

CITY OF HENDERSON – RECORD BOOK

Record of Minutes of A Regular Meeting on June 28, 2016

A regular meeting of the Board of Commissioners of the City of Henderson, Kentucky, was held on Tuesday, June 28, 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 Mary Wrye, Methodist Hospital Chaplain, followed by recitation of the Pledge of Allegiance to our American Flag.

There were present Mayor Steve Austin presiding:

PRESENT:

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

ALSO PRESENT:

Mr. William L. Newman, Jr. Assistant City Manager
 Mrs. Dawn Kelsey, City Attorney
 Ms. Maree Collins, City Clerk
 Mr. Robert Gunter, Finance Director
 Mr. Charles Stauffer, Police Chief
 Mr. David Piller, Police Major
 Mrs. Donna Stinnett, Public Information Officer
 Mr. Tom Williams, Henderson Water Utility General Manager
 Ms. Tammy Willett-Speaks, Community Development Specialist
 Mr. Michael Jicka, World Changers
 Mr. Bryant Woodard, Henderson Rescue Squad
 Mr. Bradley Staton, Commission Candidate
 Mr. Seth Allen
 Mr. Pierce Battle
 Mr. Mike Richardson, Police Reserve Officer
 Ms. Laura Acchiardo, *the Gleaner*

PROCLAMATION: “World Changers Week”

MRS. TAMMY WILLETT-SPEAKS, Community Development Specialist and Mr. Michael Jicka, World Changers. Mrs. Willett-Speaks thanked the Commissioners for their continued support for these projects.

APPROVAL OF CONSENT AGENDA:

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

Minutes: June 14, 2016, Regular Meeting

Resolutions: 27-16: Resolution Authorizing Submittal of Grant Application to the Kentucky Office of Homeland Security (KOHS) for Funds in the Amount of \$280,000.00 to be Used to Purchase a New Phone System for the 911 Center, and Acceptance of Grant if Awarded; and Authorizing Mayor to Execute Documents and to Act as Authorized Correspondent for Project

28-16: Resolution Approving Municipal Aid Cooperative Agreement with the Kentucky Transportation Cabinet for Maintenance and Construction of City Streets in Fiscal Year 2016-2017

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- 29-16: Resolution Approving Agreement with the Henderson City-County Airport Board Allocating \$135,336.00 for Airport Services and Authorizing Mayor to Execute Agreement
- 30-16: Resolution Approving Agreement with the Downtown Henderson Partnership Allocating \$46,000.00 for Services in Support of Downtown Henderson and Authorizing Mayor to Execute Agreement
- 31-16: Resolution Approving Agreement with Kentucky Network for Development, Leadership and Engagement, Inc. (Kyndle), Allocating \$60,000.00 for Economic Development Services and Authorizing Mayor to Execute Agreement
- 32-16: Resolution Approving Agreement With the Humane Society of Henderson County, Inc. Allocating \$9,166.67 on a Monthly Basis For Animal Control and Shelter Services; And Giving Mayor Authority to Terminate Agreement With a Thirty (30) Days Written Notice, And the Mayor is Authorized to Execute Agreement on Behalf of City
- 33-16: Resolution Approving Memorandum of Understanding Between the City and Henderson County Tourist Commission Regarding Personnel for the Henderson Welcome Center
- 34-16: Resolution Approving Community Development Block Grant Subrecipient Agreement with the Father Bradley Shelter for Women and Children, Inc. (SWC)
- 35-16: Resolution Authorizing Funding for Henderson-Henderson County Planning Commission And Geographic Information System (GIS) in the Amount of \$342,166.00
- 36-16: Resolution Approving Agreement with Community One, Inc. Allocating \$25,000.00 (Plus Any Remaining Funds From the Fiscal Year 2016 Appropriations) to Benefit the Community by Addressing the Housing Restoration Needs of Henderson, KY

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 ----- Aye:
 Mayor Austin ----- Aye:

WHEREUPON, Mayor Austin declared the consent items approved.

/s/ Steve Austin
 Steve Austin, Mayor
 June 28, 2016

ATTEST:
 Maree Collins, City Clerk _____

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ORDINANCE NO. 22-16: SECOND READ

ORDINANCE AMENDING PROPERTY MAINTENANCE CODE

ORDINANCE AMENDING SECTION 7-184. *ADOPTION OF BASIC PROPERTY MAINTENANCE CODE* OF ARTICLE V *PROPERTY MAINTENANCE CODE* OF THE CITY OF HENDERSON CODE OF ORDINANCES RELATING TO SECTION 302.4 *WEEDS OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE*

MOTION by Commissioner Jan Hite, seconded by Commissioner X R. Royster, 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
June 28, 2016

ATTEST:

Maree Collins, City Clerk _____

ORDINANCE NO. 23-16: SECOND 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 X R. Royster, 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
June 28, 2016

ATTEST:

Maree Collins, City Clerk _____

ORDINANCE NO. 24-16: FIRST READ

MRS. DAWN KELSEY, City Attorney, explained that a couple of months ago information relating to zoning districts allowing the location of indoor shooting ranges was requested and as our Code of Ordinances was silent on the subject the request was forwarded to the Planning Commission for review and recommendation. Upon conducting a public hearing the Planning Commission recommendation is to allow these facilities as a conditional use, granted by the Board of Zoning Adjustment, in Highway Commercial, Light Industrial, Heavy

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Industrial and Agriculture Districts. The facility must meet all federal regulations through the Environmental Protection Agency.

ORDINANCE NO. 24-16: ORDINANCE AMENDING ZONING REGULATIONS

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF HENDERSON AS FOLLOWS: ARTICLE II, *DEFINITIONS*, SECTION 2.01; ARTICLE IX, *OFF STREET PARKING AND LOADING REQUIREMENTS TABLE INSET*; ARTICLE XXI, *H-C, HIGHWAY COMMERCIAL DISTRICT*, SECTION 21.03 *CONDITIONAL USES*; ARTICLE XXIII, *M-1, LIGHT INDUSTRIAL DISTRICT*, SECTION 23.03, *CONDITIONAL USES*; ARTICLE XXIV, *M-2, HEAVY INDUSTRIAL DISTRICT*, SECTION 24.03 *CONDITIONAL USES* AND ARTICLE XXV, *AG, AGRICULTURE DISTRICT*, SECTION 25.03, *CONDITIONAL USES*, TO ALLOW AN INDOOR SHOOTING RANGE AS A CONDITIONAL USE GRANTED BY THE BOARD OF ZONING

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.

ORDINANCE NO. 25-16: FIRST READ

MRS. DAWN KELSEY, City Attorney, explained that Senate Bill 11 updated the alcoholic beverage control regulations and that only a few of the changes affect the City. A rectifier license class and a special temporary auction license were added along with changes related to the coordination of license expiration dates. Mrs. Kelsey then asked Major Piller to detail how the City would handle that change.

MR. DAVID PILLER, Police Major, indicated that upon notice of the pending update, the City changed the expiration dates of our local licenses to coincide with the state's January expiration; however, the state also issues 'batch licenses' which are businesses with multiple licenses across multiple counties which have August expiration dates. Local ABC must give those batch license holders the option of keeping their current local expiration date or change so that everything expires at the same time each year. The City has 24 businesses that this will apply to and will send out letters after this goes into effect explaining the option of keeping their current local license January expiration date or pro-rata local licenses to have both state and local licenses expire in August.

ORDINANCE NO. 25-16: ORDINANCE RELATING TO ALCOHOLIC BEVERAGES
 AN ORDINANCE AMENDING CHAPTER 4, *ALCOHOLIC BEVERAGES*, SEC. 4-35, *FEES*, 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 on its first reading and ordered that it be presented for a second reading at a meeting of the Board of Commissioners.

ORDINANCE NO. 26-16: FIRST READ

MR. WILLIAM L. NEWMAN, JR., Assistant City Manager, explained that the developer had posted a bond with the inception of the Gardenside Commercial Development approximately 25 years ago. Part of that bond included public sidewalks and the developer has elected to install the sidewalks instead of continuing his bond for the development. This sidewalk is located on Stadium Drive along the backside of the development where the assisted living facility is situated. Mr. Newman expressed his appreciation that the developer agreed to also install sidewalks along a stretch of public right-of-way. There is now connectivity between the Gardenside Shopping Center and the residential development located behind it.

ORDINANCE NO. 26-16: ORDINANCE ACCEPTING PUBLIC IMPROVEMENTS
 AN ORDINANCE AMENDING ACCEPTING PUBLIC IMPROVEMENTS FOR
 PROPERTY LOCATED AT STADIUM DRIVE KNOWN AS GARDENSIDE COMMERCIAL
 SUBDIVISION LOTS 13-25

MOTION by Commissioner Jan Hite, seconded by Commissioner Jesse Johnston, 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. 37-16:

RESOLUTION APPROVING REIMBURSEMENT PAYMENTS OF UP TO \$239 PER
 MONTH FOR SUPPLEMENTAL HEALTH INSURANCE PREMIUMS TO ELIGIBLE CITY
 OF HENDERSON CIVIL SERVICE PENSION RETIREES AND THOSE ELIGIBLE
 SPOUSES WHO ARE ENTITLED TO OR ARE RECEIVING MEDICARE BENEFITS

MOTION by Commissioner Robert M. Mills, seconded by Commissioner X R. Royster to adopt the resolution approving up to \$239.00 per month in reimbursement payments to City of Henderson Civil Service Pension retirees and those eligible spouses who are entitled to or are receiving Medicare benefits.

MAYOR AUSTIN asked Mr. Robert Gunter, Finance Director if this was the continuation of what was discussed at the previous meeting. Mr. Gunter confirmed that this was for the City Civil Service Pension Plan and is similar to the Police and Fire Pension reimbursement. This will increase the reimbursement by \$2.00 per month.

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

/s/ Steve Austin
Steve Austin, Mayor
June 28, 2016

ATTEST:
Maree Collins, City Clerk _____

MR. TOM WILLIAMS, Henderson Water Utility General Manager, explained that approximately seven years ago the County received grant funds to install sewers in the Finley Addition area, and that the project is now nearing the end of construction. This resolution includes 27 properties that have signed up for sewer service with the required ‘Not to Oppose Annexation’ consents. A few more have been received in the last week and will be included in a future resolution. This action does not mean that the property will be annexed at this time. Some of these properties are not currently contiguous. There would be other properties that will need to sign up for service before annexation could be considered in this Springfield Drive, Winchester Street area.

RESOLUTION NO. 38-16:

RESOLUTION AUTHORIZING EXTENSION OF SEWER SERVICE OUTSIDE CITY LIMITS TO PROPERTIES LOCATED IN THE SUBDIVISION KNOWN AS THE FINLEY ADDITION

MOTION by Commissioner Robert M. Mills, seconded by Commissioner Jesse Johnston, to adopt the resolution authorizing the extension of sewer service to certain properties outside the city limits located in the Finley Addition subdivision.

COMMISSIONER MILLS asked if the residents in that area had been surveyed regarding interest in annexation. Mr. Williams responded that all the residents have been contacted. These properties are already our water customers and are paying rates at the ‘outside the city’ rate, typically \$30.00 per month; if sewer is added it will increase by about \$70.00 per month, to approximately \$100.00 per month. If the properties were annexed the water and sewer rate combined would be approximately \$30.00 per month. The trade off is paying City taxes for that rate along with other city services including fire and police protection. Also, they would save money on their home owners insurance due to the City’s better fire protection rating. Currently they are served by the Cairo Fire Department which has an ISO rating of 10.

COMMISSIONER MILLS asked how many properties are necessary to connect before annexation can be considered. Mr. Williams responded that there are three or four pieces and it is still a work in progress.

COMMISSIONER HITE asked if there was resistance from those property owners. Mr. Williams responded that there are just some people that do not want to be in the City and some of those are the ones that are needed to make this contiguous. Commissioner Hite then asked, “If the magic puzzle piece doesn’t want to come into the city, those that have signed the Consent to Annexation will not be annexed and will continue to pay the \$70 sewer service fee?” Mr. Williams indicated that he and the City Attorney are looking at all possible options. He continued that three of the properties that haven’t signed are commercial properties, nobody lives on those properties, and if the City initiated annexation proceedings there would be no residents to vote in an election that would vote annexation down. Mrs. Dawn Kelsey explained that that

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would be a non-consensual annexation where a petition is filed to request a vote on annexation. Mr. Williams interjected that we continue to work to have this all be consensual.

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
June 28, 2016

ATTEST:
Maree Collins, City Clerk

MUNICIPAL ORDER NO. 34-16:
MUNICIPAL ORDER TO PROVIDE FOR ONE PERCENT (1%) INCREASE FOR EMPLOYEES EFFECTIVE JULY 1, 2016

MOTION by Commissioner Robert M. Mills, seconded by Commissioner Jan Hite, to adopt the municipal order providing for a one percent (1%) cost-of-living increase in employee compensation as provided in the Fiscal Year 2017 Budget page B43.

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
June 28, 2016

ATTEST:
Maree Collins, City Clerk

MUNICIPAL ORDER NO. 35-16:
MUNICIPAL ORDER SETTING AMOUNT OF COST-OF-LIVING INCREASE FOR BOARD OF COMMISSIONERS AT .7%

MOTION by Commissioner Jan Hite, seconded by Commissioner X R. Royster, to adopt the municipal order setting the cost-of-living increase for Board of Commissioners at seven tenths of one percent.

MAYOR AUSTIN explained that the Department of Local Government sets the rate of increase available for Commissions across the state of Kentucky. It is available to take or reject.

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

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

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

/s/ Steve Austin
Steve Austin, Mayor
June 28, 2016

ATTEST:
Maree Collins, City Clerk _____

ASSISTANT CITY MANAGER’S REPORT:

ASSISTANT CITY MANAGER William L. Newman, Jr. reported that Mr. Dylan Ward, Public Works Engineer, has advised that the current year paving will conclude tomorrow with the paving of 12th Street as well as Augusta Drive. The new fiscal year will continue concrete street repairs and then a fall paving season.

COMMISSIONER’S REPORT:

MAYOR AUSTIN indicated the need to consider the City Attorney’s annual job performance merit evaluation and is recommending to the Board of Commissioners that the full 1.5% increase available to all City employees for an extremely favorable evaluation be awarded to Mrs. Kelsey.

RESOLUTION NO. 39-16:

RESOLUTION INCREASING SALARY OF CITY ATTORNEY BY ONE AND ONE HALF PERCENT (1.5%) EFFECTIVE AS OF JUNE 1, 2016

MOTION by Commissioner Jesse Johnston, seconded by Commissioner Jan Hite, to approve the resolution increasing the salary of the City Attorney by one and one-half percent based upon her job performance merit evaluation and the maximum available to other City employees.

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
June 28, 2016

ATTEST:
Maree Collins, City Clerk _____

REAPPOINTMENT: BOARD OF APPEALS (HOUSING & BUILDING):
MAC ARNOLD – TERM TO EXPIRE JUNE 22, 2020

Motion by Commissioner Robert M. Mills, seconded by Commissioner X R. Royster, upon recommendation of Mayor Steve Austin, to reappoint Mac Arnold to a four-year term on the Board of Appeals (Housing & Building). Said term to expire June 2, 2020.

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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EXECUTIVE SESSION: Litigation

MOTION by Commissioner X R. Royster, seconded by Commissioner Robert M. Mills, to go into Executive Session for the discussion of proposed or pending litigation against or on behalf of the City pursuant to the provisions of KRS 61.810 (1) (c).

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:
-

MEETING RECONVENED:

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

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

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

MEETING ADJOURN:

MOTION by Commissioner Jesse Johnston, seconded by Commissioner Jan Hite, to adjourn the meeting.

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

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

WITHOUT OBJECTION, Mayor Austin declared the Meeting adjourned at approximately 6:35 p.m.

ATTEST:

Maree Collins, City Clerk

Steve Austin, Mayor
July 12, 2016