

CITY OF HENDERSON – RECORD BOOK

Record of Minutes of _____ A Regular _____ Meeting on _____ June 11, 2019

A meeting of the Board of Commissioners of the City of Henderson, Kentucky, was held on Tuesday, June 11, 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 Charles Cameron, Grace Point Baptist Church, followed by Miss Ava leading 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. Scott Foreman, Fire Chief
 Mrs. Donna Veazey, HFD Secretary
 Mr. Randall Jenkins, Fire Lieutenant, and Family
 Mr. Shane Onstott, Firefighter/Arson Investigator, and Family
 Mr. Heath Cox, Police Chief
 Mr. Mike Shockley, 9-1-1 Communications Supervisor
 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. Dylan Ward, Project Manager
 Mr. Tom Williams, Henderson Water Utility General Manager
 Mr. Peter Barbee
 Ms. Pat McKinney
 Ms. Joan Hoffman
 Ms. Jane Brown
 Mr. Jim Guess
 Ms. Jean Jenkins
 Ms. Nikki Christopher
 Ms. Jayme Fruit
 Mr. Michael Puckett, Human Rights Commission
 Ms. Ellie Coursey
 Ms. Mary Frances Kahn
 Ms. Phyllis Ward
 Miss Ava
 Reverend Charles Cameron, Grace Point Baptist Church
 Mr. Doug White, *the Gleaner*
 Eyewitness News & Local 7 News
 Mr. Mike Richardson, Reserve Police Officer

PROCLAMATION: “World Changers Week”

MAYOR AUSTIN explained that this group of approximately 175 youth volunteers comes into our community and spends a week helping neighbors with exterior work to homes by installing windows, doors, siding, roofing, decks, wheelchair ramps, and painting in all sorts of weather. He thanked the World Changer volunteers and their sponsors on behalf of the City

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Commission and the entire community for their support and participation in making such a positive change in our community.

TAMMY WILLETT-SPEAKS, Community Development Specialist, thanked the Commission for their support and invited everyone to the opening ceremony on Monday.

PRESENTATION: “20-Year Service Award”

MAYOR AUSTIN expressed appreciation to Firefighter/Arson Investigator Shane Onstott for his 20 years of service and dedication to the City of Henderson.

PRESENTATION: “45-Year Service Award”

MAYOR AUSTIN expressed appreciation to Lieutenant Randall Jenkins, Fire department, for his 45 years of service and dedication to the City of Henderson.

RANDALL JENKINS, Fire Lieutenant, indicated that it has been a long interesting ride to see the department evolve over the years and he is proud to say he works with a great bunch of guys.

APPROVAL OF CONSENT AGENDA:

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

Minutes: May 21, 2019, Called Work Session

Resolutions: 38-19: Resolution Accepting Proposal Between the Kentucky Transportation Cabinet, Department of Highways and the City of Henderson for the Watson Lane Reconstruction Project

39-19: Resolution Approving Change of Alleyway Connecting Letcher Street to Shelby Street from Two-way Traffic to One-way Traffic in a Southeasterly Direction

Orders: 31-19: Municipal Order Amending Municipal Order 29-19 Authorizing Emergency Purchase of a 2018 Seagrave Pumper Truck for the Fire Department from Fire & Safety Equipment of Shepherdsville, Kentucky in the Total Amount of \$556,448.00

32-19: Municipal Order Authorizing Deed of Easement Between Henderson Water and Sewer Commission of the City of Henderson D/B/A Henderson Water Utility (HWU) a Division of the City of Henderson and Custom Resins, Inc., and Authorizing Mayor to Execute Deed of Easement on Behalf of the City of Henderson

33-19: Municipal Order Awarding Bid for Mowing Along Canoe Creek to E.R. Trucking, Inc. of Hartford, Kentucky

34-19: Municipal Order Accepting First Amendment to Government Entity Tower License Agreement with Crown Castle South, LLC, the City of Henderson and the Henderson Fiscal Court to Allow Ice Shields to be Installed on the Equipment at the Kentucky Sugar Tree 801192 Site

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35-19: Municipal Order Awarding Bid for Purchase and Installation of a New Fence at the Henderson Police Department to Fence Pros, LLC of Corydon, Kentucky in the Amount of \$26,498.00, Plus an Additional \$300.00 for Ten (10) Key-fob Remotes

Motion by Commissioner Royster, seconded by Commissioner Vowels, 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
June 11, 2019

ATTEST:
Maree Collins, CKMC, City Clerk_____

ORDINANCE NO. 11-19: SECOND 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 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, affixed his signature and the date thereto and ordered that the same be recorded.

/s/ Steve Austin
Steve Austin, Mayor
June 11, 2019

ATTEST:
Maree Collins, CKMC, City Clerk_____

ORDINANCE NO. 12-19: SECOND 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 Vowels, that the ordinance be adopted.

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

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

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Mayor Austin ----- Nay:

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. 15-19: FIRST READ

ORDINANCE AMENDING EMPLOYEE MANUAL

ORDINANCE AMENDING SECTION 1, *EMPLOYMENT*, ARTICLE 18, *EQUAL OPPORTUNITY EMPLOYMENT* AND TO AMEND SECTION 3, *WORK RULES*, ARTICLE 312, *GRIEVANCE PROCEDURE FOR COMPLAINTS RELATING TO SUSPECTED OR ALLEGED DISCRIMINATION ON THE BASIS OF RACE, COLOR, CREED, SEX, AGE, DISABILITY, OR NATIONAL ORIGIN* OF THE CITY OF HENDERSON EMPLOYEE MANUAL

DAWN KELSEY, City Attorney, explained that a portion of this amendment includes procedures for complaints relating to suspected or alleged discrimination based on the previous ordinance and a portion relates to new Kentucky law that will take effect June 27th relating to protections against pregnancy and childbirth discrimination.

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. 16-19: FIRST READ

ORDINANCE AMENDING PAY PLAN

ORDINANCE APPROVING AMENDMENT TO PAY PLAN PROVIDING FOR ONE PERCENT (1%) INCREASE FOR EMPLOYEES EFFECTIVE JULY 1, 2019

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.

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ORDINANCE NO. 17-19: FIRST READ

ORDINANCE ADOPTING HENDERSON WATER UTILITY BUDGET BUDGET AND APPROPRIATION ORDINANCE FOR THE FISCAL YEAR COMMENCING JULY 1, 2019 AND ENDING JUNE 30, 2020 FOR HENDERSON WATER UTILITY OF THE CITY OF HENDERSON, KENTUCKY

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

TOM WILLIAMS, Henderson Water Utility General Manager, reported that even with the July 1st increase in fixed rates this is an austere budget that is expected to only be a breakeven 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:

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. 18-19: FIRST READ

ORDINANCE AMENDING CHAPTER 2-ADMINISTRATION AN ORDINANCE AMENDING CHAPTER 2, ADMINISTRATION, ARTICLE VII, PURCHASING, SALES AND CONTRACTS, SEC. 2-299, SMALL PURCHASE PROCEDURES OF THE CODE OF ORDINANCES OF THE CITY OF HENDERSON

DAWN KELSEY, City Attorney, reported that state legislature recently amended the model procurement small purchase standard from \$20,000.00 to \$30,000.00 and this ordinance will reflect a similar change allowing for the amount set by the state standard without stating a specific dollar amount.

MOTION by Commissioner Bugg, seconded by Commissioner Staton, 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.

RESOLUTION NO. 41-19

RESOLUTION AUTHORIZING QUITCLAIM DEED BETWEEN THE CITY OF HENDERSON AND HENDERSON COUNTY SCHOOL DISTRICT FINANCE CORPORATION, AND AUTHORIZING MAYOR TO EXECUTE QUITCLAIM DEED ON BEHALF OF THE CITY OF HENDERSON

WILLIAM L. “BUZZY” NEWMAN, JR., City Manager, reported that the Henderson School System is preparing to embark on the construction of a new Jefferson School replacement

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project and must own the property that improvements are built on in order to include them in the overall project. The City is deeding over existing right-of-way to the school system so they can proceed with the project.

DAWN KELSEY, City Attorney, explained that the City will retain the utility easements as well as the curb, gutter and sidewalk maintenance easements on the Consolidation Plat.

MOTION by Commissioner Staton, seconded by Commissioner Royster, to approve authorizing execution of a Quitclaim deed between the City and Henderson County School District Finance Corporation for City owned right-of-way located near the new Jefferson Elementary School Project for the purpose of construction of infrastructure improvements.

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 11, 2019

ATTEST:
Maree Collins, CKMC, City Clerk _____

RESOLUTION NO. 40-19

RESOLUTION TO CONTINUE A REDUCED WAIVER BENEFIT FOR EMPLOYEES WHO ELECT TO WAIVE CITY HEALTH INSURANCE COVERAGE ON THEMSELVES OR THEIR SPOUSES WITH THE WAIVER BENEFIT EXPIRING ON DECEMBER 31, 2022

MOTION by Commissioner Royster, seconded by Commissioner Vowels, to approve the continuation of the Employee Waiver Benefit at a rate reduced by \$500.00 per year through 2022 when it will be zero.

CONNIE GALLOWAY, Human Resource Director, indicated that the spousal waiver benefit will be reduced by \$500.00 per year for the next three years until exhausted as detailed in the Executive Summary of this fiscal year 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 resolution adopted, affixed his signature and the date thereto, and ordered that the same be recorded.

/s/ Steve Austin
Steve Austin, Mayor
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ATTEST:
Maree Collins, CKMC, City Clerk _____

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MUNICIPAL ORDER NO. 36-19

MUNICIPAL ORDER AUTHORIZING AWARD OF SALE OF SURPLUS PROPERTY LOCATED AT 1228 HELM STREET TO PETER BARBEE; AND AUTHORIZING THE MAYOR TO EXECUTE DOCUMENTS NECESSARY TO COMPLETE SALE

PETER BARBEE, indicated that he was so very thankful for the opportunity to be able to have traveled across the United States only to find the perfect building so close to home. He reported that he is looking forward to turning the property into a multi-purpose creative space to invite in the next generation of musicians and photographers with space open to the public as well as residential space.

MAYOR AUSTIN thanked Mr. Barbee for choosing Henderson as his home and wished him success in this endeavor.

MOTION by Commissioner Staton, seconded by Commissioner Bugg, to approve award of the sale of surplus property located at 1228 Helm Street to Perter Barbee.

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 11, 2019

ATTEST:

Maree Collins, CKMC, City Clerk _____

MUNICIPAL ORDER NO. 37-19

MUNICIPAL ORDER AWARDING BID FOR THE WATHEN LANE BRIDGE REPLACEMENT PROJECT TO HAZEX CONSTRUCTION COMPANY OF HENDERSON, KENTUCKY IN THE AMOUNT OF \$317,875.22

MOTION by Commissioner Staton, seconded by Commissioner Royster, to approve award of the bid for construction of the Wathen Lane Bridge Replacement Project to Hazex Construction Company of Henderson in the amount of \$317,875.22, in strict accordance with the bid as submitted pursuant to Bid Reference 19-10.

COMMISSIONER BUGG asked about the completion date of the bridge project and the time frame of the widening project?

WILLIAM L. "BUZZY" NEWMAN, JR., City Manager, reported that from the Notice to Proceed they have 120 days to complete the bridge project. He indicated that it is believed the road will only be closed for approximately two to three weeks, dependent on the weather, to tear out the bridge and put in the new one. Mr. Newman reported that the widening project is a different project with the Transportation Cabinet with design well under way on that project. He indicated that it is anticipated that right-of-way acquisition and utility relocation will be funded in the next Cabinet fiscal year budget; then around 2022 the Cabinet will fund construction for the widening project. He stated that the City will have a financial stake in each of these phases as they go forward.

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

/s/ Steve Austin
 Steve Austin, Mayor
 June 11, 2019

ATTEST:

Maree Collins, CKMC, City Clerk _____

MISCELLANEOUS: Ordinance Review – Article I, *In General*, of Chapter 17 *Parks and Recreation*, Section 17-2 *Possession of alcoholic beverages prohibited*

DAWN KELSEY, City Attorney, gave a brief overview of the proposed changes to Chapter 17 *Parks and Recreation*. Proposed changes include: Article I, Sec. 17-2 *Possession of alcoholic beverages prohibited* – to include the Henderson Depot, the Doc Hosbach Tennis Complex and the following streets: Water Street between the intersection of Second Street to south of the alley (north of 212 Water Street) that runs between Main Street and Water Street; First Street from the Sally port in the 100 block to Elm Street; Second Street between Water Street and Elm Street; and Main Street between Third Street and Washington Street; wherein a valid special event with alcohol permit has been issued and the person possessing alcoholic beverage(s) is in compliance with the special event with alcohol permit requirements. Other suggested changes – limit the event to one or two contiguous blocks; and institute a permit fee for either all special events or special events with alcohol.

Staff was instructed to proceed with writing an ordinance for the suggested areas to be included and setting the event limit of two contiguous blocks and to research and report on the findings of the permitting fees for a possible future amendment.

CITY MANAGER’S REPORT:

WILLIAM L. “BUZZY” NEWMAN, JR., City Manager, indicated that a letter from the Department of Local Government was included in the packets which speaks to the 2.9% maximum allowable salary increase for elected officials of legislative bodies. In anticipation a resolution to increase elected officials’ salaries has been prepared and included in the packets for review and discussion.

DISCUSSION WAS HELD regarding the message that would be sent if the Board of Commissioners took a salary increase while decreasing the number of positions and cutting budget line items. There was a unanimous consensus that the Commission would not entertain the resolution for salary increase this fiscal year.

CITY MANAGER’S REPORT:

WILLIAM L. “BUZZY” NEWMAN, JR., City Manager, indicated that he anticipates having Mr. Dylan Ward, Project Manager, give an update on the Bridges of Henderson Golf Course at the next regularly scheduled meeting.

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COMMISSIONER’S REPORT:

COMMISSIONER ROYSTER invited everyone to join the festivities at the 29th annual W. C. Handy festival beginning tomorrow and running through Saturday evening at Audubon Mill Park.

COMMISSIONER STATON requested that Police Chief Heath Cox give an update on the body cameras now that they have been in use for almost a year.

WILLIAM L. “BUZZY” NEWMAN, JR., City Manager, indicated that he and Chief Cox had been discussing a broader departmental overview presentation that would include the body camera systems that will be scheduled for an upcoming work session.

RE-APPOINTMENT: City-County Planning Commission:

Mr. Kevin Richard – Term to Expire June 01, 2023

Mr. Gray Hodge – Term to Expire June 01, 2023

Motion by Commissioner Royster, seconded by Commissioner Staton, upon recommendation of Mayor Steve Austin, to reappoint Mr. Kevin Richard and Mr. Gray Hodge to four year terms on the City-County Planning Commission. Said term to expire June 01, 2023.

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:

EXECUTIVE SESSION: Litigation, Real Property 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)(B) for discussion of the sale of real property and pursuant to KRS 61.810(1)(M) for discussion of a specific public record exempt from disclosure under KRS 61.878(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.

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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 reconvened the Board into regular session.

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 7:35 p.m.

ATTEST:

Steve Austin, Mayor
August 13, 2019

Maree Collins, CKMC
City Clerk