

CITY OF HENDERSON – RECORD BOOK

Record of Minutes of A Special Called Meeting on May 26, 2020

A special called meeting of the Board of Commissioners of the City of Henderson, Kentucky, was held on Tuesday, May 26, 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
 Mrs. Donna Stinnett, Community Relations Manager/Public Information Officer
 Mr. Robert Gunter, Finance Director
 Mrs. Dawn Winn, Assistant Finance Director
 Mr. Trace Stevens, Parks & Recreation Director
 Mr. Bill Raleigh, IT Support Specialist
 Mrs. Donna Crowe, IT Programmer/Analyst
 Mr. Tom Williams, Henderson Water Utility General Manager
 Mr. Todd Bowley, Henderson Water Utility Chief Financial Officer
 Mr. Douglas White, *the Gleaner* (via Zoom video)

PUBLIC HEARING: “Municipal Road Aid Funds and Local Government Economic Assistance (LGEA) Funds for Fiscal Year Commencing July 1, 2020”

MAYOR AUSTIN declared the Public Hearing on Municipal Road Aid funding and Local Government Economic Assistance funding opened and asked the City Manager to introduce the subject matter. Mr. William L. “Buzzy” Newman, Jr., City Manager, explained that the purpose of the public hearing was to determine the expenditure of Municipal Road Aid and Local Government Economic Assistance funds anticipated to be in the amounts of \$522,724.20 and \$15,000.00 for use for street and road improvements. Included in the budget is a list of the proposed streets and roads to be paved utilizing these funds which the City Clerk was asked to read into the record.

CITY OF HENDERSON – RECORD BOOK

Record of Minutes of A Special Called Meeting on May 26, 2020

CITY OF HENDERSON, KY PAVING OF STREETS AND ROADS FISCAL 2021			
Branch Name	From	To	Budget
4TH ST	N GREEN ST	N INGRAM ST	\$ 13,500
5TH ST	N ADAMS ST	N ALVASIA ST	33,300
9TH ST	N GREEN ST	N ADAMS ST	27,100
ATKINSON ST	MADISON ST	BAILEY ST	55,000
FAGAN ST	CLAY ST	DR. MARTIN LUTHER KING JR. AVE	14,000
HIGHLAND DR & TURNER AVE	HIGHLAND DR	S ELM ST	18,900
LINCOLN AVE	WASHINGTON ST	KY-2084	43,900
N ELM ST	SPRINGWOOD DR	HARMONY LN	16,300
POWELL ST	S GREEN ST	S ALVASIA ST	62,800
S INGRAM ST	CLAY ST	POWELL ST	17,700
WATHEN LN	WOLF HILLS BLVD	CITY LIMIT	117,500
CRACK SEAL REPAIRS	N/A	N/A	30,000
			\$ 450,000

Mayor Austin then asked if any member of the public or the Board had questions or would like to speak on the proposed use of these funds. There being no further discussion Mayor Austin declared the Public Hearing closed at approximately 3:02 p.m.

APPROVAL OF CONSENT AGENDA:

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

- Resolutions:
- 17-20: Resolution Approving and Adopting the Policy Regarding the Federal Transit Administration (FTA) Title VI Program for Henderson Area Rapid Transit (HART)
 - 18-20: Resolution Approving Municipal Road Aid Cooperative Agreement with the Kentucky Transportation Cabinet for Maintenance and Construction of City Streets in Fiscal Year 2020-2021
 - 19-20: Resolution Increasing Salary of City Attorney by One Percent (1%) Effective as of June 1, 2020
 - 20-20: Resolution Approving Amendment to the City of Henderson Employee Health Plan Regarding Eligible Employee Definition
- Municipal Order: 22-20: 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 Bugg, 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 26, 2020

ATTEST:
Maree Collins, CKMC, City Clerk_____

CITY OF HENDERSON – RECORD BOOK

Record of Minutes of A Special Called *Meeting on* May 26, 2020

ORDINANCE NO. 11-20: FIRST READ

BUDGET AND APPROPRIATION ORDINANCE FOR THE FISCAL YEAR COMMENCING JULY 1, 2020 AND ENDING JUNE 30, 2021 FOR THE CITY OF HENDERSON, KENTUCKY

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

ROBERT GUNTER, Finance Director, explained changes that were discussed at the budget work session to roll over the purchase of police vehicles that will not be delivered this fiscal year; adding two police vehicles making a total of five to be purchased in fiscal year 2021; decreasing the transfer amount from the General Fund account to the PWI Fund now that there is a true estimate from the state on the Municipal Road Aid dollars; decreasing the transfer amount to the HART Fund due to the CARES funding that will be received for HART; rolling over \$75,000.00 in the HART Fund for the purchase of a bus that will not be delivered this fiscal year; the sale of equipment at the landfill; and rolling over the \$150,000.00 purchase of a rear loading compactor that was originally in this fiscal year's budget, but was postponed during discussions on the landfill and sanitation collections.

WILLIAM L. "BUZZY" NEWMAN, JR., City Manager, reported that the police department would be giving up two unmarked police vehicles in order to purchase two marked vehicles that were reported in Mr. Gunter's explanation of vehicle purchases.

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.

MAYOR AUSTIN reported that the Water and Sewer Commission has adopted their annual budget that now must be approved by this Board.

ORDINANCE NO. 12-20: FIRST READ

ORDINANCE ADOPTING HENDERSON WATER UTILITY BUDGET
BUDGET AND APPROPRIATION ORDINANCE FOR THE FISCAL YEAR COMMENCING JULY 1, 2020 AND ENDING JUNE 30, 2021 FOR HENDERSON WATER UTILITY OF THE CITY OF HENDERSON, KENTUCKY

MOTION by Commissioner Staton, seconded by Commissioner Royster, 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.

CITY OF HENDERSON – RECORD BOOK

Record of Minutes of A Special Called *Meeting on* May 26, 2020

ORDINANCE NO. 13-20: FIRST READ
ORDINANCE AMENDING PAY PLAN
ORDINANCE ADOPTING A REVISED JOB CLASSIFICATION AND PAY PLAN
FOR THE CITY OF HENDERSON, KENTUCKY

MOTION by Commissioner Vowels, seconded by Commissioner Bugg, 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.

MAYOR AUSTIN reported that even though there is no change to the Ad Valorem Tax Rates an ordinance must be adopted each year stating the rates.

ORDINANCE NO. 14-20: FIRST READ
ORDINANCE PROVIDING FOR THE LEVY AND COLLECTION OF AD VALOREM TAXES

AN ORDINANCE OF THE CITY OF HENDERSON, KENTUCKY PROVIDING FOR THE LEVY AND COLLECTION OF AD VALOREM TAXES FOR THE FISCAL YEAR BEGINNING JULY 1, 2020, AND PROVIDING FOR THE TIME OF PAYMENT FOR SUCH TAXES, PENALTY, INTEREST AND DISCOUNT

MOTION by Commissioner Staton, 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 on its first reading and ordered that it be presented for a second reading at a meeting of the Board of Commissioners.

DAWN KELSEY, City Attorney, reported that a 25-year lease was executed between the City and Macmillian Bloedel (predecessor to International Paper Company) as a part of the Industrial Revenue Bonding process. Those Bonds have now been paid and per the terms of the lease the property will be re-conveyed to IP. A plat is being drawn up to record utility easements to go along with this deed.

RESOLUTION NO. 21-20:
RESOLUTION AUTHORIZING DEED BETWEEN THE CITY OF HENDERSON AND INTERNATIONAL PAPER COMPANY FOR THE RE-CONVEYANCE OF LEASED PROPERTY, AND AUTHORIZING MAYOR TO EXECUTE DEED ON BEHALF OF THE CITY OF HENDERSON

CITY OF HENDERSON – RECORD BOOK

Record of Minutes of A Special Called *Meeting on* May 26, 2020

MOTION by Commissioner Royster, seconded by Commissioner Vowels, authorizing the Mayor to execute a deed on behalf of the City to re-convey leased property to the International Paper Company per the lease terms and release of the Industrial Revenue Bond.

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 26, 2020

ATTEST:

Maree Collins, CKMC, City Clerk _____

RESOLUTION NO. 22-20:

RESOLUTION ADOPTING PROTECTIVE COVENANTS FOR HENDERSON TECHNOLOGY AND INDUSTRY PLAZA LOCATED ON BORAX DRIVE, HENDERSON, KENTUCKY, AND AUTHORIZING MAYOR TO EXECUTE SAME ON BEHALF OF THE CITY

MOTION by Commissioner Staton, seconded by Commissioner Vowels, for the adoption of protective covenants for the City's Henderson Technology and Industry Plaza.

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 26, 2020

ATTEST:

Maree Collins, CKMC, City Clerk _____

RE-APPOINTMENT: City-County Planning Commission:

Ms. Bobbie Jarrett – Term to Expire June 01, 2020; and
 Mr. Kevin Herron – Term to Expire June 01, 2020;

Motion by Commissioner Staton, seconded by Commissioner Royster, upon recommendation of Mayor Steve Austin, to re-appoint Ms. Bobbie Jarrett and Mr. Kevin Herron to four year terms on the City-County Planning Commission. Said terms to expire June 01, 2024.

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:

CITY OF HENDERSON – RECORD BOOK

Record of Minutes of A Special Called *Meeting on* May 26, 2020

MISCELLANEOUS: Review and Discussion on of COVID-19 Related Issues

WILLIAM L. “BUZZY” NEWMAN, JR., City Manager, reported that the City had received notice of two separate COVID-19 related grants: the first is CARES funding through HUD to help with rental reimbursements, security camera system at the JFK Center and emergency generators for the JFK Center and the Gathering Place; the second grant is CARES funding for HART through the FTA.

Mr. Newman further reported that it is his recommendation not to reopen public buildings until at least July due to not being able to meet the social distancing recommendations.

MAYOR AUSTIN indicated that the City is very fortunate to have been able to open a third drive-up lane for utility customers.

COMMISSIONER VOWELS agreed that there is no rush to reopen the building as long as customers are able to conduct business.

EXECUTIVE SESSION: Litigation

MOTION by Commissioner Staton, seconded by Commissioner Royster, 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.

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

WHEREUPON, Mayor Austin reconvened the Board into regular session.

MEETING ADJOURN:

MOTION by Commissioner Bugg, seconded by Commissioner Royster, to adjourn the meeting.

CITY OF HENDERSON – RECORD BOOK

Record of Minutes of A Special Called *Meeting on* May 26, 2020

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 3:55 p.m.

ATTEST:

Steve Austin, Mayor
August 11, 2020

Maree Collins, CKMC
City Clerk