

# CITY OF HENDERSON – RECORD BOOK

Record of Minutes of           A Regular           Meeting on           March 26, 2019          

A meeting of the Board of Commissioners of the City of Henderson, Kentucky, was held on Tuesday, March 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 Dr. Tim Hobbs, Community Baptist 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 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  
Ms. Holli Melton, Administrative Intern  
Mr. Heath Cox, Police Chief  
Mr. Owen Reeves, Gas System Director  
Mrs. Connie Galloway, Human Resources Director  
Mr. Brian Williams, Public Works Director  
Ms. Brenda Wethington, Mass Transit Superintendent  
Mr. Dylan Ward, Project Manager  
Mr. Trace Stevens, Parks, Recreation & Cemeteries Director  
Mr. Ray Nix, Code Administrator  
Mrs. Theresa Richey, Development Liaison  
Mr. Doug Boom, Engineer  
Ms. Susan Bryant, Revenue Supervisor  
Mr. Lewis Webber, Henderson County Fair Board  
Mr. Jonathan Eblen, Henderson County Fair Board  
Mrs. Joan Hoffman and Many Concerned Citizens  
Dr. Tim Hobbs, Community Baptist Church  
Mr. Mike Richardson, Reserve Police Officer  
Mr. Douglas White, the Gleaner  
News 14  
News 25

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APPEARANCE OF CITIZENS:

LEWIS WEBBER, Vice-President, Henderson County Fair Board, reported that this year the Fair Board is proud to announce that the Lonestar Rodeo is in their 70<sup>th</sup> year and will be appearing at the fair this July 5<sup>th</sup> and 6<sup>th</sup>. He indicated that as part of the Rodeo there will be chuck wagon races with each chuck wagon having a sponsor. He reported that the County Magistrates were on board and requested that the City consider sponsoring a chuck wagon in the amount of \$750.00 for the event. He indicated that this is a great agri tourism event with people coming in from all over the United States and this would be a good opportunity for us to show them what Henderson is all about. Mr. Webber reported that all the fair events including the rodeo events are on their new website at [hendersoncountykyfair.com](http://hendersoncountykyfair.com).

MAYOR AUSTIN reported that the City has a committee that reviews these types of requests and indicated that there was enough information provided in their packet of information to be reviewed by the Agency Funding Ad Hoc Committee at an upcoming meeting.

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PRESENTATION: “20-Year Service Award”

MAYOR AUSTIN expressed appreciation to Gas System Director Owen Reeves for his 20 years of service and dedication to the City of Henderson.

OWEN REEVES, Gas System Director, thanked the Mayor and Commissioners. He thanked our gas customers for giving him the opportunity to serve them to the best of his ability over these past 20 years and thanked his current staff as well as those in other departments for their mutual support. He remarked on first meeting present and former staff and the camaraderie between staff and elected officials as well. Mr. Reeves gave special recognition to several former gas department employees that helped shape the department over the years including Jackie Floyd, Maura Heath, Mike Myers, Lanny Walker, Jim Harmon, Steve Dickerson and Lindley Harmon. He also gave a special thank you to consultant Buzz VanMeter, who still lends needed staff support on the administration side of our gas delivery needs. He stated that our employees are our most valuable asset and feels that sometimes that gets lost. Lastly, he thanked his wife Becky for bearing with all the work that sometimes interferes with home life.

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APPROVAL OF CONSENT AGENDA:

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

Minutes: February 19, 2019, Called Meeting  
February 19, 2019, Work Session

Resolutions: 22-19: Resolution Authorizing Submittal and Acceptance of Grant Application to Kentucky Division of Waste Management Under the Waste Tire Market Development Crumb Rubber/Tire Derived Products Grant Program in the Amount of \$46,085.00 to be Used by the Parks and Recreation Department; and Authorizing Mayor to Execute Documents and to Act as Authorized Correspondent for the Project

23-19: Resolution Authorizing Submission of a Joint City/County Recycling Grant Application and Letter of Support for a 2019-2020 Kentucky Pride Fund Recycling Grant; and Authorizing Mayor to Execute Documents

24-19: Resolution Granting Property Reassessment Moratorium for Linda and Kenneth Floyd for Property Located at 117 North Main Street, Henderson, Kentucky

Orders: 13-19: Municipal Order Accepting Stormwater Management System Maintenance Agreement at 2810 Highway 41 North Between Ridge Investment Group, LLC, Henderson Water Utility, and the City of Henderson and Giving the Mayor Authority to Execute the Agreement

14-19: Municipal Order Awarding Bid for Purchase of 4WD Pickup Truck to Gillie Hyde Chrysler, Inc. of Glasgow, Kentucky, in the Amount of \$22,319.00

15-19: Municipal Order Awarding Bid for Purchase of Polyamide Natural Gas Pipe to Teel Plastics, Inc. of Baraboo, Wisconsin, in the Amount of \$77,728.00

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16-19: Municipal Order Awarding Bid for Purchase of Limestone Rock and Sand, Group A to Mulzer Crushed Stone, Inc., Tell City, Indiana; Pine Bluff Materials Company, LLC, Henderson, Kentucky and Rogers Group, Inc. of Hopkinsville, Kentucky

17-19: Municipal Order Awarding Bid for Purchase of Cement Concrete to Irving Materials, Inc. of Henderson, Kentucky in the Total Amount of \$187,115.00 as the Primary Supplier, and Meuth Construction Supply, Inc. of Henderson, Kentucky as an Alternative Supplier in the Total Bid Amount of \$198,637.00

18-19: Municipal Order Awarding Bid for Purchase of Concrete Labor to Hazex Construction Co., Henderson, Kentucky as Primary Supplier, and Rivertown Construction, LLC, Newburgh, Indiana as Alternate Supplier

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
March 26, 2019

ATTEST:
Maree Collins, CKMC, City Clerk

ORDINANCE NO. 06-19: FIRST READ
ORDINANCE AMENDING CHAPTER 7-BUILDINGS AND BUILDING REGULATIONS

AN ORDINANCE AMENDING CHAPTER 7, BUILDINGS AND BUILDING REGULATIONS, ARTICLE II, BUILDING CODE AND KENTUCKY RESIDENTIAL CODE, BY ADDING SEC. 7-20 SCHEDULE OF PERMIT AND INSPECTION FEES FOR COMMERCIAL RANGE HOOD AND EXHAUST SYSTEMS OF THE CODE OF ORDINANCES OF THE CITY OF HENDERSON

RAY NIX, Code Administrator, reported that last Fall the Kentucky Building Codes Regulations were revised to exclude the permit review and inspection process for commercial range hood exhaust systems leaving those duties to local entities which were previously done by the state. He indicated that the proposed schedule of fees is the same as previously included in the state's regulations.

MOTION by Commissioner Bugg, 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 ----- Aye:
Commissioner Royster -- Aye:
Mayor Austin ----- Aye:

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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.

RESOLUTION NO. 25-19

RESOLUTION DECLARING PROPERTY LOCATED AT 1228 HELM STREET SURPLUS REAL PROPERTY AND AUTHORIZING IT TO BE SOLD BY EVALUATED SEALED BIDS BY THE CITY PURSUANT TO KRS SECTION 82.083

MOTION by Commissioner Royster, seconded by Commissioner Vowels, to adopt resolution declaring real property located at 1228 Helm Street as surplus and authorizing that it be sold by evaluated sealed bids pursuant to KRS 82.083.

KENNY WALLACE, Pope Street, asked the reason for selling the building at this time.

MAYOR AUSTIN indicated that the building is in surplus because we have no other use for it and that it is in fairly poor condition. He explained that due to pension costs we are currently unable to invest funds in the necessary building repairs.

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

- Commissioner Staton ---- Aye:
Commissioner Vowels --- Aye:
Commissioner Bugg ----- Nay:
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
March 26, 2019

ATTEST:

Maree Collins, CKMC, City Clerk

MUNICIPAL ORDER NO. 19-19

MUNICIPAL ORDER AUTHORIZING FARM LEASE OF 78.92 ACRES ON BORAX DRIVE (FORMERLY KNOWN AS THE DANNLIN FARM) TO WES OVERTON FARMS, OF HENDERSON, KENTUCKY, AT \$276.00 PER ACRE, PER ANNUM FOR A PERIOD OF THREE (3) YEARS (2019, 2020, AND 2021 CROP SEASON)

MOTION by Commissioner Staton, seconded by Commissioner Royster, to adopt the municipal order awarding the bid for a farm lease of approximately 79 acres located off Borax Drive to Wes Overton Farms of Henderson, in strict accordance with the bid as submitted pursuant to Bid Reference 19-16.

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 26, 2019

ATTEST:

Maree Collins, CKMC, City Clerk

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MUNICIPAL ORDER NO. 20-19

MUNICIPAL ORDER AWARDING BID FOR CONSTRUCTION OF A WASH BAY TO WAYCON CONSTRUCTION, INC., EDDYVILLE, KENTUCKY, IN THE TOTAL AMOUNT OF \$99,950.00

DYLAN WARD, Project Manager, explained that this is a manual wash bay building that will be located at the Municipal Service Center. The facility was included in the original MSC plans as an automatic wash bay. It was subsequently determined that the automated equipment was not suitable for our larger trucks, so the design was modified to include a manual high pressure wand and washer. Three options were included in the bid to ensure that we received the most suitable, economical building. The recommended building and slab is a pre-engineered metal building of the same type as the other metal buildings on site. The building and slab bid is just under \$100,000.00; all HVAC, plumbing, electrical, installation of heaters, and some concrete work will be done with the City acting as general contractor utilizing our own subcontractors to save money and bring the facility within the \$180,000.00 total allocated to the project. All work will be done in tandem with the building contractor for efficiency.

MOTION by Commissioner Royster, seconded by Commissioner Staton, to adopt the municipal order awarding the bid for the construction of a wash bay at the Municipal Service Center to Waycon Construction, Inc. of Eddyville, in strict accordance with the bid as submitted pursuant to Bid Reference 19-18.

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 26, 2019

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

MISCELLANEOUS: Ordinance Review – Chapter 16 *Offenses*, Articles I, II & III

DAWN KELSEY, City Attorney, gave a brief overview of the proposed changes to Chapter 16 *Offenses*. Proposed changes include: Article I, Sec. 16-1 *Begging*-She explained that this is a very old ordinance and is unenforceable as written. The Kentucky Supreme Court held that a ban on panhandling is unconstitutional as it abridges freedom of speech under the First Amendment. Three options-1) remove it and not replace it; 2) redo our solicitation ordinance and include it there; or 3) replace it with no pedestrians approaching vehicles or being upon median of certain roads-(examples of Bowling Green and Lexington ordinances were cited). Upon discussion, the Commission directed staff to repeal this ordinance and redo the solicitation ordinance incorporating portions of both Bowling Green and Lexington ordinances; Sec. 16-3 *Use of loudspeakers on business premises*-the times in this ordinance are in conflict with the noise ordinance and will be changed to the same as the noise ordinance and add a variance to be in conjunction with a special event; Sec. 16-5-*Wearing hoods or masks in public place*-add an exemption for masks required by religious belief; Sec. 16-6-*Spitting or expectorating in public places*-no determination, will be left in; Article II-*Curfew for Minors*-the fines are original to 1996. Discussion was held regarding the fine is to the parent, not the child; suggested to increase the first offense fine from \$50.00 to \$100.00; if we could have community service instead of the fines for first offenses-determined no change; Article III-*Emergency Alarm Systems*-no recommended changes. There are no fines or fees involved until the third false alarm in a one year period for residential alarm users.

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Subdivision and Zoning Regulation Amendment Review

DAWN KELSEY, City Attorney, explained that Mr. Brian Bishop, Planning Commission Executive Director, was unable to attend and she would give a brief overview of the three proposed changes. She indicated that the proposed changes were presented to the City/County Cooperative Study Team and are recommended as such. Subdivision Regulations-currently all lot divisions in a special flood hazard area will be forwarded to the full Planning Commission for approval after review by staff. It is proposed to allow those lot divisions to be reviewed by staff and not forwarded to the full Planning Commission; Sec. 26.02-Boundaries-currently boundaries of flood-prone areas are established to include areas identified by the FEMA Flood Insurance Study effective February 20, 2013-it is proposed to use that Flood Insurance Study with accompanying Flood Insurance Rate Maps, other supporting data and any subsequent amendments thereto because the FIRM maps are being updated with each flood mitigation project that is completed; and Sec. 13-20 Standards for subdivision proposals-proposed to remove the public hearing requirement as it is not required under KRS100.

Motion by Commissioner Vowels, seconded by Commissioner Bugg, to accept the recommendation of the City/County Cooperative Study Team and forward a request to amend the following section relating to flood-prone areas to the Planning Commission for review:

Appendix A-Zoning
Article XXVI-Flood-Prone Areas

The boundaries of flood-prone areas shall be established to include those areas identified by the Federal Emergency Management Agency as per the Flood Insurance Study effective February 20, 2013 [(Flood Insurance Study Number 21101CV000A)] with accompanying Flood Insurance Rate Maps (FIRMS), other supporting data and any subsequent amendments thereto, are hereby adopted by reference and declared to be a part of these regulations by the City of Henderson, Kentucky, and for those land areas acquired by the City of Henderson, Kentucky through annexation. This shall apply to all lands [to be] subject to inundation by an intermediate regional flood or, based on other reliable engineering data, areas determined by the flood insurance study to be subject to inundation by a 100-year flood.

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.

RE-APPOINTMENT: City Utility Commission:
Mr. David Curlin – Term to Expire April 25, 2022

Motion by Commissioner Royster, seconded by Commissioner Vowels, upon recommendation of Mayor Steve Austin, to re-appoint Mr. David Curlin on the City Utility Commission. Said term to expire April 25, 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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## CITY MANAGER’S REPORT:

DOUG BOOM, Engineer, reported that the following were proposed changes to the Kentucky Transportation Cabinet’s Strategic Highway Investment Formula for Tomorrow 2020 for the City of Henderson:

Amend the mileage of the Atkinson Street Improvements from Washington Street to Sand Lane to Clay Street to Sand Lane as a portion of this project has been completed; shorten length from 3.091 miles to 0.985 miles as a portion of this project is in the County and should be added to their projects.

Add the following six improvement projects:

KY1539 from KY351 to City Limit; KY812 from Atkinson Street to KY2084; KY136 from Atkinson Street to bridge over North Fork Canoe Creek; North McKinley Street from Garfield to Priest Street; South McKinley Street from Washington to Garfield Street; and South Main Street from Drury Lane to Yeaman Avenue.

Motion by Commissioner Staton, seconded by Commissioner Vowels, to accept staff’s recommendation and approve the Strategic Highway Investment Formula for Tomorrow 2020 listed projects for the City of Henderson as described.

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.

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WILLIAM L. “BUZZY” NEWMAN, JR., City Manager, reported that there will be need for the regular April Work Session scheduled for 5:30 p.m. on Tuesday, April 16<sup>th</sup>. The first topic for discussion will be an updated report by the Public Works Director and Sanitation Superintendent as well as a possible disciplinary employee hearing.

## COMMISSIONERS’ REPORT:

COMMISSIONER STATON indicated that he wanted to pass along some positive feedback that he received relating to a utility customer with a suppression system. The customer was elated with the outcome and very much appreciated Buzzy’s hard work and efforts in addressing the issue.

CITY MANAGER NEWMAN thanked Commissioner Staton for passing those comments along, but wanted to include the Finance department staff that assisted with getting that issue resolved.

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COMMISSIONER ROYSTER indicated that he too had received a call from that same person and echoed Commissioner Staton’s comments.

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MAYOR AUSTIN indicated that a few weeks ago the Board of Commissioners heard a presentation and a request to reinstate a fairness ordinance; he then polled the Commissioners on whether or not to move forward with having staff prepare an ordinance for review or not:

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COMMISSIONER STATON indicated that it is important to note that this vote is on whether or not to hear the issue and he is always in favor of hearing issues that are of this much interest to our community regardless of personal opinion. He voted yes.

COMMISSIONER VOWELS voted yes.

COMMISSIONER BUGG indicated that her vote is no. She reported that she had done a lot of research and talked to a lot of people and just hasn't found that it is a problem here in Henderson. She indicated that it saddens her to think of the divide this could cause the community.

COMMISSIONER ROYSTER voted yes.

MAYOR AUSTIN voted no. He indicated that with the three yes votes staff will start the preparation of an ordinance to be on a future agenda.

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APPEARANCE OF CITIZENS:

KENNY WALLACE, Pope Street, reported that the light department came and took down the light in the alley when he called to have the bulb replaced. He indicated that it is a very heavily traveled alleyway and he would like the Board of Commissioners to use their power to have the light department reinstall the light for safety purposes.

MAYOR AUSTIN explained that the decision lies with the Utility Commission and that we are working with them to talk through the policy changes and come to an understanding on this issue.

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EARNEST GREEN, thanked the Commissioners for the opportunity to address the issue of removing lights from alleyways when they need repair. He too is concerned for the safety of motorists and pedestrians as these alleys are used in this older part of town like streets. Some are very heavily travelled by both vehicles and pedestrians. He indicated that those alleys should be treated like streets and those lights are needed to deter criminal activity. He suggested that the police department needs to be involved in the issue because in his opinion without those lights there will be more vandalism and all of that work to revitalize the East End will be undone.

COMMISSIONER STATON thanked Mr. Green indicating that he had brought those same points up at a previous meeting and that he is in agreement that HMPL's phase-out policy needs to be reviewed for improvements.

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



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WITHOUT OBJECTION, Mayor Austin declared the Meeting adjourned at approximately 6:30 p.m.

ATTEST:

\_\_\_\_\_  
Steve Austin, Mayor  
April 23, 2019

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Maree Collins, CKMC  
City Clerk