

City of Henderson, Kentucky
Board of Commissioners Meeting
Tuesday, April 12, 2016

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

AGENDA

1. Invocation: Reverend James Wofford, First United Methodist Church
2. Roll Call:
3. Recognition of Visitors:
4. Appearance of Citizens:
5. Proclamations:
6. Presentations: Brittany Ross, SurfKY News Group
7. Public Hearings:
8. Consent Agenda:

Minutes: March 22, 2016 Regular Meeting

Resolutions: Resolution Authorizing the Submittal of a Grant Application for Fire Department

9. Ordinances & Resolutions:

Second Readings: Ordinance Amending Ordinance Relating to Rebate of Occupational License Fees Paid By Dana Commercial Manufacturing, LLC for Qualifying Employees Set Forth in the Application for Incentives Under the Kentucky Economic Development Finance Authority, Kentucky Business Investment Program

Ordinance Accepting Public Improvements-Merrill Place Commercial Subdivision, Section 1 and 2

Ordinance Accepting Public Improvements-Colonial Senior Living

Ordinance Amending Job and Classification Plan and FY16 Budgeted Positions

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

Ordinance Relating to Personnel - Amending Section 2-49, *Assistant City Manager*, of the City's Code of Ordinances

First Readings: Ordinance Relating to Special Events

Ordinance Relating to Zoning Regulations Amendments

Resolutions:

10. Municipal Orders:

11. Bids & Contracts

Municipal Order Awarding Contract for Renewal of City of Henderson's Stop/Loss Coverage (Reinsurance) and Organ Transplant Policy

Municipal Order Approving the Ambulance Service Contract between the City of Henderson, the County of Henderson and Community United Methodist Hospital, Inc.

12. Unfinished Business:

13. Report:

14. City Manager's Report: Fraternal Order of Police Request for Roof

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
16-73

April 6, 2016

TO: Mayor Steve Austin and the Board of Commissioners

FROM: Russell R. Sights, City Manager 

SUBJECT: Presentations

An item included under the Presentations portion of the agenda is a presentation of a debate to be held for Board of Commissioner candidates.

Ms. Brittany Ross, representative of SurfKY News Group will present information regarding the debate being hosted by SurfKY on Wednesday, May 11th at the Henderson Fine Arts Center.

City Commission Memorandum
16-74

April 6, 2016

TO: Mayor Steve Austin and the Board of Commissioners

FROM: Russell R. Sights, City Manager 

SUBJECT: Consent Agenda

The Consent Agenda for the meeting of April 12, 2016, contains the following:

Minutes: March 22, 2016, Regular Meeting

Resolutions: Resolution Authorizing Submittal of Grant Application to the U.S. Department of Homeland Security, Under the Port Authority Grant Program, in the Amount of \$168,500.00 to Provide Three Years of National Association of State Boating Law Administrators (NASBLA) Training for Safe Vessel Operations for the Fire Department, and Accepting Grant if Awarded

CITY OF HENDERSON – RECORD BOOK

Record of Minutes of A Regular Meeting on March 22, 2016

A regular meeting of the Board of Commissioners of the City of Henderson, Kentucky, was held on Tuesday, March 22, 2016, at 5:30 p.m., prevailing time, in the third floor Assembly Room located in the Municipal Center Building at 222 First Street, Henderson, Kentucky.

INVOCATION was given by Reverend Charles Johnson, Norris Chapel Baptist Church, followed by Master Aiden Hite leading the assemblage in recitation of the Pledge of Allegiance to our American Flag.

There were present Mayor Steve Austin presiding:

PRESENT:

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

ALSO PRESENT:

Mr. William L. (Buzzy) Newman, Jr., Acting City Manager
 Mrs. Dawn Kelsey, City Attorney
 Ms. Maree Collins, City Clerk
 Mr. Robert Gunter, Finance Director
 Mr. Greg Nunn, Information Technology Director
 Mrs. Connie Galloway, Human Resources Director
 Mrs. Donna Stinnett, Public Information Officer
 Mr. Brad Schneider, County Judge Executive
 Mrs. Donna Crooks, KYNDLE Interim President
 Ms. Margaret Ridley, KYNDLE Vice President-Chamber
 Mr. Jason Barasone, Hafer PSC
 Mr. Jeff Justice, Hafer PSC
 Mr. Tim Brewer, New World Systems
 Mr. Mark Dvorak, New World Systems
 Ms. Brenda Wethington, Mass Transit Superintendent
 Mr. Dylan Ward, Engineering Assistant
 Mr. Brian Bishop, City-County Planning Director
 Mr. Jeff Gregory, Human Relations Comm. Exec. Director
 Ms. Sarah Stewart, Downtown Henderson Partnership
 Mrs. Darlene Ware, Housing Authority of Henderson
 Ms. Alicia Boyette, Experiencing Autism Together
 Mrs. Dawn Wheeler, Experiencing Autism Together
 Mrs. Rebecca Hobby, Experiencing Autism Together
 Mr. Holden Hobby, Experiencing Autism Together
 Mrs. Tammy Baird, Experiencing Autism Together
 Mrs. Nancy Boyette, Experiencing Autism Together
 Mr. Tom Davis
 Ms. Karen Price
 Mr. Mike Richardson, Police Reserve Officer
 Ms. Laura Acchiardo, *the Gleaner*

PROCLAMATION: “Fair Housing Month”

MAYOR AUSTIN presented the proclamation for Fair Housing Month. Mrs. Darlene Ware, Henderson-Henderson County Human Relations Commission Chair, Mrs. Nancy Boyette and Reverend Charles Johnson were in attendance to receive the “Fair Housing Month” proclamation.

CITY OF HENDERSON – RECORD BOOK

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PROCLAMATION: “National Autism Awareness Month”

MAYOR AUSTIN presented the proclamation to Experiencing Autism Together. Mrs. Rebecca Hobby and Mrs. Dawn Wheeler were in attendance to receive the "National Autism Awareness Month" joint City/County proclamation.

MRS. REBECCA HOBBY informed everyone that there were two events planned during the month of April. The sixth annual autism walk will be April 30th at Audubon Mill Park. The walk will be a family oriented fundraiser with activities but there is no fee to walk. The other event is April 7th Tumbleweed Restaurant will donate 15% of your bill to the group to help local families that deal with autism.

MAYOR AUSTIN also mentioned that starting April 1st in recognition of Autism Awareness month there will be blue lights on the front of the Municipal Center and the Courthouse.

PRESENTATION: “Kyndle Annual Report”

MRS. DONNA CROOKS noted that she is now the Acting President of Kyndle. Brad Schneider the previous President and CEO took a job at the County. Mrs. Crooks reported on current projects, projects from the previous year, and introduced a new project. She also recognized Ms. Margaret Ridley, Vice President of the Chamber of Commerce. Kyndle is currently working on over 25 active projects located in the four county region. Kyndle will also be attending 12-15 marketing trips that include meeting with consultants and companies that might be interested in locating here. Kyndle staff is excited to be working with the City of Henderson on the Borax Drive Industrial Site. Meetings were conducted this past week to look at all the opportunities that are available for that property.

Kyndle announced nine projects over the past year and one third of those projects were in the City of Henderson. Hercules Manufacturing added 14 jobs and \$250,000.00 investment. Pittsburg Tank and Tower and Colonial Assisted Living are also included in those projects. In total over 500 jobs have been announced and \$89 million dollars in investment which equates to \$861,000,000.00 over a five year period of time in economic impact. These figures include primary jobs that are being created by the companies as well as construction and other secondary jobs that will be created as a result of these projects.

Opportunity 2016 was the capital investment campaign that was started in 2011 and will end in June of 2016. Kyndle has met, and exceeded, the goal that was set at \$100,000,000.00 in capital investment; the campaign is over \$200,000,000.00 at this time. Kyndle has assisted companies that have created over 2,000 jobs at 107% of the goal.

A new program that has been introduced is Kyndle Warriors. It has been challenging for some existing industries to find skilled available workers. Kyndle has hired Mr. Larry Wheatley with Blue Star Consulting to visit the different military installations to talk to folks who are getting ready to leave the service that are looking for new jobs and a new place to live. Kyndle will connect them with stakeholder companies that have job openings. This program is designed to add another outlet to fill those highly skilled job positions.

VERBATIM DISCUSSION IS ON TAPE OF THIS MEETING.

APPROVAL OF CONSENT AGENDA:

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

Minutes: March 8, 2016, Regular Meeting

CITY OF HENDERSON – RECORD BOOK

Record of Minutes of A Regular Meeting on March 22, 2016

March 15, 2016, Called Work Session

RESOLUTION 12-16:
RESOLUTION AUTHORIZING THE SUBMITTAL OF A GRANT APPLICATION FOR PUBLIC TRANSIT ASSISTANCE.

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

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

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

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

/s/ Steve Austin
Steve Austin, Mayor
March 22, 2016

ATTEST:
Maree Collins, City Clerk

ORDINANCE 08-16: SECOND READ
ORDINANCE AMENDING BUDGET AND APPROPRIATION ORDINANCE
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

MOTION by Commissioner Jan Hite, seconded by Commissioner Jesse Johnston, that the Ordinance be adopted.

MAYOR AUSTIN clarified to the public that these large numbers are not added money; these department totals are after smaller amounts are added in at the mid-term. This is for the whole year.

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

Commissioner Hite ----- Aye:
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
March 22, 2016

ATTEST:
Maree Collins, City Clerk

CITY OF HENDERSON – RECORD BOOK

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ORDINANCE 11-16: FIRST READ

MRS. DONNA CROOKS, KYNDLE Acting President, explained that in May of 2015 Dana indicated that they were ready to go final on the Kentucky Business Investment application with the Kentucky Economic Development Finance Authority. An ordinance was first read in May and the second reading was in June. The ordinance became effective June 15, 2015. On June 25, 2015 the KBI application went before the KEDFA Board in Frankfort and was approved. Somewhere in between the time Dana had requested the ordinance and the KEDFA Board meeting, the number of jobs was changed. So tonight we are requesting the number of jobs listed in the ordinance be revised from 250 to 206.

MRS. DAWN KELSEY, City Attorney, indicated that her understanding from the Economic Development Cabinet was that when Dana filled out the forms they were unclear as to whether they should or should not include temporary and part-time workers. Those should not have been included in the base number. Dana and KEDFA realized the application needed to be revised to show the 206 number rather than the 250 number. That is how the state approved it, but no one from the state ever contacted Kyndle or the City to make the necessary change. The correction was made after our ordinance had been adopted. In order for Dana to qualify under this economic development program our number needs to match the KEDFA number.

ORDINANCE NO. 11-16: ORDINANCE AMENDING ORDINANCE NO. 16-15 AUTHORIZING AND DIRECTING THE REBATE OF ONE PERCENT (1.0%) OF THE WAGES, SALARIES OR OTHER COMPENSATION PAID BY DANA COMMERCIAL VEHICLE MANUFACTURING, LLC IMPOSED AND LEVIED AS OCCUPATIONAL LICENSE FEES DUE AND PAYABLE TO THE CITY OF HENDERSON, KENTUCKY, BY ORDINANCE, FROM THE SALARIES, WAGES AND OTHER COMPENSATION TO BE PAID TO NEW EMPLOYEES HIRED OVER THE BASELINE BY DANA COMMERCIAL VEHICLE MANUFACTURING, LLC, PROVIDED SAID COMPANY MEETS THE CRITERIA SET FORTH IN ITS APPLICATION FOR INCENTIVES UNDER THE KENTUCKY BUSINESS INVESTMENT PROGRAM.

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

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

Commissioner Hite ----- Aye:
 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.

ORDINANCE NO. 12-16: FIRST READ

MR. BRIAN BISHOP, Planning Director, indicated the public improvements include water and sewer and storm water infrastructure. It also includes 797 linear feet of roadway. The improvements have been inspected and approved by the appropriate Henderson Water Utility and City engineers and meet the standards of the subdivision regulations.

ORDINANCE NO. 12-16: ORDINANCE ACCEPTING PUBLIC IMPROVEMENTS AN ORDINANCE ACCEPTING PUBLIC IMPROVEMENTS FOR PROPERTY LOCATED AT MERRILL PLACE COMMERCIAL SUBDIVISION, SECTIONS 1 AND 2

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

MAYOR AUSTIN further explained that the developer is responsible for constructing the infrastructure and when it passes inspection it is added into the City's inventory.

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

Commissioner Hite ----- Aye:
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.

ORDINANCE NO. 13-16: FIRST READ

MR. BRIAN BISHOP, Planning Director, indicated that the public improvements include sanitary sewer infrastructure. The improvements were inspected by Henderson Water Utility staff and meet the minimum standards of the subdivision regulations.

ORDINANCE NO. 13-16: ORDINANCE ACCEPTING PUBLIC IMPROVEMENTS
AN ORDINANCE ACCEPTING PUBLIC IMPROVEMENTS FOR PROPERTY
LOCATED AT ADAMS LANE KNOWN AS COLONIAL SENIOR LIVING

MOTION by Commissioner Jesse Johnston, seconded by Commissioner X R. Royster, that the ordinance be adopted.

MAYOR AUSTIN added that the Water and Sewer Commission approved a resolution at their meeting last night recommending the acceptance of this infrastructure.

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

Commissioner Hite ----- Aye:
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.

ORDINANCE NO. 09-16: FIRST READ (TABLED)

MOTION by Commissioner Jesse Johnston, seconded by Commissioner Jan Hite, to take Ordinance No. 09-16 off the table.

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

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

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ORDINANCE NO. 09-16: ORDINANCE AMENDING JOB CLASSIFICATIONS AND PAY PLAN AND BUDGETED POSITIONS

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

MOTION by Commissioner Robert Mills, seconded by Mayor Austin, that the ordinance be adopted.

MAYOR AUSTIN clarified that there was a second ordinance besides this original ordinance that is an alternate. This tabled ordinance will require a vote on this first, and if it passes that will be the ordinance and if it does not pass we will go to the supplemental ordinance and read it.

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

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

The motion failed.

ORDINANCE No. 10-16: FIRST READ (REVISED)

ORDINANCE AMENDING JOB CLASSIFICATIONS AND PAY PLAN AND BUDGETED POSITIONS

ORDINANCE AMENDING JOB CLASSIFICATIONS AND PAY PLAN BY ADDING ONE PUBLIC WORKS ENGINEER POSITION IN THE ADMINISTRATION DIVISION OF THE PUBLIC WORKS DEPARTMENT, AND AMENDING THE AMENDED FISCAL 2016 BUDGET TO CHANGE THE NUMBER AND CLASSIFICATIONS OF CITY EMPLOYEES AS RECITED IN THE ANNUAL AMENDED BUDGET

MOTION by Commissioner Robert Mills, seconded by Commissioner Jan Hite, that the ordinance be adopted.

COMMISSIONER ROYSTER commented that a jump of six pay grades is too much of an increase for the proposed position. He asked if any other employee in the City had moved up that much? He requested more information before the ordinance is confirmed.

MR. NEWMAN, Acting City Manager, explained that the proposed position was evaluated and compared to existing pay grade classifications. Job duties and responsibilities align within our pay grades and upon evaluation of the proposed new position; it was found that it fit a pay grade 30. Other positions within the pay grade 30 are: Street Superintendent, Sanitation Superintendent, HWU Construction Superintendent, and Facilities Superintendent. That was the basis for making this recommendation.

COMMISSIONER ROYSTER asked how many employees the position would be supervising.

CITY OF HENDERSON – RECORD BOOK

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MR. NEWMAN indicated that no employees would be directly supervised; however, the employee will be working with his peers within the Public Works department and providing direction to some of the hourly employees as it relates to the paving and concrete operations and may participate in their evaluations, but will not be responsible for doing the evaluations of those employees.

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

Commissioner Hite ----- Aye:
 Commissioner Royster ---- Nay:
 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.

ORDINANCE 14-16: FIRST READ
 ORDINANCE RELATING TO PERSONNEL

ORDINANCE AMENDING SECTION 2-49., *ASSISTANT CITY MANAGER*, OF ARTICLE III, *CITY MANAGER*, DIVISION I, *GENERALLY*, OF CHAPTER 2, *ADMINISTRATION*, OF THE CITY'S CODE OF ORDINANCES

MOTION by Commissioner Robert Mills, seconded by Commissioner Jan Hite, that the ordinance be adopted.

MRS. DAWN KELSEY, City Attorney, explained that the original ordinance was passed in 2007 when the position of the Assistant City Manager was created. That ordinance had the Assistant City Manager participating in the CERS (Kentucky Retirement System); however, the Assistant City Manager actually went into the ICMA (International City Manager's Association) retirement system. The error was found when the ICMA sent a new tax form. This is a housekeeping item to address our current policy.

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

Commissioner Hite ----- Aye:
 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.

MUNICIPAL ORDER 15-16:

MR. GUNTER, Finance Director, explained that these vehicles would be used by the Utility Meter Readers and the Utility Servicers. It has been several years since we were able to buy small vehicles with Ford and Chevrolet discontinuing the Ranger and the S-10. Bids on the Chevrolet Colorado have come in a lot higher than anticipated so we were buying the less expensive Ford F-150s. Now that Nissan is offering the Frontier; we can go back to a smaller vehicle for the meter readers. Two of the vehicles will replace older vehicles and one will replace an F-150 that will be transferred to the Parks division.

CITY OF HENDERSON – RECORD BOOK

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MUNICIPAL ORDER 15-16: MUNICIPAL ORDER AWARDING BID FOR PURCHASE OF THREE (3) 2016 NISAN FRONTIER SMALL EXTENDED CAB PICK-UP TRUCKS TO D-PATRICK, INC. OF EVANSVILLE, INDIANA IN THE TOTAL AMOUNT OF \$59,043.75

MOTION by Commissioner Jan Hite, seconded by Commissioner Robert Mills, to adopt the municipal order awarding the bid for the purchase of three (3) 2016 Nissan Frontier extended cab pickup trucks from D-Patrick, Inc., Evansville, Indiana in the total amount of \$59,043.75

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

Commissioner Hite ----- Aye:
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
March 22, 2016

ATTEST:
Maree Collins, City Clerk

MUNICIPAL ORDER 16-16:

MR. JEFF JUSTICE, Hafer PSC, introduced Mr. Jason Barisano, Project Architect, Hafer PSC. Mr. Barisano reported that there was a great deal of interest from general contractors with eight bids received for the project on February 25th. The lowest evaluated bidder was Danco Construction.

MUNICIPAL ORDER 16-16: MUNICIPAL ORDER AWARDING BID FOR THE HENDERSON MUNICIPAL SERVICES CENTER PROJECT TO DANCO CONSTRUCTION, INC., OF EVANSVILLE, IN, FOR THE BASE BID AMOUNT OF \$6,100,000.00 PLUS, ADDITIONAL ALTERNATIVE BID IN THE AMOUNT OF \$279,845.00 FOR A TOTAL OF \$6,379,845.00

MOTION by Commissioner Robert Mills, seconded by Commissioner X R. Royster, to adopt this municipal order awarding bid for the Henderson Municipal Services Center Project to Danco Construction, Inc. of Evansville, Indiana.

COMMISSIONER MILLS clarified that the alternate items not included were the vehicle wash and the extension of the existing building to create a larger oil change area.

COMMISSIONER ROYSTER asked when the estimated start date would be.

MR. JEFF JUSTICE, Hafer PSC, answered that he talked to Mr. Charlie Nickel from Danco Construction on his way to the meeting this evening and Mr. Nickel requested that Mr. Justice relay to the Board of Commissioners that his superintendent is ready and could be on site as early as tomorrow. They have been reviewing the drawings and are ready to write their contracts.

MAYOR AUSTIN thanked them for their work and indicated that this would be a tremendous addition to our community.

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

Commissioner Hite ----- Aye:
 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
 March 22, 2016

ATTEST:
 Maree Collins, City Clerk

MUNICIPAL ORDER 17-16:

MR. GREG NUNN, Information Technology Director, introduced Mr. Mark Dvorak and Mr. Tim Brewer from Tyler Technologies, formerly New World Systems.

MRS. DAWN KELSEY, City Attorney, added that the contract is not quite finalized. The exact language to bring it into compliance with House Bill 5 has not been work out, but all the dollar amounts are finalized.

MUNICIPAL ORDER 17-16: MUNICIPAL ORDER AUTHORIZING MAYOR AUTHORITY TO EXECUTE AMENDMENT TO THE SOFTWARE LICENSE AND SERVICE AGREEMENT WITH NEW WORLD SYSTEMS CORPORATION/TYLER TECHNOLOGIES, INC. FOR THE UPGRADE AND CONVERSION OF THE CITY'S FINANCIAL MANAGEMENT SOFTWARE

MOTION by Commissioner Jan Hite, seconded by Commissioner X R. Royster, to adopt the municipal order authorizing the Mayor to execute an Amendment to the Software License and Service Agreement with New World Systems Corporation/Tyler Technologies, Inc. for the upgrade and conversion of the City's financial management software data.

COMMISSIONER HITE noted that this had been a long time coming.

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

Commissioner Hite ----- Aye:
 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
 March 22, 2016

ATTEST:
 Maree Collins, City Clerk

CITY OF HENDERSON – RECORD BOOK

Record of Minutes of A Regular *Meeting on* March 22, 2016

CITY MANAGER’S REPORT:

MR. NEWMAN, Acting City Manager, asked Mrs. Donna Stinnett, Public Information Officer, to report on a project she has been working on since she came on board just over a month ago. This project ties in with the Henderson Vision Plan.

MRS. DONNA STINNETT, Public Information Officer, explained that in her previous career she heard people say countless times that we needed a community calendar where everyone could put their events on it so the community could know what’s going on as they planned events. Through a partnership between the City and the Henderson County Tourist Commission office we have found a vendor to provide a community calendar hub. It is really visual and easy for the public to submit their events and the City still has the oversight of approving those items to the calendar. There are several ways it can be displayed such as a running list, a chronological list, or a very splashy version. If any community organization wants to embed the calendar on their own website they can filter it in a number of ways. It can be filtered by category, venues, cost of event, and type of activity whether it’s for children and family or a sports event. We are looking forward to all of you seeing it very soon.

MAYOR AUSTIN added that it is easy to navigate and that it is going to put us where we have wanted to be as far as a calendar for our community. He thanked the Tourist Commission staff for their help on it, too. They have been very cooperative on this project.

COMMISSIONER’S REPORT:

COMMISSIONER HITE wanted to point out one thing relating to the ordinance amending the job classification and pay plan. She indicated that it is important for the public to know that this is the only position that requires a Bachelors Degree. The position requires a specific set of skills and a pay grade 30 is not out of the question for that level of education and skill.

EXECUTIVE SESSION: PERSONNEL AND LITIGATION

MOTION by Commissioner X R. Royster, seconded by Commissioner Jan Hite, to go into Executive Session pursuant to the provisions of KRS 61.810 (1) (f) for the purpose of discussion which might lead to the discipline, or dismissal of an individual employee and pursuant to provisions of KRS 61.810(1)(c) for the discussion of proposed litigation on behalf of the City.

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

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

MEETING RECONVENE:

MOTION by Commissioner X R. Royster, seconded by Commissioner Jan Hite that the Board of Commissioners reconvenes in open session.

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

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

RESOLUTION NO. 13-16:

RESOLUTION TO RETAIN CHARLES D. COLE OF STURGILL TURNER LAW FIRM TO PROVIDE LEGAL REPRESENTATION TO THE CITY OF HENDERSON FOR PERSONNEL MATTERS

MOTION by Commissioner Jan Hite, seconded by Commissioner Robert Mills, to adopt this resolution retaining Charles D. Cole of Sturgill Turner Law Firm to provide legal representation to the City of Henderson for personnel matters.

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

Commissioner Hite ----- Aye:
 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
 March 22, 2016

ATTEST:

Maree Collins, City Clerk _____

MEETING ADJOURN:

MOTION by Commissioner X R. Royster, seconded by Commissioner Jan Hite, to adjourn the meeting.

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

Commissioner Hite ----- Aye:
 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:

 Maree Collins, City Clerk

 Steve Austin, Mayor
 April 12, 2016

City Commission Memorandum
16-76

April 7, 2016

TO: Mayor Steve Austin and the Board of Commissioners

FROM: Russell R. Sights, City Manager 

SUBJECT: Fire – Department of Homeland Security Port Security Grant Application

The accompanying resolution authorizes the submittal of a grant application in the total amount of \$168,500.00 to the Department of Homeland Security (DHS) under the Port Security Grant Program for grant funds for Fiscal 2016.

The grant funds in the amount of \$168,500.00 will be utilized to provide three years of NASBLA training for Safe Vessel Operations for all agencies in this area's Ohio Valley Maritime District.

Your approval of the attached resolution is requested.

c: Scott Foreman, Fire Chief
Robert Gunter, Finance

Fire Department Memorandum
16-06

April 6, 2016

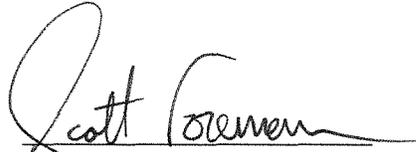
TO: Russell Sights, City Manager
FROM: Scott Fireman, Fire Chief
SUBJECT: Department of Homeland Security Grant

The Department of Homeland Security is accepting grant applications under the Port Authority Grant Program.

We are requesting authorization to make application and accept, if approved, \$168,500 in grant funds to be used to provide three years of NASBLA training for Safe Vessel Operations for all agencies in this areas Ohio Valley Maritime District.

There is no match.

Deadline for submission of grant application is April 25, 2016.


Scott Foreman



Homeland Security

Fiscal Year 2016 Port Security Grant Program

Overview

As appropriated by the *Department of Homeland Security Appropriations Act, 2016* (Pub. L. No. 114-113); and as authorized by Section 102 of the *Maritime Transportation Security Act of 2002*, as amended, (Pub. L. No. 107-295) (46 U.S.C. § 70107); the Port Security Grant Program (PSGP) is one of the Department of Homeland Security's (DHS) grant programs that directly support maritime transportation infrastructure security activities. The PSGP

is one tool in the comprehensive set of measures authorized by Congress and implemented by the Administration to strengthen the Nation's critical infrastructure against risks associated with potential terrorist attacks. The FY 2016 PSGP provides funds for transportation infrastructure security activities to implement Area Maritime Security Plans and facility security plans among port authorities, facility operators, and state and local government agencies required to provide port security services.

In FY 2016, DHS is providing \$100,000,000 to promote sustainable, risk-based efforts to protect critical port infrastructure from terrorism.

The FY 2016 PSGP plays an important role in the implementation of the National Preparedness System by supporting the building, sustainment, and delivery of core capabilities essential to achieving the National Preparedness Goal (the Goal) of a secure and resilient Nation. The FY 2016 PSGP's allowable costs support efforts to build and sustain core capabilities across the prevention, protection, mitigation, response, and recovery mission areas.

Funding

In FY 2016, the total amount of funds under this grant program is \$100,000,000. The FY 2016 PSGP is focused on supporting increased port-wide maritime security risk management; enhancing maritime domain awareness; supporting maritime security training and exercises; and maintaining or reestablishing maritime security mitigation protocols that support port recovery and resiliency capabilities. PSGP investments must address U.S. Coast Guard (USCG) and Area Maritime Security Committee (AMSC) identified vulnerabilities in port security.

Eligibility

The following entities are encouraged to participate in the FY 2016 PSGP:

- Owners or operators of Federally-regulated terminals, facilities, U.S. inspected passenger vessels or ferries as defined in the Maritime Transportation Security Act (MTSA) and Title 33 of the Code of Federal Regulations (C.F.R.) Parts 101, 104, 105, and 106.
- Members of an AMSC, per 33 C.F.R. Part 103, who are recognized as such by the USCG Captain of the Port (COTP), and are required to provide port security services. Specifically, eligible applicants include port authorities, port police, local law enforcement agencies, port and local fire departments, and facility fire brigades that have jurisdictional authority to respond to incidents in the port.

Certain ferry systems are eligible for FY 2016 Transit Security Grant Program (TSGP) funds. However, any ferry system receiving funds under the FY 2016 TSGP is not eligible to participate under the FY 2016 PSGP. Likewise, any ferry system participating in the PSGP is not eligible for funding under the TSGP.

Funding Guidelines

The FY 2016 PSGP focuses on enhancing Maritime Domain Awareness (MDA); port resilience and recovery capabilities; training and exercises; cybersecurity; enhancing Improvised Explosive Device (IED) and Chemical, Biological, Radiological, Nuclear, Explosive (CBRNE) prevention, protection, mitigation, response, and recovery capabilities; and Transportation Worker Identification Credential (TWIC) Implementation. A maximum of five percent (5%) of PSGP funds awarded may be retainable by recipients for Management and Administration (M&A) associated with the grant award.

The period of performance for the PSGP is thirty-six (36) months.

Application Process and Evaluation Criteria

The Federal Emergency Management Agency (FEMA) conducts an initial review of all FY 2016 PSGP applications for completeness. Field-level reviews are conducted by the respective COTP in coordination with the Director of the U.S. Department of Transportation's Maritime Administration's Gateway Office and appropriate personnel from the AMSC, as identified by the COTP. Field review project scores and prioritized lists are submitted to FEMA for the national review process. The National Review Panel (NRP) convenes with subject matter experts from DHS and other Federal partners to identify a final, prioritized list of eligible projects for funding. The NRP conducts an initial review of the prioritized project listings for each port area submitted by the USCG's COTP to ensure that the proposed projects accomplish intended risk mitigation goals. The NRP validates and normalizes the Field Review COTP Project Priority List and provides a master list of prioritized projects by port area to FEMA. A risk-based algorithm is applied to the NRP's validation and prioritized lists for each port area in all groups. FEMA evaluates and validates the

consolidated and ranked project list resulting from the application of the algorithm and submits the recommendations to the Secretary of Homeland Security for final approval.

PSGP Program Resources

There are a variety of resources available to address programmatic, technical, and financial questions, which can assist with the PSGP.

- The FY 2016 PSGP Notice of Funding Opportunity is located online at: <http://www.fema.gov/grants> as well as on <http://www.grants.gov>.
- For additional program-specific information, please contact the Centralized Scheduling and Information Desk (CSID) help line at (800) 368-6498 or AskCSID@dhs.gov. CSID hours of operation are from 9:00 a.m. to 5:00 p.m. EDT, Monday through Friday.
- For financial-related questions, including pre- and post-award budget administration and technical assistance, applicants may contact the DHS/FEMA Grant Programs Directorate Call Center at (866) 927-5646 or via e-mail to ASK-GMD@dhs.gov

RESOLUTION NO. _____

RESOLUTION AUTHORIZING SUBMITTAL OF GRANT APPLICATION TO THE U.S. DEPARTMENT OF HOMELAND SECURITY, UNDER THE PORT AUTHORITY GRANT PROGRAM, IN THE AMOUNT OF \$168,500.00 TO PROVIDE THREE YEARS OF NATIONAL ASSOCIATION OF STATE BOATING LAW ADMINISTRATORS (NASBLA) TRAINING FOR SAFE VESSEL OPERATIONS FOR THE FIRE DEPARTMENT, AND ACCEPTING GRANT IF AWARDED

WHEREAS, the City of Henderson desires to submit a grant application to the U. S. Department of Homeland Security, under the Port Authority Grant Program to provides funds for three years of National Association of State Boating Law Administrators (NASBLA) training for Safe Vessel Operations for agencies in the Ohio Valley District, to be used by the fire department.

WHEREAS, the City Manager recommends that such grant application be made.

NOW, THEREFORE, BE IT RESOLVED by the City of Henderson, Kentucky, that the recommendation of the City Manager is approved, and the submittal by the City of a grant application to the U.S. Department of Homeland Security under the Port Authority Grant Program, for funds in the amount of \$168,500.00 to provide for Safe Vessel training is hereby approved, and said grant is accepted if it is awarded, and the Mayor is authorized to sign all necessary documents regarding this grant application.

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

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

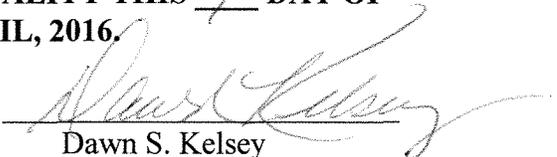
WHEREUPON, Mayor Austin declared the Resolution adopted, affixed his signature and the date thereto and ordered that the same be recorded.

Steve Austin, Mayor
Date: _____

ATTEST:

Maree Collins, City Clerk

APPROVED AS TO FORM AND LEGALITY THIS 7 DAY OF APRIL, 2016.

By: 
Dawn S. Kelsey
City Attorney

City Commission Memorandum
16-67

April 4, 2016

TO: Mayor Steve Austin and the Board of Commissioners

FROM: Russell R. Sights, City Manager 

SUBJECT: Ordinance Amending Baseline Number of Employees in Ordinance 16-15 Authorizing Rebate of Occupational License Fees – Dana Commercial Manufacturing, LLC

An item for the agenda of Tuesday, April 12, 2016 is final reading of an ordinance amending the baseline number of employees from 250 to 206 in ordinance 16-15 authorizing the rebate of the one percent (1%) occupational license fees due and payable to the City from the salaries, wages and other compensation to be paid to new employees hired over the baseline by Dana Commercial Manufacturing, LLC, provided the company meets the criteria set forth in its application for incentives under the Kentucky Business Investment Program.

The accompanying letter from the Cabinet for Economic Development explains that over the course of the project, it was determined that the minimum base employment should have been set at 206 employees due to a discrepancy related to temporary, part-time and non-Kentucky resident employees that were included in the original 250 baseline.

In order for the project to proceed, the City must revise the June 2015 ordinance stating the corrected employee baseline. Without the revised ordinance, Dana will not be eligible to receive incentives through the Kentucky Business Investment program.

Your approval of the attached ordinance is requested.

c: Dawn Kelsey
Robert Gunter
Paul Titzer



CABINET FOR ECONOMIC DEVELOPMENT

Matthew G. Bevin
Governor

Old Capitol Annex
300 West Broadway
Frankfort, Kentucky 40601
ThinkKentucky.com

Erik Dunnigan
Acting Secretary

March 10, 2016

Ms. Dawn Kelsey
City Attorney
City of Henderson
222 First Street
Henderson, KY 42420

Re: Dana Commercial Vehicle Manufacturing, LLC

Dear Ms. Kelsey,

Dana Commercial Vehicle Manufacturing, LLC underwent a facility expansion in 2010 that included a capital investment of \$3,552,700 and the addition of 59 new full-time employees paying an average hourly wage of \$16.56. The company was preliminarily approved by the Kentucky Economic Development Finance Authority (KEDFA) for financial incentives through the Kentucky Business Investment (KBI) program on August 26, 2010. The project went for final approval on June 25, 2015. The KBI program requires support and participation at both the state and local levels.

KEDFA's original approval of the project was contingent upon the company maintaining a minimum base employment of 250 employees. Over the course of the project, it was determined that the minimum base employment should have been set at 206 employees due to a discrepancy related to temporary, part-time and non-Kentucky resident employees that were included in the original 250 baseline number.

In order for the project to proceed, the City of Henderson would need to revise its 2015 City Ordinance agreeing to the wage assessment based upon the lower baseline number of 206 employees at the time of preliminary approval on August 26, 2010. Accordingly, if the City would like the project to proceed, it will need to provide a revised ordinance reflecting the lower base employment number on that date. Without a revised ordinance, the company will be unable to claim incentives.

At your convenience, please confirm whether the City intends to provide a revised ordinance for this project. In the meantime, if you have any questions regarding the foregoing, please do not hesitate to contact me or the Project Manager for this project, Lindsey Ransdell, at 502-564-7140.

Sincerely,

A handwritten signature in cursive script that reads "Mandy Lambert".

Mandy Lambert
Commissioner, Business Development

ORDINANCE 11-16

ORDINANCE AMENDING ORDINANCE NO. 16-15 AUTHORIZING AND DIRECTING THE REBATE OF ONE PERCENT (1.0%) OF THE WAGES, SALARIES OR OTHER COMPENSATION PAID BY DANA COMMERCIAL VEHICLE MANUFACTURING, LLC IMPOSED AND LEVIED AS OCCUPATIONAL LICENSE FEES DUE AND PAYABLE TO THE CITY OF HENDERSON, KENTUCKY, BY ORDINANCE, FROM THE SALARIES, WAGES AND OTHER COMPENSATION TO BE PAID TO NEW EMPLOYEES HIRED OVER THE BASELINE BY DANA COMMERCIAL VEHICLE MANUFACTURING, LLC, PROVIDED SAID COMPANY MEETS THE CRITERIA SET FORTH IN ITS APPLICATION FOR INCENTIVES UNDER THE KENTUCKY BUSINESS INVESTMENT PROGRAM.

WHEREAS, under Article III, Section 21-33 of the Henderson Municipal Code, the City of Henderson, Kentucky, is authorized to levy and impose an annual license fee upon all persons, associations, corporations, or other entities engaged in any occupation, trade, profession or other activity in the City for the privilege of engaging in such occupation, trade, profession or activity; and

WHEREAS, Dana Commercial Vehicle Manufacturing, LLC has made application for certain benefits and incentives available to it under the Kentucky Business Investment Program (KBI) of the Kentucky Economic Development Finance Authority (KEDFA) as a result of its commitment to expand and create jobs and investments in Henderson, Kentucky, as set forth in KRS 154.24-010, et seq.; and

WHEREAS, Dana Commercial Vehicle Manufacturing, LLC and its predecessor Eaton Axle, have operated a facility in Henderson for more than 40 years; and

WHEREAS, Dana Commercial Vehicle Manufacturing, LLC is an outstanding company in our community and is a strong contributor to our local economy, and will continue to grow and contribute with this anticipated expansion project investment of \$3,552,700.00; and

WHEREAS, when Dana Commercial Vehicle Manufacturing submitted their application to KEDFA there was a discrepancy in their calculation of 250 jobs as the minimum base employment; and

WHEREAS, on June 25, 2015, Ordinance No. 16-15 passed by the City of Henderson Board of Commissioners containing the 250 jobs as the minimum employment based was duly published; and

WHEREAS, after the ordinance was published, the KEDFA discovered the discrepancy and Dana Commercial Vehicle Manufacturing, LLC revised their application to contain the corrected number of 206 jobs as the minimum base employment; and

PUBLICATION DATE: _____

FIRST READ: 3/22/2016
SECOND READ: _____

WHEREAS, in order for Dana Commercial Vehicle Manufacturing, LLC to proceed with the project with KEDFA, the Board of Commissioners needs to amend its previous ordinance to amend the minimum base employment of two hundred-fifty (250) jobs to the corrected two hundred-six (206) jobs; and

WHEREAS, Dana Commercial Vehicle Manufacturing, LLC will improve and create a minimum of forty-four (44) new jobs, and will also play an important role in preserving the existing two hundred six (206) jobs, thus continuing the company's long-term presence in the City of Henderson; and

WHEREAS, as an incentive and an inducement for Dana Commercial Vehicle Manufacturing, LLC, to improve and grow its facility in Henderson, the City hereby agrees to rebate to the Company one percent (1.0%) of the total wages, salaries or other compensation paid by the Company imposed and levied as occupational license fees otherwise derived by the City from salaries, wages and other compensation paid to the qualifying forty-four (44) new company employees hired above the baseline of two hundred six (206) existing positions; and

WHEREAS, the growth and development of Dana Commercial Vehicle Manufacturing, LLC through the hiring of new employees, increases the net profits and occupational license fee revenues and enhances overall economic prosperity in the community.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF HENDERSON, KENTUCKY, AS FOLLOWS:

Section 1. That the City of Henderson, Kentucky, hereby approves the application of Dana Commercial Vehicle Manufacturing, LLC, for economic benefits and incentives available to it under the Kentucky Business Investment Program of the Kentucky Economic Development Finance Authority (KEDFA), including the application by said Company for one percent (1.0%) of the wages, salaries or other compensation paid by the Company to qualified employees.

Section 2. That the City of Henderson does hereby agree to rebate to Dana Commercial Vehicle Manufacturing, LLC, one percent (1.0%) of the wages, salaries or other compensation paid by the Company imposed and levied as occupational license fees paid by said Company to qualified employees, for a period of ten (10) years or until the maximum amount allowed under the Kentucky Business Investment Program has been retained, whichever first occurs. The ten (10) year term began on June 25, 2015 when said Company's application was given final approval and activated under the Kentucky Economic Development Finance Authority.

Section 3. It is further ordained that the rebate of occupational license fees authorized and directed herein shall not apply to other income or net profits of Dana Commercial Vehicle Manufacturing, LLC, and only applies to occupational license fees on wages, salaries or other compensation paid by said Company to its new employees hired over the baseline of two hundred-six (206) existing positions in conjunction with the establishment and expansion of the

business operations of Dana Commercial Vehicle Manufacturing, LLC in the City of Henderson, Kentucky.

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 Jesse Johnston, seconded by Commissioner Robert M. Mills, that the ordinance be adopted on its first reading.

On roll call the vote stood:

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

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

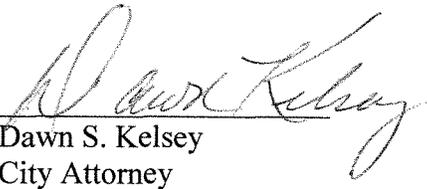
WHEREUPON, Mayor Austin declared the ordinance adopted, affixed his signature and the date and ordered that it be recorded.

Steve Austin, Mayor
Date: _____

ATTEST:

Maree Collins, City Clerk

**APPROVED AS TO FORM AND
LEGALITY THIS 17 DAY OF
MARCH, 2016.**

By: 
Dawn S. Kelsey
City Attorney

City Commission Memorandum
16-68

April 4, 2016

TO: Mayor Steve Austin and the Board of Commissioners

FROM: Russell R. Sights, City Manager 

SUBJECT: Public Improvements Acceptance—Merrill Place Commercial Subdivision I and II

An item for the agenda of Tuesday, April 12, 2016, is final reading of an ordinance accepting public improvements for Merrill Place Commercial Subdivision I and II.

Included in this acceptance is water, stormwater and sanitary sewer improvements including three fire hydrants, seven gate valves, 1,374 lineal feet of 8-inch water main, 1,744 lineal feet of gravity sewer, eight manholes, 325 lineal feet of ditch/swale and 1,131 lineal feet of stormwater sewer with eleven curb inlets. Also included in this acceptance is approximately 797 lineal feet of 37 foot wide asphalt roadway including 2-foot curb and gutter (152.36 lineal feet in Section I and 644.64 lineal feet in Section II).

The improvements have been built to city subdivision standards; have been inspected and approved by Engineering and HWU — the Water and Sewer Commission has approved recommendation for acceptance at its Monday, March 21, 2016 meeting; and are recommended for acceptance by the Henderson-Henderson County Planning Commission at its meeting of March 1, 2016.

Your approval of the attached ordinance is requested.

c: Brian Bishop, Planning Director
Tom Williams, HWU General Manager
Doug Boom



Planning the Future

Henderson City-County Planning Commission
1990 Barret Ct. Suite C
Henderson, KY 42420
March 7, 2016

Claudia Wayne
Assistant Executive
Director

Mayor Steve Austin
City Commissioners
Municipal Center
Henderson, Ky. 42420

RE: Acceptance of Water, Sewer, Storm & Streets for Merrill Place Commercial
Subdivision, Section 1 & 2 located Barret Blvd in Henderson, Ky.

Dear Mayor and Commissioners:

Please be advised Tuesday, March 1, 2016 the Henderson City-County Planning
Commission took official action to recommend acceptance of the following:

Merrill Place Commercial Subdivision II

Water

8" PVC Pipe - 1,374 Lineal Feet
Gate Valve - 7
Fire Hydrants- 3

Sewer

8" PVC Sewer – 1,744 Lineal Feet
Manholes - 8

Storm

15" RCP Pipe - 170 Lineal Feet
15" HDPE Pipe – 365 Lineal Feet
18" RCP Pipe - 169 Lineal Feet
18" HDPE Pipe - 19 Lineal Feet
24" HDPE Pipe - 408 Lineal Feet
Curb Inlet - 11
Ditch/Swale - 325 Lineal Feet

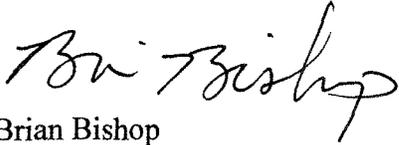
Merrill Place Commercial Subdivision I & II

Streets

**Barret Boulevard: 797 Lineal Feet of Asphalt Roadway including 2' Curb and
Gutter**
(Section 1: 152.36 Lineal Feet & Section 2: 644.64 Lineal Feet)

These improvements were constructed in accordance with the public improvement specifications and final inspection was performed by the Henderson Water Utilities Engineering Department staff and the City of Henderson Engineering Department. The Henderson City-County Planning Commission at this time request your consideration.

Respectfully submitted,

A handwritten signature in black ink that reads "Brian Bishop". The signature is written in a cursive style with a large, prominent "B" at the beginning.

Brian Bishop
Executive Director

HENDERSON CITY-COUNTY
PLANNING COMMISSION

BB/CW
Attachment

C: Dawn Kelsey, City Attorney
Russell Sights, City Manager

**HENDERSON WATER AND SEWER COMMISSION
RESOLUTION OF THE BOARD OF COMMISSIONERS**

Resolution No. 2016-10

**Acceptance of Water, Wastewater and Stormwater Improvements
Merrill Place Commercial Subdivision II**

The following Resolution was duly adopted by the Board of Commissioners of the Henderson Water & Sewer Commission at a regular meeting held on Monday, 21 March 2016, at which meeting a quorum was present.

BE IT RESOLVED, that the Henderson Water and Sewer Commission by and through its Board of Commissioners under the authority granted to the Board of Commissioners under Chapter 23 Article II Division 3 Sections 23-36 through 23-45.1 of the City Code of Ordinances hereby recommends to the Board of Commissioners of the City of Henderson, Kentucky, that the City of Henderson accept certain public improvements as recommended by the staff of the Water and Sewer Commission, and herewith transmitted to the City, to wit:

Merrill Place Commercial Subdivision II

Water

8" PVC Pipe: 1,374 Linear Feet
Gate Valves: 7 Each
Fire Hydrants: 3 Each

Wastewater

8" PVC Sewer: 1,744 Linear Feet
Manholes: 8 Each

Stormwater

15" RCP Pipe: 170 Linear Feet
15" HDPE Pipe: 365 Linear Feet
18" RCP Pipe: 169 Linear Feet
18" HDPE Pipe: 19 Linear Feet
24" HDPE Pipe: 408 Linear Feet
Curb Inlet: 11 Each
Ditch/Swale: 325 Linear Feet

The General Manager is hereby authorized to deliver this Resolution to the City of Henderson.

IN WITNESS WHEREOF, having come before the Board of Commissioners on Monday, 21 March 2016, and upon Motion made by Commissioner _____, and seconded by Commissioner _____, the Board of Commissioners voted as follows:

	<u>AYE</u>	<u>NAY</u>
Commissioner, Paul Bird, Jr.	_____	_____
Commissioner, George Jones, III	_____	_____
Commissioner, John Henderson	_____	_____
Commissioner, Gary Jennings	_____	_____
Commissioner, Julie Wischer	_____	_____

Tom Williams, P.E.
General Manager
Henderson Water Utility

ORDINANCE NO. 12-16

ORDINANCE ACCEPTING PUBLIC IMPROVEMENTS

SUMMARY: AN ORDINANCE ACCEPTING PUBLIC IMPROVEMENTS FOR PROPERTY LOCATED AT MERRILL PLACE COMMERCIAL SUBDIVISION, SECTION 1 AND 2

WHEREAS, at a meeting of the Henderson City-County Planning Commission held on March 7, 2016 it was recommended that certain public improvements for property located at Merrill Place Commercial Subdivision, Section 1 and 2 in the City of Henderson be accepted; and

WHEREAS, said improvements have been made in accordance with public improvements specifications and regulations.

NOW, THEREFORE, BE IT ORDAINED by the City of Henderson, Kentucky, that the City hereby accepts certain public improvements for property located at Merrill Place Commercial Subdivision, Section 1 and 2, which is generally depicted on the attached plat marked Exhibit "A", and consists of the following:

Merrill Place Commercial Subdivision II

Water

8" PVC Pipe – 1,374 Lineal Feet
Gate Valve- 7
Fire Hydrants - 3

Sewer

8"PVC Sewer – 1,744 Lineal Feet
Manholes – 8

Storm

15"RCP Pipe - 170 Lineal Feet
15"HDPE Pipe - 365 Lineal Feet
18"RCP Pipe - 169 Lineal Feet
18"HDPE Pipe - 19 Lineal Feet
24"HDPE Pipe – 408 Lineal Feet
Curb Inlet - 11
Ditch/Swale - 325 Lineal Feet

Merrill Place Commercial Subdivision I & II

Streets

Barret Boulevard: 797 Lineal Feet of Asphalt Roadway including 2' Curb and Gutter
(Section 1: 152.36 Lineal Feet & Section 2: 644.64 Lineal Feet)

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

PUBLICATION DATE: _____

FIRST READ: 3/22/2016
SECOND READ: _____

This ordinance shall become effective upon its legal adoption.

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

On roll call the vote stood:

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

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

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

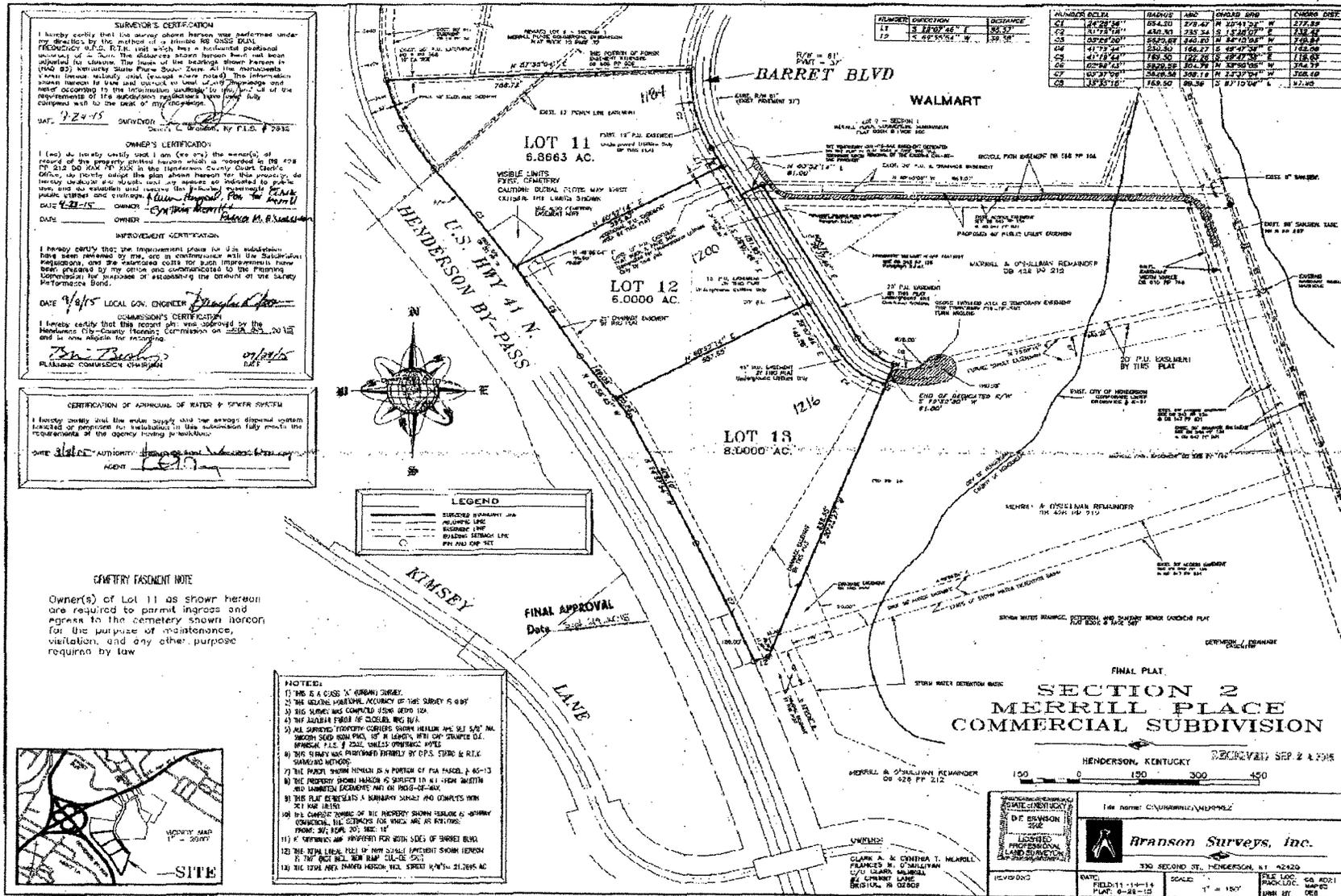
Steve Austin, Mayor
Date: _____

ATTEST:

Maree Collins, City Clerk

APPROVED AS TO FORM AND LEGALITY THIS 16 DAY OF MARCH, 2016.

By: 
Dawn S. Kelsey
City Attorney



MERRILL PLACE COMMERCIAL SUBDIVISION SECTION 1 & 2

BARRET BOULEVARD: 797 Feet of Asphalt Roadway including 2' Curb and Gutter
(Section 1: 152.36 Lineal Feet & Section 2: 644.64 Lineal Feet)

City Commission Memorandum
16-69

April 4, 2016

TO: Mayor Steve Austin and the Board of Commissioners

FROM: Russell R. Sights, City Manager 

SUBJECT: Public Improvements Acceptance—Colonial Senior Living, Adams Lane

Enclosed for the agenda of Tuesday, April 12, 2016, is final reading of an ordinance accepting public improvements for Colonial Senior Living.

Included in this acceptance of sanitary sewer improvements is 1,520 lineal feet of 8-inch gravity sewer, six 4-foot diameter manholes, and a service lateral.

The improvements have been built to city subdivision standards, have been inspected and approved by HWU — the Water and Sewer Commission approved recommendation for acceptance at its Monday, March 21, 2016 meeting; and are recommended for acceptance by the Henderson-Henderson County Planning Commission at its meeting of February 2, 2016.

Your approval of the attached ordinance is requested.

c: Brian Bishop, Planning Director
Tom Williams, HWU General Manager
Doug Boom



Planning the Future

Henderson City-County Planning Commission
1990 Barret Ct. Suite C
Henderson, KY 42420
March 4, 2016

Claudia Wayne
Assistant Executive
Director

Mayor Steve Austin
City Commissioners
Municipal Center
Henderson, Ky. 42420

RE: Acceptance of Sanitary Sewer for Colonial Senior Living located at Adams Lane

Dear Mayor and Commissioners:

Please be advised Tuesday, February 2, 2016 the Henderson City-County Planning Commission took official action to recommend acceptance of the following:

Colonial Senior Living Sanitary Sewer

8-inch Gravity Sewer -1,520 Lineal Feet
4-ft Diameter Manhole- 6 Each
Service Lateral- 1 Each

These improvements were constructed in accordance with the public improvement specifications and final inspection was performed by the Henderson Water Utilities Engineering Department staff. The Henderson City-County Planning Commission at this time request your consideration.

Respectfully submitted,

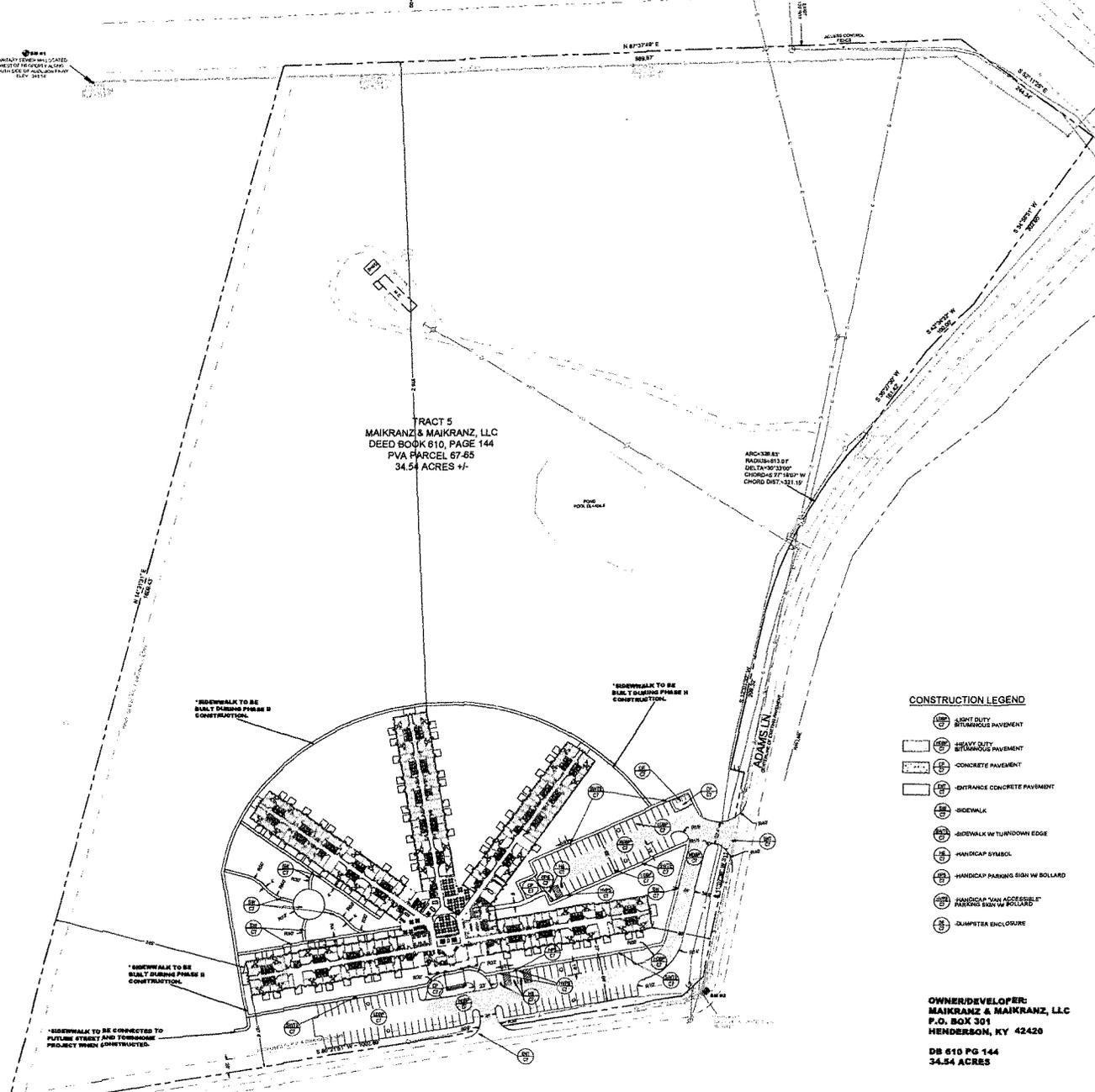
Brian Bishop
Executive Director
Henderson City-County Planning Commission

BB/CW
Attachment

C: Dawn Kelsey, City Attorney
Russell Sights, City Manager



① SANITARY SEWER MANHOLE LOCATED WEST OF PROPERTY LINE, SOUTH SIDE OF ADAMS LANE FROM REAR 100.0'



TRACT 5
MAIKRANZ & MAIKRANZ, LLC
DEED BOOK 810, PAGE 144
PVA PARCEL 67-65
34.54 ACRES +/-

ARC=338.87'
RADIUS=813.51'
CHORD=177.390'
CHORD BEARING=77°18'07" W
CHORD DIST.=171.11'

POSS. FOR (S) WALK

*SIDEWALK TO BE BUILT DURING PHASE II CONSTRUCTION.

*SIDEWALK TO BE BUILT DURING PHASE II CONSTRUCTION.

*SIDEWALK TO BE CONNECTED TO FUTURE STREET AND FORMWALK PROJECT WHEN CONSTRUCTED.

FUTURE EXPANSION (PHASE II) CONSTRUCTION

GENERAL NOTES

1. PRIOR TO BEGINNING CONSTRUCTION, THE CONTRACTOR SHALL BE RESPONSIBLE FOR ENSURING THAT ALL REQUIRED PERMITS AND APPROVALS HAVE BEEN OBTAINED. NO CONSTRUCTION OR FABRICATION SHALL BEGIN UNTIL THE CONTRACTOR HAS RECEIVED AND THOROUGHLY REVIEWED ALL PLANS AND OTHER DOCUMENTS APPROVED BY ALL PERMITTING AUTHORITIES.
2. NO GRADING, STRIPPING, EXCAVATION, FILLING OR OTHER DISTURBANCE OF THE NATURAL GROUND COVER SHALL TAKE PLACE UNTIL PROPOSED SOIL EROSION CONTROL PLAN HAS BEEN APPROVED AND IN PLACE.
3. ALL DIMENSIONS INVOLVING CURB RADI ARE SHOWN TO FACE OF CURB, UNLESS NOTED OTHERWISE. ALL CURB RADI ARE 5.0' UNLESS NOTED OTHERWISE.
4. IN THE CASE OF CONFLICT BETWEEN THIS DRAWING AND ANY OTHER DRAWING AND/OR SPECIFICATIONS, THE ENGINEER SHALL BE IMMEDIATELY NOTIFIED FOR CLARIFICATION.
5. THE CONTRACTOR SHALL BID AND PERFORM THE WORK IN ACCORDANCE WITH ALL LOCAL, STATE AND NATIONAL CODES AND THE REQUIREMENTS OF LOCAL UTILITY COMPANIES.
6. IN ACCORDANCE WITH GENERALLY ACCEPTED CONSTRUCTION PRACTICES, THE CONTRACTOR WILL BE SOLELY AND COMPLETELY RESPONSIBLE FOR CONDITIONS OF THE JOB SITE, INCLUDING SAFETY OF ALL PERSONS AND PROPERTY DURING PERFORMANCE OF THE WORK. THIS REQUIREMENT WILL APPLY CONTINUOUSLY AND WILL NOT BE LIMITED TO NORMAL WORKING HOURS. THE CONTRACTOR WILL BE RESPONSIBLE FOR PROVIDING AND MAINTAINING ALL BARRICADES, WARNING SIGNS, FLASHING LIGHTS AND THE TRAFFIC CONTROL DEVICES DURING CONSTRUCTION. CONTRACTOR SHALL COMPLY WITH OSHA REGULATIONS AND SAFETY REQUIREMENTS.
7. THE CONTRACTOR IS RESPONSIBLE FOR THE SAFETY OF ALL VEHICLE TRAFFIC IN AND AROUND THE CONSTRUCTION AREA.
8. ALL UNPAVED AREAS TO RECEIVE A MINIMUM OF 4" TOPSOIL, SEED (AS OUTLINED IN THE LANDSCAPE PLANS), MULCH AND WATERED AS NECESSARY TO PROVIDE SUBSTANTIAL GRASS COVER.
9. SIDEWALK AND HANDICAP ACCESS SHALL COMPLY WITH THE LATEST ADA REGULATIONS.
10. ALL WORK SHALL BE IN ACCORDANCE WITH THE HENDERSON COUNTY SUBDIVISION REGULATIONS AND SPECIFICATIONS.

CONSTRUCTION LEGEND

- LIGHT DUTY BITUMINOUS PAVEMENT
- HEAVY DUTY BITUMINOUS PAVEMENT
- CONCRETE PAVEMENT
- ENTRANCE CONCRETE PAVEMENT
- SIDEWALK
- SIDEWALK W/ TURNAROUND EDGE
- HANDICAP SYMBOL
- HANDICAP PARKING SIGN W/ BOLLARD
- HANDICAP VAN ACCESSIBLE PARKING SIGN W/ BOLLARD
- DUMPSTER ENCLOSURE

DEVELOPMENT SUMMARY

STATISTIC	PERMITTED / REQUIREMENT	PROVIDED
CURRENT ZONING	PLD - PLANNED UNIT DEVELOPMENT	PLD
TOTAL SITE AREA	N/A	34.54 AC
LOT COVERAGE	75%	SEE LAYOUT
BUILDING SETBACKS	FRONT 0' (MERRITT DR.) SIDE 6' (SOUTH) SIDE 6' (NORTH) REAR 25' (EAST)	FRONT 14' 8" (MERRITT) SIDE 17' (NORTH) SIDE 41' 1" (SOUTH) REAR 54' (EAST)
TOTAL PARKING	BOOMING HOUSE 5 SPACES PLUS 1 PER 5 BEDS 133 BEDS / 5 = 27 + 5 = 32 SPACES	118 SPACES 114 6' STANDARD SPACES
DRAINAGE PLAN	YES	SEE SHEET C3
TRAFFIC STUDY	NOT REQUIRED	N/A
SITE ACCESS	PER KYTC PERMIT	2 ACCESS POINTS ON ADAMS LANE

OWNER/DEVELOPER:
MAIKRANZ & MAIKRANZ, LLC
P.O. BOX 301
HENDERSON, KY 42420

DB 610 PG 144
34.54 ACRES

BENCHMARK DATA:
BENCHMARK 1
SANITARY SEWER MH LOCATED WEST OF PROPERTY LINE, SOUTH SIDE OF ADAMS LANE FROM REAR 100.0'
N: 118456.33
E: 118456.33
ELEV. 383.94'

BENCHMARK 2
STORM MANHOLE LOCATED AT SOUTHWEST CORNER OF PROPERTY IN ADAMS LANE RIGHT OF WAY
N: 118456.30
E: 118456.30
TOP OF METAL GRATE
ELEV. = 413.32'



SEUFERT CONSTRUCTION
4525 N. Main Street, P.O. Box 86
Henderson, KY 42420
813-307-0200 Fax: 813-307-7177 www.seufert.com

ACES
ARCHITECTURAL CONSULTING, INC.
ENGINEERING CONSULTANTS, INC.
PROFESSIONAL DESIGN, ARCHITECTURE
PROFESSIONAL ENGINEERING

COLONIAL SENIOR LIVING
6027 ADAMS LANE, HENDERSON, KY
SITE LAYOUT

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Project No. _____
Scale _____
Date _____

Site Civil Plans
Drawn by: A. Arnold
Checked by: A. Arnold
Reviewed by: A. Arnold
Date: 10/27/11
Project No.: _____
Scale: _____

C2

**HENDERSON WATER AND SEWER COMMISSION
RESOLUTION OF THE BOARD OF COMMISSIONERS**

**Resolution No. 2016-11
Acceptance of Sanitary Sewer Extension
Colonial Senior Living - 6575 South Adams Lane**

The following Resolution was duly adopted by the Board of Commissioners of the Henderson Water & Sewer Commission at a regular meeting held on Monday, 21 March 2016, at which meeting a quorum was present.

BE IT RESOLVED, that the Henderson Water and Sewer Commission by and through its Board of Commissioners under the authority granted to the Board of Commissioners under Chapter 23 Article II Division 3 Sections 23-36 through 23-45.1 of the City Code of Ordinances hereby recommends to the Board of Commissioners of the City of Henderson, Kentucky, that the City of Henderson accept certain public improvements as recommended by the staff of the Water and Sewer Commission, and herewith transmitted to the City, to wit:

Colonial Senior Living Sanitary Sewer

8-inch Gravity Sewer:	1,520 Linear Feet
4-ft Diameter Manhole	6 Each
Service Lateral	1 Each

The General Manager is hereby authorized to deliver this Resolution to the City of Henderson.

IN WITNESS WHEREOF, having come before the Board of Commissioners on Monday, 21
March 2016, and upon Motion made by Commissioner _____, and seconded by
Commissioner _____, the Board of Commissioners voted as follows:

	<u>AYE</u>	<u>NAY</u>
Commissioner, Paul Bird, Jr.	_____	_____
Commissioner, George Jones, III	_____	_____
Commissioner, John Henderson	_____	_____
Commissioner, Gary Jennings	_____	_____
Commissioner, Julie Wischer	_____	_____

Tom Williams, P.E.
General Manager
Henderson Water Utility

ORDINANCE NO. 13-16

ORDINANCE ACCEPTING PUBLIC IMPROVEMENTS

SUMMARY: AN ORDINANCE ACCEPTING PUBLIC IMPROVEMENTS FOR PROPERTY LOCATED AT ADAMS LANE KNOWN AS COLONIAL SENIOR LIVING

WHEREAS, at a meeting of the Henderson City-County Planning Commission held on March 7, 2016 it was recommended that certain public improvements for property located at Adams Lane known as Colonial Senior Living in the City of Henderson be accepted; and

WHEREAS, said improvements have been made in accordance with public improvements specifications and regulations.

NOW, THEREFORE, BE IT ORDAINED by the City of Henderson, Kentucky, that the City hereby accepts certain public improvements for property located at Adams Lane known as Colonial Senior Living, which is generally depicted on the attached plat marked Exhibit "A", and consists of the following:

Colonial Senior Living Sanitary Sewer

- 8-inch Gravity Sewer – 1, 520 Lineal Feet
- 4-ft Diameter Manhole – 6 Each
- Service Lateral – 1 Each

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 Jesse Johnston, seconded by Commissioner X R. Royster, that the ordinance be adopted on its first reading.

On roll call the vote stood:

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

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.

PUBLICATION DATE: _____

FIRST READ: 3/22/2016
SECOND READ: _____

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

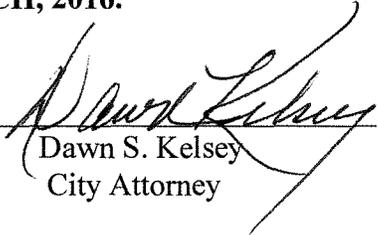
WHEREUPON, Mayor Austin declared the ordinance adopted, affixed his signature and the date and ordered that it be recorded.

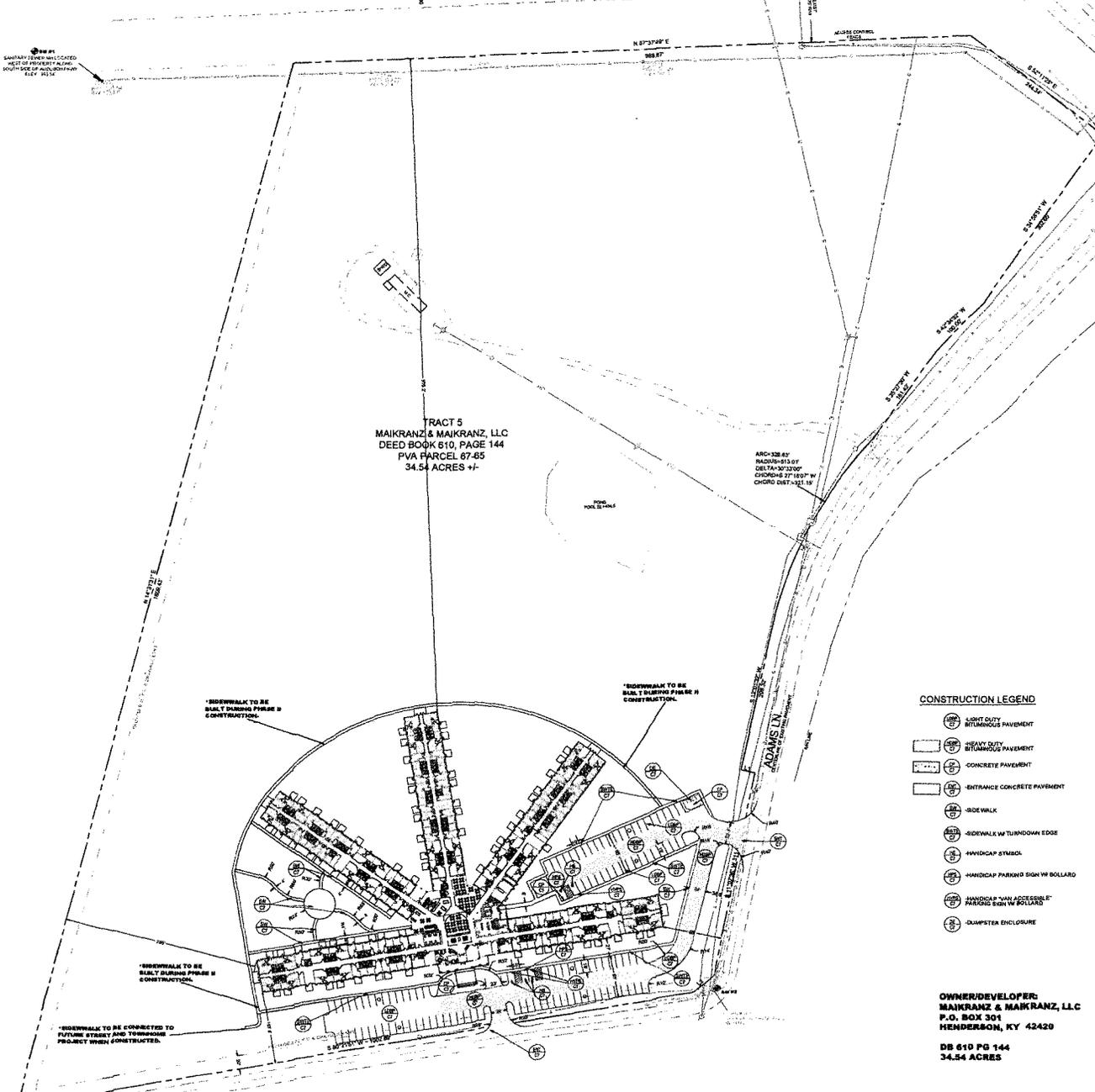
Steve Austin, Mayor
Date: _____

ATTEST:

Maree Collins, City Clerk

**APPROVED AS TO FORM AND
LEGALITY THIS 16 DAY OF
MARCH, 2016.**

By: 
Dawn S. Kelsey
City Attorney



TRACT 5
MAIKRANZ & MAIKRANZ, LLC
DEED BOOK 810, PAGE 144
PVA PARCEL 67-65
34.54 ACRES +/-

GENERAL NOTES

1. PRIOR TO BEGINNING CONSTRUCTION, THE CONTRACTOR SHALL BE RESPONSIBLE FOR ENSURING THAT ALL REQUIRED PERMITS AND APPROVALS HAVE BEEN OBTAINED. NO CONSTRUCTION OR FABRICATION SHALL BEGIN UNTIL THE CONTRACTOR HAS RECEIVED AND THOROUGHLY REVIEWED ALL PLANS AND OTHER DOCUMENTS APPROVED BY ALL PERMITTING AUTHORITIES.
2. NO GRADING, STRIPPING, EXCAVATION, FILLING OR OTHER DISTURBANCE OF THE NATURAL GROUND COVER SHALL TAKE PLACE UNTIL PROPOSED SOIL EROSION CONTROL PLAN HAS BEEN APPROVED AND IN PLACE.
3. ALL DIMENSIONS INVOLVING CURB RADI ARE SHOWN TO FACE OF CURB, UNLESS NOTED OTHERWISE. ALL CURB RADI ARE 1/2 UNLESS NOTED OTHERWISE.
4. IN THE CASE OF CONFLICT BETWEEN THIS DRAWING AND ANY OTHER DRAWING AND/OR SPECIFICATIONS, THE ENGINEER SHALL BE IMMEDIATELY NOTIFIED FOR CLARIFICATION.
5. THE CONTRACTOR SHALL BID AND PERFORM THE WORK IN ACCORDANCE WITH ALL LOCAL, STATE AND NATIONAL CODES AND THE REQUIREMENTS OF LOCAL UTILITY COMPANIES.
6. IN ACCORDANCE WITH GENERALLY ACCEPTED CONSTRUCTION PRACTICES, THE CONTRACTOR WILL BE SOLELY AND COMPLETELY RESPONSIBLE FOR CONDITIONS OF THE JOB SITE, INCLUDING SAFETY OF ALL PERSONS AND PROPERTY DURING PERFORMANCE OF THE WORK. THIS REQUIREMENT WILL APPLY CONTINUOUSLY AND WILL NOT BE LIMITED TO NORMAL WORKING HOURS. THE CONTRACTOR WILL BE RESPONSIBLE FOR PROVIDING AND MAINTAINING ALL BARRICADES, WARNING SIGNS, FLASHING LIGHTS AND THE TRAFFIC CONTROL DEVICES DURING CONSTRUCTION. CONTRACTOR SHALL COMPLY WITH OSHA REGULATIONS AND SAFETY REQUIREMENTS.
7. THE CONTRACTOR IS RESPONSIBLE FOR THE SAFETY OF ALL VEHICLE TRAFFIC IN AND AROUND THE CONSTRUCTION AREA.
8. ALL UNPAVED AREAS TO RECEIVE A MINIMUM OF 4" TOPSOIL, SEED AS OUTLINED IN THE LANDSCAPE PLAN, MULCHED AND WATERED AS NECESSARY TO PROVIDE SUBSTANTIAL GRASS COVER.
9. SIDEWALK AND HANDICAP ACCESS SHALL COMPLY WITH THE LATEST ADA REGULATIONS.
10. ALL WORK SHALL BE IN ACCORDANCE WITH THE HENDERSON COUNTY SUBDIVISION REGULATIONS AND SPECIFICATIONS.

CONSTRUCTION LEGEND

- LIGHT DUTY BITUMINOUS PAVEMENT
- HEAVY DUTY BITUMINOUS PAVEMENT
- CONCRETE PAVEMENT
- ENTRANCE CONCRETE PAVEMENT
- SIDEWALK
- SIDEWALK W/ TURNDOWN EDGE
- HANDICAP STENCIL
- HANDICAP PARKING SIGN W/ BOLLARD
- HANDICAP "VAN ACCESSIBLE" PARKING SIGN W/ STENCIL
- DUMPSTER ENCLOSURE

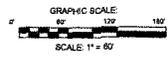
DEVELOPMENT SUMMARY

STATISTIC	PERMITTED / REQUIREMENT	PROVIDED
CURRENT ZONING	PUD - PLANNED UNIT DEVELOPMENT	PUD
TOTAL SITE AREA	N/A	34.54 AC.
LOT COVERAGE	75%	SEE LAYOUT
BUILDING SETBACKS	FRONT 0' (MERRITT DR.) SIDE 8' (SOUTH) SIDE 8' (NORTH) REAR 25' (EAST)	FRONT 14.5' (MERRITT) SIDE 17' (NORTH) SIDE 41.1' (SOUTH) REAR 54' (EAST)
TOTAL PARKING	ROOMING HOUSE 5 SPACES PLUS 1 PER 5 BEDS 133 BEDS / 5 = 27 + 4 = 32 SPACES	119 SPACES 114 STANDARD SPACES 5 ADA SPACES
DRAINAGE PLAN	YES	SEE SHEET C3
TRAFFIC STUDY	NOT REQUIRED	N/A
SITE ACCESS	PER KYTC PERMIT	2 ACCESS POINTS ON ADAMS LANE

OWNER/DEVELOPER:
MAIKRANZ & MAIKRANZ, LLC
P.O. BOX 301
HENDERSON, KY 42420

DB 610 PG 144
34.54 ACRES

BENCHMARK DATA:
BENCHMARK 1
QUANTARY SINKER IS LOCATED WEST OF PROPERTY ALONG SOUTH SIDE OF AULDRON PWAY N = 118258.00 E = 1118454.33 ELEV. 361.14
BENCHMARK 2
STORM MANHOLE LOCATED AT SOUTHWEST CORNER OF PROPERTY IN ADAMS LANE RIGHT OF WAY N = 218588.00 E = 1118258.00 TOP OF METAL GRATE ELEV. 453.12



SEUFERT CONSTRUCTION
4475 GLENVIEW DRIVE
12201 Main Street P.O. Box 87
Henderson, KY 42420
403.261.0000 FAX: 403.261.0101 www.seufertconstruction.com

ACES
ARCHITECTURAL CONSULTING ENGINEERING, INC.
1000 W. MAIN STREET
P.O. BOX 534
HENDERSON, KY 42420
PHONE: 403-260-4442

COLONIAL SENIOR LIVING
601 ADAMS LANE, HENDERSON, KY
SITE LAYOUT

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REVISED

SCALE

Site Civil Plans
C2

**City Commission Memorandum
16-70**

April 4, 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

Enclosed for the agenda of Tuesday, April 12, 2016, is final reading of an ordinance reclassifying the Engineering Assistant position.

The attached Interdepartmental Memorandum from Assistant City Manager William L. Newman Jr. details the additional job duties and reassessment of the proposed reclassification from a grade 24 to a Public Works Engineer position, grade 30, to better reflect similar job classifications, duties, education level and responsibilities. It is further proposed that the position be transferred from the Engineering division in the administration department to the Administration division of Public Works for better work flow and communication.

Other changes as discussed at the February Work session include:

- a. Deleting one Code Inspector, Senior position and adding one Code Inspector position in the Code Enforcement division; and
- b. Adding a (Temporary) Assistant Finance Director position in the Finance Administration division.

c: Buzzy Newman
Connie Galloway
Robert Gunter

Interdepartmental Memorandum
(revised)

March 16, 2016

TO: Russell Sights, City Manager
Connie Galloway, Human Resources Director

FROM: William L. Newman, Jr., Assistant City Manager

SUBJECT: Mid-Year Budget – Personnel Changes



Two personnel changes are being requested for approval at the mid-year budget amendment.

In the Code division, currently there is a vacant position of Code Inspector, Sr. With the pending retirement of the Code Administrator, it is vital that the Code division have a certified Code Inspector in place before his departure. The difference between the senior position and the inspector position is the electrical inspector certification. It is the intent to contract out the electrical inspection services; therefore, a Code Inspector with the minimum requirements of a Level 1 and 2 is required. The position will require attainment of the Level 3 certification within one (1) year of employment. Approval is requested to eliminate the Code Inspector Senior position and replace it with a Code Inspector.

In the Engineering Department, it is requested that the Engineering Assistant position be reclassified and transferred to the Public Works Department with the title of Public Works Engineer.

This position will be responsible for an estimated \$600,000 for street paving and concrete repairs. The duties include annual roadway inspections, coordination of various contractors and subcontractors as well as Public Works personnel to complete the program, and documentation of activities in the MicroPaver program. Other duties that may be assigned would include special projects like new sidewalk construction, drainage improvements, and coordination with Henderson Water Utility on their capital improvement program (i.e., Countryview Subdivision Drainage Project and Craig Drive water line replacement project). This position will also be assigned to the new Municipal Services Center building project during construction and will be the on-site engineer representing the City's interests.

We have revisited the proposed classification as requested and after reviewing positions of similar job duties and responsibilities across City and HWU departments, it is recommended that the new position classification be at the same pay grade level (grade 30) as the Street, Sanitation, Gas Distribution and HWU Construction "Superintendent" classifications. Each have similar job duties and responsibility; however, the Public Works Engineer position will require a B.S. degree in Engineering whereas the other positions in this classification do not require this level of educational requirement.

ORDINANCE NO. 10-16

ORDINANCE AMENDING JOB CLASSIFICATIONS AND PAY PLAN
AND BUDGETED POSITIONS

SUMMARY: ORDINANCE AMENDING JOB CLASSIFICATIONS AND PAY PLAN BY ADDING ONE PUBLIC WORKS ENGINEER POSITION IN THE ADMINISTRATION DIVISION OF THE PUBLIC WORKS DEPARTMENT, AND AMENDING 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 to add the following position:

<u>Grade:</u>	<u>Classified Title:</u>	<u>Class Code:</u>
30	Public Works Engineer	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, by adding a Temporary Assistant Finance Director position in the Finance Administration Division, and by adding one (1) Public Works Engineer position in the Administration Division of the Public Works Department, 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 Robert M. Mills, seconded by Commissioner Jan Hite, that the ordinance be adopted on its first reading.

On roll call the vote stood:

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

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

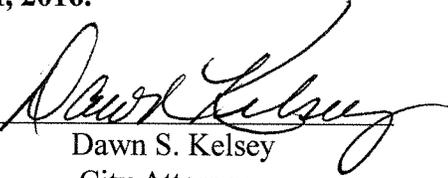
WHEREUPON, Mayor Austin declared the ordinance adopted, affixed his signature and the date and ordered that it be recorded.

ATTEST:

Steve Austin, Mayor
Date: _____

Maree Collins, City Clerk

**APPROVED AS TO FORM AND
LEGALITY THIS 16 DAY OF
MARCH, 2016.**

By: 
Dawn S. Kelsey
City Attorney

Administration Department

PERSONNEL SCHEDULE City Manager	Authorized Positions		
	Fiscal Year 2014	Fiscal Year 2015	Fiscal Year 2016
011			
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

PERSONNEL SCHEDULE City Attorney	Authorized Positions		
	Fiscal Year 2014	Fiscal Year 2015	Fiscal Year 2016
012			
City Attorney	1	1	1
Staff Attorney	1	1	0
Legal Secretary	1	1	1
	3	3	2

PERSONNEL SCHEDULE City Clerk	Authorized Positions		
	Fiscal Year 2014	Fiscal Year 2015	Fiscal Year 2016
013			
City Clerk	1	1	1
	1	1	1

PERSONNEL SCHEDULE Human Relations	Authorized Positions		
	Fiscal Year 2014	Fiscal Year 2015	Fiscal Year 2016
016			
Executive Director, Human Rights Commission	1	1	1
	1	1	1

PERSONNEL SCHEDULE Community Development	Authorized Positions		
	Fiscal Year 2014	Fiscal Year 2015	Fiscal Year 2016
017			
Code Administrator	0.3	0.3	0.3
Community Development Specialist	1	1	1
	1.3	1.3	1.3

Administration Department

PERSONNEL SCHEDULE Human Resources	Authorized Positions		
	Fiscal Year 2014	Fiscal Year 2015	Fiscal Year 2016
<u>124</u>			
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

PERSONNEL SCHEDULE Code Enforcement	Authorized Positions		
	Fiscal Year 2014	Fiscal Year 2015	Fiscal Year 2016
<u>233</u>			
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

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

Finance Department

PERSONNEL SCHEDULE Finance Administration	Authorized Positions		
	Fiscal Year 2014	Fiscal Year 2015	Fiscal Year 2016
<u>121</u>			
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
	6.25	6.25	7.25 8.25

PERSONNEL SCHEDULE Accounting	Authorized Positions		
	Fiscal Year 2014	Fiscal Year 2015	Fiscal Year 2016
<u>123</u>			
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
	12	12	11

PERSONNEL SCHEDULE Treasury	Authorized Positions		
	Fiscal Year 2014	Fiscal Year 2015	Fiscal Year 2016
<u>125</u>			
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
	12.75	11.75	11.75

Public Works Department

PERSONNEL SCHEDULE Public Works Administration	Authorized Positions		
	Fiscal Year 2014	Fiscal Year 2015	Fiscal Year 2016
<u>341</u>			
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	1.5 <u>2.5</u>

PERSONNEL SCHEDULE Municipal Facilities	Authorized Positions		
	Fiscal Year 2014	Fiscal Year 2015	Fiscal Year 2016
<u>014</u>			
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

PERSONNEL SCHEDULE Traffic Control	Authorized Positions		
	Fiscal Year 2014	Fiscal Year 2015	Fiscal Year 2016
<u>234</u>			
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

PERSONNEL SCHEDULE Central Garage	Authorized Positions		
	Fiscal Year 2014	Fiscal Year 2015	Fiscal Year 2016
<u>366</u>			
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		
General Fund									
Administration	23.00	22.00	23.00 <u>22.00</u>	1.00	1.00	0.00	0.00	1.00	1.00
Finance	33.00	32.00	27.00 <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	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	225.50 <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
GRAND TOTAL	315.00	313.00	315.00 <u>316.00</u>	13.00	13.00	10.00	35.00	41.00	39.00

**City of Henderson, Kentucky
Job Classifications & Grades**

<u>Code</u>	<u>Grade</u>	<u>Classification Title</u>	<u>FLSA</u>
A			
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			
0062	14	Benefits Coordinator	N
3701	10	Bus Operator	N
4204	10	Bus Preventive Maintenance Technician	N
C			
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
D			
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
E			
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>
F			
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
G			
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
H			
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

Code	Grade	Classification Title	<u>FLSA</u>
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
I			
0210	13	Information Technology Operations Technician	N
0302	10	Inventory Control Technician	N
L			
4007	7	Landscape Technician	N
0064	13	Legal Secretary	N
M			
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
N			
0213	22	Network Administrator	N
O			
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>
P			
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>30</u>	<u>Public Works Engineer</u>	<u>E</u>
R			
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
S			
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
T			
4211	16	Transit Mechanic Supervisor	N
3711	30	Transit Superintendent	E
U			
3308	17	Utility Billing Supervisor	N
3303	12	Utilities Servicer	N
V			
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	FLSA
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	Engineering Assistant	E
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
<u>4117</u>	<u>30</u>	<u>Public Works Engineer</u>	<u>E</u>
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
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**

Code	Grade	Classification Title	<u>FLSA</u>
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
16-71**

April 4, 2016

TO: Mayor Steve Austin and the Board of Commissioners
FROM: Russell R. Sights, City Manager 
SUBJECT: Amendment of Section 2-49 Assistant City Manager

An agenda item for the Tuesday, April 12, 2016, meeting is final reading of an ordinance amending Section 2-49, *Assistant city manager*, of Article III, *City manager*, Division 1, *Generally*, of Chapter 2, *Administration*, of the Code of Ordinances.

This change is a housekeeping action to bring the City's Code of Ordinances in conformity with current practice. The position currently participates in the International City/County Management Association retirement system (ICMA-RC) as stated in the employment contract.

Your approval of the attached ordinance is requested.

c: Connie Galloway
Robert Gunter

ORDINANCE NO. 14-16

ORDINANCE RELATING TO PERSONNEL

SUMMARY: ORDINANCE AMENDING SECTION 2-49., *ASSISTANT CITY MANAGER*, OF ARTICLE III, *CITY MANAGER*, DIVISION I, *GENERALLY*, OF CHAPTER 2, *ADMINISTRATION*, OF THE CITY'S CODE OF ORDINANCES

BE IT ORDAINED by the City of Henderson, Kentucky that Section 2-49, *Assistant City Manager*, of Article III *City Manage*, Division I, *Generally*, of Chapter 2, of the City's Code of Ordinances is hereby amended by deleting the following provision:

Sec. 2-49. Assistant City Manager.

(a) *Appointment.* The City Manager shall appoint an Assistant City Manager with the approval of the Board of Commissioners. The Board of Commissioners may accept or reject the appointment of the Assistant City Manager by the City Manager, but may not substitute their own nomination for that of the City Manager.

(b) *Status.* The Assistant City Manager shall be a non-civil service employee who shall report directly to the City Manager. He/she shall be an employee-at-will and may be disciplined up to a 40-hour suspension without pay by the City Manager however, all other disciplinary measures in excess of a 40-hour suspension without pay shall be approved by the Board of Commissioners upon recommendation of the City Manager.

~~[The Assistant City Manager shall participate in the CERS retirement system.]~~ His/her performance shall be reviewed annually by the City Manager, and he/she shall be eligible for annual merit and COLA increases to be determined by the City Manager with approval of the Board of Commissioners.

(c) *Duties generally.* The Assistant City Manager shall assist the City Manager in administering city affairs; assist in planning, directing, monitoring, and evaluating city programs and operations; investigate performance problems, make recommendations concerning city organization, management and services; plans, directs and coordinates operations and activities of various city divisions, including code enforcement, community development, and engineering divisions; and shall perform related duties as required, necessary or assigned.

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 Robert M. Mills, seconded by Commissioner Jan Hite, that the ordinance be adopted on its first reading. On roll call the vote stood:

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

WHEREUPON, Mayor Lackey 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 Royster	_____	Commissioner Hite	_____
Commissioner Mills	_____	Mayor Austin	_____
Commissioner Johnston	_____		

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

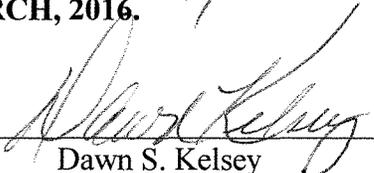
Steve Austin, Mayor

Date: _____

ATTEST:

Maree Collins, City Clerk

APPROVED AS TO FORM AND LEGALITY THIS 17 DAY OF MARCH, 2016.

By: 
Dawn S. Kelsey
City Attorney

City Commission Memorandum
16-75

April 6, 2016

TO: Mayor Steve Austin and the Board of Commissioners

FROM: Russell R. Sights, City Manager 

SUBJECT: Amendment of Section 17-45 and Section 17-50 Special Events

An agenda item for the Tuesday, April 12, 2016, meeting is first reading of an ordinance amending Section 17-45, *Definitions*, and Section 17-50, *Application for Permit*, of Article III, *Special Events*, of Chapter 17, *Parks and Recreation*, of the Code of Ordinances.

This change further defines special events with alcohol in relation to package sales without consumption at the special event. It also further specifies site plan parameters that will be in effect in relation to package sales, as well as time parameters for the consumption and sale of alcohol at the special event.

Your approval of the attached ordinance is requested.

c: Trace Stevens
Charles Stauffer
Dawn Kelsey

ORDINANCE NO. _____

ORDINANCE RELATING TO SPECIAL EVENTS

SUMMARY: AN ORDINANCE AMENDING CHAPTER 17-PARKS AND RECREATION, ARTICLE III, SPECIAL EVENTS, SECTIONS 17-45., DEFINITIONS, AND SECTION 17-50., APPLICATION FOR PERMIT OF THE CODE OF ORDINANCES OF THE CITY OF HENDERSON

BE IT ORDAINED by the City of Henderson, Kentucky, that Chapter 17, *Parks and Recreation*, Article III, *Special Events*, Sections 17-45., *Definition*, and Section 17-50, *Application for Permit*, of the City’s Code of Ordinances, is hereby amended and a copy of which is attached hereto and made a part hereof, marked Exhibit “A”.

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

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

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

Steve Austin, Mayor

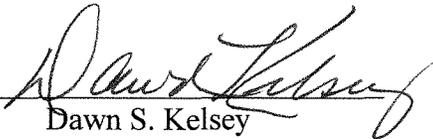
Date: _____

ATTEST:

Maree Collins, City Clerk

**APPROVED AS TO FORM AND
LEGALITY THIS 6 DAY OF
APRIL, 2016.**

By:


Dawn S. Kelsey
City Attorney

Sec. 17-45. - Definitions.

The following words and phrases when used in this article shall have the following meanings:

- (1) Special events shall mean any festival, ceremony, show, demonstration, exhibition, pageant, transient amusement enterprise, outdoor temporary gathering or similar event, in or on or having substantial impact on any street, park, or other public place in the city.
- (2) Special events with alcohol means any festival, ceremony, show, demonstration, exhibition, pageant, transient amusement enterprise, outdoor temporary gathering or similar event which will take place in Audubon Mill Park or if the event attendance is expected to exceed five thousand (5,000), then the event can include Water Street between First Street and Second Street. The special event with alcohol must be organized and sponsored by and for the benefit of a not for profit organization. Any special event with alcohol must have the area where alcohol will be served and consumed, enclosed with security at each point of entry and exit, and the enclosed area must be restricted to individuals age twenty-one (21) or over. A special event with alcohol where alcohol will be sold by the package and not consumed does not require the area to be enclosed. All special events with alcohol must be in compliance with all state alcohol beverage control laws and regulations.
- (3) Applicant shall mean the authorized officer, employee, representative or agent of the sponsor who completes the application and acts as primary contact for the special event.
- (4) Sponsor shall mean the person, business, corporation, partnership, company, association, organization, or other entity responsible for the special event to be held. For special events with alcohol, the sponsor may only be an organization, a business, a corporation, a company or other entity which is licensed with the Secretary of State of Kentucky as a not for profit.

Sec. 17-50. - Application for permit.

- (a) Time limit and deadline. A person or entity seeking a special event permit or a special event with alcohol permit shall file an application with the city manager at least ninety (90) days prior to the date of such event. A completed application does not constitute approval of the permit. A waiver of application deadline may be granted upon a showing of good cause at the discretion of the city manager; and, if there is sufficient time to process and investigate the application, and arrange police and other city services for the event.
- (b) Special event permit application (without alcohol). The application for the special event permit shall set forth the following information:
 - (1) The name, address and telephone number of the person seeking permission to conduct a special event.
 - (2) If the special event is proposed to be conducted for, on behalf of or by an organization, the name, address and telephone number of the headquarters of the organization and of the organization's authorized representatives and responsible heads of such organizations.
 - (3) The name, address and telephone number of the person who will be the event coordinator who will be responsible for its management.
 - (4) The date or dates when the special event is to take place.
 - (5) The area where the special event or route is to take place.
 - (6) The hours when the special event will start and terminate.
 - (7) The expected total attendance for the event, and the estimated maximum number of people to be assembled at any one time.
 - (8) A security and safety plan.
 - (9) Request for any special facilities or temporary structures. (A fee may be charged in advance.)

- (10) A cleanup plan including name(s) of individuals and group(s) responsible for cleaning during and after the special event.
 - (11) Whether the applicant or sponsoring organization of the proposed special event proposes to select and authorize participants as provided in section 17-60.
 - (12) Such other information as may be required by the city manager.
- (c) Special event permit application (with alcohol). The application for the special event with alcohol permit shall set forth the following information:
- (1) The sponsor's (not for profit organization) name, address and telephone number of the headquarters of the organization and of the organization's authorized representatives and responsible heads of such organizations.
 - (2) The name of the individual; corporation or organization that will be the holder of the state and local issued alcohol beverage control license for the event.
 - (3) The name, address and telephone number of the person who will be the event coordinator who will be responsible for its management.
 - (4) The date or dates when the special event is to take place.
 - (5) If alcohol will be consumed at the special event, then [A] a site plan of the proposed event, including any area where alcohol will be served and consumed and indication where the controlled entry/exit will be and where the boundaries of the enclosure will be located, and a description of the enclosure.
 - (5a) If alcohol will be sold by the package and not consumed, then a site plan of the proposed event, including any area where alcohol may be sold by the package.
 - (6) If alcohol will be consumed at the special event, then [F] the hours when the special event will start and terminate and the hours when alcohol will be served. In no circumstances can alcohol be served or sold after 11:00 p.m.
 - (7) The expected total attendance for the event, and the estimated maximum number of people to be assembled at any one (1) time.
 - (8) A security and safety plan which will include security necessary for the alcohol area.
 - (9) Request for any special facilities or temporary structures. (A fee may be charged in advance.)
 - (10) A cleanup plan including name(s) of individuals and group(s) responsible for cleaning during and after the special event.
 - (11) Whether the applicant or sponsoring organization of the proposed special event proposes to select and authorize participants as provided in section 17-60.
 - (12) A copy of all necessary state and local licenses from alcohol beverage control issued for the event (the licenses can be provided after conditional approval for the special event with alcohol permit is given). Proof that all individuals who will be serving alcohol at the event have completed S.T.A.R. (Server Training in Alcohol Regulations).
 - (13) Such other information as may be required by the city manager.

City Commission Memorandum
16-78

April 8, 2016

TO: Mayor Steve Austin and the Board of Commissioners

FROM: Russell R. Sights, City Manager 

SUBJECT: Zoning Regulations Amendments – Article XVII, Article XVIII, Article XIX, Article XX, Article XXI, Article XXXIII, and Article XXXIV

Enclosed for the agenda of Tuesday, April 12, 2016, is first reading of an ordinance amending Article XVII, R-O, Residential/Office District, Section 17.03 Conditional Uses; Article XVIII, NB, Neighborhood Business District, Section 18.03 Conditional Uses; Article XIX, GB, General Business District, Section 19.03 Conditional Uses; Article XX, CBD, Central Business District, Section 20.03 Conditional Uses; Article XXI, H-C, Highway Commercial District, Section 21.03 Conditional Uses; Article XXXIII, Gateway Zone District, Section 33.06 Permitted Uses (3. Conditional Uses); and Article XXXIV, Henderson Innovative Planning District, Section 34.02 Permitted Uses (2. Conditional Uses) of Appendix A of the Zoning Ordinance of the Code of Ordinances of the City of Henderson.

As you will recall, a request for review of the zoning resolutions was forwarded to the Planning Commission in February 2016.

The proposed amendments would allow more efficient use of existing infrastructure and both existing and new structures; would allow more density; would create a more business-friendly climate; and would allow the public to allow input on a case by case basis, through the conditional use process.

The Planning Commission conducted a public hearing at its meeting of April 5, 2016, and recommended the proposed amendments.

Your approval of the attached ordinance is requested.

c: Brian Bishop
Don Summers
William L. Newman, Jr.



Planning the Future

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

Brian Bishop, Executive Director
bbishop@hendersonplanning.org
270-831-1289

April 7, 2016

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

ATTN: Russell Sights, City Manager

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

AMENDMENT TO THE CITY ZONING ORDINANCE: City Commission is requesting that the Planning Commission discuss whether the zoning ordinance should be amended to allow multiple uses (businesses), but no more than three (3), may be allowed in the same structure (building) with a conditional use permit. Uses shall be of the same general character or accessory to one another.

Zones affected: R-O, NB, GB, CBD, HC, GZD, and HIP District

R-O, Section 17.03, Item (j); NB, Section 18.03, Item (g); GB, Section 19.03, Item (e); CBD, Section 20.03, Item (l); HC, Section 21.03, Item (c); GZD, Section 33.06, #3,(c); and HIP, Section 34.02, #2(a)

PLANNING COMMISSION RECOMMENDATION: MOTION WAS MADE BY DAVID WILLIAMS, SECONDED BY GARY GIBSON TO THE HENDERSON CITY BOARD OF COMMISSIONERS (THE "CITY") ORIGINATING A PROPOSAL TO AMEND THE TEXT OF THE CITY ZONING ORDINANCE TO PERMIT THE CITY BOARD OF ZONING ADJUSTMENTS TO GRANT A CONDITIONAL USE PERMIT FOR UP TO THREE (3) USES IN THE SAME STRUCTURE, AND THE CITY REFERRED THE PROPOSED TEXT AMENDMENTS TO THE PLANNING COMMISSION. THE PLANNING COMMISSION HELD A PUBLIC HEARING ON THE PROPOSED TEXT AMENDMENTS, AFTER NOTICE; AND, I MOVE THAT THE PLANNING COMMISSION RECOMMEND THAT THE CITY APPROVE ALL SUCH TEXT AMENDMENTS FOR THE FOLLOWING REASONS AND WILL LEAVE THE MOTION OPEN FOR OTHER MEMBERS OF THE PLANNING COMMISSION TO ADD REASONS IN SUPPORT OF THIS MOTION: THE PROPOSED AMENDMENT; 1) WILL ALLOW MORE EFFICIENT USE OF EXISTING INFRASTRUCTURE, 2) WILL ALLOW MORE EFFICIENT USE OF BOTH EXISTING AND NEW STRUCTURES, 3) WILL ALLOW MORE DENSITY, 4) WILL CREATE A MORE BUSINESS FRIENDLY

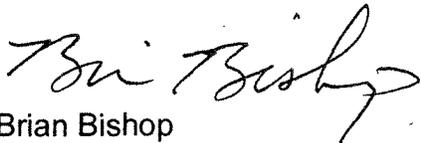
CLIMATE BY ALLOWING A BUSINESS TO CONDUCT MORE THAN ONE COMPATIBLE BUSINESS/USES OR BUSINESS/USES OF THE SAME GENERAL CHARACTER IN THE SAME STRUCTURE, 5) WILL ALLOW THE PUBLIC TO ALLOW INPUT ON A CASE BY CASE BASIS , THROUGH THE REQUIRED BOARD OF ZONING ADJUSTMENTS CONDITIONAL USE PROCESS. I RECOMMEND THIS CHANGE; THAT WE DELETE THE LAST SENTENCE IN THE PROPOSED CHANGES; {USES SHALL BE OF THE SAME GENERAL CHARACTER OR ACCESSORY TO ONE ANOTHER.}

ALL IN FAVOR: AYE

OPPOSED: NONE

Attached are the zoning ordinances amendments, along with the minutes from the public hearing approved by the Planning Commission.

Respectfully submitted,



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

BB/tgc

Cc: Dawn Kelsey

ARTICLE XVII. R-O, RESIDENTIAL/OFFICE DISTRICT

Sec. 17.01. Statement of purpose.

The residential/office district is established to provide for professional offices, limited personal service businesses, and for community-oriented public and private facilities. The district should be used to buffer business districts from residential neighborhoods and also to provide for a greater distribution of offices, personal and professional services within residential areas where business districts would be undesirable. The district is designed to protect the abutting and surrounding areas by requiring that certain minimum yard and area standards comparable to those called for in the residential districts be met. Retail sales are prohibited except where related directly to office functions.

Sec. 17.02. Permitted uses.

In all R-O, residential/office districts, no buildings or land, except as otherwise provided in this ordinance shall be erected or used except for one or more of the following specified uses:

- (a) Single-family dwellings.
- (b) Multifamily dwellings up to four (4) units, townhouses and condominiums.
- (c) Religious houses.
- (d) Home occupations as defined in Article II.
- (e) Accessory uses.
- (f) Pharmacy, limited to the sale of pharmaceutical and medical supplies and incidentals which are limited to twenty-five (25) percent of the floor space.
- (g) Beauty shops and barbershops.
- (h) Employment agency.
- (i) Professional Offices and Services
- (j) Charitable offices.
- (k) Business associations.
- (l) Professional organizations.
- (m) Labor organizations.
- (n) Day care.
- (o) Art galleries.
- (p) Museums.
- (q) Residential care facilities.
- (r) Medical and Dental Offices

(Ord. No. 18-91, § 1, 5-14-91)

Sec. 17.03. Conditional uses.

- (a) Apartment.
- (b) Banks.
- (c) Funeral home.
- (d) Civic, social and fraternal associations.
- (e) Hospital.
- (f) Laboratory, medical and dental.
- (g) Nonprofit public or private facilities including, but not limited to schools, churches, libraries, parks, recreational facilities, institutions, governmental facilities.
- (h) Studio for professional work such as photography, drama, speech, dance, music.
- (i) Family child-care home, with the following limitations:
 - 1) There shall be a maximum of ten (10) children allowed in the home of which no more than [than] six (6) shall be unrelated to the care provider. No more than four (4) children under twelve (12) months of age nor more than six (6) children under six (6) years of age, including the provider's own or related children, shall be kept in the home.
 - 2) No person may be employed that is not a resident of the premises.
 - 3) Otherwise fully complies with the provisions of a home occupation as provided in section 2.01 of this code.

(j) Allow multiple uses (businesses), but no more than three (3), may be allowed in the same structure (building) with a conditional use permit.

(Ord. No. 06-03, 4-8-03)

Sec. 17.04. General regulations for all residential/office districts.

- (a) There shall be no outdoor storage of merchandise or material and no outdoor processing in any residential/office district.
- (b) All residential/office districts located on lots adjacent to a residential property shall provide a buffer or barrier within the required side or rear yard to block out the glare of lights, signs and other visual nuisances and to reduce noise and air pollutants.
- (c) All signs are subject to the following provisions:
 - (1) Signs are to be for use identification and may not be used for advertising.
 - (2) Signs shall not be illuminated.
 - (3) Signs are restricted to five (5) feet from any lot line.
 - (4) Signs shall not obstruct the view of traffic.
 - (5) Signs are limited to one per property.
 - (6) No sign shall exceed ten (10) feet in height to the top of the display.
 - (7) No sign shall exceed twenty-five (25) square feet in size.

ARTICLE XVIII. NB, NEIGHBORHOOD BUSINESS DISTRICT

Sec. 18.01. Statement of purpose.

The neighborhood business district established in this article is intended to be that permitting retail business and service uses which are needed to serve the nearby residential areas. In order to promote such business development so far as is possible and appropriate in each area, uses are prohibited which would create hazards, offensive and loud noises, vibration, smoke, glare, heavy truck traffic, or late hours of operation. The intent of this district is also to encourage the concentration of local business areas in locations proposed in the comprehensive plan to the mutual advantage of both the consumers and merchants and thereby promote the best use of land at certain strategic locations and avoid the continuance of encouraging marginal, strip, business development along major streets.

Sec. 18.02. Permitted uses.

In all NB districts, no building or land except as otherwise provided in this ordinance, shall be erected or used except for the following specified uses:

- (a) Self-service laundry.
- (b) Pharmacy.
- (c) Barbershop or beauty shop.
- (d) Meat, fruit market, deli, and small grocery store (5,000 sq. ft. or less).
- (e) Offices, either business, professional or governmental.
- (f) Antique shops.
- (g) Nursery or day care facilities.
- (h) Bake shops.
- (i) Any accessory or building customarily incidental to the above permitted use.
- (j) Multifamily dwellings.
- (k) Any use permitted in the R-O, residential/office district.

Sec. 18.03. Conditional uses.

- (a) Public facilities such as churches, libraries, parks, recreational facilities, hospitals and institutions.
- (b) Apartments.
- (c) Grocery store
- (d) Bicycle rental or repair shop
- (e) Repairs, electrical or other household appliances, locks, radios, TV., shoes and time pieces, etc.
- (f) Eating or Drinking Establishments

APPENDIX A – ZONING CODE
City of Henderson, Kentucky

(g) Allow multiple uses (businesses), but no more than three (3), may be allowed in the same structure (building) with a conditional use permit.

ARTICLE XIX. GB, GENERAL BUSINESS DISTRICT

Sec. 19.01. Statement of purpose.

The general business district is intended to permit a wider range of business and entertainment activities that are permitted in the neighborhood business district. The permitted uses would serve not only nearby residential areas, but also people further away for types of business and services usually found in major shopping centers and central business districts at the juncture of principal streets. These uses would generate larger volumes of vehicular traffic, would need more off-street parking and loading, and would require more planning to integrate such districts with adjacent residential areas.

Sec. 19.02. Permitted uses.

In all GB districts, no building or land except as otherwise provided in this ordinance, shall be erected or used except for the following specified uses:

- (a) Any use permitted in the NB, neighborhood business district.
- (b) Places of amusement and assembly, offices, hotel, motel, used car lot, public garages and other motor vehicles service.
- (c) Automobile, motorcycle, trailer or boat showrooms; new car sales room; outdoor space for the sale of new and used automobiles, house trailers, or boats provided that there may be sales for used articles only if carried on in conjunction with a regularly authorized new automobile, house trailer or boat sales and service agency which is housed in a permanent building on the same parcel of land or on contiguous parcels of land.
- (d) Car wash establishments, including self-service facilities.
- (e) Automobile service stations/convenient stores.
- (f) Banks.
- (g) Blueprinting.
- (h) Business schools, and colleges, or private schools operated for profit.
- (i) Carpet, rug, linoleum, or other floor covering stores.
- (j) Catering establishments.
- (k) Clothing or costume rental establishments.
- (l) Department stores.
- (m) Eating or drinking establishments, with entertainment, except those having the principal character of a drive-in facility wherein food is served to a customer in his vehicle.
- (n) Electrical, glazing, heating, painting, paperhanging, plumbing, roofing or ventilation contractors' establishments, excluding outside storage yards.
- (o) Exterminators.

- (p) Furniture stores.
- (q) Grocery Stores
- (r) Hotels and motels.
- (s) Interior decorating establishments.
- (t) Medical or dental laboratories for research or testing, not involving any danger of fire or explosion, nor of offensive noise, vibration, smoke, odorous matter, heat, humidity, glare, or other objectionable effects.
- (u) Monument sales establishments, with incidental processing to order, but not including the shaping of headstones.
- (v) Funeral Homes except crematoriums.
- (w) Moving or storage offices.
- (x) Musical instrument repair shops.
- (y) Office or business machine stores, sales or rental.
- (z) Photographic developing or printing establishments and studios.
- (aa) Printing establishments.
- (bb) Public auction rooms.
- (cc) Publicly owned buildings, public utility buildings and service yards but not including storage yards.
- (dd) Radio and television studios.
- (ee) Sign painting shops, limited to two thousand five hundred (2,500) square feet of floor area per establishment.
- (ff) Studios for music, dancing, or theatrical instruction.
- (gg) Taxidermist shops.
- (hh) Television, radio or household appliance repair shops.
- (ii) Theatre, dance halls or similar places of assembly.
- (jj) Small business machine repair shops.
- (kk) Automotive and equipment repair.
- (ll) Upholstering shops dealing directly with consumers.
- (mm) Venetian blind, window shades, or awning shops, custom shops, including repairs, limited to two thousand five hundred (2,500) square feet of floor area per establishment.
- (nn) Wedding chapels or banquet halls.
- (oo) Any retail business or retail service, including the making of articles to be sold at retail on the premises. Any such manufacturing, or processing shall be incidental to a retail business or service and not more than five (5) persons shall be employed in such manufacture.

- (pp) Accessory uses permitted. Any accessory use of building customarily incidental to the above permitted use.
- (qq) Consumer fireworks, retail sales, storage and related supplies, in accordance with the National Fire Protection Association (NFPA 1124).

(Ord. No. 22-11, Exh. A, 8-13-11)

Sec. 19.03. Conditional uses.

- (a) Any uses not allowed above, which are of the same general character as the above permitted uses, which will not be detrimental to the district in which they are located, and which will not be objectionable by reason of odors, dust, smoke, cinders, gas fumes, noise, vibrations and refuse matter are eligible for a conditional use permit. The procedure in Section 4.03 shall be followed
- (b) Shopping centers, in accordance with Section 4.39.
- (c) Private clubs
- (d) The owner-operator of a permitted general business district commercial use may be allowed to establish one dwelling unit for his use only as an accessory conditional use to the commercial use. Said residential use shall follow the procedure for obtaining a conditional use permit as outlined in Section 4.03 of Article IV. All provisions of Section 4.03 shall apply to this section. Additionally, the residential use shall be required to have one off-street parking space in addition to the required spaces for the commercial use. The proposal shall be submitted to the board of zoning adjustment which may alter, deny or grant any request in accordance with Section 4.03.

(e) Allow multiple uses (businesses), but no more than three (3), may be allowed in the same structure (building) with a conditional use permit.

Sec. 19.04. General regulations.

- (a) There shall be no outdoor storage of merchandise or materials and no outdoor processing in any commercial district unless authorized as a conditional use. All aboveground structures accessory to any outdoor use shall be located a minimum of twenty-five (25) feet from any front lot lines.
- (b) All commercial districts located on lots adjacent to a residential district shall maintain a minimum setback of twenty-five (25) feet on the side adjacent to the residential district.
- (c) All signs and outdoor advertising displays are subject to the provisions established in Article X.

Sec. 19.05. Area, height, bulk and placement regulations.

(See attached Schedule of Regulations, Article XXVII.)

ARTICLE XX. CBD, CENTRAL BUSINESS DISTRICT

Sec. 20.01. Statement of purpose.

The purpose of this district shall be to enhance and protect convenient areas for shopping in the central business district of the city.

Sec. 20.02. Permitted uses.

- (a) Any use permitted in a general business district, except consumer fireworks, and those prohibited uses listed below.
- (b) Parking garages and other similar structures.
- (c) Apartments.

Sec. 20.03. Conditional Uses

- a. Auto sales lots.
- b. Auto and body repair shops and/or any type of motor vehicle service.
- c. Car Wash establishments.
- d. Convenient stores with gas pumps
- e. First Floor Dwelling units: Residential dwelling units may be located on the ground floor of structures originally constructed as mixed use or commercial buildings, or new mixed use buildings, when the following conditions are met:
 - i. Each ground floor dwelling unit is located at the rear of the building, behind a commercial or office use.
- f. Gas Stations.
- g. Moving or Storage Offices.
- h. Pawn shops and Payday Lending Services.
- i. Public Auction Houses.
- j. Tattoo Parlors.
- k. Used car lots.
- (l). -Allow multiple uses (businesses), but no more than three (3), may be - allowed in the same structure (building) with a conditional use permit.

Sec. 20.04. General regulations.

- (a) There shall be no outdoor storage of merchandise or materials and no outdoor processing in any commercial district unless authorized as a conditional use. All aboveground structures accessory to any outdoor use shall be located a minimum of twenty-five (25) feet from any front lot lines.
- (b) All signs must meet the provisions of the sign regulations in Article X.
- (c) All uses shall exhibit performance standard characteristics equal to or greater than those which define light industry.

Sec. 20.05. Area, height, bulk and placement requirements.

(See attached Schedule of Regulations, Article XXVII.)

ARTICLE XXI. H-C, HIGHWAY COMMERCIAL DISTRICT

Sec. 21.01. Statement of purpose.

This district is established to provide areas for commercial uses which are mainly oriented to vehicular traffic.

Sec. 21.02. Permitted uses.

In all H-C districts, no building or land, except as otherwise provided in this ordinance, shall be erected or used except for the following specified uses:

- (a) Any use permitted in the general business districts.
- (b) Animal hospital or veterinary clinic, provided that any such purpose, including pens, or exercise runways shall be at least two hundred (200) feet from any residential district.
- (c) Commercial greenhouses and plant nurseries, including offices and sales yards, provided that no building for any heating plant, ventilation flue or other opening except stationary windows be located within fifty (50) feet of any residential district.
- (d) Drive-in eating and drinking establishments and branch drive-in banks.
- (e) Farm implement or contractor's equipment display, hire or sales establishment, service and repair shops.
- (f) Mobile home and trailer sales lot.
- (g) Drive-in theaters.
- (h) Truck Stop.
- (i) Ice storage and vending.
- (j) Motels/Hotels.
- (k) Automobile service stations.
- (l) Restaurants.
- (m) Building supplies.
- (n) New and used automobile and truck sales.
- (o) Drinking establishments or package liquor stores.
- (p) Accessory uses permitted. Accessory uses or buildings customarily incidental to the above permitted uses provided all general and special requirements for principal buildings are met.
- (q) Consumer fireworks, retail sales, storage, and related supplies in accordance with requirements of an ordinance relating to fireworks adopted by the city, and in accordance with the National Fire Protection Association (NFPA 1124).

(Ord. No. 18-11, 7-12-11)

Sec. 21.03. Conditional uses.

(a) Any uses not allowed above, which are of the same general character as the above permitted uses, which will not be detrimental to the district in which they are located, and which will not be objectionable by reason of odors, dust, smoke, cinders, gas fumes, noise, vibrations and refuse matter are eligible for a conditional use permit. The procedure in Section 4.03 shall be followed.

(b) Shopping centers in conformance with Section 4.39 of these regulations. Shopping centers shall be permitted as conditional uses only in central business and highway commercial districts according to the following conditions.

(c) Allow multiple uses (businesses), but no more than three (3), may be allowed in the same structure (building) with a conditional use permit.

(Ord. No. 26-03, 10-14-03)

Section 21.04. General requirements.

(a) A permanent landscaped buffer of evergreen plant material or a solid wall or fence or other suitable enclosure of a commercial land abutting a residential district.

(b) There shall be no outdoor storage of merchandise or materials and no outdoor processing in any commercial district unless authorized as a conditional use. All aboveground structures accessory to any outdoor use shall be located a minimum of twenty-five (25) feet from any front lot lines.

(c) All commercial districts located on lots adjacent to a residential district shall maintain a minimum setback of twenty-five (25) feet on the side adjacent to the residential district for all buildings and appurtenant facilities as a buffer.

(d) All signs and outdoor advertising displays are subject to the provisions established in Article X.

(Ord. No. 4-96, 2-13-96)

Section 21.05. Area, height, bulk and placement requirements.

(See attached Schedule of Regulations, Article XXVII.)

Article XXXIII ~ Gateway Zone District (Phase#1)

Section 33.01 Gateway Zone District Purpose:

The Gateway Zone District is intended to provide for the development of a pedestrian- friendly, mixed-use, aesthetically pleasing entry-corridor into downtown Henderson from the proposed I-69 interchange. This Gateway Zone District is to promote the sense of place, and also provide opportunities to develop projects and properties compatible with a dense urban development pattern. The intent of the Gateway Zone District is as follows:

1. Encourage and promote the public health, safety, and general welfare of the citizens of Henderson.
2. Promote sustainable urban development, to better the environment and the aesthetic quality of Henderson for the future.
3. Provide a walkable mixed-use area that is inviting to, pedestrians, and the travelling public.
4. Reduce traffic conflict points, to promote safety.
5. Reduce stormwater runoff and promote green design.
6. Encourage originality, flexibility and innovation in development along Second Street, including the architecture, signage, and placement of buildings.
7. Discourage monotonous, unsightly, and discordant development that is not in keeping with the entry-point into downtown Henderson, to provide for a harmonious mix of uses and development standards compatible with an urban corridor.
8. Minimize blight, and poorly designed and unattractive development.

Section 33.02 Applicability

1. *Boundary of Gateway Zone District.* The boundary of this Article XXXIII – Gateway Zone District (herein referred to as “this Article” or the “Gateway Zone District”) shall be the area so labeled and depicted in the official zoning map, which is incorporated herein by reference; which generally extends along Second Street from the CSX Railway Overpass to Ingram Street.
2. *Zoning Classification of property located within this Gateway Zoning District.* Upon adoption of this Article, the zoning classification of each and every parcel of property

located within this Gateway Zone District shall be and hereby is changed or amended to this Gateway Zone.

3. *Applicability.* All of the regulations and requirements of this Article shall fully apply when any of the following occur (the property must be brought into full compliance with this Article when any of the following occur):
 - 1) Construction of any new Structure.
 - 2) Parking area reconfiguration.
4. *Structural Alterations.* Any structural alteration of any Structure located on existing property not enumerated in Section 33.02 (3) above, shall only be required to apply to Gateway District regulations as follows:

Levels of Modification

Level of Modification	Percent of modification cost (cost of modification divided by existing building value, times 100) occurring during any 36 month period	Applicable sections of this district that must be adhered to.
Minor ❖	0 percent to 30 percent	Access management standards
Major ❖	31 percent or more	All sections must be adhered to

- ❖ Existing building value is derived from the current years Property Valuation Administrator’s fair market value.
- ❖ The cost of general property maintenance or repair shall not be included in such calculation.
- ❖ The cost of repairing, replacing, or upgrading any water, sewer, HVAC or electrical facilities where no new expansion will occur.

5. *Exterior Walls.* When any change is made to the façade or an exterior wall of an existing structure all of the façade visible from Second Street, shall be brought into full compliance with Section 33.07 of this Article.
6. *Sign Permits.* When a Sign Permit is required within the Gateway Zone District, the property shall be brought into full compliance with Section 33.14 of this Article.
7. *Maintenance and Utility Repairs.* Notwithstanding any other provision of any of this Section 33.02, neither:
 - a) General property maintenance and/or general property repair, or;

b) The maintenance, repair, upgrading or replacement of any water, sewer, HVAC, or electrical facilities will trigger a requirement that such property or structure be brought either fully or partially in compliance with this Article.

Section 33.03 Non-conformities

1. Except as provided in this Article to the contrary; all nonconforming uses, nonconforming structures and nonconforming lots, shall be governed by Article VIII.

Section 33.04 Review and Approval Procedures

1. Gateway Design Advisory Committee.

The Gateway Design Advisory Committee shall provide non-binding written recommendations to the Codes Administrator on each application in the Gateway Zone District. The Gateway Design Advisory Committee shall consist of the Executive Director of the Planning Commission/or designee, one (1) Staff member of the Planning Commission, the City Engineer, and the City Manager/or designee.

2. Pre-Application Conference with Gateway Design Advisory Committee.

Prior to filing for building permits or site plans, the developer, applicant, petitioner, or property owner, shall attend a Pre- Conference with the Gateway Design Advisory Committee, to discuss the Gateway Zone District review process and requirements. The meeting is informative in nature to guide the applicant through the Gateway Zone District development process. Comments, representations, or expressions of any nature made at the meeting, shall not be binding.

3. Formal Submittal. After the pre-application conference, the applicant may then submit an application to the Gateway Design Advisory Committee. The submittal shall include all information needed to fulfill the standards of the district, and will require building elevations, a signage plan, materials used, and a general site plan. The Gateway Design Advisory Committee will review the project within twenty-one days (21) of submittal, and present their findings in a written report to the Codes Administrator and the applicant.

4. Final Approval. Final approval/or disapproval shall be made by the Codes Administrator within fourteen (14) days of the receipt of the recommendation by the Gateway Design Advisory Committee. After the decision of the Codes Administrator, the applicant may

within 30 days, submit plans correcting the deficiencies to the Gateway Design Advisory Committee and the Codes Administrator, without going through the submittal process again. The Codes Administrator may grant extensions as needed.

5. Appeals. All appeals of the Codes Administrator final approval or disapproval shall be filed with the Board of Adjustments, and must be made within thirty (30) days of any such final action or decision, pursuant to KRS 100.257 and KRS 100.261.

Section 33.05 Lot and Building Standards

	Mixed Use/ Commercial	Residential
Maximum Lot Coverage	100%	70% Single Family/Townhouses 50% Multi-family
Maximum Building Height	3 stories, not exceeding 50 feet.	50 feet
Minimum Lot Width	40 feet all	
1 Family Unit		40 feet
2 Family Unit		75 feet
Multi-family Unit and Townhouse		70 feet
Setback Requirements		
Front	0 (zero lot line required) ❶❷❸	0 (zero lot line required) ❶❷❸
Side	10 feet min. abutting Res. Zone ❹	0 ❹
Rear	25 feet min. abutting Res. Zone; 0 abutting public alley.	20 feet min.
Minimum Lot Area	4,000 sq. ft. ❹❺	
1 Family Unit		4,000 sq. ft.
2 Family Unit	1,600 sq. ft. per dwelling unit	9,000 sq. ft.
Multi-family Unit		6,000 sq. ft. for the first two dwellings, 1,600 sq. ft. for each additional.
<ul style="list-style-type: none"> • ❶ Front setbacks are zero, or as provided in Contextual Front Setbacks, Section 33.05 (1). • ❷ Zero lot lines are permitted, if a maintenance agreement easement with the property owner adjoining the zero lot line is submitted to the Codes Administrator. Fire-resistive rating and opening requirements of the building code shall be complied with for exterior walls. • ❸ The commercial gross floor area of mixed-use buildings shall not exceed 15,000 sq. ft. • ❹ Pedestrian amenities as allowed per 33.05 (2), may be located within the front yard setback. • ❺ Screening for Mixed Use and Commercial buildings is not required. • ❻ All front lot setbacks refer to frontage on Second Street. 		

1. *Contextual Front Setback*.: Contextual front setbacks shall be as deep as the average front setback that exists on the nearest developed lots on the same block that front on the same side of the street as the subject lot, in accordance with the following rules:

- a) Lots that front on a different street than the subject lot or that are separated from the subject lot by a street may not be used in computing the average;
 - b) When the subject lot is a corner lot, the average setback will be computed on the basis of the two (2) nearest developed lots that front on the same side of the street as the subject lot;
 - c) When the subject lot abuts a corner lot fronting the same street, the average setback will be computed on the basis of the abutting corner lot and the nearest two (2) lots that front on the same street as the subject lot.
2. *Exceptions to Lot and Building Setbacks Requirements.*
- a. Outdoor Eating Areas: outdoor eating areas and patios located on the Second Street frontage, are allowed a building setback of fifteen (15) feet from the lot line;
 - b. Courtyards, Plazas and Greenspace: A courtyard, plaza, or greenspace (including a pocket park, or green infrastructure) located on the Second Street frontage are allowed a building setback of fifteen (15) feet from the lot line.
3. *Accessory Structures.*
- f. Accessory structures shall be compatible in Style, Color, and Materials with Principal Structure(s).
 - g. Structures shall be limited in size to twenty-five (25%) percent of the footprint of the Principal Structure, or four hundred (400) square feet; whichever is less.
 - h. Garages or carports shall be limited in size to twenty-five (25%) of the footprint of the Principal Structure.

Section 33.06 Permitted Uses

The following uses shall be permitted in the Gateway Zone District:

1. *Permitted Uses.*
 - a. Antique Shops.
 - b. Art Galleries.
 - c. Bakeries.
 - d. Banks.

- e. Barber or Beauty Shop.
- f. Bicycle Rental or Repair Shop.
- g. Blueprinting.
- h. Business schools, and colleges, or private schools operated for profit.
- i. Carpet, rug, linoleum, or other floor covering stores.
- j. Catering establishments.
- k. Churches.
- l. Clothing or costume rental establishments.
- m. Convention Centers.
- n. Day Cares.
- o. Department stores.
- p. Eating or drinking establishments, with or without entertainment, except those having the principal character of a drive-in facility wherein food is served to a customer in his vehicle.
- q. Furniture stores.
- r. Grocery Stores.
- s. Hotels.
- t. Home occupations as defined in Article II.
- u. Hospitals.
- v. Interior decorating establishments.
- w. Medical or dental laboratories for research or testing, not involving any danger of fire or explosion, nor of offensive noise, vibration, smoke, odorous matter, heat, humidity, glare, or other objectionable effects.
- x. Museums.

- y. Family child-care home, with the following limitations:
There shall be a maximum of ten (10) children allowed in the home of which no more than six (6) shall be unrelated to the care provider. No more than four (4) children under twelve (12) months of age nor more than six (6) children under six (6) years of age, including the provider's own or related children, shall be kept in the home. No person may be employed that is not a resident of the premises. Otherwise fully complies with the provisions of a home occupation as provided in section 2.01 of this code.
- z. Funeral Homes, except crematoriums.
- aa. Medical and Dental Offices.
- bb. Multifamily Housing.
- cc. Musical shops.
- dd. Office or business machine stores, sales or rental.
- ee. Offices; either business, professional, or government.
- ff. Pharmacy.
- gg. Photographic developing or printing establishments and studios.
- hh. Printing establishments.
- ii. Professional and Labor Organizations.
- jj. Publicly -owned -or leased buildings, and public utility buildings. Radio -and television studios.
- kk. Residential Care Facilities.
- ll. Retail business or service, including the incidental manufacture of articles to be sold at retail on premises as long as no more than five (5) persons are employed in such manufacture.
- mm. Shopping Center.
- nn. Studios for music, dancing, or theatrical instruction.

- oo. Television, radio or household appliance repair shops.
- pp. Theatre, dance halls or similar places of assembly.
- qq. Townhouses.
- rr. Venetian blind, window shades, or awning shops, custom shops, including repairs, limited to two thousand five hundred (2,500) square feet of floor area per establishment.
- ss. Wedding chapels or banquet halls.
- tt. Any other substantially similar activity.

2. *Mixed-Use Buildings.*

Buildings containing both residential dwelling units and non-residential commercial uses are permitted. Residential dwelling units may be located on the ground floor of mixed-use buildings provided that a minimum of 1,500 square feet of non-residential floor areas is located on the ground floor, or when all the following criteria are met:

- (a) The building is a minimum of two (2) stories in height;
- (b) Commercial or office uses are restricted to the ground floor;
- (c) Each ground floor dwelling unit is at the rear of the building, behind a commercial or office use.

3. *Conditional Uses.*

- a. Single Family Residential.
- b. Parking Lots and Garages, where parking is the primary, not accessory use.

(c) Allow multiple uses (businesses), but no more than three (3), may be allowed in the same structure (building) with a conditional use permit.

4. *Prohibited Uses.*

- a. Auto sales lots.
- b. Auto and body repair shops and/or any type of motor vehicle service.
- c. Car Wash establishments.
- d. Moving or Storage Offices.
- e. Mini-storage.

Article XXXIV ~ Henderson Innovative Planning District

Section 34.01 Henderson Innovative Planning District Purpose:

The Henderson Innovative Planning District is intended to allow a compatible mix of mixed-use, commercial, and residential uses in dense pedestrian-friendly urban areas suitable for infill redevelopment. The Henderson Innovative Planning District is intended for properties located along major streets and bus routes, with sidewalk/bike lane connectivity, located outside of existing single family neighborhoods, and infill development shall also take into consideration the existing density, built-form and uses of the surrounding neighborhood. It is the goal of this district to:

1. To promote sustainable urban development, to better the environment and the aesthetic quality of Henderson for the future.
2. To provide infill opportunities for businesses and development.
3. To complete bicycle and pedestrian connections to surrounding sites and neighborhoods.
4. To promote originality, flexibility and innovation in development including the architecture, signage, placement, and redevelopment of existing sites and buildings.
5. To encourage resource and energy efficiency.
6. To enhance property values.
7. To minimize blight, and poorly designed and unattractive development.

Section 34.02 Permitted Uses

1. Permitted Uses.
 - (a) Antique Shops.
 - (b) Art Galleries.
 - (c) Assisted Living Facilities.
 - (d) Bakeries.
 - (e) Banks.

- (v) Mixed Use Buildings, containing both residential dwelling units and non-residential commercial uses.
- (w) Multifamily housing.
- (x) Music shops.
- (y) Office or business machine stores, sales, or rental.
- (z) Offices: government, commercial, or professional.
- (aa) Pharmacy.
- (bb) Printing and related establishments.
- (cc) Professional and labor organizations.
- (dd) Publicly owned or leased buildings; public utility buildings.
- (ee) Residential care facilities.
- (ff) Retail businesses or service
- (gg) Shoe repair.
- (hh) Sidewalk Dining
- (ii) Studios for music, dancing, or theatrical instruction.
- (jj) Theatre, dance halls, or places of assembly.
- (kk) Townhouses and condominiums.
- (ll) Wedding chapels.
- (mm) Any substantially similar activity.

(2). -Conditional Uses

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- (a) Allow multiple uses (businesses), but no more than three (3), may be allowed in the same structure (building) with a conditional use permit.

Henderson City-County
Planning Commission
April 5, 2016

The Henderson City-County Planning Commission held their regular meeting April 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, Dickie Johnson, Gary Gibson, Rodney Thomas, David Dixon, Kevin Herron, Kevin Richard, Penny Hahn and Herb Pritchett. Mac Arnold was absent.

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

(A summary of the minutes from the meeting on April 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 is an **Amendment to the City Zoning Ordinance**, Mr. Bishop are you going to lead that discussion?

Brian Bishop: Yes sir.

Chairman McKee: Please proceed.

Brian Bishop: The proposed text amendment to the City Zoning Ordinance was originated by the City Commission and it is referred to us. The proposed text amendment would allow the applicant to apply to the city's Board of Zoning Adjustment for a Conditional Use Permit to operate up to three (3) businesses in the same structure. The public hearing regarding this proposed amendment has been advertised, it is our responsibility to hold the public hearing, to make a recommendation to the City Commission and to justify the reasons for that recommendation. The uses should be of the same general character or accessory to one another. An example of this would be a convenient store with a fast food restaurant or a chain inside that convenient store. There was previous language in the zoning ordinance that would allow for this but it was inadvertently removed or

deleted when the current zoning ordinance was re-written. The text amendment would allow the City Board of Zoning Adjustment to determine if three (3) businesses in one structure are appropriate on a case by case basis. The Board of Zoning Adjustment can require conditions when the circumstances warrant it, some examples of conditions are screening, hours of operation and lighting requirements. The proposed amendment is intended to do three (3) things: allow for more density, make efficient use of the existing infrastructure and to help promote a more business friendly climate. The zones impacted are the Central Business District, General Business District, Highway Commercial, Neighborhood Business, the HIP Zone, the Gateway District and the Residential Office District.

We have prepared a draft sample so that way you will have reasons and the basic outline of the motion if you choose to accept it and if you choose to make that recommendation and we will do our best to answer any questions you may have.

Chairman McKee: Questions for staff?

Kevin Richard: So Brian, I guess I didn't get a chance to go back and look at the original language prior to omission, was it also conditional use?

Brian Bishop: It was not prior.

Kevin Richard: Ok.

Chairman McKee: Any other questions for staff? Is there anyone here that would like to speak for or against this proposed text amendment? Judge Ershig, would you please state your name and address?

Harvey Ershig: Harvey Ershig, 502 Norris Lane.

Chairman McKee: Do you swear the statements you are about to make are the truth to the best of your ability?

Harvey Ershig: The best of my ability.

Chairman McKee: Please proceed Judge.

Harvey Ershig: I wasn't really tuned into this thing until I just read it on the board but why do you require a conditional use permit? In the Central Business District, as a kid I remember down Second Street I think Dr. Strother and a flower, what

was his name, O'Daniel they shared a building and they didn't have to go ask anybody. It's just another step, it's another piece of red tape that you've got to have a hearing, you've got to go through this stuff, you've got to apply, it's probably costly and it take time. When people want to do something, they want to do it. It's a good idea just eliminate the red tape; don't make them have a conditional use permit. Go to the codes department and get a business license and go for it.

Now, just yesterday I read in the Wall Street Journal where there has been a new company formed and their business is to make available, try to consolidate some of this retail space that bigger companies had and can't use and consolidate those and make them offices or I understand Home Foods are going to move in to part of Sears store, but they didn't have to go ask anybody. The space was available, take advantage of it. That's my two (2) cents.

Chairman McKee: Thank you Judge, would anyone like to comment?

Tommy Jo Fridy: Let me address that Harvey.

Chairman McKee: Judge, can you hear Mr. Fridy?

Harvey Ershig: Not too good, John (Stroud) told me it was time to get up and talk and that's what I did.

Tommy Joe Fridy: I can explain it to him after the meeting but what we are doing tonight is having a public hearing on the words that the City Commission gave us to hold a public hearing and to let you comment that you don't think there should have to a conditional use permit. Right now, you can't have multiple businesses uses in the same building. This will allow it but it also requires a conditional use permit from the Board of Zoning Adjustments. You're comment, as I understand it is you're for multiple uses but you think it should be without having to get a conditional use permit.

Harvey Ershig: Right, right.

Tommy Jo Fridy: And that's what we're here for, to hear your and everyone else's comments.

Harvey Ershig: Let me just give you one illustration. I have a building down on First Street, its one building and I have ten (10) tenants in it and we didn't go ask anybody. It's been grandfathered, don't send anybody (laughter) and you know, that's just the way it is. For a small business person, you know I've got some empty spots and maybe two (2) people would want to join in, you know? One guy sells clothes, Pete Bryant is dead, he had Bryant's Clothing Store on Second Street and shared that with Dr. Strother, I think. I mean there were two (2) or three (3) of those things going on and it's just another cumbersome thing. The concept is good, let them do it but just don't... if they are a legitimate business...

Chairman McKee: Your comments are noted Judge, thank you very much.

Brian Bishop: Mr. Chairman, may I address?

Chairman McKee: Please do.

Brian Bishop: John and Claudia please correct me if I'm wrong, I think the thought process and the logic behind the conditional use was two-fold. One it was to protect the property adjoiners so that way they would have some input if there was going to be a use that they considered not conducive to an adjoining property and the other was to allow for multiple uses and not be forced to require it into the shopping center requirements is probably the best two (2) arguments for the conditional use permit.

Chairman McKee: You may have to share that with Judge Ershig after the meeting, he didn't hear you. Yes Mr. Fridy.

Tommy Jo Fridy: As the Planning Commission when the City Commission originates a change to the zoning ordinance as they have done here, you have a responsibility and in that responsibility you have three (3) choices; as a majority recommend back to the City Commission either that they approve it as they proposed it or you recommend changing it and approving it or you recommend not approving it at all. Whatever you do the statute says you have to advertise it, that's been done they tell me, I believe it and you have to have a public hearing and that's what we're doing and you have to have to say you are either recommending it or you're not and you have to say why, you have to have reasons why you think they should pass it or why you think they shouldn't or why they should change it.

Herb Pritchett: Mr. Chairman?

Chairman McKee: Yes Sir Commissioner Pritchett.

Herb Pritchett: I would like to pose two (2) questions. The first question is if there are three (3) uses proposed for that building, they must all be uses that are permissive uses in that district, is that correct?

Brian Bishop: Premises' or permitted?

Herb Pritchett: Permitted.

Brian Bishop: Permitted uses, yes.

Herb Pritchett: The second question I have is more problematical, let us suppose that someone proposes three (3) permitted uses and goes to get a conditional use, upon what grounds could you preclude them from those three (3) uses?

Brian Bishop: That is a very good question that the Board of Zoning Adjustment will ultimately decide and I think they are going to base it on are the uses compatible, are they of similar nature and would they operate in unison with one another. Basically, you wouldn't want to have an attorney's office and a car lot sharing the same area because they are not conducive uses with one another. They are not compatible is probably the best word to use.

Herb Pritchett: I guess what my problem is, let's suppose we have three (3) shotgun buildings in downtown and they are each twenty (20) feet wide, you could put those three (3) permitted uses in those three (3) buildings and no one could say anything. But if you have one (1) building sixty (60) feet wide and there were no common walls to separate them, then they would have to go before the zoning board of adjustment to get a conditional use and it would be very problematical if they did not get that conditional use.

Brian Bishop: True but it is also impossible for them to do that at all the way the current zoning ordinance is written.

Chairman McKee: Mr. Fridy?

Tommy Jo Fridy: There are very specific laws and regulations about how a Board of Zoning Adjustment works. What has to be presented to them and how they go

about making their decision and because I don't represent the Board of Zoning Adjustments, I have represented them but it's been twenty (20) years or ten (10) years, a long time ago and I cannot spiel off the checklist of what you have to go through but it's more than just an arbitrary we feel good about this or we feel bad about this. There are objective standards that the Board of Zoning Adjustments must go through. I don't know if that helps you because I understand that's a little different than what you were saying.

Chairman McKee: May I offer a comment? My sense is that each of these zones have a list of permitted uses and a list of conditional uses, is that accurate? The permitted uses and the conditional uses are generally compatible with the oversight of the Board of Zoning Adjustments. So, if you read down through here it kind of gives you a road map. Now, having said that would you like add anything John Stroud? Anybody else like to ask a question? Yes Judge, please come back up to the podium, you are still under oath.

Harvey Ershig: But what he says (Herb Pritchett) is really important because you are just requiring these people to jump through some hoops that the city couldn't stop. Why not just eliminate the need for a conditional use and just go ahead and allow them to do it because they can only do what is permitted in this use anyway? That really is a key point. They can do it anyway just spread it out; just consolidate these three (3) bad tenants into one (1) building.

Chairman McKee: Thank you Judge. Would anyone else like to speak for or against this proposal? Please come to the podium Mr. Taylor. Please state your name and address?

Alan Taylor: Alan Taylor, 4001 Deepwood Drive.

Chairman McKee: Do you swear the statement you are about to make are the truths to the best of your knowledge?

Alan Taylor: Yes I do.

Chairman McKee: Thank you sir, please proceed.

Alan Taylor: I have absolutely no vested interest financially and I am not a member of the church but in thinking through the ramifications of how this would

affect property owners in the Gateway Zone on Second Street; there's a church building there, several thousand square feet of a building multiple levels. As I understand it, if this is in place they couldn't have a half dozen different business on those multiple floors in all of those thousands of square feet. Am I accurate?

Brian Bishop: I'm sorry, say that again.

Alan Taylor: The church building that is for sale down here on Second Street, according to this there are several thousand square feet in that building on multiple levels, how would they market that property to someone that wants to develop that?

Brian Bishop: In the current zoning ordinance they would only be able to market it as one (1) business and one (1) space. The way this is written, they could allow to market it up to at least three (3) with a conditional use and anything above that they would have to meet the shopping center requirements.

Alan Taylor: So it's a multiple level, four (4) stories I think, building they would have to go through a shopping center classification process?

Brian Bishop: If this is not passed then yes, that is my understanding. John, is that correct?

Chairman McKee: Mr. Stroud, will you please state your name and address?

John Stroud: John Stroud, City of Henderson.

Chairman McKee: Do you swear the statements you are about to make are the truths to the best of your knowledge?

John Stroud: Absolutely.

Chairman McKee: Please proceed.

John Stroud: I think what Alan is getting at is IBT is a three (3) story building along with the church property, the sanctuary, if they tear that down could they market that as an office building? But an office building, let's say, are you talking about having twenty-two (22) different tenants or is it all going to be under The Kunkel Group and they lease out spaces? So you're talking about...

Alan Taylor: I refer you to the Citi Center building down here on Second Street or the building that Hilliard Lyons offices in where we have multiple floors and multiple business that are totally unrelated. Are we limiting, by this language, somebody developing economically that property...?

John Stroud: I don't think so Alan. I think what we are looking at here are things like a gas station and a Wendy's. I think what you're talking about it would be common ownership of the building, you're going to own the building but you're going to lease out a spot to this person, this person, this person. I don't think that's apples to apples I think that's a different...

Alan Taylor: It was just a question.

John Stroud: It's a good question, it's a very good question but what we're trying to do as you know is work it out to where we could have two (2) uses that the same person doesn't own. Like Alan and I could both be in a building and he could have Personal Safety and I could have a dance factory. As long as they were comparable uses in the zones, so that's what this is for. It's also for places that exist today like Chuckles up here that is a gas station and it is a Wendy's. Actually if you could do three (3) you could put a Jack in the Box on the other side or something like that. So that is what this is going towards, not restricting someone that owns the Citi Center Mall from leasing property inside their building because they are a unit.

Alan Taylor: Leasing to these businesses that are permitted?

John Stroud: Yes.

Alan Taylor: Ok, it was just a question.

John Stroud: Does that make sense to everyone?

Herb Pritchett: That's not what the ordinance is saying, admitting I'm not an attorney but that's not what the ordinance is saying. I don't know the ownership of the Chuckles and the Wendy's up here but I would lay you odds one person owns it...

Kevin Herron: Right.

Herb Pritchett: And somebody else rents. There may be two (2) renters so...

John Stroud: Those are decisions that are made at the attorney's levels in conjunction with zoning administration but Chuckles is owned by the same person and they lease two (2) separate things out.

Herb Pritchett: Right, right. I am concerned that if we make this a conditional use, I mean Judge Ershig has some merit to his argument if we make this a conditional use and somebody comes and says I want three (3) uses in this building and you say well you can't have them and they say well you're doing it at the Citi Center building and you're doing it at all these other places and then we have an inconsistency of enforcement that...

John Stroud: But that's non-conforming, that's continuation of non-conforming. Like Judge Ershig, Harvey has ten (10) people staying in a building, rented out ten (10) different spaces, ten (10) different offices. We cannot, right now, we being the City cannot go in there and say you can't do that as long as he continues to do it, it's a non-conformity which exists. It's like having anything else that's non-conforming that exists today...

Herb Pritchett: Until it stays vacant for so many...

John Stroud: Until it stays for over a year. Then you go back to follow the regulations that exists today.

Herb Pritchett: Right.

John Stroud: That's what we looked at with all of these things and that's the reason we came up with three (3). We tried to look at areas that would be comparable in what we're doing. We know there are some places that may have four (4) or five (5) but a lot of those, let's say Harvey was talking about a Sears that's going to be divided up, most of those are in shopping centers anyway, they're already allowed to do that. East Gate, there a lot of different business in there. A large church took over part of a retail area; it's allowed to go in there its part of a shopping center. This is taking care of the buildings that exist today that someone, they might not be able to rent the whole building but they could rent two (2) offices to a small construction company and the rest of it to something else

that's comparable to that. That is what this ordinance does; right now it doesn't exist in our ordinance so it can't happen period.

Harvey Ershig: There is a building in town right now that they are operating a bank and there is some discussion about the use of some of their property. Its property that they don't need but it's in the home office. Now, do they have to get a conditional use permit to do that?

John Stroud: It would be on a case by case basis Harvey. We would have to look at it. Are they wanting to put a retail store in the bottom or are they wanting to keep the bank in the top or do they want to do law offices?

Harvey Ershig: They want to put an office there.

John Stroud: We would have to look at it. It's possible they would, it's possible I don't know.

Herb Pritchett: I guess where I'm coming from is one of the first meetings I attended as a Planning Commissioner we got feedback that we were not business friendly in Henderson. Now then, Judge Ershig has brought up a good point and I understand that you don't want and I serve on the County Board of Zoning Adjustments so I'm familiar with those statutory hoops that we have to jump through and I'm just concerned is this an unnecessary burden to allow permitted uses to go in a district where they would already be permitted, that's where I'm coming from.

David Williams: Herb, just a matter of words, to call these things hoops to jump through, it's not that these things are being place to obstruct, what they are trying to do is make conducive uses and to make good neighbors and ensure we have good neighbors and good relationships among them. But I am kind of curious John, when I first came to Henderson our office was over Mac's Department Store and then over the music store, that was a non-conforming use right?

John Stroud: Back then it wasn't, back then it was a conforming use. There was a caveat in the zoning ordinance that basically allowed the zoning administrator to allow more than one (1) use in there. When the zoning ordinance was re-written, it disappeared it was tightened too much.

David Williams: So all of these loft apartments that are going in now under the current zoning ordinance, are those...

John Stroud: Any new ones will fall under this ordinance.

David Williams: Yes but if they have been built in the last, how long has this particular ordinance been in effect, the non-multiple use.

Chairman McKee: Remember when we had hearings on the CBD issue and it got approved.

Brian Bishop: Is it 2014?

John Stroud: Yes, 2014 or 2015 something like that.

David Williams: The Central Business District?

John Stroud: Yes.

David Williams: Ok so it's a moot point at this point.

John Stroud: It's a relatively new thing that we discovered inadvertently while looking at the Gateway District actually.

David Williams: I would propose to you Herb that these are, the word I was looking for are checks in the system and Harvey may not like them, in fact I guess most business people do not like being obstructed in any way whether it's for a good purpose or not, it's just they do what they want to do. I can conceive of somebody having a fresh food meat market maybe and next door the owner of a building allows someone to put in a dog kennel service. That would be ... if I was a meat operator I would be a little bit worried about that. So, I'm on the fence here Harvey, I'm trying to be persuaded one way or the other as to whether we do this or not with...

Harvey Ershig: I think a dog kennel has to have certain qualifications...

David Williams: Ok, what about a pet store?

Harvey Ershig: A dog kennel can't go in next door to a food store.

John Stroud: I think what we are here for today and Tommy Jo said it so much better than I did, we're here today to try to put something back in that was taken out. Now, yes it is going to have to go through the Board of Zoning Adjustments and that is because we added a third item to it, you know you can have three (3) businesses. So right now what we're trying to do is what the City has asked us to do is put this back in the zoning ordinance and this is how we have come up with doing that. I'm like you, no one likes regulations, and I don't like them I just have to enforce them. We all have these things we have to go by but I think it is and maybe it would have brought them away from the Central Business District because it's such a unique district and go out there on the highway or something to a little place that's not a shopping center but there's a building out there that you only have two (2) uses in, right now you can't do it. Right now you can have one and without going through the shopping center regulations we would like to allow you to do more than one. A prime example Barret Boulevard and US Hwy 60, there is actually on the corner I don't know if it's a movie rental place, a vacant store and then like a Verizon store.

Penny Hahn: A Game Stop, it used to be Blockbuster.

John Stroud: Then on the far side of that where actually, I don't know if it's still a Hostess place still, that's actually been divided and that's a separate lot. So, right now there exists two (2) businesses in this building and they've got a big gap in between and they would love to rent that out. Now, they could go through the shopping center process and as long as they have rear doors and access around it and the correct number of parking places they can come to the Planning Commission or the Board of Zoning Adjustments, go through the subdivision process and probably get that done. This way, with a lot of engineer drawings, this way they go to the Board of Zoning Adjustments and say you know we'd really like to have three (3) uses in that building and not have to jump through all the hoops of having rear doors and this and that and then if the Board of Zoning Adjustments will allow it they can.

Chairman McKee: May I ask a point of clarity?

John Stroud: Yes sir.

Chairman McKee: I want to go back to Mr. Taylor's example of the Immanuel Baptist Church building on Second Street. Did I understand you to say that separate ownership is a factor of the spaces or one owner and leasing spaces out?

John Stroud: I think on that one we would have to look at it that way, like the City Center Mall. I don't know if it's going to happen that way but there are three (3) floors there and if they remodel it and let's say you bought it and you wanted to rent out offices in it, are those separate offices? No, you actually own them all you're leasing them the space. Are they businesses or it's a hard concept, I know...

David Williams: I don't see the difference between if Harvey owns this building and he's got three (3) doors to it to the street, why he can't lease those three (3) doors out to three (3) separate business people.

John Stroud: Are you talking about if there's, if it's one (1) building?

David Williams: Yes. Three (3) separate entrances and...

John Stroud: That's just a zoning thing, that's...

David Williams: What I'm saying is if Harvey owns the building, ok he opens it up and he can put three (3) offices in there right? A dentist office, a doctor's office and a lawyer's office, right? Those are all related. How's that different from the Baptist church building being leased out to three (3) different...an engineering group, a geologist group and a land development agency?

John Stroud: I think that's something that would come to the Planning Commission and probably be approved at that time.

Herb Pritchett: Mr. Chairman, I applaud that we're trying to simplify and not having to go through the shopping center deal. Where I have a problem is the word businesses in this proposed ordinance because the term of (inaudible) use is a planning term, office is a use. So, if you have an office building filled with offices you can argue that is one use under the planning definition of use but they've added the word, in parenthesis businesses in this ordinance so each office is a different business. So, I would recommend that at a minimum if we pass this we suggest or whatever we need to do legally to delete the word that's in parenthesis

businesses because I think it's confusing and adds to a potential problem rather than solving a problem.

Gary Gibson: Well I would like to ask John one question. This is what the City Commission wants us to pass, change? So they can make it easier for the City to do business with other people and this is what the City recommends us to look at and it will help them out.

Buzzy Newman: Buzzy Newman, 2110 Locust.

Chairman McKee: Do you swear the statements you are about to make are the truth to the best of your knowledge?

Buzzy Newman: I do.

Chairman McKee: Please proceed.

Buzzy Newman: Gary, Mr. Gibson, you are correct that the City Board of Commissioners directed this question to the Planning Commission to get you all to review it and make a recommendation back to the Board of Commissioners. One thing I do want to clearly point out to you all is that we had a business owner come to us who had a building in the Gateway Zone and under the current ordinance he could only have one business in that building. So he came and asked a simple question, why can I not have two (2)? So we spoke with that person, we went through it and we didn't see a problem with it and Brian said it used to be that way and inadvertently it got omitted when we redid the regulations. The question, I think that is before you tonight is getting a conditional use and I would want to say in a situation such as the question that I just mentioned earlier is that as an adjoining property owner if I had a building next door to me that currently housed one business and they wanted to put up to three (3) businesses in that one building, I think that as an adjoining property owner that adjoining property owner should have the right to voice his opinion as to whether that should be allowed or not. Thus, that is the reason for the conditional use to be granted to allow property owners their voice.

Chairman McKee: Thank you Mr. Newman. Any questions for Mr. Stroud?

Penny Hahn: I have a question. What if one of the businesses changes, like you have a conditional use and then one of them changes, do they have to come back and do another conditional use.

John Stroud: It depends on how it's worded by the Board of Zoning Adjustment. The Board of Zoning Adjustment can word things to where they can make anything come back. If you get a conditional use, if you move your conditional use is gone, if they don't say that then that conditional use travels with the property. So, the attorneys are going to have to work on the wording on things happening there.

Penny Hahn: Like in the gas station example there where you have the two (2) restaurants...

John Stroud: Like if Wendy's closes and Hardees went in there? I think the Board of Zoning Adjustment could word that to say if it's a similar type use restaurant, etc.; that would be all in the motion that was made through the Board of Zoning Adjustments and the attorneys would be heavily involved in it. That's a good question.

Chairman McKee: Does anyone else have questions for Mr. Stroud?

Rodney Thomas: How much red tape are we talking about?

John Stroud: It's one (1) meeting. You have to advertise three (3) weeks before the meeting and then you come to one (1) meeting. So it's, depending on your process it's a month maybe.

David Dixon: What is your recourse if they Board of Zoning Adjustment doesn't allow you're...?

John Stroud: Circuit Court, it's like anything that comes here if they are not allowed it will go to Circuit. Is that right Mr. Attorney, sorry I didn't mean to jump in there.

Chairman McKee: Any other questions for Mr. Stroud?

Penny Hahn: I have one (1) more. Is there a significate, what is the cost?

John Stroud: I think its fifty-six dollars (\$56). There is a forty dollar (\$40) because we have to advertise, we have to notify all of the adjoining property owners by certified mail and then there is a sixteen dollar (\$16) fee recording fee to the courthouse for the conditional use. It's a pretty good bargain really. Because most of the time you have a piece of property with six (6) or seven (7) property owners you're talking six (6) or seven (7) times, is it \$7.50 now certified mail Theresa?

Penny Hahn: I was just curious to see how cost prohibitive it was.

John Stroud: It's like fifty-six dollars (\$56) at this point in time.

Penny Hahn: Ok, thank you.

Chairman McKee: Any other questions for Mr. Stroud? Thank you sir, will you be available for more questions later? Would anyone else like to speak for or against this proposal? Please state your name and address.

Mike Richardson: Mike Richardson, 312 Ragan Ave.

Chairman McKee: Do you swear the statements you are about to, make are the truth to the best of your knowledge?

Mike Richardson: I do sir.

Chairman McKee: Thank you please proceed.

Mike Richardson: I'm against the conditional use permit also. I think it's just another piece of legislation, expense and more time is taken to get a business started. I have a building with six (6) spaces in it and I feel that if I want to rent it out, people come to me and want to rent say a massage parlor, parts store, five (5) and ten (10) cent store, barber shop, none of those are related. But, if they want to be in that building and they want to make a business and work here in this city I think they should be able to without having to go through a conditional use permit. They are not related but yet they want to be here so that's just my feeling and I think that's just another piece of legislation. Something to make it harder for the small person to keep going or get going.

Chairman McKee: Questions for Mr. Richardson?

David Williams: Mike if you are a neighbor to your business, are we talking about the one down here off of Green Street, South Green Street?

Mike Richardson: South Green.

David Williams: Yes, the one with the Christmas Story lamp?

Mike Richardson: Yes, that's one building; the one I'm talking about is on Green Street.

David Williams: Your neighbors there, if you were to want to rent to a business that was going to have objectionable, a barbecue place or a place that's going to have a high level of noise associated with it, do you not think the neighbors should be allowed to have some say as to what you do there since it's going to impact them?

Mike Richardson: I don't think I would rent to somebody like that. Number one (1), you said a barbecue place right?

David Williams: Yes.

Mike Richardson: I can't rent to a restaurant because I don't have fire walls so that's out and somebody that has noise in it, a lot of loud music, I probably wouldn't rent to them anyway. I've already turned a few people down because of what they have, knowing that the ordinances and the zoning won't let them in anyway. There are certain things that you can't put in a building anyway.

David Williams: What if I'm a business owner, I'm the building ok? I don't care what goes in there as long as I rent the building, as long as I'm getting a check I don't care. Do you then think the neighbors should at least have a say, they may not be able to block it but have a say in what goes into that building.

Mike Richardson: The neighbors are going to have a say anyway because they're going to be asked, aren't they?

David Williams: No. Not in the case that you propose.

Mike Richardson: You've got to get a business license and if the City doesn't want it in there they aren't going to let them in there to begin with. This permit is just another...

David Williams: But if this is a permitted use, no matter what it is, it's a permitted use in the zone and it may be the zoning would take care of the questions I'm proposing. The question I'm proposing to you Mike is should your neighbors be able to have a say in what you put in that building as it may impact their lives?

Mike Richardson: I don't think anybody is going to put anything in a good neighborhood something that the neighbors don't want. A responsible landlord is going to put in something that the neighbors won't dislike.

David Williams: But is every landlord responsible? Can you guarantee that?

Mike Richardson: No, I can't guarantee that, not everyone is. We have slum landlords here, every city has. But if you have somebody that's got multiple spaces, multiple buildings and they are running it properly they are going to have to run it properly to make a go of it and they aren't going to have something that's not going to work and not be able to make a profit.

Gary Gibson: I really believe what we're doing tonight is trying to make it easier on the people that have a business with two (2) or three (3) places in it where they could open it up whereas now they can't. We are trying to make it easier for them to operate, that's the main thing, to get businesses here in town.

Mike Richardson: My understanding of this ordinance is that if I want a barbershop here and I want to put a five (5) and ten (10) cent store if somebody wants to put one on the other side of the building they're not related so you can't put them in there. Is that not correct?

Rodney Thomas: No.

Gary Gibson: You have to have some kind of guideline; we have guidelines on our zoning, page after page. We are trying to make it easier for people in town to develop their land and property.

Rodney Thomas: Aren't you allowed just one (1) right now? You're only allowed one (1) business in a building right now, this will allow up to three (3).

John Stroud: In Mike's situation he has several businesses already there, it wouldn't effect at all in that area. Now, don't you have a building around the corner on Ragan Ave that's always had one business in it? That building under

this ordinance, right now you can have one business in it, by doing this ordinance with a conditional use it would be possible you could have two (2) or three (3) in it. This isn't going to affect Mexican Village at all, so tenants can move in and out of that one with no problem they can continue to do what you're doing there. Now, this is going to allow you on that building on the backside that has one (1) tenant to put multiple tenants in it is what it would allow you to do with a conditional use.

Mike Richardson: Here we go again with the conditional use permit.

John Stroud: Right, right.

Mike Richardson: Will the people in one of the six (6) places, will they still have to get a conditional use permit?

John Stroud: No, they're existing and they are there. Like if there's a barber shop down there and a beauty shop and a tattoo place and a frame shop, they're all existing they're all going to be there. The frame shop moves out and Kevin moves his real estate office in down there, that's going to happen, in and out in and out. That's not going to change at all, all of that is going to be the same. What this is allowing is in buildings, like this that exist today with one business in it, it's going to allow you to possibly put three (3). It's not going to affect what you've got at the Mexican Village there at all. So, when those guys move out you don't have to get a conditional use permit to move somebody in.

Mike Richardson: Ok.

John Stroud: It's not going to affect that at all. I think probably under our ordinance you guys are a shopping center anyway. Though I think it was an older shopping center but I think you guys were put in as a shopping center. I hope that answers your question.

Mike Richardson: Thank you.

David Williams: John while you're up here, the question is as far as restrictions are not allowing a bad landlord to take advantage of a building or a building situation is what Mike is saying correct? The current zoning and business licenses would restrict that kind of...

John Stroud: Business license and Buzzy, Donna help me. Business license is a tax. That's correct? It's actually not a license to do business in Henderson, it's a tax somewhat.

Buzzy Newman: A business license is a license to do business within our community. There is a fee associated with that license.

Herb Pritchett: But as long as it's a legal business you can't preclude them from having that license, correct?

John Stroud: That's correct. Now what business license does, most of the time is, someone will come in to get a license to do something and they'll say have you talked to the zoning people because there's a form you fill out that's an existing building verification form. Because there for a while they were selling licenses and we would come back and say you can't sell fireworks there, it doesn't meet the zoning ordinance. So, they've started requiring them to come see us and they fill out their existing building verification form. We were being the bad guys having to come back in, second hand and tell them you can operate what you're doing but you can't do it there.

Buzzy Newman: You bring up a very good point about fireworks. It's a very specific, seasonal business but you bring up a good point whereas if you came in and you wanted to do it for two (2) months prior to July 4, there are restrictions by State Statute and also by local ordinance as to what regulates fireworks operations. So, here again as you all discuss this issue I think it goes back to the conditional use question and know that our board of zoning which is a different body but which is also, we had the city attorney oversee that board that at least they have the ability to place conditions on a business that proposes to go in a location. Where they make their basis from is if the public or an adjoining property owner has an objection then that board gives those adjoining property owners the right to voice their opinion and take that into consideration in making their decisions.

John Stroud: Things that the Board of Zoning Adjustment, I don't know if you deal with it in the county as much but the things they can require are screening and things like that but they can also require additional parking and things like that. If you've got a building that has "x" amount of parking spaces it might have been fine for the business that was there and all of a sudden you put a restaurant in a

third of it, you have to have more parking. So, the Board of Zoning Adjustment will be able to say we're going to let you do this but you have to add eight (8) parking places. That's a conditional that they have placed on you to make it fit where it is better. I don't know if that helped you.

Chairman McKee: Would you excuse me for a moment, we're going to call a five (5) minute recess.

5 MINUTE RECESS

Chairman McKee: Mr. Stroud have you concluded your comments or do you have more you would like to make?

John Stroud: Yes sir.

Chairman McKee: Are there any other questions that you would like, Judge please come to the podium you're still under oath.

Harvey Ershig: The thing about this conditional thing and it's a good concept, I mean it's really good that the city is addressing this but who it punishes is the small guy who wants to get in a place and do a little business. He's got the availability of going through the application, that's going to cost fifty something dollars and that's not a big deal. But then he says I really want to do this, well you better get a lawyer. Now he's talking about seventy-five (\$75) or a hundred dollars (\$100) per hour maybe and he says I really don't feel like I have the emotional stability to get up there before a bunch of people and tell them what I'm going to do. I'm going to operate a little two for a nickel swap shop in here along with somebody that has a motorbike place and another guy is going to sell some flowers and none of that is related but now I have to get a conditional use permit and like Herb said, all of these three (3) people can go along with your thing about the, you know, the neighbors. Well they don't have any right to come in there anyway if they want them to have an independent business, they don't have a right. I'll tell you what happened to me about thirty (30) years ago I bought a property out on First Street and in one (1) building they had a chicken hatchery and I'm serious they hatched chickens in the back of the building. The next building was a restaurant, now those two, you know I eliminated that pretty quick but the chicken hatchery today wouldn't even be permitted under the local zoning I don't think

would it Tommy Jo? In the downtown business district? Anyway what I'm saying is that it is an economic situation where the small guy is, you know, Walmart's not going to come in here and take advantage of this, it's the local yokels that want to come in and want to do something and make a little money.

Chairman McKee: Thank you Judge. Is there anyone else that would like to speak for or against?

David Dixon: I've got just one more question. The text in the amendment says that these uses shall be of the same general character or accessory to one another. Do we consider all the listed permitted and conditional uses for each zone to be of the same general character?

Brian Bishop: That is really an interpretation of the Codes Department. The Planning Commission does not interpret the zoning ordinance in that fashion that would fall on the Codes Department.

Dickie Johnson: Can you answer that John?

Chairman McKee: Mr. Stroud you're still under oath.

John Stroud: David the way I think I understand your question; most all of the uses are comparable. Now, with that being said the way our zoning ordinance works, this is Zoning 101, Highway Commercial sits here it has a specific thing listed here, General Business sits here and anything in General Business is also allowed in Highway Commercial. Highway Commercial has a big long list of things, anything allowed in Residential Office is also allowed....so there's like two hundred (200) things that are allowed so a quick answer to your question is there may be some that aren't comparable to each other.

David Dixon: But comparable is not the term that's used here, it says they shall be of the same general character or accessory and I'm just talking about the general character phrase.

John Stroud: There could be some that in all of those two hundred (200) uses that aren't, that won't fit that category.

David Dixon: That would be a decision of the zoning board then?

John Stroud: Yes. Like one of them allows body shops and garages, things like that and a daycare, those two may not fit well together and the Board of Zoning Adjustment will make that determination.

David Williams: I think between you and Brian and staff here my concern is about someone coming in with an obscene use of a property with an owner that does not care, they are going to be subject to conditional uses anyway, either permitted or conditional uses. So they won't be able to go into that building unless they meet the permitted use or conditional use?

John Stroud: Right.

David Williams: If it's a conditional use I have go before you correct?

John Stroud: If they are a conditional use they have to go in front of the Board of Zoning Adjustments.

David Williams: As our ordinance stands right now.

John Stroud: What this is allowing is more than one (1) use in that building. Obviously you may not think a convenient store and a restaurant are similar but they are accessory to each other.

David Williams: I guess what I'm getting to at this time is that to add the zoning board decision in this particular ordinance is actually extraordinary because we've already got it covered in our regular zoning ordinance.

John Stroud: On some of it I would say you're probably right, yes. If it's a conditional use is has to go in front of the Board of Zoning Adjustment but what this is allowing is the three (3) uses.

David Williams: Ok so we can allow up to three (3) uses and just let the regular zoning ordinance take care of what goes in there?

John Stroud: Yes.

Kevin Richard: So David, I struggle with the verbiage of the last sentence too if there is a need for that specific call out of that last sentence if those other things are check and balancing them anyway.

Penny Hahn: I have a question. You said in the original ordinance it was allowed but it wasn't the conditional uses, is that correct?

John Stroud: The original ordinance, it had a hole in it or whatever you want to say that you could have usually two (2) uses in a building anything above two (2) was a shopping center. So we always interpreted that, zoning people get to interpret the zoning ordinance because you can't spell out everything exact. It can't be in black and white, it's grey. So there has to be some sort of interpretation by your zoning administrator in conjunction with the City Attorney or the Planning Attorney or there is always the attorney involved there for us but you could have two (2) because that hole existed. The ordinance, when it was changed in 2014 early 2015 that verbiage was wiped out, it was gone from the book. The thing that happened in the Gateway District that Buzzy was talking about, we probably could have looked at that and said yes these two uses are similar under the old ordinance we can allow that, under the new ordinance we're going down through it and there is nothing there, it says one (1) use only and that's it. What this is doing is this trying to be more business friendly to our community, allow them to do it but still retain some control over it.

David Williams: In your opinion was the old ordinance as written previously, was it working fine?

John Stroud: It was, sometimes and I want to use this word very broadly, I always liked the boards to determine a lot of things because a person can make a decision, one (1) person can make a decision that several people should, you get more input with several and I'm not alluding to being arbitrarily capricious but it could happen. So I think it's always good to have more minds thinking of these things so it's fair across the board for everybody.

David Williams: Yes but to return to my original point, the Board of Zoning Adjustments would still get to make these decisions if we just said ok, we're going to allow up to three (3) uses in a building?

Tommy Jo Fridy: I don't think so; make sure you understand his question.

John Stroud: Is your question to be if we allow conditional use to have up to three (3) uses?

Kevin Richard: I think his question is if we moved it up to the permitted uses column, what does that do to the checks and balances? That was your question, right David?

David Williams: Yes. Let me make sure I make myself clear. What I'm saying is under our current zoning ordinances we have permitted uses and we have conditional uses and nothing will go into any of these three (3) slots that does not meet either the permitted uses or by going through the Board of Zoning Adjustments meets the conditional uses?

John Stroud: That's what this ordinance does now.

David Williams: Does that sound right to you?

Tommy Jo Fridy: Are you saying if you take out the wording in the proposed amendment so that you could put three (3) uses in the same building without getting a conditional use permit, is that your question?

David Williams: No, I would say...I'm wanting to take out the necessity of sending everything to the Board of Zoning. I guess what I would change; if I had to change the ordinance I would say allow the three (3) uses that meet correct zoning ordinance.

John Stroud: I think, to answer your question quickly like we talked about with David, the reason that you really want the boards involved is because Highway Commercial sits on top of General Business...so there is a hundred different uses that would be permitted in Highway Commercial, they might not be compatible they might not work for the neighborhood because we have a lot of Highway Commercial and we have a lot of General Business that are around neighborhoods and things like that. So, that's why we wanted the Board of Zoning Adjustment involved to make those determinations.

Kevin Richard: That was my question for clarity if the word conditional is gone, does that take the Board of Zoning Adjustment out of the equation?

John Stroud: Yes.

Kevin Richard: Ok, that's what I wanted to clarify.

John Stroud: If you take that out it's carte blanche and you can do whatever you want to and have up to three (3) businesses.

Herb Pritchett: As long as they're permitted in that zone?

John Stroud: There again you could have a donut shop next to a car repair or something because Highway Commercial sits on top of all of these other ones.

David Dixon: I guess my question is it bad to have a donut shop next to a car repair?

John Stroud: Well I was just using that...

David Dixon: A lot of the examples we've given don't seem to be...

Rodney Thomas: But you could say I want to open up a third shift bar next to a daycare, which I could do.

David Dixon: Would that fall under a conditional use anyway?

John Stroud: No not if you allow everything to go in unconditionally.

David Dixon: What if all permitted uses?

John Stroud: He could have a bar and a, if you, let's say in Highway Commercial, what Rodney is probably talking about a bar and daycare they could be in the same building, yes.

Herb Pritchett: I have a problem with, we in the business call it tenant mix when you have a multi-tenant retail center we call it tenant mix and I've got a problem with us dictating to a landlord what his or her tenant mix should be.

John Stroud: That's what we constantly do in the zoning, that's zoning.

Herb Pritchett: Well now you do uses, you don't talk about the mix of those uses. Don Ershig doesn't need your approval for an individual tenant going into one of his shopping centers, he's in a shopping center so tenant as long as the uses comply with the zoning ordinance, you've got nothing to do with his tenant mix.

John Stroud: They do have to get the existing building verification form.

Herb Pritchett: Right.

John Stroud: To be sure the uses are comparable to the zoning.

Herb Pritchett: Right, but you don't say to a Don Ershig or someone, Don you shouldn't put a donut shop next to a daycare center it's just not working, that's a tenant mix issue. I'm in favor of what we're trying to do; I mean I'm in favor of the concept because we're making things easier. I've got problems with the language and when it comes up for adoption I'm going to ask what language are we voting on? The language on this single sheet or the language in this potential ordinance here but as a real estate practitioner and one who is concerned about property rights there is a tension between property rights held by individuals and the right of the community to have some say and I understand that tension and we're just trying to figure out where along that scale we need to be in my way of thinking.

Chairman McKee: Is there anyone who does not fully understand this proposed language that is on here, do you need clarity on what it's actually saying, does anyone need clarity? Would anyone like to speak about it, Herb would you like to continue I didn't mean to interrupt you? Anybody else like to speak about it, express their opinion?

Herb Pritchett: What are we going to be voting on? Are we going to be voting on the language here that is in our packet or the language on this single sheet? I mean ultimately what will we be recommending?

Chairman McKee: If I may I'll ask Mr. Fridy if he'll comment on that.

Tommy Jo Fridy: You have basically three (3) choices. You can recommend you can make a motion to recommend the proposed language to the City Commission.

Dickie Johnson: That's what is in the packet.

Tommy Jo Fridy: That's what is in the packet. You can make a motion that the City Commission use different language or you could, as a group, pass a motion recommending that the City Commission not allow multiple uses in one (1) building. So, they have sent it here for you to have a public hearing and for you to make, you being the Planning Commission not you Herb Pritchett, for the Planning Commission to make a recommendation back and it's not....you're not limited to that proposed motion, that proposed motion is a guideline. If you were to make a

motion and it passed, if you were to make a motion that you change the wording then I happen to have another piece of paper that I've used other times that you put some different language in there but you still need that same structure. If you make a motion and get a second and it passes, you could make a motion that you recommend to the City Commission that they not do this at all that you stay with one (1) use in a building. Have I talked to much or have I not talked enough?

Herb Pritchett: Just right.

Chairman McKee: Anybody else need clarity?

Tommy Jo Fridy: We'll have to lower these screens I have trouble seeing over... I didn't know I could do that, excuse me, thank you.

Dickie Johnson: But we can, we don't have to vote either up or down we can make a recommendation for the City to change a particular sentence in a paragraph or several paragraphs...

Tommy Jo Fridy: Or you can make a motion with a concept and ask it to go back to staff and give you proposed language. So, all of that is part of you making a recommendation and it's not set in stone what you're recommendation can basically be anything that you want it to be.

Dickie Johnson: So like David and I don't disagree, in almost every one of these proposed changes the last sentence just doesn't fit when you say uses shall be the same general character or accessory to one another. As long as they are permitted uses and are comparable and the Board of Zoning Adjustments agree to allow it then I don't have a problem with it. Because say two (2) different uses may not be exactly the same the way the language is in here, uses shall be the same general character. As long as this is a permitted use I don't have a problem with it.

Rodney Thomas: I agree with that.

Chairman McKee: Did I understand you to say Commissioner that if they are among the permitted uses in the zoning ordinance and the Board of Zoning Adjustments approves it as a conditional use?

Dickie Johnson: Yes.

Chairman McKee: Ok, so the last sentence is unnecessary as long as it meets those other two (2) criteria.

Dickie Johnson: That is my opinion.

Chairman McKee: That is what you just said?

Dickie Johnson: Yes.

Rodney Thomas: I'll agree with that.

Chairman McKee: Mr. Taylor would you like to address the commission? Let me remind you you're still under oath, please continue.

Alan Taylor: If you're writing language yes I would like to address one sentence there. It's really hard to look out in the future when you are creating a law basically it's going to affect people, what could possibly happen? I'm going to be the devil's advocate here and just throw this scenario out with the current wording that's in front of me. Where it says but no more than three (3). Let's say I had Herb McKee's money and I walk down there and just pull it out of my wallet and paid IBT for the property and because I'm such a good guy being Herb McKee, I'm going to donate the use of that building for an incubator, business incubator. Then I would have to go and there might be twelve (120 there might be twenty (20) businesses incubating in that three-story, several thousand feet facility. Each one of them would have to go get a permit to do their business and this ordinance would shut that down because it says only three (3). My question simply is this; why do you even have but no more than three (3) in the language? What's wrong with four (4)? Who decided three (3)? Did God intervene here or who came up with three (3)? What about four (4), what about five (5), what about six (6)? Why any number as long as they are permitted business that won't create a safety, parking, traffic hazard? That's my question.

Chairman McKee: Just out of clarity, there is another group that sits around this table that sent that language to us. We are here to review and do one of those three (3) things.

Alan Taylor: I understand I know the process.

Chairman McKee: Thank you sir, any questions for Mr. Taylor before he sits down? Thank you Mr. Taylor.

Claudia Wayne: Buzzy said the City is good with taking that last sentence out because it's leaving it up to the Board of Zoning Adjustment to make those calls.

Chairman McKee: Did everybody hear that? The City is good with taking out that last sentence. Any other comments, Mr. Newman would you still like to address us? You're still under oath.

Buzzy Newman: I clearly understand your dilemma, the Board of Zoning as I said earlier can place conditions on any request based upon the facts that are presented. We understand that maybe trying to look at what's in general, the same characteristics. At least the person petitioning that board has a group of peers that will make that decision and it's won't be a decision based upon one (1) individual as to what is general in character. Do you all agree? John, are you ok.

John Stroud: Yes.

Chairman McKee: Any questions for Mr. Newman on that or any other point? Thank you sir.

Buzzy Newman: Thank you all.

Chairman McKee: Is there anyone else that would like to speak? Are there additional questions of staff or anyone who has testified?

David Dixon: So the Board of Zoning Adjustment can still perform its function and place conditions, right? Even by striking this, we're just eliminating the kind of nebulous terminology?

Claudia Wayne: Yes.

Chairman McKee: I think it's appropriate to thank everybody who gave their views and their testimony this evening, it's very helpful to the Board of Commissioners as they approach this decision. Thank you very much. If there are no other comments or questions, take a deep breath and the Chair will entertain a motion.

David Williams: Mr. Fridy I have a question as to how this would be presented. We have before us a recommended motion I believe...

Tommy Jo Fridy: Should you choose to make a motion to recommend it with the change being to delete the last sentence in each of the zoning categories, that's what I'm trying to pencil in. I'm not trying to structure a motion; I'm not trying to take sides.

David Williams: The clarification is appreciated.

MOTION WAS MADE BY DAVID WILLIAMS, SECONDED BY GARY GIBSON TO THE HENDERSON CITY BOARD OF COMMISSIONERS (THE "CITY") ORIGINATING A PROPOSAL TO AMEND THE TEXT OF THE CITY ZONING ORDINANCE TO PERMIT THE CITY BOARD OF ZONING ADJUSTMENTS TO GRANT A CONDITIONAL USE PERMIT FOR UP TO THREE (3) USES IN THE SAME STRUCTURE, AND THE CITY REFERRED THE PROPOSED TEXT AMENDMENTS TO THE PLANNING COMMISSION. THE PLANNING COMMISSION HELD A PUBLIC HEARING ON THE PROPOSED TEXT AMENDMENTS, AFTER NOTICE; AND, I MOVE THAT THE PLANNING COMMISSION RECOMMEND THAT THE CITY APPROVE ALL SUCH TEXT AMENDMENTS FOR THE FOLLOWING REASONS AND WILL LEAVE THE MOTION OPEN FOR OTHER MEMBERS OF THE PLANNING COMMISSION TO ADD REASONS IN SUPPORT OF THIS MOTION:

THE PROPOSED AMENDMENT; 1) WILL ALLOW MORE EFFICIENT USE OF EXISTING INFRASTRUCTURE, 2) WILL ALLOW MORE EFFICIENT USE OF BOTH EXISTING AND NEW STRUCTURES, 3) WILL ALLOW MORE DENSITY, 4) WILL CREATE A MORE BUSINESS FRIENDLY CLIMATE BY ALLOWING A BUSINESS TO CONDUCT MORE THAN ONE COMPATIBLE BUSINESS/USES OR BUSINESS/USES OF THE SAME GENERAL CHARACTER IN THE SAME STRUCTURE, 5) WILL ALLOW THE PUBLIC TO ALLOW INPUT ON A CASE BY CASE BASIS, THROUGH THE REQUIRED BOARD OF ZONING ADJUSTMENTS CONDITIONAL USE PROCESS.

I RECOMMEND THIS CHANGE; THAT WE DELETE THE LAST SENTENCE IN THE PROPOSED CHANGES; ~~{USES SHALL BE OF THE SAME GENERAL CHARACTER OR ACCESSORY TO ONE ANOTHER.}~~

Chairman McKee: Before we go further to a second, is that motion clear to everyone on the commission, are there any questions? Let's get a second then. We have a motion and a second. You said you will entertain additional supporting statements to go with the motion?

David Williams: I have.

Chairman McKee: Would anyone like to add supporting statements to that motion?

Herb Pritchett: The motion does not go as far as some would like but I think it is a change for the better and I think it makes development easier now than it would have been but for the passage of this and I therefore think it is a good motion and is worthy of our support and affirmative consideration.

Chairman McKee: Any other discussion, any other discussion? Hearing none, Madame Clerk will you please call the roll?

ALL IN FAVOR: AYE

OPPOSED: NONE

ORDINANCE NO. _____

ORDINANCE AMENDING ZONING ORDINANCE

SUMMARY: ORDINANCE AMENDING ARTICLE XVII, *R-O, RESIDENTIAL/OFFICE DISTRICT, SECTION 17-03. CONDITIONAL USES*, ARTICLE XVIII, *NB, NEIGHBORHOOD BUSINESS DISTRICT, SECTION 18.03. CONDITIONAL USES*, ARTICLE XIX. *GB, GENERAL BUSINESS DISTRICT, SECTION 19.03 CONDITIONAL USES*, ARTICLE XX. *CBD, CENTRAL BUSINESS DISTRICT, SECTION 20.03. CONDITIONAL USES*, ARTICLE XXI. *H-C, HIGHWAY COMMERCIAL DISTRICT, SECTION 21.03. CONDITIONAL USES*, ARTICLE XXXIII-*GATEWAY ZONE DISTRICT, SECTION 33.06. PERMITTED USES, (3. CONDITIONAL USES)*, ARTICLE XXXIV-*HENDERSON INNOVATIVE PLANNING DISTRICT, SECTION 34.02. PERMITTED USES (2. CONDITIONAL USES)*, OF APPENDIX A OF THE ZONING ORDINANCE OF THE CODE OF ORDINANCES OF THE CITY OF HENDERSON

BE IT ORDAINED by the City of Henderson, Kentucky, that Article XVII *R-O, Residential/Office District, Section 17-03. Conditional Uses*, Article XVIII, *NB, Neighborhood Business District, Section 18.03. Conditional Uses*, Article XIX *GB, General Business District, Section 19.03 Conditional Uses*, Article XX *CBD, Central Business District, Section 20.03. Conditional Uses*, Article XXI. *H-C, Highway Commercial District, Section 21.03. Conditional Uses*, Article XXXIII-*Gateway Zone District, Section 33.06. Permitted uses, (3. Conditional Uses)*, Article XXXIV-*Henderson Innovative Planning District, Section 34.02. Permitted Uses, (2. Conditional Uses)*, of Appendix A of the Zoning Ordinance of the Code of Ordinances of the City of Henderson, is amended as recommended at a meeting of the Henderson City-County Planning Commission held on April 6, 2016. A copy of which is attached hereto and made a part hereof, marked Exhibit "A".

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 Royster _____
Commissioner Mills _____
Commissioner Johnston _____

Commissioner Hite _____
Mayor Austin _____

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

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

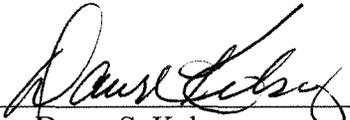
Steve Austin, Mayor

Date: _____

ATTEST:

Maree Collins, City Clerk

**APPROVED AS TO FORM AND
LEGALITY THIS 8 DAY OF
APRIL, 2016.**

By: 
Dawn S. Kelsey
City Attorney

ARTICLE XVII. R-O, RESIDENTIAL/OFFICE DISTRICT

Sec. 17.01. Statement of purpose.

The residential/office district is established to provide for professional offices, limited personal service businesses, and for community-oriented public and private facilities. The district should be used to buffer business districts from residential neighborhoods and also to provide for a greater distribution of offices, personal and professional services within residential areas where business districts would be undesirable. The district is designed to protect the abutting and surrounding areas by requiring that certain minimum yard and area standards comparable to those called for in the residential districts be met. Retail sales are prohibited except where related directly to office functions.

Sec. 17.02. Permitted uses.

In all R-O, residential/office districts, no buildings or land, except as otherwise provided in this ordinance shall be erected or used except for one or more of the following specified uses:

- (a) Single-family dwellings.
- (b) Multifamily dwellings up to four (4) units, townhouses and condominiums.
- (c) Religious houses.
- (d) Home occupations as defined in Article II.
- (e) Accessory uses.
- (f) Pharmacy, limited to the sale of pharmaceutical and medical supplies and incidentals which are limited to twenty-five (25) percent of the floor space.
- (g) Beauty shops and barbershops.
- (h) Employment agency.
- (i) Professional Offices and Services
- (j) Charitable offices.
- (k) Business associations.
- (l) Professional organizations.
- (m) Labor organizations.
- (n) Day care.
- (o) Art galleries.
- (p) Museums.
- (q) Residential care facilities.
- (r) Medical and Dental Offices

(Ord. No. 18-91, § 1, 5-14-91)

Sec. 17.03. Conditional uses.

- (a) Apartment.
- (b) Banks.
- (c) Funeral home.
- (d) Civic, social and fraternal associations.
- (e) Hospital.
- (f) Laboratory, medical and dental.
- (g) Nonprofit public or private facilities including, but not limited to schools, churches, libraries, parks, recreational facilities, institutions, governmental facilities.
- (h) Studio for professional work such as photography, drama, speech, dance, music.
- (i) Family child-care home, with the following limitations:
 - 1) There shall be a maximum of ten (10) children allowed in the home of which no more than [than] six (6) shall be unrelated to the care provider. No more than four (4) children under twelve (12) months of age nor more than six (6) children under six (6) years of age, including the provider's own or related children, shall be kept in the home.
 - 2) No person may be employed that is not a resident of the premises.
 - 3) Otherwise fully complies with the provisions of a home occupation as provided in section 2.01 of this code.

(i) Allow multiple uses (businesses), but no more than three (3), may be allowed in the same structure (building) with a conditional use permit.

(Ord. No. 06-03, 4-8-03)

Sec. 17.04. General regulations for all residential/office districts.

- (a) There shall be no outdoor storage of merchandise or material and no outdoor processing in any residential/office district.
- (b) All residential/office districts located on lots adjacent to a residential property shall provide a buffer or barrier within the required side or rear yard to block out the glare of lights, signs and other visual nuisances and to reduce noise and air pollutants.
- (c) All signs are subject to the following provisions:
 - (1) Signs are to be for use identification and may not be used for advertising.
 - (2) Signs shall not be illuminated.
 - (3) Signs are restricted to five (5) feet from any lot line.
 - (4) Signs shall not obstruct the view of traffic.
 - (5) Signs are limited to one per property.
 - (6) No sign shall exceed ten (10) feet in height to the top of the display.
 - (7) No sign shall exceed twenty-five (25) square feet in size.

ARTICLE XVIII. NB, NEIGHBORHOOD BUSINESS DISTRICT

Sec. 18.01. Statement of purpose.

The neighborhood business district established in this article is intended to be that permitting retail business and service uses which are needed to serve the nearby residential areas. In order to promote such business development so far as is possible and appropriate in each area, uses are prohibited which would create hazards, offensive and loud noises, vibration, smoke, glare, heavy truck traffic, or late hours of operation. The intent of this district is also to encourage the concentration of local business areas in locations proposed in the comprehensive plan to the mutual advantage of both the consumers and merchants and thereby promote the best use of land at certain strategic locations and avoid the continuance of encouraging marginal, strip, business development along major streets.

Sec. 18.02. Permitted uses.

In all NB districts, no building or land except as otherwise provided in this ordinance, shall be erected or used except for the following specified uses:

- (a) Self-service laundry.
- (b) Pharmacy.
- (c) Barbershop or beauty shop.
- (d) Meat, fruit market, deli, and small grocery store (5,000 sq. ft. or less).
- (e) Offices, either business, professional or governmental.
- (f) Antique shops.
- (g) Nursery or day care facilities.
- (h) Bake shops.
- (i) Any accessory or building customarily incidental to the above permitted use.
- (j) Multifamily dwellings.
- (k) Any use permitted in the R-O, residential/office district.

Sec. 18.03. Conditional uses.

- (a) Public facilities such as churches, libraries, parks, recreational facilities, hospitals and institutions.
- (b) Apartments.
- (c) Grocery store
- (d) Bicycle rental or repair shop
- (e) Repairs, electrical or other household appliances, locks, radios, TV., shoes and time pieces, etc.
- (f) Eating or Drinking Establishments

APPENDIX A – ZONING CODE
City of Henderson, Kentucky

(g) Allow multiple uses (businesses), but no more than three (3), may be allowed in the same structure (building) with a conditional use permit.

ARTICLE XIX. GB, GENERAL BUSINESS DISTRICT

Sec. 19.01. Statement of purpose.

The general business district is intended to permit a wider range of business and entertainment activities that are permitted in the neighborhood business district. The permitted uses would serve not only nearby residential areas, but also people further away for types of business and services usually found in major shopping centers and central business districts at the juncture of principal streets. These uses would generate larger volumes of vehicular traffic, would need more off-street parking and loading, and would require more planning to integrate such districts with adjacent residential areas.

Sec. 19.02. Permitted uses.

In all GB districts, no building or land except as otherwise provided in this ordinance, shall be erected or used except for the following specified uses:

- (a) Any use permitted in the NB, neighborhood business district.
- (b) Places of amusement and assembly, offices, hotel, motel, used car lot, public garages and other motor vehicles service.
- (c) Automobile, motorcycle, trailer or boat showrooms; new car sales room; outdoor space for the sale of new and used automobiles, house trailers, or boats provided that there may be sales for used articles only if carried on in conjunction with a regularly authorized new automobile, house trailer or boat sales and service agency which is housed in a permanent building on the same parcel of land or on contiguous parcels of land.
- (d) Car wash establishments, including self-service facilities.
- (e) Automobile service stations/convenient stores.
- (f) Banks.
- (g) Blueprinting.
- (h) Business schools, and colleges, or private schools operated for profit.
- (i) Carpet, rug, linoleum, or other floor covering stores.
- (j) Catering establishments.
- (k) Clothing or costume rental establishments.
- (l) Department stores.
- (m) Eating or drinking establishments, with entertainment, except those having the principal character of a drive-in facility wherein food is served to a customer in his vehicle.
- (n) Electrical, glazing, heating, painting, paperhanging, plumbing, roofing or ventilation contractors' establishments, excluding outside storage yards.
- (o) Exterminators.

- (p) Furniture stores.
- (q) Grocery Stores
- (r) Hotels and motels.
- (s) Interior decorating establishments.
- (t) Medical or dental laboratories for research or testing, not involving any danger of fire or explosion, nor of offensive noise, vibration, smoke, odorous matter, heat, humidity, glare, or other objectionable effects.
- (u) Monument sales establishments, with incidental processing to order, but not including the shaping of headstones.
- (v) Funeral Homes except crematoriums.
- (w) Moving or storage offices.
- (x) Musical instrument repair shops.
- (y) Office or business machine stores, sales or rental.
- (z) Photographic developing or printing establishments and studios.
- (aa) Printing establishments.
- (bb) Public auction rooms.
- (cc) Publicly owned buildings, public utility buildings and service yards but not including storage yards.
- (dd) Radio and television studios.
- (ee) Sign painting shops, limited to two thousand five hundred (2,500) square feet of floor area per establishment.
- (ff) Studios for music, dancing, or theatrical instruction.
- (gg) Taxidermist shops.
- (hh) Television, radio or household appliance repair shops.
- (ii) Theatre, dance halls or similar places of assembly.
- (jj) Small business machine repair shops.
- (kk) Automotive and equipment repair.
- (ll) Upholstering shops dealing directly with consumers.
- (mm) Venetian blind, window shades, or awning shops, custom shops, including repairs, limited to two thousand five hundred (2,500) square feet of floor area per establishment.
- (nn) Wedding chapels or banquet halls.
- (oo) Any retail business or retail service, including the making of articles to be sold at retail on the premises. Any such manufacturing, or processing shall be incidental to a retail business or service and not more than five (5) persons shall be employed in such manufacture.

- (pp) Accessory uses permitted. Any accessory use of building customarily incidental to the above permitted use.
- (qq) Consumer fireworks, retail sales, storage and related supplies, in accordance with the National Fire Protection Association (NFPA 1124).

(Ord. No. 22-11, Exh. A, 8-13-11)

Sec. 19.03. Conditional uses.

- (a) Any uses not allowed above, which are of the same general character as the above permitted uses, which will not be detrimental to the district in which they are located, and which will not be objectionable by reason of odors, dust, smoke, cinders, gas fumes, noise, vibrations and refuse matter are eligible for a conditional use permit. The procedure in Section 4.03 shall be followed
- (b) Shopping centers, in accordance with Section 4.39.
- (c) Private clubs
- (d) The owner-operator of a permitted general business district commercial use may be allowed to establish one dwelling unit for his use only as an accessory conditional use to the commercial use. Said residential use shall follow the procedure for obtaining a conditional use permit as outlined in Section 4.03 of Article IV. All provisions of Section 4.03 shall apply to this section. Additionally, the residential use shall be required to have one off-street parking space in addition to the required spaces for the commercial use. The proposal shall be submitted to the board of zoning adjustment which may alter, deny or grant any request in accordance with Section 4.03.

(e) Allow multiple uses (businesses), but no more than three (3), may be allowed in the same structure (building) with a conditional use permit.

Sec. 19.04. General regulations.

- (a) There shall be no outdoor storage of merchandise or materials and no outdoor processing in any commercial district unless authorized as a conditional use. All aboveground structures accessory to any outdoor use shall be located a minimum of twenty-five (25) feet from any front lot lines.
- (b) All commercial districts located on lots adjacent to a residential district shall maintain a minimum setback of twenty-five (25) feet on the side adjacent to the residential district.
- (c) All signs and outdoor advertising displays are subject to the provisions established in Article X.

Sec. 19.05. Area, height, bulk and placement regulations.

(See attached Schedule of Regulations, Article XXVII.)

ARTICLE XX. CBD, CENTRAL BUSINESS DISTRICT

Sec. 20.01. Statement of purpose.

The purpose of this district shall be to enhance and protect convenient areas for shopping in the central business district of the city.

Sec. 20.02. Permitted uses.

- (a) Any use permitted in a general business district, except consumer fireworks, and those prohibited uses listed below.
- (b) Parking garages and other similar structures.
- (c) Apartments.

Sec. 20.03. Conditional Uses

- a. Auto sales lots.
- b. Auto and body repair shops and/or any type of motor vehicle service.
- c. Car Wash establishments.
- d. Convenient stores with gas pumps
- e. First Floor Dwelling units: Residential dwelling units may be located on the ground floor of structures originally constructed as mixed use or commercial buildings, or new mixed use buildings, when the following conditions are met:
 - i. Each ground floor dwelling unit is located at the rear of the building, behind a commercial or office use.
- f. Gas Stations.
- g. Moving or Storage Offices.
- h. Pawn shops and Payday Lending Services.
- i. Public Auction Houses.
- j. Tattoo Parlors.
- k. Used car lots.
- (l). -Allow multiple uses (businesses), but no more than three (3), may be - allowed in the same structure (building) with a conditional use permit.

Sec. 20.04. General regulations.

- (a) There shall be no outdoor storage of merchandise or materials and no outdoor processing in any commercial district unless authorized as a conditional use. All aboveground structures accessory to any outdoor use shall be located a minimum of twenty-five (25) feet from any front lot lines.
- (b) All signs must meet the provisions of the sign regulations in Article X.
- (c) All uses shall exhibit performance standard characteristics equal to or greater than those which define light industry.

Sec. 20.05. Area, height, bulk and placement requirements.

(See attached Schedule of Regulations, Article XXVII.)

ARTICLE XXI. H-C, HIGHWAY COMMERCIAL DISTRICT

Sec. 21.01. Statement of purpose.

This district is established to provide areas for commercial uses which are mainly oriented to vehicular traffic.

Sec. 21.02. Permitted uses.

In all H-C districts, no building or land, except as otherwise provided in this ordinance, shall be erected or used except for the following specified uses:

- (a) Any use permitted in the general business districts.
- (b) Animal hospital or veterinary clinic, provided that any such purpose, including pens, or exercise runways shall be at least two hundred (200) feet from any residential district.
- (c) Commercial greenhouses and plant nurseries, including offices and sales yards, provided that no building for any heating plant, ventilation flue or other opening except stationary windows be located within fifty (50) feet of any residential district.
- (d) Drive-in eating and drinking establishments and branch drive-in banks.
- (e) Farm implement or contractor's equipment display, hire or sales establishment, service and repair shops.
- (f) Mobile home and trailer sales lot.
- (g) Drive-in theaters.
- (h) Truck Stop.
- (i) Ice storage and vending.
- (j) Motels/Hotels.
- (k) Automobile service stations.
- (l) Restaurants.
- (m) Building supplies.
- (n) New and used automobile and truck sales.
- (o) Drinking establishments or package liquor stores.
- (p) Accessory uses permitted. Accessory uses or buildings customarily incidental to the above permitted uses provided all general and special requirements for principal buildings are met.
- (q) Consumer fireworks, retail sales, storage, and related supplies in accordance with requirements of an ordinance relating to fireworks adopted by the city, and in accordance with the National Fire Protection Association (NFPA 1124).

(Ord. No. 18-11, 7-12-11)

Sec. 21.03. Conditional uses.

(a) Any uses not allowed above, which are of the same general character as the above permitted uses, which will not be detrimental to the district in which they are located, and which will not be objectionable by reason of odors, dust, smoke, cinders, gas fumes, noise, vibrations and refuse matter are eligible for a conditional use permit. The procedure in Section 4.03 shall be followed.

(b) Shopping centers in conformance with Section 4.39 of these regulations. Shopping centers shall be permitted as conditional uses only in central business and highway commercial districts according to the following conditions.

(c) Allow multiple uses (businesses), but no more than three (3), may be allowed in the same structure (building) with a conditional use permit.

(Ord. No. 26-03, 10-14-03)

Section 21.04. General requirements.

(a) A permanent landscaped buffer of evergreen plant material or a solid wall or fence or other suitable enclosure of a commercial land abutting a residential district.

(b) There shall be no outdoor storage of merchandise or materials and no outdoor processing in any commercial district unless authorized as a conditional use. All aboveground structures accessory to any outdoor use shall be located a minimum of twenty-five (25) feet from any front lot lines.

(c) All commercial districts located on lots adjacent to a residential district shall maintain a minimum setback of twenty-five (25) feet on the side adjacent to the residential district for all buildings and appurtenant facilities as a buffer.

(d) All signs and outdoor advertising displays are subject to the provisions established in Article X.

(Ord. No. 4-96, 2-13-96)

Section 21.05. Area, height, bulk and placement requirements.

(See attached Schedule of Regulations, Article XXVII.)

Article XXXIII ~ Gateway Zone District (Phase#1)

Section 33.01 Gateway Zone District Purpose:

The Gateway Zone District is intended to provide for the development of a pedestrian- friendly, mixed-use, aesthetically pleasing entry-corridor into downtown Henderson from the proposed I-69 interchange. This Gateway Zone District is to promote the sense of place, and also provide opportunities to develop projects and properties compatible with a dense urban development pattern. The intent of the Gateway Zone District is as follows:

1. Encourage and promote the public health, safety, and general welfare of the citizens of Henderson.
2. Promote sustainable urban development, to better the environment and the aesthetic quality of Henderson for the future.
3. Provide a walkable mixed-use area that is inviting to, pedestrians, and the travelling public.
4. Reduce traffic conflict points, to promote safety.
5. Reduce stormwater runoff and promote green design.
6. Encourage originality, flexibility and innovation in development along Second Street, including the architecture, signage, and placement of buildings.
7. Discourage monotonous, unsightly, and discordant development that is not in keeping with the entry-point into downtown Henderson, to provide for a harmonious mix of uses and development standards compatible with an urban corridor.
8. Minimize blight, and poorly designed and unattractive development.

Section 33.02 Applicability

1. *Boundary of Gateway Zone District.* The boundary of this Article XXXIII – Gateway Zone District (herein referred to as “this Article” or the “Gateway Zone District”) shall be the area so labeled and depicted in the official zoning map, which is incorporated herein by reference; which generally extends along Second Street from the CSX Railway Overpass to Ingram Street.
2. *Zoning Classification of property located within this Gateway Zoning District.* Upon adoption of this Article, the zoning classification of each and every parcel of property

located within this Gateway Zone District shall be and hereby is changed or amended to this Gateway Zone.

3. *Applicability.* All of the regulations and requirements of this Article shall fully apply when any of the following occur (the property must be brought into full compliance with this Article when any of the following occur):
 - 1) Construction of any new Structure.
 - 2) Parking area reconfiguration.
4. *Structural Alterations.* Any structural alteration of any Structure located on existing property not enumerated in Section 33.02 (3) above, shall only be required to apply to Gateway District regulations as follows:

Levels of Modification

Level of Modification	Percent of modification cost (cost of modification divided by existing building value, times 100) occurring during any 36 month period	Applicable sections of this district that must be adhered to.
Minor ❖	0 percent to 30 percent	Access management standards
Major ❖	31 percent or more	All sections must be adhered to

- ❖ Existing building value is derived from the current years Property Valuation Administrator’s fair market value.
- ❖ The cost of general property maintenance or repair shall not be included in such calculation.
- ❖ The cost of repairing, replacing, or upgrading any water, sewer, HVAC or electrical facilities where no new expansion will occur.

5. *Exterior Walls.* When any change is made to the façade or an exterior wall of an existing structure all of the façade visible from Second Street, shall be brought into full compliance with Section 33.07 of this Article.
6. *Sign Permits.* When a Sign Permit is required within the Gateway Zone District, the property shall be brought into full compliance with Section 33.14 of this Article.
7. *Maintenance and Utility Repairs.* Notwithstanding any other provision of any of this Section 33.02, neither:
 - a) General property maintenance and/or general property repair, or;

b) The maintenance, repair, upgrading or replacement of any water, sewer, HVAC, or electrical facilities will trigger a requirement that such property or structure be brought either fully or partially in compliance with this Article.

Section 33.03 Non-conformities

1. Except as provided in this Article to the contrary; all nonconforming uses, nonconforming structures and nonconforming lots, shall be governed by Article VIII.

Section 33.04 Review and Approval Procedures

1. Gateway Design Advisory Committee.

The Gateway Design Advisory Committee shall provide non-binding written recommendations to the Codes Administrator on each application in the Gateway Zone District. The Gateway Design Advisory Committee shall consist of the Executive Director of the Planning Commission/or designee, one (1) Staff member of the Planning Commission, the City Engineer, and the City Manager/or designee.

2. Pre-Application Conference with Gateway Design Advisory Committee.

Prior to filing for building permits or site plans, the developer, applicant, petitioner, or property owner, shall attend a Pre- Conference with the Gateway Design Advisory Committee, to discuss the Gateway Zone District review process and requirements. The meeting is informative in nature to guide the applicant through the Gateway Zone District development process. Comments, representations, or expressions of any nature made at the meeting, shall not be binding.

3. Formal Submittal. After the pre-application conference, the applicant may then submit an application to the Gateway Design Advisory Committee. The submittal shall include all information needed to fulfill the standards of the district, and will require building elevations, a signage plan, materials used, and a general site plan. The Gateway Design Advisory Committee will review the project within twenty-one days (21) of submittal, and present their findings in a written report to the Codes Administrator and the applicant.

4. Final Approval. Final approval/or disapproval shall be made by the Codes Administrator within fourteen (14) days of the receipt of the recommendation by the Gateway Design Advisory Committee. After the decision of the Codes Administrator, the applicant may

within 30 days, submit plans correcting the deficiencies to the Gateway Design Advisory Committee and the Codes Administrator, without going through the submittal process again. The Codes Administrator may grant extensions as needed.

5. Appeals. All appeals of the Codes Administrator final approval or disapproval shall be filed with the Board of Adjustments, and must be made within thirty (30) days of any such final action or decision, pursuant to KRS 100.257 and KRS 100.261.

Section 33.05 Lot and Building Standards

	Mixed Use/ Commercial	Residential
Maximum Lot Coverage	100%	70% Single Family/Townhouses 50% Multi-family
Maximum Building Height	3 stories, not exceeding 50 feet.	50 feet
Minimum Lot Width	40 feet all	
1 Family Unit		40 feet
2 Family Unit		75 feet
Multi-family Unit and Townhouse		70 feet
Setback Requirements		
Front	0 (zero lot line required) ❶❷❸	0 (zero lot line required) ❶❷❸
Side	10 feet min. abutting Res. Zone ❹	0 ❹
Rear	25 feet min. abutting Res. Zone; 0 abutting public alley.	20 feet min.
Minimum Lot Area	4,000 sq. ft. ❸❹	
1 Family Unit		4,000 sq. ft.
2 Family Unit	1,600 sq. ft. per dwelling unit	9,000 sq. ft.
Multi-family Unit		6,000 sq. ft. for the first two dwellings, 1,600 sq. ft. for each additional.

- ❶ Front setbacks are zero, or as provided in Contextual Front Setbacks, Section 33.05 (1).
- ❷ Zero lot lines are permitted, if a maintenance agreement easement with the property owner adjoining the zero lot line is submitted to the Codes Administrator. Fire-resistive rating and opening requirements of the building code shall be complied with for exterior walls.
- ❸ The commercial gross floor area of mixed-use buildings shall not exceed 15,000 sq. ft.
- ❹ Pedestrian amenities as allowed per 33.05 (2), may be located within the front yard setback.
- ❺ Screening for Mixed Use and Commercial buildings is not required.
- ❻ All front lot setbacks refer to frontage on Second Street.

1. *Contextual Front Setback*.: Contextual front setbacks shall be as deep as the average front setback that exists on the nearest developed lots on the same block that front on the same side of the street as the subject lot, in accordance with the following rules:

- a) Lots that front on a different street than the subject lot or that are separated from the subject lot by a street may not be used in computing the average;
 - b) When the subject lot is a corner lot, the average setback will be computed on the basis of the two (2) nearest developed lots that front on the same side of the street as the subject lot;
 - c) When the subject lot abuts a corner lot fronting the same street, the average setback will be computed on the basis of the abutting corner lot and the nearest two (2) lots that front on the same street as the subject lot.
2. *Exceptions to Lot and Building Setbacks Requirements.*
- a. Outdoor Eating Areas: outdoor eating areas and patios located on the Second Street frontage, are allowed a building setback of fifteen (15) feet from the lot line;
 - b. Courtyards, Plazas and Greenspace: A courtyard, plaza, or greenspace (including a pocket park, or green infrastructure) located on the Second Street frontage are allowed a building setback of fifteen (15) feet from the lot line.
3. *Accessory Structures.*
- f. Accessory structures shall be compatible in Style, Color, and Materials with Principal Structure(s).
 - g. Structures shall be limited in size to twenty-five (25%) percent of the footprint of the Principal Structure, or four hundred (400) square feet; whichever is less.
 - h. Garages or carports shall be limited in size to twenty-five (25%) of the footprint of the Principal Structure.

Section 33.06 Permitted Uses

The following uses shall be permitted in the Gateway Zone District:

1. *Permitted Uses.*
 - a. Antique Shops.
 - b. Art Galleries.
 - c. Bakeries.
 - d. Banks.

- e. Barber or Beauty Shop.
- f. Bicycle Rental or Repair Shop.
- g. Blueprinting.
- h. Business schools, and colleges, or private schools operated for profit.
- i. Carpet, rug, linoleum, or other floor covering stores.
- j. Catering establishments.
- k. Churches.
- l. Clothing or costume rental establishments.
- m. Convention Centers.
- n. Day Cares.
- o. Department stores.
- p. Eating or drinking establishments, with or without entertainment, except those having the principal character of a drive-in facility wherein food is served to a customer in his vehicle.
- q. Furniture stores.
- r. Grocery Stores.
- s. Hotels.
- t. Home occupations as defined in Article II.
- u. Hospitals.
- v. Interior decorating establishments.
- w. Medical or dental laboratories for research or testing, not involving any danger of fire or explosion, nor of offensive noise, vibration, smoke, odorous matter, heat, humidity, glare, or other objectionable effects.
- x. Museums.

- y. Family child-care home, with the following limitations:
There shall be a maximum of ten (10) children allowed in the home of which no more than six (6) shall be unrelated to the care provider. No more than four (4) children under twelve (12) months of age nor more than six (6) children under six (6) years of age, including the provider's own or related children, shall be kept in the home. No person may be employed that is not a resident of the premises. Otherwise fully complies with the provisions of a home occupation as provided in section 2.01 of this code.
- z. Funeral Homes, except crematoriums.
- aa. Medical and Dental Offices.
- bb. Multifamily Housing.
- cc. Musical shops.
- dd. Office or business machine stores, sales or rental.
- ee. Offices; either business, professional, or government.
- ff. Pharmacy.
- gg. Photographic developing or printing establishments and studios.
- hh. Printing establishments.
- ii. Professional and Labor Organizations.
- jj. Publicly -owned -or leased buildings, and public utility buildings. Radio -and television studios.
- kk. Residential Care Facilities.
- ll. Retail business or service, including the incidental manufacture of articles to be sold at retail on premises as long as no more than five (5) persons are employed in such manufacture.
- mm. Shopping Center.
- nn. Studios for music, dancing, or theatrical instruction.

- oo. Television, radio or household appliance repair shops.
- pp. Theatre, dance halls or similar places of assembly.
- qq. Townhouses.
- rr. Venetian blind, window shades, or awning shops, custom shops, including repairs, limited to two thousand five hundred (2,500) square feet of floor area per establishment.
- ss. Wedding chapels or banquet halls.
- tt. Any other substantially similar activity.

2. *Mixed-Use Buildings.*

Buildings containing both residential dwelling units and non-residential commercial uses are permitted. Residential dwelling units may be located on the ground floor of mixed-use buildings provided that a minimum of 1,500 square feet of non-residential floor areas is located on the ground floor, or when all the following criteria are met:

- (a) The building is a minimum of two (2) stories in height;
- (b) Commercial or office uses are restricted to the ground floor;
- (c) Each ground floor dwelling unit is at the rear of the building, behind a commercial or office use.

3. *Conditional Uses.*

- a. Single Family Residential.
- b. Parking Lots and Garages, where parking is the primary, not accessory use.

(c) Allow multiple uses (businesses), but no more than three (3), may be allowed in the same structure (building) with a conditional use permit.

4. *Prohibited Uses.*

- a. Auto sales lots.
- b. Auto and body repair shops and/or any type of motor vehicle service.
- c. Car Wash establishments.
- d. Moving or Storage Offices.
- e. Mini-storage.

Article XXXIV ~ Henderson Innovative Planning District

Section 34.01 Henderson Innovative Planning District Purpose:

The Henderson Innovative Planning District is intended to allow a compatible mix of mixed-use, commercial, and residential uses in dense pedestrian-friendly urban areas suitable for infill redevelopment. The Henderson Innovative Planning District is intended for properties located along major streets and bus routes, with sidewalk/bike lane connectivity, located outside of existing single family neighborhoods, and infill development shall also take into consideration the existing density, built-form and uses of the surrounding neighborhood. It is the goal of this district to:

1. To promote sustainable urban development, to better the environment and the aesthetic quality of Henderson for the future.
2. To provide infill opportunities for businesses and development.
3. To complete bicycle and pedestrian connections to surrounding sites and neighborhoods.
4. To promote originality, flexibility and innovation in development including the architecture, signage, placement, and redevelopment of existing sites and buildings.
5. To encourage resource and energy efficiency.
6. To enhance property values.
7. To minimize blight, and poorly designed and unattractive development.

Section 34.02 Permitted Uses

1. Permitted Uses.
 - (a) Antique Shops.
 - (b) Art Galleries.
 - (c) Assisted Living Facilities.
 - (d) Bakeries.
 - (e) Banks.

- (v) Mixed Use Buildings, containing both residential dwelling units and non-residential commercial uses.
- (w) Multifamily housing.
- (x) Music shops.
- (y) Office or business machine stores, sales, or rental.
- (z) Offices: government, commercial, or professional.
- (aa) Pharmacy.
- (bb) Printing and related establishments.
- (cc) Professional and labor organizations.
- (dd) Publicly owned or leased buildings; public utility buildings.
- (ee) Residential care facilities.
- (ff) Retail businesses or service
- (gg) Shoe repair.
- (hh) Sidewalk Dining
- (ii) Studios for music, dancing, or theatrical instruction.
- (jj) Theatre, dance halls, or places of assembly.
- (kk) Townhouses and condominiums.
- (ll) Wedding chapels.
- (mm) Any substantially similar activity.

(2) Conditional Uses:

=

- (a) Allow multiple uses (businesses), but no more than three (3), may be allowed in the same structure (building) with a conditional use permit.

City Commission Memorandum
16-77

April 7, 2016

TO: Mayor Steve Austin and the Board of Commissioners

FROM: Russell R. Sights, City Manager 

SUBJECT: Stop/Loss Insurance and Organ Transplant Coverage Renewal

The accompanying municipal order authorizes the renewal of stop/loss insurance coverage and organ transplant coverage for the upcoming program year for the City's Health Benefits Plan.

The attached Human Resources Memorandum 16-32 details the proposed renewal coverage and recommendations from the City's insurance broker. Benefit Insurance Marketing (BIM) and UMR worked in concert to conduct a search for the most cost effective rate from a stop-loss carrier.

It is recommended to award stop loss coverage through Sun Life with a specific deductible remaining at \$175,000.00 and aggregating specific remaining at \$90,000.00 and renewal of the Optum organ transplant rider with a premium reduction of \$6,000.00 annually.

Your approval of the attached municipal order is requested.

c: Connie Galloway
Robert Gunter

Human Resources Memorandum
16 – 32

April 7, 2016

TO: Russell R. Sights, City Manager
FROM: Connie Galloway, Human Resources Director
SUBJECT: Health Benefits Renewal

Attached is a proposal from the City's employee benefits broker, BIM, with a quote for a renewal of stop/loss insurance (reinsurance), organ transplant coverage fully-insured policy, UMR administrative rates and BIM broker fees for the upcoming program year. There is a 3.5% fixed cost increase to UMR administrative costs to administer the self-funded health plan.

BIM recommends accepting the Sun Life reinsurance renewal at 16%, and advises the trend in the reinsurance industry is 16% - 18%. The specific deductible would remain at \$175,000 and aggregating specific would remain at \$90,000.

BIM also recommends renewing the organ transplant rider with Optum with a premium reduction of \$6,000 annually. The total annualized expected costs for TPA/administrative costs with Sun Life reinsurance and Optum organ transplant rider for the upcoming program year is \$7,248,521 which represents a 7.8% increase.

Staff recommends selecting Sun Life reinsurance coverage and the Optum organ transplant policy. BIM and human resources staff will be present at the Commission meeting to answer questions.



Connie Galloway

Enclosure



Self-Funded Healthcare Administrative Cost Analysis - Renewal 7/1/2016

Administrator/Carrier	UMR - Current	UMR - Renewal
MONTHLY FEES (Per EE/MO)	Med/Rx	Med/Rx
<u>Administration Fees</u>		
Enrolled Employees	403	403
Medical Claims	\$15.85	\$16.30
Medical Client Advisor Commission (Monthly)	\$6,440.00	\$6,440.00
Required Stop Loss Interface Fee	\$2.15	\$2.20
UHC Choice Plus Network - Access Fee	\$11.87	\$16.87
COBRA Administration	\$1.35	\$1.35
Utilization Management	\$1.87	\$1.92
Case Management	\$1.87	\$1.92
NurseLine	\$0.52	\$0.53
Health Reimbursement Account	\$4.20	\$4.31
Medical Insured Carve Out Coordination Fee	\$0.35	\$0.36
Monthly Administration Fees	\$22,782	\$25,097
A. Annual Administration Costs	\$273,385	\$301,161
Est. PPACA Taxes and Fees (Per EE/MO)	\$9.47	\$6.02
B. Annual PPACA Taxes and Fees	\$45,797	\$29,113

The information contained in this exhibit is considered confidential and proprietary. BIM provides this information with the understanding that it will not be used for any purpose other than to evaluate the submitted carrier proposals. In addition, this information will not be disclosed to person(s) or entity(s) other than those who are involved in the process of evaluating these proposals.

BIM is not bound by any typographical errors and/or omissions contained herein.



Self-Funded Healthcare Budget Analysis - Renewal 7/1/2016

Administrator/Carrier	Sun Life	
	Current 7/1/15 - 6/30/16	Renewal 7/1/16 - 6/30/17
SPECIFIC STOP LOSS		
Specific Stop Loss Deductible	\$175,000	\$175,000
Individual Named Deductible (Laser)	No Lasers	No Lasers
Aggregating Specific	\$90,000	\$90,000
Contract Type (Includes Medical / Rx)	24/12	Paid
Employee Count	403	403
Single	127	127
Family	276	276
Specific Premium per Employee		
Single	\$23.01	\$26.69
Family	\$58.60	\$67.98
Annual Specific Premium	\$229,150	\$265,825
Transplant Coverage		
Single	\$6.43	\$5.79
Family	\$15.41	\$13.87
Annual Transplant Coverage	\$60,837	\$54,761
C. Total Annual Stop Loss Costs (Spec + Transplant)	\$289,988	\$320,587
D. Total Annual Fixed Costs (A+B+C)	\$620,262	\$650,861
Funding Factors (Includes Medical/Rx)	Actual 3/1/15 - 2/29/16	Projected 7/1/16 - 6/30/17
PEPM Claims (Actual vs Expected)	\$1,243.57	\$1,345.67
E. Annual Expected Claims (100%)	\$6,013,905	\$6,507,660
F. Additional Liability - Aggregate Specific Deductible	\$90,000	\$90,000
Total Annualized Actual/Expected Costs (D+E+F)	\$6,724,166	\$7,248,521

The information contained in this exhibit is considered confidential and proprietary. BIM provides this information with the understanding that it will not be used for any purpose other than to evaluate the submitted carrier proposals. In addition, this information will not be disclosed to person(s) or entity(s) other than those who are involved in the process of evaluating these proposals.

BIM is not bound by any typographical errors and/or omissions contained herein.

MUNICIPAL ORDER _____

MUNICIPAL ORDER AWARDING CONTRACT FOR
RENEWAL OF CITY OF HENDERSON'S STOP/
LOSS COVERAGE (REINSURANCE) AND ORGAN
TRANSPLANT POLICY

WHEREAS, it is necessary for the City of Henderson to renew the stop/loss coverage (reinsurance) and organ transplant coverage for the upcoming program year for the City's Health Benefits Plan; and

WHEREAS, after review of all available reinsurance options and organ transplant policies by our broker Benefits Insurance Marketing (BIM) and Third Party Administrator UMR, staff recommends selecting Sun Life for stop/loss coverage (reinsurance) and Optum for organ transplant policy, which proposal the City Manager recommends be accepted.

NOW, THEREFORE, BE IT ORDERED by the City of Henderson, Kentucky, that award is hereby made to Sun Life for stop/loss coverage and Optum for organ transplant policy, for the City's health benefits program, in accordance with their proposal.

On motion of Commissioner _____, seconded by Commissioner _____, that the foregoing Municipal Order be adopted, the vote was called. On roll call the vote stood:

Commissioner Royster _____
Commissioner Mills _____
Commissioner Johnston _____

Commissioner Hite _____
Mayor Austin _____

INTRODUCED, PUBLICLY READ AND FINALLY APPROVED ON ONE READING and Mayor Austin, 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 7 DAY OF
APRIL, 2016.**

By: 
Dawn S. Kelsey
City Attorney

City Commission Memorandum
16-79

April 8, 2016

TO: Mayor Steve Austin and the Board of Commissioners

FROM: Russell R. Sights, City Manager 

SUBJECT: Ambulance Service Contract

The accompanying municipal order approves the ambulance service contract between the City of Henderson, the County of Henderson and Community United Methodist Hospital, Inc.

The attached Ambulance Service Contract Agreement details the terms of the contract providing ambulance service for the City and the County. There are two major changes in the agreement. The first one provides that rates are to be approved annually, and the second change is the expense cost sharing changes from a 50%-50% division between the City of Henderson and Henderson County Fiscal Court to a 37.5%-37.5% division, with Methodist Hospital being responsible for 25% of the expense.

Your approval of the attached municipal order is requested.

c: Dawn Kelsey

MUNICIPAL ORDER _____

MUNICIPAL ORDER APPROVING THE AMBULANCE SERVICE CONTRACT BETWEEN THE CITY OF HENDERSON, THE COUNTY OF HENDERSON AND COMMUNITY UNITED METHODIST HOSPITAL, INC.

WHEREAS, the Ambulance Service Contract between the City of Henderson, the County of Henderson and Community United Methodist Hospital, Inc. expired on March 31, 2016; and

WHEREAS, the City of Henderson, the County of Henderson and Community United Methodist Hospital, Inc. have negotiated the terms of a contract between those parties to enter into an Ambulance Service Contract Agreement for providing ambulance services for Henderson City and Henderson County; and

WHEREAS, the parties have agreed to the terms of the Ambulance Service Contract Agreement, which is attached as Exhibit "A".

NOW, THEREFORE, BE IT ORDERED, by the City of Henderson, Kentucky, that the attached Ambulance Service Contract Agreement is hereby approved, and the Mayor is authorized and directed to execute the agreement 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 Royster _____	Commissioner Hite _____
Commissioner Mills _____	Mayor Austin _____
Commissioner Johnston _____	

INTRODUCED, PUBLICLY READ AND FINALLY APPROVED ON ONE

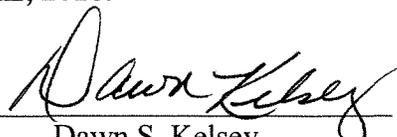
READING, this the ____ day of April, 2016.

ATTEST:

Steve Austin, Mayor
Date: _____

Maree Collins, City Clerk

APPROVED AS TO FORM AND LEGALITY THIS 5 DAY OF APRIL, 2016.

By: 
Dawn S. Kelsey
City Attorney

THIS AGREEMENT made and entered into this the ____ day of _____, 2016, by The City of Henderson, Kentucky (hereinafter referred to as City); The County of Henderson, Kentucky (hereinafter referred to as County); and Community United Methodist Hospital, Inc. (hereinafter referred to as Hospital).

WITNESSETH:

In consideration of the mutual promises herein contained, the parties agree as follows:

1. **MANAGEMENT SERVICES:** Hospital agrees to provide services to manage the Henderson City-County Ambulance Service, (hereinafter Ambulance Service) with respect to personnel, equipment, operations and records. The ambulance service to be provided by Hospital shall comply with all applicable federal and state laws and regulations relating to the operations and services of conforming licensed emergency ambulance services, and specifically the standards for operation of ambulance services specified in KRS 311A.030 and KRS 216B.0415, et seq. and including but not limited to the Health Insurance Portability and Accountability Act (HIPAA) and Health Information Technology for Economic and Clinical Health Act (HiTech). Said management services shall include but not be limited to the following:

A. Provide all administrative functions necessary to manage Ambulance Service staff and manage other responsibilities established by this Agreement. Said administrative functions shall include: providing an administrative person who is in charge of the Ambulance Service; establish and update policies and procedures required by federal and state laws, rules and regulations; establish policies and maintain such records and reports necessary to meet licensure requirements as well as meeting reimbursement and quality standards. Said policies and procedures shall further address confidentiality, compliance with the privacy and security regulations and appropriate release of records.

B. Employ sufficient staff to provide appropriate and adequate ambulance services for the residents of Henderson City and Henderson County. Additionally, Hospital will provide human resource services, including maintenance of personnel files, provide appropriate orientation, ensure compliance with rules and regulations relating to Human Resources and ensure staff's continuing medical education requirements are met.

C. Provide a system to maintain and store appropriate medical records and run reports.

D. Establish a process to appropriately credential, bill and collect fees associated with the services provided hereunder.

E. Ensure a preventative maintenance program is developed and proper maintenance is conducted on all motor vehicles and equipment. Further, to ensure compliance, periodic inspections shall be conducted.

F. Ensure motor vehicles are properly stocked with supplies necessary to provide the service.

G. Hospital shall maintain and have available a communications system through which ambulance staff may be contacted at all times.

EXHIBIT "A"

H. Hospital shall develop and propose a budget for approval by the City and County. Additionally, Hospital shall establish goals to control expenses of the Ambulance Service and will provide a regular statistical report on these goals on a regular basis to the City and County. It is the explicit intent of the parties to make every effort to control and reduce the expenses of the operations of the Ambulance Service. Hospital shall provide quarterly financial reports to the City and County.

I. Hospital shall establish goals and metrics for performance as it relates to quality and service; and develop and maintain an infection control plan which includes education and training regarding patient care, infection control and hazardous materials.

J. Hospital shall ensure participation in an incident command structure and ensure integration into a community wide disaster relief and response plan. Further, Hospital will ensure Ambulance Service's participation in emergency management exercises and will have in place diversion plans and mutual aid agreements to ensure emergency coverage and continuity of care as necessary.

K. Hospital shall provide a Medical Director for the Ambulance Service. Said Medical Director shall be a Board Certified Emergency Room physician who has an unrestricted license to practice medicine in Kentucky and has knowledge of the EMS laws and level of services.

The Medical Director shall be responsible for establishing medical protocols; standing orders; serve as a liaison with the medical community; interact with regional, state and local EMS authorities relating to needs and requirements of the City and County; will approve patient destination policies; will approve qualifications of personnel involved in patient care, and oversee the development, implementation and maintenance of a quality improvement program.

The Medical Director fee for service shall be considered an operational expense.

L. Hospital shall provide emergency ambulance services, without interruption, 24 hours per day, 7 days per week per year, for the term of this Contract, without regard to the patient's race, color, national origin, religious affiliation, age, sex or ability to pay. Additionally Hospital shall provide qualified transport services as medically necessary.

2. CONSIDERATION TO BE PAID BY CITY AND COUNTY TO HOSPITAL:

In consideration of the services herein described, Hospital shall advance funds for the operation of the Ambulance Service. The City and County, through their respective administrative bodies, shall reimburse Hospital in the percentages set out on Attachment A, for expenses resulting from operation of the Ambulance Service that may be in excess of income derived from operating such service. City and County shall reimburse Hospital on a quarterly basis upon presentment of a quarterly statement of the operations of Ambulance Service. Methodist Hospital shall not charge a separate management fee.

3. TERM: The term of this Agreement shall be for three (3) years beginning _____, 2016 and ending _____, 2019.

This Agreement shall be automatically renewed for an additional term of one (1) year, and from year to year thereafter, under the same terms and conditions herein contained.

The parties agree that any of the parties hereto, may terminate this Agreement, without cause, at any time by giving the other parties ninety (90) days written notice.

4. NUMBER OF AMBULANCES TO BE AVAILABLE FOR SERVICE: As of the date of this Agreement, the City and County currently have six (6) fully equipped ambulances. The City and County, for the benefit of the Ambulance Service shall provide the number of ambulances required to provide timely, safe and high quality ambulance response time coverage for the City and County of Henderson. The ambulances furnished shall meet the specifications set out in all applicable federal and state statutes and regulations with respect to conforming licensed ambulance services. Any such vehicles shall be licensed in the name of City County Ambulance Service. The parties understand and agree that the purchase of any additional or replacement ambulance is within the sole discretion of the City and County.

5. MAINTENANCE OF AMBULANCES AND EQUIPMENT:

A. Hospital shall maintain said vehicles in clean and sanitary condition, consistent with the proper performance with its obligation under this Agreement. If it is determined economically feasible for City and County to provide fuel, oil and such other accessories that may be needed for the operation of the vehicles and equipment, City and County shall have the right and privilege of doing so.

B. City and County shall be responsible for providing all replacement vehicles and/or equipment that may be required to properly maintain the Ambulance Service.

6. TWENTY-FOUR HOUR SERVICE/911 SERVICE: Hospital shall provide emergency services on a twenty-four (24) hour basis. City and County will be responsible for providing a local 911 dispatch service.

7. GARAGING OF AMBULANCES AND TELEPHONE SERVICES: City and County shall provide the necessary facilities for the location of the vehicles and Ambulance Services personnel.

8. CAPITAL EXPENDITURE: The parties agree that Hospital may incur capital expenditures in amounts not to exceed Ten Thousand Dollars (\$10,000.00) annually in providing the services herein described. Any capital expenditure in excess of said expenditure amount must first receive the prior written approval of City and County and, upon receipt of such approval, Hospital will be reimbursed for said cost. Hospital reserves the right to remove, upon the termination of this Agreement, any property, whether permanent or otherwise that has been acquired by Hospital and not paid for by City and County under the terms and conditions of this Agreement.

9. LIABILITY INSURANCE SHALL BE MAINTAINED ON THE VEHICLES: The parties agree that liability, collision and comprehensive insurance shall be acquired in sufficient amounts on the vehicles and at a later date the parties shall adopt the most feasible and practicable method for acquiring that coverage. If Hospital is required to obtain that insurance coverage on the vehicles, the cost shall be reimbursed by City and County, and City and County shall be listed as named insured. Hospital shall be named additional insured on all such insurance policies hereunder.

10. PERSONNEL MALPRACTICE INSURANCE/INDEMNITY: The parties agree that the personnel conducting the emergency ambulance service shall be adequately covered with malpractice insurance with a limit of no less than one million dollars (\$1,000,000) per occurrence with an umbrella liability/excess liability coverage of nine million dollars (\$9,000,000), and the cost thereof shall be a reimbursable item. City and County shall also be listed as a named insured on such malpractice insurance policies.

Hospital shall indemnify and hold City and County harmless from any and all liability, expense (including attorney's fees and costs), judgment, suit, cause of action or demands which may be incurred, resulting from any acts of malpractice or negligence committed (including negligent hiring or credentialing claims) or alleged to have been committed, by any Methodist Hospital employee or agent.

11. WORKERS' COMPENSATION: Hospital shall maintain Worker's Compensation Insurance coverage on all employees working for the ambulance services in the amount required by applicable law. This cost shall also be reimbursed by City and County.

12. PROOF OF INSURANCE: Each of the parties shall be provided upon request, with copies of all insurance policies required to be maintained by the terms of this Agreement.

13. RETURN OF AMBULANCES TO CITY AND COUNTY: Hospital shall upon the expiration of this Agreement, return all ambulances and equipment provided to it by City and County during the term of this Agreement.

14. DETERMINATION OF FEES: Hospital and City and County shall mutually agree upon the fees to be charged persons to whom services are rendered under this Agreement. These fees shall be determined annually, on or before May 1 of each year.

15. COLLECTION OF FEES: Hospital shall follow its normal collection procedures in collecting fees from persons for whom services are rendered under this Agreement.

16. RECORDS: Financial records that are rendered by the Ambulance Service personnel must be made available to City and County at all reasonable times, and a quarterly report of same must be furnished City and County. Hospital shall adopt the recommended forms as provided for in the regulations. Neither the City or the County will receive any records from the Hospital with protected health information as defined under 42 C.F.R. 160.103 (Health Insurance Portability and Accountability Act).

17. AUDIT PROCEDURE: City and County may have the financial records of the Hospital relating to the Ambulance Service audited at its expense. Hospital will upon request from City and County, furnish City and County such audit reports that it may receive from its accountants and such reports shall relate solely to the Ambulance Service operation.

18. REVIEW COMMITTEE: A review of the quality of care maintained by the service shall be made within the framework of the Hospital's existing Department of Emergency Service and the results pertaining only to the Ambulance Service shall be made available to the City and County.

19. SERVICE: Any service on the ambulances rendered other than normal and usual routine maintenance service must first receive the prior written approval of City and County.

20. ADDITIONAL REQUIREMENTS: If any state or federal statute or regulation should become effective during the term of this Agreement which should require, as a condition to participation in programs for emergency ambulance service, requirements pertaining to ambulance, personnel or equipment stricter than those set forth elsewhere herein, the Hospital will comply with such stricter requirements.

21. REVIEW OF OPERATIONS: Representatives of City and County and Hospital shall meet at such times as may be agreed upon for the purpose of reviewing the operation of the service.

22. INDEPENDENT CONTRACTORS. Each Party will perform its duties under this Agreement as an independent contractor. The Parties and their personnel will not be considered to be employees or agents of the other Party. Nothing in this Agreement will be interpreted as granting either Party the right or authority to make commitments of any kind for the other. This Agreement will not constitute, create, or be interpreted as a joint venture, partnership or formal business organization of any kind.

IN TESTIMONY WHEREOF, witness the signatures of the City, County and Hospital, by and through their authorized officials.

CITY OF HENDERSON, KENTUCKY

By: _____
Steve Austin, Mayor

Date: _____

ATTEST:

COUNTY OF HENDERSON, KENTUCKY

By _____
Bradley Schneider, County Judge

Executive
ATTEST:

COMMUNITY UNITED METHODIST
HOSPITAL, INC.

By _____
David B. Park, COO/General Counsel

ATTEST:

ATTACHMENT A

Percentage of Deficit

City of Henderson	37.5%
County of Henderson	37.5%
Methodist Hospital	25. %

City Commission Memorandum
16-72

April 6, 2016

TO: Mayor Steve Austin and the Board of Commissioners

FROM: Russell R. Sights, City Manager 

SUBJECT: City Manager's Report

Attached is a letter from Jason Hargitt, President of the Henderson Fraternal Order of Police Lodge 9, requesting that the Board of Commissioners fund the cost of a new roof for the leased facility located in the 1700 block of North Green Street and owned by the City of Henderson. Section Eight (8) of the lease between the City of Henderson and the F.O.P. states that the maintenance of the building, including the roof, is the responsibility of the F.O.P. (see attached Lease).

Since the leased facility is owned by the City of Henderson and is a material asset, it is recommended the request from the F.O.P. be honored and that the Board authorize the City Manager and the Director of Finance to obtain bids for the work.

Please advise if there are any questions. Your approval of this recommendation is requested.

c: Robert Gunter

FRATERNAL ORDER OF POLICE



FRATERNAL ORDER OF POLICE

Henderson Lodge 9

P.O. Box 1416 Henderson, KY 42419 Phone/Fax: 270-827-9644

Henderson Lodge 9

President:
Jason Hargitt

Vice-President:
Jermaine Poynter

Secretary
Dewayne Reneer

Treasurer
Dewayne Reneer

State Trustee:
Bruce Farmer

2nd Vice-President:
Jake Isonhood

Trustee:
Marty Wilson

Trustee:
Tabatha Vincent

Chaplain:
Bill Schwartz

Sgt.-At-Arms:
Stewart Onan

Mayor Steve Austin and
The Board of Commissioners
Henderson Municipal Center
PO Box 716, Henderson KY 42420

Dear Mayor and Commissioners-

As President of the Henderson Fraternal Order of Police Lodge 9, it has come to my attention that the roof of our lodge located in the 1700 block of North Green Street is in dire need of replacement. The roof on the building is the original roof of the building. We have repaired the roof numerous times, but the roof is still leaking with water running down the walls. Since the FOP has occupied the building we have invested approximately \$48,000 to improve the building. Some of the improvements we made were the installation of a new heating and air unit at a cost of approximately \$8,000. We have also added a restroom, upgraded the kitchen, etc. The FOP is a non-profit organization with limited funds. As you know we participate in Cops and Kids, formally known as Shop with a Cop. Our goal every year is to ensure we can provide a memorable holiday season to as many children as we can. We also sponsor as many youth athletic teams and events as we possibly can. These teams include boys and girls recreational leagues, to travel teams, to varsity teams at Henderson County High School.

During the past 6 months we have had 2 estimates to repair the roof at the lodge. Both companies recommended replacing the original roof and putting a new gabled roof on the building. The estimated costs given by both companies was approximately \$23,000 to \$25,000 dollars.

As president of the Fraternal Order of Police, Henderson Lodge 9, I am asking the commission to consider assisting the lodge with the repair or replacement with the roof of our building. We simply do not have the funds to properly repair or replace the roof. It is my belief this will be a win, win for the City of Henderson and the citizens we serve.

Respectfully,

A handwritten signature in black ink, appearing to read 'Jason M. Hargitt', written in a cursive style.

Jason M. Hargitt
Henderson Fraternal Order of Police
President Lodge 9

MC

RESOLUTION NO. 76-06

RESOLUTION AUTHORIZING LEASE BETWEEN THE CITY OF HENDERSON AND THE FRATERNAL ORDER OF POLICE, HENDERSON LODGE 9, FOR OLD FIRE STATION NO. 3 PROPERTY

WHEREAS, the City owns property on North Green Street which building presently houses the City's Fire Station No. 3; and

WHEREAS, there is being constructed a new north end fire station on U.S. Highway 60 East, which when completed, will replace Fire Station No. 3; and

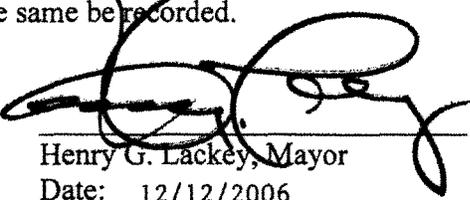
WHEREAS, the Fraternal Order of Police, Henderson Lodge 9, is in need of a building for use as its fraternal lodge, and has agreed to lease the old Fire Station No. 3 building for such lodge purposes, according to the terms and conditions set forth in the attached Lease agreement.

NOW, THEREFORE, BE IT RESOLVED by the City of Henderson, Kentucky, that the attached Lease between the City of Henderson and the Fraternal Order of Police, Henderson Lodge 9, for lease of the old Fire Station No. 3 property on North Green Street is hereby approved, and the Mayor is authorized to execute the lease agreement on behalf of the City.

On motion of Commissioner Russell R. Sights, seconded by Commissioner Michele E. Deep, that the foregoing Resolution be adopted, the vote was called. On roll call the vote stood:

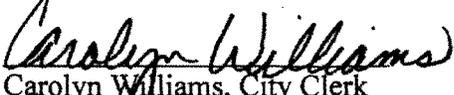
Commissioner Sights:	<u>AYE</u>	Commissioner Mills:	<u>AYE</u>
Commissioner Deep:	<u>AYE</u>	Mayor Lackey:	<u>AYE</u>
Commissioner Hall:	<u>AYE</u>		

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



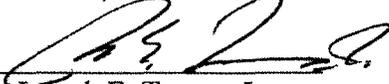
Henry G. Lackey, Mayor
Date: 12/12/2006

ATTEST:



Carolyn Williams, City Clerk

APPROVED AS TO FORM AND LEGALITY THIS 7th DAY OF DECEMBER, 2006.

By: 
Joseph E. Ternes, Jr.
City Attorney

LEASE

THIS LEASE made and entered into as of the 12th day of December, 2006, by and between the **CITY OF HENDERSON, KENTUCKY**, 222 First Street, P.O. Box 716, Henderson, Kentucky 42419-0716, hereinafter referred to as "City", and **FRATERNAL ORDER OF POLICE, HENDERSON LODGE 9**, P.O. Box 1416, Henderson, Kentucky, (hereinafter referred to as "Henderson Lodge 9").

WHEREAS, the City is the owner of a lot of real property located in the 1700 Block of North Green Street, upon which there is presently constructed a building known as the Henderson Fire Station No. 3 containing approximately 3,135 square feet; and

WHEREAS, the City has agreed to lease the building to **Henderson Lodge 9** and **Henderson Lodge 9** has agreed to lease, operate and manage the space.

NOW, THEREFORE, it is agreed between the parties as follows:

1. **LEASED PREMISES.** The City does hereby demise, let and lease unto **Henderson Lodge 9**, that building and lot known as the Henderson Fire Station No. 3 in the 1700 Block of North Green Street which building contains approximately 3,135 square feet.

2. **TERM.** The initial term of this lease shall be for twenty (20) years commencing thirty (30) days following the date upon which the fire department commences occupancy of its new North End Fire Station on U.S. Highway 60 East and has vacated the leased premises.

3. **RENT.** The rental and consideration for this lease shall be the sum of One Dollar (\$1.00) per year payable by **Henderson Lodge 9** to the City, and other good and valuable consideration, including the agreement by **Henderson Lodge 9** to occupy and manage the premises covered by the lease as a Fraternal Lodge throughout the term or terms of this lease as herein provided.

4. **USE OF PREMISES.** The leased premises shall be used and occupied by the **Henderson Lodge 9** as a Fraternal Lodge and no commercial or other use is permitted. **Henderson Lodge 9** shall not allow any waste or nuisance therein, or use or allow the property to be used for any unlawful purposes, nor shall **Henderson Lodge 9** cause or allow any loud or noisy activity on the leased premises which would constitute a disturbance to the residents of the area of the leased premises. **Henderson Lodge 9** shall at its own cost and expense, promptly observe and keep all laws, rules, orders, ordinances and regulations of the federal, state and city governments, and any and all of their departments, bureaus and those of any other competent authority, relating to the use of the leased premises as well as to all repairs and alterations which may be thereon, as herein provided. **Henderson Lodge 9** shall not cause any mechanics' or other liens to be filed on the leased property and shall indemnify and hold harmless the **City** for any liability for such liens.

Henderson Lodge 9 shall not do or permit to be done any act or thing upon the leased premises which will invalidate or be in conflict with the fire insurance policy covering the leased premises, and fixtures for property therein, or which would increase the premiums on said policy, and shall not do or permit to be done any act or thing upon said premises which shall or might subject the **City** to any liability or responsibility for injury to any person or persons property.

5. **OPTION TO RENEW.** **Henderson Lodge 9** shall have the option to renew this lease for an additional twenty (20) year period upon the same terms and conditions and at the same rental rate of \$1.00 a year as the initial term. If **Henderson Lodge 9** chooses to exercise this option to renew, it shall give the **City** written notice thereof at least sixty (60) days prior to the expiration of the initial term. Thereafter, **Henderson Lodge 9** shall also have the option to renew the lease for additional successive five (5) year periods upon such terms, conditions and rental rate as may be negotiated by the parties.

6. **REQUIRED FOR PUBLIC USE.** It is understood and agreed that in the event, during the initial or any renewal term, that the **City** determines by formal action of the Board of Commissioners that the leased premises is required to be utilized by the **City** for a public use or purpose, then the **City** shall notify **Henderson Lodge 9** of such determination in writing and this lease shall terminate, and **Henderson Lodge 9** shall have ninety (90) days from the receipt of such notification to vacate the leased premises.

7. **UTILITIES.** **Henderson Lodge 9** shall be responsible for payment of ordinary utilities to the leased premises, including telephone and internet services, and meter and/or line repair or replacement if necessary.

8. **MAINTENANCE AND IMPROVEMENTS.** **Henderson Lodge 9** shall be responsible for the ordinary repair and maintenance of the exterior, including the roof and the heating and air conditioning units serving the leased premises, and **Henderson Lodge 9** shall also be responsible for ordinary repair and maintenance, including custodial services, of the interior of the leased premises. All wiring, painting, or changes to the leased premises of any kind proposed shall be agreed to in advance by the **City** and shall be paid for by **Henderson Lodge 9**.

9. **RIGHT OF INSPECTION.** The **City** shall have the right of inspection of the leased premises at all reasonable times after giving the **Henderson Lodge 9** reasonable notice, for the purpose of determining **Henderson Lodge 9's** compliance with the terms of the lease.

10. **CASUALTY DAMAGE AND CONDEMNATION.** If the leased premises shall be damaged by fire, casualty or other cause or happening, or if any lawful authority shall order demolition or removal of the building covered by this lease, or if the whole or any part of the leased premises is taken or sold pursuant to condemnation proceedings, so as to render the premises unsatisfactory for **Henderson Lodge 9** proposed use, then this lease shall terminate and **Henderson Lodge 9's** obligations hereunder shall cease. Any monies received from insurance or condemnation

proceedings shall belong to the City, provided, however, that any monies paid by insurance or condemnation for **Henderson Lodge 9's** personal property located in the leased premises shall belong to **Henderson Lodge 9**.

11. **LIABILITY**. **Henderson Lodge 9** shall hold the City free and harmless from liability for any claims for injury to persons or damage to property arising from **Henderson Lodge 9** use of the leased premises, except for claims which may be the result of negligence on the part of the City.

12. **NO ALCOHOL ON PREMISES**. It is specifically understood and agreed that no alcohol beverages of any kind shall be allowed in or on the leased premises at any time.

13. **ASSIGNMENT OR SUBLETTING**. **Henderson Lodge 9** shall not have the right to assign this lease or sublet the leased premises unless the consent in writing of the City shall first have been obtained.

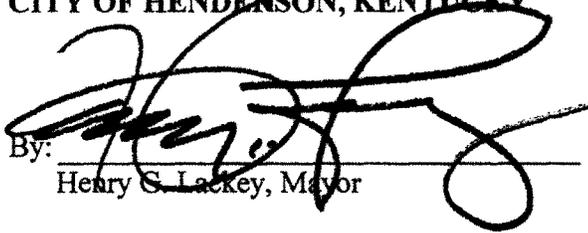
14. **TERMINATION OF LEASE**. It is specifically understood and agreed that, notwithstanding the initial term or the options to renew, the City may, at its option, terminate this lease prior to the expiration of the initial term or any renewal term in the event that:

- (a) **Henderson Lodge 9** breaks any of the covenants and agreements of this lease; or
- (b) the City determines by formal action of the Board of Commissioners that the leased premises is required to be utilized by the City for a public use or purpose as provided in paragraph 6 above; or
- (c) **Henderson Lodge 9** shall become inactive and no longer functions as a Fraternal Lodge.

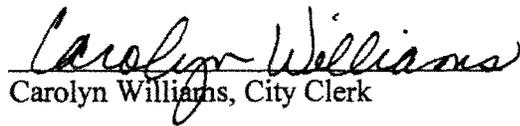
15. **BINDING EFFECT**. This lease shall be binding upon the parties hereto, and upon each of their respective successors and assigns.

IN TESTIMONY WHEREOF, witness the signatures of the parties, by and through their authorized representatives, on this day and year first above written.

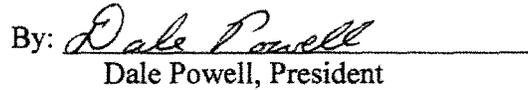
CITY OF HENDERSON, KENTUCKY

By: 
Henry S. Lackey, Mayor

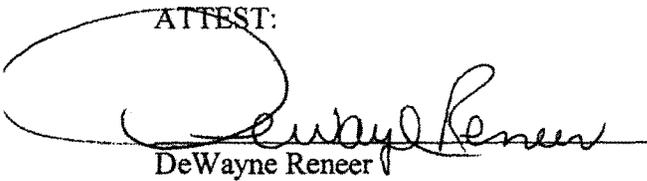
ATTEST:


Carolyn Williams, City Clerk

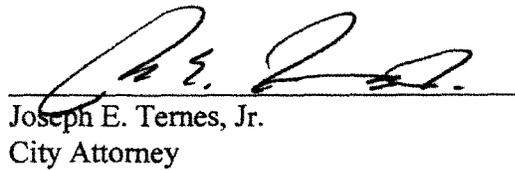
FRATERNAL ORDER OF POLICE
HENDERSON LODGE 9

By: 
Dale Powell, President

ATTEST:


DeWayne Reneer

APPROVED AS TO FORM AND LEGALITY:


Joseph E. Ternes, Jr.
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

CIVIL SERVICE COMMISSION

	<u>Current Term Expires</u>	<u>Term</u>
Richard Dzuibich	06/01/2016	3-Year

CITY-COUNTY PLANNING COMMISSION

	<u>Current Term Expires</u>	<u>Term</u>
Bobbie Jarrett	06/01/2016	4-Year
Kevin Herron	06/01/2016	4-Year