

# CITY OF HENDERSON – RECORD BOOK

Record of Minutes of           A Regular           Meeting on           February 13, 2018          

A meeting of the Board of Commissioners of the City of Henderson, Kentucky, was held on Tuesday, February 13, 2018, 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.

MAYOR AUSTIN led the 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  
Mr. Randall Redding, Acting City Attorney  
Ms. Maree Collins, City Clerk  
Mrs. Donna Stinnett, Community Relations Manager/Public Information Officer  
Mr. Trace Stevens, Parks, Recreation & Cemeteries Director  
Mr. Robert Gunter, Finance Director  
Mrs. Connie Galloway, Human Resources Director  
Mr. Jason Hargitt, Interim Police Chief  
Mr. Jermaine Poynter, Police Major  
Mr. Brian Williams, Public Works Director  
Mr. Dylan Ward, Public Works Engineer  
Mr. Scott Foreman, Fire Chief  
Mr. Owen Reeves, Gas System Director  
Mr. Ray Nix, Code Administrator  
Mrs. Jennifer Latimer, Executive Assistant  
Mr. Brian Bishop, Planning Commission Executive Director  
Mr. Tom Williams, HWU General Manager  
Ms. Lindsay Lacosta, Downtown Henderson Partnership  
Mr. Mike Richardson, Reserve Police Officer  
Mr. Doug White, *the Gleaner*

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PRESENTATION: Ms. Lindsay Lacosta and Mr. Doug White-Pocket Park Naming Poll Results

LINDSAY LACOSTA, Downtown Henderson Partnership Executive Director, presented the results of the polls conducted by DHP relating to the three proposed names for the Pocket Park. Their results indicated that 63% of respondents preferred the name The Perch.

DOUG WHITE, *The Gleaner* Reporter, indicated that the story that ran in the newspaper relating to the Pocket Park received over 2,000 views and that a link to a survey site was attached for voting on the name. That poll indicated that 46% of participants preferred the name The Perch.

MOTION by Commissioner Staton, seconded by Commissioner Pruitt, to accept the results of the polls to name the pocket park to be located at 225 Second Street between Elm and Main Streets and to move forward with naming the park The Perch.

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

Commissioner Staton ----- Aye:  
Commissioner Pruitt ----- Aye:  
Commissioner Bugg ----- Aye:

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Commissioner Vowels ----- Aye:  
Mayor Austin ----- Aye:

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APPROVAL OF CONSENT AGENDA:

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

Minutes:       January 23, 2018, Called Work Session  
                  January 23, 2018, Regular Meeting

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  
February 13, 2018

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

ORDINANCE NO. 02-18 SECOND READ

ORDINANCE AMENDING PARKS AND RECREATION

AN ORDINANCE AMENDING CHAPTER 17, *PARKS AND RECREATION*, ARTICLE I - *IN GENERAL*, BY ADDING SECTION 17-3. *GOLF COURSE FEES* AND AMENDING ARTICLE III - *SPECIAL EVENTS*, SECTION 17-52, *INDEMNIFICATION OF THE CODE OF ORDINANCES OF THE CITY OF HENDERSON*

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

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

/s/ Steve Austin  
Steve Austin, Mayor  
February 13, 2018

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

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ORDINANCE NO. 03-18: SECOND READ  
ORDINANCE REPEALING CHAPTER 6, SECTION 6-3  
AN ORDINANCE REPEALING CHAPTER 6, *ANIMALS*, SECTION 6-3 *PURSUING, INJURING, KILLING OF ANIMALS AND BIRDS* OF THE CODE OF ORDINANCES OF THE CITY OF HENDERSON

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

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

/s/ Steve Austin  
Steve Austin, Mayor  
February 13, 2018

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

ORDINANCE NO. 04-18: FIRST READ  
ORDINANCE REGARDING ANNEXATION  
AN ORDINANCE ANNEXING CERTAIN UNINCORPORATED TERRITORY TO THE CITY OF HENDERSON, KENTUCKY, BEING LOCATED AT 406 OLD CORYDON ROAD (ALSO KNOWN AS LOT 5, BLOCK 1, WALTER MILLER SUBDIVISION), (PID#46D-4), 412 OLD CORYDON ROAD (ALSO KNOWN AS LOT 1, BLOCK 1, WALTER MILLER SUBDIVISION (PID#46D-5), AND 422 OLD CORYDON ROAD (ALSO KNOWN AS LOT 6, BLOCK 2, WALTER MILLER SUBDIVISION), (PID#46D-7) IN HENDERSON COUNTY, CONTAINING 1.5765 ACRES, MORE OR LESS, OWNED BY CHARLES S. MCATEE, LESLIE W. AND DONNA Y. CANNON AND FRANCIS M. AND ETTA JENKINS

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

RUSSELL R. SIGHTS, City Manager, reported that due to the length of time it takes to get to final approval, City police and fire have already been asked to respond to these addresses.

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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TOM WILLIAMS, Henderson Water Utility General Manager, indicated that under state law and HWU written policy, the developer is able to re-coop some of the expense of building the wastewater facility if anyone were to hook into the system in the future. He stated that they are not required to hook onto the sewer, but if they do they will have to pay their portion to defray part of the costs.

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ORDINANCE NO. 05-18: FIRST READ

ORDINANCE TO PROCEED WITH IMPROVEMENT BY SPECIAL ASSESSMENT AN ORDINANCE RELATED TO IMPROVEMENT OF SEWER FACILITIES AT BENT CREEK ESTATES BY BLD DEVELOPMENT AND TO APPROVE REIMBURSEMENT BETWEEN BLD DEVELOPMENT, LLC AND THE CITY OF HENDERSON FOR THE USE AND BENEFIT OF THE HENDERSON WATER UTILITY (HWU) AND TO APPROVE THE AIRLINE ROAD WASTE WATER REIMBURSEMENT FEE SCHEDULE FOR PARCELS WITH PVA ID NUMBERS (66-60; 67-77; 67-60.3; 67-60.2; AND 67-51.8)

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

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.

ORDINANCE NO. 06-18: FIRST READ

ORDINANCE AMENDING EMPLOYEE MANUAL AN ORDINANCE AMENDING THE EMPLOYEE MANUAL REGARDING ATTACHMENT A *DRUG AND ALCOHOL POLICY*, SECTION V. *TESTING PROCEDURE FOR FEDERALLY MANDATED JOB CLASSIFICATIONS: DRUGS*, SECTION M. *POSITION CHANGE TESTING*, AND SECTION T. *ADDITIONAL REQUIREMENTS*

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

RUSSELL R. SIGHTS, City Manager, indicated that there is one change in our Drug and Alcohol Policy due to a mandate by the Department of Transportation and then based on staff review, two recommended changes in our procedures.

CONNIE GALLOWAY, Human Resources Director, explained that the Department of Transportation expanded the drug panel testing and during review it was determined that clarification was needed in two other sections of the policy relating to drug screens for position changes such as promotions and disciplinary action for probationary employees that test positive for drugs or alcohol. The DOT regulations cover employees that are required to have a CDL and the other changes would apply to all employees.

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.

# CITY OF HENDERSON – RECORD BOOK

Record of Minutes of           A Regular           Meeting on           February 13, 2018          

MUNICIPAL ORDER NO. 03-18:

MUNICIPAL ORDER AWARDING BID FOR THE DEMOLITION AND REMOVAL OF STRUCTURE OF 540 SECOND STREET FORMERLY KNOWN AS IMMANUEL BAPTIST TEMPLE (IBT), ALSO KNOWN AS GRACE POINT BAPTIST CHURCH, INC., IN THE CITY OF HENDERSON TO HAZEX CONSTRUCTION COMPANY, INC., HENDERSON, KENTUCKY, IN THE TOTAL AMOUNT OF \$96,060.00

MOTION by Commissioner Pruitt, seconded by Commissioner Staton, to award the bid for demolition and removal of the structure of 540 Second Street, formerly known as Immanuel Baptist Temple, also known as Grace Point Baptist Church, Inc., to Hazex Construction Company, Inc., in the amount of \$96,060.00.

RUSSELL R. SIGHTS, City Manager, indicated that \$60,000.00 was included in the current budget for demolition and the bid came in at \$96,060.00. If award of the bid is approved, an appropriation amendment would be added to the mid-year review for the work session next week.

DYLAN WARD, Public Works Engineer, explained that it is believed that the bids came in higher than budgeted primarily because when those numbers were put together, 18 months or so ago, it was assumed that all the materials would be disposed of at no cost in the City landfill. However, our landfill has subsequently closed and the bids now include all disposal fees.

RAY NIX, Code Administrator, indicated that it has been his experience that if the project were to be rebid it would be a little higher because the same bidders would already know where the numbers were.

DISCUSSION WAS HELD regarding the mandatory pre-bid walk-thru meeting; that only one building was being removed; the necessary precautions to not damage the educational building; the timeline and precautions to cause the least disruption to the school; that the contractor has 60 days for completion after receiving the Notice to Proceed; and that the contractor has indicated a willingness to work around the school's schedule and to take extra precautions to be as non-obtrusive as possible for everyone's safety and convenience.

COMMISSIONER PRUITT asked Mr. Nix to give an update on the demolition and removal of the church on Center Street.

RAY NIX, Code Administrator, reported that the contractor has stonewalled on some of their earlier promises; however, they are still within their six month permit issued last November.

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  
 February 13, 2018

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

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MUNICIPAL ORDER NO. 04-18:

MUNICIPAL ORDER AUTHORIZING PURCHASE OF A JOHN DEERE RIDING GREENS MOWER FROM REYNOLDS GOLF AND TURF OF NICHOLASVILLE, KENTUCKY FOR THE PARKS DEPARTMENT, AT THE STATE PRICE CONTRACT IN THE AMOUNT OF \$26,980.00

MOTION by Commissioner Staton, seconded by Commissioner Pruitt, to authorize the purchase of a John Deere Riding Greens Mower from Reynolds Golf and Turf of Nicholasville, Kentucky at the State Contract Price of \$26,980.00 for the Parks department.

RUSSELL R. SIGHTS, City Manager, indicated that this is a budgeted purchase under state contract pricing, so no bid is required. The mower will be placed at the Henderson Municipal Golf Course.

TRACE STEVENS, Parks, Recreation and Cemeteries Director, indicated that the old mower will be sold at auction once the new mower arrives.

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  
February 13, 2018

ATTEST:

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

MUNICIPAL ORDER NO. 05-18:

MUNICIPAL ORDER ACCEPTING PROPOSAL OF VALUE PAYMENT SYSTEMS, LLC OF NASHVILLE, TENNESSEE, FOR DEBIT CARD UTILITY AND OTHER BILL PAYING SERVICES FOR CITY

MOTION by Commissioner Staton, seconded by Commissioner Vowels, to accept the proposal of Value Payment Systems, LLC, Nashville, Tennessee, for the provision of in-person debit card services for utility and other bill paying services for the City.

ROBERT GUNTER, Finance Director, indicated that several months ago the contract with this same company was approved for online debit and credit card services that are absorbed by the customer. These in-person debit card costs are absorbed by the City. He reported a good response from the proposals with a local bank, Independence Bank, actually quoting the same cost per transaction however their proposal included fees which made the total approximately \$40.00 per month more than Value Payment Systems.

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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## REVIEW AND DISCUSSION OF THE CODE OF ORDINANCES: Chapters 19 & 20

MAYOR AUSTIN, reported that due to the absence of the City Attorney, review of Chapter 19, *Planning* and Chapter 20, *Streets, Sidewalks, and Other Public Places*, Article I, *In General*, will be postponed until the next regular meeting.

## COMMISSIONERS' REPORT:

COMMISSIONER PRUITT indicated that he has received a lot of calls regarding the high utility bills and has one that has \$171.36 fuel adjustment and requested that Mr. Chris Heimgartner, Henderson Municipal Power and Light General Manager, explain to the citizens of Henderson what was included in the fuel adjustment.

MAYOR AUSTIN reported that he had received an email explaining what was included in the fuel adjustment and confirmed that all Board members had received the same email.

COMMISSIONER BUGG indicated that she too had received several calls relating to the high utility bills and she noticed that her bill was for an extra five days, from December 21<sup>st</sup> to January 26<sup>th</sup>, so that was some of it. She was wondering if there was something, a program of some sort that could be started to be able to help those people living in poverty because it is extremely difficult when they have to pay three or four hundred dollar utility bills.

## RE-APPOINTMENT: Henderson City/County Ethics Board: Ms. Becky Hudson Brown – Term to Expire February 14, 2020

Motion by Commissioner Staton, seconded by Commissioner Bugg, upon recommendation of Mayor Steve Austin, to reappoint Ms. Becky Hudson Brown to a term of two years on the Henderson City/County Ethics Board. Said term to expire February 14, 2020.

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:

## RE-APPOINTMENT: Board of Zoning Adjustment: Mr. Joseph E. Ternes, Jr. – Term to Expire February 24, 2022

Motion by Commissioner Staton, seconded by Commissioner Pruitt, upon recommendation of Mayor Steve Austin, to reappoint Mr. Joseph E. Ternes, Jr. to a term of four years on the Board of Zoning Adjustment. Said terms to expire February 24, 2022.

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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APPOINTMENT: Board of Zoning Adjustment:  
Ms. Heather Knight – Term to Expire February 24, 2022

Motion by Commissioner Bugg, seconded by Commissioner Staton, upon recommendation of Mayor Steve Austin, to appoint Ms. Heather Knight to replace Becky Stone, who is retiring, to a term of four years on the Board of Zoning Adjustment. Said term to expire February 24, 2022.

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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EXECUTIVE SESSION: Litigation

MOTION by Commissioner Bugg, seconded by Commissioner Staton, to go into Executive Session pursuant to KRS 61.810(1)(c) for the purpose of discussion of threatened litigation against the City and pursuant to KRS 61.810(1)(b) for the purpose of deliberation on the possible future purchase of real estate located at Highway 60, Highway 41, and Barrett Court in that publicity would likely affect the value of the property to be acquired for public use.

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 Pruitt, 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:

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RESOLUTION NO. 10-18:

**RESOLUTION RECOMMENDING AND APPROVING SETTLEMENT OF CLAIMS FOR LIFE INSURANCE POLICIES FOR DISABLED RETIRED EMPLOYEES UNDER THE POLICE AND FIRE PENSION**

MOTION by Commissioner Staton, seconded by Commissioner Pruitt, to adopt the resolution approving the recommended Settlement of Claims for Life Insurance Policies for Disability Retired Employees under the Police and Fire Pension.

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

    /s/ Steve Austin      
Steve Austin, Mayor  
February 13, 2018

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

MEETING ADJOURN:

MOTION by Commissioner Staton, 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 6:40 p.m.

\_\_\_\_\_  
Steve Austin, Mayor  
February 27, 2018

ATTEST:  
  
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Maree Collins, City Clerk