

City of Henderson, Kentucky  
Board of Commissioners  
Tuesday, October 22, 2019

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

AGENDA

1. Invocation: Reverend Rich Martindale, St. Paul's Episcopal Church
2. Roll Call:
3. Recognition of Visitors:
4. Appearance of Citizens:
5. Proclamations: Rotary International World Polio Day
6. Presentations: Henderson County Fair Pageant Titleholders  
"Dia De Los Muertos" (Day of the Dead) Celebration  
Domestic Violence Awareness, Chloe Randolph Organization, Inc.  
Henderson Human Rights Commission Quarterly Report  
Henderson Humane Society Quarterly Report
7. Public Hearings:
8. Consent Agenda:  
Minutes: September 10, 2019, Regular Meeting  
October 8, 2019, Regular Meeting  
October 15, 2019, Work Session
9. Ordinances, Municipal Orders and Resolutions:  
Second Readings:  
First Readings: Ordinance Amending Section 21-33, Article III, *Business and Occupational License Fees*  
Ordinance Accepting Public Improvements at 395 Borax Drive

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

Ordinance Amending Portion of the FY 2020 Budget Relating to  
Budgeted Positions for HPD

Municipal Orders:

Resolutions: Resolution Approving Amendments to the City of Henderson  
Employee Health Plan Regarding HRA and Employee Premiums

10. Bids & Contracts:

11. Unfinished Business:

12. City Manager's Report: Parking Ordinance; Vietnam Veterans Memorial

13. Commissioner's Reports:

14. Appointments:

15. Executive Session:

16. Miscellaneous:

17. Adjournment

**City Commission Memorandum  
19-213**

October 17, 2019

TO: Mayor Steve Austin and the Board of Commissioners

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

SUBJECT: Proclamation – Rotary International World Polio Day 2019

A proclamation will be presented at the October 22, 2019, meeting proclaiming October 24<sup>th</sup>, 2019 as World Polio Day and encouraging all citizens to join Rotary International in the fight for a polio free world.

Dawn Kelsey, Rotary Club of Henderson President, will be present to accept the proclamation.



# Proclamation

## “Rotary International World Polio Day 2019”



- hereas Rotary is a global network of 1.2 million neighbors, friends, leaders, and problem-solvers who unite and take action to create lasting change in communities across the globe; and
- hereas the Rotary motto, Service Above Self, inspires members to provide humanitarian service, follow high ethical standards, and promote goodwill and peace in the world; and
- hereas Rotary in 1985 launched PolioPlus and in 1988 helped establish the Global Polio Eradication Initiative, which today includes the World Health Organization, U.S. Centers for Disease Control and Prevention, UNICEF, and the Bill & Melinda Gates Foundation, to immunize the children of the world against polio; and
- hereas polio cases have dropped by 99.9 percent since 1988 and the world stands on the threshold of eradicating the disease; and
- hereas to date, Rotary has contributed more than \$1.9 billion and countless volunteer hours to protecting more than 2.5 billion children in 122 countries; and
- hereas Rotary is working to raise an additional \$50 million per year, which would be leveraged for maximum impact by an additional \$100 million annually from the Bill & Melinda Gates Foundation; and
- hereas these efforts are providing much-needed operational support, medical staff, laboratory equipment, and educational materials for health workers and parents; and
- hereas in addition, Rotary has played a major role in decisions by donor governments to contribute more than \$8 billion to the effort; and
- hereas there are over 100 Rotary members in **Henderson, Kentucky** that sponsor service projects to address such critical issues as poverty, disease, hunger, illiteracy, and the environment in our local communities and abroad.

NOW, THEREFORE, I, Steve Austin, Mayor of the City of Henderson, Kentucky, do hereby proclaim October 24<sup>th</sup>, 2019 World Polio Day in Henderson, Kentucky, and encourage all citizens to join Rotary International in the fight for a polio free world.



IN WITNESS WHEREOF, I have hereunto caused these letters to be spread upon this page and caused the seal of the City Henderson to be affixed this 22<sup>nd</sup> day of October 2019.

ATTEST:

Maree Collins  
Maree Collins, City Clerk

Steve Austin  
Steve Austin, Mayor

**City Commission Memorandum**  
**19-214**

October 17, 2019

TO: Mayor Steve Austin and the Board of Commissioners

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



SUBJECT: Presentations

Items scheduled under the Presentations section of the agenda are as follows:

I. Henderson County Fair Pageant Titleholders

Attending titleholders for the 2019 Henderson County Fair Pageant will be introduced and presented with a Certificate of Honor in recognition of the distinction he or she has brought to our community.

Attached is a list of 2019 Henderson County Fair Pageant Titleholders.

II. "Dia De Los Muertos" (Day of the Dead) Celebration

County Judge Executive Brad Schneider will be in attendance to provide a brief presentation on the "Dia De Los Muertos" (Day of the Dead) Celebration being held in Central Park on Saturday, November 2, 2019.

III. Domestic Violence Awareness, Chloe Randolph Organization, Inc.

Mr. Jay Randolph, Chloe Randolph Organization, Inc., will be present to give a brief presentation relating to domestic violence awareness.

IV. Henderson Human Rights Commission Quarterly Report

Rev. Charles Johnson, Human Rights Director, will be in attendance to provide a quarterly report on the newly re-formed Human Rights Commission.

V. Humane Society of Henderson County Quarterly Report

Ms. Debbie Edwards, Executive Director, Humane Society of Henderson County, will be in attendance to present a quarterly report.

2019  
Henderson County Fair  
Pageant Titleholders

- Miss Henderson County Fair Queen  
*Miss Elizabeth Russell*
- Miss Henderson County State Queen  
*Miss Gracey Kelley*
- Miss Teen Henderson County Fair  
*Miss Kendall Warren*
- Miss Teen Henderson County State  
*Miss Ella Gough*
- Miss Pre-Teen Henderson County Fair  
*Miss Averie Crawford*
- Miss Pre-Teen Henderson County State  
*Miss Cadyn Conrad*
- Little Miss and Mr. Henderson County Fair  
*Miss Hadley Martin and Mr. Gatlin Pritchett*
- Little Miss and Mr. Henderson County State  
*Miss Kynli Dixon and Mr. Luke Mattingly*



## CITY OF HENDERSON – RECORD BOOK

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

A meeting of the Board of Commissioners of the City of Henderson, Kentucky, was held on Tuesday, September 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 Reverend Wally Campbell 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. Trace Stevens, Parks, Recreation & Cemeteries Director  
Mr. Robert Gunter, Finance Director  
Mrs. Connie Galloway, Human Resources Director  
Mr. Scott Foreman, Fire Chief  
Mr. Chris Heimgartner, HMPL General Manager  
Mr. Randall Redding, HMPL Attorney  
Mr. Tony Iriti, Kyndle CEO  
Ms. Whitney Risley, Kyndle Director of Existing Industry & Workforce Development  
Mr. Charles Johnson, Human Rights Commission Executive Director  
Mr. Ronnie Duncan, President, New Hope Animal Rescue Center Executive Board  
Mr. Doug White, *the Gleaner*  
14 News Cameraman  
Mr. Mike Richardson, Reserve Police Officer

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PRESENTATION: “Kyndle Annual Report”

TONY IRITI, Kyndle CEO, thanked the Mayor and Commissioners for allowing them to present the annual year-end report. He reported that 342 new jobs were created in Henderson County with 72 of those within the City. He indicated that much more information is now available and that information can now be compared to other cities within our local area. Mr. Iriti reported that from 2010 through 2017 (the most recent year statistics are available), Henderson County has had eight straight years of increased Gross Domestic Product. He further reported that a project through the Kentucky Cabinet for Economic Development Association has been selected for a site visit. The property is located in the county; however, the project would provide partial funding to extend Henderson Municipal Gas natural gas lines to the property.

WHITNEY RISLEY, Director of Existing Industry & Workforce Development, reported that she has completed 58 business and expansion visits this fiscal year, 27 attraction project inquiries, three project visits, and nine existing industry projects. She indicated that she is also currently meeting with local manufacturers and businesses to cover topics on confined spaces, ergonomics in the workplace, workforce issues, I-69, and other related issues.

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# CITY OF HENDERSON – RECORD BOOK

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

APPROVAL OF CONSENT AGENDA:

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

Minutes:     June 25, 2019, Regular Meeting  
                   July 09, 2019, Regular Meeting  
                   July 16, 2019, Work Session

Resolution: 54-19: Resolution Appointing Paige O’Nan as Representative for the City of Henderson and Henderson County to Serve on Audubon Area Community Services Board

Motion by Commissioner Royster, seconded by Commissioner Vowels, to approve the items on the Consent Agenda as presented.

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

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

WHEREUPON, Mayor Austin declared the consent agenda items approved.

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

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

ORDINANCE NO. 25-19: FIRST READ  
ORDINANCE AMENDING PAY PLAN  
ORDINANCE AMENDING PAY PLAN RELATING TO HAZARDOUS DUTY PAY  
EFFECTIVE OCTOBER 21, 2019

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

HEATH COX, Police Chief, indicated that this pay plan amendment was discussed at the August Work Session to enhance recruitment and retention of officers and that he believed that the additional expense can be absorbed in the current budget.

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

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

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

ORDINANCE NO. 26-19: FIRST READ  
ORDINANCE AMENDING ARTICLE V, REGULATION OF FIREWORKS  
AN ORDINANCE AMENDING ARTICLE V REGULATIONS OF FIREWORKS,  
SECTION 16-83 RESTRICTION ON USE WITHIN CITY LIMITS TO ADD GREATER  
DISTANCE RESTRICTIONS AROUND ANIMAL SHELTERS, NURSING HOMES, AND

## CITY OF HENDERSON – RECORD BOOK

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

HOSPITALS; SECTION 16-84 *SEASONAL, PERMANENT FIREWORKS RETAILERS* TO PROHIBIT SLEEPING STRUCTURES INSIDE OR WITHIN 200 FEET OF A RETAIL FIREWORKS ESTABLISHMENT; SECTION 16-87 *CRIMINAL PENALTIES* TO CLARIFY THAT CRIMINAL VIOLATION OF THIS ARTICLE IS A MISDEMEANOR; AND ADDING SECTION 16-88 *PROHIBITING SKY LANTERNS*

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

RONNIE DUNCAN, New Hope Animal Rescue Center Executive Board President, asked for clarification relating to the restrictions on usage of fireworks near an animal shelter.

DISCUSSION WAS HELD regarding the change from 200 feet to 400 feet restriction on fireworks being set off near animal shelter, nursing homes, and hospitals.

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

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

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

MUNICIPAL ORDER NO. 50-19:

MUNICIPAL ORDER ENACTING THE CITY OF HENDERSON'S INVESTMENT AND FINANCIAL MANAGEMENT POLICY

MOTION by Commissioner Staton, seconded by Commissioner Bugg, to approve the Investment and Financial Management Policy for the City to invest public funds in a manner which will provide the maximum security and highest investment of principle while meeting the daily cash flow demands on the City and conforming to both KRS91A.030 and KRS66.480.

MAYOR AUSTIN indicated that the state recently changed regulations on municipal investment policies and this new Policy includes those changes for the City.

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

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

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

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

ATTEST:

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

RESOLUTION NO. 55-19:

RESOLUTION AUTHORIZING PARTICIPATION IN THE "KENTUCKY LEAGUE OF CITIES INVESTMENT POOL PLUS"

## CITY OF HENDERSON – RECORD BOOK

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

MOTION by Commissioner Vowels, seconded by Commissioner Royster, to approve participation in the Kentucky League of Cities Investment Pool Plus program.

ROBERT GUNTER, Finance Director, reported that currently Old National Trust Management handles the City's investments. Those funds are in CDs. With the change in state law, municipalities can now invest in equities utilizing a standard set out by the legislature. He indicated that by participating in the KLC Investment Pool, up to 20% of the funds invested by each participant may be invested in equities. No determination on the amount to invest in the Pool has been made at this time. Monthly financial statements will continue to be provided.

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

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

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

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

ATTEST:

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

REPORTS:

WILLIAM L. "BUZZY" NEWMAN, JR., City Manager, reported that Planning Commission Executive Director Brian Bishop was unable to attend to discuss a zoning text amendment regarding solar energy. Mr. Newman indicated that Mr. Bishop and the General Manager of Henderson Municipal Power and Light have been working on a text amendment relating to solar farms for the County. It was determined that those amendments should probably be completed for the City at the same time. Mr. Newman also reported that Evansville's airport is planning to construct a solar farm on top of their existing parking lot to provide approximately one-half of their energy needs.

DAWN KELSEY, City Attorney, indicated that per KRS 100, any zoning amendments must go to the Planning Commission for review and action. If the Board wishes to move forward with this text amendment, it is necessary for a formal vote authorizing the Planning Commission to move forward with recommendation for zoning text amendments relating to solar energy and solar energy businesses. These types of businesses are not currently allowed under the Zoning Ordinances.

MOTION by Commissioner Royster, seconded by Commissioner Bugg, to forward a request to the Planning Commission to include the City's ordinances in the review and recommendation of text amendments to the zoning regulations relating to solar energy businesses.

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

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

WHEREUPON, Mayor Austin declared the motion approved.

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## CITY OF HENDERSON – RECORD BOOK

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

CITY MANAGER’S REPORT:

Planning Commission Rezoning Recommendation: #1096, with Development Plan

WILLIAM L. “BUZZY” NEWMAN, JR., City Manager, reported that the Planning Commission has acted upon the request for a rezoning with development plan amendment for 1213 Barret Boulevard, after conducting a public hearing and producing findings of fact at their regular September 3, 2019 meeting. The Zoning Map Amendment shall be final and the development plan officially amended on Wednesday, September 25, 2019, unless an aggrieved party or the Board of Commissioners files written notice with the Planning Commission within the allotted twenty-one day time period to have the Board of Commissioners make the final decision. The deadline for filing written notice is Tuesday, September 24, 2019.

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WILLIAM L. “BUZZY” NEWMAN, JR., City Manager, reported that Kyndle has requested that the City participate in a project to enhance infrastructure to a parcel of property in the County. Kyndle has applied for a Kentucky Cabinet for Economic Development and Kentucky Association of Economic Development Foundation Kentucky Product Development Initiative grant in order to extend a Henderson Municipal Gas natural gas line to the site property line. The grant requires a local match which would be supported by the County utilizing \$100,000.00 in Coal Severance Funds and the City providing \$75,000.00 in-kind services to extend the natural gas line from an existing line approximately 4,400 feet.

TONY IRITI, Kyndle CEO, indicated that the state is committed to supporting work ready sites and this enhancement will assist with the property meeting those conditions for marketability. He further indicated that this Project has been chosen for a site visit scheduled for September 24<sup>th</sup>.

MOTION by Commissioner Staton, seconded by Commissioner Royster, authorizing the Mayor to submit a letter of support committing \$75,000.00 as a portion of the local match to extend Henderson Municipal Gas natural gas lines to a site property line to the Kentucky Cabinet for Economic Development and Kentucky Association of Economic Development Foundation for a Kentucky Product Development Initiative grant.

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

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

WHEREUPON, Mayor Austin declared the motion approved.

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RE-APPOINTMENT: Municipal Housing Commission:  
Mr. Nibby Priest – Term to Expire September 30, 2023

Motion by Commissioner Staton, seconded by Commissioner Royster, upon recommendation of Mayor Steve Austin, to reappoint Mr. Nibby Priest to a term of four years on the Municipal Housing Commission. Said term to expire September 30, 2023.

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

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

**CITY OF HENDERSON – RECORD BOOK**

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

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 proposed litigation by the City and for the purpose of discussion of pending litigation against the City.

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

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

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

MEETING RECONVENED:

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

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

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

WHEREUPON, Mayor Austin reconvened the Board into regular session.  
\_\_\_\_\_

MEETING ADJOURN:

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

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

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

WITHOUT OBJECTION, Mayor Austin declared the Meeting adjourned at approximately 7:10 p.m.

ATTEST:

\_\_\_\_\_  
Steve Austin, Mayor  
October 22, 2019

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

## CITY OF HENDERSON – RECORD BOOK

*Record of Minutes of* \_\_\_\_\_ *A Regular* \_\_\_\_\_ *Meeting on* \_\_\_\_\_ October 08, 2019

A meeting of the Board of Commissioners of the City of Henderson, Kentucky, was held on Tuesday, October 08, 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 Reverend Eric Hoey, Presbyterian 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 Austin P. Vowels

ABSENT:

Commissioner Bradley S. Staton

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  
Mrs. Theresa Richey, Administrative Liaison  
Mr. Heath Cox, Police Chief  
Mr. Trace Stevens, Parks, Recreation & Cemeteries Director  
Mr. Owen Reeves, Gas System Director  
Mr. Tim Clayton, Gas Operations Manager  
Mr. Ray Nix, Code Administrator  
Mr. Brian Bishop, Planning Commission Executive Director  
Ms. Abby Dixon, Henderson Tourist Commission Executive Director  
Ms. Jordyn Miracle, Ohio Valley Arts League Executive Director/Curator  
Mr. Mike Richardson, Reserve Police Officer

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PROCLAMATION: “Public Natural Gas Week”

OWEN REEVES, Gas System Director, and TIM CLAYTON, Gas Operations Manager, were in attendance to accept the proclamation.

MAYOR AUSTIN expressed his appreciation to Mr. Reeves, Mr. Clayton and staff for all they do for our community.

OWEN REEVES, Gas System Director, indicated that 70% of our system’s load is industrial. Henderson Municipal Gas is ranked 177<sup>th</sup> in the nation for municipally owned systems with over 8,000 residential users, 1,000 commercial users, and 50 industrial users.

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PRESENTATION: “Community Room Proposed Future Use”

ABBY DIXON, Henderson Tourist Commission Executive Director, and JORDYN MYRACLE, Ohio Valley Arts League Executive Director/Curator, thanked the Mayor and Commissioners for allowing them to present a proposed usage for the Depot Community Room once the Historical and Genealogical Society has moved to the new section at the Henderson County Public Library. The idea is to create a welcoming art gallery type atmosphere to welcome the visiting public as well as local visitors. The space would be transformed to allow a multiple use venue for public/private events, art showings, art classes, small receptions, etc. This would allow OVAL the prospect to expand art opportunities for our community.

# CITY OF HENDERSON – RECORD BOOK

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DISCUSSION WAS HELD regarding the opportunities for uses of the facility; furnishings for the facility; the proximity to the new library facilities and art wall; that a lease agreement amendment would be necessary; and that this use better reflects the original intended use of the facility when it was built.

MOTION by Commissioner Royster, seconded by Commissioner Vowels, in support of the general proposed plan as described in the presentation to transform the Depot Community Room into a multi-use art gallery inspired venue for public/private events.

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

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

## APPROVAL OF CONSENT AGENDA:

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

Minutes:       August 13, 2019, Regular Meeting  
                  August 20, 2019, Work Session  
                  August 27, 2019, Regular Meeting

Resolution:   56-19: Resolution Approving First Amendment to Funding Agreement With the Henderson Tennis Club (HTC) Matching Reimbursable Funds in an Amount Not to Exceed \$35,000.00 to be Used for Necessary Repairs to the Tennis Court Playing Surfaces

57-19: Resolution Authorizing Participation in Kentucky Pride Litter Abatement Grant Program

58-19: Resolution Accepting Urbanized Area Public Transportation Grant Agreement Between the Kentucky Transportation Cabinet and Henderson Area Rapid Transit (HART) in the Amount of \$57,362.00 A Capital State Match for Section 5307 Funding, and Authorizing City Manager to Execute the Agreement on the City's Behalf

MOTION by Commissioner Bugg, 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 ---- Absent:  
Commissioner Vowels --- Aye:  
Commissioner Bugg ----- Aye:  
Mayor Austin ----- Aye:

WHEREUPON, Mayor Austin declared the consent agenda items approved.

/s/ Steve Austin  
Steve Austin, Mayor  
October 08, 2019

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

## CITY OF HENDERSON – RECORD BOOK

Record of Minutes of           A Regular           Meeting on           October 08, 2019          

ORDINANCE NO. 25-19: SECOND READ  
ORDINANCE AMENDING PAY PLAN  
ORDINANCE AMENDING PAY PLAN RELATING TO HAZARDOUS DUTY PAY  
EFFECTIVE OCTOBER 21, 2019

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 ---- Absent:  
 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  
 October 08, 2019

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

ORDINANCE NO. 26-19: SECOND READ  
ORDINANCE AMENDING ARTICLE V. REGULATION OF FIREWORKS  
AN ORDINANCE AMENDING ARTICLE V REGULATIONS OF FIREWORKS,  
SECTION 16-83 RESTRICTION ON USE WITHIN CITY LIMITS TO ADD GREATER  
DISTANCE RESTRICTIONS AROUND ANIMAL SHELTERS, NURSING HOMES, AND  
HOSPITALS; SECTION 16-84 SEASONAL, PERMANENT FIREWORKS RETAILERS TO  
PROHIBIT SLEEPING STRUCTURES INSIDE OR WITHIN 200 FEET OF A RETAIL  
FIREWORKS ESTABLISHMENT; SECTION 16-87 CRIMINAL PENALTIES TO CLARIFY  
THAT CRIMINAL VIOLATION OF THIS ARTICLE IS A MISDEMEANOR; AND ADDING  
SECTION 16-88 PROHIBITING SKY LANTERNS

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 ---- Absent:  
 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  
 October 08, 2019

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



# CITY OF HENDERSON – RECORD BOOK

*Record of Minutes of* \_\_\_\_\_ *A Regular* \_\_\_\_\_ *Meeting on* \_\_\_\_\_ October 08, 2019

## CITY MANAGER’S REPORT:

Planning Commission Rezoning Recommendation: #1097, with Narrative Development Plan/Conceptual Plan

WILLIAM L. “BUZZY” NEWMAN, JR., City Manager, reported that the Planning Commission has acted upon the request for a rezoning with narrative development plan and graphic development plan/conceptual plan amendment for Constanza Drive and Copper Creek Drive, after conducting a public hearing and producing findings of fact at their regular October 1, 2019 meeting. The Zoning Map Amendment shall be final and the development plan officially amended on Wednesday, October 23, 2019, unless an aggrieved party or the Board of Commissioners files written notice with the Planning Commission within the allotted twenty-one day time period to have the Board of Commissioners make the final decision. The deadline for filing written notice is Tuesday, October 22, 2019.

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WILLIAM L. “BUZZY” NEWMAN, JR., City Manager, reported that the gas department has been notified of award of a U. S. Department of Transportation Pipeline and Hazardous Materials Safety Administration (PHMSA) Technical Assistance Grant (TAG) in the amount of \$57,025.00 which will require official approval from the Board of Commissioners for acceptance of the grant funding.

OWEN REEVES, Gas System Director, indicated that the grant would be used to purchase laser methane gas detectors and training for the gas department and fire department use. The original grant paperwork indicated that the grant would require a match, however the documentation received indicates that we received the full amount without a match due. Staff will confirm that is the case.

MOTION by Commissioner Vowels, seconded by Commissioner Royster, authorizing the Mayor to sign necessary documents for acceptance of a U. S. Department of Transportation Pipeline and Hazardous Materials Safety Administration Technical Assistance Grant in the amount of \$57,025.00 for the Henderson Municipal Gas department to purchase laser methane detectors and training for gas department and fire department use.

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

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

WHEREUPON, Mayor Austin declared the motion approved.

---

DAWN KELSEY, City Attorney, reported that the Board had previously discussed solar farms and voted to have the Planning Commission begin the process of writing a zoning ordinance. Staff has been working with the Planning Commission to work through a zoning ordinance on solar energy systems. A draft ordinance was presented to the City-County Cooperative Study Team at a recent meeting with Henderson Fiscal Court approving a similar ordinance. The ordinance for the City required some tweaks as the City has more zoning districts with varying requirements. The draft ordinance contains three levels from smaller systems that are usually residential roof mounted systems; the next level is for systems up to one-half acre in size; and the third would be for systems larger than one-half acre. Each level would be allowed in different zones based on the various types of use and aesthetics for the zone. If the request is forwarded to the Planning Commission tonight, the public hearing would be scheduled for their November meeting and this could be on the books by the end of the year.

**CITY OF HENDERSON – RECORD BOOK**

*Record of Minutes of* \_\_\_\_\_ *A Regular* \_\_\_\_\_ *Meeting on* \_\_\_\_\_ October 08, 2019

MOTION by Commissioner Royster, seconded by Commissioner Bugg, to accept the recommendation of the City/County Cooperative Study Team and forward a request to the Planning Commission to conduct a public hearing on the zoning ordinance relating to solar energy systems.

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

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

WHEREUPON, Mayor Austin declared the motion approved.

COMMISSIONER'S REPORT:

COMMISSIONER BUGG reported that the tees and greens continue to get better at The Bridges Golf Course and invited everyone to go out and play.

MAYOR AUSTIN introduced Reverend Charles Johnson as the new director for the Henderson City-County Human Rights Commission. He further reported that the Human Rights Commission has voted to change their meeting date to the last Monday of each month.

CHARLES JOHNSON, Henderson City-County Human Rights Commission Director, indicated that he is excited about the prospects of the position and will be coming to a future meeting to present a quarterly report.

RE-APPOINTMENT: Parks & Recreation Commission:

Rev. Anthony Anguish – Term to Expire September 14, 2023  
 Ms. Donna Spencer – Term to Expire September 14, 2023

MOTION by Commissioner Bugg, seconded by Commissioner Royster, upon recommendation of Mayor Steve Austin, to reappoint Reverend Anthony Anguish and Ms. Donna Spencer to terms of four years on the Parks & Recreation Commission. Said terms to expire September 14, 2023.

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

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

**CITY OF HENDERSON – RECORD BOOK**

Record of Minutes of           A Regular           Meeting on           October 08, 2019          

MEETING ADJOURN:

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

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

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

WITHOUT OBJECTION, Mayor Austin declared the Meeting adjourned at approximately 6:25 p.m.

ATTEST:

\_\_\_\_\_  
Steve Austin, Mayor  
October 22, 2019

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

**CITY OF HENDERSON – RECORD BOOK**

Record of Minutes of A Work Session Meeting on October 15, 2019

A Work Session of the Board of Commissioners of the City of Henderson, Kentucky, was held on Tuesday, October 15, 2019, at 5:30 p.m. in the third floor Assembly Room, Municipal Center, 222 First Street, Henderson, Kentucky.

There were present Mayor Steve Austin presiding.

PRESENT:

Commissioner X R. Royster, III  
Commissioner Bradley S. Staton

ABSENT:

Commissioner Patti Bugg  
Commissioner Austin P. Vowels

CITY STAFF MEMBERS included William L. “Buzzy” Newman, Jr., City Manager; Dawn Kelsey, City Attorney; Maree Collins, City Clerk; Donna Stinnett, Community Relations Manager/Public Information Officer; Scott Foreman, Fire Chief; Trace Stevens, Parks Recreation and Cemeteries Director; Brian Williams, Public Works Director; Theresa Richey, Administrative Liaison; and Mike Richardson, Reserve Police Officer.

ALSO PRESENT: John Kelsey; Douglas White, *The Gleaner*

THE FOLLOWING AGENDA ITEMS WERE DISCUSSED:

1. Henderson Fire Department Overview

- ✓ Fire Chief Scott Foreman gave a brief overview presentation relating to the fire department goals and objectives, training, leadership development, manpower issues, industry standards for staffing, training and apparatus replacement, number of fire and EMS runs, facility replacement/location, and apparatus needs.
- ✓ Chief Foreman reported that the department responded to 2,965 runs in 2018; so far this year they have responded to 2,505 runs. If that trend remains consistent the department will respond to approximately 3,300 runs this year. The average response time for the fire department is 3 minutes 48 seconds. This is within the 4 minutes ISO standard. Statistics show that 14% of these runs are simultaneous, which means that more than one crew is sent to more than one location at the same time.
- ✓ Chief Foreman reviewed the industry standard on age of fire apparatus and the need to replace our aging facilities and equipment. He and staff have worked on a suggested replacement plan for Stations Four and One and the oldest fire trucks that are still on front line usage.
- ✓ Chief Foreman reviewed the departments training schedules for fire and EMS requirements due to the wide range of the nature of call responses completed by the department.
- ✓ There is a lot more to our fire department than just putting out fires. Fire Prevention presentations (senior living facilities and each school), car seat installation/inspections, burn permits, dive team, high angle rescue, confined spaces/trench rescue, and facility/truck tours.

2. Employee Near-Site Health Clinic Update

- ✓ William L. “Buzzy” Newman, Jr., City Manager gave a brief report on the status of the negotiations with Methodist Hospital relating to the Employee Near-Site Health Clinic. The City has received notification from Methodist Hospital that they intend to terminate clinic services at the end of this year. Discussion continues on other alternatives.

## CITY OF HENDERSON – RECORD BOOK

*Record of Minutes of*   A Work Session   *Meeting on*   October 15, 2019  

- ✓ Dawn Kelsey, City Attorney, reported that the City gave formal one-year notice in June to terminate the Contract for Employee Near-Site Clinic services. With the closing of the clinic at the end of the year, the City is negotiating a mutual agreement to end the Contract in October. One stumbling block is the co-pay for lab services and that the City wants to continue that with Methodist without the Clinic Contract.

NO FORMAL ACTION WAS TAKEN BY THE BOARD OF COMMISSIONERS.

MEETING ADJOURN:

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

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

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

WHEREUPON Mayor Austin declared the work session adjourned at approximately 6:50 p.m.

ATTEST:

\_\_\_\_\_  
 Steve Austin, Mayor  
 October 22, 2019

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

**City Commission Memorandum  
19-216**

October 17, 2019

TO: Mayor Steve Austin and the Board of Commissioners

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

SUBJECT: Occupational Tax Rates

An item for the agenda of Tuesday, October 22, 2019 is first reading of an ordinance amending the payroll and net profits portions of the occupational tax rates.

As proposed, the payroll portion will increase from 1.29% to 1.49%. The net profit portion will increase from 1.0% to 1.49% (or a minimum payment of \$200.00, whichever is greater, and a maximum of \$60,000.00) of the net profits from business conducted in the city by a resident or nonresident business entity. Effective date for the amended rates is January 1, 2020. The net profits portion will be pro-rated over the first 12 months using the fiscal year end of each business.

Fiscal year end on or after	1/31/2020	1.0408%
	2/29/2020	1.0817%
	3/31/2020	1.1225%
	4/30/2020	1.1633%
	5/31/2020	1.2042%
	6/30/2020	1.2450%
	7/31/2020	1.2858%
	8/31/2020	1.3267%
	9/30/2020	1.3675%
	10/31/2020	1.4083%
	11/30/2020	1.4492%
	12/31/2020	1.4900%

It is estimated the change in the occupational tax rates will generate an additional \$710,000.00 in revenue for fiscal year 2020 or over \$1.42 million over a full year.

Your approval of the attached ordinance is requested.

c: Robert Gunter  
Dawn Kelsey

**FINANCE DEPARTMENT MEMORANDUM**  
**19-26**

October 11, 2019

TO: William Newman, Jr., City Manager  
FROM: Robert Gunter, Finance Director  
SUBJECT: Occupational Tax Rates

The Fiscal 2020 Budget included increasing the occupational taxes from 1.29% to 1.49% for the payroll portion and from 1.0% to 1.49% for the net profit portion.

The effective date for the 1.49% rate is January 1, 2020. The net profits portion will have to be prorated over the first 12 months using the fiscal year end of each business.

Fiscal-year-end on or after	1/31/2020	1.0408%
	2/29/2020	1.0817%
	3/31/2020	1.1225%
	4/30/2020	1.1633%
	5/31/2020	1.2042%
	6/30/2020	1.2450%
	7/31/2020	1.2858%
	8/31/2020	1.3267%
	9/30/2020	1.3675%
	10/31/2020	1.4083%
	11/30/2020	1.4492%
	12/31/2020	1.4900%

It is estimated that the change in the occupational tax rate would generate an additional \$710,000 in revenue for fiscal 2020 or \$1.42 million over a full year.

Over the past three fiscal years, the General Fund has had to dip into reserves: Fiscal 2017 used \$621,958; Fiscal 2018 used \$702,408; and Fiscal 2019 used \$1,227,354 for a total of \$2,551,720. Fiscal 2020 started the year with approximately \$9 million in reserves which is 29% or 3.5 months of the budgeted expenses for the year.

The Fiscal 2020 Budget was presented with the reduction of \$1.25 million in expenses that included the elimination of 9 fulltime, 1 part-time and 2 seasonal positions; reduction in paving/drainage projects, sidewalk/alleyway repairs and capital cuts.

The Fiscal 2020 Budget also included a proposal of increasing the real property tax rate from the current \$0.490 per \$100 of assessment to the estimated compensating rate of \$0.515. It was estimated that the increase would generate \$290,000 in additional revenue. Since the rates were not increased, this could require the use of additional reserves.


Probably the number one budget concern is the impact that the pension increases are causing. Even with the elimination of the 9 fulltime positions, this one expense item could increase \$3.1 million over a six-year period.

	2017 Actual	2018 Actual	2019 Projected	2020 Budgeted	2021 Projected	2022 Projected	2023 Projected
Hazardous Pension	\$ 1,986,619	\$ 2,061,483	\$ 2,276,667	\$ 2,476,860	\$ 2,823,620	\$ 3,218,927	\$ 3,669,577
Non-hazardous Pension	\$ 1,458,948	\$ 1,497,830	\$ 1,700,361	\$ 1,933,440	\$ 2,204,122	\$ 2,512,699	\$ 2,864,476
Total	\$ 3,445,567	\$ 3,559,313	\$ 3,977,028	\$ 4,410,300	\$ 5,027,742	\$ 5,731,626	\$ 6,534,054
Increase over prior year		\$ 113,746	\$ 417,715	\$ 433,272	\$ 617,442	\$ 703,884	\$ 802,428
		3.3%	11.7%	10.9%	14.0%	14.0%	14.0%

The contribution rate for a hazardous employee for fiscal 2020 is 39.58% and could exceed 55% by year 2023.

The contribution rate for a non-hazardous employee for fiscal 2020 is 24.06% and could exceed 33% by year 2023.

Please contact me if you have any questions or need additional information.



Robert Gunter

Cc Dawn Winn  
Martina Aldridge



ORDINANCE NO. \_\_\_\_\_

ORDINANCE RELATING TO BUSINESS AND OCCUPATION LICENSE FEES

**SUMMARY:** AN ORDINANCE AMENDING SECTION 21-33 *OCCUPATIONAL LICENSE TAX PAYMENT REQUIRED* OF ARTICLE III, *BUSINESS AND OCCUPATIONAL LICENSE FEES*, BY CHANGING THE RATE OF OCCUPATIONAL LICENSE TAX FOR COMPENSATION PAID OR PAYABLE FOR WORK DONE OR SERVICES PERFORMED OR RENDERED IN THE CITY BY AN EMPLOYEE FROM ONE AND TWENTY-NINE HUNDREDTHS PERCENT (1.29%) TO ONE AND FORTY NINE HUNDREDTHS PERCENT (1.49%); AND CHANGING THE RATE OF THE NET PROFITS FROM ONE PERCENT TO ONE AND FORTY NINE HUNDREDTHS PERCENT (1.49%) [WITH A MINIMUM PAYMENT OF TWO HUNDRED DOLLARS (\$200) WHICHEVER IS GREATER AND A MAXIMUM PAYMENT OF SIXTY THOUSAND DOLLARS (\$60,000)] BEGINNING JANUARY 1, 2020 WHICH WILL BE PRO-RATED BEGINNING JANUARY 1, 2020 TO DECEMBER 31, 2020, AND AMENDING SECTION 21-48 *BEGINNING DATE* OF THIS ORDINANCE TO JANUARY 1, 2020

WHEREAS, Section 181 of the Kentucky Constitution authorizes the General Assembly to confer upon local jurisdictions the power to impose and collect license fees on franchises, trades, occupations and professions; and

WHEREAS, pursuant to KRS 92.281(1), the General Assembly has authorized cities of all classes to impose and collect all taxes provided for in Section 181 of the Kentucky Constitution; and

WHEREAS, acting pursuant to KRS 92.281(1), the City of Henderson has heretofore adopted an ordinance imposing occupational license taxes on the net profits of every business entity conducting business within the City and upon the compensation of any employee from services performed within the City; and

WHEREAS, Section 171 of the Kentucky Constitution requires that any tax imposed under Section 181 of the Kentucky Constitution be uniform within the class of those subject to the tax; and

WHEREAS, the City of Henderson needs an additional revenue based on the 2020 fiscal year budget; and

WHEREAS, the Board of Commissioners has determined that it is necessary and appropriate to increase the rate of occupational license taxes on compensation paid to employees for work done or services performed within the City by such employees from one and twenty-nine hundredths percent (1.29%) to one and forty-nine hundredths percent (1.49%) beginning January 1, 2020; and

WHEREAS, the Board of Commissioners has determined that it is necessary and appropriate to increase the net profits tax for business conducted in the City by a resident or non-resident business entity from one percent (1%) to one and forty-nine hundredths percent (1.49%), or a \$200.00 minimum, whichever is greater, and a maximum of sixty thousand dollars (\$60,000.00) and will be pro-rated beginning January 1, 2020 to December 31, 2020.

BE IT ORDAINED by the City of Henderson, Kentucky, that Section 21-33, *Occupational License Tax Payment Required* of Article III. *Business and Occupational License Fees*, of Chapter 21, *Taxation*, of the City's Code of Ordinances, is hereby amended as follows:

### ARTICLE III. BUSINESS AND OCCUPATIONAL LICENSE FEES

#### Sec. 21-33 Occupational License Tax Payment Required.

(A) Except as provided in Sec. 21-34, every person or business entity engaged in any business, trade, occupation, or profession and any person or business entity that makes a filing with the Internal Revenue Service or the Kentucky Revenue Cabinet shall be required to file and pay to the city an annual occupational license tax for the privilege of engaging in such activities within the city. The occupational license tax shall be measured by:

(1) ~~{ One and twenty nine percent (1.29%)}~~ One and forty-nine hundredths percent (1.49%) of all compensation paid or payable in the city for work done or services performed or rendered in the city by every resident and nonresident who is an employee; and

(2) ~~[One percent (1%)~~ One and forty-nine hundredths percent (1.49%) or a Two Hundred Dollar (\$200.00) minimum payment, whichever is greater, and a maximum of Sixty Thousand Dollars (\$60,000.00) of the net profits from business conducted in the city by a resident or nonresident business entity, [or \$25.00 whichever is greater] shall be prorated as follows:

Current	1.0000%
1/1/2020	1.4900%

Fiscal year end on or after	<u>1/31/2020</u>	<u>1.0408%</u>
	<u>2/29/2020</u>	<u>1.0817%</u>
	<u>3/31/2020</u>	<u>1.1225%</u>
	<u>4/30/2020</u>	<u>1.1633%</u>
	<u>5/31/2020</u>	<u>1.2042%</u>
	<u>6/30/2020</u>	<u>1.2450%</u>
	<u>7/31/2020</u>	<u>1.2858%</u>
	<u>8/31/2020</u>	<u>1.3267%</u>
	<u>9/30/2020</u>	<u>1.3675%</u>
	<u>10/31/2020</u>	<u>1.4083%</u>
	<u>11/30/2020</u>	<u>1.4492%</u>
	<u>12/31/2020</u>	<u>1.4900%</u>

- (B) If any business entity dissolves, ceases to operate, or withdraws from the city during any taxable year, or if any business entity in any manner surrenders or loses its charter during any taxable year, the dissolution, cessation of business, withdrawal, or loss or surrender of charter shall not defeat the filing of returns and the assessment and collection of any occupational license tax for the period of that taxable year during which the business entity had business activity in the city.

**Sec. 21-48 Beginning Date:**

The provisions of this Ordinance shall become in effect on January 1, 2020. The occupational license tax rate of all compensation paid or payable to employees in the city as detailed in Section 21-33(A)(1) will become effective January 1, 2020, and the net profits from business conducted in the City by a resident or non-resident business entity, will begin effective January 1, 2020 and pro-rated to December 31, 2020.

All ordinances or parts of ordinances in conflict herewith are hereby repealed and superseded to the extent of such conflict.

On the first reading of this ordinance, it was moved by Commissioner \_\_\_\_\_, seconded by Commissioner \_\_\_\_\_, that the ordinance be adopted on its first reading.

On roll call the vote stood:

Commissioner Royster: \_\_\_\_\_  
 Commissioner Staton: \_\_\_\_\_

Commissioner Bugg: \_\_\_\_\_  
 Mayor Austin: \_\_\_\_\_

Commissioner Vowels: \_\_\_\_\_

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

On second reading of the ordinance, it was moved by Commissioner \_\_\_\_\_, seconded by Commissioner \_\_\_\_\_, that the ordinance be adopted.

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

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

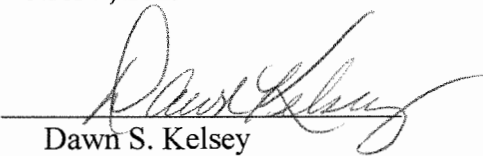
WHEREUPON, Mayor Austin declared the ordinance adopted, affixed his signature and the date and ordered it be recorded.

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

ATTEST:

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

**APPROVED AS TO FORM AND  
LEGALITY THIS 17 DAY OF  
OCTOBER, 2019.**

By:   
Dawn S. Kelsey  
City Attorney

**City Commission Memorandum  
19-217**

October 17, 2019

TO: Mayor Steve Austin and the Board of Commissioners  
FROM: William L. "Buzzy" Newman, Jr., City Manager *WLN*  
SUBJECT: Acceptance of Public Improvements at 395 Borax Drive

An item for the agenda of the Tuesday, October 22, 2019 regular meeting is a first reading of an ordinance accepting public improvements for property located at 395 Borax Drive in Dannlin Industrial Subdivision Lot #1, Probation & Parole Office.

Included in this acceptance is 64 lineal feet of 6-foot sidewalk.

The new improvements are in accordance with the public improvement specifications and final inspection was performed by the City of Henderson Engineering Division. The Henderson City-County Planning Commission recommended the improvements for acceptance at a meeting held on October 2, 2019.

Your approval of the attached ordinance is requested.

c: Brian Bishop  
Doug Boom



Henderson City-County Planning Commission  
1990 Barret Ct. Suite C  
Henderson, KY 42420

Claudia Wayne  
Assistant Director

October 8, 2019

Mayor Steve Austin  
City Commissioners  
Municipal Center  
Henderson, Ky. 42420

RE: Acceptance of Sidewalks in Dannlin Industrial Subdivision Lot # 1 Probation & Parole office, located at 395 Borax Drive in The City of Henderson, Ky.

Dear Mayor and Commissioners:

Please be advised Tuesday October 2, 2019 the Henderson City-County Planning Commission took official action to recommend acceptance of the following:

**Dannlin Industrial Subdivision**

**Sidewalks -Borax Drive Lot # 1- 64 Lineal Feet of 6-foot wide sidewalk**

These improvements were constructed in accordance with the public improvement specifications and final inspection was performed by the Henderson City Engineering Department. The Henderson City-County Planning Commission at this time request your consideration.

Respectfully submitted,

A handwritten signature in cursive script that reads "Claudia Wayne".

Claudia Wayne  
Assistant Executive Director

HENDERSON CITY-COUNTY  
PLANNING COMMISSION

Attachment

C: Dawn Kelsey, City Attorney  
Wm Newman, City Manager

ORDINANCE NO. \_\_\_\_\_

ORDINANCE ACCEPTING PUBLIC IMPROVEMENTS

**SUMMARY:** AN ORDINANCE ACCEPTING PUBLIC IMPROVEMENTS FOR PROPERTY LOCATED IN DANNLIN INDUSTRIAL SUBDIVISION LOT # 1, PROBATION AND PAROLE OFFICE LOCATED AT 395 BORAX DRIVE

WHEREAS, at a meeting of the Henderson City-County Planning Commission held on Tuesday, October 2, 2019, it was recommended that certain public improvements for property located at 395 Borax Drive in the City of Henderson be accepted; and

WHEREAS, said improvements have been made in accordance with public improvements specifications and regulations.

NOW, THEREFORE, BE IT ORDAINED by the City of Henderson, Kentucky, that the City hereby accepts certain public improvements for property located in Dannlin Industrial Subdivision Lot # 1 Probation and Parole Office located at 395 Borax Drive, which is generally depicted on the attached plat marked Exhibit "A", and consists of the following:

**Sidewalks-Borax Drive Lot # 1:**

64 Lineal Feet of 6-foot wide sidewalk

All ordinances or parts of ordinances in conflict herewith are hereby repealed and superseded to the extent of such conflict.

This ordinance shall become effective upon its legal adoption.

On first reading of the foregoing ordinance, it was moved by Commissioner \_\_\_\_\_, seconded by Commissioner \_\_\_\_\_, that the ordinance be adopted on its first reading.

On roll call the vote stood:

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

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

On second reading of the ordinance, it was moved by Commissioner \_\_\_\_\_, seconded by Commissioner \_\_\_\_\_, that the ordinance be adopted.

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

Commissioner Royster: \_\_\_\_\_  
Commissioner Staton: \_\_\_\_\_  
Commissioner Vowels: \_\_\_\_\_

Commissioner Bugg: \_\_\_\_\_  
Mayor Austin: \_\_\_\_\_


WHEREUPON, Mayor Austin declared the ordinance adopted, affixed his signature and the date and ordered that it be recorded.

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

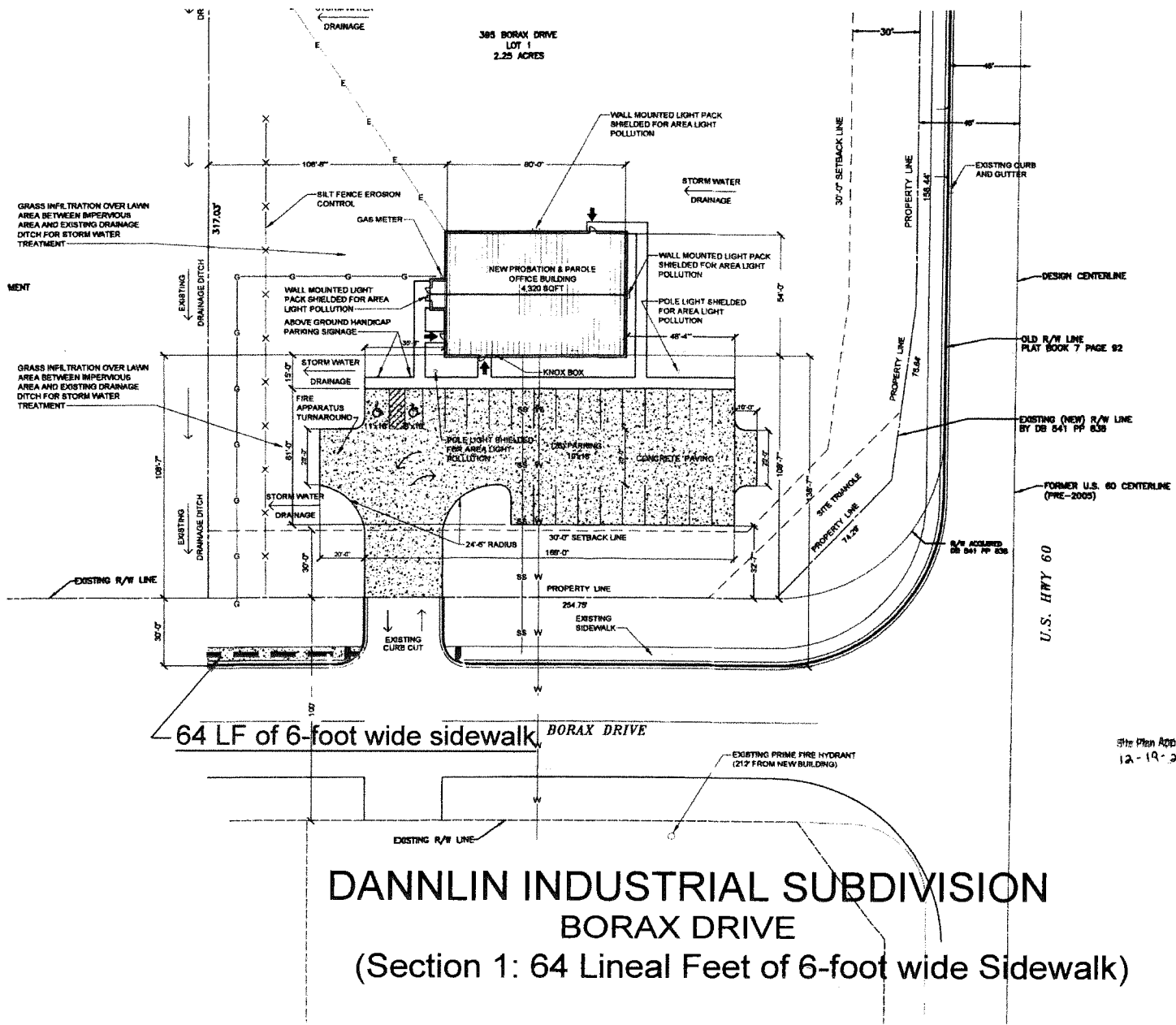
ATTEST:

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

**APPROVED AS TO FORM AND  
LEGALITY THIS 12 DAY OF  
OCTOBER, 2019.**

By:   
Dawn S. Kelsey  
City Attorney





**DANNLIN INDUSTRIAL SUBDIVISION  
BORAX DRIVE  
(Section 1: 64 Lineal Feet of 6-foot wide Sidewalk)**

Site Plan Approved  
12-19-2018

PROJECT:  
Henderson County Detention Center  
**Probation & Parole  
Office Facility**

395 Borax Drive  
Henderson, Kentucky 42420

DRAWING TITLE:  
**Site Plan**



SCALE:  
1" = 30'-0"

**EXHIBIT "A"**

**City Commission Memorandum  
19-218**

October 17, 2019

TO: Mayor Steve Austin and the Board of Commissioners

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

SUBJECT: Amendment of Budgeted Positions Relating to HPD

An item for consideration at the meeting of Tuesday, October 22, 2019, is first reading of an ordinance amending City of Henderson budgeted positions and job classifications of the fiscal year 2020 budget by eliminating two (2) police officer positions and adding two (2) police sergeant positions.

The proposed amendment to budgeted positions will not affect the current number of officers for the Police Department but will allow an additional supervisor to be assigned to each working shift. In addition, the two additional sergeant positions will provide patrol officers with more promotion opportunities and allow the department to remain competitive with other agencies by providing the incentive necessary for officer retention as well as recruitment.

Upon review of the current fiscal year budget, it is believed the reclassification cost can be absorbed without appropriation.

Your approval of the attached ordinance is requested.

c: Robert Gunter  
Heath Cox  
Connie Galloway

**POLICE DEPARTMENT MEMORANDUM**  
**19-34**

October 17, 2019

TO: William "Buzzy" Newman  
City Manager

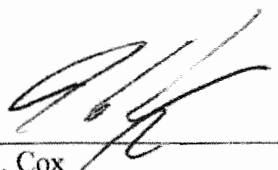
FROM: Heath A. Cox  
Chief of Police

SUBJECT: Authorized Position Reclassification

I am seeking Commission approval to reclassify two (2) authorized positions from Police Officer classification to Sergeant classification. This reclassification would not affect the current allotment of officers for the Police Department, but would allow an additional supervisor to be assigned to each working shift. With the addition of another Sergeant assigned to every shift, the current Corporal position(s) would be phased out. Two additional Sergeant positions would provide Patrol officers with more promotion opportunities, as well as provide the department with better guidance for new officers.

By offering additional promotion opportunities, the City of Henderson Police Department can remain competitive with other agencies, both locally and throughout the state. Promotional opportunities can provide the incentive necessary for officer retention as well as recruitment. After reviewing the current fiscal 2019-2020 budget, I believe the reclassification cost can be absorbed without appropriation.

Please contact me should you have any questions concerning this information.

  
\_\_\_\_\_  
Heath A. Cox  
Chief of Police

HAC/wds

ORDINANCE NO. \_\_\_\_\_

ORDINANCE AMENDING PORTION OF CITY OF HENDERSON BUDGET

**SUMMARY:** ORDINANCE AMENDING CITY OF HENDERSON BUDGETED POSITIONS AND JOB CLASSIFICATIONS OF THE 2019 – 2020 BUDGET BY ELIMINATING TWO POLICE OFFICER POSITIONS, AND ADDING TWO (2) POLICE SERGEANT POSITIONS

WHEREAS, Ordinance No. 11-19, adopted the City of Henderson 2019-2020 Budget and Appropriation ordinance; and

WHEREAS, the Chief of Police recommends that by offering two additional Sergeant positions the City of Henderson will remain competitive with other agencies.

NOW, THEREFORE, BE IT ORDAINED by the City of Henderson, Kentucky that the Budgeted Positions and Job Classifications of the 2019 – 2020 City of Henderson Budget is hereby amended by eliminating two (2) police officers positions and adding two (2) sergeant positions as shown on the list of Police Department Budgeted Positions, which is attached hereto and marked as Exhibit “A”.

All ordinances or parts of ordinances in conflict herewith are hereby repealed and superseded to the extent of such conflict.

This ordinance shall become effective upon its legal adoption.

On first reading of the foregoing ordinance, it was moved by Commissioner \_\_\_\_\_, seconded by Commissioner \_\_\_\_\_, that the ordinance be adopted on its first reading.

On roll call the vote stood:

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

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

On second reading of the foregoing ordinance, it was moved by Commissioner \_\_\_\_\_ seconded by Commissioner \_\_\_\_\_, that the ordinance be adopted.

WHEREUPON, the vote was called, on roll call the vote stood:

Commissioner Royster: \_\_\_\_\_  
Commissioner Staton: \_\_\_\_\_  
Commissioner Vowels: \_\_\_\_\_

Commissioner Bugg: \_\_\_\_\_  
Mayor Austin: \_\_\_\_\_

WHEREUPON, Mayor Austin declared the ordinance adopted, affixed his signature and the date and ordered it be recorded.

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

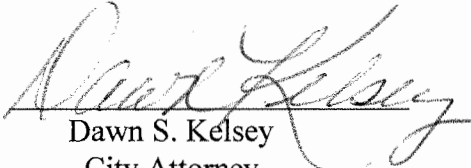
\_\_\_\_\_  
Date

ATTEST:

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

**APPROVED AS TO FORM AND  
LEGALITY THIS 17 DAY OF  
OCTOBER, 2019.**

By:

  
Dawn S. Kelsey  
City Attorney

## Police Department

PERSONNEL SCHEDULE Police <u>231</u>	Authorized Positions		
	Fiscal Year 2018	Fiscal Year 2019	Fiscal Year 2020
Police Chief	1	1	1
Deputy Police Chief	1	1	1
Police Major	1.75	1.75	2
Police Lieutenant	4	4	4
Police Sergeant	6	6	[6] 8
Police Officer (Detective)	6	6	6
Police Officer *	43*	43*	[42*] 40*
Reserve Police Officer	4	4	4
Parking Enforcement Officer	1	1	1
School Crossing Guard	3	3	3
System Administrator	2	2	2
Administrative Secretary	1	1	1
Secretary, Senior	1	1	1
Secretary	2	2	1
Records Technician	0	1	1
Data Entry Operator	1	1	1
Office Assistant	1	1	1
	78.75	79.75	78

**City Commission Memorandum  
19-219**

October

TO: Mayor Steve Austin and the Board of Commissioners

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

SUBJECT: Amendment to the Health Reimbursement Arrangement (HRA) and Employee Premiums

The accompanying resolution approves amendments to the City of Henderson Employee Health Plan regarding regular Health Reimbursement Arrangements (HRA) and employee premiums.

The proposed resolution makes effective changes made to the HRA portion of the health plan and increases the employee health insurance premiums as were detailed in the fiscal year 2020 operating budget executive summary.

Currently, the City's annual contribution into an employee's regular HRA portion of the health plan is \$500.00 for employee-only coverage and \$1,000.00 for both employee+1 coverage and for family coverage. In January 2020, the HRA contribution for employee-only will remain \$500.00 and the HRA contribution for employee+1 and family coverage will change to \$750.00. In January 2021, HRA contributions will be \$500.00 for all health plan coverage options.

The employee health insurance premiums are recommended to increase by 2.3% resulting in a change to employee pre-tax premium contributions will be as follows:

Employee-only	\$0.53 per pay period
Employee+1	\$1.06 per pay period
Family	\$1.59 per pay period

Your approval of the attached resolution is requested.

c: Connie Galloway

**Human Resources Memorandum**  
**19 - 55**

October 17, 2019

TO: William L. "Buzzy" Newman, Jr., City Manager

FROM: Connie Galloway, Human Resources Director

SUBJECT: Recommendation to Change Regular Health Reimbursement Arrangement (HRA) Component of Health Plan & Employee Premiums

Pursuant to the FY2020 operating budget executive summary, the Board of Commissioners authorized changes the regular annual health reimbursement arrangement (HRA) portion of the health plan and increasing the employee health insurance premiums. This memo summarizes those changes.

At present, the City's annual contribution into an employee's regular health reimbursement arrangement (HRA) portion of the health plan is \$500 for employee-only coverage, \$1,000 for employee+1 coverage, and \$1,000 for family coverage. In January 2020, the HRA contributions for the employee-only will remain at \$500 and the HRA contributions for employee+1 and family coverage will change to \$750. In January 2021, the HRA contributions will be \$500 for all health plan coverage options.

The employee health insurance premiums were recommended to increase by 2.3% which is the estimated seasonally adjusted increase per the United States Department of Labor for March 2019. The change to employee pre-tax premium contributions will be:

- Employee-only      \$613.80 per year - \$51.15 per month
- Employee + 1      \$1,227.60 per year - \$102.30 per month
- Family              \$1,841.40 per year - \$153.45 per month

Pursuant to the Board of Commissioners' direction, the updated annual regular HRA contributions and the updated employee premiums contributions are submitted for their approval.

  
\_\_\_\_\_  
Connie Galloway

Attachment



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

RESOLUTION APPROVING AMENDMENTS TO CITY OF HENDERSON EMPLOYEE HEALTH PLAN REGARDING REGULAR HEALTH REIMBURSEMENT ARRANGEMENTS (HRA) AND EMPLOYEE PREMIUMS

WHEREAS, pursuant to the fiscal year 2020 operating budget executive summary, the Board of Commissioners authorized changes to the regular annual health reimbursement arrangement (HRA) portion of the health plan and increasing the employee health insurance premiums; and

WHEREAS, the Board of Commissioners believes it to be in the City’s best interest that the amendments and the changes as set forth on the attached document regarding health reimbursement arrangement (HRA) entitled “Schedule of Benefits”, which is marked Exhibit “A” and made a part hereof, be adopted.

NOW, THEREFORE, BE IT RESOLVED by the City of Henderson, Kentucky, that the “Schedule of Benefits” contained in the attached Exhibit “A”, are hereby approved and adopted, and the City Manager recommends these changes and amendments be made to the City’s employee health plan to be effective beginning January 1, 2020.

BE IT FURTHER RESOLVED that employee insurance premiums will be as follows:

- Employee-only           \$613.80 per year       -       \$51.15 per month
- Employee + 1           \$1,227.60 per year   -       \$102.30 per month
- Family                   \$1,841.40 per year   -       \$153.45 per month

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

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

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 17 DAY OF  
OCTOBER, 2019.

By:

A handwritten signature in cursive script, appearing to read "Dawn S. Kelsey", written over a horizontal line.

Dawn S. Kelsey  
City Attorney

**City of Henderson**  
**Health Reimbursement Arrangement (HRA) Plan**

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**Schedule of Benefits**

**Health Plan Participants**

For Participants Enrolled in Health Plan as a Single Participant:	\$500.00 per year – \$41.66 per month
For Participants Enrolled in Health Plan as a Single + 1 Dependent:	<del>[\$1,000.00 per year – \$83.33 per month]</del> <b><u>For Calendar Year 2020</u></b> <u>\$750.00 per year - \$62.50 per month</u> <b><u>For Calendar Year 2021</u></b> <u>\$500.00 per year - \$41.66 per month</u>
For Participants Enrolled in Health Plan with Family Coverage:	<del>[\$1,000.00 per year – \$83.33 per month]</del> <b><u>For Calendar Year 2020</u></b> <u>\$750.00 per year - \$62.50 per month</u> <b><u>For Calendar Year 2021</u></b> <u>\$500.00 per year - \$41.66 per month</u>

**Active Employees**

Active employees enrolled in the Health Plan can use the HRA dollars for ~~[in-network deductible and co-insurance expenses]~~.

1. Medical Expenses: deductible, co-insurance, and office visit co-pays
2. Prescription Expenses: retail and mail order co-pays
3. Dental Expenses: dental treatments and orthodontia
4. Vision Expenses: eye exams, eye glasses, contact lenses/solution; laser eye surgeries

Participants only have access to account balance at the time they request reimbursement for an expense. Contributions will be funded on a monthly basis (see above schedule).

**Partial Year Active Employees**

If the Employee enrolls in this Plan coincidentally with the Employer's group health and welfare benefit plan other than on a plan anniversary, the Employer's annual contribution to the Participant's Health Reimbursement Arrangement account will be an amount equal to 1/12<sup>th</sup> of the amounts shown above multiplied by the number of whole months remaining until the end of the Plan Year.

**Mid-Year Coverage Level Changes**

If the Employee changes coverage level with the Employer's group health and welfare benefit plan other than on a plan anniversary, the Employer's annual contribution to the Participant's Health Reimbursement Arrangement account will be an amount equal to 1/12<sup>th</sup> of the amounts shown above multiplied by the number of whole months remaining until the end of the Plan Year. (i.e.: switch from Family to Single or vice-versa)

**100% Roll-Over Benefit**

At the end of a Plan Year any remaining unused HRA dollars will remain in the account and will be carried forward for use in the next Plan Year.

If a Participant is no longer an eligible participant in the Plan, according to the rules of this Plan, the balance of HRA dollars remaining after all reimbursements have been completed will be forfeited. Department of Treasury rules state that these balances cannot be combined with any other reimbursement accounts in this or any other Plan or used for purposes other than for which they are originally intended.

**Retired Employees (as defined by the City)**

Retired Employees who have a balance left in the HRA account may continue to use the remaining HRA balance for any Section 213 expense as well as COBRA premiums, Medicare Supplemental policies and/or individual health insurance premiums until the funds are exhausted or 36 months, whichever comes first. Once an Employee retires the Employer contributions to the HRA plan will cease.

This benefit design is intended to be a brief outline of the benefits available to you and your eligible dependents. It does not include all the benefits, limitations or exclusions. The entire provision of benefits is contained in the plan document. In the event of a conflict, the plan document will prevail.

**Vested Employees (not terminated for cause)**

Former Employees, who are vested in the retirement system and have a balance left in their HRA account, may continue to use the remaining HRA balance for any Section 213 expense as well as COBRA premiums, Medicare Supplemental policies and/or individual health insurance premiums until the funds are exhausted or 36 months, whichever comes first. The Employer contributions to the HRA plan will cease.

**Wellness Program Participants**

A wellness program or health fair (i.e., health risk assessment) will be established from time to time by the City's Human Resources Department. For employees who are eligible to participate in the HRA account, an incentive shall be determined and applied to the employee's HRA account if both the employee and their spouse participate in the annual wellness program. The amount of incentive shall be determined in advance by the City. HRA account participants will be notified in a timely fashion prior to any changes to the wellness program.

This benefit design is intended to be a brief outline of the benefits available to you and your eligible dependents. It does not include all the benefits, limitations or exclusions. The entire provision of benefits is contained in the plan document. In the event of a conflict, the plan document will prevail.

**City Commission Memorandum**  
**19-220**

October 17, 2019

TO: Mayor Steve Austin and the Board of Commissioners

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

SUBJECT: City Manager's Report

I. Downtown Parking

Ms. Lindsay Locasto, Executive Director, Downtown Henderson Partnership, will be in attendance to present recommendations for changes to the parking ordinance.

II. Vietnam Veterans Memorial

**UPCOMING**  
**BOARD APPOINTMENTS**

<u>BOARD</u>	<u>EXPIRATION DATE</u>	<u>TERM</u>
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BOARD OF OCCUPATIONAL LICENSE APPEALS

	<u>Current Term Expires</u>	<u>Term</u>
Randall Sellars	12/31/2019	4-Year
Alternate Member (Vacant-former member moved out of town)		3-Year

HENDERSON - HENDERSON COUNTY HUMAN RIGHTS COMMISSION

(Board to be appointed under new Interlocal Agreement-subsequent appointments 3-Year Term)

	<u>Term</u>
One Member	3-Year
One Member	2-Year
One Member	1-Year
One Member (jointly appointed by City and County)	1-Year