

# CITY OF HENDERSON – RECORD BOOK

Record of Minutes of           A Regular           Meeting on           April 12, 2016          

A regular meeting of the Board of Commissioners of the City of Henderson, Kentucky, was held on Tuesday, April 12, 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:

Reverend James Wofford, First United Methodist Church, mentioned that he is also a member of the group, Impact Henderson, that will sponsor a *Feed My Starving Children* event this September. The goal is to pack more than 270,000 meals to be distributed to areas where children are in danger of starvation. The Mayor will be participating in a fund raiser scheduled at Tri-Fest by being arrested and raising ‘bail.’

Reverend Wofford gave the invocation followed by Master Kanin Bryant 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  
Mr. William L. (Buzzy) Newman, Jr., Assistant City Manager  
Mr. Charles Stauffer, Police Chief  
Mr. Robert Gunter, Finance Director  
Mrs. Connie Galloway, Human Resources Director  
Mr. Benji Marrs, Benefit Insurance Marketing  
Ms. Brittany Ross, SurfKy News Group  
Mr. Brian Bishop, City-County Planning Director  
Mr. Tom Williams, HWU General Manager  
Mr. Trace Stevens, Parks and Recreation Director  
Mr. Dylan Ward, Engineering Assistant  
Mrs. Donna Stinnett, Public Information Officer  
Mr. Terry Stone, Municipal Facilities Superintendent  
Mr. Jason Hargitt, President, Henderson Fraternal Order of Police  
Mr. Dewayne Reneer, Treasurer, Henderson Fraternal Order of Police  
Mr. & Mrs. John Boucherie, Boucherie Vineyards & Winery  
Mrs. Theresa Johnston  
Canaan Bryant  
Ms. Laura Peck, Downtown Henderson Partnership Executive Director  
Ms. Sarah Stewart, Downtown Henderson Partnership Assistant Director  
Mr. Mike Richardson, Police Reserve Officer  
Ms. Laura Acchiardo, *the Gleaner*

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PROCLAMATION: “National Public Safety Telecommunications Week”

MAYOR AUSTIN presented the proclamation for National Public Safety Telecommunications Week. Police Chief Charles Stauffer was in attendance to receive the “National Public Safety Telecommunications Week” proclamation.

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PRESENTATION: “SurfKy News Group Candidate Debates”

MS. BRITTANY ROSS reported that the SurfKy News Group, an online Kentucky newspaper, will host a series of candidate debates in the coming weeks. Ms. Ross announced that the debate for City of Henderson Commissioner candidates would be on Wednesday, May 11, 2016 at the Henderson Fine Arts Center from 6:30 p.m. to 8:00 p.m. with a ‘meet and great’ at 6:00 p.m. There will be two moderators and the debate will be live streamed on the internet.

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APPROVAL OF CONSENT AGENDA:

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

Minutes:           March 22, 2016, Regular Meeting

RESOLUTION 14-16:

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

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 ----- Absent:  
 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  
 April 12, 2016

ATTEST:  
 Maree Collins, City Clerk

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MUNICIPAL ORDER 18-16:

MR. BENJI MARRS, Senior Vice-President, Benefit Insurance Marketing, reported on the United Medical Resources (UMR)/UnitedHealth Care, fixed costs renewal which are the administration fees for the self-funded employee health plan, the reinsurance (stop/loss) policy and transplant coverage policy. It is recommended to transition from the Options Network to the Choice Plus Network, which has lower facilities and hospital fees due to deeper discounts. Even with the \$5.00 per month/per employee fee increase there will be a positive impact to the overall net claims result of an approximate \$17,000 savings. New logoed ID cards will be issued to employees. There is no plan design change and should be no change of access to services. When the transition to the Choice Plus Network was reported to the stop/loss carrier, they came back with a 2% premium decrease. The Patient Protection and Affordable Care Act (PPACA) taxes are going down approximately 36% from \$45,797.00 to \$29,113.00. Further it is recommended to renew with SunLife with only a 14% increase, which is very good for the



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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
April 12, 2016

ATTEST:
Maree Collins, City Clerk

ORDINANCE NO. 12-16: SECOND READ
ORDINANCE ACCEPTING PUBLIC IMPROVEMENTS

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

MOTION by Commissioner Jesse Johnston, 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 ----- Absent:
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
April 12, 2016

ATTEST:
Maree Collins, City Clerk

ORDINANCE NO. 13-16: SECOND READ
ORDINANCE ACCEPTING PUBLIC IMPROVEMENTS

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

MOTION by Commissioner X R. Royster, 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 ----- Absent:
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
April 12, 2016

ATTEST:
Maree Collins, City Clerk

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ORDINANCE No. 10-16: SECOND READ  
ORDINANCE AMENDING JOB CLASSIFICATIONS AND PAY PLAN AND BUDGETED POSITIONS

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

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

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

- Commissioner Royster ---- Nay:
- Commissioner Mills ----- Aye:
- Commissioner Johnston --- Aye:
- Commissioner Hite ----- Absent:
- 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  
April 12, 2016

ATTEST:  
Maree Collins, City Clerk



ORDINANCE 14-16: SECOND READ  
ORDINANCE RELATING TO PERSONNEL

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

MOTION by Commissioner Jesse Johnston, 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 ----- Absent:
- 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  
April 12, 2016

ATTEST:  
Maree Collins, City Clerk



# CITY OF HENDERSON – RECORD BOOK

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## ORDINANCE NO. 15-16: FIRST READ

MRS. DAWN KELSEY, City Attorney, indicated that previous discussions of the changes to the special events ordinance to allow alcohol in the park were related to alcohol being served and consumed in the park. As you know, Downtown Henderson Partnership and the Henderson Tourist Commission are working together to have a farmers market in Audubon Mill Park this summer. As part of this farmers market, they are hopeful to have a local winery participate with package sales. Under the current Special Events ordinance, if the winery came to sell package, they would be required to rope off the area where the alcohol would be sold, and have security monitoring that only those 21 and over are allowed in that area. Revisions are necessary to allow package sales without having to follow the same rules for service and consumption. The requirements relating to securing the roped off area and age restrictions have been removed for package sales with no consumption. The other major change is a recommendation from the City's insurance carrier that would require the event sponsor ensure that servers have Server Training in Alcohol Regulations (STAR) training for special events where alcohol will be served and consumed.

## ORDINANCE NO. 15-16: ORDINANCE RELATING TO SPECIAL EVENTS

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

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

COMMISSIONER MILLS asked for clarification on how package sales with non-consumption would be enforced. Mrs. Kelsey responded that the sponsoring organization would be responsible under their Permit for enforcing all the regulations or would lose their Permit.

COMMISSIONER MILLS requested that the Permit include such verbiage. Mrs. Kelsey indicated that the regulations would be included in the permitting process.

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

Commissioner Royster ---- Aye:  
 Commissioner Mills ----- Aye:  
 Commissioner Johnston --- Aye:  
 Commissioner Hite ----- Absent:  
 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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## ORDINANCE NO. 16-16: FIRST READ

MR. BRIAN BISHOP, Planning Director, indicated that the Planning Commission had reviewed and discussed the request to allow more than one business per structure and recommended to allow multiple uses (businesses), but no more than three, in the same structure (building) with a conditional use permit. There was also discussion on whether or not to require that the businesses be of the same general character or accessory to one another. It was determined not to recommend that requirement.

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## ORDINANCE NO. 16-16: ORDINANCE AMENDING ZONING ORDINANCE

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

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

Commissioner Johnston requested that Mr. Bishop explain which zoning districts this would affect as it is not just for the Gateway Zone. Mr. Bishop explained that it would affect seven commercial districts.

Commissioner Johnston also thanked the Planning Commission for completing this so quickly and thanked Mr. Alan Taylor for bringing this item to the City's attention.

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

Commissioner Royster ---- Aye:  
 Commissioner Mills ----- Aye:  
 Commissioner Johnston --- Aye:  
 Commissioner Hite ----- Absent:  
 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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## MUNICIPAL ORDER 19-16:

MAYOR AUSTIN, explained that the hospital has provided ambulance services for the City and the County for a number of years. The contract was renegotiated this year and this seems to be a very fair and equitable position for all the concerned parties.

MUNICIPAL ORDER 19-16: MUNICIPAL ORDER APPROVING THE AMBULANCE SERVICE CONTRACT BETWEEN THE CITY OF HENDERSON, THE COUNTY OF HENDERSON AND COMMUNITY UNITED METHODIST HOSPITAL, INC.

MOTION by Commissioner Robert M. Mills, seconded by Commissioner X R. Royster, to adopt the municipal order approving a contract between the City, the County and Community United Methodist Hospital, Inc. to provide ambulance services.

RUSSELL SIGHTS, City Manager, commented that this is an update of the contract providing ambulance service that was entered into in the 1970's. The major change to the contract is the expense ratio changes from a 50-50 split between the City and the County to 37.5% each for the City and the County and 25% for the hospital. The contract has an initial term of three years with automatic one year renewal and year to year thereafter. The contract may be terminated without cause, at any time by giving the other parties ninety days written notice.

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DAWN KELSEY, City Attorney indicated that this Contract would also need formal approval from the Henderson Fiscal Court and the Community Methodist Hospital Board of Directors before it becomes effective.

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

Commissioner Royster ---- Aye:  
Commissioner Mills ----- Aye:  
Commissioner Johnston --- Aye:  
Commissioner Hite ----- Absent:  
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  
April 12, 2016

ATTEST:  
Maree Collins, City Clerk

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### CITY MANAGER’S REPORT:

MR. SIGHTS, City Manager, asked Mr. Jason Hargitt and Mr. Dewayne Reneer of the Fraternal Order of Police Henderson Lodge 9 to present their request for installation of roof repair at the City owned building leased by the Lodge. Mr. Hargitt explained that the building is in dire need of extensive roof repairs or replacement and that they are unable to fund those repairs. The Lodge is a charitable organization and has invested approximately \$48,000.00 in building improvements since occupying the building in 2007. Estimates to repair the roof were approximately \$23,000.00 to \$25,000.00. The FOP Lodge is asking that the City pay for this repair.

MR. SIGHTS requested that Mr. Terry Stone, Municipal Facilities Superintendent report on his findings of the condition of the roof structure. Mr. Stone indicated that the building was built in 1964, a new hot melt roof was installed in 1984 with repairs made in 1991 and 2007. Mr. Stone further reported that the roof is in very poor condition and in his opinion will need to be replaced to prevent damage to the facility. With this type of roof, where the inside finish of the ceiling is the bottom of the roof deck with a steel truss in between; and the pitch of the roof, causing very little strength, this may require the services of an engineer to determine the best option for replacement. He further indicated that the dollar amounts mentioned earlier probably won’t cover the cost to correctly replace the roof.

MR. SIGHTS then requested that the Board of Commissioners authorize he and the Finance Director to start the bid process for replacement of the roof on the former fire station located on Richardson Street that is currently leased to the Henderson Lodge 9 of the Fraternal Order of Police.

MOTION by Commissioner X R. Royster, seconded by Commissioner Jesse Johnston, authorizing the City Manager and the Finance Director to obtain specifications and bids for the project.

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

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

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MR. SIGHTS requested that Mr. Tom Williams, HWU General Manager report on the joint request between the Henderson Water Utility and the Fire Department for painting and retrofitting fire hydrants with a new fitting. The Fire Chief will be requesting funds in the Fiscal 2017 budget for this project. A few months ago Chief Scott Foreman had requested that the water utility begin ordering replacement fire hydrants with a newer quick release (Storz) fitting. Mr. Williams reported that HWU had rewritten their bid specifications to include the new fitting; however, there are approximately 1,135 fire hydrants located within the city with only about five to ten of those replaced annually. HWU and the Fire Department share responsibility for maintenance of the hydrants. This project will replace approximately 250 fire hydrant fittings per year over a 5 year period. HWU would like to award a bid for fittings and painting of the hydrants for the first year of the project at their upcoming Monday, April 18, 2016 Board meeting. The bid received for painting and 250 connectors was approximately \$137,000.00 with an option for renewal.

Mr. Sights interjected that would be approximately \$75,000.00 each per year for the five year project. Mr. Williams responded in the affirmative.

MOTION by Commissioner Robert M. Mills, seconded by Commissioner X R. Royster, authorizing allocation of funds in the Fiscal 2017 budget to begin the Fire Hydrant Paining and Retrofitting Project.

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

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

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## COMMISSIONER'S REPORT:

COMMISSIONER JOHNSTON congratulated Chief Stauffer and the other police agencies involved in the recent drug arrests and applauded their efforts in helping to protect our community.

MAYOR AUSTIN gave an update on the Henderson Recycling Center. Due to market conditions the recycling center will be idled (closed) until market and other economic conditions improve enough to support the center. The center will be closed before June 30, 2016. Under the current market conditions the recycling program is a big financial drain; however, the Henderson curbside recycling program will continue for at least the next six months, with market re-evaluation at that time. The drop-off center at the Henderson County Garage location, and the recycling centers in Union County and Webster County will continue to operate.

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## REAPPOINTMENT: CITY UTILITY COMMISSION

MOTION by Commissioner X R. Royster, seconded by Commissioner Jesse Johnston, upon recommendation of Mayor Austin, to reappoint Gregory Risch to a three-year term. Said term to expire April 25, 2019.

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

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

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MR. SIGHTS, City Manager, reminded the Board of Commissioners that the Tuesday, April 19, 2016 Work Session topic would be a presentation by Sergeant Jeff Welch on the “Below 100 Program.” The presentation will last approximately one hour.

MEETING ADJOURN:

MOTION by Commissioner X R. Royster, seconded by Commissioner Robert M. Mills, to adjourn the meeting.

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

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

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

ATTEST:

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Maree Collins, City Clerk

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Steve Austin, Mayor  
April 26, 2016