

CITY OF HENDERSON – RECORD BOOK

Record of Minutes of A Special Called Meeting on June 09, 2020

A special called meeting of the Board of Commissioners of the City of Henderson, Kentucky, was held on Tuesday, June 09, 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
 Ms. Kathryn “Kat” Lea, Accounting Manager
 Mr. Heath Cox, Police Chief
 Mr. Sam Lingerfelt, Sanitation Superintendent
 Mr. David Wright, IT Network Administrator II
 Mr. Joel Hopper (via Zoom video)
 Mr. Kevin Patton, *the Gleaner* (via Zoom video)

APPROVAL OF CONSENT AGENDA:

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

Resolutions: 23-20: Resolution Authorizing Filing a Coronavirus Relief Fund (“CRF”) Application for Reimbursement of Incurred Expenses with the Department for Local Government (“DLG”); Authorizing the Mayor to Execute Any Documents Deemed Necessary by DLG for Reimbursement; and Authorizing the Mayor to Act as the Authorized Correspondent for Reimbursement

24-20: Resolution Authorizing the Submitting, and Acceptance of, a Coronavirus Aid, Relief, and Economic Security (“CARES ACT”) Application with the Federal Aviation Administration for Funds in the Amount of \$69,000.00 Relating to Operations and Maintenance of the Henderson Airport; And Authorizing the Mayor to Execute Any Documents on Behalf of the City of Henderson

Municipal Order: 23-20: Municipal Order Accepting Proposal of Farmers Bank and Trust Company of Marion, Kentucky, for Tax and Revenue Note for City

24-20: Municipal Order Authorizing Purchase of Five (5) Police Vehicles from Glenn’s Freedom Dodge of Lexington, Kentucky, at the State Price Contract in the Total Amount of \$146,260.00

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

ROBERT GUNTER, Finance Director, reported that the state is sharing a portion of the CARES funding that they received from the federal government with municipalities and counties across Kentucky. The City’s share is \$2,044,443.00 based on the population formula used to allocate those funds. These funds can be used to reimburse the salaries of police and fire personnel through December 31st.

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
June 09, 2020

ATTEST:
Maree Collins, CKMC, City Clerk_____

ORDINANCE NO. 11-20: SECOND 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.

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
June 09, 2020

ATTEST:
Maree Collins, CKMC, City Clerk_____

ORDINANCE NO. 12-20: SECOND 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.

MAYOR AUSTIN reported that this is the budget that was presented by Henderson Water Utility General Manager Tom Williams at our last meeting and approved on first reading.

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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
June 09, 2020

ATTEST:
Maree Collins, CKMC, City Clerk _____

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

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
June 09, 2020

ATTEST:
Maree Collins, CKMC, City Clerk _____

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: SECOND 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:

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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
June 09, 2020

ATTEST:
Maree Collins, CKMC, City Clerk _____

MUNICIPAL ORDER NO. 25-20:
MUNICIPAL ORDER SETTING ASIDE TEN PERCENT (10%) OF ALL INSURANCE PREMIUM TAX PROCEEDS

MOTION by Commissioner Staton, seconded by Commissioner Royster, authorizing that ten percent of all insurance premium tax proceeds be set-aside to be used for future capital projects and debt payments, as discussed at a previous 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:

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
June 09, 2020

ATTEST:
Maree Collins, CKMC, City Clerk _____

MUNICIPAL ORDER NO. 26-20:
MUNICIPAL ORDER REGARDING BID FOR PURCHASE OF TRUCK SCALE REPLACEMENT TO AMERICAN SCALE CORPORATION, EVANSVILLE, INDIANA, IN THE AMOUNT OF \$49,588.80

WILLIAM L. “BUZZY” NEWMAN, JR., City Manager, explained that as part of the operations of the CDD Landfill, the truck weigh scale was to be replaced. Funds for the purchase were included in the fiscal 2021 budget. The bid came in approximately \$25,000.00 under budget. He further explained that Daviess County had agreed to purchase a piece of equipment as part of the operations contract and those funds will be put back into the landfill fund. Mr. Newman also reported that Muhlenberg County has shown interest in purchasing the old truck scale which will be declared surplus and if the purchase price is successfully negotiated will be transferred to them upon installation of the new scale.

MOTION by Commissioner Royster, seconded by Commissioner Vowels, approving award of Bid 20-15 for the purchase of a truck scale for the landfill. The Bid includes removal of the existing scale and placement of the new scale on the same foundation for this turn-key project.

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
June 09, 2020

ATTEST:

Maree Collins, CKMC, City Clerk _____

MAYOR AUSTIN stated “as you will well remember, the City set-aside proceeds from the sale of the Hoge Farm for the future purchase of land for a sports facility. Also the seller of this land made a Land Value Donation of \$416,000.00 to assist in the purchase of the land for a future sports park, so this is a resolution approving the contract between the City and the seller.”

RESOLUTION NO. 25-20:

RESOLUTION APPROVING SALES AND PURCHASE CONTRACT BETWEEN HILLVIEW ENTERPRISE, LLC AND CITY OF HENDERSON FOR THE PURCHASE OF FIFTY-EIGHT (58) ACRES OF REAL ESTATE, MORE OR LESS, FOR THE SUM OF \$1,276,000.00 (WHICH INCLUDES \$860,000.00 IN CASH AND \$416,000.00 HILLVIEW ENTERPRISE, LLC DONATION TO THE CITY) TO BE USED TO CONSTRUCT A SPORTS COMPLEX AS WELL AS HILLVIEW ENTERPRISE, LLC’S CONSENT TO ANNEXATION; AND AUTHORIZING MAYOR TO EXECUTE CONTRACT ON BEHALF OF THE CITY

MOTION by Commissioner Staton, seconded by Commissioner Bugg, approving a Sales and Purchase Contract between Hillview Enterprise, LLC and the City for the purchase of 58 acres± of real estate for the sum of \$1,276,000.00. The seller has made a Land Value Donation to the City in the amount of \$416,000.00 making the amount due upon closing \$860,000.00.

COMMISSIONER STATON indicated that he would like to add to what the Mayor said. He stated that “we have the \$700,000.00 set-aside and also have applied for a \$250,000.00 land grant that we will know something in the fall. So, there is a very real possibility that all of the purchase price will be covered by money that whether the set-aside or the grant and if we don’t receive the grant, we still have the majority of the purchase covered. But for people that don’t know, we have been in discussions for land for a sports complex for years. There have been a number of properties that we have looked at that either weren’t quite right for the sports park for one reason or another – for topography, or location, or the purchase price was too much. Even this property, it was a little over a year ago when the group first approached the seller of this land and said that we might be interested in it for a sports complex and their original price was more than what we wanted to pay. We were very fortunate to have people who have a heart for youth sports in the community who have donated nearly a third of the purchase price so that we could do this at a more affordable price and much closer to the number we had set-aside. So I am happy that we have arrived at the day that we are and hopefully budgets in the future past this next fiscal year will allow us to actually build a park and do something nice for our kids.”

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
June 09, 2020

ATTEST:

Maree Collins, CKMC, City Clerk _____

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MISCELLANEOUS: Update on *Henderson Employee Relief Fund* and General Discussion of COVID-19 Related Issues

JOEL HOPPER, Community Foundation of Henderson, reported on behalf of the *Henderson Employee Relief Fund* Steering Committee that to date 731 applications for assistance had been received with 23 refused, 13 pending and 695 funded for \$374,000.00. In addition \$65,000.00 has been awarded to not-for-profits to assist with revenue shortfalls and increased requests for assistance due to COVID-19. The original goal was to raise \$500,000.00; a total of \$625,000.00 has been raised to date. There are many that still haven't received unemployment yet, so it was determined to allow a second round of applications for further assistance. Henderson Community Outreach has done a wonderful job of vetting applicants for this and continues to be such a blessing for the continued success of this.

MAYOR AUSTIN expressed his appreciation for all those that are associated with this fund. He also reported that those agencies that received funds like the Salvation Army, their requests for meals more than doubled and all of the necessary procedures for COVID-19 increased expenses considerably. During the worst part of this situation requests for assistance for rent and utilities to Outreach and St. Vincent DePaul exploded. Those additional funds really made a difference to a lot of organizations and citizens of our community. Mayor Austin expressed appreciation for how quickly funds were raised and distributed throughout this situation. He thanked the entire group, the Steering Committee, all of the donors and our not-for-profit partners for their help in this, especially Henderson Community Outreach who is a jewel in this community.

COMMISSIONER BUGG asked if anyone had any advice for those that are still awaiting unemployment. She asked if there is something that we can do to assist.

Mr. Hopper indicated that they too had been struggling with how to handle that situation and if there was anything that could be done to assist those people. He indicated that there really isn't anything that can be done until the unemployment office gets caught up on the backlog.

Mr. Hopper expressed his appreciation to the Board of Commissioners along with all the 81 contributors to the fund, the not-for-profits and everyone else involved in this worthy program.

MUNICIPAL ORDER No. 27-20 WAS NOT READ FOR A VOTE.

MAYOR AUSTIN reported that if it is decided to stay with Travelers there is no need to do anything, the policy will automatically renew. If it is determined to go with Kentucky League of Cities Insurance Services they will need to be notified as soon as possible and the Memorandum of Understanding with the Trust would need to be approved and submitted prior to July 1, 2020. Mayor Austin asked if the Commission was ready to make a decision on this today.

DISCUSSION WAS HELD regarding whether or not to proceed or to wait and ask for further clarification and pricing for those items that were not covered under the initial proposal; the amount of risk involved and what kind of probability for multiple large claims to happen at once for a huge assessment; conscience to set-aside a portion of the savings to offset any future assessment; and how quickly the City/HWU/HMG could gather the needed information to submit to KLCIS for a revised quote on the additional coverages necessary.

It was determined to table this until further information and pricing could be obtained from KLCIS on the items that were not initially covered in their proposal.

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MISCELLANEOUS: Ordinance Review – Golf Carts on City Streets

DAWN KELSEY, City Attorney, reported that a couple of weeks ago the city received a request to adopt an ordinance allowing golf carts on city streets in subdivisions surrounding the golf course. She indicated that approximately four years ago the County reviewed this same issue and determined not to move forward. Mrs. Kelsey reviewed KRS 189.286 which regulates golf carts on streets detailing (KRS189.170) the definition of a golf cart; (KRS189.286) the required equipment, such as – headlamps, tail lamps, stop lamps, red reflectors, front and rear turn signals, a parking brake, seat belts for each passenger, and a horn; (KRS189.286(2)) that golf carts are only allowed on streets posted at 35 mph or less and cannot cross an intersection where the roadway being crossed has a posted speed in excess of 35 mph; listed Designated Streets in the Hills, Wolf Hills and Gray Stone subdivisions that meet the requirements; (KRS189.286) covering required inspections, \$5.00 inspection fees charged by the Sheriff’s office to provide those inspections, and the city would need to provide a sticker [Note: City cannot charge for the Golf Cart Stricker]; (KRS304.39-080) owner must provide proof of insurance; the operator must have a valid operator’s license; persons operating golf carts on public roadway are subject to all traffic regulations; the provision of this chapter shall not apply to a golf cart that is not used on a public roadway except to cross a roadway while following a golf cart path on a golf course; exemptions – a golf cart permitted by this subchapter is not considered to be a motor vehicle and is exempt from title requirement of KRS186.020, vehicle registration requirements of KRS186.050 and emissions compliance certificates pursuant to KRS224.20-720; and penalties – first offense, fine not less than \$100.00, not more than \$250.00, subsequent convictions shall be fined at not less than \$250.00 nor more than \$500.00.

DISCUSSION WAS HELD regarding why only those designated streets, why not include other neighborhoods within the city; the lack of enforcement in other neighborhoods in the city; HPD currently talks to parents when receive a report of a young person driving on the streets; that the people requesting this should be informed of the requirements that are necessary in order to have a Permitted golf cart on streets in Kentucky; that these requirements are the minimums and not something that we can pick and choose from; that is this issue what the city really wants to regulate at this time; that a change in culture might better suit us at this time than enacting all these regulations; that unlike some other communities, ours is not laid out for use of golf carts on streets; that our community has several state highways dividing it that cannot be crossed by golf carts; and that this will be tabled for right now and can be brought up at any time in the future.

APPOINTMENT: Board of Zoning Adjustment:
Mr. Marcos Nicholas – Term to Expire February 24, 2021

Motion by Commissioner Royster, seconded by Commissioner Staton, upon recommendation of Mayor Steve Austin, to appoint Mr. Marcos Nicholas to fill the unexpired term of Mr. Larry Holt on the Board of Zoning Adjustment. Said term to expire February 24, 2021.

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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INTRODUCTION OF NEW FINANCE ACCOUNTING MANAGER

ROBERT GUNTER, Finance Director, introduced the new Accounting Manager, Kathryn “Kat” Lea, to the Board and explained that it took some doing to find someone to fill the loss of John Stier.

KATHRYN “KAT” LEA, Accounting Manager, expressed that she is excited to be a part of this organization. She loves this area and this community. She reported that she has over 30 years of experience that varies between banking, mortgage accounting, construction accounting and federal government accounting with the Job Corp Program; is married with grown children and six grandbabies. She reported that she is pleased to be here and will do her best to answer any questions that may arise.

MAYOR AUSTIN and the Board members welcomed her to the city family.

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:
- Mayor Austin ----- Aye:

WITHOUT OBJECTION, Mayor Austin declared the Meeting adjourned at approximately 4:20 p.m.

ATTEST:

Steve Austin, Mayor
August 25, 2020

Maree Collins, CKMC
City Clerk