

CITY OF HENDERSON – RECORD BOOK

Record of Minutes of A Regular Meeting on January 26, 2016

A regular meeting of the Board of Commissioners of the City of Henderson, Kentucky, was held on Tuesday, January 26, 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 Dr. Marcus Daly, Equipping Pastor, Zion Baptist Church, followed by Mayor Austin leading the assemblage in recitation of the Pledge of Allegiance to our American Flag.

There were present Mayor Steve Austin presiding:

PRESENT:

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

ALSO PRESENT:

Mr. Russell R. Sights, City Manager
 Mr. William L. (Buzzy) Newman, Jr., Assistant City Manager
 Mrs. Dawn Kelsey, City Attorney
 Ms. Maree Collins, City Clerk
 Mr. Robert Gunter, Finance Director
 Mr. Leason Neel, HWU Chief Financial Officer
 Mr. Brian Williams, Public Works Director
 Mr. Brian Bishop, City-County Planning Director
 Mr. Doug Boom, Engineer
 Mr. Dylan Ward, Engineering Assistant
 Mrs. Connie Galloway, Human Resources Director
 Mrs. Cindy Bickwermert, Administrative Secretary
 Mr. Steve Bickwermert, HWU Treatment Operator I
 Mrs. Leigh Ann Herron, Administrative Clerk
 Mr. Paul Titzer, Assistant Finance Director
 Mrs. Kay Mulligan, Revenue Supervisor
 Mrs. Sharon Coffman, Account Technician, Senior
 Mrs. Betty Smithhart, Office Assistant
 Mr. Scott Foreman, Fire Chief
 Mrs. Sarah Foreman
 Ms. Ally Foreman
 Mr. Ayrton Thompson, Assistant Fire Chief
 Mrs. Jennifer Thompson and Nephew
 Mr. Jeremy Baxter, Assistant Fire Chief
 Mrs. Christy Baxter and Son and Daughter
 Mr. Chad Moore, Assistant Fire Chief
 Mrs. Brittney Moore and Daughters
 Mrs. Cindy Phillips, Administrative Secretary
 Mrs. Donna Veazey, Secretary
 Mr. Tim Mahone, Emergency Management System Director
 Mrs. Donna Stinnett
 Mr. Wayne Hurd
 Mr. Lloyd Baxter
 Mrs. Helen Baxter
 Mr. Wayne Thompson
 Mr. Mike Polley
 Mr. Chris Watson and Daughter
 Mr. Daniel Hancock
 Mr. Zach Polley
 Mr. Brad Mattingly
 Mr. Matt Anderson
 Mr. Travis Denton
 Mr. Adam Updegraff
 Mr. Lee Martin

CITY OF HENDERSON – RECORD BOOK

Record of Minutes of A Regular Meeting on January 26, 2016

Mr. Rob Mindrup
 Mr. Owen Howard
 Mr. Will Ainsworth
 Mr. Chris Sampley
 Mr. Josh Dixon
 Mr. Brett Jones
 Mr. Cory Agnew
 Mr. Chris Connell
 Mr. Pat Thompson
 Mr. Tom Davis
 Mr. Jeff Justice, Hafer PSC
 Mr. Jason Barisano, Architect, Hafer PSC
 Ms. Natalie Schmidt, Interior Designer, Hafer PSC
 Mr. Brad Staton
 Mr. Mike Richardson, Police Reserve Officer
 Ms. Erin Schmitt, *the Gleaner*

PRESENTATIONS: 20-YEAR SERVICE AWARD

MAYOR AUSTIN expressed his appreciation to Mrs. Cindy Bickwermert, Administrative Secretary, for her twenty years of service and dedication to the City.

PRESENTATIONS: ASSISTANT FIRE CHIEF PROMOTIONAL BADGE PINNING CEREMONY

MR. SCOTT FOREMAN, FIRE CHIEF, explained that the badge pinning ceremony is an old fire tradition, however it is new to our department. He felt that it was important at this particular time for the department to announce and honor that all three Assistant Fire Chief positions were being filled by promotion at the same time. Chief Foreman then introduced Aryon Thompson, Chad Moore, and Jeremy Baxter as newly appointed Assistant Fire Chiefs and had each of their wives pin their Assistant Chief badges onto their dress blue uniforms.

PRESENTATIONS: MUNICIPAL SERVICES CENTER PROJECT UPDATE

MR. JEFF JUSTICE, President, Hafer PSC, along with Mr. Jason Barisano, architect, and Ms. Natalie Schmidt, interior design, detailed the interior and exterior design features of the new Municipal Services Center Complex. Many of the current design elements will be incorporated into the new design and be freshened up with new paint and materials.

COMMISSIONER MILLS indicated that the buildings in that development were required to meet certain building standards involving a masonry finish and expressed concern about the fairness to the other businesses in the area with some of the buildings in the complex not having a masonry finish.

MR. WILLIAM L. "BUZZY" NEWMAN, JR., Assistant City Manager, explained that the industrial park did have protective covenants that did include an exterior appearance aspect. He further explained that the covenants of the industrial park expired when 85% of the lots were sold. He went on to explain that in the original cost estimate that exceeded \$6,000,000.00, each of the auxiliary building included masonry veneer which was estimated at approximately \$160,000.00 and that this was one of the things that was cut to reduce the cost of the project. The drawings should be finalized within a week to ten days so that we can stay on schedule for the bidding process.

MR. RUSSELL SIGHTS, City Manager, confirmed that the covenants of the industrial park have expired and went on to explain that items that were deducted to reduce costs may be looked at as 'add-on alternates' to determine their actual cost to the project.

VERBATIM OF MEETING DISCUSSION ON TAPE

CITY OF HENDERSON – RECORD BOOK

Record of Minutes of A Regular Meeting on January 26, 2016

APPROVAL OF CONSENT AGENDA:

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

MINUTES: January 12, 2016, Regular Meeting

RESOLUTIONS: Resolution 03-16: Resolution Approving Agreement Between The Henderson City/County Rescue Squad, The City Of Henderson, The County Of Henderson, And Henderson Emergency Management

Motion by Commissioner Jesse Johnston, seconded by Commissioner Robert Mills, to approve the items on the Consent Agenda.

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

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

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

/s/ Steve Austin
 Steve Austin, Mayor
 January 26, 2016

ATTEST:
 Maree Collins, City Clerk

ORDINANCE 01-16: SECOND READ

AN ORDINANCE OF THE CITY OF HENDERSON, KENTUCKY AUTHORIZING THE ISSUANCE OF (i) GENERAL OBLIGATION BONDS, SERIES 2016A IN THE AGGREGATE PRINCIPAL AMOUNT OF \$1,685,000 (WHICH AMOUNT MAY BE INCREASED OR DECREASED BY UP TO \$170,000) TO FINANCE VARIOUS IMPROVEMENTS, (ii) GENERAL OBLIGATION REFUNDING BONDS, SERIES 2016B IN THE AGGREGATE PRINCIPAL AMOUNT OF \$8,315,000 (WHICH AMOUNT MAY BE INCREASED OR DECREASED BY UP TO \$830,000) TO CURRENTLY REFUND ITS OUTSTANDING GENERAL OBLIGATION BONDS, TAXABLE SERIES 2010A (BUILD AMERICA BONDS – DIRECT PAYMENT TO ISSUER); APPROVING THE FORMS OF BONDS; AUTHORIZING DESIGNATED OFFICERS TO EXECUTE AND DELIVER THE BONDS; PROVIDING FOR THE PAYMENT AND SECURITY OF THE BONDS; CREATING BOND PAYMENT FUNDS; MAINTAINING THE HERETOFORE CREATED SINKING FUND; AUTHORIZING ACCEPTANCE OF THE BIDS OF THE BOND PURCHASER OR PURCHASERS FOR THE PURCHASE OF THE BONDS; AND REPEALING INCONSISTENT ORDINANCES.

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

CITY OF HENDERSON – RECORD BOOK

Record of Minutes of A Regular Meeting on January 26, 2016

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

/s/ Steve Austin
Steve Austin, Mayor
January 26, 2016

ATTEST:
Maree Collins, City Clerk

ORDINANCE 02-16: SECOND READ
ORDINANCE REPEALING AND REPLACING THE HENDERSON-HENDERSON COUNTY COMPREHENSIVE PLAN

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

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

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

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

/s/ Steve Austin
Steve Austin, Mayor
January 26, 2016

ATTEST:
Maree Collins, City Clerk

ORDINANCE 03-16: SECOND READ
ORDINANCE PROVIDING FOR THE ORDERLY SUCCESSION OF THE OFFICE OF MAYOR AND CITY OFFICES AND DEPARTMENTS NAMED IN THE KENTUCKY EMERGENCY OPERATIONS PLAN

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

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

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

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

/s/ Steve Austin
Steve Austin, Mayor
January 26, 2016

ATTEST:
Maree Collins, City Clerk

ORDINANCE 04-16: FIRST READ
ORDINANCE AN ORDINANCE AMENDING ARTICLE II, WATER AND SEWER SERVICE, OF CHAPTER 23, UTILITIES, SEC. 23-27.4, SEC. 23-27.5, AND ARTICLE V, RATES AND CHARGES, SEC. 23-98, OF THE CODE OF ORDINANCES OF THE CITY OF HENDERSON

CITY OF HENDERSON – RECORD BOOK

Record of Minutes of A Regular Meeting on January 26, 2016

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

MR. TOM WILLIAMS, Henderson Water Utility General Manager, explained the three minor changes which includes clarification of language relating to MS-4 regulations on yard waste and trash that might run into an inlet; clarification on how a private stormwater facility would be recorded for perpetuity; and adding water service to the consent not to oppose annexation requirement for service to be provided outside of the city limits. Currently only wastewater service provided outside of the city limits requires the property owner to agree not to oppose annexation.

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

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

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

ORDINANCE 05-16: FIRST READ
 ORDINANCE PROVIDING FOR THE ORDERLY SUCCESSION OF THE OFFICE
 OF HENDERSON WATER UTILITY

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

MAYOR AUSTIN stated that this was similar to the one recently adopted by the City.

MRS. KELSEY, City Attorney, explained that at the Water and Sewer Commission meeting a full plan for succession was adopted for Henderson Water Utility; however, the City Commission will only be adopting the portion relating to the General Manager as required by the Kentucky Emergency Operations Plan.

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

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

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

ORDINANCE 06-16: FIRST READ
 AN ORDINANCE AMENDING CHAPTER 20, *STREETS, SIDEWALKS AND OTHER
 PUBLIC PLACES*, ARTICLE I, *IN GENERAL*, BY ADDING SUB-SECTION (H) TO SEC. 20-8, *HOUSE NUMBERING PLAN*, OF THE CODE OF ORDINANCES OF THE CITY OF HENDERSON

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

CITY OF HENDERSON – RECORD BOOK

Record of Minutes of A Regular Meeting on January 26, 2016

MR. BRIAN BISHOP, City-County Planning Commission Director, indicated that in practice the agency has been responsible for the issuance of addresses for a number of years; however, the agency has not been officially designated to do so and is requesting to be officially designated with the responsibility for the issuance of addresses within the City.

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

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

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 04-16:

RESOLUTION AUTHORIZING SUBMITTAL OF GRANT APPLICATION TO THE U.S. DEPARTMENT OF HOMELAND SECURITY, FEDERAL EMERGENCY MANAGEMENT AGENCY UNDER THE ASSISTANCE TO FIREFIGHTERS GRANT PROGRAM, IN THE AMOUNT OF \$1,000,000 TO PURCHASE AN AERIAL LADDER TRUCK FOR THE FIRE DEPARTMENT, AND ACCEPTING GRANT IF AWARDED

MOTION by Commissioner Jan Hite, seconded by Commissioner Robert Mills, to adopt the resolution authorizing submittal of a regional grant application under the Assistance to Firefighters Grant Program in the amount of \$1,000,000.00 to purchase an aerial ladder truck.

MR. FOREMAN, Fire Chief, explained that this was similar to a previous grant application and that it is expected that the truck would come in around the \$900,000.00 to \$950,000.00 price range with some budget left for equipment.

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

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

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

/s/ Steve Austin
 Steve Austin, Mayor
 January 26, 2016

ATTEST:
 Maree Collins, City Clerk

MUNICIPAL ORDER 02-16:

MUNICIPAL ORDER APPROVING AMENDED ARCHITECTURAL SERVICES CONTRACT WITH HAFER ASSOCIATES PC OF EVANSVILLE, INDIANA FOR CITY'S PUBLIC SERVICES FACILITY, AND AUTHORIZING MAYOR TO EXECUTE THE AMENDED CONTRACT ON BEHALF OF CITY

MOTION by Commissioner X R. Royster, seconded by Commissioner Robert Mills, to adopt this municipal order approving an Amended Architectural Services Contract with Hafer PSC (formerly Hafer Associates PC) for design and construction of a Municipal Services facility.

CITY OF HENDERSON – RECORD BOOK

Record of Minutes of A Regular Meeting on January 26, 2016

CITY MANAGER'S REPORT:

MR. SIGHTS reminded everyone that the Board of Commissioners would not meet again until the February 16th work session where the mid-year budget status would be presented for review. Finance Director Robert Gunter will be prepared to present that along with several department requests so that the appropriation ordinance can be amended based on things that have come up since the budget was prepared.

COMMISSIONER'S REPORTS:

COMMISSIONER HITE noted that this, the primary filing deadline day, was a bittersweet day as she recognized and publicly congratulated all who entered the primary race to serve the community as she will not be running again. She further indicated that she will miss serving but notes that she still has the rest of the year remaining. She then thanked all those running for stepping up and doing what they think best to improve the community.

COMMISSIONER ROYSTER proposed a review of City Manager Russell Sights contract renewal term. The contract will automatically renew in May unless written notification is sent prior to the renewal deadline. Mayor Austin directed City Attorney Kelsey to forward copies of the contract to the Board for review and to make appropriate notification under the contract.

COMMISSIONER MILLS expressed his excitement for the new municipal services facility drawings. He has been in and out the proposed building several times in the past year and thinks it will be very good for increasing employee morale. He also thanked everyone involved for the amount of time put into the project and meetings it has taken over the past ten years to bring this to this point. He indicated it is very exciting to see.

Mayor Austin added that there have been a lot of ups and downs during those ten years. It is nice to be able now to say that we can afford to do this and that it will be a good value for our community. He also indicated that he is proud and appreciative of all of the hard work that City staff and Jeff Justice and his team have put into the project. He then inquired as to a potential time frame that the city might start to locate our people there.

Mr. Justice indicated that it is hard to say until there is a signed contract and then the contractor will be able to give a more definitive date. It is an estimated eight month time frame for construction.

Mr. Newman clarified the intention is to have all final comments back as soon as possible to have 100% drawing completed and have the bid packets go out by the targeted date in mid February. Bids would then be opened in time for the first meeting in March with a recommendation for award of a contract. That should keep the project completion date before the end of the year.

Commissioner Mills asked to have discussions about the masonry through e-mail to not hold up the process.

Mr. Sights assured Commissioner Mills that with his request being an add-on alternative that it shouldn't be an issue.

COMMISSIONER JOHNSTON commended public works for such a quick clean up on the last snow. He indicated that he had received a number of compliments from people on what a good job public works had done removing the snow. He applauded public works for their good work and said for them to keep it up!

CITY OF HENDERSON – RECORD BOOK

Record of Minutes of A Regular Meeting on January 26, 2016

Mayor Austin added that public works did a good job, especially with removing the snow from the middle of the streets which is a big help to pedestrians as well as when it all starts to melt.

Commissioner Hite concurred that public works has done an incredible job with the streets this year and even law enforcement had cars strategically parked to help people while on their commute to work.

EXECUTIVE SESSION: PERSONNEL

MOTION by Commissioner X R. Royster, seconded by Commissioner Robert Mills to go into Executive Session pursuant to the provisions of KRS 61.810(1) (f) for the discussions or hearings that might lead to the appointment, discipline, or dismissal of an individual employee.

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

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

MEETING RECONVENED:

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

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

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

MUNICIPAL ORDER 04-16

MUNICIPAL ORDER APPROVING APPOINTMENT BY CITY MANAGER OF DONNA B. STINNETT AS THE PUBLIC INFORMATION OFFICER AND APPROVAL OF EMPLOYMENT AGREEMENT, AND AUTHORIZING MAYOR TO EXECUTE AGREEMENT ON BEHALF OF CITY CONTINGENT ON THE SUCCESSFUL COMPLETION OF PRE-EMPLOYMENT SCREENINGS

MOTION by Commissioner Jan Hite, seconded by Commissioner X R. Royster, to adopt the municipal order approving appointment of Donna B. Stinnett as Public Information Officer and approving an Employment Agreement on behalf of the City contingent upon the successful completion of pre-employment screenings.

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

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

CITY OF HENDERSON – RECORD BOOK

Record of Minutes of A Regular _____ *Meeting on* January 26, 2016

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
January 26, 2016

ATTEST:
Maree Collins, City Clerk

MEETING ADJOURN:

MOTION by Commissioner Robert Mills, seconded by Commissioner Jan Hite, to adjourn the meeting.

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

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

WITHOUT OBJECTION, Mayor Austin declared the Meeting adjourned at approximately 6:50 p.m.

ATTEST:

Steve Austin, Mayor
February 23, 2016

Maree Collins, City Clerk