

CITY OF HENDERSON – RECORD BOOK

Record of Minutes of A regular Meeting on February 28, 2017

A regular meeting of the Board of Commissioners of the City of Henderson, Kentucky, was held on Tuesday, February 28, 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 Dr. Marcus Daly, Zion Baptist Church, followed by Boy Scout Troop 280 leading the assemblage in 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
Mrs. Donna Stinnett, Public Information Officer
Mr. Robert Gunter, Finance Director
Mr. Charles Stauffer, Police Chief
Mr. Scott Foreman, Fire Chief
Mr. Matt McClanahan, Fire Engineer
Mr. Trace Stevens, Parks & Recreation Director
Mr. Brian Williams, Public Works Director
Mr. Dylan Ward, Public Works Engineer
Mr. Brian Bishop, Planning Commission Executive Director
Mr. Tom Williams, HWU General Manager
Dr. Marcus Daly, Zion Baptist Church
Members of the Boy Scout Troop 280
Ms. Rhea Isenberg
Master Drew Isenberg
Master Alec Satterfield
Master Mason Bridgeman
Ms. Laura Acchiardo, the Gleaner

RECOGNITION OF VISITORS: Invitation to Attend Presentation of a Draft of the Development Process Analysis Study

BRIAN BISHOP, Planning Commission Executive Director invited the Board of Commissioners to attend the Planning Commission meeting scheduled for 6:00 p.m. on Tuesday, March 7th at which time TSW Design Group will present a draft of the Development Process Analysis Study, which for lack of a better term is known as the “business friendly” study. This will be the last opportunity for public input. Fiscal Court has also been invited.

PRESENTATION: East Heights Student Technology Leadership Project

RHEA ISENBERG introduced students Mason Bridgeman, Drew Isenberg and Alec Satterfield of the East Heights Student Technology Leadership Project – “Bad News Bears Need a Ballpark” to explain that these fourth and fifth grader’s project qualified for State during the regional event at WKU and will be presenting at UK in Rupp Arena on April 12th. The students created a video presentation and a Go Fund Me account to raise funds for improvements to the

CITY OF HENDERSON – RECORD BOOK

Record of Minutes of A regular Meeting on February 28, 2017

ORDINANCE NO. 04-17: FIRST READ
 ORDINANCE AMENDING BUDGET AND APPROPRIATION ORDINANCE
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 THE FISCAL YEAR COMMENCING JULY 1, 2016 AND ENDING JUNE 30, 2017 FOR
 THE CITY OF HENDERSON, KENTUCKY

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

COMMISSIONER PRUITT asked why the Police Investigation Fund is separated out from the rest of the Police budget.

ROBERT GUNTER, Finance Director, and POLICE CHIEF STAUFFER indicated that it is separated out in order to better track these seized assets that must be spent only on specific expenses.

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. 05-17: FIRST READ
 ORDINANCE AMENDING CODE OF ORDINANCES REGARDING
 ADMINISTRATION
 ORDINANCE AMENDING CHAPTER 2, ARTICLE I, *IN GENERAL*, SECTION 2-1,
OFFICIAL SEAL OF CITY, SECTION 2-2, *BANK DEPOSITORIES* AND SECTION 2-5
COMPLAINT PROCEDURE FOR ALLEGED DISCRIMINATION ON BASIS OF
HANDICAPPED STATUS OF THE CODE OF ORDINANCES OF THE CITY OF
 HENDERSON

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

DAWN KELSEY, City Attorney indicated that these are the changes that were discussed and recommended at a previous Board meeting to amend and update our ordinances with current state statutes.

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 28, 2017

ORDINANCE NO. 06-17: FIRST READ

ORDINANCE AMENDING CODE OF ORDINANCES REGARDING ACTING CITY MANAGER

ORDINANCE AMENDING CHAPTER 2, ARTICLE III, CITY MANAGER, SECTION 2-46 *ACTING CITY MANAGER* OF THE CODE OF ORDINANCES OF THE CITY OF HENDERSON

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

DAWN KELSEY, City Attorney this is just to allow the city manager to email the city clerk instead of sending a letter designating who will be acting city manager during his absence from 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:

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 17-17:

RESOLUTION GIVING AUTHORITY TO FILE A COMMENT IN THE FEDERAL COMMUNICATIONS COMMISSIONS MATTER REGARDING SMALL CELLS INFRASTRUCTURE; AND GIVING MAYOR THE AUTHORITY TO SIGN THE FINALIZED COMMENTS

MOTION by Commissioner Pruitt, seconded by Commissioner Vowels authorizing the Mayor to sign and file the finalized Comments in the FCC matter regarding Small Cells Infrastructure.

DAWN KELSEY, City Attorney, explained that the City was able to work with Crown Castle when they put a small cell infrastructure through our community. Since that time Mobility, which is a small cell network provider has filed a petition for declaratory judgment in front of the FCC requesting that the FCC determine that they have authority to cover and to govern how small cells will be cited in local communities. Because we were able to sit down with and work with Crown Castle before they came in and started their build we were able to protect our right-of-ways and tell them what we required of them. As you all know, cities have control over their right-of-ways and one of the things that was very important to us was to make sure that we had control over any builds that came into the Central Business District as well as our riverfront where we have invested so much money. The FCC and this declaratory judgment action is allowing states and local governments to file comments. We are currently working with our telecommunications attorney to work on this. We want to file a comment explaining what our experience was, that it was a good experience and the things that we did by having local control was that we did not put up too many poles, we were able to have them take the route that was least obtrusive in our downtown area and our riverfront where we had invested so much money and we were able to approve the type of equipment used because we discovered that they have equipment that is called lawn furniture which actually looks like refrigerators. The comments are due on March 8th.

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

Commissioner Staton ----- Aye:

CITY OF HENDERSON – RECORD BOOK

Record of Minutes of A regular Meeting on February 28, 2017

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 28, 2017

ATTEST:
Maree Collins, City Clerk _____

MUNICIPAL ORDER NO. 05-17

MUNICIPAL ORDER AWARDING BIDS FOR PURCHASE OF LIMESTONE ROCK AND SAND, GROUP A TO MULZER CRUSHED STONE, INC., TELL CITY, INDIANA, AND RECYCLED CONCRETE, GROUP B TO HAZEX CONSTRUCTION COMPANY, HENDERSON KENTUCKY

MOTION by Commissioner Vowels, seconded by Commissioner Pruitt, to adopt the municipal order authorizing the award of Bid #17-03 for the purchase of various rock, sand and limestone products known as Group A to Mulzer Crushed Stone, Inc., and recycled concrete know as Group B to Hazex Construction Company.

COMMISSIONER STATON asked if it had been a problem in the past obtaining multiple quotes.

DISCUSSION WAS HELD on the City’s previous experiences when Group A was purchased as separate items including confusion among the various city departments and contractors ordering under the contract; that quarries have territories making it more difficult and less cost effective to purchase outside the territory; of the inferior quality of product purchased in the past; and the satisfactory product and service provided by this vendor in the past.

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 28, 2017

ATTEST:
Maree Collins, City Clerk _____

MUNICIPAL ORDER NO. 06-17

MUNICIPAL ORDER AWARDING BID FOR PURCHASE OF CEMENT CONCRETE TO MEUTH CONSTRUCTION SUPPLY, INC. OF HENDERSON, KENTUCKY IN THE TOTAL BID AMOUNT OF \$185,530.00

MOTION by Commissioner Pruitt, seconded by Commissioner Staton, to adopt the municipal order authorizing the award of Bid #17-07 for the purchase of various cement concrete to Meuth Construction Supply, Inc. in the total bid amount of \$185,530.00.

RUSSELL R. SIGHTS explained that two of the bids were close and recommendation is therefore made to award the bid to the lowest of the response bidders.

CITY OF HENDERSON – RECORD BOOK

Record of Minutes of A Regular Meeting on February 28, 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 municipal order adopted, affixed his signature and the date thereto, and ordered that the same be recorded.

 /s/ Steve Austin
Steve Austin, Mayor
February 28, 2017

ATTEST:
Maree Collins, City Clerk _____

MUNICIPAL ORDER NO. 07-17

MUNICIPAL ORDER AWARDED BID FOR PURCHASE OF ONE (1) HEAVY DUTY SURFACE MOUNTED RUNWAY-TYPE DRIVE-ON LIFT, INCLUDING DELIVERY AND SET-UP TO WANNEMUEHLER OIL COMPANY, MOUNT VERNON, INDIANA IN THE AMOUNT OF \$28,402.90

MOTION by Commissioner Staton, seconded by Commissioner Vowels, to adopt the municipal order authorizing the award of Bid #17-06 for the purchase of a heavy duty surface mounted runway-type drive-on lift including delivery and set up at the new Municipal Service Center garage area in the amount of \$28,402.90.

BRIAN WILLIAMS, Public Works Director, explained that this 30,000 pound lift will allow City Garage staff to work on the dump trucks and garbage trucks when they need service. Currently the City Garage has two 18,000 pound lifts to accommodate cars and small service trucks. Mr. Williams stated that “this lift will be installed at the new Municipal Service Center along with the existing equipment that we have that will be taken down and moved when we move in the next few months.”

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 28, 2017

ATTEST:
Maree Collins, City Clerk _____

MUNICIPAL ORDER NO. 08-17

MUNICIPAL ORDER AWARDED BID FOR PURCHASE OF FOUR (4) PATROL/PURSUIT VEHICLES TO JOHN JONES AUTOMOTIVE DEALERSHIP, CORYDON, INDIANA, IN THE AMOUNT OF \$132,436.00; AND FOR TWO (2) SEDANS TO TOWN AND COUNTRY FORD OF EVANSVILLE, INDIANA IN THE AMOUNT OF \$41,250.00, FOR THE POLICE DEPARTMENT

MOTION by Commissioner Pruitt, seconded by Commissioner Staton, to adopt the municipal order authorizing the award of Bid #17-04 for the purchase of four patrol vehicles to

CITY OF HENDERSON – RECORD BOOK

Record of Minutes of _____ *A regular* _____ *Meeting on* _____ February 28, 2017

John Jones Automotive Dealership in the amount of \$132,436.00 and for the purchase of two sedans for the Police department to Town and Country Ford in the amount of \$41,250.00.

RUSSELL R. SIGHTS explained that competitive bids were received for the four cruisers and the two vehicles not related to police patrol. This is a budgeted purchase for replacement vehicles.

CHARLES STAUFFER, Police Chief, indicated that \$216,000.00 was budgeted for this purchase along with in-car camera equipment which are on hold due to the possibility of changing to a whole new camera system that can be integrated with a body camera system.

DISCUSSION WAS HELD on establishing policy and procedures for the use of body cameras; applying for grant funding to help with the purchase of an integrated body camera system; storage and data retrieval costs and policies and procedures; the need for additional personnel designated for administration of the program; the need for an exploratory committee to start the policy procedures and meet the criteria for the grant application process; and the disposal process for decommissioned patrol vehicles.

CONSENSUS was reached by the Board of Commissioners for staff to make a recommendation on establishing a Committee to review the process to accomplish grant application requirements to offset funding for a body camera system to be integrated with a new in-car camera system; Committee membership, draft schedule of goals; and meeting schedule outline.

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 28, 2017

ATTEST:

Maree Collins, City Clerk _____

MUNICIPAL ORDER NO. 09-17

MUNICIPAL ORDER AWARDING BID FOR PURCHASE OF POLICE UNIFORMS AND ACCESSORIES TO SIEGEL'S CORPORATION OF EVANSVILLE, INDIANA IN THE AMOUNT OF \$30,182.00

MOTION by Commissioner Pruitt, seconded by Commissioner Vowels, to adopt the municipal order authorizing the award of Bid #17-05 for the purchase of Police uniforms and accessories to Siegel's Corporation in the amount of \$30,182.00.

RUSSELL R. SIGHTS indicated that Chief Stauffer had researched why the bids came in the way they did and the difference in quality of the items.

COMMISSIONER STATON asked how much was budgeted for this item.

RUSSELL R. SIGHTS explained that the budget line item of \$42,000.00 includes uniforms, accessories and protective vests.

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

CITY OF HENDERSON – RECORD BOOK

Record of Minutes of A regular Meeting on February 28, 2017

RUSSELL SIGHTS, City Manager, indicated that this firm also does work for the State Highway Department and virtually everyone in Western Kentucky. He further indicated that this process was shown in the earlier presentation regarding asphalt street maintenance by taking the top one and one-half inch off the pavement to preserve the base.

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 28, 2017

ATTEST:

Maree Collins, City Clerk _____

CITY MANAGER’S REPORT:

RUSSELL R. SIGHTS, City Manager, indicated that last year Chief Foreman found and the Board of Commissioners approved the purchase of a used rescue truck replacing the oldest of our two units. No other department within the city has a need for the truck so it is to be declared surplus property and disposed of. The Henderson Rescue Squad has requested that the City donate that surplus unit to them; however, the city is unable to donate the unit to them. The City Attorney has a proposed solution.

DAWN KELSEY, City Attorney, explained the Henderson Rescue Squad is a not-for-profit organization and the city cannot transfer surplus property to a not-for-profit organization unless it is for economic development. Ms. Kelsey suggested that the city could lease this truck to the Rescue Squad retaining ownership. The lease terms would spell out requirements to keep the truck serviced, insured, etc. This lease would not be setting precedent as the city has leased property for a parking lot to the library for a number of years.

DISCUSSION WAS HELD and a consensus of the Board of Commissioners was reached to have the City Attorney prepare a lease agreement between the City and the Henderson Rescue Squad for the surplus Rescue Truck.

COMMISSIONERS REPORT:

COMMISSIONER BUGG indicated that the Marsha’s Place annual banquet is scheduled for March 21st and requested that the Board move the work session scheduled for that same evening to Monday, March 20th at 5:30 p.m.

CONSENSUS was reached by the Board of Commissioners to reschedule the Work Session from Tuesday, March 21st to 5:30 P.M., Monday, March 20th.

APPOINTMENT: Henderson Utility Commission:
 Mr. Jim Vincent – Term To Expire April 25, 2019

Motion by Commissioner Staton, seconded by Commissioner Pruitt, upon recommendation of Mayor Steve Austin, to appoint Mr. Jim Vincent to fill the unexpired term of Gregory Risch on the Henderson Utility Commission. Said term to expire April 25, 2019.

CITY OF HENDERSON – RECORD BOOK

Record of Minutes of A Regular Meeting on February 28, 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:
-

REPORT:

SCOTT FOREMAN, Fire Chief, reported on the status of the city’s storm sirens and the need for a plan of replacement as many of them are 30 to 40 years old. Federal Field Services has completed servicing all of the sirens and repairs have been completed on the Community Park siren. There are two others that have chronic failure issues due to the older radio system technology as well as other parts failures. The sirens at Highway 351 and Larue Road and Highway 60 and Barrett are in need of replacement sooner than later. A grant application has been submitted for two replacement sirens with a twenty-five percent match; however, award is not expected until October and there is no guarantee the city will be awarded the grant. Each siren costs \$26,616.00 with a \$400.00 discount for the purchase of two and an \$800.00 discount when three are purchased at the same time. The price includes installation and it currently takes approximately twelve weeks from date of order to installation. Chief Foreman also indicated that the new sirens have a larger radius and a map analysis has been completed indicating the possibility of relocating some of the new installations for better coverage.

RUSSELL R. SIGHTS, City Manager, indicated that it had been previously discussed to purchase one siren per year to have available in case one went down; however, the warrantee begins when purchased and not when installed so that was not an option. Mr. Sights further indicated that at a minimum we need to replace two sirens, whether we get a grant or not and recommended authorizing the chief to start the process of buying two replacement sirens along with review of the map analysis to decide the best locations for them.

COMMISSIONER PRUITT indicated that the Commissioners would be meeting with state representative in Washington DC during the National League of Cities annual conference and requested that the appropriate information be readied to present a request for funding for this safety issue at that time.

SCOTT FOREMAN, Fire Chief, indicated that he would provide all the information and the maps to City Manager Sights.

DISCUSSION WAS HELD and a consensus was reached by the Board of Commissioners to authorize starting the process of purchasing two replacement sirens and if the grant is awarded in October it would be in the next fiscal year and we will purchase two more for the \$15,000.00 match.

REVIEW AND DISCUSSION OF THE CODE OF ORDINANCES: Chapter 2, Articles IV through VII

DAWN KELSEY, City Attorney, gave a brief review of the various staff recommended revisions. The revisions include the following sections: Section 2-65 *Administrative departments enumerated.*-revise Public Services to Public Works; Section 2-67 *Impeachment of officers.*-repeal and replace with reference to KRS83A.040(9) and rules to conduct the public hearing; Section 2-79 *Statutory provision; civil service.* and Section 2-96 *Statutory provisions of civil service.*-revise from KRS95.690 to KRS95.629; Section 2-83 *Fee for serving legal process documents.*-amend to \$40.00; Section 2-213 *Rules and regulations for fire department adopted.* and Section 2-214 *Rules and regulations for police department adopted.*-repeal both as 2-80 and 2-97 already refer to the department manuals; Section 2-224 *Definitions.*-add HWU General

CITY OF HENDERSON – RECORD BOOK

Record of Minutes of A regular Meeting on February 28, 2017

Manager and delete Utility Commission; Sections 2-229, 2-231, 2-232, 2-234, 2-249, 2-265, 2-266, 2-267, 2-269, 2-270, 2-271, 2-272 all relate to old pension plans and need to be amended to reflect membership was frozen as of July 1, 1987 and employees were given opportunity to enter into the CERS and other related revisions; Section 2-299 *Small purchase procedures*.-revise shall obtain three price quotes to may obtain as there are times when three are not obtainable; Section 2-307 *Determination of prevailing wage*.-repeal as state statute has changed.

DISCUSSION WAS HELD and approval was given by the Board of Commissioners that staff recommendations be accepted and amendments be made to the ordinances accordingly.

EXECUTIVE SESSION: Real Estate

MOTION by Commissioner Bugg, seconded by Commissioner Vowels to go into Executive Session pursuant to the provisions of KRS 61.810 (1) (b) 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:
-

MEETING RECONVENED:

MOTION by Commissioner Bugg, 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:
-

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 8:40 p.m.

ATTEST:

Maree Collins, City Clerk

Steve Austin, Mayor
March 28, 2017