

CITY OF HENDERSON – RECORD BOOK

Record of Minutes of A regular Meeting on July 11, 2017

A regular meeting of the Board of Commissioners of the City of Henderson, Kentucky, was held on Tuesday, July 11, 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 Virgil Hammontree, Minister, Central Church of Christ, 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
Mrs. Dawn Kelsey City Attorney
Ms. Maree Collins, City Clerk
Mrs. Donna Stinnett, Community Relations Manager/Public Information Officer
Mr. Trace Stevens, Parks & Recreation Director
Mr. John Stroud, Code Enforcement Officer
Mr. Ray Nix, Code Administrator
Mr. Dylan Ward, Project Manager
Mr. Tom Williams, HWU General Manager
Virgil Hammontree, Central Church of Christ
Mr. Ben Johnston, Pittsburg Tank Group
Mr. Wes Sights, Sitex
Mr. Darrell Littrell, Sunrise Tool & Die and SunRon International
Mrs. Lorna Littrell, Sunrise Tool & Die and SunRon International
Mr. David Williamson, University of Kentucky and Kentucky Geological Society
Ms. Wendy Coyle, International Paper
Mr. James Crafton, Home Oil & Gas
Ms. Ann Pate, Precision Cooling Towers
Mr. Greg Crocket, Executive Vice President Crossbar Electronic Cigarettes
Mr. Jamie Mosley, Laurel County Jailer
Mrs. Amy Brady, Henderson County Jailer
Mr. Ed Brady, Henderson County Sheriff
Colonel Gibson, Henderson County Detention Center
Ms. Erin Schmitt, the Gleaner
Mr. Mike Richardson, Police Reserve Officer

PRESENTATION: Commonwealth Drive Property Owners

Representatives of the businesses located on Commonwealth Drive introduced themselves to the Board of Commissioners: BEN JOHNSTON, Pittsburg Tank Group; WES SIGHTS, Sitex; DARRELL LITTRELL and LORNA LITTRELL, Sunrise Tool & Die and SunRon International; DAVID WILLIAMSON, University of Kentucky and Kentucky Geological Survey; WENDY COYLE, International Paper; JAMES CRAFTON, Home Oil & Gas; and ANN PATE, Precision Cooling Towers.

BEN JOHNSTON, Pittsburg Tank Group, thanked the Commission for allowing the group to present their safety and condition concerns in reference to Commonwealth Drive.

WES SIGHTS, Sitex, introduced a series of pictures highlighting some of the concerns which included: a lot of close calls with semi traffic and cars trying to pass on the very narrow roadway; trucks having to cross the center line and take up the whole road to make both of the

CITY OF HENDERSON – RECORD BOOK

Record of Minutes of A Regular *Meeting on* July 11, 2017

curves; overnight parking along both sides of the roadway; damage to sprinkler systems; broken pavement; loose gravel; and that it is not a good impression for potential customers, or potential employees and does not represent our city well.

MAYOR AUSTIN thanked the group for all of the products and services that they provide for our community and for this region and for the job opportunities that they provide our citizens. He said, “Every company in the Corporate Park is a good company and we really appreciate that.”

RUSSELL R. SIGHTS, City Manager, indicated that Dylan Ward, Project Manager, had prepared cost estimates for improvements to Commonwealth Drive.

DYLAN WARD, Project Manager, explained that he had broken the project into four parts. The original roadway is concrete to withstand the heavy truck traffic. The first part cost estimate is approximately \$36,000.00 and includes widening the entrance by concreting ten to eleven feet on either side covering the rocked area with concrete. The second part cost estimate is approximately \$39,000.00 and includes widening the first curve by replacing the asphalt with concrete on both the inside and outside of the curve. The third part cost estimate is approximately \$57,000.00 and includes widening both the inside and outside of the second curve and repairing several concrete panels in the roadway. The fourth part connects all of those sections with asphalt along both sides of the roadway to maintain the shoulder wide enough for trucks to get over and park, when necessary. The portion would cost approximately \$111,000.00, for a total of approximately \$243,000.00.

BEN JOHNSTON, Pittsburg Tank Group, commented that one area it does not address is the turn in down at the entrance which has been destroyed.

DYLAN WARD, Project Manager, thanked him for bringing that up and that repair of those two large sections had actually been included in the part four estimate.

RUSSELL R. SIGHTS, City Manager, indicated that the city would work with them on the traffic control and overnight parking issues and that someone from the Public Works department will be contacting them to address those problems.

WENDY COYLE, International Paper, indicated that a big safety concern for her is the traffic coming in and out of Commonwealth Drive and traffic not following speed limits. There is truck traffic, school traffic, and now city equipment exiting onto that busy street.

DISCUSSION WAS HELD regarding that Sand Lane is a state highway; that a traffic study for the possible installation of a traffic control light was conducted approximately ten years ago and at that time criteria was not met for additional traffic control; and requesting that the state conduct a new traffic study after all the city equipment has been moved into their new location.

Motion by Commissioner Staton, seconded by Commissioner Pruitt, to move forward with the concrete and asphalt project to repair and widen Commonwealth Drive in the estimated cost of \$243,000.00.

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 OF HENDERSON – RECORD BOOK

Record of Minutes of A regular *Meeting on* July 11, 2017

WHEREUPON, Mayor Austin declared the motion approved.

/s/ Steve Austin
Steve Austin, Mayor
July 11, 2017

ATTEST:

Maree Collins, City Clerk _____

MAYOR AUSTIN reminded everyone that since this was not a budgeted item, that a budget amendment will be needed at some point during the year to cover the costs of these improvements.

APPROVAL OF CONSENT AGENDA:

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

Minutes: June 13, 2017, Regular Meeting
 June 20, 2017, Called Work Session
 June 20, 2017, Called Meeting
 June 30, 2017, Called Meeting

Motion by Commissioner Staton, seconded by Commissioner Pruitt, to approve the items on the Consent Agenda with the correction brought forth by Commissioner Staton to the vote of all Ayes on Ordinance No. 26-17 in the June 13th meeting.

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:

WHEREUPON, Mayor Austin declared the consent agenda items approved.

/s/ Steve Austin
Steve Austin, Mayor
July 11, 2017

ATTEST:

Maree Collins, City Clerk _____

ORDINANCE NO. 37-17: SECOND READ ORDINANCE REGARDING ANNEXATION

AN ORDINANCE ANNEXING CERTAIN UNINCORPORATED TERRITORY TO THE CITY OF HENDERSON, KENTUCKY, KNOWN AS PARCEL #46-65, (SECTION A) CONTAINING 71.756 ACRES MORE OR LESS, AND PARCEL #46-58.8, #46-64, AND #46-55 (SECTION B) CONTAINING 163.524 ACRES MORE OR LESS, LOCATED BETWEEN BORAX DRIVE AND OHIO DRIVE, IN HENDERSON COUNTY

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

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 OF HENDERSON – RECORD BOOK

Record of Minutes of A Regular Meeting on July 11, 2017

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
July 11, 2017

ATTEST:
Maree Collins, City Clerk

AMY BRADY, Henderson County Jailer, requested that an amendment be made to the smoking ordinance to allow correctional grade e-cigarettes inside the living quarters of the jail. She stated that they would not be allowed in the hallways, or the lobby when people come in and out to visit or on work details. She then introduced Jamie Mosley, Laurel County Jailer, inventor of the correctional grade e-cigarettes and owner of Crossbar Electronic Cigarettes.

JAMIE MOSLEY, Laurel County Jailer, explained that six and half years ago when he became jailer at Laurel County they recognized that tobacco was a tremendous contraband problem. They discovered e-cigarettes sold in the commissary cut the contraband issue tremendously. Fighting went down and morale went up. However, commercial e-cigarettes could be fashioned into weapons and contained batteries that could be used to start a fire. He then did research and developed a prototype for a correctional grade e-cigarette that could not be used as a weapon and contained pharmaceutical grade ingredients.

AMY BRADY, Henderson County Jailer, explained that they have been selling these correctional grade e-cigarettes for approximately three years and the proceeds received must be used for inmate welfare. Last fiscal year over 16,000 were sold at \$12.95 each funding programs that include the Substance Abuse Program, the Successful Transition Employment Education Program, financial training, anger management, the mowing crews, the 22 1/2 acre garden which includes the entire process from breaking ground, fertilizing, growing the vegetables, harvesting, processing and donating to local non-profit organizations. She further indicated that they are used as contest prizes and incentives.

COMMISSIONER STATON asked if something could be done to ensure that non-smoking inmates would have an option to not be roommates with a smoker, if they so chose.

AMY BRADY, Henderson County Jailer, responded that they would work on adding that to their booking paperwork.

ORDINANCE NO. 38-17: FIRST READ
ORDINANCE AMENDING CODE OF ORDINANCES PERTAINING TO SMOKING
AN ORDINANCE AMENDING ORDINANCE 16-17 OF THE CITY OF HENDERSON CODE OF ORDINANCES PERTAINING TO SMOKING, SECTION 16-56 WHERE SMOKING NOT REGULATED, SUB-SECTION (F) BY CLARIFYING EXEMPTIONS RELATING TO FEDERAL, STATE, AND COUNTY DETENTION AND CORRECTIONAL FACILITIES

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

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:

WHEREUPON, Mayor Austin declared the ordinance adopted on its first reading and ordered that it be presented for a second reading at a meeting of the Board of Commissioners.

CITY OF HENDERSON – RECORD BOOK

Record of Minutes of A regular Meeting on July 11, 2017

ORDINANCE NO. 39-17: FIRST READ
 ORDINANCE RELATING TO MOBILE FOOD UNITS
 ORDINANCE AMENDING ARTICLE IV, MOBILE FOOD UNITS, SECTIONS 17-63 THROUGH 17-70, OF CHAPTER 17, *PARKS AND RECREATION*, OF THE CODE OF ORDINANCES OF THE CITY OF HENDERSON

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

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:

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. 40-17: FIRST READ
 ORDINANCE AMENDING EROSION AND SEDIMENT CONTROL AND CLEANING OF STREETS
 AN ORDINANCE AMENDING CHAPTER 7, *BUILDINGS AND BUILDING REGULATIONS*, ARTICLE VI, *EROSION AND SEDIMENT CONTROL AND CLEANING OF STREETS*, SECTION 7-203, *EROSION AND SEDIMENT CONTROL PLAN CONTENT, DESIGN REQUIREMENTS* TO REQUIRE A SEPARATE APPLICATION FOR A LOCAL HKYR10 PERMIT TO BE SUBMITTED TO HENDERSON WATER UTILITY

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

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:

WHEREUPON, Mayor Austin declared the ordinance adopted as amended on its first reading and ordered that it be presented for a second reading at a meeting of the Board of Commissioners.

ORDINANCE NO. 41-17: FIRST READ
 ORDINANCE RELATED TO PLUMBING CODES
 AN ORDINANCE REPEALING CHAPTER 7, *BUILDINGS AND BUILDING REGULATIONS*, ARTICLE IV, *PLUMBING CODE*, DIVISION 1, *GENERALLY*, SECTION 7-152 *REVOCATION* AND DIVISION 2, *LICENSES* SECTION 7-164, *WHEN REQUIRED*; SECTION 7-165, *TO WHOM ISSUED*; SECTION 7-166, *FEES*; AND SECTION 7-167, *EXPIRATION*

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

CITY OF HENDERSON – RECORD BOOK

Record of Minutes of _____ *A Regular* _____ *Meeting on* _____ July 11, 2017

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:

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. 42-17: FIRST READ

ORDINANCE AMENDING STORAGE OF NONOPERATIVE, UNFIT, AND ABANDONED MOTOR VEHICLES

AN ORDINANCE AMENDING CHAPTER 15, NUISANCES, ARTICLE II, JUNK VEHICLES AND JUNKYARDS, SECTION 15-23, STORAGE OF NONOPERATIVE, UNFIT, AND ABANDONED MOTOR VEHICLES TO INCLUDE PROHIBITION ON THE STORAGE OF UNLICENSED VEHICLES TO COMPLY WITH THE INTERNATIONAL PROPERTY MAINTENANCE CODE

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

COMMISSIONER STATON asked how this would affect a person who buys a car to fix it up and eventually get it licensed.

JOHN STROUD replied that it would not affect them. Most of this aligns with the International Property Maintenance Code for these vehicles in states of disrepair and licensing is just another portion of it. If you bought a 1966 Mustang and wanted to redo it, as long as you didn't have a thousand pieces in your front yard we're not going to see you.

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:

WHEREUPON, Mayor Austin declared the ordinance adopted as amended on its first reading and ordered that it be presented for a second reading at a meeting of the Board of Commissioners.

MUNICIPAL ORDER 30-17:

MUNICIPAL ORDER AUTHORIZING SALE OF SURPLUS PROPERTY LOCATED AT 1021 CLAY STREET; AND AWARDED BID TO ROSEMARY TAYLOR FOR PURCHASE OF THE PROPERTY FOR THE SUM OF \$500; AND AUTHORIZING MAYOR TO EXECUTE DOCUMENTS NECESSARY TO COMPLETE SALE

MOTION by Commissioner Pruitt, seconded by Commissioner Vowels, to adopt the municipal order authorizing the sale of surplus property located at 1021 Clay Street to Rosemary Taylor in accordance with her bid submitted pursuant to Bid Reference 17-15 in the amount of \$500.00 and authorizing the Mayor to execute any necessary document to complete the sale.

CITY OF HENDERSON – RECORD BOOK

Record of Minutes of A regular *Meeting on* July 11, 2017

DAWN KELSEY, City Attorney, explained that this property was part of the mass foreclosure and was purchased by the City for \$1.00. It had been declared as surplus property earlier and was advertised for sale by sealed bid. Ms. Taylor owns a neighboring property.

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:

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
July 11, 2017

ATTEST:

Maree Collins, City Clerk _____

CITY MANAGER’S REPORT:

RUSSELL R. SIGHTS, City Manager, reported that he had received a request from Holy Name School to use the parking lot behind Immanuel Baptist Temple. He explained that the entrance to that parking lot is on Adams Lane and has approximately 48 spaces and that there currently is no activity there. It was explained to them that it would be necessary to re-evaluate usage of the lot once improvements are started for the new fire station. He further reported that he and the city attorney had discussed the request and recommend that a lease with insurance requirements and opt-out clauses in the amount of \$1.00 be implemented to achieve appropriate guidelines for usage.

There were no objections to leasing the parking lot to Holy Name School for \$1.00.

CITY ATTORNEY REPORT:

DAWN KELSEY, City Attorney, reported that she had two items to discuss. The first is a request for authorization to forward a zoning appendix review relating to site triangle requirements in the Gateway, Audubon Commercial, HIP District, and Riverfront 2 District to the Planning Commission for review and action. There is currently a conflict in the restrictions as all of these zones allow zero lot lines but require 30’ site triangles.

DISCUSSION WAS HELD relating to zero lot lines; site triangle requirements; right-of-way width in the affected zones; right-of-way width in residential zones; and that the Planning Commission would conduct a review and public hearing on the proposed changes.

Motion by Commissioner Bugg, seconded by Commissioner Vowels to forward a request to the Planning Commission for review of the site triangle requirements in the Gateway, Audubon Commercial, HIP, and Riverfront 2 zones.

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 OF HENDERSON – RECORD BOOK

Record of Minutes of A Regular *Meeting on* July 11, 2017

DAWN KELSEY, City Attorney, reported that Spectrum, which has taken over the cable franchise in Henderson, sent a letter to the City informing us that as of August 8th there will be changes to their transmission which will require all customers to have a cable box. This is not something that can be regulated under the franchise agreement. Representatives of Spectrum will be present at the July 25th meeting to detail the changes and how it will affect customers in Henderson. She further reported that when this change took place in Bowling Green in April that it caused quite a stir, as there was little advance publicity to the customers or the city.

COMMISSIONERS REPORT:

COMMISSIONER VOWELS reported that the water fountain near the Water Feature on Water Street is anticipated to be installed soon. The free bottled water program was stopped because the cooler was destroyed. She donated the remaining water supply to the Audubon Kids Zone. He also asked if the “No Smoking” signage had been installed at the park playgrounds yet.

TRACE STEVENS, Parks and Recreation Director, reported that it is anticipated that they will be installed within the next 30 days.

COMMISSIONER STATON reported that he had been asked about the baby swings near the handicap equipment in Central Park and if seat belts or something similar could be installed in the handicap equipment.

TRACE STEVENS, Parks and Recreation Director, indicated that the baby swings were removed to make room for the new handicapped accessible equipment and that he would need to research if there are seat belts or anything similar available.

COMMISSIONER PRUITT indicated that in re-reading the Mobile Food Unit ordinance that it seems to have a lot of regulations and restrictions that may be covered under other agencies and may need to be looked at in the future.

DAWN KELSEY and RUSSELL SIGHTS responded that the difference is these restrictions are placed on them because they are on City property and not on private property or a brick and mortar store.

MEETING ADJOURN:

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

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

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

WITHOUT OBJECTION, Mayor Austin declared the Meeting adjourned at approximately 6:50 p.m.

ATTEST:

Maree Collins, City Clerk

Steve Austin, Mayor
 July 25, 2017