

# CITY OF HENDERSON – RECORD BOOK

Record of Minutes of                     A Regular                     Meeting on                     May 28, 2019                    

A meeting of the Board of Commissioners of the City of Henderson, Kentucky, was held on Tuesday, May 28, 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 Jeff Burke, The Answer Center, 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  
Mrs. Theresa Richey, Acting City Clerk  
Mrs. Donna Stinnett, Community Relations Manager/Public Information Officer  
Mr. Briscoe Edwards, Police Major  
Mr. Robert Gunter, Finance Director  
Mr. Trace Stevens, Parks, Recreation & Cemeteries Director  
Mr. Ray Nix, Code Administrator  
Ms. Tammy Willett-Speaks, Community Development Specialist  
Mrs. Connie Galloway, Human Resources Director  
Mr. Chris Heimgartner, Henderson Municipal Power & Light General Manager  
Mr. Chris Winstead, Ambulance Service Director  
Ms. Lindsay Locasto, Downtown Henderson Partnership Executive Director  
Ms. Katie Beth Pritchett, Metzger's Tavern  
Mr. Tim Farley, Audubon Flyers Disc Golf Club  
Mr. Logan Marshall, Audubon Flyers Disc Golf Club  
Mr. Christian Farley, Audubon Flyers Disc Golf Club  
Reverend Jeff Burke, The Answer Center  
Mr. Doug White, *the Gleaner*  
Mr. Daniel Pennamen, Police Officer

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APPEARANCE OF CITIZENS:

TIM FARLEY and members of the Audubon Flyers Disc Golf Club made a brief presentation requesting use of the Municipal Golf Course to design and create a championship disc golf course at minimal expense. The existing clubhouse could be utilized for selling equipment and other items. Other communities in the area are upgrading to new championship level courses, some alongside regular golf courses. Mr. Farley indicated that a championship level course would allow the number of tournament participants to double to around 160 which would be good tourism for the area. He reported that the current course is a basic course with an overall three rating by participants, but wouldn't take much to be made into a championship level course.

MAYOR AUSTIN indicated that the suggestion would be taken into consideration by the Parks and Recreation department and the Commission along with the other suggested uses for that property.

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PRESENTATION: “Community Health/Dental Clinic Results”

REVEREND JEFF BURKE, The Answer Center, thanked Mayor Austin and the Board of Commissioners for allowing them to use a portion of the former IBT building. He reported that

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86 people were treated, 47 of those received dental care, over the course of the two-day event with the help of 126 volunteers which included local dentists, nurses, medical staff and church members. The event was well received and they hope to conduct another one next year.

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**PRESENTATION:** “Porchfest”

LINDSAY LOCASTO, Downtown Henderson Partnership Executive Director, and KATIE BETH PRITCHETT, Metzger's Tavern General Manager, reported on the upcoming Porchfest event scheduled for Saturday, June 1<sup>st</sup> in the East End and the Downtown area. DHP and Metzger's have coordinated to combine the two events into a family friendly free event with inflatables, a visit from the fire department, great music, food trucks and many other activities with something different at each of the nine locations.

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**PUBLIC HEARING:** “Municipal Aid Funds and Local Government Economic Assistance (LGEA) Funds for Fiscal Year Commencing July 1, 2019”

MAYOR AUSTIN declared the Public Hearing on Municipal 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 Aid and Local Government Economic Assistance funds anticipated to be in the amounts of \$576,617.00 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 based upon recommendation of the Pavement Management software program that determines PCI ratings of each street within our roadway system. The lower the PCI rating the more deteriorated the condition of the roadway.

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.

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**APPROVAL OF CONSENT AGENDA:**

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

Minutes:           May 06, 2019, Called Town Hall Work Session  
                          May 14, 2019, Regular Meeting

Resolutions: 33-19: Resolution Authorizing the Submission of the 2019-2020 CDBG Action Plan to the United States Department of Housing and Urban Development

34-19: Resolution Authorizing Submittal of Grant Application to Federal Emergency Management Agency Under the Hazard Mitigation Grant Program (HMGP) in the Amount of \$20,246.25, to be used to Purchase an Emergency Warning Siren, Accepting Grant if Awarded, and Authorizing Mayor to Execute the Necessary Documents

35-19: Resolution Approving Municipal Aid Cooperative Agreement with the Kentucky Transportation Cabinet for Maintenance and Construction of City Streets in Fiscal Year 2019-

Motion by Commissioner Royster, seconded by Commissioner Vowels, to approve the items on the Consent Agenda as presented.

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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 consent agenda items approved.

/s/ Steve Austin  
Steve Austin, Mayor  
May 28, 2019

ATTEST:  
Theresa Richey, Acting City Clerk \_\_\_\_\_

ORDINANCE NO. 09-19: SECOND 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

MOTION by Commissioner Bugg, 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, affixed his signature and the date thereto and ordered that the same be recorded.

/s/ Steve Austin  
Steve Austin, Mayor  
May 28, 2019

ATTEST:  
Theresa Richey, Acting City Clerk \_\_\_\_\_

ORDINANCE NO. 10-19: SECOND 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

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

          /s/ Steve Austin            
Steve Austin, Mayor  
May 28, 2019

ATTEST:

Theresa Richey, Acting City Clerk \_\_\_\_\_

ORDINANCE NO. 11-19: FIRST READ

BUDGET AND APPROPRIATION ORDINANCE FOR THE FISCAL YEAR COMMENCING JULY 1, 2019 AND ENDING JUNE 30, 2020 FOR 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.

ORDINANCE NO. 12-19: FIRST READ

AN ORDINANCE AMENDING BUDGET AND APPROPRIATION ORDINANCE FOR THE FISCAL YEAR COMMENCING JULY 1, 2018 AND ENDING JUNE 30, 2019 FOR THE CITY OF HENDERSON, KENTUCKY

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

MAYOR AUSTIN indicated that only eight of those line items has a change totaling \$32,000.00, so it is not as large as it sounds for those changes to the 2019 budget.

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.

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ORDINANCE NO. 13-19: FIRST READ

ORDINANCE AMENDING ORDINANCE 13-82 ESTABLISHING CHARGE FOR CHECKS RETURNED FOR NON-PAYMENT

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

MAYOR AUSTIN reported that the fee for someone giving the City a bad check has been \$10.00 since 1982. This ordinance raises the fee to \$25.00, which is more of the standard for this day and time.

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.

MUNICIPAL ORDER NO. 27-19

MUNICIPAL ORDER ACCEPTING FIRST AMENDMENT TO THE GOLF COURSE OPERATIONS AND MANAGEMENT AGREEMENT WITH K&J COURSE MANAGEMENT, LLC, AND AUTHORIZING MAYOR TO EXECUTE FIRST AMENDMENT TO THE AGREEMENT

MOTION by Commissioner Bugg, seconded by Commissioner Staton, to approve the First Amendment to the Golf Course Operations and Management Agreement between the City and K & J Course Management, LLC for changes to responsibilities for certain projects listed in the scope of work.

WILLIAM L. “BUZZY” NEWMAN, JR., City Manager, reported that the original Agreement with K&J Course Management provided a defined scope of work that they were to perform and specific duties that the City was to provide relating to asphalt paving of the cart paths as well as the installation of drainage structures along those paths. As the project has progressed, it was determined that the Operator would be better suited to perform the golf cart paving and installation of the drainage structures.

COMMISSIONER ROYSTER reminded everyone that there are no changes to the overall funding which is from the original donation.

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 28, 2019

ATTEST:  
Theresa Richey, Acting City Clerk \_\_\_\_\_

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MUNICIPAL ORDER NO. 28-19

MUNICIPAL ORDER AWARDING BID FOR PURCHASE OF ONE (1) 2019 FORD 350 TYPE I MEDIC 6.8L DIESEL FRONTLINE AMBULANCE FOR THE AMBULANCE SERVICE FROM MID-AMERICA AMBULANCE & COACH SALES, CAMPBELLSVILLE, KENTUCKY, IN THE AMOUNT OF \$149,618.84

MOTION by Commissioner Staton, seconded by Commissioner Bugg, to approve awarding the bid for the purchase of a 2019 Ford Type I Medic Frontline Ambulance from Mid-America Ambulance & Coach Sales in strict accordance with the bid as submitted.

CHRIS WINSTEAD, Ambulance Service Director, indicated that the City's portion is \$69,809.42 due to a \$10,000 grant. The purchase came in under budget even after the purchase of the added equipment and is expected to be delivered probably within 3 to 4 weeks.

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 28, 2019

ATTEST:  
Theresa Richey, Acting City Clerk \_\_\_\_\_

RESOLUTION NO. 36-19

RESOLUTION ADOPTING AND APPROVING THE EXECUTION OF SUPPLEMENTAL AGREEMENT NO. 3 BETWEEN THE CITY OF HENDERSON AND THE COMMONWEALTH OF KENTUCKY TRANSPORTATION CABINET, UNDER THE FEDERAL HIGHWAY ADMINISTRATION (FHWA), FOR AN ADDITIONAL AMOUNT OF \$254,000.00

MOTION by Commissioner Staton, seconded by Commissioner Royster, to approve execution of Supplemental Agreement No. 3 with the Kentucky Transportation Cabinet for the Wathen Lane Bridge Replacement Project.

WILLIAM L. “BUZZY” NEWMAN, JR., City Manager, reported that several months ago bids came in significantly over budget for this bridge project. Subsequently we worked with KYTC as well as the Evansville Metropolitan Planning Organization to secure additional funds to help offset the costs of the project. This is the new funding Supplemental Agreement. It is anticipated that the award of the bid will be on our next regular agenda and the bridge portion of the project should be completed before the end of the year.

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  
May 28, 2019

ATTEST:  
Theresa Richey, Acting City Clerk \_\_\_\_\_

RESOLUTION NO. 37-19

RESOLUTION ACCEPTING AGREEMENT BETWEEN KENTUCKY TRANSPORTATION CABINET (KYTC) THROUGH THE FEDERAL HIGHWAY ADMINISTRATION (FHWA) FOR THE UPGRADE WATHEN LANE PROJECT, IN THE AMOUNT OF \$304,000.00 AND AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT ON BEHALF OF THE CITY

MOTION by Commissioner Royster, seconded by Commissioner Bugg, to approve execution of an Agreement with the Kentucky Transportation Cabinet through the Federal Highway Administration for the Wathen Lane Roadway Project.

WILLIAM L. “BUZZY” NEWMAN, JR., City Manager, reported that this project is programmed through the Kentucky Transportation Cabinet over the next four years. The first phase in this Agreement is for design services and will be ongoing over the course of the next six to nine months which will include public hearings to allow the public to comment on the design of the project. The following year state and federal funds will be programmed to proceed to the next phase which would be right-of-way and then utility relocation services. Those phases will take the project well into 2022. If there are no issues, it is anticipated that the construction phase would be allocated in 2023 to 2024. The City will have a 20% match in each of these phases.

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 28, 2019

ATTEST:  
Theresa Richey, Acting City Clerk \_\_\_\_\_

CITY MANAGER’S REPORT:

WILLIAM L. “BUZZY” NEWMAN, JR., City Manager, reported that there is need for a brief called meeting on June 4, 2019 at Noon. Mr. Newman thanked Ms. Richey for doing an excellent job tonight on her first time as Acting Clerk.

COMMISSIONER’S REPORT:

COMMISSIONER STATON reported that Jay Randolph, who lost his daughter a few weeks ago to domestic violence, has asked that we look into how domestic violence issues are handled in our community and to coordinate assistance to victims. He further reported on a suggestion from James Roll that would assist the elderly population living in our community. The program would allow an elderly person to sign up to receive a daily wellness check-in call from our 9-1-1 call center. More details on the program will be forthcoming upon completion of the 9-1-1 call center upgrades. \_\_\_\_\_

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EXECUTIVE SESSION: Litigation and Exempted Public Record

MOTION by Commissioner Bugg, 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 proposed litigation by the City and pursuant to KRS 61.810(1)(M) for discussion of a specific public record exempted from disclosure under KRS 61.810(1)(M).

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 Bugg, 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 Royster, seconded by Commissioner Staton 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 7:10 p.m.

ATTEST:

\_\_\_\_\_  
Steve Austin, Mayor  
July 9, 2019

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Maree Collins, CKMC  
City Clerk