

CITY OF HENDERSON – RECORD BOOK

Record of Minutes of A Special Called *Meeting on* April 14, 2020

A special called meeting of the Board of Commissioners of the City of Henderson, Kentucky, was held on Tuesday, April 14, 2020, at 3:00 p.m., prevailing time, with no primary location designated for this video teleconference meeting as the result of the state of emergency declared by the President of the United States and the Governor of Kentucky due to the global COVID-19 pandemic, and in accordance with recommended and mandated precautions related to COVID-19 per the Kentucky Attorney General Opinion 20-05, public attendance was not permitted at this meeting due to the highly contagious nature of COVID-19. It is not feasible for the City to maintain order and abide by recommended and mandated precautions while providing a central physical location for public viewing. The meeting was conducted in accordance with KRS 61.826.

There were present Mayor Steve Austin presiding:

PRESENT:

Commissioner Patti Bugg (via Zoom video panelist)
 Commissioner X R. Royster, III (via Zoom video panelist)
 Commissioner Bradley S. Staton (via Zoom video panelist)
 Commissioner Austin P. Vowels (via Zoom video panelist) (Joined the meeting a few minutes late)

ALSO PRESENT:

Mr. William L. “Buzzy” Newman, Jr., City Manager
 Mrs. Dawn Kelsey, City Attorney
 Ms. Maree Collins, City Clerk
 Mr. Greg Nunn, Information Technology Director
 Mr. Trace Stevens, Parks Recreation & Cemeteries Director
 Mr. Dylan Ward, Project Manager
 Mr. Chris Heimgartner, HMPL General Manager (via Zoom video panelist)
 Mr. Douglas White, *the Gleaner* (via Zoom video)

PROCLAMATION: “Arbor Day”

MAYOR AUSTIN proclaimed Friday, April 24, 2020, as “Arbor Day” in the City of Henderson and urged all citizens to support efforts to protect our trees and woodlands and to support our city’s urban forestry program. Mr. Trace Stevens, Parks & Recreation Director accepted the proclamation. He informed everyone that a tree would be planted in Central Park for Arbor Day however, due to the current state of emergency other activities would be cancelled this year and no general public will be invited for the tree dedication.

PUBLIC HEARING: “HART 2020 FTA Grant Application”

MAYOR AUSTIN declared the Public Hearing to solicit public comments on the potential use of the 2020 Federal Transit Administration Grant Application to order at approximately 3:05 p.m. and asked if any comments were received or if anyone 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 3:07 p.m.

PUBLIC HEARING: Outside Agency Funding Appeals

MAYOR AUSTIN declared the Public Hearing on Outside Agency Funding to order at approximately 3:07 p.m. and asked if any comments were received or if anyone would like to speak to appeal the recommendation of the Agency Funding Ad-Hoc Committee for the fiscal year commencing July 1, 2020.

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Resolutions & Municipal Orders:

11-20: Resolution Authorizing The Submittal of Grant Application for Public Transit Assistance

12-20: Municipal Order Awarding Bid for Asphalt Milling Services to Charbon Contracting, LLC of Madisonville, Kentucky

13-20: Municipal Order Awarding Bid for Purchase of Asphalt Paving and Related Street Maintenance Services to Rogers Group, Inc. of Hopkinsville, Kentucky

14-20: Municipal Order Awarding Bids for Purchase of Limestone Rock and Sand, Group A to Mulzer Crushed Stone, Inc., Tell City, Indiana; Pine Bluff Materials Company, LLC, Henderson; and Green Dream International LLC, Erie, Pennsylvania

15-20: Municipal Order Awarding Bid for Purchase of Concrete Labor to Rivertown Construction, LLC of Newburgh, Indiana as Primary Supplier, and Westate Construction, Inc., Hopkinsville, Kentucky as Alternate Supplier

16-20: Municipal Order Approving Agreement with Qk4 for Survey Services, Environmental Document Review, CE1 Renewal/Extension, Sensitive Area Long Term Protection Plan Design, and Roadway Design for the Borax Drive Extension Under the Agreement Between the Kentucky Transportation Cabinet for Henderson Riverfront Development

Motion by Commissioner Bugg, 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 ----- Aye:
- 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 14, 2020

ATTEST:
Maree Collins, CKMC, City Clerk _____

ORDINANCE NO. 10-20: FIRST READ

ORDINANCE ADOPTING SCHEDULE OF ELECTRIC RATES AND SERVICES

AN ORDINANCE APPROVING AND ADOPTING A SCHEDULE OF ELECTRIC RATES AND SERVICES FOR ELECTRIC POWER AND ENERGY FURNISHED BY HENDERSON MUNICIPAL POWER & LIGHT TO ITS CUSTOMERS AND CONSUMERS REDUCING THE RATES IN RESIDENTIAL SCHEDULE (SCHEDULE R), GENERAL SERVICE RATE SCHEDULE (SCHEDULE GS), HOUSING AUTHORITY, CHURCH AND PUBLIC SCHOOL RATE SCHEDULE (SCHEDULE D), AND POWER COST ADJUSTMENT RATE SCHEDULE (SCHEDULE PCA); DISCONTINUING RENEWABLE DISTRIBUTED GENERATION INTERCONNECTION RATE SCHEDULE (SCHEDULE DG); ADJUSTING ADDITIONAL CUSTOMER SERVICE RATE SCHEDULE (SCHEDULE ACS); AND ADDING A RESIDENTIAL DISTRIBUTED GENERATION RATE SCHEDULE (SCHEDULE RDG), A GENERAL SERVICE DISTRIBUTED GENERATION RATE

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SCHEDULE (SCHEDULE GSDG) AND A DEMAND DISTRIBUTED GENERATION RATE SCHEDULE (SCHEDULE DDG) TO BECOME EFFECTIVE FOR ALL SERVICES BILLED ON AND AFTER JUNE 1, 2020

MAYOR AUSTIN thanked Henderson Municipal Power and Light General Manager Chris Heimgartner and staff for their continued hard work on keeping our electric rates among the lowest in Kentucky.

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

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

Commissioner Vowels --- Aye:
 Commissioner Bugg ---- Aye:
 Commissioner Royster -- Aye:
 Commissioner Staton ---- 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.

RESOLUTION NO. 12-20:

RESOLUTION APPROVING DONATION OF \$50,000.00 TO THE HENDERSON EMPLOYEE RELIEF FUND (HERF) THROUGH THE COMMUNITY FOUNDATION OF HENDERSON

DAWN KELSEY, City Attorney, reported that the pandemic has had an impact on such a large number of our citizens, even with the unemployment regulation changes many are suffering financially. The Men's Bourbon Society of Henderson created a fund to bridge the gap and be able to quickly respond with financial funds to assist with rent/mortgage, utility payments, and other necessary expenses. She reported that as of noon today 510 applications had already been received. Christian Community Outreach already had the ability to verify applicant information and has agreed to take the lead in the distribution of these funds. As of this morning the city of Henderson has received utility voucher assistance from the fund for 37 households totaling almost \$10,000.00. Henderson Fiscal Court approved a donation of \$100,000.00 to the fund this morning at their meeting.

MAYOR AUSTIN reported that in addition to this \$50,000.00 which is funded one-half from the General Fund and one-half from the Gas Fund, Henderson Municipal Power and Light and Henderson Water Utility have both agreed to donate \$25,000.00 for a total of \$100,000.00 from the City. He further reported that HMPL has set aside \$1 million from the settlement relating to the winddown of our coal powered plant and donates the interest from that account each year to Christian Community Outreach for the purpose of assisting citizens with utility bills.

MOTION by Commissioner Staton, seconded by Commissioner Royster, to approve the donation of funds from the General Fund and the Gas Fund to the *Henderson Employee Relief Fund* through the Community Foundation of Henderson.

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

Commissioner Vowels --- Aye:
 Commissioner Bugg ---- Aye:
 Commissioner Royster -- Aye:
 Commissioner Staton ---- 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
April 14, 2020

ATTEST:
Maree Collins, CKMC, City Clerk

RESOLUTION NO. 13-20:

RESOLUTION APPROVING ADDENDUM TO THE INTERLOCAL AGREEMENT BETWEEN DAVIESS COUNTY FISCAL COURT AND THE CITY OF HENDERSON FOR SOLID WASTE DISPOSAL

MOTION by Commissioner Staton, seconded by Commissioner Vowels, to adopt the resolution approving the Addendum, relating to operations of the CDD Landfill/Transfer Station, to the Interlocal Agreement between Daviess County Fiscal Court and the City for Solid Waste Disposal.

WILLIAM L. "BUZZY" NEWMAN, JR., City Manager, reported that everything is ready to move forward with Daviess County taking over later this week or early next week at the latest.

MAYOR AUSTIN reported that this is the only action being taken at this time regarding sanitation.

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

- Commissioner Vowels --- Aye:
Commissioner Bugg ----- Aye:
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 14, 2020

ATTEST:
Maree Collins, CKMC, City Clerk

CITY MANAGER'S REPORT:

WILLIAM L. "BUZZY" NEWMAN, JR., City Manager, reported that there would be need for an April 28th, 2020 teleconference meeting and a May 19th, 2020 work session for discussion of the proposed budget. Each of these will be scheduled for 3:00 p.m.

COMMISSIONERS' REPORT:

COMMISSIONER VOWELS thanked Chris Heimgartner on being able to decrease the electric rates and thanked the Men's Bourbon Society of Henderson and Christian Community Outreach for getting the HERF fund up and going so quickly.

COMMISSIONER BUGG reported that she is proud to be from Henderson, Kentucky and commended everyone involved in the Fund.

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COMMISSIONER STATON asked if the meeting time should be officially amended during this time of Emergency so that the meetings would not fall under the 'special called' meeting status for general citizen comments.

DAWN KELSEY, City Attorney, indicated that under SB150 telecommunication meetings being conducted during this State of Emergency have been given special status and a line item could now be added for the purpose of general comment/discussion of topics not specifically listed on the agenda.

RE-APPOINTMENT: City Utility Commission:
Mr. Mark Weaver – Term to Expire April 24, 2020

Motion by Commissioner Staton, seconded by Commissioner Royster, upon recommendation of Mayor Steve Austin, to re-appoint Mr. Mark Weaver to a term of three years on the City Utility Commission. Said term to expire April 24, 2023.

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

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

MISCELLANEOUS: Executive Orders Enacted in March 2020 Relating to COVID-19

DAWN KELSEY, City Attorney, explained that the Executive Orders enacted in March relating to this State of Emergency have been posted on the City's website and have been included in this agenda packet also located on the City's website.

Executive Order No. 01-20 Declaration of a Local State of Emergency Effective March 16, 2020 – City of Henderson, Kentucky

Executive Order No. 02-20 Regarding the Extension of the Filing and Payment Deadline for Taxes on Net Profits Due April 15, 2020 and Waiver of Interest and Penalties if Paid in Full on or Before July 15, 2020 and a 90 Day Extension for Fiscal Year Filers Which are Due May 15, 2020 and June 15, 2020 and Waiver of Interest and Penalties if paid in Full for the Fiscal Year Filers Due May 15, 2020 and June 15, 2020 if Paid Not Later than the Modified Due Dates

Executive Order No. 03-20 Providing for Administrative Leave for City of Henderson Employees During Kentucky State of Emergency for COVID-19

Executive Order No. 04-20 Providing for Leave Under the Families First Coronavirus Response Act

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 ---- Aye:
Commissioner Royster -- Aye:
Commissioner Staton ---- Aye:

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Mayor Austin ----- Aye:

WITHOUT OBJECTION, Mayor Austin declared the Meeting adjourned at approximately 3:55 p.m.

ATTEST:

Steve Austin, Mayor
July 14, 2020

Maree Collins, CKMC
City Clerk