximately 61.343 acres, more or less, and which is hereinafter described; and

WHEREAS, the real property to be annexed meets all of the requirements of KRS 81A.410; and

WHEREAS, the owners of record of the land to be annexed have given prior consents in writing to the annexation and have waived the waiting period therefor, copies of which consents and waiver are attached hereto, cumulatively marked Exhibit “A,” and incorporated herein by reference.

NOW, THEREFORE, BE IT ORDAINED by the City of Henderson, Kentucky, as follows:

1. That the real property located on US Highway 60 East in Henderson County, containing approximately 61.343 acres, more or less, owned by Clark A. Merrill and Cynthia Merrill, and Frances O’Sullivan, as described in Exhibit “A-1”, and as shown on the plat attached hereto marked Exhibit “B,” which exhibits are incorporated herein by reference, be and said real property is hereby annexed to and made a part of the City of Henderson, Kentucky.

2. The zoning classification of said property shall be CITY HIGHWAY COMMERCIAL, pursuant to the recommendation of the Henderson City-County Planning Commission by letter dated January 6, 2016, a copy of which letter, with attachments, is attached hereto and incorporated herein by reference marked Exhibit “C”.

All ordinances or parts of ordinances in conflict herewith are hereby repealed and superseded to the extent of such conflict.

This ordinance shall become effective upon its legal adoption.

On the first reading of this ordinance, it was moved by Commissioner Robert M. Mills, seconded by Commissioner Jesse Johnston, that the ordinance be adopted on its first reading.

**PUBLICATION DATE:** \_\_\_\_\_

**FIRST READ:** 2/23/2016

**SECOND READ:** \_\_\_\_\_

On roll call the vote stood:

Commissioner Hite	<u>ABSENT</u>	Commissioner Johnston	<u>AYE</u>
Commissioner Royster	<u>AYE</u>	Mayor Austin	<u>AYE</u>
Commissioner Mills	<u>AYE</u>		

WHEREUPON, Mayor Davis declared the ordinance adopted on first reading and ordered that it be presented for second reading at a meeting of the Board of Commissioners.

On second reading of the ordinance, it was moved by Commissioner \_\_\_\_\_, seconded by Commissioner \_\_\_\_\_, that the ordinance be adopted.

WHEREUPON, the vote was called. On roll call the vote stood:

Commissioner Hite	_____	Commissioner Johnston	_____
Commissioner Royster	_____	Mayor Austin	_____
Commissioner Mills	_____		

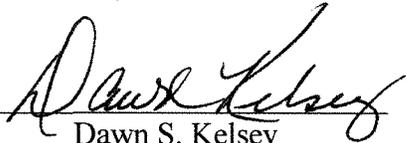
WHEREUPON, Mayor Austin declared the ordinance adopted, affixed his signature and the date and ordered it be recorded.

\_\_\_\_\_  
Steve Austin, Mayor  
Date: \_\_\_\_\_

ATTEST:

\_\_\_\_\_  
Maree Collins, City Clerk

**APPROVED AS TO FORM AND  
LEGALITY THIS 17<sup>th</sup> DAY OF  
FEBRUARY, 2016.**

By:   
Dawn S. Kelsey  
City Attorney

**MERRILL AND O'SULLIVAN ANNEXATION – 2015**

**DESCRIPTION**

**Beginning at a point in the northwest line of the Carl Dempewolf property recorded in Deed Book 385 Page 23 in the Henderson County Court Clerk's Office, said point being located South 42 degrees 37 minutes 52 seconds West, 644.90 feet and South 42 degrees 05 minutes 07 seconds West, 689.32 feet from the northernmost corner of said Dempewolf property, which is also in the southwest line of Balmoral Acres Subdivision; thence with said Dempewolf property, and then with New Lot 1 of the C.C.D. Subdivision, a plat of which is recorded in Plat Book 8 Page 502-B, the following four (4) calls:**

- (1) SOUTH 42 DEGREES 05 MINUTES 07 SECONDS WEST, a distance of 869.86 feet to a point;**
- (2) SOUTH 42 DEGREES 01 MINUTES 15 SECONDS WEST, a distance of 543.16 feet to a point;**
- (3) SOUTH 41 DEGREES 47 MINUTES 29 SECONDS WEST, a distance of 480.10 feet to a point;**
- (4) SOUTH 42 DEGREES 15 MINUTES 29 SECONDS WEST, a distance of 700.45 feet to a point in the northeast line of the Commonwealth of Kentucky property recorded in Deed Book 221 Page 22, being the northern right-of-way line of Kimsey Lane as shown on SP 51-339 Kentucky Department of Transportation Plans, and being located 15.73 feet northeast of the original northeast right-of-way line of said Kimsey Lane (20 feet northeast of the original centerline), which original northeast right-of-way line is the existing corporate limits of the City of Henderson as recorded in Ordinance Book 9 Page 239;**

**Thence with said Kimsey Lane right-of-way line around a curve to the right through a central angle of 17 DEGREES 46 MINUTES 27 SECONDS, an arc distance of 266.18 feet, a chord bearing of NORTH 40 DEGREES 50 MINUTES 41 SECONDS WEST, a distance of 265.11 feet to a point in said right-of-way line where it is intersected by a scanned image overlay of the 100 year flood plain line as cited in Annexation 6-97, being a corner to the existing corporate limits of the City of Henderson, by Annexation 6-97, said flood plain line having been taken from F.E.M.A. Firm Panel 210286 0125 B, dated 2-6-1991, and which Firm Panel is now void; thence with said existing corporate limits and said old flood plain line as it meanders, reduced to the following twenty (20) straight courses:**

- (1) NORTH 40 DEGREES 12 MINUTES 17 SECONDS EAST, a distance of 139.68 feet to a point;**
- (2) NORTH 00 DEGREES 34 MINUTES 02 SECONDS WEST, a distance of 267.03 feet to a point;**
- (3) NORTH 35 DEGREES 39 MINUTES 55 SECONDS WEST, a distance of 347.26 feet to a point;**

**CONSENT TO ANNEXATION**

Clark A. Merrill, and his wife Cynthia Merrill, 2 Cherry Lane, Bristol, Rhode Island 02809 are the owners of certain real property located on U.S. Highway 60 East in Henderson County Kentucky, which property contains 61.343 acres, more or less, and is more particularly described in Exhibit "A-1" attached hereto; and as said owner does hereby consent in writing to the annexation into the City of Henderson, Kentucky of said property as described in said Exhibit. Also, Clark A. Merrill, and his wife Cynthia Merrill, do hereby waive all notice requirements with respect to such annexation, including, but not limited to the notices otherwise required by KRS 81A.420(1), KRS 81A.425, and the sixty (60) day waiting period provided for in KRS 81A.420(2).

SIGNED this 19<sup>th</sup> day of JANUARY, 2016.

Clark A Merrill  
Clark A. Merrill

Cynthia Merrill  
Cynthia Merrill

STATE OF Rhode Island  
COUNTY OF Bristol ... SCT.

THE foregoing CONSENT TO ANNEXATION was signed and acknowledged before me, a Notary Public, by Clark A. Merrill, this 19<sup>th</sup> day of January, 2016.  
& Cynthia Merrill

My commission expires June 4 2018

[Signature]  
Notary Public

SHARON CORVI  
NOTARY PUBLIC - NO. 41109  
STATE OF RHODE ISLAND  
MY COMMISSION EXPIRES 6/04/2018

(Seal)

STATE OF \_\_\_\_\_  
COUNTY OF \_\_\_\_\_ ... SCT.

THE foregoing CONSENT TO ANNEXATION was signed and acknowledged before me, a Notary Public, by Cynthia Merrill, this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

My commission expires \_\_\_\_\_.

\_\_\_\_\_  
Notary Public

(Seal)

- (4) NORTH 64 DEGREES 45 MINUTES 59 SECONDS WEST, a distance of 285.61 feet to a point;
- (5) NORTH 04 DEGREES 56 MINUTES 03 SECONDS WEST, a distance of 319.11 feet to a point;
- (6) NORTH 31 DEGREES 06 MINUTES 56 SECONDS EAST, a distance of 320.91 feet to a point;
- (7) NORTH 45 DEGREES 55 MINUTES 18 SECONDS EAST, a distance of 305.82 feet to a point;
- (8) NORTH 20 DEGREES 42 MINUTES 00 SECONDS EAST, a distance of 493.85 feet to a point;
- (9) NORTH 03 DEGREES 30 MINUTES 00 SECONDS EAST, a distance of 200.56 feet to a point;
- (10) NORTH 12 DEGREES 57 MINUTES 58 SECONDS EAST, A distance of 271.38 feet to a point;
- (11) NORTH 27 DEGREES 01 MINUTES 49 SECONDS EAST, a distance of 232.19 feet to a point;
- (12) SOUTH 42 DEGREES 11 MINUTES 45 SECONDS EAST, a distance of 140.13 feet to a point;
- (13) SOUTH 23 DEGREES 00 MINUTES 55 SECONDS EAST, a distance of 195.62 feet to a point;
- (14) SOUTH 08 DEGREES 36 MINUTES 10 SECONDS EAST, a distance of 219.42 feet to a point;
- (15) SOUTH 19 DEGREES 21 MINUTES 19 SECONDS EAST, a distance of 264.09 feet to a point;
- (16) SOUTH 43 DEGREES 14 MINUTES 19 SECONDS EAST, a distance of 207.25 feet to a point;
- (17) SOUTH 71 DEGREES 45 MINUTES 54 SECONDS EAST, a distance of 340.29 feet to a point;
- (18) NORTH 82 DEGREES 25 MINUTES 17 SECONDS EAST, a distance of 226.14 feet to a point;
- (19) NORTH 51 DEGREES 34 MINUTES 48 SECONDS EAST, a distance of 214.83 feet to a point;
- (20) SOUTH 70 DEGREES 50 MINUTES 30 SECONDS EAST ,a distance of 449.23 feet to the point of beginning and containing 61.343 acres more or less.

**CONSENT TO ANNEXATION**

Frances O'Sullivan, 11614 41<sup>st</sup> Court North, Royal Palm Beach, FL 33411 is the owner of certain real property located on U.S. Highway 60 East in Henderson County Kentucky, which property contains 61.343 acres, more or less, and is more particularly described in Exhibit "A-1" attached hereto; and as said owner does hereby consent in writing to the annexation into the City of Henderson, Kentucky of said property as described in said Exhibit. Also, Frances O'Sullivan does hereby waive all notice requirements with respect to such annexation, including, but not limited to the notices otherwise required by KRS 81A.420(1), KRS 81A.425, and the sixty (60) day waiting period provided for in KRS 81A.420(2).

SIGNED this 22 day of January, 2016.

  
\_\_\_\_\_  
Frances O'Sullivan

STATE OF Florida

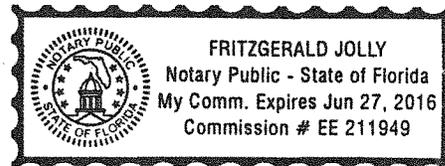
COUNTY OF Palm Beach ... SCT.

THE foregoing CONSENT TO ANNEXATION was signed and acknowledged before me, a Notary Public, by Frances O'Sullivan, this 22<sup>nd</sup> day of January, 2016.

My commission expires 06/27/16

  
\_\_\_\_\_  
Notary Public

(Seal)



**MERRILL AND O'SULLIVAN ANNEXATION – 2015**

**DESCRIPTION**

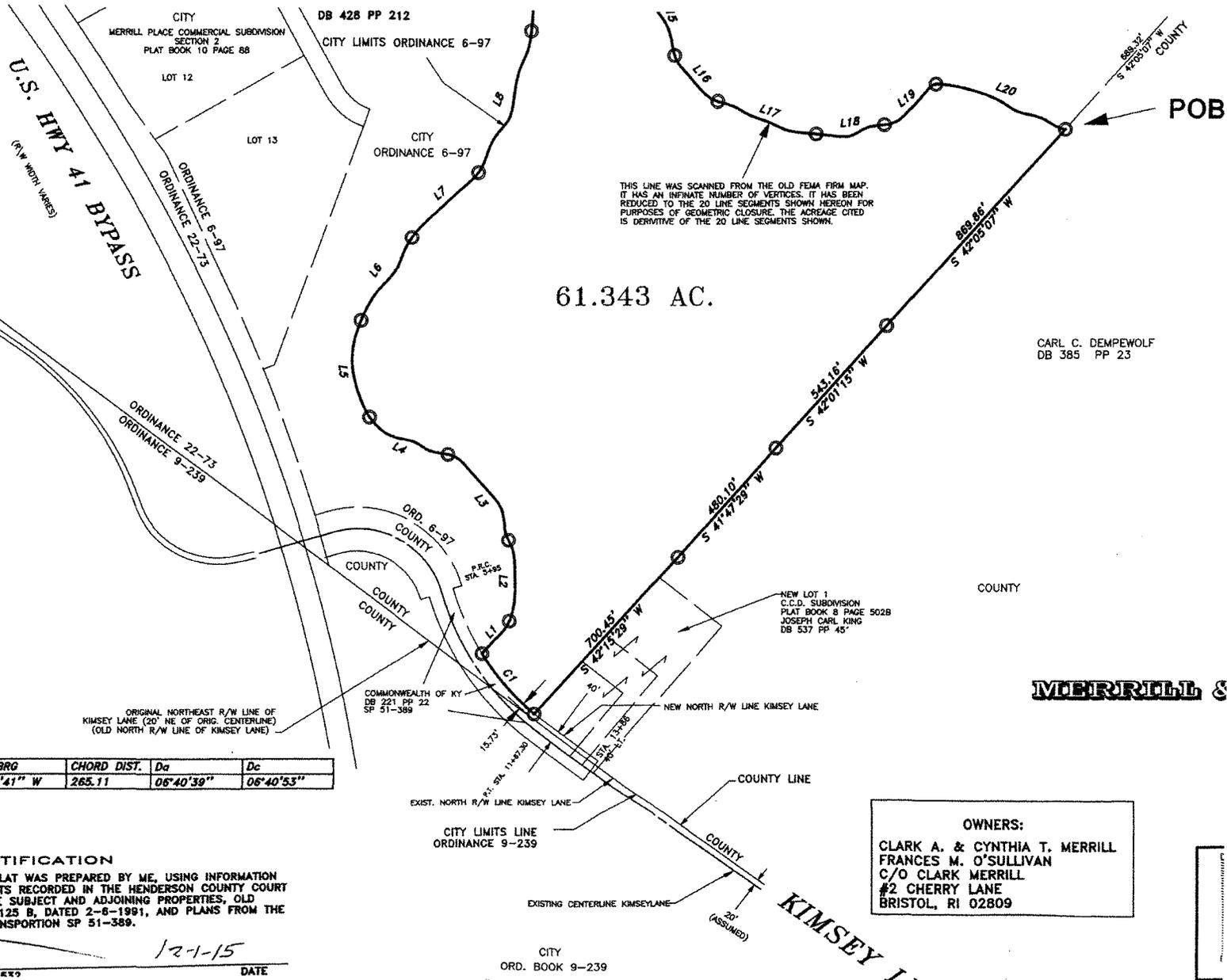
**Beginning at a point in the northwest line of the Carl Dempewolf property recorded in Deed Book 385 Page 23 in the Henderson County Court Clerk's Office, said point being located South 42 degrees 37 minutes 52 seconds West, 644.90 feet and South 42 degrees 05 minutes 07 seconds West, 689.32 feet from the northernmost corner of said Dempewolf property, which is also in the southwest line of Balmoral Acres Subdivision; thence with said Dempewolf property, and then with New Lot 1 of the C.C.D. Subdivision, a plat of which is recorded in Plat Book 8 Page 502-B, the following four (4) calls:**

- (1) SOUTH 42 DEGREES 05 MINUTES 07 SECONDS WEST, a distance of 869.86 feet to a point;**
- (2) SOUTH 42 DEGREES 01 MINUTES 15 SECONDS WEST, a distance of 543.16 feet to a point;**
- (3) SOUTH 41 DEGREES 47 MINUTES 29 SECONDS WEST, a distance of 480.10 feet to a point;**
- (4) SOUTH 42 DEGREES 15 MINUTES 29 SECONDS WEST, a distance of 700.45 feet to a point in the northeast line of the Commonwealth of Kentucky property recorded in Deed Book 221 Page 22, being the northern right-of-way line of Kimsey Lane as shown on SP 51-339 Kentucky Department of Transportation Plans, and being located 15.73 feet northeast of the original northeast right-of-way line of said Kimsey Lane (20 feet northeast of the original centerline), which original northeast right-of-way line is the existing corporate limits of the City of Henderson as recorded in Ordinance Book 9 Page 239;**

**Thence with said Kimsey Lane right-of-way line around a curve to the right through a central angle of 17 DEGREES 46 MINUTES 27 SECONDS, an arc distance of 266.18 feet, a chord bearing of NORTH 40 DEGREES 50 MINUTES 41 SECONDS WEST, a distance of 265.11 feet to a point in said right-of-way line where it is intersected by a scanned image overlay of the 100 year flood plain line as cited in Annexation 6-97, being a corner to the existing corporate limits of the City of Henderson, by Annexation 6-97, said flood plain line having been taken from F.E.M.A. Firm Panel 210286 0125 B, dated 2-6-1991, and which Firm Panel is now void; thence with said existing corporate limits and said old flood plain line as it meanders, reduced to the following twenty (20) straight courses:**

- (1) NORTH 40 DEGREES 12 MINUTES 17 SECONDS EAST, a distance of 139.68 feet to a point;**
- (2) NORTH 00 DEGREES 34 MINUTES 02 SECONDS WEST, a distance of 267.03 feet to a point;**
- (3) NORTH 35 DEGREES 39 MINUTES 55 SECONDS WEST, a distance of 347.26 feet to a point;**

- (4) NORTH 64 DEGREES 45 MINUTES 59 SECONDS WEST, a distance of 285.61 feet to a point;
- (5) NORTH 04 DEGREES 56 MINUTES 03 SECONDS WEST, a distance of 319.11 feet to a point;
- (6) NORTH 31 DEGREES 06 MINUTES 56 SECONDS EAST, a distance of 320.91 feet to a point;
- (7) NORTH 45 DEGREES 55 MINUTES 18 SECONDS EAST, a distance of 305.82 feet to a point;
- (8) NORTH 20 DEGREES 42 MINUTES 00 SECONDS EAST, a distance of 493.85 feet to a point;
- (9) NORTH 03 DEGREES 30 MINUTES 00 SECONDS EAST, a distance of 200.56 feet to a point;
- (10) NORTH 12 DEGREES 57 MINUTES 58 SECONDS EAST, A distance of 271.38 feet to a point;
- (11) NORTH 27 DEGREES 01 MINUTES 49 SECONDS EAST, a distance of 232.19 feet to a point;
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- (18) NORTH 82 DEGREES 25 MINUTES 17 SECONDS EAST, a distance of 226.14 feet to a point;
- (19) NORTH 51 DEGREES 34 MINUTES 48 SECONDS EAST, a distance of 214.83 feet to a point;
- (20) SOUTH 70 DEGREES 50 MINUTES 30 SECONDS EAST ,a distance of 449.23 feet to the point of beginning and containing 61.343 acres more or less.



61.343 AC.

CARL C. DEMPEWOLF  
DB 385 PP 23

NUMBER	DIRECTION	DISTANCE
L1	N 40°12'17" E	139.68'
L2	N 00°34'02" W	267.03'
L3	N 35°39'55" W	347.26'
L4	N 64°43'59" W	285.61'
L5	N 04°56'03" W	319.11'
L6	N 31°06'56" E	320.91'
L7	N 45°55'18" E	305.82'
L8	N 20°42'00" E	493.85'
L9	N 03°30'00" E	200.56'
L10	N 12°57'58" E	271.38'
L11	N 27°01'49" E	232.19'
L12	S 42°11'43" E	140.15'
L13	S 23°00'55" E	195.82'
L14	S 08°36'10" E	219.42'
L15	S 19°21'19" E	264.09'
L16	S 43°14'19" E	207.25'
L17	S 71°45'54" E	340.29'
L18	N 82°25'17" E	226.14'
L19	N 51°34'48" E	214.85'
L20	S 70°50'30" E	449.23'

NUMBER	DELTA	RADIUS	ARC	CHORD BRG	CHORD DIST.	Da	Dc
C1	17°46'27"	858.03	266.18	N 40°50'41" W	265.11	06°40'39"	06°40'53"

**CERTIFICATION**

I HEREBY CERTIFY THAT THIS PLAT WAS PREPARED BY ME, USING INFORMATION FROM PRIOR ANNEXATIONS, PLATS RECORDED IN THE HENDERSON COUNTY COURT CLERK'S OFFICE, DEEDS OF THE SUBJECT AND ADJOINING PROPERTIES, OLD F.E.M.A. FIRM PANEL 210286/0125 B, DATED 2-6-1991, AND PLANS FROM THE KENTUCKY DEPARTMENT OF TRANSPORTATION SP 51-389.

*[Signature]*  
DATE 12-1-15

**OWNERS:**  
CLARK A. & CYNTHIA T. MERRILL  
FRANCES M. O'SULLIVAN  
C/O CLARK MERRILL  
#2 CHERRY LANE  
BRISTOL, RI 02809



Planning the Future

Henderson City-County Planning Commission  
1990 Barret Ct. Suite C  
Henderson, KY 42420

Brian Bishop, Executive Director  
[bbishop@hendersonplanning.org](mailto:bbishop@hendersonplanning.org)  
270-831-1289

January 6, 2016

Mayor Steve Austin  
City Commissioners  
Henderson Municipal Center  
Henderson, KY 42420

ATTN: Russell Sights, City Manager

Re: **REZONING #1054 - ASSIGNMENT OF ZONING CLASSIFICATION IN CONJUNCTION WITH ANNEXATION**

Please be advised on Tuesday, January 5, 2016 the Henderson City-County Planning Commission held a Public Hearing to consider the following:

**REZONING #1054 ASSIGNMENT OF ZONING CLASSIFICATION IN CONJUNCTION WITH ANNEXATION** - Following action of the Henderson City Commission to begin annexation proceedings, the Planning Commission held a public hearing in order to assign zoning classifications to the area under consideration for annexation.

*The following property is currently zoned County Agricultural. The proposal is to assign a City Highway Commercial zoning classification:*

Property owned by Clark & Cynthia Merrill and Frances O'Sullivan behind Wal-Mart on Barret Blvd., & Kimsey Lane, containing 61.343 acres.

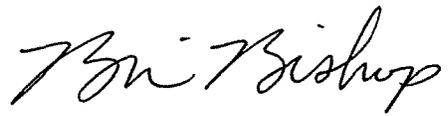
**PLANNING COMMISSION RECOMMENDATION – MOTION WAS MADE BY DAVID WILLIAMS, SECONDED BY DAVID DIXON TO APPROVE REZONING #1054 ASSIGNMENT OF ZONING CLASSIFICATION IN CONJUNCTION WITH ANNEXATION, THAT THE FUTURE LAND USE ELEMENT OF THE COMPREHENSIVE PLAN IS CONSISTENT WITH THE PROPOSED ZONING OF H-C (HIGHWAY COMMERCIAL), AND THAT IT WILL PROMOTE THE EXPANSION OF EXISTING COMMERCIAL FACILITIES IN THAT THE IMMEDIATE AREA IS DEVELOPING IN A COMMERCIAL FASHION DUE TO RECENT LAND DEVELOPMENT IN THE GENERAL AREA AND THE CONSTRUCTION OF RELIABLE INFRASTRUCTURE.**

**VOTE: UNANIMOUS  
MOTION CARRIED**

**EXHIBIT "C"**

Attached is a copy of the transcript of the public hearing, and documents related to the annexation.

Respectfully submitted,

A handwritten signature in black ink that reads "Brian Bishop". The signature is written in a cursive, flowing style.

Brian Bishop  
Executive Director, AICP  
Henderson City-County Planning Commission

BB/tgc  
Cc: Dawn Kelsey

**City Commission Memorandum  
16-46**

March 2, 2016

TO: Mayor Steve Austin and the Board of Commissioners

FROM: Russell R. Sights, City Manager 

SUBJECT: Amendment of 2016 Appropriation Ordinance

An item for consideration at the of Tuesday, March 8, 2016, is first reading of an ordinance amending the Fiscal 2016 Budget and Appropriation ordinance for the fiscal year ending June 30, 2016.

Finance Department Memorandum 16-09, enclosed, reviews the changes in detail. A summary of the General Fund changes are as follows:

<u>Appropriation</u>	<u>Increase/(Decrease)</u>	<u>Revised</u>
General Fund:	\$ 818,000	\$ 31,911,000
Administration		
-City Attorney's Office, Foreclosures	\$ 24,000	
Fire		
-Vehicle Repairs & Tires, Engine 4	\$ 15,000	
-Apparatus, Air Packs	\$ 10,000	
-Special Services, Promotional Testing	\$ 13,500	
-Machinery, Weather Siren	\$ 27,000	
-Rescue Truck Replacement	\$ 45,000	
Parks & Recreation Department		
-Bldg Repair, JFK Center Doors	\$ 17,000	
-Bldg Repair, Golf Clubhouse Roof	\$ 9,000	
-Buildings, East End Park Restrooms	\$ 38,000	
Public Works Department		
-Contractual, Hwy Interchange Mowing Services	\$ 30,000	
Information Technology Department		
-Data Processing, AS400 Software Upgrade	\$ 387,000	
-Data Processing, Hardware Upgrade	\$ 131,000	
Transfers/Agencies		
Non-Departmental		
-Flood Mitigation, All Terrain Vehicle Replacement	\$ 11,500	
-Vision Plan Implementation Projects	\$ 10,000	
Transfer to PWI		
-North Elm Street & Smith Avenue Projects	\$ 50,000	

Your approval of the attached ordinance is requested.

c: Robert Gunter

**FINANCE DEPARTMENT MEMORANDUM**  
**16 – 09 Revised**

March 3, 2016

TO: Russell Sights, City Manager  
FROM: Robert Gunter, Finance Director  
SUBJECT: Budget Amendments

I have updated the budget amendment ordinance to reflect the changes requested by the Board of Commissioners during the February 16<sup>th</sup> work session. I have also included two subsequent amendments that have been discussed since the work session.

I have eliminated the \$55,000 transfer to the Construction fund for the Riverwalk sidewalks and reduced the General fund transfer to the Flood Mitigation fund by \$5,000. The Gas Fund will now make up the difference for the new all-terrain vehicle.

I have added \$45,000 for the possible purchase of the used fire rescue truck. Based on the bid, I have increased the construction costs of the new municipal service facility from \$2,928,430 to \$6,380,430. The increase equates to \$3,452,000 in the Construction Fund.

These changes will reduce the requested General fund budget amendments from \$833,000 to \$818,000. The revised to appropriation will increase to \$31,911,000.

I have attached a revised ordinance. Please let us know if you need additional information.



Robert Gunter

Attachment

ORDINANCE NO. \_\_\_\_\_

ORDINANCE AMENDING BUDGET AND APPROPRIATION ORDINANCE

**SUMMARY:** AN ORDINANCE AMENDING BUDGET AND APPROPRIATION ORDINANCE FOR THE FISCAL YEAR COMMENCING JULY 1, 2015 AND ENDING JUNE 30, 2016 FOR THE CITY OF HENDERSON, KENTUCKY

WHEREAS, on June 23, 2015, the City of Henderson adopted its annual budget and appropriation ordinance for the fiscal year commencing July 1, 2015 and ending June 30, 2016, being Ordinance No. 18-15, and,

WHEREAS, on November 24, 2015, the City of Henderson amended its annual budget and appropriation ordinance for the fiscal year commencing July 1, 2015 and ending June 30, 2016, being Ordinance No. 31-15, and,

WHEREAS, the City Manager recommends that the following additional amendments be adopted.

NOW, THEREFORE, BE IT ORDAINED by the City of Henderson, Kentucky, that Ordinance No. 31-15 is amended as follows:

1. The budget submitted to the Board of Commissioners by the City Manager for fiscal year 2015 - 2016 is hereby amended as follows:

GENERAL FUND

ADMINISTRATION	\$ <del>2,570,430</del>	\$ 2,594,430
FINANCE	2,319,520	2,319,520
FIRE	<del>5,772,900</del>	5,883,400
PARKS & RECREATION	<del>1,825,060</del>	1,889,060
POLICE	7,065,020	7,065,020
PUBLIC WORKS	<del>2,547,340</del>	2,577,340
INFORMATION TECHNOLOGY	<del>745,740</del>	1,263,740
TRANSFERS/AGENCIES	<del>8,246,990</del>	8,318,490
TOTAL	<u>\$ <del>31,093,000</del></u>	<u>\$ 31,911,000</u>

2. There is hereby appropriated from the General and Special Fund Accounts of the City of Henderson and allocated to the various Funds of the City the following amounts:

GENERAL FUND

GENERAL FUND EXPENDITURE TOTAL	<del>\$ 25,295,000</del>	\$ 26,063,000
TRANSFER TO PWI	<del>1,229,000</del>	1,279,000
TRANSFER TO MASS TRANSIT	840,000	840,000
TRANSFER TO CONSTRUCTION FUND	846,000	846,000
TRANSFER TO EMERGENCY COMM.	1,097,000	1,097,000
TRANSFER TO POLICE/FIRE PENSION	423,000	423,000
TRANSFER TO CIVIL SERVICE PENSION	187,000	187,000
TRANSFER TO CEMETERY	262,000	262,000
TRANSFER TO BOND FUND	914,000	914,000
TOTAL GENERAL FUND	<u><del>\$ 31,093,000</del></u>	<u>\$ 31,911,000</u>
NATURAL GAS FUND	<del>\$ 17,019,000</del>	\$ 17,024,000
HEALTH REIMBURSEMENT ARRANGE.	\$ 430,000	
CIVIL SERVICE PENSION FUND	\$ 192,000	
POLICE & FIRE PENSION FUND	\$ 423,000	
CEMETERY FUND	\$ 449,000	
HEALTH INSURANCE FUND	\$ 6,804,000	
BOND FUND	\$ 3,655,000	
PUBLIC WAY IMPROVEMENT FUND	<del>\$ 1,907,000</del>	\$ 1,957,000
CONSTRUCTION FUND	<del>\$ 11,362,000</del>	\$ 14,814,000
FLOOD MITIGATION FUND	<del>\$ 1,080,000</del>	\$ 1,100,000
HART OPERATING FUND	\$ 1,596,000	
SANITATION FUND	\$ 3,094,000	
EMERGENCY COMMUNICATIONS FUND	\$ 2,026,000	
COMMUNITY DEVELOPMENT FUND	\$ 321,000	
HOME FUND	\$ 198,000	
POLICE INVESTIGATION FUND	\$ 22,000	
HENDERSON RECYCLING	\$ 500,000	
TRI-COUNTY RECYCLING	\$ 234,000	

3. This Ordinance shall be effective as of July 1, 2015.

This ordinance of amendment shall become effective upon its legal adoption.

On first reading of the foregoing ordinance, it was moved by Commissioner \_\_\_\_\_ seconded by Commissioner \_\_\_\_\_, that the ordinance be adopted on its first reading.

On roll call the vote stood:

Commissioner Hite:	_____	Commissioner Johnston	_____
Commissioner Royster:	_____	Mayor Austin:	_____
Commissioner Mills:	_____		

WHEREUPON, Mayor Austin declared the ordinance adopted on first reading and ordered that it be presented for second reading at a regular meeting of the Board of Commissioners.

On second reading of the foregoing ordinance, it was moved by Commissioner \_\_\_\_\_ seconded by Commissioner \_\_\_\_\_, that the ordinance be adopted.

WHEREUPON, the vote was called, on roll call the vote stood:

Commissioner Hite:	_____	Commissioner Johnston	_____
Commissioner Royster:	_____	Mayor Austin:	_____
Commissioner Mills:	_____		

WHEREUPON, Mayor Austin declared the ordinance adopted, affixed his signature and the date and ordered it be recorded.

\_\_\_\_\_  
Steve Austin, Mayor

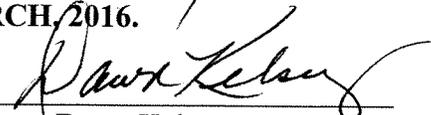
\_\_\_\_\_  
Date

ATTEST:

\_\_\_\_\_  
Maree Collins, City Clerk

**APPROVED AS TO FORM AND  
LEGALITY THIS 7 DAY OF  
MARCH 2016.**

By: \_\_\_\_\_

  
Dawn Kelsey  
City Attorney

**City Commission Memorandum  
16-48**

March 2, 2016

TO: Mayor Steve Austin and the Board of Commissioners

FROM: Russell R. Sights, City Manager 

SUBJECT: Job Classification and Pay Plan Amendment and Amending Budgeted Positions of the FY16 Budget Ordinance

An item for the agenda of Tuesday, March 8, 2016, is first reading of an ordinance amending the Job Classification and Pay Plan and amending the budgeted positions of the Amended FY16 Budget Ordinance.

As proposed at the February 2016 Work Session, the Engineering Assistant position will be reclassified from a grade 24 to a Public Works Engineer position, grade 31.

The Assistant City Manager and Human Resources staff have worked together to create a job description for the reclassified position. The proposed reclassification follows an assessment of the relative worth of the position to ensure internal and external equity.

Other changes as discussed at the Work Session include:

- a) Transferring the reclassified Public Works Engineer position from the Engineering division in the Administration department to the Administration division of the Public Works department;
- b) Deleting one Code Inspector, Senior position and adding one Code Inspector position in the Code Enforcement division; and
- c) Adding a Temporary Assistant Finance Director position in the Finance Administration division.

Your approval of the attached ordinance is requested.

c: Buzzy Newman  
Connie Galloway  
Robert Gunter

ORDINANCE NO. \_\_\_\_\_

ORDINANCE AMENDING JOB CLASSIFICATIONS AND PAY PLAN  
AND BUDGETED POSITIONS

**SUMMARY:** ORDINANCE AMENDING JOB CLASSIFICATIONS AND PAY PLAN BY RECLASSIFYING THE ENGINEERING ASSISTANT POSITION IN THE ENGINEERING DIVISION OF THE ADMINISTRATION DEPARTMENT TO A PUBLIC WORKS ENGINEER POSITION IN THE ADMINISTRATION DIVISION OF THE PUBLIC WORKS DEPARTMENT, AND TO AMEND THE AMENDED FISCAL 2016 BUDGET TO CHANGE THE NUMBER AND CLASSIFICATIONS OF CITY EMPLOYEES AS RECITED IN THE ANNUAL AMENDED BUDGET

WHEREAS, Ordinance No. 19-15, as amended, adopted a job classification and pay plan; and

WHEREAS, following an assessment, it has been determined necessary and advisable to modify the plan; and

WHEREAS, the modification of the job classifications and pay plan, necessitates an amendment to the Annual (Amended) Budget to reflect the change in the number and classifications of City Employees; and

WHEREAS, the City Manager recommends the modifications as proposed.

NOW, THEREFORE, BE IT ORDAINED by the City of Henderson, Kentucky, that the City's job classifications and pay plan is amended as follows:

<u>Grade:</u>	<u>Classified Title:</u>	<u>Class Code:</u>
[24] 31	[ <del>Engineering Assistant</del> ] <u>Public Works Engineer</u>	[2302] 4117

BE IT FURTHER ORDAINED, that the Budgeted Positions and Job Classifications of the 2016-2017 Codes Division Budget is hereby amended by adding one (1) Code Inspector position and deleting one Code Inspector Senior position; and adding a Temporary Assistant Finance Director position in the Finance Administration Division, as shown on the list of the City's Budgeted positions, a copy of which is attached hereto and made a part hereof by reference .

All ordinances or parts of ordinances in conflict herewith are hereby repealed and superseded to the extent of such conflict.

This ordinance shall become effective upon its legal adoption.

On first reading of the foregoing ordinance, it was moved by Commissioner \_\_\_\_\_, seconded by Commissioner \_\_\_\_\_, that the ordinance be adopted on its first reading.

On roll call the vote stood:

Commissioner Hite _____	Commissioner Johnston _____
Commissioner Royster _____	Mayor Austin _____
Commissioner Mills _____	

WHEREUPON, Mayor Austin declared the ordinance adopted on first reading and ordered that it be presented for a second reading at a meeting of the Board of Commissioners.

On second reading of the ordinance, it was moved by Commissioner \_\_\_\_\_, seconded by Commissioner \_\_\_\_\_, that the ordinance be adopted.

WHEREUPON, the vote was called. On roll call the vote stood:

Commissioner Hite _____	Commissioner Johnston _____
Commissioner Royster _____	Mayor Austin _____
Commissioner Mills _____	

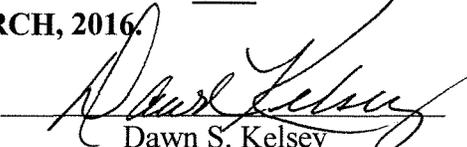
WHEREUPON, Mayor Austin declared the ordinance adopted, affixed his signature and the date and ordered that it be recorded.

ATTEST:

\_\_\_\_\_  
Steve Austin, Mayor  
Date: \_\_\_\_\_

\_\_\_\_\_  
Maree Collins, City Clerk

**APPROVED AS TO FORM AND  
LEGALITY THIS 3 DAY OF  
MARCH, 2016.**

By:   
Dawn S. Kelsey  
City Attorney

## Administration Department

<b>PERSONNEL SCHEDULE</b> City Manager	Authorized Positions		
	Fiscal Year 2014	Fiscal Year 2015	Fiscal Year 2016
<b><u>011</u></b>			
City Manager	1	1	1
Assistant City Manager	1	1	1
Executive Assistant	1	1	1
Administrative Secretary	1	1	1
Public Information Specialist (Part-time)	0	0	0
Public Information Officer	0	0	1
	4	4	5

<b>PERSONNEL SCHEDULE</b> City Attorney	Authorized Positions		
	Fiscal Year 2014	Fiscal Year 2015	Fiscal Year 2016
<b><u>012</u></b>			
City Attorney	1	1	1
Staff Attorney	1	1	0
Legal Secretary	1	1	1
	3	3	2

<b>PERSONNEL SCHEDULE</b> City Clerk	Authorized Positions		
	Fiscal Year 2014	Fiscal Year 2015	Fiscal Year 2016
<b><u>013</u></b>			
City Clerk	1	1	1
	1	1	1

<b>PERSONNEL SCHEDULE</b> Human Relations	Authorized Positions		
	Fiscal Year 2014	Fiscal Year 2015	Fiscal Year 2016
<b><u>016</u></b>			
Executive Director, Human Rights Commission	1	1	1
	1	1	1

<b>PERSONNEL SCHEDULE</b> Community Development	Authorized Positions		
	Fiscal Year 2014	Fiscal Year 2015	Fiscal Year 2016
<b><u>017</u></b>			
Code Administrator	0.3	0.3	0.3
Community Development Specialist	1	1	1
	1.3	1.3	1.3

## Administration Department

<b>PERSONNEL SCHEDULE</b> Human Resources	Authorized Positions		
	Fiscal Year 2014	Fiscal Year 2015	Fiscal Year 2016
<b><u>124</u></b>			
Human Resources Director	1	1	1
Human Resources Specialist	1	1	1
Human Resources Assistant	1	1	0
Safety & Training Coordinator	2	1	1
Benefits Coordinator	1	1	2
	6	5	5

<b>PERSONNEL SCHEDULE</b> Code Enforcement	Authorized Positions		
	Fiscal Year 2014	Fiscal Year 2015	Fiscal Year 2016
<b><u>233</u></b>			
Code Administrator	0.7	0.7	0.7
Code Inspector, Senior	1	1	+ 0
Development Liaison	1	1	1
Code Inspector	2	2	+ 2
Property Maintenance Inspector	0	0	1
Secretary	1	1	1
Office Assistant (Part-time)	1	1	0
	6.7	6.7	5.7

<b>PERSONNEL SCHEDULE</b> Engineering	Authorized Positions		
	Fiscal Year 2014	Fiscal Year 2015	Fiscal Year 2016
<b><u>377</u></b>			
Engineer	1	1	1
Engineering Assistant	1	1	+ 0
Seasonal Engineering Intern	0	0	1
	2	2	3 2

## Finance Department

<b>PERSONNEL SCHEDULE</b> Finance Administration	Authorized Positions		
	Fiscal Year 2014	Fiscal Year 2015	Fiscal Year 2016
<b><u>121</u></b>			
Finance Director	1	1	1
Assistant Finance Director	1	1	1
Assistant Finance Director (Temporary)	0	0	<u>1</u>
Administrative Secretary	1	1	1
Administrative Clerk	1	1	1
Occupational Tax Representative, Senior	1	1	1
Occupational Tax Representative, (Part-time)	1	1	1
Account Technician, Senior	0.25	0.25	1.25
	<b>6.25</b>	<b>6.25</b>	<del>7.25</del> <b>8.25</b>

<b>PERSONNEL SCHEDULE</b> Accounting	Authorized Positions		
	Fiscal Year 2014	Fiscal Year 2015	Fiscal Year 2016
<b><u>123</u></b>			
Accounting Manager	1	1	1
Account Technician	2	2	2
Utility Billing Supervisor	1	1	1
Utilities Servicer	3	3	3
Meter Reader	4	4	4
Meter Reader (Part-time)	1	1	0
	<b>12</b>	<b>12</b>	<b>11</b>

<b>PERSONNEL SCHEDULE</b> Treasury	Authorized Positions		
	Fiscal Year 2014	Fiscal Year 2015	Fiscal Year 2016
<b><u>125</u></b>			
Treasury Supervisor	1	0	0
Revenue Supervisor	1	1	1
Account Technician, Senior	1.75	1.75	1.75
Account Technician	1	1	1
Account Representative	5	5	5
Account Representative (Part-time)	2	2	2
Office Assistant/Switchboard	1	1	1
	<b>12.75</b>	<b>11.75</b>	<b>11.75</b>

## Public Works Department

<b>PERSONNEL SCHEDULE</b> Public Works Administration	Authorized Positions		
	Fiscal Year 2014	Fiscal Year 2015	Fiscal Year 2016
<b><u>341</u></b>			
Public Works Director	1	1	1
Public Works Engineer	0	0	<u>1</u>
Secretary, Senior	0.5	0.5	0.5
	1.5	1.5	<del>1.5</del> <u>2.5</u>

<b>PERSONNEL SCHEDULE</b> Municipal Facilities	Authorized Positions		
	Fiscal Year 2014	Fiscal Year 2015	Fiscal Year 2016
<b><u>014</u></b>			
Municipal Facilities Superintendent	1	1	1
Secretary, Senior	0.5	0.5	0.5
Municipal Facilities Worker, Senior	1	1	1
Municipal Facilities Worker	2	2	3
Municipal Facilities Assistant	2	2	1
	6.5	6.5	6.5

<b>PERSONNEL SCHEDULE</b> Traffic Control	Authorized Positions		
	Fiscal Year 2014	Fiscal Year 2015	Fiscal Year 2016
<b><u>234</u></b>			
Street Superintendent	0.25	0.25	0.25
Secretary, Senior	0.5	0.5	0.5
Equipment Operator, Senior	2	2	2
Crew Worker, Senior	1	1	2
Crew Worker	3	3	2
	6.75	6.75	6.75

<b>PERSONNEL SCHEDULE</b> Central Garage	Authorized Positions		
	Fiscal Year 2014	Fiscal Year 2015	Fiscal Year 2016
<b><u>366</u></b>			
Garage Superintendent	1	1	1
Account Clerk	1	1	1
Vehicle Mechanic	5	5	5
Vehicle Servicer	1	1	1
Vehicle Servicer Helper	1	1	1
	9	9	9

**Total Authorized Positions by Fund**

	Fiscal Year			Fiscal Year			Fiscal Year		
	2014	2015	2016	2014	2015	2016	2014	2015	2016
	Full-Time			Part-Time			Temporary/Seasonal/On-Call/Reserve		
<b>General Fund</b>									
Administration	23.00	22.00	<u>22.00</u>	1.00	1.00	0.00	0.00	1.00	1.00
Finance	33.00	32.00	<u>28.00</u>	4.00	4.00	3.00	0.00	0.00	0.00
Information Technology	0.00	0.00	6.00	0.00	0.00	0.00	0.00	0.00	0.00
Fire	62.00	62.00	62.00	0.00	0.00	0.00	0.00	0.00	0.00
Parks & Recreation	14.00	14.00	14.00	2.00	2.00	2.00	22.00	22.00	22.00
Police	69.75	69.75	69.75	4.00	4.00	3.00	4.00	4.00	4.00
Public Works	23.75	23.75	<u>24.75</u>	0.00	0.00	0.00	0.00	0.00	0.00
General Fund Total	225.50	223.50	<u>226.50</u>	11.00	11.00	8.00	26.00	27.00	27.00
Gas System	26.00	26.00	26.00	0.00	0.00	0.00	2.00	4.00	2.00
Cemetery	4.00	4.00	4.00	0.00	0.00	0.00	0.00	0.00	0.00
Public Way Improvement	11.75	11.75	11.75	0.00	0.00	0.00	0.00	0.00	0.00
Mass Transit	14.00	14.00	13.00	2.00	2.00	2.00	1.00	3.00	3.00
Sanitation	18.50	18.50	18.50	0.00	0.00	0.00	2.00	3.00	3.00
Communications	15.25	15.25	16.25	0.00	0.00	0.00	4.00	4.00	4.00
<b>GRAND TOTAL</b>	<b>315.00</b>	<b>313.00</b>	<u><b>316.00</b></u>	<b>13.00</b>	<b>13.00</b>	<b>10.00</b>	<b>35.00</b>	<b>41.00</b>	<b>39.00</b>

## City of Henderson, Kentucky Job Classifications & Grades

Code	Grade	Classification Title	<u>FLSA</u>
<b>A</b>			
0301	7	Account Clerk	N
0306	9	Account Representative	N
0304	11	Account Technician	N
0305	14	Account Technician, Senior	N
0314	35	Accounting Manager	E
0307	9	Administrative Clerk	N
0063	14	Administrative Secretary	N
0230	33	Applications Programming Manager	E
0315	36	Assistant Finance Director	E
1110	27	Assistant Fire Chief	N
<b>B</b>			
0062	14	Benefits Coordinator	N
3701	10	Bus Operator	N
4204	10	Bus Preventive Maintenance Technician	N
<b>C</b>			
7001	3	Cashier-Recreation	N
0020	25	City Clerk	E
2320	37	City Engineer	E
1210	30	Code Administrator	E
1204	16	Code Inspector	N
1208	24	Code Inspector, Senior	N
1302	12	Communications Officer	N
1304	13	Communications Officer, Lead	N
1311	22	Communications Supervisor	E
8100	16	Community Development Specialist	N
4003	6	Crew Worker	N
4004	9	Crew Worker, Senior	N
6000	3	Custodial Worker	N
<b>D</b>			
0201	8	Data Entry Operator	N
1016	35	Deputy Police Chief	E
1203	16	Development Liaison	N
0321	47	Director, Finance	E
3020	45	Director, Gas System	E
0520	38	Director, Human Resources	E
<b>E</b>			
2310	31	Engineer	E
2302	24	Engineering Assistant	E
3104	13	Engineering Technician	N
4040	9	Equipment Operator	N
4041	11	Equipment Operator, Senior	N
0010	17	Executive Assistant	N
8020	21	Executive Director, Human Relations Commission	E

## City of Henderson, Kentucky Job Classifications & Grades

Code	Grade	Classification Title	<u>FLSA</u>
<b>F</b>			
1106	20	Fire Captain	N
1120	43	Fire Chief	E
1103	15.5	Fire Driver - Engineer	N
1104	18	Fire Lieutenant	N
1102	13.5	Firefighter	N
1100	13.5	Firefighter-In-Training (hourly)	N
1101	13.5	Firefighter-In-Training (shift)	N
<b>G</b>			
4106	28	Garage Superintendent	E
3004	21	Gas Construction Supervisor	N
3002	17	Gas Distribution Crew Leader	N
3008	33	Gas Distribution Engineer	E
3006	30	Gas Distribution Superintendent	E
3005	11	Gas Distribution Technician	N
3105	12	Gas Measurement Technician	N
3010	37	Gas Operations Manager	E
3108	14	Gas Servicer	N
3003	20	Gas System Analyst	N
3001	12	Gas System Equipment Operator	N
3012	9	Gas System Worker	N
3110	21	Gas Technical Supervisor	N
4006	9	Golf Course Maintenance Worker	N
4010	18	Golf Course Manager	E
4000	5	Grounds/Maintenance Worker	N
<b>H</b>			
4043	14	Heavy Equipment Operator	N
4044	15	Heavy Equipment Operator, Senior	N
0510	17	Human Resources Specialist	N
0063	14	HWU Administrative Assistant	N
4341	21	HWU Assistant Utility System Superintendent	E
4339	33	HWU Automation Manager	E
4338	21	HWU Automation Specialist	N
4308	37	HWU Chief Engineer	E
4343	43	HWU Chief Financial Officer	E
4303	17	HWU Construction Crew Leader	N
4337	18	HWU Construction Inspector	N
4329	30	HWU Construction Superintendent	E
4310	42	HWU Director of Field Operations	E
4357	38	HWU Director of Plant Operations	E
3104	13	HWU Engineering Technician	N
4355	16	HWU Environmental Compliance & Pretreatment Coordinator	N
4340	17	HWU GIS Analyst	N
4339	30	HWU GIS Manager	E
4331	33	HWU Information System Manager	E
0302	10	HWU Inventory Control Technician	N
4350	15	HWU Laboratory Technician	N
4335	20	HWU Maintenance Team Leader	N
4325	10	HWU Maintenance Technician I	N
4326	14	HWU Maintenance Technician II	N

## City of Henderson, Kentucky Job Classifications & Grades

<b>Code</b>	<b>Grade</b>	<b>Classification Title</b>	<b><u>FLSA</u></b>
4327	18	HWU Maintenance Technician, Senior	N
4206	14	HWU Mechanic	N
4314	31	HWU Projects & Compliance Manager	E
4328	25	HWU Purchasing Manager	E
4307	20	HWU Safety & Training Coordinator	N
0060	9	HWU Secretary	N
0061	11	HWU Secretary, Senior	N
4306	9	HWU (SOC) Secretary	N
4305	11	HWU (SOC) Secretary, Senior	N
4342	6	HWU Sludge Press Operator	N
4313	13	HWU Utility Locator/Geospatial Technician	N
4302	17	HWU Utility System Crew Leader	N
4304	17	HWU Utility System Specialist	N
4311	30	HWU Utility System Superintendent	E
4312	9	HWU Utility System Worker I	N
4315	11	HWU Utility System Worker II	N
4319	14	HWU Utility System Worker III	N
4334	21	HWU Wastewater Treatment Operator Chief	N
4330	10	HWU Wastewater Treatment Operator I	N
4326	16	HWU Wastewater Treatment Operator II	N
4356	17	HWU Water Quality Specialist	N
4333	21	HWU Water Treatment Operator Chief	N
4321	10	HWU Water Treatment Operator I	N
4334	18	HWU Water Treatment Operator II	N
3100	16	HWU Welder/Fabricator	N
<b>I</b>			
0210	13	Information Technology Operations Technician	N
0302	10	Inventory Control Technician	N
<b>L</b>			
4007	7	Landscape Technician	N
0064	13	Legal Secretary	N
<b>M</b>			
3100	16	Maintenance Welder	N
3304	9	Meter Reader	N
6102	8	Municipal Facilities Assistant	N
6110	31	Municipal Facilities Superintendent	E
6104	13	Municipal Facilities Worker	N
6106	15	Municipal Facilities Worker, Senior	N
<b>N</b>			
0213	22	Network Administrator	N
<b>O</b>			
0390	14	Occupational Tax Representative, Senior	N
0391	9	Occupational Tax Representative	N
0112	7	Office Assistant	N

## City of Henderson, Kentucky Job Classifications & Grades

Code	Grade	Classification Title	<u>FLSA</u>
<b>P</b>			
1000	7	Parking Enforcement Officer	N
4101	21	Parks and Cemeteries Superintendent	E
0215	16	PC Support Specialist	N
1020	44	Police Chief	E
1012	22	Police Lieutenant	E
1014	27	Police Major	E
1004	13.5	Police Officer	N
1008	18	Police Sergeant	N
0221	24	Programmer/Analyst	N
1202	12	Property Maintenance Inspector	N
<u>4117</u>	<u>31</u>	<u>Public Works Engineer</u>	<u>E</u>
<b>R</b>			
1306	17	Radio Network Systems Technician	N
7005	8	Recreation Center Worker	N
7006	15	Recreation Facilities Supervisor	E
7010	23	Recreation Program Manager	E
0311	17	Revenue Supervisor	N
<b>S</b>			
0515	20	Safety & Training Coordinator	N
4108	30	Sanitation Superintendent	E
4001	5	Sanitation Worker	N
4002	6	Sanitation Worker, Senior	N
4009	9	Scale Operator	N
1001	3	School Crossing Guard	N
0060	9	Secretary	N
0061	11	Secretary, Senior	N
4110	30	Street Superintendent	E
0212	17	System Administrator	N
<b>T</b>			
4211	16	Transit Mechanic Supervisor	N
3711	30	Transit Superintendent	E
<b>U</b>			
3308	17	Utility Billing Supervisor	N
3303	12	Utilities Servicer	N
<b>V</b>			
4206	14	Vehicle Mechanic	N
4203	8	Vehicle Servicer	N
4202	6	Vehicle Servicer Helper	N

## City of Henderson, Kentucky Job Classifications & Grades

Code	Grade	Classification Title	<u>FLSA</u>
7001	3	Cashier-Recreation	N
6000	3	Custodial Worker	N
1001	3	School Crossing Guard	N
4000	5	Grounds/Maintenance Worker	N
4001	5	Sanitation Worker	N
4003	6	Crew Worker	N
4342	6	HWU Sludge Press Operator	N
4002	6	Sanitation Worker, Senior	N
4202	6	Vehicle Servicer Helper	N
0301	7	Account Clerk	N
4007	7	Landscape Technician	N
0112	7	Office Assistant	N
1000	7	Parking Enforcement Officer	N
0201	8	Data Entry Operator	N
6102	8	Municipal Facilities Assistant	N
7005	8	Recreation Center Worker	N
4203	8	Vehicle Servicer	N
0306	9	Account Representative	N
0307	9	Administrative Clerk	N
4004	9	Crew Worker, Senior	N
4040	9	Equipment Operator	N
3012	9	Gas System Worker	N
4006	9	Golf Course Maintenance Worker	N
4306	9	HWU (SOC) Secretary	N
0060	9	HWU Secretary	N
4312	9	HWU Utility System Worker I	N
3304	9	Meter Reader	N
0391	9	Occupational Tax Representative	N
4009	9	Scale Operator	N
0060	9	Secretary	N
3701	10	Bus Operator	N
4204	10	Bus Preventive Maintenance Technician	N
0302	10	HWU Inventory Control Technician	N
4325	10	HWU Maintenance Technician I	N
4330	10	HWU Wastewater Treatment Operator I	N
4321	10	HWU Water Treatment Operator I	N
0302	10	Inventory Control Technician	N
0304	11	Account Technician	N
4041	11	Equipment Operator, Senior	N
3005	11	Gas Distribution Technician	N
4305	11	HWU (SOC) Secretary, Senior	N
0061	11	HWU Secretary, Senior	N
4315	11	HWU Utility System Worker II	N
0061	11	Secretary, Senior	N
1302	12	Communications Officer	N
3105	12	Gas Measurement Technician	N
3001	12	Gas System Equipment Operator	N
1202	12	Property Maintenance Inspector	N
3303	12	Utilities Servicer	N

## City of Henderson, Kentucky Job Classifications & Grades

Code	Grade	Classification Title	<u>FLSA</u>
1304	13	Communications Officer, Lead	N
3104	13	Engineering Technician	N
3104	13	HWU Engineering Technician	N
4313	13	HWU Utility Locator/Geospatial Technician	N
0210	13	Information Technology Operations Technician	N
0064	13	Legal Secretary	N
6104	13	Municipal Facilities Worker	N
1102	13.5	Firefighter	N
1100	13.5	Firefighter-In-Training (hourly)	N
1101	13.5	Firefighter-In-Training (shift)	N
1004	13.5	Police Officer	N
0305	14	Account Technician, Senior	N
0063	14	Administrative Secretary	N
0062	14	Benefits Coordinator	N
3108	14	Gas Servicer	N
4043	14	Heavy Equipment Operator	N
0063	14	HWU Administrative Assistant	N
4326	14	HWU Maintenance Technician II	N
4206	14	HWU Mechanic	N
4319	14	HWU Utility System Worker III	N
0390	14	Occupational Tax Representative, Senior	N
4206	14	Vehicle Mechanic	N
4044	15	Heavy Equipment Operator, Senior	N
4350	15	HWU Laboratory Technician	N
6106	15	Municipal Facilities Worker, Senior	N
7006	15	Recreation Facilities Supervisor	E
1103	15.5	Fire Driver - Engineer	N
1204	16	Code Inspector	N
8100	16	Community Development Specialist	N
1203	16	Development Liaison	N
4355	16	HWU Environmental Compliance & Pretreatment Coordinator	N
4326	16	HWU Wastewater Treatment Operator II	N
3100	16	HWU Welder/Fabricator	N
3100	16	Maintenance Welder	N
0215	16	PC Support Specialist	N
4211	16	Transit Mechanic Supervisor	N
0010	17	Executive Assistant	N
3002	17	Gas Distribution Crew Leader	N
0510	17	Human Resources Specialist	N
4303	17	HWU Construction Crew Leader	N
4340	17	HWU GIS Analyst	N
4302	17	HWU Utility System Crew Leader	N
4304	17	HWU Utility System Specialist	N
4356	17	HWU Water Quality Specialist	N
1306	17	Radio Network Systems Technician	N
0311	17	Revenue Supervisor	N
0212	17	System Administrator	N
3308	17	Utility Billing Supervisor	N

## City of Henderson, Kentucky Job Classifications & Grades

Code	Grade	Classification Title	<u>FLSA</u>
1104	18	Fire Lieutenant	N
4010	18	Golf Course Manager	E
4337	18	HWU Construction Inspector	N
4327	18	HWU Maintenance Technician, Senior	N
4334	18	HWU Water Treatment Operator II	N
1008	18	Police Sergeant	N
1106	20	Fire Captain	N
3003	20	Gas System Analyst	N
4335	20	HWU Maintenance Team Leader	N
4307	20	HWU Safety & Training Coordinator	N
0515	20	Safety & Training Coordinator	N
8020	21	Executive Director, Human Relations Commission	E
3004	21	Gas Construction Supervisor	N
3110	21	Gas Technical Supervisor	N
4341	21	HWU Assistant Utility System Superintendent	E
4338	21	HWU Automation Specialist	N
4334	21	HWU Wastewater Treatment Operator Chief	N
4333	21	HWU Water Treatment Operator Chief	N
4101	21	Parks and Cemeteries Superintendent	E
1311	22	Communications Supervisor	E
0213	22	Network Administrator	N
1012	22	Police Lieutenant	E
7010	23	Recreation Program Manager	E
1208	24	Code Inspector, Senior	N
2302	24	<del>Engineering Assistant</del>	<del>E</del>
0221	24	Programmer/Analyst	N
0020	25	City Clerk	E
4328	25	HWU Purchasing Manager	E
1110	27	Assistant Fire Chief	N
1014	27	Police Major	E
4106	28	Garage Superintendent	E
1210	30	Code Administrator	E
3006	30	Gas Distribution Superintendent	E
4329	30	HWU Construction Superintendent	E
4339	30	HWU GIS Manager	E
4311	30	HWU Utility System Superintendent	E
4108	30	Sanitation Superintendent	E
4110	30	Street Superintendent	E
3711	30	Transit Superintendent	E
2310	31	Engineer	E
4314	31	HWU Projects & Compliance Manager	E
6110	31	Municipal Facilities Superintendent	E
4117	31	<u>Public Works Engineer</u>	<u>E</u>
0230	33	Applications Programming Manager	E
3008	33	Gas Distribution Engineer	E
4339	33	HWU Automation Manager	E
4331	33	HWU Information System Manager	E
0314	35	Accounting Manager	E
1016	35	Deputy Police Chief	E
0315	36	Assistant Finance Director	E

## City of Henderson, Kentucky Job Classifications & Grades

<b>Code</b>	<b>Grade</b>	<b>Classification Title</b>	<b><u>FLSA</u></b>
2320	37	City Engineer	E
3010	37	Gas Operations Manager	E
4308	37	HWU Chief Engineer	E
0520	38	Director, Human Resources	E
4357	38	HWU Director of Plant Operations	E
4310	42	HWU Director of Field Operations	E
1120	43	Fire Chief	E
4343	43	HWU Chief Financial Officer	E
1020	44	Police Chief	E
3020	45	Director, Gas System	E
0321	47	Director, Finance	E

**City Commission Memorandum  
16-50**

March 3, 2016

TO: Mayor Steve Austin and the Board of Commissioners  
FROM: Russell R. Sights, City Manager   
SUBJECT: Resolution Relating to Financing Capital Improvements

Attached is a resolution submitted for your consideration relating to the financing of capital expenditures to be made from subsequent borrowings.

This resolution declares that the City reasonably expects to finance approximately \$4,000,000.00 of the costs to be used for 1) additional costs related to a new public works facility; 2) a replacement 911 system, including radios, and the CAD system; and 3) radio tower infrastructure.

In order for the City to be eligible to receive reimbursement from those bonds for expenses incurred prior to the bond sale, the Commission must approve a reimbursement resolution. Your approval of the attached resolution is requested.

c: Robert Gunter

RESOLUTION NO. \_\_\_\_\_

**RESOLUTION DECLARING THE OFFICIAL INTENT OF  
THE CITY OF HENDERSON, KENTUCKY WITH  
RESPECT TO REIMBURSEMENT OF TEMPORARY  
ADVANCES MADE FOR CAPITAL EXPENDITURES TO  
BE MADE FROM SUBSEQUENT BORROWINGS**

WHEREAS, Treasury Regulation § 1.150-2 (the "Reimbursement Regulations"), issued pursuant to Section 150 of the Internal Revenue Code of 1986, as amended, (the "Code") prescribes certain requirements by which proceeds of tax-exempt bonds, notes, certificates or other obligations included in the meaning of "bonds" under Section 150 of the Code ("Obligations") used to reimburse advances made for Capital Expenditures (as hereinafter defined) paid before the issuance of such Obligations may be deemed "spent" for purposes of Sections 103 and 141 to 150 of the Code and therefore, not further subject to any other requirements or restrictions under those sections of the Code; and

WHEREAS, such Reimbursement Regulations require that an Issuer (as hereinafter defined) make a Declaration of Official Intent (as hereinafter defined) to reimburse any Capital Expenditure paid prior to the issuance of the Obligations intended to fund such Capital Expenditure and require that such Declaration of Official Intent be made no later than sixty days after payment of the Capital Expenditure and further require that any Reimbursement Allocation (as hereinafter defined) of the proceeds of such Obligations to reimburse such Capital Expenditures occur no later than eighteen months after the later of the date the Capital Expenditure was paid or the date the property acquired with the Capital Expenditure was placed in service, except that any such Reimbursement Allocation must be made no later than three years after such Capital Expenditure was paid; and

WHEREAS, the City of Henderson, Kentucky (the "Issuer") wishes to ensure compliance with the Reimbursement Regulations;

NOW, THEREFORE, be it resolved by the City Commission of the City of Henderson, as follows:

**Section 1. Definitions.** The following definitions apply to the terms used herein:

"Allocation" means written evidence that proceeds of Obligations issued subsequent to the payment of a Capital Expenditure are to reimburse the Issuer for such payments. "To allocate" means to make such an Allocation.

"Capital Expenditure" means any expense for an item that is properly depreciable or amortizable or is otherwise treated as a capital expenditure for purposes of the Code, as well as any costs of issuing Reimbursement Bonds.

"Declaration of Official Intent" means a written declaration that the Issuer intends to fund Capital Expenditures with an issue of Reimbursement Bonds and reasonably expects to be reimbursed from the proceeds of such an issue.

"Reimbursement" means the restoration to the Issuer of money temporarily advanced from other funds, including moneys borrowed from other sources, of the Issuer to pay for Capital Expenditures before the issuance of Obligations intended to fund such Capital Expenditures. "To reimburse" means to make such a restoration.

"Reimbursement Bonds" means Obligations that are issued to reimburse the Issuer for Capital Expenditures, and for certain other expenses permitted by the Reimbursement Regulations, previously paid by or for the Issuer.

"Reimbursement Regulations" means Treasury Regulation § 150-2 and any amendments thereto or superseding regulations, whether in proposed, temporary or final form, as applicable, prescribing conditions under which the proceeds of Obligations may be allocated to reimburse the Issuer for Capital Expenditures and certain other expenses paid prior to the issuance of the Obligations such that the proceeds of such Obligations will be treated as "spent" for purposes of Sections 103 and 141 to 150 of the Code.

**Section 2. Declaration of Official Intent.**

(a) The Issuer declares that it reasonably expects that the Capital Expenditures described in Section (b), which were paid no earlier than sixty days prior to the date hereof, or which will be paid prior to the issuance of any Obligations intended to fund such Capital Expenditures, will be reimbursed with the proceeds of Obligations, representing a borrowing by the Issuer in the maximum principal amount, for such Reimbursements, of approximately \$4,000,000; and

(b) the Capital Expenditures to be reimbursed are to be used for (i) additional costs related to a new public works facility and (ii) a replacement 911 system, including radios, the CAD system, and (iii) radio tower infrastructure.

**Section 3. Reasonable Expectations.** The Issuer does not expect any other funds (including the money advanced to make the Capital Expenditures that are to be reimbursed), to be reserved, allocated on a long-term basis, or otherwise set aside by the Issuer or any other entity, with respect to the Capital Expenditures for the purposes described in Section 2(b).

**Section 4. Open Meetings.** It is found and determined that all formal actions of this City Commission of the Issuer concerning and relating to the adoption of this resolution were adopted in an open meeting of this City Commission of the Issuer; and that all deliberations of this City Commission of the Issuer and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with the law.

**Section 5.** This Resolution shall take effect upon its adoption.

On motion of Commissioner \_\_\_\_\_, seconded by Commissioner \_\_\_\_\_ that the foregoing Resolution be adopted, the vote was called. On roll call the vote stood:

Commissioner Hite \_\_\_\_\_  
Commissioner Royster \_\_\_\_\_  
Commissioner Mills \_\_\_\_\_

Commissioner Johnston \_\_\_\_\_  
Mayor Austin \_\_\_\_\_

WHEREUPON, Mayor Austin declared the Resolution adopted, affixed his signature and the date thereto and ordered that the same be recorded.

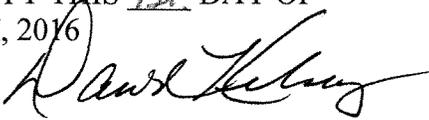
\_\_\_\_\_  
Steve Austin, Mayor

Date: \_\_\_\_\_

ATTEST:

\_\_\_\_\_  
Maree Collins, City Clerk

APPROVED AS TO FORM AND  
LEGALITY THIS 1st DAY OF  
MARCH, 2016

By:   
Dawn Kelsey  
City Attorney

**City Commission Memorandum  
16-43**

February 29, 2016

TO: Mayor Steve Austin and the Board of Commissioners  
FROM: Russell R. Sights, City Manager   
SUBJECT: Housing Authority Lease for Dixon Hall

The accompanying municipal order authorizes a lease between the City of Henderson and the Housing Authority of Henderson for the Dixon Hall facility located at 341 S. Adams Street.

The lease is for a two-year term beginning on April 1, 2016 and ending on March 31, 2018 and is unchanged from previous lease agreements with the Housing Authority for the Dixon Hall facility. No rent is due as it is mutually beneficial for the added police presence in the area.

Your approval of the attached municipal order is requested.

c: Charles Stauffer, Police Chief

**HOUSING AUTHORITY OF HENDERSON**

111 SOUTH ADAMS STREET  
HENDERSON, KENTUCKY 42420  
270-827-1294  
270-827-1482 (FAX)

BOBBIE W. JARRETT  
Executive Director

February 15, 2016

Mr. Russell Sights  
City Manager  
City of Henderson  
P.O. Box 716  
Henderson, KY 42420

Dear Mr. Sights:

Please find enclosed two copies of a Lease Agreement between the Housing Authority of Henderson and the City of Henderson for the Dixon Hall facility located at 341 S. Adams Street, Henderson, KY. This facility is currently being utilized as a police substation for the City of Henderson Police Department.

The lease is the same as previous signed leases with the exception of the dates of the new term (lease effective 4/1/16 – 3/31/18). This lease needs to be signed and notarized by the proper authorities and returned to the Housing Authority of Henderson. Please retain a copy for your records.

If you have any questions regarding this document, please feel free to contact this office.

Sincerely,



Bobbie W. Jarrett  
Executive Director



MUNICIPAL ORDER \_\_\_\_\_

MUNICIPAL ORDER AUTHORIZING LEASE BETWEEN THE CITY OF HENDERSON AND THE HOUSING AUTHORITY OF HENDERSON KENTUCKY, FOR THE DIXON HALL FACILITY LOCATED AT 341 SOUTH ADAMS STREET, HENDERSON, KENTUCKY; AND AUTHORIZING MAYOR TO EXECUTE SAME ON BEHALF OF CITY

WHEREAS, the City and the Housing Authority have negotiated a lease agreement for the Dixon Hall facility located at 341 South Adams Street, Henderson, Kentucky, which is currently being utilized as a police substation; and

WHEREAS, it is believed to be in the best interest of the City to approve such lease agreement, a copy of which is attached hereto.

NOW, THEREFORE, BE IT ORDERED by the City of Henderson, Kentucky, that the attached Lease Agreement between the City of Henderson, Kentucky and the Housing Authority of Henderson, Kentucky for the Dixon Hall facility located at 341 South Adams Street, Henderson, Kentucky, is hereby approved, and the Mayor is authorized to execute the lease on behalf of the City.

On motion of Commissioner \_\_\_\_\_, seconded by Commissioner \_\_\_\_\_, that the foregoing Resolution be adopted, the vote was called. On roll call the vote stood:

Commissioner Hite _____	Commissioner Johnston _____
Commissioner Royster _____	Mayor Austin _____
Commissioner Mills _____	

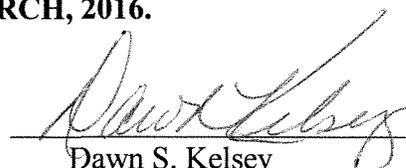
**INTRODUCED, PUBLICLY READ AND FINALLY APPROVED ON ONE READING**, this the \_\_\_\_ day of February, 2016.

ATTEST:

\_\_\_\_\_  
Steve Austin, Mayor  
Date: \_\_\_\_\_

\_\_\_\_\_  
Maree Collins, City Clerk

**APPROVED AS TO FORM AND LEGALITY THIS 1st DAY OF MARCH, 2016.**

By:   
Dawn S. Kelsey  
City Attorney

**LEASE AGREEMENT**  
**DIXON HALL-341 S. Adams Street**  
**Police Substation**

**THIS LEASE AGREEMENT** is made and entered into this 1st day of April, 2016, by and between the **HOUSING AUTHORITY OF HENDERSON**, 111 South Adams Street, Henderson, Kentucky 42420, hereinafter referred to as the **LESSOR**, and the **CITY OF HENDERSON**, 222 First Street, Henderson, KY 42420, hereinafter referred to as the **LESSEE**.

1. **PREMISES LEASE** The Lessor hereby leases to the Lessee the facility known as Dixon Hall located at 341 South Adams Street, Henderson, Kentucky, 42420, the said facility being approximately 1800 square feet in size.
  
2. **TERM** The term of this lease shall be for 2 ( two ) year(s), beginning on April 1, 2016 and ending on March 31, 2018. However, either party may end the term of this lease provided the party desiring to end the term of the lease gives a thirty day (30) written notice through certified mail to the other party.
  
3. **CONSIDERATION** The Lessee shall not be required to pay rent for its use of the premises during the term of this lease. The Lessor will benefit from this agreement by the increased security for its tenants because of the added police presence in the area.
  
4. **USE OF FACILITY** The Lessee shall be responsible for any damage or vandalism to Dixon Hall attributable to its use of this facility. The Lessee shall be responsible for janitorial service connected with its use of Dixon Hall and shall keep this facility in a clean and orderly condition. The Lessee shall also be responsible for replenishing bathroom supplies and trash removal.

The Lessor shall not be responsible for any loss, damage, or injuries suffered by the Lessee or those using Dixon Hall, including participants and the general public. The Lessee will hold the Lessor harmless from any demand, law suit, judgment, and any claim whatsoever, by any party, arising out of the Lessee's use of the premises.

5. **UTILITIES** The Lessor shall be responsible for payment of electricity, water and sewer charges, and sanitation attributable to the leased premises.

6. **REPAIRS AND MAINTENANCE** The Lessee agrees to keep the leased premises in a good state of repair, and shall return it to the Lessor at the end of the term in as good a condition as when initially occupied, reasonable wear and tear excepted. The Lessor shall be responsible for all repairs to the roof and exterior of the building, and of common areas, except for damage or vandalism attributable to the Lessee's use of the facility.

7. **PURPOSE** The Lessee shall use the leased premises as a City of Henderson Police Department Substation and shall not allow its use for any other purpose without the written consent of the Lessor.

8. **AGREEMENT TO NEGOTIATE** At the conclusion of this lease term, the parties agree to the automatic renewal of the lease for an additional two-year period. However, as previously set forth, either party may end the term of this lease provided the party desiring to end the term of the lease gives a thirty day (30) written notice through certified mail to the other party.

9. **LIABILITY AND LIABILITY INSURANCE** The Lessor shall not be liable for loss by failure to keep the premises in repair or from any damage occurring by the failure of the plumbing, gas, water, sewer, or the electrical wiring. The Lessee agrees to indemnify and save the Lessor harmless to the extent provided by Kentucky law at all times from any liability or damage because of injury to employees or to the general public arising out of the occupancy of the leased premises by Lessee, its repair and alterations, or through any defect in said premises. Any personal property in the leased premises shall be kept at the risk of the Lessee only.

The Lessee agrees that at all times during the term of this lease at its own expense to carry public liability and property damage insurance coverage in a responsible insurance company or companies satisfactory to the Lessor and to have coverage extend to protect the Lessor. The Lessee shall furnish the Lessor a certificate of coverage and shall

provide in the insurance contract that their insurance carrier shall give the Lessor, thirty days (30) notice prior to any cancellation of insurance coverage.

10. **FIRE AND EXTENDED COVERAGE INSURANCE** The Lessor shall obtain a fire and extended coverage insurance policy that covers damage to the leased premises.

11. **NO SUBLEASING OR ASSIGNMENT** This lease may not be assigned nor the premises sublet without the written consent of the Lessor.

12. **POSSESSION** The Lessor agrees to deliver to the Lessee physical possession of the leased premises upon the commencement of the term hereof, and the Lessee agrees to deliver to the Lessor physical possession of the premises upon the termination of the term of this lease or any extension hereof.

13. **NOTICE** All notices, demands and requests that are required to be given to either party shall be submitted in writing. All such notices demands and requests by either party shall be sent to the other at the above addresses or at such other place as either party may from time to time designate in writing.

14. **ENTIRE AGREEMENT** It is distinctly understood between the parties hereto that all agreements and understanding of any character heretofore have between them are embodied in this instrument and no changes shall be made herein unless the same shall be in writing and duly acknowledged by the parties.

15. **PARTIES BOUND** Terms, conditions and provisions of this lease shall inure to and be binding upon the Lessor and Lessee and their respective successors.

16. **ATTORNEY FEES** In regard to the enforcement of this agreement, any party in default of this lease shall pay all reasonable costs, including attorney fees, of the party not in default.

IN WITNESS WHEREOF, the parties have signed this lease on the day and date first above written.

LESSOR: HOUSING AUTHORITY OF HENDERSON

BY: Bobbie W. Jarrett

LESSEE: CITY OF HENDERSON

BY: \_\_\_\_\_

State of Kentucky

The foregoing Lease was acknowledged before me by Bobbie W. Jarrett,  
of the HOUSING AUTHORITY OF HENDERSON, as LESSOR, this 15<sup>th</sup> day of  
February, 2016.

My commission expires: 4/7/16

Jina Belcher #462751

Notary Public

State of Kentucky

The foregoing Lease was acknowledged before me by \_\_\_\_\_  
of the CITY OF HENDERSON, as LESSEE, this \_\_\_\_\_ day of  
\_\_\_\_\_, 2016.

My commission expires: \_\_\_\_\_

\_\_\_\_\_  
Notary Public

**City Commission Memorandum  
16-44**

March 1, 2016

TO: Mayor Steve Austin and the Board of Commissioners  
FROM: Russell R. Sights, City Manager   
SUBJECT: Award of Asphalt Bid

The accompanying municipal order authorizes the award of a contract to Rogers Group Inc., Hopkinsville, Kentucky, for the purchase of asphalt and related street maintenance services in accordance with their low bid price.

The contract will be utilized to meet the street resurfacing and maintenance needs of the city's asphalt streets, and includes pricing on a tonnage basis for base course asphalt, surface course asphalt, cold mix asphalt, primer, and tack coat. Also included in the award are prices for associated street work on a lineal foot basis including thermoplastic striping.

Five firms were included on our mailing list and notified of this bid, with three firms responding. All bids received met specifications.

It is expected that the total amount to be expended under this contract will be approximately \$244,777.40, an estimated decrease of \$34,042.60 from the previous year.

This contract serves as an open requirement order and is a method to acquire commodities of an indeterminate amount and type at the lowest cost for the year ending January 31, 2017. This contract may be extended through January 31, 2018 upon the written mutual consent of both parties.

Your approval of the municipal order is requested.

c: Buzzy Newman  
Paul Titzer  
Dylan Ward

**Engineering Division Memorandum  
16-04**

March 1, 2016

TO: Russell Sights, City Manager  
FROM: Dylan Ward, Engineering Assistant DW  
THRU: William Newman, Assistant City Manager WJN  
SUBJECT: Bid Reference 16-10, Asphalt Paving and Related Street Maintenance Services

Bids were opened on February 26, 2016 for asphalt paving and related street maintenance services. The bids opened were as follows:

<u>Bidder</u>	<u>Total Bid Price</u>
Rogers Group	\$ 224,777.40
J H Rudolph	\$ 241,105.00
E&B Paving	\$ 249,090.00

This Bid is for the purchase of asphalt paving and related street maintenance services, for various city projects. Additional unit price items were also included for optional work.

I recommend that Bid Reference 16-10, Asphalt Paving and Related Street Maintenance Services, be awarded to Rogers Group, Inc., P.O. Box 1045, Hopkinsville, KY 42241.

CITY OF HENDERSON, KENTUCKY  
 BID TABULATION SHEET

BID REFERENCE NO.: 16-10  
 DATE BID OPENED: 02/26/16  
 APPROVAL DATE: \_\_\_\_\_  
 ACCEPTANCE FORM SENT: \_\_\_\_\_

ROGERS GROUP INC  
 HOPKINSVILLE, KY

J H RUDOLPH & CO, INC  
 EVANSVILLE, IN

E & B PAVING INC  
 EVANSVILLE, IN

LAST BID REFERENCE 15-03  
 JANUARY 2015

Percent Increase/(Decrease)

	Description	Unit Price	Extension	Unit Price	Extension	Unit Price	Extension	Unit Price	Extension		
A	Asphalt surface in place, inc. tack - Qty 2,500 tons	\$65.87	\$164,675.00	\$70.25	\$175,625.00	\$72.00	\$180,000.00			\$71.50	(7.87%)
B	Asphalt intermediate base in place - Qty 200 tons	\$62.26	\$12,452.00	\$65.00	\$13,000.00	\$69.00	\$13,800.00			\$67.00	(7.07%)
C	Asphalt base in place - Qty 500 tons	\$56.22	\$28,110.00	\$59.00	\$29,500.00	\$65.50	\$32,750.00			\$62.00	(9.32%)
D	Asphalt surface in place for Parking Lot - Qty 60 tons	\$79.94	\$4,796.40	\$102.00	\$6,120.00	\$88.00	\$5,280.00				
E	Asphalt base in place for Parking Lot - Qty 120 tons	\$60.52	\$7,262.40	\$79.00	\$9,480.00	\$82.00	\$9,840.00				
F	Asphalt surface FOB plant - 100 tons	\$54.84	\$5,484.00	\$58.00	\$5,800.00	\$59.00	\$5,900.00			\$61.00	(10.10%)
G	Asphalt base FOB plant - Qty 10 tons	\$49.76	\$497.60	\$53.00	\$530.00	\$52.00	\$520.00			\$55.00	(9.53%)
H	Cold mix/UPM FOB plant - Qty 10 tons	\$150.00	\$1,500.00	\$105.00	\$1,050.00	\$100.00	\$1,000.00			\$100.00	50.00%
	<b>TOTAL BID PRICE</b>		<b>\$224,777.40</b>		<b>\$241,105.00</b>		<b>\$249,090.00</b>				
	<b>Additional Unit Price Items (Not Included in Total Bid Price)</b>										
1	4" Paint for Center & Edge Lines (per LF)	\$0.42		\$0.42		\$0.45					
2	4" Thermoplastic for Center & Edge Lines (per LF)	\$0.82		\$0.82		\$0.90					
3	Milling with Skid Steer or Equivalent (per Hour)	\$500.87		\$425.00		\$450.00					
4	Patching Option #1 - Includes Surface (per SY)	\$76.08		\$66.00		\$55.00					
5	Patching Option #2 - Excludes Surface (per SY)	\$55.93		\$44.00		\$40.00					
6	Patching Option #3 - Excavate Add. 6" & Place DGA (per SY)	\$35.61		\$35.00		\$70.00					
7	Patching Option #4 - Patching with Paver (No Excavation)										
	A. Base Asphalt (per ton)	\$79.60		\$90.00		\$90.00					
	B. Surface Asphalt (per Ton)	\$101.89		\$125.00		\$120.00					



City of Henderson, Kentucky  
Invitation to Bid

Bid Reference No. 16-10

SPECIAL CONDITIONS AND TECHNICAL SPECIFICATIONS

The City of Henderson is soliciting bids for the purchase of asphalt for street paving and street striping. This work will take place throughout the city on various streets.

For the purposes of this bid the term "City of Henderson" or "City" shall also include the Henderson Water Utility (HWU) and Henderson Municipal Power and Light (HMPL).

Due to the funding for this project, the higher of Davis Bacon or Kentucky State prevailing wages shall be paid for all work performed. Also, federal contract provisions must be followed by the contractor. The applicable wage rates and federal contract provisions are enclosed and incorporated herein by reference.

**SPECIFICATIONS AND REQUIREMENTS:**

The work involved under this contract is for the paving of various city streets, the striping of city streets, and various other paving-related services. The City overlays approximately 5 lane miles of streets per year. This quantity can vary every year; therefore, the City cannot guarantee any certain quantity of work. The streets are located in different sections of the city and any moving around by the contractor, or other perceived inconveniences, shall be included in the base bid price. Because the City does not guarantee any certain amount of work, it will not pay for what the contractor perceives as lost production due to moving around. Striping of city streets may include some of the streets being overlaid, as well as other city streets, but again, no quantity can be guaranteed. **The contractor shall have a crew that is available within twenty one (21) days of notice to proceed on any citywide project, and all work shall be completed within a reasonable length of time. In any case the City deems an emergency; the contractor shall have a crew available immediately.**

**All potential bidders are required to attend a mandatory pre-bid meeting on Thursday, February 18, 2016 at 1:30 p.m. at the City building in the 2<sup>nd</sup> floor conference room.**

All asphalt mixes, tack coats, and construction shall conform to the Kentucky State Department of Transportation's current specifications. Overlay thickness of surface pavements shall be 1.5 inches in place, unless stated otherwise.

The contractor shall use the following asphalt mixes unless stated otherwise:

- KYTC CL2 Asphalt Base 1.00D PG64-22
- KYTC CL2 Asphalt Binder 0.50D PG64-22
- KYTC CL2 Asphalt Surface 0.38D PG64-22

**The milling of city streets will be performed by others.**

## SPECIAL CONDITIONS AND TECHNICAL SPECIFICATIONS

Page 2

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### UNIT PRICES:

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In addition to the bid prices for street paving, the City also requests unit prices for the following items. During the course of this contract, the City may or may not use these additional unit price services; therefore, the City does not guarantee any quantities.

Center & Edge Line Striping – This work will involve 4” wide center & edge line striping using either paint or thermoplastic as directed by the City and must conform to KYTC specifications.

Miscellaneous Milling Services – This work is separate from the City’s annual milling contract. **The milling of City streets will be done by others and is not a part of this contract.** This milling will only include items such as butt joints (where no other milling is to be done) or other small trim work that does not warrant the City bringing in its regular milling contractor. Clean-up is incidental and will be the responsibility of the contractor. All of this work may be completed using a skid steer with a milling attachment or equivalent. This work will be billed on an hourly basis.

Asphalt Patching – Please provide unit prices for the following types of asphalt patching:

1. \*Option #1: The first unit price shall include the work to sawcut, excavate, and clean-out the existing pavement to a depth of 5.5” below the final surface elevation. The contractor shall also include the work to place and compact 4” of base asphalt and 1.5” of surface asphalt. All sides of an excavation must be clean and free of broken edges. Tack coats are required between pavement lifts and against excavated edges.
2. \*Option #2: The second unit price for patching shall be based on the same work as Option #1 above, however, this unit price shall not include the placement of asphalt surface; all other work shall remain the same. For this option sawcutting is not required; however, the edges must be clean and free of broken edges. This option will be used on streets that will soon be overlayed; therefore, no surface patching is needed.
3. \*Option #3: The third unit price is an add option that may only be used in conjunction with Option #1 or #2. It shall only include the work to undercut an excavation by an additional 6” and to place and compact 6” of DGA rock base below the asphalt patch that will be paid for under Option #1 or #2.

SPECIAL CONDITIONS AND TECHNICAL SPECIFICATIONS

Page 3

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4. ~~Option #4: The fourth unit price shall include patching using a paving machine (placement only, no excavation). The contractor shall provide a per ton price (base & surface) for patching an excavation that is done by others. Tack coats are required between pavement lifts and against excavated edges.~~

\*Options #1, 2, & 3 will be paid per square yard.

Road Widening/Shoulders – The contractor shall provide a unit price per ton for widening a road and/or paving a shoulder using a widening machine (for up to 6' wide). The contractor shall provide three unit prices for placing a shoulder made of DGA, base asphalt, and surface asphalt, all of which shall be properly compacted.

KAPI Index – For reference only, please provide the KAPI index value that was used while composing these bids for the cost of AC liquid asphalt.

CAUSE FOR CANCELLATION:

If the quality of work is not acceptable, and/or if the work is not completed within a reasonable amount of time as determined by the City, this contract can be cancelled upon ten (10) days written notice to the contractor. If quality of work is not acceptable, the contractor will be given an opportunity to correct it. If the contractor fails to correct any inferior work after being given ten (10) days written notice, the contract can be cancelled by the City.

PAYMENT:

The City's payment terms are net 30. All invoices shall state the street where the work was performed, the amount and type of asphalt applied, and all other pertinent information that is required if billing for one of the additional unit price services.

BONDS:

**Each bidder must execute a bid bond in an amount no less than \$2,500.00.** This bond may be in the form of cash, cashier's check, or a bond issued by a surety company authorized to do business in the state of Kentucky and made payable to the City of Henderson, or other form approved by the City.

**The successful bidder must execute a performance bond and a payment bond each in the amount of \$50,000.00 issued from a surety company authorized to do business in the state of Kentucky and made payable to the City of Henderson.** An irrevocable letter of credit in the City's favor from a bank registered to do business in the State of

SPECIAL CONDITIONS AND TECHNICAL SPECIFICATIONS

Page 4

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~~Kentucky may be substituted for the payment and performance bonds. Such bond or letter of credit must be delivered to the Finance Director within seven (7) days of notice of approval of this bid by the City Commission. Failure to do so will automatically forfeit the bid bond and the bid will no longer be considered valid. The City may then consider other bids.~~

INSURANCE:

During the term of the contract and before any part of the services are performed or the goods are delivered, Bidder shall, at Bidder's sole expense, cause to be issued and maintained not less than the insurance coverage's set forth below:

A. Broad Form Comprehensive General Liability, including Products and Completed Operations.

Bodily Injury:           \$1,000,000 each occurrence  
                                  \$2,000,000 aggregate

Property Damage:     \$1,000,000 each occurrence

B. Automobile Liability, including any auto, hiring autos and non-owned autos.

\$300,000 combined single limit

C. Workers Compensation for all employees used on the job pursuant to statute.

Certificates of insurance, issued by companies authorized to do business in the state of Kentucky, satisfactory in form to the City and signed by the Bidder's insurer shall be supplied by Bidder to the City evidencing that the above insurance is in force and that not less than thirty (30) calendar days written notice will be given to the City prior to any cancellation or restrictive modification of the policies. Bidder shall replace any cancelled policy within the thirty (30) day notice period so that there is no lapse in coverage at any time during the period covered by this contract.

OTHER REQUIREMENTS:

All work shall be performed by the Contractor, Monday through Friday. If it becomes necessary for the Contractor to perform any work on weekends, holiday or after normal hours and such work causes the City to incur additional costs, such costs shall be subject to reimbursement by the Contractor.

The successful bidder shall comply with all applicable local, state, and federal rules, regulations, and guidelines.

SPECIAL CONDITIONS AND TECHNICAL SPECIFICATIONS

Page 5

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~~The successful bidder will be required to obtain a City of Henderson Occupational License before beginning any work on this project.~~

TERM:

Upon approval by the City of Henderson Board of Commissioners the successful bidder shall receive a contract effective through January 31, 2017. The contract may be extended for an additional one year period through January 31, 2018 upon written mutual agreement of both parties.

- End of Section -

06-01-14E  
06-01-14I

City of Henderson, Kentucky  
Invitation to Bid

Bid Reference No. 16-10

LOWEST EVALUATED BID PRICE CRITERIA

The bid will be awarded based on the lowest "Total Bid Price", using bid unit prices for the expected annual quantities; past experience with the City of Henderson and past job quality (references). Bid unit prices shall be used for payment of the actual quantity of work performed under each item of work. However, the City does not guarantee any minimum or maximum annual quantities.

**Bidders must furnish a unit price for each item (A thru H) on the Bid Pricing Sheet in order to be considered responsive and eligible for evaluation. Incomplete bids may be rejected.**

During each year of the contract, the City of Henderson expects to perform the following work

	<u>Description</u>	<u>Qty.</u>
A <sup>†</sup>	Asphalt surface in place, inc. tack	2,500 tons
B <sup>†</sup>	Asphalt intermediate base in place	200 tons
C <sup>†</sup>	Asphalt base in place	500 tons
D*	Asphalt surface in place for Parking Lot	60 tons
E*	Asphalt base in place for Parking Lot	120 tons
F	Asphalt surface FOB plant	100 tons
G	Asphalt base FOB plant	10 tons
H	Cold mix/UPM FOB plant	10 tons

<sup>†</sup>Items A, B, & C are for paving on existing City streets.

\*Items D & E are for new construction, sub grade will be done by others, and quantities are approximate.

- End of Section -

MUNICIPAL ORDER \_\_\_\_\_

MUNICIPAL ORDER AWARDING BID FOR PURCHASE OF ASPHALT  
PAVING AND RELATED STREET MAINTENANCE SERVICES  
TO ROGERS GROUP, INC., OF HOPKINSVILLE, KY

WHEREAS, the City of Henderson has issued invitations to bid for the purchase of asphalt and related street maintenance services; and

WHEREAS, bids were submitted to the City pursuant to said invitations, and were publicly opened on February 26, 2016, with Rogers Group, Inc., of Hopkinsville, KY submitting the best bid, which bid the City Manager recommends be accepted.

NOW, THEREFORE, BE IT ORDERED by the City of Henderson, Kentucky, that the recommendation of the City Manager is approved, and award is hereby made to Rogers Group, Inc., P.O. Box 1045, Hopkinsville, KY 42241, for the purchase of asphalt and related street maintenance services, in strict accordance with its bid as submitted pursuant to Bid Reference 16-10.

On motion of Commissioner \_\_\_\_\_, seconded by Commissioner \_\_\_\_\_, that the foregoing Resolution be adopted, the vote was called. On roll call the vote stood:

Commissioner Hite \_\_\_\_\_  
Commissioner Royster \_\_\_\_\_  
Commissioner Mills \_\_\_\_\_

Commissioner Johnston \_\_\_\_\_  
Mayor Austin \_\_\_\_\_

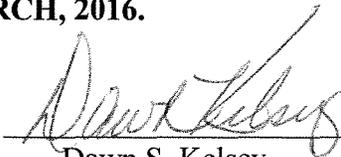
**INTRODUCED, PUBLICLY READ AND FINALLY APPROVED ON ONE READING**, this the \_\_\_\_\_ day of February, 2016.

ATTEST:

\_\_\_\_\_  
Steve Austin, Mayor  
Date: \_\_\_\_\_

\_\_\_\_\_  
Maree Collins, City Clerk

**APPROVED AS TO FORM AND LEGALITY THIS 1st DAY OF MARCH, 2016.**

By:   
\_\_\_\_\_  
Dawn S. Kelsey  
City Attorney

**City Commission Memorandum**  
**16-49**

March 3, 2016

TO: Mayor Steve Austin and the Board of Commissioners

FROM: Russell R. Sights, City Manager 

SUBJECT: Purchase of 1997 Ford Rescue Truck from Board of Fire Commissioners, Freehold Township Fire District #2, New Jersey

The accompanying municipal order authorizes the purchase of a used 1997 Ford Rescue Truck with 14,572 miles from the Board of Fire Commissioners, Freehold Township Fire District #2, New Jersey in the amount of \$44,000.00. The purchase of the truck is contingent upon the vehicle passing an independent fleet mechanic's safety inspection to be performed by Fire and Safety Service of Plainfield, New Jersey.

As discussed at the February 23, 2016 Board of Commissioners meeting, the vehicle will replace unit 232-010 a 1996 Ford Rescue truck with 52,000+ miles and possibly one or more buses currently used at fire locations and to transport the dive team. The truck, a 1997 Ford LN8000 chassis with a PL Customs Rescue 1 body, includes: scene lights with light tower; a cascade system with fill system; a 20kw hydraulic generator with cord reels; hydraulic rescue tool reels and pump; powered awning; winch; and a walk-in body which will benefit the rope and dive rescue teams.

Pursuant to KRS 45A.380 this is a non-competitive purchase as competition is not feasible to acquire pre-owned, specialized equipment of this type. No funds were budgeted for this purchase in the Fiscal 2016 Budget; however, funds have been included in the budget amendment under separate cover.

Your approval of the attached municipal order is requested.

c: Scott Foreman  
Robert Gunter  
Paul Titzer

## Henderson Fire Department Memo

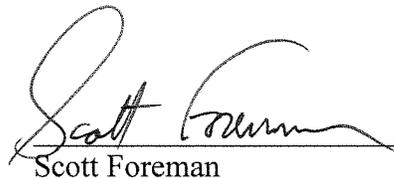
March 1, 2016

To: Russell Sights, City Manager  
From: Scott Foreman, Fire Chief  
Subject: 1997 Rescue Truck findings

This letter is to inform you of my findings on the inspection of the 1997 Rescue Truck with 14,572 miles that belongs to the East Freehold, NJ Fire Department. This Ford LN 8000 chassis with a PI Customs (Rescue 1, MFG) rescue body is in excellent condition. I also have all the service records on the vehicle since 2005. The truck has many features that will benefit the Henderson Fire Department; the truck has scene lights including light tower, a cascade system with fill system, 20kw Hydraulic generator with cord reels, Hydraulic rescue tool reels and pump, powered awning, winch, and a walk-in body which will benefit our rope and dive rescue teams. The main purpose of this truck will be to back up our current rescue unit when it is out of service.

I request that we be authorized to purchase this unit pending the results of an independent fleet mechanic's vehicle safety inspection, which is being performed by Fire and Safety Service of Plainfield, NJ.

If you have any questions please let me know.



Scott Foreman

MUNICIPAL ORDER \_\_\_\_\_

MUNICIPAL ORDER AUTHORIZING PURCHASE OF A 1997 RESCUE TRUCK FOR THE FIRE DEPARTMENT FROM THE BOARD OF FIRE COMMISSIONERS, FREEHOLD TOWNSHIP FIRE DISTRICT #2, FREEHOLD, NEW JERSEY IN THE AMOUNT OF \$44,000.00

WHEREAS, the City of Henderson desires to purchase a 1997 Rescue Truck from the Board of Fire Commissioners, Freehold Township Fire District #2, Freehold, New Jersey, which has been found to be in excellent condition and has many features that will benefit the Fire Department; and

WHEREAS, pursuant to KRS 45A.380 this is a non-competitive purchase as competition is not feasible to acquire pre-owned, specialized equipment of this type, and the rescue truck has been quoted at a substantial discount to that of a new truck, affording a savings to the City of Henderson.

WHEREAS, pending the results of an independent fleet mechanic's vehicle safety inspection at a cost of \$1,295.00, the City Manager recommends the purchase of the Rescue Truck in the amount of \$44,000.00 be accepted.

NOW, THEREFORE, BE IT ORDERED by the City of Henderson, Kentucky, that the recommendation of the City Manager is approved, and the purchase of a 1997 Rescue Truck from the Board of Fire Commissioners, Freehold Township Fire District #2, P.O. Box 895, Freehold, New Jersey 07728, in the amount of \$44,000.00, be accepted pending the results of an independent fleet mechanic's vehicle safety inspection.

On motion of Commissioner \_\_\_\_\_, seconded by Commissioner \_\_\_\_\_, that the foregoing Resolution be adopted, the vote was called. On roll call the vote stood:

Commissioner Hite \_\_\_\_\_  
Commissioner Royster \_\_\_\_\_  
Commissioner Mills \_\_\_\_\_

Commissioner Johnston \_\_\_\_\_  
Mayor Austin \_\_\_\_\_

**INTRODUCED, PUBLICLY READ AND FINALLY APPROVED ON ONE READING**, this the \_\_\_\_\_ day of March, 2016.

ATTEST:

\_\_\_\_\_  
Steve Austin, Mayor  
Date: \_\_\_\_\_

\_\_\_\_\_  
Maree Collins, City Clerk

**APPROVED AS TO FORM AND  
LEGALITY THIS 3 DAY OF  
MARCH, 2016.**

By:   
Dawn S. Kelsey  
City Attorney

**UPCOMING**  
**BOARD APPOINTMENTS**

<u>BOARD</u>	<u>EXPIRATION DATE</u>	<u>TERM</u>
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CITY UTILITY COMMISSION

	<u>Current Term Expires</u>	<u>Term</u>
Gregory Risch	04/25/2016	3-Year