

CITY OF HENDERSON – RECORD BOOK

Record of Minutes of A Regular Meeting on August 08, 2023

A meeting of the Board of Commissioners of the City of Henderson, Kentucky, was held on Tuesday, August 08, 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 Robert N. Pruitt, Sr.
 Commissioner Nicholas E. Whitt
 Commissioner Austin P. Vowels
 Commissioner Rodney Thomas

ALSO PRESENT:

Mr. William L. “Buzzy” Newman, Jr., City Manager
 Mrs. Dawn Kelsey, City Attorney (*via Zoom Panelist*)
 Ms. Maree Collins, City Clerk
 Mrs. Holli Blanford, Public Information Officer
 Mr. Robert Gunter, Finance Director
 Mrs. Dawn Winn, Assistant Finance Director
 Mrs. Connie Galloway, Human Resources Director
 Mr. Ryan Walenga, Police Major
 Mr. Josh Dixon, Fire Chief
 Mr. Steve Davis, Code Enforcement Administrator
 Mr. Sam Lingerfelt, Safety & Training Coordinator
 Mr. Greg Nunn, Information Technology Director
 Mr. Dylan Ward, Project Manager
 Ms. Crystal Windhaus, Mass Transit Coordinator
 Ms. Tammy Willett, Community Development Specialist
 Mrs. Donna Madden, Executive Assistant
 Mr. Travis Owens, Assistant IT Director
 Mr. Victor Carson, IT Network Administrator I
 Mr. Wesley Gower, IT Programmer/Analyst
 Dr. Bob Lawson, Henderson County Schools Superintendent
 Mrs. Angie Gatten, Community Addiction Awareness Coordinator
 Ms. Missy Vanderpool, Henderson Economic Development Executive Director
 Ms. Whitney Risley, Henderson Economic Development
 Rev. Charles Johnson, Human Rights Commission Executive Director
 Mr. Dwight Williams
 Mr. Vince Tweddell, Publisher/Editor, the Hendersonian
 Ms. Erin Schmidt, WSON
 News 44 Camera Crew
 News 25 Camera Crew
 Mr. James Elliott, Police Officer

PRESENTATION: “Bus Routes”

DYLAN WARD, Project Manager, reported that staff had been collaborating with the Henderson County School System to address the issue of the bus driver shortage causing a shift in school bus routes that would have additional students walking or finding other transportation to school. Mr. Ward indicated that CRYSTAL WINDHAUS, Mass Transit Coordinator and other city bus service drivers have agreed to run two additional bus routes specifically for those students. These two buses will run from 6:30 a.m. to 7:00 a.m. beginning tomorrow, the first day of school. He further reported that Crystal has volunteered to drive one of the two morning buses.

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DR. BOB LAWSON, Henderson County Schools Superintendent, indicated that he appreciates the community support and reported that Henderson County will be providing two drivers to operate school buses for the afternoon routes.

MAYOR STATON suggested that a joint City/School Board work session be scheduled to discuss future options for addressing the driver shortages that both the school system and the City’s mass transit are experiencing.

PRESENTATION: “25-Year Service Award”

MAYOR STATON expressed appreciation to Community Development Specialist TAMMY WILLETT for her 25 years of service and dedication to the City of Henderson.

TAMMY WILLETT indicated that she is humbled by the people of this community and thanked the Board for their continued support in funding affordable housing objectives. She stated she hopes that the next 25 years doesn’t go by as fast as these last 25 have.

APPROVAL OF CONSENT AGENDA:

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

Minutes: July 25, 2023, Regular Meeting

MOTION by Commissioner Whitt, seconded by Commissioner Thomas, to approve the Consent Agenda as presented.

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

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

WHEREUPON, Mayor Staton declared the consent agenda items approved.

/s/ Bradley S. Staton
 Bradley S. Staton, Mayor
 August 08, 2023

ATTEST:
 Maree Collins, CKMC, City Clerk_____

ORDINANCE NO. 16-23: FIRST READ
ORDINANCE AMENDING CHAPTER 4 – ALCOHOLIC BEVERAGES
 AN ORDINANCE AMENDING CHAPTER 4 – ALCOHOLIC BEVERAGES, ARTICLE II – LICENSES, SEC. 4-40 – CONDITIONS OF LICENSE GRANTED, OF THE CODE OF ORDINANCES OF THE CITY OF HENDERSON

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

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

Commissioner Pruitt ----- Aye: Commissioner Vowels --- Aye:
 Commissioner Whitt----- Aye: Commissioner Thomas--- 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.

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ORDINANCE NO. 17-23: FIRST READ

ORDINANCE AMENDING CHAPTER 16 - *OFFENSES*

AN ORDINANCE AMENDING CHAPTER 16 – *OFFENSES*, ARTICLE IV – *SMOKING IN PUBLIC PLACES AND PLACES OF EMPLOYMENT*, SEC. 16-56 – *WHERE SMOKING NOT REGULATED*, OF THE CODE OF ORDINANCES OF THE CITY OF HENDERSON

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

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

Commissioner Pruitt----- Aye: Commissioner Vowels --- Aye:
Commissioner Whitt----- Aye: Commissioner Thomas--- 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.

ORDINANCE NO. 18-23: FIRST READ

ORDINANCE AMENDING APPENDIX A - *ZONING*

ORDINANCE AMENDING ARTICLE II – *DEFINITIONS*, SEC. 2.01 – *DEFINITIONS*, AND ARTICLE XX – *CBD, CENTRAL BUSINESS DISTRICT*, SEC. 20.03 – *CONDITIONAL USES*, OF APPENDIX A – *ZONING* OF THE CODE OF ORDINANCES OF THE CITY OF HENDERSON TO DEFINE AND PERMIT DISTILLERIES AS A CONDITIONAL USE IN THE CENTRAL BUSINESS DISTRICT

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

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

Commissioner Pruitt----- Aye: Commissioner Vowels --- Aye:
Commissioner Whitt----- Aye: Commissioner Thomas--- 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. 38-23:

MUNICIPAL ORDER APPROVING SALES AND PURCHASE CONTRACT BETWEEN THE CITY OF HENDERSON, KENTUCKY AND HENDERSON DISTILLING COMPANY, LLC, FOR THE PURCHASE OF REAL PROPERTY AT 0 WATER STREET (PVA 1-8-3-4), 422 WATER STREET (PVA 1-8-3-5), 114 FIFTH STREET (PVA 1-8-3-7), 405 N. MAIN STREET (PVA 1-8-3-3), AND 415 N. MAIN STREET (PVA 1-8-3-9), FOR THE SUM OF \$500,000.00 IN CASH; AND RIGHT OF FIRST REFUSAL TO PURCHASE 100 FIFTH STREET (PVA 1-8-3-6); AND AUTHORIZING MAYOR TO EXECUTE ALL NECESSARY DOCUMENTS ON BEHALF OF THE CITY

MOTION by Commissioner Thomas, seconded by Commissioner Pruitt, to approve the Sales and Purchase Contract between the City and Henderson Distilling Company, LLC for the purchase of real property located on Water Street, North Main Street, and Fifth Street.

The vote was called.

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On roll call, the vote stood:

Commissioner Pruitt ----- Aye: Commissioner Vowels --- Aye:
 Commissioner Whitt----- Aye: Commissioner Thomas--- 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
 August 08, 2023

ATTEST:

Maree Collins, CKMC, City Clerk _____

MUNICIPAL ORDER NO. 39-23:

MUNICIPAL ORDER AWARDING BID FOR PURCHASE TWO (2) 2023 GMC SIERRA 1500 CREW CAB PICKUP TRUCKS FOR THE FIRE DEPARTMENT TO HENDERSON CHEVROLET GMC OF HENDERSON, KENTUCKY, IN THE TOTAL AMOUNT OF \$98,965.00

MOTION by Commissioner Whitt, seconded by Commissioner Thomas, to award the contract for purchase of two 2023 GMC Sierra 1500 crew cab pickup trucks to Henderson Chevrolet GMC of Henderson, Kentucky, in the amount of \$98,965.00, in strict compliance with their bid as submitted pursuant to Bid Reference No. 23-23.

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

Commissioner Pruitt ----- Aye: Commissioner Vowels --- Aye:
 Commissioner Whitt----- Aye: Commissioner Thomas--- 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
 August 08, 2023

ATTEST:

Maree Collins, CKMC, City Clerk _____

CITY MANAGER’S REPORT: “Rezoning: #1145 332 Rettig Road with a Development Plan”

WILLIAM L. “BUZZY” NEWMAN, Jr., City Manager, reported that the Planning Commission has acted upon the request for rezoning for the property located at 332 Rettig Road, containing approximately 0.3274 acres, from Medium Density Residential District (R-2) to Highway Commercial District (HC) with a development plan for a two-tenant commercial shopping center, after conducting public hearings and producing findings of fact at the August 1, 2023, meeting. The Zoning Map Amendments shall become final on Wednesday, August 23, 2023, 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 August 22, 2023.

“Rezoning: #1147 2446 Green River Road with a Development Plan”

WILLIAM L. “BUZZY” NEWMAN, Jr., City Manager, reported that the Planning Commission has acted upon the request for rezoning for the property located at 2446 Green River Road, containing approximately 0.647 acres, rezoned from Medium Density Residential District (R-2) to Neighborhood Business (NB) with a development plan to consolidate and provide additional access to their existing facility, after conducting public hearings and

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producing findings of fact at the August 1, 2023, meeting. The Zoning Map Amendments shall become final on Wednesday, August 23, 2023, 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 August 22, 2023.

“Rezoning: #1148 Old Madisonville Road with a Development Plan”

WILLIAM L. “BUZZY” NEWMAN, Jr., City Manager, reported that the Planning Commission has acted upon the request for rezoning for the property located at Old Madisonville Road, containing approximately 12.2926 acres, from Agriculture (AG) to Planned Unit Development (PUD) with a development plan for a Multi-Use Development, after conducting public hearings and producing findings of fact at the August 1, 2023, meeting. The Zoning Map Amendments shall become final on Wednesday, August 23, 2023, 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 August 22, 2023.

“Rezoning: #1149 3011 Highway 351”

WILLIAM L. “BUZZY” NEWMAN, Jr., City Manager, reported that the Planning Commission has acted upon the request for rezoning for the property located at 3011 Highway 351, containing approximately 3.0 acres, from Single-Family Residential (R-1) to Agriculture (AG), after conducting public hearings and producing findings of fact at the August 1, 2023, meeting. The Zoning Map Amendments shall become final on Wednesday, August 23, 2023, 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 August 22, 2023.

WILLIAM L. “BUZZY” NEWMAN, JR., City Manager, reported that Steve Henry, Webster County Judge Executive, sent a very nice thank you letter for assistance provided by our dive team members as well as a local towing service for assisting with the location and recovery of the two missing women from Webster County.

DYLAN WARD, Project Manager, gave a brief update on project status from the December 2021 Capital Projects Rankings List. It was reported that many of the original projects contained multiple parts or phases; several projects pertain to the Pratt facility and are well under way or completed; the sports complex, Fire Station #1 Replacement, Wathen Lane Widening, Barrett Boulevard Extension, Downtown Farmers Market, and Countryview Drainage projects are all moving along and are either under construction or expected to be soon; other projects are anticipated to be addressed as part of the Inner City Improvements Plan initiatives; the Boat Dock project has been put on hold; and two new projects were added to the list.

Mr. Ward explained that these are all long-term projects, and some are scheduled out two or more years as funds become available.

CITY ATTORNEY’S REPORT: “Proposed Zoning Ordinance Review – Gaming Facility”

DAWN KELSEY, City Attorney, reported that staff had conducted a review of the Zoning Ordinance as it pertains to House Bill 551 legalizing sport wagering in Kentucky. The current Zoning Ordinance would need to be amended to allow this use in the City. Staff recommends that the use only be allowed as a conditional use in Highway Commercial with the

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Board of Zoning Adjustment reviewing each use; and a definition be added for gaming facility – which is licensed by the Commonwealth of Kentucky to conduct simulcasting, pari-mutuel wagering, and/or sports wagering as provided and permitted under Chapter 230 of the Kentucky Revised Statutes.

MOTION by Commissioner Thomas, seconded by Commissioner Pruitt to forward the proposed ordinance changes to the Planning Commission to conduct a public hearing and make recommendation.

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

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

COMMISSIONER’S REPORTS:

COMMISSIONER PRUITT thanked the City Manager for assisting with the Dust Bowl needs.

COMMISSIONER WHITT indicated that he was pleased to see the collaboration between the City, County and the School System; and is hopeful that upon re-evaluation a solution can be found to address this issue.

COMMISSIONER VOWELS echoed Commissioner Whitt’s sentiments and commended everyone for finding a solution in such a timely manner.

COMMISSIONER THOMAS echoed both Commissioner Whitt and Commissioner Vowels’ sentiments indicating that this is just another example of what we all can do together when we work together, which is what we do so well.

MAYOR STATON indicated that we have fantastic people working for us and he looks forward to seeing where that partnership is going to go into the future.

BOARD/COMMISSION RE-APPOINTMENT: “Municipal Housing Commission” Nibby Priest – Term to Expire September 30, 2023

MOTION by Commissioner Thomas, seconded by Commissioner Whitt, upon recommendation of Mayor Bradley S. Staton, to re-appoint, Nibby Priest to a four-year term on the Municipal Housing Commission. Said terms to expire September 30, 2027.

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

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

EXECUTIVE SESSION: “Business Siting”

MOTION by Commissioner Thomas, seconded by Commissioner Whitt, that the Board of Commissioners go into Executive Session pursuant to the provisions of KRS 61.810(1)(g) for the purpose of discussion relating to economic development in the siting, retention, expansion, or

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upgrading of a business in Henderson.

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

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

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

MEETING RECONVENED:

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

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

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

WHEREUPON, Mayor Staton reconvened the Board into regular session.

MEETING ADJOURN:

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

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

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

WITHOUT OBJECTION, Mayor Staton declared the Meeting adjourned at approximately 4:05 p.m.

ATTEST:

Bradley S. Staton, Mayor
August 22, 2023

Maree Collins, CKMC
City Clerk