

CITY OF HENDERSON – RECORD BOOK

Record of Minutes of A Regular Meeting on June 12, 2018

A meeting of the Board of Commissioners of the City of Henderson, Kentucky, was held on Tuesday, June 12, 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 Father Rich Martindale, St. Paul’s Episcopal 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
Mr. William L. “Buzzy” Newman, Jr., Assistant City Manager
Mrs. Dawn Kelsey, City Attorney
Ms. Maree Collins, City Clerk
Mrs. Donna Stinnett, Community Relations Manager/Public Information Officer
Mr. Robert Gunter, Finance Director
Mr. Trace Stevens, Parks, Recreation & Cemeteries Director
Mr. Scott Foreman, Fire Chief
Mr. Jermaine Poynter, Police Major
Mr. Ray Nix, Code Administrator
Mrs. Connie Galloway, Human Resources Director
Mrs. Jennifer Latimer, Executive Assistant
Mrs. Wendy Sugg, HPD Administrative Secretary
Mrs. Jennifer Richmond, Police Officer/HPD Information Officer
Mr. Jody Richmond
Ms. Haleigh Richmond
Master Logan Richmond
Ms. Carrie Harpole
Mr. Richard Richey
Mrs. Randa Richey
Mr. Bill Gutsche
Mrs. Leslie Gutsche
Ms. Tracy Gutsche
Mr. Mike Ivie, Fire Lieutenant
Mrs. Erin Ivie
Mr. Billy Schwartz, Fire Driver/Engineer
Mrs. Kelly Schwartz
Mr. Cory Staples, Fire Driver/Engineer
Mrs. Chelsie Staples and Children
Mr. Tom Williams, HWU General Manager
Mr. Todd Bowley, HWU Chief Financial Officer
Ms. Abby Dixon, Henderson County Tourist Commission
Mr. Brian Bishop, W.C. Handy Festival Co-Chair
Mr. Kenny Perkins, W.C. Handy Festival Co-Chair
Ms. Angela Hagedorn, Humane Society of Henderson County Executive Director
Ms. Katie Crooks, Humane Society of Henderson County Chief Animal Control Officer
Father Rich Martindale, St. Paul’s Episcopal Church
Mr. Mike Richardson, Reserve Police Officer
Mr. Doug White, *the Gleaner*

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PRESENTATION: “W.C. Handy Blues & Barbeque Festival Planning Committee”

ABBY DIXON, Henderson County Tourist Commission Executive Director, indicated that they were excited to be with the Board on the eve of one of the biggest events of the year in Henderson. She reported that very special guests would be attending the festival this weekend, Dr. Carlos Handy, grandson of W.C. Handy and President of the Handy Brothers Music Company, and his wife Dr. Maribel Handy. She then reported that the Festival Committee and the Tourist Commission wanted to do something special to thank all the volunteers and commemorate the 28th year of the festival and the one-hundredth anniversary of the Handy Brothers Music Company, and do it in the presence of the grandson of W.C. Handy. They worked with the same designer that did the original History Walk signage in Audubon Mill Park and would like permission to dedicate this special sign on Saturday morning at 11:30 a.m.

BRIAN BISHOP, W.C. Handy Festival Co-Chair added that Abby did all of the heavy lifting on the project and the Henderson County Tourist Commission has agreed to pay for the sign, so it will not cost the City anything. He thanked Abby for all of her hard work.

KENNY PERKINS, W.C. Handy Festival Co-Chair indicated that even with the heat, this should be a great event with lots and lots of great music.

MAYOR AUSTIN thanked Abby for the great idea, congratulated them on the beautiful representation of the Handy Festival, indicated that it would be a nice addition to the park and asked if there was a motion to allow the new signage in Audubon Mill Park.

Motion by Commissioner Staton, seconded by Commissioner Pruitt, authorizing acceptance of the W.C. Handy Festival sign and authorizing the sign be placed in Audubon Mill Park as a part of the History Walk in commemoration of the 28th annual W.C. Handy Festival, it’s dedicated volunteer workforce, and the 100th anniversary of the Handy Brothers Music Company,

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

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

APPROVAL OF CONSENT AGENDA:

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

- Minutes: May 18, 2018, Special Called Meeting
- May 21, 2018, Called Work Session
- May 21, 2018, Special Called Meeting
- May 22, 2018, Regular Meeting
- May 30, 2018 Called Work Session

MOTION by Commissioner Bugg, 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 Pruitt ----- Aye:
- Commissioner Bugg ----- Aye:
- Commissioner Vowels ----- Aye:
- Commissioner Staton ----- Aye:
- Mayor Austin ----- Aye:

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WHEREUPON, Mayor Austin declared the consent agenda items approved.

/s/ Steve Austin
Steve Austin, Mayor
June 12, 2018

ATTEST:
Maree Collins, City Clerk

ORDINANCE NO. 12-18: SECOND READ

ORDINANCE AMENDING CODE OF ORDINANCES REGARDING ANIMALS AND BEE KEEPING

AN ORDINANCE AMENDING CHAPTER 6, ANIMALS, ARTICLE I, IN GENERAL, BY AMENDING SECTION 6-5 ANIMAL, FOWL AND BEES NUISANCE AND ADDING SECTION 6-9 BEE KEEPING OF THE CODE OF ORDINANCES OF THE CITY OF HENDERSON

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

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

- Commissioner Pruitt ----- Aye:
Commissioner Bugg ----- Aye:
Commissioner Vowels ----- Aye:
Commissioner Staton ----- 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
June 12, 2018

ATTEST:
Maree Collins, City Clerk

ORDINANCE NO. 13-18: SECOND READ

ORDINANCE AMENDING CODE OF ORDINANCES REGARDING NUISANCES

AN ORDINANCE AMENDING CHAPTER 15, NUISANCES, ARTICLE I, IN GENERAL, BY AMENDING SECTION 15-51 ORDINANCE FINE SCHEDULE 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 Pruitt ----- Aye:
Commissioner Bugg ----- Aye:
Commissioner Vowels ----- Aye:
Commissioner Staton ----- 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
June 12, 2018

ATTEST:
Maree Collins, City Clerk

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ORDINANCE NO. 14-18: SECOND READ

ORDINANCE ADDING AND ADOPTING TRANSIENT ROOM TAX IN CHAPTER 21 OF THE CODE OF ORDINANCES

AN ORDINANCE ADDING AND ADOPTING TRANSIENT ROOM TAX IN CHAPTER 21, *TAXATION*, ARTICLE VII, SECTION 21-110. *TAX IMPOSED*; SECTION 21-112. *COLLECTION; FILING OF RETURNS; PENALTY*; SECTION 21-113. *USE OF FUNDS* AND SECTION 21-114. *AUDIT* TO BE EFFECTIVE JULY 1, 2018

MAYOR AUSTIN reminded everyone that this was not a new tax, only a flow through of funds for the newly formed joint Henderson Tourist Commission.

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

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

- Commissioner Pruitt ----- Aye:
- Commissioner Bugg ----- Aye:
- Commissioner Vowels ----- Aye:
- Commissioner Staton ----- 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
June 12, 2018

ATTEST:
Maree Collins, City Clerk _____

PRESENTATION: “20-Year Service Award”

MAYOR AUSTIN expressed appreciation to Henderson Police Officer/HPD Public Information Officer Jennifer Richmond for her 20 years of dedication and loyal service to the City of Henderson.

OFFICER JENNIFER RICHMOND thanked the Board of Commissioners indicating that it has been wonderful and that she still has a lot of years to give.

PRESENTATION: “20-Year Service Award”

MAYOR AUSTIN expressed appreciation to Henderson Fire Lieutenant Mike Ivie for his 20 years of loyalty and dedicated service to the City of Henderson.

LIEUTENANT MIKE IVIE stated that he “wanted to thank the city for giving me the opportunity.”

PRESENTATION: “20-Year Service Award”

MAYOR AUSTIN expressed appreciation to Henderson Fire Driver/Engineer Billy Schwartz for his 20 years of dedicated and loyal service to the City of Henderson.

PRESENTATION: “20-Year Service Award”

MAYOR AUSTIN expressed appreciation to Henderson Fire Driver/Engineer Cory Staples for his 20 years of service and dedication to the City of Henderson.

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ORDINANCE NO. 15-18: FIRST READ

BUDGET AND APPROPRIATION ORDINANCE FOR THE FISCAL YEAR COMMENCING JULY1, 2018 AND ENDING JUNE 30, 2019 FOR THE CITY OF HENDERSON, KENTUCKY

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

RUSSELL R. SIGHTS, City Manager, indicated that he was pleased to present the appropriation budget and appreciated the review and discussion given to the proposed budget.

ROBERT GUNTER, Finance Director, indicated that this document includes discussed changes to add revenues of \$200,000.00 from the sale of property on Second Street and to eliminate the Municipal Center phone system expense of \$28,000.00, which is partially expensed out to the various other Funds leaving \$186,000.00 additional revenue. The total revenue number is \$28,986,000.00 and the new expense number is \$31,286,000.00, with a maximum of \$2,300,000.00 from reserves. He stated that he expected to come well under budget on expenses and to exceed the revenue number to conserve reserve funds.

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

Commissioner Pruitt ----- Aye:
Commissioner Bugg ----- Aye:
Commissioner Vowels ----- Aye:
Commissioner Staton ----- 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. 16-18: FIRST 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 Pruitt, seconded by Commissioner Vowels, that the ordinance be adopted.

ROBERT GUNTER, Finance Director, indicated that this amendment includes the two changes that the Board had previously approved which includes the armored vests and mass casualty supplies for the Fire department and the first payment on the body worn/in-car cameras for the Police department.

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

Commissioner Pruitt ----- Aye:
Commissioner Bugg ----- Aye:
Commissioner Vowels ----- Aye:
Commissioner Staton ----- 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. 17-18: FIRST READ

ORDINANCE ADOPTING HENDERSON WATER UTILITY BUDGET BUDGET AND APPROPRIATION ORDINANCE FOR THE FISCAL YEAR COMMENCING JULY 1, 2018 AND ENDING JUNE 30, 2019 FOR HENDERSON WATER UTILITY OF THE CITY OF HENDERSON, KENTUCKY

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

TOM WILLIAMS, Henderson Water Utility General Manager, pointed out that pages eleven and thirteen are really the meat of this document which shows the net operating income budget and projected cash flow. This budget does include the fixed rate increase that we agreed to earlier in the year and the force reductions that were done to reduce shortfall. Mr. Williams stated that even with those changes this budget is still burning through \$1.2 million in cash reserves over the coming year.

MAYOR AUSTIN indicated his appreciation for their work on decreasing expenses because even though they are still running a cash flow negative for this particular year, the decreased expenses certainly helped.

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

- Commissioner Pruitt ----- Aye:
- Commissioner Bugg ----- Aye:
- Commissioner Vowels ----- Aye:
- Commissioner Staton ----- 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. 18-18: FIRST READ

ORDINANCE AMENDING CODE OF ORDINANCES REGARDING NUISANCES AN ORDINANCE AMENDING ORDINANCE 13-18 REGARDING CHAPTER 15, NUISANCES, ARTICLE I, IN GENERAL, BY AMENDING SECTION 15-51 ORDINANCE FINE SCHEDULE OF THE CODE OF ORDINANCES OF THE CITY OF HENDERSON

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

DAWN KELSEY, City Attorney, reported that this clarification is to cut down on paperwork by allowing multiple violations on a single citation instead of individual citations. No fines or fees are being changed, only reducing the amount of paperwork to allow the office to be more efficient.

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

- Commissioner Pruitt ----- Aye:
- Commissioner Bugg ----- Aye:
- Commissioner Vowels ----- Aye:
- Commissioner Staton ----- 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. 19-18: FIRST READ
ORDINANCE REGARDING ANNEXATION

AN ORDINANCE ANNEXING CERTAIN UNINCORPORATED TERRITORY TO THE CITY OF HENDERSON, KENTUCKY, BEING LOCATED AT 438 OLD CORYDON ROAD, (PID#46D-13), AND A PORTION OF OLD CORYDON ROAD RIGHT-OF-WAY, CONTAINING 1.71 ACRES, MORE OR LESS, IN HENDERSON COUNTY, OWNED BY MORRIS ROBINSON

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

RUSSELL R. SIGHTS, City Manager, indicated that this started as a request from the property owner for sanitary sewer service subsequent to other similar requests and annexations in the area and then was forwarded to the Planning Commission to conduct a public hearing and recommend a zoning designation for the property. The Planning Commissioner has recommended Residential-2 as the zoning designation for this property. A portion of the road right-of-way has also been included in the annexation.

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

Commissioner Pruitt ----- Aye:
 Commissioner Bugg ----- Aye:
 Commissioner Vowels ----- Aye:
 Commissioner Staton ----- 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. 25-18:

RESOLUTION TO CONTINUE WAIVER BENEFIT FOR EMPLOYEES WHO ELECT TO WAIVE CITY HEALTH INSURANCE COVERAGE ON THEMSELVES OR THEIR SPOUSES

MOTION by Commissioner Staton, seconded by Commissioner Vowels, authorizing continuation of the “Waiver Benefit” for those employees that elect to waive City health insurance coverage on themselves and/or their spouse. The benefit is available to those employees enrolled in the CERS retirement system or employed by the City as a School Crossing Guard.

CONNIE GALLOWAY, Human Resource Director, summarized that a few months ago it was brought to the Board’s attention that this benefit would sunset at the end of this calendar year. At that time it was determined that there was interest in continuing the benefit. She indicated that she is recommending that it be extended for one year so that the next elected officials can review it again the following year.

DISCUSSION WAS HELD regarding the number of years the benefit has been in force and that it was originally set up for a three year period and renewed for a three year period; that 152 employees currently participate at a cost of \$304,000.00 to the Health Benefit Plan; that the Board had tasked the incoming City Manager, the Finance Director and the Human Resource Director with reviewing all expenses to find cost cutting measures for future budgets; that it could be renewed for a three year period without binding the future Board; and that it is unknown as to how much/if any savings/additional expense there would be by discontinuing the benefit.

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

- Commissioner Pruitt ----- Nay:
Commissioner Bugg ----- Aye:
Commissioner Vowels ----- Aye:
Commissioner Staton ----- 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
June 12, 2018

ATTEST:
Maree Collins, City Clerk

RESOLUTION NO. 26-18:
RESOLUTION INCREASING SALARY OF CITY ATTORNEY BY ONE PERCENT (1%) EFFECTIVE AS OF JUNE 1, 2018

MAYOR AUSTIN stated that Ms. Kelsey received an excellent evaluation score and the Board has recommended the maximum percentage increase available to other City employees for the Merit evaluation program.

MOTION by Commissioner Staton, seconded by Commissioner Bugg, to approve the resolution increasing the salary of the City Attorney by one percent based upon her job performance merit evaluation and the maximum available to other City employees.

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

- Commissioner Pruitt ----- Aye:
Commissioner Bugg ----- Aye:
Commissioner Vowels ----- Aye:
Commissioner Staton ----- 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
June 12, 2018

ATTEST:
Maree Collins, City Clerk

RESOLUTION NO. 27-18:
RESOLUTION ADOPTING AND APPROVING THE EXECUTION OF SUPPLEMENTAL AGREEMENT NO. 2 BETWEEN THE CITY OF HENDERSON AND THE COMMONWEALTH OF KENTUCKY TRANSPORTATION CABINET, DEPARTMENT OF HIGHWAYS, MODIFYING THE PROJECT SCOPE

MOTION by Commissioner Staton, seconded by Commissioner Bugg, approving and adopting Supplemental Agreement No. 2, modifying the project scope to include Bid Package 4 for Borax Drive Industrial park Infrastructure improvements, of the Agreement between the Commonwealth of Kentucky Transportation Cabinet, Department of Highways and the City for Riverfront Improvements.

WILLIAM L. "BUZZY" NEWMAN, JR., Assistant City Manager, reported that he and City Attorney Dawn Kelsey had worked on preparation of this agreement and it was sent to the state several months ago. This amends the scope of work on Bid Package 4 which included the acquisition of the Borax property and infrastructure improvements, and paves the way to finalizing this project.

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DAWN KELSEY, City Attorney, indicated that no improvements in that area are allowed until this Agreement is fully executed or they will not be eligible for reimbursement. She reported that a Supplement 3 is currently being drafted.

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

Commissioner Pruitt ----- Aye:
 Commissioner Bugg ----- Aye:
 Commissioner Vowels ----- Aye:
 Commissioner Staton ----- 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
 June 12, 2018

ATTEST:

Maree Collins, City Clerk _____

MUNICIPAL ORDER NO. 31-18:

MUNICIPAL ORDER ACCEPTING PROPOSAL OF SUNSET MEMORIAL AND STONE LTD OF CALGARY, ALBERTA, CANADA, FOR THE PURCHASE OF COLUMBARIUM FOR FERNWOOD CEMETERY

MOTION by Commissioner Pruitt, seconded by Commissioner Vowels, accepting the proposal from Sunset Memorial and Stone LTD of Calgary, Alberta, Canada, for the purchase of a 64 niche columbarium.

RUSSELL R. SIGHTS, City Manager, asked Mr. Stevens to present a detailed explanation of this evaluated bid process.

TRACE STEVENS, Parks, Recreation and Cemetery Director, reported that in addition to the legal advertisement six companies, three local and three from out of the area, were notified of the bid. Of those, three responded-one local, one from Minnesota and one from Canada. Based on the evaluated criteria it is recommended that Sunset Memorial of Alberta, Canada, be awarded the bid for the purchase of a 64 niche columbarium to be located in Fernwood Cemetery.

COMMISSIONER STATON indicated that he was pleased that it came in under budget. Mr. Stevens reported that there would be some additional expenses of a concrete pad, sidewalk and landscaping but it was still expected to be under the budgeted amount of \$36,000.00.

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

Commissioner Pruitt ----- Aye:
 Commissioner Bugg ----- Aye:
 Commissioner Vowels ----- Aye:
 Commissioner Staton ----- 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
 June 12, 2018

ATTEST:

Maree Collins, City Clerk _____

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MUNICIPAL ORDER NO. 32-18:

MUNICIPAL ORDER AMENDING MUNICIPAL ORDER 16-18 REGARDING BID FOR MOWING SERVICES FOR PROPERTY GROUP A, BID REFERENCE 18-14, TO KNIGHTS LANDSCAPING LLC, OF HENDERSON, KENTUCKY

MOTION by Commissioner Staton, seconded by Commissioner Bugg, to award the bid for mowing services for Group A Properties to Knights Landscaping of Henderson as the second lowest bid upon notification from the original vendor that they would not be able to fulfill the agreement of the mowing contract for the remainder of the season.

TRACE STEVENS, Parks, Recreation and Cemetery Director, indicated that he had received a telephone call and subsequent written notice from the original vendor, Integrity Property Management, informing him that they were no longer able to fulfill the requirements of the mowing contract for Mowing Group A. He indicated that he then contacted the next lowest bidder from Bid Reference 18-14 which was Knight’s Landscaping LLC (which had previously held the two previous contracts.) Mr. Knight indicated that they would be capable and agreeable to complete the contract under the terms submitted in their March 2018 bid.

MAYOR AUSTIN indicated that there was a very evident improvement when that change was made.

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

- Commissioner Pruitt ----- Aye:
- Commissioner Bugg ----- Aye:
- Commissioner Vowels ----- Aye:
- Commissioner Staton ----- 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
June 12, 2018

ATTEST:
Maree Collins, City Clerk _____

MUNICIPAL ORDER NO. 33-18:

MUNICIPAL ORDER ACCEPTING AGREEMENT BETWEEN HENDERSON MUNICIPAL GAS AND INTERNATIONAL PAPER FOR RELOCATION OF GAS REGULATOR AND METER

DAWN KELSEY, City Attorney, indicated that when MacMillan Bloedel Paper originally had that plant they paid for a gas line to be installed. The meter for that service is currently next to the building. International Paper is updating with earthquake meters which are installed away from the building, closer to the road. This Agreement is for the relocation of the meter and clarifies their responsibility for the gas line from the meter to the building that was paid for by their predecessor.

MOTION by Commissioner Pruitt, seconded by Commissioner Vowels, authorizing execution of an Agreement between Henderson Municipal Gas and International Paper for the relocation of a gas regulator and meter and transferring ownership and control of the existing distribution main pipe for the new meter site.

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

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

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Commissioner Staton ----- 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
June 12, 2018

ATTEST:

Maree Collins, City Clerk _____

MUNICIPAL ORDER NO. 34-18:

MUNICIPAL ORDER AUTHORIZING LEASE BETWEEN THE CITI CENTER OFFICE BUILDING, LLC AND CITY OF HENDERSON FOR A PORTION OF THE PROPERTY LOCATED AT 231 SECOND STREET, HENDERSON, KENTUCKY; AND AUTHORIZING MAYOR TO EXECUTE THE LEASE ON BEHALF OF CITY

MOTION by Commissioner Staton, seconded by Commissioner Pruitt, authorizing execution of a lease between the City Center Office Building LLC and the City for a portion of the property located at 231 Second Street, Henderson, for the sole purpose of creating and maintaining a mural on the west wall near Second Street for *the Perch* Park.

DAWN KELSEY, City Attorney, indicated that she had been working with the Pocket Park Committee and OVAL to put a mural on the western wall of the Citi Center Office Building next to the pocket park. The lease is for a ten year period and if at the end of that time is not renewed, the City would pay to have the wall put back into its original state. The building's owner, Mr. Jones, has been extremely cooperative and very supportive of the project.

COMMISSIONER STATON added that every lease requires some sort of consideration for the contract and this one includes standard mural wall prep which includes replacing/repairing broken bricks, sealing downspout joints with a non-rusting compound, and relocation of a downspout to enhance/enlarge space for the mural. This is expected to cost approximately \$2,500.00. He reminded everyone that the City donated \$35,000.00 to the project and then agreed to do the concrete work. Everything else for the project, including the mural, has been/or will be taken care of with donated labor, time, money grants, etc. He reported that the Art Committee considered 14 different applicants and chose a young woman from California that will come in and do the mural. It is expected that she will begin mid July and the entire mural is expected to take about three weeks. She anticipates including some local artists in this very large project.

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

Commissioner Pruitt ----- Aye:
Commissioner Bugg ----- Aye:
Commissioner Vowels ----- Aye:
Commissioner Staton ----- 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
June 12, 2018

ATTEST:

Maree Collins, City Clerk _____

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MISCELLANEOUS: “Proposed Zoning Amendments – Self-Service Storage Units”

DAWN KELSEY, City Attorney, reported that subsequent to a request by Denny Branson, staff has reviewed the Zoning Ordinance to expand the areas where self-storage facilities could be located in the City. Current zoning regulations only allow those facilities in Light Industrial and Heavy Industrial Zones or Planned Unit Development. A committee consisting of City Manager Russell Sights, Assistant City Manager Buzzy Newman, Planning Commission Executive Director Brian Bishop, Planning Commission Assistant Director Claudia Wayne, Code Administrator Ray Nix, Code Enforcement Officer John Stroud, Engineer Doug Boom and myself reviewed the current Zoning Ordinances to determine where it would be appropriate to locate these facilities keeping in mind that the statement of purpose is for businesses that are needing to serve the nearby residential areas. Traffic and lighting concerns arose for placing these facilities in neighborhood areas. Our suggestion by way of this proposed ordinance is to add this as a Conditional Use under Residential Business District and under the Highway Commercial District allowing the Board of Zoning Adjustment to make decisions on certain conditions that must be met. The definition of Self-storage is (a shorthand for “self-service storage”, and also known as “mini storage”) is an industry in which storage space (such as rooms, lockers, containers, and/or outdoor space), also known as “storage units” is rented to tenants, usually on a short-term basis. Conditions for both zones that have been included are: no development within 150 feet of wetlands; one parking space for every 1,000 square feet; site geometry so that doors (overhead and person) face to the interior of drives; all driving aisles shall be a minimum of 24’ wide and hard surfaced; all other associated driving areas shall be hard surfaced; all buildings must meet Kentucky Building Codes; exterior of buildings must be compatible to surrounding area (example: brick, siding, stucco, or EIFS) and exterior paint colors, including roof, to be in harmony with other homes and or buildings (not bold colors) in area; night sky friendly lighting only; and heavy planting to serve as softscaping. In addition to those conditions listed one monument type sign no higher than six feet with only accent lighting (no backlit); and hours of operation shall be limited to no earlier than 6: a.m. and no later than 11:00 p.m. are included in the Neighborhood Business zone.

DISCUSSION WAS HELD regarding siting position of single row units; how/if this would affect existing storage units-they would be Grandfathered in and not affected; how/if this would affect any proposed projects that might already be in Permitting process-there are no current proposed projects; the growing need for these units to be close to residential areas; and that these are guidelines and BOZA has the authority to be more restrictive.

Motion by Commissioner Staton, seconded by Commissioner Pruitt, to forward a request to the Planning Commission for review of Conditional Uses in the Neighborhood Business and Highway Commercial districts in order to allow self-storage units.

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

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

CITY MANAGER’S REPORT:

RUSSELL R. SIGHTS, City Manager, indicated that the resolution setting COLA for Commissioners was discussed at a previous meeting, and it was determined that it would be brought forward for further consideration at the June 26th meeting; however he requested guidance on what effective date should be used.

CITY OF HENDERSON – RECORD BOOK

Record of Minutes of _____ *A Regular* _____ *Meeting on* _____ *June 12, 2018* _____

DISCUSSION WAS HELD regarding whether or not to leave the effective date of July 1st or change it to January 1st, 2019, after the newly elected Board takes office. No consensus was reached, therefore it was determined to have the resolution brought back as is with the July 1st date for consideration at the June 26th meeting.

COMMISSIONERS' REPORT:

COMMISSIONER STATON reported that several residents near the East End Park had contacted him concerned about the recent vandalism and other activities happening at the park and suggested the possibility of installing video security cameras in the park.

DISCUSSION WAS HELD regarding the expense and frequency of the vandalism on the water feature; that the water feature is on a timer from 10:00 a.m. to 8:30 p.m. and the 'on button' is simply a mechanism to keep the water from flowing constantly during those times as it does not recirculate and goes directly to waste; that a new type of 'button' has been installed to help prevent vandals trying to take it apart to turn on the water after hours; that cameras may be looked at as an invasion of privacy by some homeowners in the area; a suggestion of closing the park shortly after the water feature closes-however, it was brought up that that could restrict the use of the new gazebo; the possibility of setting closing times for all parks; the fact that parks that have Permitted events would be exempt during those Permitted times/dates from the closing time of the park; and that Parks, Recreation and Cemetery Director Trace Stevens was asked to review his budget for the possibility of adding security cameras/features at the East End Park.

EXECUTIVE SESSION: Real Property and Business Entity

MOTION by Commissioner Bugg, seconded by Commissioner Staton, to go into Executive Session pursuant to KRS 61.810(1)(b) for the purpose of deliberation on the possible future purchase of real estate located near Highway 60 and Watson Lane in that publicity would likely affect the value of the property to be acquired for public use and pursuant to KRS 613810(1)(g) for the purpose of discussion with a business entity representative concerning a specific proposal because open discussions would jeopardize the siting, retention, expansion, or upgrading of the business.

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 Board adjourned into Executive Session.

MEETING RECONVENED:

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

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

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

CITY OF HENDERSON – RECORD BOOK

Record of Minutes of A Regular *Meeting on* June 12, 2018

WHEREUPON, Mayor Austin reconvened the Board into regular session.

MEETING ADJOURN:

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

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

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

WITHOUT OBJECTION, Mayor Austin declared the Meeting adjourned at approximately 8:50 p.m.

ATTEST:

Steve Austin, Mayor
June 26, 2018

Maree Collins, City Clerk