

# CITY OF HENDERSON – RECORD BOOK

Record of Minutes of           A Regular           Meeting on           August 28, 2018          

A meeting of the Board of Commissioners of the City of Henderson, Kentucky, was held on Tuesday, August 28, 2018, 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 Lieutenant Jason Quinn, Salvation Army, followed by recitation of the Pledge of Allegiance to our American Flag.

There were present Mayor Steve Austin presiding:

PRESENT:

Commissioner Robert N. Pruitt, Sr.  
Commissioner Bradley S. Staton  
Commissioner Austin P. Vowels

ABSENT:

Commissioner Patti Bugg

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. Jason Hargitt, Interim Police Chief  
Mr. Owen Reeves, Gas System Director  
Mr. Brian Williams, Public Works Director  
Mr. Sam Lingerfelt, Sanitation Superintendent  
Mr. Ray Nix, Code Administrator  
Mr. John Stroud, Code Enforcement Officer  
Ms. Sara Lovell, Secretary, Code Division  
Ms. Tammy Willett-Speaks  
Mr. Joe Speaks  
Mr. Tom Williams, Henderson Water Utility General Manager  
Ms. Angela Hagedorn, Humane Society of Henderson County Executive Director  
Ms. Katie Crooks, Humane Society of Henderson County Chief Animal Control Officer  
Lieutenant Jason Quinn, Salvation Army  
Mr. Mike Richardson, Reserve Police Officer

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PRESENTATION: Humane Society of Henderson County Quarterly Report

ANGELA HAGEDORN, Humane Society of Henderson County Executive Director and Animal Control Director, reported on happenings at the shelter over the past quarter: New hours began July 1<sup>st</sup> and have been met positively; Office hours are from 9:00 a.m. to 6:00 p.m. Monday through Friday; Shelter hours for public visitation is from 12:00 p.m. to 6:00 p.m. Monday through Friday and 9:00 a.m. to 12:00 p.m. on Saturday; shelter hours have been set to provide designated cleaning and maintenance times to ensure the animals are properly taken care of; a new meet-and-greet room has been set up to provide a typical living room setting for animals to meet prospective families; due to the high volume of kittens and mama cats, a cat nursery has been set up giving the mama’s a good space to deliver and care for the kittens; the cat free-roam area has been remodeled to provide more socialization activities; cats are only held in cages during their intake/holding period for observation; the Kentucky Animal Care and Control Association (KACCA) is updating their website to provide online trainings for animal control and shelter staff-office hours may be modified one day a month in order to allow staff time to participate in these trainings; the shelter is attempting to conduct more local out of the shelter adoption opportunities-events have been held at Rural King with positive response and they are seeking more opportunities at various locations throughout the county; Chief Crooks will be attending Level II National Animal Care and Control Association training in Louisville in

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October; with the increase in City/County funding initial raises have taken place for the Animal Control Officers; and she would like to present ideas on reclaim fees for animals brought to the shelter and how to help reunite owners with their animals. She reminded everyone to get the required City/County tags for their dogs and that state law requires dogs, cats, and ferrets have a yearly rabies vaccination. Ms. Hagedorn concluded by asking everyone to please spay and neuter your pets and Adopt Don't Shop!

DAWN KELSEY, City Attorney, congratulated them on being named a POW (Partnership of Women) grant semi-finalist.

MAYOR AUSTIN thanked Ms. Hagedorn for the update and added that in addition to her work at the shelter, she is a Kyndle Ambassador for Chamber activities and does a great job with that also.

PRESENTATION: "20-Year Service Award"

MAYOR AUSTIN expressed appreciation to Community Development Specialist Tammy Willett-Speaks for her 20 years of service and dedication to the City of Henderson.

TAMMY WILLETT-SPEAKS indicated that these 20 years have gone by really fast. She thanked the Commissioners for their continued support in funding affordable housing objectives. She also thanked other city departments that assist with these projects specifically mentioning staff members in her immediate department of Code Enforcement and Engineering.

APPROVAL OF CONSENT AGENDA:

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

Minutes: August 14, 2018, Regular Meeting

MOTION by Commissioner Staton, seconded by Commissioner Pruitt, to approve the items on the Consent Agenda as presented.

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

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

WHEREUPON, Mayor Austin declared the consent agenda items approved.

/s/ Steve Austin
Steve Austin, Mayor
August 28, 2018

ATTEST:
Maree Collins, City Clerk

ORDINANCE NO. 22-18: SECOND READ
ORDINANCE AMENDING THE ADOPTION OF BASIC PROPERTY MAINTENANCE CODE

AN ORDINANCE AMENDING CHAPTER 7, BUILDING AND BUILDING REGULATIONS, ARTICLE V, PROPERTY MAINTENANCE CODE, SECTION 7-184, ADOPTION OF BASIC PROPERTY MAINTENANCE CODE, TO OMIT SECTION 303 SWIMMING POOLS, SPAS AND HOT TUBS SUBSECTION 303.2 ENCLOSURES OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE

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

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

Commissioner Bugg ----- Absent:  
Commissioner Vowels ----- Aye:  
Commissioner Staton ----- Aye:  
Commissioner Pruitt ----- 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  
August 28, 2018

ATTEST:

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

**ORDINANCE NO. 23-18: SECOND READ**

**ORDINANCE AMENDING PORTION OF HENDERSON WATER UTILITY BUDGET**

**ORDINANCE AMENDING HENDERSON WATER UTILITY BUDGETED POSITIONS AND JOB CLASSIFICATIONS OF THE 2018-2019 HWU BUDGET BY ELIMINATING THE DIRECTOR OF FIELD OPERATIONS POSITION, ADDING ONE (1) DIRECTOR OF OPERATIONS POSITION AND ONE (1) TREATMENT MANAGER POSITION**

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

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

Commissioner Bugg ----- Absent:  
Commissioner Vowels ----- Aye:  
Commissioner Staton ----- Aye:  
Commissioner Pruitt ----- 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  
August 28, 2018

ATTEST:

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

**ORDINANCE NO. 24-18: SECOND READ**

**ORDINANCE AMENDING JOB CLASSIFICATION AND PAY PLAN  
ORDINANCE AMENDING JOB CLASSIFICATION AND PAY PLAN BY ADDING ONE (1) HWU TREATMENT MANAGER POSITION AND RECLASSIFYING THE POSITION OF HWU UTILITY SYSTEM SUPERINTENDENT**

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

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

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

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Commissioner Staton ----- Aye:
Commissioner Pruitt ----- 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
August 28, 2018

ATTEST:
Maree Collins, City Clerk

ORDINANCE NO. 25-18: SECOND READ
ORDINANCE AMENDING EMPLOYEE MANUAL
ORDINANCE AMENDING ARTICLE 10-PERSONNEL; ARTICLE 244-
EMERGENCY/BEREAVEMENT LEAVE; ARTICLE 408-DRUG FREE WORKPLACE POLICY
AND DRUG TESTING POLICY; AND ARTICLE 520-DICIPLINARY OF THE CITY OF
HENDERSON EMPLOYEE MANUAL

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

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

Commissioner Bugg ----- Absent:
Commissioner Vowels ----- Aye:
Commissioner Staton ----- Aye:
Commissioner Pruitt ----- 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
August 28, 2018

ATTEST:
Maree Collins, City Clerk

ORDINANCE NO. 26-18: SECOND READ
ORDINANCE AMENDING CODE OF ORDINANCES REGARDING SELF
STORAGE
AN ORDINANCE AMENDING APPENDIX "A" ZONING, ARTICLE II,
DEFINITIONS, SECTION 2.01; ARTICLE XVIII, NEIGHBORHOOD BUSINESS DISTRICT,
SECTION 18.03 CONDITIONAL USES; AND ARTICLE XXI, HIGHWAY COMMERCIAL
DISTRICT, SECTION 21.03 CONDITIONAL USES, OF THE CODE OF ORDINANCES OF
THE CITY OF HENDERSON

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

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

Commissioner Bugg ----- Absent:
Commissioner Vowels ----- Aye:
Commissioner Staton ----- Aye:
Commissioner Pruitt ----- 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.

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/s/ Steve Austin
Steve Austin, Mayor
August 28, 2018

ATTEST:
Maree Collins, City Clerk

ORDINANCE NO. 27-18: FIRST READ
ORDINANCE AMENDING ARTICLE II WATER AND SEWER SERVICE
AN ORDINANCE AMENDING CHAPTER 23 UTILITIES, ARTICLE II-WATER AND SEWER SERVICE, SECTION 23-36, ESTABLISHED AND AMENDING SECTION 23-43, EMPLOYMENT OF GENERAL MANAGER AND MANAGEMENT EMPLOYEES OF THE CODE OF ORDINANCES OF THE CITY OF HENDERSON

TOM WILLIAMS, Henderson Water Utility General Manager, reported that these amendments were discussed at a previous meeting. The first one officially adopts the title of Henderson Water Utility and the second one is housekeeping to realign management positions.

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

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

- Commissioner Bugg ----- Absent:
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.

MUNICIPAL ORDER NO. 42-18:

MUNICIPAL ORDER AUTHORIZING AWARD OF BID FOR THE CURBSIDE RECYCLING PROGRAM TO ADVANCED DISPOSAL SERVICES SOLID WASTE MIDWEST, LLC OF EVANSVILLE, INDIANA

MAYOR AUSTIN indicated that this is a continuation of our current program with an increase in cost per household pickup fee.

MOTION by Commissioner Staton, seconded by Commissioner Vowels, authorizing the award of the bid for curbside recycling in the amount of \$3.95 per residential unit per month to Advanced Disposal Services Solid Waste Midwest, LLC of Evansville, Indiana, in strict accordance with bid as submitted pursuant to Bid Reference 18-22. The City/County Cooperative Study Committee reviewed the bid and recommends approval of continuation of the services.

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

- Commissioner Bugg ----- Absent:
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

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

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MUNICIPAL ORDER NO. 43-18:

MUNICIPAL ORDER AUTHORIZING AWARD OF BID FOR RECEIPT, SORTING, AND MARKETING OF MATERIALS TO BE RECYCLED TO ENTERPRISE ZONE & TRAINING CENTER CORPORATION (TRI-STATE RESOURCE RECOVERY) OF EVANSVILLE, INDIANA

MAYOR AUSTIN indicated that this is the same company that currently provides this service and is at the same rate.

MOTION by Commissioner Vowels, seconded by Commissioner Pruitt, authorizing award of the bid for receipt, sorting, and marketing of materials to be recycled in the amount of \$70.00 per ton to Enterprise Zone & Training Center Corporation (Tri-State Resource Recovery) of Evansville, Indiana, in strict accordance with bid as submitted pursuant to Bid Reference 18-23. The City/County Cooperative Study Committee reviewed the bid and recommends approval of continuation of the services.

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

Commissioner Bugg ----- Absent:  
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  
August 28, 2018

ATTEST:  
Maree Collins, City Clerk \_\_\_\_\_

MUNICIPAL ORDER NO. 44-18:

MUNICIPAL ORDER AWARDING BID FOR PURCHASE OF A TRENCHER FOR THE GAS DEPARTMENT TO DITCH WITCH OF SHEPHERDSVILLE, KENTUCKY

WILLIAM L. “BUZZY” NEWMAN, JR. reported that the bid included two options for either base bid only or base bid with trade-in. Staff recommends Option B with trade-in as the discounted value is more than the open market.

MOTION by Commissioner Staton, seconded by Commissioner Pruitt, awarding the bid for the purchase of a trencher with backhoe from Ditch Witch Mid-States of Shepherdsville, Kentucky, in the amount of \$59,042.44 after \$9,463.00 trade-in allowance deduction, in strict accordance with bid as submitted pursuant to Bid Reference 18-28.

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

Commissioner Bugg ----- Absent:  
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

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

## CITY MANAGER’S REPORT:

WILLIAM L. “BUZZY” NEWMAN, JR., indicated that he had asked Mr. Gunter to gather and prepare information in anticipation of adoption of the tax rate ordinance scheduled for the September meetings.

ROBERT GUNTER, Finance Director, distributed a Property Tax Rate Calculation Worksheet explaining that current tax rates for Real Property are \$0.49 per \$100.00 value and \$0.813 per \$100.00 value for Personal Property. The estimated income from these rates is approximately \$6,900,000.00 after taking into consideration the City’s average 98.9% collection rate. This number is approximately \$15,000.00 less than the estimated Fiscal 2019 Budgeted amount. He went on to explain that using the Compensating Rate for Real (\$0.517) and Personal (\$0.902) Property would increase revenues by approximately \$445,000.00 and the 4% Rate for Real (\$0.537) and Personal (\$0.937) would increase revenues by approximately \$735,000.00. He reported that each 1/10<sup>th</sup> of a penny decrease in the Personal Rate reduces the revenue by approximately \$1,400.00. Mr. Gunter indicated that the Summary information was provided in order to receive direction for presenting the tax rate ordinance.

MAYOR AUSTIN indicated that the Summary provided was easy to understand and gave a lot of information for review and consideration.

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TOM WILLIAMS, Henderson Water Utility General Manager, gave a brief update on the Countryview Subdivision Drainage Project. He reported that the subdivision was built in the 1950s and 1960s with very little stormwater drainage provided. The topography is fairly flat so water tends to stand and what little drainage pipes and ditches provided are inadequate. Evidently there was a plan in the 1980s to provide some relief; however there is no evidence that any work was completed. In 2013 an engineer was hired to develop a plan. That plan was based in our GIS system and it really didn’t work out very well. Those plans were redone in a more traditional format and in late 2017 permits were received and some Phase 1A work outside the subdivision proper has been done. Solicitation of Phase 1B work has been bid out with those bids coming in a little higher than anticipated. Work was scaled back somewhat to accommodate an area of easement issues and to reduce expenses. He indicated that work is anticipated to begin in late October and take four to six months to complete. He explained that after working on the project for several years now, he believes that it is best to move to the south end of the subdivision to the Gregory Drive area for the next phase of the project. Mr. Williams reported that the Water & Sewer Commission approved an additional appropriation for this project at their recent meeting and the City will possibly do a mid-year appropriation amendment for their share of the funds.

WILLIAM L. “BUZZY” NEWMAN, JR., indicated that historically \$100,000.00 was budgeted by each the City and HWU; however, no funds for this project were included in this year’s budget. Expenses to date have included the design as well as the ditch project utilizing the \$400,000.00 budgeted funds. He explained that instead of waiting for the mid-year review, he and Mr. Gunter plan to present a budget amendment at the next meeting which will not only include this \$90,000.00 appropriation, but several others related to donations and recent purchase authorizations.

MAYOR AUSTIN thanked Tom for his continued effort to finally make some progress on this project.

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COMMISSIONERS’ REPORT:

COMMISSIONER VOWELS reported that plans with Kyndle and Murray State University are moving forward to set up a small business incubator. Tentatively an informational meeting, possibly this Friday morning, will be conducted for those interested in the project.

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BOARD/COMMISSION APPOINTMENT: Utility Commission:

David Curlin – Term to Expire April 25, 2019

Motion by Mayor Austin, seconded by Commissioner Pruitt to appoint David Curlin to fill the unexpired term of Jim Vincent on the Utility Commission. Said term to expire April 25, 2019.

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

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

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EXECUTIVE SESSION: Proposed Litigation

MOTION by Commissioner Staton, seconded by Commissioner Pruitt, to go into Executive Session pursuant to KRS 61.810 (1) (c) for the purpose of discussion of proposed litigation by the City.

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

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

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

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MEETING RECONVENED:

MOTION by Commissioner Staton, seconded by Commissioner Vowels, the Board of Commissioners reconvened in regular session.

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

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

WHEREUPON, Mayor Austin reconvened the Board into regular session.

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RESOLUTION NO. 46-18:

RESOLUTION TO RETAIN MICHAEL D. GRABHORN, GRABHORN LAW OFFICE, PLLC TO PROVIDE LEGAL SERVICES FOR THE CITY OF HENDERSON RELATING TO THE NATIONAL PRESCRIPTION OPIATE LITIGATION

COMMISSIONER PRUITT indicated that he felt that the lawsuit did not include some parties because they have immunity, but felt that we should join the suit to help people in this opiate crisis.

MOTION by Commissioner Staton, seconded by Commissioner Vowels, to retain Michael D. Grabhorn, Grabhorn Law Office, LLC, to provide legal services for the City relating to the National Prescription Opiate Litigation.

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

Commissioner Bugg ----- Absent:  
 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  
 August 28, 2018

ATTEST:  
 Maree Collins, City Clerk \_\_\_\_\_

MEETING ADJOURN:

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

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

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

WITHOUT OBJECTION, Mayor Austin declared the Meeting adjourned at approximately 6:50 p.m.

\_\_\_\_\_  
 Steve Austin, Mayor  
 September 11, 2018

ATTEST:  
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 Maree Collins, CKMC  
 City Clerk