

# CITY OF HENDERSON – RECORD BOOK

Record of Minutes of \_\_\_\_\_ A Regular \_\_\_\_\_ Meeting on \_\_\_\_\_ August 13, 2019

A meeting of the Board of Commissioners of the City of Henderson, Kentucky, was held on Tuesday, August 13, 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 Father Larry McBride, Holy Name of Jesus Catholic Church, followed by 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  
 Mrs. Dawn Kelsey, City Attorney  
 Ms. Maree Collins, City Clerk  
 Mrs. Donna Stinnett, Community Relations Manager/Public Information Officer  
 Mr. Heath Cox, Police Chief  
 Mr. Sean L. McKinney, Deputy Police Chief  
 Ms. Janna Gatten, Police Officer  
 Mr. Briscoe Edwards, Police Major  
 Mr. Daniel Lehman, Police Lieutenant & Family  
 Ms. Wendy Sugg, Police Administrative Secretary  
 Mr. Trace Stevens, Parks, Recreation & Cemeteries Director  
 Mr. Ray Nix, Code Administrator  
 Mr. Robert Gunter, Finance Director  
 Ms. Dawn Winn, Assistant Finance Director  
 Ms. Betty Smithhart, Office Assistant  
 Ms. Diane Shoemaker, Account Technician  
 Ms. Kelley VanBussum, Utility Billing Supervisor  
 Mr. Bradley Van Bussum  
 Ms. Susan Bryant , Revenue Supervisor  
 Mr. Dylan Ward, Project Manager  
 Mr. Scott Foreman, Fire Chief  
 Mrs. Theresa Richey, Administrative Liaison  
 Mr. Tom Williams, HWU General Manager  
 Mr. & Mrs. Kanipe  
 Ms. Angela Hagedorn  
 Ms. Desire’ Smith  
 Mr. Chad Lacer  
 Mr. Doug White, *the Gleaner*  
 Mr. Mike Richardson, Reserve Police Officer

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PRESENTATION: “20-Year Service Award-Kelley VanBussum”

MAYOR AUSTIN expressed appreciation to Utility Billing Supervisor Kelley VanBussum for her 20 years of service and dedication to the City of Henderson.

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PRESENTATION: “20-Year Service Award-Janna Gatten”

MAYOR AUSTIN expressed appreciation to Police Officer Janna Gatten for her 20 years of service and dedication to the City of Henderson.

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PRESENTATION: “Cross Country Track Group Request Use of Municipal Golf Course Property”

DESIRE’ SMITH, made a brief presentation relating to the possible use of Municipal Golf Course property as a place for the cross country track participants to utilize for practice as well as meets.

DISCUSSION WAS HELD regarding questions on the number of participants; the number and times of practice; the types of courses that would be laid out; the number of meets; spectator parking; use of the golf course clubhouse restrooms; the need for port-a-johns; and liability insurance on participants.

MAYOR AUSTIN thanked Ms. Smith for the presentation and asked that she meet with the City Manager and the Parks and Recreation Director to review options for the upcoming season.

PRESENTATION: “Countryview Subdivision Update”

TOM WILLIAMS, Henderson Water Utility General Manager, gave a brief update on the next section of the Project which includes portions of Sutton Drive, Brenda Drive and Peggy Drive as well as some work outside of the subdivision to move water away from the subdivision. He indicated that design work is being completed on more than what can be done in this next phase in order to have everything in place when funds become available. The City and HWU earmark \$200,000.00 per year each for the overall project, which is then allowed to accumulate until enough funds to complete a section are available.

DYLAN WARD, Project Manager, indicated that paving on the completed section is scheduled for the end of this month. The milling contractor will go in and mill and then the paving contractor will follow within a day or two.

DISCUSSION WAS HELD relating to other streets in disrepair in the subdivision that need work-temporary repairs/patching are being made, however more extensive paving will be completed after HWU completes their work in those areas; and that the next phase should be started in fiscal year 2021.

APPROVAL OF CONSENT AGENDA:

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

Minutes: June 11, 2019, Regular Meeting

Municipal Order:

44-19: Municipal Order Accepting Stormwater Management System Maintenance Agreement at 2429 U.S. Highway 60 East Between Lighthouse Storage of Henderson, LLC, Henderson Water Utility, and the City of Henderson; and Giving the Mayor Authority to Execute the Agreement

Resolution: 51-19: Resolution Increasing Salary of City Manager by One Percent (1%) Effective July 1, 2019

Motion by Commissioner Royster, seconded by Commissioner Bugg, to approve the items on the Consent Agenda as presented.

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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:

WHEREUPON, Mayor Austin declared the consent agenda items approved.

/s/ Steve Austin  
 Steve Austin, Mayor  
 August 13, 2019

ATTEST:

Maree Collins, CKMC, City Clerk \_\_\_\_\_

## ORDINANCE NO. 21-19: SECOND READ (TABLED)

MOTION by Commissioner Staton, seconded by Commissioner Royster, to take Ordinance No. 21-19 off the table.

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:

## ORDINANCE NO. 21-19: SECOND READ

ORDINANCE AMENDING CHAPTER 23, UTILITIES, ARTICLE VII. TELEPHONE SERVICE, DIVISION 2, 9-1-1 EMERGENCY TELEPHONE SERVICE, SECTION 23-143-“9-1-1” FEE ORDINANCES

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

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

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

WHEREUPON, Mayor Austin declared the ordinance DENIED, affixed his signature and the date thereto and ordered that the same be recorded.

/s/ Steve Austin  
 Steve Austin, Mayor  
 August 13, 2019

ATTEST:

Maree Collins, CKMC, City Clerk \_\_\_\_\_

## REVIEW AND DISCUSSION OF CHAPTER 23, UTILITIES RELATING TO SEWER USE ORDINANCE

TOM WILLIAMS, Henderson Water Utility General Manager, explained the proposed changes to the Sewer Use Ordinance which include cross contamination or backflow prevention; definition of chemical oxygen demand; updated local limits for heavy metals; review of these regulations is required every five years; COD standards and surcharges; and testing standards.

**CITY OF HENDERSON – RECORD BOOK**

Record of Minutes of           A Regular           Meeting on           August 13, 2019          

ORDINANCE NO. 22-19: FIRST READ

ORDINANCE AMENDING SEWER USE ORDINANCE

AN ORDINANCE AMENDING ARTICLE II, *WATER AND SEWER SERVICE*, OF CHAPTER 23, *UTILITIES*, DIVISION 1, *GENERALLY*, SEC. 23-16.1, DIVISION 2, *SEWER USE REGULATIONS*, SEC. 23-26, SEC. 23-30 AND SEC. 23-32 OF THE CODE OF ORDINANCES OF THE CITY OF HENDERSON

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 on its first reading and ordered that it be presented for a second reading at a meeting of the Board of Commissioners.

ORDINANCE NO. 23-19: FIRST READ

ORDINANCE AMENDING CHAPTER 23, UTILITIES, ARTICLE VII. TELEPHONE SERVICE, DIVISION 2, 9-1-1 EMERGENCY TELEPHONE SERVICE, SEC. 23-143 – “9-1-1” FEE ORDINANCES

MAYOR AUSTIN reported that this ordinance is recommended by the City/County Cooperative Study Team and a similar ordinance was approved by Henderson County Fiscal Court earlier today.

MOTION by Commissioner Vowels, seconded by Commissioner Royster, 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 on its first reading and ordered that it be presented for a second reading at a meeting of the Board of Commissioners.

ORDINANCE NO. 24-19: FIRST 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, 2019, AND PROVIDING FOR THE TIME OF PAYMENT FOR SUCH TAXES, PENALTY, INTEREST AND DISCOUNT

MAYOR AUSTIN indicated the Finance Director Robert Gunter had put together several scenarios relating to property tax rates for the budget presentation and reported that the rate was not changed from the previous year.

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ROBERT GUNTER, Finance Director, asked that the date of January 3<sup>rd</sup>, 2020 in Section 5 relating to delinquency be changed to January 4<sup>th</sup>, 2020. He explained that both interest and penalty cannot be calculated using the same date.

MOTION by Commissioner Staton, seconded by Commissioner Bugg, to amend the ordinance by changing the due date to January 4<sup>th</sup>, 2020 from January 3<sup>rd</sup>, 2020 in Section 5 of the ordinance.

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:

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

COMMISSIONER BUGG indicated that she wanted to educate the public and make it clear that the City had not raised the property tax rate in the last three years after lowering it to the current rate.

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.

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**RESOLUTION NO. 52-19:**

**RESOLUTION ACCEPTING NEW INTERLOCAL COOPERATION AGREEMENT FOR THE ESTABLISHMENT OF A JOINT HENDERSON CITY-COUNTY HUMAN RIGHTS COMMISSION AND WITHDRAWING FROM PREVIOUS INTERLOCAL AGREEMENT FOR THE CITY OF HENDERSON, HENDERSON COUNTY, AND CITY OF CORYDON'S HUMAN RIGHTS COMMISSION**

Motion by Commissioner Royster, seconded by Commissioner Vowels, authorizing the City to withdraw from an Interlocal Cooperation Agreement establishing a Human Rights Commission and accepting a new Interlocal Cooperation Agreement for the establishment of a joint City-County Human Rights Commission.

MAYOR AUSTIN reported that this action is recommended by the City/County Cooperative Study Team and a similar resolution was approved by Henderson County Fiscal Court earlier today.

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

/s/ Steve Austin  
 Steve Austin, Mayor  
 August 13, 2019

ATTEST:

Maree Collins, CKMC, City Clerk \_\_\_\_\_

MISCELLANEOUS: Ordinance Review – Chapter 16 Article V, *Regulation of Fireworks*

DAWN KELSEY, City Attorney, explained that in 2011 state law changed allowing certain types of fireworks to be sold and used in Kentucky. At that time the City adopted an ordinance following state regulations to allow the sale and use of certain fireworks. Ms. Kelsey gave a brief overview of the questions recently raised relating to Chapter 16, Article V, *Regulation of Fireworks*. The three questions are: 1) Should the time period fireworks are allowed be reduced; 2) Should the 200 feet requirement be increased for certain types of structures; and 3) Are the current penalties fair?

DISCUSSION WAS HELD regarding those questions; the amount of distance to be increased for certain types of structures; the structures to be included-animal shelters, hospitals/medical centers, rest homes; the number of calls relating to fireworks over the past 12 months; how the laws are enforced and how these new regulations will be publicized and enforced; and the type of misdemeanor and fines.

Staff will prepare an ordinance for a future meeting based on that discussion.

CITY MANAGER’S REPORT:

WILLIAM L. “BUZZY” NEWMAN, JR., City Manager, asked Police Chief Heath Cox to introduce the new Deputy Chief.

HEATH COX, Police Chief, introduced Deputy Chief Sean McKinney to the Commissioners and the audience. He explained that McKinney started his career with HPD in November 1997, left for the Kentucky State Police in January 2001, where he rose through the ranks retiring as a Captain over Drug Enforcement Special Investigations (DESI) for Western Kentucky which consists of 63 counties. Chief Cox indicated that Deputy Chief McKinney’s expertise has already been beneficial to our community.

SEAN MCKINNEY, Deputy Police Chief, indicated that he was glad to be here and appreciates this opportunity to serve the community.

MEETING ADJOURN:

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

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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:

WITHOUT OBJECTION, Mayor Austin declared the Meeting adjourned at approximately 7:05 p.m.

ATTEST:

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Steve Austin, Mayor  
October 8, 2019

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Maree Collins, CKMC  
City Clerk