

CITY OF HENDERSON – RECORD BOOK

Record of Minutes of A Special Called Meeting on July 28, 2020

A special called meeting of the Board of Commissioners of the City of Henderson, Kentucky, was held on Tuesday, July 28, 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
 Commissioner X R. Royster, III
 Commissioner Bradley S. Staton (via Zoom video panelist)
 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 (via Zoom)
 Mr. Trace Stevens, Parks, Recreation & Cemeteries Director
 Mr. Owen Reeves, Gas System Director
 Mrs. Connie Galloway, Human Resources Director
 Ms. Karla Beckgerd, Human Resources Specialist
 Mr. David Wright, IT Network Administrator II
 Mr. Victor Carson, IT Network Administrator
 Mr. Tom Williams, HWU General Manager
 Mr. Chris Heimgartner, HMPL General Manager (via Zoom video panelist)
 Mr. Randall Redding, HMPL Attorney (via Zoom video panelist)
 Ms. Sharon Wright Farmer, Attorney (via Zoom video panelist)
 Mr. Kevin Patton, *the Gleaner* (via Zoom)

ORDINANCE NO. 15-20: SECOND READ

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

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

/s/ Steve Austin

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Steve Austin, Mayor
July 28, 2020

ATTEST:
Maree Collins, CKMC, City Clerk_____

OWEN REEVES, Gas System Director, explained that a grant was received for this joint City-County economic development project. Eleven firms were contacted for bid with six returning bids for the extension of HMG natural gas lines. ElectriCom is the low bidder meeting all specifications and has done other work for the City on the Ohio Drive project.

MUNICIPAL ORDER NO. 30-20:

MUNICIPAL ORDER AWARDING BID FOR KENTUCKY 425 BYPASS SYSTEM EXPANSION THROUGH KENTUCKY PRODUCT DEVELOPMENT INITIATIVE GRANT FOR NATURAL GAS SERVICE EXTENSION TO ELECTRICOM, LLC OF PAOLI, INDIANA IN THE AMOUNT OF \$270,080.00

MOTION by Commissioner Bugg, seconded by Commissioner Royster, authorizing award of a bid for natural gas line extension for the Kentucky 425 Bypass Project to ElectriCom, LLC, Paoli, Indiana in the amount of \$270,080.00, in strict accordance with their bid as submitted pursuant to Bid reference 20-16.

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 28, 2020

ATTEST:
Maree Collins, CKMC, City Clerk_____

RE-APPOINTMENT: Code Enforcement Board:
Mr. Alan Taylor – Term to Expire June 30, 2020

Motion by Commissioner Royster, seconded by Commissioner Vowels, upon recommendation of Mayor Steve Austin, to re-appoint Mr. Alan Taylor to a three year term on the Code Enforcement Board. Said term to expire June 30, 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: Tax Assessment Appeals Board:
Mr. Carter Wilkerson – Term to Expire May 21, 2023;

Motion by Commissioner Bugg, seconded by Commissioner Vowels, upon recommendation of Mayor Steve Austin, to appoint Mr. Carter Wilkerson to fill the unexpired term of Kevin Herron on the Tax Assessment Appeals Board. Said term to expire May 21, 2023.

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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:

MISCELLANEOUS: Website Update to Include Online Public Meeting Information

MAYOR AUSTIN asked the City Clerk and the Community Relations Manager/Public Information Officer to present information on how citizens can use the City's website to engage staff and the Board of Commissioners.

MAREE COLLINS, City Clerk, reported that by happenstance she ran across the website of a community in Illinois that had placed this large bold Online Public Meetings participation information on their website homepage to assist citizen participation in public meetings during this pandemic. She explained that it was timely because Commissioners Vowels and Staton had each commented at previous meetings about the public being able to participate and engage during meetings. The website was brought to the attention of the city manager and then the IT department started on the design, gathered the required information and contacts and by early afternoon the page had been added live on the City's website.

The page includes shortcuts to the City's video channel to watch meetings; to the City's meeting calendar to see the dates of upcoming Commission and other Board meetings; and a link to request to address a specific issue at a meeting. Staff receives an automatic notice when someone signs up in case more information is needed or if the issue is time sensitive and if it needs immediate attention staff can address the issue prior to an upcoming meeting. IT would then add the requestor to the meeting participants to be sent a Zoom meeting invite email. For those not familiar with Zoom, there are shortcuts for the free downloads for whatever platform they may be using. If preferred, arrangements can also be made for the person to attend in-person with social distancing precautions.

The addition of this information on the city's website home page reminds everyone that city business continues even during a pandemic and this provides a safe way for our citizens to participate in the process.

DONNA STINNETT, Community Relations Manager/Public Information Officer, indicated that this sets us up very well for citizens to contact us with any issues or concerns they may have. It seems we may be conducting meetings this way for some time to come and this is another tool that is really easy to use and very eye catching on the website for citizens to use.

MAYOR AUSTIN and the COMMISSIONERS thanked staff for finding and implementing this so quickly for our citizens.

SUSPENSION OF MEETING TO CONDUCT WORK SESSION:

MAYOR AUSTIN declared the meeting suspended at approximately 3:15 p.m. in order to conduct a special called work session.

MEETING RECONVENED:

MAYOR AUSTIN reconvened the Board into regular session at approximately 4:35 p.m.

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EXECUTIVE SESSION: Litigation

MOTION by Commissioner Staton, seconded by Commissioner Royster, 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 pending litigation against the City.

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

WHEREUPON, Mayor Austin reconvened the Board into regular session.

RESOLUTION NO. 36-20:

RESOLUTION AUTHORIZING HENDERSON UTILITY COMMISSION GENERAL MANAGER CHRIS HEIMGARTNER TO TAKE ANY AND ALL ACTION NECESSARY, INCLUDING THE FILING OF A DECLARATORY JUDGMENT ACTION, TO PROTECT THE INTERESTS OF THE CITY OF HENDERSON AND HENDERSON UTILITY COMMISSION D/B/A HMP&L IN THE INTERPRETATION OF THE CONTRACT BETWEEN THE CITY AND BIG RIVERS AND BETWEEN HMP&L AND BIG RIVERS TITLED "SETTLEMENT AGREEMENT & RELEASE" EXECUTED DECEMBER 15, 2017

MOTION by Commissioner Royster, seconded by Commissioner Staton, authorizing Henderson Utility Commission General Manager Chris Heimgartner to take any and all action necessary, including the filing of a Declaratory Judgment Action, to protect the interests of the City and HMPL in the interpretation of the Settlement Agreement & Release executed December 2017.

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 28, 2020

ATTEST:
Maree Collins, CKMC, City Clerk _____

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MEETING ADJOURN:

MOTION by Commissioner Bugg, 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 4:45 p.m.

ATTEST:

Steve Austin, Mayor
September 8, 2020

Maree Collins, CKMC
City Clerk