

City of Henderson, Kentucky  
Board of Commissioners  
Tuesday, January 14, 2020

Municipal Center  
Third Floor Assembly Room  
222 First Street  
5:30 P.M

AGENDA

1. Invocation: Britney Smith, Executive Director, Habitat for Humanity
2. Roll Call:
3. Recognition of Visitors:
4. Appearance of Citizens:
5. Proclamations:
6. Presentations:
7. Public Hearings:
8. Consent Agenda:

Minutes: December 10, 2019, Regular Meeting  
December 13, 2019, Called Meeting

Resolutions: Resolution Approving Henderson City/County Rescue Squad Agreement

9. Ordinances, Municipal Orders and Resolutions:

Second Readings:

First Readings:

Resolutions: Resolution Granting Property Reassessment Moratorium – 213 North Main Street

Resolution Authorizing Submittal and Acceptance of Grant Application for the Installation of Natural Gas Lines to Property Located on U.S. Highway 60

Municipal Orders: Municipal Order Accepting Memorandum of Understanding with Henderson County Board of Education for the Placement of School Resource Officers

*Please mute or turn off all cell phones for the duration of this meeting.*

10. Bids & Contracts:
11. Unfinished Business:
12. City Manager's Report:
13. Commissioner's Reports:
14. Appointments:
15. Executive Session:
16. Miscellaneous:
17. Adjournment

**City Commission Memorandum**  
**20-01**

January 7, 2020

TO: Mayor Steve Austin and the Board of Commissioners

FROM: William L. "Buzzy" Newman, Jr., City Manager *WLN*

SUBJECT: Consent Agenda

The Consent Agenda for the meeting of January 14, 2020 contains the following:

Minutes: December 10, 2019, Regular Meeting

December 13, 2019, Called Meeting

Resolutions: Resolution Approving Agreement Between the Henderson City/County Rescue Squad, the City of Henderson, the County of Henderson, and Henderson Emergency Management.

## CITY OF HENDERSON – RECORD BOOK

*Record of Minutes of* \_\_\_\_\_ *A Regular* \_\_\_\_\_ *Meeting on* \_\_\_\_\_ *December 10, 2019*

A meeting of the Board of Commissioners of the City of Henderson, Kentucky, was held on Tuesday, December 10, 2019, at 5:30 p.m., prevailing time, in the third floor Assembly Room located in the Municipal Center Building at 222 First Street, Henderson, Kentucky.

INVOCATION was given by Dr. Nathan Whisnant, Airline Baptist 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 X R. Royster, III  
 Commissioner Bradley S. Staton  
 Commissioner Austin P. Vowels

ALSO PRESENT:

Mr. William L. “Buzzy” Newman, Jr., City Manager  
 Mrs. Dawn Kelsey, City Attorney  
 Ms. Maree Collins, City Clerk  
 Mrs. Donna Stinnett, Community Relations Manager/Public Information Officer  
 Mr. Heath Cox, Police Chief  
 Mr. Brian Williams, Public Works Director  
 Mr. Sam Lingerfelt, Sanitation Superintendent  
 Mrs. Connie Galloway, Human Resources Director  
 Mr. Trace Stevens, Parks, Recreation & Cemeteries Director  
 Mr. Scott Foreman, Fire Chief  
 Mr. Robert Gunter, Finance Director  
 Mr. Dylan Ward, Project Manager  
 Ms. Jordan Webb, Communications Officer  
 Mr. Justin Webb, Henderson Water Utility  
 Mr. Brian Bishop, Planning Commission Executive Director  
 Mr. Tom Williams, HWU General Manager  
 Mr. Todd Bowley, HWU Chief Financial Officer  
 Mr. Stan T. Syra, Audit and Assurance Ser. Div. Sr. Mgr., Riney Hancock CPAs PSC  
 Senator Robby Mills  
 Mrs. Vickie Mills  
 Ms. Bryanna Carroll, Kentucky League of Cities Director of Governmental Affairs  
 Mr. Charles Johnson, Human Rights Executive Director  
 Mr. John Coomes, Tri-County Council of Labor & Human Rights Commission  
 Mr. Butch Putman, Tri-County Council of Labor  
 Mr. Jimmy Williams, Tri-County Council of Labor  
 Ms. Ginger Stovall, Tri-County Council of Labor & Human Rights Commission  
 Mr. Kenny Martin, Human Rights Commission  
 Mr. Kevin Knight  
 Dr. Nathan Whisnant, Airline Baptist Church  
 Mr. Doug White, *the Gleaner*  
 Mr. Robert Gipson, Police Officer

---

PRESENTATION: “Recognition – Tri-County Council of Labor for the *Perch Park*”

DYLAN WARD, Project Manager, explained that the Perch pocket park has recently received awards from the Kentucky Recreation and Parks Society and the Downtown Henderson Partnership; however, this award is from the Kentucky Chapter of American Public Works Association awarding the Perch Park as the statewide 2019 Project of the Year in the Parks Category. We are here tonight to present this award to the Tri-County Council of Labor in recognition of the more than 450 man-hours that were donated to the project. The various trades worked tirelessly to design, build, install and finally to put the finishing stain on all of the stage,

# CITY OF HENDERSON – RECORD BOOK

*Record of Minutes of* \_\_\_\_\_ *A Regular* \_\_\_\_\_ *Meeting on* \_\_\_\_\_ *December 10, 2019*

benches, tables, flower boxes and other furniture that surrounds the stage and under the pergola in the park. It is estimated that this is in excess of \$20,000.00 worth of labor, and it is appropriate that we give a special thank you to John Coomes who was personally responsible for many hours of work on this project.

JOHN COOMES, Tri-County Council of Labor, AFL-CIO President, thanked the Board of Commissioners. He indicated that when the project was presented to him, he knew that the best way to finish a project was to get started, so he took the idea to his crews and they ran with it.

MAYOR AUSTIN expressed his appreciation for all the hard work that was put into making the Perch such an inviting place to be and indicated that he anticipates that it will be a busy place when the weather warms up this spring.

---

PRESENTATION: “Henderson Water Utility Report on Audited Financial Statements for Fiscal Year Ended June 30, 2019”

TODD BOWLEY, Henderson Water Utility Chief Financial Officer, introduced Mr. Stan Syra of the Riney Hancock CPAs firm of Owensboro, Kentucky to present the Henderson Water Utility audited financials for the fiscal year ended June 30, 2019.

STAN SYRA, Riney Hancock CPAs PSC Audit and Assurance Service Division Senior Manager, gave a brief summary of the Independent Auditor’s Report that was completed by his firm for the City of Henderson Water and Sewer Commission. Mr. Syra reported that the Henderson Water Utility had received an Unmodified Opinion or a clean opinion indicating that all internal controls were in place and all the financial statements are materially correct. He indicated that the report does mention a material misstatement, which means that there was an anomaly with the inventory control. Inventory audit testing was performed showing that the error is in the software used to establish the value of the inventory items. Some of the very old inventory did not calculate properly due to the older invoices being purged from the system. This issue has been addressed and everything is now in order. Mr. Syra thanked HWU General Manager Tom Williams and HWU CFO Todd Bowley for the excellent job they and their staff do to make the process go so smoothly.

MOTION by Commissioner Staton, seconded by Commissioner Bugg, to accept the Water and Sewer Commission, Henderson Water Utility Report on Audited Financial Statements for Fiscal Year ended June 30, 2019 as presented by Mr. Stan Syra, Senior Manager of the Audit and Assurance division of Riney Hancock CPAs PSC.

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

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

---

PRESENTATION: “Human Rights Commission Quarterly Report”

CHARLES JOHNSON, Human Rights Commission Executive Director, introduced attending Board members: Chairperson Kenny Martin, Chairperson-Elect Ginger Stovall, Treasurer John Coomes. Reverend Johnson indicated that the new Board has been sworn in and has officially voted to move the meeting date to the fourth Monday of each month to begin at 5:30 p.m. in suite F at the Public Safety Building, 1990 Barret Court. He reported that some of their main goals are to remain open and transparent and to take on a more active role in the community. He indicated that he is looking forward to the coming new year.

## CITY OF HENDERSON – RECORD BOOK

Record of Minutes of \_\_\_\_\_ A Regular \_\_\_\_\_ Meeting on \_\_\_\_\_ December 10, 2019

PRESENTATION: “Kentucky League of Cities Friend to Kentucky Cities Award”

BRYANNA CARROLL, Kentucky League of Cities Director of Governmental Affairs, indicated that this has been a very busy day with the inauguration earlier today and then the long drive from Frankfort. She reported that the 62 member KLC Board votes every year after reviewing the legislation that has passed or bills that have been successfully stopped during the legislative session and selected legislators that have been helpful in those efforts. She indicated that we have a Senator that is willing to listen to KLC staff presentations and who is willing and able to explore issues to find the best solutions. Ms. Carroll reported that it was her great honor to present Senator Robby Mills with the Kentucky League of Cities Friend to Kentucky Cities award for his commitment and dedication to the communities of Kentucky. She indicated that the Senator had been very helpful in crafting a bill last session that presented a new concept to address blighted properties in our communities. The bill didn’t pass, and wasn’t expected to, but did introduce the concept for discussion and possible future approval.

SENATOR MILLS, thanked Ms. Carroll and the KLC Board. He indicated that the annual membership dues paid to the Kentucky League of Cities was a great investment for the research and representation that they provide. He further indicated that while he doesn’t always agree with J.D. (Chaney, KLC Executive Director) and Bryanna, it is always a pleasure to listen to and debate the issues and advocate legislation for them. Senator Mills reported that Mayor Austin also does a good job of advocating for our community. He indicated that there are several important issues coming up in the next session and it should be interesting. Senator Mills expressed his appreciation for this honor and said that it was a privilege to serve this community.

PRESENTATION: “Planning Commission Refund of Unused Funds”

BRIAN BISHOP, Executive Director, Henderson-Henderson County Planning Commission reported that their final audit had been completed and presented the City with a check in the amount of \$18,930.00 representing the City's portion of excess funds from their fiscal year 2019 operating budget.

MAYOR AUSTIN and City Manager WILLIAM L. “BUZZY” NEWMAN, JR. thanked Brian and his staff for the work that the Planning Commission does for both the City and the County and for being so thrifty. Mr. Newman also expressed his appreciation for all the hard work Mr. Bishop has done on the Master Plan and the first-ever Gateway District Committee Review and Approval Process for a residential development to be located on Second Street.

Mr. Bishop indicated that it was easy to do good work when you have good people working with you, and we have a great team that I just happen to be a part of.

APPROVAL OF CONSENT AGENDA:

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

Minutes:        November 12, 2019, Regular Meeting  
                          November 19, 2019, Called Meeting  
                          November 19, 2019, Work Session

Municipal Order:

52-19: Municipal Order Accepting Stormwater Management System Maintenance Agreement Between the City of Henderson, the Water and Sewer Commission of the City of Henderson and Donna Li Investment Properties, LLC; and Authorizing the Mayor to Execute on Behalf of the City

# CITY OF HENDERSON – RECORD BOOK

Record of Minutes of           A Regular           Meeting on           December 10, 2019          

MOTION by Commissioner Staton, seconded by Commissioner Royster, to approve the items on the Consent Agenda as presented.

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

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

WHEREUPON, Mayor Austin declared the consent agenda items approved.

/s/ Steve Austin  
Steve Austin, Mayor  
December 10, 2019

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

ORDINANCE NO. 32-19: SECOND READ  
ORDINANCE AMENDING CODE OF ORDINANCES REGARDING  
DEPARTMENTS AND OFFICES

AN ORDINANCE AMENDING CHAPTER 2, *ADMINISTRATION*, ARTICLE IV, *DEPARTMENTS AND OFFICES*, DIVISION I, *GENERALLY*, SECTION 2-65, ADDING (#10) EMERGENCY COMMUNICATIONS OF THE CODE OF ORDINANCES OF THE CITY OF HENDERSON

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

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

Commissioner Royster -- Aye:  
Commissioner Staton ---- Aye:  
Commissioner Vowels --- Aye:  
Commissioner Bugg ----- 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  
December 10, 2019

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

ORDINANCE NO. 33-19: SECOND READ  
ORDINANCE AMENDING EMPLOYEE MANUAL  
ORDINANCE AMENDING ARTICLE 10-*PERSONNEL*, OF THE CITY OF  
HENDERSON EMPLOYEE MANUAL BY ADDING NON-CIVIL SERVICE POSITION  
EMERGENCY COMMUNICATIONS DIRECTOR

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

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

Commissioner Royster -- Aye:  
Commissioner Staton ---- Aye:  
Commissioner Vowels --- Aye:  
Commissioner Bugg ----- Aye:

## CITY OF HENDERSON – RECORD BOOK

Record of Minutes of           A Regular           Meeting on           December 10, 2019          

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  
December 10, 2019

ATTEST:

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

ORDINANCE NO. 34-19: FIRST READ

ORDINANCE AMENDING PORTION OF CITY OF HENDERSON BUDGET

ORDINANCE AMENDING CITY OF HENDERSON BUDGETED POSITIONS AND JOB CLASSIFICATIONS OF THE 2019-2020 BUDGET TO ALLOW UP TO FIFTEEN (15) FULL-TIME EQUIVALENT AUTHORIZED OFFICER POSITIONS BE USED TO EMPLOY RETIRED POLICE OFFICERS

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

HEATH COX, Police Chief, reported that he and Human Resources Director CONNIE GALLOWAY have been working with the Kentucky Retirement System since June to determine if and how many retired officers could be approved for rehire. The formula used by KRS will allow the hiring of up to 15 officer positions. Chief Cox indicated that he doesn't plan to hire that many, but it does give us that flexibility. Retired officers will be hired under a one year contract and the City is exempt from making contributions for their Kentucky Retirement System pension and insurance reimbursement. Chief Cox further indicated that because of the experience level of these returning officers he is recommending that the pay plan be amended to bring them in at HD11 Step One, which is equivalent to the pay of a 20-year officer and will be addressed in the next item on the agenda.

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

Commissioner Royster -- Aye:  
Commissioner Staton ---- Aye:  
Commissioner Vowels --- Aye:  
Commissioner Bugg ---- 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. 35-19: FIRST READ

ORDINANCE AMENDING PAY PLAN

ORDINANCE AMENDING PAY PLAN RELATING TO HAZARDOUS DUTY PAY EFFECTIVE JANUARY 1, 2020

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

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

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

# CITY OF HENDERSON – RECORD BOOK

*Record of Minutes of* \_\_\_\_\_ *A Regular* \_\_\_\_\_ *Meeting on* \_\_\_\_\_ December 10, 2019

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.

WILLIAM L. “BUZZY” NEWMAN, JR., City Manager, reported that during the budget process it was identified that the Sanitation Fund was running at a deficit in an amount exceeding \$300,000.00. Staff including Public Works Director Brian Williams, Sanitation Superintendent Sam Lingerfelt, Finance Director Robert Gunter began meeting with me to explore various ways to reduce expenses and/or increase landfill and solid waste rates. These are the recommendations from those meetings. He added that it is anticipated that the January Work Session topic will be discussion of the Sanitation Operations.

ORDINANCE NO. 36-19: FIRST READ  
ORDINANCE AMENDING SANITATION RATES

AN ORDINANCE AMENDING CHAPTER 14, *GARBAGE AND REFUSE*, ARTICLE III *TRANSFER STATION/RESIDUAL LANDFILL*, SECTION 14-88, *NONRESIDENTIAL RATES*, SECTION 14-90, *RESIDENTIAL RATES* TO INCREASE THE MONTHLY RATE TO NINETEEN DOLLARS AND FIFTY CENTS (\$19.50), AND SECTION 14-91, *SPECIAL CHARGES* TO INCREASE THE SPECIAL CHARGE TO THIRTY DOLLARS (\$30.00) FOR A SMALL TRUCKLOAD AND SIXTY DOLLARS (\$60.00) FOR A SINGLE AXLE DUMP TRUCK LOAD EFFECTIVE JANUARY 1, 2020

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

COMMISSIONER STATON asked when the last time rates were increased -- Sanitation collection rates were last raised in 2013. The Special Charge has not been raised in decades.

MAYOR AUSTIN indicated that some households in the County are already paying \$20.00 per month and that does not include the \$1.00 recycling fee.

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

Commissioner Royster -- Aye:  
Commissioner Staton ---- Aye:  
Commissioner Vowels --- Aye:  
Commissioner Bugg ----- 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.

MUNICIPAL ORDER NO. 53-19:

MUNICIPAL ORDER ESTABLISHING NEW RATE STRUCTURE FOR THE TRANSFER STATION SOLID WASTE DISPOSAL EFFECTIVE JANUARY 1, 2020

MOTION by Commissioner Staton, seconded by Commissioner Royster, to approve establishing a new rate structure for the Transfer Station Solid Waste Disposal Fees, effective January 1, 2020.

MAYOR AUSTIN indicated that this rate reflects the increased rate from our Daviess County contract to dispose of our solid waste.

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

Commissioner Royster -- Aye:  
Commissioner Staton ---- Aye:

## CITY OF HENDERSON – RECORD BOOK

Record of Minutes of           A Regular           Meeting on           December 10, 2019          

Commissioner Vowels --- Aye:  
Commissioner Bugg ---- 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  
December 10, 2019

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

MUNICIPAL ORDER NO. 54-19:  
MUNICIPAL ORDER ESTABLISHING NEW RATE STRUCTURE FOR THE  
RESIDUAL/CONSTRUCTION DEMOLITION AND DEBRIS (CDD) LANDFILL

MOTION by Commissioner Royster, seconded by Commissioner Vowels, to approve establishing a new rate structure for the Residual/Construction Demolition and Debris Landfill, effective January 1, 2020.

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

Commissioner Royster -- Aye:  
Commissioner Staton ---- Aye:  
Commissioner Vowels --- Aye:  
Commissioner Bugg ---- 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  
December 10, 2019

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

TOM WILLIAMS., Henderson Water Utility General Manager, explained that a gentleman by the name of Allen Brown owns the property that contains the old baggage building (the Railway Express Agency) at the old railroad depot near Third, Clark and Carlisle Streets. His company, Railmark Rail Services LLC, would like to renovate and expand that building and have been trying to acquire a small piece of adjacent property from the state. The Water Utility needs to replace a stormwater culvert crossing under the CSX Railroad, which will require a permanent easement across Railmark property. In exchange for an easement across Railmark's property, we are attempting to transfer property that is being acquired from the Kentucky Transportation Cabinet to Railmark for economic development, in exchange for Railmark making some investments in the property and locating their business address at this property. Two employees will be located at the renovated facility for a period of at least twenty-four months with both the business and employees subject to all applicable taxes and fees for that location. Railmark intends to apply for a property tax reassessment moratorium for the improvements to the Fourth Street property at an appropriate future date.

MUNICIPAL ORDER NO. 55-19:  
MUNICIPAL ORDER ACCEPTING MEMORANDUM OF UNDERSTANDING  
BETWEEN THE CITY OF HENDERSON, THE WATER AND SEWER COMMISSION OF  
THE CITY OF HENDERSON AND RAILMARK RAIL SERVICES, INC., AND  
AUTHORIZING THE MAYOR TO EXECUTE ON BEHALF OF THE CITY

MOTION by Commissioner Staton, seconded by Commissioner Bugg, to approve a Memorandum of Understanding with Railmark Rail Services, Inc. relating to the transfer of a tract of real property, with a permanent easement, once the Stormwater Culvert Replacement

# CITY OF HENDERSON – RECORD BOOK

Record of Minutes of           A Regular           Meeting on           December 10, 2019          

Project has been completed.

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

Commissioner Royster -- Aye:  
Commissioner Staton ---- Aye:  
Commissioner Vowels --- Aye:  
Commissioner Bugg ---- 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  
December 10, 2019

ATTEST:

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

MUNICIPAL ORDER NO. 56-19:

MUNICIPAL ORDER APPROVING APPOINTMENT BY CITY MANAGER OF JORDAN WEBB AS THE EMERGENCY COMMUNICATIONS DIRECTOR AND APPROVAL OF EMPLOYMENT AGREEMENT; AND AUTHORIZING MAYOR TO EXECUTE AGREEMENT ON BEHALF OF CITY

MOTION by Commissioner Staton, seconded by Commissioner Bugg, to approve the recommendation of the City Manager to appoint Jordan Webb as the new Emergency Communications Director.

WILLIAM L. "BUZZY" NEWMAN, JR., City Manager, reported that Jordan was the most prepared interviewee that he has ever had the pleasure of interviewing and looks forward to working with her in this new position.

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

Commissioner Royster -- Aye:  
Commissioner Staton ---- Aye:  
Commissioner Vowels --- Aye:  
Commissioner Bugg ---- 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  
December 10, 2019

ATTEST:

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

CITY MANAGER'S REPORT:

WILLIAM L. "BUZZY" NEWMAN, JR., City Manager, wished everyone happy and safe holidays.

COMMISSIONER'S REPORT:

COMMISSIONER ROYSTER echoed the City Manager's sentiments and wished everyone a happy and safe new year.

## CITY OF HENDERSON – RECORD BOOK

Record of Minutes of                     A Regular                     Meeting on           December 10, 2019          

COMMISSIONER STATON reported that he didn't find a natural way to work this in earlier relating to the Tri-County Council of Labor. He indicated that when the project of the park was brought up there were two or three significant things that were asked of John Coomes to partner with the city and he didn't hesitate to volunteer to help out where he could.

COMMISSIONER STATON asked if there was still a need to have a special called meeting on Friday, December 13<sup>th</sup> for second readings of some of these ordinances. The special called meeting is scheduled for 1:00 p.m. on Friday.

COMMISSIONER AUSTIN expressed his appreciation to all that spent their spare time doing volunteer work on the park and echoed sentiments for a happy and safe holiday season.

COMMISSIONER BUGG reminded everyone of the toy collection and funds still needed for the Goodfellows Christmas party scheduled for December 22<sup>nd</sup>. This organization provides this annual event for approximately 600 kids each year. Commissioner Bugg sent out special blessings to everyone in Henderson, "the best city on planet earth!"

MAYOR AUSTIN reported that the Christmas Tree Lighting Ceremony last weekend had the largest gathering that he had ever seen, and the Saturday Christmas Parade had a nice sunshiny day with lots of people enjoying the festivities. Someone told him driving past all of the displays in Central Park and the downtown businesses was just like a Hallmark movie and he thought that was a heck of a compliment for our community. Mayor Austin thanked everyone that participated in getting everything ready for the weekend activities from decorating the park with the new lights and tree topper to the ice skating rink; it was very much appreciated.

RE-APPOINTMENT: Board of Occupational License Appeal:  
Mr. Randall Sellars – Term to Expire December 31, 2023

Motion by Commissioner Royster, seconded by Commissioner Bugg, upon recommendation of Mayor Steve Austin, to reappoint Mr. Randall Sellars to a term of four years on the Board of Occupational License Appeal. Said term to expire December 31, 2023.

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

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

EXECUTIVE SESSION: Litigation

MOTION by Commissioner Bugg, seconded by Commissioner Staton, that the Board of Commissioners go into Executive Session pursuant to the provisions of KRS 61.810(1)(C) for the purpose of discussion of pending litigation.

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

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

## CITY OF HENDERSON – RECORD BOOK

*Record of Minutes of* \_\_\_\_\_ *A Regular* \_\_\_\_\_ *Meeting on* \_\_\_\_\_ December 10, 2019

WHEREUPON, Mayor Austin declared the Board adjourned into Executive Session.

\_\_\_\_\_

MEETING RECONVENED:

MOTION by Commissioner Staton, seconded by Commissioner Royster, the Board of Commissioners reconvened into regular session.

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

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

WHEREUPON, Mayor Austin reconvened the Board into regular session.

\_\_\_\_\_

MEETING ADJOURN:

MOTION by Commissioner Staton, seconded by Commissioner Royster to adjourn the meeting.

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

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

WITHOUT OBJECTION, Mayor Austin declared the Meeting adjourned at approximately 6:35 p.m.

ATTEST:

\_\_\_\_\_  
 Steve Austin, Mayor  
 January 14, 2020

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

## CITY OF HENDERSON – RECORD BOOK

Record of Minutes of \_\_\_\_\_ A Special Called \_\_\_\_\_ Meeting on \_\_\_\_\_ December 13, 2019

A special called meeting of the Board of Commissioners of the City of Henderson, Kentucky, was held on Friday, December 13, 2019, at 1:00 p.m., prevailing time, in the third floor Assembly Room located in the Municipal Center Building at 222 First Street, Henderson, Kentucky.

There were present Mayor Steve Austin presiding:

PRESENT:

Commissioner X R. Royster, III  
 Commissioner Bradley S. Staton  
 Commissioner Austin P. Vowels

ABSENT:

Commissioner Patti Bugg

ALSO PRESENT:

Mr. William L. "Buzzy" Newman, Jr., City Manager  
 Mrs. Dawn Kelsey, City Attorney  
 Ms. Maree Collins, City Clerk  
 Mrs. Donna Stinnett, Community Relations Manager/Public Information Officer  
 Mr. Brian Williams, Public Works Director  
 Mrs. Connie Galloway, Human Resources Director  
 Mr. Robert Gunter, Finance Director  
 Mr. Heath Cox, Police Chief  
 Mr. Sean McKinney, Deputy Police Chief  
 Mr. Douglas White, *the Gleaner*  
 Ms. Chellsie Parker, 14 News

---

ORDINANCE NO. 34-19: SECOND READ  
ORDINANCE AMENDING PAY PLAN  
ORDINANCE AMENDING PAY PLAN RELATING TO HAZARDOUS DUTY PAY  
 EFFECTIVE JANUARY 1, 2020

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

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

Commissioner Royster -- Aye:  
 Commissioner Staton ---- Aye:  
 Commissioner Vowels --- Aye:  
 Commissioner Bugg ----- Absent:  
 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  
 December 13, 2019

ATTEST:

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

# CITY OF HENDERSON – RECORD BOOK

Record of Minutes of           A Special Called           Meeting on           December 13, 2019          

ORDINANCE NO. 35-19: SECOND READ  
 ORDINANCE AMENDING PORTION OF CITY OF HENDERSON BUDGET  
 ORDINANCE AMENDING CITY OF HENDERSON BUDGETED POSITIONS AND  
 JOB CLASSIFICATIONS OF THE 2019-2020 BUDGET TO ALLOW UP TO FIFTEEN (15)  
 FULL-TIME EQUIVALENT AUTHORIZED OFFICER POSITIONS BE USED TO EMPLOY  
 RETIRED POLICE OFFICERS

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

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

Commissioner Royster -- Aye:  
 Commissioner Staton ---- Aye:  
 Commissioner Vowels --- Aye:  
 Commissioner Bugg ----- Absent:  
 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  
 December 13, 2019

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

ORDINANCE NO. 36-19: FIRST READ  
 ORDINANCE AMENDING SANITATION RATES  
 AN ORDINANCE AMENDING CHAPTER 14, *GARBAGE AND REFUSE*, ARTICLE  
 III *TRANSFER STATION/RESIDUAL LANDFILL*, SECTION 14-88, *NONRESIDENTIAL*  
*RATES*, SECTION 14-90, *RESIDENTIAL RATES* TO INCREASE THE MONTHLY RATE TO  
 NINETEEN DOLLARS AND FIFTY CENTS (\$19.50), AND SECTION 14-91, *SPECIAL*  
*CHARGES* TO INCREASE THE SPECIAL CHARGE TO THIRTY DOLLARS (\$30.00) FOR  
 A SMALL TRUCKLOAD AND SIXTY DOLLARS (\$60.00) FOR A SINGLE AXLE DUMP  
 TRUCK EFFECTIVE JANUARY 1, 2020

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

MAYOR AUSTIN indicated that the rate is going from \$16.00 plus \$1.00 for recycling per month to \$19.50, which includes the recycling fee, and that comes out to approximately sixty cents per week.

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

Commissioner Royster -- Aye:  
 Commissioner Staton ---- Aye:  
 Commissioner Vowels --- Aye:  
 Commissioner Bugg ----- Absent:  
 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  
 December 13, 2019

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

**CITY OF HENDERSON – RECORD BOOK**

*Record of Minutes of* \_\_\_\_\_ *A Special Called* \_\_\_\_\_ *Meeting on* \_\_\_\_\_ December 13, 2019

MEETING ADJOURN:

MOTION by Commissioner Staton, seconded by Commissioner Royster, to adjourn the meeting.

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

- Commissioner Royster -- Aye:
- Commissioner Staton ---- Aye:
- Commissioner Vowels --- Aye:
- Commissioner Bugg ----- Absent:
- Mayor Austin ----- Aye:

WITHOUT OBJECTION, Mayor Austin declared the last Meeting of the decade adjourned at approximately 1:05 p.m.

ATTEST:

\_\_\_\_\_  
Steve Austin, Mayor  
January 14, 2020

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

**City Commission Memorandum**  
**20-02**

January 7, 2020

TO: Mayor Steve Austin and the Board of Commissioners

FROM: William L. "Buzzy" Newman, Jr., City Manager *WLN*

SUBJECT: City/County Rescue Squad Statement of Affiliation Agreement

The accompanying resolution authorizes the execution of a Statement of Affiliation agreement with the Henderson City/County Rescue Squad, Inc.

The agreement establishes a formal relationship between the Rescue Squad, the City, the County, and Henderson County Emergency Management Agency. Its main purpose is to delineate certain statutory requirements for the operation of the rescue squad including call out authority, chain of command, and responsibilities of the entities.

The annual execution of the affiliation agreement is necessary to comply with state statute.

Your approval of the attached resolution is requested.

c: Heath Cox  
Scott Foreman

RESOLUTION NO. \_\_\_\_\_

RESOLUTION APPROVING AGREEMENT BETWEEN  
THE HENDERSON CITY/COUNTY RESCUE SQUAD,  
THE CITY OF HENDERSON, THE COUNTY OF HENDERSON,  
AND HENDERSON EMERGENCY MANAGEMENT

WHEREAS, pursuant to Chapter 39F of the Kentucky Revised Statutes (KRS. 39F.120, et seq.), it is necessary to annually adopt a formal statement of affiliation between the Henderson City/County Rescue Squad, the City of Henderson, the County of Henderson and Henderson Emergency Management, outlining a specific working agreement for the local search and rescue squad; and

WHEREAS, pursuant to KRS. 39F.120 (9)(a) the City shall certify, by signing, that the City Manager has reviewed the mission statement and statement of affiliation and that the rescue squad possesses the following:

1. Adequate numbers of trained personnel to perform the mission.
2. Proper and adequate equipment, including at least all of the required equipment specified by administrative regulations of the division, to perform the mission, and that the equipment is in proper working order;
3. A rescue vehicle, dedicated solely to rescue purposes, which is adequate to perform the mission of the squad, and is in proper working order;
4. Adequate command and control personnel, training and policies to ensure that the squad can quickly and efficiently respond and perform its mission when called upon.

WHEREAS, a copy of such statement of affiliation is attached hereto and incorporated herein by reference; and

WHEREAS, the City Manager recommends the approval of the agreement.

NOW, THEREFORE, BE IT RESOLVED by the City of Henderson, Kentucky that the recommendation of the City Manager is accepted, and the attached agreement between the Henderson City/County Rescue Squad, the City of Henderson, the County of Henderson, and Henderson Emergency Management is hereby approved, and the Mayor is authorized and directed to execute the agreement on behalf of the City.

On motion of Commissioner \_\_\_\_\_, seconded by Commissioner \_\_\_\_\_, that the foregoing Resolution be adopted, the vote was called. On roll call the vote stood:

Commissioner Staton: \_\_\_\_\_  
 Commissioner Vowels: \_\_\_\_\_  
 Commissioner Bugg: \_\_\_\_\_

Commissioner Royster: \_\_\_\_\_  
 Mayor Austin: \_\_\_\_\_

WHEREUPON, Mayor Austin declared the Resolution adopted, affixed his signature and the date thereto and ordered that the same be recorded.

\_\_\_\_\_  
Steve Austin, Mayor

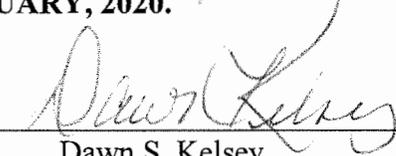
Date: \_\_\_\_\_

ATTEST:

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

**APPROVED AS TO FORM AND  
LEGALITY THIS 7 DAY OF  
JANUARY, 2020.**

By: \_\_\_\_\_

  
Dawn S. Kelsey  
City Attorney



## *Henderson City/County Rescue Squad, Inc.*

*P.O. 804 390 Sam Ball Way*

*Henderson, KY 42419-0804*

*(270) 826-2168 Phone/Fax*

*Bryant L. Woodard, Chief*

### Statement of Affiliation

**Purpose:** This affiliation is to provide a formal relationship between the Henderson City/County Rescue Squad, Henderson County, City of Henderson and Henderson Emergency Management Agency and to outline the responsibilities of each.

The County Judge/Executive and the Mayor of the City of Henderson hereby grants to the Rescue Squad the authority to operate in Henderson County and the City of Henderson pursuant to [KRS39F.020(1)]. In granting this authority to operate, it is recognized that all assets, property, funds or interests acquired, appropriated, donated or raised for the benefit and/or operation of the Rescue Squad shall be deemed the property of Henderson County, City of Henderson or, when acquired through state funds, the property of the Commonwealth of Kentucky. The Rescue Squad will be responsible for the management and accounting of the assets described above. By-laws of the Rescue Squad will conform to applicable state and federal laws and regulations and may not limit the authority of the County Judge/Executive, Mayor and/or the Local Emergency Management Director in the provision and management of the Rescue Squad services to the city and county.

The Rescue Squad is the sole officially recognized rescue squad in Henderson County and the City of Henderson. By virtue of this order, it is officially affiliated with the Henderson County Government, City of Henderson Government and the Henderson Emergency Management Agency.

### MISSION STATEMENT [KRS39F.120(1)(a)]

The Henderson City/County Rescue Squad shall serve the citizens of Henderson County and City of Henderson by providing fully trained and equipped personnel who will take the lead role in the following types of missions:

- (1) Back up all Henderson County Volunteer fire departments to provide cascade system to fill air packs, lights for night operations, command post, forcible entry tools if available and needed, and provide first aid if EMS is not on scene. This is also offered to City Fire upon request from them.
- (2) Search, rescue and/or recovery of boat accidents, possible drowning victims, vehicle recoveries and all other water and ice related incidents. Evacuation from flash flooded areas.
- (3) Provide first responder personnel to assist EMS with medical emergencies.
- (4) Provide severe weather spotters if the situation requires.
- (5) Search for lost or missing persons. The Rescue Squad will be responsible for the coordination of search and rescue resources and operations within Henderson County.
- (6) During severe weather emergencies, transport essential personnel (doctors, nurses, dispatches, etc.) to and from work. And will deliver critical medicines and medical equipment where needed in Henderson County.
- (7) CO monitoring in areas where fire departments do not have CO monitoring equipment.
- (8) Extrication and removal of victims trapped in vehicles or structures.
- (9) Gain entry where individuals have locked themselves out of vehicle.
- (10) Administer the Project Lifesaver program for clients.

The Rescue Squad will not take the lead role but will respond to and assist other agencies and departments upon request with the following types of missions:

- (1) Recover any corpse if not accessible by ambulance or hearse, if so requested and authorized by the Henderson County Coroner or his deputy.
- (2) Provide traffic control at an emergency scene when requested to do so by law enforcement.

- (3) Assist any agency in emergency evacuation of buildings or areas (with the exception to flooded areas which is a lead role position).
- (4) Help isolate, gather information to identify and secure hazardous material incidents.
- (5) Assist any requesting agency in emergency medical operations, reconnaissance, cleanup and restoration operations.
- (6) Assist in confined space rescue, cave rescue, high angle rescue or high rise rescue and supply ground support in these types of operations.
- (7) Assist in any emergency response related activities as so designated by the Henderson County Judge/Executive, Henderson City Mayor, Local, Regional or State Emergency Management as requiring rescue services.

The Rescue Squad will not respond to the following types of incidents or situations:

- (1) Search for persons sought in criminal acts.
- (2) Search for or recovery of items related to a crime, except when these items are being sought through a dive operation.
- (3) Hostage rescue situations.
- (4) Any rescue operation request that may be deemed "Too Dangerous" by the Rescue Squad Officer in Charge, or if properly trained Rescue Squad personnel are unavailable for the rescue attempt.

Note: All Rescue Squad services and responses are subject to the availability of appropriately trained personnel and/or equipment.

#### CALL OUT AUTHORITY [KRS39F.120(9)(a)]

The Rescue Squad may be called to respond by any of the following services or agencies:

- (1) Henderson County Judge/Executive.
- (2) Henderson Emergency Management Agency Director
- (3) City of Henderson Mayor
- (4) Henderson County SAR Coordinator
- (5) KyEM Regional Manager
- (6) State SAR Coordinator
- (7) Kentucky Division of Emergency Management

The Henderson 911 dispatch center will dispatch "tone out" the Rescue Squad on all incidents when any assistance is requested. If there is a question on the validity of the request, the dispatch center shall verify the request with the Chief or Assistant Chief of the Rescue Squad.

#### CHAIN OF COMMAND [KRS39F.120(9)(a)]

The Rescue Squad's Chain of Command will be in accordance with our Constitution and By-Laws and our Standard Operational Guidelines pursuant to KRS39F. We will work under the Incident Command System or the Unified Command System.

#### RESPONSIBILITIES [KRS39F.120(9)(a)]

The Rescue Squad shall maintain their equipment and property and shall be accountable for all equipment through an inventory which will be submitted to the Director of the Henderson Emergency Management Agency, Regional Manager and the State Search and Rescue Coordinator.

The Henderson County Government shall be responsible for the fiscal accountability for all funds donated to the Rescue Squad by the county. The City of Henderson shall be responsible for the fiscal accountability for all funds donated to the Rescue Squad by the city. The Henderson City/County Rescue Squad shall be responsible for all funds received by the Rescue Squad. The treasurer of the Henderson City/County Rescue Squad shall assure all payments of outstanding debts in a timely manner. The Henderson City/County Rescue Squad shall not assess fees or charges for any rescue activities [KRS39F.120(13)]. The Rescue Squad is responsible for maintaining an

approved and current set of bylaws which reflects their mission statements. It is the responsibility of the Rescue Squad to provide a copy of their bylaws and any approved changes to the Local Director, KyEM Regional Manager and the State Search and Rescue Coordinator.

The Rescue Squad has the responsibility to adhere to the requirements of formation and securing affiliation according to KRS39F.020. The Rescue Squad shall meet the organization requirements of KRS39F.050 and KRS39F.120.

The Henderson County Government will provide official license plates for all rescue vehicles. The Henderson County Government and the City of Henderson Government may appropriate a yearly allocation in the respective budgets to cover cost of operational expense by the Henderson City/County Rescue Squad.

The responsibilities of all parties to this order of affiliation shall conform to those responsibilities as provided in all applicable Kentucky revised Statues and Kentucky Administrative Regulations.

PROCEDURES FOR REVOCATION [KRS39F.120(9)(a)]

This order of affiliation can be updated, modified, amended, or cancelled upon the consent of the parties concerned. If a vacancy should occur in any of the positions on this order, the order will remain in effect for thirty days while the order is renegotiated.

The effective date of this order of affiliation shall be for one year. It shall remain in effect until January 31, 2021 at which time the order of affiliation may be renegotiated, updated, modified or cancelled.

This affiliation agreement was approved and adopted by the Henderson Fiscal Court with resolution number \_\_\_\_\_ on this day \_\_\_\_\_ of January 2020.

This affiliation agreement was approved and adopted by the City of Henderson Commission with resolution number \_\_\_\_\_ on this day \_\_\_\_\_ of January 2020.

All other written agreements of affiliation are null and void upon the effective date of this order.

\_\_\_\_\_  
Director, Henderson Emergency Management Agency Date: \_\_\_\_\_ January 2020

\_\_\_\_\_  
Chief, Henderson City/County Rescue Squad Date: \_\_\_\_\_ January 2020

In addition, by my signature below I certify that I have reviewed the mission statement of the rescue squad and the statement of affiliation and find that the rescue squad possesses: 1) adequate numbers of trained personnel to perform the mission; 2) proper and adequate equipment, including at least all of the required equipment specified by administrative regulations of the division, to perform the mission, and that the equipment is in proper working order; 3) a rescue vehicle, dedicated solely to rescue purposes, which is adequate to perform the mission of the squad, and is in proper working order; and 4) adequate command and control personnel, training, and policies to ensure that the squad can quickly and efficiently respond and perform its mission when called upon.

\_\_\_\_\_  
Henderson County Judge/Executive Date: \_\_\_\_\_ January 2020

\_\_\_\_\_  
City of Henderson Mayor Date: \_\_\_\_\_ January 2020

**City Commission Memorandum  
20-03**

January 7, 2020

TO: Mayor Steve Austin and the Board of Commissioners

FROM: William L. "Buzzy" Newman, Jr., City Manager *WLN*

SUBJECT: Property Reassessment Moratorium for 213 North Main Street

The accompanying resolution grants a property reassessment moratorium to Butler Real Estate, LLC for property located at 213 North Main Street.

The City received an application for a property tax reassessment moratorium for real property improvements at the subject property. This property is zoned Central Business District and is over twenty-five (25) years old with its primary purpose and use to be as a pharmacy and therefore it qualifies under Article VI of Chapter 21 of the Code of Ordinances. The reassessment moratorium results in the deferring of the added value of the improvements from the taxable assessment of the property for the first five years following improvement. The property complies with all eligibility requirements of the program.

The applicant proposes renovations of approximately \$350,000.00 and the proposed pharmacy is expected to employ three people.

The program is authorized by KRS 99.600 and is established in Chapter 21, Article VI, of the Code of Ordinances. The application has been submitted under the policy as amended by the Board of Commissioners in October 2018 and evaluation of the property has been completed by the Property Valuation Administrator.

Your approval of the attached resolution is requested.

c: Robert Gunter



City of Henderson  
Kentucky

Application For  
Assessment Moratorium Certificate

cell phone  
270-952-3493

NOTE:  
This form must be filed with the  
City Manager's office, 222 1st  
Street Henderson, KY, at least  
30 days prior to restoration or  
repair work begins.

Henderson County Kentucky Date Submitted 12-17-19

1. Name(s) and mailing address of owner-applicant(s) in whose name title is vested:  
Christopher Allen Butler "Butler Real Estate"

2. Location and description of property:  
 Commercial  Residential (CBD only) Zoning Designation: \_\_\_\_\_

a. Location 213 N Main Street Henderson Ky 42420

b. Age of property 100 + years

c. General description of property 1 building 3 stories

d. General description of proposed use Pharmacy

e. Time schedule for completion of project Summer of 2020

f. List the fixed building equipment and a statement of the economic advantages expected from the moratorium and construction employment 3 employees expected, Soda fountain, Self Pharmacy

g. Applicant's estimate of Total Costs of rehabilitation or repair \$ \$ 350,000.00

h. Applicant's estimate of fair cash value of property as of the date of application \$ \$ 115,000.00

AFFIDAVIT AND OATH

I/We Chris Butler  
hereby swear (affirm) under penalty of perjury that I/we am/are the owner(s) of the property for which this assessment moratorium is sought;  
and that all information contained in this application is true and correct.

[Signature] Signature of Applicant 12-17-19 Date

\_\_\_\_\_  
Signature of Applicant Date

\_\_\_\_\_  
Signature of Applicant Date

RESERVED FOR OFFICIAL USE

Property Valuation Administrator's Appraisal \$ 115,000 AMP 12/20/2019  
Date

This application is:  Approved  Disapproved  
(Attach resolution of approval or letter of denial) \_\_\_\_\_ Date  
(ORDINANCE AND PROCESS/POLICY ATTACHED)

RESOLUTION NO. \_\_\_\_\_

RESOLUTION GRANTING PROPERTY REASSESSMENT  
MORATORIUM FOR BUTLER REAL ESTATE, LLC FOR  
PROPERTY LOCATED AT 213 NORTH MAIN STREET,  
HENDERSON KY

WHEREAS, pursuant to Article VI of Chapter 21 of the Code of Ordinances of the City of Henderson, the City may grant a five year tax reassessment moratorium for qualifying units of real property zoned as Central Business District of the City; and

WHEREAS, Butler Real Estate, LLC, 948 Osage Drive, Henderson, KY 42420, has made application for such reassessment moratorium for the improvements made to his property located at 213 North Main Street, Henderson, Kentucky; and

WHEREAS, the property complies with all of the eligibility requirements of the moratorium program and the City Manager recommends that the application be approved.

NOW, THEREFORE, BE IT RESOLVED by the City of Henderson, Kentucky, that the recommendation of the City Manager is accepted, and the application for a property tax reassessment moratorium submitted by Butler Real Estate, LLC for the improvements to be made at 213 North Main Street, Henderson, Kentucky, is hereby granted.

On motion of Commissioner \_\_\_\_\_, seconded by Commissioner \_\_\_\_\_, that the foregoing Resolution be adopted, the vote was called. On roll call the vote stood:

Commissioner Staton: _____	Commissioner Royster: _____
Commissioner Vowels: _____	Mayor Austin: _____
Commissioner Bugg: _____	

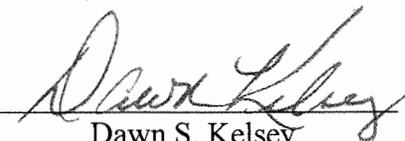
WHEREUPON, Mayor Austin declared the Resolution adopted, affixed his signature and the date thereto and ordered that the same be recorded.

\_\_\_\_\_  
Steve Austin, Mayor  
Date: \_\_\_\_\_

ATTEST:

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

**APPROVED AS TO FORM AND  
LEGALITY THIS 4 DAY OF  
JANUARY, 2020.**

By:   
Dawn S. Kelsey  
City Attorney

**City Commission Memorandum**  
**20-04**

January 7, 2020

TO: Mayor Steve Austin and the Board of Commissioners

FROM: William L. "Buzzy" Newman, Jr., City Manager *WLN*

SUBJECT: Kentucky Product Development Initiative (PDI) Grant to Extend Natural Gas Lines

The accompanying resolution authorizes submission and acceptance of a grant application to Kentucky Product Development Initiative (PDI) under the Kentucky Association for Economic Development (KAED) and the Kentucky Cabinet for Economic Development (KCED) in the amount of \$175,000.00 to be used to extend Henderson Municipal Gas natural gas lines approximately 4,400 feet from the existing line to the 425 Bypass project property site located on U.S. Highway 60.

The grant requires a 50/50 local match of which the City committed \$75,000.00 in in-kind services at its September 10, 2019 regular meeting, as indicated on the attached letter of support for the project. An additional \$100,000.00 has been pledged from Henderson County Fiscal Court from its Tennessee Valley Authority allocation.

City of Henderson and Henderson Municipal Gas staff will take the lead on this utility infrastructure improvement project to design and install the extension of natural gas lines to the property site. The project will lessen the timeline of startup operations for a new industry thus enhancing job opportunities and local economic improvements for the community.

Your approval of the attached resolution is requested.

c: Owen Reeves

Steve Austin, Mayor

Commissioners:

Patti Bugg  
X Robert Royster, III  
Bradley S. Staton  
Austin P. Vowels



## The City of Henderson

P.O. Box 716  
Henderson, Kentucky 42419-0716

William L. "Buzzy" Newman, Jr., City Manager  
Dawn S. Kelsey, City Attorney  
Maree Collins, City Clerk  
Donna Stinnett, Public Information Officer/Community Relations Manager



September 10, 2019

Kentucky Cabinet for Economic Development  
Kentucky Association of  
Economic Development Foundation  
Kentucky Product Development Initiative

Dear Selection Committee:

Please accept this letter as affirmation and support of the application of Kentucky Network for Development, Leadership and Engagement (Kyndle) for the Kentucky Cabinet for Economic Development/Kentucky Association of Economic Development Foundation (KAED) Kentucky Product Development Initiative (PDI) Grant. Both the City of Henderson and Henderson County are committed to this infrastructure improvement project.

In support of this project, the City of Henderson has offered \$75,000.00 as a portion of the local match to extend Henderson Municipal Gas natural gas lines to the site property line along the Highway 425 Bypass. I believe this project will lessen the timeline of startup operations for a new industry thus enhancing job opportunities and local economic improvements for the community.

I strongly support this application for Kyndle and the recommendation to the Site Selection Group for the Kentucky Product Development Initiative grant funding for utility infrastructure improvements in Henderson County, Kentucky.

Sincerely,

A handwritten signature in black ink, appearing to read "Steve Austin".

Steve Austin, Mayor  
City of Henderson

c: Whitney Risley, Kyndle



Steve Austin, Mayor

Commissioners:  
Patti Bugg  
X Robert Royster, III  
Bradley S. Staton  
Austin P. Vowels



## The City of Henderson

P.O. Box 716  
Henderson, Kentucky 42419-0716

William L. "Buzzy" Newman, Jr., City Manager  
Dawn S. Kelsey, City Attorney  
Maree Collins, City Clerk  
Donna Stinnett, Public Information Officer/Community Relations Manager



January 14, 2020

Mr. Jason Neal, Project Manager  
Office of Business and Community Services  
Department for Business Development  
Kentucky Cabinet for Economic Development  
300 West Broadway, Old Capital Annex  
Frankfort, Kentucky 40601

Dear Mr. Neal:

**DRAFT**

Please accept this letter as affirmation and support of the application for the Kentucky Cabinet for Economic Development/Kentucky Association of Economic Development Foundation (KAED) Kentucky Product Development Initiative (PDI) Grant.

The City of Henderson is located in western Kentucky on the Ohio River and occupies part of a 200,000 acre land grant deeded in 1778 to the Richard Henderson Land Company by the state of Virginia. General Samuel Hopkins, a Revolutionary officer acting as agent for Colonel Henderson, and Thomas Allin, surveyor, laid out the City of Henderson, completing the plan on April 6, 1797. This is now considered the city's birth date. Henderson was incorporated as a town in 1810, with a population of 183 and reached the status of a city in 1867. Today, Henderson is ranked as the 12<sup>th</sup> largest city in Kentucky with a fiscal budget in excess of \$56 million.

Henderson's location on the Ohio River and its connections with the Mississippi and other waterways provides an outlet to the cheapest mass transport method in existence and a waterborne commerce to the world. This site offers nearly 400 acres of prime industrial, rail-served land located within minutes of I-69 and the Henderson Riverport Authority. The site recently received the rare endorsement of being named a CSX Select Site. This is only the third spot in Kentucky to be designated a CSX Select Site, and only one of two dozen properties across CSX's service territory to meet the rigorous selection criteria in the recent selection process.

The City of Henderson has committed \$75,000.00 as a portion of the local match to extend Henderson Municipal Gas natural gas lines approximately 4,400 feet to the site property line along the Highway 425 Bypass. City of Henderson and Henderson Municipal Gas staff will take the lead on this utility infrastructure improvement project to design and install the extension of natural gas lines to the property site.

Henderson Municipal Gas was established in 1859 and is the fifth oldest system in the United States. The system serves the natural gas needs of the City of Henderson, adjacent areas, and the City of Corydon with approximately 8,400 residential, 1,100 commercial and 50 industrial customers. The System employs 25 people with a fiscal budget in excess of \$15 million.

Again, the City of Henderson fully supports this utility infrastructure improvement project to extend natural gas lines to the subject property line, and thanks you for your consideration in this matter.

Sincerely,

Steve Austin  
Mayor

DRAFT

RESOLUTION NO. \_\_\_\_\_

RESOLUTION AUTHORIZING SUBMITTAL AND ACCEPTANCE OF GRANT APPLICATION TO KENTUCKY PRODUCT DEVELOPMENT INITIATIVE (PDI) UNDER THE KENTUCKY ASSOCIATION FOR ECONOMIC DEVELOPMENT (KAED) AND THE KENTUCKY CABINET FOR ECONOMIC DEVELOPMENT (KCED) IN THE AMOUNT OF \$175,000.00 TO BE USED TO INSTALL NATURAL GAS LINES THAT WILL SERVE THE 425 BYPASS PROPERTY SITE LOCATED ON U.S. HIGHWAY 60 WITH A 50/50 MATCH FROM THE CITY (WHICH WILL INCLUDE \$100,000.00 FROM THE HENDERSON FISCAL COURT); AND AUTHORIZING MAYOR TO EXECUTE DOCUMENTS AND TO ACT AS AUTHORIZED CORRESPONDENT FOR THE PROJECT

WHEREAS, the City of Henderson desires to submit a grant application to the Kentucky Product Development Initiative (PDI) under the Kentucky Association for Economic Development (KAED) and the Kentucky Cabinet for Economic Development (KCED) in the amount of \$175,000.00 requiring a 50/50 match which will be paid with a \$75,000.00 pledge from the City and a \$100,000.00 pledge from the Henderson County Fiscal Court (from its Tennessee Valley Authority Allocation) to install natural gas lines that will serve the 425 Bypass property site located approximately 4,000 feet from the site located on U.S, Highway 60; and

WHEREAS, most prospective industries are searching for industrial sites that are shovel-ready and utility-served for expedited timelines and low-risk investments, and installing the natural gas lines would make a potential impact for the future construction of industries; and

WHEREAS, the City Manager recommends that such grant application be made.

NOW, THEREFORE, BE IT RESOLVED by the City of Henderson, Kentucky, that the recommendation of the City Manager is approved, and the submittal of a grant application to the Kentucky Product Development Initiative (PDI) under the Kentucky Association for Economic Development (KAED) and the Kentucky Cabinet for Economic Development (KCED) in the amount of \$175,000.00 with 50/50 match which will be paid by a \$75,000.00 pledge from the City and a \$100,000.00 pledge from the Henderson County Fiscal Court if the grant is approved, and to accept the grant if it is awarded, and the Mayor is authorized to sign all necessary documents regarding this grant application and acceptance thereof, and is the authorized correspondent for the project.

On motion of Commissioner \_\_\_\_\_, seconded by Commissioner \_\_\_\_\_, that the foregoing Resolution be adopted, the vote was called. On roll call the vote stood:

Commissioner Staton: \_\_\_\_\_                      Commissioner Royster: \_\_\_\_\_  
Commissioner Vowels: \_\_\_\_\_                      Mayor Austin: \_\_\_\_\_  
Commissioner Bugg: \_\_\_\_\_

WHEREUPON, Mayor Austin declared the Resolution adopted, affixed his signature and the date thereto and ordered that the same be recorded.

ATTEST:

\_\_\_\_\_  
Steve Austin, Mayor

Date: \_\_\_\_\_

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

**APPROVED AS TO FORM AND  
LEGALITY THIS 7 DAY OF  
JANUARY, 2020.**

By:

  
Dawn S. Kelsey  
City Attorney

**City Commission Memorandum**  
**20-05**

January 7, 2020

TO: Mayor Steve Austin and the Board of Commissioners

FROM: William L. "Buzzy" Newman, Jr., City Manager *WLN*

SUBJECT: Memorandum of Understanding- School Resource Officers

The accompanying municipal order authorizes the execution of a Memorandum of Understanding (MOU) between the City of Henderson and Henderson County Board of Education.

The 2019 General Assembly, as part of HB 330, authorized the provision of school resource officer services by means of an MOU to be entered by local school districts with appropriate law enforcement agencies. The proposed MOU is to provide for the safety and security of children attending schools within the district by means of school resource officers (SRO).

Under the terms of the agreement, the City of Henderson shall provide SRO services including the assignment and training of school resource officers during regular workweek hours set by a schedule between the school principal and HPD. The School shall provide the SRO with materials and facilities deemed necessary to the performance of the SRO's duties.

The MOU outlines the financing of the SRO for a three (3) year term with funding responsibilities for subsequent years to be negotiated between the School and the City. Payments to the City shall be made in two equal installments on or before May and November.

The Memorandum of Understanding may be terminated by either party by providing the other party written notice, [1] not later than June 1 for the following school year, or [2] providing at least thirty (30) days advance notice of intent to terminate.

The Henderson County Board of Education approved the Memorandum of Understanding at its December 16, 2019 meeting. Your approval of the attached municipal order is requested.

c: Heath Cox

Discussion:

Rhonda Caldwell and Kate Mathis, representatives from the Kentucky Association of School Administrators (KASA), recognized Mrs. Marganna Stanley for being a Superintendent of the Year Finalist.

#### **IV.B. December Judge's Scholar**

Rationale:

Ariana Overton - 5th Grade at East Heights Elementary

#### **IV.C. Building a Better Graduate East Heights Media Center Report**

Discussion:

Monica Gain was unable to attend the meeting. Ms. Gain will present at the February 2020 board meeting.

#### **V. Public Participation & Recognition of Guests**

Discussion:

Mr. Tom Alves read aloud a Christmas poem. The Board recognized North Middle School Student Ambassadors in attendance: Savannah Rideout and Amara Howard. The Board also recognized HCHS Student Ambassadors in attendance: Kayla Wayne, Sophie Margelot, Sophie Krampe, and Kayley Stone.

#### **VI. Approve Minutes from Prior Meetings**

**Order #336 - Motion Passed:** A motion to approve the Minutes from the December 3, 2019 Special Meeting passed with a motion by Mr. Michael Waller and a second by Mr. Wesley Smith.

#### **4 Yeas - 0 Nays.**

Mrs. Lisa Baird	Yes
Mr. Kirk Haynes	Absent
Mr. Wesley Smith	Yes
Mr. Michael Waller	Yes
Mrs. Tracey Williams	Yes

#### **VII. Reports**

##### **VII.A. Miscellaneous Capital Projects**

Discussion:

Mr. Craig Thomas presented for Board approval two BG4 close out documents.

##### **VII.A.1. Approve BG4 for BG 19-050 - Asphalt Improvements Project**

**Order #337 - Motion Passed:** A motion to approve FACPAC BG4 Form (Ref# 28641) for BG 19-050 - Asphalt Improvements at Niagara, Chandler, and South Heights Project as presented passed with a motion by Mr. Michael Waller and a second by Mrs. Lisa Baird.

**4 Yeas - 0 Nays.**

Mrs. Lisa Baird	Yes
Mr. Kirk Haynes	Absent
Mr. Wesley Smith	Yes
Mr. Michael Waller	Yes
Mrs. Tracey Williams	Yes

**VII.A.2. Approve BG4 for BG 19-230 - HCHS/CTE Paving Project**

**Order #338 - Motion Passed:** A motion to approve FACPAC BG4 Form (Ref# 28642) for BG 19-230 - Henderson County High School/CTE Paving Lot Project as presented passed with a motion by Mrs. Tracey Williams and a second by Mr. Michael Waller.

**4 Yeas - 0 Nays.**

Mrs. Lisa Baird	Yes
Mr. Kirk Haynes	Absent
Mr. Wesley Smith	Yes
Mr. Michael Waller	Yes
Mrs. Tracey Williams	Yes

**VII.A.3. BG 20-150 - HCHS Chiller Replacement Update**

Discussion:

Mr. Steve Steiner updated the Board on the HCHS Chiller Replacement Project. He stated that per Kentucky Department of Education, based on their definition, this project is not considered an emergency. However, KDE has given their approval to proceed with this project with the removal of the emergency status.

**VII.B. Council of Councils (Central Academy, Thelma B. Johnson Early Learning Center, Spottsville, South Middle)**

Rationale:

Central Academy - Lindsay Thompson  
Thelma B. Johnson Early Learning Center - Ginger Ashby  
Spottsville Elementary School - Sarah Fleming  
South Middle School - Ryan Reusch

Discussion:

Principals from Central Academy, Thelma B. Johnson Early Learning Center, Spottsville Elementary School, and South Middle School presented their school report discussing their strengths, areas of improvement with their plan in place, and the integration of Building A Better Graduate.

## VIII. Old Business

## IX. New Business

### IX.A. Set January Board Meeting

Discussion:

The Board scheduled the January 2020 board meeting for Tuesday, January 21, 2020 at 6:00 p.m.

### IX.B. Schedule Superintendent Mid-Year Review

Discussion:

The Board scheduled the Superintendent Mid-Year Review for Tuesday, January 21, 2020 at 5:15 p.m. - 5:45 p.m.

### IX.C. Consent Agenda

**Order #339 - Motion Passed:** A motion to approve the Consent Agenda as presented with the exception of the 2020-2021 School Calendar and the School Resource Officer Agreement passed with a motion by Mrs. Tracey Williams and a second by Mr. Michael Waller.

#### 4 Yeas - 0 Nays.

Mrs. Lisa Baird	Yes
Mr. Kirk Haynes	Absent
Mr. Wesley Smith	Yes
Mr. Michael Waller	Yes
Mrs. Tracey Williams	Yes

Discussion:

The following two items were pulled from the Consent Agenda for discussion: Approve Second Reading of the 2020-2021 School Calendar Approve School Resource Officer Agreement

#### IX.C.1. Approve Bid Recommendations

Rationale:

Bid Recommendations:

Fleet Vehicle Bid #12-19-6-11

Bid Renewal Recommendations:

Athletic Equipment and Supplies Bid #1-19-6-1

Printing Bid #2-19-6-1

#### IX.C.2. Approve Transportation Request

Rationale:

Retroactive approval for Healing Reins Therapeutic Riding to use a school bus to transport patrons from Henderson Community College to Blue Moon Stables for the Christmas on the Farm benefit November 23-24, 2019 from 10 a.m. - 5:00 p.m.

**IX.C.3. Approve 2019-2020 Lau Plan for Meeting the Needs of English Learners**  
**IX.C.4. Approve Student Overnight Trip Requests**

Rationale:

Retroactive approval for HCHS DECA to travel to New York, NY December 4-8, 2019 to attend the DECA New York Experience;

Retroactive approval for North Middle KYA to travel to Louisville, KY December 8-10, 2019 to participate in the Kentucky Youth Assembly (KYA);

HCHS Boys Basketball to travel to Louisville, KY January 2-4, 2020 to compete in a basketball tournament; and

HCHS Dance Team to travel to Orlando, FL March 4-9, 2020 to compete in the 2020 NDA National Championship.

**IX.C.5. Approve Purchase of School Buses**  
**IX.C.6. Approve Grant Applications**

Rationale:

District Nutrition for TBJ (\$11,185) from Kentucky Equipment Assistance for additional oven at TBJ;

District Nutrition for Schools (\$5,000) KY Kids Eat Coordinator offering grant funds for alternative types of breakfast programs; and

District (\$24,252.25 - 3 times) KDE Equipment Assistance Grant to get Combi Convo Therm Ovens for Cairo, East Heights and A.B. Chandler.

**IX.D. Approve Second Reading of the 2020-2021 School Calendar**

**Order #340 - Motion Passed:** A motion to approve the second reading of the 2020-2021 School Calendar as presented with the inclusion of August 11, 2020 as the Opening Day for Staff and the inclusion of May 20, 2021 as the Closing Day for Staff passed with a motion by Mr. Michael Waller and a second by Mrs. Lisa Baird.

**4 Yeas - 0 Nays.**

Mrs. Lisa Baird	Yes
Mr. Kirk Haynes	Absent
Mr. Wesley Smith	Yes
Mr. Michael Waller	Yes
Mrs. Tracey Williams	Yes

Discussion:

Mrs. Marganna Stanley stated that the 2020-2021 School Calendar was adjusted at the beginning and the end in order to include August 11, 2020 the Opening Day for Staff and to include May 20, 2021 the Closing Day for Staff.

**IX.E. Approve School Resource Officer Agreement**

**Order #341 - Motion Passed:** A motion to approve the School Resource Officer Agreement as presented passed with a motion by Mrs. Lisa Baird and a second by Mr. Michael Waller.

**4 Yeas - 0 Nays.**

Mrs. Lisa Baird	Yes
Mr. Kirk Haynes	Absent
Mr. Wesley Smith	Yes
Mr. Michael Waller	Yes
Mrs. Tracey Williams	Yes

Discussion:

Mrs. Lisa Baird asked why only Henderson County High School and Central Academy were listed to have a SRO. Mrs. Marganna Stanley stated that this agreement is with the City of Henderson. The other SROs are through the Henderson County Sheriff's Department and that agreement is not due to be renewed yet.

**X. Financial**

**X.A. Treasurer's Report**

**Order #342 - Motion Passed:** A motion to approve the Treasurer's Report for the month ending November 30, 2019 passed with a motion by Mr. Michael Waller and a second by Mrs. Tracey Williams.

**4 Yeas - 0 Nays.**

Mrs. Lisa Baird	Yes
Mr. Kirk Haynes	Absent
Mr. Wesley Smith	Yes
Mr. Michael Waller	Yes
Mrs. Tracey Williams	Yes

Discussion:

Ms. Cindy Cloutier presented the Treasurer's Report for the month ending November 30, 2019. Mrs. Marganna Stanley requested Board approval of the Treasurer's Report as presented.

**X.B. Paid Warrant Report**

**Order #343 - Motion Passed:** A motion to approve the Paid Warrant Report for payments made between November 19, 2019 and December 16, 2019 passed with a motion by Mrs. Tracey Williams and a second by Mr. Michael Waller.

**4 Yeas - 0 Nays.**

Mrs. Lisa Baird	Yes
Mr. Kirk Haynes	Absent
Mr. Wesley Smith	Yes
Mr. Michael Waller	Yes
Mrs. Tracey Williams	Yes

Discussion:

Ms. Cindy Cloutier presented the Paid Warrant Report for payments made between November 19, 2019 and December 16, 2019. Mrs. Marganna Stanley requested Board approval of the Paid Warrant Report as presented.

**XI. Personnel Actions**

Discussion:

Personnel actions taken by the Superintendent since the last regular board meeting were reviewed with the Board and are attached to these minutes.

**XII. Adjourn**

**Order #344 - Motion Passed:** There being no further business to come before the Board, a motion to adjourn the meeting at 7:30 p.m. passed with a motion by Mr. Michael Waller and a second by Mr. Wesley Smith.

**4 Yeas - 0 Nays.**

Mrs. Lisa Baird	Yes
Mr. Kirk Haynes	Absent
Mr. Wesley Smith	Yes
Mr. Michael Waller	Yes
Mrs. Tracey Williams	Yes

---

Lisa Baird, Chairperson

---

Marganna Stanley, Superintendent

MUNICIPAL ORDER \_\_\_\_\_

MUNICIPAL ORDER ACCEPTING MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF HENDERSON AND HENDERSON COUNTY BOARD OF EDUCATION; AND AUTHORIZING THE MAYOR TO EXECUTE ON BEHALF OF THE CITY

WHEREAS, at its December 16, 2019 meeting, the Henderson County Board of Education approved its Order #339 which approved the Memorandum of Understanding (MOU) of the Placement of School Resource Officers in Henderson County Schools,(attached hereto as Exhibit "A") ; and

WHEREAS, as part of HB 330 and as particularly codified in KRS 158.4414, the 2019 General Assembly authorized the provision of School resource officers ("SRO") services by means of a MOU to be entered into by local schools with appropriate law enforcement agencies; and

WHEREAS, the School Board is a body politic with legal authority to enter into contracts; and

WHEREAS, the City is created by Kentucky statute as a corporate entity with the capacity to contract and be contracted with, pursuant to KRS Chapters 81 and 83; and

WHEREAS, the City possesses authority over the Henderson Police Department, which has been created as a department and agency of City government by ordinance; and

WHEREAS, it is the intent and desire of the City and School to provide for the services of an SRO, as set forth herein and as authorized pursuant to KRS 158.4414 and KRS 65.210, et. seq.

NOW THEREFORE, BE IT ORDERED, that the Memorandum of Understanding between City of Henderson and Henderson County Board of Education is hereby approved and authorizes the Mayor to execute the Memorandum of Understanding on behalf of the City of Henderson.

On motion of Commissioner \_\_\_\_\_, seconded by Commissioner \_\_\_\_\_, that the foregoing Resolution be adopted, the vote was called. On roll call the vote stood:

Commissioner Staton: \_\_\_\_\_  
Commissioner Vowels: \_\_\_\_\_  
Commissioner Bugg: \_\_\_\_\_

Commissioner Royster: \_\_\_\_\_  
Mayor Austin: \_\_\_\_\_

**INTRODUCED, PUBLICLY READ AND FINALLY APPROVED ON ONE READING**, this the \_\_\_\_\_ day of January, 2020.

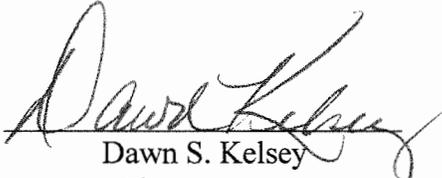
\_\_\_\_\_  
Steve Austin, Mayor  
Date: \_\_\_\_\_

ATTEST:

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

**APPROVED AS TO FORM AND  
LEGALITY THIS 6 DAY OF  
JANUARY, 2020.**

By:

  
Dawn S. Kelsey  
City Attorney

**SCHOOL RESOURCE OFFICER MEMORANDUM OF UNDERSTANDING**

THIS MEMORANDUM OF UNDERSTANDING (“MOU”) is made and entered into as of the \_\_\_ day of \_\_\_\_\_, by and between the Henderson County Board of Education (“School”) and the City of Henderson (“the City”).

WITNESSETH:

WHEREAS, as part of HB 330 and as particularly codified in KRS 158.4414, the 2019 General Assembly authorized the provision of school resource officer (“SRO”) services by means of an MOU to be entered into by local school districts with appropriate law enforcement agencies; and

WHEREAS, the School is a body politic and corporate pursuant to (statute), with legal authority to enter into contracts; and

WHEREAS, the City is created by Kentucky statute as a corporate entity with capacity to contract and be contracted with, pursuant to KRS Chapters 81 and 83; and

WHEREAS, the City possesses authority over the Henderson Police Department, which has been created as a department and agency of City government by ordinance; and

WHEREAS, it is the intent and desire of the City and School to provide for the services of an SRO, as set forth herein and as authorized pursuant to KRS 158.4414 and KRS 65.210, et. seq.;

NOW THEREFORE, in consideration of the foregoing and the mutual agreements as set forth herein below, IT IS HEREBY AGREED by and between the School and City as follows:

**ARTICLE I. Overview**

The purpose of this MOU is to provide for the safety and security of children attending the school. It is the intent and provision of this MOU to provide for the services of an SRO with such services to be rendered during the times that regular school is in session, at such School sites as more fully described in Article II(B)(1) below, for a two-year term commencing on \_\_\_\_\_ and expiring on \_\_\_\_\_. Either party may, at its option, terminate this Agreement by providing written notice to the other, (1) not later than June 1 for the following school year, or (2)

by providing at least thirty (30) days' advance notice of intent to terminate. Any such notice shall be furnished as provided in Article VIII herein below.

**ARTICLE II. Rights and Duties of the City**

The City shall provide an SRO and SRO services as follows:

**(A) Training**

The SRO shall be a sworn law enforcement officer employed by the City of Henderson. Prior to the assignment of a person to serve as SRO, the City shall certify in writing to the school that the person is eligible to meet the training requirements established in KRS 158.4414 and that the City of Henderson is enrolling the person in such training.

**(B) Assignment of School Resource Officer**

(1) The City shall assign one regularly employed police officer or retired police officers to serve as SRO, who shall serve the following schools Henderson County High School and Central Learning Academy pursuant to a schedule to be determined by the Police Department as requested by the principals of such schools. It is understood that if the SRO is unable to attend school the parties will discuss whether a replacement SRO will need to be provide for the period of time the SRO is absent.

(2) The SRO shall report directly to the Day Shift Lieutenant within the Henderson Police Department, who, as the SRO's supervisor, will communicate with the school administration of the School to ensure the rendition of SRO services as outlined herein.

**(C) Regular-Duty Hours of School Resource Officer**

The SRO shall perform a regular workweek of hours. The schedule will be set by a schedule between the school principal and the HPD with lunch breaks as dictated by city policy as discussed between the SRO's supervisor and School administration. It is agreed and understood that pursuant to clause (D)(7) below, the principal may request the SRO from time to time to attend meetings of parents/faculty and school functions only when necessary in a law enforcement capacity. The SRO

shall assist the City of Henderson Police Department in the event of emergency situations (e.g., officer down, active shooter).

**(D) Duties of School Resource Officer**

(1) The SRO is a law enforcement officer of the Henderson Police Department and is not an employee or agent of the School. The SRO's duties and functions while assigned to the School District are law enforcement. Even while the SRO is participating in meetings with parents or students, or interacting with parents, students, staff, and/or visitors to the school, the SRO is functioning in his or her capacity as a law enforcement officer.

(2) The SRO may make an effort to become familiar with all community agencies that offer assistance to youths and their families, such as mental health clinics, drug treatment centers, etc.

(3) Should it become necessary to conduct formal police interviews with students, the SRO shall adhere to Henderson Police Department Policy, Kentucky Revised Statutes and other legal requirements.

(4) The SRO may, by way of the exercise of his/her discretion as a sworn police officer, take law enforcement action as he/she deems necessary. Actions undertaken by the SRO may or may not involve arrest, and the SRO's discretion and decision-making shall be governed by and subject to the policies, procedures, and training of the Henderson Police Department, and those laws of the United States and Commonwealth of Kentucky that govern law enforcement officers and peace officers. As soon as practicable and where legally permitted, the SRO will, notify the school administrators when a violation of the law has occurred on school grounds.

(5) The SRO shall take appropriate law enforcement action against intruders and unwanted visitors who may appear at the school and related school functions, to the extent that the SRO may do so under the authority of law.

(6) The SRO may give assistance to the law enforcement officers in matters regarding his/her school assignment, whenever necessary.

(7) The SRO may when requested, participate in and/or attend school functions or meetings in the SRO's capacity as a law enforcement officer.

(8) The SRO shall not act as a school disciplinarian, as disciplining students is a school responsibility. It is agreed and understood that the principal and appropriate school staff shall be responsible for investigating and determining, in their discretion, whether a student has violated School disciplinary codes or standards and the appropriate administrative action to take.

(9) The SRO may share information regarding issues or potential school violations with school administration/staff they obtain during the course of their duties.

(10) The principal, school administration, or staff may advise the SRO of incidents or activities possibly giving rise to criminal or juvenile violations, and the SRO shall then determine whether law enforcement action is appropriate. With respect to those activities occurring on School property or at School-sponsored functions that a principal is directed by law to report to the "appropriate law enforcement agency" under KRS 158.154 ("Assault resulting in serious physical injury, a sexual offense, kidnapping, assault involving the use of a weapon, possession of a firearm in violation of the law, possession of a controlled substance in violation of the law, or damage to the property"), and those activities which an administrator, teacher, or other school employee is directed to report to the "local police department, sheriff, or Kentucky State police" under KRS 158.155 (such activities consisting of conduct occurring on school premises or school-sponsored events which is believed to constitute a misdemeanor or violation of offense relating to deadly weapons, use, possession, or sale of controlled substances, or a felony offense), it is agreed and understood that the SRO, as an employee of the City of Henderson Police Department, is authorized to receive and appropriately act on any of such reports and the reporting school

personnel may satisfy reporting requirements by advising the SRO of activities believed to fall within the statutory directives.

(11) The School shall not request that the SRO assist in regularly assigned lunchroom duties, as hall monitors or for other monitoring duties. If a problem arises in such areas that, in the discretion of the SRO, requires law enforcement intervention, the SRO may assist the school until the problem is resolved; but nothing in this section shall prohibit the SRO from taking his or her lunch in the school cafeteria with the students.

(12) Any records generated by the SRO in the course of his/her official duties with the School including but not limited to reports, bodycam footage, notes, interviews, etc. are official records of the City of Henderson Police Department. School officials seeking any records generated by the SRO shall request such records through the custodian of records of the City of Henderson Police Department, as required of any citizen seeking such records.

### **ARTICLE III. Rights and Duties of the School**

The School shall provide the full-time SRO the following materials and facilities deemed necessary to the performance of the SRO's duties. The SRO's base school and the office facilities as outlined below to be provided at each such school:

- (A) Access to an air-conditioned and properly lighted private office which shall contain a telephone which may be used for general business purposes.
- (B) A location for files and records which can be properly locked and secured.
- (C) A desk with drawers, chair, work table, filing cabinet and office supplies.
- (D) Access to a printer and computer.
- (E) Internet access.
- (F) A firearms safe that is stored in a secure and accessible location for storage of a patrol rifle.

**ARTICLE IV. Financial Arrangements of the SRO Program**

The financing of the SRO will be as follows for the three (3)-year term:

For the first year of the contract term, School shall pay to the City the sum of \$\_\_\_\_\_ for the first year, plus \$\_\_\_ per hour worked over forty (40) hours per week (overtime) which includes the prorated expenses of training, benefits, and equipment. Such \$\_\_\_\_\_ shall be paid in two equal installments, one installment of \$\_\_\_\_\_ to be paid to the City on or before May 1, 20\_\_, and the second installment to be paid on or before November 1, 20\_\_. Any additional amounts owing for overtime work shall be paid by the School within thirty (30) days after the last day of the month in which the overtime was incurred. The City shall provide the School with an invoice showing any overtime hours worked by the SRO. If the SRO is a retired officer, then the amount will not include any cost for health insurance pursuant to KRS 95.022(5)(b).

For each year thereafter, the amount paid by the School shall increase annually by the City Cost of Living Adjustment and the pension contributions. Payments in each year of the term will continue to be paid in two equal installments on or before May and November.

Funding responsibilities for subsequent years beyond the initial three (3)-year term will be negotiated between the School and the City subject to the right of either to provide notice of termination of this Agreement as set forth in Article I above.

**ARTICLE V. Employment Status of the SRO**

The SRO shall remain an employee of the Henderson Police Department and shall not be an employee of the School. The School and the City acknowledge that the SRO shall remain responsive to the chain of command of the Henderson Police Department.

**ARTICLE VI. Appointment of the SRO**

(A) The City Manager shall assign and appoint an officer who is qualified to be an SRO. The School shall approve or disapprove of such officer by written notice to the City. If the School

disapproves of an appointed officer, the School shall set forth the reasons for such disapproval in the notice to the City.

(B) SRO applicants must meet the following requirements:

(1) The applicant must be a volunteer for the position of SRO.

(2) The applicant must be a certified and sworn police officer. It is preferred that the officer have a minimum of three (3) years of law enforcement experience, but not required.

(3) Applicants must have training as outlined in Article II(A), above.

(C) Among additional criteria for consideration of the SRO are job knowledge, experience, training, education, appearance, attitude and communication skills.

#### **ARTICLE VII. Dismissal of SRO and Replacement of Officer**

(A) In the event a principal of a school to which the SRO is assigned feels that the SRO is not effectively performing his or her duties and responsibilities, the principal shall recommend to the Superintendent or designee that the SRO assignment be reviewed in the program at the school and shall state the reasons therefore in writing. Within five (5) working days of receiving the recommendation from the principal, the superintendent or his/her designee shall advise the Mayor or his/her designee of the principal's request. If the Mayor so desires, the Superintendent and Chief of Police, or their designees, shall meet with the SRO to mediate or resolve any problems which may exist. At such meeting, specified members of the staff of the school to which the SRO is assigned may be required to be present. If, within the five (5) working days referenced above, the problem cannot be resolved or mediated or in the event mediation is not sought by the Chief of Police, the SRO shall be removed from the program at the school, and the Henderson Police Department shall make every effort to identify a replacement following the process set out in Article VI.

(B) The Board of Commissioners of the City of Henderson, City Manager, or Chief of Police may dismiss or reassign an SRO based upon Police Department Roles, Regulations and/or General Orders, as well as City Personnel Policies.

(C) In the event of the resignation, dismissal or reassignment of an SRO, the Mayor shall make every reasonable effort to identify a replacement for the SRO within thirty (30) calendar days of receiving written notice of such absence, dismissal, resignation or reassignment. Provided, however, that any such replacement shall have the required training and qualifications as outlined in Article II(A) and Article VI(B), above, and as manpower allows.

#### **ARTICLE VIII. Notices**

Any and all notices or any other communication herein required or permitted shall be deemed to have been given when deposited in the United States Postal Service as regular mail, postage prepaid and addressed as follows:

#### **ARTICLE IX. Good Faith**

The School, the City manager and their agents and employees agree to cooperate in good faith in fulfilling the terms of this Agreement. Unforeseen difficulties or questions will be resolved by negotiation between the Superintendent and the City Manager or their designees.

#### **ARTICLE X. Modification**

This document constitutes the full understanding of the parties. No terms, conditions, understandings or agreement purporting to modify or vary the terms of this document shall be binding unless hereafter made in writing and signed by the parties.

#### **ARTICLE XI. Nonassignment**

This Agreement, and each and every covenant herein, shall not be capable of assignment unless the express written consent of the School and City Manager is obtained.

#### **ARTICLE XII. Merger**

This Agreement constitutes a final written expression of all the terms of this Agreement and is a complete and exclusive statement of those terms.

**ARTICLE XIII. Severability**

The invalidity or unenforceability of any provisions of this Agreement shall not affect the validity or enforceability of any other provision of this Agreement.

IN WITNESS WHEREOF, the parties have caused duplicate originals of this Agreement to be signed by their duly authorized officers.

SCHOOL

CITY OF \_\_\_\_\_

By: \_\_\_\_\_

By: \_\_\_\_\_, Mayor

ATTEST:

ATTEST:

By: \_\_\_\_\_

\_\_\_\_\_  
Maree Collins

**UPCOMING  
BOARD APPOINTMENTS**

<u>BOARD</u>	<u>EXPIRATION DATE</u>	<u>TERM</u>
<u>CITY UTILITY COMMISSION</u>		
	<u>Current Term Expires</u>	<u>Term</u>
Gary Bell (Resigned)	04/25/2020	4-Year
<u>CITY-COUNTY AIRPORT BOARD (Jointly appointed with Fiscal Court)</u>		
	<u>Current Term Expires</u>	<u>Term</u>
William Freitag	01/05/2020	4-Year
Richard Wham	01/05/2020	4-Year
<u>WATER &amp; SEWER COMMISSION</u>		
	<u>Current Term Expires</u>	<u>Term</u>
George F. Jones III	01/12/2020	3-Year
<u>ETHICS BOARD</u>		
	<u>Current Term Expires</u>	<u>Term</u>
Becky Hudson Brown	02/14/2020	2-Year
<u>BOARD OF ZONING ADJUSTMENT – CITY</u>		
	<u>Current Term Expires</u>	<u>Term</u>
Mac Arnold	02/24/2020	4-Year
<u>BOARD OF OCCUPATIONAL LICENSE APPEALS</u>		
	<u>Current Term Expires</u>	<u>Term</u>
Alternate Member (Vacant-former member moved out of town)		3-Year