

CITY OF HENDERSON – RECORD BOOK

Record of Minutes of A Special Called *Meeting on* July 14, 2020

A special called meeting of the Board of Commissioners of the City of Henderson, Kentucky, was held on Tuesday, July 14, 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, limited public attendance was 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
 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
 Mr. Trace Stevens, Parks, Recreation & Cemeteries Director
 Mr. Brian Williams, Public Works Director
 Mr. Sam Lingerfelt, Sanitation Superintendent
 Mrs. Connie Galloway, Human Resources Director (via Zoom video)
 Mr. Greg Nunn, IT Director
 Mr. Cory Fischbeck, IT Applications Programming Manager
 Mr. David Wright, IT Network Administrator II
 Mr. Victor Carson, IT Network Administrator
 Mr. Rodney Oliver, Equipment Operator
 Mr. Kevin Patton, *the Gleaner* (via Zoom video)

PRESENTATION: “20-Year Service Award”

MAYOR AUSTIN expressed appreciation to Parks, Recreation & Cemeteries Equipment Operator Rodney Oliver for his 20 years of service and dedication to the City of Henderson.

RODNEY OLIVER, Equipment Operator, thanked everyone for allowing him to be here all these many years.

APPROVAL OF CONSENT AGENDA:

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

Minutes: April 14, 2020, Called Meeting
 April 28, 2020, Called Meeting
 May 12, 2020, Called Meeting
 May 19, 2020, Called Meeting
 May 19, 2020, Called Work Session

Resolutions: 26-20: Resolution Approving Agreement with the Henderson City-County Airport Board Allocating \$218,100.00 for Airport Services and Authorizing Mayor to Execute Agreement

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27-20: Resolution Approving Agreement with the Downtown Henderson Partnership Allocating \$46,000.00 for Services in Support of Downtown Henderson and Authorizing Mayor to Execute Agreement

28-20: Resolution Approving Agreement with Henderson Economic Development Allocating \$60,000.00 for Economic Development Services and Authorizing Mayor to Execute Agreement

29-20: Resolution Approving Agreement with the Humane Society of Henderson County, Inc. Allocating \$121,000.00 for Animal Control and Shelter Services; and the Mayor is Authorized to Execute Agreement on Behalf of City

30-20: Resolution Approving Community Development Block Grant Subrecipient Agreement with the Father Bradley Shelter for Women and Children, Inc. (SWC)

31-20: Resolution Authorizing Funding for Henderson-Henderson County Planning Commission and Geographic Information System (GIS) in the Amount of \$363,000.00

32-20: Resolution Authorizing Funding for Henderson City-County Human Rights Commission in the Amount of \$35,000.00

33-20: Resolution Increasing Salary of City Manager by One Percent (1%) Effective as of July 1, 2020

MOTION by Commissioner Staton, 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 Bugg ----- Aye:
- Commissioner Royster -- Aye:
- Commissioner Staton ---- Aye:
- Commissioner Vowels --- Aye:
- Mayor Austin ----- Aye:

WHEREUPON, Mayor Austin declared the consent agenda items approved.

/s/ Steve Austin
Steve Austin, Mayor
July 14, 2020

ATTEST:
Maree Collins, CKMC, City Clerk _____

ORDINANCE NO. 15-20:
ORDINANCE AMENDING CODE OF ORDINANCES REGARDING RENTAL RATES FOR ATKINSON CLUBHOUSE

AN ORDINANCE AMENDING CHAPTER 17, *PARKS AND RECREATION*, ARTICLE I, *IN GENERAL*, SECTION 17-5 *RENTAL RATES FOR LOUIS WILLIAM DENTON SHELTER* OF THE CODE OF ORDINANCES OF THE CITY OF HENDERSON BY ADDING THE ATKINSON CLUBHOUSE RENTAL RATES

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

TRACE STEVENS, Parks Recreation and Cemeteries Director, explained that this facility had been sitting idle since the closing of Municipal Golf Course and that the Denton Shelter was reserved 90 out of 110 weekend days last year, so the former Clubhouse has been renovated to be used as a second rental facility - staff painted, reconfigured some shelving, storage and storage drawers; restroom improvements for ADA compliance; and new flooring was

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installed. He reported that it is expected to be able to accommodate 40 persons seated (without COVID-19 social distancing), but the Fire department will need to inspect and give the exact occupancy numbers.

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

- Commissioner Bugg ----- Aye:
- Commissioner Royster -- Aye:
- Commissioner Staton ---- Aye:
- Commissioner Vowels --- 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. 34-20:

RESOLUTION SETTING FEES AND RENTAL RATES FOR ATKINSON CLUBHOUSE PREVIOUSLY KNOWN AS THE MUNICIPAL GOLF COURSE; AS AUTHORIZED BY CHAPTER 17 OF THE CODE OF ORDINANCES OF THE CITY OF HENDERSON, KENTUCKY

MOTION by Commissioner Staton, seconded by Commissioner Royster, authorizing setting the fees and rental rates for Atkinson Clubhouse.

TRACE STEVENS, Parks Recreation and Cemeteries Director, explained that the rate was set to exactly match that of the Denton Shelter.

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

- Commissioner Bugg ----- Aye:
- Commissioner Royster -- Aye:
- Commissioner Staton ---- Aye:
- Commissioner Vowels --- 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 14, 2020

ATTEST:
Maree Collins, CKMC, City Clerk_____

RESOLUTION NO. 35-20:

RESOLUTION AMENDING RESOLUTION 52-2001 AUTHORIZING SIGNATURES ON CITY CHECKS BY ADDING ASSISTANT FINANCE DIRECTOR AS HAVING AUTHORITY TO EXECUTE CITY CHECKS AND DRAFTS

MOTION by Commissioner Staton, seconded by Commissioner Royster, amending designated authorized bank signatories.

ROBERT GUNTER, Finance Director, explained that over time the online banking duties have migrated to the Assistant Finance Director and the bank requested that the person handling the online banking be added to the authorized signatory list for security purposes.

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

- Commissioner Bugg ----- Aye:
- Commissioner Royster -- Aye:
- Commissioner Staton ---- Aye:

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Commissioner Vowels --- 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 14, 2020

ATTEST:
Maree Collins, CKMC, City Clerk _____

MUNICIPAL ORDER NO. 28-20:

MUNICIPAL ORDER DECLARING REAL PROPERTY LOCATED AT 1415 HELM STREET AND 1438 HELM STREET SURPLUS REAL PROPERTY; AND AUTHORIZING THEY BE SOLD BY SEALED BIDS BY THE CITY PURSUANT TO KRS 82.083

MOTION by Commissioner Staton, seconded by Commissioner Bugg, to declare real properties located at 1415 Helm Street and 1438 Helm Street as surplus and authorize that they be sold by sealed bids.

DAWN KELSEY, City Attorney, explained that one of the properties was given to the City several years ago by an heir that no longer wanted to be responsible for the property and the other was purchased by the City at a Master Commissioner's sale as part of a previous mass foreclosure. The City has no plans for the use of either of the properties and deems it best to dispose of them and not accumulate further costs for mowing and maintenance.

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

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

WHEREUPON, Mayor Austin declared the municipal order approved, affixed his signature and the date thereto, and ordered that the same be recorded.

/s/ Steve Austin
Steve Austin, Mayor
July 14, 2020

ATTEST:
Maree Collins, CKMC, City Clerk _____

MUNICIPAL ORDER NO. 29-20:

MUNICIPAL ORDER AUTHORIZING PURCHASE OF A 16-YARD SANITATION TRUCK WITH CART TIPPER FROM MUNICIPAL EQUIPMENT INC. OF LOUISVILLE, KENTUCKY, AT THE STATE PRICE CONTRACT IN THE AMOUNT OF \$149,717.00

BRIAN WILLIAMS, Public Works Director, explained that this vehicle purchase was approved in the FY20 budget but was moved to this fiscal year's budget. In doing so the State Price Contract has a heavier duty truck with tipper at a better price than was budgeted for a truck similar to what we have purchased in the past. The cart tipper will allow a 96 gallon tote to be picked up and dumped without the guys having to lift it. This will be our first test at moving into the future of sanitation collection and possibly retrofitting tippers onto other vehicles in our fleet.

MOTION by Commissioner Staton, seconded by Commissioner Vowels, to approve the municipal order approving the purchase of a 16-yard sanitation truck with cart tipper at the Kentucky State Price Contract price of \$149,717.00.

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

Commissioner Bugg ----- Aye:
Commissioner Royster -- Aye:

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

WHEREUPON, Mayor Austin declared the municipal order approved, affixed his signature and the date thereto, and ordered that the same be recorded.

/s/ Steve Austin
Steve Austin, Mayor
July 14, 2020

ATTEST:

Maree Collins, CKMC, City Clerk _____

REPORTS: Ordinance Review Relating to Animal Cafés

DAWN KELSEY, City Attorney, reported that a few weeks ago the City received an inquiry relating to zoning for an animal café. Staff reviewed and discussed if there were any current zoning regulations that would allow an animal café-finding none, staff began researching and reviewing regulations relating to animal cafés and are presenting those findings. Any changes to our zoning regulations must be first forwarded to the Planning Commission. First, what is the definition of animal café – a partnership between a local animal shelter and a retail café to provide space to showcase cats or rabbits owned by the entities for the purpose of adoption. Dogs are not included in the definition because they require different situations/locations due to needing to be taken out and noise when kenneled for the night. Staff reviewed the possibilities and is recommending that animal cafés be permitted as a conditional use in the Central Business District, Highway Commercial, Riverfront 2-Light Commercial, Gateway Zone District and the Innovative Planning District. The Conditional Use Permit will allow conditions based upon various locations, neighbors, etc.

MOTION by Commissioner Royster, seconded by Commissioner Vowels, to accept the recommendation of staff and forward a request to the Planning Commission to conduct a public hearing on the zoning ordinance relating to animal cafés.

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

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

WHEREUPON, Mayor Austin declared the motion approved.

CITY MANAGER’S REPORT:

WILLIAM L. “BUZZY” NEWMAN, Jr., City Manager, reported that there were only two items needing attention for the second meeting in July; however, there is need for discussion on employee health insurance benefit and the employee manual relating to civil service. Mr. Newman asked if it was acceptable to push the health insurance discussion until August and conduct both a meeting and work session on July 28th to cover necessary business and discussion of civil service. He then asked if there was objection to continuing the meetings at the current time via Zoom with limited in-person attendance.

COMMISSIONER VOWELS asked how it would be handled if someone makes a request to participate in the meeting.

MAREE COLLINS, City Clerk, responded that persons requesting to present or participate in the meetings have been given the option to participate as a Zoom panelist or to attend in-person keeping in mind the limitations for social distancing. Also, Donna Stinnett, Community Relations Manager/Public Information Officer, monitors the Zoom meeting attendees if someone were to ask a questions or make comments.

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MAYOR AUSTIN asked if it was the desire of the Commissioners to conduct the July 28th meeting at 3:00 p.m. or at 5:30 p.m. Consensus was to continue with the 3:00 p.m. start time.

APPOINTMENT: Henderson City/County Human Rights Commission:
Ms. Elizabeth Ahmadi – Term to Expire September 17, 2021; and
Mr. Timothy Miller – Term to Expire September 17, 2020;

Motion by Commissioner Staton, seconded by Commissioner Vowels, upon recommendation of Mayor Steve Austin, to appoint Ms. Elizabeth Ahmadi and Mr. Timothy Miller to fill the unexpired terms of Ms. Suzanne “Tootie” Cravens and Mr. Lawrence Thomas, respectively, on the Henderson City/County Human Rights Commission. Said terms to expire September 17, 2021 and September 17, 2020, respectively.

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

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

APPOINTMENT: Tax Assessment Appeals Board:
Mr. Kevin Herron – Term to Expire May 21, 2023;

Motion by Commissioner Staton, seconded by Commissioner Royster, upon recommendation of Mayor Steve Austin, to appoint Mr. Kevin Herron to a three year term on the Tax Assessment Appeals Board. Said term to expire May 21, 2023.

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

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

APPOINTMENT: Ethics Board:
Mr. Ryan Nunn – Term to Expire February 14, 2022

Motion by Commissioner Bugg, seconded by Commissioner Staton, upon recommendation of Mayor Steve Austin, to appoint Mr. Ryan Nunn on the Ethics Board. Said term to expire February 14, 2022.

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

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

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MEETING ADJOURN:

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

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

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

WITHOUT OBJECTION, Mayor Austin declared the Meeting adjourned at approximately 3:35 p.m.

ATTEST:

Steve Austin, Mayor
September 8, 2020

Maree Collins, CKMC
City Clerk