

CITY OF HENDERSON – RECORD BOOK

Record of Minutes of _____ *A Regular* _____ *Meeting on* _____ *May 14, 2019*

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A meeting of the Board of Commissioners of the City of Henderson, Kentucky, was held on Tuesday, May 14, 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 Reverend Mary Wrye, Methodist Hospital Chaplain, 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
 Mrs. Donna Stinnett, Community Relations Manager/Public Information Officer
 Mr. Heath Cox, Police Chief
 Mr. Briscoe Edwards, Police Major
 Mr. Ryan Walenga, Police Sergeant
 Mr. Rodney Septer, Police Officer
 Mrs. Rodney Septer
 Mr. Robert Gunter, Finance Director
 Mr. Trace Stevens, Parks, Recreation & Cemeteries Director
 Mr. Ray Nix, Code Administrator
 Mr. Dylan Ward, Project Manager
 Mrs. Theresa Richey, Development Liaison
 Mr. Scott Foreman, Fire Chief
 Mr. Jeremy Baxter, Assistant Fire Chief
 Mrs. Christy Baxter
 Ms. Natalie Baxter
 Mr. Christopher Watkins, Fire Driver/Engineer
 Mrs. Mary Watkins and Family
 Mr. Mike Ivie, Fire Lieutenant
 Mr. Imran Awan, Firefighter
 Mr. Chad Garrett, Firefighter
 Mr. Eddie Payne, Fire Driver/Engineer
 Mr. Danny Glaser, Firefighter
 Mr. Chris Watson, Fire Lieutenant
 Mr. John Pace, Firefighter
 Mr. Walt Hazelwood, Fire Driver/Engineer
 Mrs. Connie Galloway, Human Resources Director
 Mr. Benji Marrs, Senior Vice President, Bim Group
 Mr. Chris Heimgartner, Henderson Municipal Power & Light General Manager
 Mr. Brian Bishop, Planning Commission Executive Director
 Ms. Amelia Wilson, Field Representative, Representative Comer’s Office
 Mr. Colt McGrew, Intern, Representative Comer’s Office
 Ms. Melissa Clements, United Way of Henderson County
 Mr. Blaine Matthew, 211 Coordinator, United Way of Ohio Valley
 Mr. David Ross, United Way of Ohio Valley
 Mr. Ben Grove, Chair, United Way of Henderson County
 Mr. Nick Whitt, United Way of Henderson County
 Ms. Emily Hamilton, Secretary, United Way of Henderson County
 Ms. Lindsay Locasto, Downtown Henderson Partnership Executive Director
 Mr. Casey Todd, Hometown Roots

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Mr. Joey Marshall
 Reverend Mary Wrye, Methodist Hospital Chaplain
 Mr. Mike Richardson, Reserve Police Officer

RECOGNITION OF VISITORS:

MAYOR AUSTIN announced that Amelia Wilson, Field Representative, and Colt McGrew Intern, with US Representative James Comer's office were visiting tonight and expressed appreciation for all of the help that office has provided the City of Henderson.

PRESENTATION: "20-Year Service Award"

MAYOR AUSTIN expressed appreciation to Assistant Fire Chief Jeremy Baxter for his 20 years of service and dedication to the City of Henderson.

PRESENTATION: "20-Year Service Award"

MAYOR AUSTIN expressed appreciation to Fire Driver/Engineer Christopher Watkins for his 20 years of service and dedication to the City of Henderson.

PRESENTATION: "20-Year Service Award"

MAYOR AUSTIN expressed appreciation to Police Officer Rodney Septer for his 20 years of service and dedication to the City of Henderson and indicated that it was his understanding that Rodney would be retiring soon.

RODNEY SEPTER, Police Officer, confirmed that he would be leaving at the end of the month.

PRESENTATION: "Requested Change for Special Events"

CASEY TODD and JOEY MARSHALL, downtown restaurateurs, made a request to expand the permitted locations for the Special Events with Alcoholic Beverages. They have been conducting a few events in conjunction with local breweries and would like to conduct an event in the downtown area outside of the current permitted area on Water Street.

Mayor Steve Austin asked Mr. Todd and Mr. Marshall to serve on a committee with Commissioner Austin Vowels and City Attorney Dawn S. Kelsey to draft changes to the ordinance.

PRESENTATION: "Walk Observing Women's Suffrage Centennial"

JULE MCCLELLAN, invited the Commissioners and the public to attend the Walk Celebrating the 100th Anniversary of Women's Right to Vote on Sunday, May 19th at 3:00 p.m. beginning at the 12th Street Riverwalk gazebo. She reported that participants can park cars in the Methodist Hospital lower lot. The walk will conclude at the Women's Honor Court park with a speaker from the Kentucky Humanities Council and a concert. She indicated that this is the kick-off of a yearlong celebration. Ms. McClellan indicated that our Women's Honor Court park is the only park in Kentucky dedicated to women's right to vote and is only one of four in the nation.

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PRESENTATION: “United Way 211 Update”

MELISSA CLEMENTS, United Way of Henderson County, and BLAINE MATTHEW, United Way of Ohio Valley, gave a brief presentation on a new service in the community that’s being launched in August called United Way 211, which is a social services help line. Mr. Matthew explained that it is a free and confidential health and human services referral line and will be linked with other 211 systems so that during emergency events callers can still receive assistance. Ms. Clements reported that agencies of all types will be included for referral allowing for better focus on the needs of our local area.

COMMISSIONER STATON requested that he, Ms. Clements and the City Manager meet within the next few weeks to discuss the domestic violence aspect of the program. Ms. Clements indicated that she would set up a meeting in the near future.

PUBLIC HEARING: Proposed Electric Rates Restructure

MAYOR AUSTIN declared the Public Hearing on the proposed restructuring of electric rates to order at approximately 6:00 p.m. and asked if there was anyone that would like to speak on the proposed rate schedule restructure.

ROBERT GUNTER, Finance Director, indicated that he is really excited that the fuel adjustment has been addressed. He reported that the customer service representatives will also be very excited not to answer questions relating to the antiquated fuel adjustment.

Hearing no other public comments, Mayor Austin asked the Board if there were any objections to accepting the recommendation from the Utility Commission relating to the restructuring of electric rates. Hearing no objections presented, Mayor Austin declared the Public Hearing closed at approximately 6:05 p.m.

MAYOR AUSTIN announced that an item under Bids and Contracts would be moved up on the agenda to accommodate Mr. Marrs drive back to Lexington this evening.

MUNICIPAL ORDER NO. 26-19

MUNICIPAL ORDER AWARDING CONTRACT FOR RENEWAL OF CITY OF HENDERSON’S STOP/LOSS COVERAGE (REINSURANCE) AND ORGAN TRANSPLANT POLICY AND UMR (THIRD PARTY ADMINISTRATOR)

MOTION by Commissioner Royster, seconded by Commissioner Vowels, to adopt the municipal order awarding renewal of the City’s stop/loss (reinsurance) and organ transplant coverage for the upcoming program year and renewal of the UMR administrative costs for Third Party Administrator services for the City’s health benefits program.

BENJI MARRS, Senior Vice President Bim Group, explained that stop/loss or reinsurance coverage protects against catastrophic claims. The Sunlife Reinsurance policy premium was negotiated to a 35% renewal increase with the reinsurance markets remaining volatile. The Sunlife contract allows for a return of premiums when claims data is positive from the previous year with the City receiving a \$56,786.27 premium reimbursement for having no claims in the 2017/18 plan year. Overall, with UMR for administrator services for the City’s health benefits program; the current stop/loss carrier; and the current organ transplant policy, which will decrease approximately \$541.20 annually; total cost projections are anticipated to be approximately 4% over current spending.

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

Commissioner Vowels --- Aye:
Commissioner Bugg ----- Aye:

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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 14, 2019

ATTEST:
Maree Collins, CKMC, City Clerk _____

APPROVAL OF CONSENT AGENDA:

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

Minutes: April 16, 2019, Work Session
 April 23, 2019, Regular Meeting

Resolutions: 30-19: Resolution Authorizing Submittal of Grant Application to the U.S. Department of Homeland Security in the Amount of \$16,000.00, to be Used to Purchase Hazmat Equipment, Accepting Grant if Awarded, and Authorizing Mayor to Execute the Necessary Documents

31-19: Resolution Authorizing Submittal of Grant Application to the U.S. Department of Homeland Security to be Used to Purchase and Install Four (4) On-Site Generators, Accepting Grant if Awarded, and Authorizing Mayor to Execute the Necessary Documents

Orders: 24-19: Municipal Order Awarding Bid for Purchase of Two Hundred Fifty (250) Tons of Road Salt for the 2019-2020 Winter from Compass Minerals America, Inc., Overland, Kansas, in the Amount of \$99.50 per Ton

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 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
May 14, 2019

ATTEST:
Maree Collins, CKMC, City Clerk _____

ORDINANCE NO. 07-19: SECOND READ
ORDINANCE ACCEPTING PUBLIC IMPROVEMENTS
AN ORDINANCE ACCEPTING PUBLIC IMPROVEMENTS FOR PROPERTY
LOCATED AT 1407 NORTH ADAMS STREET

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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 ----- Aye:
- 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
May 14, 2019

ATTEST:
Maree Collins, CKMC, City Clerk _____

ORDINANCE NO. 08-19: SECOND READ
ORDINANCE AMENDING CHAPTER 16-OFFENSES
AN ORDINANCE AMENDING CHAPTER 16, OFFENSES, ARTICLE I, GENERAL, SEC. 16-3 USE OF LOUDSPEAKERS ON BUSINESS PREMISES, AND SEC. 16-3, WEARING HOODS OR MASKS IN PUBLIC PLACES OF THE CODE OF ORDINANCES OF THE CITY OF HENDERSON

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 ----- Aye:
- 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
May 14, 2019

ATTEST:
Maree Collins, CKMC, City Clerk _____

ORDINANCE NO. 09-19: FIRST READ
ORDINANCE AMENDING APPENDIX A – ZONING
AN ORDINANCE AMENDING APPENDIX A-ZONING, ARTICLE XXVI, SECTION 26.02, FLOOD PRONE AREAS OF THE CODE OF ORDINANCES OF THE CITY OF HENDERSON

BRIAN BISHOP, Planning Commission Executive Director, explained that when this ordinance was last updated in 2013, specific mapping information was tied to the 2013 Flood Insurance Study. The proposed changes would allow using updated Flood Insurance Rate Maps reflecting recent and ongoing flood mitigation projects.

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

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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.

ORDINANCE NO. 10-19: FIRST READ

ORDINANCE ADOPTING ELECTRIC RATES AND SERVICES SCHEDULES

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 TO BECOME EFFECTIVE FOR ALL SERVICES BILLED ON OR AFTER JUNE 1, 2019; RESTRUCTURING RATES FOR SERVICES AND FEES, CREATING POWER COST ADJUSTMENT, ELIMINATING FUEL COST ADJUSTMENT AND MINIMUM BILLING CHARGES, AND REVISING THE CONSUMER PRICE INDEX (CPI) ESCALATION RATE SCHEDULE TO PROVIDE FOR ANNUAL JUNE 1 ADJUSTMENTS ON AN AS-NEEDED BASIS; AND REVISING THE EXISTING RENEWABLE DISTRIBUTED GENERATION INTERCONNECTION SCHEDULE; AND ADOPTING A NEW POWER COST ADJUSTMENT RATE SCHEDULE DEFINING THE METHOD BY WHICH POWER COSTS WILL BE COLLECTED FROM CUSTOMERS; AND ADOPTING A NEW DEPOSIT RATE SCHEDULE

MAYOR AUSTIN reported that this reflects the presentation that Chris Heimgartner gave at a previous meeting.

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

COMMISSIONER STATON thanked Mr. Heimgartner for being able to explain such difficult things to understand in a way that we can understand and process because that was a very effective lengthy in-depth presentation that was given a couple of weeks ago.

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. 32-19

RESOLUTION APPROVING TASK ORDER #4 OF CONSULTING CONTRACT WITH FEDERAL ENGINEERING, INC., TO PROVIDE COVERAGE TESTING OVERSIGHT AND FINAL SYSTEM ACCEPTANCE SUPPORT IN AN ESTIMATED AMOUNT OF \$22,000.00

WILLIAM L. "BUZZY" NEWMAN, JR., City Manager, asked Mike Shockley to give a little background information of this and an update on the Motorola contract.

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MIKE SHOCKLEY, 9-1-1 Communications Supervisor, explained that Federal Engineering was hired several years ago to assist with oversight of the Motorola radio system installation and testing process. The Motorola contract requires 97% radio coverage for the county and when last tested the system failed. Motorola built a fourth tower at their expense and Federal Engineering will be assisting the City in oversight of the testing process to ensure proper coverage. It is also noteworthy to mention that the Motorola warranty does not start until the City has approved the system as fully functional. That means that we have been using the radios for almost two years at Motorola’s expense. Our three year warranty won’t begin until the system has passed final inspection and testing.

MOTION by Commissioner Royster, seconded by Commissioner Vowels, to approve Task Order #4 of the consulting contract with Federal Engineering, Inc., to provide coverage testing oversight and final system acceptance support of the 9-1-1 emergency radio system in the amount of \$22,000.00 to be split with the County on a 75/25 basis.

WILLIAM L. “BUZZY” NEWMAN, JR., City Manager, indicated that it speaks volumes that Motorola stood behind their contract and built a tower in the Spottsville area at their own expense. He reported that Henderson Municipal Power and Light assisted with the communications lines and testing for the area shows great improvement.

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 14, 2019

ATTEST:
Maree Collins, CKMC, City Clerk _____

MUNICIPAL ORDER NO. 25-19
MUNICIPAL ORDER APPROVING CHANGE ORDER #1 TO THE CONSTRUCTION CONTRACT BETWEEN THE CITY OF HENDERSON AND ALLIED CONTRACTING GROUP REGARDING REPAIR OF COMMUNITY PARK RESTROOMS AND SHELTER, IN THE AMOUNT OF \$2,859.48

TRACE STEVENS, Parks, Recreation and Cemeteries Director, reported that the additional expense is due to water line damage that was undetected during the initial inspection. Construction should be completed in time to open the facility by Memorial Day.

MOTION by Commissioner Staton, seconded by Commissioner Royster, to approve Change Order #1 to the construction contract with Allied Contracting Group regarding repair of the Community Park restrooms and shelter in the amount of \$2,859.48 for additional water damage found upon the start of demolition.

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

/s/ Steve Austin
Steve Austin, Mayor
May 14, 2019

ATTEST:

Maree Collins, CKMC, City Clerk _____

CITY MANAGER’S REPORT:

WILLIAM L. “BUZZY” NEWMAN, JR., City Manager, asked Robert Gunter to give an update of the proposed FY2020 budget.

ROBERT GUNTER, Finance Director, indicated that the draft budget had been provided to each of the Commissioners for review prior to the work session scheduled for next Tuesday, May 21st beginning at 4:00 p.m. If you should have any questions as you read through it don’t hesitate to call so that we can try to get an answer for you before the meeting next week. It is my understanding that we will start at 4:00 p.m.

WILLIAM L. “BUZZY” NEWMAN, JR., City Manager, asked Dylan Ward to give an update on The Bridges of Henderson Golf Course.

DYLAN WARD, Project Manager, reported the course is coming along great. Rain has hindered heavy equipment work, but the greens are starting to look good with a lot of cover and still on track for the anticipated July 1 opening date. He indicated that pledges from community members continue to come in and there is still a lot of interest, however it seems that people are waiting until closer to the opening date to purchase those passes. He also reported that staff has determined that due to the wet spring weather it would be best to have the operator procure services for repairs to the cart paths and culverts that were to be done by the City per the Contract. That would require an amendment to the Contract to allow funds designated to be spent by the City to now be spent by the operator for those repairs. No additional funds would be expended, only responsibility for completion of those projects would change. Mr. Ward briefly detailed the various improvements that have been completed to date to the greens, clubhouse, pro shop, parking area, retaining wall, lake, etc.

WILLIAM L. “BUZZY” NEWMAN, JR., City Manager, extended his thanks to Trace Stevens, Parks, Recreation and Cemeteries Director, and his staff for manning Muni, we plan on keeping it open till the 11th hour until we get The Bridges open and asked that Trace extend our appreciation for managing to keep everything open and keeping it mowed and that it still looks good. Thank you.

WILLIAM L. “BUZZY” NEWMAN, JR., City Manager, asked Scott Foreman to give a report on the damaged fire truck.

SCOTT FOREMAN, Fire Chief, reported that one of our front line apparatus, Engine 1, was involved in an accident with a passenger car recently and unfortunately, upon inspection by a Fire Truck Specialist, it is totaled. He indicated that the frame is twisted causing a large gap between the cab and the fire pump. Chief Foreman reported that the truck would need to be replaced and this would skew the current Fire Apparatus Replacement Plan because this vehicle wasn’t scheduled to be replaced until 2030.

DISCUSSION WAS HELD regarding the estimated depreciated value of the truck; the possibility that our insurance carrier would subrogate the claim for us; that fire department staff have made arrangements to inspect locations that have possible apparatus built and ready for shipment; that the purchase of a replacement would require an amendment to the budget; that there were two standby trucks, but one was moved up to first line to replace this one, leaving

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only one standby truck; that only yesterday there were crews working two structure fires at the same time so the remaining standby truck was utilized with a call-in crew; a County Volunteer fire crew stood by until we were back up and running; how to fund the purchase of five fire apparatus in six years with all of the other demands on the budget; that part of the replacement plan issue is the fact that three trucks were purchased at the same time in 1999 and one is still being used as a front line vehicle with over 120,000 miles; and that planning for those budget demands should begin now rather than later.

APPOINTMENT: Civil Service Commission:
Mr. Chad Phillips – Term to Expire June 01, 2022

Motion by Commissioner Staton, seconded by Commissioner Royster, upon recommendation of Mayor Steve Austin, to appoint Mr. Chad Phillips to a three year term on the Civil Service Commission. Said term to expire June 01, 2022.

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:

MEETING ADJOURN:

MOTION by Commissioner Staton, seconded by Commissioner Bugg 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 6:45 p.m.

ATTEST:

Steve Austin, Mayor
May 28, 2019

Maree Collins, CKMC
City Clerk