

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

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

AGENDA

1. Invocation: Britney Smith, Executive Director, Habitat for Humanity
2. Roll Call:
3. Recognition of Visitors:
4. Appearance of Citizens:
5. Proclamations:
6. Presentations:
7. Public Hearings:
8. Consent Agenda:

Minutes: June 28, 2016 Regular Meeting

Resolutions: Resolution Authorizing the Submission of Application for a HOME Grant to the Kentucky Housing Corporation in the Amount of \$80,000 for Homeowner Reconstruction Projects

9. Ordinances & Resolutions:

Second Readings:

Ordinance Amending Zoning Regulations to Allow an Indoor Shooting Range as a Conditional Use

Ordinance Amending ABC License Fees Ordinance

Ordinance Accepting Public Improvements – Gardenside Commercial Subdivision

First Readings:

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

Resolutions:

Resolution Approving Mutual Aid Assistance Agreement – EFD & HFD

10. Municipal Orders:

11. Bids & Contracts:

Municipal Order Awarding Bid for Fire Department Uniforms

12. Unfinished Business:

13. City Manager's Report:

14. Commissioner's Reports:

15. Appointments:

16. Executive Session:

17. Miscellaneous:

18. Adjournment

**City Commission Memorandum  
16-158**

July 8, 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 July 12, 2016, contains the following:

Minutes: June 28, 2016 Regular Meeting

Resolutions: Resolution Authorizing the Submission of Application for a HOME Grant to the Kentucky Housing Corporation in the Amount of \$80,000, to be Supplemented with Community Development Block Grant (CDBG) Funds for Homeowner Reconstruction Projects, and Acceptance of Grant if Awarded

## CITY OF HENDERSON – RECORD BOOK

Record of Minutes of           A Regular           Meeting on           June 28, 2016          

A regular meeting of the Board of Commissioners of the City of Henderson, Kentucky, was held on Tuesday, June 28, 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 Mary Wrye, Methodist Hospital Chaplain, followed by recitation of the Pledge of Allegiance to our American Flag.

There were present Mayor Steve Austin presiding:

PRESENT:

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

ALSO PRESENT:

Mr. William L. Newman, Jr. Assistant City Manager  
 Mrs. Dawn Kelsey, City Attorney  
 Ms. Maree Collins, City Clerk  
 Mr. Robert Gunter, Finance Director  
 Mr. Charles Stauffer, Police Chief  
 Mr. David Piller, Police Major  
 Mrs. Donna Stinnett, Public Information Officer  
 Mr. Tom Williams, Henderson Water Utility General Manager  
 Ms. Tammy Willett-Speaks, Community Development Specialist  
 Mr. Michael Jicka, World Changers  
 Mr. Bryant Woodard, Henderson Rescue Squad  
 Mr. Bradley Staton, Commission Candidate  
 Mr. Seth Allen  
 Mr. Pierce Battle  
 Mr. Mike Richardson, Police Reserve Officer  
 Ms. Laura Acchiardo, *the Gleaner*

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PROCLAMATION: “World Changers Week”

MRS. TAMMY WILLETT-SPEAKS, Community Development Specialist and Mr. Michael Jicka, World Changers. Mrs. Willett-Speaks thanked the Commissioners for their continued support for these projects.

APPROVAL OF CONSENT AGENDA:

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

Minutes:       June 14, 2016, Regular Meeting

Resolutions: 27-16: Resolution Authorizing Submittal of Grant Application to the Kentucky Office of Homeland Security (KOHS) for Funds in the Amount of \$280,000.00 to be Used to Purchase a New Phone System for the 911 Center, and Acceptance of Grant if Awarded; and Authorizing Mayor to Execute Documents and to Act as Authorized Correspondent for Project

28-16: Resolution Approving Municipal Aid Cooperative Agreement with the Kentucky Transportation Cabinet for Maintenance and Construction of City Streets in Fiscal Year 2016-2017

# CITY OF HENDERSON – RECORD BOOK

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- 29-16: Resolution Approving Agreement with the Henderson City-County Airport Board Allocating \$135,336.00 for Airport Services and Authorizing Mayor to Execute Agreement
  
- 30-16: Resolution Approving Agreement with the Downtown Henderson Partnership Allocating \$46,000.00 for Services in Support of Downtown Henderson and Authorizing Mayor to Execute Agreement
  
- 31-16: Resolution Approving Agreement with Kentucky Network for Development, Leadership and Engagement, Inc. (Kyndle), Allocating \$60,000.00 for Economic Development Services and Authorizing Mayor to Execute Agreement
  
- 32-16: Resolution Approving Agreement With the Humane Society of Henderson County, Inc. Allocating \$9,166.67 on a Monthly Basis For Animal Control and Shelter Services; And Giving Mayor Authority to Terminate Agreement With a Thirty (30) Days Written Notice, And the Mayor is Authorized to Execute Agreement on Behalf of City
  
- 33-16: Resolution Approving Memorandum of Understanding Between the City and Henderson County Tourist Commission Regarding Personnel for the Henderson Welcome Center
  
- 34-16: Resolution Approving Community Development Block Grant Subrecipient Agreement with the Father Bradley Shelter for Women and Children, Inc. (SWC)
  
- 35-16: Resolution Authorizing Funding for Henderson-Henderson County Planning Commission And Geographic Information System (GIS) in the Amount of \$342,166.00
  
- 36-16: Resolution Approving Agreement with Community One, Inc. Allocating \$25,000.00 (Plus Any Remaining Funds From the Fiscal Year 2016 Appropriations) to Benefit the Community by Addressing the Housing Restoration Needs of Henderson, KY

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

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

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

WHEREUPON, Mayor Austin declared the consent items approved.

/s/ Steve Austin  
 Steve Austin, Mayor  
 June 28, 2016

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

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Record of Minutes of A Regular Meeting on June 28, 2016

ORDINANCE NO. 22-16: SECOND READ

ORDINANCE AMENDING PROPERTY MAINTENANCE CODE
ORDINANCE AMENDING SECTION 7-184. ADOPTION OF BASIC PROPERTY
MAINTENANCE CODE OF ARTICLE V PROPERTY MAINTENANCE CODE OF THE CITY
OF HENDERSON CODE OF ORDINANCES RELATING TO SECTION 302.4 WEEDS OF
THE INTERNATIONAL PROPERTY MAINTENANCE CODE

MOTION by Commissioner Jan Hite, seconded by Commissioner X R. Royster, that the ordinance be adopted.

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

- Commissioner Royster --- Aye:
Commissioner Mills ----- Aye:
Commissioner Johnston --- Aye:
Commissioner Hite ----- 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
June 28, 2016

ATTEST:

Maree Collins, City Clerk

ORDINANCE NO. 23-16: 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 X R. Royster, seconded by Commissioner Jan Hite, that the ordinance be adopted.

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

- Commissioner Royster --- Aye:
Commissioner Mills ----- Aye:
Commissioner Johnston --- Aye:
Commissioner Hite ----- 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
June 28, 2016

ATTEST:

Maree Collins, City Clerk

ORDINANCE NO. 24-16: FIRST READ

MRS. DAWN KELSEY, City Attorney, explained that a couple of months ago information relating to zoning districts allowing the location of indoor shooting ranges was requested and as our Code of Ordinances was silent on the subject the request was forwarded to the Planning Commission for review and recommendation. Upon conducting a public hearing the Planning Commission recommendation is to allow these facilities as a conditional use, granted by the Board of Zoning Adjustment, in Highway Commercial, Light Industrial, Heavy

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Industrial and Agriculture Districts. The facility must meet all federal regulations through the Environmental Protection Agency.

ORDINANCE NO. 24-16: ORDINANCE AMENDING ZONING REGULATIONS

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF HENDERSON AS FOLLOWS: ARTICLE II, *DEFINITIONS*, SECTION 2.01; ARTICLE IX, *OFF STREET PARKING AND LOADING REQUIREMENTS TABLE INSET*; ARTICLE XXI, *H-C, HIGHWAY COMMERCIAL DISTRICT*, SECTION 21.03 *CONDITIONAL USES*; ARTICLE XXIII, *M-1, LIGHT INDUSTRIAL DISTRICT*, SECTION 23.03, *CONDITIONAL USES*; ARTICLE XXIV, *M-2, HEAVY INDUSTRIAL DISTRICT*, SECTION 24.03 *CONDITIONAL USES* AND ARTICLE XXV, *AG, AGRICULTURE DISTRICT*, SECTION 25.03, *CONDITIONAL USES*, TO ALLOW AN INDOOR SHOOTING RANGE AS A CONDITIONAL USE GRANTED BY THE BOARD OF ZONING

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

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

Commissioner Royster ---- Aye:  
Commissioner Mills ----- Aye:  
Commissioner Johnston --- Aye:  
Commissioner Hite ----- 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. 25-16: FIRST READ

MRS. DAWN KELSEY, City Attorney, explained that Senate Bill 11 updated the alcoholic beverage control regulations and that only a few of the changes affect the City. A rectifier license class and a special temporary auction license were added along with changes related to the coordination of license expiration dates. Mrs. Kelsey then asked Major Piller to detail how the City would handle that change.

MR. DAVID PILLER, Police Major, indicated that upon notice of the pending update, the City changed the expiration dates of our local licenses to coincide with the state's January expiration; however, the state also issues 'batch licenses' which are businesses with multiple licenses across multiple counties which have August expiration dates. Local ABC must give those batch license holders the option of keeping their current local expiration date or change so that everything expires at the same time each year. The City has 24 businesses that this will apply to and will send out letters after this goes into effect explaining the option of keeping their current local license January expiration date or pro-rata local licenses to have both state and local licenses expire in August.

ORDINANCE NO. 25-16: ORDINANCE RELATING TO ALCOHOLIC BEVERAGES  
AN ORDINANCE AMENDING CHAPTER 4, *ALCOHOLIC BEVERAGES*, SEC. 4-35, *FEES*, OF THE CODE OF ORDINANCES OF THE CITY OF HENDERSON

MOTION by Commissioner X R. Royster, seconded by Commissioner Jan Hite, that the ordinance be adopted.

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

Commissioner Royster ---- Aye:  
 Commissioner Mills ----- Aye:  
 Commissioner Johnston --- Aye:  
 Commissioner Hite ----- 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. 26-16: FIRST READ

MR. WILLIAM L. NEWMAN, JR., Assistant City Manager, explained that the developer had posted a bond with the inception of the Gardenside Commercial Development approximately 25 years ago. Part of that bond included public sidewalks and the developer has elected to install the sidewalks instead of continuing his bond for the development. This sidewalk is located on Stadium Drive along the backside of the development where the assisted living facility is situated. Mr. Newman expressed his appreciation that the developer agreed to also install sidewalks along a stretch of public right-of-way. There is now connectivity between the Gardenside Shopping Center and the residential development located behind it.

ORDINANCE NO. 26-16: ORDINANCE ACCEPTING PUBLIC IMPROVEMENTS  
 AN ORDINANCE AMENDING ACCEPTING PUBLIC IMPROVEMENTS FOR  
 PROPERTY LOCATED AT STADIUM DRIVE KNOWN AS GARDENSIDE COMMERCIAL  
 SUBDIVISION LOTS 13-25

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

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

Commissioner Royster ---- Aye:  
 Commissioner Mills ----- Aye:  
 Commissioner Johnston --- Aye:  
 Commissioner Hite ----- 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.

### RESOLUTION NO. 37-16:

RESOLUTION APPROVING REIMBURSEMENT PAYMENTS OF UP TO \$239 PER  
 MONTH FOR SUPPLEMENTAL HEALTH INSURANCE PREMIUMS TO ELIGIBLE CITY  
 OF HENDERSON CIVIL SERVICE PENSION RETIREES AND THOSE ELIGIBLE  
 SPOUSES WHO ARE ENTITLED TO OR ARE RECEIVING MEDICARE BENEFITS

MOTION by Commissioner Robert M. Mills, seconded by Commissioner X R. Royster to adopt the resolution approving up to \$239.00 per month in reimbursement payments to City of Henderson Civil Service Pension retirees and those eligible spouses who are entitled to or are receiving Medicare benefits.

MAYOR AUSTIN asked Mr. Robert Gunter, Finance Director if this was the continuation of what was discussed at the previous meeting. Mr. Gunter confirmed that this was for the City Civil Service Pension Plan and is similar to the Police and Fire Pension reimbursement. This will increase the reimbursement by \$2.00 per month.

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

Commissioner Royster ---- Aye:  
 Commissioner Mills ----- Aye:  
 Commissioner Johnston --- Aye:  
 Commissioner Hite ----- 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  
 June 28, 2016

ATTEST:

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

MR. TOM WILLIAMS, Henderson Water Utility General Manager, explained that approximately seven years ago the County received grant funds to install sewers in the Finley Addition area, and that the project is now nearing the end of construction. This resolution includes 27 properties that have signed up for sewer service with the required 'Not to Oppose Annexation' consents. A few more have been received in the last week and will be included in a future resolution. This action does not mean that the property will be annexed at this time. Some of these properties are not currently contiguous. There would be other properties that will need to sign up for service before annexation could be considered in this Springfield Drive, Winchester Street area.

RESOLUTION NO. 38-16:

RESOLUTION AUTHORIZING EXTENSION OF SEWER SERVICE OUTSIDE CITY LIMITS TO PROPERTIES LOCATED IN THE SUBDIVISION KNOWN AS THE FINLEY ADDITION

MOTION by Commissioner Robert M. Mills, seconded by Commissioner Jesse Johnston, to adopt the resolution authorizing the extension of sewer service to certain properties outside the city limits located in the Finley Addition subdivision.

COMMISSIONER MILLS asked if the residents in that area had been surveyed regarding interest in annexation. Mr. Williams responded that all the residents have been contacted. These properties are already our water customers and are paying rates at the 'outside the city' rate, typically \$30.00 per month; if sewer is added it will increase by about \$70.00 per month, to approximately \$100.00 per month. If the properties were annexed the water and sewer rate combined would be approximately \$30.00 per month. The trade off is paying City taxes for that rate along with other city services including fire and police protection. Also, they would save money on their home owners insurance due to the City's better fire protection rating. Currently they are served by the Cairo Fire Department which has an ISO rating of 10.

COMMISSIONER MILLS asked how many properties are necessary to connect before annexation can be considered. Mr. Williams responded that there are three or four pieces and it is still a work in progress.

COMMISSIONER HITE asked if there was resistance from those property owners. Mr. Williams responded that there are just some people that do not want to be in the City and some of those are the ones that are needed to make this contiguous. Commissioner Hite then asked, "If the magic puzzle piece doesn't want to come into the city, those that have signed the Consent to Annexation will not be annexed and will continue to pay the \$70 sewer service fee?" Mr. Williams indicated that he and the City Attorney are looking at all possible options. He continued that three of the properties that haven't signed are commercial properties, nobody lives on those properties, and if the City initiated annexation proceedings there would be no residents to vote in an election that would vote annexation down. Mrs. Dawn Kelsey explained that that

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would be a non-consensual annexation where a petition is filed to request a vote on annexation. Mr. Williams interjected that we continue to work to have this all be consensual.

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

Commissioner Royster ---- Aye:  
Commissioner Mills ----- Aye:  
Commissioner Johnston --- Aye:  
Commissioner Hite ----- 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  
June 28, 2016

ATTEST:

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

MUNICIPAL ORDER NO. 34-16:

MUNICIPAL ORDER TO PROVIDE FOR ONE PERCENT (1%) INCREASE FOR EMPLOYEES EFFECTIVE JULY 1, 2016

MOTION by Commissioner Robert M. Mills, seconded by Commissioner Jan Hite, to adopt the municipal order providing for a one percent (1%) cost-of-living increase in employee compensation as provided in the Fiscal Year 2017 Budget page B43.

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

Commissioner Royster ---- Aye:  
Commissioner Mills ----- Aye:  
Commissioner Johnston --- Aye:  
Commissioner Hite ----- 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  
June 28, 2016

ATTEST:

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

MUNICIPAL ORDER NO. 35-16:

MUNICIPAL ORDER SETTING AMOUNT OF COST-OF-LIVING INCREASE FOR BOARD OF COMMISSIONERS AT .7%

MOTION by Commissioner Jan Hite, seconded by Commissioner X R. Royster, to adopt the municipal order setting the cost-of-living increase for Board of Commissioners at seven tenths of one percent.

MAYOR AUSTIN explained that the Department of Local Government sets the rate of increase available for Commissions across the state of Kentucky. It is available to take or reject.

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

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

**CITY OF HENDERSON – RECORD BOOK**

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

/s/ Steve Austin  
Steve Austin, Mayor  
June 28, 2016

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

ASSISTANT CITY MANAGER’S REPORT:

ASSISTANT CITY MANAGER William L. Newman, Jr. reported that Mr. Dylan Ward, Public Works Engineer, has advised that the current year paving will conclude tomorrow with the paving of 12<sup>th</sup> Street as well as Augusta Drive. The new fiscal year will continue concrete street repairs and then a fall paving season.

COMMISSIONER’S REPORT:

MAYOR AUSTIN indicated the need to consider the City Attorney’s annual job performance merit evaluation and is recommending to the Board of Commissioners that the full 1.5% increase available to all City employees for an extremely favorable evaluation be awarded to Mrs. Kelsey.

RESOLUTION NO. 39-16:

RESOLUTION INCREASING SALARY OF CITY ATTORNEY BY ONE AND ONE HALF PERCENT (1.5%) EFFECTIVE AS OF JUNE 1, 2016

MOTION by Commissioner Jesse Johnston, seconded by Commissioner Jan Hite, to approve the resolution increasing the salary of the City Attorney by one and one-half percent based upon her job performance merit evaluation and the maximum available to other City employees.

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

- Commissioner Royster ---- Aye:
- Commissioner Mills ----- Aye:
- Commissioner Johnston --- Aye:
- Commissioner Hite ----- 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  
June 28, 2016

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

REAPPOINTMENT: BOARD OF APPEALS (HOUSING & BUILDING):  
MAC ARNOLD – TERM TO EXPIRE JUNE 22, 2020

Motion by Commissioner Robert M. Mills, seconded by Commissioner X R. Royster, upon recommendation of Mayor Steve Austin, to reappoint Mac Arnold to a four-year term on the Board of Appeals (Housing & Building). Said term to expire June 2, 2020.

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

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

\_\_\_\_\_

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EXECUTIVE SESSION: Litigation

MOTION by Commissioner X R. Royster, seconded by Commissioner Robert M. Mills, to go into Executive Session for the discussion of proposed or pending litigation against or on behalf of the City pursuant to the provisions of KRS 61.810 (1) (c).

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

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

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MEETING RECONVENED:

MOTION by Commissioner Jesse Johnston, seconded by Commissioner Jan Hite, the Board of Commissioners reconvened in regular session.

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

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

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MEETING ADJOURN:

MOTION by Commissioner Jesse Johnston, seconded by Commissioner Jan Hite, to adjourn the meeting.

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

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

WITHOUT OBJECTION, Mayor Austin declared the Meeting adjourned at approximately 6:35 p.m.

ATTEST:

\_\_\_\_\_  
 Steve Austin, Mayor  
 July 12, 2016

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

**City Commission Memorandum**  
**16-164**

July 8, 2016

TO: Mayor Steve Austin and the Board of Commissioners

FROM: Russell R. Sights, City Manager 

SUBJECT: HOME GAP Grant Application

The accompanying resolution authorizes the submission, and acceptance if awarded, of grant funding in the amount of \$80,000.00 from the Kentucky Housing Corporation for the purpose of constructing two new homes for low-moderate income homeowners.

Participants must own and reside within the City limits, meet certain income criteria based on household size, be current on their property taxes, maintain homeowner's insurance and meet program guidelines. The grant program includes a repayment schedule criteria should any homeowner have the ability-to-pay, the repayment loan would be serviced by KHC. Homeowners are required to contribute at least 300 hours of "sweat equity" toward construction of the home.

The Community Development Division currently maintains a waiting list of applicants requesting housing assistance. These applicants will be sent applications and given the opportunity to meet the program's criteria, assuming that grant funding is approved.

The City has successfully benefited from activities undertaken with HOME funding in the past, and the continuation of these activities will positively address affordable housing needs in the future.

Your approval of the attached resolution is requested.

c: William L. Newman, Jr.  
Tammy Willett  
Robert Gunter

**Community Development Memorandum  
16-003**

July 6, 2016

TO: Russell Sights, City Manager

THROUGH: William “Buzzy” Newman, Assistant City Manager  
John Stroud, Acting Codes Administrator

FROM: Tammy Willett, Community Development Specialist

SUBJECT: 2016 HOME GAP Homeowner Reconstruction Application

An application to Kentucky Housing Corporation (KHC) is being requested for a HOME GAP grant in the amount of \$80,000.00 for purposes of constructing two new homes citywide for low-moderate income homeowners to be supplemented with Community Development Block Grant (CDBG) funds. These families will receive HOME GAP funds in amount not to exceed \$40,000.00 per KHC limits. The funds will be secured by a 15-year forgivable deferred loan, which will self-amortize as long as the homeowner continues to own and reside in the home. The City will oversee both the demolition of the substandard home and the construction of the new home for the homeowner.

To be eligible to receive assistance for a new home, basic guidelines but not limited to are the following: participants must own and reside within the City limits, have incomes not exceeding 80% of HUD area median income based on household size, unless stricter income guidelines are imposed by KHC to meet 50% low-to moderate-incomes, have clear title, have paid all City and County property taxes (unless you are Homestead Exempt); have and maintain homeowner’s insurance; pay back portion of mortgage to Kentucky Housing Corporation should an ability-to-pay be determined; home must be substantially deteriorated, be willing to sign all related contract and all mortgage documents; and meet program application criteria. Homeowners (and/or their family and friends) are required to contribute at least 300 hours of “sweat equity” toward construction of the home.

The Community Development Department currently maintains a waiting list of applicants requesting housing assistance. Some of these families have been on the list for several years, some dating back to 2001. Applicants will be sent applications and given opportunity to meet the program’s criteria, assuming funding is received, and ranked accordingly should we receive more applications than funding. Ranking for eligible

homeowners will consist of the following: how long homeowner has been on the waiting list, condition of the home, elderly, single-family household with children, high energy users/burden, income, etc. The household with the highest number of points will be given priority and selected as the next house to be constructed.

Thank you.

*Tammy Willett*

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Tammy Willett

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

RESOLUTION AUTHORIZING THE SUBMISSION OF APPLICATION FOR A HOME GRANT TO THE KENTUCKY HOUSING CORPORATION IN THE AMOUNT OF \$80,000, TO BE SUPPLEMENTED WITH COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDS FOR HOMEOWNER RECONSTRUCTION PROJECTS, AND ACCEPTANCE OF GRANT IF AWARDED

WHEREAS, the City of Henderson is committed to improving the community's housing stock; and

WHEREAS, low-income homeowners in the City are often unable to afford necessary home improvements and their homes continue to deteriorate in area neighborhoods; and

WHEREAS, the Kentucky Housing Corporation has funds available for a low-income homeowner reconstruction program funded through the HOME program.

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

1. The City of Henderson possesses the legal authority to apply for HOME funds and to execute a Low-Income Homeowner Reconstruction Project.
2. Applications for HOME funds in the amount of \$80,000, to be supplemented with Community Development Block Grant (CDBG) funds for Homeowner Reconstruction Projects are hereby authorized for submission to the Kentucky Housing Corporation.
3. The City of Henderson will comply with all understandings and assurances required by the HOME program, including providing City funds for the projects required match and leverage and other additional funds as identified in the application, and the provision of administration.
4. The City Manager is hereby directed and authorized to act in connection with the HOME applications and to provide such additional information as may be required by the Kentucky Housing Corporation.
5. The City of Henderson hereby certifies that it will not assist property which has or will receive funds from the following:
  - a. Title VI of NAHASDA – Prepayment of mortgages insured under the Act
  - b. Public Housing Funds
  - c. Rental Rehabilitation Funds

6. The City of Henderson hereby adopts the Kentucky Housing Corporation Title VI Compliance and Implementation Plan for purposes of implementation of the HOME grants.

7. In accordance with Code of Federal Regulations Part 92, Subpart H – Other Federal Requirements subsection 92.350-92.359, the City of Henderson agrees to comply with or assist the Kentucky Housing Corporation in complying with provisions as applicable to the City of Henderson’s proposed HOME projects.

BE IT FURTHER RESOLVED, that the City accepts the grant should it be awarded, and authorizes the City Manager to execute all documents necessary to effectuate the application and acceptance of the grant.

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

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

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

ATTEST:

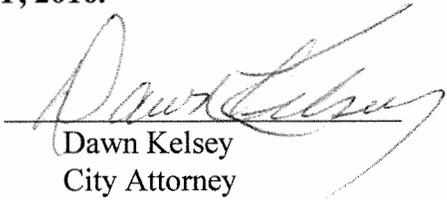
\_\_\_\_\_  
Steve Austin, Mayor

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

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

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

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

  
Dawn Kelsey  
City Attorney

**City Commission Memorandum  
16-161**

July 8, 2016

TO: Mayor Steve Austin and the Board of Commissioners

FROM: Russell R. Sights, City Manager 

SUBJECT: Zoning Regulations Amendments – Article II, Article IX, Article XXI, Article XXIII, Article XXIV, and Article XXV

Enclosed for the agenda of Tuesday, July 12, 2016, is final reading of an ordinance amending Article II, Definitions, Section 2.01; Article IX, Off Street Parking and Loading Requirements Table Inset; Article XXI, H-C, Highway Commercial District, Section 21.03 Conditional Uses; Article XXIII, M-1, Light Industrial District, Section 24.03, Conditional Uses; Article XXIV, M-2 Heavy Industrial District, Section 24.03 Conditional Uses; and Article XXV Agricultural District, Section 25.03, Conditional Uses 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 April 2016.

The proposed amendments would allow an indoor shooting range through the conditional use process.

The Planning Commission conducted a public hearing at its meeting of June 7, 2016, and recommended the proposed amendments.

Your approval of the attached ordinance is requested.

c: Brian Bishop  
John Stroud  
William L. Newman, Jr.

Steve Austin, Mayor

Commissioners:

Jan M. Hite

Jesse L. Johnston IV

Robert M. Mills

X Robert Royster, III



## The City of Henderson

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

Russell R. Sights, City Manager  
William L. Newman, Jr., Assistant City Manager  
Dawn S. Kelsey, City Attorney  
Maree Collins, City Clerk  
Donna Stinnett, Public Information Officer

April 28, 2016



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

Dear Mr. Bishop:

As you know, the City's Codes Department recently received a question on which zoning district(s) allow indoor shooting ranges, and upon review of the zoning ordinances by the City Attorney, it appears that the ordinances do not address indoor shooting/firing ranges or other indoor recreation uses.

Pursuant to direction of the Board of Commissioners at its meeting of April 26, 2016, you are hereby requested to initiate a review and possible change in one or more of the zoning classifications to allow an indoor shooting range as a conditional use granted by the Board of Zoning Adjustment.

Thank you for your cooperation and assistance.

Very truly yours,

A handwritten signature in cursive script that reads "Russell".

Russell R. Sights  
City Manager

c: William L. Newman, Jr.  
Don Summers  
John Stroud





Planning the Future

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

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

June 8, 2016

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

ATTN: Russell Sights, City Manager

Please be advised on Tuesday, June 7, 2016 the Henderson City-County Planning Commission held a Public Hearing to consider the following:

**AMENDMENT TO THE CITY ZONING ORDINANCE**: City Commission requested that the Planning Commission initiate a review and possible changes in one or more of the zoning classifications to allow an indoor shooting range as a conditional use granted by the Board of Zoning Adjustment.

**Amendments to the City of Henderson Zoning Ordinances:**

- **Article II-Definitions, Section 2.01** - Shooting range, indoors. A facility designed or used for shooting at targets with bows & arrows, rifles, pistols, or shotguns and which is completely enclosed within a building or structure for the purposes of target practice or temporary competitions.
- **Article IX-Off Street Parking & Loading Requirements Table Inset** - Add (#35) Shooting Range, Indoors.
- **Article XXI, H-C, Highway Commercial District, Section 21.03 Conditional Uses** – Add (d) Shooting Range, Indoors (must meet all Federal, State, and local regulations).
- **Article XXIII, M-1, Light Industrial District, Section 23.03 Conditional Uses** – Add (#8) Shooting Range, Indoors (must meet all Federal, State, and local regulations).
- **Article XXIV, M-2, Heavy Industrial District, Section 24.03 Conditional Uses** - Shooting Range, Indoors (must meet all Federal, State, and local regulations).
- **Article XXV, AG, Agriculture District, Section 25.03 Conditional Uses** – Add (i) Shooting Range, Indoors (must meet all Federal, State, and local regulations).

**PLANNING COMMISSION RECOMMENDATION- MOTION WAS MADE BY DAVID WILLIAMS, SECONDED BY BOBBY JARRETT TO RECOMMEND THESE AMENDMENTS ON SHOOTING RANGES TO BE ADDED TO THE CITY OF HENDERSON ZONING ORDINANCE:**

- **ARTICLE II- DEFINITIONS, SECTION 2.01-SHOOTING RANGE, INDOORS. A FACILITY DESIGNED OR USED FOR SHOOTING AT TARGETS WITH BOWS AND ARROWS, RIFLES, PISTOLS, OR SHOTGUNS AND WHICH IS COMPLETELY ENCLOSED WITHIN A BUILDING OR STRUCTURE FOR THE PURPOSES OF TARGET PRACTICE OR TEMPORARY COMPETITIONS.**
- **ARTICLE IX- OFF STREET PARKING & LOADING REQUIREMENTS TABLE INSET- ADD (#35) SHOOTING RANGE, INDOORS.**
- **ARTICLE XXI, HC, HIGHWAY COMMERCIAL DISTRICT, SECTION 21.03 CONDITIONAL USES- ADD (d) SHOOTING RANGE, INDOORS (MUST MEET ALL FEDERAL, STATE AND LOCAL REGULATIONS)**
- **ARTICLE XXIII, M-1, LIGHT INDUSTRIAL DISTRICT, SECTION 23.03 CONDITIONAL USES- ADD (#8) SHOOTING RANGE, INDOORS (MUST MEET ALL FEDERAL, STATE AND LOCAL REGULATIONS)**
- **ARTICLE XXIV, M-2 HEAVY INDUSTRIAL DISTRICT, SECTION 24.03 CONDITIONAL USES- SHOOTING RANGE, INDOORS (MUST MEET ALL FEDERAL, STATE AND LOCAL REGULATIONS)**
- **ARTICLE XXV, AG, AGRICULTURE DISTRICT, SECTION 25.03 CONDITIONAL USES-ADD (i) SHOOTING RANGE, INDOORS (MUST MEET ALL FEDERAL, STATE AND LOCAL REGULATIONS)**

**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

*Setback, front.* The minimum distance between the street right-of-way and the building line.

*Service station.* A building or structure designed or used for the retail sale or supply of fuels, lubricants, air, water and other operating commodities for motor vehicles, aircraft or boats, and including the customary space and facilities for the installation of such commodities on or in vehicles and including space for facilities for the temporary storage of vehicles, minor repair or servicing.

*Shopping center.* A group of three (3) adjoining or adjacent retail stores, and more than 20,000 sq. ft., or service establishments to be planned, constructed and developed as a single unit, and including any additional such stores or establishments subsequently adjoining or adjacent thereto.

Shooting range, indoors. A facility designed or used for shooting at targets with bows & arrows, rifles, pistols, or shotguns and which is completely enclosed within a building or structure for the purposes of target practice or temporary competitions.

*Sign.* Any fabricated sign or outdoor display structure including its structure, consisting of any letter, figure, character, mark, point, plane, marquee sign, design, poster, pictorial picture stroke, stripe, line, trademark, reading matter, or illuminating device, constructed, attached, erected, fastened, or manufactured in any manner whatsoever so that the same shall be used for the attraction of the public to any place, subject, person, firm, corporation, public performance, article, machine, or merchandise whatsoever, and displayed in any manner out of doors for recognized advertising purposes.

*Site plan.* A graphic plan drawn to scale for all proposed non-single family development or change of uses, or creation of new commercial or multi-family lots, which shows elements of site design in sufficient detail to depict the approved locations of buildings, accessory structures, parking areas, access points, open spaces, drainage facilities, utilities, yard dimensions, easements, screening, erosion control, flood zone boundaries, and all other information required by the enforcement officer or approving body.

*Soil removal.* Shall mean the removal of any kind of soil or earth matter which includes topsoil, sand, gravel, clay or other materials or any combination thereof, except common household gardening and general farm care.

*Story.* That part of a building comprised between a floor and the floor or roof next above which is not a basement or an attic.

- (a) *First story.* The lowermost story entirely above the grade plane.
- (b) *Mezzanine.* An intermediate level between the floor and the ceiling of any story, and covering not more than thirty-three (33) percent of the floor area of the room in which it is located.

*Street.* Any public or private vehicular way which affords the principal means of access to abutting property. The term shall include "road," "highway," or "thoroughfare." A public street

**APPENDIX A – ZONING CODE  
City of Henderson, Kentucky**

**TABLE INSET:**

	Use	Required Number Parking Spaces	Per Each Unit of Measure as follows:
1)	Banks (except drive-in only); business or professional offices of lawyers, architects, engineers, or similar or allied professions	1	Three hundred (300) square feet of usable floor area
2)	Banks (drive-in only)	1	Per service window, plus one
3)	Beauty parlor/barbershop	2	Each barbershop and/or beauty shop operator or chair, whichever number is greater
4)	Bowling alleys	8	Each bowling lane plus required parking for any bar, restaurant, or assembly space attached to a bowling alley.
5)	Churches	1	Six (6) seats, based on maximum seating capacity in the main place of assembly therein
6)	Dance halls, pool and billiard halls, skating rinks, lodge halls	1	Forty (40) square feet of usable floor space, with a minimum of ten (10) parking spaces
7)	Elementary schools, junior high schools	1	Two (2) teachers, employees or administrators in addition to the requirements of the auditorium or assembly hall
8)	Establishments, other than drive-in, for sale and consumption on the premises of beverages, food or refreshments	1	One hundred (100) square feet of usable floor area
9)	Furniture and appliance, household equipment repair shops; showroom of plumber, decorator, electrician or similar trade; clothing and shoe repair; laundry; motor vehicle salesroom; hardware stores; wholesale stores and machinery sales	1	Eight hundred (800) square feet of usable floor area exclusive of the usable floor area occupied in processing or manufacturing for which requirements for industrial establishments (12) shall be followed
10)	Hospitals	1	Two (2) beds
11)	Hotels	1	Guest bedroom
12)	Industrial establishments, including manufacturing, research and testing laboratories, creameries, bottling works, printing, plumbing or electrical workshops, warehouses, and storage buildings	1	Two (2) employees computed on the basis of the greatest number of persons employed at any one period during the night or day

**APPENDIX A – ZONING CODE  
City of Henderson, Kentucky**

13)	Laundromat and/or dry cleaning center	1	Each combination of washer-dryer machine plus one space
14)	Libraries and museums	1	Two hundred (200) square feet of floor space
15)	Mortuary establishments funeral homes	1	Sixty (60) square feet of floor space in the slumber rooms, parlors or individual funeral service rooms
16)	Motor vehicle car wash:		
	a. Self-service operation	4	Each motor vehicle wash establishment; in addition, off-street automobile waiting spaces shall be in accordance with Section 9.03
	b. Other than self-service operation	4	Car wash establishment for employee parking; in addition, off-street automobile waiting space shall be in accordance with Section 9.03
17)	Fraternity houses, dormitories	1	Two (2) beds
18)	Professional offices of doctors and dentists	1	Two hundred (200) square feet of usable floor area
19)	Residential, single-or two-family	2	Per dwelling unit
20)	Multifamily:		
	a. Efficiency and one-bedroom apartment	2	Per dwelling unit
	b. Two (2) plus bedroom apartment	2	Per dwelling unit
	c. Townhouse	2	Per dwelling unit
21)	Rooming houses or boardinghouses	5	Plus one every five (5) beds (minimum, six (6) spaces)
22)	Retail store, except as otherwise specified herein	1	Two hundred (200) square feet of usable floor area
23)	Convents, home for the aged, convalescent homes, children's homes	1	Two (2) beds
24)	Senior high schools, colleges and universities	1	Each teacher, employee and administrator, in addition to the requirements of the auditorium or assembly area therein

APPENDIX A – ZONING CODE  
City of Henderson, Kentucky

25)	Stadiums and sports arenas	1	Four (4) seats or seven (7) feet of benches
26)	Tourist home, motel	1	Guest bedroom
27)	Automobile service stations	4	Each station plus one additional space for each gasoline pump above three (3)
28)	Service garages, auto sales-rooms, auto repair, collision or body shops	1	Eight hundred (800) square feet of usable floor area plus one space for each two (2) employees computed on the basis of the maximum number of employees on duty at any one time, plus two (2) spaces for each stall in a collision, body or painting shop, plus one space for each stall or service area or wash rack in a servicing or repair shop
29)	Bed and breakfast inn	--	One off-street parking space must be provided for each guest room on-site, or within a reasonable distance off-site, except where it is demonstrated to the board of zoning adjustment, as part of the conditional use permit, that parking is available on-street.
30)	Theaters, exhibition halls, auditoriums, and places of public assembly with fixed seats	1	Four (4) seats, based on maximum seating capacity, plus one (1) additional parking space for each two (2) employees on shift of largest employment
31)	Theaters, exhibition halls, auditoriums, and places of public assembly without fixed seats	1	One hundred (100) square feet of usable floor space in main auditorium or assembly area, or one (1) space per four (4) people in designed capacity of building, whichever is greater, plus one (1) additional parking space for each two (2) employees on shift of largest employment
32)	Multiscreen cinemas	1	Five (5) seats, based on maximum seating capacity
33)	Daycares	1	One (1) per employee; one (1) space for every ten (10) children
34)	Shopping Center Parking Requirements		Look at Section 4.39 Shopping Centers
<u>35)</u>	<u>Shooting Range, Indoors</u>	<u>2</u>	<u>Shooting Range, plus required parking for any assembly space attached to a Shooting Range</u>

(p) *Maintenance.* Off-street parking facilities shall be paved, properly graded for drainage and maintained in proper condition, free of weeds, dust, trash and debris.

(q) *Side yard.* Side yards shall be maintained for an area of not less than ten (10) feet between the side lot lines of adjoining residential lots and the parking area. The

## 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.

(d) Shooting Range, Indoors (must meet all Federal, State, and local regulations).

(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 XXIII. M-1, LIGHT INDUSTRIAL DISTRICT

### Section 23.01. Statement of purpose.

The intent of this article is to permit certain industries that are of a light manufacturing character, including but not limited to light manufacturing and processing, research and development, certain office uses, and warehousing, to locate in planned areas of the city. So that such uses may be integrated with land use, such as commercial and residential areas, limitations are placed upon the degree of noise, smoke, glare, waste, and other features of industrial operations so as to avoid adverse effects. It is further intended that these light industrial uses act as a transition between heavier industrial uses and nonindustrial uses and not necessarily require railroad access or major utility facilities.

(Ord. No. 14-00, § 1, 5-23-00)

### Section 23.02. Permitted uses.

Accessory uses and buildings that are subordinate, customary and incidental to the permitted primary uses. Any accessory structure shall meet site and other requirements of this zone.

- (1) Assembly of finished or semi-finished materials.
- (2) Bakeries.
- (3) Book binding.
- (4) Bottling works.
- (5) Building material sales yards.
- (6) Cabinet making.
- (7) Confectionery.
- (8) Contractor's office and accessory storage yards including the storage of general construction equipment.
- (9) Commercial/Industrial Dry cleaning.
- (10) Greenhouses, wholesale.
- (11) Ice plants.
- (12) Laboratories.
- (13) Laundries, commercial.
- (14) Manufacturing of precision instruments, bicycles, business machines, brooms and brushes, cameras and photo equipment, ceramic products, clothing, condensed and powdered milk products, electronics, small appliances, film, furniture, hemp and jute products, jewelry, medical appliances, musical instruments, optical goods, and pharmaceutical products.
- (15) Metal fabrication and assembly.

- (16) Millwork and woodworking.
- (17) Office uses resulting from information processing, industrial training, engineering, drafting or graphic arts service and computer hardware or software development.
- (18) Plastic molding.
- (19) Plating, electrolytic.
- (20) Printing or publishing.
- (21) Recycling collection facility.
- (22) Retail sale of any commodity designed and manufactured in in this zone.
- (23) Storage facilities and warehousing, including self-storage facilities.
- (24) Tool gauge and machine shops.
- (25) Truck Stop and Truck Terminal.
- (26) 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. 20-96, 4-9-96; Ord. No. 14-00, § 1, 5-23-00; Ord. No. 18-11, 7-12-11)

**Section 23.03. Conditional uses.**

Other industrial uses not listed above shall be considered conditional uses and will require the approval of the board of zoning adjustment:

- (1) Gasoline, oil, alcohol, or liquefied petroleum storage aboveground in excess of five-hundred (500) gallons.
- (2) Animal hospitals.
- (3) Animal kennels.
- (4) Child care centers.
- (5) Medical hospitals and medical institutions.
- (6) Private education institutions.
- (7) Crematoriums
- (8) Shooting Range, Indoors (must meet all Federal, State, and local regulations).

(Ord. No. 14-00, § 1, 5-23-00)

**Section 23.04. Area, height, bulk and placement regulations.**

(See attached Schedule of Regulations, Article XXVII.)

## ARTICLE XXIV. M-2, HEAVY INDUSTRIAL DISTRICT

### Section 24.01. Purpose and findings.

*Purpose and findings for regulation of heavy commercial and industrial uses.* The intent of this regulation is to provide for the development in desirable areas of the city, based upon the comprehensive plan, of those heavy commercial and industrial establishments which may create some nuisance and which are not properly associated with or compatible with any of the development proposed for the other land use districts. These uses are primarily of a manufacturing, assembling, and fabricating nature requiring good access by road, railroad, and/or river or water access and needing special sites or public utility services. Reasonable regulations apply to uses in this district, so as to permit the location of industries which will not cause adverse effects on residential and commercial areas.

*Purpose and findings for regulation of sexually oriented businesses.* It is the purpose of these provisions to regulate sexually oriented businesses in order to promote the health, safety, morals, and general welfare of the citizens of the city, and to establish reasonable and uniform regulations to prevent the deleterious location and concentration of sexually oriented businesses within the city. These regulations have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials, including sexually oriented materials. Similarly, it is not the intent of these regulations to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. Neither is it the intent nor effect of these regulations to condone or legitimize the distribution of obscene material.

Based on evidence concerning the adverse secondary effects of adult uses as set forth in reports made available to the Board of Commissioners, and on findings incorporated in the cases of *City of Renton v. Playtime Theatres, Inc.*, 475 U.S. 41 (1986); *Young v. American Mini Theatres*, 426 U.S. 50 (1976); *FW/PBS, Inc., v. City of Dallas*, 493 U.S. 215 (1990); *Barnes v. Glen Theatre, Inc.*, 501 U.S. 560 (1991); *City of Erie v. Pap's A.M.*, 120 S. Ct. 1382 (2000); and on studies in other communities including, but not limited to: Dallas, Texas; Town and Village of Ellicottville, New York; Tucson, Arizona; St. Mary's, Georgia; St. Croix County, Wisconsin; Newport News, Virginia; and Garden Grove, California; and also on findings from the Report of the Attorney General's Working Group On The Regulation Of Sexually Oriented Businesses (June 6, 1989, State of Minnesota), the Board of Commissioners finds:

- (1) There is convincing documented evidence, including statistics and studies performed in a substantial number of communities concerning the serious objectionable characteristics and secondary effects of sexually oriented businesses in other jurisdictions;
- (2) There is substantial evidence that an increase in crime tends to accompany, concentrate around, and be aggravated by sexually oriented businesses, including but not limited to increase in the crimes related to prostitution, sale and possession of controlled substances and violence against persons and property;
- (3) There are unique harmful effects on children and minors exposed to the effects of sexually oriented businesses, including but not limited to, the deterioration of respect for family values, exposure to images and acts for which they are too young

or immature to fully understand, and the possibility that such children or minors could inadvertently become targets or otherwise victims of solicitations of a sexual nature for which they are too young or immature to understand or otherwise take appropriate measure to protect themselves;

(4) Sexually oriented businesses adversely impact property values and the character of the surrounding neighborhoods and business areas, which together have a deleterious effect on the health and welfare of the community;

(5) Sexually oriented businesses have both a real and a perceived negative impact on surrounding properties, including crime rates that are higher and property values that are lower. Their presence influences the public's perception of the neighborhood in which they are located, and can create "dead zones" in commercial areas where shoppers do not want to be associated in any way with sexually oriented businesses, nor have their children walk by such uses.

(6) The findings noted in subsections (1) through (5) raise substantial governmental concerns; and

(7) The general welfare, health, morals, and safety of the citizens of the city will be promoted by these regulations.

(Ord. No. 29-02, § 2, 8-27-02)

#### **Section 24.02. Permitted uses.**

In all M-2 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 light industrial district.

(b) Manufacturing, fabrication and/or processing of any commodity.

(c) Accessory buildings and uses. Garages and other buildings and uses accessory to the principal use.

(d) Sexually oriented business. For purposes of this section, "sexually oriented business" means an adult arcade, adult bookstore, adult novelty store, adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, escort agency, seminude model studio, sexual encounter center, or any other sexually oriented business as regulated under chapter 2.5 of the Code of Ordinances.

(Ord. No. 29-02, § 3, 8-27-02)

#### **Section 24.03. Conditional uses.**

The following shall require a conditional use permit according to the procedure in Section 4.03: Any use not in conflict with any other ordinances of the city, provided however, that the following uses shall be considered conditional uses and require approval by the board of zoning adjustment: bag cleaning, boiler works, crematoriums, tank works, central mixing plant for cement, mortar, plaster or paving materials, coke oven, curing, tanning and storage of raw hides and skins, distillation of bones, coal, wood or tar, fat rendering, forge plant, foundry or metal fabrication plant, gasoline or oil storage aboveground in excess of five hundred (500)

gallons, slaughterhouse or stockyards, recycling processing facility, public or private landfills and sewerage disposal plant, river terminal/barge facility, smelting plant, and the manufacturing of acetylene, acid, alcohol, or alcoholic beverages, ammonia, bleaching powder, chemicals, brick, pottery, terra cotta or tile, candles, disinfectants, dyestuffs, fertilizers, illuminating or heating gas, (or storage of same), linseed oil, paint, oil, turpentine, varnish, soap and tar products, synthetic fuel production or operation, shooting range, indoors (must meet all Federal, State, and local regulations), or any other use which in the opinion of the board of zoning adjustment would emit detrimental or obnoxious noise, vibrations, smoke, odors, dust or other objectionable conditions beyond the confines of its property. The board may grant approval if it determines that the proposed use would not extend its detrimental or obnoxious effects beyond the limits of the heavy industrial district in which it is located.

(Ord. No. 14-00, § 2, 5-23-00)

**Section 24.04. Area, height, bulk and placement regulations.**

(See attached Schedule of Regulations, Article XXVII.)

**Section 24.05. General requirements for sexually oriented businesses.**

- (a) A sexually oriented business shall not be located within one thousand two hundred fifty (1,250) feet of:
- (1) A church, synagogue, mosque, temple, or building that is used primarily for religious worship and related religious activities;
  - (2) A public or private educational facility including, but not limited to, child day care facilities, nursery schools, preschools, kindergartens, elementary schools, private schools, intermediate schools, junior high schools, middle schools, high schools, vocational schools, secondary schools, continuation schools, special education schools, junior colleges, and universities. "School" includes the school grounds, but does not include facilities used primarily for another purpose and only incidentally as a school;
  - (3) A boundary of a residential district (R-1, R-2, R-3, R-4, R-5, PUD, R-MH, R-O) or any other residential district hereinafter established as defined in the City of Henderson Zoning Ordinance;
  - (4) A public park or recreational area which has been designated for park or recreational activities including, but not limited to, park, playground, nature trails, swimming pool, reservoir, athletic field, basketball or tennis courts, pedestrian/ bicycle paths, wilderness areas, or other similar public land within the city which is under the control, operation, or management of the City of Henderson;
  - (5) The property line of a lot devoted to a residential use, whether such use is conforming or nonconforming to the zoning district in which it is located;
  - (6) Any premises licensed pursuant to the alcoholic beverage control regulations of the state.
- (b) A sexually oriented business shall not be located within seven hundred fifty (750) feet of another sexually oriented business.

- (c) Not more than one (1) sexually oriented business shall be located in the same building or structure containing another sexually oriented business.
- (d) For the purpose of subsection (a) of this section, measurement shall be made in a straight line, without regard to the intervening structures or objects, from the nearest portion of the building or structure used as the part of the premises where a sexually oriented business is conducted, to the nearest property line of the premises of a use listed in subsection (a). The presence of a city, county or other political subdivision boundary shall be irrelevant for purposes of calculating and applying the distance requirements of this section.
- (e) For purposes of this subsection (b) of this section, the distance between any two (2) sexually oriented businesses shall be measured in a straight line, without regard to the intervening structures or objects or political boundaries, from the closest exterior wall of the structure in which each business is located.
- (f) A sexually oriented business lawfully operating as a conforming use is not rendered a nonconforming use by the location, subsequent to the grant or renewal of the sexually oriented business license, of a use listed in subsection (a) of this section within one thousand two hundred fifty (1,250) feet of the sexually oriented business. This provision applies only to the renewal of a valid license, and does not apply when an application is made for a license after the applicant's previous license has expired or been revoked.

(Ord. No. 29-02, § 4, 8-27-02)

## ARTICLE XXV. AG, AGRICULTURE DISTRICT

### Section 25.01. Statement of purpose.

This district is intended to classify the land situated on the fringe of the urban area that is used for agricultural purposes, but will be undergoing urbanization in the future. Many tracts in this district should not be detrimental to urban land uses. It is not intended that this district provide a location for a lower standard of residential, commercial or industrial development than is authorized in other districts. The types of uses, area and intensity of use of land which is authorized in this district is designed to encourage and protect agricultural uses until urbanization is warranted and the appropriate change in district classification is made.

"Agricultural use" means the use of a tract of at least ten (10) contiguous acres for the production of agricultural or horticultural crops, including but not limited to livestock, livestock products, poultry, poultry products, grain, hay, pastures, soybeans, tobacco, timber, orchard fruits, vegetables, flowers or ornamental plants, including provision for dwellings for persons and their families who are engaged in the above agricultural use on the tract, but not including residential building development for sale or lease to the public.

### Sec. 25.02. Permitted uses.

- (a) Churches.
- (b) Nonprofit public and private organizations.
- (c) Farm buildings.
- (d) Farm, including livestock, pork and poultry raising, dairying, horticulture and other similar bona fide agriculture endeavors or use of land. Pens or structures for farm animals of a new farm operation shall not be located closer than two hundred (200) feet to any residential, commercial, or industrial structure.
- (e) Greenhouses and nurseries, both wholesale and retail.
- (f) Home occupations.
- (g) Horse stables and riding schools/academies.
- (h) Libraries, parks and other recreational facilities.
- (i) Monastery, convent or other religious community.
- (j) Public, parochial and private schools designed for children of elementary school, junior high school and senior high school age.
- (k) Temporary assembly, for periods not exceeding thirty (30) days and subject to the building and electrical codes of the governing body and regulations of the Henderson County Public Health Department.
- (l) Veterinary clinics and hospitals, commercial dog kennels, provided that any structure or area used for such purpose, including pens or exercise runways, shall be at least four hundred (400) feet from any residential district.
- (m) Golf courses or country clubs.

- (n) Oil well or gas wells including the drilling thereof.
- (o) Storage of oil or gas drilling equipment necessary for that lease.
- (p) Selling on the premises of agricultural products produced on the premises; provided that the roadside stand should be considered temporary and shall be set back from the road right-of-way at least fifty (50) feet to permit parking, ingress and egress and shall not be constructed in such a location as to create an undue traffic hazard.
- (q) Single-family dwellings occupied by the owner or operator of the farm and such additional single family dwellings as are necessary for occupancy by the farm operation.
- (r) Accessory uses.
- (s) Winery/Vineyards

**Sec. 25.03. Conditional uses.**

- (a) Airports or landing fields.
- (b) Cemeteries.
- (c) Public or private landfills and sewerage disposal plant.
- (d) Hospitals and sanitariums.
- (e) Wireless transmitting and receiving stations, radio and television towers.
- (f) Retail sales of farm machinery and farm supplies (seed, fertilizer, herbicides, etc.), on lands for which the principal use is agriculture.
- (g) Commercial outdoor recreational facilities (example, pay lake, campground).
- (h) Public utility buildings, telephone exchange buildings, electric transformer (sub) stations and gas regulator stations which are considered by the county board of zoning adjustment to be necessary for the provision of essential services by governmental agencies or public utilities.
- (i) Shooting Range, Indoors (must meet all Federal, State, and local regulations).

**Sec. 25.04. Exceptions.**

Land which is used solely for agricultural, farming, dairying, livestock raising, or similar purposes shall have no regulations imposed as to building permits, certificate of occupancy, height, yard, location, or courts' requirements for agricultural buildings, including and limited to one manufactured housing unit used as a dwelling except that:

- (a) Setback lines may be required for the protection of existing and proposed streets and highways.
- (b) All buildings or structures in a designated floodway which tend to increase flood heights or obstruct the flow of floodwaters may be fully regulated.

(Ord. No. 11-02, 5-13-02)

**Sec. 25.05. Area, height, bulk and placement regulations.** (See attached Schedule of Regulations, Article XXVII.)

Henderson City-County  
Planning Commission  
June 7, 2016

The Henderson City-County Planning Commission held their regular meeting June 7, 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, Mac Arnold, David Dixon, Kevin Richard and Penny Hahn, Kevin Herron and Herb Pritchett. Rodney Thomas 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 June 7, 2016. A recorded audio tape is on file at the Planning Commission Office)*

**MEETING BEGAN AT 6:00PM**

Chairman McKee: Next on the agenda are the **Amendments to the City of Henderson Zoning Ordinances**, Mr. Bishop did you work out with counsel about how to take these?

Brian Bishop: We did. I would ask counsel to recommend a course of action before we proceed.

Chairman McKee: Please.

Tommy Joe Fridy: It's my suggestion Mr. Chairman that you pole the Planning Commission and any people in the audience that would like to speak and ask if anyone would like them considered separately.

Otherwise you're free and you have the ability to either consider them all together or separately.

Chairman McKee: Commissioners?

David Williams: For clarification, under E, all of these Articles, II, IX, XXI, etc.?

Tommy Joe Fridy: Yes. You can jump back and forth if that is your pleasure or you can take Article II, Section 2.01 and deal with that and move to the next one.

Chairman McKee: Let's start with taking them all together, does anybody object to that?

David Williams: Counsel, did you say you needed to pole the audience to see if anybody wanted...

Chairman McKee: We've run out of audience.

David Williams: I don't know Mike might like to say something.

Chairman McKee: Would the press like to weigh in on this?

Kevin Richard: Based on the zoning divisions that are listed here, I would say do it as a blanket.

Mac Arnold: It's all basically the same.

Kevin Richard: I would recommend doing it in one (1) swoop.

Chairman McKee: Without objection, all together?

Mac Arnold: Yes.

David Williams: Yes.

Chairman McKee: Mr. Bishop would you please proceed?

Brian Bishop: Yes sir. The City Commission has requested that we hold a public hearing in order to discuss updates to the City Zoning Ordinance. That update is specifically aimed at adding shooting ranges. Claudia and I have met with John Stroud, Dawn Kelsey the City Attorney, Russell Sights the City Manager and Buzzy Newman the Assistant City Manager to discuss this update.

We felt that the section of the zoning ordinance or the zones that this would be more appropriate are zones that have larger tracts that would have access to roads and the uses would be more separated, in that shooting ranges will not cause a disturbance. The zones that we felt appropriate were Highway Commercial, Light and Heavy Industrial and the Agricultural districts. We found a definition that you will see under Section 2.01 that we felt comfortable with. It is the definition that is used in Texarkana, Texas; we used that as our basis to come up with this definition. With the parking requirements we basically mimicked the requirements for a bowling alley, we felt that was appropriate. That is it in a nutshell. It is also important to notice that these are all conditional uses. They have to be approved by the City's Board of Zoning Adjustment and they have to meet all state and federal regulations. Oddly enough the regulations for gun ranges fall under the Department of Environmental Protection. Yes ma'am.

Penny Hahn: What is the current archery place, what is that zoned?

Brian Bishop: The archery out by the high school? That is zoned agricultural but since it's owned by the school it is exempt from zoning regulations.

Penny Hahn: Ok. I just noticed the definition included bow and arrows.

Brian Bishop: It is. We thought it would be wise to include that since the popularity of archery is expanding at an expedient rate.

Chairman McKee: Presence of lead is probably the primary reason it's under the Environmental Protection Agency.

Brian Bishop: Correct.

Mac Arnold: Would there be any concern to limit, say when you got into the rifles or pistols as far as caliber? Would there ever be a concern with someone having a little too heavy; assault-type weapons can be pretty powerful ammunition and I'm assuming that one of these building designs would accept that.

Brian Bishop: That is probably above our charge and I think that would definitely fall under the Federal Governments jurisdiction which we discussed but it's not something we feel like we can regulate from a Planning Commission or City Zoning Ordinance standpoint.

David Dixon: What about noise?

Brian Bishop: Noise is part of the reason why we chose the zones. For example a lot of times if you have a large lot that is zoned Heavy Industrial it's going to be away from other uses. Specifically the person that spoke to the City about this requested that it be included in the Central Business District which we obviously feel is not a wise decision due to the proximity to buildings and the noise factor itself. We specifically chose these zones because we thought the buildings would be larger and further from their neighbors so that noise would be less impactful.

Kevin Richard: I guess a question Brian, I don't have the federal or state regulations in front of me nor have I read them, but do you know if it includes some kind of noise...

Brian Bishop: John. Commissioner Richard, I have not read it personally, I have downloaded it and started reading it but it's about a half inch to an inch thick...

Chairman McKee: Mr. Stroud you have been sworn in, please proceed.

Tommy Joe Fridy: For the record would you state your position.

John Stroud: I'm the acting Code Administrator for the City of Henderson; we will be the ones regulating this. The Department of Energy is actually the governing body for shooting ranges believe it or not in conjunction with the Environmental Protection Agency and yes the EPA addresses lead, I heard someone say lead earlier and noise. They address pollutants and pollutants of all kinds include noise, lead and things like that. The guidelines are pretty stringent on these as far as the noise, the way you build it, the steel you have to use, how they capture everything. I have read them but I don't have them in front of me and I cannot quote them to you, I didn't bring them tonight but it's pretty substantial what they have to do to even get this in. The state doesn't have any guidelines because they go by the Federal. The state and local get to regulate the assembly areas where you'll be having your meeting before you shoot your guns. To address Mac's concern, none of them really address whether you can use a .50 caliber or not but I would say the range is going to tell you that.

Gary Gibson: Would it be indoor or outdoor.

John Stroud: Indoor is what we're talking about right now.

Gary Gibson: Indoor they can control the sound, that's a good thing.

John Stroud: Sound is pollution, noise is pollution so EPA will cover that along with the lead, and the lead is a big one.

Mac Arnold: John I just want to double check, like some of these sporting good outlets Gander Mountain, Cabela some of these Bass Pro Shops sell firearms and I have seen some them in larger cities actually have firing ranges inside the stores for people to try out the guns. Are the classifications here going to fit places like that? Say somebody wanted to come in like that?

John Stroud: If it were in a Highway Commercial zone it could, if it were in a General Business and you wanted to put a Cabela's and you wanted to have a firing range inside that, it would not, they would have to be in a Highway Commercial zone. Which, I would anticipate Gander Mountain, Cabela's and the people of Bass Pro Shop they're going to be in bigger traffic areas so they are going to want to be in Highway Commercial.

Mac Arnold: Ok.

Chairman McKee: One thing maybe to emphasize is that these are additional conditional uses which means you all at the Board of Zoning Adjustments would have to approve it, correct?

John Stroud: Yes sir. Currently, like Brian said, we did get a request as to what zone would be appropriate for this and in looking through all of our zones we didn't have anything. So, in conjunction with the City Attorney and everyone we felt like it was appropriate to put one in because there are more and more people buying guns, people bow hunting and doing things like that so it's an up and coming thing and it is a sport.

Chairman McKee: Thank you Mr. Stroud, will you be available for further questions?

John Stroud: Yes.

Chairman McKee: Thank you sir.

David Dixon: Just back up for clarification when we look at Article IX and we are referred to this table on page 64, what's that telling us is required?

John Stroud: Is that parking?

David Dixon: Yes, two (2) parking places per shooting range?

John Stroud: Yes.

Brian Bishop: Range meaning down range, as in aisle. That's why I said it was similar to a bowling alley.

David Dixon: Ok.

John Stroud: You have ten (10) aisles; you have twenty (20) spaces plus whatever else it was.

David Dixon: Ok, we're talking about range being one specific line of fire not all ten (10) side by side?

John Stroud: Right.

David Dixon: Which that would technically be range(s).

John Stroud: Yes.

David Dixon: And in required parking for any assembly space, we're not talking about the assembly of firearms, we're talking about the assembly of people.

John Stroud: Assembly of people, right.

Brian Bishop: Commissioner Dixon that would basically mean their retail space.

David Dixon: Ok.

John Stroud: A lot of these places have retail spaces and party rooms, they may have a birthday party and everyone shoots. We tried to anticipate it all David.

Chairman McKee: Mr. Stroud, if the owner of a shooting range had a participate that wanted to bring a grenade launcher in there and practice accuracy, can the owner of the facility say I'm sorry you cannot bring that in here?

John Stroud: I'm going to lean to the attorney but I would say yes.

David Dixon: That would fall under this federal and state regulation I would hope.

Chairman McKee: So the federal and state regulations do include the maximum size weapon you could bring in there.

Gary Gibson: Most definitely because you wouldn't want to take a .50 caliber in there.

John Stroud: I'm not sure; I don't remember reading that part. It would be kind of like a go cart place, you wouldn't want to run a NASCAR, so I think the owner of the shop would hopefully take care of that. I don't know if we as a community need to be telling people they can't do it, it's just common sense.

Chairman McKee: That's somebody else's job, thank you Mr. Stroud. Any further questions for staff? Is there anyone in the audience that would like to speak either for or against? Seeing none, one more time around, questions for staff or comments? Do you have a guide for the motion in the packet Mr. Bishop?

Brian Bishop: No sir not on that.

Chairman McKee: Is anyone comfortable making the motion?

***MOTION WAS MADE BY DAVID WILLIAMS, SECONDED BY BOBBY JARRETT TO RECOMMEND THESE AMENDMENTS ON SHOOTING RANGES TO BE ADDED TO THE CITY OF HENDERSON ZONING ORDINANCE:***

- ***ARTICLE II- DEFINITIONS, SECTION 2.01-SHOOTING RANGE, INDOORS. A FACILITY DESIGNED OR USED FOR SHOOTING AT TARGETS WITH BOWS AND ARROWS, RIFLES, PISTOLS, OR SHOTGUNS AND WHICH IS COMPLETELY ENCLOSED WITHIN A BUILDING OR STRUCTURE FOR THE PURPOSES OF TARGET PRACTICE OR TEMPORARY COMPETITIONS.***
- ***ARTICLE IX- OFF STREET PARKING & LOADING REQUIREMENTS TABLE INSET- ADD (#35) SHOOTING RANGE, INDOORS.***
- ***ARTICLE XXI, HC, HIGHWAY COMMERCIAL DISTRICT, SECTION 21.03 CONDITIONAL USES- ADD (d) SHOOTING RANGE, INDOORS (MUST MEET ALL FEDERAL, STATE AND LOCAL REGULATIONS)***
- ***ARTICLE XXIII, M-1, LIGHT INDUSTRIAL DISTRICT, SECTION 23.03 CONDITIONAL USES- ADD (#8) SHOOTING RANGE, INDOORS (MUST MEET ALL FEDERAL, STATE AND LOCAL REGULATIONS)***
- ***ARTICLE XXIV, M-2 HEAVY INDUSTRIAL DISTRICT, SECTION 24.03 CONDITIONAL USES- SHOOTING RANGE, INDOORS (MUST MEET ALL FEDERAL, STATE AND LOCAL REGULATIONS)***
- ***ARTICLE XXV, AG, AGRICULTURE DISTRICT, SECTION 25.03 CONDITIONAL USES-ADD (i) SHOOTING RANGE,***

***INDOORS (MUST MEET ALL FEDERAL, STATE AND  
LOCAL REGULATIONS)***

***ALL IN FAVOR: AYE***

***OPPOSED: NONE***

ORDINANCE NO. 24-16

ORDINANCE AMENDING ZONING REGULATIONS

**SUMMARY:** AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF HENDERSON AS FOLLOWS: ARTICLE II, *DEFINITIONS*, SECTION 2.01; ARTICLE IX, *OFF STREET PARKING AND LOADING REQUIREMENTS TABLE INSET*; ARTICLE XXI, *H-C, HIGHWAY COMMERCIAL DISTRICT*, SECTION 21.03 *CONDITIONAL USES*; ARTICLE XXIII, *M-1, LIGHT INDUSTRIAL DISTRICT*, SECTION 23.03, *CONDITIONAL USES*; ARTICLE XXIV, *M-2, HEAVY INDUSTRIAL DISTRICT*, SECTION 24.03 *CONDITIONAL USES* AND ARTICLE XXV, *AG AGRICULTURE DISTRICT*, SECTION 25.03, *CONDITIONAL USES*, TO ALLOW AN INDOOR SHOOTING RANGE AS A CONDITIONAL USE GRANTED BY THE BOARD OF ZONING

BE IT ORDAINED by the City of Henderson, Kentucky that the Zoning Ordinance of the Code of Ordinances of the City of Henderson, is hereby amended as follows: Article II, Definitions, Section 2.01; Article IX, Off Street Parking and Loading Requirements Table Inset; Article XXI, H-C, Highway Commercial District, Section 21.03 Conditional Uses; Article XXIII, M-1, Light Industrial District, Section 24.03, Conditional Uses; Article XXIV, M-2 Heavy Industrial District, Section 24.03 Conditional Uses and Article XXV Agriculture District, Section 25.03, Conditional Uses as set forth in Exhibit "A" attached hereto and made a part hereof by reference, to allow an indoor shooting range as a conditional use granted by the Board of Zoning.

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

On roll call the vote stood:

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

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

FIRST READ: 06/28/2016  
SECOND READ: \_\_\_\_\_

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

Commissioner Royster \_\_\_\_\_  
Commissioner Mills \_\_\_\_\_  
Commissioner Johnston \_\_\_\_\_

Commissioner Hite \_\_\_\_\_  
Mayor Austin \_\_\_\_\_

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

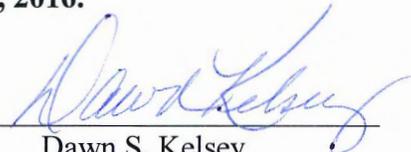
\_\_\_\_\_  
Steve Austin, Mayor

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

ATTEST:

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

**APPROVED AS TO FORM AND  
LEGALITY THIS 21 DAY OF  
JUNE, 2016.**

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

## ARTICLE I. PURPOSE

Zoning regulations and districts as herein set forth have been made in accordance with the adopted Comprehensive Plan, in order to promote public health, safety, morals and general welfare of the community, to facilitate orderly and harmonious development and the visual character of the community, and to regulate the density of population and intensity of land use in order to provide for adequate light and air. Further, these regulations provide for vehicular, fire and police protection and preventing the overcrowding of land, blight, danger and congestion in the circulation of people and commodities and the loss of life, health or prosperity from fire, flood and other dangers. It is further employed to protect airports, highways, and other transportation facilities, public facilities, including schools and public grounds, commercial, industrial, residential and other specific uses which warrant special protection by the community.

## ARTICLE II.

### Sec. 2.01. - Definitions.

For the purpose of these regulations, certain terms and words shall be used and interpreted as defined hereinafter. Words used in the present tense include the future. The singular number includes the plural, and the plural the singular. The word "shall" is mandatory, not merely directive; the word "may" is permissive.

*Accessory structure or use.* Any structure or use, other than the principal structure or use, and detached therefrom by a reasonable distance, directly incidental to or required for the enjoyment of the permitted use of any premises; also as specifically designated under the zoning district regulations of this chapter.

*Administrative official.* Any department, employee, or advisory, elected or appointed body which is authorized to administer any provision of the zoning regulation, subdivision regulations, and if delegated, any provision of any housing or building regulation or any other land use control regulation.

*Agricultural use.* The use of a tract of at least ten (10) contiguous acres for the production of agricultural or horticultural crops, including but not limited to livestock, livestock products, poultry, poultry products, grain, hay, pastures, soybeans, tobacco, timber, orchard fruits, vegetable, flowers or ornamental plants, including provision for dwellings for persons and their families who are engaged in the above agricultural use on the tract, but not including residential building development for sale or lease to the public.

*Alley.* Any public or private way which affords only a secondary means of access to abutting property and which does not constitute a public maintained street upon which property may front.

*Alteration.* Any change, addition or modification in construction or type of occupancy; any change in the structural members of a building, such as walls, partition, columns, beams, "altered or reconstructed."

*Apartment.* A dwelling unit as defined by this article, not to be construed as an apartment house.

**Applicant.** The owner of land and/or property proposed to be zoned or his representative.

**Basement.** That portion of a building the average height of which is at least half below grade, which is ordinarily used for purposes such as storage, laundry facilities, household tool shops, and installation and operation of heating, cooling, ventilating facilities, but which is not ordinarily used for the purpose of general household habitation.

**Bed and Breakfast Inn.** A single-family, owner occupied dwelling which has been designated by the State of Kentucky as a Kentucky Landmark and is arranged in order for the owner-occupant to let no more than four (4) separate bedrooms and serve breakfast to overnight guests. The following applies to signs advertising the bed and breakfast inn:

- (1) There shall be no evidence of the conduct of the bed and breakfast business from the exterior of the dwelling, other than one sign not exceeding four (4) square feet in area, unlighted, and mounted flat against the wall of the dwelling. In the case of a corner lot, one sign may be placed on each street side of the dwelling.

**Block.** The property abutting one side of a street and lying between the two (2) nearest intersecting streets, or between the nearest such street and railroad right-of-way, unsubdivided acreage, river or live stream, or between any of the foregoing and any other barriers, to the continuity of development.

**Board.** The word "board" shall mean the board of zoning adjustment as established in Article V of this ordinance.

**Boardinghouse.** A building arranged or used for lodging with or without meals for compensation, by more than five (5) and not more than twenty (20) individuals.

**Buffer.** An area meeting specified widths and depths on the side(s) abutting, facing, or fronting between differing land uses. A buffer area serves as a physical and/or visual means of separating differing land uses. Where required under the provisions of these regulations, a buffer area shall be provided as specified herein.

**Buildable area.** The portion of a building site remaining after required yards have been provided.

**Building.** Any structure for the shelter or enclosure of persons, animals or property.

**Building height.** The vertical distance measured from the average finished grade at the front building line to the highest point of the structure.

**Building, principal.** A building, including covered porches, carports, and attached garages in which is conducted the principal use of the lot on which it is situated. In any residential district any dwelling shall be deemed to be the principal building on the lot on which the same is situated.

*Building, separate.* Any portion of any structure completely separated from every other portion by masonry or a fire wall without any window, which wall extends from the ground to the roof.

*Building inspector.* The Building Inspector of the City of Henderson, or his authorized representative.

*Building site.* The land occupied or to be occupied by a principal building and its accessory buildings and including such open spaces, yards, minimum area, off-street parking facilities, and off-street truck loading facilities as are required by this ordinance; every building site shall abut upon a dedicated street. Any building site established after the effective date of this ordinance which occupies only a portion of a lot of record may be established only in accordance with the requirements of the subdivision regulations [Appendix A of this Code] and this ordinance, whichever is more restrictive.

*Building line.* A line established in general, parallel to the front street line between which line and the front street line, no part of a building shall project, except as otherwise provided by these regulations.

*Carport.* A shelter for one or more vehicles which is not fully enclosed by walls and one or more doors.

*Certificate of use and occupancy.* The certificate issued by the building official which permits the use of a building in accordance with the approved plans and specifications and which certifies compliance with the provisions of law for the use and occupancy of the building in its several parts together with any special stipulation or conditions of the building permit.

*City.* The word "city" shall mean the Board of Commissioners of the City of Henderson, Kentucky.

*Clerk.* The clerk of the governing body.

*Club.* An organization of persons for special purposes or for the promulgation of sports, arts, science, literature, politics or the like, but not for profit.

*Commission.* The word "commission" shall mean the Henderson City-County Planning Commission.

*Comprehensive plan.* A comprehensive plan for the development of the local government, prepared and adopted by the Planning Commission and Board of Commissioners pursuant to state law, and including any part of such plan separately adopted and any amendment to such plans, or parts thereof.

*Conditional use.* A use which is essential to or would promote the public health, safety, or welfare in one or more zones, but would impair the integrity and character of the zone in which it is located, or in adjoining zones, unless restrictions on location, size, extent, and character of performance are imposed in addition to those imposed in the zoning regulation.

*Conditional use permit.* Legal authorization to undertake a conditional use issued by the administrative official pursuant to authorization by the board of zoning adjustment, consisting of two (2) parts:

- (a) A statement of the factual determination by the board of zoning adjustment which justifies the issuance of the permit, and,
- (b) A statement of the specific conditions which must be met in order for the use to be permitted.

*"Condominium"* means Real Estate, portions of which are designated for separate ownership and the remainder of which is designated for common ownership solely by the owners of those portions. Real Estate is not a condominium unless the undivided interests in the common elements are vested in the unit owners.

*Consumer fireworks.* Those fireworks that are described in KRS 227.702.

*Convalescent home.* A convalescent home is a home for the care of the aged or infirm, or a place of rest for those suffering bodily disorders wherein two (2) or more persons are cared for. Said home shall conform and qualify for license under state law.

*County.* The word "county" shall mean the Fiscal Court of Henderson County, Kentucky.

*Court.* An open, unoccupied space, other than a yard on the same lot as a building.

*Day care facility.* A day care facility is designed to offer care and/or training to children or adults unrelated to the owner or director for any part of a day on some kind of regular basis. Such facility may or may not be operated for profit. For the purposes of the zoning regulations, a sitting service that is used at the convenience of parents or other relatives at irregular intervals is not to be considered a day care facility.

Type of day care facilities: The services offered and ages of persons enrolled in a day care facility determine the classification of the facility. The name of the facility should be descriptive of its purpose.

- (a) *Group care center* (day nursery, day care center) is defined as a facility for six (6) or more children, regardless of age, whose primary purpose is the care of the child for part of a day.
- (b) *Nursery school* is defined as a school for two-, three- and four-year-old children which operates for periods generally not to exceed four (4) hours per day and whose primary purpose is education and guidance.
- (c) *Kindergarten* is defined as a school for four- and five-year-olds which operates for periods not to exceed four (4) hours per day and whose primary purpose is education and guidance for health, emotional and social development of the children.
- (d) *Foster family day care* is defined as a service in a private home offering care in a family setting to a maximum of five (5) children, including the foster families own children during part of the day. Because of the special needs of the very young

child, there should be no more than two (2) children under the age of two (2) years in a foster family day care home.

- (e) *Adult day care* is defined as personal care and supervision in a protective setting for adults outside their own home for less than twenty-four (24) hours per day. The program may include the provisions of daily medical supervision, nursing and other health care support, psycho-social assistance, or appropriate socialization stimuli or a combination of these. Adult day care is available for those persons who do not require twenty-four-hour per day institutional care, but who, because of physical and/or mental disability, are not capable of full-time independent living.

*Density.* The number of families residing on, or dwelling units developed on an acre of land. As used in these regulations, all densities are stated in families per acre.

*Development plan.* Written and graphic material for the provision of a development, including any or all of the following: Location and bulk of buildings and other structures, intensity of use, density of development, streets, ways, parking facilities, signs, drainage of surface water, access points, a plan for screening or buffering, utilities, existing manmade and natural conditions and all other conditions agreed to by the applicant.

*District.* A portion of the jurisdiction of the governing body within which on a uniform basis, certain uses of land and buildings are permitted and within which certain yards, open spaces, lot acres and other requirements are established, i.e., residential district, commercial district, etc.

*Drive-in establishment.* A business establishment, other than a drive-in restaurant, so developed that its retail or service character is dependent on providing a driveway approach or parking spaces for motor vehicles so as to serve patrons while in the motor vehicle, and may include drive-in banks, drive-in cleaners and drive-in laundries.

*Drive-in restaurant.* Any place or premises used for the sale, dispensing or serving of food, refreshments, or beverages in automobiles, including establishments where customers may serve themselves and may eat or drink the food, refreshments, or beverages in automobiles on the premises.

*Dwelling, group.* A group of two (2) or more single-family semi-detached or multiple dwellings occupying a parcel of land in common ownership and having yard or courts in common.

*Dwelling, multifamily.* A residential dwelling designed for or occupied by three (3) or more families, with the number of families in residence not exceeding the number of dwelling units provided.

*Dwelling, row or townhouses.* A row of three (3) or more attached single-family dwellings, not more than two and one-half (2½) stories in height, in which each dwelling has its own front and rear entrances.

*Dwelling, two-family.* A building designed exclusively for occupancy by two (2) families independent of each other, such as a duplex dwelling unit.

*Dwelling unit.* A single unit providing complete, independent living facilities for one (1) or more persons including permanent provisions for living, sleeping, eating, cooking and sanitation.

*Dwelling unit, single-family.* 1) A building or structure designed and intended for occupancy by a single family constructed on site on a permanent foundation in compliance with all standards contained in the Kentucky Building Code; or 2) a building or structure designed and intended for occupancy by a single family and fabricated in whole or part in an off-site manufacturing facility and transported by truck for installation or assembly at the building site as a permanent structure with installation required to be moored to a permanent foundation in compliance with all the standards contained in the Kentucky Building Code and once installed can only be moved as a conventional home.

*Efficiency unit.* An efficiency unit is a dwelling unit consisting of one room, exclusive of bathroom, kitchen, hallway, closets or dining alcove directly off the room, providing not less than three hundred fifty (350) square feet of floor area.

*Erected.* The word "erected" includes built, constructed, reconstructed, moved upon, or any physical operation on the premises required for the building. Excavations, fill, drainage, and the like, shall be considered a part of "erected."

*Façade.* Façade is the visual portion of a property with frontage along a public right-of-way, not including a public alleyway, including all architectural and construction features including and without limitation to: structural materials, facing materials, windows, doors, trim, sill, steps, railing, cornices, molding, and fences.

*Family.* One person living alone, or two (2) or more persons living together as a single nonprofit, housekeeping unit, provided that unless all members are related by blood, marriage, or legal adoption, no such family shall contain over three (3) unrelated persons. The term "family" shall be deemed to include domestic servants, gratuitous guests, and foster or boarded children whose room and board is paid by a recognized child care agency. Further provided that the term "family" shall not include a group occupying a hotel, club, boarding house or fraternity or sorority house.

*Family child-care home.* A private residence that provides for the temporary care of children who are unrelated to the care provider.

*Fast food restaurant.* A fast food restaurant is defined to be a restaurant that has all of the following characteristics:

- (a) Its principal business is the sale of food items and beverages of the kind which can readily be taken out of the restaurant for consumption off the premises.
- b) Service is not customarily provided to customers at their tables by employees of the restaurant.

*Filling.* Shall mean the depositing or dumping of any matter on or into the ground, except deposits resulting from common household gardening and general farm care.

*Floor area ratio.* The ratio between the maximum allowable amount of floor space on all floors in a building and the total area of the lot on which the building is located. Example. A FAR of 2.0 would allow floor space of twice the area, or a four-story building covering one-half of the lot. A FAR of 0.5 would allow floor space of one-half of the lot area, or a two-story building covering one-quarter of the lot area, or a two-story building covering one-quarter of the lot.

*Floor area, total.* The area of all floors of building including finished basements and covered porches.

*Floor area, usable.* Any floor area within outside walls of a building, exclusive of areas in cellars, unfinished basements, utility area, unfinished attics, garages, open porches and accessory buildings.

*Foster child.* A person who has not reached his eighteenth (18th) birthday, unrelated to a family by blood or adoption with whom he or she lives for the purpose of care and/or education.

*Garage, private.* An accessory building designed or used for the storage of motor-driven vehicles owned and used by the occupants of the building to which it is accessory, for personal use only.

*Garage, public.* Any premises used for the storage or care of motor-driven vehicles, or place where any such vehicles are equipped for operation, repaired, or kept for re-numeration, hire or sale.

*Home Occupation.* Professional offices and personal services maintained or conducted within a dwelling or conducted as a conditional use in a detached existing garage. (See reference 4.38)

*Hospital.* Any institution providing health services, primarily for inpatients and medical or surgical care of the sick or injured, including as an integral part of the institution, such related facilities as laboratories, outpatient department, training facilities, central service facilities and staff offices, as licensed by the Commonwealth of Kentucky.

*Hotel.* A building or group of buildings containing individual sleeping or living units designed for the temporary occupancy of transient guests and including hotels, tourist courts, motor lodges, motor hotels, or auto courts, but not including boarding houses or lodging houses.

*Junk.* The term "junk" means any motor vehicle, machine, appliance, scrap material that is in a condition which prevents its use for the purpose for which it was originally manufactured.

*Junkyards, used auto parts yards, salvage yards.* The use of an area of any lot for the storage, keeping or abandonment of junk, including scrap metals or other scrap materials, or for the dismantling, demolition, abandonment of automobiles, or other vehicles or machines or parts thereof.

*Kennel.* Any lot or premises on which three (3) or more dogs, four (4) months old or older, are kept either permanently or temporarily for commercial or breeding purposes.

*Laboratory.* A place devoted to experimental study, such as testing and analyzing. Manufacturing of product or products is not permitted within this definition.

*Loading space.* An off-street space on the same parcel of property with a building or group of buildings, for temporary parking of a commercial vehicle while loading and unloading merchandise or materials.

*Lot.* A parcel of land occupied or intended for occupancy by a use permitted in these regulations, including one principal building together with the accessory buildings, yard area, and parking spaces required by these regulations, and having its principal frontage upon a publicly maintained street.

*Lot area.* The total horizontal area within the lot lines of a lot.

*Lot, corner.* A corner lot of which at least two (2) adjacent sides abut for their full length upon a street, provided that such two (2) sides intersect at an interior angle of not more than one hundred thirty-five (135) degrees. Where a lot is on a curve, if tangents through the extreme point of the street line of such lot make an interior angle of not more than one hundred thirty-five (135) degrees, it is a corner lot. In the case of a corner lot with curved street line, the corner is that point on the street lot line nearest to the point of intersection of the tangents described above.

*Lot, coverage.* That part or percent of the lot occupied by the buildings, including accessory buildings.

*Lot depth.* The mean horizontal distance from the front lot line to the rear lot line.

*Lot, double frontage.* An interior lot having frontages on two (2) more or less parallel streets as distinguished from a corner lot. In the case of a row of double frontage lots, one street will be designated as the front street in the plat and the request for a building permit will indicate which street is the designated front street.

*Lot, interior.* A lot other than a corner lot.

*Lot line.* The property line abounding the lot.

*Lot line, front.* In the case of an interior lot, that line separating said lot from the street. In the case of a corner lot, or double frontage lot, "front lot line" shall mean that line separating said lot from that street which is designated as the front street in the plat and in the application for a building permit.

*Lot line, rear.* That lot line opposite the front lot line. In the case of a lot pointed at the rear, the rear lot line shall be an imaginary line parallel to the front lot line not less than ten (10) feet long farthest from the front lot line and wholly within the lot.

*Lot line, side.* Any lot line other than the front lot line or rear lot line. A side lot line separating a lot from a street is a side street lot line. A side lot line separating a lot from another lot or lots is an interior side lot line.

*Lot line, street or alley.* A lot line separating the lot from the right-of-way of a street or alley.

*Lot of record.* A lot which is part of a subdivision recorded in the office of the county court clerk, or a lot or parcel surveyed or described by metes and bounds, by description of which has been so recorded.

*Lot width.* The mean horizontal distance between the side lines at the building line measured along the building line.

*Maintenance.* General property maintenance and/or repair of any water, sewer, HVAC, or electrical expenditures incurred in updating an existing structure where no new expansion will occur.

*Major thoroughfare.* The major streets which carry a relatively large amount of vehicular traffic and may connect to secondary or regional thoroughfares. The major thoroughfares are as delineated on the comprehensive land use plan as adopted by the governing body.

*Manufactured housing.* A manufactured building designed for long-term residential use. Manufactured housing includes that housing built on a chassis and is commonly referred to as "mobile homes"; however, manufactured housing does not include recreational vehicle, as defined herein at "Article II. Definitions, Section 2.01. Definitions." For the purpose of these regulations, manufactured housing is divided into four (4) classifications.

- (1) *Class A manufactured housing.* Manufactured housing certified by the Department of Housing and Urban Development as meeting all federal manufactured home construction and safety standards and approved by the zoning administrator as meeting all the "acceptable installation standards" and all "acceptable appearance standards" herein below.

- a. *Acceptable installation standards*

1. The home shall be permanently attached and installed on a permanent foundation with the manufacturer's installation specifications as approved by the U.S. Department of Housing and Urban Development.
2. The home shall be anchored to the ground in accordance with manufacturer's specifications.
3. All wheel, trailer tongue and hitch assemblies shall be removed upon installation.
4. The home shall meet all requirements for lot, yard, building and other requirements for the district in which it is located.
5. All stairs, porches, entrances, platforms and other means of entrance and exit to the home shall be installed and constructed in conformance to the Kentucky Building Code.

6. All utilities shall be permanently connected to a public utility system in accordance with all City Codes and all public health requirements governing plumbing installations.

b. *Acceptable appearance standards*

1. A poured concrete or masonry skirting wall shall be constructed beneath and along the entire perimeter of the manufactured home, including the perimeter of the front steps and front porch, even if the wall is not structurally required by manufactured installation specifications. Venting and access requirements shall be in accordance with the Kentucky Building Code.
  2. The home shall be a minimum width of twenty (20) feet as measured across the narrowest portion.
  3. The home shall be placed so that the main egress is parallel to the street. Main egress shall be considered the principal access for the home as constructed off site.
  4. The manufactured home shall either be oriented so that: 1) its long axis is parallel with the street; or 2) if the narrow dimension of the unit is located parallel to the street it shall be no less than fifty (50) percent of the unit's long dimension.
  5. The home shall have a minimum roof pitch of four (4) feet of rise for every twelve (12) feet of horizontal run. The roof shall be covered with material that is residential in appearance including, but not limited to, approved wood, asphalt composition shingles, standing seam metal, or fiberglass, but excluding corrugated aluminum, corrugated fiberglass or other metal roofs.
  6. Exterior siding cannot have a high-gloss finish and must be residential in appearance including, but not limited to, clapboards, simulated clapboards such as conventional vinyl or metal siding, wood shingles, "glossy" shakes, or similar material but excluding smooth, ribbed, or corrugated metal or plastic panels.
  7. An adequate guttering and roof drainage system shall be installed.
  8. The home shall have eaves with a minimum of six (6) inch overhang.
- (2) *Class B manufactured home*. Manufactured housing certified by the Department of Housing and Urban Development as meeting all federal manufactured home construction and safety standards and acceptable installation standards but not meeting all of the acceptable appearance standards described above.
- (3) *Class C manufactured home*. A manufactured/mobile home built before the HUD Code (1976) which is not certified by the Department of Housing and Urban Development as meeting all federal manufactured housing and safety standards and not meeting all of the acceptable installation standards and acceptable appearance standards described above. No class C manufactured homes will be permitted.
- (4) *Class D manufactured home*. A manufactured home having been issued a "class B2 seal", which means the home has been inspected and found not to be in compliance with applicable codes and is a salvage unit unfit for human habitation. No class D manufactured homes will be permitted.

*Manufactured Housing Park*. A unified development of two (2) or more manufactured housing sites, plots, or stands arranged on a large tract usually under single ownership, meeting

the area and yard requirements of this ordinance, and designed to accommodate manufactured housing, for more or less permanent duration, whether or not a charge is made for such accommodations, and includes any service building, structure, enclosure or other facility used as part of the manufactured housing park.

*Marina.* A dock or basin with moorings and supplies for yachts and small pleasure craft. A marina differs from a port in that a marina does not handle large passenger ships or commercial vessels.

*Motor vehicle repair.* General repair, engine rebuilding, rebuilding or reconditioning of motor vehicles; collision service such as body, frame or fender straightening and repair; overall painting, completely enclosed spray booth.

*Motor vehicle wash establishments.* A building, or portion thereof, the primary purpose of which is that of washing motor vehicles.

*Nonconforming structures or uses.* A structure or use of any premises which does not conform with applicable provisions of this ordinance, but which existed at the time of its designation as nonconforming by the adoption or amendment of this ordinance.

*Nursery, trees and shrubs.* An area or establishment devoted to the raising and care of trees, shrubs, or similar plant materials.

*Off-street parking lot.* A facility providing vehicular parking spaces, along with adequate drives and aisles for maneuvering, so as to provide access for entrance and exit for the parking of more than two (2) automobiles.

*Open air business uses.* Open air business uses shall include the following:

- (a) Retail sale of trees, shrubs, plants, flowers, seed, topsoil, humus, fertilizer, trellises, lawn furniture, playground equipment and other home garden supplies and equipment.
- (b) Retail sale of fruit and vegetables.
- (c) Tennis courts, archery courts, shuffleboard, horseshoe courts, miniature golf, golf driving ranges, children's amusement parks or similar recreational uses.
- (d) Bicycle, trailer, motor vehicle, boats or home equipment sales, service, rental services, farm and construction equipment.
- (e) Outdoor display and sale of garages, swimming pools, monuments, and similar uses.
- (f) Flea markets and similar open air displays.

*Parking spaces.* An area of not less than ten (10) feet wide by eighteen (18) feet long, for each automobile or motor vehicle, such space being exclusive of necessary drives, aisles, entrances or exits and being fully accessible for the storage or parking of permitted vehicles.

*Person with a Disability:* A person with a physical, emotional, or mental disability including but not limited to mental retardation, cerebral palsy, epilepsy, autism, deafness or hard of hearing, sight impairments, and orthopedic impairments, but not including convicted felons or

misdemeanants on probation or parole or receiving rehabilitation services as a result of their prior conviction, or mentally ill persons who have pled guilty but mentally ill to a crime or not guilty by reason of insanity to a crime. "Person with a disability" does not include persons with current, illegal use of or addiction to alcohol or any controlled substance as regulated under KRS 218 A.

*Planned unit development (PUD).* A land development project comprehensively planned as an entity via a unitary site plan which permits flexibility in building siting, mixtures of housing types and land uses, usable open spaces and the preservation of significant natural features.

*Public Street.* A publicly maintained thoroughfare providing the principal means of access to abutting property and listed on the city, county, state, or federal road system.

*Recreational vehicle:*

- (1) *Travel trailer* means a vehicular, portable structure built on a chassis, designed to be used as a temporary dwelling for travel, recreation or vacation.
- (2) *Pick-up coach* means a structure designed to be mounted on a truck for use as a temporary dwelling for travel, recreation or vacation.
- (3) *Motor home* means a portable temporary dwelling to be used for travel, recreation or vacation, constructed as an integral part of a self-propelled vehicle.
- (4) *Camping trailer* means a canvas or other collapsible folding structure, mounted on wheels and designed for travel, recreation or vacation use.
- (5) *Dependent recreational vehicle* means a recreational vehicle which does not have toilet, lavatory or bathing facilities.
- (6) *Self-contained recreational vehicle* means a recreational vehicle which can operate independent of connections to sewer, water and electric systems. It contains a water-flushed toilet, lavatory, shower or bath, [and] kitchen sink, all of which are connected to water-storage and sewage-holding tanks located within the recreational vehicle.

*Residential care facility.* A residence operated and maintained by a sponsoring private or governmental agency to provide services in a homelike setting for persons with disability .

*Residential care services.* Services include but are not limited to supervision, shelter, protection, rehabilitation, personal development and attendant care.

*Rubbish.* Means the miscellaneous waste materials resulting from housekeeping, mercantile enterprises, trades, manufacturing and offices, including other waste matter such as slag, stone, broken concrete, fly ash, ashes, tin cans, glass, scrap metal, rubber, paper, rags, chemicals or any similar or related combinations thereof.

*Salvage.* Refers to any motor vehicle, machine or appliance having sufficient value to justify its sale for repair or recovery of parts.

*Setback.* The required distance between every structure and any lot line on the lot on which it is located.

*Setback, front.* The minimum distance between the street right-of-way and the building line.

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*Service station.* A building or structure designed or used for the retail sale or supply of fuels, lubricants, air, water and other operating commodities for motor vehicles, aircraft or boats, and including the customary space and facilities for the installation of such commodities on or in vehicles and including space for facilities for the temporary storage of vehicles, minor repair or servicing.

*Shopping center.* A group of three (3) adjoining or adjacent retail stores, and more than 20,000 sq. ft., or service establishments to be planned, constructed and developed as a single unit, and including any additional such stores or establishments subsequently adjoining or adjacent thereto.

*Shooting range, indoors.* A facility designed or used for shooting at targets with bows & arrows, rifles, pistols, or shotguns and which is completely enclosed within a building or structure for the purposes of target practice or temporary competitions.

*Sign.* Any fabricated sign or outdoor display structure including its structure, consisting of any letter, figure, character, mark, point, plane, marquee sign, design, poster, pictorial picture stroke, stripe, line, trademark, reading matter, or illuminating device, constructed, attached, erected, fastened, or manufactured in any manner whatsoever so that the same shall be used for the attraction of the public to any place, subject, person, firm, corporation, public performance, article, machine, or merchandise whatsoever, and displayed in any manner out of doors for recognized advertising purposes.

*Site plan.* A graphic plan drawn to scale for all proposed non-single family development or change of uses, or creation of new commercial or multi-family lots, which shows elements of site design in sufficient detail to depict the approved locations of buildings, accessory structures, parking areas, access points, open spaces, drainage facilities, utilities, yard dimensions, easements, screening, erosion control, flood zone boundaries, and all other information required by the enforcement officer or approving body.

*Soil removal.* Shall mean the removal of any kind of soil or earth matter which includes topsoil, sand, gravel, clay or other materials or any combination thereof, except common household gardening and general farm care.

*Story.* That part of a building comprised between a floor and the floor or roof next above which is not a basement or an attic.

- (a) *First story.* The lowermost story entirely above the grade plane.
- (b) *Mezzanine.* An intermediate level between the floor and the ceiling of any story, and covering not more than thirty-three (33) percent of the floor area of the room in which it is located.

*Street.* Any public or private vehicular way which affords the principal means of access to abutting property. The term shall include "road," "highway," or "thoroughfare." A public street is a street accepted according to the subdivision regulations and maintained by the governing body. A private street is not so accepted and maintained.

*Structure.* Anything constructed or erected, the use of which requires fixed location on the ground or attachment to something having a fixed location on the ground, including

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buildings, radio towers, swimming pools, and walls or fences exceeding three and one-half (3½) feet in height, billboards, and poster panels; reference to buildings includes structures and vice versa.

*Structural alteration.* Any change in the supporting members of a building or structure, each as bearing walls or partitions, columns, beams or girders or any change in the width or number of exits, or any structural change in the roof.

*Subdivision regulations.* Regulations as adopted by the city for the subdivision of land.

*Swimming pool.* The term "swimming pool" shall mean any structure or container intended for swimming or bathing located either above or below grade designed to hold water to a depth greater than twenty-four (24) inches.

"Townhouse" means an attached, privately owned, single-family dwelling, which is designed and erected as an independent unit on a separate lot and separated from all other such units by a properly rated common party wall having no doors, windows, or other provisions for human passage or visibility. (See Article IV, Section 4.05)

*Travel trailer.* A vehicular portable structure built on a chassis, designed to be used as a temporary dwelling for travel and recreational purposes, with a body width not exceeding eight (8) feet and constructed in such a manner as will permit occupancy thereof as a dwelling or sleeping place for one or more persons. For the purposes of these regulations, the term includes recreational vehicle, pickup campers, camping trailers, and motorized homes (living facilities constructed as integral parts of self-propelled vehicles).

*Truck gardening.* Truck gardening is the use of land for growing edible vegetables, fruits, and other crops for resale and commercial purposes. Household gardening by a property owner for a hobby or purely local consumption by himself and his family residing on the same premises shall not be construed to be truck gardening.

*Use.* The purpose for which land or premises or a building thereon is designed, arranged, or intended, or for which it is occupied or maintained, let or leased.

*Utility room.* A room or space, located other than in the basement, specifically designed and constructed to house any home appliances (furnace, water heater, pump).

*Variance.* A departure from dimensional terms of the zoning regulation pertaining to the height, width, or location of structures, and the size of yards and open spaces where such departure meets the requirements of KRS 100.241 and 100.247.

"Vehicular Use Area" (VUA) is any area used by vehicles of any type, whether moving or at rest, including but not limited to parking lots or areas, loading and unloading areas, mobile home yards, sales and service areas, and driveways.

*Yard.* An open space on the same lot with a building, unoccupied and unobstructed from the ground upward, except as otherwise provided herein. The measurement of a yard is the minimum horizontal distance between the lot line and the building or structure.

- (a) *Side yard.* A yard between the side line of the lot and the nearest line of the principal building and extending from the front yard to the rear yard, or in the absence of either such yard, to the front and rear lot lines, as the case may be; except that on a corner lot, the side yard adjacent to a street shall extend the full depth of the lot.
- (b) *Front yard.* A yard extending the full width of the lot; the depth of which is the horizontal distance between the front lot line and the nearest line of the principal building on the lot.
- (c) *Rear yard.* A yard extending the full width of the lot, the depth of which is the horizontal distance between the rear lot line and the rear line or lines of the principal building of the lot.

(Ord. No. 8-85, 3-12-85; Ord. No. 67-88, 1-10-89; Ord. No. 17-89, § 1, 8-8-89; Ord. No. 18-19, § 1, 5-14-91; Ord. No. 23-92, § 1, 7-14-92; Ord. No. 29-94, § 1, 6-14-94; Ord. No. 11-02, 5-13-02; Ord. No. 06-03, 4-8-03; Ord. No. 18-11, 7-12-11; Ord. No. 23-11, 8-9-11)

**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.
- (d) Shooting Range, Indoors (must meet all Federal, State, and local regulations).

(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 XXIII. M-1, LIGHT INDUSTRIAL DISTRICT

### Section 23.01. Statement of purpose.

The intent of this article is to permit certain industries that are of a light manufacturing character, including but not limited to light manufacturing and processing, research and development, certain office uses, and warehousing, to locate in planned areas of the city. So that such uses may be integrated with land use, such as commercial and residential areas, limitations are placed upon the degree of noise, smoke, glare, waste, and other features of industrial operations so as to avoid adverse effects. It is further intended that these light industrial uses act as a transition between heavier industrial uses and nonindustrial uses and not necessarily require railroad access or major utility facilities.

(Ord. No. 14-00, § 1, 5-23-00)

### Section 23.02. Permitted uses.

Accessory uses and buildings that are subordinate, customary and incidental to the permitted primary uses. Any accessory structure shall meet site and other requirements of this zone.

- (1) Assembly of finished or semi-finished materials.
- (2) Bakeries.
- (3) Book binding.
- (4) Bottling works.
- (5) Building material sales yards.
- (6) Cabinet making.
- (7) Confectionery.
- (8) Contractor's office and accessory storage yards including the storage of general construction equipment.
- (9) Commercial/Industrial Dry cleaning.
- (10) Greenhouses, wholesale.
- (11) Ice plants.
- (12) Laboratories.
- (13) Laundries, commercial.
- (14) Manufacturing of precision instruments, bicycles, business machines, brooms and brushes, cameras and photo equipment, ceramic products, clothing, condensed and powdered milk products, electronics, small appliances, film, furniture, hemp and jute products, jewelry, medical appliances, musical instruments, optical goods, and pharmaceutical products.
- (15) Metal fabrication and assembly.

- (16) Millwork and woodworking.
- (17) Office uses resulting from information processing, industrial training, engineering, drafting or graphic arts service and computer hardware or software development.
- (18) Plastic molding. (19)  
Plating, electrolytic. (20)  
Printing or publishing.
- (21) Recycling collection facility.
- (22) Retail sale of any commodity designed and manufactured in in this zone.
- (23) Storage facilities and warehousing, including self-storage facilities.
- (24) Tool gauge and machine shops.
- (25) Truck Stop and Truck Terminal.
- (26) 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. 20-96, 4-9-96; Ord. No. 14-00, § 1, 5-23-00; Ord. No. 18-11, 7-12-11)

**Section 23.03. Conditional uses.**

Other industrial uses not listed above shall be considered conditional uses and will require the approval of the board of zoning adjustment:

- (1) Gasoline, oil, alcohol, or liquefied petroleum storage aboveground in excess of five-hundred (500) gallons.
- (2) Animal hospitals.
- (3) Animal kennels.
- (4) Child care centers.
- (5) Medical hospitals and medical institutions.
- (6) Private education institutions.
- (7) Crematoriums
- (8) Shooting Range, Indoors (must meet all Federal, State, and local regulations).

(Ord. No. 14-00, § 1, 5-23-00)

**Section 23.04. Area, height, bulk and placement regulations.**

(See attached Schedule of Regulations, Article XXVII.)

## ARTICLE XXIV. M-2, HEAVY INDUSTRIAL DISTRICT

### Section 24.01. Purpose and findings.

*Purpose and findings for regulation of heavy commercial and industrial uses.* The intent of this regulation is to provide for the development in desirable areas of the city, based upon the comprehensive plan, of those heavy commercial and industrial establishments which may create some nuisance and which are not properly associated with or compatible with any of the development proposed for the other land use districts. These uses are primarily of a manufacturing, assembling, and fabricating nature requiring good access by road, railroad, and/or river or water access and needing special sites or public utility services. Reasonable regulations apply to uses in this district, so as to permit the location of industries which will not cause adverse effects on residential and commercial areas.

*Purpose and findings for regulation of sexually oriented businesses.* It is the purpose of these provisions to regulate sexually oriented businesses in order to promote the health, safety, morals, and general welfare of the citizens of the city, and to establish reasonable and uniform regulations to prevent the deleterious location and concentration of sexually oriented businesses within the city. These regulations have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials, including sexually oriented materials. Similarly, it is not the intent of these regulations to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. Neither is it the intent nor effect of these regulations to condone or legitimize the distribution of obscene material.

Based on evidence concerning the adverse secondary effects of adult uses as set forth in reports made available to the Board of Commissioners, and on findings incorporated in the cases of *City of Renton v. Playtime Theatres, Inc.*, 475 U.S. 41 (1986); *Young v. American Mini Theatres*, 426 U.S. 50 (1976); *FW/PBS, Inc., v. City of Dallas*, 493 U.S. 215 (1990); *Barnes v. Glen Theatre, Inc.*, 501 U.S. 560 (1991); *City of Erie v. Pap's A.M.*, 120 S. Ct. 1382 (2000); and on studies in other communities including, but not limited to: Dallas, Texas; Town and Village of Ellicottville, New York; Tucson, Arizona; St. Mary's, Georgia; St. Croix County, Wisconsin; Newport News, Virginia; and Garden Grove, California; and also on findings from the Report of the Attorney General's Working Group On The Regulation Of Sexually Oriented Businesses (June 6, 1989, State of Minnesota), the Board of Commissioners finds:

- (1) There is convincing documented evidence, including statistics and studies performed in a substantial number of communities concerning the serious objectionable characteristics and secondary effects of sexually oriented businesses in other jurisdictions;
- (2) There is substantial evidence that an increase in crime tends to accompany, concentrate around, and be aggravated by sexually oriented businesses, including but not limited to increase in the crimes related to prostitution, sale and possession of controlled substances and violence against persons and property;
- (3) There are unique harmful effects on children and minors exposed to the effects of sexually oriented businesses, including but not limited to, the deterioration of respect for family values, exposure to images and acts for which they are too young

or immature to fully understand, and the possibility that such children or minors could inadvertently become targets or otherwise victims of solicitations of a sexual nature for which they are too young or immature to understand or otherwise take appropriate measure to protect themselves;

(4) Sexually oriented businesses adversely impact property values and the character of the surrounding neighborhoods and business areas, which together have a deleterious effect on the health and welfare of the community;

(5) Sexually oriented businesses have both a real and a perceived negative impact on surrounding properties, including crime rates that are higher and property values that are lower. Their presence influences the public's perception of the neighborhood in which they are located, and can create "dead zones" in commercial areas where shoppers do not want to be associated in any way with sexually oriented businesses, nor have their children walk by such uses.

(6) The findings noted in subsections (1) through (5) raise substantial governmental concerns; and

(7) The general welfare, health, morals, and safety of the citizens of the city will be promoted by these regulations.

(Ord. No. 29-02, § 2, 8-27-02)

#### **Section 24.02. Permitted uses.**

In all M-2 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 light industrial district.
- (b) Manufacturing, fabrication and/or processing of any commodity.
- (c) Accessory buildings and uses. Garages and other buildings and uses accessory to the principal use.
- (d) Sexually oriented business. For purposes of this section, "sexually oriented business" means an adult arcade, adult bookstore, adult novelty store, adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, escort agency, seminude model studio, sexual encounter center, or any other sexually oriented business as regulated under chapter 2.5 of the Code of Ordinances.

(Ord. No. 29-02, § 3, 8-27-02)

#### **Section 24.03. Conditional uses.**

The following shall require a conditional use permit according to the procedure in Section 4.03: Any use not in conflict with any other ordinances of the city, provided however, that the following uses shall be considered conditional uses and require approval by the board of zoning adjustment: bag cleaning, boiler works, crematoriums, tank works, central mixing plant for cement, mortar, plaster or paving materials, coke oven, curing, tanning and storage of raw hides and skins, distillation of bones, coal, wood or tar, fat rendering, forge plant, foundry or metal fabrication plant, gasoline or oil storage, aboveground in excess of five hundred (500)

gallons, slaughterhouse or stockyards, recycling processing facility, public or private landfills and sewerage disposal plant, river terminal/barge facility, smelting plant, and the manufacturing of acetylene, acid, alcohol, or alcoholic beverages, ammonia, bleaching powder, chemicals, brick, pottery, terra cotta or tile, candles, disinfectants, dyestuffs, fertilizers, illuminating or heating gas, (or storage of same), linseed oil, paint, oil, turpentine, varnish, soap and tar products, synthetic fuel production or operation, **shooting range, indoors (must meet all Federal, State, and local regulations)**, or any other use which in the opinion of the board of zoning adjustment would emit detrimental or obnoxious noise, vibrations, smoke, odors, dust or other objectionable conditions beyond the confines of its property. The board may grant approval if it determines that the proposed use would not extend its detrimental or obnoxious effects beyond the limits of the heavy industrial district in which it is located. (Ord. No. 14-00, § 2, 5-23-00)

**Section 24.04. Area, height, bulk and placement regulations.**

(See attached Schedule of Regulations, Article XXVII.)

**Section 24.05. General requirements for sexually oriented businesses.**

- (a) A sexually oriented business shall not be located within one thousand two hundred fifty (1,250) feet of:
- (1) A church, synagogue, mosque, temple, or building that is used primarily for religious worship and related religious activities;
  - (2) A public or private educational facility including, but not limited to, child day care facilities, nursery schools, preschools, kindergartens, elementary schools, private schools, intermediate schools, junior high schools, middle schools, high schools, vocational schools, secondary schools, continuation schools, special education schools, junior colleges, and universities. "School" includes the school grounds, but does not include facilities used primarily for another purpose and only incidentally as a school;
  - (3) A boundary of a residential district (R-1, R-2, R-3, R-4, R-5, PUD, R-MH, R-O) or any other residential district hereinafter established as defined in the City of Henderson Zoning Ordinance;
  - (4) A public park or recreational area which has been designated for park or recreational activities including, but not limited to, park, playground, nature trails, swimming pool, reservoir, athletic field, basketball or tennis courts, pedestrian/ bicycle paths, wilderness areas, or other similar public land within the city which is under the control, operation, or management of the City of Henderson;
  - (5) The property line of a lot devoted to a residential use, whether such use is conforming or nonconforming to the zoning district in which it is located;
  - (6) Any premises licensed pursuant to the alcoholic beverage control regulations of the state.
- (b) A sexually oriented business shall not be located within seven hundred fifty (750) feet of another sexually oriented business.

- (c) Not more than one (1) sexually oriented business shall be located in the same building or structure containing another sexually oriented business.
- (d) For the purpose of subsection (a) of this section, measurement shall be made in a straight line, without regard to the intervening structures or objects, from the nearest portion of the building or structure used as the part of the premises where a sexually oriented business is conducted, to the nearest property line of the premises of a use listed in subsection (a). The presence of a city, county or other political subdivision boundary shall be irrelevant for purposes of calculating and applying the distance requirements of this section.
- (e) For purposes of this subsection (b) of this section, the distance between any two (2) sexually oriented businesses shall be measured in a straight line, without regard to the intervening structures or objects or political boundaries, from the closest exterior wall of the structure in which each business is located.
- (f) A sexually oriented business lawfully operating as a conforming use is not rendered a nonconforming use by the location, subsequent to the grant or renewal of the sexually oriented business license, of a use listed in subsection (a) of this section within one thousand two hundred fifty (1,250) feet of the sexually oriented business. This provision applies only to the renewal of a valid license, and does not apply when an application is made for a license after the applicant's previous license has expired or been revoked.

(Ord. No. 29-02, § 4, 8-27-02)

## ARTICLE XXV. AG, AGRICULTURE DISTRICT

### Section 25.01. Statement of purpose.

This district is intended to classify the land situated on the fringe of the urban area that is used for agricultural purposes, but will be undergoing urbanization in the future. Many tracts in this district should not be detrimental to urban land uses. It is not intended that this district provide a location for a lower standard of residential, commercial or industrial development than is authorized in other districts. The types of uses, area and intensity of use of land which is authorized in this district is designed to encourage and protect agricultural uses until urbanization is warranted and the appropriate change in district classification is made.

"Agricultural use" means the use of a tract of at least ten (10) contiguous acres for the production of agricultural or horticultural crops, including but not limited to livestock, livestock products, poultry, poultry products, grain, hay, pastures, soybeans, tobacco, timber, orchard fruits, vegetables, flowers or ornamental plants, including provision for dwellings for persons and their families who are engaged in the above agricultural use on the tract, but not including residential building development for sale or lease to the public.

### Sec. 25.02. Permitted uses.

- (a) Churches.
- (b) Nonprofit public and private organizations.
- (c) Farm buildings.
- (d) Farm, including livestock, pork and poultry raising, dairying, horticulture and other similar bona fide agriculture endeavors or use of land. Pens or structures for farm animals of a new farm operation shall not be located closer than two hundred (200) feet to any residential, commercial, or industrial structure.
- (e) Greenhouses and nurseries, both wholesale and retail.
- (f) Home occupations.
- (g) Horse stables and riding schools/academies.
- (h) Libraries, parks and other recreational facilities.
- (i) Monastery, convent or other religious community.
- (j) Public, parochial and private schools designed for children of elementary school, junior high school and senior high school age.
- (k) Temporary assembly, for periods not exceeding thirty (30) days and subject to the building and electrical codes of the governing body and regulations of the Henderson County Public Health Department.
- (l) Veterinary clinics and hospitals, commercial dog kennels, provided that any structure or area used for such purpose, including pens or exercise runways, shall be at least four hundred (400) feet from any residential district.
- (m) Golf courses or country clubs.

- (n) Oil well or gas wells including the drilling thereof.
- (o) Storage of oil or gas drilling equipment necessary for that lease.
- (p) Selling on the premises of agricultural products produced on the premises; provided that the roadside stand should be considered temporary and shall be set back from the road right-of-way at least fifty (50) feet to permit parking, ingress and egress and shall not be constructed in such a location as to create an undue traffic hazard.
- (q) Single-family dwellings occupied by the owner or operator of the farm and such additional single family dwellings as are necessary for occupancy by the farm operation.
- (r) Accessory
- uses. (s)
- Winery/Vineyards

**Sec. 25.03. Conditional uses.**

- (a) Airports or landing fields.
- (b) Cemeteries.
- (c) Public or private landfills and sewerage disposal plant.
- (d) Hospitals and sanitariums.
- (e) Wireless transmitting and receiving stations, radio and television towers.
- (f) Retail sales of farm machinery and farm supplies (seed, fertilizer, herbicides, etc.), on lands for which the principal use is agriculture.
- (g) Commercial outdoor recreational facilities (example, pay lake, campground).
- (h) Public utility buildings, telephone exchange buildings, electric transformer (sub) stations and gas regulator stations which are considered by the county board of zoning adjustment to be necessary for the provision of essential services by governmental agencies or public utilities.
- (i) Shooting Range, Indoors (must meet all Federal, State, and local regulations).

**Sec. 25.04. Exceptions.**

Land which is used solely for agricultural, farming, dairying, livestock raising, or similar purposes shall have no regulations imposed as to building permits, certificate of occupancy, height, yard, location, or courts' requirements for agricultural buildings, including and limited to one manufactured housing unit used as a dwelling except that:

- (a) Setback lines may be required for the protection of existing and proposed streets and highways.

(b) All buildings or structures in a designated floodway which tend to increase flood heights or obstruct the flow of floodwaters may be fully regulated.

(Ord. No. 11-02, 5-13-02)

**Sec. 25.05. Area, height, bulk and placement regulations.** (See attached Schedule of Regulations, Article XXVII.)

City of Henderson, Kentucky

25)	Stadiums and sports arenas	1	Four (4) seats or seven (7) feet of benches
26)	Tourist home, motel	1	Guest bedroom
27)	Automobile service stations	4	Each station plus one additional space for each gasoline pump above three (3)
28)	Service garages, auto sales-rooms, auto repair, collision or body shops	1	Eight hundred (800) square feet of usable floor area plus one space for each two (2) employees computed on the basis of the maximum number of employees on duty at any one time, plus two (2) spaces for each stall in a collision, body or painting shop, plus one space for each stall or service area or wash rack in a servicing or repair shop
29)	Bed and breakfast inn	-	One off-street parking space must be provided for each guest room on-site, or within a reasonable distance off-site, except where it is demonstrated to the board of zoning adjustment, as part of the conditional use permit, that parking is available on-street.
30)	Theaters, exhibition halls, auditoriums, and places of public assembly with fixed seats	1	Four (4) seats, based on maximum seating capacity, plus one (1) additional parking space for each two (2) employees on shift of largest employment
31)	Theaters, exhibition halls, auditoriums, and places of public assembly without fixed seats	1	One hundred (100) square feet of usable floor space in main auditorium or assembly area, or one (1) space per four (4) people in designed capacity of building, whichever is greater, plus one (1) additional parking space for each two (2) employees on shift of largest employment
32)	Multiscreen cinemas	1	Five (5) seats, based on maximum seating capacity
33)	Daycares	1	One (1) per employee; one (1) space for every ten (10) children
34)	Shopping Center Parking Requirements		Look at Section 4.39 Shopping Centers
35)	Shooting Range, Indoors <i>(added 6-07-16)</i>	2	Shooting Range, plus required parking for any assembly space attached to a Shooting Range

Updated 6-07-2016

**City Commission Memorandum**  
**16-162**

July 8, 2016

TO: Mayor Steve Austin and the Board of Commissioners

FROM: Russell R. Sights, City Manager *RS*

SUBJECT: Ordinance Relating to Alcoholic Beverages

An item for the agenda of Tuesday, July 12, 2016 is final reading of an ordinance amending Chapter 4, Alcoholic Beverages, Sec. 4-35, Fees, of the City's Code of Ordinances.

The accompanying memorandum from City Attorney Dawn S. Kelsey explains that Senate Bill 11 was passed by the General Assembly and signed by the Governor into law in April 2016. Senate Bill 11 made several changes to the Alcohol Beverage law regarding the licenses that a City may grant as well as the expiration date of the City licenses. In order to come into compliance with Senate Bill 11, subsections (b)(2), (b)(6) and (f) should be amended.

Your approval of the attached ordinance is requested.

c: Dawn Kelsey  
Chip Stauffer  
David Piller

LEGAL DEPARTMENT

MEMORANDUM 16-06

To: Russell Sights, City Manager  
Buzzy Newman, Asst. City Manager

From: Dawn S. Kelsey, City Attorney 

Dated: June 21, 2016

Subject: Amending Ordinance 4-35 – ABC License Fees

In April 2016, the General Assembly passed and the Governor signed Senate Bill 11 into law. Senate Bill 11 made several changes to the Alcohol Beverage law. One of the changes is to KRS 243.070 regarding the licenses that a City may grant as well as the expiration date of the City licenses. This change to KRS 243.070 necessitated an update to our corresponding ordinance 4-35.

Senate Bill 11 created two classes of rectifier license whereas before there was only one class. So, in subsection (b) (2), the Ordinance was update to show both Class A and Class B rectifier licenses. (Currently, Henderson has no rectifier licenses issued.) There was also a change to allow a special temporary alcoholic auction license. This update license is grouped with our other special temporary license in subsection (b)(6). Finally, Senate Bill 11 requires that an entities' city ABC license expire at the same time as its corresponding state ABC license. Consequently, to come into compliance with Senate Bill 11, subsection (f) of the Ordinance adopts the statute's language on expiration.

cc: Chief Charles Stauffer  
Major David Piller

ORDINANCE NO. 25-16

ORDINANCE RELATING TO ALCOHOLIC BEVERAGES

**SUMMARY:** AN ORDINANCE AMENDING CHAPTER 4, *ALCOHOLIC BEVERAGES*, SEC. 4-35, *FEES*, OF THE CODE OF ORDINANCES OF THE CITY OF HENDERSON

BE IT ORDAINED by the City of Henderson, Kentucky, that Chapter 4, *Alcoholic Beverages*, Sec. 4-35, *Fees*, of the City's Code of Ordinances, is hereby amended as follows:

**Sec. 4-35. Fees.**

- (a) No license under the provisions of this article shall be issued until there has been paid to the city the license fee herein provided. For the privilege of causing, permitting and engaging in the actions, business and transaction authorized thereby in regard to traffic in alcoholic beverages in the city pursuant to the authority of KRS 243.070, there is hereby established a corresponding city license for each of the state licenses described in KRS 243.070.
- (b) The following alcoholic beverage licenses may be issued by the city and the fees for each shall be as follows:
  - (1) Distiller's license, per annum .....\$315.00
  - (2) Rectifier's license (Class A or Class B), per annum .....105.00
  - (3) Wholesaler's distilled spirits and wine license, per annum .....525.00
  - (4) Quota retail package license, per annum .....315.00
  - (5) Quota retail drink license per annum .....315.00
  - (6) Special temporary license or a special temporary alcoholic beverage auction license, per event .....50.00
  - (7) Nonquota type 1 retail drink license (includes distilled spirits, wine, and malt beverages), per annum .....1,000.00
  - (8) Nonquota type 2 retail drink license (includes distilled spirits, wine, and malt beverages), per annum .....400.00
  - (9) Nonquota type 3 retail drink license (includes distilled spirits, wine, and malt beverages), per annum .....250.00
  - (10) Distilled spirits and wine special temporary auction license, per event .....200.00
  - (11) Special Sunday retail drink license, per annum .....300.00
  - (12) Extended hours supplemental license, per annum .....No charge
  - (13) Caterer's license, per annum .....300.00

(14) Bottling house or bottling house storage license, per annum .....500.00

(15) Malt beverage licenses as follows:

- a. Brewer's license, per annum .....365.00
- b. Microbrewery license, per annum .....365.00
- c. Malt beverage distributor's license, per annum .....315.00
- d. Nonquota retail malt beverage package license, per annum .....105.00
- e. Nonquota type 4 retail malt beverage drink license, per annum .....105.00
- f. Malt beverage brew-on-premises license, per annum .....100.00

(16) The fee for each of the first five (5) supplemental bar licenses shall be the same as the fee for the primary drink license. There shall be no charge for each supplemental license issued in excess of five (5) to the same licensee at the same premises.

(17) The holder of a nonquota retail malt beverage package license may obtain a nonquota type 4 malt beverage drink license for a fee of fifty dollars (\$50.00). The holder of a nonquota type 4 malt beverage drink license may obtain a nonquota retail malt beverage package license for a fee of fifty dollars (\$50.00).

- (c) All license fees from licenses issued under this article shall be collected and paid into the general fund of the city for use for the general operating expenses of the city.
- (d) When any applicant applies for a license under the provisions of this article to commence business after the thirty-first of January of any year, such applicant shall be charged, if the license is issued, an amount equal to as many twelfths of the annual license fee as there are calendar months remaining in the license year, including the month within the license is granted; provided, however, that no fractional fee shall be permitted where the applicant has actually been doing business under a similar license during the last month of the preceding license period.
- (e) If any license issued hereto shall be revoked or cancelled for any reason, the licensee shall not be entitled to a refund of any portion of the license fee.
- (f) [Upon adoption of this ordinance [from which this section derives], the ABC administrator shall issue updated licenses to all current license holders, at no additional charge. These updated licenses shall expire on June 30, 2014. Upon application by these current license holders for their 2014 licenses, the ABC administrator, within his/her discretion, will renew licenses on July 1, 2014, at a prorated fee. These renewal licenses will expire on January 31, 2015. All other license applicants will be issued as provided by Section 4-45.] Except for special event licenses, temporary licenses or license to alcoholic beverage producers, wholesalers, or distributors, all licenses issued after January 1, 2017 by the City ABC Administrator shall be valid for no more than a year and shall be renewable upon the date established by the Kentucky Department of Alcohol Beverage Control for the expiration of state licenses issued for the premise. During the first year following the effective date of this Ordinance, if the new date for renewal for the licensee does not occur on the date established by the licensee's state license, the City ABC

Administrator shall either (1) prorate the cost of the renewed license by proportionally reducing the cost of the renewed license if the new date for the renewal occurs prior to the expiration of a previous license or (2) prove a prorated provisional local license to cover any period of time between the expiration of the previous license and the new date for renewal if the new date for renewal occurs after the expiration of the licensee’s previous license.

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

On roll call the vote stood:

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

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	_____		

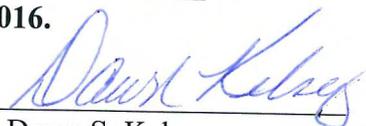
WHEREUPON, Mayor Austin declared the ordinance adopted, affixed his signature and the date and ordered that it be recorded.

ATTEST:

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

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

**APPROVED AS TO FORM AND  
LEGALITY THIS 21 DAY OF  
JUNE, 2016.**

By: 

Dawn S. Kelsey  
City Attorney

**City Commission Memorandum**  
**16-163**

July 8, 2016

TO: Mayor Steve Austin and the Board of Commissioners

FROM: Russell R. Sights, City Manager 

SUBJECT: Public Improvements Acceptance—Gardenside Commercial Subdivision  
Lots 13 - 25

An item for the agenda of Tuesday, July 12, 2016, is final reading of an ordinance accepting public improvements for Gardenside Commercial Subdivision Lots 13 - 25.

Included in this acceptance are sidewalk improvements including 2,180 lineal feet of 6 foot wide concrete sidewalks.

The improvements have been built to city subdivision standards; have been inspected and approved by Engineering; and are recommended for acceptance by the Henderson-Henderson County Planning Commission at its meeting of June 7, 2016.

Your approval of the attached ordinance is requested.

c: Brian Bishop, Planning Director  
Dawn Kelsey  
Doug Boom



Planning the Future

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

Brian Bishop  
Executive Director

June 21, 2016

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

RE: Acceptance of sidewalks for Gardenside Commercial Subdivision Lots 13-25 located at Stadium Drive, Henderson, Ky.

Dear Mayor and Commissioners:

Please be advised Tuesday, June 7, 2016 the Henderson City-County Planning Commission took official action to recommend acceptance of the following:

**Gardenside Commercial Subdivision Lots 13-25**

**Sidewalks**

**Stadium Drive- 2,180 Lineal feet of 6' wide concrete sidewalks.**

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

Respectfully submitted,

Brian Bishop  
Executive Director

HENDERSON CITY-COUNTY  
PLANNING COMMISSION

Attachment

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

ORDINANCE NO. 26-16

ORDINANCE ACCEPTING PUBLIC IMPROVEMENTS

**SUMMARY:** AN ORDINANCE ACCEPTING PUBLIC IMPROVEMENTS FOR PROPERTY LOCATED AT STADIUM DRIVE KNOWN AS GARDENSIDE COMMERCIAL SUBDIVISION LOTS 13-25

WHEREAS, at a meeting of the Henderson City-County Planning Commission held on June 7, 2016 it was recommended that certain public improvements for property located at Stadium Drive known as Gardenside Commercial Subdivision Lots 13-25 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 Stadium Drive known as Gardenside Commercial Subdivision Lots 13-25, which is generally depicted on the attached plat marked Exhibit "A", and consists of the following:

Gardenside Commercial Subdivision Lots 13-25

Sidewalks

Stadium Drive-2,180 Lineal Feet of 6' wide concrete sidewalks

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 Jan Hite, seconded by Commissioner Jesse Johnston, that the ordinance be adopted on its first reading.

On roll call the vote stood:

Commissioner Royster	<u>AYE</u>	Commissioner Hite	<u>AYE</u>
Commissioner Mills	<u>AYE</u>	Mayor Austin	<u>AYE</u>
Commissioner Johnston	<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: 06/28/2016  
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 _____	

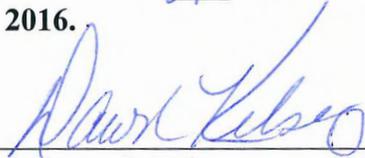
WHEREUPON, Mayor Austin declared the ordinance adopted, affixed his signature and the date and ordered that it be recorded.

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

ATTEST:

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

**APPROVED AS TO FORM AND LEGALITY THIS 21 DAY OF JUNE, 2016.**

By:   
Dawn S. Kelsey  
City Attorney

ORDINANCE NO. 26-16

Exhibit "A"

STATE OF KENTUCKY  
 COUNTY OF HENDERSON  
 I, Wilma G. Martin, Clerk of Henderson County, certify that the foregoing was this day at 11:23 O'clock P.M. recorded in my said office for record and that I have recorded it, the foregoing and this certificate in my said office  
 Given under my hand this 25 day of March 1998

BY: *Wilma G. Martin*  
 WILMA G. MARTIN  
 DC

DATE: 2/19/98  
 LOCAL GOVERNMENT ENGINEER

OWNER'S CERTIFICATION - ERSHIG PROPERTIES, INC.  
 I HEREBY CERTIFY THAT I AM THE OWNER OF RECORD OF THE PROPERTY PLATED HEREIN WHICH IS RECORDED IN DEED BOOK 348 PAGE 290 DEED BOOK 236 PAGE 143 DEED BOOK 300 PAGE 379 IN THE HENDERSON COUNTY COURT CLERK'S OFFICE. HEREBY REQUESTING THE ENGINEER AND SURVEYOR TO RECREATE THE INDICATED EASEMENTS FOR PUBLIC UTILITIES AND DRAINAGE PURPOSES.  
 DATE: 2/14/98  
 OWNER'S SIGNATURE: *Thomas Allinder*

SURVEYOR'S CERTIFICATION  
 I HEREBY CERTIFY THAT THIS PLAN WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT ALL SURVEYS INCLUDED HEREIN ACCURATELY STATE THEIR LOCATION, DISTANCE AND BEARING AND THAT THE INFORMATION CONTAINED HEREIN IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AND THAT I AM A LICENSED SURVEYOR IN THE STATE OF KENTUCKY.  
 DATE: 2/19/98  
 SURVEYOR'S SIGNATURE: *Thomas Allinder*  
 DATE: 2/19/98  
 SURVEYOR'S SIGNATURE: *Thomas Allinder*  
 DATE: 2/19/98  
 SURVEYOR'S SIGNATURE: *Thomas Allinder*

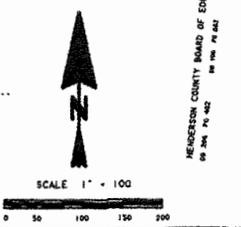


COMMISSIONER'S CERTIFICATION  
 I HEREBY CERTIFY THAT THIS RECORD PLAN WAS APPROVED BY THE HENDERSON CITY PLANNING COMMISSION FOR RECORDING AND IS NOT ELIGIBLE FOR RECORDING.  
 DATE: 2/19/98  
 PLANNING COMMISSION CHAIRMAN: *Thomas Allinder*

CERTIFICATION OF APPROVAL OF SEWER SYSTEM  
 I HEREBY CERTIFY THAT THE SEWER DISPOSAL SYSTEM SHOWN ON THIS PLAN IS IN ACCORDANCE WITH THE REQUIREMENTS OF THE HENDERSON WATER SEWER UTILITIES DEPARTMENT.  
 DATE: 2/19/98  
 SEWER DIVISION SUPERVISOR: *Thomas Allinder*

CERTIFICATION OF APPROVAL OF WATER SYSTEM  
 I HEREBY CERTIFY THAT THE WATER SYSTEM SHOWN ON THIS PLAN IS IN ACCORDANCE WITH THE REQUIREMENTS OF THE HENDERSON WATER SEWER UTILITIES DEPARTMENT.  
 DATE: 2/19/98  
 WATER DIVISION SUPERVISOR: *Thomas Allinder*

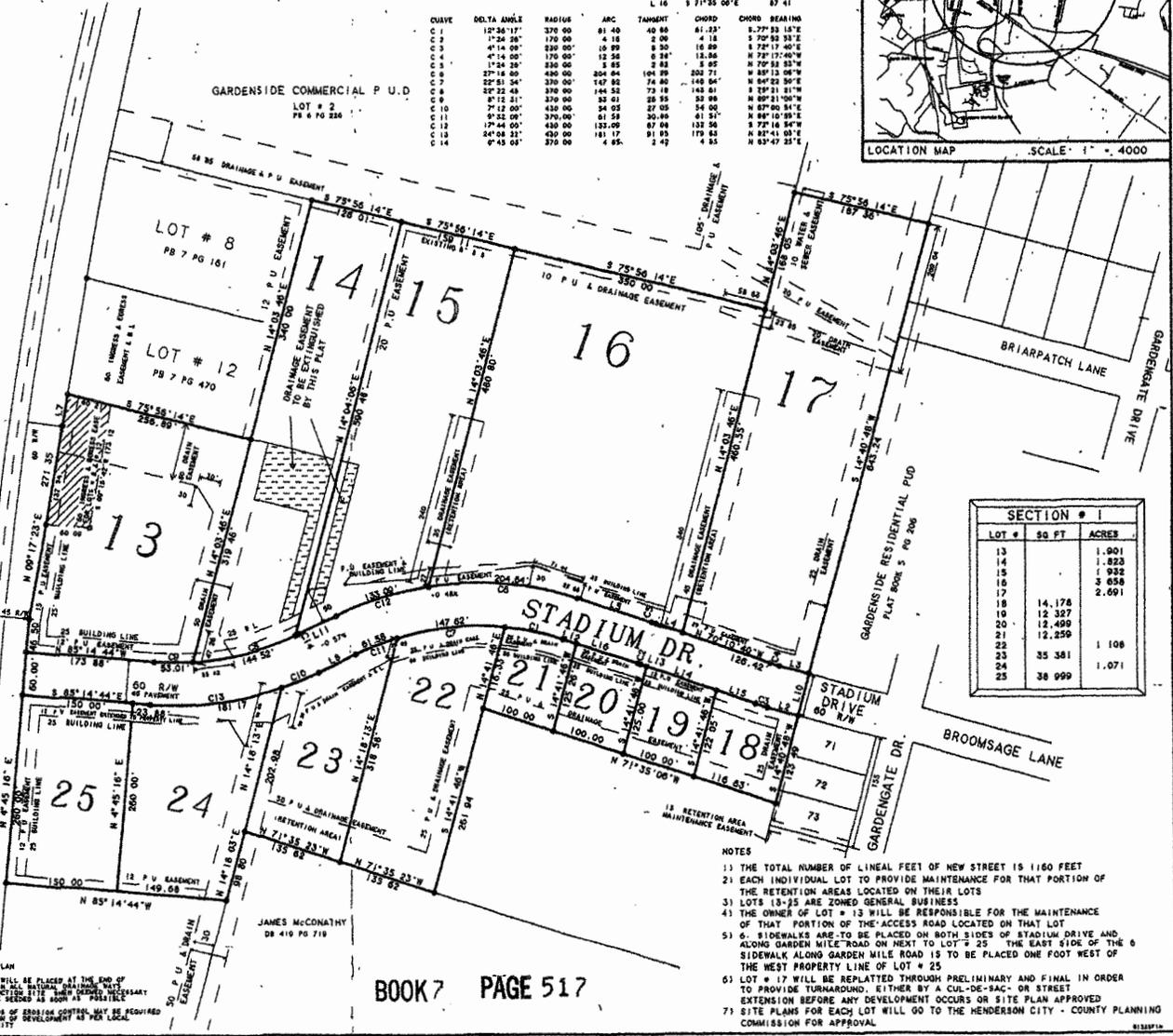
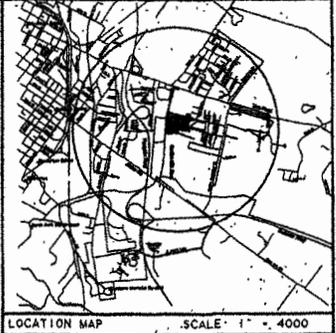
FINAL APPROVAL  
 Date: 2-3-98



FINAL PLAT  
 GARDENSIDE COMMERCIAL  
 SUBDIVISION-LOTS #13 - #25  
 CITY OF HENDERSON, KENTUCKY  
 OWNER & DEVELOPER: ERSHIG PROPERTIES, INC.  
 P.O. BOX 1122  
 HENDERSON, KENTUCKY 42420  
 DATE: FEBRUARY 4, 1998  
 SCALE: 1" = 100'

ALLINDER ENGINEERING, INC.  
 324 NORTH ELM STREET  
 P.O. BOX 137  
 HENDERSON, KENTUCKY 42420  
 TEL. NO. 502-827-0048

CURVE	DELTA ANGLE	RADIUS	ARC	TANGENT	CHORD	CHORD BEARING
C 1	10°26'11"	370.00	81.40	40.86	81.23'	S 77°33'15"E
C 2	1°26'28"	170.00	4.18	2.00	4.18'	S 70°52'53"E
C 3	4°14'09"	230.00	10.99	8.30	16.89'	S 72°17'40"E
C 4	4°14'09"	170.00	12.36	13.86	18.72'	S 72°17'40"E
C 5	1°26'28"	230.00	5.85	2.83	5.85'	S 70°52'53"E
C 6	27°14'00"	430.00	204.84	104.89	202.71'	W 89°13'08"W
C 7	27°14'00"	370.00	147.92	74.80	148.84'	W 89°13'08"W
C 8	27°14'00"	370.00	147.92	74.80	148.84'	W 89°13'08"W
C 9	27°14'00"	370.00	147.92	74.80	148.84'	W 89°13'08"W
C 10	7°12'00"	430.00	34.02	27.05	54.00'	W 87°00'54"E
C 11	9°22'00"	370.00	61.59	30.60	61.51'	W 89°13'08"W
C 12	17°44'00"	430.00	121.09	67.68	132.56'	S 72°18'54"E
C 13	24°24'31"	430.00	181.17	91.65	179.63'	W 85°41'05"E
C 14	9°45'05"	370.00	4.95	2.49	4.55'	W 83°47'25"E



SECTION # 1

LOT #	SQ. FT.	ACRES
13		1.001
14		1.823
15		3.932
16		3.658
17		2.691
18	14,178	
19	12,327	
20	12,499	
21	12,259	
22		1.108
23	35,381	
24		1.071
25	38,999	

- NOTES
- THE TOTAL NUMBER OF LINEAL FEET OF NEW STREET IS 1160 FEET
  - EACH INDIVIDUAL LOT TO PROVIDE MAINTENANCE FOR THAT PORTION OF THE RETENTION AREAS LOCATED ON THEIR LOTS
  - LOTS 18-25 ARE ZONED GENERAL BUSINESS
  - THE OWNER OF LOT # 13 WILL BE RESPONSIBLE FOR THE MAINTENANCE OF THAT PORTION OF THE ACCESS ROAD LOCATED ON THAT LOT
  - SIDEWALKS ARE TO BE PLACED ON BOTH SIDES OF STADIUM DRIVE AND ALONG GARDEN MILE ROAD ON NEXT TO LOT # 25 - THE EAST SIDE OF THE SIDEWALK ALONG GARDEN MILE ROAD IS TO BE PLACED ONE FOOT WEST OF THE WEST PROPERTY LINE OF LOT # 25
  - LOT # 17 WILL BE REPLATTED THROUGH PRELIMINARY AND FINAL IN ORDER TO PROVIDE TURNAROUND, EITHER BY A CUL-DE-SAC OR STREET EXTENSION BEFORE ANY DEVELOPMENT OCCURS OR SITE PLAN APPROVED
  - SITE PLANS FOR EACH LOT WILL GO TO THE HENDERSON CITY - COUNTY PLANNING COMMISSION FOR APPROVAL

GARDENSIDE COMMERCIAL SUBDIVISION  
 (PB7/PG517)  
 STADIUM DRIVE: 2180 Lineal feet of 6' wide concrete sidewalks.

ORDINANCE NO. 26-16  
 Exhibit "A"

EXHIBIT "A"

**City Commission Memorandum**  
**16-159**

July 8, 2016

TO: Mayor Steve Austin and the Board of Commissioners  
FROM: Russell R. Sights, City Manager   
SUBJECT: Municipal Aid Assistance Agreement

The accompanying resolution approves a Municipal Aid Assistance Agreement between the City of Evansville and the City of Henderson.

The agreement provides for the coordination of, communications for, training for, response to and standby for planned events and emergency responses within the City of Henderson and City of Evansville.

As parties to this agreement, the City of Evansville Fire Department and the City of Henderson Fire Department will provide back-up emergency response to each other.

Your approval of the attached resolution is requested.

c: Chief Scott Foreman

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

RESOLUTION APPROVING A MUTUAL AID ASSISTANCE  
AGREEMENT WITH THE CITY OF EVANSVILLE

WHEREAS, the City of Evansville, Indiana and the City of Henderson, are geographically vulnerable to a variety of emergencies and disasters regarding large rivers and bodies of water; and

WHEREAS, the City of Henderson recognizes the importance and benefit of having an agreement with the City of Evansville to respond in a coordinated and efficient manner to restore the public safety, health, and welfare of a community stricken by an emergency or disaster regardless of location of that community; and

WHEREAS, the state law in Indiana and Kentucky allow municipalities to enter into mutual aid agreements to provide for coordination of communications for, training for, response to, and standby for planned events and emergency responses; and

WHEREAS, the City of Henderson's Fire Department operates a Dive Rescue Team that is of particular benefit to emergency response to water emergencies; and

WHEREAS, the City of Evansville Fire Department and the City of Henderson Fire Department operate fire rescue within their corporate limits and are willing to provide back-up emergency response to each other; and

WHEREAS, the Board of Commissioners of the City of Henderson desires to approve the attached Mutual Aid Assistance Agreement between the City of Evansville and the City of Henderson setting forth the understanding between the parties.

NOW, THEREFORE, BE IT RESOLVED by the City of Henderson, Kentucky, that the Mutual Aid Assistance Agreement, attached hereto as Exhibit A, between the City of Evansville and the City of Henderson is ratified, authorized, confirmed, and approved, and the Mayor is hereby authorized and directed to execute said 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 Mills: \_\_\_\_\_  
Commissioner Johnston: \_\_\_\_\_  
Commissioner Hite: \_\_\_\_\_

Commissioner Royster: \_\_\_\_\_  
Mayor Austin: \_\_\_\_\_

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

ATTEST:

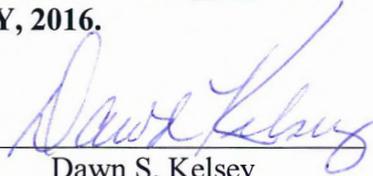
\_\_\_\_\_  
Steve Austin, Mayor

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

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

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

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



Dawn S. Kelsey  
City Attorney

EXHIBIT A

## MUTUAL AID ASSISTANCE AGREEMENT

**This agreement is between the City of Henderson and the City of Evansville. Each party agrees to provide mutual aid and assistance to other parties under the terms and conditions contained herein.**

**WHEREAS**, the City of Henderson and the City of Evansville are geographically vulnerable to a variety of emergencies and disasters regarding large rivers and bodies of water; and

**WHEREAS**, the parties to this agreement recognize the importance of having each local entity which is a signatory of this agreement respond in a coordinated and efficient manner to restore the public safety, health, and welfare of a community stricken by an emergency or disaster regardless of location of that community ; and

**WHEREAS**, Kentucky Revised Statutes authorizes Kentucky political subdivisions to enter into mutual aid agreements to provide for the coordination of, communications for, training for, response to and standby for planned events and emergency responses; and

**WHEREAS**, Indiana Code authorizes Indiana municipalities to enter into mutual aid agreements to provide for the coordination of communications for, training for, response to and standby for planned events and emergency responses; and

**WHEREAS**, the parties to this agreement have chosen to become a party to this agreement and wish to provide mutual aid and assistance to other parties in time of emergency or disaster; and

**WHEREAS**, as the City of Henderson Fire Department operates a Dive Rescue Team that is of particular benefit to emergency response to water emergencies; and

**WHEREAS**, as the City of Evansville Fire Department and the City of Henderson Fire Department operate fire rescue within their corporate limits and are willing to provide back-up emergency response to each other;

**NOW, THEREFORE, ALL PARTIES TO THIS AGREEMENT AGREE AS FOLLOWS:**

### SECTION 1. DEFINITIONS

As used in this agreement "Agreement" means this mutual aid agreement.

As used in this agreement "Aid and assistance" means personnel, equipment, facilities, services, supplies and other resources.

As used in this agreement "Authorized representative" means the employee of a party, who has been authorized in writing by that party, to request, to offer, or to otherwise provide aid and assistance under the terms of this agreement.

As used in this agreement "Disaster" means any incident or situation declared as such by executive order of the Governor of Kentucky, Governor of Indiana, or the President of the United States pursuant to federal law, as a result of an occurrence or imminent threat of widespread or severe damage, injury or loss of life or property, resulting from any natural, technological, or man-made emergency situation, including incidents caused by accident, military or paramilitary cause.

As used in this agreement "Emergency" means any incident or situation which poses a major threat to public safety so as to cause, or threaten to cause, loss of life, serious injury, significant damage to property, or major harm to public health or the environment and which a local emergency response agency determines is beyond its capabilities.

As used in this agreement "Incident Commander" means the individual of recipient who is charged with managing the response to the disaster or emergency at issue.

As used in this agreement "Local Emergency Declaration" means the written document signed by the chief executive officer of a local entity that specifies and attests that a disaster or emergency has occurred and the resulting emergency situation is beyond the capability of the local entity to manage using all local resources within its geographical limits.

As used in this agreement "Local Emergency Management Agency", as that term applies within the state of Kentucky, means the organizational unit of a city, county, urban-county, or charter county government, created pursuant to Kentucky Revised Statutes Chapter 39B, with primary jurisdiction, responsibility, and authority for all emergency management program activities within the geographical boundaries of a party.

As used in this agreement "Local entity," as the term is used within the Commonwealth of Kentucky, means a county, urban-county, charter-county, city, or other general or special purpose unit of government created pursuant to the Kentucky Revised Statutes with the express power and authority to enter into and execute a contract and "Local entity," as the term is used within the State of Indiana, means a political subdivision as used in IC 36-1-2-12 in reference to an Indiana unit of government with the express power and authority to enter into and execute a contract.

As used in this agreement "Party" means a local entity that has officially approved and adopted this agreement by resolution of its governing body. Within either state, the term may also include a private organization such as an Emergency Medical Service organization that may enter into the agreement in order to participate in the mutual aid agreement as a provider of mutual aid. Such a private organization must be incorporated or otherwise possess the express power and authority to enter into and execute a contract.

As used in this agreement "Provider" means a party that furnishes, or is requested to furnish, aid and assistance to a recipient pursuant to this agreement.

As used in this agreement "Recipient" means a party that requests or receives aid and assistance from a provider pursuant to this agreement.

As used in this agreement, "Emergency Responder" means a person who is required to possess a license, certificate, permit, or other official recognition for the person's expertise in a particular field or area of knowledge; and whose assistance is desirable during an emergency. The term includes, but is not limited to, the following:

1. Firefighters, hazardous materials personnel, specialized rescue personnel, extrication personnel, water rescue personnel, and other specialized personnel;
2. Emergency medical services personnel;
3. Physicians;
4. Nurses;
5. Mental health practitioners, veterinary practitioners, and other public health practitioners;
6. Emergency management personnel; and
7. Public works personnel.

As used in this agreement, the term "political subdivision," as used in reference to a Kentucky unit of government has the same meaning as in KRS 39D.040 and as used in IC 10-14-6.5-3.

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## **SECTION II. INITIAL RECOGNITION OF PRINCIPLES BY ALL PARTIES; AGREEMENT PROVIDES NO RIGHT OF ACTION FOR THIRD PARTIES**

As this agreement is a reciprocal contract, it is recognized that any party to this agreement may be requested by another party to be a provider. It is mutually understood that each party's foremost responsibility is to its own citizens. The provisions of this agreement shall not be construed to impose an unconditional obligation on any party to this agreement to provide aid and assistance pursuant to a request from another party. Accordingly, when a party is requested to provide aid and assistance, it may in good faith deem itself unavailable to be a provider when the resources being requested are necessary to provide reasonable and adequate protection for its own citizens. A party unable to honor a request for aid and assistance will so inform the party initiating a request.

Given the finite resources of any party and the potential for each party to be unavailable for aid and assistance at a given point in time, the parties mutually encourage each other to enlist other local entities in mutual aid and assistance efforts and to enter into such agreements accordingly. Likewise, the parties fully recognize that there is ample public purpose for entering into this agreement, and accordingly shall attempt to render assistance in accordance with the terms of the agreement to the fullest extent possible.

All functions and activities performed under this agreement are hereby declared to be governmental functions. Functions and activities performed under this agreement are carried out for the benefit of the general public and not for the benefit of any specific individual or individuals. Accordingly, this agreement shall not be construed as or deemed to be an agreement for the benefit of any third parties or persons and no third parties or persons shall have any right of action under this agreement for any cause whatsoever. All immunities provided by Kentucky and Indiana law shall be fully applicable to the respective parties.

## **SECTION III. PROCEDURES FOR REQUESTING ASSISTANCE**

Mutual aid and assistance shall not be requested unless the resources available within a recipient's disaster or emergency-stricken area are deemed inadequate by a recipient. In these instances, a recipient may request mutual aid and assistance by communicating a request to a provider, indicating the request is made pursuant to this mutual aid agreement. All requests for mutual aid and assistance shall be transmitted by a recipient's authorized representative or local emergency management agency as set forth below. A list of authorized representatives for each party shall be attached to the officially-approved and adopted copy of this agreement. In the event of a change in personnel, unless otherwise notified, the presumption will be that the successor to that position will be the authorized representative.

- A. **METHOD OF REQUEST FOR MUTUAL AID AND ASSISTANCE:** A recipient shall initiate a request as follows:
  - 1. **REQUESTS ROUTED THROUGH A RECIPIENT'S LOCAL EMERGENCY MANAGEMENT AGENCY:** A recipient may directly contact the local emergency management agency that serves the recipient's geographical area of operation and provide the information referenced in paragraph B of Section III. The local emergency management agency shall then contact provider parties on behalf of a recipient to coordinate the provision of mutual aid and assistance.
  - 2. **REQUESTS MADE DIRECTLY TO A PROVIDER:** A recipient may directly contact a provider's authorized representative, setting forth the information referenced in paragraph B of Section III. All communications shall be conducted directly between a recipient and provider. A provider and a recipient using this option shall be responsible for keeping their respective local emergency management agencies advised of the status of response activities, in a timely manner.
- B. **REQUIRED INFORMATION:** Each request for aid and assistance shall be accompanied by the following information, in writing or by other available means, to the extent known:

1. **Aid and Assistance:** The amount and type of personnel, equipment, materials and supplies needed and a reasonable estimate of the length of time they will be needed;
  2. **Provider's Traveling Employee Needs:** Unless otherwise specified by a recipient, it is mutually understood that a recipient will provide for the basic needs of provider's traveling employees, including but not limited to food, water and sanitary facilities. Further, if an overnight stay is required, a recipient shall house in addition to feeding the provider's personnel at the recipient's sole cost and expense.
  3. **Meeting Time and Place:** An estimated time and a specific place for a representative of a recipient to meet the personnel and resources of any provider.
- C. **STATE AND FEDERAL ASSISTANCE:** A recipient shall be responsible for coordinating all requests for state or federal assistance with the local emergency management agency with jurisdiction.
- D. **List of Authorized Representatives:** The list of Authorized Representatives for each party executing this Agreement shall be attached to the executed copy of this Agreement. In the event of a change in personnel, unless otherwise notified, the presumption will be that the successor to that position will be authorized representative.

#### **SECTION IV. PROVIDER'S ASSESSMENT OF AVAILABILITY OF RESOURCES AND ABILITY TO RENDER ASSISTANCE.**

When contacted by a recipient or a local emergency management agency regarding a request for aid and assistance, a provider's authorized representative shall assess the provider's own local situation in order to determine the availability of personnel, equipment and other resources. If a provider's authorized representative determines that the provider has available resources, a provider's authorized representative shall so notify the recipient or the local emergency management agency (whichever communicated the request). A Provider shall submit an acknowledgment of a request for aid and assistance received from a recipient or a local emergency management agency. If the acknowledgment is oral, then it must be followed up within seven (7) working day by a written acknowledgement. The written acknowledgement must indicate a provider's decision to either render aid and assistance or to reject a request and shall be transmitted by the most efficient and practical means to a recipient or a local emergency management agency. A provider's acknowledgment shall contain the following information:

- a. In response to the items contained in the request, a description of the personnel, equipment and other resources available;
- b. The projected length of time such personnel, equipment and other resources will be available to serve a recipient particularly if the period is projected to be shorter than one week (as provided in the "Length of Time for Aid and Assistance" section (Section VI) of this agreement).
- c. The estimated time when the assistance provided will arrive at the location designated by the authorized representative of the recipient; and
- d. The name of the person(s) to be designated as the provider's supervisory personnel (pursuant to the "Supervision and Control" section (Section V) of this agreement).

When a provider's submits a written acknowledgement to a local emergency management agency, the local emergency management agency shall notify a recipient's authorized representative and forward the information received from a provider. A recipient or a local emergency management agency shall respond

to a provider's written acknowledgment by executing and returning a copy of the request form to a provider by the most efficient practical means, maintaining a copy for its file.

#### **SECTION V. SUPERVISION AND CONTROL**

A provider shall designate supervisory personnel among its employees sent to render aid and assistance to a recipient. As soon as practical, a recipient shall assign work tasks to a provider's supervisory personnel and, unless specifically instructed otherwise, a recipient shall have the responsibility for coordinating communications between a provider's supervisory personnel and a recipient. A recipient shall provide necessary credentials to a provider's personnel authorizing them to operate on behalf of a recipient.

Based upon the assignments set forth by a recipient, a provider's supervisory personnel shall:

- a. Have the authority to assign work and establish work schedules for a provider's personnel. Further, have direct supervision and control of a provider's personnel, equipment and other resources which shall, at all times, remain with a provider's supervisory personnel. A provider should be prepared to furnish communications equipment sufficient to maintain communications among its respective operating units, and if this is not possible, a provider shall notify a recipient accordingly. It is expressly understood that this may involve a recipient providing radio frequencies to a provider while a provider is assisting a recipient;
- b. Maintain daily personnel time records, material records and a log of equipment hours; and;
- c. Report work progress to a the Incident Commander or his designee at mutually agreed upon intervals.

#### **SECTION VI. LENGTH OF TIME FOR AID AND ASSISTANCE; REVIEWABILITY; RECALL**

The duration of a provider's assistance shall be for the period agreed upon by the authorized representatives of a provider and a recipient.

As noted in Section II of this agreement, a provider's personnel, equipment and other resources shall remain subject to recall by a provider to provide for its own citizens if circumstances so warrant.

#### **SECTION VII. REIMBURSEMENTS**

Except as otherwise provided below, it is understood that if the either of the City Fire Departments, including the City of Henderson Dive Rescue Team, is utilized in the other jurisdiction, then the requesting entity (recipient) may be required to pay to the provider reasonable and documented expenses incurred by the provider as a result of extending assistance to a recipient. The terms and conditions governing reimbursement for any assistance provided under this agreement shall be in accordance with the following provisions, unless otherwise agreed in writing by a recipient and a provider.

- A. **Record Keeping** - A recipient or its representative local emergency management agency, shall provide information, directions and assistance for record keeping to provider's personnel. A provider shall maintain records and submit invoices for reimbursement by a recipient in accordance with the procedures and format used or required by FEMA publications, including 44 C.F.R. Part 13 and applicable Office of Management and Budget (OMB) Circulars.
- B. **Payment; Other Miscellaneous Matters as to Reimbursement** - The reimbursement costs and expenses with an itemized notice shall be forwarded as soon as practicable after the costs and expenses are incurred, but not later than sixty (60) days following the period of assistance, unless the deadline for identifying damage is extended in accordance with 44 C.F.R. Part 206. A recipient shall pay the bill or advise of any disputed items, not later than

sixty (60) days following the billing date. These time frames may be modified in writing by mutual agreement.

- C. The Office of the Controller of the City of Evansville shall be responsible for the disbursement and accounting of all funds from the City of Evansville to the City of Henderson upon receipt of invoices documenting expenses incurred in accordance with this agreement. The City of Henderson Finance Department shall be responsible for disbursement and accounting of all funds from the City of Henderson to the City of Evansville upon receipt of invoices documenting expenses incurred in accordance with this agreement. Any Federal funding received jointly by the parties to this agreement shall be received, disbursed and accounted for by the Office of the Controller of the City of Evansville in accordance with applicable law.

#### **SECTION VIII. RIGHTS AND PRIVILEGES OF PROVIDER'S EMPLOYEES**

In accordance with IC 10-14-6.5-6 and Kentucky Revised Statutes, Chapter 39B, whenever a provider's employees are rendering aid and assistance pursuant to this agreement, such employees shall retain the same powers, duties, immunities and privileges they would ordinarily possess if performing their duties within the geographical limits of a provider.

#### **SECTION IX. PROVIDER'S EMPLOYEES COVERED AT ALL TIMES BY PROVIDER'S WORKER'S COMPENSATION POLICY**

- A. In accordance with IC 10-14-6.5-7 and Kentucky Revised Statutes Chapter 39B, Emergency Responders from outside Indiana rendering mutual aid within Indiana under a mutual aid agreement authorized by this chapter remain employees and agents of their respective employers and jurisdictions. This mutual aid agreement does not create an employment relationship between the jurisdiction requesting aid and the employees and agents of the jurisdiction rendering aid.

#### **SECTION X. AMENDMENTS**

- (1) Approval and adoption of the agreement by the governing body of a party to this agreement and the signature of a party's chief executive officer; and
- (2) Submission of a copy of an approved and adopted agreement, along with approved minutes of the legally constituted meeting at which the agreement was approved, to the Kentucky Division of Emergency Management.

#### **SECTION XI. INITIAL DURATION OF AGREEMENT; RENEWAL; TERMINATION**

This agreement shall be binding for not less than one (1) year from its effective date, unless terminated upon at least sixty (60) days written notice by a party as set forth below. Thereafter, this agreement shall continue to be binding upon the parties in subsequent years and shall be considered to renew automatically from year to year, unless terminated by written notification as provided above. A party terminating their participation in this agreement shall submit a copy of their written termination notice to the other party or parties to the agreement. A party's termination of this agreement shall not affect a party's reimbursement obligations or any other liability or obligation incurred under the terms of this agreement. Once a termination is effective, a terminated entity shall no longer be a party to this agreement, but this agreement shall continue to be in force among the remaining parties.

#### **SECTION XII. HEADINGS**

The headings of various sections and subsections of this agreement have been inserted for convenient reference only and shall not be construed as modifying, amending or affecting in any way the express terms and provisions of this agreement.

**SECTION XIII. SEVERABILITY**

Should any clause, sentence, provision, paragraph or other part of this agreement be judged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this agreement. Each of the parties declares that it would have entered into this agreement irrespective of the fact that any one or more of this agreement's clauses, sentences, provisions, paragraphs or other parts have been so declared invalid. Accordingly, it is the intention of the parties that the remaining portions of this agreement shall remain in full force and effect without regard to the clause(s), sentence(s), provision(s), paragraph(s) or other part(s) invalidated.

**SECTION XIV. EFFECTIVE DATE, APPROVAL AND ADOPTION**

This agreement shall take effect upon approval and adoption of the following resolution by each of the entities seeking to become a party to the agreement and is effective in Kentucky upon proper approval and execution by the appropriate Kentucky local entity and in Indiana \_\_\_\_\_. Upon final approval(s) and signature(s), a completed copy of this agreement shall be furnished to the Kentucky Division of Emergency Management.

BE IT RESOLVED BOARD OF COMMISSIONERS OF THE CITY OF HENDERSON that the foregoing Mutual Aid and Assistance Agreement between the City of Henderson, and the C City of Evansville is hereby approved and adopted, and THAT the City of Henderson City Manager or the City of Henderson Fire Chief are hereby authorized to execute the agreement and to request, offer, or otherwise provide aid and assistance under the terms of the agreement for, and on behalf of the City of Henderson a public entity established under the laws of the Commonwealth of Kentucky.

Passed and approved this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Name and Title

\_\_\_\_\_  
Name and Title

**CERTIFICATION**

I, \_\_\_\_\_, duty appointed \_\_\_\_\_  
(Title)

of \_\_\_\_\_, do hereby certify that the above is a true and correct copy of a  
(City, County, or Other Entity)

resolution passed and approved by the \_\_\_\_\_ of \_\_\_\_\_  
(City, County, or Other Entity) (Public Entity)

on the \_\_\_\_\_ day of \_\_\_\_\_.

\_\_\_\_\_  
(Official Position)

\_\_\_\_\_  
(Signature)

BE IT RESOLVED CITY COUNCIL OF THE CITY OF EVANSVILLE that the foregoing Mutual Aid and Assistance Agreement between the City of Henderson and the City of Evansville is hereby approved and adopted, and THAT the City of Evansville and the Mayor of Evansville and the Fire Chief of Evansville are hereby authorize to execute the agreement and to request, offer or otherwise provide aid and assistance under the terms of the agreement on behalf of the City of Evansville.

Passed and approved this 13 day of JUNE, 2010.  
[Signature] Mayor Wick County FIRE CHIEF  
Name and Title Name and Title

CERTIFICATION

I, Laura Windhorst, duty appointed Evansville City Clerk  
(Title)  
of Evansville, do hereby certify that the above is a true and correct copy of a  
(City, County, or Other Entity)  
resolution passed and approved by the Evansville of City Council  
(City, County, or Other Entity) (Public Entity)  
on the 13 day of June, 2010.  
Evansville City Clerk [Signature]  
(Official Position) (Signature)



CITY OF EVANSVILLE  
Board of Public Safety  
Civic Center Complex, Room 301  
Evansville, IN 47708  
812.436.7897

---

**PASSED AND APPROVED** by the City of Evansville Board of Public Safety, Evansville, Vanderburgh County, Indiana, this 27 day of April, 2016.

**City of Evansville Board of Public Safety**

A handwritten signature in cursive script, appearing to read "JoAnne Smith", written over a horizontal line.

JoAnne Smith, President

A handwritten signature in cursive script, appearing to read "Michael Retter", written over a horizontal line.

Michael Retter, Vice President

A handwritten signature in cursive script, appearing to read "Mike Lauderdale", written over a horizontal line.

Mike Lauderdale, Member

JoAnne Smith, President  
Michael Retter, Vice President  
Clay Havill, Counsel Attorney

Board of Public Safety  
Evansville, Indiana

**RESOLUTION C-2016-10**

**INTRODUCING: Mercer, Mosby,  
& Adams  
COMMITTEE: A.S.D.**

**A RESOLUTION APPROVING A MUTUAL AID ASSISTANCE  
AGREEMENT WITH THE CITY OF HENDERSON**

WHEREAS, the City of Henderson, Kentucky, and the City of Evansville, Indiana, are geographically vulnerable to a variety of emergencies and disasters regarding large rivers and bodies of water; and

WHEREAS, the City of Evansville recognizes the importance and benefit of having an agreement with the City of Henderson to respond in a coordinated and efficient manner to restore the public safety, health, and welfare of a community stricken by an emergency or disaster regardless of location of that community; and

WHEREAS, the state law in Indiana and Kentucky allow municipalities to enter into mutual aid agreements to provide for coordination of communications for, training for, response to, and standby for planned events and emergency responses;

WHEREAS, the City of Henderson Fire Department operates a Dive Rescue Team that is of particular benefit to emergency response to water emergencies; and

WHEREAS, the City of Evansville Fire Department and the City of Henderson Fire Department operate fire rescue within their corporate limits and are willing to provide back-up emergency response to each other; and

WHEREAS, the Common Council of the City Evansville desires to approve the attached Mutual Aid Assistance Agreement between the City of Evansville and the City of Henderson setting forth the understanding between the parties.

NOW, THEREFORE, BE IT RESOLVED, by the Common Council of the City of Evansville, Indiana, that the Mutual Aid Assistance Agreement, attached hereto as Exhibit A, between the City of Evansville and the City of Henderson is ratified, authorized, confirmed, and approved.

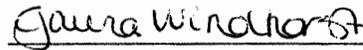
**FILED**  
MAY 18 2016  
JENNIFER B. HARRIS  
CITY CLERK

PASSED BY the Common Council of the City of Evansville, Indiana, on the 13 day of June, 2016, and on said day signed by the President of the Common Council and attested by the City Clerk.

ATTEST:

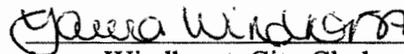


Missy Mosby  
President of the Common Council



Laura Windhorst, City Clerk  
City of Evansville, Indiana

Presented to me, the undersigned, City Clerk of the City of Evansville, Indiana, and to the Mayor of said City, the 14 day of June, 2016, at 2:30 o'clock P.m. for his consideration and action thereon.



Laura Windhorst, City Clerk  
City of Evansville, Indiana

Having examined the foregoing ordinance, I do now, as Mayor of the City of Evansville, Indiana, approve said ordinance and return the same to the City Clerk this 15<sup>th</sup> day of JUNE, 2016, at 10:00 o'clock A.m.



Lloyd Winnecke, Mayor  
City of Evansville, Indiana

**City Commission Memorandum**  
**16-160**

July 8, 2016

TO: Mayor Steve Austin and the Board of Commissioners

FROM: Russell R. Sights, City Manager 

SUBJECT: Purchase of Uniforms for the Fire Department

The accompanying municipal order authorizes the purchase of uniforms for the Fire Department from Siegel's Uniforms, Evansville, Indiana in the amount of \$31,981.50.

The purchase includes station uniforms, dress uniforms, badges and insignias, and shoes and boots.

Bid packages were sent to three vendors, with two bids received. The bid of Siegel's Uniforms fully complies with the bid specifications and award is recommended accordingly.

Sufficient funds are available in the Fiscal 2017 budget for this purchase. Your approval of the attached municipal order is requested.

c: Scott Foreman  
Paul Titzer  
Robert Gunter

**Fire Department Memorandum**  
**16-10**

July 5, 2016

TO: Russell Sights, City Manager  
FROM: Scott Foreman, Fire Chief  
SUBJECT: Recommendation for Award of Uniform Bid Ref. #16-18

Specifications for Firefighter Uniforms were recently sent to various vendors. Bid opening was conducted on June 22, 2016 with two (2) bids received. Listed below are bid amounts:

Siegel's Uniforms of Evansville	\$31,981.50
Gall's	\$33,133.15

Based on low bid and exceptional customer service we have received in the past, we recommend that the bid be awarded to Siegel's Uniforms of Evansville.

  
Scott Foreman

cc: Robert Gunter, Finance Director

CITY OF HENDERSON, KENTUCKY  
 BID TABULATION SHEET

BID REFERENCE NO.: 16-18  
 DATE BID OPENED: 06/22/16  
 APPROVAL DATE: \_\_\_\_\_  
 ACCEPTANCE FORM SENT: \_\_\_\_\_

SIEGELS UNIFORMS  
 EVANSVILLE, IN

GALLS  
 LEXINGTON, KY

Section A: Station Uniforms								
1	30 Uniform Trousers	\$ 1,140.00	\$ 1,042.50					
2	10 Long Sleeve Dress Shirts	\$ 340.00	\$ 300.00					
3	10 Short Sleeve Dress Shirts	\$ 310.00	\$ 254.50					
4	10 Officer's Long Sleeve Dress Shirts	\$ 310.00	\$ 292.50					
5	10 Officer's Short Sleeve Dress Shirts	\$ 270.00	\$ 254.50					
6	15 Trouser Belts	\$ 270.00	\$ 269.25					
7	35 Operator Belts	\$ 1,050.00	\$ 945.00					
8	90 Station Pants	\$ 3,060.00	\$ 3,118.50					
9	34 Station Shirt Tru Spec SS Polo	\$ 1,122.00	\$ 1,122.00					
10	34 Station Shirt Elbeco UFX SS Polo	\$ 1,224.00	\$ 1,241.00					
11	34 Station Shirt Elbeco UFX LS Polo	\$ 1,326.00	\$ 1,343.00					
12	34 Station Shirt Tru Spec LS Polo	\$ 1,258.00	\$ 1,292.00					
13	150 Cordura baselayer SS crew neck shirt	\$ 2,700.00	\$ 3,427.50					
14	30 Cordura baselayer LS crew neck shirt	-----	\$ 435.00					
15	20 Uniform shorts	\$ 620.00	\$ 559.00					
16	20 Exercise shorts	\$ 220.00	\$ 239.80					
17	30 1/4 zip sweatshirt-self collar	\$ 1,530.00	\$ 1,499.70					

CITY OF HENDERSON, KENTUCKY  
 BID TABULATION SHEET

BID REFERENCE NO.: 16-18  
 DATE BID OPENED: 06/22/16  
 APPROVAL DATE: \_\_\_\_\_  
 ACCEPTANCE FORM SENT: \_\_\_\_\_

SIEGELS UNIFORMS  
 EVANSVILLE, IN

GALLS  
 LEXINGTON, KY

18	30 1/4 zip sweatshirt-Tru Spec Grid Fleece	\$ 1,470.00	\$ 1,354.50						
19	15 Sweatpants	\$ 225.00	\$ 258.75						
20	5 Convertible jackets	\$ 515.00	\$ 485.00						
21	5 High Vis 3 in 1 Jacket	\$ 1,100.00	\$ 1,090.00						
22	30 Summer Baseball Caps	\$ 390.00	\$ 373.50						
23	30 Winter Baseball Caps	\$ 390.00	\$ 472.50						
24	30 Skull Cap Beanies	\$ 690.00	\$ 390.00						
25	30 Sock Caps	\$ 330.00	\$ 373.50						
	<b>Total Section A</b>	<b>\$21,860.00</b>	<b>\$22,433.50</b>						
	<b>Section B: Dress Uniforms</b>								
1	6 Single Breasted Dress Blouses	\$ 576.00	\$ 720.00						
2	9 Stripes	\$ 108.00	\$ 132.75						
3	6 Dress Trousers	\$ 228.00	\$ 201.00						
4	6 Dress Overcoats	\$ 1,020.00	\$ 1,068.00						
5	9 Dress Ties	\$ 36.00	\$ 35.55						
6	6 Dress Hats	\$ 246.00	\$ 273.00						
7	2 Officer Dress Hats	\$ 90.00	\$ 134.00						
8	2 Metal Expansion Bands for Dress Hat	\$ 18.00	\$ 15.00						
	<b>Total Section B</b>	<b>\$ 2,322.00</b>	<b>\$ 2,579.30</b>						

CITY OF HENDERSON, KENTUCKY  
 BID TABULATION SHEET

BID REFERENCE NO.: 16-18  
 DATE BID OPENED: 06/22/16  
 APPROVAL DATE: \_\_\_\_\_  
 ACCEPTANCE FORM SENT: \_\_\_\_\_

SIEGELS UNIFORMS  
 EVANSVILLE, IN

GALLS  
 LEXINGTON, KY

Section C: Badges & Insignias								
1	8 Name Tags	\$ 72.00	\$ 63.60					
2	8 Firefighter and Engineer Badges	\$ 328.00	\$ 312.00					
3	4 Lieutenant Badges	\$ 184.00	\$ 179.00					
4	2 Captain Badges	\$ 92.00	\$ 89.50					
5	2 Assistant Chief Badges	\$ 92.00	\$ 89.50					
6	1 Chief Badge	\$ 46.00	\$ 44.75					
7	9 Firefighter and Engineer Collar Insignias	\$ 198.00	\$ 162.00					
8	4 Lieutenant Collar Insignias	\$ 30.00	\$ 16.60					
9	2 Captain Collar Insignias	\$ 15.00	\$ 8.30					
10	2 Assistant Chief Collar Insignias	\$ 15.00	\$ 8.30					
11	1 Chief Collar Insignia	\$ 7.50	\$ 4.15					
12	2 Firefighter or Engineer Hat Badges	\$ 78.00	\$ 69.00					
13	2 Officer Hat Badges	\$ 88.00	\$ 80.50					
	<b>Total Section C</b>	<b>\$ 1,245.50</b>	<b>\$ 1,127.20</b>					
Section D: Shoes & Boots								
1	4 Officer's Dress Shoes	\$ 240.00	\$ 182.00					
2	7 Uniform Shoes (Rocky TMC Postal Approved)	\$ 679.00	\$ 675.15					
3	7 Uniform 6" Boots (Danner II GTX 6" Side Zip)	\$ 812.00	\$ 735.00					

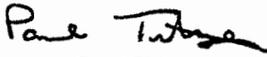
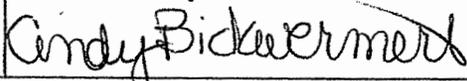
CITY OF HENDERSON, KENTUCKY  
 BID TABULATION SHEET

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SIEGELS UNIFORMS  
 EVANSVILLE, IN

GALLS  
 LEXINGTON, KY

4	7 Uniform 8" Boots (Danner Striker II GTX Side-Zip Non-Metallic Safety toe boot)	\$ 980.00	\$ 1,176.00						
5	1 Dress Shoe	\$ 80.00	\$ 52.00						
6	1 Dress Boot	\$ 88.00	\$ 85.50						
7	15 HAIX Black Eagle Tactical Shoes	\$ 1,800.00	\$ 2,100.00						
8	15 HAIX Black Eagle Tactical Mid Boots	\$ 1,875.00	\$ 1,987.50						
	<b>Total Section D</b>	<b>\$ 6,554.00</b>	<b>\$ 6,993.15</b>						
	<b>Total Bid Price</b>	<b>\$31,981.50</b>	<b>\$33,133.15</b>						
	<b>*Section A Item 14 discontinued</b>								

Other Bidders Contacted: Sitex	Bids Opened & Recorded By:  Paul Titzer Cindy Bickwermert 	Bids Reviewed By: Scott Foreman Jeremy Baxter
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City of Henderson, Kentucky  
Invitation to Bid

Bid Reference No. 16-18

SPECIAL CONDITIONS

1. The successful bidder will be awarded a contract for one (1) year from the date of acceptance by the Henderson Board of Commissioners with an option to renew the contract for an additional year if mutually agreeable to both the City of Henderson and the bidder.
2. The City reserves the right to cancel the contract of the successful bidder after thirty (30) days written notice if, in the opinion of City Manager and/or Fire Chief, the successful bidder delivers items that fail to meet specifications or fails to deliver ordered items in a timely manner.
3. Bid prices shall include delivery to the Henderson Fire Department at 332 Washington Street. Bid prices shall remain firm throughout the contract term.
4. The successful bidder must have facilities for altering uniforms for proper fit and appearance. All alterations needed are to be included in the bid price.
5. All orders must be packaged separately and identified with the individual's name. Each item delivered will be inspected for proper workmanship and bid compliance before final payment is made.
6. The successful bidder will be required to have a representative at the Henderson Fire Department to take measurements and orders from each individual when required at the convenience of the Fire Chief or his designee. Vendor agrees that up to three separate days per year for measurements may be required.
7. The successful bidder must show proof of adequate inventory of all items to accommodate requirements of the Henderson Fire Department.
8. Uniforms will be available for both male and female firefighters. Female uniforms are to be made exactly like male uniforms and cut on industry accepted female patterns.
9. Bid items that are discontinued during the contract period shall not be substituted without prior approval of the Fire Chief.
10. The vendor will be responsible for maintaining Henderson Fire Department emblems and affixing them as required in the specifications. They are to be affixed at no additional charge. The bid price will include all silk screened logos and embroideries on garments where specified.

SPECIAL CONDITIONS

Page 2

11. The brands and styles listed in the specifications represent a quality sought by the Henderson Fire Department. Any substitutions on any item shall be clearly detailed in bid documents and a sample of such substituted item shall be provided at bid opening. If no substitutions are made, the bidder is agreeing to provide the exact brand specified instead of an equivalent.

Technical questions may be directed to Scott Foreman, Fire Chief at 270-831-1217. Bid procedure questions may be directed to Paul Titzer, Assistant Finance Director at 270-831-1290, ext. 2220.

- End of Section -

City of Henderson, Kentucky  
Invitation to Bid

Bid Reference No. 16-18

TECHNICAL SPECIFICATIONS

**SECTION A: STATION UNIFORMS**

- 1. Uniform Trouser:** Elbeco E2804R or approved equal.  
Material: 65% Polyester/35% Cotton stretch twill blend.  
Weight: 7.0-7.25 oz./Sq. yard  
Color: Dark Navy  
Features: "Essential Fit" pattern waistband has a lower rise and wider leg with front rise having a slight slope  
Covert flex waistband with new refined curtain  
Zipper and double hook and eye with gun barrel finish  
Triple stitched crotch prevents seam failure  
Two rear pockets with button tab closures  
Creaset front and back permanent creases EMT trouser features  
Waist sizes: 28 to 50.
- 2. Long Sleeve Dress Shirt:** Elbeco P874-3 or approved equal.  
Material: Open weave poplin 65% Dacron polyester/35% combed cotton with permanent press and soil release finish.  
Color: Dark Navy  
Features: Creases shall be sewn-in military style with one each side of front and three in back. Sleeve cuffs shall have two buttons. Pockets shall have scalloped flaps with button hole and velcro corners sewn to flaps and pockets. Badge tab centered 1.5 inches above left pocket. Epaulets shall be pointed at ends toward collar and fastened with one button. Front shall have placket of same material with six button holes. Buttons shall match fabric of shirt. Size and sleeve length shall be marked and tagged in collar.  
Sizes: 14 to 20 including half sizes.  
Sleeve lengths: Up to 37.  
Alterations: Uniform supplier shall sew on HFD provided emblems as per department specifications at no additional charge.
- 3. Short Sleeve Dress Shirt:** Elbeco P864-3 or approved equal.  
Material: Same as above listed long sleeve dress shirt.  
Color: Dark Navy  
Features: Short sleeve version of above listed long sleeve dress shirt.  
Sizes: Small to 4x-large.  
Alterations: Uniform supplier shall sew on HFD provided emblems as per department specifications at no additional charge.

TECHNICAL SPECIFICATIONS

Page 2

4. **Officer's Long Sleeve Dress Shirt:** Elbeco P877-3 or approved equal.  
Material: Same as above listed dress shirts.  
Color: White  
Features: Same as above listed long sleeve dress shirts.  
Sizes: 14 to 20 including half sizes.  
Sleeve lengths: Up to 37.  
Alterations: Uniform supplier shall sew on HFD provided emblems as per department specifications at no additional charge.
  
5. **Officer's Short Sleeve Dress Shirt:** Elbeco P867-3 or approved equal.  
Material: Same as above listed dress shirts.  
Color: White  
Features: Same as above listed dress shirts.  
Sizes: Small to 4x-large.  
Alterations: Uniform supplier shall sew on HFD provided emblems as per department specifications at no additional charge.
  
6. **Trouser Belt:** Boston #6505 or approved equal.  
Material: Genuine vat-dyed leather.  
Color: Black  
Features: Belt shall be 1.75 inches wide with gold or silver buckle corresponding with rank.  
Sizes: 28 to 52.
  
7. **5-11 1.75 " Operator Belt**  
Ultra strong nylon mesh  
Steel buckle with 6000 lb. rating  
Heavy stitch reinforcements  
Converts to a tie down/carry strap or emergency harness  
Fade and rip resistant  
Color: black with black matte buckle  
Sizes: S-4X
  
8. **Station Pant: Tru Spec 24-7 Series P/C R/S pant**  
Lightweight 6.5 oz. polyester cotton ripstop  
Self-adjusting comfort fit slider waistband  
Original Prym snap closure  
Brass zipper fly  
2 deep front slashed pockets, 2 signature 24-7 cargo pockets with Velcro and 2 internal magazine compartments in both cargo pockets with 2 signature 24-7 back pockets  
2 cell phone/magazine pockets with Velcro closure flaps are attached to the outside of the cargo pockets.  
2 knife/accessory pockets  
Reinforced knees with inside openings for knee pad inserts.

TECHNICAL SPECIFICATIONS

Page 3

Covered zipper vertical pockets incorporated into the sideseam at the front and thigh pockets for minimal visibility.

Seatseams, sideseams, crotch and inseams are of safety stitch construction with double needle topstitching on the crotch and seatseam.

Size: 28-50

**9. Station Shirt: Tru Spec SS Performance Polo Shirt**

100% Polyester, 6.4 oz. per sq. yard, jersey knit s/s Polo

Hemmed tail with side vents

Moisture wicking with anti-microbial and anti-odor finish

button front placket w/mic holder

Curl free tip collar

Gusseted sleeves and tagless size label

Left sleeve has a dual pen/pencil pocket

Hem bottom

Embroidered Logo on left chest and Title and Name on right chest in silver or gold depending on Rank.

Red or white

Sizes: S-4X

**10. Station Shirt: Elbeco UFX Tactical SS Polo Shirt**

100 % Polyester, 7.25 oz /per sq. yard

No curl knit collar

Dual mic should pockets and center mic loop

Pen pocket on sleeve

Nano moisture wicking

Embroidered logo on left chest and title and name on right chest in silver or gold depending on rank

Red or white

Sizes S-4X

**11. Station Shirt: Elbeco UFX Tactical LS Polo Shirt**

100 % Polyester, 7.25 oz /per sq. yard

No curl knit collar

Dual mic should pockets and center mic loop

Pen pocket on sleeve

Nano moisture wicking

Embroidered logo on left chest and title and name on right chest in silver or gold depending on rank

Red or white

Sizes S-4X

TECHNICAL SPECIFICATIONS

Page 4

**12. Station Shirt: Tru Spec LS Performance Polo Shirt**

100% Polyester, 6.4 oz. per sq. yard, jersey knit s/s Polo  
Hemmed tail with side vents  
Moisture wicking with anti-microbial and anti-odor finish  
button front placket w/mic holder  
Curl free tip collar  
Gusseted sleeves and tagless size label  
Left sleeve has a dual pen/pencil pocket  
Hem bottom  
Embroidered Logo on left chest and Title and Name on right chest in silver or gold depending on Rank.  
Red or white  
Sizes: S-4X

**13. Cordura baselayer short sleeve crew neck shirt – TRU SPEC**

Constructed from a unique 60% cotton/40% nylon jersey baselayer  
Cordura brand no melt, no drip fabric with moisture wicking  
Fresh FX technology  
Ribbed knit collar, tagless heat transfer neck label and offset shoulders  
The collar is of one piece ribbed knit fabric  
Hem Bottom  
Color: Navy Blue  
Silk Screened logo in white on left chest and Henderson Fire Department silk screened on back in white.  
Sizes: S-3X

**14. Cordura baselayer long sleeve crew neck shirt – TRU SPEC**

Constructed from a unique 60% cotton/40% nylon jersey baselayer  
Cordura brand no melt, no drip fabric with moisture wicking  
Fresh FX technology  
Ribbed knit collar, tagless heat transfer neck label and offset shoulders  
The collar is of one piece ribbed knit fabric  
Hem Bottom  
Color: Navy blue  
Silk Screened logo in white on left chest and Henderson Fire Department silk screened on back in white.  
Sizes: S-3X

**15. Uniform Short-TRU SPEC**

Constructed from 65/35 polyester cotton rip-stop material with stain resistant Teflon<sup>®</sup> coating  
Comfort fit slider waistband construction which eliminates the need for gather elastic or adjustable side tabs  
Extra deep front pockets  
Customized TRU-SPEC<sup>®</sup> original Prym snap

TECHNICAL SPECIFICATIONS

Page 5

YKK® brass zipper  
Engineered dimensional fit  
Pretreated garment wash to prevent shrinkage and color fading on 100% cotton canvas  
Two (2) knife/accessory pockets with stiff fusing interlining  
Two (2) cargo pockets with signature 24-7 Series® with hook & loop closures and bellowed side gussets  
Two (2) internal magazine compartments in both cargo pockets  
Cell phone/magazine pocket  
Imported  
Sizes: 28" - 54" waist with 9" inseam

**16. Exercise shorts: Sport-Tek #T510 or approved equal.**

Material: 100% poly mesh

Color: Navy

Features: Double needle stitching on leg hems. Elastic waist with inside drawstring, 7.5 inch inseam with full tricot lining. Silk screened white logo on front left leg above bottom hem.

Sizes: X-Small to 4x-large.

**17. ¼ Zip Sweatshirt: Job Shirt-Self Collar**

Shall be a quarter zip knit job shirt with a self-collar, on-seam hand warmer pockets with D-ring, chest pocket, pencil pocket on sleeve, twill elbow patches, mic pockets on shoulders and a mic loop on placket. All measurements will be taken without stretching the material.

Material: 82% cotton/18% polyester jersey knit heavyweight fleece, 11.4 oz./sq. yd. pre-shrunk fabric offers excellent color and shape retention. Elbow patches to be Tek2™ 65% Polyester/35% combed cotton two ply continuous vat dyed twill weave, weighing 7 oz./sq. yd. with Nano Fluid Repellency technology.

The collar is two ply knit with interlining, clean finished to neck with grosgrain ribbon. Collar closes with a #5 Vislon zipper which finishes with a self-fabric chin guard. A 1/4" wide fabric loop shall be set at the bottom of the zipper, above the yoke seam, to accommodate mic clip or glasses.

Pockets: Chest pocket: Pocket with twill pocket bag is set in the yoke on wearer's right side. Pocket opening is 5-1/4" wide, is fused for stability, and has a Velcro closure. There is a 1-1/2" x 4-1/2" pencil pocket set in the pocket bag. There are two small pieces of Velcro set in the bottom of the pocket to shorten the pocket depth as required.

TECHNICAL SPECIFICATIONS

Page 6

Side pockets: On each side is an on seam hand warmer pocket with a 7" opening. Each pocket has an internal storage pocket for cell phones and is fleece lined. The right pocket shall have a D-ring attached to a 3-1/2" long double-ply strap sewn into the pocket seam for the securing of keys.

Shoulder seams are finished with 1/4" topstitching. Each shoulder seam has a 1-1/2" wide fused mic pocket set in the seam line.

Sleeves are set in and finished with 1/4" single needle top stitch. Cuffs are 1 x 1 ribbed knit. Elbow patches are Tek2 twill. A set in pencil pocket on left sleeve has a dual opening and twill pocket bag which measures 2-5/8" x 6-1/2".

Hem is formed with a 1 x 1 ribbed knit finishing 2-1/2" deep.

Color: Navy Blue

Embroidered Logo on left chest and Title and Name on right chest in silver or gold depending on Rank

Sizes: Available in Regular - XS through 4XL and Talls – L through 4XL

**18. 1/4 Zip Sweatshirt: Job Shirt-Self Collar Tru Spec Grid Fleece**

94% Polyester/6%Spandex

Zip through collar with hanger loop

Grid fleece body for increased breathability and improved moisture wicking

Deep chest radio pocket with inner hook & loop tabs

2" knit cuffs

Microphone loop on shoulder

Double pen/pencil pocket on sleeve

Elasticized rib knit waist

Side seam pockets

Color: Navy Blue

Embroidered Logo on left chest and Title and Name on right chest in silver or gold depending on Rank

Sizes: Available in Regular - S through 4XL and Talls – L through 4XL

**19. Sweatpants: Port and Company #PC90P or approved equal.**

Material: 9 oz. 50% polyester/50% cotton fleece.

Color: Navy

Features: Covered elastic waistband with inside drawstring, side pockets, and elastic cuffs. HFD logo shall be embroidered on left upper leg. Thread color of embroidery will be according to rank.

Sizes: Small to 3x-large.

**20. Convertible Jacket:** Blauer #6120 or approved equal.

Material: Outer shell shall be a waterproof and breathable Taslan material with a 100% nylon permanent ripstop lining.

Color: Dark Navy

Features: Jacket shall have a zip-out B.WARM insulated quilted liner with zip-off sleeves for all-season wear. Other features to include military style epaulets with buttons, badge tab left front, pit zippers for access to shell, waterproof and windproof breathable B.DRY fabric lining, flapped double-entry lower pockets with buttons, 10" side zippers with snap tab closures, and zipper front to top of collar. Uniform supplier shall sew on HFD provided emblems as per department specifications at no additional charge.

Sizes: Small to 4x-large in regular and long sizes.

**21. 5-11 High Vis 3 in 1 Jacket**

**Fabric type:** Outer Jacket: Shell, 100% Polyester and Lining, 100% Nylon

**Liner Jacket:** Shell, 100% Polyester and Reinforcement, 100% Nylon

High performance waterproof-breathable construction

DuPont dot Laminated Taffeta with a Blood Bourne Pathogen Finish

Meets ANSI/ISEA 107-2010 Class II, Level II standards

High Vis upper and reflective tape placement on hem, collar and sleeves

PU abrasion panels at shoulders provide grip for backpack straps

3 way adjustable hood rolls up into the collar or can zip off and is easily stored in one of the cargo pockets

Back Up Belt System™ compatible pocket for quick access to essential gear

Internal and external Stretch Mesh gear/document chest pockets

Water resistant exposed zippered Radio Pocket at left chest for easy access

Double Stormflap to keep wind and rain out

Exterior utility pocket under stormflap

Mic-loops

Hook and loop, oversized, double-stack patch on cargo pockets with vertical pouches for tools and side entry hand warmer pockets

Elastic corded hem adjustment at sideseams

Hook and loop double welt, double zip underarm vents

TECHNICAL SPECIFICATIONS

Page 8

Hook and loop gusseted cuffs

Articulated elbows

Upper sleeve zippered utility pockets

Right chest loop patch panel for ID patch

Back zipper access for imprinting details

UPF Rating: 50

Fully Seam Sealed waterproof construction

YKK #5 Vislon zippers along center front

Hook and Loop adjustable cuffs

#3 coil water resistant chest zipper on radio pocket.

YKK on all other zippers

Sizes:S-4XL

Dark Navy, Range Red, Royal Blue

Company will come to the Henderson Fire Department and provide a selection of sizes for fitting

Outer jacket will have HFD on the back in reflective lettering. Liner jacket will be embroidered with the HFD logo on left chest and rank and name on right chest.

Gold lettering for officers and Silver lettering for Firefighters and Engineers.

Bid includes fitting and lettering/embroidery.

**22. Summer Baseball Cap:** New Era NE 204 or approved equal.

Material and Features: HFD logo on front as per department specifications and provided sample.

Color: Dark Navy

Sizes: Adjustable, one size fits all.

**23. Winter Baseball Cap:** Port Authority Flexfit C809 or approved equal.

Material and Features: 98% cotton/2% spandex structured solid baseball cap with embroidered HFD logo on front as per department specifications and provided sample. Last name of individual employee shall be embroidered on back of cap.

Color: Navy

Sizes: S/M and L/XL

**24. Skull Cap Beanie:** High performance blend of 57% polyester, 28% worsted wool and 15% low pill acrylic

Bonded fleece

Color matched lycra hem and logo

Sized regular and oversized

Navy blue

HFD embroidered on front in silver or gold depending on rank on front. Last name of individual employee shall be embroidered on back of cap.

**25. Sock Cap:** 3M thinsulate sock cap

Navy blue

HFD embroidered in silver or gold depending on rank on front. Last name of individual employee shall be embroidered on back of cap.

**SECTION B: DRESS UNIFORM**

**1. Single Breasted Dress Blouse:** Flying Cross #38800 or approved equal.

Material: 100% Dacron polyester serge weave.

Color: LAPD Navy

Features: Pleated breast pockets with flaps and two lower simulated pockets with flaps, notched lapels and four button front. Shoulder straps shall be cross stitched. Blouse shall have badge tab on left front above pocket.

Sizes: Regular 36 to 60, Long 36 to 54, Short 36 to 46.

Buttons: Gold or Silver "FD" where applicable according to rank.

Alterations: Uniform supplier shall sew HFD provided emblems as per department specifications at no additional charge

**2. Stripes**

Material: ½" braided stripe.

Color: According to rank.

Alterations: Stripes shall be sewn on by undoing seam of blouse and making stripe part of seam as per current department issue blouses (call to view current issue).

Note: Please price per each set of stripes.

**3. Dress Trousers:** Flying Cross #38200 or approved equal.

Material: 100% Dacron polyester serge weave.

Color: LAPD Navy

Features: Four pocket pant to identically match above listed dress blouse.

Sizes: Short 28 to 40 even, Regular 28 to 50, Odd sizes up to 37 in regular.

**4. Dress Overcoat:** Newport Harbor #261 or approved equal.

Material: 55% polyester/45% cotton shell treated with DuPont Teflon.

Color: Navy or Black

Features: 46" double breasted trench coat with split ragland shoulders, permanent epaulets, gun patch on right shoulder, loose umbrella back yoke, back vent and cut through pockets, and 100% nylon lining. Coat shall have removable 100 gram thinsulate liner with sleeve warmer.

Sizes: 40 to 56, regular and long.

TECHNICAL SPECIFICATIONS

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**5. Dress Ties**

Material: To match Dress Blouse and Trousers.

Color: Navy

Features: Velcro

Sizes: Regular or long.

**6. Dress Hat:** Hankin Brothers 5-1-1 or approved equal.

Material: Bell Crown with navy serge to match Dress Blouse and Trousers.

Color: Navy

Features: Bell formed with haircloth side stiffening, covered band with same fabric, and adjustable band per each size. Hat shall have one eyelet to accommodate badge.

Dress hats to match current issue.

Sizes: Small (6 1/2 to 6 7/8), Medium (7 to 7 1/4), Large (7 3/8 to 7 5/8), X-Large (7 3/4 to 8)

**7. Officer's Dress Hat:** Hankin Brothers 5-1-1WV or approved equal.

Material: Bell Crown with white vinyl.

Color: White

Features: White vinyl top with navy sides to match dress hats of current issue. One eyelet to accommodate badge.

Sizes: Same as above.

**8. Metal Expansion Band for Dress Hat**

Color: Gold or Silver with FD buttons according to rank.

**SECTION C: BADGES & INSIGNIAS**

**1. Nametags:** Blackinton #J3 or approved equal.

Firefighter and Engineer nametags shall have two lines of print and be made of rhodium, black lettering, and a safety clasp attachment.

Lieutenant and above ranking nametags shall have two lines of print and be made of gold plate, black lettering, and a safety clasp attachment.

**2. Firefighter and Engineer Badges:** Blackinton #B547 or approved equal.

Firefighter and Engineer badges shall have a rhodium finish and safety clasp attachment with an #A2886 (firefighter scramble) center seal in rhodium. Lettering shall be black and specified by HFD.

**3. Lieutenant Badges:** Blackinton #B547 or approved equal.

Lieutenant badges shall have a gold plate finish and safety clasp attachment with an #A2876 (single bugle) center seal in gold plate. Lettering shall be black and specified by HFD.

- 4. Captain Badges:** Blackinton #B547 or approved equal.  
Captain badges shall have a gold plate finish and safety clasp attachment with an #A2875 (two bugles) center seal in gold plate. Lettering shall be black and specifies by HFD.
- 5. Assistant Chief Badges:** Blackinton #B547 or approved equal.  
Assistant Chief badges shall have a gold plate finish and safety clasp attachment with an #A2873 (three crossed bugles) center seal in gold plate. Lettering shall be black and specified by HFD.
- 6. Chief Badge:** Blackinton #B547 or approved equal.  
Chief badge shall have a gold plate finish and safety clasp attachment with an #A2871 (five crossed bugles) center seal in gold plate. Lettering shall be black and specified by HFD.
- 7. Firefighter and Engineer Collar Insignia:** Blackinton #2 or approved equal.  
Pair of rhodium 7/16" **H.F.D.** with clutch backs to be used on collar of uniform shirt.
- 8. Lieutenant Collar Insignia:** Blackinton #A2909 or approved equal.  
Pair of gold plate single Lieutenant bugles with clutch backs to be used on collar of uniform shirt.
- 9. Captain Collar Insignia:** Blackinton #A2908 or approved equal.  
Pair of gold plate 2 crossed Captain bugles with clutch backs to be used on collar of uniform shirt.
- 10. Assistant Chief Collar Insignia:** Blackinton #A2907 or approved equal.  
Pair of gold plate 3 crossed Assistant Chief bugles with clutch backs to be used on collar of uniform shirt.
- 11. Chief Collar Insignia:** Blackinton #A2905 or approved equal.  
Pair of gold plate 5 crossed Chief bugles with clutch backs to be used on collar of uniform shirt.
- 12. Firefighter or Engineer Hat Badge:** Blackinton #B484 or approved equal.  
Rhodium badge with screw back, black lettering and #A2886 (scramble) center seal of rhodium.
- 13. Officer Hat Badge:** Blackinton #B484 or approved equal.  
Gold plate with screw back, black lettering and gold plate center seal according to rank.

**SECTION D: SHOES & BOOTS**

1. **Officer's Dress Shoe:** Thorogood #834-6100 or approved equal.
2. **Uniform Shoe: Rocky TMC Postal Approved Plain Toe Oxford Shoe - 5000**  
Aegis Microbe Shield applied to ROCKY Airport Footbed  
Full-Grain Water-Resistant Polishable Leather  
Made in the USA, Berry Compliant  
Slip and Oil Resistant TMC Direct Attach TPU/PU outsole for Stability and Flexibility
3. **Uniform 6" Boot: Danner II GTX 6" Side Zip - 42996**  
100% waterproof and breathable GORE-TEX liner  
Full-grain leather  
1000 Denier nylon upper  
TERRA FORCE X Lite platform  
Side Zip  
TFX lite outsole is an oil and slip-resistant outsole  
Nylon shank  
6" height
4. **Uniform 8" Boot: Danner Striker II GTX Side-Zip Non-Metallic Safety Toe Boot – 42982**  
100% waterproof and breathable GORE-TEX liner  
Full-grain leather can be easily polished  
1000 Denier nylon upper  
TERRA FORCE X Lite platform  
Side Zip  
TFX lite outsole is an oil and slip-resistant outsole  
Nylon shank  
8" height  
Pro-Tec non-metallic safety toe won't conduct heat or cold to the foot, and meets or exceeds ASTM standard F2413-05 1/75 C/75 EH
5. **Dress Shoe:** Bates #42 or approved equal.
6. **Dress Boot:** Bates #53 or approved equal.
7. **HAIX Black Eagle Tactical 20 shoes:** 100% Leather/Waterproof Gore-Tex climate controlled black low cut athletic shoe  
Anti-slip non-marking athletic running sole resistant to oil and gasoline  
Smart lacing system for quick and easy access  
2 year warranty against manufacturing defects

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**8. HAIX Black Eagle Tactical 20 Mid Boot**

100% Leather/Waterproof Gore-Tex climate controlled 6" mid cut athletic boot

Anti-slip non-marking athletic running sole resistant to oil and gasoline

Smart lacing system for quick and easy access

2 year warranty against manufacturing defects

- End of Section –

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

MUNICIPAL ORDER AWARDING BID FOR THE PURCHASE OF UNIFORMS FOR THE FIRE DEPARTMENT TO SIEGEL'S UNIFORMS, EVANSVILLE, IN, IN THE TOTAL AMOUNT OF \$31,981.50

WHEREAS, the City of Henderson has issued invitations to bid for the purchase of uniforms for the Fire Department; and

WHEREAS, bids were submitted to the City of Henderson pursuant to said invitations, and were publicly opened on June 22, 2016, with Siegel's Uniforms of Evansville, IN submitting the best bid which bid the City Manager recommends be accepted.

NOW, THEREFORE, BE IT RESOLVED by the City of Henderson, Kentucky, that the recommendation of the City Manager is approved, and award is hereby made to Siegel's Uniforms, 101 SE 4<sup>th</sup> Street, Evansville, IN 47708 for the purchase of uniforms for the Fire Department, in the total amount of \$31,981.50 in strict accordance with their bid as submitted pursuant to Bid Reference 16-18

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 Mills: \_\_\_\_\_  
Commissioner Johnston: \_\_\_\_\_  
Commissioner Hite: \_\_\_\_\_

Commissioner Royster: \_\_\_\_\_  
Mayor Austin: \_\_\_\_\_

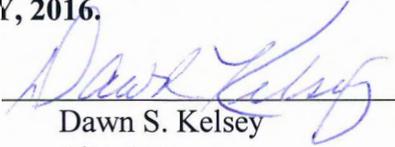
**INTRODUCED, PUBLICLY READ AND FINALLY APPROVED ON ONE READING**, this the \_\_\_\_\_ day of July, 2016.

ATTEST:

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

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

**APPROVED AS TO FORM AND LEGALITY THIS 5<sup>th</sup> DAY OF JULY, 2016.**

By:   
Dawn S. Kelsey  
City Attorney

**UPCOMING**  
**BOARD APPOINTMENTS**

<u>BOARD</u>	<u>EXPIRATION DATE</u>	<u>TERM</u>
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BOARD OF APPEALS (Housing & Building)

	<u>Current Term Expires</u>	<u>Term</u>
Gray Hodge	06/22/2016	4-Year

HENDERSON-HENDERSON COUNTY HUMAN RIGHTS COMMISSION

	<u>Current Term Expires</u>	<u>Term</u>
Darlene Ware	06/30/2016	3-Year