

# CITY OF HENDERSON – RECORD BOOK

Record of Minutes of                     A Regular                     Meeting on                     October 08, 2019                    

A meeting of the Board of Commissioners of the City of Henderson, Kentucky, was held on Tuesday, October 08, 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 Eric Hoey, Presbyterian 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 Austin P. Vowels

ABSENT:

Commissioner Bradley S. Staton

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  
Mrs. Theresa Richey, Administrative Liaison  
Mr. Heath Cox, Police Chief  
Mr. Trace Stevens, Parks, Recreation & Cemeteries Director  
Mr. Owen Reeves, Gas System Director  
Mr. Tim Clayton, Gas Operations Manager  
Mr. Ray Nix, Code Administrator  
Mr. Brian Bishop, Planning Commission Executive Director  
Ms. Abby Dixon, Henderson Tourist Commission Executive Director  
Ms. Jordyn Myracle, Ohio Valley Arts League Executive Director/Curator  
Mr. Mike Richardson, Reserve Police Officer

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PROCLAMATION: “Public Natural Gas Week”

OWEN REEVES, Gas System Director, and TIM CLAYTON, Gas Operations Manager, were in attendance to accept the proclamation.

MAYOR AUSTIN expressed his appreciation to Mr. Reeves, Mr. Clayton and staff for all they do for our community.

OWEN REEVES, Gas System Director, indicated that 70% of our system’s load is industrial. Henderson Municipal Gas is ranked 177<sup>th</sup> in the nation for municipally owned systems with over 8,000 residential users, 1,000 commercial users, and 50 industrial users.

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PRESENTATION: “Community Room Proposed Future Use”

ABBY DIXON, Henderson Tourist Commission Executive Director, and JORDYN MYRACLE, Ohio Valley Arts League Executive Director/Curator, thanked the Mayor and Commissioners for allowing them to present a proposed usage for the Depot Community Room once the Historical and Genealogical Society has moved to the new section at the Henderson County Public Library. The idea is to create a welcoming art gallery type atmosphere to welcome the visiting public as well as local visitors. The space would be transformed to allow a multiple use venue for public/private events, art showings, art classes, small receptions, etc. This would allow OVAL the prospect to expand art opportunities for our community.

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DISCUSSION WAS HELD regarding the opportunities for uses of the facility; furnishings for the facility; the proximity to the new library facilities and art wall; that a lease agreement amendment would be necessary; and that this use better reflects the original intended use of the facility when it was built.

MOTION by Commissioner Royster, seconded by Commissioner Vowels, in support of the general proposed plan as described in the presentation to transform the Depot Community Room into a multi-use art gallery inspired venue for public/private events.

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

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

APPROVAL OF CONSENT AGENDA:

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

Minutes: August 13, 2019, Regular Meeting  
August 20, 2019, Work Session  
August 27, 2019, Regular Meeting

Resolution: 56-19: Resolution Approving First Amendment to Funding Agreement With the Henderson Tennis Club (HTC) Matching Reimbursable Funds in an Amount Not to Exceed \$35,000.00 to be Used for Necessary Repairs to the Tennis Court Playing Surfaces

57-19: Resolution Authorizing Participation in Kentucky Pride Litter Abatement Grant Program

58-19: Resolution Accepting Urbanized Area Public Transportation Grant Agreement Between the Kentucky Transportation Cabinet and Henderson Area Rapid Transit (HART) in the Amount of \$57,362.00 A Capital State Match for Section 5307 Funding, and Authorizing City Manager to Execute the Agreement on the City’s Behalf

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

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

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

WHEREUPON, Mayor Austin declared the consent agenda items approved.

/s/ Steve Austin  
Steve Austin, Mayor  
October 08, 2019

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

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

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

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

- Commissioner Royster -- Aye:
Commissioner Staton ---- Absent:
Commissioner Vowels --- Aye:
Commissioner Bugg ----- 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
October 08, 2019

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

ORDINANCE NO. 26-19: SECOND 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
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 Royster, seconded by Commissioner Vowels, that the ordinance be adopted.

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

- Commissioner Royster -- Aye:
Commissioner Staton ---- Absent:
Commissioner Vowels --- Aye:
Commissioner Bugg ----- 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
October 08, 2019

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

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CITY MANAGER’S REPORT:

Planning Commission Rezoning Recommendation: #1097, with Narrative Development Plan/Conceptual Plan

WILLIAM L. “BUZZY” NEWMAN, JR., City Manager, reported that the Planning Commission has acted upon the request for a rezoning with narrative development plan and graphic development plan/conceptual plan amendment for Constanza Drive and Copper Creek Drive, after conducting a public hearing and producing findings of fact at their regular October 1, 2019 meeting. The Zoning Map Amendment shall be final and the development plan officially amended on Wednesday, October 23, 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, October 22, 2019.

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WILLIAM L. “BUZZY” NEWMAN, JR., City Manager, reported that the gas department has been notified of award of a U. S. Department of Transportation Pipeline and Hazardous Materials Safety Administration (PHMSA) Technical Assistance Grant (TAG) in the amount of \$57,025.00 which will require official approval from the Board of Commissioners for acceptance of the grant funding.

OWEN REEVES, Gas System Director, indicated that the grant would be used to purchase laser methane gas detectors and training for the gas department and fire department use. The original grant paperwork indicated that the grant would require a match, however the documentation received indicates that we received the full amount without a match due. Staff will confirm that is the case.

MOTION by Commissioner Vowels, seconded by Commissioner Royster, authorizing the Mayor to sign necessary documents for acceptance of a U. S. Department of Transportation Pipeline and Hazardous Materials Safety Administration Technical Assistance Grant in the amount of \$57,025.00 for the Henderson Municipal Gas department to purchase laser methane detectors and training for gas department and fire department use.

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

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

WHEREUPON, Mayor Austin declared the motion approved.

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DAWN KELSEY, City Attorney, reported that the Board had previously discussed solar farms and voted to have the Planning Commission begin the process of writing a zoning ordinance. Staff has been working with the Planning Commission to work through a zoning ordinance on solar energy systems. A draft ordinance was presented to the City-County Cooperative Study Team at a recent meeting with Henderson Fiscal Court approving a similar ordinance. The ordinance for the City required some tweaks as the City has more zoning districts with varying requirements. The draft ordinance contains three levels from smaller systems that are usually residential roof mounted systems; the next level is for systems up to one-half acre in size; and the third would be for systems larger than one-half acre. Each level would be allowed in different zones based on the various types of use and aesthetics for the zone. If the request is forwarded to the Planning Commission tonight, the public hearing would be scheduled for their November meeting and this could be on the books by the end of the year.

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MOTION by Commissioner Royster, seconded by Commissioner Bugg, to accept the recommendation of the City/County Cooperative Study Team and forward a request to the Planning Commission to conduct a public hearing on the zoning ordinance relating to solar energy systems.

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

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

WHEREUPON, Mayor Austin declared the motion approved.

COMMISSIONER’S REPORT:

COMMISSIONER BUGG reported that the tees and greens continue to get better at The Bridges Golf Course and invited everyone to go out and play.

MAYOR AUSTIN introduced Reverend Charles Johnson as the new director for the Henderson City-County Human Rights Commission. He further reported that the Human Rights Commission has voted to change their meeting date to the last Monday of each month.

CHARLES JOHNSON, Henderson City-County Human Rights Commission Director, indicated that he is excited about the prospects of the position and will be coming to a future meeting to present a quarterly report.

RE-APPOINTMENT: Parks & Recreation Commission:

Rev. Anthony Anguish – Term to Expire September 14, 2023  
 Ms. Donna Spencer – Term to Expire September 14, 2023

MOTION by Commissioner Bugg, seconded by Commissioner Royster, upon recommendation of Mayor Steve Austin, to reappoint Reverend Anthony Anguish and Ms. Donna Spencer to terms of four years on the Parks & Recreation Commission. Said terms to expire September 14, 2023.

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

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

WITHOUT OBJECTION, Mayor Austin declared the Meeting adjourned at approximately 6:25 p.m.

ATTEST:

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Steve Austin, Mayor  
October 22, 2019

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Maree Collins, CKMC  
City Clerk