

CITY OF HENDERSON – RECORD BOOK

Record of Minutes of A Special Called *Meeting on* May 12, 2020

A special called meeting of the Board of Commissioners of the City of Henderson, Kentucky, was held on Tuesday, May 12, 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)

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. Douglas White, *the Gleaner* (via Zoom video)

MUNICIPAL ORDER NO. 20-20:

MUNICIPAL ORDER ACCEPTING GRANT AGREEMENT BETWEEN KENTUCKY CABINET FOR ECONOMIC DEVELOPMENT, STATE PROPERTY AND BUILDINGS COMMISSION, HENDERSON COUNTY FISCAL COURT, AND THE CITY OF HENDERSON PERTAINING TO THE HIGHWAY 425 BYPASS (THE “PROJECT”) TO INSTALL A NATURAL GAS LINE

MOTION by Commissioner Staton, seconded by Commissioner Royster, to approve the municipal order accepting a grant Agreement between the Kentucky Cabinet for Economic Development, Henderson County Fiscal Court and the City regarding the Highway 425 Bypass Natural Gas Line Extension Project.

WILLIAM L. “BUZZY” NEWMAN, JR., City Manager, reported that this is the official grant Agreement that must be submitted by May 15, 2020 for final approval for the \$175,000.00 grant to extend the City’s natural gas line to a property located on the Highway 425 Bypass.

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 municipal order adopted, affixed his signature and the date thereto, and ordered that the same be recorded.

/s/ Steve Austin
 Steve Austin, Mayor
 May 12, 2020

ATTEST:

Maree Collins, CKMC, City Clerk _____

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RESOLUTION NO. 15-20:

RESOLUTION ACCEPTING MEMORANDUM OF AGREEMENT BETWEEN CITY OF HENDERSON AND HUSSEY GAY BELL NASHVILLE, LLC FOR PROFESSIONAL SERVICES RELATING TO THE CONSTRUCTION OF HIGHWAY 425 BYPASS NATURAL GAS EXTENSION PROJECT IN THE AMOUNT OF \$22,000.00, AND AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT ON BEHALF OF THE CITY

MOTION by Commissioner Royster, seconded by Commissioner Bugg, to accept a Memorandum of Agreement between the City and Hussey Gay Bell Nashville, LLC for professional services relating to the construction of the Highway 425 Bypass Natural Gas Line Extension project.

WILLIAM L. “BUZZY” NEWMAN, JR., City Manager, reported that this Agreement is in conjunction with the previous action.

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
May 12, 2020

ATTEST:

Maree Collins, CKMC, City Clerk_____

EXECUTIVE SESSION: Litigation

MOTION by Commissioner Vowels, seconded by Commissioner Staton, that the Board of Commissioners go into Executive Session pursuant to the provisions of KRS 61.810(1)(C) for the purpose of discussion of pending and proposed litigation involving Henderson Municipal Power and Light.

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

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Commissioner Staton ---- Aye:
Mayor Austin ----- Aye:

WHEREUPON, Mayor Austin reconvened the Board into regular session.

RESOLUTION NO. 16-20:

RESOLUTION AUTHORIZING THE CITY OF HENDERSON, KENTUCKY, TO TAKE ANY AND ALL ACTION NECESSARY TO PROTECT THE “CITY’S” AND “HMPL’S” INTERESTS SURROUNDING THE INTERPRETATION OF THE STATION TWO CONTRACTS

MOTION by Commissioner Staton, seconded by Commissioner Royster, authorizing the City to take any and all action necessary to protect the City’s and HMPL’s interests surrounding the interpretation of the Station Two Contracts.

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
May 12, 2020

ATTEST:

Maree Collins, CKMC, City Clerk _____

MISCELLANEOUS: Review and Discussion on Reopening Henderson for Business

WILLIAM L. “BUZZY” NEWMAN, JR., City Manager, reported that staff met via telephonic conference with Ellen Redding, Henderson Chamber President, Lindsay Locasto, Downtown Henderson Partnership Executive Director, and several Central Business District restaurant owners to discuss possible ways the City could assist with businesses re-opening.

DAWN KELSEY, City Attorney, explained that the discussion included the possibility of loosening the Outdoor Dining in City right-of-way regulations for the short-term to assist those restaurants that would like to provide sidewalk dining as part of their re-opening.

DISCUSSION WAS HELD regarding Outdoor Dining furniture requirements being removed for the short term Permitting process; if alcohol sales would be permitted; the state ABC requirements for amending an alcoholic beverage license; the possibility of extending the Outdoor Dining permit to include parking spaces adjacent to the business; if alcohol would be allowed in the Permitted parking spaces; insurance requirements; the various restaurants in the CBD; if closing portions of certain streets might be a better option; parking in general in the CBD; safety measures that would be necessary when closing parking spaces; setting a sunset or ending date; possible review to allow use of the parking spaces on a more long-term basis in the future; and that time was of the essence so a short called meeting would be scheduled just prior to the budget work session next Tuesday, May 19, 2020 at 3:00 p.m.

MAYOR AUSTIN reported that there is a joint Henderson City/County/Evansville committee reviewing and coordinating the various regulations and requirements that businesses will need to follow in order to reopen, including PPE and cleaning and sanitizer stations.

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WILLIAM L. “BUZZY” NEWMAN, JR., City Manager, reported that approximately 12,000 non-medical grade face masks were given out earlier this month by the City, Henderson County Water District and Kenergy.

MEETING ADJOURN:

MOTION by Commissioner Staton, seconded by Commissioner Vowels, 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:
- Mayor Austin ----- Aye:

WITHOUT OBJECTION, Mayor Austin declared the Meeting adjourned at approximately 3:45 p.m.

ATTEST:

Steve Austin, Mayor
July 14, 2020

Maree Collins, CKMC
City Clerk