

## CITY OF HENDERSON – RECORD BOOK

Record of Minutes of           A Regular           Meeting on           August 09, 2016          

A regular meeting of the Board of Commissioners of the City of Henderson, Kentucky, was held on Tuesday, August 09, 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 Father Anthony Shonis, Holy Name of Jesus Catholic Church, followed by Boy Scouts Isaac Myers, Brent Raleigh and Samuel Stevens leading the assemblage in recitation of the Pledge of Allegiance to our American Flag

There were present Mayor Steve Austin presiding:

PRESENT:

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

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. Newman, Jr. Assistant City Manager  
Mr. Brian Bishop, City-County Planning Director  
Mr. Trace Stevens, Parks & Recreation Director  
Master Samuel Stevens  
Mr. Robert Gunter, Finance Director  
Mr. Dylan Ward, Public Works Engineer  
Mr. Bill Raleigh,  
Master Brent Raleigh  
Mr. Terry Berrong, Equipment Operator  
Mrs. Judy Berrong  
Mr. Tom Williams, HWU General Manager  
Mr. Gary Quick, HMPL General Manager  
Mr. Randall Redding  
Mr. Myers  
Master Isaac Myers  
Mr. Tom Davis, Commission Candidate  
Mr. Kiran Patel  
Mr. Ron Jenkins  
Ms. Laura Acchiardo, *the Gleaner*  
Mr. Mike Richardson, Police Reserve Officer

---

PRESENTATION: “20-Year Service Award”

MAYOR AUSTIN expressed appreciation to Cemetery Equipment Operator Terry Berrong, for his 20 years of service and dedication to the City.

---

APPEARANCE OF CITIZENS:

Mr. Kiran Patel requested that the closing hours of the John F. Kennedy Community Center be extended for his annual event. Discussion was held regarding alternative locations and how best to accommodate exceptions to the closing hours and overtime expenses for the Center. Staff was instructed to review the resolution relating to the hours and fees for certain events meeting specific criteria and allow an appeals process for permitting extended hours for those

**CITY OF HENDERSON – RECORD BOOK**

Record of Minutes of     A Regular     Meeting on     August 09, 2016    

specific events at the Center. A revised resolution will be presented to the Board of Commissioners at the August 23, 2016 meeting.

APPROVAL OF CONSENT AGENDA:

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

Minutes: July 26, 2016, Regular Meeting

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

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

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

WHEREUPON, Mayor Austin declared the consent item approved.

/s/ Steve Austin  
Steve Austin, Mayor  
August 09, 2016

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

ORDINANCE NO. 27-16: SECOND READ  
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 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 Mills ----- Aye:
- Commissioner Johnston --- Aye:
- Commissioner Hite ----- Absent:
- Commissioner Royster ---- 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  
August 09, 2016

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

**CITY OF HENDERSON – RECORD BOOK**

Record of Minutes of           A Regular           Meeting on           August 09, 2016          

MUNICIPAL ORDER 40-16:

MUNICIPAL ORDER AWARDING BID FOR THE PURCHASE OF A SMALL SUV AND A MID-SIZE FOUR DOOR SEDAN TO TOWN AND COUNTRY FORD OF EVANSVILLE, INDIANA, IN THE TOTAL AMOUNT OF \$39,585.00

MOTION by Commissioner Jesse Johnston, seconded by Commissioner Robert M. Mills to adopt the municipal order awarding the bid for the purchase of a 2017 Ford Escape and a 2017 Ford Fusion to Town and Country Ford of Evansville, Indiana in the low bid amount of \$39,585.00

MR. RUSSELL R. SIGHTS, City Manager, explained that the vehicles would be placed in the Finance Department and the Sanitation division of Public Works and that both of the vehicles came in under the budgeted amounts for a budgeted savings of \$6,715.00.

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

- Commissioner Mills ----- Aye:
- Commissioner Johnston --- Aye:
- Commissioner Hite ----- Absent:
- 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  
August 09, 2016

ATTEST:

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

MUNICIPAL ORDER NO. 41-16:

MR. DYLAN WARD, Public Works Engineer, indicated that during the design phase of the Municipal Center Drive-thru Canopy project it was determined that the drive-thru surface would be in need of repair in a few years and that it would be better to replace the asphalt surface with concrete now rather than waiting to resurface the area after the canopy was in place. The concrete driving surface is more durable and will last much longer than the current asphalt surface.

MUNICIPAL ORDER NO. 41-16: MUNICIPAL ORDER APPROVING CHANGE ORDER #1 TO THE CONSTRUCTION CONTRACT BETWEEN THE CITY OF HENDERSON AND Q & S CONTRACTING, INC. REGARDING THE DRIVE-THRU CANOPY PROJECT FOR THE MUNICIPAL CENTER’S FINANCE DEPARTMENT, IN THE AMOUNT OF \$4,456.00

MOTION by Commissioner Robert M. Mills, seconded by Commissioner Jesse Johnston, to adopt the municipal order approving Change Order #1, in the amount of \$4,456.00, to the Q & S Contracting, Inc. Contract for installation of a concrete driving surface for the Municipal Center Drive-thru Canopy Project.

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

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

# CITY OF HENDERSON – RECORD BOOK

Record of Minutes of     A Regular     Meeting on     August 09, 2016    

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  
August 09, 2016

ATTEST:

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

RESOLUTION 43-16:

MRS. DAWN KELSEY, City Attorney, indicated that when the City and County began the 9-1-1 Enhancement Project the search began for a location to install collocation equipment. A water tower was looked at in an effort to save money; however the tower was not tall enough to reach the appropriate area. At that point cell towers were looked at and the Crown Castle Sugar Tree Tower between Smith Mills and Corydon was available and negotiations began. During these negotiations Crown Castle expressed interest in placing equipment on the 9-1-1 tower at the new Municipal Services Center on Corporate Court. Space for space was negotiated. We will have three collocations placed on the Sugar Tree Tower and Crown Castle will place three collocations on our Municipal Services Center Tower. In addition Crown Castle will manage and market our tower for us and will share revenues fifty-fifty with us for any other collocation equipment placed on the tower. Any monies received under this Agreement would be placed into the 9-1-1 Fund. The two items for your review tonight are a resolution for a Utility Agreement with Crown Castle allowing Crown Castle or any of their subs to come onto the Municipal Services Center property to service the tower and a municipal order approving both the Sugar Tree Agreement allowing us to place equipment on that tower and the Master Lease Agreement for the placement of Crown Castle equipment and management of our tower. Due to the Interlocal Agreement between the City and County for 9-1-1 services, the latter Agreements will also require Fiscal Court approval. Mrs. Kelsey indicated that this arrangement should save a substantial amount of money and the fees to install the equipment on the Sugar Tree Tower will be paid by Motorola as part of their contract.

RESOLUTION 43-16: RESOLUTION ACCEPTING UTILITY EASEMENT AGREEMENT BETWEEN THE CITY OF HENDERSON AND CROWN CASTLE TOWERS 06-2, LLC, AND AUTHORIZING MAYOR TO EXECUTE AGREEMENT

MOTION by Commissioner Jesse Johnston, seconded by Commissioner X R. Royster, to adopt the resolution accepting the Utility Easement Agreement between the City of Henderson and Crown Castle Towers 06-2, LLC for the installation, operation, and maintenance of a communication tower located at the new Municipal Service Center property on Corporate Court.

COMMISSIONER MILLS asked for clarification on the fees Motorola would be paying. Mrs. Kelsey explained that there are FCC fees in addition to the equipment installation fees that are included in the Motorola Contract for 9-1-1 equipment and services.

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

Commissioner Mills ----- Aye:  
Commissioner Johnston --- Aye:  
Commissioner Hite ----- Absent:  
Commissioner Royster ---- 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  
August 09, 2016

ATTEST:

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

## CITY OF HENDERSON – RECORD BOOK

Record of Minutes of           A Regular           Meeting on           August 09, 2016          

MUNICIPAL ORDER NO. 42-16:

MUNICIPAL ORDER ACCEPTING GOVERNMENTAL ENTITY TOWER LICENSE AGREEMENT FROM CROWN CASTLE SOUTH, LLC FOR THE CITY OF HENDERSON AND HENDERSON COUNTY TO PLACE 911 EQUIPMENT ON CROWN CASTLE'S SUGAR TREE TOWER AND ACCEPTING MASTER LEASE OPTION BETWEEN CROWN CASTLE SOUTH, LLC, THE CITY OF HENDERSON AND HENDERSON COUNTY TO ALLOW CROWN CASTLE TO PLACE ON THE 911 TOWER AT THE MUNICIPAL SERVICE CENTER THREE COLLOCATIONS FREE OF CHARGE AND TO SHARE FIFTY PERCENT (50%) OF THE REVENUE FOR ANY ADDITIONAL COLLOCATIONS PLACED ON THE 911 TOWER

MOTION by Commissioner Robert M. Mills, seconded by Commissioner Jesse Johnston, to adopt the municipal order approving the Governmental Entity Tower License Agreement between the City, Henderson County and Crown Castle South, LLC for the placement of 9-1-1 equipment on Crown Castle's Sugar Tree Tower and approving the Master Lease Option between the City, Henderson County and Crown Castle South, LLC allowing Crown Castle to place three collocations on the 9-1-1 tower at the Municipal Services Center free of charge and to manage and market that tower in exchange for a fifty percent share of the revenue for any additional collocations placed.

COMMISSIONER JOHNSTON expressed his appreciation to staff and others for their hard work on negotiating this arrangement that will save the City and the County funds.

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

Commissioner Mills ----- Aye:  
 Commissioner Johnston --- Aye:  
 Commissioner Hite ----- Absent:  
 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  
 August 09, 2016

ATTEST:

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

RESOLUTION 44-16:

MAYOR AUSTIN indicated that the Henderson Air Board negotiated to purchase a tract of land for future runway expansion and other improvements to the airport. The Air Board will be purchasing the property that will be jointly owned by the City and the County.

RESOLUTION 44-16: RESOLUTION APPROVING THE PURCHASE OF A TRACT OF LAND BY THE CITY-COUNTY AIRPORT BOARD FOR THE PURCHASE PRICE OF \$25,000.00, AND AUTHORIZING MAYOR TO EXECUTE DEED FOR PURCHASE ON BEHALF OF THE CITY

MOTION by Commissioner X R. Royster, seconded by Commissioner Robert M. Mills, authorizing the purchase with Henderson County of a tract of land located on the south side of Kentucky 136 on the eastern edge of Geneva, Kentucky, to be managed by the Henderson City-County Air Board for future expansion and improvement to the airport.

# CITY OF HENDERSON – RECORD BOOK

Record of Minutes of     A Regular     Meeting on     August 09, 2016    

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

Commissioner Mills ----- Aye:  
 Commissioner Johnston --- Aye:  
 Commissioner Hite ----- Absent:  
 Commissioner Royster ---- 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  
 August 09, 2016

ATTEST:

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

### CITY MANAGER'S REPORT:

MR. RUSSELL R. SIGHTS, City Manager, indicated that Mr. Tom Williams, HWU General Manager, had previously reported that the Consents for Annexation had been obtained for certain properties in The Finley Addition subdivision area that have been approved for sewer service outside of the city limits. At this time staff is requesting that the Board authorize forwarding this request for annexation to the Planning Commission for zoning designation recommendations on each of the properties.

Motion by Commissioner Robert M. Mills, seconded by Commissioner X R. Royster, authorizing submittal of the request to the Planning Commission for recommendation on zoning designations for each of the properties included in this request for annexation.

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

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

MR. RUSSELL R. SIGHTS, City Manager, reported that the Evansville Metropolitan Planning Organization has put out the 'Annual Call for Projects' with an application deadline of August 17, 2016. Staff met with EMPO personnel to discuss possible projects and recommends submittal of a construction project for North Elm Street. Mr. Sights also indicated that there most likely would be at least a 20% match on the project, if it were to be funded.

Discussion was held on what portion of North Elm Street to include for improvements and if any other collector roads, such as Watson Lane between US 60 and US 41, could be included to help mitigate traffic along the U S Highway 41 North corridor until the new river crossing is built.

Approval was given to include the North Elm Street and Watson Lane construction projects in the listing of Projects eligible for Surface Transportation Program funds with formal action to be taken by the Board if the projects were to be chosen and approved for construction.

## CITY OF HENDERSON – RECORD BOOK

Record of Minutes of           A Regular           Meeting on           August 09, 2016          

COMMISSIONER’S REPORT:

COMMISSIONER ROBERT M. MILLS congratulated Mayor Austin and staff on the State of the City Address. He further indicated that he is amazed and proud to think about all of the projects that this Board has accomplished over the past three or four years that have had such a positive impact in our community.

---

COMMISSIONER X R. ROYSTER indicated that he met with the Justice Coalition and they requested that bus service be provided to the Farmer’s Market, the Extension Office and Matthew 25. Commissioner Royster asked that staff review the requested routes to see what could be done to not only provide service, but to promote those additions. Mayor Austin indicated that he felt that it would be appropriate to review the various routes to provide service to those areas. Mr. Sights indicated that staff would assess the request and may bring those findings to a work session. Mayor Austin further indicated that one of the Henderson Leadership Initiative groups was also studying the various bus route needs as their project.

---

MAYOR AUSTIN reported that in the last legislative session changes were made to the division of 9-1-1 cell phone fees at the state level and communities will be receiving a small increase in funds from those fees. This increase in funds will be used to help offset the 9-1-1 Enhancement Project costs.

---

EXECUTIVE SESSION: Real Estate and Litigation

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; and pursuant to KRS 61.810 (1) (c) for the discussion of pending or proposed litigation against the City.

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

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

---

**CITY OF HENDERSON – RECORD BOOK**

*Record of Minutes of*     A Regular     *Meeting on*     August 09, 2016    

MEETING ADJOURN:

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

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

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

WITHOUT OBJECTION, Mayor Austin declared the Meeting adjourned at approximately 7:30 p.m.

ATTEST:

\_\_\_\_\_  
 Steve Austin, Mayor  
 August 23, 2016

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