

# CITY OF HENDERSON – RECORD BOOK

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

A regular meeting of the Board of Commissioners of the City of Henderson, Kentucky, was held on Tuesday, March 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 Heath Farmer, One Life 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  
Mrs. Donna Stinnett, Public Information Officer  
Mr. Robert Gunter, Finance Director  
Mr. Charles Stauffer, Police Chief  
Mr. Mike Shockley, 9-1-1 Communications Supervisor  
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  
Mrs. Connie Galloway, Human Resources Director  
Mr. Ray Nix, Code Enforcement  
Mr. Tom Williams, HWU General Manager  
Mr. Todd Bowley, HWU Chief Financial Officer  
Mr. Paul Bird, Water & Sewer Commission Chairman  
Mr. Jeff Gregory, Human Relations Commission  
Reverend Charles Johnson, Human Relations Commission Chairman  
Mr. Chris Heimgartner, HMPL General Manager  
Mr. Gary Bell, Henderson Utility Commission Chairman  
Mr. Randall Redding, Utility Commission Attorney  
Mr. Jim Hanley, Henderson American Legion Post No. 40  
Mr. Butch Williams, Henderson American Legion Post No. 40  
Ms. Lorie Maltby, Henderson Community College  
Ms. Cassy Gilliam, Henderson County Public Library  
Mrs. Sheila Reid, Henderson's General Samuel Hopkins Chapter of DAR  
Mrs. Mary Alice Springer, Henderson's General Samuel Hopkins Chapter of DAR  
Mr. Tom Jake, Henderson Depot Community Room  
Ms. Susie Thurman, Friends of the Henderson County Public Library  
Mr. Heath Farmer, One Life Church  
Mr. Mike Richardson, Police Reserve Officer  
Ms. Laura Acchiardo, the Gleaner

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PROCLAMATION: "Henderson and the Great War Commemoration"

MAYOR AUSTIN presented the "Henderson and the Great War Commemoration" proclamation to Mr. Jim Hanley and Mr. Butch Williams, Henderson American Legion Worsham Post No. 40; Ms. Cassy Gilliam, Henderson County Public Library; Mrs. Mary Alice Springer and Mrs. Sheila Reid, Henderson's General Samuel

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Hopkins Chapter of DAR; Mr. Tom Jake, Henderson Depot Community Room; Ms. Lorie Maltby, Henderson Community College; and Ms. Susie Thurman, Friends of the Henderson County Public Library. Ms. Maltby indicated that a number of events are scheduled over the next eighteen months to honor and document the sacrifices made by the men and women that fought in the war and also the citizens that sacrificed and supported the war from the home front.

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PROCLAMATION: “Fair Housing Month”

MAYOR AUSTIN presented the “Fair Housing Month” proclamation to Reverend Charles Johnson, Henderson-Henderson County Human Relations Commission. Reverend Johnson thanked the Board for their continued support of fair housing in our community.

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PRESENTATION:   Municipal Power & Light Payment in Lieu of Taxes

CHRIS HEIMGARTNER, Municipal Power and Light General Manager indicated that he would try to answer the question of why the cash payment to the City has not changed over the last several years even after the recent rate increases. Mr. Heimgartner gave a brief presentation on the overall financial health and status of the utility indicating that the utility had been losing money for several years but continued to pay the agreed upon cash contributions to the City utilizing reserve funds. He indicated that the utility also provides in-kind services to the City that have steadily increased over the years. He reported that the rate increase implemented in 2009 is dedicated to paying off a bond issue and that with the rate increases implemented in the past 24 months, the utility has basically become a break-even organization. Mr. Heimgartner said that it appears to him that the utility can afford the transfers and the in-kind the way they are structured right now; however, if the transfer were to increase since the utility doesn’t have any reserves left that would have to flow through at some point to rates.

DISCUSSION WAS HELD on rate increases over the last ten years; restricted and unrestricted reserve levels in order to meet contractual and bond obligations; the increases in prices of coal and lime as well as other expenses; the fuel adjustment line item on the utility bill; how the in-lieu-of tax payment is determined; and how/why HMPL had been using reserves to make the agreed upon payment while losing money until the 2015 fiscal year when one of the rate increases went into effect. Mr. Heimgartner indicated that he would provide a detailed explanation of the electric adjustment line item.

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APPROVAL OF CONSENT AGENDA:

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

Minutes:       February 21, 2017 Work Session  
                  February 28, 2017, Regular Meeting

Motion by Commissioner Vowels, seconded by Commissioner Staton, 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:

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WHEREUPON, Mayor Austin declared the consent agenda items approved.

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

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

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

MOTION by Commissioner Staton, seconded by Commissioner Bugg, 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  
March 28, 2017

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

ORDINANCE NO. 05-17: SECOND 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 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, affixed his signature and the date thereto and ordered that the same be recorded.

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

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

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ORDINANCE NO. 06-17: SECOND 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.

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  
 March 28, 2017

ATTEST:

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

ORDINANCE NO. 07-17: FIRST READ

TOM WILLIAMS, HWU General Manager, reported that a study done by American Water Works shows that water use per capital has gone down significantly over the last several years. From 1999 to 2016 usage went down between 15% and 16% which has a direct impact on revenues. Back in the early 2000s HWU went to a rate structure that is based strictly on volumetric rates. This means that if no water goes through the meter a zero bill is received. There is no fixed charge. Mr. Williams indicated that this is a very unique rate structure and knows of no other utility of like size in Kentucky or even in this part of the United States based on straight volumetric rates. Most utilities, about 95%, have some sort of fixed rate charge in their rates to cover fixed costs associated with just the delivery of water to your door whether it is used or not. He went on to review the last ten years of revenue from residential, industrial and commercial accounts. He explained that the first of a series of 5.85% rate increases that take effect every July 1<sup>st</sup> beginning in 2011 were implemented to fund the Long Term Control Projects estimated at \$40,000,000.00. The Consent Judgment Projects included replacing water lines and sewer lines in the downtown area along with repaving all of the affected streets; the Canoe Creek project that goes out to Pleasantview and then pumps sewage through town to the plant; and a major renovation of the wastewater plant. With the decline in usage, revenues have not kept pace with expenditures and the utility would be spending down reserves to maintain the system. Mr. Williams pointed out that industry standard indicates that capital expenditures should be about the amount of annual depreciation each year in order to keep the system in a state of repair that will provide clean water and wastewater service to a residence. The utility has a ten year Strategic Plan that shows that much more than the \$2.5 to \$3 million per year is needed to accomplish the Plan. Just last week a single project at the South Wastewater Plant presented itself that is going to cost \$2.5 million to fix properly or \$1.8 million for a band aid fix. Even with passing this single \$5.00 fixed charge for stormwater impacts that are not covered in the current rate structure the utility's reserves are estimated to be a negative \$1.9 million at the end of 2023.

ORDINANCE NO. 07-17: ORDINANCE ADOPTING CHARGES FOR WATER, WASTEWATER AND STORMWATER SERVICES

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AN ORDINANCE REPEALING AND REPLACING ORDINANCE 03-11, AND ADOPTING NEW WATER, WASTEWATER, AND STORMWATER CHARGES TO BE EFFECTIVE ON JULY 1, W017, AND IMPLEMENTATION OF AUTOMATIC ANNUAL RATE INCREASE ON JULY 1, 2018

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

TOM WILLIAMS, HWU General Manager, pointed out that Rate Table A attached to the ordinance applies to people that live inside the city limits and that is where the fixed stormwater charge has been added; Rate Table B are the charges for customers that are outside the city limits. There are approximately 800 of those customers. In 2014 a series of fixed charges of \$5.00 for water and \$5.00 for sewer were adopted.

DISCUSSION WAS HELD on the amount of necessary reserve funds; the cost of potential emergency and unexpected capital expenditures; the cost to replace a single mile of the 220 miles of pipe line is estimated at \$1 million; if this change might be postponed until next year; that approximately 500 customers on average last year received a monthly bill for less than \$1.00 and that approximately 2,500 customers received a combined water and sewer bill that was less than \$20.00; the possibility of including a certain number of gallons of water per month in the flat fee to encourage increased usage; and the possibility of including a certain number of gallons of water per month in the flat fee at a future date when reserve levels are sufficiently built up.

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

- Commissioner Staton ----- Aye:
- Commissioner Pruitt ----- Nay:
- 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. 08-17: FIRST READ**  
**ORDINANCE AMENDING CODE OF ORDINANCES REGARDING**  
**ADMINISTRATIVE DEPARTMENTS**

AN ORDINANCE AMENDING CHAPTER 2, ARTICLE IV, *DEPARTMENTS AND OFFICES*, SECTION 2-65, *ADMINISTRATIVE DEPARTMENT ENUMERATED OF THE CODE OF ORDINANCES OF THE CITY OF HENDERSON*

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.

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ORDINANCE NO. 09-17: FIRST READ

ORDINANCE AMENDING CODE OF ORDINANCES REGARDING ADMINISTRATIVE DEPARTMENTS

AN ORDINANCE AMENDING CHAPTER 2, ADMINISTRATION, DIVISION 2, POLICE DEPARTMENT, SECTION 2-79, STATUTORY PROVISIONS OF CIVIL SERVICE (POLICE) AND DIVISION 3, FIRE DEPARTMENT SECTION 2-96, STATUTORY PROVISIONS OF CIVIL SERVICE OF THE CODE OF ORDINANCES OF THE CITY OF HENDERSON

MOTION by Commissioner Pruitt, 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 on its first reading and ordered that it be presented for a second reading at a meeting of the Board of Commissioners.

ORDINANCE NO. 10-17: FIRST READ

ORDINANCE AMENDING CODE OF ORDINANCES REGARDING LEGAL PROCESS FEES

AN ORDINANCE AMENDING CHAPTER 2, DIVISION 2, SECTION 2-83, FEE FOR SERVING LEGAL PROCESS DOCUMENTS 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 on its first reading and ordered that it be presented for a second reading at a meeting of the Board of Commissioners.

ORDINANCE NO. 11-17: FIRST READ

ORDINANCE AMENDING CODE OF ORDINANCES REGARDING PERSONNEL

AN ORDINANCE AMENDING CHAPTER 2, ADMINISTRATION, ARTICLE VI, PERSONNEL, DIVISION 1, GENERALLY, SECTION 2-224 DEFINITIONS OF THE CODE OF ORDINANCES OF THE CITY OF HENDERSON

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

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

- Commissioner Staton ----- Aye:

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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. 12-17: FIRST READ**  
**ORDINANCE AMENDING CODE OF ORDINANCES REGARDING PURCHASING, SALES AND CONTRACTS**

AN ORDINANCE AMENDING CHAPTER 2, *ADMINISTRATION*, ARTICLE VII, *PURCHASING, SALES, AND CONTRACTS*, SECTION 2-299 *SMALL PURCHASE PROCEDURES* OF THE CODE OF ORDINANCES OF THE CITY OF HENDERSON

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

COMMISSIONER STATION asked what prompted the change from “shall” to “may.”

DAWN KELSEY, City Attorney, responded that there are certain times that three price quotes are not available and because of the way the ordinance is currently written it requires the city manager to acquire three quotes.

DISCUSSION WAS HELD and it was determined to amend the ordinance as written from “may” to “should attempt to.”

MOTION by Commissioner Station, seconded by Commissioner Bugg to amend subsection (c) to read: The city manager or his designee [~~shall~~] should attempt to obtain three (3) price quotes from vendors and select the one most advantageous to the city.

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

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

The vote was called to adopt the amended ordinance. 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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RESOLUTION 18-17:

RESOLUTION AUTHORIZING THE SUBMITTAL OF GRANT APPLICATION AND ACCEPTANCE IF AWARDED TO THE DEPARTMENT FOR LOCAL GOVERNMENT UNDER THE RECREATIONAL TRAILS GRANT PROGRAM IN THE AMOUNT OF \$100,000.00 TO CONSTRUCT CANOE CREEK NATURE TRAIL, PHASE II PROJECT, AND AUTHORIZING THE MAYOR TO EXECUTE THE NECESSARY DOCUMENTS

MOTION by Commissioner Staton, seconded by Commissioner Pruitt authorizing the submittal of a grant application, and acceptance if awarded, to the Department for Local Government under the Recreational Trails Grant Program in the amount of \$100,000.00 to construct Phase II of the Canoe Creek Nature Trail Project.

DONNA STINNETT, Public Information Officer, explained that the grant funds would be to construct Phase II of the Canoe Creek Nature Trail Project on the recently acquired property located off Borax Drive. Mr. Ray Nix, the project manager for the original Canoe Creek Trail loop has been involved in this proposed project as well. The grant does require matching funding that will include in-kind services provided by the city. Mrs. Stinnett indicated that while the original nature trail loop is beautiful this proposed new loop is even more scenic with several vistas high above the creek where the confluence of Canoe Creek with the Ohio River can be seen. She further indicated that this project fits very well with our community direction to give people more opportunities to get out and move around to live more healthy lifestyles; and that this particular site could possibly be a good economic enhancement for that property especially when recruiting a green industry to the industrial park.

RAY NIX, Code Enforcement, indicated that this is probably one of the finer areas that we have seen. He further indicated that this project is unique in a couple of ways. The first is there is a plant species in the Nature Conservancy area that requires special consideration and will have to be worked around and also there is a Native American site that is close to this trail that will be an added feature to the trail.

COMMISSIONER STATON asked where the money that is allotted for our match is coming from.

DISCUSSION WAS HELD with Russell Sights, City Manager and William L. Newman, Jr., Assistant City Manager explaining that the funding would be appropriated if the grant was awarded and that past experience with these types of grants is that it is a long process and could be well over a year before the grant is awarded, the Memorandum of Agreement is executed and work could begin on the project.

MR. NEWMAN thanked Mrs. Stinnett and Mr. Nix for their hours and hours of work preparing this grant application in a timely manner to be presented before the application deadline.

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  
March 28, 2017

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



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RESOLUTION 19-17:

RESOLUTION DECLARING REAL PROPERTY LOCATED AT 1021 CLAY STREET, (PVA NO. 2-19-5-15), SURPLUS PROPERTY AND AUTHORIZING IT TO BE SOLD BY SEALED BIDS PURSUANT TO KRS SECTIONS 82.083 AND KRS 45A.365

MOTION by Commissioner Pruitt, seconded by Commissioner Vowels declaring property located at 1021 Clay Street as surplus property and authorizing that it be sold by sealed bids pursuant to KRS. 82.083 and KRS 45A.365.

DAWN KELSEY, City Attorney, explained that this piece of property was in the City's recent mass foreclosure. There were no bids on it at the Master Commissioner sale so the City purchased it for a dollar. It is on the mowing bid list and is going to cost the City \$15 twice a month from April through November to maintain. It is a very narrow lot and will require any dwelling built on it to have fire retardant walls.

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  
March 28, 2017

ATTEST:

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

MUNICIPAL ORDER NO. 12-17

MUNICIPAL ORDER AWARDING BIDS FOR MOWING OF CITY PROPERTIES TO US LAWN OF OWENSBORO, KENTUCKY FOR GROUP B PROPERTIES AND DAUGHERTY'S UNLIMITED LAWN CARE, HENDERSON, KENTUCKY FOR GROUP C PROPERTIES

MOTION by Commissioner Bugg, seconded by Commissioner Staton, to adopt the municipal order authorizing the award of Bid #17-09 for the purchase of mowing services to US Lawns of Owensboro, Kentucky for Group B and Daugherty's Unlimited Lawn Care of Henderson, Kentucky for Group C in strict accordance with their bids as submitted.

TRACE STEVENS, Parks & Recreation Director, indicated that bids were sent out to several different companies in and around the tri-state area for mowing of Group B, which includes the Elm Street median, fire stations, the police station, the public works buildings, retention and drainage areas, and other smaller area properties that are mowed on a regular basis; and Group C, that is comprised primarily of bush hogged areas that are easements and gas right-of-ways that are only mowed a few times a year. US Lawns won the Group B at \$1,061.00 per cut and Daugherty's won the Group C with \$1,220.00 per cut. Three commercial references for each company were required under the bid and contacted with all responses very positive of services provided. Under the terms and conditions of the bid, properties may be added or deleted as necessary and the mowing schedule may be adapted to growing conditions.

COMMISSIONER STATON asked if Mr. Stevens had reservations regarding awarding the bid to someone from out of town from a reliability standpoint.

DISCUSSION WAS HELD regarding references; conditions and requirements of the bid contract with regard to reliability, satisfactory work, default or termination of contract; the

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difference in this bid and the next lowest bid and the savings over the lifetime of the contract; and reporting non-city owned properties to the Code division for action under separate mowing services.

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 28, 2017

ATTEST:
Maree Collins, City Clerk

MUNICIPAL ORDER NO. 13-17
MUNICIPAL ORDER AWARDING BID FOR PURCHASE OF ASPHALT PAVING AND RELATED STREET MAINTENANCE SERVICES TO J. H. RUDOLPH & CO. INC. OF EVANSVILLE, INDIANA

MOTION by Commissioner Bugg, seconded by Commissioner Pruitt, to adopt the municipal order authorizing the award of Bid #17-10 for the purchase of asphalt and related street maintenance services in strict accordance with their bid as submitted.

RUSSELL R. SIGHTS reported that all of the contractors on this list have provided services to the City in the past and are known to be reliable and to do top quality work.

DYLAN WARD, Public Works Engineer, indicated that generally it is the same three companies that respond to this bid. The recommended contractor, J. H. Rudolph, had the contract two years ago and did a great job. Also, they have just opened a plant here in Henderson which will be good for the Public Works crews that need to pick up asphalt for utility patches and other smaller jobs.

COMMISSIONER BUGG asked if the one year renewal option would be reviewed and voted on by the Board of Commissioners.

RUSSELL R. SIGHTS responded that several things are looked at before renewing a contract under the option to renew and that both parties must agree in writing to the same terms and conditions; therefore it would not be necessary to bring it back for another vote.

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 28, 2017

ATTEST:
Maree Collins, City Clerk

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MUNICIPAL ORDER NO. 14-17

MUNICIPAL ORDER AWARDING BID FOR PURCHASE OF CONCRETE LABOR TO RIVERTOWN CONSTRUCTION, LLC, OF NEWBURGH, INDIANA

MOTION by Commissioner Staton, seconded by Commissioner Vowels, to adopt the municipal order authorizing the award of Bid #17-11 for the purchase of concrete labor to repair sidewalks, streets, service cuts and inlet boxes, as well as any other concrete labor needed to Rivertown Construction, LLC of Newburgh, Indiana and awarding Hazex Construction Company of Henderson, Kentucky as the alternate provider.

DYLAN WARD, Public Works Engineer, indicated that Rivertown is the recommended primary contractor and that they have been our contractor for several years now. They do good work and the only issues were when so much work was given at one time that they fell a little behind. Quantities in this bid were increased to help address that issue. An alternate has been named in the unlikely event that Rivertown is unable to provide needed services within the required timeframe or defaults on the contract. Hazex has been recommended as the alternate. A \$50,000 performance bond is required from the primary contractor.

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 28, 2017

ATTEST:

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

MUNICIPAL ORDER NO. 15-17

MUNICIPAL ORDER ACCEPTING QUOTE FROM FEDERAL SIGNAL, PLAINFIELD, INDIANA FOR THE PURCHASE OF TWO (2) EMERGENCY WARNING SIGNALS IN THE AMOUNT OF \$55,075.60

MOTION by Commissioner Pruitt, seconded by Commissioner Bugg, to adopt the municipal order authorizing the acceptance of the quote from Federal Signal of Plainfield, Indiana for the purchase of two emergency warning signals in the amount of \$55,075.60.

COMMISSIONER PRUITT asked if there were any other sirens in our system that were inoperable at this time.

SCOTT FOREMAN, Fire Chief, responded that there is still one siren that has a radio issue and that Motorola is working on it. He continued that once that is resolved and these new ones are installed the system will be 100% functional; however, a replacement program will be needed to get the older sirens out of inventory.

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 28, 2017

ATTEST:
Maree Collins, City Clerk

MUNICIPAL ORDER NO. 16-17
MUNICIPAL ORDER APPROVING PURCHASE OF SURFACE SUPPLIED DIVING GEAR FOR THE FIRE DEPARTMENT TO DIVE LAB INC., OF PANAMA CITY BEACH, FLORIDA IN THE AMOUNT OF \$56,414.73

MOTION by Commissioner Staton, seconded by Commissioner Pruitt, to adopt the municipal order approving the purchase of surface supplied diving gear for the Fire department to Dive Lab Inc. of Panama City Beach, Florida in the amount of \$56,414.73.

RUSSELL R. SIGHTS, City Manager, stated that the City received a grant from Knight Township in the amount of \$35,501.00 for the purpose of offsetting the cost of this dive equipment.

SCOTT FOREMAN, Fire Chief, explained that he and Engineer McClanahan had done extensive research on this equipment and that it is by far the safest system for our divers with the type of dangers and pollution encountered diving in the Ohio River. He continued that Dive Lab designed and invented this system; that they hold the patent on the system; and they custom manufacture each system to meet the customer’s specific needs.

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 28, 2017

ATTEST:
Maree Collins, City Clerk

MUNICIPAL ORDER NO. 17-17
MUNICIPAL ORDER AUTHORIZING BOND RENEWAL FOR THE ALERT CONTRACT IN THE AMOUNT OF \$24,969.48

WILLIAM L. NEWMAN, JR. Assistant City Manager indicated that the Agreement with Alert includes a performance bond to ensure that Alert meets the intent of the Contract. Due to a multitude of issues with the various construction contractors and equipment vendors providing goods and services on this project we have experienced a delay on completion of the backup 9-1-1 center.

MIKE SHOCKLEY, 9-1-1 Communications Supervisor, indicated that during this installation process Alert was planning a major update to their system which would require additional training of our personnel, so it was determined to delay the equipment installation until after the update to have training only on the newer version of the system. The extension of this performance bond is a safety net or insurance in the event that Alert is unable to complete the work to our satisfaction.

**CITY OF HENDERSON – RECORD BOOK**

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CHARLES STAUFFER, Police Chief, indicated that some of the equipment is in place, but due to several conflicts the completion date has been pushed back for the backup 9-1-1 center and this performance bond is something that needs to be continued, even though there is no indication at this time that Alert will not complete the project. It is peace of mind.

MOTION by Commissioner Pruitt, seconded by Commissioner Bugg, to adopt the municipal order authorizing the renewal of the performance bond for the Alert Contract in the amount of \$24,969.48.

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 28, 2017

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

MUNICIPAL ORDER NO. 18-17

MUNICIPAL ORDER AMENDING MUNICIPAL ORDER 06-17 AWARDDING BID FOR PURCHASE OF CEMENT CONCRETE TO MEUTH CONSTRUCTION SUPPLY, INC. OF HENDERSON, KENTUCKY, TO INCLUDE IRVING MATERIALS, INC., HENDERSON KENTUCKY, AS AN ALTERNATE PROVIDER

MOTION by Commissioner Pruitt, seconded by Commissioner Bugg, to adopt the municipal order amending Municipal Order 06-17 authorizing the award of Bid # 17-07 for the purchase of cement concrete for City projects to Meuth Construction Supply, Inc. to include Irving Materials, Inc., Henderson, Kentucky, as an alternate provider in strict accordance with their bids as submitted.

DAWN KELSEY, City Attorney, indicated that this was similar to a previous bid awarded earlier to have an alternate named, if the need arose.

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 28, 2017

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

# CITY OF HENDERSON – RECORD BOOK

*Record of Minutes of* \_\_\_\_\_ *A Regular* \_\_\_\_\_ *Meeting on* \_\_\_\_\_ March 28, 2017

CITY MANAGER’S REPORT:

RUSSELL R. SIGHTS, City Manager, indicated that Connie Galloway, Human Resources Director, had an announcement and a brief presentation.

CONNIE GALLOWAY, Human Resources Director, announced that the City received a check in the amount of \$45,662.07 as a premium reimbursement from our reinsurance portion of our health plan, for our stop loss insurance. No stop loss claims were made for the plan year of July 1, 2015 through June 30, 2016 so Sun Life was able to refund 20%, which is the maximum refundable portion of our premium. We feel that this was accomplished through a combination of due diligence from the advice of our broker on plan changes and also the usage of our employees.

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RUSSELL R. SIGHTS, City Manager, reported that the next item would be the body camera committee recommendation. He indicated that he and Chief Stauffer had discussed committee direction and membership. Chief Stauffer will present those recommendations.

CHARLES STAUFFER, Police Chief, indicated that he and the City Manager were recommending that Committee membership include the Police Chief, Police Administrative Major, Police Training Sergeant, two line level Police personnel, and two Commissioners of your choosing. He further indicated that his thoughts were that the committee get together first and then determine if others needed to be included or just brought in for certain portions of the process.

MAYOR AUSTIN indicated that Commissioner Pruitt and Commissioner Staton had expressed interest in serving on the Committee and that Commissioner Staton had expressed interest in chairing the Committee.

COMMISSIONER VOWELS asked if someone from the IT department could be added to the Committee.

CHARLES STAUFFER, Police Chief indicated that would be a good fit.

DISCUSSION WAS HELD on how different community groups and individuals would be asked at various times to meet with the Committee to gather information and give input; that the Committee has a date of December 1<sup>st</sup> to gather information in order to meet the grant application deadline; that citizens have already started to contact the Commissioners to express their feelings; that the Commissioners lobbied for funding during their recent trip to Washington DC; and that since this Committee has been officially appointed all meetings will be under the open meetings law and must be open to the public and noticed of the time, date and location of each meeting.

MOTION by Commissioner Bugg, seconded by Commissioner Vowels, to approve creation, and membership appointments, of the committee on the use of body cameras by police department personnel. Committee membership will include the Chief of Police; Police Administrative Major; Police Training Sergeant; two line level Police personnel; one IT department personnel, designated by the IT Director; Commissioner Pruitt; and Commissioner Staton, Chairman.

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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# CITY OF HENDERSON – RECORD BOOK

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

RUSSELL R. SIGHTS, City Manager, reported that the City's alarm monitoring system is close to defunct and is going to cost considerable dollars to be put back into quality service. Currently there are only eight outside businesses that are on the system along with seven City owned properties. At one time there were as many as 55 to 60 businesses on the system. Over time these businesses have migrated to private sector security alarm systems.

CHARLES STAUFFER, Police Chief, reported that currently Vanguard Alarm System is monitoring all of our 15 facilities. They are willing to continue service to those facilities just not through the City system. We have spoken with six of the eight and let them know that our intention is to discontinue service through the City alarm in sixty days.

DISCUSSION WAS HELD and the City Attorney was instructed to prepare an ordinance effective June 30<sup>th</sup> terminating the City's alarm monitoring system services.

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RUSSELL R. SIGHTS, City Manager, indicated that the last item to report on was the possible use of humps or swales to deter speeders. He reported that he appointed a committee of staff members to research and review possible solutions.

BRIAN WILLIAMS, Public Works Director, gave a brief overview of the report indicating that the Kentucky Transportation Cabinet as well as the City follows the Manual for Uniform Traffic Control Devices which has guidelines on signage and markings for these speed bumps, humps, and traffic tables, but there are no guidelines for engineering, construction or installation of the devices. Mr. Williams reviewed the various types of devices and some of the possible issues associated with their use.

DISCUSSION WAS HELD and the Commissioners reported that they have received complaints from the Mill Creek Drive and Canoe Creek Drive areas. Further discussion indicated that the police department has street sign size radar devices that can collect data to review vehicle speed in order to evaluate what action should be taken; and that a more formal protocol was requested in order to analyze and review these types of complaints.

## 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 purpose of 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:

CITY OF HENDERSON – RECORD BOOK

Record of Minutes of A Regular Meeting on March 28, 2017

Mayor Austin ----- Aye:

REVIEW AND DISCUSSION OF THE CODE OF ORDINANCES: Chapters 2.5, 3, 4 & 5

DAWN KELSEY, City Attorney, gave a brief review of the various staff recommended revisions. No changes were recommended for Chapters 2.5 Sexual Oriented Business, 3 Airport or 5 Ambulances. Recommended revisions for Chapter 4 Alcohol Beverages include the following sections: Section 4-13 Opening of and drinking contents of containers on licensed premises.-add 'or a small farm winery license'; Section 4-35 Fees. (b) (11) and (15)(e)-clarify language for Special Sunday retail drink license (including distilled spirits and wine) and Nonquota type 4 retail malt beverage drink license (including for Sunday Sales); and Section 4-38 License not to issue where principal trade with school children.-repeal this section as it deters certain family friendly entertainment centers and restaurants.

Other items reviewed included a draft of the revised Smoking Ordinance; and Primary Elections.

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; that the first option presented is to be used to define the area smoking is prohibited in playground or water feature areas in city parks; and staff was directed to move forward with an ordinance relating to primary elections.

COMMISSIONERS REPORT:

COMMISSIONER VOWELS requested that a link to the meeting agenda packets be added to the City's Facebook and Twitter accounts.

MEETING ADJOURN:

MOTION by Commissioner Bugg, seconded by Commissioner Pruitt, 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 8:55 p.m.

ATTEST:

Maree Collins, City Clerk

Steve Austin, Mayor
April 11, 2017