

CITY OF HENDERSON – RECORD BOOK

Record of Minutes of A Regular Meeting on September 11, 2018

A meeting of the Board of Commissioners of the City of Henderson, Kentucky, was held on Tuesday, September 11, 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, including several moments of silent prayer in honor of those that lost their lives in the terrorist attacks of 2001, was given by Father Anthony Shonis, Associate Pastor, 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 Robert N. Pruitt, Sr.
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. Robert Gunter, Finance Director
Mr. Jason Hargitt, Interim Police Chief
Mrs. Connie Galloway, Human Resources Director
Mr. Greg Nunn, Information Technology Director
Mr. Scott Foreman, Fire Chief
Mrs. Jennifer Latimer, Executive Assistant
Mrs. Wendy Sugg, HPD Administrative Secretary
Mrs. Jennifer Richmond, Police Officer/HPD Information Officer
Mr. Daniel Lehman, Police Lieutenant
Mr. Heath Cox, Police Lieutenant
Mrs. Sara Cox
Mr. Dwight Cox
Mr. Brian Bishop, Planning Commission Executive Director
Mrs. Claudia Wayne, Planning Commission Assistant Executive Director
Father Anthony Shonis, Holy Name of Jesus Catholic Church
Mr. Doug White, *the Gleaner*
Ms. Amanda Porter and cameraman, 44 News
Ms. Christina Van Zelst and cameraman, Eyewitness News 25
Mr. Jered Goffinet, 14 News
Mr. Mike Richardson, Reserve Police Officer

APPROVAL OF CONSENT AGENDA:

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

Minutes: August 28, 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 ----- Aye:
Commissioner Vowels ----- Aye:
Commissioner Staton ----- Aye:
Commissioner Pruitt ----- Aye:

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Mayor Austin ----- Aye:

WHEREUPON, Mayor Austin declared the consent agenda items approved.

/s/ Steve Austin
Steve Austin, Mayor
September 11, 2018

ATTEST:

Maree Collins, City Clerk _____

ORDINANCE NO. 27-18: SECOND 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

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

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

Commissioner Bugg ----- Aye:
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
September 11, 2018

ATTEST:

Maree Collins, City Clerk _____

ORDINANCE NO. 28-18: FIRST READ

ORDINANCE ACCEPTING PUBLIC IMPROVEMENTS

AN ORDINANCE ACCEPTING PUBLIC IMPROVEMENTS FOR PROPERTY LOCATED IN MERRILL PLACE COMMERCIAL SUBDIVISION SECTIONS 1 & 2

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 ----- Aye:
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.

ORDINANCE NO. 29-18: FIRST READ

ORDINANCE ADDING AND ADOPTING SECTION 4-17 TO APPENDIX "A" ZONING OF THE CODE OF ORDINANCES

AN ORDINANCE ADDING AND ADOPTING SECTION 4-17 POOLS, IN-GROUND AND ABOVE GROUND, ARTICLE IV-GENERAL PROVISIONS TO APPENDIX "A"

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ZONING OF THE CITY'S CODE OF ORDINANCES

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

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

Commissioner Bugg ----- Aye:
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.

ORDINANCE NO. 30-18: FIRST READ

ORDINANCE AMENDING BUDGET AND APPROPRIATION ORDINANCE

AN ORDINANCE AMENDING BUDGET AND APPROPRIATION ORDINANCE FOR THE FISCAL YEAR COMMENCING JULY 1, 2018 AND ENDING JUNE 30, 2019 FOR THE CITY OF HENDERSON, KENTUCKY

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 ----- Aye:
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.

ORDINANCE NO. 31-18: 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, 2018, AND PROVIDING FOR THE TIME OF PAYMENT FOR SUCH TAXES, PENALTY, INTEREST AND DISCOUNT

MAYOR AUSTIN reported that during the budget process no increase in this item was budgeted and that various rate options were reviewed at a previous meeting.

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

COMMISSIONER PRUITT indicated his pleasure at no increase in property taxes. He stated that we have to do a better job of living within our budget. He further indicated that the City has a lot of projects including the golf course; however, he believes that there are other ways to find the funds to build a state-of-the-art swimming pool for our youth.

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

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Commissioner Bugg ----- Aye:
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.

RESOLUTION NO. 47-18:

RESOLUTION AUTHORIZING SALE OF ONE 1996 LADDER TRUCK AS SURPLUS PROPERTY AT THE ONLINE AUCTION SITE GOVDEALS; AND AUTHORIZING MAYOR TO EXECUTE DOCUMENTS NECESSARY TO COMPLETE SALE

MOTION by Commissioner Pruitt, seconded by Commissioner Staton, declaring the 1996 ladder truck as surplus; authorizing same be listed and sold through the online auction site, GovDeals; and authorizing the Mayor to sign all necessary documents.

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

Commissioner Bugg ----- Aye:
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
September 11, 2018

ATTEST:

Maree Collins, City Clerk _____

CITY MANAGER’S REPORT:

WILLIAM L. “BUZZY” NEWMAN, JR., reported that a meeting was held last Thursday evening at the UK Extension Service with approximately 60 to 80 people in attendance to discuss the golf course process. Most of the attendees were residents of the Wolf Hills Subdivision. There was a lot of positive feedback at the meeting. The Golf Course Committee met again last Friday to continue their evaluation of the operator proposals and continues to work on gathering information on the requirements and expense for course rehabilitation.

Discussion was held on if the project was going to cost the City more than the budgeted amount and if it was still going to be feasible to plant grass this fall. Mr. Newman explained that current estimates for the project might be slightly higher than originally budgeted but not unreasonable; and that there is still a two to three week window for planting grass in this area.

WILLIAM L. “BUZZY” NEWMAN, JR., explained that the regularly scheduled October 9th meeting is during school Fall Break and has a light agenda. He asked if there was a desire to cancel the meeting.

MOTION by Commissioner Bugg, seconded by Commissioner Pruitt, to cancel the October 9, 2018 Board of Commissioners meeting.

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

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

COMMISSIONERS' REPORT:

COMMISSIONER PRUITT reported that he read in the paper that Evansville is building a new swimming pool sports complex costing about \$25 million to replace a 43 year old swimming pool. He calculates that Atkinson Park pool is over 80 years old and that it is time to get serious about investing more in our kids. He reported that he has been gathering information on pool design and costs and will report details in the near future.

BOARD/COMMISSION APPOINTMENT: Civil Service Pension Fund Board of Trustees:

Lawrence Daniel, Retiree Member

Motion by Commissioner Staton, seconded by Commissioner Pruitt, to appoint Lawrence Daniel to replace Vernon Cole as the Retiree Member on the Civil Service Pension Fund Board of Trustees.

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

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

MISCELLANEOUS: New Industrial Park Proposed Protective Covenants & Name

DAWN KELSEY, City Attorney, gave a brief overview of the proposed protective covenants for the new industrial park on Borax Drive. She explained that a Committee comprised of: Steve Smith, HMPL; Gas Department Representative; Tom Williams, HWU; Ray Nix, John Stroud and Theresa Richey, Code Enforcement; Brian Bishop, Planning Commission; and Buzzy Newman and Dawn Kelsey, City. The Committee based these proposed covenants on the Corporate Park covenants with the following amendments:

- Article III-Purpose — added (7) to promote a safe development and preserve the historical and natural features of the property. This is due to an historical area behind the property and Ordered by the Nature Conservancy property.
- Article VI-General Restrictions — restricted the extension to one six-month period for a continuation to begin construction on a newly purchased lot.
- Article VII-Architectural, Maintenance, and Use Restrictions (1) Site Development — clarified that all property owners must appear before the Preliminary Conference Committee for plan review before submitting plans to the Planning Commission and added that all developments must be designed by an appropriate design professional licensed in the Commonwealth of Kentucky. (2) Building Exteriors — removed all reference to multiple street fronts as this Industrial Park will only have one street. (4) Exterior Signs — removed specific restrictions related to signage near a residential area, stating that it must comply with all current Zoning Ordinances relating to

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signage. (5) Storage — removed language regarding incinerators as they are no longer allowed for private businesses. (7) Loading and Unloading Areas — removed portions referring to exterior streets as there is only the one street. Added (14) Prohibited Uses — prohibits the commercial or private raising of poultry, livestock, swine or mice; feeder lots for any poultry, livestock or swine, rearing of any other birds, fish, insects, mammals, reptiles, or mice; mini-warehouses; or unsightly, obnoxious or objectionable businesses which may produce or emit substantial gases, smoke, odors or noises that would be unsuitable for a high quality, controlled industrial park development. The last one was put in due to restrictive covenants to keep a 90% shade canopy on the Nature Conservancy property. (15) Drainage — removed all mention of ditches and swales and replaced with submit a drainage plan to the Development Committee for approval before construction. (17) Standards for Approval by Committee — added specifications that the Development Committee shall base considerations on to ensure compliance with the Nature Conservancy property restrictive covenants. (20) Enforcement of Covenants — removed that the protective covenants may be cancelled, altered, modified or amended at any time by the affirming action of the owners. The protective covenants must run with the land due to restrictions placed on the federal funds utilized to purchase the property.

The Committee also reviewed possible names for the industrial park and came up with the following four suggestions:

- Henderson Technology and Industry Park
- Henderson Industrial Park
- Henderson Technology & Industry Place
- Henderson Technology & Industry Plaza

DISCUSSION WAS HELD with no other proposed names put forth. Consensus was to name the industrial park, Henderson Technology & Industry Plaza.

MAYOR AUSTIN thanked the Committee members for their work on this and indicated that formal adoption of the name and protective covenants would be brought forth at a future meeting.

EXECUTIVE SESSION: Proposed Personnel

MOTION by Commissioner Bugg, seconded by Commissioner Staton, to go into Executive Session pursuant to KRS 61.810 (1) (f) for the purpose of discussion which might lead to the appointment of personnel.

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

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

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

MEETING RECONVENED:

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

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

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

WHEREUPON, Mayor Austin reconvened the Board into regular session.

RESOLUTION NO. 48-18:
RESOLUTION APPROVING APPOINTMENT OF HEATH COX AS POLICE CHIEF
FOR THE CITY OF HENDERSON

MOTION by Commissioner Staton, seconded by Commissioner Pruitt, to accept the City
Manager’s recommendation to appoint Police Lieutenant Heath Cox to the position of Chief of
Police effective September 12, 2018.

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

- Commissioner Bugg ----- Aye:
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
September 11, 2018

ATTEST:
Maree Collins, City Clerk

MEETING ADJOURN:

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

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

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

WITHOUT OBJECTION, Mayor Austin declared the Meeting adjourned at
approximately 6:05 p.m.

Steve Austin, Mayor
September 25, 2018

ATTEST:
Maree Collins, CKMC
City Clerk