

CITY OF HENDERSON – RECORD BOOK

Record of Minutes of A Special Called *Meeting on* March 10, 2020

A special called meeting of the Board of Commissioners of the City of Henderson, Kentucky, was held on Tuesday, March 10, 2020, at 4:00 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
Mrs. Dawn Kelsey, City Attorney
Ms. Maree Collins, City Clerk
Mr. Robert Gunter, Finance Director
Mr. Brian Williams, Public Works Director
Mr. Sam Lingerfelt, Sanitation Superintendent
Mrs. Connie Galloway, Human Resources Director
Mr. Heath Cox, Police Chief
Mr. Greg Nunn, Information Technology Director
Mr. Scott Foreman, Fire Chief
Mr. Trace Stevens, Parks Recreation & Cemeteries Director
Mrs. Jordan Webb, Emergency Communications Director
Mrs. Theresa Richey, Administrative Liaison
Mr. Ray Nix, Code Administrator
Mr. Dylan Ward, Project Manager
Mr. Tom Williams, HWU General Manager
Mr. Todd Bowley, HWU Chief Financial Officer
Mr. Douglas White, *the Gleaner*

APPROVAL OF CONSENT AGENDA:

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

Minutes: February 18, 2020, Called Meeting
 February 18, 2020 Work Session
 February 25, 2020, Regular Meeting

Municipal Order:

08-20: Municipal Order Awarding Bid for Purchase of Police
Uniforms and Accessories

Motion by Commissioner Vowels, 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.

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/s/ Steve Austin
Steve Austin, Mayor
March 10, 2020

ATTEST:
Maree Collins, CKMC, City Clerk _____

ORDINANCE NO. 04-20: SECOND READ
ORDINANCE AMENDING BUDGET AND APPROPRIATION ORDINANCE
AN ORDINANCE AMENDING BUDGET AND APPROPRIATION ORDINANCE
FOR THE FISCAL YEAR COMMENCING JULY 1, 2019 AND ENDING JUNE 30, 2020
FOR THE CITY OF HENDERSON, KENTUCKY

MOTION by Commissioner Staton, seconded by Commissioner Bugg, 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
March 10, 2020

ATTEST:
Maree Collins, CKMC, City Clerk _____

ORDINANCE NO. 05-20: SECOND READ
ORDINANCE ADOPTING CHARGES FOR WATER, WASTEWATER AND
STORMWATER SERVICES
AN ORDINANCE REPEALING AND REPLACING ORDINANCE 10-18, AND
CHANGING THE UNIT PRICING FROM HUNDRED CUBIC FEET (CCF) TO 1,000 GAL-
LONS AS SHOWN IN THE ATTACHED RATE TABLES TO BE EFFECTIVE APRIL 1,
2020

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

COMMISSIONER STATON reiterated that this ordinance only changes the unit of measure; no rate changes are included in this ordinance.

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
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ATTEST:
Maree Collins, CKMC, City Clerk _____

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ORDINANCE NO. 06-20: FIRST READ

ORDINANCE AMENDING CHAPTER 7 REGARDING PERMIT FEES

AN ORDINANCE AMENDING CHAPTER 7, BUILDINGS AND BUILDING REGULATIONS BY AMENDING SECTION 7-19 PERMITS: FEES, OF THE CODE OF ORDINANCES OF THE CITY OF HENDERSON

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

RAY NIX, Code Administrator, explained that one of the fee schedules was last updated in 1990. He stated that over the past two years the state has passed on the responsibility of more plan review than before to the local agencies so that has also been added to the Fee Schedule. The proposed fees have been compared to other like sized communities in Kentucky. He indicated that we separate residential permits from commercial permits where other communities don't, accounting for some of the differences in our fees.

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.

ORDINANCE NO. 07-20: FIRST READ

ORDINANCE AMENDING CHAPTER 15 OF CODE OF ORDINANCES REGARDING FINE SCHEDULE

AN ORDINANCE AMENDING CHAPTER 15, *NUISANCES*, ARTICLE III, *CODE ENFORCEMENT BOARD*, BY AMENDING SECTION 15-51 *ORDINANCE FINE SCHEDULE* OF THE CODE OF ORDINANCES OF THE CITY OF HENDERSON

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

RAY NIX, Code Administrator, reported that the Code Enforcement Board was created in 2017 and followed the Kentucky League of Cities model ordinance. Our experience now indicates that the low fines are not sufficient to encourage compliance. It can take six weeks from the time that a violation is initiated to the point of the fine; there would be three inspections with written violations and wait times in the case of weeds, garbage and clutter for a \$10.00 fine.

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.

MAYOR AUSTIN reported that the next ordinance will adjust for the first time since 1994 the insurance premium fee. The purpose for this increase is to be able to add several

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needed improvements to the community through capital projects: like a new fire station, one of our stations is structurally unsound and has many other issues; a new sports complex; double the number of street miles to be repaired/rebuilt; and continued work on a neighborhood stormwater drainage project.

ORDINANCE NO. 08-20: FIRST READ

ORDINANCE AMENDING CHAPTER 21, TAXATION REGARDING INSURANCE TAX

AN ORDINANCE AMENDING CHAPTER 21, TAXATION, ARTICLE IV, LICENSE FEES ON INSURANCE COMPANIES, SECTION 21-57 FEE FOR COMPANY ISSUING LIFE INSURANCE AND SECTION 21-58 FEE FOR COMPANY ISSUING INSURANCE OTHER THAN LIFE INSURANCE INCREASING RATE FROM TEN PERCENT (10%) TO ELEVEN PERCENT (11%)

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

COMMISSIONER STATON indicated that no one ever wants to raise rates, but the state has raised pension costs to what will amount to an additional \$2.5 million annually by the end of 2023. He continued that Fire Station Two has structural issues and must be replaced sooner than later, many roadways need repairs or replacement due to a lack of attention and the large neighborhood drainage project needs to be completed. This increase will raise an additional \$550,000.00 per year which we will be able to bond at roughly \$9 to \$9.5 million for needed capital projects. Just a year ago that same \$550,000.00 at a 3.8% interest rate would have been able to bond about \$7.5 million.

COMMISSIONER BUGG indicated that many people don't realize that we spend hours discussing these things to try to figure out what is best for the community. With these four different projects just about every segment of the whole community would be touched by at least something on this list. She continued that the sports complex has been talked about for so long now and to see that happen would be wonderful; the safety of our fire department is the safety of our citizens; and streets, those are important to everyone. She stated that we're never happy to raise anything, obviously if it is to this point it is needed.

COMMISSIONER VOWELS indicated that it looks like a good return on our investment. He reported that the interest rate today was 2.5%.

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.

ORDINANCE NO. 09-20: FIRST READ

ORDINANCE AMENDING CHAPTER 23, UTILITIES, ARTICLE V, RATES AND CHARGES

ORDINANCE AMENDING CHAPTER 23, UTILITIES, ARTICLE V, RATES AND CHARGES, SECTION 23-103, DISCONTINUANCE OF SERVICES OF THE CODE OF ORDINANCES OF THE CITY OF HENDERSON

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

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ROBERT GUNTER, Finance Director, reported that staff had reviewed connection/disconnect fees and other service charges recently and found that one charge had been set in 1988 and another in 2002. The proposed fee schedule would increase the read-in fee from \$7.50 per meter to \$10.00 per meter, the reconnection fee from \$25.00 to \$35.00, the after-hours reconnection fee from \$25.00 to \$50.00, the service charge from \$10.00 per meter to \$12.50 per meter, and institute a disconnect fee of \$25.00, a missed appointment fee of \$25.00, a re-read of correct meters of \$10.00 per meter and a \$1.00 reprint of bill or cutoff notice fee.

DAWN KELSEY, City Attorney, explained that some fees were found in this ordinance while others were done by resolution. This action will remove the specific fees from the ordinance and the following municipal order will establish the fee schedule as proposed.

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.

MUNICIPAL ORDER NO. 09-20:

MUNICIPAL ORDER AMENDING UTILITY FEES FOR CONNECTION AND SERVICE CHARGES FOR UTILITIES AND ADDING FEES FOR OTHER CUSTOMER SERVICES

MOTION by Commissioner Staton, seconded by Commissioner Vowels, to adopt the municipal order amending Utility Fees for connection/disconnection, service charges and other customer services fees.

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
March 10, 2020

ATTEST:
Maree Collins, CKMC, City Clerk _____

DAWN KELSEY, City Attorney, reported that the next item is in preparation of COVID-19. The Governor has asked all employers to look at their sick leave policy in order to encourage individuals to voluntarily comply with the directive not coming to work if they have symptoms of the virus. Employees that don't have sick or vacation time built up may feel compelled to come to work even when they are under the weather. Staff worked with both Henderson Water Utility and Henderson Municipal Power and Light to present a consistent policy. This policy will allow up to 80 hours, 96 for fire personnel, under certain conditions for the next 45 days in order to encourage employees to not feel they have to work if they have the symptoms of COVID-19. At the time this was written staff was not aware that testing would not be readily

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available in our area, so a second version was written with the diagnosis removed and language added for exposure to a documented or suspected case of COVID-19. That is the municipal order read into the record for adoption.

**MUNICIPAL ORDER NO. 10-20:
MUNICIPAL ORDER PROVIDING FOR LEAVE FOR EMPLOYEES DIAGNOSED WITH COVID-19 OR WHO LIVE WITH PERSON(S) DIAGNOSED WITH COVID-19**

MOTION by Commissioner Royster, seconded by Commissioner Staton, to adopt the municipal order providing leave for City of Henderson employees diagnosed with or who live with person(s) diagnosed with COVID-19.

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
March 10, 2020

ATTEST:
Maree Collins, CKMC, City Clerk _____

**MUNICIPAL ORDER NO. 11-20:
MUNICIPAL ORDER ACCEPTING MASTER AGREEMENT AND SERVICE ORDERS WITH KZF DESIGN INC. OF CINCINNATI, OHIO FOR ARCHITECTURAL AND ENGINEERING SERVICES FOR NEW FIRE STATION #1 AND FIRE STATION #2 AND AUTHORIZING MAYOR TO EXECUTE THE DOCUMENTS ON BEHALF OF THE CITY**

MOTION by Commissioner Bugg, seconded by Commissioner Vowels, to adopt the municipal order awarding a Master Agreement and Service Orders to KZF Design Inc. for architectural and engineering services relating to the location and design of new fire stations.

DYLAN WARD, Project Manager, reported that fifteen firms responded to the request for qualifications and were reviewed by a Fire Station Selection Committee consisting of Fire Chief Scott Foreman, Fire Lieutenant Jeff Crafton, City Manager Buzzy Newman and me. The Committee conducted interviews with six firms and unanimously recommend KZF Design Inc. with partner American Structurepoint Inc. to provide civil engineering, structural engineering and survey services. He indicated that it was clear from the interviews that KZF has a great deal of knowledge and expertise in fire station design and new safety features to protect fire personnel from exposure.

COMMISSIONER ROYSTER indicated that before he votes he wanted to state that while he agrees that there is a need for this, he is not convinced of the need for Station Two before Station One.

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

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

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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
March 10, 2020

ATTEST:

Maree Collins, CKMC, City Clerk _____

CITY MANAGER’S REPORT:

TRACE STEVENS, Parks Recreation and Cemeteries Director, reported that at the January Parks and Recreation Commission meeting discussion was conducted on proposed uses for the Municipal Golf Course property. The golf course closed in July 2019 and the facility has been maintained to date. It is the recommendation of the Parks and Recreation Commission that the land be used for passive recreation such as paved walking trails that connect with the Riverwalk in Atkinson Park, additional disc golf course, and a new foot-golf course. The recommendation also included renovation of the clubhouse to use as a small rental facility. The Denton Shelter is booked every Sunday through August already and every Saturday through September. The use of this facility for smaller birthday parties and other gatherings is needed. None of these uses would interfere with use by the cross-country teams. Total estimated costs for these upgrades would be \$97,610.00 and could be done in phases.

MAYOR AUSTIN thanked Trace and the Commission for the work that has been done on this and explained that everything will be taken into consideration and hopefully something will be in next year’s budget.

CITY MANAGER’S REPORT:

WILLIAM L. “BUZZY” NEWMAN, JR., City Manager, reported that one of the options presented at the January Work Session involved contracting services at the Construction, Demolition and Debris and Scale House. Staff would like confirmation to move forward with an addendum to the Interlocal Agreement with Daviess County for those services.

Without objection the Board approved negotiations with Daviess County Fiscal Court for an addendum to the Interlocal Agreement to contract services at the CDD and Scale House. The Addendum will be scheduled for a subsequent meeting date.

COMMISSIONERS’ REPORT:

COMMISSIONER STATON reported that he has received several calls over the past three years relating to Atkinson Street and when it will be completely resurfaced. It seems that every time he checks, we are waiting on service cuts or some other project in the area to be completed. He also wanted to comment on the cross-country use of the former golf course property. This is really beneficial for the kids and can be considered alongside of other proposals. He indicated that he and the cross-country folks are aware that there were some parking issues at past meets and that those issues could be addressed in the future as part of the event permitting process.

MEETING ADJOURN:

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

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

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

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

WITHOUT OBJECTION, Mayor Austin declared the Meeting adjourned at approximately 5:05 p.m.

ATTEST:

Steve Austin, Mayor
April 14, 2020

Maree Collins, CKMC
City Clerk