

# CITY OF HENDERSON – RECORD BOOK

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

A regular meeting of the Board of Commissioners of the City of Henderson, Kentucky, was held on Tuesday, July 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 Reverend Mark Moog, Trinity Lutheran Church, 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 (arrived at approximately 5:40 p.m.)  
 Commissioner X R. Royster, III

ALSO PRESENT:

Mr. Russell R. Sights, City Manager  
 Mrs. Dawn Kelsey, City Attorney  
 Ms. Maree Collins, City Clerk  
 Mr. William L. Newman, Jr. Assistant City Manager  
 Mr. Brian Bishop, City-County Planning Director  
 Mr. Trace Stevens, Parks & Recreation Director  
 Mr. Robert Gunter, Finance Director  
 Mr. Scott Foreman, Fire Chief  
 Mrs. Donna Stinnett, Public Information Officer  
 Mrs. Cindy Phillips, HFD Administrative Secretary  
 Mr. Eddie Phillips  
 Mrs. Donna Veazey, HFD Secretary  
 Mr. Andrew Deardorff, HFD Engineer/Driver  
 Mr. Paul Goetz, HFD Firefighter  
 Mr. Tanner Simon, HFD Firefighter  
 Mrs. Wendy Sugg, HPD Administrative Secretary  
 Mr. Mark Holloway, HPD Secretary  
 Mr. Blake Shelton, Engineering Intern  
 Ms. Laura Peck, Downtown Henderson Partnership Executive Director  
 Ms. Sarah Stewart, Downtown Henderson Partnership Assistant Director  
 Ms. Stacey Keown, Henderson Leadership Initiative  
 Mr. Bradley Staton, Commission Candidate  
 Mr. Preston Herndon, Involvement Inc. Director  
 Mr. Bruce Farmer, Henderson County Coroner  
 Mr. Chris Winstead, Ambulance Service Director  
 Ms. Brittany Ross, SurfKY  
 Ms. Laura Acchiardo, *the Gleaner*  
 Mr. Mike Richardson, Police Reserve Officer

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PRESENTATION: “New Assistant Finance Director Introduction”

MR. RUSSELL R. SIGHTS, City Manager, asked MR. ROBERT GUNTER, Finance Director, to introduce the newest member of the Finance department senior staff team. Mr. Gunter announced his pleasure at being able to introduce MS. PENNY HAHN as the new Assistant Finance Director. She will be replacing the retiring Mr. Paul Titzer. Ms. Hahn expressed her appreciation for the opportunity to serve the city.

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PRESENTATION: “25-Year Service Award”

MAYOR AUSTIN expressed appreciation to Henderson Fire Department Administrative Secretary Cindy Phillips, for her 25 years of service and dedication to the City.

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PRESENTATION: “Downtown Henderson Partnership Merchandising Survey Results”

MRS. LAURA PECK, Executive Director of Downtown Henderson Partnership reported on the results of the survey that was completed at the request of the City to DHP members relating to allowing merchandising on public sidewalks in the downtown area. Of the twenty-four businesses polled, there were no objections; thirteen for; and eleven that either it would not effect them or did not respond. The respondents had no objection to an application process; however, requested that there be no ‘season’ to the Permit. The respondents also had no objection to placing restrictions on the type of merchandise to be displayed. They did object to a fee for the Permit, with only one respondent indicating that they would apply if a fee were charged. Ms. Peck further indicated that she had forwarded copies of ordinances to city staff from other Kentucky Main Street communities to use as examples.

MR. RUSSELL R. SIGHTS, City Manager, explained that the Board of Commissioners had three options at this point: 1) take the issue under advisement for further review; 2) not move forward based on the report; or 3) instruct staff to draft an ordinance.

COMMISSIONER ROYSTER made a motion, seconded by COMMISSIONER HITE to move forward with allowing merchandising on city sidewalks in the downtown area by instructing staff to begin drafting an ordinance. MR. SIGHTS then asked the Board for direction on some items that might be included in the ordinance: 1) the amount of space to be allowed for use; 2) application processing fee; 3) a Permit timeframe or ‘season’; and 4) liability insurance requirement.

MR. BRIAN GLICK, The Elm-Consignments & Antique Shop, appeared before the Board in support of the issue and indicated that he had researched other communities and found that most encouraged this and had restrictions on the amount of space that could be used by the merchant.

Discussion was held on the sidewalk dining application and processing fees; insurance requirements; and ADA requirements for the amount of space that must be available for evaluation purposes. Without objection the Board agreed that there should be no fee and no ‘season’ for the Permit. It was further recommended that the liability insurance requirement naming the City as an additional insured was necessary, but that information on what other communities require was requested for comparison. MR. SIGHTS indicated that a draft ordinance would be prepared and sent to DHP to review prior to it being on an agenda.

APPROVAL OF CONSENT AGENDA:

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

Minutes:        July 12, 2016, Regular Meeting

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

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

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

WHEREUPON, Mayor Austin declared the consent items approved.

/s/ Steve Austin

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Steve Austin, Mayor  
July 26, 2016

ATTEST:  
Maree Collins, City Clerk \_\_\_\_\_

ORDINANCE NO. 27-16: FIRST READ

MR. TOM WILLIAMS, Henderson Water Utility General Manager, explained that a couple of years ago a system was put in place that provided extra classified positions with no additional employees so that those positions could promote once they received specific training and certifications. At that time there were two senior maintenance technicians left in a classification by themselves and the plan was to eventually attrition those away. With the retirement of one of those gentleman the number of positions is being reconfigured, but not the number of employees that are in those positions. The Water and Sewer Commission approved this at their Monday, July 18, 2016 meeting.

ORDINANCE NO. 27-16: ORDINANCE AMENDING JOB CLASSIFICATION AND PAY PLAN  
ORDINANCE AMENDING JOB CLASSIFICATION AND PAY PLAN BY ELIMINATING ONE (1) MAINTENANCE TECHNICIAN, SR. POSITION; ELIMINATING TWO (2) MAINTENANCE TECHNICIAN I POSITIONS; AND ADDING FOUR (4) MAINTENANCE TECHNICIAN II POSITIONS TO THE HENDERSON WATER UTILITY (HWU) BUDGETED POSITIONS AND JOB CLASSIFICATIONS OF THE 2016-2017 HWU 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 Mills ----- Aye:
- Commissioner Johnston --- Aye:
- Commissioner Hite ----- Aye:
- Commissioner Royster ---- 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.

MR. TOM WILLIAMS, Henderson Water Utility General Manager, explained that about a month or so ago several properties in The Finley Addition subdivision were approved for sewer service outside the City limits and this is a continuation of that project. There will be a few more at a future date.

RESOLUTION NO. 42-16: 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 Jan Hite to adopt the resolution authorizing the extension of sewer service to properties located outside the City of Henderson corporate limits in the Finley Addition Subdivision

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

- Commissioner Mills ----- Aye:
- Commissioner Johnston --- Aye:
- Commissioner Hite ----- Aye:
- Commissioner Royster ---- Aye:

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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  
July 26, 2016

ATTEST:

Maree Collins, City Clerk \_\_\_\_\_

MR. TRACE STEVENS, Parks and Recreation Director, explained that two bids were received. One bid did not meet either the technical specifications or the intent of the specs for the playground equipment as requested. Based on that, it is recommended that the bid from David Williams & Associates be accepted and awarded accordingly. As noted, there is an option to upgrade the surfacing from engineered wood fiber playground mulch to a poured in place rubberized surface for the Central Park playground. Mr. Stevens then passed around the pictures of the proposed equipment for each park.

MUNICIPAL ORDER NO. 37-16:

MUNICIPAL ORDER AWARDING BID FOR THE PURCHASE OF PLAYGROUND EQUIPMENT FOR CENTRAL PARK AND NEWMAN PARK TO DAVID WILLIAMS & ASSOCIATES, INC. OF HARRISON, OHIO, IN THE TOTAL AMOUNT OF \$92,611.21

MOTION by Commissioner Robert M. Mills, seconded by Commissioner Jan Hite, to adopt the municipal order awarding the bid for the purchase of handicap accessible playground equipment to David Williams & Associates, Inc. of Harrison, Ohio in strict accordance with their bid as submitted to Bid Reference 16-20 in the total amount of \$92,611.21.

MR. RUSSELL R. SIGHTS, City Manager, indicated that this recommendation was written to stay within the budgeted amount of \$100,000.00. If the option of the poured in place rubberized surface were selected the municipal order could be amended with the understanding that the appropriation ordinance would be amended at a later date. MAYOR AUSTIN indicated that for the age of the children that would be using the equipment, he was in favor of using the poured playground surface. COMMISSIONER MILLS asked if the \$117,671.21 covered both playgrounds receiving the upgrade or just one? MR. STEVENS responded that the upgrade would be only for Central Park. COMMISSIONER MILLS asked if the fiber mulch would meet the needs for this handicap accessible playground equipment.

MS. STACEY KEOWN, Henderson Leadership Initiative, responded that the poured in place surface is highly desired, especially for Central Park and the preferred surface for both playgrounds. This project was developed to meet the needs of children with disabilities and that each piece of equipment was chosen intentionally as a stand-alone piece for use by multiple disabilities. The HLI fund raising goal has been reached and an additional \$2,000 was received from *Experiencing Autism Together* for the playground, and preferably the poured in place surface in Central Park.

MAYOR AUSTIN, asked what the cost would be to put the rubberized surface in Newman Park as well. MR. STEVENS responded that a rough estimate would be \$27,000.00 to upgrade the Newman Park playground. Mr. Stevens further indicated that there was \$40,000.00 available in the FY 2017 Parks department budget for a Wood Fiber Playground Surface Replacement Program, and this new playground could be the first project for that Program.

MR. SIGHTS indicated that the municipal order could be amended to include the poured in place rubberized surface in both Central and Newman Parks. Discussion was held regarding the best surfacing option for each of the two playgrounds; grant funding and timeline constraints; funding options; and how best to proceed to upgrade both playground surfaces.

MOTION TO AMEND MUNICIPAL ORDER NO. 37-16:

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MOTION by Commissioner X R. Royster, seconded by Commissioner Jesse Johnston to amend the municipal order to include the alternate surfacing in Central Park in the amount of \$25,060.00 that would delete the engineered wood fiber surface and add a poured in place rubberized surface; and to delete the engineered wood fiber surface for Newman Park for a total amount not to exceed \$117,671.21. Further it was determined to bid for a poured in place rubber surface for Newman Park to replace the deleted engineered wood fiber.

The vote was called to amend the municipal order. On roll call, the vote stood:

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

The vote was called for amended municipal order no. 37-16:

- Commissioner Mills ----- Aye:
- Commissioner Johnston --- Aye:
- Commissioner Hite ----- Aye:
- Commissioner Royster ---- 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  
July 26, 2016

ATTEST:  
Maree Collins, City Clerk \_\_\_\_\_

**MUNICIPAL ORDER NO. 38-16:**

**MUNICIPAL ORDER ACCEPTING PROPOSAL OF OLD NATIONAL WEALTH MANAGEMENT, EVANSVILLE, INDIANA FOR INVESTMENT MANAGEMENT AND CUSTODY SERVICES FOR CITY**

MOTION by Commissioner Jan Hite, seconded by Commissioner X R. Royster, to adopt the municipal order accepting the proposal of Old National Wealth Management of Evansville, Indiana for investment management and custody services for the City in strict accordance with their proposal dated June 18, 2016. This agreement has a three year initial term with the option of two one-year renewal terms.

MR. ROBERT GUNTER, Finance Director, indicated that the current service agreement will run out at the end of August. Three proposals were received with the best offer coming from Old National Wealth Management which has provided these services for the City in the past.

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

- Commissioner Mills ----- Aye:
- Commissioner Johnston --- Aye:
- Commissioner Hite ----- Aye:
- Commissioner Royster ---- 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

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Steve Austin, Mayor  
July 26, 2016

ATTEST:

Maree Collins, City Clerk \_\_\_\_\_

MUNICIPAL ORDER NO. 39-16:

MRS. DAWN KELSEY, City Attorney, indicated that in May the assignment from Henderson Recycling of the Advanced Contract for recycling services was approved. That Contract will terminate on September 30, 2016 without 60 days written notice exercising one of the two remaining one-year renewal terms.

MUNICIPAL ORDER NO. 39-16: MUNICIPAL ORDER TO EXERCISE A ONE YEAR EXTENSION OF THE CONTRACT FOR CURBSIDE RECYCLING WITH ADVANCED DISPOSAL AND GIVING CITY MANAGER AUTHORITY TO GIVE WRITTEN NOTICE OF THE EXTENSION

MOTION by Commissioner Robert M. Mills, seconded by Commissioner Jan Hite, to adopt the municipal order authorizing the City Manager to give written notice to exercise a one year extension of the contract with Advanced Disposal for curbside recycling.

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

Commissioner Mills ----- Aye:  
Commissioner Johnston --- Aye:  
Commissioner Hite ----- Aye:  
Commissioner Royster ---- 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  
July 26, 2016

ATTEST:

Maree Collins, City Clerk \_\_\_\_\_

PRESENTATION: “New Ambulance Service Director Introduction”

MAYOR AUSTIN asked Mr. Bruce Farmer to introduce the new Ambulance Service Director. MR. BRUCE FARMER, Henderson County Coroner, apologized for being late this evening; however, there was a rescue of a hiker at Audubon Park that they were assisting with. Mr. Farmer then announced that on behalf of Methodist Hospital and the Henderson Ambulance Service that it was his pleasure to introduce the new Ambulance Service Director, Chris Winstead. Mr. Winstead has been a member of the Methodist family since 1992 when he started as a medic in Union County. For the last six years he has been the director of the Union County Ambulance Service. MR. CHRIS WINSTEAD, Henderson Ambulance Service Director, thanked the Board and the Hospital for this opportunity and indicated that he was looking forward to working with the Board. Mr. Winstead further indicated that he also serves as the Union County Ambulance Service Director as the management of both ambulance services has been merged, but not the two services. MAYOR AUSTIN indicated that he and COMMISSIONER JOHNSTON were on a four person subcommittee that was formed from the Henderson City/County Cooperative Study Team to review any issues that may arise.

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COMMISSIONER’S REPORT:

COMMISSIONER JESSE JOHNSTON asked staff to look into the cost for concrete barricades or barriers to be used for road closures during festivals and other events to help protect participants.

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MAYOR AUSTIN indicated that Senate Majority Leader Mitch McConnell was in town earlier today for a presentation at the Henderson Fine Arts Center and then previewed the City’s economic development property on Borax Drive. Mayor Austin indicated that Senator McConnell recognized the quality of planning and detail put into these grant projects and that each project was a good project for Henderson.

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APPOINTMENT: City-County Planning Commission:

Gray Hodge – Unexpired Term of Penny Hahn To Expire June 01, 2019

Motion by Commissioner X R. Royster, seconded by Commissioner Robert M. Mills, upon recommendation of Mayor Steve Austin, to appoint Gray Hodge to fill the unexpired term of Penny Hahn on the City-County Planning Commission. Said term to expire June 01, 2019.

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

- Commissioner Mills ----- Aye:
  - Commissioner Johnston --- Aye:
  - Commissioner Hite ----- Aye:
  - Commissioner Royster ---- Aye:
  - Mayor Austin ----- Aye:
- \_\_\_\_\_

EXECUTIVE SESSION: Real Estate

MOTION by Commissioner X R. Royster, seconded by Commissioner Robert M. Mills, to go into Executive Session for the purpose of deliberation on the possible future purchase or sale of real estate pursuant to KRS 61.810 (1) (b) located in the area between First and Third Streets and Green Street and Carlisle Street.

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

- Commissioner Mills ----- Aye:
  - Commissioner Johnston --- Aye:
  - Commissioner Hite ----- Aye:
  - Commissioner Royster ---- Aye:
  - Mayor Austin ----- Aye:
- \_\_\_\_\_

MEETING RECONVENED:

MOTION by Commissioner X R. Royster, seconded by Commissioner Jesse Johnston, the Board of Commissioners reconvened in regular session.

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

- Commissioner Mills ----- Aye:
  - Commissioner Johnston --- Aye:
  - Commissioner Hite ----- Aye:
  - Commissioner Royster ---- Aye:
  - Mayor Austin ----- Aye:
- \_\_\_\_\_

MEETING ADJOURN:

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

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

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

WITHOUT OBJECTION, Mayor Austin declared the Meeting adjourned at approximately 7:15 p.m.

ATTEST:

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 Maree Collins, City Clerk

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 Steve Austin, Mayor  
 August 9, 2016