

CITY OF HENDERSON – RECORD BOOK

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

A meeting of the Board of Commissioners of the City of Henderson, Kentucky, was held on Tuesday, January 8, 2019, at 5:30 p.m., prevailing time, with the primary location of this video teleconference meeting designated as the third floor Assembly Room located in the Municipal Center Building at 222 First Street, Henderson, Kentucky. The meeting was conducted in accordance with KRS 61.826.

INVOCATION was given by Britney Smith, Executive Director, Habitat for Humanity, followed by recitation of the Pledge of Allegiance to our American Flag.

There were present Mayor Steve Austin presiding:

PRESENT:

Commissioner Patti Bugg (attending via video conferencing)
 Commissioner X R. Royster, III
 Commissioner Bradley S. Staton
 Commissioner Austin P. Vowels

ALSO PRESENT:

Mr. William L. “Buzzy” Newman, Jr., City Manager
 Ms. Dawn Kelsey City Attorney
 Ms. Maree Collins, City Clerk
 Mrs. Donna Stinnett, Public Information Officer
 Mr. Robert Gunter, Finance Director
 Mr. Heath Cox, Police Chief
 Mr. Brian Williams, Public Works Director
 Mr. Ray Nix, Code Administrator
 Mr. Dylan Ward, Project Manager
 Mr. Jeremy Baxter, Assistant Fire Chief
 Mrs. Theresa Richey, Development Liaison
 Mr. Sam Lingerfelt, Sanitation Superintendent/ Habitat for Humanity Board Member
 Mr. Tom Williams, HWU General Manager
 Ms. Britney Smith, Executive Director, Habitat for Humanity
 Rev. Tim Hobbs, Habitat for Humanity Board Member
 Mr. Charles Kirkpatrick, Habitat for Humanity Board Member
 Ms. Beverly Skaggs, Habitat for Humanity
 Mr. Larry McDowell, Habitat Construction Foreman
 Mr. Matt Reynolds, Habitat Operations Manager
 Ms. Melissa Clements, Habitat for Humanity Board Member
 Mr. Steve Trent, Habitat for Humanity Board Member
 Mr. Dennis Moran, Habitat for Humanity Board Member
 Mr. Nick Whitt, Habitat for Humanity Board Member
 Habitat for Humanity Volunteers and Supporters
 Mr. Kenny Garrett, Henderson Emergency Management Director
 Mr. Chris Hopgood, Henderson City/County Airport Board
 Mr. Mike Richardson, Reserve Police Officer
 Mr. Doug White, the Gleaner

RECOGNITION OF VISITORS:

MAYOR AUSTIN, introduced Mr. Kenny Garrett as the recently appointed director of the Henderson Emergency Management. Mr. Garrett has been involved with that organization and the community for a number of years, but was recently named as the director.

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PRESENTATION: “Habitat for Humanity Request”

BRITNEY SMITH, Executive Director, Habitat for Humanity, presented a request for the donation of vacant lots at 217 & 219 Letcher Street to be used for economic development purposes to combat blight by providing home ownership opportunities to the East End area. Habitat proposes to purchase a third lot in order to construct a neighborhood subdivision of three homes. Currently the two City owned properties taxable value is \$10,000.00. Once these 1,187 square foot homes are built, the taxable value would be \$180,000.00. Grant funds have already been secured for the project through Federal Home Loan Bank of Cincinnati and the local sponsor is Field and Main Bank and the Kentucky Housing Corporation. Habitat uses local suppliers and skilled contractors for their builds. The homeowner will pay approximately \$450.00 per month for this home which will include City/County taxes and their escrow. Habitat partners locally with the Earl C. Clements Job Corps; the Firefighters Union; Henderson Water Utility waives water and sewer tap fees (she specifically mentioned this because they are one of the few left in the state that will waive these fees); Big Rivers; the UK Extension Office; Audubon Areas RSVP Program; and Habitat International provides limited supplies through free corporate programs. Habitat’s total economic impact to Henderson over the last 27 years is over \$3 million with 61 homes built.

RAY NIX, Code Administrator, gave a brief history of this redevelopment project. The 2015 Vision Plan included a Community Investment Focus Point for reinvestment in the East End by continuing efforts of removing abandoned and dilapidated housing and reinvesting in new affordable housing. He explained that in early 2018 discussions with private builder/developers were conducted on potential city redevelopment ideas. Discussions with those builder/developers continued during the late spring and early summer as staff worked on the redesign of the vacant lots at the corner of Helm and Letcher Streets. The feedback from those discussions was that the appraisal values might not match actual construction costs which would make sales and profitability difficult and the stipulation that these would be homeowner residences and not rental units was a constraint that created the issue of the ability to get these new homes sold utilizing conventional financing avenues. In early fall of 2018, Habitat called asking if the City had available lots as their inventory of buildable lots was declining. Discussions were held regarding the Letcher Street corridor redevelopment project concept and vision as well as some basic exterior design perimeters. Habitat agreed to those perimeters and has a verbal agreement with an adjoining property owner to purchase a third parcel of land so that a third home can be built in this project.

COMMISSIONER STATON indicated that he appreciates the efforts from all of the individuals who are a part of Habitat and the important work that is done in our community.

Motion by Commissioner Staton, seconded by Commissioner Royster, to approve the request for the City to donate the vacant lot at 217 & 219 Letcher Street to Habitat for Humanity for the purpose of building homes for low income families.

DAWN KELSEY, City Attorney, explained that because this a transfer of real property, a resolution authorizing the Mayor to sign the deed will be presented on a future meeting agenda.

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

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

WHEREUPON, Mayor Austin declared the motion approved and instructed staff to prepare necessary documents to effectuate the transfer.

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PRESENTATION: “Impact of Station Two Closure on Henderson Water Utility”

TOM WILLIAMS, Henderson Water Utility General Manager, reported on how the closure of the Station Two power plant and other happenings at the Big Rivers complex will affect the Henderson Water Utility. In 2014 HWU had a study conducted on ways to extend the life of the South Water Plant. At that time the plant had been in service about 18 years of its 20 year life expectancy, so a series of “What if...” questions were asked. He explained that when the South Water and Wastewater Plants were built a separate intake on the Green River was not built, we tied into the influence of the cooling water line that serves the power plant-specifically that also serves Station Two. One of the questions asked was if something happened to their intake what would we do to continue the supply of water to our customers of Tyson, Sebree, Beech Grove and the Henderson County Water District. Parts of three counties get their water from our South Water Plant. A project was designed, Project 1, to get our influent lines closer to the intake so that we could put temporary pumps in the Green River if we had to. Project 1 would extend both the influent and effluent lines around the plant to get them closer to the river and install connections allowing temporary pumps on a barge in the river to provide water for our needs. The cost estimate in 2014 for the project was \$1.1 million and was not completed due to lack of funding. That project is estimated to be about \$1.2 million today. Another “What if” that was looked at was if the Big Rivers plants went completely dark, or totally out of service which we expect could happen within 15 to 20 years. Project 5 involves putting in our own pumps in the Big Rivers intake with an electric control room. This project was estimated to be \$1.4 million and with inflation would be about \$1.6 million today. An option that we are currently looking at is a well field to be located near the plant to feed the plant instead of using Green River river water. There are a lot of advantages to that including lower maintenance costs on wells than on taking over a raw water intake. Our consultant is researching the possibility and if the cost is less than the combined \$2.8 million for the other two projects this will probably be the way we would go. It is expected that the consultant will have the report completed in April or May. In 2015 a contract was negotiated with Big Rivers that if the intake goes out of service they will continue to run their pumps and we will pay merely for the electricity to run those for up to two years; however they have two pumps that each pumps 100 million gallons a day with only all on or off. We don’t use anywhere near that amount averaging between two and one-half to three million gallons a day at the South Water Plant. The contracts that are in place with Tyson, Sebree, Breech Grove and the others does contain a provision that they pay our cost plus a percentage, so these costs will be recovered in the long term.

MAYOR AUSTIN indicated that it will be very interesting to see what the well field possibilities are and that he is looking forward to an update after that study is completed.

PRESENTATION: “Distinguished Budget Presentation Award”

ROBERT GUNTER, Finance Director, reported that the City of Henderson received a Distinguished Budget Presentation Award for the 10th year in a row. He indicated that he was proud and appreciative of all the departments help in putting the budget together.

MAYOR AUSTIN indicated that it is a very nice honor and not every city gets this award.

APPROVAL OF CONSENT AGENDA:

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

Minutes: December 11, 2018, Regular Meeting
 December 21, 2018, Called Meeting
 December 21, 2018, Called Disciplinary Hearing

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RESOLUTION NO. 12-19

RESOLUTION APPOINTING MAYOR PRO TEM FOR THE CITY OF HENDERSON, KENTUCKY

MOTION by Commissioner Bugg, seconded by Commissioner Vowels, to adopt the resolution appointing Commissioner Bradley S. Staton as Mayor Pro Tem following tradition of appointing the November high vote-getter.

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

Commissioner Staton ---- Aye:
Commissioner Vowels --- Aye:
Commissioner Bugg ----- Aye:
Commissioner Royster -- 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
January 08, 2019

ATTEST:

Maree Collins, City Clerk _____

RESOLUTION NO. 13-19

RESOLUTION AUTHORIZING DEED BETWEEN THE CITY OF HENDERSON AND WEST KENTUCKY REGIONAL INDUSTRIAL DEVELOPMENT, INC. D/B/A 4-STAR INDUSTRIAL PARK FOR THE USE AND BENEFIT OF THE HENDERSON WATER UTILITY (HWU), AND AUTHORIZING MAYOR TO EXECUTE DEED OF EASEMENT ON BEHALF OF THE CITY OF HENDERSON

TOM WILLIAMS, Henderson Water Utility General Manager, reported that in 2004 the 4-Star Development Authority received a grant to build a million-gallon water tank costing approximately \$1,000,000.00. Henderson Water Utility has been operating the tank since it was put in service but title was never transferred. They are preparing to sell an adjoining parcel and this will clean up the title and necessary easements.

MOTION by Commissioner Staton, seconded by Commissioner Royster, to adopt the resolution authorizing the Mayor to execute a deed and utility easements for a water tank located at the 4-Star Industrial Park.

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

Commissioner Staton ---- Aye:
Commissioner Vowels --- Aye:
Commissioner Bugg ----- Aye:
Commissioner Royster -- 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
January 08, 2019

ATTEST:

Maree Collins, City Clerk _____

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MUNICIPAL ORDER NO. 01-19

MUNICIPAL ORDER ACCEPTING AGREEMENT BETWEEN CITY OF HENDERSON AND HENDERSON COUNTY FISCAL COURT PERTAINING TO THE OHIO DRIVE EXPANSION PROJECT

DAWN KELSEY, City Attorney, reported that the memorandum of understanding has been created to give a clearer division of responsibilities between the parties doing work on the Ohio Drive Project. The County approved this Agreement at their Fiscal Court meeting earlier today.

MOTION by Commissioner Royster, seconded by Commissioner Vowels, to adopt the municipal order accepting an Agreement between the City and the County relating to the division of work for the Ohio Drive Expansion Project.

WILLIAM L. “BUZZY” NEWMAN, JR., City Manager, indicated one point of further clarification is that the City will not be financially responsible for any cost associated with this project. Dawn Kelsey, City Attorney, added that other than the generosity of the in-kind work Henderson Water Utility will be completing to move all of the fire hydrants, any expenditure will be covered through the grants received by the County.

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

Commissioner Staton ---- Aye:
Commissioner Vowels --- Aye:
Commissioner Bugg ----- Aye:
Commissioner Royster -- 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
January 08, 2019

ATTEST:

Maree Collins, City Clerk _____

MUNICIPAL ORDER NO. 02-19

MUNICIPAL ORDER AWARDING BID FOR PURCHASE OF SMALL PICKUP TRUCK TO D-PATRICK NISSAN OF EVANSVILLE, INDIANA IN THE AMOUNT OF \$20,415.25

MOTION by Commissioner Staton, seconded by Commissioner Vowels, to adopt the municipal order awarding the bid for the purchase of a 2019 Nissan Frontier extended cab pickup truck from D-Patrick, Inc. of Evansville, Indiana, in strict accordance with the bid as submitted pursuant to Bid Reference 19-04.

ROBERT GUNTER, Finance Director, indicated that this small pickup truck will be used by the meter readers or utility servicers and one older truck will be removed from service. Upon questions by Mayor Austin and Commissioner Royster, Mr. Gunter continued that we have other Nissans in service and they are working well. The Ford Ranger was the preferred size vehicle before Ford discontinued manufacturing them. The vehicle taken out of service will be offered to another department before being disposed of.

WILLIAM L. “BUZZY” NEWMAN, JR., City Manager, reported that staff has been and will continue to review the vehicle fleet to pass vehicles down to other departments and then that department dispose of their worst vehicle to keep the number of vehicles in the fleet down.

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

- Commissioner Staton ---- Aye:
- Commissioner Vowels --- Aye:
- Commissioner Bugg ----- Aye:
- Commissioner Royster -- 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
January 08, 2019

ATTEST:
Maree Collins, City Clerk _____

MUNICIPAL ORDER NO. 03-19: MUNICIPAL ORDER AWARDING BID FOR PURCHASE OF ¾ TON PICKUP TRUCK WITH SERVICE BED TO TOWN AND COUNTRY FORD OF EVANSVILLE, INDIANA, IN THE AMOUNT OF \$31,195.00

MOTION by Commissioner Vowels, seconded by Commissioner Royster, to adopt the municipal order awarding the bid for the purchase of a 2019 F-250 regular cab pickup truck with installed service bed from Town & Country Ford of Evansville, Indiana, in strict accordance with the bid as submitted pursuant for Bid Reference 18-38.

BRIAN WILLIAMS, Public Works Director, reported that this is the vehicle that was rebid from December and it is now \$1,455 less than the first bid with the next vendor submitting a bid \$208.00 higher than their previous bid. This vehicle will replace an older vehicle in Traffic Control that has over 200,000 miles.

COMMISSIONER STATON indicated that it is very important to him that we give our local vendors an opportunity to win bids for the City of Henderson. He asked that purchasing regulations relating to reciprocity preference on bid purchases to create a fairer playing field for local vendors be investigated.

COMMISSIONER BUGG agreed that she too wanted to do everything that we can to keep our business on this side of the river.

WILLIAM L. “BUZZY” NEWMAN, JR., City Manager, indicated that he and finance department staff members would review the Model Procurement Code and reciprocity regulations and return with a report on those findings.

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

- Commissioner Staton ---- Aye:
- Commissioner Vowels --- Aye:
- Commissioner Bugg ----- Aye:
- Commissioner Royster -- 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
January 08, 2019

ATTEST:
Maree Collins, City Clerk _____

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MUNICIPAL ORDER NO. 04-19: MUNICIPAL ORDER ACCEPTING BID FROM FEDERAL SIGNAL CORPORATION OF UNIVERSITY PARK, ILLINOIS, FOR THE PURCHASE OF ONE (1) EMERGENCY WARNING SIGNAL IN THE AMOUNT OF \$28,299.00

MOTION by Commissioner Staton, seconded by Commissioner Vowels, to adopt the municipal order awarding the bid for the purchase of an emergency warning siren from Federal Signal Corporation, in strict accordance with the bid as submitted pursuant to Bid Reference 18-37.

JEREMY BAXTER, Assistant Fire Chief, reported that this siren will replace the one near Green Street between Second and Third Streets. This will be funded through a grant that we applied for a couple of years ago and have been working through the historical aspects of the location. This is the same vendor that has installed the last few siren and pole replacements, and we have a good working relationship with them.

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

- Commissioner Staton ---- Aye:
- Commissioner Vowels --- Aye:
- Commissioner Bugg ----- Aye:
- Commissioner Royster -- 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
January 08, 2019

ATTEST:
Maree Collins, City Clerk _____

CITY MANAGER’S REPORT:

WILLIAM L. “BUZZY” NEWMAN, JR., asked Project Manager Dylan Ward to present an update on the Gathering Place Restroom Project.

DYLAN WARD, Project Manager, reported that bids were opened on December 21, 2018 for the renovation of two sets of restrooms for ADA accessibility at the Gathering Place. The architect estimates from a couple of years ago were in the \$60,000.00 to \$65,000.00 range. Three bids were received in the amounts of \$103,800.00, \$104,072.00 and \$127,350.00. As this is an unfunded item in this fiscal year, we wanted to give a few options on how you might want to proceed. Option #1: to award bid for the project; Option #2: negotiate with the low bidder to set prices to renovate one set of restrooms, however keep in mind this will not come in at half the price due to mobilization and other fixed costs; and Option #3: try to obtain grant funds to offset the project costs.

RAY NIX, Code Administrator, reported that although our Community Development Block Grant entitlement funds have been programmed for the current budget, a significant amount of funds could be earmarked for this project in the next programming cycle.

DISCUSSION WAS HELD regarding the scope of the project originally set at being one set of restrooms-upon review by the architect it was determined that due to water line locations and other specifications both sets of restrooms would be included; that the CDBG earmark could possibly cover most of the costs of the renovations, by reducing the new home construction from two to one project in the next Action Plan; and that CDBG funds had been used to help fund the Sand Lane Sidewalk Project and the Gathering Place Parking Lot Project in past Action Plans.

It was determined to explore other avenues of securing funds for this project.

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COMMISSIONERS' REPORT:

COMMISSIONER VOWELS reported that the next City-County Cooperative Study Team meeting will be scheduled in early to mid February if anyone has any joint city/county issues that need to be on that agenda.

APPOINTMENT: Municipal Housing Commission:

Ms. Stephanie Chrisman – Term to Expire September 30, 2021

Motion by Commissioner Staton, seconded by Commissioner Royster, upon recommendation of Mayor Steve Austin, to appoint Ms. Stephanie Chrisman to fill the unexpired term of Holly Vincent on the Municipal Housing Commission. Said term to expire September 30, 2021.

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

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

RE-APPOINTMENT: Municipal Housing Commission:

Ms. Willie Ballard – Term to Expire September 30, 2020

Motion by Commissioner Staton, seconded by Commissioner Royster, upon recommendation of Mayor Steve Austin, to reappoint Ms. Willie Ballard to a term of two years as a non-voting member of the Municipal Housing Commission. Said term to expire September 30, 2020.

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

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

RE-APPOINTMENT: Water & Sewer Commission:

Mr. John Henderson – Term to Expire January 12, 2022

Ms. Julie Wischer – Term to Expire January 12, 2022

Motion by Commissioner Staton, seconded by Commissioner Vowels, upon recommendation of Mayor Steve Austin, to re-appoint Mr. John Henderson and Ms. Julie Wischer to three year terms on the Water & Sewer Commission. Said terms to expire January 12, 2022.

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

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

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EXECUTIVE SESSION: Proposed Litigation and Real Property

MOTION by Commissioner Staton, seconded by Commissioner Royster, and pursuant to the provisions of KRS 61.810(1)(c) that the Board of Commissioners go into Executive Session for the purpose of discussions of proposed litigation by the City; and KRS 61.810(1)(b) for the purpose of deliberation on the possible acquisition of real property located on Carlisle Street, Adams Street, First Street to Fourth Street, in that publicity would likely affect the value of the property to be acquired for public use.

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

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

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

WHEREUPON, Mayor Austin reconvened the Board into regular session.

MEETING ADJOURN:

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

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

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

WITHOUT OBJECTION, Mayor Austin declared the Meeting adjourned at approximately 7:05 p.m.

ATTEST:

Steve Austin, Mayor
January 22, 2019

Maree Collins, CKMC
City Clerk