

CITY OF HENDERSON – RECORD BOOK

Record of Minutes of A Regular Meeting on January 26, 2021

A meeting of the Board of Commissioners of the City of Henderson, Kentucky, was held on Tuesday, January 26, 2021, at 3:00 p.m., prevailing time, with no primary location designated for this video teleconference meeting as the result of the state of emergency declared by the President of the United States and the Governor of Kentucky due to the global COVID-19 pandemic, and in accordance with recommended and mandated precautions related to COVID-19 per the Kentucky Attorney General Opinion 20-05, limited public attendance was permitted at this meeting due to the highly contagious nature of COVID-19. It is not feasible for the City to maintain order and abide by recommended and mandated precautions while providing a central physical location for public viewing. The meeting was conducted in accordance with KRS 61.826, and SB 150.

There were present Mayor Steve Austin presiding:

PRESENT:

Commissioner Bradley S. Staton (via Zoom video panelist)
 Commissioner Rodney Thomas (via Zoom video panelist)
 Commissioner Austin P. Vowels (via Zoom video panelist)

ABSENT:

Commissioner Robert N. Pruitt, Sr.

ALSO PRESENT:

Mr. William L. “Buzzy” Newman, Jr., City Manager
 Ms. Dawn Kelsey City Attorney
 Ms. Maree Collins, City Clerk
 Mrs. Donna Stinnett, Community Relations Manager/Public Information Officer
 Mr. Robert Gunter, Finance Director
 Mr. Scott Foreman, Fire Chief
 Mr. Ray Nix, Code Administrator
 Mr. Doug Boom, City Engineer (via Zoom)
 Mrs. Karla Beckgerd, Human Resources Specialist (via Zoom)
 Mr. Greg Nunn, Information Technology Director (via Zoom)
 Mr. Cory Fischbeck, IT Applications (via Zoom)
 Mr. Bill Raleigh, IT Support Specialist
 Senator Robby Mills, NuWorks
 Mr. Austin Maxheimer, Evansville Community One
 Ms. Tammy Sutton, Audubon Kids Zone
 Mr. Ryan Nunn, NuWorks Board Member
 Mr. Bob Seymore, NuWorks Board Member (via Zoom)
 Ms. Grace Henderson
 Mr. Tom Rector
 Mr. Alex Caudill (via Zoom)
 Mr. Brian Glick (via Zoom)
 Ms. Jessica Costello (via Zoom)
 Mr. Matt Glick (via Zoom)
 Reverend Charles Johnson, Henderson City-County Human Rights Commission Director
 Mr. Kevin Patton, *the Gleaner* (via Zoom)

PRESENTATIONS:

SENATOR ROBBY MILLS, NuWorks (a 501C(3) Community Development Corporation), and AUSTIN MAXHEIMER, Evansville Community One, presented information on the Neighborhood Champion program. The Program begins in a ten-block area near Audubon Kids Zone with a two-year initiative as a listening phase to gather information from the residents on the needs of the neighborhood to create a Vision Plan in support of AKZ. This initial phase is estimated to cost \$70,000.00 and several grant applications will be submitted in support of this Program. Senator Mills is hopeful that this Program will qualify for the City to

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provide Community Development Block Grant funding in the future.

GRACE HENDERSON & TOM RECTOR presented information on the Lowest Law Enforcement Priority Ordinance relating to allowing local police the authority to not charge individuals that possess small amounts of cannabis, ½ ounce or less; and how prohibition doesn't work-regulation does. They reported that this started as a grassroots movement and they are hopeful of seeing something similar to this at the federal level as soon as this summer.

ORDINANCE NO. 01-21: SECOND READ

AN ORDINANCE AWARDDING A NON-EXCLUSIVE FRANCHISE TO KENTUCKY UTILITIES COMPANY, INC. FOR A TERM OF TWENTY (20) YEARS FOR AN ELECTRIC SYSTEM WITHIN THE CONFINES OF THE CITY OF HENDERSON, KENTUCKY AND AUTHORIZING THE MAYOR TO SIGN A FRANCHISE AGREEMENT WITH KENTUCKY UTILITIES COMPANY, INC.

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

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

- Commissioner Staton ---- Aye:
- Commissioner Thomas--- Aye:
- Commissioner Vowels --- Aye:
- Commissioner Pruitt ----- Absent:
- 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
January 26, 2021

ATTEST:
Maree Collins, CKMC, City Clerk _____

DAWN KELSEY, City Attorney, indicated that this change was requested due to the standard size for electronic signage is 3' x 8' and our ordinance was written designating not larger than 4' x 6'. This requested change has been reviewed by the Planning Commission at their January 5th meeting.

ORDINANCE NO. 02-21: FIRST READ

AN ORDINANCE AMENDING APPENDIX A-ZONING, ARTICLE XXXIII, GATEWAY ZONE DISTRICT, SECTION 33.14, SIGNAGE OF THE CODE OF ORDINANCES OF HE CITY OF HENDERSON

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

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

- Commissioner Staton ---- Nay:
- Commissioner Thomas -- Aye:
- Commissioner Vowels --- Aye:
- Commissioner Pruitt ----- Absent:
- 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. 12-21:

RESOLUTION APPROVING AGREEMENT BETWEEN THE HENDERSON CITY/COUNTY RESCUE SQUAD, THE CITY OF HENDERSON, THE COUNTY OF HENDERSON, AND HENDERSON EMERGENCY MANAGEMENT

MOTION by Commissioner Vowels, seconded by Commissioner Staton, approving the *Statement of Affiliation Agreement* between the Henderson City/County Rescue Squad, the City, Henderson County, and Henderson Emergency Management establishing a formal relationship between the entities to comply with state statute.

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

Commissioner Staton ---- Aye:
 Commissioner Thomas -- Aye:
 Commissioner Vowels --- Aye:
 Commissioner Pruitt ---- Absent:
 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
 January 26, 2021

ATTEST:

Maree Collins, City Clerk _____

MUNICIPAL ORDER NO. 01-21:

MUNICIPAL ORDER AUTHORIZING AWARD OF CONTRACT FOR AUDITING SERVICES TO ATA (ALEXANDER THOMPSON ARNOLD, PLLC) (FORMERLY MYRIAD CPA GROUP) OF HENDERSON, KENTUCKY FOR FISCAL YEARS ENDING JUNE 30, 2021, JUNE 30, 2022, AND JUNE 30, 2023

MOTION by Commissioner Thomas, seconded by Commissioner Vowels, to authorize award of a contract for auditing services to ATA (Alexander Thompson Arnold) PLLC (formerly Myriad CPA Group), Henderson, Kentucky, for fiscal years ending June 30, 2021, 2022, and 2023 in the amount of standard hourly rates plus out-of-pocket costs not to exceed \$39,500.00 per year.

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

Commissioner Staton ---- Aye:
 Commissioner Thomas -- Aye:
 Commissioner Vowels Aye:
 Commissioner Pruitt ---- Absent:
 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
 January 26, 2021

ATTEST:

Maree Collins, CKMC, City Clerk _____

CITY MANAGER’S REPORT: “Rezoning #1112, 1213 Barret Boulevard”

WILLIAM L. “BUZZY” NEWMAN, Jr., City Manager, reported that the Planning Commission has acted upon the request for rezoning for 1213 Barret Boulevard, after conducting a public hearing and producing findings of fact at their regular January 5, 2021 meeting. The Zoning Map Amendments shall be final and the development plan officially amended on

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Wednesday, January 27, 2021, 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 January 26, 2021.

ROBERT GUNTER, Finance Director, presented a brief recap of the General Fund as of December 31, 2020. Overall, it was a great start to a difficult year. He reported that compared to the prior fiscal year, revenues were up 3.8% while expenditures were down 8.0%. Even though the amended budget reflects a deficit of \$2,860,000. That is due to the CARES Act funding and continued reduction in expenditures over the full year. This review begins the budget process for the next fiscal year.

MAYOR AUSTIN thanked all our employees and managers for the impressive way the city has operated during this past year.

COMMISSIONER VOWELS expressed gratitude to the federal government for CARES Act funding.

WILLIAM L. “BUZZY” NEWMAN, Jr., City Manager, reported that a public meeting will be conducted from 4 to 6 p.m. on February 1st at the UK Extension center to review plans for the sports complex. There will also be a Zoom meeting scheduled for 1:30 p.m. that same date to give an overall review of the proposed project and receive comments. Staff will report comments received to the Commission at the February 9th meeting.

COMMISSIONERS’ REPORT:

COMMISSIONER STATON indicated that in light of the delayed mail delivery and long customer service lines, he would like to suggest an incentive program, or membership drive, to encourage more people to sign up for automatic payment (ACH) and e-billing. He suggested \$25.00 for enrolling in ACH and \$25.00 for enrolling in e-billing for a total of \$50.00 credit per household on their utility bill after 12 months in the program.

Without objection Mayor Austin asked staff to work on the details of an incentive policy to encourage participation in the ACH and e-billing programs to help reduce long waits for our citizens.

COMMISSIONER VOWELS gave a brief update on the City/County Cooperative Study Group meeting. The group discussed in detail the Electrical Inspector position options, the Ambulance Service agreements with Deaconess, and heard a presentation from the County Coroner relating to Indigent Burials.

EXECUTIVE SESSION: “Litigation and Real Property”

MOTION by Commissioner Staton, seconded by Commissioner Thomas, 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 pending litigation in front of the Code Enforcement Board and the Webster County Circuit Court; and KRS 61.810(1)(B) for the purpose of the purchase of property located in the Central Business District, and the purchase of property located in the vicinity of Madison Street, Clay Street and Highway 41.

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

Commissioner Staton	----	Aye:
Commissioner Thomas	--	Aye:
Commissioner Vowels		Aye:
Commissioner Pruitt	-----	Absent:

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Mayor Austin ----- Aye:

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

MEETING RECONVENED:

MOTION by Commissioner Thomas, seconded by Commissioner Staton, the Board of Commissioners reconvened into regular session.

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

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

WHEREUPON, Mayor Austin reconvened the Board into regular session.

MEETING ADJOURN:

MOTION by Commissioner Vowels, seconded by Commissioner Thomas, to adjourn the meeting.

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

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

WITHOUT OBJECTION, Mayor Austin declared the Meeting adjourned at approximately 4:55 p.m.

ATTEST:

Steve Austin, Mayor
March 8, 2022

Maree Collins, CKMC
City Clerk