

# CITY OF HENDERSON – RECORD BOOK

Record of Minutes of \_\_\_\_\_ A Regular \_\_\_\_\_ Meeting on \_\_\_\_\_ September 10, 2019

A meeting of the Board of Commissioners of the City of Henderson, Kentucky, was held on Tuesday, September 10, 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 Reverend Wally Campbell 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. Trace Stevens, Parks, Recreation & Cemeteries Director  
 Mr. Robert Gunter, Finance Director  
 Mrs. Connie Galloway, Human Resources Director  
 Mr. Scott Foreman, Fire Chief  
 Mr. Chris Heimgartner, HMPL General Manager  
 Mr. Randall Redding, HMPL Attorney  
 Mr. Tony Iriti, Kyndle CEO  
 Ms. Whitney Risley, Kyndle Director of Existing Industry & Workforce Development  
 Mr. Charles Johnson, Human Rights Commission Executive Director  
 Mr. Ronnie Duncan, President, New Hope Animal Rescue Center Executive Board  
 Mr. Doug White, *the Gleaner*  
 14 News Cameraman  
 Mr. Mike Richardson, Reserve Police Officer

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PRESENTATION: “Kyndle Annual Report”

TONY IRITI, Kyndle CEO, thanked the Mayor and Commissioners for allowing them to present the annual year-end report. He reported that 342 new jobs were created in Henderson County with 72 of those within the City. He indicated that much more information is now available and that information can now be compared to other cities within our local area. Mr. Iriti reported that from 2010 through 2017 (the most recent year statistics are available), Henderson County has had eight straight years of increased Gross Domestic Product. He further reported that a project through the Kentucky Cabinet for Economic Development Association has been selected for a site visit. The property is located in the county; however, the project would provide partial funding to extend Henderson Municipal Gas natural gas lines to the property.

WHITNEY RISLEY, Director of Existing Industry & Workforce Development, reported that she has completed 58 business and expansion visits this fiscal year, 27 attraction project inquiries, three project visits, and nine existing industry projects. She indicated that she is also currently meeting with local manufacturers and businesses to cover topics on confined spaces, ergonomics in the workplace, workforce issues, I-69, and other related issues.

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APPROVAL OF CONSENT AGENDA:

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

Minutes:       June 25, 2019, Regular Meeting  
                  July 09, 2019, Regular Meeting  
                  July 16, 2019, Work Session

Resolution:   54-19: Resolution Appointing Paige O’Nan as Representative for the City of Henderson and Henderson County to Serve on Audubon Area Community Services Board

Motion by Commissioner Royster, 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  
September 10, 2019

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

ORDINANCE NO. 25-19: FIRST READ  
ORDINANCE AMENDING PAY PLAN  
ORDINANCE AMENDING PAY PLAN RELATING TO HAZARDOUS DUTY PAY  
EFFECTIVE OCTOBER 21, 2019

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

HEATH COX, Police Chief, indicated that this pay plan amendment was discussed at the August Work Session to enhance recruitment and retention of officers and that he believed that the additional expense can be absorbed in the current budget.

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. 26-19: FIRST READ  
ORDINANCE AMENDING ARTICLE V, REGULATION OF FIREWORKS  
AN ORDINANCE AMENDING ARTICLE V REGULATIONS OF FIREWORKS,  
SECTION 16-83 RESTRICTION ON USE WITHIN CITY LIMITS TO ADD GREATER  
DISTANCE RESTRICTIONS AROUND ANIMAL SHELTERS, NURSING HOMES, AND

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HOSPITALS; SECTION 16-84 SEASONAL, PERMANENT FIREWORKS RETAILERS TO PROHIBIT SLEEPING STRUCTURES INSIDE OR WITHIN 200 FEET OF A RETAIL FIREWORKS ESTABLISHMENT; SECTION 16-87 CRIMINAL PENALTIES TO CLARIFY THAT CRIMINAL VIOLATION OF THIS ARTICLE IS A MISDEMEANOR; AND ADDING SECTION 16-88 PROHIBITING SKY LANTERNS

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

RONNIE DUNCAN, New Hope Animal Rescue Center Executive Board President, asked for clarification relating to the restrictions on usage of fireworks near an animal shelter.

DISCUSSION WAS HELD regarding the change from 200 feet to 400 feet restriction on fireworks being set off near animal shelter, nursing homes, and hospitals.

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.

MUNICIPAL ORDER NO. 50-19:

MUNICIPAL ORDER ENACTING THE CITY OF HENDERSON’S INVESTMENT AND FINANCIAL MANAGEMENT POLICY

MOTION by Commissioner Staton, seconded by Commissioner Bugg, to approve the Investment and Financial Management Policy for the City to invest public funds in a manner which will provide the maximum security and highest investment of principle while meeting the daily cash flow demands on the City and conforming to both KRS91A.030 and KRS66.480.

MAYOR AUSTIN indicated that the state recently changed regulations on municipal investment policies and this new Policy includes those changes for 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 municipal order adopted, affixed his signature and the date thereto, and ordered that the same be recorded.

/s/ Steve Austin
Steve Austin, Mayor
September 10, 2019

ATTEST:

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

RESOLUTION NO. 55-19:

RESOLUTION AUTHORIZING PARTICIPATION IN THE “KENTUCKY LEAGUE OF CITIES INVESTMENT POOL PLUS”

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MOTION by Commissioner Vowels, seconded by Commissioner Royster, to approve participation in the Kentucky League of Cities Investment Pool Plus program.

ROBERT GUNTER, Finance Director, reported that currently Old National Trust Management handles the City's investments. Those funds are in CDs. With the change in state law, municipalities can now invest in equities utilizing a standard set out by the legislature. He indicated that by participating in the KLC Investment Pool, up to 20% of the funds invested by each participant may be invested in equities. No determination on the amount to invest in the Pool has been made at this time. Monthly financial statements will continue to be provided.

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  
 September 10, 2019

ATTEST:

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

REPORTS:

WILLIAM L. "BUZZY" NEWMAN, JR., City Manager, reported that Planning Commission Executive Director Brian Bishop was unable to attend to discuss a zoning text amendment regarding solar energy. Mr. Newman indicated that Mr. Bishop and the General Manager of Henderson Municipal Power and Light have been working on a text amendment relating to solar farms for the County. It was determined that those amendments should probably be completed for the City at the same time. Mr. Newman also reported that Evansville's airport is planning to construct a solar farm on top of their existing parking lot to provide approximately one-half of their energy needs.

DAWN KELSEY, City Attorney, indicated that per KRS 100, any zoning amendments must go to the Planning Commission for review and action. If the Board wishes to move forward with this text amendment, it is necessary for a formal vote authorizing the Planning Commission to move forward with recommendation for zoning text amendments relating to solar energy and solar energy businesses. These types of businesses are not currently allowed under the Zoning Ordinances.

MOTION by Commissioner Royster, seconded by Commissioner Bugg, to forward a request to the Planning Commission to include the City's ordinances in the review and recommendation of text amendments to the zoning regulations relating to solar energy businesses.

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.

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CITY MANAGER’S REPORT:

Planning Commission Rezoning Recommendation: #1096, with Development Plan

WILLIAM L. “BUZZY” NEWMAN, JR., City Manager, reported that the Planning Commission has acted upon the request for a rezoning with development plan amendment for 1213 Barret Boulevard, after conducting a public hearing and producing findings of fact at their regular September 3, 2019 meeting. The Zoning Map Amendment shall be final and the development plan officially amended on Wednesday, September 25, 2019, unless an aggrieved party or the Board of Commissioners files written notice with the Planning Commission within the allotted twenty-one day time period to have the Board of Commissioners make the final decision. The deadline for filing written notice is Tuesday, September 24, 2019.

WILLIAM L. “BUZZY” NEWMAN, JR., City Manager, reported that Kyndle has requested that the City participate in a project to enhance infrastructure to a parcel of property in the County. Kyndle has applied for a Kentucky Cabinet for Economic Development and Kentucky Association of Economic Development Foundation Kentucky Product Development Initiative grant in order to extend a Henderson Municipal Gas natural gas line to the site property line. The grant requires a local match which would be supported by the County utilizing \$100,000.00 in Coal Severance Funds and the City providing \$75,000.00 in-kind services to extend the natural gas line from an existing line approximately 4,400 feet.

TONY IRITI, Kyndle CEO, indicated that the state is committed to supporting work ready sites and this enhancement will assist with the property meeting those conditions for marketability. He further indicated that this Project has been chosen for a site visit scheduled for September 24<sup>th</sup>.

MOTION by Commissioner Staton, seconded by Commissioner Royster, authorizing the Mayor to submit a letter of support committing \$75,000.00 as a portion of the local match to extend Henderson Municipal Gas natural gas lines to a site property line to the Kentucky Cabinet for Economic Development and Kentucky Association of Economic Development Foundation for a Kentucky Product Development Initiative grant.

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.

RE-APPOINTMENT: Municipal Housing Commission: Mr. Nibby Priest – Term to Expire September 30, 2023

Motion by Commissioner Staton, seconded by Commissioner Royster, upon recommendation of Mayor Steve Austin, to reappoint Mr. Nibby Priest to a term of four years on the Municipal Housing Commission. Said term to expire September 30, 2023.

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

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

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Mayor Austin ----- Aye:  
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**EXECUTIVE SESSION:** Litigation

MOTION by Commissioner Bugg, seconded by Commissioner Staton, 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 proposed litigation by the City and 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 Royster, 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.

**MEETING ADJOURN:**

MOTION by Commissioner Royster, seconded by Commissioner Bugg 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 7:10 p.m.

ATTEST:

\_\_\_\_\_  
Steve Austin, Mayor  
October 22, 2019

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Maree Collins, CKMC  
City Clerk