

# CITY OF HENDERSON – RECORD BOOK

*Record of Minutes of*         A Regular         *Meeting on*         February 14, 2023    

A meeting of the Board of Commissioners of the City of Henderson, Kentucky, was held on Tuesday, February 14, 2023, at 3:00 p.m., prevailing time, in the third floor Assembly Room of the Municipal Center, 222 First Street, Henderson, Kentucky, designated as the primary location for this video teleconference meeting allowed under KRS 61.826.

MAYOR STATON led the recitation of the Pledge of Allegiance to our American Flag.

There were present Mayor Bradley S. Staton presiding:

PRESENT:

Commissioner Austin P. Vowels  
 Commissioner Rodney Thomas  
 Commissioner Robert N. Pruitt, Sr.  
 Commissioner Nicholas E. Whitt

ALSO PRESENT:

Mr. William L. “Buzzy” Newman, Jr., City Manager  
 Mrs. Dawn Kelsey, City Attorney  
 Ms. Maree Collins, City Clerk  
 Mr. Heath Cox, Assistant City Manager  
 Mrs. Holli Blanford, Public Information Officer  
 Mr. Robert Gunter, Finance Director  
 Mr. Sean McKinney, Police Chief  
 Mrs. Connie Galloway, Human Resources Director  
 Mr. Scott Foreman, Fire Chief  
 Mr. Trace Stevens, Parks, Recreation & Cemeteries Director  
 Ms. Jordan Webb, Emergency Communications Director  
 Mr. Steve Davis, Codes Administrator  
 Mr. Dylan Ward, Project Manager  
 Mr. Jermaine Poynter, Police Major  
 Mr. Briscoe Edwards, HPD  
 Mr. Daniel Lehman, Police Lieutenant  
 Mrs. Donna Madden, Administrative Secretary  
 Mrs. Theresa Richey, Legal Secretary  
 Mrs. Leigh Anne Herron, Purchasing Coordinator  
 Mrs. Wendy Sugg, HPD Administrative Secretary  
 Mr. Josh Dixon, Fire Division Chief  
 Mr. Travis Owens, Assistant IT Director  
 Mr. Bill Raleigh, IT Support Specialist  
 Mr. Bart Boles, Henderson Water Utility General Manager  
 Mr. Brad Schneider, Henderson County Judge Executive  
 Mr. Steve Gold, Henderson County Attorney  
 Mr. Charles “Chip” Stauffer, Henderson County Sheriff  
 Mrs. Abby Dixon, Tourist Commission Executive Director  
 Ms. Missy Vanderpool, Henderson Economic Development Executive Director  
 Mr. Bill Jagoe, Deer Valley Subdivision LLC  
 Ms. Kate McAdoo, Intern, Henderson Economic Development  
 Ms. Amber Wood, Henderson Audubon Board of Realtors  
 Ms. Lindsay Locasto, Henderson Chamber of Commerce President  
 Ms. Clay Gillham, Henderson Chamber of Commerce  
 Mr. Robin Hunden, Hunden Strategic Partners President & CEO  
 Mr. Shawn Gustafson, Hunden Strategic Partners Project Manager  
 Mr. Lucus Neuteufel, Hunden Strategic Partners Senior Analyst  
 Mrs. Elaine Martin  
 Mrs. Angie Gatten  
 Mr. Dwight Williams  
 Mr. Chuck Stinnett  
 Mr. Marty Wilson, Police Officer

---

# CITY OF HENDERSON – RECORD BOOK

Record of Minutes of     A Regular     Meeting on     February 14, 2023    

MAYOR STATON indicated that we have lost one of our own, Police Officer Janna Gatten passed, Monday, February 13, 2023, and he requested a moment of silence in her honor. He then asked POLICE CHIEF SEAN MCKINNEY to say a few words in remembrance of Officer Gatten, A video that was created in 2019 upon her retirement from HPD was played for the audience and Chief McKinney indicated that Janna came back to work for HPD under the retired officer program. She loved being an officer and serving this community. She was a great officer, and we are proud to have known and served with her over the years. Janna was a tender hearted, compassionate, loyal friend that will be missed by all that knew her. Mayor Staton presented a U.S. Flag to Officer Gatten's wife, Angie. He indicated that a lot of times you can't put into words how appreciative we are of every person that puts on a uniform and serves the community as you all do (addressing the many HPD personnel present in the room). He continued that it means a lot to us and to the community to feel that loss – it is felt community wide.

---

PRESENTATION: “HWU Report on Ohio River Water Quality and East Palestine, Ohio Contamination Incident”

BART BOLES, Henderson Water Utility General Manager, reported that HWU and Evansville Water and Sewer Utility (EWSU) have been monitoring the water taken from the Ohio River intakes since the train derailment incident on February 3<sup>rd</sup>. The plume or ‘raft’ of contamination should evaporate and dissipate long before it reaches Louisville much less here. However, HWU and EWSU are ready to increase powdered activated carbon levels in the event some of the contaminant does reach our water intakes.

MAYOR STATON indicated that HWU had already increased the powdered activated carbon used in our treatment some time ago in response to the PFAS chemicals in the Ohio River. He continued that because HWU continues the treatment our filtering system can handle this contaminant, in the unlikely event it were to reach us.

---

PRESENTATION: “Downtown Henderson Feasibility Study”

ABBY DIXON, Henderson Tourist Commission Executive Director, indicated that late last fall a request to conduct a feasibility study recommended by the Vision Planning Committee and in the Downtown Master Plan for an upscale hotel in the downtown area. She indicated that Hunden Strategic Partners out of Chicago was contracted to conduct the study. Mrs. Dixon introduced ROB HUNDEN, Hunden Strategic Partners President and CEO, SHAWN GUSTAFSON, Project Manager, and LUCUS NEUTEUFEL, Senior Analyst, to present their findings.

Mr. Gustafson gave a brief overview of the study findings, including proposed/potential locations for the new boutique hotel. The study supports the placement of a 50-room hotel or a 35-room hotel with apartments above. The configuration and additional amenities, such as a rooftop bar, would depend upon which of the three proposed locations was chosen. Locations reviewed for this study included the Big Rivers building, 201 3<sup>rd</sup> Street, the Soaper Building, 141 N. Main Street, and the Union Bank & Trust building, 201 N. Main Street. The complete 150-page report can be found at <https://hendersonky.org/press-room/research/>. An architect familiar with hotel design would be necessary to move into a more detailed understanding of how the room count can work ideally within the existing structure. There are many modern hotel brands in historic buildings with very small rooms (e.g. the Motto by Hilton and Moxy by Marriott brands). While these brands are not likely available to Henderson, they are examples of strong-performing boutique hotels with very small guest rooms.

---

APPEARANCE OF CITIZENS:

ELAINE MARTIN, Henderson resident, came before the Board to report that her

CITY OF HENDERSON – RECORD BOOK

Record of Minutes of A Regular Meeting on February 14, 2023

daughter had fallen on an icy downtown sidewalk recently. She had contacted several City offices only to find out that the City does not have a written policy for snow and ice removal from sidewalks. She requested that the City enact a policy for sidewalks to be cleared of ice and snow to keep people from being seriously injured.

APPROVAL OF CONSENT AGENDA:

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

Minutes: January 24, 2023, Regular Meeting
January 24, 2023, Called Work Session

Resolutions: Res. 13-23: Resolution Authorizing Submittal of a Grant Application to the U.S. Department of Homeland Security, Federal Emergency Management Agency (FEMA) Under the Assistance to Firefighters Grant program in the Amount of \$249,525.00 with a 10% Match, Accepting Grant if Awarded; and Authorizing the Mayor to Sign All Necessary Documents

MOTION by Commissioner Vowels, seconded by Commissioner Thomas, to approve the items on the Consent Agenda as presented.

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

Commissioner Vowels Aye: Commissioner Pruitt Aye:
Commissioner Thomas Aye: Commissioner Whitt Aye:
Mayor Staton ----- Aye:

WHEREUPON, Mayor Staton declared the consent agenda items approved.

/s/ Bradley S. Staton
Bradley S. Staton, Mayor
February 14, 2023

ATTEST:
Maree Collins, CKMC, City Clerk

RESOLUTION NO. 14-23:

RESOLUTION OPPOSING THE PASSAGE OF SENATE BILL 50 AND HOUSE BILL 50 RELATING TO PARTISAN LOCAL ELECTIONS

MOTION by Commissioner Thomas, seconded by Commissioner Pruitt, to approve the resolution in opposition of Senate Bill 50 and House Bill 50 that would require partisan local elections for the offices of county commissioner, mayor, legislative body members, all city offices, and soil and water conservation officers.

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

Commissioner Vowels Aye: Commissioner Pruitt Aye:
Commissioner Thomas Aye: Commissioner Whitt Aye:
Mayor Staton ----- Aye:

WHEREUPON, Mayor Staton declared the resolution adopted, affixed his signature and the date thereto, and ordered that the same be recorded.

/s/ Bradley S. Staton
Bradley S. Staton, Mayor
February 14, 2023

ATTEST:
Maree Collins, CKMC, City Clerk

**CITY OF HENDERSON – RECORD BOOK**

Record of Minutes of     A Regular     Meeting on     February 14, 2023    

MUNICIPAL ORDER NO. 04-22:

MUNICIPAL ORDER AWARDING BID FOR MOWING OF CITY PROPERTIES COLLECTIVELY NAMED AS GROUP A1 TO RIVER CITY SERVICES LLC OF HENDERSON KENTUCKY

MOTION by Commissioner Thomas, seconded by Commissioner Vowels, to adopt the municipal order awarding the bid for mowing certain City properties known as Group A1, to River City Services LLC of Henderson, in the low bid amount of \$2,577.00 per cut, in strict accordance with the bid as submitted pursuant to Bid Reference 23-01.

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

Commissioner Vowels Aye:           Commissioner Pruitt Aye:  
Commissioner Thomas Aye:       Commissioner Whitt Aye:  
Mayor Staton ----- 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  
February 14, 2023

ATTEST:

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

MUNICIPAL ORDER NO. 05-22:

MUNICIPAL ORDER AWARDING BID FOR MOWING OF CITY CEMETERIES TO KNIGHT’S LANDSCAPING, LLC OF HENDERSON KENTUCKY

MOTION by Commissioner Pruitt, seconded by Commissioner Whitt, to adopt the municipal order awarding the bid for mowing City Cemeteries, to Knight’s Landscaping, LLC of Henderson, in the low bid amount of \$6,050.00 per cut, in strict accordance with the bid as submitted pursuant to Bid Reference 23-02.

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

Commissioner Vowels Aye:           Commissioner Pruitt Aye:  
Commissioner Thomas Aye:       Commissioner Whitt Aye:  
Mayor Staton ----- 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  
February 14, 2023

ATTEST:

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

MUNICIPAL ORDER NO. 06-22:

MUNICIPAL ORDER AWARDING BID FOR PURCHASE AND INSTALLATION OF A PICNIC SHELTER FOR NEWMAN PARK TO COUNTY LINE COMPANIES LLC D/B/A PLAY PROS OF KOKOMO, INDIANA

MOTION by Commissioner Pruitt, seconded by Commissioner Vowels, to adopt the municipal order awarding the bid for the purchase and installation of an open air picnic shelter, in strict accordance with the bid as submitted pursuant to Bid Reference 23-03.

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

Commissioner Vowels Aye:           Commissioner Pruitt Aye:  
Commissioner Thomas Aye:       Commissioner Whitt Aye:

**CITY OF HENDERSON – RECORD BOOK**

Record of Minutes of     A Regular     Meeting on     February 14, 2023    

Mayor Staton ----- 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  
February 14, 2023

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

BOARD/COMMISSION APPOINTMENT: “Henderson Tourist Commission”  
Vacancy (Mark Kellen Resigned) – Unexpired Term to Expire June 30, 2025  
Vacancy (Christa McGan Resigned) – Unexpired Term to Expire June 30, 2025

MOTION by Commissioner Pruitt, seconded by Commissioner Thomas, upon recommendation of Mayor Brad Staton, to appoint, David Miller to the unexpired term of Mark Kellen (Hotel/Lodging Representative) and Casey Todd to the unexpired term of Christa McGan (Restaurant Representative) on the Henderson Tourist Commission. Said terms to expire June 30, 2025. These are joint appointments with Henderson County Fiscal Court and were approved this date at their meeting earlier in the day.

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

Commissioner Vowels Aye:           Commissioner Pruitt Aye:  
Commissioner Thomas Aye:       Commissioner Whitt Aye:  
Mayor Staton ----- Aye:

CITY ATTORNEY’S REPORT:

DAWN KELSEY, City Attorney, reported that our Zoning Ordinance does not include a definition for Model Homes. The proposed changes would include adding a definition for Model Homes and allowing them in Residential zones as a permitted use. Model homes and sales offices would only be allowed open until such time as the last lot in the subdivision is sold or developed. Mrs. Kelsey requested permission to forward the proposed change to the Planning Commission for further action.

MOTION by Commissioner Thomas, seconded by Commissioner Pruitt, to approve forwarding the Zoning Ordinance Amendment to add the definition of Model Home and to allow them in R-1 Single Family Residential District (stacked to all residential districts) to the Planning Commission for a public hearing and recommendation.

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

Commissioner Vowels Aye:           Commissioner Pruitt Aye:  
Commissioner Thomas Aye:       Commissioner Whitt Aye:  
Mayor Staton ----- Aye:

EXECUTIVE SESSION: “Real Property, Economic Development Project Siting, and Litigation”

MOTION by Commissioner Thomas, seconded by Commissioner Pruitt, that the Board of Commissioners go into Executive Session pursuant to the provisions of KRS 61.810(1)(b) for the purpose of discussions relating to the possible sale of real property located in the vicinity of Barret Boulevard. and US 60 East, and pursuant to KRS 61.810(1)(g) for the purpose of discussion of economic development in the siting of a new project, and pursuant to KRS 61.810(1)(c) for the purpose of discussion of proposed litigation against the City of Henderson.

# CITY OF HENDERSON – RECORD BOOK

*Record of Minutes of*        A Regular        *Meeting on*        February 14, 2023    

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

Commissioner Vowels	Aye:	Commissioner Pruitt	Aye:
Commissioner Thomas	Aye:	Commissioner Whitt	Aye:
Mayor Staton	-----	Aye:	

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

---

MEETING RECONVENED:

MOTION by Commissioner Thomas, seconded by Commissioner Pruitt, that the Board of Commissioners reconvene into regular session.

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

Commissioner Vowels	Aye:	Commissioner Pruitt	Aye:
Commissioner Thomas	Aye:	Commissioner Whitt	Aye:
Mayor Staton	-----	Aye:	

WHEREUPON, Mayor Staton reconvened the Board into regular session.

---

MUNICIPAL ORDER NO. 07-23:

MUNICIPAL ORDER APPROVING SALES AND PURCHASE CONTRACT BETWEEN THE CITY OF HENDERSON (SELLER) AND DEER VALLEY SUBDIVISION, LLC (BUYER) FOR THE PURCHASE OF 86.201 ACRES OF REAL ESTATE, MORE OR LESS, FOR THE SUM OF \$1,550,075.00 FOR THE PURPOSE OF ECONOMIC DEVELOPMENT IN PROVIDING A NEW SINGLE FAMILY HOUSING DEVELOPMENT TO SUPPORT THE RECENT JOB CREATION IN HENDERSON; THE PURCHASE WILL BE IN TWO CLOSINGS OVER A FIVE (5) YEAR PERIOD AND APPROVING LEASE AGREEMENT BETWEEN THE CITY OF HENDERSON AND DEER VALLEY SUBDIVISION, LLC FOR APPROXIMATELY 43 ACRES, BEING THE REMAINING BALANCE OF REAL ESTATE INCLUDED IN THE SECOND CLOSING; AND AUTHORIZING MAYOR TO EXECUTE SALES AND PURCHASE CONTRACT AND LEASE AGREEMENT ON BEHALF OF THE CITY

MOTION by Commissioner Thomas, seconded by Commissioner Vowels, to approve the Sales and Purchase Contract with Deer Valley Subdivision, LLC, in the amount of \$1,550,075.00 for the purchase of approximately 86.201 acres of real estate in the vicinity of the proposed Barret Boulevard extension with closing on or before six months for one-half of the property with the remaining balance closing on or before five years from the date of first closing; and a lease agreement for the second (remaining approximately 43 acres), for the purpose of economic development.

MISSY VANDERPOOL, Henderson Economic Development Executive Director, reported that in recent months Henderson has announced in excess of 800 new jobs for the area. With this job growth comes the need for additional housing. The nationwide housing shortage has been a local topic for a couple of years. This new development of approximately 300 homes is a good start. Ms. Vanderpool indicated Mr. Jagoe with Deer Valley Subdivision LLC is in attendance and we are happy to have Jagoe back in Henderson. She reported that we are hopeful to see dirt work this summer dependent upon weather, permitting processes and other pre-build conditions. She indicated that the anticipated price range of these homes will be between \$250,000.00 and \$350,000.00, however, market demand could affect those prices. The average price of a home in Henderson County is currently around \$200,000.00.

COMMISSIONER VOWELS thanked Mr. Jagoe and welcomed him to Henderson. Mr. Jagoe indicated that he started here in Henderson when he was 21 years old.

CITY OF HENDERSON – RECORD BOOK

Record of Minutes of A Regular Meeting on February 14, 2023

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

Commissioner Vowels Aye: Commissioner Pruitt Aye:
Commissioner Thomas Aye: Commissioner Whitt Aye:
Mayor Staton ----- Aye:

WHEREUPON, Mayor Staton declared the municipal order adopted, affixed his signature and the date thereto, and ordered that the same be recorded.

/s/ Bradley S. Staton
Bradley S. Staton, Mayor
February 14, 2023

ATTEST:
Maree Collins, CKMC, City Clerk

CITY MANAGER’S REPORT:

WILLIAM L. “BUZZY” NEWMAN, JR., City Manager, reported that the work session scheduled for next Tuesday, February 21st will begin at 2:00 p.m. instead of the regular time. Topics of the work session will be an update on Fire Station #1 and Mid-Year Budget Review with Financing/Bond Issuance.

COMMISSIONER’S REPORTS:

COMMISSIONER VOWELS announced that there will be a joint City/County/City-County Cooperative Study Team meeting at 9:00 a.m. on March 21st to discuss proposed 911 fees and other joint City/County agency funding issues.

COMMISSIONER THOMAS welcomed Jagoe back to Henderson.

COMMISSIONER PRUITT reported that the Henderson County High Colonels team wore City High Flash uniform shirts for their game last night and plans are underway to wear the uniforms again in the near future.

MAYOR STATON reminded everyone of the work session scheduled for 3:30 p.m. tomorrow, Wednesday, February 15th at the Municipal Service Center (MSC), 1449 Corporate Court for the Inner City Improvement Plan Committee orientation.

MEETING ADJOURN:

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

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

Commissioner Vowels Aye: Commissioner Pruitt Aye:
Commissioner Thomas Aye: Commissioner Whitt Aye:
Mayor Staton ----- Aye:

WITHOUT OBJECTION, Mayor Staton declared the Meeting adjourned at approximately 4:20 p.m.

ATTEST:
Bradley S. Staton, Mayor
February 28, 2023

Maree Collins, CKMC
City Clerk