

CITY OF HENDERSON – RECORD BOOK

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

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

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

There were present Mayor Steve Austin presiding:

PRESENT:

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

ABSENT:

Commissioner Jan M. Hite

ALSO PRESENT:

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

APPROVAL OF CONSENT AGENDA:

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

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

RESOLUTION 05-16:

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

RESOLUTION 06-16:

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

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

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

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

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

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

ATTEST:
Maree Collins, City Clerk _____

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

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

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

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

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

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

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

ATTEST:
Maree Collins, City Clerk _____

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

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

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

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

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

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

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

ATTEST:
Maree Collins, City Clerk

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

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

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

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

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

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

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

ATTEST:
Maree Collins, City Clerk

ORDINANCE 07-16: FIRST READ

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

ORDINANCE 07-16: AN ORDINANCE REGARDING ANNEXATION

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

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

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

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

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

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RESOLUTION 07-16:

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

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

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

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

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

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

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

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

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

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

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

ATTEST:

Maree Collins, City Clerk _____

RESOLUTION 08-16:

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

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

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

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

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

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

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

ATTEST:

Maree Collins, City Clerk _____

RESOLUTION 09-16:

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

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

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

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

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

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

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

ATTEST:

Maree Collins, City Clerk _____

RESOLUTION 10-16:

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

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

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

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

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

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

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

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

ATTEST:
Maree Collins, City Clerk _____

MUNICIPAL ORDER 05-16:

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

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

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

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

COMMISSIONER ROYSTER asked how this price compared with last year.

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

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

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

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

/s/ Steve Austin
Steve Austin, Mayor
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ATTEST:
Maree Collins, City Clerk _____

MUNICIPAL ORDER 06-16

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

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

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

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

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

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

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

ATTEST:
Maree Collins, City Clerk _____

MUNICIPAL ORDER 07-16

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

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

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

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

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

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

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

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

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

ATTEST:
Maree Collins, City Clerk _____

MUNICIPAL ORDER 08-16

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

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

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

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

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

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

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

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

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

ATTEST:
Maree Collins, City Clerk _____

MUNICIPAL ORDER 09-16

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

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

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

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

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

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

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

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

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

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

ATTEST:

Maree Collins, City Clerk _____

MUNICIPAL ORDER 10-16

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

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

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

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

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

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

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

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

ATTEST:

Maree Collins, City Clerk _____

MUNICIPAL ORDER 11-16

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

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

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

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

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

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

ATTEST:

Maree Collins, City Clerk

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

CITY MANAGER'S REPORT:

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

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

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

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

VERBATIM DISCUSSION OF THE REPORT IS ON TAPE OF THIS MEETING

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

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

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

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

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

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

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

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

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

REAPPOINTMENT: ETHICS BOARD

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

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

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

REAPPOINTMENT: BOARD OF ZONING ADJUSTMENT - CITY

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

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

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

MEETING ADJOURN:

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

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

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

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

ATTEST:

 Steve Austin, Mayor
 March 8, 2016

 Maree Collins, City Clerk

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