

CITY OF HENDERSON – RECORD BOOK

Record of Minutes of A Regular *Meeting on* March 13, 2018

A meeting of the Board of Commissioners of the City of Henderson, Kentucky, was held on Tuesday, March 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.

INVOCATION was given by Dr. Tim Hobbs, Community Baptist Church, followed Scout Jacob Happoldt and Scout James Murphy 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 (Arrived at approximately 6:00 p.m.)
 Commissioner Robert N. Pruitt, Sr.
 Commissioner Bradley S. Staton
 Commissioner Austin P. Vowels

ALSO PRESENT:

Mr. Russell R. Sights, City Manager
 Mrs. Dawn Kelsey, City Attorney
 Ms. Maree Collins, City Clerk
 Mr. Robert Gunter, Finance Director
 Mrs. Connie Galloway, Human Resources Director
 Mr. Trace Stevens, Parks, Recreation & Cemeteries Director
 Mr. Brian Williams, Public Works Director
 Mr. Jermaine Poynter, Police Major
 Mr. Owen Reeves, Gas System Director
 Mr. Ray Nix, Code Administrator
 Mr. Doug Boom, Engineer
 Mr. Dylan Ward, Public Works Engineer
 Ms. Tammy Willett-Speaks, Community Development Specialist
 Mrs. Jennifer Latimer, Executive Assistant
 Mr. James Murphy, Scout
 Mr. Jacob Happoldt, Scout
 Ms. Tori Green, Greater Norris Chapel Baptist Church
 Ms. Chardae Chambers, Greater Norris Chapel Baptist Church
 Ms. Tammy Sutton, AKZ
 Mr. Rob Carroll, South Heights Elementary Principal
 Ms. Grace Henderson
 Ms. Robin Palmer
 Ms. Tammy Martin
 Ms. Yvonne Duncan
 Mrs. Brandi Myers
 Mr. Steve Myers
 Ms. Ladonna Parrish
 Mr. Brian Glick
 Ms. Esther Thomas
 Dr. Tim Hobbs, Community Baptist Church
 Mr. Doug White, *the Gleaner*
 44 News
 Eyewitness News
 Mr. Mike Richardson, Police Reserve Officer

PRESENTATION: Halloween Extravaganza Awarded Kentucky Parks and Recreation Society “2017 Program of the Year”

TRACE STEVENS, Parks, Recreation and Cemeteries Director, reported that the October 2017 Halloween Extravaganza won the “2017 Program of the Year” award from the

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Kentucky Parks and Recreation Society. This event was in collaboration with an event that five local churches, Greater Norris Chapel Baptist Church, First Missionary Baptist Church, Seventh Street Baptist Church, New Jerusalem Baptist Church and Race Creek Baptist Church had conducted the previous three years, the Audubon Kids Zone, South Heights Elementary school and the Henderson Parks and Recreation department. The trick or treat trail began at Audubon Kids Zone and proceeded to the John F. Kennedy Center passing over 60 different local groups, businesses, organizations and homeowners handing out treats along the route. City Police, Fire and Public Works departments provided support the day of the event.

Ms. Tori Green and Ms. Charlene Chambers of Greater Norris Chapel Baptist Church, Ms. Tammy Sutton, Audubon Kids Zone, and Mr. Rob Carroll, South Heights Elementary School all spoke about the impact that the event had on the neighborhood and how great it was to serve close to 1,500 kids and their families through this special collaborative event.

APPEARANCE OF CITIZENS:

GRACE HENDERSON, Henderson, Kentucky, and several local citizens described the pain from their illnesses and the various sometimes debilitating side effects caused by the many medications prescribed to them over the years. Robin Palmer, Tammy Martin, Yvonne Duncan, Brandi Meyers, Brian Glick, Ester Thomas, Steve Meyers and Ladonna Parrish all spoke in support of the legalization of the use of medical cannabis under strict guidelines in the state of Kentucky and requested that the Board show their support by adopting a resolution of support for HB166.

DISCUSSION WAS HELD relating to the how a doctor's certification would be required and the licensing of dispensaries, which is where certain strains of the cannabis plant are dispensed by knowledgeable workers depending on what symptom relief is recommended for the patient; that there are several ways to use the product-smoke, vaping, oils, pills/capsules, food products; 29 other states and the District of Columbia have passed legislation legalizing medical cannabis; in those states, opioid overdose deaths decreased by approximately 25% and teen use of marijuana decreased; that prescriptions cannot legally be written because in 1971 the Federal Drug Administration classified cannabis as a Schedule 1 Drug which means that it has no medicinal qualities and is highly addictive, both have since been proven incorrect in study after study; that as a federally designated Schedule 1 substance it cannot be taken across state lines; Industrial Hemp derived CBD Oil is legal in Kentucky and does provide some medical benefits, however CBD works better when combined with low dose THC; it is not possible to overdose on medical cannabis; no death has ever been attributed to medical cannabis; concerns of employees testing positive for marijuana and losing their jobs; that even the doctor of one young patient had to admit that the inflammation markers were reduced in only one month using cannabis with no prescription drugs; that even though there might be potential for abuse the testimony and results described outweigh that issue; that this is not about getting high, but about relief of painful debilitating symptoms of the disease as well as the pharmaceuticals given to combat them; and that the Kentucky League of Cities opposes HB166 for reasons relating to Home Rule/local government controls.

RESOLUTION NO. 13-18:

RESOLUTION SUPPORTING MEDICAL CANNABIS LEGALIZATION IN KENTUCKY

MOTION by Commissioner Vowels, seconded by Commissioner Staton, approving the resolution of support of legalization of medical cannabis in Kentucky.

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

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

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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
March 13, 2018

ATTEST:
Maree Collins, City Clerk _____

PROCLAMATION: “Natural Gas Utility Workers’ Day”

MAYOR AUSTIN asked the Clerk to read the proclamation recognizing March 18th as “Natural Gas Utility Workers’ Day.”

OWEN REEVES, Gas System Director, accepted the proclamation and thanked our gas customers stating that ‘without them we are nothing.’ He indicated that we serve almost 10,000 customers and are one of the largest volume municipals in the state as well as the nation. He recognized the men and women of his department for the work they do in all types of adverse weather and reported particular pride in achieving their number one goal of no lost-time accidents for the 2017 calendar year. _____

APPROVAL OF CONSENT AGENDA:

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

Minutes: February 27, 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
March 13, 2018

ATTEST:
Maree Collins, City Clerk _____

ORDINANCE NO. 07-18 SECOND READ

ORDINANCE AMENDING BUDGET AND APPROPRIATION ORDINANCE
AN ORDINANCE AMENDING BUDGET AND APPROPRIATION ORDINANCE
FOR THE FISCAL YEAR COMMENCING JULY 1, 2017 AND ENDING JUNE 30, 2018
FOR THE CITY OF HENDERSON, KENTUCKY

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:

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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
March 13, 2018

ATTEST:

Maree Collins, City Clerk _____

ORDINANCE NO. 08-18: FIRST READ

ORDINANCE AMENDING CHAPTER 20, STREETS, SIDEWALKS AND OTHER PUBLIC PLACES

AN ORDINANCE AMENDING ARTICLE I, *IN GENERAL*, SECTION 20-5, *PETITION TO BOARD OF COMMISSIONERS FOR GREATER THAN ORDINARY USE OF STREETS OR SIDEWALKS*; SECTION 20-7 *BOOTHES, CONCESSIONS, CARNIVALS FOR THE SALE OF MERCHANDISE ON STREETS*; AND BY REPEALING SUB-SECTION (G) OF SECTION 20-8, *HOUSE NUMBERING PLAN OF CHAPTER 20, STREETS SIDEWALKS AND OTHER PUBLIC PLACES OF THE CODE OF ORDINANCES OF THE CITY OF HENDERSON*

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

DAWN KELSEY, City Attorney, indicated that this originated from the ordinance review process and that the recommendation regarding the placement of plants on right-of-ways would be further reviewed under Ordinance Review later in the agenda.

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 NO. 12-18:

RESOLUTION GRANTING PROPERTY REASSESSMENT MORATORIUM FOR LINDSEY EMBRY AND DAVID AND JULIA “CHRISTY” OSBORN FOR PROPERTY LOCATED AT 212 NORTH WATER STREET, HENDERSON KENTUCKY

MOTION by Commissioner Staton, seconded by Commissioner Vowels, approving the resolution granting a property reassessment moratorium for property located at 212 North Water Street, owned by Lindsey Embry and David and Christy Osborn.

RUSSELL R. SIGHTS, City Manager, indicated that KRS99.600 provides for a property tax moratorium and that our ordinances allow for up to five full years that the increase in value will not be taxed by the City.

DAWN KELSEY, City Attorney, explained that this only freezes the city property assessment and does not affect the city net profits tax or pay roll tax, or county property assessment or school tax assessment.

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

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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
March 13, 2018

ATTEST:
Maree Collins, City Clerk _____

MUNICIPAL ORDER NO. 12-18:

MUNICIPAL ORDER AUTHORIZING AWARD OF CONTRACT FOR AUDITING SERVICES TO ATA [ALEXANDER THOMPSON ARNOLD, PLLC (FORMERLY MYRIAD CPA GROUP)] OF HENDERSON, KENTUCKY, FOR FISCAL YEARS ENDING JUNE 30, 2018, JUNE 30, 2019 AND JUNE 30, 2020

MOTION by Commissioner Staton, seconded by Commissioner Pruitt, to authorize award of a contract for auditing services to ATA (Alexander Thompson Arnold) PLLC (formerly Myriad CPA Group), Henderson, Kentucky, for fiscal years ending June 30, 2018, 2019, and 2020 in the amount of standard hourly rates plus out-of-pocket costs not to exceed \$37,500.00 per year.

RUSSELL R. SIGHTS, City Manager, reported that Myriad CPA Group had merged with Alexander Thompson Arnold and that the Audit Committee is recommending the three-year contract at the rate of not more than \$37,500.00 per year (which is the same rate as the current three-year contract). He further reported that ATA has a wide variety of municipal experience in other states and that he and the Audit Committee viewed this as a plus for 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 municipal order adopted, affixed his signature and the date thereto, and ordered that the same be recorded.

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

ATTEST:
Maree Collins, City Clerk _____

MUNICIPAL ORDER NO. 13-18:

MUNICIPAL ORDER AWARDING BIDS FOR RECONSTRUCTION OF DILAPIDATED HOME LOCATED AT 513 S. INGRAM STREET TO L.N.G. BUILDERS, HENDERSON, KENTUCKY, IN THE AMOUNT OF \$98,900.00; AND FOR RECONSTRUCTION OF A DILAPIDATED HOME LOCATED AT 39 MEADOW STREET TO ADAMS CONSTRUCTION, KENTUCKY, KENTUCKY IN THE AMOUNT OF \$99,950.00

TAMMY WILLETT-SPEAKS, Community Development Specialist, reported that this is the culmination of a year long process. She and the applicants have worked through the process to finally meeting all requirements to get started on replacing these homes. She indicated that a combination of HOME Investment Partnership Program and Community Development Block

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Grant funds would be utilized to finance demolition and reconstruction on these two homes for these very deserving families. She reported that a ribbon cutting ceremony would be scheduled once the projects are completed.

MOTION by Commissioner Pruitt, seconded by Commissioner Vowels, to award the bids of Contracts to L.N.G. Builders, Henderson, Kentucky, and Adams Construction, Henderson, Kentucky, for reconstruction of dilapidated homes located at 513 S. Ingram and 39 Meadow Streets in the amounts of \$98,900.00 and 99,500.00 respectively, in strict accordance with bids as submitted pursuant to Bid Reference 18-03.

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
March 13, 2018

ATTEST:
Maree Collins, City Clerk _____

MUNICIPAL ORDER NO. 14-18:

MUNICIPAL ORDER AWARDING BID FOR PURCHASE OF CEMENT CONCRETE TO MEUTH CONSTRUCTION SUPPLY, INC. OF HENDERSON, KENTUCKY, IN THE TOTAL AMOUNT OF \$189,140.00 AS THE PRIMARY SUPPLIER, AND IRVING MATERIALS, INC. OF HENDERSON, KENTUCKY, AS AN ALTERNATIVE SUPPLIER

MOTION by Commissioner Pruitt, seconded by Commissioner Staton, to award the bid for the purchase cement concrete to Meuth Construction Supply, Inc. of Henderson, Kentucky, as the primary supplier, and Irving Materials, Inc., Henderson, Kentucky, as an alternative supplier when Meuth Construction Supply, Inc. is unable to fill a City order within the required timeframe as outlined in the bid documents, in strict accordance with bids as submitted pursuant to Bid Reference 18-17.

RUSSELL R. SIGHTS, City Manager, indicated that this was a very competitive bid response.

DYLAN WARD, Public Works Engineer, explained that this was an annual contract to provide cement concrete product in varying grades for various projects for all City departments throughout the year. The bid used estimated quantities to set unit prices for what will actually be used.

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

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ATTEST:
Maree Collins, City Clerk _____

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MUNICIPAL ORDER NO. 15-18:

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 Staton, seconded by Commissioner Vowels, to award the bid for the purchase of Group A-various aggregate limestone rock and fill and mortar sand, to Mulzer Crushed Stone, Inc., Tell City, Indiana, in strict accordance with bid as submitted pursuant to Bid Reference 18-16; and Group B-recycled concrete, to Hazex Construction Company, Henderson, Kentucky, in strict accordance to negotiated price submitted pursuant to Bid Reference 18-16.

DYLAN WARD, Public Works Engineer, explained that this bid is split into two groups, Group A, various aggregate limestone rock used for sidewalks and road service cuts, and fill and mortar sand, and Group B, recycled concrete. Specifications require that each vendor bid on each item within a group or the bid would be considered non-responsive. No bids were received on Group B by the deadline; however, Hazex did contact the City apologizing for not submitting the bid on time and as no responsive bids were received, Model Procurement allows that a price can be negotiated. Mr. Ward is recommending that the price submitted by Hazex for recycled concrete be accepted.

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
March 13, 2018

ATTEST:
Maree Collins, City Clerk _____

MUNICIPAL ORDER NO. 16-18:

MUNICIPAL ORDER AWARDING BID FOR MOWING OF CITY PROPERTIES TO INTEGRITY PROPERTY MANAGEMENT OF HENDERSON, KENTUCKY, FOR GROUP A PROPERTIES

MOTION by Commissioner Staton, seconded by Commissioner Pruitt, to award the bid for mowing services of City properties Group A-various parks, recreation fields and municipal buildings, to Integrity Property Management, Henderson, Kentucky, in strict accordance with bid as submitted pursuant to Bid Reference 18-14.

RUSSELL R. SIGHTS, City Manager, reported that this is a new vendor and Mr. Stevens is available to answer any questions.

TRACE STEVENS, Parks, Recreation and Cemeteries Director, indicated that Group A mowing includes larger parks such as Sunset and Atkinson.

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

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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
March 13, 2018

ATTEST:
Maree Collins, City Clerk _____

MUNICIPAL ORDER NO. 17-18:

MUNICIPAL ORDER AWARDING BID FOR MOWING OF CITY PROPERTIES TO PIERSON SOUTHERN TURF LAWN CARE OF HENDERSON, KENTUCKY, FOR GROUP B PROPERTIES

MOTION by Commissioner Staton, seconded by Commissioner Pruitt, to award the bid for mowing services of City properties Group B-various right-of-way, municipal buildings and City owned properties, to Pierson Southern Turf Lawn Care, Henderson, Kentucky, in strict accordance with bid as submitted pursuant to Bid Reference 18-15.

TRACE STEVENS, Parks, Recreation and Cemeteries Director, indicated that Group B mowing includes right-of-ways, retention ponds, smaller areas and vacant lots.

COMMISSIONERS PRUITT and STATON expressed pleasure in being able to award both of the mowing Contracts to local Henderson companies.

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
March 13, 2018

ATTEST:
Maree Collins, City Clerk _____

MUNICIPAL ORDER NO. 18-18:

MUNICIPAL ORDER AUTHORIZING PURCHASE OF AVAYA IP OFFICE SERVER EDITION VOIP PHONE SYSTEM AND INSTALLATION SERVICES FROM INTEGRATION PARTNERS, LEXINGTON, KENTUCKY, FOR THE PUBLIC SAFETY BUILDING (FORMERLY KNOWN AS THE PEABODY BUILDING) AT THE STATE PRICE CONTRACT IN THE AMOUNT OF \$21,987.87

MOTION by Commissioner Pruitt, seconded by Commissioner Bugg, to authorize the purchase of an Avaya IP Office Server Edition VoIP Phone System and installation services for the Public Safety Building from Integration Partners, Lexington, Kentucky, at the State Contract Price of \$21,987.87.

RUSSELL R. SIGHTS, City Manager, reported that \$26,750.00 was budgeted for the replacement of the telephone system in the Public Safety Building, which includes all offices not

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related to the 9-1-1 system. The price for the system with installation under state price contract came in well under the budgeted amount.

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
March 13, 2018

ATTEST:
Maree Collins, City Clerk _____

MUNICIPAL ORDER NO. 19-18:

MUNICIPAL ORDER AUTHORIZING AWARD OF BID FOR BODY-CAMERA/IN-CAR VIDEO CAMERAS FOR THE POLICE DEPARTMENT TO UTILITY ASSOCIATES, INC. OF DECATUR, GEORGIA, IN THE AMOUNT OF \$429,000.00 TOTAL FIVE (5) YEAR COST

MOTION by Commissioner Staton, seconded by Commissioner Bugg, to award the bid for the purchase of 50 body-worn cameras and 40 in-car video cameras for the Police department to Utility Associates, Inc. of Decatur, Georgia, in the amount of \$85,800.00 per year for five years totaling \$429,000.00, in strict accordance with bid as submitted pursuant to Bid Reference 18-04.

JERMAINE POYNTER, Police Major, reported that this is one of the premier systems that was tested by the Committee and it is recommended for all of the advanced out-of-the-box features including gun-shot detection. He indicated that this system will drastically increase transparency while increasing officer safety.

DISCUSSION WAS HELD regarding other equipment that was comparable; that while this may cost more now, it will pay off in the long run and has much easier software to use; that Evansville PD is in the process of changing to this system from what they already have; that this system will need the least additional manpower to maintain the system as well as to comply with open records requests; that policy and training for the use of the cameras will be based on other communities policy and procedures; that open records compliance will be an ongoing concern with updates to the policy as necessary based on revisions to state requirements; the possibility of utilizing the gun-shot detection software in conjunction with the school system and their video surveillance equipment will be researched for quicker response; this is a five year lease that can be terminated at any time by returning the equipment for no additional costs- if the system doesn't do what it is supposed to or newer, better equipment/software becomes available the current equipment can be returned or upgraded; and this is a great day for the City of Henderson because we are being proactive and not reactive on this issue.

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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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
March 13, 2018

ATTEST:

Maree Collins, City Clerk _____

REVIEW AND DISCUSSION OF THE CODE OF ORDINANCES: Chapter 20, Articles II and III

DAWN KELSEY, City Attorney, indicated that as a follow up from the last review, the state has been contacted regarding the tree near Powell and Green Streets and they have agreed to look at it. She then gave a brief review of Chapter 20, *Streets, Sidewalks, and Other Public Places*, Article II, *Excavations*: Section 20-24, *Approval required*-requires a permit and states that Permit application fees and inspection fees may be charged as established by the board of commissioners, however no fees have been set for Permits or Inspections (Board not interested in setting fees); Article III, *Trees*, Section 20-40, *Public tree care*, relating to planting trees within the right-of-way of any city street or city property with written permission of the city manager-this is in conflict with other sections and current policy; Section 20-41, *Pruning and clearance*-amend to require property owners to prune any limbs under eight (8) foot that overhang street, right-of-way, sidewalks or easement and this violation would be heard by the Code Enforcement Board; Section 20-42, *Unlawful to cut*-remove right-of-way from the list of places that it is unlawful to cut, top, prune, trim or remove any tree; and Section 20-43, *Dead or diseased*-replace the city shall have the right to identify any dead or diseased trees on public property within the city with current policy-the City shall have the right to identify and remove any dead limbs and or trees in the city right-of-way that pose a hazard or safety issue to life or property.

DISCUSSION WAS HELD regarding policy of only removing dead portions of trees; misconception that the City will remove live trees on right-of-way upon request; sidewalk clearance requirements; and that the ordinance relating to beekeeping is still under review and should be ready for the next meeting.

CITY MANAGER’S REPORT:

CONNIE GALLOWAY, Human Resources Director, reported that the Health Waiver Benefit for those employees that elect to waive City health insurance coverage on themselves and/or on their spouse was enacted in 2012 and has been extended in three year terms through December 2015 and will expire December 31, 2018 without formal action.

The Board of Commissioners gave informal approval for the Health Waiver to continue for another three year cycle and requested staff to prepare documents for formal approval at a future meeting.

CONNIE GALLOWAY, Human Resources Director, announced that the City received a check in the amount of \$51,290.46 as a premium reimbursement from our reinsurance portion of our health plan, for stop loss insurance. No stop loss claims were made for the plan year of July 1, 2016 through June 30, 2017 so Sun Life was able to refund a portion of our premium. We also received a premium reimbursement last year in the amount of \$45,662.07.

RUSSELL R. SIGHTS, City Manager, congratulated Dylan Ward on receiving his Professional Engineer licensure which is the engineering profession's highest standard of competence, a symbol of achievement and assurance of quality.

OWEN REEVES, Gas System Director, reported that the Btu rates discussed last fall have not held true through the present time and that the Btu rate has decreased more than

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expected at this time. Mr. Reeves suggested holding off until later in the year to make any further changes. However, a sliding month-to-month scale had been discussed earlier and could be implemented sooner if the Btu rate continues to go down. The rate ordinance implemented last fall does not affect commercial or industrial customers, only residential customers. Currently the increased Btu rate is estimated to be less than \$6.00 per month.

DISCUSSION WAS HELD regarding the intent of the original ordinance was to keep from losing money, not increase profits and that the monthly sliding scale seems to achieve the original intent. Staff will prepare an ordinance to be presented at the first meeting in April.

RUSSELL R. SIGHTS, City Manager, reported that the work session scheduled for Tuesday, March 20th will start at 4:00 p.m. instead of the regular start time of 5:30 p.m.

DISCUSSION WAS HELD and it was determined that the work session would begin at 3:30 p.m.

COMMISSIONERS' REPORT:

COMMISSIONER PRUITT indicated that the Kentucky League of Cities is against HB 166 for other reasons not related to the use of medical cannabis and that he understands why police are against it, but he feels that it is the right thing to do for people that are suffering that could get relief with use of regulated medical cannabis.

EXECUTIVE SESSION: Personnel and Real Estate

MOTION by Commissioner Bugg, seconded by Commissioner Staton, to go into Executive Session pursuant to KRS 61.810(1)(f) for the purpose of discussions which might lead to the appointment and/or termination of an individual employee; 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 and Wathen Lane; and for the deliberation on the possible future purchase of property located near Barrett Boulevard, Highway 60 and Highway 41, in that publicity would likely affect the value of these properties 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:

MEETING RECONVENED:

MOTION by Commissioner Pruitt, seconded by Commissioner Staton, 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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MEETING ADJOURN:

MOTION by Commissioner Staton, seconded by Commissioner Vowels, 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 8:45 p.m.

ATTEST:

 Steve Austin, Mayor
 March 27, 2018

 Maree Collins, City Clerk