

CITY OF HENDERSON – RECORD BOOK

Record of Minutes of _____ *A Regular* _____ *Meeting on* _____ February 26, 2019

A meeting of the Board of Commissioners of the City of Henderson, Kentucky, was held on Tuesday, February 26, 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 Larry Butler, Victory Baptist Church, followed by Chapel Hill UMC Boy Scout Troup 280 and Pack 280 members leading recitation of the Pledge of Allegiance to our American Flag.

There were present Mayor Steve Austin presiding:

PRESENT:

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

ABSENT:

Commissioner Patti Bugg

ALSO PRESENT:

Mr. William L. “Buzzy” Newman, Jr., City Manager
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
Mrs. Wendy Sugg, HPD Administrative Secretary
Mr. Brian Williams, Public Works Director
Mr. Sam Lingerfelt, Sanitation Superintendent
Mr. Dylan Ward, Project Manager
Mr. Trace Stevens, Parks, Recreation & Cemeteries Director
Mr. Greg Nunn, Information Technology Director
Mr. Ray Nix, Code Administrator
Mrs. Theresa Richey, Development Liaison
Mrs. Donna Coomes, Administrative Secretary
Mrs. Debbie Grant and Family & Friends
Mr. Jason Freeman, Chapel Hill UMC Troop 280
Mr. C. J. Nasbitt, Chapel Hill UMC Troop 280
Mr. Warren Grove, Chapel Hill UMC Troop 280
Mr. Jake Hall, Chapel Hill UMC Troop 280
Mr. Heath Ford, Chapel Hill UMC Troop 280
Mr. Christian Mayes, Chapel Hill UMC Troop 280
Ms. Deborah Jackson Hoda, Henderson NAACP President
Ms. Nicole Atkins, Henderson NAACP Secretary
Reverend Larry Butler, Victory Baptist Church
Mr. Mike Richardson, Reserve Police Officer
Mr. Douglas White, the Gleaner
Mr. Brandon Bartlett, WEHT, News 14
44 News and Camera Crew

PRESENTATION: “35-Year Service Award”

MAYOR AUSTIN expressed appreciation to School Crossing Guard Debbie Grant for her 35 years of service and dedication to the City of Henderson.

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DEBBIE GRANT, School Crossing Guard stated that she enjoys her job and likes working for the City of Henderson.

PRESENTATION: “25-Year Service Award”

MAYOR AUSTIN expressed appreciation to Administrative Secretary Donna Coomes for her 25 years of service and dedication to the City of Henderson.

DONNA COOMES, Administrative Secretary, thanked Mayor Austin and the Board.

APPEARANCE OF CITIZENS:

DEBORAH JACKSON HODA, President, Henderson National Association for the Advancement of Colored People, expressed her concerns relating to the recent discoveries of white supremacist Identity Evropa postings found in the downtown Henderson area. She indicated that she had received several calls relating to the postings and offered to meet with interested parties. She invited interested citizens to attend the NAACP meetings which are held the third Monday of each month at the Henderson Library at 6:00 p.m.

ORDINANCE NO. 05-19: SECOND 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. 25-26-*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

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:
- Commissioner Bugg ----- Absent:
- 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 26, 2019

ATTEST:
Maree Collins, CKMC, City Clerk _____

RESOLUTION NO. 21-19
RESOLUTION GRANTING PROPERTY REASSESSMENT MORATORIUM FOR
LISA AND BRIAN GLICK FOR PROPERTY LOCATED AT 120 NORTH ELM STREET,
HENDERSON, KENTUCKY

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MOTION by Commissioner Staton, seconded by Commissioner Royster, to adopt resolution granting a property reassessment moratorium for property located at 120 North Elm Street owned by Lisa and Brian Glick.

DAWN KELSEY, City Attorney, responded in the affirmative when asked by Mayor Austin if this application met all of the standards in the ordinance.

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

- Commissioner Staton --- Aye:
Commissioner Vowels --- Aye:
Commissioner Bugg ---- Absent:
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 26, 2019

ATTEST:
Maree Collins, CKMC, City Clerk

MUNICIPAL ORDER NO. 10-19
MUNICIPAL ORDER AWARDING BID FOR MOWING OF CITY PROPERTIES TO HOBGOOD LANDSCAPING, LLC OF OWENSBORO, KENTUCKY FOR GROUP A PROPERTIES

MOTION by Commissioner Royster, seconded by Commissioner Vowels, to adopt the municipal order awarding the bid for mowing certain City properties known as Group A, to Hobgood Landscaping, LLC, of Owensboro, in the low bid amount of \$2,545.00 per cut, in strict accordance with the bid as submitted pursuant to Bid Reference 19-08.

TRACE STEVENS, Parks, Recreation & Cemeteries Director, when asked by Mayor Austin if he knew the owner of this company, he responded that he did not know the owner of Hobgood Landscaping but he does know the manager that attended the bid opening from when he worked for U.S. Lawns out of Owensboro.

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

- Commissioner Staton --- Aye:
Commissioner Vowels --- Aye:
Commissioner Bugg ---- Absent:
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 26, 2019

ATTEST:
Maree Collins, CKMC, City Clerk

MUNICIPAL ORDER NO. 11-19
MUNICIPAL ORDER AUTHORIZING PURCHASE OF ONE-HUNDRED (100) CASES OF AMMUNITION FROM KIESLER POLICE SUPPLY, OF JEFFERSONVILLE, INDIANA, AT THE STATE PRICE CONTRACT IN THE AMOUNT OF \$20,994.60

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MOTION by Commissioner Royster, seconded by Commissioner Staton, to adopt the municipal order awarding the bid for the purchase of one-hundred cases of ammunition from Kiesler Police Supply of Jeffersonville, Indiana, for the Kentucky State Contract price of \$20,994.60.

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

Commissioner Staton ---- Aye:
Commissioner Vowels --- Aye:
Commissioner Bugg ----- Absent:
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 26, 2019

ATTEST:
Maree Collins, CKMC, City Clerk _____

MUNICIPAL ORDER NO. 12-19:

MUNICIPAL ORDER ACCEPTING MEMORANDUM OF UNDERSTANDING BETWEEN THE COMMONWEALTH OF KENTUCKY, FINANCE AND ADMINISTRATION CABINET AND CITY OF HENDERSON FOR CONSTRUCTION OF THE “KENTUCKYWIRED NETWORK”

DAWN KELSEY, City Attorney, indicated that cities have the right to protect their public rights-of-way under the Constitution. She reported that the Commonwealth of Kentucky entered into an Agreement for the KentuckyWired Project. As a state project cities are no longer able to require a franchise agreement; however cities still have the authority to dictate how the project will be conducted in their rights-of-way. This MOU is very similar to most every MOU that cities of our size have entered into across the state as we are one of the last areas entering into this phase of the project.

MOTION by Commissioner Vowels, seconded by Commissioner Royster, to adopt the municipal order accepting a Memorandum of Understanding between the Commonwealth of Kentucky Finance and Administration Cabinet and the City for construction of the “KentuckyWired Network.”

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

Commissioner Staton ---- Aye:
Commissioner Vowels --- Aye:
Commissioner Bugg ----- Absent:
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 26, 2019

ATTEST:
Maree Collins, CKMC, City Clerk _____

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CITY MANAGER’S REPORT:

WILLIAM L. “BUZZY” NEWMAN, JR., City Manager, reported that bids were opened for the Watson Lane Bridge Replacement Project and they came in approximately \$112,000.00 over the engineer’s estimate. Funding in a Supplemental Agreement #3 for the construction phase of the project only allows for \$70,000.00. The state requested that we not adopt the Agreement until further investigation and discussions could be conducted to provide additional SHN and/or TAP grant funds to help offset the overages in the cost of the project.

BRIAN WILLIAMS, Public Works Director, reported that staff had been trying to be proactive in finding ways to save money and create revenues in light of the pending pension rate issues and the contractual increases with Daviess County for sanitation disposal fees. He indicated that late last year, staffing at the landfill was reduced by one to reduce costs. He explained that staff is recommending an annual one dollar per month increase from the current \$17.00, which includes a \$1.00 recycling fee, to \$18.00 beginning July 1, 2019 with an automatic annual increase July 1st of each year for the next three years - making the fees \$19.00 July 1, 2020; \$20.00 July 1, 2021; and \$21.00 July 1, 2022 for residential garbage collection and disposal. The recommendation for the Residual/CDD Landfill rates would be to increase the current \$25.00 per ton, charged in 400 pound increments of \$5.00 per 400 pounds to \$30.00 per ton, charged in 400 pound increments of \$6.00 per 400 pounds with an automatic rate increase of \$5.00 to \$35.00/\$7.00 effective July 1, 2020. Further, no rate changes are recommended for the Henderson County Commercial or Out-of-Henderson County Commercial rates at this time. The Transfer Station Solid Waste Disposal rate of \$38.75 per ton includes the \$1.75 Environmental Remediation Fee and became effective July 2011 under the previous operator’s contract. It is proposed to increase the fee to \$40.00 per ton with automatic \$1.00 per year increases for the next two years-making the fees \$41.00 in 2020 and \$42.00 in 2021. The current \$35.00 per month rate for a once-weekly 2-yard dumpster pick-up with each additional pick-up of \$30.00 has been effective since July 1995. The new proposed fees would be \$40.00 for the first weekly pick-up and \$35.00 for each additional pick-up. Due to our Residual/CDD Landfill closure and the prices in the current disposal contract, the fees relating to free storm debris pick-up may need to be addressed. The Special Heavy Trash and/or Brush Pick-up charge of \$20.00 has also been in effect since July 1995 and is proposed to increase to \$25.00 for a small load, or one-ton dump truck load; and \$50.00 per large, or single axle dump truck load. Further is it recommended that the weight of the materials may determine additional disposal fees.

DISCUSSION WAS HELD relating to the current and proposed fees; the uncertainty of the Daviess County Contract increase amounts; the reason for not recommending an increase in Commercial rates; the amount of commercial waste-commercial tonnage has stayed fairly steady, but CDD has lost 55 to 60% due to the fees; the amount of increased revenue projected; the cost of the trucks; replacement schedule of replacing one truck every other year; the number of residential customers served-approximately 12,000; possibly only raising residential rates the one year and revisiting the issue at a later date instead of the automatic increases over the next three or four years; if there were any plans to move toward automating pick-up; and the cost to pick-up and dispose of storm debris. It was determined that staff would gather more information on the amount of storm debris disposed of and other specifics on costs vs. revenue to be presented at a future date and that the ordinance would not include an automatic rate increase.

GREG NUNN, Information Technology Director, reported that the Information Technology department recently took over operations of the media equipment for the assembly room. He explained that the current analog system is more than fifteen years old and while it still works, it has issues when converting to digital medias for live streaming and other things. The analog video is grainy and is sometimes distorted on television screens. His recommendation is to upgrade the equipment with a digital system with a 32 channel digital mixer, instead of the 16 and 12 channel mixers that are currently being used in order to accommodate the microphones that we need, coupled with a video matrix device, two new 1080p cameras that could be upgraded to 4k and beyond in the future, on state pricing contract of

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\$25,860.00. He also recommended upgrading the audio with new wireless microphones and installation of the audio mixer at a cost of \$4,989.20 for a total project cost of \$30,849.20.

DISCUSSION WAS HELD regarding where the funds would come from-Mr. Nunn suggested using surplus funds from a completed project in this fiscal year's budget; how long this system would be expected to be relevant-at least 10 years; that project surplus funds should not be used when Reserve funds are being utilized on other projects; that the project could be discussed and reviewed for inclusion in the upcoming budget year; trends of how people get their news, television and other media formats; and that there is no doubt that the equipment needs to be upgraded, but more information needs to be gathered for how and what is needed to best suit the needs of our community.

HEATH COX, Police Chief, gave a brief report on crime statistics for 2018 in Henderson. He indicated that there were a total of 2,300 reported crimes in 2018 which was the third lowest since 2010 recorded in CompStat (short for Compare Statistics). He reported that each Monday staff meets to review and discuss emerging trends and patterns to better utilize allotted manpower. He indicated that reported crimes in the East sector of town were down approximately 2% with 550 reported, indicating that it is trending downward since at least 2013. He then gave an overview of the 2018 year reporting that last year was the third lowest number of crimes, the fourth highest number of DUI arrests, the highest number of calls for service with 34,597 just for HPD-which was up over 6,000 calls from the previous year, drug related arrests were up by more than 100 from 2017, the fourth lowest collision totals, and the second highest dispatched calls for service with 66,149 calls to the 9-1-1 center. Chief Cox also indicated that his department has been taking a more patient longer term investigative process to apprehend not only the drug dealers, but their suppliers as well. He further indicated that there was a renewed emphasis in Warrant Service.

DISCUSSION WAS HELD relating to the number of calls to the 9-1-1 center that are from cell phones vs. landline phones and what that means to the community in revenues for that system; how many calls come in from cell phones relating to the same incident; and if and how these reports should be conducted in the future. The Commissioners determined that they would like a verbal report/presentation on a quarterly basis from the police chief.

WILLIAM L. "BUZZY" NEWMAN, JR., City Manager, reported that the Municipal Facilities division has relocated their operation from the former Fire Station #3 which was located on Helm Street to the former Public Works facility on Fifth Street and asked for consideration to declare the Helm Street property as surplus real property to be disposed of by evaluated bid.

DISCUSSION WAS HELD regarding if there was still a natural gas station on the property-yes, but the Gas System Director indicated that it would not be an issue for a future use or it could be relocated; if the Firefighters had been contacted since they had inquired about that location a few years ago; that there are three ways to dispose of surplus property-transfer it to another governmental agency, sell it by auction or sell it through the sealed bid process; that the FOP currently leases another former fire station-which had to have a new roof in recent years; the condition of the building-roof and other issues, not cost effective to refurbish for lease; and is it possible for the firefighters to lease the building if they have funds to refurbish it-yes under certain written conditions. No action was taken with the understanding this request would be brought forth at a meeting in March.

COMMISSIONERS' REPORT:

COMMISSIONER STATON indicated that he had been contacted regarding the HMP&L policy to not repair/replace streetlights in alleyways. He expressed his concerns for the safety and welfare of those that use alleyways daily to get to and from their homes within the city.

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Alleyways in the East End of town are used like streets in many instances and removing those lights could compromise all of the good works that have been done in that area. He indicated that he believes that the policy needs serious reconsideration and planned to attend the Utility Commission meeting scheduled for 5:00 p.m. on April 1st.

COMMISSIONER VOWELS indicated that he did not bring this up during the discussions on trash collection because it is a completely separate issue. He has been contacted regarding the issue of the quality of trash collection-more specifically half emptied cans, trash strewn around yards and streets, cans thrown out into the street and things of that nature.

DISCUSSION WAS HELD regarding gathering information on locations so that the issue can be addressed-it was suggested to ask for the block they live in if the person doesn't want to give an address; that sometimes the culprit is neighborhood animals and/or the wind and weather conditions - sometimes it is the fault of the collector; the Sanitation Superintendent reported that when he is made aware he addresses these issues with the specific truck crew and has them clean up or address the issue; that there is a 50 pound limit for crew members to lift-they are instructed to take out the bags and may sometimes miss one in the very bottom; that upgrading equipment to an automated system would eliminate the weight limit issue; that quality concerns come more to the forefront when there are discussions of raising collection/disposal fees; and discussion on what an acceptable trash receptacle is-a bag or can designed for the purpose of trash receptacle.

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 ----- Absent:
- Commissioner Royster -- Aye:
- Mayor Austin ----- Aye:

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

ATTEST:

Steve Austin, Mayor
April 9, 2019

Maree Collins, CKMC
City Clerk