

CITY OF HENDERSON – RECORD BOOK

Record of Minutes of A Regular Meeting on January 24, 2017

A regular meeting of the Board of Commissioners of the City of Henderson, Kentucky, was held on Tuesday, January 24, 2017, 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 Charles Johnson, Norris Chapel Baptist Church followed by recitation of the Pledge of Allegiance to our American Flag.

There were present Mayor Steve Austin presiding:

PRESENT:

Commissioner Patti Bugg
Commissioner Robert N. Pruitt, Sr.
Commissioner Bradley S. Staton
Commissioner Austin P. Vowels

ALSO PRESENT:

Mr. Russell R. Sights, City Manager
Ms. Dawn Kelsey City Attorney
Ms. Maree Collins, City Clerk
Mr. William L. Newman, Jr. Assistant City Manager
Mr. Charles Stauffer, Police Chief
Mr. Scott Foreman, Fire Chief
Mr. Trace Stevens, Parks & Recreation Director
Mrs. Connie Galloway, Human Resources Director
Mr. Brian Williams, Public Works Director
Mrs. Doneta Williams
Mr. Steve Gibson, Streets Superintendent
Mr. David Steele, Crew Worker, Senior
Mr. John Stroud, Acting Code Administrator
Mr. Gary Quick, Henderson Municipal Power & Light General Manager
Mr. Christopher Heimgartner, Henderson Municipal Power & Light New General Manager
Mr. Randall Redding, Henderson Municipal Power & Light Legal Counsel
Mrs. Claudia Wayne, Planning Commission Assistant Executive Director
Mr. Bryant Woodard, Henderson City/County Rescue Squad
Reverend Charles Johnson, Norris Chapel Baptist Church
Mr. Ron Jenkins
Mr. Mike Richardson, Reserve Police Officer
Ms. Laura Acchiardo, the Gleaner

PRESENTATIONS: Introduction of New Henderson Municipal Power & Light General Manager

GARY QUICK, Henderson Municipal Power & Light General Manager, introduced the new General Manager Chris Heimgartner and thanked the Board of Commissioners and staff for the unwavering support he and the Utility Commission received during his eleven year tenure with HMPL.

CHRIS HEIMGARTNER, indicated that it was a pleasure to be here in Henderson and explained that he has 35 years experience in the utility industry but is new to Henderson so he has been learning a lot about the utility and the area. During that time he has gained a diverse management background including engineering, fleet management, real estate, construction and all other areas of operations. He said he was delighted to be offered the job here and is really looking forward to doing great work for the community.

MAYOR AUSTIN and the Board welcomed him to Henderson and indicated that they look forward to working with him.

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PRESENTATIONS: 2016 Roads Scholar/Road Master Training Program Certificate

RUSSELL R. SIGHTS, City Manager, indicated that it was his pleasure to recognize Brian Williams, David Steele, and Steve Gibson for completion of the Roads Scholar and Road Master Training programs sponsored by the Kentucky Local Technical Assistance Program through the Kentucky Department of Transportation. The training programs are intensive and cover a great deal of material and we are pleased that they were willing to do this as our representatives. We applaud what they have accomplished and thank them for their hard work on this.

BRIAN WILLIAMS, Public Works Director, conveyed on behalf of the group, their appreciation to the city for offering this type of training opportunity to the employees not only allowing growth for the employees but also improved service to the citizens of Henderson.

APPROVAL OF CONSENT AGENDA:

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

Minutes: January 09, 2017, Called Meeting
 January 17, 2017, Work Session

Resolutions: 12-17: Resolution Approving Agreement Between the Henderson City/County Rescue Squad, the City of Henderson, the County of Henderson, and Henderson Emergency Management

13-17: Resolution Authorizing the Submission of Grant Application to Transportation Cabinet, Kentucky Office of Highway Safety, in the amount of \$21,000.00 for the Police Department, and Acceptance of Grant if Awarded

Motion by Commissioner Pruitt, seconded by Commissioner Vowels, to approve the items on the Consent Agenda as presented.

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

Commissioner Staton ---- Aye:
Commissioner Pruitt ----- Aye:
Commissioner Bugg ----- Aye:
Commissioner Vowels --- Aye:
Mayor Austin ----- Aye:

WHEREUPON, Mayor Austin declared the consent agenda items approved.

/s/ Steve Austin
Steve Austin, Mayor
January 24, 2017

ATTEST:
Maree Collins, City Clerk _____

ORDINANCE NO. 01-17 SECOND READ
ORDINANCE AMENDING CODE OF ORDINANCES REGARDING MEETINGS

AN ORDINANCE AMENDING CHAPTER 2, SECTION 2-20 OF THE CODE OF ORDINANCES OF THE CITY OF HENDERSON RELATING TO MEETINGS OF THE BOARD OF COMMISSIONERS BY CHANGING THE TIME FOR MEETINGS FROM 5:30 P.M. TO 4:30 P.M., PREVAILING TIME

MOTION by Commissioner Pruitt, seconded by Commissioner Bugg, that the ordinance be adopted.

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COMMISSIONER BUGG indicated that the intention with the time change was to encourage more people to come to participate in city government; however, she heard from enough people that the 4:30 p.m. time is not convenient that she is certainly okay with leaving the meeting time at 5:30 p.m.

COMMISSIONER PRUITT indicated he had originally felt it was worth trying but after hearing Commissioner Bugg’s comments would also be in favor of leaving it at 5:30 p.m.

MAYOR AUSTIN pointed out that if this ordinance is voted down and not approved then the meeting time will continue to be at 5:30 p.m.

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

- Commissioner Staton ----- Nay:
- Commissioner Pruitt ----- Nay:
- Commissioner Bugg ----- Nay:
- Commissioner Vowels --- Nay:
- Mayor Austin ----- Nay:

WHEREUPON, Mayor Austin declared the ordinance DENIED, affixed his signature and the date thereto and ordered that the same be recorded.

 /s/ Steve Austin
Steve Austin, Mayor
January 24, 2017

ATTEST:

ORDINANCE NO. 02-17 FIRST READ
ORDINANCE AMENDING ZONING REGULATIONS

AN ORDINANCE AMENDING ARTICLE XXXI, *AUDUBON RESIDENTIAL DISTRICT PURPOSES*, SECTION 31.07, *SIGNAGE*, AND ARTICLE XXXII, *AUDUBON COMMERCIAL DISTRICT PURPOSES*, SECTION 32.07, *SIGNAGE* OF APPENDIX A OF THE CODE OF ORDINANCES OF THE CITY OF HENDERSON KNOWN AS THE ZONING ORDINANCE REGULATIONS OF THE CITY OF HENDERSON

MOTION by Commissioner Staton, seconded by Commissioner Pruitt, that the ordinance be adopted.

DAWN KELSEY, City Attorney, indicated that a group of interested citizens had asked the previous Board of Commissioners to re-examine the sign ordinance relating to the Audubon zones because those zones prohibit pole, pylon and cabinet type façade signs. The Board voted to have the Planning Commission review this and conduct a public hearing on any suggested changes. A committee looked at the options and recommended to change the prohibition against pole, pylon, and cabinet type façade signs from a prohibition to a conditional use. This would allow individuals in either the Audubon Residential or the Audubon Commercial zones to request permission from the Board of Zoning Adjustment to conditionally allow those types of signs. The Planning Commission unanimously approved the recommended zoning ordinance change and now it comes before you for formal adoption.

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

- Commissioner Staton ----- Aye:
- Commissioner Pruitt ----- Aye:
- Commissioner Bugg ----- Aye:
- Commissioner Vowels --- 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.

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ORDINANCE NO. 03-17 FIRST READ

CONNIE GALLOWAY, Human Resources Director, explained that she and the Police and Fire Chiefs had discussed that with the implementation of the new Hazardous Duty Pay Plan that it would be in the best interest of the organization and the employees to clearly define in the employee manual the process for calculating pay for promotions as well as acting pay for a temporary step-up when one employee is filling in during another employee's absence.

ORDINANCE NO. 03-17: ORDINANCE AMENDING EMPLOYEE MANUAL

ORDINANCE AMENDING ARTICLE 212-ENTRANCE RATE OF PAY AND ARTICLE 220-RATE OF PAY UPON JOB CLASSIFICATION CHANGE, OF THE EMPLOYEE MANUAL OF THE CITY OF HENDERSON TO DEFINE RATE OF PAY UPON PROMOTION AND TEMPORARY APPOINTMENT TO A HIGHER CLASSIFIED POSITION WITHIN THE HAZARDOUS DUTY PAY PLAN

MOTION by Commissioner Bugg, seconded by Commissioner Vowels, that the ordinance be adopted.

COMMISSIONER PRUITT asked Mrs. Galloway to better define Section 220.

CONNIE GALLOWAY explained that upon promotion to a higher position the employee receives an increase in their base pay of 5% or minimum of the grade whichever is higher.

COMMISSIONER VOWELS asked if this was a policy change or just amending the handbook to clarify the process.

CONNIE GALLOWAY answered that it was an amendment to clarify that the process for hazardous duty will remain the same as before the adoption of the Hazardous Duty Pay Plan. The difference is the Hazardous Duty Pay Plan has steps, and it just needed clarification so that everyone understands the process.

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

Commissioner Staton ----- Aye:
 Commissioner Pruitt ----- Aye:
 Commissioner Bugg ----- Aye:
 Commissioner Vowels --- 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.

MUNICIPAL ORDER NO. 03-17

MUNICIPAL ORDER AUTHORIZING LEASE BETWEEN THE CITY OF HENDERSON AND THE HOUSING AUTHORITY OF HENDERSON KENTUCKY, FOR THE VINE STREET ELEVATED TANK LOCATED AT 832 VINE STREET, HENDERSON, KENTUCKY; AND AUTHORIZING MAYOR TO EXECUTE SAME ON BEHALF OF CITY

MOTION by Commissioner Staton, seconded by Commissioner Pruitt, to adopt the municipal order authorizing a lease agreement between the City and the Housing Authority of Henderson, Kentucky for the Vine Street Elevated Tank located at 832 Vine Street.

MAYOR AUSTIN indicated that this agreement between the Housing Authority of Henderson and the City for radio equipment placement on the Vine Street tank was approved by the Water and Sewer Commission earlier this week.

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

- Commissioner Staton ---- Aye:
- Commissioner Pruitt ----- Aye:
- Commissioner Bugg ----- Aye:
- Commissioner Vowels --- 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
 January 24, 2017

ATTEST:
 Maree Collins, City Clerk _____

COMMISSIONERS REPORT:

COMMISSIONER STATON asked the Board to consider adopting a resolution at a future meeting regarding lighting in the city. The Henderson Smart Lighting Project is part of a series of steps for improvement in one specific area of town, the east end and surrounding areas in terms of looking at stepped up presence of police enforcement, encouraging home ownership and revitalization, work ready education, and reducing drug usage. The purpose of this would be to develop and subsequently implement a comprehensive plan to improve the quality, reliability, and energy efficiency of Henderson’s outdoor lights. The goals would be to improve safety, improve city beautification, reduce crime, and promote a sense of well-being throughout the city at night; to improve energy efficiency and save money; and to reduce light pollution and waste. He stated “This is one thing that I don’t want to isolate to any specific area of the city. I would like to see this study done throughout the city.” He proposed a committee that would include the City Engineer, the Assistant City Manager, the Henderson Municipal Power & Light Director or designee, and the Planning Director or designee. He further proposed a schedule of meetings and progress reporting for the Committee. He then asked for a consensus from the Board to move forward to create the resolution, and further the plan.

MAYOR AUSTIN asked if there was a consensus to move forward on this project?

All agreed to have Commissioner Staton move forward on the project.

 COMMISSIONER PRUITT requested permission and consensus from the Board to have staff prepare tax rate information in order to give the taxpayers of Henderson a million dollar tax cut in the form of \$500,000.00 this year and \$500,000.00 next year. Also to prepare information if it were split up \$400,000.00 property tax and \$100,000.00 payroll tax.

MAYOR AUSTIN asked if there was a consensus to move forward on this project?

COMMISSIONER VOWELS and COMMISSIONER STATON indicated that they would like to see the numbers and then decide what was appropriate with this year’s budget.

 COMMISSIONER BUGG reported that she and Commissioner Staton had discussed the possibility of grant money to help promote home ownership in the targeted area between Green, Atkinson, Washington Streets and Sand Lane. The project is in the beginning stages and she will report back with updates as it moves forward.

 COMMISSIONER STATON indicated that he had requested that Community Development funds be set aside as part of this year’s budget for those initiatives.

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COMMISSIONER VOWELS indicated that he had a few items, the first is a request to look into the City's policy regarding the use of speed humps in areas where there are traffic problems and possibly doing a study to identify areas where one is recommended. He received several requests for relief from speeding traffic from citizens during door to door campaigning.

COMMISSIONER PRUITT asked if there were particular streets he had in mind.

COMMISSIONER VOWELS indicated that one particular street was in the Hills neighborhood.

RUSSELL R. SIGHTS, City Manager indicated that the next step would be to establish a committee of staff members including the City Engineer and Public Works Director, and define criteria and traffic calming options as some communities have milled depressions instead of a hump. Also, be aware that even if streets are identified now, it would be spring when the asphalt plants gear up so that hot mix could be used. He indicated that a recommendation on policy and procedures could be ready within two meetings.

COMMISSIONER BUGG asked if maybe Water Street where all the kids play might be another location that could be looked at.

RUSSELL R. SIGHTS cautioned that it is important to be careful not to create an environment that encourages children to play in the street. He indicated that an example is, "Children at Play" signage is discouraged because it creates a false impression that it is okay to play in the street even though that is not what it says or the intent. He stated that could be included as part of the criteria procedure on whether a street qualifies or not.

COMMISSIONER VOWELS continued with the second item that he had been approached by a few people about is urban agriculture abilities and particularly small scale chicken farming in suburban neighborhoods. He indicated that he had done some research and found that Evansville and Louisville both allow it there. He further indicated that although he had briefly discussed this with each of the Commissioners he felt that he wanted to bring this forward to see if there was enough support to have staff look into this.

COMMISSIONER BUGG indicated that she felt that from a real estate standpoint most subdivisions have restrictions and this would be better handled from a subdivision standpoint rather than by the city.

COMMISSIONER PRUITT indicated that he felt that his neighborhood would not be in favor of chickens in the backyard, but agreed with Commissioner Bugg that if a subdivision regulated it and there was sufficient land and it would not cause a problem for the neighbors that it may be something that could be looked at.

COMMISSIONER VOWELS indicated that the ordinances on the books at this time are ambiguous about whether it is allowed and that the city has not allowed it in the past. An ordinance change would be necessary to move forward.

RUSSELL R. SIGHTS agreed that the current interpretation is that it is not allowed because it is not identified as being permitted.

DAWN KELSEY explained that it would also require a zoning ordinance change which would require an origination change to be sent to the Planning Commission for review and conduct a public hearing if recommendation for change is approved. Currently poultry is only allowed in the agricultural zone. If this is something that you want looked at, we should probably step back and somewhat construct a plan as to how this would look before sending it to the Planning Commission for review.

RUSSELL R. SIGHTS indicated that if it is changed by zone then it will be broader than a subdivision restriction and another thing to consider is that whatever is in a subdivision

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restrictive covenant is between the residents in that subdivision; the city does not enforce restrictive covenants.

COMMISSIONER VOWELS then asked the Commissioners if there was enough support to have staff look into the matter further.

COMMISSIONER BUGG asked if this could be done by variance or something else.

DAWN KELSEY indicated that maybe she was thinking of a conditional use permit, that a variance is only for a change in the property setback. A conditional use permit could not be done subdivision by subdivision, it is by zones. She used the Audubon zone ordinance amendment that was discussed earlier as an example of a conditional use.

COMMISSIONER STATON indicated that he had four concerns, the first would be the possible introduction of salmonella by people who aren't necessarily trained as they should be to handle livestock. Then there is the obvious noise and smell concern, and concerns of property resale values to the adjacent properties. He further indicated that with those concerns he would probably vote no; however, that doesn't mean that his mind could not be changed in the future.

MAYOR AUSTIN asked if there was support to move forward.

COMMISSIONER PRUITT indicated that he understood that some people wanted to have chickens, and many years ago chickens were allowed but times have progressed and the city has grown and he also has concerns about the health issues and property values and would not be in favor of amending the ordinance.

COMMISSIONER VOWELS indicated that those concerns could be addressed in the regulations for the way these chicken farms operate as far as distance and amount of chickens and whatnot. He said "I'm not suggesting that we just let them run wild through the city, but I understand your concerns."

MAYOR AUSTIN indicated that there appears not to be support for it right now, but that he may want to continue looking at how other communities have handled it, what the benefits are and maybe bring it back at a later date.

COMMISSIONER VOWELS indicated that if there is no support for that he certainly doesn't want to cause our staff any more work with it. The last item is that he wanted to remind everyone that the Board is conducting a review of the entire City Code of Ordinances and that a set schedule has been put in place and he encouraged everyone to look at the schedule and start coming up with thoughts to help improve our code of ordinances.

MAYOR AUSTIN announced that those ordinances are on the City's website and are easy to view chapter by chapter.

COMMISSIONER STATON indicated that to follow up on other item from the work session is the availability of the agenda was also changed. Instead of issuing the agenda on Friday before the meeting, it will now be available on the Wednesday prior to the meeting, so that citizens have an extra two days to reach out to the Board with concerns or questions. Items of a time sensitive nature will be walked onto the agenda as needed so that this will not slow down city government. He said he hopes people will take that as an opportunity to reach out and participate in city government.

He further indicated that he wanted to also mention that the Board will be looking at a couple of different options for the Non-Hazardous Duty Pay Plan. As reported at the work session the problem with using the KLC Pay Study is that certain positions or 105 of 199 employees are not in their data. An alternative is to collect data from comparable cities. He then asked the City Manager to report on the comparable cities that will be used.

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RUSSELL R. SIGHTS reported that after the work session staff discussed how best to proceed on a pay plan. One way was to compile data from Kentucky cities individually, it will be a challenge but it is possible and most if not all of our positions will be included in that data. This way we will know exactly which cities are include whereas in the KLC data you know how many but not which cities participated. The cities most comparable in size and local to us are Ashland, Paducah, Frankfort, Hopkinsville and Richmond. Hopkinsville is the only one of those five that is not a City Manager form of government. Mr. Sights then mentioned that even though Owensboro has a population of 58,000 they are only 30 miles away and are in direct competition for our employees, so the question is should Owensboro be included and maybe drop Richmond or Hopkinsville from the list.

COMMISSIONER VOWELS requested information on the turnover rate for each position for the last five or ten years to show what the retention is for the salaries that are set now.

CONNIE GALLOWAY indicated that the requested data could be provided for a five year timeframe.

DISCUSSION WAS HELD on which cities to include for the comparison; how best to compare each position; and how to address disparities if an across the board percentage were to be used. The final consensus was to present at least two plans-one with an across the board percentage increase and one providing for a position by position comparison using all six of the named cities by throwing out the high and low salaries of each position and using a median of the remaining salaries.

COMMISSIONER PRUITT indicated that he would like for the Board to consider using the recently vacated office suite located on the second floor of this building to meet with citizens in person to discuss their concerns. He suggested that a schedule could be worked out so that each Commissioner would have a time and date each week to meet with citizens and city employees to discuss issues.

COMMISSIONER STATON asked if there were any preexisting plans for the room and indicated that he liked the concept of being available.

RUSSELL R. SIGHTS reported that Congressman Comer has declined the use of the office space and that there are no plans for that space. He stated that is the only vacant space in this building if it is the desire of the Board to have an office in the building. Mr. Sights indicated that a schedule with each Commissioner's hours could be printed and placed on the door.

EXECUTIVE SESSION: Litigation

MOTION by Commissioner Bugg, seconded by Commissioner Staton to go into Executive Session pursuant to the provisions of KRS 61.810 (1) (c) for the discussion of pending litigation against the city.

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

Commissioner Staton ----- Aye:
 Commissioner Pruitt ----- Aye:
 Commissioner Bugg ----- Aye:
 Commissioner Vowels --- Aye:
 Mayor Austin ----- Aye:

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MEETING RECONVENED:

MOTION by Commissioner Staton, seconded by Commissioner Bugg, the Board of Commissioners reconvened in regular session.

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

- Commissioner Staton ----- Aye:
Commissioner Pruitt ----- Aye:
Commissioner Bugg ----- Aye:
Commissioner Vowels --- Aye:
Mayor Austin ----- Aye:

RESOLUTION 14-17:

RESOLUTION AUTHORIZING HENDERSON MUNICIPAL POWER AND LIGHT GENERAL MANAGER GARY QUICK (WHO IS SCHEDULED TO RETIRE ON JANUARY 31, 2017) TO REPRESENT THE POSITION OF THE CITY OF HENDERSON, KENTUCKY, IN THE APPLICATION OF BIG RIVERS ELECTRIC CORPORATION FOR DECLARATORY ORDER BEFORE THE KENTUCKY PUBLIC SERVICE COMMISSION, CASE NO. 2016-00278

MOTION by Commissioner Pruitt, seconded by Commissioner Vowels to approve the resolution authorizing Gary Quick, HMPL General Manager to represent the position of the City in the application of Big Rivers Electric Corporation for Declaratory Order before the Kentucky Public Service Commission after his retirement of January 31, 2017.

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

- Commissioner Staton ----- Aye:
Commissioner Pruitt ----- Aye:
Commissioner Bugg ----- Aye:
Commissioner Vowels --- 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
January 24, 2017

ATTEST:
Maree Collins, City Clerk

MEETING ADJOURN:

MOTION by Commissioner Pruitt, seconded by Commissioner Bugg, to adjourn the meeting.

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

- Commissioner Staton ----- Aye:
Commissioner Pruitt ----- Aye:
Commissioner Bugg ----- Aye:
Commissioner Vowels --- Aye:
Mayor Austin ----- Aye:

WITHOUT OBJECTION, Mayor Austin declared the Meeting adjourned at approximately 7:40 p.m.

ATTEST:
Maree Collins, City Clerk

Steve Austin, Mayor
February 14, 2017