

CITY OF HENDERSON – RECORD BOOK

Record of Minutes of A Regular Meeting on July 10, 2018

A meeting of the Board of Commissioners of the City of Henderson, Kentucky, was held on Tuesday, July 10, 2018, at 5:30 p.m., prevailing time, 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 Robert N. Pruitt, Sr.
 Commissioner Bradley S. Staton
 Commissioner Austin P. Vowels

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
 Mr. Scott Foreman, Fire Chief
 Mr. Jason Hargitt, Interim Police Chief
 Ms. Wendy Sugg, HPD Administrative Assistant
 Mr. Ray Nix, Code Administrator
 Mr. Owen Reeves, Gas System Director
 Mr. Doug Boom, Engineer
 Mrs. Jennifer Latimer, Executive Assistant
 Mr. Brian Bishop, Handy Festival Committee
 Ms. Leslie Newman, Handy Festival Committee
 Mr. Clem Brown
 Mr. Jim Gibson
 Mr. Robert Alles
 Ms. Sally Finley
 Ms. Susan Gray
 Ms. Kim Denton
 Ms. Amber Potts
 Ms. Cassy Gilliam
 Ms. Suzy McCormack
 Reverend Mary Wrye, Methodist Hospital Chaplain
 Mr. Mike Richardson, Reserve Police Officer
 Mr. Doug White, *the Gleaner*

PROCLAMATION: “W. C. Handy Blues & BBQ Festival”

MAYOR AUSTIN thanked representatives from of the W. C. Handy Blues & BBQ Festival Committee and members of the Henderson Music Preservation Society Incorporated and all of the many volunteers for their continued support over the years for this event.

LESLIE NEWMAN, Henderson Music Preservation Society Member, thanked the Mayor on behalf of the Committee and all the volunteers for this recognition and the support from the City for the Festival.

CITY OF HENDERSON – RECORD BOOK

Record of Minutes of A Regular *Meeting on* July 10, 2018

ORDINANCE NO. 21-18: FIRST READ
 ORDINANCE ACCEPTING PUBLIC IMPROVEMENTS
 AN ORDINANCE ACCEPTING PUBLIC IMPROVEMENTS FOR PROPERTY
 LOCATED IN MERRILL PLACE COMMERCIAL SUBDIVISION

MAYOR AUSTIN indicated that the Planning Commission has reviewed this item and took official action at a previous meeting.

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

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

Commissioner Bugg ----- Aye:
 Commissioner Vowels ----- Aye:
 Commissioner Staton ----- Aye:
 Commissioner Pruitt ----- 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. 38-18:

RESOLUTION OF THE CITY OF HENDERSON, KENTUCKY AUTHORIZING THE EXECUTION OF A GAS SUPPLY CONTRACT WITH THE PUBLIC ENERGY AUTHORITY OF KENTUCKY (PEAK) FOR THE PURCHASE OF NATURAL GAS FROM PEAK; ACKNOWLEDGING THAT PEAK WILL ISSUE ITS GAS SUPPLY REVENUE BONDS TO FUND PURCHASE OF A SUPPLY OF NATURAL GAS FROM BP ENERGY COMPANY; WHICH GAS WILL BE USED TO MAKE DELIVERIES UNDER THE CONTRACT, AND FOR OTHER PURPOSES; AND AUTHORIZING MAYOR TO EXECUTE THE CONTRACT AND NECESSARY CLOSING DOCUMENTS

OWEN REEVES, Gas System Director, reported BP is performing a 30 year pre-paid deal similar to one that was completed recently with Morgan Stanley. This deal will allow the City to receive 2,000 units during summer months and 2,500 units during winter months, which is roughly 25% of our load, commencing November 1, 2018 and ending March 31, 2024. There will be a six cent discount provided by BP and an additional five cent discount for Henderson and Carrollton as founding members of PEAK. He stated that this is a very good short term deal that will benefit our customers delivering natural gas for 11¢ under index.

MAYOR AUSTIN indicated that these things are very complex and that we are fortunate to be involved with PEAK that has really outstanding management that understands the ins-and-outs of these large money national deals that we benefit from. He stated that he appreciates Owen's work on that Board and with our gas department to help us save money for our customers and give them the best possible gas prices that are out there.

MOTION by Commissioner Staton, seconded by Commissioner Vowels, to adopt the resolution authorizing the execution of a Gas Supply Contract with Public Energy Authority of Kentucky for the purchase of natural gas for the short term of five years and five months with a six cent discount and an additional five cent discount from PEAK; acknowledging that PEAK will issue Gas Supply Revenue Bonds to fund the purchase of a supply of natural gas from BP Energy Company, and for other purposes; and authorizing the Mayor to execute the contract and necessary closing documents on behalf of the City.

CITY OF HENDERSON – RECORD BOOK

Record of Minutes of A Regular Meeting on July 10, 2018

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

- Commissioner Bugg ----- Aye:
Commissioner Vowels ----- Aye:
Commissioner Staton ----- Aye:
Commissioner Pruitt ----- 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
July 10, 2018

ATTEST:
Maree Collins, City Clerk

MUNICIPAL ORDER NO. 37-18:
MUNICIPAL ORDER ACCEPTING AGREEMENT BETWEEN HENDERSON
MUNICIPAL GAS AND HYDRO ALUMINUM FOR RELOCATION OF GAS REGULATOR
AND METER

OWEN REEVES, Gas System Director, reported that this agreement is similar to one that was presented by City Attorney Dawn Kelsey at a previous meeting. The Agreement allows for the relocation of gas regulator and meter from inside the property to outside in a more desired location. He indicated that he would be remiss if he did not mention the great job that our crews have done, working through the monsoon and then the heat to accommodate these major projects.

MOTION by Commissioner Bugg, seconded by Commissioner Vowels, to approve the municipal order accepting the Agreement between Henderson Municipal Gas and Hydro Aluminum for the relocation of gas regulator and meter equipment.

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

- Commissioner Bugg ----- Aye:
Commissioner Vowels ----- Aye:
Commissioner Staton ----- Aye:
Commissioner Pruitt ----- 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
July 10, 2018

ATTEST:
Maree Collins, City Clerk

MUNICIPAL ORDER NO. 38-18:
MUNICIPAL ORDER APPROVING CHANGE ORDER #1 TO THE
CONSTRUCTION CONTRACT BETWEEN THE CITY OF HENDERSON KNIGHT
CONSTRUCTION AND EXCAVATING INC. REGARDING THE SAND LANE SIDEWALK
IMPROVEMENT PROJECT IN THE AMOUNT OF \$60,279.13

DOUG BOOM, Engineer, reported that this is an extension of 455 feet of sidewalk from South Green Street along Sand Lane to complete this project that began in 2008 under the Safe Routes to School.

CITY OF HENDERSON – RECORD BOOK

Record of Minutes of A Regular Meeting on July 10, 2018

MOTION by Commissioner Staton, seconded by Commissioner Pruitt, to adopt the municipal order approving Change Order #1 to the Construction Contract between the City and Knights Construction in the amount of \$60,279.13 to extend the sidewalk an additional 455 feet to complete the Sand Lane Sidewalk Project. Construction Funds as well as CDBG funds will be utilized to complete this project.

COMMISSIONER PRUITT expressed excitement at the thought of finally having a sidewalk along Sand Lane for people to walk all the way to the school and the grocery.

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

Commissioner Bugg ----- Aye:
 Commissioner Vowels ----- Aye:
 Commissioner Staton ----- Aye:
 Commissioner Pruitt ----- 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
 July 10, 2018

ATTEST:

Maree Collins, City Clerk _____

CITY MANAGER’S REPORT:

WILLIAM L. “BUZZY” NEWMAN, JR., City Manager, reported that the Evansville Metropolitan Planning Organization will take action to add a project that State Representative Robby Mills assisted in getting funded, into the Transportation Improvements Projects list at next week’s meeting. The project includes widening of Watson Lane from US 41N to Green River Road and a new entrance for Audubon State Park. Once the project has been included in the TIP, it will become a KYTC project with funds available in this fiscal year for the design phase. KYTC will hire a design firm to begin working on the project and next year there is funding in place for the Right-of-Way Phase. The third and fourth years will be Utilities and Construction; however, at this time we are not sure on the funding. It might be possible for us to help fund this project with our Statewide Transportation Improvement Program (STIP) SHN funds.

WILLIAM L. “BUZZY” NEWMAN, JR., City Manager, requested approval of his recommendation for an Advisory Committee and a timeline for the Police Chief Hiring Process.

MAYOR AUSTIN indicated that he had determined that Mayor Pro-tem Brad Staton and Commissioner Robert Pruitt would service as the Board of Commissioners’ representatives on the Advisory Committee. He reminded everyone that the City Manager will bring his recommendation to the Board for approval or denial. If denied, the City Manager would then bring forth another recommendation.

COMMISSIONERS’ REPORT:

COMMISSIONER PRUITT expressed his concern regarding the hospital’s merger and the lack of details being disseminated to the citizens relating to the future of their healthcare in our community.

CITY OF HENDERSON – RECORD BOOK

Record of Minutes of A Regular *Meeting on* July 10, 2018

MAYOR AUSTIN reported that City Manager Buzzy Newman will replace former City Manager Russell Sights as the City's representative with the Evansville MPO and will be attending his first meeting in that capacity in the near future.

BOARD/COMMISSION APPOINTMENT: Henderson- Henderson County Human Rights Commission:

Mr. Tim Ferguson – Term to Expire June 30, 2021; and
Ms. Barbara Hester – Term to Expire June 30, 2021

Motion by Commissioner Staton, seconded by Commissioner Pruitt, upon recommendation of Mayor Steve Austin, to appoint Mr. Tim Ferguson and Ms. Barbara Hester to terms of three years on the Henderson-Henderson County Human Rights Commission. Said term to expire June 30, 2021.

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

Commissioner Bugg ----- Aye:
Commissioner Vowels ----- Aye:
Commissioner Staton ----- Aye:
Commissioner Pruitt ----- Aye:
Mayor Austin ----- Aye:

EXECUTIVE SESSION: Purchase and/or Sale Real Property and Pending Litigation

MOTION by Commissioner Bugg, seconded by Commissioner Staton, to go into Executive Session pursuant to KRS 61.810 (1) (b) for the purpose of deliberation on the possible future purchase of real estate located in the vicinity of HWY 60 and Wathen Lane, for the purchase of property located in the vicinity of North Adams Street and Kimsey Lane, and for the purchase of property located in the vicinity of Second Street and Franklin Avenue, in that publicity would likely affect the value of the property to be acquired for public use. Also, pursuant to KRS 61.810 (1) (b) for the purpose of future sale of property located on Second Street in that publicity would likely affect the value of the property to be sold for public use. Further, pursuant to KRS 61.810 (1) (c) for the purpose of discussion of pending litigation against the City.

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

Commissioner Bugg ----- Aye:
Commissioner Vowels ----- Aye:
Commissioner Staton ----- Aye:
Commissioner Pruitt ----- Aye:
Mayor Austin ----- Aye:

WHEREUPON, Mayor Austin declared the Board adjourned into Executive Session.

CITY OF HENDERSON – RECORD BOOK

Record of Minutes of _____ *A Regular* _____ *Meeting on* _____ *July 10, 2018* _____

MEETING RECONVENED:

MOTION by Commissioner Pruitt, seconded by Commissioner Bugg, the Board of Commissioners reconvened in regular session.

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

- Commissioner Bugg ----- Aye:
- Commissioner Vowels ----- Aye:
- Commissioner Staton ----- Aye:
- Commissioner Pruitt ----- Aye:
- Mayor Austin ----- Aye:

WHEREUPON, Mayor Austin reconvened the Board into regular session.

MEETING ADJOURN:

MOTION by Commissioner Pruitt, seconded by Commissioner Staton, to adjourn the meeting.

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

- Commissioner Bugg ----- Aye:
- Commissioner Vowels ----- Aye:
- Commissioner Staton ----- Aye:
- Commissioner Pruitt ----- Aye:
- Mayor Austin ----- Aye:

WITHOUT OBJECTION, Mayor Austin declared the Meeting adjourned at approximately 7:40 p.m.

ATTEST:

Steve Austin, Mayor
July 24, 2018

Maree Collins, City Clerk