

CITY OF HENDERSON – RECORD BOOK

Record of Minutes of A Regular Meeting on April 25, 2023

A meeting of the Board of Commissioners of the City of Henderson, Kentucky, was held on Tuesday, April 25, 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 Rodney Thomas
 Commissioner Robert N. Pruitt, Sr.
 Commissioner Nicholas E. Whitt
 Commissioner Austin P. Vowels (*came in a few moments late, during proclamation*)

ALSO PRESENT:

Mr. Heath Cox, Acting City Manager
 Mrs. Dawn S. Kelsey, City Attorney
 Ms. Maree Collins, City Clerk
 Mrs. Holli Blanford, Public Information Officer
 Mr. Robert Gunter, Finance Director
 Mrs. Connie Galloway, Human Resources Director
 Mr. Sean McKinney, Police Chief
 Mr. Ryan Walenga, Police Major
 Mr. Brian Williams, Public Works Director
 Mr. David Steele, Sanitation Superintendent
 Mr. Trace Stevens, Parks, Recreation and Cemeteries Director
 Mr. Nick Mangarella, Acting Fire Chief
 Ms. Jordan Webb, 9-1-1 Emergency Communications Director
 Mr. Dylan Ward, Project Manager
 Mr. Sam Lingerfelt, Safety & Training Coordinator
 Mr. Steve Davis, Code Enforcement Administrator
 Ms. Dobby Padilla, Property Maintenance Inspector
 Mr. Jessie Jefferson, Property Maintenance Inspector
 Mrs. Donna Madden, Administrative Secretary
 Mr. Vernon Snodgrass, Public Safety Officer
 Ms. Holly Lawrie, Parks Secretary Senior
 Mr. Travis Owen, Assistant IT Director
 Mr. Victor Carson, IT Network Administrator I
 Mr. Brad Bickett, Henderson Municipal Power & Light General Manager
 Ms. Barbara Moll, Henderson Municipal Power & Light Chief Financial Officer
 Mr. Randall Redding, Utility Commission Attorney
 Mr. Bart Boles, Henderson Water Utility General Manager
 Mr. Todd Bowley, Henderson Water Utility Chief Financial Officer
 Mr. Benji Marrs, BimGroup Senior Vice President (*via Zoom Panelist*)
 Rev. Charles Johnson, Human Rights Commission Executive Director
 Ms. Nivea Carter, AKZ Neighborhood Champion
 Ms. Bobbie Jo Marks, AKZ
 Ms. Cindy Weaver, Infinite Hope Kentucky
 Mr. Dwight Williams
 Ms. Erin Schmidt, WSON
 Mr. Marty Wilson, Police Officer

PROCLAMATION: “Arbor Day”

MAYOR STATON proclaimed Friday, April 28, 2023, as “Arbor Day” in the City of Henderson and urged all citizens to support efforts to protect our trees and woodlands and to

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support our city’s urban forestry program. This year the program will include the dedication and planting of 10 trees in Atkinson Park.

The City has been awarded its 26th consecutive Tree City USA certification from the State Forestry Department.

PUBLIC HEARING: “Proposed Electric Rate Adjustments”

MAYOR STATON declared the Public Hearing to order at approximately 3:04 p.m.

BRAD BICKETT, Henderson Municipal Power & Light General Manager, gave a brief presentation on the proposed rate adjustments and how electric is billed. He presented samples indicating kwh, monthly charges, and school tax that comprises billings. Mr. Bickett reported that a Cost of Service Study had been completed and recommended the requested increase.

MAYOR STATON asked if there were any questions or comments from the public.

WITH NO FURTHER COMMENTS OR QUESTIONS, Mayor Staton declared the public hearing closed at approximately 3:21 p.m. .

PUBLIC HEARING: Outside Agency Funding Appeals

MAYOR STATON declared the Public Hearing on Outside Agency Funding to order at approximately 3:24 p.m. and asked if any member of the public or any agency would like to speak to appeal the recommendation of the Agency Funding Ad-Hoc Committee for the fiscal year commencing July 1, 2023.

NIVEA CARTER, Neighborhood Champion and BOBBI JO MARX, Director of Development of Audubon Kids Zone, presented an appeal to the lack of City funding for the Neighborhood Champion position this year, now that it has been moved under the umbrella of AKZ. They asked that the Board reconsider to fund at least half of the position.

CINDY WEAVER, Infinite Hope Kentucky, presented an appeal and explanation of what the organization does and asked for consideration of the full amount requested.

MAYOR STATON indicated that the Board would take the information under advisement and review the matter during the budget work session.

WITH NO FURTHER COMMENTS, Mayor Staton declared the public hearing closed at approximately 3:43 p.m. .

APPROVAL OF CONSENT AGENDA:

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

Minutes: April 11, 2023, Regular Meeting

Resolutions & Municipal Orders:

Res. 25-23: Resolution Amending Resolution 19-23 Declaring the City’s Intent to Reimburse Itself for the Cost of Additional Capital Expenditures from the Proceeds of Tax-Exempt Obligations

M. O. 18-23: Municipal Order Awarding Bid for Purchase of Police Uniforms and Accessories for Henderson Police

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Department to Siegel's Uniforms of Evansville, Indiana, in
the Amount of \$31,457.00

MOTION by Commissioner Pruitt, 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 Thomas --- Aye: Commissioner Whitt ----- Aye:
Commissioner Pruitt ----- Aye: Commissioner Vowels --- Aye:
Mayor Staton ----- Aye:

WHEREUPON, Mayor Staton declared the consent agenda items approved.

/s/ Bradley S. Staton
Bradley S. Staton, Mayor
April 25, 2023

ATTEST:

Maree Collins, CKMC, City Clerk _____

ORDINANCE NO. 05-23: FIRST READ

ORDINANCE ADOPTING SCHEDULE OF ELECTRIC RATES AND SERVICES

AN ORDINANCE APPROVING AND ADOPTING A SCHEDULE OF ELECTRIC RATES AND SERVICES FOR ELECTRIC POWER AND ENERGY FURNISHED BY HENDERSON MUNICIPAL POWER & LIGHT TO ITS CUSTOMERS AND CONSUMERS ADJUSTING THE RATES IN RESIDENTIAL SCHEDULE (*SCHEDULE R*); GENERAL SERVICE RATE SCHEDULE (*SCHEDULE GS*); HOUSING AUTHORITY, CHURCH AND PUBLIC SCHOOL RATE SCHEDULE (*SCHEDULE HCS*); DEMAND RATE SCHEDULE (*SCHEDULE D*); RESIDENTIAL DISTRIBUTED GENERATION RATE SCHEDULE (*SCHEDULE RDG*); GENERAL SERVICE DISTRIBUTED GENERATION RATE SCHEDULE (*SCHEDULE GSDG*); AND HOUSING AUTHORITY, CHURCH, AND PUBLIC SCHOOL DISTRIBUTED GENERATION RATE SCHEDULE (*SCHEDULE HCSDG*); DEMAND DISTRIBUTED GENERATION RATE SCHEDULE (*SCHEDULE DDG*); MISCELLANEOUS RATE SCHEDULE (*SCHEDULE MISC*); AND POWER COST ADJUSTMENT RATE SCHEDULE (*SCHEDULE PCA*) and TO BECOME EFFECTIVE FOR ALL SERVICES BILLED ON AND AFTER JUNE 1, 2023.

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

MAYOR STATON thanked Mr. Bickett, Henderson Municipal Power & Light General Manager, for the detailed presentation during the public hearing and asked if there were any questions for Mr. Bickett from the Board.

DISCUSSION WAS HELD relating to the reasoning for this requested change; reserve dollars required to stay in compliance with financial standards; the future plans for acquiring power; concerns were voiced that an increase received earlier in the year and now this one would be too much of a burden on our residents – the earlier increase was for specific projects that are anticipated to increase revenues in the future and are not power related; and the increased expenses for closure of the ash pond. When asked if this increase could be done in phases over a two-year period – the response was no. Projects indicate that the utility would be below the required reserves under that plan. The majority of the Board expressed the opinion that while they were not in favor of increasing rates, they are making this tough decision based on the rising costs of materials, the study conducted, and the recommendation of the Utility Commission .

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

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

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WHEREUPON, Mayor Staton 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. 06-23: FIRST READ
ORDINANCE AMENDING CHAPTER 7-BUILDINGS AND BUILDING REGULATIONS

AN ORDINANCE AMENDING CHAPTER 7-BUILDINGS AND BUILDING REGULATIONS, ARTICLE II-BUILDING CODE, SEC. 7-19-PERMITS; FEES OF THE CODE OF ORDINANCES OF THE CITY OF HENDERSON

STEVE DAVIS, Code Administrator, explained that currently there are no fines for building without a Permit. This amendment will add fines for that violation.

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

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

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

WHEREUPON, Mayor Staton 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. 19-23:
MUNICIPAL ORDER AWARDED CONTRACT FOR CITY OF HENDERSON'S STOP/LOSS COVERAGE (REINSURANCE)

MOTION by Commissioner Pruitt, seconded by Commissioner Vowels, to award the contract for the City of Henderson's stop/loss coverage (reinsurance).

BENJI MARRS, BimGroup Senior Vice President, reported on the actions taken in order to award this contract. The recommendation is to change to VOYA for stop/loss coverage with the deductible limit changing from \$200,000.00 to \$210,000.00 and to stay with Optum for the organ transplant policy renewal with a premium increase of only three percent.

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

Commissioner Thomas --- Aye:	Commissioner Whitt ----- Aye:
Commissioner Pruitt ----- Aye:	Commissioner Vowels --- 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
April 25, 2023

ATTEST:

Maree Collins, CKMC, City Clerk _____

MUNICIPAL ORDER NO. 20-23:
MUNICIPAL ORDER AWARDED CONTRACT FOR RENEWAL OF CITY OF HENDERSON'S ORGAN TRANSPLANT POLICY

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MOTION by Commissioner Pruitt, seconded by Commissioner Vowels, to award the contract for renewal of the City of Henderson’s organ transplant policy.

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

Commissioner Thomas --- Aye: Commissioner Whitt ----- Aye:
Commissioner Pruitt ----- Aye: Commissioner Vowels --- 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
April 25, 2023

ATTEST:

Maree Collins, CKMC, City Clerk _____

MUNICIPAL ORDER NO. 21-23:

MUNICIPAL ORDER AUTHORIZING LEASE OF A PORTION OF THE PROPERTY CURRENTLY KNOWN AS THE IMPERIAL CENTER PARKING LOT ON WATER STREET BETWEEN THE IMPERIAL REAL PROPERTIES, LLC AND THE CITY OF HENDERSON; AND AUTHORIZING MAYOR TO EXECUTE THE LEASE

MOTION by Commissioner Pruitt, seconded by Commissioner Thomas, to authorize a lease for a portion of property on Water Street currently known as the Imperial Center Parking Lot. The City desires to enter into a seven-year lease agreement for a portion of the current parking lot for the purpose of additional public parking in the Central Business District. The City will pay to the Imperial Real Properties LLC the amount of city taxes and assessments due on the leased portion of the parking lot.

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

Commissioner Thomas --- Aye: Commissioner Whitt ----- Aye:
Commissioner Pruitt ----- Aye: Commissioner Vowels --- 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
April 25, 2023

ATTEST:

Maree Collins, CKMC, City Clerk _____

CITY MANAGER’S REPORT: “Investment Agreement with PNC Bank”

HEATH COX, Acting City Manager, and ROBERT GUNTER, Finance Director, presented information on the City’s Investment Policy and requested Board acknowledgment of the City Manager and Finance Director’s intent for Bond proceed investments with PNC Bank.

MOTION by Commissioner Pruitt, seconded by Commissioner Vowels, to acknowledge and concur with the City Manager and Finance Director’s recommendation to proceed with investments with PNC Bank of Bond proceeds under the terms of the City’s Investment Policy.

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

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

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SEAN MCKINNEY, Police Chief, had several reports/updates including:

The Public Safety Officer position - introduced Vernon Snodgrass who was hired in January of this year as our first PSO and has been doing a great job. He has already handled 120 calls (54 traffic accidents without injury) freeing up many officer man hours.

Fentanyl update - reported that by January 19th Henderson County had twenty overdoses and five reported deaths due to fentanyl. HPD has partnered with several local organizations as well as the Kentucky Pharmacists Association to give out almost 500 doses of Narcan. The current statistics stand at thirty overdoses and six deaths from fentanyl. The issue continues in the area, but has been on a downward trend.

Angel Initiative – three people have been processed through the program and are receiving assistance for their issues.

Back to School Event – HPD is partnering with the NAACP to present a back to school program, tentatively set for July 22nd in Newman Park.

Dunks for Dads Event – HPD will again be partnering with the Commonwealth Center for Fathers and Families in Lexington and locally with AKZ to conduct this program.

Chief McKinney and Acting Fire Chief NICK MANGARELLA reported on the need to keep one of the current dive boats to be used primarily by the Police department in support of the new dive boat. They requested permission from the Board to only dispose of one of the current boats that the new dive boat will replace. No objections were heard from the Board and staff will investigate if anything further is necessary to facilitate this request.

CITY ATTORNEY’S REPORT: “Proposed Ordinance Review - Sanitation Collection”

DAWN KELSEY, City Attorney, reported on the proposed changes to the sanitation collection process and ordinance. It is proposed that household containers be provided by the City that will be standardized to be used with the new tipper carts attachments for sanitation collection trucks. The driving concern is for the safety and welfare of the employees and this new system will be less dangerous and less stressful for them. Further recommended changes include Transfer Station/Residual Landfill charge changes, removing the fees from the ordinance to be adopted through a municipal order to keep with current policy, increases in fee schedules to cover the additional expenses of providing and maintenance of the new residential containers, and definitions for the new sections of the ordinance relating to sanitation collection.

ORDINANCE NO. 07-23: FIRST READ

ORDINANCE AMENDING CHAPTER 14-GARBAGE AND REFUSE

AN ORDINANCE AMENDING CHAPTER 14-GARBAGE AND REFUSE, ARTICLE I-*IN GENERAL*, SEC. 14-1.-*DEFINITIONS*, SEC. 14-3.-*COLLECTION AND DISPOSAL*, and SEC. 14-4.-*HOUSEHOLD CONTAINERS*; ARTICLE III-*TRANSFER STATION/RESIDUAL LANDFILL*, SEC. 14-47.-*USE BY NONRESIDENTS* and SEC. 14-50.-*FEE SCHEDULE AND PENALTY FOR LATE PAYMENT*; and ARTICLE V.-*RATES AND CHARGES*, SEC. 14-90.-*RESIDENTIAL RATES* and SEC. 14-91.-*SPECIAL CHARGES*, OF THE CODE OF ORDINANCES OF THE CITY OF HENDERSON, KENTUCKY

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

DISCUSSION WAS HELD relating to the new fee schedules; the containers to be provided by the City; that a second container would be available for an additional \$5.00 per month fee; that no changes in the recycling were included; that no employees would lose their jobs over this new collection system; and that the purpose of these changes are for the safety of our employees.

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

Commissioner Thomas --- Aye: Commissioner Whitt ----- Aye:

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

WHEREUPON, Mayor Staton 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.

RECOGNITION OF VISITORS:

REVEREND CHARLES JOHNSON, Henderson-Henderson County Human Rights Commission Executive Director, thanked everyone for the expression of condolences to the family of Julianna Farmer. He expressed appreciation to the Mayor and to Trace Stevens, Parks & Recreation Director, for planting a tree in memory of Ms. Farmer.

COMMISSIONER’S REPORTS:

COMMISSIONER PRUITT asked that the Board reconsider approving the proposed electric rate increase that will total 15% over a four-month period. He again proposed splitting the increase over a two-year period, making it 4.5% this year and 4.5% next year.

MAYOR STATON reported that Mock City Government will be returning this Friday with two 5th grade classes coming in to conduct elections.

MEETING ADJOURN:

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

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

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

WITHOUT OBJECTION, Mayor Staton declared the Meeting adjourned at approximately 5:20 p.m.

ATTEST:

Bradley S. Staton, Mayor
May 23, 2023

Maree Collins, CKMC
City Clerk