

CITY OF HENDERSON – RECORD BOOK

Record of Minutes of A Special Called *Meeting on* October 17, 2023

A special called meeting of the Board of Commissioners of the City of Henderson, Kentucky, was held on Tuesday, October 17, 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 Nicholas E. Whitt
 Commissioner Austin P. Vowels
 Commissioner Rodney Thomas
 Commissioner Robert N. Pruitt, Sr.

ALSO PRESENT:

Mr. William L. “Buzzy” Newman, Jr., City Manager
 Mrs. Dawn Kelsey, City Attorney
 Ms. Maree Collins, City Clerk
 Mr. Robert Gunter, Finance Director
 Mr. Josh Dixon, Fire Chief
 Ms. Jordan Webb, Emergency Communications Director
 Ms. Karrie Griggs, Communications Officer
 Mr. Brian Williams, Public Works Director
 Mr. Trace Stevens, Parks, Recreation & Cemeteries Director
 Mrs. Karla Beckgerd, Human Resources Specialist
 Mr. Sam Lingerfelt, Safety & Training Coordinator
 Ms. Crystal Windhaus, Mass Transit Coordinator
 Ms. Paula Ballard, Bus Operator
 Mr. Matt Anderson, Fire Division Chief
 Mr. Bill Raleigh, IT Support Specialist
 Mr. Victor Carson, IT Network Administrator I
 Mr. Bart Boles, Henderson Water Utility General Manager
 Mr. Todd Bowley, Henderson Water Utility Chief Financial Officer
 Mr. Mark Franklin, Partner, Dinsmore & Shohl, LLP *(via Zoom Panelist)*
 Mr. Chip Sutherland, Baird Managing Director *(via Zoom Panelist)*
 Mr. Jay Randolph, The Chloe Randolph Organization
 Mrs. Kristie Randolph, The Chloe Randolph Organization
 Mrs. Monessa Brooks Bard
 Mr. Dwight Williams
 Mr. John Stroud
 Mr. Vince Tweddell, Publisher/Editor, the Hendersonian
 Mr. Briscoe Edwards, Police Officer

PRESENTATION: “New Employee Recognition”

The City Clerk read into the record the names of the two new city of Henderson employees. Upon recommendation of the City Manager:

Paula Ballard, Bus Operator, Mass Transit and Karrie Griggs, Communications Officer, Emergency Communications.

The BOARD OF COMMISSIONERS welcomed and approved our new team members for employment with the City of Henderson.

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APPROVAL OF CONSENT AGENDA:

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

Minutes: September 1, 2023, Called Work Session
 September 12, 2023, Regular Meeting

Municipal Order: M.O. 51-23: Municipal Order Awarding Bid for Purchase of a 2024 Ford F750 Dock Truck with a Ten-Foot Jaco Dump Body from Mid-Tenn Ford Truck Sales, Inc. of Nashville, Tennessee in the Amount of \$92,786.98

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

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

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

WHEREUPON, Mayor Staton declared the consent agenda items approved.

 /s/ Bradley S. Staton
Bradley S. Staton, Mayor
October 17, 2023

ATTEST:
Maree Collins, CKMC, City Clerk_____

ORDINANCE NO. 25-23: SECOND READ

ORDINANCE AWARDING A NON-EXCLUSIVE TELECOMMUNICATIONS FRANCHISE

AN ORDINANCE AWARDING A NON-EXCLUSIVE FRANCHISE TO OPENFIBER KENTUCKY COMPANY, LLC, D/B/A ACCELECOM FOR A TERM OF TEN (10) YEARS FOR A TELECOMMUNICATIONS SYSTEM WITHIN THE CONFINES OF THE CITY OF HENDERSON, KENTUCKY; AND AUTHORIZING THE MAYOR TO SIGN FRANCHISE AGREEMENT ON BEHALF OF THE CITY

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

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

Commissioner Whitt----- Aye: Commissioner Thomas--- Aye:
Commissioner Vowels --- Aye: Commissioner Pruitt----- 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
October 17, 2023

ATTEST:
Maree Collins, CKMC, City Clerk_____

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ORDINANCE NO. 26-23: SECOND READ

ORDINANCE AMENDING CHAPTER 8-CEMETERIES

AN ORDINANCE AMENDING CHAPTER 8-CEMETERIES, ARTICLE I-IN GENERAL, SEC. 8-3-RULES AND REGULATIONS, AND ARTICLE III-FEES AND CHARGES, SEC. 8-51-INDIGENT BURIALS, OF THE CODE OF ORDINANCES OF THE CITY OF HENDERSON

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

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

Commissioner Whitt----- Aye: Commissioner Thomas--- Aye:
Commissioner Vowels --- Aye: Commissioner Pruitt----- 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
October 17, 2023

ATTEST:
Maree Collins, CKMC, City Clerk

ORDINANCE NO. 27-23: FIRST READ

GENERAL REVENUE BOND ORDINANCE

GENERAL REVENUE BOND ORDINANCE OF THE CITY OF HENDERSON, KENTUCKY (I) PROVIDING FOR THE ESTABLISHMENT OF THE RULES, REGULATIONS, AND CONDITIONS FOR THE ISSUANCE OR INCURRENCE OF OBLIGATIONS SECURED BY THE REVENUES OF ITS COMBINED AND CONSOLIDATED MUNICIPAL WATER, SANITARY SEWER, AND STORM SEWER SYSTEM FROM TIME TO TIME; AND (II) PROVIDING FOR THE COLLECTION, SEGREGATION, AND DISTRIBUTION OF THE REVENUES OF THE SYSTEM

ROBERT GUNTER, Finance Director, reported that there are three bond related ordinance. The first two relate to Water & Sewer Bonds and he would defer to Bond Counsel Mark Franklin to discuss those. Mr. Gunter explained that the third bond is the City’s General Obligation bond which payments have been built into the City’s budget and future plans. He reported that he is confident of the City’s ability to repay that debt due to the current low debt payment level. He indicated that a lot of the current revenues are based on the growth that we are seeing in the net profits tax, payroll tax, and property tax.

MARK FRANKLIN, Dinsmore & Shohl, LLP Partner, reported that the first ordinance lays out the basic rules and regulations related to debt being secured by the Water & Sewer system. It includes provisions to ensure revenues to cover the debt incurred.

CHIP SUTHERLAND, Baird Managing Director, reported that the ordinance is written to give the city as much flexibility as possible and make it easy for future bonding. He further reported that the City’s credit rating is great at Aa3, which appeals to a broad array of investors with better interest rates.

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

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

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

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

ORDINANCE NO. 28-23: FIRST READ

SERIES 2023A WATER AND SEWER REVENUE BOND ORDINANCE

SERIES 2023A WATER AND SEWER REVENUE BOND ORDINANCE OF THE CITY OF HENDERSON, KENTUCKY AUTHORIZING THE ISSUANCE OF ITS CITY OF HENDERSON, KENTUCKY WATER AND SEWER REVENUE BONDS, SERIES 2023A IN AN APPROXIMATE AGGREGATE PRINCIPAL AMOUNT OF \$15,085,000 (WHICH AMOUNT MAY BE INCREASED BY UP TO \$1,510,000 OR DECREASED BY ANY AMOUNT); DESIGNATING THE PAYING AGENT AND REGISTRAR WITH RESPECT THERETO; APPROVING THE PREPARATION OF A PRELIMINARY OFFICIAL STATEMENT AND A FINAL OFFICIAL STATEMENT WITH RESPECT THERETO; AUTHORIZING THE EXECUTION OF DOCUMENTS RELATED TO THE SERIES 2023A BONDS ON BEHALF OF THE CITY; AUTHORIZING AND DIRECTING THE FILING OF A NOTICE WITH THE STATE LOCAL DEBT OFFICER; ESTABLISHING A COST OF ISSUANCE ACCOUNT, A CONSTRUCTION AND ACQUISITION ACCOUNT, A PRINCIPAL ACCOUNT, AND AN INTEREST ACCOUNT FOR THE SERIES 2023A BONDS; PROVIDING FOR THE SALE OF THE SERIES 2023A BONDS TO THE LOWEST AND BEST BIDDER; AND REPEALING ANY INCONSISTENT ORDINANCES.

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

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

Commissioner Whitt----- Aye: Commissioner Thomas--- Aye:
 Commissioner Vowels --- Aye: Commissioner Pruitt----- 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. 29-23: FIRST READ

AN ORDINANCE OF THE CITY OF HENDERSON, KENTUCKY AUTHORIZING THE ISSUANCE OF ITS CITY OF HENDERSON, KENTUCKY GENERAL OBLIGATION BONDS, SERIES 2023B IN THE APPROXIMATE AGGREGATE PRINCIPAL AMOUNT OF \$13,655,000 (WHICH PRINCIPAL AMOUNT MAY BE INCREASED BY UP TO \$1,365,000 OR DECREASED BY ANY AMOUNT) FOR THE PURPOSE OF FINANCING (I) THE ACQUISITION, CONSTRUCTION, INSTALLATION, AND EQUIPPING OF (A) A NEW FIRE STATION FOR THE HENDERSON FIRE DEPARTMENT AND (B) AN EXTENSION AND RELATED IMPROVEMENTS TO BARRET BOULEVARD, AND (II) ADDITIONAL COSTS OF CONSTRUCTION OF THE HENDERSON SPORTS COMPLEX; APPROVING THE FORM OF THE BONDS; AUTHORIZING DESIGNATED OFFICERS OF THE CITY TO EXECUTE AND DELIVER THE BONDS; AUTHORIZING AND DIRECTING THE FILING OF A NOTICE WITH THE STATE LOCAL DEBT OFFICER; PROVIDING FOR THE PAYMENT AND SECURITY OF THE BONDS; ESTABLISHING A BOND PAYMENT FUND FOR THE BONDS; AFFIRMING THE MAINTENANCE OF THE EXISTING SINKING FUND; AUTHORIZING THE ACCEPTANCE OF THE BID OF THE PURCHASER FOR THE BONDS; AND REPEALING ANY INCONSISTENT ORDINANCES

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

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

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

CITY MANAGER’S REPORT: “Rezoning: #1152 N. Water/Fifth Street-with a Graphic 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 0 N. Water Street, 422 N. Water Street and 100 Fifth Street, containing approximately 2.16 acres, from Riverfront-2 District (RF-2) to Central Business District (CBD) with a graphic development plan for a small distillery, after conducting public hearing on September 5, 2023 and producing findings of fact at the October 3, 2023, meeting. The Zoning Map Amendments shall become final on Wednesday, October 25, 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 October 24, 2023.

WILLIAM L. “BUZZY” NEWMAN, Jr., City Manager, reported that there is an alleyway behind the old IBT Church building that will need to be vacated to consolidate the property for the design of the new fire station. There are two properties on Ingram Street that currently access the alleyway, so it is proposed to leave that section open for those properties. The City owns all remaining property adjacent to this proposed closing. There were no objections to forwarding the proposed alleyway closure request to the Planning Commission to conduct a public hearing and make recommendation.

CITY ATTORNEY’S REPORT: “Proposed Zoning Ordinance Review – Battery Energy Storage”

DAWN KELSEY, City Attorney, and MATT ANDERSON, Fire Division Chief, presented a proposed zoning ordinance amendment to establish the definitions and guidance for renewable energy source, specifically for Tier 2 Battery Storage and specifically exempts a stand-alone 12-volt car battery.

Fire Division Chief Anderson reported that this type of battery storage is not your ordinary solar panel battery storage or car batteries. This involves large industrial Tier 1 lithium battery storage of less than 600 KWh and Tier 2 lithium battery storage of greater than 600 KWh which requires a temperature controlled environment.

DISCUSSION WAS HELD relating to the various types of battery energy storage systems; locations/and zoning districts for each type of system; notifications of surrounding property owners; national standards; the state has no standard for these at this time; lighting, noise, and screening requirements; bond for decommissioning for both end of life as well as in the event of catastrophic failure; restoration of site upon decommissioning and post-restoration monitoring; fire suppression system and other safety requirements; and the possible need to hire an outside consultant to review the ordinance and any subsequent applications.

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

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recommendation.

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

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

MEETING ADJOURN:

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

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

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

WITHOUT OBJECTION, Mayor Staton declared the Meeting adjourned at approximately 3:50 p.m.

ATTEST:

Bradley S. Staton, Mayor
November 14, 2023

Maree Collins, CKMC