

# CITY OF HENDERSON – RECORD BOOK

Record of Minutes of           A Regular           Meeting on           August 23, 2016          

A regular meeting of the Board of Commissioners of the City of Henderson, Kentucky, was held on Tuesday, August 23, 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 Lieutenant Jason Quinn, Salvation Army, followed by recitation of the Pledge of Allegiance to our American Flag.

There were present Mayor Steve Austin presiding:

PRESENT:

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

ABSENT:

Commissioner Jesse Johnston, IV

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  
Mrs. Donna Stinnett, Public Information Officer  
Mrs. Claudia Wayne, City-County Planning Assistant Director  
Mr. Robert Gunter, Finance Director  
Mr. Charles Stauffer, Police Chief  
Mr. Mike Shockley, 9-1-1 Communications Supervisor  
Mr. Scott Foreman, Fire Chief  
Mrs. Connie Galloway, Human Resources Director  
Mr. Trace Stevens, Parks & Recreation Director  
Mr. Dylan Ward, Public Works Engineer  
Mr. Tom Williams, HWU General Manager  
Dr. Richard Wham, City-County Airport Board Chair  
Mr. Allen Bennett, City-County Airport Manager  
Mr. Chris Hopgood, City-County Airport Board Attorney  
Mr. Benji Marrs, Sr. Vice-President, Benefit Insurance Marketing  
Mrs. Susan Blanford, Director Business Development, Methodist Hospital  
Dr. Libby Brown, Chief Wellness Officer, Methodist Hospital  
Mr. Bradley Staton, Commission Candidate  
Mr. Kiran Patel  
Ms. Laura Acchiardo, *the Gleaner*  
Mr. Mike Richardson, Police Reserve Officer

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PRESENTATION: Henderson Branding Initiative

DONNA STINNETT, Public Information Officer, shared the *Find Your Nature* branding initiative that was announced as an extension of the Community Vision Plan. The idea is that Henderson is a place where your nature is all your own. For many years John James Audubon and his artistry has been used to represent Henderson. Audubon was interested in nature and other people may have a nature of serving on the commission or of running a downtown business or of being creative. This branding initiative is for each of you to discover your nature and share the story of your nature and what makes Henderson such a special place to you.

Mayor Austin indicated that the video makes him proud and hopes that it makes our citizens proud of this community and thanked Mrs. Stinnett for sharing the information and video.

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## APPROVAL OF CONSENT AGENDA:

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

Minutes:           August 09, 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 --- Absent:  
Commissioner Hite ----- Aye:  
Commissioner Royster ---- Aye:  
Mayor Austin ----- Aye:

WHEREUPON, Mayor Austin declared the consent item approved.

/s/ Steve Austin  
Steve Austin, Mayor  
August 23, 2016

ATTEST:

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

## ORDINANCE NO. 28-16: FIRST READ

ORDINANCE PROVIDING FOR THE LEVY AND COLLECTION OF AD VALOREM TAXES

AN ORDINANCE OF THE CITY OF HENDERSON, KENTUCKY PROVIDING FOR THE LEVY AND COLLECTION OF AD VALOREM TAXES FOR THE FISCAL YEAR BEGINNING JULY 1, 2016, AND PROVIDING FOR THE TIME OF PAYMENT FOR SUCH TAXES, PENALTY, INTEREST AND DISCOUNT

MOTION by Commissioner X R. Royster, seconded by Commissioner Jan Hite, that the ordinance be adopted.

ROBERT GUNTER, Finance Director, explained that the compensating rate was proposed in the FY 2017 budget. Real Estate assessments were up approximately \$13,800,000.00 over the 2015 assessments and Personal Property assessments were down by approximately \$4,600,000.00. If the compensating rate is adopted it would generate approximately \$8,200,000.00 in property taxes before discounts. With an estimated collection rate of 98.8 percent in net of those discounts, a little over \$8,000,000.00 in income is anticipated. Mr. Gunter indicated that he receives a lot of questions on what the compensating rate is. It is defined by Kentucky Revised Statute and is rather complicated. Basically it is setting a rate, including all property assessments-real and personal property, that will generate the same revenue as the previous year.

COMMISSIONER MILLS indicated how proud he is of the city being able to take the compensating rate for seven of the last eight years by utilizing conservative budgets and small incremental increases where needed. Commissioner Mills expressed his concern in the almost seven cent increase on personal property and indicated that historically that rate changes only three, four or five cents and in 2013 it stayed the same. He further indicated that the compensating rate would be about \$123,000.00 more than was estimated in the FY 2017 budget and that an estimation of a decrease to about \$0.80 on the personal property rate would actually be a roll back to the 2014 rate and still match the proposed budget. Commissioner Mills stated, "I would like to see us do something like that because when we start going up six or seven cents at a time it could be detrimental over a period of time. And if you think about it the things that are personal property are merchants inventory, manufacturers finished goods, warehouse goods, furniture and fixtures, construction inventory, that is all business property and I think this is just

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a little too much of an increase, in my opinion, for businesses in town.” He then asked for a discussion to see if there was support to lower the personal property rate.

RUSSELL R. SIGHTS, City Manager indicated that Mr. Gunter’s memo lists different rates and that a one cent change would equal about \$13,070.00.

MAYOR AUSTIN indicated that he agreed with Commissioner Mills and proposed staying with the same rate as the previous year on personal property, which would be about a 6.8 cent decrease from the proposed rate and still be within the proposed budget dollar amount.

COMMISSIONER HITE agreed with essentially freezing the personal property rate to the 2015 rate of \$0.813. She further agreed that the city is fortunate that it can take the compensating rate and still pay for all these projects due to aggressive budgets the last few years.

**MOTION TO AMEND ORDINANCE NO. 28-16:**

MOTION by Commissioner Robert M. Mills, seconded by Commissioner X R. Royster to amend the personal property tax rate back to the 2015 rate of \$0.8130 from the proposed rate of \$0.8810 for the fiscal year beginning July 1, 2016.

The vote was called on the motion amending the ordinance. On roll call, the vote stood:

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

The vote was called for amended ordinance no. 28-16:

- Commissioner Mills ----- Aye:
- Commissioner Johnston --- Absent:
- 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.

RESOLUTION 45-16:

TRACE STEVENS, Parks and Recreation Director, explained that at the last meeting a request from a citizen was heard asking for extended hours at the John F. Kennedy Center and staff was instructed to review options that would allow such a change. This proposed fee schedule would allow certain qualifying events to extend the regular 11:00 p.m. closing time to 1:00 a.m. on Friday and Saturday evenings. To qualify an event must promote tourism, or the betterment of the City of Henderson. The regular daily rate to rent the entire center from 8:00 a.m. to 11:00 p.m. is \$300.00. The fee for the extended hours would be \$150.00 per hour, to cover additional overtime of two employees.

RESOLUTION 45-16:

RESOLUTION SETTING FEE SCHEDULE FOR FACILITY USE AT THE JOHN F. KENNEDY CENTER AS AUTHORIZED BY CHAPTER 17 OF THE CODE OF ORDINANCES FOR THE CITY OF HENDERSON, KENTUCKY EFFECTIVE AUGUST 24, 2016

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MOTION by Commissioner Robert M. Mills, seconded by Commissioner X R. Royster to adopt the resolution setting the fee schedule for facility use at the John F. Kennedy Center relating to extended hours for certain events.

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

- Commissioner Mills ----- Aye:
- Commissioner Johnston --- Absent:
- Commissioner Hite ----- Aye:
- 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 23, 2016

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

RESOLUTION 46-16:

ROBERT GUNTER, Finance Director, explained that this is a reimbursement resolution for possible future bonds, but does not mean that bonds must be issued. This is a requirement for reimbursement of funds expended prior to the issuance of bonds, if bonds were to be issued.

**RESOLUTION 46-16: RESOLUTION DECLARING THE OFFICIAL INTENT OF THE CITY OF HENDERSON, KENTUCKY WITH RESPECT TO REIMBURSEMENT OF TEMPORARY ADVANCES MADE FOR CAPITAL EXPENDITURES TO BE MADE FROM SUBSEQUENT BORROWINGS**

MOTION by Commissioner Robert M. Mills, seconded by Commissioner Jan Hite, to adopt the resolution declaring the City’s official intent to reimburse temporary advances made for capital expenditures to be made from subsequent borrowings.

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

- Commissioner Mills ----- Aye:
- Commissioner Johnston --- Absent:
- Commissioner Hite ----- Aye:
- 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 23, 2016

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

RESOLUTION 47-16:

TOM WILLIAMS, Henderson Water Utility General Manager, indicated that this is the final part of the sewer project in the Springfield Drive/US 41A area and that the project is complete. He further indicated that everyone that has signed a *Consent Not to Oppose Annexation* now has service.

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RESOLUTION 47-16: RESOLUTION AUTHORIZING EXTENSION OF SEWER SERVICE OUTSIDE CITY LIMITS TO PROPERTIES LOCATED NEAR HIGHWAY 41A AND SPRINGFIELD DRIVE

MOTION by Commissioner Jan Hite, seconded by Commissioner Robert M. Mills, to adopt the resolution authorizing sewer services to properties located outside the city limits to properties in the US 41A and Springfield Drive area.

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

- Commissioner Mills ----- Aye:
- Commissioner Johnston --- Absent:
- Commissioner Hite ----- Aye:
- 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 23, 2016

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

MUNICIPAL ORDER NO. 43-16:

MUNICIPAL ORDER APPROVING CHANGE ORDER #1 TO THE CONTRACT BETWEEN THE CITY OF HENDERSON AND DAVID WILLIAMS & ASSOCIATES REGARDING THE PURCHASE AND INSTALLATION OF POURED IN PLACE RUBBER SURFACING FOR NEWMAN PARK, IN THE AMOUNT OF \$20,033.00

MOTION by Commissioner Jan Hite, seconded by Commissioner X R. Royster, to adopt the municipal order approving Change Order #1 to the David Williams & Associations Contract for the purchase and installation of poured in place rubber surfacing for the new Newman Park playground equipment in the total amount of \$20,033.00.

TRACE STEVENS, Parks and Recreation Director, indicated that he would give notice to proceed this week so that these specialty playgrounds can be ordered and it is expected that the installation should be complete in about sixty days, weather permitting.

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

- Commissioner Mills ----- Aye:
- Commissioner Johnston --- Absent:
- 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  
August 23, 2016

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

MUNICIPAL ORDER NO. 44-16:

MUNICIPAL ORDER APPROVING CHANGE ORDER #1 TO THE CONTRACT BETWEEN THE CITY OF HENDERSON AND DANCO CONSTRUCTION, INC. REGARDING THE CONSTRUCTION CONTRACT OF THE NEW MUNICIPAL SERVICE CENTER, IN THE AMOUNT OF \$117,718.46

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MOTION by Commissioner Jan Hite, seconded by Commissioner Robert M. Mills, to adopt the municipal order approving Change Order #1 to the Danco Construction, Inc. Contract for additional drainage, foundation and site work and various repairs and replacements for the new Municipal Service Center Complex in the total amount of \$117,718.46..

DYLAN WARD, Public Works Engineer, reported on the required changes to the construction contract totaling \$19,286.46 that included changes to a concrete inlet box due to an error in the storm water drainage system design (the design firm has been contacted for possible reimbursement); installation of gravel bed for internal footings inside main building due to subsurface ground conditions; buried lawn waste was discovered on the sanitation truck building site; a restroom flush valve repair; replacement of emergency exit lighting circuits and light fixtures due to a lightning strike; replacement of existing HVAC system ductwork due to dripping condensation; and extra stabilization material for the two entrances to the new site due to the location of underground utility lines.

WILLIAM L. NEWMAN, JR., Assistant City Manager, reported that the soil conditions on the site were worse than originally thought and that the over abundance of precipitation this year has compounded the instability of the soil conditions on the site. During excavation of the concrete floor in the main building water started coming inside the building. As stripping began for the new buildings, liquefaction or bad soil conditions were encountered and almost the entire site was in need of stabilization. The civil engineer that designed the site as well as the specialty contractor out of Mt. Carmel, Illinois were brought in to assess the site and provide guidance on how to proceed. The original contract included \$148,000.00 for lime stabilization and was consumed rather quickly because lime would not work and cement was used, which is a more expensive product. Additional soil stabilization for the site totaled \$98,432.00 above the \$148,000.00 that was in the base bid. There was no contingency in the budget for this project as an adjustment at the mid-year budget review was anticipated.

Mr. Newman also reported that the contractor has requested an additional 30 working day extension for the project due to weather conditions and soil stabilization during the project and that staff recommends approval of the extension of time moving the completion date to February 7, 2017. Mr. Newman concluded that other work on the site included the 273' communications tower that should be erected within the next two weeks.

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

Commissioner Mills ----- Aye:  
 Commissioner Johnston --- Absent:  
 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  
 August 23, 2016

ATTEST:

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

MUNICIPAL ORDER NO. 46-16:

**MUNICIPAL ORDER ACCEPTING THE AGREEMENT FOR SERVICES BETWEEN THE CITY OF HENDERSON, COMMUNITY UNITED METHODIST HOSPITAL, INC. AND EDUMEDICS, LLC AND GIVING THE MAYOR THE AUTHORIZATION TO EXECUTE THE AGREEMENT AND ANY OTHER RELATED DOCUMENTS INCLUDING BUSINESS ASSOCIATES AGREEMENTS BETWEEN THE PARTIES**

MOTION by Commissioner X R. Royster, seconded by Commissioner Jan Hite, to adopt the municipal order authorizing acceptance of the Agreement for Services between the City,

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Community Methodist Hospital and Edumedics, LLC and authorizing the Mayor to execute the Agreement and any other related documents between the parties.

DAWN KELSEY, City Attorney, indicated that this agreement will provide a near-site clinic which will be located on Second Street to provide services for City employees and those that are under our health insurance benefits program so that they can have a healthier lifestyle. Mrs. Kelsey stated that “Methodist Hospital has been incredibly accommodating to us through these negotiations and we appreciate the cooperation that they have provided to us.” This three year contract has an initial one year term with a 365 day termination notice.

BENJI MARRS, Senior Vice-President, Benefit Insurance Marketing, indicated that it is an exciting time to be here for the culmination of working toward this clinic services program. This will be a great example for businesses in the area to look at this as innovation in health care. The clinic will provide a dedicated nurse practitioner to City employees, spouses, and dependants covered by the health insurance plan with zero co-pay. A nurse practitioner dedicated to only those patients will be available approximately 30 hours per week with staggered times to accommodate some morning, some evening, and some mid-day hours within the operational hours at the Second Street location. When those hours are booked, or someone is needing to see the clinician and the clinician is not there as long as it is during regular hours of business, employees, dependants and spouses will also have access to other clinicians that are at the location with zero co-pay to them. There will also be access, at zero co-pay, to about nine or ten basic lab tests. Additionally beyond those basic services Methodist Hospital has agreed to a customized reduced service fee schedule for labs in general through Methodist Hospital Out-patient.

It is anticipated that it will take about 90-120 days to establish the clinician; the licensure; set up reporting between all the entities; setup and build the claims fee schedule systems; and build a strategy for communication with employees. This clinic takes absolutely nothing away from the employee, there will be access to the same doctors, the same hospitals, the co-pay is staying the same, and deductibles are staying the same. The clinic will add the ability to access a nurse practitioner at zero co-pay with intentionality of spending time with them, getting to know them, and working with them directly to address their health care needs.

MAYOR AUSTIN thanked everyone for their hard work on this and believes it will be really good for our employees and that he plans to be one of the first ones in line on day one to take advantage of this service.

RUSSELL R. SIGHTS, City Manager, expressed his appreciation to Benji Marrs, Dawn Kelsey, Connie Galloway, Robert Gunter, the entire Human Resources staff, Dr. Libby Brown, Susan Blanford, David Park, and Alice Shade explaining that their efforts put us to this point tonight in this history making event.

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

Commissioner Mills ----- Aye:  
 Commissioner Johnston --- Absent:  
 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  
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ATTEST:  
 Maree Collins, City Clerk \_\_\_\_\_

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MUNICIPAL ORDER NO. 45-16:

MIKE SHOCKLEY, 9-1-1 Communications Supervisor indicated that Request for Proposals were sent out for new desk/work stations for the new 9-1-1 Center and the backup 9-1-1 Center as a part of the overall 9-1-1 Center Upgrade Project. Hopkinsville happened to have been in the process of installing these desks and several staff members went to observe the installation process and finished product.

CHARLES STAUFFER, Police Chief, reported there were eight responses to the RFP. An evaluation process was built into the RFP and upon review of the submissions, Xybix was recommended. Chief Stauffer also indicated that these desks are actually two desks in one that can be raised up to allow the dispatcher to work standing up. The desktops also have an antimicrobial coating built into the finish to help fight the spread of germs in the work place.

MR. SHOCKLEY also reported that some of the remaining items for the Center are the flooring, the blinds and the phone system. He stated that a grant application for the phone system has been submitted and we are waiting to hear on that. Motorola is planning a dry run in October; however, they are running into the same thing that the building is running into, the rain. They are doing everything else that they can get done and November is still the target date. There will be a one month timeframe for working on both systems to work out all the kinks before going live.

COMMISSIONER HITE expressed how pleased she was that this will be completed before her term ends. She stated, "I think that this is one of the things that I am most proud of in all of my time in the City Commission."

MR. SIGHTS, City Manager, reported that in the event that we do not receive grant funds for the new phone system we would have to put that in the budget by amendment. The current phone system will not do some things that we should have for the new system. Mr. Sights indicated that we are hopeful that we will get at least partial funding from the grant.

MUNICIPAL ORDER NO. 45-16:

**MUNICIPAL ORDER AWARDING BID FOR THE PURCHASE OF DISPATCH CENTER WORKSTATIONS TO XYBIX SYSTEMS, INC. OF LITTLETON, COLORADO, IN THE TOTAL AMOUNT OF \$98,706.02**

MOTION by Commissioner Jan Hite, seconded by Commissioner Robert M. Mills, to adopt the municipal order awarding the bid for the purchase of eight dispatch center workstations for the new 9-1-1 Center and the new backup 9-1-1 Center to Xybix Systems, Inc. of Littleton, Colorado in the total amount of \$98,706.02 in strict accordance with their proposal as submitted.

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

Commissioner Mills ----- Aye:  
Commissioner Johnston --- Absent:  
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  
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ATTEST:  
Maree Collins, City Clerk \_\_\_\_\_

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RESOLUTION 48-16:

RESOLUTION APPROVING REAL ESTATE PURCHASE AND SALE CONTRACT AND THE PURCHASE BETWEEN THE HENDERSON CITY-COUNTY AIRPORT BOARD, JOHN MICHAEL DOSSETT, BRENDA K. DOSSETT, CHRISTOPHER D. DOSSETT, SHIRLEY A. DOSSETT, AND DAVID V. DOSSETT IN THE AMOUNT OF \$710,000.00; AND DIRECTING MAYOR TO EXECUTE ALL DOCUMENTS WHICH ARE DEEMED NECESSARY TO EFFECTUATE THE SALE AND CONVEYANCE OF THE PROPERTY

MOTION by Commissioner X R. Royster, seconded by Commissioner Jan Hite, authorizing the purchase with Henderson County of a tract of land located in Henderson County and containing 56.2 acres ±, to be managed by the Henderson City-County Airport Board for future expansion and improvement to the airport.

ALLEN BENNETT, Airport Manager indicated that the Henderson Airport Board has received a \$1,200,000.00 grant from the Federal Aviation Administration for Phase One of the runway extension project, which includes the purchase of land. This project has been planned for a number of years and the environmental assessment of the corridor was just completed. The purchase of this property is necessary to extend the runway. The remainder of the grant funds will be used for right-of-way acquisition, and utility and road relocation. The local match on this grant will utilize Land Bank credits from previous land purchases that have been accepted by the Land Bank and are being used for the local match share. There should be enough Land Bank credits to use for another \$1,000,000.00 in grant funds. The Kentucky Department of Aviation has been petitioned to supplement their normal 5% and go to 7.5%. There are three projects in the state that are currently funded through the KDA at 7.5%. It is estimated that local matching funds of around \$300,000.00 split between the City and the County will be necessary for this four to five year project.

CHRIS HOPGOOD, Airport Board Attorney, requested that the acceptance of the grant be placed on the next Board of Commissioners meeting agenda due to the upcoming acceptance deadline.

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

- Commissioner Mills ----- Aye:
- Commissioner Johnston --- Absent:
- Commissioner Hite ----- Aye:
- 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 23, 2016

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

DR. RICHARD WHAM, Airport Board Chair, thanked Mayor Austin, the Commissioners, and staff on behalf of the Airport Board for their cooperation and support of the Airport and this multi-year, multi-million dollar project that will greatly enhance the usability and economic development potential of the airport and our community.

MAYOR AUSTIN thanked Dr. Wham, the Airport Board, and the Airport Manager for their dedication and hard work on the continued growth of our airport.

RESOLUTION 49-16:

RESOLUTION APPROVING AMENDED AGREEMENT WITH THE HUMANE SOCIETY OF HENDERSON COUNTY, INC. ALLOCATING \$9,166.67 ON A MONTHLY

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**BASIS FOR ANIMAL CONTROL AND SHELTER SERVICES; AND GIVING MAYOR AUTHORITY TO EXECUTE AGREEMENT ON BEHALF OF CITY**

MOTION by Commissioner Robert M. Mills, seconded by Commissioner X R. Royster, approving the execution of an Amended Agreement deleting the provision relating to a vacancy in the executive director position with the Humane Society of Henderson County, Inc. for animal control and shelter services.

DAWN KELSEY, City Attorney indicated that the Agreement that was entered into for fiscal year 2017 contained a clause stating “All payments will be held in abeyance if there is a vacancy in the executive director position lasting more than fifteen (15) days until such time as the position is satisfactorily filled on an interim or permanent basis” and that when Mayor Austin was contacted to inform him that the Humane Society Executive Director stepped down in July and that in August the Board of the Humane Society reorganized staff positions eliminating the Executive Director position creating an Operations Manager position no funds could be dispersed. Mayor Austin and County Judge Schneider met with the Humane Society Board Chair and Secretary on Monday of this week and felt very comfortable with the direction they are going in and directed staff to prepare an amended Agreement that would allow the payments to be made. Mrs. Kelsey indicated that it was her understanding that Fiscal Court made this same amendment at their meeting.

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

- Commissioner Mills ----- Aye:
- Commissioner Johnston --- Absent:
- Commissioner Hite ----- Aye:
- 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 23, 2016

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

**RESOLUTION 50-16:**

**RESOLUTION AUTHORIZING DEED OF EASEMENT BETWEEN KENTUCKY COMMUNITY AND TECHNICAL COLLEGE SYSTEM, THE CITY OF HENDERSON, WATER AND SEWER COMMISSION OF THE CITY OF HENDERSON, AND THE CITY OF HENDERSON UTILITY COMMISSION; AND AUTHORIZING MAYOR TO EXECUTE DEED OF EASEMENT ON BEHALF OF THE CITY OF HENDERSON**

MOTION by Commissioner Jan Hite, seconded by Commissioner X R. Royster, authorizing the purchase with Henderson County of a tract of land located in Henderson County and containing 56.2 acres ±, to be managed by the Henderson City-County Airport Board for future expansion and improvement to the airport.

TOM WILLIAMS, Henderson Water Utility General Manager indicated that this stems from the relocation of utilities for the US 60 widening project from the 425 bypass past the college. Mr. Williams reported that the project has gone very well with excellent cooperation from the college.

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

- Commissioner Mills ----- Aye:
- Commissioner Johnston --- Absent:
- Commissioner Hite ----- Aye:

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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 23, 2016

ATTEST:
Maree Collins, City Clerk

CITY MANAGER’S REPORT:

RUSSELL R. SIGHTS, City Manager, indicated that the Board of Commissioners approved an appropriation to be used for Visionary Planning this year; however, there was no specific designation as to what the funds would be used for. Henderson County Tourist Commission has submitted invoices totaling \$15,000.00 for two projects -- an investment of \$10,000.00 in the Community Branding Initiative and \$5,000.00 for investment in the Sports and Meeting Space Feasibility Study that is currently in the initial stages but not completed. Mr. Sights indicated that without itemized approval, formal authorization would be necessary, if the Board would like for the invoices to be paid.

MAYOR AUSTIN indicated that a six person committee has been formed that is working on implementation of the Vision Plan and Branding. He went on to explain that the Sports and Meeting Facility Phase One is completed and that Phase Two is the second half of the \$30,000.00 commitment and that he, the Vision Committee Board, Tourism, Buzzy, and several others have raised about \$25,000.00. Last year the city committed to fund Phase Two as well as Phase One of the Sports Complex Study. The branding will be a year long process and include some new signage at the US 41 and US 60 city limits to include the new logos and things. Mayor Austin further indicated that the Vision Committee Board will help move through the process and there will be some matches to the city’s funding as well.

WILLIAM L. NEWMAN, JR., Assistant City Manager indicated that Phase Two will review the results of Phase One to prepare preliminary schematic designs of sport complexes address the need on the meeting space so that a formal final document along with cost to implement the capital investment as well as the operational approach to sports programs in the community can be presented.

Motion by Commissioner Robert M. Mills, seconded by Commissioner X R. Royster, authorizing payment of the submitted invoices from Henderson Tourist Commission for the Vision Plan and the Sports Complex in the total amount of \$20,000.00.

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

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

RUSSELL R. SIGHTS, City Manager, reported that items on the regularly scheduled Tuesday, September 20th, 2016 work session include a tour of the new Municipal Service Center; a demonstration of the new Municipal Center Drive-thru window vacuum system; and review and discussion of signage replacement to include the new branding ideas.

**CITY OF HENDERSON – RECORD BOOK**

Record of Minutes of           A Regular           Meeting on           August 23, 2016          

COMMISSIONER’S REPORT:

COMMISSIONER MILLS reported that he continues to hear that Henderson is not business friendly, but that no specifics are given. He indicated that in his opinion, tonight’s vote to reduce the personal property tax rate is a business friendly move.

MAYOR AUSTIN agreed that it has been hard to shake that reputation; however the implementation of the Planning Commission Site Review meetings seem to be working well for building contractors and developers to meet with all Planning, Utility and City or County staff to review plans all at once.

MR. SIGHTS, City Manager, indicated that staff is making a concentrated effort to change that image in our community. The Site Review meetings on Thursday morning are certainly important and they have gone very well overall. Staff continues to do other things as well, including employee training emphasizing that the public is our customer.

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COMMISSIONER ROYSTER asked when the sidewalks on South Main Street would be completed and why they haven’t been maintained since work stopped on them. He further asked for an explanation of why concrete work is being done elsewhere in the city without finishing that project first. He then asked for a status report on repair/replacement of the service cuts in our two new streets, Merritt Drive and 12<sup>th</sup> street.

MR. NEWMAN, Assistant City Manager, indicated that Third Street had been milled last spring and the conditions were worse than expected. At that time it was determined that the concrete repair of Third Street would take priority over the sidewalk project, so the concrete contractor was moved to Third Street to get it ready for paving. Third Street is now finished and the contractor should remobilize to the South Main Sidewalk Project sometime this week. The weeds and growth have been an ongoing issue with contractors; a lot of it has to do with the weather, but we are not going to make any excuses.

MR. SIGHTS assured Commissioner Royster that now that the concrete work has been completed on Third Street the contractor will be back on the Sidewalk Project.

MR. NEWMAN reported that Henderson Water Utility has been working to improve water pressure in the Craig Drive area. Portions of 12<sup>th</sup> Street have been repaved to cover up water line work. Work has now progressed around the corner onto Merritt Drive down to around 11<sup>th</sup> Street. A three foot pass along the edge of the road was cut and temporarily patched. Once the lines are tied into the Atkinson Park water tower the temporary patch will be removed and then the question becomes to repair sections or overlay the entire street to the railroad bridge. There seems to be some problem under the railroad bridge and HWU has been asked to find out what that is. A decision must be made on what to do about the surface from one end to the other of Merritt Drive. There is no money in the City’s budget to completely repave it and HWU has taken a position on what they want to contribute back to the project.

MR. WILLIAMS, Henderson Water Utility General Manager indicated that cold patch was placed in the section on Merritt Drive rather than gravel since there is so much traffic on it, realizing that it would have to be taken out to do some type of permanent repair. There are several places that need repairs and it is just a question of what the budget will allow. A 30” trench was cut in the pavement on Merritt from 12<sup>th</sup> toward 11<sup>th</sup> and he doesn’t feel that it is the responsibility of HWU to repave the entire street.

MR. SIGHTS indicated that he and Mr. Williams have discussed this, specifically the section from 12<sup>th</sup> down to 11<sup>th</sup> down toward the bottom of the hill and that his position is that this was a brand new street that cost thousands and thousands of dollars and that he must insist that if it is not put back in a 100% quality condition then the entire width must be milled and repaved and that HWU should be obligated to make it look like a new street.

## CITY OF HENDERSON – RECORD BOOK

Record of Minutes of           A Regular           Meeting on           August 23, 2016          

MR. WILLIAMS indicated that HWU is at the mercy of the City's contractor on the quality of work unless they go outside of the current arrangement and hire their own contractor to make the repair. Further discussion was held on this repair as well as the other service cuts and repair work necessary from the railroad bridge to 12<sup>th</sup> Street.

MR. NEWMAN indicated that this is not a new problem and that other repairs have turned out well. There will be some darker spots in the pavement, and lighter spots because of the age of the asphalt but we should be able to accomplish it all without a complete overlay.

COMMISSIONER MILLS indicated that this is a signature area of our community and how disappointed he is every time he drives over it. He continued that he understands that these things happen, but that it needs to look right and that everyone has the right intensions and hopefully the work can be completed before winter.

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REAPPOINTMENT: Municipal Housing Commission:  
Amy Taylor – Term To Expire September 30, 2020

Motion by Commissioner X R. Royster, seconded by Commissioner Robert M. Mills, upon recommendation of Mayor Steve Austin, to reappoint Amy Taylor to a four year term on the Municipal Housing Commission. Said term to expire September 30, 2020.

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

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

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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 of real estate located between First and Third Streets and Green Street and Carlisle Street and for property located in the area of the Ohio River/Highway 41 at 12<sup>th</sup> Street and Watson Lane pursuant to KRS 61.810 (1) (b) where publicity would affect the value of the property and for the discussion of proposed litigation by the City pursuant to KRS 61.810 (1) (c).

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

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

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MEETING RECONVENED:

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

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

Commissioner Mills ----- Aye:  
Commissioner Johnston --- Absent:

**CITY OF HENDERSON – RECORD BOOK**

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

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

WITHOUT OBJECTION, Mayor Austin declared the Meeting adjourned at approximately 8:07 p.m.

ATTEST:

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Steve Austin, Mayor  
September 13, 2016

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Maree Collins, City Clerk