

CITY OF HENDERSON – RECORD BOOK

Record of Minutes of A Regular Meeting on March 8, 2016

A regular meeting of the Board of Commissioners of the City of Henderson, Kentucky, was held on Tuesday, March 8, 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 Brother David Salisbury, Henderson Church of Christ, followed by members of Boy Scout Troop #50, (names listed below) in leading the assemblage in 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 Johnston, IV

ABSENT:

Commissioner Jan Hite

ALSO PRESENT:

Mr. Russell R. Sights, City Manager
Mrs. Dawn Kelsey, City Attorney
Ms. Maree Collins, City Clerk
Mrs. Tina McCormick
Mrs. Sue Baker, Fiscal Court Clerk
Mr. George Warren, Magistrate
Mr. Bruce Todd, Magistrate
Mr. Butch Puttman, Magistrate
Mr. Bill Hubiak, County Engineer
Ms. Brenda Rider, County Treasurer
Ms. Renesa Abner, County Clerk
Ms. Angela Comer, Human Relations Specialist
Mr. Brian Bishop, City-County Planning Director
Mr. Robert Gunter, Finance Director
Mr. Charles Stauffer, Police Chief
Mr. Trace Stevens, Parks & Recreation Director
Mrs. Connie Galloway, Human Resources Director
Mr. Jeremy Baxter, Assistant Fire Chief
Mrs. Donna Stinnett, Public Information Officer
Mr. Dylan Ward, Engineering Assistant
Mrs. Sarah Stewart, Downtown Henderson Partnership
Mr. Tom Davis
Mr. Alan Taylor
Mr. Shane Holland, Holy Name Troop #50 Leader
Mr. Isaac Holland, Holy Name Troop #50 Scout
Mr. Parker McWilliams, Holy Name Troop #50 Scout
Mr. Andrew Calbrauth, Holy Name Troop #50 Scout
Mr. Eli Thompson, Holy Name Troop #50 Scout
Mr. Mike Richardson, Police Reserve Officer
Ms. Erin Schmitt, *the Gleaner*
Ms. Laura Acchiardo, *the Gleaner*

PROCLAMATION: “Honoring Henderson County Judge Executive Hugh McCormick”

MAYOR AUSTIN honored and saluted Judge Executive Hugh McCormick for his commitment to our citizens, devotion to duty, and accomplishments in helping to make our community the best it can be. Mrs. Tina McCormick was present to accept the proclamation.

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APPEARANCE OF CITIZENS:

Mr. Alan Taylor of 4001 Deepwood Drive, addressed the Board of Commissioners and asked that they consider eliminating everything east of the Carlisle and Second Street intersection from the Gateway Zone and allow those properties to go back to their original zoning designations. He indicated that the Gateway Zone regulations are very restrictive on these industrial buildings and they don't fit into the intent of the Gateway Zone. Mayor Austin informed Mr. Taylor that his request would be taken under advisement.

VERBATIM DISCUSSION IS ON TAPE OF THIS MEETING

APPROVAL OF CONSENT AGENDA:

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

Minutes: February 23, 2016, Regular Meeting

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

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.

/s/ Steve Austin
Steve Austin, Mayor
March 8, 2016

ATTEST:
Maree Collins, City Clerk

ORDINANCE 07-16: SECOND READ

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 X R. Royster, 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
March 8, 2016

ATTEST:
Maree Collins, City Clerk

ORDINANCE 08-16: FIRST 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 Robert M. 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.

ORDINANCE 09-16: FIRST READ

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

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

Commissioner Royster stated that he would like to have further discussion regarding the
grade and title of the position reclassification. Commissioner Johnston agreed.

VERBATIM DISCUSSION IS ON TAPE OF THIS MEETING

MOTION by Commissioner Jesse Johnston, seconded by Commissioner X R. Royster,
that the ordinance be tabled until Assistant City Manager William L. “Buzzy” Newman, Jr. is
able to be present to further discuss the reclassification.

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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 ordinance 09-16 tabled.

RESOLUTION 11-16:

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

MOTION by Commissioner Robert M. Mills, seconded by Commissioner Jesse Johnston, to adopt the resolution declaring the official intent of the city with respect to reimbursement of temporary advances made for capital expenditures to be made from subsequent borrowings.

MR. GUNTER, Finance Director, explained that the funds will be used to refund a 2006 Water and Sewer Bond and a 2007 General Obligation Bond and part of the remainder will be used for the municipal service center. This 2017 reimbursement will allow up to \$4,000,000.00, but it is expected to take much less, probably closer to \$2,000,000.00. We will be taking advantage of rolling these smaller refunds into one to help with issuance costs. This declaration is standard practice in order to reimburse ourselves for any money that we expend on these projects prior to the 2017 bond issuance.

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
 March 8, 2016

ATTEST:
 Maree Collins, City Clerk

MUNICIPAL ORDER 12-16:

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

MOTION by Commissioner Robert M. Mills, seconded by Commissioner Jesse Johnston, to adopt this municipal order authorizing a lease between the City and the Housing Authority of Henderson for the Dixon Hall facility located at 341 South Adams Street.

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MR. STAUFFER, Police Chief, indicated that it is a facility used primarily in the spring and summer to store bikes for the bike officers to start riding from that point as well as to do paper work and take care of other business.

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
March 8, 2016

ATTEST:
Maree Collins, City Clerk

MUNICIPAL ORDER 13-16
MUNICIPAL ORDER AWARDING BID FOR PURCHASE OF ASPHALT PAVING AND RELATED STREET MAINTENANCE SERVICES TO ROGERS GROUP, INC., OF HOPKINSVILLE, KY

MOTION by Commissioner Robert M. Mills, seconded by Commissioner X R. Royster that the municipal order awarding bid for purchase of asphalt paving and related street maintenance services to Rogers Group, Inc. of Hopkinsville, Kentucky

MR. WARD, Engineering Assistant, explained that the asphalt service, line Item A, (which is used the most) decreased by approximately eight percent for a huge savings. Also, new this year to help Public Works crews eight items were added for additional unit pricing that did not affect the total bid price. These items include striping, small area milling, and patching options. The intention is to give an option to take some burden off of the Public Works crews for some of the normal repair work that they handle.

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
March 8, 2016

ATTEST:
Maree Collins, City Clerk



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MUNICIPAL ORDER 14-16:

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

MOTION by Commissioner Robert M. Mills, seconded by Commissioner Jesse Johnston, to adopt this municipal order authorizing purchase of a 1997 Ford Rescue Truck for the Fire Department from the Board of Fire Commissioners, Freehold Township Fire District #2, Freehold, New Jersey in the amount of \$44,000.00

MR. SIGHTS, City Manager, stated that at the last meeting Fire Chief Scott Foreman was authorized to go to New Jersey to look at the fire rescue truck and to negotiate the price. The offer was subject to the vehicle passing an independent inspection and we received that report this afternoon, a copy was handed out. Most of the recommendations are routine maintenance except that the tires have outlived their useful safety life in terms of years. Chief Foreman did an excellent job in negotiations, the original listed price was \$49,500.00; however, felt that with the tire issue he would request a further discount for some cost sharing of the necessary tires. That request is under review at the Board of Fire Commissioners meeting this evening. The recommendation to our Board is to approve the order as it is presented tonight with the understanding that there will be some maintenance costs as identified in the report as well as the cost of six new tires.

MR. BAXTER, Assistant Fire Chief, explained that the main purpose of the truck would be as a secondary rescue truck. The current back up truck is substantially smaller and no longer has an operable cascade system. This truck comes with a light tower, hydraulic pumps, and reels already installed where equipment can be transferred from unit to unit. It will also be used as a dive operations vehicle allowing the dive team room to dress and has enough storage area to handle the high angle equipment for rope rescue. It will be extremely functional allowing for the disposition of two pieces of apparatus that we are currently paying maintenance fees on and the HART bus that needed items fabricated for equipment storage.

VERBATIM DISCUSSION IS ON TAPE OF THIS 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:

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

/s/ Steve Austin
Steve Austin, Mayor
March 8, 2016

ATTEST:
Maree Collins, City Clerk

CITY MANAGER'S REPORT:

MR. SIGHTS indicated that there is a called work session scheduled for 5:00 p.m. next Tuesday, March 15, 2016, with the topics to include the proposed employee health clinic; discussion on the pavement management system; and discussion on food truck regulations. Mrs. Stinnett has already notified all email enabled employees and asked that the email be posted for non-email enabled employees to be invited to attend the presentation. Notifications to everyone

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that had expressed any question about food truck regulations has been sent out, and most of them plan to come. It is expected that the meeting will be approximately three hours or more.

COMMISSIONER’S REPORT:

COMMISSIONER MILLS asked for clarification on the Gateway Zone and the situation of the buildings being grandfathered in on usage. When this initially passed wasn’t the intent that the buildings could continue to be used; parking requirements stay the same, and everything could still be used the way the building is configured; only substantial changes to the building or if building was taken down that the new zone regulations would be triggered. Commissioner Mills indicated that his impression was that it would be many years down the road when that corridor would substantially change.

MRS. KELSEY, City Attorney, replied that the ordinance designates when modifications cause the zone change and what requirements go with that change. The ordinance is written to explain the when and how those zoning changes apply to current properties.

COMMISSIONER MILLS stated the reason he asked was because he was confused when he read the zoning ordinance and that maybe it should be revisited. The request made tonight to remove the buildings east of Carlisle Street from the Gateway Zone has some merit. The rest of those buildings are definitely industrial style structures. The ordinance does seem to limit the owners use and that is an issue. He further indicated that he didn’t believe the intent was to limit owners ability to resell their building or to reinvest in them. Commissioner Mills indicated that he would like for the Board to move forward with a review of the suggested change to the Gateway Zoning ordinance.

MR. SIGHTS indicated that this item could be reviewed at a work session to determine whether or not to request or recommend that the Planning Commission make a zoning change. Mr. Sights recommended that due to the expected length of the March work session that this be discussed at the April work session.

MR. BISHOP, Planning Director, confirmed that the Board of Commissioners originates all zoning change requests, the Planning Commission then holds a public hearing and then a recommendation is made to the Board for official approval.

COMMISSIONER MILLS agreed that this can wait until the April work session since the property owner has other options for requesting a rezoning of the individual property.

COMMISSIONER ROYSTER also agreed that this can wait until the April work session.

VERBATIM DISCUSSION IS ON TAPE OF THIS MEETING

COMMISSIONER JOHNSTON clarified that the Gateway Zone ordinance was actually passed in January of 2014, so it was two years ago, not one as Mr. Taylor stated.

MEETING ADJOURN:

MOTION by Commissioner X R. Royster, seconded by Commissioner Jesse Johnston, to adjourn the meeting.

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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:

WITHOUT OBJECTION, Mayor Austin declared the Meeting adjourned at approximately 6:30 p.m.

ATTEST:

Steve Austin, Mayor
March 22, 2016

Maree Collins, City Clerk