

CITY OF HENDERSON – RECORD BOOK

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

A regular meeting of the Board of Commissioners of the City of Henderson, Kentucky, was held on Tuesday, April 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 Ms. Becky Durham, Youth Director, Presbyterian Church, followed by members of Boy Scout Pack #50, Holy Name School, (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 Jan Hite
 Commissioner X R. Royster, III
 Commissioner Robert M. (Robby) Mills
 Commissioner Jesse Johnston, IV

ALSO PRESENT:

Mr. Russell R. Sights, City Manager
 Mrs. Dawn Kelsey, City Attorney
 Ms. Maree Collins, City Clerk
 Mr. Ken Christopher, Henderson War Memorial Foundation
 Mr. Malcolm ‘Mac’ Neel III, Henderson War Memorial Foundation
 Mr. Darrell Littrell, Henderson War Memorial Foundation
 Mrs. Lorna Littrell, Henderson War Memorial Foundation
 Mr. Charlie Crabtree, Henderson War Memorial Foundation
 Mr. Ed Bremer, Henderson War Memorial Foundation
 Mr. Tom Davis, Henderson War Memorial Foundation Ad-Hoc Member
 Mr. Brian Bishop, City-County Planning Executive Director
 Mrs. Claudia Wayne, City-County Planning Assistant Director
 Mr. Charles Stauffer, Police Chief
 Mr. Trace Stevens, Parks & Recreation Director
 Mr. Scott Foreman, Fire Chief
 Mr. Owen Reeves, Municipal Gas System Director
 Mrs. Donna Stinnett, Public Information Officer
 Mr. Tom Williams, Henderson Water Utility General Manager
 Ms. Kyle Hittner, Henderson Tourist Commission Director
 Ms. Laura Peck, Downtown Henderson Partnership Director
 Mr. Leroy Goldsberry, Holy Name Boy Scout Pack #50 Leader
 Mrs. Jennifer Holland, Holy Name Boy Scout Pack #50
 Mr. Brayden Beard, Holy Name Boy Scout Pack #50
 Mr. Preston Goldsberry, Holy Name Boy Scout Pack #50
 Mr. Landon Hurtte, Holy Name Boy Scout Pack #50
 Mr. Michael Prendeville, Holy Name Boy Scout Pack #50
 Mr. Mike Richardson, Police Reserve Officer
 Ms. Laura Acchiardo, *the Gleaner*

PROCLAMATION: “Arbor Day”

MAYOR AUSTIN proclaimed April 29, 2016, to be “Arbor Day” in the City of Henderson and urged all citizens to support efforts to protect our trees and woodlands and to support our city’s urban forestry program. Mr. Trace Stevens, Parks & Recreation Director, was present to accept the proclamation and announced that the City has received Tree City USA designation for the 21st consecutive year. The Arbor Day contest winners will be announced and our designated Tree City USA tree will be planted in Atkinson Park near the volleyball court at 4:00 p.m. Friday, April 29th in celebration.

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PRESENTATION: “Henderson War Memorial Foundation Request”

MR. KEN CHRISTOPHER, Henderson War Memorial Foundation, Kimmel Project Chairman, requested that the Board of Commissioners consider reinstating the \$20,000.00 donation that had been previously allocated for the Admiral Husband Kimmel Statue Project. Admiral Kimmel was commander in chief of the Pacific Fleet at the time of the bombing of Pearl Harbor in 1941. He is probably one of Henderson’s most famous sons. The goal is to recognize the history of Admiral Kimmel and his service to Henderson. Funds that were allocated in a previous budget were not accessed at the time because planning had not been completed. The project is moving forward and the hope is to dedicate the statue in December of this year. Family member of Admiral Kimmel will be attending the dedication ceremony. The total project is expected to be approximately \$80,000.00 to \$100,000.00. Also, at a future point after the sculptor has toured the various possible locations, a request for approval of a location will be requested.

Motion by Commissioner Robert M. Mills, seconded by Commissioner Jan Hite, to authorize the reinstatement of the \$20,000.00 donation to the Admiral Husband Kimmel Statue project in the Fiscal 2017 budget.

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:

PRESENTATION: “Henderson Planning Commission Report”

MR. BRIAN BISHOP, Henderson Planning Commission Director, gave a brief update on the process of hiring an outside consultant to evaluate our land development procedures and to perform a public opinion survey to determine why there is a perception by some that Henderson is not business friendly. The Planning Commission named a Steering Committee consisting of Planning Commission members Herb McKee, David Dixon, David Williams and Rodney Thomas; Fiscal Court Judge Brad Schneider; and Assistant City Manager Buzzy Newman acting on behalf of Mayor Austin. The study will be paid for by the anticipated excess revenues of the Planning Commission similar to what was done last year with the Comprehensive Plan. It will be equally funded by the City and the County. The Steering Committee met earlier today and recommended that the RFP be forwarded to the Planning Commission for action at the May 3rd meeting. Once approved, the RFP will be advertised.

PUBLIC HEARING: “Outside Agency Funding Appeals

MAYOR AUSTIN opened the public hearing at 5:45 p.m. and requested that Mr. Sights give a brief report on the recommendations from the Agency Funding Ad Hoc Committee.

MR. RUSSELL R. SIGHTS, City Manager, indicated that all agencies have been advised in writing on the allocations being recommended by the Ad Hoc Funding Committee. Agencies had until noon Tuesday, April 26, 2016 to request to appear before the Board of Commissioners to appeal the recommendation of the Ad Hoc Committee.

MRS. KYLE HITTNER, Henderson County Tourist Commission Executive Director, requested that the Board of Commissioners reconsider the request for additional funding for the two employees at the Community Room and for capital improvement items as requested for the building. Ms. Hittner continued that she had met with Mr. Sights and had been made aware of the responsibilities as defined in the lease agreement for the building. Ms. Hittner indicated that

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the requested door repair and other exterior painting had been scheduled by the City’s Municipal Facilities department and will be completed within the next six weeks or so.

VERBATIM DISCUSSION IS ON TAPE OF THIS MEETING

Motion by Commissioner X R. Royster, seconded by Commissioner Jan Hite, to authorize the portion of the requested funding increase for the Community Room from \$33,700.00 to \$37,700.00 for the Fiscal 2017 budget. The funds are to be used to increase Community Room employee salaries, as requested, and other Community Room items that may be necessary.

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:

No other appeals were presented and Mayor Austin declared the Public Hearing closed at 6:00 p.m. _____

APPROVAL OF CONSENT AGENDA:

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

Minutes: April 12, 2016, Regular Meeting

Motion by Commissioner Robert M. Mills, 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 minutes approved.

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

ATTEST:
Maree Collins, City Clerk _____

ORDINANCE NO. 15-16: SECOND READ

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 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, affixed his signature and the date thereto and ordered that the same be recorded.

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

ATTEST:
Maree Collins, City Clerk _____

ORDINANCE NO. 16-16: SECOND READ

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 Robert M. Mills, 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
April 26, 2016

ATTEST:
Maree Collins, City Clerk _____

ORDINANCE NO. 17-16: FIRST READ

MR. TOM WILLIAMS, Henderson Water Utility General Manager, indicated that this property just off of Hackberry Street was sold by the Water and Sewer Commission to Brad Hazelwood and partners. They have built a short street and this is the acceptance of the water and sewer public improvements for Rivers Edge Subdivision Section 1 that were approved for acceptance at the Monday, April 18, 2016 Water and Sewer Commission meeting.

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ORDINANCE 17-16: ORDINANCE ACCEPTING PUBLIC IMPROVEMENTS
AN ORDINANCE ACCEPTING PUBLIC IMPROVEMENTS FOR PROPERTY
LOCATED AT RIVER EDGE SUBDIVISION, SECTION 1

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.

RESOLUTION NO. 15-16:

MRS. DAWN KELSEY, City Attorney, reported that the City of Owensboro and Daviess County Fiscal Court have already approved the Agreement. She further explained that the Agreement does not obligate the participants to provide services; assistance would be provided only after our own needs were assessed and met.

MR. SCOTT FOREMAN, Fire Chief, explained that the Agreement has been in the works for a number of months and would allow the participating agencies a pool of resources to provide assistance in an emergency or disaster situation. The Agreement details the method of request for aid and assistance; supervision and control; length of time of assistance; and record keeping and payment methods for reimbursements.

RESOLUTION 15-16: RESOLUTION APPROVING MUNICIPAL AID COOPERATIVE AGREEMENT FOR EMERGENCIES AND DISASTERS BETWEEN THE CITY OF OWENSBORO, DAVIESS COUNTY AND THE CITY OF HENDERSON

MOTION by Commissioner Jan Hite, seconded by Commissioner Jesse Johnston, to adopt the resolution approving the Municipal Aid Cooperative Agreement for Emergencies and Disasters between the City of Owensboro, Daviess County and the City of Henderson.

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
April 26, 2016

ATTEST:
Maree Collins, City Clerk _____

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MUNICIPAL ORDER NO. 20-16:

MR. OWEN REEVES, Gas System Director, indicated that the bid requested two options for purchase of a trencher, one with trade-in, one without. The used trencher was placed on GovDeals.com for bids and received less than the trade-in value; therefore Mr. Reeves recommends accepting the purchase of Option B with trade-in of our used trencher.

MUNICIPAL ORDER 20-16: MUNICIPAL ORDER AWARDING BID FOR PURCHASE OF A TRENCHER FOR THE GAS DEPARTMENT TO DITCH WITCH OF SHEPHERDSVILLE, KY

MOTION by Commissioner Robert M. Mills, seconded by Commissioner X R. Royster, to adopt the municipal order awarding the bid for the purchase of Option B, trencher with backhoe attachment per specifications of Bid Reference 16-13 with trade in of a 2006 RT40 Ditch Witch trencher in the amount of \$54,855.00.

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
April 26, 2016

ATTEST:

Maree Collins, City Clerk _____

CITY ATTORNEY’S REPORT:

MRS. DAWN KELSEY, City Attorney, reported that the Code Enforcement division had received an inquiry as to which zoning districts an indoor shooting/firing range were permissible. Upon review of the City’s Zoning Ordinances it was determined that indoor shooting/firing ranges and other indoor recreation uses were not addressed. It is recommended and requested that the Board of Commissioners forward a request to the Planning Commission for review to determine possible zoning classifications to allow an indoor shooting/firing range as a conditional use granted by the Board of Zoning Adjustment.

MOTION by Commissioner Jesse Johnston, seconded by Commissioner Robert M. Mills, that the Board of Commissioners forward a request to the Planning Commission for review and determination on the appropriate zoning designation(s) which would allow indoor shooting/firing range as a conditional use granted by the Board of Zoning Adjustment.

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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COMMISSIONER’S REPORT:

COMMISSIONER MILLS reported that approximately 200 people participated in City Serve day last Saturday. International Paper partnered with the City on the installation of a butterfly garden in Newman Park; other work groups were at Central and South Heights Schools. In other news - building plans for the AKZ project are moving forward with continued weekly meetings.

APPOINTMENT:

BOARD OF ZONING ADJUSTMENT: ED WHELAN (RESIGNED) JOSEPH E. TERNES, JR. TO FILL UNEXPIRED TERM ENDING APRIL 24, 2018

MOTION by Commissioner Jan Hite, seconded by Commissioner Robert M. Mills, upon recommendation of Mayor Austin, to appoint Joseph E. Ternes, Jr. to fill unexpired term due to the resignation of Ed Whelan. Said term to expire April 24, 2018.

CITY MANAGER’S REPORT:

MR. SIGHTS reported that the Department of Local Government staff have notified him that our outstanding Land and Water Conservation grant relating to handicap playground equipment for Central and Newman Parks was to be announced with four other grants within the next few days. Hopefully we will have a contract and be able to begin on the projects soon.

MEETING ADJOURN:

MOTION by Commissioner Jan Hite, seconded by Commissioner Jesse Johnston, 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 ----- Aye:
- Mayor Austin ----- Aye:

WITHOUT OBJECTION, Mayor Austin declared the Meeting adjourned at approximately 6:20 p.m.

ATTEST:

Steve Austin, Mayor
May 10, 2016

Maree Collins, City Clerk