

# CITY OF HENDERSON – RECORD BOOK

Record of Minutes of           A Regular           Meeting on           September 13, 2016          

A regular meeting of the Board of Commissioners of the City of Henderson, Kentucky, was held on Tuesday, September 13, 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 Mr. Charles Cameron, Zion Baptist Church Member, followed by Mr. Bob Skaggs and members of Henderson American Legion leading 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. 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  
 Mr. Robert Gunter, Finance Director  
 Mr. Owen Reeves, Gas System Director  
 Mr. Tom Williams, HWU General Manager  
 Mr. John Stroud, Code Inspector  
 Mrs. Theresa Richey, Development Liaison  
 Mr. Brian Bishop, City-County Planning Executive Director  
 Mr. Jimmy Blair, Colonial Assisted Living  
 Ms. Jessica Beaven, Colonial Assisted Living  
 Mr. Jim Hanley, Henderson American Legion  
 Mr. Bob Skaggs, Henderson American Legion  
 Mr. Sappy Gastenveld, Henderson American Legion  
 Mr. Bob G. Royster, Henderson American Legion  
 Mr. Bob Bean, Henderson American Legion  
 Mr. Donald E. Banks, Henderson American Legion  
 Mr. George Combs, Henderson American Legion  
 Mr. Aubrey Williams, Jr., Henderson American Legion  
 Mr. Ed Scheiver, Henderson American Legion  
 Mr. Jim Bolderjack, Henderson American Legion  
 Mr. Ken Christopher, Henderson County War Memorial Foundation  
 Mr. Mac Neel, Henderson County War Memorial Foundation  
 Mrs. Sarah Stewart, Downtown Henderson Partnership  
 Ms. Missy Vanderpool, Audubon Board of Realtors  
 Ms. Patti Bugg, Audubon Board of Realtors  
 Ms. Christie Alves Moore, Audubon Board of Realtors  
 Mr. Allen Bennett, City-County Airport Manager  
 Mr. Chris Hopgood, City-County Airport Board Attorney  
 Mr. Tom Davis, City Commissioner Candidate  
 Mr. Dwayne Buchanan  
 Mr. Rick Kellen  
 Mr. Ron Jenkins  
 Ms. Brittany Ross, SurfKy Reporter  
 Ms. Laura Acchiardo, *the Gleaner*  
 Mr. Mike Richardson, Police Reserve Officer

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PROCLAMATION: “National Assisted Living Week”

MR. JIMMY BLAIR, and MS. JESSICA BEAVEN, Colonial Assisted Living were in attendance to accept the proclamation. Mr. Blair announced that they would be opening a new facility on Adams Lane soon.

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PROCLAMATION: “American Legion Day”

MR. JIM HANLEY along with Henderson American Legion members Mr. Bob Skaggs, Mr. Sappy Gastenveld, Mr. Bob G. Royster, Mr. Bob Bean, Mr. Donald E. Banks, Mr. George Combs, Mr. Aubrey Williams, Jr., Mr. Ed Scheiver, and Mr. Jim Bolderjack, attended to accept the proclamation. Mayor Austin thanked them all for their service.

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PRESENTATION: Parklet Placemaking Project

MRS. SARAH STEWART, Downtown Henderson Partnership Assistant Director, presented a proposal for a Community Development/Placemaking Project to be located on an eight foot strip of private land adjacent to a parking lot in the 200 block of Second Street creating a small Parklet area with picnic tables, a bench, and planters. The Henderson Audubon Board of Realtors brought the project to DHP and grant funds are being sought through the National Association of Realtors Placemaking Micro Grant Program. Ms. Stewart asked that the City work with DHP and other local entities to develop new strategies that best fit our downtown community development to strategically shape the physical and social character of our community spaces.

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PRESENTATION: Borax Drive Economic Development Plan Update

WILLIAM L. NEWMAN, JR., Assistant City Manager, presented four proposed plans that have been produced by EACOM, the consulting engineering firm, as part of the Master Plan for the City owned property located off Borax Drive. Industries along Ohio Drive as well as local utilities have been contacted for input on the development of this property. All of the buildings that are proposed can be altered and/or moved to accommodate the needs of all sizes of industries that might be interested in the facility. It is anticipated that the written draft report will be completed for review in November with the final report expected in December after all feedback has been incorporated. Mr. Newman reported that approximately \$500,000.00 of Riverfront Development grant funds will remain after the planning stage to begin the next phase of the project.

MAYOR AUSTIN indicated that this project is very important because Henderson currently has no industrial site ready for a company to move into. The property was purchased with Riverfront Development grant funds that allow any monies received from the sale of lots to be put directly back into the project to help fund infrastructure.

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APPEARANCE OF CITIZEN:

MR. KEN CHRISTOPHER, Henderson County War Memorial Foundation, presented the artist’s model of the Admiral Husband Edward Kimmel statue and requested Board approval for placement of the statue at the Four Flags Memorial near the water feature on the riverfront and requested the release of the City’s appropriated contribution at this time so that the project can proceed to meet the planned December completion and unveiling date.

MOTION by Commissioner Robert M. Mills, seconded by Commissioner Jan Hite, to approve the proposed location and release of the appropriated contribution for the statue project.

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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:

APPEARANCE OF CITIZEN:

MR. RICK KELLEN, 1712 Kimsey Lane, addressed the Board of Commissioners indicating that he had purchased various tracts of land over a number of years in the Kimsey Lane/Klutey Park Plaza area and that part of this property is in the county and part in the city.

MAYOR AUSTIN indicated that the Board would take the request under advisement and have staff and the city attorney research the legal ramifications of removing property that is currently in the city.

APPROVAL OF CONSENT AGENDA:

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

Minutes: August 23, 2016, Regular Meeting

Resolutions: 51-16: Resolution Authorizing Acceptance of Grant in the Amount of \$1,084,881.00 from the United states department of Transportation, Federal Aviation Administration for Runway Extension project to the Henderson City-County Airport; and Authorizing and Directing Mayor to Execute any Necessary Documents on Behalf of the City of Henderson

52-16: Resolution Authorizing Participation in Kentucky pride Litter Abatement Grant Program

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

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 agenda items approved.

/s/ Steve Austin
Steve Austin, Mayor
September 13, 2016

ATTEST:
Maree Collins, City Clerk

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## ORDINANCE NO. 28-16: SECOND 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 Robert M. Mills, seconded by Commissioner Jan Hite, 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, affixed his signature and the date thereto and ordered that the same be recorded.

/s/ Steve Austin  
 Steve Austin, Mayor  
 September 13, 2016

ATTEST:

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

## ORDINANCE NO. 29-16: FIRST READ

DAWN KELSEY, City Attorney, indicated that this friendly annexation was a part of the Henderson Water Utility Sewer Extension Project in the US41A/Finley Addition area.

BRIAN BISHOP, Henderson City-County Planning Executive Director, indicated that Planning and Code Enforcement staff reviewed each parcel to determine the best zone classification based upon current and most recent uses. Due to the number of parcels and the number of classifications involved the project was broken into seven sections relating to the proposed zone classifications for the parcels.

## ORDINANCE NO. 29-16: ORDINANCE REGARDING ANNEXATION

AN ORDINANCE ANNEXING CERTAIN UNINCORPORATED TERRITORY TO THE CITY OF HENDERSON, KENTUCKY, BEING LOCATED ON US HIGHWAY 41-A IN HENDERSON COUNTY, CONTAINING SECTION #1, PARCELS #46C-15, #46-97, #46-98, AND #46-99; SECTION #2, PARCEL #46-100; SECTION #3, PARCEL #46-100.1; SECTION #4-A, PARCELS #46B-15 AND #46B-60; SECTION #4-B, PARCELS #46B-54 AND #46B-78; SECTION #5, PARCEL #46-131; SECTION #6, PARCELS #46F-1 THRU 46F-6 AND PARCELS #46F-8 THRU #46F-30; AND SECTION #7, PARCEL #46-134

MOTION by Commissioner X R. Royster, 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:

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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. 30-16: FIRST READ

RUSSELL R. SIGHTS, City Manager, indicated that the proposed ordinance reflects recommendations that were made in meetings with downtown merchants as far as space that can be used, no annual fees, and no annual renewal. A draft of the ordinance was forwarded to Downtown Henderson Partnership members for review.

ORDINANCE NO. 30-16: ORDINANCE RELATING TO MERCHANTS USE OF SIDEWALK IN CENTRAL BUSINESS DISTRICT

ORDINANCE ESTABLISHING SECTION 20-11, *SALE OF MERCHANDISE ON SIDEWALK IN CENTRAL BUSINESS DISTRICT*, OF ARTICLE I, *IN GENERAL OF CHAPTER 20, STREETS, SIDEWALKS, AND OTHER PUBLIC PLACES*, OF THE CODE OF ORDINANCES OF THE CITY OF HENDERSON PERMITTED TO BUSINESSES LOCATED IN THE CENTRAL BUSINESS DISTRICT

MOTION by Commissioner Jan Hite, seconded by Commissioner Robert M. Mills, that the ordinance be adopted.

COMMISSIONER ROYSTER took issue with the verbiage in #3 under Section 20.11 regarding who should be responsible for providing visible notice to the public of the existence of a defect or hazardous condition in the sidewalk and the timeframe of that notice. Discussion was held on the intent that the merchant was responsible to notify the city of the defect or hazardous condition and also notify the public until the city could either repair or mark the area.

COMMISSIONER HITE suggested that the verbiage relating to the space for the merchant’s use be changed from three feet from the building to leaving a minimum of four and one-half feet of unobstructed usable sidewalk, not including pavers, for pedestrian use thereby allowing merchants with more sidewalk more space for merchandise.

Consensus was reached to table the ordinance so that it could be redrafted with the requested changes.

MOTION by Commissioner Jan Hite, seconded by Commissioner Jesse Johnston, that the ordinance be TABLED.

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 tabled for review and revision by staff.

ORDINANCE NO. 31-16: FIRST READ

RUSSELL R. SIGHTS, City Manager, indicated that this subject was first broached as a result of a newspaper article. Subsequently a discussion was held with the person that was originally considering this type business and a work session was conducted to discuss possible options.



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Authority of Kentucky for the purchase of natural gas and acknowledging that PEAK will issue Gas Supply Revenue Bonds to fund the purchase from Morgan Stanley Capital Group, Inc.

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

/s/ Steve Austin  
 Steve Austin, Mayor  
 September 13, 2016

ATTEST:

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

CITY MANAGER’S REPORT:

Planning Commission Rezoning Recommendation: #1059, 800 Wolf Hills Boulevard  
 (a/k/a Player’s Club Golf Course Clubhouse Area, 5.688 acres)

RUSSELL R. SIGHTS, City Manager, reported that the Planning Commission has acted upon the request for rezoning of this property after conducting a public hearing at their August 2, 2016 meeting and producing findings of fact at their September 6, 2016 meeting. This Zoning Map Amendment shall be final and the property officially rezoned from Agricultural (AG)-Golf Course Restricted Use to General Business (GB) with a narrative development plan for 5.688 acres on Wednesday, September 28, 2016 unless an aggrieved party or the Board of Commissioners files written notice with the Planning Commission within the allotted twenty-one day time period to have the Board of Commissioners make the final decision. The deadline for filing written notice is Tuesday, September 27, 2016.

RUSSELL R. SIGHTS, City Manager, further reported that items on the regularly scheduled Tuesday, September 20<sup>th</sup>, 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 how best to incorporate the new branding ideas into city signage including the out-of-town pool car. Consensus was to meet at the new Municipal Service Center at 5:30 p.m. to begin the tour of the facility and then proceed back to the Municipal Center to continue the meeting.

COMMISSIONER’S REPORT:

COMMISSIONER JOHNSTON reported that he had been approached by a business owner in the Central Business District regarding parking issues in the downtown area and asked about the possibility of issuing parking permits to employees and business owners.

MAYOR AUSTIN replied that the Downtown Henderson Partnership could be contacted to assist with that request ; however the parking regulations were enacted for the very purpose of preventing employees and owners from parking in front of the businesses so that customers have parking. There had been a major issue with employees parking in front of other businesses causing problems for customers. He then indicated that he would have Mr. Sights contact DHP to have them look at the issue.

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APPOINTMENT: Henderson-Henderson County Human Rights Commission:  
Ms. Ann Cabell – Term To Expire June 30, 2019

Motion by Commissioner Robert M. Mills, seconded by Commissioner Jan Hite, upon recommendation of Mayor Steve Austin, to appoint Ms. Ann Cabell to a three year term on the Henderson-Henderson County Human Rights Commission replacing Ms. Darlene Ware. Said term to expire June 30, 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:

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

WITHOUT OBJECTION, Mayor Austin declared the Meeting adjourned at approximately 7:35 p.m.

ATTEST:

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Steve Austin, Mayor  
September 27, 2016

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Maree Collins, City Clerk