

CITY OF HENDERSON – RECORD BOOK

Record of Minutes of A Special Called *Meeting on* February 19, 2019

A special called meeting of the Board of Commissioners of the City of Henderson, Kentucky, was held on Tuesday, February 19, 2019, at 5:00 p.m., prevailing time, in the third floor Assembly Room located in the Municipal Center Building at 222 First Street, Henderson, Kentucky.

There were present Mayor Steve Austin presiding:

PRESENT:

Commissioner 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
 Ms. Dawn Kelsey City Attorney
 Ms. Maree Collins, City Clerk
 Mrs. Donna Stinnett, Community Relations Manager/Public Information Officer
 Ms. Holli Melton, Administrative Intern
 Mr. Robert Gunter, Finance Director
 Mr. Heath Cox, Police Chief
 Mr. Brian Williams, Public Works Director
 Mr. Trace Stevens, Parks, Recreation & Cemeteries Director
 Mr. Scott Foreman, Fire Chief
 Mr. Greg Nunn, Information Technology Director
 Mrs. Connie Galloway, Human Resources Director
 Mr. Dylan Ward, Project Manager
 Mr. Ray Nix, Code Administrator
 Mr. John Stier, Accounting Manager
 Mrs. Dawn Winn, Assistant Finance Director
 Mrs. Theresa Richey, Development Liaison
 Mr. Tom Williams, HWU General Manager
 Ms. Tamara James, The Children’s Program Kit Workshop
 Mr. Clayton Horton, Green River Health District
 Mr. John Marshall, Green River Health District
 Mr. Mike Richardson, Reserve Police Officer

PRESENTATION: “The Children’s Program Kit Workshop”

TAMARA JAMES, Certified Structured Family Recovery Counselor, Intervention Associates, PLLC, gave a brief overview of the upcoming community workshop Intervention Associates, PLLC, will be hosting in partnership with the Green River Area Development District. The Workshop has been approved for 12.75 continuing education hours for Early Childhood Education and Social Work through appropriate licensing boards. Day one will educate participants on how addiction impacts the family and the resulting adverse childhood effect and trauma that is passed down one generation to another if healing or intervention does not occur. Day two will encompass hands on training to implement the CPK curriculum where participants explore what to look out for and how to be available to best help children and families experiencing the impact of parental addiction. So far registration for day one is at 49% and day two is 80% filled. She indicated that she has received a mini-grant through the Green River Area Development District-Community Collaboration for Children Regional Network program to enhance and promote programs/activities aimed at prevention or building awareness of abuse and neglect of children in the amount of \$3,100 to serve the GRADD district. The two day Workshop is scheduled for March 22-23, 2019 at the Henderson Church of Christ at a cost of \$10,000.00. She requested funding and or support from the Board of Commissioners for this very important training workshop.

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COMMISSIONER STATON asked if she had contacted Henderson Fiscal Court and the School System for their support.

Ms. James responded that she has spoken with Judge Executive Schneider and he will bring the request to the upcoming March 12th Fiscal Court meeting. She indicated that she has not contacted the school board, but many educators are signed up to attend.

COMMISSIONER VOWELS asked if she had communicated with Judge Farris or her assistant.

Ms. James indicated that Judge Farris as well as some individuals from Child Services were registered to attend.

PRESENTATION: “Henderson Water Utility Budget Update”

TOM WILLIAMS, Henderson Water Utility General Manager, gave a brief overview of the mid-year financials and operations of Henderson Water Utility. He reported that a large part of their revenue comes from wastewater services. He explained that three large customers-Tyson Foods, International Paper, and the Henderson County Water District represent 42% of the Utilities’ total revenue, with approximately 55% from residential and other commercial customers, and 3.6% from the Stormwater Impact Fee. Tom reported that 54% of operating expense is salary and benefits with fuel and chemicals other large users of their resources. Cost to Revenue comparisons match up pretty well with Wastewater Sales and Fees revenue defraying some of the expense for Stormwater not covered by the Stormwater Impact Fee revenues. He reported that overall the rate structure currently in place is working pretty well. He indicated that they are questioned on why the charge is more for wastewater than water, and the answer is simple, it costs more to treat the wastewater to the level for discharge. The Consent Judgment with U.S. EPA and the Commonwealth on Combined Sewer Overflow has been terminated. Henderson was the first city in Kentucky to complete Long-Term Control Plan where CSOs remained in place. The projects totaled \$42 million. Tom explained that by borrowing the monies and doing the work when we did we saved millions of dollars compared to communities that are just now completing their projects. Other projects include \$3.4 million renovation of the South Wastewater Plant basin; started field work on the first phase of the Countryview Stormwater Project; selected an engineer to design Phase II; and have completed small drainage and maintenance projects, with several more projects in the pipeline for completion in the coming months. He reported that remaining challenges include Water and Wastewater Regulations; Pensions; Aging Workforce; and Declining Usage. He indicated that in the coming months they will be bringing forth new mandated regulations relating to metals and other contaminants for wastewater discharge that will impact several of our local industries. He reported that the utility had 16 retirements in the last three years and anticipate up to 12 more in the next five years. These retirements have caused the Utility to be working from a deficit of knowledge and experience and they are having difficulties finding people to fill those positions. As rates have gone up residential usage has decreased due to low-flow toilets, showers and clothes washers. The Utility has been lucky to have Tyson and International Paper that continue to increase usage, making up the residential usage shortfall. HWU’s Strategic Plan, updated annually, includes projects for Water, Wastewater, and Stormwater totaling \$13.8 million over the next four years. Staff reductions through attrition have reduced staff from 91 to 85 thereby reducing pension outlays in future years. He concluded that with the recent rate structure the Utility is almost breaking even, and generating nearly adequate free cash flow to allow continuing investment in the water, wastewater and stormwater systems.

COMMISSIONER BUGG asked if there might be some educational programs implemented relating to the quality of our water and the need to reduce those little plastic bottles from our landfills.

DISCUSSION WAS HELD regarding recycling issues; water quality; and further educational and promotional programs that might be implemented to promote tap water. Mr. Williams indicated that he would look into how other communities have promoted the use of tap water in place of bottled water.

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APPROVAL OF CONSENT AGENDA:

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

Minutes: January 22, 2019, Regular Meeting

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

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

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

WHEREUPON, Mayor Austin declared the consent agenda items approved.

/s/ Steve Austin
Steve Austin, Mayor
February 19, 2019

ATTEST:
Maree Collins, CKMC, City Clerk_____

ORDINANCE NO. 01-19: SECOND READ

ORDINANCE AMENDING PARKS AND RECREATION

AN ORDINANCE AMENDING CHAPTER 17, *PARKS AND RECREATION*, ARTICLE I-*IN GENERAL*, SEC. 17-2 *POSSESSION OF ALCOHOLIC BEVERAGES PROHIBITED* OF THE CODE OF ORDINANCES OF THE CITY OF HENDERSON

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

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

- Commissioner Staton ---- Aye:
- Commissioner Vowels --- Aye:
- Commissioner Bugg ----- Aye:
- Commissioner Royster -- 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
February 19, 2019

ATTEST:
Maree Collins, CKMC, City Clerk_____

ORDINANCE NO. 02-19: SECOND READ

ORDINANCE AMENDING ALCOHOLIC BEVERAGES

AN ORDINANCE AMENDING CHAPTER 4, *ALCOHOLIC BEVERAGES*, ARTICLE II-*LICENSES*, SEC. 4-35 *FEEES*, OF THE CODE OF ORDINANCES OF THE CITY OF HENDERSON

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

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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 ordinance adopted, affixed his signature and the date thereto and ordered that the same be recorded.

 /s/ Steve Austin
Steve Austin, Mayor
February 19, 2019

ATTEST:
Maree Collins, CKMC, City Clerk_____

ORDINANCE NO. 03-19: SECOND READ
ORDINANCE ACCEPTING PUBLIC IMPROVEMENTS
AN ORDINANCE ACCEPTING PUBLIC IMPROVEMENTS AT COLONIAL COTTAGES, SECTION #3, IN THE CITY OF HENDERSON, CONSISTING OF WATER, SEWER AND STORM AND EROSION CONTROL

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

MAYOR AUSTIN reported that he was told today, that all of those cottages are already spoken for.

COMMISSIONER STATON indicated that they actually have more demand than availability right now.

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 ordinance adopted, affixed his signature and the date thereto and ordered that the same be recorded.

 /s/ Steve Austin
Steve Austin, Mayor
February 19, 2019

ATTEST:
Maree Collins, CKMC, City Clerk_____

ORDINANCE NO. 04-19: SECOND READ
ORDINANCE RELATING TO CEMETERY FEES AND CHARGES
AN ORDINANCE REPEALING CHAPTER 8 *CEMETERIES*, ARTICLE III *FEES AND CHARGES*, SECTION 8-45 *SCHEDULE*, OF THE CODE OF ORDINANCES OF THE CITY OF HENDERSON

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

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

- Commissioner Staton ---- Aye:
- Commissioner Vowels --- Aye:

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Commissioner Bugg ----- Aye:
 Commissioner Royster -- 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
 February 19, 2019

ATTEST:
 Maree Collins, CKMC, City Clerk _____

ORDINANCE NO. 05-19: FIRST READ
 ORDINANCE AMENDING CHAPTER 22-TRAFFIC AND MOTOR VEHICLES AND
 CHAPTER 25-WATERWAYS

AN ORDINANCE AMENDING CHAPTER 22, TRAFFIC AND MOTOR VEHICLES, DIVISION 2-PARKING, SEC. 22-62-LIMITED FREE PARKING, AND SEC. 22-64-FINES; AND AMENDING CHAPTER 25, WATERWAYS, ARTICLE II-SECOND STREET BOAT LAUNCHING FACILITY, DIVISION 1-GENERALLY, SEC. 25-16-PARKING, DIVISION 2-BOAT LICENSE, SEC. 25-26-REQUIRED; EXCEPTIONS, SEC. 25-27-DUE DATE, SEC. 25-28-ISSUANCE; TERM, SEC. 25-29-REGISTRATION STICKERS, SEC. 25-30-TRANSFER, SEC. 25-31-DISPOSITION OF FUNDS, SEC. 25-32-REFUNDS, SEC. 25-33-PENALTY, AND ELIMINATING IN ITS ENTIRETY SEC. 25-34-WATERCRAFT LAUNCHING, OF THE CODE OF ORDINANCES OF THE CITY OF HENDERSON

DAWN KELSEY, City Attorney, explained that under our current ordinances in order to launch a boat at either Hayes Boat Ramp or the Second/Third Street Boat Ramps, a Launch Permit is required to be placed on the trailer. At the time those ramps were designed, boats being launched from these sites were much smaller in length and sediment build-up was less noticeable. This ordinance will change the ‘launch’ permits to a parking permit that allows vehicles with boat/watercraft trailers and vehicles with boat/watercraft roof racks to park in the ramp areas; and to launch at their own risk. Also the Permit fee would increase from \$25.00 to \$30.00 to help defray some of the cleanup costs to keep the ramps cleared from flooding debris.

WILLIAM L. “BUZZY” NEWMAN, JR., City Manager, indicated that over the past several years the City has received complaints from people who have the Launch Permits and have encountered sediment build-up in the river causing damage and maintenance issues to their boat motors. Part of the process of clearing that sediment requires permitting from the Corps of Engineers, specialized dredging equipment and a place to dispose of the dredged materials taken out of the river. This is quite a large expense and seems that it is required more and more often. The Corps has suggested an engineering project to help divert the flow along the perimeter of the river further out into the channel; however, it would be a very lengthy permitting process and very expensive at approximately \$1 million.

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

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

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RESOLUTION NO. 19-19

RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE CITY OF HENDERSON ESTABLISHING THE CREATION OF A SYRINGE ACCESS EXCHANGE PROGRAM BY THE GREEN RIVER DISTRICT HEALTH DEPARTMENT

MOTION by Commissioner Staton, seconded by Commissioner Royster, to adopt the resolution of support to allow the establishment of a Syringe Access Exchange Program by the Green River District Health Department.

COMMISSIONER BUGG indicated that it was important to mention that this program in no way increases drug use.

MAYOR AUSTIN indicated that the program is designed to decrease the spread of disease and to give needed counseling and encouragement to those that participate in the exchange program to get them help to get off drugs.

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
February 19, 2019

ATTEST:

Maree Collins, CKMC, City Clerk _____

RESOLUTION NO. 20-19

RESOLUTION ADOPTING AND APPROVING THE EXECUTION OF SUPPLEMENTAL AGREEMENT NO. 3 BETWEEN THE CITY OF HENDERSON AND THE COMMONWEALTH OF KENTUCKY TRANSPORTATION CABINET, DEPARTMENT OF HIGHWAYS, MODIFYING THE PROJECT SCOPE

WILLIAM L. “BUZZY” NEWMAN, JR., City Manager, reported that this supplemental agreement has to do with the last project involved in the Riverfront Grant funding. This was the first time the Kentucky Transportation Cabinet has dealt with this type of issue of using these funds in an industrial park and the issues of how funds are used that are received from the sale of properties and the perpetual maintenance of right-of-ways and unsold properties.

MOTION by Commissioner Staton, seconded by Commissioner Royster, authorizing the execution of Supplemental Agreement #3 of the Riverfront Development Agreement with the Kentucky Transportation Cabinet, Department of Highways, to modify the project scope relating to the sale of lots and maintenance of right-of-way and unsold lots in the new 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:

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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
February 19, 2019

ATTEST:
Maree Collins, CKMC, City Clerk_____

MUNICIPAL ORDER NO. 08-19

MUNICIPAL ORDER AWARDING BID FOR PURCHASE OF FOUR (4) PATROL/PURSUIT VEHICLES (GROUP A) IN THE AMOUNT OF \$134,656.00; AND FOR ONE (1) SEDAN (GROUP B) TO STERNBERG, INC. OF JASPER, INDIANA IN THE AMOUNT OF \$26,566.00 FOR THE POLICE DEPARTMENT

MOTION by Commissioner Royster, seconded by Commissioner Vowels, to adopt the municipal order awarding the bid for purchase of four 2018 Dodge Charger police patrol/pursuit vehicles in the amount of \$134,656.00; and the purchase of one 2019 Dodge Charger 4-door sedan in the amount of \$26,566.00 for the Police department to Sternberg, Inc. of Jasper, Indiana, in strict accordance with the bid as submitted pursuant to Bid Reference 19-06.

HEATH COX, Police Chief, indicated a total of \$14,000.00 has been spent so far on keeping the old vehicles running until these replacements come in.

DISCUSSION WAS HELD relating to the equipment included in this purchase as well as the in-car and body-worn camera equipment being moved to the new vehicles thereby reducing overall costs.

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
February 19, 2019

ATTEST:
Maree Collins, CKMC, City Clerk_____

MUNICIPAL ORDER NO. 09-19

MUNICIPAL ORDER AWARDING BID FOR PURCHASE OF POLICE UNIFORMS AND ACCESSORIES TO SUMMIT UNIFORMS OF NASHVILLE, TENNESSEE IN THE AMOUNT OF \$30,697.21

MOTION by Commissioner Staton, seconded by Commissioner Royster, to adopt the municipal order awarding the bid for the purchase of uniforms and accessories for the Police department to Summit Uniforms of Nashville, Tennessee, in the estimated amount of \$30,697.21, in strict accordance with the bid as submitted pursuant to Bid Reference 19-07. The contract serves as an open requirement order to meet an unknown quantity and type of uniform apparel.

HEATH COX, Police Chief, indicated that two vendors responded and both were out of Tennessee with no previous experience with either.

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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
February 19, 2019

ATTEST:
Maree Collins, CKMC, City Clerk _____

REPORTS:

DAWN KELSEY, City Attorney, reported that she and Code Enforcement staff had been working on a list of properties to include in an upcoming mass foreclosure for liens and unpaid property taxes and wanted to confirm that there were no objections with moving forward with the foreclosures before spending more time finalizing the project.

DISCUSSION WAS HELD regarding the criteria for the list of unpaid property taxes- that it would include properties with multiple years of unpaid taxes; and that the City does not sell tax bills, the County does, but not the City.

No objections were voiced to proceeding with the project.

TRACE STEVENS, Parks, Recreation and Cemeteries Director, indicated that he needed to make a clarification on an answer he had given Commissioner Bugg at a previous meeting relating to grave capacity at Fairmont and Fernwood cemeteries. He had mistakenly given the answer as to three and it should be two; one adult vault burial with either one cremated remains or one infant casket; or two infants; or two cremains.

APPOINTMENT: Municipal Housing Commission:
Mr. James Hickerson – Term to Expire September 30, 2022

Motion by Commissioner Royster, seconded by Commissioner Bugg, upon recommendation of Mayor Steve Austin, to appoint Mr. James Hickerson to fill the unexpired term of Thomas Platt on the Municipal Housing Commission. Said term to expire September 30, 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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APPOINTMENT: City/County Airport Board: (Joint City-County Appointment)
Mr. Glen Stone – Term to Expire January 5, 2021

Motion by Commissioner Bugg, seconded by Commissioner Royster, upon recommendation of Mayor Steve Austin, to appoint Mr. Glen Stone to fill the unexpired term of Steve Bennett on the City/County Airport Board. Said term to expire January 5, 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: Board of Zoning Adjustment:
Mr. Rob Toerne – Term to Expire February 24, 2023

Motion by Commissioner Staton, seconded by Commissioner Royster, upon recommendation of Mayor Steve Austin, to reappoint Mr. Rob Toerne to a term of four years on the Board of Zoning Adjustment. Said term to expire February 24, 2023.

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:

APPOINTMENT: City/County Human Rights Commission:
Mr. Jeff Reininga – Term to Expire June 30, 2020

Motion by Commissioner Royster, seconded by Commissioner Staton, upon recommendation of Mayor Steve Austin, to appoint Mr. Jeff Reininga to fill the unexpired term of Estefania Solorza Wirey on the City/County Human Rights Commission. Said term to expire June 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:

MEETING ADJOURN:

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

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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:

WITHOUT OBJECTION, Mayor Austin declared the Meeting adjourned at approximately 5:55 p.m.

ATTEST:

 Steve Austin, Mayor
 March 26, 2019

 Maree Collins, CKMC
 City Clerk