

CITY OF HENDERSON – RECORD BOOK

Record of Minutes of _____ *A Regular* _____ *Meeting on* _____ *April 09, 2019*

A meeting of the Board of Commissioners of the City of Henderson, Kentucky, was held on Tuesday, April 9, 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.

MAYOR AUSTIN led the 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. Heath Cox, Police Chief
Mr. Trace Stevens, Parks, Recreation & Cemeteries Director
Mr. Ray Nix, Code Administrator
Mr. Brian Williams, Public Works Director
Ms. Brenda Wethington, Mass Transit Superintendent
Mr. John Coomes, Human Rights Commission
Mr. Michael Puckett, Human Rights Commission
Mr. Jeff Gregory, Human Rights Commission Executive Director
Ms. Lindsay Locasto, Downtown Henderson Partnership Executive Director
Ms. Abby Dixon, Henderson Tourist Commission Executive Director
Mrs. Theresa Richey, Development Liaison
Mr. Mike Richardson, Reserve Police Officer
Mr. Douglas White, the Gleaner

PROCLAMATION: “Fair Housing Month”

MAYOR AUSTIN proclaimed the month of April 2019 as “Fair Housing Month” in Henderson, Kentucky, and urged all citizens to join in reaffirming the obligation and commitment to fair housing opportunities for all. Jeff Gregory, Human Rights Executive Director, John Coomes, Human Rights Commission Chair, and Mike Puckett, Human Rights Commission member, were present to accept the proclamation.

JEFF GREGORY, Human Rights Executive Director, thanked the Board for their continued support of fair housing and announced that he would be sending out details for a Fair Housing Workshop he is scheduling.

PRESENTATION: “Proposed Urban Walking Trail Project”

ABBY DIXON, Henderson Tourist Commission Executive Director, and LINDSAY LACOSTO, Downtown Henderson Partnership Executive Director, came before the Board and tag-teamed a presentation of the proposed Urban Walking Trail Project. The Project came about due to visitors of the Handy Festival asking for walking trail information within our City and was

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then discussed at a Community Branding Task Force meeting. The Lions Club was very generous and granted funding for the project. The Project consists of three trails that all begin at the new pocket park, The Perch. The first is an approximate one mile easy, flat, leisurely trail around Central Park so it is nice and shaded for our warm summer months. This trail will be marked by Snail stencils. The next trail is the Quail Trail which is approximately two and one-half miles and has moderately flat and accessible terrain around the downtown business district and the bird sculptures. The third trail, the Whitetail trail, is approximately five miles or 10,000 steps and is the most advanced utilizing the Riverwalk past the bike rental station in Atkinson Park. All of the trails will be branded and maps will be available to download on a smart device for those unfamiliar with the area.

MAYOR AUSTIN thanked them for coming and presenting the Project and for partnering and collaborating on this Project that ties into so many aspects of enhancing our community for the health and happiness of our residents as well as our visitors. He also thanked the Lions Club for their support of the project.

PUBLIC HEARING: “HART 2019 FTA Grant Application”

MAYOR AUSTIN declared the Public Hearing to solicit public comments on the potential use of the 2019 Federal Transit Administration Grant Application to order at approximately 5:40 p.m. and asked if any member of the public would like to comment on the funding application for assistance in the fixed route and demand response services, capital projects, and planning assistance activities for the Henderson Area Rapid Transit system. Hearing none, he declared the public hearing closed at approximately 5:42 p.m.

APPROVAL OF CONSENT AGENDA:

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

Minutes: February 26, 2019, Regular Meeting
 March 19, 2019, Work Session

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

WHEREUPON, Mayor Austin declared the consent agenda items approved.

/s/ Steve Austin
Steve Austin, Mayor
April 09, 2019

ATTEST:
Maree Collins, CKMC, City Clerk_____

ORDINANCE NO. 06-19: SECOND 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

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

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

- Commissioner Vowels --- Aye:
- Commissioner Bugg ----- Absent:
- Commissioner Royster -- Aye:
- Commissioner Staton ---- 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
April 09, 2019

ATTEST:
Maree Collins, CKMC, City Clerk _____

RESOLUTION NO. 26-19

RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY’S OFFICE TO PROCEED WITH ACTION TO COLLECT OUTSTANDING DEBTS OWED TO THE CITY OF HENDERSON, INCLUDING JUDICIAL ACTION IF DEEMED APPROPRIATE

DAWN KELSEY, City Attorney, indicated that this is formal action relating to a presentation she did previously to move forward with the mass foreclosure focusing on outstanding taxes as well as the new liens that were filed from the new Code Enforcement Board. She reported that her office has been working diligently to collect as many of those outstanding debts as possible prior to this lawsuit and while they have had some success there are still many unpaid.

MOTION by Commissioner Staton, seconded by Commissioner Royster, to adopt the resolution authorizing and directing the city attorney’s office to proceed with action to collect outstanding debts owed to the City, including judicial action if deemed appropriate.

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

- Commissioner Vowels --- Aye:
- Commissioner Bugg ----- Absent:
- Commissioner Royster -- Aye:
- Commissioner Staton ---- 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
April 09, 2019

ATTEST:
Maree Collins, CKMC, City Clerk _____

RESOLUTION NO. 27-19

RESOLUTION RESCINDING RESOLUTION NO. 122-15 REGARDING AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF HENDERSON AND HENDERSON FISCAL COURT PERTAINING TO THE IMPOSITION, ADMINISTRATION, COLLECTION AND ENFORCEMENT OF A COUNTY-WIDE OCCUPATIONAL LICENSE TAX

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MAYOR AUSTIN indicated that when Henderson County first implemented this tax, they contracted with the City to administer and collect those taxes through an Interlocal Agreement. Now they are set up with the proper computer system and staff to do their own program.

MOTION by Commissioner Royster, seconded by Commissioner Vowels, to adopt the municipal order rescinding Resolution No. 122-15 relating to the Interlocal Agreement between the City and Henderson Fiscal Court pertaining to a County-wide Occupational License Tax.

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

- Commissioner Vowels --- Aye:
- Commissioner Bugg ---- Absent:
- Commissioner Royster -- Aye:
- Commissioner Staton ---- 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
April 09, 2019

ATTEST:
Maree Collins, CKMC, City Clerk _____

MUNICIPAL ORDER NO. 21-19

MUNICIPAL ORDER AWARDING BID FOR PURCHASE AND INSTALLATION OF A TWENTY (20) TON SPLIT AIR CONDITIONING SYSTEM FOR THE H.A.R.T. FLEET GARAGE TO WOODARD AND SONS, INC. D/B/A WOODARD COOLING AND HEATING OF HENDERSON, KENTUCKY, IN THE TOTAL AMOUNT OF \$20,500.00

MOTION by Commissioner Staton, seconded by Commissioner Vowels, to adopt the municipal order awarding the bid for the purchase and installation of a twenty ton split air conditioning system for the HART garage to Woodard Cooling and Heating of Henderson, Kentucky, in the total amount of \$20,500.00, in strict accordance with the bid as submitted pursuant to Bid Reference 19-17.

COMMISSIONER STATON stated that it was nice to see award to a local vendor and that he hopes the trend continues.

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

- Commissioner Vowels --- Aye:
- Commissioner Bugg ---- Absent:
- Commissioner Royster -- Aye:
- Commissioner Staton ---- 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
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ATTEST:
Maree Collins, CKMC, City Clerk _____

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MUNICIPAL ORDER NO. 22-19

MUNICIPAL ORDER AWARDING BID FOR REPAIR OF COMMUNITY PARK RESTROOMS AND SHELTER TO ALLIED CONTRACTING GROUP OF MADISONVILLE, KENTUCKY, IN THE TOTAL AMOUNT OF \$54,133.31

TRACE STEVENS, Parks, Recreation and Cemeteries Director, reported that a lightening strike fire damaged the structure in 2017. The project had been out for bid previously with no bids received. At that time Municipal Facilities was scheduled to do the repairs, but upon further evaluation determined that the damage was too extensive for them to repair which led to this bid.

MOTION by Commissioner Vowels, seconded by Commissioner Royster, to adopt the municipal order awarding the bid for repair of the Community Park restrooms and shelter to Allied Contracting Group of Madisonville, Kentucky, in the total amount of \$54,133.31, in strict accordance with the bid as submitted pursuant to Bid Reference 19-19.

DISCUSSION WAS HELD relating to the budgeted amount-\$25,000.00, the insurance recovery-approximately \$10,000.00, and the need for a budget amendment of approximately \$29,000.00; how the damage was caused; the amount of work needed; the number of people that use the park; the need for this repair; and that the contractor has 45 days from Notice to Proceed to complete the project.

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

- Commissioner Vowels --- Aye:
- Commissioner Bugg ---- Absent:
- Commissioner Royster -- Aye:
- Commissioner Staton ---- 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
April 09, 2019

ATTEST:
Maree Collins, CKMC, City Clerk _____

CITY MANAGER’S REPORT:

WILLIAM L. “BUZZY” NEWMAN, JR., City Manager, indicated that he had two items to report on. The first item is the need for the regular April Work Session scheduled for 5:30 p.m., Tuesday, April 16th to discuss sanitation operations. The second item is to take a moment to acknowledge the passing of co-worker Mr. John Stier who worked in our Finance department for about 14 and one-half years. John was a hard working dedicated employee.

ROBERT GUNTER, Finance Director, indicated that it was due to John’s dedication and hard work that we were able to accomplish a lot of the awards that the City has received over the years, as far as the CAFR and the budget awards. John was a good working brother and he will be missed.

COMMISSIONERS’ REPORT:

MAYOR AUSTIN indicated that a Town Hall Work Session has been scheduled for Monday, May 6th at 5:30 p.m. at the Municipal Service Center in Corporate Park for discussion of the fairness ordinance. More information will be forthcoming relating to the format of that meeting.

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APPOINTMENT: Board of Zoning Adjustment:
Mr. J. Landon Overfield – Term to Expire April 24, 2022

Motion by Commissioner Staton, seconded by Commissioner Royster, upon recommendation of Mayor Steve Austin, to appoint Mr. J. Landon Overfield to fill the unexpired term of Joseph E. Ternes, Jr. on the Board of Zoning Adjustment. Said term to expire April 24, 2022.

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

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

EXECUTIVE SESSION: Sale Real Property

MOTION by Commissioner Staton, seconded by Commissioner Royster, pursuant to the provisions of KRS 61.810(1)(b) that the Board of Commissioners go into Executive Session for the purpose of the sale of property located on Second Street in that publicity would likely affect the value of the property to be sold for public use.

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

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

WHEREUPON, Mayor Austin declared the Board adjourned into Executive Session.

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

WHEREUPON, Mayor Austin reconvened the Board into regular session.

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

WITHOUT OBJECTION, Mayor Austin declared the Meeting adjourned at approximately 6:15 p.m.

ATTEST:

Steve Austin, Mayor
April 23, 2019

Maree Collins, CKMC
City Clerk