

CITY OF HENDERSON – RECORD BOOK

Record of Minutes of A Regular Meeting on September 12, 2023

A meeting of the Board of Commissioners of the City of Henderson, Kentucky, was held on Tuesday, September 12, 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 (came in a few minutes after roll call was taken)

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*)

Mrs. Donna Madden, Acting 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. Robert Shoultz, Deputy Police Chief

Mr. Josh Dixon, Fire Chief

Mr. Nick Mangarella, Assistant Fire Chief

Mr. Brian Williams, Public Works Director

Mr. David Steele, Sanitation Superintendent

Mr. Sam Lingerfelt, Safety & Training Coordinator

Mr. Dylan Ward, Project Manager

Mr. Mark Simmons, Recreation Program Manager

Mr. Travis Owens, Assistant IT Director

Mr. David Wright, IT Network Administrator II

Mr. Victor Carson, IT Network Administrator I

Mr. Bart Boles, Henderson Water Utility General Manager

Mr. Brad Bickett, Henderson Municipal Power & Light General Manager

Mr. Randall Redding, Utility Commission Attorney

Mr. Jonathan Dixon, Kentucky State Representative

Mr. Mark Franklin, Partner, Dinsmore & Shohl, LLP (*via Zoom Panelist*)

Mr. Chip Sutherland, Baird Managing Director (*via Zoom Panelist*)

Mr. J. D. Chaney, Kentucky League of Cities Executive Director/CEO

Ms. Bryanna Carroll, Kentucky League of Cities Director of Public Affairs

Mr. Dwight Williams

Mr. Vince Tweddell, Publisher/Editor, the Hendersonian

Mr. James Elliott, Police Officer

PRESENTATION: “Water & Sewer Revenue Bonds”

MARK FRANKLIN, Dinsmore & Shohl, LLP Partner, presented information on the various types of bonds that the City of Henderson is eligible to issue including revenue and general obligation bonds. Mr. Franklin explained that in the past the City has issued general obligation bonds on behalf of the water and sewer utility; however, it is now recommended that Water and Sewer Revenue Bonds be issued for the utility to finance capital improvements instead of city general obligation bonds, allowing the City to keep availability for later bonding needs.

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CHIP SUTHERLAND, Baird Managing Director, reported that while the past bonds issued for water and sewer projects were city general obligation bonds, there is language making the utility responsible for payment. These water and sewer revenue bonds will be fully paid from utility revenues and not effect the city of Henderson general obligation bonding efforts.

PRESENTATION: “Kentucky League of Cities – “Friends of Cities” Award”

J. D. CHANEY, Kentucky League of Cities Executive Director/CEO and BRYANNA CARROLL, Kentucky League of Cities Director of Public Affairs, presented Representative Jonathan Dixon with the Kentucky League of Cities “Friends of Cities” award for his support of legislature supportive of Kentucky cities.

Representative JONATHAN DIXON (R-Corydon) expressed appreciation indicating that he was honored and humbled. He reported that he and the Kentucky League of Cities work well together, and that he was happy to be able to present legislation in support of cities across Kentucky.

APPROVAL OF CONSENT AGENDA:

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

Minutes: August 22, 2023, Regular Meeting

Resolutions & Municipal Orders:

Res. 50-23: Resolution Authorizing Mayor to Execute Consent for the Closure of Unimproved Right-of-Way Running Between Fourth Street and Fifth Street

M.O. 44-23: Municipal Order Authorizing Submittal of a FY 2024 Personal Protective Equipment (PPE) Grant Application to the Kentucky Fire Commission, for the Purchase of Structural Firefighting Protective Equipment; Accepting Grant if Awarded; and Authorizing the City to Execute All Necessary Documents

M.O. 45-23: Municipal Order Authorizing Submittal of a FY 2024 Thermal Imaging Camera (TIC) Grant Application to the Kentucky Fire Commission for the Award of a Thermal Imaging Camera; Accepting Grant if Awarded; and Authorizing the City to Execute All Necessary Documents

MOTION by Commissioner Thomas, seconded by Commissioner Pruitt, 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
September 12, 2023

ATTEST:
Donna Madden, Acting City Clerk _____

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ORDINANCE NO. 19-23: SECOND READ
ORDINANCE AMENDING JOB CLASSIFICATIONS AND PAY PLAN
ORDINANCE AMENDING JOB CLASSIFICATIONS AND PAY PLAN FOR CERTAIN NON-HAZARDOUS DUTY POSITIONS AND POLICE HAZARDOUS DUTY POSITIONS

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, affixed his signature and the date thereto and ordered that the same be recorded.

/s/ Bradley S. Staton
Bradley S. Staton, Mayor
September 12, 2023

ATTEST:
Donna Madden, Acting City Clerk _____

ORDINANCE NO. 20-23: SECOND READ
ORDINANCE AMENDING PORTION OF CITY OF HENDERSON FY2024 BUDGET
ORDINANCE AMENDING CITY OF HENDERSON BUDGETED POSITIONS AND JOB CLASSIFICATIONS OF THE 2023-2024 BUDGET AND APPROPRIATION
ORDINANCE FOR CERTAIN NON-HAZARDOUS DUTY POSITIONS IN THE PARKS AND RECREATION AND GAS DEPARTMENTS

MOTION by Commissioner Vowels, seconded by Commissioner Pruitt, 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, affixed his signature and the date thereto and ordered that the same be recorded.

/s/ Bradley S. Staton
Bradley S. Staton, Mayor
September 12, 2023

ATTEST:
Donna Madden, Acting City Clerk _____

ORDINANCE NO. 21-23: SECOND 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, 2023, AND PROVIDING FOR THE TIME OF PAYMENT FOR SUCH TAXES, PENALTY, INTEREST AND DISCOUNT

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

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 ordinance adopted, affixed his signature and the date thereto and ordered that the same be recorded.

 /s/ Bradley S. Staton
Bradley S. Staton, Mayor
September 12, 2023

ATTEST:
Donna Madden, Acting City Clerk _____

ORDINANCE NO. 22-23: FIRST READ

ORDINANCE CLOSING PUBLIC RIGHT-OF-WAY

AN ORDINANCE CLOSING UNIMPROVED PUBLIC RIGHT-OF-WAY WHICH IS APPROXIMATELY 15 FEET WIDE BY 417.42 FEET LONG LOCATED IN THE CITY OF HENDERSON AND RUNNING BETWEEN FOURTH STREET AND FIFTH STREET

MOTION by Commissioner Thomas, seconded by Commissioner Pruitt, 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. 23-23: FIRST READ

ORDINANCE AMENDING APPENDIX A – ZONING

ORDINANCE AMENDING ARTICLE II-DEFINITIONS SEC. 2.01-DEFINITIONS, AND ARTICLE XXI- H-C, HIGHWAY COMMERCIAL DISTRICT, SEC. 21.03, CONDITIONAL USES, OF APPENDIX A – ZONING OF THE CODE OF ORDINANCES OF THE CITY OF HENDERSON TO DEFINE AND PERMIT GAMING FACILITIES AS A CONDITIONAL USE IN THE HIGHWAY COMMERCIAL DISTRICT

MOTION by Commissioner Vowels, 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. 24-23: FIRST READ

ORDINANCE ACCEPTING PUBLIC IMPROVEMENTS

ORDINANCE ACCEPTING PUBLIC UTILITY IMPROVEMENTS (SANITARY SEWER, POTABLE WATER, AND STORMWATER SYSTEM) ON PROPERTY LOCATED IN CANOE CREEK SUBDIVISION II, SECTION 3, IN THE CITY OF HENDERSON

MOTION by Commissioner Thomas, seconded by Commissioner Pruitt, 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. 46-23:

MUNICIPAL ORDER APPROVING CHANGE ORDER PROPOSAL REQUESTS P.R. #1, P.R. #2, P.R. #7, AND P.R. #3 TO THE CONSTRUCTION AGREEMENT WITH ARC CONSTRUCTION CO., INC. OF EVANSVILLE, INDIANA, FOR CONSTRUCTION OF THE HENDERSON SPORTS COMPLEX ON AIRLINE ROAD IN AN AMOUNT OF \$2,569,202.00

MOTION by Commissioner Thomas, seconded by Commissioner Vowels, to approve the change order proposals to the construction agreement with Arc Construction Co., LLC in the amount of \$2,569,202.00 for the Henderson Sports Complex on Airline Road.

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
September 12, 2023

ATTEST:

Donna Madden, Acting City Clerk _____

CITY MANAGER’S REPORT:

SEAN MCKINNEY, Police Chief, introduced ROBERT “BOB” SCHOULTZ, the newly appointed Deputy Police Chief.

ROBERT “BOB” SCHOULTZ, Deputy Police Chief, reported that he has come full circle in his career which began here at the Henderson Police department in 1993.

Robert A Shoultz began his 30-year law enforcement career at the Henderson Police Department in January 1993. He worked as a Patrol Officer with the Henderson Police Department through December 1997. In June 1998, he became a Kentucky State Police Trooper. During his career with KSP, he promoted to the ranks of Sergeant, Investigative and Operations Lieutenant, Captain, and Major. He retired from KSP in August 2018, while Post Commander at Post 16 in Henderson. In January 2019, he returned to law Enforcement with the Henderson

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County Sheriff’s Office as a School Resource Officer working in that capacity until beginning his employment on September 5, 2023, as Deputy Chief of the Henderson Police Department

“Rezoning #1150 – 109 Second Street with a Narrative 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 109 Second Street, containing approximately 0.65001 acres, from Central Business District (CDB) to Riverfront-2 (RF-2) with a narrative development plan for consolidation to an existing lot zoned Riverfront-2 (RF-2), after conducting public hearings and producing findings of fact at the September 5, 2023, meeting. The Zoning Map Amendments shall become final on Wednesday, September 27, 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 September 26, 2023.

“Rezoning: #1151 – 735 North Elm Street”

WILLIAM L. “BUZZY” NEWMAN, Jr., City Manager, reported that the Planning Commission has acted upon the request for rezoning for the property located at 735 North Elm Street, containing approximately 1.343 acres, from Residential 2 (R-2) to General Business (GB), after conducting public hearings and producing findings of fact at the September 5, 2023, meeting. The Zoning Map Amendments shall become final on Wednesday, September 27, 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 September 26, 2023.

DAVID STEELE, Sanitation Superintendent, presented a brief update on the new sanitation bin program. He reported that calls have decreased now that the program is well under way. There were some hick-ups with delivery of the bins and lots of customer questions in the beginning. He further reported that during this process we found that there were 85 customers that had not been charged for sanitation services; there are about 450 customers with second bins; and approximately 21 customers have requested the smaller bins, that have been ordered.

WILLIAM L. “BUZZY” NEWMAN, JR., City Manager, indicated that David was to be commended for his efforts in this project and how he has handled all of the ensuing phone calls and problems that arose. The process has gone as smoothly as it has only due to David and how he has handled the situation.

BRIAN WILLIAMS, Public Works Director, indicated that David has done a great job, putting in many extra hours over the last several months. Mr. Williams reported that the curbside recycling, and sorting and marketing materials contracts are both coming to an end at the end of September. Bid packages were sent out with only one each received. Both of these were from the current vendors with the recycling price going up 71% and the sorting/marketing price up 33%. These increases will be an estimated \$140,000.00 for the upcoming year. Currently, the Sanitation budget can cover this without an increase; however, staff wanted you to be aware of this and request feed back on whether or not to proceed with bringing the bids for award at a future meeting.

DISCUSSION WAS HELD relating to the cost of the program; that an increase in fees will not be necessary; how the community is invested in recycling and how it should be continued. It was unanimously determined to have bids brought to the next meeting for final vote.

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JOSH DIXON, Fire Chief, and NICK MANGARELLA, Assistant Fire Chief, presented a proposal for the purchase of a new pumper apparatus. Upon review of the seven proposals, it is recommended to purchase an Enforcer by Pierce. While it is not low bid, there are issues with the vendors or trucks that they submitted.

DISCUSSION WAS HELD relating to the proposals; current trucks owned by each of these vendors; costs of operations of current trucks; the amount of time for delivery of 930 days for build out; and a request of an additional not-to-exceed \$10,000.00 for changes that may be necessary during the build process. It was unanimously determined to move forward with presenting the proposal at a future meeting for final vote.

WILLIAM L. “BUZZY” NEWMAN, Jr., City Manager, reported that a committee consisting of himself, Finance Director Robert Gunter, Human Resources Director Connie Galloway, Human Resources Specialist Karla Beckgerd and Project Manager Dylan Ward, and requested the addition of a Board of Commissioners member. Without objection, Mayor Staton volunteered to participate in the second round of interviews and hiring process for the Finance Director position.

EXECUTIVE SESSION: “Proposed Litigation”

MOTION by Commissioner Thomas, seconded by Commissioner Vowels, 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 proposed litigation against the city of Henderson and Henderson Municipal Power & Light.

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 Pruitt, 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 Vowels, to adjourn the meeting.

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:

WITHOUT OBJECTION, Mayor Staton declared the Meeting adjourned at approximately 4:25 p.m.

ATTEST:

Bradley S. Staton, Mayor
October 17, 2023

Maree Collins, CKMC
City Clerk